

WAC 137-28-290 Preparations for hearing. (1) When possible, hearings will be held in the facility where the violation(s) occurred. If the offender is transferred to another facility before a hearing is conducted, the sending facility will provide the infraction report, along with any supporting documents, to the receiving facility.

(2) In preparation for the hearing, the hearing clerk or designee shall, at least twenty-four hours before the hearing:

(a) Provide copies of the infraction report and nonconfidential supporting documents, including a summary of the supporting evidence, to the offender;

(b) Advise the offender in writing of the date, time, and location of the hearing and of the rights, restrictions, and responsibilities listed in this chapter;

(c) Obtain written acknowledgment of the offender's receipt of the infraction report and any supporting documents;

(d) Determine whether the offender wishes to contest the allegation;

(e) Determine whether the offender needs a department advisor and/or an interpreter. If assigned, the department advisor and/or interpreter will remain in place throughout the hearing process, unless the offender declines assistance.

(3) If an offender is placed in prehearing confinement in segregation, the hearing will be held within three business days of service of the infraction report and any supporting documents, unless the offender has waived twenty-four hour notice for the hearing or the hearing is continued in writing by the hearing officer. A staff member may be assigned to assist in obtaining witness statements.

If a hearing is continued, a determination shall be made in writing whether the offender should remain in segregation.

(4) For offenders not placed in segregation, the hearing will be held within five business days of service of the infraction report and any supporting documents.

[Statutory Authority: RCW 72.01.090, 72.65.100, and 72.09.130. WSR 15-20-011, § 137-28-290, filed 9/24/15, effective 1/8/16. Statutory Authority: RCW 72.01.090. WSR 00-10-079, § 137-28-290, filed 5/2/00, effective 6/2/00. WSR 95-15-044, § 137-28-290, filed 7/13/95, effective 8/15/95.]