



BROKEN PROMISES

2 years after Katrina AUGUST 2007

THE AMERICAN CIVIL LIBERTIES UNION is the nation's premier guardian of liberty, working daily in courts, legislatures and communities to defend and preserve the individual rights and freedoms guaranteed by the Constitution and the laws of the United States.

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FOREWORD

I traveled to New Orleans in early 2007 – my first visit since Hurricane Katrina devastated the city in 2005 and thrust a national spotlight on the persistence of racism in the context of American poverty and American privilege.

I saw painful evidence of that persistence – and of the persistence of American indifference to the plight of poor people of color – in the Lower 9th Ward. It was nearly eighteen months after the storm hit and nearly every house I saw was still deserted. Handmade street signs, put up by local folks so that they would know which street was which, stood where official ones had been uprooted. There were front steps to houses that were no longer there. They looked like tombstones in a graveyard.

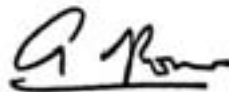
Politicians have made promises. After Katrina, President Bush pledged to “clear away the legacy of inequality,” and “renew our promise as a land of equality and decency.” I remember President Carter coming to my native South Bronx when I was a kid, making a similar promise.

Katrina thrust poverty and race back into America’s face. It happens every so often in our America. Years ago it was Newark and Detroit in flames. Now it may be Latino janitors stopping Los Angeles traffic, demanding dignity. America looks long enough to see the reflection of its broken aspirations in the faces of poor people of color, only to recoil or flinch at what it sees. The fury of Katrina should have made it harder to recoil and look away. But look away we did.

With our 53 affiliates nationwide, the American Civil Liberties Union is uniquely poised to continue the struggle for racial justice in our country that we forged many decades ago. Significant battles have been won, but our fight will persist until we overcome the “legacy of inequality” to which President Bush paid lip service two years ago.

In August 2006, the ACLU released *Abandoned & Abused: Orleans Parish Prisoners in the Wake of Hurricane Katrina* – a groundbreaking report that told the stories of some of the 7,000 men, women, and children who were warehoused at the jail when the hurricane made landfall.

This report, *Broken Promises: Two Years After Katrina*, examines the problems highlighted in *Abandoned & Abused* and documents government failures to protect human rights, civil liberties, and public safety in the year that has passed. It concludes with recommendations for government actions at the federal, state and local levels to remedy the mistakes of Katrina rather than perpetuating the problems that only added strength to the storm.



ANTHONY D. ROMERO
Executive Director
American Civil Liberties Union



In a nationwide address the night of September 15, 2005, President Bush assured the nation that New Orleans would rise again, that "we will do what it takes, we will stay as long as it takes, to help citizens rebuild their communities and their lives." Two years later, residents of the Lower 9th Ward in New Orleans are still waiting.

Officers guard prisoners on a freeway overpass in the days after Hurricane Katrina



PHOTOGRAPH: REUTERS/JASON REED

EXECUTIVE SUMMARY

Two years ago, Hurricane Katrina ripped through the Gulf Coast, devastating the homes and lives of millions of people. Images seen around the world reflected the reality of what was happening on the ground, as the storm and its aftermath revealed deep racial inequalities that have long existed in the region. Hundreds of thousands of individuals have now returned to their homes, hoping to rebuild their communities and resume their lives, while many others continue to live in the Katrina Diaspora. Their experiences, detailed in this report, show that the region's infrastructure is not the only thing that needs mending. The ACLU, our nation's largest government watchdog and defender of civil rights, has been inundated with reports of racial injustice and human rights violations that have taken place in Louisiana and Mississippi since the storm. These complaints have come from families, business owners, evacuees, and prisoners who have suffered abuse in the storm's aftermath. This report details the increase in police abuse, racial profiling, housing discrimination, and other civil liberties violations that have been brought to the attention of the ACLU, and the ACLU's response to them.

One area of particular concern to the ACLU is the situation in Orleans Parish Prison (OPP), the New Orleans jail. In August 2006, the ACLU and several local and national partner organizations released *Abandoned & Abused: Orleans Parish Prisoners in the Wake of Hurricane Katrina*.¹ *Abandoned & Abused* tells the story of what happened at OPP before, during, and after the storm in the words of prisoners, staff, and deputies who were present. The report exposes OPP's dark history of neglect and abuse, the lack of planning that preceded Hurricane Katrina, and the chaos that ensued throughout the New Orleans criminal justice system in the year following the storm.

With *Broken Promises: Two Years After Katrina*, the ACLU brings *Abandoned & Abused* into the present. Another

year has passed, and OPP remains dangerously ill prepared to handle a future emergency. OPP's House of Detention and Central Lock-Up are both overcrowded and understaffed, leading to unsafe and unsanitary conditions, the outbreak of infectious diseases, and widespread violence. Notwithstanding serious deficiencies in the provision of mental health care at OPP, the absence of community mental health services has left the jail as the city's largest provider of psychiatric services. Although New Orleans has made vast improvements in its indigent defense system, those changes are extremely fragile and depend upon increased and reliable funding.

Then...

Wrecks like this
were common
in the Lower 9th
Ward after
Katrina. PHOTO
TAKEN JUNE 2006





INTRODUCTION

President George W. Bush strode dramatically into Jackson Square in the center of storm-ravaged New Orleans on the night of September 15, 2005, two weeks after Hurricane Katrina ripped through the Gulf Coast. Despite the heroic efforts of some, the heavy rains and flooded streets showed America's government at its worst. The storm's victims—mainly poor, black, and disenfranchised—encountered a government seemingly indifferent to their suffering. Escaping their flooded homes, they found no safe harbor, no sustenance, and the deluged streets were strewn with not only the flotsam and jetsam of their lives, but also the uncollected bodies of families, friends, and neighbors.

So, after two weeks that deeply shamed America, an apparently chastened president came to a stricken city in the dead of night bearing promises and offering hope.

“And tonight I also offer this pledge of the American people: Throughout the area hit by the hurricane, we will do what it takes, we will stay as long as it takes, to help citizens rebuild their communities and their lives. And all who question the future of the Crescent City need to know there is no way to imagine America without New Orleans, and this great city will rise again,” President Bush said.²

“Americans want the Gulf Coast not just to survive, but to thrive; not just to cope, but to overcome. We want evacuees to come home, for the best reasons—because they have a real chance at a better life in a place they love,” he added.³

Like everything else that had gone on since the storm first hit on August 29, 2005, the president's promises that night turned out to be a cruel hoax.

Now...

Homes in the
Lower 9th
Ward; still in
ruins after two
years. PHOTO
TAKEN AUGUST 2007



RACIAL INJUSTICE IN THE AFTERMATH OF HURRICANE KATRINA

Hurricane Katrina wrought unprecedented havoc on the people of Louisiana and Mississippi, leaving both levees and spirits broken in its wake. As it turned out, Katrina was not the “Big One” everyone expected and feared; the devastating hurricane’s eye actually missed New Orleans. But the combination of nature’s fury with the gale forces of incompetence, indifference, and inertia unleashed a flood that scattered the region’s population, and unearthed deep racial inequalities. Our nation is only now, two years later, beginning to grasp the true dimensions of the tragedy.

In the two years since Katrina, countless race-based attacks on the civil and human rights of people in Louisiana and Mississippi have tainted the recovery process. Although authorities have adopted few policies that explicitly discriminate against people on the basis of race, the effects of many new policies have fallen disproportionately on people of color. While trying to rebuild their lives and regain a sense of normalcy, African-Americans in the region have faced problems stemming from police abuse, over-policing and racial profiling, housing discrimination, and voter disenfranchisement. Latinos have also borne the brunt of excessive law enforcement techniques and racial profiling.

Ultimately, Katrina held a mirror up to our society and what we saw was hardly flattering. In the reflecting pool of the angry floods, hungry white victims “found” the food they needed to survive, while blacks doing the exact same thing were said to have “looted” it.⁴ America’s perceptions reflect the reality that this country remains divided by race and class.

Police Abuse

Although abuse by Louisiana police was rampant long before Hurricane Katrina, police actions during the evacuation were particularly alarming. During the storm, hundreds of Katrina survivors, mostly African-American, followed the instruction of New Orleans authorities and attempted to evacuate the city by crossing the Crescent City Connection bridge into the neighboring city of Gretna. When the evacuees arrived at the bridge, Gretna police officers, who reportedly were ordered by the police chief to seal off the passageway, allegedly fired shots in the direction of the crowd and held some evacuees at gunpoint.⁵ Attorney General Charles Foti has yet to make public the results of his investigation and has declined to pursue criminal charges against any of the officers involved.⁶ In a similar incident at Danziger Bridge, New Orleans Police Department (NOPD) officers gunned down several New Orleans residents, killing two, including a mentally retarded man who was shot in the back.⁷ Seven of the officers have been charged with murder.⁸

Only days after the storm, the Orleans Parish Criminal Sheriff’s Office converted a Greyhound bus station into a makeshift jail to replace the flooded OPP. Louisiana State Penitentiary Warden Burl Cain referred to “Camp Greyhound” as “a real start to rebuilding this city.”⁹ Widespread reports revealed that arrestees were held in small cages with insufficient bedding, ventilation, and other essentials, and that they often were poorly treated by National Guardsmen and Sheriff’s deputies. In addition, detainees were forbidden to use phones or contact private counsel. When an attorney from the ACLU of Louisiana attempted to observe court proceedings at the makeshift camp, she was twice removed from the room and had her notebook seized and read by Sheriff’s deputies.¹⁰



IN FULL VIEW OF NUMEROUS WITNESSES, AND WITHOUT PROVOCATION, THE OFFICERS SEVERELY BEAT AND TWICE TASERED MR. ELLOIE.

STEVEN ELLOIE

Steven Elloie is the manager of a family-owned-and-operated bar in Central City, a predominantly African-American New Orleans neighborhood. On June 23, 2006, six to ten NOPD officers entered Mr. Elloie's bar and forcefully searched the premises without a warrant or permission. In full view of numerous witnesses, and without provocation, the officers severely beat and twice tasered Mr. Elloie. One or more of the officers also drew firearms on the patrons of the bar and yelled profanities at them. Although aware of the severity of his physical injuries, the officers took Elloie directly to Orleans Parish Prison. Jail officials refused to admit him in his condition and requested that he be taken to the hospital for treatment. Before being returned to OPP, Elloie was treated for injuries to his head, body, and extremities—multiple bruises and abrasions, numbness and tingling of his skin—as well as an elevated heart rate and high blood pressure. The charges of

resisting arrest and battery against an officer were ultimately dropped.

Mr. Elloie filed a complaint with the NOPD's Public Integrity Bureau (PIB), and provided a taped statement and additional evidence regarding the incident. He also provided a list of witnesses to the incident. Nevertheless, Mr. Elloie later learned that the PIB classified his allegations as "not sustained" and refused numerous requests for information about its investigation into the complaint. This finding raises serious questions about whether any effective oversight of the police exists, and exemplifies the city's continued failure to adequately address complaints against police. Apparently, the officers were acting in accordance with a new NOPD policy directing them to be "very aggressive" and "proactive" in Central City. In June 2007, the ACLU of Louisiana filed a lawsuit on Mr. Elloie's behalf against the city of New Orleans.¹¹ ■

In the immediate aftermath of Hurricane Katrina, many Mississippians began to complain about police officers using excessive force, including tasers, during routine traffic stops. Many of these stops occurred when people violated city-imposed curfews while attempting to retrieve items from their homes or check on relatives. The ACLU of Mississippi recently embarked on a campaign to educate citizens about their rights, hosting two trainings and a town hall meeting in the Gulf Coast region. The ACLU of Mississippi and the

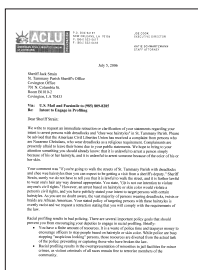
NAACP are also assisting the family of Robert James Smith, an 18-year-old who was found hanged in his Pascagoula County prison cell on May 18, 2007, despite having no history of depression or suicide attempts. The police department ruled the death a suicide, but police and jail officials have reported conflicting stories about the incident. Both organizations have requested the death certificate, autopsy report, and any other pertinent information in order to discern what exactly happened.¹²

Over-Policing and Racial Profiling

Over-policing and racial profiling are distinct problems that are often intertwined. The former refers broadly to excessive and dysfunctional police practices, while the latter identifies the unequal application of law enforcement practices against a given community. Since Katrina, many Louisiana law enforcement officials have adopted practices that disproportionately affect African-American and Latino drivers, homeowners, and business people. Police checkpoints have spurred increased complaints because of their effect on predominantly African-American communities. The Latino community is the target of a recently utilized law that criminalizes undocumented drivers.¹³ Responding to complaints in New Orleans, the ACLU of Louisiana filed suit against the NOPD on September 19, 2006, to obtain previously requested data on racial profiling and the use of excessive force.¹⁴ The ACLU also filed amicus briefs in two challenges

to the “driving while undocumented” law.¹⁵

Concerns of over-policing are particularly striking in areas such as Renaissance Village, one of the largest Federal Emergency Management Agency (FEMA) trailer parks in Louisiana and home to more than 1500 families. Although designed to be a residential neighborhood, Renaissance Village was run more like a prison: law enforcement personnel policed the park and required identification just for entry. In February 2006, the Baton Rouge police force began conducting a series of 6:00 a.m. searches of evacuee trailers in a “knock and talk” campaign.¹⁶ Upon receiving requests from residents, the ACLU of Louisiana conducted a “Know Your Rights” training at the trailer park. The ACLU also opposed on privacy grounds FEMA’s disclosure of residents’ information to law enforcement officials in East Baton Rouge Parish.¹⁷ FEMA ultimately agreed, and refused to turn over evacuees’ information to the Sheriff, who wanted to perform background checks on all evacuees in the parish.¹⁸



The ACLU's Open Letter to the Sheriff demanding that he retract his comments

RACIAL PROFILING IN ST. TAMMANY PARISH

In July 2006, the Sheriff of a parish adjacent to New Orleans warned during a televised press conference that “if you’re going to walk the streets of St. Tammany Parish with dreadlocks and chee wee hairstyles, then you can expect to be getting a visit from a Sheriff’s deputy.”¹⁹ The Sheriff’s comments routinely equated “trash” and “thugs” with New Orleans’ “public housing residents” and “evacuees.”²⁰

The ACLU of Louisiana subsequently received complaints from several Nazarene Christians, for whom dreadlocks are a religious requirement. In response, the ACLU issued an open letter to the Sheriff condemning the remarks as indicative of his intent to target African-Americans, with whom the hairstyle is primarily associated, and reminding him that “it is unlawful to arrest a person simply because of his or her hairstyle, and it is unlawful to arrest someone because of the color of his or her skin.”²¹ The ACLU of Louisiana and Greater Covington NAACP jointly hosted a series of town hall meetings for others to voice their complaints. Both organizations demanded that the Sheriff retract his comments and called upon the federal government to investigate his hiring practices, but neither of these has yet occurred.

As in Louisiana, law enforcement officials in Mississippi continue to target people of color for search, seizure, and arrest. Tragically, such practices have also found their way into schools, where they have resulted in terrible consequences for many African-American children whose lives

were uprooted by the storm. Some principals and teachers have abdicated their duties, calling on police officers to handle problems that have traditionally been viewed as school disciplinary matters. In other cases, overly harsh school penalties have been applied to children displaced by the storm.

DONALD JOLLY, DORIEN JOLLY, AND ANTOINE LEWIS



Donald Jolly, Dorien Jolly, and Antoine Lewis moved to Jackson, MS after Hurricane Katrina destroyed their New Orleans homes. Immediately upon entering Provine High School, the children were subjected to a hostile and discriminatory environment. According to Erica Jolly, the mother of two of the students, “When we walked through the door on the first day, the school office manager said, ‘we’re not taking any more of you people.’” Within two weeks, the three students got

into a fight with classmates. Although the usual penalty for school fights is a ten-day suspension, school administrators quickly recommended that the three students be expelled for the remainder of the school year. In January 2006, the ACLU of Mississippi represented the young men at their school disciplinary hearing, but they were nevertheless expelled from Provine High and sent to the Henley Young Youth Detention Center Alternative School for the remainder of the year.²² ■

“WE’RE NOT TAKING ANY MORE OF YOU PEOPLE.”

Housing Discrimination

Several local ordinances passed in Louisiana since the storm in Louisiana have also led to the exclusion of minority groups from post-Katrina recovery efforts. In 2006, St. Bernard Parish passed an ordinance that permitted only blood relatives of current residents to purchase or rent housing therein.²³ Because 93 percent of St. Bernard Parish homeowners are white, only whites would be able to rent single family homes in most circumstances.²⁴ The parish has stayed enforcement of the discriminatory provision pending the outcome of a lawsuit.²⁵ After the hurricane, several parishes also passed bans or restrictions related to trailer parks, in an attempt to keep evacuees out.²⁶ A recent report by the Greater New Orleans Fair Housing Action Center revealed that nearly 60% of the landlords they investigated discriminated against African-American testers searching for rental housing in the Greater New Orleans area.²⁷ Recently, Jefferson Parish passed an ordinance banning mobile food vendors.²⁸ The sudden change in law coincided with the precipitous rise, shepherded by the storm, in Latino workers and taco trucks in the area.²⁹ The ACLU of Louisiana is currently investigating a serious complaint of Latino taco truck owners being harassed and shut down in New Orleans.

In Mississippi, where well over 100,000 homes sustained damage or were destroyed, at least 27,000 affordable housing units may need to be rebuilt in the coastal counties to provide for the area's substantial lower-income population.³⁰ As many Gulf Coast communities are in the process of planning and implementing major housing initiatives, the region needs transparency in the process to protect the interests of lower-income communities in need of affordable housing. But the Mississippi Development Authority initially restricted public commentary on the Small Rental Assistance Program, which provides loans to owners of small rental properties to assist them in offering affordable rental housing in areas most affected by Katrina. The decision effectively shut the poorest citizens of Mississippi and those most affected by Hurricane Katrina out of the debate. Earlier this year, the

ACLU of Mississippi and a coalition of concerned organizations successfully petitioned Governor Haley Barbour to restore and extend the 15-day public commentary period.³¹

Voter Disenfranchisement

Many Louisiana residents have also had to cope with the threat of political disenfranchisement since Hurricane Katrina. On December 9, 2005, Governor Kathleen Blanco signed an executive order indefinitely postponing the New Orleans municipal elections.³² When the elections were rescheduled, officials announced excessively burdensome and obscure absentee voting procedures that risked disenfranchising displaced persons and disproportionately affected African-Americans. On top of the confusing procedures, officials released incorrect and misleading instructions that completely failed to properly notify voters of new legal requirements. In response, the ACLU of Louisiana developed and distributed public education materials that warned voters of the most egregious pitfalls.³³ Recognizing the potential for disenfranchisement of displaced persons, the ACLU of Louisiana also co-founded, with a number of local and national civil rights organizations, the Louisiana Voting Rights Network in January 2006 to develop and implement strategies that protect the voting rights of those displaced by the storm.

In erecting barriers to voting, Louisiana officials have locked doors many believed were closed only temporarily by Hurricane Katrina. These barriers have resulted in the creation of a second-class citizenry, scattered throughout the Gulf Coast and connected only by the tragedy that defines the post-Katrina experience. In addition, it has deepened the continued suffering of Louisiana's "abandoned and abused," who increasingly find themselves homeless and harassed in places like Texas and Mississippi. Indeed, many of Louisiana's displaced persons are not only *persona non grata* in their adopted communities, but also in these communities' political and criminal processes.

The Templeman
V jail building,
where prisoners
now sleep on
the floor



ORLEANS PARISH PRISON TODAY

One image that remains vivid two years after the storm is that of thousands of orange-clad prisoners from the New Orleans jail stranded on an overpass awaiting rescue. Many of these men, women, and children had gone days without food, water, medication, or ventilation, some even locked in their cells in chest-deep water screaming for help. Last year, the ACLU and several local and national partner organizations released *Abandoned & Abused*, which tells the story of what happened at OPP before, during, and after the storm in the words of prisoners, staff, and deputies who were present. The report exposes OPP's dark history of neglect and abuse, the lack of planning that preceded Hurricane Katrina, and the chaos that ensued in the New Orleans criminal justice system in the year following the storm. One year later, the situation at the jail and throughout the criminal justice system remains bleak.

The Race to Reopen and Rebuild

The OPP complex includes a dozen jail buildings stretching across several blocks in an area of New Orleans known as Mid-City. The jail is operated by Orleans Parish Criminal Sheriff Marlin N. Gusman. In the days before Hurricane Katrina struck the Gulf Coast, OPP housed nearly 6500 people on an average day.³⁴ As a result, the city had the highest incarceration rate of any large city in the United States.³⁵ For the sake of simplicity, this report refers to all of those held in OPP as “prisoners.” The use of this term does not mean that all of these people have been convicted of a crime and sentenced to serve time in a prison. On the contrary, both before and after Katrina, the majority of the people housed at OPP have been pre-trial detainees, often charged with minor municipal or traffic offenses.³⁶

In the year after the storm, only three of the original twelve prison buildings were reopened—the House of Deten-

tion (HOD), South White Street and Templeman V. Sheriff Gusman quickly repopulated those buildings with state and federal prisoners, as well as newly arrested municipal defendants. As a result, thousands of people arrested on minor charges prior to Katrina or shortly thereafter languished in state prisons located hours outside of New Orleans. Many of these individuals never met with an attorney. They saw their court hearings postponed month after month. Some ultimately spent more time in prison than they would have had they been convicted and sentenced.

It is not difficult to guess why federal prisoners were returned to OPP when municipal offenders were forced to languish upstate. The federal government pays the Sheriff nearly twice the daily rate that the city of New Orleans pays him to house local prisoners.³⁷

As we approach the second anniversary of Hurricane Katrina, the race to reopen and rebuild OPP has continued. Late in 2006, members of the New Orleans City Council questioned the Sheriff about why the jail was already holding approximately 2700 people each day—and was poised to increase its capacity to 3300—given that the population of New Orleans was only about half of what it was prior to the storm.³⁸ Just two weeks earlier, the Sheriff expressed his view that the jail would eventually return to a 5000-person capacity.³⁹ The Sheriff's office used financial assistance from FEMA to build eight windowless tents across the street from HOD.⁴⁰ Each tent is designed to house 98 individuals, and although Sheriff Gusman describes the units as “temporary,”⁴¹ the last time an Orleans Parish Criminal Sheriff erected a “Tent City,” the tents remained in use for ten years.⁴² In early 2007, the Sheriff reopened the Conchetta building, and he has since stated that restoring his four largest jail facilities—the Community Correctional Center, Old Parish Prison, Templeman Phases I & II, and Templeman Phases III & IV—is a top priority.⁴³ Resuming the use of these buildings would increase capacity by a staggering 4100 additional beds.⁴⁴ The Sheriff's office recently obtained FEMA funds to repair and reopen the Old Parish Prison, a 700-bed facility adjacent to the criminal courthouse.⁴⁵

Returning OPP to the behemoth that it was at the time of the storm is unnecessary and unwise. The city's population is still far below that which it was before Hurricane Katrina, and advocates inside and outside the city government have spent the past two years pushing for a smaller, smarter, and safer detention policy. The New Orleans City Council recently commissioned a needs assessment by the Vera Institute of Justice that generated practical, short- and long-term recommendations on how to reform the city's criminal justice system.⁴⁶ The report contains recommendations about the use of alternative sentencing options and specialty courts, and encourages the city to reduce the use of jail resources for municipal offenses. Vera's preliminary assessment of OPP's population revealed that up to 41% of the jail population could be released on its own recognizance if New Orleans adopted practices commonly used elsewhere.⁴⁷

Significant Problems at Orleans Parish Prison

Environmental Hazards

When Sheriff Gusman returned prisoners to OPP after the storm, he acknowledged that two of the buildings required "additional repairs and improvements to be brought to pre-Katrina levels,"⁴⁸ and casually declared that he had "kind of mothballed" the ground floor of HOD.⁴⁹ In *Abandoned & Abused*, the ACLU reported that one year after the storm several buildings were experiencing sustained and severe overcrowding, which resulted in unsafe and unsanitary conditions.⁵⁰

One year later, chronic overcrowding in HOD continues. Upon first entering the jail, individuals are placed in Central Lock-Up (CLU) holding cells on the 1st Floor until they can be processed. Before Katrina, this booking process took place in a new Intake Processing Center (IPC) designed to replace the old, outdated booking facility in HOD. Because the new IPC has not reopened since the storm, the Sheriff has resumed using HOD's old booking area. In testimony before Congress, Sheriff Gusman

explained that this facility was "designed in the late 1950's and was only supposed to accommodate 80 arrestees per day."⁵¹ But in April 2007, the jail was already processing far more than twice that number.⁵²

Prisoners report abhorrent conditions in the CLU holding cells, some of which hold more than 70 people sharing a single toilet in a standing-room-only cell. Many new arrestees spend two days or more in such a cell, sleeping directly on a floor littered with trash, urine, and feces.

Up in the housing tiers, the conditions are hardly any better. Cells designed to house ten people regularly house 15 to 16 individuals at a time. Prisoners wait up to two weeks to get a bed, and may spend all of that time sleeping on the floor without even a mat. Overcrowding leads to food shortages and increased tension. With the exception of the 2nd Floor of HOD, which was used for court proceedings in the aftermath of the storm, and parts of the 10th Floor psychiatric unit, no other part of HOD appears to be air conditioned, making it dangerously hot in the summer months; prisoners report that when the temperature rises, the paint on the walls begins to sweat.⁵³ Without proper ventilation, prisoners living in severely overcrowded conditions are at greater risk for both drug-resistant "staph" infections and multidrug-resistant tuberculosis (MDRTB). "Staph" infections are caused by a highly contagious bacterium that causes skin infections and boils and may lead to serious complications such as deep abscesses, pneumonia, endocarditis (infection of the heart), meningitis, bone infection, blood infection and death. MDRTB is a potentially fatal airborne disease whose spread is facilitated by poor air circulation and crowded conditions. In fact, many prisoners now report that "staph" infections are common at OPP, and seem to develop at HOD and spread to other buildings from there.

In June 2007, inspectors reportedly visited HOD, presumably to inspect conditions at the jail. Guards in the building appear to have learned of the inspection in advance of the visit and transferred hundreds of prisoners sleeping on the cell floors in HOD into the empty Templeman IV building. According to one prisoner, who was housed in Templeman

IV earlier in the year, that building was itself shut down shortly after failing an inspection.⁵⁴ Once the inspectors had left, the prisoners were returned to HOD after spending approximately three days in Templeman IV, leaving the Templeman building once again vacant. Since June, prisoners have reported overcrowding at other OPP buildings, with prisoners now sleeping on the floor in Conchetta and Templeman V. The Sheriff has not responded to an ACLU request for documents pertaining to any recent audits or inspections of jail conditions or operations, as well as information on overcrowding at the jail.⁵⁵

Medical Care Falls Short

Two years after Hurricane Katrina, one of the two large public hospitals that provided emergency medical services to OPP before the storm remains closed.⁵⁶ Many prisoners report significant problems in the delivery of necessary medical services.

- One man suffers from a degenerative condition that causes inflammation in his eyes. Prior to entering OPP, this painful condition was controlled through the regular use of oral steroids and steroid eye drops. Despite providing detailed information to medical staff about his medical needs, the man received only ibuprofen for his condition for the first six weeks of his detention. During this time, he gradually lost the ability to see.⁵⁷
- Multiple prisoners report receiving delayed treatment for severe “staph” infections contracted at the jail. One man developed a “staph” infection in his foot that caused severe swelling and drainage. As a result of delayed treatment, the infection spread to other parts of his body.⁵⁸ Another prisoner, who is also HIV positive, complained that he did not receive medical care for his “staph” infection until it was very bad; when he finally received antibiotics for the infection, he regularly saw fifty other prison-

ers receiving wound care for “staph” infections at the same time he received his medication.⁵⁹ A third prisoner reports that when medical staff finally drained his abscess and prescribed medication, they did so without taking a culture of the wound to determine the proper course of treatment.⁶⁰

- One man who wears a prosthetic leg is housed in a tent that is not handicap-accessible. He has fallen in the shower on multiple occasions because he is not provided with a shower chair or a handrail. He must move around all day, which causes significant swelling and pain. He has also not received proper pain medication since arriving at the jail.⁶¹ A different disabled prisoner housed in HOD identified this very same problem more than 16 months earlier. In that man’s grievance, he explained, “I have been having trouble getting on and off the toilet and when I have to shower I have to try and jump from one chair to another to shower[.] I really can’t help myself[.] [I]s there some where close yall could send me that have [sic] handicap rails in the showers and around the toilets where I wouldn’t hurt myself.”⁶² The official response to his grievance indicated complete indifference to his plight. “You are on a medical tier[.] [W]hat you are requesting does not exist in the jail facilities.”⁶³

One significant problem with medical care is the manner in which prescription medications are provided to prisoners. In responsible prisons and jails, medical staff provide prisoners with their medications on a daily basis, to ensure that every person receives the correct dose and takes the medication properly. At OPP, pills are delivered to prisoners only two times per week, in accordance with the jail’s “keep-on-person” policy. This method of delivery creates substantial risks for prisoner health. Individuals may take their medication incorrectly or have their medications taken by other prisoners for their own use or to use for trade. Prisoners report that

instead of taking steps to protect against the misuse of prescription medications, medical personnel at the jail often refuse to provide essential pain management medications. This “keep-on-person” policy poses the most obvious problems for mentally ill prisoners, who may not have the capacity to follow a specific medication regimen.

Inadequate Mental Health Care

In *Abandoned & Abused*, the ACLU reported on OPP’s tragic history of failing to meet the serious needs of mentally ill prisoners at the jail. In 2001, a young man named Shawn Duncan died of dehydration after being left in restraints largely unsupervised for 42 hours.⁶⁴ Less than two years later, a suicidal prisoner hanged himself while he was restrained in the same cell where Duncan had died.⁶⁵ Just weeks before Katrina flooded the city, yet another prisoner in the mental health tier committed suicide by hanging.⁶⁶

Today, mental health care at OPP exists in a constant state of crisis.

- One man who claimed to be suicidal upon admission to the jail was immediately transported to the 10th Floor mental health tier of HOD. He was strapped down in five-point restraints to a bed that was covered in a brown substance, perhaps dried blood or feces. Over the next 12 hours he was not released to use the bathroom, so he was forced to twist to the side and urinate onto the floor next to the bed.⁶⁷
- Another man with severe mental health issues has had significant problems receiving psychiatric medication while detained. Following a recent arrest, OPP officers refused to accept him into the jail because he had badly cut himself in an apparent suicide attempt and the wound remained open. After being taken to the hospital for treatment he was returned to OPP, where he was immediately placed in the mental health tier in five-point restraints for

up to a day. During this time, he received no water or regular monitoring and was not allowed to use the restroom until morning. He reports that there was no air conditioning where he was in restraints, and that the single fan blowing in the hallway did nothing to reduce the sweltering heat.⁶⁸

- One female prisoner was recently placed in restraints on the 10th Floor for up to 11 hours. During this time, she received no water or range of motion exercises, and no one entered the room to check on her status. At one point she screamed for deputies because she had to go to the bathroom. When a deputy arrived she was told from outside the cell that there was nothing they could do and that she could “pee on herself.” When she was later released from restraints and placed in a non-air conditioned two-person cell, she passed out from the heat.⁶⁹
- Another prisoner, who was recently found incompetent to stand trial by the criminal court, spent over five months at the jail without receiving any medication for his schizophrenia; the on-site psychiatrist accused him of malingering, despite the fact that the prisoner offered the names of psychiatrists who treated him prior to his detention. He reports that on one occasion he was taken to the mental health tier and placed in restraints for four days. “Those four days was like hell,” he recently recalled. When he initially entered the cell there was urine on the floor. The officer ordered him to remain on the bunk while another prisoner applied the restraints. He had to holler and scream to get attention from the deputy on duty, but was never allowed out of restraints to use the restroom. He was released from restraints only twice to meet briefly with a doctor, but each time he was returned to the cell and again strapped down.⁷⁰

NEW ORLEANS: A CITY WITHOUT MENTAL HEALTH CARE

The critical danger posed by OPP's inability to provide adequate psychiatric services is underscored by the fact that OPP, with its 60 acute care beds, is now the largest provider of psychiatric care in the greater New Orleans area.⁷¹ This startling fact can be attributed both to Louisiana's historically poor mental health care system, and the crippling effect of Hurricane Katrina on the city's community mental health services.

Even before the storm, Louisiana's mental health care system was widely regarded as underfunded and under-resourced. The state spends approximately one-third as much on mental health care per person as the national average.⁷²

Katrina exacerbated those problems, and created new ones. By various accounts, Katrina wiped out about 300 public and private psychiatric beds, and another 200 slots for outpatient treatment services.⁷³ In addition, scores of mental health professionals have left the area, creating a tremendous staffing shortage.⁷⁴ According to one survey, only about 40 of the 200 licensed psychiatrists in Orleans and surrounding parishes were practicing medicine in the area as of last fall.⁷⁵

Perhaps the biggest blow to the region's mental health care system is the loss of Charity Hospital, which offered 40 crisis-intervention beds and 100 psychiatric beds to the community.⁷⁶ Charity was a place where the police could bring mentally ill people for emergency care.⁷⁷ Without that hospital, police officers spend countless hours each month transporting hundreds of mentally ill people to emergency rooms.⁷⁸ According to Terry Ebbert, the city's Homeland Security Director, "Our police are spending an enormous amount of man-hours baby-sitting mental health patients because of the inability to get them admitted to the hospitals."⁷⁹ Mayor Nagin has expressed great frustration with the situation, and has asked the state to provide about 40 beds, at a minimum, for short-term care.⁸⁰ In response, the governor has promised to expedite plans to open a 10-bed unit.⁸¹

Why Charity Hospital has not reopened remains the subject of some dispute.⁸² Louisiana State University maintains that the hospital is unsalvageable, and that it is a waste

of money to try to remediate it.⁸³ But shortly after Katrina, a team of nearly 200 doctors, nurses, and military personnel spent a month cleaning the first three floors. A physician who participated in the clean-up, Dr. James Moises, believes that LSU is concerned it will lose FEMA funds and the chance to open a \$1.2 billion hospital if the building is reopened.⁸⁴ "The mental health crisis goes away tomorrow if you open the first three floors" of Charity Hospital, Moises said.⁸⁵ "We can get emergency services, specialty clinic services and psychiatric services up and running."⁸⁶

THE CRIMINALIZATION OF MENTAL ILLNESS

With so few psychiatric services available to the public, mentally ill people are being funneled into the criminal justice system. Some families have grown so desperate that they have sought to have their mentally ill relatives arrested in the hopes of getting them psychiatric care.⁸⁷ Judge Calvin Johnson, who presides over the city's only mental health court, has even suggested this solution to those who have contacted him in their search for help.⁸⁸

According to Dr. Michael Higgins, OPP's chief psychiatrist, in addition to the prisoners housed in the jail's 60 designated psychiatric beds, 300 prisoners in the general population receive psychiatric medication.⁸⁹ Some of these individuals have been found not guilty by reason of insanity, or have seen their criminal cases placed on hold because the court found them not mentally competent to stand trial. When this happens, the state has 90 days to restore that individual to competence through jail-based treatment before sending him or her to the Feliciana Forensic Facility (Feliciana), the state's only forensic mental hospital.⁹⁰ Even before Katrina, mentally incompetent defendants often languished for months, and in some cases years, at OPP and other jails around the state, waiting for a bed to open up at Feliciana.⁹¹ Since the storm, the list of individuals awaiting Feliciana bed space has grown by about 30 people.⁹²

Part of the problem is that more people are in need of Feliciana bed space because more mentally ill people are

being introduced into the criminal justice system. Another part of the problem is that individuals who no longer need acute care cannot leave Feliciana, because so many of the city's group homes and independent living centers never reopened after the storm.⁹³

Adding hospital beds alone is not enough, however. The city, and the state, must resolve the city's lack of alternative treatment options. "The thing about hospital beds is you only need them when your outpatient services have failed," said Dr. Kathleen Crapanzano, medical director of the Louisiana Office of Mental Health.⁹⁴ "We do not have the services to prevent hospital visits."⁹⁵

The same could be said about the jail. Without community mental health services and a functioning emergency system for acute psychiatric care, mentally ill people will continue to be incarcerated for behavior that is a product of their illness, and will spend increasingly long periods of time in jail, rather than in a proper therapeutic setting.

KATHERINE MATTES

Deputy and Acting Director of the Tulane Law School Criminal Law Clinic

People with serious mental illnesses have been particularly hard hit in New Orleans since Katrina. The storm destroyed Charity Hospital, so we have no acute care beds for our city's mentally ill. Police officers have no place to take them—they can take them to local emergency rooms, but ERs don't have the needed psych beds and police officers don't want to wait for six to eight hours just to have someone finally seen and then be released because the hospital can't or won't provide treatment.

What ends up happening is that the police instead arrest mentally ill people and take them to OPP. The jail is now the biggest psychiatric facility in Orleans Parish, but the jail rarely provides meaningful treatment. If you are an obvious danger to yourself or others you might go to the psych unit on the 10th Floor of HOD, which is air-conditioned. If the person's mental illness is not yet that acute or obvious then they will be housed

on other floors and are given their medications once or twice a week, all at once; this often leads to all sorts of problems. They sell their meds, take them all at once, or have them stolen. I had one client who had been found mentally incompetent to stand trial; she showed me her pill bottle with at least five different types of medications to treat her psychiatric illness, her high blood pressure, and her diabetes. There was no label on the bottle, no directions on the bottle and this woman was a psychiatric patient. No one is ensuring that these folks are taking the medications they need to be stable and functional.

A while back I represented the court in a contempt action against the Department of Health and Hospitals and the Orleans Parish Criminal Sheriff's Office. DHH and the Sheriff's office were failing to get people to Feliciana, the state's only forensic hospital, long after the court had ordered the transfer. Many of the people ordered transferred to Feliciana had been waiting in OPP for more than a year, some for more than two years. These folks wait in jail, their criminal cases on hold, sitting in limbo because there aren't enough beds at Feliciana. Occasionally, when I find someone who has been really lost in the system I will file a habeas petition and try to locate some alternative treatment program. I have been trying to monitor what's happening with mentally ill people in the criminal justice system, however, it is a huge problem and the number of people I can help is limited. Still, I feel badly that I can't do more for the folks in this situation. ■

Excessive Force and Unchecked Prisoner-on-Prisoner Violence

In a correctional setting, instances of excessive force and unchecked prisoner-on-prisoner violence are often signs of systemic problems. Rampant use of excessive force can indicate a lack of training for correctional officers, inadequate staffing levels, and/or a culture of abuse that has been allowed to fester. Prisoner-on-prisoner violence occurs in overcrowded and understaffed facilities, where prisoners endure long periods of lockdown and idleness, or where drugs are available.

In OPP—particularly in the CLU holding cells and in the housing tiers in HOD—all of these factors are present. One man reports that in December 2006, he was given a jail uniform too small to wear. When he complained, a deputy handcuffed one of his wrists, lifted him off the ground and dropped him on his face, shattering his nose.⁹⁶ Several women in South White Street report a recent incident in which a female prisoner refused a deputy's request that she give up her bottom bunk for another prisoner. Deputies removed the woman from the dorm, and when she returned she appeared to have been beaten severely. One account indicates that approximately six deputies beat the woman, perhaps with a stick. She was removed from the facility the following day.⁹⁷

Prisoner-on-prisoner violence is also a constant danger in the poorly managed facility. In late July 2007, a 58-year-old disabled Vietnam War veteran was badly beaten in CLU by another prisoner.⁹⁸ The man suffered severe head trauma and was taken to University Hospital, where he was placed on a ventilator and found to have virtually no brain function.⁹⁹ At HOD, the typical floor contains 12 overcrowded cells—housing approximately 180 people per floor—filled with prisoners who spend virtually all day locked down in hot and filthy conditions. Prisoners report that only one to two deputies are responsible for security on each floor, and that from their post they cannot see what is happening inside of the cells. Deputies may walk the tier when they begin and end their shift, but it is not uncommon for hours to pass with-

out seeing any deputy on the tier. Security at HOD appears to be so lax that in January 2007, a man escaped from the 6th Floor by chiseling a hole through a wall in the hallway outside of his cell.¹⁰⁰ This task, which is thought to have taken one and a half weeks, was done in a location that is out in the open and would not have been accessible to the prisoner had the cell door been locked as designed, and the hallway monitored. At the time, Sheriff Gusman reacted to the escape by claiming to have “beefed up” staffing at the location, and indicated that he had sufficient deputies on staff to handle security.¹⁰¹ But three months later, he testified before Congress that he was having difficulty finding and retaining qualified employees.¹⁰² Current reports from prisoners about the failure of deputies to walk the tier, monitor conditions, and respond to fights indicate that the Sheriff still has not retained sufficient staff to ensure safe conditions in the building.

MICHAEL BOUSUM

I was picked up on March 15, 2007, and stayed in the Central Lock-Up holding cells for three days. At first they stuck me in a room that was pretty small, but they kept bringing people in left and right. There were maybe 78 people in that room—almost standing room only. The floor covered in fecal matter, urine. If you spent any time in there you were forced to sleep in that mess. One toilet for over 70 people. People who had drugs that hadn't been taken when they were booked went back to the toilet to smoke.

When they finally moved me to the 3rd Floor receiving tier, it was horrible. There were ten beds but sixteen people in the cell. Spiders, mosquitoes, and rats everywhere. One guy was bit by a recluse spider and it took two days to get anyone to respond to his complaints; they had to dig out a huge hole from his hand to get out the dead material. I got bit, too, but after seeing what had happened to him I chiseled away the necrotic tissue myself with a sharp object and used toothpaste to clean the area.

I was eventually housed in Conchetta, in an open dorm with 54 beds. The air conditioning went down twice while I was there, first for 11 days and then for 24 days. Since it is a closed facility—no open windows—when the air went down it got very hot. On one occasion, a guy with asthma had to be taken out of the dorm because he couldn't breathe. Tempers rose and fights started in the heat. After the air went down the second time, whenever someone asked the guards for another fan or more ice, they had him packed up and moved to HOD. Everybody knew what HOD was like.



**WHEN THEY FINALLY GAVE ME A PRESCRIPTION
IT WAS FOR A MEDICATION I DO NOT USE.**

After Conchetta I was moved to Tent 7. The tents have no windows, so you can't see the outside except on the three days a week when you get recreation. The tents are all air conditioned, but guards try to keep people under control, so they keep it really cold. That only served to make some people more bitter or angry. There were maybe 87 people in my tent, but the amount of food they sent us was less per person than we got in Conchetta.

On June 1, I was taken to HOD where I spent a few days on the receiving tier before moving up to

the 5th Floor for the entire month. That building is a mess—I heard it was already condemned in 2005 and was supposed to be torn down. Around June 5 there was an inspection of the building, but guards had moved anyone sleeping on the floor to another building the day before the inspectors came. There is no way that building could pass an inspection—not if an inspector saw plugged-up toilets covered with shirts, towels, sheets, to keep them from stinking, people sleeping for weeks on the floor without mats, and pipes leaking water and sewage on the floor.

In-Custody Deaths

After the inspection there were 15 people in my cell. Fights broke out all the time, usually three or four guys on one. I was beat down twice because I wouldn't agree to fight other people; the first time they beat me bloody. Guards knew it was happening and they ignored it; you would go hours at HOD without ever having a guard walk around to see what was going on in the cells. At one point they put an old man who had been exposed to tuberculosis in a cell with us, and another time we got a guy who was supposed to be on antipsychotic meds; he had episodes of being violent and should have been receiving meds or at least on the 10th Floor medical unit.

I have been on prescription medication for migraines as long as I can remember. I usually get migraines about three times a week. Some last for a few hours or for a day. My migraines are extremely painful and they make me nauseous and very sensitive to light and sound. At OPP it took months before they ever gave me any medication for my migraines; I would fill out sick call slips and grievances and I would be told that they had triaged me for a headache. I got migraines back-to-back; one time it was ten days of non-stop migraines. When they finally gave me a prescription it was for a medication I do not use. I told them the medication that works for me and they absolutely refused to give me that. The nurses looked at you like you were an axe murderer and the doctor treated you like an idiot. You could know exactly what medications you take and for what reason, and they would still think you didn't know a thing. I was a certified nurse's aide for 11 years but none of that mattered.¹⁰³ ■

In the years leading up to the storm, a number of prisoners at the jail died from medical conditions that appeared to be entirely treatable.¹⁰⁴ Over the past year, still more individuals have died while detained at OPP.¹⁰⁵ In March 2007, a 54-year-old man died just three days after entering the jail. According to the Sheriff's Office, preliminary autopsy results indicated that chronic heart and lung disease were the cause of death.¹⁰⁶ A female prisoner died in June, but there are conflicting reports about whether the woman committed suicide or died of other causes.¹⁰⁷ On July 3, a young man named Glenn Thomas was found dead in his HOD cell. Thomas had been brought to OPP on October 23, 2006, on a cocaine possession charge.¹⁰⁸ The circumstances surrounding this death—and OPP's handling of the death—raise serious questions about current conditions inside the jail.

THE DEATH OF GLENN THOMAS

In October 2006, my son Glenn was picked up by the police for missing a court date. I had the subpoena for that court date in my car, but I had forgotten about it. Since he was picked up for missing court, they didn't set a bond for him and he had to stay in the jail.

In January, Glenn's lawyer said he thought my son might get probation, so I thought he would be out pretty soon. They were supposed to go back to court in August. My son and I spoke on the phone about once a week. He would ask about me and the family and would always ask if I knew what his lawyer was doing on his case.

I first learned about Glenn's death on July 4 at around 8 or 9 in the morning. One of the inmates called his mother and told her Glenn had died. She came over the bridge to find me and told me in person. I was very emotional and didn't believe it. I went over to the jail because I needed them to tell me whether my child was dead.

When I got to Central Lock-Up and asked the woman there if she had Glenn Thomas, she said he wasn't in the computer. She asked when he was arrested and I told her in October. Two lady deputies then came out and I told them I was scared because someone told me my son was dead. They said, "Hold up," and left and told the lady at the window not to tell me anything more. I was walking around, angry no one was telling



Glenn Thomas with his mother Rosetta James.

me anything about my son. Three guys came out and I said, "Tell me my son's not gone." They said, "Ma'am, we can't lie to you." They told me Glenn answered the 10:30 p.m. roll call on July 3 and was dead by 11 p.m. when one of the other inmates went to shake him on his bed and found him unresponsive. They said the inmate tried CPR and that doctors came in and tried CPR, but they couldn't bring him back. They told me they took pictures of the body and that he had no marks, no signs of a scuffle or fight.

They said if I wanted to see Glenn's body I could go to Louisiana Undertaker, but when we got there a young man said he had no bodies. He

took us to the coroner's office, but that office was all locked up and not even open. We didn't know where Glenn was—probably still at jail.

The next day, Glenn's father found our son at the coroner's office. When we got there they told us to sit down. They called Glenn's father and me and the man was holding a photograph. It was Glenn. He said they did an autopsy and their finding was that he died of natural causes. They said they were waiting on the toxicology report, which will take four weeks, so we are now waiting to find out what happened.

I have heard that young men coming out of the jail have said my son suffocated or had a seizure, but I don't know. I know the conditions in the jail are poor—unsanitary. Now, they are housing people in tents, but when the water came it flooded the building my son was in, and that building shouldn't have humans living there. He told me there were 18 in a cell, a fan in the hallway.

Glenn had just made 29 years old and had never had medical problems. He never had seizures. I want to know if he had a headache, a chest ache. Did he ask for help but because it was late at night they wouldn't see him or thought he could wait for the next morning? Did they tell him to fill out a piece of paper in the morning to ask for help? I don't know. ■

THREE GUYS CAME OUT AND I SAID, "TELL ME MY SON'S NOT GONE." THEY SAID, "MA'AM, WE CAN'T LIE TO YOU."

The Sheriff's Revised Evacuation Plan

In *Abandoned & Abused*, the ACLU detailed the horribly mismanaged evacuation of OPP in the days after Hurricane Katrina.¹⁰⁹ Dr. Demaree Inglese, OPP's Medical Director at the time of the storm, recently confirmed that Sheriff Gusman refused to evacuate the jail prior to the storm over the objections of his own disaster planning committee, and shrugged off concerns about the jail's lack of preparedness to remain in place.¹¹⁰ Jail administrators overruled efforts to distribute food and water to various jail buildings in advance of the storm,¹¹¹ and in one building only agreed to relocate wheelchair-bound and severely ill prisoners in the 1st Floor infirmary *after* all power was lost and floodwaters had reached their beds.¹¹²

On September 1, 2006, the ACLU of Louisiana filed a lawsuit on behalf of one of the prisoners who was trapped in OPP throughout the storm. The plaintiff in the lawsuit, Ronnie Lee Morgan, Jr., was a federal prisoner housed in a protective custody unit at the time of the storm.¹¹³ When Morgan was finally evacuated out of OPP and transported to the Elayn Hunt Correctional Center, he was placed onto a field filled with thousands of other prisoners without any regard for his safety. Morgan and other protective custody prisoners were quickly attacked on the field; Morgan himself was stabbed in the head and the back of the neck, denied medical attention, and spent the remainder of the night covered in blood and fearful of further attacks. Morgan's lawsuit includes claims against Sheriff Gusman for his failure to adopt an adequate evacuation or emergency preparedness plan, or, in the alternative, for his failure to properly execute whatever plan actually existed at the time of the storm.¹¹⁴

OPP's preparedness for another hurricane is largely unknown. Both the Municipal Court and Traffic Court of New Orleans have issued orders requiring the Sheriff immediately to release certain municipal and traffic offenders in the event of a declared emergency, and to refuse to take in additional individuals.¹¹⁵ If implemented properly, this is an excellent idea. Such orders either did not exist, or were not

adhered to, at the time of Hurricane Katrina, when thousands of municipal offenders remained at the jail throughout the storm; over 100 of the men held in the overcrowded Templeman III building had been arrested and booked on minor charges in the two days preceding Katrina's landfall.¹¹⁶

On August 18, 2006, the ACLU of Louisiana filed a public records act request seeking information on OPP's current evacuation plan, hurricane/flood contingency plans, and any agreements between the Sheriff's office and local, state or federal agencies pertaining to emergency evacuation procedures for the jail.¹¹⁷ In response to this request, the Sheriff's office produced a series of policies that are internally inconsistent and dangerously inadequate. One document produced by the Sheriff's office is a Hurricane and Flood Contingency Plan that is substantively identical to the plan that existed when Katrina struck.¹¹⁸ The plan provides no information about when or whether OPP will be evacuated, except to require the evacuation of all single-story security buildings 24 hours before the expected arrival of a hurricane¹¹⁹ —a step that was apparently ignored in advance of Hurricane Katrina. The Sheriff's office also produced its Standard Operating Procedure in the Event of a Hurricane Evacuation (SOP), which calls for the Department of Corrections to provide 150 buses to evacuate OPP 30 hours prior to any threat of a Category Two or higher hurricane.¹²⁰ It is unclear whether such a provision existed prior to Katrina, but the Sheriff refused to accept Louisiana Department of Public Safety and Corrections (DOC) offers to evacuate prisoners before the storm.¹²¹ The SOP also contains dangerous and inconsistent information about the evacuation of OPP and the pre-storm release of prisoners. Notwithstanding the courts' orders calling for the release of most municipal offenders, the SOP anticipates keeping approximately 200 low-security prisoners at the jail throughout a hurricane to stay in place until "the natural disaster has subsided," at which point they will be dispatched along with deputies to begin the cleanup process.¹²² If there is severe flooding, as happened in the aftermath of Hurricane Katrina, any prisoners and deputies left behind are in danger of losing their lives.

LOUISIANA'S INDIGENT DEFENDER CRISIS

One factor that contributes to problems such as overcrowding at the jail is that individuals are not moving through the criminal justice system quickly. This is in part due to structural problems with the city's overuse of detention and the underutilization of release alternatives, but it is also related to New Orleans' indigent defense woes. In *Abandoned & Abused*, the ACLU described Louisiana's long history of sorely inadequate indigent defense, and the devastating effect that Katrina had on an already dysfunctional system.¹²³ Even before Katrina, public defenders were frequently unable to provide adequate representation because of their overwhelming caseloads.¹²⁴ As recently as October 2006, the 11 attorneys in the public defender's office shared 3000 cases.¹²⁵

Devastation Brings Change: Reforms in the Indigent Defender's Office

Although the system was broken long before Katrina, it took the storm to bring change. According to Katherine Mattes, "Katrina came at an unbelievable human price, but it made people aware that the criminal justice system, and indigent representation in particular, was in crisis."¹²⁶

In April 2006, Orleans Parish judges appointed new members to the indigent defense board after the old board, responsible for overseeing the public defender's office, collapsed.¹²⁷ The board hired a consultant and new management, which instituted a number of changes to the public defender system in Orleans Parish.¹²⁸ The first change was to require all attorneys to work full time as public defenders, rather than allowing them to maintain a private practice on the side.¹²⁹ The office also began a practice of "vertical representation," by assigning attorneys to represent criminal defendants upon arrest.¹³⁰ In the past, with the exception of having an attorney appear for a brief bond hearing, counsel

would not be appointed until after charges were filed by the district attorney's office. Since the district attorney's office had 45-60 days after arrest to charge a defendant and 30 more days to schedule an arraignment, defendants could languish in jail for months without being represented.¹³¹

"Katrina acutely amplified the need for vertical representation," said Katherine Mattes, "because the district attorney's office was not bringing charges within the mandated time limit."¹³² Since the appointment of counsel was only triggered by the filing of charges, many people never formally charged with a crime spent longer periods of time in jail than the law permits, yet had no attorney to advocate for their release.¹³³ Public defenders also say the new practice enables them to begin investigating a case soon after the arrest, vastly improving the quality of investigations and producing tangible results.¹³⁴

JAMES TERRY

James Terry is a U.S. Army veteran with no criminal history. On September 11, 2005, while he was sitting on the porch of his residence in New Orleans, members of the National Guard jumped a fence, broke a window of the house, and searched the room that Mr. Terry had been sharing with two other persons. Inside the room they found a BB gun and a single marijuana cigarette. The guardsmen had no probable cause to believe that Mr. Terry had committed a crime, and no warrant to search the house. The New Orleans Police Department was called to the house, and Mr. Terry was arrested on charges of looting, possession of a controlled dangerous substance, and possession of a firearm.

He was first transported to “Camp Greyhound,” a bus station in downtown New Orleans that had been converted into a temporary jail. After having his booking pictures taken, Mr. Terry was made to pose for a photograph with a member of the National Guard, as though he were a trophy. For the next two days, he slept on the oil-soaked ground of the makeshift jail, using only his shoes for a pillow.

When he was eventually bused to Elayn Hunt Correctional Center, he was held for weeks in a maximum-security cellblock. Although he was an uncharged, non-violent arrestee, he was held in a severely overcrowded cell with convicted prisoners and violent pre-trial offenders.



Mr. Terry was later moved off the cellblock and into the prison’s carpentry shop, where he and 65 other men slept on the floor, their mats touching because the room was so overcrowded. There was one toilet for all of the men to share and a constant infestation of rats, spiders, and insects. The men only went outside for one or two hours per week.

Throughout this period, Mr. Terry sought access to information about the reason for his continued confinement. He wrote letters to everyone

he could think of to try to find out how to get out of jail. His family was also frantically writing letters to various government officials seeking his release. During this time, Mr. Terry was denied all access to a law library. Because these “Katrina Prisoners” lacked access to lawyers or any legal advice, they were forced to trade items purchased from the prison store in exchange for sample legal documents obtained by other prisoners. Mr. Terry was only once brought before a person who informed him of the charges against him and purported to set an outrageously high bail in the amount of \$200,000. It is still unknown whether this person was a judge or a magistrate judge.

On April 4, 2006, Mr. Terry was released from Hunt. He was never formally charged with a crime, but was incarcerated for 190 days.

On January 24, 2007, the ACLU of Louisiana filed a federal lawsuit on Mr. Terry’s behalf. “The facts in this case illustrate a violation of most of the protections in the Bill of Rights,” according to Katie Schwartzmann, Staff Attorney for the ACLU of Louisiana. “He was denied his constitutional protection against unlawful search and seizure, his rights to due process, to counsel, to access the courts and his right to not be held in cruel and unusual conditions. Our system let him down, and he paid a very high price with seven months of his life.” As a result of this lawsuit, Mr. Terry will now get his day in court.¹³⁵ ■

**HE WAS NEVER FORMALLY CHARGED WITH A
CRIME, BUT WAS INCARCERATED FOR 190 DAYS.**

The Legislature Starts Taking Responsibility for Indigent Defense

This summer, the Louisiana legislature, led by Rep. Danny Martiny, passed a bill overhauling the state's indigent defense system.¹³⁶ The bill, signed into law by Gov. Kathleen Blanco in July, creates a new statewide board and regional boards to supervise indigent defense, and raises funding from about \$20 million to about \$27 million.¹³⁷ Advocates welcome the creation of a statewide board that can hold local indigent defense offices accountable to a basic standard of constitutionally adequate defense.

"It's important that we acknowledge the positive steps the legislature has taken towards reforming and properly funding indigent defense," said Malia Brink, Indigent Defense Counsel for the National Association of Criminal Defense Lawyers.¹³⁸ "But the indigent defense system in Louisiana needs substantially more money than the new law provides."¹³⁹ It remains unclear how funds will be allocated to the different parishes. Various reports have estimated that Orleans Parish alone needs between \$7 and \$10 million a year to adequately represent indigent defendants.¹⁴⁰

A Precarious Balance: The Need for Increased and Reliable Funding

Notwithstanding significant improvements in the public defender's office over the past year, the office is barely treading water. Attorneys struggle with overwhelming caseloads, often working seven days a week.¹⁴¹ Even with the additional staff the office was able to hire with emergency temporary funds, the office is not able to represent every defendant from his or her first appearance.¹⁴² Attorneys are not always able to see their clients within the 72 hours mandated by new state standards, fully investigate their cases, or file written motions.¹⁴³

Moreover, many of the positive results of the last year have resulted from the hard work of volunteers—an uncertain and provisional solution to staffing shortages. Since Kat-

rina, more than 500 volunteers have provided assistance to the public defender's office.¹⁴⁴

Lack of funding remains the biggest challenge.¹⁴⁵ "Our office has definitely improved," said Christine Lehmann, the Chief Indigent Defender for Orleans Parish.¹⁴⁶ "But the elephant in the room is that these changes have been made possible by a federal grant that runs out next year."¹⁴⁷ Nearly half of the office's current budget is made up of a temporary grant from the Bureau of Justice Assistance (BJA).¹⁴⁸ That funding helped get the office on its feet, but it is also helping to pay the salaries of much-needed additional lawyers and support staff.¹⁴⁹ Lehmann does not know where the office will find additional funds, but she does know that without it, the office will be crippled. "There is no fat to trim in our budget," Lehmann said. "Without this funding, we will be forced to start laying off staff." Thinning the already threadbare staff could mean that the gains made in the last year would be lost entirely.¹⁵⁰

The BJA estimated that the public defender's office would need about \$10.7 million in its first year, and about \$8.2 million annually thereafter, in order to adequately represent its clients and serve the community.¹⁵¹ The office's current budget of \$3.5 million—largely propped up by the BJA's one-time hurricane grant—is not even half of that figure.¹⁵² Without that grant, the office's total budget is less than \$2 million—a mere fraction of the budget recommended by BJA and other reports.¹⁵³ The office needs at least \$2.8 million above its *current* funding level to hire enough lawyers to provide satisfactory defenses to its clients.¹⁵⁴ "The challenges facing the OPD are significant," Lehmann wrote in a recent funding request to the legislature.¹⁵⁵ "[F]unding changes are needed to ensure the continued functioning of the criminal justice system."¹⁵⁶

The Costs of Inadequate Defense

The costs of inadequate defense are borne by the criminal justice system and the community at large. The representa-

tion that public defenders provide to indigent defendants—in a system where 80-90% of defendants are indigent—enables the criminal justice system to function. In the aftermath of Katrina, the failure “to provide constitutionally valid legal representation to the thousands of pretrial detainees whose cases were pending . . . had the criminal justice system on the verge of closing down completely.”¹⁵⁷ Inadequate defense imposes both human and financial costs. When defendants are not adequately represented, for example, they spend unnecessary time in jail, disrupting their own lives and costing taxpayers money. As pointed out by the BJA assessment, “even defendants who wish to plead guilty must have counsel for a judge to accept the plea.”¹⁵⁸

There is another, less obvious cost associated with inadequate defense: public safety. “Public defender’s systems also protect public safety,” said Katherine Mattes.¹⁵⁹ “If you have an active, involved public defender’s office that shows the weaknesses of a case to prosecutors, that advocacy puts pressure on prosecutors to make sure that police are investigating and building cases in a meaningful way.”¹⁶⁰ A strong public defender’s office thus makes it harder for police to take shortcuts.¹⁶¹ In September 2006, the New Orleans City Council and Mayor Nagin hosted a city-wide Crime Prevention Summit to address the concerns of rising crime in New Orleans. The Summit was an open forum for community members and city officials to discuss the challenges facing the criminal justice system in New Orleans. As a result of the gathering, community members and city officials broke into working groups, which covered areas such as Policing, Courts, Corrections, and Juvenile Detention. ACLU of Louisiana staff members joined the Policing, Courts, and Corrections working groups and have met over the past year to discuss the needs of the city and help the City Council determine which best practices could be successfully incorporated into the New Orleans structure.

“Indigent defense is part of a bigger system,” Mattes said.¹⁶² “When it is effective, it benefits society as a whole, by reducing crime and promoting a more effective and fair criminal justice system.”¹⁶³

Crumbled steps
in front of the
abandoned
municipal-traffic
court



THE WORLD IS WATCHING: Human Rights for the Victims of Katrina

Hurricane Katrina was an event of global significance. Not since September 11, 2001, has the rest of the world turned its attention to a domestic crisis in the United States as it did in the days, weeks, and months following the storm. Over the past two years, the ACLU of Mississippi and the ACLU of Louisiana, working with the ACLU's Human Rights Program, have used international human rights strategies and mechanisms to advocate on behalf of the victims of Hurricane Katrina and to hold the U.S. government accountable for its human rights obligations under internationally recognized norms and binding treaties.

Last year, the ACLU engaged in advocacy with the United Nations Human Rights Committee (HRC), a group of internationally recognized experts who monitor compliance with one of the primary global human rights treaties, the International Covenant on Civil and Political Rights (ICCPR). As part of this advocacy, the ACLU, along with the U.S. Human Rights Network, organized a side panel and provided testimony on human rights violations that took place in the wake of Hurricane Katrina. The ACLU also held meetings with HRC members to discuss Katrina-related rights violations, and submitted a report to the HRC, which included a discussion of the government's response to Katrina.¹⁶⁴ In July 2006, an ACLU delegation traveled to Geneva to advocate before the HRC during a session in which the Committee evaluated the U.S. government's compliance with the ICCPR. Along with the U.S. Human Rights Network, the ACLU convened a panel of human rights victims, which included victims of Hurricane Katrina, who were able to tell their stories to Committee members and to the global community.¹⁶⁵ In the ACLU's statement to the HRC, the ACLU Human Rights Program highlighted Hurricane Katrina as an example of continued racial and economic inequalities that plague the United States. During the

review of the United States, the HRC asked questions of high-level representatives from the U.S. government and subsequently issued a sharp criticism of the Bush Administration's response to the victims, noting the disadvantages suffered by poor people and African-Americans in rescue operations after Hurricane Katrina and in reconstruction efforts.¹⁶⁶ The HRC specifically mentioned Katrina-related violations of human rights in its "Concluding Observations" on the U.S.'s compliance with the ICCPR. The HRC also criticized Louisiana police officials for blocking mostly black and poor residents of New Orleans from leaving the city, and for the state's failure to evacuate OPP.¹⁶⁷

In addition to international advocacy, beginning in the first few weeks after the storm, the ACLU and its affiliates conducted human rights documentation and fact-finding tours in the affected Gulf Coast states and worked with other advocates to ensure that civil liberties and human rights concerns were addressed, including those related to housing, education, voting, and racial profiling.¹⁶⁸ Using this documentation, the ACLU of Louisiana assisted with drafting human rights reports on the U.S.'s compliance with the ICCPR and the United Nations Convention Against Torture, highlighting Katrina-related violations. In doing human rights public education, and leading up to the meetings at the United Nations in Geneva, the ACLU of Louisiana and Mississippi held a "human rights day of action" in June 2006, and began using human rights messaging to mobilize local communities.¹⁶⁹ As part of this effort, the ACLU of Louisiana is working as part of a "coalition of accountability" made up of local residents and advocacy organizations, and has organized events on how to use human rights strategies to demand government accountability. The ACLU of Mississippi has been involved with a comprehensive documentation project that will collect and analyze stories of human rights violations that survivors endured. Additionally, the Mississippi affiliate has held several small workshops on human rights strategies for community members.

Fence with
razor wire
surrounding
Tent City



CONCLUSION

Ultimately, Hurricane Katrina cannot be blamed for all of the damage done to Gulf Coast communities over the past two years. The storm did not blow prison abuse and discriminatory school discipline into Mississippi, nor did it introduce racial profiling or police brutality to Louisiana. Indeed, months before Katrina struck, prosecutors in New Orleans were forced to drop murder charges against an African-American teenager because, among other things, an NOPD detective admitted on the stand that he lied in Juvenile Court about the young man's involvement in the crime.¹⁷⁰

Although the storm destroyed prison buildings in New Orleans, it was the Sheriff's decision to "keep our prisoners where they belong,"¹⁷¹ that led to the tragic suffering of OPP prisoners and staff. Two years have passed, but OPP still has not requested expert guidance in developing a proper emergency preparedness plan, and the jail appears doomed to repeat the mistakes made during Katrina. In the meantime, thousands of prisoners remain in the jail, where they are housed in unsanitary, unsafe, and inhumane conditions.

While the recovery process should be an opportunity for officials to work collaboratively with their diverse communities, post-Katrina Louisiana and Mississippi have seen many of their pre-existing problems exacerbated. Racially motivated and unduly harsh policing throughout Louisiana and into areas of Mississippi that host Katrina evacuees continues to divide communities and disrupt lives. The Katrina Diaspora remains a very vulnerable population. Having lost their homes, their livelihoods, and their families, many people are still without the basic necessities that once sustained them. Worse, Katrina evacuees have seen the rights and protections otherwise afforded them as migrants, citizens, and human beings gradually eroded, in direct contravention of the Constitution and numerous human rights accords.

The towering
House of
Detention
complex



RECOMMENDATIONS

In *Abandoned & Abused*, the ACLU put forward several important recommendations to local, state, and federal officials.¹⁷² At the most basic level, the ACLU recommended that the Sheriff's office take steps to learn from the Katrina experience so that future disasters can be handled more safely and securely. More generally, the recommendations aimed to help the sheriff and local and state officials create a jail—and a criminal justice system—that is more cost-effective, humane, and that ensures real public safety. One year later, much more still needs to be done.

Recommendations to Federal Officials

- The U.S. Department of Justice, National Institute of Corrections (NIC), should be tasked to perform a Technical Assistance Report of OPP's emergency preparedness system. In the aftermath of Katrina, the NIC was invited by the DOC to evaluate its performance during Katrina, but that review explicitly omitted any consideration of OPP. Moreover, the information presently available about the jail's current level of preparedness suggests that the facility is horribly ill prepared for a future disaster. An NIC audit is needed in order to potentially save lives.
- The NIC should also conduct a separate investigation into the inadequate medical and mental health care provided at OPP. Such an investigation would permit qualified experts to review the level of care provided at OPP, and could lead to concrete improvements in conditions for prisoners.
- The Civil Rights Division of the U.S. Department of Justice should investigate serious civil rights violations at the jail, including the dangerous and

unsanitary conditions in the jail's buildings and the unacceptable levels of violence caused, in part, by inadequate staffing and a culture of abuse. The Civil Rights Division should also vigorously enforce our nation's housing discrimination laws.

- In August 2007, the ACLU sent a letter to the Centers for Disease Control (CDC) regarding an apparent outbreak of "staph" infections at OPP. Given the serious public health consequences of such an outbreak, the CDC should immediately investigate these concerns and take all necessary steps to ensure the safety of all people in OPP and the New Orleans community.
- In addition to housing state and local prisoners, OPP houses individuals in the custody of U.S. Immigration and Customs Enforcement and the U.S. Marshals Service. The federal government should review conditions at OPP in accordance with all relevant standards and remove individuals in their custody from the facility.
- In April 2006, the U.S. Department of Justice, Bureau of Justice Assistance, performed a needs assessment of the New Orleans public defender system.¹⁷³ Out of that audit, the indigent defender program received a one-time grant that has helped the office hire new staff and make significant improvements to the provision of legal services to indigent defendants. In light of significant changes to the indigent defense system over the past 16 months, a new assessment should be performed and additional funds must be allocated to remain in place until state funding reaches acceptable levels. Otherwise, all of the recent gains made in the city's indigent defense system will be squandered.

- Congress should pass legislation to address critical problems faced by victims of Hurricane Katrina, including:
 - legislation that would create nationwide procedures and safeguards to ensure voting rights for voters displaced by instances such as natural or environmental disasters, industrial accidents, wars, and terrorist events;
 - legislation that emphasizes increasing low-cost housing options and access to public housing;
 - legislation that facilitates the rebuilding of health care facilities and clinics in the region, with a special emphasis on the provision of low-cost medical care and mental health services; and
 - the End Racial Profiling Act to prevent federal law enforcement officers in the region from engaging in racial profiling.

Recommendations to State Officials

- DOC prisoners have been housed at OPP since the mid-1970s. Not only is this done at great expense to the state, but it contributes to the overcrowding at OPP and creates incentives for the Sheriff's office to unnecessarily rebuild OPP into the behemoth that it was before the storm. DOC should review conditions at OPP in accordance with all relevant standards and remove individuals in its custody from the facility.
- In August 2007, the ACLU sent a letter to the Louisiana Department of Health and Hospitals (DHH) regarding an apparent outbreak of "staph" infections at OPP. Given the serious public health consequences of such an outbreak, DHH should

immediately investigate these concerns and take all necessary steps to ensure the safety of all people in OPP and the New Orleans community.

- In recent months, the Louisiana state legislature has revamped the state's indigent defense system and increased statewide funding. Although this was a major step forward, additional funding is still required to ensure that indigent defendants around the state receive constitutionally adequate representation. In Orleans Parish alone, current funding levels are drastically below what is required to ensure a functioning indigent defense system, and a significant portion of the funding comes from a one-time federal grant, not state resources.
- Mentally ill prisoners around the state of Louisiana are languishing in jails and prisons, rather than receiving court-ordered mental health treatment at a forensic hospital. Louisiana must ensure that there are sufficient mental health beds available to meet the critical demand for services. Moreover, because many of the individuals currently at Feliciana could be discharged from that facility to lesser restrictive settings were community-based mental health care available, Louisiana should invest in such treatment alternatives.

Recommendations to Local Officials

- In *Abandoned & Abused*, the ACLU's principal recommendation to the Orleans Parish Criminal Sheriff's Office, the City of New Orleans, and the DOC was to design and implement a comprehensive emergency preparedness plan with the assistance of experts in the field, such as the NIC. Unless the Sheriff's office makes a good faith effort to learn from what happened during and after Hurricane Katrina, it will be doomed to repeat its mistakes. The Sheriff's office and/or the City of New Orleans should invite the NIC to perform a Technical Assistance Report focusing on the jail's performance during Hurricane Katrina and its current state of preparedness.
- The House of Detention building is dangerously overcrowded and understaffed, leading to unsafe and unsanitary conditions, the outbreak of infectious diseases, and widespread violence against prisoners. The building, which also includes acute psychiatric beds and a medical care unit, is unfit to house prisoners and should be shut down while ensuring that individuals in need of acute mental health care and ongoing medical care receive all necessary services.
- In June 2007, the New Orleans City Council received a report from the Vera Institute of Justice, which makes numerous recommendations to improve the criminal justice system by incorporating national best practices. The report focuses on practical changes to be made over the next six to 12 months for the "biggest bang for the buck."¹⁷⁴ The city should work with the Vera Institute to implement the recommendations in the report.
- The New Orleans City Council should provide all necessary funding to an Office of the Independent Monitor, to ensure that proper oversight is provided in response to allegations of police misconduct and abuse.
- The Orleans Parish Criminal District Court should convene a grand jury to investigate conditions at OPP, paying particularly close attention to the problems of overcrowding and unchecked violence against prisoners.

Recommendations to the United States Government at the Federal, State, and Local Levels Regarding International Human Rights Obligations

- The United States must comply with its human rights obligations under the three major international treaties that the U.S. has signed and ratified: the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).
- The United States must bring conditions of confinement into conformance with international human rights standards by ensuring that all prisoners and detainees are confined in conditions consistent with their human dignity; that all conditions of confinement at the federal, state, and local level conform to the minimum requirements of the United Nations' Standard Minimum Rules for the Treatment of Prisoners and international juvenile detention standards; and that all prisoners and detainees have prompt access to medical care in prisons and detention facilities, including psychiatric and psychological care.
- The United States must thoroughly and promptly investigate all allegations of torture and abuse in United States' prisons, jails, and other detention facilities; establish independent oversight bodies to investigate complaints of torture and abuse by law enforcement and correctional officers; monitor conditions in all prisons, jails, and detention centers in the United States; and hold accountable all individuals who have authorized, condoned, or committed torture or cruel, inhuman, or degrading treatment or punishment.
- The United States must respect the rights of the criminally accused by properly funding and supervising indigent defense systems, creating transparency in the administration of justice, and ending the disproportionate confinement of people of color in prisons, jails and juvenile detention facilities.
- The United States must guarantee equality before the law by effectively planning for crises such as Hurricane Katrina by seeking meaningful participation from the community at all stages of that planning, addressing the intersection of race and poverty in the Katrina region, and by banning racial profiling practices by state law enforcement officers and ensuring that states comply with bans already in place.

AUTHORS

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American Civil Liberties Union, National Prison Project

Founded in 1972 by the American Civil Liberties Union, the National Prison Project (NPP) seeks to ensure constitutional conditions of confinement and strengthen prisoners' rights through class action litigation, advocacy, and public education. Our policy priorities include preventing domestic torture; protecting prisoners' health, safety, and human dignity; assuring domestic oversight of prisons; and promoting sound correctional policies. The Project also publishes a semi-annual journal, coordinates a nationwide network of litigators and advocates, and provides expert advice and technical assistance to local community groups and lawyers throughout the country.

American Civil Liberties Union, Racial Justice Program

The ACLU Racial Justice Program aims to preserve and extend constitutionally guaranteed and other rights to segments of the population that historically have been denied those rights on the basis of race, ethnicity or national origin. Our work involves challenges to racial discrimination and issues that have a direct or disparate impact on communities of color, particularly in the areas of criminal justice, education, and discrimination. Specifically, we have filed civil challenges to the inadequate provision of indigent criminal and juvenile defense, pre- and post-9/11 racial profiling, and disparate educational opportunities. Committed to combating racism in all its forms, the Program's advocacy includes litigation, community organizing and training, legislative initiatives, and public education.

American Civil Liberties Union of Louisiana

The ACLU of Louisiana has protected traditional American values as a guardian of liberty since its founding in 1956. Our mission is to conserve America's original civic values embodied in the U.S. Constitution and the Louisiana Constitution by working daily in the courts, legislature and communities. We defend the rights of every man, woman and child residing in this state against attempts by the government to take away or limit civil liberties and personal freedoms guaranteed by the Bill of Rights, as well as federal and state laws. The ACLU of Louisiana provides its services free-of-charge, and without regard to a person's race, creed, religion, national origin, or sexual orientation.

American Civil Liberties Union of Mississippi

The Mississippi affiliate of the ACLU has been protecting and preserving Mississippians' civil rights and liberties since 1969. Our mission is to protect and enhance civil rights and liberties throughout the state. Since our inception almost 40 years ago, the ACLU of Mississippi has successfully engaged in a comprehensive work strategy that has included litigation and advocacy on issues such as separation of church and state, reproductive health care, race and criminal justice reform, and voting rights.

American Civil Liberties Union, Human Rights Program

Created in 2004, the ACLU Human Rights Program is dedicated to holding the U.S. government accountable under universal human rights principles in addition to rights guaranteed by the U.S. Constitution. We incorporate international human rights strategies into ACLU advocacy on issues relating to national security, immigrants' rights, women's rights and racial justice.

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