IMPACT OF 9/11 AND OTHER EMERGENCY SITUATIONS ON COURT ADMINISTRATION: REPORT OF A SURVEY OF LOCAL TRIAL COURTS

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FOREWORD

September 11th and its aftermath have made clear that aggressive planning must be taken promptly to assure that certain institutions which are basic to our capacity to function as a civilized society – among which are the courts – are maintained in the event of terrorist or other catastrophic emergencies. While, historically, courts have managed to effectively address emergency situations, particularly those related to natural disasters, political demonstrations or similar events which temporarily affect facility access or utilization, the challenges with which courts must deal in the post-9/11 era call into question their basic ability to carry out their functions, both in the short- and long-term.

Since 9/11, some discussion has begun of the range of disciplines and agency levels that need to collaborate to address these challenges, but there have yet to be developed any practical tools which courts can use to assess their needs and develop and implement the multi-agency collaborative planning that is needed. The recent Nine-Eleven Summit in September 2002, hosted jointly by the New York State Court System, the National Center for State Courts, the Center for Court Innovation, and the Center for Judicial Studies at Pace University School of Law, brought together a diverse group of presenters to discuss judicial system-relevant experience and resources for dealing with emerging situations. Among the topics discussed were: the impact on the judicial process of various tropical storms, forest fires, and floods they had experienced; the work of the Counter-Terrorism Threat Assessment and Warning Unit of the U.S. Department of Justice; record preservation activities of the National Archives and Records Administration; efforts to preserve the security of the mail and protect it (and its handlers) from the threat of bioterrorism; and the practices of one state’s Energy Management and Center for Disease Control deemed promising. A wide range of materials was also assembled, including law reviews, journal articles, and agency publications.1

The enormity of the impact of 9/11 on the court process was illustrated by Chief Judge Judith S. Kaye several months later. In “Coping With Disaster,”2 she alluded to just a few of the consequences of 9/11 on the judicial process and court functions: air quality; security; need for replacement facilities; need for the installation of hundreds of telephones and phone lines; assisting attorneys who had lost their offices in recreating case files; the need to expedite Family Court permanency proceedings for newly orphaned children; scheduling and rescheduling criminal cases that often involved “absent” police officers detailed to “more pressing assignments;” dealing with appeal deadlines and statutes of limitations; and managing jury service, particularly in areas in which transportation routes had been disrupted. Others have noted the need for clearly articulated communication procedures – who makes the decision to evacuate a court building – particularly in jurisdictions in which court facilities are managed by county government, not the courts – and how is the decision to close – and later re-open – the facility communicated to other staff? To litigants and attorneys? To the public? The subsequent anthrax “scare” has raised additional issues relating not only to the mail and packages that are sent to the court but to the flow of people and their belongings that traffic through the court daily.

1 Additional information on the Summit is available on the website of the National Center for State Courts: www.ncsc.online.

This report was prepared by the Justice Programs Office (JPO) of the School of Public Affairs at American University to provide a snapshot of court activities in the area of emergency planning. The author, a candidate for a master’s degree from the School of Public Affairs at American University and a Graduate Assistant at JPO, was also employed as a paralegal with the Manhattan District Attorney’s Office on September 11, 2001, and therefore brings first-hand experience to the issues addressed in this report.

We are grateful to the many court officials who responded to the survey upon which this report is based. In light of the sensitive nature of the survey findings we are not including the names of the respondents or the responding courts in this document. The materials they provided, however, are available, upon request, to other courts.

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CONTENTS

Foreword

I. Introduction
   A. Background
   B. Characteristics of Responding Courts
      1. Geographical Locations
      2. Court Jurisdiction
   C. Summary Findings

II. Immediate Impact of 9/11 and/or Other Emergencies During the Past Five Years on Court Operations
   A. Immediate Impact of 9/11
   B. Impact of Other Emergencies During the Past Five Years
      1. Frequency and Nature of Other Emergency Situations Reported

   Chart 1: Frequency of Emergency Situations Reported by Region (By Nature of Emergency)
   2. Impact of Emergency Situations on Court Operations

III. Formal Plans Developed By Courts to Deal with Emergency Situations
   A. Existence of Formal Plans to Deal With Emergency Situations
   B. Nature of Plans Developed
   C. Components of Emergency Plans
      1. Security
      2. Communication
         Chart 2: Frequency of Measures Taken to Promote the Court's Capacity to Communicate With the Public in the Event of an Emergency
      3. Handling the Caseload and Jury Usage
         a. Case Disposition
         b. Jury Usage
      4. Relocation to Alternative Facilities
      5. Preservation of Vital Records
   D. Special Resources Developed
      1. Availability of Additional Funds
      2. Development of Special Materials and Other Resources

IV. Training and Technical Assistance Needs
   Chart 3: Technical Assistance Needs Identified and Frequency Cited

VI. Conclusion
I. INTRODUCTION

A. Background

The events of September 11, 2001 raised new awareness about the importance of emergency preparedness and contingency planning for U.S. governmental agencies. In December 2002, the Justice Programs Office of the School of Public Affairs at American University surveyed selected local courts in a cross section of jurisdictions to assess their capacity to respond to the consequences of terrorism on the judicial process and functions. The survey recipients were asked to comment on actions taken or being planned in twelve areas of judicial system administration, ranging from existing security procedures and emergency communication systems to training and technical assistance needs.

Surveys were sent to selected general and limited jurisdiction courts in each of the 50 states and U.S. territories. Responses were received from 40 courts located in 24 states spread throughout the country and two U.S. territories. Of the forty respondents, eight reported having no information to provide but were interested in the survey results, and thirty-two completed the survey.

B. Characteristics of Responding Courts

Responses were analyzed in terms of geographic location of the court, size of population served, and the nature of caseload.

1. Geographical Locations.

U.S. Census Bureau regions were used to define geographic region for the states reflected in the responses. U.S. territories were treated separately.

The following chart depicts the states comprising each region referenced in the report:

<table>
<thead>
<tr>
<th>Region</th>
<th>States/Territories</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>Washington, Montana, Oregon, Idaho, Wyoming, California, Nevada, Utah, Colorado, Arizona, New Mexico, Alaska, Hawaii</td>
</tr>
<tr>
<td>Midwest</td>
<td>North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Nebraska, Iowa, Illinois, Indiana, Ohio, Kansas, Missouri</td>
</tr>
<tr>
<td>South</td>
<td>Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Kentucky, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, District of Columbia, Maryland, Delaware</td>
</tr>
<tr>
<td>U.S. Territories</td>
<td>Puerto Rico, Northern Mariana Islands, American Samoa, Guam, Virgin Islands</td>
</tr>
</tbody>
</table>

Approximately 60% of responses came from courts in midwestern and southern states. Most were general jurisdiction courts in urban or suburban counties, attending to populations of over 250,000 residents. The breakdown of response rate by geographical region was as follows:

- West: 22%
- Midwest: 31%
- South: 28%
- Northeast: 13%
- U.S. Territories: 6%

2. Court Jurisdiction

Most (81%) of the courts which responded were general jurisdiction courts handling criminal, civil, family, and juvenile matters. Eighty percent (of the 25 who indicated geographical jurisdiction) were single county courts, with 58% located in areas which they described as serving a “combination of urban/rural/suburban” communities. Over 55% of the responding courts indicated that they served populations ranging between 250,000 and 1,000,000.

3 Note. While responses from courts in each of the regions were received, the responses did not include all of the states in each region.

C. Summary Findings

The survey responses indicate that most courts have experienced and developed responses to some form of emergency – generally some form of natural disaster – during the last five years. These responses have included: design of building evacuation procedures; measures to promote courthouse and courtroom security – generally in the form of metal detectors and/or identification checks; and strategies to improve communication, including posted signs and special intercom systems. Attention has been paid much less frequently to such issues as preservation of and access to court records; plans to relocate court facilities; policies relating to jury usage; prioritizing the caseflow; and other aspects of the case disposition process. Very few of the respondents, however, appeared to have developed special measures as a result of 9/11.

Whatever measures have been developed were frequently already in place prior to that event. For those courts that have taken additional action in response to 9/11, it has generally been in the form of “crisis response” procedures and protocols (e.g., enhanced building evacuation plans; emergency protocols for staff communication, etc.), which have not required additional resources or training in order to implement.

In terms of training needs, only a few of the respondents addressed this issue, suggesting that many courts have not focused on this component of emergency planning. Those needs most frequently identified included training for: suspicious mail handling; use of alternative communication systems, and general training for court staff and security personnel in identifying security threats. Notably, more respondents identified the general need for technical assistance in this area, suggesting that courts see the need to have their existing emergency and security plans evaluated before they can be in a position to identify changes or improvements needed.

The following sections of this report present a more detailed summary of the information provided by the responding courts.
II. Immediate Impact of 9/11 and/or Other Emergencies During the Past Five Years on Court Operations

A. Immediate Impact of 9/11

Most of the responding courts did not appear to have been directly affected by the terror attacks on September 11, 2001. In fact, none of the courts indicated that they had lost telephone, fax, or computer service in the immediate aftermath. However, nearly 80% of the responding courts reported that they closed down court operations for the day or two following 9/11. Every court that closed evacuated the public and staff, presumably for precautionary reasons. All of these courts also re-routed incarcerated defendants who were detained in courthouse lockup facilities back to jails. The majority (65%) of these respondents rescheduled both civil and criminal cases on an individual case basis.

B. Impact of Other Emergencies During the Past Five Years

1. Frequency and Nature of Other Emergency Situations Reported

In addition to the 9/11 attacks, the courts surveyed were asked if they had experienced any of the following other emergency situations during the past five years: natural flooding; fire; earthquakes; storms (ice, snow, rain, etc.); building dysfunction; infestation of vermin; and acts of terror. Respondents were also given space to describe other emergencies they may have experienced which were not listed.

Sixty-three percent of the responding courts had encountered one or more other emergencies prior to 9/11 during the preceding five years. Most of these emergencies were natural disasters, although 35% had received bomb threats during the period. Courts in regions prone to flooding, storms, and earthquakes dominated the responses on this issue and also were the courts that included with their survey responses the largest volume of supplementary materials relevant to emergency procedures. Most of the responding courts were located in midwestern and southern states vulnerable to tornadoes and hurricanes, respectively.
Response rates by region from courts that had experienced at least one prior emergency situation within the five years preceding 9/11 were as follows:

- West: 15%
- Midwest: 40%
- South: 25%
- Northeast: 15%
- U.S. Territories: 5%

![Chart I: Frequency of Emergency Situations Reported by Region (By Nature of Emergency)]

<table>
<thead>
<tr>
<th>Emergency</th>
<th>Region</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>West</td>
</tr>
<tr>
<td>Storm—Rain, Ice, Snow</td>
<td>5%</td>
</tr>
<tr>
<td>Flooding</td>
<td>None indicated</td>
</tr>
<tr>
<td>Earthquake</td>
<td>5%</td>
</tr>
<tr>
<td>Fire</td>
<td>5%</td>
</tr>
<tr>
<td>Bomb Threat</td>
<td>10%</td>
</tr>
<tr>
<td>Building Dysfunction</td>
<td>10%</td>
</tr>
<tr>
<td>Infestation of Vermin</td>
<td>None indicated</td>
</tr>
</tbody>
</table>

*Note: Figures exceed 100% because some courts reported more than one emergency.*

2. Impact of Emergency Situations on Court Operations

Courts were also asked to describe the impact of the other emergency situations on court operations. A list of fourteen possible areas of impact ranging from building closure and evacuation to loss of communication services and disruption of court calendars was provided in the survey instrument. Respondents were asked to indicate any of these areas of impact they had experienced as well as to note additional areas of impact, as appropriate, that should be included. By far, the most common response to emergency situations was closure of the court facility.
Ninety percent of the responding courts that had experienced an emergency situation shut down for one or two days, and 10% of these responding courts had to relocate to alternative facilities. As was the case for the court responses to the impact of 9/11, none of the responding courts lost telephone, fax, or computer services as a result of these emergencies, but all had to continue and reschedule cases. Forty-five percent were forced to evacuate the public and staff from the court building, and all had to re-route defendants in lockup back to jail.
III. Formal Plans Developed By Courts to Deal with Emergency Situations

A. Existence of Formal Plans to Deal With Emergency Situations

Courts were asked if they had developed formal plans to respond to emergency situations prior to 9/11. A number of the responding courts indicated that some body of contingency policies and procedures had been in place prior to 9/11, although the scope of these policies and procedures varied significantly. Courts in western, midwestern, and southern states most frequently reported such pre-existing policies and procedures. Slightly under one third (31%) of the responding courts indicated that they had developed no guidelines for responding to emergencies prior to 9/11 and that none were in development as a result of 9/11. Less than 10% of the responding courts indicated any activity geared towards developing emergency plans.

B. Nature of Plans Developed

Courts that reported having pre-existing contingency policies and procedures were asked to indicate the nature of needs their plans addressed, with the following preliminary list provided: preservation of court records and information systems; use of alternative communication technologies; use of alternative facilities for court operations; housing and transport of prisoners; provision of security for the courts including monitoring of facility entry and egress; communication with staff and public; and case scheduling. Approximately 75% of the responding courts which had developed some contingency policies and procedures appear to have focused their efforts almost exclusively upon securing facilities with metal detectors and conducting identification checks of persons entering the court buildings. Slightly over 50% of the responding courts which had developed emergency plans addressed strategies for communicating with court staff, litigants, and with the public during a disaster.

Only a few courts appear to have outlined strategies for prioritizing cases and preserving court records and information systems. Very few of the responding courts (10%) had developed
plans for relocating the court to an alternative facility or for providing alternative telephone and fax services in the event of building or system damage.

Despite these deficiencies noted in emergency planning, approximately half of the responding courts assessed their plans as adequate to address the potential impacts on court operations that could result from acts of terror. Generally, the courts that appeared most satisfied with their plans were those that indicated a narrow range of activities undertaken – generally focusing on: evacuation procedures; the use of metal detectors; and identification checks as their primary means for preventing and combating emergency situations.

Responding courts that appeared to have developed the most comprehensive planning for emergency situations also appeared to be the courts that expressed greatest concern over the adequacy of their plans. One west coast court respondent, for example, who offered extensive commentary and supplementary materials, noted feeling generally unprepared in all areas for the possibility of a terrorist attack. This is a jurisdiction that has already developed an interagency emergency plan, written a health and safety manual for staff, and is currently reviewing security issues based on responses from a survey administered to security personnel. Other courts with similar comprehensive plans also noted unmet needs – particularly in the area of communication and evacuation procedures.

Ironically, therefore, the responding courts that appeared to have initiated the least amount of preparation to respond to an emergency situation also appeared to be the most confident in their ability to respond to a terrorist attack; conversely, the responding courts which appeared to have developed more detailed and structured plans indicated concern that they would be unable to effectively respond to a terrorist situation. This discrepancy among courts regarding the perceived effectiveness of their emergency plans to address terrorist attacks suggests that most courts may not fully comprehend the range of issues that should be addressed. Given the general lack of experience most American institutions have had with terrorist activities, there appears to be no consensus yet developed regarding standard operating procedures courts need to adopt to deal with potential terrorism threats. This suggests the potential benefit of developing a generic framework that could detail general operating standards for responding to acts of terror,
which courts could use to develop and/or enhance local plans for both internal court action and improved coordination with other local agencies.

C. **Components of Emergency Plans**

Courts were asked to describe the features of their emergency plans. For those courts that had developed emergency plans, they commented most frequently on security and communication. Only a few of the respondents also commented on other aspects of court operations – particularly on prioritization of caseloads and jury usage; relocation to other facilities; and preservation of vital records.

1. **Security**

The survey asked courts to indicate whether their plans accounted for any of the following security measures: evacuation of public and staff; movement of prisoners into and out of the courthouse; detainment of prisoners in court cells; lockdown of buildings; closure of facilities; and personal searches. Approximately 75% of the responding courts indicated they had some measures in place for safeguarding courtrooms and court buildings. Those courts that indicated having no explicit security procedures in this area were generally smaller, non-urban jurisdictions (serving under 600,000 people) in midwestern and southern states. Those with emergency plans that addressed these topic areas were generally larger, urban or urban/suburban jurisdictions (serving over 600,000 people), and coastal states or territories. Over half of the courts that had developed security measures in these topic areas were located in eastern and western states and the responding U.S. territories.

Aspects of security most frequently addressed appear to be: evacuation of public and staff (66%); searches of persons entering the courthouse (63%); and movement of prisoners out of the court facility (63%). Some of the plans appear to focus on detaining prisoners or partially closing buildings. However, approximately half of the respondents indicated they close their courts entirely in the event of an emergency.
Although many of the respondents indicated satisfaction with plans developed prior to 9/11, almost half of the respondents who had developed plans prior to 9/11 indicate they are making changes in their security procedures as a result of 9/11. All of the responding courts located in border states on the west and east coasts have made changes. Half of these courts that made changes were located in urban areas serving between 600,000 and 1,000,000 residents. This pattern of activity suggests that courts in large cities and coastal areas may have identified increased vulnerability to emergency situations after the 9/11 attacks. Additionally, responding courts located geographically close to those areas directly affected by the terror attacks (e.g., New York City and Washington D.C.) have made a number of subsequent changes in their emergency plans.

By far, the most frequently cited modification in court emergency procedures appears to be the increased use of metal detectors after 9/11. Approximately half of the responding courts also reported more routine identification checks of visitors and staff, and 40% have imposed greater limitations on public access to the court facility.

A few courts indicated that they had increased their security personnel and provided them with more detailed instructions for operating metal detectors and identifying suspicious mail, but neither of these modifications was widespread among the responding courts. Increased security training for staff and judges was also rarely mentioned. The increased use of metal detectors and identification checks, coupled with the relative exclusion of measures requiring additional staff training, suggests that most courts have not dedicated many resources to bolstering courthouse security since 9/11.

2. Communication

One of the biggest obstacles faced by any organization responding to a crisis is how to communicate instructions to staff and other users of the organization and to maintain the operations of the organization. The surveyed courts were given a chart covering nine aspects of court communication and asked to indicate what mechanisms had been developed, both prior to
and subsequent to 9/11, to promote the court’s ability to communicate with the public in the event of an emergency.

The following is a summary of the respondents’ comments.

**Chart 2:** Frequency of Measures Taken to Promote the Court’s Capacity to Communicate With the Public in the Event of an Emergency

<table>
<thead>
<tr>
<th>Communication Element</th>
<th>Prior to 9/11</th>
<th>After 9/11</th>
<th>In Development</th>
<th>Not Being Developed</th>
<th>Not Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Posted signs in courthouse with instructions for what to do during emergencies</td>
<td>44%</td>
<td>None indicated</td>
<td>None indicated</td>
<td>25%</td>
<td>13%</td>
</tr>
<tr>
<td>Public address system</td>
<td>41%</td>
<td>3%</td>
<td>None indicated</td>
<td>25%</td>
<td>16%</td>
</tr>
<tr>
<td>Notifications through intercoms and/or two-way radios</td>
<td>50%</td>
<td>9%</td>
<td>3%</td>
<td>22%</td>
<td>3%</td>
</tr>
<tr>
<td>Notification through e-mail</td>
<td>41%</td>
<td>3%</td>
<td>None indicated</td>
<td>34%</td>
<td>9%</td>
</tr>
<tr>
<td>Notifications through network broadcast messages on automatic voice messaging systems</td>
<td>22%</td>
<td>3%</td>
<td>None indicated</td>
<td>44%</td>
<td>13%</td>
</tr>
<tr>
<td>Notification through office memorandum</td>
<td>28%</td>
<td>None indicated</td>
<td>None indicated</td>
<td>25%</td>
<td>19%</td>
</tr>
<tr>
<td>Central phone number for public to call for information regarding building closing</td>
<td>41%</td>
<td>None indicated</td>
<td>6%</td>
<td>31%</td>
<td>9%</td>
</tr>
<tr>
<td>Designation of specific individual(s) to provide information and make decisions</td>
<td>63%</td>
<td>13%</td>
<td>6%</td>
<td>6%</td>
<td>3%</td>
</tr>
<tr>
<td>Use of cellular phones with names and numbers of users identified for notification prior to emergency conditions</td>
<td>28%</td>
<td>6%</td>
<td>3%</td>
<td>44%</td>
<td>6%</td>
</tr>
</tbody>
</table>

In addressing communication issues, the responding courts appear to have given the greatest attention to designating key individuals to organize emergency response efforts. The second most frequently noted approach appears to be communication through intercom and/or two-way radios, with sign postings of instructions almost as prevalent. These measures reflect a heavy emphasis on developing mechanisms for quick communication in the immediate aftermath of a crisis.

3. **Handling the Caseload and Jury Usage**

a. **Case Disposition**

Given the potential impact of a terror attack on availability of facilities, personnel,
witnesses, and other resources essential to case processing and disposition, the surveyed courts were asked whether: (1) a policy had been developed for prioritizing the court’s caseload in response to emergency conditions; and (2) any policy had been formulated to deal with the potential reduced availability of jurors following an emergency. Most responding courts had no policies in place for either situation.

Only 29% percent of the responding courts had a plan for prioritizing cases for case disposition purposes in the event of an emergency. These courts were mostly located in western states in primarily urban/suburban environments. Eighty percent of these courts give the highest priority to criminal cases with incarcerated defendants. Beyond that, most courts indicated more than one priority out of the following categories: criminal cases based on case age; criminal cases arising out of the disaster; criminal cases in which defendants had waived their right to jury trials; civil cases; family matters; restraining orders; and juvenile cases.

b. Jury Usage

All but one of the responding courts reported having any existing policy for dealing with the potential for reduced jury pools. The one court that had a plan for juror utilization in the event of an emergency is located in a large, urban southern jurisdiction that is frequently subject to severe weather. That court prioritizes jury usage by assigning juries first to criminal cases.

4. Relocation to Alternative Facilities

Contingency planning for relocation of court operations to alternative facilities is important for two reasons. First, the court facility could suffer structural damage as the result of a terror attack. Second, as in the case of the courts in lower Manhattan following 9/11, court buildings – even if not damaged – could be located in a “frozen” zone to which access is severely limited. When asked whether contingency plans had been developed for relocating the court to other facilities, 75% of the responding courts indicated that they had developed no such plans.

Of the 25% who have developed contingency plans for relocation of the court facility,
approximately one third of these courts formulated these plans after 9/11. For the most part, these courts are located in urban or combination urban/suburban/rural areas and serve populations ranging from under 100,000 to over 1,000,000 – indicating no correlation between jurisdiction size and plan for facility relocation. These responding courts also appear to be evenly distributed among western, midwestern, southern, and northeastern states, although none of the responding courts in U.S. territories indicated that such contingency plans had been developed. Again, the locations of these courts represent areas often hard hit by severe weather. In terms of the potential sites for relocation, the responding courts that had developed contingency plans for facility relocation indicated a mix of other government buildings; other court buildings; facilities in a nearby jurisdiction; and unspecified rented facilities.

5. *Preservation of Vital Records*

The experience of 9/11 clearly illustrated that – in the event of facility damage, loss of electrical power and/or other communication media – having a back-up system for information storage and retrieval as well as for the preservation of essential documents is crucial. Surveyed courts were asked whether they had identified any specific documents or records as essential to their capacity to continue court operations in the aftermath of a terror attack or other emergency. They were provided with a list of various court records from which to select those deemed essential. Surveyed courts were also asked to describe any measures that had been taken to ensure the preservation of and access to vital records in the event of a terror attack or other emergency.

Approximately 38% of the responding courts indicated that they had identified specific documents and records as essential to their capacity to maintain court operations. The type of documents noted fell into two categories: court files and personnel information. In terms of court files, most respondents indicated the need to preserve arrest paperwork, indictments, and judgments of conviction along with civil judgments, and restraining orders. Plea agreement paperwork and medical records were rarely mentioned. In terms of personnel files, payroll
information and insurance information were both deemed important.

Surveyed courts were also asked whether they had in place a system for backing up and restoring case data. Eighty-eight percent of the responding courts indicated that they had some mechanisms for maintaining case information in the event that originals were damaged or lost. In terms of the mechanism used, most of the responding courts appear to be saving information on tape or disk. Several use real-time data replication, microfilm, digital recording devices, and off-site systems.

Although the majority of courts reported having a system in place to back up their records, the smaller number of courts that indicated they’d also identified which records to preserve suggests that more coordinated measures may be needed to ensure ready access to essential court information in the event of an emergency. Since the dominant features of most back-up systems entail electronic or off-site mechanisms, some training for court staff in recovering or preserving essential documents damaged by water or other elements might be useful.

D. Special Resources Developed

1. Availability of Additional Funds

Because the potential consequences of a terrorist attack differ from those of a natural disaster – which has been the impetus for many of the responding courts to develop emergency plans – surveyed courts were asked to describe changes, if any, that had been made to budgets for emergency planning and crisis management since 9/11. Specifically, they were asked if additional funds had been designated to address the following four areas: development of alternate phone systems (cellular phones, installation of satellites, etc.); development of alternate information technology (duplicate servers, new machines, etc.); recruitment of technology experts; and training programs for security personnel.

Only 6% of the responding courts indicated that more funds had been allocated for emergency planning since 9/11. Those courts which had increased budgets for this purpose
allocated the additional funds to the hiring of more security officers, providing additional training for these personnel, and upgrading security equipment.

2. Development of Special Materials and Other Resources

Surveyed courts were asked to describe any training materials, informational bulletins, self-assessment guides, or similar materials that had been developed as a result of 9/11. Approximately 28% of the responding courts reported that special resources had been developed after 9/11 to supplement previously developed emergency training guides. Almost all of these courts had added the topic of “mail handling” to their training documents and videos in addition to any other enhancements that they made. Courts that had developed these materials were evenly distributed among western, midwestern, southern, and northeastern states, although no courts in U.S. territories indicated that such materials had been developed. The courts which had developed special materials following 9/11 were primarily located in urban and suburban areas, serving both small and large population areas.
V. Training and Technical Assistance Needs

Surveyed courts were asked whether any additional training or technical assistance needs had been identified as a result of 9/11. The survey listed a range of potential training needs that had been identified by other types of organizations for the responding courts to comment upon. These included: crowd control during high-stress periods; strategies for effective communication with crowds; identification/use of alternative communication technologies during emergencies; training on evacuating the public from court facilities; appropriate use of force during emergency situations; strategies for coordinating with other local agencies during emergencies; strategies for identifying potential security threats; and procedures to follow in the event of a biological or chemical attack.

Sixteen percent of the responding courts reported special training needs. Most of these courts expressed interest in additional training in crowd communication, use of alternative communication procedures and technologies, and identification of security threats. A few also noted the need for training on improved coordination with other local agencies and dealing with biological or chemical attacks. The courts which identified training needs had similar characteristics to those which had developed new resource materials – serving mostly urban and/or suburban populations in a cross section of regions and population sizes.

Approximately one third of the responding courts identified special technical assistance needs. These fell into the following areas: additional information; evaluation of existing contingency plans and security provisions; and specific training materials for court personnel, security staff, and judges. Those courts which identified technical assistance needs were located in the western, midwestern, and northeastern states as well as U.S. territories and represented urban/rural/suburban areas with varying populations.

The following is a breakdown of identified technical assistance needs:
## Chart 3: Technical Assistance Needs Identified and Frequency

<table>
<thead>
<tr>
<th>Technical Assistance Need</th>
<th>Frequency Noted By Responding Courts</th>
</tr>
</thead>
<tbody>
<tr>
<td>General training</td>
<td>28%</td>
</tr>
<tr>
<td>Additional information on emergency planning</td>
<td>25%</td>
</tr>
<tr>
<td>Training for managers and administrators</td>
<td>25%</td>
</tr>
<tr>
<td>Training for civilian court support staff</td>
<td>22%</td>
</tr>
<tr>
<td>Training for security officers</td>
<td>22%</td>
</tr>
<tr>
<td>Training for judges</td>
<td>22%</td>
</tr>
<tr>
<td>Evaluation of existing contingency plans</td>
<td>16%</td>
</tr>
<tr>
<td>Evaluation of use of existing facilities</td>
<td>16%</td>
</tr>
<tr>
<td>Evaluation of security provisions in courthouse</td>
<td>6%</td>
</tr>
<tr>
<td>Evaluation of security provisions in courtroom</td>
<td>6%</td>
</tr>
<tr>
<td>Training for mail protocol</td>
<td>3%</td>
</tr>
<tr>
<td>Evaluation of existing information systems</td>
<td>3%</td>
</tr>
</tbody>
</table>

*Note: Rates drawn from entire respondent pool. Most respondents indicated more than one need.*
VI. Conclusion

In many, many respects, September 11th was a turning point for the United States and for virtually every institution which is part of the American way of life. For courts, the implications are only beginning to be assessed, and this assessment has not, at this point, developed within a consistent framework of issues or approaches.

A number of relevant resources have been developed that can be of great value to courts in developing plans to assure the maintenance of the judicial function in times of crisis. For example, *Contingency Planning: Coop [continuity of operations] Self-Assessment Checklist*, based on federal preparedness circulars, provides general guidance to federal executive agencies regarding sustaining operations during emergencies; *Disaster Recovery Planning for Courts: A Guide to Business Continuity Planning* (National Association for Court Management, Summer 2000) provides a framework for developing disaster (primarily natural) response plans, with particular focus on preserving court records; and “After the Dust Settles: The Criminal Justice System in the Aftermath of a Terrorist Attack or Large Scale Disaster.”

The survey responses for this study echo the concerns highlighted by Judge Kaye and emphasized in the resource guides noted above. They also indicate that prior to 9/11, the courts that had developed emergency plans focused almost exclusively on logistical issues – particularly those relating to facility access and evacuation. Since 9/11, there appears to have been little movement among courts to develop comprehensive planning for emergency situations and very little, if any, interagency collaboration. At the same time, there appears to be great interest in the topic.

As documentation of the New York 9/11 experience has indicated, much of the response effort was ad hoc, revealing the limited systemic infrastructure in place prior to the event. That is, it was fueled by a wide range of efforts by many individuals, creatively and often selflessly coming up with solutions to problems as they occurred. The survey results that underlie this report demonstrate the critical need for a comprehensive framework to guide courts towards

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developing a comprehensive, coordinated interagency plan that will provide a sound capability for responding to emergency situations.