

WAC 137-56-180 Disciplinary hearing. (1) A partial confinement individual served with allegations providing the basis for a proposed disciplinary action shall be notified in writing that a hearing has been set before a department hearing officer. An allegation involving the commission by the individual of a serious violation may be amended at anytime by the department, provided that 24 hours notice be given to the individual or the individual 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 partial confinement plan, unless a longer time is approved by the hearings program administrator or their designee. The written notice of hearing shall be given to the individual at least 24 hours before the hearing unless notice is waived, in writing, and advise the individual of their rights, including the following:

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

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

(c) The individual may have an attorney present at their hearing upon case-by-case determination by the hearing officer if one is warranted.

(d) The individual may testify during the hearing or remain silent, and their silence will not be held against them.

(e) The partial confinement individual may, in preparation for the hearing, ask the hearing officer that certain department or contract staff members, other partial confinement individuals, 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 partial confinement 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 partial confinement individual'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 79.01.090. WSR 24-08-017, § 137-56-180, filed 3/22/24, effective 4/22/24. 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.]