



# Preparation for Legal Proceedings

## Course Plan

### Course Details

<b>Certification:</b>	Fire Investigator
<b>CTS Guide:</b>	Fire Investigator (February 2017)
<b>Description:</b>	This course provides information on legal considerations for a court proceeding. Topics include coordinating expert resources, formulating an opinion, presenting investigative findings, and testifying during legal proceedings. The 2014 edition of NFPA 1033 Standard for Fire Investigator Professional Qualifications is the basis for this course.
<b>Designed For:</b>	Fire investigators and law enforcement officers responsible for conducting fire investigations
<b>Prerequisites:</b>	PC 832(a): Arrest Fire Investigation 1A: Basic Fire Investigation Fire Investigation 1B: Evidence and Documentation
<b>Corequisite:</b>	Motive, Means, and Opportunity: Determining Responsibility in an Arson Case (CFITrainer.net)
<b>Standard:</b>	Complete all activities Complete the summative test with a minimum score of 80%
<b>Hours:</b>	Lecture: 18:00 Activity: 21:00 Testing: 1:00
<b>Hours (Total):</b>	40:00
<b>Maximum Class Size:</b>	24
<b>Instructor Level:</b>	This courses requires one (1) primary instructor
<b>Instructor/Student Ratio:</b>	1:24
<b>Restrictions:</b>	None
<b>SFT Designation:</b>	CFSTES

### Required Resources

#### Instructor Resources

To teach this course, instructors need:

- *Fire Investigator Principles and Practice*, 4<sup>th</sup> Edition (2016), Jones and Bartlett  
**or**  
*Fire Investigator*, 2<sup>nd</sup> Edition, IFSTA
- *NFPA 921: Guide for Fire & Explosion Investigations*, Current Edition
- Evidence samples
- Sample curriculum vitae
- Criminal case files
- Qualified persons for conducting a mock trial

The following instructor resources are available online at

- Fire Investigator 1C required activities  
<http://osfm.fire.ca.gov/training/resources>

#### Student Resources

To participate in this course, students need:

- *Fire Investigator Principles and Practice*, 4<sup>th</sup> Edition (2016), Jones and Bartlett  
**or**  
*Fire Investigator*, 2<sup>nd</sup> Edition, IFSTA
- *NFPA 921: Guide for Fire & Explosion Investigations*, Current Edition
- Motive, Means, and Opportunity: Determining Responsibility in an Arson Case (CFITrainer.net)
- Tablet or laptop computer
- Documentation for developing a curriculum vitae
- Proper attire for the courtroom

#### Facilities, Equipment, and Personnel

The following facilities, equipment, or personnel are required to deliver this course:

- Standard learning environment or facility
- Writing board or paper conference pads
- Markers, erasers
- Computer or tablet with presentation or other viewing software
- Amplification devices
- Projector and screen

## Unit 1: Introduction

### Topic 1-1: Orientation and Administration

#### Terminal Learning Objective

At the end of this topic, a student will be able to identify facility and classroom requirements and identify course objectives, events, requirements, assignments, activities, resources, evaluation methods, and participation requirements in the course syllabus.

#### Enabling Learning Objectives

1. Identify facility requirements
  - Restroom locations
  - Food locations
  - Smoking locations
  - Emergency procedures
2. Identify classroom requirements
  - Start and end times
  - Breaks
  - Electronic device policies
  - Special needs and accommodations
  - Other requirements as applicable
3. Review course syllabus
  - Course objectives
  - Calendar of events
  - Course requirements
  - Student evaluation process
  - Assignments
    - Motive, Means, and Opportunity: Determining Responsibility in an Arson Case (CFITrainer.net) must be completed on-line as homework before the end of this class
    - 4 hours
    - Course completion certificate or transcript required
  - Activities
  - Required student resources
  - Class participation requirements

#### Discussion Questions

1. What are the course requirements?
2. How will you be evaluated?

#### Activities

1. To be determined by the instructor.

### Topic 1-2: Fire Investigator Certification Process

#### Terminal Learning Objective

At the end of this topic, a student will be able to identify the courses and requirements for Fire Investigator certification, and be able to describe the certification task book and testing process.

#### Enabling Learning Objectives

1. Identify the courses required for Fire Investigator certification
  - Fire Investigation 1A: Basic Fire Investigation
  - Fire Investigation 1B: Evidence and Documentation
  - Fire Investigation 1C: Preparation for Legal Proceedings
  - POST certified Interview and Interrogation #31445 (40 hours)
  - NWCG FI-210 Wildland Fire Origin and Cause Determination (38 hours)
2. Identify any other requirements for Fire Investigator certification
  - Experience [one (1) of the following two (2) options]
    - Have a minimum of two (2) year full-time, paid experience in a California fire department with the primary responsibility as a fire investigator
    - Or
    - Have a minimum of four (4) years volunteer or part-time, paid experience in a California fire department with the primary responsibility as a fire investigator
  - Investigate 20 fires, 10 must be structure fires, as the primary investigator and develop a complete fire investigation report
  - Be appointed to the rank or position of Fire Investigator
    - Performing in an acting capacity does not qualify
3. Describe the certification task book process
  - Complete all prerequisites and course work
  - Submit application and fees to request certification task book
  - Complete all job performance requirements included in the task book
  - Must have identified evaluator verify individual task completion via signature
  - Must have Fire Chief or authorized representative verify task book completion via signature
  - Must be employed by a California Fire Agency in the position prior to submitting completed task book to State Fire Training
4. Describe the certification testing process
  - Complete course work
  - Schedule online certification test
  - Schedule skills evaluation test

#### Discussion Questions

1. How many courses are there in the Fire Investigator certification track? What are they?
2. What is the minimum length of experience required for a full-time, paid fire investigator?

### Activities

1. To be determined by the instructor.

## Unit 2: Legal Considerations

### Topic 2-1: Gathering Reports and Records for a Legal Proceeding

#### Terminal Learning Objective

At the end of this topic, a student, given reports and records from the investigation, will be able gather reports and records for a legal proceeding that are authentic, complete, and applicable to the investigation while maintaining the chain of custody to ensure the material is admissible.

#### Enabling Learning Objectives

1. Describe the types of reports and records needed to facilitate determining responsibility for the fire
  - Police reports
  - Fire reports
  - Insurance policies
  - Financial records
  - Deeds
  - Private investigator reports
  - County records
  - Death certificates/Coroner's report
  - Outside photos and videos
2. Identify the location of these reports and records
3. Identify the reports and records necessary for the investigation
4. Implement the chain of custody
5. Use organizational skills

#### Discussion Questions

1. What type of information is available from local, state, and federal government?
2. How do you obtain information from an insurance company?

### Activities

1. To be determined by the instructor.

**CTS Guide Reference:** CTS 5-1

### Topic 2-2: Evaluating the Investigative File

#### Terminal Learning Objective

At the end of this topic, a student, given all available case file information, will be able to evaluate the investigative file to identify areas for further investigation, interpret the relationship between gathered documents and information, and discover corroborative evidence and information discrepancies.

### Enabling Learning Objectives

1. Describe the case file assessment and/or evaluation process
2. Use information assessment skills
3. Use correlation skills
4. Use organizational skills

### Discussion Questions

1. What are some of the ways you can evaluate or assess a case file?
2. What is your agency's evaluation process?
3. Where are some factors that would affect the solvability of a fire investigation?

### Activities

1. Students will be evaluating a case file in Activity 2-5-1.

### Instructor Note:

1. You can find several Case Solvability Factor worksheets/documents online.

**CTS Guide Reference:** CTS 5-2

## Topic 2-3: Coordinating Expert Resources

### Terminal Learning Objective

At the end of this topic, a student, given a case file and evidence, will be able to coordinate expert resources to match expert's competencies to the specific investigation needs, justify financial expenditures, and further the investigative goals of determining cause and responsibility.

### Enabling Learning Objectives

1. Describe how to assess one's own expertise
  - Curriculum vitae
2. Identify the qualifications of an expert witness
3. Identify the types of expert resources
4. Discuss the need for expert resources
5. Network with other investigators to identify expert resources
6. Develop a utilization plan for using expert resources
7. Question experts relative to their qualifications
8. Apply expert resources to further the investigation

### Discussion Questions

1. What methods are used to assess one's own expertise?
2. Under what circumstances might you want to obtain the services of an expert witness?
3. Why are expert witnesses important in a fire investigation?

### Activities

1. Activity 2-3-1: Curriculum Vitae (in class and homework)

**CTS Guide Reference:** CTS 5-3

### Topic 2-4: Formulating an Opinion

#### Terminal Learning Objective

At the end of this topic, a student, given a case file, will be able to formulate an opinion concerning origin, cause, and responsibility for the fire supported by data, facts, records, reports, documents, and evidence.

#### Enabling Learning Objectives

1. Describe how to use the scientific method to formulate your opinion
2. Discuss the level of certainty
3. Discuss California statutes, regulations, and local ordinances relating to fire losses
  - Business and Professions Code
  - Health and Safety Code
  - Insurance Code
  - Penal Code
  - Public Resource Codes
  - Vehicle Code
  - Welfare and Institutions Code
4. Use analytical skills

#### Discussion Questions

1. How would you use the evidence from your investigation to form an opinion?
2. What information in your case is important to form your opinion?
3. What steps are involved in determining your level of certainty?
4. How do the facts and evidence in your case support each element of the relevant statute?

#### Activities

1. To be determined by the instructor.

**CTS Guide Reference:** CTS 5-5

### Topic 2-5: Presenting Investigative Findings

#### Terminal Learning Objective

At the end of this topic, a student, given a case file and a specific audience, will be able to present investigative findings that are accurate and include only need-to-know information for the intended audience.

#### Enabling Learning Objectives

1. Discuss the types of investigative findings
2. Identify informational needs of various audiences
3. Discuss the impact of releasing information
4. Use communication skills
5. Determine audience needs
6. Correlate findings

#### Discussion Questions

1. How do you educate an attorney about a fire investigation case?

2. How would you determine what information present to a particular audience?
3. What information would you allow to be released to the media?

### Activities

1. Activity 2-5-1: Presenting Investigative Findings

**CTS Guide Reference:** CTS 6-2

## Topic 2-6: Testifying During Legal Proceedings

### Terminal Learning Objective

At the end of this topic, a student, given consultation with legal counsel and a case file, will be able to testify during legal proceedings to present all pertinent investigative information and evidence clearly and accurately while adhering to the appropriate demeanor and attire.

### Enabling Learning Objectives

1. Discuss the types of investigative findings within the case file
2. Discuss courtroom etiquette, professional demeanor, and attire
3. Discuss due process and legal proceedings
4. Use communication and listening skills
5. Differentiate facts from opinion
6. Use acceptable procedures, practices, and etiquette during legal proceedings

### Discussion Questions

1. Why is it important to consult with the attorney before you testify?
2. Who is your primary audience when testifying?
3. What is the difference between a trial and a deposition?
4. What is a preliminary hearing?
5. What actions should you take if you misstate a fact during testimony?
6. What should you do if you notice mistakes in a pretrial transcript?

### Activities

1. Activity 2-6-1: Courtroom Testimony

**CTS Guide Reference:** CTS 6-3



## Time Table

Segment	Lecture Time	Activity/Skills Time	Total Unit Time
<b>Unit 1: Introduction</b>			
Topic 1-1: Orientation and Administration			
Lecture	0:30		
To be determined by the instructor		0:00	
Topic 1-2: Fire Investigator Certification Process			
Lecture	0:30		
To be determined by the instructor		0:00	
<b>Unit 1 Total</b>	<b>1:00</b>	<b>0:00</b>	<b>1:00</b>
<b>Unit 2: Legal Considerations</b>			
Topic 2-1: Gathering Reports and Records for a Legal Proceeding			
Lecture	2:00		
To be determined by the instructor		0:00	
Topic 2-2: Evaluating the Investigative File			
Lecture	1:00		
See Activity 2-5-1		0:00	
Topic 2-3: Coordinating Expert Resources			
Lecture	4:00		
Activity 2-3-1: Curriculum Vitae (in class and homework)		1:00 In class	
Topic 2-4: Formulating an Opinion			
Lecture	4:00		
To be determined by the instructor		0:00	
Topic 2-5: Presenting Investigative Findings			
Lecture	2:00		
Activity 2-5-1: Presenting Investigative Findings		4:00	
Topic 2-6: Testifying During Legal Proceedings			
Lecture	4:00		
Activity 2-6-1: Courtroom Testimony		16:00	
<b>Unit 2 Total</b>	<b>17:00</b>	<b>21:00</b>	<b>38:00</b>
<b>Unit Total</b>	<b>18:00</b>	<b>21:00</b>	<b>39:00</b>

### Course Totals

Segment Type	Time
Total Lecture Time (LT)	18:00
Total Activity Time (AT)	*21:00
Total Testing Time (TT)	1:00
<b>Total Course Time</b>	<b>40:00</b>

## **Fire Investigation 1C**

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\*Note: Activity time will vary depending on the number of students in the program. It is important to remember that the suggested skill hours are for 24 students.