

## A PRISONER'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 was last updated in June 2013.

It is not intended to replace the advice of an attorney. It is not legal advice and does not create an attorney client relationship.

**This guide will help you with the Administrative Remedy Request process.** You can find the full regulation in P.S. 1330.17. To finish the process, you must:

1. Make an informal complaint, called a BP-8 or a cop-out.
2. File a Formal Administrative Remedy request, called a BP-9. (Level 1).
3. File an appeal to the Regional Director, called a BP-10. (Level 2).
4. File an appeal to the General Counsel, called a BP-11. (Level 3).

**Following all the steps of the process is important in order to protect your legal rights.** We know that this process is long and hard, and that you may not even get answers. But, it is important, because prisoners must finish all administrative steps before suing about prison conditions under federal law. This is because of the Prison Litigation Reform Act, the PLRA.

If you stop before completing the entire process because you did not receive a response, did not have the proper form, or any other reason, the court may say that you have not "exhausted" your administrative remedies and dismiss your case. Don't take that chance. Finish the process.

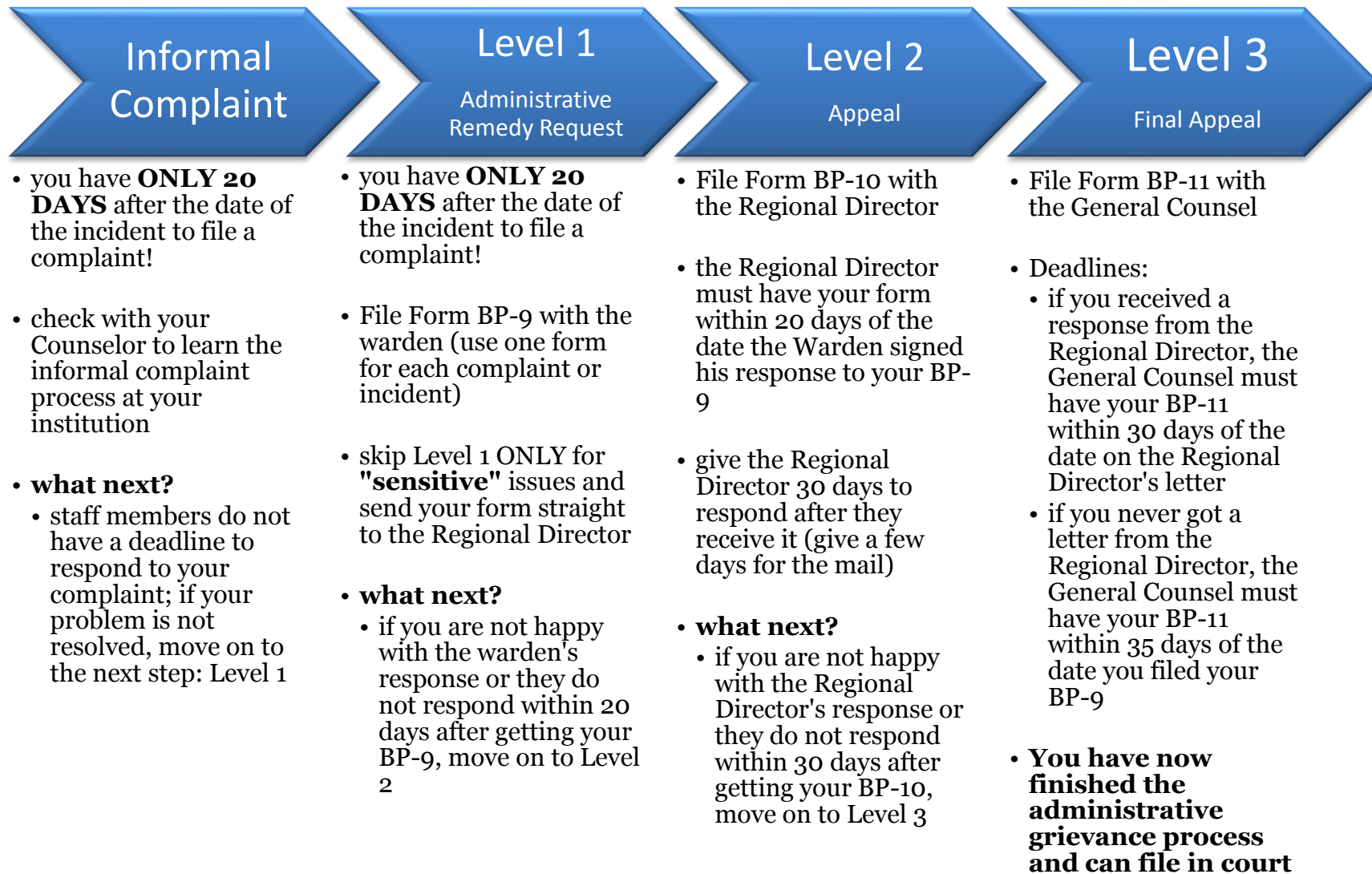
It also creates a paper trail and shows you tried to resolve the problem.

It might even work.

**Be persistent and follow directions.** If you get a response that asks you to submit your paperwork again, attach a staff memo, or add additional copies, do it. Don't ever give up. Start with Step 1 right away by filing an Informal Complaint 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 the worksheet as you go along.** It will help you with this long and hard process.

## OVERVIEW OF THE ADMINISTRATIVE REMEDY REQUEST AT FEDERAL PRISONS



# Informal Complaint

## Check with your Counselor

- The warden at each prison creates his or her own informal complaint process. Usually this will be a written form submitted to a staff member, normally your Counselor.
- You must make the informal complaint **within 20 days** of the incident

## Describe Your Problem

- Make sure to write the date the event happened, not the date you are making the complaint

## Deadlines

- Remember, staff members do not have a deadline to respond to your complaint; if your problem is not resolved, move on to the next step: Level 1

# Level 1

## File Formal Request with the Warden

- Use **Form BP-9**; it must be filed **within 20 days** of the incident; use one form for each complaint or incident. If you have many complaints, file separate forms for each.
- **skip Level 1** and file your complaint directly with the Regional Director (LEVEL II) ONLY for **"sensitive" issues** IF you believe that your safety would be in danger if the Warden knew about your complaint
- 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.

## 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.
- 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 your issue involves a telephone charge, credit, or service problem, you have 120 days to file your complaint
- There is a **20-day filing deadline** for all other incidents and complaints. If your BP-9 is past the **20-day deadline**, explain why. Sometimes it is okay 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.
- 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."

# Level 2

## Appeal to the Regional Director for your Region

- Use **Form BP-10**; **Attach a copy of the Form BP-9** (the Level I Form you sent earlier); the addresses for the **Regional Directors** are on the last page of this guide

## 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.

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

# Level 3

## Appeal to the General Counsel

- Use Form **BP-11**; send to the National Inmate Appeals Administrator, Office of General Counsel. The address is 320 First St., NW Washington, D.C. 20534
- **Attach copies of Forms BP-9 and BP-10** that you sent earlier; Make **at least two copies** of your **Form BP-11**. You can write out your copies by hand.

## Describe Your Problem

- Begin your **Form BP-11** by writing either:
  - “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.” OR
  - “I have attached a copy of the Administrative Remedy Appeal Request that I filed on \_\_\_\_\_ (date on line I). I did not receive a response within 35 days. I am now exercising my right to appeal to the next level.
- 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.

## Deadlines

- Did you get a response from the Regional Director?
  - **IF YES**, 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.
  - **IF NO**, You must file this form **within 35 days** of the date you filed your Level I appeal (date on Line I). If you are late, explain why. Sometimes it is okay to file past the deadline.
- 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.”

## **Addresses of Bureau of Prisons Regional Directors**

Regional Director  
**Mid-Atlantic Regional Office**  
302 Sentinel Drive  
Suite 200  
Annapolis Junction, MD 20701

Regional Director  
**North Central Regional Office**  
400 State Avenue, Suite 800  
Kansas City, KS 66101

Regional Director  
**Northeast Regional Office**  
2nd & Chestnut St., 7th Flr  
Philadelphia, PA 19106

Regional Director  
**South Central Regional Office**  
4211 Cedar Springs Road  
Dallas, Texas 75219

Regional Director  
**Southeast Regional Office**  
3800 Camp Creek Parkway, S.W.  
Building 2000  
Atlanta, Georgia 30331

Regional Director  
**Western Regional Office**  
Federal Bureau of Prisons  
7338 Shoreline Drive  
Stockton, CA 95219

# ADMINISTRATIVE REMEDY REQUEST WORKSHEET

## INFORMAL COMPLAINT

- A. Date the Incident happened: \_\_\_\_\_
- B. Date you made your Informal Complaint: \_\_\_\_\_
- C. Deadline (Date of Incident + 20 days): \_\_\_\_\_

## LEVEL I (FORMAL ADMINISTRATIVE REQUEST)

- D. I am Filing My Form BP-9 today. Today's Date is: \_\_\_\_\_
- E. How many copies did you make of form BP-9? \_\_\_\_\_
- F. I should get a Response to my BP-9 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 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 \_\_\_\_\_

## LEVEL II (APPEAL)

- I. I am filing my Level II Appeal (BP-10) today. Today's date is \_\_\_\_\_
- J. How many copies of form BP-10 did you make? \_\_\_\_\_
- K. I should get a Response to my BP-10 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 \_\_\_\_\_

No \_\_\_\_\_



**LEVEL III (FINAL APPEAL)**

- 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. How many copies of form BP-11 did you make? \_\_\_\_\_
- 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.**