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## II. PREPARING FOR THE STORM

*“We’re going to keep our prisoners where they belong.”<sup>1</sup>*

In the days leading up to Hurricane Katrina’s landfall, local, state, and federal officials were taking steps to prepare for the storm.<sup>2</sup> According to a report issued by the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, the Federal Emergency Management Agency took efforts that “far exceeded any previous operation in the agency’s history.”<sup>3</sup> On Saturday, August 27, Louisiana Governor Kathleen Babineaux Blanco asked President Bush to “declare an emergency for the State of Louisiana due to Hurricane Katrina for the time period beginning August 26, 2005, and continuing.”<sup>4</sup> Later that day, the President declared an emergency for the state of Louisiana.<sup>5</sup> The next day, Governor Blanco again wrote to President Bush, asking that he “declare an expedited major disaster for the State of Louisiana as Hurricane Katrina, a Category V Hurricane, approaches our coast . . . beginning on August 28, 2005 and continuing.”<sup>6</sup> The next day, President Bush declared a major disaster for the state of Louisiana.<sup>7</sup>

The evacuation of southeastern Louisiana began on Saturday, August 27. Governor Blanco and Louisiana state agencies implemented an emergency evacuation plan that called for communicating with the public and opening up roadways on major highways to avoid congestion (the “Contraflow Plan”).<sup>8</sup> Although several parishes called for mandatory evacuations, and New Orleans Mayor C. Ray Nagin declared a state of emergency for the city, the Mayor did not order a mandatory evacuation of Orleans Parish. Instead, he recommended only that people living in certain areas of the city begin to evacuate.<sup>9</sup>

On the morning of Sunday, August 28, Governor Blanco and Mayor Nagin called a press conference at which the Mayor declared the first mandatory evacuation of New Orleans in the city’s history. Mayor Nagin recognized that the city was “facing a storm that most of us have feared,” and he emphasized, “the first choice for every citizen is to figure out a way to leave the city.”<sup>10</sup>

Mayor Nagin’s mandatory evacuation order for Orleans Parish excluded “[e]ssential personnel of the Orleans Parish criminal sheriff’s office and its inmates.”<sup>11</sup> When the Mayor began to field questions, he was asked about the decision not to evacuate the prisoners in OPP. Mayor Nagin referred the

question to Sheriff Gusman, who responded: “[W]e have backup generators to accommodate any power loss. . . . We’re fully staffed. We’re under our emergency operations plan. . . . [W]e’ve been working with the police department—so we’re going to keep our prisoners where they belong.”<sup>12</sup>

One day earlier, across town from OPP, the Louisiana Society for the Prevention of Cruelty to Animals (“LSPCA”) made a different decision regarding the welfare of the 263 stray pets that were in their care.<sup>13</sup> Despite the fact that on Saturday morning the wind had not yet begun to blow, LSPCA staff

packed up all of the animals and evacuated them to safety. Before doing so, they took digital photographs of every single animal.<sup>14</sup> LSPCA staff “made sure each pet’s paperwork was in order. And we IDed each collar; we had a tracking system in case any animal got separated from their paperwork.”<sup>15</sup> Although the process of moving 263 dogs and cats was difficult, the decision to evacuate was not; the animal shelter’s emergency policy unambiguously required an evacuation “for Category 3 hurricanes and above.”<sup>16</sup>

## A. What Makes a Good Emergency Operations Plan?

Having an emergency preparedness plan is critical for both public and private institutions, particularly prisons and jails, which “are responsible for the safety of large numbers of individuals who are usually locked up and cannot protect themselves in many emergency situations.”<sup>17</sup> In 2005, the U.S. Department of Justice, National Institute of Corrections, published *A Guide to Preparing for and Responding to Prison Emergencies* (the “NIC Guide”).<sup>18</sup> The NIC Guide contains a self-audit checklist of hundreds of questions that a facility’s commanders should ask to assess the facility’s emergency readiness. The questions address a prison’s written policies, its training practices, and the organizational structure needed to maintain command and control. The checklist is intended to serve a variety of functions, such as providing “management with an objective assessment of the progress and status of the emergency system” and creating an “opportunity to evaluate or reevaluate resource allocation.”<sup>19</sup> The “ultimate goal” of an audit is to “improve the system.”<sup>20</sup> The self-audit checklist contains questions regarding:

### EMERGENCY GENERATORS<sup>21</sup>

- Is there an emergency generator?
- Is the emergency generator adequate to run critical areas of the institution and critical equipment safely for 24 hrs?
- Are staff trained to know which systems will be run on emergency power and which will be inoperable during a main power outage?
- Do all emergency generators have sufficient fuel to run for a minimum of 72 hours continuously?
- If the emergency generators must be started manually in the event of a main power outage, are there staff on duty on a 24-hour basis who are trained to start and operate those generators?

### OFFSITE EVACUATIONS<sup>22</sup>

- Is there an offsite evacuation plan?
  - If yes, does the offsite evacuation plan include the following:
    - Potential destinations?
    - Specific transportation alternatives?
    - Security procedures during evacuation?
    - Which inmate records must be moved with inmates?
    - Procedures for providing medical services during and after the evacuation?
    - Provisions for coordinating with local and state police during the evacuation?
    - Arrangements for meal services at the new location?
    - Arrangements for inmate identification and count at the new location?
    - Arrangements for housing and security at the new location?
    - Predetermined evacuation routes?
    - Procedures for protection or destruction of confidential records that cannot be evacuated?

### MEDICAL SERVICES<sup>23</sup>

- Is there a comprehensive medical plan for an institutional emergency?
- Does the plan include mass casualties/triage?
- Are staff trained in blood-borne pathogen precautions?
- Is a location other than the infirmary identified for mass casualties/triage?
- Does the institution have an emergency-equipped medical crash cart?
- Are there adequate numbers of gurneys?
- Are backup medical resources for emergencies identified in the community?

The NIC Guide contains a separate checklist to test a prison or jail's readiness to prepare for and respond to natural disasters. Natural disasters are different from other types of emergencies, because the proper response may require an offsite evacuation of the entire prisoner population. Given the unique challenges raised by natural disasters, a special degree of preparation is also needed. The natural disaster checklist contains additional questions regarding:

#### **GENERAL CONSIDERATIONS<sup>24</sup>**

- Does the institution have policies in place specific to natural disaster planning, response, and recovery operations?
- Does the institution conduct routine training in natural disaster response, including drills and exercises?
- Does the institution have current mutual aid agreements with outside agencies to coordinate response activities during a natural disaster?
- Does the institution have emergency response plans and checklists specific to natural disaster response?
- Has the institution identified supplies and equipment that may be needed in a natural disaster (water, tents, portable toilets, portable lighting, blankets, etc.)?
- Does the institution have evacuation and relocation plans, alternative sites selected, and arrangements and agreements for natural disasters?
- Does the institution have a plan to operate the institution with reduced staffing levels should a natural disaster make that necessary?
- Does the institution have an emergency staff services (ESS) program to respond to staff and staff family needs in the event of a natural disaster?
- Has the institution planned for 'desert island operations' (operating for an extended period without contact or assistance from outside) in the event of a natural disaster?
- Is the institution prepared to maintain security and essential services, in the event of loss of power or other utilities, for as long as 72 hours?
- Does the institution have a 3-day supply of potable water onsite or an alternate water supply system?
- Does the institution have a 3-day supply of food that would not need cooking?
- Does the institution have a 3-day supply of medications for inmates onsite?
- Do staff and inmates participate in severe weather drills?

#### **FLOOD DISASTERS<sup>25</sup>**

- Has the institution conducted a thorough risk assessment of vulnerable areas and equipment in the event of rising water?
- Does the institution have detailed plans for a complete offsite evacuation in the event of a flood?
- Have those offsite evacuation plans been reviewed carefully within the past 12 months?
- Has the institution practiced or drilled with a flood-related offsite evacuation scenario within the past 24 months, at the level of table-top exercise or above?
- Does the institution have a plan for moving expensive or crucial equipment in the event of rising water?
- Is the institution's offsite evacuation plan for flood developed in stages, so it could be enacted in response to predetermined flood stages or severity of warning?
- Do the institution's flood plans include an analysis of which access and egress routes would be rendered unusable at various flood stages, along with alternate access and egress plans for those flood stages?

#### **HURRICANE DISASTERS<sup>26</sup>**

- Is there a plan for managing the inmate population while waiting to see if a hurricane actually will hit the institution?
- Have staff received any training specifically on preparing for and responding to a hurricane within the last 24 months?
- Do the institution's hurricane plans include an assessment of potential for localized flooding?
- Do the institution's hurricane plans include an assessment of the vulnerability of various utilities?
- Does the institution have portable water pumps?

## GLYENDALE AND COREY STEVENSON

**M**y son, Corey, was 15 years old when the hurricane hit New Orleans. Before the storm, I used to visit my son at OPP every Thursday. The last time I saw him was in August 2005, the Thursday before the storm hit. Now it is June 2006 and I still have not seen him.

When the storm hit, at first my family wasn't going to leave. The day before the storm, we went to a hotel room and stayed there. I tried to make contact with my son to see if he was okay, but I couldn't get through to the jail. After the hurricane hit, by the grace of God they let us come home to get our things. Our telephone was still on and I tried reaching the jail again—still no answer. We packed up our things and left on September 1, 2005.

After the storm I called all of the jails I could, trying to find my son. I kept bothering the jails, but no one was giving me any information. I was calling radio stations trying to get information and was given different numbers.

I heard stories on the news that they had inmates floating out on the water, that some had drowned. I was hysterical, not knowing where my child was, not knowing if he had eaten, not knowing if he was one of the body count. It was a mess.

It wasn't until a month and a half later that I finally found out that he was okay. The reason the jails couldn't find him was because he was a juvenile being held as an adult, so no one had him listed. I finally got through to Winn Correctional Center, and they told me that they had my son for a week or so



after the storm. When they found out he was only 15 years old, they shipped him to Tallulah.

At Tallulah, Corey was being housed with adults; they said, "you came in with adults, you stay with adults." He got beat up there by two adult inmates. They split Corey's jaw open and gave him a black eye. I still couldn't go to see him. They put him in isolation and told me he didn't have any privileges because he was an evacuee and was only there temporarily.

When I called Tallulah, they wouldn't let me talk to my son, and they told me that the inmates were not able to make phone calls because they were in isolation. But I kept calling. I just wanted someone to let him know I was calling, hoping they would let him make just one call. I was also worried because my son takes medication for Attention Deficit Disorder and another behavioral disorder. He received that medication when he was on the street, and he also received it at the juvenile facility where he was previously held. When he got to OPP, they didn't give him medication. They said Corey "should've thought of that before he did what he did." I was told they don't administer meds to juveniles housed with adults at OPP. After the storm, Corey still didn't get his medication. I think he first got the medication in April, over seven months after the storm hit.

The deputies at the prison told me

he would be able to make phone calls in one week. We were staying with other people, but we went back home because we had telephone service in case Corey called. We went home even though it wasn't a place to be.

When I finally got to speak with my son, to tell him that we wasn't home and that we had evacuated, he had a lot of things to tell me about what happened at OPP during the storm. He had a lot of things to tell me but he couldn't because they only gave him three minutes on the phone. The funny thing is that my son had the opportunity to escape and come home. At least then I would have known that he was okay; I could've turned him in later, as long as I knew he was okay.

About two months ago, my son was moved to Forcht-Wade Correctional Center, which is over 300 miles away from New Orleans. When he was there, he called me on the phone every weekend, but I still couldn't visit him. Because he was getting his medication, he was doing a lot better. He was able to focus, he could write. He is 16 years old now and he hasn't even been to court. In May, I went to court in New Orleans when I found out that his case was supposed to be heard. The judge was there, a lawyer was there for my son, and I was there, but Corey was still up at Forcht-Wade, so the case was continued. That was the third time his case was called in New Orleans,

and the third time his case was continued because they hadn't brought him back to New Orleans to see the judge. I went again in June, this time with my husband and Corey's two younger brothers. I called Forcht-Wade the day before the court date to make sure they brought Corey to New Orleans. The people I spoke to said they had no idea he had a court date at 9am the next day, but they promised to get him to New Orleans. Before arriving in court I called Forcht-Wade again, and they confirmed that he had been sent to New Orleans.

When I walked into that courtroom, I looked around and I couldn't see my baby. I wanted to see him so bad, but he wasn't there. An attorney for the ACLU called Forcht-Wade, and they said they had sent Corey to New Orleans early in the morning, and that he arrived in Orleans Parish Prison at around 8am. The Sheriff's deputy in the courtroom said that they only bring inmates to the court twice a day and they had already brought all of the inmates for the morning court hearing. Corey's lawyer told the judge that my son was sitting in the jail, just two blocks away, but the judge decided to set a trial date for my son without bringing him to court.

After that was done, I went to Central Lock-Up to see my son, but they don't allow visitation for inmates in Central Lock-Up. Corey has been locked up for over one year, and he was finally back in New Orleans and I couldn't even see him. One deputy allowed Corey to call me on my cell phone, and it was good to hear his voice, but I wish my other sons had a chance to see their brother.<sup>27</sup> ■

## B. What Was the Emergency Operations Plan at OPP?

Several months before Hurricane Katrina hit New Orleans, the DOC contacted the Orleans Parish Criminal Sheriff's Office to schedule a meeting regarding the evacuation plan of OPP; that meeting never occurred.<sup>28</sup> The day before the storm, Sheriff Gusman stated that the prison was operating under its emergency operations plan. But in the aftermath of Hurricane Katrina it became clear that the plan the Sheriff was relying on did not exist, was inadequate to provide guidance to staff and prisoners, or was ineptly executed.

Days before the storm, the DOC offered to assist local sheriffs in evacuating their prisoners. DOC successfully evacuated Plaquemines Parish Prison and St. Tammany Work Release on August 27, and completed the evacuation of St. John Parish Prison, Lafayette Community Correctional Center and Lafourche Work Release by the afternoon of August 28.<sup>29</sup> Sheriff Gusman declined the DOC's offer to assist in the pre-storm evacuation of OPP.<sup>30</sup> "We knew it was headed there," said Warden Jimmy LeBlanc of Dixon Correctional Institute, a state prison in central Louisiana, north of Baton Rouge. "We need to have contraflow emergency evacuation plans for corrections."<sup>31</sup>

But according to a technical assistance report commissioned by the Louisiana DOC, the contraflow plan for southeastern Louisiana *does* address the evacuation of prisons. According to that report, the evacuation of prisons in southeastern Louisiana is supposed to occur during a "specific window[] of time, but much earlier than the general population evacuation."<sup>32</sup> It is not clear whether this plan pertains only to DOC facilities, or if it applies more broadly to all prisons and jails in southeastern Louisiana. The DOC denied a Public Records Act request by the ACLU of Louisiana to review that portion of the plan.<sup>33</sup>

The scene that developed inside OPP was "nothing but chaos," according to Brady Richard, the jail's Medical Supply Officer at the time of the storm. "People need to understand that we just should never have been in there in the first place."<sup>34</sup> One deputy who was present throughout the storm agrees, noting: "It wasn't like there weren't people telling the sheriff you need to move these inmates out before the storm hits. It should have been done and would have kept everybody out of harm's way. . . ."<sup>35</sup> Another deputy explains that he faults Sheriff Gusman "for not reacting sooner. When he knew the water was going to rise up—on the 30<sup>th</sup> at the latest we should have been evacuated."<sup>36</sup>

The Sheriff's decision not to evacuate OPP when DOC first offered to assist also hindered the rescue efforts. Due to the late notice provided by OPP, some of the buses that DOC could have used for the rescue were already being used to transport prisoners *back* to facilities that had been evacuated earlier, and were not damaged by the storm.<sup>37</sup> Speaking months after the storm, a DOC spokesperson acknowledged, "[w]e had not planned for the evacuation of the entire Orleans Parish Prison all at one time and we did not plan for the fact that we would only have a certain amount of time because the water was still rising."<sup>38</sup>

Rather than evacuate, OPP opened its doors on August

28 to several hundred additional adult and juvenile prisoners from St. Bernard Parish, as well as juveniles from YSC. Because of a lack of space, the male prisoners from St. Bernard Parish were placed in a gymnasium on the first floor of the Templeman III building. In addition to importing additional prisoners, OPP also allowed family members of the deputies and staff at OPP to remain in the prison buildings, along with people from the neighborhoods around the jail.

Only after the storm did it become clear how horribly ill-prepared OPP was for Hurricane Katrina. According to one employee, Sheriff Gusman held a meeting on Sunday, August 28 to discuss hurricane preparedness. When notified that the jail was the least prepared for a storm it had ever been, and that there was insufficient water, flashlights, batteries, and food, the Sheriff reportedly stated: "Those are incidentals, and we'll deal with them later."<sup>39</sup>



## BRADY RICHARD, MEDICAL SUPPLY OFFICER

*From the veranda of the CCC building, I could see snipers on the roof of the HOD building shooting at inmates ... I remember thinking: "What in the hell have I gotten myself into?"*

**A**t the time of the storm, I had been working for the Orleans Parish Prison for less than one year. I was the Medical Supply Officer, which meant that I was in charge of purchasing medical supplies and distributing them to the 10 medical clinics in the prison system. In the days before the storm, I was not consulted about making any preparations for the storm. I was only told that I had to report to duty on Sunday evening, August 28. My supervisor, the Medical Director, was not included in any of the planning meetings for the storm either. I was told that on the Sunday of the storm, the Sheriff held a meeting with the ranking officers. At that meeting I understand it was brought to the Sheriff's attention that there were insufficient amounts of supplies needed for the storm.

When the storm made landfall, I was in the Community Correctional Center ("CCC") building on Gravier Street. The situation there deteriorated as the water rose. There appeared to be little communication with the inmates. As time passed the inmates became more volatile; they were breaking through concrete walls, yelling and chanting in unison, banging loudly, and knocking out exterior windows. They were in the dark for days and went without food or water for extended periods of time. The situation became too unsafe for medical personnel to distribute medication to them. I was unable to access my office and supply rooms on the 5<sup>th</sup> Floor of the building. Instead I set up a makeshift supply room and medical triage in the IT department on the 1<sup>st</sup> Floor from which I worked with doctors and nurses treating patients. It was really hot and stuffy in the 1<sup>st</sup> Floor administration area of the jail, and conditions had to be much worse on the prisoners' tiers.

On Tuesday night, I was sent out to the HOD building located on Per-

dido Street to deliver medical supplies. I was brought there by boat, but had to wade through chest-deep water from the entrance of the building to the stairwell inside that was filled with feces, diesel fuel, dead rats, garbage and other debris. It took about seven trips through the flooded halls to deliver everything. After making the last trip I sat in an empty boat that was tied to the entrance of the building for about 11/2 hours while waiting for another boat to transport me back to the CCC building. As I sat there in the dark night above at least six feet of water an eerie red glow illuminated the dark water as the electrical systems of the submerged vehicles shorted out. It was then that I reached a real low point as the severity of the situation began to set in to my mind and as I listened to the cries for help from civilians trapped in their nearby homes as the floodwaters rose inside of them.

Conditions continued to deteriorate and really took a turn for the worse just as I was approaching the CCC building on my return trip. The building's generators failed as the electrical systems in the basement became flooded. There were at least 200 frightened civilians (family members of employees) who had taken refuge at the prison now all in total darkness camping out on the 1<sup>st</sup> Floor veranda of the building. The deputies and the staff were rationing our food; one of my employees who had sought refuge at the prison with her family had an orange and some sliced bread, and she said it was what was given for breakfast. No one, including the deputies, seemed to know when or whether help was going to arrive. The administration and the Sheriff failed us miserably and communication was non-existent. At one point in CCC, the inmates breached walls and gained access to the entire building down to the 1<sup>st</sup> Floor; there was only one last door

separating them from the employees and civilians. The employees broke cots to use the wooden legs for protection. One deputy grabbed a curling iron to protect herself. Can you imagine how unprotected we felt? Conditions became better when the Department of Corrections arrived in armored gear to secure the building and assist in the evacuation of the inmates.

From the veranda of the CCC building, I could see snipers on the roof of the HOD building shooting at inmates. At the time I thought they were shooting real bullets, but I was later told that they were shooting rubber bullets at inmates who were trying to escape. At the same time that guards were shooting they were yelling "Get back, get back! Don't jump!" I remember thinking: "What in the hell have I gotten myself into?" I thought I was in a war zone. From my angle I could not see who was hit or whether there were injuries, but I guess that over a couple of days they fired dozens of shots. From the veranda of CCC, I could see doors open on the 3<sup>rd</sup> Floor of the Templeman III building, and there were sheets hanging out. The doors probably once opened onto a fire escape, but there was no fire escape that I could see.

I arrived at the jail on Sunday at around 5 pm, and I left on one of the last boats out on Friday afternoon around 4 pm. When I got to the Broad Street Overpass, I had to climb down scaffolding to get on a bus. There was no meeting of staff or deputies before we got on the bus, and we did not even know where the bus was going. The Medical Director did his best to keep the medical staff together so that wherever we ended up we would end up together—at least then our group could pool our resources and work together as a unit to help one another. We ended up at the Lions Club Hall in Gray,

Louisiana, near Houma. Sheriff Gusman got on a stage with the owners of the building and some dignitaries. He told everyone that we "should be thankful to these two gentlemen for taking us in and opening their building for us" and "you should be appreciative because they could be at home in their recliners watching television. Instead they opened their building up for you." The Sheriff then chastised the employees to contain their children and to respect the building. He stated: "I'm not sure what you'll eat tonight, but we'll try to get something hot for you tomorrow." He then left the facility without even thanking his employees. Luckily, the people of Houma began showing up with food and supplies for us. Dominos donated pizza for us also. Some people from the community offered to wash clothes and offered to let anyone shower in their homes. The medical staff took turns using one another's cell phones and chargers to make calls for help. That night I was finally able to get a call out to a friend who came to get me. I was luckier than others who were still at the facility a week later.

After the storm, in the local paper's online forum, I posted a response to a request for information about an OPP employee. I provided the person with factual information about our evacuation and made some general comments about how people were treated at OPP. The comments were posted on the general forum instead of a private message. I have been told that Sheriff Gusman does not want anyone who was not 100% behind him to return to the Sheriff's Department. It seems that his method of damage control is to just not acknowledge certain things or people. My request for information regarding the status of my employment and my desire to continue my health care benefits under the Consolidated Omnibus Budget Reconciliation Act ("COBRA") has been ignored.<sup>40</sup> ■

So what was the emergency operations plan in place at the time of the storm? The ACLU of Louisiana filed written requests to state and local officials, including Sheriff Gusman, for any evacuation plans that were in place for OPP on August 26, 2005.<sup>41</sup> Although the Louisiana Public Records Act requires that government officials respond to such requests within three business days, the Sheriff failed to respond for over seven weeks. Only after the ACLU of Louisiana sued the Sheriff for violating state law did the Sheriff's attorney respond to the request.<sup>42</sup> That response contains the cryptic statement: "All documents re[garding] evacuation plans were underwater—can't find any now."<sup>43</sup>

It defies common sense that all copies of the evacuation plan were destroyed in the storm, since each staff member who was responsible for carrying out the evacuation should have had a copy. However, long-time deputies at OPP state that they knew of no evacuation plan. Christina Foster served as a deputy in HOD for over two and a half years prior to Hurricane Katrina. According to Deputy Foster, the only plan she knew of to evacuate the building was the fire escape route displayed on the walls of the jail.<sup>44</sup> Rhonda Ducre, also a deputy in HOD, agrees: "I've been here four years and it's always the same old thing when hurricanes come. There's no plan."<sup>45</sup> Another OPP deputy who joined the Sheriff's office in 2002 recalls that there was "no training for emergencies in the training back in 2002. I'm certified to carry a firearm and every year we go and get re-certified. Initial training for deputies went on for like three months. We had a 90-hour course, and then we went to work and to academy class at the same time. We didn't even have fire drills. Only way we knew about fire exits is because they had posters on the wall, but no one ever told us."<sup>46</sup> Speaking with a reporter shortly after the evacuation, Deputy Luis Reyes said prisoners in CCC "had been escaping throughout the night because we were so shorthanded. People just did not come in. There was no plan for this situation."<sup>47</sup>

At the same time that the Sheriff said that all evacuation plans were underwater, he provided the ACLU of Louisiana with an undated, two-page document entitled "The Orleans Parish Criminal Sheriff's Office Hurricane/Flood Contingency Plan" (the "Contingency Plan").<sup>48</sup> It is unclear whether this plan even existed at the time of Hurricane Katrina, or whether it was hastily prepared in response to the public records request.

The deficiencies in the Contingency Plan are so vast that it would have been of little use even if it had been executed to perfection.

## Flaws in the Contingency Plan

The Contingency Plan provides no information about how to manage the prison population in advance of an expected hurricane.

The Contingency Plan contains no information about how to conduct an offsite evacuation of the prison buildings in the event of an emergency.

The Contingency Plan requires that generators be fueled and tested to ensure that they are operational, but makes no mention of the fact that generators must be placed above 100-year flood levels in order to ensure that they remain effective throughout an emergency. The Contingency Plan also makes no mention of what essential services should be supplied power in the event of an emergency.

The Contingency Plan requires that departmental vehicles and watercraft be fueled and tested for proper operation, but it does nothing to ensure that enough vehicles are available to evacuate thousands of individuals in the event of an emergency.

The Contingency Plan states that each building shall be stocked with a 96-hour supply of food and water, but says nothing about how food and potable water will be distributed to staff and prisoners during an emergency.

The Contingency Plan states that the Sheriff shall meet with the Wardens of each building 24 hours prior to the storm to discuss the provision of medical services during an emergency, but says nothing about how medical services will be administered to staff and prisoners during an emergency. The Contingency Plan also makes no mention of whether prisoners who are particularly vulnerable should be evacuated in advance of other prisoners.

The Contingency Plan provides no information on what training staff members and prisoners should receive on proper evacuation procedure.

The Contingency Plan states that if a housing area is “rendered unfit for habitation for a period exceeding 12 hours,” the Sheriff shall call for an “emergency evacuation of the affected building(s),” and that such an evacuation will be “coordinated by the Sheriff with the La. DOC, the La. Sheriffs’ Association, or any other available agency.”<sup>50</sup>

## Effect on Conditions in OPP

Prisoners were prevented from making phone calls to family members days before the storm hit. They were not kept informed about the status of the evacuation, and were often falsely informed that their evacuation would be imminent.

The evacuation was haphazard. Power tools were needed to open locked cells, and exterior walls and windows had to be destroyed to remove prisoners from the building. Deputies in at least one building chained cell doors closed using handcuffs and leg shackles, further endangering the lives of trapped prisoners.

Soon after power was lost, the backup generators in each of the buildings also failed, plunging the jail into darkness. Some generators flooded because their electrical systems were located in the basement of facilities. Other generators appear to have failed because staff members ran out of fuel and/or were untrained at operating them. Even while the generators were working, power was not supplied to enable cell doors to open. In some buildings, prisoners were left trapped in flooded cells without ventilation and without any possibility of reaching a safe area.

Only three boats were available to evacuate nearly 7,000 prisoners, along with many hundreds of deputies, staff members, and civilians.<sup>49</sup> Many prisoners waited in Central Lock-Up for over ten hours in chest-deep water, while boats took a handful of prisoners at a time to the Broad Street Overpass.

Prisoners and deputies report that food and water were not provided for days at a time following the storm. Deputies and their family members ate the food intended for the prisoners, while prisoners drank dirty floodwater or water that they collected in garbage cans before the storm.

Deputies and medical staff in several buildings abandoned patients in need of critical assistance. In at least one building, all medical supplies were destroyed when the first floor of the building completely flooded. The loss of power and the general absence of deputies and medical staff from prisoner areas prevented prompt responses to medical emergencies in several buildings.

Deputies report that they had no knowledge of any evacuation plan. When the evacuation began, it was led almost entirely by DOC guards, not OPP deputies, and it was accomplished in many buildings with excessive force.

Flooded areas of several jail buildings were evacuated haphazardly; others were not evacuated at all. Prisoners found themselves trapped behind locked cell doors as rising floodwaters reached their chests. In many cases, fellow prisoners had to break open locked cell doors to free trapped prisoners. The plan does nothing to identify the actual responsibilities that state and local agencies will have to respond to an emergency. The state DOC was only contacted to assist with the evacuation on Monday night, after buildings had already flooded, and chaos was already rampant.



To his credit, Sheriff Gusman seemingly acknowledged the inadequacy of the plan when asked about it several months after the storm. The Sheriff explained that no evacuation plan in place at the time of the storm could “detail[] what we did because no one ever imagined we would be surrounded by 7 to 8 feet of water.”<sup>51</sup>

In fact, local officials identified precisely that risk fewer than two years prior to Katrina. In 2003, the Parish convened a planning team in response to the Disaster Mitigation Act of 2000, a federal law requiring all local governments to develop disaster plans in order to remain eligible for federal disaster-relief funds. The planning team included representatives from a wide array of private and public organizations,<sup>52</sup> and concluded that the area in which OPP is located faced a risk of floodwaters rising up to eight feet.<sup>53</sup>

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### The Nebraska Emergency Plan

The problems with the Contingency Plan become even starker when the plan is compared with emergency preparedness systems from other state prison and jail systems. For instance, the Nebraska Department of Correctional Services has a comprehensive set of policies that provide for a coordinated emergency response in the event of a natural disaster. The Nebraska DOC employs an Emergency Management Supervisor charged with emergency preparedness for all DOC facilities. Nebraska has developed a series of interrelated policies that define who is responsible for what tasks in the event of an emergency, and what criteria should be used to decide when or whether to evacuate a facility. In the event of a total evacuation, the Nebraska DOC has policies in place for the sending and receiving institutions, and those policies include information on the amount of bed space available at each potential receiving facility and the types of prisoners that the facility is capable of accepting. The policies even identify which receiving facilities have the ability to hold evacuated prisoners with special needs.

Nebraska’s policies also discuss what steps need to be taken should a facility decide not to evacuate, but rather to “defend in place.” The policies call for the warehouse to stock thirty days worth of essential provisions. The policies also contain the contact information for emergency services personnel. Finally, the Nebraska emergency management system provides a series of checklists that are to be used before, during, and after a disaster to ensure that the most important steps are not forgotten in the middle of an otherwise chaotic situation.<sup>54</sup>