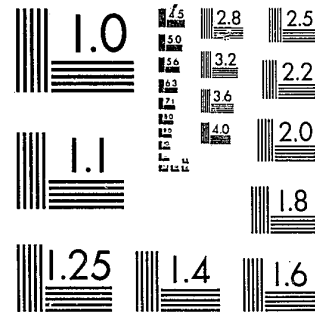


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AUGUST 1980

georgia  
  
arson

task  
force  
report

76134

STATE CRIME COMMISSION

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Harold Thomas.....Representing Peace Officers Association of Georgia

Richard Waits.....Representing Georgia Association of Fire Chiefs

C. H. Wofford.....Executive Director, Georgia State Fireman's Association, Inc.

Dear Fellow Georgians:

Arson is best defined as the malicious burning of a building or property for improper reasons. It can be the work of the white collar criminal for insurance fraud, the revenger of a lover's quarrel, or a psychopath enjoying his destruction. In any case, it is dangerous and costly, and a constant threat to the lives and property of Georgians.

Many efforts are underway at federal, state and local levels to prevent and detect arson, and to prosecute arsonists. To review these efforts, the State Crime Commission initiated the Georgia Arson Task Force (GATF). Its findings, conclusions and recommendations can help point the way to more effective arson control in our State.

We appreciate your review of our report, and we hope you will join with us in the fight against arson in Georgia.

On behalf of the Task Force,

*James L. McGovern*  
 James McGovern, Chairman  
 Arson Task Force Committee

JM:dc

U.S. Department of Justice 76134  
National Institute of Justice

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EXECUTIVE SUMMARY

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The Georgia Arson Task Force (GATF) was organized in February 1980, and charged with the responsibility for studying the extent of the arson problem in Georgia, to identify causes of the problem, and to develop a statewide strategy for the prevention and control of arson.

The GATF hopes that this report will serve as a catalyst to bring the anti-arson activities into focus for the State; help increase the coordination of services available, and generate a unified effort to combat the growing problem of arson in Georgia.

The GATF has studied the laws of the State of Georgia, the Federal Statutes, and the model codes related to arson. It has also studied much of the arson literature available and has conducted a limited survey about arson in Georgia. This data has been carefully reviewed.

In addition to the input received from Task Force members representing a wide range of experience, GATF staff has conducted a number of interviews with representatives from the banking and insurance industries, investigators, law enforcement and fire officials and other persons with a particular interest or involvement in anti-arson programs.

This report is not abundant in empirical data, nor is it exhaustive in content. We believe, however, that the information studied has permitted this Task Force to reach some logical and reasonable conclusions about the arson problem. We also believe that the recommendations made will serve as a solid foundation for new arson programs.

The GATF found few existing statewide arson programs in Georgia. The data available was minimal and of limited benefit. To sum up the extent of both the data available and current programs, we believe the terms "isolated" and "uncoordinated" are adequately descriptive.

As a result of the general lack of data and anti-arson programs, the members of the Georgia Arson Task Force have agreed on the following recommendations:

1. Require Compliance with the Georgia Arson Immunity Act (HB 257-1977).
2. Require mandatory reporting of arson and related data to a central repository.
3. Establish a statewide arson training course for investigators.
4. Reconsider the Valued Policy law in Georgia.
5. Establish a coordinated public awareness program throughout the State.
6. Continue the Georgia Arson Task Force to monitor the arson problem in Georgia through June 30, 1981.
7. Encourage prosecutors to have an Assistant District Attorney to specialize in arson cases.
8. Develop a complete Arson Investigator's Manual specifically covering Georgia laws and procedures.
9. Prepare a study of arsonists' records existing in the Georgia Prison system and Juvenile Detention facilities.
10. Insure that a sufficient number of arson investigators are trained and available for immediate response to suspicious fires.
11. Encourage enactment of adequate fire codes and procedures at both the State and local level and the strict enforcement of these codes.
12. Request lending institutions to become more involved in matters related to fire loss of funded properties.
13. Request State and local boards of education to consider the adoption of the National Fire Protection Association's "Learn Not to Burn" curriculum or a similar program in the public schools.
14. Each local agency should establish screening criteria to help police and fire officials to identify fires that require intensive investigation.
15. Legislation requiring true ownership on insurance and ownership records.

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OVERVIEW

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Arson is a tremendous drain on all sectors of the community. It impacts adversely on the business community, banking and insurance industries and all levels of government. Some studies indicate that incidents of arson have increased by more than 1,300% in comparison with 1950. A more alarming fact is found in the current reports showing that more than 30% of all building fires are incendiary in origin.

According to the FBI and the National Fire Protection Association, recent dollar losses from arson alone are greater than losses caused by all other types of criminal violence combined.

Given the relationship between fire loss and insurance, it is not surprising to find that one likely arson suspect is the insured. There are many problems that may lead an insured party to act in an illegitimate way to solve financial problems. Wherever there is a need for cash, there is the potential for arson. In our present economic climate of rising costs and reduced spending, one can reasonably expect to see a significant number of business failures and bankruptcies. Many individuals will utilize almost any means to escape the embarrassment of being a "failure", including arson.

While it is obvious that the insured is a likely suspect of arson, it is also true that the needs of the insured may lead to another aspect of the arson problem: arson for profit by professional "torches". An analysis of persons convicted would fail to adequately reflect the involvement of professionals. These arsonists are less likely to be convicted for at least two reasons. The professional "torch" is schooled in arson techniques and the techniques of arson investigators. Therefore, the "pro" is less likely to be detected in the first place. In addition to the reduced likelihood of arrest, the pro also has access to better legal counsel and is therefore less likely to be convicted even if apprehended.

In spite of the strong motivation for profit through arson, a Stanford Research Institute study published in 1977 revealed that the majority of convicted arsonists were found to have been motivated by revenge rather than profit. The study also found that in 80% of the cases involving juveniles, the motive was vandalism.

In the Law Enforcement Assistance Administration document, Arson Prevention and Control, January 1980, the authors set forth the following estimates concerning arson motives:

Pyromania - Data suggest that 6 to 25 percent of all arsons fall into this classification.

Vandalism - Estimates of the magnitude of this problem range from 35 to 50 percent of all identified arson.

Revenge - Data indicate that between 18 and 30 percent of incendiary fires are motivated by spite or revenge.

Arson-for-Profit - No reliable information is available on the incidence of specific types of arson-for-profit, such as stop-loss or insurance fraud. Taken as a whole, however, arson motivated by economic gain may account for 3 to 19 percent of incendiary fires, depending on the source of information used. Yet because economic gain may motivate substantial numbers of undetected arson, many observers speculate that the rate of arson-for-profit may be as high as 40 percent in some jurisdictions. And frequently, the dollar losses from this type of fire may account for a disproportionate amount of a community's total arson losses.

Crime Concealment - According to most estimates, crime concealment is the motive for approximately 7 to 10 percent of all arsons.

There are also a number of other factors that were published in this document that are relevant to the issue at this point. The following charts briefly describe the perpetrator, targets, prevention and enforcement strategies.

A portion of the Federal research and activities described in Arson Prevention and Control are shown below. The Law Enforcement Assistance Administration in February 1979, sponsored a workshop to develop a national strategy to tackle the arson problem. The participants of the workshop were from a cross-section of involved agencies. Their recommendations called for:

1. The establishment of policy level task forces at the State and local level;
2. The improvement of data collection, analysis and problem diagnosis;
3. The improvement of arson investigation capabilities through training;
4. The development of proactive prevention strategies; and
5. The provision of more disincentives to arson for profit.

ARSON TAXONOMY

Motive/ Arson Type	Perpetrators	Typical Targets	Response Strategies	
			Prevention	Enforcement
Pyromania	Individuals who obtain some psychological gain (such as anxiety reduction) from setting fires. Some research suggests that alcoholism is frequently associated with pyromaniacs.	Any object or type of property may be burned.	Screening individuals exhibiting fire setting tendencies. Counseling/treatment for known pyromaniacs.	Maintain file of individuals with known tendencies toward pyromania. Immediate canvassing of witnesses and bystanders.
Juvenile Vandalism (Type I) based on anger	Juveniles who obtain psychological gain (such as displaced aggression) from setting fires.	Any object with symbolic value, ranging from personal articles to buildings.	Counseling/outreach for troubled juveniles.	Examine juvenile records for previous fire setting behavior. Interviews/conversation with neighborhood residents.
Juvenile Vandalism (Type II) gang or peer group	Youths (usually males aged 10-17) with strong peer group or gang ties. Youths gain acceptance or group approval from firesetting activities.	Vacant cars, abandoned buildings, woods, fields. Any object which appears safe to burn without being caught or hurting anyone.	Public education and awareness on effects of arson. Anti-arson campaigns led by individuals respected by the juveniles (sports figures, television personalities, etc.). Identification and protection of likely targets.	Examine juvenile records for previous fire setting behavior. Interview/conversation with neighborhood residents.
Revenge	Any individual wishing to inflict physical harm or financial damage as a means of revenge or punishment. May include lovers, relatives, persons involved in racial or interpersonal disputes, tenants, etc.	May be any object which is of value to the victim or which presents a high possibility of harming the victim when burned.	Community-based dispute resolution services. Counseling services.	Investigative methods would parallel those for assault or homicide.
Extortion, Coercion, Intimidation	Building owners seeking to remove tenants, organized crime, business competitors, striking employees and employers.	Businesses; residences, factories, warehouses, etc.	Modify laws which provide incentives to remove tenants (such as vacancy decontrol in cities with rent control). Identify and monitor vulnerable properties.	Collect information on financial status of owner and buildings, business associates and competitors, etc. Compare arson method to those of known arsonists. Interview neighbors, business associates, tenants, etc.
Crime Concealment	Any criminal who seeks to destroy evidence of some other crime.	Any structure or object which may contain or provide evidence of a crime. These may include residences, businesses, automobiles, or places where evidence (such as financial records) may be stored.	General crime prevention efforts.	Training of police and fire department personnel to recognize signs of crime concealment. Investigative methods will depend on type of crime being concealed.
Stop Loss	Individuals on the verge of financial ruin or bankruptcy.	Objects which are the direct cause of the financial difficulty such as failing businesses, deteriorating rental properties, etc. Objects which offer quick insurance payoffs which may then be used as a means out of financial difficulty.	Identify individuals, properties, and businesses which appear to be in financial trouble. Initiate special patrol efforts for these properties. Offer specific intervention efforts which may reduce financial pressures on owner (tax abatements, low interest loans, etc.)	Collect information on financial status of buildings and owners including vacancy rates, income levels, tax abatements, tax arrearages, liens, mortgages and loans, etc. Interview neighborhood residents/business associates.

ARSON TAXONOMY (Continued)

Motive/ Arson Type	Perpetrators	Typical Targets	Response Strategies	
			Prevention	Enforcement
Insurance Fraud	May include building owner and associates, insurance beneficiaries, conspiracies.	Properties for which insurance benefits are greater than the real value of the property.	Collect data on property to identify high risk properties. Publicize facts to building owners, insurance companies, fire departments, police, tenants, etc. Prevent insurance companies from over-insuring properties (limitations on valued policy laws.) Establish preferences concerning insurance proceeds (enactment of tax lien statutes). Allow insurance companies to delay payments on suspected arson cases (changes in unfair trade practices act). Permit greater latitude in refusal or cancellation of insurance (modify FAIR Plans). Arson patrols for high risk buildings.	Collect data on property, including tax information, mortgages, liens, insurance levels, financial status of owners, previous owners of building, other fires in buildings held by the property owner, etc. Compare arson methods to those of known arsonists. Interview neighborhood residents, tenants, business associates, Enact arson reporting immunity laws.
Parcel Creation	Building developers who wish to acquire certain properties for new business ventures.	Property in or adjacent to proposed sites for new development.	Promulgation of rules governing the assembly and development of land. Collect data on vulnerable property and notify owners, developers, prosecutors, police and fire departments.	Collect information on developers. See Above.
Property Improvement or Rehabilitation	Building Owners, tenants, property managers.	Properties in need of improvement, where the insurance benefits resulting from a partial loss fire will cover the cost of improvements.	Collect information on buildings to determine vulnerable sites. Notify owners, tenants, neighbors, police and fire departments, insurance companies. Legislation permitting rent withholding for use on improvements	See insurance fraud.
Tax Fraud	Building Owners	Buildings which must show substantial losses to serve as a tax shelter.	Collect information on condition of building, financial status of owner, furnish information to owner, police department, fire department, prosecutor.	See insurance fraud.

There has also been considerable Congressional interest in arson control in recent years:

In October 1978, the FBI, at the direction of Congress, reclassified arson from a Part II to a Part I crime in its Uniform Crime Report.

On October 5, 1978, Congress amended the Fire Prevention and Control Act of 1974, creating Section 24 entitled "Federal Programs to Combat Arson." Under this section, the U.S. Fire Administration is charged with:

- (1) the development of arson detection techniques;
- (2) the provision of arson training and instructional materials;
- (3) the formulation of methods for collection of arson data compatible with methods of collection used for the uniform crime statistics of the FBI;
- (4) the development of programs for educating the public on the arson problem;
- (5) the development and implementation of programs for improving the collection of nationwide user statistics within the National Fire Incident Reporting System; and
- (6) the development of handbooks to assist federal, State and local officials in arson prevention and detection.

Bills have also been introduced in the Congress to provide funding for State and local arson programs through LEAA, amend the Federal Code of Criminal Justice, including its provisions relating to arson, establish an Office of Fire Investigation, and authorize USFA to investigate any fire anywhere in the country if it is of a serious, recurring nature.

Finally, at the programmatic level, the Bureau of Alcohol, Tobacco and Firearms of the U.S. Treasury Department has become involved in the arson control effort under terms of the Explosives Control Act of 1970. The FBI is using the Racketeer Influenced and Corrupt Organizations (RICO) Statute to investigate arson related acts.

There are numerous agencies at the Federal level that are now involved in anti-arson programs. These programs range from funding to laboratory services, research, training, and to actual investigation and enforcement.



There has also been considerable interest in a "model Arson Penal Law" and "Model Arson Reporting Immunity Bill". Copies of these model statutes can be found in the appendix and are easily compared to Georgia's arson and related laws and immunity act.

From the data available, one can reasonably conclude that arson is an extremely complex crime with many distinctive characteristics that create enormous control problems.

Arson, like burglary, seldom has an eyewitness. But unlike burglary, the likelihood of finding physical evidence that will lead to a particular individual is reduced because such evidence may be destroyed in the fire and smoke. Too many arsons are classified as fires that are accidental, suspicious, or just of undetermined origin.

A review of existing arson publications reveals that arson is not just a big city problem. Nor is arson limited to residential settings. Arson is likely to occur in the small town, forests or rural areas. It can also destroy factories, stores, schools and even churches.

Georgia has experienced a number of significant church arsons in rural areas in recent years and those apprehended have stated their motives as vandalism.

Data relating to the motives for arson may differ sharply. As previously noted, the LEAA document Arson Prevention and Control, gives estimates of percentages of arson by motives and cites the crime concealment motive as comprising only 7-10% of arson. This figure appears to be conservative in some jurisdictions. The Report of the Arson Task Force of New Jersey shows the percentage of arsons for concealment of another crime at 23%. There is no reliable data available in Georgia.

In spite of the large differences in actual percentages of perceived motives, we believe the most significant factor is the wide variance in motives and this data has been consistent in all the information studied.

Mr. John McCann, a Regional Manager of the Insurance Information Institute, made the following comments while testifying at the California Senate Select Committee hearings on Fire Services on June 29, 1977:

- "1. Arson is more than a crime or a fire, or an insurance claim. It's a complex social problem and to fight it effectively requires the involvement of many agencies working together as a unit.

2. The fight against arson is greatly enhanced by improving the communication process. For instance, the quicker an arson investigator gets the insurance information about the loss, the better will be his case file for use by the district attorney.
3. The more knowledge that each of the groups related to the arson problem have about each other, the smoother will be the process for closing the gaps that permit arson to exist and thrive.
4. Arson does not do well in an enlightened community. The public needs to be made aware of the arson problem and the fact that in California alone they probably pay an additional \$150 million in insurance premiums because of it, more than it should be. Effective use of the news media can be a more effective deterrent to arson than increased arson squad manpower, more arson emphasis patrols, and more sophisticated equipment."

Georgians must also be paying a substantial amount in additional insurance premiums as a direct result of arson. Unfortunately, reliable figures are not available to confirm the actual extent of this cost to the citizens of Georgia.

The statement made by Mr. McCann supports another highly relevant factor that stands out in most arson studies. A strong commitment on the part of the community and coordinated efforts on the part of governmental agencies, business, industry and the news media, can have a significant impact on the occurrence of arson.

ARSON IN GEORGIA

Fire and Arson Data

The fire and arson data for this report was collected from three major sources: the first source of data was the Georgia State Firemen's Association's statisticians report. The other sources were the Unified Crime Report and a survey conducted by the GATF.

The information gathered by the Georgia State Firemen's Association is the result of a voluntary reporting system that has been in effect since about 1963. This is the most comprehensive fire and arson data available in Georgia without conducting an indepth study. But this information comes from only 128 of over 800 fire agencies in Georgia.

The second source of arson information is the Uniform Crime Report. This is the information required under the mandatory reporting system established in Georgia in 1974 with the creation of the Georgia Crime Information Center, but the first year for collecting arson data as a major crime was 1979. The information provided in the Uniform Crime Report is of questionable value, because the information supplied is only required to be reported by law enforcement agencies. Frequently, fire agencies will handle arson reports without the knowledge of police. If such crimes are not known to the police, they obviously cannot be reported. There is also the potential for duplication of reporting since the State Fire Marshal's office does furnish arson data to the Georgia Crime Information Center. It is entirely possible, and even likely, that some of their reported arsons have also been submitted by a law enforcement agency.

A further problem with the Uniform Crime Report data is that arsons are reported as Part One crimes, but fire data relating to accidental, suspicious, or fires of undetermined origin are not included in the reporting system. The one favorable factor is that arson will be reported even if another more serious crime is included. This is an exception to the normal Uniform Crime Report rule.

The 1979 Georgia UCR shows 1,285 arson offenses with property damage in excess of \$26 million dollars. The UCR also indicates that 231 offenses were cleared by arrest and that 58 of the persons arrested were under 18 years of age.

It is apparent, even to the casual observer, that fires of suspicious and undetermined origins should be carefully studied, because of the likelihood that arson may be involved. In a perfect system there should be only three categories of fires: providential, accidental, and intentional. Intentional fires could be further divided into arson and non-arson categories.

The third data source used was a simple survey (see Appendix C), that was mailed to 32 fire agencies across Georgia. These agencies were selected randomly and the data collected is believed to be fairly representative of fire data as a whole in Georgia. Twenty-three (23) of the agencies surveyed responded.

Probably the most significant information gained from this survey were (1) there is a tremendous difference in the classification of fires as suspicious and undetermined - there appears to be no standard definition applied to either; and (2) agencies reporting indicated that a total of less than 17 percent of all fires were ever seriously investigated. This contrasts sharply to the data supplied by the Federal Emergency Management Agency which indicates that an estimated 25 percent of all fires are arson fires.

In addition to these three data sources, there were numerous contacts and discussions with responsible fire and law enforcement officials throughout the State.

Based on the information studied, we believe that in 1979 there were between 27,000 and 30,000 fires in the State of Georgia, and of the total number of fires, at least 6.2 percent were classified as arson; 4.8 percent were classified as suspicious; and 12.0 percent were classified as undetermined. Therefore, about 23 percent of all reported fires will fall in one of the three categories above. Total dollar loss attributed to fires in Georgia exceeds an estimated \$125 million annually and arson losses exceed \$25 million annually.

The large number of arson, suspicious, and undetermined fires reflect a very serious public safety problem, and, the need for a concerted effort toward solving the problem.

The Task Force is hesitant to place too much confidence in the data available at this time, but we do feel that there is sufficient information available to indicate that arson is at least as much of a problem in Georgia as it is in most other states. Data received from the National Center for Health Statistics indicates that Georgia has more than 42 fire related deaths per million population annually. This places Georgia in the upper 25 percentile of states, and above such states as New York, Ohio, Illinois and California. These deaths

are usually accidental, but without a more effective reporting system, we cannot do better than surmise that a significant number of deaths may have resulted from arson. Existing reports indicate that at least seven (7) firemen died in Georgia as a result of fire between July 1, 1978, and June 30, 1979. Civilian deaths will usually exceed 200 annually in Georgia.

The absence of reliable fire data makes it very difficult to: (a) accurately assess the scope of the problem, (b) determine the best solutions to the problem, (c) ascertain meaningful cost factors, (d) set realistic priorities, and (e) evaluate the effectiveness of existing anti-arson programs.

Members of the Georgia Arson Task Force believe that the first step in developing a successful anti-arson program is to correct the problem of inadequate information. An accurate reporting system mandates better training of fire personnel in fire cause determination. Only then can we begin to change existing programs on the basis of reliable data.

There has been no attempt to summarize the existing programs in other states, since this information can be obtained through the United States Fire Administration.

The Georgia Arson Task Force found limited success in Georgia's current efforts to combat arson. But there are a few programs or provisions that are noteworthy.

The Southeastern Arson Seminar sponsored by the Georgia State Fire Marshal's Office is held at the University of Georgia Center for Continuing Education in Athens, and provides an in-depth arson training program once a year. The program provides excellent arson training and attracts investigators from surrounding states. This program should be continued and perhaps expanded. The Georgia Police Academy also provides an in-depth arson program each year for interested law enforcement personnel, and the Georgia Fire Academy sponsors a three-day Arson Seminar for fire investigators annually.

The Georgia Arson Laws have many provisions similar to the "Model Penal Code" found in Appendix A. Georgia laws have been updated in recent years and include a well-written Immunity Act to ensure better cooperation between the insurance companies and the investigators. The Georgia Arson Task Force believes the Georgia law is an excellent tool to combat arson. The new Georgia RICO statute should prove to be a valuable tool for combatting arsons too.

The Prosecuting Attorneys' Council of Georgia has an investigative handbook that provides an excellent information source for the police or fire official or the prosecutor in an arson case. Unfortunately, the manual is outdated due to more recent legislation and recent court decisions. GATF supports an updated and expanded investigative manual to keep all investigators abreast of the "state of the art" in evidence collecting and investigating procedures, as well as requirements under the new Georgia laws.

Georgia has the services of a State-chartered corporation, Georgia Arson Control, Inc., which was founded specifically as a result of an awareness of the arson problem on the part of its member insurance agencies, the Insurance Committee of the Georgia Legislature and the Georgia Insurance Commission.

Georgia Arson Control, Inc. is involved in a number of anti-arson programs including an arson "hotline" and an arson reward program. Rewards of up to \$2,500 may be paid for information leading to the arrest and conviction of an arsonist.

The Task Force believes that another important factor in existing anti-arson programs can be found in the number of independent efforts being made on the part of local agencies and insurance companies to combat arson. If these efforts can be organized and coordinated, they will provide the framework of a strong and effective anti-arson campaign in Georgia.

TASK FORCE SUBCOMMITTEE FINDINGS

ECONOMICS SUBCOMMITTEE

The insurance industry in Georgia does not maintain sufficient data to assist in determining the economic impact of arson on their industry. The Alliance of American Insurers advised that their member companies did not keep the data by states. The American Insurance Association advised that their companies did not have the data either. It was explained that the Property Insurance Loss Register (PILR) went into operation in January 1980, and that their data would be available beginning with the year 1980.

Several of the larger insurance writers were contacted directly by the Subcommittee Chairman, Mr. John Folds, and the answers to his questions were simply unbelievable in some cases. One large company advised that a check of their records indicated no suspicious fire losses for 1979. The official responding said that this figure could not be correct and that they were definitely going to re-evaluate their reporting procedures.

Another company reported four arson losses in 1979 for a total of over \$400,000. So far the losses for 1980 have exceeded \$600,000. The largest insurance underwriter questioned about losses was able to provide the Subcommittee with more reliable information. In 1979 they had 135 losses totaling over \$4.5 million.

A check with the various city managers and county commissioners revealed that no records were kept on arson losses at all. Tax assessors also advised that they could not distinguish between property removed from the tax rolls as a result of arson or fire loss and any other reason.

The Subcommittee also was unable to get reliable information relating to the number of injuries and deaths due to fires. No records are available to give reliable data on firemen, policemen or members of the general public who suffer injury or death as a result of fire in Georgia.

The National Fire Protection Association estimates that there were over 8,500 fire-related civilian deaths in the United States in 1978, and that more than 32,000 citizens were injured as a result of fire.

The Economics Subcommittee also checked with the Banking and Savings and Loan industry in our efforts to tie down the economic impact of arson. The Subcommittee was discouraged by a finding that most banks and savings and loan associations did not keep records of their funded properties lost due to fire because they carried fire insurance to cover their losses.

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BEHAVIOR SUBCOMMITTEE

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The Behavior Subcommittee established a goal of developing a compendium of information on the behavior characteristics of firesetters. The Committee hoped that this information would assist in the development of effective anti-arson programs through a better understanding of the arsonist.

After more than one month of intensive examination of the literature available through the University of Georgia library, including books on hand, psychological abstracts and a computer search of literature available nationally, it was determined that no relevant and usable literature existed that could be of use to the Task Force regarding the behavior of arsonists.

The Behavior Subcommittee did not have sufficient time to consider the need for a special training program for juvenile counselors or to examine the relationship between mental health centers, schools, and the juvenile fire setter. The Committee did request that the University of Georgia Institute of Government look into these two very important areas in the future.

The discovery that usable data on the behavior of arsonists is not available in Georgia is considered a positive rather than a negative finding. As a result of this finding, the Behavior Subcommittee has requested the Institute of Government to submit a proposal for a behavioral study of Georgia arsonists. If this study is approved, it will provide a strong foundation for the further development of training programs for arson investigators, juvenile counselors, school officials and others charged with the responsibility of guiding our youth and protecting society from the many dangers of arson.

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INVESTIGATION/PROSECUTION SUBCOMMITTEE

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The Investigation/Prosecution Subcommittee found that arson arrest and conviction data was generally unavailable in Georgia. Although some data could be gathered from several different sources, the data was inconsistent and incomplete.

The Investigation/Prosecution Subcommittee members constantly made inquiries of many individuals that were able to provide meaningful input into a suggested approach to the arson problem. Persons contacted included sheriffs, fire and police academy directors, insurance investigators, fire marshals and police investigators.

As a result of these numerous contacts, the Investigation/Prosecution Subcommittee determined that there was a definite lack of awareness of the severity of the arson problem at the level of mayors, city councils, county managers and commissioners and even insurance executives.

The Subcommittee also developed information that indicated that, even though the fire and police officials were somewhat more aware of the problem, they were unwilling to take decisive action because of a lack of support from elected officials and the lack of specific knowledge that would enable them to sell anti-arson programs to their superiors.

Therefore, the Investigation/Prosecution Subcommittee members believe that our greatest need is in the education and training of appropriate officials and investigators and the development of an effective public awareness program for the citizens of the State of Georgia.

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MANAGEMENT SUBCOMMITTEE

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The members of the Management Subcommittee were faced with the task of responding to a wide range of problems.

After numerous contacts with fire, police and prosecution personnel and consideration of the present available resources, the subcommittee has concluded that the greatest problems are lack of adequately trained arson investigative personnel and prosecutors, adequate data collection (general and intelligence), adequate arson intelligence exchange, utilization of modern management means particularly in data collection, and the public awareness of the extent of the problem.

Therefore, the Management Subcommittee has centered on recommendations designed to solve the problems which cover such a broad area of training, evaluation, public awareness, data collection, and manpower needs.

The Management Subcommittee strongly recommends the development of an adequate general data system, an arson intelligence network, multiple public awareness programs, a comprehensive arson investigator's course with accompanying comprehensive Arson Investigation and Prosecution Manual, an origin of fires determination course for personnel from every fire department, and sufficient adequately trained law enforcement personnel, Fire Marshal office and local fire department investigators, and local prosecutors to adequately investigate and prosecute arson related cases.

GEORGIA ARSON TASK FORCE  
RECOMMENDATIONS

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GEORGIA ARSON TASK FORCE RECOMMENDATIONS

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1. The Attorney General should ensure compliance with the Georgia Arson Immunity Act (HB 257 - 1977).

This Task Force believes that the information needed to properly investigate an arson fire or a fire of suspicious origin is contained in the records of the insurance carrier. The records must be made available to the investigator without delay. Procedures should be established and enforced to ensure complete compliance with the law and spirit of the law in such cases.

2. Mandatory reporting of arson and related data to a central repository.

The Task Force found the arson data in Georgia to be seriously lacking. Without accurate data, we believe it is difficult if not impossible to implement new programs and to measure their success.

The Georgia Arson Task Force believes that the State Fire Marshal's Office is the most appropriate place for the receiving, analysis and dissemination of fire and arson data. We recommend that the Georgia Legislature require mandatory reporting and that sufficient funding be allocated to develop and maintain a suitable data system.

3. The State of Georgia should develop and implement a training course for arson investigators.

At the present time there are relatively few qualified arson investigators in the State of Georgia. The actual number is unknown, but the lack of available, comprehensive training is a good indicator that few are properly trained to handle an arson case.

The training must be developed in such a way as to include both the paid and volunteer firefighter and the prosecutor as well. A programmed, modular training model may be best suited for the variety of needs in Georgia. This training need must be met in the immediate future to improve the quality of arson investigations and to guarantee an acceptable quantity of qualified arson experts.

4. The Georgia Legislature should reconsider the "Valued Policy Law" in Georgia.

The Valued Policy Law has a tendency to encourage arson, especially when the property is overinsured. While it is true that the insurance underwriter should make a reasonable effort to write a policy only on the realistic value of the property, it is certainly an invitation to commit arson when the insured stands to gain as a result of a specified but erroneous value stated in the policy.

5. Establish a coordinated public awareness program in Georgia.

By continuing the Georgia Arson Task Force on an extended basis, the State of Georgia can develop an effective program to make the public aware of the extent of the arson problem. In almost every case where an aggressive public awareness campaign has been launched by a city or state, the incidence of arson has been reduced and the percentage of clear-ups has increased. Knowledge and education in the arson area can lead to more effective anti-arson programs.

6. Continue the Arson Task Force to monitor the arson problem in Georgia through June 30, 1981.

This Task Force has been hard pressed to gather the necessary information for the development of meaningful anti-arson programs. In the future we believe that, with continued emphasis, we will see a data base developing and new capabilities in managing arson programs evolve. The task force concept, which involves a cross-section of interested parties in both the public and private sector, is best suited to objectively evaluate existing programs and to suggest improvements.

7. Encourage prosecutors to have an Assistant District Attorney to train for specialization in arson cases.

It is apparent to this Task Force that arson cases are difficult to successfully prosecute. There are a number of motives for arson and there is a problem in collecting good evidence. We believe that the early involvement of a prosecutor will enhance the investigation and lead to the development of a stronger case.

8. The Prosecuting Attorney's Council of Georgia should develop a complete arson investigator's manual covering Georgia laws and procedures.

One of the needs in any good training endeavor is good, related reference material. The existing manual previously developed by the Prosecuting Attorney's Council should be updated and expanded.

When a new manual is completed, it can serve both as a training aid and as reference material for both the investigator and the prosecutor. The manual can also serve as a manager's guide for reviewing an arson case file.

9. The University of Georgia Institute of Government should prepare a study of the arsonist in Georgia.

Our Task Force discovered that no usable data was available for examining the behavior patterns of the arsonist. The Task Force members believe that such a study will prove beneficial to the citizens of Georgia because of the ability to enhance training programs for law enforcement officials and juvenile counselors. Perhaps the recognition of only a few behavior patterns will lead to a program of early recognition of a problem and a successful prevention model.

10. Insure that a sufficient number of arson investigators are trained and available for immediate response to suspicious fires.

The arson investigator needs to arrive on the scene "while the fire is still smoldering and the cinders are still hot." All too often valuable evidence is destroyed by the firefighter while involved in the clean-up operations.

It is also important for the investigator to observe the crowd at the scene whenever possible and to interview as many witnesses as possible. In reality, the arson case is ideally suited for two investigators instead of just one. Only then can all aspects of the investigation be covered in the appropriate manner.

11. Encourage strict enforcement of fire codes at both the State and local levels.

Georgia has not been the scene of any tragic fires involving public buildings since the Winecoff Hotel fire in 1947 in which 119 lives were lost. But this Task Force is all too aware of the Beverly Hills Supper Club fire in Southgate, Kentucky, in May, 1977. In that blaze, 164 people died. The cause of the fire has not been attributed to arson, but to blatant code violations and generally unsafe conditions. Media reports of the Beverly Hills Supper Club fire were laced with reports of inaction on the part of fire inspectors at both the State and local levels. State and local governments should ensure that adequate codes and procedures exist and are enforced.

12. Lending institutions should become more involved in matters related to fire loss of properties in which they have a financial interest.

A check with various banking associations revealed to this Task Force that little or no interest has been devoted to possible arson cases, since the mortgagor is protected by statute. If we are to successfully combat this problem, we must elicit the cooperation of the total community. Records available to the banking industry may reveal information about true property ownerships that is extremely important to the investigator.



If necessary, the legislature should pass an immunity law relating to bank records in fire loss cases.

13. State and local boards of education should adopt the National Fire Protection Association's "Learn Not to Burn" curriculum or a similar program in the public schools.

From the limited data available to this Task Force, it appears that almost 50 percent of all arson fires are set by juveniles. In about 80 percent of the cases, the juvenile fire setter has vandalism as his motive.

This Task Force believes that a significant percentage of juvenile fire setters do not understand the destructive potential of fire. We further believe that the juvenile may also seriously underestimate the potential threat that the fire poses to himself and to others. The NFPA program is designed to reduce the incidence of juvenile fire setting through education.

14. Each local agency should establish screening criteria to help police and fire officials identify fires that require intensive investigation.

The basic steps for establishing a screening process have been extracted from Arson Prevention and Control (NILECJ, January, 1980) and are listed below:

- (1) The department should first investigate and collect basic information on all fires occurring in the jurisdiction. This information may include type of building, point of origin, cause of the fire, location of building, insurance information, transaction history of the building, and so on. A number of arson fires will most likely be among the fires investigated. Data collection on all fires should continue until the number of documented arson fires is sufficient for a reliable analysis.
- (2) An analysis of the characteristics of fires identified as arson should then be carried out. Specifically, the analysis should try to identify the particular characteristics which appear to be correlated with arson fires.
- (3) Based on the analysis, it should be possible to list one or more characteristics which are strongly associated with arson fires. These should be used as the screening criteria for selecting fires for arson investigations.

- (4) Information gained during subsequent arson investigations should be incorporated in a continuing analysis of these fires. In this fashion, the selection criteria may be improved or modified as arson patterns or investigative priorities change.

While a department may still wish to investigate all fires for which fire suppression staff cannot readily determine a cause, it may use these results to establish a range of priorities and to determine the level of investigative resources to apply to certain cases.

15. Legislation requiring true ownership on insurance and ownership records.

The true identity of property owners is usually critical information when arson-for-profit is suspected. Too frequently this information is not available to the arson investigator. The needed information may be hidden in corporate records, the owner may be listed as a blind trust, or there may be simply an arrangement made to have the property listed in the name of a reputable citizen just to conceal the identity of the true owner.

Therefore, legislation requiring the actual owners' names to be listed on ownership and insurance records, and to allow the disclosure of names of beneficiaries of blind trusts under certain circumstances, should be considered in the next legislative session.

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CONCLUSION

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The members of GATF are of the opinion that arson is a problem that Georgia can ill afford to ignore. Arson is a problem that crosses jurisdictional boundaries and agency responsibilities. Arson is a "malignant" and elusive crime that causes a severe drain on the economy that has yet to be accurately measured.

Members believe that we can launch an effective campaign against arson in Georgia even before we begin to accumulate additional empirical data. We can focus on the obvious problems such as investigator training, coordination of resources, and public awareness. The Georgia Legislature can continue to examine arson-related laws and can establish safeguards that will make the penalty for arson exceed the potential for gain.

It is the hope of the Georgia Arson Task Force that the recommendations we have made will serve in a very positive way toward helping the citizens of the State of Georgia "put the heat on arsonists!"

APPENDICES

APPENDIX A  
GEORGIA ARSON LAWS  
IMMUNITY ACT  
AND  
OTHER RELATED LAWS

ARSON RELATED LEGISLATION

Georgia Code Annotated 26-1401, Arson in the First Degree

- (A) A person commits arson in the first degree when, by means of fire or explosive, he knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage:
1. Any dwelling house of another without his consent or in which another has a security interest including, but not limited to, a mortgage, lien, or a conveyance to secure debt without the consent of both whether it is occupied, unoccupied, or vacant; or
  2. Any building, vehicle, railroad car, watercraft, or other structure of another without his consent or in which another has a security interest including, but not limited to, a mortgage, lien, or a conveyance to secure debt without the consent of both if such structure is designed for use as a dwelling, whether it is occupied, unoccupied, or vacant; or
  3. Any dwelling house, building, vehicle, railroad car, watercraft, aircraft, or other structure whether it is occupied, unoccupied, or vacant and when such is insured against loss or damage by fire or explosive and such loss or damage is accomplished without the consent of both the insurer and the insured; or
  4. Any dwelling house, building, vehicle, railroad car, watercraft, aircraft or other structure whether it is occupied, unoccupied, or vacant with the intent to defeat, prejudice, or defraud the rights of a spouse or co-owner; or
  5. Any building, vehicle, railroad car, watercraft, aircraft, or other structure under such circumstances that it is reasonably foreseeable that human life might be endangered.
- (B) A person convicted of arson in the first degree shall be punished by a fine of not more than \$50,000 or by imprisonment for not less than one nor more than 20 years, or both.

Georgia Code Annotated 26-1402, Arson in the Second Degree

- (A) A person commits arson in the second degree as to any building, vehicle, railroad car, watercraft, aircraft, or other structure not included or described in section 26-1401 when, by means of fire or explosive, he knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage any building, vehicle, railroad car, watercraft, aircraft, or other structure of another without his consent or in which another has a security interest, including but not limited to a mortgage, lien, or conveyance to secure debt, without the consent of both.
- (B) A person convicted of arson in the second degree shall be punishable by a fine of not more than \$25,000 or by imprisonment for not less than one nor more than 10 years, or both.

Georgia Code Annotated 26-1403, Arson in the Third Degree

- (A) A person commits arson in the third degree when, by means of fire or explosive, he knowingly damages or knowingly causes, aids, abets, advises, encourages, hires, counsels, or procures another to damage:
1. Any personal property of another without his consent or in which another has a security interest, including, but not limited to, a lien, without the consent of both and the value of the property is \$25 or more; or
  2. Any personal property when such is insured against loss or damage by fire or explosive and such loss or damage is accomplished without the consent of both the insurer and insured and the value of the property is \$25 or more; or
  3. Any personal property with the intent to defeat, prejudice, or defraud the rights of a spouse or co-owner and the value of the property is \$25 or more.
- (B) A person convicted of arson in the third degree shall be punished by a fine not to exceed \$10,000 or by imprisonment for not less than one nor more than five years, or both.

Georgia Code Annotated 43-215, Orders, rules and regulations relating to fire in case of drought or other hazardous conditions.

Whenever in the judgement of the director because of drought, or other conditions, controlled burning of woods, lands, marshes, refuse or other combustible materials, in any county, or counties, or in any area within

a county, constitutes an unusual hazard to the destruction of property, the director may by order, rule or regulation prohibit the setting on fire of any woods, lands, marshes, refuse or other combustible materials, within any county or counties, or within any area within a county, or may permit such burning only upon such conditions and under such regulations as in his judgement are necessary and proper to prevent the destruction of property. Where by rule or regulation, the setting on fire of any woods, lands, marshes, refuse or other combustible material has been prohibited, no person shall set or cause to be set any backfire, except under the direct supervision or permission of a State or Federal forest officer, unless it can be established that the setting of such backfire was necessary for the purpose of saving life or valuable property, the burden of proving which shall rest on such person claiming same as a defense. Any order, rule or regulation promulgated by the director under the authority of this section shall have the force and effect of law. (Acts 1955, pp. 309, 317.)

Georgia Code Annotated 56-1206, Liability of insurer for damages and attorney's fees.

In the event of a loss which is covered by a policy of insurance and the refusal of the insurer to pay the same within 60 days after a demand has been made by the holder of the policy and a finding has been made that such refusal was in bad faith, the insurer shall be liable to pay such holder, in addition to the loss, not more than 25 percent of the liability of the insurer for the loss and all reasonable attorney's fees for the prosecution of the case against the insurer. The amount of such reasonable attorney's fees shall be determined by the trial jury and shall be included in any judgement which is rendered in such action. Provided, however, such attorney's fees shall be fixed on the basis of competent expert evidence as to the reasonable value of such services, based on the time spent and legal and factual issues involved, in accordance with prevailing fees in the locality where such suit is pending. Provided, further, that the trial court shall have the discretion, if it finds such jury verdict fixing attorney's fees to be greatly excessive or inadequate, to review and amend such portion of the verdict fixing attorney's fees without the necessity of disapproving the entire verdict. The limitations contained in this section in reference to the amount of attorney's fees are not controlling as to the fees which may be agreed upon by the plaintiff and his attorney for the services of such attorney in the action against the insurer. (Acts 1960, pp. 289, 502; 1962, p. 712.)

Georgia Code Annotated 92A-734, Fire officials may require insurance companies to report concerning certain property losses.

An Act to amend an Act creating the Office of Georgia Safety Fire Commissioner, approved February 25, 1949 (Ga. Law 1949, p. 1057), as amended, so as to require insurance companies to furnish to certain fire officials

information relating to their investigation of property losses; to establish evidentiary rules relating to the use of such information; to provide immunity from liability for releasing certain information; to provide a penalty; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section I. An Act creating the office of Georgia Safety Fire Commissioner, approved February 25, 1949 (Ga. L. 1949, p. 1057), as amended, is hereby amended by adding between sections 25 and 26 a new section to be designated section 25A to read as follows:

"Section 25A. (a) The State Fire Marshal, any deputy designated by the State Fire Marshal, the Director of the Georgia Bureau of Investigation or the chief of a fire department of any municipal corporation or county where a fire department is established may request any insurance company investigating a fire loss of real or personal property to release any information in its possession relative to that loss. The Company shall release the information to and cooperate with any official authorized to request such information pursuant to this section. The information shall include, but is not limited to:

- (1) any insurance policy relevant to the fire loss under investigation and any application for such a policy;
- (2) policy premium payment records on such policy to the extent available;
- (3) history of previous claims made by the insured for fire loss with the reporting carrier;
- (4) material relating to the investigation of the loss, including statements of any person, proof of loss and any other relevant evidence.

(b) If an insurance company has reason to suspect that a fire loss to its insured's real or personal property was caused by incendiary means, the company shall notify the State Fire Marshal and furnish him with all relevant material acquired by such company during its investigation of the fire loss. The insurer shall also cooperate with and take such action as may be requested of it by the State Fire Marshal's Office or by any law enforcement agency of competent jurisdiction. Such company shall also permit any person to inspect its records pertaining to the policy and to the loss if such person is authorized to do so by law or by an appropriate order of a superior court of competent jurisdiction.

(c) In the absence of fraud or malice, no insurance company or person who furnishes information on its behalf is liable for damages in a civil action or subject to criminal prosecution for any oral or written statement made or any other action taken that is necessary to supply information required pursuant to this section.

(d) The officials and departmental and agency personnel receiving any information furnished pursuant to this section shall hold the information in confidence until such time as its release is required pursuant to a criminal or civil proceeding, except to the representatives of the State Fire Marshal's Office or other authorized law enforcement officials from discussing such matters with other agency or departmental personnel or with other law enforcement officials or from releasing or disclosing any such information during the conduct of their investigation if such release or disclosure is necessary to enable them to conduct their investigation in an orderly and efficient manner.

(e) Any official referred to in subsection (a) of this section may be required to testify as to any information in his possession regarding the fire loss of real or personal property in any civil action in which any person seeks recovery under a policy against an insurance company for the fire loss.

(f) (1) No person shall purposely refuse to release any information requested pursuant to subsection (a) of this section.

(2) No person shall purposely refuse to notify the State Fire Marshal of a fire loss required to be reported pursuant to subsection (b) of this section.

(3) No person shall purposely refuse to supply the State Fire Marshal with pertinent information required to be furnished pursuant to subsection (b) of this section.

(4) No person shall purposely fail to hold in confidence information required to be held in confidence by subsection (d) of this section.

(g) Any person willfully violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as for a misdemeanor."

Section 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Georgia Code Annotated Title 26-34, Racketeer Influence and Corrupt Organizations Act (RICO).

Title 26, Criminal Code of Georgia has been amended by adding a new Code Chapter, to be designated Code Chapter 26-34, Racketeer Influence and Corrupt Organizations, to read as follows:

1. Short title; findings and intent, 26-3401

- (a) This chapter shall be known and may be cited as the 'Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act.'
- (b) The General Assembly finds that a severe problem is posed in this State by the increasing organization among certain criminal elements and the increasing extent to which criminal activities and funds acquired as a result of criminal activity are being directed to and against the legitimate economy of the State. The General Assembly declares that the intent of this chapter is to impose sanctions against this subversion of the economy by organized criminal elements and to provide compensation to private persons injured thereby. It is not the intent of the General Assembly that isolated incidents of misdemeanor conduct be prosecuted under this chapter, but only an interrelated pattern of criminal activity the motive or effect of which is to derive pecuniary gain. This chapter shall be construed to further that intent.

2. Definitions. As used in this Chapter, 26-3402

- (a) 'Racketeering activity' means to commit, to attempt to commit, or to solicit, coerce, or intimidate any person to commit any crime which is chargeable by indictment under the following Georgia laws:
- (1) Code Chapter 79A-8; relating to controlled substances.
  - (2) Code Chapter 79A-7, known as the 'Dangerous Drugs Act.'
  - (3) Subsection (j) of Code Section 79A-811, relating to marijuana.
  - (4) Code Chapter 26-11, relating to homicide.
  - (5) Code Chapter 26-13, relating to bodily injury and related offenses.
  - (6) Code Chapter 26-14, relating to arson.
  - (7) Code Section 26-1601, relating to burglary.
  - (8) Code Section 26-1701, relating to forgery in the first degree.
  - (9) Code Chapter 26-18, relating to theft.
  - (10) Code Chapter 26-19, relating to robbery.
  - (11) Code Section 26-2012, 26-2013, 26-2014, 26-2016, and 27-2017, relating to prostitution and pandering.
  - (12) Code Section 26-2101, relating to distributing obscene materials.
  - (13) Code Section 26-2301, relating to bribery.
  - (14) Code Section 26-2313, relating to influencing witnesses.
  - (15) Code Chapter 26-24, relating to perjury and other falsifications.

- (16) Code Section 26-2501, relating to tampering with evidence.
- (17) Code Section 26-2703, relating to commercial gambling.
- (18) Code Section 58-206, relating to distilling or making liquors.
- (19) An Act known as the 'Georgia Firearms and Weapons Act,' approved April 8, 1968 (Ga. Laws 1968, p. 983), as amended.
- (20) An Act to prohibit certain unauthorized transfers and reproductions of recorded material, approved February 27, 1975 (Ga. Laws 1975, p. 44), as amended.

(b) 'Enterprise' means any sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this State, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity, and it includes illicit as well as licit enterprises and governmental as well as other entities.

(c) 'Pattern of racketeering activity' means engaging in at least two incidents of racketeering activity which have the same or similar intents, results, accomplices, victims, or methods of commission and which are otherwise interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such incidents occurred after the effective date of this chapter and that the last of such incidents occurred within four years after a prior incident of racketeering activity.

3. Prohibited activities, 26-3403

- (a) It is unlawful for any person, through a pattern of racketeering activity or proceeds derived therefrom, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise, real property, or personal property of any nature including money.
- (b) It is unlawful for any person employed by, or associated with, any enterprise to conduct or participate in, directly or indirectly, such enterprise through a pattern of racketeering activity.

4. Criminal penalties and alternative fine, 26-3404

- (a) Any person convicted of engaging in activity in violation of the provisions of Code Section 26-3403 is guilty of a felony and shall be punished by not less than five nor more than 20 years' imprisonment or the fine specified in subsection (b) or both.

- (b) In lieu of any fine otherwise authorized by law, any person convicted of engaging in conduct in violation of the provisions of Code Section 26-3403 may be sentenced to pay a fine that does not exceed the greater of \$25,000.00 or three times the amount of any pecuniary value gained by him from such violation.
- (c) The court shall hold a hearing to determine the amount of the fine authorized by subsection (b).
- (d) For the purposes of subsection (b), 'pecuniary value' means:
  - (1) anything of value in the form of money, a negotiable instrument, a commercial interest, or anything else the primary significance of which is economic advantage; or
  - (2) Any other property or service that has a value in excess of \$100.00.

5. Forfeiture, 26-3405

- (a) All property of every kind used or intended for use in the course of, derived from, or realized through a pattern of racketeering activity is subject to forfeiture to the State. Forfeiture shall be had by a civil procedure known as a RICO forfeiture proceeding under the following rules.
- (b) A RICO forfeiture proceeding shall be governed by the Georgia Civil Practice Act, except to the extent that special rules of procedure are stated herein.
- (c) A RICO forfeiture proceeding shall be an in rem proceeding against the property.
- (d) A RICO forfeiture proceeding shall be instituted by complaint and prosecuted by the district attorney of the county in which the property is located or seized. The proceeding may be commenced before or after seizure of the property.
  - 1. If the complaint is filed before seizure, it shall state what property is sought to be forfeited, that the property is within the jurisdiction of the court, the grounds for forfeiture, and the names of all persons known to have or claim an interest in the property. The court shall determine ex parte whether there is reasonable cause to believe that the property is subject to forfeiture and that notice to those persons

having or claiming an interest in the property prior to seizure would cause the loss or destruction of the property. If the court finds that reasonable cause does not exist to believe the property is subject to forfeiture, it shall dismiss the complaint. If the court finds that reasonable cause does exist to believe the property is subject to forfeiture but there is not reasonable cause to believe that prior notice would result in loss or destruction, it shall order service on all persons known to have or claim an interest in the property prior to a further hearing on whether a writ of seizure should issue. If the court finds that there is reasonable cause to believe that the property is subject to forfeiture and to believe that prior notice would cause loss or destruction, it shall without any further hearing or notice issue a writ of seizure directing the sheriff of the county where the property is found to seize it.

- 2. Seizure may be affected by a law enforcement officer authorized to enforce the penal laws of this state prior to the filing of the complaint and without a writ of seizure if the seizure is incident to a lawful arrest, search, or inspection and the officer has probable cause to believe the property is subject to forfeiture and will be lost or destroyed if not seized. Within ten days of the date of seizure, such seizure shall be reported by said officer to the district attorney of the circuit in which the seizure is effected; and the district attorney shall, within 30 days of receiving notice of seizure, file a complaint for forfeiture. The complaint shall state, in addition to the information required in paragraph (1) of this subsection (d), the date and place of seizure.

(e) After the complaint is filed or the seizure effected, whichever is later, every person known to have or claim an interest in the property shall be served, if not previously served, with a copy of the complaint and a notice of seizure in the manner provided by the Georgia Civil Practice Act. Service by publication may be ordered upon any party whose whereabouts cannot be determined.

- (f)
  - 1. Any person claiming an interest in the property may become a party to the action at any time prior to judgement, whether names in the complaint or not. Any party claiming a substantial interest in the property may upon motion be allowed by the court to take possession of the property upon posting bond with good and sufficient security in

double the amount of the property's value conditioned to pay the value of any interest in the property found to be subject to forfeiture or the value of any interest of another not subject to forfeiture. Such a party taking possession shall not remove the property from the territorial jurisdiction of the court without written permission from the court.

2. The court may, upon such terms and conditions as prescribed by it, order that the property be sold by an innocent party who holds a lien on or security interest in the property at any time during the proceedings. Any proceeds from such sale over and above the amount necessary to satisfy the lien or security interest shall be paid into court pending final judgement in the forfeiture proceeding. No such sale shall be ordered, however, unless the obligation upon which the lien or security interest is based is in default.
  3. Pending final judgement in the forfeiture proceeding, the court may make any other disposition of the property which is in the interest of substantial justice.
- (g) After service of process all further proceedings shall be as provided in the Georgia Civil Practice Act; except that any party may bring one motion to dismiss at any time and such motion shall be heard and ruled on within 10 days. Any party may demand a jury trial.
- (h) The interest of an innocent party in the property shall not be subject to forfeiture. An innocent party is one who did not have actual or constructive knowledge that the property was subject to forfeiture.
- (i) Subject to the requirement of protecting the interest of all innocent parties, the court may after judgement of forfeiture make any of the following orders for disposition of the property.
1. Destruction of contraband, the possession of which is illegal;
  2. Retention for official use by any agency of this state or any political subdivision thereof. When such agency or political subdivision no longer has use for such property, it shall be disposed of by judicial sale;

3. Transfer to the Department of Archives of property useful for historical or instructional purposes;
  4. Retention of the property by any innocent party having an interest therein, upon payment or approval of a plan for payment into court of the value of any forfeited interest in the property; such a plan may include, in the case of an innocent party who holds a lien on or security interest in the property, the sale of the property by said innocent party under such terms and conditions as may be prescribed by the court and the payment into court of any proceeds from such sale over and above the amount necessary to satisfy the lien or security interest;
  5. Judicial sale of the property;
  6. Transfer of the property to any innocent party having an interest therein equal to or greater than the value of the property; or
  7. Any other disposition of the property which is in the interest of substantial justice and adequately protects innocent parties.
- (j) The net proceeds of any sale or disposition after satisfaction of the interest of any innocent party, less the greater of one-half thereof or the costs born by the county in bringing the forfeiture action, shall be paid into the general fund of the state treasury. The costs borne by the county of one-half of the net proceeds of sale or distribution, whichever is greater, shall be paid into the treasury of the county where the forfeiture action is brought.
6. Other civil remedies, 26-3406
- (a) Any superior court may, after making due provisions for the rights of innocent persons, enjoin violations of the provisions of Code Section 26-3403 by issuing appropriate orders and judgements including, but not limited to:
1. Ordering any defendant to divest himself of any interest in any enterprise, real property, or personal property;
  2. Imposing reasonable restrictions upon the future activities or investments of any defendant including, but not limited to, prohibiting any defendant from engaging in the same type of endeavor as the enterprise in which he was engaged in violation of the provisions of Code Section 26-3403;



3. Ordering the dissolution or reorganization of any enterprise;
  4. Ordering the suspension or revocation of any license, permit, or prior approval granted to any enterprise by any agency of the state; or
  5. Ordering the forfeiture of the charter of a corporation organized under the laws of the State of Georgia or the revocation of a certificate authorizing a foreign corporation to conduct business within the State of Georgia upon a finding that the board of directors or a managerial agent acting on behalf of the corporation, in conducting affairs of the corporation, has authorized or engaged in conduct in violation of Code Section 26-3403 and that, for the prevention of future criminal activity, the public interest requires that the charter of the corporation be forfeited and that the corporation be dissolved or the certificate be revoked.
- (b) Any aggrieved person or the State may institute a proceeding under subsection (a). In such proceedings, relief shall be granted in conformity with the principles that govern the granting of injunctive relief from threatened loss or damage in other civil cases, provided that no showing of special or irreparable damage to the person shall have to be made. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of significant loss or damage, a temporary restraining order and a preliminary injunction may be issued in any such action before a final determination on the merits.
- (c) Any person who is injured by reason of any violation of the provisions of Code Section 26-3403 shall have a cause of action for three times the actual damages sustained and, where appropriate, punitive damages. Such person shall also recover attorney's fees in the trial and appellate courts and costs of investigation and litigation, reasonably incurred.
1. The defendant or any injured person may demand a trial by jury in any civil action brought pursuant to this Code Section.
  2. Any injured person shall have a right or claim to forfeited property or to the proceeds derived therefrom superior or any right or claim the State or the county (other than for costs) has in the same property or proceeds. To enforce such a claim, the injured person must intervene in the forfeiture proceeding prior to its final disposition.

(d) A conviction in any criminal proceeding under this chapter shall estop the defendant in any subsequent civil action or proceeding as to all matters proved in the criminal proceeding.

7. 26-3407

Notwithstanding any other provision of law, a criminal or civil action or proceeding under this chapter may be commenced up until five years after the conduct in violation of a provision of this chapter terminates or the cause of action accrues. If a criminal prosecution or civil action is brought by the state to punish or prevent any violation of this chapter, then the running of this period of limitations, with respect to any cause of action arising under subsection 26-3406(b) or (c) which is based upon any matter complained of in such prosecution or action by the state, shall be suspended during the pendency of such prosecution or action by the state and for two years thereafter.

8. 26-3408

The application of one civil remedy under any provision of this chapter shall not preclude the application of any other remedy, civil or criminal, under this chapter or any other provision of the law. Civil remedies under this chapter are supplemental and not mutually exclusive.

9. Constitutionality

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

10. Effective Date: July 1, 1980.

APPENDIX B  
MODEL ARSON PENAL LAW

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ALLIANCE OF AMERICAN INSURERS  
AMERICAN INSURANCE ASSOCIATION  
NATIONAL ASSOCIATION OF INDEPENDENT INSURERS

MODEL ARSON PENAL LAW  
OFFENSES AGAINST PROPERTY  
ARTICLE 100  
ARSON, CRIMINAL MISCHIEF AND OTHER PROPERTY DESTRUCTION

---

§ 100.1 Arson and Related Offenses

- (1) Aggravated Arson. A person is guilty of aggravated arson, a felony of the first degree, if he starts a fire or causes an explosion, or if he aids, counsels or procures a fire or explosion, with the purpose of:
  - (a) destroying an inhabited building or occupied structure of another; or
  - (b) causing, either directly or indirectly, death or bodily injury to any other person.
- (2) Arson. A person is guilty of arson, a felony of the second degree, if he starts a fire or causes an explosion, or if he aids, counsels or procures the setting of a fire or causing of an explosion, with the purpose of:
  - (a) destroying or damaging a building or unoccupied structure of another; or
  - (b) destroying or damaging any real or any personal property having a value of \$ \_\_\_\_\_ or more, whether his own or another's, to collect insurance for such loss.
- (3) Reckless Burning or Exploding. A person commits a felony of the third degree if he purposely starts a fire or causes an explosion, or if he aids, counsels or procures a fire or explosion, whether on his own property or another's, and thereby recklessly:
  - (a) places another person in danger of death or bodily injury; or
  - (b) places a building or structure of another, whether occupied or not, in danger of damage or destruction; or
  - (c) places any personal property of another having a value of \$ \_\_\_\_\_ or more in danger of damage or destruction.

(4) Failure to Control or Report Dangerous Fire. A person who knows that a fire is endangering life or property of another and fails to take reasonable measures to put out or control the fire, when he can do so without substantial risk to himself, or to give a prompt fire alarm, commits a misdemeanor if:

- (a) he knows that he is under an official, contractual or other legal duty to control or combat the fire; or
- (b) the fire was started, albeit lawfully, by him or with his assent, or on property in his custody or control.

(5) Definitions. "Occupied Structure" means any structure, vehicle or place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present.

"Property of Another" means a building or other property, whether real or personal, in which a person other than the offender has an interest which the offender has no authority to defeat or impair, even though the offender may also have an interest in the building or property.

If a building or structure is divided into separately occupied units, any unit not occupied by the offender is an occupied structure of another.

#### § 100.2 Causing or Risking Catastrophe

- (1) Causing Catastrophe. A person who causes a catastrophe by explosion, fire, flood, avalanche, collapse of building, release of poison gas, radioactive material or other harmful or destructive force or substance, or by any other means of causing potentially widespread injury or damage, commits a felony of the second degree if he does so purposely or knowingly, or a felony of the third degree if he does so recklessly.
- (2) Risking Catastrophe. A person is guilty of a misdemeanor if he recklessly creates a risk of catastrophe in the employment of fire, explosives or other dangerous means listed in Subsection (1).
- (3) Failure to Prevent Catastrophe. A person who knowingly or recklessly fails to take reasonable measures to mitigate a catastrophe commits a misdemeanor if:
  - (a) he knows that he is under an official, contractual or other legal duty to take such measures; or

- (b) he did or assented to the act causing or threatening the catastrophe.

#### § 100.3 Criminal Mischief

- (1) Offense Defined. A person is guilty of criminal mischief if he:
  - (a) damages or alters any tangible real or personal property of another purposely, recklessly, or by negligence in the employment of fire, explosives, or other dangerous means listed in Section 100.2(1); or
  - (b) purposely or recklessly tampers with tangible property of another so as to endanger person(s) or property; or
  - (c) purposely or recklessly causes another to suffer pecuniary loss by deception or threat.
- (2) Grading. Criminal mischief is a felony of the third degree if the actor purposely causes pecuniary loss in excess of \$\_\_\_\_\_, or a substantial interruption or impairment of public communication, transportation, supply of water, gas or power, or other public service. It is a misdemeanor if the actor purposely causes pecuniary loss in excess of \$\_\_\_\_\_ or a petty misdemeanor if he purposely or recklessly causes pecuniary loss in excess of \$\_\_\_\_\_.

#### § 100.4 Possession of Explosive or Incendiary Materials or Devices

A person is guilty of a felony of the third degree when he shall possess, manufacture or transport any incendiary or explosive device or material with the intent to use or to provide such device or material to commit any offense described in 100.1 (1), (2) and (3).

#### § 100.5 Attempted Arson

A person is guilty of attempted arson, a felony of the third degree, if he places or distributes any flammable or combustible material, or any gas, radioactive material, or other harmful or destructive material or substance, in an arrangement or preparation with the intent to eventually start a fire or cause an explosion, or to procure the start of a fire or explosion, with the purpose of willfully and maliciously:

- (a) destroying or damaging any building or structure of another whether occupied or not; or

(b) destroying or damaging any personal property of another having a value of \$\_\_\_\_\_ or more; or

(c) placing any person in danger of life or bodily harm.

§ 100.6 False Reports

A person is guilty of a misdemeanor if he knowingly conveys or causes to be conveyed to any person false information concerning the placement of any incendiary or explosive device or any other destructive substance in any place where persons or property could be endangered.

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APPENDIX C

MODEL ARSON REPORTING IMMUNITY BILL

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ALLIANCE OF AMERICAN INSURERS - PROPERTY LOSS RESEARCH BUREAU

Model Legislation

ARSON REPORTING IMMUNITY BILL

---

To enact section \_\_\_\_\_ of the revised code, providing for certain authorized agencies to request and receive from insurance companies information relating to fire losses; providing for insurance companies to notify authorized agencies of suspicious fire losses, such notice to be indicative of a request for an official investigation; providing for immunity to those insurance companies that provide information under the provisions of this act; providing for the exchange of information between the insurance companies and the authorized agencies and the exchange of information between authorized agencies; providing for confidentiality of released information; providing for testimony in matters under litigation and, providing for penalties for violation of the provisions of this act.

Section 1. Definitions.

- (a) This act shall be known as the Arson Reporting-Immunity Statute.
- (b) "Authorized Agencies" shall mean:
  - (1) The State Fire Marshal when authorized or charged with the investigation of fires at the place where the fire actually took place;
  - (2) The Director of the State Department of Law Enforcement or similar State Director;
  - (3) The Prosecuting Attorney responsible for prosecutions in the county where the fire occurred;
  - (4) The District Attorney responsible for prosecution in the county where the fire occurred;
  - (5) The State's Attorney responsible for the prosecution in the county where the fire occurred;

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and, solely for the purposes of Section 2(a):

- (6) The Federal Bureau of Investigation or any other Federal agency;
- (7) The United States Attorney's Office when authorized or charged with investigation or prosecution of the fire in question.
- (c) "Relevant" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the issue more probable or less probable than it would be without the evidence. (See F.R. Evid Rule 401)
- (d) Material will be "deemed important," if within the sole discretion of the "authorized agency," such material is requested by that "authorized agency."
- (e) "Action," as used in this statute, shall include non-action or the failure to take action.
- (f) "Immune," as used in Section 2(e) of this act, shall mean that neither a civil action nor a criminal prosecution may arise from any action taken pursuant to Section 2, 3 or 4 of this act where actual malice on the part of the insurance company or authorized agency against the insured is not present.
- (g) As used in this Section, "insurance company" include the FAIR Plan.

#### Section 2. Disclosure of Information.

- (a) Any authorized agency may, in writing, require the insurance company at interest to release to the requesting agency any or all relevant information or evidence deemed important to the authorized agency which the company may have in its possession, relating to the fire loss in question. Relevant information may include, without limitation herein:
  - (1) Pertinent insurance policy information relevant to a fire loss under investigation and any application for such a policy;
  - (2) Policy premium payment records which are available;

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- (3) History of previous claims made by the insured;
- (4) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence relevant to the investigation.

- (b) (1) When an insurance company has reason to believe that a fire loss in which it has an interest may be of other than accidental cause, then, for the purpose of notification and for having such fire loss investigated, the company shall, in writing, notify an authorized agency and provide it with any or all material developed from the company's inquiry into the fire loss.
  - (2) When an insurance company provides any one of the authorized agencies with notice of a fire loss, it shall be sufficient notice for the purpose of this act.
  - (3) Nothing in Section 2(b) of this act shall abrogate or impair the rights or powers created under Section 2(a) of this act.
- (c) The authorized agency provided with information pursuant to Section 2(a) or 2(b) of this act and in furtherance of its own purposes, may release or provide such information to any of the other authorized agencies.
- (d) Any insurance company providing information to an authorized agency or agencies pursuant to Section 2(a) or 2(b) of this act shall have the right to request relevant information and receive, within a reasonable time, not to exceed 30 days, the information requested.
- (e) Any insurance company, or person acting in its behalf; or authorized agency who releases information, whether oral or written, pursuant to Section 2(a) or 2(b) of this act shall be immune from any liability arising out of a civil action, or, penalty resulting from a criminal prosecution.

#### Section 3. Evidence.

- (a) Any authorized agency and insurance company described in Section 1 or 2 of this act who receives any information furnished pursuant to this act, shall hold the information in confidence until such time as its release is required pursuant to a criminal or civil proceeding.

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- (b) Any authorized agency referred to in Section 1, of this act, or their personnel, may be required to testify in any litigation in which the insurance company at interest is named as a party.

(NOTE: Sections 4(a), (b) and (c) are optional and not required.)

Section 4. Enforcement.

- (a) No person or agency shall intentionally or knowingly refuse to release any information requested pursuant to Section 2(a) or 2(c) of this act.
- (b) No person shall intentionally or knowingly refuse to provide authorized agencies relevant information pursuant to Section 2(b) of this act.
- (c) No person shall fail to hold in confidence information required to be held in confidence by Section 3 of this act.
- (d) Whoever violates Section 4(a), 4(b), or 4(c) of this act is guilty of a \_\_\_\_\_ misdemeanor, and upon conviction, shall be punished by a fine not to exceed \$\_\_\_\_\_.

Section 5. Home Rule and Common Law.

- (a) The provisions of this act shall not be construed to affect or repeal any ordinance of any municipality relating to fire prevention or the control of arson, but the jurisdiction of the State Fire Marshal and the Director of the State Department of Law Enforcement (or other similar State Police Director) in such municipality is to be concurrent with that of the municipal and county authorities.
- (b) With the exception of Section 1(f), all other provisions of this act shall not be construed to impair any existing statutory or common law rights or powers.

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APPENDIX D  
GEORGIA 1979 STATEWIDE  
UCR ARSON REPORT

TITLE: VOLUME AND CHARACTERISTICS OF ARSON OFFENSES, 1979

SOURCE: GEORGIA CRIME INFORMATION CENTER

1		2	3	4	5	6	7	8
PROPERTY CLASSIFICATION		Offenses Reported or Known to Police (Include Unfounded and Attempts)	Unfounded, i.e. False or Baseless Complaints	Number of Actual Offenses (Column 2 Minus Column 3 Include Attempts)	Total Offenses Cleared by Arrest or Exceptional Means (Include Column 6)	Number of Clearances Involving Only Persons Under 18 Years of Age	Offenses Where Structures Uninhabited Abandoned, or not Normally in Use	Estimated Value of Property Damage
S T R U C T U R A L	A. Single Occupancy Residential: Houses, Townhouses, Duplexes, etc.	842	311	479	124	26	103	\$ 9,964,960
	B. Other Residential: Apartments, Tenements, Flats, Hotels, Motels, Inns, Dormitories, Boarding Houses, etc.	225	113	127	22	4	30	\$ 910,131
	C. Storage: Barns, Garages, Warehouses, etc.	80	27	49	6	4	10	\$ 1,854,885
	D. Industrial/Manufacturing	29	11	17	0	0	3	\$ 2,103,710
	E. Other Commercial: Stores, Restaurants, Offices, etc.	193	53	132	10	0	13	\$ 6,745,830
	F. Community/Public: Churches, Jails, Schools, Colleges, Hospitals, etc.	88	12	73	15	8	3	\$ 3,102,594
	G. All Other Structure: Out Buildings, Monuments, Buildings Under Construction, etc.	45	7	29	2	2	5	\$ 212,178
	TOTAL STRUCTURE	1502	534	906	179	44	167	\$ 24,894,288
M O B I L E	H. Motor Vehicles: Automobiles, Trucks, Buses, Motorcycles, etc.: UCR Definition	255	35	202	28	7	9	\$ 1,244,696
	I. Other Mobile Property: Trailers, Recreational Vehicles, Airplanes, Boats, etc.	72	16	47	10	4		\$ 567,893
	TOTAL MOBILE	327	51	249	38	11	9	\$ 1,812,589
J. TOTAL OTHER Crosses, Timber, Fences, Signs, etc.	46	5	38	14	3	2	\$ 115,356	
GRAND TOTAL		1875	590	1193	231	58	178	\$ 26,822,233

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APPENDIX E

SURVEY FORM

---

GEORGIA ARSON TASK FORCE  
FIRE ARSON SURVEY  
FOR  
JANUARY 1, 1979 TO DECEMBER 31, 1979

---

MUNICIPALITY \_\_\_\_\_

COUNTY \_\_\_\_\_

APPROXIMATE POPULATION COVERED BY YOUR AGENCY \_\_\_\_\_

GENERAL INSTRUCTIONS: Only include information about fires that your department had primary jurisdiction over. Do not list a fire if you were called to it to assist another department unless you alone fought that fire. Do not list drills, false alarms, parades, etc., only responses to actual fires.

FIRE DEPARTMENTS: If you have several departments in your municipality, only give information from yours and request that each other department respond.

FIRE CAUSES: All fires must be included in blocks 1 through 4.

Accidental \_\_\_\_\_ (1)

Arson \_\_\_\_\_ (2)

Suspicious \_\_\_\_\_ (3)

Undetermined \_\_\_\_\_ (4)

Total Fires \_\_\_\_\_ (5)

FIRE LOCATIONS: Do not list false alarms as location is unknown.

Residence \_\_\_\_\_ (6) (homes, apartments, barns, house trailers)

Mercantile \_\_\_\_\_ (7) (stores, gas stations, shopping centers, shops)

Woods/Fields \_\_\_\_\_ (8) (fires not inside a structure or vehicle)

Motor Vehicles \_\_\_\_\_ (9) (cars, trucks, trains, airplanes, etc.)

Industrial \_\_\_\_\_(10) (factories, warehouses, refineries, etc.)  
Other \_\_\_\_\_(11) (schools, church, government building, etc.)  
Total \_\_\_\_\_(12) (This figure should be the same as Block 5)

ARSONS SOLVED:

Juvenile (under 18) arrested for arson. \_\_\_\_\_(13)  
Adult (18 and over) arrested for arson. \_\_\_\_\_(14)  
Person was identified but no arrest will be made. \_\_\_\_\_(15)  
TOTAL ARSON CASES SOLVED (whether arrest is made or not) \_\_\_\_\_(16)

KILLED AND INJURED:

Number of civilians injured in fires in your jurisdiction. \_\_\_\_\_(17)  
Number of civilians killed in fires in your jurisdiction. \_\_\_\_\_(18)  
Number of officials (police, fire, etc.) injured in your jurisdiction. \_\_\_\_\_(19)  
Number of officials (police, fire, etc.) killed in your jurisdiction. \_\_\_\_\_(20)

VALUE OF PROPERTY LOSS:

Value of property loss in your jurisdiction if you keep records. \$ \_\_\_\_\_(21)  
Value of property loss in your jurisdiction if you do not keep records (by fair estimate). \$ \_\_\_\_\_(22)

INVESTIGATIONS:

Number of fires in which an official of your municipality did an in-depth investigation. \_\_\_\_\_(23)  
Number of fires in which an official (County Fire Marshal, State Police, etc.) outside your municipality did an investigation. \_\_\_\_\_(24)

NAME OF DEPARTMENT REPORTING \_\_\_\_\_  
TITLE OF PERSON REPORTING \_\_\_\_\_  
NAME OF PERSON REPORTING \_\_\_\_\_

SPECIAL FIRES:

Number of Nightclub fires. \_\_\_\_\_(25)  
Number of Adult Book Store fires. \_\_\_\_\_(26)  
Number of Tavern fires. \_\_\_\_\_(27)  
Number of Diner fires. \_\_\_\_\_(28)

PLEASE LIST THE NAME, DATE AND LOCATION OF ANY FIRES AT THE ABOVE LOCATIONS THAT OCCURRED IN YOUR MUNICIPALITY IN 1979, ON THE REVERSE SIDE OF THIS SHEET.

PLEASE RETURN SURVEY BY MARCH 21, 1980. THE SURVEY OF EACH MUNICIPALITY WILL BE CONSOLIDATED SHOWING COUNTY AND STATE TRENDS.

RETURN SURVEY TO: Georgia Arson Task Force  
State Crime Commission  
3400 Peachtree Road, N. E.  
Suite 625  
Atlanta, Georgia 30326

APPENDIX F

SUBCOMMITTEE REPORTS

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FINAL REPORT  
ECONOMICS SUBCOMMITTEE

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The Economic Subcommittee consisted of the following members:

- John D. Folds, Jr. - President of Georgia Arson Control Program, Inc.
- Don D'Errico - Georgia Association of County Commissioners
- George H. Hope - Executive Director, Georgia Fire Fighters and Training Council
- Randall Johnson - Sheriff of Fayette County
- Larry Love - Coordinator of Internal Governmental Assistance, Columbus, Georgia

Our assignment was to determine the impact arson has in the state of Georgia. The Chairman decided the best approach for the limited allotted time would be to delegate specific responsibilities to each member of the committee:

Chairman Folds:

- A. Obtain from the insurance industry the number of arson losses and dollar cost for 1979.
- B. Visit the State Fire Marshal's Office and obtain the number of arson losses reported in the State for 1979 and the dollar cost. Also, determine if the insurance industry is complying with House Bill No. 257 (Immunity Statute) approved April 5, 1977.

Mr. D'Errico:

- A. Obtain from the City-County Commissioners, Tax Assessor, and any other organizations he might think of, the loss of tax dollars because of property being taken off the rolls due to arson.
- B. Obtain if possible, the dollar cost to cities and counties of having burned out structure removed from premises.

Mr. Hope:

- A. Obtain the number of injuries and lives lost by the citizens of the State of Georgia, firemen, policemen, and others as a result of arson.
- B. Obtain the cost of fighting arson fires as well as the expense of apprehending and prosecuting arsonists in the State.

Sheriff Johnson:

- A. Obtain information from the Chamber of Commerce, Red Cross, Family Services, and other similar organizations as to the dollar cost to them resulting from arson.

Mr. Love:

- A. Contact Federal Savings and Loan Associations, banks, Federal Housing Administration (FHA), Federal National Mortgage Association, Mobilehome Association, and other lending institutions in the State of Georgia to determine their cost as a result of arson.

An organizational meeting was held. The second meeting was held on March 25, 1980. At that time each committee presented their role statement.

On May 6, the Economic Committee met at State Farm's Office to discuss the progress being made on the individual assignments. All were very disappointed with their lack of results.

Chairman Folds:

Mr. Folds reported he was unable to get credible data from the insurance industry.

The Alliance of American Insurers advised their member companies did not have this data by state.

The American Insurance Association advised their member companies did not have the needed data. It was explained that the Property Insurance Loss Register (PILR) went into operation in January of 1980 and this program would furnish credible data in the future.

Several of the larger writers were contacted directly by Mr. Folds. One company advised their records showed no suspicious losses for 1979. They were confident this information was incorrect and were going to re-evaluate their reporting procedure on suspicious fire losses.

Another company reported four (4) arson losses in 1979 involving \$424,000 and as of April, 1980, they had received eight (80) arson losses involving \$606,000.

The largest writer was contacted and they advised that records were being kept on suspicious arson cases. They used what they call the Red Flag approach to determine suspicious losses. A Red Flag is assigned when:

1. Loss occurs between 12:00 midnight and 6:00 a.m.
2. House is up for sale.
3. Domestic problems exist.
4. Over insurance is involved.
5. Recent increase in amount of coverage exists.
6. Recent unemployment of husband or wife.
7. Fire investigator classifies the origin as unknown.
8. Recent condemnation proceedings filed against the insured.
9. There are recent suits or judgments against the insured.
10. Bankruptcy recently filed.
11. There are prior losses of unknown origin.

Although the decision to label a case as being suspicious was up to claim management, generally when there are four Red Flags, the case is labeled suspicious. In 1979, they had 135 losses involving \$4,772,442.00. They went on to explain that each suspicious case was investigated very thoroughly in an effort to determine if arson was involved and if so, by whom.

The State Fire Marshal's Office reports that they do not get a report on every arson fire in Georgia. Records are maintained on those which they are called upon to investigate. The State Fire Marshal's Office will act on the request of any Federal, State or local government agency or insurance company if the local agency will not request the services of the Fire Marshal's Office.

The Georgia State Fireman's Association, Inc. had some helpful information. Their statistician's report of 1978 and 1979 contained the following information:

Number of Arson	1468
Charges Made	255

They advised this data was incomplete in that only 128 departments out of approximately 800 responded with this information.

Mr. D'Errico reported that he had contacted many of the city and county commissioners as well as tax assessors of the larger counties. He learned they did not keep records of arson losses. Therefore, when property is removed from the tax roll, they do not know why. Neither did they have any records of the number of cases or the cost when the city or county had to remove burned out structures from the premises.

Mr. Hope reported that he was having a similar problem in getting information on the number of injuries and deaths to firemen, policemen, and general public caused by arson in the State of Georgia.

He had obtained information from Mr. Weisman of the U. S. Fire Administration, however, that report was on a nationwide basis and did not separate the arson fires from all other fires. We felt the information lacked credibility for our purpose.

The cost of apprehending and prosecuting arsonists is not known as the data is unavailable.

Sheriff Johnson reported that he had been unable to get information from the Chamber of Commerce on the number of arson losses in Georgia. The Red Cross and Family Services records do not show the cause of the fire when they are called upon to render assistance; just shows that due to fire they assisted in finding shelter, food, and clothing.

Mr. Love had a similar report. The Federal Savings and Loan Association said they did not keep records on mortgagees who had fires. It was explained they had no reason to do so since their interest was protected by insurance and even though one of their clients burns his property, the insurance company has to pay the mortgagor. They also have the right to credit the monies paid by the insurance company to the account rather than permitting their client to repair his property.

The banks and other lending institutions gave similar information.

Some information was obtained from the mobilehome industry. The largest writer of mobilehome insurance pays a reward for information leading to the arrest and conviction of the person who intentionally burned the mobilehome.

We also addressed through legal research the issues relating to:

A. Broad Evidence Rule:

Georgia has adopted, by case decision, a workable definition of Actual Cash Value. It is not, as many think, "replacement cost less depreciation", but is "market value".

The "market value" rule has stated in American Casualty Co. of Reading, Pa. v. Parks-Chambers, Inc., 111 Ga. App. 568 (1965). The Court recited the rule that the measure of an insurers liability must be determined according to the terms of the contract, and stated:

It follows therefore that the basic measure of loss under this policy is not original cost or replacement value as contended - but is actual cash value which has been defined as fair market value of the property at the time of the loss.

Also, see National F. Ins. v. Banister, 104 Ga. App. 13, 15 (1961).

You can see that Georgia does not have the problem in this area as some states have as we are not faced with ghetto arson and the law is quite different.

B. Public Adjusters:

Georgia does not have but three or four public adjusters. The most active one performs a very fine service and is an ethical practitioner and confines his work more or less to commercial losses. Therefore, we do not see a need to set up a procedure to further regulate them.

C. Legislation to Encourage Re-investment of Loss Settlements into Properties Damaged by Fire:

Georgia does not have a problem in ghetto arson as do some states in the Northeast. Therefore, we see no need to make recommendations in this area.

D. Reimbursement to Municipalities for Cost Incurred when it is Necessary to Demolish Fire Damage:

Here again, Georgia does not have this problem. Therefore, no action in this area is needed.

It is the consensus of the Economic Committee that we do not have an arson problem in Georgia. We also agree that we cannot determine where we are going until we can first find out where we are in the State of Georgia with our arson problem.

Our recommendations are as follows:

1. Insurance industry be required to comply with Georgia Law as set forth in House Bill No. 257 approved April 5, 1977. The department receiving this information will also be required to have a qualified arson investigator conduct an investigation and furnish copies of the investigative report to the insurance company.
2. A centralized body or department be assigned the responsibility of gathering arson data and distributing it to authorized agencies. All fire departments must be required to furnish arson information to this designated department.
3. A school be established to train arson investigators. In short range, this could be three to four weeks. Long range should be two years through a college or junior college course toward an AA degree.
4. Change the mortgage clause on insurance policies written in Georgia to an "ordinary or open" mortgage clause.  
  
The lending institutions would then stand in the mortgagors shoes and would usually be considered subject to the same defenses. See Southern States Fire and Casualty Co. v. Napier, 22 Ga. App. 361 (1918).
5. Reconsider the Valued Policy Law in Georgia. This law has a tendency to encourage arson, especially when the property is over insured.
6. Establish a public awareness program to educate the citizens of Georgia on the arson problem. These people sit on juries, therefore, they need to know more about the problem.
7. Make the Georgia Arson Task Force a permanent body to monitor the problem of arson in Georgia and recommend solutions.
8. In those districts that have assistant district attorneys, one be assigned to help develop arson cases and actual trial of those cases (arson specialization).

Information Provided By  
United States Fire Administration  
Federal Emergency Management Administration

I. THE 1978 UNITED STATES FIRE EXPERIENCE

- A. Number of Fires - 173,934
- B. Civilian Deaths - 1,046
- C. Property Loss - \$1.34 Billion
- D. Estimates:
  1. 750-1,000 deaths annually. 25% of all fires (172,000 per year) are due to arson.
  2. A survey based on census and geographical regions of the United States, West, North Central, Northeast, South, found that:
    - (a) The South leads the other regions in fires per 1,000 people and in civilian fire deaths per million people population.

II. FIREFIGHTER DEATHS IN THE UNITED STATES DURING 1978

- A. 162 firefighters died in the line of duty during 1978. (Information from the Public Safety Officers' Benefit Program of the LEAA).
- B. No identification can be made at this time of firefighters as a result of arson/suspicious fires.

III. FIREFIGHTER INJURIES IN THE UNITED STATES DURING 1978

- A. 100,625-113,169 estimated total injuries.
- B. 66.1% occurred during actual firefighting.
- C. Average injury according to the size of the fire department
  1. There were 97.00 injuries in departments serving 1,000,000 people or more.
  2. There were .6 injuries in departments serving 2,500 or less.

IV. GEORGIA STATE FIREMEN'S ASSOCIATION INCORPORATION

- A. 1979 Statistician Report - 6/1/78-6/1/79
- B. The State of Georgia Indemnification Commission furnished the following:
  - 1. Payments of benefits to law enforcement and firefighters retroactive to 1973.

Killed in the line of duty:

- (a) Total number of payments----- 50
- (b) Total number of claims pending----- 20
- (c) Total number of claims disallowed or being re-investigated----- 9
- (d) Total number of claims----- 79

V. ACTUAL FIREFIGHTING COST PER FIRE (ARSON/SUSPICIOUS OR OTHER)

- A. To determine the actual cost of the firefighting by a fire department of an arson/suspicious fire would be very difficult.
- B. Consideration would have to be given to the numbers and amount and types of vehicles responding, manning requirements, and the number of hours on the fire scene would have to be taken into consideration.
- C. A formula considering the above factors would have to appear this way:

EQUIPMENT (Number and type) + MANPOWER (Number and salary) + OTHER SUPPORTIVE EQUIPMENT = COST OF RESPONDING AND CONTROLLING AN ARSON/SUSPICIOUS FIRE.

- D. The national estimates for a fire department to respond and extinguish a fire is \$300.00 per alarm.

<u>Number of Alarms</u>	<u>Arson/Suspicious</u>	<u>Cost</u>
100-300	10-30	\$3,000/\$9,000
300-500	30-50	\$9,000/\$15,000
500-1,000	50-100	\$15,000/\$30,000

VI. CONCLUSIONS:

- A. The above information is submitted as statistical information and to point out the difficulty in gathering any factual information on the state level.

- B. The lack of and a need for system(s) to allow identification of problem(s) and a consequent solution(s).

PERSONS CONTACTED:

Mr. John Hamlin  
Deputy Attorney General  
13 Rozell Road  
Princeton, N.J. 08540 - This State has an Arson Task Force

Mr. Earl Shannon  
Fire Marshal  
12 Humbert St.  
Providence, R.I. 02911 - This State has an Arson Task orce

Mr. Herman M. Weisman  
Office of Planning and Education  
United State Fire Administration  
Federal Emergency Management Agency  
Washington, D.C. 20472

Mr. William S. Porter  
State Fire Administrator  
Commission of Fire Prevention and Control  
294 Colony Street  
Menden, CT 06450 - This State has an Arson Task Force

FINAL REPORT  
BEHAVIOR SUBCOMMITTEE

The Behavior Subcommittee established as its goal to be reached during this project the following: to develop a compendium of information on the behavior characteristics of firesetters so as to assist the Task Force and the State of Georgia in the reduction of the incidence of arson through education (training), prevention (counseling, etc.), detection and conviction of arsonists. The Subcommittee also determined that any such examination of the behavior characteristics of firesetters ought to be constructed from four perspectives. They are:

- A. Arson for Profit
  - 1. Small Businesses
  - 2. Arson for Profit Rings
  - 3. Home Burnings
- B. Arson to Cover Up Other Crime(s)
- C. Arson for Revenge/Intimidation
- D. Irrational Arson

It was also noted that, if time permitted, consideration would be given to the need for a special training program for juvenile counselors and to the relationship between mental health centers, schools and the juvenile fire setters.

In order to accomplish the above goals and objectives, the Subcommittee determined that a detailed literature review should be conducted. The Institute of Georgia's Criminal Justice Division undertook the task of reviewing and analyzing the relevant literature on the subject of arsonist behavior. After approximately one month of intensive examination of the literature available through the University of Georgia's library, including books on hand, psychological abstracts and a computer search of literature available nationally (through the ERIC information system), it was determined that no relevant and usable literature existed that could be of use to the Task Force or to the State of Georgia regarding the behavior of arsonists. It was determined, however, that a good deal of information concerning the actions of certain types of arsonists does exist and is presented in usable formats. (See attached list of references taken from a report titled, The Psychology of Firesetting: A Review and Appraisal, R. G. Vreeland and M. B. Waller, December, 1978.)

The information contained in the literature reviewed can be of help here only in the sense that certain "pointers" are needed to assist the basic research needed in establishing profiles of arsonists, both adult and juvenile, male and female, rational and irrational and other sets of variables. It is not known at this time whether or not the behavior characteristics of firesetters can be determined from the four perspectives listed on page 1 of this report. That capability will not be known until a sample of available records from several state agencies is drawn and examined for information relevant to the needs of the Task Force. This will be discussed in more detail in the Recommendations section of this report.

At this point it should be noted that the Behavior Subcommittee was not able to consider the need for a special training program for juvenile counselors or to examine the relationship between mental health centers, schools and the juvenile firesetters. Time did not permit. The Chairman of this Subcommittee has asked the Institute of Government to look into these two possibilities.

It is recognized that the goal of the Behavior Subcommittee cannot be reached in such a short amount of time. However, an important step towards realizing this goal was made when the Subcommittee determined that no information existed in the State of Georgia in usable form to assist in the development of a compendium of information on the behavior characteristics of firesetters. In order to develop this information and the various profiles on arsonists, it will be necessary to review the records of convicted arsonists, both adult and juvenile, over a period of time sufficient to provide an acceptable number of cases so that generalization can be made about arsonist behavior.

This work, as described in the attached proposal to develop a profile of arsonist, cannot be completed by the Subcommittee. That is why the Institute of Government was asked to submit this proposal so as to continue and complete the tasks set out by the Subcommittee. The Subcommittee recommends that the Georgia Arson Task Force accept the Institute's proposal and recommends its funding to the State Crime Commission. The information obtained through such a study can assist the investigation efforts of all law enforcement agencies in the state. Also, such information will provide the basis for further development of training programs for arson investigators, juvenile counselors, school officials and others charged with the responsibility of guiding our youth and protecting society from the many dangers of arson.



## Profile of Arsonist

It is proposed that the University of Georgia's Institute of Government develop a profile of behavioral anatomical and sociological aspects of arsonists. This profile would be developed by first constructing a list of information to be obtained. This list would be verified by a selected group of people, both practitioners in the fields of law enforcement, corrections, psychology and physiology and academicians whose work involves one or more aspects of profiling or typology.

Once verification is achieved, research methodology for collection and analyzing the data will be developed. Information will be sought from the existing records of the Department of Offender Rehabilitation to cover a period of years (est. 50 years). Information will also be sought from the Division of Youth Services (DHR) to acquire similar data on youth who start fires.

Once the adult and juvenile profiles have been established a comparison will be made utilizing the same group of people identified above for purposes of advising the effort and recommending products. The comparisons between adult and juvenile offenders will be made in an effort to determine what similarities exist between child arsonists and adult arsonists. If it is established that a positive correlation exists then programs will be recommended whereby children who set fires will receive special treatment in an effort to change future, destructive behavior.

The data analyzed should provide law enforcement and fire science personnel with information not now available so as to assist in the investigation, detection and apprehension of arsonists. Also, such data as collected under this project could be used in the prevention of arson by the establishment of new early detection programs, public information projects and educational programs in our public schools.

It is estimated that this project would take approximately 18 months to complete at a cost of \$30,000. No charges for direct services, other than for the employment of research assistants and secretarial services would be made against these funds.

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FINAL REPORT  
INVESTIGATION/PROSECUTION  
SUBCOMMITTEE

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On February 28, 1980 the Georgia Arson Task Force first met in Atlanta, Georgia. At that time the Investigation/Prosecution Subcommittee was selected consisting of:

Gabriel Dukas, Chairman  
Charles Crawford  
W. David Hilton  
Harold Thomas  
Richard Waits

The Committee determined these five (5) types of arson.

1. Arson for Profit
2. Revenge
3. Joy and Thrill
4. Domestic
5. Juvenile Firesetters

The Committee further divided the arson problem by specific entity involved:

A. Fire Departments:

1. Determine causes.
2. Proper training required, particularly for local personnel.
3. Must determine who is responsible for investigation.
4. Cooperation required of fire-police-prosecutor and insurance representatives.
5. Lack of adequate reporting system results in lack of information from other units. Central Reporting System (CRS) lacking.

B. Police Departments:

1. Determine causes.
2. Proper training required, particularly for local personnel. Police must be trained to preserve fire scene until investigation is completed.
3. Cooperation required of fire-police-prosecutors and insurance representatives.
4. Specific arson must be centrally reported.
5. Reports should be concise.

C. Prosecutors:

1. Reports inadequate
2. Prosecutors contacted just before grand jury. Must become involved immediately.
3. Lack of training in this area

D. Insurance Companies:

1. Lack of proper training for investigators
2. Loose contact with agents to building owners
3. Over insuring and multiple policies
4. Lack of cooperation with police-fire, etc.

E. State Agencies:

1. Inability of arson investigators to follow through each instance of arson
2. Understaffed
3. Lack of coordination among GBI-Federal-Local until after the fact

F. Federal Agencies:

1. Coordination between Federal Agencies and local authorities non existent
2. Local authorities fail to see how Federal Agencies can get involved
3. Funding provisions not made known to local authorities

On March 25, 1980, the Arson Task Force met in Atlanta, Georgia. The Subcommittee prepared a role statement as follows:

Role Statement

Mission:

To reduce the losses of life and property due to arson and to increase the investigative and prosecution capabilities in arson investigations.

Role of Subcommittee:

- A. Examine the present investigative programs being utilized by State, county and local jurisdictions and recommend any changes necessary in these programs for improvement.
- B. Examine the present arson investigative training programs and recommend any changes necessary to upgrade content and delivery of training services at all levels.

C. Define roles of various Federal, State, county, local and private sector investigative units to determine the extent of available cooperation and coordination relating to arson investigations.

D. Determine if adequate guidelines are available to ensure early case review by prosecutors that would generate proper and timely feed-back as to the disposition of each case.

E. Set specific goals and objectives.

F. To further assist in the above, we request to meet with key regional personnel including sheriff, police chief, prosecutors, arson investigators, Fire Marshal and training personnel.

Throughout the existence of the Subcommittee, its members constantly made inquires of many individuals to assist us in the development of a positive approach to the arson problem. The result was we received comments from sheriffs, directors of fire and police academies, insurance investigators, Fire Marshal's Office as well as police departments.

The Subcommittee then developed a three part program designed to train fire and police personnel in arson investigation.

Part One of this program is the Awareness Program designed to reach city, county and state managers; fire chiefs; police chiefs; sheriffs, prosecutors, insurance executives and the Fire Marshal's Office. We plan to develop a brief slide presentation to run for 30 to 60 minutes and to be presented to the above officials at their statewide conferences. We intend to show these officials the importance of the training program.

Part Two will be designed to present a One Day Seminar in Marietta, Columbus, Macon, Athens, and Savannah to chiefs of police, fire chiefs and prosecutors. This seminar will be a condensed version of the final training product. We believe these five seminars will be most instrumental in the success of the program.

Part Three of the project will be an intensive five-day training program for police, fire and prosecutor personnel in the five previously listed sites.

Although the life of the Task Force is scheduled to end on or about the 20th of May, we recommend it be continued to follow up on the Training Project.

FINAL REPORT  
MANAGEMENT SUBCOMMITTEE

The members of the Management Subcommittee were faced with the task of responding to a wide range of problems. The problems were grouped as General Data, Intelligence Data, Management, Public Awareness, and Investigation and Prosecution. The specific problems and solutions developed follow:

A. General Data

Problems:

A number of problems occur in the general data area with several contributing facts:

1. The actual number of fires occurring because of arson cannot be accurately determined because of incorrect determinations of origin of fires by untrained personnel.
2. The total number of fires cannot be determined because of incomplete reporting.
3. The total loss of insured property cannot be determined because of the failure of some insurance companies to report fire losses as required by law.
4. The evaluation and dissemination of data except data involving GCIC is virtually non-existent because of inadequate personnel and equipment funding at the State and local levels.
5. Necessary and useful data is not available due to lack of required reporting forms with specific data element requirements for the public and private sectors.

Solutions:

1. Reporting forms with specific data element requirements need to be developed for local firefighter units and the insurance industry.
2. A mandatory system for reporting all fires to the State Fire Marshal by local firefighter units needs to be implemented.

3. Compliance with the reporting requirements for insurance companies needs to be enforced as provided by law.
4. A manual needs to be developed to provide a standard system for filling out the reporting forms.
5. Sufficient personnel and computer equipment needs to be provided in the State Fire Marshal's office for recording, evaluating, disseminating and retrieving fire data.
6. Every fire department, including volunteer fire departments, should have personnel adequately trained to determine the origin of fires. Additional experienced investigators should be added to the staff of the State Fire Marshal to insure every locale has adequate assistance in investigating fires of suspicious origins. Finally, the origin of every fire should be determined by adequately trained personnel.

B. Intelligence Data

Problems:

1. There is a complete void in the area of an organized arson intelligence network creating communication problems between the fire services, State Fire Marshal's Office investigative personnel, law enforcement investigative and intelligence units and fire-police investigative personnel.
2. In addition, there is a lack of a free flow of information with the private sector with various sources of information virtually untapped by the investigative agencies because of lack of information on the sources available, lack of interchange of information except on friendship basis, inability to tap into data banks of the private sector, and lack of a system of security for arson intelligence data.

Solutions:

1. An intelligence network for arson similar to the Organized Crime Prevention Council should be implemented. Local arson investigators (both fire and law enforcement personnel) would meet periodically in district councils to share intelligence information. Representatives from each district would meet at the State level, providing a statewide system. Coordination at the State level would be provided through the State Fire Marshal's office.

2. Coordination with the Organized Crime Prevention Council should be implemented by having a key arson investigator from the State Fire Marshal's office, who serves on the Arson Intelligence Council, serve on the Organized Crime Prevention Council. In addition, local law enforcement agencies that have representatives on the Organized Crime Prevention Council or are on the GCIC network, may be contacted directly at the local level.

3. In addition, steps should be taken to obtain and share information with the private insurance industry, particularly their information systems.

#### C. Management

##### Problems:

1. The present fire reporting system, except the criminal data reported by law enforcement agencies to the Georgia Crime Information Center, is totally inadequate. (Mandatory reporting of all fires by the local fire departments (including volunteer) should be required. Fire loss report requirements for insurance companies should be enforced as mandated by law. Criminal arson data should continue to be reported through GSIN to GCIC.)
2. The need exists for adequate modern means to cope with data collection, recordation, storage, evaluation, retrieval and dissemination.
3. A management assessment needs to be performed at every level of reporting, investigation, training and prosecution in order to apply modern management techniques wherever practicable.

##### Solutions:

1. Standard forms requiring the minimum time from reporting personnel should be developed for utilization at every level of fire and arson-related reporting.
2. The utilization of a computer system for all fire information should be adopted in order to have adequate access to information by immediate retrieval capability.
3. Modern management techniques should be adopted at every level of reporting, investigation, prosecution and training wherever practicable.

#### D. Public Awareness

##### Problems:

1. The general public is generally uninformed as to the massive extent of the arson problem, the cost to the average homeowner and the necessity for the public's involvement to curb the problem.

##### Solutions:

1. The Arson Task Force should develop multiple public awareness programs, including public education and community service programs for use in public schools and community gatherings, spot television and radio programs, and a poster program.

#### E. Coordination

##### Problems:

1. While recognizing the necessity for cooperation among various agencies in adequately combating the arson problem, the existing agencies are sufficient to meet the mounting arson problem, provided the current needs for adequately trained personnel, arson courses, an intelligence network, and equipment are met.

##### Solutions:

1. In the data area, the State Fire Marshal's office for general data and GCIC for criminal data, should provide the necessary coordination in arson investigation.
2. In the training area, POST Council, Georgia Fire Academy, Prosecuting Attorneys' Council, in coordination with the various police academies, should provide the necessary coordination for training requirements.
3. In the investigative area, arson detection becomes a criminal investigation, utilizing the resources of local law enforcement, the GBI, and local and State Fire Investigators. Similarly, arson ring investigations require the same massive law enforcement joint efforts as major drug rings and fraud cases.
4. In the prosecution area, the District Attorneys' and Prosecuting Attorneys' Council, in cooperation with the U.S. Attorneys, should provide coordinating assistance to the investigation and prosecution of arson cases.

5. In the arson intelligence network, the State Fire Marshal's investigative staff should provide coordination in cooperation with the Organized Crime Prevention Council.

6. Finally, the Governor's Task Force on Arson should continue in order to provide impetus to an organized concentration for combatting arson.

F. Investigation and Prosecution

Problems:

1. The lack of sufficient trained law enforcement and fire investigative personnel in the State Fire Marshal's Office, local fire departments and law enforcement agencies to meet the massive man-hour commitment required for the investigation of arson-related offenses is readily apparent.

2. Similarly, the lack of sufficient prosecutor man-hours for both investigation and prosecution of major arson cases because of inadequate personnel for existing case loads is readily apparent.

3. The need exists for a comprehensive Arson Investigator's Course with advanced certification, an Origin of Fires Determination Course for personnel from every fire department and a comprehensive Arson Prosecution Course covering all aspects of prosecutions arising from arson fires including fraud and RICO violations. The need exists for an updated comprehensive Arson Investigation and Prosecution Manual. The existing courses fail to provide the in-depth concentrated training necessary for developing expert arson investigators and prosecutors.

Solutions:

1. A comprehensive Arson Investigator's course should be developed for both Fire and Law Enforcement personnel through the coordinated efforts of the Peace Officers Standards and Training Council and the Georgia Fire Academy, with the assistance of the Prosecuting Attorneys' Council and Georgia Police Academy. Advanced certification should be provided.

2. An origin of fires determination course should be developed through the Georgia Fire Academy. Every fire department (including voluntary) should have personnel certified in fire origin determination within a reasonable time.

3. A comprehensive Arson Prosecution course should be developed by the Prosecuting Attorneys' Council, covering all aspects of prosecutions arising from arson fires including fraud and RICO violations.

4. A comprehensive Arson Investigation and Prosecution Manual should be developed for distribution to investigative and prosecution personnel.

5. Since the investigation and prosecution of arson-related offenses require massive man-hour commitment, as any major investigation, sufficient law enforcement personnel and fire investigative personnel in the State Fire Marshal's office and local fire departments, along with additional local prosecutors, need to be provided to adequately investigate and prosecute arson-related cases.



**END**