
News from the Innocence Project

Press release: Thursday, July 7, 2011

Contact: Paul Cates, 212-364-5346, pcates@innocenceproject.org

Brian Farrell, 319-521-6862, brfarrell@iabar.org

Iowa State Fire Marshal Implements Policy Changes to Prevent Wrongful Arson Convictions

Innocence Project of Iowa and Innocence Project Praise Director for Standing Up for Justice, Urge Others to Follow

(Des Moines, Iowa; Thursday, July 7, 2011) – Iowa’s State Fire Marshal Division has adopted policy changes aimed at reducing the possibility of wrongful convictions in arson prosecutions. The changes, which were approved earlier in the week, provide that investigators will be guided by up-to-date, scientifically based standards when investigating fires.

As a result of discussions between the state’s Department of Public Safety and the Innocence Project of Iowa, State Fire Marshal Director Ray Reynolds voluntarily implemented the changes. The Innocence Project of Iowa and the Innocence Project praise Reynolds for taking this important step to avoid wrongful convictions resulting from investigations based on outdated arson science.

“Director Reynolds’ leadership in ensuring that science guides fire investigations will reduce the possibility of wrongful convictions,” said Innocence Project of Iowa President Brian Farrell. “Many of the old theories in arson forensics have been debunked through scientific research, yet some investigators around the country are not yet following up-to-date arson science, leading to people being wrongly convicted of arson. Director Reynolds and the State Fire Marshal Division should be commended for ensuring that Iowa investigators will follow the most current best practices.”

Under the new policy, all fire investigations will be guided by the National Fire Protection Agency Standard 921, which incorporates the most current best practices in arson investigations, except when this standard is inapplicable or when additional or alternative methods are warranted based on the nature of the fire or explosion.

“Mr. Reynolds’ dedication to justice is a shining example that we hope more fire marshals across the nation will follow,” said Stephen Saloom, Policy Director of the Innocence Project, which is affiliated with Cardozo School of Law. “While it’s impossible to know the full scope of the problem, we know of several heartbreaking examples of people being wrongly convicted based on poor arson science. Fires start in many ways that are not intentional, and reliance on scientifically unsound fire myths can result in wrongful determinations that fire victims set the fires. That’s why it’s so imperative that current best practices be required nationwide.”

Under the new rules, personnel who become aware that someone has been convicted of arson or a related offense based on forensic science or investigatory methodologies that have been

invalidated by generally accepted scientific means are required to notify the State Fire Marshal of the conviction.

If the State Fire Marshal has reason to believe that someone was convicted based on invalidated forensic science or investigatory methodologies, he or she will report this information to the appropriate prosecutor's office and help to determine if newly available forensic science or investigatory methodologies would yield exculpatory evidence in the case.

Last year Arizona, Nebraska and Oklahoma passed legislative resolutions urging that advances in fire science be considered in all fire investigations. A copy of the policy that was adopted in Iowa is available at

http://www.innocenceproject.org/docs/2011/IA_State_Fire_Marshal_Guidelines_46-03-07.pdf.

##