

FM State Fire Marshal

FM1 Plan Review Applications

Prior to receiving a building permit, a builder must submit plans for review by the Fire Marshal to ensure compliance with all applicable fire codes. The plan review process is designed to maximize safety for a building's occupants and first responders. Once approved, plans are retained for future review in the event of problems arising. Eventually, they are replaced by inspection reports. The applications may include, but are not limited to, applications forms, fee schedules, review letters, and copies of plans.

Retention: Retain ten (10) years after certificate of occupancy has been issued.

FM2 Explosives Permits

Anyone who manufactures, deals, possesses, or uses explosives in the state of Rhode Island must obtain a permit from the Fire Marshal as per RIGL § 23-28.28. These permits are issued only to people who are properly licensed and who have proven themselves capable of performing these functions. The issuance of these permits facilitates the tracking of the sale and use of explosives in the state of Rhode Island. They expire at the end of the calendar year in which they are issued as per RIGL § 23-28.28-11. The records in this series may include, but are not limited to, copies of the permits, application forms, copies of bonds, certificates of competency, and associated correspondence.

Retention: Retain ten (10) years.

FM3 Fire Works and Pyrotechnics Licenses, Applications, and Permits

Anyone who stores, handles, transports, and/or displays fireworks and pyrotechnics in the state of Rhode Island must have a permit from the local fire authority that is based on forms provided by the State Fire Marshal as per RIGL § 23-28.11-3. No permits may be issued until applicants' certificates of competency and insurance coverage are verified as being current. Applicants must obtain the certificates of competency from the State Fire Marshal. Certificates of competency, once issued, are valid for one year as per RIGL § 23-28.11-5. Applicants must also submit proof of sufficient financial responsibility for potential damage as per RIGL § 23-28.11-7. Any nonresident of Rhode Island who wishes to obtain such a permit must appoint a member of the Rhode Island Bar Association to act as his or her attorney to handle any and all litigation involving the nonresident as per RIGL § 23-28.11-9. These records document the issuance of these permits. They may include, but are not limited to, applications, copies of bonds, and copies of the certificates of competency. The applications require extensive personal and background information.

Retention: Retain ten (10) years.

FM4 Inspection Reports

The State Fire Marshal conducts periodic inspections of buildings for state fire code violations. Some of the inspections are dictated by statute and others occur upon request or in response to a complaint. The frequency of the inspections depends upon occupancy and the purpose each building serves. For example, buildings where combustible materials are

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known to accumulate can be inspected at any reasonable hour (with the exception of dwelling houses) as per RIGL § 23-28.5-1. Other locations subjected to specific laws include, but are not limited to, places of assembly, schools, boarding homes, and childcare centers. The inspection process is designed to confirm that occupants and first responders will be safe when the building is occupied. The records generated by these inspections may include, but are not limited to, copies of the inspection reports, building descriptions, records of the type of occupancy of the building, and information on pertinent code sites addressing any violations.

Retention: Retain each report for a minimum of ten (10) years and ensure that the five (5) most recent reports are retained, even if some of them exceed five years. When a new code cycle (based on revised codes issued by the National Fire Protection Association) is put in place, the last report of the previous code cycle must be retained ten (10) years.

FM5 Investigations Reports

The State Fire Marshal receives reports of all fires and explosions occurring in the state of Rhode Island as per RIGL § 23-28.2-10. In each case, the Fire Marshal determines whether or not an investigation is warranted and if so, conducts the investigation. In the course of investigations, the Fire Marshal has the authority to summon witnesses as per RIGL § 23-28.2-12. If the Fire Marshal determines that the evidence gathered during an investigation is sufficient to file criminal charges against anyone, s/he will report that recommendation to the Attorney General. In such cases, evidence is forwarded to the state crime lab and in all cases, a report documenting the cause of the fire or explosion is produced. Courts utilize the reports in cases of prosecution and insurance companies use them to assist claims. The courts may also use them in the event of civil cases that arise from fires or explosions. RIGL § 23-28.2-16 mandates that the Fire Marshal maintain records of all fires and explosions investigated. The records may include, but are not limited to, the various items contained in the reports. The reports may include, but are not limited to, building descriptions, witness statements, lists of evidence, and narratives of scene investigations.

a) 1st, 2nd, and 3rd degree arson investigations (Capital Crimes)

Retention: Retain one hundred (100) years.

b) 4th, 5th, and 6th degree arson investigations

Retention: Retain thirty (30) years from the date of the opening of the case or ten (10) years after the sentences of those convicted expire, whichever is later.

c) Fatal fire investigations (accidental)

Retention: Retain one hundred (100) years.

d) Investigations of accidental fires causing serious injuries

Retention: Retain ten (10) years.

e) Landmark cases

Retention: Permanent.

FM6 Certificates of Records Destruction

Certification of Records Destructions forms (PRA 003) signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable records retention schedules. RIGL §38-1-10, §38-3-6(j), and §43-8.1.10

Retention: Permanent.

FM7 Variance Decisions (series added 9/2013)

The Fire Safety Code Board of Appeal and Review has the responsibility for deciding whether or not appeals for variances from certain aspects of the State Fire Code are granted or not as per RIGL §23-28.3-5. The Board has the authority to render decisions on appeals for variances and holds hearings to determine whether or not to grant them. The Fire Safety Code Board of Appeal and Review provides a copy of each decision rendered to the State Fire Marshal. Per § 23-28.3-5 (b) A properly indexed record of all variations made shall be kept in the office of the state fire marshal and shall be open to public inspection.

Retention: Permanent.

FM8 Arson Investigations/Physical Evidence (series added 1/2017)

The State Fire Marshal receives reports of all fires and explosions occurring in the state of Rhode Island as per RIGL § 23-28.2-10. In each case, the Fire Marshal determines whether or not an investigation is warranted and if so, conducts the investigation. In such cases physical evidence such as fire debris may be collected. Some of that evidence may be forwarded to other agencies to be tested and examined as part of the process of determining whether the cause of the fire or explosion is classified as incendiary, accidental, natural, or undetermined. The reports resulting from these tests are filed with record series FM5. This series (FM8) consists of the actual physical evidence obtained from fires and explosions that are classified as arson.

a) Charged cases resulting in convictions – Capital Offenses

Retention: Retain one hundred (100) years from the date of opening or until the sentence expires, whichever is later, or until such time as the evidence decays, degrades, or can no longer be safely stored.

b) Charged cases resulting in convictions – Non-Capital Offenses

Retention: Retain thirty (30) years from the date of opening or ten (10) years after the sentence expires, or until such time as the evidence decays, degrades, or can no longer be safely stored.

c) Charged cases not resulting in convictions

Retention: Retain seven (7) years after final disposition of case or until such time as the evidence decays, degrades, or can no longer be safely stored, whichever is sooner.

d) Uncharged cases with no statute of limitations

Retention: Retain until evidence decays, degrades, or can no longer be safely stored.

e) Uncharged cases with statutes of limitations

Retention: Retain until Statute of Limitations expires or until evidence decays, degrades, or can no longer be safely stored, whichever is sooner.

Note: Physical evidence can be ascertained to have decayed or degraded when, due to its natural characteristics, it has undergone a physical and/or chemical breakdown to the extent that it no longer possesses probative value.

Note: Physical evidence can be ascertained to be unsafe for continued storage when due to decay, degradation, or other characteristics, it poses a threat of harm to personnel and/or other evidence, and there are no other reasonable measures that can be employed to continue to safely and securely maintain that evidence.

Note: Either of two authorized officials of the Office of the State Fire Marshal may make this determination about evidence – the Chief Deputy for Enforcement and the Chief of Investigations, the latter of whom serves as the evidence supervisor.

FM9 Accidental, Natural and Undetermined Fire Investigations/Physical Evidence (No Criminal Component) (series added 1/2017)

The State Fire Marshal receives reports of all fires and explosions occurring in the state of Rhode Island as per RIGL § 23-28.2-10. In each case, the Fire Marshal determines whether or not an investigation is warranted and if so, conducts the investigation. In such cases physical evidence such as fire debris may be collected. Some of that evidence may be forwarded to other agencies to be tested and examined as part of the process of determining whether the cause of the fire or explosion is classified as incendiary, accidental, natural, or undetermined. The reports resulting from these tests are filed with record series FM5. This series (FM9) consists of the actual physical evidence obtained from fires and explosions that are classified as accidental, natural, or of undetermined cause.

a) Landmark cases and fires and explosions resulting in fatalities

Retention: Maintain in accordance with FM8 d) and FM8 e), or until evidence decays, degrades, or can no longer be safely stored, whichever is sooner.

b) All other fires and explosions

Retention: Maintain in accordance with FM8 d) and FM8 e), or until evidence decays, degrades, or can no longer be safely stored, whichever is sooner.

Note: When there is a basis to believe that a civil action may arise as a result of a fire or explosion investigation, a good faith effort to notify interested parties will occur prior to destruction of physical evidence.

Note: Physical evidence can be ascertained to have decayed or degraded when, due to its natural characteristics, it has undergone a physical and/or chemical breakdown to the extent that it no longer possesses probative value.

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Note: Physical evidence can be ascertained to be unsafe for continued storage when due to decay, degradation, or other characteristics, it poses a threat of harm to personnel and/or other evidence, and there are no other reasonable measures that can be employed to continue to safely and securely maintain that evidence.

Note: Either of two authorized officials of the Office of the State Fire Marshal may make this determination about evidence – the Chief Deputy for Enforcement and the Chief of Investigations, the latter of whom serves as the evidence supervisor.

FM10 Fire Protection Systems Service - Applications, Licenses, Permits and Certificates (series added 1/2017)

The State Fire Marshal receives written applications for permits to engage in the business of servicing portable fire extinguishers and/or the business of installing, repairing, and servicing fixed systems. These applications, provided by the State Fire Marshal, may be used by firms or individuals and are required for anyone who wishes to provide the aforementioned services. They are also required for anyone desiring to service portable fire extinguishers and/or fixed systems as an apprentice. Certificates of Registration are required for each separate location that has facilities to service extinguishing equipment. All of this is mandated by Chapter 13 of the Rhode Island Fire Safety Code. The State Fire Marshal keeps and maintains records of all such licenses, apprentice permits, and Certificates of Registration. These documents may include, but are not limited to, applications, tests, photographs, licenses, permits, and certificates.

Retention: Retain ten (10) years.

FM11 Fire Code Prosecution Records (series added 7/2018)

The State Fire Marshal is responsible for the initiation of criminal prosecution of or civil proceedings against any person(s) and/or businesses for violations of the State Fire Code, or failure to comply with an order to abate conditions that constitute a violation of the Fire Code. These files may include, but are not limited to, fire safety inspection reports, violation notices, correspondence, criminal complaints and summons, Fire Safety Code Board of Appeal and Review records, processing report cover and fact sheets, copies from complaint report files, reports of investigations, property records, witness statements, signed Miranda rights forms, process and disposition documents, fingerprints, and photographs.

Retention: Retain thirty (30) years from the date of the opening of the case, or ten years after the sentences of those convicted expire, whichever is later.

FM12 Juvenile Fire Setter Intervention Program Records

The State Fire Marshal administers the Juvenile Fire Setter Intervention Program, which is an intervention program for juveniles who have exhibited fire related behavior. The program is designed to enlighten parents and children about fire safety and the consequences of fire. These records include, but are not limited to, referral forms, intake forms, copies of investigative reports, written examinations, other court documents, process and disposition documents, and other associated records.

Retention: Retain seven (7) years after juvenile reaches age eighteen (18).

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FM13 Juvenile Detention and Arrest Records

The State Fire Marshal maintains records of juveniles detained or arrested on suspicion of arson separately from those of adult suspects. Information in records of juveniles detained, but not arrested, may include, but is not limited to, identification or reference number, age of detainee, race of detainee, gender of detainee, the reason for detention, the location at which the detainee is held, the dates and times of entering and leaving detention, and the final disposition. For arrests of juveniles, the Fire Marshal maintains arrest logs as well as individual files on each suspect arrested. The information in the logs may include, but is not limited to, the date of the arrest, the name of the arrested juvenile, the address of the suspect, the date of birth of the suspect, the age of the suspect, the gender of the suspect, the agency the suspect was referred to, the complaint report number, the identification number, and the arrest number. The individual files contain all the information included in the log. These files may also include, but are not limited to, processing report cover and fact sheets, copies from complaint report files, reports of investigations, property records, witness statements, signed Miranda rights forms, Family Court petitions, other court documents, process and disposition documents, fingerprints, and photographs.

a) Juvenile detention records (for juveniles not arrested) when charges are brought against others

Retention: Retain seven (7) years after juvenile reaches age eighteen (18) or seven (7) years after the case is concluded, whichever is later.

b) Juvenile detention records (for juveniles not arrested) when no charges are brought against anyone

Retention: Retain one hundred (100) years.

c) Juvenile arrest logs

Retention: Retain three (3) years after last entry.

d) Juvenile arrest files

Retention: Retain seven (7) years after juvenile reaches age eighteen (18) or seven (7) years after the case is concluded, whichever is later.

NOTE: Records must be kept separate and apart from adult records. Current practice is to seal records at age eighteen (18).

FM14 Fire Academy Student Training Records

The Fire Marshal operates a Fire Academy that provides basic and advanced training to members of the fire service community. The records in this series document this training and any resulting certifications. The records may include, but are not limited to, student fact sheets, student information sheets, applications for enrollment, written and practical examinations, incident reports, copies of graduation certificates, copies of training certificates, and any other information received or generated by the Fire Academy relating to specific students.

Retention: Retain forty (40) years from date of course completion.