# **Forsyth County Courts**



# **CONTINUITY OF OPERATIONS (COOP) PLAN**





## August 2017

#### SECURITY NOTICE / WARNING:

This document is an operational plan for responding to emergencies in the Forsyth County 21<sup>st</sup> Judicial District. Much of the information contained is confidential and Sensitive Public Security Information, and therefore exempt from public disclosure under NC General Statute 132-1.7(c). The existence of this plan itself is not confidential. Judicial official and employee personal information is confidential under NC General Statute 126-23, 24. Distribution, circulation, and reproduction of this plan should be limited to appropriate designated court personnel and local officials. This document may be distributed in part or entirety to protect its confidential components.

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#### SECTION I: INTRODUCTION

## I-1 Purpose and Objective

This Continuity of Operations Plan (COOP) establishes guidance to ensure the execution of the mission essential functions for the Forsyth County Courts (FC Courts) in the event that an emergency in Forsyth County threatens or incapacitates operations, and the relocation of selected personnel and functions to an alternate facility is required. Specifically, this plan is designed to:

- a. Ensure that the FC Courts is prepared to respond to emergencies, recover from them, and mitigate against their impacts.
- b. Ensure that the FC Courts is prepared to provide critical services in an environment that is threatened, diminished, or incapacitated.
- c. Ensure that the FC Courts is prepared to maintain a trained Local COOP Committee/ERT, tasked with executing this plan.
- d. Ensure the FC Courts is prepared to provide continuous communications with its staff and the general public.

The objective of this COOP is to ensure that a viable capability exists to continue mission essential functions across a wide range of potential emergencies, specifically when the primary facility is either threatened or inaccessible requiring relocation to an alternate facility.

## I-2 Applicability and Scope

- a. This document is applicable to the FC Courts.
- b. Support from state agencies and local governments will be coordinated primarily through the Forsyth Courts Policy Committee (Policy Committee) as described in Section II-2.

# I-3 Planning Considerations and Assumptions

A viable COOP must be maintained at a high-level of readiness. A viable COOP must also:

- Be capable of implementation both with and without warning;
- Be operational no later than three hours after activation;
- Provide guidance regarding sustaining operations for up to 30 days; and
- Take maximum advantage of existing local and State government infrastructures.

#### SECTION II: PLAN ELEMENTS

#### II-1 COOP Execution

- a. Emergencies, or potential emergencies, may affect the ability of the Forsyth County Courts (FC Courts) to perform its mission essential functions from its primary court facility. The following are scenarios that could mandate the activation of the Forsyth County Courts COOP:
  - The FC Courts are closed to normal business activities as a result of an event or credible threats of an event that would preclude access or use of the court facility and the surrounding area
  - Winston-Salem, the County Seat, is closed to normal business activities as a result of a
    widespread utility failure, natural disaster, significant hazardous material incident, civil
    disturbance, or terrorist or military attack. Under this scenario, there could be uncertainty
    regarding whether additional events such as secondary explosions, or cascading utility
    failures could occur. If multiple court facilities located in Forsyth County are affected,
    activation of COOP contingencies to address such scenarios may be necessary.
- b. In an event so severe that normal operations are interrupted, or if such an incident appears imminent and it would be prudent to evacuate the FC Courts as a precaution, the Senior Resident Superior Court Judge or designee, may activate the FC Courts COOP. The relevant alternate facility will be activated, if necessary at the discretion of the Senior Resident Superior Court Judge or designee.
- c. The ERT for the FC Courts will gather at the Forsyth County Government Center (201 North Chestnut St) in the 4<sup>th</sup> Floor Multi-Purpose Room. The alternate meeting location is the Forsyth County Cooperative Extension Service Building (1450 Fairchild Rd) in Auditorium B. The ERT will ensure the mission essential functions of the closed primary facility are maintained and capable of being preformed using the relevant alternate facility until the assumption of full operations is re-established at the primary facility.
- d. The FC Courts ERT staff may be supplemented by selected staff from the North Carolina Administrative Office of Courts, appropriate County personnel, or other agencies. The FC Courts ERT will serve as an initial relocation team for COOP activation or potential activation. The ERT will either relocate temporarily to the relevant alternate facility, if necessary, or operate remotely from predetermined assembly site at the Government Center. The ERT will be responsible for coordinating mission essential function activities of the FC Courts within six hours and for a period up to seven days or until regaining access to the FC Hall of Justice or the occupation of the relevant alternate site.
- e. All judges and staff necessary to perform the mission essential functions of the FC Courts will need to be contacted and advised to report to either the relevant alternate facility, predetermined secure location, or other location as determined by the ERT. Clear instructions as to the actions necessary to be performed by each of these judges and staff should be predetermined by the ERT given the guidance provided by the FC Courts Policy Committee.

- f. Incidents could occur with or without warning and during duty or non-duty hours. Whatever the incident or threat, the FC Courts COOP will be executed in response to a full-range of disasters and emergencies, to include natural disasters, terrorist threats and incidents, and technological disruptions and failures.
- g. It is expected that, in most cases, the FC Courts will receive a warning of at least a few hours prior to an incident. Under these circumstances, the process of activation would normally enable the partial, limited, or full activation of the FC Courts COOP with a complete and orderly alert, notification of all personnel, and activation of the ERT.
- h. Without warning, the process becomes less routine, and potentially more serious and difficult. The ability to execute the FC Courts COOP following an incident that occurs with little or no warning will depend on the severity of the incident's impact on the physical facilities, and whether the FC Courts personnel are present in the effected facility or in the surrounding area.
- Positive personnel accountability throughout all phases of emergencies, including COOP
  activation, is of utmost concern, especially if the emergency occurs without warning, during duty
  hours. Court facility Safety and Evacuation Plans, Administrative and Emergency Procedures,
  and Section/Office COOP Implementation Plans should provide for such accountability.

## II-2 Forsyth Courts Policy Committee (Policy Committee)

The Policy Committee is a local group responsible for developing local policies that address emergency preparedness, response, and recovery. Membership on the Policy Committee is described in Appendix 5. This committee is structured as a means to develop policy given the multiple players and multiple constitutional officers and should be tasked with developing all policy related to the development of a viable COOP, including:

- Clearly defining an individual or the group of individuals who will be making decisions regarding court closures and operations under the "unity of command" in the event of an emergency;
- Determining the mission essential functions for the court;
- Determining and assigning staff to serve on the Local COOP Committee
- Establishing alternate facilities;
- Establishing means of communications;
- Ensuring training for committee and court staff; and
- Reviewing performance of COOP implementation.

#### II-3 Mission Essential Functions

It is important to establish a set of mission essential functions before an emergency. Any function that is essential and can not be deferred for a 30-day period should be included as a mission essential function.

Any function not deemed mission essential must be deferred until additional personnel and resources become available. (See Appendix 3.)

## II-4 Emergency Response Team (ERT)

While the Policy Committee described above represents an advisory group, a separate team referred to as the ERT is an operational team. The ERT shall represent all officials and staff involved in performing the mission essential functions if the COOP is activated. It is the responsibility of each ERT member to develop and/or have available all resources and supplies necessary for their department personnel to perform their assigned mission essential function(s).

#### II-5 Alternate Facilities

The Forsyth County General Services Department is responsible for predetermining viable alternate facilities before an emergency to ensure the FC Courts staff can relocate if necessary. Agreements regarding the use of the alternate facilities should be executed prior to an emergency event. See Appendix 4 for a list of alternate facilities.

#### II-6 FC Courts Essential Court Staff

- a. FC Court judges and staff who are relocated under this plan to the selected alternate facility are known collectively as Essential Court Staff (ECS). The ECS must be able to continue operations and the performance of mission essential functions for up to 30 days with resource support (See Appendix 3).
- b. Since alternate facility space and support capabilities may be limited, the membership of the ECS may need to be restricted to only those personnel who possess the skills and experience needed for the execution of mission essential functions.
- c. FC Courts judges and staff who are not designated ECS members may be directed to move to other facilities or duty stations, or may be advised to remain at or return home pending further instructions. The Director of Human Resources for the N.C. Administrative office of the Courts will determine what, if any, effect the COOP activation has on the pay and benefits of either ECS members or other FC Courts judges and staff.

#### II-7 Directories

Appropriate contact information should be established prior to the outset of an emergency event and thereafter reviewed and updated on an annual basis by the ERT.

#### II-8 Communications

The primary individual to coordinate assimilation and dissemination of information for FC Courts is the Trial Court Administrator (TCA). A backup should also be named. The means for the assimilation and dissemination of this information should be designated by the TCA and will include:

- The primary and alternate means for disseminating emergency information affecting the FC Courts are as follows:
  - o Internal phone tree
  - o NC Court System website emergency banner
  - o Local Media (press releases)

## II-9 Direction and Control

- a. Lines of succession shall be maintained by all FC Courts organizational elements to ensure continuity of mission essential functions. Successions should be provided to a minimum depth of three at any point where policy and directional functions are carried out. See Department Annexes for lines of succession.
- b. Each FC Courts organizational element shall pre-delegate authorities for making policy determinations and decisions. All such pre-delegations will specify what the authority covers, what limits may be placed upon exercising it, who (by title) will have the authority, and under what circumstances.
- c. The Senior Resident Superior Court Judge or designee for the FC Courts may order activation of the FC Courts COOP Plan.
- d. Once the COOP is activated, the Trial Court Administrator, or other individual responsible for disseminating information for the FC Courts shall immediately notify the Help Desk for the Administrative Office of the Courts.
- e. The ERT, if pre-deployed, may be requested by the Senior Resident Superior Court Judge or designee to disseminate FC Courts COOP guidance and direction during the activation and relocation phases. Pending the activation of the COOP, the ERT will monitor the situation and assist in the notification process as necessary.
- f. When executed, the Winston-Salem/Forsyth County Office of Emergency Management, and if activated, the Emergency Operations Center should be notified and requested to provide any previously agreed upon assistance to FC Courts.

## II-10 Operational Hours

- a. During COOP contingencies, the Clerk of Superior Court will determine the hours of work for the ECS.
- b. Certain members of the ECS may need to be prepared to support a 24-hour-per-day, 7-day-per-week operation.

#### II-11 Alert and Notification

- a. <u>Alert Procedures</u>. If the situation allows, judges and staff may be alerted prior to activation of the COOP. In all situations allowing for an alert the procedures must include notification to the Winston-Salem and Kernersville Police Departments, FC General Services, Hall of Justice Security, Chief Magistrate, FC Department of Social Services, FC Health Department, FC Register of Deeds, N.C. AOC, and FC Bar Association.
  - (1) Information and guidance for FC Courts judges and staff will normally be passed telephonically using the internal phone tree. Depending on the situation, current information may also be available via:
    - The FC Courts hotline if approved and developed;
    - Announcements to local radio and TV stations if approved and developed;
    - Other means if approved and developed.
  - (2) Judges and staff should listen for specific instructions. All judges and staff should remain at their office or home until specific guidance is received.
  - (3) The Senior Resident Superior Court Judge will direct the activation of the FC Courts COOP.
- b. Notification Procedures. Upon notification to activate the FC Courts COOP:
  - (1) The Senior Resident Superior Court Judge will notify the TCA of the current situation and that the COOP is being activated.
  - (2) The TCA will notify the Public Information Officer (PIO) for Forsyth County, and the ERT using the internal phone tree or other available means of communication.
    - (a) The ERT then initiate their respective COOP notification cascade and contact each person in their chain relaying the information and guidance provided by the TCA.

- (b) The ERT will make a second attempt to contact those individuals who were not initially available. If this attempt is unsuccessful, the ERT will leave a message.
- (c) Once initial contact is made, the ERT members should notify the ERT Leader of the report status of cascade, including personnel not contacted.
- (d) The ERT Leader will in turn report status to the Senior Resident Superior Court Judge via telephone or other means of available communication.
- (e) For personnel not initially contacted, once the message or page is received, they should immediately contact the ERT member who contacted them.
- (f) Notification may be via personal contact, telephone, cell phone, pager, radio and TV broadcasts, or a combination thereof.
- (g) When a call or other notification is received by anyone in a calling cascade, the information given by the ERT member should be carefully recorded to ensure that it is passed accurately to the next person in the cascade.
- (h) The ERT will notify the ERT Leader upon completion of their notification process.
- (3) The ERT Leader will notify the Senior Resident Superior Court Judge; the W-S/FC Office of Emergency Management, and the Emergency Operations Center (if activated) that an emergency relocation has been affected in the FC Courts as specified in the FC Courts COOP.

### **SECTION III: PROCEDURES**

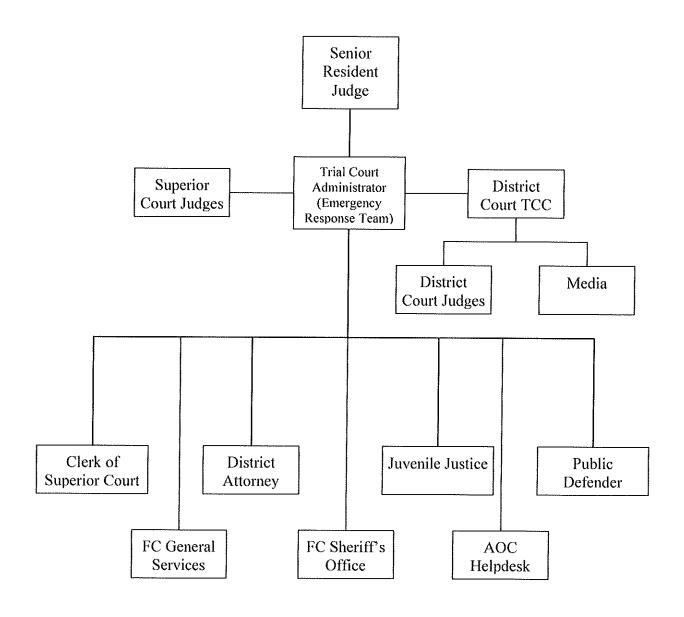
## Security and Access Controls

- a. The Policy Committee will ensure that the FC Courts COOP and the evacuation plan for the court facility are complementary and coordinated if a COOP activation is required.
- b. The Forsyth County Sheriff's Office will ensure all necessary security and access controls are provided at the alternate court facility. Also, the Forsyth County Sheriff's Office will ensure the primary court facility is secured during COOP operations.
- c. The Forsyth County Sheriff's Office will recommend security needs and procedures to FC General Services, and will coordinate with any private security firm contracted by the County and assigned to the FC Hall of Justice.
- d. Items to consider during the planning process might include:

- Plans should address security issues regarding the transporting of inmates.
- Plans may want to consider utilizing video technology if available.
- Plans should establish a goal of duplicating security established at the primary facility.
- Video technology and the establishment of MOA/MOU's with a vender could prove valuable in addressing security issues.
- Plans could address security issues by developing procedures in which hearings are held in the FC Detention Center.

APPENDIX 1

FC Courts COOP Notification Structure



## **APPENDIX 2**

## **Local COOP Committee**

		Con	Contact Information	
Committee Members	Title	Phone Number	Email	
Cecelia Gordon	Trial Court Administrator	336-779-6638	cecelia.j.gordon@nccourts.org	
Rebecca Brendle	Chief Assistant	336-779-6351	Rebecca.t.brendle@nccourts.org	
Brian Hunt	Assistant CSC	336-779-6431	brian.b.hunt@nccourts.org	
Elisabeth Dresel	Asst DA	336-779-6515	Elisabeth.F.Dresel@nccourts.org	
Stan Clarkson	Juvenile Justice	336-761-2265	Stan.Clarkson@ncdps.gov	
Paul James	Public Defender	336-779-6683	paul.james@nccourts.org	
Jeremy Godfrey	Sheriff's Office	336-703-2019	godfrejs@fcso.us	
Chelsea Swaim	General Services Property Management	336-703-2204	swaimcl@forsyth.cc	
Julia Frye	Trial Court Coordinator	336-779-6610	julia.b.frye@nccourts.org	
Chief Judge Menefee	District Court Judge	336-779-6603	lisa.v.menefee@nccourts.org	

## **Forsyth County Courts Departments**

- 1. Judges
- 2. Clerk
- 3. District Attorney
- 4. Juvenile Justice
- 5. Public Defender

# **Auxiliary Departments**

- 1. FC General Services
- 2. FC Sheriff's Office
- 3. NC Administrative Office of Courts

APPENDIX 3

Mission Essential Functions and Essential Court Staff

<b>Mission Essential Functions</b>	Committee Members	Committee Backup Members
Conduct Class I Hearings (see appendix 6)	All	
File Documents	Becky Brendle	Brian Hunt (Administration) Terri Fisher (Civil) Ashley Webb (Criminal) Shirley Trueblood (Criminal) Jayne Hill (Child Support) David Baker (Estates) Amy Sparks (Bookkeeping) Rick Pender (Incompetency) Robin Pugh (Mental Commit.) Autumn Smith (Juvenile) Hollye Robinson (Foreclosure)
Holding & Inmate Transports	Lt. Jeremy Godfrey	Captain Gary East Sgt. Stan Barr Sgt. Colleen Gambrell Sgt. Stephanie Vest
Interview Clients in Jail	Paul James	Donna Bates
Pre-trial Office Interviews	Paul James/Elizabeth Dresel	Beth Toomes
Public Information Coordination	Cecelia Gordon	Vicky Rogers

Note: After one day of emergency operations either normal operations must be reinstated or emergency operations must ensure that, in addition, the functions listed in 2, below are performed.

but Less than One Week		
<b>Mission Essential Functions</b>	ERT Members	ERT Backup Members
Conduct Class II Hearings (see appendix 6)	All	Autumn Smith (Juvenile)
Victim Contact	Elisabeth Dresel	Molly-Catherine Goodson

Note: All functions listed in 2, above must continue to be performed after one day. After one week of emergency operations either normal operations must be reinstated or emergency operations must ensure that, in addition, the functions listed in 3, below are performed.

Mission Essential Functions	ERT Members	ERT Backup Members
General Criminal	All	-
Victim Contact	Elisabeth Dresel	Molly-Catherine Goodson
Holding and Inmate Transport	Lt. Jeremy Godfrey	Captain Gary East Sgt. Stan Barr Sgt. Colleen Gambrell Sgt. Stephanie Vest
Civil Calendar Generation & Publication	Cecelia Gordon	Vicky Rogers

4 – Essential Court Staff			
Department	Essential Staff	Special Requirements	
Judges	2 District Court Judges 2 Judicial Support Staff 1 civil/criminal magistrate 1 TCA or TCC	I hearing room each at the Adult and Juvenile Detention Centers, and at an alternate location - 3 hearing rooms, I large office with 3 desks, 3 computers with internet and AOC intranet access, 1 fax, access to copier, 3 phone lines, common printer.	

4 – Essential Court Staff				
Department	Essential Staff	Special Requirements		
Clerk of Court	1 Clerk of Superior Court 32 Assistant and Deputy Clerks	EACH DEPARTMENT NEEDS:  I Secure file cabinet for storage Access to copier, fax, phone, typewriter PC's need access to Internet, Intranet/AOC programs ADMINISTRATION  3-Employees Desks/chairs, Confidential area 2 pc's/ printer, Calculator Area for receiving/distributing mail for all office in HOJ CHILD SUPPORT 2-Employees, Desks/ chairs, 1-pc/printer, CASHIER/BOOKKEEPING 4- Employees, Desks/chairs Secure area for cash receipting/cash depository 3-calculators, 3-pc's/ with printer ESTATES 4-Employees Desks/chairs 2-pc's/printer, 2-calculators Area to hold hearings, qualifications and audits CRIMINAL SUPERIOR 2-Employees, Desks/chairs, 1-pc/printer DISTRICT COURTROOM CLERKS 3-Employees, Desks/chairs, 1-pc/printer I recorder for Court JUVENILE CLERKS 2-Employees, Desks/chairs, 1-pc/printer Confidential secure area for judicial waivers, files, paperwork and court. Recording equipment for juvenile proceedings CRIMINAL RECORDS 6-Employees, Desks/chairs, 3 pc's/printers Area to hold hearings CIVIL DIVISION 4-Employees, Desks/chairs, 1 pc/printer Private area for victims Needs access to District Court Judge INVOLUNTARY COMMITMENTS, INCOMPETENCY HEARINGS I-Employee, Desk/chair, 1 pc/printer Recording device Secure area for confidential hearings/10 chairs  General Supplies for CSC: General office supplies, Bibles, Postage machine/stamps Time clock, Boxes, CSC Seal, Telephone Book, File Folders, Receipt Books		

4 – Essential Court Staff			
Department	Essential Staff	Special Requirements	
District Attorney	2 – District Attorneys 2 – Legal Assistants	1 interview room with table and chairs, 2 offices with 3 desks and a work table. 3 computers with internet access (one with DCI access) 2 phones, access to fax and copier.	
Juvenile Justice  1 - Chief Court Counselor 1 - Supervisor 1 - Administrative Assistant 2 - Intake Workers 3 - Supervision Staff		3 dedicated offices (90-108 sq. ft.) due confidentiality requirements. 4 desks, 1 file cabinet, 1 phone, 1 computer, 1 printer. Access to internet connection, fax and copier.	
Public Defender/Private Dense Counsel	2 – Public Defenders 2 – Legal Assistants	1 interview room with table and chairs, 1 office with 2 desks, 2 computers with internet and intranet access, phones, access to fax and copier	

# APPENDIX 4

# **Primary Alternate Facilities**

Name:	Facility Name:	Forsyth County Agriculture Building
Forsyth County Clerk's Office	Facility Address:	1450 Fairchild Road, Winston-Salem, NC 27105
	Driving Directions:	From 52 North: From 52 North take exit 111, 25/28th Street. As you come off the exit stay straight (do not bear to the right). At the Stoplight turn left onto Cleveland Avenue. At the first stoplight turn right onto Liberty Street. Travel approximately 0.6 miles and turn right at the next stoplight onto Fairchild Drive. The Forsyth County Agricultural Building is 0.3. of a mile on the right.  From 52 South: From 52 South from University Parkway headed into Winston-Salem, take exit 112, Akron Drive. At the stoplight turn left onto Akron Drive. Travel all the way down Akron (0.7 miles) to the t-intersection at the airport and turn right onto Liberty Street. Go past the airport for 0.7 miles and turn left at the next stoplight onto Fairchild Road. The Forsyth County Agricultural Building is 0.3 of a mile on the right.
	Phone Number(s):	336-703-2850
Name:	Facility Name:	Town of Kernersville Municipal Building
FC Courtrooms	Facility Address	134 East Mountain St., Kernersville, NC 27284
	Driving Directions	From the western part of the state: Take Interstate 40 East to the I40/B40 split. Take Business 40 East to exit 14, South Main Street. Turn Left at the top of the exit. Go to the third stop light and turn right onto East Mountain Street. The driveway for the Municipal Building will be the 2nd driveway on the right. The driveway to the Town Hall building is just past the Chamber of Commerce. The building is located behind the Public Library and the Chamber of Commerce Building.
		From the eastern part of the state:  Take Interstate 40 West toward Kernersville. After passing the Sandy Ridge Road exit take Business 40 West, staying to the right exit at the split. Take the next exit, Exit 16, Highway 66. At the top of the ramp, turn left onto Highway 66. Go to the next stoplight. Parks Chevrolet will be on the right, turn left onto East Mountain Street. Go until you see Bank of America on your right. Then turn left into the Municipal Building driveway, just before the Chamber of Commerce Building. The Townhall building is located behind the Public Library and the Chamber of Commerce Building

# CLERK OF SUPERIOR COURT SECONDARY ALTERNATE FACILITIES:

## **Yadkin County Clerk of Superior Court**

Yadkin County Courthouse 101 South State Street PO Box 95 Yadkinville, NC 27055 (336) 679-3600 Fax: (336) 679-3601

Directions: From the Western Part of the State:

Take Interstate 40 East to the I40/B40 split. Take Business 40 East. Enter ramp following the sign I-40-BR W/US-158 W/US-421 N Exit right following the sign Yadkinville/Mocksville/US-601 (exit 257) Ramp forks, keep left to S State St/US-601 500 feet. Exit ramp (right) at S State St/US-601 400 feet

## **Stokes County Clerk of Superior Court**

Stokes County Government Center 1012 Main Street PO Box 250 Danbury, NC 27016 (336) 593-4400

Fax: (336) 593-4401

## **Surry County Clerk of Superior Court**

Surry County Courthouse 201 E. Kapp St. PO Box 345 Dobson, NC 27017 (336) 386-3700

Fax: (336) 386-9879

#### **APPENDIX 5**

#### FORSYTH COUNTY COURTS POLICY COMMITTEE

The Forsyth County Courts Policy Committee (Policy Committee) shall have as its initial members the following: the Senior Resident Superior Court Judge, the Chief District Court Judge and the Clerk of Superior Court, the Trial Court Administrator and the County Manager, the District Attorney, the Public Defender, and the Sheriff, and the President of the Forsyth County Bar Association, or its designee.

#### 1. DEFINITIONS:

- a. "CHAIN OF SUCCESSION": a plan for designating the Committee Chair and specifying an order of succession to the position of Committee Chair in the event of disability or unavailability of the Committee Chair.
- b. "CONTINUITY OF OPERATIONS PLAN" (COOP): the plan adopted by the Committee, with the assistance of the Administrative Office of the Courts (AOC), for the modified operations of the courts in Forsyth County during emergency situations. The COOP plan shall include, but not be limited to, plans for pandemic emergencies.
- c. "COURT FACILITIES": the physical structures provided by Forsyth County, and any future additional or replacement structures, that are used for courtrooms and the offices of the Judges of the General Court of Justice, the Clerk of Superior Court, the District Attorney, the Public Defender, and support staff for those officials, and court-related State or county offices and personnel.
- d. "EMERGENCY RESPONSE TEAM" (ERT): a team of individuals trained to provide leadership for rapid response to all types of court system emergencies. The Committee members may be some or all of the ERT members. This ERT does not displace any local government, fire, or police ERT. This ERT functions to address court system emergency situation management, and to execute the COOP adopted by the committee.
- e. "EMERGENCY RESPONSE TEAM LEADER (ERT Leader)": the person given authority to make the decision to implement a COOP for the State Courts in Forsyth County, and to lead the ERT in making decisions during an emergency situation, and declaring that the emergency situation has ended. The COOP plan shall identify the ERT Leader including persons who would hold that position under a succession of command plan.
- f. "EMERGENCY SITUATION": An unexpected or impending situation that may cause injury, loss of life, destruction of property, or cause the interference with, loss, or disruption of the local court system's normal operations to such an extent that it poses a threat. Emergency situations include, but are not limited to, fire, flood, or storm damage making the court facilities unusable; loss of electric power for more than forty-eight hours; a hazardous or toxic materials emergency; or a pandemic emergency.
- g. "FORSYTH COUNTY COURTS POLICY COMMITTEE" (Policy Committee): the group of court and court-related officials responsible for creating a Continuity of

Operations Plan (COOP) for emergency situations, reducing it to a written document, assuring training by court personnel, and conducting reviews of performance after an emergency situation ends. The Committee continues to exist pursuant to this agreement, though membership may change. The committee members may be some or all of the ERT members.

h. "PANDEMIC": a major mutation of an existing virus into a new subtype causing illness in humans. A pandemic has the following characteristics: no immunity in the population; spreads easily among people; is worldwide in scope; has potential for excessive deaths and illnesses; and is characterized by multiple waves of the epidemics. A pandemic in the community is a pandemic emergency situation.

#### 2. BASIC PRINCIPLES:

- a. It is necessary for the Superior and District Courts of the State of North Carolina's General Court of Justice in Forsyth County to be in operation in emergency situations in modified form if necessary. The courts shall not cease to function.
- b. Periodic review and modifications of the COOP plan are advisable and appropriate. It is important to consider the opinions and observations of court officials, law enforcement officers, practicing attorneys, local government officials, emergency preparedness officials, and other interested persons. The Committee must meet regularly to review and improve the COOP plan.
- c. Planned modifications to court operations implemented should be subjected to a test of capacity to comply with constitutional rights.
- d. Each of the ERT members will accept a partial subordination of authority to the ERT Leader as being in the best interest of the administration of justice during an emergency situation. There will be a plan of succession to the position of ERT Leader.
- e. The Committee, after the Chief Justice of North Carolina (or the Chief Justice's designee) has informed the Forsyth County Committee Chair of a pandemic emergency will cooperate with the Chief Justice in implementing the COOP response.
- f. The Sheriff, and local officials of the Department of Public Safety and Forsyth County, including the emergency services coordinators, must be kept informed of the COOP, and consulted about its content. Coordination with these and other agencies is essential to proper emergency planning.
- g. An ERT spokesperson should make all communications to the media during an emergency situation.
- h. Orientation and training on the COOP must be regularly conducted for all concerned personnel.
- i. An emergency alert notification plan of communications will be created, adopted and maintained to assure communications among the undersigned and other officers and personnel. The members will notify the Committee Chair and ERT Leader of any needed changes or additions to the phone or other notification tree.

- j. The Committee will undertake training for its members. The Committee will assure initial training and periodic retraining for court system personnel. The Committee will plan, conduct and assess regular practice emergency exercises no less than annually.
- k. The persons in the Committee Chair succession chain shall keep with them a package of documents for reference and use. The package should include copies of the COOP, the emergency alert notification system plan, contact information for important personnel and agencies, journal entry book, official stationery, applicable filing stamps and official seals.
- 1. The Committee Chair will be responsible for annual updates to the COOP. All updates should be sent to the Chief's Pandemic Designee at P.O. Box 2170, Raleigh, NC 27602.

#### 3. CHAIN OF SUCCESSION:

The following Chain of Succession to the position of Committee Chair is adopted:

- a. The initial Committee Chair will be the Senior Resident Superior Court Judge.
- b. In the event the Senior Resident Judge is unable or unavailable to serve as the Committee Chair, the position will be assumed by the Chief District Court Judge.
- c. In the event the Chief District Court Judge is in turn unable or unavailable to serve as the Committee Chair, the position will be assumed by the Clerk of Superior Court.

A more complete Chain of Succession may be set out in the initial COOP adopted by the Committee.

#### 4. COOP:

A COOP will be drafted, adopted and maintained. The COOP will provide for

- a. an alert and notification system;
- b. prioritization of essential functions of the local court system;
- c. order of succession by court office;
- d. delegations of authority for each court office;
- e. alternate facilities sites plans;
- f. external communications system plan identifying a public information officer for the duration of an emergency;
- g. local records and local databases preservation plans;
- h. a human capital management plan consistent with AOC personnel policy;
- i. recovery and reconstitution plans.

#### APPENDIX 6

## List of Hearings by Class

# Class 1: Hearings To Be Heard Immediately

Incompetency hearings G.S. § 35A-1108(a)
Hearings held not later than 30 days from date of service

Interim Incompetency Hearings G.S. § 35A-1114(c) Hearings held no later than 15 days from date of service

Involuntary Commitment Hearings G.S. § 122C-286(a)

Hearings to be held before District Court Judge no later that 10 days after respondent is taken into custody...can be continued no more than 5 days

Voluntary admission/minors G.S. § 122C-224(a)

Hearings to be held before District Court Judge no later than 15 days after minor admitted to facility...can be continued no more than 5 days

Domestic Violence Arrestees G.S. § 15A-534.1(b)
Hearing before District Court Judge w/in 48 hours for advisement of counsel and set bond

Preliminary Hearing for Probation Violation G.S. § 15A-1345(c)

Deft. in custody, hearing must be within 7 days of arrest, unless waived by deft.

First Appearances G.S. § 15A-601(c)
Anyone arrested and placed under secured bond must go before a District Court Judge within 96 hours of arrest ... the statute allows for this to be done by video conference)

Filing domestic violence civil action (50B) G.S. § 50B(2)(a) Emergency relief G.S. 50B-2(b) Ex Parte Order and 10 day hearing G.S. § 50B(2)(c) Hearing when ExParte denied G.S. § 50B-2(b)

Bond Forfeiture Hearing G.S. § 15A-544.5(d)(5)

Juvenile Non-Secure Custody G.S. § 7B-404 Immediate need for petition when clerk's office closed... first nonsecure custody hearing is next session of court

Juvenile hearing to determine need for continued nonsecured custody

G.S. § 7B-506

Initial hearing no more than 7 calendar days...can be continued up to 10 business days by consent

If nonsecure custody continued, hearings thereafter every 30 days

Juvenile Commencement of action G.S. § 7B-1804

Office of clerk closed and Juvenile court counselor requests petition alleging undisciplined or delinquent juvenile, files before magistrate in emergency situations. First secure custody hearing scheduled next session of court

Juvenile first appearance for felony cases G.S. § 7B-1808

Juvenile first appearance within 10 days of petition (If juvenile is in secure or nonsecure custody, first appearance shall take place at initial hearing required by G.S. 7B-1906

Juvenile secure custody hearings G.S. § 7B-1906

No juvenile held under secure custody for more that 5 days without a hearing, if secure custody continues, hearing to be held at intervals no more than 10 days

Procedure for waiver of parental consent G.S. § 90-21.8

In no case shall court fail to rule within 7 days of filing application can continue at request of minor

Seized vehicles G.S. § 20-28.3(e)(e1)

Hearings held immediately...storage fees accrue daily

Foreclosure Hearings G.S. § 45-21.16(a)

Notices served and posted 10 & 20 days before sale can be continued 10 days <u>if</u> all parties <u>not</u> served

Resignation of Executor or Administrator G.S. § 28A-10-4

CSC conducts hearing not sooner than 10 nor more than 20 days after notice to interested parties

Civil Contempt Hearings G.S. § 5A-21

Deft. found in contempt, placed in custody. At end of custody brought before court to determine if released or remain in custody

## Class 2: Hearings That Can Be Continued One Week

Juvenile Hearing G.S. § 7B-801

The adjudicatory hearing held time and place Chief District Court Judge designates but no later than 60 days from filing petition unless Judge orders it held at later time

Juvenile Review of Custody Order G.S. § 7B-906

In a case where custody is removed from parent, etc. hearing for review within 90 days of dispositional hearing and conduct a review within 6 mos.

Director Social Services makes request to clerk to calendar each review

Juvenile Permanency Planning Hearing G.S. § 7B-907
In a case where custody is removed from parent, etc. judge conducts review hearing within 12 mos. of initial order removing custody

Juvenile post termination of parental rights placement court review G.S. § 7B-908

Court conducts placement review not later than 6 mos. from date of termination of parental rights. Court conducts reviews every 6 mos. until juvenile is placed for adoption and adoption petition is filed by the adoptive parents.

Juvenile review of voluntary foster care placements G.S. § 7B-910 Initial review held not more than 90 days after juvenile's placement

# Class 3: Hearings That Can Be Continued 30 Days

Civil Contempt G.S. 5A-23(a)

Deft. must have five days notice before hearing

Juvenile Petition for expunction 7B-323
CSC calendars at session of court upon receipt of petition

Juvenile probable cause hearing 7B-2202

Hearing in felony cases to be conducted within 15 days but may continue for good cause

Juvenile adjudicatory Hearing 7B-2403

Hearing held within reasonable as District Court Judge designates

Juvenile dispositional Hearing 7B-2501

Court may continue for no more than six mos. for cause

Juvenile expunction of records alleged or adjudicated delinquent And undisciplined 7B-3200

Emancipation 7B-3500

Adult probable cause hearing 15A-606

Hearing in felony cases to be conducted within 15 days but may continue for good cause

Civil action to establish paternity G.S. 49-14 G.S. 49-15

Citation to administer an estate G.S. 28A-5-1(b) G.S. 28A-5-2(b)(1)

Contest appointment of executor or administrator G.S. 28A-9-1

Revocation of Letters G.S. 28A-9-1

Discovery of Assets G.S. 28A-15-12

Compel Inventory and Accounting G.S. 28A-20-2 G.S. 28A-21-4

Determine Elective Share G.S. 30-3.4(c)

Determine ownership of surplus foreclosure funds G.S. 45-21.32

Petition to adopt minor child G.S. 48-2-601

Petition to adopt adult G.S. 48-2-605

Divorce (Clerk) G.S. 49-10

Abandonment in name change proceeding G.S. 101-2(d)

Claim and delivery G.S. 1-474.1

Claim Exemptions G.S. 1C-1603(d)

Supplemental Proceedings Judgment Debtor G.S. 1-352

Supplemental Proceedings w/debtor of judgment debtor G.S. 1-360

Out of county judgment-supplemental hearings as to judgment debtor that lives within our county G.S. 1-361

Discovery of Assets G.S. 28A-15(c)

SP to sell, exchange, mortgage or lease ward's estate G.S. 35A-1301

Partition Sale of Real Property G.S. 46-22(a)

#### APPENDIX 7

## Glossary of Legal Terms & Acronyms

- 1. Administrative Office of the Courts (AOC): Based in Raleigh, responsible for funding and supporting technology, information and services of local courts in all 100 N.C. counties.
- 2. Calendar: For a session of court: those cases that have been noticed to be heard by a commissioned judge. In District criminal court, a session is one day.
- 3. Commission: Order by the Chief Justice of the N.C. Supreme Court, giving a judge authority to enter orders during a session of court.
- 4. Domestic Violence: The commission of certain acts upon an aggrieved party by a person with whom the aggrieved party has or has had a personal relationship. A protective order may be entered to protect the aggrieved party. The order is known as a "50B".
- 5. First Appearance Hearing (juvenile): In N.C. a juvenile is generally considered to be less than 16 years of age. A juvenile who is alleged in the petition to have committed an offense that would be a felony if committed by an adult shall be summoned to appear before the court for a first appearance within 10 days of the filing of the petition.
- 6. First Appearance Hearing (adult): A District Court judge (or authorized magistrate) must review the financial status and conditions of pre-trial release of any adult still in custody within 96 hours of arrest.
- 7. Forsyth County Courts: Includes not only courtrooms and judges, but also all core-court personnel needed to fulfill its purpose. (see page 10)
- 8. Forsyth County General Services: The County is mandated by State Statute to provide adequate courtrooms, and related judicial facilities, including furniture. (see N.C. general Statute §7A-302
- Hall of Justice Security: Forsyth County has contracted with Lankford Security to screen all
  visitor entrances to the Hall of Justice. The FC Sheriff's Office provides courtroom security and
  inmate transport.
- 10. Involuntary Commitments: The practice of using legal means as a part of a mental health law to commit a person to a facility against their will or over their protests. Also known as "Judicial Hospitalizations".
- 11. Jail (Forsyth County Detention Center): Located on 2<sup>nd</sup> Street, houses inmates awaiting trial in Forsyth County.
- 12. Juvenile- Generally, any person who has not reached their eighteenth birthday and is not married, emancipated, or a member of the armed forces of the United States. Wherever the term "juvenile"

is used with reference to rights and privileges, that term encompasses the attorney for the juvenile as well.

- 13. Notice pursuant to State statute, parties must be contacted in writing prior to the court hearing of when and where to appear.
- 14. Probable Cause Hearing (juvenile)- The court shall conduct a hearing to determine probable cause in all felony cases in which a juvenile was 13 years of age or older when the offense was allegedly committed. The hearing shall be conducted within 15 days of the date of the juvenile's first appearance.
- 15. Probate-A court procedure by which a will is proved to be valid or invalid. Also generally refers to the legal process wherein the estate of a decedent is administered. "Probate of will".
- 16. Probation Violation-Violation of a procedure following conviction that permits the party found guilty to be released without doing prison time, subject to conditions that are placed upon him or her by the court. The violation can lead to probation being revoked and the person being remanded to confinement. Also known as "pv".
- 17. Record: Recordation of the proceedings, either digitally or by stenographer.
- 18. Schedule: Either a session or judge's schedule. Public announcement of when sessions will be held and who will preside.
- 19. Secure Custody Hearing (juvenile)- No juvenile shall be held under a secure custody order for more than five calendar days or under a nonsecure custody order for more than seven calendar days without a hearing on the merits or an initial hearing to determine the need for continued custody.
- 20. Senior Resident Superior Court Judge: Elected Judge with longest tenure in Superior Court, chair of COOP Policy Committee. Responsible for activating the COOP.
- 21. Trial Court Administrator: Hired by the Senior Resident and Chief District Court judges, acts as leader of the Emergency Response Team and coordinates information during COOP activation.

## Acronyms:

- 1. 1B- Infraction court (minor traffic violations)
- 2. 50B- Domestic violence issues
- 3. ACIS/VCAP- Software provided by AOC
- 4. CASEWISE Civil Calendar Generator/Database System
- 5. CCC- Chief Court Counselor
- 6. CMS- Software used by DA provided by AOC
- 7. DA- District Attorney
- 8. DJJDP- Department of Juvenile Justice and Delinquency Prevention

- 9. DOC Department Of Correction (prison- as opposed to County detention center jail)
- 10. FA- First Appearence
- 11. FTA- Failure to appear
- 12. FTC- Failure to comply
- 13. G/A/L- Guardian Ad Litem
- 14. JCC- Juvenile Court Counselor
- 15. OFA- Order for arrest
- 16, PC- Probable Cause
- 17. PS- Protective Supervision
- 18. PRS- Post Release Supervision
- 19. TCA Trial Court Administrator
- 20. TCC Trial Court Coordinator
- 21. VD Voluntary Dismissal
- 22. YDC- Youth Development Center (juvenile detention)

## ANNEX A: Judges

## I. Essential Functions

- A. The FC Judges' Office has identified the following prioritized organizational functions as essential for the continued provision of vital services to the general public, and sustainability of its organizational base:
  - 1) A District Court Judge and or magistrate to preside at Statutorily-mandated hearings involving 1<sup>st</sup> appearances for adults and juveniles, domestic violence and juvenile matters.
  - 2) A District Court and/or Superior Court Judge available to sign search warrants, emergency ex-parte orders and administrative orders to ensure the continuity of court operations during the emergency.
  - 3) Provide Public Information

#### II. Stabilization Needs

- A. The conduct statutorily-mandated hearings under COOP activation requires the following actions:
  - 1) Notify the appropriate District Court Judges and judicial support staff of the location for the hearings. Depending on the emergency, whether the detention center, or other location will be used.
  - 2) Start the phone tree.
  - 3) Activate script for AOC help desk and media.
  - 4) Coordinate with the FC Sheriff's Office and County to arrange for security.
  - 5) Coordinate with the District Attorney, Public Defender, Forsyth County Bar, Department of Social Services, and Department of Juvenile Justice and Delinquency Prevention for operations.
- B. To have a District Court and/or Superior Court Judge available to sign ex-parte and emergency orders under COOP activation requires the following actions:
  - 1) Notify the appropriate District Court and/or Superior Court Judges and judicial support staff of the office location.
  - 2) Activate script for AOC help desk and media.
  - 3) Coordinate with the FC Sheriff's Office and County to arrange for security.
  - 4) Coordinate with the District Attorney, city police departments, Public Defender, Forsyth County Bar, Department of Social Services, and Department of Juvenile Justice and Delinquency Prevention for operations.

## III. Recovery Roles/Responsibilities

A. In an effort to insure an organized transition to and resumption of normal court operations, the FC Judges' Office has identified the following assignments outlined in this table:

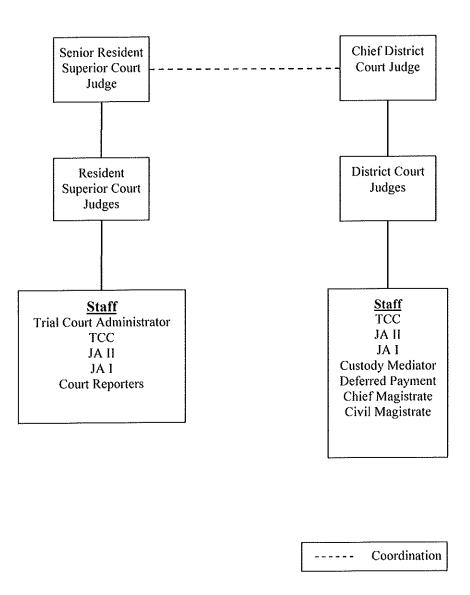
	Name	Role/Responsibility
1.	Director of Forsyth County General Services	Ensure the court facility complies with building code, pursuant to local State and Federal requirements.
2.	Forsyth County Office of the Sheriff	Review court facility to ensure that adequate security for judges, court staff and the public can be provided.
3.	Trial Court Administrator	Coordinate with the AOC and Forsyth County to ensure that all data and phone lines are connected and operational.
4.	SRSCJ, CDCJ and CSC	Collaboratively determine when the Hall of Justice will reopen to dispatch official business. CSC will update nefce.us website as needed.
5.	Trial Court Administrator	Activate the internal phone tree, and alert local media, PD/Bar, AOC, DSS and DJJDP. TCA will also prepare script for AOC to run on website.

# IV. Line of Succession

- A. The line of succession for the Department of Judges is:
  - 1) Trial Court Administrator
  - 2) Superior Court Trial Court Coordinator3) District Court Trial Court Coordinator

# V. Appendices

# Appendix A: Organizational Structure



## ANNEX B: Clerk of Superior Court

## I. Essential Functions

- A. The Clerk of Superior Court has identified the following prioritized organizational functions as essential for the continued provision of vital services to the general public, and sustainability of its organizational base:
  - 1) File Documents
  - 2) First Appearances
  - 3) Hold Hearings by Judicial Officials

#### II. Stabilization Needs

- A. Filing documents under COOP activation requires the following actions:
  - 1) Maintain log (access to fax & telephone).
  - 2) AOC assistance with file numbers, setting up cashier office, secure depository for filed documents at the end of the day (juvenile, commitments confidential), supplying forms needed for items such as summons, subpoenas, etc, and having access to the state computer system for data entry.
  - 3) Identification of an alternate secure site.
- B. Conducting First Appearances under COOP activation requires the following actions:
  - 1) Clerk to contact records/jail for list of arrestees.
  - 2) Print report from Magistrates office.
  - 3) Availability of a District Court Judge.
  - 4) Hold hearings at the jail.
  - 5) Notify the Public Defender of appointments.
  - 6) Access to the state computer system for updating.
  - 7) AOC assistance with determining proper depository for lists at the end of the day.
- C. Holding Hearings under COOP activation requires the following actions:
  - 1) Identified secure area.
  - 2) Availability of a Judge
  - 3) (Juvenile, commitments confidential)
  - 4) Recording device
  - 5) Access to the state computer system.
  - 6) Courtroom security.
  - 7) AOC assistance with procedures.

# III. Recovery Roles/Responsibilities

A. In an effort to insure an organized transition to and resumption of normal court operations, the Clerk of Superior Court has identified the following assignments outlined in this table:

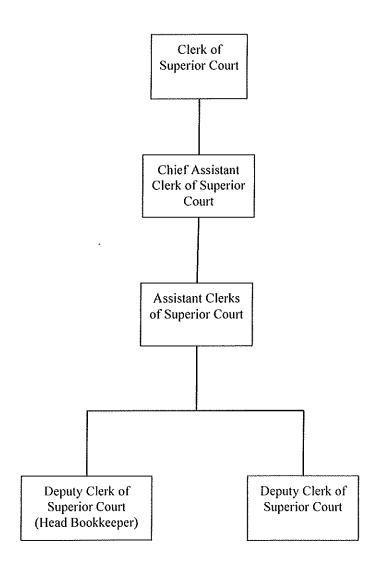
	Name	Role/Responsibility
1.	Susan Frye	Clerk notifies Rebecca Brendle
2.	Rebecca Brendle	Notify supervisors
3.	Susan Frye, Rebecca Brendle and	Coordinate with the AOC and county officials to return
	Brian Hunt	to normal state.

## IV. Line of Succession

- A. The line of succession for the Clerk of Superior Court is:
  - 1) Clerk of Superior Court
  - 2) Chief Assistant Clerk of Superior Court
  - 3) Assistant Clerk of Superior Court

# V. Appendices

# Appendix A: Organizational Structure



## **ANNEX C: District Attorney**

#### I. Essential Functions

- A. The Office of the District Attorney has identified the following prioritized organizational functions as essential for the continued provision of vital services to the general public, and sustainability of its organizational base:
  - 1) Prosecute Criminals
  - 2) Prepare Cases
  - 3) Generate Calendars

#### II. Stabilization Needs

- A. Prosecution of criminals under COOP activation requires the following actions:
  - 1) Ensure DAs have internet and ACIS access.
  - 2) Ensure a secure location has been identified to hold trial.
  - 3) Ensure access to new warrants and probation violation paperwork.
- B. Preparation of trial cases under COOP activation requires the following actions:
  - 1) Ensure access to police reports.
  - 2) Ensure access to telephones, computers, and network files.

## III. Recovery Roles/Responsibilities

A. In an effort to insure an organized transition to and resumption of normal court operations, the Office of the District Attorney has identified the following assignments outlined in this table:

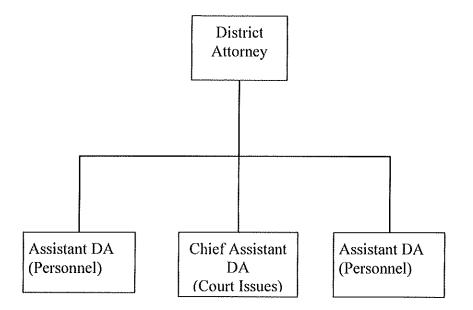
	Name	Role/Responsibility
1.	Bonnie Cline	Begin phone tree when court moves back to
		original/permanent location.
2.	Bonnie Cline	Coordinate with Helpdesk to resume computer/phone
		connections.
3.	All ADAs and Legal Assistants	Properly file documents back at original/permanent
	_	location.

## IV. Line of Succession

- A. The line of succession for the Office of the District Attorney is:
  - 1) District Attorney
  - 2) Assistant District Attorney (personnel issues)
  - 3) Assistant District Attorney (court issues)

## V. Appendices

Appendix A: Organizational Structure



## **ANNEX D:** Juvenile Justice

#### I. Essential Functions

- A. The Department of Juvenile Justice has identified the following prioritized organizational functions as essential for the continued provision of vital services to the general public, and sustainability of its organizational base:
  - 1) Receive Complaints from Law Enforcement
  - 2) Provide Intake Services
  - 3) Provide Court Management

#### II. Stabilization Needs

- A. Processing Intake Complaints generated by Law Enforcement under COOP activation requires the following actions:
  - 1) Filing of petition.
  - 2) Ensure court hearing is conducted between 24 and 72 hours of obtaining secure custody.

## III. Recovery Roles/Responsibilities

A. In an effort to insure an organized transition to and resumption of normal court operations, the Department of Juvenile Justice has identified the following assignments outlined in this table:

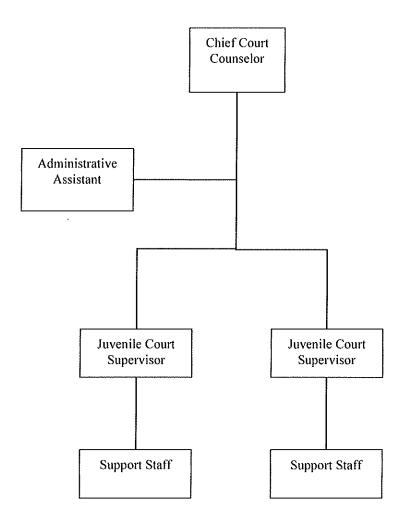
	Name	Role/Responsibility
1.	Emily T. Coltrane	Piedmont Area Administrator/ assist in facilitating relocation
2.	Stan Clarkson	Chief Court Counselor – assist in maintaining proper staff/ administrative assistance to conduct services for protection of community.
3.	Keith B. Brown	Court Counselor Supv. – Oversee daily operations of office and personnel.

## IV. Line of Succession

- A. The line of succession for the Department of Juvenile Justice is:
  - 1) Chief Court Counselor
  - 2) Court Counselor Supervisor
  - 3) Court Counselor Supervisor

## V. Appendices

Appendix A: Organizational Structure



## ANNEX E: Public Defender

#### I. Essential Functions

- A. The Office of the Public Defender has identified the following prioritized organizational functions as essential for the continued provision of vital services to the general public, and sustainability of its organizational base:
  - 1) Defend Charged Individuals in Court
  - 2) Interview Clients in Jail
  - 3) Interview Clients in Office

## II. Stabilization Needs

- A. Ensure access to communications/internet
- B. Ensure access to AOC application such as ACIS and CMS;
- C. Ensure transportation for employees/clients to court.
- D. Ensure access to DAs.

## III. Recovery Roles/Responsibilities

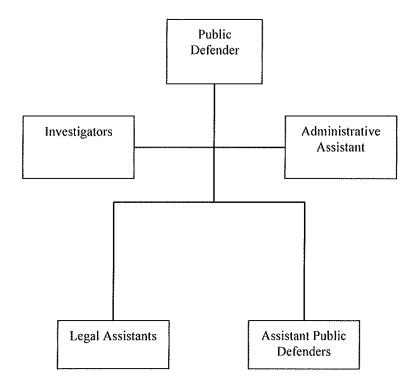
- A. Donna Bates will coordinate with the Helpdesk.
- B. Kelton Cofer will notify all personnel re ongoing developments

## IV. Line of Succession

- A. The line of succession for the Office of the Public Defender is:
  - 1) Public Defender
  - 2) Assistant Public Defender
  - 3) Assistance Public Defender

## V. Appendices

Appendix A: Organizational Structure



# ANNEX F: Forsyth County Sheriff's Office (Auxiliary Department)

## I. Essential Functions

- A. The Forsyth County Sheriff's Office has identified the following prioritized organizational functions as essential for the continued provision of vital services to the general public and overall security provided to the 21<sup>st</sup> Judicial District of the State of North Carolina, and sustainability of its organizational base:
  - 1) Maintain security for the 21st Judicial District
  - 2) Provide booking services for inmates
  - 3) Provide holding areas for inmates

## II. Line of Succession

- A. The line of succession for the FC Sheriff's Office is:
  - 1) Lieutenant
  - 2) Sergeant
  - 3) Sergeant (Committee Member Backup)

## III. Appendices

Appendix A: Organizational Structure

