

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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August 21, 2023

The Honorable James Comer
Chairman
Committee on Oversight and Accountability
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Comer:

We write about heat-related prison conditions across America which demand our serious attention. Earlier this year, Committee Republicans arranged a visit to the D.C. jail in light of concerns about the conditions experienced by individuals held on charges related to the January 6 attack on the United States Capitol.¹ Similarly, Committee Democrats worked persistently to investigate and improve harsh prison conditions in the past two Congresses. Given our shared interest in the rights of the incarcerated, we urge you and Committee Republicans to join Committee Democrats in our work to bring transparency and accountability to prisons across the country, sweltering in the heat of a brutal climate change summer.

The Committee's visit to the D.C. jail provided insight into the operations and resources employed at the D.C. jail for federal and District inmates. For example, the visit revealed with clarity that defendants held on charges relating to the January 6 attack on the Capitol are housed in an area of the D.C. jail that is noticeably cleaner and larger compared to other facilities on the D.C. jail campus. Furthermore, January 6 defendants also have greater access to a wide range of accommodations, including electronic communication devices and access to outdoor recreational areas and have adequate air conditioning and heating.²

Federal judges also concluded that January 6 defendants are held under conditions that are equivalent to or far better than those afforded to other defendants and incarcerated persons. On March 6, 2023, a federal judge denied a January 6 defendant's request for pretrial release based on the conditions of the D.C. jail, noting that the conditions under which January 6

¹ *House lawmakers tour D.C. jail holding Jan. 6 defendants to inspect conditions*, NBC News (Mar. 24, 2023) (online at www.nbcnews.com/politics/congress/house-lawmakers-tour-dc-jail-holding-jan-6-defendants-rcna76628).

² *DC Jail Unit Is Just Fine for January Sixers, Federal Report Says*, Washingtonian (Jan. 18, 2022) (online at www.washingtonian.com/2022/01/18/dc-jail-unit-is-just-fine-for-january-sixers-federal-report-says/).

defendants are being held “are, by all accounts, entirely ordinary.”³ Less than two weeks before the visit, a separate federal judge denied a January 6 defendant’s third motion for pretrial release, noting that—far from receiving disparate treatment or being denied access to resources—January 6 defendants receive *extraordinary* accommodations.⁴

The treatment of detained individuals and the conditions they face in correctional facilities across the country is an important subject for congressional oversight. There are numerous instances of egregious, indeed, dangerous conditions at prisons that warrant congressional scrutiny.

Since 2021, Committee Democrats have investigated the correctional facilities on Rikers Island in New York City, which have been plagued with violence and high rates of preventable deaths for years.⁵ In another instance, the Department of Justice (DOJ) opened an investigation into five juvenile facilities in Texas following allegations of physical and sexual abuse by staff, as well as excessive use of chemical restraints and isolation.⁶ Prisons in Georgia currently face two DOJ investigations into whether the state provides its incarcerated reasonable protection from harm.⁷ Georgia’s investigations underscore a state-wide problem with rising inmate suicide numbers, including in Chattooga County where the Hays State Prison inmate suicide rate is more than double the general population.⁸

Most states do not provide air conditioning or adequate ventilation in prisons to withstand heat emergencies, posing serious risks to both incarcerated individuals and staff.⁹ Most recently, extreme heatwaves plaguing Texas revealed that 70% of the state’s prisons and jails are

³ *United States v. McHugh*, No. 1:21-CR-00453-JDB (U.S. Dist. D.C. 2021), Memorandum Opinion 19 (Doc. 92).

⁴ *Judge Denies Jan. 6 Defendant’s Motion for Release, Says No Rights Violated at DC Jail*, WUSA9 (Mar. 14, 2023) (online at www.wusa9.com/article/news/national/capitol-riots/judge-no-violation-of-jan-6-defendants-rights-at-dc-jail-christopher-quaglin-capitol-riot-lower-west-terrace-tunnel/65-29805bfe-9465-4868-840f-986ed5f32f56).

⁵ Letter from Chairwoman Carolyn Maloney, Committee on Oversight and Reform, to Deanna Logan, New York Mayor’s Office of Criminal Justice (Dec. 22, 2022) (online at https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2022-12-21.CBM%20JR%20AOC%20to%20Logan-NYC%20re%20Rikers%20Data_0.pdf).

⁶ U.S. Department of Justice, *Press Release: Justice Department Announces Investigation Into Conditions at Five Juvenile Facilities in Texas* (Oct. 13, 2021) (online at www.justice.gov/opa/pr/justice-department-announces-investigation-conditions-five-juvenile-facilities-texas).

⁷ *Id.*

⁸ *Suicides of 125 Georgia Inmates Point to Another Crisis for State Prisons*, Atlanta Journal-Constitution (May 13, 2022) (online at www.ajc.com/news/investigations/suicides-of-125-georgia-inmates-point-to-another-crisis-for-state-prisons/VA4IEU3XLVFRBGFD5Y7NLGVHVV/).

⁹ *Map Shows At Least 44 States Lack Universal Air Conditioning in their Prisons*, USA Today (Sept. 12, 2022) (online at www.usatoday.com/in-depth/graphics/2022/09/12/american-prisons-air-conditioning-heat-climate/8017395001/).

unequipped with air conditioning.¹⁰ Texas continues to lack an adequate heat mitigation plan for its state prisons and jails, despite rising global temperatures.¹¹ This year, the Texas House of Representatives proposed spending \$545 million to install air conditioning across state prisons and approved a bill that would require prison temperatures be no higher than 85 degrees within carceral facilities. However, the Texas State Senate has refused to act on this bill to address the excessive heat harming inmates.¹²

Despite a surplus in the Texas state budget, state legislators prevail with the mindset that allowing inmates to suffer from excessive heat is appropriately “tough on crime.”¹³ This refusal to implement necessary cooling mechanisms, however, places both inmates and staff at risk for severe heat-borne illnesses, nausea, dizziness, and even death.¹⁴ Excessive heat forces prison staff to work in sweltering conditions and likely contributed to severe staff shortages.¹⁵ Furthermore, studies have shown that inadequate cooling degrades a person’s physical and mental health over time and may be connected to the annual increase in suicide attempts made by Texas inmates during the summer months.¹⁶

Our planet recently experienced the hottest month ever recorded, with Texas and other southern states measuring some of the hottest temperatures on Earth.¹⁷ The capacity of prisons and jails to adequately prepare for and provide resources to meet the increasingly extreme weather caused by climate change deserves immediate attention from this Committee. If Committee Republicans are serious about conducting oversight of the conditions within prisons and correctional facilities, and not just playing politics with a single facility, it is critical that you demand that facilities across the country hold inmates in a humane environment and not limit your interest to a single facility. In this regard, Committee Democrats invite Committee Republicans to join in a bipartisan investigation of the conditions of prisons and jails across

¹⁰ ‘*Man Down!*’ *Surviving the Texas Heat in Prisons Without Air-Conditioning*, New York Times (June 29, 2023) (online at www.nytimes.com/2023/06/29/us/texas-prisons-heat.html).

¹¹ ‘*Air Conditioning is a Human Right.*’ *Heat-Related Prison Deaths Are Rising Due to Climate Change*, Time (May 23, 2023) (online at <https://time.com/6281702/prisons-heat-deaths-climate-change-air-conditioning/>).

¹² *Man Down!* ‘*Surviving the Texas Heat in Prisons Without Air-Conditioning*, New York Times (June 29, 2023) (online at www.nytimes.com/2023/06/29/us/texas-prisons-heat.html).

¹³ *Id.*

¹⁴ *Extreme Heat At Texas Prisons An ‘Ongoing But Preventable Disaster,’ Report Says*, Texas A&M Today (July 21, 2022) (online at <https://today.tamu.edu/2022/07/21/extreme-heat-at-texas-prisons-an-ongoing-but-preventable-disaster-report-says/>).

¹⁵ *Despite Budget Surplus, Texas Legislature Makes Little Money Available For Prison Air Conditioning*, Texas Tribune (May, 26, 2023) (online at www.texastribune.org/2023/05/26/texas-prisons-air-conditioning/).

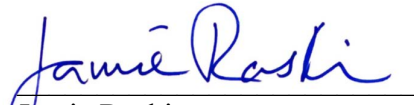
¹⁶ *New Study Details How Extreme Heat is Affecting Texas Prisons*, Houston Public Media (Aug. 1, 2022) (online at www.houstonpublicmedia.org/articles/news/criminal-justice/2022/08/01/429552/new-study-details-how-extreme-heat-is-affecting-texas-prisons/).


¹⁷ *European Scientists Make it Official. July Was the Hottest Month on Record By Far*, Associated Press (Aug. 9, 2023) (online at <https://apnews.com/article/hot-july-record-climate-change-8baaa159c413ec31939e99206f2be644>); *Brutal Heat Wave Makes Texas Among the Hottest Places on Earth*, NBC News (June 28, 2023) (online at www.nbcnews.com/science/science-news/brutal-heat-wave-makes-texas-hottest-places-earth-rcna91584).

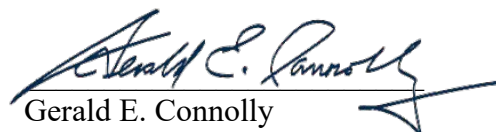
America, including the strategies other states subject to extreme climate warming are undertaking to keep both inmates and staff safe.

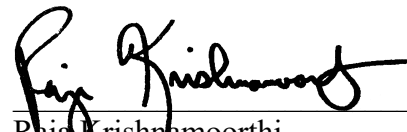
The problem of prison conditions demands serious attention by Congress, and we hope that you will join us in this critical endeavor. Thank you for your attention to this important matter.


Sincerely,



Jamie Raskin
Ranking Member
Committee on Oversight and
Accountability


Eleanor Holmes Norton
Member of Congress

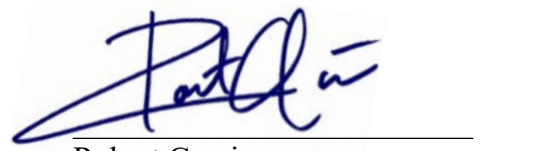

Gerald E. Connolly
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Subcommittee on Cybersecurity,
Information Technology, and
Government Innovation

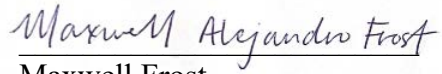

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Alexandria Ocasio-Cortez
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