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N.J.'s top court weighs releasing hundreds of people from jail who are awaiting trial

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New Jersey's Supreme Court is considering releasing some people from county jails so they can await trial at home because the pandemic continues to delay jury trials, according to court records filed Wednesday.

The public defender's office and the American Civil Liberties Union of New Jersey asked the court to consider the releases earlier this month.

"As this public health emergency continues, it has become clear that trials for the vast majority of detained people are simply not on the horizon," the two groups wrote.

It would be better to monitor people at home instead of effectively pressuring inmates to plead guilty just to get out of jails where a virus can spread quickly, lawyers argued.

Chief Justice Stuart Rabner told the state attorney general's office and county prosecutors to respond to the proposal by Dec. 30, and he scheduled arguments for January.

After an arrest, you normally must be indicted within 90 days and be tried no more than 180 days after that, according to state law. But new jury trials are suspended as coronavirus cases rise, and the state's top court has continued to extend deadlines for when trials must start.

If the plan is adopted, the court could release anybody who's spent more than six months behind bars for second-, third- or fourth-degree charges. They include people accused of robbery, arson or assault, among other charges.

Those facing some first-degree charges, the most serious, could also receive new hearings for a judge to re-consider their release.

Prosecutors would be able to object to individual releases if they believed someone was an "imminent" public safety risk.

About 1,000 people could either be released or receive a new hearing under the proposal, according to the public defender's request. More than 5,470 people were awaiting trial behind bars at the end of October, according to court records.

Jails hold those awaiting trial or anyone sentenced to less than a year for offenses like drunken driving, simple assault or shoplifting. In contrast, prisons house people already convicted of more serious crimes.

Earlier this year, the court did let about 700 jail inmates out early, but that release did not affect people waiting for juries to decide their fate.

New Jersey keeps fewer people awaiting trial locked up than it used to since eliminating cash bail. Judges now keep defendants jailed only after considering the person's criminal history and the seriousness of the charges they face.

State Attorney General Gurbir Grewal previously told NJ Advance Media he did not want to release people awaiting trial since they'd already been deemed a risk.

Representatives for Grewal's office and the public defender declined comment on the new proposal. The head of the county prosecutor's association did not respond to a request for comment.

Lawyers first raised the alarm in March that extended delays might not only violate a person's right to a speedy trial but could increase the risk defendants are infected.

Surging cases statewide has raised the risk for both officers and inmates. For example, 128 employees and 31 county inmates at the Essex County Correctional Facility had tested positive as of Thursday, according to the jail's most recent report.