
BOP Grievance Guide:

A Guide to Administrative Remedy Requests at Federal Prisons

Based on P.S. 1330.18

Following all these steps helps to protect your legal rights.

When you are having issues at your facility, you can start the BOP Grievance Process. The grievance process may help you resolve these issues, although in practice, this does not always happen. Regardless of whether the grievance process does or does not help you resolve your issues, it is usually a necessary step for filing a lawsuit. This is because the Prison Litigation Reform Act (PLRA) limits the ability of incarcerated people to sue about prison conditions. To that end, regardless of how the BOP responds to your grievance (whether they agree to your requested relief or not), **you must complete the grievance process (i.e., “exhaust administrative remedies”) before you can sue about prison conditions under the U.S. Constitution and certain other federal laws.** The typical grievance process has four steps: the BP-8, BP-9, BP-10, and BP-11. If you stop before completing the entire process, for any reason, a court may say that you have not “exhausted” your administrative remedies and dismiss your case. If you have a claim related to discrimination, there may be an additional process you have to complete to get to court on those claims, and you should talk to a lawyer as soon as possible.

There are strict time limits you must follow in order to complete the grievance process. If your issue is ongoing (e.g., you are sick and have not been able to see a doctor), you can file a grievance at any time. If the issue is not ongoing (e.g., you were assaulted two days ago), you must file the first level of the grievance process, a BP-8, within a specific amount of time. The deadlines are different for each grievance level. This guide will explain these deadlines and the grievance process in more detail.

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It is not an official document of the Federal Bureau of Prisons (BOP).

It does not 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.

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This guide will help you with the Administrative Remedy Request process.

Instructions & Tips

- Describe the problem in as much detail as possible. If you run out of room, you can attach one (1) extra US letter-size page (8.5 inches by 11 inches).
- Use one grievance form for each complaint, instead of writing about multiple issues on the same form. For example, if you are experiencing both medical *and* failure to protect issues, you should write two (2) grievances, one for each issue.
- You must include copies of prior grievance submissions and responses at each level of the grievance process. For example, if you file a BP-10, you must include a copy of your BP-8, a copy of your BP-9, and any responses you received. If you do not have responses to include because you did not receive a response, you should note that on the grievance form.
- You should make at least three (3) copies of each of your grievances if you can. You can write out the copies by hand, including the date you filed the grievance and how you filed it/who you gave it to. Keep these three (3) copies for yourself when you file the original.
 - Keep copies of any documents you include in your grievance; you will not get them back.
 - If you do file a lawsuit at some point, it is helpful to have extra copies of what you submitted (and any responses received) at each grievance level.
- There are strict deadlines on when to file each grievance level. For a timeline of these deadlines, please refer to the step-by-step worksheet and/or the overview chart included at the end of this Grievance Guide.
- If you want to grieve an incident involving sexual abuse or disability issues, they have slightly different and/or additional procedures. We have a different guide for both issues; do NOT use this guide to grieve these issues. If you do not have our guides on sexual abuse or disability issues and you would like them, please write and ask us for a copy.
- If you want to file or include in your lawsuit a claim under the Federal Tort Claims Act (FTCA), there is a separate process you must complete. We have a guide on it as well. Please write to us if you would like a copy.
- The full regulation is in P.S. 1330.18. You can read it in your law library.

FAQ

What should I do if I miss the deadline to file a grievance?

- If you miss the deadline to file a grievance, file it anyway. Explain in the grievance why you are late.

What happens if they do NOT respond to my grievance?

- Depending on the step and type of grievance you are filing, the BOP has different deadlines to respond to your grievance (please refer to the worksheet or overview for these deadlines). If you do not receive a response by a particular deadline at any step in the grievance process, you can consider your grievance to have been denied at that level. Whether or not you receive a response from your Unit Team, the Warden, or the Regional Director you must continue to submit the next step in the grievance process. In other words, you should continue with the

grievance process even without a response and explain why you cannot include a copy of the response to your previous grievance level in your subsequent one. For example, if you waited 20 days for a response to your BP-9 and did not receive one, you should submit a BP-10 to the Regional Office and explain in the BP-10 that you cannot include the response to the BP-9 because you did not receive one by the deadline.

- A BP-8 is the only step where BOP staff do NOT have a deadline to respond. However, you must submit *both* your BP-8 AND BP-9 within **twenty (20) days** of the incident. You do not have to wait to get a response to the BP-8 to submit the BP-9. You can submit them a few days apart if you have enough time, or at the same time if you do not. If you submit the BP-9 without a response to the BP-8, you should explain in your BP-9 why you are not including a copy of the response to your BP-8 (i.e., you waited ___ days for a response to your BP-8 and have still not received a response, or you are submitting both levels at the same time because you were too close to the 20 day deadline to be able to wait for a response).
 - For example, if you are submitting a grievance about an incident that occurred yesterday, you can give your Unit Team a few days to respond to the BP-8 before you submit the BP-9. But if it has been 19 days since the incident and you decide to grieve, you should simply submit both forms at the same time. The most important thing to remember is to submit the BP-9 within the twenty-day deadline.

What should I do if they ask for a copy of my grievance and I don't have any copies?

- If you cannot include copies of your prior grievances with the next level (for example, they did not return copies from your previous step by the time you need to file the next step), you should still file the next grievance. In any instance where you cannot include prior documents with your current grievance, you should explain why you cannot include your prior documents.

What happens if I disagree with the response they wrote to my grievance?

- If you do not agree with the BOP's response to your grievance, you should continue to the next level. Even if BOP provides all or some of the relief you requested, you should continue to the next level. For example, if you routinely miss medication and the BOP responds to one of your grievances by bringing you the missing medication, you should continue with the grievance process until you are assured in some way that you will not miss medication again in the future.
- The BOP may mark your grievance as "Resolved" and claim you cannot appeal. If your issue is not actually resolved, you should still appeal to the next level. In your appeal, you should explain why the issue is not actually resolved.

Filing a grievance will put me in danger or make me feel unsafe. What should I do?

- If filing a BP-8 with facility staff or a BP-9 with the Warden would put you in danger, you can send a Sensitive BP-9 ("Administrative Remedy Request – Sensitive") straight to the Regional Office instead (this is called filing a sensitive grievance).

How to file a BP-9 Sensitive ("sensitive grievance"):

- You should write "SENSITIVE GRIEVANCE" at the top of the BP-9 and explain why filing a BP-8 with facility staff and a BP-9 with the Warden would put you in danger.
 - For example, "*I am not filing a BP-8 or BP-9 at my institution because I fear that doing so will put me in danger. I have submitted cop-outs at my institution on the same*

issue before and have been retaliated against by staff, so I fear that submitting grievances at my institution will cause the staff to retaliate against me again.”

- You can file your BP-9 Sensitive by sending it directly to the Regional Office. The addresses for each Regional Office are listed on the last page of this grievance guide.
- **NOTE:** Because BP-9 Sensitive grievances go to the Regional Office, they act as if they are BP-10s. This means that if you receive a response to your BP-9 Sensitive grievance and you are not satisfied with the response, or you do not receive a response at all, the next step is a BP-11 NOT a BP-10.

I cannot wait 20 days for a response to my grievance (e.g., I will suffer a *serious injury* if I wait that long). What should I do?

- If there is a high risk that using the normal grievance process will take so long that you will suffer a serious injury, you should file an emergency grievance.

How to file an emergency grievance:

- Use the BP-9 form and write “EMERGENCY GRIEVANCE” at the top.
- Explain why the issue is an emergency. For example:
 - *I need immediate medical attention. I have not gotten my medication for three days, and I am at serious risk if I do not get my medication. I cannot wait 20 days for a response because [reason why you cannot wait].*
 - *I need emergency assistance because my toilet is overflowing. My health and safety are at risk if I have to stay in a cell with sewage in it, so I cannot wait 20 days for a response.*
 - *I need emergency help. I am not safe in my cell because my cellie is threatening me. I am in serious danger and cannot wait 20 days for a response.*

Timeline for an emergency grievance:

- The Warden should respond to your emergency grievance no later than the third day after filing. Whether or not you receive a response, the appeal process is the same as for ‘regular’ grievances, i.e., you can continue on with the BP-10, and then the BP-11.

How to Write a Grievance

General Outline:

First sentence(s): This is the situation/what happened (include when, who, witnesses).

Second sentence(s): This is what I tried to do to remedy the situation and this is how/why it was unsuccessful.

Third sentence(s): This is what I am asking for.

Fourth sentence(s): If this is not an appropriate course of action, I am asking to be notified in writing why the BOP feels this is not appropriate and for another way to remedy the issue (or what course of action the BOP suggests I take to remedy my situation).

Sample Language

Review the sample language below to get an idea of how to write your own grievance. A good grievance is one that specifies why you are making the request and states exactly what you want.

Here are examples of a good grievance and a bad grievance for two common situations:

Medical Care:

- Bad example: “I want an x-ray done on my knee.”
- Good example: “I have had sharp pain in my knee for the last 3 weeks. I would like to get an x-ray done as soon as possible to get a diagnosis of my issue. If an x-ray is not appropriate, I would like to know why not and I would like appropriate treatment.”

Failure to Protect/Assault:

- Bad example: “I want to be moved out of my cell.”
- Good example: “I was assaulted by my cellmate on March 18, 2018. We have not been separated, and I fear for my safety. I would like to be separated from him immediately.”

In addition, here are examples of language you could use to write grievances about a few common situations:

Mental Health

You can use the following language to grieve the prison’s refusal to let you see a psychologist:

I believe that I am experiencing [mental health issue, i.e., Depression, anxiety, PTSD, etc.] but I am not receiving any treatment. I asked to see a psychologist on December 6, 2023, following a 13-day stay in a suicide cell from November 18 to December 1, 2023, but I have not seen one. I am requesting a visit with a psychologist next week to determine what treatment I need to resolve my mental health issues. If you cannot schedule a psychologist visit for me, please explain, in writing, why I do not qualify for psychology visits.

SHU Placement

You can use the following language to grieve your continued placement in the SHU:

I have been housed in the SHU since November 18, 2023, when there was an incident at the compound and the entire compound was cleared. I received a 199 violation and saw DHO on [date]. I was given 120 days LOP and lost 41 days of good time credit. I was not disciplined with any time in the SHU, but I am still here. I am requesting to be moved out of the SHU and back to the compound. If I am not going to be moved back to the compound, please explain, in writing, why I cannot be moved back to the compound and why there is not another place I can be other than the SHU.

Mail Tampering – Privileged Mail

If you receive legal mail that has been opened/read/copied, you can file a grievance using the language below:

On [XX date] my privileged mail from [XX name] that was marked [“Privileged/Legal/Special Mail”] on the front of the envelope was opened by [name of staff member]. I have [discuss what actions you took to try to prevent this from happening in the future, i.e. informed staff member that this was privileged mail and should not have been opened]. I am asking that my privileged mail not be opened, read, or otherwise tampered with in the future.

Overview of Grievance Process

BP-8

Check with staff or your handbook to learn what the informal complaint process at your institution is.

Deadline to File BP-10
You only have **20 days** after the date of the incident for BOTH this step and the next one.

- What next?**
- Staff members do not have a deadline to respond to this step.
 - If they do not respond promptly, you should move to the next step (BP-9), which you also must file within **20 days** after the incident.

BP-9

File Form **BP-9** with the Warden.
• If you submit the BP-9 without a response to the BP-8, you should explain in your BP-9 why you are not including a copy of the response to your BP-8 (e.g., you waited x days for a response and have still not gotten one).

Deadline to File BP-9
You only have **20 days** after the date of the incident to file a BP-9.

- What next?**
- If you are not happy with the Warden's response or they do not respond within 20 days, move to the next step (BP-10).

BP-10

File Form **BP-10** with the Regional Office.

- Deadline to File BP-10**
- If you got a response to your BP-9, the Regional Office must receive your BP-10 within **20 days** of the date the Warden signed his response to your BP-9.
 - If you did NOT get a response, the Regional Office must receive your BP-10 within 20 days of the Warden's response deadline (i.e., within **40 days** after you filed your BP-9).

- What next?**
- If you are not happy with the Regional Office's response or they do not respond within 30 days, move to the next step (BP-11).

BP-11

File Form **BP-11** with the General Counsel.

- Deadline to File BP-11**
- If you got a response to your BP-10, the General Counsel must get your BP-11 within **30 days** of the date on the Region's signed response letter.
 - If you did NOT get a response, the General Counsel must have your BP-11 within 30 days after the Region's response deadline (i.e., within **60 days** after you filed your BP-10).

- What next?**
- Wait 40 days. After 40 days, regardless of whether you've received a response, you have completed the grievance process.

Grievance Deadline Example

Below is an example summary of the process you should follow to file grievances if you experience a one-time issue (such as the denial of food or water, or an assault):

You have **20 days** after an incident takes place to file *both* the BP-8 to the institution and the BP-9 to the Warden. You can file them at the same time or one after the other, but both must be filed before 20 days have passed since the incident. There is no time limit for the institution to respond to the BP-8, but the Warden has 20 days from the date that you filed your BP-9 to respond to you. When the Warden responds, you have **20 days** from the date of the Warden's signature on the BP-9 to file your BP-10. However, if the Warden never responds to your BP-9, you have **20 days** from the date the Warden's response was due (meaning 40 days from the date you filed the BP-9) to file a BP-10.

The Regional Office should respond to your BP-10 within 30 days of the date that you filed the BP-10. If you receive a response, you have **30 days** from the date of the Regional Director's signature to file a BP-11. If you do not receive a response to your BP-10, you have **30 days** from the date the response was due (meaning 60 days from the date that you filed your BP-10) to file a BP-11. The General Counsel then has 40 days from the date that you filed your BP-11 to respond to your grievance. After the 40 days have passed, regardless of whether or not the General Counsel responds, you will have completed the grievance process and can sue about prison conditions under federal law.

If you do not receive a response at any point in the grievance process, you can consider your appeal to have been denied at that level. **Whether or not you receive a response from your Unit Team, the Warden, or the Regional Office you must continue to submit the next step in the grievance process.** If you stop before completing the entire process, for any reason, you may not be able to sue about prison conditions because the court may say that you have not "exhausted" your administrative remedies and dismiss your case.

ADMINISTRATIVE REMEDY REQUEST WORKSHEET

1. BP-8:

- A. Date of Incident: _____
- B. Add 20 days to the date on line A: _____
 - *This is your deadline to file both the BP-8 and BP-9.*
- C. Date you submitted the BP-8: _____

2. BP-9:

Submit the original BP-9 form with carbon copies by the date calculated on line B. If you use an extra page, you must submit two copies to the Warden. Keep at least one copy of your full submission at all times.

- D. Date you submitted the BP-9: _____
- E. Add 20 days to the date on line D: _____
 - *This is when you should receive a response to your BP-9. The Warden has 20 days to respond after you submit your BP-9.*
 - *If you receive an Extension Form that extends the Warden’s deadline, update line E with the new response deadline.*

Did you receive a response to your BP-9?

If yes:	If no:
<p>F. Date of Warden’s signature: _____</p> <p>G. Add 20 days to date on line F: _____</p> <p>➤ <i>This is your deadline to file your BP-10. You should send it as early as possible to make sure it arrives before the deadline.</i></p>	<p>F. Date on Line E: _____</p> <p>G. Add 20 days to date on line F: _____</p> <p>➤ <i>This is your deadline to file your BP-10. You should send it as early as possible to make sure it arrives before the deadline.</i></p>

3. BP-10:

Submit the original BP-10 form with carbon copies by the date calculated on line G. If you use an extra page, you must submit three copies to the Regional Office. Keep at least one copy of your full submission at all times. You can find the address for your Regional Office on page 6.

- H. Date you submitted your BP-10: _____
- I. Add 30 days to the date on line H: _____
 - *This is when you should receive a response to your BP-10. The Regional Director has 30 days to respond.*

Did you receive a response to your BP-10?

If yes:

J. Date of Reg. Director's signature: _____

K. Add 30 days to date on line **J**: _____

- *This is your deadline to file your BP-11. You should send it as early as possible to make sure it arrives before the deadline.*

If no:

J. Date on Line **I**: _____

K. Add 30 days to date on line **J**: _____

- *This is your deadline to file your BP-11. You should send it as early as possible to make sure it arrives before the deadline.*

4. BP-11:

*Submit the original BP-11 with carbon copies by the date calculated on line **K**. If you use an extra page, you must submit four copies to the Office of General Counsel. Keep at least one copy of your full submission at all times. You should send your BP-11 to this address:*

*National Inmate Appeals Administrator
Office of General Counsel
320 First St., NW
Washington, DC 20534*

L. Date you submitted your BP-11: _____

M. Add 40 days to the date on line **L**: _____

- *This is when you should receive a response to your BP-11. The General Counsel has 40 days to respond. Regardless of whether they respond, after 40 days, you have completed the grievance process.*

The grievance process is now complete. This means that you have finished all of the administrative steps required before suing about prison conditions under federal law, and you are now free to sue.

***Note:** If you are filing about a **disability** issue, remember that there is another administrative process to complete before you can go to court. If you would like to include **FTCA** claims, there is also another process you must complete.

If you do file in court, it is good to have two copies of what you submitted at each level.

Bureau of Prisons Regional Offices

If you are in Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia, or West Virginia:

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

If you are in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, or Wisconsin:

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

If you are in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, or Vermont:

Regional Director
Northeast Regional Office
U.S. Custom House, 7th Floor
200 Chestnut Street
Philadelphia, PA 19106

If you are in Arkansas, Louisiana, New Mexico, Oklahoma, or Texas:

Regional Director
South Central Regional Office
U.S. Armed Forces Reserve Complex
344 Marine Forces Drive
Grand Prairie, TX 75051

If you are in Alabama, Florida, Georgia, Mississippi, Puerto Rico, or South Carolina:

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

If you are in Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, or Wyoming:

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