



State of New Jersey
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Terry Schuster
Corrections Ombudsman

February 10, 2023

Dear Chair Knight, Vice-Chair Austin, and members of the House Appropriations Committee,

My name is Terry Schuster. I'm the Ombudsman for New Jersey's prison system. I'm writing to support the legislation creating a similar office in Virginia (**SB 994**), and to share my thoughts on the value of such an office for the public, lawmakers, and the Department of Corrections.

My office's annual budget is \$2.1 million, which is about 0.2% of the Department of Corrections budget in my state. What that investment buys is sufficient staffing (21 FTE) to have people on-site in nine prisons, inspecting facilities, surveying incarcerated people, answering hotline calls, gathering data, and holding community meetings.

An Ombudsman is not a prosecutor looking to hold individuals accountable for wrongdoing. The office is not gathering evidence for lawsuits against the Department of Corrections. There's no axe to grind. The goal is to spot problems and trends before they metastasize—to help the Department assess whether its policies are being followed and whether its policies might need to change in order to better carry out its mission. Success for an Ombudsman office doesn't look like corrections staff being fired or headlines slamming the Department of Corrections for abuse and neglect. Success looks like incarcerated people in the state feeling hopeful about their futures, staff feeling proud of the impact they had on the lives of those in their custody, and the public feeling confident that people coming back home from prison are better prepared to be good neighbors.

My Ombudsman office includes several staff members who come from the Department of Corrections. They believe in the value of Corrections to turn people's lives around. They've seen the system's shortcomings from the inside and came to the Ombudsman office hoping to make the Department of Corrections better. The Ombudsman office is a thought-partner for solving difficult system-wide problems. Incarcerated people are much more forthcoming with the Ombudsman office than they are with correctional officers and administration. Our access to the people held in custody allows us to give quick and thorough feedback to facility and agency leaders. We are a key player helping the DOC enforce its own policies with staff, because we have eyes and ears on the prisons, and prison staff act differently when they're being monitored. Because we are an independent office, we can also authoritatively give credit to the Department for things they are doing right, correct the record when misinformation is spread

about prison conditions, and defend decisions of the Department that may be unpopular or misunderstood by skeptical members of the public.

Lawmakers expanded the reach and mandate of my office in New Jersey in response to physical and sexual assaults at the state's only women's prison. The message to the public was: This won't happen again, not on our watch. Even absent a scandal, though, lawmakers benefit from oversight in a variety of ways. When they pass laws impacting prison services or programming, they have a set of independent eyes in the Ombudsman to determine whether those laws have been implemented. When constituents call with concerns about conditions in a prison facility, lawmakers can dispatch the Ombudsman to look into the issue and follow up. The creation of an Ombudsman office helps ensure that the performance metrics for a Department of Corrections are not limited to the number of people confined, released, and returned for new crimes, but include big questions of public interest: Are people in our state prisons safe? Are their health needs being addressed? Do they have meaningful access to their loved ones? And are they engaged in purposeful activity to ensure they come out better than they went in?

My office regularly meets with the correctional officer and civilian staff unions to hear their priorities, to share trends that we're seeing, and to get input on policy recommendations. Our on-site Assistant Ombudsmen also routinely hear from staff in the prisons about institutional concerns that we may be able to help with like barriers to implementing certain policies and miscommunications between custody staff and nursing staff.

Members of the public most often contact my office when they're not getting a response from the Department of Corrections and they feel concerned, helpless, and upset. This past month, we've gotten calls and emails saying: My son arrived at this prison two weeks ago and hasn't gotten toilet paper or a change of underwear. My brother keeps asking to be seen by a doctor and getting denied. I traveled a long way to visit my husband in prison and they wouldn't let me in. It's January, the heat isn't working, and my loved one still hasn't gotten a coat. These are mundane everyday needs that in the free world people can handle on their own, but that can become pain points in a setting where some people exercise control over others.

Sometimes when something is going wrong in prison, it was merely overlooked in the hustle and bustle of running a secure facility. Sometimes it comes about because of systemic problems like under-staffing or lack of communication between siloed offices. Importantly, there are also times when the issue reflects an abuse of power. An independent Ombudsman office can help the Department catch small things that fall through the cracks, draw attention to systemic issues that impact everyone behind bars, and also access people held in even the most isolated parts of state prisons to ensure they are not being harmed or treated unfairly.

Oversight allows for access and understanding among people who might otherwise feel suspicious, angry, and in the dark about what's happening in our state prisons. By creating transparency, it builds credibility and public trust for this large and powerful arena of state government. I encourage you to support **SB 994** to establish a similar office in Virginia. Please feel free to contact me if I can help in any way.

Best,

Terry Schuster
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