



# BOARD - RIGHTS AND PRIVILEGES FOR PAROLE/COMMUNITY CUSTODY VIOLATION/REVOCATION HEARING

Community Custody Board

Juvenile Board

Parole

\_\_\_\_\_  
Name

\_\_\_\_\_  
DOC Number

\_\_\_\_\_  
Location/Facility

## ADMINISTRATIVE REVIEW

As an alleged parole/community custody violator, you have the right to an administrative review to determine whether there is probable cause to believe you have committed a violation(s) of your parole/community custody conditions. If probable cause is found, the Board will determine if you should be conditionally released pending a violation/revocation hearing.

You may submit information using DOC 09-308 Board - Supplement for the Board to consider. Your attorney, and friends/family may also submit statements and information.

## RIGHTS AND PRIVILEGES

If you are convicted of and sentenced to prison for a new felony offense, you are entitled to a disposition hearing only. You may not re-litigate your felony offense, but you may submit evidence on the question whether revocation or reinstatement is appropriate given the new conviction.

You will appear before a member of the Board, and you can expect the Board's decision the end of the hearing or within 10 days after the hearing. You will receive a copy of the final findings and conclusions which will be prepared by the Board member presiding at your hearing.

If you are found guilty of one or more violations, your return to prison may be ordered. If returned to prison, the Board will set a new minimum term which may not exceed the maximum sentence set by the Court.

### Rights – Parole Violation:

As an alleged parole violator, you have the right to a fair and impartial hearing on the alleged violation(s) within 30 business days from the date of arrest, unless continued for good cause. The parole revocation hearing is to take place on or near the site of the alleged violations. The Board will provide you with written notice of the time, date, and place of the hearing at least 10 days before the hearing takes place.

- You have the right to an attorney of your choice at your expense. If you cannot afford one, an attorney will be appointed to represent you. Appointment of counsel will be upon your request.
- You have the right to present evidence and witnesses on your behalf.
- You have the right to testify on your own behalf; confront and have witnesses against you questioned; and examine evidence against you. These rights may be limited at the discretion of the presiding officer. Your testimony will not be used against you in any criminal proceedings.
- The hearing will be open, subject to closure for good cause. Reasons for closure must be specifically stated by the Board.
- You have the right to challenge any unlawful restraint in judicial proceedings under the Rules of Appellate Procedure 16.3-16.5.

**Rights – Community Custody Violation:**

As an alleged community custody violator, you have the right to a fair and impartial hearing on the alleged violation(s) within 30 business days from the date of service of DOC 09-306 Board - Violations Specified, unless continued for good cause. The community custody revocation hearing is to take place on or near the site of the alleged violations. The Board will provide you with written notice of the time, date, and place of the hearing at least 10 days before the hearing takes place.

The Board will notify you of the right to:

- Be present during the fact finding and disposition phases of the hearing. If you refuse to participate in the hearing, the Board may conduct the hearing in your absence and may impose sanctions that could include loss of liberty.
- Have the assistance of an interpreter if there is a language or communication barrier.
- Testify or remain silent.
- Call witnesses and present documentary evidence per policy guidelines.
- Question witnesses who testify.
- Be represented by counsel if revocation of the release to community custody is a probable sanction for the violation.
- Receive notice of the right to appeal the sanction to the Board.
- Receive notice of the right to file a personal restraint petition under court rules after the final decision of the Board.

The Board may not revoke the release to community custody of anyone who was not represented by counsel at the hearing, unless the individual has:

- Waived the right to counsel, and/or
- Waived their right to appear, and/or
- Refused to participate in the hearing.

**ACKNOWLEDGMENT AND SIGNATURE**

I have read, or have had read to me, and I understand the aforementioned rights and privileges.

Signature	Date	Time
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Case manager Signature	Date	Time
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\_\_\_\_\_ Case manager name

Refused to sign

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 16-01, RCW 42.56, and RCW 40.14.

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