

Chapter 110-745 WAC
TRANSFER OF INDIVIDUAL TO THE DEPARTMENT OF CORRECTIONS

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WAC

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WAC 110-745-0010 Applicable transfers. WAC 110-745-0020 through 110-745-0060 apply only to transfers pursuant to RCW 13.40.280.

[Statutory Authority: RCW 13.40.280 and 72.01.410. WSR 23-17-160, § 110-745-0010, filed 8/23/23, effective 9/23/23.]

WAC 110-745-0020 Notification to proposed transferred individual. (1) Individuals in the custody of the department being considered for transfer to DOC must be notified in writing at least seven calendar days in advance of the review board hearing convened to consider the matter.

(2) The written notification must include the reasons the transfer is being considered and a copy of the rules pertaining to the review board hearing.

(3) Prior to any review board hearing, individuals being considered for transfer to DOC, or their attorney, will have the right to access and examine any department files or records pertaining to the proposed transfer of the individual to the DOC.

[Statutory Authority: RCW 13.40.280 and 72.01.410. WSR 23-17-160, § 110-745-0020, filed 8/23/23, effective 9/23/23. WSR 19-14-079, recodified as § 110-745-0020, filed 7/1/19, effective 7/1/19. WSR 00-16-078, recodified as § 388-745-020, filed 7/28/00, effective 7/28/00. Statutory Authority: RCW 13.40.280. WSR 84-10-032 (Order 2097), § 275-33-020, filed 4/30/84.]

WAC 110-745-0030 Composition of board. The review board will be composed of the assistant secretary of juvenile rehabilitation division (JRD) or designee who will serve as the chairperson, and two JRD administrators appointed by the chairperson. The chairperson may also appoint up to three members of the department's legal office to serve on the review board. In the event of a tie vote, the chairperson or designee will act as the tiebreaker.

[Statutory Authority: RCW 13.40.280 and 72.01.410. WSR 23-17-160, § 110-745-0030, filed 8/23/23, effective 9/23/23. WSR 19-14-079, recodified as § 110-745-0030, filed 7/1/19, effective 7/1/19. WSR 00-16-078, recodified as § 388-745-030, filed 7/28/00, effective 7/28/00. Statutory Authority: RCW 13.40.280. WSR 84-10-032 (Order 2097), § 275-33-030, filed 4/30/84.]

WAC 110-745-0040 Conduct of hearing. (1) Attendance at a review board hearing will be limited to parties directly concerned.

(2) The chairperson may exclude unauthorized persons unless the parties agree to their presence.

(3) Parties will have the right to present evidence, cross-examine witnesses, and make recommendations to the board.

(4) The hearing must be recorded manually or by a suitable recording device.

[Statutory Authority: RCW 13.40.280 and 72.01.410. WSR 23-17-160, § 110-745-0040, filed 8/23/23, effective 9/23/23. WSR 19-14-079, recodified as § 110-745-0040, filed 7/1/19, effective 7/1/19. WSR 00-16-078, recodified as § 388-745-040, filed 7/28/00, effective 7/28/00. Statutory Authority: RCW 13.40.280. WSR 84-10-032 (Order 2097), § 275-33-040, filed 4/30/84.]

WAC 110-745-0050 Consideration of evidence. (1) The review board must consider all evidence presented at the hearing by assessing the relevance, credibility, and usefulness of the evidence.

(2) At the conclusion of the hearing, the review board will consider all evidence presented and decide whether continued placement of the individual in a juvenile rehabilitation institution presents a continuing and serious threat to the safety of others in the institution.

[Statutory Authority: RCW 13.40.280 and 72.01.410. WSR 23-17-160, § 110-745-0050, filed 8/23/23, effective 9/23/23. WSR 19-14-079, recodified as § 110-745-0050, filed 7/1/19, effective 7/1/19. WSR 00-16-078, recodified as § 388-745-050, filed 7/28/00, effective 7/28/00. Statutory Authority: RCW 13.40.280. WSR 84-10-032 (Order 2097), § 275-33-050, filed 4/30/84.]

WAC 110-745-0060 Record of decision. The review board will prepare a written record of the decision and reasons no later than seven calendar days after the hearing, unless extended by the secretary.

[Statutory Authority: RCW 13.40.280 and 72.01.410. WSR 23-17-160, § 110-745-0060, filed 8/23/23, effective 9/23/23. WSR 19-14-079, recodified as § 110-745-0060, filed 7/1/19, effective 7/1/19. WSR 00-16-078, recodified as § 388-745-060, filed 7/28/00, effective 7/28/00. Statutory Authority: RCW 13.40.280. WSR 84-10-032 (Order 2097), § 275-33-060, filed 4/30/84.]