

**STATE UNIVERSITY OF NEW YORK
COLLEGE OF TECHNOLOGY
CANTON, NEW YORK**



COURSE OUTLINE

EADM 307 – LEGAL ISSUES IN EMERGENCY AND DISASTER MANAGEMENT

Prepared By: Dr. Michael J. O'Connor Jr.

**SCHOOL OF BUSINSS AND LIBERAL ARTS
DEPARTMENT OF BUSINESS
MAY 2016**

- A. **TITLE:** Legal Issues in Emergency Management
- B. **COURSE NUMBER:** EADM 307
- C. **CREDIT HOURS:** 3 credit hours.
- D. **WRITING INTENSIVE COURSE:** Yes
- E. **COURSE LENGTH:** 15 weeks
- F. **SEMESTER(S) OFFERED:** Spring
- G. **HOURS OF LECTURE, LABORATORY, RECITATION, TUTORIAL, ACTIVITY:** 3 lecture hours per week
- H. **CATALOG DESCRIPTION:** This course provides a general overview of the major legal and liability issues in emergency management. The focus is on the legal environment within which emergency managers operate, including their roles in rule-making, policy administration, and their potential personal legal liability for discretionary actions.
- I. **PRE-REQUISITES/CO-REQUISITES:** (List courses or indicate “none”)
 a. Pre-requisite(s): Expository Writing (ENGL 101) or Oral & Written Expression (ENGL 102), and Risk and Hazard Impact Studies (EADM 205) or permission of instructor.
 b. Co-requisite(s): None.
- J. **GOALS (STUDENT LEARNING OUTCOMES):**
 By the end of this course, the student will be able to:

<u>Course Objective</u>	<u>Institutional SLO</u>
Summarize the key provisions of the Disaster Relief Act of 1950, the Stafford Act, and the Disaster Mitigation Act of 2000 fundamental to the field of U.S. emergency management.	1. Crit. Thinking
Explain the role of Governors, State legislatures, and State emergency management agencies in emergency management and disaster policy.	1. Crit. Thinking
Explain the emergency management-related political and legal obligations of mayors, city managers, county executives, emergency managers and local emergency planning committees.	1. Crit. Thinking
Discuss the general processes and methods by which Presidential Declarations of major disasters or emergencies are requested and reviewed.	1. Crit. Thinking
Summarize the purpose and policy of the National Response Framework and National Incident Management System in brief.	1. Crit. Thinking

Evaluate national flood mitigation and disaster laws and policy; how they are implemented at the Federal, State, and local levels; and how politics are involved.	1. Crit. Thinking
Define and explain the significance of the Posse Comitatus Act of 1878 as it relates to use of the military in domestic law enforcement.	1. Crit. Thinking

K. TEXTS:

Sylves, R. (2009). The Political and Policy Basis of Emergency Management. Washington DC: FEMA.

L. REFERENCES: None.

M. EQUIPMENT: Internet access.

N. GRADING METHOD: A-F

O. MEASUREMENT CRITERIA/METHODS: (list in bullet form, all outlines should be created for face-to-face course delivery, attendance is not measurable, but you can list participation – see examples below)

- Exams
- Quizzes
- Discussion Boards
- Papers
- Participation

P. DETAILED COURSE OUTLINE: (must use the outline format listed below)

I. OVERVIEW OF DISASTER LAWS

- A. Early policy history of disaster including American relief efforts and assistance.
- B. Central features of the Civil Defense Act of 1950 and discuss its significance.
- C. Key provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988.
- D. Mitigation Act of 2000.
- E. 9/11 Terror Attack and key elements of the Homeland Security Act of 2002.
- F. Hurricane Katrina catastrophe of 2005 and key elements of the Post-Katrina Emergency Management Reform Act of 2006.

II. HAZARDS AND DISASTERS

- A. Federal system and a unitary system, and the difference between the two.
- B. Definitions of what disasters and emergencies are in official terms.
- C. Types of natural disasters, the types of technological disasters, and the varieties of conflict disorders.
- D. Types of costs that disasters and emergencies impose on individuals, the Nation, State & local governments, and on society and how disasters and emergencies have been perceived by Americans over time.

- E. Environmental and social reasons for the increasing cost and frequency of emergencies and disasters.
- III. LOCAL EMERGENCY MANAGEMENT
- A. Four phases of emergency management.
 - B. Importance of multi-agency and multi-jurisdiction coordination to emergency management.
 - C. Responsibilities of elected officials whom emergency managers often interact with and to whom they are officially accountable.
 - D. International Association of Emergency Managers and the National Emergency Management Association.
 - E. Disaster and emergency management roles of volunteer organizations.
 - F. "CNN syndrome," or camcorder politics, as it applies to the coverage of emergency and disaster incidents.
- IV. STATE AND LOCAL EMERGENCY MANAGEMENT
- A. Purpose and general forms of organization of State emergency management agencies.
 - B. Role of Governors in emergency management and disaster policy.
 - C. Emergency management authority and responsibilities shouldered by local governments.
- V. DECLARATION PROCESS
- A. What Presidential Declarations of Major Disaster and Emergency are and explain why they are significant in emergency management.
 - B. Processes and methods by which Presidential Declarations of major disasters or emergencies are requested and reviewed.
 - C. Roles and relationships among the President, the Secretary of Homeland Security, and the Administrator of FEMA.
- VI. GOVERNMENT RELATIONS AND POLICY DEVELOPMENT
- A. How FEMA and disaster policy and funding are at a disadvantage relative to other agencies and issues in the appropriations process.
 - B. Role that the insurance industry has as a special interest that often lobbies Congress.
 - C. How the Federal Government has attempted to improve its responsiveness to the public and its post-disaster needs.
 - D. Significance of business in disaster recovery efforts at the community level.
- VII. INTERGOVERNMENTAL RELATIONS
- A. Definition of the term "intergovernmental relations."
 - B. Importance of multi-agency coordination.
 - C. Interstate compacts.
 - D. Memorandum of understanding and a mutual aid agreement.
 - E. Purpose and policy of the National Response Framework.
 - F. Emergency support functions.
 - G. National Incident Management System.
- VIII. FEDERAL EMERGENCY MANAGEMENT
- A. Missions of FEMA and political implications of FEMA's current policy of emphasizing mitigation measures.
 - B. Organizational structure of FEMA and key politically appointed leadership positions within FEMA.
 - C. Implications of FEMA's incorporation into the Department of Homeland Security in the years after the 9/11 terror attacks.

- D. Overview of what the Post-Hurricane Katrina Emergency Management Reform Act of 2006 means to FEMA's organization and management.
- IX. EARTHQUAKE AND SEISMIC EVENTS
- A. Basis of earthquake law and policy in the United States.
 - B. Political issues surrounding earthquakes, such as those emerging in the Loma Prieta earthquake of 1989 and in the Northridge earthquake of 1994.
 - C. Costs of earthquake recovery and the political issues surrounding the coverage and assumption of these costs.
- X. TORNADOS AND FLOODS
- A. Key flood policy-related terms and definitions.
 - B. National flood mitigation and disaster laws and policy; how they are implemented at the Federal, State, and local levels; and how politics are involved.
 - C. How the National Flood Insurance Program works as a policy tool.
 - D. Challenges posed in structural and non-structural flood hazard mitigation efforts.
 - E. Major features of the Flood Mitigation Assistance program, along with hazard mitigation assistance programs available to address the flood hazard.
 - F. Why most tornadoes and severe storms pose considerable disaster risk for so much of the United States.
- XI. HURRICANES
- A. Why Hurricane Katrina in 2005 and Hurricane Andrew in 1992 had such major effects on the nation's law and policy in emergency management.
 - B. Challenges posed in hurricane damage mitigation vis-a-vis zoning, building regulation, retro-fitting, and relocation.
 - C. Major findings of presidential and congressional investigations of the Hurricane Katrina response from 2005-2007.
 - D. Major scientific and technical issues surrounding hurricane prediction and tracking.
- XII. NUCLEAR AND HAZARDOUS MATERIALS
- A. Federal actions in nuclear power emergency preparedness.
 - B. Dangers posed by hazardous materials incidents and why emergency managers are asked to address them.
 - C. How hazardous substance incidents are addressed in the National Response Framework and the National Response Team role in managing hazardous substance incidents.
- XIII. MILITARY ASSISTANCE
- A. Arguments for or against greater military role in disaster response.
 - B. Major role of the U.S. Department of Defense and NORTHCOM in domestic emergency management.
 - C. Presidential national security and military powers.
 - D. Significance of the Posse Comitatus Act of 1878 as it relates to use of the military in domestic law enforcement.
 - E. Purpose and implementation of the Urban Area Security Initiative (UASI).
 - F. Fundamentals of the Law Enforcement Terrorism Prevention Program.
 - G. Fundamentals of the Emergency Management Performance Grant program.

XIV. AMERICAN FIRE SERVICES

- A. Importance of the Fire Services in National emergency management and the role of the Fire Services within FEMA.
- B. Roles of the fire service in disaster mitigation and disaster response.
- C. The importance of wildland fire management and how politics and policy sometimes affects the choice of fire management options.
- D. Federal programs which address wildfire hazards and the key Federal agencies involved.

XV. TERRORISM

- A. Major political and policy implications of the 9/11 terror attacks on the United States.
- B. Key emergency management findings of the 9/11 Commission Report.
- C. Major laws and policies that helped create and establish the Department of Homeland Security.
- D. Federal departments and organizations engaged in homeland security work.
- E. National Response Plan, the National Response Framework, and the National Incident Management System.
- F. Role of the U.S. Coast Guard in emergency management, an agency in the Department of Homeland Security since 2003.

Q. **LABORATORY OUTLINE:** Not applicable.