



# BushFIRE Arson Bulletin

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## Responding to bushfire arson

### The criminal justice system

The maximum penalties for bushfire arson are heavy in all jurisdictions, ranging from 14 to 25 years imprisonment (for review see AIC 2005). However, these penalties are seldom invoked. A survey of structural arson (burning of buildings) and bushfire arson in Victoria, for example, found that less than one-third of those convicted received a custodial sentence when a custodial sentence was available. The most common length of imprisonment was two years with a one year parole period (Turner 2007). For penalties to be effective, there must be a perceived high likelihood of being apprehended. Because of the nature of the crime, bushfire arsonists are difficult to apprehend (Beale & Jones 2009) and even harder to convict. Close cooperation between police, fire agencies and communities can significantly increase apprehension rates and have led to sustained declines in bushfire arson incidents (AIC 2006).

### Reducing arson potential

Some communities and individuals have a high propensity for arson and fire and police agencies in most jurisdictions have programs to lower this potential among juveniles and/or communities (Muller & Stebbins 2007). Evaluations indicate that this approach is a very cost effective strategy for reducing arson events (AIC 2008).

### Screening for arsonists

Arson committed by fire fighters is relatively rare but can cause serious reputational damage and all Australian fire agencies have measures in place to screen out potential arsonists. The AIC's current view is that the low numbers and the lack of a distinctive profile of arsonists in the population, may mean that it is unlikely that a fully-effective screening test will be developed in the near/medium term. However, because most arsonists are generalist criminals (ie they have a history of committing other types of offences), employment records and criminal records may be effective screening tools.

### References

- Australian Institute of Criminology (AIC) 2008. Comparison of the effectiveness of three community-based interventions targeting boys who set fires. *Bushfire arson bulletin* no. 53. Canberra: AIC. <http://www.aic.gov.au/publications/current%20series/bfab/41-60/bfab053.aspx>
- Australian Institute of Criminology (AIC) 2006. Bushfire arson prevention: A community centred approach in Western Australia. *Bushfire arson bulletin* no. 31. Canberra: AIC. <http://www.aic.gov.au/publications/current%20series/bfab/21-40/bfab031.aspx>
- Australian Institute of Criminology (AIC) 2005. *Arson legislation in Australia*. [http://www.aic.gov.au/crime\\_types/property%20crime/arson/arson%20legislation.aspx](http://www.aic.gov.au/crime_types/property%20crime/arson/arson%20legislation.aspx)
- Beale J & Jones W 2009. *Bushfire arson: Fire Australia summer 2008/09*. Melbourne: FPA Australia
- Muller DA & Stebbins A 2007. Juvenile arson intervention programs in Australia. *Trends & issues in crime and criminal justice* no. 335. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/current%20series/tandi/321-340/tandi335.aspx>
- Turner N 2007. *Sentencing trends for arson in the higher courts of Victoria, 2001–02 to 2005–06*. Sentencing snapshot no. 20. Melbourne: Sentencing Advisory Council

