

**WAC 137-28-350 Sanctions—Authority to impose.** (1) If the hearing officer finds the offender not guilty of a violation, disciplinary sanctions shall not be imposed on the offender for that violation. Records pertaining to the violation shall not be placed in the offender's file, but may be retained for statistical, litigation, and recordkeeping purposes.

(2) If the hearing officer finds the offender guilty of a serious violation, the hearing officer may impose one or more of the sanctions listed in this section.

If the hearing officer determines that more than one violation occurred as a result of the same incident, he/she shall not impose sanctions for the separate violations, but shall consider them together and impose penalties based on the most serious violation in the group.

(3) Allowable sanctions for serious violations are as follows. The hearing officer may consider factors such as prior documented behavior, infraction history, mental status, and overall facility and program adjustment when determining an appropriate sanction(s):

(a) Any of the sanctions available for general violations;

(b) Any of the sanctions available under department policy;

(c) Loss of a privilege or privileges as outlined in department policy for a period not to exceed: Thirty consecutive days on the first offense, ninety consecutive days on the second offense, and one hundred eighty consecutive days on the third offense within a one-year period;

(d) Confinement to cell/room except for meals (or with meals in cell), attendance at work or school assignments, or religious services, or law library if approved for emergency/priority access per department policy, for a period not to exceed thirty consecutive days;

(e) Recommendation to the facility risk management team for review of custody classification;

(f) Confinement on segregation status for a period not to exceed thirty consecutive days;

(g) With assistant secretary approval, confinement on isolation status for a period not to exceed ten consecutive days. Where a serious violation occurs during a period of isolation, additional periods of isolation not to exceed ten consecutive days may be imposed. In situations where an offender is in isolation for more than ten consecutive days, the assistant secretary's prior approval is required unless the offender is released from isolation for at least seventy-two consecutive hours between the end of one isolation sanction and the beginning of another;

(h) Restitution per WAC 137-28-410;

(i) Recommendation to the superintendent that he/she deny good conduct time credit.

The recommendation will be consistent with guidelines established by the department secretary. Any sanctions in excess of the guidelines require assistant secretary approval;

(j) Suspension or termination of visitation, for certain violations as outlined in department policy, for a period not to exceed: Thirty consecutive days for the first offense, ninety consecutive days for the second offense, and one hundred eighty consecutive days for the third offense within a one-year period. In cases of multiple or very serious violations, recommendations may be made to the superintendent for extended or permanent loss of the privilege of visitation with a specified individual(s);

(k) Restriction, interruption, or termination of correspondence, telephone, and/or electronic communication for a period not to exceed: Thirty consecutive days for the first offense, ninety consecutive days for the second offense, and one hundred eighty consecutive days for the third offense in a one-year period. Termination of correspondence, telephone, and/or electronic communication may be permanent:

(i) At the recipient's request;

(ii) At the request of the parent or guardian of the recipient, if the recipient is a minor or an incapacitated person;

(iii) If correspondence perpetuates criminal activity; or

(iv) If the contact violates a court order.

(1) Urinalysis or breath alcohol testing for a period not to exceed ninety days for drug or alcohol related violations.

(4) The hearing officer may review any decision he/she previously made and may modify downward any sanction previously imposed.

(5) In all cases, regardless of whether an appeal is requested, the superintendent may review and reduce a sanction imposed. Once the superintendent has made a decision on the appeal, no modifications will be made by the hearing officer.

(6) Nothing in this section limits the superintendent's discretion to grant, deny, suspend, or revoke any privilege.

[Statutory Authority: RCW 72.01.090, 72.65.100, and 72.09.130. WSR 15-20-011, § 137-28-350, filed 9/24/15, effective 1/8/16; WSR 09-01-195, § 137-28-350, filed 12/24/08, effective 1/24/09. Statutory Authority: RCW 72.01.090, 72.09.130, and 9.94.070. WSR 02-12-023, § 137-28-350, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 72.01.090. WSR 00-10-079, § 137-28-350, filed 5/2/00, effective 6/2/00; WSR 97-03-041, § 137-28-350, filed 1/10/97, effective 2/4/97. WSR 95-15-044, § 137-28-350, filed 7/13/95, effective 8/15/95.]