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Sunset Advisory Commission
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To the Sunset Advisory Commission:

As a civil rights organization, the ACLU of Texas serves communities across the state to ensure every Texan's civil rights are protected, whether they are incarcerated or not. Through our work, we have been made aware of a number of issues affecting people incarcerated in Texas Department of Criminal Justice (TDCJ) facilities. The issues and corresponding recommendations listed below are not comprehensive, but they justify an urgent need for action during the Sunset review process.¹

Extreme Temperatures in TDCJ Facilities

The extreme temperatures inside many TDCJ facilities are creating a downward spiral of operational and safety risks. While the legislature has recently made some recent progress on climate control, most TDCJ units remain dangerously hot in the summer and inadequately heated in the winter. Extreme temperatures put the health of correctional staff and those in custody directly at risk. But extreme temperatures also contribute to understaffing of TDCJ facilities, because few are willing to work in facilities where extreme temperatures make a challenging job even more difficult. This staffing issue, in turn, makes it harder for those incarcerated to get reprieve from extreme heat. The staffing crisis also forces cancellation of essential health and rehabilitative services, like higher education classes, recreation time, and therapy. Incarcerated people must endure longer waits to be taken to showers, meals, and medical visits. This spiral of consequences creates a tense, dangerous set of conditions for incarcerated people and TDCJ staff that can contribute to severe health risks, operational obstacles, or even death. While the Sunset Staff Report acknowledges a staffing crisis inside of TDCJ and recommends consideration of a

¹ These comments are in response to the [Sunset Staff Report on the Texas Department of Criminal Justice, Correctional Managed Health Committee, Windham School District, and Board of Pardons](#) (Sunset Staff Report) issued in September 2024. The ACLU of Texas reserves the right to comment on other related issues later as this process continues.

range of factors impacting the agency’s ability to staff facilities, including the number of “cool beds,” it did not directly recommend a key step towards alleviating a staffing problem: addressing extreme temperatures in many facilities.² Providing climate controls inside of TDCJ facilities is no longer a luxury: it is a safety and operational necessity.

Recommendations

- Require TDCJ to publish a detailed timeline and budget that results in permanent climate control that ensures temperatures are between 65 and 85 degrees in all facilities as quickly as possible.
- Encourage the legislature to fully fund TDCJ’s climate control proposal.
- Ensure accurate monitoring of temperatures inside of TDCJ facilities.
- Require TDCJ to inspect and adjust climate control systems regularly to ensure they function properly.

Medical Care for Incarcerated People

The State has a constitutional responsibility to provide health care to all incarcerated people. To meet this obligation, the State must ensure incarcerated people receive prompt medical attention through timely medical appointments, procedures, and follow-up visits. Denial of medical care through lack of timely access to medical appointments, follow-up care, and medication violates the rights of incarcerated people. Unfortunately, we have received reports of incarcerated people waiting weeks or months to receive medical care for injuries and ailments, such as follow-up treatment for broken bones and evaluation of heart conditions. The Sunset Staff Report highlights that TDCJ is underprepared for the healthcare needs of some people in its facilities. In fact, Sunset staff identified concerns related to cost and potential legal liability as a result of the agency being “underprepared.”³ Reports to our organization echo the issues raised in the Sunset report around access to constitutionally adequate medical care. And regardless of the legal questions or the cost to taxpayers, it is cruel to allow a person to suffer without medical care unnecessarily.

Recommendations

- Require TDCJ to publish a detailed plan for ensuring incarcerated people receive timely medical care, including initial appointments and follow-up visits.
- Require TDCJ to evaluate its medical sick call system and publish a report on the types of requests received and how they are handled.

² Sunset Staff Report at 34.

³ Sunset Staff Report at 29-33.

Access to Law Libraries

Incarcerated people have a constitutional right to access the courts through meaningful use of law libraries. According to reports received by the ACLU of Texas, incarcerated people are being denied meaningful access to law libraries through restricted hours of availability and outdated law books.

Recommendations

- Require TDCJ to update the legal materials available across units, including providing access to up-to-date caselaw whether through physical or digital formats.
- Require TDCJ to allow incarcerated people robust access to law libraries. For those individuals who lack direct access to legal materials through the law library or a tablet, TDCJ should be required to provide them with an unlimited number of legal research materials per day per their requests, rather than limiting them to three items of legal research materials per day delivered on three alternating days, as TDCJ policy currently specifies.

Inhumane Cell Conditions

Inhumane cell conditions across TDCJ facilities constitute a health hazard for incarcerated people and deny them the ability to live with dignity. Incarcerated individuals have reported cells with no running water for handwashing, drinking, or flushing toilets. Without the ability to flush toilets, incarcerated people must endure a constant odor of feces and urine in tightly packed cells.

Furthermore, incarcerated people have reported the use of “squirrel cages,” a type of holding cell that incarcerated people are confined in for days on end, that are too small to lie down in, and that lack beds or mattresses. Some of these cells have a stool fixed to the center of the cell’s floor, meaning incarcerated people must sit upright on the stool indefinitely or curl their bodies on the floor around it. These cells lack toilets entirely, forcing incarcerated people to urinate and defecate in the cramped space.

Incarcerated people held in solitary confinement also report feces lining cell walls, derelict infrastructure, and lack of basic necessities.

While the Sunset Staff Report acknowledges that “TDCJ is forced to spend significantly” on “maintaining facilities that hold thousands of vacant, unusable beds,” it does not acknowledge that the cells currently holding incarcerated people are already unlivable.⁴

⁴ Sunset Staff Report at 1.

Recommendation:

- Require TDCJ to publish a full evaluation of cells, supported by an outside inspector, to ensure every cell in use has functional plumbing, including clean running water from the sink, a flushable toilet, and hygiene supplies.
- Require TDCJ to eliminate the use of “squirrel cages” and phase out reliance on solitary confinement.
- Require TDCJ to develop a response plan to promptly address inhumane cell conditions whenever an incarcerated person submits a grievance or they or their loved one submits a report to the ombudsman.

Operation Lone Star Facilities

There are currently three TDCJ facilities used to detain individuals who are arrested under Operation Lone Star (OLS). Those facilities are the Dolph Briscoe Unit in Dilley, and the Segovia Unit and Lopez State Jail, both located in Edinburg.

In each of these facilities, individuals who are detained have reported inhumane living conditions from lack of access to medical care, abuse from guards, and other unsanitary issues such as spoiled food and pest infestations. More specifically, in Briscoe, individuals reported rat infestations in dorms and kitchen facilities, mold infestation in dorm ceilings and showers, as well as uncooked and molded food and inadequate mealtime (individuals reported only getting three minutes to eat before mealtime is over and food is thrown out). Individuals in the Segovia Unit also reported similar issues with food and mealtime.

Women detained in the Lopez facility previously reported being stripped and searched, sometimes more than once a day. Individuals in all facilities reported abuse from guards that includes racially derogatory language and responses to sick call requests being delayed or going unanswered.

The unique arrangement governing these OLS facilities – where TDCJ operates them, but the Texas Commission on Jail Standards (TCJS) regulates them – creates a uniquely important need for independent monitoring and reporting of conditions.

Recommendations:

- Require TDCJ to develop clear monitoring and accountability structures for OLS facilities, including by creating an independent ombudsman with the specific responsibility of handling complaints from people detained under OLS.

Pathways for Feedback and Transparency

There are currently limited structures for advocacy organizations and family members of people in TDCJ facilities to bring concerns communicated from people incarcerated at TDCJ to leadership at TDCJ. Even at the most basic level, incarcerated people are not always locatable

within TDCJ by their loved ones. The Sunset Staff Report notes that the agency moved “an average of 6,802 inmates within the system every week using its 2,520-vehicle fleet,” but does not acknowledge the lack of transparency around these moves.⁵

Recommendations:

- Require TDCJ to proactively receive feedback at a quarterly feedback meeting from families and organizations that have contact with people who are or have been incarcerated in TDCJ facilities and report to the oversight committees of the Texas legislature on the information gathered and the agency’s responsive actions.
- Require TDCJ to publish summaries of grievances received at each facility so advocates and family members can monitor these grievances and request follow-up action as needed.
- Require TDCJ to promptly publish where individuals within TDCJ are housed at any given time, including by immediately publishing when an individual is moved to a new unit or location within the TDCJ system and listing where individuals detained under OLS are located.

⁵ Sunset Staff Report at 11.