



ACLU
Kentucky

ANNUAL REPORT
2020-2021

A Note from ACLU-KY Leadership

This year has presented challenges for our organization and many others. We are pleased to say the ACLU-KY team has risen to meet each challenge as we continue navigating a new normal.

We celebrated an unprecedented level of success in Frankfort during the 2021 legislative session by passing a record number of bills crafted by the ACLU of Kentucky. Most bills take years to pass, but several pieces of priority legislation became law in their first year, including protections for pregnant incarcerated people and a law that will severely limit the use of no-knock warrants statewide.

We led the effort to get critical bills over the finish line that will address the root causes of incarceration, support people and families returning to life after incarceration, and end the automatic transfer of children to adult court for some charges. Legislation restricting the use of the death penalty made it further than ever before and

your engagement helped us stop several bills that would have limited free speech and attacked LGBTQ Kentuckians.

Unfortunately, two bills undermining access to abortion care became law and we are preparing a campaign against a proposed amendment to the Kentucky Constitution that would ban abortion care in all cases — even rape, incest, and life-threatening conditions — if *Roe v. Wade* is ever weakened or overturned.

We continue to work with organizations and activists in cities and towns throughout the commonwealth to radically reimagine the role of police in public safety so all Kentuckians have equal protection under the law. This work was supercharged after Louisville was thrust into the national spotlight as the community grappled with the death of Breonna Taylor and the subsequent lack of justice, transparency, and change. Together with community leaders,

we successfully pressured Metro Council to completely ban no-knock warrants in Louisville without a single no vote. This built momentum for the General Assembly to pass statewide restrictions and for activists in cities like Lexington to successfully push for complete bans.

Our legal team remains busy with several lawsuits. We are currently suing Louisville Metro Police Department (LMPD) in federal court for their violent and militaristic response to peaceful demonstrators during 2020 protests. We also have three ongoing cases in federal court challenging unconstitutional restrictions to abortion care.

The Supreme Court of the United States recently heard arguments in Attorney General Daniel Cameron's last-minute attempt to intervene in our challenge to an unconstitutional ban on abortion care — a ban we have already defeated twice. The state agreed to comply with our lower court victories stopping this law, but Cameron is stepping in at the eleventh-hour and attempting to break that agreement because he knows the

courts are growing more hostile to abortion care.

The question before the court is a very specific procedural question that will not affect the substance of the case. If the court agrees with Cameron, his request to intervene will be sent back to the Sixth Circuit for reconsideration. If the Sixth Circuit allows him to intervene, he could then appeal our victory. If his request is denied, our victory will rest. He will stop at nothing in his effort to force people to remain pregnant against their will, even if it means relitigating old cases.

Abortion care remains legal in Kentucky and you can still access care here.

Despite the global financial challenges caused by the pandemic, you did not let us down. You maintained strong financial support during a time of great need, especially when we had a call for support during the pandemic. The global crisis exacerbated racial disparities and laid bare gross injustices in our justice, immigration,

and healthcare systems. Your support has allowed us to face these ever-expanding challenges head on.

While our most visible work happens outside the organization, we are also working equally hard internally to fulfill our commitment to justice. Considering the experiences of our staff and those we work with, the ACLU-KY team is implementing new policies to center voices that are often unheard, build a bench of future advocates, and equitably grow our team. These ongoing changes will help build structures that allow all Kentuckians to engage in our work and hold us to the same standards we as the ACLU expect of our government.

The past year has been filled with challenges that ultimately made us stronger. We are excited for the year to come and know we could not do any of this work without the support of our members, donors, volunteers, and supporters.

With gratitude,

Soha Saiyed, Board President

Michael Aldridge, Executive Director

Pandemic Update

We have transitioned back to working in our offices at this time. Our staff is 100% voluntarily vaccinated and we are a proud member of the Covid Stops Here campaign sponsored by the Kentucky Chamber of Commerce. However, the pandemic has permanently changed our world and we are still adjusting to new situations as they arise.

Prisons and Jails

The crisis thrust upon us exacerbated and shined a new light on inequities in our jails and prisons. Even as the rest of the state was opening, incarcerated Kentuckians were left behind. Many detention facilities unnecessarily extended limits or moratoriums on visitation and other essential restorative programs for incarcerated people and their families, effectively instituting universal solitary confinement.

Many programs remained restricted simply because local administrators refused to resume some operations once it became safe to do so, despite having approval from public health officials. This continues a long trend of corrections officials failing to adapt as the pandemic and public health guidance evolve.

ACLU-KY Smart Justice Advocates (SJAs) were instrumental in highlighting conditions in jails and prisons as COVID-19 restrictions affected the lives of incarcerated Kentuckians and their families. SJAs wrote opinion pieces, met with legislators, and communicated with corrections officials to help incarcerated Kentuckians receive humane and fair treatment.

Advocacy

We work closely with Kentuckians who have experiences relating to our work, from people who have faced obstacles to accessing abortion care, experienced incarceration, or faced discrimination based on who they love. We center the voices of those most affected by certain issues because the people closest to the problem often have the best solution.

One example is the ACLU-KY Smart Justice Advocates. They work in communities throughout the state to advance freedom and equality for people impacted by the justice system. These advocates testify in front of committees and meet one on one with legislators to help lawmakers understand how their policy decisions affect the everyday lives of Kentuckians.

Additionally, we have cultivated relationships with Black doulas, birth workers, physicians, and other advocates from Louisville's West End to Appalachia to broaden the coalition of Kentuckians fighting for reproductive freedom. Together, we are expanding the conversation about reproductive freedom so all Kentuckians have the legal rights and equitable access to resources to make the best decisions for themselves.

We have connected these advocates with lawmakers, engaged their communities, and coordinated their testimony on matters of maternal and infant health, access to abortion care, violence prevention, and more. These partners provided valuable insight to legislators as they considered a number of bills affecting reproductive freedom.





Reproductive Freedom

Our advocacy team has worked for years to change the conversation around reproductive freedom in Kentucky, and we continue to see positive results. All Kentuckians deserve the legal rights and equitable access to resources to make the best decisions for themselves, whether that's continuing a pregnancy, accessing abortion care, or seeking adoption.

Dignity Bill 2

ACLU-KY staff were instrumental in passing two progressive pieces of legislation in the 2021 legislative session: Senate Bill 84 (aka Dignity Bill 2) and House Bill 212. Dignity Bill 2 builds on a 2018 law — the first of its kind in the nation — and guarantees the necessary resources for pregnant incarcerated people to have safe, healthy pregnancies and access to community-based care for substance

use disorder treatment. SB84 will also keep families together by connecting parents with social workers to develop family care and reunification plans. This issue is more pressing than ever because Kentucky has the third-highest women's incarceration rate and the third-highest rate of children with an incarcerated parent.

Maternal Health

We also saw progress toward addressing the abysmal maternal mortality rates in Kentucky. The US has the highest maternal mortality rate among wealthy countries. In Kentucky, the rates are nearly three-times higher for pregnant people of color than their white peers. This trend is even worse for Black Kentuckians. House Bill 212 requires the state's annual report on maternal and infant mortality to include demographics on race, geography,

and income. This helps advocates and policymakers better understand the needs of pregnant Kentuckians to pass more proactive legislation in the future.

We also continued promoting the Maternal CARE Act (Maternal Care Access and Reducing Emergencies Act) to reduce racial disparities in maternal and infant mortality and improve health outcomes for all Kentuckians. This set of three bills would establish a board that would track maternal and infant deaths and study the causes of those deaths, require anti-racism training for healthcare providers, and allow people to use Medicaid to pay for doula services. This legislation is only in its second year of development and we will continue laying the groundwork for these bills.

Abortion Access

Unfortunately, multiple bills undermining access to abortion care were filed last year; two became law and the third is a proposed amendment to the Kentucky Constitution that would entirely ban abortion care in all cases — including rape, incest, and life-threatening conditions — if *Roe v. Wade* is ever weakened or overturned. This proposal will be decided by voters in 2022. Proposed amendments are passed by the General Assembly and do not require approval from the governor. Polling shows most Kentuckians oppose blanket bans like this. We will work to educate voters on the implications of this extreme proposal to defeat it at the ballot box. Despite these setbacks, abortion care remains legal and you can still access care in Kentucky.



See all of our legislative highlights from the 2021 legislative session at [ACLU-KY.org/Legislation](https://aclu-ky.org/Legislation)



Free Speech

Several bills restricting free speech and reducing government transparency were filed during the 2021 legislative session; however, advocates defeated most of them.

Protest Rights

The most egregious bill would have made it illegal to say “insulting” things to law enforcement officers, enhanced penalties for protest-related charges, and made it illegal to camp in public spaces. The camping provision directly targeted racial justice protesters who peacefully occupied Injustice Square in downtown Louisville protesting Breonna Taylor’s murder. We also defeated legislation that would have allowed the attorney general to personally prosecute people for protest-related charges, even if local prosecutors declined to do so. This was a naked attempt to stifle dissent after AG Cameron’s failed leadership in the grand jury investigation into Breonna Taylor’s death.

Government Accountability

Lawmakers passed two laws reducing government transparency. The General Assembly voted to override the governor’s veto of House Bill 312. It makes lawmakers their own referee when it comes to open records requests for their own legislative records by removing the ability of the public to appeal a denial of records to a court. It also requires anyone requesting records to live in Kentucky, undercutting journalists and researchers elsewhere. The governor successfully vetoed House Bill 48, which would have restricted access to public records about public officials — even basic information like proof lawmakers live in the districts they represent. Lawmakers should be accountable to the people, not themselves.

Voting Rights

Bucking the national trend, lawmakers learned from the success of expanded ballot access in 2020 and modestly expanded voting access. House Bill 574 allows three days of early voting and absentee ballot drop boxes. It also creates an online portal to request an absentee ballot for a limited number of reasons, county-wide voting centers, and paper trails for electronic voting machines. Despite this progress, Kentucky's voting laws are still more restrictive than Georgia's, even when considering their recently adopted suppression measures. Additionally, this new law makes it easier for the secretary of state to purge names from voter rolls and the 2019 mandatory voter photo ID bill still stands. This new law does not provide everything Kentucky voters need, but it is a positive step forward overall.





Justice Reform

We had an incredibly successful legislative session addressing policing and incarceration, from tackling the root causes of incarceration, supporting incarcerated people and their families, and ensuring people have the tools to get back on their feet upon release.

Breonna's Law

Legislators passed a law that severely limits the use of no-knock warrants statewide and strengthens the process for obtaining a warrant. No-knocks are a staple of the failed war on drugs. Roughly two-thirds are used in search of drugs. While this is not as comprehensive as the complete bans passed in Lexington and Louisville, it is a small step forward in ending the war on drugs and reimagining the role of police in community safety. It in no way provides justice for Breonna Taylor, who was murdered when Louisville

Metro Police Department officers invaded her home searching for drugs that did not exist and a person their own department already had in custody. We will continue pushing for a complete statewide ban.

Juvenile Justice

Another new law ends the automatic transfer of children to adult court for some charges by giving judges more discretion. Children placed in adult court are more likely to wind up back in the criminal legal system and are disproportionately Black. Despite making up only 8% of Kentucky's population, 53% of Kentucky children transferred to adult court are Black.

Support After Incarceration

A significant victory was House Bill 497. This new law helps Kentuckians get back on their feet after incarceration by assisting with resume building, earning work

certificates, acquiring valid ID, and more. It also ends the prohibition on SNAP for people with a past conviction. This strengthens Kentuckians, keeps families together, grows our economy, and addresses the root causes of incarceration to help people successfully return to life upon release.

We also passed a bill raising the felony theft threshold from \$500 to \$1,000 — the value that deems the offense a felony. This more closely aligns with surrounding states and will reduce incarceration rates. Felonies have lifelong consequences that make it difficult to seek housing, education, employment, and more. This update will hold people accountable, but give them a fair chance to pay their debts and get back on their feet. No person should face a lifetime of severe punishment for committing a theft worth less than half the value of most cellphones.

Addressing the Root Causes of Incarceration

Last, several new laws address the root causes of incarceration. House Bills 51 and 7 acknowledge that incarceration is not the answer to substance use disorder. HB 7 creates a council to assist local governments in supporting people seeking treatment. After years of advocacy, we and our allies successfully persuaded lawmakers to require the council to include people with personal experiences related to substance use disorder and recovery. HB 51 helps Kentuckians more easily access treatment for substance use disorder by reducing administrative hurdles from insurance companies.

Election Work

For the first time in our history, ACLU-KY engaged in a massive voter registration campaign. To help with this effort, we added an organizing coordinator and a campaign coordinator to the team. They mobilized the 175,000 Kentuckians with past felony convictions whose voting rights were restored in 2019 by Governor Beshear. Together, they recruited 56 volunteers who sent 170,003 text messages. They also worked with the communications team to send over 240,000 mailers, develop digital ads, and create bus ads and billboards placed throughout the commonwealth.

Read more about our voting work during the 2021 legislative session in the summer newsletter at [ACLU-KY.org/Newsletters](#) and see our [Get Out The Vote](#) campaign at [ACLU-KY.org/GOTV2020](#)

Legal Update

Abortion Access

In October 2020, the Sixth Circuit for the US Court of Appeals reversed our lower court victory challenging a TRAP law (targeted restriction on abortion providers). The court upheld a medically-unnecessary law that former Governor Bevin used in his attempt to shut down providers. The decision forces Kentucky's two remaining clinics to apply for a burdensome waiver from the Cabinet for Health and Family Services every 90 days proving they have a written transfer agreement with a local hospital and a transport agreement with an ambulance.

These rules have proven to be unnecessary and clearly target abortion care providers, as they affect no other facilities. Additionally, the waiver could be arbitrarily revoked or delayed, as under former Governor Bevin, forcing providers to close.

LGBTQ Equality

After over 20 years of litigation, we have reached a settlement with the Commonwealth of Kentucky to protect vulnerable children in the state's care from unwanted religious proselytization and discrimination. In the settlement, Kentucky agreed to enact regulations to ensure that children are not subjected to religious proselytization, coercion, or discrimination when they are placed by the state with taxpayer-funded, residential childcare providers. The agreement also requires Kentucky to prohibit providers from discriminating against or mistreating children because of their sexual orientation or gender identity.

Read more about our recent arguments before the US Supreme Court fighting Attorney General Cameron's attempt to reinstate an unconstitutional ban on abortion care at [ACLU-KY.org/CameronvEMW](https://aclu-ky.org/CameronvEMW)

Board Changes

We welcomed new board members Cody Angel, Sofia Calleja, Shellie Dreistadt, Mary Hargis, Stephanie M. Johnson, Meryem Kahloon, Savvy Shabazz, Tytianna Wells, and Terrance Sullivan, who were elected in April 2021.

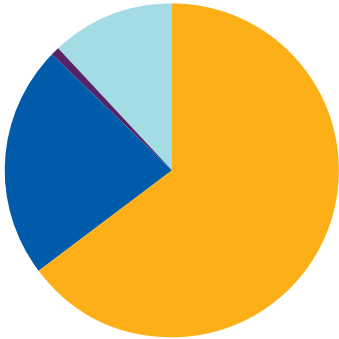
We would like to thank departing board members **Erin Kennedy Startzman** (immediate past-president), Steven Barger, Stafford Easterling, Brandon Edwards, Jenny Heitkemper, Lee Look, Kungu Njuguna, Briget Pitcock, Randy Strobo, and Enid Trucios-Haynes.

**Thanks to your support,
our team is growing! Meet
the full board and staff at
[ACLU-KY.org/OurTeam](#)**



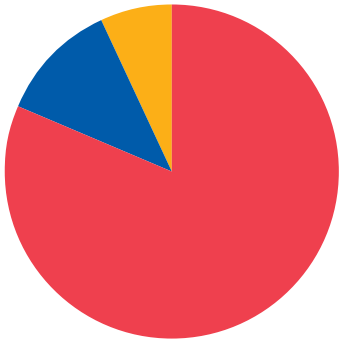
National ACLU Reproductive Freedom Project Senior Staff Attorney Alexa Kolbi-Molinas argued before the Supreme Court of the United States in October in Cameron v. EMW. Read more at [ACLU-KY.org/CameronvEMW](#). Left: Reproductive Freedom Project Senior Staff Attorney Andrew Beck.

Financials



INCOME:

● Contributions and Grants.....	\$1,588,710
● National ACLU Support.....	\$549,310
● Membership Dues	\$3,185
● Investment Income & Other.....	\$17,418
● Legal Awards.....	\$290,677
TOTAL	\$2,317,053



EXPENSES:

● Programs	\$1,331,072
● Administration & Management	\$188,977
● Fundraising.....	\$110,623
TOTAL	\$1,630,672

By the Numbers

6,219 Members

947 Donors

1,388 Donations

19 ACLU-KY staff members

59 Litigation documents filed

26 Demand letters and open records requests

32 Clients represented

60 Directly impacted Kentuckians met with legislators

318 Bills monitored during the 2021 General Assembly

2,703 Emails sent to lawmakers by ACLU-KY members and supporters during the 2021 legislative session

13 Bills were amended by lawmakers after meeting with ACLU-KY staff and advocates

225,000 Postcards sent to Kentuckians with past felony convictions letting them know they are eligible to vote

Board and Staff

Board of Directors

Soha Saiyed, President

Daniel Kirchner, Vice President

Dominique Olbert, Treasurer Pro-Tem

Glenn Crothers, Secretary

Dr. Cherie Dawson-Edwards,

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National Deputy Affiliate Equity Officer

Omar Salinas-Chacón, Equity Officer

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Cody Angel

Shadonna Banks

Sofia Calleja

Jason Crosby

Shellie Dreistadt

Mary Hargis

Tim Heine

Stephanie Johnson

Meryem Kahloon

Jessica Loving

Savvy Shabazz

Dr. Angela Singla

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Tytianna Wells

JoAnne Wheeler Bland

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Amber Duke, Deputy Director

Savanah Taylor, Executive Administrator

Kate Miller, Advocacy Director

Heather Ayer, Campaign Coordinator

Richelle Harris, Advocacy Administrative

Assistant

Keturah Herron, Policy Strategist

Marcus Jackson, Organizing Coordinator

Jackie McGranahan, Policy Strategist

Kungu Njuguna, Policy Strategist

Angela Cooper, Communications Director

Samuel Crankshaw,

Communications Manager

Charlene Buckles, Development Director

Jay Todd Richey, Development Officer

Hannah Rae Montgomery,

Development Assistant

Corey Shapiro, Legal Director

Heather Gatnarek, Staff Attorney

Tracy Martin-Wray, Legal Assistant

Kaili Moss, Legal Fellow*

*Ms. Moss is currently not an attorney licensed

GET INVOLVED

Visit [ACLU-KY.org/Act](https://www.aclu-ky.org/act) to

- sign up to volunteer during the 2022 legislative session
- sign up for email updates (we'll never send more than one per week)
- write to lawmakers

Follow [@ACLUofKY](https://www.facebook.com/ACLUofKY) on Facebook, Twitter, and Instagram to stay up to date.

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