Crime and Criminal Justice in Disaster
CRIME AND CRIMINAL JUSTICE IN DISASTER

THIRD EDITION

Edited by
Dee Wood Harper
Kelly Fraling

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# Contents

Tables and Figures  
Text Boxes  
Foreword to the First Edition  
Preface to the Second Edition  
Preface to the Third Edition  

Part 1  
**Historical and Theoretical Aspects of Disaster and Crime**  
Introduction  

1 • Looking Back to Go Forward: Toward a Criminology of Disaster  
*Kelly Frailing and Dee Wood Harper*  
Introduction  
Definition of Disaster  
Crime and Hurricanes  
Hurricane Hugo  
Hurricane Sandy  
Crime and Earthquakes  
The San Francisco Earthquake  
The Kanto Earthquake  
The Tangshan Earthquake  
The Bam Earthquake  
The Haiti Earthquake  
The Chile Earthquake  
The Tohoku Earthquake and Tsunami  
Crime and Floods  
The Buffalo Creek Flood  
The Wilkes-Barre Flood  
The Boxing Day Tsunami  
Typhoon Haiyan
2 • Disaster-Related Crime Mitigation and Recovery

*Lydia Voigt and William E. Thornton*

<table>
<thead>
<tr>
<th>CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manmade Disasters</td>
</tr>
<tr>
<td>September 11, 2001</td>
</tr>
<tr>
<td>The <em>Deepwater Horizon</em> Oil Spill</td>
</tr>
<tr>
<td>Conclusion: Moving Toward a Criminology of Disaster</td>
</tr>
<tr>
<td>References</td>
</tr>
<tr>
<td>Discussion Questions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2 • Disaster-Related Crime Mitigation and Recovery</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
</tr>
<tr>
<td>Definition of a Disaster</td>
</tr>
<tr>
<td>Disaster Phases</td>
</tr>
<tr>
<td>Critique of Disaster Phase Models</td>
</tr>
<tr>
<td>Phase Analysis and Crime Facilitation</td>
</tr>
<tr>
<td>Warning Phase</td>
</tr>
<tr>
<td>Crimes against Women, Children and the Elderly</td>
</tr>
<tr>
<td>Geographical Crime Displacement</td>
</tr>
<tr>
<td>Impact Phase and Emergency Phase</td>
</tr>
<tr>
<td>Looting</td>
</tr>
<tr>
<td>Cyber-Looting</td>
</tr>
<tr>
<td>Drug and Alcohol Use</td>
</tr>
<tr>
<td>Sexual Assaults</td>
</tr>
<tr>
<td>Recovery and Reconstruction Phases</td>
</tr>
<tr>
<td>Violent Crimes against Migrant Latino Workers and Katrina Volunteers</td>
</tr>
<tr>
<td>Victimization of Disaster Volunteers</td>
</tr>
<tr>
<td>Crime Victimizations and Human Rights Violations Associated with Temporary Housing, Abandoned Housing, and Lack of Affordable Housing</td>
</tr>
<tr>
<td>Architectural Looting</td>
</tr>
<tr>
<td>Scrappers</td>
</tr>
<tr>
<td>Fraud, Public Corruption and Human Rights Violations</td>
</tr>
<tr>
<td>Intimate and Domestic Violence</td>
</tr>
<tr>
<td>Violent Crime, Stress and Mental Illness</td>
</tr>
<tr>
<td>Prostitution and Human Trafficking</td>
</tr>
<tr>
<td>Transition from Recovery to Transformation</td>
</tr>
<tr>
<td>Conclusion</td>
</tr>
<tr>
<td>References</td>
</tr>
<tr>
<td>Discussion Questions</td>
</tr>
</tbody>
</table>
3 • Litigation and Settlements following the Exxon Valdez and BP Deepwater Horizon Oil Spills: When the Disasters Are Crimes

Duane A. Gill, Liesel A. Ritchie and J. Steven Picou

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
Exxon v. Baker: The Supreme Court Decision 96
EVOS Recovery and Closure 98
EVOS Summary 99
Oil Spill Déjà Vu: The BP Deepwater Horizon 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

4 • Fear, Prosocial Behavior and Looting: The Katrina Experience

Kelly Frailing and Dee Wood Harper

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
5 • Disaster-Related Rape and Sexual Assaults in Pre- and Post-Hurricane Katrina
   *Lydia Voigt and William E. Thornton*
   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

6 • Fraud in the Wake of Disasters
   *Kelly Frailing*
   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

7 • Changes in the Illegal Drug Market in New Orleans after Hurricane Katrina and the Law Enforcement Response
   *Patrick Walsh and Ronal Serpas*
   Introduction 215
   Historical Perspective—Drugs, Crime and Criminal Justice Challenges 216
   Literature Review 218
   New and Relapsed Users in the Post-Disaster Period 219
11 • The New Orleans Police Department During and After Hurricane Katrina—Lessons Learned

Dee Wood Harper

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

12 • The Heavy Lifting—Local Emergency Response Planning and Preparedness: An Interview with Colonel Terry Ebbert

Dee Wood Harper and Kelly Frailing

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

13 • Rebuilding and Reframing: Non-Profit Organizations Respond to Hurricane Katrina

Pamela Jenkins, Bethany Van Brown and Kimberly Mosby

Introduction 393
The Non-Governmental Organizations in the Study 395
    1. Battered Women’s Program 396
CONTENTS

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

14 • National Emergency Preparedness and Response Plans:
An Overview
Katrina Workman Berger 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
### CONTENTS

- Emergency Communications and Interoperability 426
- Post-Katrina Emergency Management Reform Act 428
- Exercises and Training
  - 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

#### 15 • Policy and Theoretical Implications of Crime in Disaster

*Kelly Frailing and Dee Wood Harper*

- 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
Contents

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
xvi  TABLES AND FIGURES

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

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 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 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.

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.