

WAC 381-100-150 Rights and privileges relating to violation hearings. (1) An alleged community custody violator shall be entitled to a fair and impartial hearing of the charges of the community custody violation within 30 working days, but not less than two working days, after notice of service of violations specified is received by the board.

(2) The board shall notify the individual of the right to:

(a) Be present during the fact finding and disposition phases of the hearing. If the individual waives this right, acts in a persistently disruptive manner during the hearing, or refuses to attend the hearing, the board may conduct the hearing in the absence of the individual and may impose sanctions, including the revocation of community custody;

(b) Have the assistance of an interpreter if the individual has a known language or communications barrier;

(c) Testify or remain silent;

(d) Call witnesses and present documentary evidence subject to the provisions in WAC 381-100-250;

(e) Question witnesses who testify subject to WAC 381-100-250;

(f) Be represented by counsel if revocation of the release to community custody is a probable sanction for the violation, unless the individual waives or forfeits the right to counsel;

(g) Receive a copy of the findings and conclusions;

(h) Receive notice of the right to appeal the sanction to the board; and

(i) Receive notice of the right to file a personal restraint petition.

[Statutory Authority: RCW 34.05.030 (1)(c). WSR 24-12-050, § 381-100-150, filed 5/31/24, effective 7/1/24. Statutory Authority: RCW 34.05.220 (1)(b). WSR 09-08-109, § 381-100-150, filed 3/31/09, effective 5/1/09.]