

AN INMATE'S GUIDE TO ADMINISTRATIVE REMEDY REQUESTS AT FEDERAL PRISONS

This Guide has been created by the D.C. Prisoners' Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs.
It is not intended to replace the advice of an attorney. It is not legal advice and does not create an attorney client relationship.
You are responsible for meeting all necessary deadlines and requirements.

This guide will help you with the Administrative Remedy Request process. You can find the full regulation in P.S. 1330.13. This process is important because you must use up all administrative solutions before you can file a lawsuit under federal law. It also creates a paper trail and shows you tried to resolve the problem. It might even work. To finish the process, you must:

1. Make an informal complaint.
2. File a Formal Administrative Remedy request. (Level I).
3. File an appeal to the Regional Director. (Level II).
4. File an appeal to the General Counsel. (Level III).

We know that this process is long and hard, and that your requests may not even be answered. **It is very important that you follow all the steps on this sheet in order to protect your legal rights.**

NOTE: You must use up all administrative solutions before suing under federal law. This means you must finish ALL the steps on this sheet. If you don't complete the entire process because you didn't receive a response, or did not have the proper form, etc., the court may say that you have not "exhausted" your administrative remedies. Don't take that chance. Finish the process.

Be persistent. Don't ever give up. Start with step 1 right away by filing a request as soon as possible. Then continue with all the appeals. If you are late in your request or appeal, turn it in anyway and explain why you are late.

Fill in the blanks of this worksheet as you go along. It will help you with this long and hard process.

1. MAKE AN INFORMAL COMPLAINT.

Check with your Counselor to learn the informal complaint process at your institution. The warden at each prison creates his or her own informal complaint process. Usually this will be a written form that is submitted to a staff member, normally your Counselor.

Write the DATE OF THE INCIDENT. This is the date the event happened, *not* the date you are making the complaint. Remember to make the informal **within 20 days** of the incident. Figure out what the deadline is by adding 20 days to the date of the incident.

A. DATE THE INCIDENT HAPPENED: _____

B. DATE YOU MADE YOUR INFORMAL COMPLAINT: _____

C. DEADLINE (DATE OF INCIDENT + 20 DAYS): _____

This deadline is for BOTH the informal complaint and the BP-9.

Staff members do not have a deadline to respond to your informal complaint. If your problem is not solved, move on to the next step: Level I: Formal Administrative Remedy request.

IMPORTANT: The deadline for Level I is the same as the deadline for informal complaints: 20 days after the incident.

2. FILE A FORMAL REQUEST WITH THE WARDEN (LEVEL I)

Use **FORM BP-9**. This is the Administrative Remedy Request Form.

INSTRUCTIONS:

Describe Your Problem:

- Write down **everything** that happened. Give as many details as possible. The staff will be able to help you better if they have all the information. If you run out of room, attach an extra letter-sized page. Do not attach more than one extra page. Make a copy of it. You can write out a copy by hand.

Only One Problem:

- Use one form for each complaint or incident. If you have many complaints, file separate forms for each.

The Informal Complaint:

- On the form, let the staff know if you made an informal complaint. Tell them the date you made the informal complaint. Write, "I disagree with the decision on the informal complaint and am filing a formal Administrative Remedy Request."

Deadlines:

- If this Level I form is past the **20-day deadline**, explain why. Sometimes it is ok to file past the deadline. For example:

- You didn't get a response to your informal complaint. Write, "I did not receive a response to my informal complaint before this form was due. Therefore I am proceeding with the formal Administrative Remedy Request."

- There was a long period of time in-transit when you had no access to the forms.

- There was a long period of time when you could not fill out the paperwork because of a physical problem.

- You requested the necessary forms, but were not given the forms in time.

NOTE: If the issue you are raising involves a telephone charge or credit or telephone service problem that you want to be reimbursed for, you have **120 days** after the date of the disputed charge to file this form. **For all other incidents, the form must be filed 20 days after the incident occurred.**

If You Are in General Population:

Write how you will turn in your request. For example, "I am placing this form in the mailbox on my unit on the date above."

If you are in Segregation or Isolation:

Write how you will turn in your request. For example, "I am submitting this form to a unit staff member."

Make Copies:

- Make and keep **at least three (3) copies** of this form. You need to keep copies for any legal action you take. You can write out the copies by hand.

D. I AM FILING MY **FORM BP-9** TODAY. TODAY'S DATE IS: _____

E. I MADE _____ COPIES OF MY **FORM BP-9**.

F. I SHOULD GET A RESPONSE TO MY ADMINISTRATIVE REMEDY REQUEST ON _____
(add 23 days to the date on line D. The Warden must respond to the form within 20 days after he or she receives the form. Allow time for the form to get to the Warden through the mail.)

G. DID YOU RECEIVE A CONTINUANCE FORM THAT TELLING YOU THAT THE STAFF NEEDS MORE THAN 20 DAYS TO RESPOND TO YOUR ADMINISTRATIVE REQUEST?

____ YES. THE NEW DATE A RESPONSE IS DUE IS _____.
(This is the date given on the continuance form).
____ No.

H. TODAY IS THE DATE LISTED ON LINE F OR LINE G. DID I GET A RESPONSE TO MY REQUEST BY THE END OF THE DAY?

____ YES
____ No

Skipping Level I for Sensitive Issues

In some cases, you may file your grievance directly with the Regional Director (Level II) instead of going to the Warden first. You may skip Level I IF you believe that the issue you are raising is sensitive and your safety would be in danger if the Warden knew about your complaint. Write "Sensitive" on the grievance form. Explain why you are not going to the Warden first. THIS IS ONLY FOR VERY SENSITIVE ISSUES.

3. APPEAL TO THE REGIONAL DIRECTOR (LEVEL II)

Use **Form BP-10**.

INSTRUCTIONS:

Complete If:

- You received a response from the Warden and are unhappy with it.
- You did not get a response within the allowed time [Line F or Line G].

File Your Appeal:

- File your appeal to the **Regional Director** for your region. The addresses for the Regional Directors are on the last page of this guide.
- If you DID RECEIVE a response to your Level I request, begin your BP-10 by writing, "I disagree with the decision that I received regarding my initial Administrative Remedy Request that I filed on _____ [date on line D], and I am filing an appeal."
- If you DID NOT RECEIVE a response to your Level I request, begin your BP-10 by writing, "I have attached a copy of the Administrative Remedy Request form that I filed on _____ [date on line D]. I did not receive a response within 20 days. I am now exercising my right to appeal to the next level."

Describe Your Problem:

- Describe your problem just like you did in your form to the Warden. Give as much detail as possible. If you run out of room, attach an extra letter-sized page. Do not attach more than one extra page. Make 2 copies of it. You can write out your copies by hand.

If You Are in General Population:

Write how you will turn in your request. For example, "I am placing this form in the mailbox on my unit on the date above."

If you are in Segregation or Isolation:

Write how you will turn in your request. For example, "I am submitting this form to a unit staff member to be placed in a US mailbox."

Deadlines:

- This form must **arrive** at the regional office **within 20 days** of the day the warden signed your Administrative Remedy Request (not the day you got it). If you are late, explain why. Sometimes it is okay to file past the deadline.

Make Copies:

- **Attach a copy** of the **Form BP-9** (the Level I form) you sent earlier.
- Make **at least two copies** of your **form BP-10**.

The staff has **30 days** to respond to your grievance after they receive it. Allow a few days for the mail.

I. I AM FILING MY LEVEL II APPEAL (**BP-10**) TODAY. TODAY'S DATE IS _____ .

J. I MADE _____ COPIES OF MY **FORM BP-10**.

K. I SHOULD GET A RESPONSE TO MY ADMINISTRATIVE REMEDY REQUEST APPEAL ON _____. (add **35 days** to the date in line I).

L. TODAY IS THE DATE LISTED ON LINE K. DID I GET A RESPONSE TO MY APPEAL BY THE END OF THE DAY?

____ YES. Follow the directions below in PART 4.1.

____ No. Follow the directions below in PART 4.2.

4.1 APPEAL TO THE GENERAL COUNSEL (No response from Reg. Director)

Use **Form BP-11**

INSTRUCTIONS:

Complete if:

- You did not get a response from your Level II appeal.

File Your Appeal:

- File your Level III appeal to the National Inmate Appeals Administrator, Office of General Counsel. The address is 320 First St., NW Washington, D.C. 20534.
- Begin your **Form BP-11** by writing, “I have attached a copy of the Administrative Remedy Appeal Request that I filed on _____ (date on line D). I did not receive a response within 35 days. I am now exercising my right to appeal to the next level.

Describe Your Problem:

- Describe your problem, making sure to state all the facts. The more details you give, the more information the staff has to address your concern. If you run out of room, you may attach **only one extra letter-size page**. Make three copies of that page. You can write out your copies by hand.

If You Are in General Population:

Write how you will turn in your request. For example, “I am placing this form in the mailbox on my unit on the date above.”

If you are in Segregation or Isolation:

Write how you will turn in your request. For example, “I am submitting this form to a unit staff member to be placed in a US mailbox.”

Deadlines:

You must file this form **within 35 days** of the date you filed your Level I appeal (date on Line D). If you are late, explain why. Sometimes it is okay to file past the deadline.

Make Copies:

- Attach copies of **Form BP-9** and **Form BP-10** that you sent earlier.
- Make **at least two copies** of your **Form BP-11**.

4.2 APPEAL TO THE GENERAL COUNSEL (Response from Reg. Director)

Use **Form BP-11**

INSTRUCTIONS:

Complete if:

- You got a response to Level II but are unhappy with the answer.

File Your Appeal:

- File your Level III appeal to the National Inmate Appeals Administrator, Office of General Counsel. The address is:

320 First St., NW
Washington, D.C.
20534.

- Begin your **Form BP-11** by writing, "I disagree with the decision I received regarding my Administrative Remedy Appeal Request that I filed on _____ (date on line I), and I am filing another appeal."

Describe Your Problem:

- Describe your problem, making sure to state all relevant facts. The more details you give, the more information the staff has to address your concern. If you run out of room, you may attach **only one extra letter-size page**. Make *three* copies of that page. You can write out copies by hand.

If You Are in General Population:

Write how you will turn in your request. For example, "I am placing this form in the mailbox on my unit on the date above."

If you are in Segregation or Isolation:

Write how you will turn in your request. For example, "I am submitting this form to a unit staff member to be placed in a US mailbox."

Deadlines:

- This form must **arrive** at the national office within **30 days** of the date on the Regional Director's letter. If you are late, explain why. Sometimes it is okay to file past the deadline.

Make Copies:

- Attach copies of **Form BP-19** and **Form BP-10** that you sent earlier.

- Make **at least two copies** of your **Form BP-11**. You can write out your copies by hand.

M. I AM FILING MY LEVEL III APPEAL (**BP-11**) TODAY. TODAY'S DATE IS _____.
(THIS MUST BE SENT 30 DAYS AFTER THE DATE OF THE REGIONAL DIRECTOR'S SIGNATURE ON YOUR LEVEL II RESPONSE OR 35 DAYS AFTER THE DATE ON LINE I).

N. I MADE _____ COPIES OF MY **FORM BP-11** (AT LEAST TWO).

O. I SHOULD GET A RESPONSE TO MY LEVEL III APPEAL ON _____. (FILL IN THIS BLANK BY ADDING 45 DAYS TO THE DATE ON LINE M. STAFF HAS 40 DAYS FROM THE DATE THEY RECEIVE THE APPEAL TO RESPOND. ALSO ALLOW TIME FOR THE MAIL PROCESS.

P. IT IS NOW THE DATE GIVEN ON LINE O. DID I GET A RESPONSE TO MY APPEAL BY THE END OF THE DAY?

YES

NO

Congratulations!! This process is now complete and you have preserved your right to file in court. If you do file in court, you must have two copies of what you submitted at each level.

Addresses of Bureau of Prisons Regional Directors

Regional Director

Mid-Atlantic Regional Office

10010 Junction Drive, Suite 100-N
Annapolis Junction, Maryland 20701

Regional Director

North Central Regional Office

Gateway Complex Tower II, 8th Floor
400 State Avenue, Kansas City, KS 66101-2492

Regional Director

Northeast Regional Office

U.S. Custom House, 7th Floor
2nd and Chestnut Streets
Philadelphia, Pennsylvania 19106

Regional Director

South Central Regional Office

4211 Cedar Springs Road, Suite 300
Dallas, Texas 75219

Regional Director

Southeast Regional Office

3800 Camp Creek Parkway, S.W.
Building 2000
Atlanta, Georgia 30331-6226

Regional Director

Western Regional Office

7950 Dublin Boulevard, 3rd Floor
Dublin, California 94568