

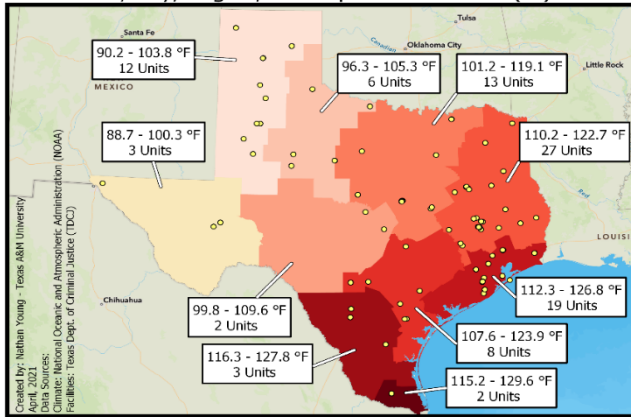


TPCA SURVEY: HEAT IN TEXAS PRISONS
Dr. J. Carlee Purdum, Casey Phillips, and
Dr. Amite Dominick

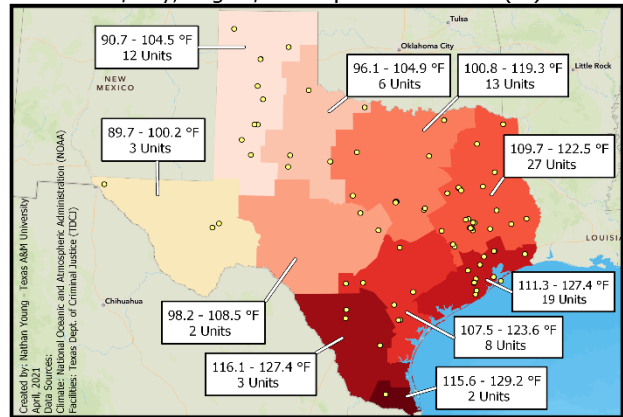


**HAZARD REDUCTION
& RECOVERY CENTER**
TEXAS A&M UNIVERSITY

TDCJ Prison Facilities and Average Heat Index Temperature in June, July, August, and September of 2018 (°F)



TDCJ Prison Facilities and Average Heat Index Temperature in June, July, August, and September of 2019 (°F)



TPCA HEAT IMPACT AND EXPERIENCE SURVEY: EXECUTIVE SUMMARY

Beginning in late 2018, the organization Texas Prisons Community Advocates (TPCA) began distributing surveys to persons incarcerated within TDCJ prison units to better understand their experience heat mitigation policies in excessive heat conditions. In 2020, TPCA partnered with Dr. J. Carlee Purdum, a research professor within the Hazard Reduction and Recovery Center at Texas A&M University, to complete analysis of the 315 surveys submitted to TPCA. The results of the survey are discussed below. This document represents a snapshot of our findings. A full report published by TPCA in partnership with Dr. Purdum is forthcoming.

Without universal temperature regulation (air-conditioning) in conditions of excessive heat, prison units must mitigate the impact of heat to each individual incarcerated person to prevent heat-related illness and death. According to TDCJ, heat mitigation policies are meant to provide “sufficient heat mitigation efforts for all offenders not housed in cool beds”.¹ However, “mitigating this risk [of heat] across [101] prison units and [122,000] offenders with varying medical and security needs presents a unique challenge and requires a comprehensive system-wide approach.”² These unique challenges are brought upon by structure of prisons and the characteristics of imprisonment which make getting resources directly to incarcerated persons both time and labor intensive. For example, having to constantly refill water coolers with water and ice, ensure each incarcerated persons has a cup allowing them to access water, and keeping water coolers and ice machines clean and sanitized. Facilitating access to additional showers or “respite areas” to cool the body temperatures of thousands of incarcerated persons each day is also time and labor intensive. Each year both staff and incarcerated persons must be trained on how to protect themselves and others during excessive heat conditions. For high vulnerability incarcerated persons with certain medical illnesses and conditions, staff must make take further action including conducting wellness checks in addition to normal security checks. Even with such policies in place, incarcerated persons and even staff continue to experience hazardous impacts to their health, fall ill, or even die during excessive heat conditions. Furthermore, COVID19 presented significant challenges to these individually focused policies which are described in this document.

¹ TDCJ. 2019. “Three Year Plan for Offenders who are at Highest Risk of Heat-Related Illness.” Austin: Texas Department of Criminal Justice.

² Id.

HEAT IMPACTS ON HEALTH

Heat Restriction and Sensitivity

As of August 31st, 2020, there were 11,885 incarcerated persons within TDCJ who were scored as heat sensitive and designated as “Cool Bed Priority Offenders” (CBP), meaning they are prioritized to get into an air-conditioned housing unit. Incarcerated persons qualifying for CBP tend to reflect the “highest probability for increased heat sensitivity” and generally reflect those suffering from “heart disease, mental health disorders, dementia/Alzheimer’s disease, developmental disability, or are 65 years or older and are also prescribed certain medications or have certain medical conditions.” However, only 78% of CBP persons were in cool beds.³ Between September of 2019 and August of 2020, there were 598 heat-related grievances filed relating to medical restrictions not being met.⁴

According to the TPCA survey:

- 39% of participants identified as having some type of official heat restriction
- 37% of participants identified as having heat restrictions due to a medical condition.
- More than half (54%) described themselves as physically sensitive to heat.
- More than half (54%) described being prescribed medication that could exacerbate the impact of heat to their health.

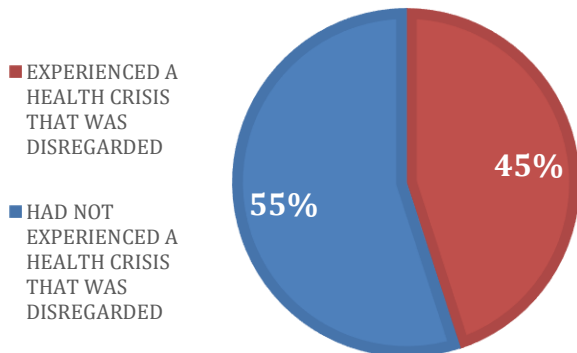
“I currently take psych meds (Lithium and Zoloft) that require no direct sunlight and heat restrictions” (Incarcerated man, Coffield Unit, 2020).

TDCJ unit security staff also maintain a “Medical Heat Restriction List” for all incarcerated persons who are susceptible to temperature related illnesses, typically due to do medical conditions and/or being prescribed certain medications. During security rounds, staff are to use this list to conduct wellness checks for incarcerated persons on the Medical Heat Restriction List and to “immediately seek care for all offenders requesting medical assistance or exhibiting signs of illness.”⁵

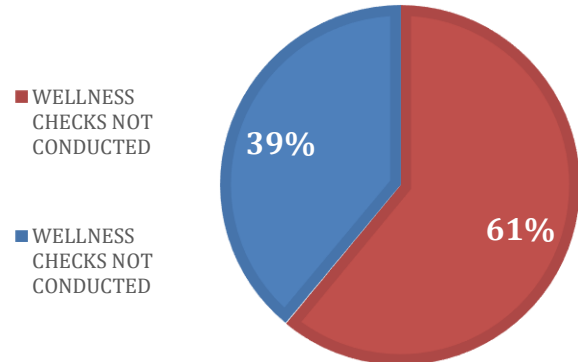
According to the TPCA survey:

- In 2020, 45% of participants reported having had a health crisis disregarded by staff.
- In 2020, the majority of participants (61%) also described that wellness checks were not being conducted.

**HEALTH CRISIS
DISREGARDED**



**WELLNESS CHECKS NOT
CONDUCTED**



³ TDCJ Information Request Response.

⁴ Id.

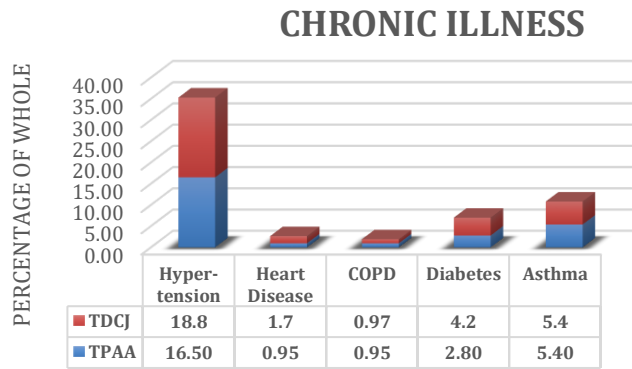
⁵ TDCJ. 2019. “Three Year Plan for Offenders who are at Highest Risk of Heat-Related Illness.” Austin: Texas Department of Criminal Justice.

Chronic Illness Amongst Participants

Within the TPCA surveys, incarcerated participants described how their health conditions (Hypertension, Heart Disease, COPD, Diabetes, Asthma, Epilepsy, Thyroid conditions, Mental Illness, Pregnancy etc.) increased their vulnerability to heat impacts without air-conditioning. Participants reported having certain chronic illnesses at the same rate that has been found in other studies of the TDCJ population.⁶

“I got sick at 30 weeks pregnant... I was big and pregnant with no air conditioning and one working fan that didn’t reach my bunk” (Incarcerated woman, Young Unit, 2018).

“I have epileptic seizures and a VERY recent brain injury and surgery that causes my heat problems to be magnified many times”(Incarcerated man, McConnell Unit, 2020).



ACCESS TO WATER AND ICE

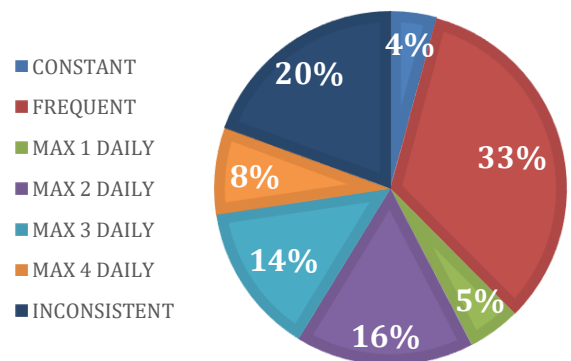
Under conditions of excessive heat, TDCJ policy dictates that incarcerated persons are to have access to additional water along with ice in the dorms, housing areas, recreational areas, and during mealtimes. TDCJ has stated that as an agency they take “numerous precautions to help reduce heat-related illnesses such as providing water and ice to staff and offenders in work and housing areas.”⁷ Although seemingly a small task, distributing water and ice to thousands of incarcerated persons during excessive heat conditions can be labor and time intensive. The TPCA survey demonstrated a lack of consistency across incarcerated person’s access to water. Coolers must be continuously refilled as well as cleaned out. Ice machines must frequently be cleaned to maintain sanitary distribution of ice and machines must be serviced when broken. **COVID19** led to lockdowns throughout TDCJ which restricted incarcerated persons’ access to water coolers and ice in common areas. This often meant that water had to be distributed individually to persons in their cells. This was described as leading to even less frequent access to water. Between September of 2019 and August of 2020, there were 1,196 grievances describing cold water and ice being unavailable.⁸

According to the TPCA survey:

- 13% of participants reported that water is not distributed to them by TDCJ.
- The majority of participants (60%) reported that they **did not have access to a cup**. Without a cup, some use unsanitary alternative like their hands or other random objects to hold water or hold ice taken from the coolers.
- A third of participants (34%) reported not having access to ice.
- A significant number of incarcerated persons (17%) also reported they were not receiving ice due to broken ice machines.

“Limited ice water during extreme heat due to ice machine failure” (Coffield Unit, 2018).

WATER ACCESS



⁶ Harzke et al. 2010. “Prevalence of Chronic Medical Conditions Among Inmates in the Texas Prison System.” Journal of Urban Health, 97(3):4786-503.

⁷ Burnett, John. 2016. “Texas Prisoners Sue Over ‘Cruel’ Conditions, Citing Extreme Heat.” NPR, September 12th.

⁸ TDCJ Information Request Response.

Unsanitary Drinking Water

Unsafe water quality was a common and significant concern among incarcerated participants. A distrust in the safety of drinking water presents a serious challenge to heat mitigation by creating a hesitancy to drink the water. Exposure to illness from drinking exacerbates health impacts.

According to the TPCA survey:

- About a third of participants (29%) described unsanitary conditions for water such **dirty coolers (debris, insects, vermin) and harmful contaminants in the water (Feces, E. Coli, H.Pylori, arsenic, lead).**
- Reports have shown TDCJ to have issues with water quality, including the presence of hazardous materials such as high levels of arsenic in the water, cases of H. Pylori.⁹

“The water is contaminated with heavy metals, dirt, and excessive amounts of arsenic” (Eastham Unit, 2019).

“Coolers are not cleaned, slime builds up. Sometimes dead bugs inside coolers or ice buckets” (Darrington Unit, 2020).

RESPITE

According to TDCJ, incarcerated persons are to have “access to a respite area 24 hours per day, seven days per week, even if they are not feeling ill at the time of the request” and are to be allowed to “stay in the area as long as necessary.” Any area with air-conditioning may be designated as a respite area by the unit’s warden.¹⁰ Between September of 2019 and August of 2020, there were 1,255 grievances filed describing issues relating to respite areas.¹¹ The most common complaints were relating to respite areas being unavailable, incarcerated persons being denied access to respite areas, or time in respite being cut short or limited against TDCJ policy.

According to the TPCA survey:

- Close to half (43%) reported having been denied access to respite areas.
- Common reasons for being denied included:
-

“You only have access to this if they have full staff and we are not racked up in our own cells” (Michael Unit, 2018).

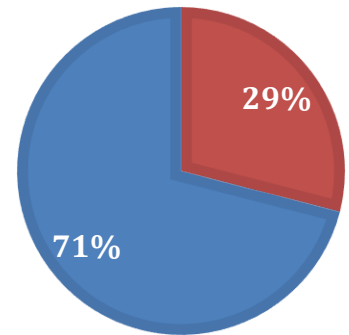
COVID19 led to multiple long-term lockdowns and restrictions on the use of respite areas, meaning one of the primary ways TDCJ mitigates the impact of heat became extremely limited and for many, nonexistent.

“Denied respite in the school because our dorm was quarantined. They put us in the visit area which isn’t really cool” (Luther Unit, 2020).

UNSAFE DRINKING WATER

■ DESCRIBED DRINKING WATER AS UNSAFE

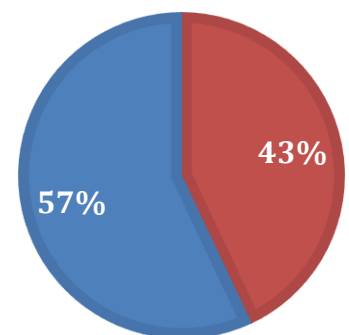
■ DID NOT DESCRIBE DRINKING WATER AS UNSAFE



DENIED ACCESS TO RESPITE

■ HAS BEEN DENIED ACCESS TO RESPITE

■ HAS NOT BEEN DENIED ACCESS TO RESPITE



⁹ Banks, Gabrielle. 2016. Federal judge: State must provide water without arsenic to inmates.” Houston Chronicle, June 22nd.

¹⁰ TDCJ. 2018. “Administrative Directive: Excessive and Extreme Temperature Conditions in the TDCJ.” Austin: Texas Department of Criminal Justice.

¹¹ TDCJ Information Request Response.

ACCESS TO SHOWERS

Prisons are congregate settings where resources are distributed communally, including showers. According to TDCJ policy, incarcerated persons are to be allowed to shower at least one time each day. Additional showers with lowered water temperatures are to be available to incarcerated persons when possible. To ensure the availability of showers, wardens are to review the unit status of shower temperatures and units are to ensure the maintenance of unit showers.

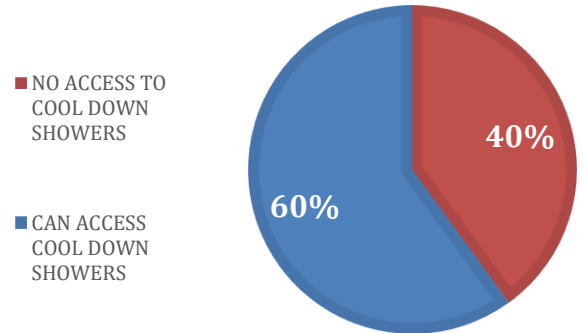
According to the TPCA survey:

- 40% of participants reported not having access to “cool down” showers.
- Nearly a quarter (22%) reported having experienced broken showers.
- 24% described them as having low-water pressure.

COVID19 has impacted incarcerated persons’ access to showers due to lockdowns and restrictions on incarcerated persons movement.

“Cold showers are being denied daily. Excuse--Covid lockdown” (Robertson Unit, 2020).

NO ACCESS TO "COOL DOWN" SHOWERS



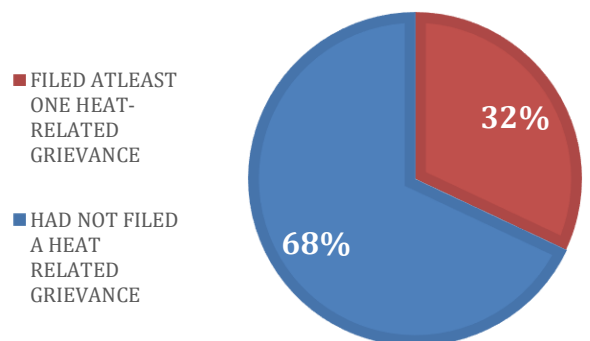
THE GRIEVANCE SYSTEM

According to TDCJ, the Offender Grievance Program provides an “outlet” for the grievances of incarcerated persons and gives agency administrators “valuable insight into issues and problem resolution on the units.”¹² Between September of 2019 and August of 2020, a total of 6,341 grievances were filed specific to heat related issues.¹³ In 2017 a report on TDCJ’s grievance system by the Prison Justice League described significant issues with the agency’s grievance system such as a lack of trust in system, retaliation against incarcerated persons for filing a grievance, a lack of independent oversight, failure to resolve legitimate grievances, a lack of adequate staffing, and no consequences for staff not adhering to process.¹⁴

According to the TPCA survey:

- About a third of participants (32%) reported having filed a heat-related grievance, and the majority of participants who filed a grievance (59%) contested the initial response by filing a second grievance.
- A significant number of participants (16%) who had filed a grievance had not yet received a response.
- Participants also wrote into the survey that they feared retaliation or had directly experienced retaliation for writing a grievance.

FILED HEAT-RELATED GRIEVANCE



“Grievance doesn’t work on this unit. They will retaliate on you and that scares people” (Eastham Unit, 2018).

¹² TDCJ. 2019. Annual Review 2019. Austin: Texas Department of Criminal Justice. https://www.tdcj.texas.gov/documents/Annual_Review_2019.pdf

¹³ TDCJ Information Request Response.

¹⁴ Prison Justice League. 2017. “A Rigged System”: How the Texas Grievance System Fails Prisoners and the Public.” https://www.prisonpolicy.org/scans/prison_justice_league/a_rigged_system.pdf

EXTREME HEAT AND COVID19

The Texas prison system has the 4th highest rates of deaths for incarcerated persons due to COVID19 of any prison system in the U.S.¹⁵ More than 240 incarcerated persons in Texas state prisons have died from COVID19.¹⁶ The combination of heat, a lack of air-conditioning, and the pandemic created extremely hazardous conditions for incarcerated persons. Public health experts warned that hot conditions could make it difficult for the body to fight viruses. Furthermore, getting the virus and being in a heated setting can exacerbate breathing and cardiovascular problems.¹⁷

“If you have Cov-19 and housed in the gym you do not get respite, when you really need it due to body temperature” (Jester III, 2020).

As discussed previously, COVID19 presented significant challenges to individually focused heat mitigation policies. Resources distributed communally, such as shared water coolers or communal showers and respite areas, present a risk of spreading the coronavirus. Lockdowns prevent access to resources like showers, respite areas, communal water and ice, and commissary items.¹⁸ By June of 2020, 59% of TDCJ units were on lockdown.¹⁹

To respond to COVID19, TDCJ installed “iWAVE” devices within air conditioning ventilation systems “to provide ionized air as an added layer of protection against the virus.”²⁰ However, areas without air conditioning infrastructure cannot benefit from this technology. In March of 2021, it was reported that iWAVES were only in use in 10 TDCJ facilities.²¹

UNDERSTAFFED UNITS AND HEAT IMPACTS

With units being under-staffed, distributing resources to incarcerated persons individually becomes even more challenging. Incarcerated persons described limited numbers of staff leading to incarcerated persons being denied access to respite areas, showers, and access to communally distributed water and ice.

According to the TPCA survey:

- Incarcerated persons may be denied access to showers and communally distributed water due to lockdowns or movement restrictions stemming from a lack of adequate staffing.
“Wing bosses tell us there’s no movement due to being short of staff” (Coffield Unit, 2020).
- Incarcerated persons may be denied access to respite areas due to a lack of staff to supervise them:
“Happens every day! Short of staff, a flat-out denial” (Hughes Unit, 2020).
- It is possible that under-staffing contributes to other challenges with implementing heat mitigation policies such as conducting wellness checks.

Without adequate levels of staffing, distributing resources to incarcerated persons to mitigate the individual impact of heat becomes extremely burdensome and challenging. Providing air-conditioning throughout units would reduce the impact of heat in units already plagued by lack of staffing.

¹⁵ The Marshall Project. “A State-by-State Look at Coronavirus in Prisons.” New York: The Marshall Project.

¹⁶ Bohra, Neelam. 2021. “Hundreds of Texas prisoners are getting vaccinated — months after many became eligible.” The Texas Tribune, March 25th.

¹⁷ McGaughy, Lauren. 2020. “‘It’s hell living there’: Texas inmates say they are battling COVID-19 in prisons with no A/C.” The Dallas Morning News, July 31st.

¹⁸ TDCJ. 2020. *Frequent Asked Questions: eCommDirect-Inmate Commissary Purchases*. <https://www.tdcj.texas.gov/faq/ecom.html>.

¹⁹ Blakinger, Keri. 2020. “Timeline: The Spread of COVID19 in Texas Prisons.” WFAA, December 13th.

²⁰ TBCJ. 2020. *Texas Board of Criminal Justice 214th Meeting*. Austin: Texas Board of Criminal Justice

²¹ Notes of Conference Call on Re-opening Visitation March 10, 2021, TDCJ and TIFA. <https://tifa.org/covid19/>

