

WAC 137-56-180 Disciplinary hearing. (1) A work/training release offender served with allegations providing the basis for a proposed disciplinary action shall be notified in writing that a hearing has been set before department hearing officer. An allegation involving the commission by the offender of a serious infraction may be amended at anytime by the department, provided that twenty-four hours notice be given to the offender or the offender agrees in writing to waive notice to respond to the allegations. The hearing will be held within eight working days of the suspension of the work/training release plan, unless a longer time is approved by the hearings program administrator or his or her designee. The written notice of hearing shall be given to the offender at least twenty-four hours before the hearing unless notice is waived, in writing, and advise the offender of his or her rights, including the following:

(a) The offender shall be present at all stages of the hearing, except during deliberation in appropriate circumstances.

(b) The offender shall present his or her own case to the hearing officer. If there is a language or communications barrier, the hearing officer shall appoint an advisor.

(c) The offender may have an attorney present at his/her expense, only when a felony has been alleged. Such representation is limited to advising the offender of his or her rights to remain silent, and does not include the right to act as an advocate throughout the hearing.

(d) The offender may testify during the hearing or remain silent, and his or her silence will not be held against him or her.

(e) The work/training release offender may, in preparation for the hearing, ask the hearing officer that certain department or contract staff members, other work/training release offenders, and other persons be present as witnesses at the hearing. The hearing officer shall grant such request if it is determined by the hearing officer that to do so would not be unduly hazardous to the work/training release facility's safety or correctional goals: Provided, however, limitations may be made by the hearing officer if the information to be presented by the witnesses is deemed to be irrelevant, duplicative, or unnecessary to the adequate presentation of the work/training release offender's case.

(2) Attendance at the hearing shall be limited to parties directly concerned. The hearing officer may exclude unauthorized persons.

(3) Hearings shall be recorded and a copy of the recording maintained in accordance with the statewide retention schedule.

[Statutory Authority: RCW 72.01.090, 72.09.130, and 9.94.070. WSR 05-24-009 and 06-02-038, § 137-56-180, filed 11/28/05 and 12/28/05, effective 5/1/06. WSR 95-22-060, § 137-56-180, filed 10/30/95, effective 12/1/95. WSR 94-07-065, § 137-56-180, filed 3/14/94, effective 5/1/94. Statutory Authority: RCW 72.65.100. WSR 86-06-012 (Order 86-02), § 137-56-180, filed 2/21/86; WSR 82-08-055 (Order 82-06), § 137-56-180, filed 4/5/82. Formerly WAC 275-92-520.]