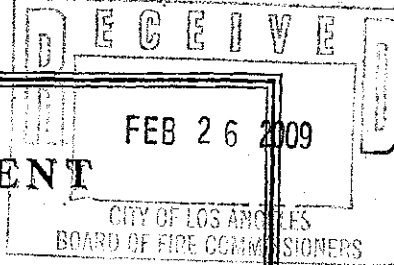


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LOS ANGELES POLICE DEPARTMENT

***LOS ANGELES FIRE DEPARTMENT  
ARSON COUNTER TERRORISM SECTION  
AUDIT***



Conducted by

**AUDIT DIVISION**

WILLIAM J. BRATTON  
Chief of Police

*Second Quarter, Fiscal Year 2008/09*

*13 final rec.*

LOS ANGELES FIRE DEPARTMENT  
ARSON COUNTER TERRORISM SECTION AUDIT  
January 2009

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**EXECUTIVE SUMMARY  
LOS ANGELES FIRE DEPARTMENT  
ARSON COUNTER TERRORISM SECTION AUDIT**

**Conducted by the Los Angeles Police Department  
Audit Division  
January 2009**

**Purpose**

At the request of the Los Angeles Fire Department (LAFD), the Los Angeles Police Department's Audit Division (AD) conducted an audit of the LAFD's Arson and Counter Terrorism Section (ACTS) to assess the quality of ACTS' investigations.

**Audit Scope and Methodology**

Audit Division reviewed a sample of closed or inactive investigations of incidents that occurred from January 1, 2008 through September 30, 2008 to assess the quality of the investigations. Policies and procedures were reviewed and interviews of ACTS personnel were also conducted.

**Summary and Discussion**

The investigations conducted by ACTS to determine fire origin and cause were generally sound; however, there were fundamental weaknesses in the criminal investigations with opportunities to better identify, apprehend, and prosecute those responsible for criminal fires. There were investigative deficiencies with evidence collection, canvassing for witnesses, interviewing all possible witnesses, and exhaustive identification and follow up on investigative leads that potentially resulted in missed opportunities to advance and clear investigations. While these issues may partially be attributed to inadequate documentation for some investigations, others were substantive and require formal training and stringent supervisory oversight. For example, witnesses provided investigators with the name and address of a person suspected of starting a fire in early 2008; however, there was no evidence of any attempt to contact the suspect and the case remains inactive.

The training requirements for ACTS investigators were basic, informal, and heavily reliant on on-the-job mentorship and self-training. Formal, structured investigative training is essential towards ensuring the quality of investigations, particularly for a unit consisting of investigators fundamentally trained and experienced in fire fighting rather than law enforcement and criminal investigation. Training requirements that meet minimum industry standards should be established and mandated for all ACTS investigators. Personnel loan programs with law enforcement agencies should be explored to provide investigators with hands on investigation experience.

Evidence of supervisory oversight was sporadic and only by the lowest level of the chain of command. Fire investigation reports were not consistently approved while arrest booking approvals and arrest reports had no evidence of approval by ACTS supervisory personnel.<sup>1</sup> There

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<sup>1</sup> Booking approvals and arrest reports were approved by LAPD watch commanders.

Los Angeles Fire Department Arson Audit  
Executive Summary

was no evidence of any supervisory review above the senior investigator level. Additionally, the status and progress of investigations was not consistently monitored by supervisors. Supervisory oversight throughout the investigative process to monitor progress and review work products is a critical component for ensuring quality investigations.

**Summary of Findings**

<b>Objective No. 1 - Policies and Procedures</b>	
a.	The Operations Procedures Manual (OPM) dated 5/11/01 provided an adequate framework for the management and operations of ACTS. The OPM, however, should be reviewed, updated, and formally approved by LAFD management.
b.	The OPM lacked formal investigative training and certification requirements for ACTS investigators.
<b>Objective No. 2 -- ACTS Investigated all Assigned Arson Incidents</b>	
a.	Seventy-eight percent (78%) of fire incidents forwarded to ACTS were <u>not</u> assigned for investigation, of which 65% were incendiary vehicle or dumpster/trash fires.
<b>Objective No. 3 -- Quality of Investigations</b>	
a.	Evidence was not collected and preserved for several investigations.
b.	Fire scenes were not canvassed for witnesses.
c.	Percipient witnesses to incidents were not interviewed.
d.	Investigation efforts were not exhaustive in the identification, connection, pursuit, and follow up of investigative leads.
<b>Objective No. 4 -- Supervisory Oversight</b>	
a.	The fire investigation reports lacked evidence of supervisory approval. There was no evidence of supervisory approval above the Senior Investigator.
b.	Booking approvals were not obtained from LAFD supervisors.
c.	Arrest reports were not approved by LAFD supervisors.

**Conclusion**

Fire cause and origin investigations were generally sound; however, there were fundamental weaknesses with the criminal investigations. Both training and supervisory oversight requirements must be formally established and approved by LAFD management and enforced to effectively manage the quality of investigations.

**LOS ANGELES FIRE DEPARTMENT  
ARSON COUNTER TERRORISM SECTION AUDIT**

**Conducted by the Los Angeles Police Department  
Audit Division  
January 2009**

**PURPOSE**

At the request of the Los Angeles Fire Department (LAFD), the Los Angeles Police Department's Audit Division (AD) conducted an audit of the LAFD's Arson and Counter Terrorism Section (ACTS) to assess the quality of ACTS' investigations.

**BACKGROUND**

The ACTS was established to provide fire investigation services for the City of Los Angeles. Its primary responsibility is to investigate fires and explosions (other than bombs) known or suspected to be incendiary, and to detect, arrest, and prosecute those responsible for the criminal fires. The ACTS is also responsible for investigating the cause of significant non-criminal fire incidents to identify new or potential fire hazards and the corresponding need for changes to fire and building codes.

The ACTS is commanded by one battalion chief and two captains who oversee 18 fire investigators. There were 5,270 and 4,232 fire incidents forwarded to ACTS in calendar years 2007 and 2008, respectively, of which 993 and 992 were assigned for investigation. The average monthly case load per investigator was 4.6 cases for both 2007 and 2008, and the case clearance rates for assigned incidents were 31% and 18% in 2007 and 2008, respectively.<sup>2</sup>

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<sup>2</sup> Incident and investigation statistics were as of December 12, 2008.

## AUDIT OBJECTIVES AND SUMMARY OF FINDINGS

The objectives of this audit and the findings for these objectives are reflected in Table No. 1:

TABLE NO. 1- AUDIT OBJECTIVES AND SUMMARY OF FINDINGS

<b>Objective No. 1 - Policies and Procedures</b>	
a.	The Operations Procedures Manual (OPM) dated 5/11/01 provided an adequate framework for the management and operations of ACTS. The OPM, however, should be reviewed, updated, and formally approved by LAFD management.
b.	The OPM lacked formal investigative training and certification requirements for ACTS investigators.
<b>Objective No. 2 - ACTS Investigated all Assigned Arson Incidents</b>	
a.	Seventy-eight percent (78%) of fire incidents forwarded to ACTS were <u>not</u> assigned for investigation, of which 65% were incendiary vehicle or dumpster/trash fires.
<b>Objective No. 3 - Quality of Investigations</b>	
a.	Evidence was not collected and preserved for several investigations.
b.	Fire scenes were not canvassed for witnesses.
c.	Percipient witnesses to incidents were not interviewed.
d.	Investigation efforts were not exhaustive in the identification, connection, pursuit, and follow up of investigative leads.
<b>Objective No. 4 - Supervisory Oversight</b>	
a.	The fire investigation reports lacked evidence of supervisory approval. There was no evidence of supervisory approval above the Senior Investigator.
b.	Booking approvals were not obtained from LAFD supervisors.
c.	Arrest reports were not approved by LAFD supervisors.

## AUDIT SCOPE AND METHODOLOGY

Audit Division reviewed a sample of 149 investigations of fires that occurred from January 1, 2008 through September 30, 2008 to assess the quality of the investigations.<sup>3</sup> The case statuses of these investigations were *cleared by arrest*, *cleared-other*, *closed*, *open with follow up*, or *inactive*. The audit procedures also included reviewing ACTS policies and procedures, analyzing incident data from the National Fire Incident Reporting System (NFIRS), and interviewing ACTS personnel.

<sup>3</sup> The sample reviewed included joint investigations in which LAFD conducted the fire cause investigation and external agencies (e.g. LAPD, Los Angeles School Police) conducted the criminal investigation.

## AUDIT FINDINGS

### **Objective No. 1 – Policies and Procedures**

#### Audit Procedures

Audit Division reviewed the Office Procedures Manual (OPM) dated May 11, 2001 to determine if the OPM provided an adequate framework necessary for the effective management and day-to-day operations of ACTS.

#### Findings

Although published in May 2001 with some outdated information, the OPM appeared to provide an adequate framework necessary for the effective management, organization, and day-to-day operations of ACTS. The OPM defined the operational mission of ACTS, its responsibilities, and organizational structure established to achieve its operational mission. Procedurally, the OPM outlined ACTS' investigative process, discussing initiation of investigations, evidence collection, interview guidelines, and report writing. The OPM also discussed the necessary legal basis for law enforcement actions such as reasonable suspicion to detain, probable cause to arrest, search, and seizure.

The training requirements established by the OPM, however, were basic, informal, and heavily reliant on on-the-job mentorship and self training. The only formal training mandated by the OPM was Penal Code 832 training, an introductory peace officer course on powers of arrest and use of firearms that provides very limited investigative training. Formal, structured investigative training requirements in accordance with best practice standards promulgated by the fire investigation industry are necessary to ensure quality investigations, particularly for personnel who are fundamentally trained and experienced as fire fighters rather than criminal investigators. Audit Division's review of ACTS' quality of investigation found fundamental investigative weaknesses and supports the need for improved training requirements and standards. See "Quality of Investigations" section for discussion of these findings.

Furthermore, the OPM was not formally approved by LAFD management which is necessary to 1) ensure ACTS policies and procedures are consistent with LAFD's goals and objectives; 2) to ensure the policies and procedures are adequate to attain LAFD's goals and objectives; and, 3) formally establish and communicate management's expectations for ACTS personnel.

#### Recommendations

It is recommended that LAFD management:

- Review and update the OPM.
- Establish formal investigative training requirements and standards. Consider the LAPD detective school and courses offered by the Robert Presley Institute of Criminal Investigation.

- Formally approve the OPM.
- Formally distribute and evidence receipt of the OPM to ACTS personnel.

## **Objective No. 2 – ACTS Investigated all Assigned Arson Incidents**

### Background

There are two primary sources from which ACTS receives fire incidents for response and investigation: 1) call out by incident commanders and 2) the National Fire Incident Reporting System (NFIRS), a database in which all LAFD incidents are entered by incident commanders. Incidents that meet the following pre-established arson response criteria are electronically forwarded to ACTS:

- Incident type involving explosions or attempted arson;
- Ignition factors that are incendiary or suspicious;
- Incendiary fires involving juveniles;
- Civilian fatality or injury was involved;
- Combined property loss exceeding \$ 24,999; and,
- Special incidents.<sup>4</sup>

Incidents forwarded to ACTS in NFIRS are reviewed daily by the Senior Investigator for assignment to investigators.

### Audit Procedures

Audit Division obtained from NFIRS all incidents forwarded to ACTS that occurred from January 1, 2008 through September 30, 2008 to determine whether they were assigned for investigation.

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<sup>4</sup> The arson criteria are pursuant to Chapter 6 of the OPM and may not be comprehensive and consistent with all programming criteria in NFIRS.



### Findings

Seventy-eight percent (78%) of incidents forwarded to ACTS in NFIRS were not assigned for investigation as follows.<sup>5</sup> The cause of ignition for the unassigned incidents is also detailed.

TABLE NO. 2—ASSIGNMENT STATUS OF FIRE INCIDENTS

Incident Assignment Status	No.	Percent
Assigned	741	22%
Unassigned	2,668	78%
<i>Intentional (1,108)</i>		
<i>Undetermined (999)</i>		
<i>Unintentional (186)</i>		
<i>Equipment Failure (111)</i>		
<i>Other (264)</i>		
TOTAL	3,409	100%

Of the 2,668 unassigned incidents, 1,736 (65%) were incendiary vehicle or dumpster and trash fires. These fires accounted for 51% of all incidents assigned to ACTS in 2008. The ACTS advised AD that these incidents were not assigned for investigation because they frequently did not have suspects or witnesses, or required significant resources, but produced minimal investigative results. To better prioritize and assign incidents, formal criteria should be established. In addition to the existence of suspects and witnesses, the criteria should be clearly defined by the amount of property damage and fatalities/injuries caused by the incident, existence of political, religious, racial, or terrorism motivations, and other risk issues. Additionally, low priority incidents are currently not assigned and may present legal risks. Such incidents should be handled alternatively using incident data analysis, which would utilize investigative resources more efficiently and effectively.

### Recommendations

It is recommended that LAFD management:

- Determine whether the NFIRS criteria for incidents forwarded to ACTS for response and investigation is consistent with LAFD's departmental goals and objectives.
- Develop and implement an arson case categorization system to prioritize cases based on established criteria, including existence of witnesses and suspects, number of fatalities/injuries, amount of property damage, (possible) hate crime, legal risks, etc.
- Expand the role of first responders to conduct more in-depth preliminary investigations to "filter" and categorize incidents assigned to ACTS.
- Develop an arson incident tracking system to analyze criminal fire trends and patterns. See additional discussion in the "Other Related Matters" section.

<sup>5</sup> The incident assignment statuses were as of October 23, 2008.

### Objective No. 3 – Quality of Investigations

#### Audit Procedures

Audit Division assessed the quality of ACTS' investigation by reviewing the following investigative elements:

- Collection and preservation of evidence;
- Canvassing of scene for witnesses;
- Interview of all identified witnesses; and,
- Identification, connection, pursuit, and follow up of investigative leads.

#### Findings

##### *Collection and Preservation of Evidence*

Evidence is any "items which are or may be related to a crime, or which may either implicate or exonerate a person."<sup>6</sup> There were opportunities for ACTS to improve evidence identification, collection, and preservation. Examples are as follows:

- Investigators did not collect security camera tapes that captured a suspect throwing a Molotov cocktail into a gas station convenience store.
- Investigators did not locate and examine four burned vehicles that were removed prior to their arrival.
- A burning doll was thrown onto the victim's front yard; there was no evidence the burnt doll was collected.
- Fire debris and lighters (or other sources of ignition) were not consistently collected and there was no standard or rationale for collection of such evidence.

##### *Canvassing of Scene for Witnesses*

Investigations did not contain documented evidence that investigators canvassed the scene of the incidents for witnesses. Canvassing is an essential and fundamental investigative procedure necessary for the identification of suspects, witnesses, evidence, and other investigative leads. While this does not suggest that ACTS investigators did not routinely canvass for witnesses as part of their investigations, documenting the extent and results of canvassing is necessary for investigative follow up as well as supervisory review to ensure the quality of investigations.

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<sup>6</sup> See Volume 4/505.10 of the Los Angeles Police Department Manual.

Examples are as follows:

- There were 25 fires set in separate incidents in the stairway of an apartment building. The apartment manager suspected a juvenile occupant with whom there had been ongoing problems was responsible for the fires. There was no evidence that the apartment complex was canvassed for witnesses to any of the fires, in particular the involvement of the subject juvenile. The case status of this investigation was inactive.
- The victim's front door was set on fire in an apartment building. The victim was unaware of anyone who would set the fire but saw several unfamiliar persons smoking narcotics in the apartment stairway several days prior to the fire. There was no evidence that the apartment building complex was canvassed to determine whether any occupants either witnessed the fire or saw the individuals mentioned by the victim.

#### *Interview of All Identified Witnesses*

Investigations did not contain evidence that all persons identified as being on scene of the incidents were interviewed by ACTS investigators. Interviewing all percipient witnesses is necessary to ensure the completeness, consistency, and accuracy of statements. Documentation of the persons interviewed and their statements are necessary for investigative and legal reasons as well as supervisory review to ensure the quality of investigations. Examples are as follows:

- Eight juveniles observed a suspect throw a burning object into a vehicle and flee in a waiting vehicle. One of the juveniles was interviewed, but there was no evidence the other seven juveniles were interviewed, including one who was injured by the fire. The case status of this investigation was inactive.
- A suspect ignited a porch area where three individuals were seated. Two of the seated individuals were interviewed, but there was no indication that the third was interviewed.

#### *Identification, Connection, Pursuit, and Follow Up of Investigative Leads*

The investigation reports showed that opportunities to advance the progress of the investigations were not exhaustive and were either missed or not pursued by investigators. Examples are as follows:

- The pastor of a church that had been set on fire stated that the church previously received two threats to burn down the church. The pastor stated he reported both threats to the Newton Area police station, but officers refused to complete a report in both cases. There was no evidence of any follow up with Newton Area to determine whether the pastor reported the threats. The threats were reportedly left on the church's answering machine, but when asked about the tapes containing the threats, the pastor stated he had deleted them. The pastor also stated that payments for the church's insurance policy were current, but payments on the church's mortgage were not. These were some of the indications that should have made the pastor a suspect in the fire, but there was no indication the pastor was interviewed more intensively as a suspect. The case status of this investigation was inactive.

- While investigating a vehicle fire, LAPD officers determined a person matching the suspect description had purchased gasoline at a gas station. The officers requested the security camera tapes from the gas station. The clerk did not have access to the tapes, but advised the officers to come back when the gas station owner returned. As the lead investigators, ACTS did not follow up to obtain the security camera tapes. The case status of this investigation was inactive.
- Four vehicles were burned and removed prior to ACTS arrival at the scene. There was no evidence that reasonable efforts were made to locate and examine the burned vehicles. License plate and vehicle information was available for all four vehicles, but Department of Motor Vehicles vehicle reports were run on only one of the vehicles. Additionally, the owner of only one of the vehicles was interviewed who stated that he was attending an art show and his vehicle contained \$6,000 in artwork. There was no evidence the owner's statements were corroborated to determine whether insurance fraud was a possible motive. The case status of this investigation was inactive.
- A victim, whose porch was set on fire, suspected an ex-neighbor with whom he had on-going disputes was responsible for the fire. Previous incidents included a private person arrest of the ex-neighbor by the victim. In a separate incident, an unknown person set fire to the victim's vehicle. There were no documented attempts to interview the possible suspect. The case status of this investigation was inactive.
- Two dumpster fires occurred within three hours in an apartment complex. The property manager provided the name of a tenant in the process of eviction who was suspected to be responsible for the fires. The investigator's initial attempt to contact the person was unsuccessful and no further attempts were made. The status of this investigation was inactive.
- A suspect in a domestic violence incident attempted to burn the apartment where he and his girlfriend were living. The fire investigation report stated that the case would be submitted to the District Attorney's Office (DA), Domestic Violence Unit, for consideration in filing one count of 455 PC, Attempted Arson. Audit Division contacted the DA's Domestic Violence Unit to determine if the case had been filed by the Arson Unit. Audit Division was informed that the case had not been filed for consideration. There was no indication in the case package as to why the case was not filed.

#### Recommendations

It is recommended that LAFD management:

- See recommendation to enhance investigator training requirements and standards in "Policies and Procedures" section above.
- Establish a joint task force program to assign experienced detectives from law enforcement agencies to provide management and operational expertise in criminal investigation. Alternatively, establish a personnel loan program for temporary assignment of ACTS investigators to LAPD detective units to obtain hands on criminal investigation training.

- Establish formal LAFD procedures for first responders to identify witnesses and collect their contact information for follow up by ACTS investigators. This potentially yields more productive canvass results as fire incidents attract spectators and possible witnesses who may no longer be at the scene when ACTS arrives.

#### **Objective No. 4 – Supervisory Oversight**

##### Audit Procedures

Audit Division reviewed for documented LAFD supervisory review of the following:

- Fire investigation reports;
- Booking approval; and,
- Arrest reports.

##### Findings

###### *Fire Investigation Reports*

Fire investigation reports did not consistently have documented evidence of supervisory review and approval. Supervisory review is necessary to ensure the quality of investigations, conformance with policies and procedures, and to identify training opportunities. Furthermore, reports were not approved above the Senior Investigator, which is not classified as a supervisory position by civil service rules.

###### *Booking Approval*

Booking approvals, "the final authority given to an officer to incarcerate an arrestee into a jail facility on a given charge(s),"<sup>7</sup> were not obtained from LAFD supervisors. Although booking approvals were typically obtained from LAPD watch commanders, approval by the LAFD chain of command is necessary to establish accountability by ensuring arrests are appropriate, legal, and conform to LAFD policies and procedures.

###### *Arrest Reports*

There were no requirements for LAFD supervisors to approve arrest reports.<sup>8</sup> Review and approval of arrest reports by the LAFD chain of command is necessary to establish accountability by ensuring arrests are appropriate, legal, and conform to LAFD policies and procedures. It is an important control whereby supervisors assess the following:

- Authenticity and correctness of the report (with consideration given to the booking recommendation);

<sup>7</sup> See Volume 4/216.01 Los Angeles Police Department Manual

<sup>8</sup> Arrest reports were approved by LAPD watch commanders and, on occasions, by LAFD personnel.

- Existence of inconsistent information;
- Existence of "canned" language;<sup>9</sup>
- Adequate articulation of legal basis for law enforcement actions;
- Proper handling of evidence; and,
- Administrative inclusion and completion of all required forms.

#### Recommendations

It is recommended that LAFD management establish formal supervisory review requirements for 1) fire investigation reports; 2) booking approval; and, 3) arrest reports. Signing approvers must be classified as supervisory positions by civil service rules.

### OTHER RELATED MATTERS

#### **Incident Tracking System**

There was no formal mechanism to collect and track arson fire data for analysis of crime trends and patterns. Crime data analysis provides timely feedback on arson fires, including type, location, date and time, to allow proactive investigative intervention. Such a tracking system can also be utilized for non-criminal fires to assist in identifying new or potential fire hazards.

#### Recommendation

Establish a database to collect and track incident data.

#### **Investigation Case Management**

There was no formal case management process for supervisors to monitor case status, follow up, and disposition. Additionally, supervisors should measure individual and section performance such as investigator case loads, case clearance, arrests, and convictions.

#### Recommendation

Establish a formal case management process.

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<sup>9</sup> "Canned" language is overused, generic language used to describe unique circumstances.

### SUMMARY OF RECOMMENDATIONS

- Review and update the OPM. (Objective No. 1)
- Establish formal investigative training requirements and standards. Consider the LAPD detective school and courses offered by the Robert Presley Institute of Criminal Investigation. (Objective No. 1)
- Formally approve the OPM. (Objective No. 1)
- Formally distribute and evidence receipt of the OPM to ACTS personnel. (Objective No. 1)
- Determine whether the NFIRS criteria for incidents forwarded to ACTS for response and investigation is consistent with LAFD's departmental goals and objectives. (Objective No. 2)
- Develop and implement an arson case categorization system to prioritize cases based on established criteria, including existence of witnesses and suspects, number of fatalities/injuries, amount of property damage, (possible) hate crime, legal risks, etc. (Objective No. 2)
- Expand the role of first responders to conduct more in depth preliminary investigations to "filter" and categorize incidents assigned to ACTS. (Objective No. 2)
- Develop an arson incident tracking system to analyze criminal fire trends and patterns. See additional discussion in the "Other Related Matters" section. (Objective No. 2)
- Establish a joint task force program to assign experienced detectives from law enforcement agencies to provide management and operational expertise in criminal investigation. Alternatively, establish a personnel loan program for temporary assignment of ACTS investigators to LAPD detective units to obtain hands on criminal investigation training. (Objective No. 3)
- Establish formal LAFD procedures for first responders to identify witnesses and collect their contact information for follow up by ACTS investigators. This potentially yields more productive canvass results as fire incidents attract spectators and possible witnesses who may no longer be at the scene when ACTS arrives. (Objective No. 3)
- Establish formal supervisory review requirements for 1) fire investigation reports 2) booking approval and 3) arrest reports. Signing approvers must be classified as supervisory positions by civil service rules. (Objective No. 4)
- Establish a database to collect and track incident data. (Other Related Matters)
- Establish a formal case management process. (Other Related Matters)