

## Governor Phil Murphy

# Governor Murphy Signs Executive Order to Establish a Process to Grant Temporary Reprieve to Certain At-Risk Inmates

04/10/2020

**TRENTON** – Governor Phil Murphy today signed Executive Order No. 124, establishing a process by which the Department of Corrections may grant temporary reprieve to certain at-risk inmates during the public health emergency. The Governor’s Executive Order creates the Emergency Medical Review Committee to make recommendations on which inmates should be placed on temporary home confinement through the Commissioner’s statutory furlough authority. All recommendations to place an individual on home confinement will be made after thorough review and consideration of the conditions that an individual may face in the community.

“My Administration’s top priority is the health and safety of all nine million New Jerseyans, including those who are currently incarcerated,” **said Governor Murphy**. “The correctional setting presents unique challenges to social distancing, particularly for vulnerable populations. Allowing some of our most vulnerable individuals who do not pose a public safety threat to temporarily leave prison will protect both their health, and the health and safety of the men and women working in our correctional facilities. With this action, New Jersey will join several other states, and the federal government, in taking necessary steps to strike a balance between public health, public safety, and victims’ rights.”

“The health and safety of our staff, inmates and the public-at-large is of paramount importance,” **said Department of Corrections Commissioner Marcus O. Hicks, Esq.** “This Order helps address social distancing challenges in the correctional setting and prioritizes the needs of medically vulnerable inmates during this public health crisis.”

The four categories for priority early release include:

- Individuals aged 60 years or older;
- Individuals with high risk medical conditions, as determined by DOC in consultation with the Department of Health;
- Individuals whose sentences expire within the next three months; and
- Individuals who were denied parole within the last year.

Individuals who have been convicted of a serious offense, including murder, manslaughter, kidnapping, sexual assault, robbery, aggravated assault, or any offense subject to the No Early Release Act, will be ineligible for temporary reprieve. However, the Committee would be able to consider any and all previous convictions when making recommendations for home confinement.

The Governor’s Executive Order creates the following process for granting temporary reprieve:

- Establishes the Emergency Medical Review Committee (“the Committee”) that will be responsible for conducting individualized assessments that support their recommendations as to whether the



Commissioner should place an inmate on home confinement;

- The Committee is to be jointly chaired by the designees of the Commissioner of Corrections and the Chair of the State Parole Board (“SPB”);
- DOC is to create Emergency Medical Referral Lists (“the Lists”) of vulnerable inmates who meet the criteria for consideration for home confinement;
- Prosecutors and victims will have an opportunity to provide input on inmates under consideration for potential release;
- The Committee is required to evaluate the appropriateness of home confinement, taking into consideration, but not limited to, the following:
  - A plan to supervise the inmate while on home confinement;
  - Access to appropriate medical and social services;
  - Access to appropriate housing; and
  - Whether the inmate has a lower risk of contracting COVID-19 in the community than in DOC custody
- After receiving the Lists, the Committee must recommend whether the Commissioner should place an inmate on home confinement. A recommendation cannot be made unless the Committee has completed an individualized evaluation, and the Commissioner cannot grant home confinement unless satisfied that confinement appropriately safeguards the health and safety of the inmate and the public; and
- Separate from home confinement consideration, the State Parole Board is to expedite consideration for any parole-eligible individual on the Lists even if the individual had been previously denied parole within the last year.

The Order will take effect immediately.

A copy of the Executive Order No. 124 can be found here (<https://nj.gov/infobank/eo/056murphy/pdf/EO-124.pdf>).

## Governor Phil Murphy

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