

Murphy sticks to deny and delay strategy on women's prison abuses, by Carl Golden

Carl Golden For The Press

Feb 17, 2021

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 Murphy administration has stuck to the pattern it established early on when confronted with serious accusations of personal or ethical misbehavior by high level appointees.

In order:

Disclaim any detailed knowledge of the allegations.

Issue a statement expressing shock and dismay at the reported incidents.

Promise to hold individuals accountable.

Announce an independent investigation.

Retreat into silence and, when questioned, refuse to respond.

The accounts of beatings, sexual assaults and altering official records to cover up the attacks brought a swift response from the Legislature, including a 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. Women's groups have called for Hicks' dismissal and an assemblywoman intends to introduce an impeachment resolution.

Gov. Murphy and Hicks have remained silent, giving no indication the resignation demand will be heeded or that the commissioner will be placed on leave. Three officers have been charged with assaults and altering records and nearly 30 others were suspended.

The administration pattern of hunkering down, remaining silent and wait 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 for nearly a year before his forced resignation.

The pattern was repeated with the disclosure that the executive director of the Schools Development Authority had discharged career employees and replaced them with friends or relatives, many of whom had no relevant experience. She was forced to resign despite claims her actions were cleared by the governor's office.

The reluctance to act appears to rise from a combination of an effort to protect the governor and avoid a rush to judgment which could generate political blowback. Both are initial kneejerk responses to defend the administration while appearing to act decisively by ordering an investigation.

It's a belief that time is an ally, that other issues (the COVID-19 pandemic, for instance) will distract public attention. The strategy rests on the well-worn theory that the only thing shorter than public memory is public attention span.

Scandals come and go, the theory goes, initially capturing widespread notice but without new and more damaging allegations slowly fades.

There is a price, however.

Bridgagate, for example, was partly responsible for then Gov. Chris Christie's failure in his quest for the 2016 Republican presidential nomination and contributed greatly to his leaving office 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 more like a Middle Ages dungeon than a 21st century penal facility.

The conditions are no surprise to the officials responsible. A 2020 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 a "history of retaliation" was common. The Department of Corrections reached a settlement with the federal agency but details haven't been released.

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 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.

Carl Golden, of Burlington Township, is a senior contributing analyst with the William J. Hughes Center for Public Policy at Stockton University.