



GENERAL ORDER OPS-58 FIRE INVESTIGATIONS

EFFECTIVE JULY 18, 2014

This General Order contains the following numbered sections:

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I. POLICY

The Howard County Department of Police (HCPD) and the Howard County Department of Fire and Rescue Services (HCDFRS) shall work in a joint effort to establish and maintain a Fire Investigation Unit. This unit shall have the responsibility, in conjunction with the State Fire Marshal's Office, for: investigating fire and explosive incidents where the on-scene commander cannot determine an origin and cause for the fire; incendiary fires; fires involving a significant loss of property; vehicle fires where the vehicle was not in motion; all fires that involve the loss of life and/or a significant burn injury occurs; any incident involving explosions, explosives/explosive devices; and/or for any other incident at the direction of the Chief of Police and/or HCDFRS Chief.

II. DEFINITIONS

A. FIRE INVESTIGATIONS UNIT (FIU) – A team based, cooperative effort, consisting of personnel from the HCPD Fire Investigation Unit and HCDFRS Fire Investigations Division that specialize in the investigation of fire and explosive related incidents.

B. ORIGIN AND CAUSE

A determination as to how and where the fire started. This is done by a systematic examination of the fire scene by Fire personnel, Fire Investigators and/or Arson Investigators.

C. TIER 1 INVESTIGATIONS

Any incident involving fire for which the HCDFRS Incident Commander (IC) can comfortably determine and document the origin and cause of the fire, so that no involvement by a Fire Investigator is required. A clear origin and cause can be determined; the cause of the fire is accidental in nature, no injuries or deaths occurred and the incident does not involve explosions, explosives or explosive devices.

D. TIER 2 INVESTIGATIONS

Any incident involving fire for which the HCDFRS Incident Commander believes the incident to be accidental in nature but requires the response of a HCDFRS Fire Investigator in order to accurately determine the origin and cause, but does not need a Police FIU detective. The HCDFRS Incident Commander shall be responsible for requesting the response of a HCDFRS Fire Investigator to an incident which a clear origin and cause can not be determined; the cause of the fire is believed to be accidental in nature, the damage is minor, no injuries or deaths occurred and the incident does not involve explosions, explosives or explosive devices.

E. TIER 3 INVESTIGATIONS

Any incident involving: incendiary fires; fires involving fire related injuries; fire incidents involving any death; multiple alarm fires; fires resulting in significant property damage; fires in institutional occupancies (i.e., hospitals, retirement/nursing homes, any county or government owned facility); vehicle fires where the vehicle was not in motion; all fires related to Hate Bias Incidents (HBI) to include churches and places of worship; any incident involving explosions, explosives or explosive devices; fires in which the on scene HCDFRS Incident Commander cannot determine an origin and cause for the fire; and, any incident involving fire in which the HCDFRS Fire Investigator, or on scene HCPD supervisor requests the response of a Police FIU detective.

III. **NOTIFICATION & CALL-OUT PROCEDURES**

A. Notification to, or a request for, a Fire Investigator shall be handled through the Communications Division, on scene supervisor/HCDFRS IC or an on-call CIB supervisor according to the following criteria:

1. Tier 1 Investigations: The HCDFRS Incident Commander may determine the origin and cause of a fire incident and thus negate the need to call a Fire Investigator when all of the following circumstances exist. A clear origin and cause can be determined; the cause of the fire is accidental in nature, no injuries or deaths occurred and the incident does not involve explosions, explosives or explosive devices.
2. Tier 2 Investigations: The HCDFRS Incident Commander shall be responsible for requesting the response of a HCDFRS Fire Investigator to incidents of a minor damage fire that is believed to be accidental in nature but the origin and cause can not be readily determined by the Incident Commander.
3. Tier 3 Investigations: The HCDFRS Fire Investigator shall be notified through the Communications Division at the request of the HCDFRS Incident Commander or on the HCDFRS Task Force when a fire occurs with the following criteria:
 - a. Incendiary fires, fires involving fire related injuries, fire incidents involving any death, multiple alarm fires, fires resulting in significant property damage, fires in institutional occupancies, i.e., hospitals, retirement/nursing homes, any county or government owned facility.
 - b. Vehicle fires where the vehicle was not in motion.
 - c. All fires related to a HBI (see General Order ADM-10, Hate Bias Incident Investigation) to include churches and places of worship.
 - d. Fires in which the on scene HCDFRS Incident Commander cannot determine an origin and cause for the fire.
 - e. Any incident involving explosions, explosives, explosive devices or other circumstances consistent with General Order OPS-35, Unusual Occurrences.

Both the HCPD Fire Investigation Unit Detective and the HCDFRS Fire Investigator shall be requested to respond. The responding HCDFRS Fire Investigator, or on scene HCPD supervisor, will contact the on-duty or on-call CIB supervisor to request the HCPD FIU Detective. For all fires resulting in or associated with a fatality, the HCPD Violent Crimes Section will respond to conduct and coordinate a death investigation. The HCPD FIU Detective will make the appropriate notifications to the HCPD supervisor for all fires involving a loss of life. The Violent Crimes Section will act as the lead investigating authority supported by the Fire Investigation Unit for fire fatalities.

- B. The Communications Division will be supplied with current on-call rosters that include cell phones and home telephone numbers of the on-call members from the Department, HCDFRS, and the State Fire Marshal's office.
- C. All members of the FIU are required to carry cell phones with them at all times when on duty or in an on-call status. All members of the FIU are to ensure that their supervisor and the Communications Division are supplied with their current home and cell-phone numbers.
- D. The on scene HCPD supervisor or HCDFRS Fire Investigator shall contact the on-call Criminal Investigations Bureau supervisor to contact the Police FIU Detective of the team and assign them to respond to the incident.
- E. The Communications Division will utilize the on-call alert tone to notify the HCDFRS Fire Investigator member of the team.
- F. The Communications Division will notify the supervisor for the Special Investigations Section of any major fire incident, regardless of what unit is designated as the on-call team. This will include, but not be limited to, any fire related death, any serious fire related injury, fires at any government facilities, and any fire involving an unusual amount of property damage (in excess of \$500,000) that has been determined to be suspicious/ or criminal in nature and any incident involving explosions, explosives/explosive devices.
- G. The on scene supervisor or watch commander will notify the on-duty or on-call CIB supervisor to have a Police FIU Detective respond for any incident involving explosions, explosives and or explosive devices. Refer to General Order OPS-35, Unusual Occurrences or General Order OPS-15, Investigative Protocol.

IV. ORIGIN AND CAUSE DETERMINATIONS

- A. The cause and origin of every fire will be the sole responsibility of the HCDFRS member of the team. If a disagreement occurs between the two members of the team and it has been discussed between the members it will remain the sole responsibility of the HCDFRS member.
- B. The same procedure will apply to charging a suspect. It will be the sole responsibility of the HCPD member as to what charges are filed and against whom. If either member believes that a gross error has been made it will be their responsibility to bring that issue to the attention of the supervisor of the Fire Investigation Unit for investigation and disposition.

V. SCENE INVESTIGATION

- A. Upon receiving notification to respond to an incident, the FIU Investigator(s) shall perform the following tasks:
 - 1. The time of notification by the Communications Division should be recorded along with their arrival time on the scene.
 - 2. Upon arrival at the scene, the investigator shall:
 - a. Record the fire scene conditions at the time of arrival.
 - b. Record the weather or other unusual conditions.
 - c. Record the date and time of the alarm(s) received.
 - d. Report to the IC of the incident and obtain all information available regarding the cause and status of the incident.

- e. Wear the proper approved protective equipment and clothing issued by the Department and/or the HCDFRS.
 - f. Make note of the following during the scene investigation:
 - 1) The classification of the structure(s), dwelling(s), vehicle(s), etc.
 - 2) The building size and height.
 - 3) The type of construction.
 - 4) The utility services and the location with an operational status.
 - 5) The burn and heat flow patterns on the interior/exterior surfaces or exposures.
 - 6) The conditions of windows and doors.
 - 7) The year, make, model, color, VIN and registration of vehicles involved.
 - g. Record complete personal information (to include any Police or Fire ID numbers) of all persons interviewed as witnesses, suspects, investigative contacts and victims.
3. The interior examination shall consist of, but not be limited to:
- a. The type of interior finishes.
 - b. The size of the rooms.
 - c. The location of furniture, fixtures, contents and combustibles and the quantity of them.
 - d. A record of the fire-damaged areas, from the least to the most extensive.
4. The areas of origin information shall consist of:
- a. The area or locations of origin.
 - b. A description of the point of origin.
 - c. The locations of furnishings, contents, and fixtures fire load.
 - d. The locations of doors, windows, or other openings.
 - e. The fire spread direction and damage.
 - f. In determining the fire spread, notations should be made regarding the burn pattern, material that burned and the path or direction of travel of the fire spread.
- B. The cause of the fire shall be determined, if possible, by:
- 1. Determining if the fire is accidental or incendiary.
 - 2. Eliminating all accidental causes, if incendiary.
 - 3. Determining the location of the ignition source.
 - 4. Determining the material ignited.
 - 5. Securing all evidence for testing and for forensic examination as indicated by established investigative guidelines.

- C. The collection of all evidence shall be in accordance with the established procedures of the Department (or the Office of the State Fire Marshal if that member is handling the collection). The officer, investigator or Crime Lab Technician collecting the evidence shall be responsible for:
 - 1. The packing and packaging of all evidence collected.
 - 2. Transporting the evidence to the proper storage facility.
 - 3. Writing the laboratory request forms will remain the responsibility of the appropriate case investigator or the Forensic Services Section Supervisor.
- D. The scene shall be thoroughly photographed to include:
 - 1. The exterior.
 - 2. The interior.
 - 3. The area of origin.
 - 4. The point of origin.
 - 5. The source of ignition.
 - 6. Any evidence collected.

VI. REPORTING RESPONSIBILITIES

Reporting responsibilities are divided among the members of the Fire Investigation Unit assigned to the investigation. In the cases where a fire is ruled as any cause other than that of a criminal nature, the reporting responsibility is with the member of the HCDFRS report. In those cases that are determined to be of a criminal nature the member of the Department will have the reporting responsibilities for all police reports. A break down of responsibilities is as follows:

- A. For a fire that has been determined to be non-criminal: The HCFDRS member must complete the RMS report and the narrative form of the HCDFRS report. It should be noted that the same detailed report documenting the same systematic scene exam should be conducted and completed for every fire scene regardless of the final determination as to origin and cause.
- B. For a fire that has been determined to be criminal: The HCDFRS member will again complete the RMS report, narrative report of the HCDFRS and a HCPD supplemental report detailing the Origin and Cause investigation of the incident. The HCPD member will complete all appropriate HCPD reports to document the investigation.
- C. The non-reporting member of the team shall be responsible for documenting their actions related to the investigation.
- D. If the FIU is assisting the State Fire Marshal with a fire incident, the HCDFRS member and HCPD member will complete the reports required as detailed above.
- E. Reporting of UCR statistics will fall to the agency that is handling the investigation. If the Fire Investigation Unit provides the primary investigator, the UCR reporting will be handled through the established methods of the HCPD. The Office of the State Fire Marshal will report the cases for which they hold the primary investigation responsibility.

VII. CASE MANAGEMENT

- A. Cases are assigned by the supervisor of the Special Investigations Section of the Criminal Investigations Bureau consistent with current procedure.
- B. Case responsibility is assumed by the investigator when there is a call-out. In those cases, notification shall be made to the supervisor of the Special Investigations Section for all cases assumed by the FIU for the purpose of record keeping.

- C. In those instances when members of the FIU and members of the Office of the State Fire Marshal are jointly investigating a case, it shall be decided by the investigators on the scene as to which agency will take the primary investigative responsibility for that case. Any disagreements between investigators shall be handled through the respective supervisors.
- D. The agency called out to handle a fire incident/investigation will retain the responsibility for investigating that case. Nothing in this Order shall preclude one agency from relinquishing responsibility to the other agency, if the other agency is in agreement and accepts case responsibility.
- E. Nothing in this policy should preclude one agency from assisting the other agency with an investigation.
- F. It shall be the responsibility of the agency conducting the investigation to coordinate the case preparation with the Office of the Howard County State's Attorney for the prosecution of the case. This will include:
 - 1. Case screenings as necessary.
 - 2. Consultation with a prosecutor for the purpose of filing charges, prosecution, plea agreements and or legal advice as it applies to the investigation of a case.

VIII. RELEASE OF INFORMATION

It shall be the responsibility of the investigating agency to coordinate with their respective Public Information Office, through the agency's established policies, information that is to be released to the media. Examples of this include:

- A. A fire determined to be non-criminal in nature: The HCDFRS member of the team will coordinate the release of information through the Public Information Officer for the HCDFRS.
- B. A fire determined to be criminal or suspicious in nature: The HCPD member of the team will utilize the established policies of release of information through the Office of Public Affairs of the HCPD.
- C. The members of the State Fire Marshal's Office will utilize the policies of that agency for incidents that they assume investigative responsibility.
- D. In the event of a joint investigation, investigators will coordinate the release of information accordingly.
- E. Nothing in this Order is intended to prohibit agencies working together on an investigation from coordinating together and making a joint release of information through the established methods of each agency.

IX. CANCELLATION

This General Order cancels and replaces General Order OPS-58 Arson Investigations, dated July 8, 2003.

AUTHORITY:



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