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Congress of the United States
House of Representatives
Washington, DC 20515-2504

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The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW,
Washington, D.C. 20530

The Honorable Michael Carvajal
Director
Federal Bureau of Prisons
320 1st St. NW,
Washington D.C. 20534

Dear Attorney General Garland and Director Carvajal,

I am writing to inquire about reports in the media regarding the use of solitary confinement and personal rights violations against those detained following the January 6, 2021 breach of the U.S. Capitol. While we can all agree that the breach of the Capitol is inexcusable and those responsible for breaking the law must be held accountable, reports of this excessive and harsh treatment is highly concerning. The U.S. Department of Justice's (DOJ) mission is to ensure the fair and impartial administration of justice no matter the circumstance of the crime. This mission highlights the right of every American to be treated innocent until proven guilty.

As many of the defendants still being detained are classified as pretrial defendants, their treatment while being detained must reflect the presumption of innocence and strictly abide by the DOJ Federal Bureau of Prison's (BOP) regulations. For example, Title 18 U.S.C. § 3142(i)(2) states that pretrial inmates are to be housed separately, "to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. This housing is to be accomplished while imposing the least restrictive constraints consistent with security needs and following sound correctional judgment." While pretrial individuals may be housed separately, this regulation should not invoke the use of solitary confinement unless otherwise determined based on safety and need.

Additionally, pretrial defendants are afforded certain rights over convicted inmates, including not being required to work and having access to religious programs without the presence of convicted inmates. While individual institutions under the BOP's jurisdiction may make the decision to restrict pretrial inmates, these decisions must be based on a screening process to identify seriously ill, violent, aggressive, escape risk, or high-profile inmates who require closer supervision.

Given the harmful physiological and psychological effects of restrictive housing, also known as solitary confinement, recent reports on the use of solitary confinement for dozens of the pretrial defendants is alarming. The charges against these individuals do not warrant the use of solitary confinement, a treatment reserved for the most violent of criminals, and suggests that this elevated treatment is politically motivated and warrants answers. That is why I respectfully request a briefing on the following questions by July 28, 2021:

1. How many individuals are incarcerated for allegedly committing crimes associated with the January 6, 2021 Capitol breach?
2. How many of these individuals have been released on bail?
3. How many of these individuals have been released on their own recognizance or without being required to post bond?
4. How many of these individuals were offered deferred resolution agreements?
5. How many of these individuals are or were placed in solitary confinement?
6. What were the deciding factors for sending pretrial defendants to solitary confinement?
7. What was the average amount of consecutive days such individuals were in solitary confinement?
8. Were there opportunities for the defendants to access religious services or have visitors?

All Americans deserve to be treated fairly and impartially. We expect the Department is serving justice equitably to all defendants regardless of the political sensitivities surrounding an individual's arrest or surrender.

Thank you for carrying out the mission of the DOJ and I look forward to discussing these questions further.

Sincerely,



Vicky Hartzler
Member of Congress