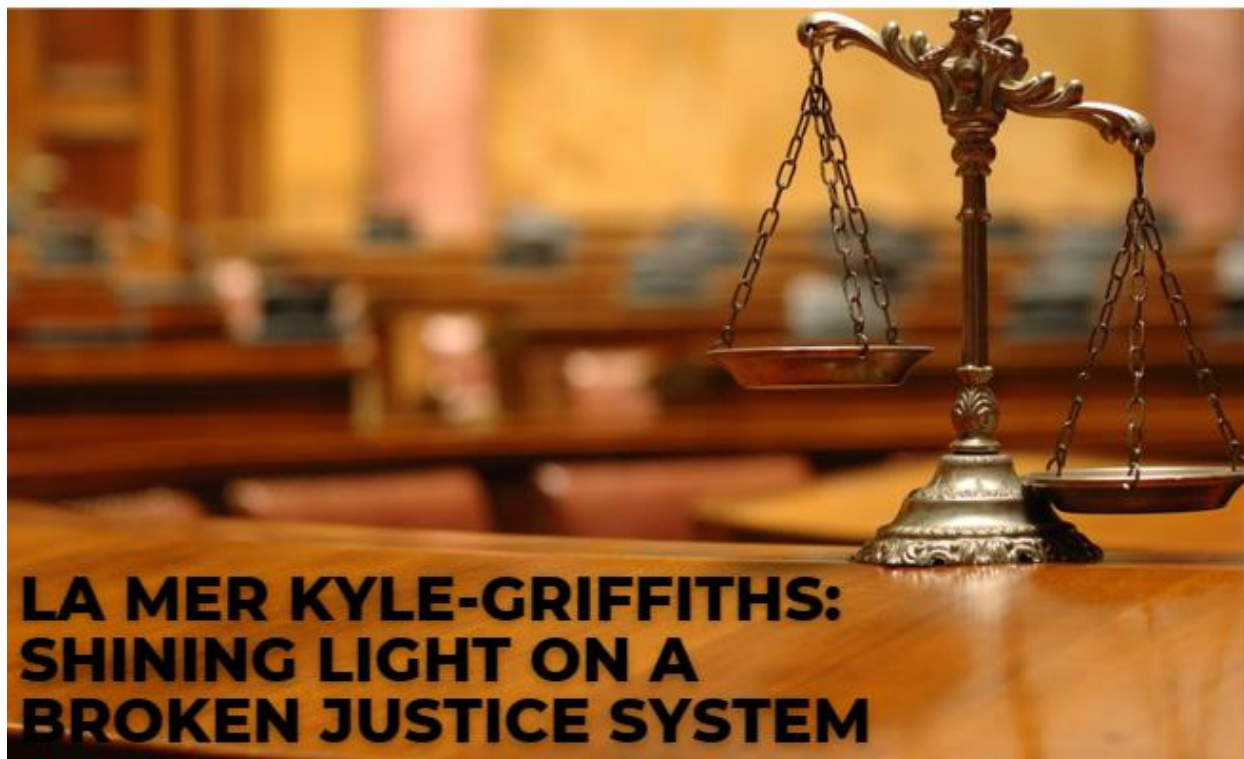


La Mer Kyle-Griffiths: Shining Light on a Broken Justice System



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Photo credit: fsacares.org

by Love T. Maia

The first time I ever saw Assistant Public Defender La Mer Kyle-Griffiths, she was projected on a big screen above a room full of justice activists. It was November 6, 2022, and she was talking about criminal justice reform in Santa Barbara County's legal system. Even though she was traveling out of the country and forced to join the meeting as its featured speaker via Zoom, Kyle-Griffiths's presence could be felt throughout the space, which she commanded with just the right blend of factual knowledge and personal passion. With her warm, brown complexion and wild, shoulder-length curls, Kyle-Griffiths is the kind of no nonsense, experienced, efficient leader you want on your side. She is also someone with a huge heart who uses her social justice work to uplift others.

It was clear listening to her presentation that Santa Barbara County is broken, a surprise to me considering the wealth that resides here, yet at the same time, no surprise at all considering that where there is wealth, there is historically also a disproportionately large percent of money invested in policing and jails alongside racial disparities and other injustices for marginalized communities. Heads shook in frustration and hands scribbled down notes as she displayed statistics for Santa Barbara County and pointed out that the top three offenses people are arrested for are all non-violent misdemeanors. Once arrested, most of these people are locked up in jail for disturbingly long amounts of time while they wait for court dates with no access to a lawyer if they can't afford to pay one. Kyle-Griffiths ended her presentation with a call to action to the volunteer activists gathered in the room, asking us to speak up about local injustices whenever possible to as many people as possible and to never be afraid to make our presence felt.

A Lifetime of Activism

La Mer Kyle-Griffith's upbringing was full of social justice and volunteer work. She was raised in Dayton, Ohio where both of her parents were civil rights activists. "I remember growing up going to different protests and marches," she reflects. "My folks were always involved in philanthropic things." Kyle-Griffith's mother headed United Way campaigns and was general counsel for a union, while her father and grandfather were also both in a union.

After graduating from the University of Kentucky with a degree in sociology, Kyle-Griffiths earned her JD from the University of Dayton. "I don't think I went into law for any of the reasons that people generally do," she explains. "I think I thought it was interesting." A formative moment she recalls is seeing the poster on her high school counselor's door that listed careers you can do with a law degree. "The entire poster was filled with different titles of jobs and I was like, oh, you can do anything. I think it was the flexibility that got me into it and then I realized, wait, that also includes helping people and it also includes getting out there and making a difference. And so it just kind of felt like the thing to do."

Kyle-Griffiths would spend the next 20+ years gaining public defense experience in capital, felony, juvenile, and appeals cases and growing as a leader. In Kentucky she worked on the Capital Defense Unit, litigating death penalty cases. She worked in public defense in Massachusetts and Washington where she was certified to teach Diversity, Equity, and Inclusion. She then focused on women caregivers, family law, and evictions while working for the non-profit [Still She Rises](#) in Oklahoma, before coming to California to work for the Santa Barbara County Public Defender's Office in October 2021.



Photo credit: law.uiowa.edu

Challenges to Justice in Santa Barbara

"Santa Barbara is really interesting," says Kyle-Griffiths, "because Santa Barbara County is actually thinking about the problems in the legal system." While many of the county's issues remain unaddressed, there has been a positive shift in a more progressive direction. Yet there are still many obstacles to overcome before meaningful change can be achieved. Kyle-Griffiths speaks specifically of the challenges income disparities create within the county. "In Santa Barbara, being unable to make a living has a higher threshold," she explains. "The more expensive housing becomes, the more people are on the street." There are places in the U.S. where people can recover from job losses and homelessness, but the cost of living in Santa Barbara County is so high that a stumble into poverty can define a person's life for years to come. Issues of racism and classism, with only soft acknowledgements of past treatment of the native peoples of this land, and descendants of slavery who occupied parts of Santa Barbara before being forced out, also plague the county.

While its justice system suffers many faults, Kyle-Griffiths also sees hope in Santa Barbara. "One of the areas I've been honestly impressed with coming to Santa Barbara, is that there is a focus on reducing jail population. There are a lot of intelligent and well-resourced people in

organizations that are floating around in this area. And I think it's a matter of really getting folks to get down to their core values, and then push forward ways to make our community safe.”



Asst Public Defender Kyle-Griffiths with Ret. Judge Eskin, Chief of Probation Heitman, and Public Defender Macuga speaking to the League of Women Voters of Santa Barbara and Clergy & Laity United for Economic Justice (CLUE). Photo credit: La Mer Kyle-Griffiths

This is the essence of holistic defense, a recent more interdisciplinary approach to public defense that focuses not only on courtroom representation, but the life circumstances that bring people there in the first place as well as fair access to alternatives to jail that actually rehabilitate and end the cycle of recidivism. Holistic defense is a core focus of Public Defender Tracy Macuga, who recruited Kyle-Griffiths to join her both as a specialist in holistic defense and her second in command over a staff of approximately 115 public defenders,

investigators, and administrators spread across three offices and a juvenile facility.

“We have so many folks who are learning how to live with mental health diagnoses and we’re just now understanding how people’s medical health impacts their mental health, and how both of those together end up impacting behavior. Our laws were written for people who have sound mind and body who have acted willfully, knowing the law, knowing what they are supposed to do, and purposely doing something against it.” Most of the people in the criminal legal system, are not these people. They are low-income people struggling with mental illnesses and substance abuse. They are coming into the criminal legal system, being jailed, and being released worse off than they were before which causes them to circulate right back into the system again and again. “The main charges are disorderly conduct, public intoxication, things like that. Not things that people are scared of.” As a result, the jail system is full of people who have not committed violent crimes and should be given real care and alternatives, not iron bars and a lack of freedom.



Photo credit: gettyimages.com

A Holistic Alternative

Of the multiple projects the Santa Barbara Public Defender’s Office is undertaking to counter these issues, La Mer Kyle-Griffiths is most excited about the implementation of an early representation program, which would allow people immediate contact with an attorney following an arrest. People who can afford to pay for a lawyer are often released after being arrested and, in some cases, are even able to arrange to have their charges dropped. People who cannot afford an attorney, on the other hand, are usually not appointed a public defender until they appear in court days after an arrest. During these critical days, they sit in cells while prosecutors make decisions on their charges, often before they can exercise their right to speak with an attorney.

This lack of initial contact makes it incredibly difficult for public defenders to prepare a client's case, including connecting them with a social worker who can identify substance abuse and mental health issues, investigating their charges, negotiating their release from jail prior to their hearing date, and even potentially getting misdemeanor charges dismissed altogether.

Early representation reduces pretrial incarceration, shortens jail time, lowers bail amounts, and increases case resolutions. "It's about connection to services," Kyle-Griffiths explains, "whether it's mental health, whether it's housing, whether it's food, or connecting them to their family. The idea is that at that early point, before someone's gone to court, they would have access to an attorney, a social worker, and an investigator to really start that process." Because of the high number of mental health cases coming through the courts, it is currently a struggle to even get records for clients, causing a backlog. Many people therefore spend long amounts of time in jail without having been tried and found guilty of a crime. This directly counters the concept of innocent until proven guilty.

Versions of early representation already exist in jurisdictions in [New York](#), [Michigan](#), [Pennsylvania](#), [Louisiana](#) and multiple California counties. The outcomes of such programs are significant. Success in safely reducing jail populations and recidivism is consistently shown. Findings from a [study by UC Berkeley](#) of San Francisco City and County's [Pretrial Release Unit \(PRU\)](#) show that those who received PRU representation spent less time in jail and were twice as likely to see their cases dismissed at arraignment. During the program's first few months, it freed up 4,689 jail beds, saving a considerable amount of taxpayer dollars for San Francisco, one of countless local governments scrambling to construct larger jails in order to incarcerate an ever-growing number of Americans. Santa Barbara is also scrambling to construct a new jail.

On January 26, 2023, I attended a community meeting where Kyle-Griffiths spoke of the vast potential of early representation in Santa Barbara County. The meeting was hosted by the [Center](#)



Training leadership at the Seattle Dept of Public Defense. Photo credit: La Mer Kyle-Griffiths

[for Justice Innovation](#) and held for Santa Barbara County community-based criminal justice organizations in order to get their perspectives during the initial planning phases of the program. "We are looking at how to get more broken-down reports to identify things like people with substance or mental illness issues," Kyle-Griffiths told the justice activists. "Part of the plan is to get access to chat with the DAs office before a charge is filed."

The Public Defender's Office has already received an initial grant from the [Bureau of Justice Assistance \(BJA\)](#), allowing the office to team with the Center for Justice Innovation, a nonprofit organization of seasoned legal professionals dedicated to equity advancement and justice reform. In April 2023, the Public Defender's Office hopes to also be awarded an [Edward Byrne Memorial Justice Assistance Grant \(JAG\)](#) to pilot the project in northern Santa Barbara County and fund an attorney, investigator, and social worker as an initial early response team there.

"This grant could impact how the program is designed, what personnel will make the most sense,

and what an exact timeframe will look like.” Meanwhile, the Center for Justice Innovation has already started conducting research and completed county jail site visits as the initial phases of the program begin under Public Defender Macuga with Assistant Public Defender Kyle-Griffiths at the helm.



Speaking at the 2022 Annual Yosemite Felony Defense Practice Seminar. Photo credit: La Mer Kyle-Griffiths

Light in the Darkness

When asked who inspires her, Kyle-Griffiths’s response suits her character. “Everyone inspires me,” she replies. “I’m inspired by Greta Thunberg who went out there at 15 years old and championed climate change. I’m inspired by my clients who figure out how to get to court and not be upset and angry about these terrible things that are happening to them while still fighting. Because there are folks who have given up and that’s sad. That’s a weight to carry.” Kyle-Griffiths is also inspired by her three daughters, who occasionally come home with stories of how they stood up to someone at school because that’s what their mother taught them to do. She loves working with people who are still learning to do this work and people who don’t even know if this is what they want to do, but know they want to do something. “Every new viewpoint is amazing,” she reflects, her whole face lighting up with excitement, “and whatever I thought about public defense on day two, should not be what I think about public defense on year two, or decade two. It should always change. Not even just public defense, but society. Our understanding and the depth of our understanding changes minute by minute and just sticking with that is inspiring.”

It is March 1, 2023, two days after my interview with La Mer Kyle-Griffiths, and I am observing Santa Barbara County courtroom arraignments via Zoom for my university internship. Nearly everything happening in the courtroom and on Zoom feels confusing and depressing, but I am particularly saddened by a man in an orange jumpsuit, locked in a glass room, pacing and swearing. When his case is called, his public defender asks that he be declared unfit to stand trial. This will require two doctors to separately interview the defendant, a process which requires an additional month to complete. The defendant, who appears very mentally unstable, will continue to sit in jail for those additional four weeks instead of receiving the care he truly needs. This feels to me like an undue punishment for no real crime. Afterwards, an email pops up on my screen from La Mer Kyle-Griffiths asking if I heard the case. I tell her that I did and that I am devastated by the injustice of it.

Kyle-Griffiths: Yes, it is very angering. I took a quick glance at the police report and they only got involved because family called for a mental health check.

Me: Oh NO! Oh wow... Our whole system is a nightmare.

Kyle-Griffiths: It is dark and murky for sure.

But there is light and there is hope in people like La Mer Kyle-Griffiths. The programs she is implementing will help insure that people who can't afford an attorney are more actively and fairly represented and have a better chance of diversion to more appropriate programs that address their problems in ways a jail cell never can. Clients like the man I've just seen, who should be receiving mental health services instead of sitting in jail for months at a time deteriorating without care and/or much needed medication, should have the opportunity to be heard instead of locked away and forgotten. This is the solution holistic defense hopes to provide and the broken system Kyle-Griffiths battles daily to fix. I am in awe of her ability to stand up and fight in the most hopeless situations.

Kyle-Griffiths still sees the potential for equality in the justice system. She believes the foundations are there and strives to assure the infrastructure is sound. When asked how she would like to be remembered, she says she'd like to be remembered as somebody who strengthened the walls. "I would like for folks to say, I did something different and better because of La Mer. I don't need a legacy. I don't believe in them." Kyle-Griffiths is not a quiet person, but there is deep reflection behind her words now. I watch her and imagine her thinking back



Facilitating a conversation with administrative professionals in Seattle. Photo credit: La Mer Kyle-Griffiths

on so many cases and so many people she has helped as well as the ones she couldn't. The justice system is often cruel and the work of a good public defender is never done. Kyle-Griffiths wants to be the base, the support system, the fertilizer that helps the flowers grow. She strives to keep people engaged in this important work, with wishes for there to eventually be less and less work to do. "I'm a big fan of working myself out of a job," she says. "If there is less of this work to do, I will take on something else and do it with as much zeal as this."

Kyle-Griffiths is clearly the type of person who will succeed at anything she does, but for now, we should be grateful to have her as a leader in public defense. Even as we speak, people are out there suffering the consequences of an unjust justice system. Yet when I see the resilience and strength in Kyle-Griffiths, I too feel hope for a more equitable Santa Barbara County. It may be dark and murky now, but if we follow the lead of people like La Mer Kyle-Griffiths, and come together in community to push back against economic and racial based inequalities, we may eventually see a brighter more equitable justice system emerge from the darkness.