

## **RESOLUTION NO. 39**

### **ADOPTING THE ALBANY COUNTY ARSON CONTROL PLAN**

Introduced: 2/13/23

By Public Safety Committee:

WHEREAS, General Municipal Law §204-d provides that a Fire Chief is required to determine the cause of each fire or explosion which the fire department or company is called to suppress, and

WHEREAS, County Fire Departments and the Fire Coordinator's Office provide support to Arson investigation teams such as lighting, hose lines, heavy construction equipment and other duties as requested by the Fire Investigation team, and

WHEREAS, The Albany County Fire Coordinator has created the Albany County Arson Control Plan which has been submitted to and reviewed by local fire department representatives and the Albany County Sheriff, and

WHEREAS, The Albany County Sheriff requests that the plan, annexed hereto, be adopted by this Honorable Body to ensure the effective arson investigations by the various agencies within Albany County, now, therefore, be it

RESOLVED, By the Albany County Legislature, that the Albany County Arson Control Plan dated November 14, 2022 is hereby adopted effective immediately, and be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

# **ALBANY COUNTY**

## **ARSON CONTROL PLAN**



Albany County Office of Emergency Management Fire  
Coordinator's Office  
58 Verda Ave  
Clarksville, New York, 12041

**Albany County  
Arson Control Plan**

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**Attachments A-** Arson team letters

**ALBANY COUNTY ARSON  
CONTROL PLAN**

Recommended for Adoption by: OFFICE

OF FIRE COORDINATOR

Date: November 14, 2022

SUBMITTED BY COUNTY FIRE COORDINATOR

Gerald E. Paris Jr.

ADOPTED BY:

ALBANY COUNTY LEGISLATURE

Date:

, Representative

Offered a resolution that the following plan be adopted as the:

ALBANY COUNTY ARSON CONTROL PLAN

Resolution Number

APPROVED AND ACCEPTED BY:

Division of Homeland Security and

Emergency Services

OFFICE OF FIRE PREVENTION AND CONTROL

Date:

## **ALBANY COUNTY ARSON CONTROL PLAN**

### **Section I. Plan Overview**

#### **Scope & Purpose**

The purpose of this plan is to develop processes and procedures for the conduct of fire investigations with the ultimate goal of controlling arson within Albany County. This can be accomplished by integrating fire, law enforcement and prosecutorial services, as dictated, during all fire investigations and increasing the cooperation between government and key private sector stakeholders.

There are numerous agencies within Albany County responsible for arson investigations; City of Albany Department of Fire & Emergency Services, Town of Bethlehem Police Department, City of Cohoes Fire Department, Town of Colonie Fire Services/ Colonie Police Department, Town of Guilderland Police Department, and City of Watervliet Department of Public Safety Bureau of Fire. Each of these municipalities have their own arson investigation team in addition the Albany County Sheriffs' Office which has an arson investigation team that covers the remainder of the county and can be called on to assist any of the other teams as requested. In addition, for cases that exceed local resources the Office of Fire Prevention and Control Arson team provides assistance. All of these teams shall follow currently recognized best practices and industry standards.

The prosecution of suspected arson cases is handled by the Albany County District Attorney's office (DA) working closely with the arson investigation teams. The DA's office has a dedicated Assistant District Attorney (ADA) who prosecutes cases of suspected arson. This ADA is available to the municipal and county teams to provide advice and guidance relative to documentation and preparation for court appearances or consultation on any other legal matters relative to fire investigations.

#### **Current County Demographics**

The area of the County is 533 Square Miles and has a population of 306,165 per the most recent census it is comprised of 3 Cities, 10 Towns and 6 Villages. It has a mix of rural, suburban and urban areas.

The majority of the Fire Departments in the County are volunteer with seven career Departments and two Combination Departments.

The County has an active Fire Advisory Board that normally meets monthly and acts as a tool to address any Firematic issues including Arson team issues. The Board has an Arson team representative member.

Many of the County investigators are also members of the Capital District Fire Investigator's Association that provides training opportunities, as well as, an opportunity for networking.

Over the last 7 years our average call volume is 40810 and of this number 36 are suspected arson. Over this same period there were 26 arson convictions in the County and we currently have 43 active cases from this period.

#### **Arson Task Force**

There is no Arson taskforce in Albany County.

## **Section II. Fire Service Resources & Role/Responsibilities to Control Arson**

There are 42 Fire Departments in Albany County and their Chiefs are responsible under General Municipal Law (GML) 204-d (see below), which requires a Fire Chief to "determine or cause to be determined the cause of each fire or explosion which the fire department or company is called to suppress."

As the majority of fire chiefs in Albany County are Volunteers with seven career departments and two combination. Many Departments either do not have the advanced training and experience to make a fire cause determination and/or the time required to thoroughly investigate major fires, therefore, they may depend on one of the Arson investigation teams to determine the cause and origin of the fire,

§ 204-d. Duties of the fire chief. The fire chief of any fire department or company shall, in addition to any other duties assigned to him by law or contract, to the extent reasonably possible determine or cause to be determined the cause of each fire or explosion which the fire department or company has been called to suppress. He shall file with the office of fire prevention and control a report containing such determination and any additional information required by such office regarding the fire or explosion. The report shall be in the form designated by such office. He shall contact or cause to be contacted the appropriate investigatory authority if he has reason to believe the fire or explosion is of incendiary or suspicious origin. For all fires that are suspected to have been ignited by a cigarette, within fourteen days after completing the investigation into such fire, the fire chief shall forward to the office of fire prevention and control information detailing, to the extent possible: (a) the specific brand and style of the cigarette suspected of having ignited such fire; (b) whether the cigarette package was marked as required by subdivision six of section one hundred fifty-six-c of the executive law; and (c) the location and manner in which such cigarette was purchased.

The Albany County Fire Investigation Teams are considered "specialized teams", (per N.Y. GMU. LAW § 209-bb: NY Code - Section 209-88) and are in compliance with NFPA 921 and NFPA 1033. The details of each Arson Investigation Team are attached (Appendix A).

**The Fire Departments/Companies in Albany County are:**

Albany-Career	Medusa-Volunteer
Albany Int'l Airport-Career	Menands-Volunteer
Altamont-Volunteer	Midway-Volunteer
Berne-Volunteer	New Salem-Volunteer
Boght Community-Volunteer	North Bethlehem-Volunteer
Coeymans-Volunteer	Onesquethaw-Volunteer Ravena
Coeymans Hollow-Volunteer	Rensselaerville-Volunteer
Cohoes-Career	SABIC (non-municipal) -Career
Colonie-Volunteer	Schuyler Heights-Volunteer
Delmar-Volunteer	Selkirk-Volunteer
Elsmere-Volunteer	Shaker Road-Combination
East Berne-Volunteer	Slingerlands-Volunteer
Fort Hunter-Volunteer	Stanford Heights-Volunteer
Fuller Road-Volunteer	Tri-Village-Volunteer
Green Island-Career	Verdoy-Volunteer
Guilderland-Volunteer	Voorheesville-Volunteer
Guilderland Center-Volunteer	Watervliet-Career
Knox-Volunteer	Watervliet Arsenal (non-municipal) -Career
Latham-Combination	West Albany-Volunteer
Maplewood-Volunteer	Westerlo-Volunteer
McKownville-Volunteer	Westmere-Volunteer

**Local Fire and Law Enforcement Agency Responsibilities**

The fire chief of each department within Albany County is responsible for initial origin and cause investigation of any fire they respond to in accordance with GML 204-D, Origin and cause of minor fires is generally completed by individual departments without a need to call on one of the Fire Investigation Teams.

County Fire Departments and the Fire Coordinator's Office provide support to Arson investigation teams by supplying items such as lighting, hose lines, heavy construction equipment and other duties as requested by Fire Investigation team.

While some departments may have members who have received fire investigation training there are no departments except Albany Fire, Cohoes Fire, Watervliet Fire and Colonie Fire Services which have established in-house fire investigation teams. The above listed agencies conduct fire investigations and work very closely with all local law enforcement agencies and rely on Law Enforcement agencies for assistance including but not limited to maintaining a scene, assisting in evidence collection, packaging, security and witness interviews. In addition Bethlehem, Colonie, and Guilderland Police have Fire investigation teams. Fire Departments outside the areas covered by municipal Fire Investigation teams will call upon the County Sheriffs' team for a fire investigation when they determine it is beyond their knowledge and training.

All investigations conducted by investigation teams are done in compliance with NFPA, Standard 921 and teams are trained in accordance with NFPA Standard 1033.

**Albany City Fire Department:**

1. **Staffing of team ( how many staff):** 5
2. **Level of training of team members:** Certified New York State Fire Investigators
3. **In-service training requirements:** NYS and National Standards
4. **Rotation of staff:** (by shift or on call : All work 5 day work week (0800 x 1600) with on call coverage 24 hrs.7 days per week/365 days per year
5. **Are they full-time, assigned on a voluntary basis , or a specialized team per section 209-bb of NYS General Municipal Code:** Full time – assigned to Fire Prevention/Investigation Unit
6. **Geographic area covered:** City of Albany

**Cohoes Fire:**

1. **Staffing of team (how many staff):** 2
2. **Level of training of team members:** Pro Board and New York State Certified Fire Investigators.
3. **In-service training requirements:** NYS and National Standards
4. **Rotation of staff (by shift or on call):** Work shift and called back as needed
5. **Are they full-time, assigned on a voluntary basis , or a specialized team per section 209-bb of NYS General Municipal Code:** Full time – assigned to Fire Prevention/Investigation Unit
6. **Geographic area covered:** City of Cohoes

**Colonie Fire Services:**

1. **Staffing of team (how many staff) :** Four
2. **Level of training of team members:** Three full time, New York State certified Fire Investigators, and one Colonie Police Officer make up the Town of Colonie Fire Investigation Unit
3. **In-service training requirements:** Members maintain the required State in service training annually
4. **Rotation of staff (by shift or on call):**The three Fire Protection Specialist's rotate a weekly on call assignment
5. **Are they full-time, assigned on a voluntary basis, or a specialized team per section 209-bb of NYS General Municipal Code:** All team members are full-time employees of the Town of Colonie
6. **Geographic area covered by team:** The team investigates fires for the entire Town of Colonie, including the Incorporated Villages of Colonie and Menands. We will respond outside the Town of Colonie if requested.

**Watervliet Fire:**

1. **Staffing of team (how many staff):**6 total team members: 3 New York State Certified Fire investigators (2 fire officers, 1 firefighter) and 3 Police Officers (2 detective sergeants, 1 detective lieutenant)
2. **Level of training of team members.** Combination of Pro-Board certified (2 members), New York State certified (1 member), and Evidence Technician/Crime Scene Technician (2 members)
3. **In-service training requirements:** We conduct training requirements set forth by NYS and submit our Attestation Letter annually to NYS OFPC.
4. **Rotation of staff (by shift or on call):** Both on-call or on shift, depending who is on duty at the time of the incident.



5. **Are they full-time, assigned on a voluntary basis, or a specialized team per section 209-bb of NYS General Municipal Code:** All team members are full-time employees of the City of Watervliet Fire or Police Departments

6. **Geographic area covered by team:** City of Watervliet and the Village of Green Island

### **III. Law Enforcement Agencies & Role/Responsibilities for Arson Control**

#### **Law Enforcement Agencies within County of Albany**

Albany City PD	Coeymans PD	NYS Police
Albany County Sheriff	Colonie PD	SUNY Albany PD
Altamont PD	Green Island PD	Watervliet PD
Bethlehem PD	Guilderland PD	Watervliet Arsenal PD
Cohoes PD	Menands PD	

All above Police Departments have general law enforcement responsibilities regarding Fire Investigation including scene security, general criminal investigation and evidence security as well as providing assistance as requested by the Incident Commander or the Fire Investigation team. In addition Cohoes, Albany County Sheriff, Bethlehem, Colonie and Guilderland PD have Fire investigation teams these teams operate in accordance with NFPA, Standard 921 and teams are trained in accordance with NFPA Standard 1033. They all work closely with the Fire Service to determine cause and origin of fires.

#### **Albany County Sheriff's office:**

1. **Staffing of team (how many staff):** 3
2. **Level of training of team members:** Two Pro Board Certified and one support staff
3. **Rotation of staff (by shift or on call):** Either on shift or on call as needed
4. **Are they full-time, assigned on a voluntary basis , or a specialized team per section 209-bb of NYS General Municipal Code - Specialized Team:** Full time staff
5. **Geographic Area covered:** Berne, Knox, Westerlo, Rensselaerville, New Scotland, Voorheesville, Coeymans, Ravena, Green Island, Albany International Airport, and any County owned property

#### **Bethlehem Police:**

1. **Staffing of team (how many staff):** Currently have 3 New York State Certified investigators. In the process of putting 3 new investigators through school in the fall.
2. **Level of training of team members:** See above
3. **In-service training requirements:** Members are required by the state to complete 12 hours of tested training and 12 hours of investigation.
4. **Rotation of staff (by shift or on call):** Members are available for call in as needed
5. **Are they full-time, assigned on a voluntary basis, or a specialized team per section 209-bb of NYS General Municipal Code-** Members are all full time employees assigned to various details within the police department but are available for fire investigation when the Fire Chief determines the need.
6. **Geographic area covered by team:** Town of Bethlehem

#### **Guilderland Police:**

1. **Staffing of team (how many staff):** 8
2. **Level of training of team members:** 1 administrator/New York State Certified, 3 New York State Certified, 3 pending New York State Certification, and 1 support services
3. **In-service training requirements:** Minimum of 12 hrs. CME training, and 12 hrs. of fire investigation
4. **Rotation of staff (by shift or on call):** On call or working for town/volunteer
5. **Are they full-time, assigned on a voluntary basis, or a specialized team per section 209-bb of NYS General Municipal Code - Specialized Team:** Fire Investigation Unit consists of 6 full time Town of Guilderland Employees (Police Officer, Fire Prevention, and Building/Zoning), 2 volunteer fireman
6. **Geographic area covered by team:** Town of Guilderland

#### **IV. Prosecution/District Attorney Office**

The Albany County District Attorney's (DA) Office relies on the municipal and county investigation teams to conduct on site fire investigations. The DA's office does have a dedicated Assistant District Attorney (ADA) who prosecutes cases of suspected arson. They also have both fire and criminal investigators that can assist fire investigation teams. They currently have a New York State Certified and an additional investigator on staff.

This ADA is available to the municipal and county team members to provide advice and guidance relative to documentation and preparation for court appearances or consult on any other legal matters relative to fire investigations. They can also be requested to the scene by the Fire Investigation team if needed.

#### **V. Supporting Programs/Services**

##### **Juvenile Fire Setter Program**

Albany County is fortunate to have an interdisciplinary team that comprises the Juvenile Fire Setter Program and a designated deputy fire coordinator charged with administering the program. The County also has several members of fire investigation teams who are trained to work with juvenile fire setters. The City of Albany Fire Department, Colonie Fire Services, and Cohoes Fire Department have personnel trained to work with these individuals. Trained investigators make themselves available to schools, both public and private, to present programs for juveniles. Representatives of the Albany County Office of Mental Health and the Probation Department are also trained to recognize and work with juvenile fire setters.

The team makeup is as follows- One Deputy Fire Coordinator is assigned to manage the program

-It is an inter-disciplinary team. Consisting of Firefighters/investigators, Law Enforcement, Mental Health and Probation. All Team members have received J-Fire 1 training

-In-service training requirements -There are no requirements but the team meets monthly to review cases and discuss issues and new actions

-The Team is assigned cases on a jurisdictional basis.

-All team members volunteer or are assigned by their home agency. All Team members work for a career FD, Law enforcement agency, county mental health or county probation

– The team covers all of Albany County

On the county level, most cases are referred through the Office of Fire Coordinator who in turns puts individuals in contact with the trained members. Information garnered during the process of dealing with a juvenile fire setter is confidential and the only information available is the fact that the potential fire setter was either contacted or not.

We have developed an educational brochure explaining our J-Fire program that is being distributed at various public events and at schools throughout the County.

#### **Other Arson control steps taken**

We have continued to encourage local public works and building departments to board-up and secure all vacant and abandoned buildings.

Albany County has instituted one of the most active land banks in the State to get vacant properties either rehabilitated or demolished to reduce the chances of arson.

#### **Education/Training**

The Office of Fire Coordinator has realized the need to continue to educate firefighters in recognizing potential arson fires. Working closely with the State Fire Instructors assigned to Albany County, a certified fire investigator from one of the Fire Investigation Teams makes a presentation during all Firefighter I courses.

In addition, members of the team are invited to fire department open houses and will display equipment and discuss fire investigations with fire department members and the general public. Some fire departments within the county have also devoted training/drills to fire investigations with members of the team as main speakers.

There are several other educational outreach programs we use to assist in Arson prevention. The retention & recruitment car and tactical training trailer are used throughout the County at various Fire Department and community events, and at the Fire Museum at the Altamont fair, to provide fire prevention material as well as trained personnel who can discuss fire prevention and arson awareness with County residents who attend these events.