Emergency Management

PLACING YOUR BETS ... AND BEATING THE ODDS
What’s the baseline?

- State statute
- State grant requirements ~ EMPG
- Federal regulations ~ ADA
- Federal guidance
- Case law

Perception is reality – and hindsight is 20/20!
State Statute

• General duty to protect public – discretion in implementation (C.R.S. 24-33.5.702, et seq.)
  ○ Each county shall maintain a disaster agency that serves the entire county
  ○ Minimum of 1 (appointed and governed by the chief executive officer of the appointing jurisdiction)
  ○ Responsible for “planning and coordination of the local disaster services”
  ○ Notice! NO authority to command

• Declare local disasters
  ○ Trigger policy and plan activation ...
State Funding Requirements - EMPG

- Emergency Operations Plan submittal annually
- Resource Report → Resource Plan
- Exercise & Training
- NIMS Compliance
- Audits

- INCREASING THE STANDARDS!
Federal regulations & guidelines

- **HSPD 5**
  - States & localities that fail to take part in the national planning efforts can lose federal grants and other funding

- **National Incident Management System**
  - NIMS requirements at local level
  - Plan Development Standards
  - Coordination Elements: Policy Group, Command Structure, EOC, JIC, Dispatch

- **Comprehensive Preparedness Guide**
  - Whole Community Planning
Standard of Care

- Comprehensive Preparedness Guide
  - whole community planning
- NFPA
- EMAP
  - meet intent
- National Response Plan & framework
- EMPG standards
- Reduced risk requires knowledgeable prioritization by policy makers
Program Components

- Hazard Identification Risk Analysis & Mitigation Planning
- Preparation (advance planning for \textit{all hazards};)
- Testing of Preparedness (training & exercise program)
- Notification – alerting the public to emergencies and disasters and to available programs, services, and activities;
- Community Evacuation and Transportation – Before and after
- Emergency Shelter Programs - Temporary Lodging and Housing;
- Social Services and Emergency- and Disaster-Related Benefit Programs;
- Emergency Medical Care and Services;
- Relocation Programs, Activities, and Services;
- Emergency and Disaster Recovery Programs, Services, and Activities;
- Remediation of Damage Caused by Emergencies and Disasters
What are the trends?


- **DOJ v. City of Madison, Indiana** (2011)

- **Brooklyn Center for Independence of the Disabled et al v. Mayor Michael Bloomberg et al** (NYC 2011)
Case law

- **DOJ v. City of Madison, Indiana**
  - “because the City receives financial assistance from [DOJ]” ... DOJ had additional authorities
  - “services, policies, and practices” includes those provided during a disaster
  - “each program, service, or activity ... when viewed in its entirety, ... is readily accessible to and usable by individuals with disabilities”
• Poor plans – civil rights
• Poor training
• Poor records

Chapter 7 of the Department’s ADA Best Practices Tool Kit for State and Local Government (ADA Tool Kit)
What’s in your emergency management program?

- Staffing and resources? Priority-based budgeting ...
- plan reflection of capabilities
- Messaging? Communication?
- Sheltering? Red Cross?
- Whole community planning?
- Transportation needs?
What’s missing?

- Continuity of Operations – Continuity of Government
- Disaster Policies
- Resource Mobilization
- Recovery
- Local Emergency Planning Commission
- Relationship?
- Flexibility?
Beating the Odds

• In the absence of planning, the successful outcomes are dependent on luck ...

“It will all work out” is not a recipe for success