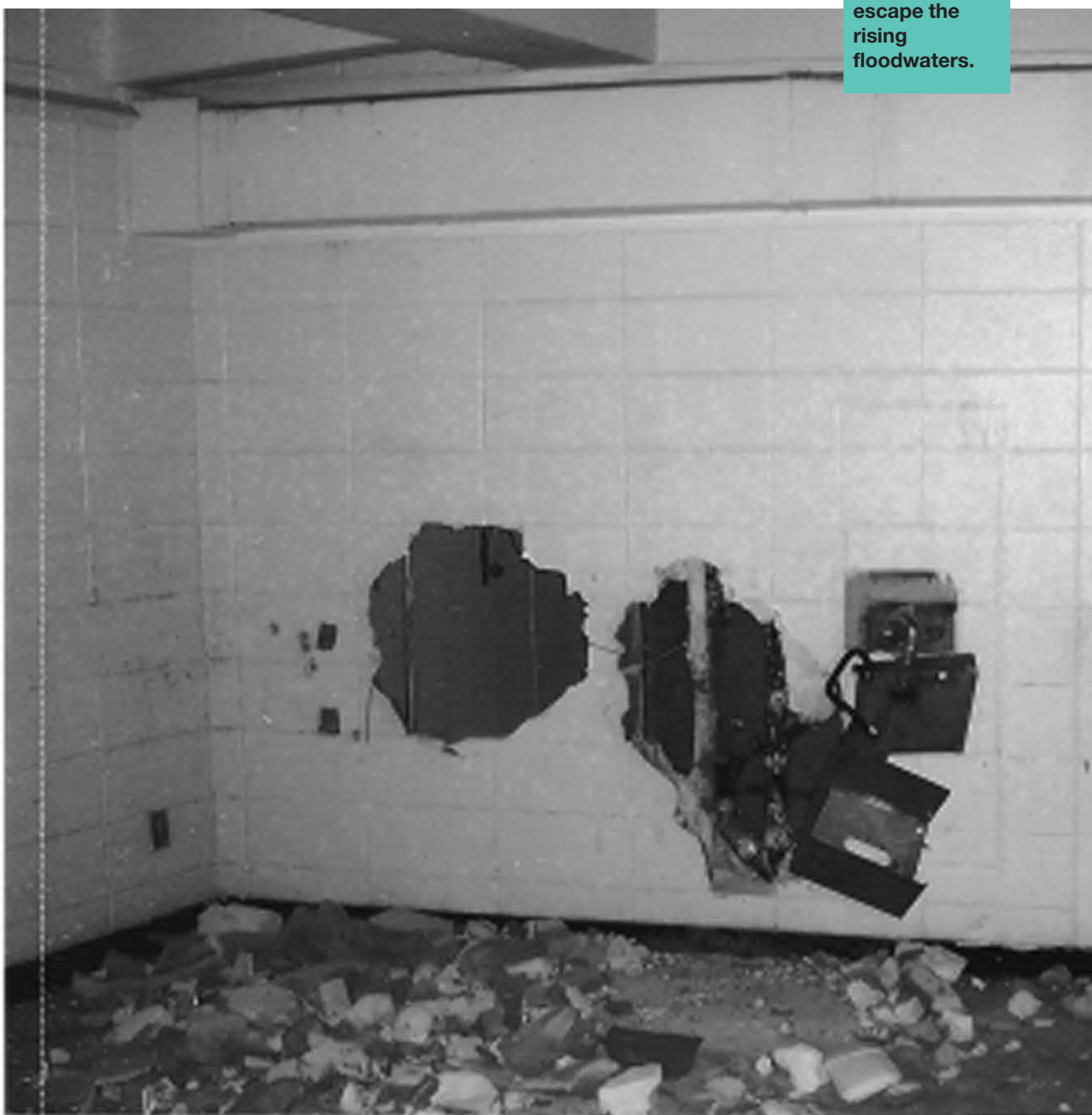


Prisoners  
broke holes in  
walls to  
escape the  
rising  
floodwaters.





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### III. THE DESCENT INTO CHAOS

There is no precise and reliable count of the number of people in OPP on the day Hurricane Katrina hit. According to the Sheriff's statistics, OPP held 6375 prisoners on August 29, 2005.<sup>1</sup> This figure includes OPP's own population of 6021, plus 354 juveniles from YSC who were evacuated to Templeman V prior to the storm.<sup>2</sup> The Sheriff's count does not include the more than 270 adult prisoner-evacuees from St. Bernard Parish, nor the handful of juveniles from St. Bernard Parish who came to OPP. Media reports vary wildly, with some estimating that there were as many as 8000 OPP prisoner-evacuees.<sup>3</sup>

The prisoners ranged in age from 10 to 73, and were overwhelmingly male (89.5% male, 10.5% female). Although only 66.6% of Orleans Parish was African-American prior to the storm,<sup>4</sup> OPP's population at the time of the storm was almost entirely African-American—89.3% of the population was black, and only 9.6% were white.<sup>5</sup> The racial disparity is even greater with respect to the juveniles who were being held in OPP: 98.7% of the juveniles held at CYC were African-American, and 95% of the juvenile population at the YSC was African-American.<sup>6</sup> More than 300 of the prisoners in OPP on August 29 had been arrested and booked between August 26-28, when the City of New Orleans and the State of Louisiana were under states of emergency.

#### A. The Phones Go Dead

On Friday, August 26, the prisoners' phones went dead, although Hurricane Katrina was still days away from land-fall, and the power had not yet been lost in any of the buildings. One prisoner recounts, "[n]o one was allowed to call out and talk to family members to see where they were going and if they were going to evacuate."<sup>7</sup> One female prisoner housed in Conchetta remembers being "pushed back [by deputies] because I was crying asking why did they turn the phones off. I wanted to know if my kids were okay."<sup>8</sup> Several prisoners recall seeing deputies using the phones in the control booths to speak with their loved ones. Another prisoner in Conchetta says that she was not able to speak to her family members who lived in the Ninth Ward, an area that was particularly devastated by Katrina; as of October 19, 2005, she

still did not know whether her family even survived the storm.<sup>9</sup>

On Sunday, many of the prisoners watched Sheriff Gusman's televised announcement that they would not be evacuated, but would instead remain in the prison to ride out the storm. Like everyone else in New Orleans, they worried for their safety and the safety of their loved ones. Unlike so many others, however, they were powerless to do anything about it. "What hurted also when Mr. Gusmen said to leave the inmates where they are. My God, he left us there to die."<sup>10</sup>

## B. The Prison Goes into Lockdown

Before the storm, deputies placed all prisoners on lockdown: those prisoners who were housed in units with cells were locked behind their cell doors; those prisoners who stayed in dormitory-style housing units were locked in their dorms.

In Templeman III, Tiers A and B serve as Receiving Tiers, where prisoners are held for a short period of time after being arrested and booked. While President Bush was declaring a state of emergency for Louisiana, and the population of New Orleans was ordered to evacuate the city, OPP was still packing in its prisoners. Over 100 of the men who were held in the Receiving Tiers during Hurricane Katrina had been arrested and booked on minor charges on August 27 or August 28.

One man was arrested five days before the storm for allegedly having failed to pay an old debt of \$100 in fines and fees.<sup>11</sup> He was assigned to Unit B-2, where he spent several days before the storm sleeping in the common area. He reports that the riot squad came through the tier to put everyone on lockdown. Although each cell was designed to hold two people, all of the prisoners were placed into cells. He was placed in a cell with seven other people. "They maced our whole cell twice while locking us up for asking when they would let us out."<sup>12</sup> Another prisoner in that unit also writes, "we was mace because we was asking them why are they locking us down where theres water is riseing by the minute."<sup>13</sup> One prisoner in Unit A-1—arrested several days before the storm for possession of marijuana (first offense)—explains that on Monday afternoon, water started to enter his unit. Prisoners were:

*Complaining and becoming loud because of the lack of food, water and plumbing (we were unable to use the toilets because the power was out, so all water was turned off). They [Special Investigation Division] told us if we'd go back in our cells they would feed us. We went, they locked us down, and did not return for hours. They knew water was coming in at that point. By the time anybody came back, the generator had gone out and we were pretty much in darkness, with the water substantially higher (about 3 feet).<sup>14</sup>*

## RAPHAEL SCHWARZ



*The window in our cell was broken out, and we began waving our orange prison uniform tops every time we heard a helicopter pass overhead in order to signal that we were still in the jail.*

I was detained in New Orleans in August 27, 2005 on a public intoxication charge. I was brought to central lock-up at OPP for processing, then I was moved to Unit B-3 in Templeman III. There were no empty beds in cells available in that unit, so I slept in the day room that night. When I awoke on August 29, 2005, the day room floor was covered in several inches of water. The deputies gave prisoners a mop and bucket and told them to clean the unit's floor, and also announced that we would not be served breakfast that morning. We also had not been given food the previous night. The deputies then left the unit, as well as the control cage for the unit. Prisoners used the mop bucket to break the windows in the day room. Deputies then re-appeared wearing riot gear and forced prisoners into cells in my unit. I was forced into a cell on the upper tier of the unit with seven (7) other prisoners. The deputies then left the unit and disappeared from the floor. Prisoners began popping open their cell doors. Some prisoners broke into the control cage, and opened cell doors in the unit. Our cell door could not be opened. There were two other cells on my tier that also could not be opened—one cell held two prisoners, and the other cell held one prisoner.

Some deputies returned to the unit, and took all of the prisoners who were not locked down in cells out of the unit. One of the prisoners in my cell began to kick the cell door to get the deputies' attention. Two deputies came to our cell, and told the prisoner to stop kicking the cell door. When the prisoner con-

tinued to kick the door, the deputies sprayed two cans of mace into the cell, and left. I was in the back of the cell at the time, and I got mace on my arms. Other prisoners got mace in their eyes and on their faces. They washed the mace out with water from the sink in our cell. Some of us took off the clothing that had been maced and threw it out of the cell. The paint on the cell walls that were hit by mace began to peel off.

I did not see another deputy for the next two days. The power went off in our unit soon after the deputies left. We did not have ventilation. We had nothing to eat or drink for a total of four days. Though our cells had a toilet, all eight prisoners in my cell agreed not to use the toilet in case we could not flush it. The window in our cell was broken out, and we began waving our orange prison uniform tops every time we heard a helicopter pass overhead, in order to signal that we were still in the jail. We attempted to kick the cell door off of its track. On Tuesday, we broke off the metal top to the property bin that was below one of the bunks, and we used the metal to chisel around the cell window frame in order to kick the frame out and climb out of the

building. We worked in shifts over the next two days. By the time we were rescued Wednesday night, we had carved around half of the window frame.

On Tuesday, August 30, 2005, I saw flashlights in the hallway outside the unit. We began kicking on our cell door and yelling. Law enforcement officers came to our cell. They had weapons. They told us that they needed a key to open our cell door, and they left. We did not see these officers again. The next day, Wednesday, at around dusk, a female deputy came into the unit with a maintenance man, and another man who had a gun but no uniform. She told us that she had been told by officers that there was no one left in our building. She told us she came in to investigate only after she saw a prisoner who had jumped from another building on to the roof of Templeman III and had broken his ankles. She and the maintenance man opened our cell door through the control box on our floor. The female deputy told us that she had already found three dead bodies before she got to us during her search of the building.

She then gathered the 11 prison-

ers on our tier, along with about 14 other prisoners she found on the three other tiers in our unit. We left the Templeman building through water that reached my chest (I am six feet tall). One of the prisoners in our unit was so weak that we had to sling him over a cooler that floated in the water, and pull him along with us. Once we were outside of Templeman, we were put in a pick-up truck in groups of ten, then got on to boats, and were taken to an underpass, and loaded on buses bound for Hunt Correctional Facility.

At Hunt, all of the evacuees eventually were put on a football field. There were many prisoners there who had shanks and weapons, and there were assaults and fights. I did not see an officer on the football field in the three days I spent there. At Hunt, I spoke with fellow OPP evacuees who had been housed at Templeman III during the hurricane. Some of them told me that they attempted to swim out of the building through central lock-up, but were shot at from adjoining buildings. I did hear gunshots before I was rescued. Another prisoner I met at Hunt told me that he had been locked down at the House of Detention. He said that two deputies found him in his cell. After being removed from his cell, one deputy told him to stand against the wall, while another deputy told him to move. When he began to move, he told me that he was shot with beanbags. He also told me that a deputy pushed him down a flight of stairs for not moving fast enough. He had welts over his backs, shoulders, and arms.<sup>15</sup>



Prisoners were also placed on lockdown in HOD; according to one deputy, deputies “weren’t supposed to let them out for anything.”<sup>16</sup> On Monday during the storm:

*The prisoners started getting rowdy. They wanted the mops to clean the floors, but I said I couldn’t give them the broom or mop per orders. They were also upset because they couldn’t take showers because of the lockdown—the showers were not in the cells, they were in each tier. It was freezing cold on the tier because the windows had nothing to block the air and water. Lots of water kept coming on the floor.*<sup>17</sup>

Eventually, prisoners began popping open the locks on their cell doors. This was easy to accomplish in HOD even before the storm, because the building is old and the facilities are rundown. “HOD is a raggedy building. In that building . . . there is no central air or heat. You freeze in winter and burn up in summer. We would have to bring our own heaters to work to stay warm. The maintenance on that building was terrible.”<sup>18</sup> When one deputy notified the Watch Commander on duty that prisoners were opening their cell doors, the Watch Commander told the deputy to wrap handcuffs and leg shackles around the gates to secure them: “[b]efore the storm we used to do this on a normal basis because the inmates would leave their cells during the night.”<sup>19</sup> When prisoners on the fourth floor managed to get out of their cells, one prisoner writes: “[D]eputies came up firing rounds down the hallways to keep us in the cells. . . . [T]hey even handcuffed inmates to bars of the cells.”<sup>20</sup>

### **c. Power Is Lost and the Generators Quickly Fail**

Soon after Hurricane Katrina hit New Orleans, the OPP buildings lost power. Although backup generators in the various buildings initially kicked in, they soon failed. According to one deputy in Templeman III, the backup generator in that building only powered certain systems; the generator powered the lights in the building, but did not provide the power needed to open cell doors, to flush the toilets in the cells, or to power the ventilation system for the building.<sup>21</sup> In Templeman III, as in many other buildings, the lack of ventilation left prisoners without any fresh air, because the cells and dorms were sealed. Prisoners on some tiers were provided with large fans, which were powered by the generator, while other prisoners did not receive fans, because there were not enough available.<sup>22</sup>

According to one deputy in HOD, the building’s lone backup generator only provided power to the second floor of the building, where the family members of the deputies remained throughout the storm.<sup>23</sup> Power was lost completely on the floors holding prisoners.<sup>24</sup> Another deputy agrees that the HOD generator failed on Tuesday “because [it was] old, and probably no one knew how to operate [it]. I know they tried to get some diesel to put in there and somehow something went wrong and [it] didn’t crank back up. [It was] only on for a couple of hours.”<sup>25</sup>

Even if the generators had been properly connected to essential systems, the power they would have provided would not have lasted very long. Shortly after the generators kicked in, the levees broke and “water rushed into the jail and swamped the generators, along with the major mechanical and electrical systems located in the basement.”<sup>26</sup> Many months after the storm, Sheriff Gusman admitted, “[w]e started to have power failures because the generators were not placed high enough when the floodwaters came.”<sup>27</sup> The fact that the generators were not placed in a secure location—above 100-year flood levels—is a major failure of planning on the part of the Sheriff and local officials. It was only months after Katrina that Sheriff Gusman acknowledged that “you have to be really careful and not have electrical equipment in lower-lying areas and vulnerable locations.”<sup>28</sup>

Other generators apparently failed because the jail ran out of fuel. Sheriff Gusman notes that in one building, although the generator itself did not fail, “[t]he tank was on the ground floor, so [the warden] couldn’t refill it once the water came up.”<sup>29</sup> One deputy in HOD recalls a Sergeant attempting to fill the generator with diesel fuel until the fuel ran out.<sup>30</sup> Deputy Ducre saw a Sergeant and a Corporal attempting to fill a generator with diesel fuel, but neither man knew how to make the generator work, and it eventually failed.<sup>31</sup>

Without power, prisoners spent their nights in total darkness, in conditions that were growing increasingly foul due to the lack of ventilation and sanitation, and the presence of chest-deep floodwaters on the lower levels of the prison buildings. Many prisoners remained locked in their cells with bodily waste flowing out of the non-functioning toilets. The jail became unbearably hot, which made it difficult for many inmates to breathe.

### **d. Abandoned By the Sheriff, Many Deputies Abandon Their Posts**

Female prisoners in Conchetta and Templeman IV, and male prisoners housed on some floors of HOD, report that deputies largely remained on duty following Katrina. However, hundreds of prisoners report that deputies from other buildings abandoned their posts during and after the storm. After interviewing more than a dozen deputies and employees in the weeks after Hurricane Katrina, the *New Orleans Times-Picayune* reported “wholesale job walk-offs by deputies,” and wrote that “[a]ll of the sources told about multiple resignations, deputies who tossed their badges to the ground and turned their shirts inside out, only to find themselves in the awkward position of being stuck by floodwaters alongside their former colleagues.”<sup>32</sup> Deputy Renard Reed had worked as a sheriff’s deputy for over seven years at the time of the storm. He reports that in HOD: “Once the power went out, deputies started quitting right and left. They didn’t leave the building of course, but they just didn’t go back to work. Women especially got scared once the storm hit and the power went out.”<sup>33</sup>

Deputies reported to duty at the prison on the Saturday and Sunday before the storm. Prison administrators notified the deputies that they had to report to work, or risk being fired. The decision to report was difficult for some, because

they had to choose between evacuating the city with their family members and keeping their jobs. One deputy chose to report because she did not want to lose her job. “[T]hey told me I’d be fired if I didn’t come in. I wasn’t doing anything. They stopped me from evacuating. And my family and everybody evacuated without me.”<sup>34</sup> Many of those who did report came with loved ones in tow. Deputy Ducre arrived on Sunday afternoon with her husband, four kids, and several close friends. They settled down in a kitchen on the second floor of the House of Detention with many other people.<sup>35</sup> Deputy Reed decided to report while his wife evacuated to Georgia. He explains: “I never considered bringing my family with me into the jail. I don’t believe in bringing my family there. I don’t want them in that environment.”<sup>36</sup>

When the storm hit, and conditions inside the buildings deteriorated, morale quickly collapsed. According to Deputy Foster, “[a]ll the hard work we put in every day, we risk our lives going into the jail and dealing with these inmates. And when something comes like a hurricane we bring our families in because we think they’re going to be safe and think they’re going to have food and water. Gusman totally disappointed me and let me down when we needed him the most.”<sup>37</sup>

Shortly after the storm, supervisors in the House of Detention notified the deputies that their off-days would be cancelled. According to one deputy, this meant that she would have to remain at her post after her shift ended. “Unless you quit, and went down to the second floor, everyone else had to stay on the floor with the inmates.”<sup>38</sup> Another deputy agrees: “[W]e were told that we had to stay but weren’t getting paid when we didn’t work. I wasn’t really doing anything but stressing out and pacing.”<sup>39</sup> Deputies in Templeman III were also told that they would be working around the clock, but were not going to receive pay for additional duty.<sup>40</sup> Deputy Shantia Barnes resigned her position on the third day after Hurricane Katrina hit when she was told that the guards would be left to fend for themselves once the prisoners were evacuated.<sup>41</sup>

Deputy Ducre, who was four months pregnant at the time of the storm, began spotting and cramping, and a nurse told one of her lieutenants that she needed to rest for one day or risk a miscarriage.<sup>42</sup> “He just stared at me and waited for me to get up. If I thought I could, I would have done it. So basically they fired me because I couldn’t go to work that night.”<sup>43</sup>

## DEPUTY RHONDA R. DUCRE

*There has never been a plan for what to do when the hurricanes hit. To my knowledge, there was no preparation for this storm.*



I was a Sheriff's deputy for four years at the time of Hurricane Katrina. For all of those years, I worked in the House of Detention. Before the storm hit New Orleans, we received forms from the Sheriff's office telling us that it was our obligation to come to work during the storm. All employees are obligated to come to work, and if you do not you are supposed to be terminated.

I came into work on Sunday afternoon, and I brought with me my husband, four children, and a few close friends. In my four years there has never been a plan for what to do when hurricanes hit. To my knowledge, there was no preparation for this storm. If there had been anything special for us to know, I figure they would have told us about it.

My family settled into the 2<sup>nd</sup> Floor of the House of Detention. When it was time for me to go to work, I was assigned to the 5<sup>th</sup> Floor, where the juveniles are. At some point, inmates started to complain that their phones weren't working, but I knew the phones were working for the deputies. I called and told the people working the control room that the inmates' phones were not working, but I don't know what happened after that.

On Monday, the day of the storm, there was heavy rain, and the

power went on and off. Monday evening the power went out entirely, and the backup generators came on until the levees broke. When the levees broke, the kitchen connected to the Community Correctional Center went underwater, and there was no food to give the inmates. They ate one last time and it was a sandwich. It was at that point—when the water was shut down, the power was off, and the food was not coming on time—that everything got really hectic. From the 2<sup>nd</sup> Floor, we could hear prisoners shaking bars. They hadn't eaten, knew the water was rising, couldn't get in touch with families, and were hearing rumors. They started making noise—it sounded kind of like an army shaking on the bars. The supervisors got shotguns, and when my kids saw them going upstairs with the shotguns they really got scared.

After the power went out, I moved to the 3<sup>rd</sup> Floor, which is where the

general population was being held. I was moved because I was four months pregnant and the elevators quit. At one point I started getting cramps and I was also spotting. I told my supervisor about the problem, and some nurses told my supervisor that I needed to rest one day and should not be returned to duty. I was supposed to get an off day anyway, but they wanted to cancel our off days. When it was time to go to roll call to report to duty, I said that I couldn't go to work, and my supervisor basically told me that if I didn't report to work immediately, I didn't have to bother reporting at all. I figure I was fired.

The State Department of Corrections finally initiated the removal of the inmates. That happened on Wednesday and Thursday morning. The deputies had food to feed themselves, and we wanted to put all of our food together so that we could ration it. When the deputies were out of food, however, I went

out onto the mezzanine of the building and found supervisors barbecuing, surrounded by 50 cases of water.

I was finally evacuated to the Overpass on Friday, after all of the prisoners were gone. When I got there on Friday, nobody knew what the deputies were supposed to do. You could get on a helicopter, but I didn't want to leave without my family intact. I couldn't climb down the scaffolding, because I was pregnant, so I waited for a helicopter to bring my family to the airport. I did see Sheriff Gusman in a boat riding to the bridge on Friday, but I never saw him during the storm.

I returned to New Orleans to resign my position as a deputy in January 2006. I turned in my badge and my commission badge and I signed a release. I left the Sheriff's Office because I wasn't planning on going back to New Orleans, but even if I did return I wouldn't go back under the current leadership. They should have been more prepared. Sheriff Gusman's people were reporting that he waded through the water to cut through bars with handcuffs in his mouth. That man didn't touch that water, and he didn't try to tell anyone no different. My child was born on February 9, 2006. <sup>44</sup> ■

One deputy in Templeman III recalls that throughout Monday evening, deputies were moving some of the prisoners in the lower-level cells on the first floor to different parts of the building, and were moving St. Bernard Parish prisoners from the flooded gymnasium to another flooded area on the first floor of the building. “Once the moving of inmates was done, that Monday night — every deputy other than myself went to sleep, including the ones who were scheduled to work the night shift . . . . All of the deputies were pulled from the tiers.”<sup>45</sup> A prisoner in South White Street reports, “some guards quit the job doing the storm. They couldn’t handle it. They thought there lives was in jeopardy to.”<sup>46</sup>

“standing one foot on one bunk & one foot on the bunk across & pissing.”<sup>52</sup>

## E. Trapped: Prisoners Remain on Lockdown as Floodwaters Rise

On Monday, August 29, floodwaters began to enter the lower levels of the OPP buildings. According to one prisoner on the bottom floor of the Old Parish Prison, “we had water past our feet at the time, they [the deputies] gave us brooms and told us sweep the water out the cells.”<sup>47</sup> On the first floor of Conchetta, deputies ordered one prisoner “to use a squeegee and pushbroom to push rising water of ground floor coming from outside and from inside sewer drains. It was futile. I looked for sandbags thinking we would use those for doorways and saw none.”<sup>48</sup> Another prisoner in South White Street reports that as a janitor/floor worker, or “Yank,” he was ordered to place sandbags to prevent water from entering the building. Once that was done, he returned to his unit, where he remained until water began flooding his cell the next day.<sup>49</sup>

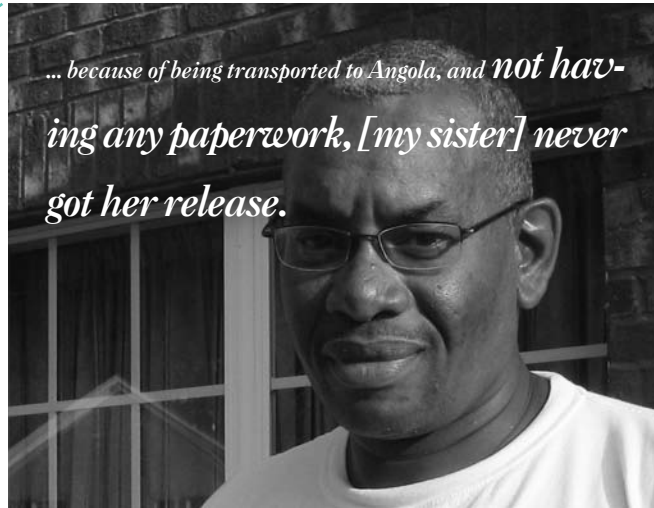
On the first floor of Templeman II, prisoners saw water seeping into the dorm through drainage holes in the floor. According to one prisoner, they began

*sweeping the water under the door, in order to get the water from out the tier. . . . Unfortunately that didn’t work, water continue to rise. Before I knew it my bottom bunk was underneath water. At this point I knew for sure the deputies was nowhere in the building. Still time continue to pass by, water still rising. No food for us to eat. Finally a female deputy came by we shouted to her about our conditions. She than replied there’s nothing we can do because there’s water everywhere and she left. At this point water had risen to at least 4 ft deep. I thought for sure I would never see freedom again.*<sup>50</sup>

Many of the women in Templeman IV were being held on minor offenses such as prostitution or simple drug possession. Templeman IV contains dormitory-style housing units with triple-stacked bunk beds. When water began to enter the building, it quickly rose to chest-level, forcing the women to climb onto the second and third levels of their bunks. One female prisoner reports: “[w]omen were made to urinate and defecate over the sides of the beds into the water; the water was *well* over the toilet seats.”<sup>51</sup> Another woman recalls



## THE DEATH OF IRIS L. HARDEMAN



Iris L. Hardeman was a 53-year-old, African-American woman who had been arrested in March 2005 on minor charges. Ms. Hardeman had been in OPP before, and many of the women who were in Templeman IV (Unit B) with her during the storm remember her from years past.

According to Gedra Payne Robinson, Ms. Hardeman's closest friend at OPP, Ms. Hardeman took high blood pressure medication as well as heart medication.<sup>53</sup> "Iris was always complaining about having bad headaches; her head hurt real bad."<sup>54</sup> Because of Ms. Hardeman's poor health, she had a pass requiring that she be assigned to a bottom bunk. Approximately three weeks before the storm, Ms. Hardeman began to complain of bad chest pains and difficulty breathing. Joyce Gilson was present at the time: "You could see it in her face. She was weak and she wasn't feeling good. It took them about a half an hour to come and get her to the infirmary."<sup>55</sup> Ms. Payne Robinson, whose bed was right next to Ms. Hardeman's, believes that she "had a real bad heart attack and she went to the hospital and stayed gone a couple of days, but they brought her back."<sup>56</sup>

When Ms. Hardeman returned to the dorm, several of the women checked in on her. Although she said she was fine, the women were concerned for her health. Ms. Hardeman took a sharp turn for the worse a few of days before the storm. "Iris was feeling really bad. We kept calling the nurse, and Iris went out to see the nurse at some point. When she came back she went straight to her bed."<sup>57</sup> Ms. Payne Robinson believes that Ms. Hardeman had a stroke, and she

recalls that an ambulance came for Ms. Hardeman to bring her to Charity Hospital.

After three days, Ms. Hardeman returned to the dorm with a new prescription for medication. When the storm hit, and Unit B began to fill with water, Ms. Hardeman was forced to climb to the top bunk along with the other women. Many hours later, deputies moved the women to the Templeman III building. When they arrived, they were placed in a room that had previously been the scene of a fire. The air was filled with smoke, and the women still received no food or water. According to Ms. Bailey Wilson, Ms. Hardeman "was doing a lot of sleeping" when they moved her to Templeman III.<sup>58</sup> The women were eventually moved from Templeman III to Central Lock-Up, where they had to stand for hours in deep water. "We were helping to hold her up in the water."<sup>59</sup>

According to Ms. Gilson, after 14 hours in Central Lock-Up Ms. Hardeman was taken by boat to the Broad Street Overpass. "We was all instructed to sit down and stay where we were. I knew Iris was sick, and I was concerned for her."<sup>60</sup> When many of the women were loaded onto a bus to be transported to the Louisiana State Penitentiary at Angola, Ms. Hardeman was transferred by van.

At Angola, Ms. Hardeman and Ms. Payne Robinson were placed

in Camp F, 4-Right. According to Ms. Payne Robinson:

When we got to Angola, we were fed, we saw a doctor, and we had to tell the doctor what kind of medication we were taking. A couple of days after that we had a physical by a doctor. It took about three days for me to get my medication. Iris got her medication at Angola as well. At Angola, Iris started to swell up with fluid. Her feet swelled up with fluid; I had never seen her fill up with fluid like that before. She put in sick call slips at Angola, but I don't think she had a chance to see a doctor. In September, in the early morning hours—maybe 3am—I was in my bed sleeping and hers was next to mine. I don't sleep hard, but she wasn't feeling good that night. She got up, said my name, and kind of reached over to touch me. She fell off her bed and hit her head on the corner of my bed. I got up and called the officers. They called the ambulance, and they took photographs, and they took her away.<sup>61</sup>

The rest of Iris Hardeman's account comes from her brother, William Hardeman. When Mr. Hardeman heard the above account of his sister's final weeks in jail, it was the first time he heard about what she had experienced during and after Katrina. "You telling me that story just put everything out of my mind," he explained.<sup>62</sup>

My family lost everything in Katrina. We lived in Mid-City, and when I went back almost a year after the storm there was nothing to recover.

After the storm, my family and I were living in a shelter. The Red Cross had representatives come around to see if there were any family members they could try to locate for us. We knew Iris had been arrested, so they took down her name and her last whereabouts in the city of New Orleans, and they did whatever they do. Eventually a family in Houma, Louisiana, took us in, and one day Red Cross gave us a call to say that my sister was in Baton Rouge, in the hospital.

My mother and I went to the hospital, and Iris was in intensive care, in a coma. They had a guard right there in the room. Initially we were there about three days, three nights. Then we had to leave, because my mother is elderly and she needed her own medical attention. We later came back and stayed almost about a week. We slept right there in the waiting area of the hospital. There were some blankets and pillows. The guard was in the room at all times.

When Iris passed, we had actually gone back to Abita Springs to get a change of clothes and come right back, and we got a call from the hospital saying that we should come right back to the hospital. And that was like 9am, but it was kind of obvious once we got there that my sister had already passed away. We had no money. We didn't have credit cards or that stuff; it was all lost in the flood. So we got some donations from a church in Covington, Louisiana and used that money for a crematory. That was the most that we could do.

We were told that my sister was actually supposed to be released shortly after Katrina, but because of being transported to Angola, and not having any paperwork, she never got her release. But who knows.<sup>63</sup> ■

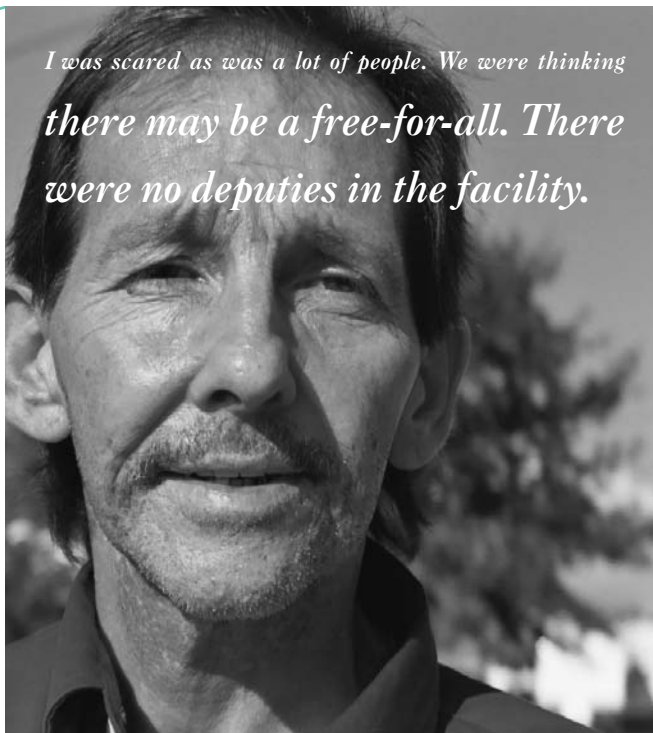
In Templeman III, one deputy recalls that when the water started to enter the building: “Our supervisors told us not to worry about it, so at first we did nothing. The water went from an inch to literally three feet in a matter of minutes. Then it eventually got up to four feet. This is on the first floor of the building. That’s when they decided to start moving inmates.”<sup>64</sup> The prisoners who most urgently needed to be moved were those who were locked in the lower-level cells in A-, B-, E-, and F-Sides, as well as the St. Bernard Parish prisoners who had been locked in the first-floor gymnasium.

David Williams was arrested and booked on a charge of public intoxication on August 27. Mr. Williams was placed in a cell on the lower level of Unit A-1 in Templeman III. Mr. Williams describes his experience in Unit A-1:

*I initially was booked and incarcerated on Sat. Aug. 27th. I was placed in TP3/A1 before noon and by 4pm the phones were purposely cut off, so I had no contact with my family members. We vaguely received a report about the possible evacuation before the televisions were turned off in the middle of the news broadcast. This was cause for alarm, because we were made to go into our cells and the deputies were constantly leaving their post. We are now locked down with no idea of what was to become of us. I constantly yelled for a deputy, only to be ignored. As an entire 24 hr. period passed we ate only once more. Now it is Sunday night and panic has set in because we began to suspect that something awful was about to take place and we are helpless to fend for ourselves. As the first waves of the storm came in, the lights (all power) went out. Into Monday morning—still locked down, no power, no food, no water. Into the evening on Monday, the toilets began to fill with water. The drains in the back of the dorm began to overflow with water and now we see the sewerage system backing up into the dorm—water began to rise slowly. I panicked to no avail because there was no way possible that I could open the steel cell locks to free myself. Now the water is waist deep, deputies come into the dorm, some armed with bean-bag guns, clubs, and others with crow bars. They had to use the crow bars to pry the cells open.<sup>65</sup>*

Another prisoner in Unit A-1 explains that the water was 5 to 6 feet deep by the time prison officials returned to free the prisoners from their locked cells. “Inmates were on the top bunk in their cells trying to escape the water. Due to the water the cell doors short circuited. The staff had to use long hammers to try in force the doors open. It was a race against time!”<sup>66</sup>

## ALBERT G. COUVILLION



*I was scared as was a lot of people. We were thinking there may be a free-for-all. There were no deputies in the facility.*

**B**efore the storm I was in St. Bernard Parish Prison. Maybe around 12:30 pm on Sunday, August 28<sup>th</sup>, they put us in buses and took hundreds of us to Orleans Parish Prison. They put us in a big gym facility, where we were fed two times. We were also given water to drink, but whoever was able to get water before the container ran dry got water. That was the last water we had for days. When we first arrived, one guy was coughing up blood and a St. Bernard Parish deputy said he couldn't take the guy to the hospital because the Sheriff wouldn't want cars to get damaged.

Five hours after we arrived in the gym we were given mats to lie on; this was done in the same disorganized way. After people got mats the St. Bernard Parish deputies left, and there was no supervision after around 5:00 pm on Sunday. The tension was real high in the gym. There were only two bathrooms for hundreds of people. There were groups of people going around fighting with different people picked at random. I was scared as was a lot of people. We were thinking

there may be a free-for-all. There were no deputies in the facility. The hurricane became worse late Sunday early Monday afternoon. Around 4:00 pm it was knee deep in an hour. Some people got through an open door and escaped. Two got caught. I know of one who escaped. Shots were fired, but I saw no dead bodies. After the escapes the deputies came in and took a count of prisoners. The water was waist-deep, and when they were through they left again. The water continued to rise. The deputies came back and promised food and water. It never came. Finally they threw loaves of bread to our crowd, and most went in the water; people were screaming to be brought upstairs but the deputies left again and didn't return. While we were in the gym, one inmate who was epileptic had some seizures. There were no deputies there, so at first we put him on his back. One of the other inmates told us to put the guy on his side so he wouldn't choke on his tongue or something, so we did that.

The water rose another foot by the time the deputies from St. Bernard returned to move us early in the morning on August 30. We thought they were going to move us upstairs, but when they led us down the hall and opened the door to F Side I couldn't believe they were going to put us in another area on the first floor. The water was above the tabletops in the day room. The people who had been in that area before had already been moved upstairs, so I don't know why they put us there. Some people stayed on the top bunks in the lower level cells, but most of us crammed into cells on the upper level—7 to 8 in a two-man cell—and on the walkway along the cells. Some people put on fresh clothes and shoes from the Orleans Parish inmates who had been evacuated from these cells. When the water level continued to rise, the people who had decided to stay downstairs came upstairs, crowding us even more. No one could see, because the lights had been off since Monday and it was

now dark. People were lighting styrofoam plates, paper—anything to see where we were. People were scared and were screaming that they could not swim. At one point, Orleans Parish juveniles who were in another tier came into our area and started breaking windows and attacking people.

On Wednesday, we were escorted out with our hands on our heads, and automatic guns pointed at us. I waded through slimy, greasy, trash-filled sewage water up to my neck to boats waiting for us 11/2 blocks from the jail. I climbed into a boat by getting on the tailgate of a pickup truck, and was taken to the Broad Street Overpass. On the Overpass, a group of Orleans Parish inmates came up to us because they saw some of us were wearing their shoes and their clothing. People started shoving and a St. Bernard Parish deputy sprayed mace at the crowd—I got hit in the face, chest and arm and my body burned for half an hour. I later was hit by tear gas a second time on the Overpass.<sup>67</sup> ■

When the St. Bernard Parish prisoners were finally moved from the flooded gymnasium, they were brought to F-Side, still on the first floor of the building. “Where they brought us next was worse than where we were before. They brought us to F-side in Templeman III where the water was up to our shoulders inside of a tier where people were still locked in lower cells screaming for us to help. There was no guards in the control booths, no food, no water, lights, or medical attention.”<sup>68</sup> One deputy who reports that he assisted with the transfer explains that “[w]e moved the St. Bernard inmates to F-Side—we put them in the dorms, not in the cells. They were on the lower level, so the only way they could have gotten out of the water would have been if they had gone up the steps to the F-Side mezzanine. We didn’t have anywhere to put them.”<sup>69</sup>

## F. Food and Water Are Nowhere to Be Found

Although the Contingency Plan called for stockpiling enough food and potable water to last 96 hours, nearly every prisoner with whom we spoke reports going days after the storm without receiving either.

Deputy Ducre was on duty in HOD when the storm hit. She reports that “when the levees broke, the kitchen connected to the Community Correctional Center went underwater, and there was no food to give the inmates. They ate one last time and it was a sandwich.”<sup>70</sup> Another deputy agrees, noting that the food ran out on Tuesday. “Apparently, they were trying to feed the inmates plus trying to feed the employees and their families and eventually ran out.”<sup>71</sup> A third deputy in HOD similarly recalls: “[t]he inmates only got one piece of cheese. The food that was for the inmates was given to the families.”<sup>72</sup> Deputies were “walking down the tier with a shotgun giving the inmates one piece of cheese. They didn’t have any water for them.”<sup>73</sup> The only water deputies gave to prisoners were bags of ice, which were distributed to groups of 30 prisoners. According to this last deputy, no ice remained by Wednesday night.<sup>74</sup>

In Templeman III, prisoners received no food after their Sunday night meal, according to deputies.<sup>75</sup> One prisoner from the Templeman III building who served as a Tier Representative was called to a pre-storm meeting with the ranking officer on duty. According to this prisoner, the officer told the Tier Representatives to prepare for the worst. She advised them to “fill garbage cans with water so we would be able to flush toilets if we lost power.”<sup>76</sup> Another Tier Representative in Templeman III met with the Warden of Templeman III, Chief Gary Bordelon: “Chief Bordelon told us to get prepare for a serious mess in our jail. He told us to fill all the trash cans with water so we would have water to flush the toilets. Now he never mention anything about how we was suppose to feed the dorm.”<sup>77</sup>

Brady Richard reports that in CCC, staff, deputies, and family members were rationing their food. Each person was given an orange and some sliced bread, while the prisoners received nothing.<sup>78</sup>

In Conchetta, the kitchen was located on the first floor, which began to fill with water on Monday afternoon. One prisoner reports that she was:

*Ordered to move deputies personal belongings to the 3rd floor classroom. When asked about the food in kitchen (kitchen was on 1st floor) boxes of cereal, leftover grits, crates of bread, cheese in refridgerator—was told to not worry about it to just get there stuff—I then assisted inmates on locked dorms 1-1 to move their belongings and mattresses upstairs to 2-2 then my dorm inmates belongings & mattresses to dorm 2-1, when asked what else I could do to help about food downstairs I was told to go on dorm 2-1 and they locked us all in. We waited hours for food—none came and then generators went down. No power, no windows, no air, no food.<sup>79</sup>*

Dozens of female prisoners in Conchetta report that deputies had prisoners fill garbage cans with water in advance of the storm. According to one woman held on the second floor: “The tier reps filled up our used garbage cans with water. That was the water we used to bath with and drink. It was nasty, dirty and funky. One large garbage can for over a hundred women.”<sup>80</sup>

With no water to drink, many of the prisoners resorted to drinking the contaminated floodwater, or water that was backed-up in the toilets. One man in the Old Parish Prison reports, “the only water we had was from the toilet and when we had to use the restroom we had to take our waste from the toilet and throw it out the window.”<sup>81</sup> Another prisoner in the Old Parish Prison writes: “As we the (inmates) were yelling for the deputies we were getting negative responds from them like: you better do the best you can with what you got, when mentioning about us being dehydrated and hungry, we were then told that we better swallow our (spit) or drink the toilet water which was contaminated, from chemicals, urine and bowel’s from inmates.”<sup>82</sup>

## G. Denial of Medical Care

*“I will not just accept that this happened to me.”<sup>83</sup>*

The Contingency Plan calls for the Sheriff to meet with each building’s Warden one day before a storm’s expected arrival to discuss, among other matters, “provision of medical services to inmates.”<sup>84</sup> The medical services provided in a jail range from responding to a prisoner’s complaints about his or her health, to handling promptly a medical emergency such as a seizure or a severe asthma attack. Many prisoners also require daily medications or special diets to treat chronic conditions such as HIV/AIDS, diabetes, and heart disease. More than half of the 6000+ OPP prisoners were receiving some kind of medication prior to the storm.<sup>85</sup> Regardless of whether Sheriff Gusman met with each of the Wardens prior to the storm, it is clear that proper medical care was entirely absent in the days immediately following Hurricane Katrina.

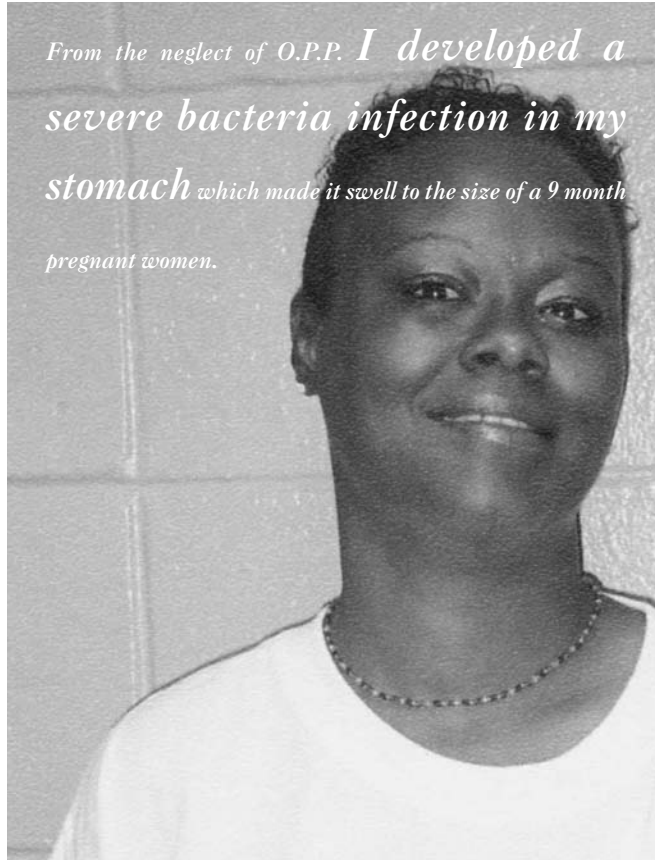
OPP endangered the lives of its HIV positive prisoners by failing to provide them with their medications after the storm. Since the advent of combination drug therapy a decade ago, patients living with HIV/AIDS have been

advised of the importance of adhering to their HIV drug regimens. Clinical studies have shown that patients who interrupt drug treatment have higher rates of HIV-related health problems, including death.<sup>cc1xxx</sup> The National Commission on Correctional Healthcare (“NCCHC”)—the leading correctional health care organization in the nation—offers the following recommendation to prison and jail health care providers: “Successful HIV therapy requires that there be no interruption in antiviral medications. Correctional medical programs can assure this necessary continuity by establishing mechanisms to enhance the continuous availability of HIV treatment to infected patients.”<sup>87</sup>



## KEANNA HERBERT

*From the neglect of O.P.P. I developed a severe bacteria infection in my stomach which made it swell to the size of a 9 month pregnant women.*



**P**rior to Hurricane Katrina, Keanna Herbert was housed in the Medical Observation Unit (“M.O.U.”) of Templeman I. Several months after being evacuated from OPP to the Louisiana Correctional Institute for Women (“LCIW”), Ms. Herbert wrote to the ACLU:

During my incarceration at O.P.P. my health was very poor. I am diabetic and am HIV positive. During Katrina extreme medical care was needed and not provided. From the neglect of O.P.P. I developed a severe bacteria infection in my stomach which made it swell to the size of a 9 month preg-

nant women. This is still visible and pictures should be taken. . . . Due to neglect my T-cells went down to 11 making me extremely ill. No medication’s were administered, injections for diabetes, nor HIV treatment etc.<sup>88</sup>

**Months later, Ms. Herbert wrote to the ACLU again, after she had been returned to OPP from LCIW. Ms. Herbert wrote:**

“I am writing back to stress the importance and seriousness of my accusations. I do not have the ability

to care for the problems that came about when M.O.U. (Medical Observation Unit), by no choice of my own, disregarded my problems overlooked the fact that everyone needed to be evacuated.

The outcome of that tragic mistake has left me and my already serious problems worse with much more complications on top them. As I made it clear in my 1<sup>st</sup> letter I am HIV positive also a diabetic. I take care of myself, treat myself. All that is choices I have made sure that my problems are taken care of.

In the days of Katrina my choice to do so was taken from me and put in the hands of M.O.U. We were abandoned there for 3 days in stagnant water without care for any of my problems.

In those 3 days I received an infection that affected me so bad that I looked as though I was 9 months pregnant. I received no care till I got to St. Gabriel where I was put in the hospital and had the infection drained out of my stomach.

I will not just accept that this happened to me.”<sup>89</sup> ■

One HIV positive prisoner who was in the Old Parish Prison during the storm writes that OPP “had a lot of sick people without their medication, which I was one of those people without my medication, and the medication is H.I.V. medication.”<sup>90</sup> He explains that he was finally evacuated from OPP and transferred first to Hunt Correctional Center and then to Rapides Parish Detention Center (“RPDC”). From RPDC, he wrote:

*[T]hey treat me bad, meaning the food my medication I'm not getting, then the mental disturbances from the guards at Rapides Parish. All they do is harass me all day for no reason, all I'm asking for is the medications I need, and the food that goes with the medications, do to the medications I take which is H.I.V. med I need the proper food, which I'm not getting, I'm not getting the proper medications. It's my life they are messing with.*<sup>91</sup>

At the time of the storm, OPP also held a number of pregnant women. At least ten pregnant OPP prisoners ended up being evacuated to Angola.<sup>92</sup> Two women report that they suffered miscarriages in OPP after the storm. One woman was seven months pregnant when Katrina hit. During the storm, she suffered a miscarriage and “[t]hey didn’t do anything to help me at OPP.”<sup>93</sup> It was not until she arrived at Louisiana State Penitentiary at Angola that she received treatment. Another woman, held in Templeman IV Unit B, reports that she “was refused medical help so I miscarried and had blood all over me.”<sup>94</sup> When she was evacuated from OPP and brought to the Broad Street Overpass, she writes:

*[W]e slept out there all night long in urine because we couldn't get up. I passed out because I was bleeding very bad. No we didn't receive water or food. They refuse to give me medical service at all. . . . These days I wake up in cold sweats at night. I'm so afraid these days I barely sleep and when I do I wake up in a cold sweat crying. I don't think I will ever get over this at all. I thought I was going to die and never see my kids or family ever again. I prayed so much that day and night and God heard my prayers.*<sup>95</sup>

Another pregnant prisoner was transferred from St. Bernard Parish Prison to Conchetta. Once she arrived, she was led to the 3<sup>rd</sup> Floor, and given a meal. She and her fellow prisoners then went without food for four days. “There was one deputy that tried to work with me since I was pregnant. She would give me some of her snacks, granola, a bottle of water.”<sup>96</sup> The officers let her sleep on the floor by a large hallway window so that she could get some air.<sup>97</sup>

In Conchetta, at least one nurse remained on duty after the storm, but she was unable to provide the female prisoners housed there with any medical care. “There was no medication on or at hand, only a nurse was present. All medical supplies and medicine was under water on the 1<sup>st</sup> floor.”<sup>98</sup> One woman writes, “women were having seizures, birthing pains,

panic and asthma attacks.”<sup>99</sup> Another woman states: “Tuesday, I was woken up from screams because an elderly woman was catching a seizure and all we could do was watch and fan her not knowing if she was going to be okay but we all started praying and God must have heard our cries because she came threw. . . . [A] lady was going in labor and had her baby in all of that pollution.”<sup>100</sup>

Asthmatic prisoners reported suffering severe attacks after Katrina. Some prisoners ran out of asthma medication, and others lost their asthma pumps in the floodwaters. One 17-year-old being held with the adult population in Templeman III reports that he left his dorm to check on his uncle. When he found his uncle: “[H]e was drinking chemical water because that was all he had to drink. . . . I had to go and find him some water. He had asthma and didn’t anymore medical to use. I also have asthma but it didn’t affect me.”<sup>101</sup> Another prisoner in Templeman III writes:

*I have asthma very bad & could not breathe because inmates were setting fires in the jail. So for 3 days I drunk sink water & was sticking my nose out of a lil window that someone had bust open for fresh air because it was so foggy & moist in the jail. My cell mates kept trying to help me by sticking T-shirts out that window so the fresh breeze could hit because I started having an asthma attack. Finally after Sunday, Monday, Tuesday of being lockdown in my cell I was rescued by some other inmates who spot me lying on the floor gasping for air thanks to my cellmates who kept hollering for help for me.*<sup>102</sup>

One deputy was on duty several days after the storm when a prisoner in HOD suffered an asthma attack. She states:

*I know of one specific instance during the storm that an inmate was having an asthma attack and they thought he was gonna die. He could not breathe. They brought the medical team to the floor but they could not give him medical treatment because it was total lockdown and they couldn't open the door. They couldn't let nobody out or in. They opened up the tier, but not the cell, and they gave him a breathing mask or whatever and injected him with some type of medication, I don't know what it was.*<sup>103</sup>

Deputy Reed recalls what may be the same, or a similar, incident that took place several days after the storm on the 3<sup>rd</sup> Floor of the building. He recalls that when the prisoner’s condition continued to worsen, he:

*tried to beat on the back door to get help, but no one heard. Eventually, I had to knock out a window with a broomstick to get help. Someone downstairs happened to hear me, and they called medical. There was no running water or anything, and they had to*

*bring him oxygen to save him. The doctors came and saved his life.*<sup>104</sup>

One prisoner on the 3<sup>rd</sup> Floor of HOD appears to recount the same incident, writing:

*One of my cellmates caught a asthma attack. It took at least 25 minutes before help arrived. The deputies claim that they just had one set of keys throughout the whole building, so they had to scream for the certain deputy to come and due to the power being out no door or cell could be open so they had to work on him through the bars.*<sup>105</sup>

When one of his cellmates at the House of Detention started to have a seizure, a prisoner says he called for the guards. “He went to shaking and his eyes went to rolling and stuff. One of the OPP deputies was trying to hand him water, but we were reaching for it too. They finally got him out of the cell after 20 minutes and took him away, but they brought him back.”<sup>106</sup>

Dr. R. Demaree Inglese was OPP’s Medical Director at the time of the storm. After the storm, he attributed his inability to provide proper medical care to prisoners during the storm to their bad behavior. “It would have been easier,” he stated, “had they not been lighting fires or breaking through cinderblock walls.”<sup>107</sup> Of course, those who lit fires to signal for help, and broke through walls in order to escape dangerous conditions, were driven to do so after they were abandoned in the jail.

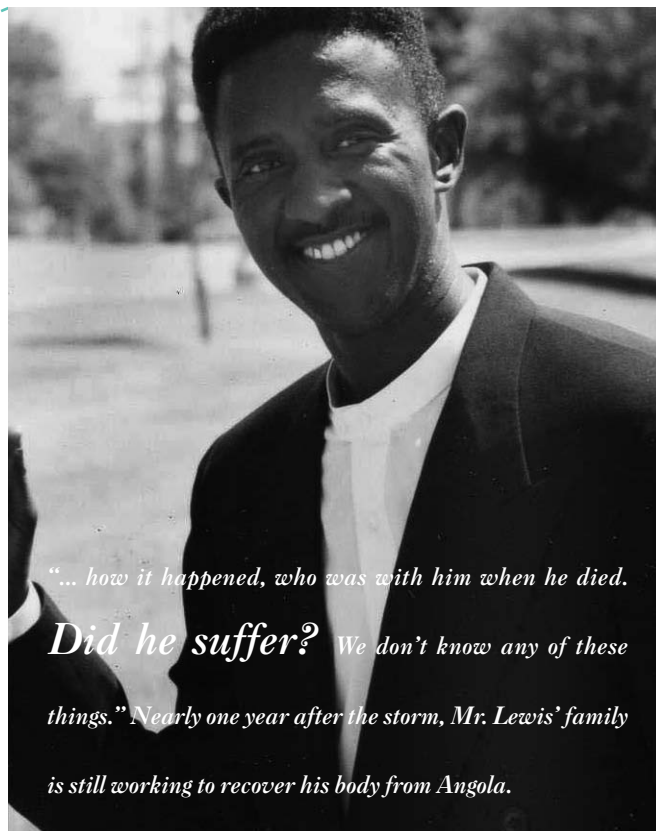
The physically disabled prisoners housed in the first-floor M.O.U. of Templeman I required particular attention during and after the storm. One wheelchair-bound prisoner explains: “I was in a wheelchair and my whole unit was fill with sewer water. The deputies left they post and we had to kick on the door to get help. It took for the water to get over our beds before we were moved and when they did move us, they brought us upstairs in a small room on the second floor.”<sup>108</sup> Several months before the storm, one prisoner in Unit A-4 had his right leg amputated due to bone cancer. He reports that deputies abandoned their posts, leaving him “in a medical housing unit in a wheelchair in such a dangerous situation and I actually drowned. Fortunately a guy on the tier knew CPR and brought me back to life.”<sup>109</sup> He continues: “There is no way a man with one leg could swim in all that water.”<sup>110</sup> “[M]any amputated inmates had to be carried out by other inmates due to shortage or refusal of deputies.”<sup>111</sup>

## THE DEATH OF TYRONE LEWIS

Tyrone Lewis was born on June 11, 1961. He was a gifted musician who wrote many popular songs, including some that were performed and recorded by the Neville Brothers. He was an active member of the Austerlitz Street Baptist Church, where he often gave free concerts of his Gospel music. Approximately five years ago, doctors implanted a pacemaker-defibrillator into Mr. Lewis's chest to treat his chronic heart problems.<sup>112</sup>

On July 11, 2005, Mr. Lewis was booked and placed in Templeman I (Unit B-1). According to Gary Wainwright, the Lewis family's attorney, Mr. Lewis notified the OPP staff at booking that he had been hit in the chest shortly before his arrest and that the blow may have dislodged his pacemaker-defibrillator.<sup>113</sup> During the time he was held at OPP, Mr. Lewis routinely complained to deputies about chest pains and shortness of breath.<sup>114</sup> His sister made numerous calls to the jail on his behalf, telling staff of her brother's need for proper heart medication.<sup>115</sup> According to Mr. Wainwright, despite these repeated complaints, Mr. Lewis "wasn't able to get any help."<sup>116</sup>

Like the other prisoners in OPP, Mr. Lewis spent days in the jail after Katrina struck, at times wading in chest-deep water for 8-9 hours at



*"... how it happened, who was with him when he died.*

*Did he suffer? We don't know any of these things." Nearly one year after the storm, Mr. Lewis' family is still working to recover his body from Angola.*

a time.<sup>117</sup> When he was finally evacuated from the building, having received no food or water for several days, he was placed on the Broad Street Overpass.<sup>118</sup> Mr. Lewis was transported to Hunt Correctional Center, where he was placed on a field with thousands of other OPP evacuees, and left exposed to the late summer Louisiana heat and sun. Guards delivered food to the evacuees by throwing it over a fence.<sup>119</sup> Mr. Lewis had no opportunity to wash off or change clothing, despite the fact that he, like all of the other inmates, had spent hours or days in the same highly caustic and contaminated water that had stripped paint off of cars abandoned in New Orleans.<sup>120</sup>

On or about August 31, Mr. Lewis was transferred to Winn Correctional Center. According to his cellmate, Mr. Lewis complained to the deputies there about his chest pains. The only response he got was: "Fuck you nigger, we're not doing shit for you niggers from

New Orleans."<sup>121</sup> At some point during the next two weeks, Mr. Lewis's condition deteriorated. He was admitted to E.A. Conway Hospital in Monroe, Louisiana on September 14, and died three days later.<sup>122</sup> According to his death certificate, complications with his pacemaker-defibrillator played a role in his death.<sup>123</sup> "From what I saw of Mr. Lewis prior to the storm Katrina," writes one prisoner held in Unit B-1 with Mr. Lewis, "he looked to be in very poor health. Also, if he was receiving the same level of medical treatment I was receiving it's no wonder why he expired."<sup>124</sup>

According to a spokesperson for the state DOC, officials unsuccessfully attempted to contact Mr. Lewis's family to inform them of his death.<sup>125</sup> Despite the fact that a temporary morgue for hurricane victims had been established in St. Gabriel, LA, the Warden of Winn Correctional Center ultimately decided that Mr. Lewis should be buried. Mr. Lewis's body was transported to Lookout Point No.

2, a cemetery on the grounds of the Louisiana State Penitentiary at Angola for unclaimed prisoner remains.<sup>126</sup>

One month after Mr. Lewis's death, the chaplain from Winn Correctional Center finally notified Sandra Thompson, Mr. Lewis's sister, of the death. The chaplain explained that although it was not yet certain, it was believed that a prisoner who had died and been buried in Angola was Mr. Lewis. Not wanting to alarm other family members, Ms. Thompson kept the chaplain's news to herself for several days. According to Ms. Thompson, "It was even worse because I didn't know for sure. Eventually, I broke down and told my younger sister, and she was able to confirm it. She told the rest of the family."<sup>127</sup> Although the DOC spokesperson maintains that Mr. Lewis's burial was accompanied by "a very dignified service," the funeral director who is required to appear at such services had no recollection of it.<sup>128</sup> Denise Lewis Henry, another sister of Mr. Lewis, "wonders all the time what happened, how it happened, who was with him when he died. Did he suffer? We don't know any of these things."<sup>129</sup> Nearly one year after the storm, Mr. Lewis's family is still working to recover his body from Angola. According to Ms. Thompson, "We need to get him back home where he belongs."<sup>130</sup>

## H. Violence Breaks Out Between Panicked Prisoners

Tensions began to rise among the prisoners as conditions inside the prison buildings deteriorated and deputies abandoned their posts. One man in Templeman II reports that he was evacuated on Wednesday morning: "Throughout my confinement during Hurricane Katrina I watched many inmates fight each other. There were no safety measures taken to insure my or other inmates well-being."<sup>131</sup> One female deputy in HOD agrees: "I couldn't do a proper security check to make sure everyone was alright because I was the only one on the floor. If I was to go down the floor something could have happened to me."<sup>132</sup>

In HOD, many deputies were unwilling to monitor prisoners because they were asked to work their floors without any backup. One deputy states:

*They had deputies sitting in the dark with the inmates. The associate warden was going to the doors and locked them in with the inmates so they wouldn't leave off of their floors. If some inmates escaped. . . . Who's to say they can't get out of those gates because they know how to pop them. 120 inmates per floor and one deputy. Let's say they decided to attack a guard, there are female guards too. No radios or ways to call for help. People were so scared.*<sup>133</sup>

Deputy Reed also recalls Associate Warden Pittman locking the door behind deputies when they reported to duty on a floor. "I don't know why they did this, but the Associate Warden Bonita Pittman locked us on those floors with the inmates and no way to get out. I was trapped for the entire 12-hour shift! After my shift was over, they'd send someone to my floor with a key to unlock me."<sup>134</sup>

In the Templeman III gymnasium, the water was rising, the power was out, and hundreds of St. Bernard Parish prisoners were thrown together in a single room. One prisoner, held on a probation violation charge, "couldn't believe they put me in the same room with murderers arson rapist armed robbers and so on i was locked in a large room having to defend my self if i hade to thank god I didnt have to fight I stayed in one corner of the room for thirty five hours in that time I witnessed nine fights because there was no police at there post."<sup>135</sup> Another prisoner writes: "As soon the water started soaking the floors, mattresses started getting wet, and the water was now floating, tention was on edge, and before anybody could say anything, fights starts, with one fight here, one there, 2 on 1, swollen faces, buss lips."<sup>136</sup>

Female prisoners began fighting in the Conchetta building, where overcrowding grew worse once the St. Bernard women were added to the OPP population, and the first floor prisoners were evacuated to the second floor. Several prisoners recount a single incident when a woman named Pearl Cornelia Bland was jumped by a group of other women. Ms. Bland writes that when other prisoners asked the deputies to stop the fight, they shut the door and said "let them kick her ass."<sup>137</sup>



## PEARL CORNELIA BLAND



*The deputy's didn't assault me personal, but they didn't help stop the assault and the lady's did on me.*

**P**earl Cornelia Bland should not have been in OPP at the time of the storm. Ms. Bland was arrested in August 2005 on a charge of possessing prohibited drug paraphernalia. At her arraignment on August 11, Ms. Bland pled guilty as charged; the judge ordered that she be released on August 12 for placement in the intensive drug rehabilitation program at Hope House. Recognizing that Ms. Bland was indigent, the judge waived fines and fees in her case.

On August 12, Ms. Bland was not released to Hope House. Instead, OPP continued to hold Ms. Bland because she owed \$398 in fines and fees from an old conviction. Under normal circumstances, Ms. Bland may have been taken to court in order to have her outstanding fines and

fees waived due to her inability to pay. In fact, Ms. Bland was taken to court on August 23, and was rescheduled for a September 20 status hearing on her case.

When Hurricane Katrina hit New Orleans, Pearl Bland was still in OPP, housed on the 3<sup>rd</sup> Floor of Conchetta. Ms. Bland writes that on August 29, the day the storm hit:

The deputy's didn't assault me personal, but they didn't help stop the assault that the lady's did on me. When the lady . . . hit me in the face 7 to 8 other girls started hitting me from the back. . . .The deputy's shut the door when [three other inmates] went to the door to

keep asking them to help me they said "let them kick her ass" and shut the door back and locked it. Several other lady's kept asking the deputy's . . . to please help her. And they just hunched their shoulders and watched. A yank which is a prisoner for them started pulling them off me and dragged me to the door and the deputy's still didnt want to open the door.<sup>138</sup>

When Ms. Bland was evacuated to Angola, her "right eye was black and closed," and the right side of her jaw was "very very swollen."<sup>139</sup>

In June 2006, Ms. Bland contacted the ACLU from a correctional center in Avoyelles Parish,

Louisiana. She recounted the beating that she suffered in OPP, and also indicated that she had not yet been to Court, and had been unable to locate any loved ones. The ACLU notified a local attorney with the Tulane Law Clinic, who confirmed that Ms. Bland had spent more than ten months in jail for her failure to pay \$398 in outstanding fines and fees. On June 28, 2006, Katherine Mattes of the Tulane Law Clinic appeared in court on Ms. Bland's behalf and obtained a release order. Ms. Bland herself was not present when this happened, because she had not been transported to New Orleans in order to appear in court—this was the fourth court hearing in ten days that she missed because her custodians had failed to return her to New Orleans.<sup>140</sup> ■

Some of the worst reports of fighting come from Old Parish Prison. One prisoner assigned to Unit C-4 explains that the problems in his unit began when deputies transferred the prisoners from Unit C-3 into Unit C-4:

*After the transfer there were about 48 to 56 inmates located in one cell designed for 21 inmates. There was no water, food, or air. Inmates began to be upset setting fires to plastic or whatever they could find to burn through the double plated glass to allow some type of air to circulate on the floor due to the fact that the door were locked we could not breathe for the smoke*

*[I]nmates had reached a level of frustration at that point they began to destroy the cell breaking through the chicken wire just to be able to move around, ripping the light fixtures from the ceiling to attempt to break windows and with the stress level being so high fights began to break out and the material that was ripped from the cell were at this time weapons.<sup>141</sup>*

A second prisoner from Unit C-4 explains that some people from C-4 had enemies in C-3, which is why they were held in separate units. Once they were combined:

*[i]nmates began to fight with each other. Inmates began to tear the tier apart, broke through chicken wires and used the items such as pipes broken from the tier to fight with. I tried to stop one fight and was hit in the head with a pipe. It left damage to my head where I still fill pain today and my hair has not grew back yet in that spot. I didn't recieve medication or no type of help in Orleans Parish Prison but was given Tylenol at Rapides Parish which still to this date does not work. I still have constant head pains and head aches.<sup>142</sup>*

Even before the hurricane, OPP was one of the top five prisons in the nation for substantiated reports of sexual violence.<sup>143</sup> According to one deputy, before the storm “[t]here was always somebody getting raped and abused . . . especially on the juvenile floor [of the House of Detention] where I worked.”<sup>144</sup> Several prisoners report that the prisoner-on-prisoner violence in Old Parish Prison included sexual assaults. “Some inmates were being forced to perform sexual acts. No way to call for help.”<sup>145</sup>

## **I. Prisoners Attempt to Escape Increasingly Dangerous Conditions**

Without power, the prison’s buildings were plunged into darkness. In Old Parish Prison, “[y]ou couldn’t see your hand in front of your face!”<sup>146</sup> Prisoners began to set fire to milk cartons, sheets, towels, and other items just so they could see.

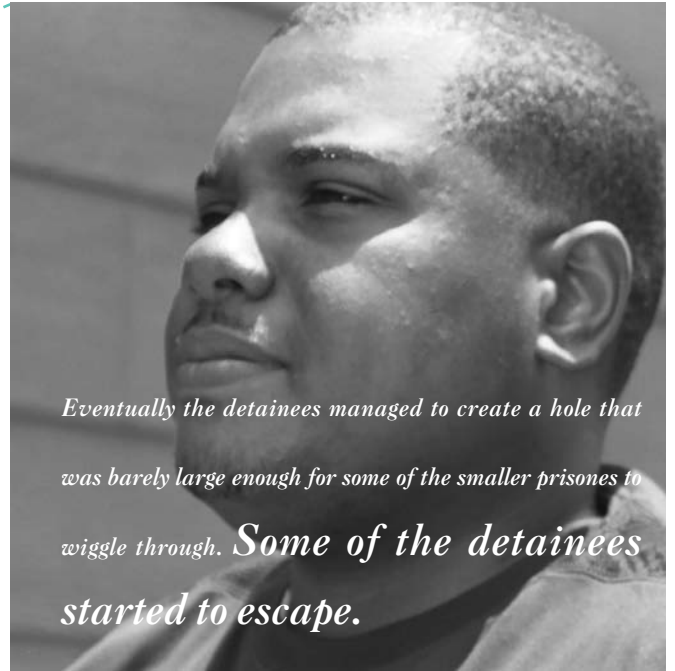
*We were in the Templeman III building without power, food, or water for at least three days. It was total chaos inside the building. Everyone that was not locked in a cell searched the dark building for food. We had to set fires just to be able to see. The building had no air so windows were broken out for ventilation. (Still no staff.) We tried to get the attention of people outside by waving sheets outside the window, but staff members just looked and did nothing.<sup>147</sup>*

In fact, deputies instructed prisoners to break windows so they could get fresh air. Shortly after the storm, Deputy Chief William Short stated that “[t]he inmates did break out windows. . . . In some cases, our staff helped them. If you didn’t break the windows, you didn’t breathe.”<sup>148</sup>

Many of the prisoners began to believe that they had been abandoned. One man in Old Parish Prison writes: “We were yelling for the deputies, and was not getting any respond back at all, at that time we realized that they (deputies) were not out there meaning on the floor. That’s when everyone begin to ‘panic.’”<sup>149</sup> Another prisoner held in a dormitory in Templeman I reports:

*All through the time of this you heard screams of terror, cries for help and no one was answered. . . . [M]ost of us was on meds, and did’nt recieve them. I myself went without my asthma pump and struggling with my breathing severely, being not able to talk and feeling weak. There was smoke everywhere and all you heard all night and early the next day was gunshots. I really felt inside like I was about to die and was left there to die!!<sup>150</sup>*

Prisoners in some buildings began to look for ways out of the flooded buildings. As water began to fill the first-floor Templeman III gymnasium on Monday evening, the St. Bernard Parish prisoners were growing increasingly worried. “[T]he night the Hurricane hit, the gym started filling up with water, they stopped feeding us, that evening before we had our last meal, the water got up to our waist for about a day.”<sup>151</sup>



*Eventually the detainees managed to create a hole that was barely large enough for some of the smaller prisoners to wiggle through. Some of the detainees started to escape.*

On Saturday, August 27, 2005, I was arrested and charged with possession of marijuana. I was taken to the Orleans Parish Prison (OPP). At the time of my arrest I had with me approximately \$700.00. That money disappeared and has never been returned to me.

When I was first imprisoned at OPP, I was imprisoned on the A side of a building that I think was Templeman I. After I had been there a couple of days, the water started rising in the building. When it reached approximately 2 1/2 feet, the detainees were locked down and the corrections officers left.

After the staff left, one detainee was able to open his cell door because he had fixed his door so that it would not lock. He got through a broken window to the control area and used the controls to open all the cells in the unit. Because the cell doors were now unlocked, everyone was able to go to the second level of the tier, out of the water.

The detainees went to a second area in OPP and tried to help other detainees get out of their cells. They were able to get some of the cell doors open so that these detainees could move to the second tier in that area, but they were not able to open the doors for all of the other detainees.

Then the correctional officers came back and moved us to Templeman III. We were put into a basketball court. There was no plumbing, electricity or air circulation available at this location. When we were first in the basketball court, on the second floor, we had no access to water. The staff all left again.

After about a day and a half, someone broke glass to get access to a

water fountain. We had no food during this entire period and everyone was hungry. People wrote signs and put them in the windows asking for help.

Eventually someone suggested using the rim of the basketball hoop as a tool to get out of building to try to be able to breathe and get food and water. It took about twelve hours of various detainees working to try to make a hole out of the building. Eventually the detainees managed to create a hole that was barely large enough for some of the smaller prisoners to wiggle through. Some of the detainees started to escape.

About thirty minutes after people started to escape, I heard a shot. Other detainees told me that a detainee had been shot, but I did not see it. Detainees told the staff that we couldn't breathe, and that we needed food and water. The staff went away.

Some people tried to escape again. After people would start to escape again, the staff would come back outside. At first, staff tried to keep people from using the hole but eventually staff told us that if we could get out the hole we could do so, and then they would take custody of us. People tied sheets together to go down the wall. Eventually the sheets broke. I believe that some people who got out this way got away, and some were arrested.

All told, I was on the basketball court for two days without food, and most of the time without water. Eventually the corrections officers said that they were coming in to get us. When we were told that the correctional officers were coming in to take custody of us, we were afraid because we expected them to beat us, based on the reputation

of the OPP corrections officers. We lay down on the floor on our stomachs to try to give them no excuse to beat us. There was a lot of staff from other jails, and as it turned out, we did not get beaten.

We were then escorted to the first floor, where we spent about an hour. The floodwater on the first floor was almost up to my neck. Around 7:00 a.m. I was taken out of Templeman III to an overpass.

On the overpass we were put in rows. The rows in front had floodwater coming up to them. The staff who took us told us that we would be given food and water. Although we saw lots of food and bottled water around, we were not given any. We saw the correctional officers drinking the water.

The sun was bearing down on us, and it was extremely hot. Three boats were taking ten men at a time from the overpass. They took people from the front row. It took a long time to get to the front row, and lots of people were passing out in the sun. The only way we could keep from burning up was to wet our shirts in the floodwater. We sat out in the direct sun all day without food or water.

Eventually I was so desperate that I decided to act as if I had passed out, thinking that this would help me move up in the line. I was taken to the front, but all the people who had passed out were just left out in

the sun to the side, and not transported. One man in this section started acting out, and the correctional officer just sprayed all the people in the area, including me. I got mace all over my back. Eventually I got back in line.

At 5:00 p.m. the boats stopped coming. We were told that we would have to go down from the overpass and climb down scaffolding to the Interstate. We were told that once we got to the Interstate we would get some food and water. We climbed down the scaffolding around 3:00 a.m.

When we got down to Interstate 10, we were handcuffed in pairs and we were each given one small paper cup of water but no food. I saw cases and cases of water and boxes of food there. The Interstate was covered with ants, and there was a lot of debris because it looked as if at some earlier point food and water had been distributed to someone. The guy I was cuffed to and I asked a corrections officer if we could eat an apple we found on the ground and he gave us permission. We each ate half. We asked for more water. The officer said that he would check. He later told us that he was not allowed to give us water.

We were eventually put on buses and I fell asleep. We were taken to Hunt Correctional Center. When we get there the warden greeted us by saying so you are the people

who were left to die. We were promised tents, food, and water. We were told that we would stay outside a day or two and live in tents. We were given salami sandwiches the first day.

That night we were taken to a football field. There were thousands of displaced detainees and prisoners on that field. I saw a large number of home-made knives, and people making more knives.

On the football field we were sleeping on the grass. There was a pipe that we used for drinking water, but had no toilets or way to wash up. There was no security on the football field; staff did not interfere with anything that was going on as long as people did not try to get out of the area. I witnessed stabbings.

On the last of the four days we were held there we were given sandwiches. Staff first planned to throw the sandwiches over the wall to us, but eventually they made everyone line up and go through the line to a controlled area to get a sandwich. During this period, buses came to remove prisoners from the area. There was a lot of confusion. I was in line attempting to get on a bus but I never got to the front of the line. During this period I saw two people wrapped in blankets on the field who were not moving during the several hours that I saw them. I assume that these people were dead.

I estimate that the population got down to 800-1000 people. Then the warden decided to take us into the housing area of the facility. We were told that we would get mattresses and a shower. We were stripped and taken to the housing area at Hunt. While we were naked staff sprayed us with a fire hose to try to make us not so dirty. We were brought to an outside visiting

area, which had a concrete floor. We were given sandwiches, a toothbrush and toothpaste. We stayed there that night with no bedding or showers.

The next day we were taken to a gymnasium where we spent the night without any bedding. The following day we were taken to a dormitory. There was a water fountain and we got sandwiches. Eventually we started getting cafeteria food.

At first we were told that the phones were down, although we could hear phones ringing in the institution. We were forbidden to write letters. When I was housed in the dormitory, while we were outside for recreation, I saw a man stabbed and left unconscious. During the entire recreation period, he was just lying on the ground unconscious. I never saw him again after I went inside back to the dormitory.

Eventually we were allowed to stand in line for one two-minute call after 10:00 p.m. I was very fortunate because I was able to reach my wife. After a couple of days she was able to get through the procedure to get me released on a \$500 bond. I was released on September 22, 2005.

I suffer from mild congestive heart failure and asthma. On the street I use my asthma pump twice a day. After I got to the dormitory I filled out a sick call slip to try to get my asthma pump and medication for my heart condition. I was never seen in response to my first sick call slip. Staff told me to fill out another sick call slip. I filled out a slip and a nurse saw me two days before I left. She said she would check to see if staff wanted to order my medications. I never got my medication.<sup>152</sup> ■

According to one Templeman III deputy, three St. Bernard Parish prisoners managed to climb through the ceiling of the gymnasium at around 8 p.m. Monday evening. "I'm not sure how that occurred. I was on duty at the time, and I assisted St. Bernard and several of our deputies in reacquiring those inmates. When they got on the roof, they didn't know how bad it got outside, so they really didn't have any place else to go."<sup>1</sup>

One St. Bernard Parish prisoner who was in the gym at the time reports: "People were escaping through a side door, getting on the roof of the gym, and going from their. A few more were on top the roof when we heard police on the roof to 'saying put your hand up' then a couple of shots."<sup>153</sup> Another states: "People started escaping out of the gym about 4 people the caught a couple of them and maced them and hit them with their guns and threw them back in the gym with us and they told us if anybody else tried to escape they would come back in bodybags."<sup>154</sup>



*It was breezy and I was cold and wet. I remember looking around and seeing lots of people on the ground, but it wasn't until the next morning that I saw thousands of us and wondered what was going on. I looked around and saw water for miles around.*

On Saturday evening before the storm, there were rumors at St. Bernard Parish Prison that we might get moved. Deputies said buses were outside, waiting to transfer us. News reports were saying it looked bad, but that there was a chance the storm might turn. On Saturday evening, Sunday morning it got serious. At around 7 or 8am, deputies came running on our dorm saying that we should grab nothing but a blanket and sheet. They put plastic handcuffs and leg shackles on us and moved us out to the buses. By the buses we saw different guys from different tiers, and we were talking, thinking nothing was going to happen. When we got out to St. Bernard Highway we saw people still lingering, and in Orleans Parish we saw a few more people. We were yelling at people on the street. It looked like rain, and I wondered where we were going.

When I saw OPP, people started talking about whether we were going to go to CCC or HOD, the two tall buildings. Some people on the bus said that during previous storms they had gone to high up floors in HOD. Instead they took us into the Templeman buildings and put us in the gym. It was raining a bit, but the atmosphere was still light because we weren't thinking about the seriousness of the situation.

They fed us lunch and then supper. The rest of the day went

smooth, and the lights stayed on. During feed up, the St. Bernard and Orleans Parish deputies would be on a stage in the gym and OPP Yanks would feed us when we lined up. The next morning it was raining and the rain was running down the insides of the walls. We managed to get breakfast, but after that the Yanks and the deputies were out of there. It was raining hard, the wind was strong, and we saw the roof bending. More water was running down the walls, and then the water started rising and rising. The lights also went out.

Different guys kept going back and forth to the door to ask about the lights and whether we were going to be moved. At one point, someone noticed a door leading to the yard outside, and they managed to kick the door open. When the water was rising, and the deputies had left, inmates started fighting each other. The lights were off and people were fighting everyone.

One inmate who was in for murder and another guy beat one inmate real bad—they pulverized him. There were some other fights, but in the meantime guy charged with murder slipped out the door with another inmate. They must have climbed up onto the roof using a drainage pipe or something and ran across the roof until they escaped. The guy charged with murder was only captured after he supposedly murdered someone else.

Another group tried to escape after that, and we heard a loud Boom! A St. Bernard Parish lieutenant threw an inmate through the metal or tin roof. His hand was cut really bad from the fall and now it is disfigured. The Lieutenant came in after that and did a roll call to see who was gone. Another guy who had tried to escape said he got all the way to the courthouse steps before he was caught. I don't know if that was true, but he showed us bruises from where he was shot with beanbag guns.

By that point I had already had two seizures. One happened right after breakfast—I had a seizure and an OPP nurse came and others who were on my tier at St. Bernard told her I needed Dilantin and she told me to take two doses because my levels were really off. When you have a seizure, every muscle and bone—everything—is sore. Your body is like it's fighting itself. You can't stop someone from having a seizure. Once it starts it's got to run its course.

By Monday night I still hadn't eaten. St. Bernard deputies all day were saying that food was coming. At night they came in with racks of bread and started handing out three slices per person. They must have had 100 loaves of bread or

something. People started grabbing at the bread.

Early the next morning, deputies came in and said they'd get us out of the water; it was up to my stomach at that point. They said they'd bring us somewhere better. When we got into the hallway, the water started getting higher—up to my chest. They led us to a door and I saw we were still on the bottom level, by F Side. The water was freezing cold and had a stench to it. They told us to go in the room, and we went up the steps to the upper level. We ended up with 7-9 people per two-man cell. Two OPP guys were still locked in a cell upstairs. After a while, people started finding things that had been left in the cells by the OPP inmates who had been moved: cigarettes, food, dry clothes. Going into the next day, people started to make candles out of Vaseline. Smoke was everywhere—no oxygen. There was no way to breathe, and I caught another seizure. I also have asthma, so I wasn't doing well. Another St. Bernard inmate stayed by my side and helped me through that third seizure. At one point, juveniles from Orleans Parish came in with a key—I don't know where they got that from. They came into our area and were raiding the guards' booth with the key



they had. The deputies had food, cigarettes. I didn't go down, but the inmate who was watching over me brought back some food.

Someone found a huge floor fan with big blades and they dismantled it to make a big weapon. They used the pieces from the fan to break all of the windows out of the tier and make a hole in the wall on the upper level. Some people tried to jump out the hole, but deputies on the outside were shooting warning shots, telling them to get back in there. Some inmates were yelling to people on the Overpass. We were in F Side from early, early Tuesday morning to Wednesday night/early early Thursday morning. I think SID came to get us, barking orders. I had a seizure on the steps and another inmate carried me through the water to the boats.

When I got to the bridge, nurses came to see me and told me they had no meds and I should lay down and relax. It was breezy and I was cold and wet. I remember looking around and seeing lots of people on the ground, but it wasn't until the next morning that I saw thousands of us and wondered what was going on. I looked around and saw water for miles around. At one point, the guys whose tier we had been on saw we were wearing their tennis shoes and everything, so they surrounded us and wanted their stuff back. SID stopped that. Later, St. Bernard deputies told us we could

stand and stretch, but when we did SID told us to sit down. When they asked who told us we could stretch, one of our Corporals said he had told us to stretch. The SID officer showed no respect to him and said you don't run anything out here—don't do anything until we tell you to.

I was taken by boat to the Interstate, where it was dry, and boarded a bus to Hunt. At Hunt I was placed in a small yard, so I never went to the big yard. I caught a seizure in the yard at Hunt on Friday evening. They took me to the infirmary and gave me Dilantin medication and four breathing treatments. Breathing treatments are when they pour Albuterol in liquid form into a mouthpiece and you inhale.

That night they put me on a bus to Claiborne Parish, where I had another seizure in the lobby. I was so stressed—I didn't know where we were, how my family was. At Claiborne they increased my Dilantin medication, but I stayed stressed because they treated us pretty bad at Claiborne. I've never been through nothing like that in my life and I pray I don't have to again. Now I'm in jail hoping my lawyer will get me credit for time served. I have a 22-year old son and a 16-year old son I haven't seen since the storm. My 15-year old girl is running for class president. I can't live like this.<sup>156</sup> ■

The CCC building houses prisoners who participate in OPP's rehabilitation programs, such as the Francois Alternative Center at New Orleans, the About Face Boot Camp Program, and the Blue Walters Substance Abuse Treatment Program. CCC prisoners report that they were left in locked cells and locked dorms. According to the former Medical Supply Officer, who was in CCC throughout the storm: "It was terrifying and he [Sheriff Gusman] absolutely put our lives in danger. . . . The inmates were rioting, burning, busting down walls. They were angry and mad. We had no idea if they would take a hostage. We didn't know what was going to happen."<sup>157</sup> Medical Director R. Demaree Inglese told one reporter that the prisoners in the CCC building "were hardcore people . . . . Some of them were federal inmates, rapists and murderers."<sup>158</sup>

In fact, many of the federal prisoners were actually immigration detainees, who were not charged with any crime at all. According to the Sheriff's own data, none of the prisoners housed in the CCC building were charged with rape, and only one prisoner out of more than 700 housed there was charged with murder. Rather, hundreds of the people in CCC during the storm were in on minor charges—including technical parole violations—and were participating voluntarily in the jail's rehabilitation programs in an effort to beat a drug addiction or obtain a G.E.D. What Dr. Inglese took to be rioting by dangerous and violent prisoners was more their desperate efforts to escape increasingly hazardous conditions inside the jail.

Left unsupervised, some of the CCC prisoners were able to open their cells and free others. "If it wasn't for inmates somehow getting my cell open I probably would have died."<sup>159</sup> One prisoner sentenced to the About Face Boot Camp reports:

*Our building lost power the night the hurricane came. Me and my cellmates were lock in the cell for two days with no food. The deputies left the night of the hurricane and never came back. Other inmates had to get us out of the cell. When we did get out of the cell some inmates were knocking a hole in the wall so we could get out to see what was going on. When we got out we found out that the other domes in the building were going through the same thing. Inmates all over the hole building were locked in there cells and the ones that were out where helping get them out. They also didn't have any food. In one dome you could see inmates escaping they were jumping out of windows in Templeman. They were getting shot at but we couldn't see who was shooting at them.<sup>160</sup>*

On the third floor of CCC, prisoners broke through a window and used the metal window screen as a ramp to get down to the roof of the second floor of the building. Darnell Smith, sentenced to the About Face Boot Camp, describes what happened:

Sunday night, August 28, all the power went out. The deputies were nowhere to be found. We had to break out of our cells. About 60 inmates walking around the tier, with no running water, no food, no electricity, & horrible living conditions. After 3 days of this, we decided to try & get out ourselves fearing we were left for dead. Wednesday morning we took a metal bar out of the ceiling, and used as a battling ram to break through the walls until we were out in the area where the elevators were. Once in this area we noticed that inmates on other surrounding tiers had started to do the same thing, fearing the worst. A few deputies showed up peering threw locked doors, that we could not get through, and told us to go back to our tiers. When we refused they started to point guns and threatened to shoot, if we did not comply. We located a long thin window overlooking Gravier St. We started to break the brick around the window. We continued until the window was loose enough for us to pull out of it's casing. Once we had the window removed, we started to jump out onto a patio roof over the main entrance of the C.C.C. building. We looked down and spotted a few deputies just sitting on the steps of the main entrance. We cried out for help from them. Once they saw us, they started to point their guns up at us thinking we were trying to escape, when actually we just wanted help. We had'nt eaten anything or drank anything since Sunday evening, and it had started to take effect on us. We pleaded with the deputies for help. They told us that boats were on the way to bring us to safety, and once the boats got there we would have to return to our tiers in order to be evacuated. In the meantime we sat on the patio roof, trying to suck up all the fresh air we could, before the boats arrived and we would have to go back inside this horrible building, and breath that toxic air again.<sup>161</sup>

One deputy from Templeman III made his way to the CCC building days after the storm. He reports that the prisoners in CCC took over the building "because all the guards were downstairs."<sup>162</sup> When asked what the guards were doing downstairs, he replied, "good question."<sup>163</sup>

In several buildings, prisoners tied bed sheets together to lower themselves out of broken windows so that they could jump to safety in the water below. One prisoner in Templeman III writes that after he suffered an asthma attack, other prisoners carried him to a hole in the wall and "told me to go through it & climb down a rope that they made from bed sheets that led from 3 stories high in tha air to ground in tha flood water once I climb down tha rope. Another inmate was waiting down there for me to help me they told him I was to

weak to do anything so he told me hold on to his back while he dog paddle through tha high flood water to safety."<sup>164</sup> One juvenile who was being housed in Templeman III writes: "[S]ome inmates were broking through the walls jumping from the third floor to the water. So of them could not even swim but that was their alone choice. As soon as they hit the water the deputies begin to shot at them."<sup>165</sup> Deputy Reed was on the Mezzanine level of HOD, where he was stationed to watch for escapes. Deputy Reed describes "people getting shot by snipers around the jail. It looked like people were getting picked off. You see somebody fall. . . . It seemed unreal. I don't know if they were getting shot with live rounds or what; they were falling in the water and that was enough for me to see right there."<sup>166</sup> One deputy in Templeman III reports that he swam to CCC, but chose to go no further out of fear of being shot by prison officials on the roof of HOD.<sup>167</sup>

Many prisoners and deputies report seeing prisoners hanging from the rolls of razor wire lining the fences that surround the facility. According to Ace Martin, a Templeman III prisoner: "One guy jumped out of the hole and they shot him. . . . He fell on a barbed-wire fence. They picked him up in a boat and told us to stay in the hole or we'd be shot."<sup>168</sup> One juvenile in South White Street states that he saw an escaping prisoner get "caugh on the bob wire, and all his muscle was out on his arm, and you know he did not get any kind of medical assitants."<sup>169</sup> Luis Reyes, a Deputy at CCC, reports that prisoners in a nearby building were "jumping out of the windows onto the razor wire and they were hanging there until we could get to them."<sup>170</sup> Another deputy recalls that the man "was yelling he needed a doctor. I can't recall which ranking officer said we can't get you a fucking doctor right now. You got to wait till we finish. We couldn't touch him without further hurting him. Don't know what happened to him."<sup>171</sup> One deputy saw several of the men who had jumped and landed on the razor wire surrounding the perimeter of Central Lock-Up:

*They were standing against a wall in the carport area of Central Lock-Up. They were in need of medical attention—there were some severe lacerations on them from the razor wire. One of them had a deep laceration under his right arm and on the side of his left eye as well as on his chest. Another had a laceration on his left shoulder blade and on his right bicep. I recognized these inmates as being in my building, but I do not remember what tier they came off of.*<sup>172</sup>

In some of the buildings, corrections staff ordered prisoners to jump into the water. One deputy in HOD recalls seeing prisoners from the Templeman I building lowering themselves onto a roof using blankets that they had tied together. "At night [staff members] were ordering inmates to jump into the water, and they were using flashlights to pick them up."<sup>173</sup>

Prisoners also hung signs outside of windows and set signal fires in order to get help. Writing several weeks after the storm had passed, one local reporter notes, "[n]ext to one smashed jail cell window, taped to the outside of the building, is a sign scrawled by an inmate, 'We Need Help.'"<sup>174</sup> One pris-

oner writes that when he saw a news helicopter several days after the storm, he and another prisoner hung a sign saying “HELP NO FOOD DYING.”<sup>175</sup> Another prisoner writes that he wrote a sign stating, “Help us.”<sup>176</sup>

## J. Officers Use Force to Contain Prisoners Until the Evacuation

Once OPP fell into disorder, it became much more difficult for the dwindling security staff to regain the control they needed to move prisoners to different parts of the buildings. Many of the deputies who remained on post did not have the weapons, ammunition, and other necessary equipment they

needed to maintain order. Some improvised, throwing hot water balloons at prisoners in order to keep them in their cells.<sup>177</sup> According to Dr. Inglese, OPP’s medical director, one deputy brandished a curling iron to keep prisoners at the CCC at bay.<sup>178</sup>

In Templeman III, deputies decided on Monday evening to move the St. Bernard Parish prisoners out of the gymnasium and into F-side. They also decided to move some, though not all, of the men housed in the first-floor tiers. The Special Investigations Division (“SID”) was called in to help with the move. SID is the Sheriff’s elite anti-riot force. They arrived with shotguns loaded with beanbags, pepper spray (or mace) and batons.

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### BEANBAG GUNS, TASERS, AND PEPPER SPRAY: “Less Lethal,” But Not “Non-Lethal”

Police officers and correctional officers are increasingly using three types of less lethal weapons to carry out their duties: projectile weapons, electric stun devices (e.g., Tasers), and chemical agents. These weapons are designed to apply less than deadly force, but three main problems are associated with their use.

**1. Less lethal weapons are being misused to stop non-threatening behavior and as shortcuts for non-dangerous pursuits.** Although the weapons were designed as an alternative to deadly force, they are being used in situations where deadly force would never even be contemplated. For instance, such weapons have been used on unarmed children as well as individuals who are already restrained or in custody.<sup>179</sup>

**2. Less lethal weapons cause serious injuries, and their use has been associated with deaths that have not been adequately studied.** Projectile weapons such as beanbag guns and rubber bullets are designed to cause pain and incapacitation without penetrating the body, but they have been the cause of penetrating traumatic injuries. Such weapons have caused serious injuries, including life-threatening cardiac injuries and fatalities.

Electric stun devices include various guns, belts, and shields. Stun guns fire a 50,000 volt-charged barbed projectile, connected to the gun by a long length of wire, causing involuntary muscle contraction and painful shock sensations. Harms caused by these devices include injuries from the barbs as well as falls or other injuries due to loss of muscle control. The most serious injuries result from the electrical discharge, and have included spontaneous miscarriages,<sup>180</sup> testicular torsion and sterility, as well as a number of injuries and deaths from cardiac injury, including ventricular fibrillation. Over 150 people have died in the U.S. after being shocked with a Taser since June 2001,<sup>181</sup> and in June 2006 the U.S. Department of Justice announced that it is reviewing the deaths of up to 180 people who were subdued with electric stun devices.<sup>182</sup>

Chemical agents such as tear gas, mace, and pepper spray are used on crowds as well as individuals. They act on nerve endings, causing pain and burning. The most common injuries from pepper spray include gagging and shortness of breath and eye injuries, including corneal abrasions. Amnesty International reports that more than 100 people in the United States have died after being pepper-sprayed.<sup>183</sup>

**3. Less lethal weapons are being used in a racially discriminatory manner.** Preliminary studies point to disproportionate use of less lethal weapons against persons of color.<sup>184</sup> This preliminary data, although incomplete, are consistent with findings concerning the disparate application of deadly force by race, as well racial profiling in traffic and pedestrian stops and searches.

During the transfer, one deputy explains:

*Inmates wanted food, water. They wanted to go home, some of them wanted to check on their families. . . . Pepper spray was used to subdue several inmates. In a normal circumstance, I would have said it was excessive, but under the circumstances we were in I would say it was appropriate. If this was a regular situation, not an emergency, we could have taken more time to talk the situation down, but under the situation we had to use the pepper spray to get the inmates in order to transfer them to where we needed to go.*<sup>185</sup>

He says that no prisoners were shot while he was present.<sup>186</sup>

Many prisoners tell a different story about SID's involvement. One man reports: "Some inmates were shot at by S.I.D. officers, they used beanbag shotguns. S.I.D. officers struck some inmates face as well. I was hit in the rib area (3) three times as well. This occurred during the move from F-1 to H-1."<sup>187</sup> Another prisoner in F-side reports that SID:

*came and handle 3 inmates really bad. They came and told everybody get down on the knee's and put your hands behind your head. They slowly evacuated us to higher ground. After they escorted us to higher ground they then abuse certain inmates because somebody had cursed them out and he had dreadlocks so whoever had said that they want to find out who said it. They had guns. I dont know if the guns were real, but when they first came in they shot the gun to get order.*<sup>188</sup>

Late Monday night, some of the prisoners who were left on the first floor at Templeman III began to break out of their tier. One St. Bernard Parish prisoner moved from the flooded gymnasium to the flooded F-side explains that deputies "had the airlock in the hall shut so inmates burnt a hole through it but the deputies were down the hall by the fence shooting them with bean bags."<sup>189</sup>

SID officers also used force against prisoners in other OPP buildings. One man on the third floor of Templeman II reports that when deputies and SID officers came to evacuate his floor on Tuesday, they assaulted and "shot inmates with mace & bean bag guns."<sup>190</sup> Another man held on the third floor recalls that on Monday, prisoners began yelling to get the attention of the guards:

*We simply want food & water. We want to know if we're going to be evacuated. Did our families make it out??? S.I.D. goes to several dorms spraying mace & shooting bean bag guns demanding silence. They simply leave after terrorizing us & answer none of our questions. It's the only police presence we see throughout the day.*<sup>191</sup>

I am thirty-two years old, and I worked as a deputy sheriff at the Orleans Parish Prison from June 1998 until right after the storm. Every year around storm season there's a possibility you might have to go and stay in the jail. You bring a change of clothes, your medications, and you're not sure how long you're gonna be in there. We didn't expect anything serious to happen, because last time the hurricane never actually hit. My supervisor told me that I had to report to work the Sunday before the storm. I think I was supposed to be off Tuesday through Wednesday. My wife wanted me to quit and evacuate with our family, but I decided not to. She was upset that I didn't go to Georgia with them—she had a feeling it would be different this time.

I went in to work because it's like a family there, and one less person on staff can make a big difference—especially since I'm big, strong, and experienced. I'm 6'7" and was 500 pounds at the time, so I knew my presence there would make a difference. Also, I worked with troubled inmates on the psych ward in the House of Detention, and I didn't want to let anyone else down by making someone else take over for me with those inmates. Even though I knew I couldn't evacuate, I never considered bringing my family with me into the jail. I don't believe in bringing my family there. I don't want them in that environment.

The first day I was there was pretty much a normal day. It was raining. I was assigned to the 10<sup>th</sup> Floor (psych floor). At night, the storm hit. I am in a huge brick building on the 10<sup>th</sup> Floor, and the whole building is swaying from side to side. I was scared. The floors and stairs got real slippery, and there was water coming in from places

you didn't know water could come in from. The first day of the storm was alright—you're looking out at the rain and the water, it had to be about two or three feet at the time. But it was rising and rising even after the rain stopped. That was such a weird thing to see.

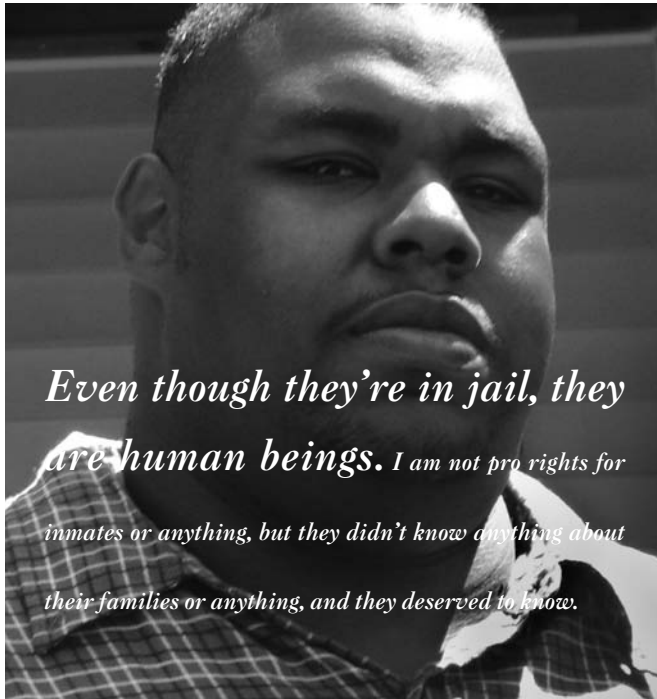
The next night, I really couldn't sleep. Phone lines were down, so you couldn't contact anyone outside the building. People's cells were going dead. We had these two-way radios, but they could only be used between people inside the jail. We listened to the radio and heard the levy had broke. When it got light, I looked outside and I saw the water was up to the roof of my truck. It was a horrible feeling. That's when it started to sink in: we're trapped.

Once the power went out, deputies started quitting right and left. They didn't leave the building of course, but they just didn't go back to work. Women especially got scared once the storm hit and the power went out. We really didn't have any problems with the inmates except that they were upset because they didn't know what was going on with their families. They didn't have TV or radio, so they had no way to know what was happening. It was tough for them. I let them know what I knew, which they really appreciated. Some of the younger deputies didn't know how to handle the inmates and instead of telling them what was going on, they yelled at them to be quiet. Even though they're in jail, they are human beings. I am not pro rights for inmates or anything, but they didn't know anything about their families or anything, and they deserved to know.

There was never any special training for us deputies about storm preparation, emergency evacuation, nothing. We didn't have fire



## DEPUTY RENARD REED



*Even though they're in jail, they are human beings. I am not pro rights for inmates or anything, but they didn't know anything about their families or anything, and they deserved to know.*

drills or any other emergency drills that I can remember. Plus, the new administration under Sheriff Marlin Gusman was always cutting down on spending, and they waited until the last minute to get supplies for the storm, so we ended up real short on supplies. Back when I started working as a deputy in '98, everything was abundant; you never ran out of supplies for your floor. There was always enough toilet paper to go around. If you needed a mop, you'd go into the store closet and grab one. As time went on, it was like you had to jump through hoops just to get the stuff you needed for your floor. All I know is that the supplies were so low during the storm that we ran out of food, and I didn't eat for almost three days at one point in time. I'm 32 years old—I was 31 at the time—and I'm big enough to survive. All I need is some water and I'll be okay. I am diabetic, so there were some issues with me not having food for so long, but I wanted to leave what food we had for the elderly, sick, and young, so I just went without.

Usually there are at least two deputies per floor. Since more people were working during the hurricane, before people started to quit there were about three to four people per floor. After people started quitting, there was only about one deputy per floor. I don't know why they did this, but the Associate Warden Bonita Pittman locked us

on those floors with the inmates and no way to get out. I was trapped for the entire 12-hour shift! After my shift was over, they'd send someone to my floor with a key to unlock me.

At one point, I think it was the third day I was in there, I was locked on the 3<sup>rd</sup> Floor for my shift, and I noticed that one inmate wasn't looking too well. I didn't know what was wrong with him specifically, but I asked what was wrong with him and he told me he had asthma problems. I asked him if he had an asthma pump, and he said yeah but that it wasn't working. I told him to lie down, maybe it will pass. He kept getting worse, so I tried to beat on the back door to get help, but no one heard. Eventually, I had to knock out a window with a broomstick to get help. Someone downstairs happened to hear me, and they called medical. There was no running water or anything, and they had to bring him oxygen to save him. The doctors came and saved his life.

The fourth day, I was sent to the Mezzanine, which doesn't have any inmates. It's got the heavy equipment like the generators. There's an exit to the roof there. I was supposed to go up there with a shotgun; in case anybody got out, I was supposed to do what I was supposed to do. I had live rounds there with me, but at the time there were rubber bullets loaded in the gun.

No one from HOD escaped. You could see that in the Templeman III building, someone knocked a hole in the wall and set the building on fire. It was almost like the Third World: people getting shot by snipers around the jail. It looked like people were getting picked off. You see somebody fall. . . . It seemed unreal. I don't know if they were getting shot with live rounds or what; they were falling in the water and that was enough for me to see right there.

I heard rumors of riots going on at the other jails, but I'm not sure if it's true or not. Not in the building where I was at. Some people tried to set fires, but those were put out quickly. I was up on the Mezzanine for about 48 hours, mostly alone. I couldn't sleep. Adrenaline, worrying, it kicked in. I hadn't spoken to my wife since Sunday, didn't know what happened to my parents. I didn't have any food. The inmates were eating cheese and cartons of milk. We melted buckets of ice for water.

Some time after that, DOC came down from around the state to start evacuating the inmates. HOD was the last building to get evacuated. We don't have any heat or A/C, so it's naturally ventilated. The other buildings were sealed shut because they had A/C and heat, but neither of those worked with the power down. So, because we had some kind of ventilation, we were better off I guess, and our inmates got evacuated last. Everyone had to come through the Mezzanine to get out because the bottom floors were flooded. We brought the inmates through the roof. I saw every face as they came out. The maximum-security inmates were handcuffed, but everyone else just had these plastic cuffs that linked two people together. DOC had people in full riot gear assisting

the evacuations, with stun guns, tear gas, mace. Most of the prisoners were calm during the whole thing; they were happy to be getting out. There were a few instances where someone needed to get stunned—I didn't see it, but you could hear it. A couple people were shot with plastic bullets, and a couple were tear gassed. But it was mostly calm. It's better to show force than to have to use force all the time.

After we got all the inmates out we thought it would be okay. But after they were gone, there were no more boats. The sheriff was gone too—he really wasn't worried about us deputies. Somebody had a two-way radio and called Charles Foti, the old Sheriff. Foti got us boats and shelters, while the current Sheriff left us stranded. If it wasn't for the Coast Guard who dropped cases of water and MREs. . . . I never want to see another MRE in my life! We finally all got out and took buses to the airport.

I think, in a situation like this, it's more common sense than training that gets you through. You see who are good leaders and who are not. Good leaders stepped up and solidified things. Bad leaders didn't. Two commanders stepped up real big, but my supervisors kind of caved in. After the storm, the sheriff's office asked me to come back to work with a raise. But I can't work under the warden, Bonita Pittman—she is not an honest person.

Today I'm in the process of looking for a job. My health has made it tough, because I am diabetic and now I need to take insulin. I was getting unemployment for a while, but not anymore. I never got any kind of compensation from the Sheriff's department. This whole experience was a learning experience—a horrible experience.<sup>192</sup> ■



In Templeman I (Unit E-2), one prisoner reports that SID was called in when some prisoners in an adjacent dorm became “unruly” over conditions:

*But, since we were curious as to what all the commotion was about, we were all looking out of the dorms’ window to see. So for our curiosity, “S.I.D.” came in “our” dorm & made all of us get down, put our noses to the wet, foul, and unsanitary floor, and when one of my fellow inmates proclaimed “that we hadn’t done anything wrong” one of the “S.I.D.s” assaulted him with the “butt” end of his rifle.<sup>193</sup>*

One man reports that when he was on the Broad Street Overpass, he

*could see prisoners breaking out windows on the 2nd & 3rd floors, waving blankets yelling for help. I personally saw 6 prisoners jump to the water below from the floors mentioned. After the shooting stopped there was a prisoner with a big hole in his left upper back bleeding very bad being dragged up the Broad Overpass where we were seated.<sup>194</sup>*

Officers stand guard over exhausted prisoners on the Broad Street Overpass



PHOTOGRAPH: REUTERS/JASON REED