

# The Star-Ledger

**N.J. needs a new prison watchdog. ‘You just can’t throw away human beings,’ says one advocate.**

By Blake Nelson

NJ Advance Media for NJ.com and The Star-Ledger

Published May 19, 2021

It won’t be an easy job.

You’ll have to keep an eye on nearly a dozen prisons across New Jersey. Thousands of tips, questions and complaints will need to be assessed. You’ll contend with corrections’ dense bureaucracy and a sometimes mercurial Legislature.

Officers may not trust you. Prisoners may not trust you. Everyone will question you.

Gov. Phil Murphy is on the hunt for a new Corrections Ombudsperson, a prison watchdog recently granted broad new powers to investigate abuse behind bars. In interviews, five advisors to the office said candidates will need a range of skills to dig into a long list of issues, from deadly bacteria in the water to power outages, a backed-up complaint system, questions about the rights of transgender prisoners and allegations of beatings.

At the same time, officials are finalizing an agreement with the U.S. Department of Justice which will likely lead to federal oversight of the state’s only women’s prison, meaning the gig comes with a long-standing responsibility to reverse years’ worth of well-documented sexual abuse.

“Right now is an unprecedented opportunity that we don’t get back,” said Rev. J. Amos Caley, an advisor to the office who works with the nonprofit Salvation and Social Justice.

The position’s independence will be crucial, said state Assemblywoman Yvonne Lopez, D-Middlesex, who helped lead the charge to beef up prison oversight. “If you don’t have the heart and the passion and the compassion, that person’s going to fail, and I don’t want to see that again.”

The current ombudsman, Dan DiBenedetti, will formally step down in August after lawmakers excoriated him for failing to flag problems at the Edna Mahan Correctional Facility in Hunterdon County.

He’d previously faced criticism for appearing hesitant to subpoena witnesses and documents, hold public hearings, track systemic issues and report the findings publicly — all elements of a new law that experts say could make the office one of the strongest in the nation.

Those powers can help head off problems before they become lawsuits, Maggie Agüero, who led the office from 1988 through 2001, previously said in an interview.

That point is increasingly relevant since taxpayers now have to pay hundreds of thousands of dollars to one outside law firm, millions to another and potentially tens of millions to women who said they were abused at Edna Mahan.

The law also created a nine-person advisory board for the office, which is now fully staffed since the governor announced three final appointments last week.

The agency needs to be prepared to take calls 24 hours a day, seven days a week, said advisor Gale Muhammad, head of the nonprofit Women Who Never Give Up, which advocates for prisoners and their families.

“You have to have a mindset that you just can’t throw away human beings,” Muhammad said. “Everybody is salvageable.”

That empathy was missing from the office’s most recent report, said Ron Pierce, a fellow with the New Jersey Institute for Social Justice. The report’s second sentence used the “dehumanizing” phrase “committed sexually violent predators” to describe an entire group of people, he said.

The ombudsperson must “be trusted by both sides if they’re gonna be impartial, but you can’t be impartial if you’re not doing real investigations,” Pierce said.

Current and former prisoners and their families have repeatedly told NJ Advance Media they’ve either never heard of the office or gave up calling long ago.

Rebuilding trust would be crucial, advisors said.

The office needs to follow up on every call, no matter how seemingly frivolous, and to have “boots on the ground” at the facilities, said Kathy White, Chief Operating Officer for Volunteers of America Delaware Valley, which helps recently released people reenter society.

They also need to be ready to recommend new policies and laws to the governor and the Legislature, said Tess Borden, an attorney with the American Civil Liberties Union of New Jersey who’s represented prisoners in court.

The new law disqualifies candidates who’ve worked for or had any financial relationship with the prison system within the last five years. But it doesn’t write off former employees entirely, and a job posting earlier this year for an assistant ombudsperson actually required five years of experience “in a correctional setting providing direct service to inmates.”

That would be the wrong approach, several advisors said. While good candidates need to have an understanding of the department, prisoners wouldn’t trust somebody from the system.

Both New Jersey and Washington were highlighted in a new report about prison oversight nationwide in *The American Journal of Criminal Law*.

The two states do a good job of giving outside inspectors enough authority to “enhance transparency and accountability,” wrote Michele Deitch, a senior lecturer at the Lyndon B. Johnson School of Public Affairs at the University of Texas.

Washington’s ombudsperson, Joanna Carns, has issued a flurry of inspections and reports in recent years.

In a message to NJ Advance Media, Carns wrote that the job required someone “with a strong internal moral compass and a strong backbone to stand up to political pressure.”

The position’s salary in New Jersey at the end of last year was \$116,600, according to pension records. The office currently has nine staff but needs more, DiBenedetti said during a recent public hearing. The governor’s budget proposal would increase the annual budget to more than \$1.3 million.

Murphy is currently fielding resumes and interviewing candidates, said Lopez, the Assemblywoman. A Murphy spokeswoman didn’t respond to a question about where they are in the hiring process.

Other recently appointed members on the office’s advisory panel include Carolyn Chang, an attorney and former mayor of Westampton Township, Edward Neafsey, a former Superior Court judge who teaches at Rutgers Law School, Robert Baran, managing director for the New Jersey Coalition Against Sexual Assault, and Patricia Teffenhart, the coalition’s former executive director.