

Supreme Court-Ordered Mediation Yields Agreement on Release of Low-Risk County Jail Inmates

The Supreme Court issued an order late Sunday night that will suspend or commute county jail sentences for low-risk inmates in light of the public health emergency caused by coronavirus COVID-19.

The order commutes or suspends county jail sentences currently being served by county jail inmates either as a condition of probation for an indictable offense or because of a municipal court conviction. It directs their release no later than 6 a.m. Tuesday.

The Supreme Court on Friday relaxed the rules of the court to accept a petition from the Office of the Public Defender in response to concerns about the spread of COVID-19 in county jails.

The court then ordered mediation, overseen by retired Presiding Appellate Judge Philip S. Carchman, between the Office of the Attorney General, the Office of the Public Defender, the County Prosecutors Association of New Jersey and other interested parties.

Under the order, other inmates serving a county jail sentence will be released by no later than noon Thursday, March 26. The Attorney General and county prosecutors may file an objection to any release they deem inappropriate. In those cases, judges or special masters will hold a hearing to determine if the release would pose a significant risk to the safety of the inmate or the public.

The order would impact only those in jail for third- or fourth-degree crimes or disorderly persons offenses. It does not affect state prison sentences.

At the conclusion of the public health emergency, those released from jail will appear before the court to determine whether their custodial sentences should be reinstated or commuted. No-contact orders, drivers' license suspensions and other conditions will remain in force.