

For Immediate Release: 7/14/2020

Winston-Salem Demonstrators Regarding **Occupy the Block #OccupyWSNC**

On Wednesday, July 15, Winston-Salem community-based organizations and demonstrators will gather in the Downtown area from 10am to 10pm.

We demand full transparency in the process towards justice for John Neville. We demand that the Forsyth County District Attorney's office and Forsyth County Sheriff Bobby Kimbrough's department answer the public:

On December 1, 2019, John Neville, a 56 year old Greensboro resident, was arrested during a traffic stop in Kernersville on a warrant taken out in Guilford County; he was taken into the Forsyth County Detention Center. During the early morning hours of December 2, 2019, John Neville apparently suffered a seizure and fell off his bunk, which led his cellmate to call for an emergency. When detention officers arrived, John Neville was disoriented. While being moved to an observation cell, John Neville struggled with the officers. The detention officers put him in a prone restraint; face down on his stomach and handcuffed (a hogtie). John Neville is reported having said, "Let me go," "Mama," "I can't breathe," and "Help me up." It is reported that an officer responded saying, "Come on, buddy, if you can speak, you can breathe." According to the Winston-Salem Journal, "when jailers realized that Neville had indeed stopped breathing, they tried to free him of his handcuffs. The key broke. Jailers tried to use bolt cutters to cut the handcuffs off, but they didn't work, so they had to get a second pair. Efforts to free Neville from restraint took about nine minutes." John Neville was resuscitated using CPR in the Forsyth County Detention Center and moved to Wake Forest Baptist Medical Center 45 minutes after his initial seizure.

John Neville received an ROR

On December 2, Guilford County Assistant District Attorney Randi Spiker received a call from the Forsyth County Sheriff's Office requesting for Neville's bail to be unsecured on an ROR (release on recognizance, a promise to appear in court and not to engage in illegal activity) after Neville was hospitalized in a coma.

On December 3, authorities confirmed his release from custody via the ROR.

On December 4th, John Neville died in the hospital in Forsyth County. Guilford Chief Assistant District Attorney Steve Cole "was not made aware of Neville's death." News & Observer reports, "In fact, he was charged with failure to appear on Jan. 7 after he missed his court appearance on his misdemeanor assault charge."

On December 5, Sheriff Bobby Kimbrough requested a formal investigation through the North Carolina State Bureau of Investigation (SBI) into John Neville's death, without notifying the public or the Guilford County Chief Assistant District Attorney from whom he requested an ROR for John Neville.

On April 16, 2020, the SBI investigation concluded. But still the responsible deputies and nurse continued to work with our incarcerated siblings, still Neville's autopsy report was not complete

or available, and still Sheriff Bobby Kimbrough kept the public in the dark about this murder in our detention center.

On June 26, 2020 at approximately 3AM, the NC General Assembly nearly unanimously and with reportedly little to no discussion passed SB 168 to be signed by Governor Cooper— a bill with a provision which would keep medical records of those who died while incarcerated private when they would otherwise become public when arriving at the Medical Examiner.

Later that day on Friday, June 26, the Raleigh News & Observer published “He was arrested for assault. 3 days later, he was dead. What happened is still a secret.,” which was the first news report to indicate the death of John Neville while in Forsyth County’s Detention Center and Baptist hospital in December 2019. Also on June 26, the Winston-Salem Journal published “SBI Investigating after man died in FCSO custody seven months ago. Officials have released little information about John Neville’s death.” These stories were the first time the public was ever made aware that this murder had occurred— nearly seven months after John Neville died in Forsyth County. These media coverages initiated state-wide attention on not only the death of John Neville, but also Senate Bill 168. Organizations across the state such as NC BORN (North Carolina Building Our Revolution Now) and Triad Abolition Project immediately got to work occupying outside of the Governor’s mansion and distributing a veto petition. The occupation lasted for nine days and the petition garnered 14,242 signatures.

On July 6, 2020, Governor Roy Cooper vetoed SB 168, citing “Senate Bill 168 includes a provision to change the handling of public records by the Office of the Chief Medical Examiner which could have the unintended consequence of limiting transparency in death investigations.”

The very next day on July 7, four Forsyth County detention officers and a nurse, who were on duty the night of December 1st, were fired.

On July 8, Forsyth County District Attorney Jim O’Neill hosted a press conference via WXII, along with Sheriff Bobby Kimbrough and John Neville’s estate attorney Michael Grace. In this press conference on July 8, DA O’Neill made 1) his first public announcement of John Neville’s death seven months prior, 2) an announcement that five detention officers and one nurse were charged with involuntary manslaughter, 3) offered his support for providing more funding to WSPD and the FCSO, and 4) warned that disruptive protests in response to his announcement would result in arrests.

On the night of July 8, five peaceful demonstrators were arrested by WSPD, who used violent intimidation tactics against our comrades. These intimidation practices included: blocking protesters in on the street outside the Public Safety Building, surrounding the area in unmarked vehicles, and driving a gator-style cart holding a Long Range Acoustic Device (LRAD) sound cannon. LRAD sound cannons are military weapons used to broadcast pain-inducing tones, and they cause permanent hearing damage or hearing loss; they are often disguised as speakers and carried on vehicles such as the WSPD gator-style cart. In addition to hearing damage, a sound cannon, when deployed, causes hearing to be difficult to impossible when orders are subsequently given by police officers, thus putting civilians at higher risk of not abiding by legal notices to disperse. Sound cannons are commonly used by US police departments against Black Lives Matter protests. On the night of July 9, fifteen more demonstrators were arrested by WSPD for taking direct action in response to WSPD’s intimidation tactics via civil disobedience. Ever since July 9, demonstrators from Unity Coalition, Triad Abolition Project, and the community at large have gathered outside of the Forsyth Sheriff’s Office around 8pm to

continue peaceful demonstrations demanding that all the arrest charges be dropped and that our public officials become accountable and transparent. These demonstrations have included educational components for community members, including: abolition, the housing crisis, voter suppression, democratic socialism, and more.

Beginning at 10am on July 15, demonstrators will gather in downtown Winston-Salem to demand full transparency in the process towards justice for not only John Neville, but the countless brothers, sisters, and siblings who have been lost at the hands of the unjust policing and the prison industrial complex system. We demand that the Forsyth County DA's office and Sheriff Bobby Kimbrough's Forsyth County Sheriff's Department answer:

Why are you covering up a murder?

We demand answers to all of the following questions: Why has Sheriff Bobby Kimbrough not publicly addressed any changes to policy that were made after Neville's death? Was Sheriff Bobby Kimbrough at any time on the scene during the hog tying of Neville? Why has the hog tie remained an acceptable restraint in Forsyth County when it has been banned in the majority of police precincts across the country years ago? Have there been any changes in the medical provider since Neville's death? How many other deaths have occurred at the detention center since the death of Neville? Have there been changes to the handcuff policies of sick inmates? When was the last time the FCSO conducted an overall use of force training and handcuffing training for its deputies and detention officers? Were the detention officers that handcuffed Neville certified to handcuff him? Have there been any policy changes for how to handle handcuffs when the key breaks, for when bolt cutters are necessary?

Why was Guilford County never notified of John Neville's death? What would have happened had Guilford County ADA Spiker known that John Neville was resuscitated after losing his pulse in FCDC custody when she was asked to release his unsecured bond? Would these staff members have still been charged had SB 168 not been vetoed by Governor Cooper? Why were these staff members allowed to continue working with our incarcerated siblings for seven months after their involvement in a murder? Would the public have been notified of this murder had SB 168 not been vetoed by Governor Cooper? Was the passing of SB 168 intended to shield the murder that took place in the FCDC from the public? What involvement did Sheriff Bobby Kimbrough have in the proposal of SB 168 the night before news reports on the death of John Neville were to become publicly available?

Furthermore, according to the Grace, Tisdale, & Clifton website, "Mike and the firm Grace, Tisdale & Clifton are one of the two local firms who represent local law enforcement through the Police Benevolent Association." Michael Grace, the lawyer for the John Neville estate, has been representing the Sheriff's Department since Sheriff Shatzmen's tenure, and presented Sheriff Bobby Kimbrough to the court and to the public at his swearing in ceremony. What rules of professional conduct under the NC State Bar Rule 1.7 Conflict of Interest are implicated by Michael Grace representing both the estate and the Sheriff's Office?

Why are you, Sheriff Bobby Kimbrough and DA Jim O'Neill, covering up a murder?

For further information, please see @TriadAbolitionProject and @_theunitycoalition_ on Instagram.

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