



Legal Services of New Jersey

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April 8, 2020

The Honorable Phil Murphy
Governor of New Jersey
Office of the Governor
225 West State Street
Trenton, New Jersey 08625

Re: Request for Consideration of the Release of Certain Prisoners Due to COVID-19 Related Public Health Concerns

Dear Governor Murphy:

Legal Services of New Jersey coordinates and supports the statewide system of legal services programs providing legal assistance in civil matters to low-income individuals throughout New Jersey. We write to address our concerns for the rights and welfare of vulnerable populations in Department of Corrections custody in light of the current public health emergency related to COVID-19.

We receive correspondence from inmates from county jails and state prisons in New Jersey on a regular basis detailing the conditions of their confinement, seeking relief and ultimately looking forward to their eventual release. We sympathize with their plight, but now we recognize current conditions require immediate attention. COVID-19 is a unique and deadly serious global pandemic and public health emergency which has severely impacted our nation, as well as our home state of New Jersey which reports increasing incidence of COVID-19 statewide. As of April 7, there was a total of 44,416 confirmed cases and 1,232 deaths in New Jersey. Sadly, these numbers are rising daily. The virus has now been reported in all 21 counties.

We understand that the virus is easily spread from person to person and there is currently no available vaccine. This requires a response, simple in theory but complicated in execution -- as stated by the Center for Disease Control and Prevention, the best way to prevent illness from the COVID-19 virus is to avoid being exposed to it in the first place.

On March 9, your honor issued Executive Order 103 declaring a public health emergency and a state of emergency. It called for among other things, several key precautions to help prevent the further spread of

COVID-19 including the regular thorough cleaning of hands and surfaces and social distancing measures. In the following days, your honor signed a “stay at home” order – Executive Order 107, requiring people to remain in their homes except for certain specified reasons and the closure of non-essential retail businesses. These swift measures place paramount concern on public health and are based on guidance from the prevailing medical experts. We applaud these efforts.

Social distancing, as called for by earlier measures and the widely accepted method employed to help slow the spread of COVID-19 -- is virtually impossible in our state prison facilities. Incarcerated populations live, eat, sleep and congregate in close proximity which heightens the potential for COVID-19 to spread rapidly once introduced. Troubling, there are confirmed cases of COVID-19 in jails, prisons and youth facilities in the state – this includes staff and those in custody. Most recently, inmates at Edna Mahon Correctional Facility, Northern State Prison, New Jersey State Prison and three halfway houses were confirmed with the virus. Those who are incarcerated and those physically working at the facility, including guards and medical staff, remain at extreme and imminent health risk.

On March 22, the Supreme Court signed a consent order which ordered the release of certain inmates from county jail facilities in New Jersey. The consent order suspends or commutes the sentences for low-risk inmates – those charged with third or fourth degree crimes or disorderly persons’ offenses. Other jurisdictions have taken additional measures to protect those at risk in their prisons and jails. Recently, Los Angeles announced that it was set to release low level inmates and consider reducing bail for many of those detained at county facilities. In Washington State, petitioners filed suit before their state Supreme Court to request the release of certain inmates from state prison, particularly people over 50, those with pre-existing conditions, and those within 18 months of release.

In that spirit, we suggest that swift action is needed now to take steps to reduce our prison population, through a safe and deliberate process which respects human rights, places a premium on public health and is fiscally sound. We therefore ask that certain vulnerable populations and those of lesser risk be afforded an opportunity for release pursuant to all the above, specifically the elderly; those with pre-existing medical conditions, non-violent offenders and those who are within months of their release.

Thank you for your leadership and your continued dedication and service to the State of New Jersey during these difficult times.

Very truly yours,
Legal Services of New Jersey

Akil Roper

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