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New Jersey should release elderly and pregnant prisoners amid coronavirus crisis, ACLU says

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Gov. Phil Murphy should release inmates from state prisons who are pregnant, older than 60 or “medically vulnerable” to stem the spread of the coronavirus, the American Civil Liberties Union of New Jersey said in a letter Tuesday.

The request also asked that corrections officers receive more protective gear.

“Put simply: as go our prisons and jails, so goes our state,” Executive Director Amol Sinha wrote. “Failing to contain the pandemic there allows for community spread outside the walls of these institutions.”

The state’s ACLU was part of the agreement to release about 700 low-level inmates from county jails last week, and Tuesday’s memorandum was the latest push by advocates to head off an outbreak behind bars. Opponents say early releases threaten more residents than they help, and some lawmakers have argued that even last week’s release went too far.

Several corrections employees have already tested positive for COVID-19, and on Monday the state’s major corrections officers unions demanded “hazard pay” and a private testing center.

A Murphy spokesperson declined comment on Tuesday’s letter.

The ACLU also asked that any prisoner scheduled to get out within the year, among other groups, be considered for early release. That could include those with serious medical conditions, as long as they were not convicted of “murder, manslaughter, sexual assault, robbery, kidnapping, or aggravated assault.”

The governor could accomplish some of this directly, the ACLU wrote, by temporarily suspending sentences, as well as through working with the corrections department and the parole board.

Lowering prison populations would help both inmates and staff, the letter said, while preventing local hospitals from ever having to reserve scores of beds for prisoners.

The ACLU acknowledged that it will be difficult to ensure the newly released have housing, among other needs, but it said organizations like the New Jersey Reentry Cooperation were ready to help.

“Even if the need for social services feels overwhelming,” the letter said, “having people remain incarcerated and risking the lives of even more incarcerated people and corrections staff ... presents the possibility of a far more dire outcome.”

Because so many inmates are people of color, the ACLU added, inaction would disproportionately hurt black residents.

For those that remain behind bars, the ACLU asked the state to designate a “virus ombudsman” to publicly report “relevant” data, regularly communicate with inmates in both English and Spanish, increase everybody’s access to hand sanitizer and stop any work that forces inmates close together.

NJ Advance Media staff writer S.P. Sullivan contributed to this report.