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March 18, 2020

Attention:
Bill Brown, Sheriff's Office
Michael Carrozzo, Presiding Judge
Joyce Dudley, District Attorney's Office
Tanja Heitman, Probation Department
Darrell Parker, Santa Barbara County Superior Court

RE: Recommendations to Address Justice Concerns During the COVID-19 Public Health Crisis

Dear Justice Partners,

In order to effectively address the public health threat posed by COVID-19, we must act in meaningful partnership in developing immediate plans to humanely address this emergency while taking care to respect the rights and well-being of everyone in our community, including those in the care and control of this county and incarcerated in the Santa Barbara County Jail. I strongly urge the Court, District Attorney, Probation and Sheriff to consider the following recommendations:

Decrease the population at the Santa Barbara County Jail by releasing lower-risk inmates and those vulnerable to COVID-19.

- Release all sentenced prisoners over the age of 60 and at higher risk, such as those with underlying health conditions, including cardiovascular disease, diabetes, cancer, heart disease, chronic lung diseases, or severely weakened immune systems, with future orders to appear. These vulnerable populations should be released in order to tend to their own health needs. Alternatives to incarceration, such as electronic monitoring, should be explored.
- Release pre-trial defendants charged with misdemeanors, or who are pending preliminary hearing or trial and charged with 1170(h) felonies (excluding high risk domestic violence defendants) with future orders to appear.
- Release inmates that are being held on technical felony or misdemeanor probation violations.
- Commute the sentences of all inmates serving sentences of 90 days or less to credit for time served and order them released.

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- Allow the Public Defender's Office to calendar for hearing any case where an own recognizance release, release upon bed availability, or credit for time served disposition has been negotiated with and agreed to by the District Attorney's Office.

Reduce and resolve new arraignments.

- Encourage pre-plea diversion and credit for time served offers at arraignment.
- Dismiss all infractions, traffic tickets, and minor misdemeanor offenses including, but not limited to, violations of Vehicle Code § 12500, Penal Code § 647(f), and Penal Code § 415.

Reduce prospective jail population.

- Commute the sentences of all out of custody / SWAP and EM sentences of individuals serving sentences of 120 days or less to credit for time served and order them released.
- Authorize automatic, ex parte SWAP and EM extensions at clerk's office to prevent unnecessary warrants from issuing.
- Authorize automatic, ex parte bench warrant recalls for clients who contact the Public Defender Office, and upon request by Public Defender's Office, calendar those cases with a future court date 90 days out.

We are in unprecedented territory and the protection of our community – our entire community – requires bold, decisive, and immediate action. Thank you for considering these suggestions and I look forward to discussing these recommendations further.

Sincerely,



Tracy M. Macuga
Public Defender