PHOENIX INK

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921—2004 Edition

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The 2004 edition of the National Fire Protection Association (NFPA) 921, *Guide for Fire and Explosion Investigations*, is out and in use by fire investigators, engineers, and attorneys throughout the land. NFPA 921, which was first published in 1992, is updated every three years to correct erroneous information, reflect new information available, and include areas not previously addressed. It is a consensus document developed by the NFPA Technical Committee on Fire Investigations and anyone can submit proposals for consideration by the committee.

The 2004 edition contains too many changes and additions to address here, but some are more notable than others. For instance, Chapter 9, Legal Considerations, which took up just over five pages of text in the 2001 edition, is now Chapter 11 and occupies seven and a half pages. Most of the new text involves Pretrial Legal Considerations and Rules of Evidence. Specific mention is made of *Daubert vs. Merrell Dow* and the tests of reliability of an expert's opinions.

Certainty of opinions also gets fine-tuned in the 2004 edition. Older editions left it up to the investigator to set standards for the level of certainty, but the 2004 edition spells it out. "Two levels of confidence have significance with respect to opinions:

(1) Probable. This level of certainty corresponds to being more likely true than not. At this level of certainty, the likelihood of the hypothesis being true is greater than 50 percent.
(2) Possible. At this level of certainty, the hypothesis can be demonstrated to be feasible but cannot be declared probable. If two or more hypotheses are equally likely, then the level of certainty must be 'possible.'"

In the same section, the 2004 edition says for fires in which the level of certainty is only possible or suspected, the cause should be listed as undetermined.

Digital photography is addressed in more detail than in previous editions. The most significant wording stresses the importance of having procedures in place to ensure the original images taken are stored in an unaltered and unalterable format.

NFPA 921 is issued as a guide, but it had become the standard of care for fire and explosion investigators. The Phoenix investigators, with a collective century of experience, use 921 as a guideline to ensure quality investigations with opinions and findings that will stand up in court.

Growing Pains Get Phoenix on the Move

Phoenix Investigations, Inc. and Phoenix Laboratory and Engineering Services have outgrown our present facilities. The staff and the laboratory have used up all the available space at our present location, so we are moving. Relocating is never a fun process, but our move is only vertical. As of October 1, 2004, we will be in the same building, but our offices will be on the top floor and the laboratory and evidence storage will be in the lower level.

Evidence storage, except for unusually large items, will be adjacent to the lab, eliminating the need to transport evidence from off-site for examination. The laboratory will be a full-service facility, offering forensic examination of all types of equipment.

In addition to more office and laboratory space, we will have a conference room, kitchen and lunch room, and room to grow as needed. When we get comfortably settled in, look for an announcement of an open house.

Our mailing address and our phone numbers will remain the same.

PHOENIX INVESTIGATIONS, INC., AND PHOENIX LABORATORY AND ENGINEERING SERVICES

Based in Denver, Colorado, Phoenix Investigations, Inc., conducts investigations, engineering, and laboratory services throughout the western United States and Rocky Mountain region. We are licensed as required.

For additional information regarding this newsletter or to request a CV/Resume of any of our investigators or engineers, contact us at:

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