

## VT DEPARTMENT OF CORRECTIONS

### WAIVER PROCESS

- Only a DOC employee who has been designated by the Commissioner as a Hearing Officer can represent the Superintendent/District Manager in the waiver process.
- The act of waiving the due process hearing must be digitally recorded.
- The Hearing Officer will identify themselves on the record by stating their name, the time & date, as well as stating who the waiver process is being initiated for.
- The Hearing Officer will have the offender identify themselves for the record by having them clearly state and spell their full name.
- The Hearing Officer will then read the following into the record:
  - “Do you (*state offender’s full name*) understand that you are waiving your right to a hearing in the matter of your \_\_\_\_\_?”  
(*Administrative Segregation*)  
OFFENDER states “YES” on the record.
  - Are you under the influence of drugs or alcohol?”  
(If the offender answers “YES”, stop the waiver process.)
  - “Do you understand that by waiving your right to have a hearing on this matter you are admitting that a preponderance of the evidence supports you being administratively segregated?”  
OFFENDER states “YES” on the record.
  - “Do you understand that by waiving your right to a hearing in this matter that you are giving up your right to appeal your placement on Administrative Segregation?”  
OFFENDER states “YES” on the record.
- The Hearing Officer then presents the inmate with a completed (except for the Superintendent’s signature) *Waiver of Appearance Form (Attachment 4)*, asks him/her to sign the form, and then witnesses the inmate’s signature.

- The Hearing Officer notes on the record the signed waiver form; e.g., “I have your signed waiver form.”
  - “Is this your signature on the waiver form?”
 

OFFENDER states “YES” on the record.
  - “Have there been any threats or promises made to you to get you to sign this waiver form?”
 

OFFENDER states “NO” on the record.
  - “Did you sign the waiver form freely and voluntarily?”
 

OFFENDER states “YES” on the record.
- At this point, the Hearing Officer records the time and goes off the record.
- Hearing waivers are archived as follows:

The recording name should have an “ASW” first, indicating the type of hearing (administrative segregation) and the fact that the recording documents a waiving of that hearing, *underscore*, followed by the Year (YYYY), *underscore*, the Month (MM), *underscore*, the Day (DD), *underscore*, and the time of the waiver, (using the 24-hour clock), finishing with the offender’s last name. Example:  
 ASW\_2011\_08\_22\_1628Smith.