



**SOUTHERN
CENTER FOR
HUMAN
RIGHTS**

THE **HUMAN RIGHTS** REPORT

ANNUAL NEWSLETTER OF THE
SOUTHERN CENTER FOR HUMAN RIGHTS

OCTOBER 2024



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The Southern Center for Human Rights is working for equality, dignity, and justice for people impacted by the criminal legal system in the Deep South. SCHR fights for a world free from mass incarceration, the death penalty, the criminalization of poverty, and racial injustice.

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THE POWER OF JOY

SUSTAINING OUR FIGHT FOR EQUALITY, DIGNITY, AND JUSTICE



By Terrica Redfield Ganzy,
Executive Director

The cover photo for this edition of our Human Rights Report was taken during our staff strategy retreat this summer. I love this photo because it reminds me of the joy we created with each other—laughing, dancing, singing, reflecting, and visioning during our time together. That photo reflects the importance of finding joy as we work to advance equality, dignity, and justice.

I distinctly recall a holiday gathering with my family when one of my uncles reminisced about the fun he and his friends had as teenagers and young adults, going out to parties and clubs. In the same breath, he mentioned that doing so despite the dangers they faced was perhaps foolish.

My uncle had grown up in the Jim Crow South. He knew all too well that on any one of those nights, he and his friends could have been stopped and potentially lynched. But dance they did because humans need and deserve to be joyful, and by finding joy, they defied systems designed to keep them fearful and oppressed.

Our work to transform criminal legal systems often confronts the most extreme forms of human suffering, injustice, and systemic violence. The work can be emotionally and mentally exhausting. The scale of the challenges—mass incarceration, racial disparities, the criminalization of poverty, inhumane prison and jail conditions, extreme sentences—can feel insurmountable.

FIND WAYS TO CULTIVATE



BOUNDLESS JOY

Yet, amidst the weight of these injustices, finding joy in our fight for a more just, healing, and compassionate society is not only possible but essential.

Joy in this struggle is not about ignoring or minimizing the severity of the issues we face. Instead, it is about finding meaning, connection, and moments of hope that sustain us. It is about recognizing that while the criminal legal system inflicts deep harm, the efforts to challenge it are rooted in love, community, and a shared commitment to dignity and justice.

One of our greatest sources of joy is our sense of community. Working alongside others, like you, who share our values and our vision for a better world is deeply nourishing. There is joy in solidarity, and the relationships that we forge with the people and communities we serve, and with the people who support our mission, remind us that we are part of something bigger than ourselves.

In the fight to dismantle oppressive systems, victories sometimes feel few and far between, especially when confronting something as deeply entrenched as the criminal legal system. However, we must celebrate our progress to honor the people who have struggled before us. When a woman is released from prison and reunites with her family, that is cause for celebration.

When our demands are met, and harmful practices are eliminated, causing systems to change, that is a moment to rejoice. When even one policy shifts toward healing, we must tip our hats to the people and the labor that made it possible. Doing so affirms the importance of the work we're doing together and cultivates the hope needed to continue.

Finding joy in this work is, in many ways, an act of resistance. The systems we are fighting often seek to dehumanize and demoralize. By nurturing joy, we reject the notion that despair must dominate our lives. We claim our right to experience fulfillment, purpose, and even happiness during difficult times. Joy reminds us why we began this work in the first place: not only to dismantle what is harmful but also to build what is healing and just. Even in the face of extreme harm, our work remains a labor of love and hope.

In this newsletter, you will read stories that lift up freedom, resilience, determination, and community. You will also witness the impact of fierce and creative advocacy. I hope you will find joy in knowing that you are a part of something transformative, and I challenge you to find ways to cultivate a boundless joy that will sustain you in this fight.

Terrica Redfield Ganzy
Executive Director



In 1997, William Adams was sentenced to 30 years without parole for selling less than a gram of cocaine.

FIGHTING FOR FREEDOM

SCHR'S CHARGE TO REVERSE DRACONIAN DRUG SENTENCES



By Ben Mordechai-Strongin,
Fmr. Michigan Law Victor's
Fellow

From the 1990s until 2012, a person in Georgia convicted of a third offense for possession of a drug like cocaine or marijuana was mandatorily required to be sentenced to thirty years in prison without the possibility of parole. Acknowledging the severity of that law, the Georgia legislature reduced the maximum sentence a person could face for a third possession offense to six years in prison. Yet dozens, if not hundreds, of people are still serving thirty-year sentences for these minor drug possession crimes committed before 2012.

People convicted of slightly more severe drug crimes, such as possession with intent to distribute crack-cocaine, face still longer sentences, even after the 2012 changes to drug sentencing laws.

For example, today a second conviction for the sale of even ten dollars' worth of crack-cocaine can carry with it a forty-year sentence. These sentencing laws are applied with severe racial prejudice. Black people are 2,700% more likely to receive extreme sentences in Georgia than similarly situated white people.

In response to this egregious sentencing scheme, the Southern Center for Human Rights has fought to obtain the release of individuals convicted of drug crimes who were sentenced to extremely long prison terms under Georgia's recidivist sentencing laws. These efforts began in 2015 and have developed into a vigorous advocacy program over the past decade.

To date, SCHR has secured the early release of approximately thirty individuals facing sentences up to and including life in prison for drug-related charges. SCHR currently represents numerous clients in a continued effort to secure their early release from prison for these minor offenses.

In addition to our drug-related resentencing efforts, SCHR has secured early releases for people convicted of other crimes. For example, we have worked diligently to provide sentencing relief to people sentenced to life in prison without the possibility of parole, particularly those convicted as a juvenile. SCHR has also represented individuals facing lengthy sentences for other offenses, such as armed robbery, burglary, and manslaughter. Excluding our death penalty work, SCHR has individually advocated for over 150 men and women to obtain better sentences for those who faced unjust convictions, legal sentencing errors, and egregious sentencing practices.

In light of SCHR's expansion into resentencing work, we have recognized the importance of ensuring a successful transition back into society for our clients, many of whom spent decades in prison. That is why, in 2020, we hired Waleisah Wilson to the new position of Client Services Advocate. In that role, Waleisah ensures SCHR clients who have secured release have access to a robust support system that will help them successfully return home. SCHR now provides these clients with life and job skills trainings, mentorship, assistance with securing benefits, help obtaining identification and other vital records, securing transportation, and support with budgeting and financial literacy.

We also connect clients to community resources that will help them attain housing, mental health, and medical care and offer emergency assistance to help clients who are struggling to address these critical needs. Our clients are connected to community reintegration and networking programming – including an annual retreat Waleisah coordinates and hosts – dedicated to providing workshops on topics including operating computers and smart phones, career preparation, and learning how to spot and report scams.

SCHR is proud to share that these programs and our clients' own work-ethic and commitment have helped our clients thrive after their release from prison. For one of dozens of possible examples, look to William Adams. Mr. Adams served 25 years for selling less than a gram of cocaine. Thanks to Mr. Adams' immaculate prison record, robust support network, and institutional achievements, SCHR was able to coordinate with local prosecutors and secure Mr. Adams' release five years earlier than he otherwise anticipated. That is five more years for Mr. Adams to spend with his children and grandchildren, five more years to earn money from a job that he secured within a month of being released, and five more years for him to live a full and vibrant life as an impactful and positive force in his community. Since his release, Mr. Adams has secured housing, obtained his driver's license, obtained and maintained employment, and is currently working on furthering his education and starting a small business.

SCHR is eager to continue our fight to help more clients return home to rejoin their families and communities. With the support of our donors and partners, we can assist more people like Mr. Adams access the chance to achieve the life they've dreamed of outside of prison. We look forward to the continued fruits of these efforts and are grateful for the support of people like you so that we can do more of this vital work.

BY THE NUMBERS

SINCE **FEBRUARY 2015**, THE
SOUTHERN CENTER FOR HUMAN RIGHTS HAS
SECURED RESENTENCING FOR
[86] PEOPLE.

COMBINED, THESE INDIVIDUALS HAVE
SERVED APPROXIMATELY

[2,396] YEARS

INSIDE PRISONS ACROSS GEORGIA,
ALABAMA, AND LOUISIANA.

PRISON WITHIN A PRISON

SCHR'S FIGHT TO END SOLITARY CONFINEMENT IN GEORGIA



By Alison Ganem,
Staff Attorney



By Atteeyah Hollie,
Deputy Director



By Kirsten Wilder,
Investigator

There is a broad consensus among both correctional and medical experts that solitary confinement—i.e., confinement in a cell for 22 hours or more per day, alone or with other people, in a way that limits meaningful human contact—causes irreparable harm. Indeed, the harms of solitary confinement are profound and far-reaching. They range from physical consequences (like an increased risk of hypertension, stroke, diabetes, and cardiac disease) to cognitive consequences (such as a measurable loss in brain activity and brain functioning) to psychological effects (including depression, anxiety, sleeplessness, hallucinations, suicidal ideation and behavior, and feelings of being on the verge of “losing it” or breaking down).

Despite these damaging consequences, however, the Georgia Department of Corrections (GDC) continues to use solitary confinement with abandon—confining hundreds of people across the prison system in its “Tier Programs,” or long-term solitary confinement that lasts a minimum of 270 days, and sometimes more.

People subjected to these practices are regularly deprived of basic dignities like time out of their cells, consistent showers, and meaningful mental health services—to say nothing of access to educational programs, vocational classes, or rehabilitative opportunities. As a result, many people in Georgia’s Tier Programs experience profound physical and psychiatric decompensation.

The Southern Center for Human Rights is committed to the long-term goal of ending solitary confinement in Georgia and, in the interim, mitigating its harmful effects. In 2016, SCHR accepted an appointment from the District Court for the Middle District to represent Timothy Gumm, a man who had been held in the Tier Program at the Special Management Unit (“SMU”) for 7.5 years, and who had filed compelling pro se litigation about his treatment there. SCHR, joined by Kilpatrick Townsend & Stockton LLP, later entered the case as counsel for both Mr. Gumm and a putative class of all men held in the Tier III Program at the SMU, and we filed a motion for a preliminary injunction. On the eve of a preliminary injunction hearing, the parties reached a settlement in the case.

The settlement and Court order require the Georgia Department of Corrections to provide men at the SMU with, among other things, four hours per day of out-of-cell time, access to programming and classes, food and cell furnishings consistent with those provided to the general population, due process protections prior to assignment to the SMU, and limits on people’s duration of confinement there.

In May 2019, the settlement agreement was adopted as an order of the Court. In June 2022, following SCHR’s litigation alleging that Defendants were in contempt of the agreement, an addendum was made that extended and modified the agreement. Although the settlement was a significant victory, prison officials continued to flout some of the agreement’s most critical provisions—and so in July 2023, SCHR moved the Court for an order to show cause why prison officials should not be held in contempt of the settlement agreement and injunction.

On April 19, 2024, the Court held GDC officials in contempt for what the Court called their “longstanding and flagrant violations” of the settlement agreement. To remedy GDC officials’ violations of the settlement agreement and injunction, the Court ordered the appointment of an independent monitor, a six-month extension of the settlement agreement, attorney’s fees and expenses, and coercive daily fines against the GDC. In keeping with this ruling,

SCHR will continue to monitor conditions at the SMU and to vigorously defend the rights of our class members there. But our advocacy is not limited to prisons alone. We continue to advocate for women with serious mental illness detained in the Fulton County Jail, who were routinely held in around-the-clock solitary confinement for no other reason than their psychiatric disability, leading to the same type of decompensation we saw in the SMU and other Georgia prisons.

In July 2019, U.S. District Court Judge William Ray, II issued a preliminary injunction compelling the Fulton County Sheriff’s Office to, among other things, reduce its reliance on extreme isolation and provide therapeutic programming and consistent mental healthcare to women with psychiatric disabilities. This preliminary injunction was followed by a comprehensive settlement agreement in April 2022. The settlement adopted the improvements demanded in the injunction while instituting others that, if fully followed, would ensure that women with severe mental illness were not left in prolonged isolation.

However, just as with the SMU case, our monitoring efforts have shown that the Sheriff’s compliance with the agreement is inconsistent at best, with some women being deprived of the required out-of-cell time and jail staff mischaracterizing these denials as refusals.

In March 2023, SCHR, along with its co-counsel at the Georgia Advocacy Office and Caplan Cobb LLC, filed a motion to find the Fulton County Jail in material breach of the settlement agreement. After extensive briefing and a day-long evidentiary hearing, U.S. Magistrate Judge Regina Cannon entered an order in January 2024 finding that Sheriff Patrick Labat had indeed breached the settlement agreement. In her order, Judge Cannon wrote that “it is clear that [the sheriff] can do more—indeed, must do more—to meet the terms of his agreement with Plaintiffs.” The sheriff has appealed this ruling. This order was upheld by Judge Ray six months later, in June 2024.

As with our work on behalf of people in Georgia’s prisons, SCHR’s efforts to end solitary confinement in the state’s jails continue with full force. We will not stop until this cruel, damaging, and ineffective practice is a thing of the past in our state.

—

A PERSON WAS EXECUTED

NEW DEATH SENTENCES DECLINE, BUT EXECUTIONS CONTINUE

THE DEATH PENALTY LANDSCAPE IN GEORGIA AND ALABAMA



By Patrick Mulvaney,
Director, Capital Litigation Unit



By Ben Mordechai-Strongin,
Fmr. Michigan Law Victor's
Fellow

New death sentences across the country have declined significantly in recent years, yet state governments are going to great lengths to increase the pace of executions. Because of these diverging trends, many of the people currently facing execution would not even be sentenced to death if they were prosecuted today. Even more concerning, many of the people facing execution were convicted and sentenced to death at trials that were plagued by race discrimination and under-resourced defense counsel, which have defined the death penalty system for generations.

In 1972, the Supreme Court decided in *Furman v. Georgia* that the sentencing scheme used to impose the death penalty in most states was unconstitutionally arbitrary.

The decision was viewed as an end to the death penalty in the United States, but it was not a ban on capital punishment per se. Instead, it struck down what Justice Brennan called an infliction of severe punishment by the State, “without reason,” “upon some people ... that it does not inflict upon others.”

Justice Marshall appended to his opinion statistical analyses of the death penalty that showed substantial racial and gender discrimination. Beyond race and gender, however, Marshall wrote, “[i]t is also evident that the burden of capital punishment falls upon the poor ... and the under privileged members of society.”

THE EXECUTIONS TAKING PLACE TODAY ARE THE RESULT OF SENTENCES IMPOSED DECADES AGO

Furman came at a time when executions were virtually non-existent, and when death sentences were imposed at a historically low level in this country.

Following *Furman*, many states passed new death penalty laws, claiming that the new laws would avoid the arbitrary application of the death penalty. Just four years after *Furman*, the Supreme Court held that Georgia's new death penalty law, which was ostensibly more "consistent" (though in practice was applied as discriminatorily as ever), was constitutionally permissible. This 1976 case, *Gregg v. Georgia*, invited states to continue pursuing capital sentences and executing people. Against this backdrop, just months after *Gregg*, the Southern Center for Human Rights (originally called the Southern Prisoners' Defense Committee) was founded.

Despite the low levels of executions that took place before *Furman*, death sentences and executions increased sharply after *Gregg*. But, in the early 2000s, death penalty rates began to drop both in the South and throughout the country. For example, in Georgia, there were 12 new death sentences in 1997 and 12 more in 1998. Fast forward 20 years, and there were no new death sentences in Georgia in 2017 or 2018. In the past decade, Georgia has had only three new death sentences. In Alabama, new death sentences have declined as well, from a high point of 22 in 1998 to three in 2023.

To be clear, this does not mean the death penalty has gone away. After botching two execution attempts by lethal injection last year, Alabama was the first state to carry out an execution in 2024, executing Kenneth Smith.

Mr. Smith was represented by SCHR attorneys at his 1996 trial, where the jury recommended a life sentence by a vote of 11 to 1. The judge, however, overrode the jury's recommendation and imposed a death sentence. Mr. Smith was executed by nitrogen gas on January 25. In March, Willie Pye became the first person executed in Georgia in four years. Mr. Pye's execution came 28 years after his death sentence was imposed in 1996, and it involved many of the same problems Justice Marshall observed in *Furman* in 1972.

As these cases demonstrate, the executions taking place today are the result of sentences imposed decades ago—sentences that would not be imposed today. In 2017, the Alabama legislature outlawed judicial overrides, which allowed judges to impose a death sentence over the recommendation of a jury that voted for life. If that law had been in place at the time of Mr. Smith's trial, the sentence in the case would have been life without parole instead of death. Judicial override amounted to more than 20% of all death sentences imposed in Alabama between 1981 and 2015 (101 out of 412). Prior to the 2017 law, Alabama was the last state in the nation that still allowed the practice.

Although new death sentences are on the decline, there is so much work to be done. SCHR continues to represent people at all stages of death penalty cases. In addition, SCHR represents people in many non-capital cases as well—including cases involving life sentences for children, cases undermined by race discrimination, cases in which the conviction was obtained using junk science, and cases involving excessive sentences for drug offenses. In the face of all that remains to be done, SCHR will continue to work alongside our clients for dignity, fairness, and justice.

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JRP Strategist Tanika Nicholas joined Women on the Rise GA and partners for the 10th Anniversary FreeHer March and Rally in Washington, DC. April 24, 2024.

2024 LEGISLATIVE SESSION OVERVIEW

CHALLENGING "TOUGH-ON-CRIME" POLICY



By Tiffany Roberts,
Public Policy Director



By Kirsten Wilder,
Investigator

With the 2023–2024 Biennial Legislative Session behind us, we reflect on the ever-evolving public sentiments and political agendas that characterized the work of the Georgia General Assembly. Maintaining hard-fought criminal legal reform wins has emerged as a critical issue across the United States, driven by concerns over mass incarceration, racial disparities, and the ineffectiveness of punitive measures. In Georgia, these concerns have been particularly pronounced with policymakers embracing misguided crime wave narratives that do not adequately address public safety concerns.

In contrast to the legacy of former Governor Nathan Deal, which was characterized by bipartisan collaboration on common-sense criminal legal policy shifts, current leadership has, often on a bipartisan basis, undone much of the progress SCHR worked with our allies to achieve. In the aftermath of nationwide responses to state-sanctioned violence in 2020, the Governor, Attorney General, and General Assembly championed a renewed emphasis on repressive "tough-on-crime" policies that enhance civil and criminal penalties for certain offenses, expand the scope of law enforcement's authority, penalize demonstrators exercising their First Amendment rights, and decrease judicial and prosecutorial discretion.

Georgia has long struggled with the devastation caused by decades of failed "tough-on-crime" policies. This approach has proven to be ineffective while also draining Georgia's financial resources and failing to show any significant signs of increased public safety.

Despite harsh sentencing, the state of Georgia continues to incarcerate its citizens at a rate that is higher than most states in the nation, a reality that disproportionately impacts communities of color. More importantly, the substantial financial burden imposed by maintaining high incarceration rates and expanding the carceral footprint diverts funding from essential areas such as education, healthcare, and social services. These policies perpetuate endless cycles of poverty and limit opportunities for formerly incarcerated people seeking to reintegrate into society.

Despite what we know about these policies, the commitment to the tough-on-crime approach played a significant role in Governor Kemp's legislative priorities. Consequently, this approach influenced our legislative priorities and the bills we championed to deliver relief to the people of Georgia. Below are just a handful of bills we championed during the 2024 legislative session.

IMPLEMENTING DEATH PENALTY INTELLECTUAL DISABILITY LAW REFORM

HB 1014

On Legislative Day 9, Chairman Bill Werkheiser and a bipartisan list of co-sponsors introduced HB 1014, a bill that would modify the standard of proof in and when the determination of intellectual disability is made within capital cases, while also providing for a motion for a person to prove intellectual disability pretrial. As the legislative session progressed and after much discussion between partners and legislators, this bill was tabled to allow stakeholders on all sides to make improvements before the 2025 session.

ENDING JUVENILE LIFE WITHOUT PAROLE

HB 1214

On Legislative Day 18, Representative Yasmin Neal and bipartisan co-sponsors introduced HB 1214. This bill aimed to both codify current precedent by eliminating the death penalty and prohibit life in prison without the possibility for parole for children who were under the age of 18 at the time of an alleged crime. Unfortunately, this bill did not move through the legislature.

HR 1416

On Legislative Day 34, Representative Yasmin Neal and Chairman Bill Werkheiser introduced HR 1416. This resolution created the House Study Committee on Felony Sentencing and Punishment in Georgia. Unfortunately, this bill did not receive final consideration on the House floor and the committee was not adopted.

REMOVING BARRIERS TO REENTRY

HB 909

On Legislative Day 4, Representative Leesa Hagan, in partnership with the Georgia Justice Project, introduced HB 909. This bill allows for people sentenced under Georgia's First Offender Act to be eligible for restriction and seal of criminal history for the purpose of things like housing and employment. Unfortunately, this bill did not move through the legislature.

SB 157

On February 14, 2023, Senator Brian Strickland introduced SB 157, a bill that removes barriers in occupational licenses for people who are justice-impacted and expands access to record restriction. Unfortunately, this bill did not receive final consideration on the Senate floor.

FIGHTING MASS INCARCERATION

HB 1054

On Legislative Day 10, Representative Yasmin Neal and a bipartisan list of co-sponsors introduced HB 1054, a bill that would remove the arrest requirement for people who refuse to sign a traffic citation given by law enforcement for traffic offenses. Unfortunately, this bill did not receive final consideration on the Senate floor.

ENGAGING COMMUNITIES IN POLICY REFORM

Our Public Policy Unit has remained a proactive force committed both to pursuing progressive policy shifts and mitigating the harm of policies that prioritize punitive measures and disregard public safety. We have actively engaged and created opportunities for community discussion and collaboration on the critical issues that affect impacted communities. One of the ways our unit has done this is by utilizing the power of the Justice Reform Partnership (JRP), a coalition of more than 90 grassroots and grassroots organizations fighting to transform Georgia's criminal legal system. The JRP hosts annual events to inform and empower communities such as Talk Justice Tuesday (TJT).

TJT is a state legislative series that was created to discuss the issues and solutions important to communities impacted by criminal legal systems. This year, we took a deep dive into specific policy questions and heard from community members, advocates, and lawmakers about opportunities for reform. The series included advocacy training and discussions on youth justice, conditions of confinement, overcoming barriers of reentry, and a debriefing of 2024 legislation, allowing advocates and experts to reach people across the state.

TJT was one of many events hosted by the JRP during the legislative session in addition to our annual advocacy day that occurred during this year's Crossover Day on February 29, 2024.

More than 200 community members, advocates, and leaders gathered to celebrate the 13th annual Criminal Justice Advocacy Day at the Capitol. This year's theme, "Justice Day 2024: Justice is a Family Affair" highlighted the justice system's widespread impact and emphasized the reality that incarceration, the legal system, and justice involvement impacts whole families. According to the FWD. Us Education Fund, one in two Americans have had a family member in prison, one in two have had a sibling incarcerated, and one in five have had a parent incarcerated, one in seven has had a spouse or co-parent incarcerated, and one in eight has had a child incarcerated.

Justice Day offered insightful panel discussions, opportunities for networking, and call-to-action activities. Panelists from experts, youth, and family members spoke about the ways incarceration and justice involvement ripple through families. The day was also highlighted with a collective walk to the State Capitol, where attendees had the chance to speak directly with their legislators about the critical issues raised during the legislative session. It was a reminder that our collective efforts can confront and challenge detrimental policies and push for a justice system that acknowledges and addresses the broader familial impacts of mass incarceration.

Throughout the legislative session, we have shed light on the detrimental consequences of supporting policies that prioritize punishment over rehabilitation and also engaged in progressive discussions examining both the harmful and positive legislation introduced and passed. By amplifying the voices of impacted communities and advocating for evidence-based policies, we continue to urgently address the need to transform the landscape of Georgia's criminal legal system.

As we analyze the outcomes of yet another legislative session, it is clear that our work is far from over, and more work must be done. We must continue to uplift progressive reform and challenge the status quo of "tough-on-crime" rhetoric and policies to ensure that future policies align with a Georgia that promotes principles of fairness, equity, and true public safety.

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Planned Giving

GROW A LEGACY WITH THE SOUTHERN CENTER FOR HUMAN RIGHTS

We know how busy life can be, and sometimes we can lose sight of some of the bigger to-do items. **You may be surprised to learn that only 30% of U.S. adults have a will.** You don't have to see your name on a Forbes list to need a will. A will allows you to share your gifts and resources with your family, friends, and the causes you care about. What you leave behind can impact people for generations to come, and it can help ease the burden for your loved ones and give them peace of mind.

If you are looking to take that next step, the good news is that we can help. SCHR is partnering with FreeWill to offer our supporters a new easy-to-use tool, which provides you the opportunity to create a legacy plan for free. This tool is open to anyone, whether you include a gift to SCHR or not.

Visit www.freewill.com/schr to begin the process!

If you would like to talk with us more about your planned giving and how an estate gift can help us deepen our fight for equality, dignity, and justice throughout the Deep South, please feel free to reach out to **Development Director Angie Tacker**, at atacker@schr.org or **(404) 688-1202**.

On May 15, 2024, Sr. Attorney Gerry Weber appeared at the GA Supreme Court for oral arguments in *Williams et al. v. Powell et al.* SCHR was joined by co-counsel Zack Greenamyre of Mitchell Shapiro, David Dreyer of Dreyer Sterling LLC, and Rep. Park Cannon.



DEMOCRACY AT RISK

THE LEGAL WAR ON VOTER ADVOCACY IN THE SOUTH



By Gerry Weber,
Senior Attorney

One critical aspect of our work at SCHR is to challenge the use of the criminal legal system to disempower voters and advocates. The cases below expose a concerning trend: the use of the criminal legal system to intimidate and silence those fighting to uphold democracy in Georgia, especially Black and brown voters.

COLEY-PEARSON V. MARTIN, ET AL.

Olivia Coley-Pearson is a repeat victim of government efforts to silence democracy and has been the target of multiple arrests. Ms. Coley-Pearson was the first Black woman to serve on Douglas's City Commission and is actively involved in helping people exercise their right to vote in Coffee County,

Georgia. She has been arrested multiple times based on false reports by election officials.

In 2016, based upon allegations initiated by Coffee County election officials, Commissioner Coley-Pearson was charged with four felonies for conduct allegedly occurring during the 2012 election, including false claims that she illegally assisted Black elderly/illiterate voters. She went to trial twice. Three of the four counts were dismissed at the first trial. In the second trial on the remaining count, SCHR represented Commissioner Coley-Pearson. A jury acquitted her of the final count after deliberating for approximately 20 minutes.

In October 2020, Commissioner Coley-Pearson assisted an illiterate Black voter during the early voting period for the general election. Based on more false claims that Commissioner Coley-Pearson created a disturbance in the polling place and illegally touched the voting machines, election officials voted to ban her from the premises. Police officers then issued a trespass warning banning her from “any polling place that is controlled by the Coffee County Board of Elections during the time of voting or any other Board of Elections business.” The ban was permanent and impacted her ability to assist voters and constituents as an elected official.

Later that day, in the parking lot in front of the Board of Elections, Commissioner Coley-Pearson was arrested and charged with criminal trespass pursuant to the trespass ban because she had returned to the Board of Elections to provide another voter with transportation to and from the polls. SCHR represented her again in this newest prosecution, which was postponed indefinitely in June 2022 and dismissed in December 2022.

SCHR also filed a civil rights case challenging the trespass ban and resulting arrest as unconstitutional. After we sought a preliminary injunction, the defendants repealed the ban, and we settled the claims against the City of Douglas and its officers for \$12,500 in damages. But the claims against Coffee County officials remained, and they sought to dismiss our lawsuit.

In August 2023, the district court entered an 82-page order granting the defendant’s motion to dismiss on a number of issues and specifically finding that the trespass ban was unconstitutional, and that Coffee County and its officials (who voted to ban our client) did not retaliate against her. The court found that our client had standing, found the trespass ban lawful, and rejected damages against all defendants. We have now appealed that ruling to the United States Court of Appeals.

And finally, an important footnote. The Coffee County Board of Elections is also deeply enmeshed in the RICO indictment in Georgia involving former President Trump because election officials in Coffee County allegedly invited the Trump team to copy voter files. Several of the persons involved in the Trump RICO case, including some defendants in that case, were integrally involved in Ms. Coley-Pearson’s arrest.

WILLIAMS ET AL. V. POWELL ET AL.

In *Williams et al. v. Powell et al.*, we represent a group of protestors who were arrested by officers from the Department of Public Safety at the Georgia State Capitol in November 2018 for simply speaking out to ensure that all votes were counted.

Our clients were arrested while peacefully protesting voter suppression and disenfranchisement in the governor’s race between Stacey Abrams and Brian Kemp. While peacefully congregated in the public rotunda inside the Capitol, some protestors and others briefly chanted, “Count every vote!” Then, as protestor Mary Hooks was speaking, Capitol Police began to arrest people who had chanted and even those who were silent and only there to show support. Each protestor was arrested and charged with a single count of “preventing or disrupting General Assembly sessions or other meetings of members,” in violation of Georgia Code Section 16-11-34.1, even though the General Assembly was not disrupted at all.

Georgia’s law purports to make it unlawful for “any person recklessly or knowingly to commit any act which may reasonably be expected to prevent or disrupt a session or meeting of the Senate or House of Representatives, a joint session thereof, or any meeting of any standing or interim committee, commission, or caucus of members thereof.”

In September 2020, we filed suit against the Department of Public Safety officers who arrested the protestors—who included U.S. Congresswoman Nikema Williams. We argued that Section 16-11-34.1 is facially unconstitutional and violates the First Amendment because it does not require proof (1) of intent to disrupt, (2) that acts would substantially impair any session, and (3) of any actual disruption.

That case became two cases, one in federal court and one in state court. The Georgia Capitol police have continued to arrest more persons at the Georgia State Capitol, including State Representative Park Cannon, who was arrested for knocking on Governor Kemp’s office door to determine whether voting legislation had been signed. Representative Cannon is also now part of our lawsuits.



DEBUNKING ATLANTA'S "CRIME WAVE"

HOW SENSATIONALISM SHAPES PUBLIC FEAR AND POLICY



By Devin Franklin,
Movement Policy Counsel



By Kirsten Wilder,
Investigator

If a person were to tune in to local Atlanta news or listen to the representations made by its elected officials, that person would likely walk away with the belief that Atlanta is amid a “crime wave” of epic proportions. Belief in this narrative is advanced by a focus on high-profile incidents and a self-accrediting, circular approach to reporting that seeks to “prove” crime is rising by increasing reporting on crime.

Such efforts are not without impact, of course. Crime wave narratives shape public opinion, stoking fear and anxiety while perpetuating racial and socio-economic stereotypes, as well as misconceptions about the drivers of crime.

Consequently, elected officials are left chasing responses to public opinion, such as heeding rinse-wash-repeat policies of yesteryear—calls to pursue tougher legislation, increased surveillance, harsher sentencing, and provide more funding toward policing and incarceration without so much as a pause to consider the veracity of the crime wave narrative.

The Southern Center for Human Rights’ “Use of Force Project”, funded by Microsoft, was a step-forward in combating and correcting fictitious crime wave narratives.

For example, the City of Atlanta’s own public-facing dashboard—itsself being one of several tepid responsive efforts at reducing policing violence in the wake of the 2020 uprisings—showed that Atlanta Police made fewer arrests in 2022 than in 2021, a decrease that suggests crime has been on the decline since the post-pandemic surge occurred. And while the project’s primary goal was most directly focused on contextualizing the nexus between officer-behavior-centric policy reforms designed to reduce police violence and the contradictory 8% rise in use of force by Atlanta Police officers between 2021 and 2022, the work also created an opportunity for more comprehensive conversation about policing, policing violence, and the efficacy of policy reform in Atlanta.

Additional comparative data from the Police Scorecard, the first nationwide public evaluation of policing in the United States, punches directly at some of the more common claims and pitches made by Atlanta elected officials and engaged citizens, alike. For example, the belief that crime was on the rise because of a lack of police officers and a lack of funding for police, generally, was a common, unchallenged refrain. However, the latest research from Mapping Police Violence showed that the Atlanta Police Department received more funding for police per resident than 81% of police departments nationwide and had more officers per resident than 89% of departments.

Further, an analysis of the Police Scorecard shows that plentiful staffing and funding resources were not directed toward alleged "violent" crimes that are frequently featured on local news outlets and fuel the outcry for police-centric responses. 50% of arrests by APD officers were for "low-level" offenses—a rate higher than 85% percent of police departments in the country. Even more upsetting, in a city touted as the "Black Mecca" because of the exceptional level of success and wealth of its Black residents relative to other cities, Black people in Atlanta were 14.6 times more likely to be arrested for the same 'low-level' offenses as their white counterparts.

While sensationalized reporting and political rhetoric may suggest an ongoing "crime wave", the data simply tells a different story.

When looking at specific crimes, official crime statistics from the Atlanta Police Department show a consistent decline in 'violent' crimes such as homicide, robbery, and aggravated assault, as well as property crimes like burglary and theft. These trends indicate that Atlanta, like many other cities, has been experiencing improvements in public safety rather than the escalation of crime often depicted in sensationalized media coverage.

The discrepancy between the narrative of a "crime wave" and the reality of decreasing crime rates underscores the importance of critically evaluating media portrayals and political rhetoric surrounding crime. While individual, and sometimes newsworthy, incidents of crime may still occur, it is essential to contextualize them within broader trends and data-driven analysis to provide a more accurate understanding of public safety issues. Not doing so perpetuates misconceptions, stigmatize communities, and drive policy responses that not are not only unresponsive, but actively harmful to the actual needs of residents.

For a citizenry that wants real solutions to real problems, the "crime wave" narrative is misleading and harmful. It largely ignores underlying social and economic factors contributing to crime, such as poverty, inequality, and lack of access to education and opportunity. Moreover, the focus on punitive measures leads to over-policing, racial profiling, and the erosion of civil liberties, particularly in marginalized communities.

While simply naming the harms flowing from false "crime wave" narratives is not enough to correct the issues they cause, it certainly opens the door to the possibility of injecting truth and fairness into the legal proceedings. It also equips the public with necessary knowledge to demand transparency and accountability. Simply put, as the adage says, "when you know better, you do better." As we can tell from the inconsistencies and consequences of false narratives, there is certainly room for the media and the public-at-large to do better.

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SOUTHERN CENTER EVENTS

The Southern Center for Human Rights is always thankful to share space with our supporters who make our work possible and provide spaces to learn from those directly impacted by the criminal legal system in the Deep South. Enjoy a selection of photos from recent events. You can view full albums on our Facebook page at www.facebook.com/southerncenterforhumanrights.

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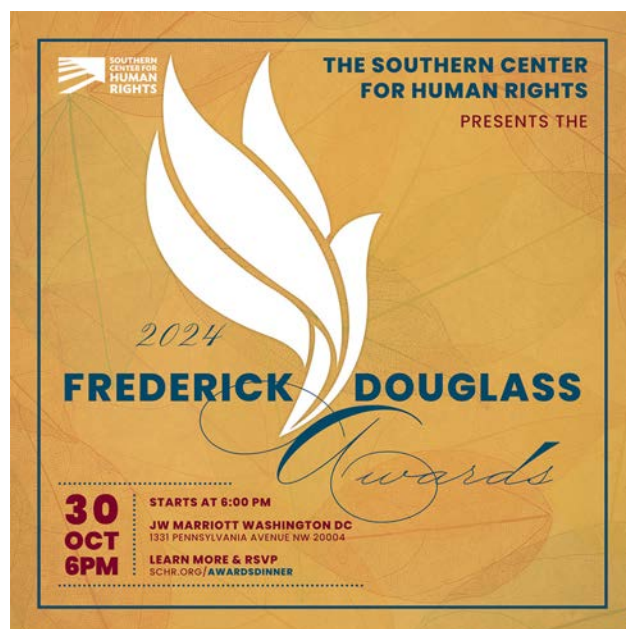
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