

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 hearsay evidence alone.

(3) If the presiding officer concludes that the alleged violations of conditions of community custody have not been proven by a preponderance of evidence, the offender shall be reinstated on community custody on the same or modified conditions.

(4) If the presiding officer concludes that the alleged violations of conditions of community custody have been proven by a preponderance of the evidence, the presiding officer may impose sanctions in accordance with an adopted graduated sanction grid. If the sanction is revocation of the offender's community custody, the board shall enter an order of community custody revocation and return the offender to prison.

(5) After issuance of a revocation sanction, the board will set a new minimum term in a timely manner.

(6) An offender convicted and sentenced to incarceration on a new criminal charge will have the right to a dispositional violation hearing by the board. The board may:

(a) Revoke the community custody of the offender and enter an order of community custody revocation.

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

(7) The presiding officer shall make written findings and conclusions concerning the allegations in a timely manner following the decision.

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