

## **An Agency in Recovery**

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In March 2006, the General Accounting office (GAO) observed that the size and strength of Hurricane Katrina resulted in one of the largest natural disasters in our nation's history. How one component agency – the New Orleans office of the Federal Bureau of Investigation (FBI) – coped before, during, and after the storm provides some valuable lessons learned for managing law enforcement during a catastrophe. Given the FBI has nationally deployed resources in 56 field offices and 400 resident agencies, experiencing natural disasters (and recovering) is something the FBI has been through over and over again, each time learning valuable lessons. During its 98-year history, the FBI has developed expertise in a number of areas critical to overcoming catastrophes.

### **Background of Post-Land Fall Deployment**

On August 26, the FBI's Jackson, Mississippi, Field Office notified its Resident Agencies in Hattiesburg, Pascagoula, and Gulfport, Mississippi, to implement their hurricane plans. 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. Prior to the landfall of Hurricane Katrina, the Special Agent in Charge of the FBI's New Orleans division, James Bernazzani, had made preparation for the continuity of his division's operations, including establishing a protocol for communications with his employees. In 1992, Hurricane Andrew struck a densely populated urban area in southeast Florida as a category 5 storm. This storm (Hurricane Andrew) provides the closest comparison to the

destructive power of Hurricane Katrina. Because of lessons learned during Hurricane Andrew, FBI offices now put a priority on locating all current and former employees during a major catastrophe. Accounting for his employees' whereabouts was a priority for Bernazzani, and the communications protocol has consistently worked well.

Hurricane Katrina made landfall at 6:10 a.m. on August 29<sup>th</sup>. The powerful storm generated a 27-foot storm surge, which overwhelmed levees along the Mississippi river and Lake Pontchartrain. As the hurricane made landfall, SAC Bernazzani and a small staff remained in the lakefront office on Lake Pontchartrain in order to maintain security of the FBI's records, equipment, and evidence. The damage wasn't pretty. Two of the four floors were heavily damaged, although no evidence in current investigations was lost. The storm ripped the roof off the building and case files and classified documents were drenched. The bureau practically moved Heaven and Earth to get the documents dried out before they mildewed and were completely lost. Bernazzani characterized the damage to the field office as a "direct hit." He said water damage and biohazards rendered the building uninhabitable, and even labeled Katrina a terrorist. A total of 138 parishes and counties were affected; the storm crippled 38 emergency calls centers (911 centers) in Louisiana, Mississippi, and Alabama. An estimated \$3 billion in government property alone was destroyed.

FBI air assets and personnel who remained on the Mississippi coast were used to determine the damage and security of the Mississippi offices. Within 12 hours of the hurricane's subsiding, the Jackson Field Office was in contact with all of its personnel. 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. Sixty percent of the top floor was uncovered. Due to the sensitivity of documents housed in the Field Office, the SAC and 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. All FBI personnel living in Louisiana were accounted for by September 4<sup>th</sup>.

Prior to Hurricane Katrina, federal law enforcement had 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. Within days, federal law enforcement offices began snapping up large pieces of commercial real estate on the north shore of Lake Pontchartrain in the town of Covington. On August 30<sup>th</sup>, FBI headquarters officials put their Field Offices on alert that additional personnel were needed in the affected area. Ten Special Weapons and Tactics (SWAT) agents from the Houston, Texas, Division were deployed to New Orleans to assist the New Orleans Police Department (NOPD) SWAT. These agents brought a boat that enabled them to transport personnel and supplies.

On September 1<sup>st</sup>, the Critical Incident Response Group (CIRG) 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. The Violent Gang Task Force from the New Orleans Division worked out of the Gretna Police Department. Over 30 more agents coordinated with NOPD to back up NOPD SWAT, FBI SWAT, and HRT Special Agents. 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. The FBI was able to create a Virtual Command Center for the Law Enforcement On-Line Internet site. All law enforcement nationwide were able to log onto the website and receive daily situation reports regarding FBI relief efforts.

The New Orleans Division set up a web page with valuable links to insurance information and the FBI's employee assistance program. Although administrative leave was authorized until October 1<sup>st</sup> (as necessary), employees reported in daily to the Shreveport, Louisiana, Resident Agency with their current address and telephone numbers (landlines and cellular numbers), the location and status of Bureau vehicles, their family situations, and their availability to work. Coordinated through FBIHQ, the employee assistance program offered emergency funds, lodging, and banking and insurance liaison services. The Justice Federal Credit Unit put together an emergency assistance package of personal and automobile loans as well as deferred payments on loans and mortgages.

SAC Bernazzani quickly called on other bureau resources, arranging for the deployment of personnel, equipment, and supplies from the FBI's Operational Technologies Division in Quantico, to Baton Rouge, where Bernazzani intended to temporarily relocate his field office operations should that become necessary. One beauty of the FBI's "surge" capacity is to be able to allocate additional personnel and resources in a time of crisis. Within a few days, there were nearly 500 agents and other personnel from around the nation on the ground in New Orleans to help secure the city, answer emergency calls, patrol the streets, stop the looting and conduct search and rescue

operations. In a large field east of Baton Rouge, as many as 300 agents were living in tents to support the hurricane relief.

Once the storm passed, FBI SWAT agents relieved SAC Bernazzani, and he immediately relocated to a mobile FBI command post in Baton Rouge, which provided him with the communications equipment needed to account for his personnel and re-establish FBI field operations. It became evident that the vast majority of FBI New Orleans division personnel were displaced. One-third of the agents and other employees were homeless.

On September 1<sup>st</sup>, the Office of the Attorney General directed several other federal agencies to identify personnel, assets, and other resources for immediate deployment to the areas impacted by Hurricane Katrina. By September 2<sup>nd</sup> with the inventory in hand, the Attorney General issued a memorandum to the agencies directing the FBI to continue deploying its special agents, including SWAT; and tactical assets, including helicopters, boats and technical/communications assets to the area. The DEA was directed to deploy Mobile Enforcement Teams of agents and tactical assets (including helicopters and other aircraft) to the area. The ATF established a Violent Crime Impact Team in Baton Rouge to address the rise in criminal activity in that city, and the US Marshals Service continued to deploy deputy marshals, and court security officers conducted prisoner transport operations and additional court security.

Ken Kaiser, who was the head of the FBI's office in Boston, was sent to Louisiana on September 1<sup>st</sup> and designated the FBI Tactical and Emergency Operations Commander. As such, he was responsible for all command and control of FBI tactical assets deployed to the affected area. His role was to coordinate and manage requests for

standard SWAT operations, including high-risk arrests or search warrants. He also directed the coordination, management, and execution of the critical infrastructure and site security operations requested by the Federal Emergency management Agency or other components of the Department of Homeland Security under the National Response Plan.

Upon Kaiser's arrival in New Orleans on September 1<sup>st</sup>, it was immediately apparent that the storm and its subsequent damage to the levees severely affected the ability of the New Orleans Police Department to performance effectively. Like the FBI personnel, the NOPD officers were dealing with personal losses, but unlike FBI personnel, they were without a supporting infrastructure and had depleted resources in the areas of communication, ammunition, transportation and food. It was estimated that as many as 70 percent of the NOPD were themselves victims. Effective law enforcement could not be carried out. There was a complete devastation of the communications infrastructure, which left first responders without a reliable network for coordinating emergency response. Also, many law enforcement agencies from around the country were beginning to send resources to New Orleans, and their efforts needed to be coordinated.

Under the National Response Plan (NRP), the Department of Justice and Department of Homeland Security (DHS) coordinate mechanisms by which federal law enforcement assets can be used to support state and local authorities with public safety and security related functions during an incident of national significance. The NRP also provides for a Senior Federal Law Enforcement Official to be appointed to oversee combined federal, state and local law enforcement responses during an incident of

national significance. The FBI identified another Special Agent in Charge, Michael J. Wolf of the New Haven (Connecticut) division, as possessing the experience and expertise to support this mission. SAC Wolf arrived in Louisiana on September 4<sup>th</sup> and began the process of establishing an effective method of command, control and coordination of law enforcement assets in New Orleans.

Along with Assistant Director Mike Vanacore, U.S. Immigration and Customs Enforcement, Wolf assumed the duties as the Senior Federal Law Enforcement Official (SFLEO). In order to address the identified gaps in the law enforcement response, SAC Wolf established something called the Law Enforcement Coordination Center (LECC). Unlike entities established under the national response plan such as the FBI Joint Operations Center, or the U.S. Secret Service Multiagency Command Center, the LECC was created as a solution to the unique challenges facing law enforcement in New Orleans after Katrina's landfall.

The LECC set about the task of coordinating, de-conflicting, tracking requests for, and providing law enforcement support. It organized and coordinated interaction among law enforcement, ensured communication between law enforcement efforts and those of the National Guard and Department of Defense, and provided limited investigative and criminal law enforcement resources until such time as the NOPD was able to maintain services without resources from other law enforcement agencies. Ironically, the LECC brought the New Orleans Police Department command element together for the first time after the hurricane struck. Further, they integrated federal law enforcement assets and personnel into the remaining local police structure. Within a day of their appointment, and for the first time since Katrina made landfall a week earlier, Wolf and Vanacore

brought together all the federal law enforcement agencies operating in the New Orleans area with the State police to coordinate efforts. The LECC was first established in Baton Rouge on September 5<sup>th</sup> and subsequently in New Orleans on September 6<sup>th</sup>. The rapid establishment of the LECC led to the rapid coordination of law enforcement activities and the restoration of law and order in New Orleans.

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 Harrah's Casino in downtown New Orleans. These meetings enabled 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 Investigation (FBI), and U.S. Immigration and Customs Enforcement (ICE).

By September 5<sup>th</sup>, an additional 556 federal officers, ranging from the U.S. Department of Agriculture to the U.S. Postal Inspection Service were protecting federal property and conducting search and rescue operations as well as assisting local law enforcement. Several agencies note that they were impeded in their ability to provide immediate assistance due to the need for state (and in some cases federal) deputation in order to enforce laws. In Louisiana, a state police attorney had to be physically present in order to swear in the federal agents. Under Louisiana law, FBI agents have qualified immunity that protects them when responding to felonies committed in their presence or when assisting state officers. However, FBI agents did not specifically have peace officer status when responding to Hurricane Katrina in Louisiana. Governor Blanco granted the



Louisiana Office of Attorney General authority to deputize FBI agents. 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<sup>th</sup>, when Governor Barbour wrote a letter to all state and federal law enforcement officers. 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.”

Initially, the Law Enforcement Coordination Center (LECC) was stood up at LSP headquarters in Baton Rouge. Vanacore arrived at the Louisiana State Police (LSP) headquarters in Baton Rouge on Sunday, September 4<sup>th</sup>. 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<sup>th</sup>. 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<sup>th</sup>. On September 6<sup>th</sup>, it was clear to Vanacore and Wolf that they needed an operations center to coordinate federal law enforcement efforts in New Orleans. 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.

On September 6<sup>th</sup>, 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. Officials also met with the NOPD precinct captains. Vanacore reported the Mayor's office and NOPD were "very helpful" and worked well with the LECC. 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. 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. Vanacore stated the mobile command center was invaluable to standing up the LECC.

By September 7<sup>th</sup>, the LECC was gathering and centralizing information, to ensure there were not duplicate law enforcement missions. The LECC divided the federal law enforcement entities by New Orleans police districts. Each federal law enforcement agency was responsible for coordinating with the precinct captain of the district. The LECC also began daily 8:00 a.m. meetings with representatives from state and federal law enforcement. 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. The daily meetings commenced with Wolf reporting the number of arrests and incidents from the prior day. 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.

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. On September 9, the LECC and NOPD moved into the Royal Sonesta Hotel on Bourbon Street. The LECC and NOPD each had a conference room, and an additional room was used to receive incoming 911 telephone calls. The LECC worked with NOPD to assist in "standing up" the police department. There were eight NOPD district offices in New Orleans. 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 space was procured to replace the flooded offices. The evidence and property rooms for the NOPD were under either under water or rendered useless by 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. The LECC was able to procure temporary battle dress uniforms from 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 use 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. LECC provided lights and generators to assist 15 police checks 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.

The February 2006 congressional report investigating the Hurricane Katrina response credited federal law enforcement as a crucial enabler to the reconstruction of NOPD's command structure and the larger criminal justice system. This leadership enabled federal assets to be integrated into local police structures and even aligned the responding federal law enforcement assets to the corresponding NOPD districts. 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, FBI, DEA, ATF, USMS, ICE, Secret Service, Customs and Border Protection, Border Patrol, and Federal Air Marshal Service. 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.

## **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. The lack of basic necessities for residents who did not evacuate, or went back to their homes too quickly, contributed. As was the case in Pearl River County, Mississippi, 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 could not properly protect its resources or come close to continuity of operations.

The federal, state, and local governments also lost another battle, this one with the media. Exaggerated press reports 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 victims of these circumstances.

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, leadership and supplies.

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