FORWARD JUSTICE

2022 ANNUAL REPORT

Change the South.
Change the Nation.

Dear Friends,

At Forward Justice, we believe that a Third Reconstruction of this country is possible, necessary and within our collective reach. Learning from the history of justice struggles, to truly reconstruct America, we must unlock the yet unrealized promise of a thriving multi-racial democracy where every person has a voice in shaping our interdependent future.

Our country has seen bright glimpses of this potential before, often rising out of social movements birthed in the U.S. South — during Radical Reconstruction and the long Civil Rights Movement – when we as a country, elevated by the vision of people most directly impacted by gruesome injustice, partially realized the promise of a true multiracial, representative democracy.

In 2022, we continued to build on the rich legacy of those who have long believed in the "Other America." After restoring access to the ballot to more than 56,000 people living in NC communities on felony supervision, probation or parole in *CSI v. Moore* – the largest expansion of voting rights in our home state since the civil rights movement – we continued to protect the rights of these newly enfranchised Second Chance Voters. The Unlock Our Vote campaign's radical demand to expand 'the we in we the people' to include people under felony community supervision deepened our analysis of what a Third Reconstruction means today, our commitment to stand with the people most impacted and our imagination of what is possible across the South.

Last year, Forward Justice and our movement partners made progress in reducing racially discriminatory police stops in Mecklenburg County, reduced the burden of criminal justice debt that drives the vicious cycle of criminalization of poverty, and redoubled our voter protection and intimidation infrastructure. In our signature work to Protect Our Vote, in *NC NAACP v. Moore*, we celebrated another historic legal victory securing the people's right to be free from the abuses of unlimited power wielded by an illegally racially gerrymandered state legislature. And we were inspired by the launch of our work with our long-time partners, SpiritHouse, to build a Transformative Justice Center in Durham, NC that will serve as a sacred home for a new vision of safety and justice.

Nationally, we were buoyed by the spirit and power of joining with the Poor People's Campaign: A National Call for Moral Revival in its audacious gathering for the Mass Poor People's Moral March on Washington in June, prophetically calling for the restoration of the new Voting Rights Act – an unmet demand that should shame this nation as we enter the 10th year without a Voting Rights Act. We are grateful to all of our core movement partners for joining us in New Orleans, Louisiana for the launch of our regional gathering series, Ground the South, in partnership with our 501(c)(4) sister organization, Forward Justice Action Network, which is helping us to expand our reach in the South.

While the form of our fights may look different in the years to come, the revolutionary love we experienced together as a staff and in deep community with our movement partners in 2022 pushes us bravely toward a future closer to justice. The new world that we can build together will be one where it's safe to exercise radical truth and love, learn from our history, and recognize that our faith and works represent a living justice of our greatest aspirations. Join us in making this vision a reality.

Forward,

Caitlin Swain, Esq., *Co-Director and Co-Founder*
Daryl V. Atkinson, Esq., *Co-Director and Co-Founder*
Ashley Marshall, Ph.D., *Deputy Director and Co-Founder*

Unlock Our Vote

In North Carolina's largest expansion of voting rights since the Civil Rights Act of 1965, 56,000 citizens on probation, parole or post-release supervision immediately became eligible to register and vote on July 27, 2022. A state superior court had overturned the law denying these people the right to vote, and the North Carolina Court of Appeals ordered the decision to go into effect while on appeal to the state Supreme Court.

With partners and the community, we kicked off the Unlock Our Vote Freedom Summer Tour in nine key counties, educating, engaging and registering as many second-chance voters as possible. Our team called and texted nearly 56,000 people and, with coalition partners, within 102 days, 14 weeks and 14 weekends, we hosted over 15 events across the state. Powerful movement leaders joined us, including Rev. Dr. William J. Barber III; Ahmaud Arbery's father and activist, Marcus Arbery, Kimberlé Crenshaw, and Dr. Benjamin Chavis.

Unfortunately, the partisan and racial composition of NC's Supreme Court radically shifted in recent years. On Friday, April 28, 2023 the newly elected NC Supreme Court stripped voting rights from people under felony supervision, reinstating the state's racist felony disenfranchisement laws, including a requirement to pay money to regain the right to vote.

While the court's decision is extremely disappointing, our clients had 276 days of freedom and unprecedented inclusion in NC's democracy. We will continue to provide direct support for people who encounter issues during coming elections or have questions about the ruling and it's impacts on their voting rights status.

"As soon as the machine accepted my vote, I felt a weight lift off my shoulders. I'm helping to make a better future for my children, as well as the surrounding community."

–Mellendez Hargrove

"It felt so good to go in there and vote for the first time. I finally felt like my voice mattered, like someone had to listen to me and I could really make a change after feeling overlooked and ignored by the system and society for so long."

– Shakita Norman

Protect Our Vote

In 2022, Forward Justice's Protect Our Vote campaign provided critical support to voters statewide in partnership with the NC Election Protection Coalition. Building on our expertise gained in the last four election cycles, our legal, policy and communications team operated an election protection strategy center to protect the rights of those who have been marginalized and historically barred from the democratic process. Our strategy included a full-time dedicated hotline for the more than 56,000 justice-involved voters newly enfranchised in the state.

In the 2022 election, Forward Justice led advocacy to address instances of voter intimidation across North Carolina. Our voting rights specialists responded to over 60 reports of voter intimidation made to the 1-888-OUR-VOTE NC Election Protection Hotline throughout early voting and on Election Day, and worked at the county level with grassroots partners and impacted voters documenting, advocating and redressing rising cases of unlawful intimidation. In both the primary and the general elections, Forward Justice was proud to also provide election protection support in our sister state of Kentucky, as we continued our long-term collaboration with partners across the South.

NAACP v. Moore Victory

On August 19, 2022, the North Carolina Supreme Court issued a groundbreaking ruling in *NC NAACP v. Moore* that, for the first time in United States history, placed a check on the power of a racially gerrymandered legislature. The NC Supreme Court ordered that while a legislature found to have been elected through illegal racial gerrymandering may continue to engage in ordinary legislative actions, it may not begin the process of amending the state constitution to further entrench the power structure secured through such gerrymandering. The court also stated that the legislature may not use power gained through illegal gerrymandering to target and harm a set of voters whose voices were diminished in the election of the gerrymandered legislature, and thus the constitutional amendment process. The court then remanded the matter back to the trial court for further fact-finding with clear guidance. Forward Justice brought this case in 2018 on behalf of the NC NAACP, and we are proud to work with the Southern Environmental Law Center and attorney Irv Joyner to bring this case to an ultimate victory.

Our victory put a check on legislators, blocking them from illegally taking power from the people by gerrymandering districts and then using that power to change the constitution to suppress access to the ballot box. By fighting back and restoring power to the people, we can protect our democracy.

Watch this video to learn about Forward Justice's report about current voting rights discrimination in North Carolina.

North Carolina illegally and intentionally violanted the right to vote of African Americans "with almost surgical precision."

–N.C. State Conference of the NAACP v McCrory, 831 F.3d 204, 215 (4th Cir. 2016)

Reducing the Burden of Criminal Justice Debt

People who are convicted of even the most minor, traffic-related offenses face monetary penalties at almost every step of the process. Fees are imposed on people for a court appointed lawyer, if the state decides to bring an expert witness to testify at trial, if placed on supervised probation, a person must pay a monthly fee; and, there are daily fees imposed on those who are unfortunate enough to be housed in a jail. **Many of these fees are unaffordable for many people and lead to financial hardship, driver's license suspension, extended community supervision and sometimes incarceration.**

Our legal system should not be funded on the backs of those with the least ability to pay and we must end the criminalization of poverty. This year, attorneys at Forward Justice reached agreements with officials in four counties to reduce the burden of unaffordable criminal justice debt on the state's poorest residents. **On January 1, 2022, the NC Supreme Court adopted Rule 28, making it mandatory for courts to consider the financial status of those convicted in a criminal case or found responsible for an infraction,** once they request financial relief. We've been working with public defenders and district attorneys to ensure that they're committed to using a state-issued form to help guarantee that the court considers peoples' ability to pay before levying costly fines and fees on those least able to afford them.

Taking it even further, additional revenue comes from the NC Drug Tax, which funnels money back into the pockets of law enforcement departments, even if charges are dismissed or dropped, pushing people who are entangled in the criminal legal system even deeper into debt. This hardship is compounded by the fact that having a criminal record prevents many people from accessing employment options. Our team launched a campaign to end the NC Drug Tax and our team of attorneys helped develop that form for the state as a part of our work to ensure that the system is not funded on the backs of those least able to pay.

The True Cost of Fines and Fees

HOW EXPENSIVE IS IT?

General Court of Justice Fee
$147.50 – $154.50

Successfully requesting a court appointed lawyer
$60 up front plus a required reimbursement to the state for the hours provided by the lawyer

Forensic testing requested by the prosecutor
$600

Expert testimony requested by the state
$600

Being placed on supervised probation
$40 per month

Being housed in a jail pre-trial
$10 per day

"I'm faced with the challenges of paying fines and fees that I owe to the state, but at the same time, I'm a felon without the ability to get a job. How do I pay my fines and fees? Do I live in fear everyday of getting locked back up because I can't pay those fines and fees?"

– Nacola McNeil, *Directly Impacted Community Member*

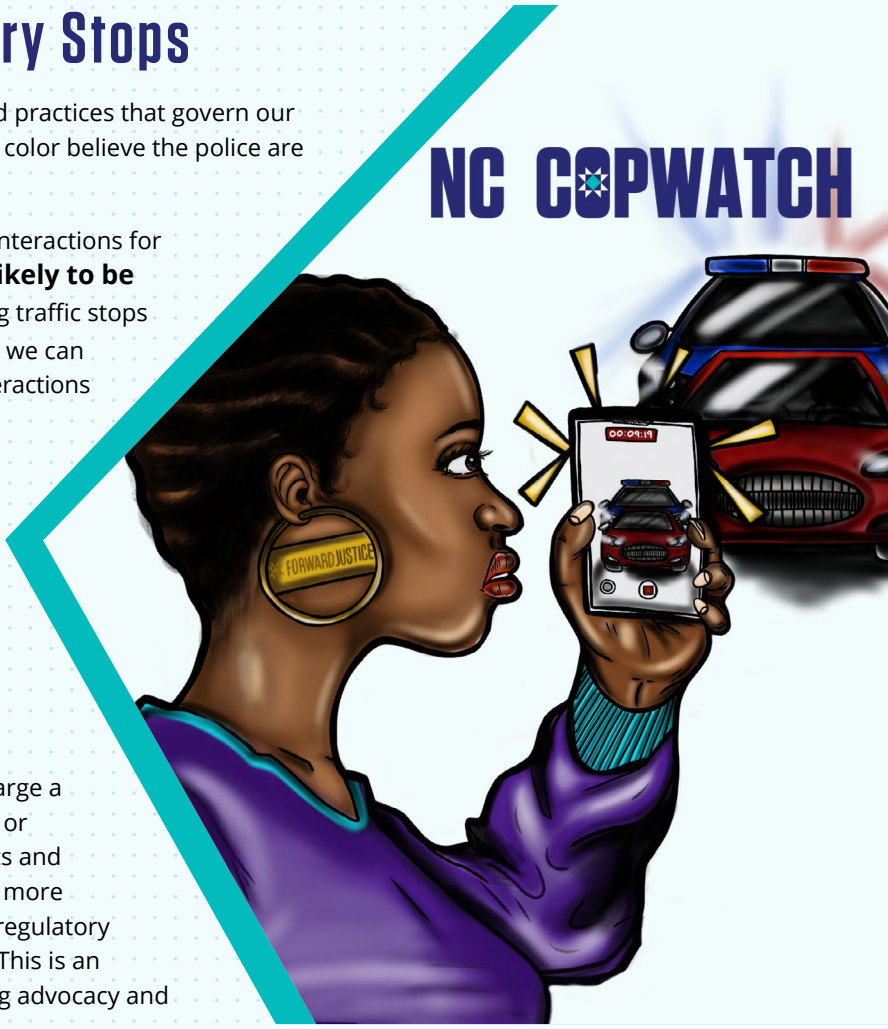
District Attorney Accountability

District Attorneys (DAs) play a critical role in our legal system by deciding which crimes get prosecuted. **We deserve both safety and justice, and believe that elected officials who share those values will best serve our communities.** We created a District Attorney Accountability campaign to educate the public through a series of non-partisan DA interviews, questionnaires and public comments to educate the public about the candidates positions.

Educating the community on candidates, so they can make the choices that align with their values, has real world implications that impact countless lives. Durham DA Satana Deberry shares a commitment to both safety and justice, as well as reducing the burden of criminal justice debt. From 2018-2022, there has been a 30% reduction in the Durham based prison population, and on a Day of Jubilee, she waved over 4 million dollars in criminal justice debt so people can get their driver's licenses restored.

Ending Pretext and Regulatory Stops

Reimagining public safety means changing the policies and practices that govern our interactions with law enforcement so that communities of color believe the police are protecting, not targeting, them.



Traffic stops can lead to harmful, and sometimes deadly, interactions for people of color. **Black drivers are about 95% more likely to be stopped by police than white drivers.** By eliminating traffic stops for low-level infractions that do not threaten public safety, we can begin to minimize unnecessary and potentially harmful interactions between law enforcement and communities of color.

Toward that end, Forward Justice and the North Carolina Second Chance Alliance advocated for and worked with the Mecklenburg County Sheriff's Office (MCSO) to develop, draft and adopt a new policy to end regulatory stops for non-moving violations. **In Mecklenburg County, N.C., Black people are 30.8% of residents but 47.7% of the people pulled over for traffic stops.**

Effective September 19, 2022, MCSO deputies can only charge a driver with regulatory offenses (such as vehicle inspection or insurance violations, improper mufflers, non-working lights and window tinting) if they have already stopped a driver for a more serious and/or potentially hazardous violation – meaning regulatory offenses can no longer be the sole basis for a traffic stop. This is an example of what's possible with radical reimagining, strong advocacy and community-centered approaches to safety and justice.

"Sheriff Greene's statements exposed what the Columbus County community has lived with for decades: a longstanding history of racial discrimination by law enforcement and government officials that must be addressed by official independent intervention and oversight."

– Curtis Hill, Columbus County NAACP President

Columbus County: A Community Standing Against Racist Policing Practices

During the November 2022 elections, a race off the national radar had serious consequences for residents of Columbus County, N.C. Jody Greene was re-elected sheriff less than a month after resigning from office. He was heard on a recorded phone call making vile, racist comments about Black employees and calling for them to be fired, and resigned to halt court proceedings to remove him from office.

Unfortunately, many Columbus County residents signaled that they approve of a racist law enforcement official by re-electing him.

After the recording of Greene went public, Forward Justice worked with the Moore County chapter of the N.C. NAACP to urge the U.S. Justice Department to open a pattern and practice investigation into the Columbus County sheriff's department.

Black residents of Columbus County, whose taxes pay Greene's salary and fund his office, deserve to feel safe in their community. We will continue standing with them in this fight.

Mental Health and Incarceration

Dontae Sharpe, Forward Justice's Returning in Service and Excellence Fellow, who received a full pardon in 2021 after wrongfully serving 26 years in prison for a murder he did not commit, called in 2022 for the launch of a public awareness campaign to address the crisis in mental health caused by incarceration. From his experience and those returning to society who we work with every day, we know that incarceration often has devastating effects on mental health, including post-traumatic stress, anxiety, impaired decision-making and more. Last year, he addressed Congress in a briefing leading up to the June 18th mobilization to discuss the need for reforming the criminal legal system. While in prison, Dontae spearheaded conversations with other formerly incarcerated people to create spaces that foster transformative dialogue on how prison impacts mental health. During this time, Dontae met other individuals, like Benito Manzanares, who shared similar struggles with depression and anxiety.

"Nobody knew that I was dealing with suicidal thoughts in prison. I just want people to open their eyes and take a chance to just reach out to somebody because you never know."

– Benito M.

In state and federal prisons respectively, 74% and 66% of people reported not receiving any mental health care while incarcerated. A 2019 study of people who were released from incarceration in North Carolina from 2000 to 2015 found that individuals who spent any time in restrictive housing (solitary confinement) were 78% more likely to die from suicide in the first year after release and 127% more likely to die of an opioid overdose in the first two weeks after release. Creating safe, thriving communities means that our loved ones returning home have the resources they need to successfully reenter society.

Last year, Sharpe addressed Congress in a briefing leading up to the June 18th mobilization to discuss the need for reforming the criminal legal system.

Percentage of people reported not receiving any mental health care while incarcerated

74% in state prison

66% in federal prison

Dontae Sharpe Giving Congressional Testimony in June 2022

Photo courtesy of Poor People's Campaign

Mass Poor People's Moral March on Washington, June 18, 2022

Major Policy Points: The 140 million poor and low-income people in this country account for 40% of the population and nearly one-third of the electorate. We are of every race, age, faith, gender expression and identity, and we live in every region, state and county in the country. We won't be silent anymore.

On June 18, 2022, we stood with our partners at the Poor People's Campaign (PPC) during the largest gathering of poor and low-wage people in Washington, D.C. since the last Poor People's March in the 1960s. Over that Juneteenth weekend, Forward Justice Co-Directors joined Co-Chairs Rev. William Barber, members of the King family and others, and spoke about the need for transformative change in this country in the form of a Third Reconstruction.

As legal counsel to the PPC, Forward Justice hosted a one-of-its-kind Poor People's Campaign Legal Witness Program, which recruited, trained and supervised more than 60 attorneys and legal workers from across the country to join as movement lawyers in support of the Poor People's Campaign historic March on Washington and to the Polls. Alongside the Center for Constitutional Rights the National Lawyers Guild, and more than 20 major legal organizations, Forward Justice's Legal Witness program proudly resourced all movement lawyering support needs for the three days of historic First Amendment assembly and protest sessions hosted in the heart of the nation's capital, ensuring the rights of the nearly 100,000 people who attended Friday and Saturday's program were protected. For far too long, our people – poor people, people of color, Indigenous nations, immigrant families, women, children, the disabled and LGBTQ communities – have been under attack, pitted against each other and blamed for society's problems. We stand with the Poor People's Campaign historic call: Rather than being demoralized by the crises of our times, we will intensify and embolden our agitation at the ballot box, through the courts and in the streets.

We stood with thousands of moral witnesses from all across the country to show our nation's leaders that we can change the very course of this country by centering the poor in our laws, policies and politics. We are proud to be a part of this movement to fight for a nation that leads with love, truth, justice and equal protection under the law.

Inaugural Grounding the South Gathering

Forward Justice Action Network (FJAN), a 501(c)(4), sister entity to Forward Justice, is committed to being a catalyst for transformative change at the forefront of creating a "Third Reconstruction" in America. We began the work of connecting movement partners and building power in the South by hosting the inaugural "Grounding the South Conference" in New Orleans at the headquarters of our partners at V.O.T.E.

During the conference, we connected with people and partners in the South who share our vision of a world that's more loving and equitable, coming together to build a Third Reconstruction, build political power, and reimagine community justice and public safety.

We heard from residents and organizers of Jackson, MS who have not had clean drinking water for months. In solidarity, we organized water collection and donations, uplifting the issue on our social media channels and connecting them with partner organizations that mobilized to provide ongoing local support on the ground.

Transformative Justice Center

In the United States, systemic racism is disproportionately experienced and lived every day by Black, Brown and Indigenous communities. The past three years of living through a global pandemic amplified this reality on an incomparable scale, and significant investment in our communities is needed to begin to address the ongoing compounding harm of systemic racism.

As members of and working with the Back in the Black Coalition, we are organizing locally for equitable distribution of federal emergency pandemic funding to Black-led organizations in Durham, North Carolina.

In partnership with SpiritHouse – a Black, women-led organization focusing on cultural and arts enrichment, racial justice, social change and self-determination – we are creating a Transformative Justice Center, a restorative communal and civic center dedicated to being and fostering a safe space where communities can practice wellness, create and experience the cultural arts, and gain political education to start to address this harm.

Our work centers members of the community who are healing from the long-term impacts of systemic racism, exacerbated by the devastating impact of the pandemic.

FORWARD LOOKING: **THE FIGHT FOR JUSTICE CONTINUES**

In the Courts

We await a ruling from the NC Supreme Court in *CSI v. Moore*, as the justices decide whether to overturn or let stand the decision granting the right to vote to formerly incarcerated citizens. Forward Justice also will continue our representation of the NC NAACP in our fight to end discriminatory barriers to the right to vote, including in our federal court challenge to the actions of an illegally gerrymandered legislature. **We will continue using litigation to fight back against laws and policies that harm our communities and weaken our democracy.**

In the Community

Third Reconstruction Agenda: We cannot forget the 140 million poor and low-wealth people in this country. The American Dream must be accessible to all, not just a select few. We will continue to fight for living wages, federally protected voting rights, and equal access to housing and healthcare, alongside our partners at the Poor People's Campaign.

Public Safety: With tools like NC CopWatch and initial successes with ending regulatory stops, we're getting closer to rebuilding and reimagining what public safety and justice look like in our communities. Our new Transformative Justice Campus will be the next step in ensuring that our communities are protected while having the resources they need to thrive.

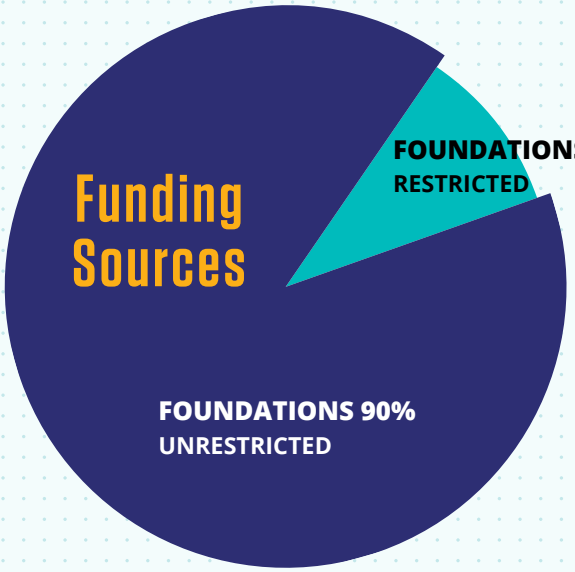
We'll also continue to support the Columbus County NAACP in its work to ensure the community's concerns about policing are heard following the re-election of a racist sheriff, and that the Black residents of Columbus County feel safe instead of victimized by law enforcement.

In the Ballot

To build upon the work we started during our Grounding the South conference, **we're continuing our collaboration with democracy advocates across the state and the South so we can mobilize, educate and protect voters going into 2024.** We want to ensure voters have equal access to the ballot, are well educated on the issues that are most important to them and their communities, and have the access to the tools, resources and information they need to successfully register and vote.

Transformative change begins with each of us, one voice at a time, one vote at a time.

FINANCIALS, DONATE AND GET INVOLVED



Thank you to our Top Three Donors

KATHRYN M.

KATHLEEN M.

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