

Williamson County
Fire Marshal's Office

911 Tracy Chambers Lane
Georgetown, TX 78626

Investigation
Rules and Procedures

Williamson County Fire Marshal's Office

Fire / Explosion Investigation Rules and Procedures

Purpose: This document will determine which fires and explosions warrant investigation by the Williamson County Fire Marshal's Office ("WCFMO").

Scope: These procedures apply to all unincorporated areas of Williamson County, and to investigations conducted by request in incorporated areas of Williamson County.

Effective Date: These procedures take effect immediately upon approval by The Williamson County Commissioner's Court.

Amendments: From time to time, these rules and procedures may be amended by a majority vote of the Williamson County Commissioner's Court.

Procedure:

1.01 Fire / Explosion Investigation

The WCFMO will investigate the origin and cause of fires and explosions meeting the following criteria that occur within the county, but outside the municipalities in the county. In addition, the WCFMO may aid and conduct investigations inside municipalities located within Williamson County at the request of the Municipality, State Fire Marshal's Office, or local Fire Chief provided the WCFMO has adequate resources and personnel to aid and conduct such investigations at the time the request is made to the WCFMO.

- 1. Structure Fires:** Buildings, Residences, etc. - The WCFMO will investigate all fires and explosions involving structures with the estimated dollar loss from fire, smoke, heat, or water damage exceeds \$5000.
- 2. Vehicle Fires:** The WCFMO will only investigate fires involving vehicles when requested to do so by Authority having Jurisdiction.

3. **Explosions:** The WCFMO will investigate the origin and cause surrounding any explosions that cause property damage or injury.
4. **Injuries/Death:** The WCFMO will investigate any fires that caused any bodily injury or death of a firefighter while in the performance of his/her duties. The WCFMO will investigate any fire that causes bodily injury that requires transport to a hospital or results in death to any civilians.
5. **Public Property:** The WCFMO will investigate any fire or explosion involving property owned or operated by a Public Official or Government Agency.
6. **Hazardous Materials Incidents:** The WCFMO will investigate any fire where the officer in charge determines an in-depth investigation into the incident is necessary to determine causative factors and responsibility.
7. **YOUTH (to include all youths under the age of 17) FIRE-SETTER:** -The WCFMO will investigate any fire where suspected that was caused by Youth Fire Setter or playing with fire, no matter what dollar value.
8. **Other Fires:** The WCFMO will investigate fires causing property damage in excess of \$5000 for which the Incident Commander for the responding agency is unable to determine the origin and cause.
9. **Outside Fires:** Any significant outdoor fire causing property damage in excess of \$5000 for which the Incident Commander for the responding agency is unable to determine the origin and cause.

1.02 Investigation of Fires

For investigations the WCFMO conducts pursuant to these rules and procedures, the WCFMO shall begin an investigation within 24 hours after the receipt of information regarding a fire. This 24-hour period does not include a Sunday.

In the performance of official duties, the County Fire Marshal or a Deputy/Assistant Fire Marshal, at any time of day, may enter and examine a structure where a fire has occurred, and may examine adjacent premises.

1.03 Additional Statutory Authority:

State Law, specifically Texas Local Government Code, Chapter 352.014 requires the County Fire Marshal to keep a record of each fire that the marshal is required to investigate. The record must include the facts, statistics, and circumstances determined by the investigation, including the origin of the fire and the estimated amount of the loss. Under the same chapter, each fire department and state or local agency that provides emergency medical services must submit reports requested by the County Fire Marshal in a timely manner.

Under Section 352.015, if the County Fire Marshal determines that further investigation of a fire or of an attempt to set a fire is necessary, the marshal may:

- Subpoena witnesses to testify regarding the fire or attempt;
- Administer oaths to the witnesses;
- Take and preserve written statements, affidavits, and depositions; and
- Require the production of an instrument that is pertinent to the investigation.

The County Fire Marshal shall also:

- File in a court of competent jurisdiction a complaint charging arson, attempted arson, conspiracy to defraud, or any other crime against a person the marshal believes to be guilty.
- File charges under Section 352.021 in a court of competent jurisdiction against a witness who refuses to cooperate with the investigation.

1.04 Effect on Civil Actions

An action taken by a County Fire Marshal in the investigation of a fire does not affect the rights of a policyholder or of any company regarding a loss caused by the fire. The result of an investigation by the County Fire Marshal of a fire may not be admitted in evidence in the trial of a civil action brought under the insurance policy. The statement of an insurance company, the company's officers, agents, or adjusters, or of a policyholder or the policyholder's representative, that is made to the County Fire Marshal or his representative with respect to the origin or cause or supposed origin or cause of the fire may not be admitted in evidence in or made the basis of a civil action for damages.

1.05 Cooperation with Other Fire Protection Agencies (fire investigation)

The County Fire Marshal shall enforce all state and county regulations that relate to fires, explosions, or damages of any kind caused by a fire or explosion. The County Fire Marshal shall cooperate with the State Fire Marshal to conduct fire prevention and fire-fighting activities or post fire investigations. The County Fire Marshal may aid or conduct an investigation in a municipality if requested by the state fire marshal, the municipality, or the fire chief of the municipality provided the WCFMO has adequate resources and personnel to aid and conduct such investigations at the time the request is made to the WCFMO.

1.06 Limited Liability

Under Section 352.021, the County Fire Marshal and the assistants and employees of the office are not liable in damages for any acts or omissions in the performance of their duties except in cases of gross negligence or willful malfeasance.

1.07 Penalties for contempt of a fire investigation proceedings

As provided in Texas Local Government Code §§ 352.022, a person “commits an offense if the person is a witness in connection with an investigation under Section 352.015 and refuses to be sworn, refuses to appear and testify, or fails and refuses to produce before the county fire marshal any book, paper, or other document relating to any matter under investigation if called on by the marshal to do so.

An offense under this section is a misdemeanor punishable by a fine of not more than \$2,000.