

WAC 137-32-015 Segregation meeting procedures. (1) The hearing officer will preside over multidisciplinary facility risk management team meetings of inmates assigned to administrative segregation status.

(2) Subsequent to the initial review an intermediate review will take place no later than fourteen days following the initial review. A final review will take place thirty days following the intermediate review.

(3) Offenders will be provided advanced notice, of at least forty-eight hours, for any segregation review after the initial review, to include:

(a) The date, time, purpose, and place of the classification meeting;

(b) Related criminal charges, if known, evolving from the incident for which the inmate is placed on administrative segregation status;

(c) That the inmate has the opportunity to provide the hearing officer with names of inmates or institution staff from whom witness statements should be obtained; and

(d) That only written statements will be considered during the course of the hearing unless the hearing officer requires oral testimony for clarification.

(4) The hearing officer will ensure that all witnesses named by the inmate are provided with witness statement forms as soon as practical, but not less than twenty-four hours prior to the classification meeting.

(5) The following procedures will be adhered to during all classification meetings:

(a) The inmate may be present at all stages of the meeting except during discussions involving information from confidential sources.

(b) The hearing officer will document the meeting setting forth the information presented, including all witness statements.

(c) The superintendent may designate an institution staff member, other than the hearing officer, to present evidence either supporting continued administrative segregation or release therefrom.

(d) The hearing officer shall have the authority to schedule inmates, institution staff members, or other persons to appear and present or clarify information which may be relevant to the hearing officer's decision. To the extent possible, confidential information presented to the hearing officer shall be presented by the individual receiving the information. The source shall be identified to the hearing officer, except when the superintendent directs that the source is to remain confidential.

(e) The hearing officer will provide the inmate with an opportunity to present the inmate's views to the hearing officer to clarify information from the witness statements. The inmate may present a written statement in lieu of, or in addition to oral testimony. The written statement will be included in the record.

(f) If the inmate refuses to attend the hearing, this fact will be documented by the hearing officer.

(g) An inmate may select an institution staff member, approved by the superintendent, to assist and advise the inmate at the hearing. The advisor may be a staff member not ordinarily assigned responsibility for the inmate. The advisor shall not be an inmate. The advisor will be approved by the superintendent only if, in the superintendent's judgment, the inmate is unable to present his/her own case.

(6) The hearing officer should make a written report to the superintendent and the inmate within one working day after the classification meeting, which will include:

(a) A recommendation that the inmate be continued in administrative segregation, released back to the general population, or transferred to a more appropriate facility, in or out of state;

(b) An individual behavioral management plan which includes expectations for changes necessary in the inmate's behavior and appropriate program participation for the inmate's return to the general inmate population; provided, however, accomplishment of any such identified behavioral changes and/or program completions/referrals shall not necessarily require discharge from administrative segregation, but shall be considered along with all other circumstances; and

(c) A summary of the inmate's adjustment while in administrative segregation status.

(7) The inmate may appeal the report by submitting written objections and whatever other written information the inmate feels is relevant to the superintendent/designee. Such material shall be filed within twenty-four hours of the inmate's receipt of the report.

(8) The hearing officer should notify the inmate in writing within one working day after receiving the superintendent's decision regarding retention of the inmate in administrative segregation or the inmate's release therefrom, other action directed by the superintendent, and the date of the next classification meeting, if any.

(9) Inmates reviewed at the segregation review meeting will be considered for one or more of the following:

(a) Referral to the deputy secretary/designee with a recommendation that the inmate be placed on intensive management status;

(b) Return to the general inmate population with clear behavioral expectations for remaining there; or

(c) Transfer to a more appropriate facility or unit, within or outside the state.

[WSR 12-11-054, § 137-32-015, filed 5/14/12, effective 6/14/12. WSR 07-08-063, § 137-32-015, filed 3/29/07, effective 4/29/07. WSR 00-09-063, § 137-32-015, filed 4/17/00, effective 5/19/00. Statutory Authority: RCW 72.01.090. WSR 85-01-059 (Order 84-15), § 137-32-015, filed 12/17/84.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.