

# Fourth officer charged in assault at New Jersey women's prison

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**5 March 2021**

A fourth correctional officer has been charged in connection with an assault on at least six inmates, and an attempted coverup of this attack, at the Edna Mahan Correctional Facility in Clinton, New Jersey. The charges result from an incident that took place at the women's prison in January. The brutality of the incident and the seriousness of the victims' injuries prompted the state attorney general to open an ongoing investigation. It is the latest in a long series of inquiries concerning the prison.

On February 24, New Jersey Attorney General Gurbir Grewal charged Sgt. Matthew Faschan with two counts of second-degree official misconduct and one count of third-degree tampering with public records or information. Faschan, who has been suspended, was asked to film the extraction of several prisoners from their cells during the incident in question. One victim claims that Faschan deliberately did not record the process of her extraction, during which she was repeatedly punched although she was handcuffed and offering no resistance. Faschan is accused of failing to stop other officers from using improper force and of failing to report the unauthorized use of force. Both alleged actions violate Department of Corrections (DOC) policies.

Three other officers have been accused of participating in the incident. Officer Luis A. Garcia was charged with second-degree aggravated assault, second-degree official misconduct and third-degree tampering with public records or information. Sgt. Amir E. Bethea and Sgt. Anthony J. Valvano, both supervisors, were charged with second-degree official misconduct and third-degree tampering with public records or information.

The incident for which the four officers have been charged took place between approximately 10:30 p.m. on January 11 and 1:15 a.m. on January 12. The officers were carrying out forced cell extractions in the prison's Restorative Housing Unit (RHU), where inmates typically are placed as punishment. During cell extractions, unruly prisoners are removed from their cells as part of a search for contraband. These extractions are generally routine procedures, but in this case, the officers were wearing riot gear and carrying shields and pepper spray. Such equipment ordinarily is used as a last resort.

The incident began when one inmate returned from outdoor

recreation to discover that officers had searched her cell, according to a letter that NJ Advance Media obtained from Faith Haines, who was housed in the RHU. In protest, the inmate began throwing garbage and food through the port in her cell door and into the hallway. Two other prisoners who shared the cell with her joined this protest.

In response, Valvano and Bethea led other officers into the RHU and sprayed pepper spray through the food port of the protesting inmate's cell, according to prosecutors. They then dragged her into the hallway, even though she was wearing only her underwear. Two officers entered the cell and began throwing the prisoners' belongings into plastic bags, as is common during searches for contraband. The prisoners say that some of their belongings were destroyed.

The officers next came to the cell of Desiree Dasilva, who complied immediately. After they handcuffed her, at least one officer struck her repeatedly in the head, according to state records. "I was begging them, 'Please,'" Dasilva told NJ Advance Media. "I was seeing stars. I saw black boxes. I was begging and crying for them to stop." An officer left a boot print on her arm, she added. Officers dragged her out of her cell, her nose and one eye bleeding, and inappropriately placed her in a unit for suicidal inmates. After a nurse examined Dasilva, she was sent to Hunterdon Medical Center and treated for a broken right orbital bone. Dasilva now fears for her life.

When officers reached her cell door, Emmalee Dent did not submit to being handcuffed at first, but she surrendered when the officers entered. Garcia nevertheless punched her in the head, according to a criminal complaint. As Dent pressed herself against a cell wall with her back to the officers, Garcia hit her at least 27 more times. When she subsequently passed out, officers claimed that she was pretending and refused to call for medical help. Medical staff later reported that Dent had sustained a concussion.

Prisoner Ajila Nelson told NJ Advance Media that several officers punched her and stripped off her clothes. One officer grabbed her breast and put his fingers into her vagina. Nelson was the first prisoner to make her accusations public.

Rae Rollins, a transgender woman, allowed herself to be handcuffed and knelt on the floor, facing away from the officers. One pushed her to the ground with a shield and others

punched and kicked her. She did not fight back, but, likely for the benefit of the video being recorded, at least one officer shouted, “Stop resisting!” An officer attempted to throttle Rollins, and she was kicked in the head four times. She later was diagnosed with nerve damage around her left knee. Rollins now has persistent headaches and requires a wheelchair.

What the prisoners’ and prosecutors’ reports describe is nothing less than an atrocity. These accounts indicate that the correctional officers behaved like a gang of barbarians and sadists. They treated the prisoners not as offenders who can be rehabilitated, but as enemies who must be liquidated.

Throughout the rampage, Bethea and Valvano did not stop their subordinates from brutalizing the inmates, prosecutors say. Instead, Bethea later sought to persuade others that the use of force had been justified; Valvano falsely claimed that Dasilva had been banging her head into her cell door. Garcia claimed that Dent had been fighting him, but the video recording allegedly disproves this claim.

Rollins and other prisoners stated that Sean St. Paul, an associate administrator of the prison, was present during the beatings. Several prisoners quoted him as saying, “This is gonna happen every night until the officers feel comfortable.” St. Paul and more than 30 other prison employees were suspended after the incident.

On January 27, New Jersey Governor Phil Murphy appointed lawyer A. Matthew Boxer, a former state comptroller, as special investigator to examine the assault. Murphy declared himself “sickened” by the allegations and proclaimed that “any individual who acted improperly will be held fully accountable.” He added that Boxer’s report should be finished in an “expedited fashion” and will contain recommendations for preventing future abuse.

Boxer has been enlisted before to provide the appearance of oversight and accountability. In response to complaints of discrimination, sexual harassment and other misconduct at a New Jersey National Guard base in 2015, Governor Chris Christie hired Boxer to investigate. After Boxer completed his report, Christie refused to make it public.

On February 19, the New Jersey Senate passed a unanimous resolution calling on DOC Commissioner Marcus Hicks to resign or be removed. The DOC noted that it had hired a consulting firm to propose reforms and that removing Hicks would slow their implementation. Previous accusations of abuse at Edna Mahan led to the removal of Hicks’s predecessor Gary Lanigan. This change of personnel did not prevent the assault of January 11.

The sexual abuse of prisoners at Edna Mahan has been a matter of public record for decades. After a two-year investigation, the Civil Rights Division of the US Department of Justice (DOJ) found reasonable cause to believe that conditions at the prison violate the Eighth Amendment, which prohibits cruel and unusual punishment. The DOC and Edna Mahan “have been aware that their women prisoners face a

substantial risk of serious harm from sexual abuse, and they have failed to remedy this constitutional violation,” according to the DOJ’s report, which was published in April 2020.

The document records years of systematic and shameful abuse. Officers regularly demean prisoners with slurs such as “dyke” and “bitch,” it notes. Current and former prisoners describe ongoing sexual abuse as “an open secret.” Officers force prisoners into sexual acts and grope them during strip searches. They “make efforts to watch prisoners as they shower, undress or use restrooms,” according to the report. Prisoners who complain are placed in isolation, allegedly for their protection. Meanwhile, supervisors and administrators routinely turn a blind eye to this depravity.

Shortly after this damning report was released, the DOC scrambled to control the damage. DOC spokesperson Matthew Schuman blamed the Christie administration and reported that Hicks had assembled a “third-party, all-female” board of trustees to monitor Edna Mahan. He touted an “early warning system” that had been created “to identify patterns of problematic behavior that can jeopardize offender safety.” The January 11 assault reveals the worthlessness of these putative reforms.

The latest abuse at Edna Mahan takes place during the immense crisis for New Jersey working class families that has resulted from the ruling class’ criminal response to the pandemic. Nonprofit Table to Table delivered enough food for 38 million meals in the state last year, compared with 26 million meals in 2019. New Jersey’s official unemployment rate reached 10.2 percent in November 2020, or about three times the pre-pandemic rate.

This mass immiseration is the basis for the enormous increase in wealth that a tiny elite has enjoyed. This layer includes hedge fund manager John Overdeck, a New Jersey resident who is worth \$6.5 billion. New Jersey is not an outlier; it reflects nationwide trends.

The January assault at Edna Mahan is an acute expression of the ruling class’ need to suppress working class opposition mercilessly and by whatever means, especially during the current crises. The women’s prison is part of the police apparatus that maintains the rule of the financial oligarchy and no reforms, however well intentioned, will change this fact.



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