



# THE HUMAN RIGHTS REPORT

ANNUAL NEWSLETTER OF THE SOUTHERN CENTER FOR HUMAN RIGHTS | DECEMBER 2023





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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.

**COVER IMAGE**

During Phase Two of our Community Safety and Policing Violence Project, SCHR's Public Policy Unit held two Crosstown Conversations for community members to share their thoughts about our Phase One Townhalls. Specifically, we asked how they felt about what statistics and local narratives tell us about the Atlanta Police Department, their upward trend in use of force, and the ineffectiveness of previous reform efforts. We asked them to tell us what their visions of safe communities looked like. As the Crow Flies Design's graphic notes captured how Atlantans viewed community.



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## DIRECTOR'S COLUMN

### WE CAN ACHIEVE THE IMPOSSIBLE



By Terrica Redfield Ganzy,  
Executive Director

Several years ago, we conducted a survey of our supporters to find out what you had to say about our work, our brand, and our impact on the world. We created a word cloud of the words you used to describe SCHR. You used words like "effective," "committed," "tenacious," "courageous," and my personal favorite, "stunning."

You used powerful and empathic words to describe SCHR, I suspect not only because that's what you see in us but also because those were the words you needed us to embody. Those were the emotions, the hopes, the traits that you wanted the people in this struggle to have—people who believe, as you do, that justice cannot condone racism, degradation, oppression, or the marginalization of human beings.

You wanted to walk hand in hand with people who combined compassion and kindness while embracing fearlessness and resolve.

I am proud that at SCHR, we are all those things you need us to be and more. We are standing on the shoulders of the changemakers of the past, working to lead the change right now. We are wrecking balls, tearing down systems of oppression. We are also architects, building a world that makes us proud, a world where safety doesn't mean subjugation, where love is expected, and justice flows freely and abundantly, like rivers.

Our vision for who we are and want to be in our community is big. It's wide, and it's deep, AND it is inclusive, AND it's in collaboration, AND its foundation is love.





Kenny Magee after being released in July 2023.  
Photo courtesy of the Louisiana Parole Project.

# SCHR CLIENT KENNY MAGEE RETURNS HOME AFTER 42 YEARS



By Mike Admirand,  
Senior Attorney

**S**CHR client Kenny Magee—who spent 42 years in prison for a crime that occurred when he was just 19 years old—was resentenced and released from prison in July 2023. The victory comes after SCHR investigated his case and found compelling evidence that could have been used to justify a lesser sentence.

In November 1981, Kenny was indicted for first-degree murder for an incident that occurred the previous month in the French Quarter. Pretrial proceedings spanned just three months, with Kenny's court-appointed counsel visiting the jail only once. The following trial occurred in February 1982 and lasted one day.

At the conclusion, Kenny was sentenced to life imprisonment without the possibility of parole, a conviction and sentence that the Louisiana Supreme Court affirmed in an unpublished opinion. Kenny was only 19 and had no prior criminal history.

Forty years later, SCHR started looking into Kenny's case as part of its recent resentencing work in New Orleans. We confirmed what was obvious from the transcript—Kenny's lawyer had not done any investigation into the case or into Kenny's life history. Had the lawyer fulfilled his constitutional responsibility, he would have learned powerful evidence that could have been used to negotiate a plea agreement or advocate for a lesser sentence.



Kenny was born in 1962 in Louisiana into a broken family. His parents struggled with alcohol addiction and separated when Kenny was two years old. After the separation, Kenny was sent to live with his paternal grandparents in Tylertown, Mississippi. Kenny loved his grandparents; they taught him how to grow cucumbers and other vegetables and to care for farm animals, such as pigs and cows.

At 16, Kenny's life took a sudden and unwanted turn when he witnessed his grandmother's death. To this day, Kenny believes that he could have saved her if he had known CPR then. After his grandmother's passing, Kenny returned to New Orleans, where he thought he would have more opportunities to succeed. Now living with his father, Kenny encountered challenges as his dad was involved in dealing drugs and offered no support, financially or emotionally.

Despite these odds, at 17, Kenny won a full-time athletic scholarship to attend St. Augustine High School. There, Kenny thrived as a star running back, leading the team to the 1979 state championship. Further, he found two role models and loyal supporters at St. Augustine—Coach Otis Washington and Mr. Andrew Davis—who helped him in school and found part-time jobs for him.

Unfortunately, Kenny's progress ended abruptly when the principal of St. Augustine caught him selling some of his father's marijuana. Despite the pleas of Coach Washington and Mr. Davis, Kenny was expelled from school.

Without the support network of St. Augustine, Kenny's life derailed; forced into the streets, he began following his father's example, culminating in the tragic events of October 1981.

SCHR developed this mitigation presentation in 2023, more than 40 years after Kenny was convicted and sentenced to LWOP. As part of its investigation, SCHR discovered compelling evidence of Kenny's personal growth while in prison. While incarcerated at the Louisiana State Penitentiary, Kenny learned carpentry, commercial framing and finishing, construction site safety, craft skills, and metal fabrication. He also completed programming on substance abuse, pre-release skills, and religion. Moreover, convinced that he could have saved his grandmother if he had known CPR, Kenny completed multiple American Heart Association courses and got certified in CPR and AED (automated external defibrillator).

After presenting this evidence to the Civil Rights Division of the Orleans Parish District Attorney's Office, the State agreed that Kenny's sentence was the product of ineffective lawyering and could no longer stand. After a judge agreed to vacate his conviction and accept a new plea agreement to reduced charges, Kenny was released—one of more than 20 individuals who have been released over the past two years through SCHR's resentencing work in New Orleans. After completing reentry courses at the Louisiana Parole Project, Kenny is now living in Louisiana, working, and focused on making the most of his second chance.



Kenny as a junior at St. Augustine High School.



Kenny (No. 32) was a star running back on St. Augustine's state-champion football team in 1979.



## SCHR MONITORS WORSENING CONDITIONS IN GEORGIA'S PRISONS



By Alison Ganem,  
Staff Attorney

Conditions in Georgia's prisons have long been a matter of grave concern. But at the height of the pandemic in 2020, conditions reached a crisis point. Prisons across the state were holding incarcerated people in prolonged solitary confinement for months or years, subjecting them to deplorable physical conditions in cells lacking basic sanitation, depriving them of medical and mental health care, and allowing them to die in state custody at an unprecedented rate.

In the face of this crisis, SCHR called on the Department of Justice (DOJ) to investigate Georgia's prisons. And the DOJ responded. In September 2021, it opened a statewide investigation into the Georgia Department of Corrections (GDC) examining whether Georgia provides incarcerated people with reasonable protection from physical harm by other incarcerated people.

The DOJ also announced its intent to continue its longstanding investigation into whether Georgia provides LGBTQ people with reasonable protection from sexual abuse by both staff and incarcerated individuals.

September 2023 marks two years from the date the DOJ opened its investigation. And while SCHR was (and remains) grateful for the DOJ's attention on the State of Georgia, we must also acknowledge that conditions in Georgia's prisons have severely deteriorated in the last two years.



To name just a few of the problems that have persisted (and worsened) since the launch of the DOJ probe in September 2021:

- Georgia continues to hold thousands of people in prolonged solitary confinement. As of August 2023, 800 people were living in the GDC's Tier II Program, which is a solitary confinement program that keeps people in isolation for a minimum of 270 consecutive days. More than 150 additional people live in the GDC's Tier III Program—a solitary confinement program in Georgia's restrictive Special Management Unit.

Despite warnings from both public health and correctional experts that solitary confinement of any duration—let alone nine months per year or more—causes profound physical and psychological harm, the Department of Corrections continues to expand its use of the Tier Program. In fact, in just the last year, the GDC has created a new Tier Program at Pulaski State Prison—the first expansion of its torturous long-term solitary practices into Georgia's women's prisons.

- Nearly all GDC prisons are so chronically understaffed that there are not enough staff members to provide incarcerated people with food and medicine, let alone respond to serious violence and life-threatening emergencies. In FY 2023, the average correctional officer vacancy rate in Georgia's prisons was over 50%, meaning the prisons employed well under half the number of officers needed to run them safely.
- People in GDC custody continue to lose their lives at an alarming rate. In just the last six months—between February and July 2023—more than 110 people died in state custody, including 18 deaths by suicide and 14 deaths of undetermined cause. Many of the families of the people who died still have no answers about how their loved ones lost their lives behind bars.

In the face of these unconscionable conditions, the Department of Corrections has grown even more opaque. The DOJ has had to seek court intervention to obtain basic documents from the GDC, and the agency itself has stopped publicizing the scale of the tragedy occurring within its prisons. As the DOJ pushes for a meaningful opportunity to investigate Georgia's prisons, SCHR continues to demand, through its litigation, legislative advocacy, and media outreach, that the State does all in its power to protect the people it chooses to incarcerate.





## SCHR LAUNCHES MOVEMENT LAW SCHOOL FOR JOURNALISTS



By Page Dukes,  
Fmr. Communications Associate

Public support and understanding of what we do is important to SCHR's growth and success, and it's just as important that we challenge the false narratives perpetuated by the frequently inaccurate and slanted, one-sided coverage of official statements from police, prosecutors, and prison and jail administrators.

Media and punishment systems have always propped each other up. For as long as journalism has existed, it has profited by overreporting stories of harm and violence. Today, sensationalized coverage of "crime waves" drives clicks and regressive policy, working against our efforts at positive reform, increasing the number of people held in pre-trial detention, and exacerbating overcrowding and the many torturous conditions faced by millions of people in prisons and jails.

This is unsurprising, given the enormity of the task facing journalists. They are expected to somehow come to a deep and nuanced understanding of an incredibly complicated and purposefully opaque system while receiving little subject matter training and relying primarily on the perspectives of those in power, effectively silencing and discrediting people who bear the stigma of criminalization.

Most people not directly impacted learn about the carceral system from what they hear or read in the media. But journalism is not the one-way communication it once was. Each of us can play a role in good media relations—pitching interesting story ideas, responding to a reporter's request for basic information, agreeing to be interviewed, or stepping in to correct the narrative when harmful stereotypes are perpetuated in the news.



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# I CAN TELL YOU HOW MY LIFE HAS BEEN IMPACTED BY INCARCERATION BETTER THAN ANYONE ELSE CAN.

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SCHR seeks to support journalists doing the critically important work of covering criminal legal systems. We designed the Movement Law School for Journalists series to give newsrooms tools to make their coverage as accurate and educational as possible. We believe they should learn from the experts: attorneys who have been doing the work for years and, crucially, people with first-hand knowledge of these systems.

The classes are designed to help facilitate the shift toward person-first language with balanced framing and to demystify complicated legal concepts, like the Prison Litigation Reform Act, which has stripped the rights of people inside for over 25 years but which few people have ever heard of. The PLRA has made prisons and jails—and the people who live in them—considerably less safe by making it extremely difficult to seek relief from unconstitutional conditions of confinement. The PLRA session equips those writing about the courts, prisons, and jails with a solid understanding of this insidious legislation and its many long-lasting negative impacts.

These are the kind of conversations SCHR has on a regular basis with journalists who cover our cases and our clients. With this series, we hope to make it accessible to media professionals and directly impacted people alike, empowering them to challenge the inaccuracies and misrepresentation that proliferate in "crime" stories.

The only wholly accurate representation is first-person representation. I can tell you how my life has been impacted by incarceration better than anyone else can. Prisons are generally presented in the media as distant places void of humanity. In reality, they are bursting with humanity. They are ubiquitous in our state, where over 50,000 people labor and love and live and die and somehow survive in seriously perilous and brutal environments.

In our collective consciousness, these buildings are always looming, providing the only available solution to address violence and harm. Carceral colluders are constantly perfecting systems of surveillance and control, choking all means of communication between people in prison and their communities on the outside and retaliating heavily when people dare to advocate for themselves and one another.

Dr. Martin Luther King, Jr. said, "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly." Journalism should serve as a critically important conduit between the powerful governmental entities that run systems of punishment, the millions of people trapped within them, and the public seeking to understand the reality of our carceral systems and how they perpetuate harm against us all. It's meant to illuminate the darkest, most oppressive places so no one is left unheard, out of sight, or out of mind. It can help us all realize how connected we are despite the walls and words meant to divide us.

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The first in our series focused on language and narrative framing. It was co-taught by SCHR's Page Dukes and Bruce Reilly of Voices of the Experienced.



## PAVING THE

- Disability Rights: Person-First
- Eddie Ellis' Letter:



"We reaffirm our right to be recognized as human beings. If we cannot persuade you to refer to us and think of us as people, all our other efforts at reform and change are seriously compromised."





## PROMISES MADE, PROMISES BROKEN: THE STORY OF TWO ATLANTA STRUGGLES



By Micah Herskind,  
Fmr. Public Policy Associate



By Devin Franklin,  
Movement Policy Counsel

Atlanta is currently at the center of multiple struggles for justice and liberation. While a coalition led by formerly incarcerated women of color with Women on the Rise has been advocating for almost five years to close the Atlanta city jail and replace it with a community resource center, a broad movement has formed in Atlanta to protect 381 acres of forest land at threat of destruction from the city to build "Cop City"—what organizers explain is an urban warfare center that will further militarize Atlanta policing.

Both struggles revolve around how the city of Atlanta uses its resources: to lock people up or resource communities? To protect vital forest land, or to exacerbate climate change and invest in militarized police tactics? To punish or support Atlanta's residents?

The movements have something else in common as well: both have seen promises made and broken by City of Atlanta leadership—commitments from the City to invest in the wellbeing of its residents, followed by reversals that have doubled down on the use of cages and cuffs to respond to problems facing Atlanta.

# THE JAIL

In 2019, following a years-long campaign led by organizations like Women on the Rise and the Racial Justice Action Center, the City of Atlanta passed a resolution declaring its intent to repurpose the Atlanta City Detention Center (ACDC)—a 1,300-bed jail in downtown Atlanta. Built in preparation for the 1996 Olympics hosted in Atlanta, ACDC has long been used to lock up Atlanta's most vulnerable residents on low-level city ordinance violations. It has swept up disproportionately Black, homeless, LGBTQ, and sex-working people.

Following reforms won through community organizing during the 2010s—including the 2017 opening of the Policing Alternatives and Diversion program and reclassification of marijuana, and the 2018 dissolution of the City's contract with Immigration and Customs Enforcement and passage of local bail reform—Atlanta's jail population had been on the decline. In November 2018, it was under 350 people; by April 2020, it would drop to under 30 people per night. The time was ripe for change.

The 2019 resolution created the Reimagine ACDC Task Force. This group worked for about a year to gather extensive community input and chart the policy changes needed to close the jail, a programmatic vision for the new community resource center, and architectural proposals for what the new building could be.

The Task Force issued its final report in June 2020, around the same time people were taking to the streets to protest ongoing police violence against Black communities across the country. But then-Mayor Keisha Bottoms, previously a champion of the effort to transform the building, went silent, often refusing to take meetings with the organizers she previously championed. The Task Force report's results and recommendations were ignored. Progress stalled as many organizers focused on rapid response during the pandemic and the uprisings.

When a new council and mayor were elected in 2022, the Close the Jail coalition returned to work, trying to win support to realize the vision of transforming the jail. Atlanta's communities were more deeply in need than ever. But the newly elected Mayor Dickens, who had sponsored the 2019 Task Force resolution, changed his mind once in a different office. Despite the fierce resistance of the coalition, in August 2022, Mayor Dickens and the Atlanta City Council approved legislation to lease 700 beds at the city jail to Fulton County—officially keeping it open for the next four years.

Advocates warned that the lease would not solve the severe overcrowding and issues of violence at the Fulton County Jail—issues that resulted from a culture of cruelty, neglect, and mismanagement in the Sheriff's Office. And our words have proven true: In the year since the approval of the lease, ten people have died in custody in Fulton County Jail-run facilities, and hundreds of ACDC leased beds remained unused due to staff shortages that advocates warned Atlanta City Councilpersons about months earlier. Despite committing to repurposing the jail in 2019, by 2022, the jail's ominous presence downtown was cemented for years. Promises made, promises broken.



Atlanta City Detention Center

## COP CITY

The city's effort to build Cop City played out by a painfully similar script. In 2017, following years of advocacy by environmental organizations like the South River Watershed Alliance and the South River Forest Coalition, the City of Atlanta approved and adopted the *Atlanta City Design: Aspiring to the Beloved Community* into the city charter. The *Atlanta City Design* identified 3,500 acres of public green space, including the current Cop City location, to be protected and incorporated into a public, conserved park.

Much like the vision to repurpose the jail, the vision to preserve the South River Forest—renamed the Weelaunee Forest by many organizers in honor of the Muscogee people from whom the land was stolen in the 1800s—came from years of community engagement and study. The land is critical not just as a public park for people to enjoy and connect with nature but also as a critical bulwark against flooding, rising temperatures, and polluted air in the city. It is home to one of the country's most endangered rivers and several species. It is in a disinvested part of DeKalb County, featuring children's and adult prisons, industrial waste sites, and high asthma rates.

The forest is critical to the well-being of the majority Black surrounding community. But despite the City's 2017 promise, in 2021, the City Council approved legislation to raze at least 85 acres (and up to 381 acres) of city-owned forest land to replace it with a \$90 million police militarization facility known as Cop City.

Many felt betrayed. Not only was this a reversal of the 2017 promise to preserve the land, but it was also a direct betrayal of the demands coming from the streets in 2020 to defund the police and invest in real forms of community safety. It was also a complete dismissal of the tireless outcry of Atlanta residents against the corporate-backed facility, which resulted in 17 hours of public comment on the day of the City Council vote. Despite the passage of the Cop City legislation in 2021, Atlanta residents have fought fiercely to stop the destruction of the forest—and they're winning. Cop City was projected to open by April 2023—a timeline that continues to be moved back as the movement gains steam and finds new allies daily.

But even as Atlantans resist Cop City, the state repression has taken its toll. In January 2023, Georgia State Troopers murdered a queer, nonbinary Indigenous-Venezuelan forest defender, Tortuguita, who had been camping in the forest to protect it. As of April 2023, 42 people have been charged with domestic terrorism simply for their involvement with or support of the Stop Cop City movement.

The onset of summer brought the heat of state actors intent on criminalizing and delegitimizing the movement. On May 31st, an Atlanta Police Department SWAT team took the unprecedented action of conducting an armed raid of the Atlanta Solidarity Fund, charging three of its members with money laundering and charity fraud. This bail fund has supported persons arrested during protests in the Atlanta area. By summer's close, 58 other persons previously arrested and charged in connection with various protests against the building of Cop City would be named alongside the 'ASF 3' in a Racketeering Influenced Corrupt Organization (RICO) indictment. It is notable that contemporaneous to the raid on the forest that resulted in the murder of Tortuguita, the armed raid of the ASF 3 offices and the announcement of the 61-person RICO indictment were press releases by Governor Brian Kemp amplifying the alleged criminality of movement.

If such coordination between elected officials, law enforcement, and prosecutors and the speed with which the State transitioned from raids to formal prosecution merely suggested that the State's primary goal was to repress the movement, reading the 109-page indictment would dissipate any contrary contentions. Community-based concepts like mutual aid and collectivism are centered as the ominous, foundational cornerstones of a novel 'criminal organization'—a Twitter account, while protected 1st Amendment activity, like being present at a concert and passing out flyers, are alleged as acts in furtherance of a conspiracy.

All of this was because Atlanta turned its back on its commitment to preserve the forest and sided with the corporations demanding the construction of Cop City. Promises made, promises broken.



## WHERE ARE WE NOW

Neither struggle is over. While ACDC remains open for now, the Communities Over Cages coalition continues to advocate for the depopulation of the Fulton County Jail, for policy changes that would reduce the use of incarceration and provide resources to those re-entering society, and to prevent the unnecessary construction of a proposed \$2 billion Fulton jail. The fight to Stop Cop City continues and is only gaining steam. It has grown in diversity and formality of tactics as it takes on national and international dimensions of people fighting for a better future.

For example, despite the passage of legislation by the Atlanta City Council to approve \$90M in funding for the project, activists quickly initiated a referendum process that has garnered well over 100,000 signatures. Despite challenges lodged by the City of Atlanta at the behest of Mayor Andre Dicken's administration, there is reason to be hopeful that the initiative will be on the Spring primary ballot.

Similarly, the most substantive response in the fight to Stop Cop City may be the Southern Center for Human Rights First Amendment Lawyer Bridge Project.

In the wake of the social justice uprisings of 2020, law enforcement agencies' use of mass arrests and prosecutors' increasing use of collective prosecution strategies in Georgia foreshadowed the State's intention to use legal processes to quell oppositional or critical dissent. "The Bridge" project, as it has come to be known, is a first-of-its-kind effort to develop a permanent infrastructure capable of supporting individuals who are arrested and consequently prosecuted in connection to actions related to the exercise of First Amendment rights.

The project's intention is two-fold. Primarily, The Bridge facilitates the pairing of accused persons with private defense attorneys contracted to provide legal services at low-bono wages, ensuring representation for all parties in multi-codefendant indictments. Additionally, The Bridge has a foundational educational component, developing relevant training for attorneys on matters and emerging trends unique to the prosecution of protestor cases.

In contrast to yesteryear's responses to mass arrest and prosecution during protest, where seeking to coordinate mass defense efforts often involved a scramble to find attorneys who could handle cases pro-bono, The Bridge's infrastructure makes collaboration and intentionality among attorneys possible, instead of having to face the might of the State alone.

The City of Atlanta has not kept its promises. Still, the people who have always driven social change have kept their word and remain committed to building an Atlanta in which everyone can be free—where we measure safety not by asking how many people are locked up in cages but by asking whether everyone has what they need to survive and thrive. The fight goes on.



# THE INHERENT WORTH AND DIGNITY OF EVERY HUMAN BEING

## A PROFILE OF ALLEN GARRETT

Allen Garrett is a partner with Kilpatrick Townsend & Stockton LLP, where he is a member of the Complex Commercial Litigation team working out of the Atlanta office. He became Chairperson of the Board of Directors of the Southern Center for Human Rights in November 2022.



**A** first-generation college graduate, SCHR Board Chair Allen Garrett knew he wanted to be a lawyer since attending public high school in Midfield, Alabama. Allen received his undergraduate degree in English from Birmingham-Southern College as a William James and Elizabeth Perry Rushton Scholar. He worked during his college years at the Protective Life Insurance Company, including serving as a job coach for one of the first successful graduates of a Birmingham-area autism spectrum disorder career program. He then attended the University of Virginia School of Law and practiced law in New York City for a few years before permanently relocating to Atlanta in 1997.

At his first law firm job after law school, Allen had the opportunity to work on several pro bono matters. Among other highly rewarding experiences, he got to argue an appeal on behalf of an incarcerated person to the Second Circuit Court of Appeals before the first appellate panel over which Guido Calabresi (former Dean of Yale Law School) presided. Each of these early pro bono experiences convinced Allen that each and every attorney who has the ability to provide pro bono legal assistance should do so.

After relocating to Atlanta, Allen continued to be involved in pro bono litigation matters (including matters on behalf of Jamil Al-Amin f/k/a H. Rapp Brown and people incarcerated at Guantanamo Bay) and to support Atlanta-area non-profit law firms.

Once he worked with SCHR on a few matters—including an early Georgia Supreme Court appeal where he co-counseled with then-SCHR attorney and now U.S. District Court Judge Sarah Geraghty—he knew he had found a permanent pro bono partner. Allen has served as co-counsel with SCHR attorneys on at least one matter for most of the past two decades, including the long-running solitary confinement litigation that resulted in a landmark settlement agreement with the Georgia Department of Corrections in 2019 (but which unfortunately continues to this day). He joined SCHR's Board of Directors in 2008 and became Chair in 2022.

"From the moment I understood the nature and scope of SCHR's work, I have endeavored to take every opportunity to do whatever I can to support SCHR and its staff," Allen says. "The attorneys and staff at SCHR truly epitomize the ideal of a public interest law firm. They tirelessly and zealously represent so many clients who otherwise would have no voice or representation, giving hope to their clients at the same time that they provide the highest quality of legal representation. SCHR puts into practice my belief in the inherent worth and dignity of every human being, even if that person may have made (or been accused of making) one terrible choice."

# GEORGIA'S INDIGENT DEFENSE TIMELINE

This year marks the 60th Anniversary of *Gideon v. Wainwright*, the landmark US Supreme Court ruling guaranteeing the right to counsel. The Southern Center for Human Rights has been engaged for over 20 years in ensuring this right for indigent people in Georgia. We are honored to share a snapshot of our work.

**1996**

***Parks v. Fennessey*,  
No.1:96-CV-182-3 (M.D. Ga. 1996)**

SCHR's first suit regarding the right to counsel. *Parks* challenged practices in the Sumter County State Court, where poor people charged with misdemeanors routinely waived their right to the assistance of counsel and pleaded guilty to their charges because they were not told they had a right to a lawyer.

**1999**

***Stinson v. Fulton County Bd. of Comm.*,  
No. 1-94-CV240-GET (N.D. Ga. May 21, 1999)**

*Stinson* challenged the underfunding of Fulton's public defender system, which led to impossible caseloads for lawyers and, for those accused of a crime, months-long waits in jail before ever meeting their lawyer or being brought to court.

**2001**

***Bowling v. Lee*,  
2001-V-802 (Coweta County Super. Ct. 2001)**

*Bowling* challenged a Coweta judge's practice of ordering accused people to speak with a prosecutor instead of seeking defense counsel; as a result, more than 50 % of all people accused of felonies in Coweta County pleaded guilty without legal advice. *Bowling* eventually led to the creation of a public defender office in Coweta County.

**2002**

***Foster v. Fulton County***

In *Foster*, SCHR made the case that the overcrowding and poor conditions resulted from too many poor people charged with minor crimes waiting to go to court to resolve their cases. As a result of this case, the federal court ordered an end to Fulton's practice of leaving people arrested on misdemeanor charges in jail for months and then allowing them to plead guilty and be released for time served. Attorneys were paid \$50 per case to represent the defendants. Fulton County was required to bring all persons arrested promptly before a judge where counsel represented them.

**2009**

***Flournoy v. State***

SCHR files *Flournoy v. State*, a lawsuit challenging the statewide denial of appellate counsel. The settlement in *Flournoy* led to the creation of the appellate division of the Georgia Public Defender Council.

**2008**

***People Accused of Crime and Their Counsel v. Crawford***

SCHR files *People Accused of Crime and Their Counsel v. Crawford*, a lawsuit challenging the planned closure of the conflict defender office serving Fulton and DeKalb counties—this lawsuit halts the closures.

**2003**

The legislature passes the historic Georgia Indigent Defense Act of 2003, bringing public defender offices to most of Georgia's counties and creating a centralized agency, the Georgia Public Defender Standards Council, to oversee the provision of public defenders and ensure people are being effectively represented.

**2003**

***Hampton v. Forrester*,  
03-CV-118 (Crisp County Super. Ct. 2003)**

*Hampton* challenged the denial of effective counsel for people who couldn't afford lawyers in four South Georgia counties. It helped push the legislature to create its first statewide public defender system.

**2002**

SCHR begins pushing at the Georgia Capitol to create a sorely needed statewide public defender system.

**2009**

***Cantwell v. Crawford***

SCHR files *Cantwell v. Crawford*, a lawsuit challenging the denial of conflict counsel for accused people in the Northern Judicial Circuit. This lawsuit restored conflict defender funds and ensured that people had access to counsel in that circuit.

**2014**

***NP v. Georgia***

SCHR files *NP v. Georgia*, a second suit regarding the denial of counsel for accused children and adults in the Cordele Judicial Circuit. This suit restored staffing and funding to the beleaguered public defender office.

**2015**

The United States Department of Justice files a Statement of Interest in *NP v. Georgia*. This is the first DOJ statement of interest regarding a child's right to counsel and helps secure a settlement in the case.

**2018**

SCHR engages in advocacy surrounding the beleaguered, overworked Fulton County State Court Public Defenders Office. We pushed for an end to crushing caseloads and actual office space for 17 lawyers working in an office with three desks and functionally no tech equipment.

**2020**

SCHR advocates preserving appellate counsel in Georgia, defeating the GPDC's plans to dismantle its appellate division.

**2022 - 2023**

SCHR continues challenging the denial of conflict C-3 counsel across Georgia through media and direct advocacy to the GPDC. Currently, there has been a request from SCHR to Attorney General Chris Carr for mediation with GPDC to resolve public record requests.



# SCHR LAUNCHES PUBLIC RECORDS DATABASE SHOWING THE STATE OF INDIGENT DEFENSE



By Maya Chaudhuri,  
Equal Justice Works Fellow '21



By Kirsten Wilder,  
Investigator

**F**or over a year, SCHR has investigated GPDC's failure to appoint conflict-free (C-3) counsel to persons across Georgia in cases involving multiple co-defendants with conflicts of interest. In these instances, GPDC relies on contract "C-3" attorneys to handle these conflicting cases, but Georgia's C-3 conflict representation system is in crisis. SCHR staff and interns have been conducting interviews with individuals detained for as long as ten years pretrial. Many of these people have not seen a lawyer since their arrest beyond the SCHR team member. We are watching court proceedings across the state, and individuals are frequently brought to court without representation, only for their hearings to be delayed. Finally, we are requesting records from GPDC and other agencies that reflect the depth and breadth of these constitutional violations.

These records reflected the shocking state of the conflict representation system: over 600 people awaiting the appointment of counsel, poor employee retention, judges demanding to know why people were being sent to court without attorneys, public defenders without basic resources, and more. SCHR sent a warning letter to GPDC in August 2022, asking that the agency immediately take steps to rectify the systemic problem by retaining and adequately compensating qualified attorneys for C-3 cases. SCHR's warning letter and the underlying issues garnered significant media coverage in the final months of 2022.

In Summer 2023, SCHR launched a public database to share a selection of the documents we have received from GPDC via the Georgia Open Records Act (ORA) since March 2022.

## GA'S OPEN RECORDS ACT

The Georgia ORA guarantees public access to records kept and maintained by public agencies in Georgia. This includes all documents, physical and digital, prepared, maintained, and received as part of the operation of a public office or agency; however, agencies are not required to create any new documents and are only responsible for providing documentation that is already maintained and kept. Agencies must respond to open records requests within three business days of receipt. They may impose a nominal or small fee for the search, redaction, and production of all responsive records related to a request, but the ORA does not require the collection of fees. If a request is wholly or partially denied, the agency must provide the statute that allows them to withhold the records.

## PEOPLE WAITING MONTHS FOR LAWYERS

Records show that due to delayed representation, incarcerated persons languish in jail for months and years without counsel. In one email, then Fulton Chief Judge Christopher S. Brasher emailed the Atlanta Judicial Circuit Public Defender about "horror stories" he'd heard about the current state of conflict representation throughout the state.

And because of GPDC's poor record keeping, judges have had to take on the responsibility of identifying the people in need of conflict representation. Email records show judges providing GPDC with lists of individuals awaiting the appointment of counsel, and in one instance, Chief Judge Ural D. Glanville contacted GPDC because a defendant in his courtroom had been waiting approximately nine months for a lawyer. This delay ground his case to a halt, with the court unable to conduct any hearings for him.

## LARGE CASELOADS AND UNREPRESENTED PERSONS

Records show C-3 attorneys with caseloads as high as 553 and conflict defenders as high as 209. These large individual caseloads have impacted the ability of attorneys to effectively represent their clients and dedicate adequate time to each person.

Other GPDC documents highlight the hundreds of adults and children in Georgia without a court-appointed conflict attorney.

## ATTORNEY GRIEVANCES

GPDC records make clear that attorney retention is a persistent problem throughout the state. In one email exchange, former Atlanta Judicial Circuit Conflict Attorney Elizabeth Matthew stated she could "sense the storm coming." Matthew voiced her concern that conflict attorneys did not have sufficient time to review the State's evidence and that judges were assigning them clients without notice.

Attorney Keisha Steed shares similar feelings about case preparation. In a series of disclosed messages shared in a group message of Atlanta and Stone Mountain Judicial Circuit attorneys, Attorney Steed stated that she was working with a lack of resources, including not having access to a "designated investigator." She stated that she knew her clients were not getting the defense they needed because GPDC would not provide them with the "manpower and tools" to represent their clients and that she did not believe this was the purpose of GPDC.

## USING THE DATABASE

Records in the database are categorized by issue and include a brief summary of the attached document. Additionally, we have provided information on how to request additional information from the GPDC regarding the indigent defense system in Georgia as well as a link to access samples of record requests provided by the Georgia First Amendment Foundation.

The database can be accessed by visiting our website at [www.schr.org/openrecordsdatabase](http://www.schr.org/openrecordsdatabase).

As we spend the year celebrating the 60th Anniversary of *Gideon v. Wainwright* and the 20th Anniversary of the Georgia Indigent Defense Act, SCHR continues to fight for a system in which everyone has zealous representation. We plan to maintain and update this database and upload records as we receive them, and to utilize these records to help us identify areas where people are not receiving critical and timely counsel so that we can work to rectify this injustice.



## SCHR'S "USE OF FORCE" PROJECT MAKES POLICY RECOMMENDATIONS



By Devin Franklin,  
Movement Policy Counsel

The City of Atlanta, in its bid to foster transparency and accountability in policing, introduced the Use of Force Dashboard in 2021. While this is an important step for accountability, the Southern Center for Human Rights (SCHR) saw the need for a more holistic exploration of what we've learned since the tool's implementation.

Through a grant from Microsoft, SCHR created a "Use of Force" project designed to provide a comprehensive overview of the landscape of police violence in Atlanta. We integrated insights from the City of Atlanta's Use of Force (UoF) Dashboard and data from the Mapping Police Violence Project and The Police Scorecard. This amalgamation of data sources drove our project beyond mere numbers into an initiative that engaged and educated communities about the

deep-seated disparities in state-sanctioned violence and helped advocates and community members co-construct an alternative vision of how we can advance community safety.

Our research on the Atlanta Police Department's (APD) use of force trends resulted in unsettling findings. We learned that APD is one of the most resourced departments in the nation, and their use of those resources often perpetuates racial inequity in Atlanta. For example, Atlanta's Use of Force Dashboard showed that Black people in Atlanta, particularly Black men, bore the brunt of APD's high rate of force. In 2022, Black men constituted nearly 3 out of every 4 Use of Force encounters. Of all women who experienced the Use of Force, 91% were black.



Our project included town hall meetings, crosstown conversations, and a symposium where findings were presented. Our goal has been to make this information palpable and actionable, paving the way for impactful policy changes that reduce police violence in Atlanta by focusing on community needs and not simply officer behavior.

In the first phase of our project, seminar-style town halls allowed us to give full-bodied presentations that used stories of policing violence ripped from local headlines to frame traditional statistical analysis. We hosted town halls in each of Atlanta's six policing zones. In total, we engaged over 100 Atlanta residents during the first phase of the project. We conducted surveys before and after each town hall to gain insight into the community's perception of APD. This helped us understand participants' baseline sentiments and track how a data-driven conversation might influence those perceptions.

During the Phase Two Crosstown Conversations, the focus was on the participants' voices and the new way they would engage in old conversations in a room decorated with posters showing Phase One's largest takeaways.

This project helped SCHR design seven policies most responsive to what comparative national data and local narratives and examples of policing violence show as the primary drivers of harm: high volume of unnecessary police encounters and a lack of alternatives to policing. As envisioned by the Use-of-Force Dashboard, each of these recommendations is sourced from data, helping to facilitate a fact-based discussion around promoting community while reducing policing violence.

Read the full report at [www.schr.org](http://www.schr.org).

## 7 POLICY RECOMMENDATIONS

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**1** REQUIRE COMPREHENSIVE, COMPLETE AND ACCURATE DATA REPORTING, WHICH CAN BE AUDITED BY A THIRD PARTY

**2** REMOVE MOST CRIMINAL PENALTIES FROM THE MUNICIPAL CODE AND MAKE GREATER USE OF NON-LAW ENFORCEMENT RESPONSES TO HARM

**3** REQUIRE APD TO DEPRIORITIZE DRUG AND QUALITY OF LIFE OFFENSES

**4** FUND WRAP-AROUND SERVICES FOR INDIVIDUALS FACING CRIMINAL PROSECUTION

**5** DECRIMINALIZE THE TRAFFIC CODE LIKE THE MAJORITY OF THE UNITED STATES

**6** BAN ALL QUOTAS AND POINT SYSTEMS THAT INCENTIVIZE ARREST

**7** RE-DIRECT A PORTION OF APD FUNDING TO PROMOTE USAGE OF AND SUPPORT FOR POLICING ALTERNATIVES

# 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 a full albums on our Facebook page at [www.facebook.com/southerncenterforhumanrights](https://www.facebook.com/southerncenterforhumanrights).

2022 FREDERICK  
DOUGLASS AWARDS  
DINNER  
NOVEMBER 10, 2022



2022 SAN FRANCISCO  
BENEFIT RECEPTION  
DECEMBER 10, 2022





**2023 NEW YORK  
BENEFIT RECEPTION**

**APRIL 3, 2023**

Photos Courtesy of Richard Cabral



**JUSTICE SERIES:  
THE VISITING ROOM  
PROJECT**

**JUNE 24, 2023**



**2023 JUSTICE TAKING  
ROOT BENEFIT  
RECEPTION**

**MAY 9, 2023**







Ela is pictured with her husband, Gustavo Basto, and three-year-old daughter, Ria Rose Basto.

## DONOR SPOTLIGHT

### ELA ORENSTEIN BASTO

Ela Orenstein Basto is an attorney and licensed mediator in Atlanta, Georgia. Most of her practice as a litigator was representing injured workers in Georgia's State and Administrative Courts. Currently, Ela is a full-time mediator with Jane Cibik Mediations, specializing in resolving workers' compensation disputes. When she's not mediating, she's spending time with her husband, Gustavo Basto, and three-year-old daughter, Ria Rose Basto, enjoying nature walks, dance parties, reading books, and lots of baby shark.

**Q How did you first become interested in supporting the work of the Southern Center for Human Rights?**

**A** Just after college, I was introduced to Sara Totonchi, the then public policy director for SCHR. I have always been interested in social justice issues, and I was so impressed and inspired by the work she was doing there. I was so enamored, in fact, that I wanted to be a part of the work. I secured a summer job at SCHR reviewing and responding to mail from people in prison who were experiencing poor and inhumane conditions. These letters often became the basis of SCHR's lawsuits against the Georgia Department of Corrections and other entities responsible for deplorable conditions in many of Georgia's jails and prisons. After spending the summer at SCHR and seeing the incredible work that the staff was doing, I decided that I wanted to go to law school.

**Q What part(s) of SCHR's work is most compelling to you?**

**A** All the work that SCHR does is so important. Certainly, saving lives and getting people off death row is crucial work, and changing the conditions in Georgia's jails and prisons impacts thousands of lives and cannot be understated. But what always amazes me is SCHR's tenacity in addressing injustice in places large and small and in an infinite amount of varieties. SCHR is strategic and fearless and never shies away from a challenge.

**Q Why have you chosen to support SCHR so consistently?**

**A** I am consistently impressed by the results that SCHR can achieve. Many organizations do important social justice and human rights work, but few have had the long-term and ongoing impact like SCHR. SCHR is known as the go-to litigation shop for so many injustices and problems and has done a heroic job standing up for its clients over generations.

**Q Would you encourage others to support SCHR? If so, what would you tell them?**

**A** I would absolutely encourage people to support SCHR's mission and vision financially. The return on their investment is changing the lives of thousands of people.



# 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](http://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

**Ben Minor, at [bminor@schr.org](mailto:bminor@schr.org).**

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