



VIA EMAIL AND U.S. Mail

December 5, 2007

Howard Skolnik, Director
Nevada Department of Corrections
Central Administration
Stewart Facility
5500 Snyder Avenue, Bldg. 17
Carson City, Nevada 89701

Dear Mr. Skolnik:

We are attaching with this letter Dr. William Noel's report on his review of medical care at Ely State Prison (ESP). The report, which we had Dr. Noel prepare at your request, is based on his review of the medical records of thirty-five ESP prisoners and his two-day visit to ESP to meet with NDOC's Medical Director, Dr. Bannister. Dr. Noel briefed Dr. Bannister at that time on the urgent cases he had identified.

Dr. Noel's report sets forth in considerable detail the pattern of gross medical abuse at ESP, and the callous and wanton infliction of pain and suffering on patients with very serious medical needs, that we summarized for you immediately after the record review. Dr. Noel's 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 and systemic changes are not made in the provision of health care at ESP.

During their meeting at Ely, Dr. Bannister agreed with many of Dr. Noel's treatment recommendations for the most urgent cases but we have not received any update from the Department as to whether these measures were actually implemented. In fact, what we are hearing from the patients is that they are still not receiving essential treatments that Dr. Noel recommended, and Dr. Bannister agreed to provide, nearly two months ago. In some cases medical treatment has actually gotten worse since that meeting.

Even if NDOC medical staff were to finally provide the care so urgently needed in the individual cases Dr. Noel discussed with Dr. Bannister, this would not solve the major systemic deficiencies in the delivery of health care to the thousand men at ESP. You explained to us when we met last June that NDOC's budget is so tight that it won't even allow the Department to offer a salary high enough to attract a qualified full-time doctor willing to work at ESP. Since the medical crisis at ESP extends far beyond the lack of a doctor on site, it seems unrealistic to

AMERICAN CIVIL
LIBERTIES UNION FOUNDATION

PLEASE RESPOND TO:
NATIONAL PRISON PROJECT
915 15TH STREET, NW
7TH FLOOR
WASHINGTON, DC 20005-2112
T/202.393.4930
F/202.393.4931
WWW.ACLU.ORG

ELIZABETH ALEXANDER
DIRECTOR
ATTORNEY AT LAW

NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500

OFFICERS AND DIRECTORS
NADINE STROSSEN
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EXECUTIVE DIRECTOR

RICHARD ZACKS
TREASURER

expect that NDOC will be able to summon the resources to resolve critical deficiencies in the delivery of health care without the assistance of the Governor and the Nevada Legislature.

During the Nevada Legislature's 2005 and 2006 interim, the Legislative Commission's Subcommittee to Study Sentencing and Pardons, Parole and Probation heard testimony from a number of Nevada citizens regarding grossly inadequate medical care for prisoners with serious illnesses, in particular those at ESP. The witnesses provided so many harrowing examples that on October 2006 Chairman Horne, at the recommendation of the Subcommittee, sent a formal request to the Governor that 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, and more than a year later the crisis has only deepened.

We believe that a great deal might be accomplished in a meeting between you, the Governor, and the ACLU to discuss a plan for systematically addressing these urgent issues. We will forward Dr. Noel's report to Governor Gibbons with a request for such a meeting. We appreciate your openness to hearing our concerns and your interest in resolving them. We hope to be able to avoid prolonged litigation and further unnecessary suffering and deaths at Ely State Prison.

Sincerely,


Amy Fetting
Staff Counsel


Margaret Winter
Associate Director

National Prison Project of the ACLU



Lee Rowland
Maggie McLetchie¹
ACLU of Nevada

with permission

enclosure

cc:
Senator Terry Care
Senator Mike McGinness

¹ Not yet admitted to practice law in Nevada.

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