

EXCESSIVE HEAT/COLD IN PRISON

What rights do prisoners have to be free of excessive heat?

Excessive heat may violate the 8th Amendment, which prohibits cruel and unusual punishment.[1] (Note that it is best to frame your argument in terms of "excessive heat" rather than a lack of air conditioning.) However, prison officials do not violate the 8th Amendment unless they act with deliberate indifference, meaning they are aware of and disregard a substantial risk of serious harm to a prisoner's health.[2] Deliberate indifference is more difficult to prove than negligence or carelessness.

When have courts found excessive heat violates the 8th Amendment?

Few cases have dealt with excessive heat. One court has held that "inadequate ventilation and air flow violates the Eighth Amendment if it undermines the health of the inmates and the sanitation of the penitentiary." [3] However a complaint that the temperature was "well above" or "well below" room temperature did not establish an 8th Amendment violation.[4] Another court held poor ventilation did not violate the 8th Amendment where the prisoner had a fan, a window, and a chuckhole to provide cross-ventilation.[5] However, an "entirely inadequate" ventilation system did constitute an 8th Amendment violation.[6]

Case law dealing with excessively cold conditions may be helpful in making an argument about excessive heat.[7] "Prisoners have a right to protection from extreme cold." [8] A prison that did not provide blankets despite low temperatures would violate the 8th Amendment.[9] One court found a prisoner had an 8th Amendment claim when he alleged exposure to below freezing temperatures, rodent infestation, and unsanitary conditions.[10]

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[1] See Rhem v. Malcolm, 371 F. Supp. 594, 627 (S.D.N.Y. 1974) (holding excessive heat states an 8th Amendment claim).

[2] Farmer v. Brennan, 511 U.S. 825 (1994).

[3] Keenan v. Hall, 83 F.3d 1083, 1090 (9th Cir. 1996).

[4] Id.

[5] Dixon v. Godinez, 114 F.3d 640, 645 (7th Cir. 1997).

[6] Hutchings v. Corum, 501 F. Supp. 1276, 1293 (W.D. Mo. 1989); see also French v. Owens, 777 F.2d 1250, 1252 (7th Cir. 1985) (finding an 8th Amendment violation where poor ventilation resulted in overcrowded cells being inadequately heated in the winter and inadequately cooled in the summer).

[7] See Beck v. Lynaugh, 842 F.2d 759, 761 (5th Cir. 1988) (finding prisoners stated an 8th Amendment claim when they alleged missing window panes exposed them to winter weather); Corselli v. Coughlin, 842 F.2d 23, 27 (2d Cir. 1988) (finding a prisoner stated an 8th Amendment claim when he alleged that because large window panes were left empty he was subjected to below freezing temperatures during the winter); Foulds v. Corley, 833 F.2d 52, 54 (5th Cir. 1987) (finding a prisoner stated an 8th Amendment claim when he alleged he was forced to sleep on the floor of an extremely cold cell while rats crawled over him).

[8] Dixon, 114 F.3d at 642.

[9] Wilson v. Seiter, 501 U.S. 294 (1991).

[10] Gaston v. Coughlin, 249 F.3d 156, 164-65 (2d Cir. 2001).