

**RETIRED COMMISSIONER OF THE
NEW YORK CITY POLICE DEPARTMENT
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OPENING STATEMENT

**THE CHARLES COLSON TASK FORCE
ON FEDERAL CORRECTIONS
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I am speaking to you as someone whose entire career has been devoted to law enforcement. At the pinnacle of my career, I was the 40th Police Commissioner of the City of New York, and prior to that, I headed the New York City jail system, including Rikers Island.

When I became Correction Commissioner, Rikers had a long-standing reputation as being one of the most violent and mismanaged jail or prison systems in our country, with 133,000 annual inmate admissions. During my six-year tenure overseeing the department, we achieved historic and unparalleled successes in reductions in violence, and program and operational efficiencies. Rikers went from being one of our nation's worst penal systems to an international model for efficiency, accountability, safety, and security. I submit this testimony with the unique perspective as someone who maintained executive level positions not only in one of the largest police and correction systems in the nation, but also as an individual who has personally experienced the federal correctional system from the inside out, given that I served three years and 11 days in a federal minimum security prison.

The mission of the Federal Bureau of Prisons is to protect society by confining offenders in prisons and community-based facilities that are safe, humane, cost-efficient and appropriately secure, and to ensure that inmates are actively participating in reentry programming that will assist them in becoming law-abiding citizens when they return to their communities.

With more than 45,000 federal inmates returning to their communities each year, and almost all federal inmates returning home at some point, it is imperative that during their incarceration, they acquire job skills, vocational training, education, counseling, and other assistance in order to become productive members of the community upon their return. These skills are not only critical to successful reentry, but also directly linked to decreased recidivism, increased public safety, which will result in cost savings through the reduction of subsequent incarceration.

Given the size of the Federal Bureau of Prisons and its decentralized management, the present prison population and the number of facilities it maintains throughout the country, to accomplish its mission, the BOP must consider implementing an evidenced based, real time, data-driven accountability and management system that would create goals and objectives based on the mission statement. The next step would be to establish performance measures or indicators that would allow BOP leaders to monitor the department's successes and failures in facility maintenance, transportation operations, program development and adherence, drug treatment, violence reduction and population management. This approach would also give the BOP the ability to enhance basic and in-service staff training and correctional equipment, and the monitoring and investigation of use of force complaints, corruption; and fraud, waste and abuse. Data tracking and management systems such as these, known as New York City's COMPSTAT program, and that I subsequently implemented within the New York City Department of Correction, were the catalyst to achieving historic lows in violence in the City's jails, one of the many critical indicators we monitored on a micro-level, permeating the "Broken Windows" theory of policing, in that if you address the smaller problems then that atmosphere will prevent the larger problems from occurring.

As for inmate programs geared toward reducing recidivism, inmates within the BOP are encouraged to participate in reentry programming, and their institutional

progress is evaluated based on their participation. Most of that cursory programming comes in the form of Adult Continuing Education (ACE) Classes or High School (GED) classes. The classes that I personally witnessed will do nothing to achieve the desired BOP goal of supporting reentry or reducing recidivism.

Quilting, chess, and checkers will not assist in reducing recidivism or help anyone transition back into society. Neither will navigating eBay or basic computer skills, both taught without the use of computers, and ironically taught by other inmates who were convicted of fraud or computer related crimes. There is a hypocrisy in that the Justice Department prosecutes and incarcerates a person for a federal crime, and then allows that same offender to teach an ACE class on the very topic for which they were convicted, i.e.: a person convicted of real estate fraud that teaches real estate, a person convicted on tax fraud, teaches tax classes; or a person convicted of embezzlement, teaches business.

Life improvement, work skills and other educational programs will only assist in reducing recidivism and reentry, if they are real programs, taught by real educators, and overseen and evaluated for legitimacy and evidenced-based success by someone outside of the BOP.

As for release, supervised release or probation: The present system seems to be designed to either prolong or prevent successful reentry back into the community and work force, and in most cases, instead of it benefiting the offender or society, it does just the opposite, forcing the offender to fail. Probation or supervised release in the current format is counterproductive to its current goal of successful reentry and integration and results in diminished employment opportunities, causes continued frustration, despair and helplessness. Unless an offender is determined to be at risk of violating the specific terms of their respective probation, once the offender has concluded his or her incarceration, the

supervised release should be minimized, to provide that offender every opportunity to get back to work and rebuilding his or her life.

Population Management: The department's population has been consistently over its rate of capacity for the past several years. Overcrowding in any prison, with the exception of minimum security, could increase inmate-on-inmate violence, and inmate-staff confrontations. It is time for Congress to seriously consider enhancing the incentivized good time from 47 days annually, to 120 or 128 days. From my expert opinion in respect to offender discipline, I have personally witnessed that a large majority of the inmate population are penalized for trivial institutional infractions which are compounded by the absence of incentive for good behavior. The irony here is that the United States is already well known as the nation that incarcerates more of its population than any other nation on the planet. This is obviously driven by mandatory sentencing guidelines and "truth in sentencing" among other inefficient legislation that is slowly being reevaluated. But now to take that ideology one step further. That the offender, while incarcerated by the BOP with the ultimate goal of successful reentry, is further challenged by minor nonviolent infraction sanctions that challenge successful reentry and should instead be addressed through education and a more progressive discipline matrix. The infraction system in its current state places further hurdles in the path of the offender's successful reentry keeping in mind that 95% of all offenders will one day be released to society.

By increasing the incentivized good-time up to 128 days per year, the Bureau of Prisons would see substantial reductions in institutional infractions and violence, and the inmate population, which could translate to a cost savings of approximately \$1 billion annually in the first year alone and may also reduce the dependency of outsourcing to private prison operators. For those that may oppose this recommendation with the thought that offenders are being released earlier... it is a reward for good behavior and for positive programming, again keeping in mind statistically that 95% of all offenders will ultimately be released to

society. If the inmate engages in inappropriate conduct or commits institutional infractions, the warden will have the ability to deny that inmate good time. The system, under the current design I witnessed, serves to demoralize, demean and to degrade offenders without regard or respect which works contradictory to beneficial reentry practices and can even provoke poor institutional behavior.

We cannot expect offenders to act like adults and build upon their character while treating them like children. If they can be punished for bad behavior then we must reward them for good in a “carrot and stick” mentality. Presently the “stick” is being used but the “carrots” are few and far between and are essential components of confidence in the rebuilding process.

The BOP must address corruption within its system. In my three years in custody, I found no way for an inmate in the federal prison system to anonymously report corruption by staff or criminal activity by other inmates. This places both staff and inmates in jeopardy and danger. The BOP monitors all inmate communications – mail, email, and telephone calls – and has no mechanism for inmates to report corruption or criminal activity outside of the institution without being compromised. This translates into the reality that if an offender wanted to report staff or inmate improprieties, they could not do it without the knowledge of a staff member which puts them in danger and makes the free flow of confidential information prohibitive. My experience supports that many offenders want to report improprieties in a confidential manner and, without a safe outlet, will not do so. This also speaks to PREA (Prison Rape Elimination Act) related issues where offenders presently in the custody of the BOP have no confidence that they can report safely and in a strictly confidential manner without impunity or retaliation.

Every inmate or staff member should have the ability to email or call a number that goes directly to the DOJ Inspector General (outside of their respective facility) in order to report corruption or criminal activity. The Justice Department should also consider adopting a “field associate” program, to ensure that it has

internal monitors in every facility that will report corruption or criminal activity if necessary.

Lastly, and perhaps most importantly, is the basic and in-service training of correctional staff in the BOP. As one of the largest correctional departments in the country, their basic training academy is one of, if not, the shortest of any other agency in the nation – a basic class being three weeks long. A prison must operate securely, safely and efficiently in a controlled manner while providing programs, life improvement skills and vocational and work training if possible. The better the training and skill sets the staff receives, the more efficiently the institutions will run, reducing operational funding, litigation as a result of inmate law suits, and danger to both staff and the inmate population.

The Federal Bureau of Prisons should be the premier correctional agency in the nation, and although its inmate population has increased more than 800 percent since 1980, its training, efficiencies and operational standards have not kept up with the times nor society's needs.

I believe that this Commission could be responsible for recommendations that, with legislative, executive and judicial action, could bring the BOP's policies, procedures and standards into the 21st century and enhance operational and program efficiencies that will benefit America.

I stand ready to assist the Commission in any way possible to accomplish this goal.

Thank you.