

Testimony of Captain Timothy P. Bayard
Commander of the Vice Crimes / Narcotics Section
of the New Orleans Police Department
before the
Senate Committee on Homeland Security and Governmental Affairs
Monday, January 30, 2006, 2:00 p.m.

Good Afternoon. I appreciate the opportunity to appear before you today.

My name is Timothy Bayard. I am a Captain with the New Orleans Police Department and the Commander of the Vice Crimes / Narcotics Division. I have been a member of the Department for 30 years. I coordinated and directed the water rescue and recovery operations throughout the City of New Orleans, following Hurricane Katrina. I am here today to relay my experiences which began prior to Katrina's arrival and include the 14 days that followed.

Let me briefly explain the events that led to my coordination of the massive water-based rescue and recovery operations.

In 1965, I experienced hurricane Betsy. My father was a New Orleans Fireman. Based on my conversations with him, I had a good recollection of the areas of the City which flooded as a result. I knew which areas of the City were high and the available routes to access bridges and overpasses suitable for boat launch locations. Forty years later, many of the same areas flooded again. The high ground was essentially the same.

On Friday, August 26, 2005, at approximately 11:30 p.m., I learned that New Orleans was in Katrina's cross hairs. I spoke with then Deputy Superintendent Warren Riley, Commander of field Operations and suggested items that would be needed immediately following the storm's impact. This information was also forwarded to the Office of the Emergency Preparedness.

On Saturday, August 27, 2005, I instructed the supervisors under my Command to contact each member of our Division, with instructions to evacuate their families and rally, at our office, by 12:00 noon, on Sunday, August 28, 2005. Each member was instructed to bring at least a three (3) day supply of food and clothing.

On Sunday, August 28, 2005, we removed our Division's vehicles from the Equipment Maintenance Division, an area prone to flooding. All of our vehicles were fueled for deployment. With the exception of our high water vehicles (vans and pick up trucks), all vehicles were secured in the Superdome parking lot and at the Convention Center.

My unit patrolled the Central Business District, while I privately negotiated safe housing for my officers. The Narcotics Unit was housed at the Maison Dupuy Hotel, located at 1000 Toulouse St. and the Vice Unit was housed at the Marriott Hotel, located at 555 Canal St. Once the sustained winds reached 55 MPH, my units were instructed to return to their respective hotels.

I later met with Captains Jeff Winn (Special Operations Commander) and Harry Mendoza (Traffic Division Commander). Together, we established a rally point (Harrah's Casino) located at the foot of Canal St., where we agreed to meet immediately following the storm.

We, however, were not equipped with any emergency rescue equipment, provisions or fuel.

Captain Robert Norton, Commander of the Bomb Squad and Dive Team, was housed in the LSU Dental School along with the 3rd District contingent. Captain Norton, had previously deployed our Department's three boats. These boats were deployed in Mid-City, Algiers and New Orleans east. Captain Norton, cut off by rising water, was able to conduct a hasty rescue operation, in the neighborhood adjacent to the dental school, utilizing a privately owned boat. Captain Norton's boat experienced motor failure and he himself had to be rescued. The three Departmental boats were also engaged in a hasty rescue operation in the same area. The issue here was that none of these efforts were coordinated by a central Command. Additionally, due to the vehicles and boat trailers being flooded, their mobility was limited.

Based on contact with our Communications Division, I knew that the lower Ninth Ward was flooding. Later in the day, we additionally learned that Lakeview was also taking on water.

Immediately after the storm, Captains Winn, Mendoza, and I met at Harrah's. Absent instructions from superiors, we made decisions to save lives. Routes were identified to access bridges and overpasses we utilized as boat launches. The problem was that we only had five boats at our disposal; two of which were commandeered. The Harbor Police met us on the St. Claude Ave. Bridge and worked, side by side, with members of the Tactical and Narcotic's Units, in our continued efforts to save lives. Other members of the Tactical and Narcotic's Units teamed up with firemen, in conducting rescue operations in Lakeview Gentilly. The Vice Unit transported evacuees to the Superdome and Convention Center, utilizing two fifteen (15) passenger vans and one pick up truck.

The first night, we lost communication with three Detectives trapped by rising waters. The batteries on their radios were depleted and they were unable to call for help. After spending the night attempting to locate the missing Detectives, they appeared at the hotel the following morning. These officers had walked, at times in chest-high water, from Canal Blvd. and Rosedale St. to the Maison Dupuy Hotel, a distance of approximately 5 miles.

The following night, three Tactical Unit officers were lost. Again, without communication, officers set out in search of their colleagues. At 11:30 p.m. these

officers returned to Harrah's Casino. They too, walked through the water, leaving their vehicle disabled in an open man-hole.

By day three, Captain Winn was given the two-pronged task of rescuing trapped law enforcement officers and responding to violence. From that point forward, the Tactical Unit ceased civilian boat rescues and became the primary rapid response unit for the countless acts of violence.

Given the change of Captain Winn's mission, and the fact that Captain Norton was trapped by surrounding water, I became the sole Commander of the water rescue operation.

Our efforts were not coordinated with other agencies. Our communications system was inoperable. We had no aerial views to ascertain water levels necessary to prioritize our rescue operations. Through Public Service Announcements, we welcomed citizens from various areas the State of Louisiana and other states, equipped with privately owned boats, who met us at Harrah's, to assist in the rescue operation. In an effort to coordinate rescue efforts, several contacts were made with the Louisiana Wild Life and Fisheries. Each contact was met with a great deal of resistance. I was refused access to twenty flat boats that were parked near City Hall, by a supervisor for the Louisiana Wild Life and Fisheries. The boats were property of the State of Texas Wild Life and Fisheries. To the best of my knowledge, those twenty boats were not utilized that day. I often wonder, how many stranded citizens we could have rescued with those boats!

By happenstance, I met with members of the United States Army 20th Group Special Forces. This meeting propelled our rescue operations to another level. We immediately gained access to helicopters, zodiac boats and trucks. Captain William Lynn became my counter part. With the Special Forces group, we set up a forward Command Post, equipped with maps, asset boards and deployment strategies. This was the first Incident Command Center established following the event. From that moment forward, it became the Command from which all of our water rescue operations were deployed.

For fourteen (14) days, my Division was involved in water rescue operations.

At no point did we have a truly unified Command.

In week three, we finally coordinated with FEMA. That is when we began conducting secondary rescue operations. We worked along with Fire Department Search and Rescue Units from other states through November 2005.

Mistakes:

The New Orleans Office of Emergency Preparedness failed. They did not prepare themselves, nor did they manage the city agencies responsible for conducting emergency response to the disaster. Their function was to coordinate with state, federal and other local agencies, to enlist logistical assistance. We did not coordinate with any state, local

or federal agencies. We were not prepared logistically. Most importantly, we relocated evacuees to two locations where there was no food, water or portable restrooms. We did not implement the pre-existing plan. We did not utilize buses that would have allowed us to transport mass quantities of evacuees expeditiously. We did not have food, water or fuel for the emergency workers. We did not have a back up communication system. We had no portable radio towers or repeaters that would have enabled us to communicate. The other mistakes have been mentioned previously.

Remedies:

The New Orleans Police Department now has a fully staffed bomb and dive team. It is equipped with four flat boats and one 16' V-hull. We have two eight wheel, all terrain vehicles for shallow water rescue. Captain Norton is currently negotiating with state officials, in an attempt to secure privately owned boats that were abandoned as well as boats that are now owned by insurance companies, in order to increase our fleet. Captain Norton has met with members of the New Orleans Fire Department, in attempts to cross train police officers and firemen in water and urban rescue procedures. This will allow the New Orleans Police Department to be the lead agency in water rescue, with fire personnel in support and will allow the New Orleans Fire Department to take the lead in structural damage rescue, with police officers as support personnel. Captain Norton is also attempting to secure a facility to house large quantities of food and water for the 2006 hurricane season. Captain Norton has contacted Miami Dade County's Search and Rescue Captain Jeff Strickland, in an attempt to secure training as well as to obtain information on how and what is needed to outfit a USAR team. He is also engaged in conversations with members of the Louisiana Wild Life and Fisheries, in an attempt to secure boat safety training for each member of his unit and each member of the Vice, Narcotics and Tactical Units.

Needs:

I lived this horror and as a result have identified the following equipment needed to adequately prepare for the 2006 hurricane season:

- We must establish a regionalized communications system, as per the USAI agreement (Urban Area Security Initiative) which allow us to coordinate rescue efforts with surrounding jurisdictions (St. Bernard Parish, Jefferson Parish and Plaquemine Parish). Our existing radio system failed along with the current Mutual Aid system.
- Fifteen, 18 foot, extra wide, flat boats equipped with center console, marine radio, GPS, bilge pump, depth finder, 75 horsepower four stroke motor, Coast guard package, trim and tilt and trailers at a cost of \$255,00.00.
- Seven, 12 foot inflatable boats equipped with 25 horsepower four stroke motors, tiller handle with the Coast Guard package at a cost of \$ 70,000.00.

- Three air boats and trailers at a cost of \$112,000.00 (training is imperative)
- One air compressor at a cost of \$3,000.00.
- Twenty 24“ chain saws at a cost of \$4,000.00
- A fully equipped USAR trailer cost not known at this time.
- USAR training for 100 members of the New Orleans Police Department.
- Reimbursement for damages and repairs, to members of the New Orleans Police and Fire Departments who used their personal boats to engage in water rescue.

The question here is: “Can this equipment be funded through a Community Block Development Grant? ”

I would like to make two suggestions:

1. Draft legislation to mandate that all health care facilities (hospitals) raise their emergency generators and the fuel reservoirs to a minimum 32 feet. Also mandate that they have enough fuel to operate the generators for at least three days. How many individuals on life support perished due to generator failure? Many generators are located in basements. (The basement of every hospital in New Orleans flooded.)
2. Draft additional legislation to mandate a mandatory evacuation of all two story elderly care centers in the event of a category 3 or higher storm. The City and/or State will be responsible for supplying the vehicles needed to transport the elderly. These patients will be relocated to a facility that will accommodate their every need.

Conclusion:

My purpose before you today is to help you understand what the members of the New Orleans Police Department’s Vice Crime / Narcotics Section experienced. I know numerous mistakes, as it relates to planning and decision making occurred. Mistakes were made in every level of government. I am not here to point fingers, I am here to relate my story and my experiences in an attempt to ensure that other agencies do not make the same mistakes that we made prior to, during and after Katrina.

Thank You – I will now answer any question that you may have.