Unit 6: Evidence Collection

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Slide 2

Objective
Describe the types of evidence you may encounter during an Investigation of a Power Line Caused Wildfire.
Unit 6: Evidence Collection

Slide 3

Objective

Describe the methods to collect, process, and protect evidence so that it can be utilized within the judicial process.

Slide 4

Evidence Categories

Circumstantial
  Tends to prove a fact in dispute indirectly

Direct
  Testimonial
  Physical
  Documentary
  Judicial Notice
Unit 6: Evidence Collection

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Categories Applied to Power Line Caused Wildfires

Circumstantial:
- Power line or pole located within the general area of origin
- DNA from plant debris found on the power line matches DNA from a tree adjacent to the line

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Categories Applied to Power Line Caused Wildfires

Direct Testimonial
- Witness statements regarding seeing tree branches being blown by the wind and hitting the power line and sparks dropping into the grass
- Observing a bright flash towards the top of the pole and fire in the top of the tree prior to seeing any fire on the ground
Unit 6: Evidence Collection

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 Categories Applied to Power Line Caused Wildfires

Direct
Physical
- Blown fuse on pole above Ignition Area
- Arced and broken insulator on pole above Ignition Area
- Fracture or vegetative debris on power lines above Ignition Area
- Melted metal on fuse/insulator fragments found in Ignition Area
- Burn pattern only below and on cross arm and at base of pole - no burn pattern between each

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 Categories Applied to Power Line Caused Wildfires

Physical
- [Images of burned debris]
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Categories Applied to Power Line Caused Wildfires

Direct
Documentary
- Use Permits/Easements
- Circuit and construction maps/diagrams
- Utility Company Outage Records
- Utility Company Inspection and Maintenance Records
- Utility Company Incident Reports to Public Utility Commissions or Authorities
- 911 Reports and Dispatch Records
- Investigation Sketches
- Photographs, Photograph Logs, Evidence Logs

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Evidence Collection & Documentation

IMPORTANT!!!!!

Follow your agency policies and procedures when collecting and handling evidence.

IMPORTANT!!!!!


Evidence Collection & Documentation

Evidence must be:
Relevant: Connected to the facts at issue

Obtained in a lawful manner: Item is directly related to the cause of criminal or negligence actions, is in plain view of official who is legally present, pursuant to exigent circumstances, obtained through a warrant or with the consent of owner
Unit 6: Evidence Collection

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Evidence Collection & Documentation

Evidence must be:
- Authenticated and Identified: Correct item, properly and specifically marked/tagged, not altered, tampered with, or contaminated
- Secure: Exclusive Custody and Control, Documented Chain of Custody

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Evidence Collection & Documentation

Authorities:
Your ability to collect or seize potential power line caused wildfire evidence will be based upon your agency's statutory authorities and the fire investigator's position and their agency's delegations.

Based on these capabilities, the fire investigator will normally have the right to request any and all items that are relevant to the potential cause of the fire.
Evidence Collection & Documentation

Authorities:

That would include items or vegetation removed from the pole or area by line or construction crews or utility tree trimming crews prior to your arrival.

And electric utility equipment or parts found on the ground or attached to the pole, including lines and wires, utility documents that are part of their normal business practices, including outage records, easements, circuit maps, and pole identification records.

Process:

Collect those items that are readily available and can be accessed without endangering the investigators – Follow collection procedures

Verbally request the electric utility representative on scene to provide those items needed from the pole or line and document/monitor removal
Evidence Collection & Documentation

Process:

- Provide a written request for items not readily obtainable at the scene (or requiring system shut down or complete equipment change out)
- Issue an “Administrative Subpoena or Warrant”, if available to your agency
- Develop an Affidavit and obtain and execute a Warrant for the items needed

Knowledge Check

In order to obtain documents that a utility uses in their normal course of business you should first:

A. Issue a subpoena for the items needed  
B. Provide a written request to the utility for the items desired  
C. Obtain and execute a search warrant  
D. Check with your neighbor, who works for the utility, to see if those items are available

The correct answer is:

TRANSITION to Unit 7: Spoliation.