DISASTER PLANNING OUTLINES

COMPILED BY NAAG PROJECTS

NOVEMBER, 2006
DISASTER PLANNING OUTLINE - Communications

Tools

Message Development for Emergency Communication

First, consider the following:

<table>
<thead>
<tr>
<th>Audience:</th>
<th>Purpose of Message:</th>
<th>Method of delivery:</th>
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<tbody>
<tr>
<td>Relationship to event</td>
<td>Give facts/update</td>
<td>Print media release</td>
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<td>Demographics (age, language, education, culture)</td>
<td>Rally to action</td>
<td>Web release</td>
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<td>Level of outrage (based on risk principles)</td>
<td>Clarify event status</td>
<td>Through spokesperson (TV or in-person appearance)</td>
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<td>Address rumors</td>
<td>Radio</td>
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<td>Satisfy media requests</td>
<td>Other (e.g., recorded phone message)</td>
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</table>

Six Basic Emergency Message Components:

1. **Expression of empathy:**

2. **Clarifying facts/Call for Action:**
   - Who
   - What
   - Where
   - When
   - Why
   - How

3. **What we don’t know:**

4. **Process to get answers:**

5. **Statement of commitment:**

6. **Referrals:**

For more information

Next scheduled update

Finally, check your message for the following:
Positive action steps
- Honest/open tone
- Applied risk communication principles
- Test for clarity
- Use simple words, short sentences

Avoid jargon
- Avoid judgmental phrases
- Avoid humor
- Avoid extreme speculation

Checklist 1. First 48 Hours

First 48 Hours

*Critical First Steps After Verification:*

**Notification:**
- Use crisis plan’s notification list to ensure that the chain of command is aware and know that we are involved.
- Ensure that State and office leadership is aware (especially if it comes from the media) of the emergency and that they know we are involved.
- Give leadership our first assessment of the emergency from a communication perspective and inform them of our next steps. *Remember: Be first, be right, be credible.*

**Coordination:**
- Contact local, state, federal partners now.
- If there is potential for criminal investigation, contact KBI or FBI counterpart now.
- Secure a spokesperson as designated in the plan.
- Initiate alert notification and call in extra communication staff, per the plan.

**Media:**
- Be first: Provide a statement that our agency is aware of the emergency and is involved in the response.
- Be right: Start monitoring media for misinformation that must be corrected.
- Be credible: Tell the media when and where to get updates from our office.
- Give facts. Don’t speculate. Ensure partners are saying the same thing.
- Start monitoring media reports to catch trends or rumors now.
The public:

☐ Use our initial media statement as our first message to the public

☐ Ensure that our statement expresses empathy and acknowledges public concern about the uncertainty.

☐ Give the pre-cleared facts we have and refer the public to other information sites as appropriate.

☐ Remind people that our office has a process in place to mitigate the crisis.

☐ Start monitoring public calls to catch trends or rumors now.

Partners/Stakeholders:

☐ Send a basic statement to partners and stakeholders to let them know we are thinking about them.

☐ Use prearranged notification systems (preferably e-mail lists).

☐ Engage leadership to make important first phone calls, based on our plan, to partners and key stakeholders to let them know that our office is responding.

☐ Use the internal communication system (e-mail) to notify employees that our office is involved in the response and that updates will follow. Ask for their support.

Resources

☐ Conduct a crisis risk assessment and implement assignments and hours of operation accordingly.

Emergency Risk Communication:
Immediate Response to Inquiries

By phone to media:

☐ “We’ve just learned about the situation and are trying to get more complete information now. How can I reach you when I have more information?”

☐ “All our efforts are directed at bringing the situation under control, so I’m not going to speculate about the cause of the incident.” How can I reach you when I have more information?”

☐ “I’m not the authority on this subject Let me have XXXX call you right back.”

☐ “We’re preparing a statement on that now. Can I fax it to you in about two hours?”
“You may check our web site for background information and I will fax/e-mail you with the time of our next update.”

At incident site or press availability:

Response to Inquiries (you are authorized to give out the following information)

Date: _________  Time: __________  Approved by: __________________________

This is an evolving emergency and I know that, just like we do, you want as much information as possible right now. While we work to get your questions answered as quickly as possible, I want to tell you what we can confirm right now:

At approximately, ________ (time), a (brief description of what happened)

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

___________________________________________

At this point, we do not know the number of (injuries, deaths, etc.).

We have a system (plan, procedure, operation) in place for just such an emergency and we are being assisted by (police, KBI, FBI, etc.) as part of that plan.

The situation is (under)(not yet under) control and we are working with (local, State, Federal) authorities to (e.g., contain this situation, determine how this happened, determine what actions may be needed by individuals and the community to prevent this from happening again).

We will continue to gather information and release it to you as soon as possible. I will be back to you within (amount of time, 2 hours or less) to give you an update. As soon as we have more confirmed information, it will be provided. We ask for your patience as we respond to this emergency.

Checklist 2. Public Information Emergency Response Call Tracking

Time of call: ________ a.m.  p.m.

Nature of call:

☐ Specific information contained in stock materials:
  ☐ Crime incident-related
  ☐ Consumer protection-related
  ☐ Prevention-related
  ☐ Clarify recommendations
  ☐ Current status of the incident
  ☐ Hot topic 1___________
  ☐ Hot topic 2___________
☐ Request for referral:
☐ For more information
☐ For legal assistance
☐ Other ____________

☐ Feedback to agency:
☐ Complaint about specific contact with agency
☐ Complaint about recommended actions
☐ Concern about ability to carry out recommended action
☐ Rumor or misinformation verification (briefly describe)

Outcome of call:
☐ Calmed caller based on scripted information
☐ Referred caller to:
☐ Legal expert outside the department
☐ Website
☐ Other state or local agency
☐ FEMA or state emergency management agency

Action needed:
☐ None
☐ Return call to:
☐ Caller’s name: _______________ Telephone number: _______________ Gender: M F
☐ Call urgency: Level A ___ Level B ___ Level C ___

Call taken by: _________________________________ Date: ____________________________

Incident Media Call Triage Sheet

Deadline: __ 2 hours ___ Today ___ Today ___ Today ___ ASAP ___ Other

Media outlet:
☐ Local __ TV ___ ___ ___ Radio ___ Magazine ___ Other
☐ Daily/Wire

☐ Regional
☐ National

Caller’s name: (print first and last) ________________________________________________

Caller’s contact information:
Phone(s): ________________
Fax: ______________________
E-mail: ____________________

Request: _______________________________ Topic: ________________________________
☐ Interview with SME*
☐ Interview (by name request? ________ )
☐ Background/B-roll
☐ Fact check
☐ Update
☐ Return call to press officer

Action needed:
☐ Return call expected from press officer
☐ Return call expected from SME*

PIO suggested triage priority:
☐ Level A
☐ Level B
☐ Level C

No action needed; call closed by:
☐ PIO answered question
☐ PIO referred to Internet
☐ PIO referred to other agency
☐ PIO referred to outside legal advisor
☐ PIO other

Comments:

Taken by: ____________________________________________
* SME = subject matter expert

Time: a.m. _________ p.m. _____________

Date: S M T W T F S _____________

Checklist 3. Needs Assessment for Crisis and Emergency Risk Communication

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- Regional and local media contact list (including after-hours news desks)
- Procedures to coordinate with local, state, and federal law enforcement response teams
- Designated spokespersons for public safety issues in an emergency
- Public safety organization emergency response team after-hours contact numbers (KBI/FBI)
- Contact numbers for emergency information partners (e.g., Governor’s public affairs officer, local KBI/FBI public information special agent in charge, local or regional law enforcement public information officers, Red Cross and other non-government organizations)
- Agreements/procedures to join the joint information center of the emergency operations center (if activated)
- Procedures to secure needed resources (space, equipment, people) to operate the public information operation during a public safety emergency 24 hours a day/7 days a week, if needed
- Identified vehicles of information dissemination during a crisis to public, stakeholders, partners (e.g., e-mail lists, broadcast fax, press releases)

### Message and audiences

The following are types of incidents (disasters) that could require intense public information and media and partner communication responses:

- Terrorist attack on United States soil
- Terrorist attack on Kansas soil
- Bio-terrorism incident on United States soil
- Bio-terrorism incident on Kansas soil
- Assassination (or attempt) of national political figure
- Assassination (or attempt) of Kansas political figure
- Widespread attack on technology-related infrastructure (banking system, communications, etc)
- Hostage event involving Kansas political figure
- Bomb threat on Kansas soil

### Special populations

- Have we identified special populations (e.g., elderly, first language other than English, Tribal communities, border populations)? List any specific sub-populations that need to be targeted with specific messages during a public safety emergency related to our
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<td>Have we <strong>identified our organization’s partners who should receive direct information and updates</strong> (not solely through the media) from our organization during a public safety emergency?</td>
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<td>Have we <strong>identified all stakeholder organizations</strong> or populations (groups or organizations that our organization believes have an active interest in monitoring activities—to whom we are most directly accountable, other than official chain of command) who we believe should receive direct communication during a public safety-related emergency?</td>
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<td>Have we <strong>planned ways to reach people according to their reactions</strong> to the incident (fight or flight)? Are messages, messengers, and methods of delivery sensitive to all types of audiences in our area of responsibility?</td>
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<td>Are there <strong>mechanisms/resources in place to create messages</strong> for the media and public under severe time constraints, including methods to clear these messages within the emergency response operations of our organization (include cross clearance)?</td>
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<td>Identify how we will perform <strong>media evaluation, content analysis, and public information call analysis in real time</strong> during an emergency to ensure adequate audience feedback.</td>
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Have we developed **topic-specific pre-crisis materials** for identified public safety emergency issues, or identified sources of these materials if needed?

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<td>Topic fact sheet (e.g., description of the event, public safety risk, etc.)</td>
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<td>Public Q/As</td>
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<td>Partner Q/As</td>
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<td>Resource fact sheet for media/public/partners to obtain additional information</td>
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<td>Web access and links to information on the topic</td>
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<td>Recommendations for affected populations</td>
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<td>Background beta video (B-roll) for media use on the topic</td>
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<td>List of subject matter experts outside your organization that would be effective validators to public/media regarding your activities during a public safety emergency.</td>
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**Messenger**

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<td>Have we identified public safety spokespersons for media and public appearances during an emergency?</td>
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<td>Identify persons to act as spokespersons for multiple audiences (e.g., media spokesperson, community meeting speaker, etc.) and formats about public safety issues during an emergency and ensure that their communication roles and responsibilities are understood</td>
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and incorporated into their expected duties during the crisis.

### Methods of delivery (information dissemination) and resources

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| ☐   | ☐  | Does our organization have **go kits** for public information officers who may have to abandon their normal place of operation during a public safety emergency? If yes, does the kit include:
| ☐   | ☐  | A computer(s) capable of linking to the Internet/e-mail |
| ☐   | ☐  | A CD–ROM or disks containing the elements of the crisis communication plan (including media, public safety, and organization contact lists, partner contact lists; information materials, etc.) |
| ☐   | ☐  | A cell phone or satellite phone, pager, wireless e-mail, etc. |
| ☐   | ☐  | A funding mechanism (credit card, etc.) that can be used to purchase operational resources as needed |
| ☐   | ☐  | Manuals and background information necessary to provide needed information to the public and media |
| ☐   | ☐  | Care and comfort items for the public information operations staff |
| ☐   | ☐  | Have we identified the mechanisms that are or should be in place to ensure **multiple channels of communication to multiple audiences** during a public safety emergency? If yes, do they include:
| ☐   | ☐  | Media channels (print, TV, radio, Web) |
| ☐   | ☐  | Web sites |
| ☐   | ☐  | Phone banks |
| ☐   | ☐  | Town hall meetings |
| ☐   | ☐  | Listserv e-mail |
| ☐   | ☐  | Broadcast fax |
| ☐   | ☐  | Letters by mail |
| ☐   | ☐  | Subscription newsletters |
| ☐   | ☐  | Submissions to partner newsletters |
| ☐   | ☐  | Regular or special partner conference calls |
| ☐   | ☐  | Door-to-door canvassing |
| ☐   | ☐  | Are **contracts/agreements** in place to post information to broadcast fax or e-mail systems? |
| ☐   | ☐  | Have **locations for press conferences** been designated and resourced? |
Have we identified employees, contractors, fellows, interns currently working for us or available to us in an emergency, that have skills in the following areas:

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<tr>
<td></td>
<td>Public affairs specialist</td>
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<td>Risk communication specialist</td>
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<td>Communication officer</td>
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<td>Consumer education specialist</td>
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<td>Training specialist</td>
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<td></td>
<td>Writer/editor</td>
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<td></td>
<td>Technical writer/editor</td>
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<td></td>
<td>Audio/visual specialist</td>
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<td></td>
<td>Internet/Web design specialist</td>
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### Personnel

Have we identified who will provide the following expertise or execute these activities during a public safety emergency (including backup)?

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<tr>
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<tr>
<td></td>
<td>Command and control:</td>
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<tr>
<td></td>
<td>Directs the work related to the release of information to the media, public, and partners</td>
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<td>Activates the plan, based on careful assessment of the situation and the expected demands for information by media, partners, and the public</td>
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<td>Coordinates with horizontal communication partners, as outlined in the plan, to ensure that messages are consistent and within the scope of the organization’s responsibility</td>
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<td>Provides updates to organization’s director, EOC command and higher headquarters, as determined in the plan</td>
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<td>Advises the director and chain of command regarding information to be released, based on the organization’s role in the response</td>
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<td>Ensures that risk communication principles are employed in all contact with media, public, and partner information release efforts</td>
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<td>Advises incident-specific policy, science, and situation</td>
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<td>Reviews and approves materials for release to media, public, and partners</td>
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<td>Obtains required clearance of materials for release to media on policy or sensitive topic-related information not previously cleared</td>
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<td>Determines the operational hours/days, and reassesses throughout the emergency response</td>
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<td>Ensures resources are available (human, technical, and mechanical supplies)</td>
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| ❑   | ❑  | **Media:**
| ❑   | ❑  | - Assesses media needs and organizes mechanisms to fulfill media needs during the crisis (e.g., daily briefings in person, versus a Web site update)
| ❑   | ❑  | - Triages the response to media requests and inquiries
| ❑   | ❑  | - Ensures that media inquiries are addressed as appropriate
| ❑   | ❑  | - Supports spokespersons
| ❑   | ❑  | - Develops and maintains media contact lists and call logs
| ❑   | ❑  | - Produces and distributes media advisories and press releases
| ❑   | ❑  | - Produces and distributes materials (e.g., fact sheets, B-roll)
| ❑   | ❑  | - Oversees media monitoring systems and reports (e.g., analyzing environment and trends to determine needed messages, determining what misinformation needs to be corrected, identifying concerns, interests, and needs arising from the crisis and the response)
| ❑   | ❑  | - Ensures that risk communication principles to build trust and credibility are incorporated into all public messages delivered through the media
| ❑   | ❑  | - Acts as member of the joint information center of the field site team for media relations
| ❑   | ❑  | - Serves as liaison from the organization to the JIC and back
| ❑   | ❑  | **Direct public information:**
| ❑   | ❑  | - Manages the mechanisms to respond to public requests for information directly from the organization by telephone, in writing or by e-mail
| ❑   | ❑  | - Oversees public information monitoring systems and reports (e.g., analyzing environment and trends to determine needed messages, determining what misinformation needs to be corrected, identifying concerns, interests, and needs arising from the crisis and the response)
| ❑   | ❑  | - Activates or participates in the telephone information line
| ❑   | ❑  | - Activates or participates in the public e-mail response system
| ❑   | ❑  | - Activates or participates in the public correspondence response system
| ❑   | ❑  | - Organizes and manage emergency response Web sites and Web pages
| ❑   | ❑  | - Establishes and maintain links to other emergency response Web sites
| ❑   | ❑  | **Partner/stakeholder information:**
| ❑   | ❑  | - Establishes communication protocols based on prearranged agreements with identified partners and stakeholders
| ❑   | ❑  | - Arranges regular partner briefings and updates
| ❑   | ❑  | - Solicits feedback and responds to partner information requests and inquiries
| ❑   | ❑  | - Oversees partner/stakeholder monitoring systems and reports (e.g., analyzing environment and trends to determine needed messages, determining what misinformation needs to be corrected, identifying concerns, interests, and needs arising from the crisis and the response)
| ❑   | ❑  | - Helps organize and facilitate official meetings to provide information and receive input from partners or stakeholders
| ❑   | ❑  | - Develops and maintain lists and call logs of legislators and special interest groups
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| ☐ | ☐ | Content and material for public safety emergencies: |
| ☐ | ☐ | Develops and establishes mechanisms to rapidly receive information from the EOC regarding the public safety emergency |
| ☐ | ☐ | Translates EOC situation reports and meeting notes into information appropriate for public and partner needs |
| ☐ | ☐ | Works with subject matter experts to create situation-specific fact sheets, Q/As, and updates |
| ☐ | ☐ | Compiles information on possible public safety emergency topics for release when needed |
| ☐ | ☐ | Tests messages and materials for cultural and language requirements of special populations |
| ☐ | ☐ | Receives input from other communication team members regarding content and message needs |
| ☐ | ☐ | Uses analysis from media, public and partner monitoring systems, and reports (e.g., environmental and trend analysis to determine needed messages, what misinformation need to be corrected, identify concerns, interests and needs arising from the crisis and the response) to identify additional content requirements and materials development |
| ☐ | ☐ | Lists contracts/cooperative agreements/consultants currently available to support emergency public/private information dissemination |

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| ☐ | ☐ | Space: |
| ☐ | ☐ | We need space to operate our communication teams outside the EOC. We need a place to bring media on site (separate from the EOC). |
| ☐ | ☐ | We need a quiet space to quickly train spokespersons. |
| ☐ | ☐ | We need space for team meetings. |
| ☐ | ☐ | We need space for equipment, exclusive for our use. We cannot stand in line for the copier when media deadlines loom. |

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<td>□ General information about the threat</td>
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<td>□ Tip line, listing particular actions people can take to protect themselves</td>
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<td>□ Reassurance/counseling</td>
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<td>□ Managers looking for policy statements for employees</td>
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<td>□</td>
<td>□ Equipment:</td>
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<td>□ Fax machine (number that’s pre-programmed for broadcast fax releases to media and partners)</td>
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<td>□ Web site capability 24/7. Attempt to have new information posted within 2 hours (some say within 10 minutes).</td>
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<td>□ Computers (on LAN with e-mail listservs designated for partners and media)</td>
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<td>□ Laptop computers</td>
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<td>□ Printers for every computer</td>
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<td>□ Copier (and backup)</td>
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<td>□ Tables—lots of tables</td>
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<td>□ Cell phones/pagers/personal data devices and e-mail readers</td>
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<td>□ Visible calendars, flow charts, bulletin boards, easels</td>
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<td>□ Designated personal message board</td>
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<td>□ Small refrigerator</td>
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<td>□ A/V equipment</td>
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<td>□ Portable microphones</td>
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<td>□ TVs with cable hookup</td>
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<td>Organization’s press kit or its logo on a sticker</td>
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<td>Paper clips (all sizes)</td>
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DISASTER PLANNING OUTLINE - Consumer Protection

I. Establish a Consumer Protection Disaster Response Task Force
   a. State, Federal, and Local Consumer Protection Agencies
   b. Interagency Coordination/Task Force Meetings
   c. Relevant Licensing and Regulatory Agencies
      i. Obtain hard copies of licensed contractors/electricians
   d. Local Police and Sheriff’s Department
   e. Role Coordination
   f. Staffing Issues – Who Would Come Into the Office?

II. Consumer Complaint Intake
    a. Anticipating Physical Effects of Disaster on Office and Intake
    b. Back-up Plan for Power and Communication Outages
    c. Establish dependable telecommunications system
    d. Keep forms short and easy to complete
    e. Telephone Hotlines – Staffing
    f. Telephone Hotlines – Training of Staff
    g. Faxes
    h. Online Forms – Internet
    i. Outgoing messages on Attorney General voice mail messages
    j. Onsite intake
       i. public safety concerns
    i. Field Office intake
       i. public safety concerns
       ii. logistics: transportation and housing
    j. Consider sharing consumer complaints with local law enforcement and other agencies

III. Information Packet to All Levels of Law Enforcement – Distribution Before or Immediately After a Disaster
    a. Relevant Consumer Protection Statutes
    b. Complaint Intake Forms
    c. Contact Information
    d. Master List of Contact Numbers for Referrals
    e. Consumer Education Materials

IV. Typical Consumer Scams – Post Disaster – Consumer Education Efforts
    (Spanish language consumer education materials)
    a. Fictitious Fundraising for Disaster Victims
    b. Home Repair/Improvement Schemes
       Door-to-Door Sales
Contractor Licensing
Contractor Registration Materials
Guidelines for Flood Repair
Reneging on Preexisting Contractual Commitments
c. Price Gouging
   Emergency Declaration/Triggers
   What’s Covered: Lodging, Necessities, Fuel, etc.
   Price Gouging Checklist
   Chart of State Price Gouging Laws
d. Advance-Fee Loan Schemes
   Loss of Credit Cards/Financial Records
   Contact with creditors/arrangement of financial obligations
e. Employment Scams
f. Phony Disaster Relief Assistance
   FEMA debit cards/checks
g. Landlord/Tenant Issues
   Landlord – Tenant Relations: Payment of Rent
   Destruction of Home
h. Insurance
   Fake Insurance Adjusters
   Disappearance of Insurance Companies
   The Claims Process
   Insurance Coverage Issues – Policyholders Rights
   Contact with State Insurance Commission
i. Water testing scams
j. Flood Vehicles
k. Domain Name Purchases For Fraudulent Purposes
l. Mold abatement

V. Community Forums – Post Disaster
   a. Meeting to help head off frauds
   b. Share rebuilding expertise

VI. Law Enforcement Training

VII. Continuity of Operations Plan
   a. Drills and Test Responses
DISASTER PLANNING OUTLINE – Criminal Law

Criminal Justice Issues

1. Establish Statewide Criminal Justice Disaster Planning Task Force
   a. Determine relevant agencies – law enforcement, judicial, public health, gubernatorial, etc. (state, local and federal).
   b. Develop critical criminal justice contact list for each agency involved (with back-ups)
   c. Develop list of statutory changes needed to address criminal procedure issues (e.g. relaxation of rules of venue, SOL considerations – including working with federal partners on issues related to habeas, 1983, and other potential claims).
   d. Develop tabletop exercises for law enforcement and criminal justice agencies to use as training.

2. Emergency Assistance Issues
   a. Analyze Emergency Management Assistance Compact and interpret relevant statutes to determine the various state agencies’ ability to utilize Compact.
   b. Analyze need to develop intrastate assistance compact to permit law enforcement agencies to assist one another.

3. Corrections
   a. Develop/Review plans regarding the evacuation and relocation of Inmates (including housing of jail inmates in higher level correctional facilities) as well as a complete review of correctional agencies emergency plans.
   b. Develop protocol for initiating clearinghouse of information related to inmates (holds, terms of confinement, etc.) to be accessed by District Attorneys, Law Enforcement, etc.

4. Sexual Predators
   a. Review state sex offender registration statutes to determine information that can be provided to shelter and temporary housing volunteers/staff to screen for registrants.
   b. Review state sex offender registration statutes to determine information that can be provided to other jurisdictions accommodating evacuees.

Please note that it is understood that the various Offices of the Attorneys General have a wide variety of responsibilities related to the criminal justice issues. While some of the issues outlined in the initial draft of this disaster checklist may or may not pertain to your jurisdiction, please provide any feedback which you deem appropriate. In addition, should there be information absent from the considerations listed herein which you feel must be part of any effective disaster planning strategy, please advise.
c. Develop background check protocols for shelter and temporary housing volunteers/staff

d. Develop training module for shelter volunteers/staff re: sex offender registry laws, the NSOPR, etc.

e. Analyze and/or revise shelter/temporary housing registration process to include waiver of privacy for registry searches; documents notifying sex offenders of duty to register within a certain number of days; etc.

5. Governor’s Orders and Powers
a. Review powers and duties of Executive Branch in emergency situations with respect to public safety matters.

b. During and Post-Disaster - Review and maintain log of all Executive Orders issued by Executive Branch relating to public safety.

6. Miscellaneous
a. Review protocols for evacuating suspects, prisoners and crime victims from local/state hospitals. If relying on individual hospital plans, verify plan exists to address each of these populations.

b. Review procedure for getting federal authorities to waive restrictions on the use of Medicaid Fraud investigators.

c. Review Death Certificate process in absence of recovery of remains. Determine what if any statutory changes must be enacted.

7. Records/Evidence Management
a. Develop protocol with judicial and local law enforcement contacts related to the storage and retention of evidence and case files.

b. Review availability of records back-up capability at all levels of the criminal justice system (arrest through appellate level court proceedings)

8. Law Enforcement Supply Issues
a. Review procurement procedures operative during an emergency.

b. Develop advisements to state and local law enforcement related to stock of law enforcement equipment, EMAC and any intrastate assistance compacts, procurement issues, etc.

c. Review protocols for requesting assistance from the U.S. Department of Justice for law enforcement supplies during a federally declared disaster.
DISASTER PLANNING OUTLINE – Cybercrime

Pre-Disaster Planning Checklist

A. Establish state and local cybercrime disaster planning task force
   1. Agency and communication plan
   2. Agency disaster responsibilities plan for each agency
   3. Interface with other state agencies, federal agencies
      a. Discuss possibility of holding mail in temporary storage to deter possibility of ID theft
      b. Plan for assistance from other state law enforcement agencies
   4. Discussion of potential online crimes arising from a disaster
   5. Plan for protection of evidence in current cybercrime cases
   6. Plan for temporary office space
   7. Plan for backup of case and evidence information
   8. Make inventory of files and equipment
   9. Plan for additional law enforcement cybercrime training

B. Develop information kit for law enforcement agencies
   1. Copy of NAAG 24/7 Cybercrime contacts in each state
   2. Copy of local law enforcement contacts
   3. Copy of applicable computer crime statutes
   4. Copy of complaint forms

C. Develop state computer forensics laboratory plan
   1. Address waterproofing and fire-resistant solutions
   2. Develop off-site storage plan
   3. Develop plan for back-up forensics laboratory

D. Specific disaster-related computer crimes: online charity scams
   1. Consider legislation establishing state registration for charities
   2. Develop online charities database; post on or link from Attorney General’s website

E. Disaster-related computer crimes: online fraud
   1. Develop safe e-commerce practices; post on Attorney General’s website
   2. Post complaint form on Attorney General website
F. Coordinate with private sector
   1. Plan for loan of computer equipment
   2. Plan for loan of communications facilities

G. Community disaster planning cyber education forums
   1. Discuss identifying legitimate charities, including database and registration, if applicable
   2. Discuss online fraud prevention
   3. Review cyber safety information on Attorney General’s website
   4. Review online cyber crimes

Post-Disaster Planning Checklist

A. Task force communications, meetings
   1. Assess manpower and equipment needs
   2. Review computer scams, crimes arising from disaster
   3. Contact other state law enforcement agencies for assistance, as needed
   4. Contact private sector for loan of computer and communications equipment, as needed

B. Update Attorney General’s website with disaster-related information
   1. Add information on current computer scams, crimes
   2. Add additional crime prevention information, such as protecting personal identifying information

C. Conduct post-disaster community cyber education forums
   1. Review current cyber scams and crimes
   2. Review safety information and links on Attorney General’s website
   3. Provide for community feedback to uncover additional disaster-related problems
DISASTER PLANNING OUTLINE - Environment

Here is a checklist of items it would make sense for Attorneys General to do, either before a crisis erupts, or in the immediate aftermath. The list has been prepared in light of environmental risks, trying to factor in public health issues where possible. We assumed that a lot of post-disaster precautions would apply no matter what sort of disaster occurred, so did not include items like having a full list of staff members’ home phone numbers and e-mail addresses, the usefulness of an evacuation plan for the AGO, sharing sensitive or classified information, getting familiar with MOUs with other state jurisdictions, or similar items that would be done in preparation or response to any emergency, not just a public health or safety emergency.

Before a Disaster Strikes

In the public health and safety arena, it is advisable to do significant legal work before a crisis. If an environmental or public health crisis occurs, environmental and health professionals will do most of the hands-on response. It would be unlikely, inappropriate, and ineffective for a lawyer to conduct radioactive monitoring, for instance.

1. Each Attorney General should identify a person or several people as the legal backup for this sort of crisis, and to be available to go onsite if necessary. For instance, these people should be ready to go to court and obtain quarantine orders or the like, either as a representative of the state government or as a support to local jurisdictions whose staff may be disabled or unfamiliar with the law.

2. Develop a list of potential state government contacts in the event of a public health or environmental crisis. Does the the public safety and health contact have phone numbers and e-mail addresses for:
   a. the member of the Governor’s staff who covers environment/public health?
   b. the in-house counsel at the state environmental protection agency?
   c. the in-house counsel at the state Health Department?
   d. the in-house counsel at the state Agriculture Department?
   e. the in-house counsel at the state Department of Natural Resources?
   f. the in-house counsel for the state Fire Marshal?
   g. EMAC contacts?
   h. the state Adjutant General?

2. Familiarize staff with the state emergency plan.

3. Develop a list of potential federal government contacts in the event of a public health of environmental crisis. Does the office have phone numbers and e-mail addresses for:
4. Develop a **list of potential local government contacts** in the event of a public health of environmental crisis. This is complicated, because typically health and safety matters are handled by local jurisdictions. Responsibilities may be divided up among county prosecutors, corporation counsel for municipalities, local health boards, or others. Possibilities include:

   a. public safety directors (and counsel) for municipalities
   b. city and county health departments (and counsel)
   c. sheriffs’ departments

5. Compile the legal **conditions under which an emergency may be declared**

   a. by the federal government
   b. by the state government (usually the Governor, sometimes a medical board, health board, radioactive safety board, etc)
   c. by local jurisdictions.

6. Prepare a form book of potentially useful materials related to **Emergency Orders and Declarations or Proclamations of Emergency**:

   a. Executive orders declaring an emergency (drafts for each level of government). Possible emergency powers include:
      - isolation,
      - quarantine (and lifting quarantine),
      - medical examination,
      - vaccination,
      - treatment of people or animals carrying disease,
      - identifying routes, modes of transportation and evacuation centers.

   **Other emergency powers**, which are likely to have constitutional and procedural constraints, include:
   - restricting access to contaminated areas,
   - requiring disclosure of medical matters,
   - requiring health professionals to assist in emergency health and safety measures,
   - suspending the sale of consumer products,
   - using private property for public purposes to support public health and safety,
   - using public resources on private property to eliminate health and safety risks.
7. Prepare form **complaints and supporting motions** to compel compliance with emergency requirements, along with supporting case law on the conditions, authority and scope of emergency powers. To the extent possible, a “form brief” should be prepared so that it can be available if an Attorney General needs to go into court and require compliance with emergency plans, seize property or restrict otherwise legal activity.

8. Prepare **issue briefs** on questions that might arise if a general emergency or disaster occurs. Issues that might be covered are:

   a. **Warrantless searches:** Can a public servant (police, environmental person, public health worker) go into private property without a warrant to reduce a health or safety risk to the general population? Can a public servant (police, environmental person, public health worker) go into a private home without permission to investigate a public health or safety risk to the general population? Is there some standard equivalent to “probable cause,” or “plain view” that must be met before this can be done, or is there some sort of administrative order or administrative warrant that must be issued?

   b. What procedures are necessary if it is necessary to **condemn private property** in order to alleviate a threat to the public health or safety? What about personal property, as opposed to real property?

   c. Is it legitimate to require demolition of private residences or other buildings for public purposes in an emergency situation? What constitutes an emergency in this context? What procedural safeguards must be followed?

9. Address financial questions related to disaster response:

   a. What activities undertaken by state and local staff are reimbursable by FEMA?

   b. Are there particular requirements for overtime by state employees who conduct emergency response activities?

   c. Is the state liable for injuries to its workers assigned to emergency activities outside their normal duties? What about volunteers?

10. Develop a **communications plan** to publicize and explain any emergency restrictions or requirements that may be put into place.

**After a Disaster Strikes** The situation after a disaster strikes is so dependent on the specifics of the emergency, that there is no set of activities that any Attorney General will necessarily do to protect the public health, safety and the environment. The key thing is to maintain good communication within the office and with the overall emergency response structure of the state.
DISASTER PLANNING OUTLINE – Legislative

Federal, State, Local, Contacts and Legal Issues

1. Establish a comprehensive contact list for relevant federal agencies to include office, home and cell numbers
   a. Department of Homeland Security
   b. Department of Justice
   c. Center for Disease Control
   d. Department of Defense (Assistant Secretary for Homeland Defense)
   e. Department of Transportation
   f. US Attorneys in jurisdiction

2. Establish a comprehensive contact list for relevant state and local agencies to include office, home and cell numbers
   a. Governor’s Office
   b. All local District Attorneys
   c. State Disaster Assistance Officials
   d. All local Police Chiefs, town Marshalls, and Sheriffs

3. Ensure all Agencies listed in (1) and (2) above have reciprocal contact information for key disaster response officials in the AG’s office

4. Emergency Management Assistance Compact (EMAC) Procedures
   a. Establish procedures for satisfying liabilities and responsibility for costs under the compact
   b. Identify potential resources needed by AG through the compact
   c. State AG disaster response contact personnel have all contact information for EMAC Authorized Representatives for state
   d. Identify AG liaison to EMAC

5. Land Condemnation
   a. Establish file of sample orders
   b. Establish state legal support (legal memos) for land condemnation cases

6. State Evacuation Orders
   a. Compile sample orders
   b. Establish state legal support (legal memos)
   c. Establish AG liaison to Governor’s office and potential affected cities/counties

7. Governor’s Emergency Executive Orders
   a. Compile sample orders
   b. Establish state legal support (legal memos)
   c. Establish AG liaison to Governor’s office
8. Evacuation Plans for Hospitals
   a. Compile state, federal and state guidelines
   b. Establish liaison to Governor’s office and relevant state medical/hospital care associations
DISASTER PLANNING OUTLINE – Office Facilities

ADMINISTRATIVE

1. Designate essential personnel (and back-up) in each section, division and office regarding duties during a catastrophic event.
2. Develop policy, guidelines and protocol for disaster recovery implementation.
3. Develop and disseminate protocol (phone tree) to essential personnel (who initiates telephone calling, who is to be called, where/when to report, etc.).
4. Designate central contact number (this may include a 1-800-number) for employees in case of a state of emergency in order to obtain office closure information. The contact number may include a menu to provide essential information, e.g. (a) office closure information, (b) where to obtain temporary shelter, food, etc. (c) contact persons and numbers for emergency needs.
5. Create central list of contact information for employees, alphabetically for entire department and also by division. Include emergency contact information.
6. Create central list of other key telephone numbers/contact information for other governmental agencies, vendors, and emergency service providers.
7. Provide key telephone numbers of persons in charge of all offices and distribute to managers/supervisors and provide emergency numbers to employees.
8. Designate one senior person as the emergency crisis team coordinator for each division.
9. Designate person in each division as liaison with the technology office to ensure that computer data is secured.
10. Coordinate office closure procedures with that of any umbrella facilities/services organizations.
11. Coordination with local law enforcement officials to ensure essential AG personnel can access their offices.
12. Mandatory periodic training regarding (1) office policy and procedures during emergency/catastrophic events, and (2) essential items, including files, to be transported or retrieved during an emergency/catastrophic event. Additional periodic training should be given to all employees designated as “Essential Personnel” regarding duties during an emergency/catastrophic event.
13. All disaster recovery information and materials should be reviewed and updated quarterly. This oversight responsibility should be assigned to the appropriate staff person and made a regular part of the job description.
14. All disaster recovery information should be maintained in hardcopy format in addition to any electronic version. Copies should be maintained by essential personnel and additionally at other predetermined off-site locations.
15. Become familiar with emergency procurement policy and make it a part of the emergency handbook or materials.
16. Incorporate NIMS (National Incident Management System) into emergency training programs and exercises as appropriate.
17. Update office funeral and family leave policies as well as office closure policy to include catastrophic events.
18. Provide training regarding FEMA reimbursable expenses to administrative personnel and key managers.
19. Establish overtime policy for salaried, exempt employees to qualify for FEMA reimbursement.

FACILITIES
20. Determine where HQ office can be relocated during an emergency. Consider field offices. Consideration should be given to infrastructure such as sufficient phone lines, high speed Internet, etc. which would afford continued operations during an emergency.
21. Develop and maintain plans and procedures for the emergency evacuation of facilities, to include dissemination of alert information to employees, implementation of evacuation, and designation of key personnel to maintain essential functions.

IT
22. Create web-based system for displaced employees to communicate with office.
23. Back-up data files should be transferred daily to an offsite location.
24. Back-up data files should be transferred weekly to a secure location outside of the HQ region.
25. Develop list of IT individuals who are able to serve as primary and supporting responders, broken out into service areas (e.g. Internet, Intranet, website and email; general infrastructure, network, servers, security; database applications; general IT issues).
26. Consider use of mobile datacenter (ready truck with servers and operational LANs and WANs to support a makeshift office) or service (36-48 hour response with mobile office trailers complete with computers, fax machines, satellites, servers, printers).
27. Investigators should be given laptops to enter data regarding complaints in the field.
28. State cell phones should be provided to everyone in the field.
29. VOIP phone technology allows great flexibility in transferring phone lines to Internet ready access points. While costly to replace a current phone system, consideration of this technology in potential telephone system replacement plans should be considered.