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Death toll continues to rise as TDCJ fails to address deadly heat in Texas prisons

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AUSTIN, Texas – The Texas Department of Criminal Justice is in violation of constitutional and human rights in its ongoing treatment of inmates held in its facilities. Since 2007, 14 inmates have died in prisons operated by the state as a result of extreme heat conditions.

In a report released today titled “[Reckless Indifference: Extreme Heat in Texas Prisons](#),” the University of Texas School of Law Human Rights Clinic has compiled inmate testimony and reviewed inmate grievances to establish these violations at the hands of the Texas Department of Criminal Justice (TDCJ). Nearly one year after the Clinic released a similar report, it would appear that ongoing pleas from inmates and their families, national organizations, and international human rights bodies have fallen on deaf ears as the recommendations outlined in the previous report have largely been ignored by the TDCJ.

“If the Texas Legislature and the TDCJ fail to act now, it is very likely that the federal government will intervene,” said Ariel Dulitzky, head of the Human Rights Clinic. “The federal government has previously intervened in Texas due to the inhuman conditions of its prisons. Because the Texas Legislature is currently in session, this is the perfect opportunity to take adequate measures to stop the suffering and prevent any further inmate deaths, thereby avoiding possible federal intervention in Texas prisons” Dulitzky added.

The Clinic urges the Texas Legislature and the TDCJ to immediately implement the recommendations outlined in this new report. These include, but are not limited to, establishing temperature limits throughout TDCJ facilities, approving and allocating all necessary funding for the installation of air conditioning, adopting all necessary preventative measures to protect inmate welfare, ensuring that all inmate complaints receive a complete and impartial investigation by an independent investigator and that inmates are protected from retaliation by TDCJ employees for filing such grievances, and establishing proper mechanisms to screen and monitor inmates for heat-related illnesses.

In doing so, the Clinic joins the calls of other international human rights organizations, such as the Inter-American Commission on Human Rights (IACHR), which has stated that with respect to Texas prisons, there is a “need to investigate the deaths of inmates” and to “establish mechanisms to monitor general conditions and address the problems.” The United Nations Committee Against Torture (CAT) has said that it is “particularly concerned” about facilities in

Texas and that the state should “adopt urgent measures” to remedy the situation.

The TDCJ, which administers state-run prisons, sets no limit for the temperature of a prisoner’s cell. This comes in stark contrast to the Texas Commission of Jail Standards, which govern county jails and limits prison cell temperature to between 65°F and 85°F. In one of interviews quoted in the report, an inmate recalled an officer getting a reading of 137°F from a laser thermometer the officer was pointing at his cell. This is especially concerning for inmates who have preexisting health conditions or who are taking medications that increase their sensitivity to heat.

Suffering is not limited to inmates, however, as inmates have seen the guards working in these facilities “pass out, [be] taken out in wheelchairs, and things like that because it’s so hot.” Guards reported over 92 instances of heat injury for workers’ compensation claims in 2012-13 alone, a number that union representatives say is likely much lower than the actual number of heat-related injury cases.

The report uncovers new evidence on the TDCJ grievance procedure. Inmates have described this procedure as frustrating and “pointless,” as the TDCJ fails to carry out prompt and impartial investigations into grievance claims. “No matter how it turns out, there was nothing to substantiate your allegations,” one inmate commented. “Always. That’s just like a rubber stamp.” Other inmates said they are afraid to file complaints, because “you can suffer some very severe repercussions as far as filing complaints about certain things.” As a result, inmates held by TDCJ have been left without a legitimate mechanism to voice their concerns.

There are legal precedents that speak to heat in Texas prisons. A number of U.S. court decisions have found that extreme heat in prisons, similar to those in Texas, violate the Constitution’s prohibition on cruel and unusual punishment, while international courts have connected extreme heat conditions to a finding of inhuman or degrading treatment or punishment.

“The TDCJ has complete control over all of the inmates in its facilities and bears complete responsibility for guaranteeing that the lives, health, and dignity of all of these individuals are protected” insisted Dulitzky. He added that, “as this report demonstrates, the TDCJ failed to recognize or live up to this responsibility.”

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