

Arson

Episode 3: The Media Leaks

To complicate the investigation further, someone close to the task force is leaking classified details of the case to the local media. It's a delicate balance to keep the public informed while not inciting copycat firesetters and jeopardizing the investigation.

Kara:

Evart St. In NE DC is an older, well kept community. Bungalows mixed in with post-war single family homes, sidewalks. It's quiet here, almost peaceful.

The corner lot where Lou Edna Jones' house sat is now empty. All that's left are the concrete steps that make their way up to the once grassy lot from the sidewalk.

Eddie Jones:

Yes, that house was huge. And it was just one of those places that my parents actually bought that house in that location, because growing up, I wanted an electric train and there was no place where we lived to put the electric train. You had to put it down every day and take it up every day. They bought that house for the basement so I could have some place for my toys.

Kara:

This is Eddie Jones, Lou Edna's son. His family bought the double story white house when he was 8 years old.

Eddie Jones:

Growing up there, it was enjoyable. It was quite enjoyable. You could actually go outside, you didn't have to worry about getting all these gunshots and things over here lately. But you could go outside, you could just enjoy life.

Kara:

This is Arson, I'm Kara McGuirk-Allison. Lou Edna Jones was killed on June 5, 2003. She was upstairs in her bedroom as the serial arsonist placed an incendiary device on a green mat by her front door while she slept.

Eddie Jones:

My mom would bend over backwards for you, a stranger, someone that she's known most of her life. She was outgoing. She just didn't meet people that she didn't like.

Kara:

Jones, known as Mama Lou to family and friends, was the matriarch of the neighborhood. Kids would run to help her bring groceries into the house. She'd invite you in for dinner if you passed by while she was grilling in the yard. The home was the cornerstone of the community, until that horrible early morning in June.

Eddie Jones:

At four something in the morning, my telephone at home rang. I was in uniform, had my hand on the door getting ready to go out the door to go to work. Well, one of the young ladies who lived next door to us called and said that my mother's house was on fire. I said to her I was on my way. I don't remember anything else after that, other than the fact that I went out and got in my truck and the next thing I knew, I was standing on Evarts Street.

Kara:

What was happening by the time you got there?

Eddie Jones:

Something that I would never want to see again. I stood outside the fence on 28th Street, and watched that house burn.

Kara:

I'm so sorry.

Eddie Jones:

I stood there and looked at it burn through my mother's bedroom. I didn't know whether she was in there or not. There was no way for me to get in because every move I'd make, the police would get between me and the fence.

I stood there on that street and I guess I cried like I was two years old.

Kara:

At this point the task force is frustrated because the evidence so far hasn't led to an arrest. The eyewitnesses, the tracing of the convenience store bags, surveillance videos, DNA.

But the DC Serial Arsonist is still lighting fires. The sick truth is that the task force needs more fires to catch him. More burning homes means more evidence, but the death of Mama Lou is fresh in their minds. They just hope every day that no one else is hurt.

They've come to a point where they have to try something new...because tips are slowing down.

Sometimes the work is mundane, even tedious. They had the same routine each day. Tom Daley.

Tom Daley:

First thing in the morning, we would have an in brief. Was there another fire, was there a different suspect we might have talked to or taken a DNA sample from or whatever. And we would discuss those things. And then quite often I would run the overnight surveillance. I might go to the morning briefing or show up at the morning briefing after having worked all night. So we might work 11 P to 7 A and then we'd have an in brief at 8:00 AM. And then I go to in brief and then go home, go to bed and then be back in the next night for surveillance. That happened a lot, dependent upon what was going on.

Kara:

Long, grueling hours, repeated day after day. The frustrating part of all this, is how it seems the arsonist is managing to stay one step ahead of the team. And to compound any self-doubt, a local television news station reporter was providing overly detailed information to the public about the case. This is one of the toughest parts of an investigation, a love hate relationship with the media. Which is complicated at best. On one hand, they don't want the press to reveal certain details about the investigation. That might derail any progress, or inform potential copycat criminals. So stuff like a message left behind, or revealing property damage done by the arsonist, specifics about the incendiary device components or construction, names of people of interest.

ATF's Scott Fulkerson.

Scott Fulkerson:

We had some concerns early on about investigative information that was being provided to the media, unbeknownst to the investigative core team, which was an extraordinary challenge for us to overcome, because as you can imagine, by providing information to the public, we are now, and in particular, there was a Will Thomas video, I believe with a Fox5 video if I recall

<<Fox 5 news piece clip>>

Will Thomas had done a video piece outside of and he had in his possession, one of those one gallon plastic jugs with gasoline, a cloth wick, and he mentioned multiple times, in his news piece, that sources close to the investigation have informed him

<<clip>>

that this is the type of device that was being utilized by the serial arsonist and sources close to the investigation had provided him with characteristics of the serial arsonist, in which they were, the arson taskforce was currently looking for, sources close to the investigation would provide him with additional details.

The challenge that we had as a taskforce, was that now that that information is out to the public, we had a very difficult time being able to have an absolute 100 percent certainty, that if somebody were to utilize a similar device, that we wouldn't be able to tell a difference between a copycat, or that of the serial arsonist.

Kara: In fact at one point the team thought they may have found the arsonist, but he turned out to be a copy cat.

Scott Fulkerson:

Well we do believe that Mr. Paul Dubois was somebody who had done his research on what was occurring in and around the District of Columbia and Prince George's County, by the arsonist and a similar device was being utilized, or was utilized in the apartment complex fire that he had set in the District of Columbia.

<<Kara>>

That's what's so terrifying about the news media showing the general public, what was used, right? You don't know if Paul DuBois found out that information, it's just out there for general knowledge. How do you control that kind of like information from-

Scott Fulkerson:

Extraordinarily difficult.

<<Kara>>

Yeah.

Scott Fulkerson:

And as you can imagine, Kara, now we also had a level of distrust within the taskforce itself.

<<Kara>>

Right.

Kara:

The task force is left wondering if the arsonist could be someone closer to home, or if a person on the team is leaking detailed information to the press. It becomes obvious that they need to move out of their highly visible office at PG County fire.

Scott Fulkerson :

Because we don't know if it's somebody amongst us who was releasing the information, or how that information was being released. So for those two

reasons luckily, and thankfully we had the support of our ATF management to shoulder that load and to support us with providing us with office space in a very remote area in Prince George's County, where the media did not have access to and it was exclusive to those members of the taskforce.

Kara:

Controlling information turns out to be one the most challenging and debilitating aspects of this arson investigation. The media leaks were a huge cause of concern, fueling distrust amongst the task force members.

Ron Blackwell:

And confidentiality is, you got to have it. But in fire departments, I know people talk and they guess and they speculate and no, there would have been a constant barrage, folks coming to people involved in the investigation, "Hey, what are you doing? What do you know? What can you tell me?" Or just fishing expedition where someone would say, "Well, I heard or did you guys know? Had you guys heard about?" And in some cases, people may be guessing and guessing near right but what we were seeing was, no, it was making it unmanageable. Something had to be done.

Kara: This is Ron Blackwell. Early on in the investigation he was the Chief at PG County Fire and worked closely with Mark Brady, the spokesperson or "PIO."

Ron Blackwell:

It was a crazy time. So Mark came to me one afternoon and said, "Hey chief, we've got an interview for you with Wolf Blitzer tonight." That was my reaction to him. What! Wolf Blitzer? He goes, "Yeah, we're going to go downtown and you're gonna talk to Wolf Blitzer about the fires." And I was like, great.

During the interview, I thought that it was going well and we get near the end and he asked something along the lines of, "Well chief, these fires are happening in predominantly African-American neighborhoods, why is that?"

I had not prepared for that and so I'd said something along the lines of, well, there are a lot of African-American and minority people who live in these neighborhoods and then went back to what the message was, folks be vigilant and you see something, say something, that whole lot line of conversation and it was over, and as we're leaving, Victor Stagnaro, his cell phone rings, we walk ahead, he catches up and he says, "I've got Theresa Stoop from ATF on the phone, she needs to talk to you." And now I'm thinking, well, did I say something wrong? Get on the phone and she could not have been nicer. She said, "Hey, just saw your interview, I'm sorry I hadn't gotten a hold of you sooner, now I've had some knowledge of those fires and I'd like to meet with you tomorrow morning to talk about next steps."

Kara: Theresa Stoop led the ATF task force.

Theresa Stoop: I had seen Chief Blackwell that day on the news, so Prince George's County, I picked up the phone and called him. And I said, "Chief, I think we need to have a meeting." Because I could already see the kind of activity that surrounded it. I had worked cases like this before. There was going to be a formal process that needed to happen.

Kara:

And this is how Ron Blackwell became the face of the DC Arson investigation.

And it's a tenuous relationship with the media. The task force needs the press to keep the story alive so that neighborhoods are vigilant and observing and calling in tips. But...

Ron Blackwell:

There were things that we knew and people involved in the investigation would know, but that the public should not know and then we'd hear things and I think I'd shared with you the Will Thomas story, news story that he did at Fox 5, where he just laid it out. "Hey, he's got a jug and it's got a wick and he puts it on the porch and it's like, dammit, man, what, what are you doing?" And we were quite upset about that and there was a lot of, "Hey, did you see it? Did you see Fox last night?" I reached out to Fox and talked

to, I believe the news manager, it was a woman and expressed our displeasure with the way it had been handled and we didn't see Will Thomas again, which I thought was nice.

But we still had our internal struggles with protecting information because as you can imagine, sources and methods are a big deal.

But yeah, the confidentiality question and leaking, that that was not a pleasant period.

Kara: Will Thomas was a reporter for Fox5 news in DC at the time of the investigation.

Will Thomas:

My sources were involved at the very highest levels of the investigation. So therefore, would have been part of the task force.

Kara:

Will says his sources assured him and his editorial team that the exclusive information shared with the viewers would not impede the investigation.

Will Thomas:

Well, we knew that the information was not out there, but when you are dealing with people in law enforcement, whether it was fire or police, you know when they're giving you information that they are professionals and they know what they're doing, or certainly hope so. This was not a situation where I learned of these details from say a victim or something and then I put them on the spot and they felt compelled to confirm or deny. This was a situation where it was new information, new information to us and our editorial team at Fox 5 made the decision that we would go ahead and do this.

Kara: Will reminds me television is a visual medium, different than radio or even print.

Will Thomas:

And so showing a milk jug, explaining to people how it may have looked was just part of the storytelling. And I'm sorry that some of the investigators didn't like it or were critical of it. Our intention was never to, of course, impede the investigation. And our sources really were very clear with us that this was not the kind of reporting that would hurt the investigation at all, that there were so many additional pieces of evidence, specific details about how these arsons were taking place, that my broad stroke reporting of a milk jug and a wick and a flammable material was not at all going to endanger the investigation.

And what I would say to listeners is working in the Washington, DC market for 20 years, and then before that, working in the Austin, Texas market and Albuquerque market, we've always felt, as journalists, and the people that I work with and the people I stood shoulder to shoulder with at press conferences, is we wanted to try to help and be valued in the community. In some cases doing that is you're a watchdog, you're holding officials accountable. That's part of our job. In other cases, especially serial crimes, you're trying to get bits and pieces of information out there so that the good guys can catch the bad guys. And yes, it's competitive. And yes, you want to try to get an exclusive when appropriate. But truly, I can tell you from my personal perspective, the editorial and management staff at Fox 5, and even my colleagues in the field, we all wanted to see this guy caught because we would interview these victims and we knew how terrified people were.

Kara: Task force leader Theresa Stoop says the media was very supportive during the investigation. Media can be a powerful tool, used for offering a reward for specific information, deliver facts to the public to help keep them safe, and for direct appeals to the criminals like with Ron Blackwell's carefully crafted message. Theresa Stoop.

Theresa Stoop:

There's enough community interaction and information you have to release, so what you keep out even becomes more important. And knowing when you do these cases, arson cases, you're not going to have all the evidence

at every scene. You're going to have to piece it together. It's not as neat as a puzzle because the pieces don't always fit precisely. So it's more like a mosaic I would say because you have broken pieces. But the focus is on solving every single crime. Anywhere where there was a fire and someone was victimized in their home, a place where they're safe and now they no longer feel that way is kind of what fuels our focus. It is about public safety, but it's also about having all these victims feel safe in their homes again. They deserve that.

Kara:

Theresa says traditionally fire departments are publicly super transparent with information. But that wasn't going to work in this case. Certain details had to be kept confidential to keep the arsonist from getting a step ahead and to keep someone from replicating his methods in a copycat fire.

Theresa Stoop:

As we're working a violent crime case, a gun case or a drug case, there's a lot of information we don't release to the press. But the fire department, if there's a fire in a community, they're very forthcoming with everything that occurred, and bringing those two worlds together to be very purposeful and to understand that there's a level of integrity that the PIOs and the fire department felt we can't hold anything back. So we really had to create our meetings where they wouldn't be involved and know everything so they didn't feel that they were at odds with themselves by not... What do I sense or what do I not say? I mean, we had to preserve nuances in this case because that's how these cases are solved.

Kara:

We heard from Phil Proctor in our first episode. He was the one from DC Fire who helped bridge the connection of DC and PG Country fires. Phil says that keeping certain task force details from DC investigators was a difficult situation to be in.

Phillip Proctor :

So that was a problem as well, because now they're, "Hey, what are you doing? What are you looking for?" And you really couldn't. We were trying not to share all the pieces of the puzzle with everybody.

And that was a little straining as well because they're trying to work their cases, and then at the same time, me, the only law enforcement officer in that group from the fire department, I recognize what we're dealing with. If nothing more then, we need to have a closed lip on the specifics of the investigation. The fire department does not operate in that world.

But they're getting peppered with media asking about these questions. So, one, they really don't know how to respond to it, so they're looking to me to provide that information, which I'm extremely reluctant to give that information, because I recognize what we're dealing with and they're not law enforcement personnel. So that created a huge problem.

Kara:

Mitchell Kannry is currently the Deputy Chief for Fire Prevention and the Fire Marshal for the District of Columbia. He has oversight over the Fire Investigation Unit. He says the kind of tension Phll Proctor described doesn't happen today.

Mitchell Kannry:

So first of all, let me say I don't know why being law enforcement would change the nature of the information, right? The whole department wants somebody that sets a fire to be prosecuted, right? That's not just a law enforcement thing. I work very closely with the PIO office. I'm sure Vito can attest we're talking a lot of times, trying to get down specifics and trying to strike that right balance of what we can release, what we think will not be too specific that might compromise that investigation, but at the same time give that information that we can to the public. I think another part of it too is that we try to be cognizant of is we really don't want to retraumatize people that were involved.

Kara:

Mitchell says that Arson investigations of this size don't happen very often, and lessons were learned from the DC Arsonist case.

Mitchel Kannry:

So I think some of the information that we learned from the case is incredibly valuable, but I think what we do every day is also not of this kind of magnitude so often, that it really presents some of the challenges that they had to deal with so many years ago. I'd like to think today that we're much better equipped, we're much better resourced. We have much better communication that something like this, where to start up again, that we would have much better resources and much better ability to handle it and recognize it early on.

We have much better relationships with regional partners and everybody else. So I'd like to think that the work that we've done, since these incidents and moving forward to the department, I think we're really in a much different place than we were then. So it's so fascinating, but I'm not so sure how those past events would reflect currently in the current department, right? I think it's so different today.

Kara:

But just like fire investigations 15 years ago, working in tangent with the media is still important for the case, and for keeping the public informed.

Mitchell Kannry:

So I mean, like you talked about the media is definitely necessary, and I view our role and our findings as important to the public. If we find the cause of a fire or something, that we can put out and help people avoid that from happening to them, I think that's an important message that we are responsible to get out. In the past, the department has been more hesitant to release causes of fires and other things because of fear, it would compromise investigation or it could lead to other things that might compromise prosecution. I think we're trying to strike that right balance where we can give the public all the information that we have, at the same time making sure that any cases that we're building are not being compromised by putting too much information out or tipping somebody off that we're looking for them or something else, right?

I definitely view the media as an important tool for the department to make sure that we're getting the safety messages out there. The other part of the Fire Prevention Division other than investigations is code enforcement and public education. So I look at it from two sides where we need to be building the criminal cases, we need to be making sure that we could prosecute people. At the same time, there's always a public safety message that needs to go out. There's always prevention measures that we can do with every fire and just striking that right balance where we can get the information out to the public and try to prevent a tragedy from occurring, at the same time maintaining the integrity of all the investigations that we're doing.

<<PSA BREAK>>

Kara:

So while the media had a big part to play in helping the DC Serial Arson case, Theresa Stoop says the information leaks were a detriment to their work.

Theresa Stoop:

But the media played a really important role. We had a lot of leaks in this investigation early on, and that did not work. Okay? That did not work. It no longer seemed that we finished an executive session, had another meeting, had the PIO meeting, that I would leave, and get back to my office, and things were out. Truly exacerbating, and really tough for the investigators, the agents, to handle, because you start to wonder, how's it getting out?

<<Kara:>>

And to this day, has anybody figured that out yet?

Theresa Stoop:

No.

And at that point, you need to plug the hole. You don't need to open an investigation.

<<Kara>>:

Right. But how do you plug the hole if you don't know who it is?

Theresa Stoop:

So you have to start, it's just like a case. You start with the first things first. I swept the building one night that nobody knew about, except for the chief and I.

<<Kara>>:

Did you?

Theresa Stoop:

Yes, we had the building swept for bugs. We did all kinds of things inside, outside. And then I went and got space in a more remote location, where you could have your war room. It could be much more open to the investigators, but the building we were in had very big windows, easy access. Somebody could put a parabolic mic outside the window and probably hear some of the things we were saying. And at that point we were not pointing any fingers. It was like, "How do we solve this problem? These leaks have to stop, or we're not going to get anywhere. We need to be strategic in what we hold back." And sometimes I think the media doesn't understand that we use them for these educational... To educate the public because they're a partner in solving these crimes too.

Kara:

But the media was extremely helpful when leads dried up. Those Fox 5 reports shared the tip line, let viewers know about rewards, and reminded them to stay vigilant.

Theresa Stoop:

We had press conferences to provide technical information about what was occurring. When we had a new fire, we tried to give information. Somebody out there knows these arsonists. It's our ability to educate the public so they could pick up the phone and call. Many times, that's what happens. Those tips are really important. And if we don't educate the public about what we need, you're not going to get that phone call. You may never get that phone call.

Because they're not telling anybody. They're lighting a fire, they're taking the match, and they're leaving. So you have to take all of these pieces and these interviews and the tips and put it together. And that's why I say, it's not as neat as a puzzle.

But it is absolutely a solvable situation.

Kara:

One strategy used with the media was creating a direct appeal to the arsonist. Particularly useful when leads were drying up. A carefully worded speech, written by profiler Ron Tunkel and delivered by Chief Ron Blackwell that might convince the arsonist to turn himself in.

Theresa Stoop:

Okay? So today could be that day. And what do we have today? And it's getting up, and praying that, if I went to bed that night, and we didn't have a fire that night, no one was hurt, or injured, or killed, all of my people were fine, and did we get some more evidence. We have it. Are we going to get the guy today? But that type of positivity, and with every great piece of evidence you get, yeah, it may have some more complications.

Kara:

Ron Tunkel says that since they were hinging bets that the arsonist was African American, and elderly fatherly figure and black man like Ron Blackwell, might be just the thing to appeal to the firesetter.

Ronald Tunkel:

So when he delivered that statement, I actually went up to him. It was funny. He just roared in and he had gotten a big thing of something from Subway. And I hadn't eaten that day and none us had his sandwich.

<<Kara>>:

He couldn't go on TV unless he had eaten first, right?

Ronald Tunkel:

Yeah. And so I'm sitting there, I'm drooling, looking at this thing and I thought, "Okay, I want you to say this. I want you to emphasize these words and just give them a little bit of subtle emphasis." And I'd actually italicized the words I wanted him to emphasize. We want this person to know, we hope he may be watching or listening to this request. We feel, we understand him and can relate to him and the message to be one of understanding and non-judgment. When you are interviewing a criminal suspect, criminal defendant, you have to project an air of non-judgment.

Nothing you say to me is going to make me think any worse of you or is going to make ... you should be embarrassed about, nothing you say to me is going to be anything new. And I'm not going to hold that against you." So we were trying to do that remotely. For example, we suspect his fire setting, which at first made him feel powerful, maybe getting out of control. He maybe didn't have the best of home when he was growing up as suffering for an adult. We think this is a means to relieve stress for him. And we talk about motives and I'm just doing a sidestep here, but you'll see why later.

<<Kara>>:

Right.

Ronald Tunkel:

One of the ultimate motives for arson is power. If you can distill the seven motives down, the ultimate one can be distilled down to power. And what the serial arsonists have told us in the research and interviews, it's been by my anecdotal experience, the fire setting becomes a means to obtain power, regain lost power demonstrate power. So we put that in there that he has the power to control how things go. And then the unconscious command, "We are going to catch him." It's that simple. "And what's really best is if you come forward first." So he didn't come in.

Kara:

Ron Blackwell remembers the day of the direct appeal to the arsonist. He says it wasn't just another day of doing press. Leads had dried up and he says things weren't going well.

Ron Blackwell:

I had a lot of respect for Ron Tunkel and what he was doing. And they came and said, "Hey, we need to have you make a direct appeal." And I'm thinking to myself, what would I say? And then they go, "We got an idea, we need you to read this and we want you to wear your class A uniform, we want you to look directly into the camera as much as you can, and get this message out." And we did that press event from Station 22 Tuxedo Cheverly and there's no longer a fire station there, I believe that it has since closed, but it was another one of those events where there was an absolute crush of cameras and microphones. And I remember being handed a letter, had a chance to read it and I wanted some time to myself and people were around, anyway, I need a few moments for myself.

Went into a room, said a little prayer and then went out and delivered the message, and all the time hopeful that it'll get through, that, he'll hear me. And I later learned that, yeah, he saw it and he heard me appeal to him and perhaps had feelings that, well, maybe I should. And then he convinced himself he shouldn't. And so, it was done but yeah, another very busy, high profile day and there, that kind of thing had seemingly the world's attention.

Kara:

In summer 2004 Ron moved on to become fire chief of Anne Arundel, the county just down the road.

Theresa Stoop:

We lost Chief Blackwell moving from one department to another, but we never lost him as the face. And that was critical. It was critical that we established that, and it was a critical decision that we followed through on that.

Ron Blackwell:

But the kind of support I was getting from Tunkel and Theresa and Brady and Bowers and Stagnaro and those guys, and God got me through but it was, I don't know, you hear people talk about surreal all the time, to think that I am appealing directly to him. Now, what will that mean for the investigation? Or what will that mean for me personally? Will he now try to find me and my home? My property? What does that mean? But, my focus was shared by the task force. We have to find the person responsible and as you you'd mentioned, it's big and it's about public safety. It's not about Ron Blackwell or any individual involved. It's about getting this thing stopped.

Kara: Even after the personal appeal, the serial arsonist didn't turn himself in.

Thomas Daley:

When we go around the country, we're there to tell this great story. And I said, "The great story was only one day." It was 21 months and 29 days of failure and one day of success. But it was the process that we... And processes that we had put in place that allowed us to experience that success.

Kara: But success comes at a frustrating price. Tom Daley.

Tom Daley:

But yeah, you had to deal with, really, it was bone crushing disappointment, and then even when you would get a DNA hit, we would be ecstatic. Then

the next day we'd say, "We still don't know shit." This is his DNA, what good is it if it's not in the database.

<<Kara>> Let's talk about DNA a little bit and the role that DNA plays in this. So back in 2003, how prevalent was it to rely on or find DNA evidence at an arson scene?

Tom Daley:

It was really, in my opinion, it was in its infancy. It was a new area of forensic science that had been becoming more and more prevalent through post 2000. We knew of it. There were few labs at the time, there were few labs, enormous demand, it was expensive because there wasn't the infrastructure built to support law enforcement's use of it. It's ubiquitous now at the time, it's credibility was certainly there. We loved it. We, as you know in the recovery of some of the devices and the material used as the wick and the devices, we were able to garner DNA samples and we utilized it, but the ATF did not have a lab. ATF got a lab as a result of this case.

Kara:

Early on in the case, any evidence that needed to be checked for a DNA sample was sent to a private lab called Orchid Cellmark. But then in later 2004, the Montgomery County MD lab became available. This was important because only government funded labs could enter DNA into CODIS , the combined DNA index system. Managed by the FBI, it's a huge database for criminal DNA to be stored and compared. In 2021 the 20 millionth DNA profile was submitted.

On Valentine's Day 2004, the arsonist lit an apartment fire on Blair Rd. This fire was different because the firesetter placed his incendiary device inside the building, blocking the stairwell. This is the fire that got Montgomery County involved. Forensic specialist Ray Kuk.

Raymond Kuk:

And this is one where, again, we had the 7-11 bag. We had a water jug this time. It was on its side. We actually saw the sock kind of tucked under the handle of this, and the remnants of the sock ... Or, actually, it wasn't a sock at this time. The fabric. I think this was-

<<Kara>>

This was the black pants, right?

Raymond Kuk:

It was the black pants. Some of the pants that were tucked under the handle. And as opposed to some of the other cases that we saw prior to this, there was an excessive amount of material on this one. It typically had been the sock type of material, something small, but this one there was just so much additional fabric, and it turns out this was from a pair of dress pants. Not only was it from a pair of dress pants, but it was from the waist area-pocket area of the dress pants. And those are really good areas to try to get DNA from, when you're talking about clothing material.

<<Kara>>:

Okay.

Raymond Kuk:

And Blair Road was in Montgomery County. Now we've got Montgomery County involved. Montgomery County has a laboratory, which has a DNA section. So we were able to submit these pants to Montgomery County for DNA analysis.

<<Kara>>:

And they were able to actually find some DNA on the pants?

Raymond Kuk:

Yes. Kary Tontarsky was the DNA analyst at the time in Montgomery County, and she was able to recover DNA from the pants. And this DNA, from these pants on Blair Road, the DNA profile was the same DNA profile that we saw from the hair that was recovered from Anacostia.

Kara:

Kary Tontarsky was a lab technician at this Montgomery County lab. I really can't overstate this: Her work was critical to solving this case. Using DNA profiles for an arson investigation was something new. In the past, no one thought DNA would survive high temperature fires.

Kary Tontarsky:

What the research ultimately showed was that, until the temperature got over 800 degrees, that really, the DNA wasn't necessarily adversely affected.

Kara:

Kary says it was remarkable how much DNA you could get from a sample.

Kary Tontarsky:

Because the mindset had been, for the most part, that if something is in an arson scene, forget about it. Don't bother even testing it because you're not going to get anything.

<<Kara>>:

How do you retrieve-DNA, in layman's terms from, let's say a piece of fabric from a pair of pants, that was one of the instances, from an arson setting?

Kary Tontarsky:

Yeah, I'm afraid this is so plain that it might disappoint you.

<<Kara>>:

(Laughing)

Kary Tontarsky:

You simply swab the surface of the fabric. So say for example, if we had a sock cuff, you can determine from looking at the sock cuff, with the interior

of that sock cuff, in other words, the portion that would be next to the person's leg when they're wearing the sock.

<<Kara>>:

Yes.

Kary Tontarsky:

And then the exterior portion, which is, actually if someone's putting it on, then they may leave DNA as they pull the sock up. So with the sock cuff that was received, for example, from one of the scenes, you take a... It's not like a Q-tip like you would use in your house, but it's basically a cotton tip swab. It has a long handle about six inches on it and the cotton on the top of it. And you moisten it with a special type of distilled water.

It's a double distilled water, that's free of impurities, free of any sort of DNA or RNA. Then you just literally swab it across the surface, and then that swab is used to go forward in the DNA testing process. We typically, in the laboratory, separate it out, interior versus exterior, because you may get a different profile. And in particularly in this type of case, if you're trying to determine if there's a relevant profile, you want to see if you're going to see it more than once.

But the long and short of all that whole project was, you should try to get DNA from a fire scene. Near the source of the fire in that experiment, the surfaces were literally charred and destroyed. And so you're not going to be likely to take a sample from there anyway, because you're not going to have anything from your forensic processing of the crime scene, that's going to indicate there's something of interest.

Kara:

Remember Ray Kuk told us they recovered a hair from that incendiary device in Anacostia? The one the three boys threw into the gutter after encountering the arsonist?

Kary Tontarsky:

From the hair, it was from what they called Exhibit 1D1. From that piece of hair Orchid Cellmark developed what, ultimately, was termed ATF Arson Task Force Investigation Profile Number One.

Even more importantly, they actually had, but unbeknownst to them, of course, the relevant DNA profile of the arsonist. It was issued in a report or at least a report for that work was issued by Orchid Cellmark on the 20th of October in 2003. So in reality, they had the profile early on. But it couldn't go into a DNA database.

Kara: DNA was critical in solving this case.

December 5th, 2005. A fire on North Bryan St Arlington Virginia.

Tom Daley

Tom Daley: We had been called by Arlington County. I was an Arlington County cop. I knew that area. It was right by Henderson Hall and Headquarters Marine Corps. Tom Polera, who was the fire marshal for Arlington County, called the task force.

All we knew was that there was a gasoline-soaked pair of Marine Corps pants in the middle of Bryan Street, and there was a fire in the backyard on the deck. There wasn't much, but we were just about to walk into a briefing that morning.

Scott and I were talking, I said to Scott, "Pants, gas. I'll be over to collect it." Picked it up. He put them in a can or preserved them, and we took them to the lab. Bingo. The DNA on the Marine Corps pants in front of Bryan Street matched the DNA from Anacostia Avenue and 30th Street.

Kara: Next time on Arson.

With the DNA profile coming from a set of Marine uniform pants, the team turns to NCIS to find their man.

Scott Fulkerson: ...and we went to the NCIS, National Criminal Investigative Service in Southeast DC off their headquarters building at 8th and I Street. We went in with the hopes of... With a subpoena in hand,

which is why we had our US Attorney's Office with us, that we were going to provide the Naval Criminal Investigative Service with a DNA profile, and they were going to then search their records for anybody in the military whose profile that comes back, too. Therefore, that name would be provided to us.

Thomas Daley:

And so, we went down there with cross bandoleros and guns blazing, and they were like, "So what's the guy's name?".

Thomas Daley:

We were like, "We were hoping you'd tell us,"

Credits

Arson is brought to you by the international association of arson investigators in cooperation with the bureau of alcohol tobacco firearms and explosives. Our executive producer is scott stephens, our editor is Tracy Wahl. arson is produced by platform media with help from Emily Vaughn, and Mariah Dennis. Engineering support from Andrew Chadwick. Our theme music is by the last knife fighter
And I'm Kara McGuirk-Allison.