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**Template for Assessing Status
Of COOP Planning:
Louisiana District Courts**

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I. INTRODUCTION

A. How This Template Is Intended To Be Used

This template has been developed at the request of the Louisiana Supreme Court, Office of the Judicial Administrator by the Bureau of Justice Assistance (BJA) Criminal Courts Technical Assistance Project at American University to provide guidance for assessing the status of COOP Planning in Louisiana's District Courts. The purpose of the template is to provide: (1) a framework for assessing the degree and adequacy of COOP planning in each of Louisiana's District Courts at any one time, along with training or technical assistance needs; (2) a point of reference regarding the essential elements for COOP planning in each of the fifteen functional areas addressed; and (3) an indication of areas for training and/or technical assistance which would be useful to enhance COOP planning efforts. The template is intended to cover the essential functions Louisiana's District Courts perform and to be applied to a range of potential emergency or other situations that can disrupt the normal operations of the court. Each of the fifteen functional areas covered in the template are presented in three sections: (1) an overview of the principal tasks to be covered in the course of COOP planning to ensure the court's capability to perform the function in the event of an emergency or other disruption in operations; (2) a chart of the principal elements of COOP planning to be addressed with space to note the status of planning for each of these elements and any associated training or technical assistance needs the Court has identified; and (3) an overall assessment of the degree to which COOP planning has been performed for each of the functional areas. With this framework, the template is designed to be used as both a self assessment tool for the Judicial Administrator and/or District Courts to assess the adequacy of their COOP planning efforts as well as an educational tool to highlight the range of functions and tasks that should be addressed in an effective COOP plan.

The COOP planning process requires a review of the court's functions in toto. Although the template is organized around functional areas, they should be addressed comprehensively, recognizing that each of these areas interrelate and cannot be approached in isolation. The audit process is therefore designed to promote review of all elements needed to ensure that minimal disruption occurs in court operations in the event of an emergency and that essential court operations can continue – or be promptly resumed – as fully and effectively as possible. The COOP planning process is also intended to promote the collaborative and cooperative dialogue and relationships necessary to ensure the continuity of the judicial function and the rule of law. Small committees should be established to initiate and monitor COOP plan development and direct follow-up actions.

B. Purpose of COOP Planning

The constitution and implementing legislation in most states require that the court system operate on an ongoing basis. Only recently have a few states authorized the temporary closure of a local court in an emergency; in those instances the closure has been contemplated as temporary and of very brief duration. Most court COOP planning therefore needs to start with the identification of mission-critical functions (i.e., functions that the court is constitutionally and/or statutorily required to perform) and the timeframe for their performance. For example, such planning would include the mission-critical functions, in priority order, that *must* be performed given a disruption of 1 day, a disruption of more than 1 day but less than 1 week, and a disruption of more than 1 week but less than 1 month. Once these functions can be performed, additional court functions need to be addressed to ensure that the business of the court and the rule of law continues without further interruption.

Natural and manmade disasters can interrupt the operation of the court. The scope of the incident can range from a small electrical fire to a major catastrophe such as Katrina. By definition the scope and impact of a disaster cannot be predicted. To cope with the unknown, Continuity of Operations Plans (COOP) put into place certain procedures for assessing the potential impact of a disruption in normal court operations and chart procedures, policies, and responsible individuals/ departments for maintaining essential judicial system operations and resuming normalcy as soon as possible, whether “normalcy” entails operating at an alternate location(s), the performance of court functions by individuals who do not normally perform them, and/or developing alternative mechanisms for handling the business of the court.

Response to an emergency will differ depending on when the event occurs, the extent of disruption resulting, and how long the disruption lasts. It may happen during normal working hours, on a weekday night or over a weekend or on a holiday. Or it may take hold a little more gradually, such as a public health epidemic. How will notification procedures be handled and which staff should report to work and where should they go? It may be that just key staff will be required to come in to perform critical functions; if so, who will they be? And what functions will they be performing? Although the focus of this Template is upon *ensuring the continuity of* court operations once an emergency has occurred, the planning process underlying the template should be conducted in conjunction with emergency evacuation plans and other responses that should be in place to address the court’s immediate response to the crisis. If there is an event during normal working hours is the emergency evacuation plan in place and tested? Have provisions been made for persons with disabilities to be evacuated? and for safeguarding trial exhibits?

Under normal circumstances courts do not operate in a vacuum. There are many other agencies that interact with the court daily and upon whom the court depends to operate; these include prosecutors, public defenders, the bar, law enforcement and social services organizations. Under emergency conditions there are a host of other entities that must be

involved with the response and recovery operation to restore the court to full functioning and/or to deal with the special issues that may result. These include fire and medical responders, emergency management agencies, commercial vendors and others. In the event of public health emergencies, state and local departments of health are key agencies which exercise substantial authority over a wide range of issues which can potentially affect both the workload of the court and its personnel. The COOP audit should therefore address the level of advance coordination established with all of the outside agencies the court must deal and the preparedness of the court including judges, managers and staff to deal with them.

Once the COOP plan is developed, it is important to conduct a periodic review or audit of the plan to insure that all of the key considerations are covered and that the plans are up to date with names, phone numbers and other information that will inevitably change from time to time. The audit process is meant to be a constructive critique of the plan to identify areas that need to be modified or updated.

C. Functional Areas Addressed

The following functional areas are addressed in this template:

- A. Overview of the Necessary Elements of a COOP Plan
- B. COOP Planning Process
- C. Authority for Court to Operate During An Emergency
- D. Performance of Essential Court Functions
- E. Special Issues Relating to Problem Solving Courts
- F. Facilities and Equipment
- G. Information Technology
- H. Records Management: Planning, Response and Recovery
- I. Safeguarding Evidence
- J. Communication
- K. **Human Resources**
- L. Special Issues Relating to Pandemic/Public Health Emergency Planning
- M. Interagency Coordination
- N. Testing and Training
- O. Provisions for COOP Plan Implementation and Updating

D. Methodology for Developing This Template

The framework for this template draws on the extensive experience of the BJA Criminal Courts Technical Assistance Project in COOP Planning for state and local courts since 2001. Augmenting this expertise has been the perspectives of the following judicial system practitioners whose experiences in dealing with and/or planning for various emergencies and other disruptions in court operations is reflected in the template:

Thomas Dibble, Records Manager and Special Assistant to the Trial Court Administrator, Superior Court of New Jersey, Essex Vicinage, Newark, New

Jersey, who contributed to the overall focus of the document and, in particular, the topics of records management and communication;

Richard B. Hoffman, former Clerk of the District of Columbia Court of Appeals and a specialist in judicial administration, who contributed substantially to the descriptive elements for the functional areas as well as to assessment elements

Kazimierz Lobaza, Information Technology Manager, Superior Court of New Jersey, Essex Vicinage, Newark, New Jersey, who contributed to the topic of information technology;

Judge John Parnham (Ret.), First Judicial Circuit Court in Pensacola, Florida, who provided overall review of the template and contributed specifically to the sections dealing with evidence and problem solving courts, drawing on the Circuit's experiences with "Ivan" in 2004 and subsequent planning efforts;

Gordon Park-Li, Chief Executive Officer, San Francisco Superior Court, who also provided overall review of the template and provided important practical suggestions based on the range of emergency situations the San Francisco Courts have experienced.

II. Assessment Template: Functional Areas Entailed in COOP Planning and the COOP Planning Process

A. OVERVIEW OF THE NECESSARY ELEMENTS OF A COOP PLAN

THE GOAL OF A COOP PLAN IS TO OUTLINE PROCEDURES TO FOLLOW IN ADVANCE IN THE EVENT THE DISTRICT COURT IS MADE PARTIALLY OR FULLY INOPERABLE BY AN EMERGENCY SITUATION THAT RESULTS IN THE PARTIAL OR FULL DISRUPTION OF SERVICES, WHETHER SHORT OR LONGER TERM, AND TO DEFINE THOSE ESSENTIAL SERVICES THAT THE COURT MUST PROVIDE DURING SUCH AN EMERGENCY AND HOW AND BY WHOM THEY WILL BE PERFORMED. THE PLAN SHOULD ALSO PROVIDE FOR COMMUNICATING A UNIFIED MESSAGE BY A DESIGNATED SPOKESPERSON.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
A. <u>OVERVIEW OF THE NECESSARY ELEMENTS OF A COOP PLAN</u>						
1. DOES THE COOP PLAN EXPLAIN:						
(a) The goal of the document (see above)						
(b) The objectives of the plan (e.g.:						
- Restore mission-critical-systems within an acceptable period of time						
- Provide effective coordination and protection of court staff, visitors, and court users						
-Prepare the court for swift, efficient, and safe implementation of an emergency plan should the need arise						
- Have a plan established before an emergency so that decisions are not made spur-of-the moment						
-Expedite the restoration of mission-critical functions, including having in place an alternative facility if needed						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
A. <u>OVERVIEW OF THE NECESSARY ELEMENTS OF A COOP PLAN</u>						
(c) Circumstances under which it will be applied						
(d) Functions and services covered						
(e) Who has the authority to declare that the plan will be put into effect and when						
(f) Who will be responsible for communicating that decision to other court staff and agencies, and the public as appropriate						
(g) Who will be responsible for notifying relevant agencies/people of the revised scheduling of court hearings , etc. (See Essential Functions below) and relocations of court services, if applicable?						
(h) How the COOP procedures will be communicated to:						
- judges						
- court staff						
- court security personnel						
- jail staff						
- prosecutor office staff						
- public defender office staff						
- probation and parole staff						
- jurors						
- witnesses						
- visitors						
- defendants scheduled for court appearance						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
A. <u>OVERVIEW OF THE NECESSARY ELEMENTS OF A COOP PLAN</u>						
- police, Fire Department, Office of Homeland Security, Medical responders, Media and the Public in general.						
2. Does the plan provide for a unified message that will be communicated to the media and other parties from a single spokesperson?						
3. Does the COOP Plan establish ongoing communication mechanisms with other key justice agencies and provide for the ongoing updating of key contact information?						
OVERALL ASSESSMENT/COMMENTS:						

B. COOP PLANNING PROCESS

THE COOP PLANNING PROCESS SHOULD ENTAIL (1) IDENTIFYING THE RANGE OF HAZARDS AND THREATS THAT MIGHT POTENTIALLY DISRUPT COURT OPERATIONS, PARTIALLY OR FULLY, AND DEVELOPING RESPONSES IN COORDINATION WITH OTHER KEY JUSTICE AND OTHER AGENCIES WHOSE EXISTENCE AND FUNCTIONING THE COURT DEPENDS ON TO OPERATE, SPECIFYING THE CRITICAL RESOURCE NEEDS AND COMMUNICATION MECHANISMS FOR THE PLAN TO FUNCTION.

ELEMENT/DEVELOPMENT STATUS B. <u>COOP PLANNING PROCESS</u>	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
1. Have hazards and threats (Natural and man-made) to the court been identified and solutions to mitigate them been proposed as part of the planning process, including risk assessment, in cooperation with law enforcement, the weather bureau and other agencies?						
2. Has the COOP plan been developed in coordination with other key justice and social service agencies which the court depends on to operate?						
3. Has a determination been made as to who will update this information, how frequently it will be updated, and how the updating will be done?						
4. Have critical resources (personnel, equipment, technological, communication, etc.) essential to continuing the court's operations been identified?						
5. Have emergency resources/supplies (water, flashlights, hand sanitizers, etc.) been purchased?						
6. Is there an emergency budget or fund under which supplies and services can be purchased?						
OVERALL ASSESSMENT/COMMENTS:						

C. AUTHORITY FOR COURT TO OPERATE DURING AN EMERGENCY

AN ESSENTIAL FIRST STEP IN DEVELOPING THE COOP PLAN IS TO IDENTIFY AND FULLY UNDERSTAND THE CONSTITUTIONAL, STATUTORY, AND EXECUTIVE AUTHORITY, INCLUDING ANY SUPREME COURT ORDER(S) THAT HAVE BEEN ENACTED OR MAY BE NEEDED THAT PROVIDE A BASIS FOR THE FUNCTIONING OF THE COURT DURING AN EMERGENCY.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
C. <u>AUTHORITY FOR COURT TO OPERATE DURING AN EMERGENCY</u>						
1. Does the COOP identify:						
a) The constitutional authority relevant to the court's functioning during an emergency?						
b) The statutory authority relevant to the court's functioning during an emergency?						
c) Any executive or supreme court orders relevant to the court's functioning during an emergency?						
2. Does the COOP identify any gaps in authority that may be needed in the event of an emergency, including Supreme Court Orders and/or special rules?						
OVERALL ASSESSMENT/COMMENTS:						

D. PERFORMANCE OF ESSENTIAL “Mission Critical” COURT FUNCTIONS

THE COOP PLAN SHOULD DEFINE WHICH FUNCTIONS MUST BE PERFORMED BY THE COURT UNDER EMERGENCY CONDITIONS, E.G. ARRAIGNMENTS, QUARANTINE ORDERS, JUVENILE EMERGENCY HEARINGS, CRITICAL HEARINGS IN CRIMINAL, CIVIL, AND FAMILY CASES; MANAGING JURIES; PROCESSING PAYMENTS FOR TRAFFIC AND CHILD SUPPORT MATERS; AND PAYROLL OF COURT STAFF

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
D. <u>PERFORMANCE OF ESSENTIAL “MISSION CRITICAL” COURT FUNCTIONS</u>						
1. Does the COOP plan identify the essential functions that must be performed within statutory time periods (e.g., 24 hours, 48 hours, and other applicable timeframes, such as:						
- Conducting arraignments						
- Issuing protective orders, quarantine orders, and other emergency orders?						
- Conducting preliminary hearings						
- Conducting probable cause hearings						
- Conducting bail/OR hearings						
- Conducting Emergency hearings on juvenile cases						
- Other (please specify)						
2. Are emergency proceedings prioritized? (e.g., starting with those constitutionally and statutorily required, etc.)						
3. Does the COOP plan provide for other emergency proceedings?						
4. Does the COOP Plan provide for the potential need for emergency rule-making?						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
D. <u>PERFORMANCE OF ESSENTIAL “MISSION CRITICAL” COURT FUNCTIONS</u>						
5. Does the COOP plan provide for performing other court functions including conducting hearings for:						
- criminal, civil, juvenile, and family matters						
- Performing jury management functions						
- Processing court payroll, traffic citations, small claims filings, and child support payments						
6. Does the COOP plan provide for necessary support/administrative activities and requisite payroll functions?						
OVERALL ASSESSMENT/COMMENTS:						

E. SPECIAL ISSUES RELATING TO PROBLEM SOLVING COURTS

SINCE PROBLEM SOLVING COURT PROGRAMS GENERALLY ENTAIL (1) ONGOING SUPERVISION OF AND SERVICE TO PARTICIPANTS, AND (2) CLOSE COORDINATION WITH SERVICE PROVIDERS AS WELL AS OTHER JUSTICE AGENCIES, SPECIAL EFFORT NEEDS TO BE MADE TO ENSURE THAT THE PARTICIPANTS KNOW IN ADVANCE HOW THE PROGRAM(S) WILL OPERATE IN THE EVENT OF AN EMERGENCY, THE SERVICES THAT WILL BE PROVIDED, THEIR RESPONSIBILITIES REGARDING REPORTING AND COMPLIANCE. SPECIAL EFFORT SHOULD BE MADE TO ENSURE THAT TREATMENT AND OTHER SERVICES ARE NOT INTERRUPTED DURING AN EMERGENCY WHICH PRESENT SPECIAL DIFFICULTIES FOR PERSONS ALREADY IN DRUG AND/OR MENTAL HEALTH COURT PROGRAMS WHERE CONTINUITY OF SERVICES IS PARTICULARLY IMPORTANT. AGREEMENT SHOULD BE REACHED WITH THE SERVICE PROVIDERS AND OTHER INVOLVED AGENCIES REGARDING THE NATURE OF SERVICES, COORDINATION AND OTHER FUNCTIONS THEY ARE TO PERFORM AND COMMUNICATION MECHANISMS WITH EACH OF THE PROGRAM PARTICIPANTS. THESE AGREEMENTS SHOULD ALSO ENSURE THAT THE PROGRAM SPEAKS WITH ONE VOICE.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
E. <u>SPECIAL ISSUES RELATING TO PROBLEM SOLVING COURTS</u>						
1. Does the plan address how problem solving court dockets (e.g., drug court, mental health court, etc.) will function in the event of an emergency or other disruption in court operations?						
2. Is a list maintained of all problem solving court participants with current contact information and updated continuously?						
3. Has the court coordinated with service providers and other agencies involved in the operation of each problem solving court docket as to how the program will operate in the event of an emergency or other disruption?						
4. Has the court coordinated with service providers and other agencies involved in the operation of each problem solving court docket as to the unified						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
<p data-bbox="117 347 617 412">E. <u>SPECIAL ISSUES RELATING TO PROBLEM SOLVING COURTS</u></p> <p data-bbox="107 456 724 548">message each agency will provide regarding the services and operations of the problem solving court program?</p> <p data-bbox="107 557 674 683">5. Have problem solving court participants been informed of how the problem solving court will operate in the event of an emergency or other disruption in services?</p> <p data-bbox="107 691 737 784">6. Have special efforts been made to ensure that services for problem solving courts suffer minimal, if any, disruption?</p>						
OVERALL ASSESSMENT/COMMENTS:						

F. FACILITIES AND EQUIPMENT

THE COOP PLAN SHOULD PROVIDE FOR ADEQUATE ALTERNATIVE FACILITIES AND EQUIPMENT TO ENSURE PERFORMANCE OF EACH CATEGORY OF MATTER THE COURT HANDLES BY IDENTIFYING THESE FACILITIES AND EQUIPMENT, INFORMING RELATED AGENCIES REGARDING ANY ALTERNATIVE FACILITY DESIGNATION(S), MAKING PROVISIONS FOR TRANSPORT OF NEEDED RECORDS, ARRANGING FOR PROVISION OF NEEDED FURNISHINGS, SECURITY, COMMUNICATIONS AND RELATED SUPPORT AT EACH OF THESE FACILITIES, AS NECESSARY; AND COMPLETION OF A MEMORANDUM OF UNDERSTANDING TO CONFIRM THE ARRANGEMENTS.

ELEMENT/DEVELOPMENT STATUS F. <u>FACILITIES AND EQUIPMENT</u>	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
1. Have alternate facility(ies) been identified to house criminal, civil, family and juvenile matters as well as any special problem solving court programs operating?						
2. Can they provide adequate space and other requirements for required court records?						
3. Have other agencies (e.g., law enforcement, prosecution, sheriff, defense, etc.) been informed of the location of these facilities?						
4. Has provision been made to ensure necessary equipment (computers, telephones, etc.) will be available at these alternate facilities?						
5. Are instructions provided to transport records and other information necessary to perform essential court functions will be transferred to the alternate site and by whom?						
6. Do alternate facility(ies) have the necessary security protections, backup system capabilities, and furnishings (furniture, supplies, communications)						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
F. <u>FACILITIES AND EQUIPMENT</u>						
necessary to perform court functions?						
7. Is an M.O.U. in place to ensure the court's use of the alternative facility(ies.)?						
OVERALL ASSESSMENT/COMMENTS						

G. INFORMATION TECHNOLOGY (IT)

PLANNING TO MAINTAIN THE COURT’S ABILITY TO USE INFORMATION TECHNOLOGY IN AN EMERGENCY REQUIRES SEVERAL PLANNING STEPS TO ENSURE THAT ADEQUATE BACKUP IS BEING MADE, MISSION-CRITICAL SYSTEMS ARE PROTECTED, ALTERNATIVE (REDUNDANT) SOURCES OF IT SUPPORT ARE IDENTIFIED, AND RESPONSIBLE PERSONNEL IDENTIFIED FOR EACH ROLE.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
G. <u>INFORMATION TECHNOLOGY</u>						
1. Has a Court Information Security Committee been organized which includes agencies that are part of the court’s information system?						
2. Has a system-wide inventory been conducted to:						
(a) Decide what information and systems that support court functions are essential?						
(b) Determine who has responsibility for access, data entry, and operation of the system?						
(c) Determine the format records are in?						
(d) Determine how these records and systems will be accessed in the event of relocation?						
3. Have specific systems been prioritized as being mission-critical?						
4. Has a determination been made as to the forms for information retrieval that are required to sustain court functions?						
5. Has a determination been made as to whether the court’s record-keeping format is compatible with other agencies with which the court must interface?						
6. Have IT Security standards and an IT security policy adopted? If so, has a determination been made as to how these standards and policies will be						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
G. <u>INFORMATION TECHNOLOGY</u>						
maintained in the event of an emergency or other disruption in operations?						
7. Are backups made to a tape? (or other media)						
(a) If “yes, are the back up tapes sent to an off site facility?						
(b) If “yes”, are the backup tapes sent frequently and regularly? (e.g. daily? Weekly? Monthly?)						
© If “yes, are backups stored offsite in a location that would not be affected by the emergency situation ?						
(d) If “yes”, has a determination been made as to how long will it take to recover information that is stored offsite and is the timeframe adequate to perform essential court functions?						
(e) Is someone authorized to have special access to a backup in case it is needed immediately?						
(f) If “yes”, are there individuals designated to act in his/her place if necessary?						
8. Are the system logs secured?						
9. Is disk protection technology such as RAID being used?						
10. Are surge protectors used to protect all computers and other electronic devices?						
11. Is/are the computer room (s) equipped with alarm and fire extinguishers to respond to fire?						
12. Does the court use UPS and backup generators to keep the servers and systems going in the event of power failure?						
13. In the event that the court’s information system						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
G. <u>INFORMATION TECHNOLOGY</u>						
cannot be accessed for prolonged periods of time, is a temporary manual system or other replacement in place?						
14. Does IT staff conduct routine system security monitoring and are systems in place to ensure that security systems such as firewalls intrusion detection, and antivirus and antispyware software will function?						
15. Has a determination been made as to whether the court's record-keeping format is compatible with other agencies with which the court must interface?						
16. Does IT staff conduct research of potential threats on regular basis?						
17. Are there sufficient resources (phones, Blackberrys, etc) to be able to remain in contact with necessary COOP personnel?						
OVERALL ASSESSMENT/COMMENTS						

H. RECORDS MANAGEMENT: PLANNING, RESPONSE AND RECOVERY

COURTS ARE HIGHLY RELIANT ON THE MAINTENANCE OF NEEDED RECORDS, BEFORE AND AFTER COMPLETION OF PROCEEDINGS. THE COOP PLAN MUST IDENTIFY WHAT RECORDS ARE TO BE PROTECTED AND BY WHAT MEDIA, HOW OTHERS MAY BE RECOVERED IF DESTROYED, AND WHAT PROVISIONS ARE NEEDED IN THE EVENT OF TEMPORARY OR PERMANENT UNAVAILABILITY OF CERTAIN RECORDS. THE STORAGE MEDIA SHOULD ALSO BE IDENTIFIED. GENERALLY, RECORDS WITH BACKUP, SUCH AS MICROFILM, WILL NOT NEED TO BE SALVAGED SINCE A NEW COPY CAN BE OBTAINED. IN FLOOD PRONE AREAS, BASEMENT STORAGE IS SELDOM A GOOD IDEA. RECORDS RETENTION SCHEDULES SHOULD BE REGULARLY REFERENCED SO THAT RECOVERY EFFORTS FOCUS ONLY ON THOSE RECORDS THAT NEED TO BE MAINTAINED.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
H. <u>RECORDS MANAGEMENT</u>						
1. Has a current records inventory been conducted for active and inactive case files, and administrative records (HR, Finance, etc.)?						
2. If “yes”, is a copy of the current inventory a part of the COOP Plan with key or vital records highlighted?						
3. Are personnel designated to assist in the systematic identification/review of the court’s records, including those documents in case files that need to be saved or able to be discarded?						
4. Does the court have diagrams of records storage areas in the court?						
5. Have records retention schedules been implemented and all unneeded records disposed of?						
6. Does the court have records storage standards with built in safeguards against the most common disasters, such as fire and water damage?						
7. Has there been coordination between IT staff and						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
H. <u>RECORDS MANAGEMENT</u>						
records managers to assess the timeliness and integrity of data entry?						
8. Has a multi disciplined records recovery team been established, included in the COOP Planning process, and trained?						
9. Does the plan include a list of equipment and supplies to be on hand and stored in a proper location?						
10. Are various salvage and recovery methods identified to specify the appropriate technique(s)?						
11. Does the plan include a list of consultants or experts to assist in the recovery operation?						
12. If “Yes”, does the plan include an archivist to deal with salvageable records and coordinate future conservation needs?						
13. If “yes”, does the plan include a list of commercial vendors available to assist with salvaging and drying records?						
14. Is there a plan for an initial response to the emergency or disruption in regard to records?						
15. Are the steps identified to assess and document damage to affected records outlined?						
16. Is there a mechanism to coordinate information relating to the court’s records systems with the overall COOP Plan to assist in prioritizing recovery efforts?						
17. If “yes”, is there provision as to which affected record(s) will be needed in one day, one week, one month, etc.?						
18. If “yes”, does the plan indicate what happens if certain records are completely destroyed or cannot be						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
H. <u>RECORDS MANAGEMENT</u>						
salvaged?						
19. Is there a plan to inspect the records areas for electrical and other safety hazards that could affect recovery operations?						
20. Is there an individual designated with authority to direct records recovery operations?						
21. Regarding salvage operations: Is the need for listing of damaged records specified? ¹						
22. Is there a description of what damaged records can be duplicated from another source such as microfilm, duplicate filings in another agency, etc.?						
23. Does the plan provide for authorization for emergency destruction of damaged records?						
24. Does the plan provide for procedures for packing and labeling damaged records? ²						
OVERALL ASSESSMENT/COMMENTS						

¹ This list should be compared with the records inventory and correlated with the COOP to prioritize recovery operations.

² These procedures will provide mechanisms to track the identity of damaged records.

I. EVIDENCE

Generally, the court is responsible for safeguarding evidence that has been proffered for admission; prior to the proffer, the agency in possession of the records (e.g., law enforcement, forensic lab, prosecutor, defense counsel, etc.) bears safeguarding responsibility. The COOP planning process should include coordination with other agencies that may be submitting evidence at court proceedings as well as with the Clerk’s Office to ensure that the plan for safeguarding evidence is seamless regardless of when an emergency may occur to disrupt court proceedings for any period of time. The COOP plan should also address how demonstrative evidence (e.g., drugs, weapons, photographs, etc.) and documentary evidence (e.g., bank records, contracts, etc.) will be safeguarded in the event of any emergency that disrupts court operations and/or court proceedings. For documentary evidence, consideration should be given to preparing frequent (daily, for example) backups of documents submitted on discs through scanning which can then be stored, similar to the practices banks use. Where possible, consideration might also be given to requiring parties to submit two certified copies of documents proffered for admission, with one of these copies then stored in a secure location until the proceedings are completed. Reference to existing legal requirements regarding evidence should also be made with recommendations for modifications, if appropriate, in statutes or rules. As with records, basement storage for evidence in flood prone areas is not advisable.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
I. EVIDENCE						
1. Has the court developed a plan for safeguarding demonstrative and documentary evidence proffered for submission at court proceedings in the event of any disruption in the proceedings?						
2. If yes, has the plan been developed in coordination with other agencies with custody over records that may be submitted for proffer?						
3. Does the plan clearly identify who is responsible for safeguarding evidence at different stages of a proceeding?						
4. Does the plan satisfy existing legal requirements for evidence governing preservation of chain of custody, integrity and other evidentiary requirements?						
5. If “no”, are statutory, rule or other actions advisable?						
OVERALL ASSESSMENT/COMMENTS						

J. COMMUNICATION

Planning for adequate communications during an emergency requires (1) a description of communication methodologies that will be used when normal systems are unavailable; (2) preparing reliable lists and means for contacting key personnel, within the court and in other agencies which are updated on a continuing basis, and (3) policies and procedures to ensure that the court speaks with one voice and a consistent message that is shared by all other entities providing information relevant to any emergency or other situation that affects court operations. The COOP plan must include communication strategies to address the court’s need to communicate internally with judges and staff, with other agencies, with litigants, with the media and with the public.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
J. <u>COMMUNICATION</u>						
1. Has a system been established for central logging and tracking of events during the emergency?						
2.If “yes”, does the system provide: (a) a Master log of events maintained in a central location which is hand written, typed or audio recorded?.						
(b) a method to convey critical information to key decision makers, managers and others with a need to know?						
3. Are contact lists of judges, court staff and other key officials who may need to be contacted, including all parties, key decision makers, judges, managers, and others, maintained and updated regularly?						
4. If “yes”, do the lists provide for each person <ul style="list-style-type: none"> • Name • Title • Work Phone • Home Phone • Work Cell Phone 						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
J. <u>COMMUNICATION</u>						
<ul style="list-style-type: none"> • Personal Cell Phone • FAX Number • Work Email • Home Email 						
(b) Are phone numbers and email addresses listed, verified and updated on a regular basis including judges, court managers, key staff, other agencies, media outlets?						
© Are Email and or FAX “groups” established for various types of communications? (e.g., all parties; key decision makers; judges; managers, etc.)						
5. Is there a method for assessing the potential adequacy of communications links in the event of different types of emergencies, including: Regular Phones, Cell Phones, E Mail, Blackberry type devices?						
6. Are there backup communications systems identified and available, such as Court Walkie Talkie; and Law Enforcement Emergency Communications systems.						
7. If electronic communications fail, have messengers been identified to physically transport records and information to alternate operating locations?						
8. Is there a need to shuttle Judges and court staff to the alternate facility such as in a case where parking is limited, etc.?						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
J. <u>COMMUNICATION</u>						
OVERALL ASSESSMENT/COMMENTS						

K. HUMAN RESOURCES

An essential element of the coop plan should include a determination as to who are essential employees who will need to be on call or on hand in an emergency, how they will be compensated if normal processing of payroll is interrupted, and how other employees may be enabled to telecommute, if necessary. Additional policies regarding leave –e.g., what leave employees will be entitled to in the event of an emergency, including leave needed to take care of family matters, and the process for leave requests/approvals should be specified, particularly if compliance with normal procedures is not possible. In the event normal communication mechanisms are not operating, provisions should also be made regarding how employees can report in to indicate their availability and/or their whereabouts.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
K. <u>HUMAN RESOURCES</u>						
1. Have policies been announced regarding compensated and uncompensated leave during an emergency or other disruption in court operations?						
2. If “yes”, do these policies address situations in which an employee may need to deal with family matters relating to the emergency that preclude their being able to come to work?						
3. Has a designation been made as to “essential” vs. “non essential” staff who must report during an emergency?						
4. Are provisions for telecommuting established as applicable?						
5. Are arrangements in place to ensure employees will be paid even if normal time reporting is not possible?						
6. Have procedures been established as to how employees can report to the court in the event circumstances make it not possible for them to physically appear?						
OVERALL ASSESSMENT/COMMENTS						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
K. <u>HUMAN RESOURCES</u>						

L. SPECIAL ISSUES RELATING TO PANDEMIC/PUBLIC HEALTH/ENVIRONMENTAL EMERGENCY PLANNING

Planning for a pandemic, other public health or environmental emergency, such as a courthouse areas rendered uninhabitable by asbestos or mold, raises special issues for courts that are not commonly part of preparedness planning for other types of emergencies. In the case of public health emergencies, these include: (1) potential for wider geographic area to be affected, compared with the more localized operational disruptions that occur with hurricanes, earthquake, and fire; (2) potential for greater periods of disruption, since public health emergencies can be generally of longer duration and can come in waves, rising and declining until they are contained; (3) potential disability of a significant proportion of the court’s workforce, as well as litigants, jurors, and others involved in the court process; (4) required interagency planning and coordination among agencies not usually involved with court emergency planning for natural disasters, including local and state public health agencies, county attorneys, and state attorneys general offices; (5) likely need for the court to develop alternative strategies for face-to-face contact by courthouse staff with the public, people under probation supervision, and others involved with the court’s day-to-day operations; (6) likely need for the court to deal with a range of substantive and due-process issues, particularly those relating to quarantine and isolation orders and *habeas corpus* motions. In the case of environmental emergencies, many of these issues also apply, along with the need to locate alternative facilities during the period of decontamination, if decontamination is possible. In addition, adequate preparation for these types of emergencies will require courts to address a range of human resource issues including determining the court’s obligation to and potential liability for employees who may be exposed to symptomatic people entering the court or environmental hazards; reviewing and modifying sick leave and compensation policies; and providing employee training and support regarding hygienic measures that need to be taken during such emergencies. The COOP plan needs to address all of these issues, focusing upon: (1) preserving the continuity, integrity, and independence of the judicial process (i.e., the rule of law) during a public health or environmental emergency; (2) substantive legal issues that will likely arise; (3) interagency relationships and coordination that will be needed, particularly among the courts and state and local public health agencies; and (4) the court as a workplace. Courts also will likely be called on to address a range of substantive legal issues arising out of a public health or environmental emergency which will require attention to constitutional protections—including those relating to due process and searches and seizure. Courts will also need to review and rule on emergency orders, as well as develop mechanisms to ensure the continuity of vital court operations in a manner that does not jeopardize the health and safety of judicial and other personnel.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
L. <u>SPECIAL ISSUES RELATING TO PANDEMIC/PUBLIC HEALTH EMERGENCY PLANNING</u> 1. Does the plan address the potential implications of a pandemic/public health or environmental emergency for court operations and personnel? 2. Does the plan address leave policies for both personal and family care in the event of a public health emergency? 3. Does the plan provide for measures and supplies to protect the health of court personnel and other court users? 4. Does the plan provide for measures to address the potential shortages of court staff? Judges? Jurors? Other agency personnel essential to the conduct of court functions? 5. Has a review been conducted of constitutional provisions and pertinent authority under state law and regulations relating to actions that can be taken in the event of a public health outbreak or environmental emergency and identification of the agencies with legal authority to act? 6. Does the plan address how the potential “surge” workload that may result from a public health emergency will be handled? 7. Does the plan include a communications strategy to ensure the accurate, current information is provided to all who need it?						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
L. <u>SPECIAL ISSUES RELATING TO PANDEMIC/PUBLIC HEALTH EMERGENCY PLANNING</u>						
OVERALL ASSESSMENT/COMMENTS						

M. INTERAGENCY COORDINATION

Ongoing and meaningful coordination with other agencies with which the court relates is a prerequisite to adequate COOP planning to ensure that court functions can continue to be performed during an emergency, that whatever COOP planning the court develops is consistent and compatible with the planning undertaken by other agencies, including the “mission critical functions” these agencies have identified, and that the support the Court may be anticipating from these other agencies can, in fact, be provided. An essential element of this interagency coordination should include: identification of the procedures that will be used to perform court functions involving other agencies, and who will be responsible at each agency to oversee the agency’s functions and serve as a point of contact.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
M. <u>INTERAGENCY COORDINATION</u>						
1. Does the COOP plan address the court’s operational relationships with all agencies the court relies upon for funding and operating?						
2. Are all agencies with which the court depends on to operate aware of the priorities identified in the court’s COOP plan?						
3. Does the court’s plan take into account the relevant elements of the COOP plans of other agencies upon which it depends to operate? (e.g., sheriff, prosecutor, public defender, etc.?)						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
M. <u>INTERAGENCY COORDINATION</u>						
4. Does the court's plan take into account the resources (e.g., staff, transport, information, etc.) it will rely upon from other agencies?						
5. If "yes", has the court informed these agencies of the resources it will need from them in the event of an emergency?						
6. Are written agreements or M.O.U.s that clarify the roles and responsibilities of each agency signed between the court and its assisting agencies						
OVERALL ASSESSMENT/COMMENTS						

N. TESTING AND TRAINING

It goes without saying that, regardless of the merits of a COOP plan on paper, unless it is tested regularly and those affected trained in its execution the plan will be useless. An ongoing program of testing and training is needed to ensure that the plan can be applied as envisioned and which also takes into account the frequent turnover in judicial and other personnel who need to be familiarized with their roles and responsibilities to ensure the COOP plan is maintained. Tabletop exercises providing practical illustrations of various types of emergency situations addressed in the Plan should be developed.

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
<u>TESTING AND TRAINING</u>						
1. Has everyone in the court been made aware of, and reviewed, the plan?						
2. Does the plan provide for education and training for all affected and testing of plan procedures?						
3. Are training sessions offered within the court						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
<u>TESTING AND TRAINING</u>						
and with other involved agencies regarding the plan's assumptions, provisions and related procedures?						
4.Has the court developed a regular schedule for training and testing the plan?						
5.Are refresher courses offered every few months to ensure people remain in good practice						
6.Are new employees given information regarding the Plan? And its impact on them?						
7.Do personnel with more critical roles have specific operational trainings?						
8.Does the training include different types of testing, such as table-top, single office, and full-scale exercises?						
9. Does the training provide for reviews and debriefings conducted after each test, to allow people to evaluate the plan?						
OVERALL ASSESSMENT/COMMENTS						

O. PROVISIONS FOR COOP PLAN IMPLEMENTATION AND UPDATING

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
O. <u>PROVISIONS FOR COOP PLAN IMPLEMENTATION</u>						
1. Does the plan describe:						
(a) who will have the authority to activate the plan as well as deactivate the plan and under what circumstances these actions will be taken?						
(b) who will be responsible for carrying out specific tasks once the plan is activated?						
(c) If “yes” , does it provide for an authorized backup individual who can fulfill the role in case of a personnel shortage/absence?						
2. Does the plan provide for an order of succession, with specific instructions regarding delegation of authority, including to whom authority will be delegated, the circumstances for delegation, the time period applicable for the delegation, and transfers of leadership in case of the unavailability of key personnel?						
3. Is at least one person and one alternate identified in each department of the court and agency with which the court interfaces as the point of contact?						
. Does the plan provide for different levels of outages/disruption with different plans for different emergencies?						
6.If “yes”, does it provide the criteria that must be met						

ELEMENT/DEVELOPMENT STATUS	Yes	No	In Progress	Not Yet Addressed	Additional Training/TA Needed to Prepare Plan	Notes
O. <u>PROVISIONS FOR COOP PLAN IMPLEMENTATION</u>						
in order to escalate to different levels of outage?						
7.If an alternate site(s) is needed: (a) does the Plan provide how the mission-critical systems and information will be transported to, or accessed at, the alternate site(s)?						
(b) does the plan provide for the appropriate tasks to be completed in order to initiate operations at the alternate site(s)?						
8. Does the plan provide step by step procedures for how to function in order to begin recovery?						
9. Are Drive-Away kits prepared for staff prepared who may be relocated which contain needed forms on CDs or flash drives and supplies to establish operations at an alternate site(s)						
10. If yes, are the kits updated on a regular basis to ensure they include the most recent forms and appropriate supplies as to type and quantify.						
OVERALL ASSESSMENT/COMMENTS						

IV. SUMMARY FINDINGS:

TECHNICAL ASSISTANCE AND TRAINING NEEDS AND PRIORITIES

COOP Planning Element	TA/Training Needs	Priorities/Comments
A. COOP Plan Elements		
B. COOP Planning Process		
C. Authority for Court to Operate During An Emergency		
D. Performance of Essential Judicial Functions		
E. Special Issues Relating to Problem Solving Courts		
F. Facilities and Equipment		
G. Information Technology		
H. Records Management		

COOP Planning Element	TA/Training Needs	Priorities/Comments
I. Safeguarding Evidence		
J. Communication		
K. Human Resources		
L. Special Issues Relating to Pandemic/Public Health/ Environmental Emergency Planning		
M. Interagency Coordination		
N. Testing and Training		
O. Provisions for COOP Plan Implementation and Updating		