

Fire Investigator Independent Study Continuing Education

NFPA 921 UNIT #9

NFPA 921 Guide for Fire and Explosion Investigations 2004 Edition

Objective: Given an examination, the participant shall demonstrate a knowledge and understanding of legal considerations.

Reading/study assignment: NFPA 921 Guide for Fire and Explosion Investigations, 2004 Edition, pp. 921-91 through 921-98 (Chapter 11)

NOTE: NFPA 921 is written for a national/international audience and does not address specific state statutes of differing jurisdictions. All investigators should have training and knowledge of statutes relevant to the jurisdiction they reside and/or operate in.

What is the fourth amendment to the U. S. Constitution.

What is a fact witness?

What is spoliation of evidence?

What Supreme Court case addresses the need to obtain a criminal search warrant if evidence of a crime is discovered, even if an administrative search warrant has been obtained?

Do legal considerations impact the public or the private fire investigation?

What are the types of evidence?

Will the laws addressed and legal information in NFPA 921 change?

What is consent?

What are examples of documentary evidence?

What type of authority would you have to investigate a fire?

The Supreme Court held that a fire investigation may continue for what time period?

What should the fire investigator preserve and protect when on scene?

Is the movement of evidence or alteration of the scene always considered spoliation? Why or why not?

Unless legally entitled, the fire investigator should not do what with evidence?

Who should you contact for assistance in understanding and complying with legal requirements?

What is the sixth amendment to the U. S. Constitution.

Who may order the fire scene preserved for all interested parties?

What are the four general methods by which entry may be obtained?

Who can give consent?

What are the different types of authority to conduct a fire investigation?

Once given, can consent be withdrawn? When?

What type of evidence is a photograph?

What Supreme Court decision relates to the time period in which a fire investigation may continue?

What evidence should the fire investigator make an effort to photograph, document, and preserve?

What is the purpose of an administrative warrant?

What is the scope of an administrative search warrant?

What is the purpose of a criminal search warrant?

What is an expert witness?

What is the fifth amendment to the U. S. Constitution.

What is documentary evidence?

What is product liability and who may it involve?

Traditionally, what must be shown to obtain a criminal search warrant?

What are examples of illustrative forms of evidence?

What are “other fire related criminal acts”?

What do rules of evidence regulate?

What is the difference in burden of proof in a criminal case as compared to a civil case?

Does NFPA 921 address Illinois statute?

Does legal right of entry authorize entry into a crime scene?

Are the rules of evidence an evidentiary requirement?

What is demonstrative evidence?

What must the fire investigator do if it is determined that significant alteration will occur during a fire investigation? Is this the same for all investigators? Why or why not?

How should demonstrative evidence be authenticated?

Are “authority to conduct an investigation” and “right to entry” the same?

What should be established with samples?

What considerations should be considered with witness statements?

What is a common law definition of arson and does this definition vary among states?

What should or should not be done with evidence once it is removed from a fire scene?

What should be researched in reference to arson statutes?

Why have many codes, regulations, and standards evolved and how may they be used?

What factors should be considered in reference to the criminal act of arson?

What are arson immunity acts and how may they benefit the fire investigator?

What does civil litigation resulting from a fire usually involve?

What is negligence?

How does spoliation of evidence occur?

What part of the investigation do legal considerations impact?

What is testimonial evidence?

How may the preservation of evidence and the scope of responsibility vary for fire investigators?

What constitutional considerations are involved with fire investigations?

What is strict liability and what are the most commonly applied defects?

What should an expert witness’s testimony do?

What are “Miranda rights” and how may they affect the fire/arson investigation?

What remedies may the courts apply concerning spoliation of evidence?