

WAC 137-28-310 Decision of hearing officer. (1) In reaching a decision, the hearing officer will consider the totality of the circumstances, the elements of the charged violation(s), all pertinent and exculpatory evidence presented at the hearing.

(2) The hearing officer is authorized to find an incarcerated individual guilty of a lesser WAC violation without issuing a new infraction report or conducting a new hearing.

(3) Where the evidence suggests an incarcerated individual is guilty of an offense not charged and which is not a lesser offense to a charged offense, the hearing officer may recommend that new charges be filed to address such offenses. The incarcerated individual may waive the right to a separate hearing and allow the hearing officer to conduct the hearing on the new charge.

(4) The incarcerated individual shall be informed of the hearing officer's decision in writing within three business days of the hearing, unless extended by the superintendent.

(5) The incarcerated individual shall be informed of their right to appeal the hearing officer's decision to the superintendent.

[Statutory Authority: RCW 79.01.090. WSR 23-22-112, § 137-28-310, 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, § 137-28-310, filed 9/24/15, effective 1/8/16; WSR 06-21-054, § 137-28-310, filed 10/13/06, effective 11/13/06. Statutory Authority: RCW 72.01.090, 72.09.130, and 9.94.070. WSR 02-12-023, § 137-28-310, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 72.01.090. WSR 00-10-079, § 137-28-310, filed 5/2/00, effective 6/2/00. WSR 95-15-044, § 137-28-310, filed 7/13/95, effective 8/15/95.]