

Congress of the United States
House of Representatives
Washington, DC 20515-1013

May 12, 2023

Colette Peters
Director
Federal Bureau of Prisons
320 First Street N.W.
Washington, DC 20534

Dear Director Peters,

We write to you with great concern for the safety and treatment of incarcerated individuals. Specifically, we have pressing questions regarding the scope, application, and potential alternatives to the use of restrictive housing, alternatively known as solitary confinement, within Bureau of Prisons (BOP) correctional facilities.

We write to you in the belief that the use of solitary confinement can cause grave, irreversible damage to the mental and physical health of incarcerated individuals. Despite the fact that individuals in solitary confinement make up only six to eight percent of the total prison population, they are responsible for approximately half of the suicidal deaths in custody.¹ Individuals not predisposed to mental health disorders who are placed in solitary confinement are at dramatically increased risk of developing such disorders. These risks include hyperresponsivity to external stimuli, panic attacks, perceptual distortions, illusions and hallucinations, overt paranoia, intrusive obsessional thoughts, difficulties thinking or concentrating, and problems with impulse control.² The physical effects of this practice are equally staggering, with studies indicating that portions of the brain may physically shrink during long periods without human interaction.³ We are also greatly concerned about potential civil rights violations committed against individuals placed in restrictive housing, with Black and Hispanic individuals being overrepresented in solitary confinement populations.

The negative impacts of solitary confinement have been shown to extend far beyond the initial period of incarceration. Studies have found that individuals who spend even short amounts of time in restrictive housing units face a recidivism rate 15 percent greater than the general prison population.⁴ There are also concerns that individuals held in solitary confinement are less likely to be employed upon their release from prison. Both the acute and long-term effects of this practice cause us great concern. Incarcerated individuals are not being protected from harm within prison walls and are at greater risk of failure when they emerge back into society. While

¹ Herring, Tianna. "The Research Is Clear: Solitary Confinement Causes Long-Lasting Harm." Prison Policy Initiative, 8 Dec. 2020, https://www.prisonpolicy.org/blog/2020/12/08/solitary_symposium/.

² Grassian, Stuart. "Psychiatric Effects of Solitary Confinement." Washington University Journal of Law and Policy, vol. 22, Jan. 2006.

³ Lobel, Jules, and Huda Akil. Law & Neuroscience: The Case of Solitary Confinement, 2018.

⁴ Dean, James. "Short Stays in Solitary Can Increase Recidivism, Unemployment." Cornell Chronicle, Cornell University, 16 June 2020, <https://news.cornell.edu/stories/2020/06/short-stays-solitary-can-increase-recidivism-unemployment>.

you are no doubt aware of these alarming trends, we felt it necessary to reiterate our specific concerns in the context of this letter.

As you know, in May of 2022, President Joe Biden issued an Executive Order (EO) on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety. Included in the EO were directives “to ensure that restrictive housing in Federal detention facilities is used rarely, applied fairly, and subject to reasonable constraints” and to identify steps to improve the conditions of confinement, including access to medical care and recovery support services.⁵ We applaud this order to uphold Constitutional protections for incarcerated individuals, and we recognize that more work must be done to end any inhumane confinement.

Despite the President’s efforts, however, a recent analysis showed that the use of restrictive housing practices by BOP increased by 11 percent since he took office in 2021 and by seven percent since the EO was issued.⁶ We are deeply disheartened by this lack of progress and continue to urge BOP to reduce the use of restrictive housing when appropriate and implement alternative practices to confinement while improving the existing housing conditions to ensure that human and civil rights are protected to the fullest extent. Given the quantifiably harmful impact of solitary confinement, the recent expansion of its use in BOP facilities, and your unique role as Director to oversee correctional reforms, we pose the following questions:

1. As of the most recent fiscal year for which there is reporting data, how many individuals are currently held in BOP restrictive housing units?
 - a. What is the racial makeup of the solitary confinement population?
 - b. What percentage of individuals held in solitary confinement have been diagnosed with mental health disorders?
2. Why has the number of individuals held in restrictive housing units increased in the past two years, despite the Biden Administration’s directive?
3. How has BOP complied with the mandate in President Biden’s Executive Order to implement the Department of Justice’s (DOJ) January 2016 Report and Recommendations Concerning the Use of Restrictive Housing?
4. What alternatives to restrictive housing does the BOP currently utilize? If any.

Due to the urgent nature of this issue, we respectfully request your responses to these questions no later than **June 12, 2023**.

Thank you again for your deep commitment to upholding law and order in the United States.

⁵ Executive Order. No. 14074, 2022.

⁶ Ortiz, Erik. “DOJ Report Outlines Steps to Limit Solitary Confinement in Prisons, as Its Use Only Increases under Biden.” NBCNews.com, NBCUniversal News Group, 1 Feb. 2023, <https://www.nbcnews.com/politics/justice-department/doj-report-outlines-steps-limit-solitary-confinement-prisons-use-only-rcna68384>.

Sincerely,



David Scott
Member of Congress



Elizabeth Warren
United States Senator



Eleanor Holmes Norton
Member of Congress



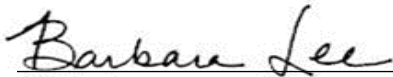
Hank Johnson
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David Trone
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Bonnie Watson Coleman
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Barbara Lee
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Cori Bush
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