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June 17, 2011

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Dear Mr. Cox and Ms. Masto:

We have concerns regarding the treatment of transgender inmates¹ within the Nevada prison system, specifically related to complaints we have received suggesting that Nevada prison officials have verbally abused and improperly segregated transgender prisoners. It is our hope we can work together to address these concerns.

Sexual Harassment

Transgender inmates have reported that prison officials have sexually harassed them, and called them “faggot” and other derogatory names. All inmates, regardless of gender identity, are entitled to the same level of respect. Additionally, NDOC Administrative Regulation 305.01 prohibits sexual harassment by prison officials, and requires strong disciplinary action for those who violate that rule.

Segregation

Many of the complaints come from transgender inmates who believe that officials have segregated them from the general prison population solely because of their gender identity. We recognize that transgender inmates can pose unique concerns, and appreciate any efforts to keep transgender inmates safe. However, prison officials may not deny them benefits available to other inmates simply on the basis of their identity.² Segregation is permissible where it is absolutely necessary to protect transgender inmates from violence at the hands of other

¹ The term “transgender” describes people who express their gender differently than what society expects based on the sex they were assigned at birth.

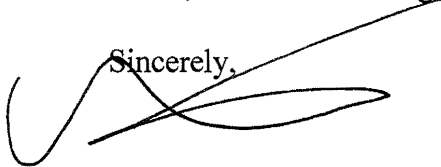
² See e.g., *Tates v. Blanas*, 2003 WL 23864868 (E.D. Cal. 2003).

prisoners.³ Further, prison officials may not use any personal biases in making such a determination.

Any improper treatment of transgender inmates by Nevada prison officials must stop. Officials and NDOC employees should be informed that they are not allowed to verbally harass transgender inmates or segregate them solely because of their gender identity. Furthermore, NDOC has a responsibility to investigate any future complaints of harassment—verbal or otherwise—by transgender inmates. Finally, we were unable to locate a general NDOC policy against verbal harassment; if none exists, your offices should work together to create one.

While we have received complaints raising the issues detailed in this letter, in part because of a fear of retaliation, we are not able to share the details of those complaints. Accordingly, it is our hope that we can work together to address the broader policy issues raised. Thank you for your attention to these matters, and please feel free to contact me if you have any questions or concerns about these issues, or other issues regarding the rights of transgender inmates.

Sincerely,



Margaret A. McLetchie, Legal Director
ACLU of Nevada

³ *Farmer v. Brennan*, 511 U.S. 823, 833 (1994).