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N.J. may release some jail inmates as coronavirus spreads behind bars

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State authorities are weighing an unprecedented release of some non-violent inmates from New Jersey's county jails in an effort to quell the spread of novel coronavirus to prisoners and staff.

The state Supreme Court on Friday issued an emergency order to show cause in response to a petition from the state Public Defender's Office, which argued the detention of so many inmates presented a public health threat.

"We're in the middle of a public health emergency, and we recognize that for some lower-level, non-violent offenders, it may be safer to temporarily release these individuals to their homes than to keep them detained in a county jail," state Attorney General Gurbir Grewal said in a message sent by a spokesperson.

Grewal's office is working with prosecutors, the public defender's office and others to "identify solutions that appropriately balance public safety, public health, and the rights of crime victims," he added.

An order to show cause requires the parties in a legal case to provide more information to the judge or justices weighing their ruling. In this case, the court is asking why it shouldn't order the release of certain detainees.

It was not immediately clear how many inmates the move would affect. New Jersey's pretrial jail population has declined significantly since the state implemented bail reform in 2017, and the order would not affect anyone being held in jail pending a trial.

The high court has not made a final ruling, but is considering the temporary release of any inmate serving jail time as part of their probation sentence or a municipal court conviction.

Some common municipal court violations that result in jail time include drunken driving, simple assault or shoplifting.

Richard Pompelio, head of the New Jersey Crime Victims' Law Center, said he was concerned about victims being notified ahead of time. Just because someone pleaded guilty to a lower charge, for example, didn't mean the assault they committed wasn't serious.

Depending on how the release was handled, he said, some victims could soon be face-to-face with their abusers.

“That’s what scares me,” Pompelio said.

Alexander Shalom, a senior attorney for the New Jersey chapter of the American Civil Liberties Union, said the release of non-violent inmates makes sense given the global pandemic.

“We want people to self-isolate, we want people to shelter in place. We want people to be social distancing,” he said. “These are things that just can’t be done in a jail.”

At least one corrections officer in the state has been affected by the virus so far. Authorities in Bergen County said an officer tested positive on Wednesday, prompting at least seven others to self-quarantine.

Prisons and jails in the state also have suspended visits in an effort to contain the spread behind bars, where the recommended procedures of social-distancing and regular handwashing are nearly impossible for prisoners and staff.

The order directs state and county prosecutors, public defenders and civil liberties advocates to file papers for and against the proposal as it weighs the decision.

The request was fast-tracked by the Supreme Court “based on the dangers posed by COVID-19, and the statewide impact of the nature of the request” and Gov. Phil Murphy’s declaration of a public health emergency, according to the order signed by Chief Justice Stuart Rabner.

Prosecutors and defense attorneys were slated to take part in mediation with Judge Philip S. Carchman on Friday afternoon.