



PC-DC-003-007

FILED

FEB 7 1990

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Clerk, U.S. District Court  
District of Columbia

INMATES OF OCCOQUAN, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 MARION S. BARRY, MAYOR, et al., )  
 )  
 Defendants. )

Civil Action No. 86-2128

ORDER

Upon consideration of plaintiffs' Proposed Plan for Implementation of the Court's June 30, 1989 Order; defendants' Reports to the Court on compliance with the Court's previous Orders; the parties' Agreed Plan for Implementation of the Court's June 30, 1989 Order and the parties' Supplemental Agreed Plan; representations of counsel and testimony at the hearing held on December 15, 1989; and the entire record herein; and in order to expedite correction of unconstitutional conditions found at the Occoquan facility, it is by the Court this 6<sup>th</sup> day of February 1990,

ORDERED that the Court's December 21, 1989 Order directing entry of the parties' Agreed Plan as partial satisfaction of the Court's June 30, 1989 Order is supplemented as follows:

A. ENVIRONMENTAL HEALTH

1. Defendants shall provide prisoners with 20 foot candles of light in living areas, including prisoners in the lower bunks of double bunks.

2. By April 1, 1990, defendants shall begin

implementing a plan to assure that sleeping prisoners are protected from unnecessary risks of contracting airborne disease.

B. FIRE SAFETY

1. Defendants shall take immediate steps to implement a plan to connect smoke detectors and alarm systems to an emergency power source activated whenever any living area is without power.

2. Defendants shall take immediate steps to implement the changes specified by plaintiffs' fire safety expert in paragraph 8, sections b.2, c.2, d, g, and h of his December 1, 1989 declaration, attached hereto.

C. HEALTH CARE

1. Defendants shall provide adequate staff, trained in identification of mental health problems, to interview each prisoner at intake to determine appropriateness of the facility assignment.

IT IS FURTHER ORDERED that if, within 90 days of entry of this Order, defendants fail to comply with the terms of the Court's December 21, 1989 Order as supplemented by this Order, sanctions shall automatically be assessed against the defendants in the following amounts: \$1,000.00 per violation per day for any unexcused violation of the provisions concerning fire safety or personal safety, and \$500 per violation per day for any unexcused violation of the provisions concerning environmental health or health care.

  
\_\_\_\_\_  
JUNE L. GREEN  
U.S. DISTRICT JUDGE

1/11

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Inmates of Occoquan, et al., :  
 :  
 Plaintiffs :  
 :  
 vs. :  
 :  
 Marion Barry, Mayor, et al. :  
 :  
 Defendants :  
 -----

Civ. NO. 86-2128

FILED

FEB 7 1990

Clerk, U.S. District Court  
District of Columbia

Thomas W. Jaeger makes the following declaration under penalty of perjury pursuant to 28 U.S.C., Sec. 1746.

I am the fire safety expert for the plaintiffs in Inmates of Occoquan vs. Barry.

Below is a report summarizing the fire safety conditions at the Occoquan Facility found during my November 30, 1989 site visit. I also made a site visit on September 14, 1989. As part of both site visits I interviewed both staff and inmates. During my November 30, 1989 site visit I obtained a copy of the latest Occoquan Facility Institutional Fire Marshall/Fire Evacuation Plan dated 10/16/89. I also obtained the latest information available on mattresses used at the facility and inspected 15 new mattresses during the site visit.

I have also reviewed D.C.'s "Response to the October 4, 1989 Order" and Supplemental Report. This included numerous memoranda, particularly to and from Mr. Bernard C. Braxton, Administrator.

In general the overall level of fire safety at the time of my November 30, 1989 site visit was inadequate and the proposed plan of correction is insufficient to correct the fire safety deficiencies. Although there have been improvements made, there still remain numerous serious deficiencies both from a facilities and operational standpoint. It is also very difficult to determine what are the planned corrections based on the information provided by the District. I also question whether the level of safety being proposed will in fact be provided.

For example, the October 18, 1989 Public Works Memorandum from Mr. Cyril F. Crandon, PE to Mr. John W. Lawlah, PE states on page 2 that "all dormitories will be brought into strict compliance with all applicable D.C. Codes". In order to do this for an I-3 occupancy in accordance with the applicable D.C. Codes, the District would be required to:

1. Sprinkler all dormitories
2. Change the construction types, which would require tearing down and rebuilding each dormitory building.
3. Provide solid cell fronts to the cells in the Adjustment Unit (old Q dorm).

To the best of my knowledge, the District's plan of correction does not include these improvements, therefore strict compliance with all applicable D.C. Codes will not be accomplished. The above are just a few examples of what would be required for compliance with D.C. Codes.

The remedy for fire safety did not address strict compliance with D.C. Codes, but the provision of an acceptable level of fire safety. The remainder of this declaration will address an acceptable level of fire safety and is not intended to adhere to strict compliance to D.C. Codes.

For the purposes of this declaration, the new dormitory numbers and names will be used. For example, the Adjustment Unit is the old Q dorm and the new dorms 16, 17 and 18 are the old dorms 5, J1, and J2

#### General Comments

1. The new Fire Evacuation Plan (dated 10/16/89) is an improvement over previous plans but it is still inadequate and in some areas incorrect and confusing. For example:

a. The latest "Dormitory Fire Evacuation Plan" dated April 2, 1989, included in the new Fire Evacuation Plan, states that officers are to notify the Control Center in case of fire. At no time does the Plan tell the officer to operate the building fire alarm system to notify building occupants of a fire condition.

b. The separate "Adjustment Unit" evacuation plan states that available relief officers will respond to the Unit. It also states, depending on what shift, that the North Walk Gate Officer, the Zone Lieutenant, Zone Sergeant and School Gate Officer will assist in the release and control of residents from the Adjustment Unit. The Site Evacuation Plan has these officers performing other duties. These Officers can not be in two places at the same time. The two plans need to be coordinated to insure the Adjustment Unit receives the necessary assistance in case of an emergency.

c. The Plan states that the smoke detectors are to be checked by each dormitory OIC on each shift. The Plan does not tell the OIC how to check a smoke detector. Is the OIC to check if the detector is physically there; if it has electrical power; or to test the detector? There needs to be more direction given to the OIC's as to how to check a detector. For example, the detectors in Dorm 9 were inopera-

tive at the time of my site visit and no one, including the OIC, was aware that the detectors were inoperative.

d. Dorms 12, 13, 14 and 15 had the old evacuation plan drawings posted. The old evacuation plans designated the Dorms as 1, 2, 3 and 4.

e. Dorm 14 has the old Fire Evacuation instructions dated January 7, 1987 posted rather than the new instructions dated April 2, 1989.

f. The fire evacuation plan drawing for Dorm 16 is incorrect and confusing. The Plan shows the old storage room which is currently an exit passage way.

g. The Dorm 5 fire evacuation plan is incorrect and poorly done. The additional sleeping area is shown beyond the rear exit; the Chapel is not shown; the rear exit through the Chapel is shown incorrectly; and the door into the T.V. Room is incorrectly designated as an exit.

h. The fire evacuation plan drawing for the Adjustment Unit is incorrect and confusing. The Plan shows evacuation routes at the rear of the cells which is a utility chase and not a corridor to be used for evacuation.

i. The fire evacuation plan drawing for Dorm 9 is poorly done and doesn't indicate the rear exit as an exit. The Plan directs all occupants to use the front and side exits.

j. The fire evacuation plan drawing for Dorm 8 is incorrect. The rear and side exits are shown on the wrong side of the building.

2. Overcrowding continues to result in narrower than 3 foot aisles. This is the case in dorm 14 and 15 with aisles down to 2 feet 8 inches due to lockers. Dorm 17 has aisles at 2 feet 3 1/2 inches due to overcrowding and the side area of Dorm 5 has aisles down to 2 feet 6 inches due to overcrowding. Again the District should provide scaled drawings of furniture, etc. layouts to determine the number of occupants that dorms can handle and still maintain 3 foot aisles. It should be noted that none of the large pedestal fans were present as they have always been in the summer months. If the fans were present during this tour the fans would have been in the aisles as they have been in the past. The 1988 NFPA Life Safety Code requires a minimum of 3 foot aisles per Section 15 -2.3.2. The D.C. Building Code and the BOCA Code require a minimum of 3 foot 8 inch aisles per Sections 810.1 and 810.3 when the dorm is occupied by more than 50 people and 3 foot aisles when the dorm is occupied by 50 or less people.

3. None of the new or existing smoke detectors are acceptable or arranged in accordance with D.C. codes and standards. The smoke detectors are not connected to the building fire alarm

system therefore they are not electrically supervised nor will the smoke detectors sound the building fire alarm system if a detector is activated.

The smoke detectors are also not adequately connected to an emergency power supply although Occoquan has an emergency generator. The generator is arranged and wired to operate only when power to the entire site goes out. If power to an individual dormitory or row of dormitories goes out, the generator will not come on and the smoke detectors will be impaired. All known national standards for the installation of smoke detectors would require the arrangement of emergency power be such that if an individual building lost power, emergency power would be supplied to the smoke detectors in that building. The emergency power requirements are contained in Sections 15 - 3.4.1.1, 15 - 3.4.1.3 and 15 - 3.4.4 of the 1988 NFPA Life Safety Code and Sections 1714.3.1, 1716.3.4.2, 1716.8 and 2006 of the D.C. Building Code and the BOCA Code.

The smoke detectors are required to be connected to the building fire alarm, have adequate emergency power and be electrically supervised. A good example of the need for electrical supervision was found in Dorm 9. If the smoke detectors had been supervised the fact that they were inoperative would have been known to the staff.

It was brought to our attention during the site survey that smoke detectors are not tested to see if they will operate. Detectors are visually inspected to insure the detector "light" is on, indicating there is electrical power to the detector. This is not adequate to insure the detector will operate during a fire. All recognized smoke detector standards require detectors to be tested on a regular basis.

Because there is so much reliance on smoke detectors in the housing units to provide an acceptable level of safety, the above deficiencies are considered serious and should be corrected immediately.

4. Several Dorms are still without or have inoperative fire alarm systems. These include dorms 3, 5, 16, 17 and the Adjustment Unit. None of the fire alarm systems transmit a signal or alarm outside the building to a central station or the control center. All dormitories require a fire alarm system and each system should automatically transmit the signal to the control center.

5. There still is evidence of a lack of enforcement of the of the "no smoking" rule in the sleeping areas of the dorms. In spite of what the Occoquan staff has stated there still were cigarette butts and make-shift ash trays throughout the sleeping areas of the dorms. There is a large 3 foot by 4 foot "No Smoking" sign on the rear wall of dorm 9, yet cigarette butts and ash trays were found in the sleeping area. I personally observed smoking in the sleeping areas of the dormitories during the site

visit. Smoking in the sleeping areas is a serious fire safety problem due to the amount of readily ignitable combustibles in the sleeping areas. Day rooms are the appropriate and safe area for smoking.—

6. Exit doors not swinging in the direction of exit travel still exists in some of the dormitories. These would include:

- a. Screen doors in dorm 17.
- b. The security and screen doors in dorm 16.
- c. Several screen and security doors in the Adjustment Unit.

7. Information on the combustibility of mattresses was provided. Currently D.C. is purchasing mattress covers and mattress stuffing separately and assembling the mattresses at the Lorton Central Facility. Although these new mattresses appear acceptable, they have not yet been widely used in Occoquan. There were numerous old style mattresses and foam with no mattress covers found throughout the dormitories. All mattresses should be replaced with the acceptable new style mattresses.

8. The following pertain to individual living areas:

a. Dorm 5

1. Still no adequate exit from the rear (north side) of the dorm. The existing rear exit discharges into the Chapel and not directly to the outside.

2. Combustible fiberboard ceilings and exposed wood roofs still exist in the dorm. Either provide sprinklers or provide a noncombustible thermal barrier for the ceilings and wood roof.

b. Adjustment Unit

1. No smoke detectors in the individual cells, no smoke partition or sprinklers in the building.

2. The Waiting area (chairs) in the front corridor still blocks access to exits.

c. Dorms 6 and 7

1. Doors to stairways still do not have proper fire rated doors.

2. Laundry and storage rooms continue to be open to the front stairway. The doors to these rooms are not fire rated, the rooms contain combustible materials and are open to the exit stairs.

d. Dorm 16

1. Basically there have been no changes to Dorm 16 except clearing access to the side exit.

2. Access to the side exit, from the rear of the dorm through a protected passageway, has not been completed.

e. Dorm 17

1. Not a single correction has yet been made to Dorm 17. The dorm is very crowded with aisles significantly less than 3 feet wide.

2. The new exit from the NE was under construction.

3. The 80' dead end in the front "caged area" still exists.

4. The combustible fiberboard ceiling is still in place.

f. Dorm 18

1. Dorm 18 was under renovation but the renovation plans do not call for a new exit from the NW, nor do the plans call for the fire rated separation of the utility tunnel from the sleeping area.

g. Dorms 12, 13, 14 & 15

1. Laundry and storage rooms are still open to the stairways. These rooms contain large amounts of combustibles to include cleaning supplies, paper towels, facial tissues, etc. These supplies are all stored in large combustible wooden lockers.

2. The doors to the stairways are not fire rated.

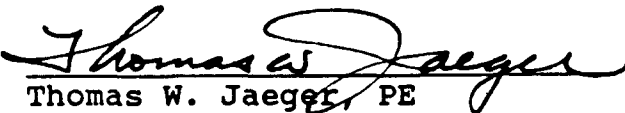
h. Dorm 4

The wooden roof is exposed to the interior of the building. This should be corrected by the installation of a thermal barrier (sheetrock) between the roof and the interior of the building.

i. Dorm 9

There are combustible celotex ceilings in this dorm similar to dorms 5 and 17. The ceilings should be replaced with noncombustible ceilings or the dorm should be sprinklered.

I declare under penalty of perjury that the foregoing is true and accurate.

  
Thomas W. Jaeger, PE

This 11th day of December 1989.