

Strategy for Pandemic Influenza – Keeping the Courts Open in a Pandemic

Template for Planning Tasks Associated with Preparing for a Pandemic

Directions:

The template below is provided based on requests following the October 18, 2006, branch-wide conference call related to pandemic influenza planning. The template is an additional planning tool to help local courts prepare for a possible influenza pandemic as described in the *Florida State Courts Strategy for Pandemic Influenza* released on March 29, 2006. The template is designed to serve as an appendix to the existing continuity of operations plan (COOP).

As with previously supplied emergency preparedness templates, the template is provided as a MS Word file in a “fill-in-the-blank” format. This format allows local courts to add specific detailed information regarding their local planning efforts. The template also contains “boilerplate” language that can be expanded, edited, or deleted as needed by local courts to appropriately document local planning efforts. (Copies of all emergency preparedness templates can be found at www.flcourts.org/gen_public/emergency/templates.shtml.)

The content of the template corresponds to the content in the *Strategy*, specifically the seven planning tasks and the more detailed subtasks. The template may be used by local courts to document local planning efforts related to the completion of these seven planning tasks and subtasks. The deadline for completion of these tasks and subtasks is November 30, 2006. Please submit documentation (either through the use of this template, the previously supplied checklist, or other equivalent documentation) regarding the completion of these tasks and subtasks by November 30, 2006, to Tom Long at longt@flcourts.org.

Additional information and guidance may be provided in the weeks or months that follow. If you have any questions, please contact Tom Long at longt@flcourts.org or 850-922-5460.

Note: The template contains extensive blanks to add the “(Name of Circuit/District).” By using the “Ctrl H” function in MS Word, this text can quickly be replaced with the appropriate district/circuit name.

COOP Appendix (Enter Appendix Letter or Number) for the (Name of Circuit/District)

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I. Purpose and Strategic Goals

The purpose of this appendix to the (Name of Circuit/District) continuity of operations plan (COOP) is to ensure the (Name of Circuit/District) has a viable capability to continue to meet the strategic goals for emergency preparedness established in the Florida State Courts during an influenza pandemic.

The strategic goals are:

1. We must deal with crises in a way that protects the health and safety of everyone at the court facilities; and
2. We must “keep the courts open” to ensure justice for the people.

II. Tactical Objectives

Given the extent and duration of the impact of an influenza pandemic, court operations in the (Name of Circuit/District) may be dramatically impacted for potentially an extended period of time. Therefore, in addition to the mission essential functions for the (Name of Circuit/District) as defined in (describe the appendix or other location in the COOP where the mission essential functions are defined), a broader set of short-term tactical objectives and long-term tactical objectives are required.

Both the short-term and long-term tactical objectives are augmentations of this COOP for the (Name of Circuit/District). These augmentations are designed to address the unique situation brought about by an influenza pandemic and may or may not apply to other emergency situations. Descriptions of these tactical objectives are provided below.

Short-Term Tactical Objective (Up to 90 Days)

In the first 90 days of COOP activation due to the outset of an influenza pandemic, the tactical objectives for the (Name of Circuit/District) are to:

1. Have the capacity to perform all mission essential functions for the (Name of Circuit/District) as defined in (describe the appendix or other location in the COOP where the mission essential functions are defined); and
2. Have the capacity to address all emergency matters and cases filed in the (Name of Circuit/District) due to issues associated with the quarantine and isolation of individuals and other public health related cases.

These short-term objectives for the (Name of Circuit/District) may need to be performed under a situation where no, or only limited, face-to-face contact is possible and with significant impact to judges, attorneys, parties, clerks and deputy clerks, sheriffs and deputy sheriffs, court administrators and staff, state and local public health officials, jurors, etc., due to illness or death.

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While traditionally the COOP for the (Name of Circuit/District) allows for 30 days under which mission essential functions are performed, the limitation on face-to-face contact may require an additional 60 days under which operations are limited to mission essential functions and other public health emergency matters.

Transition to full operations in the (Name of Circuit/District) will be initiated as soon as possible. However, if full operations in the (Name of Circuit/District) can not be initiated within 90 days, efforts will begin in the (Name of Circuit/District) to increase operations to be able to perform the long-term tactical objectives described below.

Long-Term Tactical Objective (90 Days and Longer)

Within 90 days of COOP activation for the (Name of Circuit/District) due to the outset of an influenza pandemic, the tactical objective for the (Name of Circuit/District) is to have the capacity to perform:

1. All criminal matters, including the capacity to conduct jury trials;
2. All emergency civil matters; and
3. All other mission essential functions as defined in the (describe the appendix or other location in the COOP where the mission essential functions are defined).

Again, these long-term tactical objectives for the (Name of Circuit/District) may need to be performed under a situation where no, or only limited, face-to-face contact is possible and with significant impact to judges, attorneys, parties, clerks and deputy clerks, sheriffs and deputy sheriffs, court administrators and staff, state and local public health officials, jurors, etc., due to illness or death.

III. Planning Assumptions

The following are planning assumptions used in the (Name of Circuit/District). These assumptions were utilized to develop the information that follows in this appendix to the COOP for the (Name of Circuit/District).

The planning assumptions are:

- An increase in cases in the (Name of Circuit/District) with individuals seeking relief and other matters may occur;
- Court operations in the (Name of Circuit/District) may be detrimentally impacted by the pandemic for an extended period of time;
- Response and recovery will be bottom-up with local court officials in the (Name of Circuit/District) being primarily responsible for the response and recovery efforts in the (Name of Circuit/District) with only limited support from federal and state government officials;

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- Of the judges, attorneys, parties, clerks and deputy clerks, sheriffs and deputy sheriffs, court administrators and staff, state and local public health officials, jurors, etc., in the (Name of Circuit/District) necessary to perform the mission essential functions and other tactical objectives, up to forty percent will not be available due to illness or death;
- Face-to-face contact between judges, attorneys, parties, clerks and deputy clerks, sheriffs and deputy sheriffs, court administrators and staff, state and local public health officials, jurors, etc., in the (Name of Circuit/District) necessary to perform mission essential functions and other tactical objectives may be dramatically limited or unavailable;
- The court facilities, court infrastructure, public utilities and services, and most, if not all, residences associated with the (Name of Circuit/District) will be physically intact during the response and recover from the pandemic but services necessary to maintain operations in the (Name of Circuit/District) may be limited due to isolation, quarantine, illness, or death within the impacted communities; and
- (List other assumptions that may apply).

IV. Local Public Health Contacts

In order to ensure the planning efforts in the (Name of Circuit/District) are integrated with other local emergency planning efforts, the (Name of Circuit/District) scheduled and held meetings with local public health and/or emergency management officials. The (Name of Circuit/District) is “hooked-into” current local preparedness and planning efforts.

The primary contact within the local public health and/or emergency management community for the (Name of Circuit/District) is:

Name: (Enter the name of the primary contact)
Title: (Enter the title of the primary contact)
Work Phone: (Enter the work phone number for the primary contact)
Mobile Phone: (Enter the mobile phone number for the primary contact)
Home Phone: (Enter the home phone number for the primary contact)
Other: (Enter any other means of contacting the primary contact)

The secondary contact within the local public health and/or emergency management community for the (Name of Circuit/District) is:

Name: (Enter the name of the secondary contact)
Title: (Enter the title of the secondary contact)
Work Phone: (Enter the work phone number for the secondary contact)
Mobile Phone: (Enter the mobile phone number for the secondary contact)
Home Phone: (Enter the home phone number for the secondary contact)
Other: (Enter any other means of contacting the secondary contact)

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(List any additional contacts as necessary)

The (Name of Circuit/District) will follow-up with local public health and/or emergency management officials so the (Name of Circuit/District) is kept informed regarding current local preparedness and planning efforts. The (Name of Circuit/District) will follow through on any additional local preparedness efforts to ensure the (Name of Circuit/District) is prepared to do its part to successfully respond and recover from a pandemic.

V. Legal Issues

In order to ensure that judges and attorneys in the (Name of Circuit/District) are aware of the legal issues associated with isolation/quarantine, the OSCA publications section and the OSCA General Counsel’s office are assisting in the development of a bench book. The bench book will be published online and will be available at (enter the URL for the bench book when it becomes available). Hardcopies of the bench book will also be printed locally and will be available at (enter the local physical storage location(s) of the hardcopies of the bench book when it becomes available).

Efforts locally in the (Name of Circuit/District) have been focused on ensuring that local procedures are available for the performance of the tactical objectives as described above. To assist in documenting these efforts, attorneys with the OSCA have developed the following list of items as a procedural guide. Under each item are listed the procedures for the (Name of Circuit/District).

A. Habeas Corpus Proceedings

1. Writ Forms Available (Develop sample forms)

(Enter information here or reference information contained in a separate document.)

2. Conducting Remote Hearings [By Telephone or Teleconference]

- a. How Will Petitions Be Filed?

(Enter information here or reference information contained in a separate document.)

- b. How Will Judges Be Notified of Petitions?

(Enter information here or reference information contained in a separate document.)

- c. Notice: How Will Parties and Counsel Be Notified of Hearings?

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(Enter information here or reference information contained in a separate document.)

- d. Who Should/Must Be Present at Hearing?

(Enter information here or reference information contained in a separate document.)

- e. Counsel: Who Will Appear for the Petitioner (if Indigent) and for the State?

(Enter information here or reference information contained in a separate document.)

- f. Issues to be Resolved at the Hearing

(Enter information here or reference information contained in a separate document.)

- g. What Type of Record Will Be Created?

(Enter information here or reference information contained in a separate document.)

- h. Entering a Final Order (Develop a sample order)

(Enter information here or reference information contained in a separate document.)

- i. Checklist for Conducting a Habeas Corpus Proceeding

(Enter information here or reference information contained in a separate document.)

3. Appeal of Trial Court Order to District Court of Appeal

- a. How Will the District Court Be Notified of the Appeal?

(Enter information here or reference information contained in a separate document.)

- b. How Will the Record Be Conveyed from the Trial Court to the District Court?

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(Enter information here or reference information contained in a separate document.)

- c. How Will the District Court Notify the Parties of Its Decision?

(Enter information here or reference information contained in a separate document.)

B. Warrants

1. Requests from Executive Branch Agencies to Enter Property in Public Health Emergencies

(Enter information here or reference information contained in a separate document.)

2. Requests from Law Enforcement for Arrests or Search Warrants Related to Public Health Emergencies

(Enter information here or reference information contained in a separate document.)

3. Seizure of Bodily Fluids

(Enter information here or reference information contained in a separate document.)

4. Warrants to Seize the Person for Quarantine Purposes

(Enter information here or reference information contained in a separate document.)

C. Arrests of Persons Disobeying Quarantines

1. Nature of the Offense

(Enter information here or reference information contained in a separate document.)

2. Is Person Arrested for Violation of Quarantine Entitled to Bond?

(Enter information here or reference information contained in a separate document.)

3. First Appearance

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(Enter information here or reference information contained in a separate document.)

4. Habeas Corpus

(Enter information here or reference information contained in a separate document.)

D. Civil Proceedings to Enforce Administrative Orders [Quarantine/Isolation/Other Related Matters]

1. Circuit Court Enforcement of Administrative Orders Under Chapter 120 [120.69]

(Enter information here or reference information contained in a separate document.)

2. Injunctive Relief

(Enter information here or reference information contained in a separate document.)

E. Mandatory Vaccinations

(Enter information here or reference information contained in a separate document.)

F. Enforcement of Curfew Orders

(Enter information here or reference information contained in a separate document.)

VI. Technology Plans – Keeping the Courts Open with No or Limited Face-to-Face Contact

An influenza pandemic will likely place extraordinary limits on face-to-face court interactions. The (Name of Circuit/District) COOP, Court Technology Continuity and Disaster Recovery Plan, and all other pertinent documents and plans have been updated to ensure that the IT infrastructure components for the (Name of Circuit/District) are sufficient to be prepared to perform the tactical objectives listed above by videoconference, telephone/teleconference, or other methods under conditions in which no or limited face-to-face contact is available.

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As a matter of policy, the (Name of Circuit/District) concurs with the OSCA General Counsel's Office that all court proceedings can legally be held via videoconference. The (Name of Circuit/District) also concurs with the OSCA General Counsel's Office that while there may be some legal limitations to some specific court proceedings being held via teleconference or telephone, for planning purposes, most court proceedings included within the tactical objectives for the (Name of Circuit/District) listed above can be held via teleconference or telephone under the emergency conditions anticipated in an influenza pandemic.

More details regarding the IT infrastructure components necessary to perform the tactical objectives for the (Name of Circuit/District) via videoconference, telephone/teleconference, or other methods under conditions in which no or limited face-to-face contact is available for the (Name of Circuit/District) are provided in the Court Technology Continuity and Disaster Recovery Plan for the (Name of Circuit/District). The Court Technology Continuity and Disaster Recovery Plan was originally developed based on direction provided in administrative order AOSC03-14 and following recommendations from the Florida Courts Technology Commission. A copy of the Court Technology Continuity and Disaster Recovery Plan for the (Name of Circuit/District) can be found at (enter the electronic or physical location of the Court Technology Continuity and Disaster Recovery Plan).

VII. Strengthen Court Emergency Management Team (CEMT)

The (Name of Circuit/District) has named and prepared a team made up of judges, attorneys, deputy clerks, deputy sheriffs, court reporters, IT staff, and others who are trained and prepared to perform the court's tactical objectives by videoconference, telephone/teleconference, or other methods under conditions in which no or limited face-to-face contact is available for the (Name of Circuit/District). A list of CEMT members for the (Name of Circuit/District) can be found at (enter the electronic or physical location of the list of CEMT members). Ample back-ups for each team member have also been identified and trained.

VIII. Infection Control Precautions

The (Name of Circuit/District) has established a working relationship with local public health officials (see item IV above) and local emergency management officials. The (Name of Circuit/District) will heed the information from local public health and emergency management officials as well as information coming from the federal and state level.

The nature of an influenza pandemic will likely place extraordinary limits on face-to-face interactions in the (Name of Circuit/District). Therefore, the (Name of Circuit/District) has updated the Court Technology Continuity and Disaster Recovery Plan for the (Name of Circuit/District) to be prepared to keep the courts open by conducting hearings and performing the tactical objectives for the (Name of Circuit/District) by videoconference, telephone/teleconference, or other methods under conditions in which no or limited face-to-

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face contact is available (see item VI above). By using technology to hold court via videoconference, telephone/teleconference, or other methods, the (Name of Circuit/District) will be prepared to minimize the need for face-to-face contact while still ensuring the capacity to keep the court open. This reduction in face-to-face contact will serve as the primary infection control precaution for the (Name of Circuit/District).

Additionally, the (Name of Circuit/District) has implemented additional infection control precautions including:

- Providing education regarding the importance of proper hand hygiene (regular and thorough hand washing with soap and water or alcohol-based hand rub);
- Providing education regarding the importance of proper cough etiquette (cover mouth and nose with a tissue or shirt sleeve, dispose of tissue immediately, and perform hand hygiene); and
- Planning for adequate social distancing at the work place (keeping three (3) feet distance from other persons), if conditions require.

The use of personal protective equipment (PPE) will also be a part of the infection control precautions for the (Name of Circuit/District). Specific federal or state guidance regarding the use of PPE in the (Name of Circuit/District) is currently not available. However, guidance is currently available for health care facilities and other specific industries and work environments. A list of the available guidance can be found at http://www.flcourts.org/gen_public/emergency/ppe.shtml.

IX. Employee Education

The (Name of Circuit/District) has initiated an education effort to inform all court personnel on the threat posed by a pandemic. All court employees in the (Name of Circuit/District) have been provided information to help them prepare themselves and their families for a possible influenza pandemic. In this regard the (Name of Circuit/District) has:

- (List the educational efforts initiated in the circuit/district).

The (Name of Circuit/District) will continue these educational efforts.

X. Improve Communications

The (Name of Circuit/District) has reviewed and coordinated the operations of the emergency coordinating officer (ECO) and public information officer (PIO) in order to ensure proper internal and external communications in the event of an influenza pandemic. These efforts are designed to ensure the (Name of Circuit/District) is prepared to communicate successfully with judges, attorneys, parties, clerks and deputy clerks, sheriffs and deputy

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sheriffs, court administrators and staff, state and local public health officials, jurors, and the general public. More information regarding the means of communication to be employed by the (Name of Circuit/District) is available at (describe the appendix or other location in the COOP related to emergency communications).

XI. Personnel Issues

While it is unlikely that all of the personnel issues that may arise during an influenza pandemic can be foreseen, the OSCA Personnel section is developing initial statewide guidance as a set of frequently asked questions (FAQ) related to many of these personnel issues.

Once this initial statewide guidance is available, the (Name of Circuit/District) will review and update its personnel policies to be better prepared to address these personnel issues. A copy of the most current personnel policies for the (Name of Circuit/District) can be found at (enter the electronic or physical location of the personnel policies).

XII. Jury Management

Guidance for this portion of the template is still to be developed.