



# Town of Lexington

## Police Department

<b>Subject:</b> Structure Fires	
Reference: none	
<b>Effective Date:</b> December 1, 2010	<b>Review Date:</b> Annually
<b>By Order of:</b> Mark J. Corr, Chief of Police	

### Policy & Procedure

# 420

## GENERAL CONSIDERATIONS AND GUIDELINES

The role of the police at a fire scene is to support fire-fighting operations by assisting in the preservation of life, protection of property, prevention of crime, establishment of fire lines, control of crowds and direction of vehicular traffic.

Although the Lexington Fire Department is the public agency directly responsible for the handling of fires, the police also have an important part to play. Because of the nature of their primary patrol function, especially during the nighttime and early morning hours, the police are often the first to discover a fire, the first on the scene and the first to alert and assist the occupants of a burning building.

Police officers must also be aware of the possibility of arson and be observant for any person acting suspiciously at a fire scene. It should be noted, however, that the basic responsibility for the investigation of fires of incendiary or suspicious origin is with the Lexington Fire Department. We will assist during their investigation; the State Fire Marshall's Office may be contacted for additional assistance.<sup>1</sup> The Middlesex District Attorney's office has jurisdiction for the investigation into any death resulting from a fire.

Police officers, as part of their regular patrol duties, should note and report any conditions, which could constitute a potential fire hazard to the fire department for necessary action.

It is the policy of the Lexington Police Department to:

1. Support fire fighting operations by assisting the fire department in isolating access to the fire scene by bystanders and on-lookers, providing fire scene access to fire fighting personnel and equipment, establishing fire lines, controlling crowds, and directing vehicular traffic at fire scenes; and

2. Cooperate and partner with The Lexington Fire Department, The State Fire Marshall's Office and the District Attorney in the investigation of fires to determine the cause and nature of structure fires.

## PROCEDURES

### A. Definitions

1. **Fire Investigator:** Members of the Lexington Police Department who have special investigatory skills that can be used to compliment the technical knowledge of fire department investigators. Any person officially authorized (police/fire or in conjunction) to investigate the cause of any fire within the Town of Lexington. The Chief of Police will appoint one or more police officers to act as fire investigators for the purpose of investigating all fires within the Town of Lexington.
2. **M.G.L. Chapter 148 § 2:** The head of the fire department in the city, town or fire districts shall investigate the cause and circumstances of every fire or explosion in their respective jurisdictions by which property has been destroyed or damaged, especially to ascertain whether it was by carelessness or design. In Lexington that person is the Fire Department Chief.

### B. Fire Reporting

1. Fires discovered by police officers shall be reported immediately to the Dispatch center.
2. When a fire is reported, the dispatcher shall create and log an incident in the daily log to include:
  - a. The location of the fire; and
  - b. Any other matter of potential importance to units arriving on the scene.
3. If the police department is notified of a fire in person by a citizen, the officer receiving the notification shall:
  - a. Obtain the street location of the fire;
  - b. Request information on the nature of the fire (for example, "wooden dwelling house, upper floor");
  - c. Immediately notify the combined dispatch center and relay pertinent information; and

- d. Request the identity of the citizen reporting the fire.
- 4. Upon notification of a fire by any means, the dispatcher shall dispatch fire and police department personnel to the scene of the fire.
- C. Responding to a Fire Scene
  - 1. Prior to Arrival of Fire Department
    - a. **Do not block access of fire fighting equipment to the scene with parked police vehicles.**
    - b. Park police vehicles away from the immediate fire scene – this may mean parking two or more blocks away.
    - c. Take note of the following, as applicable, and notify the dispatch center:
      - i. The part of the structure, which is on fire and where flames are visible;
      - ii. The volume, color, and location of the heaviest smoke;
      - iii. The direction of the wind, if any;
      - iv. The presence of any odors, which suggest gasoline, kerosene, paint thinner or other accelerants may be burning in the fire;
      - v. Whether any signs of forced entry into the structure are present and whether any windows are broken or left open; and
      - vi. Any hazards which may inhibit access to the scene by firefighters or fire equipment, or best routes of access if known.
    - d. Warn inhabitants of any buildings involved by the fire and inform them of adjacent areas to escape and seek refuge. This may be accomplished by use of the siren and public address system (PA) in the officer's cruiser.
    - e. Do not attempt to enter a fire-involved building unless doing so is necessary to save human lives, and the risk to the employee's own life is not unreasonable.
      - i. If the officer decides that entry of the building is necessary, [s]he should not open any door that is hot to the touch, as this indicates the presence of fire inside.
      - ii. Evacuees and the officer in smoky areas should keep their heads low, possibly by crawling on hands and knees, until they are outside the building, in order to avoid inhalation of smoke and toxic gases.

- iii. In any event their location and point of entry should be communicated to Dispatch.
  - f. Prevent any person who has exited a fire-involved building from reentering the building. Question people exiting in an attempt to determine if there are still occupants in the dwelling.
  - g. Take reasonable emergency measures to inhibit the spread of the fire without unnecessary risk to oneself, especially if the fire does not presently endanger human life.
  - h. Police officers must be aware of the possibility of arson and be observant for any person acting suspiciously at a fire scene. Officers should identify and interview:
    - i. Anyone who arrived at the scene before the first police and fire units; and
    - ii. Anyone who makes mention of having observed any suspicious people in the vicinity.
  - i. If personnel and equipment are available, an officer should videotape or photograph crowds and persons watching the fire and firefighting operations.
5. After Arrival of Fire Department
- a. The ranking firefighter at the scene will normally be the incident commander.
    - i. The first police officer or unit arriving at the scene of the fire shall be in command of other police officers until the arrival of a higher-ranking officer.
    - ii. The police commander shall remain accessible to the incident commander.
  - b. After the arrival of fire department personnel, police officers shall not enter a burning building unless:
    - i. It is absolutely necessary to do so to save a life; or
    - ii. A request to do so is made by a superior officer of the fire department for the performance of a proper police function.
  - c. Cooperation with the fire department is essential. To this end, the police at the scene shall:

- i. Establish fire lines and maintain, extend or contract the lines as requested by the fire department, including the closing off of streets whenever necessary;
  - ii. Remove any vehicles within the lines, which interfere with the movement of firefighters and their equipment;
  - iii. Ensure that access to hydrants is unobstructed at all times;
  - iv. Prevent vehicles from passing over fire hoses unless directed otherwise by a member of the fire department;<sup>ii</sup> and
  - v. Provide other forms of assistance as requested.
  
6. Crowd Control
  - a. Crowds must be kept a safe distance from the fire. This will ensure the safety of the persons gathered and prevent interference with fire fighting equipment and personnel.
  
  - b. Police officers shall not permit any person through the fire lines other than:
    - i. Members of the fire and police departments;
    - ii. Emergency medical personnel;
    - iii. Clergymen whose services are needed within the lines; or
    - iv. Authorized members of the news media who provide proper identification. (See department policy **54A-Public information & the News Media.**)
  
  - c. Police officers shall take steps to safeguard fire and police apparatus at the scene. Persons interfering with apparatus or the extinction efforts shall be arrested, if necessary.<sup>iii</sup>
  
7. Fire Investigation
  - a. The Lexington Fire Department is the primary agency responsible for the investigation of fires of incendiary or suspicious origin; the State Fire Marshall's Office may also be contacted for assistance.<sup>iv</sup>
  
  - b. Trained members of the Lexington Police Department who generally have investigatory skills that can be used to compliment the technical knowledge of fire department investigators will assist and investigate the cause of any fire within the Town of Lexington.

- c. The Middlesex District Attorney's office has jurisdiction for the investigation into any death resulting from a fire. See department policy **42K-Dead Bodies**.
8. Post-Fire Responsibilities
- a. Police officers shall remain at the building or dwelling until the fire is extinguished and the area is secured, consistent with their responsibilities to the rest of the community.
  - b. Police may be required to remain at the scene:
    - i. While a search warrant is being sought;
    - ii. Until hazardous situations have been mitigated; or
    - iii. Until the area is properly secured against theft.
- D. Obtaining the Appropriate Search Warrant
1. Administrative Search Warrants
- a. If the fire investigator does not have probable cause to believe that the fire was intentionally set, or that the structure contains evidence of a crime, [s]he may nonetheless apply for an administrative search warrant in order to determine the cause and origin of the fire.
  - b. The scope of an administrative search warrant is narrower than that of the criminal search warrant, being limited to seeking evidence of whether carelessness or design caused the fire or explosion.
  - c. An administrative search warrant does not authorize a fire investigator to conduct a general search for evidence of a crime.
  - d. Evidence of a crime in plain view, may be seized. This may include evidence of a crime other than arson (e.g., weapons, contraband, drugs, etc.). However, any additional search for evidence of such crimes (even identification evidence such as fingerprints) must be done pursuant to a criminal search warrant.
  - e. If while conducting an administrative search, an investigator makes plain view observations and accumulates enough evidence to establish probable cause to believe that the fire was intentionally set, [s]he should immediately suspend the administrative search and apply for a criminal search warrant.
2. Criminal Search Warrants

- a. If a fire investigator has probable cause to believe that a fire was intentionally set and/or there would be evidence of a crime within a structure, [s]he should apply for a criminal search warrant before searching for evidence of a crime.
- b. Probable cause to believe that the fire was intentionally set may arise from observations of the fire fighters or the investigator and from the facts surrounding the fire itself. Multiple fire locations or evidence of accelerants are evidence of a crime and a criminal search warrant to search for evidence of arson should be sought.
- c. A search warrant need not be obtained if the owner consents to the search to determine the cause or for evidence of arson and for evidence of any other crimes.

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<sup>i</sup>M.G.L. c. 148, s. 2

<sup>ii</sup>M.G.L. c. 89, §7A.

<sup>iii</sup>M.G.L. c. 268, §32A.

<sup>iv</sup>M.G.L. c. 148, § 2.