

BOOK REVIEW

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Review of: *Arson Law and Prosecution*

REFERENCE: Decker JF, Ottley BL. *Arson law and prosecution*. Durham NC: Carolina Academic Press, 2009, 562 pp.

The authors' stated purpose for this book is to provide a "source-book" of the "practical and legal issues" associated with the prosecution of an arson case (p. xxvi). Their approach is to discuss the legal issues of fire investigation, the laws governing arson and criminal procedure. The book covers investigation, search and seizure, interrogation, grand juries, sharing statutes (arson reporting immunity acts), state and federal laws on arson, accessory liability, and portions of a transcript from a successful arson prosecution. The goal of the book is laudable. Having for reference one manual covering issues involving the investigation and prosecution of a particular criminal offense would certainly be a valuable resource for investigators and attorneys. Unfortunately, this book fails to meet that goal.

Anyone using this book as a sourcebook would have difficulty quickly locating an answer to a specific legal inquiry. The chapters on legal issues are not well organized and do not provide the essential information in a useful format. Instead of stating the law directly and providing the current constitutional guidelines for law enforcement activity concerning searches and interrogations, the authors include unnecessary background discussions of early case law and standards that are no longer employed by the courts. Issues are also presented in a haphazard and illogical order. For example, significant issues concerning self-incrimination relevant to the trial admissibility of evidence obtained through police investigations are included in the Grand Jury chapter. The important issue of exceptions to the warrant requirement is only briefly discussed in the "Fourth Amendment Generally/Exceptions" section while the detailed discussion is buried within the "Administrative Searches and Seizures in the Context of Fire/Lower Court Decisions" section.

In addition, the book skimps on information that would be useful in favor of material of questionable worth. In the 18-page

subsection purportedly discussing defenses to arson cases, the book lists defenses that are rarely successful (impossibility, duress, and self-defense), a defense that has never been successful (attempted suicide), and a common law defense inapplicable in any state (consent). It provides only very elementary discussions of complex defenses (insanity and intoxication) that do arise in arson prosecutions and omits any discussion of defenses which target the scientific evidence underlying the conclusion of arson.

An incredible 175 pages of this book are devoted to statutory authority. The chapter summarizing the federal statutes that may be relevant to an arson investigation and the arson statutes of each of the 50 states and the District of Columbia is useful only as an academic survey rather than as a tool for investigators or attorneys who generally practice in one jurisdiction. Similarly, Arson Reporting Immunity Acts are extremely useful tools for arson prosecutions because they compel private insurers to provide information to the government; however, the 75-page state-by-state discussion of the nuances of these statutes is excessive for jurisdiction-specific investigators and attorneys.

The single chapter that could be most useful—the chapter on fire investigation—supplies little substantive information beyond endorsing two other publications. It does not adequately discuss the current challenges to the validity and reliability of many commonly used techniques and theories of fire investigation.

The utility of the book is also diminished by the absence of any effort to proofread. The errors in the book range from slightly annoying ("BFTA" in referring to the Bureau of Alcohol, Tobacco, and Firearms, p. 5) to mildly distracting ("the owner of a building may plan the to burn the building...", p. 475) to utterly frustrating (stating the defendant was "integrated" instead of "interrogated," p. 148). Rarely is a page free of a typo, verb tense inconsistency, or other grammatical mistake starting with the first page of the Introduction ("...arson fires killed 305 persons and cause property damage totaling more than \$775 million in 2006." p. xxv).

Laudable goal unmet.

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