



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON/WORK RELEASE/FIELD
OFFENDER MANUAL

REVISION DATE
1/1/19

PAGE NUMBER
1 of 5

NUMBER
DOC 320.105

POLICY

TITLE
PRE-SENTENCING REFORM ACT (PAR) HEARINGS

REVIEW/REVISION HISTORY:

Effective: 11/9/15
Revised: 1/1/19

SUMMARY OF REVISION/REVIEW:

Major changes to include parole violation/revocation hearings. Please read carefully!


APPROVED:

Signature on file

STEPHEN SINCLAIR, Secretary
Department of Corrections

11/7/18

Date Signed

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REFERENCES:


DOC 100.100 is hereby incorporated into this policy; [RCW 9.95](#); [RCW 71.05](#); [RCW 72.04A](#); [WAC 381](#); [DOC 320.100 Indeterminate Sentence Review Board \(Board\)](#); [DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Commitment](#); [DOC 460.130 Response to Violations and New Criminal Activity](#)

POLICY:

- I. Per RCW 9.95 and RCW 72.04A, the Indeterminate Sentence Review Board (Board) has jurisdiction over pre-Sentencing Reform Act (PAR) offenders who were sentenced to Prison for crimes committed before July 1, 1984 from the date of sentence until the statutory Maximum Expiration (Max Ex) date.
- II. Hearings will be conducted per DOC 320.100 Indeterminate Sentence Review Board (Board).

DIRECTIVE:

- I. .100 Hearings
 - A. A .100 hearing is held to determine whether an offender is parolable. A .100 hearing will usually be scheduled 120 days before the offender's Parole Eligibility Review Date (PERD).
 - B. .100 hearings may be scheduled as follows:
 1. The Board will schedule the hearing and provide the Classification Counselor/records employees with notice of the hearing.
 - a. The Classification Counselor/records employee will have the offender sign to acknowledge receipt and the signed copy will be forwarded to the Board.
 - 1) If the offender refuses to sign, the time and place of service and a witness signature will be documented on the notice.
 2. The Superintendent/Correctional Unit Supervisor (CUS) may refer an offender to the Headquarters Community Screening Committee (HCSC) to recommend consideration for a .100 hearing or for reconsideration of the minimum term. If requested by the CUS, Superintendent approval is required.
 - a. The offender must meet one of the following criteria for referral:

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- 1) Has aggravating or mitigating circumstances that would affect parole.
- 2) Mutual Reentry Plan consideration. The hearing will be held no more than 36 months before the PERD.
 - b. A facility request for a hearing requires HCSC approval. If approved, the HCSC Chair will notify the Board.

C. The Board will determine if rehabilitation has been completed and if the offender is fit for parole to the community with supervision conditions. If parole is denied, time will be added to the existing minimum term.

II. Cashaw Hearings


- A. A Cashaw hearing will be held when the Board has previously extended the offender to his/her statutory Max Ex date to either reaffirm the decision or find the offender parolable.
 1. The hearing will be scheduled at a point before the offender's statutory Max Ex date.

III. Disciplinary Hearings

- A. The Board may schedule a disciplinary hearing, without a request from the Department, if the offender receives a violation in Prison/Work Release.
- B. The facility may initiate a request for a Board disciplinary hearing when an offender receives a serious violation. The Superintendent/CUS or CCS will forward the request to the HCSC with documentation per DOC 320.100 Indeterminate Sentence Review Board (Board).
 1. After reviewing the violation information, HCSC will refer the offender to the Board if the committee, including the Board representatives present at the meeting, determines the violation warrants a Board disciplinary hearing. The Board will determine whether to schedule a hearing.
- C. Sanctions may result in time being added to the minimum term and/or denial of good conduct time or earned time only when good conduct time has been exhausted.

IV. Progress Reviews

- A. The Board may review an offender's progress and schedule a hearing without a request from the Department.

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B. The Superintendent/CUS may refer an offender to HCSC to recommend consideration for a hearing.

V. End of Sentence Reviews

A. Prior to a .100 hearing, offenders will be referred to the End of Sentence Review Committee per DOC 350.500 End of Sentence Review/Sexually Violent Predator Civil Commitment.

VI. Akridge Hearings

A. An Akridge hearing may be scheduled when an offender is convicted of new criminal activity to determine if the offender's parole will be revoked or reinstated with or without additional sanctions per DOC 460.130 Response to Violations and New Criminal Activity.

1. The hearing will be held within 30 business days of receiving a written notice of conviction, signed by the court (e.g., Judgment and Sentence, Court Judgment, Statement of Defendant on Plea of Guilty).

VII. Parole Violation/Revocation Hearings


A. The Board will determine probable cause within 48 hours of receiving written notification of an alleged violation(s). An administrative review will be held within 15 days of service of DOC 09-306 Board - Violations Specified to determine if a hearing should be held or if other sanctions would be appropriate.

1. Offenders may use DOC 09-308 Board - Offender Supplement to submit information concerning parole (e.g., family stability, employment, education) and the alleged violation(s) for the Board to review.

B. A violation/revocation hearing may be held within 30 business days of arrest. The Board will provide the offender notice of the hearing date and location within 10 days of the scheduled hearing.

C. If an offender claims incompetency, a competency examination will be conducted prior to the Board's decision to examine and report upon the mental condition of the offender.

1. The offender may be committed to a hospital or suitable facility for a period of time necessary to complete the examination, but not to exceed 15 days.

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2. If the offender is determined incompetent, the Board may revoke parole or reinstate parole with special conditions.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

None

DOC FORMS:

[DOC 09-306 Board - Violations Specified](#)
[DOC 09-308 Board - Offender Supplement](#)