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WASHINGTON, D.C. 20544

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MEMORANDUM TO ALL CHIEF JUDGES, UNITED STATES COURTS

SUBJECT: Emergency Preparedness in the Judiciary (URGENT INFORMATION)

This memorandum provides guidance and describes available resources to assist courts in addressing emergency preparedness. As you know, the tragic events of September 11, 2001, have caused government agencies to rethink issues relating to emergency preparedness. These issues include crisis response, occupant emergency planning, and continuity of operations. This is especially true for the judiciary because it is dependent on the General Services Administration's (GSA) Public Buildings Service for accommodations and on the United States Marshals Service (USMS) and GSA's Federal Protective Service for security. While dependent for space and security on others, courts are responsible for planning for the continuity of court operations in the event of a disaster that extends beyond a few days. **I strongly recommend that you designate a senior court executive in your court to coordinate and be responsible for developing appropriate procedures for the court and the various court units.** Several aspects of emergency preparedness are described below.

Occupant Emergency Program (OEP)

GSA is the agency responsible for ensuring the safety and security of individuals while they are on federal property. The Federal Property Management Regulations (FPMR) specifically require GSA to assist federal agencies that occupy these facilities in establishing and maintaining an OEP. The FPMR defines an OEP as "... a short-term emergency response program [that] establishes procedures for safeguarding lives and property during emergencies in particular facilities."

An OEP has two components. The first is the development of procedures to protect life and property in federally-owned or leased space under certain emergency conditions. The second is the formation of an Occupant Emergency Organization at the

local level, i.e., a command center team of employees and appropriate staff from other agencies, such as the Marshals Service and GSA. This group of employees should be designated to undertake certain emergency response duties and perform the specific tasks outlined in their OEP. **Courts should ensure that an OEP is in place for each location occupied by a court or court unit.**

The FPMR provides that “designated officials” are responsible for the occupant emergency organizations and plans in GSA-owned or leased facilities, including federal courthouses. 41 C.F.R. § 101-20.103-4. The GSA Administrator has defined the “designated official” as the primary ranking official of the primary agency of a federal facility; or, alternatively, a designee selected by mutual agreement of the occupant agency officials. 41 C.F.R. § 101-20.003. **In court facilities, the chief judge is usually the designated official.** Currently, the USMS may be the primary OEP coordinator at some locations. Building security committees, or court security committees,¹ are responsible for developing an OEP. GSA's building managers should be available to assist in developing the programs. A sample OEP for a judicial facility can be found at <http://156.123.16.150/pdf/oep.pdf>. A listing of topics that should be included in an OEP and a checklist can be found at Attachment 1.

Continuity of Operations Plan (COOP)

The purposes of continuity of operations plans are to: (1) ensure the safety and well-being of employees, visitors, and the public; (2) ensure that essential functions and activities are conducted without unacceptable interruption, as determined through the continuity of the operations planning process; and (3) ensure that normal operations are resumed as quickly, safely, and efficiently as possible.

It is important for the judiciary to have the capability to perform essential activities and functions without unacceptable interruption under all circumstances and situations, including those that are human-caused, natural, or technological in nature. The plans also must address how to deal with national security emergencies that may occur with or without notice. A COOP should be prepared for each court or court unit. The scope of the plan is at the discretion of the court unit. In general, one plan should be prepared by organizations that are commonly managed. Such a plan may encompass

¹A Building Security Committee addresses the needs of all agencies located in multi-tenant federal buildings. Court Security Committees usually function as the Building Security Committee in buildings primarily housing courts. Court Security Committees also set district-wide security policies.

more than one facility. **An outline to assist your court in developing an appropriate plan is at Attachment 2.** A district or court of appeals court security committee can serve as a mechanism for ensuring that all plans are coordinated for a given location. The plans also should be coordinated on a district-wide basis. Courts of appeals and their associated court units, e.g., staff attorneys and librarians, should ensure their plans are coordinated for all locations in the circuit. Circuit Judicial Councils might also wish to develop circuit-wide coordination plans for responding to the possibility of a district or bankruptcy court being disabled either in whole or in part.

Protection of vital records, systems, and equipment is an important component of an overall COOP. The AO has developed guidance to assist the courts in developing contingency and disaster recovery plans for automated systems. These documents are *Guidelines for Contingency Planning* (<http://jnet.ao.dcn/it/irm/irms205.html>) and *Disaster Recovery Guidelines* (<http://jnet.ao.dcn/it/itso/drpolicy.wpd>). These documents may be used as guidelines to develop a COOP. For a comprehensive view on business recovery planning, a review of professional practices for disaster recovery planners can be found at <http://www.dr.org/ppcont.htm>.

Federal Emergency Management Agency (FEMA) Coordination

Establishing contacts with FEMA on areas of mutual concern would be beneficial to the judiciary. FEMA's ten regional offices nationwide each serve several states. FEMA's regional staff work directly with state and federal agencies located within these regions. To expedite your contacts, I am providing you with the locations of FEMA's ten regional offices and the names and telephone numbers of the regional directors at Attachment 3. See also <http://www.fema.gov/about/regoff.htm>. Additional specific information can be found in FEMA publications FPC 65 (see Attachment 4) and FPC 66 at (<http://www.fema.gov/library/fpc66.pdf>).

In addition, there are 28 Federal Executive Boards in cities that are major centers of federal activity. The Boards are composed of field office agency heads of executive branch agencies, as well as military commanders in these cities. The Boards perform highly valuable functions, including the implementation of emergency operations. See http://www.feb.gov/html/feb_list.htm for a list of the Boards. In cities where Boards do not exist, other organizations of local principal federal agencies usually exist. These organizations are generally entitled Federal Executive Associations or Councils. See http://www.feb.gov/01fea_list.pdf for a listing of these organizations. You should also consider establishing a liaison with your local police, fire and public health officials.

The Administrative Office will continue to identify new ways to assist the courts with emergency preparedness, crisis response, and occupant emergency and continuity of operations planning. I will update you more fully on the progress of our initiatives over the days and weeks ahead. If you have any questions, please contact the AO's emergency preparedness coordinator, William J. Lehman, at (202) 502-1200, or by e-mail at AOHUBPO Lehman, William or William Lehman/DCA/AO/USCOURTS.



Leonidas Ralph Mecham

Attachments

cc: Circuit Executives
Federal Public/Community Defenders
District Court Executives
Clerks, United States Courts
Chief Probation Officers
Chief Pretrial Services Officers
Senior Staff Attorneys
Chief Preargument/Conference Attorneys
Bankruptcy Administrators
Circuit Librarians

ATTACHMENT 1

TOPICS FOR OCCUPANT EMERGENCY PROGRAM PLANS

Responsibility & Scope

Emergency Telephone Numbers

Building and Occupant Information

The Command Center

The Occupant Emergency Organization

The Command Center Team

Designated Official

Floor Teams

Damage Control Team for Court Property

Nights/Weekends/Holidays Procedures

Communications

Mail Delivery

Child Care Centers (if applicable)

Responses to Specific Types of Emergencies

Fire

Fire Announcements

Bio-Hazards/Hazardous Materials (Spills, Leaks)

Bomb Threat

Bomb Explosion

Suspicious Package (Possible Bomb)

Suspicious Package Announcements

Natural Disaster – Advance Notice

Natural Disaster – No Notice

Demonstrations

Medical/First Aid Emergency

Occupant Emergency Plan Check List

Attachment 1

If you can't check any of the following questions, your Occupant/Emergency Plan needs strengthening.

- Did an advisory committee of appropriate officials (Building Manager, Federal Protective Service, etc.) assist in developing the plan? Is this committee still available for consultation?
- Has an emergency organization been established, preferably following existing lines of authority?
- Are emergency organization members designated by position rather than by person?
- Do organization members know their own responsibilities as well as who has decision-making authority in any given situation?
- Has a procedure been established to notify organization members?
- Are emergency procedures easy to implement rapidly?
- Has a Command Center location been established?
- Are communications at the Command Center adequate?
- Do emergency organization members know under what circumstances they are to report to the Command Center?
- Are employees who do not have assigned duties excluded from the Command Center?
- Are emergency telephone numbers posted in the Command Center and throughout the building? Published in the telephone book?
- Are procedures established for handling serious illness, injury, or mechanical entrapment?
- Do organization members know what medical resources are available and how to reach them?
- Have all occupants been told how to get first aid/CPR fast?
- Do occupants know what to do if an emergency is announced?
- Are evacuation procedures established and familiar to all employees?
- Have special procedures been established for evacuation of the handicapped?
- Are fire-reporting procedures established and familiar to all employees?
- Have firefighting plans been developed which coordinate internal and external resources?
- Do occupants know to whom they should report an unlawful act? Any other emergency incident? ?
- Do employees know what procedures to follow if they receive a telephone bomb threat?
- Are bomb search responsibilities and techniques specified in the plan?
- Are procedures established for reporting the progress of a search, evacuation, etc. ?
- Have procedures been established for bomb disposal?
- Have emergency shutdown procedures been developed?
- Have plans been made for capture and control of elevators?
- Have arrangements been made for emergency repair or restoration of services?
- Have drills and training been adequate to ensure a workable emergency plan?
- In leased space is the responsibility of the owner/lessor clearly defined? If contract guards are used, have their authority and responsibilities been defined.
- Are floor plans and occupant information readily available for use by police, fire, bomb search squads, and other emergency personnel?
- Has a hazard communication program been implemented in accordance with 29CFR 1910.1200?
- Has a inventory been compiled of all hazardous materials used in individual workplaces and stored anywhere in the building?
- Are emergency telephone numbers displayed and/or published where they are readily available? Are they reviewed and updated frequently?

ATTACHMENT 2

SCOPE AND CONTENT OF CONTINUITY OF OPERATIONS PLANS (COOP)

Each COOP must include the following minimum components. Plans may vary in the manner in which these components are addressed.

1. ***Essential Activities and Functions:*** Identification of essential activities and functions that must be performed by or at the organization or facility, based on identification of minimum essential activities and functions for the court or court unit. The identification of these functions and activities may include a consideration of time (e.g., certain functions may be essential immediately and others may be essential after a period of time has passed).
2. ***Vital Records, Systems, Equipment:*** Identification and protection of vital records, systems, and equipment, including ability to access and use such records, systems and equipment to perform essential activities and functions. Vital records and systems include the COOP and those documents and systems necessary to implement the COOP (such as names and phone numbers of key individuals).
3. ***Succession and Delegations of Authority:*** The current order of automatic succession for the head of the organization or facility and for key management positions responsible for policy or directional functions of the organization covered by the plan. Include any pre-determined limited delegations of authority in the event of an interruption of normal operations. Include sufficient information for contacting automatic successors and those with limited delegations of authority during duty and non-duty hours.
4. ***Relocation/Alternate Work Sites:*** Identification and appropriate preparation of one or more alternate locations from which the organization or facility can conduct its essential activities or functions; the number and sophistication of such sites should be commensurate with the nature of potential threats and likely consequences. Alternate work sites, e.g., a divisional office within the district, must be capable of supporting staff and systems necessary to conduct essential activities or functions. Such capabilities should include, but are not limited to, communications, security, transportation, and space.
5. ***Emergency Organization:*** Identification and appropriate training of a team of employees capable of performing essential activities and functions in an emergency.
6. ***Warning and Notification:*** Development of a system or means for warning employees, visitors, or the public of potential threats and actions that should be taken.

7. **Identification of Employees:** Development of a system or means for identifying the location and status of employees in the aftermath of an incident or event interrupting the operations of an organizational unit or facility. Such a system or means should be sufficiently flexible to address a variety of situations and conditions.
8. **Communications Plan:** Development of a system or means for communicating with employees, visitors, and the public subsequent to an emergency.
9. **Restoration:** Development of a system or means for restoring normal functions as soon as is practicable and prudent.
10. **Training and Exercises:** Training and exercises on a regular basis for all employees potentially affected by disruptions to operations and for all employees with specific responsibilities during such an interruption.

Risk Assessment and Mitigation Measures

Continuity of operations capabilities must be operational within the time period necessary to perform essential functions and activities.

1. Each court or court unit preparing a COOP should, on an ongoing basis, identify and assess the risks or threats the unit or facility faces, the likelihood of those threats, and the likely consequences. Risks or threats may include human-caused, natural, or technological events (including failure of utilities and structural fires). Continuity of operations plans should be based on the nature, likelihood, and potential consequences of threats or risks.
2. Each unit preparing a COOP should take appropriate and prudent measures (including consideration of cost-effectiveness) to reduce risks or threats, to minimize the consequences of interruption of normal activities, and to improve the capability of the organization to perform essential activities and functions. Examples of such measures include installation of security measures, off-site storage of vital records, and potential relocation of facilities away from vulnerable areas.

Addressing Minimum Essential Activities and Functions of the Court or Court Unit

- Protect employees, visitors, and the public.
- Provide support services for affected employees.
- Ensure continued and uninterrupted control and leadership of the affected unit.
- Protect critical property, systems, equipment, and records, including data communications and voice communications.
- Communicate with employees and the public.
- Restore normal functions and activities of the court or court unit.

NOTE: Additional essential activities and functions may be identified by the court or court unit preparing the continuity of operations plan. Of course, additional essential activities and functions may be determined at the time of an interruption of normal operations, based on the circumstances of the situation.

Federal Emergency Management Agency

**Names, Addresses, and Telephones of the Regional Directors
(Including the States Served)**

FEMA Region I (Boston)

Honorable Dan Craig
Regional Director, FEMA
442 J.W. McCormack POCH
Boston, MA 02109-4595
Tel. (617) 223-9540

(Note: This office serves the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and the Commonwealth of Massachusetts.)

FEMA Region II (New York)

Honorable Joseph F. Piccuano
Acting Regional Director, FEMA
26 Federal Plaza, Room 1337
New York, NY 10278-0002
Tel. (212) 225-7211

(Note: This office serves the States of New York, New Jersey, the Commonwealth of Puerto Rico, and the Territory of the U.S. Virgin Islands.)

FEMA Region III (Philadelphia)

Honorable Rita Calban
Regional Director, FEMA
615 Chestnut Street
One Independence Mall, Sixth Floor
Philadelphia, PA 19106-4404
Tel. (215) 931-5608

(Note: This office serves the states of Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia.)

FEMA Region IV (Atlanta)

Honorable Mary Lynne Miller
Acting Regional Director, FEMA
3003 Chamblee Tucker Road
Atlanta, GA 30341
Tel. (770) 220-5224

(Note: This office serves the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.)

FEMA Region V (Chicago)

Honorable Edward G. Buikema
Regional Director, FEMA
536 South Clark St., 6th Floor
Chicago, IL 60605
Tel. (312) 408-5500

(Note: This office serves the states of Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.)

FEMA Region VI (Denton)

Honorable Ron Castleman
Regional Director, FEMA
FRC 800 North Loop 288
Denton, TX 76209
Tel. (940) 898-5104

(Note: This office serves the states of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.)

FEMA Region VII (Kansas City)

Honorable Arthur Freeman
Acting Regional Director
2323 Grand Boulevard, Suite 900
Kansas City, MO 64108-2670
Tel. (816) 283-7062

(Note: This office serves the states of Iowa, Kansas, Missouri, and Nebraska)

FEMA Region VIII (Denver)

Honorable David I. Maurstad
Regional Director, FEMA
Denver Federal Center
Building 710, Box 25267
Denver, CO 80255-0267
Tel. (303) 235-4812

(Note: This office serves the states of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming)

FEMA Region IX (San Francisco)

Honorable Karen Armes
Acting Regional Director, FEMA
Building 105
Presidio of San Francisco
PO Box 29998
San Francisco, CA 94129
Tel. (415) 923-7100

(Note: This office serves the states of Arizona, California, Hawaii and Nevada; and the Territory of American Samoa, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.)

FEMA Region X

Honorable Kenneth S. Kasprisin
Regional Director, FEMA
Federal Regional Center
130 228th Street, SW
Bothell, WA 98021-9796
Tel. (425) 487- 4604

(Note: This office serves the states of Alaska, Idaho, Oregon, and Washington.)