International Municipal Lawyers Association
2017 Mid-Year Seminar
Washington, DC

EXPECT THE UNEXPECTED: DEALING WITH THE PRESS AND LEGAL ISSUES IN THE AFTERMATH OF THE PULSE SHOOTING



Orlando, Florida

- Strong Mayor form of government
- 3,300 employees/$1.2 billion annual budget
- 265,000 annual residents (28% Hispanic and 27% Black)

The Crisis Challenge
Pulse Nightclub Shooting Overview

Previous Active Shooter/ Hostile Events in the United States

"An individual actively engaged **in killing or attempting to kill people in a confined and** Populated area"



In 2016 alone,
258 incidents
involving an active shooter have occurred.

Source: http://www.gunviolencearchive.org/reports/mass-shooting

The Crisis Challenge
Community Setting

Pre-Pulse Training

- Implemented Mass Casualty Incident (MCI) training with Orlando Police Department (OPD), Orange County Sheriffs Office (OCSO) and FBI as early as 2005
- Active shooter drills with OPD and OCSO in 2014 at local high school
- 2015 – Active Shooter/EOD exercise with local area SWAT teams coordinated by FBI at Millenia Mall
- 2015 – Active Shooter exercise on college campus with OPD
- 2015 – Annual Tabletop Exercise on Civil Disobedience

Over 90% of the department trained



June 12, 2016





Building: Nightclub
Built: 1957
Floors: 2 Story
Gross Area: 4853 sq.ft.
Exterior Walls: Concrete Block Stucco
Weather: Clear, 77 F, with no wind at 85% humidity
Time of Incident: 2:02 a.m. first call received
Occupants: Approximately 300 at time of incident

Initial Incident

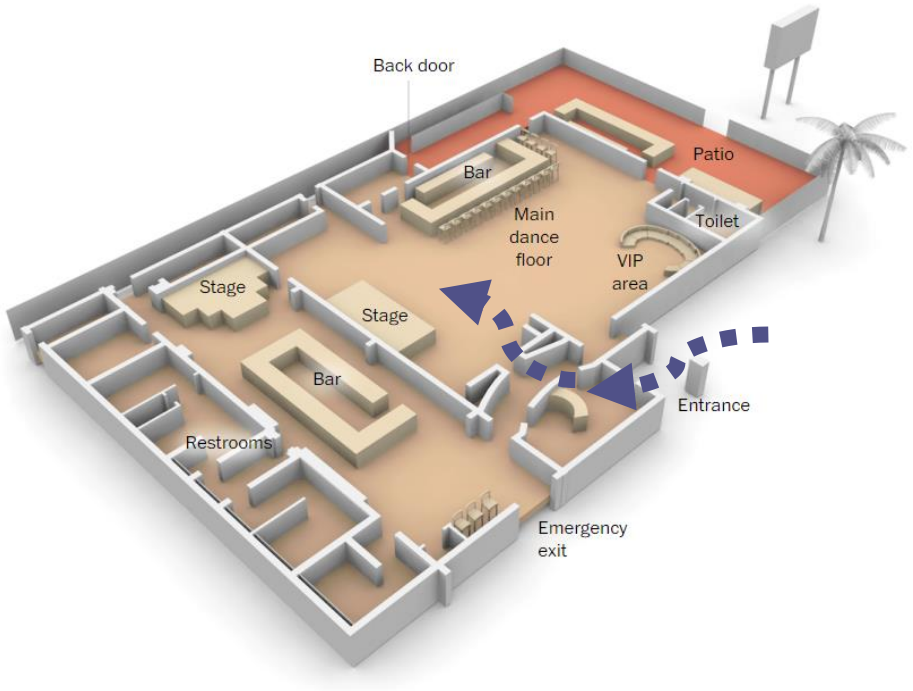


Photo source: https://www.washingtonpost.com/graphics/national/orlando-shooting/

At approximately 2 a.m. - the suspect enters the Pulse nightclub.

2:02 a.m. - OPD call transmitted multiple shots fired at Pulse nightclub.


ORMC
OFD Station 5
Pulse Nightclub
PULSE
527
© 2016 Google
Google earth
1995
28°31'12.85" N 81°22'35.14" W elev 106 ft eye alt 413 ft

Final number of casualties reported

TOTAL NUMBER OF TRANSPORTS TO HOSPITALS BY EMS OR POLICE: 55

ORMC:	44
OFD	16
OPD	15
Rural Metro	8
OCFRD	5
Florida Hospital Orlando:	11
Rural Metro	7
OCFRD	4

TOTAL PATIENTS RECEIVED BY EACH HOSPITAL:

ORMC	44
Florida Hospital	20 (all discharged)
Dr. Phillips	2 (all discharged)
Winter Park	1 (all discharged)

Total Deceased: 50
(including suspect)

Total Casualties at Hospital: 117

Responding Agencies

- Orlando Police Department, Orange County Sheriff and Multiple Police Agencies
- Orlando and Orange County Fire Departments
- Orlando Fire Dept. Arson/Bomb Squad
- Rural Metro (transport for Orlando)
- OPD SWAT
- Multiple Hospitals
- Orange County Medical Examiner
- Florida Department of Law Enforcement
- Florida Highway Patrol
- Central Florida Intelligence Exchange
- Federal Bureau of Investigation
- Bureau of Alcohol ,Tobacco, Firearms, and Explosives
- Drug Enforcement Administration
- Department of Homeland Security

















Areas of Communication Management During Activation

- Media
- Street closures and businesses around the scene
- Memorials and vigils
- Local and state officials; President’s visit
- Assistance centers
- Employees
- Faith-based community and non-profits
- Community unity/healing
- OneOrlando Fund
- Routine City business

Digital Communications

Social Media

- OPD lead through Twitter when incident began
- ESF-14 took over all other accounts. Main communication then came from City account with Mayor, OPD and OFD sharing from their point of view.
- Engaged partners to share messaging
- Used trending hashtag: #OrlandoUnited
- Used imagery to increase engagement and highlight healing/unity message





Social Media Stats

Twitter was most effective platform for getting information out quickly.

Overall stats:

- June 12 impressions across City/Mayor/OPD Twitter and Facebook: **30 million**
- June 12-19 impressions across City/Mayor/OPD Twitter and Facebook: **54.15 million**

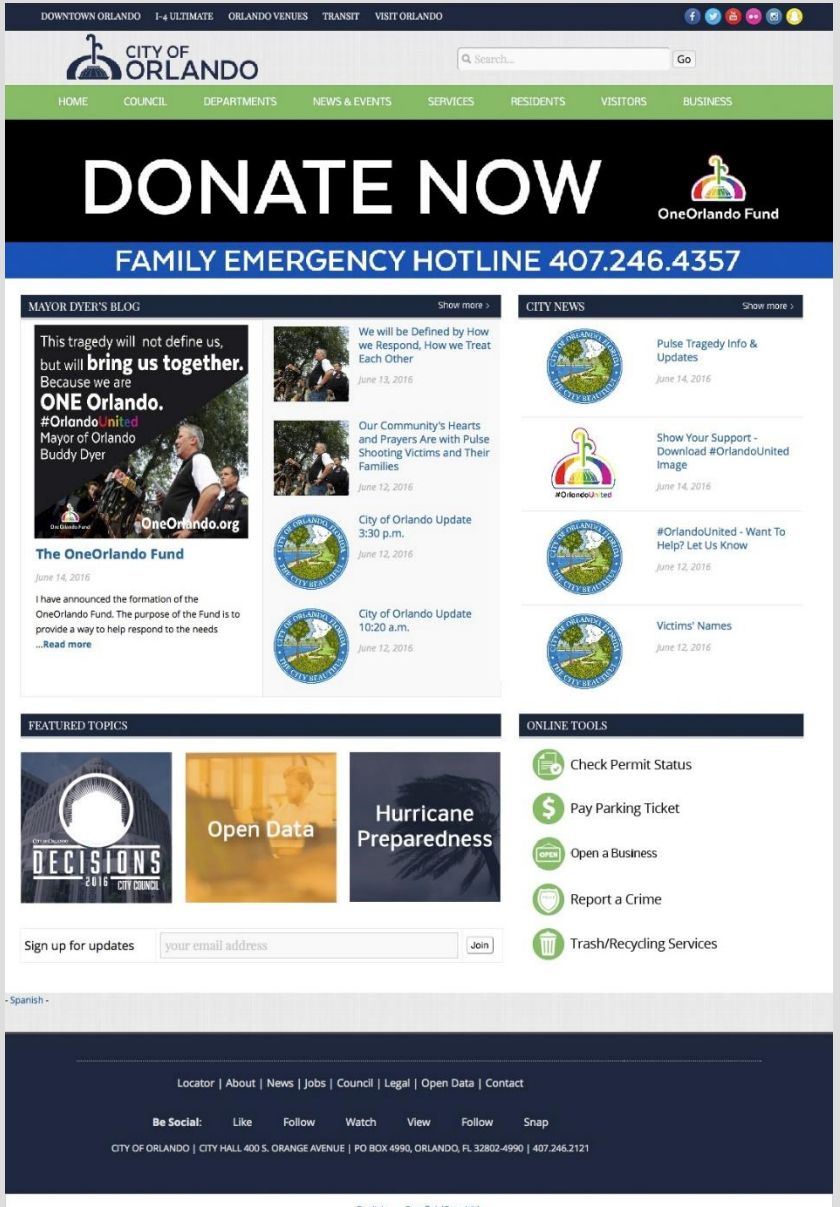
New followers on June 12:

- City: Twitter: 10.8%, Facebook: 41.8%
- Mayor: Twitter: 42.8 percent, Facebook: 31.6%
- OPD: Twitter: added 38,000 new followers, Facebook 25.6%



Digital Communications
Website

- Used standard homepage design with updated content related to Pulse
  - Slider with quick reference to emergency information
  - Posts and Mayor blog
  - Created page for all Pulse updates, including public records requests
- Website was the location for accurate information
- Volunteer form
- Security and cache



Website Analytics

- Social media played a huge role in referral traffic
- 14 pages related to Pulse are in the top 50 pages visited on CityofOrlando.net

June 11 - June 18, 2016	
Social Network	**Sessions**
Facebook	1,037,542
Twitter	290,479
BuzzFeed	24,220
reddit	12,080
Instagram	328

Facebook - June 11-18, 2016 most referred to pages	
Page	**Pageviews**
Victims' names post	2,463,770
Homepage/	68,550
How to help, formation of the fund	22,893
Mayor blog post 6.12.16	9,167

Graphic Design

#OrlandoUnited

- New logo – Copyright/Trademark
- Assistance center promotional materials and signage
- Website design
- Social media imagery
- Road closure maps for vigils and scene
- Backdrops for media interviews
- Memorial signage
- City Hall banners
- Coloring books for assistance center









Media

- **Staging** – Establish staging areas at each point
- **Communication**
  - Social
  - Email and phone calls
  - Press conferences
  - Interviews
  - Regular press release updates
  - Hispanic media



Media


FIRST COAST NEWS
FCN
FIRST FOR YOU
12
WJXX
25
JACKSONVILLE, FL





Media Inquiries

- 911 calls
- Plans for the building
- Fire inspections for building
- Permits
- Emails and texts
- Code enforcement

- more than 600 media email inquires on the first day alone
- CNN reported 60 people on the ground and 100 total -- working on the story
- Inquiries from news outlets as far away as Japan, China, New Zealand, Ireland

Pulse – Post Incident Activities

POLITICAL LEADERS

- City Mayor Buddy Dyer
- County Mayor Teresa Jacobs
- State Governor Rick Scott
- Senators Bill Nelson and Marco Rubio,
- Congressional Members Representing the area and Nancy Pelosi
- State Attorney General Pam Bondi
- Attorney General of the United States - Loretta Lynch
- FBI Director James Comey
- Presidential Candidate Hillary Clinton
- President Barack Obama and
- Vice President Joe Biden



Legal Issues

Declaration of State of Emergency

STATE OF EMERGENCY
EXECUTIVE ORDER

June 12, 2016

WHEREAS, a mass shooting event has occurred within the City of Orlando; and

WHEREAS, as a result of this shooting event there are mass casualties; and

WHEREAS, this event has resulted in substantial injury to persons and property which constitutes an imminent threat to public peace or order and to the general welfare of the City, or parts thereof, to the extent that extraordinary measures should or must be taken to protect the public health, safety and welfare;

NOW THEREFORE, I, BUDDY DYER, as Mayor of the City of Orlando and pursuant to the authority vested in me by state laws and Orlando ordinances and in accordance with the provisions of chapter 252, Florida Statutes, and sections 43A.02 and 43A.07 of the Code of the City of Orlando, hereby issue this State of Emergency Executive Order for the City of Orlando.

This declaration shall be effective immediately upon my execution, this 12th day of June, 2016.

Information Management

- Team approach to release
- Legal review from the beginning
- Anticipation of requests for review and timely release
- Data access
- Control issues

Legal Issues – Information Release

Public Records, exemptions and confidentiality rules

- ***Active criminal investigative information**
- ***911 personal information redactions**
- ***Audio or video related to a death (now only law enforcement officer deaths)**
- ***Victim assistance records: Identity of victim, phone numbers, address and assets if that information is *received* by the agency**
- ***Identity of victim of certain crimes (includes aggravated battery), phone numbers, address and assets if a written request is received from the victim**
- ***Emergency response plans**

Information Management, HIPAA and State Medical Records Laws

- Retention of patient information



After Action Reports

- 119.071(2(d): Emergency response plans
- 252.905(1): Emergency information submitted to the Florida Division of Emergency Management

Money, Money, Money



OneOrlando Fund

- Creation of fund
- Management of fund
- Receipt of donations
- Fund distribution issues



Memorials and Vigils

Sites and management

- Performing arts center site
- Orlando Health
- Lake Eola Park
- Pulse

Removal and preservation

- Communication
- Event

Pulse site fence project







Crowds and Crowd Control



Property issues related to site and memorials



Counselling?



Litigation

- 911 calls
- Fund release
- Workers’ Compensation
- Liability