BJA Criminal Courts Technical Assistance Project
BJA CCTAP Number 4-128

Workshop for North Dakota Judges on
Pandemic Preparedness and
COOP Planning

November 24, 2009
Bismarck, ND

Participant Evaluation Comments
and Workshop Materials

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December 21, 2009

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I. SUMMARY OF PARTICIPANT EVALUATION RESPONSES

A. Overview of Evaluation Comments

On November 24, 2009, the Bureau of Justice Assistance (BJA) Criminal Courts Technical Assistance Project (CCTAP) conducted a workshop for North Dakota’s judges in conjunction with the Fall Judicial Conference. The session was conducted in response to a request submitted to the CCTAP by Lee Ann Barnhardt, the Supreme Court Director of Education. Judge Linda Chezem (ret.), of Moorestown, Indiana, who has conducted extensive research and training in the area of the implications of public health emergencies on court operations, served as faculty for the session. The workshop took place from 8:30am—10:45am and was one of two concurrent sessions being offered at the Conference. The workshop was attended by 42 participants representing trial and appellate courts across the state.

Of the 42 participants who attended, 19 (45.2%) completed a participant evaluation form at the end of the workshop session. The participants who completed evaluations represented the following sectors of the court:

14 (73.6%) Trial Judges
1 (5.3%) Appellate Judge
4 (21.1%) “Other”, consisting of two retired judges, one Municipal judge, and one staff member

Overall, the responses provided positive feedback about the workshop session. In general, the evaluations placed an emphasis on the value of the participation and interchange which the session offered. This response was reflected in the participants’ high ratings of questions relating to “Opportunities for Participation/Involvement”—which received the highest rating—and the positive response of 17 (89.5%) of the respondents to the question, “Was there an appropriate balance of presentation of information and interchange?”

Additionally, almost everyone who completed an evaluation form felt that they increased their knowledge of the fundamental principles of pandemic preparedness and COOP planning as a result of attending the session. The average rating of the participants’ knowledge prior to the workshop was 1.78; but afterwards, the average score rose to 2.50. This was coupled with the fact that when asked, “Through this workshop, did you gain/obtain new information and/or ideas that will assist your jurisdiction in improving its pandemic preparedness and COOP planning?” 16 (84.2%) of the respondents answered “yes”.

Both the ratings and the “Comments” sections of the participant evaluation responses spoke very highly regarding Judge Chezem’s knowledge of the topic and her presentation. The average rating for the statement “Effectiveness of the instruction/presentation” was 4.05, the second highest average rating for any of the statements on the evaluation form. In fact, 16 (84.2%) of the nineteen respondents rated that statement either a “4” or a “5”, using an evaluation scheme of (1)-poor to (5)-excellent. Likewise, when presented with the statement


“The best aspects of this workshop were:” five (26.3) of the 19 respondents specifically mentioned Judge Chezem and/or her presentation.

However, some participants were critical of the workshop materials. The rating for the statement “Utility of the Workshop Materials” received the lowest average rating, at 3.68. This rating may have had more to do with the fact that participants only received the materials at the beginning of the workshop and did not have time to fully acquaint themselves with everything prior to filling out the evaluations.

The following sections of this report present a detailed analysis of the responses to each question provided by participants who completed the evaluation form.

B. Summary of Responses By Question

The workshop session consisted of a PowerPoint presentation, four hypothetical scenarios to be worked through, and question and answer discussion.

Section One: Ratings of Specific Aspects of The Workshop

Section one of the participant evaluation form asked participants to rate five different aspects of the session: the relevance and usefulness of the information presented, the effectiveness of the presentation, the opportunities for participation and involvement, the usefulness of the workbook materials, and also an overall rating for the workshop. For each statement, the responses were based on a scale of 1 (poor) to 5 (excellent). The average rating for each aspect of the workshop was then calculated and is described below:

Relevance and Usefulness of the Information Presented

The average rating in terms of the relevance and usefulness of the information presented was 3.84. Of the 19 respondents, 10 (52.6%) scored this statement a four, and four (21.1%) additional respondents scored this statement a five. Overall, these responses indicate that the information being presented was important to the respondents. Given the nature of

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1 The following materials were provided for the session:

- “Justice System Pandemic Preparedness: Strengthening the Planning Links” (CD) Judge (ret.) Linda L. Chezem, BJA National Training and Technical Assistance Project at American University, April 2009.
- In addition, Judge Chezerm distributed a short questionnaire and used a Powerpoint for the presentation, both of which documents are appended to this report.
pandemics, recognizing the imperativeness of planning and developing a continuity of operations plan before an outbreak is very important, and the high rating given to this statement exhibits this awareness by the respondents.

Effectiveness of the Instruction/Presentation

Overall, the respondents found the session to be very effective, giving this statement an average rating of 4.05. The rating regarding the effectiveness of the instruction and presentation garnered the second highest rating of all questions on the evaluation form, with 16 (84.2%) of the 19 respondents giving a score of either a four or five. This suggests that Judge Chezem’s presentation—especially the PowerPoint that included information about the national pandemic response and information specific to North Dakota—resonated with a large number of the respondents. The use of scenarios and tabletops also afforded attendees the opportunity for hands-on application of the topics being presented by Judge Chezem.

Opportunities for Participation/Involvement

The opportunity for participation/involvement received the highest rating of the areas covered on the evaluation form, garnering an average rating of 4.16. Again, 16 (84.2%) of the respondents scored this statement either a four or five, with 7 (36.8%) of the respondents choosing five. This high rating is most likely related to the use of different scenarios and tabletop exercises which gave attendees a chance to participate rather than solely being lectured to. Some of the evaluations also made mention of the benefits of being able to exchange information and ask questions during the presentation.

Utility of the Workshop Materials

The average rating for the materials distributed at the session was 3.68, the lowest average rating for any of the statements on the evaluation form. As noted earlier, this relatively lower rating may have more to do with the fact that participants only received the materials at the beginning of the workshop, and did not have time to fully acquaint themselves with them before filling out the evaluations. The materials distributed included:

- “Justice System Pandemic Preparedness: Strengthening the Planning Links” (CD) Judge (ret.) Linda L. Chezem, BJA National Training and Technical Assistance Project at American University, April 2009.
In addition, Judge Chezem distributed a short questionnaire and used a Powerpoint for the presentation, both of which documents are appended to this report.

That said, the most common rating chosen was a four, given by 10 (52.6%) of the 19 respondents.

**Overall Rating of the Workshop**

Overall, the respondents scored the workshop a 3.84. Many respondents indicated that they were pleased with the overall instruction and presentation, were very pleased with the information that they were presented, and were pleased with the opportunities they had to participate and exchange ideas and information.

**Section Two: Other Comments and Actions Planned As a Result of Attending the Workshop**

Section two of the participant evaluation form consisted of three parts. The first part asked participants to check one of the provided answers to questions regarding the overall design of the workshop and the degree to which they gained new information from it. The second part was designed to measure the degree to which the participants had increased their knowledge of the basic issues relating to pandemic/public health emergency preparedness planning as it relates to court operations as a result of attending the workshop. The final part focused on what, if any, immediate steps the participants planned to take as a result of attending the workshop. The questions, a chart with both the frequency and percentage of each answer, and additional written comments provided — separated by years of experience for purposes of analysis — are reported verbatim, below:

**Part One:**

1. Was there an appropriate balance of presentation of information and interchange?

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>17</td>
<td>89.5%</td>
</tr>
<tr>
<td>No</td>
<td>2</td>
<td>10.5%</td>
</tr>
<tr>
<td>No Answer</td>
<td>0</td>
<td>0.00%</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

*Comment:*

- “More specific information on state law—HIPPA would have been helpful” *(from a Judge with over 5 years of experience)*

2. The length of the training in relation to the content covered was:
<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>About Right</td>
<td>15</td>
</tr>
<tr>
<td>No</td>
<td>2</td>
</tr>
<tr>
<td>No Answer</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
</tr>
</tbody>
</table>

Comment:

- “Balance between informative presentation and discussion was off”  
  (from Trial Judge with Over 5 Years of experience)

3. Through this workshop, did you gain/obtain new information and/or ideas that will assist your jurisdiction in improving its pandemic preparedness?

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>16</td>
</tr>
<tr>
<td>No</td>
<td>3</td>
</tr>
<tr>
<td>No Answer</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>19</strong></td>
</tr>
</tbody>
</table>

**Part Two:**

Questions four and five in this section were designed to measure the participants’ knowledge of the fundamental principles of pandemic preparedness and COOP planning before and after the workshop. The average rating for the question “Before attending the workshop, how would you have rated your knowledge of the fundamental principles of pandemic preparedness and coop planning as presented at this workshop?” was 1.78. This rating increased by .72, to an average rating of 2.50 for the question asking about the participant’s knowledge of the fundamental principles of pandemic preparedness and COOP planning after attending the workshop.

Figure 2.1: Pre-Workshop Knowledge Distribution, represents the frequency of answers to the question “Before attending the workshop, how would you have rated your knowledge of the fundamental principles of pandemic preparedness and coop planning as presented at this workshop?“ As can be seen, the most commonly chosen response was 2, indicating that the respondents felt their knowledge was slightly below average. Figure 2.2: Post-Workshop Knowledge Distribution, shows the increase in knowledge reflected at the end of the workshop, with the responses overwhelmingly shifting from ones and twos, to threes and fours.
Before attending the workshop, how would you have rated your knowledge of the fundamental principles of pandemic preparedness and COOP planning as presented at the workshop?

After attending the workshop, how would you rate your knowledge of the fundamental principles of pandemic preparedness and COOP planning?
Part Three:

6. Do you think you will be able to put into practice any of the strategies discussed at the workshop?

<table>
<thead>
<tr>
<th></th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>13</td>
<td>68.4%</td>
</tr>
<tr>
<td>No</td>
<td>4</td>
<td>21.1%</td>
</tr>
<tr>
<td>No Answer</td>
<td>2</td>
<td>10.5%</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Comments:

Respondent with Under 2 Years experience:
- “None”

Respondent with 2-5 Years of experience:
- “Not without extensive review of law”

Respondents with Over 5 Years of experience:
- “Discuss issues with local health officials”
- “Planning—research”
- “Encourage more specific planning”
- “My jurisdiction is limited”
- “Cooperate with other entities”
- “Interact with health department and jail”
- “I will work on doing an outline of the procedure/standards of review”
- “Put together a checklist”

7. What actions, if any, will you take within the next three months as a result of attending this workshop?

Respondent with Under 2 Years of experience:
- “None”

Respondents with Over 5 Years of experience:
- “Review Policies”
- “Do legal Research and develop flow chart regarding statute”
- “Research”
- “Study topic more—consider plan”
8. The best aspects of this workshop were:

**Respondent with Under 2 Years of Experience**

- “New information—New Ideas”

**Respondents with Over 5 Years of Experience:**

- “Presentation”
- “Recognizing my lack of knowledge and preparedness on topic”
- “Great presenter”
- “The presenter’s presentation”
- “Increasing awareness”
- “Materials—scenario”
- “Presenter was well informed—Nice job”

9. The workshop could have been improved by:

**Respondent with Under 2 Years of experience:**

- “Review Policies”

**Respondents with Over 5 Years of Experience:**

- “Making scenarios more fact related”
- “Too much time given to talk about scenarios—Perhaps work through a plan for ND judiciary”

**Section Three: Background of Respondent:**

Section three of the evaluation focused on two specific pieces of background information: the job function of the participant and the number of years the participant has been in that current role.

1. Background of Respondent:
2. Years in Position:

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 2</td>
<td>2</td>
</tr>
<tr>
<td>2-5</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>14</td>
</tr>
<tr>
<td>No Answer</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>19</td>
</tr>
</tbody>
</table>

2 Of the four respondents that identified as “Other,” two were retired judges, one was a Municipal judge, and one was a court staff member.
Years in Position Under 2: 10.5%
Years in Position 2-to-5: 15.8%
Years in Position Over 5: 73.7%
II. CONCLUSION

The overall responses provided in the evaluations indicate that the participants were pleased with the workshop that Judge Chezem presented regarding pandemic preparedness and continuity of operations (COOP) planning. In general, participants felt more knowledgeable about the fundamentals of pandemic preparedness and continuity of operations planning, as a result of attending the workshop. Some respondents felt the information provided a foundation for initiating further steps towards implementing some of the principles discussed at the session in their own courts. Additionally, the comments indicated that respondents were pleased with the quality of information presented by Judge Chezem and the cooperative manner in which she conducted the session. However, it is also apparent that significant follow up assistance may be needed to promote the development of follow-up pandemic/public health emergency plans. Limited follow up assistance is available from BJA’s CCTAP to support further planning in this regard.
PANDEMIC PREPAREDNESS AND COOP TRAINING

A Session Conducted by
The Bureau of Justice Assistance Criminal Courts Technical Assistance Project
at American University

In Conjunction with the North Dakota Fall Judicial Conference
Bismarck, North Dakota
November 24, 2009

PARTICIPANT EVALUATION

Please rate the following aspects of this workshop, with “1” representing “poor” and “5” representing “excellent.”

1. Relevance and Usefulness of the Information Presented
   1 2 3 4 5

2. Effectiveness of the instruction/presentations
   1 2 3 4 5

3. Opportunities for Participation/Involvement
   1 2 3 4 5

4. Utility of the Workshop Materials
   1 2 3 4 5

5. Overall Rating of the Workshop
   1 2 3 4 5

Comments:

Please give brief reactions/comments indicating your thoughts about the following.

1. Was there an appropriate balance of presentation of information and interchange?
   □ Yes  □ No

   If “No”, please describe how this could have been improved.

2. The length of the training in relation to the content covered was:
3. Through this workshop, did you gain obtain new information and/or ideas that will assist your jurisdiction in improving its pandemic preparedness and coop planning?

☐ Yes  ☐ No

4. Before attending the workshop, how would you have rated your knowledge of the fundamental principles of pandemic preparedness and coop planning as presented at this workshop? (“1” representing “not at all knowledgeable” and “5” representing “very knowledgeable”)

1  2  3  4  5

5. After attending the workshop, how would you rate your knowledge of the fundamental principles of pandemic preparedness and coop planning (“1” representing “not at all knowledgeable” and “5” representing “very knowledgeable”)

1  2  3  4  5

6. Do you think you will be able to put into practice any of the strategies discussed at the workshop?

☐ Yes  ☐ No

If “Yes”, which strategies?

If “No,” why not?

7. What actions, if any, will you take within the next three months as a result of attending this workshop?

8. The best aspects of this workshop were:

9. The workshop could have been improved by:

10. Suggestions for topics to be covered in the next training workshop:

Background of Respondent:

____ Trial Judge  ____ Appellate Judge
Other (Please Explain)

Years in position:

_____ under 2  _____ 2-5  _____ over 5

Is there any technical assistance or information you would like to receive in follow up to this session? Would you or any other attendees from your court like to be contacted about technical assistance to assist your jurisdiction in its pandemic preparedness and coop planning? If so, please complete the Technical Assistance Request Form or provide us with a contact name, agency, phone number and e-mail address or contact Caroline Cooper at American University, justice@american.edu (202-885-2875).

Name:  
Agency: 
Telephone:  
E-mail: 

Additional suggestions and comments:

THANK YOU FOR YOUR COMMENTS!
Questions for Judicial Education

On a scale of 1 to 3, please show your level of agreement with the statement as given by circling the response that best fits. If you want to add comments, please do that at the end of the questions.

1 is no agreement
2 is partial or some agreement
3 is complete agreement

I think the North Dakota Statutes are adequate to address any public health emergency needs.

1  2  3

I think the North Dakota Statutes are adequate to address any emergency related to an outbreak of an infectious disease.

1  2  3

The judges have access to many medical experts and I am confident that I will have adequate expert testimony to guide my decisions.

1  2  3

I will issue an order of isolation if, by a preponderance of the evidence, high mortality of the disease is shown and exposure is likely.

1  2  3

I am not sure what standard of the evidence I should apply.

1  2  3

My court staff has been adequately trained and will know what to do in the event of an outbreak.

1  2  3

I have a COOP plan for the court that includes infectious outbreaks.

1  2  3

Your comments are invited.
Just Us:
Protecting the Health and Safety of Communities
Linda L. Chezem, JD
Professor,
Dept of Youth Development and Agriculture Education,
College of Agriculture
Purdue University

What are we doing here?

Sick is Not Your Usual Emergency

- An Infectious Disease or a Pandemic will have different impacts compared to Earth, Wind, Fire and Flood Emergencies.
- Planning is essential
- Justice Concerns
  - Assuring the orderly administration of justice
  - The health of the justice system workers
  - As well as the health of the community

Good luck happens to the best prepared.

Key Points

1. It is all local.
2. New Emergencies; Old Responses may not help.
3. What do you mean? Public health...
4. The court's problem...role. Statutes, Rules and case law –reviewed and ready.
5. Right ...it is all local.
6. Scenarios and your solutions

The State of North Dakota
Health

Flu Map
http://www.ndflu.com/Counties/County.aspx?id=15

County Influenza Data
County: Burleigh (pop. 69416)
All Flu Types: Total Cases 547

Health and Human Services
Secretary Mike Leavitt

"flu . . . will severely test the best-laid plans . . . and many companies are not making any plans at all. Those expecting the federal government to ride in and come to their rescue [will] be sorely disappointed.” [emphasis added]
It’s amazing how public health affects our lives every day. We breathe clean air and drink safe, sparkling water. Our garbage is disposed of properly. We can do our jobs in smoke-free workplaces and feel confident that the food we eat in restaurants is safe. Our children are immunized against many diseases that struck fear into the heart of every parent just a few decades ago. All of us at the Department of Health are committed to safeguarding the health of every North Dakotan. We look forward to continuing our service to you.

Terry Dwelle, M.D., M.P.H.T.M.
State Health Officer

28 single- and multi-county local public health units (LPHUs).
Services offered by each public health unit vary.
All health units provide services in the areas of maternal and child health, health promotion and education, and disease prevention and control. Some local public health units maintain environmental health programs; others partner with the North Dakota Department of Health to provide environmental services such as public water system inspections, nuisance and hazard abatement, and food service inspections.
Local public health activities are financed by a combination of mill levy funding and/or city or county general funds, state aid and federal funding.

The Division of Public Health Preparedness
...activities include coordination and funding of incident command and control, disease control, laboratory services, communications systems, public information, medical supplies, equipment and pharmaceuticals and training.

What is Public Health?
“...what we, as a society, do collectively to assure the conditions in which people can be healthy.”


Authority for Public Health
- Public health is generally the province of the states, not the federal government.
  - Thus, each state is responsible for enacting and enforcing public health laws within its boundaries.
  - Consequently, public health laws vary from state to state.
- The state’s public health authority derives from its police power.
  - “Police power” = the power of a state to protect the public’s health, safety, and welfare
  - “Police power” ≠ all activities undertaken by law enforcement

Focus on States
- 10th Amendment of the US Constitution
- Role of judges: NOT as rubberstamps.
- The judges will be trusted to balance individual rights with the protection of the public health
A Lack of Current Knowledge

• Most current office holders have never experienced a pandemic outbreak. Case law is dated.
• Public health uses some of the same terminology as that used in legal settings, but they don’t always mean what you think they mean.

What do we mean?

• Public Health
  – case
  – surveillance
  – contact tracing
  – isolation
  – quarantine
• Justice
  – case
  – surveillance
  – contact tracing
  – isolation
  – quarantine

Ten Essential Services

Essential Service #1
Monitor health status to identify and solve community health problems

Essential Service #2
Diagnose and investigate health problems and health hazards in the community

What does public health do?

Ten Essential Services of Public Health

Essential Services

• Essential Service #3 – Inform, educate, and empower people about health issues
• Essential Service #4 – Mobilize community partnerships and action to identify and solve health problems
• Essential Service #5 – Develop policies and plans that support individual and community health efforts
• Skip Service # 6 and return to it in next slide
• Essential Service #7 – Link people to needed personal health services and assure the provision of health care when otherwise unavailable
• Essential Service #8 – Assure a competent public and personal health workforce
• Essential Service #9 – Evaluate effectiveness, accessibility, and quality of personal and population-based health services
• Essential Service #10 – Research for new insight and innovative solutions to health problems
Critical Role for Justice

Essential Service #6

Enforce laws and regulations that protect health and ensure safety

How will the courts balance needs in emergencies with rights of individuals?

Competence of officials and "experts"

JUSTICE and HEALTH GOALS

Justice: Preserve Rule of Law
Public Health: Use the Law to Protect Health

Public Health & Individual Freedom

<table>
<thead>
<tr>
<th>Public Health &amp; Individual Freedom</th>
<th>Justice: Preserve Rule of Law</th>
<th>Public Health: Use the Law to Protect Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Isolation and quarantine</td>
<td>Liberty (freedom of movement)</td>
<td>Autonomy (free choice)</td>
</tr>
<tr>
<td>Compulsory vaccination</td>
<td>Bodily integrity</td>
<td>Autonomy</td>
</tr>
<tr>
<td>Property condemnation</td>
<td>Property rights</td>
<td>Economic interests</td>
</tr>
<tr>
<td>Disease reporting</td>
<td>Privacy</td>
<td></td>
</tr>
</tbody>
</table>

Public Health & Law Enforcement Interactions

Three types of interactions between public health and law enforcement:
1. Law enforcement assistance is requested to enforce orders of public health officials and entities.
2. Law enforcement conducts a parallel or joint criminal investigation of a public health event.
3. Law enforcement requests public health assistance in an emergency.

Questions that are not simple

How will the state & local health officers work with the justice system agencies?
– Planning advice
– Provide Resources

Do the health officers understand the process and issues created by the statute for getting isolation or quarantine orders they may need from the justice system?

Are there Constitutional Issues as address for CJ in Calif v. Riverside?

What about USCA 1983

Limitations on Personal Liberty

• Isolation and Quarantine
• Civil Commitment
• Mandatory Testing and Treatment
• Writs of Habeas Corpus
Searches of Persons

• Procurement of Physical Evidence from an Individual’s Body
• Medical Testing

What case law is relevant to current statutes?

• Has anyone done an inventory of the public health law – not just statutes
• Constitution
• Case law
• Rules of Procedure and Rules of Evidence
• Regulations of state and local agencies

Indiana Public Health Bench Book

Admissibility of Evidence

What medical and scientific proof is needed about the danger of an emerging disease?

Evidence to Support Orders

■ Court is the gatekeeper for admission of evidence.
■ Federal and state case law will be emerging.

Public Confidence

• (HealthCentersOnline) - Reports of self-injury and delirium associated with the use of Tamiflu has prompted the U.S. Food & Drug Administration to require new warning be inserted in the prescribing and patient information.
• Tamiflu, produced by Roche Laboratories, is an antiviral drug used in the treatment of uncomplicated flu symptoms for no more than 2 days, and the prevention of influenza in patients 1 year and older.
• There have been reports of self-injury and delirium in patients with influenza who used Tamiflu. Most of these reports are from Japan and occurred primarily among pediatric patients. Because of these reports, the revised patient information includes the following warning:
  • “People with the flu, particularly children, may be at an increased risk of self-injury and confusion shortly after taking TAMIFLU and should be closely monitored for signs of unusual behavior. A healthcare professional should be contacted immediately if the patient taking TAMIFLU shows any signs of unusual behavior.”
Remember

• Andrew Speaker, the Atlanta lawyer who took two trans-Atlantic flights while infected with tuberculosis, has a less-severe form of the disease than originally diagnosed, according to his doctors.

• Speaker has multidrug-resistant tuberculosis, not extensively drug-resistant tuberculosis, or XDR-TB, said Charles Daley, the head of the Infectious Disease Division at the National Jewish Medical and Research Center in Denver.

Court’s Confidence in Dx

• From his new home in Moscow, Russia Robert Daniels told ABC15 he felt like he had no choice but to leave the United States. He blames Maricopa County Sheriff Joe Arpaio and the county health department for his departure. Daniels said the medication he was ordered to take made him painfully sick.

• A judge had ruled that Daniels had recklessly exposed others to tuberculosis by not wearing a mask in public. This summer, Maricopa County health officials agreed to send Daniels to Denver’s National Jewish Medical and Research Center, where he had his lung removed. Doctors there determined Daniels was no longer contagious, and that he did not have the deadly version of TB that he had been diagnosed with in Arizona.”

Service of Court Papers

• How will the sheriff serve orders and make adequate return thereon to assure due process and yet minimize danger to personnel?

Local Jail

• Your community’s canaries
  – Think about the lifestyle of the jail population.

• Will anyone know?

• We have two case studies of the outbreaks in jails.

Tough Questions

• What planning is needed for the programs that are administered by the judicial branch such as detention centers, probation and casework services, DUI services but closely impact Sheriff’s duties?

• How will we protect the mentally ill, alcoholic, addicted, and others with disabilities that will affect their compliance with court orders?

Resources for the Judges

• Benchbook
• Model Orders
• Special Topics Reference Sheets
• Checklists
Testing Assumptions
• Moot Court for Public Health
• Table top exercises
The Vision for Indiana

• Public Health and Justice
  – The communities’ new best friends, working to protect against disease and crime

Without Health,
  there can be no Justice.
Opening scenario
A natural outbreak of a highly infectious disease is occurring. It has a mortality rate of about one third. The Health Department has issued isolation orders to 23 people and quarantine orders to 107 people. Someone under the quarantine order violates the lawful order knowingly and intentionally.
As a police officer, do you issue the person a citation for a class B misdemeanor? Do you arrest the person because each day is a separate violation and you know that person will not comply?
As a sheriff or jailor, do you accept the person into your custody?
As the prosecutor, do you prosecute? How many violations will you prosecute? What is the cutoff?
As the judge, how do you administer the hearing and trial process?
As the warden of the state prison, would you terminate the employment of a corrections officer who came to work in violation of a health dept. order?
Is the health dept prepared to seek criminal prosecution of those who violate the health dept. orders?
How can we plan, with two systems, one operationally coordinated response to pandemic flu?
**Tabletop One**
Mary works as a ladies’ room custodian on Gate B at the City airport. She is a single mother of two children. One child is in daycare and the other is in the second grade. Today, she tells her supervisor that she is not feeling well and the school has called her to pick up her oldest child as the child is ill. She leaves work early.
While she was at work, flights from Minneapolis landed at Gate B. Approximately 50 passengers departed and another 70 arrived. Some were returning home for Thanksgiving from China.
When Mary picks her child up at school, she learns that the health nurse has reported her child as a possible flu case.
That evening she is called by a City health dept nurse and told she is now quarantined with her children.
Mary calls her supervisor who calls the health dept to confirm. Will the health dept give any information about Mary’s medical status to the supervisor? How does this civil entity impact the justice system?

**Second Set of Questions:**
How will quarantine orders be served and enforced for those persons exposed at the airport?
How many county sheriff departments will be asked to serve these orders and what instruction will be given to the deputies?
How will return of service be made? To which entity, a court or the health department?
What is the written plan that outlines the procedural requirements for this jurisdiction?

**Third Set of Questions:**
The airport workers, including the security workers, are quarantined for exposure. One of the security officers is married to a policeman.
Will the health dept release isolation or quarantine information to criminal justice authorities without consent from the patient or a court order?
How will the justice agencies monitor employee exposure? Will they accept isolation and quarantine of law enforcement officers or judges?

**Fourth Set of Questions:**
one of the school playmates of Mary’s child’s is the child of a probation officer. The health department issues an isolation order to Mary for her child and a quarantine order to the parents of all children in the class room. What is the probation dept plan for dealing with quarantined staff?
John is a twenty something who lives with a couple of friends in an apartment near the edge of campus. His parents live on a small farm about 60 miles away. They raise the usual assortment of poultry and animals found on a ranch. John and a buddy went duck hunting last weekend. To make his mother happy, he also went to the 11:00 am services at their church before returning to his apartment.

Wednesday morning, John is feeling really bad but still goes to class. By Friday, tells his friends he cannot go to a party with them. Good thing, his roommate, Jim, gets wasted and is picked up for DUI.

Jim starts complaining that he is really sick, not just hung over but the jailor tells him to sober up. Monday morning, unable to make bail, Jim is taken to court. The Bailiff tells the deputy to take his prisoners to the holding cell for a minute until the judge is ready. She is sentencing some one to the Dept. of Corrections and the deputy can take that defendant back to the jail for transport.

At his initial hearing, Jim tells the judge he has the flu. She orders a doctor’s examination because she does not want to incur any medical expense to be incurred by the county and she will OR him if he is sick.

Who pays for the initial exam ordered by the court?
If Jim has a condition requiring isolation, where will he be placed?

**Second Set of Questions:**
Is the whole campus placed under quarantine?
It is a Holiday break, how will quarantine be enforced?
Moving from campus to corrections…
Should the prisoner sentenced that morning but exposed to Jim be delivered to the state corrections facility? Will they accept the prisoner?
Will the sheriff even inform correction’s intake unit that exposure may have occurred?

**Third set of questions:**
What are the appropriate care responses for the defendants remaining in the local jail where Jim spent the weekend?
Should the judge order that the jail accept no more prisoners?
If the sheriff releases prisoners on his own authority, will the county incur liability for crimes committed as a result of the early release without court order? Or as in some states, incur liability for the health care costs since the release was solely to prevent public liability for payment.
Tabletop three
This is Ms Mary Minicam, broadcasting live from the Home County Hospital Emergency room. The big news tonight is that authorities suspect an outbreak of flu has stricken at least 75 of the 150 workers at University Chicken and Turkey Farm. These plants are a major employer in Home County. They are a major food supplier with sales in 39 of the 50 states from their plants. Many of the employed are recent immigrants with little or no English skills and only the top echelon of management have health insurance.
There goes the county health officer, Dr. Mike Medicine. He has refused to give any information other than to inform us that the state health dept is on its way to investigate this outbreak. This must be really serious if the state has to be called in. There goes Joe Blow, the president of the county council. He informed us a few minutes ago that he may order the hospital to close because the county cannot afford to have it taken over by an uninsured bunch of sick people. He is wondering if the Council should order the sheriff to take over the hospital and clear it out. The county attorney advises us that the closing of the hospital is a County commissioner decision. He says they are calling a special meeting to decide what to do. He thinks that they may not be able to get a quorum if the members are quarantined.
The hospital has been closed to visitors and family members and now it looks like a fight has broken out. The man in blue jeans is yelling at the security guard that his child is in the hospital and he has to get to his child. That new law just signed by the governor says that parents are not to be separated from their children.
Oh my, that woman is really unhappy. Let me see if I can get closer to her.

Ma’am, what is the problem? You have a fever and you want medicine and they would not let you in. Here, come with me, I want to film them turning you away.
Here comes some one very important. The deputy sheriffs are telling us that we are being served with quarantine orders. WE are all being ordered to go to our homes and stay there as the state health officer is issuing quarantine orders to anyone who has been in contact with these workers. I just interviewed two workers and that sick lady. They cannot order me quarantined, I am the News Reporter!
You cannot arrest a reporter for violating a quarantine order.
What about the sheriff’s deputies? Are they in contact with exposed people and should they be quarantined?

Second Set of Questions:
Who speaks for your court and when?
What will your spokesperson say to media to explain Isolation and Quarantine orders? Do you want to rely on the Public Health officer to explain the legal process?
What do you see as the majors concerns about Client and Patient Privacy and the Press?