

Incident Narrative**Reporting LT JASON HADE - MCFM, ID # 9207****1****04/07/2023****14:38**

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The following is a summary of events that occurred at the Arrive Silver Spring Apartments, 8750 Georgia Avenue in Montgomery County, Maryland on Saturday, February 18, 2023, written by Lieutenant Jason Hade of the Montgomery County Fire and Explosives Investigation Unit (FEI).

Building Information

The Arrive apartment complex is divided into 4 distinct quadrants. The "A" and "B" quadrants face Georgia Avenue and share a common lobby and elevator tower. The "C" and "D" quadrants face 1st Avenue and do not have connecting hallways to the A & B quadrants. The C & D quadrants were not involved in this incident. For this report, any references to "the building" will be for the A and B buildings on the Georgia Avenue side of the complex. The building has a total of 16 levels above grade and one level of parking below grade. As you enter from Georgia Avenue you are in the "lobby" level, followed by the "PL" level which leads to the center courtyard, then the mezzanine, followed by residential floors 1 through 15 (there is no floor 13), and finally the penthouse level which contains no residential units and provides access to the rooftop swimming pool. The first level of the structure also contains commercial establishments accessed from the exterior of the building. The A and B wings form roughly a horseshoe shape with the main Georgia Avenue entrance and elevator tower located in the center between the two quadrants, with the entrance facing northeast. The main or center stairwell is located in the elevator tower. There are also stairwells located centrally in each respective quadrant. Each apartment number is followed by a letter designating which quadrant the apartment is located in. A building diagram will be included with the case file.

The building did not contain sprinklers in the apartments. Based on Investigator observations and witness statements, there was no functioning smoke alarm in the fire apartment.

Incident Background

At 5:59 a.m. Montgomery County Fire and Rescue (MCFR) units were dispatched for a fire at the highrise at the above address. The first units arrived on the scene at approximately 6:01 a.m. and gave an initial report of "nothing evident" from the front of the building on Georgia Avenue (Side A). Upon entering the building, as the crew from Company 1 was passing evacuating residents, one of the residents reported to firefighters that there was a "fire-out" in apartment 719A. It is unknown which resident reported this.

As the initial crews made their way up to the 7th floor, the Public Safety Communication Center (PSCC) began receiving additional 911 calls from residents reporting being trapped in their apartments due to smoke conditions in the hallways. Firefighters entered the 7th-floor hallway and were met with heavy smoke, zero visibility, and moderate heat conditions according to firefighter statements. They immediately requested additional units via a second alarm dispatch.

Battalion Chief 701 (BC701) arrived and assumed the Command function at 6:08 a.m. As the scene grew increasingly chaotic with multiple rescues being made, Command requested additional units, eventually leading to a 3rd alarm to be dispatched at 6:28 a.m.

As firefighters on the 7th floor were attempting to locate the fire they encountered many residents attempting to flee and in need of immediate assistance. Crews of firefighters were split up resulting in several “mayday” radio transmissions to locate the missing members. In each case of a mayday, the missing crew members were quickly accounted for as they assisted residents.

For approximately the first hour of the incident, the PSCC continued to relay messages to BC701 regarding residents who reported being trapped. Most of the residents were advised to shelter in place in their apartment or on the balcony if possible. As more resources arrived on the scene, a medical triage group was established on the 5th floor to assist patients as they were located on the upper floors.

Firefighters were eventually able to locate and extinguish the fire in apartment 720A. During this time, multiple rescues were being made. Firefighter statements have been provided to FEI and will be contained within the case file.

Victims

According to MCFR records, 10 civilians were transported to the hospital, and 4 civilians were examined and refused transport. 7 other civilians self-transported to Holy Cross Hospital in Silver Spring. 3 firefighters were transported for minor injuries. One of the civilians was pronounced deceased at the hospital. Another was in a state of cardiac arrest and was resuscitated during transport to the hospital. All others were treated for smoke inhalation and released. 3 firefighters were also transported for minor injuries. None of the treated civilians were in the apartment of origin.

At approximately 6:40 a.m., the officer from Tower 718 was searching the 9th floor. He reported heavy smoke conditions with no visibility as he began a search of the hallway. He found an unconscious female near the quadrant A stairwell. He moved her from the hallway eventually relocating her to the 5th floor where the EMS group was standing by. CPR was initiated. The victim was removed from the building and transported to MedStar Medical Center in Washington D.C. where she was pronounced deceased. She was later identified as the female resident from apartment 1126A, four levels above the fire on the 7th floor. It is believed she left her apartment and used the quadrant A stairwell, the closest to her apartment, to exit. For unknown reasons, she is believed to have then exited the stairwell on the 9th floor where she was found unconscious by firefighters. They initially moved her to the 6th floor to begin CPR, and shortly thereafter she was taken to the 5th floor with the EMS group. Later, one of the victim’s dogs was found deceased on the 9th floor. Her other dog was found deceased on the 6th floor along with personal items, including identification. The latter dog was believed to have been with her under her clothing when she was moved by firefighters. A request has been made to the Washington D.C. Office of the Medical Examiner for their report on the deceased. As of this writing, the report has not been obtained by Montgomery County Investigators.

Firefighters found another female resident unconscious near the elevator lobby on the 7th floor. She was moved to the treatment group and transported to MedStar Hospital Center suffering from cardiac arrest. During transport, she regained spontaneous circulation. It was not until later in the day that she regained consciousness and was identified by hospital staff. She was identified as the resident of apartment 719A, adjacent to the fire apartment. Investigators have made contact with this resident and will conduct a follow-up interview when her health permits it.

For detailed patient information, see the EMS reports.

Around the same time the first call was placed to 911, Fire and Explosives Investigators were beginning their shift for the day. Lieutenant Hade (your writer, ID 9207), Lieutenant Olin (ID 9191), and Captain Gettig (ID 9198) were listening to the incident on the radio and responded directly to the scene. Upon arrival, the Investigators located Samantha Shafer,

Senior Property Manager at Arrive Silver Spring. She was able to provide Investigators with a list of resident data for those tenants who were listed on each lease. The Investigators then moved into an unoccupied office on the level above the entrance to be used as a base location for the Investigation Group. An “all-call” request was made to the remainder of the Montgomery County Fire and Explosive Investigations Unit who were available to respond to the scene to assist. Captain Ferguson (ID 9188), Lieutenant Veith (ID 9209), Lieutenant Baker (ID 9205), and Lieutenant Moe (ID 9201) with K9 Eesa answered the call and came in from off-duty. FEI Manager Scott Hoglander also responded to the scene from his home.

Captain Gettig established himself as the Investigative Group Supervisor and was assisted by Hoglander. Gettig contacted Baker and had him proceed directly to Holy Cross Hospital in Silver Spring to interview and account for residents who were transported by ambulance or self-transported to the hospital for treatment. Upon returning to the scene, Baker was assigned to work with the EMS group to account for all patients transported and the units that transported them. Gettig asked Lieutenant Veith to proceed to MedStar Washington Hospital Center to obtain the status of residents transported from the scene and interview them if possible. After initial confusion, Veith was later able to confirm the identity of the unconscious female from apartment 719A as well as the deceased victim.

Early in the incident, Gettig was able to obtain footage from a resident in an apartment located across the courtyard from the fire. Using the video, a diagram of the building layout, and reports from the firefighters, Investigators were able to determine that the likely origin of the fire was in apartment 720A. Upon learning this, Hade and Olin began to search specifically for the listed resident in 720A. Hade searched through numerous residents in the lobby area of the Double Tree Hotel, located at 8777 Georgia Avenue, directly across Georgia Avenue from the Arrive Apartments. The staff at the Double Tree offered the use of the lobby for residents to seek shelter during the early hours of the incident. During this time, Olin was able to locate Johnathan Kane, the listed occupant of apartment 720A, in the lobby of the Arrive building. Hade returned to the Arrive to assist Olin with the interview of Kane.

Interviews

Hade and Olin sat with Johnathan Kane (DOB 05-21-1977) at approximately 9:00 a.m. in an employee break area near the leasing office on the ground level of the Arrive building. Kane is listed on the leasing agreement as the renter of apartment 720A with his mother, Barbara Cygnarowicz (DOB 01-05-1956). Kane was noticeably agitated and had soot on his skin and clothing. Investigators offered to have EMS examine him, but he declined. Kane was notified that the interview would be recorded via a cell phone camera. The video has been uploaded to Traq. It should be noted that Kane initially provided conflicting statements regarding smoking in the apartment and was hesitant to provide investigators with the names of Duvall and Stevenson.

During the interview with Kane, Hade learned that Captain Ferguson had located Duvall with Montgomery County Police near a ground-level exit door from the quadrant A stairwell. Duvall was being questioned by the police based on witness statements that Duvall was seen leaving the building in a “suspicious” manner carrying electronic equipment. Duvall was arrested on a later date on the strength of an arrest warrant by the MCPD for charges of a burglary that allegedly occurred during the evacuation of the building. Hade and Ferguson interviewed Duvall regarding the events leading up to the fire in apartment 720A and did not speak to him regarding the later incident mentioned above. Hade and Ferguson offered to have EMS examine Duvall for smoke inhalation, which he adamantly declined. Footage of the interaction is available from the officer’s body-worn cameras. After speaking with Duvall, Hade returned to the lobby to rejoin Olin and Kane.

On the morning of the fire, Kane and Duvall were interviewed in separate locations, independent of each other. Their accounts of the events were mostly consistent with each other and lead investigators to believe their accounts are truthful.

As of this writing, there is no evidence to believe there was any malicious or criminal intent in any of their actions in the hours just before the fire.

Kane and Duvall gave the following account of the events. Around or before 5 a.m. Kane was asleep in his bed when he was awakened by a text message from his friend and former girlfriend Casey Stevenson (DOB 02-20-1980). The text stated that she and her current boyfriend, Rasheed Duvall (DOB 01-08-1980) had a fight and that Duvall was on his way to stay with Kane. Kane and Duvall have been friends for several years.

Approximately 30 minutes later, Duvall called Kane and asked Kane to meet him in the lobby to assist him with carrying bags of groceries that he had brought with him from Stevenson's house. Kane dressed and went outside to the traffic circle to get the groceries from Duvall and then returned through the lobby doors. Investigators checked the access logs to the building. Doors can only be opened with a key fob each resident possesses unless a door is somehow blocked from closing by a foreign object. Despite Kane's claim that these events took place during the 5 o'clock hour, access logs show that he used his fob to open the lobby door at 4:10 a.m. There were no other recorded uses of Kane's access fob. There are no security cameras at the entrance.

Kane returned to his apartment while Duvall parked his car. Duvall then made his way to the apartment. When asked how Duvall was able to access the secure building, Kane was unable to provide an answer. He suggested that maybe a door was left propped open. The pair decided to cook calamari that was among the groceries. The food was cooked in an air fryer that Duvall brought with him. While in the apartment together, Kane stated that Duvall had at least one cigarette, but was in the kitchen using the sink as an ashtray while he smoked. Duvall stated that Kane also had a cigarette. Kane denied using cigarettes or drugs and stated that he only uses a "jewel" brand e-cigarette. He said that his e-cigarette was in his possession and not plugged into a charger at any point during the morning.

There was also a cat in the apartment. The cat was brought by Duvall on previous occasions and there was a litter box on the balcony. Kane said that when the cat is in the apartment, the balcony door is left open just enough for the cat to go outside and it was open "about a foot" during the fire. The cat was found deceased in the bedroom.

After finishing the food, about 35 minutes later according to Kane, they decided to walk down to the 7-11 store located on the ground level of the C Quadrant of the Arrive building, near the intersection of 1st Avenue and Fenwick Lane. Kane believed they were gone from the apartment for approximately 10-15 minutes. Store video obtained by Captain Ferguson showed the pair entering the store at approximately 5:48 a.m. and leaving the store at approximately 5:53 a.m. Transaction records obtained by Ferguson confirm that the purchase was made at 5:53 a.m. This corresponds to the statements made by Kane. When asked why there was no record of Kane using his key fob for access back into the building, he stated that the "7-11 door" is usually propped open by residents.

As they returned to the apartment, they did not notice any smoke in the hallway and did not hear any alarms sounding. As Kane used his key to open the door he said the handle was not hot. The first thing he noticed was that the lights, which they had left on, were now off. Kane tried to turn on the light switch and noticed it was very hot. He tried a second switch which also didn't work. At the same time he was trying the lights he realized that it was hot and smoky in the apartment. The apartment doors are equipped with automatic closing mechanisms and self-locking doors. In the few seconds since he had entered the apartment, the door closed behind him, locking Duvall out of the apartment in the hallway. Kane had the only keys. Duvall banged on the door and Kane opened it. Duvall entered, letting the door close behind him. Duvall recalled seeing fire in the area of the recliner near the end of the sofa and he was still able to see through the smoke. After only a few seconds, they exited the unit to search for fire extinguishers. They located the closest extinguishers, returned, and unlocked the door again. Near the door was a small shelf that Kane used for his shoes. He

moved it to hold the door open so that he didn't have to continue to use his key. They discharged the extinguishers in the apartment and went searching for more. Several discharged extinguishers were found in the hallway and stairwell. As they were attempting to fight the fire, neither activated the building alarm system via a pull station. Witnesses on surrounding floors recalled hearing the commotion of the men running in the hallways collecting extinguishers. After a few minutes of attempting to extinguish the fire, Kane made his escape and stated that this was the last contact he had with Duvall.

The building fire alarm monitoring panel showed an incorrect time approximately 45 minutes ahead of the real-time. When adjusted for the difference, it shows that the building alarm was activated at 6:01 a.m. Records from the alarm panel indicated that the alarm was activated simultaneously via a pull station and the smoke alarm in the 7th-floor elevator lobby. It is unknown if the simultaneous time stamp is coincidental or a malfunction in the system.

In a follow-up interview at the Montgomery County Family Crimes office in Rockville, Kane and Duvall were less agitated than on the morning of the fire and were more forthcoming with information. This follow-up interview was recorded and available through the Axon System. The information provided by Kane and Duvall during these interviews corroborated their statements on the morning of the fire, if not more organized. There were no significant changes in their recollections of the events.

Kane provided Investigators with a hand-drawn diagram of the apartment layout.

Later in the day on February 18th, Hade spoke with resident Daniel Black via telephone. Black stated the following: sometime between 5:30 a.m. and 6:00 a.m. on that morning, he was asleep in apartment 819A when the odor of smoke awakened him. He got out of bed to investigate the odor and noticed dark smoke outside of his balcony door, coming from somewhere below. Black made the first call to 911 just before 6:00 a.m. Within minutes, multiple residents called to report smoke and fire on the 7th floor. At the time of his call to 911, he did not hear a fire alarm sounding.

In another phone interview, David Mullis stated that he was in apartment 721A with his partner Joseph Tresh. Tresh woke at 6 and heard a commotion in the hallway. He opened his apartment door and saw two men, Kane and Duvall, attempting to extinguish a fire in 720A with fire extinguishers. Tresh helped the men find more extinguishers before returning to his apartment to evacuate Mullis. By the time Tresh and Mullis were exiting, the smoke was "banked down to the floor of the hallway." As they exited past Kane's apartment, one of the men, Kane or Duvall, stated "Don't worry, we got this."

Scene examination

Prior to beginning the scene examination, FEI was joined by ATF Special Agent Adam St. John who offered to assist with scene support and technical expertise. St. John's provided FEI with a report of his actions that will be located in the case file.

As soon as it was safe to do so when the fire was extinguished, Moe and K9 Eesa proceeded to apartment 720A. K9 Eesa did not alert to the presence of any accelerants.

The scene was photographed by Hade and the photographs have been uploaded to Traq. Items of interest were x-rayed by FEI, these images can also be accessed in Traq.

Upon arriving on the 7th floor to begin their investigation, Hade and St. John noticed sounds of banging coming from the hallway. They went to apartment 720A and discovered about a dozen firefighters inside the apartment conducting

overhaul operations. Hade immediately stopped the overhaul and asked why they were overhauling. One of the firefighters said that they were told that the investigation was complete and that they were clear to begin overhauling. It is unknown where the miscommunication originated. Olin arrived at the apartment a short time later. Hade, Olin, and St. John were the only investigators in the apartment for the majority of the investigation.

The Investigators, Hade, Olin, and St. John, utilized a systematic approach in the scene examination. The investigation moved from areas of least damage to the areas of greatest damage. Investigators conducted comparison examinations of areas of less damage to areas of greater damage with an emphasis on the recognition, identification, and analysis of fire patterns.

An examination of the scene revealed the following.

Based on witness and Investigator observations, the origin of the fire was determined to be in apartment 720A. Apartment 720A is located on the north corner of the building, in the A quadrant. The balcony opened towards the courtyard. When facing the door to enter the apartment, unit 721A is to the right and unit 719A is to the left. The quadrant A stairwell is located between apartments 719A and 720A, and the door to this stairwell is adjacent to the door to apartment 720A. 719A shares a balcony space with 720A, separated by a partitioning wall made of lightweight metal. The partition wall does not fully extend to the floor or the ceiling of the balcony, leaving an open space on the top and bottom. 719A and 720A also have an interior living room wall in common.

Upon approaching apartment 720A from the 7th-floor elevator lobby, soot patterns in the hallway extend down from the ceiling to about 3 to 4 feet above the floor on the A-wing. The hallway ceiling directly outside of 720A showed evidence of high heat with an area of "clean burn" where the soot was burned away from the ceiling forming an area that appears cleaner than the surrounding area.

The door to the apartment shows heat damage on both the interior and exterior sides of the door, indicating that the door was in an open position during the open burning and flashover phases of the fire. This correlates to the occupant's statement that the door was propped open while he and Duvall were attempting to extinguish the fire and was not closed when they evacuated.

When entering the apartment, the viewer is met with a cinderblock wall to the left that extends to the open living room area ahead. To the right is an open doorway to the kitchen. Just past the kitchen doorway is a small hallway that opens to the right if the viewer is entering the apartment. When looking down this small hallway, the viewer first encounters a door to the left that leads to the lone bedroom, and the next doorway on that same wall leads to a closet. Looking down the right side of that same hallway, the viewer sees the circuit breaker panel followed by a door to the only bathroom in the apartment. At the end of the hallway is a stacked washer and dryer.

The kitchen, bedroom, and bathroom all received thermal and smoke damage, but most of the combustible material in these rooms was unconsumed by direct fire impingement. Linens and clothing remained unburned indicating that the door to the bedroom was likely closed for at least some duration of the open burning phase of the fire. The interior doors were removed prior to investigators arriving in the apartment. The bedroom and kitchen were used by firefighters to move debris and furniture during firefighting and overhaul operations.

When entering the apartment, ahead and to the left is the open living room area, followed by the sliding glass door for the balcony. As already stated, the balcony door was open approximately one foot at the onset of the fire. At some point during the fire, the glass door failed, allowing a rapid introduction of fresh air to the fire, possibly leading to a flashover

event. The balcony door was completely gone when the investigators arrived at the apartment.

When inside the apartment facing the balcony, there was a heating unit to the right of the balcony door on the interior wall. The heating unit was electrically powered and was not a factor in the fire cause.

Most of the fire damage was concentrated in the living room area of the apartment, as was evident by the amount of combustible material consumed as well as clean burn patterns on the ceiling and wall. Investigators located the remnants of a recliner and sofa in the area described by Kane which corresponded to his diagram. The sofa was located along the long wall of the living room, facing the balcony if the viewer was sitting on the sofa. The recliner was in an area between the sofa and the apartment door. According to Kane, between the sofa and recliner was located an end table with a pre-wired charging station. The table was plugged in, in turn providing power to multiple electrical outlets and USB charging ports. Kane did not know the brand of the table and said that he collected it from discarded material outside of someone's apartment. Most of the combustible material in this area had been fully consumed by fire, leaving only the metal frame of the recliner and metal springs of the sofa amongst other fire debris. There was no drywall on the wall behind where the sofa would have been located leaving bare cinder blocks and metal stud framing material. The ceiling was bare concrete with a single light fixture located above the area of the recliner. All combustibles of the light fixture were consumed, including the lightbulbs, leaving the metal frame and two bulb sockets.

Kane was not sure what items were plugged in at the charging station on the end table. He stated that his phone charger was likely plugged in. There was likely an iPad on the table, but he did not think that it was charging at the time. There was also a stereo system with a record player plugged in on the table. The internet router may have also been located in this area. He denied having any previous problems with any of the devices. He did state that there have been previous problems with the washer and dryer and the refrigerator tripping the breakers, with the last occurrence happening two days before the fire. He also stated that the microwave in the kitchen "sparked" the previous night before he went to bed.

Investigators were able to find the feet of the sofa amongst the fire debris and determine their approximate location before the fire. The foot with the most extensive damage was located at the rear of the sofa on the end nearest the door. There was a mass of melted debris on this particular foot. Investigators x-rayed this mass and found what appears to be an electrical wire that may have been under the foot of the sofa in this area.

Hade, Olin, and St. John examined the electrical outlet located in the area behind the sofa. Kane stated that the end table was plugged into this outlet as well as a light that was located at the other end of the sofa. St. John located an area of arcing on the conducting wires leading to this outlet, but it could not be determined if the arcing occurred prior to or during the fire. St. John marked the wire with high-visibility tape for subsequent inspection by other interested parties.

An examination of the circuit breaker panel in the hallway to the bedroom showed extensive thermal damage to the panel. The door to the panel was still attached and believed to have been closed at the time of the fire. Each breaker in the panel was tripped. According to St. John, thermal electric breakers can trip due to an electrical event or high temperatures. The panel box and enclosure were examined with no evidence of electrical malfunction consistent with fire causation originating at the panel, and no arc damage within.

Investigators found the remnants of a severely damaged smoke alarm near where the recliner frame was found. According to Kane, the smoke alarm was mounted on a vertical wall in the living room and he did not believe it was hard-wired. Investigators do not believe it was in working order due to witness statements.

Some residents reported hearing explosions during the fire. An explosion can be seen in the video of the fire provided by

a resident. Investigators located several aerosol spray cans with no discernable labels. It was discovered that these were spray paint cans that Kane used to paint wooden baseball bats. Kane showed the investigators photos of some of the bats he painted. These are most likely the source of the explosions and did not contribute to the fire cause.

Conclusions

The following conclusions are based on observation of the scene at the time of the examination and interviews of parties involved at the time of the event. The conclusions are based on the Writer's knowledge, experience, and training.

The development and severity of the fire were likely affected by a few factors. The weather at the time included strong winds. As the occupants were attempting to fight the fire, the apartment door and balcony door were both open, causing a natural draft that fed oxygen to the fire while also moving large amounts of smoke into the hallway, stairwells, and surrounding floors. A delay in reporting the fire as the occupants attempted to extinguish it, no working smoke alarms, and no sprinkler system were also factors in the extent of the fire.

Based on witness statements and observations made by Investigators, the origin of the fire was determined to be in the area around the recliner, end table, and sofa. A more precise location of origin could not be determined. There were multiple electrical items energized and/or charging in this area. One possible fire cause is a malfunction in one of these devices or in the electric system of the apartment. Due to statements indicating that one or both occupants of the apartment were smoking cigarettes prior to the fire, Investigators are not able to rule out smoking materials as a possible cause. Due to these multiple possible causes, the fire is classified as UNDETERMINED. At the time of this writing, no criminal acts or intentions are suspected.

The case is CLOSED and not considered a crime. The Office of Fire and Explosives Investigations reserves the right to amend the classification of the cause of the fire pending any further information that may be discovered in the future.

All events occurred in Montgomery County, Maryland.