



OFFICE OF INSURANCE AND SAFETY FIRE COMMISSIONER

JOHN F. KING

COMMISSIONER OF INSURANCE
SAFETY FIRE COMMISSIONER
INDUSTRIAL LOAN COMMISSIONER

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FIRE INVESTIGATION CRITERIA

- a. Fire investigation assistance to local communities is one of the most critical services provided by the Department of Insurance and Safety Fire through the State Fire Marshal's Office Investigations Unit. The purpose of these services as specified under the Official Code of Georgia Annotated §25-2-9 is to determine the cause and origin of the fire and to assist local officials in the collection and analysis of evidence that may lead to prosecution of an arsonist. The Fire Investigations Unit also utilizes two specially trained canines, strategically located in North and Southeast Georgia, that are available to communities to aid with evidence collection. A fire investigation may be requested by:
 - The mayor, fire chief, fire marshal or police chief of a municipality in which a fire occurs
 - A county or district judge, sheriff, county commissioner, county fire chief or fire marshal, chief or fire marshal of a fire department in an unincorporated area.
 - Officials of a state or federal law enforcement agency.
- b. Georgia experiences thousands of fires each year. Due to this immense potential need for fire/arson investigative services, the Department has adopted an investigation protocol as a guide for allocation of its resources.
 1. Fires that result in a fatality or serious bodily injury of one or more persons in
 - a. Residential
 - b. Commercial
 - c. Auto (Excluding auto accidents)
 2. Fires that are catastrophic in nature, which seriously affect the operation of an institution
 - a. Churches, Jails, Schools, Hospitals, library, police station, sheriffs office, fire station, jail, prison, airport, bank, courthouse or city hall, etc.
 3. Fires that pose a serious threat to public health and safety.
 4. Structure Fires:
 - a. Commercial Structure loss \$100,000.00 or more in value.
 - b. Occupied Dwellings
 - c. Un-occupied dwellings > \$ 100, 000
 - d. A fire or explosion which placed a member of the general public at risk of serious injury or death.
 5. Fires where the fire is believed to be the work of a serial arsonist or groups.
 6. A fire/arson investigation in which there clearly is created a conflict of interest for local authorities.

7. Fires related to hate crimes
8. Other structure including barns, storage building, outbuildings etc, will be considered based upon the following criteria;
 - a. The aggregate of the loss exceeds \$ 100, 000.00
9. A suspicious fire where allegations of misconduct by a law enforcement officer, firefighter, or other key official has occurred.
10. Vehicle\Equipment fires > \$ 100,000
11. Other investigations assigned by the Commissioner of Insurance or State Fire Marshal.

Generally, an investigation will not be conducted by this agency if the one of the following three conditions exist.

1. Hazards of the investigation site clearly compromise the safety of the investigator and the risk outweighs the benefits.
2. The fire scene has been altered, or issues exist that would compromise any evidentiary value at the fire scene.
3. Known accidental fire causes.

25-2-9. Authority of fire marshal and employees to investigate cause and origin of fires; power to arrest.

- (a) Upon the request of the sheriff of the county, the chief of police of the jurisdiction, the district attorney of the judicial circuit, or a local fire official, the state fire marshal and any employees of such official shall have the authority to investigate the cause and origin of any fire which occurred in said county, jurisdiction, or judicial circuit.
- (b) Personnel employed and authorized by the state fire marshal shall have the power to make arrests for criminal violations established as a result of investigations. Such personnel must hold certification as a peace officer from the Georgia Peace Officer Standards and Training Council and shall have the power to execute arrest warrants and search warrants for criminal violations and to arrest, upon probable cause and without warrant, any person found violating any of the provisions of applicable criminal laws. Authorized personnel empowered to make arrests pursuant to this Code section shall be empowered to carry firearms as authorized by the state fire marshal in the performance of their duties. It shall be unlawful for any person to resist an arrest authorized by this Code section or to interfere in any manner, including abetting or assisting such resistance or interference, with personnel employed by the state fire marshal in the duties imposed upon such personnel by law.

(Ga. L. 1963, p. 509, § 1; Ga. L. 1972, p. 966, § 1; Ga. L. 2003, p. 331, § 1.)