

APPENDIX B.15

Operating Objective: Public Safety and Law Enforcement

It is likely that, as health and mortality issues increase during a pandemic, the responsibility of the justice system will rapidly expand-greater calls for service, added security responsibilities for health care and related facilities, enforcement of court-imposed restrictions, public education, control of panic and fear and associated behaviors, and ensuring that the public health crisis is not used as an opportunity for individual or organizational (criminal) gains. It is critical that all components of public safety, public and private, be concerned with preserving the rule of law in our communities, whether they be civil and criminal courts at the state, county or municipal level, law enforcement and private security agencies, and institutional and community corrections agencies. That can be best achieved through coordinated planning in advance of a pandemic.

The following guidance from the National Strategy for Pandemic Influenza Implementation Plan¹ is relevant to planning by State law enforcement officials:

8.1.1.1. States should ensure that pandemic response plans adequately address law enforcement and public safety preparedness across the range of response actions that may be implemented, and that these plans are integrated with authorities that may be exercised by Federal agencies and other State, local, and tribal governments.

8.1.1.3. State, local, and tribal governments should review their legal authorities that may be needed to respond to an influenza pandemic, identify needed changes in the law, and pursue legislative action as appropriate.

8.1.1.5. States should ensure pandemic response plans address EMS, fire, public works, emergency management, and other emergency response and public safety preparedness.

8.1.4.1. State, local, and tribal law enforcement agencies should coordinate with appropriate medical facilities and countermeasure distribution centers in their jurisdictions (as recognized in Chapter 6, security at these facilities will be critical in the event of an outbreak) to coordinate security matters.

While it is recognized that the primary *State* level law enforcement agency does not exercise operational control over county sheriffs and local law enforcement departments, it is essential that an appropriate State level agency or committee provide guidance and assistance to local law enforcement officials to help ensure they have up to date information for protecting their employees and continuing to provide essential services when facing the challenges created by a pandemic. In addition to operational

¹ A copy of Chapter 8 - Law Enforcement, Public Safety and Security, is attached.

considerations, these efforts and procedures could include the development of training materials and guidance on protective measures for workforce sustainability, as well as meeting the needs of families.

Coordinated planning with Public Health and Emergency Management officials at the State, county and local level is also essential to enable a proper response in a public health emergency such as a pandemic. Similarly, law enforcement officials should ensure there is coordinated planning and coordination between all interdependent components of the criminal justice system (courts, corrections, law enforcement, prosecutors and probation/parole), to ensure uninterrupted essential services and ability to perform essential functions. Resources to assist states in their planning have been collected at: <http://www.ojp.usdoj.gov/BJA/pandemic/resources.html> .

CDC/HHS has released planning checklists for corrections and law enforcement. These can be found at [http:// www.pandemicflu.gov/workplaceplanning/correctionchecklist.html](http://www.pandemicflu.gov/workplaceplanning/correctionchecklist.html) .

Coordination at the State level with National Guard officials would also be useful in the event these guard forces were needed to supplement law enforcement. States should consider making reference to these resources in their plans and consider the circumstances or “triggers” under which such assistance would be requested. The attached memorandum from the National Guard Bureau outlines the procedure for obtaining support ².

In the event State law enforcement and national guard personnel need further augmentation to enforce order or perform other law enforcement functions, federal law enforcement assistance can be requested. As a last resort, federal military personnel can also be requested. The attached letter, which was sent to each Governor last year, outlines the procedures and requirements for obtaining such assistance ³.

2. State National Guard Law Enforcement Training Requirements (see accompanying PDF file)

3. Requests for Assistance from Federal Military Forces (see accompanying PDF file)

NOTE: HHS WILL PROVIDE AN EXCEL SPREADSHEET ESPECIALLY DESIGNED TO FACILITATE SUBMISSION OF THE INFORMATION REQUESTED IN THIS APPENDIX.

PREPARE

DESCRIPTION OF SUPPORTING ACTIVITY	CITATION TO SUPPORTING DOCUMENT	IF NOT APPLICABLE, PLEASE EXPLAIN
Has the State, in collaboration with local and tribal governments, reviewed their respective legal authorities relative to what may be needed during an influenza pandemic, assessed whether changes are needed in laws or regulations, and, if so, pursued legislative remedies?	For this activity and each one below, please include Title Page(s) First 5 words of first sentence	
Has the State provided guidance for local and tribal law enforcement agencies regarding how to meet the potential security needs of medical facilities and countermeasure distribution centers during an influenza pandemic?		
Has the State provided local and tribal law enforcement agencies with training materials and guidance on protective measures for workforce sustainability as well as the meeting the needs of officers' household members?		
Activity Added by State		

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RESPOND AND RECOVER

DESCRIPTION OF SUPPORTING ACTIVITY	CITATION TO SUPPORTING DOCUMENT	IF NOT APPLICABLE, PLEASE EXPLAIN
How will State officials coordinate the actions of the interdependent components of the criminal justice system (to include courts, corrections, law enforcement agencies, prosecutors, and probation/parole officials) to avoid or limit interruption of essential services and functions during an influenza pandemic?	For this activity and each one below, please include Title Page(s) First 5 words of first sentence	
Are triggers and procedures in place use the National Guard to supplement State, local, or tribal law enforcement agencies?		
Are appropriate State officials aware of the procedures to request emergency federal law enforcement assistance?		
For jurisdictions which have international ports, airports or borders, has coordination been made with appropriate federal officials in the event security must be provided for facilities where individuals may be temporarily quarantined?		
Are appropriate State officials aware of the procedures to request federal military assistance to provide law enforcement functions, or military equipment and facilities, training, and maintenance support?		
Activity Added by State		