

FIRE SERVICES EXAMINATIONS BOARD

STUDY NOTE

EXAMINATION	SUB-OFFICERS EXAMINATION
PAPER	FIRE SAFETY, EDUCATION & ENFORCEMENT
SUBJECT	FIRE INVESTIGATION
ITEM	NON-ACCIDENTAL FIRES
STUDY NOTE No.	2203

INTRODUCTION TO THE STUDY NOTE

This study note has been prepared as the basis of study in connection with the qualifying examinations for promotion.

Candidates will be expected to demonstrate knowledge of the information contained in the study note and understand how it should be applied:

The 'References' made at the end of the Study Note are included for information only and candidates will not be expected to study these as part of the bibliography.

NON-ACCIDENTAL FIRES

1. Introduction

The successful investigation of a fire suspected as not accidental, including the prosecution of any suspected offenders requires the closest possible liaison, co-operation and mutual assistance between the fire service and the police.

This requires not only an awareness of the legal responsibilities of the respective services but also an appreciation of the special qualities and different skills, experience and support facilities that are available to them.

Where the fire involves an insured property loss the information available via the insurers or their agents may also be useful but the respective roles, responsibilities and limitations of the individual organisations involved in the investigation of a non-accidental fire must be clearly understood and respected.

2. Roles and Responsibilities of the Fire Service and the Police

At the scene of a fire, the senior fire brigade officer present has, under section 30(3) of the Fire Services Act 1947, sole charge of all operations for the extinction of the fire, and fire officers will often be at the fire scene before the police.

It is important therefore that they recognise and record those phenomena which may indicate that the fire is not of accidental origin.

These observations may contribute significant evidence to any subsequent investigation, so it is vital that the officer in charge ensures that full and accurate contemporaneous notes are taken and made available to the police.

The police service is responsible for the prevention and detection of crime and for reporting to the Coroner (Procurator Fiscal in Scotland) any death that results from a fire.

The police are solely responsible for the direction and control of any criminal investigation into the cause of any non-accidental fire.

In order to facilitate such investigation, access to the scene of the fire following its extinguishment will be at the discretion and direction of the police senior investigating officer. (SIO)

3. The Primary Tasks of the Fire Officer in Investigation

The primary tasks of the fire officer in a fire investigation is to:

- (a) Investigate the cause of the fire;
- (b) Assist the police where it appears to be non-accidental fire by providing them with information and evidence about:
 - (i) The origin;
 - (ii) The growth; and
 - (iii) The decay of the fire.

4. The Primary Tasks of the Police Officer in Investigation

Where a police investigation is being conducted into a fire, it is the responsibility of the police to:

- (i) Collect and collate all the information that comes to light;
- (ii) Maintain the integrity of recovered evidence;
- (iii) Take appropriate measures in co-operation with the fire officer to preserve the scene of the fire;
- (iv) Decide in each case whether to arrange the attendance of forensic scientists.

5. Forensic Scientist

There are no hard and fast rules when the assistance of a forensic scientist should be called in to assist with an investigation, but it should be clearly understood that training courses in fire investigation for fire or police officers cannot provide a level of qualified scientific expertise equal to that possessed by a forensic scientist.

6. Expert Witness

Basic training courses in fire investigation do not equip fire or police officers to give interpretative evidence in Court as "expert" witnesses and they should not seek to give, or be drawn into giving, such evidence unless they have relevant specialist expertise.

The giving of evidence by fire or police officers should normally be restricted to "factual" evidence, and they should adhere to this principle if asked for an opinion based on experience.

7. Categories of Fire Incidents

The fire service divides fire incidents into two categories for reporting purposes

- (a) PRIMARY FIRES - broadly those involving buildings and structures, and other property such as vehicles, storage, plant and machinery; fires involving casualties, rescues or escapes; fires where significant fire service resources are employed; and
- (b) SECONDARY FIRES - broadly those involving derelict buildings or derelict vehicles; single buildings under demolition; fires confined to chimneys; other outdoor fires such as those involving grassland, gardens and fences, refuse and refuse containers.

8. Procedure for Investigating PRIMARY FIRES

The procedures set out below should be adopted when the fire officer in charge at the scene of a PRIMARY FIRE initially suspects that the cause of the fire may not be accidental.

- (a) The fire officer in charge at the scene of the fire will ensure that the scene is preserved and undisturbed as far as possible and will immediately report, or have reported, any suspicions to Fire Brigade Control who will in turn immediately inform the Police;
- (b) Fire Brigade Control, on receiving such a report, will dispatch to the scene an officer of Station Officer rank or above and, if the circumstances of the fire warrant it, alert a brigade specialist fire investigator;
- (c) The Police, upon receiving such a report will attend the fire scene to liaise with the senior fire officer present. If the cause of the fire is suspected by either party to be of non-accidental origin, or where crime is alleged by any person the fire will be recorded by the police as a crime in accordance with counting rules;
- (d) Where crime is suspected at a fire scene the first police officer attending will assume initial responsibility for the investigation and, where appropriate, will call for the assistance of police scientific support staff. Police Search Advisers are increasingly involved, especially in the investigation of fatal fires of indeterminate cause;
- (e) The police will arrange for a police supervisor to attend any fire resulting in death or serious injury, whether or not the fire is suspected to be accidental. The attendance of a police supervisor will also be considered if, after initial investigation, it is suspected that the origin of the fire is not accidental and the property loss is expected to be of high value;
- (f) The police will be responsible for the conduct of any investigation into suspected crime in relation to the fire, or where death or serious injury occurs. Any such investigation should be conducted in liaison with the senior fire officer and, where applicable, the brigade specialist fire investigation officer, as well as in liaison with forensic scientists where appropriate;
- (g) The senior fire officer and the police investigating officer will be aware of the potential contribution which forensic scientists can make to a fire investigation. However, it is the responsibility of the police investigating officer, in consultation with scientific support staff, to determine whether a forensic scientist should be requested to attend the scene;
- (h) The vital importance of scene preservation and the collection of evidence for subsequent scientific/technical investigation by a forensic scientist cannot be over emphasised. It is the responsibility of the senior fire brigade officer, insofar as it is practicable, to recognise and make a contemporaneous record of any suspicious phenomena at the scene up to the point where the fire is extinguished. Thereafter the fire brigade should preserve the scene until the arrival of the police.

- (i) It is the responsibility of the police investigating officer, in consultation with the Scene of Crime Officer and having taken into consideration any advice offered by the senior fire officer, to take appropriate measures to preserve such evidence as may be needed for investigation by forensic scientists. It is essential that no evidential material is removed if the fire scene is to be examined by forensic scientists.
- (j) When a fire scene is not attended by a forensic scientist, it is the responsibility of the Scene of Crime Officer to collect and package any materials requiring forensic examination;
- (k) Where death or serious injury has been caused and is being investigated by the police it will be usual for a senior investigating officer (SIO) to be appointed. In circumstances such as these a senior brigade fire investigator should be an integral part of the investigative team.

All fire brigade staff assisting in such investigations must recognise that the police have the responsibility for the investigation, and understand the issues of confidentiality that accompany such investigations;

- (l) The fullest possible liaison between the police and fire services is desirable in the course of any fire investigation; it should include:
 - (i) The passing to the fire service of any relevant information for recording purposes and any appropriate action;
 - (ii) The opportunity for a senior fire officer to participate in briefings and conferences held by the SIO with the investigation team and other invited experts, especially in the case of a major investigation;
 - (iii) A full and free exchange of information between the police, fire and forensic scientists; and
 - (iv) Close co-operation in the management of information and handling of media interest.

9. Procedure for Investigating SECONDARY FIRES

In many cases, although deliberate ignition may be suspected, the nature of these incidents will not warrant the attendance of the police or a senior fire officer. However, such incidents often form part of a wider pattern of criminal or anti-social activity, and can have a devastating effect on the immediate neighbourhood.

It is important that the police and fire services have standing arrangements to locally share information about these incidents, that emerging trends and patterns are identified and, where appropriate, positive steps are taken to reduce the number of such incidents.

It may be appropriate for such standing arrangements to be extended, by agreement between the relevant police and fire services, to include specified types of Primary Fires.

References

Fire Service Circular 21/2001(B)
Scottish Fire Service Circular 7/2001