

Shasta Superior Court

Carr Wildfire Disaster, 2018

Ms. Melissa Fowler-Bradley

Court Executive Officer, Superior Court of Shasta County

Redding area

- Divided into East and West sides by the Sacramento River and Interstate 5
- West side bordered by foothills, mountains and Whiskeytown Lake, Highway 299 West to Trinity County
- East side bordered by mountains, Mt. Lassen and Lassen County beyond
- Lake Shasta 10 miles North of Redding heading toward Siskiyou County



Summary of Event

- Fire started Monday, July 23, 2018 at 1:30 p.m. on the West side
- Caused by a flat tire on a travel trailer, which ignited dry grass
- Started on Highway 299 near Whiskeytown Lake, 19 miles outside the city of Redding
- CalFire was on the scene within minutes with bulldozers and air support



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Day two

- Fire gained strength and size over the next few days burning in heavy timber, small town of French Gulch mostly destroyed
- By Wednesday water supply to much of the West side (Whiskeytown Lake) was compromised, had to be boiled for human consumption
- By Thursday and Friday over 38,000 people were evacuated from the West side of Redding



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Friday, July 26, 2018, the fire escalated into a EF3 tornado with winds clocked 143-165 mph



Large Fire Whirl in NorCal

Reported on July 26, 2018

NWS Sacramento
Issued: August 2, 2018



Photo Credit: Cal Fire / NWS



Photo Credit: Cal Fire / NWS

What is a Fire Whirl?

A rotating column of fire induced by intense rising heat and turbulent winds. Intense fire whirls can be violent and cause damage similar to tornadoes.

Large Fire Whirl in Redding, CA

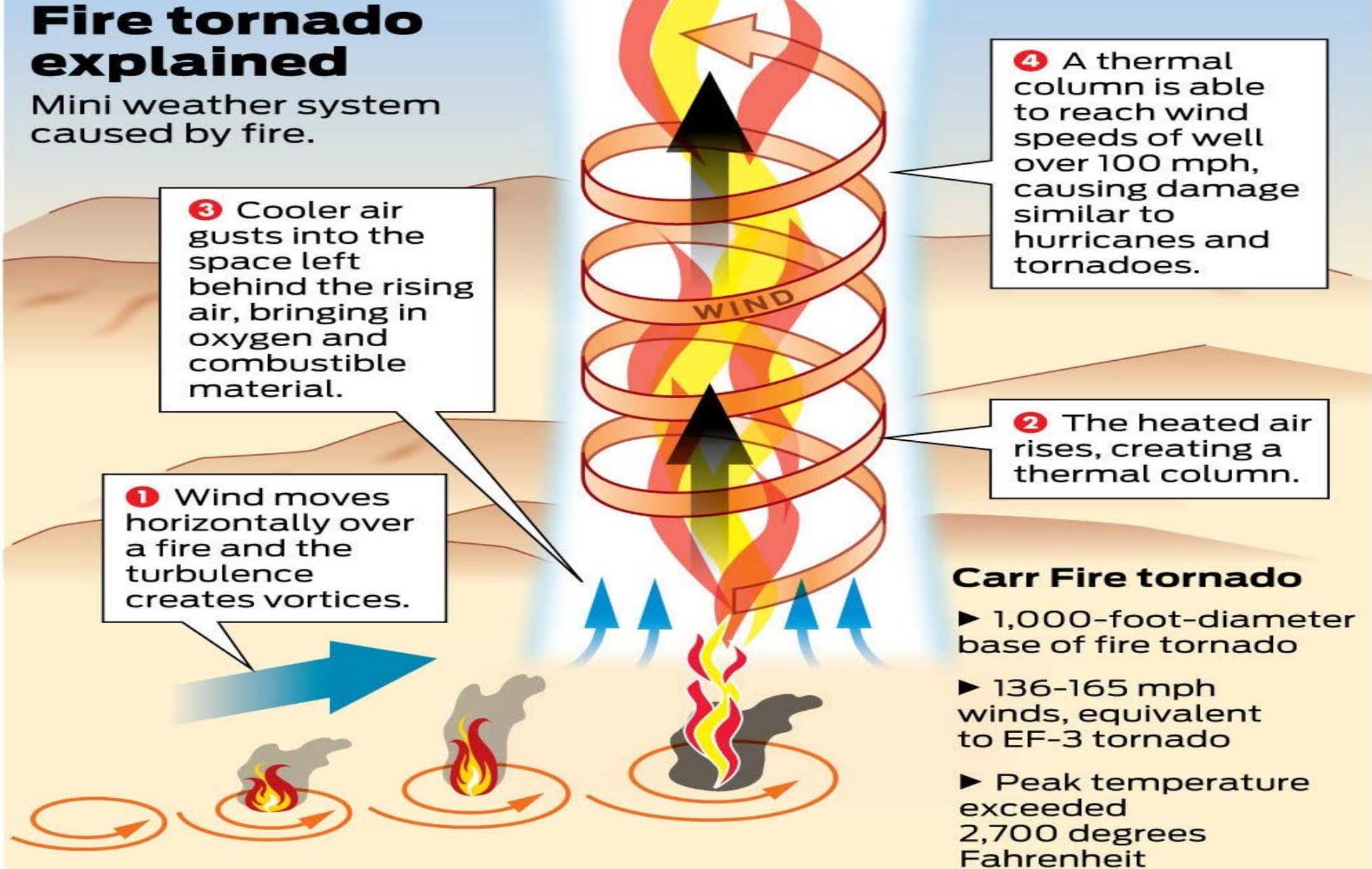
- Between 7:30-8:00 PM on July 26th, 2018
- Result of the plume dominated Carr fire. **Winds in excess of 143 mph (equivalent to an EF-3 on the Enhanced Fujita Scale)**
- Preliminary reports include the collapse of high tension power line towers, uprooted trees, and the complete removal of tree bark



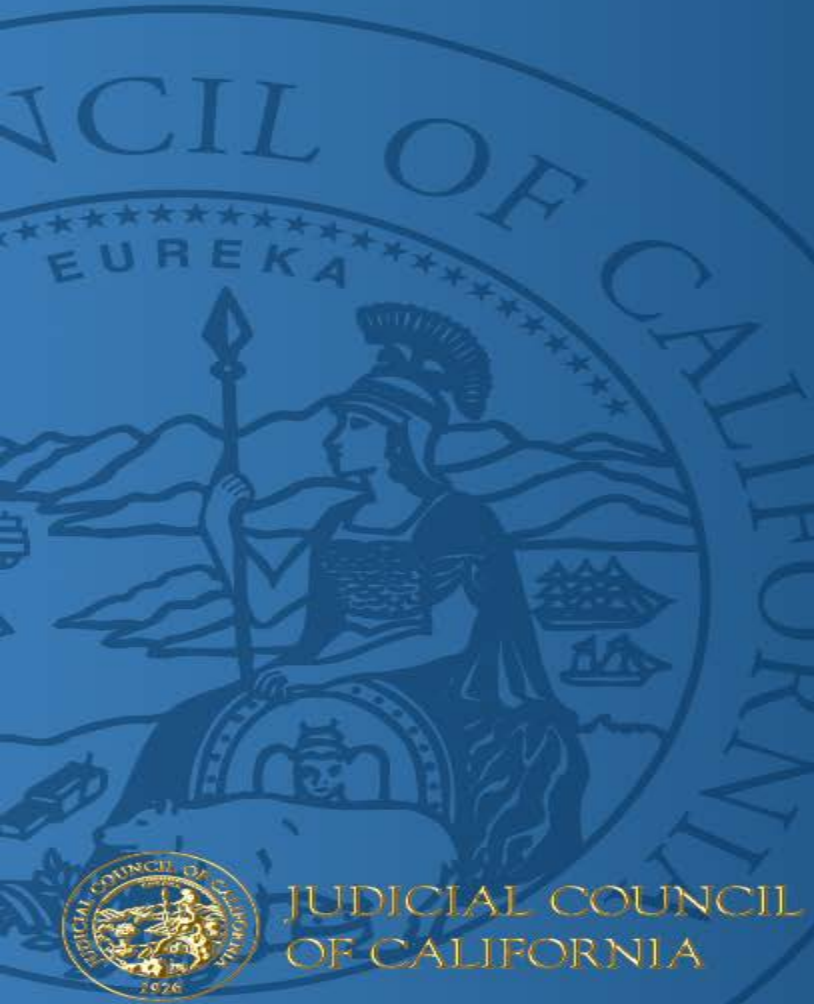
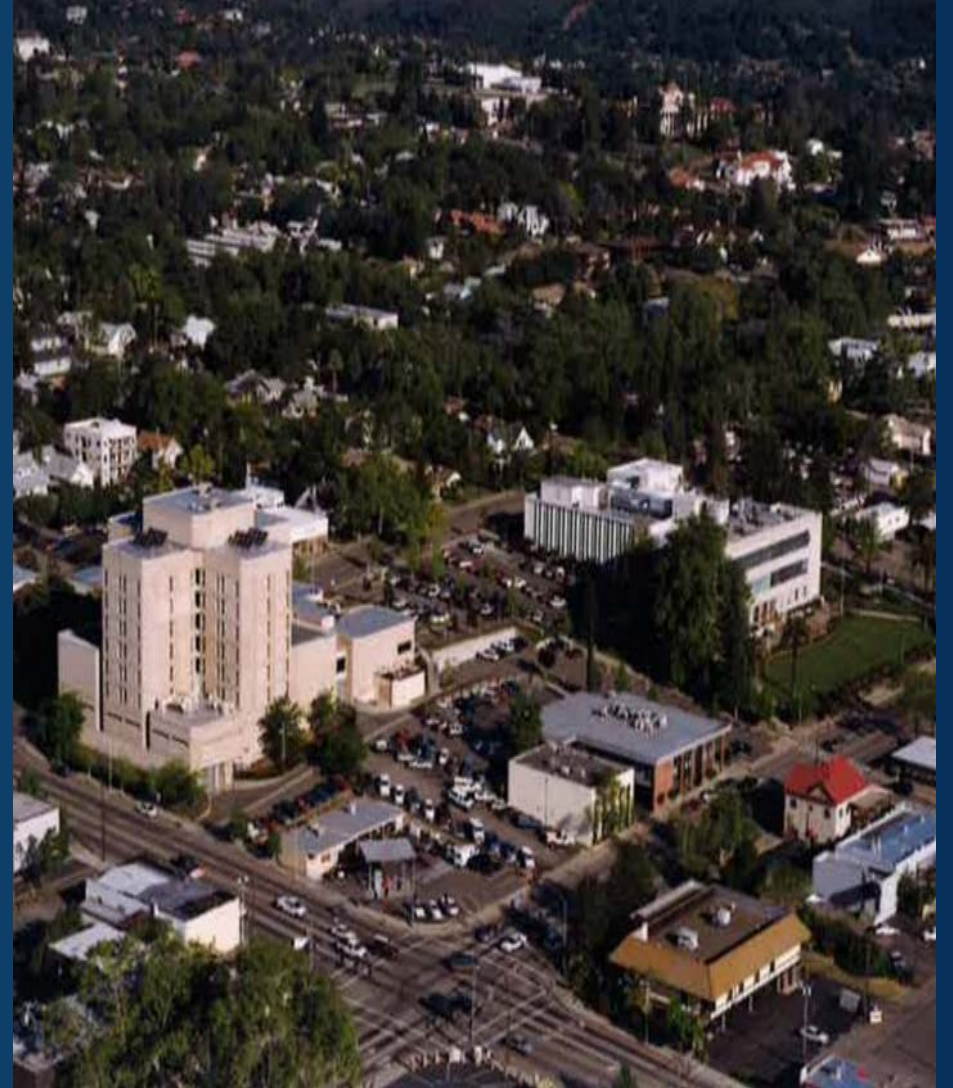
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Fire tornado explained

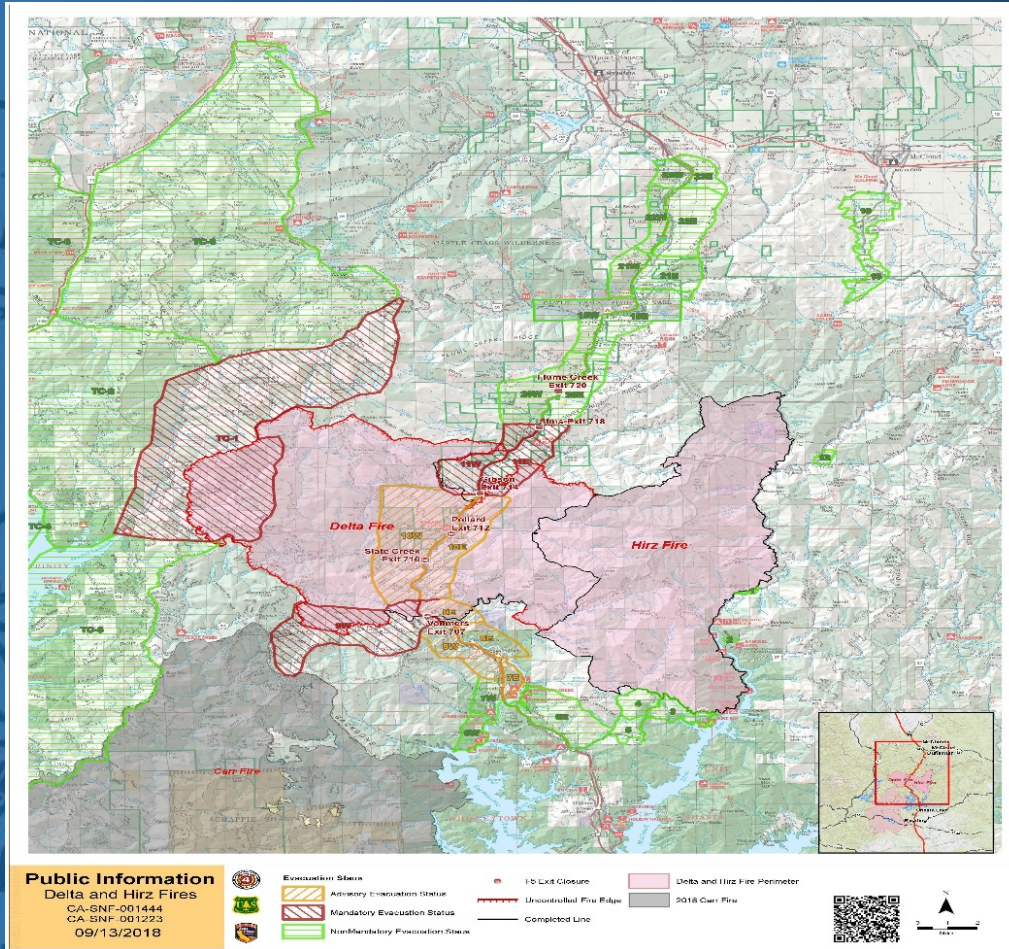
Mini weather system caused by fire.



Evacuation zone one mile from courthouse



Hirz and Delta fires erupt while Carr fire is still uncontained



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I-5 closed in both directions for 5 days



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Damage – Carr, Hirz, and Delta fires

- Carr fire - 229,651 acres
- 1079 residences, 22 commercial structures destroyed
- 359 square miles
- Contained September 4, 2018
- Hirz and Delta fires - 109,461 acres
- Contained October 11, 2018
- Total area: 530 square miles



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Actions taken:

- Court sought an emergency order on Friday, July 26, 2018 (after initially coming to work, all employees were released mid-morning)
- Mass notification system was used for subsequent contact with employees
- Contacted immediately by Facilities Services to determine court needs, air scrubbers, and masks
- Half of the judges were evacuated, contact was limited to texts, phone calls, and personal emails



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Actions taken:

- CEO conferred with court labor negotiator and PJ conferred with Judge Nadler prior to emergency judges' meeting on Sunday, July 28th to discuss continued court closure
- The Governor and the President declared a state of emergency
- At the conclusion of emergency meeting all bench officers agreed to request a one-week extension of the emergency order
- Shasta's Marshal's Office was called on during the closure to provide mutual aid to allied agencies



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Actions taken:

- Press notified, stayed in constant communication with reporters in order to get information out to the public
- Information, press releases posted on court website, signs on all facilities
- Many meetings took place with justice partners to plan approach to reopening and how to address backlog of cases that accumulated while closed



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While closed:

- Friday afternoon – air scrubbers delivered and put in place on all floors of the main courthouse (later expanded to all other facilities)
- Maintained communication with employees via mass notification system
- Status report on staff provided to the PJ, homes lost and location of those evacuated
- Developed protocols for reopening clerk's offices



While closed:

- Daily contact from Facilities Services and Executive Office and many other courts offering to assist
- Directed staff to report to work one business day before courthouse reopened to the public
- Offices available to the public on 8/2 by telephone only, phone numbers sent out via press release so questions could be addressed prior to reopening



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While closed:

- Calendars prepared and case information readied for judges when they returned on August 6th
- All calendars were double normal size the first week we reopened, 1,350 criminal cases were calendared the first day
- Air quality exceeds 700, very unhealthy



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Butte Superior Court

Camp Fire, 2018

Ms. Kimberly Flener

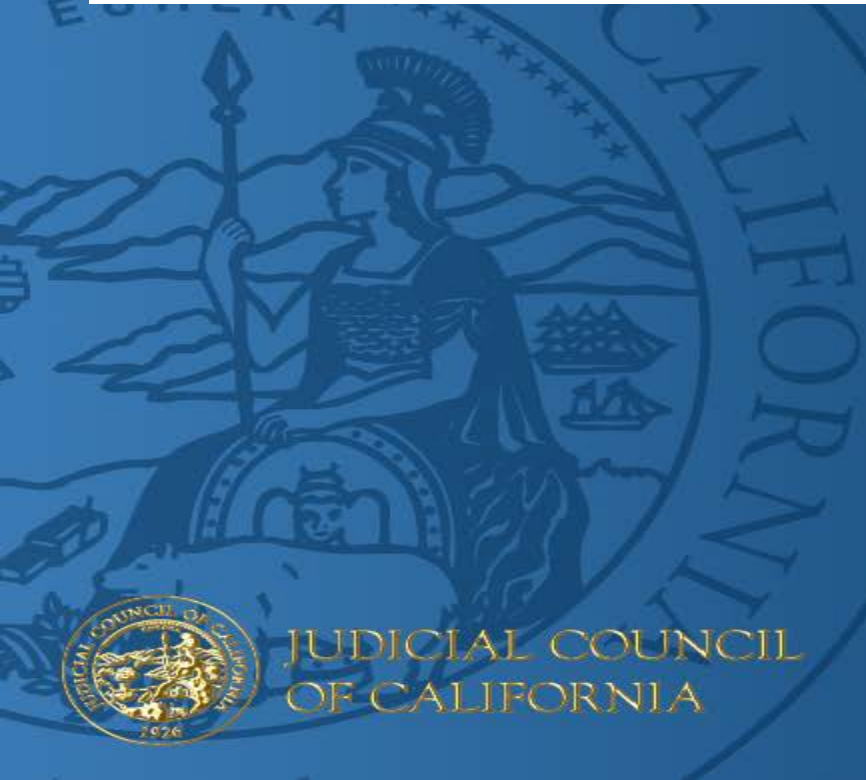
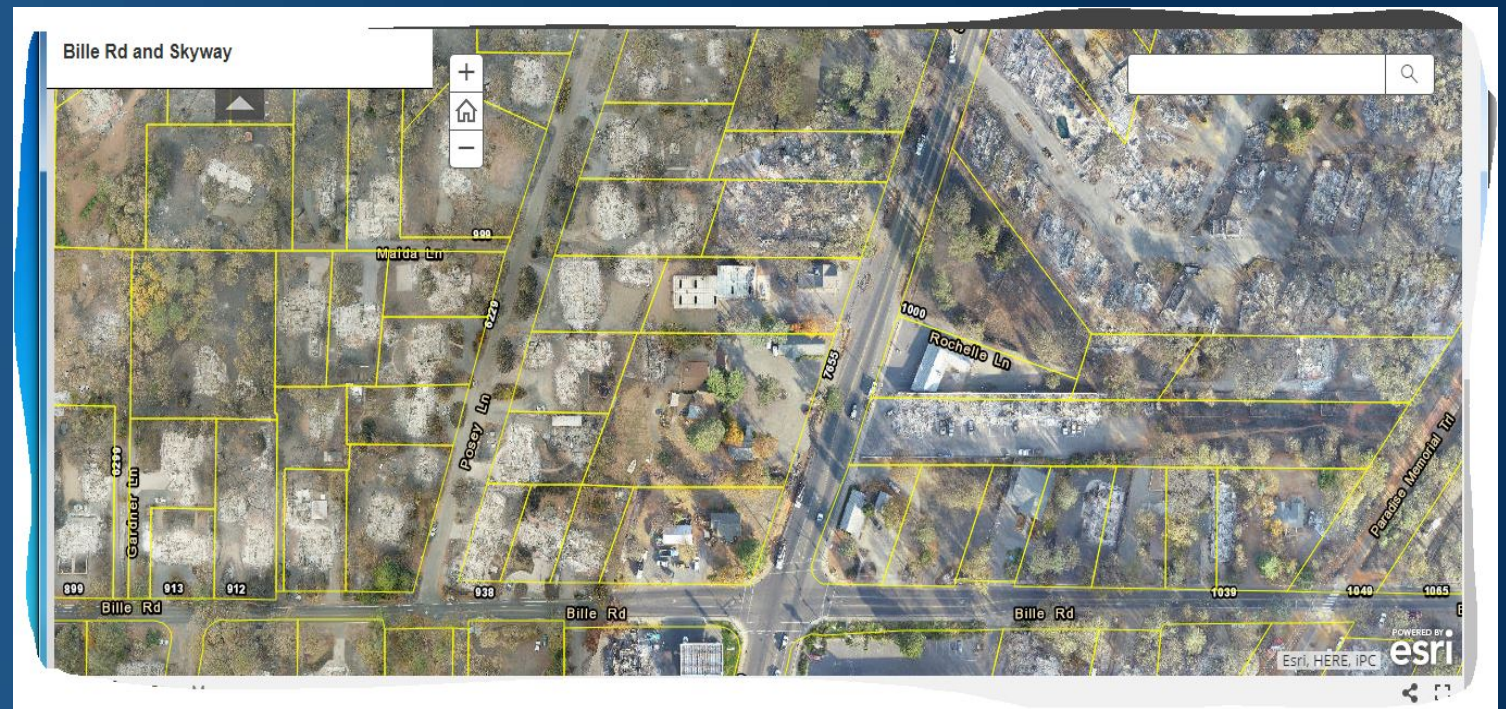
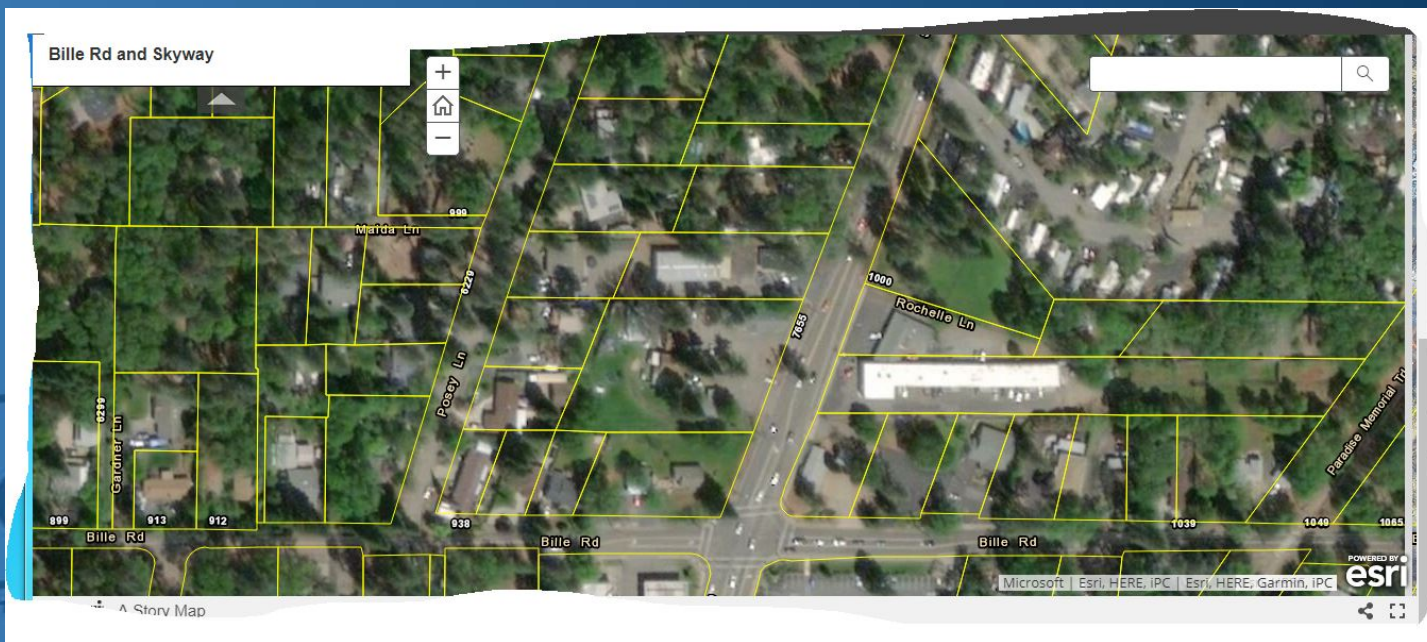
Court Executive Officer, Superior Court of Butte County

Camp Fire Statistical Data

- Most destructive and deadliest wildfire in California history
- Covered an area of 153,336 acres
- 18,421 structures burned, as reported by Cal Fire
 - 13,503 Residences
 - 514 Businesses
 - 4,404 Barns, sheds and other buildings
- 86 confirmed deaths
- 17 days until full containment



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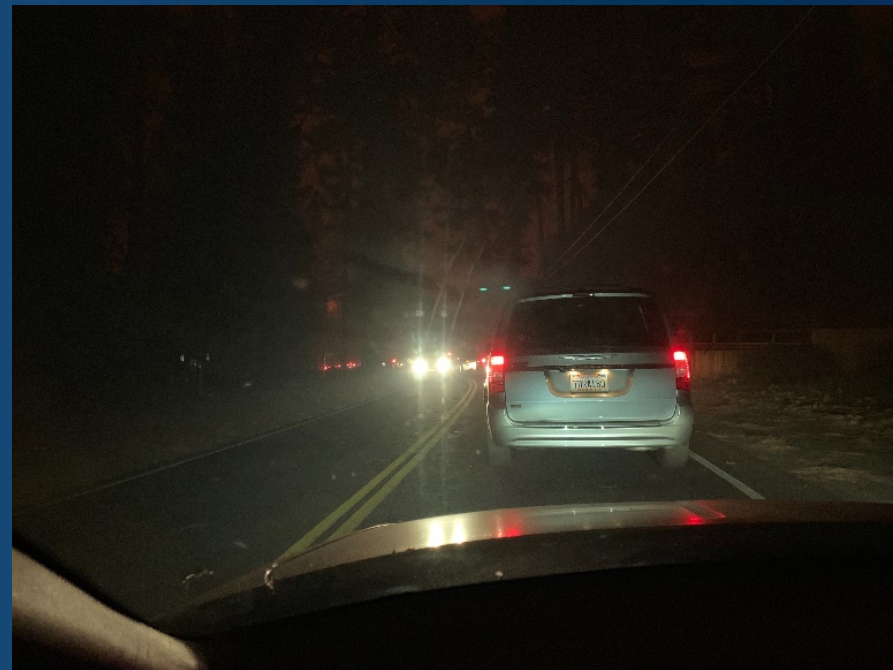
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Initial Response - Administration

- Monitored up-to-date information from Sheriff, Cal Fire and Emergency Response teams
- Released staff as evacuation areas continued to grow and roads were closing
- Held all calendars and expedited hearings to get staff and the public out as soon as possible
- Notified the Judicial Council that we may need to request an Emergency Order if the fire continued



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Emergency Order

- The Presiding Judge and Administration worked together in obtaining an Emergency Order from the Chief Justice the evening of Nov. 8th. Once the request was submitted, other steps had to be taken including:
 - Communicating these orders to the legal community and the public.
 - Update Court website
 - Press Release
 - Advise DA, PD, Probation, County Offices, Sheriff, and the Butte County Bar Association
 - Notify staff not to report to work
 - Post signs at all courthouse locations



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Facilities Response/Actions Taken

- Adjusted HVAC to restrict amount of outside air used
- Provided first few air scrubbers for both facilities
- Delivered N100 masks for staff
- Tested air quality at both facilities and provided additional air scrubbers as needed
 - 13 for Oroville
 - 12 for Chico



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Continuity of Operations

- Countywide Court closure on November 9th
- Re-setting/re-noticing matters previously scheduled
- Parole Hearings were held at the jail
- Judicial Officers and Administration continued to work on reassessing and preparation for continuing operations
- Courts re-opened November 13th but due to air quality, had to close again November 14th and 15th. Re-opened Chico Courthouse only on November 16th due to road closures getting in/out of Oroville
- Used video-conferencing from the jail to hold in-custody arraignments/felony trial assignments



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Statewide and Judicial Branch Disaster Response

Mr. Mike Courtney, Facilities Services

California Emergency Plan

- 2017 State of California Emergency Plan (SEP) promulgated on October 1, 2017
- The SEP describes how response to natural or human-caused emergencies occurs in California
 - Assigns responsibilities and accountabilities to governmental agencies
 - Functions, processes and methods of coordination and response
 - Communications and logistics
 - Preparedness, mitigation and recovery

<http://www.caloes.ca.gov/cal-oes-divisions/planning-preparedness/state-of-california-emergency-plan-emergency-support-functions>



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Emergency Support Functions

- 18 Emergency Support Functions (ESF) established are:
 - each led by a designated state agency
 - are designed to coordinate and promote functioning of discipline-specific stakeholders of all levels
 - support local government resource, communications and planning during response and recovery activities.
- Supported and coordinated by CalOES, the group of ESFs collaborate and function within the four phases of emergency management: mitigation, preparedness, response, and recovery.

<http://www.caloes.ca.gov/cal-oes-divisions/planning-preparedness/state-of-california-emergency-plan-emergency-support-functions>



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ESF and Lead State Agency

ESF	Emergency Function Service	Lead State Agency
1	Transportation	California Department of Transportation
2	Communications	California Office of Emergency Services
3	Construction and Engineering	Department of General Services
4	Fires and Rescue	California Office of Emergency Services
5	Management	California Office of Emergency Services
6	Care and Shelter	Department of Social Services
7	Resources	Department of General Services
8	Public Health and Medical	Emergency Medical Services Authority and California Department of Public Health
9	Search and Rescue	Merge with ESF 4 and 13 as appropriate for emergency
10	Hazardous Materials	California Environmental Protection Agency
11	Food and Agriculture	California Department of Food and Agriculture
12	Utilities	California Natural Resources Agency and California Utilities Emergency Associate
13	Law Enforcement	California Office of Emergency Services
14	Long Term Recovery	California Office of Emergency Services
15	Public Information	California Office of Emergency Services
16	Evacuation	Merge with ESF 13
17	Volunteers and Donations Management	California Volunteers
18	Cyber Security	California Office of Emergency Services

CAL FIRE Emergency Response

- Responsible for providing wildland fire protection and resource management on over 31 million acres of State Responsibility Area lands throughout California.
- Provides emergency response service to 150 local government cooperators through agreements with districts, cities, and counties.

EMERGENCY RESPONSE

• Automobile Accidents	• Medical Aids
• Civil Disturbances	• Search and Rescues
• Earthquakes	• Structure Fires
• Floods	• Swift water Rescues
• Hazardous Material Spills	• Train Wrecks



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California Emergency Plan

- **7.3.4. JUDICIAL BRANCH OF STATE GOVERNMENT**

- During an emergency or disaster, the judicial branch is responsible for maintaining and preserving access to justice. Each element of the judicial branch maintains emergency and continuity of operations plans that allow the court system to:
 - Continue the court's essential functions and operations during an emergency.
 - Reduce or mitigate disruptions in court operations.
 - Provide appropriate legal response to time-sensitive legal matters.

<http://www.caloes.ca.gov/cal-oes-divisions/planning-preparedness/state-of-california-emergency-plan-emergency-support-functions>



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California Emergency Plan

- **7.3.4. JUDICIAL BRANCH OF STATE GOVERNMENT**

- Identify alternate facilities and designate principals and support staff to relocate.
- Protect essential facilities, equipment, records, and other assets.
- Safeguard equipment, records, databases, and other assets should the facility become inoperable.
- Recover and resume normal operations.

<http://www.caloes.ca.gov/cal-oes-divisions/planning-preparedness/state-of-california-emergency-plan-emergency-support-functions>



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Example

There is a local disaster where a courthouse was evacuated and partially damaged. What would the states and the Judicial Council's roles be?

- OES would support the impacted area per the State Emergency Plan....bringing state resources needed to assist.
- The court utilizes its Continuity of Operations Plan to continue to conducts business until it can resume normal operations.
- The Judicial Branch will assess the courthouse and make the needed repairs so the building is safe to reopen.



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Wildfire Smoke

- Not regulated by OSHA or EPA, no established exposure limits
- Contains very fine irritating particles 0.3 – 1.0 μm
 - Examples – Bacteria, droplet nuclei (sneeze), cooking oil, most smoke and insecticide dust, most face powder, most paint pigments
- Various gases are present having established exposure limits
 - Carbon monoxide & dioxide, ozone, sulfur oxides and nitrogen oxides



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Air Quality Index

- Composite score indicating relative levels of particulates and gases
- Intended to advise the public, especially sensitive groups
- Actual levels can be measured on-site with handheld devices.



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Protective Standards

- Protect against harmful exposure (8 CCR §5141)
- Harmful exposure defined as (8 CCR §5140)
 - An exposure to dusts, fumes, mists, vapors, or gases:
 - (a) In excess of any permissible limit prescribed by Section § 5155; or
 - (b) Of such a nature by inhalation as to result in, or have a probability to result in, injury, illness, disease, impairment, or loss of function.
- Smoke particles not regulated



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Protective Measures

- Proper operation of ventilation systems
 - Building Owner/Manager responsible for operation and maintenance (8 CCR §5144)
 - Use of MERV 8 rated filters (particles size $> 3.0\mu\text{m}$) (ASHRAE 62.1-2016 5.8)
 - Mold, spores, dust mite debris, cat and dog dander, hair spray, fabric protector, dusting aids, pudding mix, pollen, dust mites, cockroach debris, sanding dust, spray paint dust, textile fibers, carpet fibers
 - Will not remove odors, harmful gases or vapors
 - Indoor air quality is compared against outdoor air quality



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Protective Measures

- “Sealed” building exteriors
 - Over-pressure or positive-pressure
 - Exterior shell intact
 - Restricting number of access points



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Other Temporary Measures

- Temporary Air Scrubbers
 - HEPA filters 99.97% particulates larger than 0.3 μm in a small area
 - Does not filter odors, harmful gases or vapors
- N-95, P-100 voluntary dust mask use
 - Filters 95 to 99.97% of particulates larger than 0.3 μm if worn properly
 - Written respiratory protection program required
 - Does not filter odors, harmful gases or vapors



Preparedness & Response

- Emergency Action Plan (8 CCR §3220)
 - shall be in writing... and shall cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.



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Preparedness & Response

- Emergency Action Plan (8 CCR §3220)
 - The following elements, at a minimum, shall be included in the plan:
 - (1) Procedures for emergency evacuation, including type of evacuation and exit route assignments;
 - (2) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
 - (3) Procedures to account for all employees after emergency evacuation has been completed;



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Preparedness & Response

- Emergency Action Plan (8 CCR §3220) con't
 - (4) Procedures to be followed by employees performing rescue or medical duties;
 - (5) The preferred means of reporting fires and other emergencies; and
 - (6) Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.



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How can we be better prepared?

- Prepare or update Emergency Plans for wildfires
- Continuity of Operations Plans up to date
- Judicial Council staff are developing guidance for wildfire response



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The background of the slide features a large, faint, blue-tinted seal of the Judicial Council of California. The seal is circular and contains the text "JUDICIAL COUNCIL OF CALIFORNIA" around the top and "1926" at the bottom. In the center, there is a figure holding a torch, with the word "EUREKA" above it. Various symbols of justice and law are also depicted within the seal.

Senate Bill 1208

Mr. Charles Perkins, Legal Services

Senate Bill 1208

- Amended Government Code section 68115, the “emergency order statute,” effective January 1, 2019
- Introduced by Senate Judiciary Committee (Hon. Hannah-Beth Jackson, Chair)
February 15, 2018



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Senate Bill 1208

- Signed by Governor Edmund G. Brown, Jr.
August 24, 2018



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Emergency Orders: Background

- Unanticipated emergency circumstances (e.g., fires, earthquakes, bomb threats) that prevent court from operating



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Emergency Orders: Background

- Result: missed filing deadlines and the inability to comply with various statutory time periods (e.g., 48 hours to arraign)



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Emergency Orders: Background

- Government Code section 68115: At the request of a presiding judge, Chair of Judicial Council may issue an order authorizing an affected court to implement remedial action, such as declaring judicial holidays and extending deadlines



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SB 1208: Background

- Largely arose out of courts' experiences during the 2017 North Bay wildfires; section 68115 proved unwieldy in some instances and inadequate to address a variety of concerns



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SB 1208: Background

- Momentum to amend section 68115 to make it more workable for courts



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SB 1208: Background

- Judge So assembled a group of trial court judges and CEOs, with assistance from the Office of Governmental Affairs and Legal Services, to explore
- Group gave input to Senate staff



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SB 1208: Key Change

- Biggest change: Modernize the statutory standard to better account for circumstances courts actually face



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SB 1208: Key Change

- Before: “[w]ar, insurrection, pestilence, or other public calamity, or the danger thereof, or the destruction of or danger to the building appointed for holding the court, renders it necessary”



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SB 1208: Key Change

- Now: “[w]ar, an act of terrorism, public unrest or calamity, epidemic, natural disaster, or other substantial risk to the health and welfare of court personnel or the public . . . threatens the orderly operation of a superior court . . .



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SB 1208: Key Change

- or renders presence in, or access to, an affected court facility or facilities unsafe"



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SB 1208: Other Changes

- Continue 5-year civil trials
- Transfer cases beyond adjacent counties
- Clarify five court-day extension for preliminary hearings
- Clarify renewed orders



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Resources



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CALIFORNIA COURTS

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Judicial Emergency Orders

The Chief Justice, in her role as Chair of the Judicial Council, has approved Legal Services (formerly the Office of General Counsel) to act as the conduit for receiving, reviewing, and processing emergency order requests. Contact information for attorneys in Legal Services who can assist courts with these requests may be found in the two memoranda below. Additionally, provided below is an emergency order request form for trial courts.

Updated Procedures for Requesting Judicial Emergency Orders (Gov. Code, [Section 68115](#) ; Cal. Rules of Court, [rule 8.66](#))

- [Trial Court Emergency Order Memo](#)
- [Trial Court Emergency Order Request Form](#) (Fillable)
- [Appellate Court Emergency Order Memo](#)

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OTHER WEBSITES

- Courts & Opinions
- Research
- Other Court-Related Sites
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- Judicial & Executive (CJER)
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