



URL: <http://www.aclu.org/prison/medical/33011prs20071206.html>

ACLU Calls on Nevada Governor to Address Grossly Inadequate Prison Health Care (12/6/2007)

### **Report by Medical Expert Details a Pattern of "Shocking Disregard for Human Life"**

FOR IMMEDIATE RELEASE

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ELY, NV –The American Civil Liberties Union today called on Nevada Governor Jim Gibbons to investigate deficient medical care at Ely State Prison (ESP), home of Nevada’s death row where, according to a report by a medical expert commissioned by the ACLU, gravely ill prisoners are denied treatment for excruciatingly painful and potentially fatal medical conditions. The ACLU sent the report – along with a letter demanding that the state commit the resources necessary to carry out needed systemic reforms – to Gibbons today after conferring about the problem for several months with Nevada Department of Corrections Director, Howard Skolnik.

"We are deeply concerned that there doesn't seem to have been any improvement in the delivery of medical care to the prisoners at Ely in the months since we brought these problems to the Department's attentions and made recommendations for fixing the system," said Amy Fettig, staff counsel for the ACLU National Prison Project. "In fact, from the reports we are receiving from prisoners, we fear that medical care may have gotten worse."

ACLU attorneys sent Skolnik a letter yesterday requesting a meeting with him and Gibbons.

In the report the ACLU sent to Gibbons, Dr. William Noel, who reviewed the medical records of thirty-five prisoners, wrote that he found "a pattern of gross medical abuse at ESP," and said the treatment was "the most shocking and callous disregard for human life and human suffering, that I have ever encountered in the medical profession in my thirty-five years of practice." Noel describes the condition of David Riker, a prisoner whose protopathic nerve pain is going untreated, as "a living hell," and said he finds it "simply unimaginable" that a medical professional would refuse to treat such severe chronic pain.

The ACLU's National Prison Project retained Noel to review the medical records because the ACLU of Nevada has been receiving an extraordinarily large number of complaints about grossly inadequate medical treatment at ESP.

"Prisoners at ESP write to us desperately seeking help," said Lee Rowland, a staff attorney with the ACLU of Nevada. "It's clear that these aren't isolated problems."

Among the cases cited in Noel's report was that of Patrick Cavanaugh, a diabetic prisoner, who died a slow and agonizing death. Medical staff denied him insulin for three years, which caused him to develop gangrene that prison officials refused to treat, allowing him to rot to death. In the report, Noel called the death "almost too horrible to believe."

Another prisoner, Charles Randolph, asked medical staff why they had taken him off of the heart medicine he had been taking for 10 years, according to documents obtained by the ACLU. The physician's assistant at the facility – there is no full-time physician on site – responded in writing that a recent study found that this medicine had "resulted in increased cardiac deaths," according to medical complaint form filed by Randolph. The physician's assistant continued his response on the complaint form, "But you are still alive and I'll be happy to put you back on the medicine so that your chances of expiring sooner are increased... In fact, I am putting you back on [the original

medicine]."

"The ACLU tracks medical care in prison systems throughout the country, and what is happening at Ely may well be the most horrific example of the denial of basic medical treatment we have ever seen anywhere," said Margaret Winter, Associate Director of the ACLU National Prison Project. "The level of callousness and human suffering revealed in the medical records is stunning, well-documented and almost unbelievable. Nevertheless, we hope to resolve the issues in Noel's report through collaborative efforts with the Nevada Department of Corrections and the governor's office, rather than prolonged litigation."

Anti-death penalty advocates are concerned that untreated severe chronic pain and illness may be contributing to the staggering number of volunteer executions of death row prisoners in Nevada. Ten out of the last twelve prisoners to be executed in Nevada volunteered to be executed, including William Castillo, 35, who volunteered for execution just last month. His execution is currently stayed by the Nevada Supreme Court in light of questions about the constitutionality of lethal injection protocols.

"This troubling rate of volunteerism is many times greater than anywhere else in the country," said Brian Stull, staff attorney with the ACLU Capital Punishment Project. "For Nevada to execute seriously ill prisoners who give up their appeals and volunteer for execution after being worn down by untreated and unendurable pain is unconscionable and perverts the critically important appeal process."

The ACLU's letter to Governor Gibbons is available online at: [www.aclu.org/prison/medical/32994lg120071206.html](http://www.aclu.org/prison/medical/32994lg120071206.html)

Dr. Noel's report on medical care at ESP is available online at: [www.aclu.org/prison/medical/33009lg120071206.html](http://www.aclu.org/prison/medical/33009lg120071206.html)

The ACLU's letter to Nevada Department of Corrections Director Skolnik: [www.aclu.org/prison/medical/32995lg120071206.html](http://www.aclu.org/prison/medical/32995lg120071206.html)

Today's Los Angeles Times story about medical care at Ely State Prison can be found online at: [www.latimes.com/news/nationworld/nation/la-na-ely6dec06,0,2957466.story?coll=la-home-center](http://www.latimes.com/news/nationworld/nation/la-na-ely6dec06,0,2957466.story?coll=la-home-center)

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