

**From:** [Sunset Advisory Commission](#)  
**To:** [Janet Wood](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Private/Before Publication)  
**Date:** Tuesday, November 19, 2024 12:31:29 PM

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**From:** Texas Sunset Advisory Commission <[sunset.website@brightleafgroup.com](mailto:sunset.website@brightleafgroup.com)>  
**Sent:** Tuesday, November 19, 2024 10:46 AM  
**To:** Sunset Advisory Commission <[sunset@sunset.texas.gov](mailto:sunset@sunset.texas.gov)>  
**Subject:** Public Input Form for Agencies Under Review (Private/Before Publication)

Submitted on Tue, 11/19/2024 - 09:40

Submitted by: Visitor

Submitted values are:

**Choose the agency that you would like to provide input about**

[Texas Department of Criminal Justice](#)

#### **Public Comments**

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#### **First Name**

Christine

#### **Last Name**

EIDabh

#### **Organization you are affiliated with**

Jailhouse Lawyers Initiative

#### **Email**

[cse9856@nyu.edu](mailto:cse9856@nyu.edu)

#### **City**

New York

#### **State**

New York

#### **Your Comments or Concerns**

Hello, I am a human rights lawyer representing the Jailhouse Lawyers Initiative (JLI).

JLI is a legal empowerment organization that combines legal education, movement building,

participatory research, community peace building, and advocacy to bring visibility to jailhouse lawyers and ensure they have the resources to know, use, shape and transform the laws that impact their lives. Jailhouse lawyers are incarcerated people who learn the law to advocate for themselves and the rights of their peers.

Today, I will be presenting testimony on behalf of a jailhouse lawyer who is incarcerated in the TDCJ system. I have omitted his name and personal details to protect his identity.

### **Your Proposed Solution**

I fully expect to experience some form of retaliation for submitting this testimony - as I have experienced retaliation for other legal advocacy work I have engaged in as a jailhouse lawyer — however I am compelled by a moral obligation to articulate the extent of conditions within Texas prisons. Therefore, I submit the following for the Commission to consider:

The excessive heat and under staffing issues at TDCJ create extremely dangerous and unconstitutional conditions for Texas prisoners.

I have been incarcerated in TDCJ since 2009 and have been housed in the Robertson Unit since 2012.

It is not hyperbole to characterize the excessive heat and under staffing issues in TDCJ as a Humanitarian Crisis. This is because the TDCJ is clearly experiencing an indefinite and unstable situation of extreme danger that has a direct impact on the lives and welfare of Texas prisoners.

Although some conditions have improved in the past few years with the implementation of body cameras, tablets and incentive housing and programs, there has been a serious degradation in the level of security and the lack of meaningful action to abate exposure to excessive heat conditions.

First, I will discuss the issue of staff shortages in TDCJ facilities.

I've been incarcerated for over 15 years. Throughout my time in TDCJ, under staffing has always been a problem - however since COVID there has been significant deficiency in staffing which has impacted the level of security and supervision over inmates. I have experienced numerous lockdowns because of short staffing where hours pass without observing a single officer. During such times, security and welfare checks are non-existent. Cold water is not passed out by the officers in the hot months and inmates are responsible for passing out sacked meals.

I have witnessed situations where, because of short staffing, officers are sometimes required to act as "super rovers" where they are responsible for supervising two or three wings at the same time.

This means that a single rover is supervising between 288 and 432 inmates in numerous housing areas at the same time. Logistically this means an officer can only physically monitor one wing at a time, and the other wings remain unsupervised.

I have witnessed the use of inmates to act as auxiliary guards in a supervisory capacity over other inmates to compensate for the lack of officers . This is a common practice. I have seen these inmates escort other inmates, conduct and verify security counts, arrange or influence job and housing changes, have unfettered access to various housing areas (even during lockdown), sell their influence to have a disciplinary action dismissed, hand out sacked meals and cold water, collect IDs for pill window, conduct channel checks, hand out administrative passes and mail, conduct security and welfare checks, and conduct constant direct observation for inmates on suicide watch.

As someone considered a Jailhouse Lawyer, I have has these privileged inmates attempt to gather intelligence concerning my legal work and litigation, and I have been branded a "troublemaker" and subsequently harassed and threatened with physical harm for my advocacy.

This type of authority over other inmates is expressly prohibited by TDCJ Policy and Texas statute - however under staffing has caused a situation where it has become necessary to informally re-incarnate the Building Tender system.

While housed in Restrictive Housing I have witness an inmate stabbed 16 times in a fight. The officer in the picket observed the fight and called it in, however it took several minutes for a single Rover to respond. By that point the other inmates quelled the incident themselves and the injured inmate walked out of the section with the officer to go to medical. This type of inmate on inmate violence causes by lack of meaningful supervision is not isolated. I have witnessed numerous similar incidents where the officers failed to prevent or intervene - they simply did not have the capacity to do so.

I have witnessed an inmate get his lower lip and jaw sliced open with a mop head. There was no officer on the section to assist him. He had to walk out of the section to the dinning hall to find an officer to take him to medical to stop the bleeding.

I have witnessed inmates sleep in the dayroom for days at a time because their cell mates have threatened their lives and the officers do not have the time to rehouse them. I have witnessed countless drug induced seizures and episodes in the dayroom which officers deliberately ignore because there are not enough officers to enforce the rules.

The same is true for inmates that jack open their cell doors when they are meant to be confined. It is so common and numerous that officers are powerless to keep inmates in their cells.

Historical under staffing in TDCJ shows that these problems cannot be cured by increasing staff. Recruitment and retention efforts have proven to be insufficient without efforts to reduce the prison population to manageable levels by improving the efficacy of the parole system to ensure that more eligible incarcerated people are released from prison earlier. TDCJ should provide opportunities for people to participate in rehabilitative programming before their first parole review, so that participation in these programs can be considered by the Board in their parole release decisions. I will now move on to discuss the dangerous and inhumane heat conditions in TDCJ facilities.

The cells are made of concrete and steel that retain ambient heat that does not significantly decrease in intensity during the night. Sometimes it feels like it gets hotter once the sun goes down.

I have been confined in a cell in temperatures as high as 111°F with nothing to mitigate the ambient heat but a single fan. When the cell air is hot the fan does nothing but blow hot air. At times it feels like a blow drier and is unbearable.

I have read studies that indicate that once the temperature reaches mid to high 90s that a fan circulating hot air can actually exasperate heat related illness - but when confined in a cell a fan is the only heat mitigation we have access to. Because of short staffing we do not have regular access to cold water when confined. When we do, it is only because other inmates perform the duties of the guards.

On the occasions that I've been able to get the attention of an officer while confined to my cell, I have requested respite shower but have always been denied. The most common excuses are that they are short staffed and rank has allegedly ordered them not to run showers, or because I'm not listed as being "heat sensitive" by medical - irrespective of the fact ALL humans are susceptible to heat related illness at high temperatures regardless of how old or healthy they are.

I have never had the courage to request access to a respite area because I know of other prisoners who have and were placed in a holding cell back in solitary for hours without a sink, toilet or seat. It is evident that this practice is designed to be a deterrent. So instead I endure the extreme heat and hope that I do not become a victim of the heat conditions.

There have been times that I have felt dizzy and nauseous from the heat. It is not uncommon to be overwhelmed by a suffocating feeling. There have been days that were so unbearable that my cell mate and I flooded the cell with toilet water in order to lay in it. I also had one cell mate collapse during a lockdown because of the heat and had to get dehydrated by medical.

Air conditioning in TDCJ is not a matter of luxury - it is a matter of life and death.

Thank you.

**Attachment**

[TDCJ\\_written testimony.pdf](#) (30.66 KB)

**My Comments Will Be Made Public**

Yes