



## **Black Forest Fire/Rescue Protection District**

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### **SUMMARY OF REPORT**

#### **RE: Black Forest Fire**

February 19, 2014

As the Black Forest Fire and Rescue District and the Board have previously indicated, starting with media reports in late November, 2013, the District and its Fire Chief, Bob Harvey, have been the subject of intense media and public interest, speculation and even criticism from other public officials concerning the District's response to the unprecedented "Black Forest Fire" of June 11, 2013.

The initial reports contained several inaccuracies, which were followed by public questions regarding the Chief's and District's handling of the Black Forest Fire and general skills, ability to lead, and even honesty and integrity. The District Board felt, in light of these comments, that it must initiate an independent investigation into the District's response to the Black Forest Fire, its Chief's skills, ability to lead and reputation, and matters related to the critical first hours of the fire response, to determine the accuracy of these public criticisms as well as to glean any after-action suggestions

While Colorado law mandates that the District and its Chief have the duty to investigate any fire within its jurisdictional boundaries which has a suspect origin, this investigation was not initiated as an arson or point and origin investigation. The Fire Chief has already fulfilled his statutory duties and communicated his investigation with the District Attorney (as is required by law). The main purpose of the District's independent investigation, as previously stated, was to determine whether the District personnel performed appropriately. With that focus in mind, the District, through legal counsel, retained David Fisher as an investigator. Mr. Fisher has completed his investigation and his report and exhibits have been submitted to the District Attorney's office for its review. The District is cognizant of the potential of interfering with a criminal investigation or criminal prosecution arising out of the fire. It is the District's intention to make public those portions of the report which do not involve privacy issues and which the District Attorney advises will not interfere with the prosecution of any criminal case which may ultimately be brought.

It should be noted that Mr. Fisher acted as an independent investigator. Although his investigation was centered on the response to the fire by Chief Harvey and District personnel, his investigation was neither controlled nor limited by the District in any way. Mr. Fisher has a long career in law enforcement. For nearly 20 years prior to his retirement, he was a watch commander/lieutenant at the Greenwood Village Police Department. Mr. Fisher also acted as emergency manager for the City. He has a myriad of specialized training including Northwestern's School of Police Staff and Command, Senior Management Institute for Police, International Chiefs of Police "Leading Police

Organizations,” Weapons of Mass Destruction Tactical Commander School, and F.B.I. SWAT School. He has also been active with the Arapahoe Rescue Patrol and served on its board for nearly twelve years. Mr. Fisher also involved David Daley to assist in his investigation. Mr. Daley has a long career in firefighting. He has acted as Operations Executive Officer, Battalion Chief, Training Division Chief, Life Safety Division Chief and Captain at the South Metro Fire Rescue Authority.

Mr. Fisher and Mr. Daley spent extensive time over the past seven weeks in the investigation conducting approximately 60 interviews. They consulted with numerous citizens, fire fighters and other first responders’ command personnel, and fire experts in reaching their conclusions. It should be noted it was a common theme during the interviews and consultations with experts that, regardless of who was in charge and at what time and on whose timeline, the conditions impacting the initial attack of the Black Forest Fire, including unprecedented weather and forest/fuel conditions, along with critical air resources being deployed elsewhere to battle other fires, created a “perfect storm” situation, and the Black Forest Fire could not have been contained and ultimately extinguished by Chief Harvey or any other incident commander without a long and serious battle.

During the initial response to the fire, recently obtained photographs indicate that at 2:10 p.m. this fire was a low, crawling fire. Within 6-7 minutes, the weather changed dramatically with high winds, and subsequently became an out of control “crown” fire that could not be contained during the several days following the start of the fire. Regardless of the conduct and tactics of fire personnel and command, which the report indicates were heroic and laudable, conditions at the time and in subsequent days allowed the fire to continue unabated.

### **Summary of Mr. Fisher’s Investigative Report as to the Actions of the District**

Both the day before and the day of the fire, June 10-11, 2013, the weather conditions were reported red flag days, quite suitable to the ignition of wild land fire. The weather conditions were hot and windy with low humidity. Black Forest Fire personnel were put on alert on the morning of June 11 that conditions were poor and fire personnel were advised to be on alert. On June 11, 2013, in the morning and early afternoon hours, there were several reports from various agencies of what appeared to be a “column of smoke” in the vicinity. Another fire ignited near Canon City earlier in the day and that column of smoke was easily seen from the Colorado Springs area. At 1:42 p.m., El Paso County and Colorado Springs began receiving multiple 911 calls reporting visible smoke east of the New Life Church. Multiple agencies were dispatched immediately thereafter at 1:43 p.m.

Within six to seven minutes of the dispatch, a Black Forest brush truck, B761, was first to arrive followed shortly by Donald Wescott Engine 542 and Black Forest T761, with many more to follow. Colorado Station 19 with three engines and a Battalion Chief arrived on the scene shortly thereafter. The initial blaze was reported in a bowl-like area off of Falcon Drive. Black Forest Fire

Chief Bob Harvey took command and coordinated with all first responders to contain the fire to its original location off of Falcon Drive. Pictures taken of the area early into the fire indicated that the fire was a low crawling ground fire and the initial fire fighters on the scene, two of whom are very experienced wild land fire fighters, felt they could control and contain it. Chief Harvey made arrangements for additional responding units to be deployed on Falcon Road to aid the initial fire attack. Interviews indicate that Chief Harvey also discussed safety and escape routes with first responders, which exhibited positive leadership and tactical responsibility as an Incident Commander on a wildland fire scene.

Although a request for air support was made by fire personnel while they were en route to the fire, it was reported that no aircraft assets were available to assist in the initial stages of the attack, as they were already deployed to the Royal Gorge Fire.

Chief Harvey named the fire the Falcon Fire, a command post at Shoup Road and Falcon Drive was established at 2:04 p.m., the Colorado Springs Fire Department mobile command post was offered and requested, and by that time fire personnel had made contact with some residents about the fire and to get ready to evacuate. Further, American Medical Response arrived at the scene. American Medical Response personnel were initially assigned to provide medical assistance to the fire fighters and the public but assisted with evacuations too. At this time, assets from Black Forest, Donald Wescott, Tri-Lakes, and the Colorado Springs Fire Department were on scene and were actively engaging the fire. Additional resources apparatus and fire fighters were ordered and en route.

A staging area was set up at approximately 2:17 p.m.

At approximately 2:18 p.m., Chief Harvey directed that a water supply system be set up which was done, in order to refill the water tenders already on scene and for those ordered and arriving. (Even though cisterns have been constructed and filled in the Cathedral Pines area, they were not an option due to the distance to travel during the initial attack of this fire.)

It was reported that sometime between 2:14 and 2:17 p.m., the winds in the area changed, started picking up dramatically and the fire blew up and “moved into the crown,” (moved into the tree tops). It should be noted that the fuel conditions were volatile: this part of the forest contains an over-abundance of low brush and related fire fuels, combined with an uphill slope, and winds somewhere between 25-35 miles per hour. The fire quickly raged and moved north and north east in the ravine to the east of the ridgeline where the first fire fighter had been fighting with a hose line. An emergency message was aired over the radio at 2:17p.m. and the fire fighter on the ridge was nearly consumed by the firestorm that erupted. At that point, the fire destroyed a free-standing garage, but fire fighters were able to save the associated house. On the south flank of the fire,

Colorado Springs Fire Department attempted to reach the ridge and pinch the fire from the south. The creeping fire burned their hoses, which resulted in no water pressure.

Newly obtained pictures show the fire out of control at 2:21 p.m., only eleven minutes after the initial attack and response to what had been a low crawling fire. Fire personnel that had been assigned off of Darr Road for approximately 20 minutes were then forced to evacuate due to intense fire and smoke reportedly so thick they could not see the front of the hood of their truck. CS engine 9 had to retreat three different times. Incident Commander Harvey could not have safely placed any additional fire fighters in front of this wall of fire, and his actions in assessing the fire conditions, along with the safety of first responders, were found to be exemplary. (By contrast: three weeks after, 19 fire fighters would be killed in Yarnell Arizona due to a fire that quickly became out of control and trapped them). The fuel load of Black Forest was much denser. As the fire fighters and the smoke alerted neighbors, those trying to evacuate were caught in traffic jams, especially near the intersection of Darr and Peregrine. Moreover, the visibility was extremely poor due to the intensity of the fire.

After the fire “crowned out,” it began to rage out of control and there was little left for firefighting personnel to do at that point but evacuate and retreat to a position of safety. With no air support to assist in the retarding of the fire intensity, there was little if anything the fire fighters could have done to stop this fire. There were many heroic actions by fire fighters, deputies of El Paso County Sheriff’s Department and the officers of the Colorado Springs Police Department who assisted with evacuations. Chief Harvey directed various agencies to hit spot fires, provide structure protection and to attempt to hold the fire at Milam Road, stressing the safety of the firefighters at all times. The investigation found that while Chief Harvey was accused of turning away resources (which he did not), the reality is that the fire conditions were such that he could not safely deploy all of the resources which deployed to the initial attack. Several interviewed subjects reported that when this fire exploded, “it was in God’s hands.”

At approximately 3:00 to 3:15 p.m., command personnel, including Chief Harvey, El Paso County assistant fire marshal Scott Campbell, and a representative from the Colorado Division of Prevention and Fire Control, Brenda Wasielewski, discussed the conditions and over abundance of fuels, the weather, lack of air support, that fire fighter personnel were struggling to hold the fire and the probability that they would not be able to hold the fire. Around that time, a mandatory evacuation from Falcon to Milam, and Shoup to an area on the north side was requested by Deputy Fire Marshal Campbell. The fire had turned into a raging firestorm within 25 minutes, putting command staff in a near impossible situation. It should be noted that the Colorado Springs Fire Department requested a reverse 911 to evacuate residents around 2:20 p.m.

Subsequently, the command of the fire was turned over to the County and then turned over to the State in rapid sequence. The State in turn named Scott Campbell as Type 3 Incident Commander.

In that capacity, Mr. Campbell worked for the State and not the County. He served in that capacity until the Federal Government designated Rich Harvey as the Type 1 Incident Commander. The timeline of this passing of Command has been a major source of friction with this fire, fanned by incomplete reports from other agencies and the media. According to the various interviews and sources of information obtained in the investigation, verbal exchange of command likely occurred between 3:45 and 3:55 p.m. There are a series of supporting documents that were obtained and radio traffic, timeline notes, and personal interviews were used to confirm the times. For example, the 3:55 p.m. time came from an interview with Sheriff Maketa, which was later confirmed by El Paso County Sheriff's Office Bureau Chief, Al Harmon. This was a verbal transfer. The 3:15 p.m. time of transfer that was reported initially as the transfer time by Chief Harvey was likely the time he had a discussion with Ms. Wasielewski about transferring the fire to El Paso County, who subsequently transferred it to the State of Colorado to obtain State resources. Chief Harvey stated that he wanted to turn this fire over quickly to access State funds so as not to jeopardize the financial assets of the District. Documents obtained during the investigation show that Scott Campbell, as the representative for the County and the Incident Commander replacing Chief Harvey, signed a document to transfer command to Campbell at 4:08 p.m. and that a meeting was held sometime around 4:30. The reported 8:23 p.m. Delegation of Authority is the time of the last necessary signature from a necessary public official on the formal documents transferring control. This document was an after-the-fact confirmation of the verbal transfer that had happened hours before.

During Chief Harvey's duration in command, no firefighter or resident was injured or killed. Although statements have been released suggesting more resources sooner may have been helpful, it is doubtful that more resources could have been utilized sooner in a safe manner. Many area roads are narrow with access issues, as well as limited escape routes in the event fire fighters get trapped. High temperatures and smoke produced by the fire also hindered accessibility to the fire.

The report found that every unit and resource was used as soon as was practicable and safe and additionally requested resources were put to use when they arrived and an assignment could be provided.

Following the change in command, Chief Harvey and his counter parts with neighboring fire districts, organized additional resources that were not being used by the new Type 3 Incident Commander, and marshaled departmental volunteers to fight areas of the fire in order to save structures and put out spot fires. The term "freelancing" has been used to say they had taken resources away from Incident Commander Campbell. Had these Fire Chiefs not "freelanced" utilizing unused resources, many additional structures would have been lost, and perhaps entire sub divisions were saved due to their activities. The report found that their efforts saved numerous houses and structures. Chief Harvey asked to be part of the new command structure under a

unified command approach, but was advised by the Type 3 Incident Commander that it was not necessary.

### **After-Action Analysis and Best Management Findings:**

No response to a fire like this is ever perfect. Mr. Fisher's report found that there are areas that could be improved, which would benefit future wildland responses. His report provides the basis for the following areas of work/improvement:

- Make sure command staff is equipped with vehicles that are prepared for wild land and all fire situations.
- Command staff should be equipped with maps of the relevant areas to provide to outside agencies.
- More refined response plan and better communications with neighboring agencies.
- The resources of nearby agencies should be incorporated quicker, which may be required sooner, particularly in response to red flag days.
- Additional training should take place between agencies in such response tactics.
- Consider a program involving all agencies in the area with a combined action group, identifying contacts for the agencies and planning using combined resources.
- Command staff should ensure that there are enough people responding to radio communication, radio discipline should be encouraged, and El Paso County 911 staff should be included in tabletop discussions to obtain their input on better and more efficient radio communications.
- Command staff should pre-locate command post locations to the extent possible so they can be mapped and published ahead of time.
- More than one staging area should be utilized in larger events.
- Mutual aid partners should coordinate and develop a list of every piece of equipment and its location and capabilities.
- Although this was found not to be an issue in the Black Forest Fire water supply, all cisterns should be noted on the paper maps to ensure all units on scene know where more water can be obtained if sources run short. Local Fire Districts should also meet with commercial and municipal government agencies that could provide water through tanker delivery systems that have compatible fittings to ensure transfer of water.
- Fire Districts should work with law enforcement to close down streets and conduct evacuations if need be, and communicate accordingly.
- All agencies and their personnel must be able to work together and maintain a professional relationship regardless of personal feelings.

## Conclusions

We believe it is appropriate and will not interfere with a criminal investigation or prosecution to generally describe some of the conclusions that the investigation has reached. In summary those conclusions are:

- There is no evidence of any instance of professional misconduct on the part of Chief Harvey. His conduct was appropriate and proper.
- This was a type of fire which expanded rapidly and, due to the extraordinary conditions of winds, low humidity, and lack of mitigation, was quickly unstoppable and uncontrollable.
- Chief Harvey was found to be fully qualified to handle a fire such as this. He is a certified ICT3. He has extensive qualifications. Most of the Colorado Springs Fire Department individuals who were interviewed stated that under Chief Harvey's command, if they asked for resources, they got them. In interviewing firefighters and adjacent chiefs, it was noted that Chief Harvey is well-respected and they have faith in his competence.
- Although the exact time the Command Control of the fire effort was verbally turned over to the Sheriff's Department and then to the State is in question, it is clear that Chief Harvey relinquished command much earlier than has been reported. The relinquishing of command involved several steps which occurred prior to 4:49 p.m. and probably began significantly prior to that time with verbal communications that began between 3:45 and 3:55 p.m.
- The issues raised about water tankers, cisterns and the adequacy of water supply are not relevant since water was not an issue in fighting this fire.
- The issues raised about resources being turned away appear to not be the case.
- There are a number of things that the District has learned from this fire. That was the purpose of the investigation; to evaluate the District's performance and determine the District's firefighters actions for the future could be improved. None of these recommendations in any way indicates that Chief Harvey or the members of Black Forest Fire Protection District did anything but perform in an exemplary fashion. However, the suggestions made in the investigative report are provided above and are the results of sound management processes that any organization follows through a disciplined, after-action, lessons learned process.

It should be noted that while Scott Campbell's decisions as the fire broke out showed presence of forethought and imagination, the investigators were not able to determine Deputy Fire Marshal Campbell's specific recollections about management decisions made as the fire evolved in the first four hours of that afternoon because he declined to be interviewed.

Moreover, as the District's investigators sought information through interviews with other firefighters who were among the first on the scene, the El Paso County Wildland Fire Crew was discouraged from participating in interviews (and did not participate in interviews).

Please recall that this investigation was prompted by remarks by Chief Harvey about the origins of the fire, and allegations by El Paso County Sheriff Terry Maketa about the initial handling of the evolving fire situation which were reinforced and promulgated by a local media outlet.

While Sheriff Maketa, who was interviewed, may have been earnest in his perception of the command steps taken on the afternoon of June 11, there is no evidence that the conduct of Chief Harvey, or for that matter, the first 100 or so firefighters who responded to the initial calls, was anything but professional, heroic, well-meaning and exemplary.

This investigation is closed on the basis of the confirmation of these facts. However, the relationships between agencies in the County appear to be damaged. For future planning purposes, these relationships would be best managed proactively, through joint training and consultation, in order to prevent another expensive public inquiry such as this one.

----- End of Report -----