



**City of Winchester
Fire & Rescue Department
STANDARD OPERATING PROCEDURE**



Section: Fire and Life Safety	SOP: 13.2
Subject: Fire and Environmental Crime Investigations	Executed: February 1, 2010 Revised:
Approved:  Scott Cullers, Fire Chief	

PURPOSE

This policy will establish the role of the Winchester Fire and Rescue Department in determining the origin and cause of each fire, fire related injury, and environmental crime.

POLICY

It shall be the policy of this department to promptly investigate the origin, cause and circumstances of each and every fire or environmental crime occurring within the City of Winchester.

RESPONSIBILITY

The responsibility for determining the origin and cause of all fires is based upon §27:31 of the Code of Virginia which states that the Fire Marshal shall make an investigation into the origin and cause of every fire and explosion occurring within their jurisdictional limits. In many cases this will be performed at the company level for routine incidents. The responsibility to investigate the extent and cause of any release of a hazardous material, hazardous waste, or regulated substance is based upon §27:31.1 of the Code of Virginia.

INVESTIGATOR CALL-OUT

A Fire Investigator shall be requested by the OIC of the incident through the Winchester Emergency Communications Center and will respond to any scene in which any of the following circumstances exist:

- Notification on recurring faulty alarms or fire protective system is out-of-service.
- Fire deaths or fire injuries resulting from direct flame contact
- On all working first alarm or greater structure fires
- Fires for which the cause cannot be determined by the incident commander/O.I.C. or the nature of the fire is believed to be incendiary
- Situations in which serious code violations significantly contributed to the incident

- Explosions and bombings including chemical bombs
- The sell or discharge of illegal fireworks
- Significant property damage from broken water pipes or floods to City buildings
- Any requests by the Winchester Police Department to respond to known incendiary fires
- Illegal dumping or discharging of hazardous materials into the environment
- Carbon Monoxide leaks with illness

Fire Investigators requested to respond will do so in a prompt and timely manner and will mark responding on the fire ground operations radio channel. Upon arrival, the Fire Investigator will meet the incident commander/O.I.C. and review the information available. All personnel are expected to relay any and all pertinent information to the Incident Commander or to the Fire Investigator. A call down list of investigators shall be maintained by ECC.

INCIDENT COMMANDER/OFFICER-IN-CHARGE INVESTIGATION

If the incident is determined to be of a minor nature (e.g. accidental, with no injuries and slight fire damage) and the origin and cause can be determined easily by the incident commander/O.I.C. through information received or by investigation of the fire scene (e.g. a cooking fire with food remains on the stove), units on the scene shall gather the information needed and accurately complete the required reports and detail their findings in narrative format using the department reporting software.

An investigator is not needed for the following situations however; the incident commander/O.I.C. is responsible for the completion of an accurate field report and entering the required information into a narrative format using the department reporting software:

- Scald burns, electrical accidents, and minor accidental burn injuries
- Car fires originating in the engine area during vehicle operation
- Minor grass, fence, or trash fires with no witnesses or suspects
- The Winchester Police Department will investigate fire fatalities unless a fire investigator is requested for assistance
- Juvenile firesetters that have caused minor fires by playing with fire, matches, etc., can be referred to the Juvenile Firesetter Program. Referrals can be made in writing by forwarding the completed "Juvenile Assistance Referral" form to the Fire Marshal. The incident commander/O.I.C. of the incident or his/her designee shall attempt to discuss the incident with the child/family and note all relevant information on the "Juvenile Assistance Referral" form. If they believe that immediate intervention is needed, a fire investigator shall be contacted. A summary of all actions taken or intervention completed on scene shall be entered in a narrative format using the department reporting software.
- QA/QI reports where ignition has occurred.

In the event that the incident commander/O.I.C. is unable to determine the cause of a fire or fire related injury Battalion 6 shall be contacted to respond. If the cause is still unknown and further assistance is needed, they shall contact ECC and request that an on-call investigator be contacted or call them directly via cellular phone to discuss the circumstances of the situation and determine the appropriate action.

FIRE PERSONNEL ROLE

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 shall 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 the investigator has indicated a delay in response. Any fire that is known or suspected to be incendiary in nature will be secured as soon as the fire is under control and only essential personnel will be allowed to enter the scene until the arrival of the investigator.

On scene personnel may be asked to complete a "Firefighter Observation Form" for incidents requiring the response of the on-call investigator. Each report shall be completed by the end of the shift and submitted to the investigator making the request.

Any pictures or videos taken by personnel during an incident may be subject to seizure for the investigation. All forms of media shall not be posted to any social networks without the approval of the Fire Marshal.

USE OF RESOURCES

After achieving fire control, command shall release resources not required to complete investigation and/or overhaul. In cases involving lengthy investigation periods, companies may return to quarters and then return to the scene later to complete overhaul activities. At no time will a scene be left unattended if further investigation is needed. It is absolutely essential that scene security and possession is maintained until the completion of the investigation. Abandonment of the scene will require investigators to obtain consent or warrants to re-enter the scene.

The incident commander shall turn over control of the fire area to the investigator as soon as possible after the fire is stabilized. The investigator retains jurisdiction until the investigator releases it back to command or the property owners. 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.

PRESERVATION OF THE FIRE SCENE

The fire investigator shall direct all operations related to the origin and cause investigation and will advise command on the need for personnel, equipment, or the need to halt activities in order to process the scene. All personnel shall cooperate with the fire investigator in order to process the scene in an efficient and accurate manner.

Protection of the fire scene and preservation of physical evidence shall be a primary concern once life safety is ensured 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 the conduct of the subsequent investigative process. If police officers are at the scene, the company officer may request them to obtain such information and identification for fire investigators, but if police officers are unable to comply with the request, the company officer retains this responsibility.

Suppression personnel must protect the fire scene from unnecessary damage during firefighting operations. Special care must be exercised during extinguishment to avoid washing out evidence through misuse of fire streams. Overhaul presents the greatest potential for damage to evidence, which may be used by the fire investigator in subsequent court cases and prosecution. Salvage operations should be minimal until the investigation can be completed. **It is critically important to preserve evidence by not moving fire debris unnecessarily.**

Evidence cannot be used in court unless the investigator can establish a chain of custody by proving who found the evidence, where it was found and prove that evidence was not tampered with while in official custody. To ensure that the chain of custody remains unbroken, the scene must remain in the custody of the Fire and Rescue 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 and Rescue Department has the legal authority to close the scene entirely, even to the property owner or to other interested person(s). It is vital that command prevent personnel from unnecessarily walking through a fire area, walking on, obscuring evidence, or picking up and moving evidence. This shall include both fire personnel and the media. 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. Once the fire investigator makes the decision to secure the scene and restrict entry, no person, regardless of rank or position, may enter the scene without permission from the fire investigator.

INVESTIGATION OF NON-FIRE RELATED CRIMES

The fire investigator will contact the Winchester Police Department, Criminal Investigations Division to assist with all investigations involving non-fire crimes discovered at fire scenes. Fire personnel shall report any such crimes to the fire investigator and/or police officers and detectives. All fire scene investigations involving non-fire crimes will be worked jointly with full cooperation of all agencies involved.

STATEMENTS TO THE MEDIA

All inquiries from the media about incidents shall be referred to Battalion 6, the Fire Marshal and/or the Fire Chief. After the circumstances surrounding the incident have been discussed an official press release will be distributed by Fire and Rescue Administration through the Fire Chief. This is to prevent unnecessary speculation that could hinder the progress of an on-going investigation.