



FIRE INVESTIGATIONS

PURPOSE

The purpose of this policy is to provide basic standard operating guidelines for the Red Oak Fire Rescue fire investigation program.

POLICY

The Fire Marshal's office shall employ its resources to ensure the investigation of every fire within the jurisdiction of the Red Oak Fire Rescue department, including the investigators within the Fire Marshal's office, area investigators, and area law enforcement agencies.

Fire investigations shall occur at every fire incident to determine the cause and origin. This can occur through the use of operations officers, when possible, or may be assigned to the Fire Marshal's office when:

- a. The investigation is beyond the scope of the operations officer
- b. The operations division does not have the proper time or manpower to conduct the investigation
- c. The fire may have been incendiary in nature
- d. Fire death or extensive damage has occurred
- e. More than one property or structure is involved
- f. Any other time in which the operations officer deems it necessary

Investigations shall follow these recognized standards while conducting their investigation:

- a. National Fire Protection Association 921: Guide to Fire and Explosion Investigations
- b. National Fire protection association 1033: Standard for Professional qualifications for Fire Investigator



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Investigators shall keep records of their investigations:

- a. In Firehouse or BATS
- b. In evidence lock-up, for criminal and potential criminal investigations
- c. In file cabinets designated for investigations, as necessary

Investigators shall be available for fire investigation duties when called upon to investigate such fires

Investigators shall maintain relevant skills pertaining to fire investigations by participating in or reviewing:

- a. Local and regional training opportunities
- b. NFPA standards update
- c. Vendor training seminars
- d. In-state and out-of-state training opportunities as funds allow

Investigators shall maintain working relationships with local, county, state and federal authorities to ensure a positive outcome to the investigation.

Under the Fourth Amendment of the U.S. Constitution and parallel provisions under state constitutional law, every entry onto a fire scene must be justified. There are four general circumstances that justify a search and seizure to conduct a fire scene investigation. The investigator will use one of these means to establish a justify means to enter property for an investigation:

- a. Consent from the home owner
- b. Exigent circumstances
- c. An administrative search warrant
- d. A criminal search warrant

Spoliation of evidence is now an issue that arises in almost every fire scene investigation. Spoliation can best be avoided by using a commonsense approach. Evidence should



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never be needlessly discarded, destroyed, or lost. Whenever evidence is uncovered that could be important to the interests of another party (such as in product liability cases) the evidence will be immediately preserved, and notification will be sent to all parties that have a potential interests in the evidence to allow them the opportunity to examine it. The fire investigator will not remove any items from the scene unless it is considered evidence to be used in a suspicious, incendiary, or arson criminal case.

Any testing of accelerants to identify whether or not a suspicious, incendiary fire has occurred will be sent via ground carrier or carried by the investigator to the State Fire Marshal's arson lab in Austin Texas. A private laboratory that is certified in testing for accelerants may be used if appropriate funds are available for use.

The fire investigator will not discuss potential findings with anyone not involved in the investigation. "Under investigation" is the proper response to any inquires.