

by Wolfgang Bauer

West Warwick Copes with the Aftermath of a Nightclub Fire

As of February this year, it had been two years since the Station nightclub burned to the ground in West Warwick, Rhode Island, taking 100 lives and injuring many people who were attending a band concert at the club. In the aftermath of this fire, a substantial number of things have changed for the town, as well as for those who survived and those who lost their loved ones that horrific evening.

This article addresses some of the challenges that have faced and continue to face the town of West Warwick (population 30,000).

IN THE WAKE OF THE EVENT

After the fire, one of the most immediate issues for the town was coping with press coverage. Almost all of the major regional newspapers kept the fire scene and story on the front pages of their papers for a long time. Just hours after the fire, responding to media requests for information had already become a full-time job for two to three people on the town's staff.

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One of the first requests, for example, was for copies of the fire and police tapes and dispatcher logs. In fact, the regional media requests were so extensive that it began to feel like the town was working for reporters and not for its citizens.

The fire department and the building department, through the town clerk and the solicitor's offices, also had to respond to requests for information that were not directly related to the Station Club fire but stemmed from fire inquiries. For example, queries included how many nightclubs had been inspected, and there were requests for previous inspection reports. Inspection-report requests then broadened to comprise restaurants, schools, businesses, and other public facilities, and each of the reports requested covered the life of the property. This effort ended up involving thousands of pages, and the fire marshal had to refamiliarize himself with the reports to answer media questions accurately.

For instance, requests broadened to include fire and building inspection

reports for every large site in the town capable of serving as a place of assembly. Many of the requests included inspection reports from five to 10 years ago, and some records that were needed had to be pulled from boxes in storage. Because media representatives wanted everything immediately, a number of court challenges resulted, relating to what information could and could not be released.

Most of the fire and police tapes, logs, and records were requested immediately by the attorney general for an ongoing criminal investigation, thus sealing them from open-records requests. The media then went to court, with the majority of the court effort for the release of records directed both at the town and the state. At the same time, West Warwick Police Department and legal representatives wanted to keep much of the information sealed for investigative purposes and not make it immediately public.

In some cases, we just had an administrative problem in complying with the number of requests within the 10 days allowed by the state records law. But in the end, and after a number of open record challenges, all information was released, including tapes and logs. It is still not unusual to hear excerpts of the tapes on radio and television programs relating to the fire.

ACCUSATIONS AND CLEANUP

The print media and the local radio and television shows directed their attention immediately at who was to blame and who was at fault. Although the owners of the business conducting the concert received the major blame for the fire, members of the public were quick to blame the town's building official and the deputy state fire marshal, who is a local fire-department employee.

The blame game extended to suggesting that there must have been a pay-off to the town council and that the town manager ought to be fired. Rhode Island is a small and political state, so, no matter what happens, the

thought that someone has to be on "the take" persists. In the end, nothing happened, but one lesson learned was that the right thing to do is to make information as public and open to scrutiny as possible by providing it in both print and verbal formats. If you don't do this, you give the appearance that the town's staff is trying to hide something.

Holding an opposite opinion to the

Probably, the major impact yet to be experienced involves the legal issues and the more than 200 civil claims for monetary damages that had been filed when this article was written. Because the attendees on the night of the concert came from a number of states, the issue of deciding the court of jurisdiction has been at the forefront of the legal activity.

immediate release of information are the attorneys, whose guidance basically is, Don't give anyone anything, and don't say anything. If there is a public relations situation that can be corrected, the attorneys will advise against it. My comments in this article, for instance, had to be submitted to the lawyers for approval.

Major news issues surrounded the installation of flammable soundproofing by the building's occupant without any permits, as well as the possibility that the flammable material was missed during the last annual town

safety inspection. Perhaps ironically, the use of illegal fireworks by the band at the beginning of the concert—the practice that started the fire because there was almost no clearance between the ceiling and the fireworks—took a backseat in the media discussions.

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Although the incident certainly was large in loss of life, it happened on only one lot that was less than an acre in size. FEMA funds were not authorized to pay for the aftermath of this incident because of the small geographic impact. After significant efforts by Rhode Island's governor and the state's congressional delegation, however, some reimbursements to the town finally took place through the U.S. Department of Justice.

It is almost impossible to predict the outcome of the cases that have been filed or of those that still will be filed. To attempt an estimate: there may be some 400 cases filed when this is all done, and the town is liable for up to \$100,000 per case. Total insurance coverage for the town is \$4 million, of which a substantial amount will go toward paying for legal defense. It is estimated that the total demand for all of the cases will approach a billion dollars.

CONSEQUENCES

This author contends that the nightclub disaster, considered broadly, has changed many of the building and fire code regulations in the United States. Rhode Island, Massachusetts, New Jersey, and perhaps other states already address the issue of "places of assembly" and the grandfathering of older buildings differently. A lack of sprinklers, for example, is no longer a grandfathered item.

Because of the new laws, inspection

requirements have changed significantly in our community, and we're still making adjustments. Time requirements for inspections and adjustments were so burdensome for awhile that the town had a considerable backlog for quite some time. But from information I've received, it appears that fire and building inspectors across the country are more vigilant, and fire prevention has become a high priority in communities.

In West Warwick specifically, we had added an extra fire marshal a few months before the fire. We have now added a third fire marshal, along with an administrative assistant. Not all of the additional manpower is the direct result of the fire; most is in response to the town's significant growth and building activities. Fortunately, West Warwick has a number of big building projects taking place simultaneously, and the additional inspection capacity has been needed to meet customer-service requirements.

From the town's perspective, two areas of major concern haven't progressed to a definitive point at this stage. First, in the aftermath of this catastrophe, we know that it had a major effect on each person who worked during the fire, either in the building's remains or outside of it. A great number of firefighters and police officers worked in or close to the facility from the start of the fire until all of the bodies had been removed from the site. What they witnessed was in some cases horrific.

For some, the sight was so awful that it has resulted in disability retirements. Others have had a greater capacity to cope with their memories, but their participation in and lingering thoughts of the tragedy will remain with them for the rest of their lives.

It is quite possible that additional fire and police personnel will be incapacitated before their normal retirement dates. The town, through each department's chain of command, is working hard to provide the necessary professional human-service support, both on an individual and a family basis. Skilled medical assistance and diagnosis from professionals who can



This temporary memorial was established by relatives and friends of people who died in the Station nightclub fire. A permanent memorial is planned for the site.

treat post-traumatic stress is being provided.

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Initial filings were made in Rhode Island State Court, the federal court in Providence, and a federal court in Connecticut. After some legal negotiations on jurisdictional issues, the cases now have been consolidated in federal court in Providence. The judge handling the case has started to make initial rulings, but it appears that the case is a long way from settlement or even from a trial. Lawyers have speculated that a trial might not begin until late this year or in 2006.

One of the issues is the timing for the criminal trial of the nightclub owners and one of the band members. It appears that the civil depositions

from the people charged criminally can't be taken until after the criminal trial. Thus, I believe the year 2006 is optimistic for the start of the civil trial; 2007 or 2008 probably is more realistic. The concern is that any eventual judgment against the town, should this be the outcome, will linger in all our financial discussions until a final decision is rendered.

Because of the sums of money involved in the claims and the state limits on claims against local governments, the amount of money needed to fulfill any judgments may be limited but yet far exceed the coverage provided by the town's insurance policies.

A Rhode Island state judge continues to address some of the issues related to the evidence and other matters pertaining to the criminal case. As the case moves forward in the court system, though, it could once more become a media highlight and could require that town employees participate in the deposition process, which would involve hundreds of hours of testimony.

THE GREAT IMPACT REMAINS

I want to reiterate that the loss of life and the life-lasting injuries of those

who were in the building on the night of the fire can never be surpassed in magnitude by any amount of disruption or challenge posed to the town of West Warwick. From a local government management standpoint, however, the town has had to handle a number of significant challenges, as outlined in this article, and it's clear that the effects of the fire will be lasting on the town's citizens, elected officials, and management staff.

As for myself, I spent 30 years in the Army, much of it on surveillance of the East German and Czech borders, so I have been dealing with crisis management for a long time and can cope relatively well with it. I also have managed a community in Nebraska that was hit by a tornado and learned skills in working with the media during that experience. But

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ultimately, it was the fire chief and the police chief who managed the West Warwick response. My job was to support them and talk to the media.

West Warwick's inspectors, although they are state-licensed, are town employees. Because I'm at the top of the management chain, I expected to see performance issues raised regarding my position. I have not, however, received any threats, and except for the constant public murmur that the inspectors should have been criminally charged, the town is quiet. Certainly, though, this crisis has placed many a hurdle in the town's way, with quite a few more obstacles waiting ahead. **PM**

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"Reprinted with permission from the June 2005 issue of Public Management (PM) Magazine, published by the International City/County Management Association, Washington, D.C."