



9/11 Plus Two in the Florida State Courts

The Implementation of “Keep the Courts Open” and Future Efforts in Emergency Preparedness

Office of the State Courts Administrator
500 South Duval Street
Tallahassee, Florida 32399-1900
(850) 922-5081

Prepared by
Gregory J. Cowan, Court Operations Consultant
Tom Long, General Services Manager
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Directions from the Chief Justices

Based on the guidance provided in the March 2002 report, *“Keep the Courts Open” Final Report of the Florida Supreme Court Workgroup on Emergency Preparedness*, then Chief Justice Charles T. Wells directed the Office of the State Courts Administrator (OSCA) to “formulate a detailed implementation strategy – including specific instructions and forms – to facilitate the development of Court Emergency Preparedness Plans.” Additionally, the OSCA was directed to “assist the courts with training for emergency coordinating officers as well as provide on-site technical assistance.” Chief Justice Wells established a target date of July 1, 2003 for the completion of these efforts.¹

The directions provided by Chief Justice Wells were later affirmed and expanded upon by Chief Justice Harry Lee Anstead.²

Exactly two years after the national tragedy serving as the impetus for these directives, this white paper is released detailing the progress made toward the completion of these directives as well as providing observations to help focus future efforts in emergency preparedness.

The Implementation Strategy

With a cooperative effort of staff from both the General Services and Court Services sections of the OSCA, the specific directives to the OSCA from both Chief Justice Wells and Chief Justice Anstead have been carried to fruition.

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The implementation strategy formulated and carried out by OSCA staff is detailed in the flowchart provided below. The symbols in the flowchart are coded to indicate those processes in the strategy that have been confirmed completed and those where confirmation is not available. Annotations are also provided to underscore observations made during implementation.

Highlights of the implementation efforts undertaken by OSCA staff include:

1. Conducting two statewide training sessions;
2. Educating court personnel on the basic process for responding to emergencies;
3. Developing and disseminating eight detailed fill-in-the-blank templates;
4. Establishing and updating a list of emergency coordinating officers;
5. Gaining representation for Judicial Branch personnel on each of the seven Regional Domestic Security Task Forces;
6. Utilizing both the Internet and Intranet as a means to disseminate information;
7. Securing grant funds and private consultants to provide training and onsite technical assistance as requested by appellate and trial court personnel; and
8. Assisting in the onsite technical assistance provided to select trial courts.

Progress of the Courts

All of the judges, clerks, sheriffs, other constitutional officers, marshals, administrators, emergency coordinating officers, court personnel, and other participants in these efforts should be commended for the progress they have made. Largely due to their hard work toward the development their Court Emergency Preparedness Plans, the Florida State Courts System is recognized as a leader in emergency preparedness among state court systems in the country.

Based on direction from Chief Justice Anstead, staff from the OSCA and consultants with DRC, Inc., conducted a cursory review of those plans submitted as of the date of this white paper. The review centered on whether the required templates were completed and submitted.

A table summarizing the results of the OSCA review is provided below. The results of this review should not be considered as a measure of the sufficiency of the plans of any individual court. Rather, this determination must be made by local officials with the understanding that the plans should ensure the achievement of two goals, protect the lives and health of individuals at the court and keep the court open.

Future Efforts Required

As is underscored in the details provided on the attached flowchart and table, future efforts, both locally and at the state level, are required in order to better prepare the Florida State Courts to meet the goals reinforced by both Chief Justices. Observations by OSCA staff and consultants with DRC, Inc., during the implementation process may help focus these efforts. These observations include:

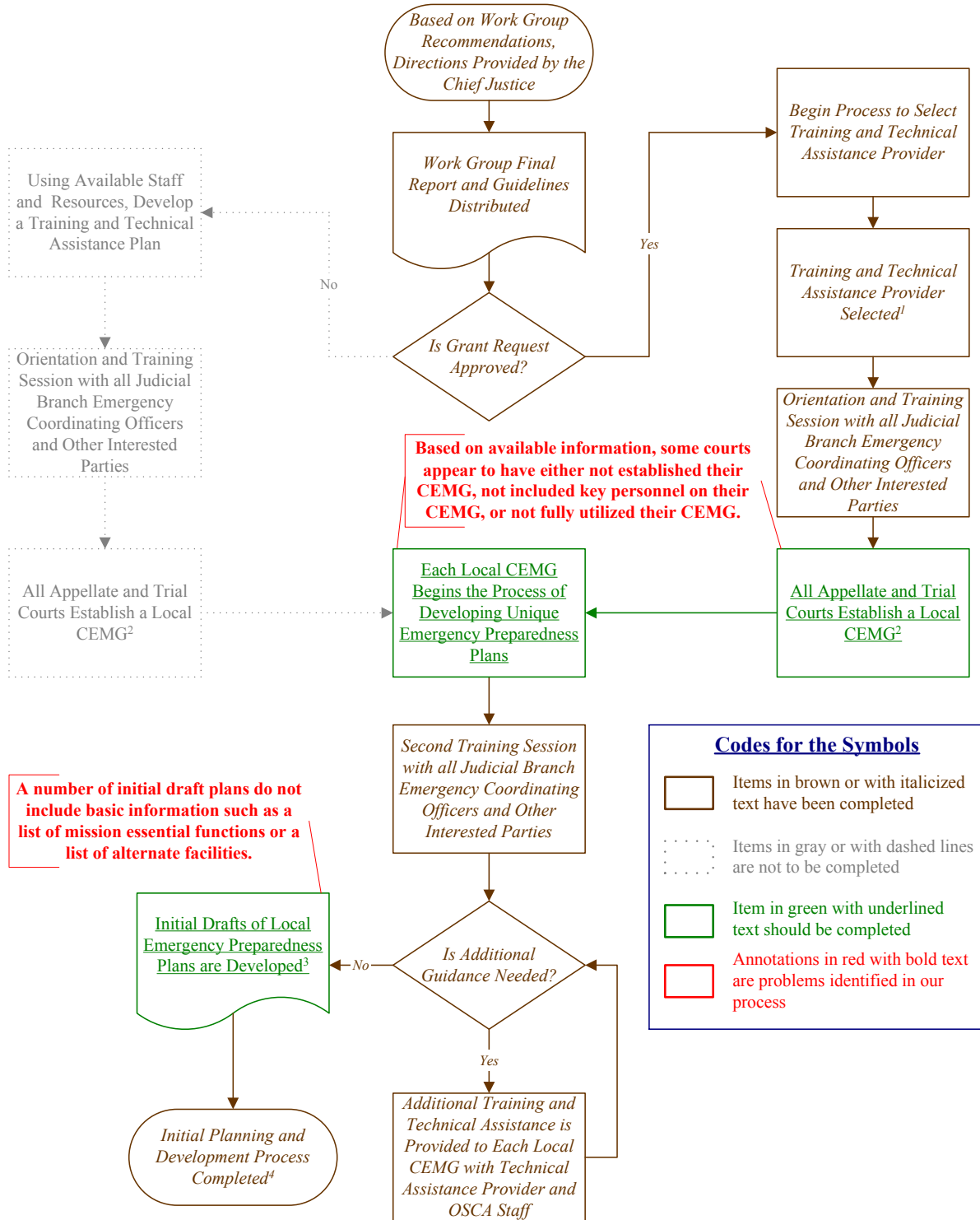
1. The underutilization by some courts of specific guidance provided by the Work Group on Emergency Preparedness in developing the suggested groups and the required plans;
2. Some plans that have been developed may not be adequate and may need to be tested, practiced, and perhaps improved upon;
3. Some representatives to the Regional Domestic Security Task Forces may not have been, or may not have been encouraged to be, as involved as is necessary;
4. No or little efforts have been initiated in the areas of mitigation or recovery;
5. Efforts to improve communications appear to have been sporadic;
6. Efforts related to records and technology have in some cases proven problematic;
7. Training for chief judges and continued training for emergency coordinating officers may need to be developed and provided;
8. A strategy for OSCA staff to follow-up with any district or circuit after an emergency event to assess the effectiveness of plans may need to be develop; and
9. Greater coordination between state and local personnel both within the Branch and with state and local agencies may be needed.

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A Living Requirement

The chairman of the Workgroup on Emergency Preparedness, Mr. J. William Lockhart, described efforts in emergency preparedness as a “living requirement.”³ As part of this living requirement, it is incumbent upon representatives associated with each of the six appellate and 20 trial courts to ensure their court emergency preparedness plans do not lie untouched on a counter, bookshelf, or in an electronic folder. The plans must be regularly updated, practiced, and exercised. These activities should become part of the local comprehensive emergency preparedness efforts and should be regular activities for judges, clerks, sheriffs, other constitutional officers, marshals, administrators, emergency coordinating officers, court personnel, and others who have helped our courts make such strides over the two years since 9/11.

Implementation Strategy Formulated and Completed by OSCA Staff



Summary Table of Plans Submitted and Templates Completed

Court	Plan Submitted⁸	Additional Notes⁹
Supreme Court	No	Planning efforts are underway and a draft plan is in development.
First DCA	Yes	COOP and related templates are developed. Four other templates could be further developed.
Second DCA	Yes	COOP and related templates are developed. One other template could be further developed.
Third DCA	Yes	COOP and related templates are developed. All other templates addressed.
Fourth DCA	Yes	COOP and related templates are developed. Four other templates could be further developed.
Fifth DCA	Yes	COOP and related templates are developed. All other templates addressed.
First Circuit	Yes	COOP and related templates are developed. All other templates addressed.
Second Circuit	Yes	COOP and related templates are developed. One other template could be further developed.
Third Circuit	Yes	COOP and related templates are developed. All other templates addressed.
Fourth Circuit	Yes	COOP and related templates are developed. Three other templates could be further developed.
Fifth Circuit	Yes	COOP and related templates are developed. Other templates (number varies by county) could be further developed.
Sixth Circuit	Yes	COOP and related templates are developed. Three other templates could be further developed.
Seventh Circuit	Yes	COOP and related templates are developed. Four other templates could be further developed.
Eighth Circuit	Yes	COOP and related templates are developed. Other templates (number varies by county) could be further developed.
Ninth Circuit	Yes	COOP and related templates are developed. Four other templates could be further developed.
Tenth Circuit	Yes	COOP and related templates are developed. Three other templates could be further developed.

Summary Table of Plans Submitted and Templates Completed (continued)

Court	Plan Submitted⁸	Additional Notes⁹
Eleventh Circuit	Yes	The mission essential functions, alternate facilities, and two other templates could be further developed.
Twelfth Circuit	Yes	COOP and related templates are developed. Four other templates could be further developed.
Thirteenth Circuit	Yes	COOP and related templates are developed. Three other templates could be further developed.
Fourteenth Circuit	Yes and No	COOP submitted for one county. Four other templates and all templates for the other counties remain to be developed.
Fifteenth Circuit	Yes	The mission essential functions and four other templates could be further developed.
Sixteenth Circuit	Yes	COOP and related templates are developed. All other templates addressed.
Seventeenth Circuit	Yes	COOP and related templates are developed. Three other templates could be further developed.
Eighteenth Circuit	Yes	COOP and related templates are developed. All templates addressed, but some templates may need more detail.
Nineteenth Circuit	Yes	COOP and related templates are developed. All other templates addressed.
Twentieth Circuit	No	OSCA staff has been notified a plan(s) is/are in the final stages.

Notes

1. See memorandum dated May 17, 2002 from Charles T. Wells, Chief Justice, Supreme Court of Florida. A copy can be obtained by contacting Gregory J. Cowan at cowang@flcourts.org.
2. See memoranda dated October 10, 2002 and May 2, 2003 from Harry Lee Anstead, Chief Justice, Supreme Court of Florida. Copies can be obtained by contacting Gregory J. Cowan at cowang@flcourts.org.
3. See chairman's remarks from "*Keep the Courts Open*" *Final Report Florida Supreme Court Workgroup on Emergency Preparedness* released March 28, 2002. A copy is available at <http://www.flcourts.org/osca/divisions/emergency/index.html>.
4. The selected provider was based on a joint proposal submitted by DRM and DRC, Inc.
5. The acronym "CEMG" refers to the Court Emergency Management Group as defined by the Workgroup on Emergency Preparedness.
6. Appellate and trial courts have submitted plans of varying complexity. See the table summarizing the plans submitted and templates completed by individual appellate and trial courts.
7. The recommended completion date for the initial planning and development process was set as March 31, 2003 with the final completion date set as June 30, 2003.
8. A "yes" in this column does not indicate the court is sufficiently prepared to respond and recover from an emergency event. Also, a "yes" does not indicate that the plan(s) submitted are sufficient to ensure the goals of protecting the lives and health of individuals in the courthouse or to keep the courthouse open can be met. This determination is left to each local CEMG. Rather, the "yes" only indicates that the court has submitted a document(s) to OSCA staff by the date of the submission of this report.
9. The acronym "COOP" refers to the Continuity of Operations Plan. The related templates refer to the Mission Essential Functions template and the Alternate Facilities template. The other templates refer to the Checklist for Administrative and Emergency Procedures, Decision Making Guide, Employee Directory, and Agency Directory. The Family Disaster Plan template was not required to be submitted back to the OSCA.