



P.O. BOX 5103
BATON ROUGE, LA 70821-5103
P: (225) 761-3323
F: (225) 761-5526
WWW.LAACLU.ORG

JOE COOK
EXECUTIVE DIRECTOR

December 8, 2005

Council Member Oliver Thomas via facsimile 504-658-1077
1300 Perdido Street
New Orleans, LA 70112

Re: Inadequate Evacuation Plan at Orleans Parish Prison

Dear Council Member Thomas:

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. As described by corrections deputies, OPP staff and prisoners, and as reported in the *New Orleans Times-Picayune*, the jail plunged into disorder after Katrina hit. 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.¹

Over one month ago, Sheriff Gusman re-opened the House of Detention (HOD), one of the ten buildings that make up OPP. Shortly after Sheriff Gusman re-opened HOD, a federal judge ordered the Sheriff to produce the current evacuation plan for the jail. To date, the Sheriff has failed to honor the court's order and produce the evacuation plan. Last week, the Sheriff's office admitted that the fire evacuation plan is in the possession of the Fire Safety Officer, whom they have not heard from since Hurricane Katrina struck New Orleans.² In order to locate that evacuation plan, the Sheriff's office intends to break into the Fire Safety Officer's "locked filing cabinets at the House of Detention. If it cannot be located there, that means it is instead located in the Community Correctional Center. No one is allowed into the CCC at this time for health reasons."³ Thus, Sheriff Gusman has already returned prisoners and staff to the HOD, and may re-open other OPP buildings in the future, even though he cannot produce the evacuation plan, and the jail's Fire Safety Officer remains missing.

The one document that the Sheriff's office has provided the ACLU is the attached "Orleans Parish Criminal Sheriff's Office Hurricane/Flood Contingency Plan" (the Contingency Plan).⁴ We do not know whether this two-page document is the plan that was in effect at the

¹ See Michael Perlestein, *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.

² Letter from John F. Weeks, II to Eric Balaban (Nov 30, 2005).

³ *Id.*

⁴ Orleans Parish Criminal Sheriff's Office Hurricane/Flood Contingency Plan (undated).

time of the hurricane, whether it represents the current evacuation plan, or whether the two are one and the same. In any case, the plan is patently inadequate, and is insufficient to ensure the safety of the individuals who have already been returned to OPP. It is imperative that the New Orleans City Council schedules an immediate hearing to ensure that the facility is adequately prepared to handle the return of OPP staff and prisoners.

One way to appreciate the deficiencies in the Contingency Plan is to read it in conjunction with a guide that was recently published by the U.S. Department of Justice, National Institute of Corrections (NIC Guide).⁵ The NIC Guide contains a checklist designed to evaluate an institution's readiness to handle a major emergency. Even a cursory review of the NIC Guide reveals that the Contingency Plan is grossly inadequate. For instance, the Contingency Plan contains no description of:

- how OPP buildings will be evacuated in the event of an emergency;
- what responsibilities state and local agencies have to coordinate a response to an emergency;
- how food and potable water will be distributed to staff and inmates during an emergency;
- how many vehicles and watercraft are available to swiftly and effectively evacuate OPP; and
- what training or drilling staff members and inmates are to receive on proper evacuation procedures, including identifying points of egress, locating alternate routes if points of egress are blocked, and using safety equipment.

The chaos that ensued at OPP after Hurricane Katrina shows why the jail must have a detailed, comprehensive evacuation plan. As the water rose in the prison buildings, deputies deserted en masse, leaving behind prisoners in locked cells. Prisoners broke windows and either leapt out or set fire to pieces of clothing and held them outside the windows to signal to rescuers. The prisoners spent days without power, food or water, some standing in sewage-tainted water up to their chests or necks. Deputies who were left at the jail stated that they knew of no disaster plan, even though OPP had previously been evacuated because of flooding. They were forced to improvise an evacuation without adequate manpower, weapons, or vehicles. The Sheriff's department had only five boats at its disposal, far too few to ferry the thousands of prisoners and staff to safety. Order was restored to the jail only after officers in charge of the OPP buildings "went over the head of . . . Sheriff . . . Gusman and called Attorney General Charles Foti for state reinforcements."⁶ According to one deputy, "One of the captains called Foti and said, 'We're losing the battle.' . . . They (DOC) showed up with all the things we didn't have: shotguns with beanbag rounds, tasers, rubber bullets, riot gear, bulletproof shields."⁷

It has been one month since the ACLU called upon the City Council to hold a public hearing to address Sheriff Gusman's plan to re-open portions of the city-owned OPP. At that time, the ACLU asked the City Council to ensure that the facility was safe for occupancy and adequately staffed with deputies and medical personnel. Recently, Sheriff Gusman acknowledged that although hundreds of inmates are currently housed in re-opened portions of

⁵ U.S. Department of Justice, National Institute of Corrections, [A Guide to Preparing for and Responding to Prison Emergencies](http://www.nicic.org/) (June 2005), available at <http://www.nicic.org/>.

⁶ Sept. 23, 2005 Times-Picayune at 1.

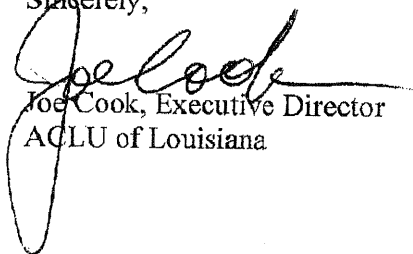
⁷ *Id.* at 3.

(3)

OPP, the "limited medical staff and equipment can't provide all of the services that are needed for dialysis, surgery, and the treatment of AIDS."⁸ Whereas the Medical Center of Louisiana at New Orleans previously provided medical services free of charge, now private institutions must provide those services. Sheriff Gusman also notes that in light of the "severe damage" suffered by the buildings, additional repairs and improvements are needed in order to bring the two facilities that are currently operational back to pre-Katrina levels.

The City Council has an obligation to do what it can to protect the lives and safety of the prisoners and staff at OPP, and to ensure that institutional failures during Hurricane Katrina are not 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 more OPP buildings are re-opened. Among the first issues the council should address at the hearing is whether an adequate evacuation plan exists for OPP.

Sincerely,



Joe Cook, Executive Director
ACLU of Louisiana

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

⁸ Letter from Sheriff Marlin N. Gusman to Members of the New Orleans City Council (Nov. 10, 2005).