

| <b>MERSEYSIDE FIRE &amp; RESCUE AUTHORITY</b> |                                                            |                       |                                   |
|-----------------------------------------------|------------------------------------------------------------|-----------------------|-----------------------------------|
| <b>MEETING OF THE:</b>                        | <b>COMMUNITY SAFETY AND PROTECTION COMMITTEE</b>           |                       |                                   |
| <b>DATE:</b>                                  | <b>5<sup>TH</sup> FEBRUARY 2019</b>                        | <b>REPORT NO:</b>     | <b><a href="#">CFO/008/19</a></b> |
| <b>PRESENTING OFFICER</b>                     | <b>ASSISTANT CHIEF FIRE OFFICER</b>                        |                       |                                   |
| <b>RESPONSIBLE OFFICER:</b>                   | <b>AM KEEN</b>                                             | <b>REPORT AUTHOR:</b> | <b>SM JOE CUNLIFFE</b>            |
| <b>OFFICERS CONSULTED:</b>                    | <b>GM RYDER, SM KAY, SM DANIELS, SM HARLAND, SM MULLEN</b> |                       |                                   |
| <b>TITLE OF REPORT:</b>                       | <b>ARSON REDUCTION STRATEGY PROGRESS REPORT</b>            |                       |                                   |

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|--------------------|----------------------------------------------------------------|
| <b>APPENDICES:</b> | <b>APPENDIX A:        Serious and Organised Crime Strategy</b> |
|                    | <b>APPENDIX B:        Convictions for arson 2017/18</b>        |

### **Purpose of Report**

1. To inform Members of the outcomes of the Arson Reduction Strategy, following significant progress on arson convictions.

### **Recommendation**

2. That Members note;
  - 2.1. The effectiveness of fire scene investigations when working in partnership with Merseyside Police in securing arson convictions;
  - 2.2. The efficiencies gained by the public purse due to our partnership working in Arson reduction and the quality of evidence presented in the Authority's fire scene investigation reports;
  - 2.3. The effectiveness of the Arson Reduction Strategy in increasing the safety of communities in Merseyside by preventing deliberate fire setting.

### **Introduction and Background**

3. Merseyside Fire and Rescue Service's (MFRS) Incident Investigation Team (IIT) conduct fire scene investigation to determine cause and origin of fire incidents. Where IIT officers find evidence of deliberate fire setting (arson), a Police investigation then ensues.
4. Merseyside Police have come to place great reliance on the reports produced by IIT officers on the origin and cause of fire. This is due to how influential they have shown to be in achieving:
  - 4.1. Swift case progression through the criminal justice system and into a Court.

#### 4.2. Early admissions of guilt by defendants.

5. These results are achieved due to the high level of credibility of the MFRS IIT Officers which has been achieved through their professional approach and the robust reports produced. This level of credibility has been achieved by the Authority's continued investment in the learning and development of its IIT officers' knowledge, skills, qualifications and experience.
6. Early guilty pleas arising directly from the quality of evidence captured in fire scene investigation reports has proven to significantly unburden Courts, Crown Prosecution Service legal teams and defence legal teams which has achieved considerable cost savings to the public purse.
7. The successful prosecution of offenders involved in deliberate fire setting has had a positive impact on communities by significantly reducing the threat, harm and risk of arson.

### **Partnerships and information sharing**

8. MFRS works in partnership with Merseyside Police, Local Authority Community Safety Teams, Local Authority Youth Offending Teams, The Probation Service, Housing Associations and others to implement the Arson Reduction Strategy. A partnership approach has been adopted to both reduce arson and assist partners in reducing other offending.
9. IIT officers sit on Community Safety Partnership Executive boards across the Mersey region and on Disarm Partnership and Multi Agency Response to Threat Harm and Risk (MARTHR) groups. This allows information and intelligence to be shared amongst partners regarding arson hotspot areas and perpetrators.
10. IIT officers and MFRS Arson Team work closely with Merseyside Police, Local Authority Community Safety Teams and other partners to reduce arson and the effects it has on communities, activities include:
  - 10.1. Target hardening pre and post deliberate fire incidents;
  - 10.2. Merseyside Police making live referrals to MFRA Arson teams via the Potential Arson Threat Scheme
  - 10.3. Merseyside Police operational interventions including Operation Banger which aims to reduce the impact of deliberate fire setting and misuse of fireworks leading up to and during the bonfire period and Operation Milna which targets the reduction of threat, harm and risk from arson and deliberate fire setting
  - 10.4. Internal referrals to MFRA Protection Officers when breaches of fire safety legislation are identified.
11. The recent success of Operation Milna demonstrates the effectiveness of partnership working; for example - between June 2017 and May 2018, over 100 bin fires were attended in the Wavertree area. The joint Operation with Merseyside Police saw increased police patrols in the area to apprehend the perpetrator whilst

MFRA officers provided assurance visits in the risk area. As a result the perpetrator was identified and charged with a number of acts of arson. The perpetrator was sentenced to a 15 year custodial sentence in November 2018.

12. The socio-economic effects of arson cannot be underestimated and the effects it has on a community. Arson involving businesses costs an average of £1.7 billion per year nationally in the UK (Source: *The Economic Cost of fire: estimates for 2008-Fire research report 3/2011* published by DCLG) and can result in businesses never recovering; the effects can be loss of jobs, empty buildings, and a lack of investment and new growth within an area.

### **Incident Investigation Team**

13. IIT officers attended a total of 513 fire related incidents between the 1<sup>st</sup> April 2017 and 31<sup>st</sup> March 2018. Since the 1<sup>st</sup> April 2018 to the 31<sup>st</sup> August 2018 IIT officers have attended a further 190 fire related incidents.

14. In addition to the investigation of fires IIT carry out testing to determine the cause of the fire which alongside assisting with prosecutions can also serve to influence industry in cases of accidental ignition. This is achieved by sharing the results of investigations and encouraging industries to make changes to identified components or procedures to reduce the number of accidental fires in their products. Examples of this are:

- The RAF1 scheme were findings of investigations involving white goods are correlated and subsequently shared with manufacturers on a monthly basis
- Heightening awareness with NHS, Care Providers and manufacturers as to the use of paraffin based emollients following several fire deaths where it is believed that emollients acted as an accelerant

15. IIT also monitors trends in deliberate fire setting and communicates this information to local fire stations helping them to identify “hotspot” areas and advises on local action that can be taken to reduce incidents of fire settings. Recent initiatives include:

- The formal investigation of car fires in priority wards
- Operation Milna
- Implementation of Community Risk Management routes which direct fire appliances and other MFRA teams to areas with an identified threat or risk of arson.

## **Fire Scene Investigation**

16. IIT officers adopt a methodology known as the “Systematic Approach” to fire scene investigation. The “Systematic Approach” provides an analytical process that has a high level of credibility. It has robust evidential value on determining the origin and cause of fire and also identifies why other sources of potential ignition were not the cause of a fire.
17. An IIT report provides evidence to the police and assists to build a case file, supporting the Merseyside police investigation to determine the perpetrator.

## **Expert Witness**

18. IIT officers receive a significant amount of training and personal development through formal training courses and certification and through attendance at relevant seminars and conferences. IIT officers hold the following qualifications:

- Level 3 Certificate in Fire Investigation
- Level 5 Certificate in Advanced Fire Investigation
- BTEC Level 7 Advanced Professional Award in Expert Witness Evidence

The qualifications are in line with the recently implemented National Fire Chiefs Council *Code of Practice for Fire Investigation* (developed in line with the Institute of Fire Engineers and the UK Association of Fire Investigators).

19. Due to the qualifications, skills and experience of IIT officers they are generally classed as an “Expert Witness” in a Court. It is for the Judge in each case to decide who is classed as an expert witness in a Court Room.

It is common for defence teams to employ their own expert witnesses to provide reports which may contradict IIT findings and offer an alternative opinion into the origin and cause of fire. A defence expert report costs an average of £310 with preparation fees of £90 per hour being charged in addition to the final cost of the report.

Merseyside Fire and Rescue Service do not charge Merseyside Police for providing reports.

20. In the year 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018, 20 cases of arson were investigated by IIT officers that resulted in a Court case (appendix B) two went to trial which resulted in defendants being found guilty, three pleaded guilty either on the day of the trial or changed their plea after the trial had started, 15 submitted early guilty pleas.

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## Equality and Diversity Implications

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21. There is an established geographical correlation between the incidence of arson attacks and multiple indices of deprivation. By targeting these identified areas, MFRA improve outcomes for people who suffer from socio-economic deprivation and can assist Merseyside police in targeting criminal activity.
22. Arson is frequently used to target victims of hate crime, which frequently include individuals with protected characteristics. Therefore, arson convictions have a significant positive impact in securing the safety of members of our community with protected characteristics.

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## Staff Implications

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23. IIT officers are being trained to the level of competence that is required to meet the *Code of Practice for Fire Scene Investigators* and to meet the standards set out by the Forensic Science Regulator in the *ISO/IEC 17020*.
24. Reduction of arson incidents enhances the safety of fire crews through reducing the number of fire incidents across Merseyside.

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## Legal Implications

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25. Fire and Rescue Services Act 2004. Section 45.
26. Gaining accreditation to the ISO/IEC 17020 standard by 2020. It is not currently clear what will happen if organisations do not obtain this accreditation, but it is possible that they will no longer be able to carry out fire investigation work within the criminal justice system.

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## Financial Implications & Value for Money

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27. As stated in section 12 deliberate set fires cost the UK an average of £1.7 billion annually. Allowing for an average inflation rate of 2.7% this equates to £2.1 billion in 2018.
28. *The Economic Cost of fire: estimates for 2008-Fire research report 3/2011* report, estimates that the cost of a fatality in a deliberately set fire is in the region of £1.65 million which includes emergency services response to the incident, subsequent investigations by Police and fire service, Coroners court costs, criminal court costs, property damage repairs, victim costs and cost to the prison service.

### Court Costs

29. The following costs are sourced from:

- <https://www.cps.gov.uk/legal-guidance/costs>

- [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/696617/crown-court-fee-guidance.-post-1-apr-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/696617/crown-court-fee-guidance.-post-1-apr-2018.pdf)
- [https://www.cps.gov.uk/sites/default/files/documents/legal\\_guidance/annex-2-guilty-plea-fees-scheme-c.pdf](https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/annex-2-guilty-plea-fees-scheme-c.pdf)
- [https://www.cps.gov.uk/sites/default/files/documents/legal\\_guidance/annex-3-effective-trials-cracked-trial-fees-scheme-c.pdf](https://www.cps.gov.uk/sites/default/files/documents/legal_guidance/annex-3-effective-trials-cracked-trial-fees-scheme-c.pdf)

30. Excluding prosecution and defence preparation costs, the average cost of a Crown Court hearing per day is £1548, comprising of £987 judicial costs and £616 staff costs.

31. Fees that the CPS may charge for prosecutions are governed by the *Crown Court Fee Guidance* document, supporting this document is the *Graduated Fee Scheme* which sets out the scale of charges that lawyers, barristers and experts may charge. The fees are also applicable to defence teams working within the Legal Aid Scheme.

32. The prosecution cost are as follows:

- 32.1. Committal to Trial (plea) Hearing is an average of £1500.
- 32.2. A trial is an average of £3500.
- 32.3. An early guilty plea is £670.
- 32.4. A guilty plea on the day of a trial or when a trial has started is £950.
- 32.5. A committal for sentencing costs an average of £425.

33. The total cost are:

- 33.1. A case going to trial and committal is £8521.
- 33.2. An early guilty plea is £4143.
- 33.3. A guilty plea on the day of trial or when a trial has started is £5971.

34. The saving in prosecution costs are:

- 34.1. Following an early guilty plea is £4378.
- 34.2. Following a guilty plea on the day of a trial or when a trial has started is £2550.

35. Based on the figures provided, of the 18 cases where early guilty pleas were submitted, pleas were changed on the day of the trial or when the trial started it is estimated that a total of **£83,904** has been saved in prosecution costs by the Crown Prosecution Service and the Courts as opposed to the cost of each case going to trial.

36. Those savings are further increased if the cases that were defended using the Legal Aid scheme defence teams are taken into account.

37. The successful conviction of offenders reduces the number of fire calls thereby ensuring appliance available for fast attendance to life risk incidents.

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### **Risk Management, Health & Safety, and Environmental Implications**

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38. The MFRA activities under the Arson reduction strategy substantially reduce risks from arson that would otherwise endanger the lives, property and environment in Merseyside and the safety of fire crews.

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### **Contribution to Our Mission: *Safer Stronger Communities – Safe Effective Firefighters***

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39. The effectiveness of the Arson Reduction Strategy increases the safety of the community of Merseyside through the reduction of fire risk and the freeing up of MFRA response resources to deploy to emergency incidents across the county.

40. The positive impact of arson convictions significantly increases efficiencies to the public purse with the reduction in fire loss strengthening the local economy.

41. The reduction of arson incidents directly increases the safety of firefighters by reducing the number of incidents where fire crews are exposed to risks.

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### **BACKGROUND PAPERS**

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NONE

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### **GLOSSARY OF TERMS**

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**MFRA**            Merseyside Fire and Rescue Authority

**MFRS**            Merseyside Fire and Rescue Service

**NCA**            National Crime Agency

**IIT**            Incident Investigation Team

**ISO**            International Standards Organisation

**IEC**            International Electrotechnical Commission