

WAC 137-28-390 Hearing officer reports to the indeterminate sentence review board. (1) When the hearing officer determines that an incarcerated individual subject to the jurisdiction of the indeterminate sentence review board is guilty of a serious violation, the hearing officer may recommend to the superintendent that they not certify good conduct time credit for the incarcerated individual pursuant to RCW 9.95.070.

The hearing officer's recommendation will be consistent with guidelines established by the department secretary. Any sanctions for loss of good conduct credits in excess of the guidelines require assistant secretary approval.

(2) Recommendation to the indeterminate sentence review board for a disciplinary hearing or reconsideration of minimum term should occur only with violations providing for actual time loss of 12 months or more and consistent with guidelines established by the department secretary.

(3) Whenever the hearing officer finds an incarcerated individual under the jurisdiction of the indeterminate sentence review board guilty of a serious violation and recommends either loss of good conduct time credits or an increase in the incarcerated individual's minimum term, the records office must inform the indeterminate sentence review board of the hearing officer's decision and recommendation within 10 days, or within 10 days of the superintendent's decision if an appeal is granted. This report shall include a copy of the summary of the hearing prepared by the hearing officer. If the incarcerated individual is within 45 days of an apparent release date, the indeterminate sentence review board shall be notified promptly with written notification to follow.

(4) In all other cases where an incarcerated individual under the jurisdiction of the indeterminate sentence review board is found guilty of a serious violation, the records office must inform the indeterminate sentence review board of the hearing officer's decision within 30 days, or within 30 days of the superintendent's decision if an appeal is granted. This report shall include a copy of the summary of the hearing prepared by the hearing officer. If the incarcerated individual is within 45 days of an apparent release date, the indeterminate sentence review board shall be notified promptly with written notification to follow.

[Statutory Authority: RCW 79.01.090. WSR 23-22-112, § 137-28-390, filed 10/31/23, effective 12/1/23. Statutory Authority: RCW 72.01.090, 72.65.100, and 72.09.130. WSR 15-20-011, § 137-28-390, filed 9/24/15, effective 1/8/16. WSR 95-15-044, § 137-28-390, filed 7/13/95, effective 8/15/95.]