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N.J. releasing almost 500 inmates from county jails to prevent coronavirus outbreak behind bars

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New Jersey is releasing almost 500 people from jail as the coronavirus spreads statewide, according to data provided Tuesday by the public defender's office. Some of the inmates have already been released and the others will be set free in the coming days, officials said.

Citing the "profound risk posed to people in correctional facilities arising from the spread of COVID-19," the state Supreme Court issued an emergency order late Sunday directing the release of inmates serving jail time as a result of probation sentences or municipal court convictions.

More than 800 people were flagged for possible release, but county prosecutors objected to more than 300. Those cases must now be heard by a judge.

Gov. Phil Murphy called the release "groundbreaking" Monday.

Some counties in states like California have taken steps to reduce inmate populations to help contain the spread of the virus, but a Murphy spokesperson said the consent order in New Jersey is the "first collective statewide action of this kind."

It applies to certain inmates serving jail sentences of a year or less for low-level crimes. The offenders either violated probation or were convicted of municipal court violations like driving while intoxicated or disorderly persons charges.

Middlesex is set to release at least 64 people, more than any other county, while some areas will see only a handful sent home.

In Monmouth, Sheriff Shaun Golden said inmates given the green light had to answer four questions, including if they had a place to stay. One inmate didn't want to leave because he had nowhere to go, Golden said. (The order allows inmates to refuse release, at least initially.)

Others left Tuesday morning. Most used jail-issued bus tickets, he said, while some were picked up by family members.

Golden said while he understands the decision to release some inmates, he takes issue with the fact that some have been convicted of resisting arrest, assault on a police officer, child endangerment and domestic violence.

“I think it’s absurd that they made the list and we have to contest these individuals,” Golden said. “We still don’t have a clear picture as to what happens after this crisis is over.”

Prosecutors in some counties objected to more cases than others. Burlington and Cumberland are fighting the majority of inmates flagged for possible release, according to the data, while Bergen only objected to three of its 38 eligible inmates.

“We do not want to ... release someone in order to protect their health today, and find that they die of an overdose tomorrow,” Burlington County Prosecutor Scott Coffina said in a statement. Many objections were based on concerns that an inmate might hurt themselves, Coffina said, while others stemmed from records that suggested “compulsive criminal conduct.”

Cumberland County Prosecutor Jennifer Webb-McRae said 21 of the people her office opposed releasing were also inmates awaiting trial for other charges. Since the court order does not apply to that group, Webb-McRae said the numbers distorted how many releases they were actually fighting.

In Bergen, the three people blocked from release were chosen because of flight risk, criminal history and possible danger to a victim, according to Elizabeth Rebein, spokesperson for the Bergen County Prosecutor’s Office.

Prosecutors were also told to notify crime victims.

“I’m a career prosecutor and I take no pleasure in temporarily releasing or suspending county jail sentences, even for the lowest level inmates,” state Attorney General Gurbir Grewal said Monday. “But this is the most significant public health crisis we face in our state’s history. And it’s forcing us to take actions that we wouldn’t consider during normal times.”

Grewal said the decision to take “bold and drastic” steps came after reports surfaced of how jails in New York “can be incubators for disease.” Corrections officers in Bergen and Morris counties have already tested positive for COVID-19, as did a “superior officer” at the Essex County Correctional Facility, a spokesperson said Tuesday.

Before inmates are released, Grewal said the state will need to ensure they have a safe place to go and that services will be provided to those inmates who need them, such as medical treatment or housing.

“To be clear, all of these individuals will have to comply with the same stay at home orders that are in effect right now,” Grewal said. “And they’ll have to complete their sentences when our public health emergency concludes.”

Judges will decide at the end of the emergency declaration whether to return people to jail or sentence them to time served.

NJ Advance Media reporter Sean Sullivan contributed to this report.