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## My journey since and where I am now

• Trial and appellate court litigation challenging NC's registry requirements, internet restrictions, premises restrictions, and satellite-based monitoring.

- Doe v. Stein (M.D.N.C.)
- US Supreme Court in Packingham v. NC
- North Carolina v. Grady

# Grady v. North Carolina In Grady v. North Carolina, the US Supreme Court ruled in March 2015 that a GPS device attached to a person's leg is a "search" for purposes of 4th Amendment protections. (Grady I) Case was remanded. The trial court again imposed GPS tracking. The North Carolina Court of Appeals held that GPS tracking was unconstitutional "as-applied" to Mr. Grady, in May 2018. (Grady II) More cases followed in the Court of Appeals also holding GPS tracking unconstitutional as-applied.

State v. Grady, 372 N.C. 509 (2019)

• In August 2019, the NC Supreme Court held that NC's tracking program violates the 4th Amendment for people classified as recidivists. (*Grady III*)

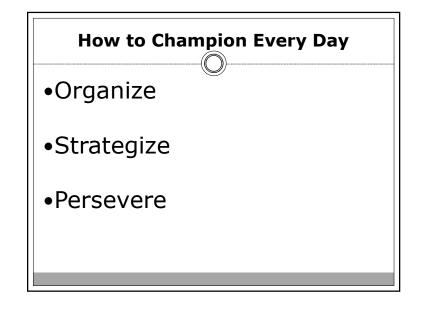
• Cases involving other statutory grounds for imposition of tracking are now under review at the Court of Appeals in light of *Grady III*.

# State v. Grady, 372 N.C. 509 (2019) NC's statute is facially unconstitutional for people situated like Mr. Grady – classified as a recidivist, and not on any kind of parole or under supervision. "Special needs" exception to 4th Amendment doesn't apply. GPS tracking is for crime control. Persons on the registry who are not under other supervision have same privacy rights as other citizens.

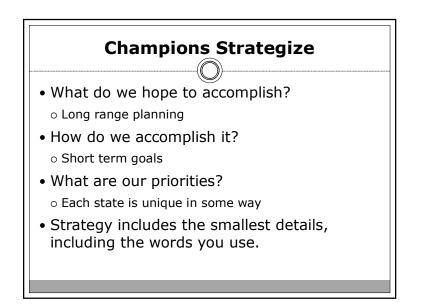
# State v. Grady, 372 N.C. 509 (2019)

• GPS tracking is a substantial invasion of privacy.

- $\circ$  The device is physically attached to a leg.
- $\circ$  The device shows more than just a location.
- $\circ$  It is continuous.
- $\circ$  It is lifetime, without any individualized consideration.
- No evidence presented of recidivism rates or efficacy (deterrent effect) of GPS tracking.







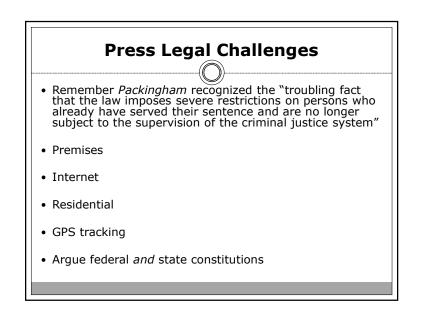
# Factors Leading to Success and Change

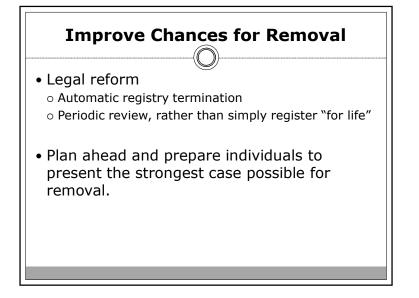
- Advocates who care about the issues
- Advocates who know the law, including nuances
- Compelling stories
- Critical examination of statistics
- Courage of elected judges
- Federal court
- Regular communication between trial and appellate bar and advocates

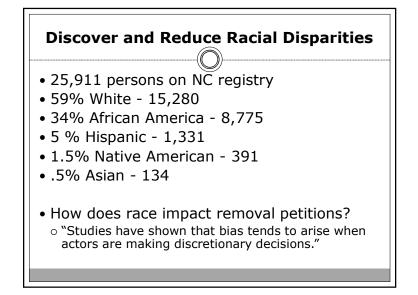


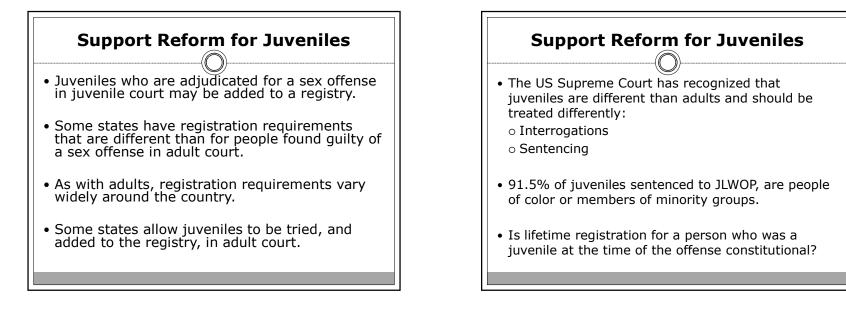
# Slow The Revolving Door

- Long after a person has been punished, the banishment and Big Brother offenses create new opportunities for the State to imprison a person.
- Violations of registration offenses, most of which are technical in nature, result in imprisonment.
- Otherwise law-abiding people are caught up in the revolving door of the criminal justice system.
- Most registry and restriction offenses have no intent element.
- Arbitrary and disparate enforcement makes compliance difficult.



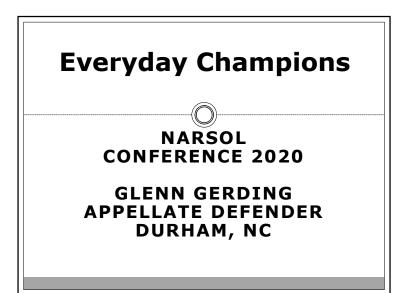






# **Emerging Issues & Areas for Advocacy**

- Seek success stories to share.
- Engage people on the registry to reduce isolation, reduce risk of recidivism.
- Develop support groups to reduce isolation.
- Lobby for funding for counseling for those in prison and on probation.
- Engage partners with common interests: • ACLU
  - $\circ\,\text{Faith}$  groups
- NAACP



### **Champions Persevere**

- Fighting the status quo requires constant chipping away at entrenched beliefs and prejudices. It does not happen overnight.
- Look to other movements for inspiration.
- "Justice will not be served until those who are unaffected are as outraged as those who are."