

WAC 381-100-290 Hearing procedures—Findings and conclusions.

(1) Alleged violations of the conditions of community custody must be proven by a preponderance of evidence.

(2) No finding of a violation of conditions may be based on unsubstantiated or uncorroborated hearsay evidence alone.

(3) If the presiding officer concludes that none of the alleged violations of conditions of community custody have been proven by a preponderance of evidence, the individual shall be reinstated on community custody on the same or modified conditions.

(4) If the presiding officer concludes that at least one of the alleged violations of conditions of community custody has been proven by a preponderance of the evidence, the presiding officer may, in accordance with the graduated sanction system, impose sanctions reasonably related to at least one of the following: The crime of conviction, the violation committed, the individual's risk of reoffending, or the safety of the community. If the sanction is revocation of the individual's community custody, the board shall enter an order of community custody revocation and return the individual to prison.

(5) After issuance of a revocation sanction, the board will set a new minimum term within 30 days of return to state custody in accordance with WAC 381-90-060.

(6) An individual convicted and sentenced to incarceration on a new criminal charge will have the right to a dispositional violation hearing by the board where the individual has the rights and privileges set forth in WAC 381-100-150. The individual may waive the right to a dispositional violation hearing. The board may:

(a) Revoke the community custody of the individual and enter an order of community custody revocation or impose other appropriate sanctions.

(b) Reinstatement the individual on community custody supervision under the same or modified conditions.

(7) The presiding officer shall make written findings and conclusions concerning the allegations within 10 working days of the hearing.

[Statutory Authority: RCW 34.05.030 (1)(c). WSR 24-12-050, § 381-100-290, filed 5/31/24, effective 7/1/24. Statutory Authority: RCW 34.05.220 (1)(b). WSR 09-08-109, § 381-100-290, filed 3/31/09, effective 5/1/09.]