



# **A Comprehensive Emergency Management Program**

**A Model for State & Territorial Courts  
2007**



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<sup>1</sup> This document is intended primarily for online access and distribution. The appendices will be updated and supplemented on a recurring basis and, as such, a table of contents was not constructed for Part II.

## PREFACE

This Comprehensive Emergency Management Program is rooted in commonly accepted standard practices of entities such as the United States Department of Homeland Security and, in particular, the Federal Emergency Management Agency. The goal is to provide judicial officers and court managers a step by step approach for the design, development, and implementation of a robust and full service emergency management program that helps courts prevent, prepare for, and respond to a broad array of disruptions.

The National Center for State Courts (NCSC) is grateful to the Bureau of Justice Assistance, Office of Justice Programs, for providing funding to the NCSC for the development of a continuity of operations plan guide and templates. Through this grant, the NCSC established a 20 person coalition of nationally recognized court and emergency preparedness officials to develop the guide and templates, with a pandemic emphasis, that will be available in 2007.

Some of the information contained in this Comprehensive Emergency Management Program will be modified to coincide with the Bureau of Justice Assistance guidance and templates upon completion of the coalition's work.

The NCSC is also grateful to the District of Columbia Courts for graciously agreeing to share an example of their alternate site memorandum of understanding.

**A COMPREHENSIVE EMERGENCY  
MANAGEMENT PROGRAM  
2007**



# INTRODUCTION TO AN EMERGENCY MANAGEMENT PROGRAM

## BACKGROUND

Since September 11, 2001, federal and state governments have taken steps to ensure the continuity of government, at all levels, in the event of a disaster. While the judicial branch is not generally required to comply with executive branch policies, many of the policies, programs, and approaches to emergency management and preparedness can be very helpful to courts' emergency planning efforts.

For example, the U.S. Department of Homeland Security requires states and territories that seek funding to assume an all-hazards approach to the development of capabilities to prevent, prepare for, respond to, and recover from a broad array of disruptions.<sup>2</sup> Additional federal policy provides pandemic influenza preparedness guidance to federal agencies, and state, territorial, and tribal governments.<sup>3</sup> In November 2005, the President, through the Homeland Security Council, released the National Strategy for Pandemic Influenza, and in May 2006 the companion Implementation Plan was released.

Therefore, it is imperative that the judicial branch understand and apply, where appropriate, these policies and procedures as well as those that are unique to each state and territory such as pandemic related quarantine and isolation policies and public health laws.

Since 2005, breaches of security at court facilities and attacks on court staff, judicial officers and even their families, have compelled courts to revisit and enhance critical incident and security procedures to ensure the protection of court assets: people, facilities, and records. Similarly, the profound and devastating effects of Hurricane Katrina underscored the necessity for courts to ensure that essential functions are sustained in the event of a broad array of disruptions and disasters.

## PURPOSE

The purpose of establishing an emergency management program within the courts is to ensure that the capability exists to respond effectively to a broad array of potential operational interruptions such as those identified in Figure 1. Disruptive events have, in

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<sup>2</sup> [Homeland Security Presidential Directive 8 \(HSPD-8\)](#), effective December 17, 2003, established policies to strengthen the preparedness of the United States to prevent and respond to threatened or actual domestic terrorist attacks, major disasters, and other emergencies. [HSPD-8](#) established the National Preparedness Goal and expands prevention, preparedness, response, recovery, and training, testing and exercise capability requirements; and [FPC 65](#) Federal Executive Branch established Continuity of Operations (COOP), June 15, 2004; also see [FEMA-COOP Plan Templates and Instructions](#); [HSPD-5](#) refines assistance to states and local governments.

<sup>3</sup> [National Strategy for Pandemic Influenza](#) (November 1, 2005) and [National Strategy for Pandemic Influenza: Implementation Plan](#) (May 2006).

recent years, affected court operations and staff at the state and federal levels. For this reason there is an increased focus on emergency management, prevention, preparedness, and training within the judiciary.

**Figure 1: Potential Threats That May Require an Emergency Management Response**

Natural Threats	Manmade Threats	Terrorist Threats
√ Pandemic flu	√ Explosions	√ Conventional weapons
√ Hurricanes	√ Hazardous materials	√ Incendiary devices
√ Floods	√ Transportation accidents or incidents	√ Biological and chemical devices
√ Fire	√ Arson	√ Cyber-terrorism
√ Tornadoes	√ Assaults/acts of violence	√ Weapons of mass destruction
√ Ice storms	√ Power grid failure	

This document serves as a strategy for state and territorial judicial officers and court administrators to guide efforts to develop and maintain a comprehensive emergency management program, and it is intended to help court leaders plan to prevent, prepare for, respond to, and recover from disruptions. The document is divided into two parts:

**Part I – An Overview of an Emergency Management Program**

The emergency management model described in Part I provides guidance that is flexible and can be applied to any size court or organizational structure.

Part I discusses four preparedness plans:

1. COOP (with a pandemic annex)
2. IT disaster recovery
3. Evacuation (with a shelter in place annex), and
4. Critical incident procedures such as a bomb threat or suspicious mail.

Particular emphasis is given to COOP planning because courts generally have security and critical incident procedures, but preparations for the continuity of court operations, when faced with a broad array of disastrous disruptions, often is lacking.

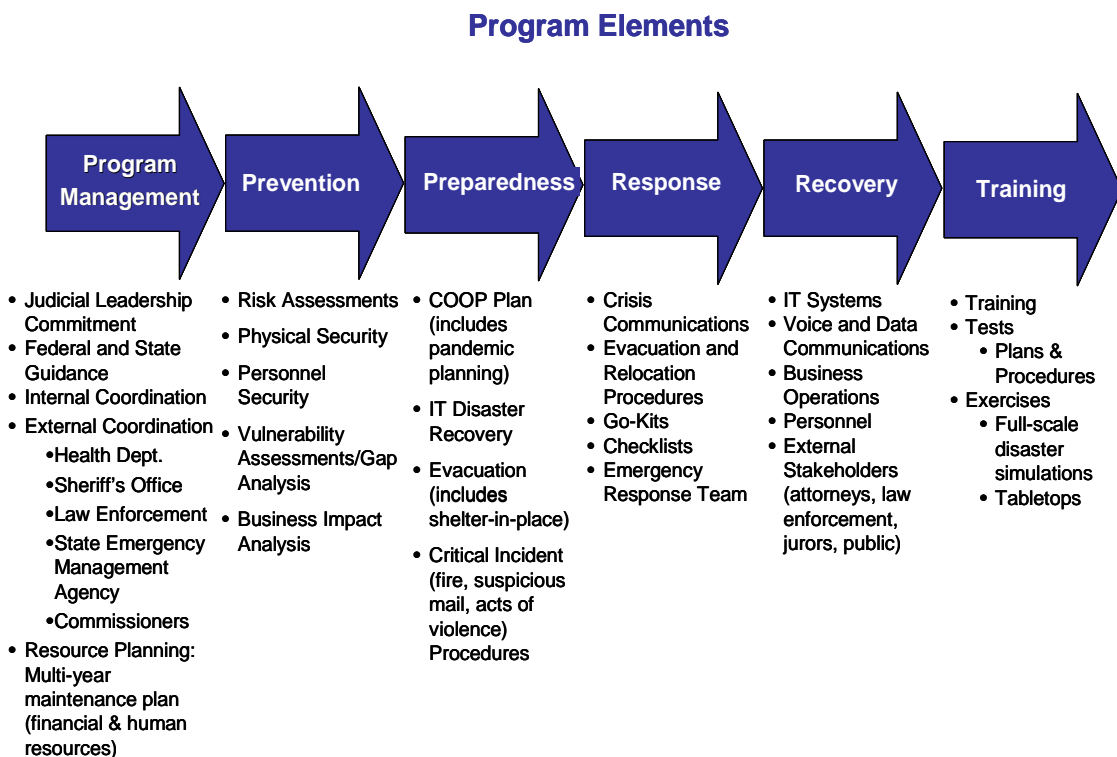
**Part II – Provides a sample COOP plan, COOP plan templates that are modifiable, sample judicial correspondence and alternate site memoranda of understanding, a glossary, list of acronyms, and other references.**

# PART I

## OVERVIEW OF AN EMERGENCY MANAGEMENT PROGRAM

A typical emergency management program encompasses 1) the full range of leadership and governance structures designed to prevent, prepare for, respond to, and recover from any threat, emergency, or disaster, including a pandemic, that could disrupt operations; 2) policies, procedures, plans, internal and external outreach strategies; and 3) multi-year strategic planning. The model in Figure 2 illustrates six elements of this emergency management model: Program Management, Prevention, Preparedness, Response, Recovery (sometimes called Reconstitution), and Training.

**Figure 2: Six Elements of an Emergency Management Program**



To be effective, court emergency management programs should be multi-disciplined, both internally and externally. This means courts should interface with external agencies, such as the state and local justice and emergency management agencies, the health department, law enforcement e.g., the sheriff's office, and incorporate all facets of court operations, including administration, automation, finance and budget, security, human resources, and facilities management.

It is imperative that stakeholders view emergency management as a shared responsibility. The decentralized nature of many state courts and the fact that courts often depend on

executive branch agencies for funding, space, and various aspects of security and risk management, necessitates continuous careful planning, coordination, and communication. A comprehensive and strategic approach to emergency management for the courts should address each aspect of emergency management in an integrated fashion. The following sections provide a detailed description of the program elements.

## DEFINITION OF PROGRAM ELEMENTS

### 1. Program Management

This element, illustrated in Figure 3, provides the program framework to identify, and apply where appropriate, leadership and governance structures; laws and established and accepted standards and practices (federal, state, and local guidance); internal and external outreach activities; and a multi-year strategic plan to maintain and strengthen the program.

**Figure 3: Program Management**



#### Judicial Leadership Commitment

The development and implementation of an emergency management program will only be successful if there is demonstrated and sustained leadership commitment to the program. This begins with the chief justice/judge and the court office leaders endorsing a culture of preparedness that promotes an expectation of collaboration, cooperation, and communication within and between internal and external stakeholders. For example, the chief justice/judge might consider issuing a memorandum or order that:

- Mandates an emergency program for entities of the court that focuses on the safety of personnel and the public while ensuring continuity of essential court functions and preserving public access to the courts;
- Requires the Program to address each element of emergency management in an integrated fashion: Program Management; Prevention; Preparedness; Response; Recovery; and Training.

- Authorizes the formation of an Advisory Council (or use of an existing group, i.e., security committee) to carry-out this task and provide program oversight; and
- Sets a timeline for program implementation.
- See sample judicial correspondence in [Part II, Appendix C](#).

### **Federal and State Guidance**

Next, court leaders, the advisory group, and the emergency response team should understand federal, state, and local emergency preparedness guidance and statutes that may be relevant in a crisis such as a pandemic. For example, in November 2005, the President, through the Homeland Security Council, released the [National Strategy for Pandemic Influenza](#), and in May 2006, the companion [Implementation Plan](#) was released. It is imperative that the justice systems understand and apply where appropriate, these policies and procedures as well as those that are unique to each state and territory such as quarantine and isolation.

### **Internal Coordination**

The chief justice/judge should consider establishing an Emergency Management Advisory Council that serves as a permanent workgroup for Program development and maintenance. One individual, such as the state court administrator or court administrator, should be in charge of the Program and chair this working group. The council and its membership would encourage participation and stakeholder investment, enhance the visibility and stature of the planning process, and ensure key stakeholders are included in the planning process, such as personnel from each court entity (and perhaps the state court administrative office, where appropriate). An existing committee such as a security committee could expand its function to include preparedness planning.

To ensure ownership and investment, the council should be comprised of representatives from each court office and security personnel (e.g., sheriff's office) and its mission should be threefold:

1. Develop program policies and procedures for the “parent” court and court offices;
2. Promote cooperation, coordination, and communication between the entities of the court and vital external stakeholders such as the sheriff's office; and
3. Develop and implement a training program for all employees, the emergency response team (defined in the preparedness plans), and judicial officers.

Regardless of how a court is organized, the court should ensure that each court office is represented and involved in the Program planning, implementation, and maintenance.

The council should establish a work schedule, assign tasks, and set deadlines for the completion of the program elements. Emergency management coordinating officers and alternates, whose primary responsibility is to implement the recommendations and guidance provided by the council, should be designated and trained.

Next, the council should communicate to all employees: the purpose of the program; the scope of the program e.g., that it encompasses all offices of the court; its authority to

operate; and the organizational structure. Communications with employees should continue on an ongoing basis to keep them informed of prevention and preparedness activities and the work of the council. This can be accomplished through a variety of means such as broadcast emails, monthly newsletters, and informational posters. It is the regular distribution of this type of information that keeps personnel current on emergency management topics and creates a culture of preparedness..

### **External Coordination**

These activities are designed to convey to local organizations and external stakeholders that the court has preparedness plans and that some response activities may require external communications and cooperation. Outreach also is intended to sensitize external agencies, particularly the funding officials, law enforcement, health department, and response partners such as the sheriff's office, to the importance of the courts (the Third Branch of government) as a critical component to ensure continuity of government. The courts can also benefit from these activities because they receive vital and current information, they may be included in simulated disaster exercises, included as a partner in the state's overall emergency response plan, and be included in the state's emergency operations center.

Similarly it is important to interface with external entities when the court is developing its response plans to ensure communications and the seamless delivery of court services. To accomplish this goal, the council might consider forming a multi-disciplined working group comprised of court leaders, financing authorities, the health department, state and local law enforcement officials, state and local emergency management officials, the bar association, and the public defenders office. This group might meet regularly to discuss planning and training across organizations. This type of formalized outreach and awareness effort encourages communications under normal conditions and fosters relationships that become vital during a disaster or critical incident.

### **Multi-year Strategic Plan**

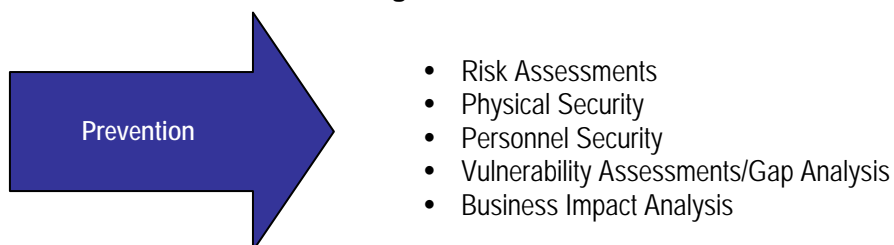
This long range plan ensures that the resources (e.g., people, supplies, and equipment) required to build and strengthen essential functions capabilities are identified and obtained. The plan also sets forth the annual training and maintenance schedule to ensure the plans remains viable. The following graphic illustrates how the court could establish a multi-year plan and training maintenance schedule that is linked to the COOP plan.

Test Activity	Frequency	COOP Plan Reference	Training Plan Reference
Test alert & notification procedures	Quarterly	[Insert COOP Plan bookmark]	[Insert training plan reference]
Check emergency relocation site readiness	Monthly	[Insert COOP Plan bookmark]	[Insert training plan reference]
Validate strategies to carry-out essential functions	Semi-monthly	[Insert COOP Plan bookmark]	[Insert training plan reference]
Test interoperable communications	Monthly	[Insert COOP Plan bookmark]	[Insert training plan reference]
Evaluate vital records	Ongoing	[Insert COOP Plan bookmark]	[Insert training plan reference]
Evaluation orders of succession	Semi-annually	[Insert COOP Plan bookmark]	[Insert training plan reference]

## 2. Prevention

This element, illustrated in Figure 4, includes activities designed to reduce risk to and loss of assets (e.g., people, vital records, facilities). This includes the identification and analysis of key assets and the development of a business impact analysis, risk assessment, and facility and perimeter vulnerability assessments to identify gaps and mitigation strategies.

**Figure 4: Prevention**



Every court facility is vulnerable to risks associated with natural disasters, acts of violence, and accidents, and it therefore is incumbent upon court leadership to take steps to identify and mitigate risks and threat. Multi-hazard prevention and mitigation

activities are intended to protect, secure, and make safe a court's key assets and should include, but not be limited to, the following:

1. Physical security assessment of the courthouse or court space which includes areas such as parking areas and structures, exterior courthouse/facility perimeter, interior space, entry/exit ways, courtrooms and chambers, court offices, public spaces and stairwells, and holding cells
2. Personnel, vendors, public, and prisoners
3. Vital records, databases, and information systems

To prevent and mitigate problems, response plans and procedures that address critical incidents must be in place, rehearsed, updated annually, key assets identified, and all personnel trained on an ongoing basis.

### **Types of Analyses**

#### **1. Risk Assessment and Management Strategies**

This type of analysis compares hazards in the geographical area of court facilities.<sup>4</sup> Once hazards are identified, they are ranked according to the overall risk and threat they present to court operations and personnel, and mitigation or management strategies should be implemented.

#### **2. Physical Security Vulnerability Assessments and Gap Analysis**

These types of analysis are designed to identify threats to and gaps in personnel and physical (facility and perimeter) security. This analysis is usually most productive when conducted in cooperation with the court staff, the sheriff's office and county or local facilities managers, and might include an evaluation of protection procedures for judicial officers and others outside the court facilities (e.g., personal residence). Vulnerabilities in infrastructure, facilities, and/or safety are gateways to key assets, and threats, risk, and gaps must be identified so that mitigation strategies can be implemented. Information gleaned from this assessment also can be used to identify capability gaps, weaknesses, and required upgrades for fiscal year and long range planning budget projections.

#### **3. Business Impact Analysis**

The purpose of this type of analysis is to determine and priority rank the essential functions; determine the maximum tolerable unavailability of the function (often referred to as Recovery Time Objective or RTO); critical linkages; financial and non-financial impact; and the recovery priority.

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<sup>4</sup> FEMA Building Design for Homeland Security, Unit V, Risk Assessment/Risk Management

## **Assessment Approach**

The assessment team should be comprised of experienced security consultants knowledgeable about court operations, performance standards, and safety and security education and training. The size and composition of the team depends on the number and size of facilities assessed, while the security assessment and gap analysis format described below is usually the same regardless of courthouse or court facility size or geographical location. The review team should observe operations, interview staff (including judicial officers) and court security personnel, test all security devices, and review critical incident plans and procedures, and floor plans.

### **Assessment and Analysis Format:**

#### **1. Preparation**

An assessment begins before the actual site visit. Pre-study information such as building floor plans, a list of security equipment, previous security reports, and copies of critical incident plans should be requested and reviewed in advance of the site visits so the team is familiar with court safety and security policies, and facility lay-out and procedures.

#### **2. Checklist**

This tool helps ensure the assessment team obtains and records complete information in a consistent format and in accordance with the generally accepted facilities standards for courthouse security audits such as the one used by the National Center for State Courts, National Sheriff's Association, and/ or U.S. Marshal's Service.

#### **3. Survey and Interviews**

To gauge employees' understanding of court security procedures and to record any concerns, the security team should ask judicial officers, employees, and court supporting agency personnel and other stakeholders to complete a security survey. The team should interview judges, court staff and court related employees to gather additional information about day-to-day safety and security practices, and clarify survey responses. This helps team members determine if existing security mechanisms and policies and procedures are consistent with nationally accepted standards and best practices. The results and analysis of the survey and interviews should be used by the team to produce the final report which contains findings and recommendations.

A critical incident reporting tool, similar to the one being developed by the Conference of State Court Administrators, is an effective way to capture local data to identify safety and security gaps, analyze threats and incidents, and support budget requests for safety and security enhancements.

#### **4. Site Observations**

A building walk-through in the company of local security officials such as sheriff's officers, court marshals or bailiffs, and/or the head of the courthouse security is an excellent way to gain first-hand experience with the security

procedures. Security devices and equipment, including duress alarms and CCTV cameras should be tested.

The team should also observe areas of the courthouse such as parking areas, loading docks, mailroom(s), tunnels and walkways, open areas outside the courthouse, exterior and interior exits and entrances, public hallways, semi-private corridors, courtrooms, judges' chambers, quasi-judicial offices, prisoner transfer areas, and public and private elevators. Other items that should be reviewed are the building design, policies and procedures, safety and security training program, and interagency cooperation and communication. Photographs of security gaps, vulnerabilities, and malfunctioning equipment are often helpful and support findings and recommendations.

### **Training Needs**

One of the most important parts of an effective security assessment is the identification and analysis of existing safety and security training programs for judges, court staff, and other stakeholders in the court system. Problems disclosed during an assessment often are the result of no or inadequate employee orientation or ongoing safety and security training.

### **Security Personnel Requirements**

Another important aspect of an assessment is determining if staffing levels required to provide safety and security are adequate and in alignment with standard accepted and best practices. This may include staffing requirements for courtrooms, court offices, detention areas, holding cells, internal prisoner transport, courtroom controls, CCTV monitoring stations, entrance screening stations, and building and grounds patrol.

### **Report Findings and Recommendations**

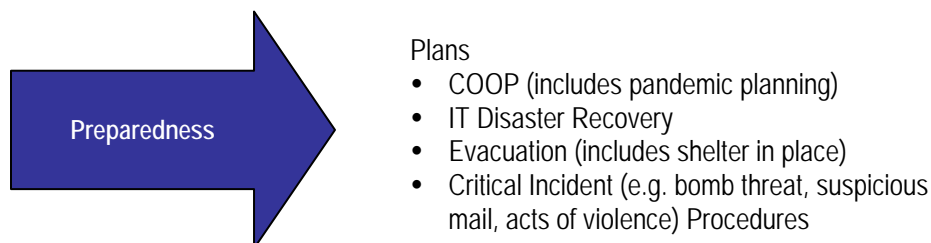
An exit interview with the chief justice, presiding judge, and/or court leadership to deliver a high level summary of the findings and recommendations usually concludes the onsite visit. A detailed written report that contains findings and recommendations with correlating best or accepted standard practices should follow this briefing.

The report typically addresses court governance, authorities and responsibilities, critical incident polices and procedures, safety and security manuals, threats and vulnerabilities, external and internal security controls, and the availability of ongoing and effective training programs. Illustrative photos of security gaps and weaknesses that support the findings and recommendations should be included in the report and all recommendations should be tied to a realistic long range plan to develop and strengthen capabilities.

### 3. Preparedness

This element, illustrated in Figure 5, includes activities such as the development of COOP, IT disaster recovery, evacuation, and critical incident plans designed to establish emergency response procedures, authorities and leadership structure, and assign resources.

**Figure 5: Preparedness**



Preparedness plans and procedures are designed to establish emergency authorities and leadership structures, assign resources, and define roles and responsibilities for the execution of the plans once an event triggers their use. While each court office should identify aspects in the plan unique to it, there should be only one overall court ('parent' court e.g., circuit court) plan comprised of integrated court office parts. For example, in an evacuation plan, each court office may specify certain individuals as evacuation coordinators, and designated rally points once outside the facility may be unique to each court office, but these should be included in the court's overall plan. Each court office should not have its own evacuation plan. Similarly, there should be one 'parent' court COOP plan comprised of information about each court office that is captured in the overall plan.

The four primary response plans, discussed more fully in Part II are:

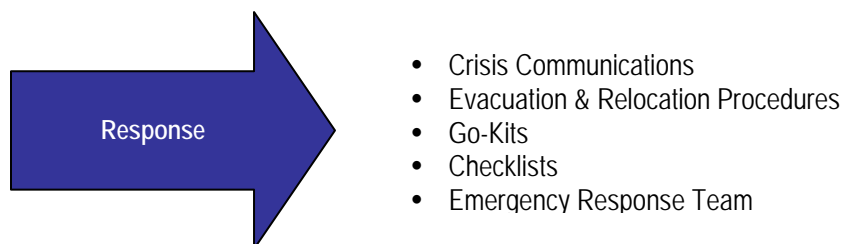
1. Continuity of Operations Plan (COOP plan)
2. IT Disaster Recovery Plans
3. Evacuation Plans
4. Critical Incident Plans

The advisory council or designated person should also ensure that plans are created by each court office, and that any existing plans are reviewed to ensure there are no conflicts between court offices. The council should develop or endorse a template for each type of plan to ensure consistency between court offices and to prevent conflicts when the plans are integrated into the 'parent' court emergency management program, and then tested.

## 4. Response

This element, illustrated in Figure 6, includes the pre-positioning of supplies and equipment prior to an event and the implementation of plans, procedures, and tools such as Go Kits and checklists once an event triggers their use.

**Figure 6: Response**

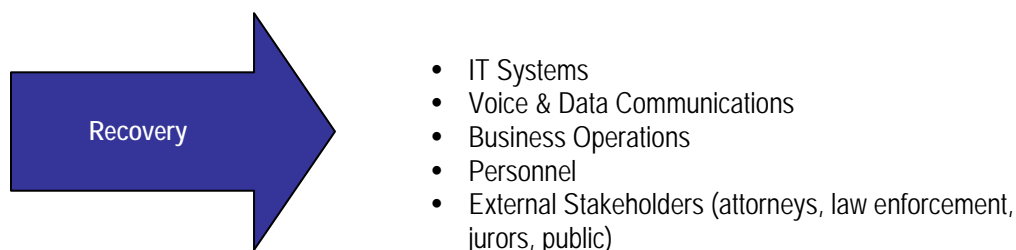


For example, information contained in a COOP plan describes how a decision is made to activate the plan; who is responsible for gathering and disseminating information e.g., public information officer; what types of communications devices are used, who has possession of them; when, where and who relocates (emergency response team), in what order, to an alternate site, and what tasks are accomplished in what order at the site. However, response activities must be practiced (see Training) prior to an event to ensure the leadership and response teams know how and when to [re]act. Because crisis situations often impact people's ability to quickly and effectively respond, the use of checklists (see [Part II Appendix A: Sample COOP Plan](#)) and pre-scripted messages help leadership and the emergency response teams accomplish their tasks and fulfill their defined roles and responsibilities.

Go Kits may be pre-positioned or maintained off-site. Typically these kits contain items such as laptop computers, power cords, printers, battery operated tape recorders and extra batteries, office supplies, manual or battery operated equipment and supplies in the event there is no power, and flashlights.

## 5. Recovery

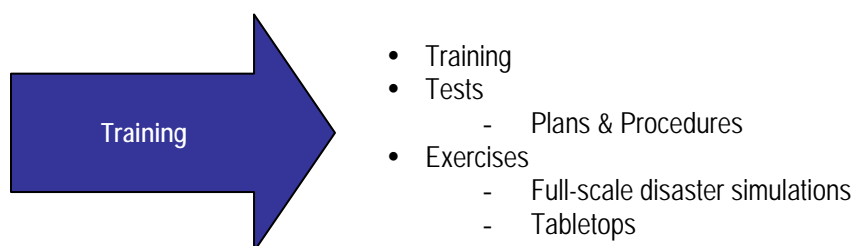
Recovery, or reconstitution as it is sometimes known, consists of activities such as those illustrated in Figure 7 which are necessary for the court to resume normal operations following a disruption either in the primary facility, or if destroyed, in a replacement facility.

**Figure 7: Recovery**

Recovery procedures typically include consideration for: utilities, facilities, infrastructure, communications, records, human resources, voice, data, and information systems, and administrative activities. Planning for recovery ensures a coherent, scalable approach to return personnel, the public, and systems to normal court operations. During a disaster, personnel operate in crisis mode, and once circumstances stabilize and begin to return to normal, the court must shift from crisis mode, perhaps transitioning operations and people from an alternate site to resume operations at the main facility. Personnel as well as the court facility must be prepared, and information disseminated to the public and external stakeholders. Moving back to a facility (or permanent relocated site) also may have emotional and operational challenges, but careful planning and communication can mitigate much of the disruption.

## 6. Training

Training, illustrated in Figure 8, is critical for all staff and judicial officers, and should be included in new employee orientation, as well as on an ongoing basis to build preparedness into the fabric of the court culture.

**Figure 8: Training**

The court should ensure that all employees are educated about the court's preparedness plans including information about a pandemic, and they should be aware of any personnel policies that impact them during an emergency or disaster e.g., compensation, benefit use and accrual.

**Continuity of Operations**

The emergency response team must be trained and cross-trained to perform the essential functions and plans should be tested at least annually to ensure procedures are workable and that employees are familiar with the plans. Simulated disaster exercises help the response teams rehearse response activities contained in the plans, and training and validation activities such as tabletop exercises are cost effective ways to test preparedness plans and examine the viability of the overall program and individual components. The court might also consider participating with the state agencies during full-scale exercises to rehearse disaster response plans in a simulated environment, and to sensitize first responders and emergency management agencies that the continuity of government requires the Judicial Branch of government to function without interruption.

**Safety and Security**

The training should include personal and courtroom safety techniques, security policies and procedures, personal safety procedures, courthouse security systems, information about the security organization structure and security officer responsibilities, critical incident and evacuation plans, pandemic awareness, after-hours procedures, and prisoner handling.

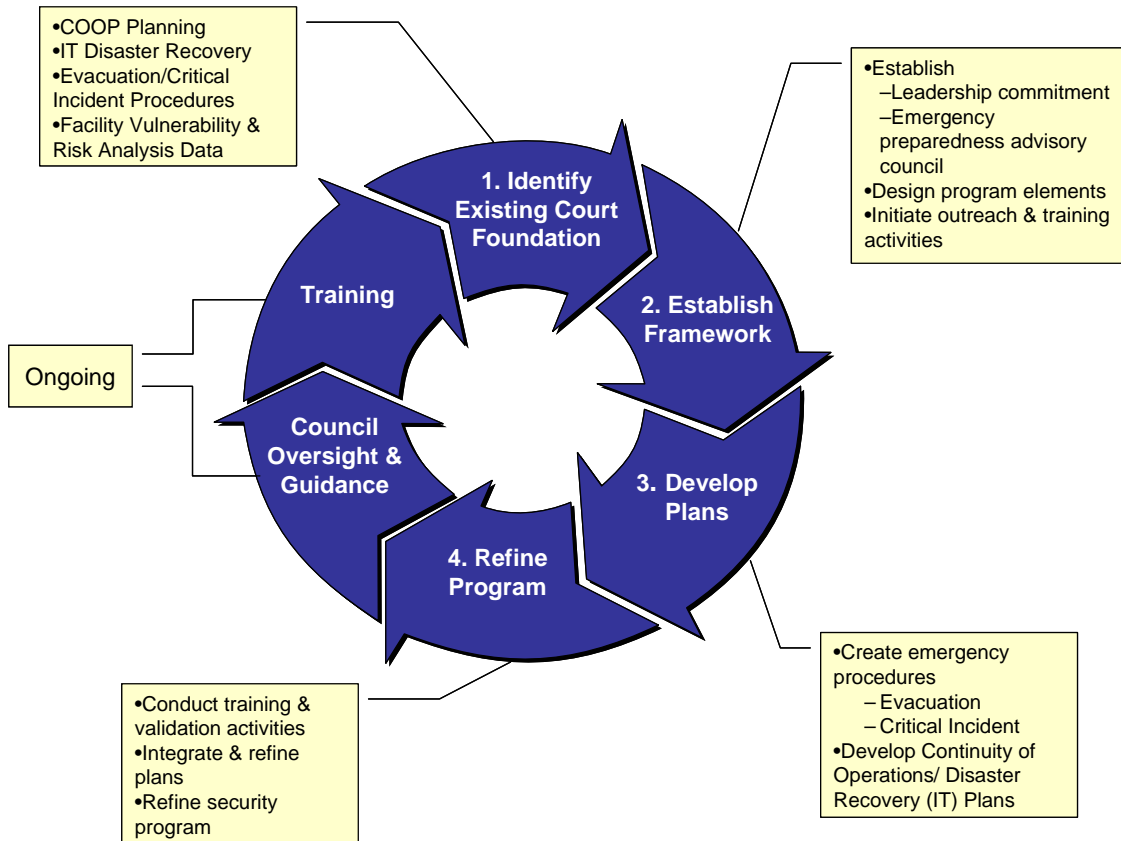
**Law Enforcement Training**

The court should make every effort to include the sheriff's office or other court security personnel in any and all court-wide training, particularly as it relates to continuity of operations, and protection of court staff, judges, public, jurors, and courtroom security. Including court security personnel sensitizes law enforcement to court needs and operations and helps to strengthen a collegial and cooperative environment. Similarly, the court should work with the sheriff's office to be included in law enforcement training to become familiar with policies regarding prisoner transport, prisoner control, and prisoner release within the courthouse.

## HOW TO BEGIN TO DEVELOP AN EMERGENCY MANAGEMENT PROGRAM (EMP)

Figure 9 illustrates an incremental approach courts might follow to develop, implement, and sustain an EMP. Timeframes to accomplish each step should be assigned to each step.

**Figure 9: Illustrative Implementation Plan**



### Step 1 - Identification of the Existing Emergency Management Foundation

This step requires an understanding of the court’s security, continuity of operations and other preparedness and response policies, procedures, and programs. By identifying this starting point, the court will know what policies, plans and procedures exist; what gaps exist; and what capabilities must be developed, strengthened, and/or maintained. An existing committee or person tasked with emergency management oversight, such as a security or emergency management council or court administrator, could be used to identify the court’s existing preparedness foundation.

## **Step 2 - Establish Framework and Governance Structure**

Next, the chief justice/judge should demonstrate commitment to the program development by communicating to court leadership the importance of this effort. This could be accomplished through a letter, memorandum, or administrative order (see [Part II, Appendix C](#)). The chief justice/judge should appoint an advisory council to have oversight of the program or reconstitute an existing group for this purpose. The council's role would be to design the program elements, have oversight of the program, and facilitate outreach to internal and external stakeholders.

## **Step 3 - Develop Plans**

This step calls for the development of response plans including: continuity of operations plans (COOP plan) which should include an annex for a pandemic; evacuation and critical incident plans including but not limited to shelter-in-place, bomb threats, mail handling procedures, acts of violence plans; and IT disaster recovery plans. (Samples of these plans are in [Part II, Appendix D](#)).

The council should also ensure that plans are created by each court office, and that any existing plans (e.g., COOP, evacuation and IT disaster recovery plans) are reviewed to ensure there are no conflicts between the court offices. The council should develop a template for each type of plan to ensure consistency between court offices and to prevent conflicts when the plans are integrated into the 'parent' court plans.

## **Step 4 - Refine Program**

This step focuses on integration, validation, and refinement of all plans and procedures developed in the first three phases for each court office and the parent court as a whole. The advisory council should refine each element, test plans and procedures, train staff and the emergency response team, and conduct or participate in disaster simulated exercises, and update and modify existing plans and procedures. It is essential that plans written by each court office are consistent with the overall 'parent' court plan, and elements of each plan should be coordinated to avoid conflicts and inconsistencies. When all components are integrated, the emergency management program should provide a seamless step-by-step set of instructions to prevent, prepare for, respond to, and recover from a broad array of potential disruptions.

## **Training and Council Oversight and Guidance**

Ongoing training, education, and oversight is required of all staff and the emergency response team to ensure the program remains viable and current.

## PREPAREDNESS PLANS

Part II provides a sample COOP plan ([Appendix A](#)), blank COOP plan templates ([Appendix B](#)), and examples of evacuation, critical incident, and shelter in place plans ([Appendix D](#)). A model IT disaster recovery plan template is pending development. Figure 10 illustrates the plans typically developed and maintained in this phase.

**Figure 10: Preparedness Plans and Maintenance Schedule**

Key Element	Activity	Maintenance/Frequency	Training
<b>COOP PLAN</b>	Update each component: <ul style="list-style-type: none"> <li>Alert/notification</li> <li>Essential Functions</li> <li>Orders of succession</li> <li>Delegations of authority</li> <li>Alternate facilities</li> <li>Communications</li> <li>Interoperable communications</li> <li>Vital records</li> <li>Human capital</li> <li>Devolution</li> <li>Recovery/Reconstitution</li> </ul>	Annually: <ul style="list-style-type: none"> <li>Review and update rosters, checklists, emergency response teams, and IT inventory</li> <li>Review communications procedures (internal/external)</li> <li>Ensure Go-kits are complete and contents operable</li> <li>Pre-position equipment at the alternate site</li> <li>Update leave policies for non-essential personnel</li> <li>Coordinate with other court offices/agencies to ensure communications devices are interoperable and functioning</li> </ul>	Annually: <ul style="list-style-type: none"> <li>New employee training</li> <li>Cross-training for essential functions team</li> <li>Simulations for response teams</li> <li>Test all modified plans including operations at alternate sites</li> </ul>
<b>IT Disaster Recovery</b>	Update hardware & software and coordinate with other court units	Annually	Annually
<b>Evacuation</b>	In conjunction with the sheriff's office and facilities manager, update plan	Annually	Bi-Annually
<b>Critical Incident</b>	Same as Evacuation	Annually	Bi-Annually

## 1. Continuity of Operations Plan (COOP Plan)

### *a. Overview*

A COOP plan is designed to ensure uninterrupted performance of essential functions in response to a broad array of disruptions or disasters. It provides a strategic framework for judicial officers, court managers, and justice system leaders to follow when conditions require the relocation of leadership, functions, and essential staff to an alternate work site(s) geographically removed from the courthouse or affected court facilities. A sample COOP plan is provided in [Part II, Appendix A](#).

This plan facilitates the court and court office capability to perform essential functions across a wide range of potential emergencies including natural, technological, and manmade disasters. It establishes a reliable response capability with effective processes and procedures to quickly deploy pre-designated personnel, equipment, vital records, and supporting hardware and software to an alternate site to sustain the court office's essential operations for up to and perhaps more than 30 days. The plan also designates the leadership structure to determine the best course of action for implementation of COOP procedures, response, and recovery activities.

In the event of a pandemic or world-wide outbreak of an infectious disease, the court's response activities should be addressed in the overall COOP plan. While the primary purpose of a COOP plan is to sustain essential functions at an alternate site if the court facility is unavailable or inaccessible for 30 days or more, during a pandemic the court facility most likely will be available.

However, due to large absenteeism, employee deaths, restricted public transportation, and fear, portions of the COOP plan may be activated. In a pandemic, the same COOP plan framework applies but the essential functions may not necessarily be relocated to a specific pre-arranged alternate site, but rather may be performed in the court facility, by video-conferencing, and/or by telecommuting.

The purpose of a COOP plan includes, but is not limited to:

- Continuous performance of essential functions and operations, whether in the courthouse or at an alternate site
- Protection of essential facilities, equipment, records, and other assets
- Reduction or mitigation of disruptions to operations
- Identification and designation of an emergency response team to be relocated to alternate facilities, or assigned to the primary facility to perform essential functions
- Facilitation of decision making processes
- Recovery/reconstitution and resumption of normal operations

In accordance with accepted practice, courts with a viable COOP capability:

- Maintain a high level of readiness
- Are capable of implementation both with and without warning
- May be operational no later than 12 hours after activation
- May sustain operations for 30 or more days
- Take maximum advantage of existing infrastructure

The COOP plan establishes an emergency response team usually comprised of the chief justice/judge, key court leaders from each court office, and technology and subject matter experts who will perform the essential functions and establish technological capabilities to access essential records and databases. Roles and responsibilities are defined, and plans and procedures are established for response team communications and plan activation.

For this model<sup>5</sup>, eleven key components make up the COOP plan:

1. Alert and Notification Procedures
2. Essential Functions
3. Order of Succession
4. Delegations of Authority
5. Alternate Facilities
6. Communications
7. Interoperable Communications
8. Vital Records, Databases, and Information Systems
9. Human Capital
10. Devolution
11. Recovery/Reconstitution

### ***b. COOP Plan Structure***

A COOP plan generally contains the following five sections:

Section 1 - Executive Summary

Section 2 - Plan Implementation (Concept of Operations)

Section 3 - COOP Plan Elements

Section 4 - COOP Plan Templates

Section 5 – Appendices

#### **Section 1 – Executive Summary**

The first section of a COOP plan provides a high level overview of the COOP plan purpose, scope, and objectives as well as a conceptual framework for continuity of operations planning in the court. The scope should identify the court facilities, personnel,

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<sup>5</sup> FEMA COOP Plan instructions and templates identify 10 elements.

and operations covered by the plan that will require a response to conditions or events that may trigger the activation of the plan.

## **Section 2 – COOP Plan Implementation (Concept of Operations)**

This section provides the operational framework to implement the plan once an event triggers COOP plan activation. Operational processes, decision or leadership command structures, and team structures addressed in this section are associated with continuing the court's prioritized essential functions. This section should explain how the organization will implement its COOP plan, identify the key personnel, by position, and state how the plan addresses each of the eleven COOP plan elements.

This section also should address the three COOP plan phases: 1) activation and relocation; 2) alternate site operations; and 3) recovery/reconstitution. In other words, this section describes the steps taken once the COOP plan is activated and the recovery/reconstitution steps to return operations to pre-event status.

## **Section 3 – Core COOP Plan Elements**

This section provides an overview of the eleven COOP plan components identified in this model, and the roles and responsibilities for the persons assigned to the actions once the plan is activated. Templates specifying required information are provided in [Part II, Appendix B](#).

**1. Alert and Notification** – The policies and procedures for the formal emergency alert (with notification of a pending event) and notification (event without warning) to employees through a system, or variety of systems, about an event, and provides directions to employees and external stakeholders regarding acquisition of future information. The systems may include but are not limited to a court's emergency telephone notification system; public announcement system; broadcast email; automated telephone messaging; call trees; in person contacts; or use of contracted alert and notification services.

**2. Essential Functions** – The identification and prioritization of court functions that, if not performed, would result in failure of the court or court office's mission. When considering which functions are essential, they should be prioritized according to their impact on life, death, and freedom (vis-à-vis detention), and those that are required to maintain civil authority and public safety.

**3. Order of Succession** – The identification of a continuous command structure which ensures that all internal and external stakeholders always know who is in charge. Orders of Succession should be written and are in effect only until the primary command structure is resumed.

While the Order of Succession and Delegations of Authority are often closely linked and are considered vital records of the court because they identify the leadership or 'next-in-command' structure, and provide for specific authorities, they do not serve duplicate purposes and should be treated separately. For example, the successors, who most often are in decision making positions and

effect policy, may not be the same person delegated authority to address administrative matters such as payroll or procurement.

**4. Delegations of Authority** – The identification of primary and alternate personnel responsible for administrative and procurement approvals limited to the period of COOP plan activation. To facilitate an immediate response to an emergency situation, the court should pre-delegate authority for making decisions at all organizational levels, but particularly at the procurement and human resources level. Delegations should be written and may need to be renewed each fiscal year.

**5. Alternate Sites** – The identification of adequate facilities that correspond to the planning scenarios. With the exception of a pandemic, essential court functions may be relocated to pre-screened and pre-approved alternate sites because the primary facility is unavailable. Where necessary, memoranda of understanding (MOU) should be executed with the alternate site managers and updated annually. During the site selection process, The IT department should ensure that alternate sites can adequately provide IT requirements necessary to support essential functions.

**6. Communications** – The procedures to convey COOP plan activation and subsequent information to external stakeholders, e.g., the public, bar, and state, local, and federal authorities. Procedures must be established to gather and verify information (situational awareness) to ensure judicial officers and court leadership have credible information on which to base decisions. A designated person(s) should be assigned to disseminate information to employees and external stakeholders to ensure continuity and consistency of messages.

**7. Interoperable Communications** – The ability to communicate with internal (e.g., court personnel) and external stakeholders (e.g., law enforcement, first responders, emergency management agency, legal community) is imperative. Multiple technologies should be employed, when possible, because communications failures are inevitable in a disaster.

**8. Vital Records, Databases, and Information Systems** – The procedures to protect and make available vital records, databases, and information systems, such as orders of succession, delegations of authority, financial, budget, personnel, case files, and property and procurement records required to support the court's essential functions. Only case files related to the prioritized essential functions should be included.

**9. Human Capital** – Plans that apply to court staff not directly involved with emergency response teams or operations, particularly at an alternate facility. This element should also address available crisis management services and any court sponsored network of services for employees and their families. Employees may have an adjustment reaction during the recovery/reconstitution phase and steps should be planned in advance to assist employees.

**10. Devolution** – Steps to ensure that the capability exists to transfer authority and responsibility for essential functions from specific court offices and primary

work locations to other court personnel in another court or at an alternate facility, and to sustain that court offices' operational capability for an extended period of time if the primary office and/or personnel are unavailable or incapacitated.

**11. Recovery/Reconstitution** – Steps to return operations to pre-event status. This may include a phased activation of utilities, HVAC systems, voice and data systems, personnel, the public, and operational and administrative activities.

#### **Section 4 – COOP Plan Templates**

This section contains the forms specifying required information, actions, and timeframes for the eleven core elements.

#### **Section 5 – Appendices**

This section will contain memoranda of understanding, maps to alternate sites, checklists, draft operational orders, judicial correspondence/orders, and references such as a glossary and a list of acronyms.

### ***c. Planning Assumptions***

A COOP plan typically assumes one of four planning scenarios that may cause a disruption of the normal business activities within a court facility:

1. Courthouse/facility only is affected.
2. Courthouse/court facilities and the local area are affected.
3. Geographic region is affected.
4. Pandemic or public health crisis.

Building on these planning scenarios, the plan should incorporate the following assumptions:

- Loss of access to court facilities.
- Judges and staff will be available to continue essential functions.
- The sheriff's office/court security and their subcontractors will likely provide security to the judges, staff, and court facilities, including alternate sites.
- If essential functions are relocated to an alternate site, judges will assume cases for those judicial officers who are unavailable or did not survive.
- Activation of the COOP plan may be required at any time (e.g., during and after business hours). Following activation, the emergency response team may be required to travel from their homes, offices or other location immediately to an alternate site or at the court facility in the event of a pandemic.
- Information systems and communications may be degraded.
- COOP plan activation may affect the pay or benefits of court personnel.

### ***d. Planning for a Pandemic<sup>6</sup>***

A COOP plan typically assumes that a court facility is unavailable at least 30 or more days and essential functions must be performed by an emergency response team comprised of a small cadre of subject matter experts from each court office at an alternate site or sites. During a pandemic, the courthouse or other court facilities may be intact, open, and available but internal resources, e.g., personnel, and external resources (law enforcement, counsel, jurors, and vendors) are unavailable. Essential functions could be performed in the court facility, through work-at-home telecommuting arrangements (aka alternate sites), through remote access such as video conferencing, or through a combination of locations and technologies.

The overall COOP plan governance and response structures apply to any disaster, but courts should consider the following assumptions when crafting COOP plan enhancements for a pandemic:

Approximately 40 percent absentee rate at any given time due to:

- Illness
- Death
- Care for sick family members
- Schools closed and parents must stay home
- Government imposed social distancing
- Employees unable to get to work because mass transit systems are affected
- State health departments may impose quarantine or isolation orders
- Widespread regional impact/infection
- Public fear (personnel/vendor/stakeholders)
- Closing of public facilities, e.g., schools and transportation systems
- No immediate cure, e.g., vaccine
- Vaccine is not expected for the first wave of illness for at least 6-12 months
- Limited supply of anti-viral medications (e.g. Relenza and Tamiflu which must be taken within 48 hours of onset of symptoms or it does not work. It is not a cure or preventative medication, and may be distributed only to first responders, e.g., medical personnel, law enforcement)
- A pandemic may last 18 or more months and come in several waves
- The court facility likely is not damaged or inaccessible
- The first 90-120 days of outbreak may be the most deadly

Pandemic preparedness planning should also address the following:

- Development, implementation, and rehearsal of a telecommute program for the performance of essential functions

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<sup>6</sup> Information provided in this section was gathered from sources such as the U.S. Department of Health and Human Services ([www.pandemic/flu.gov](http://www.pandemic/flu.gov)); the Centers for Disease Control ([www.cdc.gov/flu/avian](http://www.cdc.gov/flu/avian)); the World Health Organization ([www.int/csr/disease/avian\\_influenza](http://www.int/csr/disease/avian_influenza)); the Disaster Recovery Journal; and the Bureau of Justice Assistance ([www.ojp.usdoj.gov/BJA/pandemic/pandemic\\_main.html](http://www.ojp.usdoj.gov/BJA/pandemic/pandemic_main.html))

- Deployment of all necessary equipment e.g., laptops, printers, fax, high speed Internet connections, essential functions applications
- Train, cross-train, and retrain personnel
- Development and dissemination of human resource policies that:
  - require sick employees to stay home (self-quarantine)
  - address admission to the court facility by sick public
  - address the state's quarantine and isolation policies
  - establish compensation policies, e.g., how long non-essential employees will be paid, sick leave, family care leave
- Expanded vendor list (vendors too will have high absentee rate)
- Pandemic awareness training and ensure all employees know and understand personnel and response policies
- Purchase of hand sanitizers, gloves, and face masks and conveniently locate them throughout each facility
- Train staff to:
  - Wash hands frequently
  - Avoid touching their faces
  - Avoid handshaking
  - Avoid face-to-face meetings
  - Stay home if sick
  - Have a home pandemic plan
  - Implement enhanced facilities cleaning practices, e.g., door handles, counters, handrails, phones, desk, keyboards.

### ***e. Training***

Training and cross-training employees, testing plans to validate their effectiveness, and conducting simulated disaster exercises are necessary to prepare for and improve the court's ability to execute its essential functions and to find and fill gaps that exist in the plan or response capabilities.

#### **Training**

To maintain a viable COOP plan, staff must be cross-trained to perform essential functions, and trained to perform at an acceptable level of proficiency. Proficiency in COOP activities is achieved by selecting and training key individuals, training the group that will be involved in any relocation to alternate facilities, and training the court personnel as a whole. The training program includes:

- COOP awareness workshop for all judges and chambers staff
- COOP senior manager training
- COOP training for all staff
- A comprehensive readiness program to ensure the preparedness of emergency response personnel assigned to carry-out essential functions during a COOP event.

Figure 11 illustrates an approach to track and schedule training requirements.

**Figure 11: Training Requirements**

Training Activity	Frequency	COOP Plan Reference	Training Plan Reference
Orientation Training	Within 30 days of hire	[Insert COOP Plan bookmark]	[Insert training plan reference]
Subject-Specific Information Broadcast (email/website)	Bi-Weekly	[Insert COOP Plan bookmark]	[Insert training plan reference]
Essential Personnel Subject-Specific Training	Quarterly	[Insert COOP Plan bookmark]	[Insert training plan reference]

### Tests

Training includes regularly scheduled testing of equipment and information systems that support the court's essential functions during COOP plan activation. The testing provides evaluation of the following:

- Notification procedures including instructions for relocation to pre-designated facilities, with and without warning, and during business and non-business hours
- Ability to access vital records, information systems, and the data management software and equipment necessary to perform essential functions
- Communication systems
- Support services at the alternate facilities (e.g., water, electrical power, IT infrastructure, HVAC)

Figure 12 illustrates a format to ensure testing activities are performed regularly.

**Figure 12: Recommended Testing Activities**

Test Activity	Frequency	COOP Plan Reference	Training Plan Reference
Test Alert & Notification Procedures	Quarterly	[Insert COOP Plan bookmark]	[Insert training plan reference]
Check emergency relocation site readiness	Monthly	[Insert COOP Plan bookmark]	[Insert training plan reference]
Validate strategies to carry out essential functions	Semi-Annually	[Insert COOP Plan bookmark]	[Insert training plan reference]

Test Interoperable Communications	Monthly	[Insert COOP Plan bookmark]	[Insert training plan reference]
Evaluate Vital Records Program	Ongoing	[Insert COOP Plan bookmark]	[Insert training plan reference]
Evaluate orders of succession	Semi-Annually	[Insert COOP Plan bookmark]	[Insert training plan reference]

### Exercises

A variety of disaster simulations are used to keep the COOP plan viable and to improve the ability of staff to execute the plan when confronted with various contingencies. The exercise portion of the training includes:

- Bi-annual activation of the COOP plan requiring notification and verbal walk-through of activation procedures
- Annual tabletop exercises for the court staff plus selected external agencies and offices
- Annual activation of the COOP plan for physical relocation to an alternate facility

Figure 13 illustrates a format to identify specific exercises and the frequency with which they should be performed.

**Figure 13: Recommended Exercise Activity**

Exercise Activity	Frequency	COOP Plan Reference	Training Plan Reference
Tabletop Exercise	Semi-Annually	[Insert COOP Plan bookmark]	[Insert training plan reference]
Drills	Quarterly	[Insert COOP Plan bookmark]	[Insert training plan reference]
Functional Exercise	Annually	[Insert COOP Plan bookmark]	[Insert training plan reference]
Full-Scale Exercise	Bi-Annually	[Insert COOP Plan bookmark]	[Insert training plan reference]

## *f. Templates*

Each court office completes the appropriate templates. This information is a combination of detailed court office and operational information within the eleven core components of the COOP plan. The templates contain information critical to the successful implementation (e.g., names, roles, contact information) of the plan and general guidance in support of COOP planning. Templates are provided in [Part II, Appendix B](#) of this document.

## **2. Information Technology (IT) Disaster Recovery Plan (DRP)**

### *a. Overview*

This plan is the information technology department's preparedness roadmap similar to the court's COOP plan, and must be consistent with the court COOP plan, particularly in the area of emergency response teams (ERT), essential functions, vital records, databases, and information systems, and alternate sites. However, the DRP may be used even when COOP plans are not activated, e.g., fire or flood confined to the computer room. The four general areas usually addressed in this plan are:

1. **Mitigation:** activities designed to prevent loss of and mitigate risk to information systems, databases, peripherals and equipment.
2. **Preparedness:** create an inventory, and document all systems, network topology, network configuration (create a network diagram), firewalls, computer equipment, printers, servers, routers, back-up and storage systems, modems, hubs, switches, software, records and databases, connectivity services, and the location of each. This step also includes the identification and prioritization of what needs to be recovered, recovery time objectives, assignment of recovery tasks, and information about how recovery will occur.
3. **Response:** activities to implement the disaster recovery plan. This segment must be coordinated with the court's COOP plan to ensure a clearly defined understanding of what constitutes vital records, information systems and databases required to perform the court's essential functions, and in what order they are needed.
4. **Recovery:** activities required to restore operations from plan activation to pre-event status. This includes the transfer of operations from perhaps a remote or alternate site back to the court facility.

### *b. Training*

Like other preparedness plans, training is critically important to ensure the response team knows how to perform their essential functions, that the plan is viable, and that relocation and activation of systems are conducted through simulated exercises for training and testing purposes.

### ***c. Response Team***

The disaster recovery plan identifies the response team, succession orders, and delegations of authority, and defines roles and responsibilities. The DRP must be synchronized with the court's COOP plan, by name, position, and contact information. The IT response or advance team usually is the first to arrive at an alternate site (advance team) or this team maintains functionality at the main court facility in a disaster.

### ***d. Tools***

Checklists are helpful to this team to ensure they accomplish all their set-up and maintenance tasks upon plan activation to shut down systems at the primary facility and activate systems at the alternate site, as are maps to the alternate sites. When possible the IT department should pre-position supplies and equipment at the alternate site, and ensure that each team member has a GO-Kit stored off-site from the main court facility.

### ***e. Alternate Site Selection***

When an alternate is selected, the IT department should be consulted to ensure the site provides the capabilities to support the court's defined essential functions which rely on the IT infrastructure. For example, is the facility large enough; is it air conditioned, is it fire and water protected, is there sufficient power; is there adequate physical security?

### ***f. Vendor List***

The IT department should develop and maintain a detailed vendor list to support operations and functions in a disaster, both at the court facility and alternate site(s). The list also should be deep enough to address the impact of a pandemic on vendors.

### ***g. Vulnerability Assessments/Risk Mitigation***

Like the court, the IT department should also conduct a risk analysis of each network component to detect systems and other vulnerabilities and gaps. The business impact analysis completed by the court focuses on court operations, but the performance of those operations often is dependant upon automation capabilities.

The National Institute for Standards, [NIST Special Publication 800-32](#), Contingency Planning Guide for Information Technology Systems (June 2002) was prepared for federal government agencies but provides extensive contingency plan guidance for the IT systems and is an excellent resource for courts.

## **3. Evacuation Plans**

These plans address how court personnel and the public evacuate a specific facility, or shelter-in-place in the event evacuation is impossible or unwise, e.g., chemical exposure, and how the court staff responds to security and safety breaches in the court facility. There usually is only one alert and notification system for the facility for evacuation e.g., fire alarm, however, there may be multiple systems for weather events and shelter-in-

place. Coordinators from each court office are typically assigned specific evacuation duties, rally point, and accountability procedures which should be captured in the evacuation plan. A sample plan is available in [Part II, Appendix D](#).

#### **4. Critical Incident Plans**

Critical incident procedures are designed to inform employees what to do when an incident occurs or when a threat is suspected. They should also provide specific information on how to react to incidents such as, but not limited to, fire, weather events, chemical spills, power outage, bomb threats, prisoner disruptions, suspicious mail or packages, and acts of violence. These procedures should be clear, easy to follow and employees must be trained. Examples of these plans are contained in [Part II, Appendix D](#).

## **CONCLUSION**

The foundation for a successful emergency management program in state courts rests on two factors:

- The sustained demonstrated commitment of leadership, and
- A robust prevention, preparedness, and response training program.

The National Center for State Court's model for a comprehensive emergency management program integrates prevention activities such the conduct of security, facility and perimeter assessments, risk analysis, risk management, and business impact analysis, with the development and implementation of preparedness plans such as continuity of operations, IT disaster recovery, evacuation, and critical incidents. This model emphasizes the importance of awareness and technical training of all staff, including judicial officers, and the cross training of essential functions teams.

Part II ties together the guidance from Part I with samples and references that courts can adopt or adapt as applicable to their court's size and organizational structure.