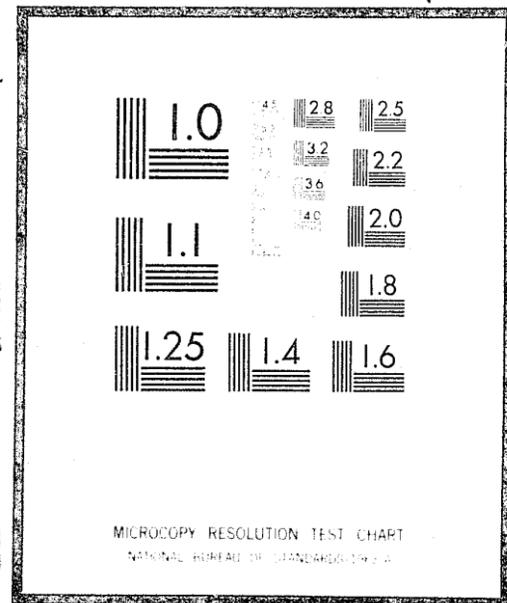


NCJRS

This microfiche was produced from documents received for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



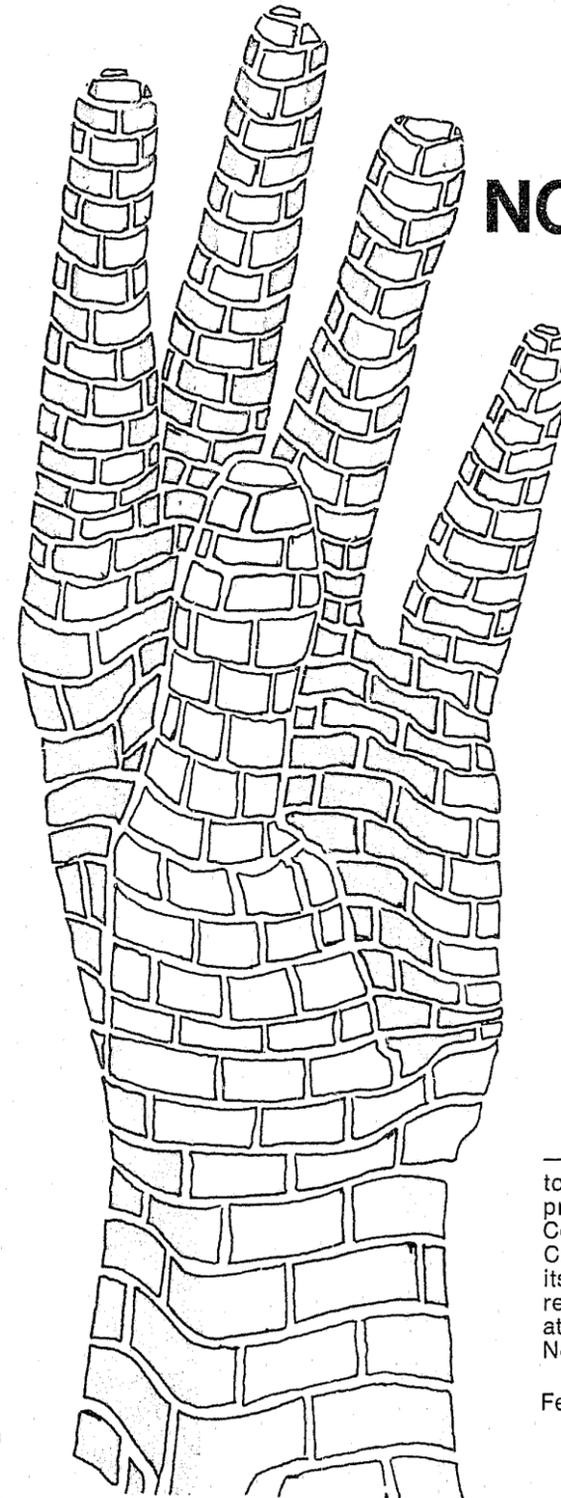
Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

9/1/77
Date filmed,

PRISONS IN NORTH CAROLINA



—A report of the North Carolina Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the findings and recommendations of this report should not be attributed to the Commission but only to the North Carolina Advisory Committee.

February 1976

40567

PRISONS IN NORTH CAROLINA

--A report prepared by the North Carolina
Advisory Committee to the United States
Commission on Civil Rights

ATTRIBUTION:

The findings and recommendations contained in this report are those of the North Carolina Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

RIGHT OF RESPONSE:

Prior to the publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in the publication.

February 1976

NCJRS

FEB 28 1977

Handwritten signature

MEMBERSHIP

NORTH CAROLINA ADVISORY COMMITTEE

TO THE

UNITED STATES COMMISSION ON CIVIL RIGHTS

W. W. Finlator, Chairman
Raleigh

Clayton Stalnaker, Secretary
Raleigh

Brenda Brooks
Pembroke

LeMarquis DeJarmon
Durham

Christine Denson
Raleigh

J. Archie Hargraves
Raleigh

Wilbur Hobby
Raleigh

Margaret Keesee
Greensboro

Ruth Locklear
Maxton

Robert Mangum
Pembroke

Floyd McKissick
Soul City

Jane Patterson
Greensboro

Bruce Payne
Durham

Donald L. Pollock
Kinston

Andrew J. Turner
Raleigh

Tommie Young
Greensboro

LETTER OF TRANSMITTAL

NORTH CAROLINA ADVISORY COMMITTEE TO THE
U.S. COMMISSION ON CIVIL RIGHTS
January 1976

MEMBERS OF THE COMMISSION

Arthur S. Flemming, Chairman
Stephen Horn, Vice Chairman
Frankie Freeman
Robert S. Rankin
Manuel Ruiz, Jr.
Murray Saltzman

John A. Buggs, Staff Director

Sirs and Madam:

The North Carolina Advisory Committee submits this report of its study of the North Carolina prison system as part of its responsibility to advise the Commission about civil rights problems within the State.

During our investigation, which included an open meeting in Raleigh, May 24-25, 1974, we examined conditions and programs at Central Prison, the State's only maximum security facility; the North Carolina Correctional Center for Women, the only women's institution; Caledonia-Odom complex; Mecklenburg II; and the Robeson Subsidiary. We explored such areas as physical conditions, medical and health services, work programs, academic and vocational education, mail and visiting policies, disciplinary procedures and inmate representation. We also looked for discrepancies in treatment of inmates based on race, ethnicity, and sex.

We found the North Carolina system beset by many problems. Most of the prisons are overcrowded and understaffed. Three out of five of the over 12,000 inmates are minority persons in a State where the minority population represents about one out of five. The Department of Correction's own statistics show that 80 percent of the correctional staff is white.

Women and minorities are glaringly underemployed in the higher level administrative positions and other job categories throughout the system.

Most inmates in the North Carolina penal system must live in overcrowded housing. The system provides few rehabilitative opportunities or recreational outlets. Inmates in some facilities are permitted to sit idle, day in and day out--not working, not going to school--not engaged in any meaningful activity.

The Advisory Committee is making recommendations to the North Carolina General Assembly and to the Board of Correction, including the active recruitment of more minority and women employees, the development and expansion of rehabilitative programs, and provision of adequate medical services.

The majority of the Advisory Committee's recommendations are directed at State correctional administrators, the State legislature, and the Governor. Nearly all of the recommendations support the urgent need for assuring inmates' constitutional and human rights, which the Advisory Committee believes all prisoners deserve. We urge you to concur in these recommendations and to assist this Advisory Committee in followup activities.

Respectfully,

/s/

W. W. FINLATOR
Chairman

ACKNOWLEDGMENTS

The Advisory Committee wishes to thank the staff of the Commission's Southern Regional Office, Atlanta, Ga., for its help in the preparation of this report. The research and preparation of the report was the principal staff assignment of Edith Hammond. Assistance was provided by Kay Harris, Harriet Tucker, and Marilyn Grayboff, with support from Portia Raby and Joan Harper. All worked under the guidance of Bobby D. Doctor, regional director.

A special thanks is extended to Clark G. Roberts, regional director, Midwestern Regional Office, Chicago, Ill., and to Peggy Johnson, staff attorney, for their cooperation in conducting the legal review of this report.

Final edit and review was conducted in the Commission's Office of Field Operations, Washington, D.C., by editor Laura Chin, assisted by Audree B. Holton, under the direction of Bonnie Mathews, acting chief editor. Preparation of all State Advisory Committee reports is supervised by Isaiah T. Creswell, Jr., Assistant Staff Director for Field Operations.

THE UNITED STATES COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

THE STATE ADVISORY COMMITTEES

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

CONTENTS

	PAGE
INTRODUCTION.....	1
I. ORGANIZATION OF THE PENAL SYSTEM.....	3
Chief Administrator and Board.....	3
Department and Division Staffing.....	4
II. A PROFILE OF THE PRISONS.....	7
General Information.....	7
Prisons.....	8
Field Units.....	8
Diagnosis and Classification Centers.....	9
Descriptions of Selected Facilities:.....	10
Central Prison.....	10
North Carolina Correctional Center for Women..	11
Caledonia-Odom Complex.....	11
Western Correctional Center.....	13
Craggy Prison.....	13
III. LIFE AS A PRISONER	17
Accommodations.....	17
Work.....	19
Recreation.....	24
Education and Vocational Training.....	26
Health.....	30
Religion.....	34
Communicating With the Outside: Visitors, Mail, Media, Volunteers.....	35
Legal Aid.....	42
Discipline.....	44
Safekeepers.....	51
Inmate Councils.....	52
IV. FINDINGS AND RECOMMENDATIONS.....	55

	PAGE
Board of Correction.....	55
Staffing.....	55
Accomodations.....	56
Work.....	56
Recreation.....	57
Educational and Vocational Training.....	58
Health Services.....	59
Visits.....	59
Discipline.....	60
Safekeepers.....	61
APPENDIX A: Letter of Response from the Division of Prisons.....	62

EXHIBITS

	<u>PAGE</u>
I. INMATES AND STAFF: NUMBER AND PROPORTION	6
II. INMATE POPULATION IN FACILITIES VISITED BY ADVISORY COMMITTEE.....	15
III. CORRECTIONAL OFFICER WORK FORCE IN FACILITIES VISITED BY ADVISORY COMMITTEE.....	16

INTRODUCTION

The North Carolina Advisory Committee to the U.S. Commission on Civil Rights began its study of North Carolina prisons in 1973. The objectives of the Advisory Committee were: to gather information about life as an inmate (the accommodations, work, recreation, education, vocational training, health, religion, communications with the outside, legal aid, discipline, safekeepers, and inmate councils), and make recommendations which, if implemented, would make discipline by the North Carolina penal system a constructive process. Some study of the State bureaucracy which manages the penal system was necessary. Its form or organization and staffing patterns were reviewed.

Members of the Advisory Committee and staff from the Southern Regional Office of the U.S. Commission on Civil Rights personally inspected five North Carolina prisons: Mecklenburg II, Robeson Subsidiary, the North Carolina Correctional Center for Women (NCCCW), Caledonia, and Central. Prison officials and inmates were interviewed. An open meeting was held in Raleigh May 24-25, 1974,

where over 50 persons, including inmates and State officials, responded to questions from Advisory Committee members and had the opportunity to submit written statements. Extensive information about the prisons and prisoners was gathered and analyzed.

The information, findings, and recommendations found in this report are based on the site inspections, personal interviews, discussion at the open meeting, and additional research.

The Advisory Committee does realize that those members of American society who disobey local, State or Federal laws must be disciplined. However, no level of government may strip an offender of his or her human rights. Disciplining an offender and at the same time rehabilitating him or her is the goal for which all prison systems must strive.

The Advisory Committee presents this report to the people of North Carolina to assist them in working toward that goal.

ORGANIZATION OF THE PENAL SYSTEM

Chief Administrators and Board

The chief administrator of the North Carolina penal system is the Secretary of the Department of Correction. He is appointed by the Governor. The Secretary is advised by a nine-person Board of Correction whose members are appointed by the Governor.

The 1974 North Carolina Legislature established these requirements for the Board of Correction membership: the Secretary of the Department of Correction (as ex-officio chairman), a psychiatrist or psychologist, an attorney with criminal court experience, a judge from the general court of justice and five at-large members. In 1974 there were seven white men, one white woman, and one black man on the board. Members serve for an indefinite period of time and at the discretion of the Governor. They assist the Secretary of the Department of Correction in the development of major programs, establishment of priorities for the department and other duties requested by the Secretary.

The department has three divisions: Prisons, Youth Development,

Adult Probation, and Parole. This study is concerned exclusively with the Division of Prisons. The chief of each division is known as a commissioner.

The Commissioner of Prisons administers prison affairs in accordance with policies, rules, and regulations established by the Department of Correction. The commissioner is to personally inspect the facilities and activities of the penal system as frequently as is practical.

Department and Division Staffing

As of January 21, 1975, the Department of Correction employed 5,040 persons.¹ Of that number, 1,080 (21.4 percent) were minority persons, 3,960 (79 percent) were white, and 1,039 (20.6 percent) were female. The increase in overall minority and female employment for 1974 was 26 percent or 449 actual employees. The Secretary viewed this increase as one of the department's major accomplishments.

1. State of North Carolina, Department of Correction, "Secretary Jones Cites Advances in Minority and Female Employment," news release, Jan. 21, 1975.

The Division of Prisons' staff is 80 percent white. Salaries² for correctional officers range from \$7,416 to \$9,708.

As of May 1, 1975, the division had no black or women wardens or superintendents. It had one Native American superintendent. Juanita Baker, a black woman who was superintendent at the North Carolina Correctional Center for Women at the time of this study, is no longer with the division.

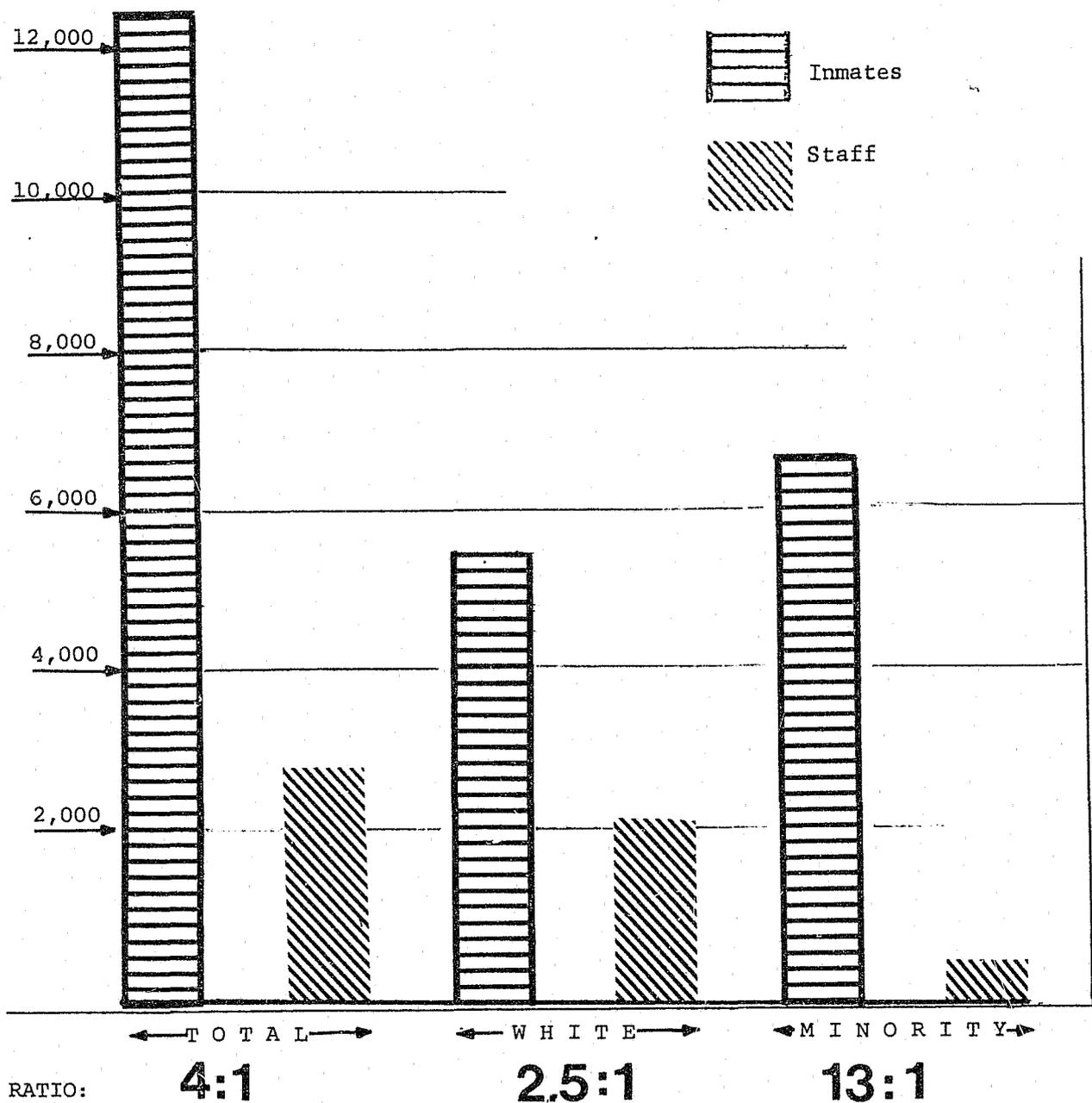
Among professionals in the Division of Prisons, no women or Native Americans are found. One doctor who works full-time and a dentist who works one-quarter time are the only blacks found in the upper ranks. Exhibit I shows the number and proportion by race of North Carolina inmates and staff.

During November 1975 a Division of Prisons official responded that minorities are currently employed in upper level management positions at: Mecklenburg I, North Piedmont area, Polk Youth Center, Western Correctional Center, the Division of Prisons Central Office, and Central Prison. (See Appendix A)

2. State of North Carolina, Department of Correction, Personnel Distribution by Classification (computer printout), April 1975.

EXHIBIT I

INMATES AND STAFF: NUMBER AND PROPORTION BY RACE



Source: State of North Carolina, Department of Correction, Computer Printout, 1974.

CHAPTER II

A PROFILE OF THE PRISONS

General Information

The North Carolina Department of Correction receives all convicted misdemeanants and felons who are sentenced to 30 days or more. It takes in nearly 13,000 inmates each year and releases about 11,000. The average prison population is 12,000. Each month about 2,000 people are processed in and out, requiring a staggering amount of paperwork, mugshots, records checking, et cetera.

The minimum age of inmates received by the department is 14. Sentences served in State institutions range from 30 days to multiple life. Although more than 95 percent of the inmates will be released to the community at some time, the department acknowledges that at least 40 percent of these will return to prison.³

There are 77 facilities in the North Carolina penal system. For administrative purposes, the State is divided into six

3. State of North Carolina, Department of Social Rehabilitation and Control, Office of Correction, Manpower Development and Training Office (Feb. 1, 1974), p. 7 (hereafter referred to as Training Pamphlet).

geographic commands, each with 9 to 14 prison facilities. Penal facilities are colloquially classified as diagnostic and classification centers, field units or prisons.

Prisons

The Division of Prisons refers to the eight largest penal facilities as prisons: Central Prison, Central Youth Center, the North Carolina Correctional Center for Women (NCCCW), Polk Youth Center, Caledonia-Odom Prison Complex, Western Correctional Center and Craggy Prison. With the exception of NCCCW, medium and maximum custody inmates are housed in these prisons. Assignments are made based on the inmate's type of conviction, custody, and age. Women, regardless of the custody status or results of diagnosis and classification, are sent to NCCCW.

Field Units

Field units were constructed as road camps at the time when inmates were assigned to road gangs. Previously, North Carolina had one such road camp in almost every county so that prisoners could be quartered near their road details. Most of these camps accommodate between 100 and 150 inmates

and are classified as either medium or minimum custody.

Diagnosis and Classification Centers

Six diagnostic and classification centers are located in the six Division of Prisons geographic area commands. One is located at Central Prison in Raleigh. All men who receive sentences of over 10 years are sent to Central Prison for diagnosis and classification. Men whose commitments call for a State prison are sent to Central. Other adult and youth offenders are classified at one of the five other centers.

The diagnosis and classification process can take from 3 days to 3 weeks. Inmates do not stay overnight at the centers; they travel to and from nearby prison facilities. In the process inmates are fingerprinted, photographed, issued one complete set of prison clothing and given a battery of tests, including the Minnesota Multiphasic Personality Inventory Test, achievement, and intelligence tests.

According to the Department of Correction's publication A Changing Direction, case analysts interview the new

inmates and review their social histories to determine their needs. The analysts work out an appropriate treatment program and housing assignment in consultation with a classification committee. That committee is composed of a director of classification, case analyst supervisor and lieutenant of custody.

A Description of Selected Facilities

As a basis for discussing the prison life of inmates in the following chapter of this report, a description of five of North Carolina's more unique penal facilities is presented here.

Central Prison

At the time of the study, 905 minimum-to-maximum custody inmates lived in Central Prison, North Carolina's maximum security facility. Of that number, 515 or 56.8 percent were minorities. Inmates at Central are transients or residents. The transient inmates are safekeepers (persons awaiting appeal), pre-sentence diagnostics, cases referred by the court, patients in the physical or mental health clinics, the hospital or new admittees. Resident inmates are those in indefinite, nonpunitive segregation

and the almost 250 inmates classified as close or maximum custody who are physically able to work.

Staff of the U.S. Commission on Civil Rights was permitted to visit the East wing of Central Prison, referred to by the warden as the rehabilitative wing. Staff was denied access to the West wing where "difficult" inmates were housed. According to the warden, the five-tier structure of each wing is the same.

Of the 262 correctional officers assigned to Central Prison, 52 or 20 percent were black. None were women.

North Carolina Correctional Center for Women (NCCCW)

NCCCW, the only institution for women inmates at the time of the study, is located in the Raleigh area. (See Appendix A for description of additional housing recently developed for women offenders). 435 inmates were housed there in May of 1974. Of that number 40 percent were white and the remainder black or Native American. The correctional officer staff of 95 was comprised of 6 blacks and 89 whites, including 17 men. One of the men was the deputy superintendent; the others were correctional officers.

Caledonia-Odom Complex

The two prisons which comprise this complex are the sites

of the system's work farms. They are located in the northeastern section of the State on opposite banks of the Roanoke River. Inmates are assigned to work the 9,500 acres of farmland and produce food for the prison system and other State agencies. These institutions have medium security classifications and house several hundred male inmates (felons and misdemeanants).

In 1974 when the Advisory Committee visited Caledonia there was an inmate population of 444. Caledonia was designed to accommodate 250 persons. Several months later, five more beds were added to each dormitory, increasing the population to 482--almost double its capacity.

Of the 78 correctional officers employed, 26 (33 percent) were black and 52 were white. The minority inmate population was 78 percent.

Odom Prison, designed to accommodate about 300 persons, housed 388 male inmates--nearly 25 percent over capacity. The administrator of the institution had closed some classrooms to create two more dormitories for the overflow.

The correctional officer staff at Odom included 26 blacks and 52 whites, all men.

Western Correctional Center

Western Correctional Center is the second largest institution in the prison system. The high rise building, newest of the system's facilities, is located in Morganton. It houses youthful first offenders. In 1974 the institution employed 151 persons--132 whites and 19 minorities. Western had a total population of 506--279 whites and 227 minorities.

Craggy Prison

Craggy Prison is an adult facility built in 1924. An official publication of the Department of Correction best describes the prison:

Safety hazards increasingly threaten the physical well-being of the inmates and staff assigned there. The structural features, even if the building were sound, do not afford the security and flexibility requisite for proper control and treatment beyond the point where renovation would be a sound investment. . . .

It would cost almost as much, possibly even more, to renovate than to replace this decayed and ill-designed prison. Continued use of this building for quartering prisoners is hazardous to their health and detrimental to every proper purpose imprisonment is expected to serve. It is beyond doubt the worst housing unit in the State prison system. . . .⁴

4. State of North Carolina, Office of Correction, Annual Report, 1972-1973, pp. 5-6 (hereafter referred to as Annual Report, 1972-1973).

These penal facilities were visited by the Advisory Committee: Mecklenburg II, Robeson Subsidiary, NCCCW, Caledonia Prison, and Central Prison. Exhibits II and III give full details about their inmates and correctional officer work force.

EXHIBIT II

INMATE POPULATION IN FACILITIES VISITED BY ADVISORY COMMITTEE

Facility	Men	Women	White	Minority	Total	Percent Minority
Mecklenburg II	174	0	79	95	174	55%
Robeson Subsidiary	244	0	63	181	244	74%
N.C. Correctional Center for Women	0	435	176	259	435	60%
Caledonia Prison	444	0	98	346	444	78%
Central Prison	905	0	390	515	905	57%
Grand Total	1,767	435	806	1,396	2,202	65% (average)

Source: State of North Carolina, Department of Correction, Computer Printout, May 1974.

EXHIBIT III

CORRECTIONAL OFFICER WORK FORCE IN FACILITIES VISITED BY
ADVISORY COMMITTEE

Facility	Men	Women	White	Minority	Total	Percent Minority
Mecklenburg II	14	0	10	4	14	29%
Robeson Subsidiary	24	0	4	20*	24	83%
N.C. Correctional Center for Women	17	78	89	6	95	6%
Caledonia Prison	78	0	52	26	78	33%
Central Prison	262	0	210	52	262	20%
Grand Total	395	78	365	108	473	34% (average)

* includes 15 Native Americans

Source: Transcript, North Carolina Advisory Committee
Open Meeting, May 24-25, 1974, pp. 178 - 182.

CHAPTER III

LIFE AS A PRISONER

Accommodations

Housing styles at NCCCW include cells, rooms and dormitories.

Women inmates, in most cases, can close their doors for privacy. At Central Prison, men are housed in dormitories and individual cells. Individual cells used for the "difficult of the difficult" are approximately 5 feet by 9 feet. The three other facilities visited by the Advisory Committee had dormitory style housing.

Inmates living in dormitories complained of the extremely cramped quarters. Inmates at Mecklenburg II, for instance, sleep in double bunks arranged in quadruples. Bunks are so close together that there is no space to walk between them, except, in some instances, sideways. According to the lieutenant who escorted the North Carolina Advisory Committee, the living conditions were "disgraceful." He told the group that before the Advisory Committee's visit to the facility, some of the bunks had been removed.

Inmates may keep some personal belongings in their possession such as toilet articles, pictures, and tobacco

products. If they are on work release, inmates may have personal clothing. According to Central's warden, male inmates classified as "ultra-maximum security" cannot have razor blades. Furnishings provided to each inmate include a bunk, mattress, blanket, sheets, and a pillow.

At the Advisory Committee's open meeting, a panel of judges and lawyers representing the North Carolina Bar Association Penal Study Committee, appointed by the Governor, was asked about their recommendations regarding the single cell concept of housing inmates. The panel's unanimous response was that, all factors considered, single cells were best for the inmates. They acknowledged, however, that it would be costly to replace or refurbish old facilities to create single cells.

Referring to the accommodations, Judge Frank Snepp, one of the Penal Study Committee's members, said at the open meeting:

. . . You have homosexual rape, unfortunately. It is a terrific problem in the prisons and it arises out of the fact that there is not enough money to provide single cell facilities.

There have been attempts to just build a cage around the individual bunk in some units so a man can secure himself in there

at night.

. . . The dormitories at night are no man's land. A guard would not dare go in there--except in force.⁵

Work

Department of Correction's regulations state: "Any inmate physically and mentally able to work may be assigned employment suitable to his capacity. . ."⁶

The recordkeeping of prison officials indicated that an inmate had a job assignment even if it was one small task which took 3 hours each week to complete. The number of inmates with job assignments is, therefore, high. However, whether those assignments are meaningful or prepare an inmate for earning a living outside of prison, is a factor rote statistics cannot reflect. General idleness and a lack of meaningful job assignments were noted

5. Open Meeting on Civil and Human Rights of Adult Inmates, held by North Carolina Advisory Committee to the U.S. Commission on Civil Rights, Raleigh, North Carolina, May 24-25, 1974, Transcript, p. 274. Page numbers in parentheses in the body of the report will hereafter indicate references to testimony heard at the North Carolina Advisory Committee open meeting.

6. State of North Carolina, Department of Social Rehabilitation and Control, N. C. State Correction Handbook, General Policies, Rules and Regulations, 1973, p. 36 (hereafter referred to as Policies, Rules and Regulations).

by the Advisory Committee at all facilities visited.

The only inmates paid for their work at the time of the study were the canteen workers, barbers and beauticians at each facility. Those inmates were few in number.

At Central Prison's east side, jobs were assigned in the following categories: cooks, pot washers, salad/vegetable preparers, and bakers; janitors and waiters; operating room, x-ray, laboratory, and dental technicians; housekeepers; linotype and offset printers; clericals; canteen operators and ward attendants; licensed practical nurses, barbers, and painters.

Although the categories of jobs seem broad, slots were limited and few inmates got assignments to full-time work in which they could develop saleable skills. At most facilities, jobs such as canteen operator, barber, cook, and laboratory and dental technicians had only one person assigned in each category.

At Central job assignments are made by a three-person committee comprised of a program director, a psychologist, and a representative from custody staff.

Work details at the other facilities are made by their

so-called classification committees. Men are assigned jobs at Mecklenburg II, according to a correctional officer, because they "want to work." Inmates allege that at this facility, almost without exception, men sit day in and day out. The gamut of the few job assignments available runs from the kitchen and canteen details to work in the boiler room. At the time of the study, only one man each was assigned to the canteen and boiler room. The barber and canteen worker are paid \$4.00 per month from the welfare fund. Superintendent John Metters said only 45 of 165 inmates had job assignments. (Transcript, p. 15)

At the Robeson Subsidiary, 21 inmates were on work release and approximately 100 had job assignments out of a total inmate population of 244. All men on work release pay the State \$17.25 per week out of their earnings for room and board and 70 cents per day for transportation.

Women at NCCCW were assigned institutional jobs--kitchen, canteen, sewing room, laundry, and cleanup details. Only 24 women of the 435 incarcerated were on work release. An inmate stated at the open meeting that NCCCW women do the laundry for inmates at Central, the camp hospital,

and other prisons. She said that inmates wear cheap shoes without arch supports (unless they provide their own) and stand hours in the hot, dank laundry. Often, she said, they must pull tubs of laundry weighing 360 pounds. (Transcript, p. 79)

According to the Policies, Rules and Regulations of the penal system, inmates may receive a reduction in the time of their sentences if they work outside of regular hours or outside when weather is inclement. (Ordinarily, work would be suspended on weekends or holidays.) This compensation is called gained time. For work done under "very hazardous conditions caused by a catastrophe of nature,"⁷ the Commissioner of the Division of Prisons may authorize more than 1 day of gained time for each day an inmate is so engaged. Gained time up to 150 days per year can also be earned for good behavior. However, "the total allowance of gained time under the provisions of these regulations shall not in any case exceed one-half of the minimum sentence imposed⁸ by the court."

7. Ibid., p. 32.

8. Ibid.

The North Carolina General Assembly in 1967 authorized the payment of incentive wages to prisoners for ". . . work performed and for attendance at training programs and to provide an allowance to prisoners unable to earn such compensation because of injury, illness, or other incapacity."⁹ No money was made available for this purpose until July 1975. (See Appendix A)

Work release programs give inmates the chance to work away from their prison. The opportunity for inmates to participate in the work release program is based on the following eligibility requirements:

- (1) be recommended for these privileges by the sentencing judge in the judgment of imprisonment or by written authorization of the Board of Paroles;
- (2) be imprisoned for a term not exceeding 5 years if eligibility is dependent upon the recommendation of the sentencing judge rather than upon authorization by the Board of Paroles;
- (3) have suitable employment or offer of suitable employment in a locality where facilities for work release inmates have been provided; and

9. Annual Report, 1972-1973, p. 8.

- (4) complete and sign an application form containing a statement that chapters 2 and 3 of these General Policies, Rules and Regulations have been read and explained to the applicant, and a certification that the applicant understands the conditions upon which the privileges are granted and further understands that a violation of these conditions shall result in the violator losing privileges and being transferred to the general prison population to serve out the remainder of the sentence imposed by the court.¹⁰

In addition, inmates must be classified as honor grade (minimum custody) with good behavior and attitude, and must have served 10 percent of their sentences before they are permitted to participate in the work release program.

The Department of Correction claims that about 1,500 inmates are on work release.

Recreation

With the exception of Central Prison, recreational opportunities in the institutions visited were all but nonexistent. Central had a gymnasium and had a full-time recreation director with two assistants. Punching bags, basketball hoops,

¹⁰. Policies, Rules and Regulations, p. 51.

and game tables, records, phonographs, cards and musical instruments were available for inmates. Central had an organized inmate band.

Outdoor recreation at Central was limited since it is a maximum security facility and the administration claimed there was not enough staff for outdoor supervision. However, an outdoor recreation field was under construction.

At the women's institution there was neither a planned recreation program nor a recreation director. A volleyball court and basketball equipment were available to the women without supervision. An arts and crafts program was available to the women. They could earn money from the sale of their finished leather and ceramic work. However, they needed money initially to purchase the leather and other materials.

Robeson Subsidiary had a few basketball hoops, a simulated boxing ring, cards, and a small hobby shop. The hobby shop, at best, could accommodate six persons.

Inmates at Caledonia had virtually no recreational activities. Movies were shown at the institution. Inmates complained that the cost of admission was high. Caledonia's

recreation director also served as a counselor. Inmates said he never provided any recreation services because he was busy counselling. The counselor/recreation director said he had no equipment for recreation purposes.

Recreation is considered a privilege in the North Carolina penal system. Recreational activities are provided at the discretion of correction officials.¹¹

For information on television privileges see the section in this chapter on communications.

Education and Vocational Training

North Carolina statutes make no provision for academic or vocational training for inmates. The North Carolina Department of Correction's regulations stipulate that the department should give educational/vocational training priority to inmates who are under 21 years old when they enter the system and have a sentence of 6 months to 5 years.

Instruction is to be provided at such time as may be deemed practical and advisable for the inmates. Committee members

¹¹. Ibid., p. 34.

and Commission staff were told by prison administrators that courses are offered to those inmates who choose to receive high school equivalency diplomas.

At Caledonia a 5-day school week is conducted for those with a sixth grade education or less. If inmates are educated through the eighth grade, they are allowed to go to classes 3 days a week. Correctional staff at the Robeson Subsidiary told the Advisory Committee that the education program there consisted of two morning classes and one evening class every day. One official said that classes were held in the chapel which, the visiting team noted, was too small for a regular classroom or individualized prescribed instruction. Two persons at the institution attended the State University on study release. (Transcript, p. 114)

The team was also shown a new mobile unit which was being prepared for use as a library and school. The unit appeared too small for effective classroom use.

At Central Prison a school principal and three full-time instructors were responsible for providing instruction on the East and West sides. Three inmates were assigned

to do the work of teachers' aide, librarian, school clerk, and school janitor. For those inmates who had high school diplomas or the equivalent, courses in algebra, American literature, world history, and bookkeeping were among those provided. Although only 10 percent of Central's inmates were high school graduates, only 16 percent of the inmates participated in the school program each year. The school year at Central is divided into four 3-month terms. College correspondence courses were available through the University of North Carolina. Prison administrators said that 12 inmates at Central were enrolled in college correspondence courses.

The State Employment Security Commission assisted with the vocational training at the NCCCW. Most of the training was related to industry and domestic work: residents learned to sew, launder, cook, and did work in the dining room. The institution had six instructors-- three white and three black.

One teacher at Caledonia provided education fundamentals for participating inmates.

In addition to the basic education program, the institution

offered brick masonry and typing.

Although there was no full-time instructor at Mecklenburg II, the administrator was in the process of setting up a basic education program. Six of the 174 inmates at Mecklenburg II were enrolled in correspondence courses to receive college credits.

The prison system provided limited opportunities for study release, a program initiated in 1967 which permits inmates to receive vocational or academic training away from the institution and without the supervision of correction personnel. Only honor grade inmates are considered for participation in the study release program. By 1972, 1,000 persons had been involved in the program on a full- or part-time basis. Inmates who cannot afford to pay their educational costs must rely on the vocation/rehabilitation counselor to help them obtain financial aid. Sources of available assistance are: State vocational rehabilitation funds, G.I. Bill benefits, inmates' families, loan or scholarships, and other sources authorized by the administrators.

12. Ibid., pp. 82-83.

According to the Division of Prison's "Study Release Report" of April 16, 1975, there were 949 prisoners participating full-and part-time in the study release program; 150 were women. No racial data were available. None of Central Prison's inmates are in the program.

Health

Although the majority of North Carolina inmates were black, only one of the physicians and one quarter-time dentist of all professionals on the medical staff employed by the Division of Prisons were black. According to the Department of Correction's 1974 Annual Report, many health care positions remain vacant because salaries for those positions are far below comparable positions in other settings, and prison work does not provide the prestige or opportunities for financial gains afforded in private practice.

Although some department physicians receive as much as \$45,000 a year, most make considerably less.

Central Prison houses an extensive health facility with a medical wing including a 98-bed hospital and a new

73-bed mental health facility. The hospital provides dental, surgical, laboratory, x-ray, and other specialty medical services. When possible, all penal facilities in the State use those services. Providing security for inmates who are transported to Central's hospital was reported as a problem.

Emergency medical care is most often provided at local hospitals near individual penal facilities. The travel time to Raleigh makes it impractical to rely only on Central.

Central hospital is not accredited by the Joint Commission on Accreditation of Hospitals of the American Hospital Association.¹³

Although inmates sent to Central Prison are given fairly extensive physicals, most inmates go into the correctional system with little more than a cursory physical examination, according to a department document, In Search of a New Direction. Since the State Advisory Committee's study new procedures have been implemented regarding physical examinations. (See Appendix A)

13. State of North Carolina, Department of Social Rehabilitation and Control, In Search of a New Direction, Annual Progress Report and Forecast of Accomplishments (January 1974), p. 21.

Prison officials said that misdemeanants at the smaller institutions had only their ears, heart, and blood pressure checked by the part-time consultant physicians.

Inmates from the Robeson Subsidiary in Lumberton were transported by bus to medical appointments with a private physician on Tuesdays and Thursdays. The doctor, under contract with Robeson, saw about 20 men during the visits. Inmates could use the services of the Southeastern General Hospital in Lumberton. The closest available dentist was at Rowland. A psychologist from nearby McCain Prison visited the institution once every 2 weeks, or less, depending on the need for his services.

At Mecklenburg II a physician was available 2 days per week, and there was a full-time registered nurse. In emergency cases, inmates were taken to nearby Charlotte Memorial Hospital.

At NCCCW a dermatologist, gynecologist, otolaryngologist, orthopedist and a general surgeon were on call. A psychiatrist was available 8 hours a week. There were four registered nurses, one laboratory technician and one licensed practical nurse. At least one nurse who could

dispense medication was available at all times. In 1974 women inmates filed a suit alleging that they were given vaginal and rectal examinations by persons who were not medically trained to do so.¹⁴

The women's facility had an 18-bed infirmary and a maternity section where newborn babies were kept until a decision was made about their placement. According to a January 21, 1975, statement by David Jones, Secretary of the Department of Correction, the dilapidated infirmary had been renovated and 20 new hospital beds added.

Sanitary napkins, lotion, toothpaste and deodorant were provided for inmates at NCCCW. The women could shower daily, except those in isolation who could shower only when staff was available to supervise.

Medical recordkeeping was, by admission of the Division of Prisons, inadequate for effective health service.

In most cases, individual records were almost nonexistent.¹⁵ As of November, 1975, the division reports that medical records are maintained on each prisoner. (See Appendix A)

14. Petition, Barnes v. Edwards, Civil No. 74-121 (E.D., N.C., filed May 15, 1974).

15. In Search of A New Direction, p. 21.

All penal system facilities had limited facilities and medical personnel. Most were holding sick call twice a day; staff on hand were most often nonprofessionals.

Nonmedical personnel dispensed medication and conducted some physical examinations at most facilities.

Mental health clinics were located at Central Prison in Raleigh and at the Diagnostic and Classification Center in Huntersville. Mentally disturbed inmates assigned to live at a field unit were brought in once a week for treatment. The consulting part-time members of the clinic were a psychiatrist, vocation-rehabilitation specialist, and two doctors of psychology. A registered nurse and a stenographer were employed full time.

Religion

Copies of the Bible were provided for inmates in the penal system. At Central Prison there were white Protestant and Catholic chaplains, no black chaplains. Full- or part-time chaplains were paid for their services. The system did not have a Muslim minister, Rabbi or other minority religion leaders. The division reported in November that it now employs a chaplain of a minority race. (See Appendix A)

Inmates could refuse to see a religious leader.

None of the institutions made provisions for religious

16
 dietary laws. Attendance at religious services was not required. Services were held to commemorate Christmas, Easter, and other holidays.

None of the penal institutions visited had inmate advisory groups to communicate with the prison administrators about religious activity.

Communicating With the Outside: Visitors, Mail, Media, Volunteers

North Carolina inmates do have some opportunities to communicate with persons other than inmates and prison personnel. The policies and practices governing visitors, mail, television, radio, print media and community volunteers were reviewed by the Advisory Committee.

Visiting hours and conditions are left to the discretion of the warden or superintendent and vary from institution to institution. Receiving visitors is considered a privilege rather than a right; it is, therefore, subject to suspension by prison officials. At four of the five facilities visited, inmates reported that visitors had to be approved by prison officials. Inmates at the Robeson Subsidiary said that they were free to have anyone visit them. Women inmates at the

NCCCW said that only members of their immediate families were permitted to visit them and then only on Sunday afternoons from 1 to 4 o'clock. The women complained that during visiting hours no one could leave the visiting area even for a drink of water.

Generally, male inmates voiced few concerns about visiting rights. Some inmates at the Robeson Subsidiary, however, expressed dissatisfaction about the conditions under which they had to receive visitors. Felons were not permitted physical contact with visitors; they had to meet their guests outdoors and talk through a fence. Metal bars, approximately 2 feet from either side of the fence, forced both inmates and guests to stand well out of arms' reach. During bad weather, felons at the institution could not receive visitors. Misdemeanants were allowed to visit with their guests in the small dining room.

Inmates at Central Prison were allowed a single one-hour visit per week. An out-of-State guest could remain with the inmate for 3 hours. Inmates and visitors talked to each other through glass windows. The warden said that visiting hours had to be limited because there was not enough staff to supervise inmates. All persons visiting the institution

had to register in a small room separate from the main building.

Some inmates at all units except Central were allowed to leave the institution grounds and visit their families. These inmates must have at least the status of Honor Grade III and also must have maintained such status for at least 30 days¹⁷ to be considered for off-campus visiting privileges.

When female inmates return to the institution after community and home leave, some have been subjected to vaginal and rectal examinations. Further, inmates claim all persons who return from visits off the institution grounds are not searched, and the method of selection of inmates is arbitrary¹⁸ indicating possible denial of equal protection of the laws. Inmates at NCCCW have filed a suit charging that nonmedical personnel dispense medication and conduct bodily searches.

The vaginal and rectal examinations are conducted by personnel who, upon information and belief, lack proper medical training to perform the functions. The examinations are carried out without sterile techniques. The speculums utilized in the

17. Policies, Rules and Regulations, p. 66d.

18. Petition Barnes v. Edwards, Civil No. 74-121 (E.D. N.C., filed May 15, 1974).

procedure are not sterilized and are used on more than one person at each examining session. Persons examined are not properly draped and not provided with sufficient privacy during the examinations. Persons, other than examining personnel¹⁹, are able to observe the examining process.

According to the lawsuit, such examinations were conducted to find contraband or narcotic drugs, but female inmates say that no contraband had been found through the conduct of these examinations. Assistant Superintendent of NCCCW, Robert Moreland, confirmed that no contraband had ever been found. He maintained that searches must still be conducted if the prison administration has reason to suspect that the inmate might have some form of contraband on her person.

Written correspondence is a valued means of communication to all inmates. North Carolina inmates did not have to have correspondents approved, and their outgoing letters were not censored. According to prison officials, incoming mail was not censored but was scanned and searched for contraband. Correspondence from attorneys, both incoming and outgoing, was not read but was always opened for contraband in the

19. Ibid.

presence of the inmate. Mail from judges, parole officials, or the Commissioner of Prisons was also opened but generally only in the presence of the inmate to whom it was addressed.

Inmates at Mecklenburg II, who asked that they not be identified, expressed concern about having the letters they write mailed promptly. One inmate said he believed outgoing mail was sometimes deliberately slowed to frustrate the legal efforts of inmates.

Mail, like visits, is considered a privilege and not a right.²⁰

Television and radio are means of communication with the outside world--one-way though they are. All institutions provide a space for a television set. In some dormitories there are two television sets. Generally, inmates are allowed to choose the programs they wish to see. Programs are selected on a rotating basis, i.e., the CBS channel is watched at 8 o'clock on one Monday and NBC the following Monday. There can be a vote to watch a special program even though the channel may be out of rotation. Inmates are not permitted

20. Policies, Rules and Regulations, p. 34.

to have individual televisions. They are allowed to have radios, but are required to have earphones.

At Mecklenburg II the men who sit idle all day are not allowed to watch television until after dinner. Superintendent John Metters said it looked bad for the men to be seen watching television during the day.

Print media can communicate with inmates within certain limitations. Inmates can correspond with news reporters if the prison administrator gives clearance. This activity is restricted at Central Prison. Warden Sam Garrison said that the attorney for the inmate must consent to such correspondence, and if the inmate has no attorney, final clearance must come from the central office.

Although State regulations say that inmates themselves must "consent in writing" to be interviewed or photographed by reporters, prison wardens and superintendents stated that this policy was not practiced at their institutions.

21. John Metters, superintendent of Mecklenburg II, interview in Huntersville, N.C., Apr. 13, 1974.

22. Sam Garrison, warden of Central Prison, interview in Raleigh, N. C., Apr. 2, 1974.

23. Policies, Rules and Regulations, p. 30.

24. Superintendents and wardens of Central Prison, NCCCW, Mecklenburg II, Caledonia, and Robeson Subsidiary, April, 1974.

Reporters must obtain the consent of the Division of Prisons if they wish to interview inmates. With clearance from the central office, television cameras are permitted in penal facilities on special occasions. The Advisory Committee was not permitted to take cameras into the facilities.

A penal system program to involve community volunteers was designed to offer the inmates an opportunity to receive support from the community and give citizens a chance to assist in solving problems inherent in inmate life. Minimum custody inmates who have honor grade status may leave their penal facility with a volunteer to attend approved activities in the community. Other inmates may visit with volunteers at the facility. Some volunteers coach intramural sports or teach classes for the inmates.

Alcoholics Anonymous, drug therapy groups and Jaycees are among the community organizations permitted to have contact with inmates. No data was available on how many or which inmates were given and took the opportunities to interact with community volunteers.

Legal Aid

Whether the North Carolina penal system is obligated to provide some type of legal aid to its inmates is a point now being reviewed by the courts. In January 1974 inmates in the North Carolina penal system argued to the court that legal books should be available to them during their incarceration.²⁵ That decision is now being appealed by the State.²⁶

Many inmates who might have legitimate grounds for filing petitions are not heard because they do not have the technical training or know-how to prepare writs so that their situations can receive serious consideration by courts.

Judge Hamilton H. Hobgood of the Penal Study Committee, responding to Advisory Committee questions concerning legal services for inmates, stated:

This past week I received a petition from a prisoner which said that his civil rights were being violated.

He quoted the 14th amendment and every Federal

25. Petition, Morgan v. Turner, Civil No. 4277 (E.D. N.C. April 1973).

26. Petition, Turner v. Morgan, Civil No. 4277 (4th Cir., March 1975).

decision that was in the book under it, and said 'for these reasons, I desire to be released at once.'

No facts. No nothing. This is commonplace.

You just get these petitions all the time from these lifers who are talking about that (14th amendment), just cites some law, cites the cases, without saying anything about where he was even tried, what he is in prison for, what he is complaining about.

. . . you can have the library there but it means nothing, except a tremendous waste of time (Transcript, pp. 283-284).

Laymen who have no legal training cannot prepare briefs and other forms in the manner that judges are accustomed to receiving from professional lawyers. Some penal facilities in the system did have materials and space available which would enable the inmates to help themselves to some degree.

Inmates at Mecklenburg II alleged that since the court appearance, prison officials had applied subtle pressure to discourage inmates from asking for legal materials, and those who persisted in showing particular interest in getting legal materials were transferred to other institutions. Inmates also said that writ writers were often transferred from institution to institution to deter them from offering assistance to other inmates.

At the women's institution and the Robeson Subsidiary no legal assistance was provided.

A room was provided at Central Prison where writ writers could work during their free time. The North Carolina and U.S. Code, typewriters, and paper were provided.

The legal facility at the Diagnostic Center in Huntersville was manned by an inmate who wrote writs for other inmates. Inmates at nearby Mecklenburg II who wanted writs prepared could use his services.

Discipline

The North Carolina Division of Prisons does have a handbook on disciplinary procedures--the rules and policies on inmate conduct and management. ²⁷ Prison officials said copies of the handbook were being printed for dissemination throughout the system. Most inmates said they had never seen a copy. The handbook listed major and minor infractions but did not contain specific penalties for each infraction. Each penal facility was supposed to have at least one disciplinary committee. Wardens or superintendents were

27. State of North Carolina, Department of Correction, Rules and Policies Governing the Management and Conduct of Inmates Under the Control of the State Prison System, rev. (November 1971).

responsible for selecting the members of the committee. The assistant warden, a representative from the correctional staff, and one from the treatment staff usually composed the committee.

Disciplinary procedures called for a hearing before any serious punishment was to be handed out. Inmates said, however, that often there is a lapse of several weeks from the time an inmate is charged with an infraction of the rules till the time punishment is handed down. During that interval the inmate is often put in administrative isolation. If found guilty of the infraction he is then placed in punitive isolation. Inmates felt that they should be given credit for time spent in administrative isolation just as accused parties are credited with time spent in pre-trial detention. According to the handbook, 15 days is the maximum sentence ²⁸ for punitive isolation.

Isolation is the most severe punishment which can be given to inmates. North Carolina has no rules regarding medical

28. Policies, Rules and Regulations, p. 49.

examination of inmates in solitary confinement.

According to some inmates interviewed at various facilities, those in isolation are not allowed out of their cells for any reason other than to shower every 2 to 3 days.

According to inmates who had been in isolation (names withheld on request), the furnishings in the punitive isolation cells consisted of a steel bed attached to the wall by steel chains--sometimes without a mattress, never with a pillow--a commode, and a sink. A prisoner in solitary may or may not have a blanket and a sheet, depending on the type of punishment and availability of linens, and the only light is in the corridor between the cells.

At Robeson Subsidiary, Alfred Locklear, program supervisor, told the visiting team that inmates in isolation were not allowed to have pencils, except when a correctional officer could stand by and wait for the inmate to complete his correspondence. A pencil is considered a dangerous object with which the inmate might do himself bodily injury.

29. Alfred Locklear, interview in Lumberton, N.C., April 1974.

However, an inmate stated that pencils were allowed during the total isolation confinement if requested. (Transcript, p. 112)

Inmates at various institutions said they had been sentenced to consecutive 15-day periods of isolation. (Transcript, p. 110) For such sentencing, written permission must be granted by the central office of the Division of Prisons, and the inmate being isolated is supposed to have exercise 1 hour per day. However, men at Caledonia who remained in isolation more than 15 days were exercised only 1 hour, 3 days per week. Inmate Alvin Christopher assigned to Caledonia stated that those in isolation were taken out of their cells "every other day" to be exercised. (Transcript, p. 11) Women are permitted no recreation or exercise during isolation.

The maximum time an inmate may spend in isolation at Central is 30 days. The rules handbook allows for differences in major institutions. During this period, they have no outlets other than reading the Bible. All "privileges," with the exception of incoming mail, are denied. Inmates at Mecklenburg and Robeson Subsidiary told staff and Advisory

Committee members that they were not allowed any recreational activities whatsoever when in isolation. Charles Haskins, prisoner assigned to Robeson Subsidiary, stated that at that facility inmates are let out of isolation to shower or if they need to see a doctor. He said he had not observed inmates being given an opportunity to exercise. (Transcript, pp. 111-112)

At most facilities inmates still got three meals a day while in isolation, however, the portions were smaller and the food was not served at regular mealtimes. (Transcript, p. 102) Inmates at Mecklenburg II were placed on restricted diets for a maximum of 15 days while in isolation.

Rev. Ben Chavis, director of the Commission for Racial Justice in Washington, D.C. and one of the original Wilmington 10 (a political activist group in the late 1960s) said inmates in isolation on Central Prison's West side were regularly "hosed down by a 200-pound pressure water hose. (Transcript, p. 38) The warden of Central said fire hoses were used as a last resort to control an inmate or inmates.

30. Lt. Marvin Jordan, correctional officer, Mecklenburg II, interview in Huntersville, N.C., Apr. 3, 1974.

He said the nozzle pressure was approximately 70 pounds and the pump pressure was about 120 pounds. ". . .I have been sued in Federal court for having 300-pound water hoses. That amount of pressure would not only kill a person but could destroy a building," he said. (Transcript, p. 206)

Women who were disciplined with punitive isolation were often denied clothing. If, in the opinion of the staff, the inmate had a bad attitude, she was to remain naked until her attitude changed. One inmate reported that male guards could see the prisoners when they unlocked the door (Transcript, p. 103) Lt. Jimmy Dickens at NCCCW said the women were denied clothing if a doctor diagnosed her as suicidal. Inmates protested to the Advisory Committee that this was degrading and dehumanizing treatment.

The isolation room at NCCCW was approximately 5 feet by 7 feet, and located in a building separate from the rest of the campus. One inmate who had spent time there said, "It was in the summer and I had to drink from the sink. . . they do not clean up in there everyday. When someone goes in and comes out they don't clean up." (Transcript, p. 206)

Ann Sheppard, also a former inmate at NCCCW, made these comments about the lack of privacy in the punishment building: "Male sergeants, visitors or others come in and occasionally they forget to announce they are in the building and you are in various states of undress, sleeping or even on the commode. There is one male sergeant in there who is particularly fond of doing this!" (Transcript, p. 443)

She added that there were no fans, ventilation was poor and heat was inadequate in the winter.

Judge Frank Snapp of the North Carolina Prison Association Penal Study Committee told the Advisory Committee that the North Carolina General Assembly established an Inmate Grievance Procedure to become effective July 1974. (Transcript, p. 276)

The procedure calls for the establishment of a commission and hearing examiners who will hear inmates' complaints. The full commission is to rule on the cases, and the inmates are to have the right of appeal through the courts.

Safekeepers

The term "safekeepers" refers generally to those persons awaiting appeal or those awaiting pre-sentence diagnosis. The State makes no special provisions for the care and treatment of safekeepers, and at the NCCCW they were housed in the punishment building. Inmates there told the Advisory Committee that safekeepers were treated like inmates placed in punitive isolation. Women awaiting trial or appeal were not permitted out of their cells except to shower when staff was available to supervise. Further, they were given no opportunity to participate in the facility's programs.

Rev. Leon White, director of the North Carolina Field Office of the United Church of Christ, stated that the conditions under which safekeepers lived were "the most intolerant and degrading" in the "entire prison system." (Transcript, p. 370) He stated that women safekeepers are "constantly on lockup," some have been there 10 months and more. (Transcript, p. 372)

Ann Sheppard, former inmate at NCCCW, told the Advisory

Committee that since there were no "written rules governing safekeepers," they were governed by punishment rules.

Safekeepers were denied personal articles such as soap and shampoo unless they incurred some type of infection, she said. All personal possessions were taken from safekeepers and they "are locked in a cell 22½ to 23½ hours a day." According to Ms. Sheppard, they were not permitted to attend church services, chapel, or Sunday school.

(Transcript, p. 443)

Inmate Councils

Some penal systems allow inmates to choose representatives to a council which is concerned with prison life. Some North Carolina inmates have such councils. Others expressed frustration that they had no voice in matters affecting their living conditions. Formally, no means or body exists in the North Carolina system where inmates can communicate their desire or grievances to the prison administrators.

Ralph Edwards, commissioner of the Division of Prisons, said he opposed the concept of inmate councils. He said he did not know of any that were either representative of the inmate population or of instances in which they had been effective.

He maintained that the tendency was for the larger, stronger, and more influential prisoners to intimidate meeker ones and coerce them to support and vote for them.

Director Edwards said that the inmates who get elected tend to concern themselves only with their friends, and that some were "bought off." He further stated that he would neither encourage nor give his approval to inmate councils in the North Carolina Division of Prisons until someone designed a structure that would ensure efficient operation of such bodies.

An inmate council had at one time been in operation at Mecklenburg II under the guidance of the institution's program director. Although members of the nine-man council were elected from each of nine housing groups at the institution, inmates told the Advisory Committee that the council was ineffective because of poor direction and apathy.

The Caledonia and Robeson Subsidiary facilities had never had such representative bodies. NCCCW did have an inmate

31. Ralph Edwards, commissioner, Division of Prisons, interview in Raleigh, N.C., April 1974.

council. It was not effective, according to the warden.

NCCCW warden Juanita Baker said the Division of Prisons discouraged the operation of such councils. She believed, however, that if inmate councils could be properly structured and truly representative, they would help not only the inmates but also the prison administrators. Warden Baker's services were terminated by the Division of Prisons shortly after the Advisory Committee's open meeting in 1974 where she expressed these opinions.

FINDINGS AND RECOMMENDATIONS

Based upon 12 months of study by the Advisory Committee members and the Commission's Southern Regional Office staff, including a 2-day informal hearing and interviews with judges, prison administrators, correctional officers, community representatives, inmates and ex-inmates, the North Carolina Advisory Committee to the U.S. Commission on Civil Rights reports the following findings and recommendations:

Finding 1: Board of Correction

The North Carolina Advisory Committee finds that of the eight people already appointed by the Governor to serve on the North Carolina Board of Correction only one is a woman, and of the seven men, only one is black. There are no Native Americans. The terms of appointment are indefinite and there is one vacancy.

RECOMMENDATION:

The Advisory Committee recommends that the Governor and the North Carolina General Assembly immediately restructure the Board of Correction so that more women, blacks and Native Americans can be appointed to this board. Members of the Board of Correction should have staggered terms so that not all new members are appointed at the same time. Terms should have definite duration.

Finding 2: Staffing:

The North Carolina Advisory Committee finds that there were no significant numbers of black or women wardens or superintendents, and only one Native American superintendent. It also finds that there were no significant numbers of women, Native Americans, or blacks employed in higher salaried administrative positions in the Division of Prisons. The Advisory Committee also finds that minority correction staff were few in number, especially when contrasted to the inmate population which was predominately minority.

RECOMMENDATION:

The Advisory Committee recommends that the North Carolina Division of Prisons recruit and employ blacks, women and Native Americans as wardens, superintendents and correctional officers. It also recommends that the department place women, Native Americans and blacks in higher administrative positions in the Divisions of Prisons' central office.

Finding 3: Accomodations

The North Carolina Advisory Committee finds that most of the 77 institutions located in 64 counties in the State are in rural areas which are not easily accessible. Existing housing is inadequate for the number of inmates sentenced to adult correctional institutions. Inmates who live in dormitories have no privacy. The Advisory Committee further finds that North Carolina law requires that all persons receiving sentences over 30 days must serve their time in State facilities.

RECOMMENDATIONS:

The Advisory Committee recommends that as soon as expedient the North Carolina Department of Correction should locate facilities in major towns or cities to permit increased opportunities for education and work release and social contact with the community as well as improve accessibility for inmates' receipt of medical services.

Finding 4: Work

The North Carolina Advisory Committee finds that few inmates had job assignments which provided marketable skill training. Work release programs are available to few inmates because of the eligibility requirements and the isolated location of facilities. Of 435 women at NCCCW, only 24 were on work release despite the facility's location near Raleigh.

It further finds that although an incentive pay plan has been authorized by North Carolina law, funds to implement the plan have not been authorized for all working inmates.

RECOMMENDATIONS:

The North Carolina Advisory Committee recommends that the Department of Correction provide opportunities for inmates to learn saleable skills or trades to prepare them for gainful employment upon release.

The Advisory Committee recommends that the North Carolina legislature establish more liberal eligibility requirements for inmate participation in the work release program.

The Advisory Committee recommends that the Department of Correction establish work release programs for men and women inmates in the industrial centers throughout the State.

The Department of Correction should be more concerned with the development of rehabilitative programs rather than only with punitive techniques. Emphasis should be placed on alternatives to incarceration such as halfway houses, work release, pre-trial intervention, the deinstitutionalization of status of offenders.

Offenders who receive sentences of 12 months or less should be placed in such programs.

It further recommends that all State inmates receive fair compensation for their labor.

Finding 5: Recreation

At most institutions recreation facilities and programs are inadequate. The department regards recreation as a privilege and not a right. Female inmates have no outside recreation.

Although Central Prison has adequate facilities and a full-time director, there was not enough staff to allow full use of the facilities.

RECOMMENDATIONS:

The North Carolina Advisory Committee recommends that the Department of Correction provide a comprehensive

recreation program for prison inmates as a matter of policy. The department should provide staff and facilities and allow ample time for inmate participation in indoor and outdoor recreational activities.

Finding 6: Educational and Vocational Training

Over 90 percent of inmates have never completed high school. Lack of resources and ingenuity makes it possible for only a small number of inmates to participate in educational programs. None of the facilities has enough instructors for their total inmate population.

The Advisory Committee finds that the department makes no provisions for education and training except at the discretion of the administrators.

RECOMMENDATIONS:

The Advisory Committee recommends that the Department of Correction and State-supported educational institutions shall make available to inmates onsite opportunities for academic training at least through high school and college if desired by inmates. It recommends that the vocation/education and high school equivalency diploma training programs be expanded both in the correctional facilities and in study release, and that State-supported colleges expand their programs for inmate education.

It is recommended that the Division of Prisons make conditions of release contingent on inmates' educational advancement. Educational advancement should be used as incentive for early release.

The Advisory Committee further recommends that the legislature appropriate funds to enable the Department of Correction to recruit and employ an adequate teaching staff for all facilities, and provide sufficient space and materials for schooling.

It is recommended that North Carolina statutes be amended by the legislature to require the Division of Prisons to provide academic training through the high school equivalency diploma, vocational training and college credits to the extent requested by inmates.

Finding 7: Health Services

The Advisory Committee finds that the medical staff for the system is insufficient. Central Prison, Mecklenburg II and NCCCW are the only institutions with a full-time medical staff on the premises. Mental health clinics were located only at Central Prison and the Diagnostic and Classification Center at Huntersville.

RECOMMENDATION:

The North Carolina Advisory Committee recommends that the Division of Prisons recruit and employ more medical staff on a full-time basis at the larger facilities and at those which are remotely located. Attention should be given to recruiting and employing minorities and women. Special attention should be given to employing trained counselors, psychologists, and psychiatrists.

Finding 8: Visits

Although the Rules and Policies Handbook has general rules about visitors to all facilities, the Advisory Committee found that only immediate families are allowed to visit women inmates. As such, women are not afforded the same visiting privileges as male inmates.

When women return to the facility from off-campus visits, some are chosen at random and subjected by nonmedical personnel (who allegedly do not always use sterile equipment) to vaginal and rectal examinations in search of contraband. Visiting faci-

lities are inadequate. The department maintains that visits are a privilege and not a right, and therefore prison officials may suspend the privilege of receiving visitors.

RECOMMENDATIONS:

The Advisory Committee recommends that the Department of Corrections require the NCCCW to adhere to the same policies regarding visiting as those in practice in the male facilities.

It recommends that no vaginal or rectal examination be conducted by anyone other than professionally trained medical personnel.

Further, the Department of Correction should provide more adequate areas for receiving visitors. The Advisory Committee recommends that the Department amend its policies to give inmates the right to receive visitors.

Finding 9: Discipline

The North Carolina Advisory Committee finds that each inmate does not receive a copy of the Rules and Policies Handbook. Punishment is left to the discretion of prison administrators.

The Advisory Committee further finds that inmates do not receive "jail time" when placed in administrative isolation while awaiting disposition of their grievance cases.

It found further that women are sometimes placed in punitive isolation naked.

RECOMMENDATIONS:

The Department of Correction should prepare, publish and distribute to each inmate a copy of the rules and policies and general practices of the system. Further, the rules should provide for consistent implementation in all facilities, and should state specific punishments for specific violations. It is further recommended that inmates be given "jail time" for time spent in isolation for administrative reasons.

It is recommended that under no circumstances, except for purely medical reasons, should any inmate be denied clothing.

Finding 10: Safekeepers

The Advisory Committee finds that safekeepers, i.e., persons awaiting trial or appeal at the women's institution, are housed in the punishment building. Safekeepers are governed by the same rules as inmates being punished; the State has no policy regarding special treatment of safekeepers.

RECOMMENDATION:

The Advisory Committee recommends that the Division of Prisons provide separate housing units for women safekeepers. It further recommends that the State devise rules and regulations regarding conditions for safekeepers. It is recommended that safekeepers not be subjected to punitive treatment as inmates in isolation.



RALPH D. EDWARDS
Director

NORTH CAROLINA
DEPARTMENT OF CORRECTION
DIVISION OF PRISONS

831 West Morgan Street

Raleigh, N. C. 27603

NOV 19 1975

JAMES E. HOLSHOUSER, Jr.
Governor

DAVID L. JONES
Secretary

(919) 829-3226

November 17, 1975

APPENDIX A

Letter of Response from the Division of Prisons

Mr. Bobby D. Doctor
Regional Director
United States Commission on Civil Rights
Southern Regional Office
75 Piedmont Avenue, Room 362
Atlanta, Georgia 30303

Dear Mr. Doctor:

Your letter of November 7, 1975, and the attached draft report of the North Carolina Advisory Committee to the U. S. Commission on Civil Rights has been referred by Mr. Ralph D. Edwards, Director of Prisons, to this Office for response.

The North Carolina Advisory Committee is to be commended for its extensive effort to provide a comprehensive and accurate review of the North Carolina Prison System and the problems which beset its administration.

The following information is presented to clarify and refine with factual information specific statements made by the Advisory Committee.

1. Racial composition of departmental staff - the following upper level management positions are occupied by minorities:
 - A. Superintendent at the North Carolina Correctional Center for Women.
 - B. Superintendent at Mecklenburg I Subsidiary.
 - C. Program Director - North Piedmont Area.
 - D. Superintendent I - Polk Youth Center.
 - E. Superintendent I - Western Correctional Center.
 - F. Recreation Director - Division of Prisons

Mr. Doctor
Page 2
11-17-75

G. Psychiatric Director - Mental Health Clinic - Central Prison.

H. Chaplain III - Central Prison.

2. Facilities for Women - The Division of Prisons has developed housing facilities for female offenders in local communities - Raleigh, Charlotte, North Wilkesbro, and Lumberton. Two new facilities have been contracted for this year and staffs have been hired in Winston-Salem and Wilmington. Two new facilities are planned next year in Greenville and Greensboro.

3. Payment to inmates - an incentive wage plan was placed in effect July 1, 1975, allowing for daily wage payments to inmates ranging from 40¢ to 70¢ and \$1.00 per day. Inmates are paid for work performed in the following categories:

A. Department of Transportation - 1,000 inmates daily.

B. Unit maintenance - 2300 daily.

C. Industries - 1300 inmates daily.

TOTAL: 4600 inmates paid daily

4. Gained Time Policy - The attached policy statement reflects changes made within the Division of Prisons relative to the administration of gained time and suggests a considerable expansion of the scope of this policy to all offenders working or participating productively in community programs.

5. Work Release Guidelines - the time served requirement for participation in the Work Release Program has been 10% not "15%). Enabling legislation was passed by the North Carolina General Assembly in 1975 to mandate the immediate placement of inmates on work release who are court recommended with sentences of less than 5 years. At this time approximately 1500 inmates participate in this program daily.

6. Medical Examination - A system-wide revision of the delivery of medical services has been implemented to insure that each inmate receives a thorough in-take physical examination with follow-up medical care. Separate medical records are now maintained on each inmate.

Mr. Doctor
Page 3
11-17-75

7. Religious Services - a Chaplain III position has been allocated to the Department has is currently occupied by a member of a minority. This Chaplain has responsibility for religious services at the Correctional Center for Women and at Central Prison.

8. Definition of Safekeepers - Currently legislation requires the segregation of safekeepers from the regular population. A distinction is drawn in the law between pre-trial and appellate safekeepers. Approximately 80% of the safekeeper population of approximately 260 inmates are appellate safekeepers who have previously been convicted.

This opportunity to review the findings of the North Carolina Advisory Committee to the U. S. Commission on Civil Rights is very much appreciated.

If this Office can be of any further assistance in the future, please do not hesitate to contact us.

Sincerely,


W. L. Kautzky
Deputy Director

WLK:mje

END