



December 6, 2005

VIA U.S. MAIL AND EMAIL

Governor Jim Gibbons
State Capitol
101 N. Carson Street
Carson City, NV 89701

Dear Governor Gibbons:

For the last several months the ACLU's National Prison Project has been looking into allegations of deficient medical care at Ely State Prison (ESP). We retained a physician, Dr. William Noel, to help us evaluate these allegations. Dr. Noel has provided us with a written report of his findings, which we enclose here.

Dr. Noel's report sets forth in considerable detail a pattern of gross medical abuse at ESP, and of the callous and wanton infliction of pain and suffering on patients with very serious medical needs. The report concludes that at least one man has already died an unnecessary, slow and agonizing death and that in all likelihood there will be more such deaths and unnecessary suffering if immediate systemic changes are not made in the provision of health care at ESP.

We have shared Dr. Noel's report with NDOC Director Howard Skolnik, who is aware of our concerns, has facilitated our investigation, and has expressed an interest in addressing these problems with us in a collaborative manner. But we have been working with Mr. Skolnik for several months now, and so far the situation has not improved at ESP. Moreover, it appears that NDOC does not currently have the resources to carry out urgently needed systemic reforms, without the assistance of your office.

The Nevada Legislature drew the attention of the Governor's Office to the problem more than a year ago. The Legislative Commission's Subcommittee to Study Sentencing and Pardons, Parole and Probation heard testimony in the spring of 2006 from a number of Nevada citizens regarding grossly inadequate medical care for seriously ill prisoners, in particular at ESP. The witnesses provided so many harrowing examples that on October 6, 2006, Chairman Horne, at the recommendation of the Subcommittee, sent a formal request to your predecessor, Governor Guinn, to have the Executive Branch carry out an evaluation of the adequacy of inmate access to medical care. The Governor's Office apparently took no action on the Legislature's request. Meanwhile, gravely ill patients continue needlessly to suffer permanent injuries and excruciating pain while their serious medical conditions go untreated.

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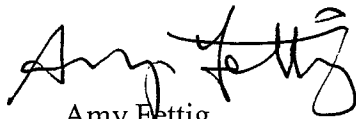
RICHARD ZACKS
TREASURER

State officials' deliberate indifference to prisoners' serious medical needs violates the Eighth Amendment prohibition against cruel and unusual punishment. There is ample evidence that Nevada officials are violating that constitutional ban at Ely State Prison. We realize that the State is facing a budget crisis but the courts have rejected lack of funding as an excuse for violating the U.S. Constitution.

Prolonged litigation against the State may still be avoided if all parties can work towards a common goal. Dr. Noel's report makes recommendations for the immediate reforms needed to address the crisis in delivery of medical care at ESP. We believe that a great deal might be accomplished in a meeting between you, Director Skolnik, and the ACLU to consider a plan for addressing these recommendations and fixing the dysfunctional medical care system at ESP.

We hope to hear from you soon agreeing to such a meeting and suggesting possible dates in the near future.

Sincerely,

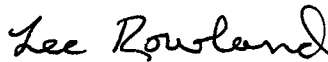


Amy Fettig
Staff Counsel

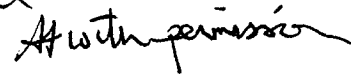


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National Prison Project of the ACLU



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enclosure

cc:

Senator Terry Care
Senator Mike McGinness
Senator Dennis Nolan
Senator Valerie Wiener
Assemblyman Bernie Anderson
Assemblyman John Carpenter
Assemblyman William Horne
Assemblywoman Sheila Leslie
Assemblyman Garn Mabey

Assemblyman Harvey Munford
Assemblyman David Parks
Assemblyman Tick Segerblom
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¹ Not yet admitted to practice law in Nevada.