



## Actions to Prevent the Spread of COVID-19 in the Criminal-Legal System: Examples from Public Defenders

Civil Rights Corps is ready to support the indigent defense community, including by providing sample motions. Please contact Thea Sebastian / [thea@civilrightscorps.org](mailto:thea@civilrightscorps.org). In addition, the following examples represent actions that public defenders have taken nationwide.

- *Santa Clara, California:* In Santa Clara County, California, the offices of the public defender, district attorney, and sheriff are working together to [release at least 600 people](#) (or 20% of the jail's current population). The jail has already released 300 people. Silicon Valley De-Bug is simultaneously working to expand community supports.
- *San Francisco, California:* The [San Francisco Public Defender's Office](#) is filing motions to seek the immediate release of all clients who are being held pretrial in San Francisco county jails and who are at heightened risk of illness from COVID-19, as well as all incarcerated people sentenced to county jail who have less than 6 months left to serve.
- *Allegheny County, Pennsylvania:* The County has [released nearly 500 people](#) from its local jail, reducing the jail population by about 20 percent. This reduction is the result of petitions for release filed by local defense attorneys and granted by judges who are hearing the petitions remotely.
- *Santa Barbara, California:* The [Santa Barbara Public Defender's Office](#) has called for the immediate release of all people in the jail on low-level offenses who are at heightened risk of contracting COVID-19. They have a list of 40 people so far that would meet the criteria and are asking the court and District Attorney's Office to "offer more opportunities for house arrest, stipulate to own recognizance releases, and commute the sentences of those individuals who have 90 days or less left to serve on their sentences."
- *Richmond, Virginia:* At the [Richmond Public Defender's Office](#), attorneys have filed bond motions for nearly every client awaiting trial, prioritizing those who are immunodeficient or older and therefore more susceptible to the virus. In addition, the public defender has asked:
  - For the immediate release of jailed individuals who are being held for nonviolent offenses;
  - That the probation and parole office in Richmond immediately lift holds for people with nonviolent charges;
  - That probation, parole and pretrial meetings, court-ordered classes, in-person drug testing, and collection of court debts all be "suspended and modified so that all reporting conditions are conducted by phone";
  - That all incarcerated individuals be released; and
  - That judges to consider early release for those who are nearing the end of their sentences.
- *New York City:* The Legal Aid Society's Special Litigation Unit brought a [successful lawsuit](#) in the New York State Supreme Court on behalf of pretrial detainees and those in jail on parole violations on Rikers Island. The court ruled that the city and state [violated the petitioners' Due Process rights](#) by detaining them during the pandemic. 16 were released as a result.