

## HOW TO HELP YOUR LOVED ONE IN FEDERAL PRISON

FAMM members with loved ones in the Federal Bureau of Prisons (BOP) often call or write us when their loved one experiences a problem. Often, a prisoner needs medical care, is housed so far from the family that visits are difficult, or received a disputed disciplinary report. Family members want to help but don't know how. FAMM cannot contact the BOP on behalf of family members or advocate for individual prisoners, but here is what we generally suggest to loved ones who want to help a federal prisoner:

### **Become an informed advocate.**

Identify your loved ones' issue(s) and get as much information you can about the problem they are facing in prison. Then, read the BOP policy statement that applies to the problem, by going to <http://www.bop.gov/DataSource/execute/dsPolicyLoc>. The policy statement may provide answers to your questions or explain why the BOP responded the way it did to your loved one in prison.

Example: Your loved one is not receiving medicine. Ask: What medicine? Did a doctor prescribe it and if so when? Is the medication on the BOP's approved formulary (available at [www.bop.gov/news/PDFs/formulary.pdf](http://www.bop.gov/news/PDFs/formulary.pdf))? What happens if the medicine isn't taken? What steps has your loved one already taken to solve the problem?

### **Keep good records.**

Keep a notebook dedicated to your loved one and write everything down that you learn, when you learned it, and who you learned it from. Keep track of the dates of events and the names and phone numbers of people you speak with. Ask your loved one to provide you a written description of the problem, including dates and the names of those who may have more information (such as a case manager who promised to look into something, or a doctor at the hospital who promised to write orders for treatment or diagnostic tests) and any steps that have already been taken.

### **Encourage use of the administrative remedy process to resolve the problem.**

Prisoners are expected to try to resolve problems informally, through prison staff, before bringing them to the attention of the warden or others. To get help, prisoners should use the administrative remedy process described in BOP policy statement 1330.16, available at [www.bop.gov/DataSource/execute/dsPolicyLoc](http://www.bop.gov/DataSource/execute/dsPolicyLoc). Obviously, if the situation is an emergency, you can advocate with BOP officials directly even before the prisoner has completed that process. However, completing the administrative remedy process is important because prisoners must usually complete all the steps in that process before they can seek relief in the courts.

The prisoner begins the administrative remedy process by filling out a "cop-out" (also known as a BP-8 form) and giving it to staff. If the staff member denies the relief sought, the prisoner can

fill out a BP-9 appeal form and give it to the warden. If that request is denied, the prisoner may appeal to the BOP regional office within 20 days using a BP-10 form. If that is denied, then the prisoner can file a BP-11 form with the general counsel at the BOP's central office, in Washington, DC, within 20 days.

All forms should be available from BOP staff or at the prison's library. The prisoner should start by asking the case manager or counselor for the correct forms. Prisoners should send their loved ones copies of any written requests and the resulting responses from the BOP, so that the family member can be an informed advocate.

Although time consuming and frustrating in their apparent futility, these steps are important. First, they create a written record that shows that the prisoner is serious. They also document the BOP's responses. Second, they permit the BOP to formally review and potentially resolve the problem. Third, if the BOP does not solve the problem, BOP officials cannot complain that they were not notified.

The D.C. Prisoners' Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs has produced an easy-to-use, fill-in-the-blank guide to the BOP's administrative remedy process at <http://www.washlaw.org/images/docs/Resources%20-%20grievance%20guide%20-%20BOP.doc>. Prisoners and their loved ones can use this form to navigate the BOP's administrative remedy process.

### **Write a letter on the prisoner's behalf.**

Armed with the facts and knowing that the prisoner has begun the administrative process, consider writing the warden directly. Your letter should present the facts you gathered, a description of the problem and possible solutions, and a request that the warden look into the situation.

Be as specific as possible about the facts and your request, but don't ask for more than the facts support. For example, don't request surgical intervention without a definite diagnosis and recommendation for such a procedure. Instead, detail your loved one's problems and the efforts he or she has taken to obtain a diagnosis (including how long, to whom requests were directed, and responses given) and ask the warden to investigate and/or intervene. Convey your deep concern and your relationship to the loved one (mother, father, etc.) and ask for a written response. If your loved one was being treated by a doctor before going to prison, share the information you gather with that doctor and see if he or she is willing to intervene, either by writing a letter or by speaking to medical or correctional staff at the prison.

### **Send copies of your letter to other relevant officials.**

Check the BOP's website for addresses for the warden and the regional and central BOP offices. Send the original letter to the warden and, if the complaint is about medical care, also send copies to the prison's medical director, as well as to the regional and central offices. Each regional office and the central office have a health services administrator. Send a copy to your

loved one in prison and keep one in your notebook.

**Contact your member of Congress.**

First find the name of your U.S. congressional representative. You can go to [www.house.gov](http://www.house.gov), type your zip code at the top of the opening page, and the name of your member will appear. It does not matter if you did not vote for the representative.

Second, call your congressional representative's local office and ask who you should send your letter to. Write your letter and send it to that staff member. Follow up with a telephone call asking the representative to look into the problem your loved one is experiencing. Clearly present the problem as you understand it, stating the facts and your concern. Describe the efforts you and your loved one have already taken to resolve the problem, and ask that your congressional representative investigate the problem.

Congressional offices can be very helpful in asking the BOP to look into a problem. They get answers in writing from the BOP that they will then forward to you.

LEGAL DISCLAIMER:

FAMM cannot provide legal advice, representation, referrals, or guidance to those who need legal help. Nothing on this form is intended to be legal advice or should be relied on as legal advice. If you or your loved one feel that you need legal advice, you should consult with an attorney. Finally, Bureau of Prison rules and policy statements change frequently. If you have questions about the rules, contact an attorney or the BOP.