



July 21, 2009

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

Sheryl Foster, Warden
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, Nevada 89115

Dear Director Skolnik and Warden Foster:

We are writing this letter to inform you of some continuing concerns the ACLU of Nevada has regarding treatment of prisoners at the Florence McClure Women's Correctional Center ("FMWCC"). We hope that these matters can be investigated and resolved quickly in order to ensure the welfare of the center's inmates. While we understand that there have been some improvements, we have continuing grave concerns about the delivery of medical services to women at FMWCC.

First, a common and now long-standing complaint raised by scores of prisoners is the behavior of Dr. Holmes. Based on complaints we have received, it would appear that Dr. Holmes has not ceased his practice of making inappropriate comments and inquiries to his patients. Numerous complainants alleged that he asks personal questions about peoples' crimes and sentence length, neither of which are subject areas that could possibly have any relevance to Dr. Holmes' job: treating prisoners for their medical problems. Women have also commented that Dr. Holmes makes inappropriate sexual comments and that they are not comfortable getting pelvic examinations from him.

Alarmingly, numerous prisoners have reported that Dr. Holmes has retaliated against women who have filed grievances and complained to the ACLU. We have heard several accounts from women that all indicate Dr. Holmes is

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telling prisoners that since they have complained about him, they obviously do not want medical treatment. Additionally, prisoners have raised concerns about a total lack of confidentiality for medical information because patients can hear Dr. Holmes and nurses discussing other patients' cases while they are waiting, and because medical staff speak freely about medical information in front of other prisoners. The improper comments and inquiries need to be stopped immediately in order to comply with the prisoners' legal right to have the confidentiality of their medical information protected. Measures must be taken immediately to protect each patient's medical information from inadvertent disclosure.

Moreover, we ask that you act immediately to inform Dr. Holmes that it is inappropriate for medical providers to interrogate prisoners about the reasons for their incarceration and it is both professionally inappropriate and unlawful to retaliate against women by depriving them of medical treatment because he is displeased that they have filed grievances regarding their medical care and sought legal assistance.

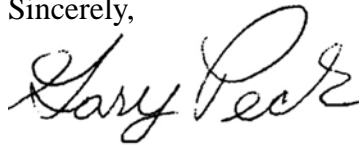
Second, several prisoners have reported to the ACLU of Nevada that they are having difficulty with obtaining necessary medical care. Problems range from an inability to obtain monitoring for breast lumps and other possible indicators of breast cancer, to an inability for non-KOP prisoners to have emergency inhalers for asthma. All of these practices are extremely dangerous and risky for prisoners' health. Cancer is obviously deadly. Asthma attacks cannot be predicted in advance and because it may be impossible for a prisoner to obtain emergency medical care during an asthma attack, death by asphyxiation may result. Another woman informed the ACLU of Nevada that she has had trouble obtaining proper dental care. The prisoner has requested that cavities be filled in and/or certain teeth be pulled. The response to these requests has been that the problem is not severe enough to warrant attention or treatment.

The ACLU of Nevada is troubled by the consistent pattern of complaints it has received as well as reports that there are other women whose medical issues were ignored until they became life-threatening and permanently debilitating. On our visit, multiple sources told the ACLU about an inmate who had had heart problems for a long time. FMWCC staff ignored her condition until she had a stroke and heart attack that left her paralyzed and unable to care for herself. Another inmate has had breathing problems that were ignored until she ended up in a coma in the hospital for several months. These accounts raise serious concerns about the treatment of chronic diseases at FMWCC and general access to medical care. Under the Constitution, prisoners are entitled to adequate

medical care for their serious medical needs. Estelle v. Gamble, 429 U.S. 97, 104 (1976). Prison officials are obligated to provide for those needs, yet reports from FMWCC reflect a continual pattern of delayed and inadequate care that may result in death or debilitation. Such care reflects deliberate indifference to prisoners' serious medical needs that puts every prisoner at FMWCC at enormous and unacceptable risk. We ask that you immediately review the provision of medical care at FMWCC to ensure that every prisoner has access to adequate care in a timely manner.

The ACLU of Nevada hopes that these concerns will be resolved quickly so that FMWCC prisoners' physical well-being and legal rights will be better protected.

Sincerely,

A handwritten signature in cursive script that reads "Gary Peck". The signature is written in black ink and is positioned below the word "Sincerely,".

Gary Peck
Executive Director

cc: Margaret Winter, Associate Director, National Prison Project of the
ACLU
Amy Fettig, Staff Attorney, National Prison Project of the ACLU
Janet Traut, Senior Deputy Attorney General of Nevada