

ARSON

Episode 4: The DNA Profile

A DNA profile is consistently found at some of the fire scenes, but doesn't match up with a name. More physical evidence leads the task force to loop in NCIS who is dealing with their own arson investigation.

Scott Fulkerson: At the end of the interview, you have to ask the individual, "Were you the one responsible for setting that fire? Are you the serial arsonist?" And the answer has to be, "No." Anything else is considered deceptive.

Tom Daley: This is Arlington.

<<Kara>>:

Arlington. Okay.

Tom Daley:

This is North Bryan Street where we recovered the Marine Corps pants.

<<Kara>>:

On this street?

Tom Daley:

Yes. If my memory serves me right, it was here. It was this house.

<<Kara>>:

Which now has a plaque that says, all you need is love.

Kara:

Dec 5th 2004, a fire was set on North Bryan street in Arlington, VA. Tom Daley took me to the scene.

Tom Daley: We're right by the Pentagon.

<<Kara>>:

Are we?

Tom Daley:

Yeah.

And then Polera calls us and said, "We had this fire on the back porch Saturday night into Sunday morning and..." Yeah, this is it.

Kara:

There wasn't anything unusual about this fire...same MO...single family home, middle of the night. But when combing the scene for evidence, the team found a pair of Marine Corps Pants and cover, that's the formal white cap.

<<Kara>>: Did the house... Okay. And then the pants were in the middle of the road.

Tom Daley:

Right out here.

<<Kara>>:

And then there was a cap recovered too, the Marine Corps' cap.

Tom Daley:

Correct. And he was doing that to-

Tom Daley:

Yeah. He was doing that to try and throw us off. He knew that we were getting close, and he did that to try and throw us off his trail, and it blew up in his face.

Now, right over here, Kara was... That used to be Headquarters Marine Corps, that was Henderson Hall, and then over there was the Navy Annex and Headquarters Marine Corps. I knew that Bryan Street was right by headquarters. I was like, holy, this has got to be Marine related.

Kara:

This is Arson, I'm Kara McGuirk-Allison. Another fire, but with something new. A partial marine corp uniform lying on the ground near the scene. Maybe not the oddest thing since they are pretty close to the Pentagon. But with physical evidence comes more DNA swabbing....and guess what...DNA found on the pants match the DNA from the earlier fire scenes. ATF's Scott Fulkerson.

Scott Fulkerson:

One of the failures was that with this known DNA connected to multiple scenes, we then had an investigative theory that the person responsible for setting the fires was either in the military or associated to the military based on the fact that there was a pair of Marine Corps dress pants and a Marine Corps hat that was placed very suspiciously laid out across the sidewalk across the street from one of our fires in Arlington, Virginia. As a result, the theory arose that the person had a contact with the military, and more specifically, the Marine Corps.

Kara:

The team was hungry for credible leads. Without a DNA match from the CODIS system, that federal database of DNA profiles, there was no way to pull up a name associated with evidence found at the scenes so far. ATF's Tom Daley.

Tom Daley:

I said, "Guys, we know how this guy is doing it, and generally where he's doing it." I said, "This is like an algebra problem, solving for X. We just need to know this guy's name, or what car he's driving. Let's solve for that. That's the unknown."

When you're doing that problem, you're looking to simplify it as fast as possible. You're trying to shrink the problem and simplify it, because you want this to be simple. Remember your math tests? I do. They were abysmal. I wanted them short, easy, and simple, and little problems. Right?

<<Kara>>:

Right.

Tom Daley:

I wanted it as, just, baby food. Easily made, easily digested. That ain't this case. But, as a human being, you want it that way, and so you make it that way. What do we think? For 20 months, occupied structure, middle of the night, single-family home. Occupied structure ...

But ultimately If you look back, N Bryan Street ... We can do that, because ... In Arlington. That's where the case turned. didn't it?

Kara:

Were you at that fire?

Tom Daley:

No, but I went to it. I knew the area. 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, and, simply, Scott and I said to Polera ... "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: Scott and Tom and have a sneaking suspicion that the arsonist could be in the military. So along with Assistant US attorney Jim Trusty, they took the DNA profile....

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.

Tom Daley:

We went down there because we knew that the military could share information with us.

<<Kara>>:

Right.

Tom Daley:

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

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

<<Kara>>:

So I think a lot of people recognize the acronym NCIS, obviously from television. So tell me though, in your words, what NCIS does.

Matthew Butler:

So yeah. So the Naval Criminal Investigative Service, NCIS, conducts all major felony criminal investigations for the department of the Navy.

Kara: This is Matt Butler, Special Agent with NCIS.

Matt Butler:

So it could be anything from narcotics, homicide, rapes, major thefts, arson. And that's how we ended up getting involved in this particular investigation. Again, it was a felony type matter that the Naval Criminal Investigative Service would oversee.

<<Kara>>:

So it doesn't necessarily have to be, I'm assuming, Navy or Marine, but it could be on the property of, right?

Matthew Butler:

Correct. There has to be a nexus, and it can be you could have a Navy or Marine Corps victim, you could have a Navy or Marine Corps suspect. You could have a civilian suspect. You could have a civilian victim. As long as there's a Navy or Marine Corps nexus, we can get involved in it.

Kara: So Two ATF agents and a US Attny walk into NCIS with a DNA profile. I'll let Matt take it from here:

Matt Butler:

We closed our investigation on the vehicle arsons on the 8th of March in 2004. So, fast forward, I'll never forget it, it was a Monday, 11 April, 2005. I was in my office, at the NCIS DC field office, and special agent Scott Fulkerson and Tom Daley, with the Bureau of Alcohol, Tobacco and Firearms, showed up at my office to essentially request access to the DOD DNA database.

I informed them that they could not have access for that particular purpose the DOD DNA repository samples are not profiled or database and could not be compared with the recovered DNA from the evidence in this case, the waistband of the dress blue pants.

Kara:

This DOD database was a collection of DNA samples from military personnel but not of their DNA profiles. The DNA samples would be run if it was needed to help identify a badly wounded or killed soldier or sailor. But it wasn't set up like CODIS, filled with DNA profiles associated with specific names. There was no way to run a match.

Matt Butler:

It was kind of funny initially, I remember Scott Fulkerson, you could tell he was frustrated that this particular case was consuming everybody. Initially, he was somewhat guarded with providing me the description of the evidence that they had. I put him in touch with our forensic consultant, a guy by the name of Don Houseman, who probably explained better than me, that the DNA database that the DOD had could not be utilized for a variety of reasons.

Kara: Jim Trusty was with Scott and Tom at the NCIS meeting that day. Full of hope they would finally identify the serial arsonist.

Jim Trusty:

And so we were a little pissed, but one of the younger guys that was there started saying, "Well, we do have this one guy we think you should look at." And he described like this insanely fast car chase after a fire in a public parking garage, I think it was maybe near Pentagon somewhere and say, "We chased this guy, And he was going like 120 on Pennsylvania avenue." Stuff that sounded just insane, but they put this name in her head and said, "Wow, this does kind of sound like it's in the ballpark." I mean, all of a sudden this like failed meeting gave us our suspect, and it was just one of those providential moments where you're like, "Oh, this is actually coming together."

Kara: Scott Fulkerson

Scott Fulkerson:

Unfortunately for us that's not how the system works. In fact, it was very specifically spelled out to me on that day by a Naval Criminal Investigative Service Supervisor that, "That's not how it works, young man." It was very deflating. Unfortunately, it was a punch in the gut and almost like the winds out of our sails because we went in that day thinking we're going to come in with a profile and come out with a name. Well, the United States Military does not have such database for reasons that are now obvious to me. For anonymity for our military members. The DNA for our military is provided for in the event that one of the members of our military goes missing, and then they will utilize known DNA for recovered DNA to compare to find out if it's actually that person. In this case, we didn't have the person's DNA of a known person. We had an unknowns, so that theory was shot down very quickly.

Kara:

Matt Butler understood that Scott was not happy the database couldn't turn up a name for him.

Matt Butler:

He was frustrated obviously to hear that and we decided to basically work as a team. That's when he opened up and shared the evidence with me that they had. It was essentially, like I said, a pair of Marine Corps dress blue trousers and a Marine Corps cover that had been recovered at that particular crime scene that you had mentioned previously. He indicated that got the DNA sample from the waistband of the pants, which is pretty interesting. It was an indicator that perhaps the suspect could be a Marine based on those items being re being recovered from the crime scene.

Scott Fulkerson:

However, though, again, we mentioned all these challenges and the ups and downs, we were provided at that time with some case files. They said, "Gentlemen, unfortunately we do not have that information to provide you, but what I would like you to do is I would like you to look into some... A

series of car fires that we've been having in and around 8th and I Street to people that are within the Marine Corps, and specifically, there's a couple of cases that we have," and they provided us with that information in which we observed a vehicle leaving the area. Then we had a partial tag provided to us as to what that vehicle was or what the identification of that vehicle was. We were later able to determine a specific tag number for a vehicle that was leaving 8th and I Street in and around the time that car fires were being set.

Kara:

The database that NCIS had didn't work the way that ATF thought and hoped it would. They were so certain that they would walk into NCIS with a DNA profile and be provided the name of the serial arsonist. What ATF also didn't know, was that NCIS had an arson investigation of their own...

<<Kara>>Coming up around 2004 there were a lot of fires...Parking lots, military recruiting offices, GSA leased cars at the end of 2004 that were lent to military recruiting offices were set on fire. There were two in Mount Vernon, there was a car in Chantilly. There were three cars that were set on fire at a joint recruiting station in Silver Spring. All of those occurred at night while the offices were closed. And I think they said cost to the government over \$60,000 in losses.

Matthew Butler :

Correct.

Kara:

Matt Butler says that NCIS opened an investigation on March 4th 2003, when enlisted Marine Corps members at the 8th and I street barracks in Southeast DC said that some of their vehicles had been set on fire.

Matthew Butler:

It was my understanding at the time that the Washington DC Metropolitan Police Department did not have jurisdiction, that the DC Fire Department actually had jurisdiction on vehicle fires. So they responded and basically classified these vehicle fires as accidental. There was one particular sergeant who had some background with working in a fire department and he came... He basically brought it to our attention that it was clearly an accelerant had been used on his vehicle that had resulted in the fire. So I was actually out there on that particular day and I took a look at the hood of his car. It was pretty apparent that an accelerant had been thrown on his hood and had caused the fire. So that's why we decided to get involved and open up our investigation on the 4th of March in 2003. So it was a total of six enlisted Marine Corps members that had their vehicles destroyed.

<<Kara>>:

Right. And I think I pulled from the paper, they said it was three arsons involving six personally owned vehicles belonging to US Marine Corps members who worked 8th and I.

Matthew Butler:

Correct. And these vehicles didn't occur all on the same day. There was a... Within a short span of time.

So on the 12th of March, literally about a week after we opened up our investigation into the vehicle fires, I'm a proactive kind of guy, so I wanted to get our folks out there involved in an attempt to identify the suspect. Let me go back a little bit. After we opened up our investigation, there was some surveillance footage that we obtained from a nearby camera at the 8th and I Marine Corps barracks. We provided that to our technical services department and they enhanced the photographs, the video footage, and provided us with some still photographs. Based on those photographs, we were able to identify the vehicle as a '88, '89 Toyota Corolla, light in color with the possible combinations of license plates.

So there was a vehicle that had been identified as leaving the parking lot on or about the time that the fires were started. And on one of the videos, you can clearly see the flames in the background as this vehicle

exits the parking lot. So based on that, we had some limited information. Okay, we got a Toyota Corolla, '88, '89 model, with this unique sticker in the rear windshield that was oval shaped. And we had some possible combinations of a license plate that we were able to enhance and pretty much determine it was a possible sequence of letters and numbers. So based on that, we set up surveillance. It was on a Friday, the 12th of April... I'm sorry, the 12th of March in 2003, we set up surveillance at the intersection of 8th and I, pretty much across the street from that parking lot in the hopes of identifying that vehicle. It was actually around 9:00 at night when the vehicle drove right by me. And it caught my attention right away because of the sticker in the rear windshield. I immediately pulled in behind the vehicle, and he continued up the street, 8th and I, and it was obvious, within a short period of time, that he was conducting some sort of a pre-operational plan because he circled the entire block.

And at this time I was on the radio with the other agent involved in the surveillance who was actually in a position to get a better description of the vehicle and the driver as it went by. Unfortunately it was late at night. It was really tough to identify the suspect as he drove by. And when he went by the second time, it was at that point that he realized that I was surveilling him and he took off like a bat out of hell down the street. And I didn't want to endanger any of the... Anybody because this guy was just going way beyond the speed limit. And I broke it off after getting his license plate and a description of the vehicle. After running the license plate, that's when Thomas Anthony Sweatt was identified as the registered owner of that particular vehicle. So that was our first big break.

<<Kara>> :

What happens next? What's the next steps?

Matthew Butler:

So yeah, we provided the information to both the Metropolitan Police Department and the DC Fire Department. The Metropolitan Police

Department basically told us that they wanted to work the matter jointly, but they made it clear that it was DC Fire Department's jurisdiction, and they didn't really want us out there working the matter unilaterally without their involvement.

<<Kara>>:

There's a quote I'm looking for, I found it. Okay. So this is a legal, or document rather, from March 29th in 2003. And it basically says that the vehicle, a 1988 Toyota Corolla, DC license plate blank belonged to Thomas Sweatt. And then it says, "Because the fires occurred on District of Columbia property rather than federal property, and the fact that the fires were ruled accidental by the lead agency, in this case, DC Fire Department, NCIS can no longer investigate into this matter without DC Fire Department cooperation. Therefore this investigation is pending dialogue with DC Fire Department." So that's basically what you're talking about, right? So it was really up to them to decide whether or not to pursue this.

Matthew Butler:

Yeah. I mean, to sum it up, it was essentially a jurisdictional matter. Again, it was not on federal property, that parking lot. It was DC jurisdiction. The jurisdiction and because vehicle fires fall under the jurisdiction of the DC Fire Department, they were the ones that had to handle the investigation.

Kara: Despite all the jurisdictional morass, they still managed to get critical information. Tom Daley.

Tom Daley:

But then they gave us the address. I remember having this discussion, I think at a party we had later. And an NCIS guy, I guess it was Matt, said "All of a sudden I gave the address of Lebaum Street," and he said, "I look

over and Tom head goes down." He's like, "Lebaum street" and he goes, "That's right behind the Circle Seven." And I was like, "this is really interesting". Then it all... That's when things picked up.

Kara:

That's sort of the climax of our story in a way, right?

Tom Daley:

Yeah.

<<PSA BREAK>>

Kara:

So investigating the car fires falls under the jurisdiction of DC Fire. Car fires in cities are super prevalent. I honestly had no idea. According to officials at DC fire, the average number of incidents fire investigators respond to per year? 800. That's all types of fires, after hours code enforcement, and assistance calls. On average, there are 250 requests to investigate car fires per year. Investigators aren't always requested for car fires...sometimes officers will make the initial determination if an investigator is needed.
Scott Fulkerson.

Scott Fulkerson:

Now, again, car fires are set everywhere in Montgomery County, Prince George's County, District of Columbia, Virginia, so this is not abnormal activity. Although it's a concern for them, it's still not a... I wouldn't say smoking gun for lack of a better term, that would get us to the point where we would say that's definitely going to be our serial arsonist. Although we did have car fires associated with Mr. Thomas Sweatt later on in the investigation, but that wasn't the focus of our investigation, but it was something that he had definitely had done once he was attracted to for various reasons for different people's vehicles. He would set ablaze those vehicles. We left that day with some more data points from car fires that

were set in and around 8th and I, and the ability to track down a particular vehicle leaving that area at the time of one of their fires, that vehicle was registered to an individual who lived in and around Southeast DC and specifically the area in which we believed was an area that we had under surveillance. This is... Story gets longer and longer as we go.

<<Kara>>:

But it's a good one.

Scott Fulkerson:

But Tom was leafing through the case file and recognized that that particular tag number was registered to the owner that was residing at Lebaum Street, and Tommy knows the city better than anybody I could ever ask. He's lived and worked in the city in that environment, in that area for about 30 years, and he has known every corner of every street of every area in both Prince George's County and the District of Columbia. Ironically, he can't successfully tell you how to get anywhere, but he, himself, can get there.

Kara:

Gotcha. Like, "Turn left at the tree."

Scott Fulkerson:

That's exactly right, and so as far as his knowledge base of the area, there's second to none, and he was able to instantly say... And this is... Again, this is before Google Maps. Before we have the ability to check on our phones and ask Siri these things. We actually had ADC maps that we were utilizing. You remember ADC maps, where you would say, "Alpha, Bravo, Charlie," and then you have a number associated to it and then you do two pinpoints to where the location was. Lebaum Street, which was the resident, the person who was the registered owner of that vehicle that was observed leaving 8th and I in and around the times of the vehicle fires, they resided at <<>> Lebaum Street. Lebaum Street sat right behind the Circle 7 convenience store in which we had under surveillance that the black bags, at least at some of our scenes, was coming from.

Kara:

Remember, those Circle 7 stores are where the task force set up their black bag operation because the arsonist made purchases from there to create his incendiary device.

<<Kara>>:

What did that feel like to make that connection?

Scott Fulkerson:

Well, it was significant and it was a red flag, but at this point in the investigation, it was just one of many of the hundreds of red flags that we've had encountered from hundreds of different suspects that had been provided to us, or we have developed on our own, so it was an investigative lead and an investigative lead only that needed to be filed through.

<<Kara>> Just one of many.

Scott Fulerkson: One of many.

Kara:

Tom Daley.

Tom Daley: Once we knew or we surmised that it could be a member of the military, and so those Marine Corps pants led us to NCIS. NCIS led us to Lebaum, and Lebaum led us to Sweatt. That closed the circle.

Kara:

The team has another lead, a name to work with. They place a DMV photo of Thomas Sweatt in what's called a six pack...a photographic line up....and show that to the three boys, the eyewitnesses.

<<Kara>>:

They subsequently ended up going in front of a lineup, right?

Tom Daley:

Right. We show them a lineup.

<<Kara>>:

Right.

Tom Daley:

Yeah.

<<Kara>>:

And Sweatt was part of that.

Tom Daley:

Yes.

We had, I believe, his DMV photo.

Tom Daley:

Yeah. I think we showed these guys numerous lineups, different people we liked.

<<Kara>>:

Gotcha.

Tom Daley:

Yeah. But for whatever reason, the photograph and the recollection of what he looked like didn't jive.

Kara:

And again we learn that human memory is fragile. Forget the sketches that looked like Mr. Potato Head.....a real photo of the arsonist and the three eyewitness were unable to identify him.

Thomas Daley:

You have to take a wider view than what you as a human being or an investigator naturally want to do, and that's simplifying and shrink your problem. When, in fact, it could be much larger, and it was. But, luckily, we had enough processes in place, I guess, through DNA and then dealing with NCIS, that we were able to get him.

Kara:

This is a lot. Let's recap.

The ATF task force finds DNA on a pair of Marine Corps pants that are left at an arson scene near the Pentagon. It matches DNA from their other crime scenes.

They think, well, maybe our arsonist is in the military. Let's bring our DNA profile to NCIS, let them run it through their database, and hopefully a name will be associated.

Again the ups and downs of this case.

They're told the database doesn't work that way.

But in further conversation, NCIS mentions the series of car fires at the 8th and I street barracks. That based on their own surveillance, they have a car on tape fleeing. And an address associated with that car.

The owner of that car, one Mr. Thomas Sweatt who lives on Lebaum St. right behind one of the Circle 7 stores where the arsonist got his gallon jugs, and black bags.

Matt from NCIS remembers Scott and Tom's reaction to finding out the location of Thomas Sweatt's home.

Matt Butler:

So, during our conversation, I had a one of my younger agents by the name of Yo Carnavale sitting in on the meeting and I had him go retrieve the vehicle arson investigation that we had closed previously. I described to both Scott Fulkerson and Tom Daley our involvement in that particular investigation, and how we identified Thomas Anthony Sweatt as the main suspect based on our surveillance going back to March of 2003. It's funny, because I remember as I briefed that particular investigation, I could see Tom Daley sit back and I could see the wheels turning because I had mentioned Sweatt address. That stood out during our briefing. I can't remember whether he called me that night or the following day. But he basically opened up to me and told me, "Hey, just want to let you know, that that particular address that you provided for subject Sweatt was interesting because it was in close proximity to a hardware store where we knew that he was purchasing certain items that were being utilized in the house fires that they were investigating. It was shortly after that, that they were able to get the DNA sample from Mr. Sweatt from his place of employment. I believe he was a manager at a Kentucky Fried Chicken up in Northeast DC area.

Kara:

Thomas Anthony Sweatt is now a suspect. His car was seen fleeing 8th and Ist where the marine barrack cars were set on fire. His car was caught on video tape. His home on Lebaum Street is right behind one of the Circle 7 convenience stores. He works at the KFC on the corner of Bladensburg and New York Ave in NE DC. And just like the arsonist profile, he's a black man.

Scott Fulkerson and detective Todd Gray are tasked with getting a DNA sample from Sweatt to see if it matches the profile gathered at the previous arson scenes. They show up at the KFC.

Scott Fulkerson:

So we go in and ask to speak to him. He comes outside, actually we asked him to come to our vehicle and talk at our vehicle and we asked the standard questions. We told him what we were there for, we were in and around the area investigating the serial arsonist because there's been a lot of fires in around this area, and he's there on a regular basis. We're looking for him to maybe identify some materials of interest that we believe the serial arsonists was wearing at the time of these fires. And we staged it with fake evidence and we pulled fake evidence out of the back of our truck, and held up a hat, a pair of boots and a trench coat. And before we did that, we put latex gloves on ourselves, so that we would obviously not contaminate any evidence.

And in his mind, in our minds, it's fake evidence. So, well, we asked him if he could place those gloves on himself, he said, no problem. He started handling the evidence, looked at the trench coat, fake hat, fake boots, and he says, "I don't recognize any of these items, I'm sorry, I don't recall seeing anybody wearing these". We take off our gloves, put the evidence back, put the gloves into the box as well. He takes off his gloves, puts them into the back of the truck, and so we knew at that point, if he didn't voluntarily provide us with DNA, that we had his DNA because of the latex gloves, so it was a little bit of a ruse. It wasn't a little bit of a ruse, it was a lot of a ruse.

<<Kara>>:

But he did end up giving you a DNA sample voluntarily right?

Scott Fulkerson:

He did. At the end of our interview, I'll quiz you here real quick. When I asked you, did you set these fires and are you the serial arsonist, what's the only answer we can hear from you?

<<Kara>>:

No.

Scott Fulkerson:

An emphatically no. So you listened, I appreciate that. Well, that's the only answer that's not deceptive. Anything else is considered deceptive for the law enforcement.

At that point, his response and paraphrasing is something to the effect of, why would I want to burn those homes when I'm trying to be a homeowner myself, those beautiful homes. So he answered a question with a question. I still felt as if he was a strong enough suspect, for me to be interested and it was still a shock for me when I received the information in that phone call.

Kara:

That phone call.

Even though they now had Sweatt's DNA all over the articles from the trunk of their car...Sweatt volunteered to give a DNA sample. That was sent to Kary Tontarsky over at the Montgomery County Lab.

Scott Fulkerson:

So we leave that day with nothing but our process to rely on. I'm quizzing you again, Kara, what's the next step in our process?

<<Kara>>:

Well, let's see. So this is where it goes to the DNA lab, right?

Scott Fulkerson:

Ms. Kary Tontarsky. That's her role in this investigation and the systematic methodical approach to investigating this case is that every sample that we come up with on a suspect, at the end of all the other markers that we do, to get us to that point is sent to her for analysis to either confirm or unconfirmed his connection to the DNA we have as a known sample.

Kary Tontarsky:

All right. So, the sample from Thomas Sweatt, that was called a buccal sample, it's a swabbing of the inside of the cheek and the mouth, came into the laboratory on a Tuesday at the end of the day, I believe April 19th. So the way DNA work flows in a laboratory is you do an initial examination of items. You take a sampling to go forward in the DNA process. You then have to extract or remove the DNA from the item. In this case, it was a known sample, but the same thing happens with items of evidence. You extract the DNA, you then determine the amount of DNA that you've recovered, and it's called a quantitation process. And even with known samples, we still, at that point in time, we're doing a quantitation or some processes now that allow you to move the sample forward in slightly different way, so that you are still ensuring the quality of the typing result. you get out on the backend.

So all things being equal, it typically takes about seven day period of time from when you start your initial examination of the item to obtain your sample, to the data interpretation, data review and interpretation, and ultimately getting the reports out the door, although it can take us many extra days to get the reports out the door. But in this instance the sample was actually prepared from Thomas Sweatt's buccal swab on Wednesday, April 20th, This was a single sample..

So while Scott may have made it sound like I was some sort of hero, this little three pens tagging along, doing this little thing, and it's hands-off, kind of like using your instant pot. Right? You just put it in and it does its thing.

So, I knew by looking at the data on Sunday that there was, in essence, for lack of it, the easiest term to talk about now with a match. But Thomas Sweatt couldn't be excluded as a source of that unknown ATF task force profile number one, that had been designated as this profile number one from four scenes. Right? But I couldn't do anything with that information because of the quality checks. And so, a laboratory cannot release any results until the work has been technically reviewed. And so, one of the staff members came in on Monday morning, bright and early, and went through the data and agreed with the interpretation of the results. And so at that point Monday morning, I think it was actually the call went to Scott Fulkerson and to tell him the results.

<<Kara>>:

Did you make the phone call? Do you remember?

Kary Tontarsky:

I would have been the person making the phone call because I was the lead scientist. I signed the report.

<<Kara>>:

So did you get the phone call from her?

Scott Fulkerson:

I did.

<<Kara>>:

And what did she say?

Scott Fulkerson:

So, you got another funny story associated to it, but again, it's all about relationships, and we developed a relationship with Kary Tontarsky, we went and saw her at her laboratory, we saw what she did and how she did it. She walked us through the process. We've had multiple phone conversations with her. She educated us as to what DNA was, in the very infant stages of DNA as an investigative tool in law enforcement. So we developed a relationship. And we sent her that DNA on a Friday. And again, people that had tentacles to this task force, she had the passion as well. So passion is the underlying theme here. She felt so strongly. We had already had Mr. Thomas Sweat under surveillance, because it's called lifestyle surveillance. We wanted to see where he was going, what he was doing.

While our surveillance team was watching Mr. Thomas Sweat, observed him, A, driving the vehicle that was registered to his sister that was observed leaving the area of eighth and I street, the vehicle fires and was registered to Lebaum street, which was located directly behind the

store of circle seven convenience store, which we had the bags that were being marked in the belief that the serial arsonist has shopped at in the past. They'd followed him to and from work on many different occasions and, they'd watch him go in very indirect paths to and from work, and actually travel through neighborhoods in very odd fashions.

So that also lingered in our minds. So we felt strongly enough that Mr. Thomas Sweat still needed to be under surveillance for a period of time, until those results of DNA came back. We kept them under surveillance through the weekend. Ms. Kary Tontarsky, amongst the other things that she had to do, worked through that weekend and came back with the results on Monday morning, just so happens that same Monday morning, I was assisting our Baltimore field division, where they search very large search warrant in a drug and gun case, in which I happened to be the evidence custodian.

We get pulled in and out of other cases all the time and help our colleagues out. So myself and another agent on assigned to the task force we're taking an evidence at this very large gun and drug case. I probably had 50 guns laying on a table that I was inventorying and documenting, and then Kary Tontarsky calls me at nine o'clock in the morning, and she says, "Scott, good morning. Hey, I've got good news". That last sample that you sent in on Friday, Mr. Thomas Sweat matches the DNA profile that you've provided to us in the past, Mr. Thomas Sweat is the arsonist. So of course at this point, what goes through your head is disbelief, right? A little bit of shock. You've been chasing somebody for two years, then at that point, even after the interview, amongst ourselves in the task force, there was disagreement as to whether or not he was even going to be even considered a suspect.

But at that point in the investigation, because we had a negative ID from our witnesses and a voluntary DNA provided, and a cooperative suspect. There were many people that didn't believe that it would come back positive.

<<Kara>> :

Incredible.

Scott Fulkerson: But that was again, disbelief, shock, all that was running through our minds, I even hung up on Kary. I turned to my partner I was working with, at that evidence scene at the time, and I said, she just told us who the serial arsonist was. They're like, "Well, you got to get out of here". And so I called Kary Tontarsky back and said, "All right, Kary, don't be messing with me. What does this really mean?", and she explained this in detail, she said "Scott, there is no statistical probability on this earth or other planets that the DNA that was provided to me, that you got from Mr. Thomas Sweat can be anyone else's, other than the person that contributed to those four scenes that we had already linked together on fire scenes that had happened in the past".

<<Kara>> :

It's a statistical improbability that it's not him.

Scott Fulkerson:

And that was what is difficult for as an investigator, a non-science person, as a task force for us to comprehend.

Kara: Next time on Arson

Robert Lockett:

Theresa says, okay, taskforce is we're on 24 hour operations. You're 12 hours on 12 hours off. If you need to sleep here, you sleep here. There's no talking to nobody. You don't tell your bosses. I will call every chief today, and inform them.

<<Kara>> The work is far from over once the arsonist is identified.

Boom. This person now becomes under 24-hour surveillance. This person's got night. This is the supervisor of the night's surveillance. Lockett, you're in charge of the day surveillance. Your job is to stay in this guy's hip pocket, until this thing is over with.

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.