



SOUTHERN
CENTER FOR
**HUMAN
RIGHTS**

JUSTICE = POWER + LOVE

2019 ANNUAL REPORT OF THE SOUTHERN CENTER FOR HUMAN RIGHTS

*Power without love is reckless and abusive, and
love without power is sentimental and anemic.*

*Power at its best is love implementing the demands
of justice, and justice at its best is power correcting
everything that stands against love.*

Rev. Dr. Martin Luther King, Jr.
From Where Do We Go From Here



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SARA J. TOTONCHI

FROM THE EXECUTIVE DIRECTOR

At the Southern Center for Human Rights (SCHR), we see manifestations of reckless and abusive power every day throughout the criminal legal system.

We see it in our country's addiction to incarceration. We see it in the over-detention of immigrants and people of color as well as people struggling with addiction or mental illness. We see it in the ways that private prison and probation companies are making fortunes on the backs of our most vulnerable. We see it in the many instances where people who encounter the police are devalued, humiliated, and even killed.

While 2019 was a banner year at SCHR, it was not an outlier. Because of donors like you, SCHR has been successfully pushing back against reckless and abusive power for more than 40 years.

Our victories would not have been possible without your friendship, solidarity, and financial support.

The examples throughout this report are just the tip of the iceberg of what your support and friendship make possible. Words cannot adequately express our gratitude for your support.

With advocacy and litigation, there is much talk about power. Often, this language overshadows the other driving force behind this vital work: love. At SCHR, love is at the heart of everything we do. We believe that love is respecting the humanity and dignity of all people. Love is a desire for every person to have a full range of opportunities. Love is believing that every person's life is worth more than their worst moments.

With your support, SCHR demonstrates love in action by pushing back against abusive, corrupt, reckless power.

Your gifts, your friendship, your encouragement builds our power, fortifies our love, and supports our work to grow justice. Your generosity makes all our work possible.

With your continued support, SCHR will become an even more powerful force for fairness in the criminal legal system and a loving support system to our clients and other people who are system-impacted. We need you to join with us as we look toward a more compassionate and just tomorrow.

Together, we can realize our full potential and implement the true demands of justice. From the bottom of my heart, thank you for joining us in our fight for equality, dignity, and justice.

With gratitude and hope,

Sara J. Totonchi
Executive Director



SCHR'S NEW HOME

SCHR purchased a new building and moved into our new home in 2019. Our new headquarters, located at 60 Walton Street, is only one block away from our old home at 83 Poplar.

Built in 1889, it was the flagship building for our historic Fairlie-Poplar neighborhood. It has previously been occupied by a wagon company, a pants manufacturer, a sheet metal business, a paint store, various restaurants, offices, and retail shops. American Friends Service Committee bought it in 2008 and sold it to the a tech company called Phase 3 in 2014. A Jamaican restaurant, Calypso Café, was on the first floor, and a favorite for SCHR celebrations for decades.

With 19,000 square feet of beautiful space, it provides us with the room we need for collaboration, for innovation, and for our growing community. While we loved our old space on Poplar Street, it became clear to us that it was no longer responsible to limit our impact based on the physical limitations of our space. We could not have afforded to take advantage of this tremendous opportunity to deepen our impact without your support.



LAWSUIT CHALLENGES THE MASS ARREST OF 60+ PARTYGOERS FOR LESS THAN AN OUNCE OF MARIJUANA IN CARTERSVILLE, GEORGIA

On March 11, 2019, SCHR and co-counsel from The Merchant Law Firm, PC filed a lawsuit on behalf of 64 students, military servicemen, and working residents who were unlawfully detained, searched, and arrested at a birthday party in Cartersville, Georgia for possessing less than an ounce of marijuana.

Twelve days after the mass arrest, the Bartow County District Attorney dismissed all charges against the 64 party guests, however, the damage to plaintiffs' livelihoods and reputations had already been done. They were subjected to mistreatment in jail, lost jobs and scholarships, and endured public humiliation.

The suit challenges a Cartersville policy that authorizes police officers to enter homes without warrants and to detain all occupants found inside based solely on the smell of suspected marijuana.

Discovery remains ongoing in this case and is set to close in June 2020.



Pamela Winn, Founder of RestoreHER, and HB 345 author Rep. Sharon Cooper share a celebratory hug.

THE DIGNITY FOR INCARCERATED WOMEN ACT PASSES IN GEORGIA

In 2019, the Georgia General Assembly passed House Bill 345, which has been commonly referred to as the Dignity for Incarcerated Women Act. The bill provides the following protections for women who are pregnant or in the immediate postpartum period: 1) pregnant women in the second or third trimester cannot be forced to squat or cough during strip searches and can only be restrained in cuffs in extraordinary circumstances; 2) vaginal examinations can only be performed on pregnant women when prescribed and performed by a licensed healthcare professional; and 3) women who are pregnant or in the immediate postpartum period cannot be held in solitary confinement.

The bill passed almost unanimously with only one vote in opposition cast by Senator Randy Robertson from Columbus. Additional legislative reforms are still necessary to fully respond to the needs of women who are incarcerated in correctional facilities. We will continue to work with our partners to address issues like adequate healthcare, access to feminine hygiene products and undergarments and easier contact with children and loved ones.



Johnny Gates's legal team and supporters after oral arguments.

SCHR FIGHTS FOR JOHNNY GATES IN GEORGIA SUPREME COURT

SCHR and co-counsel from the Georgia Innocence Project argued for a new trial for Johnny Gates in the Georgia Supreme Court in August 2019. Mr. Gates was convicted of murder and sentenced to death in Columbus in 1977. However, he was granted relief by the trial court in January 2019 after SCHR and co-counsel discovered exculpatory DNA evidence as well as evidence of deliberate race discrimination by the trial prosecutors. The State appealed the grant of relief, setting up the case in the Georgia Supreme Court.

The 2019 developments in Mr. Gates's case were years in the making. In 2015, interns from the Georgia Innocence Project discovered that the District Attorney's Office in Columbus still possessed critical physical evidence from Mr. Gates's case — specifically, the ties that were used by the perpetrator to bind the victim during the 1977 murder. Because of the way in which the crime occurred, the perpetrator would

have left his DNA on the evidence. However, testing revealed that Mr. Gates's DNA was not on the items.

With respect to the discrimination, Mr. Gates, a black man, was convicted and sentenced to death by an all-white jury in 1977 after the prosecutors struck all of the black prospective jurors who were qualified to serve. In 2018, SCHR and co-counsel gained access to the prosecutors' jury selection notes from the trial. The notes revealed that the prosecutors labeled white prospective jurors as "W" and black prospective jurors as "N," singled out the black prospective jurors in various other ways, and described the black prospective jurors in derogatory ways.

In its order granting relief in January 2019, the trial court found that the DNA evidence was exculpatory and material and that the prosecutors' race discrimination was "intentional," "pervasive," and "systematic."



SCHR FILES LAWSUIT TO PROTECT PUERTO RICAN AMERICANS IN GEORGIA

Kenneth Caban Gonzalez left Puerto Rico for southeast Georgia in August 2017. He later tried to exchange his Puerto Rico driver's license for a Georgia one. At the time, Georgia Department of Driver's Services's policy required employees to confiscate the identity documents of Puerto Rican applicants and flag them for fraud. They also used a "Puerto Rican Interview Guide" to test the applicant's knowledge of the island. Officials took Mr. Caban Gonzalez's identity documents, determined they were fraudulent, arrested him a week later, and charged him with two felonies. He spent three days in jail.

DDS later learned that its fraud-detection procedures were outdated and asked the Department of Homeland Security to determine the authenticity of Kenneth's documents.

DHS concluded the documents were valid, but continued to hold onto Mr. Caban Gonzalez's identity documents, and the felony charges hung over his head until March 2019 when they were finally dismissed.

In July 2019, LatinoJustice and SCHR filed suit on behalf of Mr. Caban Gonzalez and a putative class of similarly situated Puerto Rican residents in Georgia. A week later, DDS returned Mr. Caban Gonzalez's documents and Governor Brian Kemp, at the urging of Puerto Rico's then-governor, called for an investigation into DDS. In the months since, several DDS officials have been fired or demoted.



*A woman sleeps in a cell with a puddle of toilet water on the floor.
Courtesy of the Georgia Advocacy Office.*

SCHR FIGHTS FOR THE HUMANE CARE OF WOMEN WITH MENTAL ILLNESSES HELD IN SOLITARY CONFINEMENT

On April 10, 2019, the Georgia Advocacy Office and the Southern Center for Human Rights filed a class action lawsuit on behalf of women experiencing psychiatric disabilities in the South Fulton Municipal Regional Jail. The lawsuit challenges Defendants' practice of subjecting women experiencing psychiatric disabilities to long-term isolation in solitary confinement in the jail's "mental health pods" as well as gender discrimination by denying women found incompetent to stand trial access to the same programming and services that men are offered.

During an evidentiary hearing, Plaintiffs presented evidence that women with psychiatric disabilities are held in solitary confinement 23 to 24 hours per

day for weeks or months with no books, television, programming, or other opportunities to occupy their time. Additional evidence highlighted deplorable jail conditions.

On July 23, 2019, Judge William M. Ray, II issued a preliminary injunction ordering that Defendants must: (1) offer at least four hours a day of out of cell time to each woman assigned to the mental health pods, (2) establish and file a written plan to provide sanitary conditions, and (3) offer out-of-cell therapeutic activities to women. When issuing his order, Judge Ray called the jail conditions "repulsive," and stated that those familiar with the conditions "really ought to have a hard time sleeping at night."



Toforest Johnson

EVIDENTIARY HEARING HELD FOR TOFOREST JOHNSON

SCHR and co-counsel from the Berkeley Law Death Penalty Clinic continue to fight for justice on behalf of Toforest Johnson, who has been incarcerated on Alabama's death row since 1998. In the past year, this effort has included an evidentiary hearing in Birmingham as well as a groundswell of community support for Mr. Johnson.

Mr. Johnson was convicted of capital murder and sentenced to death for the 1995 shooting of a police officer. The conviction and death sentence were based on the testimony of a single "earwitness" who claimed that she overheard Mr. Johnson confessing to the crime on a telephone call. But the witness had never met Mr. Johnson and had never heard his voice. Years after the trial, SCHR discovered that the State paid the witness \$5,000 for her testimony — a fact never disclosed to the defense and never heard by the jury.

In June 2019, the circuit court in Birmingham held an evidentiary hearing on Mr. Johnson's claim that the State suppressed the reward evidence at trial. At the hearing, SCHR and co-counsel presented evidence in support of this claim, including a copy of the \$5,000 check that the witness received and a letter written by the District Attorney stating that the witness came forward pursuant to the reward. It was uncontested that the State failed to inform the defense about the reward until after the trial.

With the case active in court, community members in Birmingham have mobilized in support of Mr. Johnson. Several community leaders from the Greater Birmingham Ministries, Alabama Appleseed, and other organizations wrote a letter to the current District Attorney, asking for him to support a new trial. In addition, national and local news outlets have published articles about the case, including a piece in The Washington Post.



STAFF PROFILE

SARAH FORTE

SENIOR INVESTIGATOR / PARALEGAL

Sarah Forte is a Senior Investigator and Paralegal at SCHR. Sarah joined SCHR in June 2006 upon graduating from Northwestern University's Medill School of Journalism. At SCHR, Sarah investigates death penalty cases at the trial level and in post-conviction proceedings. Sarah is the current Chairperson of the National Alliance of Sentencing Advocates & Mitigation Specialists (NASAMS).

Why SCHR?

I came to SCHR after spending my final year of journalism school investigating wrongful convictions with the Innocence Project in Chicago. That experience opened my eyes to the many injustices plaguing our criminal legal system and compelled me to put my writing and investigation skills to use in telling the stories of people being negatively impacted by the system. I am grateful every day to work somewhere that every action and interaction is guided by our core values and mission. I love that SCHR pushes me to develop new skills and seek innovative ways to deepen our impact. It's hard to imagine working anywhere else.

What keeps you motivated?

My colleagues and our clients. It is a blessing to work alongside such passionate, creative champions of justice who see no challenge as insurmountable. The COVID-19 pandemic has created even more obstacles to serving our clients and their communities, and every SCHR staff member has pivoted and pitched in to ensure our work continues and our clients remain our priority. Every day, we are asked to choose between doing what is easy and doing what is right. Each case we take on poses a unique set of new challenges for us to overcome and we face them together with hope and determination.

"Because of SCHR, I am a free woman, and I am able to continue my fight within my community to ensure that people are treated fairly and that every citizen who wants to exercise his/her right to vote can do so. SCHR gave me my life back and fortified my determination to continue upon the quest for justice, freedom, and true democracy for everyone!"

Olivia Coley Pearson, Former SCHR Client and Ward 3 Commissioner, City of Douglas, Georgia



Olivia Coley Pearson shares her story at the 2018 Frederick Douglas Awards Dinner.

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*“The Elisabeth Ruyter Fellowship
inspires talented college
undergraduates to dedicate their lives
to public interest law, gives them a
unique learning opportunity, and
helps SCHR do their important work.
As an outspoken advocate for social
justice, my mother would be so proud
and happy to know that her memory
is being carried forward through this
new SCHR summer internship.”*

Tina Ruyter



Elisabeth Ruyter marches in a protest.



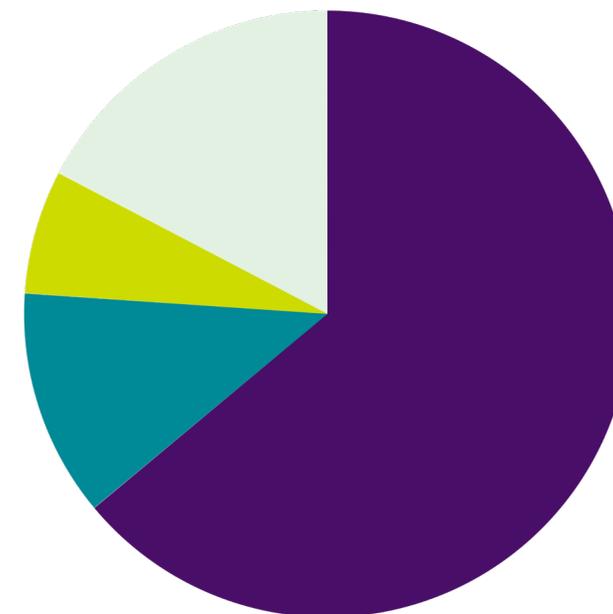
For the eighth consecutive year, the Southern Center for Human Rights earned a 4-star rating from Charity Navigator in 2019. This is Charity Navigator's highest possible rating and indicates that SCHR is accountable, transparent, and financially healthy and efficient.

Only 5% of the charities evaluated by Charity Navigator have received this ranking.

You can find our full audited financial statements for 2019 on our website at www.schr.org/who-we-are/financial-reports.

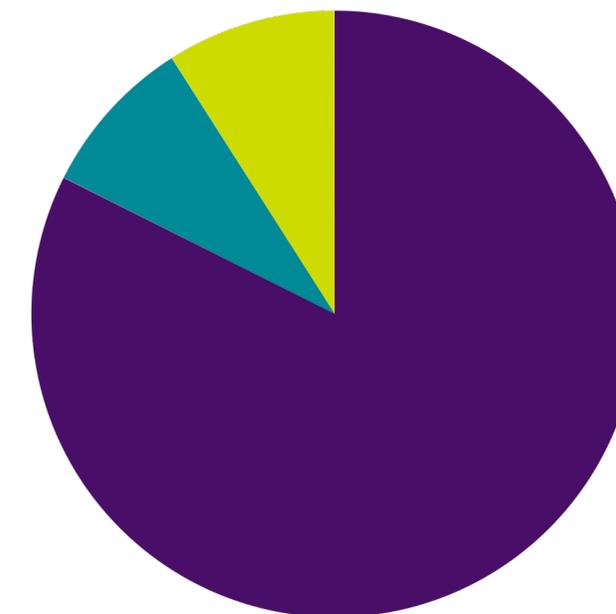
	FY2019	FY2018
SUPPORT & REVENUE		
Foundations	\$ 2,582,479	\$ 1,512,047
Individuals	1,667,477	853,732
Investment Revenue	1,149,579	–
Attorney Fees	805,882	506,943
Special Events	368,502	430,285
Rental Income	70,323	–
Other	–	124
Loss on Disposal of Fixed Assets	(410)	(6,933)
TOTAL SUPPORT & REVENUE	6,643,832	2,767,841
EXPENSES		
Program Services	3,078,842	2,725,185
Management & General	319,768	296,890
Fundraising	336,813	278,515
TOTAL EXPENSES	3,735,423	3,300,570
CHANGES IN NET ASSETS	2,908,409	(532,729)
NET ASSETS		
Beginning	8,252,488	8,785,217
Ending	\$ 11,160,897	\$ 8,252,488

SOURCES OF REVENUE



Foundations & Individuals (63.96%) Attorney Fees (12.13%)
Special Events & Rental Income (6.6%) Investments (17.3%)

HOW FUNDS ARE USED



Program Services (82.42%) Management & General (8.56%) Fundraising (9.02%)

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SOUTHERN CENTER FOR HUMAN RIGHTS

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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