

Date: _____

To: Director James G. Cox
Nevada Department of Corrections
P.O. Box 7011
Carson City, NV 89702

Subject: Dietary Complaint in NDOC

RE: _____ (facility name)

Dear Director Cox,

This letter has been composed to address the systemic underfeeding of prisoners, which has become rampant in the Nevada Department of Corrections (NDOC). The issues contained herein have been brought to the attention of staff and grieved -- some of which have been upheld at various prisons within the department -- yet nothing has been done to correct this abuse and mistreatment, which has become a capping of attrition.

It bears mentioning that recent communication was generated concerning the consummate disregard, and retaliation for use of the grievance system. The refusal to act to stop the underfeeding of prisoners confirms the substance of the grievance complaint, as well as demonstrating the Department's deliberate indifference to the rights of prisoners.

Administrative Regulation (AR) 339 (Code of Ethics) states at 339.01 1(A)4: "Employees shall be firm, fair and consistent in their performance of their duties. Employees should treat others with dignity, respect and compassion and provide humane custody and care void of all retribution, harassment and abuse."

At 339.01 1(A)5: "Employees shall uphold the tenets of the United States Constitution and its amendments, the Nevada Constitution, federal and state laws, rules regulations and policies of the Department."

AR 339 Responsibility 3: "All Wardens/division heads are responsible to ensure compliance with this Administrative Regulation and to ensure that non-compliance with this procedure is reported and addressed in a timely manner." And at AR 339 Responsibility 5: "All Department employees are responsible to comply with this procedure at all times. All Department employees are responsible to make appropriate notifications concerning incidents, activities or events of immediate interests or concern which take place within the jurisdiction of, or which impact the department."

This AR is binding on official conduct and confers an affirmative duty to act upon all NDOC employees. Such failure to act is in violation of Nevada Revised Statutes (NRS) 281.360 and also provides basis for cause of action under 93 USC 1983.

AR 269 makes it a "responsibility of the Department of Corrections and its employees to provide inmates with nutritious, well balanced meals within the constraints of the 'NRS, ARs, OPs' and all applicable state and federal health and safety regulations."

Within departmental regulations a base caloric intake is established to be a minimum of 2900 calories per inmate, per day. In practice, it is being construed at the maximum daily caloric target with far less being provided. I have personally experienced the complaints which I have marked with an "X" below.

- ___ (1) Food items are consistently shorted by portion size, unpalatable, adulterated or otherwise inappropriate in serving or content.
- ___ (2) Vegetarian prisoners are not receiving balanced nutrition and are consistently served meat and/or meat products.
- ___ (3) Jewish prisoners have been subjected to a consistently declining caloric and nutrition intake due to the regular replacement of food items with food items of lesser caloric and nutritional value.
- ___ (4) Daily feeding of lunch meet, uncooked, raises both short and long term health issues, especially as it

is sitting for several hours unrefrigerated. This is a source of Lysteria and other health issues. (Center for Disease Control and U.S. Department of Agriculture)

- ___ (5) The sweeping and cleaning of the dining room while feeding is in progress violates both the Nevada Health Code and Nevada Administrative Code Chapter 446.
- ___ (6) Such reduced caloric nutritional provisions places all prisoners at risk and compromises their ability to maintain mental and physical health, creating foreseeable long term injury/debilitation.
- ___ (7) Food is consistently being used as a punishment and denial of food as a threat of punishment.
- ___ (8) NDOC officials refuse to address complaints about the food.
- ___ (9) Other: _____

Synopsis

The NDOC has embarked on a campaign of starvation and malnutrition, and has done so by all, or some portion or combination of the above means. Food is defined as one of life's basic necessities, the denial of which violates the prohibition against cruel and unusual punishment and violates international law.

Conclusion

This mistreatment of prisoners confined in the NDOC could not be accidental or inadvertent as it is statewide (to different degrees), is systematic, and is accomplished by and through NDOC staff. It is well documented in a variety of forms. Most significantly, this problem is ignored. It is the responsibility and legal obligation of the State of Nevada to provide humane treatment of its prisoners, not to starve and abuse them.

I am hopeful that this correspondence may be a step toward a remedy to this mistreatment.

Respectfully Submitted,

Signature: _____
Name, ID#: _____

Additional Information (Log #, comments, description of event, etc.): _____

CC: Warden (specific to your facility)
NDOC Director James Cox, PO Box 7011, Carson City, NV 89701
Nevada Department of Health, 4126 Technology Way, Room 100, Carson City, NV 89706-2009
NV CURE, 540 E St Louis Ave, Las Vegas, NV 89104
U.S. Department of Justice - Civil Rights Division, Special Litigation Section, 950 Pennsylvania Avenue, NW PHB, Washington, DC 20530
Office of Inspector General, HOTLINE, PO Box 9778, Arlington, VA 22219

(Cross out a name above if you are unable to send copies of the petition to all people listed.)