

Not Every Fireground Mistake Is Protected by Immunity

When firefighters fail to follow training, policy, accepted standards, or basic situational awareness, the consequences can extend far beyond the fireground. Firefighter negligence can become a major factor in personal injury, wrongful death, excessive property loss, and municipal liability litigation.

Negligence in the fire service is not always dramatic misconduct. More often, it involves preventable operational failures such as: Failure to conduct an adequate size-up, delayed or ineffective fire attack, poor incident command decisions, failure to follow accountability procedures, inadequate search and rescue operations, improper ventilation coordination, failure to secure utilities or scene hazards, inadequate EMS assessment or patient care, emergency vehicle driving errors and intersection collisions, and failure-to-train issues within the department.

In litigation, attorneys increasingly examine whether the actions taken by firefighters were reasonable, consistent with department policy, NFPA standards, training, and accepted industry practices. The focus is often not simply on the outcome, but whether the incident was handled appropriately under the circumstances.

Many of these cases also expose larger organizational issues involving supervision, staffing, operational readiness, fatigue, complacency, or inadequate training programs. A single mistake on scene may actually reflect systemic failures within the agency itself.

Here are two recent cases of firefighter negligence that either were not or may not be protected by immunity.

The Supreme Judicial Court of Massachusetts recently upheld a jury verdict of \$850,000 against the City of Lowell in which the city fire department was found negligent for using improper firefighting techniques. In doing so, the Court rejected the argument that firefighting tactics were protected by the state's "discretionary function" immunity for civil liability. (<https://www.fireengineering.com/firefighting/discretionary-function-immunity-and-fireground-liability/?utm>)

And a recent fire in Shreveport, LA, which resulted in three fatalities, and there are allegations of negligence and failure to adhere to department fireground protocols. (<https://www.firefighterclosecalls.com/wrongful-death-lawsuit-filed-in-triple-fatal-shreveport-fire-louisiana/>)

Firefighters operate in difficult and dangerous environments, and no incident is ever perfect. However, when preventable deviations from training, policy, and professional

standards contribute to unnecessary harm, the legal and operational implications can be significant.

Departments that prioritize realistic training, accountability, strong leadership, and continuous operational evaluation are far better positioned to protect both the public and their personnel.