



CHIEF'S FILE CABINET

Ronny J. Coleman

Acts and Omissions

A common term that is used when something tragic happens to a person is the word “accident”. If someone is driving a 100 miles an hour on a freeway, swerving in and out of traffic and they collide with a slow moving vehicle in the fast lane, somehow or other that gets labeled an accident, when in fact, it was not accidental at all. It was a direct act of someone who was doing something inappropriate that resulted in harm to a property or another human being.

The other side of that coin is what happens when somebody doesn't do something and someone is harmed. Is that an accident? This morning a young 19 year old man was killed locally because he failed to stop at a red light and ran underneath a semi-truck and trailer. Was that an accident or was it caused by his own omission? He died because he did not put his foot on the brake in time. Both of these stories reflect the set of circumstances that can lead up to something tragic happening. In other words, you can deliberately do something to cause a problem or you can deliberately not do something to cause a problem. While I am not an attorney, I have been known to hang around with a few and have heard the term acts and omissions to describe this concept. That is what this column is all about. Those things that we have chosen to do or not chosen to do that result in something happening to others.

What got me onto this subject was not an accident. It was the observation of a growing trend and pattern that should be of concern to all fire officers. That trend and pattern is the failure of built in fire protection systems to function in a manner in which we have anticipated during a firefighting scenario. I am not sure that my observation qualifies as a trend; however it does definitely rise to the level of some concern due to the stack of clippings that I have accumulated in my file folders. I read a lot of newspapers and I am fond of clipping out articles that relate to firefighting operations. Over the last couple of years I have noticed a significant increase in the number of times in which a piece of built-in fire protection has not functioned in the manner in which we have anticipated and it has often resulted in problems for firefighters. In fact, it may well qualify as being a safety issue for firefighters.

What I am talking about are some examples of what happens when property owners do not properly maintain firefighting standpipe systems. There are several cases now on the books in which initial attacking fire companies have gone into buildings expecting to use the standpipe system and have found the system dysfunctional. Can we really call that an accident?

I don't think so. If we mandate something going on inside of a building we have a reasonable expectation that it is going to work when we apply our fire-ground tactics and strategy.

The phenomenon I am talking about is the absolute necessity of maintenance of the built in fire protection resources. Whether it is a fire alarm system, a fire sprinkler system, a standpipe system, or any other form of technology that we have mandated into the building, somebody has to make sure that it is capable of functioning when the alarm goes off. Anything less than that is not an accident, it is cause for concern. Moreover, it may well be a cause for a shift in liability.



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This phenomenon also bleeds over into another area. That is the proper use of mandated technology once it has been placed in a building. We have had several cases recently in which third parties have chosen to take action on either shutting down built-in technology and/or compromising it in some fashion in which it renders it useful for the fire service. Those are acts or omissions that have severe consequences on firefighters.

So what does this mean to you? If you are reading this column as a fire chief, you ought to be asking yourself whether or not your fire departments policies and procedures adequately address the component of maintenance on mandated systems. If you are a fire marshal reading this column, you ought to be asking yourself whether or not your program management includes evaluation of whether or not sophisticated built-in technology is functioning on an annual basis. If the answer to that question is you are not quite sure, then I think you should continue reading this column for some hints.

Hint number 1 is that the more likely a fire department is going to use the technology the more important it is that it be functioning correctly. There are some things that we put into buildings that are static in and of themselves and may or may not be used by the firefighter. However, I would submit that a significant amount of the requirements that we place in the buildings are there to reduce the risk to combat firefighters as well as the property owners and fail to maintain them have consequences.

Let's take a real basic assumption. Do you have fire walls up in a building? if you have a fire wall in a building it is there for the express purpose of containing the fire until such time as manual firefighting forces can overcome the amount of energy being created by the fire. That is why they are called 2 hour and 4 hour walls. If they are not properly maintained, i.e. someone puts a hole in that wall then the ability of that fire wall to do its job has been rendered practically useless. If the act to penetrate that wall is done on purpose, i.e. to put in retrofitted equipment and the fire department doesn't catch that during its annual inspection then you have a potential liability waiting to become an accident.

Anything and everything that we mandate inside of a building is subject to this type of scrutiny. That is one of the reasons why the more complicated an occupancy is, we should be inspecting it on an annual basis. The more that the technology is obscured and/or not used on a day to day basis is all the more reason why it should be made subject of periodic maintenance to assure its performance.

During my career I have heard war stories of sprinkler connections filled up with beer cans, standpipes in which the brass fittings have been stolen, fire cache rooms in which the equipment has been removed and sold, and fire alarm systems that had gone off in the false mode so often that they had been terminated. Ask yourself this question, if any building that you have under your area of responsibility has any of those components, can you afford to have an "accident"?

Hint number 2, if you have technology in a building that has components that can fail you need to do a faulty analysis and determine where these potential faults can occur and have some regime, checklist



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or contractual relationship in place to assure that these fault locations are looked at by someone and certified on an annual basis.

Hint number 3. Once you have established the types of maintenance that is required, you need to develop a documentation system that releases you from the responsibility of being totally accountable for it. It is important that property owners have a certain amount of accountability for the maintenance of systems or otherwise when that “accident” does happen, there is going to be a rapid scramble to prove who was responsible.

The last hint is the simplest. Train with those things you mandate in the buildings. I fully realize that many fire departments are struggling desperately with training because of other kinds of pressures on us. Nonetheless, I would be remiss if I didn't suggest that training with technology is an important part of our overall competence. When we put fire command rooms into high-rise buildings, the intent is to go in there and exercise them as a command room not as just an extra closet space on the bottom floor or in the basement of a building. The training component is often left out of the whole idea of system maintenance because in most minds is a fire prevention function. It isn't. Building fire mitigation might be the right thing to do in a building, but once a fire has started the end of the story is often determined by fire suppression forces.

Make sure they are a team.