

# CLARENCE FIRE DISTRICT NO. 1

## **ASSISTANCE BY VOLUNTEER FIREFIGHTERS OUTSIDE OF FIRE DISTRICT BOUNDARIES BEFORE AN OFFICER IN COMMAND IS AT THE SCENE**

### **I. SCOPE:**

Section 209-i of the General Municipal sets the rules that apply when an active volunteer firefighter offers his or her services to assist another fire department outside of the boundaries of the fire district and/or volunteer fire department he or she serves. That statute was amended. Previously, the statute provided a mechanism for a volunteer firefighter to offer his or her services to the jurisdictional officer in command of the local fire department (other than his or her fire department) at an individual fire or emergency scene or on an ongoing basis.

However, in order for our active volunteer firefighters to have the protections afforded by that other fire department to its members under the Volunteer Firefighters Benefits Law ["VFBL"] in case of injury or illness incurred at such scenes the injury or illness would have to arise after the jurisdictional officer in command had accepted his or her services. There was no VFBL insurance coverage provided to such Good Samaritans unless and until their services were accepted by the jurisdictional officer in command.

Section 209-i of the General Municipal, as amended, and effective on June 15, 2015, now permits a fire district to afford this protection to its volunteer firefighters under its VFBL insurance coverage when the volunteer firefighter stops to assist at the emergency scene of another fire department from the time that the volunteer firefighter stops and enters that emergency scene until the jurisdictional officer in command of the other fire department arrives, takes control of the scene, and decides whether or not to continue to utilize the services the volunteer firefighter of this fire department who has offered his or her assistance.

If the jurisdictional officer in command accepts such services, the volunteer firefighter must follow the orders and direction of that officer at the scene. He or she will then be covered by that other fire department's VFBL insurance coverage from that point forward.

If the jurisdictional officer in command does not accept such services, the volunteer firefighter must follow the order to stand down and must safely remove him (her) self from the fire or emergency scene. All VFBL insurance coverage ceases with that refusal to accept services. Volunteer firefighters should be guided accordingly.

### **II. DISTRICT GUIDELINES:**

The following rules of this fire district shall govern volunteer firefighters of this fire district when they come upon an emergency scene of another fire department outside of the territorial boundaries of this fire district:

1. The amendment of Section 209-I of the General Municipal, effective on June 15, 2015, has not created any new duty to act in such circumstances and has not created any authorization for members of this fire department to self-dispatch themselves to the emergency scenes of other fire departments. The statute creates the opportunity to act when a volunteer firefighter of our fire department, "has knowledge of a fire or other emergency at or near the place where he is for the time being." General Municipal Law § 209-I [McKinney].
2. It is meant to provide the option of VFBL insurance coverage if an active volunteer firefighter happens to come upon and emergency scene or is close by and decides to render assistance.

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3. It remains the policy of the Board of Fire Commissioners that active members of the fire department are not to respond to the emergency scenes of other fire departments at a distance which is not near their current location. If the emergency is not nearby, they are to wait for our fire department to be summoned for mutual aid assistance by that fire department.
4. In the event that an active member of the fire department comes upon an emergency scene in another jurisdiction and renders assistance he or she is expected to follow the safety precautions and rules that pertain to our fire department until the jurisdictional officer in command arrives at the scene and takes over command.
5. In the event that an active member of our fire department comes upon an emergency scene in another jurisdiction and renders assistance he or she is expected to take normal scene safety precautions for him (her) self and others at the emergency scene.
6. In the event that an active member of our fire department comes upon an emergency scene in another jurisdiction and renders assistance he or she is expected to follow the protocols for fire suppression, emergency rescue and emergency medical assistance as he or she has been trained to perform.
7. Members are reminded that simply stopping to assist another person(s) may not involve a fire department emergency in this other jurisdiction and these rules and this coverage applies when the fire department of that jurisdiction is summoned for emergency assistance.
8. Active members are under no obligation to ignore the lack of necessary safety equipment or the staffing necessary to take action.
9. In determining whether or not to offer assistance in such situations active volunteer firefighters should consider the duty classification and restrictions, if any, placed upon them by the District Physician as a result of their most recent District physical examination, and be guided accordingly.
10. If an active member of our fire department does stop and render assistance at an emergency scene in another jurisdiction, he or she is to submit a written report to the Chief within twenty-four hours of completion of such assistance. At a minimum the report shall provide;
  - a. The date, time and location of the emergency,
  - b. The nature of the emergency,
  - c. The nature of the assistance that he or she rendered,
  - d. The name of the fire department that responded to the emergency,
  - e. The name and rank of the jurisdictional officer in command at the scene,
  - f. Whether his or her assistance was accepted or declined by the jurisdictional officer in command after arrival,
  - g. The action if any taken by such person after his or her services were accepted or denied,
  - h. The date and time that his or her services were completed,
  - i. Whether or not he or she is complaining of an illness or injury as a result of such service,
  - j. The nature of such illness or injury, and
  - k. Whether or not such illness or injury was reported to the host fire department.

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- III. Based upon the foregoing, it is the intention of the Board of Fire Commissioners of the Clarence Fire District No. 1 to make available to the active members of the Clarence Fire Department the protections of Section 209-i, subparagraph 1-b, of the General Municipal as amended, and effective on June 15, 2015, and to afford to any active member injured, rendered ill, or dying as a result of rendering services outside of our jurisdiction at the emergency scene of another fire department the protections of the Volunteer Firefighters Benefits Law, and insurance coverage provided thereafter until such time as the jurisdictional officer in command arrives at the scene.
- In addition, whenever an active volunteer firefighter of the Clarence Fire Department provides services under Section 209-i of the General Municipal after responding to such scene near the place where he is she is for the time being and there is no jurisdictional officer in command present, such active volunteer firefighter shall report to such officer when he or she arrives and offer his or her assistance to such other fire company or fire department. If such offer of assistance is not accepted, the active volunteer firefighter of the Clarence Department must immediately cease providing assistance, stand down and safely exit the emergency scene. If such assistance is accepted he or she shall follow the orders of the jurisdictional officer in command.
- IV. The Board of Fire Commissioners can amend this policy at any time.

This policy is adopted January 11, 2016.

By order of the Board of Fire Commissioners, Clarence Fire District No. 1

