

Congress of the United States
House of Representatives
Washington, DC 20515-0603

July 20, 2021

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

Dear Attorney General Garland:

Our colleagues in the Senate wrote to you June 7, 2021, expressing concerns about the potential unequal administration of justice with respect to instances of mass unrest, property destruction, and loss of life across our country. To our knowledge, no response has been provided, and we write raising the same concerns and questions and respectfully request you provide a response by July 30, 2021.

The DOJ reported that during the unrest of the spring and summer of 2020, 1 federal officer was killed and over 700 federal and local officers were injured during the protests. Furthermore, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) reported, "since the start of the unrest there has been 81 Federal Firearms License burglaries of an estimated loss of 1,116 firearms; 876 reported arsons; 76 explosive incidents; and 46 ATF arrests[.]"

Yet, reports indicate that prosecutors have approved at least half a dozen deferred resolution agreements in federal felony cases arising from clashes between protesters and law enforcement in Oregon last summer. These deferred resolution agreements leave defendants with a clean criminal record if they stay out of trouble and complete a modest amount of community service.

Meanwhile, DOJ maintains and updates a webpage that lists the defendants charged with crimes committed at the Capitol, yet no database exists for perpetrators of crimes throughout the spring and summer 2020 protests. It remains unclear whether defendants charged with crimes connected with the Capitol breach have received deferred resolution agreements. Reports indicate jail officials in Washington, D.C. held individuals charged with crimes connected with the Capitol breach in solitary confinement before trial.

DOJ's apparent unwillingness to punish individuals who committed crimes during the spring and summer 2020 protests stands in stark contrast to the treatment of the individuals charged in connection with the breach of the U.S. Capitol Building in Washington, D.C. Whether it is a mob breaking laws in D.C. or a mob in Portland or Minneapolis, the standard of justice should be the same in America.

In order to assist Congress in conducting its oversight work, we now respectfully again request answers to the following questions by July 30, 2021:

Spring and Summer 2020 Unrest:

1. Did federal law enforcement utilize geolocation data from defendants' cell phones to track protestors associated with the unrest in the spring and summer of 2020? If so, how many times and for which locations/riots?
2. How many individuals who may have committed crimes associated with protests in the spring and summer of 2020 were arrested by law enforcement using pre-dawn raids and SWAT teams?
3. How many individuals were incarcerated for allegedly committing crimes associated with protests in the spring and summer of 2020?
4. How many of these individuals are or were placed in solitary confinement? What was the average amount of consecutive days such individuals were in solitary confinement?
5. How many of these individuals have been released on bail?
6. How many of these individuals were released on their own recognizance or without being required to post bond?
7. How many of these individuals were offered deferred resolution agreements?
8. How many DOJ prosecutors were assigned to work on cases involving defendants who allegedly committed crimes associated with protests in the spring and summer of 2020?
9. How many FBI personnel were assigned to work on cases involving defendants who allegedly committed crimes associated with protests in the spring and summer of 2020?

January 6, 2021 U.S. Capitol Breach:

10. Did federal law enforcement utilize geolocation data from defendants' cell phones to track protestors associated with the January 6, 2021 protests and Capitol breach? If so, how many times and how many additional arrests resulted from law enforcement utilizing geolocation information?
11. How many individuals who may have committed crimes associated with the Capitol breach were arrested by law enforcement using pre-dawn raids and SWAT teams?
12. How many individuals are incarcerated for allegedly committing crimes associated with the Capitol breach?

13. How many of these individuals are or were placed in solitary confinement? What was the average amount of consecutive days such individuals were in solitary confinement?

14. How many of these individuals have been released on bail?

15. How many of these individuals have been released on their own recognizance or without being required to post bond?

16. How many of these individuals were offered deferred resolution agreements?

17. How many DOJ prosecutors have been assigned to work on cases involving defendants who allegedly committed crimes associated with the Capitol breach?

18. How many FBI personnel were assigned to work on cases involving defendants who allegedly committed crimes associated with the Capitol breach?

Sincerely,



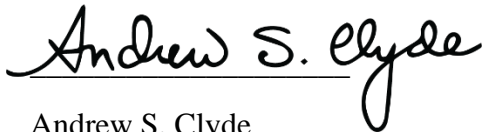
Lauren Boebert

Member of Congress



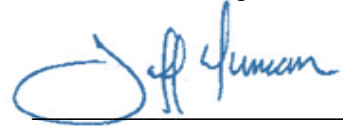
Andy Biggs

Member of Congress



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