



Texas Department of Insurance

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Greetings,

I wanted to update the various stakeholder groups, fire chiefs, fire marshals, and public and private fire investigators, on the progress in the State Fire Marshal Office (SFMO) related to recommendations in the Texas Forensic Science Commission Report referencing the future of fire investigations. I believe this report provides good recommendations on how we collectively pursue best practices and SFMO fully embraces this document as a blueprint toward the future.

SFMO is working closely with the Texas Forensic Science Commission and the Texas Innocence Project and we have developed an excellent relationship to this point, which I expect will continue to improve as we work collectively to ensure best practices are followed in all aspects of fire investigations throughout the state. The SFMO is also working with the Texas Criminal Justice Integrity Unit, an ad hoc committee created by Court of Criminal Appeals Judge Barbara Hervey to review the strengths and weaknesses of the Texas criminal justice system. They have taken a keen interest in fire investigations and support the SFMO embracing the Forensic Science Commission report. I will give an update to this group on Friday, October 5, 2012.

While many organizations have embraced best practices for some time now, others have not and will not fare well in the future unless change is pursued with diligence. Below are recommendations found in the Texas Forensic Science Commission Report:

- Adoption of national standards
- Retroactive review
- Enhanced certification
- Collaborative training on incendiary indicators
- Tools for analyzing ignition sources
- Periodic curriculum review
- Involvement of SFMO in local investigations
- Establishment of peer review group/multidisciplinary team
- Standards for testimony in arson cases
- Enhanced admissibility hearings in arson cases
- Evaluating courtroom testimony
- Minimum report standards
- Preservation of documentation
- Dissemination of information regarding scientific advancements
- Code of Conduct/Ethics
- Training for lawyers/judges
- Funding

The SFMO is fully committed to implementing all the recommendations that are related to our duties and responsibilities. In fact, my expectation is to exceed these recommendations. Defined, best practices are a minimum acceptable level of performance. I am equally hopeful that those in positions of leadership at the local level with oversight over fire investigations are committed to meeting and exceeding these recommendations.

Over the past three months, since I took this position, I have spent a lot of time working on this issue. I firmly believe SFMO must step up and provide leadership to continually improve its own internal operations and assist local agencies and the private sector with fire investigation responsibilities. I have joined just about every fire investigator association in the state, travelled extensively to meet members in these organizations, sought input from numerous leaders in various organizations statewide and nationally on ideas to make improvements, and additional efforts to develop a plan for the future. I have been very involved over the years with the Texas Fire Chiefs Association and worked closely with the Texas State Association of Firefighters, State Firemen and Fire Marshal Association, SAFE-D, Texas Fire Marshals' Association, Texas Commission on Fire Protection, Texas A&M Forest Service, Texas Division of Emergency Management, and TBEEX. I will utilize those relationships in this effort to build consensus to improve fire investigations and other responsibilities of the SFMO where applicable.

A Science Advisory Workgroup has been funded to work with the SFMO in reviewing current fire investigations and also assist with retroactive case reviews to evaluate if scientific advances impact these cases. This type of panel performing fire investigation case reviews has never been done before in the United States in the public sector. The members of the workgroup are well-known in the fire investigation profession and include:

- Dr. John DeHaan: noted fire scientist, author, and criminalist
- Dr. David Icove: fire protection engineer, fire investigator, and author
- Mr. Mark Goodson: mechanical and electrical engineer
- Ms. Kathy Crouch: attorney with expertise in fire investigation cases
- Mr. Thomas Sing: highly-experienced fire investigator
- Dr. Nizam Peerwani: Tarrant County Chief Medical Examiner and member of the Forensic Science Commission

In addition to assisting SFMO staff with peer reviews, members of the Science Advisory Workgroup will teach at the Texas Fire Investigation Forums. One or more members of the workgroup will teach an 8-hour class and the entire Science Advisory Workgroup will convene for a half-day discussion on the latest advances in fire investigations and fire science. Both sessions are open to all fire investigators in the state. The process will repeat in April, June, and November.

The first quarterly meeting of the Texas Fire Investigation Forum will be in Houston, January 7-8, 2013. Dr. DeHaan and Dr. Peerwani will teach an 8-hour class about fire investigations involving fire fatalities. The remaining members of the workgroup, will convene on Tuesday, January 8, 2013 for a 4-hour panel discussion about the latest advances in fire investigation and fire science. Registration information will be provided soon.

These quarterly forums will alternate between Houston and Plano to facilitate access to fire investigators across the state due to their large regional populations. In time, the SFMO would strive to facilitate

similar forums to be located in three to four regions of the state to provide local agencies access to experts to review active cases and also conduct retroactive reviews of former cases to evaluate if scientific advances necessitate further action. The field of fire investigations is very science-centric as reaffirmed in NFPA 1033 and 921 and fire investigators need access to experts to do thorough investigations.

Credentials of fire investigators are critical. Fire investigators must have excellent credentials and be able to articulate their knowledge to convince the court that the fire investigator is indeed an expert. There is absolutely no doubt that fire investigators will encounter more Daubert/Kelly hearings in the future, due to media coverage and other factors. A fire investigator that fails to be acknowledged by the court as an expert will likely no longer have a career as a fire investigator. Leaders that have fire investigators under their command must partner with an equally committed fire investigator to make sure that training, education, standard operating guidelines, and other best practices are being earnestly pursued.

The SFMO will be working with various associations in the state to develop a three-year professional development plan that facilitates this goal. There must be an effort to coordinate training opportunities that exceeds the recommendations in the Forensic Science Commission report. While some areas of the state have been progressive in this area, there needs to be further refinement to make sure all fire investigators in the state are on the same development plan. This will be done through collective discussions with representatives of state associations. Some work has been done on this topic and will be finalized this month after key meetings are completed with the state associations.

Combined with the scheduled quarterly Texas Fire Investigation Forums, which provides a day and a half of training and education for all fire investigators in the state, the SFMO has also partnered with the Harris County Fire Marshal's Office and Plano Fire Department to have additional classes on NFPA 1033 and Report Writing. Dr. David Icove, a well know instructor, will provide the training for the classes listed below. It is critical that training be provided by instructors with well known credentials and expertise. Both of these classes are scheduled as follows:

NFPA 1033	February 4-5, 2013	3413 N. Sam Houston Parkway West Houston, Texas 77086
NFPA 1033	February 7-8, 2013	4125 West Parker Road Plano, Texas 75093
Report Writing	May 6-7, 2013	3413 N. Sam Houston Parkway West Houston, Texas 77086
Report Writing	May 9-10, 2013	4125 West Parker Road Plano, Texas 75093

In closing, the SFMO is seeking partnerships in efforts to make Texas the definitive leader in fire investigations. This will be a difficult path, but we all have a collective obligation to pursue that goal. We are responsible to investigate fires and pursue those individuals that commit arson. With that authority comes great accountability, which is not unreasonable. The SFMO is fully committed to working collectively with all the various stakeholders in a collegial manner that shares that same

passion. For those that do not wish to be fully engaged, we hope the best for you, but you face a judicial system and citizens that have much higher expectations. I look forward to working with those that have the same goals. There is much work to be done and the State Fire Marshal's Office is committed to enhancing training and improving fire investigation in Texas.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Connealy". The signature is fluid and cursive, with a large initial "C" and a long, sweeping tail.

Chris Connealy
State Fire Marshal