Running head: Clarifying Fire Safety Inspection Responsibilities at MCI-Cedar Junction Maximum Security Prison.

Maximum Security-Maximum Risk

A Feasibility Study by the Walpole Fire Department to Clarify Fire Safety Inspection Needs, Goals and Responsibility's at MCI-Cedar Junction Maximum Security Prison

Michael K. Laracy, Sr.

Walpole Fire Department-Walpole, Massachusetts

CERTIFICATION STATEMENT

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that appropriated credit is given where I have used the language, ideas, expression, or writings of another.

Signed _____

ABSTRACT

Among all occupancy groups, correctional facilities may be the most difficult to protect from fire, in part because the cardinal rule of immediate evacuation does not apply. Located within the Town of Walpole is one of the Commonwealth of Massachusetts maximum security prisons. The problem is that the Walpole Fire Department has not conducted a feasibility study of clarifying fire safety inspection needs, goals and responsibilities at MCI-Cedar Junction Prison. The purpose of this feasibility study is to clarify fire safety inspection needs, goals and responsibilities, at MCI-Cedar Junction Maximum Security Prison, for the Walpole Fire Department.

A Descriptive research method was used to answer the following questions: What are agencies documenting about the fire problem within institutional type correctional occupancies? Who has statutory mandates to conduct inspections within the Commonwealth's Department of Corrections (DOC) facilities and how clear are their roles? What agencies are currently conducting inspections and are they being coordinated? What codes are unique to correctional facilities and are they clear?

The author's research procedures consisted of the following: the review of statistical fire data; the review of statutory, regulatory and policy mandates; the review of institutional type occupancy fire and building codes; interviews with fire, building and Department of Corrections personnel; and a questionnaire sent to other Department of Corrections host community fire departments.

The results of the study provided sufficient documentation to clarify fire safety inspection needs, goals and responsibility's at the prison. The author supported the following

recommendations at the prison: that the Walpole Fire Department takes a leadership role and act immediately to develop a fire safety inspection program; that the program incorporates fire and building codes, standards, and regulations that address the life safety needs for this facility; and that inspections are coordinated.

Table of Contents

Abbreviations

BOCA	Building Officials Conference Association
CMR	Commonwealth of Massachusetts Regulation
DDU	Departments Disciplinary Unit
DFS	Department of Fire Services
DOC	Department of Corrections
DPH	Department of Public Health
FSO	Fire Safety Officer
IBC	International Building Code
MCI	Massachusetts Correctional Institution
MFIRS	Massachusetts Fire Incident Reporting System
M.G.L	Massachusetts General Laws
NFA	National Fire Academy
NFPA	National Fire Protection Association
NFIRS	National Fire Incident Reporting System
SAFE	Students Awareness of Fire Education
USFA	United States Fire Administration

Introduction

The Town of Walpole is a suburban community of 24,070 residents living in 21 square miles. The community is made up of a mix of residential, commercial and industrial properties. The community comprises several strip malls, a large shopping mall, two interstate highways and a major rail line which provides transport for both commuters and freight.

The Walpole Fire Department is a combination fire department, comprising a chief of department, a deputy chief, four captains, four lieutenants and twenty-four firefighters a roster that facilitates four rotating shifts. In addition the department has four part-time, paid call firefighters. Of our career members, 20 are certified at the EMT basic level, and the remaining 14 are paramedic certified. The Town of Walpole has three fire stations. Station 1 is staffed full time; stations 2 and 3 are recall stations. We provide fire suppression, technical rescue and emergency medical response and a multitude of other vital community services, such as code enforcement, plan review, public education and commercial/industrial inspections. We protect over 6,231 single-family residential dwellings, 208 two-family dwellings, 250 commercial occupancies, 267 industrial occupancies, 550 apartment buildings with three or more units, and a 220-unit residential 40B project. We also protect five elementary schools, two public junior high schools and two public high schools. Also, within our response area we protect a special needs school for autistic children and a state-run school facility for disadvantage boys ages nine through thirteen years old, who reside on campus.

Since 1955 the Town of Walpole has been a host community for MCI-Cedar Junction, the state's maximum security prison, which has an inmate population of 833. Currently the Walpole Fire Department does not enter this state-owned and operated correctional institutional facility to conduct annual fire safety inspections but instead allows Department of Correction

personnel to conduct such inspections. This practice is based on two factors: first, the real threat of injury to our personnel entering this maximum security correctional environment, and second, as a state-owned facility, its annual fire safety inspections should be conducted by the Massachusetts Department of Fire Services. The problem is that the Walpole Fire Department has not conducted a feasibility study of clarifying fire safety inspection needs, goals and responsibilities at MCI-Cedar Junction Prison and without such clarification, the staff, visitors, and inmates may be at risk of fire-related injuries or death, making the Walpole Fire Department potentially vulnerable to legal actions relating to such incidents.

The purpose of this feasibility study is to clarify fire safety inspection needs, goals and responsibilities, at MCI-Cedar Junction Maximum Security Prison, for the Walpole Fire Department. The research approach will consist of the following: review of available statistical fire data; review of statutory, regulatory or policy mandates; review of institutional type occupancy fire and building codes; interviews with fire, building and Department of Corrections personnel; and a questionnaire sent to other Department of Corrections host community fire departments.

The descriptive research method was used to answer the following questions: (a) What are agencies documenting about the fire problem within institutional type correctional occupancies; (b) Who has statutory mandates to conduct inspections within the Commonwealth's Department of Corrections (DOC) facilities and how clear are their roles (c) What agencies are currently conducting inspections and are they being coordinated; and (d) What codes are unique to correctional facilities and are they clear? The answers to these questions should clarify inspection responsibilities at MCI-Cedar Junction Maximum Security Prison which will assist

the Walpole Fire Department in the development of a fire safety inspection program at MCI-Cedar Junction.

Background and Significance

Among all occupancy groups, correctional facilities may be the most difficult to protect from fire, in part because the cardinal rule of immediate evacuation does not apply. The major difference between detention and correctional occupancies and other residential occupancies is that the occupants are not capable of self-preservation actions until a staff member unlocks the doors. The most difficult component of life safety is to evaluate the population at risk. It is important to assess the occupants, the susceptibility to fire, and the products of combustion and to determine the occupant's ability to undertake and follow procedures necessary for their safety and survival.

The overall focus of this applied research project is to address the urgency of clarifying fire safety inspection needs, goals, and responsibility's at MCI-Cedar Junction Maximum Security Prison, well knowing that the following conditions currently exist: the occupants are not capable of self-preservation actions; occupancy is beyond the design capacity of the facility, the overwhelming potential of a catastrophic event, and that Walpole Fire Department currently does not conduct fire safety inspections at the prison.

In the early 1950s, Department of Correction officials recognized the need to replace the antiquated Charlestown Prison in Boston, MA. Against the protest of its citizens, the Town of Walpole was designated the host community for the Commonwealth's new maximum security prison. Work on the new prison was completed in 1955, and Walpole State Prison was officially opened less than a year later. In the mid-1980s the townspeople of Walpole petitioned the

legislature to change the name of the prison, eliminating the stigma of having the town's name associated with a maximum security correctional facility and resulting in renaming the facility "Massachusetts Correctional Institute (MCI) Cedar Junction" after an old railroad station in town.

In 1991 this facility went through an expansion project to add a new wing to house the Department's Disciplinary Unit (DDU) for the Department of Corrections' (DOC) most serious discipline offenders. In 2009, this facility's mission shifted from a maximum security institution to a maximum reception and diagnostic center for all male offenders entering the Massachusetts correctional system after being sentenced. The design capacity of this facility is 561 maximum security inmates and 72 medium security inmates. As of January 1, 2012, MCI-Cedar Junction housed 798 criminally sentenced inmates and 35 federal and pre-trial detainees. There were 761 offenders housed in maximum security, 125 of those in DDU and 72 in medium security (Corrections, 2011).

Throughout the history of MCI- Cedar Junction, the Town of Walpole has not experienced a significant fire at the facility that resulted in serious injury or death to either the occupants or members of our department. Over the last five years, our department has even seen a drastic decrease in the number of reported smaller fires handled internally by staff personnel within this facility. Although our community has not experienced a catastrophic event, the overwhelming potential still exists. On April 21, 1930, a fire at the Ohio State Penitentiary resulted in 320 deaths and is still considered the worst catastrophe to visit a penal institution in the U.S. The NFPA lists the Ohio State Penitentiary Fire as the fourth deadliest and large loss fire in U.S. history. If history has shown us anything in the fire service, it has shown us that it usually repeats itself. On February 14, 2012, eighty-two years after the Ohio State Penitentiary

fire, a fire in a Honduras prison resulted in the death of 358 inmates, making it the world's deadliest prison fire in a century. According to Fox News, a fire started by an inmate tore through an overcrowded prison in Honduras, burning and suffocating screaming men in their locked cells as rescuers desperately searched for keys (Press, 2012).

Given the unique life safety risk, at MCI-Cedar Junction, the quality of security against fire and its effects takes on two separate but equally important meanings: the security of fire protection systems and the level of restraint/locking systems determined by the security level of the facility. As stated in the introduction, the Walpole Fire Department currently does not conduct annual fire safety inspections at MCI-Cedar Junction Prison, which denies our fire department and community the opportunity to assess the susceptibility to fire and its effects on the facility's occupants and building fire protection systems.

Following the National Fire Academy's course 'Executive Analysis of Community Risk Reduction,' this research paper will allow the Walpole Fire Department to focus on identifying the fire risk at MCI-Cedar Junction prison by first clarifying the Walpole Fire Department's role in regards to our statutory, regulatory, policy, or moral obligations to conduct fire safety inspections at MCI-Cedar Junction. The results of this research paper should allow our department to act to prevent, reduce and mitigate fire risks through a fire safety inspection program appropriate to the unique challenges at MCI-Cedar Junction.

This applied research project directly relates to and supports the United States Fire Administration's strategic goal to reduce risk at the local level through prevention and mitigation. It is also important to note that this research paper indirectly supports the U.S Fire Administration's remaining four strategic goals: to improve local planning and preparedness, to

improve the fire and emergency services' capability for response to and recovery from all hazards, to improve the fire and emergency services' professional status, and to lead the nation's fire and emergency services by establishing and sustaining USFA as a dynamic organization.

Literature Review

The following literature review will follow a descriptive research method to answer the following questions: what agencies have documented the fire problem and level of fire risk to institutional type correctional occupancies, who has statutory mandates to conduct inspections within the Commonwealth's Department of Corrections (DOC) facilities, what agencies need to be included in the fire safety inspection process, and finally, what local, state and/or national fire and building codes address institutional detention/correctional type occupancy inspections. The research identified through this applied research papers (ARP) literature review will then be discussed in greater detail in the following sections: procedures, results, discussion and recommendations to address the Walpole Fire Departments problem and purpose statement on whether or not to implement a fire safety inspection program at MCI-Cedar Junction.

The first research question is significant because it should identify what agencies are documenting about the fire problem within institutional type correctional occupancies. This will be the first step in conducting a risk analysis of the fire problem at MCI- Cedar Junction, and subsequent questions will focus more towards risk reduction.

The following agencies were identified as keeping statistical data on the fire problem within institutional type occupancies: the Massachusetts Department of Fire Services, the United States Fire Administration, the United States Census Bureau, and the National Fire Protection

Association. Each agency's documentation will be reviewed to determine the fire problem and level of fire risk to institutional type correctional occupancies.

By law, fire departments within the Commonwealth of Massachusetts's are required to report to the Office of the State Fire Marshal any fire or explosion resulting in a human casualty or dollar loss (MGL, 2012). In Massachusetts this data gathering is done through the Massachusetts Fire Incident Reporting System (MFIRS) and is then utilized by the National Fire Incident Reporting System (NFIRS) to track fire-related incidents across the U.S. As a condition of eligibility for the federal FIRE Act, SAFER grants and the Commonwealth's Student Awareness of Fire Education (S.A.F.E) funding, communities must be participating in MFIRS. The 2010 Annual Report of the Massachusetts Fire Incident Reporting System, titled "The Massachusetts Fire Problem," defines an institution, under occupancy group definitions, as an occupancy that cares for the aged, the young, the sick or injured, the physically restrained, the physically inconvenienced and the mentally handicapped. According to this report, there were 581 reported fires within institutional occupancies (pg. 16). This amounted to 3% of all fires in the Commonwealth, resulting in three firefighter injuries, two civilian injuries, no deaths, and a total dollar loss of $924,271 (DFS, 2010). The above statistical data is for all institutional occupancies, but MFIRS has established a code identification system that further breaks down institutional type occupancies by assigning an occupancy type, number and property use. MFIRS Codes 300 and 361 specifically relate to correctional prison facilities and, combined, account for 58 reported fires out of the original 581 for all institutional occupancies. According to statistics provided by Derryl Dion, MFIRS State Program Manager, fire departments have reported 392 fire-related incidents in the Commonwealth of Massachusetts from 1986 through 2012, resulting in eight fire service injuries, 41 civilian injuries, no deaths and a dollar loss of

$645,405. MFIRS has also tracked individual community responses to prison fires from 2001 through 2012. Statistics show that the Town of Walpole has reported 54 fire-related incidents at MCI-Cedar Junction, resulting in 12 civilian injuries and a total dollar loss of $4,100 (Dion, 2012).

Referencing the NFPA's 2009 data, the United States Census Bureau's 2012 statistical abstract, table 356, documents the number of fires and loss by type and property use from 2006 to 2009. The average number of institutional fires for this time frame was 7,000, and the average direct property loss was 35 million (Bureau, 2012).

The National Fire Protection Association has identified the Ohio State Penitentiary fire, on April 21, 1930, as the fourth deadliest fire in U.S. history. The number of deaths resulting from this fire, 320, followed by the 1942 Boston Coconut Grove night club fire (492 deaths), the 1903 Chicago Iroquois Theater fire (602 deaths), and the 2001 New York City World Trade Center fire (2,666 deaths).

In January of 2012, the NFPA released a report titled "Structure Fires by Occupancy 2006-2010 Annual Averages" in which it acknowledged that the statistics referenced came from the National Fire Incident Reporting System (NFIRS). Within the report, statistics showed that Health Care, Detention & Correction occupancies accounted for 7,090 fires and for 1.4% of all structure fires, six civilian deaths, 198 civilian injuries, and 57.4 million in property damage (NFPA, 2012). NFIRS's code identification system data is identical to MFIRS's breaking down institutional type occupancies by occupancy type, number, and property use. NFIR's Codes 300 and 361 specifically relate to correctional prison facilities and, combined, account for 660 reported fires out of the original 7,090 for all reported Health Care and Detention & Correction structure fires.

In 2010, the NFPA issued a report titled "Prison and Jail Fires," which highlights the following facts gathered through statistical research for fires in prisons and jails from 2003-2007: municipal fire departments responded to an estimated average of 590 prison structure fires, resulting in 37 civilian fire injuries and no reported deaths; since 1980 reported structure fires in prisons and jails declined by eight-six percent; and January, February and March were the peak months for reported prison and jail structure fires. Within this report, NFPA identifies the leading causes of structure fires in prisons as follows: cooking equipment, intentional, clothes dryer or washer, trash or rubbish, heating equipment, electrical, playing with heat source, and smoking materials. Eighteen percent of the prison and jail fires reported started in bedrooms or cells with one of every four structure fires intentionally set (Flynn, 2010).

Using data from NFIRS and the NFPA survey, the NFPA 20th Edition Fire Protection Handbook (section twenty, chapter 14) addresses the fire problem in detention and correctional facilities and identifies a systems approach to fire safety as well. This chapter provides statistical data for structure fires in prison and jails from 1980-2004, stating that reported fires fell 79% from 4,180 in 1980 to 860 in 2002. As a follow up to these statistics, NFPA points out that various detention and correctional agencies indicate "off the record" that a significant number of fires, up to 75%, are small fires that go unreported to local fire departments due to security concerns.

NFPA's systems approach to fire safety is designed around two concerns: security for the public and safety for the inmates. It is designed around four established goals: life safety, property conservation, continuity of operations, and security. To meet these goals, NFPA established five objectives: ignition control, fuel control, occupant protection, detection & suppression, planning & training, that when implemented will determine how successful the

program will be (Appendix A). Each of the five objectives is then further defined to address fire safety concerns. Ignition control means greater and more dependable protection of heat sources and separation from fuel sources; fuel control means controlling the type, arrangement, and burning characteristics of potential fuels; occupant protection addresses strategy of evacuation vs. defending in place and locking systems; detection and suppression deal directly with detecting a fire, alerting occupants, and inhibiting fire growth; and planning and training operations include staff education and training, inmate education, emergency plans, and conducting drills (Jaeger, 2008).

The Federal Fire Prevention and Control Act of 1974 authorized the National Fire Data Center in the United States Fire Administration (USFA) to gather and analyze information on the magnitude of the Nation's fire problem. The Act further authorizes the USFA to develop uniform data reporting methods and to work with state agencies in the development of this data. In order to meet the requirements of this Act, the National Fire Data Center developed and implemented the National Fire Incident Reporting System (NFIRS) to meet two objectives: to help state and local governments develop fire reporting and analysis capability on their own, and to obtain and analyze data to identify and combat the fire problem at the national level. FEMA states that the National Fire Incident Reporting System is a model of successful Federal, State and local partnership. The database constitutes the world's largest, national, annual collection of incident information (USFA, 2012).

The second question, identifying who has statutory mandates to conduct inspections within the Commonwealth's Department of Corrections (DOC) facilities and how clear are their roles, is significant for the Walpole Fire Department because it should identify agencies responsible for fire safety inspections at MCI-Cedar Junction which would then be a guiding

factor on whether or not to move forward with the development of a fire safety inspection program at this facility.

The following state agencies have been identified as having statutory, regulatory or policy mandates (or exemptions thereof) to conduct inspections within the Commonwealth of Massachusetts Department of Corrections facilities: the Office of Public Safety, the Department of Fire Services, the Department of Public Health, and the Department of Corrections.

The Commonwealth of Massachusetts Fire Prevention Regulations state that the purpose and intent is to prescribe minimum requirements and controls to safeguard life, property and public welfare from the hazards of fire and explosion (527 CMR: 1.00: Administration and Enforcement). Administration and enforcement of CMR 1 is for both new and existing buildings and conditions. Within this CMR, the planning, design and construction of new buildings and structures to provide egress, fire protection and built in fire protection systems shall be in accordance with 780 CMR, the Massachusetts State Building Code. The regulations state that existing buildings built under and in full compliance with the codes in force at the time of construction or alteration thereof, and that have been properly maintained, are exempt from the requirements of 527 CMR pertaining to protection of structural members, required exits, and the installation of fire protection systems and devices (CMR 1.02(5)). The Massachusetts State Building Code refers to existing structures and buildings as pre-existing non-conforming in relation to new building codes (Regulations, 2012).

Commonwealth of Massachusetts Fire Prevention Regulations also state that the head of the fire department shall inspect the outside access to institutional occupancy buildings to make certain that suitable areas are provided for the stationing of fire apparatus for rescue and fire extinguishment purposes and that sufficient unimpeded entrances and exits exist for the entrance

of firefighting personnel and the evacuation of the building (527 CMR 25.05: Commercial and Institutional Occupancy Buildings). According to the regulations, the interior of the building shall also be inspected by the head of the fire department to ascertain that all exits and main corridors are free from obstruction. Under 527 CMR 25.01, institutional occupancies are defined as "any commercial and institutional building used primarily for the conducting of one or more business enterprises to which the public has access but which are primarily devoted to actual goods that may be carried away by the public. Such buildings may include schools, colleges, laboratories, restaurants, business offices, banks and warehouse (Regulations, 2012)."

In 2000, the Secretary of the Executive Office of Public Safety, Jane Perlov, requested a formal interpretation from then Attorney General Thomas F. Reilly on the scope of enforcement vested in the Office of the State Fire Marshall under the Commonwealth's comprehensive fire safety code as pertaining to state-owned buildings. On behalf of Fire Marshall Steven Cohen, this formal interpretation asked the following questions: whether the provisions of M.G.L. c. 148 and 527 CMR apply to state-owned or state authority owned buildings; whether the Marshal is responsible for enforcing the fire safety code in such buildings; and whether the Marshal, if responsible for enforcement of said codes can delegate responsibility for such enforcement to local fire chiefs. Mr. Reilly starts off by referencing a long line of opinions by his predecessors who have taken the position that absent an explicit legislative directive to the contrary, the Commonwealth and it agencies are immune from proscriptions set forth in statutes enacted by the legislature. He goes on to write that although the legislature may elect to waive the Commonwealth's exemption from regulation in particular instances, such a waiver is not to be presumed or inferred, but must be made explicit. In summary to this requested interpretation, the Attorney General ruled that the provisions of the State Fire Code are not applicable to buildings

owned by the Commonwealth and that such provisions may or may not be applicable to buildings owned by particular state authorities, depending upon the specific statute. According to this ruling, the Fire Marshal is not legally responsible for enforcing the fire code in such buildings; thus, there is no need for delegation to the local level. Mr. Reilly personally recognized the critical importance of ensuring that such state-owned buildings are safe both for employees and members of the public and noting that nothing bars the officials of those buildings from voluntary compliance with the fire code (Reilly, 2000).

The Commonwealth of Massachusetts State Building Code states that "The state building official shall inspect periodically existing buildings and structures and parts thereof in accordance with Table 110 entitled Schedule of Periodic Inspections of Existing Building" (780 CMR-Section 110.7). Within Table 110, Use Group I-3 is defined as occupancies having residents retrained, such as prisons, jails and detention centers. Table 110 goes on to identify minimum inspection periods, and for this Use Group the minimum inspection period is every two years, at which time a new certificate of inspection shall be issued to the building owner. In this case the building owner would be the Commonwealth of Massachusetts. Under Table 110, note number 2 clearly states that the State Board of Building Regulations and Standards will not permit a third party inspection of I-3 occupancy's (International Building Code, 2009); (Table 110 Appendix A).

The Commonwealth of Massachusetts Department of Corrections policy number 103 Doc 730 establishes guidelines regarding fire prevention and safety procedures at all correctional institutions. The authority having jurisdiction, as defined in section 730.01-definitions, is the state, local, or other regional department or individual having statutory authority, who is knowledgeable about the requirements of the National Fire Protection Life Safety Code, the 780

CMR State Building Code and the National Electric Code as adopted by the Commonwealth of Massachusetts under 527 CMR Board of Fire Prevention Regulations, within correctional institutions. This document goes on further to define the local fire official as being the municipal officer responsible for implementing fire prevention regulations and practices, providing fire protection services, and inspecting facilities for compliance with required codes and regulations. The State Fire Marshal is defined as the office within the Department of Public Safety that is responsible to investigate and inspect facilities within the state to determine compliance with applicable state codes and regulations. Section 730.05, Annual Inspections, states that the Department of Public Safety's State Fire Marshall's Office, the authority having jurisdiction, or a qualified staff member shall inspect each institution at least annually. This section goes on to state that if a staff member is conducting the fire safety inspection, he or she shall have a DOC fire safety officer qualification course certificate and that said member must be employed at a facility other than the one he or she is inspecting. Compliance with applicable state and local codes at the time of design and construction of the facility shall govern (Massachusetts Department of Corrections, 2008). Massachusetts Correctional Institute (MCI) Cedar Junction's was constructed in 1955, prior to the establishment of the first edition of the State's building code in 1975.

Massachusetts General Laws, Chapter 111-Massachusetts Department of Public Health (MDPH), Section 20 states that MDPH shall, semiannually, inspect each correctional institution, as defined by chapter 125 (Correctional Institutions of the Commonwealth) and shall file a report of its findings and recommendations, with respect to the compliance of each such facility, to the Department of Corrections, secretary of health and human services, the superintendent or administrator of each such facility and to the general court. The Department of Public Health

105 CMR section 451 shall be known and cited as the Minimum Health and Sanitation Standards and Inspection Procedures for Correction Facilities. Section 451 addresses access to exits, unlocking of doors, evacuation plan and fire safety systems for correctional facilities (Massachusetts Department of Public Health, 2012).

The third question, what agencies are currently conducting inspections at MCI-Cedar Junction and are they being coordinated, will look into each agency's inspectional policies, as they relate and/or address institutional occupancies. Research should also clarify their role in the fire safety inspection process and to identify the feasibility of coordinated inspections at the prison.

The following state agencies have previously been identified as either having statutory, regulatory or policy mandates to conduct inspections within the Commonwealth of Massachusetts Department of Corrections facilities: the Office of Public Safety's Department of Fire Services and Building Regulations, the Department of Public Health, and lastly the Department of Corrections. This research question will look into each agency's inspectional policies, as they relate to or address institutional safety inspections, to identify its involvement in the fire safety inspection process.

The Commonwealth of Massachusetts Department of Corrections 103 DOC 730: Fire Prevention and Safety addresses a number of fire safety topics that deal with fire prevention and safety within a correctional/institutional type occupancy. Research has identified the following sections of 103 DOC 730; Fire Prevention Procedures, Annual Inspections and Fire Safety Officer that are specific to answering the question to this research paper. Fire Prevention Procedures section 730.03 requires that the facility's Superintendent or designee shall establish written procedures for the prevention and prompt control of fire and that such procedures shall

include at a minimum the following: documentation of monthly internal fire inspections, quarterly fire protection system testing, annual inspection, availability of facility fire protection equipment and distribution of fire and emergency plans. According to prison officials, internal monthly fire inspections and quarterly testing of equipment are currently conducted internally and through third-party contractors. DOC requires that annual fire safety inspections be conducted by local or state fire officials or other qualified staff member from a different facility. DOC 730.03(6) requires each facility to seek technical assistance from local, state, or other qualified authorities in the areas of fire safety, appropriate training, fire protection systems, facility furnishings, use of firefighting equipment and appropriate fire prevention procedures. Section 730.05-Annual Inspections, states that the Department of Public Safety's State Fire Marshall's Office, the authority having jurisdiction or a qualified staff member shall inspect each institution at least annually. Each Superintendent shall ensure that new certificates of inspection, issued by either the Department of Public Safety or local authority having jurisdiction, be posted on each floor or level of the building being inspected. DOC 730.06 states that there shall be a qualified Fire Safety Officer (FSO) appointed by the Superintendent at each institution to coordinate the implementation of applicable safety and fire prevention standards. Within this section, the training and responsibilities of the Fire Safety Officer are addressed. The FSO shall be trained in the application of jurisdictional fire safety codes. Sources of training for the FSO are identified as being obtained from code officials or inspectors from the Fire Marshall's office, government agencies that have statutory authority for inspections, such as the local fire department, and private organizations, such as the NFPA. The FSO responsibilities include the following: documentation of monthly inspections, coordinating and documenting the training of institutional staff to perform weekly fire and safety inspections, development of fire safety

training, and implementing corrective actions recommended by any internal or external fire and safety inspections.

The Massachusetts State Building, states that only after the state and/or local building official inspects the building or structure and finds no violations of the provisions of 780 CMR or other laws that are enforced by the department of building safety can the building official shall issue a certificate of occupancy. It also requires the issuance of a new certificate not more than every two years for an I-3 Use Group defined in the code (Code 780 CMR- section 111).

The Massachusetts Board of Fire Prevention Regulations, states that whenever in the enforcement of 527 CMR, another code, ordinance or by-law is the responsibility of more than one code official of the jurisdiction involved, it shall be their duty to coordinate their inspections and administrative orders so that the owners and occupants of the building shall not be subjected to visits by numerous inspectors nor multiple conflicting orders (CMR 1.03.2). As an amendment to the 2009 International Building Code (section 104.4.1), the Massachusetts State Building Code also acknowledges the coordination of inspections with language similar to 527 CMR.

The Massachusetts Department of Public Health, Chapter 111-Section 20 states that MDPH shall, semiannually, inspect each correctional institution. The Massachusetts Department of Public Health 105 CMR 451: Minimum Health and Sanitation Standards and Inspection Procedures for Correctional Facilities addresses four areas related directly to fire safety inspections as follows: access to exits, unlocking of doors, evacuation plans and fire safety systems for correctional facilities. The agency's requirements for access to exits and the unlocking of doors are directly related to 780 CMR the State Building Code. Department of Public Health 105 CMR 451.382: Evacuation Plan, states that each facility should have a written

and rehearsed plan for fire and emergency evacuation approved by the local fire department and/or the authority having jurisdiction. DPH 105 CMR 451:383: Fire Safety System, state that the superintendent, administrator or designee of each DOC facility should consult with the State Fire Marshall, and with the local fire department, to plan a fire protection and detection system adequate to protect inmates from unreasonable risks from smoke and fire. This section goes on to state that each facility shall comply with applicable state building code provisions on fire safety. Similar to DOC's certificate of inspection, the DPH states that each facility will have a current certificate of use and occupancy for use group I-1, issued by the local building commissioner or inspector of buildings pursuant to 780 CMR the State Building Code.

The last applied research question, what codes are unique to correctional facilities and are they clear, is significant to the Walpole Fire Department because as we move forward with a fire safety inspection program, the program must be designed to meet building and fire code needs for institutional correctional occupancy's.

The following codes and regulations have been referenced directly in previous literature review of state agencies' statutory, regulatory or policy mandates to conduct fire safety inspection within the Commonwealth of Massachusetts Department of Correction institutional facilities: Commonwealth of Massachusetts Fire Prevention Regulations 527 CMR, Massachusetts State Building Code 780 CMR, and the National Fire Protection Association NFPA-101 Life Safety Code. The following codes, even though not directly referenced previously, indirectly support the above mentioned codes and regulations; 1st Edition of the Massachusetts State Building, 2009 International Existing Building Code, with Massachusetts adopted amendments, and NFPA-1 Fire Code.

The Massachusetts Board of Fire Prevention Regulations, 527 CMR 10.13:(5)(a-e), Use Group I-3 Restrained, addresses emergency planning and preparedness for institutional occupancies and the requirements for emergency plans, employee training, notification and keys. The administration of each I-3 facility shall have in effect and provided to all supervisory personnel written copies of a plan for the protection of all persons in case of a fire. All employees shall be instructed and drilled with respect to their duties under this emergency plan. Employees shall be instructed annually on the use of portable fire extinguishers and other manual fire suppression equipment. Provisions shall be made so that residents in Use Condition III-V, as defined in 780 CMR, can readily notify staff of an emergency. And lastly, all keys necessary for unlocking doors to means of egress shall be individually identified by both touch and sight. In Section 25.05, of 527 CMR, it is stated that the fire department shall inspect the outside access to such buildings, and the interior, to ascertain that all exits and main corridors are free from obstruction for proper entrance of firefighting personnel and egress for evacuation.

In 2010 the Commonwealth of Massachusetts State Building Code, 780 CMR, adopted for the first time the 2009 International Building Code (IBC) and the International Existing Building Code. The IBC defines prisons as an institution and further categorizes it as Use Group I-3 type occupancy. Under section 308, Institutional Group I-3 occupancies are defined to include buildings and structures that are inhabited by more than five persons who are under restraint and security. I-3 institutional facilities are occupied by persons who are generally incapable of self preservation due to security measures not under the occupant's control. The IBC goes on to further categorize institutions into occupancy conditions 1-5. Occupancy conditions are established by determining the level of movement the occupants have within the facility, and this level of movement ranges from free movement to restricted movement. Since MCI-Cedar

Junction is listed as a maximum security prison it would be designated as having an occupancy condition of 5. Occupancy condition number 5 incorporates buildings in which free movement is restricted and when staff controlled manual release is required to permit occupants movement from sleeping units (IBC, 2009).

The National Fire Protection Association NFPA-1: Fire Code, Section 6.1.7.1, defines detention and correctional facilities as an occupancy used to house one or more persons under varied degrees of restraint or security where such occupant are most incapable of self preservation due to security measures not under their control (NFPA, 2012). NFPA-1 states that new and existing detention and correctional occupancies shall comply with NFPA-101 Life Safety Code. NFPA-101, Chapter 22 establishes standards for new detention and correctional occupancies whereas NFPA-101 Chapter 23 establishes standards for existing detention and correctional occupancies. For the purpose of this ARP, research will solely focus on Chapter 23 since MCI-Cedar Junction is an existing correctional facility. As previously noted NFPA-1 classifies prisons as detention and correctional occupancies. NFPA-101, section 23.1.2, further defines correctional occupancies into five specific use group condition's I-V. Each use condition determines a level of egress capability, of its occupants, starting with Use Condition I-Free egress to Use Condition V. Use Condition V shall be defined as a condition under which free movement is restricted and staff control of manual release at each door is required to allow egress from one smoke compartment to another. NFPA-101, section 23.1.1.2.2, states that occupants protection from fire shall be provided by appropriate arrangements of facilities, adequately trained staff and the development of operating, security and maintenance procedures composed of the following: provisions of detection, alarm and extinguishment of fires, fire prevention and planning, and provisions for security of the public and occupants of the facility.

NFPA-101 establishes requirements for the following areas of existing correctional facilities: means of egress to include the number, illumination and travel distance for exits; remote-control release-operated doors; smoke proof enclosures; protection from hazards; interior finishes; detection-alarm-and communication systems; emergency forces notification; extinguishment and emergency forces notification (NFPA, 2012).

The first edition of the Massachusetts State Building Code was adopted in 1975. Prior to the promulgation of the State Building Code and the establishment of the State's first regulatory system, building construction was regulated through current editions of the Building Officials Conference of America (BOCA). Special acknowledgements, as cited in the 1st Edition of the Commonwealth of Massachusetts State Building Code, states that a substantial portion of this code has been copied with permission from the BOCA Basic Building Code. In section 209 institutional buildings are defined as Use Group H, stating that all buildings and structures or parts thereof shall be classified in the institutional use group in which people are detained for penal or correctional purposes or in which liberty of the inmates is restricted. Section 209 further identifies this type of occupancy as a Use Group H-1, which shall include all buildings designed for the detention of people under restraint including, but not limited to, prisons. The state building code, Section 1204.1-Inspections, states that the fire department of the municipality as herein required to enforce the maintenance of all service equipment in operating condition and to familiarize the firefighting force with existing conditions in all buildings and structures. The following fire protection systems were required at the time of construction of MCI-Cedar Junction Prison for Use Group H occupancies. Section 1209.5-Institutional Buildings: First aid standpipes shall be provided for places of detention and other institutional buildings with sleeping accommodations for more than twenty-five persons and which are more

than thirty feet or two stories in height. Section 1212 Automatic Sprinkler Systems refers to Table 12-3 for conditions requiring sprinklers. In Table 12-3, Use Group H-1 requires a sprinkler system in all portions used for storage or workshop involving highly combustible material and all buildings greater than seventy feet in height above grade. Section 1218.212-Fire Alarm Systems: In all other new and existing buildings of use group H, an approved automatic fire alarm system is required. In addition a manual fire alarm system is required for buildings up to one story and less than two thousand five hundred square feet in area

And finally, the 2009 International Fire Code (IFC) definition of an Institutional occupancy is exactly the same as the International Building Code, Group I-3, whereas this occupancy shall include buildings and structures which are inhabited by more than five persons who are under restraint or security. The IFC once again follows the IBC by designating occupancy conditions I-V. The IFC Section 106, Inspections, states that the fire code official is authorized to enter and examine any building or premises in accordance with Section 104.3 (Right to Entry) for the purposes of enforcing this code. Also found in this section is the authorization of the fire code official to approve reports of inspections by approved agencies or individuals (International Code Council, 2009).

In summarizing the literature review, there are a number of sources available to the Walpole Fire Department, such as the NFPA, USFA and the Massachusetts Department of Fire Services that are currently documenting the fire problem within institutional type correctional occupancies. Research also identified responsible agencies such as: the Department of Corrections, the Department of Public Health, and the Department of Public Safety that have statutory mandates to conduct inspections within the Commonwealth's Department of Corrections (DOC) facilities. Further review identified what agencies are currently conducting

inspections at the prison and whether or not they were being coordinated. And lastly, codes unique to correctional facilities were identified to address the fire and building life safety inspection needs and goals at MCI-Cedar Junction.

Procedures

The topic of this research paper, **"**A Feasibility Study by the Walpole Fire Department to Clarify Fire Safety Inspection Needs, Goals and Responsibility's at MCI-Cedar Junction Maximum Security Prison," originated after the author found out that the state marshal's office was not conducting fire safety inspections at this state-owned and operated institutional facility, citing exemption from such inspections. This was quickly confirmed through a conversation with Brad Gilman, the fire safety officer at MCI- Cedar Junction. It was at this point that the author recognized the immediate need to conduct a feasibility study to determine which agency is ultimately responsible to conduct fire safety inspections at MCI-Cedar Junction. Without initiating such a study, the facility's staff, visitors and inmates could be at risk of fire-related injuries or death, making the Walpole Fire Department vulnerable to legal actions relating to such incidents.

Research on this ARP began on March 12, 2012 at the National Fire Academy's Learning Resource Center (LRC) while the author attended the Executive Fire Officer two week Executive Analysis of Community Risk Reduction course. Upon researching the topic of 'conducting fire safety inspections within correctional facilities' the author realized that there existed very little information on this topic in the LRC. Numerous variations of the topic were searched, providing limited results. Research of on-line EFO applied research projects revealed no further information. It immediately became apparent that much had been written on the topic

of emergency response and mitigation of prison, jail and correctional facility incidents, whether fire or EMS related, but nothing was written about the prevention of such incidents. The author quickly realized the importance of this applied research paper on our community's risk reduction activities, and its potential as a reference document for other fire departments with correctional facilities within their jurisdictions.

The questions identified in this applied research project have been designed to follow descriptive research guidelines in that they clarify and report the way fire safety inspections are currently conducted at MCI-Cedar Junction and describing attitudes and/or opinions of all agencies involved.

The first challenge of this project was drafting relevant research questions that would adequately address and support the problem and purpose statements, thus allowing the Walpole Fire Department to clarify the needs, goals and responsibility for fire safety inspections at MCI-Cedar Junction. Initial draft research questions were first reviewed by the members of the fire department and the local building commissioner, after which they were defined and then redefined to support this applied research project.

The following procedures will provide sufficient detail to show that adequate research practicum was utilized for descriptive research, to allow interested readers to replicate this project to meet the needs of their own organizations, and to show that the procedures were appropriate to achieve the ARP's stated purpose statement.

The procedures utilized to answer the first research question, "What are agencies documenting about the fire problem within institutional type correctional occupancies", were designed to clearly show whether or not a fire problem exist within institutional type correctional occupancies and what agencies are involved in collecting relevant data. The collection of

statistical data, review of reports, and conducting of interviews were mainly utilized as descriptive research procedures to answer this question.

In the second year of the Executive Fire Officer Program, the author was given a lecture on the National Fire Incident Reporting System (NFIRS) and the value of the United States Fire Administration National Fire Data Center as a resource tool for risk analysis and risk reduction. The author contacted the National Fire Data Center and requested statistical information on fires within institutional type correctional facilities. This data was provided, in disk format, for the periods of 2006-2008. After reviewing the data, the author further narrowed down the research, requesting available data at the state level from the Massachusetts Fire Incident Reporting System (MFIRS). MFIRS provided an email attachment containing statistical data about the fire problem within correctional/jail type occupancies in Massachusetts. Further research also identified the National Fire Protection Association as an agency that reports data on the fire problem in the U.S. Many of NFPA statistics reference NFIRS as their source of information. The author also consulted the following reports: "Structure Fires by Occupancy," and "Prison and Jail Fires," each discussing the fire problem within correctional type occupancies. Also reviewed were NFPA standards on new and existing detention and correctional occupancies. Lastly, the author utilized statistics from the U.S. Census's Bureau's "American Fact Finder" website, which provided data on fires by type and property use.

The procedures utilized to answer the second research question "Who has statutory mandates to conduct inspections within the Commonwealth's Department of Corrections (DOC) facilities and how clear are their roles", consisted of the following: review of Massachusetts General Laws, legal interpretations, review of agencies policies and regulations, and interviews. Research on this question started with an initial phone call to MCI-Cedar Junction Prison,

followed by a call to the Board of Building Regulations and Standards and to the Massachusetts Department of Fire Services. The fire safety officer at the prison informed me that inspections are currently being conducted by the Department of Public Health and by the Board of Building Regulations and Standards and that fire safety inspections are conducted internally by DOC staff. Follow-up calls to these agencies confirmed that they are mandated by statute to conduct such inspections, and the agencies provided copies of the relevant policies. Contradictory to this information was an Attorney General's interpretation, provided by the Department of Fire Services, which exempts the DFS from conducting inspections within Massachusetts Department of Correction facilities.

The procedures utilized to answer the third research question "What agencies are currently conducting inspections and are they being coordinated", consisted of the following: interviews, policy review, and a questionnaire. In researching agency policies regarding their requirements to conduct inspections at DOC facilities, the author corresponded with contacts made within the DOC policy department and the Board of Building Regulations and Standards inspectional division. Each of these contacts provided the author with clarification on policy regulations as well as additional contacts to conduct further research. Whereas previous research identified agencies statutory mandates to conduct inspections with the prison, this research question identified specific policy language detailing inspection requirements within the prison. And lastly, a questionnaire was sent to all eight Massachusetts host DOC community fire departments to establish current DOC fire safety inspection practices and to determine which agency they recognized as responsible for conducting inspections within DOC facilities (Appendix B).

The procedures utilized to answer the fourth and final research question, "What codes are unique to correctional facilities and are they clear", consisted of the following: review of building and fire code regulations and standards, review of agency policies, and interviews. The Massachusetts Fire Prevention regulations and the Massachusetts Board of Building Regulation and Standards 8th edition of the state building code were researched to determine fire code requirements, and the frequency of inspections at correctional type occupancies. The National Fire Protection Association's code and standards, NFPA-1 (Fire Code) and NFPA-101 (Life Safety Code), and NFPA's Fire Protection Handbook were researched and referenced regarding fire safety in correctional facilities. Also conducted was a review of agencies' polices, those for conducting inspections at the prison to determine if there was any overlapping code reference amongst these agencies.

In summary, the research procedures utilized to answer the research questions meet the criteria for descriptive research, and the research conducted, even with the noted limitations, is sufficient to clarify fire safety inspection needs, goals and responsibilities at MCI-Cedar Junction maximum security prison.

Results

The purpose of this applied research project was to conduct a feasibility study by the Walpole Fire Department to clarify fire safety inspection needs, goals and responsibilities at MCI-Cedar Junction maximum security prison. This section of the document will define specific results to each of the four research questions as documented in the literature review and procedures sections.

This paper addresses a serious problem, in that the Walpole Fire Department currently does not conduct fire safety inspections at the prison nor has it been determined who is

responsible for such inspections. The urgency of clarifying this problem can't be understated, since without such clarification, the staff, visitors, and inmates may be at risk of fire-related injuries or death, making the Walpole Fire Department potentially vulnerable to legal actions relating to such incidents. Guided by carefully articulated research questions, available literature on the subject was reviewed and analyzed to clarify fire safety inspection needs, goals and responsibilities at MCI-Cedar Junction maximum security prison. The results of the first research question, "What are agencies documenting about the fire problem within institutional type correctional occupancies?" are significant to the Walpole Fire Department because statistics clearly show that there is a fire problem within institutional type occupancies and what the fire problems is, and the results identify the agencies documenting the fire problem. The following agencies were identified as keeping statistical data on the fire problem within institutional type occupancies: the Massachusetts Department of Fire Services, the United States Fire Administration, the National Fire Protection Association, and the United States Census Bureau.

The Massachusetts Fire Incident Reporting System (MFIRS) is managed through the Office of the State Fire Marshal. On July 10, 2012 the author contacted Derryl Dion, MFIRS research analyst manger, requesting statistics for prison fires in Massachusetts. The following statistics were provided to the author for all prison fires reported to MFIRS since 1986: a total of 392 fires, 8 fire service injuries, 41 civilian injuries, no deaths, and a total dollar loss of $645,405. Mr. Dion was able to further break down these statistics to individual communities from 2001-2012 with the following results for the Town of Walpole: 54 reported fires, no fire service injuries, 12 civilian injuries, no deaths and a total dollar loss of $4,100.00.

Referencing NFIRS data, NFPA's 2012 report, "Structure Fires by Occupancy" statistics showed that Health Care, Detention & Correction occupancies accounted for 7,090 fires and for

1.4% of all structure fires, six civilian deaths, 198 civilian injuries, and 57.4 million in property loss. As in the Commonwealth's 2010 report, "Massachusetts Fire Problem," all institutional occupancies are grouped together without a clear understanding of the fire problem within correctional facilities.

Referencing the NFPA's 2009 data, the United States Census Bureau's 2012 statistical abstract documented the number of fires and loss by type and property use from 2006-2009, once again grouping all institutional type occupancies into one category.

And finally, according to NFPA's report, "Prison and Jail Fires," the following are leading causes of structure fires in prisons: cooking equipment, intentional, clothes dryer or washer, trash or rubbish, heating equipment, electrical, playing with heat source, and smoking materials. Eighteen percent of the prison and jail fires reported started in bedrooms or cells, with one of every four structure fires intentionally set. NFPA's 20th Edition Fire Protection Handbook (section twenty, chapter 14) provides data for structure fires in prison and jails from 1980-2004, stating that reported fires fell 79% from 4,180 in 1980 to 860 in 2002. As a follow-up to these statistics, NFPA points out that various detention and correctional agencies indicate "off the record" that a significant number of smaller fires, up to 75%, go unreported to local fire departments due to security concerns.

The results for the second research question, "Who has statutory mandates to conduct inspections within the Commonwealth's Department of Corrections (DOC) facilities and how clear are their role's," clearly identifies agencies that have statutory, regulatory or policy mandates to conduct inspections at the prison and their roles in the inspection process. It also identifies an agency that is surprisingly exempt.

The following state agencies have been identified as having statutory, regulatory or policy mandates (or exemptions thereto) to conduct inspections within the Commonwealth of Massachusetts Department of Corrections facilities: the Office of Public Safety, the Department of Fire Services, the Department of Public Health, and the Department of Corrections.

In a phone conversation with David Beaudin, the Division of Fire Safety (DFS) supervisor for the Massachusetts Department of Fire Services, the author requested clarification on the responsibility of fire safety inspections at MCI-Cedar Junction Prison. Mr. Beaudin informed the author that the Department of Fire Services was exempt from conducting inspections at all DOC facilities as determined in a 2000 formal interpretation from then Attorney General Thomas F. Reilly. A link to this formal interpretation was provided to the author, who then cited it in the literature review for reference. This exemption was confirmed by Timothy Rodrique, Director of the DFS Division of Fire Safety.

The Commonwealth of Massachusetts State Building Code states that "The state building official shall inspect periodically existing buildings and structures and parts thereof in accordance with Table 110 entitled Schedule of Periodic Inspections of Existing Building" (780 CMR-Section 110.7). Within Table 110, Use Group I-3 is defined as occupancies having residents retrained, such as prisons, jails and detention centers. Table 110 goes on to identify minimum inspection periods, and for this Use Group the minimum inspection period is every two years, at which time a new certificate of inspection shall be issued to the building owner. This information was confirmed by Michael Quiggley, a state building inspector with the State Board of Building Regulations and Standards (BBRS).

The Commonwealth of Massachusetts Department of Corrections policy number 103 Doc 730 establishes guidelines regarding fire prevention and safety procedures at all correctional

institutions. Section 730.05, Annual Inspections, states that the Department of Public Safety's State Fire Marshall's Office, the authority having jurisdiction, or a qualified staff member shall inspect each institution at least annually.

And lastly, the Massachusetts Department of Public Health (MDPH) is mandated by M.G.L Chapter 111 to semiannually inspect each department of correction facility and file a report with its findings and recommendations to the DOC, secretary of health and human services, the superintendent of said facility and to the general court.

The results for the third question, "What agencies are currently conducting inspections and are they being coordinated", looked into each of the mandated agency's inspectional policies (as identified in question 2) as they relate to and/or address institutional occupancies. The results clearly identified the roles of these agencies in the fire safety inspection process, but remained unclear on the coordination of inspections at the prison.

The Department of Correction's policies regarding fire prevention procedures and annual inspections clearly defines the agency's role in the inspection process as well as the coordination of such inspections with other agencies. At a minimum, fire prevention procedures shall document monthly internal fire inspections by DOC staff and quarterly fire protection system testing by third party contractors. DOC policy also states that the Department of Public Safety's State Fire Marshall's Office, the authority having jurisdiction, or a qualified staff member shall inspect each institution at least annually and, according to Brad Gilman, FSO at MCI-Cedar Junction, this currently is not taking place. In a memo from Mr. Gilman, he stated that the only state agency inspections being conducted are by the DPH and BBRS.

As mandated by statute, the DPH conducts semiannual inspections at the prison and posts its reports on their website. DPH's inspectional process, according to Mr. Gilman, takes three days to complete and includes the following: reviewing health standards within the kitchen, water temperatures, lighting, cell inspections, and overall cleanliness. DPH's policy 105 CMR 451: Minimum Health and Sanitation Standards and Inspection Procedures for Correctional Facilities addresses four areas related directly to fire safety inspections as follows: access to exits, unlocking of doors, evacuation plans, and fire safety systems for correctional facilities. Reviewing online inspection reports, it was unclear whether or not DPH incorporates these items in their inspectional process.

As the only other outside state agency conducting inspections at the prison, the BBRS conducts its inspections on an annual basis, according to state building inspector Michael Quiggley, even though they are required by code to inspect every two years. According to Mr. Gilman, the BBRS inspection process consists of the following: inspection of all buildings, making sure that all exits are unobstructed, inspecting locking systems, and reviewing evacuation plans.

The results for the fourth and final research question "What codes are unique to correctional facilities and are they clear", clearly identify fire and building codes that are unique to correctional type occupancies, with clear language addressing the needs of this occupancy group. The following codes, standards and regulations apply: the 2009 International Building Code (780 CMR Massachusetts State Building Code); the Massachusetts Board of Fire Prevention Regulations; the National Fire Protection Association's Life Safety Code, and the 2009 International Fire Code (IFC). Each was referenced in the literature review as a code unique to correctional facilities, and the results of the research follow:

The 2009 International Building Code (IBC) defines a prison as an institution and further categorizes it as Use Group I-3 type occupancy. Institutional Group I-3 occupancies are defined to include buildings and structures that are inhabited by more than five persons who are under restraint and security. I-3 institutional facilities are occupied by persons who are generally incapable of self preservation due to security measures not under the occupant's control. The IBC goes on to further categorize institutions into occupancy conditions 1-5. Occupancy condition number 5 incorporates buildings in which free movement is restricted and where staff controlled manual release is required to permit occupants movement from sleeping units.

The Massachusetts Board of Fire Prevention Regulations 527 CMR 10.13(5) (a-e), Use Group I-3 restrained, addresses emergency planning and preparedness for institutional occupancies and the requirements for emergency plans, employee training, notification, and keys. It also states that the facility shall have written emergency plans that the plans must be provided to employees, that the employees must be trained and drilled with respect to their duties under the plan, and that employees shall be instructed annually on the use of portable fire extinguishers and other manual fire suppression equipment.

The National Fire Protection Association's Life Safety Code 101, chapter 23, addresses established standards for existing detention and correctional occupancies. Similar to the IBC, NFPA defines a prison as an institutional facility and further defines prisons into use group conditions I-V determined by the level of free movement. NFPA-101, section 23.1.1.2.2, states that occupants' protection from fire shall be provided by appropriate arrangements of facilities, adequately trained staff, and the development of operating, security and maintenance procedures composed of the following: provisions of detection, alarm systems, and extinguishment of fires; prevention and planning; and provisions for security of the public and occupants of the facility.

The International Fire Code (IFC) is another code which references fire safety and protection within correctional type occupancies. Researching the IFC, the author found that many of the definitions and terminology regarding correctional type occupancies were identical to the IBC, and further research revealed that both are published through the International Code Council.

In conclusion, the purpose of this section of the research paper was to define specific results to each of the four research questions to assist the Walpole Fire Department in clarifying the fire safety inspection, needs, goals and responsibilities at MCI-Cedar Junction. The author strongly feels that the documented results will allow for such clarification for the Walpole Fire Department.

Discussion

This section of the research paper will discuss the three basic issues for each research question: how did the study results compare to the findings of others discussed in the literature review; the author's interpretation of the results; and finally, what are the implications of the results for the Walpole Fire Department?

The goal of the first research question was to identify what agencies are documenting about the fire problem within institutional type correctional facilities. This question was essential to the research topic because by answering 'what' is being documented, research also revealed 'who' was documenting the problem. The following agencies were identified as keeping statistical data on the fire problem within institutional type occupancies: the Massachusetts Department of Fire Services, the United States Fire Administration, the National Fire Protection Association, and the United States Census Bureau.

The author found that the study results for question one were similar to the findings of other noted agencies documenting the fire problem in correction type facilities. The similarity exists because the following reports all referenced statistical data collected by NFIRS: the NFPA's 2012 reports, "Structure fires by occupancy" and "Prison and Jail Fires" referenced NFIRS, and the U.S. Census Bureau's 2012 statistical abstract on "fires and loss by type and property use from 2006-2009" referenced NFPA's 2009 data, which also references NFIRS. NFIRS collects data on a voluntary basis from fire departments across the country and compiles the data through the USFA's National Fire Data Collection Center for statistical purposes. As a participating member of the Massachusetts Fire Incident Reporting System (MFIRS), the author confirms that the reason for the similarity of data, amongst agencies results from the fact that each state tracks its own fire data and sends it to a single collection point, NFIRS.

The implications of the results for question one are as follows: the Walpole Fire Department did not start using computer data entry until the early 2000's, and the information received is only as good as the information entered. According to retired members of the Walpole Fire Department, the fire department responded to a number of incidents at MCI-Cedar Junction during the 1970s and 1980s. Unfortunately, at the time of these incidents a system such as MFIRS was not in place to reference these incidents for literature review.

The goal of the second question was to identify who has statutory mandates to conduct inspections within the Commonwealth's Department of Corrections (DOC) facilities and how clear are their roles. The results of the research identified the following state agencies as having statutory, regulatory or policy mandates to conduct inspections within the Commonwealth of Massachusetts Department of Corrections facilities: the Office of Public Safety, the Department of Fire Services, the Department of Public Health, and the Department of Corrections.

The study results for question two were consistent with the findings in the literature review for the following agencies: the Department of Corrections (DOC), the Board of Building Regulations and Standards (BBRS), and the Massachusetts Department of Public Health (MDPH). The literature review documented statutes, regulations, or policies that showed that these agencies are responsible for conducting inspections at the prison. The author found that the Department of Fire Services formal exemption from conducting inspections in state-owned facilities, based on a 2000 interpretation from then Attorney General Reilly, is in conflict with the fire codes referenced in the Massachusetts Board of Fire Prevention Regulations.

The author feels that the results are consistent with the findings in the literature review, especially when considering the interviews with Mr. Brad Gilman, the Fire Safety Officer at MCI-Cedar Junction; Mr. Michael Quiggley, from the BBRS; and Mr. David Beaudin, from the DFS. Even though the results are consistent within the literature, the author does not agree with the formal interpretation that exempts the fire marshal from conducting fire safety inspections in state-owned facilities for the following reasons: this ruling is inconsistent with 527 CMR fire codes; the formal interpretation looks to delegate this responsibility to the local level; and finally, the formal interpretation exempts the fire service in general from conducting fire safety inspections at the prison, leaving this responsibility to the DOC.

The implications for the Walpole Fire Department are uncertainty whether the staff, visitors, and inmates are at risk of fire related injuries or death and uncertainty whether the omission of fire safety inspections could potentially make our department vulnerable to legal actions.

The results for the third question, “What agencies are currently conducting inspections and are they being coordinated”, derive from each mandated agency’s inspectional policies (as

identified in question 2) as they relate to and address institutional occupancies. The author thought the study results were consistent with the findings in the literature review and that the results clearly identified each agency's role in the fire safety inspection process, but remained unclear on the coordination of inspections at the prison. The author was also very surprised by the results of a questionnaire sent out to eight Massachusetts DOC host communities.

Each of the following agency's policies contained language that addressed the frequency of inspections at the prison: the DOC policy 103 DOC 730 requires monthly internal fire inspections by DOC staff and quarterly fire protection system testing by third party contractors; the DPH policy 105 CMR 451 requires semiannual inspections at the prison and posts its reports on their website; and state building code 780 CMR-Table 110 identifies minimum inspection periods. For this Use Group the minimum inspection period is every two years, at which time a new certificate of inspection must be issued to the building owner. The study results, with regards to coordinated inspections was inconsistent with documented literature in two areas: first, the research identified language specific to coordinated inspection in each of the listed agencies policies, and second, individuals from these agencies confirmed that coordinated inspections are not taking place.

The author's concludes from these results that inspections are being conducted by the DOC, DPH and BBRS on an annual basis, as confirmed by each agency's inspection forms. The results of a questionnaire sent out to eight Massachusetts host DOC communities, titled "Fire Safety Inspections in Massachusetts DOC Facilities," were surprising and concerning to the author because eight of the nine Massachusetts host communities presently conduct fire safety inspections at DOC facilities located in their communities; the only one that doesn't is the Town of Walpole. A significant research finding is that six of the eight communities responded that

they do not feel the Department of Fire Services should be responsible for conducting inspections of facilities within their jurisdiction.

The implication for the Walpole Fire Department is once again uncertainty. The 2000 interpretation, which exempts the fire marshal, and presumably the local fire department, from conducting inspections within state-owned facilities appears to be in conflict with Massachusetts 527 CMR Board of Fire Prevention Regulations and inconsistent with the policies of other agencies. As the only fire department of the state's nine host DOC communities not conducting fire safety inspections at the prison, the Walpole Fire Departments should immediately clarify the needs, goals and responsibility of conducting fire safety inspections at MCI-Cedar Junction Prison.

The results for the fourth question, "What codes are unique to correctional facilities and are they clear?" identify the following fire and building codes that are unique to correctional type occupancies: the 2009 International Building Code (780 CMR Massachusetts State Building Code); the Massachusetts Board of Fire Prevention Regulations; the National Fire Protection Associations Life Safety Code, and the 2009 International Fire Code (IFC). The author thought the study results were consistent with the findings in the literature review and that the results clearly addressed the unique code requirements for correctional type occupancies.

The fire and buildings codes were consistent in identifying correctional facilities as institutional Group I-3 occupancies that are occupied by persons who are generally incapable of self preservation due to security measures not under the occupant's control. Each agency further categorizes institutions into occupancy conditions 1-5 based on the level of inmate restraint. The author also provides the following fire and building codes that address the unique life safety needs of correctional facilities: the Massachusetts Board of Fire Prevention Regulations 527

CMR 10.13(5) (a-e), Use Group I-3 restrained which addresses emergency planning and preparedness for institutional occupancies and the requirements for emergency plans, employee training, notification, and keys; and NFPA-101, section 23.1.1.2.2, which addresses provisions of detection, alarm and extinguishment of fires, fire prevention and planning, and provisions for security of the public and occupants of the facility.

The author has extensive education and experience in the area of fire prevention, and his interpretations of the results are consistent with the documentation referenced in the literature review. The author personally feels that the unique inspection needs of MCI-Cedar Junction, its staff, and inmates have adequately been addressed through the referenced fire and building codes.

The implications for the Walpole Fire Department are that the results of the literature review have provided resources that would assist us in the development of a fire safety program at MCI-Cedar Junction Prison and in the documentation and incorporation of uniform fire and building codes in all stakeholders policies.

In conclusion, the author strongly feels that sufficient information has been gathered and document in the literature review, the results, and discussion sections of this paper to make a final recommendation on clarifying the fire safety inspection needs, goals and responsibilities at MCI-Cedar Junction Maximum Security Prison.

Recommendations

The goal of this applied research project was to conduct a feasibility study by the Walpole Fire Department to clarify fire safety inspection needs, goals and responsibilities at MCI-Cedar Junction prison. Through this ARP's literature review, procedures, results and

discussion sections the author strongly concludes that research has sufficiently identified the needs, goals and responsibilities of conducting fire safety inspections at the prison; that the Walpole Fire Department must act immediately in taking responsibility to assure that fire safety inspections are completed on an annual basis; that inspections are coordinated with other responsible agencies; and finally, that the needs of this correctional institution meet existing fire and building life safety codes.

The author recommends that the Walpole Fire Department take a leadership role and act immediately to develop a fire safety inspection program at MCI-Cedar Junction prison. This recommendation is based mainly on the following: research shows that currently no fire safety inspections are being conducted at the prison; that statistical data supports the existence of a fire problem within correctional occupancy's; that fire and building codes require inspections within institutional occupancies; that DOC policies requires that annual fire safety inspections be conducted by local or state fire officials or other qualified staff from a different facility; and finally, that even though the Fire Marshal's Office has been exempted from conducting fire safety inspections at the prison, it remains critical that we ensure that such state-owned buildings are safe both for employees and members of the public.

The author also recommends that the Walpole Fire Department should whenever possible, coordinate facility inspections with the Massachusetts Department of Corrections, the Massachusetts Department of Public Health, and the Board of Building Regulations and Standards so that the staff and occupants of the facility are not subjected to visits by numerous inspectors and so that they do not receive multiple or conflicting orders. Also, where the Board of Fire Prevention Regulations allows the fire inspector the right of entry at any reasonable hour,

the author recommends scheduling fire safety inspections well in advance due to the security logistics involved in conducting such inspections.

The author further recommends that the development of a fire safety program at MCI-Cedar Junction incorporate the following fire and building codes, standard, and regulations that address the life safety needs for this facility: the 2009 International Building Code, the 2009 International Fire Code, the Massachusetts Board of Fire Regulations, and finally the National Fire Protection Associations-Life Safety Code NFPA-101. The incorporation of these codes should be current editions as adopted by the Commonwealth of Massachusetts.

In conclusion, this applied research project was conducted as a feasibility study by the Walpole Fire Department to clarify fire safety inspection needs, goals and responsibilities at MCI-Cedar Junction prison, which it did through well thought out research questions. The author also concludes that this applied research held true in that this feasibility study would meet the United States Fire Administration's (USFA) strategic goal to reduce risk at the local level through prevention and mitigation, and that even though it is exempt from conducting fire safety inspections at the prison, the Walpole Fire Department's decision to move forward with a fire safety inspection program clearly shows that the it is committed to community risk reduction.

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Appendix A

780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS

1.00: continued

Table 110
Schedule for Periodic Inspection of Existing Buildings
(*See* Chapters 3 and 4 for complete descriptions of use groups.)

Use Group	Use Group	Use Group Description	Minimum Inspections	Maximum Certification Period
A-1	Movie theaters or theaters for performing acts (stage and scenery)	> 400 occupant load ≤ 400 occupant load	Semi – annual Semi – annual	One year One year
A-2	Restaurants, Night Clubs or similar uses	> 400 occupant load[1] ≤ 400 occupant load[1]	Semi –annual[1] Annual[1]	One year One year
A-3	Lecture halls, churches and places of religious worship, recreational centers, terminals, *etc.*	> 400 occupant load ≤ 400 occupant load	Semi –annual Annual	One year One year
A-4	Low density recreation and similar uses.		*see* note 4.	Five years
A	Special amusement buildings or portions thereof.		*see* note 4.	One year
E	Educational, day care		*see* note 4.	One year
I-1	Group home		*see* note 4.	One year
I-2	Residents incapable of self preseration – hospitals, nursing home, mental hospitals, certain day care facilities.		*see* note 4.	Two years[3]
I-3	Residents restrained – prisons, jails, detention centers, *etc.*		*see* note 4.	Two years
I-4	Adult and/or child day care facilities.		*see* note 4.	One year
R-1	Hotels, motels, boarding houses, *etc.*		*see* note 4.	One year
R-1	Detoxification facilities		*see* note 4.	Two years
R-2[2]	Multi-family		*see* note 4.	Five years
R-2	Summer Camps for children.		Annual	One year
R-4	Residential care/assisted living facilities		Annual	One year
Any	Facilities licensed by the Alcohol Beverage Control Commission where alcoholic beverages are served and consumed.		Annual as per M.G.L. c. 10, § 74	One year as per M.G.L. c. 10, § 74
Any	House museums (*see* Chapter 34 for definition)		Annual	One year
Any	Fire escapes, *etc.* per Chapter 10		Five years	Five years

Notes:

1. When appropriate for A-2 uses, the inspection for the Certificate of Inspection should include and be timed to satisfy the requirements of M.G.L. c. 10, § 74.
2. Building inspections in this use group may be performed by a qualified third party acceptable to the *building official* that includes but is not limited to: *registered design professional* or individuals with qualifications comparable to a *building official* as per section 103.
3. One year for facilities licensed or operated by DMH.
4. Prior to issuance of new certificate.

General Note: It is the responsibility of building "owner", as defined in Chapter 2, to meet the inspection requirements in this table for continued use and occupancy. The maximum certification period specified in the table is intended to provide administrative flexibility. For uses allowing more than one year maximum certification period, the *building official* may determine the certificate validity term. For example, an R-2 building could be certified for one, two, three, four or five years.

110.7.1 ABCC licensed Establishments. Certificates of inspection for establishments intending to sell alcoholic beverages to be consumed on the premises shall be governed by M.G.L. c. 10, § 74 and the inspection schedule in section 110.7. The *building official* may issue a temporary inspection certificate, once co-signed by the *building official* and by the head of the fire department, effective to a date certain for the establishment.

Appendix B

Survey Methods — Survey Software: Ask, Analyze, Improve
Survey Creation, Deployment, & Analysis Tools for Businesses — Upgrade

My Surveys | Create Survey | Survey Library | Email Lists | Resources | My Account | Help Center | Logout

Analyze Survey Results - Results Summary — New Features | Reporting Menu

Survey: Fire Safety Inspections in Massachsuetts DOC Facilities — Instant Help: On / Off

The data below represents this survey's consolidated results. To conduct analysis on what types of individuals answered questions in a particular way, click on the Create Criteria button.

Individual Results

Survey Status		Respondent Statistics		Points Summary
Status:	Closed	Total Responses:	8	No Points Questions used in this survey.
Deploy Date:	07/28/2012	Completes:	8	
Closed Date:	09/10/2012	Partials:	0	

Publish Results | Export To Excel | Convert to PDF | Email PDF | Print

Select Responses: All responses — Select Questions: All Questions — Standard Reports — Criteria Active: 0 — Create Display Criteria — Create Criteria

View Questions: 1 to 5

Summarized Data Report - Survey: Fire Safety Inspections in Massachsuetts DOC Facilities

1. Does your community host a Department of Corrections institutional facility

	Responses	Percent
Yes:	8	100%
No:	0	0%
Total Responded to this question:	8	100%
Total who skipped this question:	0	0%
Total:	8	100%

2. How many Department of Correction institutional facilities are in your community

	Responses	Percent
1:	2	28.57%
2:	3	42.86%
3:	1	14.29%
4:	0	0%
If other, please specify:	1	14.29%
Total Responded to this question:	7	87.5%
Total who skipped this question:	1	12.5%
Total:	8	100%

3. What security level is your Department of Corrections (DOC) facility. If you have multiple facilities, and/or facilities that have more than one security level, please check all that apply.

	Responses	Percent
Pre-Release:	3	37.5%
Minimum:	6	75%
Medium:	6	75%
Maximum:	4	50%
Total Responded to this question:	8	100%
Total who skipped this question:	0	0%
Total:	8	100%

4.
Does your Fire Department conduct fire safety inspections at DOC facilities (Prisons), and if so how often

	Responses	Percent
No:	0	0%
Annually:	8	100%
Bi-annually:	0	0%
Quarterly:	0	0%
If other, please specify:	1	12.5%
Total Responded to this question:	8	100%
Total who skipped this question:	0	0%
Total:	8	100%

5.
If your department does not conduct fire safety inspections, at DOC facilities within your community, what do you base this exemption on

	Responses	Percent
Massachusetts General Laws:	1	16.67%
527 CMR:	0	0%
NFPA Standards:	0	0%
Special agreements:	0	0%
Unknown:	0	0%
NA:	5	83.33%
If other, please specify:	0	0%
Total Responded to this question:	6	75%
Total who skipped this question:	2	25%
Total:	8	100%

View Questions: 1 to 5

SurveyMethods: The easiest way to Ask, Analyze, and Improve. Page 1 of 2

Survey Methods

Survey Software: Ask, Analyze, Improve
Survey Creation, Deployment, & Analysis Tools for Businesses

Upgr

My Surveys | Create Survey | Survey Library | Email Lists | Resources | My Account | Help Center | Logout

Analyze Survey Results - Results Summary

New Features | Reporting Menu

Survey: Fire Safety Inspections in Massachsuetts DOC Facilities

Instant Help: On

The data below represents this survey's consolidated results. To conduct analysis on what types of individuals answered questions in a particu way, click on the Create Criteria button.

Individual Resu

Survey Status		Respondent Statistics		Points Summary
Status:	Closed	**Total Responses:**	8	No Points Questions used in this survey.
Deploy Date:	07/28/2012	**Completes:**	8	
Closed Date:	09/10/2012	**Partials:**	0	

Publish Results
Export To Exce
Convert to PDF
Email PDF
Print

Select Responses: All responses

Select Questions: All Questions

Standard Reports

Criteria Active: 0

Create Display Crite
Create Criteria

View Questions: 6 to 10

Summarized Data Report - Survey: Fire Safety Inspections in Massachsuetts DOC Facilities

6. If your department conducts fire safety inspections, do you coordinate these inspections with other agencies

	Responses	Percen
No:	6	75%
Yes:	2	25%
NA:	0	0%
Total Responded to this question:	8	100%
Total who skipped this question:	0	0%
Total:	8	100%

7. What agencies do you coordinate with to conduct Department of Corrections institutional facilities

	Responses	Percen
Local Building Authorities:	1	14.29%
State Building Authorities:	1	14.29%
Local Board of Health agency:	0	0%
State Board of Health agency:	0	0%
Department of Fire Services:	0	0%
NA:	5	71.43%
If other, please specify:	1	14.29%
Total Responded to this question:	7	87.5%
Total who skipped this question:	1	12.5%
Total:	8	100%

8. Commonwealth of Massachusetts DOC 103 Doc 730 Fire Prevention and Safety requires that an annual inspection be conducted either by local or state fire officials or a qualified staff member from a different facility than the one being inspected. Does your department allow a qualified staff member to conduct inspections?

	Responses	Percen
Yes:	3	37.5%
No:	5	62.5%
Unsure:	0	0%
N/A:	0	0%
Total Responded to this question:	8	100%
Total who skipped this question:	0	0%
Total:	8	100%

9. What is your interpretation of a qualified DOC staff member to be able to inspect prisons within your jurisdiction?

	Responses	Percen
Having completed a DOC Fire Safety Officer course:	4	57.14%
Certification through Department of Fire Services as Fire Inspector:	1	14.29%
Knowledgeable in Fire Protection Systems:	3	42.86%
Having completed an NFPA 101 Life Safety Seminar:	2	28.57%
If other, please specify:	2	28.57%
Total Responded to this question:	7	87.5%
Total who skipped this question:	1	12.5%
Total:	8	100%

10. As a state owned facility, do you feel that the Department of Fire Services should be responsible for conducting fire safety inspections in DOC institutional facilities within local communities

	Responses	Percen
Yes:	1	12.5%
No:	6	75%
If other, please specify:	1	12.5%
Total Responded to this question:	8	100%
Total who skipped this question:	0	0%
Total:	8	100%

View Questions: 6 to 10