



April 20, 2020

In Charlotte, NC the public defender staff has really come together to keep the people it serves as safe as possible. On March 16th, when it first became clear that this pandemic would hit hard, the Mecklenburg County jail population was over 1600. The public defenders knew that getting people out of the jail was critical to keeping them safe, and to protecting jail staff and members of the communities where they live. While many places were operating their criminal justice systems as if nothing changed, public defenders in Mecklenburg knew it was time to sound an alarm.

They confronted this challenge on several fronts. Individually, public defenders filed motions seeking bond reductions and release in as many cases as possible. As lawyers began working from home, investigators delivered supplies needed to continue the advocacy and administrative staff set up reception areas from their homes to facilitate communication.

While lawyers pressed for relief in individual cases, leadership began advocating with the District Attorney and judges for a systemic response where possible.

“We had a lot of success working with our District Attorney,” say Kevin Tully, the head of the office. “He has consented to release on many of the less serious offenses.”

“I give him credit for agreeing to do that,” Tully added, “but I could not be prouder of our team as it continues to fight for release where we can’t reach agreement.”

In addition to preparing and submitting release orders where there is agreement, our lawyers are advocating virtually to try to expedite decisions in other cases. Where release cannot be worked out without appearing in court, lawyers are showing up. They are coming to court for first appearance hearings and more complex bond hearings.

At every level these defenders are stepping up to the challenge presented by this pandemic.

In addition to the work the office is doing internally, they have also worked closely with some amazing community partners. Emancipate NC, The ACLU, Project B.O.L.T., The Bail Project, and others have kept up pressure on Court Officials to continue bringing down the jail population. Several of our lawyers have joined these groups and others in “moving protests” circling around the jail in cars, blowing horns to let those still inside



that they have not been forgotten. It is a testament to the power of public defender offices that see themselves as allies to the communities they serve.

The results speak for themselves. Since March 16th 980 new people have been booked into the jail. Yet, as of April 19th the jail population is down to 1380. When one consider the 1616 people in the jail a month earlier, 1230 people have been released since March 16th.

When we congratulated Kevin for engineering so many releases he very humbly made clear that others in the system have really cooperated with their efforts. He did not want to suggest his team was responsible for all of this success. When asked how many of these releases should be credited to the work of his staff, he estimated “more than 750 were the direct result of our efforts.”

While likely a modest estimate, this would mean the public defenders of Charlotte led the charge to release 750 of 2600 people who have been jailed in the last month. That is a 29 percent reduction in incarcerated people.

Even with this modest estimate, it is clear public defenders are on the front line of the fight for justice in Mecklenburg County.

Story provided by:

Kevin Tully
Chief Public Defender
Mecklenburg County Public Defender Office