

Joint House and Senate Hearing on Troop Complement

Monday, May 14, 2012

**Trooper Brian Herr
State Police Fire Marshal**

Thank you for the opportunity to share with you some insight into the workload and duties of State Police Fire Marshals, and how a consolidation or reduction in the personnel assigned to perform these duties in Lancaster and Chester Counties would negatively impact law enforcement efforts. My name is Brian Herr and I have the privilege to work as a State Police Fire Marshal, based out of Troop J in Lancaster County. The Troop J Fire Marshal Unit is responsible for investigating fires in both Lancaster and Chester Counties. The Fire Marshal unit determines the causes of fires, which can range from Arson, to Accidental Undetermined, and Fatal fires which include Homicide. In Lancaster County the State Police Fire Marshal Unit is the only certified fire investigators for the county.

The Fire Marshals at Troop J Lancaster are certified fire investigators. We are court qualified experts in Lancaster, Chester, Delaware, and Berks Counties.

In 2011 Troop J ranked 3rd in the State for the number of fire investigations conducted by the Fire Marshals. Troop L ranked 14th and K ranked 10th.

Over the past four years, Troop J has conducted on average 192.75 fire investigations annually. Troop L during the same time frame conducted an average of 97.75 fire investigations. Troop K averaged 108.25 fire investigations during the same period.

If Troop J Lancaster Fire Marshal positions are eliminated the workload would more than double that of the Troop L and K Fire Marshal's current workload.

The response times to fire investigations would go from approximately 40 minutes to potentially 2.5 hours. This would be unacceptable considering that the fire service of Lancaster County is all volunteer, with the exception of Lancaster City. We cannot expect these volunteers to stay on station an additional 2.5 hours waiting on a Fire Marshal to arrive. During this time frame the roadways would have to remain closed due to safety reasons. The fact is there is no requirement for these fire departments to remain on scene. If the fire department chooses to leave that would require a Trooper or Local Police officer to stay on scene for scene security. In some situations it may require two Troopers or Police Officers to remain on scene. This alone would be taking patrol troopers out of patrol zones leaving less coverage. If the fire department leaves the scene, the responding Fire Marshal would then be required to obtain consent from the occupants/property owner or obtain a search warrant to investigate the fire. This would require additional time and potentially add to more overtime hours being spent on the investigation. If the fire department remains on scene no consent or search warrant is necessary under current case law.

The present situation of Troop J is that the troop is divided into Chester and Lancaster County. Two Fire Marshals are stationed in Chester County and two are stationed in Lancaster County. Throughout the week one Fire Marshal covers Lancaster County and one Fire Marshal covers Chester County. The weekends are on a rotation with one Fire Marshal covering the entire Troop. The on call Fire Marshal (week or weekend) takes a vehicle home for quicker response to the fire scenes. If a second Fire Marshal is needed we must drive to the barracks to pick up a vehicle and then respond. Both Fire Marshals at the Lancaster headquarters live within 15 minutes of the barracks making this a reasonable response time. If the positions are moved to Troop L or K this would require an additional hour to two hours in response times. If the Fire Marshal position is eliminated from Troop J Lancaster the response times for a Fire Marshal will increase significantly. An example would be if a Fire Marshal responds from Troop L Reading Headquarters to Peach Bottom (Southern Lancaster County) the response would be 1:20 minutes (Map Quest) on a perfect no traffic day. From Frackville Station it would be 2:13 minutes (Map Quest) again on a perfect day. These times do not take into account if the response is made after hours or during rush hour traffic, which would add significant time to the response. The response time from Lancaster Headquarters to the same location would be 34 minutes. It would actually take even less time if either Fire Marshal at Lancaster Station responded from their residences.

Troop J currently has 4 full time Deputy State Police Fire Marshals. Troop L and Troop K currently each have two. The reason for the assigned number of Fire Marshals is determined by the volume of investigations conducted. If four fire marshal positions are eliminated with the consolidation of Troops, that would more than double the amount of investigations handled by the two remaining Troops, while decreasing manpower by 50 percent.

These are complex investigations conducted by highly trained personnel. Examples of some of the investigations conducted are the investigations of the serial barn fires that occurred in Lancaster County. This occurred on three different occasions in Lancaster County. All were successfully investigated and prosecuted by utilizing the entire Troop J Fire Marshal Unit. Another example is the serial arsonist in Southern Chester County. That individual was responsible for setting 23 arson fires. Another individual was responsible for setting 15 fires in the southern Chester County. The most recent serial arson fires occurred in Coatesville Chester County where 69 arson fires occurred. These fires made national news. The end result was that all four Fire Marshal unit members were involved in the investigation at some point. This was possible in part due to the close proximity of the Lancaster and Embreeville Stations and the personnel involved.

Every trooper performs important work and contributes significantly to the overall safety of our communities and the quality of life your constituents have come to expect. The elimination of Troop J headquarters in Lancaster County cannot be good for effective policing, no matter how it is spun.

Thank you for your attention and I would be happy to answer any questions you may have.