

# WE PRESS ON

2017 ANNUAL REPORT OF THE  
SOUTHERN CENTER FOR HUMAN RIGHTS



SOUTHERN  
CENTER FOR  
HUMAN  
RIGHTS

## ABOUT THE SOUTHERN CENTER FOR HUMAN RIGHTS

The Southern Center for Human Rights (SCHR) is working for equality, justice, and dignity in our criminal justice system. SCHR's mission is to end capital punishment, mass incarceration, and other criminal justice practices that are used to control the lives of poor people, people of color, and other marginalized groups in the Southern United States. We do this through death penalty representation, impact litigation, policy advocacy, and public education.

# CONTENTS

LETTER FROM THE EXECUTIVE DIRECTOR	4
CHALLENGING EXTREMELY LONG DRUG SENTENCES	6
EXPOSING INEQUITIES IN CAPITAL TRIALS	7
HALTING LAW ENFORCEMENT ABUSES	8
REFORMING CRIMINAL JUSTICE IN GEORGIA	9
PUSHING BACK AGAINST THE CRIMINALIZATION OF POVERTY	10 - 11
SHINING A LIGHT ON EXCESSIVE PUNISHMENT AND INHUMANE PRISON CONDITIONS	12 - 13
2017 FINANCIALS	14
SCHR STAFF	16
SCHR BOARD OF DIRECTORS	17

# FROM THE EXECUTIVE DIRECTOR

## *We Press On*

Justice does not just happen.

It does not simply exist. Justice is brought about by hard work, diligent struggle, unending hope, innovative thinking, boundless courage, and tremendous compassion.

At the Southern Center for Human Rights (SCHR), we are not only fighting for justice but also for equality and dignity for people trapped in the criminal justice system.

In times like these, when it seems that so many of the advancements in human rights and human dignity are being rolled back; when it appears that compassion and understanding are at their lowest; and when it looks like so much hope has been lost; we must fortify these three words in our hearts:

## **WE PRESS ON**

It is imperative that we uplift the values we hold dear higher than ever. Not only must we shine a light on injustice, we must also illuminate compassion, hope, love, and humanity.

SCHR continues our fight in the Deep South to resist the worst excesses of the criminal justice system and change it into a system that is transparent, humane, and a true instrument of justice. This report summarizes the ways in which we combined capital representation, high impact class-action and civil litigation, public policy, and media advocacy to achieve significant outcomes in the pursuit of equal justice during 2017.

With your support, SCHR has become a more powerful force for fairness in the criminal justice system. Thank you for standing with us as we look toward a more compassionate and fair tomorrow.

Thank you for your partnership and support. Together, let us press on.

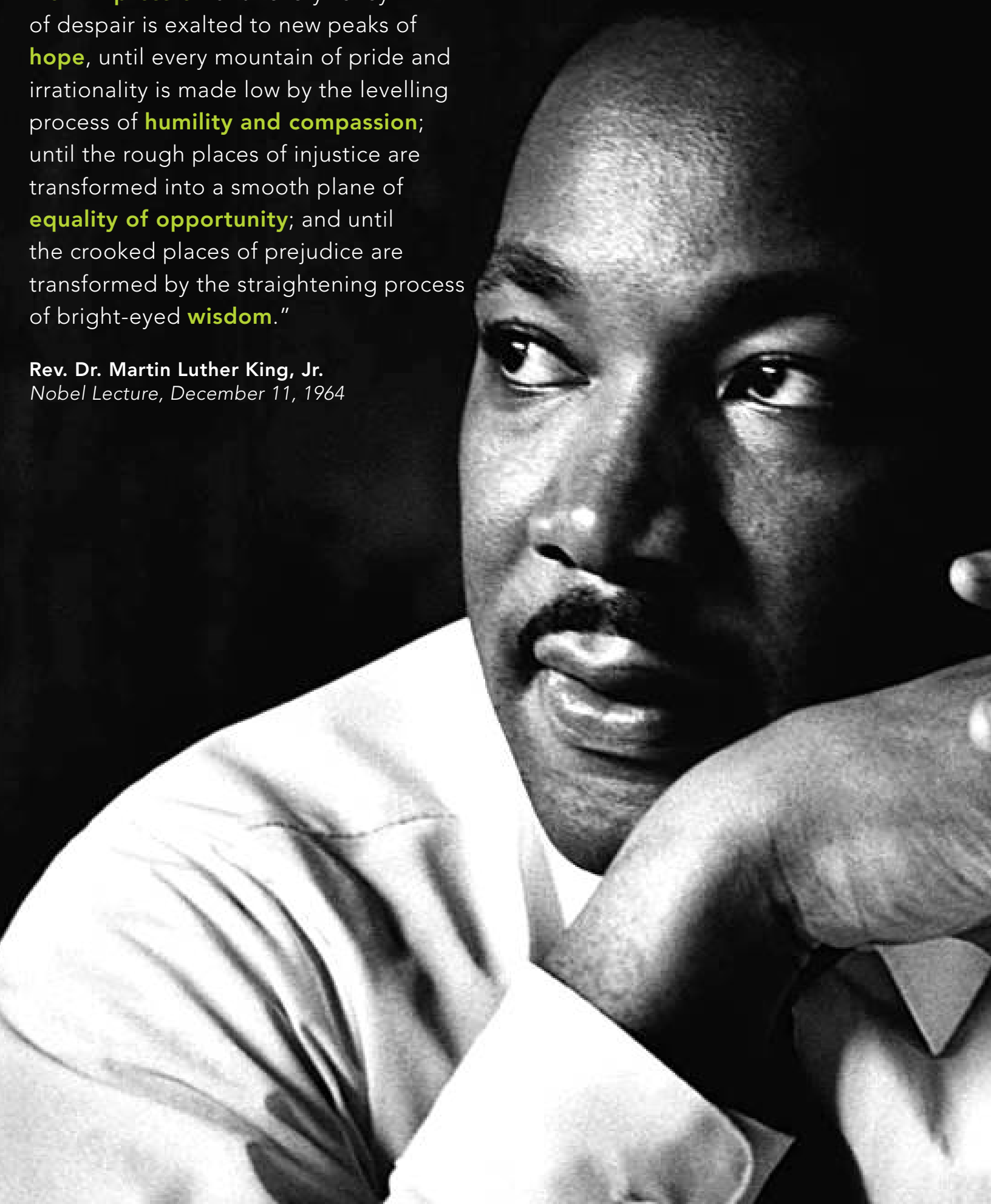


**Sara J. Totonchi**  
Executive Director



"But with patient and firm determination **we will press on** until every valley of despair is exalted to new peaks of **hope**, until every mountain of pride and irrationality is made low by the levelling process of **humility and compassion**; until the rough places of injustice are transformed into a smooth plane of **equality of opportunity**; and until the crooked places of prejudice are transformed by the straightening process of bright-eyed **wisdom**."

**Rev. Dr. Martin Luther King, Jr.**  
*Nobel Lecture, December 11, 1964*



# CHALLENGING EXTREMELY LONG DRUG SENTENCES

**O**n August 18, 2017, James Dennard was re-sentenced to time served and released from prison in Whitfield County after serving twenty-three years of a Life Without Parole (LWOP) sentence for possessing with intent to distribute six grams of cocaine. Mr. Dennard's excessive punishment stemmed from Georgia's "two strikes" sentencing law, a relic of the disastrous War on Drugs. Mr. Dennard's family attended the hearing and applauded his resentencing and release. The Honorable Cindy Morris expressed gratitude for being able to play a role in releasing Mr. Dennard.

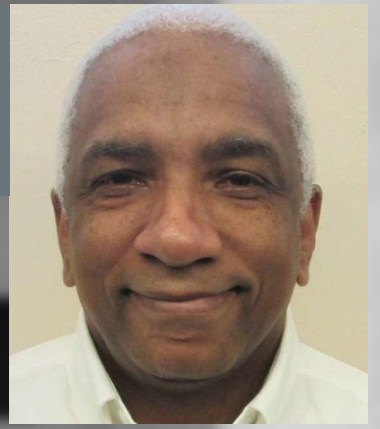
James Dennard was one of six people released in 2017 as a result of our campaign to free people serving long-term sentences for minor drug offenses. We are continuing to seek the release of people similarly ensnared by outdated and unjust policies and practices.



*James Dennard with SCHR's Patrick Mulvaney, Atteeyah Hollie, and Sarah Forte*

James McWilliams

Photo Credit: Alabama Dept.  
of Corrections



## EXPOSING INEQUITIES IN CAPITAL TRIALS

In June 2017, the United States Supreme Court ruled 5-4 in favor of SCHR client James McWilliams. The Supreme Court held in *McWilliams v. Dunn* that James McWilliams was denied his right to a mental health expert to assist the defense at his 1986 capital trial in Alabama. Mr. McWilliams was evaluated by state doctors but was denied an independent expert to assist in the evaluation, preparation, and presentation of the defense. The Court recognized that Alabama's provision of mental health assistance fell dramatically short of what the Constitution requires.

Co-counsel: Munger, Tolles & Olson LLP



SCHR team and Munger, Tolles  
& Olson after the United States  
Supreme Court oral arguments in  
*McWilliams v. Dunn*

AFTER FOUR HOURS,  
**900 CHILDREN HAD BEEN FORCIBLY AND UNCONSTITUTIONALLY SEARCHED.**

## HALTING LAW ENFORCEMENT ABUSES

In April 2017, Sheriff Jeff Hobby initiated a lockdown of Worth County High School in Georgia, ostensibly to conduct a search for drugs. After four hours, 900 children had been forcibly and unconstitutionally searched. Many students reported being groped and fondled by deputies. On behalf of the children and families, SCHR sued Sheriff Hobby for conducting these highly intrusive body searches, searches which yielded no drugs. SCHR obtained a \$3 million settlement for the children impacted by the Sheriff's abuse. The sheriff was indicted by a Worth County grand jury for sexual battery for these aggressive searches of public high school children.

Co-counsel: Mark Begnaud, Horsley Begnaud, LLC



*Sheriff Hobby authorized a highly  
invasive search of 900 students*

*Photo Credit: WALB*



# REFORMING CRIMINAL JUSTICE IN GEORGIA

The General Assembly adjourned *Sine Die* on Friday, March 31<sup>st</sup>. The session was one of the most challenging in years with lawmakers, prosecutors, and law enforcement in Georgia seemingly emboldened by the new resurgence of the “tough on crime” rhetoric at the national level. Most of the criminal justice legislation introduced in 2017 was in stark contrast to the successful “smart on crime” collaborations passed in recent years and included efforts to increase mandatory minimums and try more children as adults in criminal cases.

Despite the political reversion, some bills that passed this year will positively impact people and their families in the criminal justice system. These include early termination of probation for certain offenses, a presumption of indigency in felony probation, the conversion of fines and fees to community service, and the expansion of retroactive first offender treatment. During the session, SCHR testified at legislative hearings, drafted legislative amendments, researched and discussed the impact of proposed legislation with sponsors and members of the relevant committees, and worked with other advocacy groups to lessen the negative impact of some bills and advocate for the the need of and effectiveness of others.

*The packed house from Justice Day 2017, where attendees from all over Georgia joined to lift their voices for criminal justice reform and to reimagine equal justice*



# PUSHING BACK AGAINST THE CRIMINALIZATION OF POVERTY

Cleopatra Harrison, then age 22, was subjected to the City of Columbus's "victim fee" policy when she appeared in the Columbus Recorder's Court at a preliminary hearing concerning her boyfriend, who was charged with assaulting her. After a police officer recounted the facts of the assault in court, Harrison truthfully affirmed those facts but expressed her wish not to serve as a witness for the prosecution. Without any further inquiry, former Recorder's Court Judge Michael Cielinski assessed a \$150 "victim assessment" against Ms. Harrison. Ms. Harrison could not afford to pay \$150. She was given a document warning that an arrest warrant would be summarily issued if she failed to pay within one week. SCHR filed suit on behalf of Ms. Harrison and others who had been subjected to this "victim fee."

On October 11, 2017, the U.S. District Court for the Middle District of Georgia approved a final class action settlement in the case. The Columbus Recorder's Court will no longer charge victim fees, and people who paid such fees will receive restitution and compensation.

Co-counsel: Mark Post, Harp, Poydasheff, Post & Sowers, LLC

*Former client  
Cleopatra Harrison*

*Photo Credit: Nick Burchell for  
Cosmopolitan*



SENTINEL BOASTS INNOVATIONS LIKE ITS “MARCH MADNESS” BONUS PROGRAM, WHICH OFFERED CASH PRIZES AND A FREE VACATION TO THE PROBATION OFFICERS WITH THE HIGHEST COLLECTIONS FROM POOR PEOPLE.

SCHR continues its work to take down the predatory private probation industry in Georgia. Private probation companies have one overarching aim: to make a profit at any cost by charging people who cannot afford to pay their court fines exorbitant supervision fees and threatening them with jail if they do not pay. SCHR aimed to take down Sentinel Offender Services (“Sentinel”), the oldest, largest, and most notorious private probation company in Georgia, and arguably in the United States. Sentinel boasts innovations like its “March Madness” bonus program, which offered cash prizes and a free vacation to the probation officers with the highest collections from poor people.

SCHR filed several lawsuits to curb Sentinel’s predatory practices including one challenging Sentinel’s practice of charging unauthorized “enrollment fees” in addition to exorbitant monthly “supervision fees.” Protracted litigation in combination with the passage of a 2015 law, written and shepherded by SCHR, hit the company hard. Sentinel announced in March 2017 that it had “become politically and fiscally untenable” to do business in Georgia; that the program had become “financially no longer feasible to operate;” and withdrew all business from Georgia.

Co-counsel: Caplan Cobb, LLP

# SHINING A LIGHT ON EXCESSIVE PUNISHMENT AND INHUMANE PRISON CONDITIONS

**R**andall Davison died from an untreated infection due to deliberate indifference by medical providers at Georgia State Prison ("GSP") in Reidsville, Georgia. Mr. Davison developed an infection at the site of a tattoo on his forearm. He repeatedly sought medical care for the infection. After Mr. Davison became critically ill on a Friday morning, GSP medical providers left him to deteriorate without any medical care for three days. When Mr. Davison finally received treatment on the following Monday, his infection had developed into severe sepsis from which he did not recover.

Mr. Davison was 50 years old when he died on February 15, 2015. He was due to be released the following month. At the time of his death, Mr. Davison was serving a 2-year prison sentence for a technical probation violation, stemming from underlying convictions on drug and weapon possession charges.

Co-counsel: Larry Bracken & Dan Millman, Hunton & Williams LLP

*Plaintiff Cindy Davison with her late brother, Randall Davison*

*Photo Credit: Cindy Davison*





DR. HANEY CHARACTERIZED THE SMU AS “**ONE OF THE HARSHTEST AND MOST DRACONIAN . . . FACILITIES I HAVE SEEN IN OPERATION ANYWHERE IN THE COUNTRY,**” AND ITS PRISONERS AS “**AMONG THE MOST PSYCHOLOGICALLY TRAUMATIZED PERSONS I HAVE EVER ASSESSED IN THIS CONTEXT.**”

**T**he Special Management Unit (“SMU”) at Georgia Diagnostic and Classification Prison is Georgia’s most restrictive prison facility. Prisoners assigned to the SMU spend 23 to 24 hours per day confined to isolation cells that have covers over the windows and solid metal doors. Prisoners cannot leave their cells unless they wear leg and wrist restraints and have two or more officers escorting each prisoner. They are allowed only five hours per week of recreation time inside a solitary metal cage.

SCHR represents Timothy Gumm, who filed suit to challenge his ongoing confinement in the SMU. Mr. Gumm was held in the SMU for over 7 years even though the facility’s classification team recommended him for release on 14 separate occasions.

Dr. Craig Haney, a prominent psychologist whose research documents the harm caused by segregated confinement, toured the SMU in October 2017, interviewed prisoners, and prepared a report. In his report, Dr. Haney characterized the SMU as “one of the harshest and most draconian . . . facilities I have seen in operation anywhere in the country,” and its prisoners as “among the most psychologically traumatized persons I have ever assessed in this context.”

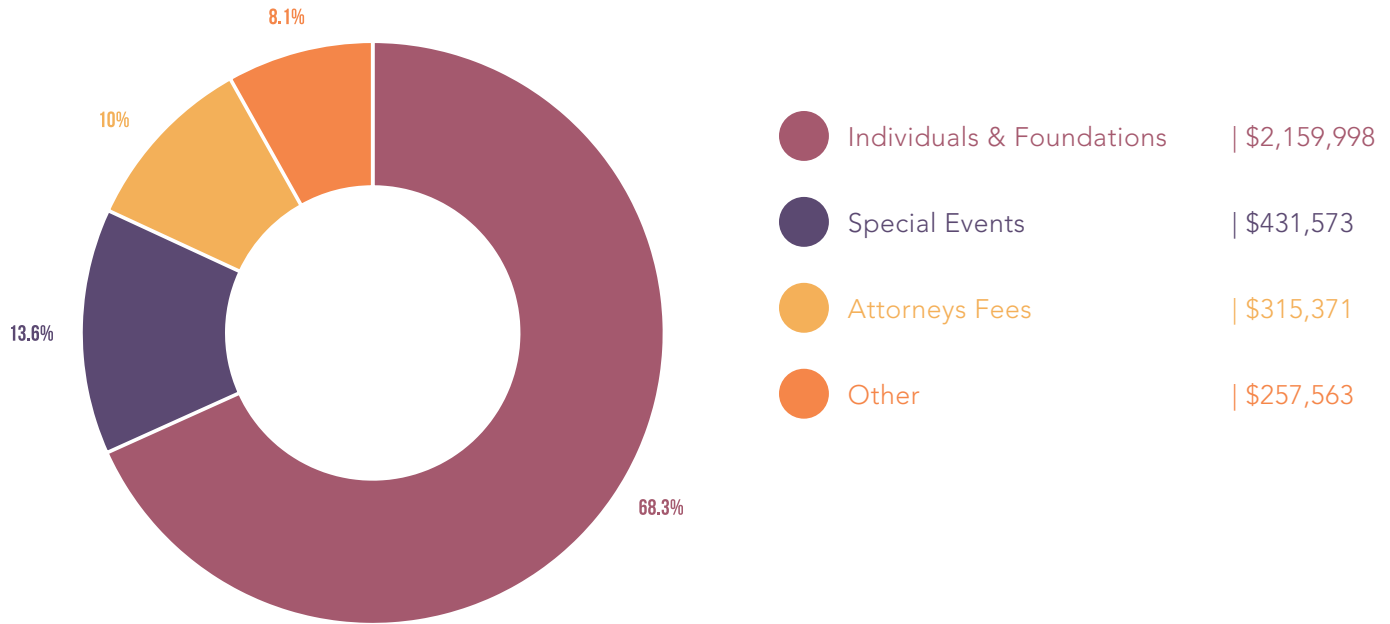
Co-counsel: Allen Garrett, Kilpatrick Townsend & Stockton LLP

# FISCAL YEAR 2017 FINANCIALS

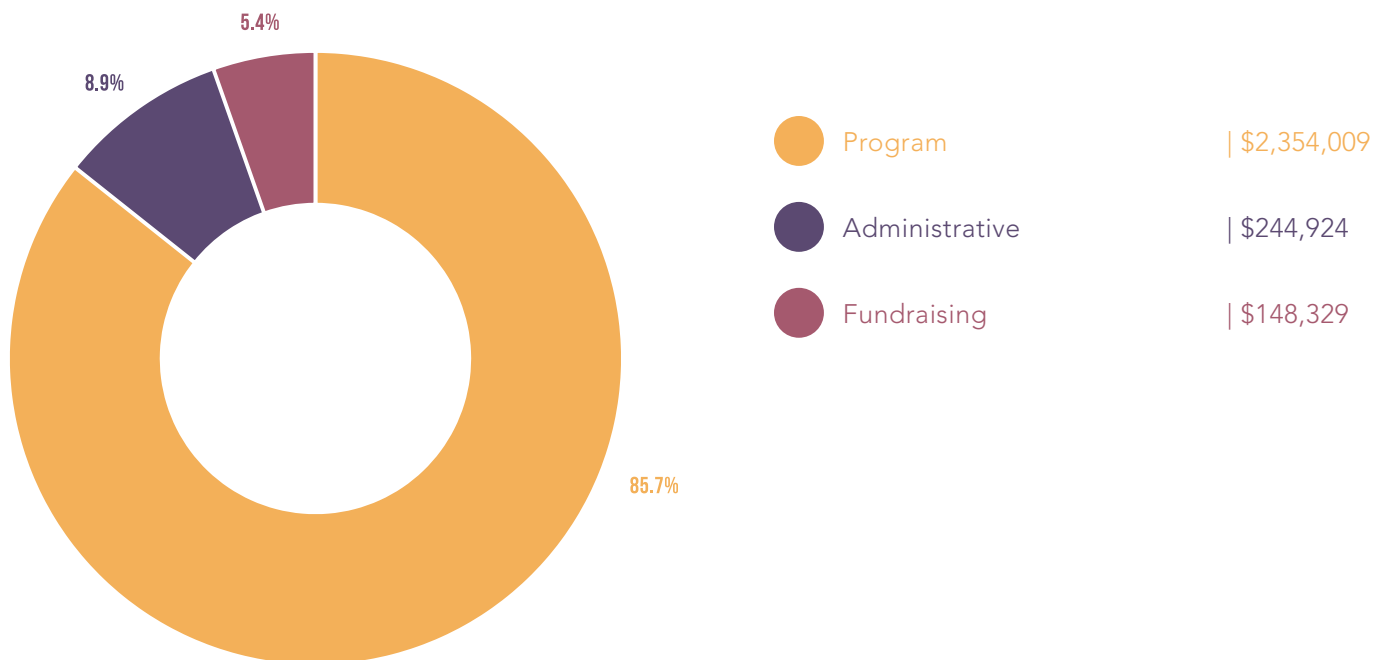
To carry on our work, the Southern Center for Human Rights depends on the generous support of foundations, individuals, firms, and organizations. **SCHR receives no government funding.**

For the sixth consecutive year, the Southern Center for Human Rights earned a 4-star rating from Charity Navigator in 2017. This is Charity Navigator's highest possible rating and indicates that SCHR is accountable, transparent, and financially healthy and efficient. Only 5% of the charities evaluated by Charity Navigator have received this ranking.

## 2017 REVENUE



## 2017 EXPENSES



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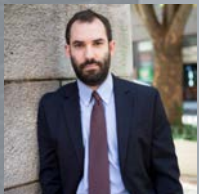
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**100%** of SCHR board members made personal contributions to support our work in 2017.

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For more information, please visit:  
[www.schr.org](http://www.schr.org)

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*Reimagining*  
**EQUAL JUSTICE**

