

LAW ENFORCEMENT

The collapse of law enforcement and the lack of effective public communications led to civil unrest and further delayed relief

Summary

A wide variety of conditions led to lawlessness and violence in areas hit by Hurricane Katrina. Lack of food, water, and electricity. Uncertainty about evacuations. Even the loss of hope. Looting occurred in several locations. In some cases, people looted stores for their survival and to diminish suffering, taking items such as food, water, clothing, flashlights, batteries, and camping supplies. At least some police departments were involved in breaking into stores and commandeering supplies needed for their departments, as well as those needed for feeding people in shelters before state or federal assistance arrived. One New Orleans physician said police helped him break into a pharmacy to get needed medications and supplies. In other cases, people looted for purely criminal purposes, apparently taking items for personal use or resale that would not be needed or were useless without electricity (e.g., televisions).

General unrest and lawlessness arose in crowded areas where people were uncertain about their survival, or rescue, or prospects for evacuation. In some areas, the collapse or absence of law enforcement exacerbated the level of lawlessness and violence. Several police departments lost dispatch and communication

capabilities, police vehicles, administrative functions such as booking, and jails to confine arrested suspects. Tremendous additional burdens were imposed on the police, like search and rescue operations, that took priority over normal police functions. The extent of crime and lawlessness is difficult to determine, partly because of the loss of police record keeping during the disaster and partly because of unsubstantiated reporting by the media.

The breakdown of law enforcement was particularly

notable in New Orleans. Despite the well-known threat from flooding, the New Orleans Police Department had not taken basic steps to protect its resources and ensure continuity of operations. For



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example, communications nodes, evidence rooms, and even emergency generators were housed in lower floors susceptible to flooding. When the levees broke and the floodwaters overtook police headquarters and district offices, the department lost its command and control and communications functions. Police vehicles believed to be moved out of harm's way were lost to the floodwaters. Hundreds of New Orleans Police Department officers went missing — some for legitimate reasons and some not — at a time they were needed most. This left the city unable to provide enough manpower and other resources to maintain law and order at shelters and on the streets.

Looting broke out in the downtown section of the city, particularly along Canal Street. There were also reports, currently under investigation by the Louisiana Attorney General, that New Orleans police officers were involved in stealing vehicles from a car dealership. Even when police were present to restore law and order, they did not have the resources to arrest, book, and detain suspects. Other parts of the city, according to witnesses, were relatively calm despite the lack of law enforcement personnel.

Public communications is a key aspect of emergency management, and this function has its own emergency support function in the NRP. In Louisiana, and particularly



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New Orleans, the federal, state, and local governments did not appear to have a public communications strategy to utilize the media. This problem was particularly severe in the area of law enforcement and crime. While the media played a positive role in many aspects — such as providing situational awareness to government authorities — it also played a negative role in the often unsubstantiated reporting of crime and lawlessness, undermining the accuracy and value of that awareness.



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New Orleans Mayor Ray Nagin and Police Chief Eddie Compass

Media reports of violence often gave credence to rumors that were either false or highly exaggerated. Public officials did not have a strategy to get ahead of the “information curve” to use the media to the public’s advantage

and help quell rumors. In fact, Mayor Ray Nagin and the Chief of Police repeated rumors of rampant criminality to the national media, contributing to the exaggerated image of utter lawlessness. Many of these reports, particularly of unchecked violence in the Superdome, appear to have been unsubstantiated. Nevertheless, the hyped media coverage of violence and lawlessness, legitimized by New Orleans authorities, served to delay relief efforts by scaring away truck and bus drivers, increasing the anxiety of those in shelters, and generally increasing the resources that needed to be dedicated to security.

Law and order were eventually restored as local law enforcement officers were removed from search and rescue, reassigned to law enforcement missions, and supplemented first by state National Guard troops, then by other state and local police through the Emergency Management Assistance Compact (EMAC) process. The National Guard played a substantial role in providing security and restoring law and order. The Louisiana National Guard was deployed before landfall, and provided security at the Superdome that helped maintain order there. Once looting broke out in New Orleans, guardsmen also patrolled the streets to restore law and order.

The Alabama National Guard was also deployed before landfall, providing a security task force for Mobile and Baldwin counties. National Guards from other states sent units through the EMAC process to perform security or

law enforcement duties. For example, Arkansas provided 310 guardsmen from a military police company to provide security in Mississippi.

While not immediately deployed, Department of Defense (DOD) active duty forces also played a role in restoring and maintaining law and order. For example, the U.S. Army’s 82nd Airborne arrived in New Orleans on September 3 (five days after landfall) and, according to the city’s Director of Homeland Security, had a “calming effect” on the populace by their mere presence on the street. Precautions were taken to prevent DOD active duty forces from direct law enforcement missions, thereby avoiding Posse Comitatus issues.

Civilian law enforcement agencies from other states and localities also provided personnel through the EMAC process to supplement beleaguered state and local police. For example, South Carolina provided 118 law enforcement personnel with equipment to Mississippi.

Federal law enforcement agencies also played a major role in restoring law and order after Hurricane Katrina. Specific agencies included the U.S. Attorney’s Office, the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the U.S. Marshal Service (USMS), the U.S. Secret Service, U.S. Customs and Border Protection, the U.S. Border Patrol, U.S. Immigration and Customs Enforcement, and the Federal Air Marshal Service (FAMS). The first priority for most of these agencies was implementing continuity of operations plans — locating their people, securing their workplaces and sensitive information, getting supplemental manpower from other field offices, and otherwise fully restoring their mission capabilities. These federal agencies then turned to assisting state and local law enforcement agencies.

These agencies brought a wide array of capabilities and tactical teams to help restore and maintain law and order. Most of the federal personnel were deputized as state law enforcement officials, so they could fully partner with local police by participating in patrols, investigating crimes, and arresting suspects. The FBI deployed its Critical Incident Response Group and ATF deployed one of its Special Response Teams. ATF located and inspected federal firearms and explosives licensees to determine if their facilities were secure. USMS assisted with evacuating prisoners from flooded jails into federal facilities. FAMS provided security at the New Orleans Airport.

Federal agencies also helped establish interagency and intergovernmental mechanisms — such as common credentialing and a Law Enforcement Coordination Center — to coordinate the activities of the multitude of federal, state, and local law enforcement agencies. Finally, these federal agencies provided equipment, supplies, and other resources to local law enforcement agencies to help them start rebuilding their capabilities.

Finding: A variety of conditions led to lawlessness and violence in hurricane stricken areas

Several conditions led to lawlessness and looting

A wide variety of conditions led to lawlessness and violence in areas hit by Hurricane Katrina. Bobby Strahan, Pearl River County Emergency Management Agency Director, said the lack of critical commodities for those residents who did not evacuate (or returned quickly) and crowds seeking shelter at a limited number of facilities with generators may have been behind some of the post-landfall requests for security and law enforcement assistance.¹ According to Strahan, Pearl River experienced some looting and other crimes in the immediate aftermath of the storm. Once the county was able to secure and distribute limited amounts of food, ice, and water (what it could gather on its own plus assistance from the state of Florida), these security problems largely dissipated.

Similarly, those who did not evacuate (or returned quickly) may have contributed to significant security challenges at some of Mississippi's healthcare facilities in the affected areas. According Dr. Brian Amy, the State Health Officer of Mississippi, most of those facilities had generators and a limited power supply.² This caused them to quickly attract the attention of displaced residents, who were drawn to the lights and the possibility they might seek shelter there, and created what Amy termed an "overflow" situation resulting in security issues at the facilities.³ In Louisiana, officials cited the lack of food, water, electricity, and uncertainty about evacuations as reasons for lawlessness and looting.⁴ Even Governor Kathleen Blanco said she sympathized with people who looted stores to survive.⁵

Looting occurred in several locations. Mississippi experienced some looting, armed robbery, and crowd control problems immediately after the storm.⁶ Security-related requests the state received from local officials included: (1) nighttime military police (MP) security at pharmacy and drug dispensing operations in several coastal cities; (2) help with security issues at an understaffed shelter that was about to receive evacuees from New Orleans; (3) law enforcement personnel to deal with reported theft and carjacking threats at a medical center in Biloxi; and (4) additional National Guard protection to deal with looters at the South Mississippi Regional Center in Long Beach.⁷

In Louisiana, state police officials said looting was most concentrated in the New Orleans area.⁸ However, major looting was generally limited to the Canal Street area and ended by Tuesday, August 30. According to these officials, in some cases people looted stores for their survival, taking items such as food, water, clothing, flashlights, batteries, and camping supplies. In other cases, people looted for criminal purposes, apparently taking items for



their personal use or resale that would not be needed or were useless without electricity (e.g., televisions). Once most perpetrators realized they had no way to transport their loot and no place to store it, they often abandoned it. State police

officials said several blocks away from the looting area, many large electronic items and appliances were found abandoned in their original boxes.

At least some police departments were involved in breaking into stores and taking supplies. Plaquemines Parish Sheriff Jiff Hingle said his officers broke into stores and commandeered food, water, and medicine.⁹ Some of these items were needed to sustain the sheriff's office and other emergency personnel. Most of the items taken,



however, were food and medical items for the growing population at the parish's designated shelter of last resort. The shelter had been originally set up to house the police,

other emergency workers, and those with special needs. However, after landfall, the shelter became crowded with additional evacuees or people rescued by boat. Eventually the numbers increased to about 400, and since state and federal relief was slow in arriving, the sheriff's officers commandeered needed items. The sheriff said he later contacted the stores and asked for forgiveness, which was granted under the circumstances.

In Alabama, there were almost no reports of lawlessness, looting, or other crimes. Officials said this was because Hurricane Katrina did not hit Alabama as hard as it hit the other states.¹⁰ In addition, Alabama's law enforcement infrastructure was not as severely damaged and remained functional in the immediate aftermath of the hurricane.

General unrest and violence occurred in crowded areas

General unrest and lawlessness arose primarily in crowded areas where people were uncertain about their survival, or rescue, or prospects for evacuation. For example, local officials in Mississippi asked the state to send National



Guard soldiers to provide security and crowd control at a Red Cross shelter because of "chaotic conditions" and the shelter director's belief that help was needed to prevent "potential behavioral problems."¹¹ Some of the most notorious locations for unrest were in New Orleans, at the Superdome, the Convention Center, and the Cloverleaf, as discussed in the EVACUATION chapter. The conditions at the Superdome, as described in a National Guard report, illustrate the desperation felt by the crowd inside:

The water pressure declined steadily over the first several days and failed to provide toilet function on or about Wednesday the 31st of August. Unfortunately, many of the toilets had overflowed by then and foot traffic distributed fecal material and urine throughout the facility...The warm temperature, combined with the floodwaters on the lower level, rotting food and other refuse, human and animal (pets) waste material, and the aroma of unwashed humans, produced an increasingly noxious smell in the place.¹²

Louisiana National Guard personnel said a lack of hope was also a factor in the Superdome with the crowd becoming restless and, in isolated incidents, violent.¹³ These people had lost their homes and belongings, had to suffer unbearable conditions, and were uncertain about their future. Exacerbating the problem were continuing delays in getting buses to evacuate the Superdome, as discussed in the EVACUATION chapter. After people had been told for several days they would be evacuated the next day, the buses did not arrive in large numbers, and people did not see any progress.

The collapse or absence of law enforcement exacerbated lawlessness

In some areas, the collapse or absence of law enforcement exacerbated the level of lawlessness and violence. For example, several police departments lost their dispatch and communication functions, police vehicles, administrative functions such as booking, and jails to confine arrested suspects. Tremendous additional burdens were imposed on the police — such as search and rescue — that took priority over normal police missions.

In Mississippi, massive damage to police and sheriff cars and stations, emergency response vehicles, and emergency operations centers made it very difficult to maintain law and order. According to William Carwile, the FEMA Federal Coordinating Officer for Mississippi, much of this public safety infrastructure was destroyed in the coastal counties.¹⁴ Mayor Thomas Longo of Waveland said the city staged at various points around the area some of the resources it expected to need to respond to the storm's damage, including dump trucks and front-end loaders.¹⁵ Waveland also staged some of these resources about 10 miles north of the city as a backup in the event of a catastrophe. Nonetheless, despite those preparations, the hurricane destroyed the resources Waveland had staged north of the city as well as much of what remained in the city itself. Waveland lost all of its police cars (in addition to other emergency vehicles), and the storm destroyed all of Waveland's public buildings, severely limiting its ability to mount a response to the storm.¹⁶



FEMA-provided temporary buildings out of which Waveland's city government, including its police department, is now operating.

Also in Mississippi, Hancock County lost its emergency operations center — the location from which it expected to manage the county's response to the storm — to severe flooding soon after the hurricane hit.¹⁷ Pearl River County lost its emergency operations center in the early hours of the storm due to wind and water damage that knocked out its emergency backup generator and caused other damage, making the center inoperable.¹⁸ These losses degraded the ability to maintain law and order.

In Louisiana, there were similar losses of law enforcement infrastructure, in both rural and urban areas, that weakened the law enforcement community's ability to function. The lack of preparation and almost total loss of police capabilities in New Orleans are addressed in the next finding.

Plaquemines Parish, in contrast to New Orleans, appeared to take many precautions before Katrina made landfall. According to Plaquemines Parish Sheriff Jiff Hingle, all police vehicles were moved and parked on high ground.¹⁹ Only one or two vehicles were slightly damaged when flying debris cracked their windows. Before landfall, the sheriff's office gathered all administrative records, loaded them into U-Haul trailers, and moved them to safe locations in the north. In addition, Plaquemines Parish evacuated all its prisoners in advance to upstate facilities.

After landfall, the Plaquemines Parish sheriff's office was immediately able to conduct search and rescue missions, along with some embedded Louisiana National Guard and Coast Guard personnel who had radios.²⁰ The sheriff reported no major law enforcement issues, in part because his office could function immediately after the storm.

The full extent of crime and lawlessness is difficult to determine, partly because of the loss of police record keeping during the disaster, and partly because of unsubstantiated reporting by the media (discussed below).

Finding: The New Orleans Police Department was ill prepared for continuity of operations and lost almost all effectiveness

New Orleans Police Department had not prepared for flooding

The collapse of law enforcement was particularly notable in New Orleans. Despite the well-known threat from flooding, the New Orleans Police Department had not taken some basic steps to protect its resources and ensure continuity of operations. For example, communications nodes, evidence rooms, and even emergency generators were housed in lower floors that were susceptible to flooding.

In 2004, the police department reportedly produced an "elaborate hurricane plan" which was issued to all commanders.²¹ But, according to a reporter who was present during Katrina and reviewed police operations, it "stayed on their bookshelves," and the department never ran "exercises to familiarize officers with the plan."²² Few officers the reporter spoke with even knew the plan existed.²³

As an institution... the New Orleans Police Department disintegrated with the first drop of floodwater.

When the levees broke, the floodwaters overtook police headquarters and district offices. As a result, the department lost its command and control and communications functions. The dispatch and 911 call center ceased to function. Most police vehicles had not been moved out of harm's way and were lost to the floodwaters. The flooding created impassable roads which prevented the New Orleans Police Department from using their few remaining vehicles in most parts of the city. This left officers to patrol without any communications or transportation. With no command and control or guidance, there was no unified command or clear priorities within the department. One reporter who was on the scene wrote that "As an institution... the New Orleans Police Department disintegrated with the first drop of floodwater."²⁴

Missing police officers led to a law enforcement manpower shortage

Further, hundreds of New Orleans Police Department officers went missing — some for understandable reasons and some not — at a time they were needed the most. This left the city unable to provide enough manpower and other resources to maintain law and order at shelters and on the streets.

All New Orleans Police Department officers are required to reside within the city limits, so a majority of the city's officers were personally affected by Katrina.²⁵ Whether it was damage to their homes or the health and safety of family members, many New Orleans Police Department officers, like members of the general public, were trapped in their homes and needed to be rescued during the critical days and hours after the levees failed and the flood waters rose.

Dereliction of duty by New Orleans Police Officers factored significantly into the department's inability to marshal an effective response. Original reports indicated

that up to 320 officers (of its 1,750-officer force) resigned, were terminated, or are under investigation for abandoning their duties.²⁶ However, on December 14, Mayor Nagin testified that as of that date, 133 officers had been terminated or resigned after Hurricane Katrina, and said many of the original reports did not account for nearly 100 officers who were trapped or stranded on rooftops and unable to report to duty for that reason.²⁷ Regardless, the New Orleans Police force was severely depleted.

As a result, many residents were unable to obtain police assistance. Calls for help to the city's 911 system went unanswered.²⁸

Some of the officers were also apparently involved in criminal activities. Officials from the Louisiana Attorney General's office said they are investigating thefts of luxury vehicles from a car dealership allegedly perpetrated by New Orleans Police Department officers.²⁹ The dealership, Sewell Cadillac Chevrolet, reported that several police officers had absconded with several brand new Cadillac Escalades.³⁰

The Louisiana State Police provided relatively quick assistance. Although the New Orleans Police Department had lost its command and control capabilities, the Louisiana State Police operated under its own broad law enforcement statutory mandate. Thus, state police were able to move into the affected area quickly. As the significance of Katrina became evident, state police ceased other law enforcement activities to focus on New Orleans' needs.





FEMA

Police had limited resources to stop looting in downtown New Orleans

Given the situation, police had limited resources with which to stop the looting.³¹ And even when police were present to restore law and order, they did not have the resources to arrest, book, and detain suspects. One major problem was the loss of the booking and jail systems. Booking and jailing are done not by the New Orleans Police Department, but by the parish criminal sheriff. Sheriffs in each parish are constitutional positions independent from the parish president or mayor or police. The sheriff's booking offices and jails were flooded and therefore useless. While criminals, such as looters, could be apprehended by law enforcement officers, there was nowhere to book them or jail them. Many people originally apprehended for looting were just let go.



AP PHOTO/DAVID J. PHILLIP

Finding: Lack of a government public communications strategy and media hype of violence exacerbated public concerns and further delayed relief

Governments appeared to lack any public communications strategy and media and public officials fed rumors

Public communications is a key aspect of emergency management, and this function has its own emergency support function in the NRP. In Louisiana, and particularly New Orleans, the federal, state, and local governments did not appear to have a public communications strategy to deal with the media. This problem was particularly severe in the area of law enforcement and crime.

The media played a positive role in Hurricane Katrina in many aspects — such as providing situational awareness to government authorities and the public. And many media reports of violence were substantiated and responsibly reported. For example, MSNBC provided live coverage of looters, including police officers, ransacking a local Wal-Mart in New Orleans.³²

However, other media reports were based on rumors that were either false or highly exaggerated, undermining the value of the situational awareness being provided. CNN reported repeatedly on September 1, for example, that evacuations at the Superdome were suspended because “someone fired a shot at a helicopter.”³³ State and local officials later said much of the “rampant shooting” reported was actually from trapped individuals who were firing weapons into the air to attract rescuers.³⁴

According to state officials, rumors and reports of people shooting at helicopters were difficult to substantiate at the time.³⁵ But in the end, there were no bullet holes found in any helicopters. Again, people firing into the air may have been the origin of this rumor. Other reports of people shooting at helicopters taking patients to hospitals were never verified, nor were stories of two babies found with their throats slit in Convention Center bathrooms or of the man who heard a rape victim scream, ran outside for help, and was shot and killed by troops.³⁶

State law enforcement officials expressed frustration over media reports of crime.³⁷ Many of these officials

said the media greatly exaggerated reports of crime and lawlessness. They said any reports from the Superdome and Convention Center were generally difficult to substantiate. Few crime victims ever came forward to the police. Without an official complaint, victim, or eye witness, it was nearly impossible for the police to assess the credibility of rumors or conduct an investigation. On September 1, during a FEMA videoconference call, FEMA Federal Coordinating Officer, William Lokey, stated that “media reports and what we are getting from on-scene were contradictory and we [did not] have a clear picture of what exactly went on.”³⁸

Managing the spread of false or highly exaggerated rumors proved difficult – and consequential — for officials on the ground. On September 1, Colonel Jeff Smith, Deputy Director, Louisiana Office of Homeland Security and Emergency Preparedness, told public officials that “the rumor control on this thing is going to be key... [s]ome of the things you hear, some of it has probably partial basis in fact, but there’s a lot of exaggeration going on there.”³⁹ False media reports impeded the relief effort and affected decisions on where to direct resources. When asked whether exaggerated media reports impeded rescue efforts, Colonel Terry J. Ebbert, Director of Homeland Security, City of New Orleans, responded “absolutely.”⁴⁰ Mayor Nagin testified that “dealing with the realities of all the multiplicity of challenges that we had, managing rumors, was the thing that we spent way too much time doing.”⁴¹



At the strategic level, public officials did not have a strategy to get ahead of the “information curve” to use the media to the public’s advantage and quell rumors. On the contrary, Mayor Nagin and the New Orleans Chief of Police repeated unsubstantiated rumors before the national media, creating an exaggerated image of utter lawlessness.

- New Orleans Mayor Ray Nagin told Oprah Winfrey that “hundreds of armed gang members” were raping women and committing murder in the Superdome. The occupants, he said, were “in an almost animalistic state...in that frickin’ Superdome for five days watching dead bodies, watching hooligans killing people, raping people.”⁴² Many news outlets also covered Nagin’s claim that the city’s death toll would top 10,000.⁴³
- Police Superintendent Eddie Compass went further, and told Oprah, “We had little babies in there getting raped.” Compass was also reported as saying officers were shot at inside the convention center but couldn’t return fire “because of the families.” He said officers caught 30 suspects by rushing at muzzle flashes.⁴⁴

Many of these media reports, particularly of rampant violence in the Superdome, appear to be completely unsubstantiated. National Guard officials who were on the scene believe these reports were highly exaggerated.⁴⁵ Lieutenant General H Steven Blum, Chief of the National Guard Bureau, stated “the media is not supposed to be inciting an insurrection. It is not supposed to be advertising and hyping lawlessness.”⁴⁶ National Guard officials said there were numerous reports and rumors of rape or assault, but guardsmen and police could not find any witness, victim, or anyone willing to report the crime firsthand. Only two arrests were made by the police. Of the six deaths in the Superdome, none were crime-related. Guard officials said there were only 50 weapons found among the 25,000 to 30,000 people searched as they entered the Superdome. According to the Guard and police, the people in the Superdome were very unhappy and anxious, but they were never out of control. The exaggerated media reports of violence (which some of the evacuees had picked up on their transistor radios) served to further evacuees’ anxiety, pushing some close to the boiling point.

Like the Superdome, there were media reports of violence and lawlessness in the Convention Center. For example, the *Times-Picayune* reported that Guard troops found 30 to 40 decomposing bodies piled in a freezer at the Convention Center.⁴⁷ But again, these reports were generally uncorroborated. There were only four dead bodies recovered from the Convention Center.⁴⁸ The National Guard officials that secured the site said they encountered no lawlessness or any resistance when

they moved in to clear out the Convention Center. As an indication of the generally peaceful intentions of the crowd, they reported there were only 13 weapons found among the 19,000 people searched before they boarded the buses.

NOPD Captain Jeff Winn said, however, he made several approaches to the Convention Center during those first few days and saw muzzle flashes.⁴⁹ He also suggested crime went unreported because of the continuing danger in the Convention Center, the lack of law enforcement resources to investigate and detain suspects, and the dispersal of witnesses when the evacuation of the facility was complete.⁵⁰ He also reported he saw a body with puncture wounds.⁵¹

Exaggerated media reports of crime further delayed relief efforts

The hyped media coverage of violence and lawlessness, legitimized by New Orleans authorities, served to delay relief efforts by scaring away truck and bus drivers, increasing the anxiety of those in shelters, and generally increasing the resources needed for security. With regard to the impact of the media reports on the hurricane recovery, Lieutenant General Blum, Chief of the National Guard Bureau, testified:

They [the media reports] also prevented truck drivers coming in with the most needed supplies, water, food, ice, shelter, medicine. They were afraid to come in. They had to be escorted in by National Guard convoys, which took other manpower away from the relief efforts to go help get the commercial truckers that the civilian organizations had contracted to come in and help the people. They delayed the exact commodities from getting to the people that they were complaining weren't getting the commodities.⁵²

State officials reported the hysterical and uncontrolled media images led to much confusion.⁵³ As the broadcast media reports became widely seen and heard, the Superdome population became increasingly agitated. Reports of truck drivers and FEMA employees turning around due to security concerns did not help the situation. First Assistant Attorney General Nicholas Gachassin said

1,000 FEMA employees set to arrive in New Orleans on Wednesday, August 31, turned back due to security concerns.

those in lesser affected neighborhoods were afraid to evacuate as looting fears prompted them to stay at their residences.⁵⁴ Similarly, the Governor's Chief of Staff Andy Kopplin reported that 1,000 FEMA employees set to arrive in New Orleans on Wednesday, August 31, turned back due to security concerns.⁵⁵ In repeating unsubstantiated rumors of mayhem, news reporters unwittingly helped slow an already slow response and further wound an already wounded population.

Finding: EMAC and military assistance were critical for restoring law and order

The Emergency Management Assistance Compact (EMAC), the state to state assistance compact, facilitated the deployment of resources to the hardest hit regions

The Emergency Management Assistance Compact (EMAC) is a mutual aid agreement and partnership between states to provide resources to one another during times of emergency.⁵⁶ EMAC offers state to state assistance during governor-declared states of emergency.⁵⁷ Ratified by Congress in 1996, 49 states and the District of Columbia have enacted legislation to become members of EMAC.⁵⁸

EMAC is administered by the National Emergency Management Association (NEMA).⁵⁹ NEMA provides the day to day managerial support and technical infrastructure for EMAC operations and training programs. EMAC works as follows:⁶⁰

1. Governor declares a state of emergency.
2. A representative from the state emergency management agency notifies the EMAC National Coordinating Group.
3. Affected state requests an EMAC team to be

deployed to its emergency operations center. This EMAC team is called an "A-Team."

4. A-Team arrives at state emergency operations center and begins coordinating state-wide EMAC resource requests. These resource requests are broadcast to all members of the compact soliciting assistance.
5. States willing to assist respond to the broadcast and coordinate with the A-Team the specifics of the transaction, including costs. The A-Team helps the affected state choose from available resources.
6. Formal requisitions are finalized specifying, as precisely as possible, the resources that will be made available and their costs.
7. Resources are sent to the affected states.
8. Responding state submits reimbursement request.
9. Affected state reimburses responding state.

EMAC is executed by eight components:⁶¹

1. Requesting state – EMAC state, operating under a governor declared emergency, requests assistance.
2. Assisting state – EMAC state, responds to a request for assistance.
3. Authorized representative – state official empowered to request assistance or commit state resources in response to a request.
4. Designated Contact – EMAC subject matter expert within each member state.
5. National Coordination Group (NCG) – national EMAC group during non-emergencies. The NCG stands ready to activate EMAC as emergencies develop.
6. National Coordinating Team (NCT) – when the Department of Homeland Security and FEMA activate their National Response Coordination Center (NRCC) to coordinate the federal response and recovery operations during emergencies, EMAC deploys a NCT to serve at the NRCC in Washington, D.C. From the NRCC, the NCT coordinates EMAC's national response.
7. Regional Coordinating Team (RCT) – If FEMA activates a Regional Response Coordination Center (RRCC) a parallel EMAC RCT is

deployed. From the RRCC, the RCT coordinates deployed EMAC components responding throughout the affected region.

8. Other member states – during times of emergencies EMAC members are charged with monitoring the situation and to stand ready to assist as appropriate.

In supporting the response to Hurricane Katrina, a two-person EMAC A-Team was deployed to Baton Rouge, Louisiana on Sunday, August 28.⁶² Jeff Smith was identified as the Louisiana state EMAC coordinator.⁶³ In Mississippi, Bill Brown, Operations Branch Chief, Mississippi Emergency Management Agency, coordinated EMAC.⁶⁴ On August 29, the A-Team was increased to four people, and shortly thereafter the team increased to eight members in Louisiana and nine members in Mississippi.⁶⁵ Through EMAC, a sizable contingent was deployed to assist Louisiana and Mississippi in the aftermath of Katrina.⁶⁶

In Louisiana, 27,727 personnel were deployed through EMAC by September 13, and during the same time frame, in Mississippi, 18,247 people deployed.⁶⁷ There were 680 requests for assistance in Louisiana and 723 in Mississippi.⁶⁸ The total estimated cost for Louisiana is \$201.8 million and for Mississippi, \$314.1 million.⁶⁹ EMAC's total Katrina response involved processing 1,403 requests for assistance and 46,288 personnel deployments for a total estimated cost of \$515.9 million.⁷⁰ The most commonly requested resources included: firefighters, search and rescue personnel, HAZMAT personnel, emergency medical technicians, state police, sheriffs, fish and wildlife personnel, corrections personnel, livestock inspectors, bridge inspectors, airport maintenance personnel, ambulances, medical doctors, registered nurses, and National Guard troops.⁷¹

EMAC officials have acknowledged a significant population of "self-deployed" personnel, a large majority of which were local and state police officers who deployed to the scene, in what is believed to be a spontaneous response to media reports of lawlessness in southeastern Louisiana.⁷² Due to the *ad hoc* nature of these "self-deployed" officers, specific figures are not known. As the ranks of EMAC deployed law enforcement officials and officially deployed federal law enforcement officials continued to grow in the region, the number of "self-deployed" personnel is believed to have declined rapidly.

Without an official deployment, the “self-deployed” personnel were acting without proper authority, without liability protection, and without eligibility for expense reimbursement.

National Guard played a key role in restoring and maintaining law and order

Law and order were eventually restored as local law enforcement officers were supplemented, first by state military troops. The National Guard played a substantial role in providing security and restoring law and order. The Louisiana National Guard was deployed before landfall, and provided security at the Superdome that helped maintain order there. Once looting broke out in New Orleans, they also patrolled the streets. The Mississippi National Guard was vital to restoring order and providing



security in the aftermath of the storm. According to Carwile, for example, a “massive National Guard presence” helped quell problems with isolated looting in the western affected counties (Pearl River and Hancock) within

2 days after the storm.⁷³ The Alabama National Guard was also deployed before landfall, providing a security task force for Mobile and Baldwin Counties.

National Guards from other states also sent units through the EMAC process to perform security or law enforcement duties. In Mississippi, nearly 11,000 troops from 19 other states’ National Guards joined more than 4,500 Mississippi National Guard troops in missions related to law enforcement (as well as other missions) by September 10, 12 days after landfall.⁷⁴ For example, Arkansas provided 310 guardsmen from a military police company to provide security in Mississippi.⁷⁵

Similarly, the Louisiana National Guard’s security forces were supplemented by thousands of guardsmen from other states. Through EMAC, Louisiana was able to request and receive assistance from scores of states from across the country. Examples of the larger deployments included 2,426 infantry from Pennsylvania, 1,016 military police from Puerto Rico, 580 security troops from Michigan, 500 support troops from Arkansas,

535 security troops from Massachusetts, and 350 security troops from Tennessee.

Assistant Secretary of Defense Paul McHale, in his testimony before the Select Committee, provided details on the extent of assistance provided by the National Guard. He stated that “when violence erupted in New Orleans, the National Guard Bureau coordinated the deployment of 4,200 National Guard MPs, 1,400 each day every day for 3 days in a row, a law enforcement presence nearly three times of the size of the New Orleans Police Department.”⁷⁶

There was a general consensus among federal, state, and local officials that EMAC worked very well for National Guard troops. Regarding military alone, by November 3, for Louisiana, there were a total of 451 EMAC requests and 29,502 Guardsmen who came from other states. Many of these out-of-state Guardsmen performed security and law enforcement functions and, like the Louisiana National Guard, operated under the Louisiana governor’s Title 32 authority.

DOD active duty forces played an important, but less active, role in maintaining law and order

While they were not immediately deployed, DOD active duty forces also played a role in restoring and maintaining law and order. For example, the U.S. Army’s 82nd Airborne arrived in New Orleans on September 3 (five days after landfall) and, according to the city’s Director of Homeland Security, had a “calming effect” by their mere presence on the street. Precautions were taken to prevent DOD active duty forces from direct law enforcement missions, thereby avoiding Posse Comitatus issues. For more details on the use of the military, see the MILITARY chapter.



Law enforcement personnel from other states also played a key role in restoring and maintaining law and order.

Civilian law enforcement agencies from other states and localities also provided personnel through the EMAC process to supplement beleaguered state and local police. In Mississippi, local, state, and FEMA officials noted that assistance from Florida’s law enforcement and emergency management agencies (as well as law enforcement from other states), plus the delivery of commodities Florida pre-positioned in the panhandle, were key to providing security and restoring order in southern Mississippi after landfall.⁷⁷

Florida, in particular, was instrumental in the early days and received high praise from Mississippi officials for the manner in which that state’s teams provided security, established an incident command structure in the coastal counties, and conducted some of the first search and rescue missions the night after the storm.⁷⁸ As noted earlier, Florida helped alleviate some of Mississippi’s security problems by sending into the state some of the commodities it had pre-positioned in the panhandle region in anticipation of the hurricane striking farther east than it eventually did. Florida’s supplies of food, water, and ice helped relieve the situation in Mississippi.⁷⁹

While Florida and Alabama were among the first states to provide Mississippi with law enforcement assistance, they were not alone. Mississippi received assistance from Arkansas, South Carolina, and Georgia’s state police or other state law enforcement agencies.⁸⁰ For example, South Carolina provided 118 law enforcement personnel with equipment to Mississippi.⁸¹

Louisiana also benefited from a very large influx of law enforcement personnel from other states. Like their counterparts in Mississippi, local, state, and federal officials involved in Louisiana’s response to Katrina said EMAC was critical to restoring law and order.

The EMAC process was not always smooth. For example, a sheriff from Michigan and a sheriff from Alabama were at the Louisiana border but could not assist because no EMAC request had been made.⁸² The Jefferson Parish Sheriff had apparently not made a request through the state EOC for the assistance — a requirement for providing law enforcement assistance through EMAC.⁸³

Also, as late as September 2, EMAC requests simply had

not been made. According to Josh Filler, the Director of DHS’ Office of State and Local Government Coordination, on the September 2 video teleconference:

My office has received numerous phone calls from law enforcement organizations across the country — major city police chiefs, national sheriffs — who want to help, but we have encouraged them not to self-deploy to New Orleans or to Louisiana, but to work through the system, but they are saying that their States are not receiving requests for assistance.⁸⁴

Finding: Federal law enforcement agencies were also critical to restoring law and order and coordinating activities

The first priority for federal law enforcement agencies was to implement their continuity of operations plans and locate their affected personnel

Prior to August 30, federal law enforcement worked to prepare their coastal offices for Katrina’s landfall. Immediately after the hurricane, these law enforcement agencies implemented their continuity of operations plans and began the process of locating personnel living in the affected areas.

On August 26, the Federal Bureau of Investigation’s (FBI) Jackson Field Office notified its Resident Agencies in Hattiesburg, Pascagoula, and Gulfport to implement their hurricane plans.⁸⁵ Hurricane shutters were installed, vehicles were secured, computers were bagged, and safes were locked. The traditional FBI operations of the Jackson Field Office were moved to its Oxford Resident Agency, in northern Mississippi.⁸⁶ FBI air assets and personnel who remained on the coast were utilized to determine the damage and security of the Mississippi offices.⁸⁷

Within 12 hours after the hurricane subsided, the Jackson Field Office was in contact with all of its personnel.⁸⁸ The Jackson Field Office established a Command Post at Keesler Air Force Base in Biloxi. On August 29, the Special Agent-in-Charge (SAC) of New

Orleans surveyed the damage to the New Orleans Field Office.⁸⁹ Sixty percent of the top floor was uncovered. Due to the sensitivity of documents housed in the Field Office, the SAC and the four agents remained at the building. The SAC ordered the move of the New Orleans Division to the Louisiana State Police headquarters in Baton Rouge.⁹⁰ All FBI personnel living in Louisiana were accounted for by September 4.⁹¹

On August 23, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) began Hurricane Katrina preparations.⁹² ATF headquarters coordinated with Field Divisions in Houston, New Orleans (which includes the state of Mississippi), Nashville (which includes the state of Alabama), Tampa, and Miami.⁹³ Headquarters ordered the evacuation of ATF personnel in New Orleans and Mississippi prior to the hurricane, and a list was comprised of personnel who chose to stay on the coast.⁹⁴ All ATF personnel leaving the affected area were instructed to contact their supervisors after the storm. Due to the damage to the ATF facilities, a continuity of operations site was activated on August 30 in Mandeville, Louisiana.⁹⁵

On the same day, ATF began contacting all ATF personnel living in the affected area.⁹⁶ The New Orleans Division Office was relocated to Shreveport, where it resumed responsibility over Louisiana and Mississippi.⁹⁷ The Biloxi Field Office was relocated to a public safety compound behind the Harrison County Sheriff's Department.⁹⁸ The Mobile Field Office was moved to Brookley Air Force Base, an inactive base in the Mobile area.⁹⁹ ATF established a Critical Incident Management Response Team in Baton Rouge to coordinate ATF operations.¹⁰⁰

On August 26, in anticipation of Katrina's landfall, the New Orleans Field Division Special Agent-in-Charge ordered the Drug Enforcement Administration's (DEA) Field Division closed and all DEA personnel were asked to evacuate the area.¹⁰¹ The New Orleans Field Division and the Gulfport Resident Office were severely damaged by the hurricane.¹⁰² DEA established teams responsible for locating all Field Division personnel following the storm.¹⁰³ On August 31, command centers were established at the Baton Rouge District Office and in Mobile. DEA headquarters chose the Office of Aviation in Addison, Texas to serve as a logistical command center for the field divisions throughout the country. On September 1, the New Orleans Field Division established an operations center at a high school in Mandeville,

Louisiana, to house firearms and sensitive items from the New Orleans Field Office.¹⁰⁴

On August 29, the United States Marshals Service (USMS) activated an Emergency Operations Center in Washington, D.C. in preparation for Hurricane Katrina.¹⁰⁵ USMS also placed four Operational Management Teams (OMT) on standby. Following Katrina, the OMTs began accounting for all USMS personnel in Louisiana, Mississippi, and Alabama.¹⁰⁶ Operational Medical Personnel were also deployed to the coast to assist USMS personnel.¹⁰⁷ OMT created a command post in Pineville, Louisiana and Jackson, Mississippi. On August 30, USMS deployed personnel and surveillance planes to survey the hurricane damage to USMS facilities.

Prior to landfall, U.S. Immigration and Customs Enforcement (ICE) pre-deployed Federal Protective Service (FPS) personnel located in Texas.¹⁰⁸ FPS was able to move into the affected area the day after the hurricane to assist FEMA. ICE's Gulfport office sustained no major damage and due to backup generators, was utilized as a staging site and provided assistance to ICE employees affected by the hurricane, as well as other state and local law enforcement.¹⁰⁹ From landfall until September 2, ICE's New Orleans field office worked to account for ICE personnel assigned to the New Orleans, Lake Charles, Lafayette, Baton Rouge, and Gulfport offices and obtain needed supplies.

On August 26 and 27, U.S. Customs and Border Patrol (CBP) ordered the ports of Mobile and New Orleans, and the Hammond Louisiana Air and Marine Branch to activate their hurricane preparedness plans.¹¹⁰ CBP moved its air assets to Shreveport and Dallas. CBP's Mission Critical Team relocated from New Orleans to Shreveport and on August 29 began to locate CBP personnel living in the affected area.¹¹¹ CBP created a Forward Deployed Operations Command Center at the air hanger in Hammond to coordinate all CBP missions.¹¹² By September 4, all CBP employees were located.¹¹³

While the Federal Air Marshal Service (FAMS) did not need to implement a continuity of operations plan for a specific office, they are responsible for meeting their nationwide primary mission, while coordinating in preparation for severe weather and flight disruptions.¹¹⁴ In anticipation of these disruptions due to Katrina, FAMS began monitoring the hurricane's track the week of August 21.¹¹⁵

From August 26 to August 29, Federal Bureau of Prisons (BOP) personnel from the Office of Emergency Preparedness, in Washington, D.C. and BOP's South Central Regional Office in Dallas monitored Hurricane Katrina's path.¹¹⁶ The Office of Emergency Preparedness is responsible for coordinating the evacuation and for supporting corrections institutions in the areas affected by the hurricane. On August 30, BOP opened a command center to help the Louisiana Department of Public Safety and Corrections with transporting inmates out of the New Orleans area.¹¹⁷



AP PHOTO/ERIC FRANCIS

While working to reconstitute themselves, federal law enforcement agencies supplemented state and local law enforcement with forces and supplies

While surveying office damage and locating personnel, federal law enforcement worked to assist state and local law enforcement with additional forces and supplies. While it is impossible to account for every federal law enforcement agent or officer who responded to requests for assistance by state and local law enforcement, or even by hurricane victims, there were specific assets brought to bear by federal law enforcement that should be highlighted to illustrate the degree of coordination with entities outside the federal government.

On August 30, FBI headquarter officials put their Field Offices on alert that additional personnel were needed in the affected area.¹¹⁸ Ten Special Weapons and Tactics (SWAT) agents from the Houston Division were deployed to New Orleans to assist the New Orleans Police Department (NOPD) SWAT.¹¹⁹ These agents brought a boat that enabled them to transport personnel

and supplies. On September 1, the Critical Incident Response Group deployed agents from the Dallas, Atlanta, Baltimore, and Houston SWAT teams and Hostage Rescue Teams (HRT) to continue to help NOPD control its affected area.¹²⁰ The Violent Gang Task Force from the New Orleans Division worked out of the Gretna Police Department.¹²¹ Over 30 more agents coordinated with NOPD to back up NOPD SWAT, FBI SWAT, and HRT Special Agents.¹²²

The FBI Command Post at Keesler Air Force Base in Biloxi, Mississippi communicated with the Mississippi Bureau of Criminal Investigations, the Mississippi Highway Patrol, the Homeland Security Director for the State of Mississippi, and local police and sheriffs to respond to requests for assistance.¹²³ The FBI was able to create a Virtual Command Center for the Law Enforcement On-Line Internet site.¹²⁴ All law enforcement nationwide were able to log onto the website and receive daily situation reports regarding FBI relief efforts.¹²⁵



AP PHOTO/ANN HEISENFELT

The first group of ATF personnel detailed to the affected area arrived on September 2.¹²⁶ Thirty-four members of Special Response Teams (SRT), tactical teams specifically trained to handle high risk law enforcement and civil unrest, from the Dallas and Detroit Field Offices and seven SRT support staff were deployed to Algiers, Louisiana.¹²⁷ The SRT members were sent to New Orleans to assist the NOPD, whose SWAT teams were down to 25 percent capacity.¹²⁸ On September 6 and 7, 10 ATF agents were deployed to Biloxi, and 30 ATF agents were deployed to Gulfport.¹²⁹ These agents performed investigative roles, as well as assisting local police with firearms-related calls.¹³⁰



FEMA

From August 30 to September 12, 251 DEA Temporary Duty agents reported from Miami, Atlanta, St. Louis, Houston and Dallas to provide law enforcement and search and rescue support in New Orleans.¹³¹ On September 4, DEA deployed personnel from the Atlanta Field Division, as well as the Houston Mobile Enforcement Team (MET), self-contained, specially trained teams of eight to twelve agents that specialize in law enforcement missions involving violence.¹³² These agents were then joined by the Charlotte MET on September 5, and the Miami MET on September 7. The METs helped state and local departments in conducting routine law enforcement tasks, including patrols as well as search and rescue missions.

On September 1, five USMS Marshals from the Training Academy in Glynco, Georgia were deployed to provide security at the Biloxi Airport.¹³³ USMS deployed an additional four Marshals to the airport on September 3. USMS supported NOPD by working with the 1st and 5th districts in New Orleans and responded to backlogged 911 calls. In addition, USMS redirected NOPD National Crime Information Center traffic to the USMS Communications Center. USMS deployed more personnel to Mississippi on September 5 to help local police and sheriff departments.¹³⁴ They provided security for 11 search and rescue teams, operated a missing persons task force and a task force to locate sex offenders, and protected the Mississippi gulf coast's fuel depot in Collins.

On September 2, ICE began its support of local law enforcement in New Orleans' 4th District.¹³⁵ The 4th District was still populated at that time, as it had not taken on water. The New Orleans Special Response Team (SRT), ICE's tactical team, was in the city on September 1. SRT teams from Chicago and San Antonio, consisting of 12 to 18 members, arrived the afternoon and evening of September 2. By midnight of September 2, there were over

100 ICE agents in New Orleans preparing to assist in the response to the hurricane.

Throughout the week, ICE agents were tasked with patrols and shifts with local law enforcement, worked to curtail looting, assisted with evacuations, and followed up on the approximately 6,000 911 calls made during and after the hurricane.¹³⁶ ICE's Tampa Field Office provided three inflatable Zodiac boats that helped ICE personnel assist with transportation for fire departments and medical personnel and respond to rescue calls. ICE agents and logistical teams assisted the Mississippi Highway Patrol, county sheriffs, and city police forces in Mississippi with patrols, rescues, and searches.¹³⁷



AP PHOTO/STEVEN SENNE

On the morning of August 30, the Border Patrol's Tactical Unit pre-deployment site survey team left for the affected area.¹³⁸ This deployment was pursuant to a request for CBP to assist in evacuating the Superdome and for riot control. However, the agents also worked other law enforcement functions and relief operations, such as distributing water, assisting with minor medical care, and



CBP

helping evacuees onto buses and helicopters. CBP had 100 agents, along with CBP vehicles, emergency equipment, and lifesaving supplies in Louisiana by September 1.¹³⁹ On September 2, Border Patrol agents were sent to provide security at the Louisiana State University Hospital, which served as the regional triage center. Border Patrol agents were also deployed to the New Orleans Airport to assist with crowd control and security.

A day after Katrina made landfall, FAMS responded to reports of deteriorating conditions at Louis Armstrong New Orleans International Airport.¹⁴⁰ The airport was starting to receive evacuees and was therefore becoming a shelter. As a response, FAMS sent personnel – drawing from its Houston Field Office – to the airport to assist as necessary.¹⁴¹ Conditions at the airport continued to deteriorate as thousands of displaced persons sought refuge there.¹⁴² There was no food, water, restroom facilities, or security. Consequently, when FAMS personnel began to arrive, they needed to help restore order.¹⁴³ On September 1, FAMS began initial deployment, including 54 from the Houston Field Office, arriving in-person by car. Also by late evening, evacuation flights out of the airport were fully operational. By September 2, FAMS personnel at the airport expanded their mission to include interim law enforcement activities as well as all necessary activities to operate the airport.¹⁴⁴

On September 3, the Secret Service was asked by NOPD and the Louisiana State Police to take control of the credentialing process for state and local law enforcement in the New Orleans area.¹⁴⁵ The need for secure credentials for NOPD was a primary concern, as many police officers had lost their official identification badges during the hurricane.¹⁴⁶

On September 5, the Louisiana Department of Public Safety and Corrections requested that BOP provide 1,000 beds and transportation for Louisiana state inmates.¹⁴⁷ BOP, along with USMS transferred 964 inmates to the United States Penitentiary Coleman-II, Florida.¹⁴⁸ From August 30 to September 7, BOP transported approximately 2,500 inmates or detainees in Louisiana to facilities outside of New Orleans.¹⁴⁹ In addition, BOP provided clothing, food, and water from Texas correctional institutions to the Louisiana State Police headquarters in Baton Rouge.¹⁵⁰

Obtaining peace officer status presented problems for some federal law enforcement entities responding to the hurricane

The process for federal law enforcement being deputized or sworn in as a peace officer under state law in Louisiana and Mississippi proved cumbersome for some entities. The general concern was that in the process of assisting state or local law enforcement, or victims of the hurricane, federal law enforcement officers might find it necessary to make arrests outside of their federal jurisdiction. Due to the lack of an across-the-board policy on how to deal with federal law enforcement during a state of emergency, some federal law enforcement entities were required to seek advice from their individual Office of the General Counsel on how to proceed. The process was more difficult in Louisiana, where it became necessary to fly in representatives from the Louisiana Office of the Attorney General to the affected area to swear in the law enforcement officers or agents in person. Still other federal law enforcement agents were deputized by the Louisiana State Police.

Under Louisiana law, FBI agents have qualified immunity that protects them when responding to felonies committed in their presence or when assisting state officers.¹⁵¹ However, FBI agents did not specifically have peace officer status when responding to Hurricane Katrina



in Louisiana.¹⁵² Governor Blanco granted the Louisiana Office of Attorney General authority to deputize FBI agents, and all FBI agents deployed to Louisiana were deputized by a representative of the office.

FBI agents deployed to Mississippi did not receive peace officer status until September 9, when Governor Barbour wrote a letter to all state and federal law enforcement officers.¹⁵³ The letter granted federal law enforcement officers working in cooperation with local law enforcement “the authority to bear arms, make arrests and to make searches and seizures, in addition to any other power, duty, right and privilege as afforded forces of the State of Mississippi.”¹⁵⁴

Prior to ATF agents being deployed to the affected area, DOJ examined the capabilities of ATF agents in assisting state and locals with law enforcement functions.¹⁵⁵ ATF agents are not afforded automatic peace officer status in the states of Louisiana and Mississippi. As ATF agents conducted their core statutorily required mission, DOJ determined ATF agents did not need to receive peace officer status.

Pursuant to federal statute, USMS “may exercise the same powers which a sheriff of the State may exercise”¹⁵⁶ USMS received further state law enforcement powers when the Director of USMS received an order from U.S. Attorney General Alberto Gonzales requesting the Director to “take all necessary and appropriate steps within available resources to provide the assistance” to Mississippi.¹⁵⁷

The Louisiana Attorney General’s Office coordinated the peace officer status for ICE agents deployed to Louisiana.¹⁵⁸ ICE agents were required to fill out paperwork and were sworn in by the Louisiana State Police every time a new rotation of ICE agents arrived in Kenner, Louisiana. ICE agents were sworn in as peace officers in Mississippi by the Hancock Sheriff’s Department.

Border patrol agents were deputized by the state of Louisiana with law enforcement status on September 2.¹⁵⁹ Agents were not sworn in as peace officers in Mississippi.¹⁶⁰ On September 3, CBP’s Office of Chief Counsel determined that CBP officers and Border Patrol agents could make arrests for state crimes in Louisiana, Mississippi, Alabama, Florida, and Texas, if the officer or agent was acting in his or her official capacity.¹⁶¹

On September 3, Louisiana began to deputize FAMS personnel as Louisiana State Police Officers, giving them full authority to enforce local and state laws.¹⁶²

Emergency Support Function #13 (ESF-13) of the National Response Plan

DOJ, along with the Department of Homeland Security (DHS), is responsible for the Emergency Support Function #13 (ESF-13) of the National Response Plan.¹⁶³ ESF-13 covers Public Safety and Security and tasks DOJ and DHS with integrating federal non-investigative/non-criminal law enforcement public safety and security capabilities and resources to “support the full range of incident management activities with potential or actual Incidents of National Significance.” The Office of the Deputy Attorney General and the Office of Legal Counsel assist in coordinating DOJ’s ESF-13 responsibilities. The Bureau of Alcohol, Tobacco, Firearms and Explosives is responsible for DOJ’s day-to-day actions with respect to ESF-13.

After the hurricane, ESF-13 requests were processed through the Law Enforcement Coordination Center (LECC) in Baton Rouge, because the LECC had working knowledge of the available regional resources.¹⁶⁴ The LECC determined whether the request could be met under ESF-13. The LECC (1) confirmed the requestor could not perform the mission, (2) determined whether the request was valid for ESF-13, (3) determined whether there were available federal law enforcement resources; and (4) approved or declined the request. The LECC then forwarded the approved request to Washington, D.C. Each requested agency coordinated with FEMA to establish funding.

Federal law enforcement coordination required communication between the U.S. Department of Justice, U.S. Department of Homeland Security, and the governors of the affected states

The Attorney General of the United States may “appoint officials . . . to detect and prosecute crimes against the United States.”¹⁶⁵ The Attorney General may also approve the request of a state governor for federal law enforcement assistance if the Attorney General concludes that such “assistance is necessary to provide an adequate response to a law enforcement emergency.”¹⁶⁶

DOJ also has the authority under the Stafford Act to provide for non-operational assistance. In the case of a major disaster or an emergency, the President may direct the Department to “utilize its authorities and resources granted to it under Federal law (including personnel, equipment,

supplies, facilities, and managerial, technical and advisory services) in support of State and local efforts.¹⁶⁷

On Friday, September 2, Gonzales sent a memorandum to the heads of DOJ's law enforcement agencies, asking each agency to continue coordinating with state and local law enforcement.¹⁶⁸ The Attorney General specifically requested that: (1) the Federal Bureau of Investigation continue to deploy agents and tactical assets, (2) the Drug Enforcement Administration prepare to deploy its Mobile Enforcement Teams, (3) the Bureau of Alcohol, Tobacco, Firearms and Explosives establish a Violent Crime Impact Team in Baton Rouge, Louisiana, and (4) the United States Marshals Service conduct prisoner transport operations and provide court security.

On September 3, Gonzales received a letter from Mississippi Governor Barbour requesting the "deployment of Deputy U.S. Marshals to the State of Mississippi in support of law enforcement requirements created by the effects of Hurricane Katrina."¹⁶⁹ The same day, Gonzales responded in writing to Barbour that his request was approved, and an order authorizing the Director of the U.S. Marshals Service to "take all necessary and appropriate steps within available resources to provide the assistance so requested by [Governor Barbour]" was issued.¹⁷⁰

The same day, Gonzales received a letter from Blanco requesting the deployment of the USMS and/or other Department of Justice personnel to the area affected by Hurricane Katrina.¹⁷¹ On September 4, Gonzales responded in writing to Blanco that her request was approved, and an order authorizing the Deputy Attorney General to "take all necessary and appropriate steps within available resources to provide the assistance so requested by [Governor Blanco]" was issued.¹⁷²

On September 6, Gonzales and DHS Secretary Michael Chertoff received a letter from Blanco requesting "the deployment of Immigration and Customs Enforcement officers, Customs and Border Protection personnel and/or other Department of Homeland Security personnel . . . in support of the law enforcement challenges created by the effects of Hurricane Katrina."¹⁷³ Gonzales responded in writing to Governor Blanco on September 7, saying that after consulting with DHS, he approved Blanco's request and deployed the appropriate law enforcement personnel.¹⁷⁴ Chertoff also responded to Blanco on September 7, stating that DHS law enforcement would "continue to provide assistance" with state and local authorities in Louisiana.¹⁷⁵

The Law Enforcement Coordination Center in Baton Rouge, Louisiana coordinated the efforts of all federal law enforcement in the greater New Orleans area and assisted the New Orleans Police Department in reorganization

During the first week following the hurricane, local, state, and federal law enforcement working in New Orleans began daily 9:00 a.m. meetings at the Harrah's Casino in downtown New Orleans.¹⁷⁶ These meetings enabled the law enforcement entities to meet face to face and coordinate critical missions. The New Orleans Police Department (NOPD) District Captain for each city district attended the meetings, along with the Bureau of Alcohol, Tobacco, Firearms, and Explosive (ATF), the Drug Enforcement Agency (DEA), the Federal Bureau of Investigations (FBI), and U.S. Immigration and Customs Enforcement (ICE).

Michael J. Vanacore, Director of International Affairs ICE, and Michael Wolf, Special Agent-In-Charge for the FBI's Critical Incident Response Group, were detailed by their respective agencies to Baton Rouge to coordinate the federal law enforcement response to Hurricane Katrina in Louisiana.¹⁷⁷ The two men were designated as Co-Senior



AP PHOTO/DAVE MARTIN

During the first week following the hurricane, local, state, and federal law enforcement working in New Orleans began daily 9:00 a.m. meetings at the Harrah's Casino in downtown New Orleans.

Federal Law Enforcement Officers (SFLEO) and stood up the Law Enforcement Coordination Center (LECC) at LSP headquarters in Baton Rouge.¹⁷⁸

Vanacore arrived at the Louisiana State Police (LSP) headquarters in Baton Rouge on Sunday, September 4.¹⁷⁹ At the time, Vanacore understood his role was to work with the ICE New Orleans Agent-in-Charge, Michael Holt, and report to ICE headquarters in Washington, D.C. on ICE's mission in the area affected by the hurricane. Late that evening, Vanacore was informed of the decision to designate him SFLEO. He was instructed he would share SFLEO responsibilities with Wolf. Wolf arrived in Baton Rouge on Monday, September 5. The same day, Vanacore reviewed an unsigned letter designating him and Wolf as SFLEO.

Vanacore and Wolf had their first meeting late on September 5.¹⁸⁰ On September 6, it was clear to Vanacore and Wolf they needed an operations center to coordinate federal law enforcement efforts in New Orleans.¹⁸¹ The center was then designated the LECC. The LECC did not have command and control over the federal law enforcement missions. Rather it served as the point of contact for all federal law enforcement in the greater New Orleans area. The missions of the LECC were to coordinate efforts to reestablish the NOPD and efforts of all law enforcement agencies' deployed resources to the New Orleans area. According to Vanacore, the main mission of the LECC was to ensure officer safety.¹⁸²

On September 6, officials from the LECC, including Vanacore, met with the Mayor of New Orleans, the City of New Orleans Homeland Security Director and counsel for the Mayor.¹⁸³ Officials also met with the NOPD precinct captains.¹⁸⁴ Vanacore reported the Mayor's office and NOPD were "very helpful" and worked well with the LECC.¹⁸⁵ The LECC had little communication with the Louisiana Governor's Office, but Vanacore and Wolf both said interaction with the Governor's office was not necessary to achieve LECC's goals.¹⁸⁶

Wolf brought additional FBI agents with him to Baton Rouge, as well as a Blue Whale Command, the FBI's mobile command station, specially equipped with office and communication equipment.¹⁸⁷ Vanacore stated the mobile command center was invaluable to standing up the LECC.¹⁸⁸ By September 7, the LECC was gathering and centralizing information, to ensure there were not duplicate law enforcement missions.¹⁸⁹

The LECC divided the federal law enforcement entities by New Orleans police districts.¹⁹⁰ Each federal law enforcement agency was responsible for coordinating with the precinct captain of the district.¹⁹¹

The LECC also began daily 8:00 a.m. meetings with representatives from state and federal law enforcement.¹⁹² ICE, FBI, DEA, ATF, USMS, U.S. Customs and Border Protection, including the Border Patrol, the National Guard, the U.S. Attorney's Office from New Orleans and Baton Rouge, the Office of the Louisiana Attorney General, LSP, NOPD, and the New Orleans Fire Department were all represented at the meetings. The City of New Orleans Homeland Security Director also attended the daily meetings. In addition, the U.S. Secret Service, the Sheriff's Association, and the Federal Air Marshals participated on a limited basis. CBP and FBI provided helicopters to transport attendees to and from New Orleans and the LECC for the meetings.¹⁹³

The daily meetings commenced with Wolf reporting the number of arrests and incidents from the prior day.¹⁹⁴ There was then a roll call of all attendees to report their force numbers. Vanacore summarized the daily events on his blackberry and communicated to Jon Clark at ICE headquarters in Washington, D.C. Wolf communicated with FBI Headquarters.¹⁹⁵

As the LECC worked from Baton Rouge, it became apparent to Vanacore and Wolf that in order to achieve its goals, the LECC needed to be located in New Orleans.¹⁹⁶ On September 9, the LECC and NOPD moved into the Royal Sonesta Hotel on Bourbon Street.¹⁹⁷ The LECC and NOPD each had a conference room and an additional room was used to receive incoming 911 telephone calls.¹⁹⁸

The LECC worked with NOPD to assist in "standing up" the police department. There were eight NOPD district offices in New Orleans.¹⁹⁹ Four were rendered useless due to insufficient power, and four were flooded. LECC acquired air conditioning compressors and generators for the district offices that needed power. Temporary office spaces were procured to replace the flooded offices. The evidence and property rooms for the NOPD were under water and contained mold. The LECC assisted NOPD with procuring contractors to recover and process the evidence and property, and clean NOPD headquarters.

As a result of stolen uniforms, destroyed homes, and displaced New Orleans police officers, NOPD was patrolling the city without proper uniforms.²⁰⁰ The LECC was able to procure temporary battle dress uniforms off



AP PHOTO/ERIC GAY

the Federal Supply Schedule maintained by the General Services Administrations (GSA) for acquisitions by federal agencies. By using GSA for the uniforms, the NOPD did not have to utilize its local procurement process, which would have required three separate bids before purchasing new uniforms.

In addition, the LECC located photographers to create credentials for LECC and NOPD guards and officials at the Royal Sonesta.²⁰¹ LECC provided lights and generators to assist 15 police check points. Supplies were provided for crime scene processing, including gloves and masks to protect police from mold.

Both Vanacore and Wolf reported the LECC had a positive working relationship with NOPD and that the department was receptive to LECC's assistance.²⁰²

Conclusion

First the levees were breached--and then law and order. As Katrina left people scrambling for food, for water, for supplies – for survival — lawlessness and violence, both real and imagined, spread, creating yet another problem for authorities who were burdened enough already.

How did this happen? For starters, the lack of basic necessities for residents who did not evacuate, or went back to their homes too quickly, contributed. As we saw in Pearl River County, once there were sufficient amounts of food, ice, and water, order was restored. Another problem was the uncertainty about evacuations. Confusion reigned, especially in places like the Superdome and the

Convention Center, where conditions were terrible, nerves frayed, people desperate.

Compounding these difficulties was the collapse or absence of law enforcement. The police, in some cases, were unable to function or were diverting their attention to search and rescue operations. The New Orleans Police Department had known of the threat that could arise from flooding, yet failed to properly protect its resources or come close to continuity of operations. There was also a dereliction of duty by some New Orleans officers when, of course, their presence was needed most.

The federal, state, and local governments also lost another battle, this one with the media. Rumors spread, as fast as the fear. Some turned out to be true, but many did not, resulting in exaggerated reports that scared away truck and bus drivers who could have furnished people with much-needed supplies. Authorities needed to be on top of this situation, not a victim of it.

Fortunately, the National Guard in all three affected states were able to help out overburdened local authorities. About 20 other states added support, an effort that prevented a dire situation from being much worse. DOD active duty forces also came through, their mere presence serving to reduce tensions. Federal law enforcement agencies played an important role, as well, with additional forces and supplies.

For an exhaustive account of all federal law enforcement actions in response to Hurricane Katrina from August 23 to September 12, 2005, please see Appendix 5. ■

1 Interview by Select Comm. Staff with Bobby Strahan, Dir. Pearl River County Emergency Mgmt. Agency, State of Miss., in Wash., D.C. (Nov. 29, 2005) [hereinafter Interview with Bobby Strahan].

2 *Hearing on Hurricane Katrina: Preparedness and Response by the State of Mississippi Before Select Comm.*, 109th Cong. (Dec. 7, 2005) at 11 (statement of Dr. Brian Amy, State Health Officer, Miss. Dep't of Health) [hereinafter *Dec. 7, 2005 Select Comm. Hearing*].

3 *Id.*

4 Interview by Select Comm. Staff with Maj. Ralph D. Mitchell, Jr., Region 1 Commander, La. State Police and LtC. Joseph Booth, Deputy Superintendent, La. State Police, in Baton Rouge, LA (Nov. 9, 2005) [hereinafter Interview with Mitchell and Booth].

5 *Hearing on Hurricane Katrina: Preparedness and Response by the State of Louisiana Before Select Comm.*, 109th Cong. (Dec. 14, 2005) at 103 (statement of Governor Kathleen Blanco, State of LA) [hereinafter *Dec. 14, 2005 Select Comm. Hearing*].

6 EM2000 Messages, Nos. MEMA-0011924, MEMA-0012244, MEMA-001228, MEMA-0012312, MEMA-0013022 (on file with Select Comm.).

7 *Id.*

8 Interview with Mitchell and Booth.

9 Interview by Select Comm. Staff with Jiff Hingle, Sheriff, Plaquemines Parish, LA, in New Orleans, LA (Nov. 8, 2005) [hereinafter Interview with Jiff Hingle].

10 Interview by Select Comm. Staff with David Tranter, Deputy Attorney Gen. and Gen. Counsel, State of AL Emergency Mgmt. Agency, in Clanton, AL (Oct. 11, 2005).

11 EM2000 Messages, No. MEMA-0011924 (on file with Select Comm.).

12 Tiger Team Katrina Report, LA Nat'l Guard at 27 (Nov. 2, 2005) (on file with Select. Comm.).

13 Interview by Select Comm. Staff with LtC. Jacques Thibodeaux and Col. Mark Mouton, LA Nat'l Guard, in New Orleans, LA (Nov. 3, 2005) [hereinafter Interview with Thibodeaux and Mouton].

14 *Dec. 7, 2005 Select Comm. Hearing* at 5 (Statement of William L. Carwile, former FEMA Fed. Coordinating Officer).

15 *Id.* at 125-26 (Statement of Mayor Tommy Longo, Waveland, Miss.).

16 *Id.* at 125-27 (Statement of Mayor Tommy Longo, Waveland, Miss.).

17 Interview by Select Comm. Staff with Hancock County Emergency Operations Ctr. personnel, in Hancock County, Miss. (Oct. 11-14, 2005).

18 Interview with Bobby Strahan.

19 Interview with Jiff Hingle.

20 *Id.*

21 Dan Baum, *Deluged, When Katrina Hit, Where Were the Police?*, THE NEW YORKER, Jan. 9, 2006 at 54 [hereinafter *Deluged Article*].

22 *Id.*

23 *Id.*

24 *Id.* at 52.

25 Interview by Select Comm. Staff with Lonnie Swain, Deputy Chief, New Orleans Police Dep't, in New Orleans, LA (Nov. 9, 2005) [hereinafter Interview with Lonnie Swain].

26 Interview with Mitchell and Booth.

27 *Dec. 14, 2005 Select Comm. Hearing* at 226 (statement of C. Ray Nagin, Mayor, City of New Orleans, LA).

28 Interview with Mitchell and Booth.

29 Interview by Select Comm. Staff with Thomas Enright, Assistant Attorney Gen., Public Prot. Div., LA Dep't of Justice, in New Orleans, LA (Nov. 8, 2005) [hereinafter Interview with Thomas Enright].

30 *Deluged Article* at 54.

31 Interview with Lonnie Swain.

32 *Stealing for Salvation*, (MSNBC Television News Broadcast, Aug. 31, 2005).

33 Robert E. Pierre and Ann Gerhart, *News of Pandemonium May Have Slowed Aid*, WASH. POST, Oct. 5, 2005 [hereinafter *Pandemonium Article*].

34 Interview with Thibodeaux and Mouton; Interview by Select Comm. Staff with Terry Ebbert, Dir., Homeland Sec., City of New Orleans, in New Orleans, LA (Nov. 9, 2005) [hereinafter Interview with Terry Ebbert].

35 Interview with Thibodeaux and Mouton; Interview with Terry Ebbert; Interview by Select Comm. Staff with Nicholas Gachassin, First Assistant Attorney Gen., LA Dep't of Justice, in Baton Rouge, LA (Nov. 6, 2005) [hereinafter Interview with Nicholas Gachassin].

36 David Carr, *More Horrible Than Truth: News Reports*, N.Y. TIMES, Sept. 19, 2005 [hereinafter *Carr Article*].

37 Interview with Nicholas Gachassin; Interview with Thomas Enright.

38 Daily Video Teleconferences among officials dated Aug. 25 – Sep. 4, 2005 at 15 [hereinafter *Daily VTC*]. State and local officials from each of the impacted areas met daily with officials from, among other agencies, FEMA, and Nat'l Hurricane Center.

39 *Id.* at 6.

40 *Dec. 14, 2005 Select Comm. Hearing* at 214 (Statement of Terry Ebbert).

41 *Id.* at 226 (Statement of Mayor Ray Nagin, City of New Orleans, LA).

42 *Carr Article*; Susannah Rosenblatt and James Rainey, *Katrina Takes Toll on Truth, News Accuracy*, L.A. TIMES, Sept. 27, 2005; Beth Gillin, *Katrina Spawned Rumors; Media Ran with Them*, PHILA. INQUIRER, Sept. 28, 2005.

43 *Id.*

44 *Id.*

45 Interview with Thibodeaux and Mouton.

46 *Hearing on Hurricane Katrina: Preparedness and Response by the Department of Defense, the Coast Guard, and the National Guard of Louisiana, Mississippi, and Alabama Before Select Comm.*, 109th Cong. (Oct. 27, 2005) at 196 (statement of Lt. Gen. H Steven Blum, Chief of the Nat'l Guard Bureau) [hereinafter *Oct. 27, 2005 Select Comm. Hearing*].

47 *Pandemonium Article*.

48 Interview with Thibodeaux and Mouton.

49 Telephone Interview by Select Comm. Staff with Capt. Jeff Winn, New Orleans Police Dep't, New Orleans, LA, in Wash., D.C. (Jan. 26, 2006).

50 *Id.*

51 *Id.*

52 Oct. 27, 2005 Select Comm. Hearing at 196-97 (statement of Lt. Gen. H Steven Blum, Chief of the Nat'l Guard Bureau).

53 Interview with Thibodeaux and Mouton; Interview with Nicholas Gachassin; Interview with Terry Ebbert.

54 Interview with Nicholas Gachassin.

55 Interview by Select Comm. Staff with Andy Kopplin, Chief of Staff, Office of the Governor of LA, in New Orleans, LA (Nov. 6, 2005).

56 EMAC Operations Manual (Oct. 2005) [hereinafter EMAC Ops Manual]; Telephone Interview by Select Comm. Staff with EMAC personnel, in Wash., D.C. (Dec. 13, 2005) [hereinafter Telephone Interview with EMAC]; EMAC website: What Is EMAC. www.emacweb.org/?9 (last visited Jan. 26, 2006).

57 EMAC Ops Manual; Telephone Interview with EMAC; EMAC website: What Is EMAC. www.emacweb.org/?9 (last visited Jan. 26, 2006).

58 Emergency Management Assistance Compact, Pub. L. No. 104-321, 110 Stat. 3877 (1996). Hawaii has not ratified EMAC. (E-mail correspondence from EMAC personnel to Select Comm. Staff (Dec. 13, 2005) (5:14 p.m.)).

59 EMAC Ops Manual.

60 EMAC website: How Does EMAC Work. www.emacweb.org/?142 (last visited Jan. 26, 2006).

61 *Id.*

62 Telephonic Interview with EMAC.

63 *Id.*

64 *Id.*

65 *Id.*

66 *Id.*

67 E-mail correspondence from EMAC personnel to Select Comm. Staff (Dec. 19, 2005) (5:25 p.m.).

68 Presentation Materials prepared by EMAC personnel, EMAC Responses to Hurricanes Katrina and Rita (Oct. 4, 2005).

69 *Id.*

70 *Id.*

71 Master Log of EMAC Requisitions (unaudited draft).

72 Telephone Interview with EMAC.

73 Dec. 7, 2005 Select Comm. Hearing at 5 (Statement of William L. Carwile, former FEMA Fed. Coordinating Officer); Interview by Select Comm. Staff with William Carwile, former FEMA Fed. Coordinating Officer, in Wash., D.C. (Dec. 6, 2005).

74 Hurricane Situation Report 54, Miss. Emergency Management Agency (Sept. 10, 2005 at 1500 hours); updated Miss. Guard numbers from Miss. Nat'l Guard Daily Recap (Oct. 11, 2005).

75 EMAC Assistance to Miss., Nat'l Emergency Mgmt. Ass'n (Nov. 3, 2005).

76 Oct. 27, 2005 Select Comm. Hearing at 133 (statement of Paul McHale, Assistant Sec'y of Def. for Homeland Def.).

77 Dec. 7, 2005 Select Comm. Hearing at 111 (statement of William L. Carwile, former FEMA Fed. Coordinating Officer).

78 Interview by Select Comm. Staff with Col. Marvin E. Curtis, Jr., Assistant Comm'r, Dep't of Public Safety, State of Miss., in Jackson, Miss. (Oct. 2005).

79 Dec. 7, 2005 Select Comm. Hearing at 111 (statement of William L. Carwile, former FEMA Fed. Coordinating Officer) ("[I]n addition to the relief we got from the things that Mississippi brought to bear, the state of Florida which prepositionalized things up at the Panhandle, they bought us time too, because it would have been much worse had it not been for the things we got from Florida.>").

80 Hurricane Situation Reports, Miss. Emergency Mgmt. Agency (Sept. 2, 2005 at 1200 hours; Sept. 6, 2005 at 0200 hours); Dec. 7, 2005 Select Comm. Hearing at 2 (Statement of Governor Haley Barbour, State of Miss.).

81 EMAC Assistance to Miss., Nat'l Emergency Mgmt. Ass'n (Nov. 3, 2005).

82 E-mail correspondence from Patrick Rhode to Casey Long and Brooks Altshuler (Sept. 2, 2005) (6:46 p.m.).

83 *Id.*

84 Daily VTC at 9 (Sept. 2, 2005).

85 Telephone Interview by Select Comm. Staff with Federal Bureau of Investigation [hereinafter FBI] personnel, in Wash., D.C. (Dec. 15, 2005) [hereinafter Dec. 15 Telephone Interview with FBI]; The Jackson Field Div. covers the entire state of Miss. and has 10 Resident Agencies located in: Southaven, Oxford, Tupelo, Columbus, Greenville, Meridian, Hattiesburg, Macomb, Gulfport, and Pascagoula (E-mail correspondence from FBI personnel to Select Comm. Staff (Dec. 5, 2005) (6:10 p.m.)) [hereinafter Dec. 5 E-mail from FBI].

86 Dec. 15 Telephone Interview with FBI.

87 Interview by Select Comm. Staff with FBI personnel, in Wash., D.C. (Nov. 28, 2005) [hereinafter Nov. 28 Interview with FBI]; Dec. 15 Telephone Interview with FBI.

88 Dec. 15 Telephone Interview with FBI.

89 Nov. 28 Interview with FBI.

90 Dec. 5 E-mail from FBI.

91 Telephone Interview by Select Comm. Staff with FBI personnel (Jan. 27, 2006).

92 Bureau of Alcohol, Tobacco, Firearms and Explosives [hereinafter ATF] Summary of Significant Activity (Nov. 18, 2005) [hereinafter ATF Summary of Significant Activity].

93 ATF Summary of Significant Activity; Interview by Select Comm. Staff with ATF personnel, in Wash., D.C. (Nov. 29, 2005) [hereinafter Interview with ATF].

94 Interview with ATF.

95 ATF Summary of Significant Activity.

96 *Id.*

97 Interview with ATF; E-mail correspondence from ATF personnel to Select Comm. Staff (Dec. 7, 2005) (11:47 a.m.) [hereinafter E-mail from ATF]. The office in Shreveport oversaw the administrative functions of the Shreveport, Little Rock, Jackson, and Oxford, Miss. Field Offices. (E-mail from ATF).

98 Interview with ATF.

99 E-mail from ATF.

100 Interview with ATF; Telephone Interview by Select Comm. Staff with ATF personnel, in Wash., D.C. (Dec. 1, 2005).

101 Response from the U.S. Dep't of Justice, to Chairman Tom Davis, Select Comm., and Charlie Melancon, U.S. Congressman (Nov. 23, 2005) [hereinafter Nov. 23 Dep't of Justice Response].

102 Hurricane Katrina Drug Enforcement Agency [hereinafter DEA] COOP Assessment (DAG000000223) (Jan. 26, 2006).

103 Nov. 23 Dep't of Justice Response.

104 Nov. 23 Dep't of Justice Response; Interview by Select Comm. Staff with DEA, in Wash., D.C. (Nov. 28, 2005).

105 Nov. 23 Dep't of Justice Response.

106 Response from the U.S. Dep't of Justice, to Chairman Tom Davis, Select Comm., and Charlie Melancon, U.S. Congressman (Dec. 8, 2005) [hereinafter Dec. 8 Dep't of Justice Response]; Interview by Select Comm. Staff with U.S. Marshal Service [hereinafter USMS] personnel, in Wash., D.C. (Dec. 8, 2005) [hereinafter Interview with USMS]. An Operational Mgmt. Team (OMT) oversees USMS' national response. There are OMTs located throughout the United States. A Chief Deputy, the highest ranking career Marshal in the district is in charge of the OMT. Each OMT has a core group of eight personnel. (Interview with USMS).

107 Dec. 8 Dep't of Justice Response.

108 Interview by Select Comm. Staff with U.S. Immigration and Customs Enforcement [hereinafter ICE] in Wash., D.C. (Nov. 16, 2005) [hereinafter Nov. 16 Interview with Interview with ICE].

109 Interview by Select Comm. Staff with ICE personnel, in Wash., D.C. (Dec. 2, 2005) [hereinafter Dec. 2 Interview with ICE].

110 U.S. Customs and Border Prot. [hereinafter CBP] Timeline Aug. 24-Aug. 30 (Dec. 8, 2005) [hereinafter CBP Timeline Aug. 24-Aug. 30]; CBP Hurricane Katrina Support and Operations PowerPoint (Sept. 20, 2005).

111 CBP Timeline Aug. 24-Aug. 30.

112 Interview by Select Comm. Staff with CBP personnel, in Wash., D.C. (Dec. 6, 2005) [hereinafter Interview with CBP]; CBP Timeline Aug. 30-Sept. 13 (Dec. 21, 2005) [hereinafter CBP Timeline Aug. 30-Sept. 13].

113 E-mail correspondence to Select Comm. Staff from CBP personnel (Jan. 26, 2006) (1:35 p.m.).

114 Fed. Air Marshal Serv. [hereinafter FAMS] Timeline prepared for Select Comm. Staff (Nov. 29, 2005) [hereinafter FAMS Timeline].

115 Interview by Select Comm. Staff with FAMS personnel, in Wash., D.C. (Nov. 29, 2005) [hereinafter Interview with FAMS]; FAMS Timeline.

116 Interview by Select Comm. Staff with Fed. Bureau of Prisons [hereinafter BOP] personnel, in Wash., D.C. (Dec. 5, 2005) [hereinafter Interview with BOP]; Dec. 8 Dep't of Justice Response.

117 Dec. 8 Dep't of Justice Response.

118 Nov. 28 Interview with FBI.

119 Nov. 23 Dep't of Justice Response.

120 Telephone Interview by Select Comm. Staff with FBI personnel (Jan. 27, 2006) [hereinafter Jan. 27 Telephone Interview with FBI]; Nov. 23 Dep't of Justice Response.

121 Nov. 23 Dep't of Justice Response. There are four Rapid Deployment teams located in: New York City, Wash., D.C., Los Angeles, and Miami. The teams are comprised of 160 people with different specialties. They are equipped to respond and be self sufficient for seven days on their own. (Telephone Interview by Select Comm. Staff with FBI personnel, in Wash., D.C. (Dec. 5, 2005) [hereinafter Dec. 5 Telephone Interview with FBI]).

122 Nov. 23 Dep't of Justice Response.

123 Dec. 15 Telephone Interview with FBI.

124 Nov. 23 Dep't of Justice Response. The Law Enforcement On-Line Internet site is not available to the general public. Law enforcement entities from around the country must have a password to access the FBI's information. (Dec. 5 E-mail from FBI).

125 Dec. 5 Telephone Interview with FBI.

126 ATF Summary of Significant Activity.

127 ATF Summary of Significant Activity; Interview with ATF.

128 Interview with ATF.

129 ATF Summary of Significant Activity.

130 ATF Summary of Significant Activity; Interview with ATF.

131 Response from U.S. Dep't of Justice, to Chairman Tom Davis, Select Comm., and Charlie Melancon, U.S. Congressman (Dec. 21, 2005). The day by day breakdown is as follows: Aug. 30 (24), Aug. 31 (17), Sept. 1 (32), Sept. 2 (16), Sept. 3 (33), Sept. 4 (38), Sept. 5 (11), Sept. 6 (13), Sept. 7 (39), Sept. 8 (10), Sept. 9 (6), Sept. 10 (5), Sept. 11 (4), Sept. 12 (4). (*Id.*).

132 Nov. 23 Dep't of Justice Response.

133 Dec. 8 Dep't of Justice Response.

134 *Id.* Police Dep'ts included: Pass Christian Police Dep't, Gulfport Police Dep't, Biloxi Police Dep't, Long Beach Police Dep't, and Harrison County Sheriff's Dep't.

135 Dec. 2 Interview with ICE.

136 *Id.*

137 Dec. 2 Interview with ICE; E-mail correspondence from Ronald R. Grimes, DHS to Gerald Garren, et al, (Sept. 6, 2005) (5:27 p.m.). Miss. entities assisted by ICE: Miss. Highway Patrol, Gulfport Police Dep't, Harrison County Sheriffs Office, Waveland Police Dep't, Bay St. Louis Police Dep't, Long Beach Police Dep't, Pass Christian Police Dep't, Hancock County Sheriffs Office, and Jackson County Sheriffs Office. (*Id.*; Dec. 2 Interview with ICE).

138 CBP Timeline Aug. 24-Aug. 30.

139 CBP Timeline Aug. 30-Sept. 13.

140 Interview with FAMS.
141 FAMS Timeline.
142 Interview with FAMS.
143 FAMS Timeline.
144 Interview with FAMS. This included, meeting arriving buses, helicopters, trucks, and ambulances; canvassing evacuees for information on those left behind in New Orleans; handwriting manifests for the New Orleans International Airport departing flights; pre-screening and loading passengers; crowd control; baggage handling; air traffic control; operating heavy equipment to facilitate blocking and dispatching aircraft; hand-carrying hundreds of sick, injured and elderly passengers on to departing aircraft; working with FEMA triage personnel to carry patients on stretchers for medical evaluation; delivering patients to the "Expected to Die" and morgue holding areas; and assisting in other medical emergencies. (*Id.*).
145 Additional Info. Relating To Secret Service [hereinafter USSS] Contributions Toward Response and Recovery Efforts Associated With Hurricane Katrina (Dec. 5, 2005) [hereinafter Dec. 5 Additional Info. Relating to USSS]; Additional Info. Relating To USSS Contributions Toward Response and Recovery Efforts Associated With Hurricane Katrina (Dec. 7, 2005).
146 Dec. 5 Additional Info. Relating to USSS.
147 Dec. 8 Dep't of Justice Response.
148 Interview with BOP; Dec. 8 Dep't of Justice Response.
149 Dec. 8 Dep't of Justice Response. A total of 54 BOP personnel were responsible for the transportation. These personnel were detailed from the Federal Correction Complex (FCC) in Beaumont, TX; FCC Forrest City, Arkansas; FCC Yazoo City, MS; FCC Oakdale, LA; the United States Penitentiary in Pollock, LA; the Federal Detention Center in Houston, TX. (*Id.*).
150 Dec. 8 Dep't of Justice Response; Interview with BOP.
151 Dec. 5 Telephone Interview with FBI; Dec. 5 E-mail from FBI (citing LA. REV. STAT. ANN. § 9:2793.1 (2005)).
152 Dec. 5 E-mail from FBI.
153 Dec. 5 E-mail from FBI; Dec. 5 Telephone Interview with FBI; Letter from Haley Barbour, Governor, State of Miss., to all state and local law enforcement officers (Sept. 9, 2005) [hereinafter Sept. 9 Governor Barbour letter]. The Governor's request was made under the Emergency Law Enforcement Assistance provisions of the Justice Assistant Act of 1984, 42 U.S.C. §§ 10501-10513, which authorizes the U.S. Dep't of Justice to provide law enforcement assistance to a state. (*Id.*).
154 Dec. 5 E-mail from FBI (citing order issued pursuant to MISS. CODE ANN. § 33-15-1 (2005)); Sept. 9 Governor Barbour letter. The Governor's request was made under the Miss. Emergency Mgmt. Law § 33-15-11(10). (*Id.*).
155 Interview with ATF.
156 28 U.S.C. § 564 (2005).
157 Order No. 2778-2005 from Alberto R. Gonzales, U.S. Attorney Gen. to USMS, Dir., Sept. 3, 2005 [hereinafter Gonzales Order to Dir. USMS].
158 Dec. 2 Interview with ICE.
159 CBP Timeline Aug. 30-Sept. 13.
160 Interview with CBP.
161 CBP Timeline Aug. 30-Sept. 13.
162 FAMS Timeline.
163 Nov. 23 Dep't of Justice Response.
164 E-mail correspondence from Bill Mercer to Bill Mercer (ODAG) (Sept. 8, 2005) (6:04 p.m.).
165 Nov. 23 Dep't of Justice Response (citing 28 U.S.C. § 533).
166 Nov. 23 Dep't of Justice Response (citing 42 U.S.C. § 10501).
167 *Id.*
168 Memorandum from Alberto R. Gonzales, U.S. Attorney Gen., to Heads of Fed. Law Enforcement Agencies (Sept. 2, 2005).
169 Letter from Haley Barbour, Governor, State of Miss., to Alberto R. Gonzales, U.S. Attorney Gen. (Sept. 3, 2005). The Governor's request was made under the Emergency Law Enforcement Assistance provisions of the Justice Assistant Act of 1984, 42 U.S.C. §§ 10501-10513, which authorizes the U.S. Dep't of Justice to provide law enforcement assistance to a state. (*Id.*).
170 Letter from Alberto R. Gonzales, U.S. Attorney Gen., to Haley Barbour, Governor, State of Miss. (Sept. 3, 2005); Gonzales Order to Dir. USMS.
171 Letter from Kathleen Blanco, Governor, State of LA, to Alberto R. Gonzales, U.S. Attorney Gen. (Sept. 3, 2005). The Governor's request was made under the Emergency Law Enforcement Assistance provisions of the Justice Assistant Act of 1984, 42 U.S.C. §§ 10501-10503, which authorizes the U.S. Dep't of Justice to provide law enforcement assistance to a state. (*Id.*).
172 Letter from Alberto R. Gonzales, U.S. Attorney Gen., to Kathleen Blanco, Governor, State of LA (Sept. 4, 2005); Order No. 2779-2005 from Alberto R. Gonzales, U.S. Attorney Gen. to Deputy Attorney Gen. (Sept. 4, 2005).
173 Letter from Kathleen Blanco, Governor, State of LA, to Alberto R. Gonzales, U.S. Attorney Gen. and Michael Chertoff, Sec'y, Dep't of Homeland Sec. (Sept. 6, 2005). The Governor's request was made under the Emergency Law Enforcement Assistance provisions of the Justice Assistant Act of 1984, 42 U.S.C. §§ 10501-10503, which authorizes the U.S. Dep't of Justice to provide law enforcement assistance to a state. (*Id.*).
174 Letter from Alberto R. Gonzales, U.S. Attorney Gen., to Kathleen Blanco, Governor, State of LA (Sept. 7, 2005).
175 Letter from Michael Chertoff, Sec'y, Dep't. of Homeland Sec., to Kathleen Blanco, Governor, State of LA (Sept. 7, 2005).
176 Dec. 2 Interview with ICE.
177 Nov. 16 Interview with ICE; Dec. 2 Interview with ICE; Interview by Select Comm. Staff with FBI personnel, in Washington, D.C. (Dec. 6, 2005) [hereinafter Dec. 6 Interview with FBI].
178 Dec. 2 Interview with ICE; Nov. 23 Dep't of Justice Response.
179 Dec. 2 Interview with ICE.
180 *Id.*
181 Dec. 2 Interview with ICE; Dec. 6 Interview with FBI.
182 Dec. 2 Interview with ICE.
183 *Id.*
184 Dec. 2 Interview with ICE; Dec. 6 Interview with FBI.

185 Dec. 2 Interview with ICE.
186 Dec. 2 Interview with ICE; Dec. 6 Interview with FBI.
187 Nov. 28 Interview with FBI; Dec. 2 Interview with ICE.
188 Dec. 2 Interview with ICE.
189 Dec. 2 Interview with ICE; Dec. 6 Interview with FBI.
190 *Id.*
191 Dec. 2 Interview with ICE; Dec. 6 Interview with FBI; Dec. 5 E-mail from FBI. The assignments were as follows: District 1: ATF/ DEA, District
2: FBI/Border Patrol's Tactical Units (BORTAC), District 3: Federal Protective Service, District 4: ICE, District 5: USMS/DEA/BORTAC, District
6: FBI/ATF, District 7: FBI/DEA/BORTACT, and District 8: ATF. (Dec. 5 E-mail from FBI).
192 Dec. 2 Interview with ICE; Dec. 6 Interview with FBI.
193 Dec. 2 Interview with ICE.
194 *Id.*
195 Dec. 6 Interview with FBI.
196 Dec. 2 Interview with ICE; Dec. 6 Interview with FBI.
197 Dec. 2 Interview with ICE; Dec. 6 Interview with FBI; Dec. 5 E-mail from FBI.
198 Dec. 6 Interview with FBI.
199 *Id.*
200 *Id.*
201 *Id.*
202 Dec. 2 Interview with ICE; Dec. 6 Interview with FBI.



AP PHOTO/BILL HABER

*"It's like being in a Third World country.
We're trying to work without power.
Everyone knows we're all in this together.
We're just trying to stay alive."*

Mitch Handrich
Registered Nurse Manager at Charity Hospital¹