

MONTANA/DAKOTAS BUREAU OF LAND MANAGEMENT

STATEWIDE FIRE TRESPASS OPERATING PLAN

INTRODUCTION

The Fire Trespass Handbook H-9238-1, revised in April 2007, instructs all BLM offices to develop a Fire Trespass Operating Plan (Chapter I: Policy, Roles and Responsibilities). The Montana/Dakotas State Director (SD) has directed the development of this statewide Fire Trespass Operating Plan which will be followed by all Montana/Dakotas field offices. This document supersedes any current field office Fire Trespass Operating Plan. Due to the fact that this statewide plan may not cover every concern of a field office program, the Field Manager and/or the Fire Management Officer may expand the state plan to include items not specifically addressed but needed in the field program.

The purpose of this plan is to provide policy and procedure based on the Fire Trespass Handbook to ensure successful cost recovery actions and, when justified, successful criminal prosecutions. The main responsibility of the BLM, as outlined in the Fire Trespass Handbook H-9238-1, is to ensure that the cause of all wildland fires on public lands is determined (Fire Cause Report). Additionally, if a fire is suspected to be human caused, the fire origin area must be examined by a trained/certified Wildland Fire Investigator (INVF) and an attempt made (follow-up investigation conducted) to identify the responsible party for judicial and/or financial remedies. The "Fire Cause Investigation Outline" section of this plan can stand alone as a field guide for those employees involved in fire suppression and cause determination.

The BLM's success in the pursuit of cost recovery (whether through the administrative fire trespass process or civil court proceedings) for any human caused negligent act fire resulting in an expenditure of suppression funds and/or resource loss/damage will, in most cases, be totally dependent on the work done by the initial attack firefighters and the initial response INVF. Likewise, in the case of intentionally set (arson) fires, the success of the follow-up investigation and criminal prosecution against the suspect will depend largely on the procedures followed by the initial attack firefighters and the INVF. Additionally, any fire that results in major private property loss and/or fatalities may result in lawsuits that will bring into court the BLM's cause determination abilities/procedures.

Given these facts, the adherence to the following process, to the best of the abilities of all positions and individuals identified as having a role in the fire trespass program, is mandated by the State Director so the BLM will become successful in the determination of cause, the recovery of funds, the apprehension/prosecution of suspects and in demonstrating to the public a high degree of professionalism in the performance of this critical duty.

PROGRAM MANAGEMENT

It will be the responsibility of the State Director, the State Fire Management Officer, the Field Managers, and the Zone Fire Management Officers to provide policies, procedures, oversight, staffing, training and equipment for the positions and individuals with duties related to the fire trespass program.

Roles and Responsibilities

1. **State Director.** The State Director has the overall responsibility for ensuring that the state has a fire trespass program that pursues the determination of the cause of all wildland fires, and in the event of human negligence, cost recovery for any fire resulting in the expenditure of suppression funds and/or resource damage/loss. The responsibilities of the State Director are:
 - Ensures adherence to policy outlined in the Fire Trespass Handbook
 - Ensures the state has a Fire Trespass Operating Plan
 - Concurs with decisions made by Field Managers regarding fire trespass cases
 - Coordinates with the State Fire Management Officer and Law Enforcement when Trespass actions are initiated
 - Corresponds with the Solicitor's Office regarding fire trespass cases
 - Has the authority to recommend alternative methods, or compromise for the recovery of costs in fire trespass cases

2. **State Fire Management Officer.** The State Fire Management Officer (FMO) has the overall operational responsibility for fire management activities, including wildland fire cause determination, investigation, and trespass in the state. The responsibilities of the State Fire Management Officer are:
 - Identifies a State Fire Trespass Coordinator
 - Establishes a State Fire Trespass Operating Plan
 - Ensures the State Director is notified when trespass actions are initiated
 - Develops and maintains a INVF cadre

3. **Special Agent-in-Charge.** The Special Agent-in-Charge (SAC), or their designated representative, has the overall responsibility in the criminal investigation and prosecution of all criminal intent fires (arson). The SAC will also be the agency's representative in a civil proceeding with the U.S. Attorney's Office (ACE). The SAC will also work with the State Fire Management Officer, State Fire Trespass Coordinator, Field Managers, and local Field Law Enforcement Officers to ensure an effective Fire Trespass Operating Plan. The responsibilities of the SAC include:
 - All fires that have been determined to be the result of arson (i.e., an intentional set for the purpose of burning public lands) must be reported to the SAC.
 - The SAC will determine if a Law Enforcement Arson Investigator, usually a Special Agent, will be assigned to the investigation.
4. **State Fire Trespass Coordinator.** The State Fire Trespass Coordinator has the responsibility of ensuring the state has an effective trespass program. The responsibilities for the State Fire Trespass Coordinator are:
 - Acts as liaison with other agencies and departments, including the BLM Field Solicitor's Office, the U.S. Attorney's Office (ACE), the State Director, and SAC.
 - Provides coordination with other organizational units within BLM – law enforcement, fire management, and budget/financial sections.
 - Assists in the preparation of trespass cases, tracks these cases and ensures appropriate staff has up to date information, including the State Director and Office of Communications.
 - Management and tracking of trespass deposits.
 - Assists in reviewing financial documents and coordinates asset searches as appropriate.
 - Provides guidance and training regarding trespass issues.
 - Responsible for data collection, compiling supporting facts and information, responds to requests for information, provides support to appeal and litigation activities.
5. **Field Manager.** The BLM Field Manager has the overall program responsibility for wildland fire investigation, trespass and collections on Bureau lands within their field office. On other lands, cooperative agreements can define who has trespass program responsibilities – it may be the BLM District/Field Manager. The responsibilities of the Field Manager are:
 - May provide findings of the investigation to Solicitor for review. Makes decision whether or not to proceed with trespass action based on facts determined by Investigation. Uses Fire Trespass Decision Document form to record the decision.
 - Issues "Notice of Suspected Trespass" and meets with the suspected trespasser.

- Initiates formal fire trespass actions. Notifies the State Director and State FMO through the State Trespass Coordinator.
- With the local fire manager and local law enforcement officer, develops a local cadre of qualified staff, including INVFs.
- With the local fire manager and local law enforcement officer, is responsible for developing a local Fire Trespass Operating Plan that follows the State level Operating Plan.
- Makes monetary recommendations to the State Director for resolution of the trespass case. See table of Monetary Settlement Authorities in the Fire Trespass Handbook.

6. **Zone Fire Management Officer.** The Fire Management Officer has the overall operational responsibility for wildland fire cause determination, investigation and trespass in their assigned field office. The responsibilities of the Zone Fire Management Officer are:

- Designates a local Fire Trespass Coordinator
- Provides staffing and training as identified in the State/Unit's Fire Trespass Operating Plan for fire cause determination and fire trespass.
- Ensures that the initial information regarding the report of a fire is documented to provide subsequent support for fire trespass. Reviews and ensures that the 1202 report is accurate and completed in a timely manner.
- Ensures completion of fire origin and cause determination reports.
- Ensures notification of Law Enforcement when law enforcement is not part of the original investigation.
- Ensures the training and maintenance of INVFs at the unit level.
- Makes trespass recommendations to the Field Manager using the Fire Trespass Findings Document.
- Ensures involvement and coordination among dispatch, the Fire Trespass Coordinator, resource specialists, collection/accounting personnel, law enforcement personnel and the Field Manager to bring trespass process to completion.
- Works with the Field Manager and law enforcement to develop an office Fire Trespass Operating Plan that identifies local procedures, time lines and responsibilities in determining and investigating the unit's human-caused fires. Specific office roles will depend on the Fire Trespass Operating Plan.

7. **Zone Fire Trespass Coordinator.** The Zone Fire Trespass Coordinator works with the State Fire Trespass Coordinator, Field Manager, Fire Management Office, and Law Enforcement Officer (LEO) to ensure an effective Fire Trespass Operating Plan. The

responsibilities of the Zone Fire Trespass Coordinator are:

- Responsible for maintaining appropriate case files including investigative reports and cost documentation.
- Tracks fire trespass information through case files and 1202 fire reports.
- Obtains detailed financial reports and reviews, edits, and finalizes costs for billing. Uses Federal Business Management System (FBMS) and Fire Cost Summary.
- Records field office fire case actions and tracks activities until completed. This includes tracking and reporting of trespass cases, civil cases and criminal cases involving wildland fires in fire related data bases. (See Field Office Fire Trespass Case File Tracking, and BLM Fire Reporting DI-1202 - Trespass Investigation sub-form.)
- Prepares fire trespass documents and correspondence for Field Manager.

8. **Initial Attack Incident Commander.** The Initial Attack Incident Commander has the overall responsibility for actions on the fire. The responsibilities of the Initial Attack Incident Commander are:

- Documents initial observations and protects the scene of fire origin.
- Ensures origin and cause determination is initiated. If possible, determines if the fire is a result of a lightning strike. If fire cause is unknown or suspected human caused, ensures that an INVF is requested.
- Makes recommendation to FMO for law enforcement involvement. Provides written input to the fire origin and cause determination reports.

9. **Wildland Fire Investigator (INVF).** The INVF follows the Fire Cause Investigation Outline in the Fire Trespass Operating Plan.

- The INVF can be a trained fire/resource specialist or an LEO. They must complete the NWCG approved FI-210 origin and cause determination training class; the INVF position task book and proficiency exercise (if required); the NWCG recommended related training (S-130, S-190, I-200); attend a yearly refresher (4 hours with a fire shelter review) and pass the fire program work capacity test or the LE program PEB. (The Origin and Cause Determination Investigators will be red-carded as an INVF).
- The INVF and Incident Commander (IC) will not be the same individual once a fire is suspected to be human caused.
- If a fire staff employee is assigned as the INVF, their investigative duties must be a stand alone position. They respond to the fire in their own vehicle and they are not assigned any additional suppression responsibilities.
- The INVF may request Law Enforcement to any fire suspected to be the result of an intentional set (arson).

- It is the responsibility of the INVF to determine and document the probable cause of the fire in a fire cause report and begin work on a fire investigation.
- If requested, assist law enforcement in any follow-up investigation.
- The INVF ensures determination reports and the portion of the DI-1202 addressing fire trespass and investigation activities are complete and provided to the FMO, dispatch and local Fire Trespass Coordinator within 10 days of completion of the fire investigation report.

10. **Local Law Enforcement Officer.** The local LEO will usually be the unit LE Ranger. The on-scene unit Ranger may serve in one of two roles. If they are a certified INVF, they can assume the lead origin and cause determination fire investigator role of record and work with the initial INVF (fire/resource specialist). If they are not a certified INVF, they will not be the INVF origin and cause determination fire investigator of record. However, they can assume the lead in the overall investigation and assist the INVF on-scene in normal LE roles like evidence collection, witness interview, and suspect interrogation. The LEO will assume the lead investigative role for any off-scene follow-up investigation and:

- An LEO that is a certified INVF will have the same responsibilities listed above under No. 9.
- An LEO that is not certified as an INVF may still be dispatched to a human caused fire to assist the INVF during the on-scene investigation, and assume lead in the off-scene follow-up investigation.
- Collects evidence from the scene or from the initial response INVF and maintains custody of evidence for storage.
- Retrieves personal identity information from suspects/witnesses or from initial response INVF.
- Conducts initial or second on-scene witnesses/suspect interviews and/or conducts off-scene follow-up interviews.
- Reports and documents violation/crime in LAWNET.
- In coordination with INVF, determines if probable cause exists for criminal action and coordinates with SAC to makes necessary arrests and/or citations issuances.
- Takes oaths/affirmations on voluntary statements.

- Initiates criminal proceedings, if applicable.
- Coordinates with local FMO, local Field Manager, SAC and justice officials.
- If assigned as the INVf, assures determination reports and the portion of the DI-1202 addressing fire trespass and investigation activities are complete and provided to the FMO, dispatch, and local Fire Trespass Coordinator within 10 days of completion of the fire investigation report.

11. **Law Enforcement Arson Investigator.** The Arson Investigator will usually be a Special Agent, by virtue of the time required in a long-term arson investigation; however, a trained/experienced LE Ranger may serve in this role. The on-scene Arson Investigator may serve in several roles. If they are a certified INVf, they may assume the role of origin and cause determination fire investigator of record and supervise the work of the initial response INVf and/or the local LEO. If they are not a certified INVf, they will not be the INVf of record but can assume lead in the overall investigation and assist the INVf and/or local LEO in on-scene LE roles such as evidence collection, witness interview, and suspect interrogation. When assigned, the Arson Investigator will usually assume the lead investigative role for any off-scene, follow-up investigative activities and coordinate the require duties of the local LEO and INVf.

- The Arson Investigator, INVf or not, will be assigned the lead in the investigation of any fire that is suspected to be the result of arson. Also, any fire that is suspected to be the work of a serial arsonist already being investigated.
- The Arson Investigator could be required to initiate and/or participate in a multi-agency arson taskforce investigating a serial arsonist(s) who is responsible for fires on different jurisdictional lands.
- LEOs that are assigned the responsibilities of being an arson investigator should be a certified INVf and additionally should complete the NWCG approved advanced training courses FI-310, ICS-200, ICS-300 and S-290.
- Any certified INVf Arson Investigator will have the same responsibilities listed above under No. 9.
- Any LEO assigned the responsibilities of an Arson Investigator will have the training/experience required for the necessary skills and abilities to carry out all follow-up and off-scene investigative activities, to include but not limited to: surveillance operations (mobile and fixed); technical equipment deployment; U.S. Attorney and Grand Jury presentations; search and arrest warrant executions and taskforce operations.

- The Arson Investigator that is assigned lead investigator/case officer will coordinate the prosecution of the case with the U.S. Attorney/County District Attorney.
 - The assignment of a Special Agent Investigator to non-arson human caused negligence fires or complex long term fire investigations, where the training/skills of a Special Agent are required, can be determined by consultation between the local Field Manager, local FMO, local LEO, and the SAC.
 - If assigned as the INVF, assures determination reports and that portion of the DI-1202 addressing fire trespass and investigation activities are complete and provided to the FMO, dispatch and local Fire Trespass Coordinator within 10 days of completion of the fire investigation report.
12. **Finance Personnel.** It is the responsibility of finance personnel to administer financial activities relating to fire trespass actions. Finance personnel also:
- Assists Fire Trespass Coordinator in retrieval of detailed cost information.
 - Prepares Bill for Collection, adhering to current guidance.
 - Deposits fire trespass collections in accordance with guidelines. Reports receipt(s) of collections to District FMO and State Fire Trespass Coordinator.
13. **Bureau Employees.** All Bureau employees are responsible for protecting a fire scene of origin and notifying their supervisor of any observation made relating to the fire. The fire trespass workload that includes fire investigation, cost documentation, billing, etc., cannot be accomplished by the law enforcement or fire management program alone. The assistance of all Bureau employees is required.

FIRE TRESPASS ADMINISTRATIVE PROCESS (Fiscal Management and Case Tracking)

- 1) A wildland fire is reported and the suppression activities start.
- 2) A natural or suspected human cause determination is made.
- 3) If the fire is suspected to be human caused, a fire cause investigation is completed by an INVF.
 - a) If the fire investigation determines that the fire was arson, the case will be turned over to Law Enforcement. The BLM cost information will need to be provided to Law Enforcement as part of the case.

- b) If not arson and no responsible party/suspected trespasser is identified, the fire trespass case will be closed.
- c) If the responsible party/suspected trespasser is identified but there is no evidence of negligence (an accident), the fire trespass case will be closed.
- d) If the responsible party/suspected trespasser is identified and evidence of negligence is established (fire was caused by the negligent act(s) of the responsible party), the trespass case will proceed:
 - i) using the administrative process as a result of the field manager's decision, or
 - ii) using the civil procedure through the US Attorney.

Based on the location of the fire, another agency may have jurisdiction over the lands involved and will be the lead agency for the fire trespass case. The BLM would collect all cost information and provide it to the other agency so that they may proceed with their administrative process.

- 4) If the BLM is the jurisdictional agency and the administrative process is chosen, a fire trespass case file is established. A unique case file number is assigned by the field office.

The case file includes a report generated from a query in the Financial Business Management System (FBMS) showing all costs from the fire. In addition to the fire number, it is important that the query include the fiscal year(s) in which costs may show up in the following functional areas:

Preparedness (formerly 2810)	
Preparedness-Preparedness	LF10000PP.000000
Preparedness-Prevention	LF10000PV.000000
Preparedness-Aviation	LF10000AV.000000
Preparedness-Ready Reserve	LF10000RR.000000
Preparedness-Earmarks	LF10000EM.000000

Suppression (formerly 2821)	
Suppression-Suppression	LF20000SP.000000
Suppression-Aviation	LF20000AV.000000
Suppression-Step Up Plans (State Directors-Severity)	LF20000ST.000000
Suppression-Severity	LF20000SR.000000

Emergency Stabilization (formerly 2822)	
Suppression-Emergency Stabilization	LF20000ES.000000

Burned Area Rehabilitation (formerly 2881)

Other Operations-Burned Area Rehabilitation-Burned Area Rehabilitation	LF32000BR.000000
Other Operations-Burned Area Rehabilitation-Native Seed	LF32000NS.000000

Only costs of emergency stabilization and rehabilitation activities charged to the emergency stabilization functional area and work breakdown structure (WBS) are appropriate. To capture costs that may have been miscoded by people charging to the fire, the query should be done with the state “ignored.”

A summary report showing the labor and operations split is preferable. This report may have to be run several times throughout the life of the case file because it may take 6 months or longer for all the costs to appear in FBMS. For example, if it was a large fire utilizing vendors and generating the need for supply orders for restocking, these costs may not appear immediately.

- 5) Once the case file is put together, the field office sends it to the State Office for review by the State Fire Trespass Coordinator and Law Enforcement. If items are missing from the case file or corrections need to be made, the case file is returned to the field office for revision. Once the case file is complete, the Fire Trespass Coordinator sends the case file through the State Director to the Solicitor for review.
- 6) The Solicitor either:
 - a) Does not concur with the Field Manager’s decision to proceed based on the initial findings. The case may be closed or remains open pending further evidence.
 - b) Does concur with the Field Manager’s decision to proceed based on the evidence of negligence or simply does not respond in a timely manner.
- 7) If the Solicitor does concur, a “Notice of Suspected Trespass” letter is sent to the alleged trespasser. The Field Manager offers to meet with the alleged trespasser.
- 8) A settlement is negotiated.
 - a) If a settlement is reached and the case is closed.
 - b) If a settlement is not reached, the formal trespass decision letter and the bill of collection is sent. The State Director is also notified.

The Bill of Collection is generated in the BLM Collections and Billings System (CBS). This system generates the CBS bill number which is the tracking number. The tracking number helps identify where the funds came from when they are received. The Bill of Collection stipulates the amount due and where to send payment.

When creating the fire trespass bill in CBS, the originating field office address should be used. The budget office for the CBS bill will be LLMT925000 L53200000.RD (or AM) 0000 LVDPFIREMT00. Although the bill can include BLM costs as well as other federal agencies and municipalities, separate bills and payments is preferable. Copies of the bill(s) should be sent to the Fire Trespass Coordinator and state office collections (in the event payment is received in the state office, deposit will be made and copies distributed) and the originator should maintain a complete bill file. When payment is received, the originating field office will apply payment to the bill and deposit the monies. Copies of these receipts will be sent to the State Trespass Coordinator and the bill file.

- 9) The alleged trespasser responds to the formal trespass decision letter and the Bill of Collection. The alleged trespasser:
 - a) Appeals the decision.
 - b) Does not respond to the bill.
 - c) Pays the full amount.
 - d) Agrees to pay the amount determined by a compromise settlement.
- 10) If the alleged trespasser chooses to appeal the decision through Interior Board of Land Appeals (IBLA), they will either be successful or not successful.
 - a) If IBLA decides in favor of the BLM, a demand letter will be sent.
 - b) If IBLA decides in favor of the alleged trespasser, the case will be closed.
- 11) After the demand letter(s) for the payment process is sent:
 - a) Payment will be received. The case will be closed.
 - b) Payment will not be received or there will be no response.
- 12) If there is no payment or no response, the case will be turned over to the Solicitor's Office or to the U.S. Attorney's Office for collection.
- 13) If payment is received, the case will be closed.

If the appeal is not successful and the alleged trespasser refuses to make payment, another demand letter will be sent. The formal collection process will be initiated.

- 14) Payments recouped from fire trespass cases are held and managed by the State Office. Fire trespass collections are deposited into LLMT920000 L53200000.RD0000 LVDPFIREMT00 (Repair of Damaged Lands, Public Lands). The funds are available as soon as collected and may be maintained in the state office for statewide activities or targeted to field offices.

These funds can only be used for non-recurring contracts, interagency activities, temporary labor, and one-time purchases not requiring continued monetary commitment. These funds are not base funds; they are considered one-time funds and cannot be used to augment the preparedness budget.

Funds can be used for fire activities identified in the wildland fire prevention, mitigation, and planning process; examples include fire awareness, planning, mitigation, educational activities, law enforcement activities, and prevention and trespass training. Funds can also be used for restoration that is needed as a result of fire where, due to limitations on the use of rehabilitation funds, restoration of developments damaged by a fire could not be accomplished. Since there are also limitations on non-Wildland Urban Interface (WUI) funds for ecological restoration activities, funds can also be used to treat and reseed areas after they burn to eliminate invasive annuals. These funds do not have to be applied to the same lands that generated the funds.

Program L53200000 includes other BLM activities; therefore, it is critical that fire trespass collections and resultant spending transactions cite the FIRE WBS code, or the funds may be lost. Budget authority derived from trespass collections is considered no-year funds.

For more information, please reference FA IM No. 2007-026 reissued in 2007, "Managing Fire Trespass and Protection Assistance Collections." This topic is also covered in Chapter V of the Fire Trespass Handbook, H-9238-1.

FIRE CAUSE INVESTIGATION OUTLINE (Use as a Field Guide)

A copy of this section of the plan should be provided to all fire dispatchers, initial attack fire suppression personnel, INVf Wildland Fire Investigators, and LEOs to be used as a field guide. The basic procedures outlined in this section should be followed for every human caused fire, however, not every fire will warrant the completion of every step to determine the cause and identify of the responsible party (the basic intent of the Fire Trespass Handbook). Many of the following procedures/duties are performed routinely as part of the fire suppression effort and do not constitute additional work for fire suppression staff. However, in the context of fire cause determination, the procedures/duties may take on unseen importance and therefore should be viewed from this aspect.

Dispatch

Each dispatch office should have a yearly updated list of agency certified INVfs available in the state/unit, both fire resource staff and LEOs. Whenever possible, the dispatch office should attempt to use a BLM INVf on public land fires in the state. If the dispatch office requests an

INVF on a fire resource order and they are from another agency or another State, they should be provided with a copy of this guide by dispatch, the FMO, or the IC.

The following information should be recorded from the reporting party (RP) by dispatch and provided to the INVf if the fire is suspected to be human caused:

- 1) Time of report.
- 2) Reporting Party (RP) identification with call back number.
- 3) Location and size of fire as seen by the RP at time of report (in detail).
- 4) Color and direction of the smoke.
- 5) Any additional information the RP can provide about the suspected cause of the fire or any other people/vehicles seen in the area of the fire. The dispatcher needs to specifically ask the RP for this additional information.

The dispatch office should notify the local Fire/Trespass Coordinator that an INVf has been dispatched to a human caused fire. Dispatch should also provide the name of the INVf, his or her contact information and basic information about the fire to the Fire Trespass Coordinator. This information is especially important if the INVf does not work for the BLM. The Fire Trespass Coordinator may have to contact the INVf to get a copy of the fire investigation report if the report has not been received in a timely manner.

The dispatch office should indicate on the 1202 report that the fire is designated as a possible fire trespass case. After the fire investigation report is completed and the decision on whether to pursue fire trespass is made by the Field Manager, dispatch should ensure that documentation in the 1202 reflects this information. It is critical that dispatch coordinate this information with the Fire Trespass Coordinator.

Initial Attack Firefighters (IA) and/or Incident Commander (IC)

All BLM firefighters certified to function as ICs, and many IA firefighters are trained in general origin area identification and protection as part of their advanced fire suppression training (FI-110). In addition, because the IC and IA personnel are highly trained in fire behavior, they should be utilized whenever possible to assist in identifying/locating the point of fire origin.

- 1) The IA/IC will record any vehicles or people leaving the fire scene as they arrive (getting descriptions and/or vehicle plate numbers and recording on paper with time and location).
- 2) The IA/IC will look for any fresh vehicle tracks on unpaved roads leading to the black area of a fire (attempt to protect a portion of the vehicle tracks for the INVf with barrier tape or flagging).
- 3) The IA/IC will ensure the black area of fire, General Point-of-Origin (GPO), is disturbed as little as possible until the cause is determined.

Note: Relying on their experience in fire behavior and current wind direction the IA/IC should look for the “V” and avoid making the “safety zone” at the tip of the “V” because that area will usually contain the Specific Point-of-Origin. However, firefighter or public safety will not be compromised in the selection of the safety zone.

- 4) The IA/IC will record exact fire location and running fire direction at the time of arrival, if possible.
- 5) The IA/IC will record any initial observations concerning the cause of fire.
- 6) The IA/IC will contact any witnesses at the fire and ask them to remain (in a safe location) until they can be interviewed. In the case where a witness must leave the area, a personal description and vehicle information should be recorded by the IA/IC.
- 7) The IA/IC will take spot weather readings and document on paper with time and location, if possible.
- 8) The IA/IC will complete a fast survey of GPO and check for obvious signs of lightning strike. If evidence of lightning strike is found, no INVf will be requested. If no obvious evidence of a lightning strike is found, an INVf will be requested.

Note: If no evidence of a fresh lightning strike or a holdover from a strike is found, the GPO will be protected with barrier tape and, if possible, a person will be assigned to maintain custody/protection of the GPO until turned over to the INVf or a LEO.

INVf Wildland Fire Investigator (Cause Determination)

The INVf must be certified by the agency by completing the NWCG approved FI-210 training class. If the initial response INVf is non-law enforcement and the fire has been determined to be human caused and suspected to be the result of a negligent act, a LEO should be requested and respond (if available) to assist with the on-scene investigation (witness interviews and physical evidence to collect). If a fire is suspected to be the result of an intentional set (arson), the notification of the SAC and the dispatch of a Special Agent Arson Investigator will be required. Also, any fires resulting in major private property loss and/or resulting in fatalities will require notification of the SAC and the dispatch of a Special Agent Investigator.

For a fire that is not the result of criminal activity (intentional set - arson) but is the result of human activity (human caused), the INVf, based on their investigative results, will prepare the Cause Determination Report. This will be a documentation of steps and the Investigator's conclusion as to the cause of the fire. This will become part of the Investigative Report. The

INVF should report only the facts as to the suspect cause within the Cause Determination Report. The Investigation Report should include additional information regarding responsible party(s) and include a section by the INVF as to whether the fire was caused by a negligent act on the part of the responsible party, or was just the result of an accident. This Negligence Statement, with the INVF recommendation, will be added to the fire investigative report. A copy of the Negligence Statement will be sent to the NSO Law Enforcement Office for tracking purposes. The Negligence Statement will be a primary factor in the BLM's final determination as to whether the responsible party will be financially charged for the cost of the fire through the administrative process.

The local Fire Trespass Coordinator, local FMO, local LEO, and Field Manager will review the INVF Negligence Statement for concurrence. If the Field Manager's decision is to financially charge the responsible party, the Negligence Statement will be reviewed by the State Office and the Solicitor Office.

If a fire starts on private or other jurisdictional lands and burns onto BLM lands, the responsible enforcement agency for the private or other jurisdictional lands will provide the primary INVF, who will generate the fire cause investigative report. However, because BLM lands are burned, a BLM INVF can be dispatched to the investigation to assist the primary INVF.

- 1) Upon notification, the INVF will obtain all information from dispatch concerning the fire including: reporting party information; any update information provided to dispatch by the initial attack firefighter; lightning records for the area for last several days; land status map(s) of the fire area and directions to the origin side of the fire which has been deemed safe by the IC. The INVF will begin a time-line report to record all times of their activities from notification until they clear the scene.
- 2) Before departing to the fire, the INVF will ensure they have all needed equipment (fire investigative kit, belt weather kit, GPS unit, programmed handheld radio, cellular/sat phone and red card) and report to the fire in their own four-wheel drive vehicle. The INVF will wear fire PPE while on the fire, no exceptions.
- 3) Once on-scene at the fire and while in the safety zone, the INVF will report their presence, in person or via radio, to the IC. The INVF will determine if there are any witnesses (who remained in the area) that have information about the fire. If so, the witnesses will be interviewed in a safe location before the INVF proceeds to the origin area.

Note: For non-law enforcement INVF, in addition to the fire cause information obtained from the witnesses the INVF will obtain complete biographical information on witnesses so follow-up interviews can be conducted by an LEO. This should include driver's license information, vehicle information if any, physical description and contact phone numbers. The INVF should keep in mind that any reported witness could be the responsible party for the fire.

- 4) The INVF will check-in with the IC, who will determine when it is safe for the INVF to proceed to the origin area.

Note: Before the INVF proceeds to the fire origin area, they will ensure their radio has the proper channels to maintain radio contact with the IC and dispatch. The INVF will use cellular phones as second mode of communication.

If possible, the INVF should interview the initial attack firefighters and the IC at the suspected origin area. The INVF will obtain all information that is pertinent to the fire cause and other information that will enable the INVF to determine the specific point of origin. If firefighters/witnesses have already located possible physical evidence (i.e., vehicle tire tracks, shoe prints, fire ignition devices), the INVF will proceed to that location and document, photograph, and flag the items (start evidence and photo log). The INVF will protect the physical evidence items in place for later evidence collection.

- 5) Once at the origin area, using firefighter/witnesses information and fire indicators, the INVF will locate the general point-of-origin.

Note: Even if firefighters have already flagged off an area they believe to be the GPO, the INVF will complete their own evaluation and verify the GPO.

- 6) The INVF will conduct his/her own search of the GPO for indicators of a lightning caused fire. If none are located, the INVF will proceed with human caused determination procedures.

Note: At this point, non-law enforcement INVFs should evaluate the required duties for a complete investigation and determine if law enforcement skills are required. If so, dispatch will be contacted and an LEO requested to assist.

- 7) Once the GPO has been determined, the INVF will inform the IC they have taken custody of GPO and there will be no one allowed in the area without being cleared by the INVF. The INVF will place barrier tape around the GPO if it has not been done by the IC.

- 8) At the GPO, the INVF will confirm land status with GPS/maps and take spot weather readings.

Note: If the GPO turns out to be on other than public land the INVF will notify the agency responsible for the land. The INVF will remain and assist the other agency investigator.

- 9) Using standard fire investigation methodology, the INVF will determine the Specific Point-of-Origin (SPO) in accordance with NWCG and National Fire Protection Association standards as outlined in the NFPA 921 and 1033.

- 10) The INVF will sketch the GPO showing representative fire indicators (advancing fire, flanking fire and backing fire) which lead to the SPO.
- 11) The INVF will conduct an examination of the SPO and using micro fire indicators trace the fire back to origin point. Representative fire indicators bringing the fire to the SPO and origin point will be photographed. The SPO will be searched using the grid method with a magnifying glass and magnet. Even if a suspected ignition source is found at the origin point, the complete SPO must be searched for proper cause elimination. If an ignition device is found which indicates an intentional set arson fire, a Special Agent must be called to the fire.

Note: Many arson fires are “hot set” and no ignition device will be found, therefore arson should be considered if no other cause can be determined.

- 12) The INVF will document/photograph any physical evidence found in the GPO, SPO and at the origin point.

Note: If an ignition device is found at the origin point, the area around the fire will be searched for any similar devices that did not ignite.

- 13) The sketch will be updated showing the SPO, origin point, representative fire indicators (bringing fire to the SPO and origin point), photo points and any physical evidence.

Note: Measurement of all items shown on the sketch from fixed location will be done so exact locations can be found at a later date if necessary.

- 14) All physical evidence will be properly collected and preserved, tagged and an evidence log completed. All items of evidence will be photographed in place with a ruler before collection.

Note: For all non-law enforcement INVF, the protocols for the collection and storage of evidence must be in place prior to the fire investigation. These protocols must be developed with the local LEO by reviewing the 9260-2 Handbook.

- 15) The “Cause Elimination” will be documented. Additionally, the INVF must identify each possible cause category that may have potentially started the fire and explain, in narrative form, why it was excluded.

Note: Other potential causes were excluded because there were no evidence/indicators of that cause found at the point or origin.

- 16) The time line report, cause determination report (including cause elimination attachment), sketch map, photo log, and evidence log will be completed. The INVF will maintain sole

custody of evidence items until they can be stored in an LE evidence locker or turned over to a LEO (using a chain-of-custody form).

Note: Photographs taken from fixed-wing or helicopters of the origin area will be obtained for the report and possible follow-up investigation. (FMOs, or their representative, routinely fly fires in a helicopter and take photographs. Also spotter plane personnel have been known to take pictures as well.)

- 17) If no LEO is present on a negligent act human caused fire, the reports generated by the INVf should be reviewed by a LEO, for possible follow-up investigative needs.
- 18) All reports related to the fire investigation will be given to the local Fire Trespass Coordinator for a determination of the administrative action within 10 days of completion.

Note: Once on a fire, any request by an INVf for the assistance of additional personnel (i.e., another INVf or an LEO (Ranger or Agent)), must be coordinated through dispatch so they can be added to the list of authorized personnel for that fire

Law Enforcement Officer (LEO)

The LEO (Ranger or Agent) that is dispatched to a human caused fire may function as the INVf (if certified to do so) or assist a non-LEO INVf in the processing of the fire origin area.

If the fire is in the unit of responsibility for the responding LEO (Ranger), the responding LEO will be responsible for all aspects of the follow-up investigation. If the responding LEO is out of unit, the follow-up investigation will be turned over to the assigned unit LEO upon their return.

- 1) If an LEO responds to a fire to conduct cause determination duties, they will follow the above INVf procedures.
- 2) The LEO, if available, will respond to a fire if requested by the initial response INVf or IC. Upon arrival, the LEO will notify the IC of their presence and locate the INVf. An INVf LEO will assume responsibility for the investigation and ensure that cause determination procedures have been followed. A non-LEO INVf will assist the INVf in the on scene investigation.
- 3) The LEO will assist the INVf in cause determination and cause elimination.
- 4) The LEO will assist the INVf in the processing of the origin area.
- 5) The LEO will assist INVf document and collect all physical evidence.

- 6) The LEO will assist INVf with interviews of witnesses present at the fire scene.

Note: On-scene witnesses may have already been interviewed by the INVf; however, the LEO should conduct follow-up interviews.

- 7) The LEO will interview any suspected/admitted responsible parties of a negligent or criminal intent fire at the fire scene.

Note: Possible witnesses may have already been initially interviewed by the INVf; however, the LEO should conduct follow-up interview(s).

- 8) The LEO will ensure all reports and duties are completed that are warranted by the investigation.

- 9) The LEO will ensure a Special Agent Investigator is notified and dispatched to any suspected arson fire and any fire with major private property loss and/or fatalities.

Arson Investigator (Special Agent)

All suspected or confirmed arson fires will be investigated by a Special Agent (SA); however, a Ranger that is trained and experienced in arson investigations can be assigned to an arson investigation by the SAC when requested by their supervisor. (Note: If a trained and experienced Ranger is assigned as an arson investigator, they will do so with the knowledge of the Field Manager.)

- 1) SAs will respond to an arson fire when requested by a Field Ranger and/or INVf. When available, the SA will participate in and supervise the on-scene investigation. Upon arrival, the SA will notify the IC of their presence and coordinate the investigative activities of the Field Ranger(s) and/or INVf(s). The SA will assume responsibility of the investigation and ensure the proper cause determination procedures have or will be followed. The SA will assume responsibility of the overall investigation and ensure that all follow-up (off-scene) investigative activities are initiated and completed.
- 2) SAs could be required to initiate and/or participate in a multi-agency arson taskforce, investigating a serial arsonist(s) who is responsible for fires on different jurisdictional lands.
- 3) SAs assigned the responsibilities of an Arson Investigator will have the training/experience required for the necessary skills and abilities to carry out all follow-up and off-scene investigative activities, to include but not limited to: Surveillance operations (mobile and fixed); Technical equipment deployment; U.S. Attorney and Grand Jury presentations; Search and Arrest warrant executions and Taskforce operations.

- 4) The SA that is assigned the lead investigator/case officer in an arson investigation will coordinate the prosecution of the case with the U.S. Attorney/County District Attorney.

- 5) An SA can be assigned the lead of a fire Investigation that is not an arson fire when the fire results in: large complex suppression activities resulting in large expenditures of suppression funds; major resource damages to public lands; major private property loss; loss of life; a public and/or media controversy; a long term, time sensitive investigation; or the investigation is complex in nature and requires the training/skills of a Special Agent Investigator. If assigned, the SA investigator will be the lead investigator/case officer and will coordinate the criminal and/or civil adjudication of the case with the Field Manager. The assignment of an SA can be determined by consultation between the local Field Manager, local FMO, local LEO, and the SAC.