



# Consequences of Lack of Humane Climate Control

## Synopsis

*How many incarcerated Texas citizens will suffer and Die without humane temperature control during our next triple digit summer?*

### Overview

The lack of humane temperature control within the Texas Department of Criminal Justice (TDCJ) has been a topic of ongoing scrutiny, with widespread attention from national and international bodies. The persistence of this issue has cast significant aspersions on the state's reputation and raises questions about the humane treatment of incarcerated individuals, systemic neglect, and operational inefficiencies. This document explores the impact of inadequate temperature regulation within TDCJ, highlighting the broader implications for state resources, prisoner rehabilitation, and community outcomes.

### Historical Context and Persistent Attention

For decades, inadequate temperature control within TDCJ facilities has sparked considerable research, public outcry, and documentary coverage. Both domestic and international organizations have expressed profound concern, highlighting the violation of human rights and the resultant suffering endured by those incarcerated. Despite substantial evidence underscoring the gravity of the situation, the state's approach has remained indifferent, resulting in long-term reputational damage and operational setbacks. The following briefly highlights a few of the ramifications of the Lack of Climate control.

### Key Implications of the Lack of Temperature Control

#### 1. Operational and Cost Impacts on TDCJ

- **Litigation and Legal Costs:** The state's failure to address temperature control has led to multiple costly lawsuits, draining public resources and highlighting systemic neglect.

- **Health and Medical Care Costs:** High temperatures exacerbate chronic conditions, lead to heat-related illnesses, and strain the medical care system within prisons. According to the Bureau of Justice Statistics, incarcerated people in the U.S. are "1.5 times more likely than persons in the standardized general population to report ever having high blood pressure, diabetes, or asthma. Exposure to high temperatures can cause several heat-related illnesses, ranging from mild ailments, such as heat cramps, to life-threatening heat strokes, which can result in death. Incarcerated people frequently described how their medical vulnerabilities impact their experience with excessive heat, as well as how excessive heat continuously degrades their health.

There are also strong links to hygiene problems, anxiety-related psychological illnesses, contributing to the spread of diseases and hundreds of other illnesses. With longer sentences, there has been and will continue to be an increase in elderly incarcerated individuals who are at risk for heat-related illness. Many incarcerated individuals are prescribed Heat sensitive medications that cannot be properly stored in extreme heat. Many are prescribed psychotropic medications which don't allow the body to cool by sweating, those individuals more susceptible to extreme heat and often choose between taking their medication or possible death due to their condition.

Extreme Temperatures can be a causal factor for both Medical and Psychological problems. For example- An Incarcerated Veteran who is diagnosed with PTSD and diabetes. The extreme heat may exasperate their PTSD symptoms, which may present as a behavioral problem. The Veteran, in our example, is also taking medication for his diabetes, which may not allow his body to sweat. Therefore, his body can't deal with the heat, and he goes into cardiac arrest and dies.

- **Heat-Related Deaths and Suicides-** Every year deaths, completed suicides, suicide attempts, and aggression increase during the summer months. Recent Collaborative Research with Dr. Julie Skahra (Provision of Air-Conditioning and Heat-Related Mortality in Texas Prisons, 2022) demonstrated that an average of 14 deaths per year, approximately between 2001 to 2019. Overall 13% of mortality or 271 deaths may be attributable to extreme heat during warm months in Texas prisons without AC vs no deaths associated with heat in prisons with AC. "Air conditioning (AC) is one of the most successful strategies in mitigating the mortality risk associated with heat exposure."
- **Staff Retention Challenges:** Poor working conditions due to extreme heat contribute to high turnover and difficulty in attracting and retaining qualified staff. Staff turnover rates rise in the summer. This staffing crisis has been a long-running issue and contributes to many of the failures of heat mitigation policies. This heat puts undue stress on officers creating an unhealthy work environment, taxes employees' mental and physical resources and lowers morale. Without proper staffing numbers, Texans inside and outside of the system are less safe. This policy is also costly. Please refer to TPCA'S Cost Saving Report for a more in-depth analysis of the current cost of not providing humane temperatures within TDCJ. Extreme heat increases the agitation of both the population members and staff increasing risks of violence and conflict. One of the heats mitigating methods is the use of large industrial fans. These industrial fans impede officers' ability to hear activity around them, creating dangerous situations for all. These fans do not cool the space. They simply circulate the oppressive heat like a convection oven does. This does nothing to make the living and working areas safer. Due to a substantial burden on officers that are already depleted and suffering, and the extreme loss of staffed officers, protocol simply

cannot be confidently and entirely adhered to. In a typical workplace, over worked employees may fail to follow protocol, but those failures rarely cause permanent injury or death. Heat related illness is a common summer occurrence which was exacerbated by Covid 19 and the necessity of PPE. Wearing layers of clothing (thick uniforms plus protective undergarments) and carrying weighty equipment while regularly working 15-plus hours are just a few of the contributing factors that have led to the 409 state employees that have succumbed to heat-related illnesses in just the months of June, July, and August over the last ten years. (2011-2021). As mentioned above, TDCJ has historically had a staffing problem with high officer turnover and has NEVER been fully staffed; however, the situation has now become dire, with a high 67.69 % (short 7613) in 2021 and currently approximately 30% understaffed. Over the last ten years, the turnover employment rate for corrections officers has steadily risen, from 22.40% in 2011 to 40.54% in 2021. These dramatic shortages are NOT just due to under-market pay. As evidenced by the trends of declining staffing numbers with every brutal Texas summer. These dismal working conditions are a factor and are often ignored, hidden, or swept under the rug. Prison employees go home every night exhausted from the extreme heat as well as the long overtime hours they are mandated to work due to officer shortages.

- **Facility Maintenance Costs:** Extreme heat accelerates wear and tear on infrastructure, increasing maintenance expenses and creating long-term financial burdens.

## 2. Impact on Rehabilitation and Public Safety

- **Detriment to Rehabilitation Efforts:** Without humane living conditions, the potential for genuine rehabilitation is hindered. High temperatures contribute to heightened tension, stress, and decreased focus on rehabilitation programs. The limited rehabilitative programs that TDCJ has are unit specific. We estimate that thousands of incarcerated individuals meet the criteria for having medical heat restrictions. With that said, there are too many incarcerated individuals at various units within the system to have them all move to one unit or even spread out to the 30 units within the system that do have air conditioning. Currently, some of those individuals are being forced into the few beds within restrictive housing areas, which has caused a loss of privileges, visitation, and oftentimes phone calls with loved ones. Those privileges have been found to be essential for resiliency, family relationships, and recidivism rates. Therefore, if an incarcerated individual cannot transfer to one of those units, then they are unable to participate in the rehabilitative programs, which may then impact their parole status.
- **Community Impact:** The lack of appropriate care, including climate control, reverberates beyond prison walls, affecting reintegration success rates and increasing the likelihood of recidivism, ultimately impacting public safety.
- **Impacts on Families:** There is an additional financial burden for families who purchase items to help their loved ones experience some relief and attempt to stay hydrated. Every summer those that have loved ones in the system worry, obsessively check the weather reports, schedule visits on the hottest days to try to give their loved ones a break from the heat and pray that this isn't the summer that their loved one has a serious medical crisis or dies.

### 3. Ethical and Humanitarian Concerns

- **Violation of Human Rights:** The lack of temperature control raises ethical questions, reflecting a lack of compassion and accountability toward incarcerated individuals.
- **International Reputation:** Failure to address these conditions has drawn criticism from international observers and human rights organizations, tarnishing Texas's reputation.

### Comparative Approaches in Other States

To contextualize TDCJ's policies, it is important to consider how other states have tackled similar challenges and what lessons Texas might learn from their examples:

1. **Louisiana**
  - **Policy Changes Following Litigation:** After facing lawsuits, Louisiana has taken measures to reduce heat exposure in certain prisons, including installing air conditioning in some housing units and revising heat mitigation protocols. Continuous monitoring and compliance checks have become central to their efforts.
  - **Cooling Systems:** Some facilities in Louisiana use industrial fans and cooling beds as additional measures to combat heat.
2. **Mississippi**
  - **Cooling Units and Hydration Stations:** Mississippi has installed portable cooling units and designated hydration stations, ensuring a steady supply of clean, cool drinking water. While not a full solution, these measures have helped mitigate immediate heat risks.
3. **Arkansas**
  - **Ongoing Advocacy and Legislative Pressure:** While Arkansas faces similar challenges to Texas, there has been greater legislative discussion about implementing widespread air conditioning and upgrading infrastructure to meet modern standards.
4. **New Jersey (Independent Oversight)**
  - **Ombudsman Model:** New Jersey's establishment of a robust, independent ombudsman's office ensures oversight and continual monitoring of prison conditions. This office provides transparency, direct lines of communication, and accountability measures to address complaints, including those related to heat.

### Recommendations for Addressing the Crisis

Although TDCJ has installed a limited amount of "cool beds" progress has been slow moving given the enormity of the Texas prison system it may take over 30 years to install adequate temperature control in all of its prison facilities.

#### 1. Immediate Implementation of Air Conditioning Systems

Air conditioning must be treated as a fundamental requirement for all TDCJ facilities. The installation and maintenance of climate control systems would not only reduce medical costs but also foster a more humane living environment.

## 2. Increased Transparency and Independent Oversight

- **Creation of an Independent Ombudsman Office:** This office should be fully funded, independent from TDCJ influence, and tasked with ensuring continual transparency and accountability.
- **Regular Reporting and Monitoring:** The establishment of continuous reporting mechanisms, including direct feedback from incarcerated individuals, can promote greater accountability. Install electronic thermometers in multiple areas throughout each facility (living areas, cooking areas, multiple building levels etc.) that can be read by designated legislators or independent oversight committee.
- Add other cooling methods such as protective coating to buildings to reflect heat.

## 3. Revamp of the Medical and Nutritional Care Systems

- **Enhanced Medical Services:** Ensuring that adequate medical care is provided to address heat-related conditions and chronic illnesses is critical.
- **Nutritional and Clean Water Standards:** Providing adequate nutrition and clean water should accompany climate control improvements to support overall health.
- **Provide FREE bottled water to all incarcerated individuals, staff, and officers during the summers until permanent air conditioning is installed.**
- **Provide temporary air conditioning in all facilities until permanent air conditioning can be installed.**
- **Change language of shower policy to "everyday" showers as opposed to every three days and remove the language "at the discretion of the Warden" during the summer months.**
- **Restrict the use of "lockdowns" and "racking up" during the summer months.**

## Conclusion: A Call for Compassion and Accountability

The persistent lack of humane temperature control within TDCJ facilities represents a fundamental failure to treat incarcerated individuals with dignity and respect. Addressing this issue is critical to ensuring effective rehabilitation, minimizing costs, and fostering public safety. We urge the commission to take immediate and aggressive action to implement climate control measures, enhance transparency, and prioritize the health and well-being of all individuals within TDCJ's care. This is not simply a matter of operational efficiency—it is a moral imperative and a crucial step toward true rehabilitation and justice.