

Santa Barbara City Fire Department - Standard Operating Procedures Prevention Operations	Code: P-VI-5
Investigation Procedures	
Chpt: VI Fire Investigation and Enforcement Revised: 8/24/05 Pages: 18	

I. PURPOSE

A. To establish standard operating procedures while conducting fire investigations, whether they are of a civil or criminal nature.

II. REFERENCES

- A. California Fire Code
- B. City of Santa Barbara Municipal Code
- C. California Penal Code
- D. California Health & Safety Code
- E. California Welfare & Institutions Code
- F. California Vehicle Code
- G. California Evidence Code
- H. Fire Prevention Training Manual / Bulletins
- I. NFPA 921 Guide to Fire Investigation
- J. California Peace Officer's Legal Sourcebook
- K. District Attorney's Guide: The Investigation and Prosecution of Arson

III. POLICY

A. Fire investigations conducted by the Santa Barbara City Fire Department shall be confined to the area within the corporate City limits.

B. The Santa Barbara City Fire Department may assist other organizations with fire investigations when requested through the established mutual aid procedure. All requests shall be made through and approved by the Fire Marshal or Division Supervisor

IV. RESPONSIBILITIES

A. The Santa Barbara City Fire Department is responsible for determining the origin and cause of all fires that occur within the corporate city limits.

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B. The Fire Marshal or his duly authorized representatives are responsible for carrying out investigation and enforcement procedures.

C. Fire investigations shall be conducted according to current law, generally accepted practices, the Fire Prevention Bureau Training Manual and this document. In accidental or potentially civil cases, the Prevention Bureau will attempt to determine cause while preserving as much of the scene as possible for interested parties. When the fire is of criminal origin or it appears to the Bureau of Investigation that a fire is of suspicious origin, they shall pursue the investigation to its conclusion.

V. SAFETY

A. Fire investigators are to insure that their safety is protected at all times. The proper safety equipment shall be worn while processing a fire scene and during the follow-up phase of the investigation.

B. Tactical and officer safety are the responsibility of all investigators while on duty and may be accomplished by a variety of accepted techniques such as “Contact / Cover”. An investigator may request a cover unit at his/her discretion. A cover unit may consist of an additional investigator or any Peace Officer. Types of situations that may require such assistance include but are not limited to:

1. Field interviews
2. Work in an isolated area
3. Time of day
4. Approach to occupied vehicles
5. Numerous location changes
6. Structure entries
7. Suspect contact

C. Fire Scene Organization, Security:

1. All fire scenes referred to the Fire Prevention Bureau shall be treated as
2. A crime scene until cause has been determined or until efforts to determine the cause are exhausted and the scene is released.

VI. FIRE INCIDENT

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A. Initial Responding Unit(s):

1. Observes the condition of the scene upon arrival and during suppression activities. Notes unusual circumstances, people, etc.
2. Determines the need for an investigator, makes request.
3. Takes initial steps to protect the scene as firefighting and medical aid allow.
4. Attempts to secure witnesses.
 - a) Whenever possible, initial responding units should record names, addresses and phone numbers of potential witnesses
5. When the company officer determines that one or more of the following conditions exist at a fire scene, he/she may determine whether an Investigator should be called to the scene.
 - a) Suspicious or no obvious cause
 - b) Incendiary
 - c) Fires involving significant dollar loss
 - d) Loss of life or injury
 - e) Fires involving City Property
 - f) At Company Officer's/Battalion Chief's discretion when circumstances warrant
6. The company officer shall contact the Communication Center to request an investigator and notify the on duty Battalion Chief.
7. The Communication Center shall contact the Inspector III who will assign an investigator during working hours (Monday - Friday 7am-5pm). After working hours and on weekends and holidays the Communication Center shall notify the on call investigator by home or cell phone. A copy of the on call schedule shall be submitted to the Combined Communications Center on a monthly basis.
8. The fire investigator shall respond to the scene and contact the Incident Commander.

VII. CRIME SCENE PROCESSING:

A. Evaluate and Notify.

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1. It shall be the first responding investigator's responsibility to evaluate the scene and determine what further resources will be needed. Criteria for this decision may include but is not limited to:

- a) Size of the incident
- b) Injury/death
- c) Suspicious circumstances/apparent likelihood that a crime has been committed.
- d) Possibility of evidence recovery/loss
- e) Multiple crime scenes (ie: fire scene, hospital)
- f) Numerous witnesses
- g) Suspect(s) in custody

B. Types of notifications, resources available:

1. Fire Prevention Bureau Supervisor
2. CSI
3. Additional investigators
4. Police Department, Patrol; Major Crimes
5. Mobile Command Post
6. Fire Marshal - any significant Incident
7. Coroner
8. Santa Barbara County Fire Investigators

C. If a responsible party is present at the scene, the first responding investigator will attempt to obtain consent to search the premises, either verbal or through a signed Consent to Search form, at the investigator's discretion.

VIII. FIRE SCENE MANAGEMENT

A. The primary investigator is responsible for all aspects of the fire scene investigation. For fire scenes that are the result of a major incident (fatalities, major dollar loss, major brush fires) an investigative Incident Command System may be implemented. The Fire Marshal or Division Supervisor shall activate the investigative incident command system when necessary.

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B. The investigating team for major incidents shall use the task force approach for processing the fire scene.

IX. PERSONNEL

A. Primary Investigator:

1. Responsible for all aspects of investigation
2. Writes and signs the fire scene report,
3. Develops the Incident Action Plan with Scene Investigation Manager
4. Keeps the Scene Investigation Manager updated on status and progress of the investigation.
5. Documentation of fire scene
6. The Primary Investigator is responsible to insure all phases of the fire scene are documented.
 - a) Evidence collections and documentation/See Evidence Policy.
 - b) Photography/video
 - c) Consent to search
 - d) Sketches
 - e) Interviews
 - f) Reports
 - g) Authorizes release of scene upon completion of scene investigation.

B. Scene Investigation Manager/Supervisor:

1. Coordinates support resources and support personnel
 - a) Liaison with Fire Chief, Fire Marshal
 - b) Liaison with P.I.O.
 - c) Liaison with Building Owner and/or tenants
 - d) Liaison with other interested parties ie. Insurance Investigators, News Media
2. Logistics:

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- a) Mobile Command Post
 - b) Telecommunications, Computer support
 - c) Meals
 - d) Equipment and supplies
3. Scene Security
 - a) During investigation
 - b) Securing scene at night
 4. Coordinate with outside agencies
 - a) To authorize the request for outside agencies, if needed
 - b) Liaison with suppression Battalion Chief
 - c) Coordinate overhaul

X. WITNESSES

A. Witnesses are often an important component in cause determination and may be vital to a criminal investigation. Experience has shown that witnesses may leave the scene before or during processing and are often difficult to locate later. With that fact in mind, every effort will be made to secure witnesses as soon as possible after arrival at a fire scene. This may be accomplished in a variety of ways, including but not limited to:

1. Calling for additional investigators
2. Requesting Police Patrol units
3. Requesting suppression personnel (as time allows) to gather basic information for re-contact

XI. PROTECTION

A. Crime scene protection shall be of the highest priority to all investigative personnel. Efforts to secure the scene shall begin immediately and continue for as long as the Fire Department maintains control. Access shall be controlled by investigators and the scene protected from:

1. Bystanders
2. Victims/suspects

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3. Medical personnel
4. Fire Department personnel

B. Techniques - The following are suggested methods of maintaining scene security. Any one or all may be used by investigators at their discretion, but none are required on every scene.

1. Determine the size of the scene. Include areas not directly involved in the fire, i.e.: yards, sidewalks, exterior means of access, etc... Set up an investigative Command Post **outside** the area.
2. Establish a boundary. If necessary, establish a secondary boundary as a buffer zone. The boundary may be marked with fire scene tape. Restrict access to authorized personnel.
3. Determine an access route. Find a path of access which is least likely to disturb the scene. The path can be marked with string or barrier tape, and all personnel be required to follow it.
4. Establish an Order of Entry. In order to control access to the scene and provide a record of persons allowed on the premises, investigators may require that an Order of Entry form be signed by anyone crossing the boundary. The form shall state who entered, the reason for entry, and upon leaving if that person disturbed or removed anything.
5. Seal off areas within the scene. Evidence tape or barrier tape may be applied to doors, objects, rooms, etc... To prevent traffic in areas not yet searched by investigators. All personnel will respect such barrier.

XII. OVERALL PHOTOGRAPHS:

- A. As soon as is practical and prior to overhaul, photographs should be taken of the fire scene. Exterior perimeter, location and general interior shots may be included to visually preserve the scene as found upon arrival.
- B. Obviously fragile evidence in plain view may be photographed in place and removed at this time if there is a danger of loss or damage. If aerial photos are needed the request will be made through the Primary Investigator to the Operation Commander for the Truck Company or an appropriate agency with aviation capabilities.

XIII. SEARCH:

- A. Investigators will rely primarily on their training and experience in the search of a fire scene for cause and/or evidence of arson. Searches shall be conducted in accordance with the Constitution of the United States and all applicable statutory and case law.
- B. The Primary Investigator shall have the responsibility for directing the search.

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C. Limited Search: A limited search for latent or transient evidence may be desired under certain circumstances. The purpose would be to locate or develop evidence such as footprints, fingerprints, and fragile objects which may be altered or obliterated by repeated traffic through an area. The primary investigator may coordinate with CSI on locating such evidence.

D. Close up Photography: Photos will be taken at the direction of the primary investigator. Critical evidence shall be photographed to clearly show the location prior to moving the object. If necessary, a scale may be used in one photograph to show size.

E. Complete Search, Overhaul: Investigators may conduct the search for the cause of the fire under exigent circumstances, pursuant to current case law and Fourth Amendment requirements. Lacking exigent circumstances, the Primary Investigator shall determine that consent has been obtained or a warrant secured. Special considerations for completing the search such as lighting, logistics and vital necessities for team members will be arranged by the Primary Investigator and Scene Supervisor. Maintaining a secured scene until daylight without the use of Fire Prevention personnel will be at the discretion of the Fire Marshal or Division Supervisor.

XIV. COLLECTION OF EVIDENCE:

A. Evidence shall be handled in accordance with current statutory law, case decisions, and Fire Department standards. The primary investigator shall be responsible for the correct handling of all evidence. A chain of possession shall be established and maintained in accordance with criminal justice standards.

B. Location: The location of an object may be established by measurement and/or photography. Any accepted standard of measurement may be used, including but not limited to:

1. Triangulation
2. Polar
3. Radial
4. Coordinate

C. Identification: If possible, a collected item should be marked for identification on both the item itself and the packaging material. Marking may be done with a felt tip pen or other suitable instrument. Items should not be marked if:

1. Marking would destroy the value of the evidence
2. The item is impossible to mark (ie: debris)
3. The item is so unique that confusion would be impossible.

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D. When an item is marked it should include the investigators initials and date.

E. Packaging: Packaging materials for an individual item shall be discretionary, based on the investigator's training and experience. Containers should be marked with a felt tip pen or other suitable instrument and should include the following information:

1. Date
2. Case number
3. Address
4. Investigator
5. Item number

F. The container (or item) shall be labeled with an evidence tag. Information on the tag shall include:

1. Date
2. Case number
3. Item number
4. Suspect (if known)
5. Victim/Location
6. Crime
7. Article description
8. Time
9. Investigator
10. The evidence tag shall be securely fixed to the container or article.

G. Complete measurements: Scene measurements will be made as needed, under the direction of the primary investigator. Measurements may be used for sketching, locating evidence, locating objects not taken, etc. Measurements and geographical information may be supplemented from a variety of sources, including:

1. City Archives
2. Geospatial Browser
3. Community Development records and/or scanned database

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H. Release: All personnel shall complete their assignments prior to release of the scene to a responsible party. The decision to release the scene shall be made by the Primary Investigator, coordinating with the scene manager if applicable. It is the Primary Investigator's responsibility to determine that all necessary tasks have been completed prior to release.

I. Evidence Booking Documentation:

1. Evidence retained shall be booked in the Fire Department evidence facility and/or the Police Department evidence facility, at the investigator's discretion. (Exception: No volatile or explosive evidence may be booked at the Police facility). Access to the evidence room shall be restricted to Fire Prevention personnel and the room shall be secured at all times.
2. Log: A log of all stored evidence shall be maintained on the Fire Department Server using current records management software related to investigation tracking. Access to the evidence log, as well as other investigation documents, shall be restricted to the Fire Chief, Deputy Chief, Fire Marshal and Fire Prevention personnel. Items booked shall be entered in the log prior to processing. Information on the log shall include:
 - a) Incident location
 - b) Victim and/or suspect
 - c) Date
 - d) Alarm number, and/or case number
 - e) Item number/article description
 - f) Bin or shelf number where the item is stored.
3. The items shall then be placed in the appropriate bin(s) or shelf. A property/evidence report will be filed with the incident report. The property/evidence report shall clearly state whether/which evidence has been booked at the Police Department or the Fire Department.
4. Transfer/Release: If an item is to be transferred out of the evidence facility or released to another party, a property Transfer/Release form shall be completed and filed. Exception: When property is transferred to the Department of Justice, a signed copy of D.O.J. Form BSF.4 shall serve as the transfer/release form. Evidence booked at the Police Department is not considered a transfer. All pertinent information required to maintain chain of possession shall be documented on the form.

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5. Release: Release of property shall require authorization from the Fire Marshal or Supervisor. In all cases, the evidence log shall be updated to reflect the change. A copy will be added to the case file.

XV. FIRE SCENE REPORTS / DOCUMENTATION

A. The results of the investigation shall be documented by the fire investigation team as required.

B. The fire scene report shall be completed at the earliest opportunity, and forwarded to the Division Supervisor. This report shall document the entire fire scene including all consent to search forms, any sketches and evidence booking forms. Reports are reviewed and signed by the Division Supervisor or designee.

C. All requests for copies of fire investigation reports shall be reviewed by the Division Supervisor and/or the Primary Investigator prior to release.

XVI. INITIAL REPORT

A. N.F.I.R.S

1. N.F.I.R.S shall be completed using current records management software. This report may conclude the investigation if no follow-up is required.

B. CRIME INCIDENT

1. Santa Barbara Police Department Crime Incident and Follow-up Reports.

a) This document is to be completed if a crime is involved. This report should describe the structure, fire damage, evidence, witnesses, and conclusion as to the cause. A follow up report shall be written for all significant activity on a case.

C. ARREST / SUSPECT REPORT

1. In the event of an arrest the Santa Barbara Police Department Arrest Report is to be completed by the arresting officer or investigator and filed with the S. B. P. D. Records Bureau prior to going off duty. (Also see "Arrest", below). The ARREST/SUSPECT report may also be used to list suspects that have not been arrested.

XVII. CSI REPORT

A. Investigators may complete an SBPD Crime Scene Investigation Report if necessary. Information shall be entered on the standard SBPD form. A follow up narrative report may be required if a substantial amount of forensic evidence has been developed.

XVIII. PHOTO REPORT

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A. A standard photo report will be completed for each incident. Investigators will use the SBPD Photographic Report for any case where a Police case number has been generated. SBFDP Photographic Report forms will be used for all others. A sequential numbering / lettering system shall be used for analog photographs. All photographs listed will include a description of what the photo depicts.

B. Digital Photography

1. Digital photographs shall be taken on “R” or “write once” media whenever possible. The media shall be copied to the server or discs and then stored in the case file or in evidence. Subsequent copies may then be made without risk to the original disc. The original disc will not be separated from the case file or evidence facility unless ordered to do so by the court.
2. At no time will there be any attempt to delete or alter original images on the media. Unintentional shots, incorrect exposures and other abnormalities shall be recorded as such on the photographic report
3. No matter which photographic report is used, each digital image shall be recorded sequentially in two ways: The digital photo or JPEG number generated by the camera, and the photographic report sequence, usually a letter designator.
4. Copies of both digital and analog photos may be manipulated for demonstration purposes (ie. Cropping and isolating a portion of an image, using Power Point illustration tools etc.) as long as the investigator maintains the original image for comparison and clearly states the enhancement done.

XIX. SANTA BARBARA FIRE DEPARTMENT FOLLOW-UP REPORT

A. This report is completed when no criminal activity has occurred, but there has been a major investigation, fire death, or large dollar loss fire. A follow up report shall be written for all significant activity on a case, just as in a criminal incident.

XX. FOLLOW-UP

A. Follow-up Investigators shall be assigned as needed. The follow-up

B. Investigators shall coordinate with any outside agencies that may be involved during the follow-up phase of the fire investigation. Follow-up Reports shall be completed and forwarded to the Division Supervisor and proper agencies at the earliest possible convenience.

C. Fire Investigative personnel may conduct a joint investigation with Police Department personnel regardless of which agency initiated the case. Coordination of such an investigation will normally be through the Major Crimes Sergeant but may be with any Police Department supervisor.

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XXI. INTERVIEWS

A. Whenever possible a background check should be made prior to interviewing people involved with a criminal case. Background checks can be obtained by contacting the Communications Center or Major Crimes for warrants and previous contacts. Criminal History must be requested through the Detective Secretary, Major Crimes Sergeant or Police Records if after hours. A Criminal History request form must be filled out and signed by the investigator. The request form must include the case number of the related incident.

B. All interviews and interrogations shall be conducted following current statutory and case law (Also see “Interview Rooms”, below).

XXII. SUSPECTS

A. When suspects are contacted in the field investigators shall be mindful of officer safety first (Also see “Safety”, above). Suspects may be contacted as a consensual encounter or detained based on reasonable suspicion or probable cause. All suspect contacts will be conducted according to current statutory and case law decisions governing such encounters.

B. Arrest warrants

C. Investigators may develop probable cause for an arrest warrant on an individual. Probable Cause for the warrant must be clearly stated in the affidavit. Arrest warrant forms shall be completed according to Court Policy and reviewed by the District Attorney before presentation to a judge. Service of an arrest warrant will normally be coordinated with the Major Crimes Sergeant. Patrol may also assist in warrant service.

D. Transport:

1. Generally, suspects will be transported to the Police Department or County Jail using a patrol unit or other secure vehicle. In the event that a suspect is transported in a Fire Department vehicle, a minimum of two investigators shall be present. Requests for transport may be made through the Watch Commander or the Communications Center.

E. Police Department Interview Rooms / Holding Cells

1. Whenever a prisoner is transported to the station, the Watch Commander must be notified and the prisoner logged in. Movement from a holding cell to an interview room may be coordinated with Patrol or the Detective Bureau. Investigators shall observe current Police Department policy regarding prisoner handling, comfort etc.

F. Suspect Interview / Interview Rooms

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1. Interviews conducted in a Police Department interview room should be video and/or audio taped. Whenever possible, an observer should be stationed in the recording room. The observer shall assist in the development of the interview and provide additional safety for the investigator conducting the interview.

XXIII. Arrest

- A. The suspect should be photographed at the Police Department or County Jail.
- B. The fire investigator and/or police officer shall book the suspect at the County Jail and fill all required paperwork, including a Statement of Probable Cause, Discovery Compliance Form, and Property / Booking Sheet.

XXIV. Search Warrants

- A. The fire investigator must complete an affidavit stating that there is just, probable, and reasonable cause for the issuance of a search. The fire investigator will also prepare the search warrant using the standard forms. The search warrant may be written or telephonic, depending on the circumstances. Telephonic warrants shall be coordinated with the on-call Deputy District Attorney and / or the Major Crimes Sergeant. All appropriate forms and written affidavits will follow in a timely manner.
- B. When a written warrant is completed, a Deputy District Attorney will review the affidavit and warrant(s) and will sign if approved. The warrant will then be presented to a judge for his review and signature.
- C. Service of the warrant will may be in conjunction with the Police Department. In the event that a warrant is served without the participation of the Police Department, the investigator shall notify the Communications Center, Watch Commander or appropriate law enforcement agency before serving the warrant. Exception: When investigators have secured a search warrant for the ongoing investigation of a fire scene in progress, Police notification will not be required.

XXV. CASEBOOK METHODOLOGY

- A. For larger fires, significant dollar loss or where the incident is criminal in nature, the primary investigator will maintain a casebook or casebooks to organize documentation in hard copy form. Casebooks will include:
 - 1. A Title Page
 - 2. Table of Contents (updated)
 - 3. All pertinent reports
 - 4. Photos and / or photo discs
 - 5. Suspect Information

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6. Any other relevant data

B. Casebooks should be kept up to date and available for review.

XXVI. COURT APPEARANCE

A. All additional follow-up reports must be completed.

B. Evidence must be prepared for court.

C. All reports, photographs, evidence, and sketches must be presented to the District Attorney's office for discovery purposes. All subpoenaed investigators shall review their involvement in the case prior to appearing in court. The District Attorney may appoint the Primary Fire Investigator as the Case Investigator for the prosecution. In that event the Fire Investigator shall fulfill their obligation as Case Investigator to the best of their ability until the case is adjudicated or released by the District Attorney.

D. PRELIMINARY HEARING

1. The fire investigator shall meet or speak with the Deputy District Attorney assigned to the case and go over what will be expected at the hearing.

2. The fire investigator shall appear in Superior Court at the time specified on the subpoena, with all reports and evidence required.

E. SUPERIOR COURT

1. If the suspect is held for trial the fire investigator may receive a Superior Court subpoena. The investigator shall meet all court obligations.

F. SENTENCING

1. The fire investigator should appear in court for the sentencing phase of the trial. Results of the sentencing phase shall be documented in the investigation file.

2. Fire investigators shall provide any information requested by the Probation Department.

XXVII. PEACE OFFICERS

A. Investigators of this Department are peace officers, under the terms and conditions of the California Penal Code Section 830.37.

B. Prior to the exercise of the powers of a peace officer, investigators shall have satisfactorily completed a course of training prescribed by the Commission on Peace Officer Standards and Training (P.O.S.T.), the state agency responsible for regulating training standards for Peace Officers in California.

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XXVIII. WEAPONS

- A. Investigators qualified under Penal Code section 830.37 may carry firearms. The authorization to carry firearms is the sole discretion of the Fire Chief or Fire Marshal. Investigators who are permitted to carry firearms shall meet the minimum training requirements as set forth by the Commission on Peace Officer's Standards and Training (P.O.S.T.).
- B. Investigators who are permitted to carry firearms shall adhere to the weapons policy as set forth by the Santa Barbara Police Department and Fire Departments.
- C. All weapons used by investigators shall be approved by the Fire Department and the Santa Barbara Police Department Range Master. The caliber of weapons used shall parallel the weapons policy of the Santa Barbara Police Department. Firearms shall be issued individually to qualified investigators. Serial numbers shall be logged under "Issued equipment" to each investigator and maintained on file. Investigators are responsible for weapons security at all times, whether on or off duty, unless relieved of the weapon by the Chief, Fire Marshal or Division Supervisor. A change of weapon will require that the investigator also qualify with the new weapon. Exception: Temporary use of an identical model while the investigator's duty weapon is being serviced.
- D. Investigators may carry their weapon in plain clothes or uniform, depending on the circumstances. Uniforms are suggested where immediate identification is advantageous, while plain clothes should be used where a low key approach is needed and /or obvious identification is not desired. Medium risk search warrant service and Nightlife Enforcement Team details are examples of the former and routine follow up interviews is an example of the latter. The Division Supervisor may impose uniform or plain clothes requirements for specific details. When officer safety or tactical concerns dictate, investigators will coordinate with Police Department Patrol or Major Crimes. Investigators should notify the Communications Center of their position whenever there is a higher than normal possibility of a violent encounter.
- E. Batons: Department approved batons shall be issued to qualified investigators. Investigators so assigned must attend a POST approved course in the use of the baton.
- F. Use of non-lethal weapons shall be at the discretion of the Fire Marshal. Current non-lethal weapon approved is Oleoresin Capsicum (O.C.) Aerosol Pepper, commonly called "pepper spray". Employees authorized to carry pepper spray shall be trained in its use and adhere to Police Department guidelines.

XXIX. TRAINING

- A. An arson investigator who is specified by this department to carry a weapon shall have the minimum amount of training as set forth by P.O.S.T. Minimum additional training will include:

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1. SBPD Range Master Firearms Training, Safety and Range Orientation Officer Safety and Field Tactics (POST)
2. Baton training (POST)
3. Fire Prevention Bureau Tactical Training
4. Additional Tactical Training will be provided on an ongoing basis.

XXX. FIREARMS CERTIFICATION POLICY

A. Not less than four times per year all investigators with approval to carry firearms shall demonstrate their competency in the handling and discharge of firearms in a manner satisfactory to the Fire Chief. Upon being determined to be competent said investigators shall be certified to carry firearms until the next certification shoot. Certification shoots are designed and implemented by the Santa Barbara Police Department Range Master. When shooting for qualification/certification scores, each investigator shall fire the department approved firearm normally carried on duty. The minimum qualification score for certification shall be determined by the Range Master.

B. The Range Master maintains current qualification records for all investigators. These records indicate qualification scores for each period of certification. The Fire Prevention Bureau shall maintain records of all additional tactical and practice courses. Those records shall include, at a minimum: The date, the type of drills and the names of participants.

XXXI. DISCHARGE OF FIREARMS

A. DEPARTMENT REVIEW TEAM:

1. A Department Review Team, appointed by the Fire Chief in conjunction with the Police Department will conduct an immediate investigation whenever an investigator of this Department discharges a weapon, whether or not a person is injured as a result. All facts will be documented and the final report forwarded to the Fire Chief and Police Chief. This requirement does not apply when an investigator is using a firearm under any of the following circumstances:

- a) On an established target range.
- b) While conducting authorized ballistics tests.

XXXII. SHOOTING POLICY:

A. Excluding the exceptions specified above, it is the Policy of this Department that Fire Investigators may use firearms only in connection with violent felonies which threaten death or serious bodily harm.

XXXIII. SELF DEFENSE OR DEFENSE OF OTHERS:

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A. An Arson Investigator is entitled to use deadly force when it is necessary to save himself/herself and/or other persons from death or serious bodily harm.

B. The amount of force used must have been necessary or the circumstances must have been such as to make the use of the force appear necessary to a reasonable and prudent person.

XXXIV. MISDEMEANANTS:

A. An Arson investigator shall not use deadly force to affect the arrest or prevent the escape of a person who has committed a misdemeanor.

XXXV. FELONY SUSPECTS:

A. A firearm may not be discharged at a fleeing felony suspect unless there are circumstances that reasonable create a fear of death or serious bodily harm to the investigator or to another

XXXVI. FLEEING JUVENILES:

A. In the event investigators are pursuing a fleeing juvenile, they shall not shoot except in self defense or defense of another.

XXXVII. WARNING SHOTS:

A. Warning shots shall not be fired in an attempt to induce a suspect to surrender.

XXXVIII. FLEEING VEHICLES:

A. Investigators shall not shoot at any fleeing vehicles except in compelling circumstance of a serious and life threatening nature.

XXXIX. REMOVAL OF FIREARM FROM HOLSTER:

A. In all cases, when a firearm is removed from a holster in the line of duty where civilians, suspects, or prisoners are present, a written memorandum shall be submitted by the investigator through the chain of command to the Fire Chief. The memo shall briefly outline the reasons and circumstances for the removal of the firearm including the time, date, and place of the occurrence.