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Arson Law and Prosecution (Law Casebook)

John F. Decker, Bruce L. Ottley

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Although there are a number of books on the market dealing with the various aspects of arson investigation, this is the only book that combines both arson investigation and the law relating to all aspects of arson from investigation through prosecution. Chapter One examines what fire investigators, prosecutors, and defense attorneys must know about the investigation of fires: who should be involved in an investigation, the substantive knowledge they require about fire science, the procedures they must follow in conducting an investigation and their role as expert witnesses in arson prosecutions. Since the collection of evidence from the fire scene is a critical part of fire investigation, Chapter Two examines the law of search and seizure mandated by the Fourth Amendment. Chapter Three takes the investigation forward to the police interrogation of witnesses and suspects, examining the principal judicial decisions that govern this form of police action. Chapter Four examines the use of grand juries in arson cases and potential defense claims based on the privilege against self-incrimination. Chapter Five focuses on sharing statutes as a means of obtaining information about suspected arson. Chapter Six summarizes the statutes in the fifty states and the District of Columbia dealing with arson as well as the principal federal statutes governing arson. Chapter Seven deals with the law governing accessories and inchoate liability in the context of arson as well as the defense that are frequently raised in arson prosecutions. Finally, Chapter Eight is an edited transcript of the prosecutor's portion of an actual arson case that demonstrates the interplay between an arson investigation procedures in evidence gathering, and substantive arson-related criminal law. Arson Law and Prosecution will be very useful to everyone involved in arson cases, including police and fire investigators, prosecutors, defense attorneys, and judges. It is also ideal for use in arson investigation training courses in colleges, in advanced criminal law courses in law schools that focus in depth on one crime, and in a law school course dealing with the preparation and presentation of a criminal case.

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