



NC Citizens United for Restorative Effectiveness
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NC-CURE writes Governor Cooper

April 2022 Volume 8, Issue 2

Dear Governor Cooper, February 11, 2022
 I am writing on behalf of the Board of Directors of NC-CURE, a prisoner advocacy organization, to express our deep concern about the staff shortages in NC state prisons. We believe the critical staff shortages put the incarcerated men and women, as well as prison staff, in our state in grave danger.

As NC-CURE seeks to be the voice of those without a voice in NC prisons, we receive over 100 letters per month from prisoners and their loved ones. In the last few months, we have received a growing number of complaints that we believe are directly related to staff shortages.

Staff shortages in NC prisons are well described in a January 21, 2022 article in the Charlotte Observer. Statewide, 33% of correctional officer positions are unfilled. Nurses are the primary access to medical care in the prison system; alarmingly, 40% of nursing positions are vacant. Absences due to COVID and other illnesses further reduce the number of staff members available in the workforce.

Without adequate custody staff, officers working long hours and overtime can be easily frustrated and fearful. We believe this rising tension has led to the increased number of reports we're hearing about excessive use of force and restrictive housing. Many prisoners tell us they do not feel safe in an environment of escalating fights among inmates, gang activity, and drug use. Unmet medical and mental health needs threaten the safety of the entire population, inmates and staff included.

To combat staff shortages the state temporarily closed 20 units and some entire prison facilities. Unfortunately, these closures have led to significant overcrowding, custody level conflicts, and lack of adherence to COVID-19 protocols.

We understand that the COVID-19 pandemic is a factor in the current staff shortage and that NCDPS efforts are underway to secure additional prison staff. However, the current conditions in NC prisons are unsafe, imminently dangerous and not consistent with humane treatment of people in NC prisons. It is the state of North Carolina that bears responsibility for the safety and well-being of those incarcerated. We believe that immediate action must be taken to remedy the current staffing shortage.

We ask that you mobilize resources external to the Division of Prisons, such as community law officers, the Highway Patrol, the National Guard and other appropriate

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We want to be your VOICE

Send us your stories—the good, the bad and the ugly. We advocate against the wrongs, and share good news too. We read every letter and respond to as many of you as we can.

NC-CURE Executive Director's Report

If you're reading this, you know that the OTW is only available through TextBehind. Newsletters will be a little delayed until we can figure out the system.

The number of letters we receive from you each month is increasing. That's good. We'd like to receive even more so that we have an accurate picture of prison-wide issues.

Tell your family members to check out our website. Our blog has a great series on "Navigating the Visitation Process".

Division of Prisons Leadership has asked to meet with us on a quarterly basis. We had our first meeting on March 16, and will meet again in June. This will be a forum for us to share your concerns and discuss changes that are needed. We'll also be learning about Commissioner Ishee's new initiatives.

So many of you ask about the status of HB625 and HB697. Sponsoring lawmakers informed us that the bills did not move out of committee, and will not make any progress in this session, but will be revisited in 2023.

If you experience problems with the **grievance process**, please write Ms. Kimberly Grande, Director, Inmate Grievance Resolution Board, MSC 4207, Raleigh, NC 27699. Be as specific as possible. NC-CURE would appreciate getting a copy of your letter to Ms. Grande.

Every single person on the planet bears the image and likeness of God Himself. Which means we all-each and every one of us-deserve dignity and honor, no matter our differences.

Ellie Holcombe

By Sandra Hardee, Executive Director

"Make society better than how you found it" **Desmond Meade**

The Genius Speech that changed my life

As an emerging journalist serving time at Everglades Correctional Institution in Miami, I spend most of my days following leads, conducting interviews and writing down details from the inside that most on the outside can't — or don't want to — understand. Last October, when I covered the 4th Annual Gang Prevention Summit for the prison newsletter, I expected to come out with a basic story. Instead, I left with something much more meaningful.

I immediately recognized the name of the first speaker: It was Desmond Meade, the formerly incarcerated lawyer, voting rights activist and author. When he spoke to us in October, he'd just received the 2021 MacArthur Foundation "genius grant," one of the biggest honors in the world. Standing at the podium — in front of a wall with the quote, "It's never too late to become who you might have been" painted on it — was this man who left prison, earned his law degree, successfully fought for clemency in order to take the bar exam, and was a certified genius. He had flown in that morning from Orlando just to see us, the men who stood where he once did. "Let me begin by saying that you all have value and I love you brothers," he said before landing on the topic of his testimony — a commitment to something so strong that you're willing to sacrifice your life for it. "In the '90s, I was willing to die to get high," Mr. Meade said. "I was committed to destroying myself." His turning point came in 2005 as he stood on some railroad tracks in Miami waiting for an incoming train to end his life. The train was delayed, and Mr. Meade, who had been incarcerated four times, went to a homeless shelter instead. My quickly scribbled notes outlined what came next: "Treatment center." "Miami Dade College, law school." "Recognition and respect." "Family."

"That train didn't come for a reason," Mr. Meade continued. "Now I'm committed to something greater than myself. Everything I have is because I was willing to lay my life on the line to do God's work and help others."

Meade held nothing back. By talking directly to us, he spoke to the soul of this broken addict who had also felt suicidal. Suddenly, all of the days and nights that I'd spent writing and fighting to get more bylines seemed more worthwhile, because I'd seen what a higher purpose looked like. Walking back from the event, I looked up at the chain link fence topped with sharp wire. I got harassed by a guard who didn't see my humanity, headed past a chapel that didn't accept my philosophies, and arrived at the cell that holds me captive. But instead of seeing those things as oppressive, I looked at them as mere obstacles.

I can get around obstacles. I know that next year, when I get out of prison, I will be one of the millions of formerly incarcerated people who can still do great things. Words like "junkie," "destitute" and "criminal" have applied to me at some point in my life. But seeing Desmond Meade — a living example of redemption — reminded me that my sky is full of stars, my heart is full of hope, and my future is full of promise. When I approach every rising sun as an opportunity for a new beginning — even while living in a violent system — I can still find the humanity in others.

Ryan M. Moser is in recovery from drug addiction and is serving a 10-year sentence in Florida for nonviolent property crimes. Excerpted from The Marshall Project, www.themarshallproject.org, posted 2/25/2022.

Continued: Letter to Governor

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state agencies. Medical and mental health professionals from the state or community should be recruited on an emergency basis to assist with provision of these critically important services to the prison population.

Perhaps of greatest impact, prison rolls should be critically reviewed to identify inmates that can be safely released into the community. Release of inmates, especially the older ones, with debilitating diseases to families who welcome them could reduce the need for and expense of providing medical care. Enactment of the Early Parole policy could be used to reduce the prison population to a more manageable level. Expansion of the Extended Limits of Confinement program to include, for example, all nonviolent offenders with 2022 and 2023 release dates and those over the age of 50. Allowing prisoners to self-identify their eligibility for these programs could expedite the process.

Thank you for the opportunity to bring this important subject to your attention. *As of publication of this newsletter, NC-CURE is still waiting for a response from the Governor's Office.*

Update on Tablets

Currently, tablets are fully operational in eight facilities (Anson, Alexander, Bertie, Marion, Maury, Scotland, Tabor, Western CCW) with several more anticipated in the coming months as installations continue.

Current content areas are diverse, including:

- Libraries: a "regular" as well as a religious library; Westlaw law library
- Movie and music streaming and subscription options
- Various games (card games, crosswords, angry bird, etc.)
- Messaging and phone applications
- Self-focused behavioral health and evidence-based substance use treatment resources (individual use and/or group-based provision)
- News feeds
- Calculator, dictionary, facility information, and general help resources

Content areas and specific resources provided on the tablets are expected to grow with expansion throughout the state.

From NCDPS Leadership

TREC Report, January 2022

Governor Cooper's Task Force for Racial Equity in Criminal Justice (TREC) offered 125 recommendations in its report in December 2020. 2021 was a year for turning those recommendations into reality. Several pieces of legislation came out of this effort, as did the creation of the Juvenile Sentence Review Board. Recommendations related to NC prisons are:

- Increase funding for mental health services and programs in prisons.
- Expand use of restorative justice and rehabilitation programming.
- Increase DPS flexibility on incarcerated individuals' release dates.
- Transform the use of restrictive housing.
- Protect pregnant people in jails and prisons
- Enhance prison personnel training.
- Increase due process protections for people accused of disciplinary offences.

We will be reporting about progress on these recommendations in our next OTW.

Prison Rape Elimination Act

NCDPS has zero-tolerance for behavior by anyone incarcerated or staff or volunteers that is unduly familiar or sexually abusive. Sexual acts between a prisoner and departmental staff, correctional agents, agency vendors or volunteers violate The Prison Rape Elimination Act (PREA) of 2003, and is punishable as a Class E felony.

If you experience pressure from or have been sexually abused by another prisoner, DPS employee, community work site supervisor, treatment provider or agent, please report this abuse immediately. Reports may be made (but is not limited) to the following:

- ◇Prison facility or judicial district office
- ◇Officer-in-charge or probation officer
- ◇Facility or division administrator
- ◇Correction employee
- ◇Division director's office
- ◇Dept. of Public Safety Communications
Office 1-800-368-1985
- ◇PREA Administration office (919) 825-2754 or prea@ncdps.gov

NCDPS also has a zero-tolerance policy for retaliation towards someone incarcerated or an employee who reports offender sexual abuse. Reports of retaliation should be submitted to DPS PREA Office at 214 W. Jones St., Raleigh 27610.

Write NC-CURE for brochure on "Sexual Abuse Awareness for the Offender", or if your reports of sexual abuse or undue familiarity are not accepted.

Speak up:

Report sexual abuse in the prisons!



Some companies that hire felons

Abbott Labs	Kohl's
Alamo Rent a Car	Lowes
Allstate	McDonalds
American Airlines	Mobil Oil
AON Computers	Nordstrom
Applebee's	O'Charleys
AT&T	Olive Garden
Atlas Van Lines	Party City
Avis Rent a Car	Pet Smart
Bahama Breeze	Pepsi-Co
Baskin-Robbins	Red Lobster
Best Western	Rubbermaid
BF Goodrich	Safeway
Boeing	Salvation Army
Calvin Klein	Sara Lee
Campbell Soups	Sears & Roebuck
Caterpillar	Shell Oil
Chase Bank	Sony
Chipotle	Southwest Air
Dairy Queen	Sprint
Delta Air Lines	Subway
Delta Faucets	Sysco
Dollar Tree	Target
Domino's Pizza	TGI Friday
Dunkin Donuts	Toys R Us
Duracell	Trader Joes
Exxon	Tyson Foods
Federal Express	U-Haul
General Electric	UPS
GMAC	US Cellular
Great Clips	US Steel Corp
Hanes Hosiery	United Airlines
Hilton Hotels	Verizon
Holiday Inn	Walgreens
Home Depot	Wal-Mart
IBM	Wendy's
Ikea	Xerox
Jiffy Lube	
Jimmy Johns	<i>This is not a</i>
KFC	<i>complete list.</i>
K-Mart	

Just for laughs.....

A little boy was at a wedding. He asked his cousin, "How many women can a man marry?" "Sixteen!", the young man answered. "How did you know that?" The cousin said, "Didn't you listen? The preacher said four better, four worse, four richer, four poorer. Add it up. That's sixteen!"

Covid Grief

I write today on behalf of the countless men and women who have experienced the loss of a loved one during this pandemic. Their sadness is deep, of course. And I believe it is even deeper for those who are separated from each other because of incarceration. When there is no opportunity to say goodbye, much that could and should be said to each other can not happen. This leaves a wound of unfinished business. There is a longing for closure that may last a lifetime. I am sure I speak for many people who recognize this wound and would like to offer comfort. I invite you to read this poem as you remember your loved one. Know that each of your stories are still unfinished, and that he or she is only gone from your sight.

Gone From My Sight, by Rev. Luther F. Beecher

I am standing upon the seashore.
 A ship at my side spreads her white sails
 To the morning breeze, and starts for the blue ocean.
 She is an object of beauty and strength,
 And I stand and watch her until she hangs
 Like a speck of white cloud just where
 The sea and sky come down to mingle with each other.
 Then someone at my side says: "There she goes!"
 Gone where? Gone from my sight—that is all.
 She is just as large in mast and hull and spar
 As she was when she left my side,
 And just as able to bear her load of living freight
 To the place of destination.
 Her diminished size is in me, and not in her.
 And just at the moment
 When someone at my side says: "There she goes!"
 There are other eyes that are watching for her coming;
 And other voices ready to take up the glad shout:
 "Here she comes!"

Karen Gronli, NC-CURE Advocate

Rev. Manning follows the voice of the Lord

Born and raised in Gastonia, NC, I was a product of cotton mill workers. My mother and father were both employed in textiles, until my dad lost his 3 fingers in a machine. With the insurance money given him because of the accident, he built a little 3 room house in south Gastonia. That is where I lived until I was married the first time at age 15.

After 5 years of domestic violence, I left and moved to Cleveland, Ohio where my parents had moved. Jesus saved my life in Ohio when the enemy of my soul spoke to me and said, "Get a gun and blow your brains out." But Jesus was there with me, and He said, "What about eternity?" I was half way up from my chair, but I sat back down. Thank God for a praying mother that didn't give up on me. Thank God if we

pray, He will answer.

Twenty-five years later, I found myself in Gastonia again. Jesus spoke to me, "Preach my Word". And not knowing what to do with that, I thought to myself, I can preach in the jail. And so I did. God was faithful to establish His will in my life, always sending someone to go into the jail with me. I began my jail ministry, and it grew rapidly. I pressed on and became a chaplain and an ordained minister in the Church of God. One day I went to Raleigh to talk to Prison Chaplain Prince. After that meeting, we started the Transitional After Care Network, better known as TAN.

When I remarried, my husband and I built a business, Randy's Muffler Brake Shop of

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Continued: Rev. Manning follows the voice of the Lord

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Gastonia. He went with me to many of the prisons all over the western part of the state. We witnessed God moving mightily. Men and women turning their lives around for Jesus. When my husband got sick in 2004 and finally passed in 2012, I had to quit working with TAN. I was not able to serve and take care of the business too. BUT GOD is faithful to be with us all the way. He will never leave us or forsake us.

Despite the loss of my husband, I am not alone. My three sons and a daughter are still with me. Jesus takes real good care of me. I trust Him. He always goes ahead of me and makes crooked places straight. He

delivers me from trouble, and He is my life.

In 2004 while I was pastoring a little church in McAdenville, I met Elizabeth Forbes who later became Director of NC-CURE. Once NC-CURE was established in 2007, I joined the Board of Directors. Today, I'm free to continue my jail and prison ministry, serve NC-CURE, and work with TAN. Since Sandra Hardee became the Director for NC-CURE, we are really involved advocating for inmates that need help while incarcerated.

In my ministry with TAN, we follow up with men and women after their release.

To God be all the glory for all He has done. We just follow Jesus. He does the rest.

Rev. Mable Manning, Board Member

NC-CURE and Social Media

Our intern from Meredith College, Crystal Poole, has been posting important articles on our social media sites, Facebook, Twitter, and Linked In—and our readership numbers are exploding. Many posts link to our new website, www.nccure.org. Tell everyone to check it out!



It will help if you start each day with a positive thought and a grateful heart.

Introduction to a Section 1983 Federal Civil Rights Lawsuit

In the last NC-CURE newsletter, I shared information about filing a negligence claim in the Industrial Commission. If you have experienced a violation of your Constitutional civil rights by a state or local official, you can file a claim in one of the three federal courts in North Carolina. Section 1983 is a law that allows one to file a legal action against state and local officials or governments that commit acts that violate civil rights. This law is to ensure that rights existing under federal law and the United States Constitution are followed and respected by state and local government officials.

You must first show that you were deprived of a federal or Constitutional right. Matters of only state law should be litigated in state court or the Industrial Commission. You will also have to figure out who the defendants are that you are filing your lawsuit against. Once you identify the defendant or defendants in your case, you must ensure that the person who violated your rights must have acted "under color of state law" meaning that this person acted under the authority of state government.

Then, you will need to figure out what you are asking for. In a federal 1983 lawsuit, there are two remedies available: 1) injunctive relief and 2) monetary relief. Injunctive relief means that the court would order a defendant to stop doing the action or actions that violated your rights, or to take action to protect your rights. Monetary damages will provide money

compensation as the result of the actions that you sue for.

When seeking injunctive relief, you need to state in your complaint that you are suing the defendants in their official capacity. Conversely, if you are claiming monetary damages against a state official, you should state in your complaint that you are suing the defendant in their individual capacity.

This is a very brief introduction of a complicated process. In the next newsletter, I will write further about filing and litigating your federal lawsuit. If you have further questions or need examples to use as go-bys, please write to us so that we can help at: NCPLS, PO Box 27611, Raleigh, NC 27611. We are privileged to serve you and we thank you for the opportunity to continue to do so.

This article is written by an attorney and is intended for informational purposes only, and does not create an attorney/client relationship.

Prisoner Legal Services Wants Your Feedback

As the executive director at NC Prisoner Legal Services, I am currently doing surveys to see how we can better serve you, our clients, and your families. If you have suggestions for me on how to improve our services, please write to me directly at NC Prisoner Legal Services, c/o Beth Hopkins Thomas- Improvements, PO Box 27611, Raleigh, NC 27611. I will personally read every letter I receive.

By Beth Thomas, Executive Director of NCPLS

Seeing God's Love

Sharing love is the most important task.

Forgive others and yourself for the past.

Our time on Earth is very fast,
Live each day as if it were your last.

Get rid of pain by feeling good for others.

Share with sisters and brothers.

Give to the needy when you are bored,

Spreading joy is the reward.

Pray with truth to the Lord,
The Holy Spirit has you on record.

Show mercy and grace,
With that it will be replaced.

Look for something to praise God.

It's everywhere if you are prepared.
The golden sunrise is something to be shared.

Newborn spring flowers bloom,
Colors red, orange, yellow loom
"Birds with new blue eggs to groom"
They stretch their feathers to fly with others soon.

By Inmate David Pickett



Calculating Release Dates for Felony Sentences Under SSA

Felonies committed on or after 10/1/1994 are subject to the Structured Sentencing Act (SSA). The minimum sentence is determined by the sentencing grid based on prior record level and offense class. Sentences may be presumptive, aggravated, or mitigated, and a minimum sentence will be selected from those ranges. After the minimum is determined, there is a separate chart where the matching maximum can be found. Maximum sentences are generally 120% of the minimum sentence plus the required time for post-release supervision.

When a sentence begins, the projected release date will be for the maximum sentence, minus any jail credit. Jail credit is time already spent in confinement for the charge that resulted in that conviction. This is calculated by the judge at the time of conviction. After conviction, there is an opportunity to move the projected release date closer to the minimum sentence with sentence reduction credits. These credits are awarded by the Department of Public Safety for good behavior, work, or program participation. Earned time is the most common sentence reduction credit.

Earned Time I: credit of 3 days per month for 4-6 hours per day in unskilled jobs or low-level activity, or protective control, assignment pending status, or those assigned to the Security Threat Group Management Unit (STGMU) Phase 1.

Earned Time II: credit of 6 days per month for 4-8 hours of skilled labor or moderate level activity each day or STGMU Phase 2.

Earned Time III: credit of 9 days per month for at least 6 hours of skilled or high-level activity each day, programs rated as Level III that require 28-40 hours of instruction per week, or STGMU Phase 3.

Earned time may be lost for disciplinary infractions but may be restored for improved behavior. People with disabilities who cannot be given a reasonable accommodation to participate in a job or program will earn sentence credits as Earned Time III, or 9 days per month. Earned time will never reduce a sentence below the minimum sentence ordered by the court or shorten the length of post-release supervision.

In addition to earned time, meritorious time may be awarded for acts of heroism, working overtime, working in inclement weather, and special educational achievements like completing a degree. The amount of meritorious time is based on the reason it is awarded. Like earned time, meritorious time will never reduce a sentence below the minimum.

Note, in limited situations, a judge will order Advanced Supervised Release. This program must be ordered by the court at the time of sentencing, and special rules will apply.

More detailed information about sentence credits may be found online in the NCDPS Policy and Procedure Manual. <https://www.ncdps.gov/adult-corrections/prisons/policy-procedure-manual>

From UNC School of Law

COVID update in prisons

As reported by NCDPS on March 2, 2022, the NC state prison system has NO active COVID cases. There are 7,368 fully vaccinated staff and 22,465 fully vaccinated incarcerated people. Of the total 52,774 COVID tests taken in the prison population, 25% tested positive. A total of 8,917 prisoners are presumed recovered from active COVID disease.

We expect that COVID restrictions will be reduced, and that programming, volunteer entry and visitation will open up soon.

Governor grants clemency to three people

On March 10, 2022, Gov. Cooper has commuted the sentences of 3 people who were convicted for crimes committed when they were teenagers. The commutations are the first recommended by the newly established Juvenile Sentence Review Board. The creation of the Review Board followed the change in North Carolina law which raised the age of juvenile jurisdiction to include 16- and 17-year-olds, making NC the last state in the nation to do so.

The three people whose sentences were commuted are:

April Leigh Barber, 46, who has served 30 years in prison for her role at age 15 in the murders of a couple in Wilkes County.

While incarcerated, Ms. Barber has been consistently employed and has participated in significant programming, including earning her G.E.D and paralegal certificate.

Joshua McKay, 37, who has served 20 years in prison for the murder at age 17 of a woman in Richmond County. While

incarcerated, Mr. McKay has been consistently employed, including as a carpenter and welder. Mr. McKay's projected release date absent this commutation would have been in November 2022.

Anthony Willis, 42, who has served 26 years in prison for the murder at age 16 of a man in Cumberland County. While incarcerated, Mr. Willis has been consistently employed and has completed five college degrees.

"These commutations of former youth are a step towards a more humane criminal justice system that recognizes the value of rehabilitation and second chances." said Marcia Morey, chair of the Juvenile Sentence Review Board.

Those wishing to have their sentences reviewed may submit petitions. Some pro bono legal help may be provided by NC law schools and advocates.

From press release, Governor's office, March 10, 2022

Join today and let NC-CURE be your VOICE for CHANGE

NC-CURE is membership-driven and operated by volunteer staff. Annual membership dues help to offset the high cost of printing and postage for our publication *On The Wire* (OTW). The newsletter provides news and resources members need to better understand the criminal justice system. If you would like to receive OTW by mail or email, please tear off and complete the form below, and mail it to **NC-CURE, P.O. Box 5013, Kinston, NC 28503**. Make checks or money orders payable to NC-CURE.

2022 Membership Application

Name (Inmate and OPUS #/Family Member/Supporter)		Date
Correctional Facility	Mailing Address	
City	State	Zip Telephone
Family Member relationship to Inmate/OPUS #		Email Address
<input type="checkbox"/> Inmate (\$3.00) Indigent inmates may send stamps for membership providing they are not violating prison policy. Otherwise membership dues are waived.	<input type="checkbox"/> Individual (\$25.00) <input type="checkbox"/> Family & Inmate (\$30.00) <input type="checkbox"/> Individual Supporter (\$50.00)	Inmates will receive newsletters by TextBehind. PLEASE CHECK ONE: I prefer receiving OTW by <input type="checkbox"/> Direct Mail <input type="checkbox"/> Email
<input type="checkbox"/> I would like to serve as a volunteer for NC-CURE in the capacity of:		Contact NC-CURE at northcarolinacure@gmail.com



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"The degree of civilization in a society can be judged by entering its prisons." Fyodor Dostoyevsky

WHO WE ARE

NC-CURE (Citizens United for Restorative Effectiveness) is a non-profit 501(c)(3) grassroots prison advocacy organization established in 2007 and staffed by volunteers. Its mission is to advocate for the humane treatment of people in North Carolina prisons. Its vision is that North Carolina prisons will restore, rebuild and resource incarcerated individuals so they are prepared for successful reentry into the community.

WHAT WE DO

SUPPORT: Encourage and provide hope to people in prison and their loved ones

CALL ATTENTION: Intervene when prison practices deny people in prison dignity and respect as human beings, adequate medical care and nutrition

ADVOCATE: Proactively advocate for change in NC prison practices to protect the human rights of prisoners

EDUCATE: Provide resources that members and the general public need to understand the prison system

COLLABORATE: Team up with criminal justice reform agencies to promote fair treatment of people incarcerated in NC prisons