

**CRIME AND CRIMINAL JUSTICE  
IN DISASTER**



# CRIME AND CRIMINAL JUSTICE IN DISASTER

THIRD EDITION

Edited by

Dee Wood Harper

Kelly Frailing



CAROLINA ACADEMIC PRESS  

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Durham, North Carolina

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Library of Congress Cataloging-in-Publication Data

Crime and criminal justice in disaster / edited by Dee Wood Harper and  
Kelly Frailing. -- Third Edition.

pages cm

Includes bibliographical references and index.

ISBN 978-1-61163-739-7 (alk. paper)

1. Crime. 2. Disasters--Social aspects. 3. Disasters--Law and  
legislation. I. Harper, Dee Wood, editor. II. Frailing, Kelly,  
editor.

HV6190.C75 2015

364--dc23

2015025604

CAROLINA ACADEMIC PRESS  
700 Kent Street  
Durham, North Carolina 27701  
Telephone (919) 489-7486  
Fax (919) 493-5668  
[www.cap-press.com](http://www.cap-press.com)

Printed in the United States of America

# CONTENTS

Tables and Figures	xv
Text Boxes	xvii
Foreword to the First Edition	xix
Preface to the Second Edition	xxiii
Preface to the Third Edition	xxvii

## Part 1

### Historical and Theoretical Aspects of Disaster and Crime

Introduction	1
<b>1 • Looking Back to Go Forward: Toward a Criminology of Disaster</b>	
<i>Kelly Frailing and Dee Wood Harper</i>	7
Introduction	7
Definition of Disaster	7
Crime and Hurricanes	9
Hurricane Hugo	9
Hurricane Sandy	10
Crime and Earthquakes	11
The San Francisco Earthquake	11
The Kanto Earthquake	12
The Tangshan Earthquake	13
The Bam Earthquake	14
The Haiti Earthquake	15
The Chile Earthquake	16
The Tohoku Earthquake and Tsunami	17
Crime and Floods	18
The Buffalo Creek Flood	18
The Wilkes-Barre Flood	19
The Boxing Day Tsunami	21
Typhoon Haiyan	23

Manmade Disasters	24
September 11, 2001	24
The <i>Deepwater Horizon</i> Oil Spill	30
Conclusion: Moving Toward a Criminology of Disaster	32
References	33
Discussion Questions	39
<b>2 • Disaster-Related Crime Mitigation and Recovery</b>	
<i>Lydia Voigt and William E. Thornton</i>	41
Introduction	41
Definition of a Disaster	43
Disaster Phases	47
Critique of Disaster Phase Models	48
Phase Analysis and Crime Facilitation	50
Warning Phase	51
Crimes against Women, Children and the Elderly	53
Geographical Crime Displacement	54
Impact Phase and Emergency Phase	55
Looting	56
Cyber-Looting	56
Drug and Alcohol Use	57
Sexual Assaults	58
Recovery and Reconstruction Phases	58
Violent Crimes against Migrant Latino Workers and Katrina Volunteers	61
Victimization of Disaster Volunteers	63
Crime Victimization and Human Rights Violations Associated with Temporary Housing, Abandoned Housing, and Lack of Affordable Housing	63
Architectural Looting	65
Scrappers	65
Fraud, Public Corruption and Human Rights Violations	65
Intimate and Domestic Violence	67
Violent Crime, Stress and Mental Illness	68
Prostitution and Human Trafficking	69
Transition from Recovery to Transformation	70
Conclusion	72
References	73
Discussion Questions	84

<b>3 • Litigation and Settlements following the <i>Exxon Valdez</i> and BP <i>Deepwater Horizon</i> Oil Spills: When the Disasters Are Crimes</b>	
<i>Duane A. Gill, Liesel A. Ritchie and J. Steven Picou</i>	85
Introduction	85
A Typology of Disasters	86
The EVOS: A Disaster and Environmental Crime	92
EVOS Crime and Punishment	94
The EVOS Civil Litigation	95
<i>Exxon v. Baker</i> : The Supreme Court Decision	96
EVOS Recovery and Closure	98
EVOS Summary	99
Oil Spill Déjà Vu: The BP <i>Deepwater Horizon</i> Oil Spill	100
Ecological Impacts	101
Economic Impacts	102
Social and Psychological Impacts	103
Physical Health Impacts	104
DHOS Claims, Settlement and Litigation	105
DHOS Summary	107
Conclusions	108
References	109
Discussion Questions	115

## Part 2

### Disasters, Disorder and Crime

Introduction	117
References	120
<b>4 • Fear, Prosocial Behavior and Looting: The Katrina Experience</b>	
<i>Kelly Frailing and Dee Wood Harper</i>	121
Introduction	121
How We Experience Fear	121
Fear of Crime and Disasters	123
Prosocial Behavior	126
Social Concern and Prosocial Behavior	128
Looting	132
Hurricane Katrina and Looting	134
Support from Sandy	139
Conclusion	141
References	142
Discussion Questions	145

<b>5 • Disaster-Related Rape and Sexual Assaults in Pre- and Post-Hurricane Katrina</b>	
<i>Lydia Voigt and William E. Thornton</i>	147
Introduction	147
Disaster Rape Literature Review	150
Research Methodology	152
Vulnerability of Women during Various Phases of the Katrina Disaster	153
Warning Phase	156
Impact Phase	157
Emergency Phase	160
Recovery Phase	164
Reconstruction Phase	169
Conclusion and Policy Recommendations	172
Postscript (February 2015)	174
Concluding Comment	182
References	182
Discussion Questions	188
<b>6 • Fraud in the Wake of Disasters</b>	
<i>Kelly Frailing</i>	191
Introduction	191
Theories of Crime in the Wake of Disasters	192
Victim Compensation Fund Fraud after September 11, 2001	193
FEMA Benefit Fraud after Hurricane Katrina	195
Fraud against the BP Compensation Fund	199
Explaining Disaster Benefit Fraud	201
Rational Choice Theory	202
Conclusion	209
References	210
Discussion Questions	214
<b>7 • Changes in the Illegal Drug Market in New Orleans after Hurricane Katrina and the Law Enforcement Response</b>	
<i>Patrick Walsh and Ronal Serpas</i>	215
Introduction	215
Historical Perspective—Drugs, Crime and Criminal Justice Challenges	216
Literature Review	218
New and Relapsed Users in the Post-Disaster Period	219



Labor Markets and Illegal Drug Usage	220
Drug Markets in New Orleans Pre-Hurricane Katrina	221
Methodology	222
Results	223
Drug Distribution and Retail Markets	223
New Customers	226
Influx of Transient Workers	226
Relapsed Customers	227
The Effect on Daily Drug Operations	227
Blunts	229
Crystal-Stemmed Roses	230
Metal Tire Gauges	230
The Law Enforcement Response to the Changing Drug Market	231
Conclusion	237
References	238
Discussion Questions	246
<b>8 • When Hate Is a Crime: Temporal and Geographic Patterns of Anti-Islamic Hate Crime after 9/11</b>	
<i>Lori Peek and Michelle Meyer</i>	247
Introduction	247
When Hate Is a Crime	248
Methods and Data	252
Results: Temporal and Geographic Patterns of Anti-Islamic Hate Crime	254
1. 9/11 Provoked a Sudden and Dramatic Increase in Anti-Islamic Hate Crime	255
2. 9/11 Has Had an Enduring Effect on Anti-Islamic Hate Crime	256
3. Since 9/11, Anti-Islamic Hate Crimes against Persons Have Been More Common Than Those against Property	257
4. Intimidation, Vandalism and Simple Assault Have Been the Most Common Forms of Post-9/11 Anti-Islamic Hate Crime	258
5. Anti-Islamic Hate Crime Has Become Widely Dispersed Geographically since 9/11	258
6. Since 9/11, the Overall Risk of Experiencing Hate Crime Has Increased for All Muslims; Those in Counties with Smaller Muslim Populations Experienced Greater Relative Risk	262
Conclusion and Recommendations	264
References	267
Discussion Questions	270

## Part 3

**The Criminal Justice and Other Systems' Response to Disorder and Disaster**

Introduction	271
<b>9 • The Actions of the Criminal Justice System as a Disaster Precipitant: The 1992 Los Angeles Riot and the Lessons Ignored in the 2014 Ferguson Riot</b>	
<i>Komanduri S. Murty and Julian B. Roebuck</i>	277
Legal Definitions	278
The Rodney King Beating and Court Trials	278
The Los Angeles Riot: What and How?	280
Why Do Riots Happen? What Does the Literature Say?	284
Riot Theories	285
Natural Actor Studies	286
What Were the Pre-Conditions in Los Angeles?	286
What Were the Responses to the King Beating and Los Angeles Riot?	288
Black Community Response	288
Criminal Justice System Response	290
What Should Have Been the Criminal Justice System's Response?	294
Differential Responses to Police Brutality by Different Minority Population Groups	295
The 2014 Ferguson Riot	297
(AT Least) Six Lessons Ignored	300
Summary and Conclusion	304
References	306
Discussion Questions	313
<b>10 • Managing the Aftermath of the Mumbai Terrorist Attacks</b>	
<i>Arvind Verma</i>	315
Introduction: The Nature of Terrorism	315
Literature Review: The Disastrous Consequences of Terrorism	317
A Brief Review of Terrorist-Related Disaster in India	319
The Mumbai Terrorist Attack of November 26, 2008	322
Response of Criminal Justice and Related Agencies	328
The Mumbai Terrorist Attack of July 13, 2011	330
Conclusion	331
References	332
Discussion Questions	334

<b>11 • The New Orleans Police Department During and After Hurricane Katrina—Lessons Learned</b>	
<i>Dee Wood Harper</i>	337
Introduction	337
The NOPD and Hurricane Katrina	338
NOPD Division Responses to Katrina	338
NOPD District Responses to Katrina	343
Problems Facing the NOPD in the Wake of Katrina	346
Recruitment and Retention	346
Law Enforcement Presence and Effectiveness	347
The Wider Criminal Justice System	348
Post-Katrina Crime	348
Hot Spots	349
“New” Crimes and Victims	350
Chief Riley’s Lessons Learned	351
Postscript (June 2009)	352
Postscript (October 2011)	353
Postscript (April 2015)	358
References	361
Discussion Questions	362
<b>12 • The Heavy Lifting—Local Emergency Response Planning and Preparedness: An Interview with Colonel Terry Ebbert</b>	
<i>Dee Wood Harper and Kelly Frailing</i>	365
Introduction	365
Interview	366
Local- and National-Level Disaster Response and Recovery	366
Emergency Planning Issues	372
New Orleans and Disaster Preparedness	378
Becoming Mission-Driven	386
Parting Thoughts	389
References	391
Discussion Questions	391
<b>13 • Rebuilding and Reframing: Non-Profit Organizations Respond to Hurricane Katrina</b>	
<i>Pamela Jenkins, Bethany Van Brown and Kimberly Mosby</i>	393
Introduction	393
The Non-Governmental Organizations in the Study	395
1. Battered Women’s Program	396

2. Neighborhood Community Center	396
3. A Micro-Enterprise Community Agency	397
4. Art Program for Children	398
The Rebuilding and Reframing Response	398
Reframing the Work	400
The Struggles and Triumphs around Funding	403
Over a Decade Later	404
Conclusions and Recommendations	406
References	410
Discussion Questions	412
<b>14 • National Emergency Preparedness and Response Plans:</b>	
<b>An Overview</b>	
<i>Katrina Workman Berger</i>	413
Introduction	413
The Role of DHS and FEMA in Disaster Preparedness and Response	413
Disaster Relief Act of 1974	413
The Stafford Act	414
National Strategy for Homeland Security: The Creation of the Department of Homeland Security	414
The Role of FEMA	415
Key Policy Documents	416
The National Response Plan	416
The National Incident Management System and the Incident Command System	417
The National Response Framework	417
The Catastrophic Incident Annex and Supplement	417
The National Preparedness Guidelines	418
Homeland Security Presidential Directives	418
Presidential Policy Directive/PPD-8: National Preparedness	419
The Quadrennial Homeland Security Review Report	420
National Disaster Recovery Framework	421
Deployment of Response/Recovery Assets: Mission Assignments, Emergency Support Function and Specialized Response Teams	422
Mission Assignments	422
Emergency Support Functions	423
FEMA's Specialized Response Teams	424
Hurricane Katrina and Deficiencies Relating to Core Capabilities	425
Situational Awareness/Assessment	425

Emergency Communications and Interoperability	426
Post-Katrina Emergency Management Reform Act	428
Exercises and Training	429
Hurricane Pam Exercise	430
Other Exercises	430
Significant Progress	431
Outstanding Challenges with National Preparedness/Response Plans	432
Interagency Coordination	432
The Need for an Assessment System	433
The Need to Complete and Integrate Policies and Response Plans	434
Significant Progress	436
The Response to Hurricane Sandy	437
Conclusion	438
References	442
Discussion Questions	444
<b>15 • Policy and Theoretical Implications of Crime in Disaster</b>	
<i>Kelly Frailing and Dee Wood Harper</i>	445
Introduction	445
Policy Recommendations	446
Fear, Prosocial Behavior and Looting	446
Disaster-Related Rape and Sexual Assaults in Pre- and Post-Hurricane Katrina	447
Fraud in the Wake of Disasters	447
Changes in the Illegal Drug Market in New Orleans after Hurricane Katrina and the Law Enforcement Response	448
When Hate Is a Crime: Temporal and Geographic Patterns of Anti-Islamic Hate Crime after 9/11	448
The Actions of the Criminal Justice System as a Disaster Precipitant: The 1992 Los Angeles Riot and the Lessons Ignored in the 2014 Ferguson Riot	449
Managing the Aftermath of the Mumbai Terrorist Attacks	450
The New Orleans Police Department During and After Hurricane Katrina—Lessons Learned	450
The Heavy Lifting—Local Emergency Response Planning and Preparedness	451
Rebuilding and Reframing: Non-Profit Organizations Respond to Hurricane Katrina	452
National Emergency Preparedness and Response Plans: An Overview	452

Implications for a Criminology of Disaster	453
References	456
Discussion Questions	456
About the Authors	457
Index	465

# TABLES AND FIGURES

## Tables

Table 3.1	Summary of Four Disaster Types	91
Table 6.1	Mean Responses on Likelihood to Offend by Vignette Condition and Intent to Offend	206
Table 6.2	Predictors for Likelihood of Committing Disaster Benefit Fraud	207
Table 8.1	Anti-Islamic Hate Crime Offense Types, 1992–2012	259

## Figures

Figure 2.1	Murder Rate in New Orleans Per 100,000 from 2002–2014	61
Figure 5.1	Rate of Rapes Per 100,000 in New Orleans and the U.S., 2002–2014	174
Figure 6.1	HKFTF Federal Charges for Fraud, September 1, 2005–September 1, 2010	197
Figure 7.1	Number of Arrests by NOPD, 2006–2014	235
Figure 7.2	Number of State, Municipal, Narcotic and Juvenile Arrests by NOPD, 2006–2014	235
Figure 7.3	Average Number of Commissioned NOPD Officers, 2006–2014	236
Figure 8.1	Anti-Islamic Hate Crimes One Month and One Year before and after 9/11	256
Figure 8.2	Anti-Islamic Hate Crimes Yearly Totals, 1992–2012	257
Figure 8.3	Anti-Islamic Hate Crime Offenses against Persons and Property, 1992–2012	257

Figure 8.4	Anti-Islamic Hate Crime, 1992–September 10, 2001, with Cities and States with the Largest Muslim Populations Highlighted	260
Figure 8.5	Anti-Islamic Hate Crime in the Year after 9/11	261
Figure 8.6	Anti-Islamic Hate Crime from 9/11 through 2009	261
Figure 8.7	Anti-Islamic Hate Crime Rates in the Year before 9/11	263
Figure 8.8	Anti-Islamic Hate Crime Rates in the Year after 9/11	263
Figure 11.1	A Map of the New Orleans Police Districts	360
Figure 14.1	Organizational Chart of DHS	440
Figure 14.2	Organizational Chart of FEMA	441



# TEXT BOXES

Box 1.1	Natural Disasters and Terrorism: A Link?	29
Box 1.2	The 15 Deadliest Disasters of the 20th and 21st Centuries	31
Box 2.1	The Union Carbide Disaster	46
Box 2.2	Violence against Latino Workers	62
Box 4.1	Prosocial Behavior in Action: Heroes of Katrina	131
Box 4.2	The Socioeconomic State of New Orleans before Katrina	136
Box 6.1	Other Types of Fraud in the Wake of Katrina	198
Box 6.2	Profiteering: A Special Case of Fraud	200
Box 6.3	Hurricane Sandy: A Tale of Two Frauds	208
Box 9.1	Would a Bench Trial Have Made a Difference?	279
Box 9.2	Chronological Account of the 1992 Los Angeles Riot Events	282
Box 9.3	Chronological Account of the 2014 Ferguson Riot Events	297
Box 9.4	Police Militarization	303
Box 10.1	Remaining Elusive: A Universal Definition of Terrorism	315
Box 13.1	New Orleans Non-Profit Organizations: Diversity in the Landscape	406



# FOREWORD TO THE FIRST EDITION: TOWARD A CRIMINOLOGY OF DISASTER

*Clifton D. Bryant<sup>1</sup>*

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,

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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 seg-

ments 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 up-



date, 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



# PREFACE TO THE THIRD EDITION

*Kelly Frailing and Dee Wood Harper*

It is with great pride that we present the third edition of *Crime and Criminal Justice in Disaster*. Like the second, this edition includes three parts with 15 indispensable chapters by both academics and practitioners working in the areas of post-disaster crime and crime prevention. The revisions of the chapters included in this edition allow readers to take a longer term and more deeply comparative look at crime in disaster the criminal justice and related systems' response to it. These revisions include:

- A discussion of Hurricane Sandy in Chapters 1, 4 and 6
- A discussion of Typhoon Haiyan in Chapter 1
- A discussion of the Bam earthquake in Chapter 1
- A description of the crime characterizing the latest phases of the Katrina disaster in Chapter 2
- A more detailed look at the BP oil spill and related litigation in Chapter 3
- A more thorough discussion of how fear drives behavior in disaster in Chapter 4
- A longer-term look at rape and sexual assault in New Orleans and the controversial handling of these cases by law enforcement in Chapter 5
- An empirical test of rational choice theory with disaster benefit fraud in Chapter 6
- An extended discussion of law enforcement's ability to respond to the post-Katrina drug market in New Orleans in Chapter 7
- The inclusion of the most up-to-date data on anti-Islamic hate crimes in Chapter 8
- An extended discussion of the 2014 Ferguson riots in Chapter 9
- A discussion of recent law enforcement initiatives in New Orleans designed to combat lethal violence and improve community relations in Chapter 11
- A discussion of the response to Hurricane Sandy in Chapters 12 and 14

Our goal for this book remains the same—to continue to develop a criminology of disaster that helps us better understand what factors facilitate and mitigate a variety of post-disaster criminal activity and what the most useful responses from law enforcement and related agencies are for disaster crime reduction and prevention. The recent passage of the 10th anniversary of Hurricane Katrina’s landfall and the demonstrably uneven recovery from the disaster<sup>2</sup> makes progress toward this goal all the more timely and important and we are grateful to be helped along by our tremendous authors, as well as the staff at Carolina Academic Press. Finally, I (Kelly) would like to express my inexhaustible gratitude to my husband Jay and my daughter Matilda for their daily inspiration. And I (Dee) continue to benefit mightily from the love of my bride Daniele, and my wonderful adult children, Miriam and William.

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2. For a comprehensive look at long term disaster recovery through the lens of Katrina, see our special issue of *American Behavioral Scientist* from August 2015.