Overview: North Carolina Prisoner Legal Services (NCPLS) is a non-profit, public service law firm that provides legal advice and assistance to inmates in some cases in which they have a statutory or constitutional right to meaningful access to the courts. Although the funding reduction that was imposed in FY14 prevents NCPLS from providing meaningful access to the courts in most civil claims relating to conditions of confinement, NCPLS continues to provide self-help packets and to assist IDS in providing meaningful access to the courts for inmates with post-conviction claims. Through its contract with IDS, NCPLS serves a population of more than 37,000 prisoners in the custody of the Division of Adult Correction (DAC) by reviewing and evaluating inmate claims for post-conviction relief and by representing inmates with viable claims in court. As its limited resources permit, NCPLS may also litigate conditions of confinement claims involving ongoing violations of inmates’ constitutional rights.

Constitutional and Statutory Requirements: In a case brought against the then-Department of Correction (DOC)—Bounds v. Smith—the U.S. Supreme Court established that all prisoners have a constitutional right to meaningful access to the courts to challenge their convictions and their conditions of confinement. The State began contracting with NCPLS in 1989 as part of a later settlement to enforce that constitutional right. In lieu of funding NCPLS, the State would have to provide law libraries and persons trained in the law at DAC facilities. That would be more costly than an adequately funded NCPLS, and would result in a system that is highly unlikely to identify legitimate claims.

Post-Conviction Cost Effectiveness: NCPLS is a cost-effective way to meet North Carolina’s constitutional and statutory obligations to provide inmates with meaningful access to the courts to challenge their convictions.

- Because of the complexity of the State’s structured sentencing scheme, NCPLS often identifies sentencing errors that, once corrected, save months or years of incarceration for persons whose prior record levels were miscalculated.
- In cases where an inmate has a legitimate claim for relief from his or her conviction, NCPLS attorneys have expertise in post-conviction litigation and handle these claims quickly and efficiently.
- In cases where an inmate’s conviction and sentence are lawful and correct, NCPLS explains to the inmate why litigation would be fruitless, avoiding frivolous pro se filings.

Successful Civil Litigation: When NCPLS was fully funded, it was able to identify systemic problems within the DAC and, when negotiations with the DAC failed to result in corrective action, to litigate those issues to successful resolution. For example:

- Starting in 2009, NCPLS litigated a number of cases involving sexual abuse of female inmates; those cases resulted in a global settlement that resulted in significant changes in how DAC works to prevent and address sexual abuse. The settlement included an agreed-upon outside monitor, The Moss Group, that will keep tabs through 2016 on DAC compliance with the settlement and the Prison Rape Elimination Act as applied in women’s facilities.
- After DAC refused to implement the provisions of the Americans with Disabilities Act so that disabled inmates would have access to the same opportunities to earn gain time as their non-disabled peers, NCPLS filed a class action lawsuit. The lawsuit was settled with DAC agreeing to implement a comprehensive policy on reasonable accommodations for inmates with disabilities, including the addition of six trained staff members to ensure system-wide implementation of the policy.

Grant Funded Program:

- Safe and Humane Jails Project: This program works to ensure that inmates in local jails are treated safely and humanely.

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<th>FY15</th>
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<tbody>
<tr>
<td>Number of DAC Inmates</td>
<td>37,000+</td>
</tr>
<tr>
<td>Number of DAC Prisons Served</td>
<td>56</td>
</tr>
<tr>
<td>Number of Inmate Requests Handled (including form letter responses and pro se packets)</td>
<td>14,955</td>
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<tr>
<td>Number of NCPLS Staff (funded through contract with IDS)</td>
<td>28</td>
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<tr>
<td>Cost of NCPLS’ Contract</td>
<td>$2M</td>
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NORTH CAROLINA PRISONER LEGAL SERVICES

Unmet Needs: In light of the significant reductions to NCPLS’ funding in FY13, NCPLS has been forced to substantially reduce services to inmates.

- **Jail Credit:** NCPLS has discontinued its jail credit program, and is referring inmates with jail credit issues back to trial counsel to be addressed locally. In calendar year 2012, NCPLS paralegals, who are considerably less expensive than attorneys, identified and corrected 13,319 days of unapplied jail credit, saving the State more than $1 million in incarceration costs.

- **Civil Conditions of Confinement:** NCPLS can no longer review and evaluate most inmate claims relating to their conditions of confinement, such as complaints about excessive use of force, negligent failure to protect (including sexual assault), and the provision of inadequate medical care. Thus, inmates with legitimate grievances lack representation. Other inmates wrongly believe that litigation is warranted and proceed with frivolous pro se lawsuits. During FY15, NCPLS received 5,700 complaints about conditions of confinement.

- **Highlighted Unmet Needs:**
  - There continues to be a high incidence of sexual assaults by officers and inmates in North Carolina prisons. NCPLS received a report that a female inmate had been assaulted by an officer at one facility earlier in 2014. Because NCPLS was unable to investigate the matter in detail, it encouraged the inmate to report the assault directly to the Department of Public Safety (DPS). NCPLS also notified The Moss Group, which is the company that is monitoring DPS’ compliance with the sexual assault settlement, but the inmate was unwilling to report the assault to DPS staff. As a result, the officer was permitted to resign without any investigation or disciplinary action. After some limited investigation, NCPLS also had to decline to represent another inmate who was raped by a fellow inmate over the course of five months. NCPLS staff believe that officers were aware of the repeated assaults, and that they knew the assailant had raping other inmates as well.

NCPLS continues to receive reports of sexual violence from both male and female inmates across the State that it is forced to decline without investigation. DPS has also recently elected to eliminate the Female Command Structure that governed women’s prisons, instead sending the oversight of those units to their geographical region. NCPLS and The Moss Group have serious concerns about decentralizing oversight of women’s services. However, without additional resources, NCPLS is unable to closely monitor the transition or to investigate and litigate the sexual violence that occurs in North Carolina prisons.

- North Carolina continues to house extremely mentally ill inmates in long-term segregation, and offers little or no opportunity for treatment or promotion out of that segregation status. Inmates who end up in long-term segregation remain there for years.

NCPLS is aware of several inmates who chronically self-injure themselves, which is a serious manifestation of mental illness, but they remain in segregation with little or no access to effective mental health treatment. One of those inmates has been held in solitary confinement for more than 10 years, during which time he has severely injured himself by swallowing foreign objects or inserting them in post-surgical wounds on his abdomen. The inmate has had approximately 19 surgeries on his abdomen and 30 endoscopic surgeries due to self-injury since 2003, the latest of which left him with a colostomy bag that he may have to wear indefinitely.

States around the country are recognizing that long-term segregation is cruel and unusual punishment and are moving to change their practices. While North Carolina has not made progress in this area, NCPLS lacks the resources to pursue litigation.

- Before its funding was reduced, NCPLS prepared an extensive case file on serious violence and safety concerns at one DAC facility, including violence at the hands of other inmates. The injuries have typically been caused by stabbings with homemade weapons. Two attorneys outside of NCPLS recently filed a claim in federal court based on NCPLS’ case file. However, NCPLS continues to receive letters from men housed at the facility detailing the same types of assaults. There are troubling issues with how officers are trained and supervised, and how inmates are allowed access to weapons or materials with which they can make weapons. The pending case in federal court may address some of the issues, but most of the impacted inmates lack any legal representation.