

New Jersey Herald

Ex-inmate who alleged beating had 'strong civil rights case'

By **David Danzis** New Jersey Herald

Posted: Nov. 23, 2017 12:01 am

NEWTON -- A former county jail inmate who alleged he was beaten inside the facility as an act of retaliation had a sound case that his civil rights were violated, according to an internal memo summarizing the findings of an attorney representing the county in the recently settled lawsuit.

According to the Sept. 7 memo to the Sussex County Board of Chosen Freeholders, attorney John Gonzo said that although Robert Woodruff "did not suffer much by way of physical injury," the former inmate at the Keogh-Dwyer Correctional Facility had a "strong civil rights case" against the county, Sheriff Michael Strada, former Undersheriff Homer Wanamaker and former Corrections Officer Leslie Port, "which would include treble damages, punitive damages, attorneys' fees and costs."

Gonzo, an insurance attorney, recommended the matter be settled for \$150,000, which the county ultimately did on Oct. 4.

On Oct. 6, the New Jersey Herald reported that the Sussex County Prosecutor's Office opened an investigation into the county jail after learning about the alleged incident in the Sept. 29 edition of the paper. First Assistant Prosecutor Greg Mueller confirmed Wednesday that the matter is still under investigation.

Woodruff, of Vernon, was sentenced to a four-year state prison term in 2013 after pleading guilty to his involvement in a string of burglaries in Highland Lakes during the summer of 2012. One of the burglarized homes belonged to Port, who was a corrections officer at the county jail at the time. Due to the conflict, a Sussex County judge ordered Woodruff be held in Warren County.

On April 30, 2013, Woodruff was transported to Sussex County for proceedings, which included entering his guilty plea. According to the internal memo, instead of returning him to Warren County, Woodruff was kept overnight in the Sussex County jail, where "unknown inmates improperly entered Woodruff's cell and physically assaulted him." Woodruff's lawsuit claims the attack was "purposefully arranged" by the defendants.

Gonzo notes that the now-retired unnamed sergeant in charge of processing Woodruff's paperwork knew that Woodruff was supposed to go back to Warren County but gave a "rather weak" explanation as to why that was not done. The sergeant apparently told Gonzo that the state would not come to Sussex County to pick up an inmate who was assigned to another county jail and that transport to a state facility was not possible. Gonzo said the officer "would make a horrible witness."

Gonzo questioned why Woodruff was housed on the fifth floor "when short-term prisoners are generally housed on the lower floors." He also noted that none of the corrections officers assigned to that floor from the time of Woodruff's arrival through his transfer to state prison were able to identify the inmates responsible for the assault.

Finally, Gonzo noted that "although Woodruff is a heroin addict who broke into a correctional officer's home, he would elicit jury sympathy" in Morris County, where the case was transferred.

Gonzo represented the county in the matter because County Counsel John Williams had briefly represented Woodruff prior to his appointment to the county position.

The \$150,000 settlement paid to Woodruff came at no expense to the county as there is no insurance deductible for a claim of this nature, according to County Administrator Gregory Poff, who authored the memo to the board and included Gonzo's litigation summary. Poff also noted he spoke with Strada, who confirmed changes in personnel and operating procedures.

Strada declined comment on Wednesday, citing the ongoing investigation by the prosecutor's office. The county is in receipt of correspondence from attorney George Daggett in regard to Strada, according to Poff, but no further details were available at this time.

The memo and the accompanying executive session minutes of the Sept. 13 freeholder board meeting were released Tuesday. The board had previously authorized the release of closed session minutes for the Sept. 27 meeting at the behest of Freeholder Deputy Director Jonathan Rose in October, but a new resolution was introduced to accurately reflect the board's intention to have the Sept. 13 minutes made public.

The release of the memo and the minutes was unanimously approved at Tuesday morning's meeting, but Freeholder Phil Crabb requested that executive session minutes from the board's Nov. 8 be included before he could vote in favor of the resolution. The Nov. 8 minutes reflect Crabb's concerns that the release of the memo and the Sept. 13 closed session minutes was "politically motivated."

On Wednesday, Crabb clarified that statement saying he is in favor of transparency but believed the release of these particular minutes was "cherry picking."

David Danzis can also be contacted on Facebook: ddanzisNJH, on Twitter: @ddanzisNJH, or by phone: 973-383-1274.