



WRITTEN DIRECTIVE	No. IN 16-0907	Page: 1 of 3
	Subject: Arson or Fire Related Investigations	Effective Date: 01-21-16
		Supersedes/ Amends: IN 11-0907
		Reference:



I. Purpose

The purpose of this directive is to establish guidelines to be followed regarding Arson and Fire related investigations.

II. Policy

It shall be the policy of the Criminal Investigations Division of the Lynchburg Police Department to work jointly with the Lynchburg Fire Marshal’s Office regarding arson investigations involving death, serious bodily Injury, or substantial loss of property.

III. Procedure

A. General Policy

1. The Lynchburg Police Department is generally responsible for the enforcement of all state and local ordinances that are not otherwise specifically assigned by statute to other government agencies.
2. The Lynchburg Fire Marshal’s Office is responsible for the enforcement of:
 - a. Arson and Arson related laws as set forth by the code of Virginia.
 - b. All regulations set forth by the Virginia Statewide Fire Prevention Code (VSFPC) including those requirements referenced by the VSFPC such as chapter 11 of Title 59 of the Code of Virginia which deals with Fireworks.
 - c. Local amendments of the VSFPC set forth by Article III of Chapter 19 of the Lynchburg City Code.
 - d. Open burning regulations set forth by Article IV of Chapter 4 dealing with air pollution which is jointly enforced by the Lynchburg Department of Community Development, Inspections Division.

B. Case Assignment:

1. When any fire event results in a fatality or serious injury:
 - a. The initial agency on the scene shall promptly notify the other agency
 - b. Such notification shall occur before the scene is disturbed in any way except to deal with the emergency as necessary (suppression of fire, medical treatment, etc.)
 - c. The Lynchburg Police Department (LPD) and the Lynchburg Fire Marshal's Office (FMO) will investigate the scene jointly with the LPD assuming the role of lead agency as soon as any suspicious circumstance is found to exist.
2. When the fire or fire related event involving a fatality, or serious injury is determined to have been an accident (not arson), The following shall apply:
 - a. If the cause of the accident may have been from gross negligence (possible criminal charges), the investigation will continue jointly and the LPD will remain the lead agency.
 - b. If the event is found to have been accidental (no apparent criminal charges exist) the investigation will continue with the FMO assuming the role of the lead agency. (Under most circumstances, involvement of the Lynchburg Police Department will be concluded at this point).
3. When during the course of an investigation it is determined that a felony was committed (or reasonable suspicion thereof) and the other agency is responsible for the investigation of that particular felony, the initial agency shall promptly notify the other agency.
 - a. If more than one felony offense is associated with a single event or is otherwise connected in some manner and each agency has an area of responsibility, both the LPD and the FMO will conduct the investigation jointly. The lead agency will be determined by the agency responsible for the most serious felony.
 - b. When multiple felonies are involved and one agency has previously been conducting an on-going investigation, that agency should continue as the lead agency.

4. When there are misdemeanor offenses associated with an event, matters regarding notification, assistance, mutual investigation, and lead roles will be decided on a case-by-case basis as needed.
5. When there is an offense committed for which only one agency has primary responsibility, most investigations will be completed exclusively by that agency. If at anytime the assistance of the other agency is needed, assistance may be requested and the extent to which the secondary agency is involved will be decided on a case-by-case basis.

C. Lead Agency

The lead agency shall refer to the agency that assumes primary responsibility for directing that particular investigation. The lead agency will also be responsible for all press releases regarding that particular incident.

1. Responsibilities of Lead Agency:
 - a. Collection of evidence
 - b. Sequence of witness interviews
 - c. Suspect interviews in criminal cases
 - d. Compiling information
 - e. Preparing case history for criminal prosecution cases
 - f. Media releases
2. Cooperation and flexibility between the LPD and the FMO is essential. Establishing each agency responsibilities at the beginning of an investigation will assist in the effective and efficient use of both staffing and resources.

Major J.P. Stokes
Investigations and Administration Bureau

January 21, 2016

Date