

WAC 381-100-100 Violations specified. (1) **In custody:** When community custody is suspended by the community corrections officer, the community corrections officer shall cause the individual to be personally served with a copy of the *Violations Specified and Rights and Privileges* forms within three working days of the service of the order for arrest and detention suspending community custody. The CCO shall submit the signed forms electronically to the board within one working day of service.

(2) **Out of custody:** If an out of custody hearing is requested by the community corrections officer and/or ordered by the board, the *Violations Specified and Rights and Privileges* forms shall be served on the individual within three working days of notice to the board of the discovery of alleged violations of conditions of supervision occurring in WAC 381-100-055. The CCO shall submit the signed violations specified form electronically to the board within one working day of service.

(3) **New or amended allegations.** If, after service of the *Violations Specified and Rights and Privileges* forms as set forth above, the CCO alleges additional violations or changes the existing alleged violations, the CCO shall cause the individual to be personally served with a copy of the new or amended allegations in the form of a new violations specified document. The individual will have two working days from the date of service of the new or amended allegations before the board will consider the allegations. The individual may waive the two working days' notice and proceed with those new or amended allegations at an already scheduled hearing.

(a) The CCO shall electronically submit such new or amended allegations of violation electronically to the board with a copy to the attorney general and defense counsel if applicable, within one working day of service on the individual.

(b) The board will determine probable cause upon receipt of the new or amended allegations of violation(s) pursuant to WAC 381-100-110.

(c) The board will not accept new or amended violations later than two working days before the scheduled hearing. If the CCO discovers new or revises the alleged violations less than two working days before the scheduled hearing, the board may choose to:

(i) Schedule a new hearing to address the new alleged violations and allow all parties to review the new information;

(ii) Address any unamended violations in the current hearing and schedule a new hearing to address the amended violations; or

(iii) Pursue the amended violations in the scheduled hearing with agreement from the individual and/or their attorney.

(4) **Interpreter services.** Community corrections officers shall obtain interpreter services for individuals with known language or communication barriers when serving documents. For a board hearing, state contracted interpreters shall be used.

(5) **Specifying the violations.** The specifications of the violations of each condition shall include:

(a) The factual circumstances of the alleged violation(s); and

(b) Date of violation or approximation thereof.

(6) **Allegations of a new crime.** Whenever an individual is accused of a violation of their community custody conditions that may constitute a felony or misdemeanor, the community corrections officer shall advise the board of the status of any pending criminal charge(s). In the case of pending criminal charges, the board may defer any board hearing pending the outcome or may dismiss without prejudice one or

more alleged violations. If the individual is convicted of a new crime, the CCO shall provide the board with a certified copy of the judgment and sentence within two working days of receipt.

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