

# EMERGENCY PREPAREDNESS IN THE FLORIDA JUDICIAL BRANCH

BY GREGORY COWAN

## INTRODUCTION

Uncertainty in the weeks immediately following the September 11, 2001, attacks was dispelled to a large degree in the Florida Judicial Branch through the strong and decisive leadership by then Chief Justice Charles T. Wells. Articulating the branch priorities, in no uncertain terms, Chief Justice Wells enabled Florida's judges and staff to make tangible strides in preparing the branch to respond to and recover from potential threats and emergencies.

After assuming office on July 1, 2002, current Chief Justice Harry Lee Anstead has taken measures to build upon the accomplishments made during the term of Justice Wells.

Specifically, these tangible accomplishments in emergency preparedness spanning the terms of the two chief justices include:

- Reiterating established branch policies;
- Creating systematic processes for responding to emergencies and for developing local plans;
- Developing local emergency plans in most of the six appellate and 20 trial courts; and
- Increasing branch participation with state and local law enforcement and emergency management agencies.

## ESTABLISHED BRANCH POLICIES

Immediately after September 11, Chief Justice Wells reiterated two statewide policies of the Florida judicial branch. These policies, as unequivocally stated by Justice Wells, are:

- Protect the lives and provide for the safety of judges, other constitutional officers, staff, and visitors to the court; and
- "Keep the courts open."

These policies are not new to the branch. Rather, as stated initially in "Horizon 2002, The Operational Plan for the Florida Judicial Branch," one of the branch's objectives is to provide "safe, functional, dignified, and healthy court facilities." Achieving this policy objective must be balanced with the corresponding policy of enhancing access to the courts as delineated in "Taking Bearings, Setting Course: The Long-Range Strategic Plan for the Florida Judicial Branch."

While these two policies may appear to represent a dichotomy, the branch's emergency preparedness efforts have been specifically structured to allow for both policies to be achieved simultaneously. The policies are simultaneously achievable in large part due to the work of the intergovernmental Work Group on Emergency Preparedness established by Justice Wells in November 2001.

Specifically, the work group outlined two systematic processes, one process for responding to emergencies and one process outlining the development of local plans. These processes are essential for the simultaneous achievement of the two policies.

## PROCESS FOR RESPONDING TO EMERGENCIES AND PROCESS FOR DEVELOPING LOCAL PLANS

The process for responding to emergencies was developed largely under the tutelage of emergency management, law enforcement, fire, rescue, and hazardous materials experts serving on the Work Group on Emergency Management. This process is displayed as a flowchart (see Figure 1) and consists of two parts:

- The Administrative and Emergency Procedures; and
- The Continuity of Operations Plan (COOP).

The process represents a general map outlining the key steps and decisions that need to occur subsequent to the occurrence of any emergency. The process is general enough to apply not only to the Florida judicial branch but to any jurisdiction or organization.

Following the concepts stressed by the experts, the process follows the key distinction between emergencies not causing the closure of the primary facility versus those causing a closure of the primary facility. For emergencies not requiring the closure of the primary facility or requiring a closure for a length of time that is minimal and acceptable, only the steps and decisions outlined in the Administrative and Emergency Procedures section of the flowchart need be followed. Once the decision is made that the closure of the primary facility will be for an extended and unacceptable period of time, the COOP steps and decisions will be activated.

This process is not new to those familiar with emergency preparedness planning, but the explicit presentation of the process as a flowchart does appear to be unique to the efforts underway in the Florida judicial branch.

The second process, the process for the development of local plans, represents a guide to Florida judges and staff for the implementation of the recommendations from the Work Group on Emergency Preparedness. This process is also displayed as a flow chart (see Figure 2). However, unlike the process for responding to emergencies, this process was developed specifically for issues related to the Florida Judicial Branch.

The steps and decisions represented in this process have been carried to fruition. The flow chart is coded, detailing the steps and decisions confirmed completed, the steps that became unnecessary, and the steps that should have been completed. Also, annotations are provided highlighting problems identified during the process.

As stated above, both the process for responding to emergencies and the process for the development of local plans are designed to assist in the simultaneous achievement of the two policy goals reiterated by Justice Wells following September 11. The processes represent a link between the two broad statewide policies and the more specific local activities necessary for the successful, practical implementation of these policies as they relate to the emergency preparedness of courthouses throughout the state.

Perhaps the most descriptive means used to describe the relations between the policies, the processes, and the local activities has been an aerial view metaphor. That is, the policies have been described as representing a view of the ground from 20,000 feet, with the processes representing a view from 10,000 feet, and the local activities representing a view from the tree tops.

These local "tree top" activities include the development of emergency plans and an increased participation with state and local law enforcement and emergency management agencies.

## LOCAL EMERGENCY PLAN DEVELOPMENT

Based on direction from the Work Group on Emergency Preparedness, the emergency plans must include both the Administrative and Emergency Procedures and the Continuity of Operations Plan (COOP) as outlined in the process for responding to emergencies. Each of the six appellate courts and the 20 trial courts were initially directed in May 2002 by then Chief Justice Wells, and redirected by current Chief Justice Harry Lee Anstead, to develop their unique local emergency plans using the directions provided by the Work Group on Emergency Preparedness. The date for the completion of these plans was set as June 30, 2003.

While providing a well-defined structure by reiterating the policy goals and outlining the processes under which each court will develop their plans, the work necessary to actually complete the plans remained an extensive endeavor. Therefore, additional guidance, training, and resources to assist appellate and trial court judges and staff were provided.

Specifically, the Work Group on Emergency Preparedness developed guidance regarding the intractable "authority issue" problematic throughout the state's multi-use trial courthouses. The work group recommended development of local groups to develop local policy and local plans. Suggestions regarding membership in these local groups, referred to as Court Emergency Management Groups (CEMG),

and the general tasks required of the groups were further outlined by the work group.

A separate group, the Court Emergency Management Team (CEMT), was also recommended. While the CEMG represents a policy group, the CEMT represents an operational or logistics group. In the simplest terms, the CEMG will develop the policies and plans, and the CEMT will implement the policies and plans. The practical distinction between these two groups may be in name alone, especially in smaller jurisdictions.

Further assistance was obtained by staff from the Office of the State Courts Administrator (OSCA) through a grant awarded OSCA from the Division of Emergency Management at the Florida Department of Community Affairs. Through the use of these grant dollars, staff:

- Provided two, two-day statewide training sessions to key appellate and trial court judges and staff;
- Secured consultants from Disaster Resource Management, LLC and DRC, Inc. to provide individualized assistance to each court;
- Obtained additional training from consultants with Policy Studies, Inc.; and
- Purchased technical equipment to assist in the branch's planning and responding capabilities.

Additionally, staff from OSCA developed a series of fill-in-the-blank templates and checklists associated with key elements of the Administrative and Emergency Procedures and the COOP. These templates and checklists were distributed at the initial statewide training session and are available on the branch's Internet site at [www.flcourts.org](http://www.flcourts.org) (click on Judicial Administration then click on Emergency Preparedness).

## PARTICIPATION WITH STATE AND LOCAL LAW ENFORCEMENT AND EMERGENCY MANAGEMENT AGENCIES

The guidance, training, and resources provided by the Work Group on Emergency Preparedness, OSCA staff, and the consultants are perhaps most useful to the judicial branch emergency coordinating officers (ECO). As part of the implementation efforts, each of the six appellate courts and the 20 trial courts were directed to name an individual to serve as the court's ECO. Each court also named an individual to serve as their alternate ECO, and in jurisdictions with outlying counties or in jurisdictions with multiple court facilities, additional safety officers were recommended.

Each ECO was directed, among other duties, to get his or her court "hooked into" the already existing emergency management network in their community. Specifically, they were directed to contact the Emergency Operations Center(s) in the appropriate county or counties within their jurisdiction. An ECO was also named for the

judicial branch, and the branch ECO provides the court with access to the Florida Emergency Operations Center.

In addition to naming a branch ECO, a branch public information officer (PIO) has also been named. In keeping with recommendations made regarding ECO activities, similar progressive recommendations were forwarded regarding PIO activities.

As a result of these progressive efforts, representatives from the branch have been granted seats on each of seven newly created regional domestic security task forces. These task forces, led by local sheriffs and region directors of the Florida Department of Law Enforcement, represent the new frontline in ensuring security and emergency preparedness throughout the state. The third branch in Florida now has representation at this table.

## CONCLUSION

While uncertainty in the Florida judicial branch has been lessened, much still needs to be accomplished in the branch's emergency preparedness efforts. Observations by OSCA staff and consultants with DRC, Inc., during the implementation process may provide some insight into the necessity of these continued efforts. Some of these observations include:

- 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;
- Some plans that have been developed may not be adequate and may need to be tested, practiced, and perhaps improved upon;
- 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;
- No or little efforts have been initiated in the areas of mitigation or recovery;
- Efforts to improve communications appear to have been sporadic or uncoordinated;
- Efforts related to records have proven problematic;
- The urgency felt after September 11 may in some cases have been replaced with lethargy;
- Training for chief judges and continued training for emergency coordinating officers may need to be developed and provided;

- A strategy for OSCA staff to follow-up with any district or circuit after an emergency situation to assess the effectiveness of plans may need to be developed; and
- Greater coordination between state and local personnel both within the branch and with state and local agencies may be needed.

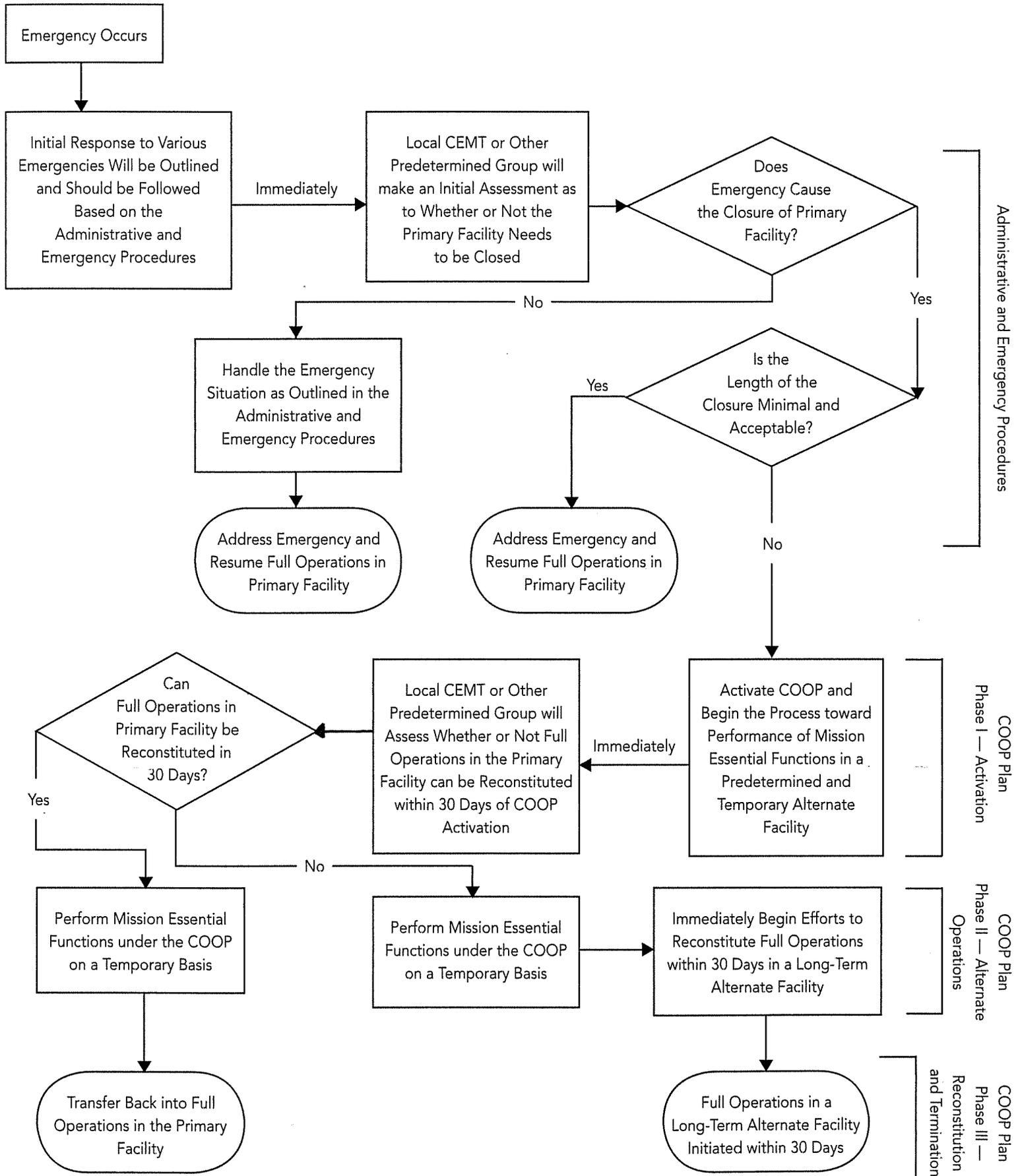
Additionally, preparing for emergencies is by its nature a continuous process. Even the procedures and plans developed in this process do not represent finished or static products. Rather, they represent the completion of a single step in the continuing process of emergency preparedness.

J. William Lockhart, chair of the Work Group on Emergency Preparedness, conveyed this concept of the continuing process of emergency preparedness, stating, "Preparing for threats and emergencies is an ongoing and living requirement..."

By building upon efforts completed to date, the Florida judicial branch can make additional tangible strides in this "ongoing and living requirement." A requirement that is necessary to protect the lives and health of our judges, other constitutional officers, staff, and visitors to our courts and to "keep the courts open." CM

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**FIGURE 1**  
**PROCESS FOR RESPONDING TO EMERGENCIES**



**FIGURE 2**  
**PROCESS FOR THE DEVELOPMENT OF LOCAL PLANS**

