

## Issues linked to Arson and Arsonist

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<b>Content description:</b>	Arson is a symptom of many social phenomena such as; poverty, a deteriorating housing infrastructure, a poor investment climate, and an antiquated welfare system. Solution to these social ills must come from the federal government although this is unlikely in the foreseeable future. The constraints of the legal environment on public policy alternatives vis a vis arson must be altered to favor law-abiding tenants, landlords, and businessmen at the expense of profit-oriented arsonists.
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### a. Introduction

Arson is considered in ancient times, as a very serious offense that causes very much damage, even human disasters<sup>1</sup>. The old Roman law of property stipulated that the punishment for ignition or burning someone fortress was burning at the stake. Later, in the Middle Ages and afterwards, both in Europe and across the Atlantic, the destruction of someone property by fire was punished with death and confiscation of property.

ARSON term used in Anglo -Saxon literature has no equivalent in the Romanian legal terminology, but it can be equated with the term who represents the action when someone put the fire with intention. He was taken as it is in Romanian by SR - ISO 8421/2001 where is defined as malicious fire.

The term of “arson” is defined in British dictionaries as “the criminal act of deliberately setting fire to property”<sup>2</sup> (Oxford Dictionary), being interpreted as intentional or accidental destruction by fire of property of another person.

### b. Definition in according to Romanian Criminal Law and other International Criminal Law

According to the Romanian Criminal law, “the arson” is considered a means by which other crimes with serious consequences on the property can be done but not as a criminal act itself.

These relate mainly to the destruction, the degradation, brought into disuse of property belonging to another or preventing taking conservation measures or rescue of the good ( Art.217 -

219 Old Romanian Criminal Code - destruction ) or the destruction, the degradation, bring to unusable, in whole or in part, the factories, industrial plant, machinery, passage ways, ways of transport, ways of telecommunication, industrial construction products or agricultural, if the act in any way without achieving national security. (Art.163 Old Romanian Criminal Code - acts of diversion and art. 298 New Romanian Criminal Code). The New Romanian Criminal Code (art. 253 paragraph 1 and 255 paragraph 1) provides in section 6 that if the destruction, the degradation or rendering disuse is committed by arson, explosion or any other such means, resulting danger to the public, the action has aggravating circumstances and the criminal law provides a higher penalty.

In some cases, burning may result in the production of offenses against life, human integrity and health, with the purpose to hide such offenses, the arson may be the means of causing or aiding suicide or middle blackmail.

In Europe, many statistical studies highlight an alarming rise of the number of deliberate fires in close correlation with socio-economic situation. The general increase in crime, youth tend to violence and vandalism, economic difficulties (especially unemployment), the alarming increase in the number of homeless people, ethnic conflicts or actions against immigrants or foreign terrorism, arson falling thus the general climate of violence that characterized the beginning of the millennium are mentioned in this regard.

The same applies in the U.S., where the 5600 arsons in 1951 reached 250,000 in 2010, and in Japan where arson weight reached about 16% of all criminal acts, in the UK rose 15 times, 16 times in the Netherlands, Germany and Belgium 10 times, and in France there is an alarming increase of arson against public property - 120% private property and over 150% in 1990-2010.

The main targets of arsonists are in France: housing (40%), motor vehicles (25 %), public buildings (7%); in Great Britain- schools, shops, theaters, hotels; in Sweden: housing and schools; in Spain - factories; in Belgium: factories, restaurants, discos, cars, etc.. Country differences are evident, indicating the important role of social conditions, economic and local traditions in the manifestation of the phenomenon ARSON.

### **c. Statistics when used the Arson phenomenon**

Arson has become one of the most expensive criminal behaviors to society, affecting all developed countries. It became a real social phenomenon that can produce side effects and beyond the State, and represents a growing threat to the security and stability shaped economic policy in European Union countries but also in the other. You can specify actions to Rostock and Hamburg ( Germany) - 1992/1993, in Paris, Toulouse, ( France) - 2004/2005 against migrants - where on the night of 26 / 27 October 2005, 98 vehicles were torched; incendiary attacks on merchant stores Asians in England in 1990, otherwise the fire caused violent street movements as to Los Angeles (1992 ), Istanbul ( 1995), Paris (2005 ), Toulouse (2005 ) - which caused great destruction and required massive intervention of the police for to restore public order. For these reasons, police, firefighters, insurance companies, other legal authorities have launched large-scale operations against this destructive phenomenon. In 1988 was created the European Arson Prevention Institute, headquartered in Vernon in France. The symposia for European protection associations took place in 1985 in Brussels and Luxembourg in 1989. It was established specialized police units, fire units associated with the joint investigation of such cases: Fire Investigation Unit (UK), Le Laboratoire Prefecture of Police (France). Insurance companies have established themselves specialized bodies: Insurance Committee for Arson Control (U.S.), Association to combat insurance fraud (ALFA-France).

#### d. The arsonist motivation – criminalistics point of view

I aim to optimize the cooperation between police, firefighters and specialists in various fields since such facts are difficult to investigate. Based on statistical data from records of the above mentioned specialized bodies, intentional fires can be classified into the following categories:

- To gain financially: Investigations carried out at the behest of insurance companies will need to establish as far as possible whether there is any evidence to indicate that the fire was started by assured persons, or their agents, for the purpose of financial gain;

- To revenge;

- To conceal evidence of another crime, such as murder or theft;

- Socio-political reasons;

- Vanity;

- From vandalism, to destroy or protest: Perpetrators in this category may resort to willful fire rising in an attempt to attract attention to a specific cause which they support. Fires in this category are often started during civil disorders. Alternatively, the perpetrator may be someone who wishes to seek revenge, such as an employee who has been recently dismissed, or someone who has been made to feel that they have lost status or that they are inadequate. It is quite often found in these cases that the perpetrator makes no attempt to conceal the fire which may have been started during a fit of anger<sup>3</sup>.

- To fulfill a need: More often than not, the perpetrator is found to have a mental disorder, for example those who receive, mental or sexual stimulation from witnessing a fire;

- Self-immolation;

- To become a hero: Perpetrators of fires in this category are usually those who do not get sufficient satisfaction or excitement from their work, or feel a need to be recognized by others in the community.

- Boredom.

In front of arsonists, building neither is nor perfectly protected, but some buildings are more vulnerable and require additional protection (insulated, no security, no alarm - detection systems, public buildings, etc.), operating methods and techniques of arsonists requires detailed presentations but is not subject of this presentation.

However, one aspect, shows us immediate interest, is the need for a database drawing on arsonists, including the person with mental disorder, which would provide extremely useful data, including the techniques used. Psychiatric studies on perpetrators of deliberate fires reveal that events and their behavior is "a means of resolving conflict or deep emotional expression".

Understanding the psychological aspects of this sort of crime is essential to preventing and stopping their work. Knowing the psychodynamic aspects of behavior can bring incalculable support allowing to the investigator as a direct researcher to identify potential suspects and to devise various techniques and strategies to query different types of authors.

In psychological profiling the perpetrator of arson type are several steps:

- The causes, motive and purpose of fire - to determine the exact cause of fire is necessarily a long and thorough investigation, as it may be accidental or intentional. Moreover, unintentional damage or destruction of evidence response teams is likely to complicate the investigation. The context in which the fire is often revealing to deduct criminal intent, and among elements demonstrating voluntary nature may be listed: like fire, origin, presence or absence of aggravating elements, production time, any previous sinister facts, type of construction, the identity of the owner of the building, etc..

- Mobile fire – the motive is an impulse, an inner urge that causes a person to act in a certain way. It is the reason; the stimulus that causes or involves a specific behavior. In the legal context, motive explains "why" the offender has committed an illegal act. The unlike intent, the motive is

not an essential element in tracking but can be a support. Thus mobile plays a key role when it comes to determining the identity of causes as those who are responsible for its production. The mobile identification helps the investigator to direct research towards likely suspects. At the same time, searching the mobile among the remaining remnants of the fire is often an attempt which does not succeed because the gesture can belong to an individual with criminal behavior disorders that can hide the real motive. In practice it is very difficult to discern motives for vengeance, intimidation or profits, whether concealed or complicated by the absence of evidence or the presence of false clues.

- Conscious or unconscious motivation - it is assumed that the perpetrator's psychodynamic plan may partially or totally motivate his behavior, while the real motives of the crime may slip. Psychologists consider that when an individual starts a fire tends to make a thing of it seems necessary at the time. The problem is that the perpetrators are not always aware of the reasons why they have been pushed to committing the crime.

- Pathological and non-pathological reasons - psychological and psychiatric studies distinguish between the non-pathological and pathological perpetrator.

The first is considered to hold irrational reasons, and the second, non-pathological, on the contrary. Perpetrator irrational and pathological generally manifests certain disorders and impaired mentally, emotionally or personality. He causes the fire to manifest aggression, hostility, for revenge, to attract attention and to make known to their revalued image to procure a satisfaction or a hallucination.

#### **e. Conclusions**

In some cases there is sufficient preliminary evidence available to make the Fire Brigade suspicious that a fire has been started deliberately, and the police are then involved at an early stage. Scene examinations may be conducted by a Fire Brigade fire investigation team, police Scenes of Crimes officers or a scientist from one of the Home Office forensic science laboratories. Police enquiries may lead to the identity of a person or persons suspected of starting the fire deliberately and the importance of the forensic evidence and other circumstantial evidence will be put to the test unless a confession is obtained. In many cases, the Crown Prosecution Service will determine whether the evidence available is sufficiently strong to obtain a conviction, where the test of the evidence is that it shows "beyond reasonable doubt" that the suspect, or suspects, started the fire.

In civil litigation, insurers may wish to repudiate liability on the basis that the fire was started deliberately by the insured or by their servants or agents, for the purpose of gaining under the terms of the insurance contract. Because of the seriousness of a Defence of this kind under the terms of the insurance contract, courts have tended to apply a test on the evidence which lies somewhere between "beyond reasonable doubt" and "on the balance of probabilities". Successful repudiations of this kind have been obtained in cases where there is no positive evidence to show that the fire was started deliberately, but in the light of all other circumstances, there is no other satisfactory explanation.

Most of the publications describe a plan for management to improve security against the fire raiser, which includes the following measures

- a. Keep out intruders;
- b. Control access to a premises at all times;
- c. Install and operate a system for the quick detection and extinction of fire;
- d. Deny fuel to the fire raiser:
- e. Take care over recruitment and obtain employees collaboration:
- f. Consider layout of the premises with a view to reducing the need for employees and others to pass through or close to areas of unavoidably high fire risk.

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<sup>1</sup> Tacitus – Annals, talk about “The Great fire of Rome”, when Nero put the fire on that great city Rome, and the fire spread quickly and burned for six days

<sup>2</sup> <http://www.oxforddictionaries.com/definition/english/arson?q=arson>

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