

Opinion: Murphy is following well-worn path on prison controversy

CARL GOLDEN | FEBRUARY 10, 2021 | [OPINION](#), [POLITICS](#)

As calls rise for governor to remove corrections commissioner, he and his team appear to be reading from a familiar and flawed playbook



Carl Golden

Even as more detailed accounts emerge of the abuse of inmates at the Edna Mahan Correctional Facility for Women and in the face of rising calls for resignations, suspensions and criminal charges, the administration of Gov. Phil Murphy has stuck to the pattern it established early on when confronted with serious accusations of personal or ethical misbehavior by high-level appointees:

- First, disclaim any detailed knowledge of the allegations.
- Second, issue a statement expressing shock and dismay at the reported incidents.
- Third, promise to hold individuals accountable for their actions.
- Fourth, announce an independent investigation.
- Fifth: Retreat into silence and, when questioned, refuse to respond or elaborate.

The verified accounts of beatings and sexual assaults and altering official records to cover up the attacks brought a swift response from the Legislature, including an extraordinary demand from all 25 Senate Democrats that Department of Corrections Commissioner Marcus Hicks resign immediately.

Hicks has, the senators said, failed in his duties while human rights and civil rights have been routinely violated at the facility.

Women's groups have called for the governor to dismiss Hicks while an assemblywoman intends to introduce a resolution to impeach the commissioner, although legislative prospects are remote at best.

Silence from the governor's office

The governor and Hicks have remained silent since the accusations surfaced publicly, giving no indication that the resignation demand will be heeded or that the commissioner will be placed on paid or unpaid leave while the investigation proceeds.

Three officers have been charged in connection with the alleged assaults, including allegations they altered records as part of a cover-up; nearly 30 others were suspended.

The administration's pattern of hunkering down, remaining silent and waiting out the storm is a familiar one.

It did so when a senior campaign official was accused of the sexual assault of a co-worker, hired for a high-ranking position and retained in his post for nearly a year before his forced resignation.

The pattern was repeated with the disclosure that the executive director of the Schools Development Authority — a Murphy appointee — had discharged career employees of the agency and replaced them with friends or relatives, many of whom had no relevant experience.

She was forced to resign despite claims that her actions were cleared by the governor's office.

Kneejerk responses

The reluctance to act appears to rise from a combination of an effort to protect the governor from any responsibility and avoiding a rush to judgment which could generate political blowback.

Both are initial kneejerk responses, a somewhat understandable “circle-the-wagons” reaction to defend and protect the administration while appearing to act decisively and responsibly by ordering an investigation.

It arises also from a belief that time is an ally, that other issues — the COVID-19 pandemic, for instance — will divert and distract the public's attention.

The strategy is based on the well-worn theory that the only thing shorter than the public memory is the public attention span.

Scandals come and go, the theory goes — initially capturing widespread notice, but in the absence of new and more damaging allegations, they slowly fade.

Lessons from the past

Adhering to that belief comes at a price, however.

Bridgagate, for example, was partly responsible for then Gov. Chris Christie's failure to gain any traction in his quest for the 2016 Republican presidential nomination and contributed greatly to his leaving office in 2018 with one of the lowest public approval standings in modern history.

The accounts of the abuse of inmates at the state's only prison for women are horrific, depicting an institution operated more like a Middle Ages dungeon than a 21st-century penal facility.

The conditions there are no surprise to the officials responsible. A 2020 investigatory report by the Civil Rights Division of the U.S. Department of Justice found "abysmal conditions" at the prison and charged that "abuse went undetected and undeterred" and that a "history of retaliation" was common.

The Department of Corrections reached a settlement with the federal agency but neither Hicks nor the administration has released details of actions taken in response to the agreement.

Boxed in

It is unlikely that the administration will veer from its pattern of conduct or that Hicks will step down.

Murphy is boxed in at this point. The window of opportunity has closed for him to bring Hicks into his office and have an admittedly painful conversation about resignation or administrative leave.

While the pressure builds in the Legislature and keeps the controversy alive, any move now by Murphy will invite criticism that he waited far too long to act and did so only when his position became untenable and it appeared further delay would be politically damaging.

There is no dispute that the governor has been preoccupied with the personal tragedies and economic havoc wreaked by the COVID-19 pandemic.

It does not excuse him, though, from dealing more vigorously with the scandal at the Edna Mahan facility. Walking and chewing gum is a condition of employment for a governor.

While the timing of the outcome of the investigation into the assault and abuse allegations is unclear, Murphy may have been better served if he had broken from the pattern of delay and silence.

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