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**Section: Fire Investigation**

Effective Date: 01/01/2008

Revision Date: 04/13/2007

Approved by: J. Ehret, Fire Chief

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**SCOPE**

This guideline applies to all South Metro Fire Department employees responsible for emergency response.

**PURPOSE**

To establish guidelines that provides for fire origin and cause investigations in the Cities of South St. Paul and West St. Paul

**POLICY**

- I. It is the responsibility of Command to provide for fire origin and cause investigation on the following fire-related emergencies: structure fires, explosions, fire code-related situations and every fire incident causing serious injury/death or property loss/damage.

This must be accomplished after fire control activities and salvage, but before taking overhaul actions that could hinder the investigation.

Command will be responsible for determining when a Fire Investigator is needed, based on information gathered or the circumstances of the fire. An Investigator will be called by Command and will respond to the scene in the following circumstances:

- Fire deaths or serious fire injuries. *Minnesota Statute 299F.04 requires that the State Fire Marshal be immediately notified of any fire resulting in a fatality.*
- On all working first or greater alarm structure fires.
- Fires for which the cause cannot be determined by Command on the scene.
- Any fire origin that may be the result of Explosions and bombings
- Requested by South St. Paul or West St. Paul Police Departments to respond to known arson fires.

In the event a South Metro Fire Investigator is not available and Command determines that investigation of the fire needs immediate attention, Command shall request an investigator from the Minnesota State Fire Marshal's Office.

- II. No Investigator is needed for the following situations but Command is responsible for the completion of an accurate National Fire Incident Report (NFIRS), including a complete narrative report to document the fire cause:
  - Minor fires where cause is determined to be accidental
  - Scalding burns, electrical accidents, and minor accidental burn injuries
  - Car fires originating in engine area during vehicle operation, or abandoned autos, or vehicle arsons with no witnesses or suspects on scene
  - Minor grass, fence, or trash fires with no witnesses or suspects. (If multiple small fires are found but no one is around to provide information, Command may enter an NFIRS report reporting the ignition factor as "Arson/Incendiary No. 11." A follow-up call can be made to a Fire Investigator at the Command's discretion)
  - Traffic accident fatalities involving fire subsequent to collision are investigated by the South St. Paul or West St. Paul Police Departments.

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- Juvenile firesetters, who have caused minor fires by playing with fire, matches, etc., should be referred to the Juvenile Firesetter Program.
- III. If the incident is determined to be of a minor nature (e.g. accidental, with no injuries and slight fire damage) and the cause can be determined easily by the Company Officer on the scene through information received or by investigation of the fire scene (e.g. a stove fire with food remains on stove), units on the scene shall gather the information needed and accurately complete the required NFIRS report.
- IV. When a Fire Investigator is on the scene or responding, companies shall delay non-essential overhaul and secure the fire scene until a Fire Investigator arrives. Salvage and all unnecessary interim activities which may alter or contaminate the fire scene, or which may interfere with a subsequent origin and cause investigation must be discontinued until authorized to continue by the responding Fire Investigator. Command shall assign personnel to protect the fire scene and maintain custody of the scene until the arrival of a Fire Investigator, especially when delay in response to the scene by an Investigator has been indicated.
- V. After achieving fire control, Command shall release companies not required to complete investigation and overhaul. In some cases involving lengthy investigation periods, companies may return to quarters and return later to the scene to complete overhaul activities when requested by the Fire Investigator. Command shall turn over jurisdiction of the fire area to the Investigator as soon as possible after the fire is contained. The Investigator retains jurisdiction until they release it back to Command. The Investigator may inform Command that they intend to maintain custody of the scene for further investigation.

The Investigator shall request from Command any personnel or equipment necessary for the investigation. Command shall make every attempt to meet such requests, to the extent possible under the prevailing circumstances.

- VI. All personnel shall cooperate with the Fire Investigator and with the Fire Investigations Division. Protection of the fire scene and preservation of physical evidence must be a primary concern once life safety is secured and fire control is achieved. An attempt to identify the victim(s) and any witnesses who are at the fire scene must be made as soon as possible, and shall not be delayed until the Investigator is actually on the scene. Obtaining the identification of witnesses is critical to conduct the subsequent investigative process. If police officers are at the scene, Command may request them to obtain such information and identification for Fire Investigators, but if police officers are unable to comply with the request (as the result of other circumstances which may take precedence), then Command retains this responsibility.
- VII. The fire scene must be guarded. To ensure that the chain of custody remains unbroken, the scene must remain demonstrably in the custody of the Fire Department. Thus, at a fire scene where it has been determined that custody must be maintained, a guard must be posted, and custody must be maintained until the scene is released. No unauthorized persons may enter the scene. The Fire Department has the legal authority to close the scene entirely, even to the property owner or to other interested parties. It is vital that the Fire Department prevent personnel from unnecessarily walking through a fire area, walking on, obscuring or moving evidence. If it is essential that evidence be moved or if necessary firefighting operations may damage evidence, the evidence must be covered or its location marked before moving it carefully to a secure location.
- VIII. Joint Fire/Police Investigations at Fire Scenes. The South St. Paul and West St. Paul Police Departments are responsible to investigate all non-arson crimes discovered at fire scenes and Fire Department personnel will report such crimes to police and cooperate with police officers and detectives. Fire Department Investigators will conduct a joint investigation with law enforcement when fire deaths or life-threatening injuries have occurred or when criminal prosecution may result.