ARSON: A MULTI-DIMENSIONAL PROBLEM

NICHOLAS BORG
Director, Bureau of Management Services
Fire Department, The City of New York
(Formerly Director, New York City Mayor's Arson Strike Force)

LEONARD DAVID
Senior Project Leader
Fire Department, The City of New York
(Formerly Deputy Director, New York City Mayor's Arson Strike Force)

SOCIETY OF FIRE PROTECTION ENGINEERS
60 Batterymarch Street
Boston, Massachusetts 02110
Price $2.50
Arson is the fastest growing and one of the most costly crimes in the United States. A large segment of profit motivated arson can be controlled by tactically reducing the motivation by removing the dollar incentives. A more selective method of writing insurance and a tougher policy of settling claims is indicated. Neighborhood preservation is essential to arson reduction. Vacant buildings must be demolished or sealed. 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.
(Originally presented at the Annual Seminar of the New York Chapter of SFPE, April 29, 1976, United Engineering Center, New York City.)

Nicholas Borg
Director, Bureau of Management Services
Fire Department, The City of New York
(Formerly Director, New York City Mayor's Arson Strike Force)

Leonard David
Senior Project Leader
Fire Department, The City of New York
(Formerly Deputy Director, New York City Mayor's Arson Strike Force)

For 30 years, a 5 story tenement on Fox Street in the South Bronx was fully occupied. Six months ago, the property was bought by a known land speculator who insured the building for twice the purchase price. Maintenance and services were drastically reduced and the building began, ever so slowly at first, to deteriorate. Security evaporated after the superintendent was fired. The front door, always locked in the past, was broken. Mail boxes were ripped from their casings, and garbage began to collect under the stair wells and in the halls. Heat and hot water would mysteriously disappear for weeks at a time, reappearing only when the City's Emergency Repair Program brought in 5000 gallons of fuel oil.

Then the fires began. It started with a rubbish fire on the roof which spread to the cockloft. The two top floor families were forced to relocate due to fire damage. Even though the landlord made a substantial cash settlement with his insurance company, the fire damaged apartments were not repaired. Addicts, bent on stripping the building and selling the material to feed enormous heroin habits, accounted for the next fire which eliminated 3 more families. Two months, five fires and six injuries later, this building on Fox Street was empty. This brief scenario is typical of the vacating process in N.Y.C. today, where buildings are becoming vacant at a rate of 300 per month. Most of them have had some suspicious fire activity.

In retrospect one might conclude that the cause of this abandonment was arson. Clearly, arson was the visible medium. However, the chain of events leading to the destruction was a complex interaction of competing social forces. For example, arson finds many of its roots in poverty. The point here is that

PUBLISHER'S NOTES

This report is furnished for the interest of those seriously studying the fire problem. The views presented are those of the author and do not carry the endorsement of the Society of Fire Protection Engineers. The Society is not responsible for the technical accuracy or the content of this report.

The publisher invites contributions of material for Technology Reports as well as comments on the content of this report.

The publication is copyrighted © 1976, Society of Fire Protection Engineers, 60 Battersymarch Street, Boston, Mass. 02110. Those desiring permission to reproduce the material in whole or in part shall consult the Society of Fire Protection Engineers.
when searching for solutions it's quite necessary to identify and understand the dimensions of the problem. In trying to control arson in New York City we at the Mayor's Arson Strike Force felt it was critical from a tactical standpoint to understand and separate basic sociological phenomena from other issues which could reasonably be attacked using available City resources.

Arson is the fastest growing, and one of the most costly, crimes in the United States. Nationwide data indicate that between 1964 and 1974, suspicious and incendiary fires increased by almost 300%, with 1974 statistics alone showing an arson growth rate exceeding 21% over 1973. Even more alarming are the costs incurred through arson; massive direct costs measured in deaths, injuries and property loss, as well as the indirect costs which ripple throughout the economy via increased taxes and insurance premiums. The National Fire Protection Association recorded 94,300 incendiary and suspicious fires in 1973 which resulted in estimated property losses of $320 million. However, given the inadequacy of the reporting systems, the Nation's arson problem may be much larger.

Nationwide estimates for 1975 property damage exceed $1 billion, not counting the costs borne by taxpayers in needless fire service runs, loss of firefighting availability, and increased fire insurance premiums. Of course, the severity of these dollar losses is superseded by the civilian and firefighter deaths and injuries which result from arson.

New York City - its scope and size, as usual, placing it in the forefront - is one of the most arson-ridden cities in the nation. In the summer of 1975, the City's leadership, despite the presence of an enormous fiscal crisis, created the Mayor's Arson Strike Force. Its intent was to combat New York City's escalating arson epidemic, particularly in the blighted borough of the Bronx. The Bronx suffered approximately 4500 arson fires in 1974, accounting for about 40% of all Bronx structural fire activity.

The Fire Department spent approximately 8 months last year setting up and coordinating a multi-agency response to arson in New York City. The formal organization included relevant operational units from the Fire Department, Police Department, Housing and Development Administration, the Human Resources Administration plus cooperation from the Bronx District Attorney's Office, the Fire Underwriters, the FAIR Plan, the Insurance Crime Prevention Institute and the Vera Institute of Justice.

Ad Hoc Task Forces, Strike Forces, and the like have a history of institutionalizing themselves and often evolve into bureaucracies in their own right. Our Strike Force approach was different. From the start we envisioned our role as facilitators, to establish links of communication and cooperation between agencies, but keeping the operational capabilities within the agencies themselves. Although this approach insured the eventual demise of the formal Strike Force hierarchy, it structured the City's response such that those who were most qualified in each functional area continued to maintain the necessary control and continuity.

Just a quick digression to explain the geography of the Strike Force's activities. Our target area is formally called the South Bronx, although in actuality the South Bronx is an elastic notion. Last year its rough boundaries were the Grand Concourse on the West, the Cross Bronx Expressway on the North, the Bruckner Boulevard on the East and the Major Deegan Expressway on the South. Current boundaries have expanded and go beyond the Concourse on the West and are approaching Fordham Road in the North.

The remainder of this discussion will focus on arson as a public policy issue.
We will outline some of the current responses being made by New York City to the problem, as well as suggest other needed approaches.

It is imperative that we view arson as a multi-dimensional problem; both in terms of motivations and in terms of the typology of fire-setters. On the most general level, we can differentiate between profit-motivated and non-profit motivated arson. Non-profit motivations include vandalism, revenge, pyromania and camouflaging other crimes. Within this broad category is a mix of fire-setters including, children, drug addicts, and other people with various psychological and/or social pathologies. Profit motivations include: insurance payouts, re-location benefits, robbery, welfare benefits, rent decontrol, extortion, rehabilitation and urban renewal grants and tax write-offs. Profit motivated fire-setters include: landlords, tenants, land speculators, members of organized crime, drug addicts and even insurance adjusters.

The Fox Street building mentioned in the introduction experienced numerous fires, each with a different motivation and no complicity among the fire-setters. Thus, although we can simplistically say that a building is destroyed by arson, the process of destruction is often complex, thus elementary solutions provide little relief.

Traditional public sector approaches to arson abatement have been monolithic. Arson has been viewed as a law enforcement problem and "solutions" have usually been directed at increasing investigative manpower and upgrading police technologies only.

Unlike homicide or robbery, where arrests and convictions are made using circumstantial evidence, an arsonist must usually be either caught in the act or confess to the crime in order to be convicted. These legal constraints combined with New York's current fiscal crisis, which has reduced its investigative resources allocated to arson deterrence, have required the City to reformulate its current arson strategy.

We believe that a large segment of the profit motivated types of arson can be controlled with new policies and legislation, thus using our scarce police resources more effectively to manage the non-profit motivated variety.

The general objective of these new policies would be to tactically reduce or remove the motive from the crime. In other words, if there were no dollar incentives, there would be no profit-motivated arson.

Before going into some of the activities of the Arson Strike Force, I would like to suggest some changes which I think would deter arson, but are beyond the City's purview.

The State Insurance Commission should rethink its insurability criteria such that landlords who do not maintain their property and/or who have had a history of arson losses are penalized. At the same time, one might consider a system of rewards such as premium reductions to landlords who maintain or upgrade their properties.

The insurance industry should begin to judiciously assert its right to repair and replace damage losses to real property and contents in lieu of settling losses via cash payments. Clearly, there are some sticky logistical problems here, but, the occasional use of this tactic (against some of the more blatant claimants) might act as an arson deterrent.

In addition, the industry should consider revising its settlement policies and resist payment of losses more frequently. It's been our experience that insurance companies are too often more willing to offer a compromise cash settlement even in well-documented arson cases, than to actively oppose payment in
the courts. Careful selection of cases combined with testimony from the Fire Marshal's Office can result in long term benefits for both industry as well as the consumer-citizen.

Our experiences on the Strike Force indicate that neighborhood preservation tactics are essential to arson reduction. Buildings that are well maintained and fully occupied usually do not burn. To this end, the Strike Force developed a multi-agency program aimed at preserving occupancy by maintaining service to tenants. The program coordinated the activities of the Housing and Development Administration's (HDA) office of Evaluation and Compliance, the Emergency Repair Program (ERP), the Fire Department and the Human Resources Administration (HRA).

Upon discovery of a building in a generally stable neighborhood which was beginning to "turn", the office of Evaluation and Compliance, a group of experienced attorneys, would begin to exert legal pressure on the owner to maintain the property. If he refused, judicial action would be applied, even to the point of securing a court appointed receiver to the building. Rent monies would then be held in escrow, and used only for necessary repairs and for maintaining services. In addition, emergency repair program crews would repair the boiler and ensure the flow of heat, electricity and other essential services. The Human Resources Administration would supply crisis intervention teams of social workers to help tenants, especially welfare recipients, through the legal and administrative process.

The next step in the preservation strategy currently being considered, is the expansion of the Emergency Repair Program to perform general renovation work in occupied buildings after fires. This, combined with the Fire Department's New Fire Salvage Program, funded under a Federal HUD grant, should help to prevent further vacancies in occupied structures.

In many areas of the City, arson has left scores of buildings totally vacant. These vacant buildings, havens for drug addicts, vandals and others, who, for a variety of motives, regularly "torch" them, must be either demolished or sealed.

Where demolition is feasible the Department of Demolition is encouraged to demolish quickly by mechanical means rather than by the slower and, in the long run, more expensive manual method. Expeditious perception and demolition, when budget funds for it exist and the demolition is feasible, hold unexpended potential for sharply decreasing arson rates and, concomitantly, dollar economies realized in fewer runs by fire companies. The Department of Demolition, the Fire Department and the Arson Strike Force developed and implemented a priority demolition program using indicators of arson proneness as the major choice criteria.

Vacant buildings, although by definition tenantless, are often fed by "live" utility lines which encourage squatters and other potential fire setters to occupy them. In addition, utility theft by tapping utility lines from adjacent occupied structures is not uncommon. The Arson Strike Force negotiated an agreement between the Fire Department and Con Edison that will effectively arrange for the shut-off of utilities in vacant buildings. Clearly, this arrangement has the potential for not only a reduction in malicious and accidental fires, but for reduced power costs which could be reflected back to the City's consumers.

The Strike Force's law enforcement effort utilized the Division of Fire Investigation of the Fire Department whose members, the Fire Marshals, are the only judicially-recognized arson experts in the City. The Fire Marshals, with help from the Police Department, operated in a pilot area of the South Bronx, contermin-
ous with the boundaries of the Fire Department's 14th battalion, then the most arson prone sector of the Bronx.

In one of the Strike Force's most visible successes, fires, particularly vacant building fires, were all but eliminated during an intensive 6 week overt-surveillance operation. What's more, when manpower constraints and the shooting of Supervising Fire Marshal Ralph Craniella and Fire Marshal Tom Russo forced the temporary reassignment of the Fire Marshal contingent, a "chilling" effect on arson fires nevertheless remained, for months afterward.

Other components of the ongoing law enforcement strategy include:

A cooperative arson-intelligence network, where case and suspect information is analyzed and exchanged amongst the Police Department, Fire Marshals and Bronx District Attorney's Office.

In addition, we are continuing with covert surveillance and overt patrol of areas empirically demonstrated to have high arson incidence. This element, too, is manned primarily by the Police Department and Fire Marshals in the manner that proved so successful in their 14th battalion experience.

The Strike Force also coordinates long term investigations which, in addition to the public sector criminal justice agencies, employs the investigative aid of the Insurance Crime Prevention Institute, a concerned private sector insurance-fraud detection agency, as well as the Housing and Development Administration. HDA's input is helpful in unravelling the histories of landlords and real property developers suspected of arson for such motives as insurance fraud and various housing grants. HDA's Department of Relocation now supplies law enforcement groups with current data on persons suspected of committing arson in order to reap the City's generous relocation benefits.

There were several valuable empirical lessons gained from our experiences on the Arson Strike Force. In dealing with a multi-faceted urban phenomenon such as arson, a flexible public policy response is imperative. Thus, our organization with its cooperative yet discrete public and private sector participants proved more effective than a pure law enforcement effort.

It is clear that the crime of arson is merely a symptom of many broad based, inextricably intertwined social phenomena, significant among which are: poverty, a deteriorating housing infrastructure, a poor investment climate and the horrors of an antiquated welfare system. Effective solutions to these social ills must fall within the province of the federal government. Yet, at a time when national fiscal constraints have forced a retreatment in public social activism, an imminent, massive infusion of necessary resources to eradicate these root causes seems improbable.

We at the state and local level who, even at full resource strength, could not hope to eliminate these basic social injustices are thus relegated to attacking the symptoms only; in our case, arson.

The constraints of the legal environment on public policy alternatives vis a vis arson must be altered. We must change the "rules of the game" to favor law abiding tenants, landlords and businessmen at the expense of profit-oriented arsonists. State insurance regulations, criminal prosecutions, conviction and sentencing procedures, as well as insurance industry decisions to take fire fraud perpetrators to Civil Court all must be modified.

Clearly, the implementation of some or all of these tactics would place a tremendous burden on public sector resources. However, the stakes are high; arson is threatening to destroy our national urban character. When and where do we take our stand?
ABOUT THE SOCIETY...

Organized in 1950, the Society of Fire Protection Engineers is the professional society for engineers involved in the multifaceted field of fire protection engineering. The purposes of the Society are to promote the art and science of fire protection engineering and its allied fields, to maintain a high professional standing among its members, and to foster fire protection engineering education. Its world-wide members include engineers in private practice, in industry, in local, regional, and national government, as well as technical members of the insurance industry. Chapters of the Society are located in the United States, Canada, Europe, and Australia.

Membership in the Society is open to those possessing engineering or physical science qualifications coupled with experience in the field and to those in associated professional fields.

Benefits of membership include:

- Recognition of your professional qualifications by your peers
- "Yearbook" — biennial directory of members
- Engineers Joint Council representation
- Attendance at Annual Meeting and Seminars
- Chapter meetings
- Insurance plan
- "Bulletin" — Newsletter with regular features
- Awards program
- "Technology Reports"
- Sharing in activities of committees at national level

Public Information program

SFPE is the international clearing house for fire protection engineering state of the art advances and information. In addition to the "Bulletin" and "Technology Reports", the Society also publishes occasional special reports.

For additional information about the Society of Fire Protection Engineers... membership... publications... Annual Meetings... chapter activities... contact the Executive Director at the above address.