



July 22, 2009

Nye County Board of Commissioners
Commissioners' Chambers
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By U.S. Mail

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Re: Constitutional Issues Raised By Conditions at the Nye County Detention Facility in Pahrump

Dear Board of Commissioners:

On March 30, 2009 the ACLU of Nevada sent a letter to this Board detailing our concerns about conditions at the Nye County Detention Facility in Pahrump. As of the date of this letter, the ACLU of Nevada has not received any response from the Board. However, it is our understanding that the Board has initiated a "Nye County Jail Project" which was addressed at the May 5, June 2, 2009, and July 7, 2009 Board meetings, and that a new facility will be built.

The proposed new 336-bed facility is a welcomed development and will help to alleviate the problems of overcrowding, substandard living conditions, and inadequate separation of male and female inmates, and we applaud the Board of Commissioners for deciding to build a new facility.

However, the ACLU of Nevada wants to caution that some areas of concern addressed on the March 30 letter will not be automatically resolved by creating a larger facility. The following list of concerns will still require the Board's attention, either during or after construction of the new jail, and we urge the Board to keep these issues in mind when planning the new facility:

1. Understaffing

As noted by the 2003 NIC audit, the jail is not adequately staffed. In 2003, staffing levels were insufficient to provide for a safe and secure detention center. During the midnight shift, there was only one officer on duty to supervise the entire inmate population. In the event of an emergency or other crisis situation, then-existing staffing patterns would not have allowed for the safe and orderly evacuation of prisoners to a secure area.

2. Lack of Medical Care

In the 2003 NIC audit, one of the most disturbing features of the current Pahrump facility was that there were no medical personnel on premises. Arriving inmates did not receive any kind of pre-intake medical or psychological screening by a doctor or nurse before being placed into the general population. Although a physician now visits the jail once a month, inmates must still be transported to a local hospital for medical emergencies and other illnesses. Inmates' requests for medical assistance are reviewed by jail command staff who determine if they are sick enough to see a doctor even though the staff has no medical training nor are there written criteria for the evaluation of medical requests.

The 2003 NIC audit recommended that the provision of medical services be improved so that it is in compliance with applicable detention and healthcare standards. We hope the Board will take this concern into consideration when planning the new jail facility.

3. Inadequate Access to Legal Materials

As previously noted, the majority of inmates at the Pahrump jail are still awaiting trial and there is no law library or access to legal materials at the current jail. It is our hope that the new jail will contain an on-site law library or at a minimum, means to freely access legal reference materials via the internet.

In conclusion, the ACLU of Nevada is excited to learn that the Board is taking steps to build a much-needed new jail facility and we hope that the new facility alleviates those concerns mentioned in both the 2005 Kitchell and 2003 NIC audit, and apparent during our tour of the facility. We understand that the "Nye County Jail Project" will be discussed at one or both of the upcoming July Board meetings. We look forward to learning of the Board's progress and will be monitoring this situation closely.

Sincerely,



Margaret A. McLetchie
Staff Attorney,
ACLU of Nevada

cc: ACLU National Prison Project
Nye County Sheriff's Office
Pahrump Town Board
Pahrump Town Manager
U.S. Department of Justice Division
[LEGAL OFFICES]