



OREGON
Fire Marshals
ASSOCIATION

OREGON FIRE SERVICE Joint Policy Bulletin

A collaborative service to provide
consistent and concise application of Oregon's
fire prevention and life safety regulations.

Date: April 24, 2018 / Revised: September 17, 2020

Initiating: Joint Policy Bulletin No. 0003

Subject: Fire Investigation Authority

Background: According to ORS 476, which reads, it is the responsibility of the local fire chief or their designee to determine the cause of and report to the State Fire Marshal all fires occurring in their jurisdiction. The State Fire Marshal is responsible to assure that a reasonable effort is made to determine the cause, origin, and circumstances of all fires, whether in a municipality, a fire district, or an unprotected area. These investigations are required to be commenced immediately after the occurrence of the fire. The State Fire Marshal may superintend and direct the investigation if deemed necessary. To these ends, it is the role of the State Fire Marshal to encourage local fire officials in carrying out their responsibilities and to supplement their efforts whenever necessary.

Fatal fire investigations should be handled in the same manner as any other unattended death investigation. Oregon law requires that a death investigation be conducted to determine the cause and manner of death in which a physician was not present. In the case of a fatal fire, the investigation may be conducted simultaneously to determine fire origin and cause.

Procedures:

Undetermined fires: When the local fire authority cannot determine the fire's origin, cause, and circumstances or does not have the capacity to determine fire origin and cause, Oregon Deputy State Fire Marshals shall serve as the primary contact for additional fire investigation assistance in jurisdictions other than those exempted under 476.030.

Criminal fires: When fire jurisdictions investigate the origin and cause of fires, assistance from law enforcement may be requested as needed. However, the authority to perform fire origin and cause resides with the fire jurisdiction.

When there is evidence that may indicate the cause of the fire is suspicious or incendiary in nature, the investigation should be treated as a criminal investigation. The State Fire Marshal and or local fire jurisdiction shall ensure that the appropriate law enforcement agency is notified. As a result, law enforcement is charged with enforcing criminal laws and the lead investigation authority transitions from the fire jurisdiction to the law enforcement agency. Fire jurisdictions

will continue to perform fire cause and determination during criminal investigations, but they should act under the direction and in partnership with law enforcement. Law enforcement agencies, district attorneys, and fire officials are advised and encouraged to work together on criminal and fatal fire investigations.

When local law enforcement resources are not available, and or additional law enforcement assistance is needed, the Oregon State Police Arson (OSP) and Explosive Unit may be requested by the fire investigator. When requested, the OSP Arson and Explosives Unit will ensure that the local OSFM Deputy State Fire Marshal is notified of the fire, and the OSP detective will follow the OSP Arson Unit Call-Out Protocol.

Fires involving fatalities: Oregon law requires that a death investigation be conducted to determine the cause and manner of death in which a physician was not present. The responsibility of conducting death investigations falls under the medical examiner and or law enforcement agency having authority. The local fire agency maintains the responsibility to determine the fire's origin and cause. Often these investigations may occur simultaneously.

Significant fire loss: In jurisdictions other than those exempted under ORS 476.030, or cities with a population greater than 200,000, the State Fire Marshal's office will be notified by the local fire jurisdiction if any fire occurs and involves: healthcare facilities, educational occupancies, or other institutional facilities and any structure fire with a loss of over \$1,000,000 in value, or fires involving a fatality or serious injury.

Contacts: If you have questions or need further information, contact your local Deputy State Fire Marshal or osfm.flss@osp.oregon.gov

References:

Oregon Revised Statute: 476.030, 476.060, 476.210, 476.110

Oregon Attorney General Opinion: OP-5375 (1982); OP-7223 (1975); 920-001-0095 (1994)

Attached: OSFM Oregon Fire Investigation Response Protocol
OSFM Origin and Cause/Law Enforcement Algorithm



OREGON STATE FIRE MARSHAL FIRE INVESTIGATION RESPONSE PROTOCOL

FIRE INVESTIGATION ORIGIN AND CAUSE ASSISTANCE: When origin and cause cannot be determined by the local authority having jurisdiction (AHJ) and or assistance is needed, the local OSFM Deputy State Fire Marshal will be notified. The State Fire Marshal (SFM) may assist, supplement, or lead the investigation as deemed necessary.

ITEMS TO CONSIDER WHEN REQUESTING ASSISTANCE:

- Is fire investigation assistance needed immediately?
- Is the fire scene safe for entry for fire investigation purposes?
- Can assistance with the investigation wait until the following day or until daylight?
- Has the authority having jurisdiction obtained permission to investigate from the owner or occupant?
- Does the fire's cause appear to be criminal in nature?
 - If this is the case, has law enforcement been notified and are they involved?
- Does the fire involve a fatality or injury?
 - If this is the case, has law enforcement been notified and are they involved?
 - These types of fires are a high priority for the Office of State Fire Marshal.

When evidence clearly indicates additional resources are needed in order to conduct fire investigations, the Incident Command System will be utilized. The lead in the investigation will be determined by the circumstances at the scene.

CALL OUT AND RESOURCE RESPONSE PROTOCOL:

1. When a local agency needs assistance with a fire's origin and cause investigation, they shall contact their regional deputy. **(Refer to the deputy contact list on OSFM website)**
2. If the deputy is unavailable or does not return your phone call for assistance after one hour, then contact the Oregon Emergency Response System at: **503-378-6377** and request contact from the State Fire Marshal. It is important to give your local DSFM time to respond to your phone request for fire investigation as they may not be immediately available for a variety of reasons. This is especially true during fire season.
3. When an OSFM Deputy State Fire Marshal is notified by the local fire jurisdiction of a fire and assistance with the investigation is requested, the OSFM Deputy will respond based upon the needs as outlined in OSFM SOG P-17.01.

When do I call Law Enforcement for Fire Investigation?

