

EMERGENCY MANAGEMENT:

Pandemic highlights City’s long-standing neglect
of people with disabilities

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Photo source: Disabled and Here Project

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Emergency Management:

Pandemic highlights City's long-standing neglect of people with disabilities

Summary

Under the Americans with Disabilities Act, the City is required to provide equal access to all services, including emergency services such as preparedness education, planning, and incident response. Government is responsible to ensure that people with disabilities are prepared for and protected in an emergency.

We found that the City was not prepared to meet the needs of people with disabilities during the COVID-19 pandemic much less a more physically destructive emergency like an earthquake or wildfire.

The Portland Bureau of Emergency Management does not have the information, expertise, or capacity needed to anticipate and plan for the emergency needs of people with disabilities. The City's emergency plans are outdated, have gaps related to disability issues, and do not include reliable practices for complying with the Americans with Disabilities Act. Emergency Management provides limited emergency preparedness outreach to people with disabilities. The City's inability to successfully manage its emergency planning responsibilities across bureaus contributes to the lack of preparedness.

We make recommendations to Emergency Management to improve the City's emergency planning and response for people with disabilities.

Background: Government is responsible for protecting communities during an emergency

Disasters expose existing inequities. Populations facing the greatest injustices in everyday life are often the hardest hit by emergencies. Research shows that people of color, with disabilities, older than age 60, with low incomes, and who are unsheltered are the most harmed by disasters. Risks are even greater for people who are marginalized in more than one way. The COVID-19 pandemic highlights the unequal impacts of emergencies.

One of the most important roles of government is to protect communities from harm, including helping people prepare for and respond to emergencies. When a government provides emergency preparedness and response programs and services, the Americans with Disabilities Act requires the programs and services to be accessible. As a result, people with disabilities must have access to the same opportunities and benefits available to people without disabilities.

Emergency management services most important to people with disabilities:

- Access to information
- Notification
- Evacuation
- Access to medications, refrigeration, back-up power, mobility devices, and service animals
- Emergency transportation
- Sheltering

*– U.S. Department of Justice,
An ADA Guide for Local Governments*

Although the act does not specifically outline emergency preparedness and response requirements, the Department of Justice has issued guidance to clarify these responsibilities for local governments. We used this guidance, including the [ADA Best Practices Tool Kit for State and Local Governments](#), to evaluate the City's emergency preparedness and response.

City not prepared to meet the needs of people with disabilities

Big emergencies, such as an earthquake, pandemic, flood, or major fire, require coordination and resources. Although the City is part of a regional emergency response network, the Portland Bureau of Emergency Management has specific responsibilities to plan for disasters and help coordinate the actions of City bureaus and outside partners when they arise.

When it comes to meeting the needs of people with disabilities during emergencies, Emergency Management is unprepared across all areas that we reviewed and does not meet Department of Justice guidance.

Essential information is not collected or used

To be able to plan for the emergency needs of people with disabilities, emergency managers must understand what those needs are. For example, emergency managers should determine how many people with disabilities may need tailored notifications, evacuation assistance, or transportation in a disaster. Except for aggregated Census data, Emergency Management's planners have not collected information about Portlanders with disabilities or their emergency needs, including information about the emergency needs of Portlanders of color with disabilities.

The City and County together operate a voluntary registry for people who may need assistance in emergencies, known as the Additional Needs Registry. Participants can submit details about their needs when they sign up for the City's emergency alert system ([PublicAlerts](#)). The registry paints an incomplete picture of Portland's disability community, however, because few people have signed up. As a result City and County emergency planners have not used it for planning purposes.

As currently operated, the registry creates an illusion of preparedness that may do more harm than good. Agreements give several City bureaus and Multnomah County registry responsibilities and task the City's Office of Community & Civic Life with overall leadership and coordination. But no one took ownership of the registry or led efforts to make it an effective and useful tool.



A screenshot of the PublicAlerts page that shows a list of access/functional needs one can select.

Little done to include people with disabilities in planning or be responsive to concerns

Emergency planning requires engaging disability organizations and people with a variety of needs. Emergency Management does not regularly seek input from the disability community as part of its responsibilities to develop emergency plans or test their effectiveness. The bureau instead generally relies on a handful of City staff for input.

Additionally, when Emergency Management has received feedback on disability issues, it has done little to address the concerns. For example, the bureau has made little progress on implementing recommendations from City's Disability Program staff, community stakeholders, or a [2016 regional study](#) on emergency planning for people with access and functional needs.

Substantial gaps in planning exist

Emergency Management is responsible for maintaining written [emergency plans](#) that describe the duties and roles of City bureaus and for coordinating emergency planning across the City. We assessed whether emergency planning in the following areas anticipates and addresses the needs of people with disabilities: emergency communications, evacuation and transportation, and emergency shelters.

Emergency communications

The City should give all Portlanders information to make sound decisions and take appropriate action during an emergency. More work is needed to ensure that the City's emergency communications can be received, understood, and acted on by people with disabilities. For example, we found evidence of inaccessible public communication during the COVID-19 pandemic, barriers to registering for PublicAlerts, problems with emergency alert messaging, and alert scripts that are not consistent with emergency plans.

Evacuation and transportation

Emergency plans should describe the actions needed to identify and assist evacuees with a variety of disabilities. That is because people with disabilities may have unique access and functional needs when leaving their homes or getting emergency transportation. The City's planning is missing essential components related to:

- Identifying people with disabilities who need evacuation assistance;
- Establishing procedures to ensure that people with disabilities can evacuate in an emergency;
- Routing requests for assistance to responders when the 911 system is overloaded;
- Transporting people with disabilities with their mobility devices, medical equipment, and other supports;
- Ensuring people with disabilities are transported to appropriate, accessible settings; and

- Ensuring assistance and accessible transportation is available when first responders and TriMet are busy.

Emergency Shelters

Plans should also include strategies to ensure that emergency shelters are accessible, have the equipment and supplies needed to support people with disabilities, and provide effective, accessible communication. The City and Multnomah County have agreed that the County will take the lead on sheltering. Some of the City's emergency plans, however, do not reflect this division of responsibilities.

"Many interviewees stated that in a large-scale event, it would take so much time to muster a coordinated response that [people with disabilities] would ultimately suffer the greatest impact."

– Disabilities, Access and Functional Needs Inclusive Planning: Summary of Findings for the City of Portland and Clackamas, Washington, Multnomah, and Clark Counties (2016)

Emergency Management does not have Americans with Disabilities Act expertise or capacity

Emergency Management does not have qualified staff or the capacity to plan effectively for the needs of people with disabilities. The bureau typically has had only one planner to develop and update emergency plans. That planner is not an expert on the Americans with Disabilities Act and is often pulled away from planning tasks to work on other projects.

While Emergency Management employees report that they could contact City disability program staff in other bureaus with questions, the bureau does not have a system in place for accessing this expertise or expertise from outside sources, such as community members, other organizations, or consultants. And, unlike many City bureaus, Emergency Management does not have a designated coordinator to promote compliance with the federal law and provide training on disability-related topics.

In addition, Emergency Management has done little to implement readily available guidance for addressing the emergency needs of people with disabilities, such as the [ADA Best Practices Tool Kit for State and Local Governments](#) and the [2016 regional study](#).

Despite knowing its organizational challenges, Emergency Management has not asked City Council for the staff or resources needed to effectively address them on behalf of the disability community.

Shortfalls extend to operations at Emergency Coordination Center

The absence of expertise extends into the management of the City's Emergency Coordination Center. The Center is activated during large-scale emergencies. It serves as the operational hub for response activities and provides assistance to City residents affected by the emergency.

Before the COVID-19 pandemic, the Center's policies and procedures did not address the Americans with Disabilities Act or establish disability emergency management positions. As a result, when the pandemic hit in 2020, there was no plan for how to identify the needs of people with disabilities and the Center's initial staffing did not include disability advocates. Advocates reported having to push to become part of the Center, and once there, struggled for disability issues to be heard.

The Center evolved during the pandemic: an Equity Officer position was included in the Center's leadership structure, an Equity and Accessibility Manager was added to promote language access and accessible communication, and a temporary Aging and Disability Community Project was established to support older adult and disability communities. However, without formalizing these roles in operating procedures, there is a risk that the added staff won't have Americans with Disabilities Act expertise or won't be included when the Center is activated for the next emergency.

Working across City bureaus exacerbates challenges

Broader issues with emergency management contributed to the City's lack of emergency preparedness for people with disabilities. These included challenges related to decision-making and accountability, outdated emergency plans, and limited public education about emergency preparedness.

Decision-making and accountability structure falls short

Many services most needed by people with disabilities, such as emergency notifications, evacuations, and transportation, are beyond the normal day-to-day responsibilities of any one bureau. They require coordination across several bureaus and partner agencies, but the City's emergency plans generally do not outline how to ensure that those services will be accessible to people with disabilities. Emergency Management's Operational Guidelines likewise do not provide specific guidance for serving people with disabilities.

Emergency Management must ensure that Citywide plans and response protocols comply with federal law. Many bureaus contribute to the City's emergency response, and they have their own plans, operational guidelines, and procedures. Emergency Management said it is not equipped to ensure that each bureau's response meets the needs of people with disabilities and that while it has coordination responsibility, it lacks authority to compel other bureaus to act.

Similarly, the City's Office of Equity & Human Rights, which is responsible for promoting citywide compliance with the Americans with Disabilities Act, does not have the resources to monitor other bureaus' emergency preparations or the authority to compel bureaus to comply with the law.

Existing citywide oversight bodies also do not provide the accountability needed to ensure the City is meeting its obligations to people with disabilities. The Emergency Management Steering Committee was created to help Emergency Management develop policies and procedures for incidents that require coordination across bureaus. It has not always considered the needs and relevant policies across bureaus for people with disabilities. Similarly, the Disaster Policy Council, which consists of the Mayor, Auditor, a rotating Commissioner, and bureau directors, has not consistently reviewed and approved emergency plans or held bureaus accountable to ensure that the City's emergency plans and response meet the needs of people with disabilities.

Many emergency plans are outdated

Out-of-date emergency plans put people with disabilities at highest risk and pose a serious problem for all Portlanders.

Emergency plans should evolve as new information is received, priorities, populations, and technology change, and lessons are learned. The Federal Emergency Management Agency recommends that no part of a plan go two years without being reviewed and revised.

Emergency Management has updated only one plan – the communications plan – in the past two years. While COVID-19 delayed updates in 2020 and 2021, half of the emergency plans were

out-of-date before the pandemic began. For example, the earthquake plan has not been updated since 2012.

Many emergency plans are outdated:

- Basic Emergency Operations Plan (2016)
- Coordination, Direction and Control (2017)
- Communications (2019)
- Alert and Warning (2017)*
- Evacuation Plan (2017)*
- Damage Assessment Plan (2014)*
- Disaster Debris Management Plan (2014)*
- Earthquake Response (2012)*
- Flood Response (2018)

**Out-of-date according to their update schedules*

Educational obligations not being met

City Code makes Emergency Management responsible for developing and implementing programs to educate the public about emergency preparedness. Best practices state emergency managers should establish public education programs that emphasize personal preparedness and are accessible to people with disabilities. Giving community members the tools they need to prepare for emergencies can help build resilience and reduce the adverse effects of disasters.

In a [2010 audit of Emergency Management](#), we found the City's coordination of outreach and education activities to be problematic. "Public education efforts are disjointed and lack a consistent message..." The finding remains applicable today when assessing outreach to people with disabilities.

Emergency Management performs limited preparedness outreach and has no programs specifically for people with disabilities.

Two other bureaus – the Office of Community & Civic Life and the Office of Equity & Human Rights – conduct outreach and engagement with Portlanders with disabilities. However, Emergency Management has not worked with these bureaus to establish expectations and responsibilities for emergency preparedness education and outreach for people with disabilities.

City put lives at risk and exposed itself to lawsuits

Without specific and updated plans and informed, coordinated strategies, the City is not prepared to quickly and effectively respond to the needs of people with disabilities in emergencies. In addition, Emergency Management's actions to educate and prepare people with disabilities for emergencies have fallen short. This lack of preparation puts the lives of people with disabilities at risk.

Recent emergencies – such as the COVID-19 pandemic, heat waves, wildfires, and winter storms – have highlighted the need for better emergency planning and preparedness for this segment of the community.

There also is a risk of lawsuits or a U.S. Department of Justice compliance review that could claim that shortcomings in the City's emergency planning for people with disabilities violates the Americans with Disabilities Act. Cities across the country, including Denver, Los Angeles, and New York, have been sued for failing to consider the unique needs of people with disabilities in their emergency management programs. In addition, the Department of Justice has entered into more than [220 settlement agreements](#) with state and local governments over violations of the law, many of which have involved emergency management services.

“Unfortunately, history has repeatedly shown that the concerns of people with disabilities and others with access and functional needs in emergency situations are frequently overlooked or minimized, notwithstanding the great urgency that surrounds the need to respond to the disability community's concerns in all phases of emergency management.”

– *National Council on Disability*

Recommendations

The purpose of the Portland Bureau of Emergency Management is to centralize leadership and coordination of emergency management. To ensure that the City's emergency management programs and services comply with the Americans with Disabilities Act, we recommend that Emergency Management:

1. Lead work with other bureaus and partner agencies to reevaluate the Additional Needs Registry and determine whether the registry should be discontinued. If the City and County decide to keep it, Emergency Management should ensure that the updated registry carries out its stated purposes and complies with Department of Justice guidance, including the *ADA Best Practices Tool Kit for State and Local Government*.
2. Develop a plan with performance measures and milestones for achieving compliance with the Americans with Disabilities Act in emergency management.

- The plan should include specific strategies and timelines for implementing the ADA Best Practices Tool Kit for State and Local Government and recommendations from the 2016 study, *Disabilities, Access and Functional Needs Inclusive Planning: Summary of Findings for the City of Portland and Clackamas, Washington, Multnomah, and Clark Counties*.

Strategies for gathering information about Portlanders with disabilities should include the collection of disaggregated data, including based on race to identify needs of people of color with disabilities.

- Emergency management should ensure the work is performed by qualified staff with Americans with Disabilities Act expertise.
- Emergency management should use the plan to inform strategic planning, budget, and staffing choices and report its progress to the Emergency Management Steering Committee, Disaster Policy Council, and City Council.

3. Hire or designate Emergency Management staff to cultivate Americans with Disabilities Act expertise and compliance and ensure they have the authority and resources needed to carry out their duties.
4. Ensure that Emergency Management staff understand how to meet guidelines listed in ADA Best Practices Tool Kit for State and Local Government.
5. Formalize the inclusion of a disability advisor in the Emergency Coordination Center command structure and operating procedures. The disability advisor should have Americans with Disabilities Act and emergency management expertise and the authority needed to address disability concerns.
6. Use the authority of the Disaster Policy Council and Emergency Management Steering Committee to ensure that citywide emergency management planning and response complies with the Americans with Disabilities Act. In coordination with City Council, formalize a disability advisor role for both oversight bodies.
7. Take responsibility for coordinating emergency preparedness outreach to people with disabilities on behalf of the City and develop a strategy that includes long-term and short-term goals for emergency preparedness education and outreach to people with disabilities.

The Mayor and Interim Directors of Portland Bureau of Emergency Management and Office of Equity & Human Rights generally agreed with our recommendations

View their responses at the end of this report.

How we did our work

We conducted this audit to determine whether the City's emergency preparedness and response anticipate and address the needs of people with disabilities. We focused on determining whether:

- The City has a structure in place to provide oversight and accountability over emergency management and Americans with Disabilities Act compliance
- The needs of people with disabilities are integrated into the City' emergency preparedness and response, and
- Emergency Management educates and prepares people with disabilities for an emergency.

Although emergency management responsibilities span different City bureaus, levels of government, and regional agencies, the scope of the audit focused on the Portland Bureau of Emergency Management and how it plans for and coordinates emergency management within the City.

To accomplish this audit objective, we:

- Interviewed emergency management staff at Emergency Management and other bureaus;
- Reviewed Citywide emergency plans and operational policies;
- Interviewed disability program staff in the Office of Community & Civic Life, Office of Equity & Human Rights, and other bureaus;
- Reviewed City Code and administrative rules on emergency management and Americans with Disabilities Act compliance;
- Reviewed emergency management guidelines and best practices provided by the U. S. Department of Justice, Federal Emergency Management Agency, and other federal and nongovernmental agencies;
- Reviewed emergency management audits and studies from other jurisdictions;
- Gained an understanding of the Americans with Disabilities Act and related federal guidelines, and reviewed court decisions and U.S. Department of Justice settlement agreements in other jurisdictions;
- Reviewed the organizational structure of emergency preparedness across the region, and interviewed staff at nonprofit agencies, Multnomah County, the State of Oregon, Metro, the Regional Disaster Preparedness Organization, and Oregon Health & Sciences University; and
- Interviewed emergency management and disability community stakeholders.

Audit Services answers directly to the elected City Auditor, who under City Charter conducts performance audits in accordance with generally accepted government auditing standards. These standards require auditors to be independent of the audited organization and avoid an actual or perceived relationship that could impair the audit work. The City Auditor by Code serves on the City's Disaster Policy Council. We do not believe the City Auditor's membership on the Disaster Policy Council constitutes an organizational impairment because the City Auditor has not had direct responsibility for emergency management program implementation during her tenure.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.