



# After **KATRINA**

## Washed Away? Justice in New Orleans



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### *After Katrina: Two Years Later*

Over the past two years, Urban Institute researchers have made the ongoing impact of and recovery from Hurricane Katrina one of the Institute's primary focuses. At the second anniversary of Katrina's devastation of the Gulf Coast region, where do we stand? For a complete list of UI papers and publications related to Katrina, please visit our web site:

<http://www.urban.org/afterKatrina>. For recent work, see <http://www.urban.org/afterkatrina/2yearslater>.

This research report provides the first comprehensive published review of the acute and lasting impact of Hurricane Katrina on the criminal justice system of New Orleans. We discuss the state of affairs before the storm, the impact of the storm on each branch, and the current conditions. We also take a look at the lessons learned with regard to the criminal justice system—lessons relevant beyond the Gulf Coast that can assist jurisdictions around the country should they be confronted with natural or man-made shocks to the systems keeping residents safe.

This report is based on interviews with dozens of criminal justice stakeholders living and working in the greater New Orleans area, coupled with an extensive review of published and unpublished documents.

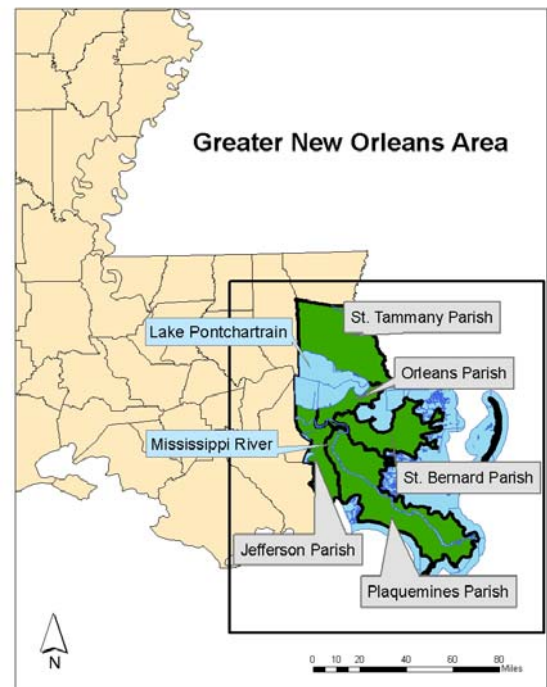
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As the second anniversary of Hurricane Katrina approaches, the news media continues to document high levels of violence and disorder across New Orleans neighborhoods. Stories document with regularity a criminal justice system in disarray<sup>1</sup>—homicide suspects freed due to constitutional violations of due process, arrested suspects awaiting trial for months without seeing a lawyer, police investigators working out of trailers, and a court backlog of thousands of cases. With the seemingly endless barrage of media highlighting the disorganization, it becomes difficult for the public to sort through rhetoric and hyperbole and grasp the current state of New Orleans's criminal justice system. Did Hurricane Katrina wash away the criminal justice system, as some have asserted (Garrett and Tetlow 2006)? Has the multiagency system emerged from the disarray? Which components remain neglected? Where has progress been made? This report attempts to shed light on public safety and the administration of justice in New Orleans and surrounding jurisdictions; to separate fact from fiction; and to document the impact Hurricane Katrina had on public safety and the criminal justice system. We focus predominantly on Orleans Parish, which makes up the city of New Orleans, and on criminal justice agencies operating within Orleans Parish.

It is not a secret that, before Katrina, the New Orleans criminal justice system had long been plagued with inefficiencies and structural barriers that interfered with the fair administration of justice. Before Katrina, almost all criminal justice system agencies in New Orleans faced substantial funding problems and had been repeatedly criticized for weak management. Under the administration of an often poorly functioning criminal justice system, New Orleans was considered one of the most violent cities in the country.

The aftermath of the hurricane has provided and continues to provide a unique opportunity for criminal justice stakeholders to assess and reassess the situation as the city repairs the damages—damages due to Katrina and damages from before Katrina. The lessons learned from Katrina have relevance beyond the Gulf Coast in that they can assist jurisdictions around the country should they be confronted with natural or man-made shocks to the systems that are devoted to keeping residents safe.

For readers not well versed in the vernacular of criminal justice, the criminal justice system is a multicomponent system, primarily made up of three parts—police, courts, and corrections—together designed to maintain social control, deter and control crime, and punish those guilty of violating the law. Courts and corrections each have their own subsections—prosecutors, defense attorneys, and judges are responsible for the administration of justice through the court system. Corrections consists of institutional corrections (i.e., prisons and jails) and community corrections (i.e., parole and probation) for those under state or local supervision but serving their sentences outside institutions.



In this report, we provide the first comprehensive published review of the acute and lasting impact of Hurricane Katrina on the criminal justice system of New Orleans. We examine each branch and subcomponent of the criminal justice system by discussing the situation before the storm, the impact of the storm on each branch, and the current conditions. The final sections of this report discuss policy considerations and recommendations for the New Orleans criminal justice system to continue its progress and for other jurisdictions that might face similar predicaments in the future. As this report shows, to find order after a catastrophe, public safety must be a priority before disaster hits and remain a priority in the aftermath. The same characteristics that enable an effective and efficient criminal justice system during routine operations will enable a system to function during and after disaster. We hope this report spurs increased dialogue and action not only among federal, state, and local policymakers, but among all criminal justice stakeholders—including practitioners, community residents, local civic leaders, and young scholars studying innovative strategies for increasing public safety and the equitable administration of justice.

This report is the result of a year-long study. We interviewed representatives of criminal justice agencies in Orleans, Jefferson, and Plaquemines Parishes, including law enforcement officials from the New Orleans metropolitan area police departments and parish sheriffs' offices, lawyers, judges, and magistrates, as well as representatives from community foundations and consultants working to increase public safety across all neighborhoods impacted by the storm. We also talked to representatives from federal law enforcement agencies. In addition to telephone and in-person interviews, we reviewed hundreds of published and unpublished documents and news accounts on the criminal justice system before and after the hurricane.

## **THE FRONTLINE: POLICING**

The police, the most visible agents of government, are essentially the gatekeepers for the other criminal justice agencies—they are the agency responsible for maintaining order and public safety by enforcing the law. They are also the agency on the frontline during times of crisis and conflict—as during Hurricane Katrina.

On the day that Katrina struck land, August 29, 2005, the New Orleans Police Department (NOPD) had a force of 1,668 sworn officers (Riley 2006). Although the storm surge and high winds hit the region the day before, the eye of the hurricane did not cross the New Orleans metropolitan area until 6 a.m. CDT, when the storm, with winds estimated to be 125 m.p.h., hit Buras-Triumph in Plaquemines Parish, directly south of Orleans Parish. The impact on the police was immediate. Within 23 minutes of the first breach of a levee (7 a.m. CDT), the NOPD received over six hundred 911 calls. As officers responded to calls, they were hampered by winds and flooding, as well as legal regulations in place for the officers' safety. The

state emergency preparedness plan stipulates that officers cannot respond to calls when winds exceed 55 m.p.h. Because winds had reached this level the day before, officers had already been directed to relocate to pre-staged locations to weather the storm. After the levees were breached, flood waters isolated roughly 300 NOPD police officers, who were now unable to assist the department in rescue efforts. Eighty off-duty officers were stranded in their homes and another 147 officers abandoned their positions (Riley 2006).

In addition to the limited manpower available for search and rescue, the lack of suitable rescue equipment was a key problem in the hours and days following the storm. The water flooded police district stations, including the main headquarters, and hundreds of vehicles. Published accounts estimate only three department boats were available to the officers as rescue vehicles (Riley 2006). Other officers used their own personal boats. Roughly a third of the department's patrol cars were stolen or destroyed by flooding.

Communication blackouts further diminished NOPD capacities and law enforcement efforts in surrounding parishes. In the city of New Orleans, the storm surge destroyed one communications tower and flood waters damaged another two. In St. Bernard Parish, winds downed the communications towers and antennas, and buildings housing communications for the fire and sheriff's departments were evacuated. In Plaquemines Parish, both the parish communications tower and communications center were destroyed, and 911 communications were lost for at least three weeks. The Jefferson Parish Sheriff's Office also lost their main communications tower (Dowden 2006).

The metropolitan area had to rely on voice radio using only a few mutual aid channels during the hurricane and in its aftermath. The system that provided operational communications across the four parishes and state and federal agencies was also damaged, leaving no mechanism for regional communication during the storm and for many months after (Dowden 2006). Single-band walkie-talkies quickly became overcrowded and essentially useless. A few NOPD captains organized a makeshift rescue operation out of the driveway of Harrah's casino, but without consistent radio communications, contact with others on the ground or in the air (such as helicopters seen by officers) was impossible. Later reports suggested the Federal Emergency Management Agency (FEMA) and the NOPD had unknowingly duplicated their coverage of parts of the city, delaying efforts in uncovered neighborhoods and perhaps costing lives (Baum 2006).

The absence of working communication networks provided an unfortunate opportunity for exaggerated reports of escalating looting and random violence, such as the unsubstantiated murders in the Superdome.<sup>2</sup> Even then—Police Superintendent Edwin Compass and Mayor

Ray Nagin referred to incidents of violence and mayhem in the days after Katrina that later were proven false.

Emergency plans provided little guidance on such safety and security measures as providing emergency shelters on higher ground, coordinating rescue efforts when electronic communications were severed, and having secure locations to detain offenders arrested during the storm. The lack of a holding facility led police officers capturing looters in the act to release them immediately after taking their photographs in hope that warrants for their arrest could be issued later (Baum 2006). The NOPD's emergency plan did not specify where vehicles would be relocated, leaving responsibilities up to district commanders. Many emergency vehicles were parked in low-lying areas—the first areas to be flooded—to avoid high-speed winds. Basic provisions and clean and dry uniforms were not available to officers, nor were logistics in place to distribute and manage supplies (U.S. Senate 2006a). In addition to police headquarters, three of the eight police district stations were uninhabitable. Evidence from more than 3,000 cases was submerged in floodwaters at police headquarters and the courthouse. The flooding also ruined hundreds of guns, the bulk of the department's ammunition, and other special equipment, such as bullet-resistant shields. Conversations with law enforcement personnel and media accounts report that it took over a year for equipment to be replaced, and hundreds of thousands of dollars have been spent to bring in technicians in an attempt to salvage evidence needed to prosecute violent criminals. Two years later, Police Superintendent Warren Riley, Assistant Chief Anthony Cannetella, and their staff continue to work in trailers, waiting for the department's five-story Broad Street headquarters to be reopened. The department estimates that the renovation may be complete by December 2007. There had been no functioning crime lab until NOPD moved into rented space in March 2007 at the University of New Orleans. There continues to be no central evidence storage facility nor holding cells available for youth who are detained. As of April 2007, there was a backlog of 200 firearms examinations and 2,000 narcotic tests (Riley 2007).

Two years out, the NOPD and law enforcement agencies in surrounding parishes continue to feel the impact of staff departures. The NOPD lost 217 officers in 2005 and 216 in 2006 (Riley 2007). As of spring 2007, another 50 had left. Even with new academies graduating roughly 35 individuals per class, the size of the NOPD force remains down 30 percent from 2005. Due to the assault on city finances, the police budget was cut 19 percent from \$124 million in 2005 to \$100 million in 2006. Most of the cuts impacted police officer salaries. Stakeholders interviewed lamented that experienced and trained personnel are leaving NOPD for nearby law enforcement agencies that have higher pay and better benefits and facilities. In August 2007, the New Orleans City Council voted to approve a second raise for NOPD personnel retroactive to July 1, 2007 (the first raise took

effect in the fall of 2006). Police recruits will receive a 12.5 percent increase, and officers in higher ranks will get a 10 percent raise. After the raise, first-year NOPD officers will be paid \$34,000. For comparison, starting salaries in Atlanta and Houston are much higher.<sup>3</sup> A rookie officer with a bachelor's degree in Atlanta, for example, makes roughly \$41,000. NOPD personnel receive a 2.5 percent longevity raise every five years, not the annual raises offered in many other jurisdictions.

Although some surrounding parishes are benefiting from the NOPD losses, for the most part, they are also suffering from depleted manpower. Jefferson Parish and Plaquemines Parish stakeholders reported working at only 75 percent of their pre-Katrina force two years later.

As the criminal justice system slowly comes back online locally, the demand for officers to appear in court will jump significantly as cases proceed and backlogs are cleared. These officers will be removed from their assigned duties, further reducing personnel on the street. New Orleans Police Superintendent Riley has repeatedly testified in front of the U.S. Congress, calling their personnel shortage "past critical" and urging Congress to set aside supplemental funds to boost staffing (Riley 2007). The 2007 budget for the NOPD authorizes roughly 1,850 full-time employees (both commissioned officers and civilians). In July 2007, the department had 1,406 officers and 259 civilian employees. Riley has admitted morale is low throughout the department and likely to become worse as would-be criminals begin to operate without fear of punishment.

## **AFTER ARREST: THE ADMINISTRATION OF JUSTICE**

### ***Prosecution***

While the NOPD struggles to increase their capacity to deter crime and maintain order, New Orleans's chief prosecutor is grappling with the long-lasting impact of the storm. Effective policing is contingent upon processes that include coordination with prosecutors to ensure criminals are convicted and sentenced with penalties that include substantial prison time. In New Orleans, the agency responsible for coordinating the government's response to crime after individuals are arrested is the Orleans Parish District Attorney (DA). The DA's office assesses investigative reports made by police officers and investigators to determine whether there is sufficient evidence to file a criminal complaint against a suspect and notifies victims of the criminal charges, victims' rights, availability of services, court dates, plea agreement, pretrial diversion, changes in court schedules, and the date, time, and place of sentencing. The DA's office also coordinates witness trial preparation and management.

Not surprisingly, Katrina hit the DA's office hard. Their office building was flooded and shut down, and has not yet reopened. Renovations had not begun as of mid-2007. Staff are currently working out of their second temporary location, which barely holds the current staff. Before Katrina, the office employed 92 prosecutors and 68

staff members. After Katrina, the office operated with only 11 staff members and 55 attorneys. The loss of revenue in 2005 resulted in the layoff of 57 nonattorney employees, roughly 80 percent of the staff. It wasn't until mid-2006 that new staff were hired to assist victims of crime and work in other auxiliary capacities. In 2007, the New Orleans City Council appropriated almost \$3 million in operating expenses for the office—less than what was available before Katrina, but a significant increase over 2006 funding levels. The office currently has 89 full-time prosecutors, but 13 of the positions are grant funded, and funds for at least half of the grants will be expended by the end of 2007 (Jordan 2007). Although the core staff is steadily working its way through the backlog of cases and appears to have a sufficient number of attorneys, the office remains critically short on staffing for the important auxiliary services the office normally provides, including diversion, victim and witness assistance, and community outreach. Note that these “auxiliary” services are often crucial pieces of an effective and fair justice system. For instance, crime victims—particularly victims of sexual assault and domestic violence—often are needed to testify and can hold the key to successful prosecution. Auxiliary services often are staffed with social workers and psychologists that serve as knowledgeable and trusted supports for victims to ensure their safety, advocate for their rights, and ensure that justice for all parties is served.

Before Katrina, the DA's office had been routinely criticized for its high attrition rate and inexperienced attorneys. Stakeholders interviewed hinted at inadequate compensation for assistant district attorneys (ADAs), whose starting salary was roughly \$30,000 before Katrina (Jordan 2005). The DA's office had few options for increasing revenues and cutting back on expenditures. Funding consists primarily of warrant payments from the state, federal Title IV-D funds from the state for the Child Support Division, and grant revenue from federal, state, and local government agencies. Three-quarters of DA expenses go toward salaries and the remaining quarter goes toward operations.

Some stakeholders interviewed for this report suggested that progress regarding effective prosecution would be difficult unless the relationship between the New Orleans Police Department and the District Attorney's office improved. News stories and watchdog groups corroborate this (Gelinis 2007; Metropolitan Crime Commission [MCC] 2005). The DA's office asserted that suspects often cannot be indicted or prosecuted because of incomplete reporting, insufficient evidence gathered by the police, a lack of credible victims and witnesses, and NOPD arrest reports of poor quality (MCC 2005). The NOPD has implied that the DA's office has no systematic process for prioritizing cases and is reluctant to keep officers up to date on hearings and other legal actions in their cases. Tensions heightened when the Times-Picayune reported that, in January 2007 alone, 220 felony cases were dropped (i.e., arrestees were never charged) because arrestees remained in the jail for 60 days without a

prosecutor filing charges (Filosa 2007). Article 701 of the Louisiana State Code of Criminal Procedure requires that individuals arrested for a felony offense be formally charged with a crime within 60 days or be released from jail. The news story also revealed that, in all of 2006, failure to adhere to Article 701 resulted in the release of about 3,000 defendants. In comparison, there were only roughly 180 “701” releases in 2003 and in 2004 (MCC 2005). Arrest-to-indictment time in other large jurisdictions averages from 11 to 25 days (MCC 2002).

In efforts to reduce the backlog of cases and increase the efficiency of the DA's office, in mid-July 2007, the office announced major changes in the staffing structure, such as dissolving the homicide unit and creating an elite unit of prosecutors with an average of 10 years of experience to handle all murders and violent crimes. The office also created a case recovery management unit to follow-up on cases where defendants were released due to 701 violations. Salaries of entry-level ADAs were raised from \$30,000 to \$50,000, and salaries of violent crime prosecutors were raised to \$80,000. The office also expanded the pretrial diversion program and is working closely with the drug court operated by the Criminal District Court.

### ***Indigent Defense in New Orleans***

The storm also had a severe impact on the Orleans Indigent Defense Program (OID) (i.e., public defender), the system set up to provide lawyers at no cost to indigent arrestees. Even before Katrina, the indigent defense program did not employ enough staff to provide quality representation for the thousands of cases the office receives each year. Prior to Katrina, public defenders represented roughly 80 percent of New Orleans defendants (Sideris 2007).

After the storm, 75 percent of the staff were laid off, and the program attempted to function with six attorneys. The Louisiana State Bar Association stepped in to provide pro bono representation to defendants and grant funds to pay for a case tracking system (Boland 2007). These measures barely dented the backlog of cases. In late spring of 2007, one Orleans Parish Criminal District Court judge suspended the prosecution of cases against 142 defendants and ordered the release of 20 suspects due to legal problems and delays involving indigent defendants.

Long before the storm hit, the OID Program had been especially deficient, plagued by unreliable funding and conflicts of interest, and failing to adhere to standards that govern the provision of indigent defense (National Legal Aid and Defender Association 2004). Louisiana is the only state in the country that attempts to fund its indigent defense system almost entirely through local revenue, primarily traffic tickets and other court costs. This creates not only a system with no permanent funding but an unaccountable system with great disparities in resources from one district to another. And with the exodus of residents after Katrina, its revenue stream dried up.

Many stakeholders interviewed believe that the catastrophe of Katrina has given New Orleans a unique opportunity to reform the court system, and with it, the OID program. Efforts to make over the court had begun in 2003, when the state legislature formed a task force to study the indigent defense crisis and make recommendations for reform. Based on the task force's recommendations, the state passed a 2005 indigent defense reform bill. Three recommendations became law: create uniform definitions of a case and indigency, require uniform case reporting from all of Louisiana's 41 judicial districts, and increase the authority, membership, and independence of the state indigent defense board.

In spring of 2006, a report the U.S. Department of Justice funded was released that assessed the needs of indigent defendants in New Orleans and outlined recommendations for improvement. Recommendations included hiring a leader to restructure the program, hiring private attorneys to ease the backlog of cases, developing comprehensive training and mentoring programs, and increasing hourly and annual salaries.<sup>4</sup> Some of the stakeholders interviewed referred to the progress the program (and the entire court system) was making and were guardedly optimistic about the reforms. They cautioned that some barriers to court efficiencies are deep-rooted—they are a mix of legislative, procedural, and political traditions. But for the most part, stakeholders were grateful that at least Katrina's toll on the court process has brought together civil rights activists, federal officials, and lawyers from around the country to develop a more effective and fair system that supports individuals' rights and measures to sustain adequate funding for a critical component of the criminal justice system.

### **The New Orleans Criminal Court**

The criminal court system in the United States is designed as a public forum to adjudicate cases prosecutors bring forward and to dispense justice under the criminal law. In New Orleans, the Orleans Parish Criminal District Court is the court responsible for adult criminal cases. Katrina flooded the courthouse, completely shutting down operations for nine months. A week after the storm, Governor Kathleen Blanco issued an executive order suspending all deadlines in legal proceedings for 30 days. This order was soon extended until October 25.<sup>5</sup> In the days following the storm, however, judges attempted to hold makeshift hearings at various prison facilities for prisoners (i.e., those detained before trial) who had been evacuated to institutions outside New Orleans. But these attempts yielded little progress given the challenges of locating the inmates, their lawyers, and police officers (Garrett and Tetlow 2006). One New Orleans stakeholder, reflecting on the "catastrophic" destruction of the criminal justice infrastructure, stated, "a speedy trial doesn't exist where there is no courthouse."

A makeshift court also was established for two months at the New Orleans Greyhound bus station, where prosecutors and the U.S. attorney had workspaces and a

magistrate held bond hearings. The Greyhound station also served as the local jail in Katrina's aftermath—constructed by state prisoners from Angola and Dixon correctional facilities. Arrestees were photographed, fingerprinted, and then given wristbands to create some semblance of order. Different colored wristbands were used for federal cases, felonies, misdemeanors, and women (Filosa 2005).

Not until June 1, 2006, did the court partially reopen and begin handling the backlog of cases. Progress was slow, given that only the upstairs courtrooms functioned and few people could sit for juries. Four months later, all 12 sections of criminal court were back up and running. However, repairs to the building will continue through 2007. Judges still share courtrooms, and the Orleans Parish Sheriff's Office has insisted that only six inmates at a time be brought into any one courtroom, given security concerns (Filosa 2006).

### **Juvenile Court**

Juvenile courts are specifically designed to be separate from the adult system of criminal justice. These courts usually have jurisdiction over matters concerning children (e.g., delinquency, neglect, adoption), usually those 17 and under. Juvenile courts also handle "status offenses," which are acts that are unlawful only for juveniles, such as truancy and running away. In New Orleans, the agency responsible for juvenile justice cases is the Orleans Parish Juvenile Court (OPJC). OPJC handles cases involving delinquency, traffic, families in need of services, children in need of care, voluntary transfers of custody, termination of parental rights, adoptions, and child support (Gray 2007).

When Katrina struck, the state-run juvenile detention center in the New Orleans area had already evacuated youth to Baton Rouge. Left behind were youth in the two city-run juvenile detention centers. These youth were evacuated to the Orleans Parish Prison—which, as will be discussed in the next section, was flooded and was not evacuated until roughly three days after the storm. Given the unwarranted issues experienced by these youth, housed together with serious criminal offenders amid the chaos, the court worked quickly to ensure that every eligible juvenile inmate had been released, given probation, or sentenced within a month after the hurricane. OPJC moved its operations for 40 days to Baton Rouge, holding its first post-storm hearing September 21, 2005. More difficult to solve was the roughly 6,500 open cases in the system—cases involving youth and parents who had been evacuated, sometimes separately. Because OPJC essential staff could not return to their damaged court building until December 2005, between October and December 2005, OPJC held delinquency hearings at the First City Court in the New Orleans neighborhood of Algiers (on the West Bank) three days a week. Dependency hearings to review open cases were heard in Jefferson Parish (Gray 2007).

Cases were heard with only essential staff because the city council had asked OPJC in September 2005 to cut nonessential personnel. Three months later, OPJC's overall budget was cut 50 percent from \$2,311,042.00 to

\$1,129,455.00. For a long period after the storm, OPJP operated with roughly 31 staff members. OPJC currently has 66 employees, down from 94 before Katrina. Most current staff are funded by Criminal Justice Infrastructure Recovery grants from the U.S. Department of Justice. The grant funds are expected to end by June 2008 (Gray 2007).

Because the two city-run detention centers were basically destroyed, Orleans Parish currently is negotiating with St. Bernard Parish to use space at the St. Bernard Youth Detention Facility. Upon assessing the Youth Study Center FEMA determined that a replacement was preferred over repair (GOHSEP 2007). A new facility is currently in the planning stages.

Private funding has also helped OPJC develop a long-term blueprint for a proactive and more responsive system than was operational before Katrina. The juvenile court has prioritized issues related to data collection, disproportionate minority contact, interagency coordination, alternatives to incarceration within a larger continuum of care, and conditions of confinement.

### **THE BACKEND OF THE SYSTEM: CORRECTIONS**

The correctional system consists of institutional corrections and community corrections. Once a criminal court case is decided and an individual receives a sentence of incarceration, he or she usually serves time in a local jail or a state prison. Jails generally hold those sentenced to less than a year; prisons are for those who receive a sentence of more than a year. Individuals incarcerated may become eligible for parole after serving part of the sentence. Parole is a conditional release granted by an authority, such as a parole board, where the parolee must abide by specific conditions of release. Failure to abide by them could mean revocation of parole and return to prison. Probation is generally defined as community supervision in lieu of incarceration but can also follow a short jail sentence. In the New Orleans area, the Louisiana Department of Public Safety and Corrections (DPS&C) is the agency responsible for institutional corrections and community corrections for individuals sentenced to state prisons. Individuals sentenced to local jails are the responsibility of Sheriff's Offices in the local parishes.

#### ***Institutional Corrections***

In addition to the impact on law enforcement and court procedures, inmates in prisons and jails across Louisiana were seriously affected. Inmates in some prisons in the path of the storm were evacuated to other facilities. However, the chaos of the shuffle left many inmates unaccounted for, and families of inmates wondered where their loved ones were. Below, we briefly describe the story of Orleans Parish Prison (OPP), a facility in the middle of the storm where prisoners were not evacuated. OPP, the central "holding" facility for New Orleans, is run by the Orleans Parish Criminal Sheriff's Office (OPCSO).

Orleans Parish Prison (not a "prison" by definition) is one of the country's largest jails. Prior to Hurricane

Katrina, at any given time, between 5,500 and 8,000 inmates were held in OPP, with an average of about 6,500 inmates per day, making it the eighth largest jail in the United States. At the time of Katrina, the majority of inmates housed in OPP were pretrial detainees who had been charged but not yet tried or convicted. The facility held some women and juveniles as well. In addition, OPP held nearly 2,000 state prisoners and over 200 federal detainees (ACLU 2006). Many who were in OPP during the storm had been arrested for misdemeanor crimes, like unpaid fines. Although OPP was at capacity around the time of Katrina, nearly 2,000 prisoners from other nearby parishes were transferred to OPP prior to the storm under the assumption that OPP was a stronger structure and a safer place for inmates (Louisiana DPS 2005).

Today, OPP is home to approximately 800 inmates—about 12 percent of its previous occupancy. Before Katrina, the prison had twelve buildings; now, only five remain (the House of Detention, South White Street/Female Division, Conchetta, and Templeman Phase IV and V). In addition to the five buildings, temporary jails are now in place (including a significant number of tents).

Many argue that when Hurricane Katrina hit, there was no evacuation plan for the inmates of OPP (Flaherty and Middleton 2006; Gerharz and Hong 2006). One week prior to the storm, a decision was made not to evacuate the inmates (ACLU 2006). In the hours before the storm hit, the generators failed, food and supplies were beginning to run out, and many prison staff left. When Katrina hit the New Orleans area on August 29, inmates and staff were stranded for at least three days.

The ACLU conducted an 11-month investigation into the evacuation of OPP that involved interviewing prisoners, OPP staff, and family members. The ACLU's findings were assembled into a final report that documented much of the chaos that occurred inside the prison during the storm and the days that followed, including

- putting inmates under lockdown and keeping them on lockdown as the waters rose;
- losing power and generators failing;
- many deputies abandoning their posts;
- prisoners going days without food or water;
- no running water for waste disposal;
- medical care denied;
- violence among panicked prisoners;
- attempts to escape and draw attention of rescuers (some by lighting clothing on fire out windows); and
- officers using force to contain prisoners (ACLU 2006).

In addition to the chaos within OPP documented by the ACLU, eventual evacuation reportedly was a painstakingly slow process where people had to be rescued by boat and transported to a highway overpass. Only three boats were provided to transport the more than 7,000 inmates and other residents of New Orleans who used the

prison for safety from the storm (ACLU 2006). Prisoners were ferried from the complex to the overpass, four to six at a time, which took more than three days (Morton 2006).

After more than two days on the overpass, inmates were placed on buses and taken to at least 30 different state and local facilities throughout the state. Many prisoners were sent to Elayn Hunt Correctional Facility, about an hour from New Orleans. Inmates were then placed together out on the prison's muddy fields with limited shelter and little separation for those who had been segregated or in protective custody (ACLU 2006; Tanber 2005).

With regard to damages sustained at OPP, the flooding destroyed not only the entire electrical system of every building, but building structures were damaged, nearly half the vehicle fleet was destroyed, the main medical facility was ruined, and an estimated \$1.4 million in computer equipment and \$2 million worth of inmate jumpsuits and bedding had to be replaced (Morton 2006).

In the immediate aftermath of Katrina, after inmates had been displaced to various institutions around the state, Orleans Parish Criminal Court staff labored to release inmates held beyond their sentences—an estimated 500 prisoners had been held beyond their sentences—mostly people on parole violations and “municipal” charges, such as being drunk in public or disorderly conduct (Critical Resistance 2005).

The court also organized efforts to assemble lists of local and state prisoners who had been evacuated. One stakeholder reported the following:

*Two weeks after the storm, the court gathered all criminal justice agencies together to develop a process for locating inmates. The court tracked down the clerk, the DA, public defenders, the sheriff, and Department of Corrections (DOC) officials and brought them to the table to begin the process. This process was ongoing and inmates were still being located in September and October 2006. The process involved going from prison to prison and literally doing a head count. Many volunteer lawyers came down. One volunteer put together a group of lawyers who went from prison to prison creating cases files for OPP inmates. At one point, there were OPP inmates in 41 different facilities.*

The DOC also set up hotlines to assist family members of inmates who were moved from Orleans's area prisons and jails.

On December 18, 2006, Orleans Parish Sheriff Marlin Gusman announced that he would transfer inmates into the temporary jails FEMA set up, in order to begin returning inmates held in other parishes back to New Orleans. A press release from FEMA on January 18, 2007, announced that an additional \$2.28 million would be granted to OPP for heating, ventilation, and water system repairs. This is in addition to the \$48 million in funds granted for temporary housing of inmates and to the

Orleans Parish Criminal Sheriff's Office for mold removal services (FEMA 2007). FEMA is currently working with the sheriff's office to provide support for a temporary medical facility; other federal funds have been used to reimburse the sheriff's office for temporary housing for jail personnel and replacing other resources, such as K-9 police dogs, training equipment, and warehouse supplies (GOHSEP 2007). Despite the steady reconstruction of OPP, the impact of the hurricane on local corrections has been far reaching. Sheriff Gusman testified in April 2007 that continued low revenue (which is based on the number of inmates) adds to the burden in ways that might not be evident to the public. Basic services (such as food) and medical care have suffered, and all inmate rehabilitation and reentry programs have been cut.

Other parishes also continue to struggle to rebuild their capacity to house inmates, both temporarily for pretrial detention and after sentencing. According to stakeholder interviews, the Jefferson Parish jail held approximately 1,140 inmates before Katrina. Now, two year later, it only holds 823 and staff capacity has been cut roughly 25 percent. The limited capacity means individuals arrested for nonviolent crimes are not held for any time after arrest. Some parishes are using detailed inmate ranking or risk scores to determine which inmates should be released due to overcrowding. When a new arrestee or convicted offender comes in with a higher ranking, an inmate with a lower ranking is released. Parishes also have sought other measures to keep pace with the flow of sentenced prisoners. One sheriff's office worked out an agreement with the state where the local jail would no longer hold probation and parole violators but instead sends them to state prison facilities around Louisiana.

### **Community Supervision: Probation and Parole**

The evacuation of hundreds of thousands of residents during Katrina included an unknown number of individuals finishing their sentences under community supervision. In 2004, a Bureau of Justice Statistics Bulletin reported that in Louisiana, there were 38,470 probationers and 24,387 parolees. All probationers and parolees in Louisiana are under the supervision of the Louisiana Department of Public Safety and Corrections (DPS&C). When Katrina hit, individuals under community supervision scattered around the region. No plan had been introduced previously to inform probation and parole personnel and clients of reporting practices during evacuation or of mechanisms for tracking evacuated individuals under supervision. Prior to Katrina, the New Orleans area had four offices for supervising clients; all were damaged during the storm. One month later, only one office had reopened on St. Charles Avenue. It took more than a year for the office in Jefferson Parish to reopen, and today, only two of the four offices are in operation.

It took some time for the probation and parole officers to return to their mission of locating offenders. In the immediate aftermath, officers played many roles, but mostly took part in search and rescue. Moreover,



stakeholder interviews revealed that officers assisted not only the fire department with security patrols but 911 dispatchers and first responders. Officers also were immediately recruited to assist in the evacuation of inmates from Orleans Parish Prison. Probation and parole officers are licensed law enforcement officials under the mandate of DPS&C, and therefore carry firearms. With the shortage of law enforcement personnel, community corrections and corrections officers stepped up to assist. One corrections stakeholder interviewed stated that although the eventual evacuation of OPP prisoners appeared chaotic

*...There was no loss of life, no injuries... It was a tremendous success. The inmates wanted to be orderly; they were warned about their safety and they just wanted to get to a dry place.*

Although the community correctional system in the greater New Orleans area is back up and running, staffing levels have shrunk since Katrina. Before Katrina, there were around 160 officers in four offices. In early 2007, the offices were operating at 30 percent capacity with only 40 field staff. Given the staffing shortage and limited bed space to hold arrestees, violators of supervision are possibly being treated leniently. One stakeholder interviewed reported that technical violations are not resulting in revocation of supervision and return to prison as often since the storm. Regardless, stakeholders hold the perception that the types and nature of technical violations are the same as they were prior to the storm. However, stakeholders have suggested that probation and parole officers have less tolerance for those who say they cannot find or hold a job because many jobs are currently available that do not require specialized training (or spotless records).

#### *Locating and Tracking Persons under Community Supervision*

Hurricane Katrina introduced challenges to community supervision that had never before existed. Following landfall, phone lines were put in place to serve as a "hotline" for probationers and parolees to check in, but these hotlines were not widely publicized. By spring 2006, an estimated 3,000 evacuees on probation or parole during Katrina had relocated to Texas (Michaels 2006). Texas asked FEMA to provide a list or report of the probationers and parolees receiving federal aid in an attempt to take stock of the newcomers. However, even with the list, state authorities could not hold individuals unless Louisiana issued warrants for them. It took more than a year after the storm for Louisiana to begin accounting for the 1,300 criminals who came to Texas and applied for federal emergency relief. The Texas Department of Public Safety reportedly had the names of 1,700 additional probationers and parolees who had not reported to an officer either in Texas or in their home state (Sandberg 2006).

Offenders under supervision wanting to relocate to another state had to go through an interstate compact agreement. Although this normally requires weeks, sometimes months, to complete, procedures were

expedited to accommodate the displacement. According to one stakeholder, parolees and probationers who were "found" and eventually issued transfers were not a problem; the problem was—and remains—those turning up because they have committed new crimes.

#### *Locating Sex Offenders*

Before Katrina, DPS&C officers in the four probation and parole districts in the greater New Orleans area supervised 246 sex offenders (DPS&C 2005). In Louisiana, evacuated sex offenders are required to check in with a local police department in the new area. Interviews with stakeholders revealed that, after Katrina, the first priority for community corrections was to obtain information on sex offenders who had fled and remained unaccounted for. To locate these individuals, community corrections personnel used internet searches, reviewed the "family locator" web sites, and mailed letters to the last known address of the parolee. By November, Louisiana officials had listed the state's wanted sex offenders on the internet. Approximately three months after the storm, FEMA reviewed the lists of sex offenders still unaccounted for and ran searches for the individuals based on applications for housing support.

Sex offenders no longer under supervision are still required by law to publicly register any new address. Stakeholders stated that these individuals were hard to locate. No estimates exist on the number of sex offenders who have not re-registered.

Texas was not the only state to receive evacuees labeled sex offenders. In November of 2005, officials matched sex offender registries in Louisiana, Mississippi, and Alabama with the names of those who applied for disaster assistance and came up with more than 2,000 matches in more than 30 states (CNN 2005). The federal Administration for Children and Families (ACF) responded by sending letters to the governors of each state, encouraging them to cross-reference their sex offender lists with those of other state registries.

#### **THE FEDERAL LAW ENFORCEMENT RESPONSE**

Although the stakeholders interviewed articulated chaos and disarray in all areas of the criminal justice system after the storm, most reported that order could not have been restored without the overwhelming support federal law enforcement agencies offered.

By the end of the first week after the storm, over 1,600 federal law enforcement officers were in New Orleans (U.S. Senate 2006b). Under the National Response Plan (NRP), the Department of Justice (DOJ) and the Department of Homeland Security (DHS) are given authority as coordinators of specific emergency support functions related to public safety. Federal law enforcement assets can be used to support state and local authorities with public-safety functions during national incidents. Hundreds of federal officers from branches of DOJ and DHS assembled in the Gulf region with equipment and



supplies. The National Guard arrived with trucks capable of operating in up to eight feet of water (Baum 2006). Given the unique challenges facing local law enforcement efforts exacerbated by a frenzied inflow of external law enforcement support after Katrina, federal agents established a center to coordinate requests and responses for law enforcement support until the NOPD indicated they would no longer need additional resources from other agencies.

Although many attested to chaos within branches of the federal government during the first days after the storm, stakeholders stated that the cooperation between federal authorities and the local police was unprecedented. The NOPD welcomed the FBI, DEA, and ATF. In turn, the FBI has included NOPD officers in sensitive task forces, including counter-terrorism—usually off limits to local law enforcement (Perlstein 2007), and has initiated training sessions for local officers. In addition to the federal law enforcement resources on hand to assist in the days following Katrina, DOJ has allocated substantial resources to help reestablish the NOPD crime lab and fund two highly trained victim assistance specialists for three years, six assistant U.S. attorney positions to assist with prosecuting fraud and violent crime cases, six ATF agents to work with the New Orleans Violent Crime Impact Team, nine FBI agents to support the New Orleans Violent Gang Safe Streets Task Force, and three deputy U.S. marshals to assist with tracking fugitives (DOJ 2007). In addition, DOJ is providing resources to support prevention efforts, including funding to establish a Boys and Girls Club and a police athletic league in New Orleans.

### **NEW ORLEANS CRIME TODAY**

With the slow regeneration of various components of the New Orleans criminal justice system, the majority of stakeholders interviewed stated it would be no surprise if levels of violence begin to creep up. One law enforcement stakeholder articulated that the nature of the crime problem has shifted a bit after the storm as drug dealers attempt to establish new drug markets. “There is more product than drug users, so drug prices are down... we are seeing turf wars with new drug dealers and old.” He also hypothesized that crime might be moving into wealthier areas where residents have property attractive to criminals. Another stakeholder suggested that because kids are bused to unfamiliar schools in unfamiliar neighborhoods, the opportunity for clashes and gang involvement grows. Mayor Ray Nagin has stated in congressional testimony that police officers are coming into contact with more arrestees under the influence of alcohol and drugs. One stakeholder closed our interview by saying that “Daily routines have changed... Everyone’s morale is in the sink right now—no one feels like they are being treated fairly and this creates a hostile environment... The basic social fabric holding together our neighborhoods has eroded.”

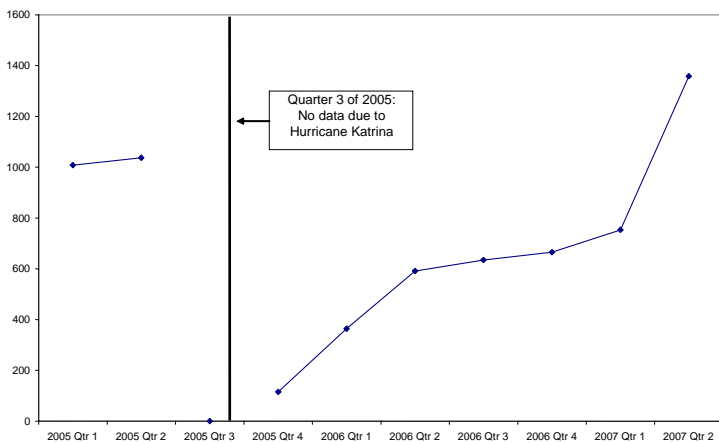
In April 2007, New Orleans Police Superintendent Riley stated at a congressional hearing on Katrina that

*The lack of critical police facilities and capabilities is not only having a deleterious effect on the presentation and prosecution of cases, it has eroded the morale of the officers who see their best efforts to combat crime stalled due to our inability to adequately test and evaluate the evidence and watch as the same offenders are repeatedly arrested and released. The NOPD is at a crossroads. We will never abandon our mission to “serve and protect” the citizens of New Orleans, but we are faced with the daily reality of an imminent collapse of our criminal justice institutions. (Riley 2007)*

Using crime tallies reported by the New Orleans Police Department,<sup>6</sup> we examined quarterly counts of police-reported incidents of violent crime (homicide, rape, robbery, and assault) from January 2005 through the second quarter of 2007. Figure 1 shows that before Katrina, quarterly violent crime counts were around 1,000. After Katrina, the numbers slowly, but steadily, crept up past 1,000, with 753 violent crimes reported to the police in the first quarter of 2007 and an estimated 1,358 in the second quarter. This is disquieting, given that the current population in New Orleans is estimated to be a little more than half of its pre-Katrina population. Figure 2 shows the trend line for violent crime when rated by estimated quarterly population.<sup>7</sup> As shown, the violent crime rate exceeds the rates of the two pre-Katrina quarters in 2005. On the bright side, the rate of arrests for felony crimes<sup>8</sup> appears to have increased since Katrina. The first row of table I displays the quarterly felony arrest statistics for new criminal violations for the first quarter of 2007, compared with an average of quarters for 2003 and 2004. However, if the ultimate goal of law enforcement is to get criminals off the streets, in addition to officers making more arrests, it is imperative those arrests are valid and will hold up in court. After an arrest, officers must prepare a report that is submitted to the DA’s Office, and the DA accepts or refuses the case. Table I also displays the percentage of quarterly felony cases accepted for prosecution. As shown, the percentage of felony cases accepted decreased from 46 percent before Katrina to 36 percent in the first quarter of 2007. Note that these figures do not exclude cases where the arrest was made in a previous year. Hence, 36 percent could be an overestimate of the felony acceptance rate, assuming some acceptances were for arrests in 2006 and that the DA’s Office was working to clear the large backlog of cases due to Katrina.

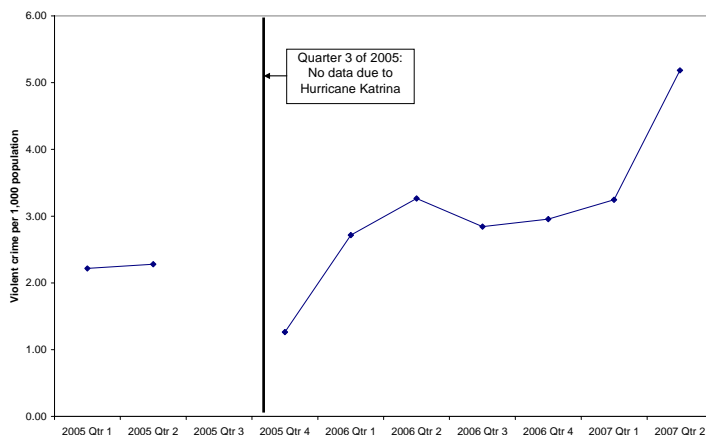
Another barometer of criminal justice system effectiveness is the conviction rate for cases that proceed past arrest. Despite having one of the highest crime rates in the country, New Orleans historically convicts a very small percentage of defendants arrested for felony offenses, especially violent offenses. While violent offenses made up 14 percent of all arrests between 2003 and 2004, they only made up 5 percent of all CDC convictions (MCC 2005). In that same period, the conviction rate for homicide was 2 percent and the conviction rate for robbery was 16 percent. Although comparable statistics

**Figure 1. Violent Crime Counts, by Quarter, City of New Orleans**



Source: New Orleans Police Department

**Figure 2. Violent Crime Rate, by Quarter, City of New Orleans**



Sources: Crime counts obtained from New Orleans Police Department. Population estimates derived from U.S. Census Bureau, RAND Gulf States Policy Institute, the Greater New Orleans Community Data Center, and GCR and Associates.

Notes: Caution is urged in drawing conclusions from these statistics due to the use of quarterly population estimates derived from a variety of sources. Where multiple estimates were given for one quarter, we used the middle- or moderate-scenario estimate.

for 2006 and 2007 do not exist, DA Eddie Jordan has indicated to the press that the violent crime conviction rate is now (with the creation of the violent crime unit in March 2007) close to 92 percent.<sup>9</sup> In July 2007, the New Orleans City Council asked the Louisiana Supreme Court to review the performance of the Orleans Parish DA's Office.

A recent report from Tulane University shows the needed critical oversight comes at a time when, compared with cities of similar size, the murder rate in New Orleans has been significantly higher since at least 2004, and the disparity appears to be getting worse (VanLandingham 2007). If the murder rate holds steady in 2007, New Orleans will have a murder rate seven times the national average.

**Table I. Felony Arrest Statistics, New Orleans Criminal District Court**

	Quarterly average 2003–2004	2007 Quarter I
State felony arrests (new crimes)	2,908	749
State felony arrests per 1,000 residents	6.56	8.85
Percentage of defendants with accepted felony cases <sup>a</sup>	46%	36%

Sources: Orleans Parish Clerk of Criminal District Court Docket Master; Metropolitan Crime Commission, Inc. (2007).

<sup>a</sup> Cases presented to DA may include cases where the arrest took place in the previous year.

**LOOKING FORWARD**

There is no doubt Hurricane Katrina crippled the New Orleans criminal justice system. As discussed in this report, in the two years since the hurricane, various agencies of the system have made significant progress in repairing the damages Katrina wrought. The deeply ingrained flaws that marred the system before Katrina, coupled with the devastation of the hurricane, shook the core structures of the city's justice system. New Orleans continues to face many public safety challenges. The NOPD and some of the sheriff's offices of nearby parishes remain woefully understaffed. Many detectives who were removed from special efforts and placed on street patrol remain on the street. Only 4 of the city's 11 jails have reopened, and some district command stations still operate out of trailers, reducing the city's capacity to apprehend and prosecute dangerous criminals. Indigent defendants do not have a clear path to negotiate the chaotic system. Troubled youth remain at risk of running up against a system that has little to offer with regard to prevention or critical interventions designed to stave off the criminal careers. Together, these issues create a cycle of hard-to-shake problems, including low officer and resident morale, further jeopardizing the region's ability to maintain safe streets.

Looking forward, federal, state, and local policymakers; criminal justice practitioners; community advocates; the business community; and academics and other criminal justice stakeholders must come together to support and develop local efforts to rebuild the system from the ground up and, in turn, generate the community cohesion needed to set a beleaguered city back on track. We see two overarching areas for progress. First, given the unique opportunity to reconstitute the system, criminal justice agencies should articulate both the theoretical and practical foundation on which the system will operate. Second, they should take the lessons learned from Katrina and revisit them annually with an eye toward any necessary adjustments and institutionalized change throughout the criminal justice system. Below, we discuss each topic in turn.

With regard to an articulation and reformulation of the city's criminal justice mission, the city should focus on key overarching priorities that will keep crime down in the short term and the long term. One stakeholder emphasized the need for "a complete overhaul," stating that New Orleans needs to focus on a "system where all three components [police, courts, corrections] come together...You and I can play rock, paper, scissors all day, but the issues are bigger than that." Leadership needs to come forward and decisions must be made. Should the system prioritize deterrence? What will the balance be among crime prevention, intervention, and punishment (also referred to as "suppression")? Does each branch of the criminal justice system (i.e., police, court, and corrections) have shared goals? Decades of research have shown that public safety is best achieved through balanced and coordinated prevention, intervention, and suppression efforts. An efficient system will reduce the number of youth and adults that ever make contact with the police and also contain violent criminals by keeping them behind bars or rehabilitating them.

On the ground, law enforcement intelligence should be determining, for instance, whether, after Katrina, there are new groups of problem individuals or whether crime shifted to different geographic locations because of more suitable targets in other neighborhoods. Using research-based strategies to decipher underlying patterns in violent crimes can assist with the selection of strategies to both prevent and combat violence. Furthermore, a focus on suppression efforts—such as curfews, surveillance cameras, and heavy police enforcement and prosecution of individuals with multiple arrests for violence—should not be done without coordinated crime prevention efforts that could include, for instance, culturally sensitive substance-abuse treatment, mentoring programs, and summer-jobs initiatives for youth. On the back end, comprehensive prisoner reentry programs for soon-to-be released prisoners coordinated across agencies (corrections, mental health, employment, homeless services, etc.) to ease the transition to their much-changed communities could go a long way toward keeping crime in check.

At the behest of the New Orleans City Council, in 2006 and 2007, the Vera Institute of Justice examined the policies of the New Orleans criminal justice system and produced a succinct report outlining practical steps to improve public safety.<sup>10</sup> The report listed three key programs or policies worth pursuing in New Orleans: institute early triage of cases and routine communication between police and prosecutors; reduce the emphasis on incarceration by offering a wider range of pretrial release options and greater use of community-service sentencing and alternatives to prison; and develop more appropriate and cost-effective sanctions for municipal offenses (e.g., quality of life offenses, such as public drunkenness and prostitution). While these types of reforms clearly require substantial resources, whether local criminal justice leaders have the unflagging commitment necessary remains to be seen.

## **Looking Back: The Lessons Learned for Disaster Preparedness**

The second suggested area for attention involves a careful education gleaned from the wreckage of Katrina. There are a number of key lessons learned from New Orleans's experience that have implications for the city and for other jurisdictions preparing for natural and man-made disasters. The stakeholders interviewed articulated that the central lessons learned cannot be separated by agency. One corrections stakeholder explicitly stated, "You cannot separate our lessons learned from other agencies—we, like others, suffered problems in command, control, and communications." The lessons generally fall into four categories: planning, human resources, interagency coordination, and equipment and technology.

### *1. Improved planning that includes establishing clearly defined, written plans.*

At all levels of government, the legal authorities who hold responsibility to act in a disaster must be clearly specified, along with their roles and responsibilities. Similarly, the lines of authority should be effectively communicated and well understood to facilitate rapid and effective decisionmaking. An important element of effective emergency response is the ability to identify and deploy, where needed, resources from a variety of sources, including federal and state governments, military assets of the National Guard or the active military, as well as private-sector assistance. State and local entities should have in place and understand procedures for requesting law enforcement assistance from the federal government. Stakeholders interviewed told stories about local agency staff knowing about the existence of emergency management assistance compacts—the vehicle through which to request federal support—but not knowing how to implement them. Confusion over law enforcement responsibility and authority, both across levels of government and within the federal government, remained for weeks after the storm, leading to egregious delays in support personnel, equipment, and other needed resources. Established, written, and understood plans that coordinate joint responsibilities will reduce the potential chaos that often results from multiple entities believing they are in charge or the opposite—when no agency or individual wants to take charge.

While there is no doubt that federal law enforcement response to Hurricane Katrina was a central facilitator in restoring the New Orleans Police Department's command structure as well as the larger criminal justice system, coordination was slow and the bureaucracy was onerous—often delaying the promise of renewed safety. For instance, cumbersome regulations at the federal and state level regarding the deputization of federal law enforcement officers greatly lengthened response time.

Furthermore, particularly for staff on the frontline during and after disaster, codification of all emergency operation plans must be in writing, and systematic training of all senior and some junior local law enforcement

personnel to increase familiarity with the plans would go a long way toward preparing agencies and personnel to react quickly in any disaster. The appropriate personnel should know the proper equipment to have and use, and where to store it for different disasters (e.g., floods, high winds, electronic communications knocked out, etc.). When advance warning is given, detailed timelines that count down to the approximate time the hurricane or other crisis will hit should specify procedures for evacuation, storing, and recovering equipment under the assumption that no structures will be safe. Written procedures should also include guidance on coordinating the return of inmates, prioritizing the order of their return, and making adequate plans for transporting prisoners from other locations to court if necessary.

Procedures for continuity of all criminal justice operations should be specified under the worst case scenario approach. In other words, if the capacity of the local courts and jails in New Orleans, for instance, was wiped out, procedures to book arrested individuals and hold them should be established elsewhere—in multiple locations—throughout Louisiana. Similarly, establishing temporary courthouses and giving judges the ability to hear cases physically outside their usual jurisdiction will help cases proceed without major glitches. Mechanisms to report crimes, to receive appropriate services for victims and witnesses, and to notify victims regarding court proceedings, releases, and escapes should be established. The goal is to create a system where the components of the criminal justice system could pack up and move without interrupting case processing from arrest to adjudication, while at the same time maintaining order and adherence to citizens' rights. FEMA recently has specified that continuity of operations plans must be able to be implemented regardless of prior warning of an emergency, and actions should be in place within 12 hours of activation (Boland 2007).

Establishing written procedures for initial disaster response and continuity of operations will not only help evacuation and rescue efforts and hasten resumption of operations but will help protect the constitutional safeguards of the thousands of indigent people who, as this report has shown, often become unwittingly caught in the system. Criminal justice advocates have cautioned that the constitution's role in facilitating an understanding of criminal justice provisions during emergencies remains largely unexplored (Garrett and Tetlow 2006). The uncharted territory runs the risk of practice without thoughtful preparation, resulting in trampling citizens' rights, jeopardizing family stability, increasing trauma, and sully the criminal justice system.

## *2. Prioritization of actions to sustain needed human resources.*

Related to adequate and sustained planning efforts, stakeholders repeatedly spoke of the need for New Orleans's institutions to prioritize the needs of essential personnel after disaster. Staff turnover in all agencies and at all levels remains high and represents a serious obstacle

to recovery. Adequate planning to accommodate staff would include prescription for providing clothing, food, water, and other necessities, such as places to take a shower and sleep, and if necessary, accommodations where staff can reside longer-term. These accommodations should be strategically located, some nearby and some disbursed throughout the state, depending on circumstances of the disaster. Stakeholders also suggested that overtime payments would help limit turnover. Ensuring basic necessities are taken care of so that staff can do their jobs reduces the burden on emergency responders and essential personnel and helps safeguard morale.

## *3. State-of-the-art equipment and technology.*

With the basic infrastructure of electronic communications essentially destroyed after Katrina, individuals interviewed stressed the need for state-of-the-art equipment and technology. With regard to communications, an interoperable communications system should be a priority. Interoperability refers to the ability of public safety, fire and rescue, and emergency management personnel to talk seamlessly over one radio and data system without hindrance, and across a wide area, such as a city, county, or region (Mountjoy 2005). Experts admit that a key obstacle to interoperability is funding, but they have suggested that local, state, and federal agencies can explore cost-sharing methods, new agreements with vendors, interstate and regional cooperation agreements, and innovative ways to fund this vital service.

Other efforts should include acquiring mobile satellite phones for emergency personnel with area codes outside the local calling area. Stakeholders complained that "local cell phones were backed up every day until late at night, for at least a week after the storm." Evidence storage should be able to withstand fire and flooding. High-water vehicles and small aluminum boats that have quiet motors would enable rescue personnel to hear victims of the storm calling for help.

Sophisticated data systems are another area of critical need. Criminal justice agencies could develop cross-agency data systems that are transparent and accessible to all agencies. Although most communities lack a mechanism that provides real-time information, well-constructed databases and information systems can improve response time and identify gaps that need to be filled. Key elements could include information about essential staff, their responsibilities, skills, and emergency contact information. One stakeholder referred to the difficulty finding staff licensed to drive buses—which is critical to evacuation. Data systems also need the capacity to house information on individuals and cases making their way through the system from arrest to prosecution, adjudication, and sentencing. The same system could track inmates. This system would necessitate daily off-site back-up of electronic data. Corrections stakeholders interviewed said, before Katrina, all DOC data on inmates were only stored in one place—the respective prisons—and as a result of

the flooding of computer systems, staff had to cobble together hardcopy lists and painstakingly track down inmates.

Related to technology is the need to transmit reliable and consistent information to persons in correctional facilities, probationers, parolees, and their families. Although local corrections agencies in New Orleans acted promptly to locate persons under parole and probation supervision who were displaced from their homes because of the storm, locating those who left the state was not always easy. Before the storm, community corrections agencies did not have a mechanism in place to facilitate location of or contact with displaced parolees, probationers, registered sex offenders, and their families. Looking forward, hotlines and web sites for clients that are promoted across jurisdictions and state lines, and avenues to expedite paperwork to transfer permanently individuals under supervision to another state (the new state of residence) will increase accountability for individuals under correctional supervision.

#### 4. Interagency coordination.

Establishing coordinated task forces or working groups (before a disaster) across local and state criminal justice agencies (e.g., police, courts, public defenders, corrections, community corrections) can help communication and coordination both overall and in disaster preparation. To achieve the goal of law enforcement—public safety—even under the best conditions, one branch of law enforcement must rely on the others if its own branch is to function well. For instance, court cases will not be prosecuted successfully if police personnel do not have the ability or technology to provide hard evidence against defendants, or public defenders are not available to serve defendants. One stakeholder, when talking about the process of putting the system back together, said, “The court has the ability to bring all criminal justice agencies together to coordinate efforts, but can’t make them get along with each other.” The most successful criminal justice systems will be those where agencies within the larger structure trust each other and work together to achieve joint goals. Multipartner collaborations that jointly problem-solve on a regular basis, such as neighborhood-level prosecutor units, will be more able to achieve peace in times of chaos.

In addition to coordination across government agencies, coordinating councils and working groups can also serve as vehicles to build networks among criminal justice agencies and the community, including residents, businesses, nonprofits, and civic groups. Community collaboration with government entities can facilitate an understanding of the often-divergent priorities, cultures, and expectations and, in turn, reduce the alienation and disaffection frequently present in urban communities.

## CONCLUSION

All of these lessons learned, in some way, point to the importance of having strong organizational structures in place in communities. If solid foundations of the criminal

justice system are not in place before disaster hits, foundations will be more likely to crumble afterward. New Orleans has a unique opportunity to create new, fortified foundations through systems change across the entire spectrum of criminal justice processes. The change may not be easy. Agencies will need to (1) agree on the nature and extent of the problems they wish to address and the processes by which these problems should be resolved; (2) be willing to examine and change current cultures, roles, world views, and resource levels; (3) collaborate in addressing problems by sharing data, financial resources, and personnel; and (4) work together to change local ordinances and state or national legislation. Two years out, we should not be asking whether New Orleans could have done better with regard to components of the criminal justice system, but instead, we should focus on how to work together to create a model criminal justice system for the future.

One astute stakeholder surmised that near misses—those warnings for hurricanes that never arrive—are problematic in that, over the years, they created a general feeling of safety and low threat from hurricanes or other potential disasters. He offered that now people and institutions understand the impact and will be more proactive and attuned to potential hazards in the future. Let’s do more than just hope that is true.

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<sup>1</sup> The reports and stories highlighting the disarray are too numerous to cite. A few recent ones include Garrett and Tetlow (2006), McCarthy (2007), Nossiter and Drew (2007), and Shapiro (2007).

<sup>2</sup> See, for example, James Dao and N.R. Kleinfield. “Storm and Crisis: The Overview; More Troops and Aid Reach New Orleans; Bush Visits Area,” *The New York Times*, September 3, 2005. James Dao and N.R. Kleinfield. “Chaotic Exodus Continues,” *The New York Times*, September 3, 2005; Joseph B. Treaster, “Police Quitting, Overwhelmed by Chaos,” *The New York Times*, September 4, 2005; and Robert McFadden, “Bush Pledges More Troops as the Evacuation Grows,” *The New York Times*, September 4, 2005.

<sup>3</sup> See <http://www.houstontx.gov/police/careers.htm> for officer salaries in Houston and <http://www.atlantapd.org/index.asp?nav=Career> for salaries in Atlanta. In addition, see Rostker, Hix, and Wilson (2007) for recruitment and retention issues in the NOPD.

<sup>4</sup> The report can be found at <http://www.lajusticecoalition.org/reports+resources/studies/>.

<sup>5</sup> See executive orders KBB 2005-67 (September 6, 2005) and KBB 2005-48, La. Reg. 2352 (October 2005). Three months after the storm, Louisiana passed a law that allowed the state supreme court to take the same steps Blanco had during future emergencies (Louisiana Code of Criminal Procedure Articles 944-45).

<sup>6</sup> See <http://secure.cityofno.com/portal.aspx?portal=50&tabid=11>. The NOPD did not provide second quarter estimates for 2007 but instead indicated that violent crime was up 31 percent from the same quarter in 2005. Hence, we estimated the number given the percentage increase.

<sup>7</sup> Caution is urged in drawing conclusions from these statistics due to the use of quarterly population estimates derived from a variety of sources (U.S. Census Bureau, RAND Gulf States Policy Institute, the Greater New Orleans Community Data Center, and GCR and Associates). Where multiple estimates were given for one quarter, we used the middle- or moderate-scenario estimate.

<sup>8</sup> A felony is a serious crime (contrasted with misdemeanors), usually punishable by a prison term of more than one year. Arson, assault and battery, murder, rape, grand theft or larceny, robbery, and burglary are all examples of felonies.

<sup>9</sup> See McConaughy (2007).

<sup>10</sup> The Vera report can be found at <http://www.vera.org>.



## ACKNOWLEDGMENTS

This report could not have been possible without the support of the dozens of criminal justice stakeholders in New Orleans and the surrounding parishes that we interviewed in 2006 and 2007. As we promised them anonymity, we can only thank them profusely and graciously without naming them, and let them know that their words helped put the enormity of the hurricane and its impacts on the criminal justice system into perspective, providing a glimpse of the chaos as well as the enormous successes being accomplished each day as the city takes steps to regain order in the lives of residents and to reestablish a fully functioning criminal justice system. Thank you.

We would also like to thank Stu Kantor and Will Bradbury for reading drafts of this essay and Jennifer Yahner, Shannon Reid, and Aaron Morrissey for their assistance editing and formatting the final document.

## KATRINA RESEARCH AT THE URBAN INSTITUTE

Within weeks of the hurricane, Urban Institute researchers set a baseline providing the demographics of the disaster in a snapshot of race, poverty, and federal food stamps data for New Orleans and cities receiving evacuees, and the state of the nonprofit sector in Louisiana, such as the size and fiscal health of organizations delivering health and human services to storm victims. Many of New Orleans's social and economic ills predated Hurricane Katrina: widespread poverty, a failing public education system, low wages, and a weak tax base. Urban Institute researchers have studied these urban blights for nearly 40 years and knew what to reinforce when the storm compounded old problems and swept in new ones.

A few months later, UI researchers delivered policymakers an essay collection, *After Katrina: Rebuilding Opportunity and Equity into the New New Orleans*, with proposals that strike a workable balance between road-tested ideas and much-needed innovation.

Another essay collection grew out of a December 2005 seminar jointly sponsored by the Urban Institute's Center on Nonprofits and Philanthropy and Harvard University's Hauser Center for Nonprofit Organizations. *After Katrina: Public Expectation and Charities' Response* explores the U.S. capacity to respond to disaster, including lessons learned from September 11.

In March 2007, UI published *After Katrina: Shared Challenges for Rebuilding Communities*, a collection of essays about policies and models that can help guide rebuilding efforts. Together, the essays lay an important foundation for developing action plans to address the underlying issues of poverty, inequality, and weak social infrastructures that have been persistent in the region for decades.

Two years out, new resources related to Katrina have been published by UI researchers. For a complete list of Katrina papers and publications, see <http://www.urban.org/afterkatrina/>.

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