



FAIRFIELD POLICE DEPARTMENT

ROLL CALL TRAINING

November 26, 2019

Police Support to Fire Operations

Background

Fairfield Fire Department personnel were dispatched to a residence where an illegal burn was occurring in the backyard. The residents refused to allow firefighters access to the backyard to investigate the fire and put it out.

Issue

Can the Fire Department enter a building or premises to investigate a fire without a warrant?

Relevant Sections

104.11 CFC: The fire chief or officer of the fire department in charge at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty.

104.11. 2 CFC: Persons shall not obstruct the operations of the fire department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

148.2 PC: Every person who willfully commits any of the following acts at the burning of a building or at any other time and place where any fireman or firemen or emergency rescue personnel are discharging or attempting to discharge an official duty is guilty of a misdemeanor.

1. Resists or interferes with the lawful efforts of any fireman or firemen or emergency rescue personnel in the discharge or attempt to discharge an official duty.
2. Disobeys the lawful order of any fireman or public officer.
3. Engages in disorderly conduct which delays or prevents a fire from being timely extinguished.
4. Forbids or prevents others from assisting in extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, from assisting in extinguishing a fire.

Summary

The California Fire Code and Penal Code allow the firefighters to enter a building or premises without warrant to extinguish a fire or investigate a suspected fire. Persons who obstruct firefighters in the performance of their duties may be arrested pursuant 148.2 PC (Misdemeanor)

Source

California Fire Code, California Penal Code

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Distribution

Police