

# Prosecution of Arson

*By: Kate Ridgway*

The Association was privileged to have Leanne Clare (Director, Office of the Director of Public Prosecutions) speak at the AGM on 27 March 2002. Leanne's presentation included an analysis of the requirements and obligations of police officers, fire officers and private industry personnel such as the private fire scene examiner, insurance agents and private investigators in the preparation of an arson case.

Leanne acknowledged the work done by the fire investigation industry over the last few years.

She spoke of the importance of preserving the fire scene and the gathering of evidence. Leanne outlined the importance of photographing or filming the scene so as the scene may brought to life particularly injury cases. Preserving the scene enables investigators/prosecution to go back at a later stage and respond to the issues raised by the defence.

Leanne gave examples of the cases she has been involved in where aspects of the investigation or particular factual matters may have not have seemed important but which become important or significant at a later stage.

Leanne remarked on the quality of the Childers Backpackers investigation. She regards it as a model investigation – achieved through the teamwork of the people involved from police, forensic experts, QFRS personnel and fire investigators. The way the investigation was conducted meant that experts were able to agree on some of the issues. Many of the issues in that case could be answered quickly and readily by the comprehensive investigation. It meant also that the defence accepted aspects of the evidence resulting in a shortening of the trial.

Leanne also touched upon the role of private investigators and in particular insurance investigators. She commented that a number of arsons would not have been uncovered had it not been for the work done by private investigators.

Leanne did however comment on the cases in which insurance investigators demonstrate a perceived bias. Leanne referred to the problems, which arise where there is undue interference with the police investigation by insurance/private investigators. She emphasised the need for a clear line to be drawn between the police, prosecutions and the insurance industry. The blurring of this line may result in evidence gathered by insurance investigators not being used in the prosecution of cases. Leanne noted the importance of being objective when looking at evidence.

Leanne's presentation served as a reminder to members on how to conduct investigations and some of the issues to bear in mind.

---