

**WAC 381-50-040 Petition.** Whenever any convicted person sentenced under the indeterminate sentencing law serving sentence in an adult correctional institution commits any infractions of the rules and regulations of the institution, the department of corrections may request, in writing, that the board conduct a disciplinary hearing. The written request shall include:

(1) Time, place, and a statement of the factual circumstances of the rule infraction and any disciplinary action imposed by the institution.

(2) Recommendation of the superintendent.

(3) Evidence of referral to the prosecuting attorney, if such referral is made, in the event of escape or a rule violation of a felonious nature, and current status of referral.

(4) In the event the rule infraction concerns escape, the following additional information shall be provided:

(a) Facts of the escape;

(b) Activities during the escape;

(c) Causes and motivations for escape;

(d) Dates of escape and return to custody;

(e) Evaluation.

In the event that the rule infraction occurs within fifteen days of the inmate's parole date, the board will accept and act on telephonic reports from the superintendent pending receipt of the written request.

The indeterminate sentence review board reserves the right to schedule disciplinary hearings on its own motion when a major rule infraction is brought to the attention of the board.

The decision to schedule a disciplinary hearing will be made by the vote of the full board.

Pursuant to the provisions of RCW 9.95.080, a disciplinary hearing may be characterized as an adversary hearing in that the subject of the hearing shall be present and entitled to be heard and may present evidence and witnesses in his behalf.

[WSR 92-22-008, § 381-50-040, filed 10/21/92, effective 10/19/92. WSR 91-14-029, § 381-50-040, filed 6/26/91, effective 7/27/91.]