

United States Senate

WASHINGTON, DC 20510

November 6, 2017

Leann Bertsch
President
Association of State Correctional Administrators
1105 2nd Street S
Nampa, Idaho 83651

Dear President Bertsch:

We are writing to inquire about the ability of prison officials to establish clear policies for the preparation for and response to extreme weather events. Recent examples have raised concerns about unsafe conditions at federal and state prison facilities for corrections officers, prison staff, and incarcerated people. These events are becoming increasingly severe due in part to the effects of climate change. As a result, prisons should have effective climate resiliency plans prior to extreme weather events.

In the wake of Hurricanes Harvey, Irma, and Maria, the country's prison infrastructure was ill-equipped to manage and respond to extreme and increasingly frequent weather events. Reports of conditions in Texas federal prisons during and after Hurricane Harvey illustrated a lack of preparation and planning for disasters response. For example, the Houston Chronicle reported that incarcerated people at the Federal Correctional Institute in Beaumont, Texas were left in their cells as the city flooded.ⁱ As *The Dallas Morning News* reported, some facilities in the storm's path were evacuated and some were not.ⁱⁱ Those incarcerated people who were left behind faced clean water shortages and lived in unsanitary conditions for days after the hurricane.ⁱⁱⁱ

This problem is not isolated to Texas. In Florida, Hurricane Irma prompted the largest evacuation of people in prisons in the state's history.^{iv} However, there were reports that nearly 4,500 incarcerated individuals were left in facilities located in Miami-Dade County's evacuation zones prior to Hurricane Irma.^v In the wake of Hurricane Maria, *The Marshall Project* reported that most of Puerto Rico's prison facilities were located along coastal and high-risk flood areas.^{vi} Prior to the storm, preparations and evacuations were inconsistent across Puerto Rico's 29 territorial and federal prisons.^{vii}

These unsafe conditions are not unique to hurricanes. As the Gulf Coast responded to its hurricanes, the *Phoenix New Times* reported on indoor temperatures in many Arizona prisons reaching over 100 degrees.^{viii} During the heatwaves in the summer of 2017, temperatures in Arizona reached as high as 113 degrees in one state prison.^{ix} Other prisons may have been inaccurately reporting on their indoor temperatures.^x

These high temperatures can be fatal for some people. A Columbia Law School report notes that certain psychotropic medication can make individuals more susceptible to heat, as can high blood pressure, other health conditions, and old age.^{xi} Requirements for livable temperatures vary across detention facilities, as well as across geographic regions.^{xii} Many corrections facilities lack proper air conditioning in areas most vulnerable to extreme heat. A report from *The Marshall Project* found that four out of five incarcerated individuals in Texas prisons have no access to air conditioning in their cells.^{xiii}

Reporting on these unsafe conditions, as well as the health effects and deaths related to extreme weather events, is irregular and often incomplete. Most of the information is disseminated through prison advocates, news reports, and lawsuits.

We recognize the real public safety interest prison officials must consider when developing policies that cover responses to natural disasters. However, considering the clearly unsafe conditions in many corrections facilities, we ask that you provide the following information regarding responses to these extreme weather conditions.

1. Are there clear guidelines across federal correctional facilities that govern preparations for and response to extreme weather events? If so, how can these plans be improved to ensure that they are executed consistently?
2. Are there clear reporting requirements for the aftermath of extreme weather events? If not, how can facilities better ensure accurate and consistent reporting?
3. How can Congress assist in better preparing prisons facilities and officials for these conditions?

Thank you for your attention to this matter, and we look forward to your response.

Sincerely,



BRIAN SCHATZ
United States Senator



SHELDON WHITEHOUSE
United States Senator



CHRISTOPHER A. COONS
United States Senator



CORY A. BOOKER
United States Senator


TAMMY DUCKWORTH
United States Senator


ELIZABETH WARREN
United States Senator


AL FRANKEN
United States Senator


MAZIE K. HIRONO
United States Senator


BERNARD SANDERS
United States Senator

ⁱ Gabrielle Banks, "Texas prisons take hit from Harvey, complaints of water, sewage problems surface," *Houston Chronicle*, 4 Sept. 2017.

ⁱⁱ Brandi Grissom, "A look inside Texas prisons damaged by Harvey, where workers and inmates pitching in to clean up," *The Dallas Morning News*, 14 Sept. 2017.

ⁱⁱⁱ Ibid.

^{iv} Mary Ellen Klas and Kristen M. Clark, "Irma forces largest evacuation of prisoners in Florida history," *Tampa Bay Times*, 7 Sept. 2017.

^v Taylor Doven, "Trapped in Irma's path," *Vice News*, 9 Sept. 2017.

^{vi} Yolanda Martinez and Anna Flagg, "Puerto Rico Puts Its Prisons Near Flood Zones," *The Marshall Project*, 9 Sept. 2017.

^{vii} Ibid.

^{viii} Antonio Noori Farzan, "Some Arizona Prisons Report Temps Up to 113; Others May Be Fudging Logs," *Phoenix New Times*, 12 Sept. 2017.

^{ix} Ibid.

^x Ibid.

^{xi} Daniel W. E. Holt, "Heat in US Prisons and Jails: Corrections and the Challenge of Climate Change," Sabin Center for Climate Change Law, Columbia Law School, Aug. 2015

^{xii} Ibid.

^{xiii} Maurice Chammah and John Carlos Frey, "'Cooking Them to Death': The Lethal Toll of Hot Prisons," *The Marshall Project*, 11 Oct. 2017.