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**JOE COOK**  
**EXECUTIVE DIRECTOR**

October 21, 2005

Council Member Cynthia Morrell  
1300 Perdido Street  
New Orleans, LA 70112

via facsimile 504-658-11048

Re: Re-Opening of the Orleans Parish Prison

Dear Council Member Morrell:

The city-owned Orleans Parish Prison (OPP) was engulfed by Hurricane Katrina, abandoned by correctional staff, and then haphazardly evacuated in the five days after the storm struck. Since the evacuation, the 6500 prisoners previously confined at OPP have been housed in a number of other prisons and makeshift shelters. However, at least some of these prisoners may soon be returning to OPP.

The ACLU understands that Sheriff Gusman intends to re-open at least one OPP building, the House of Detention, within the next week. We have serious concerns about whether this facility will be safe for occupancy and adequately staffed with deputies and medical personnel by next week. The ACLU calls upon the New Orleans City Council – which exercises control over the OPP compound and bears some responsibility for the well-being of prisoners housed there – to schedule an immediate hearing on plans to re-open the House of Detention or other OPP buildings.

The ACLU's request for an immediate hearing on this issue is prompted by disturbing facts that have surfaced in recent weeks about the destruction at the jail following Hurricane Katrina and the fate of many OPP prisoners who were not promptly evacuated. As described by corrections deputies, OPP staff and prisoners, and as reported in the *New Orleans Times-Picayune*, the jail plunged into chaos after Katrina hit. The generators failed on Monday, August 29, leaving the buildings without power, light, circulated air, or working toilets. The next day, the jail ran out of food. Deputies walked off their posts. Prisoners and staff broke windows to get fresh air, and set fires to signal to those outside the jail that they were trapped inside. The dwindling security force struggled to maintain order, as prisoners broke open cell and security doors. Many OPP prisoners were not evacuated until Thursday, September 1, four days after the flood-waters in the jail had reached chest-level.<sup>1</sup>

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<sup>1</sup> See Michael Perlstein, Prison Became Island of Fear and Frustration, *New Orleans Times-Picayune*, Sept. 23, 2005, available at [http://www.nola.com/weblogs/print.ssf?mtlogs/nola\\_tporleans/archives/print082074.html](http://www.nola.com/weblogs/print.ssf?mtlogs/nola_tporleans/archives/print082074.html).

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Even the limited news reports on the conditions at OPP after the storm suggest that the Sheriff's department failed to devise and implement an evacuation plan and left thousands stranded at the jail for days, as chaos reigned and the toxic waters rose. In light of these horrifying facts, it is imperative that the City Council gather information to ensure that the prisoners now being returned to OPP can be safely and humanely housed at the jail. The Council should schedule an immediate hearing on this issue, at which Sheriff Gusman should be asked to provide answers to the following questions, among others:

1. Which OPP buildings will be re-opened and when?
2. Have these buildings been inspected by the proper officials and the fire marshal and certified as safe for occupancy?
3. How many deputies will be available to staff these buildings?
4. Who will be providing on-site medical services?
5. Who will provide emergency medical services for returned OPP prisoners given that both Charity and University Hospitals are closed?
6. Is there an evacuation plan for these buildings? Has it been revised since Hurricane Katrina?

Of the many victims of Hurricane Katrina, the prisoners at OPP were among the most vulnerable, and many suffered greatly. In this time of unprecedented public accounting, the City Council has a particular obligation to do what it can to protect the rights of these prisoners and to prevent certain institutional failures from being repeated. We ask Council Members to fulfill this obligation by holding a public hearing on the re-opening of the Orleans Parish Prison, and to do so before any prisoners are returned there.

Sincerely,

Joe Cook, Executive Director  
ACLU of Louisiana

Endorsed by: National Lawyers Guild

CC: Mayor Ray Nagin via fax 504-658-4959