

Statement of Cecilia Cardenas

Senate Judiciary Committee Hearing on "Oversight of the Federal Bureau of Prisons"
September 29, 2022

Thank you for the opportunity to testify at today's hearing. My name is Cecilia Cardenas. I was born in Breckenridge, Texas, and grew up in Davenport, Iowa.

Growing up, I had big dreams for the future just like everyone else. I liked writing, fashion and design and went to school for accounting. While in college, I had a boyfriend who sold drugs and I made the terrible decision to sell drugs too.

At the beginning, my boyfriend at the time was able to get Ecstasy pills, and I would sell them to some of my friends. I wasn't addicted to drugs, but I soon became addicted to the money you could make by selling them. I was pretty naïve about drugs at the time and that ignorance ended up costing me seven years of my freedom.

At the time I was arrested, I had moved on to selling other drugs, primarily cocaine, in both powder and crack forms. I was sentenced to ten years in federal prison and served most of my sentence in FPC Bryan and part in FPC Pekin.

Those of us in prison in early 2020 were scared when we learned about COVID-19. We knew that we were at great risk of contracting COVID-19 in prison as there is no way to be physically distant and that corrections officers who come in and out of prisons from the community were likely to bring the disease in.

Fortunately, I benefitted when Congress passed the CARES Act, which allowed people like me who were not convicted of violent crimes and were determined to be low risk, to go to home confinement if we had served at least half of our sentences. FPC Pekin was quick to release me and other individuals that qualified. I was sent to home confinement in May 2020, after serving a little more than seven years.

I wore an ankle monitor from the date of my release, May 28, 2020, until I was ultimately released from the BOP on January 14, 2022. In that time frame I gained employment at Kraft Heinz and enrolled back in school at Saint Ambrose University. No matter how much I attempted to convince myself that the monitor did not define me, I felt compelled to have to explain to everyone I came in close contact with why I was wearing it and it left me feeling ashamed and embarrassed.

While in prison, I tried to be productive, and it paid off for me after Congress passed the First Step Act. The First Step Act authorized some people in prison to earn time credits if we participated in programming designed to reduce our risk of reoffending. I knew I was not going to commit another crime, but I completed as much programming as I could, including

“Accounting Certificate” from 2014-2015 through Blinn College, “Lean Six Sigma Yellow Belt Basic Training” in 2016 through employment at UNICOR, “Certified Quality Improvement Associate” through the American Society of Quality at UNICOR, Office Manager/ Administrative Services Apprenticeship through the Texas Department of Labor at UNICOR.

In January of this year, four years after the First Step Act passed, the Justice Department announced its plan for implementing the earned time credit provision. I learned that I would be able to redeem 365 days of my credit and move from home confinement to supervised release. I didn’t have a whole year left on my sentence at that point, but the change allowed me to leave home confinement a month early. I got the news on January 13, 2022, and got my ankle monitor removed the next day.

I was ecstatic. I was about to start school and I didn’t want to have to wear that ankle monitor. By the grace of God I was able to avoid that. Most importantly I could finally start my own business.

I am currently pursuing a Bachelor of Arts in Finance at St. Ambrose University and in February started CC & ASSOCIATES FINANCIAL providing accounting, bookkeeping, and payroll services to business owners.

I am so grateful for the time that I was able to get being out from behind prison walls early because of the CARES Act and the First Step Act. I recently saw an article that said 11,000 people were, like me, released to home confinement early under the CARES Act, and of those 11,000, only 17 had committed new crimes. I am not surprised -- many of us are serving sentences that are longer than needed to hold us accountable for our mistakes.

I am disappointed that the BOP has not used its authority under the CARES Act more to help others who qualify. I hope the new director will change that. I hope Congress will consider making the CARES Act home confinement placement authority permanent. People on home confinement are monitored closely, but they are back in their families’ lives and able to work and contribute to society and pay taxes. Making broader use of CARES ACT home confinement would reduce recidivism and save taxpayers money. I also hope the BOP will finally and fully implement the First Step Act and provide some benefit to those like me -- people who aren’t able to benefit for the full year of earned time credit and apply that to the probation term.

I am glad this committee is holding this oversight hearing because the BOP needs more transparency and accountability. The culture in the institutions I served at was toxic and inappropriate. Correctional officers are free to do whatever they please regardless of written policy, and many harass prisoners. I saw staff members gang up on prisoners and make their life hard simply because one officer had a personal issue with a prisoner. They would go through a prisoner’s personal belongings and throw the belongings all over their cell. At times belongings were taken and prisoners would have to prove that they purchased the item from commissary. If you were unable to find your receipt, staff would not return your item. Staff would also talk

to prisoners in an aggressive manner on a continual basis, amongst other things to make the prisoners lives miserable. This was all normal behavior within the toxic culture.

Prisoners would get harassed for exercising their rights, like requesting a transfer. If a prisoner would write up or complain to the administration about an officer, they would get retaliated against, thrown in solitary confinement, shipped from the compound altogether or the write-up would get thrown out. When we witnessed misconduct, a prisoner co-worker reported it to the Inspector General and nothing became of it. In fact, one time my co-worker talked to the IG about fraud committed by another prisoner. She thought the conversation was confidential, but the IG called the office of the investigated person's partner so everything my co-worker had said was now out in the open.

During my time in prison, male correctional officers would sexually harass women, myself included. Some would make unwanted advances on me, and one officer made a comment about my body and said I should expect to get attention because of my shape. If you were to report the officers, you would be shipped off to a transfer facility while there was a supposed investigation, and then ultimately moved to another prison. Most of the time nothing came of it. Male officers are allowed to go into the women's bathroom and shower area, leaving prisoners to feel vulnerable.

Most of the staff does not have the education or skills necessary to teach the programs offered by the prisons, so they resort to utilizing the prisoners to teach, which doesn't always end beneficially. While incarcerated I worked at UNICOR, which is supposed to be a work program that rehabilitates prisoners and reduces recidivism. However, the staff would target prisoners simply because they felt the prisoner was "entitled" and they would create an environment of fear by threatening that person's good time and earned programming time.

I also saw how bad the medical care was. They simply didn't take care of people. Even when people complained of pain or more severe concerns, the medical staff would say just to drink water, walk the track, and go to commissary and get over-the-counter medicine when it was your day to shop. A lot of the time medical staff accused the prisoners of lying about their medical concerns. One woman I knew was turned away only to suffer a heart attack. I witnessed many women with medical issues that were unresolved and even led to death. While I was in FPC Bryan, we didn't have any dental care for about three years.

I believe the BOP needs independent oversight so that staff are held accountable when they act inappropriately or illegally. Better yet, effective oversight could probably prevent a lot of problems. Currently, inspections are announced in advance and so problems are hidden and prisoners are provided with some sort of reward -- like bags of candy, food, items and soda that are not usually offered in the prison for going along with the staff's narrative.

Finally, Mr. Chairman, I know Congress is considering eliminating the sentencing disparity between crack and powder cocaine. I hope you all will pass the EQUAL Act before the end of

the year. I sold both crack and powder cocaine and there is simply no reason to punish people differently for selling these different forms of the same drug. It's a matter of basic fairness.

Thank you again for the opportunity to testify.