



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
FIELD

REVISION DATE
3/29/16

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1 of 19

NUMBER
DOC 460.130

POLICY

TITLE
**RESPONSE TO VIOLATIONS AND NEW CRIMINAL
ACTIVITY**

REVIEW/REVISION HISTORY:

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SUMMARY OF REVISION/REVIEW:

Major changes to include policy title change. Read carefully.

APPROVED:

Signature on file

RICHARD "DICK" MORGAN, Secretary
Department of Corrections

3/29/16

Date Signed

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REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [RCW 9A](#); [RCW 9.68A](#); [RCW 9.94A](#); [RCW 46.61.520](#); [WAC 137-104](#); [DOC 320.100 Indeterminate Sentence Review Board \(ISRB\)](#); [DOC 350.750 Warrants, Detainers, and Holds](#); [DOC 380.300 Supervision of Offenders on Conditional Release, Insanity Acquittal, and Supervised Appeal](#); [DOC 380.605 Interstate Compact](#); [DOC 380.370 Sexually Violent Predator/Less Restrictive Alternative](#); [DOC 390.580 Family and Offender Sentencing Alternative](#); [DOC 420.390 Arrest and Search](#); [Records Retention Schedule](#)

POLICY:

- I. The Department will address all known violations.
 - A. Offenders on supervision for one of the underlying felonies listed in Attachment 3 will have a violation hearing to address all violations including the Failure to Obey All Laws violation.
 - B. For all other community custody offenders under Department jurisdiction, Failure to Obey All Laws violations will be addressed through a Department hearing after conviction, or dismissal with prejudice. All other violations will proceed to a violation process.
 - C. Negotiated sanctions can be used when the sanctioning recommendation is not revocation/return.
- II. Offenders alleged to have violated conditions or requirements of supervision/community custody will be allowed to respond to the allegations before sanctions are imposed.
- III. Nothing in this policy authorizes holding the offender past the statutory maximum.

DIRECTIVE:

- I. Department Jurisdiction Violation Response
 - A. The Department maintains sanctioning jurisdiction on causes classified as:
 1. Community Custody Jail (CCJ), after original jail time is served except when ordered by the court
 2. Community Custody Prison (CCP)
 3. Community Custody Max (CCM)
 4. Community Custody Inmate (CCI)
 5. Misdemeanor Community Custody (MCC)
 6. Prison Drug Offender Sentencing Alternative (DOSA) 2

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- B. The Community Corrections Officer (CCO) will respond to offender violation behavior at the earliest opportunity, but no more than 3 business days after determining a violation may have occurred.
1. Each violation process of one or more violations will be counted as one violation process.
 2. Once an offender has had 5 violation processes during a continuous period of Department jurisdiction, all subsequent violations will be addressed through a Department hearing.
 - a. A continuous period of Department jurisdiction ends when:
 - 1) An offender has no active, inactive, or consecutive community custody supervision periods remaining, or
 - 2) A Prison DOSA offender is revoked and has no other active causes.
 3. The offender's violation process count will accrue during any continuous period of Department jurisdiction, regardless of cause number.
 4. If the offender subsequently returns to supervision after Department jurisdiction has expired, the violation process count will start over.
 5. Violation behavior will be addressed only through the Department's violation response unless ordered by the sentencing court.
- C. Sanctions will follow the:
1. Behavior Accountability Guide (Attachment 1) to address swift and certain sanctioning for offenders whose date of sentence is:
 - a. On or before May 31, 2012, if the offender has received an orientation on the Department's violation response, or
 - b. After May 31, 2012.
 2. Graduated Sanction/Violation Response Guide (Attachment 2) for all other offenders.
- D. Response to Low Level Violations
1. Low level violations are defined in the Behavior Accountability Guide (Attachment 1).

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2. If possible, CCOs will address an eligible offender's first low level violation through a Stipulated Agreement using DOC 09-226 DOC Jurisdiction Only Notice of Violation/Stipulated Agreement. The CCO will enter the Stipulated Agreement in the offender's electronic file.
 3. For all subsequent low level violations, the CCO will arrest the offender per DOC 420.390 Arrest and Search and follow the applicable Violation Processes section of the Behavior Accountability Guide (Attachment 1).
 - a. In lieu of arrest, the violation may be mitigated with Community Corrections Supervisor (CCS) approval when there are known/established medical or mental health issues and confinement would interfere with the stability of medications, treatment, employment, or housing. If mitigated, the violation will be addressed through a Stipulated Agreement and documented in the offender's electronic file.
 4. Imposing Short Term Sanctions
 - a. At the time the offender is detained by the Department, the CCO will provide the offender the opportunity to respond to the alleged violation. DOC 09-325 Order for Arrest and Detention will serve as notice to the offender that s/he has the right to appeal.
 - b. The CCO will document the violation information on the Violator Management screen in the offender's electronic file.
 - c. The CCS/designee will review and approve/deny the confinement request. For offenders detained by the Department, this review is required before placement in total confinement. In his/her review, the CCS/designee will:
 - 1) Verify jurisdiction to confine the offender and that the violation was willful, and
 - 2) Complete the Violator Management screen in the offender's electronic file.
- E. Response to High Level Violations and Low Level Violations with Valid Aggravating Factors
1. The CCO will arrest the offender per DOC 420.390 Arrest and Search and follow the applicable Violation Processes section of the Behavior Accountability Guide (Attachment 1).

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- a. In lieu of arrest, the violation may be mitigated with CCS approval when there are known/established medical or mental health issues and confinement would interfere with the stability of medications, treatment, employment, or housing. If mitigated, the violation will be addressed through a Stipulated Agreement and documented in the offender's electronic file.
2. Violations will be addressed through a Department hearing.
 - a. The violations will be reported using DOC 09-228 DOC - Report of Alleged Violation for a full hearing or DOC 11-001 Negotiated Sanction for a negotiated sanction hearing.
 - b. The offender will be served DOC 09-231 Notice of Allegations, Hearing, Rights, and Waiver and necessary discovery materials no later than 24 hours before the scheduled hearing unless the offender waives this requirement. The notice will inform the offender of his/her right to appeal.
3. All aggravating factors must be validated by the Hearings Administrator/designee or Hearings Duty Officer.
 - a. The CCO/CCS will request a review of the aggravating factor(s) within one business day of the offender's arrest.
 - b. The Hearings Administrator/designee or Hearings Duty Officer will:
 - 1) Determine if the aggravating factor(s) is a qualifying factor listed in the Behavior Accountability Guide (Attachment 1),
 - 2) Immediately notify the requesting CCO/CCS of the decision, and
 - 3) Document the decision in the appropriate log and chrono the decision and aggravating factor(s) in the offender's electronic file.
 - c. If the Hearing Officer determines the aggravating factor is not valid, the CCO will proceed with a low level sanction and complete the Field Discipline screen in the offender's electronic file.
4. The offender will be held in total confinement pending the hearing unless conditionally released per this policy.

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a. In extenuating circumstances, the Senior Operations Administrator for Offender Change may approve the option for out-of-custody hearings.

5. Offenders found guilty of one or more violations at a hearing will be subject to confinement of no more than 30 calendar days unless subject to return under RCW 9.94A.633 or revocation.

F. Offenders under both Department and Non-Department jurisdictions

1. Offenders with a violation of a condition that is similar under both Department and non-Department jurisdictions will have the violation addressed through the non-Department jurisdiction for resolution.

2. If the non-Department jurisdiction orders a sanction, the sanction will count as one violation process for the offender's violation process count and will be documented in the offender's electronic file.

G. Violation behavior that occurs while the offender is confined, while awaiting a hearing or serving a sanction, will be addressed as follows:

1. The CCO will respond to the offender's failure to comply with court or Department-imposed conditions and/or CCO/CCS/Hearing Officer directives through the appropriate violation process.

2. The CCO will coordinate with the holding facility to determine the response to the offender's failure to comply with facility rules/regulations.

II. Court Jurisdiction Violation Response

A. The court maintains jurisdiction on causes classified as:

1. Special Sex Offender Sentencing Alternative (SSOSA)
2. DOSA 1, only when recommending revocation
3. Residential DOSA (DOSA 3)
4. Post-Release Supervision (PRS)
5. Misdemeanor (MIS)
6. Misdemeanor Community Custody (MCC), only when recommending revocation
7. Community supervision (SUP)
8. Probation (PRO)

B. The CCO will respond at the earliest opportunity, but no more than 14 calendar days after determining that a violation may have occurred. The sentencing court

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will be notified of the alleged violations and any action taken or recommended to the court. Options for responding to alleged violations are:

1. Written Warning/Reprimand
 - a. The CCO will complete DOC 17-080 Written Warning/Reprimand and document it in the offender's electronic file.
2. Stipulated Agreement
 - a. The CCO will complete DOC 09-051 Court Jurisdiction Only Notice of Violations/Stipulated Agreement and document it in the offender's electronic file.
3. Notice of Violation
 - a. The CCO will complete DOC 09-122 Court - Notice of Violation and document it in the offender's electronic file.

C. CCOs may recommend total confinement of up to 60 days per violation unless requesting revocation.

III. Violation Response for Other Jurisdictions

- A. Violations committed by offenders under other jurisdictions will be addressed per the applicable policy as follows:
 1. DOC 320.100 Indeterminate Sentence Review Board (ISRB)
 2. DOC 380.605 Interstate Compact
 3. DOC 380.300 Supervision of Offenders on Conditional Release, Insanity Acquittal, and Supervised Appeal
 4. DOC 380.370 Sexually Violent Predator/Less Restrictive Alternative
 5. DOC 390.580 Family and Offender Sentencing Alternative

IV. Department Response to New Criminal Behavior

- A. If the crime is committed in the presence of an authorized employee and law enforcement declines to arrest:
 1. Employees shall arrest all offenders who commit a misdemeanor, gross misdemeanor, and/or felony in their presence per DOC 420.390 Arrest and Search.
 2. Employees will use DOC 09-282 DOC - Statement of Investigating Officer Affidavit of Facts to notify the charging prosecutor of the Department's

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detention of the offender. Notification will be made the same day as the arrest.

3. Employees will complete DOC 09-283 DOC - Criminal Incident Report, and all other employees with substantial involvement will complete DOC 09-284 DOC - Supplemental Report.
 - a. All reports will be completed and submitted to the charging agency within 3 business days of arrest or on a schedule determined by that agency.
 - b. Any information gathered after submission of the initial Criminal Incident Report will be reported to the charging agency on DOC 09-284 DOC - Supplemental Report.
 4. Employees will use DOC 09-278 DOC - New Criminal Activity Hold to hold the offender in total confinement.
- B. Offenders on Supervision for One of the Underlying Felonies Listed in Attachment 3
1. This response will override other responses, except for Interstate Compact offenders.
 2. If law enforcement conducts the arrest:
 - a. For offenders under ISRB or court jurisdiction, the CCO will follow the applicable policy.
 - b. For offenders under Department jurisdiction, the CCO will hold the offender in custody and request a hearing to address all alleged violations, including the Failure to Obey All Laws violation if applicable.
 - 1) If a sanction is imposed, the offender will serve the sanction and all Department holds will be lifted when the sanction expires unless returned/revoked.
 - 2) If the offender is found not guilty, all Department holds will be lifted on the day the hearing decision is made.
 3. If the crime is committed in the presence of an authorized employee and law enforcement declines to arrest:
 - a. For offenders under ISRB or court jurisdiction:



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- 1) The offender will be held using DOC 09-278 DOC - New Criminal Activity Hold for 30 calendar days or until the prosecutor files charges per statute.
 - 2) Any violations will be addressed per the applicable policies. The ISRB/court may hold a hearing, but a Department hearing is not required.
 - 3) For court cases, unless a violation report is submitted, the CCO will notify the court of the arrest using DOC 09-124 Court - Special.
 - 4) Following notification to the ISRB/court, the CCO will monitor as necessary for the filing of new charges.
- b. For offenders under Department jurisdiction:
- 1) The CCO will request a hearing to address all alleged violations, including the Failure to Obey All Laws violation.
 - 2) The offender will be held using DOC 09-278 DOC - New Criminal Activity Hold for 30 calendar days or until the prosecutor files charges per statute unless returned under RCW 9.94A.633 or revoked.
 - a) If the prosecutor provides written notice prior to the hearing that no charges will be filed, the CCO will proceed with the hearing process for all alleged violations. The offender will be held on the new criminal activity hold until the 30th day.
 - b) If charges are filed before the hearing, the CCO will proceed to the hearing on all alleged violations. All Department holds will be lifted when the sanction expires, revoke/return time is completed, or a not guilty finding is made.
 - c) Following the hearing, the CCO will monitor as necessary for the filing of new charges.
 - d) If charges are filed after the sanction expires, but before 30 calendar days, all Department holds will be lifted.

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- e) If charges are not filed by the 30th day, and the offender was not returned/revoked, all Department holds will be lifted on the 30th day.

C. Interstate Compact Offenders

- 1. For any Interstate Compact offender arrest, either by law enforcement or the Department, the CCO will review the alleged behavior for any violations and should request an Administrative Dismiss Without Prejudice (DWOP) for violation behavior that results in a new felony or violent misdemeanor charge.

D. All Other Community Custody Offenders

- 1. The CCO will review the alleged behavior for any violations.
 - a. If law enforcement conducts the arrest, the CCO will hold the offender in custody and initiate the appropriate violation process.
 - b. If the crime is committed in the presence of an authorized employee and law enforcement declines to arrest:
 - 1) If the CCO determines the only violation is for Failure to Obey All Laws, the offender will be held for no more than 3 business days from the date the hold is placed.
 - 2) For offenders under ISRB or court jurisdiction:
 - a) Any violations will be addressed per the applicable policies. The ISRB/court may hold a hearing, but a Department hearing is not required.
 - b) For court cases, unless a violation report is submitted, the CCO will notify the court of the arrest using DOC 09-124 Court - Special.
 - c) Following notification to the ISRB/court, the CCO will monitor as necessary for the filing of new charges.
- 2. The CCO will request an Administrative DWOP within 3 business days to address only the Failure to Obey All Laws violation.
 - a. The CCO will monitor the new arrest or charge(s) at least once every 30 calendar days until the court takes final action or until the

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Department no longer has jurisdiction. The CCO will document the activity in the offender's electronic file.

- b. If a not guilty finding or dismissal is obtained from the court, or the Department receives written notice from the charging prosecutor that no charges will be filed, the CCO will document the notification in the offender's electronic file and request Administrative Dismiss With Prejudice (DWP).
 - c. If the Department is notified that the offender receives a new gross misdemeanor or felony conviction, the CCO will request a hearing.
 - 1) For full hearings, the CCO will prepare DOC 09-228 DOC - Report of Alleged Violation and submit to the Hearing Officer.
 - 2) The offender will be served DOC 09-231 Notice of Allegations, Hearing, Rights, and Waiver and necessary discovery materials no later than 24 hours before the scheduled hearing unless the offender waives this requirement.
 - d. If the Department is notified that the offender receives a new misdemeanor conviction, the CCO will proceed with a high or low level violation process.
 - e. Negotiated sanctions will not be used to address Failure to Obey All Laws violations for Prison DOSA, CCP, or CCI offenders with revocation/return time.
 - f. The hearing will be held per this policy and, if the offender is found guilty, sanctions will be imposed per the Behavior Accountability Guide (Attachment 1).
- E. Administrative Dismiss Without Prejudice
- 1. An Administrative DWOP means the alleged violation(s) is pending and may be addressed through a future violation process.
 - 2. The CCO will review the decision to recommend dismissal without prejudice with the CCS using DOC 09-264 Request and Authorization for Administrative Dismiss Without Prejudice (DWOP), and the CCO will document the recommendation in the offender's electronic file.

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3. The Hearings Administrator and Hearings Duty Officer are authorized to DWOP new allegations of criminal behavior pending the outcome of local prosecution. If authorized, the Department's hold or detainer may be released. The Hearings Administrator or Hearings Duty Officer will document the decision in the offender's electronic file.
4. The CCO will monitor the Administrative DWOP at least once every 30 calendar days until the court or sending state takes final action, or the Department no longer has jurisdiction. The CCO will document the activity in the offender's electronic file.
5. An Administrative DWOP will be resolved through a high or low level violation process or an Administrative DWP, except when the Department no longer has jurisdiction or upon the offender's death.

F. Administrative Dismiss With Prejudice

1. An Administrative DWP means the alleged violation(s) is dismissed and cannot be addressed through another violation process.
2. The CCO will review the decision to request dismissal with prejudice with the CCS using DOC 09-300 Request and Authorization for Administrative Dismiss With Prejudice (DWP), which will include supporting evidence that:
 - a. Charges were dismissed with prejudice by the charging prosecutor,
 - b. Written notice was provided that no charges will be filed, or
 - c. The offender was found not guilty by the court.
3. The CCO will document the request in the offender's electronic file.
4. The Hearings Administrator and Hearings Duty Officer are authorized to approve the Administrative DWP. If authorized, the Department's hold or detainer may be released. The Hearings Administrator or Hearings Duty Officer will document the decision in the offender's electronic file.

V. Conditional Releases

- A. A conditional release may be requested to release an offender who has been admitted to a hospital or medical/mental health facility if the offender is in custody and has significant medical or mental health issues.
 1. The CCO will review the decision to request a conditional release with the CCS, and the request will be documented on DOC 09-269 Conditional

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Release Request and Authorization. Verification from the Nurse Desk will be included as needed.

2. Exceptions require approval from the Senior Operations Administrator for Offender Change.
- B. The Hearings Duty Officer has the authority to approve/deny the Conditional Release request using DOC 09-269 Conditional Release Request and Authorization. The Hearings Duty Officer will notify the CCO and CCS and document the decision in the offender's electronic file.
1. The CCO will monitor the progress of the Conditional Release at least once every 30 calendar days and document the progress in the offender's electronic file.
 2. Monitoring will continue until the violation process is complete or the Department no longer has jurisdiction.
 3. The offender will be notified that s/he must report within one business day of release from confinement or discharge from the hospital or medical/mental health facility.
 - a. Upon reporting, the offender will be arrested and detained to complete the original violation process or sanction.
 - 1) If the offender has a low level violation, s/he will complete the remainder of the original sanction, and the CCO will release the offender per DOC 350.750 Warrants, Detainers, and Holds. The CCO will notify the Hearings Duty Officer when the offender is returned to custody.
 - 2) If the offender was conditionally released before the hearing, the CCO will request a hearing. Hearings Records will indicate on the Hearing Preparation Sheet the number of days served, before the conditional release and after return to custody.
 - 3) If the offender was conditionally released after the hearing, the CCO will notify the Hearings Duty Officer. The Hearings Duty Officer will complete an amended confinement order using DOC 09-238 Confinement Order that reflects credit for time previously served on the sanction and indicating sanction days remaining or revocation/return.

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- 4) If the offender has ongoing medical/mental health issues that prevent being returned to custody, the CCO/CCS will consult with the Nurse Desk and obtain approval from the Hearings Duty Officer to continue monitoring the conditional release.
 - a) The CCO will monitor the progress of the conditional release and document the progress in the offender's electronic file.
 - b) The CCO/CCS will consult with the Nurse Desk and seek Hearings Duty Officer approval every 30 calendar days for continued monitoring.
 - c) Monitoring will continue with approval until the violation process is complete or the Department no longer has jurisdiction.
- b. If the offender fails to report within one business day of release from the hospital or medical/mental health facility, s/he will be considered to have absconded.

VI. Department Administrative Hearings

A. Hearing Timeframes

1. If the offender is held in total confinement, the hearing will be held within 5 business days, but not less than 24 hours, after the offender has been served with written notice of the alleged violation.
 2. Out-of-custody hearings must be held within 15 business days, but not less than 24 hours, after the offender has been served written notice of the alleged violation.
 3. If the date of hearing changes, the offender will be re-served.
- B. If the Hearing Officer determines the Department has jurisdiction to hold a hearing, s/he will determine whether to impose confinement time and the length of any time imposed per the Behavior Accountability Guide (Attachment 1).
 - C. If the Hearing Officer determines the Department does not have jurisdiction to hold a hearing, s/he will dismiss the alleged violations and release the hold.
 - D. Unless waived by the offender, Hearing Officers may not preside over a hearing in which they have personal involvement with any party or issue under consideration.



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- E. Hearing Officers may not preside over a hearing in which they are unable to exercise fair judgment and render a fair and impartial decision for any reason. Hearing Officers will recuse themselves by notifying their supervisor and the hearing will be rescheduled with a different Hearing Officer.
- F. A Hearing Officer assigned to preside over a hearing may be replaced upon request and showing of good cause by the offender.
- G. Except during the hearing, Hearing Officers may not communicate directly or indirectly with the offender, CCO, CCS, other employees, or witnesses participating in the hearing or involved in preparing for the hearing regarding any issue related to the hearing other than communications necessary to maintaining an orderly process without notice and opportunity for all parties to participate.
- H. If the Hearing Officer receives an ex parte communication prior to rendering a decision, the Hearing Officer must disclose on the record the communication, the response, and identities of each person the Hearing Officer communicated with. All parties must be offered an opportunity to rebut the communication on the record.
- I. CCOs, CCSs, and Hearings Officers will ensure that hearings are conducted as safely as possible based on knowledge of the offender’s behavior.
 - 1. The CCO, CCS, and Hearing Officers will collaborate to plan for potential safety/security issues and will address safety and security issues as needed throughout the hearing.
- J. Hearing Officers will control the conduct of the hearing and maintain orderly decorum.
 - 1. Hearings will be recorded electronically. Recordings will be retained per the Records Retention Schedule.
- K. Hearing Officers will consider only the evidence presented at the hearing and will determine if the evidence meets the preponderance of the evidence standard.
 - 1. Hearing Officers will specify on the record the evidence considered and the basis for the findings and decision.
- L. Hearing Officers will consider the CCO’s sanction recommendation and will use the Behavior Accountability Guide (Attachment 1) or Graduated Sanction/ Violation Response Guide (Attachment 2), as applicable, as a tool in determining the appropriate sanction.

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1. Prison DOSA, CCP, and CCI offenders may be sanctioned up to 30 calendar days of confinement or have full revocation/return time imposed. To make a sanctioning decision, Hearing Officers will consider the following:
 - a. Safety of the community,
 - b. Violation committed,
 - c. Offender's adjustment to supervision,
 - d. Offender's crime of conviction, and/or
 - e. Offender's risk of reoffending.

2. The hearing decision will be documented using DOC 09-233 Hearing and Decision Summary Report.

3. Offenders found guilty at a hearing will be subject to confinement of no more than 30 calendar days per hearing, regardless of the number of violations addressed unless subject to return under RCW 9.94A.633 or revocation.
 - a. The Hearing Officer will impose any confinement using DOC 09-238 Confinement Order.
 - 1) Pre-hearing time served must be credited to the offender's sanction time.
 - 2) If the offender is conditionally released, the release time does not count towards the offender's sanction time.
 - b. The Hearing Officer will enter new violations on the Field Discipline screen in the offender's electronic file.

4. At the hearing, the Hearing Officer will inform the offender of his/her right to appeal in writing within 7 days and provide him/her with DOC 09-275 Appeal of Department Violation Process.

- M. Hearing Officers may continue a hearing for good cause.
 1. Good cause includes, but is not limited to the following:
 - a. A reasonable request by the CCO or the offender,
 - b. Unforeseen facility issues,
 - c. A need to determine the offender's mental status or competency,
 - d. A need to obtain:
 - 1) An interpreter,

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- 2) Witness testimony/statements,
- 3) Reports or other documentation, and
- 4) A replacement Hearing Officer in the event of a recusal.

2. Hearing Officers who continue a hearing will ensure that the hearing is held within 5 business days and that the offender is advised in writing of the basis for the continuance and the date of the next hearing.

N. Hearing Officers may defer a hearing decision using DOC 09-227 Deferred Decision Waiver for no more than 2 business days unless waived by the offender. The Hearing Officer will ensure that the offender is advised in writing of the reason for the deferral and the date of the deferred hearing.

1. Hearing Officers that defer a hearing decision will ensure that the deferred hearing is held timely and on the record with the offender present unless the offender waives his/her right to be present.

VII. Offender Appeal Process

A. The Hearings Administrator/designee will establish appeals panels throughout the state, each consisting of:

1. One CCS, serving a 6-month term,
2. One Hearing Officer, serving a 6-month term, and
3. One Hearing Supervisor, serving continually as the appeals panel Chair.

B. The panel will respond to all appeals of high and low level violation processes within 15 business days of receipt.

C. For low level appeals, the panel may review available evidence and must guard against allowing personal experience to weigh into their decisions.

D. For high level appeals, the panel shall review only the appeal, the record, and evidence presented at the hearing. The panel may not solicit or consider additional evidence and must guard against allowing personal experience to weigh into their decisions.

1. The panel will determine whether an error occurred, including procedural or jurisdictional error, an error in the finding of guilt, and an error in the sanction imposed.
2. The panel will review whether the sanction was reasonably related to the:
 - a. Crime of conviction,
 - b. Violation committed,

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- c. Offender's risk of re-offending, or
 - d. Safety of the community.
- E. By majority vote, the panel will affirm, modify, reverse, vacate, or remand the decision using DOC 09-235 Appeals Panel Decision. The panel may not increase the severity of the sanction.
- 1. If a majority of the panel finds that the sanction was not reasonable, the appeals panel will modify, reverse, vacate, or remand the decision.
 - 2. If a majority of the panel finds that any finding of a violation was based solely on unconfirmed allegations, the appeals panel will modify, reverse, vacate, or remand the decision.
- F. The Hearings Unit will notify the offender, supervising, CCO, and presiding Hearing Officer, if applicable, of the outcome of the appeal.
- G. Copies of all documents related to the appeal(s) will be placed in the offender's central/Field file and scanned into the offender's electronic imaging file.

VIII. Hearings Administrator Review

- A. If, after the completion of the hearing or appeal process, an error is brought to the attention of the Hearings Administrator, s/he has the authority to affirm, modify, reverse, vacate, or remand the Hearing Officer/appeal panel's decision.
- B. The Hearings Administrator may not increase the severity of the sanction.
- C. The Hearings Administrator will notify the Senior Operations Administrator for Offender Change of the decision.

DEFINITIONS:

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

ATTACHMENTS:

- [Behavior Accountability Guide \(Attachment 1\)](#)
- [Graduated Sanction/Violation Response Guide \(Attachment 2\)](#)
- [Underlying Felony Offenses \(Attachment 3\)](#)

DOC FORMS:

- [DOC 09-051 Court Jurisdiction Only Notice of Violations/Stipulated Agreement](#)

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[DOC 09-122 Court - Notice of Violation](#)

[DOC 09-124 Court - Special](#)

[DOC 09-226 DOC Jurisdiction Only Notice of Violation/Stipulated Agreement](#)

[DOC 09-227 Deferred Decision Waiver](#)

[DOC 09-228 DOC - Report of Alleged Violation](#)

[DOC 09-231 Notice of Allegations, Hearing, Rights, and Waiver](#)

[DOC 09-233 Hearing and Decision Summary Report](#)

[DOC 09-235 Appeals Panel Decision](#)

[DOC 09-238 Confinement Order](#)

[DOC 09-264 Request and Authorization for Administrative Dismiss Without Prejudice \(DWOP\)](#)

[DOC 09-269 Conditional Release Request and Authorization](#)

[DOC 09-275 Appeal of Department Violation Process](#)

[DOC 09-278 DOC - New Criminal Activity Hold](#)

[DOC 09-282 DOC - Statement of Investigating Officer Affidavit of Facts](#)

[DOC 09-283 DOC - Criminal Incident Report](#)

[DOC 09-284 DOC - Supplemental Report](#)

[DOC 09-300 Request and Authorization for Administrative Dismiss With Prejudice \(DWP\)](#)

[DOC 09-325 Order for Arrest and Detention](#)

[DOC 11-001 Negotiated Sanction](#)

[DOC 17-080 Written Warning/Reprimand](#)