



Department of Natural Resources Fact Sheet



2008 POLICY FACT SHEET Firefighter Liability Protection

It is needed because

In the aftermath of the 2001 “30 Mile Fire” in the state of Washington, in which four firefighters died, the U.S. Attorney charged the incident commander with involuntary manslaughter.

Following the 2003 Cramer Fire in Idaho, the U.S. Attorney brought criminal charges against the incident commander in the deaths of two firefighters.

In both cases, the employees were acting within the scope of their employment. These cases and other similar cases have had a chilling effect on the wildland firefighter community.

Fire management leaders are resigning their positions and recruitment of new leaders is becoming more difficult.

Several states have passed or are considering legislation that protects wildland firefighters from criminal charges unless they have exhibited “demonstrable criminal intent” (e.g., Montana and South Dakota).

This initiative will:

- ◆ Establish a standard of “demonstrable criminal intent” before prosecutors can charge wildland firefighters for actions taken or not taken in the performance of their duties.
- ◆ Provide for legal defense of wildland firefighters against criminal prosecution for good faith acts or omissions.

State Tort Claims law (M.S. 3.736) currently protects state employees from civil liability while

acting within the scope of their employment, but there is no mention of criminal liability.

This initiative will establish the standards that must be used when criminal charges are filed against a wildland firefighter employed by the state for a good faith act or omission by the firefighter arising from the firefighter’s performance of duties during a wildfire or in fire training.

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