

WAC 381-100-100 Notice and allegations. (1) **In custody.** When a community corrections officer is notified of the arrest and detention by law enforcement of an alleged community custody violator and/or the community custody is suspended by the community corrections officer, the community corrections officer shall cause the offender to be personally served with a copy of the *Notice of Allegations and Rights and Privileges* form within three working days of the service of suspension of community custody. The CCO shall submit the notice of allegations electronically to the board with a copy to the attorney general within twenty-four hours of service, excluding weekends and holidays.

(2) **Out of custody.** If an out of custody hearing is requested by the community corrections officer and/or ordered by the board, the notice of allegations shall be served on the offender within three working days of written notice of probable cause from the board, but not less than two working days prior to the hearing. The CCO shall submit the notice of allegations electronically to the board with a copy to the attorney general within twenty-four hours of service, excluding weekends and holidays.

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

The CCO shall submit such new or amended allegations of violation electronically to the board with a copy to the attorney general within one working day of service on the offender.

(4) **Interpreter services.** Community corrections officers shall obtain interpreter services for offenders with known language or communication barriers when serving documents. For a board hearing, court-certified interpreters shall be used when possible. The CCO shall obtain interpreter services for the offender's board hearing.

(5) **Contents of factual allegations.** The factual allegations of the violations of each condition shall include:

- (a) The circumstances of the alleged violation(s);
- (b) Date of violation or approximation thereof; and
- (c) Location or place where violation occurred.

(6) **Allegations of a new crime.** Whenever an offender is accused of a violation of their community custody that includes the commission of a felony or misdemeanor, the community corrections officer shall advise the board of the status of any pending charge(s). In the case of pending criminal allegations, the board may defer any board hearing pending the outcome or may dismiss without prejudice one or more allegations. If the offender is convicted of a new crime, the CCO shall provide the board with a certified copy of the judgment and sentence.

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