

## **BEFORE THE EMERGENCY**

### **RESPONSIBILITY / LIABILITY for Homeland Security / Emergency Management**

“Duty of Care” - Counties and Cities ARE responsible for the safety of their citizens.

Following a disaster in which there are multiple casualties and fatalities, litigation is likely to occur and may continue for a considerable period of time.

The essential question which the judge and jury will want to know is: “Did the County / City administration and staff behave in a “*reasonable and prudent*” manner :

before the incident, to prevent it from happening

during the incident, to minimize its impact

after the incident, to enhance and maximize recovery?

“Standard of Care” : The criteria by which judge and jury may determine if the County, City or Town administration and staff behaved in a manner that was “*Reasonable and Prudent*”. But what is it that could possibly be used by judge and jury to determine that which is “*Reasonable and prudent*” in preparation for and response to a disaster ?

“Knew” or “Should have known” - What is it that Courts will say that County or City or Town administrators “*should have known*” and “*should have done*” about disasters and emergencies, that could form the basis for the “*Reasonable and Prudent*” action that would be expected from elected and appointed officials at the time of a major critical emergency or disaster? That “standard of care” is the national “Integrated Emergency Management System” that has been advocated for the past quarter-century. The objective of the IEMS is to minimize liability by doing what is reasonable and prudent. Reasonable and prudent action on your part as a Public Official is to implement Emergency Management in your community.

### **IMPLEMENTING EMERGENCY MANAGEMENT IN YOUR COMMUNITY**

The Goal of your emergency management is: Save lives, prevent injury, protect property, and preserve the environment in the event of a major emergency or disaster. This is accomplished through *Mitigation (prevention)*, *Preparedness*, *Response* and *Recovery*, and by *Planning*, *Training* and *Exercise*.

Homeland Security is a “coin with two sides”: One side is “Homeland Security Law Enforcement” and the other is “Homeland Security Emergency Services”. HS Law Enforcement consists of three functions: *Intelligence*, *Investigation*, and Infrastructure Protection, carried out nationally by the FBI and on the State and local level by our own law enforcement agencies. HS Emergency (disaster) Services is all of the non-law enforcement functions that need to be done to prepare for, respond to and recover from a disaster, and is carried out nationally by the Federal Emergency Management Agency and locally by the Utah Office of Emergency Services and by County and City Emergency Management Programs.

**PREPAREDNESS:** Preparing for responding to and recovering from large-scale public safety incidents by doing those things that will: 1) minimize disaster damage, 2) enhance disaster operations, 3) prepare organizations and individuals to respond. The first steps toward emergency preparedness are for your City to implement the following **“Twelve Step Program”** :

- 1) Enact appropriate Emergency Management statutes or policies authorizing and establishing an Emergency Management Program, defining goals, objectives, roles and responsibilities.
- 2) Appoint a public official to be responsible for Emergency Management, usually a Commissioner or Council member.
- 3) Appoint a qualified, competent, responsible individual as the City **Emergency Program Manager** (or Director or Coordinator, or Director of Emergency Services .... any appropriate title of choice). If the jurisdiction does not have resources for this to be a full-time paid position, it can be a part-time paid position or a volunteer position. Either way, you should have an approved job description and performance evaluation process.
- 4) Have your Emergency Program Manager represent the City on the County Local Emergency Preparedness Committee (LEPC) and at meeting of your Homeland Security Region.
- 5) Implement Emergency Management within the City’s municipal structure:
  - A. Identify and clearly describe the role of the City and each of its agencies or departments in different types of disasters.
  - B. Assign roles and responsibilities according to Agency organization and structure
  - C. Develop protocols and procedures for implementation of operational objectives
  - D. Develop system for documentation, reporting, and accountability
  - E. Develop and implement a City **Employee Disaster Preparedness Program**.
  - F. Develop and implement **Service Continuity and Resumption Plans** for City Departments.
- 6) Establish a City **Emergency Planning and Preparedness Committee**, led by the City Emergency Program Manager. Establish a City **Emergency Operations Center** (EOC). (see below).
- 7) Develop and implement a City **Emergency Management and Response Operations Plan** (EMROP), and
- 8) Develop and implement a **Community Disaster Preparedness Program** by working with your local and regional Citizen Corps Council. If you do not have a local **Citizen Corps Council**, then organize one through the State Citizen Corps Council and Utah Commission on Volunteers.
- 9) As part of your Community Disaster Preparedness Program, establish and implement the **Community Emergency Response Team Program**.
- 10) Establish a relationship (and eventually mutual aid agreements through Memoranda of Agreement) with your local and Regional Citizen Corps Councils and with your closest Volunteer Center. Work with your Citizen Corps Council and Volunteer Center to begin a **Volunteer Management Program**, for the recruitment, training, exercise and maintenance of local volunteers which can be utilized by your municipal emergency management program during a disaster, but also for selected on-going emergency management functions to keep them involved.
- 11) Appoint a City **Public Information Officer**, trained in the emergency and disaster Public Information function.
- 12) Begin a process for **Mitigation and Recovery** Planning.

These functions and programs included in these “*Twelve Steps Toward Emergency Management*” are the “backbone” of Emergency Management at the City, Department and Community level and all of them are dependent upon trained and skillful *Executives*, *Managers*, *Supervisors*, *Employees* and *Volunteers* for their effectiveness and success.

Develop your City Emergency Management & Response Operations Plan, then train your staff and the community in what is contained in the plan, and then exercise your plan and training to evaluate its effectiveness. Evaluate the exercise and revise your plan and training based on “lessons learned”.

**RESPONSE:** The primary (but not only) function of your City Emergency Program Manager is to coordinate the operational planning and readiness of your emergency response agencies for a large-scale, multi-agency, possibly multi-jurisdictional critical public safety incident. As a Public Official, you need to be aware of the

- A. Incident Management process under the National Incident Management System,
- B. Emergency Operations Center role and responsibilities,
- C. Primary response functions (so that you are aware of these functions and can communicate in an informed manner with your emergency management personnel and be able to determine the general status within each function).

Under the National Incident Management System, emergency response proceeds on the basis of five core functions, for which City Emergency Management is responsible to implement and oversee:

<i>Direction and Coordination</i>	<i>Operations</i>	<i>Logistics</i>
<i>Planning</i>	<i>Administration and Finance</i>	

### **EMERGENCY OPERATIONS CENTER:**

Your EOC has the following four purposes:

1. Emergency Communications
2. Policy Decision Making
3. Resource Coordination and Management, and
4. Information Management:  
Acquisition, Verification, Evaluation, Dissemination and Rumor Control

Your EOC should have the following functional structure:

1. Policy Group -- Public Officials and Department Heads;
2. Coordination Group -- Develops plans and procedures from policy decisions of the Policy Group;
3. Operations Group -- Implements the plans and procedures of the Coordination Group; Allocation of Resources; Supervision of Response Actions.

Your EOC should have these characteristics:

1. Pre-designated Site, with an Alternate Site in case the primary site is impacted by the incident;
2. Appropriate Equipment;
3. Well trained and exercised Staff;
4. Modular in operation, so you can start-off with limited operations and expand operations as necessary to meet the demands of the incident;
5. Easily Mobilization & Activated, and De-Mobilized

## **CRITICAL INCIDENT MANAGEMENT, a FUNCTIONAL APPROACH**

As a public official, it is imperative that you have a *working* understanding of the core **Emergency Support Functions** of emergency response :

DIRECTION AND COORDINATION : Leaders with ability and training; Incident Management System

ALERT & NOTIFICATION / WARNING: Officials Personnel Public

EMERGENCY COMMUNICATIONS :

Responder – to – Responder

Emergency Operations Center to Incident Sites

Emergency Operations Center to other Emergency Operation Centers

EMERGENCY SUPPORT SERVICES :

Fire, HAZMAT, Radiological

Emergency Medical Services

Law Enforcement (Police)

Search and Rescue

Public Health

Public Works, Utilities, Transportation

Volunteer Organizations

RAPID ASSESSMENT OF CRITICAL FACILITIES AND LIFELINES

Damage to critical Emergency Response facilities, Utilities and Medical Care facilities

DAMAGE ASSESSMENT & SURVEY

Magnitude, Scope and Intensity of the incident – What has happened, how bad is it and where?

Assessment: Immediate, general estimate as quickly as possible

Survey: In-depth assessment and cost-estimates by Joint DA Teams

PUBLIC INFORMATION

Necessary information to the public for their own decision-making, and

Media Management and Rumor Control

DEBRIS REMOVAL / DISPOSAL

Removal: Out of the way of emergency response personnel and apparatus;

Disposal: Triaging of debris by type and hazard, temporary & permanent disposal

INDIVIDUAL AND FAMILY ASSISTANCE

Shelter (Protect) In-Place

Evacuation

Shelters & Sheltering

Mass Feeding / Care

HEALTH AND MEDICAL (All medical & health considerations post EMS triage, treatment, transport)

RESOURCE MANAGEMENT Planning for resource needs in-advance of actual need;

Locating, Requisitioning, Acquisition, Inventory, Staging, Distributing,

De-mobilization, Accounting

Public Sector Resources from the Federal, State and Local (County & City) Governments

Private Sector Resources from Business Industry, Volunteer Organizations, Families and Individuals

VOLUNTEER MANAGEMENT: Locate Request Distribute Use Supervise Document

DONATIONS MANAGEMENT: Locate Request Distribute Use Supervise Document

CONTINUITY OF GOVERNMENT / LEADERSHIP

Prevention of the unlawful usurpation of legally designated Civil Authority during the demands of emergencies and disasters. Registered legal succession of leadership.

## DISASTER DOCUMENTATION AND REPORTING

Providing all necessary and pertinent information to other participating agencies of government and voluntary emergency non-governmental organizations.

## PLANNING FOR RE-ENTRY AND RECOVERY

**EMERGENCY / DISASTER PLANNING :** As a Public Official, you have a responsibility to see that the following questions are asked and analyzed, and that appropriate measures and procedures are established in response to these questions:

*What could POSSIBLY happen? What is LIKELY to happen? What will we do if it does happen?  
Who will do WHAT, WHEN, and HOW will they do it?*

These are the first steps toward answering these questions:

- A. Analyze Community and Agency Hazards, Vulnerability and Risk
- B. Assess Needed and Available Resources
- C. Develop a Disaster Plan that addresses Hazard Risk with Available and Enhanced Resources.  
Your community disaster plan is actually three separate-but-related plans:
  - 1) Mitigation Plan
  - 2) Emergency Management & Response Operations Plan
  - 3) Recovery Plan
- E. Both your Mitigation Plan and your Emergency Management & Response Operations Plan begin with the same three-step process:
  - 1)Hazard Identification    2)Vulnerability Analysis    3)Resource Capability Assessment
- F. Community and Agency Emergency Operations Plan and Mitigation Plan and Recovery Plan:  
*Train* personnel in the implementation of your plans  
*Exercise* your plans and your training  
*Revise* and update your plans

## COMMUNITY DISASTER PREPAREDNESS

**Disasters are survivable.** “We will all be victims, but we do not have to be casualties.”

Homeland Security / Emergency Management is another “two-sided coin”: one side is Coordinating the preparedness and operational readiness of the Emergency Response Community for a large-scale, multi-agency, multi-jurisdictional disaster response. But to whom do the emergency response services respond? They respond to the citizens of the community. Should not the *community of citizens* also be prepared, trained and exercised to respond (react) to a major emergency or disaster? That is why Community Disaster Preparedness is “the other side” of emergency management, and is as much a governmental responsibility as is coordinating the preparedness and response efforts of the First Responders.

### DISASTER DENIAL :

*“A disaster will not happen”                      “A disaster will not happen to me.”  
“If it does happen, and it happens to me, it won’t be that bad.”  
“If it does happen to me, and it is that bad, I can’t do anything about it anyway.”*

### COMMUNITY DISASTER PREPAREDNESS BASICS

Know the risks in your area and how vulnerable you are to them  
Have a family disaster plan and Exercise (drill) your family plan

Have a Disaster Supplies Kit at work and in your vehicle

72-HOUR PREPAREDNESS -- the most IMPORTANT Emergency Decisions are the things you decide to do NOW, *BEFORE* the disaster strikes

### OBJECTIVES OF COMMUNITY DISASTER PREPAREDNESS

1. Survive comfortably for 3 or 4 days without any outside support or services;
2. Be able to leave your home quickly to an agreed upon destination, and then survive comfortably for 3 or 4 days without any outside support or services;
3. Have a plan that accounts for all family members, no matter where they are.

### YOUR KEY PARTNERS IN COMMUNITY DISASTER PREPAREDNESS:

1. Regional and Local Citizen Corps Councils
2. Community Emergency Response Teams
3. Local American Red Cross
4. Local Volunteer Centers.
5. Amateur "Ham" Radio

*Radio Amateur Civil Emergency Services (RACES)*

*Amateur Radio Emergency Services (ARES)*

### KEY COMMUNITY DISASTER PREPAREDNESS ACTIVITIES:

Community Disaster Preparedness Awareness presentations and training

Family and Individual Preparedness awareness presentations and training

School Emergency and Disaster Planning and Preparedness, including Training, Exercises

Community Emergency Response Team Training and Exercise

Business and Industry Preparedness awareness presentations and training

What should we be doing as an Agency, Business, or Organization about Disaster Preparedness?

1. Train and support your employees in having prepared and safe FAMILIES.
2. Prepare your organization to be able to restore its functions and quickly resume delivery of its essential services to your customers (*Business Contingency Planning*).
3. Prepare your organization to be able to fulfill its disaster mission and duties before, during and after the disaster

### **BUILDING PARTNERSHIPS AND CONSENSUS AMONG "COMMUNITY STAKEHOLDERS"**

Building PARTNERSHIPS to make our Cities and Towns Stronger, Safer and Better Prepared, and our Communities Disaster Resistant and Resilient

### COMMUNITY CONSENSUS BUILDING

Communication

Cooperation

Commitment

Collaboration

Coordination