



VOLUSIA COUNTY FIRE CHIEFS ASSOCIATION



MODEL OPERATING GUIDELINES

GUIDE #	100-13	SUBJECT: Fire Cause Investigation
DATE ISSUED:	May 2023 Replaces 3/28/2011	REVIEW DATE: May 2023

PURPOSE:

The purpose of this MOG is to assist local fire officials and law enforcement officers in determining the established responsibilities concerning the initial or preliminary assessment of fire scenes and when to refer such scenes to their department fire investigator(s) or the Bureau of Fire, Arson, and Explosives Investigations. This MOG imposes no additional or new obligations on local fire officials or law enforcement. The primary purpose is to provide a guideline to departments with fire investigators and departments that rely solely on assistance from the Bureau of Fire, Arson, and Explosives Investigations.

BUREAU OF FIRE, ARSON, AND EXPLOSIVES INVESTIGATIONS

The Bureau of Fire, Arson, and Explosives Investigations is a law enforcement agency whose detectives are sworn law enforcement officers pursuant to chapter 943 F.S. and are designated agents of the State Fire Marshal pursuant to chapter 633 F.S. The purpose of the BFAEI is to investigate crimes or criminal activity related to fire.

The BFAEI shall assume the lead of a criminal investigation when they have been requested to perform the origin and cause investigation.

FIRE INVESTIGATOR REQUIREMENTS:

Departments with designated fire investigators conducting origin and cause investigations shall be qualified under the minimum requirements of NFPA 1033 and utilize NFPA 921 as a guide for fire investigations.

However, fire officials or law enforcement officers conducting a preliminary assessment

of a fire scene are not required to have the minimum requirements of NFPA 1033. A fire official must and a law enforcement officer may complete an initial assessment of a fire scene to determine if a fire investigator or assistance from the Bureau of Fire, Arson, and Explosives Investigations is required.

A preliminary assessment or an origin and cause survey is a fundamental review of the fire scene. The assessment should consist of evaluating information from observations of the fire scene and discussions with first responders and others involved to determine a preliminary cause of the fire.

FIRE INVESTIGATION RESPONSIBILITIES:

The fire scene must be under the charge of the fire service organization of jurisdiction. If the fire service of jurisdiction has left the scene prior to the arrival of the fire investigator, it is then assumed that the scene is no longer under the charge of that fire service. A warrant or consent is likely necessary for an origin and cause investigation for a scene no longer under the charge of said fire service.

(United States Supreme Court Tyler vs. Michigan)

FIRE CAUSE DETERMINATION

The local Fire Chief of jurisdiction is responsible for providing a fire cause investigation for every fire. The Incident Commander, as determined by Florida State Statute §633.03 and the current edition of the Florida Fire Prevention Code, NFPA 1, shall assure that the origin and cause of the fire be accomplished once fire control activities have deemed the fire under control. In addition, preliminary fire investigations shall take place prior to salvage and overhaul actions, which could compromise the fire and/or criminal investigation processes. There is a legal responsibility by the authority having jurisdiction (AHJ) to determine the fire cause.

Operations Division fire companies operating at the fire scene shall delay non-essential overhaul and needless entry into the fire scene until an origin and cause survey of the area has been conducted. However, salvage activities that will abate further property damage away from the area of origin may continue such operations pursuant to the approval of the fire and/or law enforcement investigator in order to preserve evidence within the area of fire origin.

The Incident Commander shall be responsible for scene security, preservation of evidence, notification of additional required responders, maintaining the chain of control/custody of the fire ground, and limiting personnel entry on the area of origin until the fire investigator determines an origin and cause.

If the incident is of a minor nature (no injuries with minimal damage) and the cause can be readily determined and NOT suspected to be intentionally set, the incident commander may appoint a company officer to conduct the origin and cause investigation without assistance by the fire investigator and include findings in Fire/Company Incident Report.

The incident commander shall notify their department fire investigator should any of the criteria listed below apply:

1. Any fire or hazardous condition resulting in the injury or death of a Firefighter and/or civilian as a result of, during, while combating, or otherwise engaged in

any act or action related to a fire.

2. Any structural fire declared by the incident commander as a working incident.
3. Any fire or explosion in which the cause is not readily determined by the incident commander. In addition to the magnitude of damage to immediately warrant a detailed origin and cause investigation.
4. Any fire involving the suspected failure, intentionally compromised, or the malicious sabotage of a fire suppression or fire detection system.
5. Any act by fire or explosion as a result of terrorism, organized crime, or gang activities.
6. Any fire or explosion which damage was sustained on County, State, Federal, and City owned/leased property.
7. Non-vandalized, or other related unknown failure of any fire protection or suppression system that adversely affected the outcome of a fire had these systems been activated.

If a department does not have a fire investigator, a preliminary assessment shall be conducted by a fire official or law enforcement officer on the scene, and the BFAEI (aka State Fire Marshal) shall be notified if any one of the following is met:

- Any fire or explosion in which the cause is not readily determined by an initial or preliminary investigation; or
- Any fire or explosion in which property has been damaged or destroyed and where there is probable or reasonable cause to believe that the fire was the result of carelessness or intentional ignition; or
- Any fire or explosion with a projected direct dollar loss exceeding one million dollars; or
- Any fire or explosion involving a firefighter resulting in death or treatment by a physician at a medical facility as a result of, during, while combating, or otherwise engaged in any act or action related to said fire or explosion.; or
- Any fire or explosion involving a civilian resulting in death or an injury likely to result in death; or
- Any fire or explosion involving the suspected failure of fire suppression or fire detection system.

(Florida Administrative Code 69D-4.001 Initial Investigation of Fires)

Evidence

Firefighters should be prepared to complete a firefighter incident statement provided by your department or the BFAEI.

Prevent the unnecessary destruction of the scene during all fire ground activity. Rescue &

fire suppression has the highest priority; however, salvage & overhaul operations shall be executed only to the extent necessary to prevent rekindle or continued destruction of property by heat and smoke.

1. Extinguishment – Hard evidence may be washed out the door with misuse of fire streams. However, fuel trailers can remain on the scene as they imbed to the flooring and baseboards. In this case, all firefighter travel in this area must be refrained and rerouted to other access points so as not to track fuel throughout the building.
2. Overhaul – the most damaging time for evidence necessary for the fire investigator and law enforcement in court cases. Fire crews are encouraged NOT to take down drywall as telltale signs of flame patterns assist the fire investigator in determining the area or point of fire origin.
3. Salvage – this operation should not be too thorough until the investigation is completed, except to diminish the eventual loss. Once the IC or interior crews identify the fire room of origin, salvage and overhaul shall cease in this room. However, to preserve property, other salvage and overhaul may proceed in other areas of the building as long as it does not interfere with the integrity of the cause determination.

Fire Scene Security

A security perimeter using suitably marked tape such as “Fire Line Do Not Cross” or “Crime Scene” shall be placed as early into the incident to avoid bystanders and even homeowner access to the property.