

APPENDIX I

Methodology

This policy brief is the product of a working group of Certified Law Student Practitioners who, at the time of undertaking this project, were members of the Immigration and Human Rights Policy Clinic (now Human Rights Policy Seminar) at the University of North Carolina School of Law. All work was supervised by Professor Deborah M. Weissman. In addition, Elizabeth Simpson, an attorney with North Carolina Prisoners Legal Services (NCPLS), and who was a clinical adjunct professor at the UNC School of Law while a majority of the work was undertaken, assisted with supervision at many points throughout the project. Partners in this project include the North Carolina Prisoners Legal Services (NCPLS), the ACLU of North Carolina, NC Stop Torture, and Edelstein & Payne, LLC.

Given the gravity of the subject matter of this report and the possible impact of its recommendations, the authors of this report want to maintain transparency in explaining the methodology by which this project was undertaken. Three major sources of data collection were used for this report.

First, we turned to those best situated to express the meaning and experience of solitary confinement and its impacts. This was accomplished in the following ways. All student practitioners who contributed to this report as principal authors traveled to one of North Carolina's Department of Correction prisons that house a control unit, and interviewed prisoners who have been held, or are currently held in solitary confinement. We prioritized the highest levels of control to ensure that we were collecting data from those that have spent longer periods of time in isolation, with at least one interviewee having been in isolation for more than a decade.

Two of the interviews occurred at Polk CI, the only facility in North Carolina that houses High Security, Maximum Control classified prisoners. The other facility visited was the NC Correctional Institution for Women, which hosts an Icon unit for women prisoners. All interviews were conducted in private, with no prison staff present. Thanks to our partnership with NCPLS, we were able to conduct these interviews as legal visits and were accorded the appropriate privacy.

To augment these interviews we drafted an exhaustive survey that was sent to 300 prisoners statewide.¹ The survey focused on five major inquiries: 1) general identifying information that categorized what type of conditions of solitary confinement prisoners had been exposed to, the reasons for their being so confined, and the level of process they were afforded; 2) conditions of confinement which included questions the state of conditions of solitary cells, the amount of time spent in their cells, questions about the quantity, quality and other related matters pertaining to food, and their treatment by guards; 3) medical and mental health access, including questions about psychological issues prisoners may have experienced; 4) access to programs and recreation; and 5) the process and response of reporting grievances by prisoners.

We received 50 responses from prisoners who have spent time in all levels of segregation. We do not suggest that the results of this survey are methodologically dispositive of the issues or trends in the North Carolina system. However, the survey has produced an accurate description of prisoners experience in solitary confinement and affirm the narratives offered from our interviews with the control unit prisoners. Furthermore, the database created from this survey will be shared with our partners in hopes that it may be of help in formulating future legal strategies.

¹ A copy of the survey is available at Appendix II.

To increase the depth of narrative portion of this report, we consulted other advocacy and media reports. We examined an earlier report authored by other UNC law students in the Civil Clinic based on the interviews of prisoners housed in NC Central's Unit 1². We also reviewed a media report by a journalist in the Independent Weekly which offered an in depth focus on the experiences of a prisoner held in solitary confinement.³ Finally, we carefully examined advocacy reports from other states to show parallels and commonalities that exist with other prison systems where the practice of solitary confinement is used.

Second, one of the most important goals of this report is to make public the extent to which solitary confinement is used in North Carolina. To this end, we submitted a public record request to the NC DOC pursuant to the N.C. Public Records Act, N.C.G.S. § 132-1 et seq.⁴ We focused on trying to determine how many beds NC maintains for solitary and how many prisoners are isolated. We asked for biannual data points from the past three years and the most recent numbers of system wide and/or per institution populations in segregation. Statistically, we thought, these data points would give us a solid number of how frequently isolation is used within the system. We are also applying some statistical analysis to the raw data the NC DOC maintains on its website using Stata, statistical software. As of now, we have received partial responses to our document requests and have set forth the results from our statistical analysis of the DOC raw data.

Third, we consulted with experts in the field and reviewed the body of literature from three different disciplines: psychology, penology, and criminology. We spoke with advocates from the Vera Institute, Physicians for Human Rights, and the New York Civil Liberties Union

² Unit 1 is the Maximum Control Unit maintained in Raleigh's Central Prison.

³ Billy Ball, *What life is like in solitary confinement at North Carolina's Central Prison*, available at <http://www.indyweek.com/indyweek/what-life-is-like-in-solitary-confinement-at-north-carolinas-central-prison/Content?oid=3182175> (last visited 4/10/13)

⁴ See Appendix IV.

while developing our methodology and survey. We spoke with a former federal prison warden and a forensic psychologist who works with the NCDOC. We met with the UN Special Rapporteur on Torture, Professor Juan Méndez, whose tireless advocacy on this issue served as both an inspiration and guide in formulating this report. Finally, we reviewed the literature and scholarship of a number of experts on the mental health-related impacts of solitary confinement as well as its penological justifications.