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Report of the National Focus Group on Emergency Housing and Criminal Record Checks:

The Hurricane Katrina Experience

SEARCH, The National Consortium for Justice Information and Statistics
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Foreword

One of the most catastrophic events in U.S. history occurred in August 2005 when Hurricane Katrina slammed into the Gulf Coast, killing an estimated 1,800 people or more, causing record amounts of damage, and prompting one of the largest migrations ever witnessed in our country’s history.

Approximately 1 million residents poured out of the Gulf Coast seeking refuge from the storm, many on their own but others with public assistance. Cities closest to the areas ravaged by Hurricane Katrina were overwhelmed by swarms of displaced residents. Evacuees would eventually be found in each of the 50 States.

The evacuee influx prompted officials in some States to conduct criminal history record background checks of the displaced Gulf Coast residents, primarily to prevent the placement of potentially dangerous individuals in shelters where they would have unsupervised access to vulnerable populations such as children.

Also checked were those who volunteered to assist the evacuees, along with individuals who opened their homes to them.

The checks proved controversial, and many decried them as unnecessarily intrusive for individuals who had already been traumatized by Hurricane Katrina and the evacuation. Fueling the controversy was the perception that most of the individuals who underwent background checks were non-White (primarily African American) and poor.

The controversy revealed the need for thoughtful and comprehensive policies governing the criminal history record background process, should the need arise following another large-scale catastrophe.

Thus, the Bureau of Justice Statistics and SEARCH, The National Consortium for Justice Information and Statistics, assembled the National Focus Group on Emergency Housing and Criminal Record Checks: The Hurricane Katrina Experience to examine criminal history record background checks in the wake of the historic storm and to consider ways that ensure these checks can be accomplished more fairly and effectively in the future.

The focus group met in Las Vegas, Nevada, in October 2006. This report catalogs its discussions, experiences, and suggestions for policy refinements for instances of mass relocation following catastrophic events.

The focus group is confident that the information provided here will significantly support efforts by law- and policymakers to craft comprehensive, fair, and effective policies for these occurrences.
I. Introduction

Hurricane Katrina began its existence as Tropical Depression 12, forming over the southeastern Bahamas on August 23, 2005. The system was upgraded to a tropical storm and named Katrina a day later.

Katrina attained hurricane status August 25, 2005, two hours before it made landfall in Florida. The storm weakened as it passed through the State but rapidly regained strength once it moved over the Gulf of Mexico’s warm waters. Katrina ultimately grew to become a Category 5 storm, the highest category on the hurricane-rating scale.

Computer models showed the growing storm moving in a northwesterly direction with the city of New Orleans directly in its projected path. On August 27, the southern Louisiana parishes of Plaquemines (estimated 2005 population of 28,995) and St. Charles (estimated 2005 population 50,633) declared mandatory evacuations, and Alabama Gov. Bob Riley ordered the evacuation of the southwesternmost counties of Mobile (estimated 2005 population of 401,427) and Baldwin (estimated 2005 population of 162,586). That same day, Mississippi Gov. Haley Barbour declared a state of emergency and ordered the mandatory evacuation of Hancock County (estimated 2005 population of 46,711), the southernmost county in the State.

A day later, New Orleans Mayor Ray Nagin ordered the first-ever mandatory evacuation of the city, and Louisiana Gov. Kathleen Blanco ordered the mandatory evacuation of low-lying areas of her State. Fifteen of Louisiana’s 64 parishes had issued mandatory, recommended, or precautionary evacuation orders by that date.

While a significant percentage of Gulf Coast residents threatened by the approaching hurricane heeded the evacuation warnings and relocated to safe locations, a considerable number chose to ride out the storm or lacked the means with which to escape. It is estimated that about 80% of New Orleans’ 485,000 residents evacuated. Many Gulf Coast residents who stayed behind and survived joined the other evacuees after the storm passed.

Estimates of the number of Gulf Coast residents forced from their homes ranged from around 700,000 to more than 1 million. The displacements rivaled or exceeded the two largest event-driven relocations in American history: The end of the Civil War and the Dust Bowl migrations.

Communities that welcomed Gulf Coast evacuees, particularly those within Louisiana such as Baton Rouge and large cities in nearby States such as Houston, Texas, struggled to find shelter for the sudden, unprecedented influx. Evacuees were temporarily housed in stadiums, convention centers, camp-

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3. Ibid., “Mobile County, Alabama” at [http://quickfacts.census.gov/qfd/staterank/01/01003.html](http://quickfacts.census.gov/qfd/staterank/01/01003.html).
4. Ibid., “Baldwin County, Alabama” at [http://quickfacts.census.gov/qfd/staterank/01/01003.html](http://quickfacts.census.gov/qfd/staterank/01/01003.html).
9. The Great Deluge, supra note 5.
grounds, churches, and school auditoriums, and in private homes whose residents opened their doors to displaced individuals and families.

Inland locations close to the Gulf Coast were soon swamped with evacuees, and efforts began to transport displaced residents to other States.

Among the evacuees may have been up to 2,000 registered sex offenders who fled the Gulf Coast.\(^{10}\) Individuals on probation and parole also fled the storm. Nearly 1,300 parolees ended up in Texas and applied for Federal emergency relief.\(^ {11}\)

Public safety concerns prompted officials in some States to conduct criminal history record checks of arriving Katrina evacuees in an effort to identify those individuals who, because of their criminal pasts, might be segregated from vulnerable populations of evacuees such as children. Some States also conducted criminal history record checks of volunteers and citizens who made their homes available to displaced Gulf Coast residents in an effort to minimize the possibility of placing an evacuee in a potentially dangerous or harmful situation.

The checks were not accomplished without considerable controversy and challenges.

For example, what criminal history record databases could be used for the evacuee checks? If legal authority existed, States could use their own databases to conduct name checks of persons who evacuated within their borders, but what about evacuees who crossed State lines? A State using its own criminal history record database to conduct background checks of residents from another State might find some useful information, but clearly there were and are limitations to the scope of data in State-only criminal history record databases.

At the time, States were prevented from using the Interstate Identification Index (III)\(^ {12}\) for such checks.

According to some focus group members, States wishing to compare the list of sex offenders and parolees provided by Louisiana to evacuee databases maintained by the Federal Emergency Management Agency (FEMA) were not successful. FEMA, citing Federal privacy rules, would not allow access to its information. State efforts to use FEMA data for criminal history record background checks of evacuees were similarly rebuffed, members said.

Justice agencies were also not permitted to access data together the criminal history record databases of State central repositories and the FBI. Under this approach, the FBI maintains an automated master name index with the names and identifying information on all individuals whose criminal history record information is available through the III system. If a search of the index indicates that an individual is the subject of a III-indexed record, the index will point the inquiring agency to the FBI and/or to the State or States from which the individual’s criminal history records can be obtained. The inquiring agency may then obtain the records directly from the State or FBI criminal record database that holds the records. III searches for criminal justice purposes, including criminal investigations and prosecutions, are conducted pursuant to Federal Regulation 28 CRR Part 20, Subpart C and other authorities. III searches for noncriminal justice purposes must be fingerprint-based and are currently conducted pursuant to the National Crime Prevention and Privacy Compact, as established by the Crime Identification and Technology Act of 1998 (CITA), Public Law 105-251. Other authorities authorized III checks for noncriminal justice purposes prior to CITA’s passage in 1998, including Public Law 92-544, the Security Clearance Information Act, and other Federal background check laws.

\(^{10}\) The Administration for Children and Families, U.S. Health and Human Services Department, derived this estimate after comparing sex offender registry information from Alabama, Louisiana, and Mississippi with the names of evacuees who had applied for disaster relief. See “Katrina sent sex offenders off the radar,” Associated Press (Dec. 30, 2005) at http://www.cnn.com/2005/LAW/12/30/katrina.sexoffenders.ap/index.html.


\(^{12}\) The Interstate Identification Index (III), known informally as “Triple I,” is an interstate/Federal-State computer network for conducting national criminal history record searches. III uses an index-pointer approach to tie
maintained by the Red Cross and other private aid providers, according to some focus group members.

Meanwhile, advocacy groups, the National Association for the Advancement of Colored People and the American Civil Liberties Union among them, began to decry the practice of conducting criminal history record background checks of evacuees as word of the background checks spread.

Criticism centered on what they considered the degrading and intrusive nature of the checks and the impact they had on individuals who were already dealing with severe physical and psychological stresses attributable to the hurricane, evacuation, loss of homes, separation from friends and family, and other factors.

Critics also claimed the checks were conducted in a seemingly arbitrary manner that appeared to target disproportionate numbers of African American and poor evacuees. However, the majority of evacuees who most needed help and some form of public assistance were, in fact, African American and poor.

These controversies, along with the challenges of conducting legally authorized record checks in a fair, effective, and timely manner, revealed the need for a thoughtful and comprehensive look at policies governing the use of such checks during periods of mass relocation should the need arise in the future.

For this reason, the National Focus Group on Emergency Housing and Criminal Record Checks: The Hurricane Katrina Experience was created. The focus group brought together a variety of perspectives, from Federal, State, and local justice agencies, advocacy groups, social services agencies, and other subject-matter experts, to examine Katrina-related criminal history record checks from a broad perspective.¹³

This effort sought to utilize the collective knowledge, expertise, and experiences of the focus group to inform the processes through which laws, policies, and procedures regarding criminal history record checks during periods of mass relocation could be formulated.

The national focus group met in Las Vegas, Nevada, on October 17–18, 2006, to consider and to deliberate upon a host of issues associated with the Hurricane Katrina-related criminal history record checks of evacuees, aid providers, and others.

The group identified a number of factors that should be addressed when crafting policies governing criminal history record checks during periods of mass relocations. They include:

- **Education:** Alerting evacuees of the possibility of criminal history record checks and explaining their purpose.

- **Identification and emergency credentials:** Identifying evacuees is critically important.

- **Privacy protections:** Reiterating the importance of protecting the privacy of confidential and personal information provided by evacuees.

- **Costs:** Recognizing the increased costs associated with conducting criminal history record checks in the field, and with the increased burden placed on criminal history record personnel and technical infrastructures at the State and Federal levels.

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¹³ A roster and biographies of focus group participants is included as Appendix 1.
• **Name-based identification**: Exploring methods through which name-based criminal history record checks can be conducted with greater accuracy.

• **Noncriminal background check guidance**: Educating non-justice public safety agencies and private aid providers on when criminal history record checks are appropriate, on the processes through which criminal history record checks are conducted, on how to read and interpret check results, and on which types of criminal activities should preclude the placement of certain individuals with vulnerable populations.

• **Private sector/commercial data provider assistance**: Exploring collaborations through which identities can be verified through partnerships with credit agencies and private data compilers.

• **Recommended minimum record search**: Establishing a record search process that, at minimum, utilizes data from criminal history record databases, sex offender and protection order registries, warrants files, and probation and parole listings.

• **Guidance in establishing emergency shelters/processing centers**: Collecting information on real-life experiences, best practices, and other practical knowledge to advise justice practitioners on how to most effectively establish criminal history record check processing capabilities within emergency shelters and processing centers.

The following discusses the Hurricane Katrina disaster in greater detail, examines the developments that motivated public safety officials to undertake criminal history record checks of Hurricane Katrina evacuees and others, considers the backgrounding apparatus that was available to conduct such checks, and examines some of the steps States and the Federal Government have taken legislatively in response to their experiences with the storm.
II. Background

Scope of the Storm and its Aftermath

Hurricane Katrina was one of the greatest natural disasters in U.S. history. It was one of only four Category 5 hurricanes to ever make landfall in the United States since records of such events began in 1851. (Hurricanes are categorized on an ascending scale of one to five based on a number of criteria, the dominant being wind speed. To warrant a Category 5 rating, a hurricane must have sustained wind speeds of 155 miles per hour or more.)

The storm was the costliest disaster in U.S. history, with damage and related expenses exceeding $100 billion. While the exact number of deaths associated with Hurricane Katrina will most likely never be known, it is generally believed and has been reported in the news media that more than 1,800 people died as a result of the hurricane, and another 700 or more were still missing a year after the storm.

Hurricane Katrina has been described as “monstrous” in size, with a diameter of almost 500 miles. Its large size coupled with a long stretch of winds over relatively shallow water resulted in an unusually large storm surge, reaching as high as 27 feet in Louisiana and Mississippi and up to 10 feet high as far east as Mobile, Alabama. Surge waters flooded more than 6 miles inland in coastal Mississippi and up to 12 miles inland along rivers and bays.

Despite fears that the storm would strike New Orleans directly, the hurricane veered east of the city, its full force striking and devastating the Mississippi communities of Waveland (considered the storm’s “ground zero”), Bay St. Louis, and Pass Christian. Hurricane Katrina’s highest measured still water height was 31 feet in Waveland. More than 95% of that city’s residential and commercial structures were severely damaged.

After Hurricane Katrina passed, a sense of relief in New Orleans that the city had once again dodged the “big one” quickly dissipated when it became apparent that levees protecting the city from Lake Pontchartrain had been breached and broken by the hurricane’s storm surge. Ultimately, an estimated 80% of New Orleans and surrounding communities, significant portions of which are below sea level, flooded and were rendered uninhabitable.

A significant number of residences along stretches of the Louisiana, Mississippi, and Alabama coastlines were also damaged or destroyed. The U.S. Congressional Budget Office, matching census data to FEMA maps, estimated that some 287,000 housing units may have been damaged or lost because of Hurricane Katrina, 135,000 of which...

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14 The others were the Labor Day Hurricane of 1935, Hurricane Camille (1969), and Hurricane Andrew (1992). Source: The Great Deluge, supra note 5.
16 The Great Deluge, supra note 5.
17 A storm surge occurs when winds swirling around a hurricane push water toward the shore. The advancing surge combines with normal tides to create a hurricane storm surge, which increases the mean water level. The level is further increased by wind waves superimposed on the storm tide. Storm surges historically claim 9 of 10 lives lost during hurricanes. Much of the densely populated Atlantic and Gulf coastlines of the United States are less than 10 feet above mean sea level, leaving them tremendously vulnerable to storm tides. Source: National Oceanic & Atmospheric Administration, U.S. Department of Commerce, “Hazards, Storm Surges” at http://www.nhc.noaa.gov/HAW2/english/storm_surge.shtml?.
18 Lessons Learned, supra note 8.
19 Ibid.
20 Katrina Damage Survey, supra note 15.
21 Lessons Learned, supra note 8.
were in the New Orleans area.22

Hundreds of thousands of displaced residents poured out of the Gulf Coast to escape Hurricane Katrina and its aftermath. The great evacuation was under way.

**The Great Evacuation**

As noted previously, the number of evacuees associated with Hurricane Katrina rivaled or exceeded other great displacements of people in American history, although estimates vary as to the number of Gulf Coast residents forced from their homes.

The Congressional Research Service (CRS) of the Library of Congress estimated that 700,000 or more individuals were acutely impacted by Katrina based on an analysis of FEMA flood and damage estimates and Year 2000 census data.23 The majority of these individuals — more than 90% — were impacted primarily by flooding, the vast majority of those concentrated in Louisiana.24

Based on the findings of the Current Population Survey, a monthly sampling of about 50,000 households conducted by the U.S. Census Bureau for the Bureau of Labor Statistics (BLS), U.S. Department of Labor, BLS estimated that close to 900,000 persons age 16 or older evacuated from where they were living in August 2005 because of Hurricane Katrina.25

The Christian Science Monitor reported that up to 1 million individuals may have relocated across the United States because of the ferocious storm, although the number was hard to quantify because a large percentage took refuge in relatives’ homes.26

In any event, the displacements caused by Hurricane Katrina were of historic proportions. “In some ways this is comparable to the close of the Civil War, or the Dust Bowl, but we have greater numbers now, and there’s the suddenness of this movement — within a day or two, nearly a million people left their homes,” said Jeff Ferrell, a sociology professor at Texas Christian University in Forth Worth, who studies urban relocation.27

Added The Christian Science Monitor, “It’s as if the entire Dust Bowl migration occurred in 14 days, or the dislocations caused by the Civil War took place on fast-forward.”

USA Today, which analyzed FEMA records, reported a month after Hurricane Katrina that the ferocious storm had scattered evacuees to all 50 States from Maine to Hawaii.28 Applications for FEMA assistance were filed from 18,700 ZIP codes, almost half of the nation’s postal zones, the newspaper reported.

It found that about three-quarters of the evacuated households went to Baton Rouge and other communities within 250 miles of New Orleans; 240,000 people went to Houston, San Antonio, Dallas, Atlanta, and other cities within 500 miles.


24 Ibid.


28 “Katrina Exodus reaches all states,” USA Today (Sept. 28, 2005).
of the coast; 26,000 went to cities such as Chicago, Detroit, Baltimore, and others from 750 to 1,000 miles away; and at least 34,000 moved more than 1,000 miles away to such cities as Boston and Seattle.

Several factors influenced whether people evacuated and where they relocated, including: income level, age, access to information, access to private transportation, physical mobility and health, occupation, and the existence of social networks outside the Gulf Coast.

CRS, noting that Hurricane Katrina struck three of the nation’s poorest States, found high levels of poverty among those whose lives were most affected by the storm. Fifty-nine percent of the 680 evacuees in Houston shelters randomly selected for a survey of Hurricane Katrina survivors by The Washington Post, the Henry J. Kaiser Family Foundation, and the Harvard School of Public Health reported annual household incomes of less than $20,000.

CRS found that the 700,000 or more people it identified as most acutely affected by Hurricane Katrina were more likely than Americans overall to be poor, non-White (most often African American), less likely to be employed, and more likely to be educationally disadvantaged.

Based on the findings of its survey of Gulf Coast residents acutely affected by Hurricane Katrina, the Fritz Institute estimated that approximately 58% of those who lived in the path of the approaching storm chose to evacuate, while 42% remained in their homes. Further analyzing survey results, the institute divided this 42% into two groups: Those who chose to remain in their homes and those who lacked the financial wherewithal to evacuate.

The former group was found to be primarily male, White, married but without children, free of physical disabilities, and better off financially than those who lacked the resources to leave. The latter group was found to be poorer than those who chose to stay. This group was predominantly African American, female, not married but with children, and more likely to have a physical disability than the former group.

According to the Fritz Institute, those who reported that evacuation was not feasible because of “limited means” indicated that they had nowhere else to go, and that they lacked access to vehicles and could not leave home without assistance. A New Orleans hurricane evacuation plan prepared prior to Katrina estimated that more than 100,000 city residents did not own automobiles.

A June 2006 study found that 36% of the poor residents of the New Orleans metropolitan area and 47% of the poor residents of the city of New Orleans did not own automobiles and therefore had to rely on public transportation assistance to evacuate their homes as Hurricane Katrina approached or after the storm passed. The vast majority

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30 CRS Report, supra note 23.


32 A San Francisco-based nonprofit dedicated to improving disaster relief by encouraging the creation of innovative response options (http://www.fritzinstitute.org).


34 Lessons Learned, supra note 8.

35 Alan Berube, The Brookings Institution, and Elizabeth Deakin and Steven Raphael, University of California, Berkeley, “Socioeconomic Differences in Household Automobile Ownership Rates: Implications for Evacuation
of these individuals were African Americans who lived in neighborhoods populated predominately by members of their same race and economic standing. There were not enough privately owned vehicles in these neighborhoods to support an effective evacuation.

It has also been noted that Hurricane Katrina struck at the end of the month when those depending on public assistance payments had most likely spent most of their monthly allotments, leaving them little money with which to evacuate.

Ultimately, it would be those who lacked the financial wherewithal, means of transportation, and social contacts outside of the Gulf Coast to evacuate on their own who would be transported on buses and airplanes to public shelters. These are the evacuees who were the most likely to have undergone a background check during the Hurricane Katrina-related criminal record checks, as these were the evacuation populations most in need of government and charitable relief services.

**Criminal History Record Checks: Official Criminal History Record Check Infrastructure at the Time of Hurricane Katrina**

As Hurricane Katrina evacuees poured into their communities, law enforcement and public safety officials in some States began to ponder the use of criminal history record checks to increase the safety of those placed in shelters and for other purposes. Those with records of certain offenses, such as crimes of violence, sexual offenses, or offenses against children, would conceivably be housed separately from the rest of the evacuee population.

There were several record-check options available to law enforcement and public safety agencies, none of them particularly comprehensive.

Each State had access to the criminal history record information stored in its own State repository, although legal authorization in the form of a statute or emergency proclamation might have been necessary before the records could be used for evacuee checks. Access to this information would be helpful for Gulf Coast States conducting criminal history record checks of their own citizens who evacuated within the State; for example, New Orleans residents who relocated to Baton Rouge.

More problematic were criminal history record checks of individuals who were evacuated to other States; from New Orleans, Louisiana, to Houston, Texas, for example. Texas might find some useful information by using its own criminal history record database to conduct background record checks of evacuees from Louisiana, but certainly not enough to provide desired levels of confidence that potentially dangerous individuals were identified and separated from vulnerable populations.

Using III, the Interstate Identification Index, for such checks was not authorized. III use is governed, in part, by the Privacy Act of 1974, which requires the maintenance of an audit trail to monitor data disseminations.

To support audit requirements, the FBI has devised a series of “purpose codes” that requestors must provide to state the purpose for which they are submitting national record queries. The following purpose codes are currently in effect:

- **A**: For administrative file maintenance, which

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allows a State to review data it has provided to III.

- **C**: For official duties in connection with the administration of criminal justice.

- **D**: For use by civil or criminal courts involved in domestic violence or stalking cases.

- **F**: For weapons-related background checks, such as for firearms and explosive permits, returning firearms to rightful owners, and preventing certain individuals from possessing firearms.

- **H**: For checks related to residents or potential residents of public housing.

- **I**: For certain noncriminal justice background checks for licensing and employment suitability.

- **J**: For criminal justice employment.

- **S**: For checks related to national security.

- **V**: For visa applicants.

- **X**: For emergency or “exigent” circumstances when the health and safety of specified groups may be endangered. Purpose Code X was used almost exclusively for the placement of children in the care of relatives or other foster care providers during emergency situations.

At the time of Hurricane Katrina, none of these purpose codes could be used to check the criminal histories of evacuees.

For Hurricane Katrina-related criminal history record checks, States could also use the National Crime Information Center (NCIC) for name-based queries of such files as sex offenders and missing-and-wanted files, although statistics provided by the FBI’s Criminal Justice Information Services Division (Table 1) indicate that there was no measurable increase in NCIC queries during the period when Katrina struck and immediately after.

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37 The National Crime Information Center (NCIC) is a computerized database of documented criminal justice information taken from 18 files. Seven of the files contain information on property such as boats, guns, license plates, securities, vehicles, and other items. Eleven “person” files contain information on sex offenders, protection order subjects, missing and wanted persons, immigration violators, and other individuals. NCIC queries are name-based. The database is accessible to law enforcement 24 hours a day, 365 days a year.
### Table 1: National Crime Information Center Queries, June 2005–November 2005

<table>
<thead>
<tr>
<th></th>
<th>June</th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
</tr>
</thead>
<tbody>
<tr>
<td>Persons Inquiries</td>
<td>92,826,784</td>
<td>100,361,269</td>
<td>97,842,664</td>
<td>84,294,809</td>
<td>84,199,688</td>
<td>81,602,647</td>
</tr>
<tr>
<td>Missing Persons</td>
<td>3,584</td>
<td>3,554</td>
<td>3,545</td>
<td>3,351</td>
<td>3,403</td>
<td>3,317</td>
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<tr>
<td>VGTOF*</td>
<td>11,309</td>
<td>8,804</td>
<td>10,966</td>
<td>13,107</td>
<td>7,675</td>
<td>6,542</td>
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<tr>
<td>Protection Order</td>
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<td>175,190</td>
<td>194,986</td>
<td>175,886</td>
<td>179,405</td>
<td>177,161</td>
</tr>
<tr>
<td>Sex Offender</td>
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<td>654,191</td>
<td>686,543</td>
<td>614,937</td>
<td>619,656</td>
<td>642,871</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>93,676,384</strong></td>
<td><strong>101,203,008</strong></td>
<td><strong>98,738,704</strong></td>
<td><strong>85,102,090</strong></td>
<td><strong>85,009,827</strong></td>
<td><strong>82,432,538</strong></td>
</tr>
</tbody>
</table>

* Violent Gang and Terrorist Organization File

Source: Criminal Justice Information Services Division, FBI

Some States also made use of the Dru Sjodin National Sex Offender Public Website, a U.S. Department of Justice resource that provides a single interface to online sex offender registries from all 50 States, the District of Columbia, and Guam.38

These comprised the only official files of criminal history record information and other justice data that were available or authorized for use at the time of Hurricane Katrina for law enforcement agencies to conduct non-criminal justice criminal history record checks of evacuees.

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38 The Dru Sjodin National Sex Offender Public Website is available at [http://www.nsopr.gov/](http://www.nsopr.gov/).
III. Criminal History Record Checks

As noted previously, the magnitude of the Hurricane Katrina disaster was historic in terms of the amount of damage caused and in the number of Gulf Coast residents forced from their homes.

So dramatic was the evacuee influx in some cities that it threatened to change their very character. The metropolitan area of Baton Rouge, about 80 miles north of New Orleans, swelled by 50% from around 400,000 prior to Hurricane Katrina.39 The city of Lafayette, Louisiana, population 110,000, took in 40,000 evacuees.40 More than 100,000 evacuees relocated to Atlanta, Georgia, which had a pre-Katrina population of approximately 430,000 residents in the city of Atlanta and 4.7 million in the greater metropolitan area.41 Houston, Texas, population 2 million plus, eventually absorbed some 250,000 evacuees.42

Evacuees were relocated to other States in less notable numbers and would eventually be found in all 50 States. Given the measure of residential destruction along the Gulf Coast, many evacuees would not be going home anytime soon, and some would resettle permanently in the cities to which they evacuated.

Initially concerned with housing large numbers of evacuees (including children) in shelters, and then subsequently concerned about relocating evacuees into more permanent housing and finding employment for them, law enforcement and public safety officials began to consider the use of criminal history record checks. These checks were intended to ensure that dangerous individuals would not have unguarded access to vulnerable populations in shelters, to landlords and other tenants in more permanent housing, and to employers and fellow employees at jobsites. Prior to the onslaught of Hurricane Kat-

trina, there were about 14,000 individuals under supervised parole or probation, including 270 registered sex offenders, living in the four probation and parole districts devastated by Hurricane Katrina, according to the Louisiana Department of Corrections.43

In some States, local police departments and sheriff’s offices attempted to conduct name-only checks of evacuees using the databases of their State criminal history record repositories.

It became apparent that the available criminal history record check options were not sufficient to perform the types of checks that would adequately address the concerns of those who conducted them. Local law enforcement agencies began to contact their State criminal history repositories to inquire as to whether more effective avenues were available to conduct background checks of evacuees.

In turn, State criminal history record repositories began contacting the FBI’s Criminal Justice Information Services (CJIS) Division in Clarksburg, West Virginia, to see if accommoda-


40 The Great Deluge, supra note 5.


(Note: This national focus group report references different estimates regarding the number of Hurricane Katrina evacuees who went to Houston. These discrepancies are attributable to the fact that the estimates come from a variety of sources, were made anywhere from one month after the disaster to nearly a year afterward, cover different time periods, and are, ultimately, only estimates based on the data available at the time.)

tory record checks of evacu-

ees than the options avail-

able at the time.

Just days after Hurricane-

Katrina struck, the CJIS Di-

vision consulted with the

Executive Committee of the

National Crime Prevention

and Privacy Compact

council to discuss pro-

cesses through which more

comprehensive criminal his-
tory record checks could be

conducted.

One option considered, and

ultimately approved by the

Executive Committee, was

use of a section of the Com-
pact Council’s Fingerprint

Submission Requirements

Rule,\textsuperscript{45} which permits name-

only III checks in emergency

or “exigent” circumstances,

to be followed up with the

search subject’s fingerprints

within 15 working days.

The presence of children in

shelters and other places of

refuge where they would be

vulnerable to predators

provided the primary justi-

fication for making this

authorization available.

The Executive Committee

and the CJIS Division ini-
tially considered offering

authorization for name-only

Purpose Code X checks of

evacuees to Gulf Coast and

neighboring States most

likely to absorb evacuees. It

was decided instead to offer

the service to all States.

Thirty-six States sought and

were granted authorization

for such checks.

An FBI CJIS summary

analysis of State use of III

Purpose Code X checks

showed that several of the

States authorized to conduct

the checks received minimal

numbers of evacuees and

conducted few checks, or

received no evacuees and

conducted no checks. Some

States that initially received

large numbers of evacuees

were unable to implement

programming that would

allow them to conduct Pur-

pose Code X checks, and, in

some instances, evacuees

were placed in commercial

settings such as hotels and

motels where criminal his-
tory record checks were not

feasible.

When tallying Purpose

Code X checks, the CJIS Di-

vision does not differentiate

between those conducted

for foster placement suit-

ability and those conducted

for Hurricane Katrina-

related purposes. Therefore,

it cannot be determined ex-

actly how many were con-

ducted for the latter

purpose. Table 2 shows the

total number of Purpose

Code X checks conducted

just prior to Hurricane Ka-

trina and in the months fol-

lowing the storm.

\textsuperscript{44} The National Crime Prevention and

Privacy Compact Council

(\url{http://www.fbi.gov/hq/cjisd/web\%20page/cc.htm}) was created by passage

of the National Crime Prevention and

Privacy Compact, which was embodi-

ied in the Crime Identification and

Technology Act of 1998. The privacy

compact is a Federal-State agreement

through which a council of 15 mem-

bers controls III for noncriminal justice

purposes such as background checks.

Twenty-seven States and the Federal

Government had ratified the privacy

compact as of December 2006. For

more on the privacy compact, see the

SEARCH privacy compact Web page

at \url{http://www.search.org/programs/policy/compact.asp}.

\textsuperscript{45} 28 CFR Part 901.
Table 2 statistics showing somewhat significant increases in Purpose Code X checks conducted by Alabama, Arkansas, Georgia, Oklahoma, South Carolina, Texas, and West Virginia in September and October of 2005 suggest that those States were probably responsible for the bulk of the Hurricane Katrina-related III checks.

The CJIS Division’s $24 fee to process fingerprint submissions was also waived for the period of September 3, 2005, through November 7, 2005, for any fingerprint-based checks submitted for evacuees, emergency and relief workers, volunteers, and public housing authorities.

Recognizing the difficulty in obtaining fingerprints from a transitory population of evacuees transferring from shelter to shelter or to more permanent housing, the CJIS Division and the Compact Council Executive Committee curtailed normal auditing procedures designed to ensure that fingerprints are submitted within 15 working days when name-based criminal history record checks are conducted through III using Purpose Code X. The procedures were curtailed from September 3, 2005, to December 31, 2005.

Table 2: III Purpose Code X Checks, July–October 2005

<table>
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<th>September</th>
<th>October</th>
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Source: FBI CJIS Division, August 8, 2006. Thirty-six States requested, and were provided with, authorization to conduct III Purpose Code X checks for Hurricane Katrina-related criminal record background checks of evacuees. The 32 States shown here actually conducted the checks.
IV. Aftermath

It would be difficult to measure the impact criminal history record checks had on increasing the safety of evacuees or on the communities in which they relocated, or to even determine how many Hurricane Katrina-related checks were conducted.

The CJIS Division reported that 13,681 or 43% of the 32,159 Purpose Code X III criminal record checks conducted from September 3, 2005, through November 7, 2005, produced “hits” on criminal records, although the total number of searches includes checks for emergency child placement as well as for Hurricane Katrina evacuees.

There is no way of knowing how many name-only NCIC queries were conducted for Hurricane Katrina-related purposes.

It appears that law enforcement and public safety officials interested in conducting criminal history record background checks were in the same boat as most other government responders to the Hurricane Katrina disaster: Completely overwhelmed by the event and trying to use whatever resources remained available after the storm to accomplish their goals.

Efforts have been made at both the Federal and State levels to address some of the problems that became apparent, such as FEMA’s refusal to provide law enforcement with access to evacuee databases so police could look for sex offenders and other offenders while trying to conduct effective criminal history record background checks following Hurricane Katrina.

In Congress, bills were introduced in both the House (HR4381) and Senate (S2786) that would have allowed Federal, State, and local governmental agencies to access FEMA databases during times of major disasters and emergencies to ensure compliance with Federal and State sex offender registry and notification laws. The bills would require nongovernmental agencies receiving Federal funds to support disaster relief efforts to provide similar access. Neither bill was acted upon.

A notice published by FEMA in the Federal Register on July 6, 2006, made both bills unnecessary. The notice indicated the agency’s intent to revise its System of Records Notice to expand access to its Disaster Recovery Assistance Files in times of presidentially declared major disasters and emergencies that impact significant portions of the United States. The notice, titled “Privacy Act System of Records; Amendment to Existing Routine Uses” (Docket ID FEMA–2006–0029) designates the sharing of records under these circumstances as a “purpose” of this system of records.

It also adds new routine uses for the information that allow for sharing with Federal agencies, State and local governments, and law enforcement to help reunify families, locate missing children, facilitate voting, and, for law enforcement, to support identification, public safety, and security in the event of evacuation, sheltering, and mass relocations.

The amendment became effective August 7, 2006.

A bill introduced in the Texas Legislature would have required the Division of Emergency Management in the Office of the Governor to develop a statewide emergency tracking system to help agencies coordinate emergency evacuations. The system would have had to “include pertinent data on evacuees, including whether an evacuee is a known criminal or sex offender.” The bill was referred in May 2006 to the Senate’s Health and Human Services Com-

46 The Federal Register notice is included as Appendix 2.
mittee but was not acted on before the legislative session expired.

On June 29, 2006, Louisiana Gov. Kathleen Blanco signed Act No. 714 into law. The act requires persons who apply for or receive disaster assistance from State or local agencies, or who seek or occupy space in shelters or temporary residences during emergencies, to provide personally identifiable information to local sheriffs if requested. By applying for disaster relief, the applicant is considered to have provided consent to this provision of the act.

The act also requires State or local agencies providing disaster relief to provide the identification information of those receiving aid if asked by local sheriffs. It includes a proviso relieving agencies from complying with the act if prohibited from doing so by a Federal mandate.

Other laws enacted by Louisiana in the wake of Hurricane Katrina include —

- Act No. 175, which requires the State’s Department of Public Safety and Corrections to provide sex offenders with information on protocols to follow during emergency situations.\(^48\)
- Act No. 285, which prohibits the housing of registered sex offenders with other evacuees during declared emergencies, requires each shelter to notify local law enforcement of the presence of registered sex offenders, and requires the State’s Bureau of Criminal Identification and Information to provide copies of Louisiana’s central registry of sex offenders to each emergency shelter operating during certain emergencies.\(^49\)
- Act No. 683, which requires registered sex offenders to notify local law enforcement of their presence in emergency shelters within 24 hours of their entry.\(^50\)

Meanwhile, the American Red Cross implemented a policy after Hurricane Katrina to conduct criminal record checks of all employees and volunteers. The checks are based on names and Social Security numbers. The aid provider is also working on a procedure to protect those sheltered during disasters that would include a registration form asking registrants, among other things, whether they are required to register with any State or local agency for any reason.

If a shelter resident responds affirmatively to the need to register, he or she must immediately meet with the shelter manager. The goal is to provide a simplified system to the shelter operation team to comply with any and all State or local requirements to identify and remove sex offenders from the congregate shelter, according to the American Red Cross. Once the person has been identified, the shelter manager will isolate the individual as best as the manager can while trying to maintain the individual’s freedom and comfort. Law enforcement will be contacted to arrange separate accommodations for that individual. At this time, the shelter manager is not authorized to deny admission based on this declaration but will maintain heightened supervision in the shelter in the event that law enforcement is unable to respond in a timely fashion, Red Cross officials said.

While these efforts may address some of the issues that surfaced during the criminal history record background checks of Hurricane Katrina evacuees, there is still a
need for processes that directly address the support of fair, timely, and complete criminal record checks during these times of crisis.

Thus, the National Focus Group on Emergency Housing and Criminal Record Checks: The Hurricane Katrina Experience was convened in Las Vegas, Nevada, in October 2006.
V. National Focus Group

The National Focus Group on Emergency Housing and Criminal Record Checks: The Hurricane Katrina Experience included representatives from a cross-section of agencies and organizations that were directly impacted by the events surrounding the devastating storm.

Among them were law enforcement agencies from the local, State, and Federal levels, social service organizations, and advocacy groups.

Initial focus group discussions centered on the immediate aftermath of the hurricane, when hundreds of thousands of displaced residents fled the stricken areas of the Gulf Coast looking for refuge. Focus group members described the confusion that reigned as local governments struggled to find safe shelter for the huge influx.

In Houston, officials quickly prepared the Astrodome/Reliant Center Complex in anticipation of the arrival of evacuees but, with no communications coming from Louisiana, they had no idea that 30,000 displaced people were headed their way.

When evacuees began to arrive, the Red Cross recorded their names but apparently did not create a database of shelter residents, which might have facilitated criminal history record checks if shared with local law enforcement, some focus group members said. Such a database might also have helped to reunite families, friends, and neighbors. The Red Cross also did not provide the Houston Police Department with a list of who was in their shelters. Police had no idea who was in the Astrodome or other facilities under their jurisdiction.

Police also found that drug dealers and sex offenders were among the estimated 30,000 to 40,000 individuals who offered their services as volunteers. Police in Houston and other Texas jurisdictions began to contact State officials looking for ways to conduct criminal history record checks of evacuees and volunteers. Police were particularly concerned about placing dangerous individuals in shelters where children were present.

The police were initially told by officials from the State criminal history record repository that record check options were limited. Texas Gov. Rick Perry had issued an emergency proclamation authorizing evacuee checks using Texas records, but the checks provided limited information on individuals who resided in Louisiana. Texas officials then contacted the FBI’s Criminal Justice Information Services (CJIS) Division, which put into motion the process described previously through which Purpose Code X criminal history record checks of III, the Interstate Identification Index, were ultimately authorized.

Texas’ experience was similar to that of other States, where calls from concerned local police prompted State officials to seek assistance from FBI CJIS. In South Carolina, some local agencies were cautioned about conducting unauthorized name-only criminal record checks of evacuees using State records.

In Arkansas, local officials setting up temporary housing in a gymnasium for 500 evacuees sought criminal background information on Hurricane Katrina evacuees, relief workers, and housing providers is included as Appendix 8. Another bulletin informing these agencies that the authority to conduct criminal record background queries on Hurricane Katrina and Hurricane Rita evacuees is extended to cover evacuees transitioning from shelters to permanent housing is included as Appendix 9.

51 This estimate was provided by a focus group member representing the Houston Police Department.

52 A Sept. 1, 2005, proclamation by Gov. Perry is included as Appendix 7.

53 A bulletin informing Texas law enforcement agencies that they are allowed to conduct criminal record background queries via the Texas Law Enforcement Telecommunications System on Hurricane Katrina evacuees, relief workers, and housing providers is included as Appendix 8. Another bulletin informing these agencies that the authority to conduct criminal record background queries on Hurricane Katrina and Hurricane Rita evacuees is extended to cover evacuees transitioning from shelters to permanent housing is included as Appendix 9.
history record check assistance from the State, which also contacted FBI CJIS. Most evacuees sent to Arkansas were processed at Fort Chaffee, where more than 10,000 displaced persons were housed temporarily. Evacuees were then dispatched in smaller groups to Boy Scout and church camps throughout the State.

In east-central Alabama, Alexander City, a town of about 15,000 residents, hosted an evacuee population of just over 2,000. The town sits close to the Lake Martin recreation area. Evacuees were housed in 900 trailers placed in an 800-acre campground near the lake. They were processed through a one-stop admittance station where Purpose Code X criminal history record checks were conducted and identification cards with photographs were issued. About one-third of the evacuees were found to have criminal backgrounds, about half of those for violent crimes.

The park’s five full-time sworn police officers patrolled the campground during the day with Alexander City Police taking over at night. A police substation was also established at the campground. The city’s overtime expenses for patrolling the park reached $100,000, twice its annual overtime budget for police services.

Problems arose in some jurisdictions over the process through which decisions were made to determine suitability for placement in shelters. Local police agencies could not relay criminal history record check results back to requesting agencies, but rather had to make the suitability determinations for them. There was also uncertainty over which crimes in an individual’s criminal history record precluded placement with vulnerable populations. Agencies were referred to their local legal counsel for advice on how to carry out this process.

Police agencies also encountered a number of evacuees who lacked identification documents. Houston police estimated that two or three out of every 10 evacuees carried no identification; Alexander City police found that many of the evacuees also lacked identification documents.

Meanwhile, social services agencies were fielding calls from concerned evacuees who were being asked by care providers such as churches and other private concerns for Social Security numbers and other confidential information in exchange for assistance.

These experiences led focus group members to identify and elaborate upon the following factors for law- and policymakers to consider when crafting laws to govern the criminal history background checks of evacuees during periods of mass relocation.

Factors to Consider in Crafting Policies

Education: Alerting evacuees of the possibility of criminal history record checks and explaining their purpose.

The focus group discussed the controversy that accompanied the criminal history record checks of Hurricane Katrina evacuees. Critics of the checks decried them as unnecessarily traumatizing for individuals whose lives had already been transformed by the devastating storm, displacement from home and community, and separation from family and friends. Critics also charged that the checks seemed to target certain races and members of specific socio-economic groups.

Some focus group members countered these charges, explaining that the checks were conducted primarily to protect evacuees from further physical and emotional turmoil through victimization by dangerous individuals once they were placed in shelters, private
residences, and other places of refuge.

A campaign to educate evacuees about the purpose for such record checks could allay concerns about the need or fairness of the checks, said some focus group members.

**Identification and emergency credentials:** Identifying evacuees is critically important.

Identifying and chronicling who is receiving services and at what location facilitates service delivery, helps reunite families, eases concerns about the safety of family and other loved ones, and reduces the likelihood of unnecessary duplicative efforts.

Many evacuees arrived at shelters without any authoritative identification documents. It was suggested that announcements be made through media outlets and by emergency personnel reminding and encouraging potential evacuees to take identification documents with them. The possession and presentation of official identification documents, such as a driver’s license, would facilitate receipt of services as well as the conduct of criminal history record background checks.

**Privacy protections:** Reiterating the importance of protecting the privacy of confidential and personal information provided by evacuees.

The focus group discussed the importance of recognizing privacy protections when collecting personal and confidential information from evacuees. Also discussed was the practice of some private providers of shelter and other services to collect personal information such as Social Security numbers before providing assistance.

Some members of the focus group thought that these organizations, and the people they served, did not have an adequate understanding of privacy laws.

The group also suggested that privacy concerns as reflected in State laws or in other resources, such as those provided by the Global Privacy and Information Quality Working Group, would provide good examples of protections that could be incorporated into policies and procedures for criminal history record background checks of evacuees.

In preparation for a future catastrophe, and certainly in advance of collecting personally identifiable information, it would be advisable that a coordinating government entity establish a privacy policy to control temporary collection and use of personally identifying information.

**Costs:** Recognizing the increased costs associated with conducting criminal history record checks in the field, and with the increased burden placed on criminal history record personnel and technical infrastructures at the State and Federal levels.

The focus group advised those crafting policies for evacuee background checks to bear in mind the considerable cost associated with conducting large-scale criminal history record checks, particularly if the checks are fingerprint-based.

Most of the evacuee checks conducted in the wake of Hurricane Katrina were name-based, which are naturally less labor-intensive and therefore less costly than fingerprint-based checks.

The focus group discussed the desirability of fingerprint-based criminal history record checks given the lack of identification documents among a sizeable percentage of evacuees. Also noted was the practice among those experienced with the criminal justice system of using aliases to escape the consequences of their criminal pasts.
The focus group advised law- and policymakers to explore the use of flat fingerprint capture devices or devices that collect two or four fingerprints to obtain fingerprints of evacuees, volunteers, and others.

Such devices, which capture either “slaps” (all 10 fingers placed simultaneously on the livescan platen) or fewer than 10 fingerprints rather than the traditional 10 rolled fingerprints, would allow police officers in the field to capture fingerprints more quickly, may reduce the need for additional fingerprint technicians, and would address the criminal stigma associated with the capture of traditional rolled prints. These devices are far less costly than typical, fully configured “livescan” devices. However, while a full set of “flat” fingerprints should be adequate for searching State and the FBI databases, a capture of fewer than 10 fingerprints may not be suitable or of limited value for searching the State and national criminal records databases.

The group noted, however, that a move toward greater use of fingerprint-based checks during times of mass relocation would necessitate the need for additional (likely portable) electronic fingerprint capture devices that could be brought to the processing site. Like any other listing of equipment that could be brought to the scene of an emergency, State and local emergency preparedness offices should identify those fingerprint capture devices within their jurisdictions that could be made available.

The focus group also suggested that FEMA could purchase and store flat fingerprint capture devices that could be transported to evacuate centers for use in augmenting local fingerprinting efforts during periods of mass relocation.

The focus group noted that the FBI waived its $24 fee for conducting criminal record checks of evacuees following Hurricane Katrina, and questioned whether it would be a feasible approach for checks conducted during future periods of mass relocation.

The focus group further discussed those instances where an evacuee was denied services because his or her name was unfairly associated with someone else’s criminal record. It considered processes through which name-based criminal history record checks could be conducted more effectively to ensure that all pertinent criminal history record information is located, and that individuals are not associated with criminal history records that are not theirs.

One suggested method was to follow up a name-based criminal history record check with a check of motor vehicle records, which may have photos of driver’s license and identity card holders to compare to the evacuees.

which name-based criminal history record checks can be conducted with greater accuracy.

Some members of the focus group observed that significant numbers of Hurricane Katrina evacuees lacked identification documents. The group also noted that some of those with identification documents could have been carrying forged or other illegally obtained documents with false identities.

The focus group further discussed those instances where an evacuee was denied services because his or her name was unfairly associated with someone else’s criminal record. It considered processes through which name-based criminal history record checks could be conducted more effectively to ensure that all pertinent criminal history record information is located, and that individuals are not associated with criminal history records that are not theirs.

Name-based identification: Exploring methods through
Others suggested utilizing information held by credit companies and other private companies such as mortgage information, mother’s maiden name, or other information that would be known only by the evacuee. (This process will be discussed in greater detail later in the report.)

Some focus group members cautioned against any use of name checks, particularly for those with no identification documentation, given the propensity for those with criminal backgrounds to provide erroneous information to escape the consequences of their criminal backgrounds.

Other members conceded that name-based criminal history record checks will ultimately be utilized during periods of mass relocation, given the large numbers of people who potentially would be checked and the limited availability of fingerprinting devices and technicians to operate them.

**Noncriminal justice background check guidance:** Educating non-justice public safety agencies and private aid providers on when criminal history record checks are appropriate, on the processes through which criminal history record checks are conducted, on how to read and interpret check results, and on which types of criminal activities should preclude the placement of certain individuals with vulnerable populations.

The focus group spent considerable time discussing the need to educate those outside the justice environment on how to utilize criminal history record check services. Significant discussion focused on suitability criteria and its use to properly interpret results so dangerous individuals are not placed in shelters with vulnerable populations such as children, but also so qualified individuals are not turned away because of criminal records that do not relate to the services they are seeking. For example, should a prior felony conviction for a nonviolent financial crime preclude placement in a shelter? Should a 45-year-old individual be denied entrance for a crime committed when he or she was 19 years old? Is it appropriate to notify a community of an individual’s criminal history record if the individual is no longer on probation, parole, or required to register for anything?

The focus group advised law- and policymakers to consult suitability criteria used by government departments of human resources, schools, youth leagues, and other entities that conduct regular criminal history record checks. These criteria could provide guidance on which crimes should preclude allowing unsupervised access to children and other vulnerable populations in shelters. In preparation for a future emergency, a coordinating governmental entity should prepare appropriate briefing materials and establish a policy on how criminal history record information would be used when making housing decisions.

The focus group discussed at length the difference between evacuee services provided by government versus private entities, and considered whether it was appropriate for the government to dictate criminal history record check requirements to the latter. It was noted during discussions that about 80% of the placements of Hurricane Katrina evacuees into private homes were handled by faith-based organizations. While the focus group thought that, with such referrals, it was appropriate to notify residents who took evacuees into their own homes that an evacuee had a criminal record, some group members thought that it was not the government’s role to tell residents that they could not take a particular evacuee into their home because of that re-
Those members thought that the decision to allow the evacuee into his or her home belonged to the resident.

Some focus group members expressed similar sentiments about the demands made by private agencies that asked evacuees for Social Security numbers and other confidential information before providing services, allowing that it was not the government’s role to determine what information the private agencies felt was necessary for their operations.

Focus group members expressed varying opinions but reached no consensus on whether criminal history record checks should be conducted on all individuals seeking shelter, or just on those seeking shelter in facilities where they would have unsupervised access to children.

The focus group also discussed the value of obtaining criminal history record information from both State and Federal databases to obtain the most complete and comprehensive record check available, noting that each database provides information that might be missing from the other.

**Private sector/commercial data provider assistance:** Exploring collaborations through which identities can be verified through partnerships with credit agencies and private data compilers.

The focus group discussed the value of working with private-sector information compilers on processes to establish identities when fingerprinting services are not available or not feasible due to anticipated lengthy turnaround times. Members noted that such compilers would have housing and auto records, credit information and other data that would be known only to the evacuee and consequently could serve as a basis for reasonably assuring the link between an evacuee and the information held by the commercial data provider.

Members cautioned that private information compilers should be restricted to using information compiled during mass relocations only for identity verifications and not other business activities. Also, care should be taken not to commingle biometrically based information, such as positive identifications obtained through fingerprint-based criminal history record checks, with information from privately maintained databases that has not been positively connected to the evacuee.

**Recommended minimum record search:** Establishing a record search process that, at minimum, utilizes data from criminal history record databases, sex offender and protection order registries, warrants files, and probation and parole listings.

Discussion of minimum data elements that should be included in a criminal history record check of an evacuee noted that criminal history record queries vary from State to State in what types of information are returned. In some States, record queries return only an individual’s criminal history record, whereas in other States, the query hits on sex offender and protection order registries and other databases.

Several members proposed augmenting the Purpose Code X check utilized during Hurricane Katrina, which returned criminal history record information from III, with at least some of the “hot” files in NCIC, such as sex offenders, protection order subjects, and wanted persons.

Additionally, some focus group members suggested that information concerning individuals who were on probation or parole would

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54 Private entities are not allowed to view the actual results of Purpose Code X criminal record checks. A designated government entity must review the results and provide the requesting private entity with a “red light/green light” determination.
be helpful. There was also some discussion on the value of conducting searches on missing persons files, considering that family members separated during Hurricane Katrina often had no idea where other members of their family ended up after the storm. The names of individuals whose whereabouts were unknown could be placed in NCIC’s missing persons file.

Focus group members advised law- and policymakers to pursue a record check process through which pertinent information can be obtained through a single query rather than through five or six separate queries. They acknowledged that, in some States, making such checks possible would require new programming, policy changes, and actions by the various entities responsible for running the affected justice information databases.

The focus group also reiterated that, if possible, the criminal history record repository of the evacuee’s home State should be searched, as State records are known to be more complete and up to date than those maintained by the FBI.

Guidance in establishing emergency shelters/processing centers: Collecting information on real-life experiences, best practices, and other practical knowledge to advise justice practitioners on how to most effectively establish criminal history record check processing capabilities within emergency shelters and processing centers.

The focus group proposed the creation of a best practices publication documenting successful efforts to identify and conduct background checks of Hurricane Katrina evacuees. The publication could include a checklist and guidelines that law enforcement personnel could follow when establishing a presence in evacuation shelters. Based on their Hurricane Katrina experiences, focus group members suggested that the following items could be included in the publication:

- States should consider creating a kit of templates for temporary identification cards, documents explaining the need for background checks, wristbands, and other items that could be tailored in response to the needs that arise during periods of mass relocation.
- Wristbands distributed to evacuees in Texas allowed safety personnel to determine to which Astrodome/Reliant Center shelter the evacuee was assigned. Texas is also working on an evacuation plan in which each evacuee will be provided with a tracking wristband before he or she boards a bus.
- A one-stop check-in point for evacuee processing worked well in Alexander City, Alabama. Criminal history record checks were run, and identification cards with photographs were issued.
- By placing evacuees in Boy Scout and church camps, Arkansas was able to segregate different populations of evacuees; for example, single men could be assigned to one camp and families to another.
- Criminal history record checks should always be conducted in instances where evacuees will have unsupervised access to children.
- Official State Web sites that provide criminal history record information to the public can be used as a background option for individuals evacuated from one State to another.
- Law- and policymakers can use already-established suitability criteria from State laws, nonprofit organizations, youth activity leagues, and other sources to guide the creation of such criteria for evacuee backgrounding policies.
• It is important to establish photo-taking capabilities in evacuee shelters so photo-based identifications can be created. Photos can also be added to image databases that can help reunite separated families.

• Organizations that will interact during times of crisis should maintain regular contact and work together on evacuee policies and procedures to ease implementation and lessen resistance when catastrophic events occur.

• Similarly, States that will need to rely on each other during catastrophic events should maintain regular contact and work together on evacuation plans, communication contacts and procedures, criminal history record check availabilities, and other activities that will become necessary when the event occurs.

New Purpose Code

The focus group devoted considerable discussion to the performance of Purpose Code X when it was used for conducting criminal history record checks of Hurricane Katrina evacuees, volunteers, and others. While the group lauded the process that provided for III checks of evacuees using the purpose code so quickly after the hurricane, it pondered whether a new purpose code devoted exclusively to mass relocation events would be more effective. If law- and policymakers decide that a new purpose code strictly for mass relocation events is appropriate, what will it take to make the new code a reality?

Some focus group members noted that programming differences among the States produced different results when III criminal history record checks are conducted. In some States, a check produces only the search subject’s criminal history record information, while information from wants-and-warrants files and sex offender and protection order registries is returned in other States.

They said a new purpose code reserved for periods of mass relocation would result in greater uniformity in the information that each State receives when conducting background checks of evacuees or displaced persons. A new purpose code would also allow the FBI to better track evacuee checks and to determine whether follow-up fingerprints were submitted as required. During the Hurricane Katrina checks, the FBI CJIS Division was unable to differentiate between Purpose Code X checks for evacuees and those for other purposes.

Other members disagreed, pointing out that a new purpose code would create additional expenses for something that probably would not be used very often. Still other members thought that conducting evacuee criminal history record checks is a legitimate law enforcement function that should fall under the authority of Purpose Code C, which allows for official duties in connection with the administration of criminal justice.

Some focus group members pointed out that Purpose Code X, which theoretically was intended to provide for III criminal record checks under all emergency or “exigent” circumstances when the health and safety of specified groups are at risk, has been used almost exclusively for placement of children. The group discussed how States could apply to the National Crime Prevention and Privacy Compact Council through the council’s Fingerprint Submission Requirements rule to conduct evacuee name checks.

The focus group also discussed a member’s proposal

55 28 CFR Part 901.
for an evacuee check process for situations involving children that would utilize an expanded Purpose Code X check that provides criminal histories and information from wants-and-warrants files, sex offender and protection order registries, and probation and parole files. Under this scenario, adults offered shelter, particularly in private residences, could request their own criminal history records under current FBI rules and have them sent to whomever they wish. Also discussed were separate background check processes — one for situations involving children and another for adult-only situations.

The focus group acknowledged that expanding Purpose Code X checks beyond criminal history records to registry information and wants-and-warrants files would move the code beyond the sole administration of the Compact Council and into a shared responsibility with the FBI CJIS Advisory Policy Board. Some members also pointed out that evacuee record check plans that incorporate fingerprint-based record checks at the outset before allowing individuals to have unsupervised access to children moved beyond Purpose Code X into the realm of the National Child Protection Act and Volunteers for Children Act.

**General Observations**

Some general observations emerged from focus group discussions that did not fit neatly into the factors discussed previously, although they add value to the overall discussion about conducting effective criminal history record background checks of evacuees during periods of mass relocation.

For example, a recurring theme during the meeting was each State’s terminology, ways of doing business, protocols about privileged and public information, and other unique facets of their methods of operations. This uniqueness was further expressed in legislation — described by one focus group member as a “hodgepodge of ideas” — that some States enacted in response to their Hurricane Katrina experience. Focus group members observed no uniformity in the legislation or efforts to coordinate post-hurricane actions between the States. Efforts to design and implement a regional or national policy to support criminal history record checks during periods of mass relocation must recognize that each State is different and, as a result, the policy will most likely be carried out differently in each State based on its particular experience, practices, and traditions.

The focus group spent considerable time discussing the entire concept of background evacuees and when it is appropriate to do so. Questions posed included:

- Should an individual be subjected to background check requirements simply because he or she becomes an evacuee?
- Should backgrounding be reserved only for those instances when adults are placed in shelters with unsupervised access to children, or should anyone’s criminal background be checked, even if he or she will be housed only with adults?
- Should evacuees who apply for government assistance that does not include shelter undergo background checks?

The opinions of focus group members varied on these questions, which will have to be answered to ensure the successful implementation of any evacuee background check plan.

The group also discussed the role, if any, that governments should play in regulating services provided to evacuees by private entities such as churches and nonprofit or-
The focus group found that, in some instances, these groups sought personal and confidential information from evacuees before they would provide services. However, the focus group saw no government role in determining what type of information private service providers feel they need to collect. The focus group found it appropriate to provide private service providers with criminal history record check services, but members felt that the final determination as to whether the individual who underwent a background check should receive shelter and other services was up to the private entity.

The focus group commended the FBI’s CJIS Division and the National Crime Prevention and Privacy Compact Council for their quick response to requests for assistance with background check needs for evacuees, described as a “major success” by one focus group member.

The focus group found that distance from Hurricane Katrina’s devastation played a role in how States were able to respond to it. Evacuees were able to drive or travel by bus to cities such as Baton Rouge, Louisiana, and Houston, Texas (where there were an estimated 50 evacuee shelters, according to one focus group member), resulting in greater numbers of evacuees and their arrival in haphazard fashion. Evacuees could enter shelters and be registered or choose to walk away if they desired.

In contrast, some evacuees sent to States not adjacent to those affected by the storm traveled by airplane and arrived at facilities that were more secure and conducive to evacuee processing. In West Virginia, airplanes were directed to Yeager Airport in Charleston, where medical evaluation and fingerprint-based criminal history record background checks were conducted on all evacuees. Evacuees arriving in Utah landed at Salt Lake City International Airport, were taken to a makeshift triage center for assessment, and then were immediately bussed to Camp Williams, the training facility for the Utah National Guard. In Oklahoma, those displaced by Katrina were housed at Camp Gruber, a military training center, where arriving evacuees were escorted to check-in centers.

On the issue of fingerprint-based versus name-based criminal record checks, the focus group discussed a process through which name checks would be conducted on those whose identification documents seemed to be valid, reserving fingerprint-based checks only for those with no identification documents or those whose documents are of questionable validity.

Questions were raised during focus group discussions about the fate of those found to have criminal history records. If they can’t be sheltered with other evacuees, where can they be housed?

The focus group conceded that, in most instances, evacuees who end up undergoing background checks during times of mass relocations will be economically disadvantaged individuals who lack the financial and physical means to self-evacuate, and who lack friends or family outside affected areas where they can relocate. They will rely on public assistance for transportation and shelter. This being the case, some focus group members contended that, in cases of mass relocation, criminal history record background check laws cannot be made to address the needs of specific populations but must apply to all citizens. Under certain circumstances, the government has a legitimate public interest in conducting criminal history record checks

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56 A document prepared by the West Virginia State Police reporting its experiences processing Hurricane Katrina evacuees is included as Appendix 10.
checks regardless of how the search subjects came to be where they are, some focus group members believed.

The focus group advised law- and policymakers to consider as a criminal history record check model for mass relocations the process used by the U.S. Department of Housing and Urban Development to conduct III criminal record checks on public housing applicants. The applicant’s name is submitted by a Public Housing Authority (PHA) through a State identification bureau (SIB) to the FBI. If a criminal record in the applicant’s name is found, follow-up fingerprints are collected from the applicant and submitted to the FBI through either the SIB or through an approved channeling agency.\textsuperscript{37}

The focus group discussed the process through which authority was provided to States to conduct Purpose Code X criminal history record checks of Hurricane Katrina evacuees. Prior to that authority being granted, FBI CJIS conducted research to determine whether States interested in accessing III through the purpose code for Hurricane Katrina-related checks had applicable Public Law 92-544\textsuperscript{58} statutes that would permit them to do so. The statutes often identify the various entities within a State that the legislature decides are appropriate to utilize FBI-maintained criminal history records for background checks. They may also include criteria that disqualify an individual from certain occupations or licenses. Most States were found to have applicable 92-544 statutes for Hurricane Katrina checks. These same statutes may take precedence over policies designed to support criminal history record checks during periods of mass relocation. Focus group members advised law- and policymakers to review their States’ P.L. 92-544 statutes to ensure that subsequent criminal history record check policies designed for mass relocation events are not in conflict. Some focus
group members also advised States to consider enacting Public Law 92-544 statutes to facilitate criminal history record checks during periods of mass relocation should the need arise in the future.

The focus group advised law- and policymakers that there is currently no legal precedent to extend Purpose Code X checks beyond instances where adults have unsupervised access to children. One would have to be established before III access can be incorporated into policies and procedures for evacuee criminal history record checks that rely on access to the index.


\textsuperscript{58} Public Law 92-544, passed by Congress in 1972, allows the FBI to exchange criminal history records with State and local governments for employment and licensing purposes. To obtain FBI-maintained criminal record data under P.L. 92-544, a State statute must 1) exist as a result of legislative enactment; 2) require that the criminal record check be fingerprint-based; 3) authorize fingerprint submissions to State criminal history repositories for forwarding to the FBI; 4) identify the entities covered by the statute; and 5) identify an authorized government agency to receive the results of the criminal record check.
Finally, the focus group advised law- and policymakers to be cognizant of the fact that, during periods of mass relocation, most individuals will likely self-evacuate from affected areas and will stay with relatives or friends, or in hotels or motels. In most instances, a minority of evacuees will require refuge in public shelters and may be subject to criminal history record background checks as a result. For example, of the approximately 200,000 or more people who evacuated to Houston following Hurricane Katrina, about 60,000 were housed in public shelters, with the remainder staying in private homes.\footnote{Jade Boyd, “Experts discuss lessons from 2005 hurricanes Katrina, Rita,” \textit{Rice News}, Rice University, (March 30, 2006) at \url{http://www.media.rice.edu/media/NewsBot.asp?MODE=VIEW&ID=8373&SId=2xpers}.}
VI. Conclusion

Hurricane Katrina was one of the most devastating events ever to occur in the United States. In financial terms, the storm caused record amounts of destruction, the effects of which continue to plague much of the Gulf Coast. The number of lives lost to Katrina may never be known, but estimates generally list more than 1,800 deaths and more than 700 still missing.

Hurricane Katrina occurred at a time when, in recent years, we have experienced tremendous growth in the use of criminal history record checks throughout the country to determine suitability for jobs, licenses, housing, volunteer opportunities, and other needs and services. In what seemed like a natural progression for some, criminal history record checks were extended to some of the Hurricane Katrina evacuees, and also to volunteers who came to the evacuees’ aid, in an effort to prevent the placement of unfit individuals in shelters where they would have unsupervised access to children or other vulnerable populations.

The fallout from these background checks revealed that members of the public may not be as comfortable with, and accepting of, such checks as law- and policy-makers think they are, particularly with the criminal stigma that apparently still accompanies them. Critics charged that evacuees who were already traumatized by Hurricane Katrina were being treated as lawbreakers and further traumatized. The controversy surrounding the checks was exacerbated by the appearance, if not the reality, that the majority of those who underwent background checks were non-White and poor, creating the impression that they were being singled out for unfair treatment. The controversy was further fueled by the lack of consistency in carrying out the checks; some States conducted them, while others did not.

Claims by public safety officials that the checks were conducted to protect the evacuees were drowned out by choruses of criticism. The focus group’s discussion on the need to educate the public on the purpose of criminal history record checks prior to storms and other instances when evacuations are ordered would help ameliorate this situation. As one focus group member observed, it’s difficult to educate people during a crisis.

The focus group’s observation of the need for uniformity among the States in conducting criminal history record background checks of evacuees, displaced persons, volunteers, etc., would further address criticism that arose following the hurricane.

Hurricane Katrina and the background checks spawned by the storm also revealed — prior to the authorization of III use for Purpose Code X checks of evacuees — the lack of an effective apparatus to conduct criminal history record checks that are national in scope during periods of mass relocation. As discussed during the focus group meeting, it is difficult for one State to conduct an effective criminal history record check of an individual from another State using only State-maintained records. However, there were no options for States to conduct background checks that were national in scope at the time of Hurricane Katrina.

The focus group commended the FBI’s CJIS Division and the National Crime Prevention and Privacy Compact Council for responding so quickly to this shortcoming and providing a short-term solution to accommodate national background checks of Hurricane Katrina evacuees and volunteers.
The focus group’s discussions highlighted the need for a more permanent solution to the challenge of using criminal history record checks to protect evacuees in shelters, in private homes, and in other environments where they could be preyed upon by dangerous persons. As the group observed, the solution should recognize the tremendous cost associated with evacuee checks, as well as statutory, procedural, educational, and technical needs that must be addressed to ensure the implementation of a successful evacuee background check process.

Some have commented on the rarity of an event of Hurricane Katrina’s magnitude, and question whether a significant response is necessary. It appears, however, that any number of events could trigger a large-scale evacuation that, while perhaps not as large as the Hurricane Katrina migration, could still occur in numbers that would strain aid providers, including those interested in conducting criminal history record checks to ensure the safety of sheltered evacuees.

Meteorologists have forecast a period of increased hurricane activity, both in storm numbers and strength. As this report notes, large areas of the Atlantic and Gulf coastlines are less than 10 feet above mean sea level, leaving them tremendously vulnerable to storm tides. Federal efforts to provide flood insurance and to build bridges and roads making these areas more accessible have drastically increased the number of people living in areas prone to hurricane storm damage. In Florida, for example, 13 million people live in coastal areas where only 200,000 lived a century ago.\(^60\)

The Atlantic and Gulf coasts are not the only areas of the United States threatened by natural catastrophes. California’s propensity for high-magnitude earthquakes is well publicized and documented. Strong earthquakes have shaken other areas of the west coast north to Seattle and into Alaska, and also portions of Hawaii.

Areas of the Pacific Northwest are vulnerable to volcanic eruptions such as the one that occurred when Mount St. Helens erupted in May 1980, killing 57 people and damaging 200 homes and 27 bridges in relatively rural southwest Washington State.\(^61\)

While an eruption of the larger Mount Rainier to the north of Mount St. Helens does not appear imminent, the majestic mountain’s episodic activity and proximity to the Seattle-Tacoma-Bremerton metropolitan area (population 3.7 million) pose a significant threat. Debris from an eruption could conceivably reach the city of Tacoma (population approximately 200,000), 50 miles from Mount Rainier, and impact water quality and living conditions in other areas of the region.

Tsunamis also pose a significant threat to coastal areas of the United States. Scientists report that the Cascadia Subduction Zone, a 600-mile fault formed where two tectonic plates meet off the Pacific Coast between northern California and Vancouver Island, could produce an earthquake resulting in a tsunami comparable in size to the one that killed tens of thousands of people in Indian Ocean coastal communities after a 9.0 earthquake struck off the Indonesian island of Sumatra in December 2004. Small earthquakes could also trigger underwater landslides and localized tsunamis along the coast of southern California.\(^62\)

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Further, terrorist attacks using biological or radiological weapons in highly populated areas could result in large-scale evacuations and render stricken areas uninhabitable for long periods of time.

Given these threats, it would be wise for law- and policymakers to prepare in any number of ways for future periods of mass relocation, including taking steps to ensure that those most impacted by such events — those forced from their homes, perhaps for long periods of time — are not further victimized by being placed in shelters with individuals who would harm them. The implementation of fair, effective, and comprehensive criminal record check procedures can prevent this from happening.
Appendix 1:
National Focus Group on Emergency Housing and Criminal Record Checks: The Hurricane Katrina Experience
National Focus Group on Emergency Housing and Criminal Record Checks: The Hurricane Katrina Experience

Chair
Lt. Frank Higginbotham
Commander
Identification Unit
Alabama Bureau of Investigation

Focus Group Members
Capt. John D. Anderson
Office of Homeland Security
Houston (Texas) Police Department

Deputy Debra H. Burden
Crisis Intervention Officer
Fulton County (Georgia) Sheriff’s Office

Cary “Chip” Corcoran
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Lt. Cora Gentry
Arkansas State Police

Terry Gibbons
Assistant Deputy Director
Crime Information Center
Georgia Bureau of Investigation

Mike Lesko
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Texas Department of Public Safety

Chief W. Avery Morris
Chief of Police
Alexander City (Alabama) Police Department

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U.S. Department of Justice, Bureau of Justice Statistics
Vicky Tsaparas
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Owen M. Greenspan
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Eric C. Johnson
Justice Information Services Specialist
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Kevin M. Romero
Research Analyst
Law and Policy Program
Capt. John D. Anderson
Capt. Anderson has been a member of the Houston (Texas) Police Department for 32 years. During that time, he has held assignments in the Patrol, Juvenile, Robbery, Homicide, and Human Resources divisions. He is currently assigned to the Office of Homeland Security.

Capt. Anderson’s primary duties include serving as the department’s Homeland Security representative, coordinating operational responses with local, State, and Federal agencies to prepare for, respond to, and recover from terrorist acts and other disasters. This requires regional planning, cooperation, and a focused effort from the entire Houston urban area.

Capt. Anderson was actively involved in the Hurricane Katrina disaster relief effort. He was assigned to the Unified Command overseeing relocation efforts with the 30,000 evacuees from Louisiana who were sheltered at the Houston Astrodome in September 2005. His primary function was to coordinate law enforcement’s role in the Astrodome effort.

Capt. Anderson is also involved in State and local planning for future mass evacuations from the Houston area following large incidents or natural disasters.

Capt. Anderson holds a master’s degree in Criminal Justice from the University of Houston.

Deputy Debra H. Burden
Deputy Burden serves with the Fulton County Sheriff’s Office in Atlanta, Georgia. A 15-year law enforcement veteran, she is assigned as the Terminal Agency Coordinator of Training for the sheriff’s office. In this capacity, she trains terminal operators, both civilian and sworn staff.

Deputy Burden is a Peace Officers Standards and Training (POST) Certified Instructor, Peer Counselor, Certified Field Training Officer, Crisis Intervention Trainer, and member of the Crisis Intervention Team.

She is currently completing a degree in Education, working toward Senior Deputy Certification and completing Competent Toastmasters speeches.

Cary “Chip” Corcoran
Mr. Corcoran is the former Chief Executive Officer of Refugee Services of Texas, Inc. At present, he serves as Chief Strategist and Advocate for this social services agency.

Mr. Corcoran also directs Domestic Relief Services, a department of Refugee Services of Texas, Inc., which he founded in response to Hurricane Katrina. Domestic Relief Services has provided aid to more than 3,000 clients. Mr. Corcoran has spent the last year addressing clients’ needs and concerns before Federal, State, faith-based, and community entities.

Mr. Corcoran holds a bachelor of science degree in Sociology from Texas A&M University-Commerce. Following university, he entered into the social services field in the Clients’ Rights and Advocacy Section of the Muscular Dystrophy Association.

Lt. Cora Gentry
Lt. Gentry supervises the Identification Bureau, Automated Fingerprint Identification System, and Concealed Handgun Licensing Section for the Arkansas State Police, where she has served as a commissioned officer for 11 years. Lt. Gentry previously served the State Police in highway patrol and criminal investigations.

Prior to joining the State Police, Lt. Gentry worked as a Deputy Prosecuting Attorney in Lonoke County, Arkansas, and also served as a Revenue Tax Attorney for the State of Arkansas for 6 years. She has been licensed to practice law in the State...
of Arkansas since 1984, and is also licensed to practice before U.S. District Courts and the U.S. Supreme Court.

Lt. Gentry holds a bachelor of arts degree with a double major in Criminal Justice and Psychology from the University of Arkansas at Little Rock, and a juris doctorate degree from the University of Arkansas School of Law.

**Terry Gibbons**
Ms. Gibbons is an Assistant Deputy Director with the Georgia Crime Information Center, a division of the Georgia Bureau of Investigation (GBI). In this capacity, she has oversight of the Georgia Automated Fingerprint Identification System (AFIS), the State Computerized Criminal History (CCH) repository, Criminal Justice Information Services (CJIS) network, Sex Offender Registry, Georgia Protective Order Registry, and Uniform Crime Reporting Program.

Ms. Gibbons serves on the FBI’s Criminal Justice Information Services Advisory Policy Board’s Identification Services Subcommittee and on the National Crime Prevention and Privacy Compact Council’s Planning and Policy Subcommittee.

Ms. Gibbons, a graduate of the University of Georgia, has been with the GBI for 25 years.

**Lt. Frank Higginbotham**
Lt. Higginbotham currently serves as Commander of the Identification Unit of the Alabama Bureau of Investigation, a division of the Alabama Department of Public Safety (DPS). He has served the department for 25 years.

His previous DPS experience includes 16 years with the department’s Special Weapons and Tactics (SWAT) unit. Lt. Higginbotham is Alabama’s governor-appointed representative to the SEARCH Membership Group.

He holds a bachelor’s degree in Business from Auburn University.

**Mike Lesko**
Mr. Lesko is Deputy Administrator of the Texas Department of Public Safety’s Crime Records Service. In this capacity, he has oversight of the Texas Automated Fingerprint Identification System, the State’s Computerized Criminal History System (CCH), its Sex Offender Registry program (SOR), the Texas Crime Information Center (TCIC), and the Texas Uniform Crime Reporting (UCR) program.

In addition to his State crime records duties, Mr. Lesko serves as Vice Chair of the FBI Criminal Justice Information Services (CJIS) Advisory Policy Board’s Identification Services Subcommittee (ISS). He also chairs the Integrated Automated Fingerprint Identification System (IAFIS) Interface Evaluation Task Force, is a member of the Joint Task Force on Rap Sheet Standardization, and serves as the governor-appointed Texas representative to the SEARCH Membership Group.

Mr. Lesko, a University of Texas graduate, has been with the Texas Department of Public Safety for 14 years.

**Chief W. Avery Morris**
Chief Morris is Chief of Police of the Alexander City (Alabama) Police Department (ACPD). Chief Morris has served as a Police Officer for 13 years, the last 10 with ACPD, where he has worked as a Patrol Officer, Sergeant, Lieutenant, Accreditation Manager, Honor Guard, Special Response Group member, and department firearms instructor.

Chief Morris served as a Military Police team leader in the 214th Military Police Company in Operation Iraqi Freedom 2003-2004. He was primary firearms instructor at the first post-Saddam
Hussein Police Academy in Baghdad, Iraq, where he trained more than 1,800 Iraqi police officers on use of the Glock 19 pistol.

Chief Morris currently serves with the U.S. Air Force Reserve in the security forces at Maxwell Air Force Base in Montgomery, Alabama.

He holds a bachelor of arts degree in Criminal Justice from the University of Alabama, and is a graduate of the 224th Session of the FBI National Academy (March 2006).

Scott S. Phillips
Mr. Phillips is a Senior Analyst with the FBI’s Criminal Justice Information Services Division, located in Clarksburg, West Virginia. In this capacity, Mr. Phillips works extensively with the technical and operational aspects of the Interstate Identification Index (III) Program for both criminal and noncriminal justice purposes.

Major projects include: FBI staff support to the Joint Task Force on Rap Sheet Standardization, Project Manager for implementation of USA PATRIOT Act legislation within the FBI, Project Manager for the Fingerprint Submission Requirements Rule (Purpose Code “X”), and various other duties. These have included preparing technical enhancements for the National Crime Information Center 2000, providing analysis and support to the FBI’s Global initiatives program, providing staff support to the National Crime Prevention and Privacy Compact Council, as well as a variety of support projects that enhance the FBI’s role in providing both noncriminal and criminal justice services to its user community.

Mr. Phillips joined the FBI in 1997. Previous to that, he served from 1992 to 1997 as a Counterintelligence Agent for the U.S. Army, working as a Tactical Counterintelligence Agent in Germany, and as a Strategic Agent at Fort Meade, Maryland, investigating counterespionage cases.

Mr. Phillips holds a bachelor of arts in History from Shepherd College in West Virginia.

Charles A. Pruitt
Mr. Pruitt has served with the Arkansas Crime Information Center (ACIC) since 1972. During that time, Mr. Pruitt served as an Information Systems Agent, as Administrator of the Operations Division/Deputy Director and, currently, as Director.

He has served as the FBI’s Criminal Justice Information Services (CJIS) System Officer (CSO) for the State of Arkansas for 21 years. During his tenure as CSO, Mr. Pruitt served for 5 years as Chairman of the FBI CJIS Southern Region Working Group. He has been a member for the last 14 years of the FBI CJIS Advisory Policy Board (APB), where he chairs the APB’s Security and Access Subcommittee, and serves on the By-laws Subcommittee, the Public Safety Strategy Subcommittee, and the Executive Committee.

Mr. Pruitt also serves on the U.S. Department of Homeland Security’s Law Enforcement Intelligence and Analysis Forum, and is the governor-appointed Arkansas representative to the SEARCH Membership Group.

Mr. Pruitt holds a bachelor of Business Administration degree in Accounting from the University of Central Arkansas.

David G. Sim
Mr. Sim joined the Kansas Bureau of Investigation in 1990 as a Special Agent in the Narcotics Division. He was promoted to the Statistical Analysis Center in 1997 and was assigned to the Criminal Records Section of the Information Services Division, where he was responsible for the implemen-
Mr. Sim entered law enforcement after a 20-year career as a Military Police Officer in the U.S. Army.

**U.S. Department of Justice, Bureau of Justice Statistics**

**Vicky Tsaparas**

Ms. Tsaparas has served the Bureau of Justice Statistics, U.S. Department of Justice, as a Justice Statistics Policy Analyst since May 2005. Prior to this position, she worked for 2 years as a Federal Program Manager for the Office of Juvenile Justice and Delinquency Prevention under the Drug-Free Communities Support Program. In this role, Ms. Tsaparas worked extensively with community coalitions.

Her background also includes 2 years of conducting research at the Jefferson Institute for Justice Studies focusing on crisis response strategic planning. On the local level, Ms. Tsaparas devoted 3 years to working at a county circuit clerk’s office.

Ms. Tsaparas holds a master of science degree in Justice, Law and Society from American University in Washington D.C., and a bachelor of arts degree in Sociology from George Mason University in Virginia.

**SEARCH, The National Consortium for Justice Information and Statistics**

**Owen M. Greenspan**

Mr. Greenspan is Director of Law and Policy for SEARCH, The National Consortium for Justice Information and Statistics. SEARCH’s Law and Policy Program helps agencies and courts develop and implement responsible laws, policies, and practices to govern the collection, maintenance, exchange, sharing, and dissemination of justice information.

As Director, Mr. Greenspan oversees the program’s activities, which include researching and writing about issues that impact justice information management and policy, organizing conferences and workshops, establishing and supporting task forces, conducting surveys on issues pertinent to criminal record managers, providing technical assistance to justice agencies, and working collaboratively with governmental entities and other organizations to improve the quality of justice and public safety.

Mr. Greenspan joined SEARCH in 1995 as a Justice Information Services Specialist. He is SEARCH’s liaison with the Federal Bureau of Investigation on the Interstate Identification Index and standardized criminal
history record. He is also SEARCH’s lead investigator for biometrics applications. He has served as member and staff to numerous advisory groups and task forces, including the National Task Force on the Criminal Record Backgrounding of America, the National Task Force on the Role of the Private in the Use and Management of Justice Information, and the National Task Force on Court Automation and Integration.

Prior to joining SEARCH, Mr. Greenspan held several positions with the New York State Division of Criminal Justice Services, including Deputy Commissioner for Identification and Data Systems, and Deputy Commissioner for Municipal Police. He was also New York’s governor-appointee to the SEARCH Membership Group, and served as Vice Chair of the Membership Group and Board of Directors. He is retired from the New York City Police Department, where he held patrol, investigative, administrative, and supervisory positions.

Mr. Greenspan holds a master of professional services (MPS) degree in Criminal Justice from C.W. Post College of Long Island University, and a bachelor’s degree in Social Science from Fordham University, New York.

**Eric C. Johnson**
Mr. Johnson is a Justice Information Services Specialist for SEARCH, The National Consortium for Justice Information and Statistics. In this position, he conducts research on issues that impact criminal justice information management and policy; organizes conferences and workshops; establishes and supports task forces and focus groups; conducts surveys on pertinent issues; provides technical assistance to justice agencies; and contributes to SEARCH Web pages.

Mr. Johnson joined SEARCH in 1997 as a Writer/Researcher in Corporate Communications, where he provided writing, editing, and research support for corporate and program publications, products and resources, and assisted in Web content development. He joined SEARCH’s Law and Policy Program in 1999.

Mr. Johnson previously worked in the news media and trade press, public relations, and government. He holds a bachelor of arts in Journalism from San Francisco State University.

**Kevin M. Romero**
Mr. Romero is a Research Analyst for the Law and Policy Program of SEARCH, The National Consortium for Justice Information and Statistics. In this position, he conducts research on issues that impact criminal justice information management and policy, and provides support with conference and workshop organization, task force meetings, surveys, and SEARCH Web site content.

Before joining SEARCH in 2005, Mr. Romero was a Program Administrator for the California Comprehensive Cancer Control Program, where he developed community-government networks, organized workshops and conferences, and developed program Web sites and Web-based advocacy tools. He also was an Office Manager at the California First Amendment Coalition, where he helped coordinate annual conferences, board meetings, and special events for a state-wide membership, produced marketing materials, and maintained Web content. In positions with other California-based nonprofit organizations, he performed legislative bill tracking, event coordination, and Web content development, among other duties.

Mr. Romero has a bachelor’s degree in Information and Communication Studies, Instructional Technology and Business Administration from California State University, Chico.
Appendix 2:
FEMA Federal Register Notice of July 6, 2006, on “Privacy Act System of Records; Amendment to Existing Routine Uses”
DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Open Meeting, Board of Visitors for the National Fire Academy


ACTION: Notice of open meeting via conference call.

SUMMARY: In accordance with the Federal Advisory Committee Act, the Federal Emergency Management Agency announces the following committee meeting:

Name: Board of Visitors (BOV) for the National Fire Academy.


Place: Building H, Room 300, National Emergency Training Center, Emmitsburg, Maryland.

Time: July 25, 2006, 1:30–4 p.m.

Proposed Agenda: Review National Fire Academy Program Activities.

SUPPLEMENTARY INFORMATION: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, the Federal Emergency Management Agency announces that the committee meeting will be open to the public in the Emmitsburg commuting area with seating available on a first-come, first-served basis. The meeting is open to the public; however, telephone lines are limited. Members of the general public who plan to participate in the meeting should contact the Office of the Superintendent, National Fire Academy, U.S. Fire Administration, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1117, on or before July 21, 2006.

Minutes of the meeting will be prepared and will be available for public viewing in the Office of the U.S. Fire Administrator, U.S. Fire Administration, Federal Emergency Management Agency, Emmitsburg, Maryland 21727. Copies of the minutes will be available upon request within 60 days after the meeting.

The National Fire Academy Board of Visitors is administered by the United States Fire Administration, which is currently being transferred to the newly created Preparedness Directorate of the Department of Homeland Security.

During this transition FEMA, also part of the Department of Homeland Security, will continue to support this program as the new Directorate stands up. Ultimately this function will be transferred to the Preparedness Directorate.

Dated: June 28, 2006.

Charlie Dickinson, Deputy U.S. Fire Administrator.

[FR Doc. E6–10492 Filed 7–5–06; 8:45 am]

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[DOCKET ID FEMA–2006–0029]

RIN 1660-ZA05

Privacy Act System of Records; Amendment to Existing Routine Uses


ACTION: Notice of amendment to routine uses.

SUMMARY: In compliance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, FEMA gives notice that it intends to make several changes to its system of records entitled, FEMA/REG–2, Disaster Recovery Assistance Files, which was last published in the Federal Register on November 15, 2004 (69 FR 65615). As a result of experiences during Hurricane Katrina and questions raised about FEMA’s authority to share vital information needed to assist in disaster recovery and relief, FEMA is revising its Disaster Recovery Assistance Files system of records in several respects.

First, FEMA has modified the “Purpose(s)” section to add as a purpose of the system information sharing in the event of another Presidentially-declared major disaster or emergency that adversely impacts a significant portion of the United States. The information FEMA collects during its disaster assistance efforts can be of critical importance to State and local governments, private relief organizations, and law enforcement agencies, and although FEMA believes it has the authority to share information with these partners, it is revising its SORN to make transparent the fact that...
such sharing is a purpose of the system of records.

Second, FEMA intends to add new routine uses that allow for information sharing with Federal agencies, State and local governments or other authorized entities for the purposes of reuniting families, locating missing children, voting, and with law enforcement entities in the event of circumstances involving an evacuation, sheltering, or mass relocation, for purposes of identifying and addressing public safety and security issues. These routine uses are being added to resolve any ambiguities about FEMA’s authority to share information under these circumstances and to ensure that necessary information can be disseminated in an efficient and effective manner.

FEMA is also making some non-substantive editorial changes to its system notice. FEMA is eliminating routine uses that are related to internal, administrative processes including routine use “(k) Private Relief Legislation,” and “(p) Freedom of Information Act (FOIA) Discussions with Other Agencies Regarding DHS Documents and Vice Versa.” FEMA is deleting routine uses that are unnecessary including routine use “(h) Requesting Information” and routine use and “(i) Requested Information.”

The proposed revisions to this system of records will not change the type or amount of information collected from individuals who apply for disaster assistance. Instead, the revisions will change with whom that information can be shared and for what purposes. FEMA believes that these revisions will allow it to more effectively provide a full range of disaster assistance and meet its responsibilities to share critical information with other Federal, State, and local government agencies as well as private entities involved in various aspects of disaster recovery and relief.

In accordance with the requirements of 5 U.S.C. 552a(r), a report on the revisions to this system notice has been provided to the Office of Management and Budget and to Congress.

**DHS/FEMA–REG 2**

**SYSTEM NAME:** Disaster Recovery Assistance Files.

**SYSTEM LOCATION:** National Processing Service Center (NPSC) located at FEMA MD–NPSC, 6505 Belcrest Road, Hyattsville, MD 20782; FEMA VA–NPSC, 19044 Blue Ridge Mountain Road, Bluemont, VA 20135; FEMA TX–NPSC, 3900 Karina Lane, Denton, TX 76208; and FEMA PR–NPSC, Carr 8860, KM 1.1 Bldg T–1429, Trujillo Alto, PR 00976.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who apply for disaster recovery assistance through three different mediums including: (a) electronically via the Internet, (b) by calling FEMA’s toll-free number, or (c) through the submission of a paper copy of FEMA Form 90–69 following Presidential-declared major disasters or emergencies.

**CATEGORIES OF RECORDS COVERED IN THE SYSTEM:**

(a) Records of registration for assistance (Form 90–69, Disaster Assistance Registration/Application) include individual applicants’ names, addresses, telephone numbers, social security numbers, insurance coverage information, household size and composition, degree of damage incurred, income information, programs to which FEMA refers applicants for assistance, flood zones, location and height of high water level, and preliminary determinations of eligibility for disaster assistance.

(b) Inspection reports (Form 90–56, Inspection Report) contain individuals’ identifying information and results of surveys of damaged real and personal property and goods, which may include individuals’ homes and personal items.

(c) Temporary housing assistance eligibility determinations (Forms 90–11 through 90–13, 90–16, 90–22, 90–24 through 90–28, 90–31, 90–33, 90–41, 90–48, 90–57, 90–68 through 90–70, 90–71, 90–75 through 90–78, 90–82, 90–86, 90–87, 90–94 through 90–97, 90–99, and 90–101). These refer to approval and disapproval of temporary housing assistance and include: general correspondence, complaints, appeals and resolutions, requests for disbursement of payments, inquiries from tenants and landlords, general administrative and fiscal information, payment schedules and forms, termination notices, information shared with the temporary housing program staff from other agencies to prevent the duplication of benefits, leases, contracts, specifications for repair of disaster damaged residences, reasons for eviction or denial of aid, sales information after tenant purchase of housing units, and the status of disposition of applications for housing.

(d) Eligibility decisions for disaster aid from other Federal and State agencies (for example, the disaster loan program administered by the Small Business Administration, and disaster aid decisions of the State-administered Individual and Family Grants (IFG) and its successor program, Other Needs Assistance (ONA)) as they relate to determinations of individuals’ eligibility for disaster assistance programs.

(e) State files, independently kept by the State, which contains records of persons who request disaster aid, specifically for IFG and its successor program, ONA, and administrative files and reports required by FEMA. As to individuals, the State keeps the same type of information as described above under registration, inspection, and temporary housing assistance records. As to administrative files and reporting requirements, the State uses forms 76–27, 76–28, 76–30, 76–32, 76–34, 76–35, and 76–38. This collection of information is essential to the effective monitoring and management of the IFG and the ONA Program by FEMA’s Regional Office staff who have the oversight responsibility of ensuring that the State perform and adhere to FEMA regulations and policy guidance.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**


**PURPOSE(S):** To register applicants needing disaster assistance, to inspect damaged homes, to verify information provided by each applicant, to make eligibility determinations regarding an applicant’s request for assistance, and to identify and implement measures to reduce future disaster damage, and for other purposes identified in the “Routine Uses” section below, resulting from a Presidential-declared major disaster or emergency that adversely impacts a significant portion of the United States.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS or FEMA as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(a) FEMA may disclose applicant information to certain agencies as necessary and as described below to prevent a duplication of efforts or a duplication of benefits in determining eligibility for disaster assistance. FEMA shall only release as much information as is necessary to enable the recipient agency to determine eligibility for that agency’s particular assistance program(s). The receiving agency is not.
permitted to alter or to further disclose our disclosed records to other disaster organizations. FEMA may make such disclosures under the following circumstances:

(1) To another Federal agency or State government agency charged with administering disaster relief programs to make available any additional Federal and State disaster assistance to individuals and households.

(2) When an applicant seeks assistance from a local government agency or a voluntary organization (as defined at 44 CFR 206.2(a)(27), as amended or superseded) charged under legislation or charter with administering disaster relief programs, and FEMA receives a written request from that local government or voluntary agency that includes the applicant’s name, FEMA registration/application number, and damaged dwelling address. The written request must explain the type of tangible assistance being offered and the type of verification required before the assistance can be provided.

(3) To voluntary organizations (as defined at 44 CFR 206.2(a)(27), as amended or superseded) that have an established disaster assistance program to address the disaster-related unmet needs of disaster victims, are actively involved in the recovery efforts of the disaster, and either have a national membership, in good standing, with the National Voluntary Organizations Active in Disaster (NVOAD), or are participating in the disaster’s Long-Term Recovery Committee. When a voluntary agency satisfies all of the criteria listed in this sub-paragraph, FEMA may release lists of individuals’ names, contact information, and their FEMA inspected loss amount to the voluntary agency for the sole purpose of providing additional disaster assistance. FEMA shall release this information only while the period for assistance for the current disaster is open.

(b) When an individual’s eligibility, in whole or in part, for a DHS/FEMA disaster assistance program depends upon benefits already received or available from another source for the same purpose, FEMA may disclose information to relevant agencies, organizations, and institutions as necessary to determine what benefits are available from another source and to prevent the duplication of disaster assistance benefits (as described in section 312 of the Stafford Act).

(c) In response to a written request, FEMA may disclose information from this system of records to Federal, State, or local agencies charged with the implementation of hazard mitigation measures and the enforcement of hazard-specific provisions of building codes, standards, and ordinances. FEMA may only disclose information for the following purposes:

(1) For hazard mitigation planning purposes to assist States and local communities in identifying high-risk areas and preparing mitigation plans that target those areas for hazard mitigation projects implemented under Federal, State or local hazard mitigation programs.

(2) For enforcement purposes, to enable State and local communities to ensure that owners repair or rebuild structures in conformance with applicable hazard-specific building codes, standards, and ordinances.

(d) Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. 3325(d) and 7701(c)(1), FEMA is required to collect and release to the United States Department of the Treasury the social security number of the person doing business with FEMA, including an applicant for a grant. Therefore, FEMA will release an applicant’s social security number in connection with a request for payment to the U.S. Treasury in order to provide a disaster assistance payment to an applicant under the Individual Assistance program.

(e) FEMA may provide a list of applicants’ names, amounts of assistance provided, and related information to a State in connection with billing that State for the applicable non-Federal cost share under the Individuals and Households Program.

(f) When an applicant is occupying a FEMA Temporary Housing unit, FEMA may release only the location of the FEMA Temporary Housing unit to local emergency managers for the sole purpose of preparing emergency evacuation plans. FEMA shall not release any information on an individual, such as their name, type or amount of disaster assistance received.

(g) Where a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil or regulatory—the relevant records may be referred to an appropriate Federal, State, territorial, tribal, local, international, or foreign agency law enforcement authority or other appropriate agency charged with investigating or prosecuting such a violation or enforcing or implementing such law. In the event of circumstances requiring an evacuation, sheltering, or mass relocation, FEMA may also share applicant information with Federal, State or local law enforcement in order to identify illegal or fraudulent conduct and address public safety or security issues.

(h) To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

(i) To the National Archives and Records Administration or other Federal Government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. sections 2904 and 2906.

(j) To an agency, organization, or individual for the purposes of performing authorized audit or oversight operations.

(k) To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

(l) To the Department of the Treasury, Justice, the United States Attorney’s Office, or a consumer reporting agency for further collection action on any delinquent debt when circumstances warrant.

(m) To the Department of Justice (DOJ) or other Federal agency conducting litigation or in proceedings before any court, adjudicative or administrative body, when: (1) DHS, or any employee of DHS in his/her official capacity, or (3) any employee of DHS in his/her individual capacity, where DOJ or DHS has agreed to represent the employee, or (4) the United States or any agency thereof, is a party to the litigation or has an interest in such litigation.

(n) Reunification of Families: To a Federal or State law enforcement authority, or agency, or other entity authorized to investigate and/or coordinate locating missing children and/or reuniting families.

(o) Voting: To State and local government election authorities to oversee the voting process within their respective State/county/parish, for the limited purpose of ensuring voting rights of individuals who have applied to FEMA for Disaster Assistance, limited to their own respective State’s/county’s/parish’s citizens who are displaced by a Presidentially-declared major disaster or emergency out of their State/county/parish voting jurisdiction.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure under 5 U.S.C. 552a(b)(12): FEMA may make disclosures from this system to consumer reporting agencies as defined in the Fair Credit Reporting

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:
Interactive database, computer discs, and paper records in file folders.

RETRIEVABILITY:
By an individual’s name, address, social security number, and case file number.

SAFEGUARDS:
Only authorized individuals and FEMA employees have access to this information. Hardware and software computer security measures are used to control access to the data. Access to the data is based upon an individual’s position in FEMA and/or their designated duties. Individuals are assigned specific “rights” or specific access (e.g., read only, modify, delete, etc.). The access granted is based upon an individual’s position responsibilities for “official use” only. FEMA employees are allowed access to the data as a function of their specific job assignments within their respective organizations. Each FEMA employee’s access to the data is restricted to that needed to carry out their duties.

No individual applying for disaster assistance will have access to the entire database via the Internet. Applicants will have limited access to only their own information that they submitted via the Internet, and to the status of their own information regarding the processing of their own application (e.g. the status of required documentation, inspection status, or SBA status). Applicants are provided a Logon id, password, and Personal Identification Number (PIN) that connect only to the applicant’s data. The password and PIN ensures that the login id belongs to the applicant. Computer security software ensures that the login id is mapped only to the applicant’s data. Applicants will have access to only their own application information after FEMA assigns them a properly authenticated user id, password, and PIN. Applicants will be registered and authenticated in accordance with National Institute of Standards and Technology Level 2 Assurance guidelines.

RETENTION AND DISPOSAL:
Records covered by paragraphs (a) through (d) are covered by Records Schedule N1–311–86–1 4C7 and/or N1–311–86–1 4C10b and are destroyed after 6 years and 3 months. Records covered by paragraph (e) are covered by Records Schedules N1–311–86–1 4C7 and/or N1–311–86–1 4C10b and are destroyed 3 years after closeout.

SYSTEM MANAGER(S) AND ADDRESS:
Division Director, Recovery Division, FEMA, 500 C Street SW., Washington, DC 20472 and applicable Regional Directors, as listed in Appendix A(1).

NOTIFICATION PROCEDURE:
Requests for Privacy Act protected information generally are governed by DHS regulations found at 6 CFR part 5 and FEMA’s regulations at 44 CFR part 6. They must be made in writing, and clearly marked as a “Privacy Act Request” on the envelope and letter. The name of the requester, the nature of the record sought, and the verification of identity must be clearly indicated, as required by DHS regulation 6 CFR 5.21 and FEMA regulation at 44 CFR 6.30. Requests may also be sent to: Privacy Act Officer, DHS/FEMA Office of General Counsel (GL), Room 840, 500 C Street SW., Washington, DC 20472.

RECORD ACCESS PROCEDURES:
Same as the Notification Procedure above.

CONTESTING RECORD PROCEDURE:
Same as the Notification Procedure above. The letter should state clearly and concisely what information you are contesting, the reasons for contesting it, and the proposed amendment to the information that you seek pursuant to DHS Privacy Act regulations at 6 CFR part 5 and FEMA regulations at 44 CFR part 6.

RECORD SOURCE CATEGORIES:
Applicants for disaster recovery assistance, credit rating bureaus, financial institutions, insurance companies, and state, local and voluntary agencies providing disaster relief, commercial databases (for verification purposes).

EXEMPTIONS CLAIMED FOR THE SYSTEM:
None.


Maureen Cooney,
Acting Chief Privacy Officer.

Appendix A (1)—Addresses for FEMA Regional Offices

Region I—Regional Director, FEMA, 99 High Street, 6th Floor, Boston, MA 02110;
Region II—Regional Director, FEMA, 26 Federal Plaza, New York, NY 10278–0002;
Region III—Regional Director, FEMA, One Independence Mall, 615 Chestnut Street, Philadelphia, PA 19106–4404;
Region IV—Regional Director, FEMA, 3003 Chamblee-Tucker Road, Atlanta, GA 30341;
Region V—Regional Director, FEMA, 536 S. Clark Street, Chicago, IL 60605;
Region VI—Regional Director, FEMA, Federal Center, 800 North Loop 288 Denton, TX 76209;
Region VII—Regional Director, FEMA, 2323 Grand Boulevard, Kansas City, MO 64106–2676;
Region VIII—Regional Director, FEMA, Denver Federal Center, Building 710, Box 25267, Denver, CO 80225–0267;
Region IX—Regional Director, FEMA, 1112 Broadway St. Oakland, CA 94607;
Region X—Regional Director, FEMA, Federal Regional Center, 130 22nd Street, SW., Bothell, WA 98021–9796.

[FR Doc. E6–10640 Filed 7–5–06; 8:45 am]

BILLING CODE 9110–10–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5037–N–41]

Notice of Application for Designation as a Single Family Foreclosure Commissioner

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

Under the Single Family Mortgage Foreclosure Act of 1994, HUD may exercise a nonjudicial power of sale of single-family HUD-held mortgages and may appoint foreclosure commissioners to do this. HUD needs the notice and resulting applications for compliance with the Act’s requirements that commissioners be qualified.

DATES: Comments Due Date: August 7, 2006.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2510–0012) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

FOR FURTHER INFORMATION CONTACT: Lillian Deitzer, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Lillian.Deitzer@HUD.gov or telephone (202) 708–2374. This is not a toll-free number. Copies of available
Appendix 3:
Louisiana Act No. 714
AN ACT

To enact R.S. 29:731.2, relative to the Louisiana Homeland Security and Emergency Assistance and Disaster Act; to require any person applying to receive or receiving disaster assistance to provide identification information when requested to do so by a sheriff of the jurisdiction under certain circumstances; to provide for consent to provide certain information when applying for emergency assistance grants; to require a state or local agency who receives personal identification information to provide the information to a sheriff upon request; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:731.2 is hereby enacted to read as follows:

§731.2. Disaster assistance; identification

A. Any person who applies for or who is receiving disaster assistance from a state or local agency and who seeks to or is occupying space in an emergency shelter or emergency temporary residence, shall, if requested by a sheriff acting within his jurisdiction, produce credible, current, personal identification information.

B. Any person who applies for disaster assistance, by the fact of such application, shall be deemed to have consented to a request to provide personal identification information.
C.(1) Any state or local agency providing any form of disaster assistance to any person including but not limited to financial assistance, housing or shelter assistance, or emergency health care assistance in field hospitals or other structures used to provide emergency health service to evacuees, shall provide the personal identification information of such persons, if available, to the sheriff acting within his jurisdiction, upon general request by the sheriff.

(2) The provisions of Paragraph (1) of this Subsection shall not apply to any department or agency which is required, pursuant to a federal mandate and as a condition of receiving federal funding, to not release the identities to local law enforcement, but only to the extent of the federal mandate.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Appendix 4:
Louisiana Act No. 175
To enact R.S. 15:543.1, relative to sex offenders; to provide for the dissemination of information to sex offenders regarding protocol to be followed in emergency situations; to provide relative to the promulgation of an administrative rule by the Department of Public Safety and Corrections; to provide that the failure of an offender to comply with the emergency protocol provisions is a violation of a condition of parole; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:543.1 is hereby enacted to read as follows:

§543.1. Sex offenders; emergency situations

A. The Department of Public Safety and Corrections shall provide information to every sex offender who is under the supervision of the department with respect to the protocol to be followed in emergency situations. To implement the provisions of this Section, the department shall adopt rules in accordance with the Administrative Procedure Act which include but are not limited to the following:

(1) The establishment of a toll-free telephone number which shall be provided to each sex offender for use in contacting the department in emergency situations.
(2) Dissemination of information to each sex offender of his obligation to notify the management of an emergency shelter of his sex offender status in accordance with the provisions of R.S. 15:542 and of his obligation to report to the Department of Public Safety and Corrections, division of probation and parole.

B. For purposes of this Section, "sex offender" shall mean any person who has committed a sex offense as defined in R.S. 15:541(14.1).

C. The failure of the offender to comply with the provisions of this Section shall be considered a violation of a condition of parole and subject the offender to parole revocation.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________
Appendix 5:
Louisiana Act No. 285
AN ACT

To amend and reenact R.S. 15:545(A) and to enact R.S. 29:726(E)(14)(c), (d), (e), and (f), relative to functions of the Governor's Office of Emergency Preparedness and Homeland Security; to prohibit registered sexual offenders from being housed with other evacuees during a declared state of emergency or after a declared state of emergency; to provide relative to the sheltering of registered sexual offenders; to require each shelter to notify law enforcement of any evacuee being housed who is a registered sex offender; to provide immunity from liability; to require the Louisiana Bureau of Criminal Identification and Information to provide a copy of the central registry of sex offenders to each emergency shelter opened or operating in the state of Louisiana in certain emergencies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:545(A) is hereby amended and reenacted to read as follows:

§545. Duty of law enforcement

A.(1) It shall be the duty of the sheriff of every parish, the chief of police of each municipality, and every chief officer of every other law enforcement agency operating within this state to record the fingerprints of all persons held in or remanded to their custody when convicted of any sex offense for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon every arrest. The sheriff and the police chief or, if the residence is in a parish with a population in excess of four hundred fifty thousand, the police department shall forward the fingerprints and information obtained pursuant to R.S. 15:542 and 542.1 to the Louisiana Bureau of Criminal...
Identification and Information, hereinafter referred to as "the bureau" within five working days. The bureau shall maintain a central registry of sex offenders required to register under R.S. 15:542 and 542.1 and shall adopt rules, regulations, and policies in accordance with the provisions set forth pursuant to R.S. 15:547.

(2) Each emergency shelter opened or operating in the state of Louisiana in anticipation of a state of emergency being declared or a state of emergency having been declared in the state or any portion of the state shall either access the current sex offender information posted on the State Police Sex Offender and Child Predator Internet Registry or request that the Bureau of Criminal Identification and Information provide the shelter with a copy of the most recent central registry of sex offenders registered under provisions of R.S. 15:542 and 542.1.

*          *          *

Section 2. R.S. 29:726(E)(14)(c), (d), (e), and (f) are hereby enacted to read as follows:

§726. Governor's Office of Homeland Security and Emergency Preparedness;
authority and responsibilities

*          *          *

E. The office shall either directly or through authorized assignment to another state agency or department:

*          *          *

(14)

*          *          *

(c) Notwithstanding the provisions of R.S. 15:542 to the contrary and notwithstanding any other provision of law to the contrary, a proposed shelter component in the homeland security and state emergency operations plan effective during a declared state of emergency shall include the following requirements:

(i) That a registered sexual offender shall not knowingly be housed or sheltered in the same area with other evacuees.
(ii) That a registered sexual offender, if possible, shall be provided shelter or housing in an alternative shelter separate and apart from the general population of evacuees.

(d) Notwithstanding the provisions of R.S. 15:542 or any other provision of law to the contrary, a proposed shelter component in the homeland security and state emergency operations plan shall include after the termination of the declared state of emergency, the following requirements:

(i) That a registered sexual offender shall not knowingly be housed or sheltered in shelters, hotels, Federal Emergency Management Agency trailer parks, or any other housing funded by the Federal Emergency Management Agency where the general population of evacuees is staying.

(ii) That a registered sexual offender shall be provided shelter or housing in an alternative location separate and apart from the shelters, hotels, or Federal Emergency Management Agency trailer parks or any other housing funded by the Federal Emergency Management Agency where the general population of evacuees are staying.

(e) During and after termination of a declared state of emergency, any person, official, or personnel of a federal or state charitable organization or institution who becomes aware of the fact that there is a registered sex offender being housed in any shelter facility shall be required to notify and disclose to the sheriff of the parish and the chief of police of the municipality the identity of any registered sex offender housed, even in a separate area, in the shelter facility.

(f) During or after the termination of a declared state of emergency, any person, official, or personnel of a federal or state charitable organization or institution reporting in good faith the name of a registered sex offender housed in any
of their shelter facilities shall be immune from any civil or criminal liability which
might otherwise result by reason of such action.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ________________________

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
Appendix 6:
Louisiana Act No. 683
AN ACT

To amend and reenact R.S. 15:542(A)(2)(a), relative to registration requirements of sex offenders; to require sex offenders who enter an emergency shelter to notify the local sheriff; to provide notice to the chief of police in municipalities where a shelter is located; to provide for notice to the Louisiana Bureau of Criminal Identification and Information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:542(A)(2)(a) is hereby amended and reenacted to read as follows:

§542. Registration of sex offenders

A.

*     *     *

(2)(a) Notwithstanding any other provision of the law to the contrary, during a declaration of emergency, any person who has been required to register as a sex offender as provided for in this Section who enters an emergency shelter shall, within the first twenty-four hours of admittance, notify the management of the facility, the chief of police of the municipality, if the shelter is located in a municipality, and the sheriff of the parish in which the shelter is located of their sex offender status. The sex offender shall provide his full name, date of birth, social security number, and last address of registration prior to the declaration of emergency. Within seventy-two hours of receiving the notification required by the provisions of this
Subparagraph, the chief of police and the sheriff shall forward that information to the Louisiana Bureau of Criminal Identification and Information.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____________________
Appendix 7:
Texas Governor Proclamation of September 1, 2005
Proclamation
by the
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, RICK PERRY, GOVERNOR OF THE STATE OF TEXAS, do hereby certify that Hurricane Katrina, a disaster in sister states, has created an emergency disaster and emergency conditions for the people in the State of Texas beginning September 1, 2005.

THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby proclaim the existence of such a disaster and direct that all necessary measures, both public and private as authorized under Section 418.015 of the code, be implemented to meet that disaster.

As provided in Section 418.016, all rules and regulations that may inhibit or prevent prompt response to this threat are suspended for the duration of the incident.

IN TESTIMONY WHEREOF, I have signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 1st day of September, 2005

RICK PERRY(Signature)
Governor of Texas

Attested by:

ROGER WILLIAMS(Signature)
Secretary of State
Appendix 8:
Texas All Points Bulletin, “Criminal History Inquiry Checks on Hurricane Katrina Evacuees Relief Workers and Housing Providers”
Criminal History Inquiry Checks on Hurricane Katrina Evacuees Relief Workers and Housing Providers

Texas Law Enforcement Agencies will be allowed to perform background inquiries (QH, QR, QW) via TLETS on the above categories of individuals related to hurricane Katrina under the federal regulations regarding the emergency placement of children. Following are the conditions that must be followed for performing those searches:

1) The inquiry must be performed on a person related to hurricane Katrina for the purpose of protecting a child. For example, the relief worker who will come into contact with children, evacuees that will be placed in a home or an area with children, or a housing provider who will bring evacuee children into their home.

2) Federal requirements mandate that the inquiry must be followed up with fingerprints to the DPS, which will be forwarded to the FBI. Compliance with this requirement will be measured against the circumstances at the time of the inquiry.

3) There will be no charge for the subsequent fingerprint search. In order to insure that the submitting agency is not charged for the fingerprint search, the word “Katrina” must appear in the OCA field on the card itself.

4) The Inquiry must be done with Purpose Code “X” and the Requestor Field must begin with the word “Katrina” followed by the requestors name or other identifying information. For Example (“PUR/X” “REQ/KATERINA LT SMITH”).

A Wanted Persons (QW) inquiry may be run at this time. The information returned from these inquiries can only be used to make determinations about protecting a child and each local law enforcement agency must use their best judgment in using the information for that purpose. Remember that the information received from the criminal history (CCH/III) and violent gang and terrorist organization (VGTOF) file cannot be released.

These provisions are being made because of the extraordinary circumstances of the hurricane relief effort. Questions should be directed to the TCIC Control Room at CRDP or 512 424-2088, from where they will be routed for proper response.
Appendix 9:
Texas All Points Bulletin, “Criminal History Inquiry Checks On Hurricane Katrina/Rita Evacuees That Are Transitioning From Shelters To Permanent Housing”
Criminal History Inquiry Checks On Hurricane Katrina/Rita Evacuees That Are Transitioning From Shelters To Permanent Housing

FBI has recently indicated that the authority previously extended to local law enforcement agencies to check criminal history records of evacuees or persons providing services to the evacuees to protect children in shelters, temporary housing, etc., also include checks on persons moving into apartments and similar rentals. Accordingly, below is the updated policy, to include checks on prospective renters.

Remember:
No checks may be made after November 7, 2005.
The local law enforcement agency may only indicate a “yes or no” to the requestor. The criminal history information itself may not be released to them or anyone else.
Follow-up fingerprints must be submitted to DPS with the word “Katrina” in the OCA field.

UPDATED POLICY

Texas Law Enforcement Agencies will be allowed to perform background inquiries (QH, QR, QW) via TLETS on the above categories of individuals related to hurricane Katrina/Rita under the federal regulations regarding the emergency placement of children. Following are the conditions that must be followed for performing those searches:

1) The inquiry must be performed on a person related to hurricane Katrina/Rita for the purpose of protecting a child. For example, the relief worker who will come into contact with children, evacuees that will be placed in a home or an area with children, or a housing provider who will bring evacuee children into their home. The FBI has indicated that this includes requests from apartment providers who take in Katrina/Rita evacuees as new tenants.

2) Federal requirements mandate that the inquiry must be followed up with fingerprints to the DPS, which will be forwarded to the FBI.

3) There will be no charge for the subsequent fingerprint search. In order to insure that the submitting agency is not charged for the fingerprint search, the word “Katrina” must appear in the OCA field on the fingerprint card itself.

4) The Inquiry must be done with Purpose Code “X” and the Requestor Field must begin with the word “Katrina” followed by the requestors name or other identifying information. For Example (“PUR/X” “REQ/RITA SMITH”).
5) The authority to perform inquiries on Katrina/Rita evacuees will expire on November 7, 2005.

The information returned from these inquiries can only be used to make determinations about protecting a child - local law enforcement can only respond with a “yes” or “no” regarding the suitability of the individual to be in the proximity of children. Remember that the information received from the criminal history (CCH/III) and violent gang and terrorist organization (VGTOF) file cannot be released to the entity making the request nor to anyone else. Local law enforcement must use their best judgment in using the information for suitability determinations. The entity that requests that these types of checks be performed may provide local law enforcement with their suitability qualifications, however, DPS advises law enforcement agencies to consult with their city or county attorney for guidance on making suitability determinations.

A Wanted Persons (QW) inquiry may also be run at this time.

While law enforcement is authorized to perform these checks if requested to do so, there is no requirement that the agency fulfill the request. These provisions are being made because of the extraordinary circumstances of the hurricane relief effort. Questions should be directed to the TCIC Control Room at CRDP or 512 424-2088, from where they will be routed for proper response.
Appendix 10:
West Virginia State Police Letter of August 29, 2006
August 29, 2006

Eric Johnson
SEARCH
7311 Greenhaven Drive, Suite 145
Sacramento, California 95831

Dear Mr. Johnson:

We are pleased to be able to relate our experiences related to the evacuation of people pursuant to the Hurricane Katrina disaster last year. The decision was made by our Governor early on in the evacuation effort to offer the use of a West Virginia National Guard Base, Camp Dawson, as a refuge for persons being evacuated as a result of the hurricane. Due to the use of a military base and other factors, the decision was also made to conduct criminal background checks of persons being housed at that facility to ensure both the safety and security of persons being housed and the security of the facility. The logistical plan was to receive planes at Charleston, WV’s Yeager Airport and collect the fingerprints and information of evacuees as they arrived. Evacuees were met by State Police Personnel and, once they were medically evaluated, each person was met and fingerprinted and a photograph was taken in an effort to account for persons evacuated to our State. Persons were asked to show any form of identification and most had some form of ID on their person. Others did not and were simply asked to provide the information. The identification issue was not as of a serious concern as the fingerprints and photos of all 349 (adult and juvenile) evacuees were collected and ran through both our in-State AFIS and under Purpose Code X through CJIS. We immediately conducted name checks of the individuals and followed up with the fingerprint submissions. We made our State Police members assigned to provide security at the base aware of the status of all persons by relaying a copy of all returned record responses to our personnel assigned to the facility. The records were utilized to help make housing determinations and to assist in monitoring the activities of persons assigned to the base.

A breakdown of the adult record responses is as follows:

145 individuals with no identified criminal record
159 individuals with criminal records including:
1 wanted individual
77 listing violent offenses
77 listing non violent offenses
8 listing sexual offenses resulting in 3 individuals being registered as sex offenders

Equal Opportunity Employer
As a result of planning with all parties involved; West Virginia National Guard, Red Cross, Medical Personnel and our State Office of Emergency Services, we encountered little problem with the intake or identification of the individuals that were evacuated to our State. I am sure that it had to do with the small number of evacuees that were sent here during the effort. We had a planned and prepared system of intake through a central receiving point at the airport and believe that our intake system would have worked even if we had received larger numbers of evacuees.

If you have any questions related to West Virginia’s activities during the Katrina Event, please feel free to contact me. My number is 304-746-2177.

Sincerely,

F/Lt. M.G. Corsaro
Director - Criminal Records Section