

Statement of Congressman Dennis Cardoza
House Committee on the Judiciary
Subcommittee on Crime, Terrorism, and Homeland Security
Hearing on *Federal Bureau of Prisons Oversight*
July 21, 2009

Mr. Chairman, Members of the Committee, thank you for having me here today to discuss an issue of significant personal and professional importance to me – congressional oversight of our federal prison system.

As you know, just over a year ago, two inmates viciously attacked and killed Correctional Officer Jose Rivera at Atwater Penitentiary in my congressional district. Officer Rivera was a four-year veteran of the Navy, and had completed two tours of military duty in Iraq. He began his career with the Bureau of Prisons as a correctional officer on August 5, 2007, and was in his probationary year when he was senselessly murdered by two inmates in the housing unit he was supervising.

This tragic event rocked our community to the core, sparking outrage and shedding additional light on the significant funding shortfalls plaguing our federal prison system. In response to this tragedy, a grassroots-led community organization was formed in Atwater to advocate on behalf of correctional officers at USP Atwater and around the country. I am proud to report that *The Friends & Family of Correctional Officers* now has over 1,000 members.

While it is not clear whether Officer Rivera would be alive today were the institution fully staffed, I think we can all agree that Congress has a responsibility to ensure a tragic event like this never takes place again in our nation's prisons. Congress simply can and must do more to provide the Bureau with greater resources and ensure our correctional officers have the tools they need to safely and efficiently do their jobs.

Across the nation, staffing levels are decreasing while inmate populations are steadily on the rise, leaving correctional officers vulnerable. Over the last twenty years, the inmate population in the federal prison system has increased by nearly 250% while staffing has increased by less than 125%. In my district, USP Atwater is operating at 86% of necessary staffing levels to watch over an inmate population 25% over capacity. Nationwide, the inmate-to-staff ratio is an abysmal 4.9 to 1, as contrasted with the 1997 level of 3.7 to 1. While I understand our correctional officers will always be subject to a certain level of risk, I strongly believe an increase in staffing levels will significantly reduce this threat.

During my tenure in Congress, I have advocated for adequate funding for the BOP and sufficient resources for our nation's correctional officers to perform the difficult and dangerous work they do. Finally, I believe we are on the right track.

Last month, the House passed the FY10 CJS appropriations bill, providing an increase of \$481.5 million above the fiscal year 2009 level for BOP Salaries & Expenses. These additional funds will enable BOP to hire over 1,000 additional correctional officers and activate two newly constructed prisons.

I have regularly communicated my concerns regarding the status of BOP facilities to Director Lappin. In particular, I have highlighted my concerns about inmate assault levels, overcrowding, and understaffing in such facilities. Last July, I introduced legislation to provide all federal correctional officers with stab-resistant vests to help protect our correctional officers from future inmate assaults. Without delay, Director Lappin responded by enacting policy changes to provide all correctional officers with stab-resistant vests, give local penitentiaries greater control over inmates, and supply penitentiaries with additional staff during evening and weekend watch. While not perfect, this is a step in the right direction.

Last month, I wrote a letter to Director Lappin, highlighting my concerns with the findings of the recently released Department of Justice *Board of Inquiry Report* – the official review of operations at USP Atwater leading up to Officer Rivera's death. The report reveals numerous issues of concern, including insufficient staffing levels, inadequate training of staff, a lack of accountability for inmate offenses, and other issues which, had they been properly addressed by the previous warden, may have prevented the death of Officer Rivera. While I continue to be concerned with the insufficient staffing levels and overall safety levels at USP Atwater, Director Lappin has assured me that operations have substantially improved under the leadership of the new warden, Hector Rios. I will continue to monitor the operations at USP Atwater.

The last issue I'd like to raise is regarding non-lethal weapons for correctional staff. In April 2009, I introduced legislation that directs the BOP to conduct a pilot program to determine the effectiveness of issuing pepper spray to correctional staff. The bill also directs the GAO to report to Congress on the pilot program and on tools to improve officer safety in federal prisons. While this bill is not a "silver bullet" solution for the problems affecting correctional officers in our federal prisons, I believe it takes important steps to determine whether our correctional officers have the tools they need to effectively do their jobs.

Once again, thank you, Mr. Chairman for inviting me to testify today. I look forward to working together to explore practical solutions to ensure that our nation's prisons and our communities are safe.