

United States Senate
WASHINGTON, DC 20510

March 7, 2019

Hugh Hurwitz
Acting Director
Federal Bureau of Prisons
U.S. Department of Justice
320 First Street, NW
Washington, D.C. 20534

Dear Acting Director Hurwitz:

We urge you to take measures to address the significant increase in the use of restricted housing in the Federal prison system.

In 2012, the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights held a hearing on the human rights, fiscal, and public safety consequences of solitary confinement. At the time, 7.8 percent of Federal inmates—13,600 out of a total population of 175,000 in Bureau of Prisons (BOP) facilities—were held in some form of restricted housing. After the hearing, BOP took steps to reduce the population. By the time of a second subcommittee hearing in 2014, approximately 6.5 percent of Federal inmates were held in restricted housing.

In early 2016, the Department of Justice (DOJ) released a report on the use of solitary confinement in the Federal prison system with recommendations for reform. In response to the report, President Obama announced that he would ban the use of solitary confinement for juveniles in the Federal system and accept DOJ's other recommendations to ensure that the practice would "be used rarely, applied fairly, and subjected to reasonable constraints."

BOP began implementing these changes and, as a result, the numbers continued trending downwards. While this decline was encouraging, there was a need for further reform measures. That is why several of us introduced the Solitary Confinement Reform Act in 2016 to codify and build upon the DOJ recommendations for reform.

Unfortunately, the once-encouraging decline in the restricted housing population has reversed over the last several months. As of February 27, 7.8 percent of the total Federal prison population was housed in restricted housing—including 10,581 inmates in special housing units, 892 inmates in special management units, and 398 inmates in the ADX supermax facility in Florence, Colorado.

This is a deeply troubling development. While we understand BOP is currently addressing significant challenges, including increased contraband, we are also concerned by the sharp rise in

a practice that DOJ has acknowledged “can cause serious, long-lasting harm” and should be “used only as necessary—and never as a default solution.”

We also recognize that in addressing this concern, BOP must prioritize the safety of correctional staff. As the DOJ report noted, “[w]e do not believe that the humane treatment of inmates and the safety of correctional staff are mutually exclusive; indeed, neither is possible without the other.” In recent years, BOP correctional officers have faced significant staff shortages and the widespread use of augmentation, straining their already limited resources. We urge you to address the overall staffing concerns raised by BOP correctional staff, which also may be contributing to the increased reliance on restricted housing.

As we reintroduce the Solitary Confinement Reform Act, we urge you to take steps to address this concerning rise in the use of restricted housing. We are ready and willing to work with you to reform and reduce this practice.

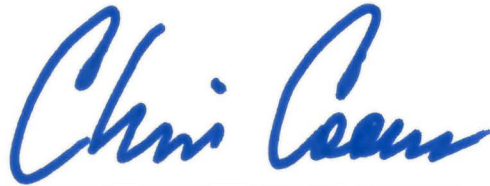
We ask that you provide a detailed explanation for the rise in restricted housing and any steps BOP is taking to curtail this increase. We also ask that you explain what further actions BOP can take to reduce the reliance on restricted housing and commit to implementing these plans.

Thank you for your consideration of this request. We look forward to your prompt reply.

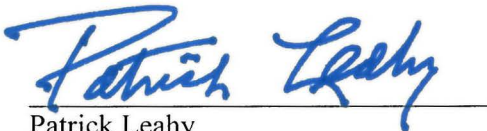
Sincerely,



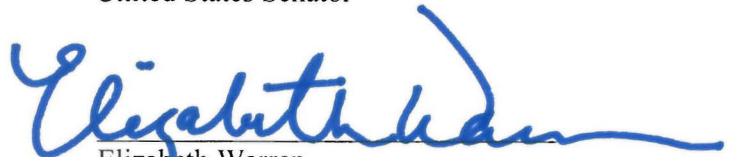
Richard J. Durbin
United States Senator



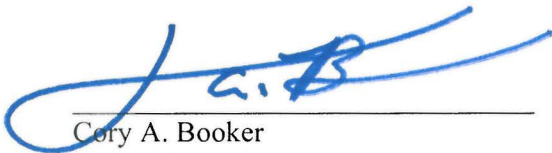
Christopher A. Coons
United States Senator



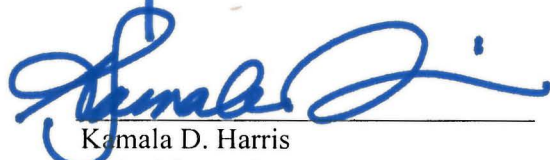
Patrick Leahy
United States Senator



Elizabeth Warren
United States Senator



Cory A. Booker
United States Senator



Kamala D. Harris
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