

Despite numerous attempts to resolve the following issues through contacting and informing this units administrators only cosmetic responses, if any, have been the answers to our pleas for constitutional and humane conditions of confinement. As anyone can make any kind of claim we will endeavor to substantiate all claims with fact and law being as specific as possible so there is no confusion about the conditions we live under and why it is a right to be free of such conditions.

I. FOOD

Per Texas Government Code §501.003 Food "The department shall ensure that inmates housed in facilities operated by the department are fed good and wholesome food prepared under sanitary conditions, and provided in sufficient quantity and reasonable variety. The department shall hold employee's charged with preparing food for inmates strictly to account for a failure to carry out this section. The department shall provide for the training of inmates as cooks so that food for inmates may be properly prepared." The Eighth Amendment gives the right to be free from "cruel and unusual punishment", this also protects our right to humane conditions in prison and guarantees us "basic human needs" like food. There are several housing blocks where meals are served on the housing block. Pans of cooked food are brought to the block and served onto trays from a steam table. This steam table regularly has pests on it like rats, roaches and flies and is never cleaned before our food is placed in it. The main kitchen is regularly being closed to spray for pests. The regularity of this attests to the unsanitary conditions where all the units food is prepared. All summer you can watch flies land on the food on the steam table while it is being served. Flies vomit on their food prior to eating so by extension we are eating fly vomit. There are no pest control measures to keep these pests from contaminating our food. The trays our food is served on are stained with mold and mildew staining the blue plastic brown and black. This comes from stacking the trays in a pile strait out of the dishwasher while they are hot and wet creating a perfect dark humid environment for such growths. These trays are kept in circulation despite the health hazard it presents despite letters to Food Service and grievances. After all that it seems a small matter that the cooks cannot cook. All pasta and rice is boiled to mush. Water is added to many of our main courses to stretch the ingredients. Even the simplest meals like corndogs and chicken patties are raw or burnt. No one is being held "strictly to account" for any of this.

II. MEDICAL

On a daily basis M-F inmates that have to be escorted to medical are being denied going to their appointments even though they were issued an Official Lay-In Pass to go to their appointment. This unit does NOT have the facilities nor the staff to properly care for the Closed Custody and Administrative Segregation population and give them the medical care they are entitled to by a Supreme Court decision in Estelle v. Gamble, 429 U.S. 97, 104(1976) which covers "denial or delay of access to treatment" This is also a "basic human need" per the Eighth Amendment. Several grievances on this topic have come back announcing that the units administration "is aware of the situation and is monitoring it." So the unit is aware that our constitutional rights are being violated and their response is to "monitor" it. This staffing issue that denies us access to medical also contributes to us being denied several other activities we are entitled to as well.

III. RECREATION

This unit is among the oldest that TDCJ-ID has open still and it has the smallest cells of all the units with each cell measuring roughly 5'X 8' (40²') and the bunk and toilet occupy over half the available floor space leaving very little room to exercise or even move. To put it in perspective, these cells are smaller than most peoples bathrooms and we live in them for 23-24 hours a day. This makes recreation even more vital to our continued health mentally and physically. There are 78 1-man cells on each Ad Seg block and only 13 recreation cages per 2 blocks. To recreate one entire block 6 rounds of 1-hour rec would have to be completed. There is only one dayroom per housing block of 78 cells. Recreation is also considered a "basic human need" per the Eighth Amendment so the denial of recreation is cruel and unusual punishment. Then when we do get to go

"outside" the sky is blocked by a tin roof over the entire recreation area so one can go months or even years without being able to stand in the sunshine. The rec yards are infested with pigeons that live in the supports of the tin roof and they see our rec area as their bathroom. So we have the choice to stay in our tiny cell or play in bird feces which is prone to carrying diseases and birds themselves are prone to mites and other parasites. The prisons efforts to "clean" the rec yards consists of sweeping away the feces on the ground or spraying or scrubbing with water. None of these does anything to remove the feces from the fencing or sanitize the area at all. Often the basket balls provided will be covered in bird feces too. TDCJ-ID policy found in their Ad Seg Plan instructs how much recreation we are supposed to receive. This unit is never able to comply with this policy and give us the adequate amount of recreation dictated.

IV. EXTREME TEMPERATURES

"Ventilation is a fundamental attribute of 'shelter' and 'sanitation' both of which are basic Eighth Amendment concerns." *Minifield v. Butikofer*, 298 F.Supp.2d 900, 904 (N.D.Cal.). Many courts have held that inadequate ventilation violates the Eighth Amendment or contributes to an unconstitutional combination of conditions. *Brock v. Warren County*, 713 F.Supp.238 (E.D. Tenn. 1989)(jail officials violated constitution by subjecting inmate in cell with virtually nonexistent ventilation and extremely high temperature and humidity). Each housing block with cells is built bak to back with a pipe chase dividing them. In front of the cells is a wall comprised mostly of single pane windows with red brick dividers for structural support. The housing block that face each other were placed far enough apart to allow for air flow between the wings and through the five rows of opening windows. The tin roof above the rec yard previously mentioned that covers the retrofitted rec yard was installed between these wings and stands above 80% of the open windows retarding air flow intended by the designers of this unit. In the summer the super heated tin roof helps bake us in our retrofitted cells that inhibit air flow even more and it doesn't even start to cool off until 6 or 7 a.m. during the worst of summer. Many of us sleep on the bare concrete floor or directly on the steel bunk because it is too hot to lay on a mattress. To help the air flow a single fan is placed on the end of the 27 cell run about 10' or so before the cells start for the whole run which is about 140-150' long. No air flow can be felt in a cell past about 6-cell. The average heat index is 10° higher than it is outside. Being given cold water twice a day is supposed to fix all this. Guatamala has A/C in their prisons, are they that much ahead of the United States? Prisoners have died in Texas from the heat and heat related injuries are a constant concern every year yet nothing is being done to fix this life endangering problem that has been ruled to be an Eighth Amendment concern for cruel and unusual punishment. People face criminal charges for leaving their pets in similar extreme heat. Do humans deserve any less than animals? Then in the winter we have to cover our cells with sheets, blankets, paper and cardboard or whatever else we can find and bundle up with all the clothes we can get our hands on. For the poor guys who don't have anyone sending them money to buy inmate-made long underwear from the state run commissary at extortionist rates, (The inmate labor is 'free' by the way. So we make clothes for the state to sell to us and all they pay for is the cloth and thread.), for those of us unable to be extorted we have to make do with inadequate state clothing that is not meant for such conditions while the officers walk the block in parkas, hats, and gloves. We live in such freezing temperatures, they only have to do 12-hour shifts. People keep their cell lights on day and night for the meager heat it produces doing anything we can think of to get warm.

V. INFESTATIONS

It is uncommon to not kill at least half a dozen roaches aday, mostly around breakfast for some reason. Rats, mice, ants, flies, birds and cats can be found all over this unit in alarming numbers contaminating our living and recreation areas and for some of us our work environment. *Palmigiano v. Garrahy*, 443 F.Supp. 956, 961 (D.R.I. 1977)("The entire structure is massively infested with cockroaches, rodents, mice, and rats, each of which carries diseases throughout the prison.") *Hoptowit v. Spellman*, 753 F.2d @ 783(vermin infestation was inconcistent with level of sanitation required by the Eighth Amendment). The

pipe chases are sanctuaries for pest infestation as they are almost never cleaned. One inmate who was in the pipe chase said it reeked of rat piss and said roaches were everywhere. There is no way to prevent roaches from entering our cells from the pipe chase. These retrofitted Ad Seg cells were cobbled together by inmate welders and are impossible to clean short of a steam pressure washer to get into every nook and crack the addition of angle iron, metal mesh and steel plates added to each cell. There are simply too many places for pests to live and the "chemicals" pest control comes around and sprays do not have any chemical odor and roaches play in the stuff and don't die. It is as if the chemicals are being watered down so that the whole unit can be sprayed without going over budget on chemicals. The result is ineffective sprayings that have no effect on the pest population. The feral cats live mostly around the kitchen back docks eating handouts and leftovers spreading whatever parasites they are carrying where our food is prepared. The birds as stated live worry free above their toilet (our rec yard). The ants can be found marching imperiously up and down the run collecting whatever can be found, which is alot sad to say. The number of different pests infesting this place is truly shocking, it is worse here than in condemned apartments I have seen.

VI. SANITATION

Due to the abysmal sanitation we have the afore mentioned infestations. A severe or prolonged lack of sanitation can violate the Constitution.(42 U.S.C.§1997(e)). Inmates have a right to a basic level of sanitation where they live Anderson v. County of Kern, 45 F.3d 1310, 1314(9th Cir. 1995) and work. Diagre v. Maggio, 719 F.2d 1310, 1312(5th Cir. 1983).("deprivation of facilities for elementary sanitation" violates Constitution.) The runs where we live have food spilled on them with every meal served and they are supposed to be swept and mopped after every meal. They never are. Roaches and ants live on our runs with impunity. Stuck in our cells like we are there is nothing we can do about this unsanitary practice. Grievances and other official complaints have done nothing to correct this problem. We are supposed to be issued cleaning chemicals to maintain our cells weekly but only receive such once every few months if that often. Our showers are not cleaned regularly and it is 26 of us per shower. 26 people using one shower makes for a verry disgusting shower. Most of us bathe in our sink in our cell to avoid the germ infested shower. I've already covered the lack of sanitation concerning the steam line on the block so wont rehash it though it is central to the poor sanitation on the housing blocks that have them. When the inmates do mop the runs all they accomplish is spreading the mud out evenly. The runs are so caked in dirt and filth the only way for it to get clean(er) is for us to flood the run with toilet water and for the inmate workers to squeegee the run clear of water and then mop. That is the only times that the run gets even relatively clean, when we flood with toilet water. Months of food and dirt are on the run right now caked on feeding the pest populations.

VII. PERSONAL HYGIENE

Items like soap, razors, toothbrushes and combs are all things we are entitled to per the Eighth Amendment "basic human need" clause yet have to go to extreme lengths to aquire on this unit. Every other TDCJ unit simply passes these items out to everyone on a regular basis with a set schedule for issuance. Not the Ferguson unit. "Failure to regularly provide prisoners with clean bedding, towels, clothing and sanitary mattresses, as well as toilet articles including soap, razors, combs, toothpaste, toilet paper, access to a mirror and sanitary napkins for female prisoners constitutes a denial of personal hygiene and sanitary living conditions." Dawson v. Kendrick, 527 F.Supp. 1252, 1288-89(S.D.W.Va.1981). We never get enough razors or soap for everyone on the block ever. It would be a simple matter to deliver our weekly issuance of soap and a razor with the roll of toilet paper that gets passed out each Thursday. This is what most TDCJ units do and it works great, everyone gets what they are entitled to and the unit runs more smoothly because inmates don't have to act out to get a supervising officer called to the block to deal with a disturbance due to inmates being denied their constitutional right to personal hygiene items. it is easy to deduce that this is being done deliberately to save money and stay under budget. For 78 inmates 40 razors might be delivered to the block. What are we supposed to do? Share these disposable razors? Unless unit supply truly doesn't know how

to count we are being deliberately shorted soap and razors which adds to the general unsanitary conditions on this already disgustingly filthy unit. Getting a comb or toothbrush from the unit takes nearly an act of congress. I had Sgt. Gonzales ask me, an inmate, if TDCJ still issued combs to inmates when I asked her to help me get one. That a supervising officer doesn't know that these items are still available attests how long they have been denied to us. We are entitled to these these and supervising officers don't even know they exist or how to get them. Then there is the chronic denial of cleaning chemicals to maintain our cells. We get cleaning supplies less often than all these other items combined. We are left with the decision of using our soap to wash our body or our cell when we do get it.

VIII. NECESSITIES

Per Texas Government Code §501.004 Clothing "The department shall provide to inmates housed in facilities operated by the department suitable clothing that is of substantial material, uniform make and reasonable fit and footwear that is substantial and comfortable. The department may not allow inmates to wear clothing that is not furnished by the department, except as a reward for meritorious conduct. The department may allow inmates to wear underwear not furnished by the department." Williams v. Griffin, 952 F.2d 820, 825(4th Cir. 1991)(alleging of deprivation of coats supported Eighth Amendment claim). Reece v. Bragg, 650 F.Supp. 1297, 1305(D.Kan. 1986)(laundering of uniforms once a week and blankets once every three months insufficient to satisfy constitutional standards). Lets start with the fact that we get issued a single blanket once a year to use for the entire winter (from about Sept.-Apr. or so) with no exchange or washing. The single blanket is so insufficient that I sleep under mine with it folded in two curling my 6'2" self into a ball to try to stay warm. For the winter of 2016-17 Ad Seg wasn't even issued jackets despite Ad Seg Plan policy that specifies the issuance of such. For the winter of 2017-18 we were given the absolute worst jackets on the entire unit with entire patches of insulation missing, zippers broken, cuffs shredded and other various damage. These jackets were not of "uniform make" and would not be given to a homeless person. All too often such is the case with the laundry department on this unit. The laundry captain deliberately discriminates against Ad Seg blocks by sending us the worst damaged and destroyed clothes and sheets along with towels and blankets. Then our laundry items are never exchanged on anything approaching a consistent schedule to be exchanged for clean necessities. Clean by the way is a relative term. I can get these sheets cleaner with 2 bars of state soap by washing them in my toilet. Sheets do get cleaner when one washes them by hand than when machine washed by the laundry department. This really makes no sense to me but it is a fact. our clothes when we do get them are not clean and are in bad repair more often than not. I have personally went months with the same pair of socks and had to make a hand-made sewing needle to darn them as I wore holes in them on this concrete floor.

IX. GRIEVANCE DEPARTMENT

Want to waste time, paper and ink? Write a grievance to the grievance department. Texas Government Code §501.008 Inmate Grievance System(a) states that "The department shall develop and maintain a system for the resolution of grievances by inmates housed in facilities operated by the department...". It goes on for several more paragraphs but the point is that state law written to comply with the First Amendments guarantee of our right "to petition the government ~~for a redress of grievances~~" is on the books and not being followed. Offender Grievance Operations Manual policy is TDCJ policy written to comply with state and federal law. "Grievances filed through an official grievance process are constitutionally protected." Jackson v. Cain, 864 F.2d 1235, 1248-49(5th Cir. 1989). When our grievances aren't "lost" in the mail (between the grievance office, the mailroom and the cell it's being returned to) it will 99% of the time have a nonsensical frivolous response that denies everything we alleged in the grievance(I-127 a.k.a. Step1) ~~no~~ no matter how factual the incident forcing us to file a I-128 form(Step2). The response on that will invariably say that we were appropriately notified in our Step 1 and no further action is required. ALL the above issues that have been described have been presented to the grievance depart-

ment and shown deliberate indifference each and every time. Our pest problem does not "exist" despite the hundreds of roaches I have killed personally. The bird feces that you can go look at on the rec yard right now doesn't "exist". We are afforded this method of resolving our complaints to help the unit run more smoothly and reduce tension between officers and inmates. It cannot be denied that many inmates are violent and without a legitimate outlet for complaints concerning staff they will turn to violence to solve their grievances on their own making this a very dangerous place for inmates and staff alike. We have a right to this system and state law orders the department to develop and MAINTAIN a system for the resolution of grievances. Like on the Allred unit where two of the grievance investigators were married to Captains of Corrections that worked that unit there is a conflict of interest where you have the government agency investigate itself. TDCJ cuts the checks for these Grievance Investigators. Does anyone really expect them to bite the hand that feeds them? This is why we cannot get any substantive responses to our grievances. Government agencies never investigate themselves unbiassedly. Inmates will never get their grievances answered in a substantive manner with TDCJ employee's responding to grievances about their spouses, bosses, and coworkers, the people they eat with during their break and bum a smoke from.

X. GOOD TIME

Texas is one of the few states that does not pay its inmates for the labor they are forced to do under threat of disciplinary action. Even the wage of 25¢ an hour is a great improvement over the "Good Time" we are currently being "paid". Good Time is a false token that is supposed to be added to our flat (day-for-day) time to add up to our total sentence so we can get out sooner. Texas Penal Code §31.04(a)(1) covers "theft of service" "A person commits theft of service if, with intent to avoid payment for service that he knows is provided only for compensation he intentionally or knowingly secures performance of the service by deception, threat, or false token." Good Time is a deception and a false token at the same time. I saw a person with 112% of his time done and was not allowed to leave until his flat-time equalled his sentence. This is supposed to be our compensation for working and it is a false token without value, a deception to avoid payment for the work we perform expecting compensation. Slavery is abolished for everyone BUT the government. Even parole councilors when they are being honest will tell us good time is worthless. So why give it to us if it is without value if not to deceive us? The entire system of good time is nothing but a method the state uses to commit theft of service.

XI. GENDER DISCRIMINATION

TDCJ has a double standard for grooming. If you are a female you can wear your hair long. If you are a male you cannot. Supposedly males are more prone to escape and long hair is supposed to facilitate this. There are no towers with male prisoners named Repunsel in them. TDCJ policy expressly prohibits discrimination. The PD 22 Code 21 Discrimination-Violation Level 1 "Discrimination or harassment based on color, race, religion, sex(gender)... is prohibited." There is no substantive difference between a TDCJ-ID male unit and a TDCJ-ID female unit that long hair is not a security threat for females but it is for males. TDCJ used the same for us having facial hair that they give for us having long hair and we have the right to have beards now. No one has used their beard to escape or injure another offender or staff member which renders all the protests they put forth moot. The only difference between male and female units is our respective sexes. The only reasonable conclusion is that TDCJ is practicing gender discrimination and is denying males long hair for no other reason than because they are male because none of their excuses hold water. Long hair is not a security risk for females and all Texas prison officers are trained the same and there are no extra security measures in place to deal with long hair on female units. So what is the problem? Only straight up discrimination makes any sense. That is not allowed in today's society.

XII. CONTACT WITH THE OUTSIDE WORLD

This will be split into two parts: 1) Visitation and 2) Current events and important items of news. These rights are taken from STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS and can be researched @ <http://www.penalreform.org/uploads/content/uploads/2015/05/MANDELA-RULES.pdf>.

1) "Prisoners are to be allowed regular contact with family and friends, both by correspondence and personal visits." Well if an inmate is indigent regular correspondence means 5 stamps worth of postage per month. Not very adequate for writing more than 2 people on a regular basis. As for getting visits on this unit if you are in Ad Seg. There are 2 visitation days each week (Sat-Sun) and visitation runs for 9 hours. Each inmate is a 2-hour visit regularly. There are 10 visitation booths for Ad Seg. There are 6 Ad Seg blocks each with 78 cells. That equates to 40 2-hour visits each visitation day for a 468 inmate population. What about the other 388 of us? And that is assuming there is enough staff to run visitation efficiently enough to allow 40 inmates to cycle through those 10 booths. Too often it is like getting to medical and recreation, it doesn't work right. The last time I had a visit my visitor waited inside for me for over an hour while I had no idea he was even on the unit. I have heard that G-5's and inmates in solitary confinement also go into those same 10 visitation booths making the numbers even worse. Many people that would get visits don't because family and friends don't want to drive all that way to wait outside for hours and not get in.

2) "Prisoners are to be kept informed of current events and important items of news." TDCJ does NOT do this. The only nod to complying to this provision are the tv's in the dayrooms for population inmates. No news papers are circulated with free-world news, no radio broadcasts are aired for general consumption. Nothing. Again we have to rely on family and friends to send us funds so we can order our own news papers and magazines and if we share them around they get confiscated and we get a case for "trafficking and trading". The commissary also sells incredibly cheap alarm clock radios for the exorbitant rate of \$20 each. Antenna sold separately. The coax cable screws onto the back of the radio and there is supposed to be an antenna jack on the back wall of each cell but more often than not these are missing or non-functional. For us in Ad Seg we are subject to sensory deprivation and a total disconnect from the world we expected to rejoin some day. We have no way to obtain any information regarding current events or important items of news. Not the weather, not national elections, nothing. Despite continued complaints and official grievances Ferguson has steadily refused to maintain these coax antennas in the pipe chase so that the radios they sell us will function. There is just too much concrete and steel for any decent signal to make it to these cheap overpriced radios. This is the most affordable means of accessing the news we have and it is denied to us for no other reason than they don't want to spend the money to maintain this broken down pest infested unit. They don't care how much harm such extended seclusion causes a person, it is job security to these people. Honestly, TDCJ should not only fix these coax cable antennas but should also sell small tvs like those already in cells on some other units. Security approved tv's are already inside the institution, there is little reason to not sell them on commissary and make some more money off of us.

In this manner we are denied human contact in every way and are the worse off for it. There are no other units so inept at maintaining the unit facilities and ensuring that the inmate population receives all they are entitled to. These are not all the short comings of the Ferguson unit but are the worst that come easily to mind. As a whole the inmates on this unit are being subject to cruel and unusual punishment in many and varied ways that are barbaric and inhuman. No person in a civilized society should be subject to such conditions, living in a structure that should have been condemned years ago as unfit for human habitation. It is the hope and intent of this information to inform the wide world of what goes on behind the fences and walls in this hidden society.

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