

**CRIME AND CRIMINAL JUSTICE
IN DISASTER**

CRIME AND CRIMINAL JUSTICE IN DISASTER

SECOND EDITION

Edited by

Dee Wood Harper

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FOREWORD TO THE FIRST EDITION: TOWARD A CRIMINOLOGY OF DISASTER

Clifton D. Bryant¹

Behavioral scientists have historically been myopic in their quest for understanding of the social enterprise. Sociologists and criminologists seem to have been particularly suspect in this regard. Consider the example of business-related crime. Crime constituent to commerce is as old as civilization. Provisions and regulations such as the establishment of appropriate weights and measurements for commerce were contained in the Code of Hammurabi from the 18th century B.C. and also in the Laws of Manu, written about 2,000 years ago. There have been myriad normative systems that have addressed the practices of business and commerce over the centuries and where there are normative systems, there will be violations and deviations. Even uneducated people were aware of the “butcher’s thumb” concept, in which the butcher might add his thumb weight to that of the meat on the scale in order to increase its purchase price. Historians were very much aware of similar deviance, referring to it as “fur collar crime,” or that crime committed by nobility. In time, even criminologists turned their attention toward business and commercial crime. In 1939, the eminent criminologist Edwin H. Sutherland, in his presidential address at the annual convention of the American Sociological Society (now Association), electrified his audience with his “discovery” of white collar crime. Today, of course, white collar crime is a household phrase and a major topic of criminological research and scholarship.

Many other vagaries of criminal behavior essentially went unnoticed by social scientists who could not see the forest for the trees. Over time, however,

1. The author of this foreword, noted sociologist Clifton Bryant, passed away in September of 2010.

many insightful criminological scholars have identified configurations of crime that had been hitherto undiscovered or neglected by the criminological community. Examples here might include zoological crime, thanatological crime, marine, maritime or oceanic crime (briny crime, if you will) and military or “khaki collar crime.” All four of these previously “undiscovered” forms of crime have been extant for centuries, if not millennia. Livestock theft dates back to the Neolithic Age. Grave robbing was a problem crime in ancient Egypt. Marine crime, in the form of piracy, was rampant even in the Phoenician Era. Military crime predates Alexander the Great. Only in recent years have astute criminologists recognized that some such criminal acts represent much larger and complex patterns of illegal behavior, with distinctive parameters and unique dynamics, and properly required appropriate conceptual paradigms for analysis and understanding. Other illustrations of recently “discovered” crime might be computer crime, ecological or environmental crime, identity theft and intellectual property crime, to mention but some.

After a fruitful voyage of discovery, Dee Wood Harper and Kelly Frailing have conceptualized a new, intellectually compelling and exciting subfield of criminology—the criminology of disaster. Throughout history, disasters of many varieties have visited havoc and destruction on both humans and the social enterprise. Disasters take their economic, emotional and physical toll and disrupt the normal functioning of society, resulting in social anomie.

Harper and Frailing have recruited an eminently well-qualified and talented team of researchers and assigned them the task of producing penetrating and insightful essays that demonstrate the linkage between disaster and crime. The basic paradigm guiding this book is the simple equation—disaster begets anomie, which begets crime and deviance. The resulting chapters focus on a variety of types of disasters, including floods, hurricanes, riots, earthquakes and terrorist attacks. The book is particularly effective in relaying its message because a number of the chapters focus on specific disasters, such as Hurricane Katrina, the *Exxon Valdez* oil spill, the Los Angeles riot of 1992, the Mumbai terrorist attacks and the 9/11 terrorist attack.

The disaster-engendered crime examined includes looting, sexual assaults, fraud and illegal drug trafficking, among others. Beyond the matter of disaster crime, the book also examines the criminal justice system’s response to the disasters and their consequences. The role of response agencies and response policies and the deployment of response and recovery assets are explored. The book additionally examines the matter of possible future disasters and the application of lessons learned from those in the past.

This book is a groundbreaking effort. It builds on the sociological studies of disasters in the past and opens important and exciting research frontiers for

the future. Disaster-related crime and deviance is a very much-neglected area of research. This book will certainly precipitate and encourage a robust research initiative in exploring this new field of criminology and its fascinating possibilities.

Dee Harper and Kelly Frailing have pushed the conceptual and theoretical envelope of criminology a step further in recognizing the very significant impact of disasters upon patterns of criminal activities and on the criminal justice system. In documenting the present state of knowledge regarding the influence of disaster on crime, they are inviting their fellow criminological scholars to join them in the quest for better understanding of the critical role of disasters in shaping the context in which crime occurs. I would encourage fellow behavioral scientists to follow them in exploring this new frontier.

Clifton D. Bryant
Professor Emeritus of Sociology at Virginia Tech University
November 2009

PREFACE TO THE SECOND EDITION

Dee Wood Harper and Kelly Frailing

The core purpose of this book is to look at the ways various types of disasters disrupt the social system in a manner that gives rise to different forms of criminal activity. Additionally, it examines some types of criminal activity and strategies and tactics employed by formal systems of social control to deal with these activities. Since no such work had previously been undertaken, we believed that this work could make an important contribution to the disaster literature and to disaster planning.

The original work had its genesis in a session organized by us at the 2006 meeting of the Southern Sociological Society at the Hotel Monteleone in New Orleans. This was probably one of the first conventions to take place in New Orleans following the devastation caused by Hurricane Katrina. The session we organized was on Crime and Katrina and included papers by some of the contributors to this volume. The more we explored the topic at that meeting and beyond, the more we realized the sociological and criminological significance of this linkage.

One of the most evident and controversial forms of criminal activity following Hurricane Katrina was widespread looting. According to the police at that time, all but one drugstore in New Orleans was looted, not for water or diapers, but for the narcotics safe in the pharmacy. Oakwood Shopping Center was sacked and set afire in an area of the city unaffected by flooding. Every two-story dwelling in Lakeview and New Orleans East, areas that were almost completely inundated with floodwater, was looted.

We immediately undertook researching what we thought were the underlying causes of this utter disregard for property rights by a segment of the community. What we discovered was that, at least going back to the mid-1960s, New Orleans proper had been in a continuous decline. Economically, the city had lost well-paying middle class jobs and those holding the jobs were leaving

the city for the suburbs as well as for regional competitor cities such as Atlanta and Houston. Jobs available for those who remained in the city were minimum wage and below and primarily in the hotel, restaurant and tourism segments of the local economy. The result of this dramatic loss of well-paying jobs is an underclass that is poor and poorly educated and may comprise as much as half the population of the city. These are the social structural conditions New Orleans was facing before Katrina that appear to have led to the breakdown of social order following the storm.

This second edition of the book, like the first, is divided into three parts. Part One offers some historical and theoretical perspectives on disaster and crime. We wanted to convey three propositions: (1) crime in the context of disaster has been around for some time but has been largely ignored in favor of a focus on prosocial behavior (2) crime in the context of disaster manifests itself in different forms as different phases of a disaster unfold and (3) a disaster itself can be a criminal act. Part Two deals explicitly with the disaster-crime link with updated essays on looting, rape, fraud, drug markets and with this edition, a new essay on hate crimes in the wake of the terrorist attacks of September 11, 2001.

Part Three features essays on the criminal justice and other systems' response to disorder and disaster. This part provides some historic perspective with an analysis of the 1992 Los Angeles riot and a cross-cultural treatment of the Mumbai terrorist attacks in India. The essay on the New Orleans Police Department during Katrina has been expanded to include an analysis of instances of poor judgment and bad behavior on the part of the police. This is followed by two revised essays on emergency planning and preparedness on the local and national level and a new essay on the role of non-governmental organizations (NGOs) in the wake of the Katrina disaster. We close with an essay on the theoretical and policy implications of the work in the book.

The contributors to this volume are both academic researchers as well as practitioners involved in trying to make sense of and understand how to deal with disaster. A disaster occurs when adequate preparation has not been made. Thus, the ultimate goal of this volume is to contribute to that adequate preparation by evolving a criminology of disaster. In this quest, we sadly miss two of our contributors to the first edition, Dr. Clifton Bryant, who wrote the Foreword to the first edition, and Dr. Patrick Walsh, whose essay on the reemergence of drug markets in post-Katrina New Orleans remains a part of this edition. We are also grateful to our new contributors, Pamela Jenkins, Bethany Brown, Kimberly Mosby, Lori Peek and Michelle Meyer Lueck, whose essays have both broadened and deepened our analysis. We remain grateful to the

authors who chose to work with us again for this second edition. We would also like to thank Carolina Academic Press for providing us the opportunity to update, revise and produce what we consider to be a much improved version of *Crime and Criminal Justice in Disaster*.

Finally, I (Dee) would like to acknowledge the inspiration and love provided by my wife Daniele, *j'taime*. And I (Kelly) would like to thank my husband Jay and my daughter Matilda for their love and support during this process and always.

January 24, 2012