



U.S. Department of Justice

Federal Bureau of Prisons

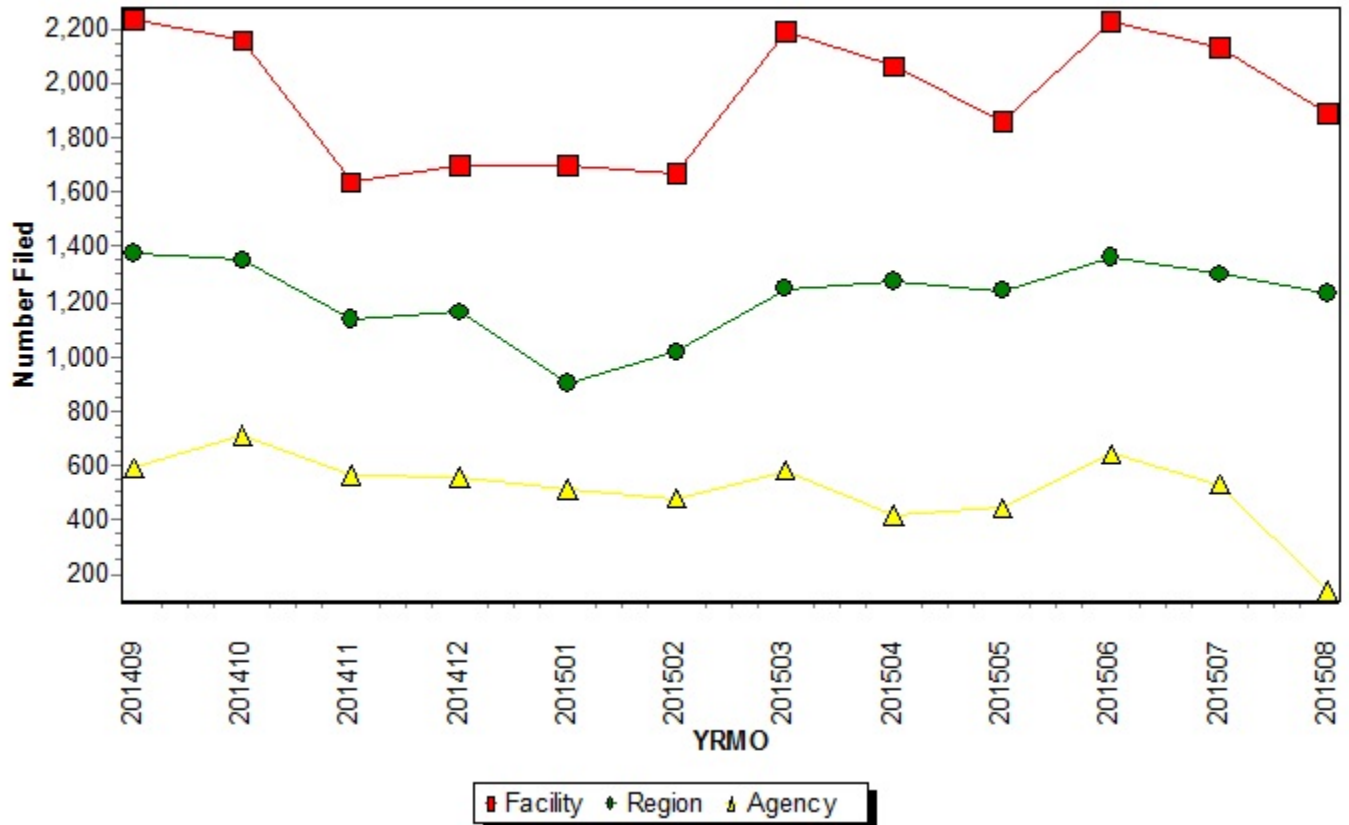
Western Regional Office

**A Snapshot of The BOP's Administrative Remedy Program for
the Ninth Circuit Corrections Summit, November 5, 2015**

By Dennis M. Wong, Regional Counsel

- Set forth at 28 C.F.R. § 542.10, *et. seq.* and Program Statement 1330.18 Administrative Remedy Program (available at www.bop.gov)
- 20 day time limit, but policy preaches flexibility
- One continuation page; One issue per grievance unless they are related
- If there are other mandated procedures, we will refer them to those procedures in our response, i.e., FOIA, inmate worker comp claims, tort claims
- Three levels: Warden (BP-9), Regional Director (BP-10), and National Inmate Appeals Administrator (BP-11) (Informal resolution must at least be attempted before BP-9)
- Time frames: (Calendar days + extension) BP-9 (20+20); BP-10 (30+30); BP-11 (40+20)
- Inmates may bypass and file "Sensitive" grievance (if dangerous for institution to know)
- Inmates may file "Emergency" grievance (risk of imminent sexual abuse). If accepted, immediate corrective action initiated; initial response within 48 hours; final decision within 5 calendar days; best efforts to have BP-10 and 11 responses within 5 calendar days
- Every institution has their own local policy that is mostly limited to designating staff who will be working with administrative remedies, i.e., Coordinator, Clerk, etc.,
- Records maintained for three full-calendar years

**BOP Office of Research
Administrative Remedy Filings
BOP ALL INSTITUTIONS**



Graph shows # of filings from September 2014 to August 2015 at each level

- In July 2015 - 192,181 inmates:
 Filed: 2,137 BP-9s; 1,302 BP-10s; 531 BP-11s
 Answered: 1,923 BP-9s; 1,142 BP-10s; 90 BP-11s
 Avg. Response Time: BP-9s (15.54 days); BP-10s (19.54 days); BP-11s (28.98 days)
 Top Subjects: Discipline (30%) Medical (10-20%) Staff (10-20%)
 Highest grants in disciplinary cases: 42% via BP-9s (8/19); 57% via BP-10s (37/64)
 Avg. overall grant rates in 2014: 4.5% (BP-11s); 6.9% (BP-10s); 2.2% (BP-9s)
- Compare with 1989 - 47,000 inmates:
 Filed (avg/mo): 787 BP-9s; 504 BP-10s; 210 BP-11s
 Top Subjects: Discipline (40%) Programs (10-20%) Operations (10-15%)
 Staff (10-15%) Legal (12-15%) Medical (6-9%)

BOP Staff Dedicated To Administrative Remedy Process

- Central Office – BP-11s: 9
- Regional Offices – BP-10s: 1-2
- Institutions – BP-9s: collateral duty

BOP Improvements In Progress

- Electronic Administrative Remedy Program (under development)
Inmates would use the TRULINCS system to submit – same system that is currently used to send out electronic messages

Western Region Strategies

- Regional Counsel has been delegated authority to sign BP-10s for the Regional Director
Ensures some level of legal review as not all BP-9s or 11s are reviewed by legal Attorney assigned as needed for more in-depth review
WXR has about 25,000 inmates; receives avg. of 200 BP-10s/month
- Steam line editing and review process for BP-10s
Drafts are saved in directory accessible to Regional Counsel for minor edits
- Hand-walk signed response to the Clerk for processing; increase frequency of batch mail
- Regular discussions and follow-up with staff assigned to work with administrative remedies
They need to understand your priorities and sensitivities to help issue-spot
They need to feel empowered
- Provide support and training to institution staff who work with administrative remedies as needed or upon request

Ongoing Challenges

- Ensuring adequate investigations
- Improving quality of draft responses
- Finding best way to handle frequent filers to minimize impact on other grievances
- Balancing administrative remedy workload with other correctional duties
- Evaluating use of exhaustion in litigation based upon the quality of the administrative record

“I do the very best I know how, the very best I can, and I mean to keep on doing so until the end.” Abraham Lincoln

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