Connecticut Chapter
International Association of Arson Investigators

February 18, 2022

Connecticut General Assembly
Public Safety and Security Committee
Legislative Office Building, Room 3600
Hartford, CT 06106

Re: **Support for HB 5175 "An Act Allowing Police Officers to Obtain Information to be Furnished Relative to Fire and Explosion Losses"**

Dear Members of the Public Safety and Security Committee,

The International Association of Arson Investigators, Connecticut Chapter (IAAI-CT Chapter), supports raised HB 7145, An Act Allowing Police Officers to Obtain Information to be Furnished Relative to Fire and Explosion Losses.

Currently, Conn. Gen. Stat. §38a-318 allows authorized agencies to request information from insurance companies when investigating fires of incendiary (arson) or "suspicious" nature. The insurance company is then required to release records regarding policies, premiums, history of previous claims, and other relevant material relating to the investigation. An authorized agency, under the current statute, includes the State Fire Marshal, local fire marshals, and the Insurance Commissioner. The current law excludes law enforcement.

First, the current law uses the term "suspicious" in section (a). Certified fire investigators, whether they come from the fire department, law enforcement, or private companies, use uniform terminology designated by industry standards. Classifying a fire incident is different from cause determination which requires the investigator to refer to the appropriate classification system, whereas such system does not recognize "suspicious" NFPA 921, 2021 ed. 19.8 et Seq. The term suspicious is not a proper way to classify the cause of a fire; therefore, that term should not be used in a statute. A fire that is under investigation should be classified as undetermined if, at that time in the investigation, a final cause cannot be determined. Thus, the term "suspicious," as used in section (a), should be changed to "undetermined."

Furthermore, the term "explosion" should be added to the existing statute. The term "explosion" is covered in the arson statutes, therefore, should be allowable under the revisions to this statute. Connecticut defines arson as follows: "[a] person is guilty of arson in the first degree when, with intent to destroy or damage a building, as defined in section 53a-100, he starts a fire or causes an explosion." Conn. Gen. Stat. §§53a-111, 53a-112, 53a-113, and 53a-114.

The term "authorized agency" as used in section (f) should be broadened to include law enforcement. Law enforcement plays a very large role in arson fire investigations. Once a fire is

determined to be incendiary, cases are often turned over to the local police department. This is where probable cause to make an arrest is developed. Insurance records are far more valuable during this phase of the investigation, as opposed to the origin and cause phase. Insurance records can give investigators an insight into what may have motivated the arsonist by providing policy information, payment records, and a history of past claims. As the law stands now, law enforcement is excluded from obtaining these records. Moreover, the State Police Fire and Explosion Unit, who once operated under the umbrella of the State Fire Marshal, are now wholly a division of the Connecticut State Police. This excludes this unit from obtaining insurance records as part of their investigations.

Allowing law enforcement access to insurance records, when investigating incendiary fires, is not a new concept. Nearly all states in the eastern part of the country, with the exception of West Virginia, allow law enforcement officer to obtain insurance records through the use of their arson immunity statutes. Massachusetts, New York, Rhode Island, Vermont, New Hampshire, Maine, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Ohio, and Kentucky all have specific provisions in their arson immunity statutes allowing law enforcement officers to obtain insurance records.

Finally, allowing law enforcement to obtain insurance records could be beneficial to the insurance companies. Insurance fraud could more easily be uncovered, undetermined fires could be investigated more thoroughly, and lengthy—and costly—civil litigation could be avoided.

Sincerely,

Keith Flood

Keith Flood
President, CT Chapter IAAI