

Bushfire arson investigation

Bushfire investigation is a complex procedure, primarily requiring cooperation between police and fire agencies. In Australia, fire agencies and police have separate and complementary roles in the investigation process. The initial decision as to whether a bushfire is investigated as arson rests with the firefighters who attend the fire. In most large urban centres, such decisions are made by paid firefighters, whereas in rural areas the decisions often rest with volunteers. Land management agencies in some relatively minor instances conduct their own investigations and mount prosecutions. With limited resources, these agencies usually draw on support from other agencies and police in their region for serious cases of arson.

Although specific guidelines vary between jurisdictions, a fire service investigator will typically attend a fire that results in a death or significant damage, appears to be deliberately lit, is part of a pattern or where its cause cannot be discerned. The role of the fire investigator is to determine the origin and cause of the fire (including time, location and source of ignition), the path the fire took, the impact of the fire, types of materials ignited, and any factors that contributed to the spread of the fire. The fire investigator may consult with the attending fire officers and anyone else who may have witnessed anything pertinent to the event. Based on the evidence, the fire investigator may suspect the fire was deliberately lit and will then refer the matter to the police for a criminal investigation to identify the perpetrator.

Few police have specialist skills in bushfire arson investigation, and therefore rely heavily on the expertise of the fire investigator. However, the fire officer is equally dependent on the cooperation of the police, so that criminal investigation can proceed. The prosecution of a matter requires the police having sufficient evidence of deliberate ignition and the identification of a perpetrator, which can be a time consuming and difficult task.

A recent meeting of fire investigators, hosted by the Australian Institute of Criminology, identified the following components of a successful bushfire arson investigation:

- fire units promptly identifying the need for the fire to be investigated and taking care to preserve evidence critical to the investigation process – this means providing attending fire officers, paid or otherwise, with the skills necessary to make such judgements
- availability of a qualified wildfire arson investigator, of whom there are only a small number in each fire service
- thorough investigation by the fire investigator – the quality of the information handed over from the fire investigator will impact on the inclination and capacity of the police to instigate a criminal investigation; and the ability of the fire investigator to tie together a number of fires with similar characteristics may be of assistance to the police investigation
- initiation of a thorough criminal investigation of the incident(s) by police and appropriate follow-up including liaison with the fire agency investigators.

A strong relationship between police, fire and land management agencies, including well understood protocols of responsibility and efficient information sharing can increase capacities for the successful investigation and prosecution of bushfire arson.