

TAP Statement on HB972 and Sheriff Bobby Kimbrough Disclosing A Recording to NAACP, Urban League, and Ministers' Conference

The NAACP and the Ministers' Conference have persistently perpetuated community division by offering unfounded and inappropriate support for Sheriff Kimbrough and the FCSO, despite what Judge Horne described as having "substantial public interest in this case...furthered by the fact that the death was not publicly reported for at least 6 months after it occurred."

HB 972, § 132-1.4A. Law enforcement agency recordings. (C)

(c) Disclosure; General. – Recordings in the custody of a law enforcement agency shall be disclosed only as provided by this section. A person requesting disclosure of a recording must make a written request to the head of the custodial law enforcement agency that states the date and approximate time of the activity captured in the recording or otherwise identifies the activity with reasonable particularity sufficient to identify the recording to which the request refers.

The head of the custodial law enforcement agency may only disclose a recording to the following:

- (1) A person whose image or voice is in the recording.
- (2) A personal representative of an adult person whose image or voice is in the recording, if the adult person has consented to the disclosure.
- (3) A personal representative of a minor or of an adult person under lawful guardianship whose image or voice is in the recording.
- (4) A personal representative of a deceased person whose image or voice is in the recording.
- (5) A personal representative of an adult person who is incapacitated and unable to provide consent to disclosure.

When disclosing the recording, the law enforcement agency shall disclose only those portions of the recording that are relevant to the person's request. A person who receives disclosure pursuant to this subsection shall not record or copy the recording.

Full Bill: <https://www.ncleg.net/sessions/2015/bills/house/html/h972v8.html>

On June 26th, *News & Observer* and *The Winston-Salem Journal* both reported the death of John Elliott Neville. On June 27th, a video of Charles Moody being aggressively arrested by FCSO Deputy Curry at Cooks Flea Market went viral. On June 29th, Sheriff Bobby Kimbrough held a [press conference](#) that reputed the viral video as not fully representing the situation at hand. Although the death of Mr. Neville had recently been reported on, Sheriff Kimbrough, nor his community leader guests, ever mentioned Mr. Neville's name.

Forsyth County Sheriff Bobby Kimbrough Jr. said Curry did not use excessive force. Four Black leaders said during the news conference that they saw Curry's body camera footage of the incident and agreed with Kimbrough that the incident did not constitute excessive force. Those leaders were the Rev. Alvin Carlisle, president of the Winston-Salem chapter of the NAACP; James Perry, the president of the Winston-Salem

Urban League; Bishop Todd Fulton, the social-justice chairman of the Ministers Conference of Winston-Salem and Vicinity; and Al Jabbar, a community activist and Winston-Salem native. ([WSJ](#))

According to HB972, law enforcement agency recordings are not to be disclosed with anyone beyond personnel or the person or personal representative of “a person whose image is in the recording.” However, Sheriff Bobby Kimbrough 1) shared the law enforcement agency recordings with Rev. Alvin Carlisle, president of the Winston-Salem chapter of the NAACP; James Perry, the president of the Winston-Salem Urban League; Bishop Todd Fulton, the social-justice chairman of the Ministers Conference of Winston-Salem and Vicinity; and Al Jabbar, a community activist, and 2) paraded all four of these Black community leaders at a press conference as a method of dividing the Forsyth County community in an attempt to damage the reputation of Charles Moody in order to uphold the excessive force used by Deputy Curry that was caught on camera.

The division of the community that Sheriff Bobby Kimbrough perpetuated by illegally sharing law enforcement agency recordings in reference to Charles Moody’s case has only continued with Sheriff Bobby Kimbrough’s persistent efforts to stand with the Ministers’ Conference of Winston-Salem and the Vicinity, as well as the Winston-Salem chapter of the NAACP.

On July 17, the Ministers’ Conference of Winston-Salem and the Vicinity and the Winston-Salem chapter of the NAACP co-hosted a press conference, where Sheriff Bobby Kimbrough was given the platform to make a statement defending FCSO against the problematic and illegal 7 month delay in announcing the death of Mr. Neville in FDCD custody. Sheriff Bobby Kimbrough stated that he went above and beyond what was required of him by requesting an SBI investigation. Sheriff Bobby Kimbrough pleaded with the community to listen to him that he, the Sheriff, was the one to call for an SBI investigation of the murder of John Elliott Neville in the Forsyth County Detention Center. MCWSV and NAACP announced that they would call for an external investigation into the death of Mr. Neville in FDCD custody, but to this date (8/3), no investigation has been announced.

Furthermore, the *Winston-Salem Journal* reported on July 17 that Sheriff Bobby Kimbrough and FCSO, starting on August 1, would implement [medical training for 50 detention officers](#), including members of the jail’s special response team. As of August 3, the Public Affairs Office of FCSO has stated that this training has “no confirmed date” and that it is in collaboration with Forsyth County Emergency Management, a branch of the City of Winston-Salem. On the [Emergency Management website](#), it is defined as “Emergency Management is the combined efforts of local, state, and federal governments to protect the citizens from the effects of disasters, both natural and man made,” which does not include medical emergency response-specific terminology.

On July 30, Leaders of Faith Equality held “A Prayer Gathering of Solidarity for Real Change” at 10am at Bailey Park, the same starting time and location of Occupy the Block. 23 clergy attended and offered prayers focused on different social justice issues. There was no mention of John Elliott Neville or standing in solidarity with his family. Pastor Tembila Covington, the president of the Ministers’ Conference WSV, served as one of the co-hosts of the event.

In conclusion, it is abundantly clear that the division in the Winston-Salem community over matters of law enforcement is due to the continued lack of transparency and accountability on the side of community, elected, and law enforcement leaders. As stated above, Sheriff Bobby Kimbrough and FCSO illegally, according the HB972, shared law enforcement agency

recordings with leaders from MCWSV, NAACP, and the Urban League in the case of Charles Moody, just days after the announcement of Mr. Neville's death in FCDC custody. The MCWSV and NAACP then continued to extend support to Sheriff Bobby Kimbrough and FCSO in the act of hosting a press conference that foregrounded his voice in the case of Mr. Neville's serious bodily injuries while in FCDC custody, which led to his death; members of MCWSV were present at a Prayer Gathering located at the same time and location as Occupy the Block; and, finally, the medical training that Sheriff Bobby Kimbrough not only promised the public, but also showboated as a solution to the deadly negligence in the County jail has not only not been fully planned by the designated date, but it is partnered with a service that lacks medical expertise. Forsyth County, the City of Winston-Salem, and community leaders need to not only read and recognize the demands being made by Triad Abolition Project and the occupiers at Occupy the Block, but also directly address these demands so that they are promptly met. Sheriff Bobby Kimbrough released a [statement](#) on July 29 stating, "As a community, we must stand together and not break one another down but instead break down the barriers that threaten to keep us apart." We feel strongly that the primary barriers which keep us apart are the systems that uphold violent policing practices which result in the deaths of our brothers, sisters, and siblings. These are the barriers that must be broken down and that are at the center of our occupation's demands.

On day 20, we have not heard directly from District Attorney Jim O'Neill nor Sheriff Bobby Kimbrough. We thank ACLU of North Carolina for the solidarity in amplifying our demands via a petition: <https://action.aclu.org/petition/demand-justice-john-neville>. We will continue to Occupy in downtown Winston-Salem until all four of our demands are met:

1. Respond to all questions posed by TAP (triadabolitionproject.org/demands).
2. Ban the use of the prone restraint (hogtie) on ANY civilian, incarcerated or not, sick or not). Make relevant policy changes in the FCDC around protocol for inmates in medical distress.
3. Notify the public of any death involving an officer or deputy immediately. Make relevant policy changes around transparency and accountability in deaths of citizens in custody of the county (including in FCDC and other guardianship situations).
4. Dismiss all charges against arrested peaceful protesters.

As we move into our fourth week of Occupy the Block, we continue to build our community, our joy, and our unity. We have had the utmost pleasure in welcoming Mr. Neville's children and loved ones to our occupation encampment, where we have shared meals, stories, support, and a march on July 30 around the Forsyth County Detention Center. We continue to be in awe of the family's strength during this time.

For further information, please see @TriadAbolitionProject on Instagram. All press release documents can be found at www.triadabolitionproject.org.

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