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The Courts Must Stay Open: Continuity of Operations Plans for the Courts

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THE COURTS MUST STAY OPEN:
CONTINUITY OF OPERATIONS PLANS FOR THE COURTS

by

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B.A., Southern Illinois University, 2008

A Research Paper
Submitted in Partial Fulfillment of the Requirements for the
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Masters of Public Administration
in the field of Public Administration

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INTRODUCTION

In the state of Illinois there are 102 county courts within 23 judicial circuits. Each one of these counties has its own unique make up and faces the possibility of unique hazards and disasters, along with the hazards and disasters that face all counties in Illinois and throughout the United States. If any court within Illinois were to face a hazard or disaster it is vital that the courts stay open and functioning.

The Illinois Supreme Court and the Administrative Office of the Illinois Courts (AOIC) have taken the necessary steps to ensure that courts in Illinois remain open and functioning after a disaster or catastrophic event. On October 21, 2008, the Illinois Supreme Court announced its Emergency Preparedness Standards; within these standards the Continuity of Operations Plan (COOP) policy can be found.

The official order, M.R. 22717, of the Supreme Court of Illinois, states “In the exercise of its general administrative and supervisory authority over all courts, the Supreme Court hereby establishes *Emergency Preparedness Standards for the Illinois Circuit Courts* in support of emergency preparedness in all circuit courts of Illinois for the protection of the health and safety of Judicial Branch personnel and to keep the courts open and operational in the event of a disruption or emergency” (Supreme Court of Illinois, 2008).

Part 1.05 of the Standards points to the Continuity of Operations Plan (COOP), which states, “During the emergency planning process, the circuit may choose to satisfy its obligation by adopting its Continuity of Operations Plan (COOP), together with a series of event-specific plans. These critical incident plans would address procedures for particular situations, such as evacuations, bomb threats, suspicious mail handling, and

weather disasters” (Supreme Court of Illinois, 2009, p. 4). Part 2.00 of the Emergency Preparedness Standards for the Illinois Circuits Courts is Operational Resources and Functions (Continuity of Operations Plan – COOP), and lays out the standards for each county’s COOP.

Continuity of Operations Plan (COOP)

COOP policy is so an important that it should be adopted and put into place by all courts in the United States.

The COOP is perhaps the most important part of the emergency preparedness policy of the Supreme Court of Illinois, because it ensures that each court in the state can stay open and operating in the event of a catastrophic event.

Illinois' Emergency Preparedness Standards says this of its COOP, "Emergency Preparedness Plans are designed to establish procedures to implement emergency authority and leadership structures, identify resources, and define roles and responsibilities for the execution of the plan once an event triggers its use. The Plan shall establish reasonable and reliable response capabilities with effective processes and procedures to deploy pre-designated personnel and equipment, identify and sustain essential court functions at alternate facilities, and facilitate immediate decision making processes in the event of an emergency" (Supreme Court of Illinois, 2009, p.4).

It is not an easy thing for a court to just pick up and relocate and continue to be operational after disruption or disaster. Possibly the best example of this is Hurricane Katrina and the havoc that it created on the legal system in Louisiana. The courts of Louisiana did not have COOPs in place and for this they paid a great price. Each court must look at the specifics of that court and the community in which it resides and it must create a plan that becomes policy which guarantees that the laws are upheld and continue, even in a time of major disruption or a catastrophic event.

The Conference of State Court Administrators (COSCA) has used Hurricanes Katrina and Rita to illustrate the importance of COOP's. They wrote (2006):

The struggles of the New Orleans populace to access the courts for assistance in the aftermath of back-to-back hurricanes Katrina and Rita (which dramatically impacted the Louisiana Supreme court and 20 lower courts across half of the state) provide somber examples of how important it is to ensure functional and accessible court services in the days and weeks following a disaster. It is vital for courts to make the necessary preparations now, via a continuity of operations plan (COOP), to carry on with their most essential functions under all conceivable emergency conditions, from a wide-ranging natural catastrophe to any number of less dramatic or building-specific events that can disrupt court operations. (p. 3)

When an event takes place that requires the COOP to be enacted, the COOP does not allow for all of the everyday functions of the courts to continue during the time that the courts are operating under the COOP, but it does allow for the essential functions of the court to continue. Many of these essential functions are in accordance with Constitutional issues, such as the right to a speedy trial, deadlines on court appearances, and quarantine orders just to mention a few.

Chief Judges from the State of Illinois, in accordance with the rules of the Supreme Court of Illinois have proposed essential functions for the courts during times when the COOP is in place. The essential functions are by department ranked by priority. The departments are Court, Circuit Clerk, Probation, State's Attorney, and Juvenile Detention. The proposed top essential function is to conduct court hearings and trials. This is followed by processing child support, providing legal representation, and the issuance of arrest/search warrants. The lost priority is given to small claims and civil matters. The high proposed essential function for the Circuit Clerk is to process court

documents and the lowest essential function is the preparation of court-ordered reports. The top essential function for probation is the authorization of detention hearings and the lowest is day-to-day probation services. Arrest and search warrants are at the top for the State's Attorney, with providing discovery being the lowest. If a county has a Juvenile detention center, its top essential function is to maintain detention facility. The lowest is to provide uniform service.

Essential functions are decided on by the constitutionality of each case and also by the condition that the court is in. This means that if the court is dealing with a pandemic, then quarantine orders are going to take a higher priority and become an essential function. Each county runs its courts differently, so there is going to be slight differences in essential functions.

A COOP is unique in that there should never be a duplicate COOP. Each court should have a COOP that is made to fit just that court. Illinois has a system of question-and-answer; fill-in-the-blanks templates that each county court uses to make its COOP. This ensures that there will be 102 different COOPs turned into AOIC.

It has been nearly nine years since September 11th and just over five years since Hurricane Katrina. These events were two of the biggest catastrophes that the United States has seen in recent history, and they have played a major role in shaping emergency preparedness across the United States and even in the courts. While these two events were large-scale and disastrous, one must not forget that courts across the United States face the possibility of numerous large and small-scale disruptions and disasters. These disruptions and disasters can include, but are not limited to: fire, earthquakes, tornadoes,

flooding, flu pandemic, winter storms, wind storms, terrorist attack, loss of electricity, and hazardous chemical contamination.

COOP Proponents

Florida is a pioneering state when it comes to COOP. In 2002 the Florida Supreme Court Workgroup on Emergency Preparedness published its final report, “Keep the Courts Open.” This report discusses COOP in great depth and why it is important for the State of Florida. The executive summary of this report states that “the Court Emergency Preparedness Plan should incorporate both Emergency and Administrative Procedures and the Continuity of Operations Plan (COOP)” (Florida State Court Workgroup on Emergency Preparedness, 2002, p. 7). Florida Supreme Court Administrative Order AOSC01-54 sets out a number of tasks for emergency operations and COOP, but the actual policy had yet to be determined at the time this report was published.

The workgroup made great strides for a COOP policy to be adopted in the courts of Florida. Its report said, “We believe that the tasks, which the chief justice has asked us to examine, are not finished but have just begun. Preparing for threats and emergencies is an ongoing and living requirement, which will outlive this workgroup, and the leadership that gave birth to its formation” (Florida State Court Workgroup on Emergency Preparedness, 2002, p. 6).

In 2003 there was a proposal for a disaster preparedness and continuity of operations plan for the courts of California. The California court system opened up the COOP planning to bidders, so this means that a consulting company of some type is in charge of putting together the COOP’s for California courts.

The American Bar Association (ABA) has adopted a Model Court Rule on Provisions of Legal Services Following Determination of Major Disaster. The rule was put into place to allow attorneys to temporarily practice in a different jurisdiction following a

disaster. One of the major functions of a COOP is to have alternate court locations in place if a court facility is incapacitated due to a disaster and to have legal representation available where it is needed.

The American Bar Association (2007) rule states:

A major disaster in this or another jurisdiction may cause an emergency affecting the justice system with respect to the provisions of legal services for a sustained period of time interfering with the ability of lawyers admitted and practicing in the affected jurisdiction to continue to represent clients until the disaster has ended. When this happens, lawyers from the affected jurisdiction may need to provide legal services to their clients, on a temporary basis, from an office outside of their home jurisdiction. In addition, lawyers in an unaffected jurisdiction may be willing to serve residents of the affected jurisdiction who have unmet legal needs as a result of the disaster (p. 2).

Along with the states that have policies pertaining to a COOP, there are numerous organizations, such as the National Center for State Courts and the National Coalition for Emergency Management in the Courts. The National Coalition for Emergency Management in the Courts says in its *Continuity of Court Operations: Steps for COOP Planning* (2007):

The terrorist attacks of 9-11, recent natural disasters from wild fires to catastrophic hurricanes, and concerns about a pandemic flu crisis reinforce the critical need for all courts to have a plan in place when an emergency strikes. The ability of courts to perform their statutory mandates and ensure access to justice and the protection of liberties is particularly crucial when society's traditional standards of operations are in disarray. . .A critical component of an emergency preparedness program is a

continuity of operations (COOP) plan that ensures mission essential functions continue when normal operations are impaired. (p. 1)

In 2005, the New York State Unified Court System's Task Force on Court Security wrote its Report to the Chief Judge and Chief Administrative Judge, "many local emergency plans do not reflect the needs of the courts or assure the deployment of assets needed to keep the justice system operating. Improving these conditions will require greater coordination among branches and levels of government both in advance of emergencies and in response to emergencies" (Task Force on Court Security, 2005, p. 41).

In an interview with Judge Michael D. Bagneris, of the Civil District Court of Orleans Parish, Charles Henry Rowell asks, "What happened to the city when the courts were not able to operate here?" (Rowell, 2008, p. 506). Judge Bagneris replied, "We received from the Supreme Court, our state's Supreme Court, the authority to operate in another location. The court was closed in New Orleans and obviously Katrina closed the city, so the court was definitely closed in the aftermath of Katrina" (Rowell, 2008, p. 506). If the courts that Judge Bagneris was serving had a COOP, they would not have had to ask permission to relocate. The process would have been much faster and more precise.

In another interview Rowell asks Judge Johnson of the Orleans Parish Criminal District Court, about the effects of Hurricane Katrina and the flooding from it on the New Orleans justice system. Johnson talks about how all of the prisoners in the jails in New Orleans had to be relocated and that many of them got lost in the system. He says (2008):

What happened as a result of Katrina, just in terms of the jail population, so many of those individuals ended up lost in the system to the point where we were months and months and months still trying to locate people in terms of where they were in jails in the state of Louisiana. In some instances, jails outside of the state of Louisiana. To get those out of jail who weren't supposed to be in jail and to be sure those who were kept in jail who should have been in jail. All of that came into play as a result of Katrina, just in terms of that issue, but then in terms of, again, starting up the justice system and then trying to operate the system. (p. 521)

Diane P. Wood, a Seventh Circuit U.S. Court of Appeals Judge, speaks on the topic of the rule of law and how important it is for it to be maintained at all times, but especially during times of disaster, and that it cannot be done on its own and that something has to be done to ensure that this happens. Wood has based her studies on what happened to the rule of law in the aftermath of Hurricane Katrina. She says "the rule of law in times of natural disaster cannot sustain itself without careful attention to its requirements" (Wood, 2008, p. 763). This is what a COOP is trying to achieve, that the rule of law is maintained and upheld.

Wood continues to explain that "although every branch of government and every official share the responsibility of acting in accordance with the rule of law, the courts are in a special position" (Wood, 2008, p. 763). One of Wood's suggestions for doing this is COOP's. She says, "courts have begun the important work of developing plans to ensure that they will be open for business during even the worst natural disaster, and that the public will know how to reach them" (Wood, 2008, p. 763).

WILLIAMSON COUNTY'S COOP

On October 21, 2009 the emergency standards were released to the public and all of the counties of Illinois. Rick Basler, the Trial Court Administrator for the First Judicial Circuit, which includes Williamson County, is overseeing all of the COOPs for the nine counties of the First Circuit. AOIC hosted several meetings and circulated information on COOPs, but there was not a lot of guidance on how to compile each county's COOP.

There were a few counties that hired independent disaster response companies to do their COOP, and Williamson County was one of those counties. Now that the state had released the base plan, other counties had an idea of what was wanted by the state. Many counties, including Williamson, would use this plan to structure the basis of their own plans.

On March 1, 2010 an intern started full time with the purpose of getting the COOPs done for the nine counties of the First Circuit. The work began in Williamson County, since that is where the administrative staff for the circuit is located. Over a month period two planning meetings were held with key figures in the county, including the sheriff, emergency management officials, presiding judge, and others who would play a key role in the execution of the COOP.

Since there was already a base structure, all that was needed was the collection of data, determining alternate locations, and getting memorandums of understanding with the alternate locations. All of this and entering the data was done over the period of a month and turned into AOIC.

Right after the Williamson County COOP was turned in, in early May 2010, AOIC decided to go to the Internet-based form that had question prompts and fill-in-the-blank.

Since the Williamson County COOP had already been turned in AOIC said that they would review it and enter in the data into the new format.

The Williamson County COOP was accepted as a work in progress and must be turned in, finished, and up to the standards by December 31, 2010. On December 31, 2010 if the Williamson County plan does not get full approval from AOIC, it will again be considered a work in progress and will be given a period of time, to be determined, by AOIC to be turned in for full approval.

COOPs are special because they are unique to the entity that is compiling and using it. The Williamson County plan is no different. Williamson County officials took into consideration that the area experiences several severe weather issues, from winter ice storms to wind storms. The area is on two major fault lines, which puts it at a high risk for earthquakes. The area has also suffered deadly tornadoes in the past. The plan was built with these considerations in mind. The main personnel involved in the Williamson County COOP are the Trial Court Administrator, Chief Judge of the Circuit, Presiding Judge, Williamson County Sherriff, Head of Courthouse Security, Williamson County EMA directors, and the Williamson County Circuit Clerk. In the case of an emergency, or the courthouse being closed for any reason, these main personnel will be notified and the COOP will go into full swing. All other courthouse employees will be notified after the main personnel are notified and in place.

The Williamson County COOP takes information and data that is specific to Williamson County. It then compiles it into a comprehensive plan that will keep the courts of Williamson Count open and running in a time of emergency or disaster. The

plan includes, but is not limited to: phone trees, alternate locations, emergency meeting locations for employees, and information technology information.

The alternate location that will be used can only be determined after an emergency or disaster. The alternate locations for Williamson County are: Williamson County Administrative building in Marion, Illinois; the Army National Guard Armory in Marion, Illinois; Herrin City Hall in Herrin, Illinois. Many factors play into the determination of the alternate location, these factors include: if any of the alternate locations have received damage, if the alternate location can be reached by court personnel and the public, and the approximant length of use.

POLICY

The Supreme Court of Illinois filed order M.R. 22717, on October 21, 2008. This order establishes the Emergency Preparedness Standards for the Illinois Circuit Courts as official policy in all Illinois Courts. Within the Emergency Standards there is a requirement that each county court have a COOP. Many counties and cities in Illinois already have preexisting Emergency Preparedness plans. If this is the case then the county court can use that plan for their Emergency plan as well, but each county court must have its own unique COOP.

There are 16 areas that each COOP must address and outline with the specifics of each county. The 16 areas are:

- Alert and Notification Procedures
- Essential Court Functions
- Essential Personnel
- Trained Personnel
- Emergency Response Contacts
- Media Communications
- Court Facility Closure
- Relief from Mandatory Judicial Requirements
- Alternate Court Facility
- Office Resource Replacement and Repair
- Off-site Storage
- Order of Succession
- Delegation of Authority

- Judicial Branch Management and Command Center
- Jury Management Procedures
- Human Capital

When there is planning and preparation in place that covers all of these areas no court in Illinois should ever have to be closed. With a COOP in place any court should be able to pick up, relocate and perform essential court functions.

The Emergency Preparedness Standards for the Illinois Circuit Courts came into effect on January 1, 2009. The Illinois Supreme Court has set a deadline of January 1, 2011 for all county COOP's to be turned into AOIC for approval. When the Standards first came out there was a set of templates for the counties to follow to be able to complete their COOP. This proved to be challenging for most counties and not all of the information that needed to be included was being included in the COOP's that were being submitted for review. An example of this is the first plan that Williamson County turned in for review to AOIC. (Appendix A)

In May of 2010, AOIC announced that they had teamed up with Beck Disaster Recovery (BDR), Inc., A Science Applications International Corporation (SAIC) Company in an effort to come up with a better way to fulfill the requirements of this policy. BDR created online templates that are fill-in-the-blank and can be saved securely online (Appendix B). Once the templates are finished they can be directly sent to AOIC. They are put into text document form and you get a complete and proper COOP that meets the standards of the policy.

PROBLEM

The courts cannot close, not even after a major emergency or disaster. The courts must stay open to provide the services that are guaranteed under law to the citizens. There are also items that may be needed during a time of emergency that requires a court order and/or a judge's signature.

There are many states that do not require that each court have a COOP that is specific to that court's needs and to the needs of the people it serves. There are even some states that do not require a COOP at all. It is unknown what these courts would do if faced with a disaster. Many courts consider themselves taken care of because their municipality, whether it be county or city, has an emergency preparedness plan.

Emergency preparedness plans are vitally important, but a COOP is even more important, as the aftermath of Hurricane Katrina illustrated. Diane P. Wood writes, "If courts are unavailable or unable to function, as was the case following Hurricane Katrina, little stands between the citizenry and the breakdown of the rule of law" (Wood, 2008, p. 748), this is why Illinois has enacted a wise policy and why each court in the United States should, by law, be required to have a COOP in place.

There are many reasons a courthouse could be shut down, from natural disaster; such as tornadoes, earthquakes, or hurricanes, to man-made disasters; such as a bomb threat, arson, or suspicious mail. A pandemic of some sort could shut a courthouse down. Even a loss of records could cause court proceedings to be stalled.

Courts with no COOP

Many courts have yet to adopt a policy on COOPs, while other state's Supreme Courts and Courts of Appeals have just suggested it. It is reasonable to believe that a court may assume that they will not be affected by a disruption, emergency, or disaster, but this is not a safe assumption to make. A court may not have an earth shattering earthquake, but no building is safe from the possibility of a fire in a courthouse or a number of other things. This is why having a COOP in place is so important.

Since only the legal community knows how their courts function and what must be done to continue dispensing justice, "it is the duty of all legal organizations - the courts, the organized bar, prosecutors, public defenders, providers of legal services to the poor, individual lawyers, police, and prison, and jail officials - to undertake adequate planning and preparation to insure that the legal systems, both civil and criminal, can continue to dispense justice in times of major disaster" (Wood, 2008, p. 750).

Without the specifics that a COOP provides, a court system will not be able to be up and running after a disaster. A COOP provides a court with pre-planning of alternate locations, how records are going to be accessed, where authority lies, and what is most important when it comes to legal proceedings. A county or city emergency plan is not going to provide the courts with the type of preparedness that a COOP would provide. It is important to incorporate a preexisting emergency plan with the COOP, but an emergency plan alone is not enough and all courts should be aware that the emergency plan is not enough to keep the courts open.

Constitutional Rights

All citizens of the United States have certain rights given to them by the Constitution. A number of these rights are pertaining to the justice system and these rights are not revoked and should not be jeopardized because of an emergency of any type that has caused a disruption to a court facility.

Many of the rights given by the Constitution in regard to the law are dealing with time restraints. There are time restraints dealing with someone being charged with a crime, when they must be tried and a number of other issues. Judges do have some flexibility in what they consider the vital functions of their court to be, but there is not a lot of flexibility when it comes to Constitutional rights.

In addition to the rights that are given by the United States Constitution, there is also the law of state Constitutions. Many of the laws of state constitutions are derived from that of the U.S. Constitution. There are differences from state to state in their laws, but they must all be upheld at all times.

Figure 1: Partial list of some of the Illinois constitutional time lines.

Time	Type	Statute	Description
10 days	Business Organizations Act	805 ILCS 405/6	Unknown owner must appear within 10 days or appearance after shall not affect the judgment
30 days/ One Month	Civil Liabilities	740 ILCS 45/13.1	Hearing before a Commissioner of the Court of Claims within 30 days
24 hrs	Civil Procedure Act	735 ILCS 5/4-223	Watercraft - Return Certified copy of order of sale within 24 hrs of sale

48 hrs	Court Rules	ILCS S. Ct. Rule 306	Clerk sends to clerk of the circuit court within 48 hrs of notice of allowance of petition to appeal
10 days	Court Rules	IL Nineteenth Judicial Circuit Court Rule 17.3	Appearance required before the Supervising Judge within ten days of
35 days	Court Rules	ILCS S. Ct. Rule 218	Case Management Conference
48 hrs	Criminal	720 ILCS 5/12-18	Court order to compel accused to undergo STD test within 48 hours of preliminary hearing & finding of probable cause
48 hrs	Criminal	725 ILCS 5/109	Preliminary hearing/arraignment and appointment of counsel
10 days	Criminal	725 ILCS 5/114-5	Substitution of judge
10 days	Criminal	725 ILCS 5/110-6	Hearing within 10 days if the defendant is held without bail
120 Days	Criminal	725 ILCS 5/103-5	Speedy Trial demand within 120 days of arrest
30 days/ One Month	Criminal	725 ILCS 207/40	Commitment of SVP – court shall hear petition to revoke order to release within 30 days
30 days/ One Month	Criminal	20 ILCS 2630/ 5	Court shall enter order granting or denying petition for expungement within 30 days

Other Important Functions of the Court

In addition to Constitutional rights that must be upheld by the courts, there are many other functions the courts play and many of these functions could become even more relevant in a time of emergency.

In case there is ever a pandemic, it is the job of a judge, not that of a doctor, to sign an isolation and/or quarantine order. For this to happen the court must be functioning. There has to be a hearing, where a judge and court reporter are present. For this to happen the court has to be open, and a COOP provides for this to happen.

Also, in times of emergencies there are court-mandated curfews that are put into place. This could not be done without a functioning court.

Many times mental health and family issues, such as placement of a child, will become prevalent after the occurrence of a major disaster. These are not issues that can wait until everything is back to normal; something of this nature must be handled immediately.

Even when a COOP is in place and a court system is able to dispense justice there is no way to prepare for everything, but at least with a COOP there is not going to be a failure of service to citizens by the justice system.

Disruptions, Emergencies, and Disasters

The partial or total loss of court records could cause a major disruption in court proceedings and could cause a delay in justice. In 2006, The Conference of State Court Administrators, said “court’s records play vital roles in the operations of institutions, the lives of individuals and the preservation of history. Safeguarding them is an important responsibility and courts must have a written plan and a designated team responsible for salvaging and restoring court records” (COSCA, 2006, p. 11). The Illinois policy for COOPs provides for this to be able to happen.

Records can be lost or damaged in many ways and it could be that nothing else has been affected, such as the courthouse itself or the surrounding community. A water pipe could burst in the Circuit Clerk’s office and hundreds of files could be damaged, a fire could break out that only effect certain parts of a building or in the case of Hurricane Katrina, records could end up under many feet of flood water. It does not matter how the records get damaged, what really matters is that there is a plan in place to recover them.

The National Weather Service states that extreme weather caused \$6.8 million in property damage in 2009, which is down from \$27.1 billion in damage in 2008, (<http://www.weather.gov/om/hazstats/sum09.pdf>). All 50 states suffered from some amount of property damage in 2009. With these kinds of stats it is undeniable that something as important as the courts should be prepared for the possibility of a major disaster.

Every year parts of the United States are threatened with the possibility of natural disaster, from tornadoes to hurricanes. In addition to these yearly occurrences, it is

only a matter of time before the New Madrid and/or Wabash fault lines produce a catastrophic earthquake. Courts must be prepared for a disaster of this magnitude.

A natural disaster could easily wipe out an entire courthouse, if this were the case the “Alternate Locations” section of the COOP would be essential in relocating the courts. The way that the Illinois COOPs are set up, a county court is required to have three different levels of locations that are available to them to use if their courthouse is unusable. It is also required that there are Memorandums of Understanding (MOU) between the courts and the alternate locations. (Appendix C)

Alternate locations are not just needed in the case of a natural disaster, but in any case that the courthouse can no longer be used. A level one alternate location would ideally be on the same campus as the courthouse, Williamson County’s level one location is the new Administrative Building that is located across a parking lot from the courthouse. Level two is within the county seat, Williamson County’s level two location is the Army National Guard armory in Marion, Illinois. Level three is within the county; Williamson County’s level three is City Hall in Herrin, Illinois.

Other than having the MOU, an alternate location needs to have back-up power, a room that could be “court room” like, a room that is publicly accessible. It is also important to speak with the location facilitator about whether the location would be used in any other way, such as a shelter or command post, during or after an emergency of disaster.

In addition to natural disasters there is also the threat of man-made disasters, such as bomb threats, terrorist attacks, arson, contaminated mail, hazardous materials, and

whatever else a person could think of. A man-made disaster could be just as destructive as a catastrophic natural disaster.

The Oklahoma City bombing was the result of a man-made disaster, when Timothy McVeigh bombed the Federal building. The terrorist attacks of September 11 were man-made and displaced several courts in New York City. No one can ever truly be prepared for something of this magnitude, but if there are no plans in place at all, there is definitely no way that the courts will be functioning in the aftermath.

Amid growing concerns about a pandemic outbreak the Illinois Supreme Court COOP policy address the issue of pandemic, in 2006 the Task Force on Pandemic Preparedness Planning for the Courts, said (2007):

Since 1900, there have been three pandemics, the last of which occurred in 1968; it is anticipated that another is due. Whether the next pandemic will be mild or sever cannot be predicted. Given the historical impact that pandemics have had in terms of illness and deaths, it is vital to develop a structured plan for preparing the courts to cope with a pandemic outbreak. (p. 1)

In 2009 the World Health Organization (WHO) declared a pandemic, with the outbreak of the H1N1 influenza, “On June 11, 2009, WHO signaled that a global pandemic of 2009 H1N1 influenza was underway by further raising the worldwide pandemic alert level to Phase 6. That day, CDC held its first press conference with the new CDC Director Thomas Frieden, MD, MPH. The press conference had a total of 2,355 participants. At the time, more than 70 countries had reported cases of 2009 H1N1 infection, and community level outbreaks of 2009 H1N1 were ongoing in multiple parts of the world” (<http://www.cdc.gov/h1n1flu/cdcresponse.htm>).

Millions of people around the world and hundreds in the United States were sickened by the influenza. With a COOP in place the courts can operate if they are dealing with a pandemic.

ALTERNATIVES

Alternative one for the Supreme Court of Illinois is that they do nothing. This means no emergency policy and no COOP. This also means that there is no guarantee the courts of Illinois are able to be open and functioning after a major disruption or disaster.

Alternative two is that Illinois could have used the National Center for State Courts' "A Comprehensive Emergency Management Program: A Model for State and Territorial Courts, 2007", this model has detailed and structured templates for a COOP. This alternative would not have been much different from what the Illinois courts already have, but it is a plausible alternative.

Alternative three is that each COOP not be specific to each county court. The Supreme Court could have enacted policy that was uniform for each county. If a county experiences a major disruption of disaster it could take the policy and do what it needed to do, to keep its court up and running.

Recommended Policy Change

The template system the BDR has come up with is a great system and allows for easy and precise execution of the COOP policy, but BDR comes at a price. A COOP has to be updated at a minimum of once a year, but the court would like for it to be updated as changes happen. This means that the template system is going to be used from now until there is policy saying that there is no longer a need for a COOP.

The Supreme Court of Illinois and AOIC need to find a way of not having to pay for the services of BDR. BDR has made COOP planning much easier and much more assessable, but it has come at a price and it is not clear that the price will be worth it. The Illinois Supreme Court and AOIC could either make their own program or they could buy the rights from BDR for the use of the current program.

Without this change being made to the policy it is going to become costly for the state to keep it enacted. Also, other states will be less likely to look at the Illinois policy for use in their own states.

CONCLUSION

The policy that was enacted by the Supreme Court of Illinois for Emergency Preparedness, which includes each county court having a COOP is good sound policy. This policy ensures that all courts in Illinois are able to withstand a major disruption, emergency or disaster and be able to serve the citizens of Illinois. It is quite likely that without this policy the courts of Illinois could end up like those of Southern Louisiana left with the destruction of Hurricane Katrina.

Dwight D. Eisenhower once said, “Plans are nothing; planning is everything”. This is what COOP policy embodies. This policy causes everyone involved in the justice system to think about what could happen and how it can be handled.

Keeping the courts open and the justice system at work may not seem like an important thing when there has just been a major catastrophe, but it is truly one of the most important. As illustrated there are so many functions of the court that are vital in times of an emergency and if the courts are not open those functions cannot be carried out.

This is a policy that all states should adopt and have carried out in all of their courts. An emergency can happen anywhere at any time and on any scale. Illinois has a great policy in place and any state could take it and adapt it for their own use. Without a COOP there is no way that a court will be able to be open and functioning after an emergency has shut a court down.

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Appendices

APPENDIX A

Williamson County Circuit Court

CONTINUITY OF OPERATIONS PLAN:

Emergency Management, Evacuation

**Policies and Procedures for Emergency
Management and Continuity of Operations,
Evacuation and Influenza Pandemic**

Approved:

Amended:

Williamson County Circuit Clerk and Circuit Court

Emergency Management and Continuity of Operations Plan

This policy is designed for a safe and efficient evacuation of the public and employees under the direction of the Williamson County Circuit Clerk and Circuit Court, and for the continued operation of the Court during an emergency.

I. Emergency Response Coordination

Williamson County, and the Williamson County Courts, is committed to protecting the health and safety of the judicial branch personnel and to keeping the courts open and operational in the event of a disruption and/or emergency.

This Plan shall be filed with the Office of the Chief Judge, and updates will be sent annually to that office. The Chief Judge, or designee, will file all Emergency Management plans within the Circuit with the Administrative Office of Illinois Courts, in compliance with the *Emergency Preparedness Standards of the Illinois Courts* (2009).

This plan is designed to work in coordination with the Williamson County Emergency Management Agency, with the other offices within the Williamson County Courthouse, and with any other emergency operations plan for the judicial circuit or County.

A. Emergency Management Coordinating Team

The Williamson County Circuit Court Emergency Coordinating Team consists of the following personnel:

Stewart Hall

Circuit Clerk
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618 997-█ ext █ (work)
618 997-█ (work)
618 922-█ (cell)

Judge Philip Palmer

Circuit Judge
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618-997-█ ext █ (work)
618-█ (home)
618-944-█ (cell)

Alan Gower

Director- Williamson County EMA
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618-993-█ (work)

Judge Ron Eckiss

Presiding Circuit Judge
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618 997-█ ext █ (work)
618 █ (home)

Sheriff Bennie Vick

Williamson County Sheriff
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618-997-█ ext █ or █ (work)
618-█ (home)

Steve Land

Deputy Dir- Williamson County EMA
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618-993-█ (work)

618-925-████ (cell)

Brent Gentry

County Board Chairman
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618-997-████ ext.████ (work)
800-997-████ (toll free)
618-████ (home)

CAPT. Bob McCurdy

Williamson Co Sheriff's Office
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618-997-████ ext.████ (work)
618-922-████ (cell)

SGT. Jim Hines

Williamson County Court Security
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618-997-████
618-████ (home)
618-559-████ (cell)

618-922-████ (cell)

CAPT. Eric Fratini

Williamson Co Sheriff's Office
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618-997-████ ext.████ (work)
618-████4-████ (home)
618-922-████ (cell)

Rick Basler

Trial Court Administrator
Williamson County Courthouse
200 W. Jefferson
Marion, IL 62959
618 997-████ (work)
618 █████ (home)
618 925-████ (cell)

B. Contact Information – Alert and Notification Procedures

Each department (or office) will need to develop a calling tree or contact list to contact all employees in the event of an emergency. The list should have the name, address, phone number and cell number for each employee.

1. Circuit Court – employee contact information – see Judge Eckiss (above)
2. County Emergency Contacts – can be found in
3. The First Judicial Circuit Emergency Contact information is as follows:

Chief Judge Mark Clarke

First Judicial Circuit
2000 Washington Ave
Cairo, IL 62914

Rick Basler

Trial Court Administrator
Williamson County Courthouse
200 W. Jefferson

618 734- [REDACTED] (work)
 618-534- [REDACTED] (cell)

Marion, IL 62959
 618 997- [REDACTED] (work)
 618 [REDACTED] (home)
 618 925- [REDACTED] (cell)

Home Address:

C. Essential Functions and Essential Personnel

1. The Williamson County Circuit Court has determined the essential functions for the Court are:
 - a. Setting bond and making probable cause determinations for those persons taken into custody
 - b. Hearing emergency motions related to persons in custody
 - c. Hearing emergency motions related to the health, safety and well-being of persons in Williamson County
 - d. In coordination with the other officials within Williamson County, making determinations as to the re-establishment of normal operations of the Circuit Court

1. The Williamson County Circuit Clerk has determined the essential functions for the Clerk are:
 2. e. Acceptance and receipt of payments of all types and of bond
 - f. Staffing courtrooms
 - g. Acceptance and disbursement of child support
 - h. Communication with other court-related agencies and offices, including the Williamson County Sheriff's Department and Safety Complex
 - i. Providing files for court schedules
 - j. Making determinations as to the re-establishment of normal operations of the Circuit Court Clerk's office.

2. Upon the determination that the normal operations of the Court in Williamson County are to be disrupted. The presiding Circuit Judge or their designee (in the absence of the presiding Circuit Judge the resident Associate Judge may act in their stead; or in the absence of both individuals, any duly appointed judge within the Circuit, upon designation by the Chief Judge, may make said determinations), shall:

- k. Make a determination as to the length of disruption of services, and shall notify the Chief Judge's office of said information;
- l. Meet with the Emergency Management Coordinating Team and other personnel to determine whether operations shall be shifted to an alternative location; or what steps will be taken to address the essential functions of the Court;
- m. Notify all personnel of the status of the Courts, and if and when to report to work;
- n. Coordinate the information released by the County with information regarding the status of the Courts.

D. Information Technology

The Circuit Clerk's office is responsible for maintain the official records of the Court. As such, the Circuit Clerk shall make the appropriate determination of how to provide on-going case management services to the Court, court-related offices and the public in the event of an emergency.

1. The Circuit Clerk's information management software vendor is:

Goodin Associates, Ltd.
3473 S. Illinois Ave
Carbondale, IL 62903
618-549-0286

2. The Circuit Clerk's data back-up plan is to restore data from the back-up stored at the software vendor's location in Carbondale, IL. Data is back-up every business day.

E Alternative Court Location

For disruptions of five business days or less, a move to an alternate location would not be necessary unless ordered by the Court. In the event that a move to an alternative court location is required, all essential functions of the Circuit Court and Circuit Clerk will be shifted to one of the alternate sites listed below by order of the Chief Judge or their designee

1. Williamson County Administrative Building
and/or Williamson County Detention Center, Marion, IL
2. Illinois Army National Guard Armory, Marion, IL - PENDING
3. Herrin City Hall, Herrin, IL CONFIRMED

II. General Security Responsibilities

The Circuit Court orders litigants, witnesses and jurors to appear for a variety of proceedings every day. It is the responsibility of every Deputy Circuit Clerk, Judge, Judicial Secretary, Court reporter, Court Clerk, Court Security Officer, Bailiff and all other personnel to ensure that all persons are treated with respect and are provided a comfortable and safe environment in which to conduct business.

- A. Entrance to the Williamson County Courthouse.** It is the responsibility of the Williamson County Sheriff for the security of the Williamson County Courthouse (**55 ILCS 5/3-6023**). The Sheriff has delegated the authority to screen persons entering the Williamson County Courthouse to the Williamson County Courthouse Security Staff. If you need to contact the Sheriff's office, they may be reached at (618) 997-1301 extension 301. All persons and any item entering the Williamson County Courthouse are subject to search. This includes, but is not limited to, passing through the magnetometer.

Persons entering the building with any contraband item, weapon(s), items that may be utilized as weapons (screwdrivers, scissors, or similar items), or illegal narcotics may be asked to surrender the item to the custody of the security personnel, or may be subject to arrest.

Contractors, service personnel or workers entering the building to conduct repairs may enter the building with the appropriate tools. In order to minimize the potential for conflict, please notify the Sheriff or designee at (618) 997-1301 or in the courthouse at extension 301 if you expect any of the following:

1. Contractors, service personnel or work personnel who may be arriving with tools or repair equipment.
2. Service or delivery personnel who are bringing in electronic equipment, copiers, computers or similar items.
3. Any food or catering delivery.
4. A school or class visit.
5. A large group of visitors or persons to observe court proceedings.
6. Any press conference or public announcement.
7. A group entering the building during work hours or after hours and who will be exiting the building after hours.

Always include your name, a contact number and the location for the delivery or service work, conference or purpose of visit.

- B. Entry to the Williamson County Courthouse** –All court employees may be issued pass keys that allow access to the facility. All employees should be aware of anyone who may attempt to enter the building that do not have the required key. Do not allow any person to borrow or make a copy of any key.
- C. Securing Your Workplace** – It is the responsibility of every employee and official to secure the work area, computer and offices at the completion of the workday. Any person who legitimately needs access to your offices/work area (maintenance, Court Security) has a key.

At a minimum, each employee should do the following:

1. Log off or shut down computers at the end of the day.
 2. No file, exhibit or evidence should be left in a courtroom, conference room. Evidence materials should be secured in the vault prior to the office being closed for the day.
 3. Turn off any other non-essential electrical device, fan or heating unit.
 4. File any confidential or sensitive information prior to leaving for the day.
 5. Lock the doors to the office (if you are the last person to leave).
 6. Passwords to computers or programs should be retained in a secure location and not displayed on the desktop or taped to the computer monitor.
- D. Courtroom Security (General)** – Court Clerks should follow the direction of the Circuit Clerk and/or Judge regarding their preference in setting up a courtroom for the day. Each Clerk should be familiar with the judge, judicial secretaries and court security personnel. Prior to unlocking courtroom doors, the Court Clerk should do the following:
1. Examine the courtroom and public seating areas for suspicious objects and/or packages. If there is a suspicious package found, notify Court Security immediately.
 2. Place any files, exhibits and/or evidence at the Clerk's area or bench.

- E. Use of Duress/Panic Buttons or Calling for Court Security** – Duress/Panic buttons are located in the front counter area of each division of the Circuit Clerk’s Office. All employees should know the location of the alarm buttons. Each courtroom has a duress button located under the Clerk’s bench. Each Judge, court reporter and courtroom clerk should be able to locate the alarm button. When pushed, the alarm notifies Court Security. **Use the duress alarm only in an emergency.**

Court Clerks may be asked by the Judge to notify the judicial secretary to call for Court Security either immediately or within a pre-determined length of time. The rationale for this request may include; a defendant is being remanded to the custody of the Sheriff following sentencing, a defendant or witness has a warrant and is being arrested in the courtroom, the case requires the presence of additional security, or the Judge wants a person removed from the courtroom.

- F. Evacuation Routes, Fire Alarms, Fire Extinguishers, Duress Alarms and Flashlights** – Offices and courtrooms are equipped with limited emergency equipment. In the event of a disturbance, fire or evacuation, all employees should be familiar with the location of all emergency alarms, fire extinguishers and evacuation routes.

III. Emergency and Evacuation Procedures

These policies outline a number of scenarios that may require immediate response within the office and/or courtroom(s). Some emergency situations may require the immediate evacuation of an office, courtroom, or court floor. . In other situations, the entire building will be evacuated to either a sheltered area or to another facility.

It is the responsibility of all employees to familiarize themselves with the proper evacuation routes and understand their responsibilities during an evacuation.

A. Evacuation Due to Fire

When an alarm sounds, the determination of when to evacuate or how extensive an evacuation will be ordered is a decision to be made initially by Chief of Courthouse Security. Upon arrival, the Marion Fire Department will assume control of the facility and may order a full evacuation to meet fire-fighting or public safety needs.

If there are immediate signs of a fire – loss of power, heavy smoke, fire or heat –activate the fire alarm located nearest to your location.

If you activate a fire alarm:

- 1 Contact the Marion Fire Department and Court Security
- 2 There are fire extinguishers located on each floor.
- 3 Do not attempt to put out a fire unless you have received training on the operation of the fire extinguishers.

- 4 Immediately notify the Circuit Clerk and other Court Personnel of the nature of the emergency.

As discussed previously, there may be any number of litigants, witnesses, family members, members of the public, employees and jurors in the Williamson County Courthouse during the course of business. A calm, prompt response and prior planning will reduce the likelihood of injury and or death in the event of a fire. In general, employees and members of the public will be directed to immediately exit the building via the nearest stairwell. Employees should take care to direct members of the public to the nearest stairwell.

In the event of a full building evacuation, all Court proceedings will be immediately adjourned and the following procedures apply:

1. Judges, Court Reporters, and Circuit Clerk employees should evacuate to the First Baptist Church parking lot, 401 W. Union Street, Marion, IL using stairwells. Do not use elevator. **Do not delay your arrival to the evacuation point.** Do not go to any other location, or your vehicle, unless directed by your supervisor or a member of the Fire Department or Sheriff's staff responsible for security.
2. Jail staff will immediately escort any person in custody to the Williamson County Jail. No person in custody is to remain on any court floor during an evacuation.
3. The public should be directed to evacuate to a point at least 100 yards from the building.
4. Files, exhibits and/or evidence are to be secured in the courtroom or judicial office if time permits. **The first priority for any Deputy Clerk, Judge or court employee is the evacuation of all staff, public and any other personnel.**
5. Circuit Clerk employees should not leave the secure area until notified by the Circuit Clerk that they are to return to the building, or in severe instances be released for the work day.

Following the fire, and after the Marion Fire Department has given notice that the building or area may be re-opened, Circuit Clerk staff should immediately determine the extent of the damage and what steps will be necessary to re-occupy the space. There may be an investigation by the Marion Fire Department or Sheriff's Office in conjunction with any incident.

The Williamson County Crisis Management Public Information Officer will handle public communications in regard to the incident. All inquiries should be directed to that office.

In the event that the building will be closed for an extended period of time, judges and judicial secretaries are asked to remember to post written notices regarding closure of courtrooms,

alternate locations for offices or court functions and contact information for the public. This information should be posted on the affected floor(s), in the lobby and on the Williamson County website.

A. Evacuation Due to Tornado or Severe Weather

Severe and life threatening weather can arise with little notice, particularly in the spring and early summer. Generally, the Emergency Services and Disaster Assistance (ESDA) Office of Williamson County is monitoring weather patterns and will provide notice of pending tornado watches, tornado warnings, ice storms and or blizzard conditions.

In the event of imminent danger from severe weather, an evacuation warning will be given. **Upon notification of an evacuation due to hazardous weather, all Court proceedings will be immediately adjourned until the parties and judge can reassemble in the Courtroom or until further notice. The Circuit Clerk's office will immediately direct staff and public to the secure areas via the stairs and close the office, locking the doors on the way out.**

The severe weather evacuation protocol is as follows:

1. Circuit Clerk employees, Judges, Court Reporters evacuate to the basement. Employees should group with their fellow staff so that a head count can be taken. Evacuate to the basement using stairwells. Do not use elevators. **Do not delay your arrival to the evacuation point.** Do not go to another location, or your vehicle. All offices are expected to evacuate without exception. Offices and courtrooms should be locked prior to evacuation.
2. The public should be directed to evacuate to the basement.
3. Jurors will be evacuated with the public.
4. Files, exhibits and/or evidence are to be secured in the courtroom or judicial office if time permits. **The first priority for any judge or court employee is the evacuation of all staff, public and any other personnel.**
5. During the evacuation period, judges will meet to determine if cases or court is to be reconvened on that day or if cases will be reset. All personnel and jurors should remain on site until released by their supervisor or the presiding judge.

Employees and the public will be advised to remain within the building during a severe weather evacuation. Members of the public may leave the building during a severe weather evacuation. Employees may leave the building during a severe weather evacuation with permission of their supervisor. Any person or employee leaving the building during a severe weather evacuation does so at their own risk.

C. Bomb Threats

For the purpose of this plan, a bomb threat is defined as a written or oral threat by a person or group to detonate one or more explosive or incendiary devices which are designed to injure or kill any number of persons, destroy a portion or an entire building, or disrupt the normal operations of the County in any fashion.

According to the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco and Firearms (ATF), a vast majority of bomb threats are false, and are designed to disrupt the normal operations of a unit of government. Even with that in mind, every bomb threat must be taken seriously. Any individual willing to risk imprisonment, injury or death may well place a bomb and detonate such a device without warning.

A majority of bomb threats will be delivered by phone. Occasionally, a threat will be received in writing or by recording, or delivered by a third party. The bomb threat protocol is as follows:

1. If any employee or supervisor receives a bomb threat, that person should gather as much information as possible about the nature of the threat and immediately notify the Chief of Courthouse Security – use the card provided as Appendix G to gather the appropriate information. **Do not use the fire alarms.**
2. The Chief of Courthouse Security and the Sheriff will make the initial determination regarding the evacuation of the building. Upon arrival, the Marion Fire Department or Police Department may order a full evacuation of the building as the situation warrants. As has been stated before, a vast majority of threats are false and are placed in order to disrupt the Court's operation.
3. Upon notice of a bomb threat, a full inspection and search of the interior and exterior of the building will be conducted.
4. During a search, the presence of employees familiar with the work area will provide the law enforcement personnel with information regarding whether there are suspicious packages or if an area has been secured during the entire day.
5. A search of every work area and storage area will be conducted. If a suspicious object is discovered:
 - Do not touch or move the object or package.
 - Notify the appropriate personnel of the location and description of the object.
 - Do not use cell phones, pagers or radios within the immediate vicinity of the object.
6. If an evacuation of the building is necessary, follow the same steps as provided in Section A **Evacuation Due to Fire**. Generally, the public and employees should be directed to evacuate via the nearest stairwell.

D. Evacuation Due to Loss of Electrical Service

In the event of a catastrophic failure of electrical service or that none of the secondary systems are available to provide electrical service, the following evacuation protocol should be observed:

1. Prepare to evacuate the Circuit Clerks offices, courtrooms and work areas.
2. Circuit Clerk employees should lock cash drawers and vaults prior to evacuation, **if feasible to do so**. The office should be secured (cash drawers and vaults) and doors locked prior to leaving unless delaying evacuation would jeopardize the safety of the employee.
3. Courtroom files, exhibits and evidence should be collected and secured in the courtroom or judicial office if possible.
4. Jail personnel shall take charge of any defendant(s) or witnesses who are in custody and return them to the Williamson County Jail.
5. Follow the instructions for evacuation as set forth in **Section A Evacuation Due to Fire**. Generally, the public and employees should be directed to evacuate via the nearest stairwell and not use the elevator. All members of the **public** should evacuate with the employees.
6. Circuit Clerk and court employees are to evacuate to the First Baptist Church parking lot, 401 W. Union Street, Marion, IL. Circuit Court employees are to remain at their designated location until released by the Circuit Clerk.

E. Courtroom Disturbances

The nature of the work being performed in the courtroom inevitably leads to conflicts between defendants, witnesses, victims, attorneys and members of families. These conflicts may result in shouting, heated exchanges, profanity and assaults. Court Security staff should be notified of confrontation.

First Judicial Circuit Local Court Rules state that there are no taking of photographs, audio or video recording in the courtrooms and/or adjacent hallways and offices. This rule is generally suspended during ceremonial proceedings and weddings. If you have any questions regarding enforcement of this Rule, contact the judge presiding in the case or courtroom.

To maintain order, Court Clerks should advise persons entering the courtroom of the following:

1. To remove coats and hats.
2. There is no reading of newspapers or other periodicals in the courtroom.

3. There is no food or drink allowed in the courtroom.
4. Cellular phones and pagers are to be turned off.
5. There should be no loud talking or other disruptions during court proceedings.

Persons who refuse to comply are subject to removal by Court Security and/or contempt proceedings.

In the event of a courtroom disturbance, responsibility is delegated as follows:

1. **Judge** – Should determine when and if to call Court Security. In the event of a confrontation, the Judge should provide direction to the Court Clerk and Court Security if a person or persons are to be removed. If necessary, the Judges should be prepared to adjourn Court until order is restored.

Judges may utilize the Courtroom Clerk to summon Court Security or in an emergency activate the duress alarm.

A recess to allow an attorney to counsel a client or to allow a family member to calm a party to a case may be preferable.

2. **Courtroom Clerk – Take the direction of the Judge or Court Security personnel during or following a confrontation or incident.** Enforce the rules of the Court fairly and in a measured tone. Do not escalate a confrontation. If presented with a member of the public, or party to a case, who will not comply with your request, inform the Judge.
3. **Court Security** – Follow the security protocol as established by the Sheriff's Department. Enforce the directives and/or orders of the Judge.
4. **Court Reporters** - Take the direction of the Judge or Court Security personnel during or following a confrontation or incident.
5. **Judicial Secretaries** – Take the direction of the Judge or Court Security personnel during or following a confrontation or incident.

A verbal or physical confrontation may result in criminal charges against the participants. Courtroom personnel and witnesses may be called upon to make a statement to the Sheriff's office or other Law Enforcement Agency and may be asked to testify at a later proceeding.

If the courtroom is ordered to be evacuated, the Judge will inform the Courtroom Clerk and Court Security if and when the proceeding will resume. A confrontation may result in extra security measures when the defendant or witness appears again.

F. Armed Person(s), Violent Incident, or Shots Fired in Williamson Courthouse or Immediate Vicinity

This situation may arise without prior notification or warning to any person or office. If possible, Court Security will provide notification to the offices via the phone or in person. Please follow the protocol below:

1. **Armed Person/Violent Incident/Shots Fired within the Building** – The Sheriff's Department and Court Security may become aware of an armed person within the building only following a violent confrontation and/or incident. Their response will be based on the information available. If a description or the identity of the person is available, all resources will be concentrated on locating and subduing the individual.

When a supervisor or employee is notified to secure their office or department, all persons within the office (employees and the public) should be confined behind locked doors. No person should be allowed in or out of the department until further notice. Circuit Clerk employees and any members of the public in the office at the time should move to the rear of the office away from the glassed in areas.

If a Judge or court personnel is notified during open court of this situation, Court should be immediately adjourned. All employees and members of the public shall remain behind closed and locked doors. **Do not exit your office for any reason until you are notified by Court Security that the incident has been diffused.**

The identity of the armed person may be unknown. It may be an employee. No person should be considered "safe" until a Court Security Officer informs a department or supervisor that the situation has been resolved. No person will be allowed in or out of the Williamson County Courthouse until the situation is resolved.

2. **Armed Person/Shots Fired or Violent Incident in Immediate Vicinity of the Williamson County Courthouse** – The identity of the person may be known or unknown. Based on the information available, there will be an immediate search of the area.

Employees may be directed to remain within the building, or be directed to other buildings until the event is over. The identity of the armed person may be unknown or it may be an employee.

If you become aware that a person has a weapon of any kind or observe an act of violence, contact the Chief of Courthouse Security immediately. You will be asked to provide a description of the person (height, weight, sex, race, hair color, color of clothing and approximate age) and the weapon.

G. Procedure for Hazardous or Severe Winter Weather

In the event of severe winter weather, it shall be the responsibility of the Williamson County Sheriff and Presiding Judge to determine whether the Williamson County Courthouse is open for business.

Upon closure of the Court or courthouse, the Presiding Circuit Judge should notify the Chief Judge's office by fax regarding the nature of the closure, length of time for the closure, and any other relevant information pursuant to the Illinois Supreme Court's *Emergency Closing Policy and Procedures (April 2007.)*

H. Medical Emergency

In the event of a medical emergency involving an employee, Judge, defendant or any other person, the primary goal is to stabilize the person until qualified medical help can arrive. The protocol for managing a medical emergency is as follows:

1. Immediately call 911 to have an ambulance and an Emergency Medical Technician (EMT) dispatched to the Williamson County Courthouse. Give specific information regarding the location of the patient and any description of the symptoms or illness.
2. Stay with the patient until medical help arrives.
3. Have a second person notify Chief of Courthouse Security of the nature and location of the incident and that an ambulance has been dispatched.
4. If the patient is a Circuit Clerk employee, notify the Circuit Clerk. Stay with the employee until you are comfortable leaving.

IV. PANDEMIC INFLUENZA AND RELATED HEALTH EMERGENCY PLAN

SECTION 1 Introduction

The annual threat of seasonal influenza (flu) is generally understood and accepted by the public. Most people are familiar with public health messages about flu shots, hand washing, and crowd avoidance as protective measures from the flu.

Seasonal outbreaks of flu are caused by virus subtypes that are already in existence among people and that people have developed some amount of resistance to over time. *Pandemic outbreaks of flu* are caused by new subtypes or by subtypes that have never circulated among people or that have not circulated among people for a long time. When a pandemic flu outbreak occurs, a new type A flu virus:

- emerges in the human population,
 - 1 causes serious illness, and
 - 2 spreads easily from person to person world-wide.

Pandemic flu outbreaks are unlike other public health emergencies. A pandemic will last much longer than most other emergencies, possibly occurring in waves of 3-6 weeks in duration, with repeated outbreaks for 4-6 months. The number of health-care workers and first responders available to work will likely reduce. To further complicate the situation, essential resources needed for a community response will be limited.

No one knows when the next pandemic flu outbreak will occur. Much of the recent concern about a pandemic flu outbreak occurring is prompted by a new strain of an avian flu virus, H5N1, found in birds in Asia and Europe. The virus has been shown to infect humans when they are in contact with an infected bird or, on rare occasions, in direct contact with another human having had contact with an infected bird. If the H5N1 virus changes through mutation or combination with a human flu virus, which would not be unusual, health officials have noted that such an unusual strain could be the source of a new pandemic flu outbreak. History and science reveal that one or more pandemic flu outbreaks will occur in the next century; the next outbreak from any possible combination of flu strains is not a matter of *if* but rather a matter of *when*.

Pandemic flu outbreaks in the past have led to high levels of illness, death, social disruption, and economic loss. Three influenza pandemics have occurred in the 20th century: 1918, 1957, and 1968. It is estimated that a medium-level pandemic outbreak of flu in the United States today could cause between 15% and 35% of the population to become ill.

The World Health Organization (WHO) developed a six phase system to communicate pandemic flu changes and developments.

Phases of a Influenza Pandemic

Phase	Definition
Phase 1	No new influenza virus subtypes have been detected in humans. However, a circulating animal influenza virus subtype poses a substantial risk of human disease.
Phase 2	No new influenza virus subtypes have been detected in humans. An influenza virus subtype that has caused human infection may be present in animals. If present in animals, the risk of human infection or disease is considered to be low.
Phase 3	Human infection(s) with a new subtype, but no human-to-human spread, or at most, rare instances of spread to a close contact.
Phase 4	Small cluster(s) with limited human-to-human transmission but spread is highly localized, suggesting that the virus is not well adapted to humans.
Phase 5	Larger cluster(s) but human-to-human spread still localized, suggesting that the virus is becoming increasingly better adapted to humans but may not yet be fully transmissible (substantial pandemic risk).
Phase 6	Pandemic: increased and sustained transmission in general population.

SECTION 1 (B) Vaccine and Antiviral Supply Levels and Availability

The two most likely interventions to be used to combat a pandemic flu outbreak are use of vaccine and antiviral medication. The Illinois Department of Public Health is planning on the most efficient way to dispense any vaccine or antiviral medication.

Key factors regarding **vaccine** use include:

- 1 A vaccine would not likely be available in the early stages of a pandemic.
- 2 Priority groups identified for vaccination during a pandemic may differ from priority groups routinely vaccinated for seasonal flu outbreaks.
- 3 Vaccine supply may improve and the need to prioritize at-risk groups may lessen over time.

Key factors regarding **antiviral medication**:

- 1 Currently, four different flu medications are approved by the U.S. Food and Drug Administration.
- 2 Treatment must start within 48 hours of illness onset and continue throughout the period of exposure.
- 3 The local Health Departments will need guidance from state and federal health authorities on the proper use of certain antiviral medications and will also provide education to community hospitals and health providers on proper use of antiviral medications.

SECTION 1 (C) Infection Control and Disease Containment

Infection control measures will be critical before and during a pandemic flu outbreak. The following measures, which are applicable to public health workers, first responders and possibly the general public, could be used to slow the spread of the disease:

- 1 screening of travelers from affected areas of the world,
- 2 limiting public gatherings,
- 3 closing schools and/or businesses,
- 4 encouraging work-at-home strategies for businesses,
- 5 using personal protective equipment and
- 6 ordering isolation and/or quarantine of infected/exposed persons.

The Illinois Department of Public Health will collaborate with local law enforcement and the courts to determine the extent that isolation, quarantine and closure orders should be issued and enforced. Further information regarding infection control is available in Appendix B and C.

SECTION 1 (D) Other Key Activities for Pandemic Influenza Preparedness

1. **Vaccines:** When, and if, a vaccine becomes available for a pandemic influenza, it will be a federal asset and therefore its distribution will be determined at the federal level. Due to insufficient supply to meet demand, the U.S. Department of Health and Human Services and Center for Disease Control have set a multi-faceted set of criteria for the distribution of vaccinations. First responders, law enforcement, doctors, nurses and pharmacists will be a priority for distribution; the general public will be a low priority. Only 25% of the population should anticipate receiving any vaccination services.

2. **Antivirals:** According to the *State of Illinois Pandemic Influenza Preparedness and Response Plan* (Version 2.04; March 17, 2006, p. 41), “influenza-specific antiviral medications, when administered as prophylaxis, can be effective at preventing influenza and, as treatment, in reducing complications, hospitalization, and death. U.S. and global antiviral drug production capacity and supply are limited and the Illinois Department of Health will be assessing the feasibility of stockpiling antivirals.”

For a fuller description of an influenza pandemic and probable response strategies – see Appendix C.

SECTION 2. CIRCUIT COURT OPERATIONAL PLAN - OVERVIEW

Even under the dire circumstances described in the introduction, the goals for the judicial system of the State of Illinois remain the same:

- 1 The personnel in control of the facilities governing the courts, the court personnel and the offices under the direction of the court must manage the cases and personnel in a manner that protects the health and safety of everyone at the facility; and

- 2 The courts must continue to operate, even in a very limited sense, to provide a forum for emergency filings and cases which are generated by the issues associated with the

pandemic.

Any scenario envisioned is likely to include:

- 1 A significant increase in emergency filings associated with the quarantine and isolation of individuals by state and local public health officials;
- 2 An absence of one-third to one-half of the work force, including judges, secretarial staff, clerks, sheriff deputies, jail staff, attorneys and parties due to illness or death;
- 3 The limitation or elimination of face to face contact between the above parties in the conduct of routine operations and functions;
- 4 Quarantine of public facilities and transportation limiting the ability of persons to access the courts;
- 5 Closure of public facilities and transportation;
- 6 Orders to keep vital support services and infrastructure available to the public;
- 7 Problems which will arise through a shortage of food supplies, clean water, available health facilities, fear of illness and/or death, the imposition of strict health quarantines and the imposition of martial law.

For a complete review of the procedures of the IDPH and for a detailed review of the emergency powers of the court - see Section 2 (D).

SECTION 2 PANDEMIC POLICIES AND PROCEDURES

SECTION 2 (A) Policies and Procedures during Phases 1 – 3 (No Pandemic Flu present in community or very rare occurrence in susceptible population)

1. Operation of the Court

The Circuit Court will continue to operate with current personnel and operating procedures.

2. Closed Circuit Court Appearances

The Chief Judge or Presiding Judge of the County may begin work with the County Board to create a written process of video arraignment and video appearances in conjunction with the County Sheriff, Jail, Juvenile Detention Facility, State's Attorney, Public Defender and Information Services offices. The video appearance system should conform to the following legal standard set forth in 725 ILCS 5/106(D):

Sec. 106D-1 Defendant's appearance by closed circuit television. When a defendant's personal appearance is not required by the Constitution of the United States or Illinois Constitution, the court may allow the defendant to personally appear at any pre-trial or post-trial proceeding by way of closed circuit television when:

- a. the court has authorized the use of closed circuit television and has by rule or order set out the type of proceedings that may be conducted by closed circuit television; and
- b. the defendant is incarcerated; and
- c. the Director of Corrections, Sheriff or other authority has certified that facilities are available for this purpose.

The video arraignment system may be available in a limited number of courtrooms dependent upon the resources within the County. A sample order for Closed Circuit or Video Appearances may be found in Appendix F.

3. Purchase of Supplies

The Chief Judge or Presiding Judge, in conjunction with the other departments within the building, will work with the County Board or County Administrator's office or County Board and Health Department to purchase and store a six to ten week supply of masks and gloves that, in the event of a pandemic, can be distributed to the staff and public who enter the building. This will require the purchase and storage of as many sets of each item or as many would be needed for a 90-120 day period.

The Chief Judge or designee will identify staff in need of being fit for N95 respirators. Fit testing should be completed prior to a Phase 4-5 declaration by the CDC or IDPH.

4. Coordination with other County Departments and Infection Control

The Chief Judge or Presiding Judge, in conjunction with the other departments within the building, will work with the County Administrator's office or County Board and Health Department to draft rules and procedures for the operation of the building in the event of a pandemic which includes;

- a. The process for distribution of face masks and gloves to staff (including N95 respirators),

- b. The process for distribution of face masks and gloves to the public,
- c. Social distancing protocol for each office,
- d. Rules for transport of incarcerated defendants who may be infected by the pandemic,
- e. Rules for the cleaning of offices and public spaces during the various phases of the pandemic,
- f. Establishment of a communication protocol with the judges and staff within the department in the event that any of the staff becomes infected, operation of the court is reduced, the building is quarantined and/or the courts are closed during a pandemic.

5. Communication with County Departments, Attorneys and the Public

The Chief Judge or Presiding Judge, in conjunction with the other departments of the building, will determine a process for communicating with the local bar association, attorneys, social services agencies, other counties, state agencies (including the Department of Children and Family Services and the Department of Corrections) the status of the courts during the various phases of the pandemic.

6. Orders for Isolation and/or Quarantine

Establish a protocol with the local Health Department for the issuance of orders for isolation, quarantine and/or closure under 20 ILCS 2305. See Appendix D and E for examples of each order.

SECTION 2 (B) Policies and Procedures During Phases 4- 5 (Clusters of infection with limited human-to-human transmission but spread is highly localized, suggesting that the virus is not well adapted to humans, transition to increased adaptation and risk of transmission)) – see Section II (D) for a detailed review of the emergency powers of the court.

1. Operation of the Court

Following any formal announcement by the Illinois Department of Health or local Health Department declaring a Phase 4 or higher pandemic, each week, at a pre-determined time and location, all staff and judges within the Courts should have a briefing regarding status of the courts, possible closures, updates in personnel policies and other information regarding the court operations. This procedure may be implemented without a formal declaration if necessary.

Judges should expect to see a marked increase in the number of attorneys, witnesses, defendants and other persons who are unavailable to appear due to illness or the need to care for family members who are ill. Jurors may become increasingly unwilling to appear for jury duty. Offices with a high percentage of employees with minor children or other care-giving responsibilities will be affected earlier than other offices.

The Judges and court staff should prepare for the likely need to begin reducing the number of operating courtrooms, limiting and/or suspending the filing of certain cases, suspend most jury trials, or operate without court clerks to assist in the operation of the Circuit Clerk's Office or other court related offices who experience a disparate impact due to the pandemic. Any final decisions regarding any of these steps should be communicated to the public, bar and court-related offices as soon as possible.

2. Communication with Staff / Departments

An updated list of available personnel should be made available to all judges, clerical staff and related county departments, including the County Administrator or County Board Chair, State's Attorney, Public Defender, Court Services and Circuit Clerk. This listing should include name of staff, location, phone number(s) and other contact information.

3. Appointment of an Acting Chief Judge

In the event that the Chief Judge becomes ill or incapacitated, an acting Chief Judge should be appointed. If the Chief Judge is unable to act or make an appointment within a reasonable timeframe, the Circuit Court shall establish a methodology for appointment of an acting Chief Judge or Chief Judge pro tem. Judges may consider a process where seniority (by years of service) or an election is the method for appointing an acting Chief Judge. The process should contemplate the real possibility that multiple judges may be simultaneously affected by the pandemic. The acting Chief Judge or Chief Judge pro tem shall have all authority granted to the Chief Judge.

4. Staffing and Assignments

In the event that personnel are absent due to personal illness, or to take care of children / relatives who may have become ill, available staff members may be pooled or moved to different offices to assist in the operation of the courts.

Rules regarding social distancing may include the isolation of a judge and one clerical person per Court office depending on the design and functions of the Court floors.

5. Pay and Sick-leave policies

The Chief Judge or Presiding Judge will abide by Department, County or State personnel policy governing sick leave and absences due to a pandemic.

6. Return to work

The Chief Judge or Presiding Judge may require a signed doctor's statement at the time an individual returns to work from illness due to influenza or illness associated with the pandemic. State or local personnel policies, or policies governed by local health officials, may define further information that may be required at the time the individual returns.

7. Coordination with County Departments and Infection Control

The Chief Judge or Presiding Judge may designate a judge or division to manage the requests for quarantine and/or isolation from the Health Department. This information will be communicated with the Director of the Health Department, County Administrator or County Board, State's Attorney and Sheriff.

If required by County policy or order of a Health official, all employees and persons entering the building may be required to wear disposable masks to limit the opportunity for exposure. Disposable single-use gloves may be required to be worn.

All gloves and masks should be disposed in a biohazard container at the end of the work day. EMPLOYEES ARE ADVISED TO NOT REUSE ANY OF THESE ITEMS, unless specifically authorized to do so by directive from the IDPH or CDC.

If other infection control measures are put in place by any health authority, all Court personnel and judges will be required to abide by those protocols.

Rules governing the transport of persons in custody who are infected or risk infection will be established and posted if necessary. The County Jail, County Juvenile Detention Facility, Illinois Department of Corrections, Illinois Department of Human Services and related agencies will be advised in writing of any rules adopted by the Court. The Illinois Department of Health and County Health Department will advise the Chief Judge or Presiding Judge prior to adoption of any rule.

Judges should familiarize themselves with the following documents:

- County Detention Facility Infection Control Program
- County Detention Facility Health Assessment

8. Record-keeping of court activities

All judicial secretaries or staff is expected to have the ability to keep accurate court records for any division or judge to whom they are assigned. This includes updating calendars and the data system utilized by the County. Data entry activities may be shifted to any available personnel during the duration of the absence of an employee or group of employees.

Court reporters will be required to substitute for judicial secretaries when necessary.

9. Isolation / Quarantine / Closure of the Williamson County Detention Center

In the event of an outbreak, local medical personnel in the hospitals and Health Department have a communication protocol with the IDPH. The IDPH, or their designee, may order the isolation of a patient, the quarantine of a facility, or closure of a facility for up to 48 hours for evaluation by medical personnel. After the 48 hours are expired, the medical authority has to seek a court order to extend the quarantine. The power of the IDPH for the first 48 hours is absolute under the statute.

If the Williamson County Detention Center becomes a site of exposure and transmission of influenza, it may be quarantined. If possible, the Court and State's Attorney's office must begin work with the Sheriff and Jail to triage persons in custody who may be

released upon declaration of a pandemic. The following groups of persons may be considered for immediate release:

1. Persons serving sentences where there is no threat to public safety (this should be a vast majority of persons serving their sentence).
2. All persons serving a periodic or work-release sentence would not report to the facility.
3. Pre-trial detainees in non-felony cases would be released.
4. Triage the remaining persons in custody for class of offense, nature of crime, ties to community and other factors.

If the outbreak is localized to County, mutual-aid agreements with other counties may assist the county in housing the jail population (if they cannot be released under the criteria above). The transport of the defendant, or the other jurisdiction's willingness to take the defendant, will be dependent on the health of the defendant.

Ambient air particles will not carry the influenza virus – direct contact with the victim or contact with “large droplet” contaminants (e.g. mucus from sneezing, coughing or vomit) are required to effectively spread the disease. Social distancing and the use of masks, gloves and antiseptics assist in curbing the spread of influenza. Thus, one portion of the building (the Jail) could contain infected persons without having an increased risk of spreading the disease to the remainder of the inhabitants of the building via the ventilation system. **These assumptions change if the transmission methodology of the disease changes.** If necessary, infected persons in custody may be directed to a single courtroom to limit the problems associated with transmission of the disease and/or transport of the infected person.

The Chief Judge or Presiding Judge may utilize closed circuit television appearances as provided under a written protocol governing such appearances. All appearances will conform to the standards set forth in 725 ILCS 5/106(D) and related court cases. See Appendix F for a sample order.

10. Quarantine of Illinois Department of Corrections (IDOC) Facilities

At the first alert of a confirmed human pandemic, the IDOC will initiate an all-hazards emergency management response. This will include appropriate levels of lockdown, cancellation of transport for court writs, implementation of alternative staffing plans and other security initiatives as determined by the Director.

The Department may choose to segregate incoming custodies to specific quarantine sites or, if directed by the Governor's Executive Order, cease taking admissions until the pandemic wave has ceased.

This information will be communicated to the local jurisdictions via the IDOC website and LEADS bulletins.

SECTION 2 (C) Policies and Procedures During Phase 6 (Sustained and likely transmission in general public, disruptions due to illness and/or death of significant percentage of population) – see Section 2 (D) for a detailed review of the emergency powers of the court.

1. Operation of the Court

If a public health authority (likely the Illinois Department of Health) declares that pandemic has been declared within the County, all employees and judges should expect to suspend all non-emergency operations. Under such a declaration, all public transportation would be significantly reduced or cease operation, large gatherings would be prohibited, public buildings will be closed – including all schools and colleges, all day-care facilities will be closed and most businesses would reduce their operations.

2. Staffing / Communication

The Courts shall be open for the purpose of hearing emergency matters and make determinations of bond for persons taken into custody. The Chief Judge [or designee – see B(3)] shall immediately set forth a schedule of service for judges and staff allowing 24 hour access to the Courts during the first 30 - 60 days of the declaration. This order may be extended as needed.

Only those staff and judges contacted directly to come to work by the Chief Judge (or their designee) shall be required to appear at work. All other staff members and judges should remain at home until notified.

The second priority of those judges and staff present shall be to complete any items under Section 2 (B) that remain incomplete.

The policies and procedures established under Section 2 (B) will remain in place unless circumstances require modification.

The Chief Judge should be prepared to make public any orders of quarantine in respect to closing public places or businesses, and prepare orders closing the courts for a specified period of time.

SECTION 2 (D) Emergency Powers of Local Government and IDPH

1. The Governor:

A. The Governor's Powers The Governor may, by proclamation, declare that a disaster exists and shall have emergency powers to deal with the disaster for a period not to exceed 30 days as follows:

1. To suspend the provisions of any regulatory statute proscribing procedures for conduct of State business, or the orders rules and regulations of any State agency....

2. Take possession of, and to acquire full title or a lesser specified interest in, any personal property as may be necessary including: airplanes, automobiles, trucks, trailers, buses, and other vehicles; coal, oils, gasoline, and other fuels and means of propulsion...but must pay just compensation therefore....
 3. To recommend the evacuation of all or part of the population from any stricken or threatened area within the State if the Governor deems this action necessary....
 4. To control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein....
 5. To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles....
 6. To make provision for the availability and use of temporary housing....
 7. A proclamation of a disaster shall activate the State Emergency Operations Plan, and political subdivision emergency operations plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces that the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled or arranged to be made available under this Act or any other provision of law relating to disasters....
 8. Control, restrict, and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods or services; ... **20 ILCS 3305/7**
- A-1.** If the governor is unable to act, see the provisions of the Governor Succession Act 15 ILCS 5/1 and the Emergency Interim Executive Succession Act 5 ILCS 275/4.

2. Local Governmental Entities:

A. Local Government Power A local disaster may be declared only by the principal executive officer of a political subdivision, or his or her interim emergency successor, as provided in Section 7 of the Emergency Interim Executive Succession Act. (5 ILCS 275/7) It shall not be continued or renewed for a period in excess of 7 days except by or with the consent of the governing board of the political subdivision. Any order or proclamation declaring, continuing, or terminating a local disaster shall be given prompt and general publicity and shall be filed promptly with the county clerk, township clerk, or the municipal clerk, as the case may be, in the area to which it applies.

B. Effect of a Declaration The effect of a declaration of a local disaster is to activate the emergency operations plan of that political subdivision and to authorize the furnishing of aid and assistance there under. 20 ILCS 3305/11(a) and (b)

3. Powers of the Department of Health:

A. Definition of Terms

1. Contagious Disease - An infectious disease that can be transmitted from person to person.
2. Dangerously Contagious or Infectious Disease - An illness due to a specific infectious agent or its toxic products that arises through transmission of that agent or its products from an infected person, animal or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector or the inanimate environment, and may pose an imminent and significant threat to the public health, resulting in severe morbidity or high mortality.
3. Isolation - The physical separation and confinement of an individual or groups of individuals who are infected or reasonably believed to be infected with a contagious or possibly contagious disease from non-isolated individuals, to prevent or limit the transmission of the disease to non-isolated individuals.
4. Quarantine - The physical separation and confinement of an individual or groups of individuals who are or may have been exposed to a contagious disease or possibly contagious disease and who do not show signs or symptoms.
5. Least Restrictive - The minimal limitation of the freedom of movement and communication of a person or group of persons while under an order of Isolation or an order of quarantine, which also effectively protects unexposed and susceptible persons from disease transmission. 77 IL. ADC 690.900.

B. Department Order for Quarantine, Isolation and Closure

1. The Department of Public Health may order a person or group of persons to be quarantined or isolated or may order a place to be closed and made off limits to the public to prevent the probable spread of a dangerously contagious or infectious disease until such time as the condition can be corrected or the danger to the public health eliminated or reduced in such a manner that no substantial danger to the public's health any longer exists, if:
 - a. the person subject to quarantine/isolation, or owner of the premises to be closed gives prior consent, or
 - b. without prior consent if, in the reasonable judgment of the Department, immediate action is required to protect the public from a dangerously contagious or infectious disease. In such an event, the Department shall, as soon practical, within 48 hours after issuing the order:
 - i. obtain a consent of the person or owner, or
 - ii. file a petition within 48 hours after issuance of an immediate order. 20 ILCS 2305/2 (b) and (c). See also 410 ILCS 325/7 (b) and (c).
2. Basis of Determination - The determination that immediate action is required shall be based on the following:
 - a. The Department or the certified local health department has reason to believe that a person or group of persons is, or is suspected to be infected with, exposed to, or contaminated with a dangerously contagious or infectious disease that could spread to or contaminate others if remedial action is not taken; and

b. The Department or the certified local health department has reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others if not detained for isolation; and

c. The Department or the certified local health department has first made efforts, which shall be documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, and inspection and closure of facilities, or has determined that seeking voluntary compliance would create a risk of serious harm. 77 IL. ADC 690.1330(a)

3. Criteria for Department's Order. The immediate isolation or quarantine order shall be for a period not to exceed the period of incubation and communicability, as determined by the Department or certified local health department, for the dangerously contagious or infectious disease.

4. The Department or certified local health department shall issue a written isolation or quarantine order within 24 hours after the commencement of isolation or quarantine pursuant to a verbal order, which shall specify the following:

a. The identity of all persons or groups subject to quarantine or isolation, if known;

b. The premises subject to quarantine, isolation or closure;

c. Notice of the right to counsel;

d. Notice that if the person or owner is indigent, the court will Appoint counsel for that person or owner;

e. Notice of the reason for the order for isolation, quarantine or closure, including the suspected dangerously contagious or infectious disease, if known;

f. Notice of whether the order is an immediate order, and if so the time frame for the Department or certified local health department to seek consent or to file a petition requesting a court order;

g. Notice of the anticipated duration of the isolation, quarantine or closure, including the dates and times at which isolation, quarantine, or closure commences and ends (Section 2(c) of the Act);

h. A statement of the measures taken by the Department or the certified local health department to seek voluntary compliance or the basis on which the Department or the certified local health Department determined that seeking voluntary compliance would create a risk of serious harm;

i. A statement regarding the medical basis on which isolation, quarantine, or closure is justified, e.g., clinical manifestations; physical examination; laboratory tests, diagnostic tests or other medical tests; epidemiologic information; or other evidence of exposure or infection available to the Department or certified local health department at the time;

j. A statement that such persons may refuse examination, medical monitoring, medical treatment, prophylaxis, or vaccination, but remain subject to isolation of quarantine; and

k. A statement that, at any time while the isolation, quarantine or closure order is in effect, persons under isolation, quarantine, or closure may request a hearing to review the isolation, quarantine or closure order as set forth in Section 690.1345. (77 IL. ADC 690. 1330)

C. Verbal Orders

1. The Department or certified local health department may issue a verbal order of isolation, quarantine, or closure without prior notice to the person or group of persons if the delay in imposing a written order of isolation, quarantine, or closure would jeopardize the Department's or certified local health department's ability to prevent or limit:

a. The transmission of a dangerously contagious or infectious disease that poses a threat to the public; or

b. The transmission of an infectious agent or possibly infectious agent that poses a threat to the public health;

2. A verbal order of isolation, quarantine, or closure issued under this Subpart:

a. Is valid for 24 hours and shall be followed up with a written order:

b. May be verbally communicated by a first responder to the person or group of persons subject to isolation, quarantine, or closure; and

c. May be enforced by the first responder until a written order is issued. 77 IL. ADC 690-1330 (d).

D. Conditions and Principles for Isolation and Quarantine

1. The Department and the certified local health department shall adhere to the following conditions and principles when ordering the isolation or quarantine of a person or group of persons:

Isolated individuals shall be confined separately from quarantined individuals;

2. The health status of isolated or quarantined individuals shall be monitored regularly to determine whether they require continued isolation or quarantine;

3. A quarantined individual shall promptly be placed in isolation if the individual subsequently becomes infected or is reasonably believed to have become infected with a dangerously contagious or infectious disease that the Department or certified local health department believes poses a significant threat to the health and safety of other quarantined individuals;

4. Isolated or quarantined individuals shall be released when the Department or certified local health department determines that the individuals pose no substantial risk of transmitting a dangerously contagious or infectious disease that would constitute a serious or imminent threat to the health and safety of others;
5. To the extent possible, cultural and religious beliefs shall be considered in addressing the needs of individuals and in establishing and maintaining isolation or quarantine premises;
6. Isolation or quarantine shall not abridge the right of any person to rely exclusively on spiritual means (e.g., through prayer) to treat a dangerously contagious or infectious disease in accordance with religious tenets and practices, nor shall anything in this Subpart be deemed to prohibit a person so relying who is infected with a dangerously contagious or infectious disease from being isolated or quarantined in a private place of his or her own choice, provided that the location is approved by the Department or certified local health department. The Department or certified local health department may isolate Infected individuals who decline treatment for the period of time they are believed to be infectious and may quarantine individuals for the period during which they may become infectious.
7. An individual who is subject to an order of isolation or quarantine may supply the addresses and/or telephone numbers of friends and/or relative to receive notification of the person's detention and the Department or the certified local health department shall, upon request, provide notice to at least one such contact person and, where reasonably practicable under the totality of the circumstances, may provide notice to a reasonably number persons that the individual is being detained.
8. An individual who is detained in a medical facility, premises or other isolation or quarantine facility shall not conduct himself or herself in a disorderly manner, and shall not leave or attempt to leave such facility or...premises until he or she is discharged pursuant to this Subpart.
9. Management of a dangerously contagious or infectious disease for an affected area may require the coordinated use of local, regional, State, and national resources to specify one or more affected areas to be placed under isolation or quarantine or to be closed, so as to protect as many people as possible in the least restrictive means. If defining the precise boundaries and time frame of the exposure is not possible, or changes as additional information becomes available, the Department or certified local health department shall work with emergency management authorities to communicate the latest available information to persons in the affected area.
10. The Department encourages certified local health departments to collaborate with State, federal and local entities in meeting the needs of isolated or quarantined persons in a systematic and competent fashion, including, but not limited to, the need for adequate food, clothing shelter, communication with persons outside these settings, medication, and medical care. 77 IL. ADC 690. 1325.

E. Restricted Entry into Isolation and Quarantine Premises

Entry into isolation and quarantine premises shall be restricted under the following conditions:

1. The Department or certified local health department shall authorize health care providers or others to have access to individuals in isolation or quarantine as necessary to meet the needs of isolated or quarantined persons;
2. No person, other than the persons authorized by the Department or certified local health department, shall enter the isolation or quarantine premises;
3. Any person entering isolation or quarantine premises shall be provided by the Department or the certified local health department with infection control information and may be required to wear personal protective equipment or to receive medication or vaccination as appropriate:
4. Any person entering isolation or quarantine premises with or without authorization by the Department or certified local health department may be isolated or quarantined; and
5. The Department or certified local health department shall permit a reasonable number of individuals to enter the isolation or quarantine area if the individual signs a consent form stating that he or she has been informed of the potential health risks, isolation and quarantine guidelines of the Department or the certified local health department, and the consequences of entering the area. The individual may not hold the Department, the certified local health department, the unit of local government, or the State or any employees or agents thereof, responsible for any consequences of entering the isolation or quarantine area. If an individual poses a danger to public health by entering an isolation or quarantine area, the individual shall be subject to isolation or quarantine according to this Section.
6. Persons who are subject to isolation and quarantine and persons who enter isolation and quarantine premises shall obey the isolation or quarantine orders of the Department or the certified local health department. Failure to do so shall constitute a Class A misdemeanor pursuant to 20 ILCS 2305/2 (k) and 2305/8.1.
7. Sites of isolation, quarantine, or closure shall be prominently placarded with isolation, quarantine, or closure signs prescribed and furnished by the Department or certified local health department and posted on all sides of the building wherever access is possible.
8. Premises used for isolation or quarantine shall be maintained to minimize the likelihood of further transmission of infection or other harm to persons isolated and quarantined. 77 IL. ADC 690. 1335.

F. Petition for Court Order Authorizing Involuntary Isolation, or Quarantine or Closure

1. The petition for a court order authorizing involuntary isolation or quarantine of a person or group of persons or the closure of premises shall specify the following:

- a. The identity of all persons or groups subject to isolation or quarantine, if known;
- b. The premises subject to isolation, quarantine or closure;
- c. The reason for the order for isolation, quarantine or closure, including the suspected dangerously contagious or infectious disease if known;
- d. The date and time at which isolation, quarantine or closure will commence;
- e. The anticipated duration of isolation, quarantine, or closure based on the suspected dangerously contagious or infectious disease, if known;
- f. The measures taken by the Department or the certified local health department to seek voluntary compliance or the basis on which the Department or the certified local health department determined that seeking voluntary compliance would create a risk of serious harm;
- g. The medical basis on which isolation, quarantine or closure is justified, e.g., clinical manifestations; physical examination; laboratory tests, diagnostic tests or other medical tests; epidemiologic information; or other evidence of exposure or infection available to the Department or certified local health department at the time.

2. The petition shall be accompanied by the declaration of the Department or the certified local health department attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration. 77 IL. ADC 690. 1330 (e) (1).

G. Consolidation of Claims

1. In any proceeding brought pursuant to this Subpart, to promote the fair and efficient operation of justice and having given due regard to the rights of the affected persons, the severity of the threat to the public's health, and the availability of necessary witnesses, and evidence, the Department or the certified local health department may petition the court to order the consolidation of individual claims into group claims when:

- a. The number of individuals involved or to be affected is so large as to render individual participation impractical;
- b. There are questions of law or fact common to the individual claims or rights to be determined;
- c. The group claims or rights to be determined are typical of the affected persons' claims or rights; and
- d. The entire group will be adequately represented in the consolidation.

H. Notice

1. Upon filling a petition requesting a court order authorizing the isolation, quarantine or closure, or a petition requesting continued isolation, quarantine, or closure, the Department or certified local health department shall serve a notice of the hearing upon the person or persons who are being quarantined or isolated or upon the owner of the property that is being closed at least 24 hours before the hearing. If it is impractical to provide individual notice to large groups who are isolated or quarantined a copy of the notice shall be posted in a designated location. The notice shall contain the following information:

- a. The time, date and place of the hearing;
- b. The grounds and underlying facts upon which continued isolation, quarantine or closure is sought;
- c. The person's right to appear at the hearing; and
- d. The person's right to counsel, including the right, if the person is indigent, to be represented by counsel designated by the court.

I. Rights of Respondent (s)

1. Right to counsel and appointment thereof if indigent;

a. The Department or certified local health department may petition the court to allow alternate communication between the affected groups or persons and their representative for the court hearing and occasions outside the court hearing, depending on the mode of transmission of the disease. 77 IL. ADC 690.1360 (c).

2. Notice of reason for order for isolation, quarantine or closure;

3. Notice of whether the order is an immediate order, and if so, the time frame for the Department to file a petition requesting a court order, and

4. Notice of the anticipated duration of isolation, quarantine or closure.

20 ILCS 2305/2 (c).

J. Obtaining a Court Order of Quarantine, Isolation of Closure-Burden of Proof

1. To obtain a court order the Department must prove by clear and convincing evidence that:

- a. The public's health and welfare are significantly endangered by a person or group of persons that has, that is suspected of having, that has been exposed to, or that is reasonably believed to have been exposed to a dangerously contagious or infectious disease including non-compliant tuberculosis patients

or by a place where there is a significant amount of activity likely to spread a dangerously contagious or infectious disease.

b. All other reasonable means of correcting the problem have been exhausted and no less restrictive alternative exists.

b-1. In determining whether no less restrictive alternative exists, the court shall consider evidence showing that, under the circumstances presented by the case in which an order is sought, quarantine or isolation is the measure provided for in a rule of the Department or in guidelines issued by the Centers for Disease Control and Prevention or World Health Organization. 20 ILCS 2305-2(c).

K. Effective Period of Order

1. Isolation, quarantine, or closure authorized as a result of a court order will be for a period not to exceed 30 days from the date of issuance of the court order.

2. The Department or certified local health department may petition the court to continue the isolation, quarantine, or closure beyond the initial 30 days.

3. The Department or the certified local health department may petition the court to provide interpreters.

4. Prior to the expiration of a court order for continued isolation, quarantine, or closure, the Department or certified local health department may petition the court to continue isolation, quarantine, or closure, provided that:

a. The Department or certified local health department provides the court with a reasonable basis to require continued isolation, quarantine, or closure to prevent a serious and imminent threat to the health and safety of others.

b. The request for a continued order will be for a period not to exceed 30 days. 77 IL. ADC 690.1330 (h).

L. Service of Isolation, Quarantine, or Closure Order

Orders for isolation, quarantine or closure shall be delivered in a manner reasonably calculated to give the person actual notice of the terms of the order. The Department or certified local health department will serve notice of the isolation quarantine or closure order as follows.

1. By personal service to the person, except in cases where personal delivery would represent a spread of or exposure to a dangerously contagious or infectious disease; or

2. By certified mail, postage prepaid, return receipt requested to the person's last known address; or

3. By electronic transmission via e-mail or facsimile, provided that any available means of determining and recording receipt of such notice will be made and further provided that notice by certified mail shall accompany electronic transmission.

4. The individual making personal service pursuant to this Section shall provide a written declaration under the penalty of perjury identifying the person served and the time, date, and manner of service as proof of service.

5. If the order for isolation, quarantine or closure applies to a group of persons and it is impractical under the circumstances to provide individual notice, the Department or certified local health department may post or publish the order in a conspicuous location as an acceptable alternative to personal service. If the notice is posted or published, the Department or certified local health department shall omit the names and identities of persons and shall take other measures respecting the privacy of the persons.

6. If the Department or certified local health department determines that serving or posting the order according to subsections (a) and (c) of this Section is impractical because of the number of persons to be isolated or quarantined or the geographical area affected, the Department or certified local health department shall use the best means available, such as through the media or automated emergency telephone systems, to fully inform the affected persons of the order. If, upon petition by the Department or certified local health department, the court rules that the method used is an alternate form of personal service, then the order shall proceed as an enforceable order under this Subpart.

7. Where there is no personal service of an order, the order shall be deemed an advisory directive and shall not trigger any rights of judicial review or be enforceable by law enforcement. 77 IL. ADC 690. 1365.

M. Relief from Isolation, Quarantine, or Closure

1. Any person or group of persons who are isolated or quarantined or who are owners of places subject to closure may seek relief from the local circuit court. Any person or persons who are isolated or quarantined or who are owners of places subject to closure by order of the Department or certified local health department may apply to the court for an order to show cause why the individual or group should not be released or the place should be opened.

2. A request for a hearing under this Section shall not stay or enjoin an isolation, quarantine or closure order. To obtain release from a public health order, the person or persons, by clear and convincing evidence, must prove that the public's health and welfare are not significantly endangered by the person, persons or place subject to the order.

3. In any proceedings brought for relief under this Section, in extraordinary circumstances and for good cause shown, the Department or certified local health department may move the court to extend the time for a hearing. The court, in its

discretion, may grant the extension, giving due regard to the rights of the affected persons, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence.

4. Any hearing for relief under this Section involving a petitioner or petitioners considered to be contagious for a dangerously contagious or infectious disease shall be conducted in a manner that uses appropriate infection control precautions and minimizes the risk of disease transmission. 77 IL. ADC 690. 1345.

N. Amendment and Termination of Orders

1. The Department or certified local health department that issued the order of isolation, quarantine, or closure shall periodically reexamine the reasons upon which the order of isolation, quarantine, or closure was based. This reexamination shall occur upon any significant change in circumstances or scientific recommendations, but in any event must be done at least every 30 days.

2. If, at any time, the Department or certified local health department determines that the conditions justifying the order of isolation, quarantine, or closure no longer exist, the Department or certified local health department shall:

- a. Immediately discharge the person or group of persons or the owner whose place was subject to closure from the order of isolation, quarantine, or closure if the order was issued by the Department or certified local health department; or
- b. File a petition with the local circuit court requesting that the person or group of persons be discharged and the court order for isolation, quarantine or closure be terminated.

3. If the Department or certified local health department determines that the conditions justifying the order of isolation, quarantine, or closure continue to exist, the Department or certified local health department shall send to the person or group of persons a written notice of:

- a. The Department's or certified local health department's findings, the expected duration of the order of isolation, quarantine or closure, and the reason for the decision; and
- b. The individual's right to a judicial review of the order of isolation, quarantine, or closure by the court if the individual requests a review.

4. Upon an individual's request for judicial review, the Department or certified local health department shall file a petition with the local circuit court within 48 hours after the individual's request.

5. The Department or certified local health department shall give the affected persons an official written document providing evidence of termination of the previous order of isolation, quarantine or closure. 77 IL. ADC 690.1410.

O. Department Order for Physical Examinations, Testing, and Collecting Laboratory Specimens

1. The Department may order physical examinations and tests and collect laboratory specimens as necessary for the diagnosis or treatment of individuals in order to prevent the probable spread of a dangerously contagious or infectious disease.

2. Upon refusal the Department may order a person or a group of persons to be quarantined or isolated or may order a place to be closed and made off limits to the public on an immediate basis without prior consent of court order if, in the reasonable judgment of the Department immediate action is required to protect the public from a dangerously contagious or infectious disease.

2-a) Upon refusal of a person to consent to a physical examination, testing or collection of laboratory specimens, the Department shall give the individual a notice in writing that shall include the following:

a. The individual may refuse to consent to a physical examination, testing or collection of laboratory specimens;

b. If the individual consents to a physical examination, testing, or collection of laboratory specimens, it may subject that person to isolation or quarantine;

c. If the individual refuses to consent to a physical examination, testing or collection of laboratory specimens and that refusal results in uncertainty regarding whether he or she has been exposed to or is infected with a dangerously contagious or infectious disease or otherwise poses a danger to the public health, the individual may be subject to isolation or quarantine; and

d. He or she has the right to counsel, and appointment thereof, if indigent.

20 ILCS 2305/2(d).

3. Handling of Specimens:

a. All specimens collected shall be clearly marked.

b. Specimen collection, handling, storage, and transport to the testing site shall be performed in a manner that will reasonably preclude specimen contamination or adulteration and provide for the safe collection, storage, handling, and transport of the specimen.

c. Any person authorized to collect specimens or perform tests shall use chain of custody procedures to ensure proper record keeping, handling, labeling, and

identification of specimens to be tested. This requirement applies to all specimens, including specimens collected using on-site testing kits.

d. Nothing in this Section shall be construed to limit the Department or certified local health department's ability to conduct physical examinations and tests or to collect laboratory specimens on a voluntary basis or from engaging in other methods of voluntary disease surveillance. 77 IL. ADC 690.1380.

P. Department Order of the Administration of Vaccines Medications, or Other Treatments to Persons as Necessary in Order to Prevent the Probable Spread of a Dangerously Contagious or Infectious Disease.

1. The Department may isolate or quarantine persons who are unable or unwilling to receive vaccines, medications, or other treatments, A person who refuses to receive such vaccines, medications, or other treatments shall be given the following written notice which shall include the following:

a. the individual may refuse to consent to vaccines, medications or other treatments;

b. if the individual refuses to receive vaccines, medications the individual may be subject to isolation or quarantine; and

c. he or she shall have the right to counsel, or appointment therefore, if Indigent. 20 ILCS 2305/2(e)

2. College Student Immunization Act.

a. A bonafide member of a post-secondary education institution's student body receiving academic credit for on-campus instruction is exempt from this subsection. If he or she is in full compliance with the section provided in the terms of the College Student Immunization Act. 77 IL.ADC 694.10 et seq.

Q. Department Order for Observation and Monitoring of Person to Prevent the Probable Spread of a Dangerously Contagious or Infectious Disease.

1. The Department may order an individual to undergo observation and monitoring to prevent the probable spread of a dangerously contagious or infectious disease. A person who refuses to submit to observation and monitoring may be isolated or quarantined by the Department pursuant to section 2305/2 (c). Upon refusal, the Department shall be given a written notice which shall include the following:

a. The individual may refuse to undergo observation and monitoring;

b. If the individual consents to observation and monitoring may subject the individual to isolation or quarantine;

c. If the individual refuses to undergo observation and monitoring, and that refusal results in uncertainty regarding whether he or she has been exposed to, or is infected with, a dangerously contagious or infectious disease or otherwise

poses a danger to the public's health, the individual may be subject to isolation or quarantine; and,

d. If the individual refuses to undergo observation and monitoring and becomes Subject to isolation or quarantine he or she has a right to counsel, and the appointment thereof, if indigent.

2. Nothing in this Section shall be construed to limit the Department's or certified local health departments ability to conduct observations and monitoring on a voluntary basis or to prohibit the Department or certified local health department from engaging in other methods of voluntary disease surveillance. 77 IL. ADC 690.1390.

R. Animals: Department's Authority to Examine, Test, Disinfect, Seize or Destroy.

The Department may examine, test, disinfect, seize, or destroy animals or other related property believed to be sources of infection. The owner of such animal or other related property shall be given written notice regarding such examination, testing, disinfection, seizure, or destruction thereof.

When the Department believes such animal is infected, it may agree with the owner upon the value of the animal or any related property that the Department found necessary to destroy. If an agreement cannot be made, then:

1. The animal(s) shall be appraised by 3 competent and disinterested appraisers, thus selected. The appraisers shall, under written oath, give, in writing, a fair value to the animal(s) or related property, to be filed with the Department and preserved by it. Upon the appraisal being made, the owner or Department shall immediately destroy the animal(s) by "humane euthanasia pursuant to section 2.09 of the Humane Care for Animals Act. (510 ILCS 70/2.09); or, for dogs and cats, section 72 of the Humane Euthanasia in Animal Shelters Act.(510 ILCS 72/57). Either the owner or Department may destroy the carcass.

If the owner refuses, the Department will destroy and dispose of the carcass and the owner forfeits all value in the animal(s).

2. A final decision of the Department is subject to review pursuant to the provisions of the Administrative Review Act (735 ILCS 5/3 - 101 *et seq*). 20 ILCS 2305/2 (g).

S. Department's Emergency Authority to Obtain Access to Medical or Health Information, Records and Data.

1. The Department is authorized emergency access to medical or health information, records and date upon the condition that the Department, local boards of health, and local public health authorities shall protect the privacy and confidentiality of any medical or health information or records or date obtained pursuant to this section in accordance with Federal and State law. 20 ILCS 2305/2 (h).

T. Enforcement

1. An order issued by the Department, a certified local health department or the circuit court in accordance with this Subpart shall be enforced by all local and statewide law enforcement, and all other officers and employees of any political subdivision within the jurisdiction of the certified local health department.
2. The Department or certified local health department may request the assistance of police officers, sheriffs, and all other officers and employees of any political subdivision within the jurisdiction of the Department or certified local health department to apprehend, hold, transport, quarantine or isolate a person who is subject to an order if that person is uncooperative or unwilling to adhere to prescribed treatment or medical instruction of the Department or certified local health department. 77 IL. ADC. 690.1340

U. Penalties

1. Any person who knowingly or maliciously disseminates any false information or report concerning the existence of any dangerously contagious or infectious disease in connection with the Department or certified local health department's power of quarantine, isolation and closure or refuses to comply with a quarantine, isolation or closure order is guilty of a Class A misdemeanor. (20 ILCS 2305/2 (k)).
2. A public health order issued by a certified local health department under this Subpart is equivalent to shall be enforced as, and carries the same penalty as an order issued by the Department directly. 77 IL. ADC 690.1415

Appendix B

Section 1 - General and Hazard Information

Directions: General information on the judicial circuit, county served by the court and presiding judge is required throughout the plan. Also, all County Circuit Court are exposed to many hazards, all of which have the potential for disrupting the functions of the court, causing casualties, and damaging or destroying court facilities. While the county's Emergency Operations Plan should give details on these hazards, it is a good practice for the courts to identify the top hazards that they face.

Instructions: Please enter the general information for the court requested below. Also, please enter a summary of three of the court's major hazards. After entering this general and hazard information, please click the "Submit General and Hazard Information" button at the bottom of the form.

What is the judicial circuit number?	
What is the county name?	
What is the name of the presiding judge?	

What are three hazards faced by the circuit court?	
Hazard 1	
Hazard 2	
Hazard 3	

Submit General and Hazard
Information

Section 2.2 - Alert and Notification Procedures

Description: (Corresponds to AOIC form 2.01.01). Procedures shall be established which enables notification of court personnel that an emergency may or has occurred. The Plan shall include current contact information to enable notification of court personnel in the event of an emergency. One person should be responsible for initiating the alert and notification activities to ensure consistency of information. Electronic alert and notification systems (i.e., website, email, etc.) should be coordinated with IT staff, where available. At a minimum, a phone tree system shall be established to notify court personnel of directions to acquire additional information.

Instructions: The Chief Judge or ECO shall initiate the alert and notification activities for the circuit. Please identify the contact information for the primary and alternate personnel who is for each method to be used to distribute information during an emergency and by which system the alert or notification is to be issued (i.e. email, website, call tree, 800 number to post and receive information, etc.).

Please enter the information for each method of distribution in the form below. If additional information for a method of distribution needs to be entered, please click the "Add Button" at the bottom of the form. There is also a "Delete Button" available if information for a medium needs to be deleted. Also provided are "Move Up", "Move Down" and "Insert Above" buttons to better order the information being entered.

After entering the information for all mediums and their contacts, please click the "Submit Method of Distribution Information" button at the bottom of the form.

Method of Distribution		<input type="text"/>	
<u>Primary Person Accountable for Method of Distribution</u>			
Name/ Title	<input type="text"/>		
Office Phone Number	<input type="text"/>	Office Cell Phone Number	<input type="text"/>
Home Phone Number	<input type="text"/>	Home Cell Phone Number	<input type="text"/>
Email Address(es)	<input type="text"/>		
Out-of-Area Contact	<input type="text"/>		
Additional Information	<input type="text"/>		
<u>Alternate Person Accountable for Method of Distribution</u>			
Name/ Title	<input type="text"/>		
Office Phone Number	<input type="text"/>	Office Cell Phone Number	<input type="text"/>
Home Phone Number	<input type="text"/>	Home Cell Phone Number	<input type="text"/>
Email Address(es)	<input type="text"/>		
Out-of-Area Contact	<input type="text"/>		
Additional Information	<input type="text"/>		
<input type="button" value="Add Button"/>		<input type="button" value="Delete Button"/>	
<input type="button" value="Move Up Button"/>		<input type="button" value="Move Down Button"/>	
<input type="button" value="Insert Above"/>			
<input type="button" value="Submit Method of Distribution Information"/>			

Section 2 - Essential Court Functions

Instructions: (Corresponds to AOIC form 2.02.01). Essential court functions are tasks, procedures or activities which are required to be performed by statute, rule, court order or other court functions deemed essential by the Presiding Judge. These are functions that cannot be interrupted or deferred during, or as a result of, an emergency. Essential court functions shall be identified and prioritized for each circuit and each of its court facilities to provide efficient and effective continuation or resumption of court operations.

Essential functions must be categorized according to recovery time objectives so response efforts can be prioritized. The list below illustrates four priority levels:

PRIORITY 1 - IMMEDIATE ESSENTIAL COURT FUNCTIONS

What are the essential court functions that are involved with the direct and immediate effect on the court to preserve life, safety and protect property? Each of these functions has the HIGHEST priority to maintain with a recovery time at 0 to 48 hours.

PRIORITY 2 - CRITICAL ESSENTIAL COURT FUNCTIONS

What are the essential court functions that can be delayed until Priority 1 functions are restored but must be operational within 72 hours?

PRIORITY 3 - NECESSARY ESSENTIAL COURT FUNCTIONS

What are the essential court functions that can be delayed until Priority 1 and 2 functions are restored but must be operational within one week?

PRIORITY 4 - IMPORTANT ESSENTIAL COURT FUNCTIONS

What are the essential court functions that can be delayed until Priority 1, 2 and 3 functions are restored? This IS NOT meant to include ALL other functions, but all other ESSENTIAL functions only.

Please enter the department name and then identify and prioritize essential court function for that department in the form below. Essential personnel assigned to perform essential functions are identified in the Essential Personnel Templates. Essential court functions should include, but are not limited to: dissemination of information to essential personnel, fiscal compliance, human resource, information technology, hearings for orders of protection and warrants, mail services, etc. If additional departmental essential function information needs to be entered, please click the "Add a row" button at the bottom of the form. There is also a "Delete a row" button available if information for an essential function needs to be deleted.

After entering the information for all departmental essential functions, please click the "Submit Essential Function Information" button at the bottom of the form.

Department	Priority	Mission Essential Function
<input type="button" value="Add a row"/>		
<input type="button" value="Delete a row"/>		

Section 2.18 - Jury Management Procedures

Directions: (Corresponds to AOIC form 2.15.01). An emergency may result in the need to assemble a jury using alternative notification, assembling, and compensation methods. The emergency may also have a significant impact on the current and future jury summoning yield. A public health or catastrophic emergency may require the use of alternative jury management procedures, especially when a reduction in person-to-person interactions within the court facility are necessary to diminish the impact of a public health threat. In addition, standard procedures to convene, assemble, and compensate a jury may not be available due to geographical relocation of citizens due to a catastrophic emergency. To ensure a defendant's rights to a trial by jury are not violated, the Plan shall identify jury management procedures that would be conducted during an emergency, including but not limited to, the following:

1. Notify potential jurors of service;
2. Conduct *voir dire*;
3. Assemble and select a jury with limited person-to-person contact;
4. Conduct jury deliberations; and
5. Compensate jurors for service.

Instructions: Please enter below a description of the procedures that would be instituted in the event an emergency impacts convening, assembling, or compensating a jury. After entering this jury management information, please click the "Submit Jury Management Procedures Information" button at the bottom of the form.

What is the process for notifying potential jurors of service during an emergency event? (example: The process of juror notification would be comparable to what it is now. Jurors would receive questionnaires and/or a summons generated by the Jury 2000 computer system. The jurors would receive notice about the days of their service via a telephone call-in number or via the County's website.)

How will the court conduct *voir dire* during an emergency event? (example: Court trials would occur in alternative locations and *voir dire* would be conducted as normally as possible while adhering to the mandates of the U.S Constitution, Illinois Constitution, Supreme Court Rules and statutory authority.)

Section 3.2 - Public Health Emergency Legal Actions and Procedures

Directions: (Corresponds to AOIC form 3.02.01). Restrictive measures, such as isolation, detention or quarantine may become necessary during a public health emergency. The court's responsibility in a public health emergency is to protect the health of many, while safeguarding the due process rights of individuals. The Plan ensures the existence of a mechanism to require evaluation of non-compliant persons during a public health emergency and has developed administrative procedures to authorize isolation, detention or quarantine in homes, hospitals or other designated facilities through legal orders, motions and/or templates. Procedures include access to legal counsel and a process for the court to review emergency requests from persons subject to isolation, detention or quarantine.

Instructions: Please enter below a description of the legal actions and procedures that would be instituted in the event a public health emergency would require isolation, detention or quarantine of individuals. After entering this legal actions and procedures information, please click the "Submit Legal Actions and Procedures Information" button at the bottom of the form.

What is the mechanism to require evaluation of non-compliant persons regarding isolation, detention or quarantine during a public health emergency? (Example: Court proceedings will be held either at (location) or (location) in accordance with the 77 Illinois Administrative Code §690.1330.)

What are the administrative procedures to authorize isolation, detention or quarantine in homes, hospitals or other designated facilities? (Example: Court proceedings will be held either at (location) or (location) in accordance with the 77 Illinois Administrative Code §690.1330.)

What are the procedures for access to legal counsel? (Example: Counsel will be appointed by the Court for indigent individuals pursuant to 77 Illinois Administrative Code §690.1330.)

Section 4.5 - Court Restoration and Recovery Activities

Directions: (Corresponds to AOIC form 4.05.01). Restoration and recovery activities focus on measures to execute temporary IT processing capabilities to critical court information, repair damage to the original system, and restore operational capabilities at the original or new court facility. The Plan shall identify and prioritize recovery strategies, which may include, temporary manual processing, operation of court functions on an alternate system, or relocation of IT services to an alternate site, as follows:

1. Identify the priority and sequence to configure new hardware, reload/ re-configure equipment and restore databases, documents, or files from the most recent backup;
2. Identify recovery procedures to restore or recover all necessary items to court operations including electronic documents/records, paper documents/records, and evidence in the court's possession;
3. Identify transition procedures to resume court functions to the original facility; and
4. Review use of servers, minicomputers or mainframe equipment to determine if data could be stored more efficiently.

Instructions: Identify restoration and recovery activities and categorize each according to recovery time objectives so IT functions can be restored to operational status at the original or new court facility. The following criteria is used to determine the recovery priority for each essential court function:

PRIORITY 1 - IMMEDIATE - Those IT applications that support critical court functions. Each of these functions has the HIGHEST priority to maintain with a recovery time objective of 0 to 48 hours.

PRIORITY 2 - CRITICAL - These IT applications that can be delayed until Priority 1 IT applications are restored but must be operational within a recovery time objective of 3 to 5 days.

PRIORITY 3 - NECESSARY - These IT applications that can be delayed until Priority 1 and 2 IT applications are established but must be operational within 6 to 30 days.

PRIORITY 4 - IMPORTANT - These IT applications that can be delayed until Priorities 1, 2 and 3 are operational with an indefinite recovery time objective.

Please identify and prioritize identify and prioritize IT restoration and recovery activities in the form below. If additional IT restoration and recovery activities information needs to be entered, please click the "Add Button" at the bottom of the form. There is also a "Delete Button" available if information for a medium needs to be deleted. Also provided are "Move Up", "Move Down" and "Insert Above" buttons to better order the information being entered.

After entering the information for all IT restoration and recovery activities, please click the "Submit IT Restoration and Recovery Information" button at the bottom of the form.

Priority	Restoration/ Recovery Activity
▼	
Add a row	
Delete a row	

Appendix C

MEMORANDUM OF UNDERSTANDING

BETWEEN

WILLIAMSON COUNTY CIRCUIT COURT AND THE CITY OF HERRIN, ILLINOIS

March 22, 2010

I. Purpose

This agreement between the Williamson County Circuit Court and the City of Herrin, Illinois provides a framework for cooperation between the parties in the event an emergency or disaster results in the inability for the Court to conduct necessary legal proceedings in the Williamson County Courthouse. Pursuant to this agreement, each organization will assist the other with providing adequate facilities for emergency court proceedings.

II. Definitions

Host - the entity that provides space and other support services.

Guest Court - the court/court office that requires space and other support services.

III. Scope of Agreement

A. This agreement provides, but is not limited to, the identified assistance in cases where the host is not affected by the emergency that precipitates the activation of this agreement.

B. The time period the host support is expected to last is less than fifteen business days during which time the guest court will seek to re-establish current courtroom facilities within the Williamson County Courthouse, or negotiate an extended support arrangement with the host.

IV. Procedures

A. Availability of Space and Support

1. The parties agree to work cooperatively to schedule use of the facility in a manner to avoid scheduling conflicts and restrict access for closed proceedings.

2. The City Clerk or other designated city employee of the host entity will immediately notify the Presiding Judge of the guest court of any situation that may reduce the City of Herrin's ability or capabilities to support the Plan activation of the guest court.

B. Activation

1. The Presiding Judge or Clerk of the Court of the guest court will promptly notify the Mayor or City Clerk of the host entity that the Plan has been activated.

Memorandum of Understanding, page 2

2. During the period of Plan activation, the host will provide support to the guest court based on the requirements outlined in the attachment. However, modifications to those requirements are to be expected based on the particular circumstances of the incident or or event.

C. Reimbursement of Costs

1. No exchange of funds in advance of activation of support requirements will take place.

2. The guest court is responsible for reimbursing the host for reasonable costs associated with actual operations. Such costs are to be limited to extraordinary expenses of the host, such as supplies, equipment, personnel costs above normal salaries and benefits, security and utilities. The host is to provide the guest court with appropriate cost codes and other billing information as soon as practicable.

V. Terms

This agreement will be effective on the date the last signature thereto and will continue until rescinded, upon 30 days written notice, by either party.

This agreement is to be reviewed and renewed annually on the anniversary date of the agreement by the parties. The Presiding Judge, or their designee, of the guest court and the Mayor, or their designee, for the City of Herrin shall be responsible for the annual review.

For the Williamson County Circuit Court:

For the City of Herrin, Illinois:

Presiding Judge: _____

Mayor: _____

Date: _____

Date: _____

VITA

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