

Fire Investigations

402.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all fires and explosions occurring within the jurisdiction of the Fresno County Fire Protection District are investigated and properly documented in accordance with state and federal laws and national standards.

402.2 POLICY

It is the policy of the Fresno County Fire Protection District to promptly investigate the cause, origin and circumstances of all fires or explosions occurring in the jurisdiction. If the origin of a fire or explosion appears to be suspicious, the District shall take immediate charge of all physical evidence relating to the fire or explosion and pursue an investigation to its conclusion (Fire Code § 104.10)

402.3 RESPONSIBILITY

The Fire Chief has overall responsibility for fire investigations. The Fire Prevention Bureau is responsible for management of the fire investigations program. The Incident Commander of each incident is responsible for ensuring that each fire is investigated for origin and cause.

District first responders are responsible for recognizing or attempting to recognize the area of origin of a fire and preserving evidence for further investigation. The first-in company officer is responsible for conducting a first responder-level investigation for origin, cause and circumstances. The Incident Commander is responsible for determining when the Fresno County Fire Protection District and/or law enforcement investigators are needed to investigate an incident. Company officers and chief officers have the responsibility to conduct origin and cause investigations for fires when a fire investigator is not available.

When the Fresno County Fire Protection District assumes responsibility for the investigation, fire investigators assigned to an incident are responsible for pursuing the investigation through to completion and providing complete written documentation. Arson investigators are responsible for investigating suspected incidents of arson.

402.4 INCIDENT REPORTS

All initial fire investigations shall be documented using the current version of CALFIRS reporting document. All portions of the CALFIRS report shall be completely and accurately completed as applicable. All information from field notes shall be accurately and completely transferred into CALFIRS. All field notes shall be destroyed upon complete and accurate transfer of information into CALFIRS. All CALFIRS reports shall be completed no later than seven calendar days from the day of the incident. For additional information, see the National Fire Incident Reporting System (NFIRS) Policy.

The Fire Prevention Bureau is responsible for reviewing and approving the investigative reports.

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402.5 PROCEDURE

The first-in company officer should conduct a preliminary investigation of every fire to determine the origin, cause and circumstances. If the company officer is unable to make a determination as to the origin and cause of a fire or suspects that a crime has been committed, and the magnitude of the fire would require thorough investigation and documentation, a fire investigator may be requested in accordance with this policy.

The assistance of a fire investigator at an incident does not relieve the company officer of the responsibility to investigate the origin, cause and circumstances of a fire.

- (a) The immediate response of an Investigator shall be requested when any of the following circumstances exist:
 - 1. Major or unusual fires that exceed the investigative abilities of a company officer or a Duty Officer
 - 2. Any fire resulting in a major injury
 - 3. Incidents involving special circumstances, such as an especially high dollar loss, extensive damage, political sensitivity or any other circumstance deemed appropriate by the Duty Officer
- (b) The immediate response of an investigator shall be requested, along with a law enforcement investigator when any of the following circumstances exist:
 - 1. Arson and/or incendiary devices are involved or the origin of the fire is otherwise suspicious
 - 2. Any explosion
 - 3. Evidence or suspicion of any crime having occurred in connection with a fire or explosion
 - 4. Death resulting from a fire or explosion
 - 5. Any fire started by a juvenile
 - 6. Any illegal activity that potentially could cause a fire and/or explosion
 - 7. Any fire or explosion related to a crime or a suspected crime

In order to successfully prosecute known law violations and to prevail in civil actions, the proper collection, preservation, and maintenance of evidence must be adhered to. Failure to properly handle evidence can lead to criminal and civil liabilities to the District and the officer.

Physical evidence regarding any suspected criminal activity or that would be needed for any potential civil litigation (in which the District may be a party) shall be properly preserved, collected, and maintained by District personnel. Currently recognized techniques and court accepted procedures will be employed. All physical evidence that is collected will be documented.

Fire and crime scene areas will be thoroughly photographed prior to disturbance and all physical evidence will be photographed prior to removal from its location, when possible. All photographs should be in color. All negatives for a given incident shall be maintained in the Fire Prevention Bureau. Any requests for the original negatives shall be declined and professionally produced

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negative copies should be provided to the requestor. A photo log shall be prepared for all photographs and not just for the ones used in the investigator's report. This log will show the date and time the photograph was taken and a brief description of the subject matter.

Video taping of fire and crime scenes and evidence collection should be in addition to, and not in lieu of, photographic evidence documentation. Any video taping activities must be included in the case report and documentation. All videotapes for a given incident shall be maintained in the Fire Prevention Bureau. Any requests for the original videotapes shall be declined and professional quality copies should be provided to the requestor. A log shall be prepared for all videotapes. This log will show the date and time the video was taken and a brief description of the subject matter.

Use of digital or other new technologies for photographs, video, or audio evidence must be based on court or prosecutorial accepted procedures.

All witness statements shall be documented through either tape recorded interviews or written and signed statements. If tape recording has been conducted, a signed affidavit based on the recorded statement or signed transcript of the taped statement should be obtained as soon as practical.

An evidence log shall be maintained for all evidence that has been collected for each case. This shall be in addition to evidence tags attached to a particular piece of evidence. All evidence shall be maintained in a secure and locked area, accessible only to authorized personnel. A listing of all cases within the storage area and each locker or cabinet shall be maintained.

402.6 QUALIFICATIONS

All department officers are qualified to perform first responder-level origin and cause investigations in addition to the Fresno County Fire Protection District investigators.

All investigators of the Fresno County Fire Protection District will be designated as peace officers in accordance with Penal Code § 830.2.

(a) Fire investigators shall:

1. Meet the job performance requirements of the National Fire Protection Association's (NFPA) standards for fire investigators.
2. Complete the certification requirements of the California Fire Service Training and Education System Fire Investigator I and II.
3. Complete the certification requirements of the National Wildfire Coordinating Group (NWCG) courses FI-210 and FI-310.
4. Complete the training required for peace officers described in Penal Code § 832.
5. Comply with all federal and state statutory and constitutional investigatory requirements, including limitations on searches and seizures.

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402.7 EQUIPMENT

Each investigator should maintain a personal logbook detailing each investigation he/she has performed and all continuing education. The purpose of this record is to document case investigation, field training and continued professional training hours to confirm status as an expert witness during court appearances.

The Fire Investigator's vehicle should be stocked with the following equipment to assist in the investigation of fire cause, origin and circumstance:

- Digital camera
- Spare batteries
- Voice recording device and spare media
- Fire investigator tool box
- Shovels, rake, broom and sifter
- Disposable latex evidence collection gloves
- Evidence collection markers and labels for canisters
- Wild land fire investigation kit