

TEXAS PRISONS DENIAL OF AIR CONDITIONING IS CRUEL & UNUSUAL

The 8th Amendment prohibition against cruel & unusual punishment demands that prison officials do not house inmates under conditions that deprive them of one or more basic human needs, such as the basic human need for reasonable safety, adequate physical space, and the need for some degree of ventilation and fresh air.

However the 8th amendment does not mandate that prisons be free of discomfort. No static test determines weather conditions of confinement are cruel & unusual. These terms must draw their meaning from the evolving standards of decency that mark the progress of a maturing society.

To establish an 8th amendment claim prisoners must show that they have been deprived of "the minimal civilized measure of life's necessities." In reviewing this type of claim, Courts have stressed the duration of the complaints exposure to the alleged unconstitutional conditions and the totality of the circumstances as critical to a finding of cruel & inhumane treatment. Moreover the focus must be on the deprivation of a particular basic necessity. As explained by the U.S. Supreme Court:

Some conditions of confinement may establish an eighth amendment violation "in combination" when each would not do so alone, but only when they have mutually reinforcing effect that produces the deprivation of a single, identifiable human need such as food, warmth, or exercise - for example, a low cell temperature at night combined with a failure to issue blankets.

To say that some prison conditions may interact in this fashion is a far cry from saying that all prison conditions are a seamless web for eighth amendment purposes. Nothing so amorphous as "Overall Conditions" can rise to the level of cruel & unusual punishment when no specific deprivation of a single need exist. In addition to showing conditions that pose a significant risk of serious harm, the inmate must show that the persons responsible for the conditions of confinement acted with "a sufficiently culpable state of mind." As described by the USSC in *FARMER*, the standard for determining deliberate indifference in any conditions of confinement case whether a prison official knew of and disregarded as excessive risk to an inmate's health & safety. The Court added that "it is enough that the official acted or failed to act despite his knowledge of a substantial risk of harm."

An 8th amendment violation occurs when the prison official is deliberately indifferent to inmates' health & safety and when this act or omission results in the denial of the minimal civilized measure of life's necessities. Therefore prison officials can be held liable under the 8th amendment for denying humane conditions of confinement if he knows that inmates face a substantial risk of serious harm & disregards that risk by failing to take reasonable measure to abate it. (*Farmer*, 511 U.S. 825 1994). The high court added that "it is enough that the official acted or failed to act despite his knowledge of a substantial risk of harm." Claims of negligence without more culpable state of mind don't constitute deliberate indifference.