

Fire Investigations

402.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to ensure that all fires and explosions responded to by the Lansing Fire Department and occurring within this jurisdiction are investigated and properly documented in accordance with state and federal laws as well as national standards.

402.2 POLICY

Best Practice

It is the policy of the Lansing Fire Department to promptly investigate the cause, origin, and circumstances of fires and explosions occurring in this jurisdiction that involve the loss of life or injury to a person, or the destruction of or damage to property.

402.3 RESPONSIBILITIES

Best Practice

The Fire Chief has overall responsibility for fire investigations. The Fire Marshal is responsible for management of the fire investigations program. The Incident Commander (IC) of each incident is responsible for ensuring that each fire is investigated for origin and cause.

402.4 PRELIMINARY INVESTIGATION

Best Practice **MODIFIED**

The first-in Captain should conduct a preliminary investigation of each fire or explosion to identify the origin, cause, and circumstances. The Captain will notify the IC of the results of the preliminary investigation.

If the origin of a fire or explosion appears to be suspicious, the IC should take immediate charge of all physical evidence relating to the fire or explosion and coordinate with investigators.

The IC is responsible for determining when fire investigators, fire investigators with arrest authority, or sworn law enforcement investigators, from this or another agency, are appropriate to investigate an incident.

The immediate response of an appropriate investigator should be requested when any of the following circumstances exist:

- (a) Major or unusual fires that exceed the investigative abilities of a Captain or Incident Commander.
- (b) Any fire resulting in a major injury or death
- (c) Incidents involving special circumstances, such as an especially high dollar loss, extensive damage, political sensitivity, or any other circumstance deemed appropriate by the Battalion Chief

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- (d) Arson and/or incendiary devices are involved, or the origin of the fire is otherwise suspicious
- (e) There has been an explosion
- (f) There is evidence or suspicion that a crime has occurred in connection with a fire or explosion
- (g) A fire has been started by a juvenile
- (h) Any illegal activity that potentially could cause a fire and/or explosion has occurred
- (i) Egregious fire code violations that may have contributed to the spread of the fire or hindered occupant egress.

402.4.1 ASSISTANCE FROM STATE FIRE MARSHAL'S OFFICE

State

The state Fire Marshal's office shall be notified when either of the following circumstances exist:

- (a) The injury or death of an individual who is not a firefighter resulting from a demonstration fire (MCL 29.6).
- (b) There was a fire, explosion, spill, leak, accident, or related occurrence that involves the transportation, storage, handling, sale, use, or processing of hazardous material (MCL 29.5g).

402.4.2 ASSISTANCE FROM DEPARTMENT OF STATE POLICE FIRE INVESTIGATORS

State

MODIFIED

The response of a fire investigator from the Michigan State Police, if needed, shall be requested when either of the following circumstances exist:

- (a) The injury or death of a firefighter resulting from a demonstration fire.

402.5 FIRE INVESTIGATORS

Best Practice

Fire investigators assigned to an incident are responsible for pursuing the investigation through its completion and providing complete written documentation.

In cases where a fire investigator reasonably believes that arson or an unlawful act may be involved in a fire, the investigator should consult with the Fire Marshal and request the assistance of an investigator with arrest authority, if appropriate.

402.5.1 FIRE INVESTIGATOR QUALIFICATIONS

Best Practice

Fire investigators shall:

- (a) Meet the job performance requirements of the National Fire Protection Association's (NFPA) standards for fire investigators.
- (b) Complete the fire investigator certification and training requirements of the Bureau of Fire Services (Mich. Admin. Code, R 29.405g).

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- (c) Comply with all federal and state statutory and constitutional investigatory requirements, including limitations on searches and seizures.

402.6 EQUIPMENT

Best Practice **MODIFIED**

The fire investigator's vehicle should be stocked with at least the following equipment to help investigate fire cause, origin, and circumstance:

- Digital camera
- Spare batteries
- Voice recording device and spare media
- Fire investigator toolbox
- Shovels, rake, broom, and sifter
- Disposable latex evidence collection gloves
- Evidence collection markers and labels for canisters
- PPE (coveralls, respiratory- including SCBA, boots, turnout gear, gloves, etc.)
- Investigatory paperwork
- Scene lights
- 4 Gas monitor

402.6.1 USE OF PROTECTIVE GEAR

Best Practice

Fire investigators are responsible for using personal protective equipment (PPE) and respiratory protection appropriate for the conditions present at an investigation scene.

When entering any fire scene during the fire, before or during overhaul, or when there is a chance of reignition, fire investigators shall wear full structural PPE and self-contained breathing apparatus (SCBA).

See the Respiratory Protection Program Policy and the Personal Protective Equipment Policy for additional guidance.

402.6.2 CURRICULUM VITAE

Best Practice **MODIFIED**

Each investigator should maintain a Curriculum Vitae of field training, continued professional training hours, and investigative experience. The purpose of this is to assist in establishing the member as an expert witness in court appearances.

402.7 INCIDENT REPORTS

Best Practice

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To ensure Department incidents are documented in the National Fire Incident Reporting System (NFIRS), investigators should complete and submit a report to the Fire Marshal for each investigation conducted. All areas of the report are to be filled out, and when an item is not applicable, N/A is to be placed in the box. For additional information, see the National Fire Incident Reporting System (NFIRS) Policy.

The Fire Marshal is responsible for reviewing and approving the investigative reports.

402.8 MICHIGAN BUREAU OF FIRE SERVICES

State

The Fire Chief or the authorized designee is responsible for ensuring that a complete fire incident report is provided to the Michigan Bureau of Fire Services as soon as practicable for any fire resulting in (MCL 29.4; MCL 29.6):

- (a) A loss of life or property.
- (b) Firefighter hospitalizations, amputations, or losses of an eye from a demonstration fire.

Code Enforcement

403.1 PURPOSE AND SCOPE

Best Practice MODIFIED

The purpose of this policy is to establish the process by which the Lansing Fire Department will enforce fire and life-safety codes during inspections.

403.2 POLICY

Best Practice

It is the policy of the Lansing Fire Department to use inspections to help reduce the risk of injury or death due to fire and life-safety code related violations, and increase the safety of building occupants, the community, and emergency responders.

403.3 PROCEDURE

State

The Lansing Fire Department may issue correction notices when violations of the Fire Code are found during fire and life-safety inspections.

Any violation determined by an inspector to pose an immediate fire danger or threat to life-safety should be referred to the Lansing Fire Department Fire Marshal as soon as practicable and corrected immediately (MCL 29.2b; Mich. Admin. Code, R29.1652; Fire Code Ch. 1).

403.3.1 INITIAL INSPECTIONS

State MODIFIED

An initial inspection should be made to determine if any violations exist and identify the code sections violated. A notice of correction should be issued for violations. The written correction notice should describe the conditions deemed to be unsafe, identify the code section violated and, when compliance is not immediate, specify a time for re-inspection, typically to occur within 30 days. This time frame may be adjusted at the inspector's discretion and based on the type of violation (MCL 29.2b; Mich. Admin. Code, R29.1652; Fire Code Ch. 1).

All inspections, meetings, and telephone conversations should be documented and an inspection report completed including names, telephone numbers, dates, violations, and any other pertinent information related to the inspection. All documentation should be maintained in an inspection file.

A copy of the inspection report should be left with the responsible party or provided as soon as it is completed (MCL 29.2b; Mich. Admin. Code, R29.1652; Fire Code Ch.1).

403.3.2 RE-INSPECTIONS

Best Practice

Violations that pose an immediate hazard to life or property should be corrected before the inspector leaves the premises (e.g., a required exit being chained or locked) All other violations should be corrected by the date identified in the correction notice for re-inspection.

Code Enforcement

Generally, no more than two re-inspections should be conducted before escalating the process as provided in this policy.

403.3.3 TIME EXTENSIONS FOR COMPLIANCE

Best Practice

An inspector may extend the compliance period if reasonable progress is being made toward correcting the violation, or if a plan is established for completion and life and property are not being compromised. Extensions should only be granted when the inspector believes there is a high probability of obtaining complete compliance. The inspector may request the responsible person submit a statement in writing, detailing the reason for the extension and the new compliance date.

403.3.4 FINAL NOTICES

Best Practice

A final notice may be used as the last warning notice issued prior to civil or criminal action. A final notice is not required prior to initiating legal action.

A final notice of violation should be provided to the violator by certified mail return receipt requested or be personally served and should:

- Set a date by which the violator must correct the violation.
- Notify the violator of the date of the final re-inspection to verify code compliance prior to initiating legal action.

403.3.5 ADMINISTRATIVE CITATION

Best Practice

If compliance is not achieved by the time of the final re-inspection, an administrative citation may be issued. An administrative citation informs a business that repeated attempts to gain compliance for outstanding violations were unsuccessful. The administrative citation may be delivered to the business owner in person or mailed via certified mail return receipt requested.

Administrative citations may continue to be issued until compliance is achieved or the matter is referred to legal counsel for legal action. Copies of all administrative citations should be sent to the Department's legal counsel as soon as practicable.

Alternative Materials and Methods Requests

404.1 PURPOSE AND SCOPE

Best Practice

The purpose of this policy is to establish a procedure for receiving and processing requests for the use of Alternative Materials and Methods (AMM) in accordance with the Fire Code.

404.1.1 DEFINITIONS

Best Practice

Definitions related to this policy include:

Alternative materials and methods (AMM) request - A request from a permit applicant to deviate in some manner from the requirements of the Fire Code, consisting of the applicant and project information; a summary of the issue and the solution being proposed; identification of the specific Fire Code reference and the intent of the code; a description of why the standard requirements are not possible, feasible, or desirable; and a detailed description of the alternatives being proposed to mitigate the deficiency or code requirement.

404.2 POLICY

Best Practice

It is the policy of the Lansing Fire Department that requests for AMM shall be evaluated by the Lansing Fire Department Fire Marshal or the authorized designee for compliance with the Fire Code.

404.3 PROCEDURE

State

The following procedures have been established to assist Department members in determining whether a proposed AMM is at least equivalent to that prescribed by the Fire Code in quality, strength, effectiveness, fire resistance, durability, and safety (MCL 29.1 et seq.; Mich. Admin. Code, R 29.1652; Fire Code Ch. 1).

404.3.1 PROJECT INFORMATION

Best Practice

For commercial, multi-family residential, and residential tract projects, the applicant shall provide the following written information in addition to the plans necessary to evaluate the project:

- (a) Relevant project information, including:
 - 1. The project name, address, contact person, and telephone number.
 - 2. The owner's name, address, and telephone number.
 - 3. Other specific information identifying the project as required (e.g., development permit type, tract, lot number).
- (b) The Fire Code section or a reference to the specific requirement for which the AMM is requested.

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- (c) The alternative fire protection measures that will be taken as part of the AMM proposal and how they establish equivalency to those prescribed in the code.
- (d) Any additional information identified by the Lansing Fire Department.

404.3.2 SUBMITTAL PROCESS

State

- (a) One copy of the AMM proposal and other supporting information is required to be submitted to the Lansing Fire Department. Applicable fees due, in the amount indicated by the fee schedule currently in effect, should be paid upon submittal of the AMM proposal.
- (b) AMM requests will be evaluated by the Lansing Fire Department Fire Marshal or the authorized designee. All such requests are evaluated on a case-by-case basis. Approval of an AMM request is based upon several factors, including but not limited to the level of equivalency achieved, the effect of the AMM on fire and emergency response, and site conditions. All evaluations will be performed in the context of the specific project being reviewed.
- (c) If the AMM proposal provides an equivalent level of protection, considering all related conditions pertaining to the project, the Lansing Fire Department Fire Marshal or the authorized designee will issue a written response granting approval (MCL 29.2b; Mich. Admin. Code, R 29.1652; Fire Code Ch. 1). Such approval may be conditional upon implementation of additional requirements listed in the AMM approval that were not part of the original AMM proposal. Approval is granted only for the specific project under review and the conditions for approval shall not be construed as applicable to any other project.
- (d) In the event the AMM proposal does not provide an equivalent level of protection, the request will be denied and a written denial will be issued (MCL 29.2b; Mich. Admin. Code, R 29.1652; Fire Code Ch. 1).
 - 1. Should the applicant submit a different AMM request for the same project or choose to revise and resubmit the previously denied request, additional AMM fees will apply.
 - 2. To facilitate the evaluation process, the applicant should include any previously denied AMM proposals when submitting a revised AMM request.
- (e) Upon completion of the evaluation, the written AMM approval or denial and a copy of the applicant's AMM proposal should be made available for pick up at the location specified by the Lansing Fire Department. Should evaluation of the AMM proposal require time and resources beyond the standard time allotted for this activity, additional time and materials fees may be assessed. Any additional fees assessed must be paid when the applicant picks up the AMM approval or denial.
- (f) The approved AMM proposal and written responses should be copied on the plans prior to plan approval. A copy of the AMM proposal and response should be kept at the project site at all times. This documentation may be required for review by the Lansing Fire Department Fire Marshal or the authorized designee.