

# INFORMATION ABOUT THE FEDERAL TORT CLAIMS ACT

OR

# WHAT TO DO IF YOU MIGHT HAVE A TORT CASE AGAINST THE FEDERAL BUREAU OF PRISONS

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Prepared by D.C. Prisoners' Legal Services Project.  
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For additional information, please look at the following:

Governing Federal Statutes

Title 28 U.S.C. § 2671 et seq. – Tort Claims  
Procedure  
Title 28 U.S.C. § 2401 – Statutes of Limitation

General Federal Regulations  
Title 28 C.F.R. subpart 14

Federal Regulations for the FBOP

Title 28 C.F.R. § 543.30  
Title 28 C.F.R. § 543.31  
Title 28 C.F.R. § 543.32

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**DISCLAIMER:** This document is not intended to replace the advice of any attorney. This document does not represent legal advice by the DCPLSP, does not create an attorney-client relationship, and should not be relied upon as your sole resource in dealing with the Federal Tort Claims Act.

This booklet explains the **Federal Tort Claims Act**. This Act makes it possible to sue the United States for “negligent” or “wrongful acts” that its employees commit while “acting within the scope of their employment.” These phrases are explained more below.

The **Prison Litigation Reform Act** (the PLRA) may mean that you have to complete the internal prison grievance procedures. We understand that this may mean you have to fill out a lot of forms and that it may be confusing. However, you want to make sure that you do everything now that you can so that you do not get a case dismissed from court later.

It is recommended that you follow the internal grievance procedures **at the same time** as you follow the procedures below. In other words, fill out an inmate request to staff member (“copout” form) and then follow the official grievance procedure beginning with a BP-9. At the same time, follow the steps that are in this memo.

## WHAT DOES THE FEDERAL TORT CLAIMS ACT COVER?

The Federal Tort Claims Act (also called the FTCA) applies in the following types of cases:

1. Claims for personal injury that are not Constitutional violations (usually less serious assaults\*, negligence, medical malpractice, etc.);
2. Claims for death that are not Constitutional violations;
3. Claims for damages to or complete loss of property that are not Constitutional violations.

The harm that you are planning to sue for must have happened because an employee of the federal government (from the Federal Bureau of Prisons or another Federal agency) did something negligent or wrongful during the course of their employment.

“In the course of employment” means that someone was “on the job.” For example, it may be possible that you were injured or had property damaged when a BOP employee did something that was not part of his or her job and without anyone else’s permission. If the actions were not part of the employee’s job duties, then that employee was not acting in the course of employment. If you are not sure, go ahead and follow the procedures below. Be ready to explain why you think the employee was doing something on the job and within his or her job description.

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\* For more information about what makes an assault a Constitutional violation or not, refer to *Hudson v. McMillian*, 503 U.S. 1, 112 S. Ct. 995, 117 L. Ed. 2d 156 (1992).

## WHAT IS NOT COVERED BY THIS ACT?

These procedures do not apply to Constitutional violations. You will still have to go through and complete regular grievance procedures before filing suit for Constitutional violations.

These procedures also do not apply to inmate work-program related injuries (if you are hurt while on a prison work assignment).

These procedures do not apply to things done by people who are contractors with the BOP. In other words, if someone is not directly employed by the BOP, but works for another company who contracts with the BOP, you can not use the FTCA.

Finally, these procedures do not apply if a BOP employee acts outside of their job, *i.e.* outside “the scope of employment.”

## NOTES

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**Bureau of Prisons Western Regional Office  
7950 Dublin Boulevard, 3rd Floor  
Dublin, California 94568.**

The following institutions are located within this region.

- (a) United States Penitentiaries (USP):
  - (1) USP Atwater, California 95301;
  - (2) Lompoc, California 93436.
- (b) Federal Correctional Institutions (FCI):
  - (1) FCI Dublin, California 94568;
  - (2) FCI Lompoc, California 93436;
  - (3) FCI Phoenix, Arizona 85027;
  - (4) FCI Safford, Arizona 85548;
  - (5) FCI Sheridan, Oregon 97378-9601;
  - (6) FCI Terminal Island, California 90731;
  - (7) FCI Tucson, Arizona 85706;
  - (8) FCI Victorville, California 92301.
- (c) Federal Prison Camps (FPC) Nellis, Nevada 89191.
- (d) Metropolitan Correctional Center (MCC) San Diego, California 92101-6078.
- (e) Metropolitan Detention Center (MDC) Los Angeles, California 90012.
- (f) Federal Detention Centers (FDC):
  - (1) FDC Honolulu, Hawaii 96820;
  - (2) FDC SeaTac, Washington 98168.

**WHO CAN (OR WILL) FOLLOW THESE PROCEDURES?**

You may follow these procedures yourself or authorize someone to do it for you by signing a written statement giving them permission to act on your behalf. If you authorize someone to act on your behalf, all communications about this matter will go to that person, and not to you. However, if for some reason communication such as letters come to you instead of that person, you are responsible for forwarding it to the person helping you.

**Do not assume that D.C. Prisoners' Legal Services Project will file these forms for you!** Unless we have told you something differently **in writing**, you are responsible for following these steps on your own behalf.

**HOW LONG DO I HAVE TO DO THIS?**

You must file a claim with the agency (usually the BOP) within TWO YEARS of the injury or property loss. If you wait more than two years from the date it happened, you will not be able to get anything.

The date this happened: \_\_\_\_\_

The date FILING DATE: \_\_\_\_\_  
(see below for an explanation)

## WHAT ARE THE STEPS TO FOLLOW?

**STEP 1.** Figure out what happened and who did it. Make notes for yourself before you begin to fill out forms.

- Is this a property damage case or a personal injury case?
  - If it is a property damage case, what was damaged or lost?
  - What was it worth?
  - Do you have property lists or receipts showing that you owned it?
  - If it is a personal injury case, how were you hurt?
- When did this incident happen?
- Who was responsible for it?
- Were they acting in the scope of their employment, “on the job”?

**STEP 2.** Get a Claim Form.

- You are asking for a “Claim for Damage, Injury, or Death and Supplemental Instructions (SF-95)” also known as a Federal Tort Claims Act (FTCA) form.
- Current federal inmates may be able obtain FTCA claim forms from a member of their Unit Team or someone else at the prison. If you are no longer in a Federal institution, you may write a letter. If you cannot obtain a form, you may submit the information in a letter, but **you must be certain that all the information is in the letter.**

**Bureau of Prisons South Central Regional Office  
4211 Cedar Springs Road, Suite 300  
Dallas, Texas 75219.**

The following institutions are located within this region.

- (a) Federal Correctional Institutions (FCI):
  - (1) FCI Bastrop, Texas 78602;
  - (2) FCI Big Spring, Texas 79720-7799;
  - (3) FCI El Reno, Oklahoma 73036-1000;
  - (4) FCI Forrest City, Arkansas 72336;
  - (5) FCI La Tuna, New Mexico - Texas 88021;
  - (6) FCI Oakdale, Louisiana 71463;
  - (7) FCI Seagoville, Texas 75159;
  - (8) FCI Texarkana, Texas 75505;
  - (9) FCI Three Rivers, Texas 78071.
- (b) Federal Correctional Complex (FCC):
  - (1) USP Beaumont, Texas 77720-6035;
  - (2) FCI Beaumont (Low), Texas 77720-6025;
  - (3) FCI Beaumont (Medium), Texas 77720-6045;
  - (4) FCC Beaumont (Administrative), Texas 77720.
- (c) Federal Prison Camp (FPC) FPC Bryan, Texas 77805-2197.
- (d) Federal Medical Center (FMC):
  - (1) FMC Carswell, Texas 76127;
  - (2) FMC Fort Worth, Texas 76119-5996.
- (e) Federal Detention Centers (FDC):
  - (1) FDC Houston, Texas 77052-6245;
  - (2) FDC Oakdale, Louisiana 71463.
- (f) Federal Transportation Center (FTC) Oklahoma City, Oklahoma 73189-8802.
- (g) United States Penitentiary (USP) Pollock, Louisiana 71467.

**Bureau of Prisons North Central Regional Office  
Gateway Complex, Inc., Tower II, 8th Floor  
400 State Avenue  
Kansas City, Kansas 66101-2492.**

The following institutions are located within this region.

- (a) United States Penitentiaries (USP):
  - (1) USP Leavenworth, Kansas 66048;
  - (2) USP Marion, Illinois 62959;
  - (3) USP Terre Haute, Indiana 47802.
- (b) Federal Correctional Institutions (FCI):
  - (1) FCI Englewood, Colorado 80123;
  - (2) FCI Greenville, Illinois 62246;
  - (3) FCI Milan, Michigan 48160;
  - (4) FCI Oxford, Wisconsin 53952-0500;
  - (5) FCI Pekin, Illinois 61555-7000;
  - (6) FCI Sandstone, Minnesota 55072;
  - (7) FCI Waseca, Minnesota 56093.
- (c) Federal Correctional Complex (FCC):
  - (1) ADX Florence, Colorado 81226;
  - (2) USP Florence, Colorado 81226;
  - (3) FCI Florence, Colorado 81226.
- (d) Federal Prison Camps (FPC):
  - (1) FPC Duluth, Minnesota 55814;
  - (2) FPC Yankton, South Dakota 57078.
- (e) U.S. Medical Center for Federal Prisoners (MCFP)  
Springfield, Missouri 65808.
- (f) Federal Medical Center (FMC) Rochester, Minnesota  
55903-4600.
- (g) Metropolitan Correctional Center (MCC) Chicago,  
Illinois 60605.

**STEP 3.** Fill out the form (or write the letter, if you cannot obtain a form). You must include, in the proper spaces on the form if you have one:

- Your name and address
- Whether the responsible party was employed as a military employee or a civilian employee (in most cases, BOP employees are civilian).
- Your date of birth
- Your marital status
- The day and date of the accident or incident.
- The basis of the claim. Tell what happened and people and property involved.
- For property damage, list the owner if it's not you, and describe the property, what happened and where it is for them to view (if you have it).
- For personal injury or wrongful death, the nature of the injury.
- List all witnesses and their addresses.
- The amount of money you want for your claim. Be honest. Look at what expenses you actually had to pay to fix the injury or replace the property. Remember that after things get used, they aren't worth as much as you paid for them. Be sensible. Include any receipts, medical records, or other information that help support your claim. You can't get punitive damages.
- If you happen to have insurance on the item, say that too.

**STEP 4.** Send in the form. Send it in to the regional office for the place where the incident occurred. The address for the offices and the prisons in each region are listed at the end of this booklet.

**STEP 5.** Wait for the acknowledgement letter.

- If you have filled out the form correctly, including a specific amount of money you are asking for, you will receive a letter that acknowledges receipt of your claim. Keep track of the date they say they received the claim. That is the **FILING DATE**. You will also receive a **CLAIM NUMBER**. Use this number if you have to write to the agency for anything else about your claim.
- You are responsible for notifying the Counsel's Office if your address changes, if you are transferred, or if you are released.

**STEP 6.** Cooperate with the investigation.

- You must respond to all requests for further information as the BOP investigates your claim. If you do not respond within a reasonable amount of time, your claims may be rejected or denied.

**Bureau of Prisons Southeast Regional Office  
3800 North Camp Creek Parkway, SW., Building 2000  
Atlanta, GA 30331-6226**

The following institutions are located within this region.

- (a) United States Penitentiaries (USP):
  - (1) USP Atlanta, Georgia 30315-0182;
  - (2) USP Coleman, Florida 33521-1023.
- (b) Federal Correctional Institutions (FCI):
  - (1) FCI Edgefield, South Carolina 29824;
  - (2) FCI Estill, South Carolina 29918;
  - (3) FCI Jesup, Georgia 31599;
  - (4) FCI Marianna, Florida 32446;
  - (5) FCI Miami, Florida 33177;
  - (6) FCI Talladega, Alabama 35160;
  - (7) FCI Tallahassee, Florida 32301-3572;
  - (8) FCI Yazoo City, Mississippi 39194.
- (c) Federal Correctional Complex (FCC):
  - (1) FCI Coleman (Medium), Florida 33521-1022;
  - (2) FCI Coleman (Low), Florida 33521-1021;
  - (3) FCC Coleman (Administrative), Florida 33521-1029.
- (d) Federal Prison Camps (FPC):
  - (1) FPC Eglin, Florida 32542-7606;
  - (2) FPC Montgomery, Alabama 36112;
  - (3) FPC Pensacola, Florida 32509-5127.
- (e) Federal Detention Center (FDC) Miami, Florida 33177.
- (f) Metropolitan Detention Center (MDC) Guaynabo, Puerto Rico 00922.



**Bureau of Prisons Mid-Atlantic Regional Office  
Junction Business Park  
10010 Junction Drive, Suite 100N  
Annapolis Junction, Maryland 20701**

The following institutions are located within this region.

- (a) United States Penitentiaries (USP):
  - (1) USP Big Sandy, Kentucky 41224,
  - (2) McCreary, Kentucky 42635.
- (b) Federal Correctional Institutions (FCI):
  - (1) FCI Ashland, Kentucky 41101-0888;
  - (2) FCI Beckley, West Virginia 25813;
  - (3) FCI Butner (Medium), North Carolina 27509;
  - (4) FCI Butner (Low), North Carolina 27509;
  - (5) FCI Cumberland, Maryland 21502-8724;
  - (6) FCI Gilmer, West Virginia, 26351;
  - (7) FCI Manchester, Kentucky 40962;
  - (8) FCI Memphis, Tennessee 38134-7690;
  - (9) FCI Milan, Michigan 48160;
  - (10) FCI Morgantown, West Virginia 26507-1000;
  - (11) FCI Petersburg - Low, Virginia 23804;
  - (12) FCI Petersburg – Medium, Virginia 23804.
- (c) Federal Prison Camps (FPC):
  - (1) FPC Alderson, West Virginia 24910;
  - (2) FPC Seymour Johnson, North Carolina 27533-8004.
- (d) Federal Medical Centers (FMC):
  - (1) FMC Butner, North Carolina 17509-1000;
  - (2) FMC Lexington, Kentucky 40511.

**STEP 7.** If you are satisfied with the settlement officer, accept it!

- If you accept the settlement offer, you give up your right to sue. The amount of money you accept is all the money you will get.
- Be realistic.** When evaluating the offer, remember that property is worth less used than when it was new. Do not forget that you might not win if you go to court. Even if you do win, it will be a long time before your court case is done, and you may have to pay legal costs and attorney fees to go to court.

**BUT . . .**

**STEP 8.** If you are dissatisfied with the settlement offer, file for reconsideration or go to court.

- If you have not received a response with a denial or a settlement offer within six months of the **FILING DATE**, consider your claim denied.
- If your claim is denied, or if you are dissatisfied with the amount of money offered to settle your claim, you may request in writing that the BOP reconsider your claim. You should write a letter and include any further evidence you have that shows why you're right.
- If you have not received a response to your letter for reconsideration within six months of sending it, consider your request denied.
- After a final request for reconsideration is reviewed (accepted, denied, or not answered within six months), you may file a tort lawsuit asking for damages for personal injury, death, or property loss or damage in Federal District Court. You will be responsible for figuring out the proper U.S. District Court in which to file your lawsuit. You must file this lawsuit **within 6 months** of the **date of mailing** of the final denial of your claim (not when you get it).
- If you choose not to file for reconsideration, you must file **within 6 months** of the **date of mailing** of the original denial.

## **FBOP REGIONAL OFFICES**

**Bureau of Prisons Northeast Regional Office  
U.S. Customs House, 7th Floor  
2nd and Chestnut Street  
Philadelphia, Pennsylvania 19106**

The following institutions are located within this region.

- (a) United States Penitentiary (USP) Lewisburg, Pennsylvania 17837.
- (b) Federal Correctional Institutions (FCI):
  - (1) FCI Danbury, Connecticut 06811-3099;
  - (2) FCI Elkton, Ohio 44415
  - (3) FCI Fairton, New Jersey 08320;
  - (4) FCI Fort Dix, New Jersey 08640;
  - (5) FCI Loretto, Pennsylvania 15940;
  - (6) FCI McKean, Pennsylvania 16701;
  - (7) FCI Otisville, New York 10963;
  - (8) FCI Ray Brook, New York 12977;
  - (9) FCI Schuylkill, Pennsylvania 17954.
- (c) Federal Correctional Complex (FCC):
  - (1) USP Allenwood (High), Pennsylvania 17887;
  - (2) FCI Allenwood (Medium), Pennsylvania 17887;
  - (3) FCI Allenwood (Low), Pennsylvania 17887;
  - (4) FPC Allenwood, Pennsylvania 17752.
- (d) Metropolitan Detention Center (MDC) Brooklyn, New York 11232.
- (e) Metropolitan Correctional Center (MCC) New York, New York 10007.
- (f) Federal Medical Center (FMC) Devens, Massachusetts 10432.
- (g) Federal Detention Center (FDC) Philadelphia, Pennsylvania, 19106.