

Fire risk mounts in Arizona prisons
by JJ Hensley and Casey Newton - Jan. 17, 2010 12:00 AM

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The potential for tragedy looms large at Arizona prisons, where each night more than 31,000 adult inmates and some 550 juveniles fall asleep in dangerous and deteriorating facilities.

For more than a decade, investigators have identified serious fire-safety issues at the state's prisons and juvenile correctional facilities. Fire-alarm systems are obsolete, broken or non-existent. Sprinklers and smoke-ventilation systems required by building codes have never been installed, even in rapidly deteriorating wooden structures used to house juveniles.

Where fire alarms are broken or non-existent, corrections officials employ 24-hour "fire watches" in which employees look for smoke as part of their duties. Intended to be used for a short time until systems could be repaired, fire watches in many facilities have endured for decades.

Today, every Arizona prison is on a perpetual fire watch.

Unsafe conditions put correctional officers, inmates and juvenile offenders in potentially lethal situations and leave taxpayers exposed to millions of dollars in liability should a fire claim lives.

Inspectors' reports paint nightmare scenarios of dorms silently filling up with smoke as juveniles sleep, staffers who can't unlock doors in time to evacuate inmates, and corrections officers who become trapped in their observation posts.

Twice in the past decade, the Department of Juvenile Corrections commissioned studies on how to eliminate unsafe conditions in its facilities. Over the past several years, corrections officials in both the juvenile and adult systems repeatedly requested millions in funding to bring the buildings up to code.

But lawmakers gave them nothing, even as they spent hundreds of thousands of dollars renovating their own buildings. Earlier this year, to save money, the state quit inspecting its buildings - even as many prisons deteriorate at an alarming rate, reports show.

While such rampant fire-safety risks linger, lawmakers want to privatize operations in at least some of the prisons to help close the state's massive deficit.

Last year, Gov. Jan Brewer signed into law Senate Bill 1028, which would allow private vendors to operate one or more of Arizona's state prisons, with a 50-year contract and an upfront payment of \$100 million. Two prison facilities were purchased in sale-leaseback agreements last week, though in those cases, the state retains control of the properties.

As the state tries to sell some of its facilities, safety experts warn that prisons with faulty sprinklers and alarms pose a serious danger to occupants.

"You could potentially end up with a fire that might result in hundreds of fatalities," said Robert Solomon, manager for building and life-safety codes at the Boston-based National Fire Protection Association. "It's a lot cheaper to deal with this issue now and find the money wherever you can. If you don't do that and something happens down the road, it's going to cost you a lot more."

Vast system

More than 40,000 inmates are in the Arizona prison system. Of those, 9,000 are serving their time in private prisons. The rest are held in 10 state-operated prisons, where they are overseen by more than 8,000 correctional officers, medical personnel and other staff.

The sprawling complexes are like small towns, with some supporting more than 5,000 inmates and a host of facilities to prepare food, clean laundry and perform maintenance.

The complexes include Army-surplus tents in use since the early 1980s, trailers formerly used by crews that installed the Alaskan pipeline, corrugated steel Quonset huts that date from World War II, houses converted into dorms at Fort Grant and a building in Florence constructed in 1930, in addition to a smattering of more modern facilities.

Many of those structures, particularly the tents and trailers, were brought in as temporary housing to ease overcrowding. Because they were never intended for long-term use, many lack the fire-suppression systems that come with permanent facilities.

In general, the prisons have equipment to cope with the smaller types of fires that happen most frequently, and prison officials rely on nearby fire departments for larger blazes.

While deadly fires in American detention facilities are rare, they do happen. Since 1975, 127 people have died in fires at jails and prisons, according to the fire association.

Safety records

The Republic reviewed hundreds of pages of fire-safety records for the 10 state-run facilities dating back more than 20 years. They included reports from fire marshals, Department of Administration inspectors, the state's loss-prevention division and architects.

Most prison buildings have not been inspected by an outside agency in more than five years. Despite requests for records from the state's risk-management division on what liabilities exist, administrators could produce only one 6-year-old document urging that action be taken.

Arizona law requires state buildings to be inspected at various intervals by multiple agencies, including the state fire marshal, the Department of Administration and the agency responsible for the building. Concerns raised during those inspections are forwarded to the Department of

Administration, which puts together a capital-needs proposal and submits it to lawmakers.

The law says agencies "should give priority to fire and life safety projects."

In its proposed capital-improvement plan for 2010, which included pleas for \$12 million to improve fire safety, the Department of Administration noted that "properly working fire alarms are a basic and mandatory requirement for office buildings and are particularly important in a secure corrections environment."

The plea was ignored, a year after lawmakers awarded the department \$491,000 to replace fire-alarm systems in buildings around the Capitol Mall.

In theory, the state fire marshal could revoke the occupancy permit for a prison or juvenile facility. But the office has never moved to do so.

Numerous violations

Fire safety in any facility involves several basic elements: reducing hazards, detecting smoke and fires, suppressing fires through sprinklers and fire extinguishers, and evacuating occupants.

Investigators have found violations of each of those basic safety tenets in Arizona prisons, and in many cases they have not been corrected.

Fire-marshal reports, state-commissioned studies and reviews from the Department of Administration detail deficiencies back to the late 1980s, though inconsistent record keeping makes it difficult to determine which issues have been resolved. In one report, the inspector noted: "This is a fire trap and should be corrected. ... You've got more guts than me sitting on this time bomb."

That report, on the Tucson prison, came from a fire marshal's inspection in April 1988 that found deficient or non-existent warning or suppression systems.

Another fire marshal, visiting the same facility more than 20 years later, noted that many of the deficiencies remained.

Fire-marshal reports on state prisons from 2003 to 2009 showed deficiencies in many areas:

- Reducing hazards. An inspection of Arizona State Prison Complex-Eyman in Florence found flammable material placed next to a transformer in a storage room. At Catalina Mountain School, a juvenile detention facility in Tucson, dryer vents were found to be non-removable and choked with lint - a potential hazard. Maintenance conditions were so bad in a Tucson medical unit, the in-floor plumbing channel that houses waste lines and an electrical conduit became backed up with sewage for an entire year.

Prison officials say that hazards can be fixed for little or no money, and they often address the issues as soon as they are identified. Gaps in records make this difficult to verify independently.

- Detecting fires. At Safford, Eymann and Tucson, more than 90 percent of smoke detectors don't function. Many of them are beyond their 20-year life expectancy; others have lost their ability to communicate with the prison's main control room and alert staff members to danger. An inspector at Stafford noted that fire-alarm pull boxes were not connected to any alarms and were "of decorative value only."

Investigators at Adobe and Black Canyon juvenile facilities found that dormitory doors were improperly ventilated, which could allow them to cause smoke-inhalation injuries or even death before enough smoke escaped the room to trigger a fire alarm. That issue has since been resolved by modifying the doors, said Laura Dillingham, a spokeswoman for the prison.

- Suppressing fires. In Tucson, fire sprinklers had been painted over. In Yuma, inspectors have found fire extinguishers that were expired; at Lewis, they found extinguishers that were overcharged.

In 2004, the state hired Arrington Watkins Architects to identify fire-safety issues at Catalina Mountain. The resulting report contained so many issues that the state's loss-prevention division recommended "extraordinary measures be taken by the agency to protect the lives of the detained youth and staff."

One of the recommended measures, which was subsequently ordered by the fire marshal, was installing a sprinkler system at the facility, which is built from wood. But sprinkler heads increase the risk of attempted suicide by hanging, Dillingham said in an interview.

Dillingham said staff members constantly circulate through the rooms where juveniles sleep, making it unlikely that a fire could break out and spread undetected. In November, a fire marshal wrote a letter to the Department of Juvenile Corrections saying Catalina Mountain could remain open without fire sprinklers only if it maintained high staffing ratios. Current ratios call for at least one youth corrections officer per 18 juveniles, though at certain times during the day the ratio is as high as one to five.

Staffing became more difficult earlier this month, when the department laid off 200 employees in response to a 7.5 percent budget cut.

The department has maintained the ratios by using supervisors to fill in for corrections officers, Dillingham said. But future cuts could bring staffing below the fire marshal's mandate.

- Evacuating buildings. At Arizona State Prison Complex-Lewis, a 2005 report identified trouble with a building's roof hatch. If the hatch became obstructed in an emergency, there would be no escape route for officers stationed on the second floor or the roof.

The locks and control system at Catalina Mountain do not meet building codes. Some doors

cannot be opened remotely, and many do not have an emergency-release function. The problem remains unresolved.

"They are life-safety issues, and we obviously need to be attentive to them and take corrective action," Charles Ryan, director of the Department of Corrections, said in an interview.

Prison officials say the stopgap efforts they've put in place, including placing corrections officers on fire watches, is effective enough to ensure inmates' safety given budget limitations.

"We take safety very seriously," Dillingham said. Officials at juvenile corrections are "extremely confident" their facilities could be evacuated in the event of a fire without anyone being injured.

High stakes

To date, no one has died in an Arizona prison fire. Prisoners and their families can file lawsuits only if prisoners are actually harmed, making pre-emptive suits difficult.

But some prisoners have filed grievances with the Department of Corrections, according to Middle Ground, a Tempe-based prison-reform group.

Stephen Karban, an inmate at the state prison in Tucson, complained in a letter to the fire marshal that inmates in the Winchester Unit were being housed in meeting rooms where there were not sufficient exits.

"Please inform me how your agency, in good faith, can allow this potentially dangerous situation to continue uncorrected," Karban wrote.

In the event of a major fire, the state could be on the hook for millions of dollars in damages.

"Everyone will sue us," said Rep. Kyrsten Sinema, a Democrat on the House Judiciary Committee. "And we will lose."

The liability varies from prison to prison depending on where inmates and staff are housed or stationed.

Maximum-security areas where movement is severely restricted are typically built of concrete and steel, leaving little flammable material aside from an inmate's belongings. Minimum-security areas are built from more-flammable materials, including canvas tents and wood-and-metal trailers, but those areas allow more freedom of movement so inmates could flee from potential harm.

Last month a fire broke out at Florence, in an area with nearly 700 inmates and 14 corrections officers, when an inmate was heating up a bag of beans with an immersion heater. The trailers are equipped with smoke detectors but no sprinklers. The inmates were able to get out of the

trailer and alert staff, who put the fire out within seconds, said Director of Offender Operations Robert Patton.

The majority of prison fires are along those lines: easily extinguished blazes caused by carelessness or by inmates who intentionally set mattresses or some other material on fire.

Corrections officers can deal with most small fires themselves with fire extinguishers or sprinkler systems that douse flames confined to cells.

Department of Corrections said they do not track fires in their facilities.

In a three-year period, the Tucson Fire Department responded to 25 fires at the state prison in Tucson, among the worst in terms of working smoke detectors.

Phil Mele, the state's fire marshal, said it is a question of when - not if - a building will burn. But as long as property damage and injuries are kept to a minimum in the meantime, he said, replacing the warning systems is not a high priority.

"Am I comfortable having facilities that don't have fully operating systems? No," Mele said. "What's within my authority to do? It's within my authority to point out that they need to be corrected and need to be addressed, and it's up to others to do something with it."

Responses from the two unions representing corrections officers were mixed. Michael Duran of the Arizona Correctional Peace Officers Association said he had not heard any complaints from officers about fire-safety conditions, and Brenda Hewitt of the Arizona Corrections Association declined to comment, citing legal concerns.

Donna Hamm, executive director of Middle Ground, criticized the state for not acting to resolve fire-safety issues.

"It exposes the state of Arizona to monumental fiscal liability and, of course, incalculable human tragedy," Hamm said. "It's a travesty."

Corrective action

Since 2005, officials have requested more than \$58 million from the Legislature to address chronic fire-prevention problems at the prisons. They asked for \$12 million in 2010, hoping to repair fire alarms, install sprinklers and make other safety improvements.

"We make those requests year in, year out because the need is not going away," said Ryan, the Corrections Department director.

To date, their requests have been denied. Lawmakers say they that the state budget crisis prevents them from paying for renovations.

"We just don't have the money," said Rep. Bill Konopnicki, R-Safford, a member of the Judiciary Committee.

Konopnicki said he is concerned about building conditions at state prisons and state facilities overall.

"It's a public-safety issue," he said.

In the late 1990s, the fire marshal cut staff and eliminated the position that allowed the agency to inspect prisons about once a year. "We went from having a dedicated person to 'the opportunity for inspection when available,'" Mele said.

In boom years that followed, legislators were more likely to put funds toward needs that were more popular than increasing protections for prisoners and corrections officers.

The prisons now have internal staff members responsible for inspections, and records indicate that fire marshals visit at least part of each complex every few years, though neither the Corrections Department nor the Fire Marshal's Office could produce evidence of inspection at Douglas or Eyman after 2002.

Fire-safety problems are part of an overall pattern of neglect at the prisons, where many buildings are no longer in use because of damage. Leaking roofs, broken floor tiles and sagging foundations have rendered many structures uninhabitable. Some residential units at the juvenile facilities don't have bathrooms, much less sprinklers.

Now, with Arizona facing its worst fiscal crisis since the Great Depression, the prospects of fixing fire systems in the prisons are all but nil.

Future unknown

It's unclear how the prison system's myriad safety issues would affect the state's ability to privatize its prisons, transferring operational authority to a corporation.

A company could decline to bid on facilities with fire-safety issues. Or a company could ask the state to indemnify it against any lawsuits filed in the event of a fire.

Prison officials say that until the Legislature proceeds with a request for proposals, they don't know what a deal might look like. Corrections officials were to meet Dec. 17 with a legislative committee that would give them the authority to proceed with privatization. They planned to discuss a timeline for issuing a request for proposal.

Then Gov. Jan Brewer called a special session to deal with the state's budget crisis, and the meeting was canceled. It has not been rescheduled.