



## FRED HERRERA FIRE INVESTIGATIONS

### **Selecting an Origin & Cause Investigator**

Selecting an origin and cause investigator can have a significant impact on your ability to move forward with subrogation or deny a fraudulent claim. Fortunately, there are a number of measures that will allow you to evaluate the qualifications of each available investigator. These qualifications should be evident on the investigators Curriculum Vitae, or CV, and all good investigators can't wait to provide you with a copy of it. By examining the CV, you should be able to determine the validity of three important components of an experts qualifications; training, education, and experience.

#### **Training:**

Training is how investigators keep current with the changing trends in fire investigations and forensic sciences. Fire behavior as a chemical reaction has not changed over the years, but fuel packages, construction materials, forensic advances, and an ever-increasing use of synthetic materials has.

In California, much of the training comes from the California Conference of Arson Investigators (CCAI), which is the state chapter of the International Association of Arson Investigators (IAAI). CCAI provides three-day seminars twice a year, currently in San Louis Obispo. The Nevada, Oregon, and Arizona chapters of IAAI also offer nearby training programs. Other agencies, notably the Public Agency Training Council (PATC), offer a range of investigation seminars in various locations.

More substantial one- and two-week training programs are offered by the National Fire Academy, the ATF National Academy, and the FBI National Academy. These classes are only available to experienced, full-time fire department and law enforcement investigators.

As budgets tighten, the arrival of free online training through CFITrainer.com has been utilized by many investigators to stay current.

A final aspect of training is teaching and publishing. An investigator that is active in one or both demonstrates a fluency in the very subjects that will be scrutinized while testifying as an expert on your case.

#### **Education:**

An investigator may have a two- or four-year college degree in Fire Science, Fire Prevention, or Criminal Justice. Most degree programs require one or more of the CSFM investigation classes; Investigation 1A, 1B, 2A, and 2B.

An investigator should be a Certified Fire Investigator (CFI). Acquiring a certification demonstrates that the investigator has qualified under the requirements of the respective organization. There are a number of certifications available in California and they are not equal.

#### California State Fire Marshal (CSFM) Certified Fire Investigator I:

The requirements are Firefighter II Certification, two 40-hour fire investigation courses; Investigation 1A and 1B, and PC832, which is a forty-hour Peace Officer Certification course. One year employment with a California fire department or law enforcement agency and the investigation of 100 fires is required. There is no test for the certification and there is no expiration.

#### California State Fire Marshal (CSFM) Certified Fire Investigator II:

After obtaining CSFM Certified Fire Investigator I, an additional 50 fire investigations, two years experience as a full-time California fire department or law enforcement fire investigator and qualification as an expert in a California criminal court proceeding is required to progress to the second level of the CSFM certification.

#### California Conference of Arson Investigators (CCAI) Certified Fire Investigator (CCAI-CFI):

The requirements are the same as the CSFM Level II certification, without the requirement to be a member of the fire department or testifying in criminal court, which allows an investigator with other private investigation qualifications to certify. Two expert qualifications, in court or deposition, are required as well as membership with CCAI. There is recertification every two years. On-going education is required for recertification.

#### National Association of Fire Investigators (NAFI) Certified Fire & Explosion Investigator (CFEI):

A training, education, and experience application must be completed. There are no specific requirements listed. Most persons affiliated with fire investigations will qualify. The applicant must be a member of NAFI and pass a moderately difficult written test. There is recertification every five years, using on-going training, education, and experience.

#### International Association of Arson Investigators (IAAI) Certified Fire Investigator (IAAI-CFI):

This is the most difficult certification to obtain. There is a training, education and experience application that gives point values for each accomplishment. A total of 150 points are needed to qualify to take a difficult written test. There are minimum requirements in some areas that keep many investigators from qualifying, primarily in experience and expert testimony. There is a point-valued recertification every five years that has minimum requirements for education and experience.

## National Board of Fire Service Professional Qualifications (NBFSPQ) Certified Fire Investigator:

Although there are specific requirements, most investigators obtain this certification when they obtain the IAAI-CFI because IAAI is an accredited organization and automatically demonstrates the requirements of NBFSPQ. The certification is lifetime.

### **Experience:**

Most investigators obtain their experience in the fire service. Within the fire service there are a number of positions related to fire investigations. Firefighters, apparatus operators, or captains that staff fire engines and respond to emergencies are superficially exposed to fire investigations. The fire captain lists fire cause on the incident reports that are completed for all emergency responses. Generally, the fire captain will request a fire investigator when the cause is not obvious or there appears to be a crime.

Fire Inspectors or Fire Marshals are multi-tasking employees who are usually responsible for inspections, fire prevention, community education, and fire investigations. Fire Inspectors and Fire Marshals are usually sworn personnel, but are sometimes civilians.

Shift investigators are firefighters who staff fire engines and then respond independently to investigate a fire when requested by the company officer or Incident Commander. This is typically used by smaller jurisdictions that don't have the resources for a full-time investigation unit.

Fire Investigators are full-time investigators that do nothing but investigate fires. Most times a full-time fire investigator is also a peace officer that is armed and has arrest powers. In some cases, there are also police and possibly federal agents assigned to full-time investigation units. These units are more commonly seen in the larger fire departments.

Police department investigators are usually assigned to an arson unit. However, in some jurisdictions, the fire department doesn't have investigators and the police department investigates all fires, or at least all fires that are determined to be crimes by the responding firefighters.

There are a few other situations that cause a person to be considered an investigator, possibly military or private industry employees.

Hopefully, it is evident that experience levels vary greatly between and within the respective groups.

In summary, always take some time to acquaint yourself with the qualifications of an investigator. Ask questions; the investigator should be knowledgeable about important aspects of the profession; NFPA 921, training and membership organizations, relied upon texts, and current issues, such as recalls or case laws. Confidence in your investigator will be confidence when it is time to litigate your case.