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N.J. prosecutors oppose plan to release hundreds behind bars awaiting trial. Top court will consider it soon.

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New Jersey law enforcement officials are opposing a plan to release hundreds of people from jail who are awaiting trial, dimming the chances that the state's top court will fast-track a mass release as the pandemic continues to delay new juries.

Anyone who can safely await trial at home has already been released, the state attorney general's office and the county prosecutors association argued in court documents filed Wednesday. Letting more out would be both dangerous and illegal, they said.

The records also provided the most comprehensive look yet at the status of the virus in county jails.

People "with the sort of criminal histories necessary to earn pretrial detention are not likely to begin obeying conditions of release because of a public health emergency," the association wrote.

"Put another way, every detainee at issue here has had their day in court, and simply disagrees with how a judge decided," the attorney general's office added.

Their briefs were in response to a proposal from the public defender's office and the American Civil Liberties Union of New Jersey.

The two groups wrote the state Supreme Court in December, arguing that the continued delay of jury trials was unfair to people who had not been convicted of a crime, but who were nonetheless stuck behind bars while the virus spread.

An ACLU lawyer declined comment on the prosecutors' stance. A representative for the public defender did not respond to a request for comment.

The court's chief justice previously scheduled arguments on the plan to begin Jan. 19.

Earlier this year, all sides reached an agreement to release hundreds of people convicted of low-level crimes, but that plan did not affect those waiting for a jury to decide their future.

There were almost 5,560 people awaiting trial behind bars as of last week, according to the records, and state law generally requires trials to begin within six months.

If New Jersey's Supreme Court adopted the release plan, an estimated 650 people who had already waited more than six months and who had not been accused of the most

serious crimes would be eligible to go home. Around another 400 would also receive new hearings to consider release, defense lawyers said.

Prosecutors responded that jails already held far fewer people than they used to because of recent reforms, and they pointed out that court business has still continued virtually.

“We seek detention where there’s a risk, where there’s a danger to the public,” state Attorney General Gurbir Grewal told NJ Advance Media March 26. “People who are in right now, after criminal justice reform, are truly the ones who need to be in for public safety reasons.”

Prosecutors also said fears about the virus behind bars were overblown.

County jails held almost 9,870 people as of Dec. 23, according to the records.

Wardens said only about 160 were positive around that same time, according to the association. State officials have also promised to vaccinate inmates soon.

That doesn’t mean the threat is nonexistent.

“There are people here who shouldn’t be sitting here this long, not while their life is in jeopardy,” Tarrick Tucker, who is incarcerated in Essex County, told NJ Advance Media.

Tucker was locked up at the beginning of October on weapons and drug charges, according to county records, so he would not be immediately eligible to be released under the proposal. But releases could decrease the number of people around him.

Rooms were overcrowded and positive cases were cropping up in multiple units, he said.

“I didn’t catch the coronavirus until I got in jail,” he said. “People are really scared.”

NJ Advance Media staff writer Joe Atmonavage contributed to this report.