

Know Where to Run, Know Where to Hide: Humboldt County Courthouse¹ Emergency Plan

SUMMARY

Humboldt County is not only known for a beautiful coastline and magnificent trees, but also for an increased possibility of an earthquake or tsunami. Our residents are alert to these dangers and count on county and city governments to help assure our safety. The county and city governments have maintained up-to-date training for first responders, held frequent emergency preparedness drills, and established an emergency communication network to provide this assurance.

Suppose you have business with Humboldt County, and you find yourself in the Humboldt County Courthouse on 5th Street in Eureka. The courthouse is full of people, numbering about 1,500 on an average day. You feel safe knowing the Sheriff is downstairs, security is at the front doors, and the armed bailiffs are on the second floor. Suddenly the building begins to shake. You realize an earthquake has begun. What should you do?

In December of 1970, the United States Congress passed the Occupational Safety and Health Act of 1970, which established the Occupational Safety and Health Administration (OSHA). OSHA Standard Subset 1910.38 requires an Emergency Action Plan any time an employer has more than ten workers. Subset 1910.37 requires safeguards and operational features for exit routes. To meet these requirements, Humboldt County has written an *Emergency Action Plan for the Humboldt County Courthouse* and placed illuminated exit signs over each exit door. The emergency action plan was distributed to the court and all county departments. This plan articulates how the county employees will handle themselves in an emergency and how they will help courthouse visitors make the correct safety decisions.

As the new Humboldt County Civil Grand Jury (HCCGJ) came together in July 2017, we asked ourselves how prepared the county is to respond to an emergency within its facilities. Due to time constraints, we limited our investigation to the Humboldt County Courthouse. We found the *Emergency Action Plan for the Humboldt County Courthouse* was last modified in 2001. It contains outdated personnel assignments, is applied inconsistently, and is unknown by many employees. In addition, emergency evacuation signage is missing from many locations within the courthouse.

The result of these deficiencies is that both county employees and visitors are exposed to a higher risk of injury or death due to outdated emergency planning. The HCCGJ's government oversight jurisdiction does not extend to courts which are state, not county operations, however, because of the hybrid nature of the Courthouse Building and issues of public safety, the Humboldt County Superior Court does not object to its inclusion in this report.

¹ The building located at 825 Fifth Street is commonly referred to in the community as the "Courthouse," even though it houses a number of county agencies.

BACKGROUND

The Humboldt County Civil Grand Jury (HCCGJ) meets twice weekly for one year receiving citizen complaints and investigating possible improvements to county operations. The 2017-2018 HCCGJ came together in July 2017 and began focusing on administrative functions such as filling out accounting forms and obtaining county badges. There were many questions posed regarding courthouse issues and how the HCCGJ functioned.

During this organizational phase, one frequently asked question involved what action to take during an emergency such as a fire, earthquake, or active shooter. The HCCGJ realized this was an area of significant concern. Unknown was what evacuation/take cover instructions existed, for not only the HCCGJ, but for the county employees and courthouse visitors.

A quick look up and down the hallway of each floor of the courthouse in search of evacuation routes proved rather fruitless. Little to no information was posted on the walls or within the Grand Jury office, or in our procedures passed from one year to the next. We questioned whether the county emergency action planning for employees and visitors to the courthouse was deficient and possibly deficient in other county facilities as well. As we asked about evacuation plans, they began to appear in the hallways and conference rooms of the courthouse.

Based on this information, the HCCGJ decided to investigate whether Humboldt County was in compliance with Cal/OSHA requirements for “emergency action plans” [1910.38] and “safeguards for exit routes” [1910.37].

METHODOLOGY

In preparation for this report, the Humboldt County Civil Grand Jury:

- Conducted interviews with superior court and county employees
- Reviewed emergency planning documentation provided by interviewees
- Searched the county website and reviewed printed literature provided to courthouse visitors
- Reviewed the bulletin boards throughout the courthouse looking for emergency information
- Checked the courthouse hallways for posted evacuation information
- Spoke with and listened to citizens of Humboldt County visiting the courthouse
- Met individually with all members of the Humboldt County Board of Supervisors

DISCUSSION

Creation of the Law

In December, 1970, the United States Congress passed the Occupational Safety and Health Act of 1970, which established the Occupational Safety and Health Administration (OSHA).

The goal of OSHA was to prevent workers from being killed or seriously injured at work. To accomplish this, OSHA sets forth procedures to enforce protective workplace safety and health standards. OSHA also provides information, training, and assistance to employers and workers to help them understand and meet these health standards.

In May, 1973, California signed into law its own Occupational Safety and Health Plan which mirrors the federal Occupational Safety and Health Act in most details. Cal/OSHA covers most private employees and all state and local government employees. It does not apply to federal employees.

Part 1910 of the federal law addresses Occupational Safety and Health Standards. Standard Subset 1910.38 requires an Emergency Action Plan any time an employer has more than ten workers. Subset 1910.37 requires safeguards and operational features for exit routes. California incorporated Part 1910 into its Occupational Safety and Health Plan.

Emergency Action Plan Requirements

Federal and state statutes require the minimum elements of an emergency action plan to include procedures for:

- Reporting a fire or other emergency
- Emergency evacuation, including type of evacuation and exit route assignments
- Employees who remain to operate critical plant operations before they evacuate
- Accounting for all employees after evacuation
- Performing rescue or medical duties
- Designating a single point of contact for employees who need more information about the plan or an explanation of their duties under the plan

The employer must review the emergency action plan with each employee covered by the plan when:

- The plan is developed
- The employee is initially assigned to a job
- The employee's responsibilities under the plan change
- The plan is changed

Finally, an employer must designate and train employees to assist in a safe and orderly evacuation of other employees as well as any visitors.

Safeguards and Requirements for Exit Routes

Federal and state statutes require the following minimum safeguard elements be in place for exit routes within an occupied facility:

- Exit routes must be kept free of explosive or highly flammable furnishings.

- Exit routes must be arranged so that employees will not have to travel toward a high hazard area.
- Exit routes must be free and unobstructed.
- Each exit must be clearly visible and marked by a sign reading "Exit."
- Each doorway or passage along an exit route that could be mistaken for an exit must be marked "Not an Exit."
- Safeguards designed to protect employees during an emergency must be in proper working order at all times.
- Lighting and marking must be adequate and appropriate.

Finally, if the direction of travel to the exit or exit discharge is not immediately apparent, signs must be posted along the exit route indicating the direction of travel to the nearest exit and exit discharge. Additionally, there must be an unobstructed line-of-sight to each exit sign.

Humboldt County Government Implementation of Cal/OSHA Requirements

The HCCGJ investigated what actions Humboldt County has taken to meet the Cal/OSHA requirements. Our approach included interviewing county and court employees to determine if the county has a viable emergency action plan. We also surveyed the courthouse to locate exit signage. Through these interviews and subsequent documentation requests, HCCGJ was provided a copy of the *Humboldt County General Emergency Action Plan* adopted on November 10, 1998 and revised on June 15, 2001.

This *Humboldt County General Emergency Action Plan* specifies each county facility must have its own emergency plan which focuses on “life safety and property loss at that facility.” The plan further requires department heads to be responsible for providing a safe and healthy workplace for their employees, including preparation for emergencies. The *Humboldt County General Emergency Action Plan* requires signage to identify exit routes and assure they are lighted and obstacle-free. This general emergency action plan meets the basic requirements of Cal/OSHA.

Once our investigation was isolated to the Humboldt County Courthouse, we determined Risk Management authored the *Facility Emergency Action Plan for the Humboldt County Courthouse*. We found multiple undated copies with the same title but completely different emergency contact individuals.

The HCCGJ’s assessment of this document is it meets most of the requirements of the *Humboldt County General Emergency Action Plan*, but omits the identification of a Facility Manager and emergency contact individuals for the courthouse. We identified only one listed individual as currently employed by the county. We believe all the listed phone numbers are likewise out of date, as is the phone number for the Grand Jury office.

The HCCGJ also determined the *Facility Emergency Action Plan for the Humboldt County Courthouse* addresses the training requirement of the parent *Humboldt County General Emergency Action Plan*, but has not been fully implemented. To assure that Cal/OSHA requirements are met, additional and ongoing training of county employees is required.

The HCCGJ was unable to locate all signage required, except for evacuation signage which has recently started to appear on the courthouse walls and exit doors. The department responsible for placing and maintaining this signage is unknown. These are serious deficiencies.

Current Status of Courthouse Emergency Planning

The HCCGJ interviewed representatives from a subset of the departments operating within the courthouse. This subset included the courts. We also interviewed each member of the Board of Supervisors (BOS). Our focus was whether or not each department had a copy of the *Facility Emergency Action Plan for the Humboldt County Courthouse*, whether it had implemented the plan and, finally, what training it provided to new employees.

The results of our interviews showed extreme inconsistency among the county departments. The majority of the departments had a difficult time producing a copy of the *Facility Emergency Action Plan for the Humboldt County Courthouse*. When asked if their “emergency bag”—which is required by the *Facility Emergency Action Plan for the Humboldt County Courthouse*—was complete, the most common answer was no. Most alarming, we found only one department that kept a current roster of employees, including how to reach each employee by phone. In our interviews, we also heard from many departments that the use of a check out board or tracking system had not been implemented. When asked about emergency training, some of those we interviewed admitted they had not been trained for some time on the requirements of the *Facility Emergency Action Plan for the Humboldt County Courthouse*.

Extrapolating our investigation results from the departments housing county employees in the courthouse to other county facilities, the HCCGJ has serious concerns as to whether the majority of county employees are prepared to handle a true emergency.

Our review of the courts was more positive. The bailiffs must take appropriate action to protect the judges and secure the inmates before turning their attention to the jurors and visitors. The HCCGJ was told how the bailiffs’ procedures are executed and their responsibility for sweeping the courthouse to make sure all individuals are safe during an emergency. We were also told of panic buttons installed throughout the courthouse and how, once activated, they trigger a full response from the bailiffs. Full response includes dealing with physical threat, active shooter and other critical emergencies. In addition, we determined the bailiffs have been maintaining their emergency training. Missing were written procedures documenting the responsibilities and actions to be taken in case of an emergency. When we asked for a copy of the court’s/bailiffs’ emergency action plan, we expected to receive a copy of the *Facility Emergency Action Plan for the Humboldt County Courthouse*. What we received was a one-page summary of the actions required by the bailiffs in response to an emergency. We believe the bailiffs know what to do in the case of an emergency, but what we received did not conform to the parameters of the courthouse emergency plan.

While reviewing the OSHA 1910.38 requirements for emergency action plans with county employees, we became aware of the Courthouse Safety Committee. This committee meets quarterly and has representation from the court and all departments within the courthouse except, apparently, the Grand Jury. We had hoped this committee provided a focus on emergency action planning but, based on responses during our interviews, emergency planning is not typically discussed during the meetings. The committee discusses non-emergency courthouse safety and security issues, quarterly inspections, the Injury, Illness, and Prevention Program (IIPP), and personal safety training such as proper lifting techniques and safe driving. While the HCCGJ

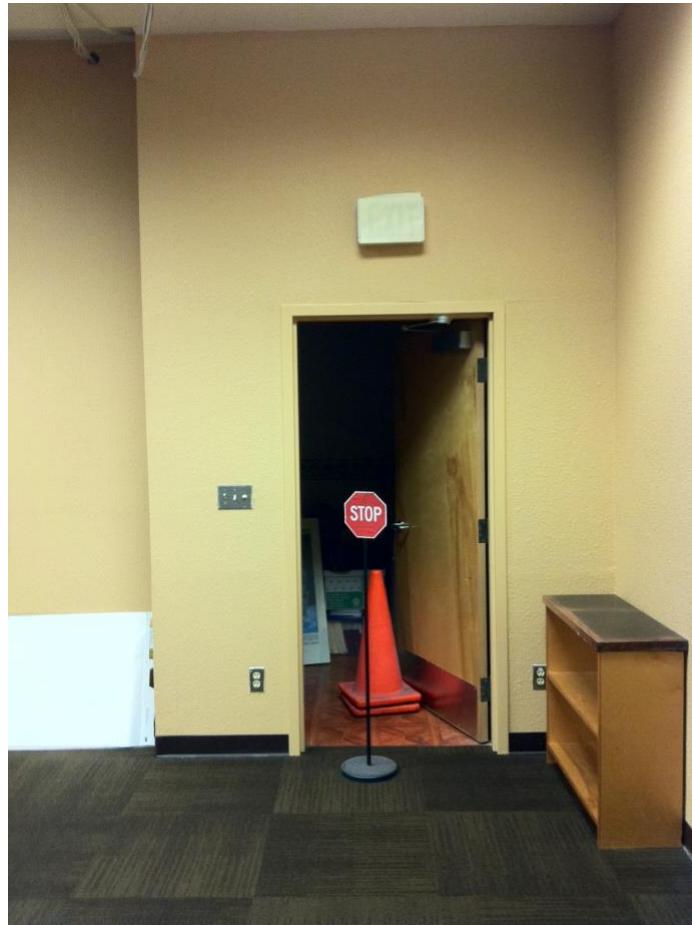
appreciates that Risk Management established the Courthouse Safety Committee, emergency procedures and planning are not a focus.

Current Status of Courthouse Exit Signage

The HCCGJ began this investigation in September 2017. At that time, we were unable to locate any evacuation plans on the walls of the courthouse. As our investigation proceeded into the interview phase, we began to notice evacuation signage showing up on the walls of the courthouse and in the conference rooms. The signage was first just printouts on paper, and then later laminated evacuation signs appeared.

Wall mounted signage began on the lower floors of the courthouse and then proceeded to the higher floors. As of this report, the third and fourth floors of the courthouse are missing some signage, but have seen improvement in the last three months. However, the fifth floor is lacking clear and accurate directional evacuation signage, some hallways are blocked by furniture, some exit doors are intermittently locked, and some exit signs lead to dead ends.

The HCCGJ did find that the actual exit doors themselves are correctly marked and illuminated. A problem exists on the fifth floor where some non-exit doors are marked as exits, but go nowhere. There was an attempt to cover one of these exit signs with a piece of white paper (see picture below). Lacking correct signage on all courthouse walls to guide one to the nearest exit door could mean the difference between life and death.



Humboldt County Civil Grand Jury Concerns - OSHA 1910.37/1910.38 Requirements

The HCCGJ has major concerns the county is not fully compliant with the emergency evacuation planning outlined in OSHA 1910.37/1910.38. The county is only marginally prepared to react in the event of an emergency affecting the courthouse. Although the HCCGJ did not investigate any of the other county facilities, it is likely the inconsistencies we discovered in the courthouse also exist in those facilities.

The HCCGJ is also concerned the county has not appointed an individual to oversee the safety of all county employees. This responsibility has been delegated to each department head. Such a structure can, and in this case does, lead to inconsistency in safety planning and training. Our investigation found Risk Management was the originator of both the general plan and the courthouse plan, but we found no reference that Risk Management, or the Human Resources Department, was ultimately responsible for county facility emergency planning.

Our interviews revealed the courthouse has not performed drills to test its emergency action plan for at least three to five years, including training in active shooter response. This increases the likelihood of employees being uninformed as to what actions they should take in case of an emergency. Many employees we met did not even know the location of their evacuation assembly area, so accounting for missing employees would be difficult, if not impossible.

The HCCGJ encountered three potential compliance issues with OSHA 1910.37/1910.38.

- The county has failed to maintain its emergency preparedness documentation with current county employee names; many people on the list are no longer employed by the county.
- There is limited emergency training for all county employees.
- Lack of required signage poses a serious safety risk to employees and members of the public searching for an exit during an emergency.

Between 700 and 1,500 individuals enter the courthouse each day. The majority are there to conduct county/court business and are, therefore, not familiar with what actions to take during an emergency. To minimize the loss of life or injury during an emergency, trained county employees have a responsibility to step forward and execute the *Facility Emergency Action Plan for the Humboldt County Courthouse*. The failure to successfully execute an evacuation during an emergency will have long term consequences--such as loss of life, injuries and, ultimately, lawsuits--for the county and the Board of Supervisors.

FINDINGS

- F1. The *Humboldt County General Emergency Action Plan* meets the Occupational Safety and Health Administration (Standard Subset 1910.38) requirements, but outdated information compromises its effectiveness.
- F2. Omission of critical information in the *Facility Emergency Action Plan for the Humboldt County Courthouse* compromises safe evacuation.
- F3. Annual emergency action training of county employees is imperative to ensure the safety of employees and visitors.

- F4. The absence of an active shooter procedure places county employees and visitors at risk.
- F5. The Courthouse Safety Committee provides an excellent means of passing safety information among county employees working in the courthouse.
- F6. A single responsible authority is necessary to oversee the implementation of a county emergency safety program.
- F7. The Humboldt County Civil Grand Jury and multiple other county departments are ill-prepared to react to an emergency.
- F8. The emergency action plan provided by the bailiffs does not appear to conform to the parameters of the *Facility Emergency Action Plan for the Humboldt County Courthouse*.
- F9. Visitors to the courthouse could be at risk due to insufficient emergency signage and inadequate emergency training for county employees.

RECOMMENDATIONS

- R1. The Humboldt County Civil Grand Jury recommends the Humboldt County Board of Supervisors update the *Humboldt County General Emergency Action Plan*. This update should ensure all the requirements of Parts 1910.37 and 1910.38 of the Occupational Safety and Health Standards are fully addressed. The review, approval, and release of the updated document should occur by September 30, 2018. (**F1**)
- R2. The Humboldt County Civil Grand Jury recommends the Humboldt County Board of Supervisors ensure its revision of the *Humboldt County General Emergency Action Plan* includes a section addressing procedures for an active shooter incident. The review, approval, and release of this new section should occur by September 30, 2018. (**F4**)
- R3. The Humboldt County Civil Grand Jury recommends the Humboldt County Board of Supervisors task Risk Management with rewriting the *Facility Emergency Action Plan for the Humboldt County Courthouse*. This rewrite should meet the requirements of the *Humboldt County General Emergency Action Plan*. Departments must maintain and regularly update information on current county employees under the plan. The updated *Facility Emergency Action Plan for the Humboldt County Courthouse* should be completed by December 31, 2018. (**F2, F8**)
- R4. The Humboldt County Civil Grand Jury recommends the Humboldt County Board of Supervisors direct those department heads with employees working in the courthouse to review and implement the current *Facility Emergency Action Plan for the Humboldt County Courthouse*, and identify all necessary training needed. This review should be completed by September 1, 2018, with identified training completed by December 31, 2018. (**F3, F9**)
- R5. The Humboldt County Civil Grand Jury recommends the Humboldt County Board of Supervisors evaluate the emergency action plans for any facilities housing county employees. This evaluation should analyze any differences between the current written facility emergency action plan and the revised *Humboldt County General Emergency Action Plan*. Any required changes should be incorporated into the new version of each individual facility plan by December 31, 2018. (**F7**)

- R6. The Humboldt County Civil Grand Jury recommends the Humboldt County Board of Supervisors direct Risk Management to include an agenda item for reviewing emergency preparedness at their quarterly Courthouse Safety Meetings and invite the Humboldt County Civil Grand Jury to attend. This action should be completed prior to October 1, 2018. **(F5)**
- R7. The Humboldt County Civil Grand Jury recommends the Humboldt County Board of Supervisors require each facility to perform emergency action plan drills at least once each year beginning January 15, 2019. **(F3, F7)**
- R8. The Humboldt County Civil Grand Jury recommends the Humboldt County Board of Supervisors hire a full-time Safety Director/Manager to oversee all safety operations for Humboldt County facilities prior to January 1, 2019. **(F6)**
- R9. The Humboldt County Civil Grand Jury recommends the Humboldt County Board of Supervisors finish its effort to upgrade emergency exit signage within the courthouse and all county facilities. Completion of required signage should occur by October 31, 2018. **(F9)**

REQUIRED RESPONSES

Pursuant to Penal Code section 933.05, the Humboldt County Civil Grand Jury requires responses from the following governing bodies:

- Humboldt County Board of Supervisors **(R1, R2, R3, R4 R5, R6, R7, R8, R9)**
- Humboldt County Sheriff's Office **(R2, R3, R4, R7)**

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

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