

**“This Isn’t Representative of Our Department:”
Lessons from Hurricane Katrina for Police Disaster Response Planning**

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The New Orleans Police Department’s response to Hurricane Katrina holds important lessons for other police organizations. The increased interest generated by this disaster should prompt other departments to review and revise their existing disaster response plans. Following a brief history of the New Orleans Police Department, this paper examines the failure of planning and problems of execution in the department’s response to the flooding after Katrina. A communications and coordination breakdown followed insufficient emergency planning and training in New Orleans, requiring the police force to reconstitute command on an ad hoc basis while leaning heavily on federal support. A comparison with the San Francisco Police Department’s response to the 1989 earthquake shows similar gaps in disaster planning that, due to the limited nature of that event, did not become dire. The paper then discusses the standard of performance for police forces in disaster situations and tackles specific suggestions for police disaster response re-evaluation.¹

I. Introduction

In any disaster situation, the first three hours are the most critical for response, and can determine the extent of life and property lost.² After Hurricane Katrina made landfall this past August and the winds dropped below fifty-five miles per hour, the New Orleans Police Department (NOPD) spent its first few hours of search and rescue retrieving almost 300 of own officers from rooftops and attics.³ After the storm sixty officers resigned, forty-five were fired,

¹ Many thanks to Erin Murphy, Cymie Payne, Dean Rowan, and David Sklansky for their research advice and helpful comments. Title quote from Warren Riley in *NOPD Fires 51 for Desertion*, CBS News, Oct. 28, 2005, <http://www.cbsnews.com/stories/2005/10/28/katrina/main994751.shtml>.

² ALAN P. BRISTOW, *POLICE DISASTER OPERATIONS* 23-24 (Charles C. Thomas 1972).

³ *Hurricane Katrina: The Role of the Governors in Managing a Catastrophe: Hearing Before the S. Comm. on Homeland Security and Governmental Affairs*, 109th Cong. 3 (2006) (testimony of Warren J. Riley, Superintendent of the New Orleans Police Department).

and two committed suicide. Nearly 70% of the police force lost their homes.⁴ All together the NOPD lost approximately 7% of its officers.⁵ The failure to plan adequately for police response takes it toll on the community, on the police department, and on individual officers themselves. The NOPD and other departments can use the increased interest generated by Katrina to take a proactive stance toward their own disaster planning and to reassess and redesign existing models.

Whether we measure the NOPD's response to Katrina from landfall Monday morning August 29 or the breach of the second levee the following day, problems of communications and coordination, planning and execution undermined the department's ability to respond to this disaster. Certain weaknesses in the New Orleans police response were due to historical corruption of the department and specific failures of leadership. However, the NOPD performance in the face of this hurricane holds important lessons for other police organizations: What is the standard of performance in disaster situations? And what is the most effective way to plan for disaster response? Yet, the question remains: was Katrina and the breach of the levees a disaster of the magnitude that it is impossible to plan for? Would the best-equipped and best-trained police force, with the best interoperable communications system have been able to muster a more efficient response? If Katrina was, as Police Superintendent Warren Riley characterized it, "a far more formidable opponent than anyone has had to deal with," what steps can we take in preparing for the next "Big One?"⁶

⁴ Michael Perlstein and Trymaine Lee, *The Good & the Bad*, TIMES-PICAYUNE, Dec. 18, 2005, at 4; *NOPD Fires 51 for Desertion*, *supra* note 1; Michael Perlstein, *45 Cops AWOL in Storm are Fired; Another 228 Officers Who Left and Returned Are Under Investigation*, TIMES-PICAYUNE, Oct. 29, 2005, at 1.

⁵ *45 Cops AWOL in Storm are Fired*, *supra* note 4.

⁶ Dan Baum, *Deluged: When Katrina Hit, Where Were The Police?* THE NEW YORKER, Jan. 9, 2006 at 63.

II. History of the NOPD

The first mention of an organized police force in New Orleans was in 1796.⁷ Complaints regarding the ineffectiveness and corruption of that department date to 1806. During the first wave of modern police reform in the 1850s, the department was consolidated and placed under the control of the mayor.⁸ More recent waves of corruption and reform brought a community relations division in 1966, then human relations and cultural sensitivity training in 1981.⁹ Until the mid-nineties, a mostly white New Orleans police force served a population that was two-thirds African-American (today, over half of the department's officers are African Americans).¹⁰

Yet low pay and under-funding are consistent problems for the city's eight police districts.¹¹ For example, in 1986, due to lack of funds the department cut down temporarily to a four-day workweek.¹² As of July 2004, entry level New Orleans police officers made \$27,508 in base salary, with an additional approximately \$5000 of benefits that included a uniform allowance and payment for mileage. A police sergeant made \$38,119 in base salary and an assistant superintendent \$62,096.¹³ The only current standard issue equipment for police officers are their gun, badge, radio & nightstick – individuals are responsible for their own uniforms, gun belts, raincoats, and handcuffs. Many officers work second jobs to make ends meet.¹⁴

⁷ History of the New Orleans Police Department, <https://secure.cityofno.com/portal.aspx?portal=50&tabid=9> (last visited Apr. 26, 2006).

⁸ George Austin Ketchum, *Municipal Police Reform: A Comparative Study of Law Enforcement in Cincinnati, Chicago, New Orleans, New York and St. Louis, 1844-1877* 48, 142-52 (1967) (unpublished Ph.D. dissertation, University of Missouri, Columbia).

⁹ History of the New Orleans Police Department, *supra* note 7.

¹⁰ Baum, *supra* note 6, at 52-53.

¹¹ History of the New Orleans Police Department, *supra* note 7.

¹² Annual Report, New Orleans Police Department (1987) (unpublished).

¹³ Recruiting/Salary and Benefits, <https://secure.cityofno.com/portal.aspx?portal=50> (last visited Apr. 16, 2006).

¹⁴ Baum, *supra* note 6, at 52.

Police brutality complaints and a national reputation for corruption continue to plague the city.¹⁵ In 1994, the US Attorney in New Orleans found that up to 15% of the force was corrupt, leading to a spate of firings and arrests. That same year, the first recent serious effort to reform the police department began. The mayor recruited Richard Pennington, second-in-command of the Washington, D.C. police force, to assist in the reform effort. The chief removed over three hundred corrupt cops from the department during this eight-year tenure.¹⁶ Although this did not gain him many friends in the department – he now claims to have carried a gun at the time for protection from disgruntled cops – crime rates and police brutality complaints dropped in those years.¹⁷

In 2002, Mayor Ray Nagin appointed Edwin P. Compass III, former commander of one of the department’s districts and a childhood friend, as chief after Pennington.¹⁸ Well regarded as an officer, Compass is remembered now as reluctant to take on the position of chief.¹⁹ By 2005, corruption had resurged, along with low public confidence.²⁰ In the weeks before Katrina, two NOPD officers had been arrested – one for rape and one for writing bad checks.²¹

III. Failures of Planning and Problems of Execution in New Orleans

On Saturday, August 27, Mayor Nagin declared a state of emergency, issued a voluntary evacuation order, and authorized the use of private property by law enforcement as “necessary to cope with the local disaster emergency.”²² By Sunday, Katrina had become a category five hurricane. Mandatory evacuation began. The hurricane made landfall early Monday morning,

¹⁵ *Id.*; History of the New Orleans Police Department, *supra* note 7.

¹⁶ Baum, *supra* note 6, at 53; History of the New Orleans Police Department, *supra* note 7.

¹⁷ Baum, *supra* note 6, at 52-53.

¹⁸ *Id.*

¹⁹ *Id.*; History of the New Orleans Police Department, *supra* note 7.

²⁰ *The Good & The Bad*, *supra* note 4.

²¹ Baum, *supra* note 6, at 54.

²² *Id.*

resulting in the breach of the Ninth Ward and 17th Street levees, flooding 20% of the city. It was not until Tuesday morning that the second levee failed and 80% of the city was covered in water as deep as twenty feet in some places. Between 50,000-100,000 estimated New Orleanians did not evacuate and were left behind in the city after the levees breached.²³

The NOPD's response to the disaster was undermined by catastrophic communications failure. With the breakdown of communications came a loss of centralized command, which created innumerable problems, including the public perception of lawlessness, the failure of normal police procedures, and overall inefficiency of response. As the chain-of-command was reconstituted ad hoc, insufficient emergency planning, training, and equipment further hampered the department's ability to respond.

A. Communications and coordination

A citywide power failure occurred the night after Katrina hit. The primary state and local police radio systems went out the next afternoon.²⁴ With the police communications center went 911 response capabilities. The 800 MHz emergency radio system for the state of Louisiana was also rendered inoperable and was not reestablished for several days.²⁵ That left, according to recent House testimony, “[o]ver 2000 police, fire and EMC personnel [communicating] in a single channel mode, between radios, utilizing three mutual aid frequencies.”²⁶ Eighty hours elapsed between the time police radio communication went dead and it was restored.²⁷

Lack of a statewide, disaster resistant communications system hampered the efficient function of emergency responders. Statewide plans for emergency communications systems that

²³ Hurricane Katrina Timeline, The Brookings Inst. (available via the Boalt Library website).

²⁴ Baum, *supra* note 6, at 55; *The Good & the Bad*, *supra* note 4.

²⁵ Frances Fragos Townsend, *The Federal Response to Hurricane Katrina: Lessons Learned* 37 (Feb. 2006), <http://www.whitehouse.gov/reports/katrina-lessons-learned>.

²⁶ *Hurricane Katrina: Preparedness and Response by the State of Louisiana: Hearing Before the H. Select Bipartisan Comm. to Investigate the Preparation for and Response to Hurricane Katrina*, 109th Cong. 3 (2005) (statement of Col. (Ret.) Terry J. Ebbert, Director, Homeland Security for New Orleans).

²⁷ *New Orleans Police Honor Those Who Stayed*, Feb. 24, 2006, www.officer.com.

could withstand a hurricane and give sufficient interoperability were in the works before Katrina; however they had not been completed. Lack of communication systems between and among rescue personnel became the biggest problem during and after the storm.²⁸

i. The perception of lawlessness

This lack of communications contributed to the overall perception of lawlessness and impeded rescue efforts. Rumors of looting and the inability of local leaders to use the media to quell panic and disperse accurate information negatively impacted the work of the police department and other emergency response groups.

Reporters on the scene described how citizens did not regularly see cops or other figures of authority. Dan Baum for the *New Yorker* explained, “To those left in the city, it felt as if government at all levels had vanished.”²⁹ Citizens described not just a lack of a show of force but the widespread perception that the police themselves were engaged in criminal behavior.³⁰

The lack of a strong police presence contributed to exaggerated reports of looting, stoked by local leaders’ inflammatory comments. Looting did occur along some commercial arteries, as well as in the suburbs; yet, the most extensive looting occurred adjacent to the national media encampment on Canal Street, leading to greatly exaggerated reports of its pervasiveness.³¹ Some police officers did engage in looting, and as of December 2005 thirteen were under departmental investigation.³² These are relatively isolated incidents, however. Likewise, the levels of crime in

²⁸ Laura Maggi, *Lack of Communication During Katrina Proved Crippling*, TIMES-PICAYUNE, Sept. 15, 2005.

²⁹ Baum, *supra* note 6, at 58.

³⁰ See Mike Perlstein and Brian Thevenot, *Looters Leave Nothing Behind in Storm’s Wake; Police Officers Seen Joining in on Free-for-All*, TIMES-PICAYUNE, Aug. 31, 2005; *Where is the Cavalry?* editorial, TIMES-PICAYUNE, Sept. 1, 2005.

³¹ Baum, *supra* note 6, at 58. Looting of abandoned homes continues in New Orleans. Many police officers have been the victims of these subsequent crimes of opportunity. See Michael Perlstein and Trymaine Lee, *Looters continue to prey on storm victims even as flooded homes are being rebuilt*, TIMES-PICAYUNE, Jan. 22, 2006.

³² *The Good & the Bad*, *supra* note 4; *Looters Leave Nothing Behind in Storm’s Wake*, *supra* note 34. Four NOPD officers were recently exonerated in that departmental review. *Police Suspended for Allowing Looting*, Mar. 19, 2006, <http://www.washingtonpost.com>.

the Superdome and Convention Center were vividly extrapolated in the wake of Nagin's announcement on national television that he had seen "hooligans killing people, raping people."³³

Not only did the NOPD and local leaders not adequately control the rumors of lawlessness, they failed to use the media to disperse correct information and promote public calm and safety. According to the recent House Committee Report on the response to Katrina, "[i]n Louisiana, and particularly in 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."³⁴

The public perception of lawlessness diverted police priorities and impeded private relief efforts, as companies were hesitant to enter an unstable area. Delays in re-establishing power, water, and phone lines occurred as private corporations were unwilling to enter a seemingly violent arena. One thousand FEMA employees did not enter the city in the week after the hurricane because of concerns for personnel security.³⁵

ii. Due to the breakdown of communications, command was reconstituted ad hoc

Lines of authority and supervision failed due to the inability of officers to reach higher ups either through their police radios or cell phones. One investigative reporter described, "[o]fficers who were used to taking orders by radio were drifting aimlessly around the city."³⁶ For the first day or so of the disaster, the chain of command was stretched to the limit. Then Deputy-Superintendent Warren Riley evacuated hundreds of dispatchers & officers from the

³³ Baum, *supra* note 6, at 59; *Hurricane-Force Rumors*, TIMES-PICAYUNE, Sept. 27, 2005. Of the 30,000 people who sought refuge in the Superdome, six died, all of natural causes. *Id.*

³⁴ SELECT H. BIPARTISAN COMM. TO INVESTIGATE THE PREPARATION FOR AND RESPONSE TO HURRICANE KATRINA, A FAILURE OF INITIATIVE, 109th Cong. 242, 247-49 (Feb. 15, 2006).

³⁵ Frances Townsend, *supra* note 29, at 40, 249.

³⁶ Baum, *supra* note 6, at 55.

flooded police headquarters and commenced command from an emergency operations center at the Hyatt. He was able to contact some district commanders, but many police units were forced to act as virtually independent groups.³⁷

Protocols and procedures vanished with the communications system. No immediate investigation occurred when an officer discharged his gun; looters were photographed and released.³⁸ The Louisiana Department of Public Safety & Corrections created a temporary jail at the Union Station depot; however, NOPD cops on the ground didn't know it existed. The vice and narcotics squad commander established a makeshift post outside of a casino. The Sixth District commander made his headquarters in the parking lot of a looted Wal-Mart.³⁹

This breakdown of communications and perceived lack of control added to the questioning of departmental leadership, in particular that of Chief Compass. Compass has been variously reported as out of the city, the ground conducting search and rescue missions, or at the Hyatt with the mayor.⁴⁰ Compass's abrupt resignation in September – now widely considered to have been forced – added to speculation as to his inability to command.⁴¹

The fluctuation in centralized command created many collateral problems for law enforcement. The breakdown of authority led to an inability to efficiently request aid from State authorities.⁴² Also, lack of coordination among enforcement groups, especially the NOPD and FEMA, has been reported as creating duplicitous searches of some areas.⁴³

³⁷ *The Good & the Bad*, *supra* note 4.

³⁸ Because the parish criminal sheriff holds responsibility for booking and detaining suspects after the police apprehend them, officers often could not detain looters. *See A FAILURE OF INITIATIVE*, *supra* note 38, at 247.

³⁹ Baum, *supra* note 6, at 55-57.

⁴⁰ Baum, *supra* note 6 at 55; James Varney and Michael Perlstein, *Compass Resigns*, *TIMES-PICAYUNE*, Sept. 28, 2005.

⁴¹ *Id.*; Michael Perstein, *New Police Chief Names Four of His Top Officers*, *TIMES-PICAYUNE*, Dec. 6, 2005.

⁴² Frances Townsend, *supra* note 29, at 37.

⁴³ Baum, *supra* note 6, at 57.

iii. Order reestablished with federal assistance

The NOPD immediately began to reconstitute command in the wake of the hurricane; however extensive coordination and control did not exist until federal law enforcement entered the city. During the first week of the storm, Harrah's Casino downtown became the working law enforcement center. Daily coordination meetings with federal personnel and NOPD captains launched the first waves of search and rescue, debris removal, and other immediate law enforcement concerns.⁴⁴

Large-scale integration of law enforcement first occurred when the FBI established a Law Enforcement Coordination Center (LECC) that served to synchronize the NOPD, the National Guard, the Army, federal law enforcement, and the Louisiana State Police.⁴⁵ By September 7, the LECC had created temporary offices and helped to recover damaged property and evidence for the department. The LECC moved with the NOPD to new headquarters at the Royal Sonesta Hotel in the French Quarter on September 9.⁴⁶

The entry of large levels of federal law enforcement officers, as well as the reestablishment of central command and communications, allowed the NOPD to reassert control over the city.⁴⁷ The recent White House report stated: "Law and order were eventually restored as local law enforcement officers were removed from search and rescue, reassigned to law enforcement missions." That report also highlighted the role of national and regional law

⁴⁴ A FAILURE OF INITIATIVE, *supra* note 38, at 258.

⁴⁵ *Id.* at 132, 259; Frances Townsend, *supra* note 29, at 132; 215 n. 36;

⁴⁶ A FAILURE OF INITIATIVE, *supra* note 38, at 259.

⁴⁷ Under the Stafford Act, the president has the authority to dispatch the U.S. armed forces for disaster relief activities that include search and rescue, provisioning citizens, providing technical advice to state and local governments, providing public information to citizens, emergency medical care, and debris removal. The Stafford Act does not permit the use of federal troops for local law enforcement. The Posse Comitatus Act forbids use of federal troops for law enforcement in all but the most necessary cases, including the use of National Guard in federal service. See Jennifer K. Elsea, *The Use of Federal Troops for Disaster Assistance: Legal Issues* 2,4 (CRS Report for Congress, Sept. 16, 2005).

enforcement, as well as the National Guard, in bringing a show of force to the city.⁴⁸ FEMA search and rescue teams had been in the area since the day of landfall; eventually 3,000 FEMA personnel in Louisiana, working with local law enforcement, evacuated 6,528 people safely and searched 22,313 structures.⁴⁹ Over 30,000 National Guardsmen and women would assist in the response in New Orleans, and through the Emergency Management Assistance Compact mutual aid agreement, 27,727 additional personnel arrived in Louisiana through the first weeks of the crisis.⁵⁰

B. Planning and execution

Now-Superintendent Riley categorized the flooding as “the ultimate enemy.” He continued, “[w]hat do you do when the enemy has cut off your supply routes, your food, your water and puts you in a situation where your rescuers had to be rescued? Nothing prepares you for this.”⁵¹

The exact level of NOPD preparedness is hard to gauge. The city of New Orleans did have an emergency preparedness plan; however, hurricane planning focused exclusively on pre-landfall evacuation procedures with the NOPD’s sole role as assisting in traffic flow.⁵² The level of coordination with state and federal emergency response is not clear. The Louisiana State Police also have an emergency operations center that is designed for disaster situations. This

⁴⁸ A FAILURE OF INITIATIVE, *supra* note 38, at 242.

⁴⁹ *Urban Search and Rescue Operations Completed*, FEMA, Sept. 30, 2005, www.fema.gov/news/newsrelease_print.fema?id=19320.

⁵⁰ A FAILURE OF INITIATIVE, *supra* note 38, at 246, 250. Officers from U.S. Immigration and Customs Enforcement; U.S. Army Corps of Engineers; U.S. Army; U.S. Marines; U.S. Navy; Bureau of Alcohol, Tobacco, Firearms and Explosives; U.S. Marshals; Department of Agriculture; Department of Veterans Affairs; Department of the Treasury; the Coast Guard; and the Environmental Protection Agency all sent individuals to assist in disaster response. *See*, Francis Townsend, *supra* note 29, at 41, 129, 131, 133-34; *ICE Law Enforcement Support Proves Critical to Hurricane Katrina Rescue and Security Efforts*, Sept. 8, 2005, www.ice.gov. In addition, a number of “self-deployed” and unorganized volunteers, both law enforcement professionals and otherwise, entered the Gulf region in the first week or so. *See*, Francis Townsend, *supra* note 29, at 250; Baum, *supra* note 6, at 59-60.

⁵¹ Quoted in *The Good & the Bad*, *supra* note 4, at 2, 4.

⁵² City of New Orleans Emergency Preparedness Plan, no date, located at <http://msnbcmedia.msn.com/i/msnbc/Components/Interactives/News/US/Katrina/docs/City%20Of%20New%20Orleans%20Emergency%20Preparedness%20-%20Hurricanes.pdf>.

center seems to have been primarily focused on man-made disasters and potential terror threats.⁵³ It is not evident if New Orleans had the National Incident Management System in place – a requirement for federal preparation assistance as of 2005. This system developed by the Department for Homeland Security, calls for federal coordination of interagency communications and communications to the public, as well as an integrated command system and preparedness measures.⁵⁴ Post-landfall evacuation was not included in the New Orleans or Louisiana state evacuation plans.⁵⁵

Superintendent Riley testified before a Senate Committee that the NOPD implemented its own emergency preparedness plan per protocol in the days before the storm hit. At the time of the disaster he was serving as chief operations officer, second in command, of the department. He describes a series of meetings and preparations that suggest a stronger and more integrated chain of command within the NOPD than was evident to observers during the crisis. On Saturday, August 27, high ranking public safety officers met to discuss the potential impact of the hurricane, the NOPD emergency preparedness plan, and departmental duties under it.⁵⁶

Commanders and officers were instructed to report for storm duty by four p.m. on Sunday, after having ensured the safety of their families ahead of the hurricane. The police vehicle fleet was subsequently stored in presumed safe spaces. Sunday, August 28, officers assisted with mandatory evacuation by patrolling neighborhoods and manning evacuation transport stations. When hurricane winds topped fifty-five miles per hour, police personnel were recalled from duty per departmental regulations. Essential communications personnel, Riley,

⁵³ Emergency Operations Center, Louisiana State Police, www.lsp.org/eoc.html; Office for Domestic Preparedness Grants, www.lsp.org/odpgrants.html.

⁵⁴ National Incident Management System, Mar. 1, 2004, <http://www.dhs.gov/interweb/assetlibrary/NIMS-90-web.pdf>.

⁵⁵ Frances Townsend, *supra* note 29, at 28. *See e.g. Hurricane Katrina: Preparedness and Response* (statement of Col. (Ret.) Terry J. Ebbert), *supra* note 30.

⁵⁶ *Hurricane Katrina: The Role of the Governors in Managing a Catastrophe* (testimony of Warren J. Riley), *supra* note 3.

staff, and many family members spent Sunday night at Police Headquarters and were there as the storm hit. Over 600 911 calls came into the dispatcher's office as the Lower Ninth Ward sunk into fourteen feet of water in less than thirty minutes. At that point, 100 mile per hour winds still blanketed the city and officers could not be dispatched.⁵⁷ Before Katrina hit, police officers were instructed to report to the nearest district in the event that they were unable to get to their regular post.⁵⁸ The pre-hurricane plan to use National Guard and police officers together for rescue duty was quickly abandoned as the magnitude of Hurricane Katrina's landfall began.⁵⁹

However, according to the recent House Committee Report on the planning and response to Hurricane Katrina, the NOPD lacked a seriously implemented disaster plan accompanied by the requisite emergency training. Relying in large part on David Baum's article, the report stated: "In 2004, the police department reportedly produced an 'elaborate hurricane plan' which was issued to all commanders. But, according to a reporter who was present during Katrina and reviewed police operations, it 'stayed on their bookshelves.'"⁶⁰ Despite Riley's Senate testimony to the contrary, the recent House Committee Report determined that the lack of communications and planning led to the situation in which there was "no unified command or clear priorities within the department."⁶¹

The NOPD showed a lack of disaster contingency planning in specific, as emergency equipment went missing during the crisis. The House Committee Report also concluded that officers were not familiar with emergency plan and had never participated in exercises to familiarize themselves with it. Homeland Security restrictions on non terrorism-related funding,

⁵⁷ *Id.*

⁵⁸ James Varney, *Acting Chief Suspends 4 Cops; Looting is the Focus of One Investigation*, TIMES-PICAYUNE, Sept. 30, 2005.

⁵⁹ *The Good & The Bad*, *supra* note 4.

⁶⁰ A FAILURE OF INITIATIVE, *supra* note 38, at 245.

⁶¹ *Id.* at 246.

along with the department's chronic under-funding, contributed to the lack of disaster response equipment and training available to the NOPD.⁶²

In fact, the NOPD took few steps to ensure continuation of command and control in the face of almost inevitable flooding. The placement of vital communications "nodes," evidence storage rooms, and generators on lower floors of buildings put the entire infrastructure of police command in jeopardy – and indeed, as the floodwaters rose, police headquarters was swamped. The storage of patrol cars in underground garages or in the open contributed to a desperate lack of vehicles, and the failure of officers to report to duty left the department understaffed and less able to respond.⁶³

This lack of planning contrasts sharply with nearby Plaquemines Parish. There, no police vehicles were rendered inoperable or inaccessible by the storm because they had all been moved to higher ground. Similarly, the department evacuated all administrative records and prisoners in advance of the storm. Due in large part to this preplanning, that sheriff's office did not experience a break in functioning, and was able to begin search and rescue and other vital post-disaster tasks at once.⁶⁴

IV. Police Disaster Response Planning

A. Comparison to the 1989 Loma Prieta Earthquake

Superintendent Riley was correct when he described Hurricane Katrina as "the ultimate enemy" – as one of the largest disasters in American history, it was unique in the severity of the destruction as well as the almost complete annihilation of law enforcement infrastructure in the area. However, a comparison to the San Francisco Police Department's (SFPD) response to the

⁶² *Hurricane Katrina: Preparedness and Response* (statement of Col. (Ret.) Terry J. Ebbert), *supra* note 30.

⁶³ A FAILURE OF INITIATIVE, *supra* note 38, at 241.

⁶⁴ *Id.* at 245.

1989 Loma Prieta earthquake makes clear that certain common weak points, if planned for in advance, can help a police force to respond most effectively to disaster.

The Loma Prieta earthquake was a 7.1 magnitude, but caused only localized damage and injuries in San Francisco, with property damage in .5 square miles or approximately 1% of the city.⁶⁵ This relatively low level of property damage and loss of life, coupled with the localized nature of the damage, cost the SFPD a total of \$2,717,484 in personnel costs and supplies. Although much smaller in scale, in its evaluation, the SFPD reported several disaster response weakness that parallel problems experienced during Katrina. One of the most important of these was a lack of perceived leadership, represented by uncertainty as to the chain of command after the disaster. Additionally, interagency cooperation, a central emergency preparedness headquarters, and communications generally were weakness that, due in the large part to the low-scale of damage, did not cripple the emergency response.⁶⁶

The logistics of emergency planning, particular types of generators for headquarters, as well as continuity of computer and dispatch systems was found to be lacking in the SFPD's preparations. Specific emergency training and periodic refresher courses were cited as key to the efficient emergency response of individual officers who, when the earthquake struck, had "a fair amount of uncertainty about 'what to do.'" Other problems identified by the SFPD included the need for a central staging area for emergency responders, quicker response in order to localize areas of damage and control access to potentially dangerous areas by establishing perimeters.⁶⁷ Many of the gaps in planning that would lead to such drastic consequences during Katrina can be seen, in miniature, in the SFPD earthquake response.

⁶⁵ Earthquake Report: October 17, 1989 2 (1990?) (internal report, San Francisco Police Department).

⁶⁶ *Id.* at 3, 8-12.

⁶⁷ *Id.* at 3, 8, 10-11.

B. The Standard on Police Disaster Response Planning

According to the most recent and comprehensive study of police disaster response, emergency planning generally correlates to the size of the police force. And even among departments that maintain current emergency preparedness plans, most do not account for any “major organizational alterations” for disasters. Rather, most structure their proposed disaster response as everyday tasks on a larger and more concentrated scale, under the theory that “we handle emergencies everyday.” The majority of police planning is focused internally, and does not account for the necessary coordination with state, regional, and federal responders in large-scale emergencies. Furthermore, most police forces have little experience with disaster situations, and this also correlates to the amount and effectiveness of disaster response.⁶⁸

The four main functions of police in disasters are: 1) crowd control and traffic flow; 2) life and property protection; 3) search and rescue; and 4) warning and evacuation. According to scholars at the Disaster Research Center (DRC), each of these areas hold inherent problems of execution that can be eliminated or at least mitigated through detailed planning and training. Generally, but particularly in relation to traffic control, police departments “underestimate the difficulty of transferring everyday procedures” to emergency situations. This results in, for example, an over-concentration of efforts in the area of crowd control, while if roadblocks had been quickly established and a pass-system instituted, those resources could have been directed elsewhere. Similarly, although looting is almost never a serious concern in disaster situations, police departments often focus on its prevention rather than on other areas.⁶⁹

⁶⁸ Dennis Wegner, E.L. Quarantelli, and Russell R. Dynes, *DISASTER ANALYSIS: POLICE AND FIRE DEPARTMENTS, FINAL REPORT #1 ON PHASE II FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY 109-12* (Disaster Research Center 1989) (report revisited the findings of an earlier Disaster Research Center report, *See* Will C. Kennedy, *THE POLICE DEPARTMENT IN NATURAL DISASTER SITUATIONS, DISASTER RESEARCH CENTER REPORT SERIES NO. 6* (Office of Civil Defense 1969)).

⁶⁹ Wegner, *supra* note 89, at 17, 19-24, 117-23.

Police officers are usually untrained for specific search and rescue. Yet individual officers will often begin search and rescue on their own initiative while on route to other duties during a disaster. When communications are fractured, coordination with other emergency responder groups and the inability to redirect personnel makes these individual initiatives costly to the organization as a whole.⁷⁰ And while evacuation is one of the main roles of the police before a disaster, the DRC scholars found that police departments generally consider themselves as responders rather than pre-disaster players. This makes them less likely to pass on warning information to other organizations and to assume a central role before the disaster hits.⁷¹

Although smaller, less prepared police departments are often able to use their everyday organizational structure to accommodate exigencies during a disaster, the DRC suggests that larger departments undergo some planning for the major organizational “alterations” that must accompany an efficient response to the “qualitative differences that separate everyday emergencies from major disasters.”⁷² This organizational restructuring is designed primarily to accommodate the new and varied tasks required by a disaster scenario. The five main changes to departmental structure identified by the DRC, if planned and trained for, would facilitate disaster response. These include: 1) changes in task priorities; 2) shifting personnel within the organization; 3) shifting & recalling field personnel; 4) additional, non-departmental personnel absorbed; and 5) normal tasks reduced or delayed.⁷³ To these structural concerns, I would add explicit provisions for shifts within the organization that would facilitate cooperation with outside disaster responders, especially FEMA and the federal coordinating body designated in

⁷⁰ *Id.* at 21-23, 122.

⁷¹ *Id.* at 23-24; 122-23.

⁷² *Id.* at 111. In addition to organizational “alterations,” the DRC researchers examined changes in the decision-making process within the department during disasters as well as the importance of communication channels at all times, but especially in emergency situations. *See id.* at 30-31, 135-37.

⁷³ *Id.* at 24-27, 129-131.

the wake of the House, Senate, and White House investigations of the response to Katrina. The DRC report shows that police departments are often reluctant to work with outside agencies if that cooperation tends to diminish their own autonomy; however, in large disasters, planned structural changes to accommodate this kind of overlapping command are imperative.⁷⁴

C. Suggestions for Disaster Response Planning Improvements

The DRC report concludes, “Good planning does not necessarily turn into good managing, but it is a necessary first step.”⁷⁵ While many police departments, including the New Orleans Police Department, have some form of emergency preparedness plan in place, the renewed interest in disaster response prompted by Katrina should push police leaders to re-evaluate, revise, and commit new efforts to training with their plans.

Professor of Police Administration Alan Bristow recommends that departments have one comprehensive, readily accessible emergency plan. To be included in the disaster plan are: “policy statements” regarding delegation of authority; the delineation of a specific chain of command; explicit “duty statements” for personnel; a plan for the shifting of unit function and taking on new disaster duties; as well as provisions for training exercises.⁷⁶ Part of the larger disaster response plan should be a limited “Emergency Response Plan” that goes into action upon the declaration of an emergency situation until standard disaster planning protocols can be enacted. For maximum effectiveness, the Emergency Response Plan “must be simple, flexible, and above all, it must be available.”⁷⁷

⁷⁴ *Id.* at 32-34. Regarding cooperation with outside emergency response groups, the DRC researchers looked mainly at the interaction between police and fire departments in the same city, while acknowledging the increasing role of emergency management services and FEMA on police disaster response. *See id.* at 109, 145-49.

⁷⁵ *Id.* at 174. For a somewhat out-dated, but practical, specific guide to police planning for disaster, *See* V. A. Leonard, POLICE PRE-DISASTER PREPARATION (Charles C. Thomas 1973).

⁷⁶ Bristow, *supra* note 2, at 17-23. *See also* at 14 for a list of primary and secondary functions of the police during a disaster.

⁷⁷ *Id.* at 23.

As departments review their disaster response preparations, five main factors should be emphasized for planning and training while following Professor Bristow's guidelines for written disaster plans: 1) implementing the new organizational structure; 2) encouragement of individual initiative and decision making within the department; 3) clear understandings of delegation of duty/chain of command; and 4) establishing centralized command posts.⁷⁸ Fifth, explicit protocols for the integration of operations with federal response coordinators will considerably smooth the transition.

Making these five priorities the focus of disaster planning would help eliminate some of the problems witnessed during Katrina, in particular the perceived lack of police presence, the fractured chain of command, and the failure to plan for inevitable flooding. In New Orleans, the breakdown of communications and interregional responder issues loom large and, as yet, unresolved. Yet, the NOPD, through the Criminal Justice Subcommittee of the Bring New Orleans Back Commission is focused on creating new policies for disaster response with an emphasis on clear chain of command and regional cooperation. Also included in this planning are the creation of an interoperable communications system and other regional resource sharing initiatives.⁷⁹ These are strong steps toward the creation of a workable plan that could withstand a major disaster intact.

V. The Next "Big One"

These suggestions for disaster planning will help police departments respond more efficiently to both major and small-scale disasters. However, the question remains: Was Katrina and the breach of the levees a disaster of the magnitude that it is impossible to plan a response

⁷⁸ See *id.* at 25-38.

⁷⁹ John Casbon, *Criminal Justice System: Infrastructure Committee*. Bring New Orleans Back Committee (updated 22 Feb. 22, 2006), <http://www.bringneworleansback.org>.

for? That is a very difficult question. The importance of communications, combined with careful preparation for disaster response at every level, should factor into departments' individual assessments of their own contingency planning. Clear understandings of the protocols for coordination with federal responders are most important for large-scale disasters when it is more likely that local and regional resources will be overwhelmed. Finally, while detailed planning can ensure more efficient overall police disaster response, training under those plans can make a difference in those critical first three hours, and thereby mitigate what we have seen can be a nightmare situation.