



April 3, 2020

Two weeks ago we heard from our partners in Santa Barbara County, CA that their public defenders were able to get a first group of several dozen people released from jail after filing motions and educating judges and prosecutors about the stories of the people caged in the local jail and the danger facing incarcerated people during the COVID-19 pandemic. The work of these defenders not only protected the health of the people released but, by reducing the population in the jail, made the facility a little less dangerous for those still incarcerated, the staff who work in the jail, and the community where staff members live. The county jail in Santa Barbara, which typically houses about 900 people, housed 691 people on April 2, 2020.

However, despite the results of their around-the-clock work, these public defenders knew that there were many more people who needed to be released and were ready to continue their advocacy. On March 17, 2020, the courts closed for all criminal proceedings other than new first appearance arraignments for people held in custody. The Court decided to bar any hearings on further motions filed by the public defenders and refused to entertain the release of any additional people without the consent of the prosecution.

This meant that judges would not even allow public defenders, who were aware of the stories and circumstances that make the continued detention of their clients so inhumane, to be heard.

Chief defender Tracy Macuga expressed concern that bearing witness to how poorly people in the jails are being treated has taken a huge emotional toll on the lawyers. She expressed the pain of witnessing “many tears of frustration and agonizing days in court where the indifference toward our clients is prominently displayed.”

In one case, a DA opposing release of an 82 year old man remarked, “a pandemic is not a change of circumstance.” In another case, a man arrested for simple possession of methamphetamine in early March was booked in the jail. A month later the court has refused to even hear his pleas for release.

But the defenders remained undeterred. When the Superior Court refused to hear their individual motions, they filed a writ of habeas corpus challenging the court’s policy. The appellate court gave the lower court 24 hours to respond. The Superior Court then conceded. Hearings will resume next week and public defenders in Santa Barbara will continue their fight to release people who pose no real threat to society.

“As you know crisis brings out the best and worst in people,” Macuga says. “It has brought out the best in my people but the ugliness of those who only want to incarcerate and exact punishment.”

We remain optimistic that those inclined to see the best in humanity will triumph. In Santa Barbara, public defenders are clearly leading that charge.

Information for this story provided by:

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