



**Statement of Kenneth W. Kaiser
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before the
Senate Homeland Security & Governmental Affairs Committee
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INTRODUCTION

Good afternoon Chairman Collins, Ranking Member Lieberman, and Members of the Committee. I am pleased to be here today to discuss the Federal Bureau of Investigation's response to Hurricane Katrina.

We are all aware of the catastrophic damage caused by this storm. Although the FBI has a broad mission, Hurricane Katrina posed unique and unprecedented challenges. Historically, the FBI has had a very limited role in response to natural disasters, but the large scale destruction of the Gulf Coast region from Hurricane Katrina, and the substantial failure of the infrastructure, lead to post-storm events, not previously experienced. With our assets, resources and crisis management experience, the FBI was able to address some of the unique law enforcement needs of the region following the storm.

BACKGROUND OF POST-LANDFALL DEPLOYMENT

Prior to the landfall of Hurricane Katrina, the Special Agent in Charge (SAC) of the FBI's New Orleans Division, James Bernazzani, had made preparations for continuity of his division's operations, including establishing a protocol for communications with his employees. These preparations included arranging for the deployment of personnel,

equipment, and supplies from the FBI's Operational Technologies Division in Quantico, Virginia, to Baton Rouge, Louisiana, where SAC Bernazzani intended to temporarily relocate his field office operations should that become necessary. As Hurricane Katrina made landfall, SAC Bernazzani and a small staff remained in the FBI office in New Orleans to ensure the security of the FBI's records, equipment, and evidence. Once the storm had passed, and FBI SWAT agents relieved SAC Bernazzani, he immediately relocated to a mobile FBI command post in Baton Rouge, which provided him with the communications equipment he needed to begin accounting for his personnel and re-establishing FBI field operations. As it became evident that the vast majority of FBI New Orleans Division personnel had been displaced, additional FBI personnel from around the country were deployed to New Orleans to ensure FBI operations continued.

On September 1st, the Office of the Attorney General directed the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Drug Enforcement Agency (DEA), the FBI, and the U.S. Marshals Service (USMS) to identify personnel, assets, and other resources for immediate deployment to areas impacted by Hurricane Katrina. On September 2nd, having received the inventory of assets and personnel available for deployment, the Attorney General issued a memorandum to the same agencies directing:

The FBI to continue to deploy Special Agents (including SWAT agents) and tactical assets (including helicopters, boats, and technical / communications assets) to the affected area;

The DEA to prepare to deploy Mobile Enforcement Teams, special agents, and tactical assets (including helicopters and other aircraft) to the affected area;

The ATF to establish a Violent Crime Impact Team (VCIT) in Baton Rouge, Louisiana, with related VCIT personnel and assets, to address any rise in criminal activity in that city; and

The USMS to continue to deploy Deputy U.S. Marshals and Court Security Officers to conduct prisoner transport operations and provide additional court security and to prepare to utilize the Justice Prisoner and Alien Transportation (JPATS) to deploy law enforcement personnel to airports around the country as needed.

I was deployed to Louisiana and designated the FBI Tactical and Emergency Operations Commander. As such, I was responsible for the command and control of all FBI tactical assets deployed to the area. My role was to coordinate and manage requests for standard SWAT operations such as high-risk arrests or search warrants, officer rescue operations, and other operations supporting federal investigations. I also directed the coordination, management and execution of critical infrastructure and site security operations requested by the Federal Emergency Management Agency or other components of the Department of Homeland Security (DHS) under the National Response Plan (NRP) Emergency Support Function 13 (ESF-13).

STATE OF LAW AND ORDER DURING HURRICANE KATRINA CRISIS

Upon my arrival in New Orleans on September 1, 2005, it was immediately apparent to me that the effects of the storm and subsequent damage to the levees had severely affected the ability of the New Orleans Police Department (NOPD) to perform effectively. NOPD officers were dealing with personal losses from Hurricane Katrina, were without a supporting infrastructure, and were depleted of such resources as communications, ammunition, transportation, and food. Effective law enforcement

activities could not be conducted under these circumstances. Also, many law enforcement agencies from around the country were sending resources into New Orleans.

Under the NRP, the Department of Justice (DOJ) and DHS are the coordinators of ESF-13, which is designed to provide a mechanism by which Federal law enforcement assets can be used to support State and local authorities with public-safety and security-related functions during an Incident of National Significance. DOJ tasked its coordination responsibilities for ESF-13 to ATF.

In addition to providing for the establishment of ESF-13, the NRP also contemplates that a Senior Federal Law Enforcement Official will be appointed during an Incident of National Significance to oversee the combined Federal, State and local law enforcement response to the incident. The FBI identified New Haven Division SAC Michael J. Wolf as having the experience and expertise to support this mission. SAC Wolf was deployed to Louisiana on September 4, 2005, and arrived late that evening, to begin the process of establishing an effective method of command, control and coordination of law enforcement assets in New Orleans.

SAC Wolf and U.S. Immigration and Customs Enforcement Assistant Director Michael J. Vanacore assumed the duties of Senior Federal Law Enforcement Officials (SFLEOs) after being identified by their respective agencies. In order to address the identified gaps in the law enforcement response, SAC Wolf established the Law Enforcement Coordination Center (LECC). The LECC is an entity which is not defined in the NRP, as are entities like the FBI Joint Operations Center, or the U. S. Secret Service Multiagency Command Center. The LECC was created as a solution to the unique challenges facing law enforcement in New Orleans following Katrina's landfall.

The purpose of the LECC was to coordinate, deconflict and track requests for and response to law enforcement support; to organize and coordinate interaction among law enforcement; to ensure coordination between law enforcement efforts and National Guard and Department of Defense operations; and to provide limited investigative and criminal law enforcement resources, until such time as the NOPD was able to maintain service without additional resources from other law enforcement agencies.

NATIONAL RESPONSE PLAN TRAINING EFFORTS

One of the missions of the FBI's Critical Incident Response Group (CIRG) is to provide training to select FBI personnel in the effective response to critical incidents. The FBI defines a critical incident as any situation, event, or set of circumstances that poses a serious threat, diverts significant resources, and/or demands command level coordination. Our training includes instruction on the National Response Plan, as well as other national plans and policies, and the roles and responsibilities of the FBI in accordance with them. CIRG conducts this training on a regular basis for members of the Senior Executive Service, including FBI SACs, FBI middle management at the FBI's Executive Development Institute, and field division Crisis Management Coordinators, who are the individuals within each field division tasked with ensuring the division's crisis response operational readiness. Additional training is afforded to all levels of FBI personnel through their participation in various inter-agency counterterrorism exercises, including the Senior Official and TOPOFF series of exercises.

LESSONS LEARNED

The FBI's after action review process of our involvement and performance in response to Hurricane Katrina is ongoing. Our Critical Incident Response Group has

facilitated two after action review meetings. The first of these was conducted in October, and focused on the effectiveness of national plans and policies, as well as responses to specific questions of this Committee in your October 7, 2005, letter to Attorney General Gonzales. A second review was conducted on January 17, 2006, and focused on the FBI's operational response to this catastrophe. CIRG is preparing a written report which will detail the outcomes of these reviews, including lessons learned, best practices and recommendations for improvement. FBI executives are also engaged in the Administration's review of the federal government's response to Katrina, and continue discussions with other departments and agencies about ways to improve our response to such catastrophic events.

Thank you for the opportunity to appear today. I would be happy to answer your questions.