

For Immediate Release
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Texas Death Row Prisoners File Lawsuit Over Health and Safety Concerns from COVID-19

Immediate Action Urged to Protect Prisoners, Prison Staff, and Surrounding Communities

HOUSTON – May 1, 2020 – The Texas Innocence Network filed a class action lawsuit late Friday on behalf of death-sentenced prisoners at the Allan B. Polunsky Unit, a facility operated by the Texas Department of Criminal Justice (TDCJ), because of concerns that the facility's policies and practices threaten the health and safety of prisoners in the midst of the COVID-19 pandemic.

The prisoners allege that officials have been deliberately indifferent to the special risks presented by COVID-19 in a prison environment by failing to take reasonable measures to protect them from infection.

"This is a public health emergency," said Professor David R. Dow, one of the lawyers working on behalf of the prisoners. "Conditions at the Polunsky Unit pose a grave threat to the health and safety of prisoners, many of whom are especially vulnerable because of underlying medical conditions and disabilities. Prisoners who become infected will also infect prison staff, who will in turn infect individuals in the surrounding communities. Immediate action to improve conditions will be in everyone's best interests."

More than 1,100 prisoners have been diagnosed with COVID-19 and at least 19 prisoners have died in Texas prison facilities in recent weeks. Almost 400 prison staff and contractors have also tested positive.

The lawsuit alleges that prisoners have been denied access to basic hygiene supplies such as soap, clean towels and hand sanitizer, and have not been provided with personal protective equipment like masks. Prison staff are also not consistently using masks or clean gloves, or ensuring that common use areas are frequently cleaned. The lawsuit also argues that defendants are interfering with prisoners' ability to consult with legal counsel by imposing arbitrary limits and restrictions on the only practical means of communication.

Violations of the First, Eighth and Fourteenth Amendments, the Americans with Disabilities Act, and the Rehabilitation Act of 1973 are detailed in the lawsuit (*Balentine v. Collier*).