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Desperate Times Call For Desperate Measures - New Jersey Agrees to Release Hundreds of Inmates in the Wake of COVID-19 Pandemic

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Following an emergent plea by the New Jersey Office of the Public Defender, hundreds of incarcerated inmates throughout New Jersey's county jails will be released as of today with the goal of preventing the transmission of COVID-19 to uninfected inmates and jail staff and corrections officers. This unprecedented move resulted from a collaborative effort among the State Public Defender's Office, the ACLU-New Jersey, the Office of the Attorney General and the County Prosecutors Association. They were assisted in reaching a consensus through the mediation efforts of retired Appellate Division Judge and former Director of the Administrative Office of the Courts Philip S. Carchman. The mediation culminated in a comprehensive consent Order entered by the Supreme Court of New Jersey on March 22, 2020, which can be found at [here](#).

The Order provides for the rapid release of inmates serving county jail sentences for minor offenses while also insuring that prosecutors maintain the ability to timely object to the release of inmates on the grounds that release of an inmate would pose a significant risk to the safety of either the inmate or the public. The Order does not eliminate any remaining unserved custodial sentence. Instead, it provides that the balance of each sentence is to be addressed by the sentencing court at a later date.

Inmates who have tested positive for COVID-19 are not to be immediately released pursuant to the Order and any inmate who would otherwise be eligible to be released has the option to remain incarcerated and complete his or her applicable sentence. Inmates released pursuant to the Order will be required to comply with any applicable conditions of probation and release. Importantly, while the impacted inmates are low level offenders, prosecutors and other law enforcement must make efforts to give notice to victims of the release of the inmates.

Finally, it is important to note that this expedited release Order applies only to inmates who have been sentenced to county jail for certain classes of offenses and does not provide for the release of those being held pursuant to pretrial detention orders. Those inmates must seek separate relief.

If you have a criminal law concern related to COVID-19, please contact [John E. Hogan](#) at 732-855-6470, or any member of our Criminal Law Team.

Attorney

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Practice

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