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N.J. prison watchdog to resign after tense public hearing about ongoing failure to flag abuses behind bars

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The ombudsman in charge of investigating problems in New Jersey prisons is resigning in the wake of a tense public hearing Thursday when he struggled to explain how he'd missed years of documented abuse at the state's only women's facility.

Corrections Ombudsman Dan DiBenedetti will step down Aug. 1, according to a spokeswoman for Gov. Phil Murphy.

Alyana Alfaro declined to comment further Friday. DiBenedetti didn't respond to requests for comment.

The announcement came less than a day after more lawmakers said New Jersey needed a new prison watchdog.

"Everyone has to go," Assemblywomen Aura Dunn, R-Morris, Nancy Muñoz, R-Union, and Assemblymen Christopher DePhillips and Bob Auth, both R-Bergen, said in a joint statement Thursday night about DiBenedetti and Marcus Hicks, the leader of the prison system.

Dozens of other representatives previously called on DiBenedetti to at least temporarily step down in the wake of a growing criminal probe that has charged multiple officers with either attacking inmates or covering up misconduct at the Edna Mahan Correctional Facility in Hunterdon County.

Former prisoners, advocates and federal investigators have long raised concerns about the office's effectiveness.

On Thursday, a bipartisan group of lawmakers repeatedly asked DiBenedetti how he'd failed to flag years of sexual abuse.

DiBenedetti acknowledged he hasn't been to the prison in more than a year.

His staff hasn't conducted any recent formal inspections of the women's facility, according to public reports.

And despite being in office since 2009, DiBenedetti couldn't think of any policy recommendations he'd ever made about Edna Mahan.

One committee member asked if, in recent years, DiBenedetti thought conditions at Edna Mahan were a problem.

“I didn’t believe ... for them to be unacceptable, no,” he said. “We received very few complaints of that nature from inmates at Edna Mahan,” DiBenedetti repeated, referring to sexual assault accusations.

Former prisoners testified that inmates had given up contacting the office because they rarely received help.

Lawmakers appeared baffled by DiBenedetti’s answers.

“I leave here very disappointed,” said Assemblyman Raj Mukherji, D-Hudson. “It could just be that you’re not a wartime consiglieri.”

Part of the disconnect may stem from the role the office has played in the past.

A new law that took effect last August gave the office broad new powers, including the ability to force people to testify under oath, and experts have said New Jersey’s ombudsman’s office could now be one of the strongest in the nation.

The reforms were modeled after a similar watchdog agency in Washington, which has completed more than 50 public reports just since last year.

New Jersey has published six since the new law was passed — after years of releasing none.

DiBenedetti pushed back against lawmakers who wanted him to take a more aggressive role. During the hearing, he described his office as mainly reactive: Staff respond to complaints as they come in and pass serious allegations back to prison officials or prosecutors.

Lawmakers and advocates also raised concerns that he wasn’t fully following state statute.

“There are provisions of the law that the office has explicitly not yet complied with, and these are all critically related to community and public engagement,” said Tess Borden, an attorney with the American Civil Liberties Union of New Jersey.

The office is supposed to hold “public meetings at least quarterly,” according to statute, yet it does not appear to have hosted any.

DiBenedetti did say he’s long been short staffed.

The pandemic overwhelmed his office, he said, and he previously told NJ Advance Media that all of his staff were furloughed during part of last summer. DiBenedetti also recently took a pay cut and he made \$116,600 as of December, according to pension records.

The office has hired more people and he now has nine employees, one of whom did visit Edna Mahan earlier this week, he added. But he said the agency really need 16 total to effectively oversee the entire prison system.

The governor's newest proposal would increase the office's annual budget to more than \$1.3 million.

DiBenedetti spent nearly 20 years working for the prison system he now monitors, and he sometimes appeared hesitant to challenge corrections officials.

When asked over the summer about his new ability to subpoena documents, he wrote that his office had always been able to get the information it needs by cooperating with prison officials.

One lawmaker pointed out Thursday that DiBenedetti told prisons about upcoming inspections, yet still labeled two resulting reports as "unannounced inspections." DiBenedetti clarified that prison staff didn't know every unit inspectors would visit.

The new law also requires DiBenedetti to consult with an advisory board, which should include at least one former prisoner or an inmate's relative, but that board doesn't yet exist.

Members are supposed to be appointed by the Assembly speaker, Senate president and governor, but the latter two do not appear to have made any appointments since the law took effect in August.

A spokesman said Assembly Speaker Craig Coughlin has nominated three people deeply involved in prison advocacy: Gale Muhammad, J. Amos Caley and Ron Pierce.

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