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Prisoners Dying from Human Rights Abuses in Texas Prisons

AUSTIN, Texas – The University of Texas School of Law Human Rights Clinic has claimed in a new report that the Texas Department of Criminal Justice (TDCJ) continues to violate human rights of the inmates in its facilities. Inmates are subjected to heat so extreme that, since 2007, at least fourteen have died as a result. These conditions have not only caused those deaths, but also pose a continuing threat to existing and future prisoners.

The Human Rights Clinic finds in its report, *Deadly Heat in Texas Prisons*, that conditions in TDCJ prisons violate the human rights of its inmates. Ariel Dulitzky, the director of the Clinic, stressed that “because the TDCJ exercises complete control over prisoners in its facilities, it also bears the responsibility for guaranteeing the lives and health of all inmates.” The TDCJ fails to live up to this responsibility.

Dulitzky says that the TDCJ has been aware that inmates have died from extreme heat since at least 1998, and it has been more than two years since the Texas Civil Rights Project (TCRP) brought a wrongful death lawsuit against the TDCJ for the death of an inmate due to organ failure resulting from exposure to extreme heat. In spite of this increased public scrutiny, says Dulitzky, the TDCJ has yet to address the issue by implementing proper measures to ensure the health of inmates.

The TDCJ—which administers state-run prisons—sets no limit for how hot a prisoner’s cell can be. TDCJ has cooling procedures for the swine stables it owns, but it does not have adequate cooling procedures for prisoners’ cells. This is in stark contrast to the Texas Commission of Jail Standards (TCJS), which regulates and monitors county jails and has temperature standards for living quarters.

A number of decisions—both from the U.S. Fifth Circuit Court of Appeals and the district courts under its jurisdiction—have found that extreme heat in prisons violate the Constitution’s prohibition on cruel and unusual punishment. Dulitzky noted that “more lawsuits are pending, not only for wrongful death, but for the ongoing risks that these extreme temperatures pose to inmates.”

The Human Rights Clinic recommends administrative and legislative solutions. The Clinic strongly encourages the TDCJ to immediately begin monitoring inmates who are at a heightened risk for heat related injury and ensure that all prisoners have access to ice and cool water. The Clinic also recommends that the TDCJ codify that temperatures in inmate housing areas remain between 65 °F and 85 °F and install air conditioning in all of its facilities to achieve this. Because of the serious human rights violations detailed in the report, the Human Rights Clinic intends to submit its findings to relevant United Nations bodies as well as to the Inter-American Commission for Human Rights.

About the Human Rights Clinic:

The Human Rights Clinic is part of the University of Texas School of Law. In the Clinic, an interdisciplinary group of law students and graduate students work under the supervision of Clinic Director Ariel Dulitzky on human rights projects through fact finding, reporting, and other public advocacy. The Clinic is involved in a multitude of activities including supporting advocacy in domestic and international fora investigating and documenting human rights violations, and engaging with global and local human rights campaigns.

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More information can be found here: <http://www.utexas.edu/law/centers/humanrights/extremeheat>

This report does not represent the official position of the School of Law or of the University of Texas, and the views presented here reflect only the opinions of the individual authors and of the Human Rights Clinic.