

**RULES AND PROCEDURES**

Governing

**PAROLE REVOCATION**

Under

**Chapter 98, Laws of 1969**

*Washington -*

**BOARD OF PRISON TERMS AND PAROLES -**

*c.1.*

012875

**June 14, 1971**

<u>Rule Number</u>	<u>Title</u>
1.010	Definitions
1.020	Scope
1.030	Adoption, Amendment, or Repeal
1.040	Board to Give Notice
1.050	Consultation
1.060	Director May Petition
1.070	Notice of Arrest
1.080	Notice of Suspension and Detention
1.090	Notice of Suspension and Request for Arrest
1.100	Notice of Closure
1.110	Board to Reinstate
1.120	Administrative Reinstatements
1.130	Reinstatement Pending Hearing
1.140	Board to Notify Attorney General
1.150	Service of Factual Allegations
1.160	Contents of Factual Allegations
1.170	Parolee to be Advised of Rights
1.180	Acknowledgement of Rights
1.190	Refusal to Acknowledge
1.200	Opportunity to Waive
1.210	Board to Schedule On-Site Hearings
1.220	Violation Report to be Submitted by Parole Officer
1.230	Violation Report to be Submitted by Parole Officer in the Event of Waiver
1.240	Issuance of Subpoenas

CHAPTER I

ADMINISTRATIVE PROCEDURES  
RELATING TO PAROLE REVOCATION HEARINGS

1.010 DEFINITIONS. Whenever appearing in Chapter I, Rules of the Board, the following terms shall mean:

the Board -- Washington State Board of Prison Terms and Paroles  
the Director -- The Director of the Department of Institutions  
the Attorney General -- The Institutions Division of the Office of  
the Attorney General  
the Parole Officer -- any Washington State Probation and Parole  
Officer  
the Division -- The Division of Probation and Parole, Department  
of Institutions  
this law -- Chapter 98, Laws of 1969  
rule -- any Board order, directive, or regulation of general  
applicability which establishes, alters, or  
revokes any procedure, practice or require-  
ment relating to parole revocation hearings  
rules of the Board -- all the duly adopted rules and procedures  
covering parole revocation under Chapter 98,  
Laws of 1969

1.020 SCOPE. Chapter I of the Rules of the Board shall include all rules and regulations which require consultation with the Director pursuant to Section I and Section II of Chapter 98, Laws of 1969. Such procedural matters shall include the time when the parole officer shall file with the Board reports required by this law, procedures pertaining thereto and the filing of such information as may be necessary to enable the Board to perform its functions under this law.

Adopted July 3, 1969

1.030 ADOPTION, AMENDMENT, OR REPEAL. Rules of Chapter I, Rules of the Board, shall not be adopted, amended, or repealed prior to consultation with the Director, Department of Institutions.

Adopted July 3, 1969

1.040 BOARD TO GIVE NOTICE. The Board shall give at least 45 days notice to the Director of its intended action prior to the adoption, amendment, or repeal of any rule of Chapter I, Rules of the Board. Such notice shall include a statement of either the terms of substance of the proposed rule or a description of the subjects and issues involved.

Adopted July 3, 1969

1.050 CONSULTATION. Consultation with the Director shall include, but not be limited to, an opportunity for the Director to submit data, views, or arguments, orally or in writing, to the Board concerning the proposed adoption, amendment, or repeal of any rules of Chapter I, Rules of the Board.

Adopted July 3, 1969

1.060 DIRECTOR MAY PETITION. The Director may petition the Board requesting the promulgation, amendment, or repeal of any rule of Chapter I of the Rules of the Board. The Board will act on this petition in the same manner and under the same circumstances as prescribed in Rules 1.040 and 1.050.

Adopted July 3, 1969

1.070 NOTICE OF ARREST. Whenever a parole officer is notified of a parolee's arrest, he shall submit a Notice of Arrest to the Board and the Attorney General within 24 hours, excluding weekends and holidays. Such notice shall include a concise but complete statement made concerning the circumstances of the arrest, reason for arrest, the date that the parole officer was notified of the arrest, and, if possible, whether or not the parole officer plans to suspend the parole of the arrested parolee.

Adopted July 3, 1969

1.080 NOTICE OF SUSPENSION AND DETENTION. Whenever a parole officer arrests or detains a parolee, he shall issue an order of suspension, arrest, and detention. He shall submit to the Board and the Attorney General a copy of the order within 24 hours of service.

Adopted July 3, 1969

1.090 NOTICE OF SUSPENSION AND REQUEST FOR ARREST. Whenever a parole officer requests the arrest and detention of a parolee, he shall issue an order suspending said parolee's parole and submit a copy of the order to the Board and the Attorney General within 24 hours of date of issue.

Adopted July 3, 1969

1.100 NOTICE OF CLOSURE. Whenever a parole officer requests the arrest and detention of a parolee and issues an Order of Parole Suspension and the parolee is not apprehended and detained within a reasonable period of time, the parole officer may close his interest with a report which will include the disposition of the unserved suspension warrant. Copies of such report will be forwarded to the Board and the Attorney General.

Adopted July 3, 1969

1.110 BOARD TO REINSTATE. Whenever a parole officer suspends, arrests, or detains a parolee in accordance with this law or Rules of the Board, such parolee shall not be reinstated on parole, released from custody on bail or personal recognizance, except on approval of the Board and the issuance by the Board of an Order of Reinstatement on Parole on the same or modified conditions of parole.

Adopted July 3, 1969

1.120 ADMINISTRATIVE REINSTATEMENTS. Whenever a parole officer has suspended a parole and after investigation determines:

- (1) That the alleged violations are unfounded;
- (2) That the seriousness of the alleged violation is mitigated by new information; and/or
- (3) Otherwise believes that further custody is deemed unwarranted and a parole revocation hearing unnecessary;

he shall submit a written report with recommendations to the Board. The Board will accept and act on telephonic reports of the parole officer or supervisory personnel pending receipt of the officer's written report within 10 working days.

Adopted July 3, 1969

1.130 REINSTATEMENT PENDING HEARING. Whenever a parole officer has suspended a parole and determines that the parolee could safely be released pending a hearing before the Board concerning alleged violations of parole, the parole officer may request, in writing, that the parolee be reinstated on parole, under modified conditions of parole, pending a revocation hearing by the Board. In all such cases, the parolee may only be reinstated upon the condition and agreement by the parolee that he will be and appear at the time and place designated for the parole revocation hearing.

Adopted July 3, 1969

1. 140 BOARD TO NOTIFY ATTORNEY GENERAL. The Board shall promptly provide the Attorney General with copies of Orders of Reinstatement on Parole issued prior to a parole revocation hearing.

Adopted July 3, 1969

1. 150 SERVICE OF FACTUAL ALLEGATIONS. Whenever a parole officer is notified of the arrest and detention of an alleged parole violator and such alleged parole violator's parole has been suspended or is suspended by the parole officer, the officer shall personally serve the parolee with a copy of the factual allegations within 15 days of notification of arrest. Such allegations of violation shall be submitted to the Board with a copy to the Attorney General within 24 hours of service.

Adopted July 3, 1969

1. 160 CONTENTS OF FACTUAL ALLEGATIONS. The factual allegations of violations of each condition of parole shall include:

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

Whenever a parolee is accused of a violation of his parole which includes the commission of, and conviction for, a felony or misdemeanor, the parole officer shall request that verification of such conviction be forwarded from the court of conviction to the Board.

Adopted July 3, 1969

1. 170 PAROLEE TO BE ADVISED OF RIGHTS. Whenever an alleged parole violator is served with the factual allegations of the violation of the conditions of parole, the parole officer shall, at the same time, advise, orally and in writing, the parolee of his right to an on-site parole revocation hearing and of his rights and privileges as provided as follows:

Chapter 98, Laws of 1969, provides that an alleged parole violator, who has not been convicted of a new felony or misdemeanor, shall be entitled to a fair and impartial hearing of the charges of the parole violation within 30 days of being served such charges and that the hearing shall be held, in the State of Washington, reasonably near the site of the alleged violation. This law provides:

- (a) The alleged parole violator shall be entitled to be represented by an attorney of his own choosing and at his own expense and shall have the right to present evidence and witnesses.

- (b) Upon satisfactory evidence of indigency and upon request, the Board may cause the appointment of an attorney to represent the parolee at an on-site parole revocation hearing provided that funds are available for this purpose. NO FUNDS HAVE BEEN PROVIDED TO THE BOARD FOR THIS PURPOSE.
- (c) The Board shall have the authority to issue subpoenas for compulsory attendance of witnesses and production of evidence provided that an offer has been made to pay statutory fees and mileage. NO FUNDS HAVE BEEN PROVIDED TO THE BOARD FOR THIS PURPOSE.
- (d) The alleged parole violator may be requested to testify during the on-site hearing and any such testimony shall not be used against him in any criminal prosecution.
- (e) The allegations of violations of the conditions of parole must be proven by a preponderance of evidence. At the conclusion of the hearing or within 10 days thereafter, the Board shall make written Findings and Conclusions concerning the allegations.
- (f) If the member or members having heard the matter should conclude that the allegations of violation of the conditions of parole have not been proven by a preponderance of evidence, or those which have been proven by a preponderance of evidence are not sufficient cause for revocation of parole, then the parolee shall be reinstated on parole on the same or modified conditions of parole.
- (g) If the member or members having heard the matter should conclude that the allegations of violation of the conditions of parole have been proven by a preponderance of evidence and constitute sufficient cause for revocation of parole, then such member or members shall enter an order of parole revocation and return the parolee to state custody. Within 30 days of the return of such parole violator to a state correctional institution for convicted felons, the Board shall enter an order determining a new minimum sentence, not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the court.

Chapter 98, Laws of 1969 provides that an alleged parole violator, after service of the allegations of violations of the conditions of parole and the advice of rights, may admit to one or more of the alleged violations and waive the on-site hearing. If the Board accepts the waiver, it shall either

- (1) reinstate the parolee on parole under the same or modified conditions, or
- (2) revoke the parole of the parolee and enter an Order of Parole Revocation and Return to State Custody for determination of a new minimum sentence. Such determination shall be made within 30 days of the return of such parole violator to a state correctional institution for convicted felons and the Board shall enter an order determining a new minimum sentence, not exceeding the maximum penalty provided by law for the crime for which the parole violator was originally convicted or the maximum fixed by the court.

Adopted July 3, 1969

1.180 ACKNOWLEDGEMENT OF RIGHTS. Signed copies of the receipt and acknowledgement of these rights shall be forwarded with copies of the factual allegations to the Board and the Attorney General.

Adopted July 3, 1969

1.190 REFUSAL TO ACKNOWLEDGE. Should the parolee refuse to sign either the violations specified or notification of rights, the parole officer will so note and forward the unsigned copies. The parole officer shall note the time and place of service. The parole officer shall certify that he has fully advised the parolee of his rights under this law.

Adopted July 3, 1969  
Amended October 6, 1969

1.200 OPPORTUNITY TO WAIVE. The parole officer shall give the parolee opportunity to complete the Admission of Violation of Conditions of Parole and Waiver of Parole Revocation Hearing Form immediately after the parolee has been advised of the factual allegations of parole and advised of his rights under this law.

- (a) If the parolee wishes to sign the Admission of Violation of Conditions of Parole and Waiver of Parole Revocation Hearing Form, the parole officer will witness the signature. The original of the completed waiver will be forwarded with the factual alleged violations and signed copy of receipt and acknowledgement of rights to the Board with copies to the Attorney General.
- (b) If the parolee does not wish to admit one or more violations or sign the waiver, the parole officer will so note in the space provided and forward with the factual alleged violations and signed copy of receipt and acknowledgement of rights.
- (c) The parolee may sign the Admission of Violation of Conditions of Parole and Waiver of Parole Revocation Hearing Form at any time up to and including the date and time of his on-site parole revocation hearing.

Adopted July 3, 1969  
Amended October 6, 1969

1.210 BOARD TO SCHEDULE ON-SITE HEARINGS. The Board shall schedule all on-site parole revocation hearings and provide notice to the alleged parole violator of the time and place of the hearing at least 10 days prior to the hearing. Such notice shall also be provided to the Division, the Attorney General, and the defense attorney, if known.

Adopted July 3, 1969

1.220 VIOLATION REPORT TO BE SUBMITTED BY PAROLE OFFICER. Whenever a parolee does not waive the on-site parole revocation hearing, the parole officer shall submit the Report of Violation to the Board and the Attorney General within 10 working days from the date of service of the factual allegations. This report will include the supporting evidence, adjustment and a recommendation concerning revocation or reinstatement of parole. The report may include a list of witnesses whom the parole officer may wish to have called for testimony.

Adopted July 3, 1969

1.230 VIOLATION REPORT TO BE SUBMITTED BY PAROLE OFFICER IN THE EVENT OF WAIVER. Whenever a parolee waives the on-site parole revocation hearing, the parole officer shall submit the Report of Violation to the Board and the Attorney General within 10 working days from the date of service of the alleged factual allegations. The Report of Violation will contain a recommendation:

- (1) Whether or not the waiver should be accepted by the Board; and
- (2) Whether or not the parolee should be reinstated on parole if the Board accepts the waiver.

Adopted July 3, 1969

1. 240

**ISSUANCE OF SUBPOENAS.** The Board shall provide to the Attorney General and/or Division, upon request, subpoenas to be completed at the discretion of the Attorney General and/or Division, provided that such subpoenas are executed without expense to the Board.

Adopted July 3, 1969

<u>Rule Number</u>	<u>Title</u>
2. 010	Appearance and Practice Before Agency - Who May Appear
2. 020	Standards of Ethical Conduct
2. 030	Computation of Time
2. 040	Notice and Opportunity for Hearing
2. 050	Continuances
2. 060	Service of Papers - By Whom Served
2. 070	Upon Whom Served
2. 080	Service Upon Parties
2. 090	Methods of Service
2. 100	When Service Complete
2. 110	Filing with the Board.
2. 120	Subpoenas - Where Provided by Law - Form
2. 130	Issuance to Parties
2. 140	Service
2. 150	Fees
2. 160	Proof of Service
2. 170	Quashing Subpoenas
2. 180	Subpoenas - Enforcement
2. 190	Subpoenas - Geographical Scope
2. 200	Official Notice - Matters of Law
2. 210	Hearings - Persons Present
2. 220	Rules of Evidence - Admissibility
2. 230	Presiding Officers - Duties and Powers
2. 240	Forms
2. 250	Definition of Issues Before Hearing
2. 260	Prehearing Conference Rule
2. 270	Hearing Record - Preservation

<u>Rule Number</u>	<u>Title</u>
2.280	New Minimum Term to be Fixed Within Thirty Days
2.290	New Minimum Term Meeting Scheduled
2.300	Document Necessary
2.310	Suspended Parole Cases
2.320	Conducting of Meeting
2.330	Persons Present
2.340	Board Has Full Discretion
2.350	Time Start
2.360	Concurrent/Consecutive Sentences
2.370	Tentative Release Date
2.380	Next Meeting Date
2.390	Orders of New Minimum Term

CHAPTER 2

RULES OF PRACTICE AND PROCEDURE

2.010 APPEARANCE AND PRACTICE BEFORE AGENCY -- WHO MAY APPEAR.  
 No person may appear in representative capacity before the Board or any member thereof at a parole revocation hearing other than the following:

- (1) Attorneys at Law duly qualified and entitled to practice before the Supreme Court of the State of Washington.
- (2) Attorneys at Law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the State of Washington are permitted to appear in representative capacity before administrative agencies of such other state, and, if not otherwise prohibited by the law of Washington.

Adopted July 3, 1969

2.020 STANDARDS OF ETHICAL CONDUCT. All persons appearing in parole revocation proceedings before the Board or any member thereof in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the court of Washington. If any such person does not conform to such standards, the Board may decline to permit such person to appear in a representative capacity in any proceeding before it or any member thereof.

Adopted July 3, 1969

2.030 COMPUTATION OF TIME. In computing any previous time prescribed or allowed by the rules, or by Chapter 98, Laws of 1969, shall be in actual calendar days; the day of the act, event, or default, is not to be included, the last day of the period so computed is to be included.

Adopted July 3, 1969

2.040 NOTICE AND OPPORTUNITY FOR HEARING. In all proceedings under these rules, all parties shall be served with a Notice of Hearing by the Board at least ten days before the date set for hearing.

Adopted July 3, 1969

2.050 CONTINUANCES. Any parolee or attorney representing a parolee who desires a continuance shall, immediately upon receipt of Notice of Hearing, or as soon thereafter as circumstances requiring such continuance come to his knowledge, notify the Board and the Attorney General, in writing, stating in detail reasons why such continuance is necessary. The Board or a member thereof, in passing upon a request for continuance, shall consider whether such request was promptly and timely made for good cause shown for the periods of time requested not to exceed 30 days. During a parole revocation hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the member or members conducting the hearing may, in their discretion, or upon motion of counsel, continue the hearing and fix a date for the introduction of additional evidence or presentation of argument. Such oral notice shall constitute the final notice of such continued hearing.

Adopted July 3, 1969

2.060 SERVICE OF PAPERS--BY WHOM SERVED. The Board shall cause to be served all notices, orders and other papers issued by it, personally or by First Class Mail with return receipt requested, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it with the Board with proof of service, either personally or by Affidavit of Service by First Class Mail upon the parties and all counsel.

Adopted July 3, 1969

2.070 UPON WHOM SERVED. All papers served and filed by the Board, or any party, shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Any counsel entering an appearance subsequent to the suspension of parole by a probation and parole officer shall notify the Board and all other counsel of record and all parties not represented by counsel of such fact.

Adopted July 3, 1969

2.080 SERVICE UPON PARTIES. The final Order, Findings and Conclusions and any other paper required to be served by the Board upon a party, shall be served upon such party, and a copy shall be furnished to counsel of record.

Adopted July 3, 1969

2.090 METHODS OF SERVICE. Except as otherwise provided by these rules and Chapter 98, Laws of 1969, service of papers shall be made personally or by First Class Mail, or Registered, or Certified Mail, Return Receipt Requested.

Adopted July 3, 1969

2.100 WHEN SERVICE COMPLETE. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States Mail properly stamped and addressed. Personal service, at the time service is personally effected upon the party served personally.

Adopted July 3, 1969

2.110 FILING WITH THE BOARD. Papers required to be filed with the Board shall be deemed filed upon actual receipt by the Board at its offices in Olympia, or by a member at any place within the state upon actual receipt accompanied by proof of service upon the parties required to be served.

Adopted July 3, 1969

2.120 SUBPOENAS--WHERE PROVIDED BY LAW--FORM. Every subpoena, where authorized by law, shall state "Washington State Board of Prison Terms and Paroles", the title of the proceeding, if any, the number assigned and shall command the person to whom it is directed to attend and give testimony and/or produce designated books, documents or things under his control at a specified time and place.

Adopted July 3, 1969

2.130 ISSUANCE TO PARTIES. Upon application of counsel for any party to a parole revocation case, there shall be issued to such parties subpoenas requiring the attendance and testimony of witnesses and/or the production of evidence in such proceeding. The Board may issue subpoenas to parties not represented by counsel upon request and upon a showing of general relevance and reasonable scope of the testimony or evidence sought. Such request shall be in writing to the Board.

Adopted July 3, 1969



2.140

SERVICE. During the period July 1, 1969 to July 1, 1970, subpoenas to be served by the Board, unless the subpoena shows upon its face, a waiver of any claim against the Board for witness fees, subsistence and lodging and mileage, by the person to whom it is directed, shall be deemed unenforceable pursuant to the provisions of Section 5, Chapter 98, Laws of 1969. Unless the service of subpoena is acknowledged on its face by the person subpoenaed, service by either party shall be made by delivering a copy of the subpoena to such person by tendering him on demand, if entitled to make such demand, the fees for one day's attendance at the parole revocation hearing and mileage allowed pursuant to the provisions of Chapter 98, Laws of 1969.

Adopted July 3, 1969

2.150

FEES. Witnesses subpoenaed to appear at a parole revocation hearing shall be entitled, unless waived, to be paid by the party at whose instance they appear, the same fees and mileage that are paid witnesses in the superior courts of the State of Washington.

Adopted July 3, 1969

2.160

PROOF OF SERVICE. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit or acknowledgement of service with the Board or the member before whom the witness is required to testify or produce evidence. If service is made by a person other than a public officer and such service has not been acknowledged by the witness, such person shall make an Affidavit of Service. Failure to make proof of service does not affect the validity of the service.

Adopted July 3, 1969

2.170

QUASHING SUBPOENAS. Upon motion made promptly, and in any event, at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the Board or its authorized member, may

- (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter at issue, or
- (2) condition denial of the motion upon just and reasonable conditions.

Adopted July 3, 1969

2.180

SUBPOENAS--ENFORCEMENT. Upon application and for good cause shown, the Board or the member conducting the hearing may seek judicial enforcement of subpoenas in accordance with Chapter 98, Laws of 1969 issued to parties and which have not been quashed.

Adopted July 3, 1969

2.190

SUBPOENAS--GEOGRAPHICAL SCOPE. Attendance of witnesses and/or the production of evidence by subpoena may be required from any place in the State of Washington, at any designated place of hearing.

Adopted July 3, 1969

2.200

OFFICIAL NOTICE-MATTERS OF LAW. The Board or the member conducting the hearing upon request made before or during a hearing, may officially notice:

- (1) Federal Law. The Constitution of the United States, Congressional Act, and decision of Federal Courts.
- (2) State Law. The Constitution of the State of Washington, Acts of the Legislature, decisions of the Supreme Court and the superior courts of the State of Washington, executive orders and proclamations by the Governor.
- (3) Governmental Organization. Organization, territorial limitations, officers, departments, and general administration of the government of the State of Washington and of the United States and the several states and foreign nations.

Adopted July 3, 1969

2.210

HEARINGS--PERSONS PRESENT. All on-site parole revocation hearings shall be conducted and presided over by a duly appointed and acting member of the State Board of Prison Terms and Paroles who shall be the presiding officer, although the matters at issue in hearing, may be heard and decided by more than one member of the Board. Only those persons reasonably necessary to the conducting of the parole revocation hearings shall be permitted to be present.

Persons deemed reasonably necessary to be present at such hearings are: Any member of the Board of Prison Terms and Paroles and designated staff members, probation and parole officers having made the allegations of violations of parole in the case at issue and assistant attorneys general representing the parole officer, the parolee alleged to have violated the conditions of parole and his attorney, provided that upon motion of counsel for either party, or either party if represented by counsel, or the member conducting the hearing, on his own motion, may find that other persons are reasonably necessary to the conducting of such hearing and permit their presence. Witnesses will be excluded from the hearing room until called to testify. Other persons may be present only upon permission granted by the presiding officer with the consent of the alleged parole violator.

Adopted July 3, 1969

2.220

RULES OF EVIDENCE--ADMISSIBILITY. All relevant evidence shall be admissible, in hearings under these rules, which, in the opinion of the presiding officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. "Relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence. In passing upon admissibility of evidence, the presiding officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior courts of the State of Washington. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence, or, order accumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

Adopted July 3, 1969

2.230

PRESIDING OFFICERS--DUTIES AND POWERS. Wherever used in these rules, the term "presiding officer" shall mean any member of the Board assigned to conduct a parole revocation hearing. It shall be the duty of the presiding officer to conduct hearings in cases assigned to him in an impartial and orderly manner, and he shall have the authority, subject to the other provisions of these rules:

- (a) to administer oaths and affirmations,
- (b) to issue subpoenas on request of any party,
- (c) to rule on all procedural matters, objections and motions,
- (d) to rule on offers of proof and receive relevant evidence,
- (e) to interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matters at issue, and
- (f) to take any other action necessary and authorized by these rules and the law.

Adopted July 3, 1969

2.240

FORMS. All papers to be served by either the Board or to be served by any party and filed with the Board shall be generally in the following form:

- (1) At the top of the page shall appear the wording "Before the Washington State Board of Prison Terms and Paroles." On the left side of the page below the foregoing, the following caption shall be set out: "In the Matter of (Name of party)" and immediately below, "A Parolee." Opposite the foregoing caption shall appear the case number and below the case number a descriptive name of the paper to be filed or served.
- (2) Findings and Conclusions rendered by the Board shall be captioned as above (1), shall designate all parties and counsel to the proceeding, include a concise statement of the nature and background of the proceeding and be accompanied by appropriate numbered Findings and Conclusions.

Adopted July 3, 1969

2.250 DEFINITION OF ISSUES BEFORE HEARING. In all proceedings, the issues to be determined shall be made initially as precise as possible, in order that the presiding officer may proceed promptly to conduct the hearing on relevant and material matter only.

Adopted July 3, 1969

2.260 PREHEARING CONFERENCE RULE. In any proceeding the presiding officer, upon his own motion, or upon the motion of one of the parties or their representatives, may direct the parties to appear at a specified time and place for a conference, or such conference may be immediately prior to the parole revocation proceeding, to consider

- (1) The simplification of the issues;
- (2) The necessity of amendments to any of the papers filed with the Board;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding.

Adopted July 3, 1969

2.270 HEARING RECORD -- PRESERVATION. All parole revocation hearings shall be recorded either manually or by a mechanical recording device. Such recording shall be preserved by the Board for a period of not less than 60 days, upon the expiration of which such recording may be destroyed. Any party to a parole revocation hearing may, upon request, obtain a transcript of all or a portion of the recording of the parole revocation hearing upon giving assurance to the Board that such party will pay the secretarial costs of making a transcript. Upon the conclusion of a parole revocation hearing, the recording of such proceeding shall be maintained and preserved for the time period herein above specified in the offices of the State Board of Prison Terms and Paroles in Olympia, Washington. In response to any court order directing the Board to transcribe the recording of any parole revocation hearing, or, at the request of any party or counsel in a parole revocation hearing, the officer presiding at such parole revocation hearing shall append to such transcript a certificate as to the authenticity of such transcript.

Adopted July 3, 1969

2.280 NEW MINIMUM TERM TO BE FIXED WITHIN THIRTY DAYS. Within thirty days after the admission of a parole violator to a Washington State Correctional institution for felons, the Board shall fix the new minimum term of such parole violators.

Adopted: June 14, 1971

2.290 NEW MINIMUM TERM MEETING SCHEDULED. Each incoming parole violator is placed on a schedule by the institution for a new minimum term meeting as soon as all of the necessary documents are made available to the Board of Prison Terms and Paroles but not later than thirty days after the admission of such parole violator. The Board shall finalize the schedules submitted by the institution and notify the institution of any changes made in the schedule. Once a parole violator is placed on a schedule, he shall not be deleted except by order of the Board.

Adopted: June 14, 1971

2.300 DOCUMENT NECESSARY. Before the Board will place a convicted person on a final schedule to be seen for a new minimum term meeting, the Board file must contain the following documents:

- (a) A copy of the Board's order returning the violator to the institution signed by the violator showing that he has received a copy of such order;
- (b) An updated institutional admission summary;
- (c) Findings and Conclusions and hearing officer notes if an "on-site" hearing was held.
- (d) Pertinent parole material including report of violation, progress reports, and any other special reports concerning the parolee's behavior;
- (e) Other information specified by the Board.

In the event any of the above specified documents are not available and the thirty day period as specified in Rules 6.040 is about to expire, the file of the parole violator with an explanation of why the documents are not available, shall be referred to the Board for further consideration.

Adopted: June 14, 1971

2. 310 SUSPENDED PAROLE CASES. If a parole violator is returned to the Washington State Correctional Institution and his parole has been suspended, but not revoked, by the Board; the Board shall determine within the rules of this chapter and Chapter I, as applicable, if there is sufficient cause for revocation prior to fixing the new minimum term. If there is not sufficient cause for revocation, the parole violator's parole shall be reinstated and he shall be released from confinement under the same or new conditions of parole.

Adopted: June 14, 1971

2. 320 CONDUCTING OF MEETING. All new minimum term meetings shall be conducted by a panel of at least two duly appointed and acting members of the Board of Prison Terms and Paroles. The member designated to conduct the meeting may exercise all the powers and duties of the Board in connection with such meeting and the decision of the members is binding on the full Board. If the two members designated to conduct the meeting cannot unanimously agree as to the disposition of the meeting assigned to them, such decision shall be referred to the full Board.

Adopted: June 14, 1971

2. 330 PERSONS PRESENT. The parole violator and such institutional persons as the members conducting the new minimum term meeting deem appropriate shall be present during the meeting. A limited number of observers may be present by prior approval of the members conducting the meeting and the parole violator. No family members, friends, relatives, interested parties, attorneys or advocates shall be present during the new minimum term meeting. If the parole violator appearing before the Board does not understand the English language, an interpreter designated by the Board shall be present.

Adopted: June 14, 1971

2. 340 BOARD HAS FULL DISCRETION. The Board has full discretion as to the new minimum term of confinement which it may fix except that the term of confinement so fixed shall not exceed the maximum provided by law for the offense of which the person was originally convicted or the maximum fixed by the court where the law does not provide for a maximum term.

Adopted: June 14, 1971

2. 350 TIME START. The time start of a new minimum sentence shall be determined by the Order of Parole Revocation and the new minimum term is to commence, except when the parolee is not in state custody, the date of revocation of parole. When a parolee is not in state custody, the new minimum term will commence the date he is brought into state custody.

Adopted: June 14, 1971

2. 360 CONCURRENT/CONSECUTIVE SENTENCES. Whenever a person on parole commits another felony and is sentenced to a new term of imprisonment in a Washington State Correctional Institution such term of imprisonment shall be served consecutively to any new minimum term fixed by the Board for parole violation; provided, that if the parole of such parole violator had not been revoked prior to the signing of the Judgment and Sentence such person shall be afforded time credits from the date of the Judgment and Sentence to the date of parole revocation on his minimum and maximum term concerning the new Judgment and Sentence.

Adopted: June 14, 1971

2. 370 TENTATIVE RELEASE DATE. At the time the new minimum term of confinement is fixed, the Board shall also fix a tentative release date (TRD) which date anticipates one-third reduction in the new minimum term for good behavior.

Adopted: June 14, 1971

2. 380 NEXT MEETING DATE. When the Board fixes a new minimum term, it shall also designate month, year and type of meeting that the resident shall next appear before the Board.

Adopted: June 14, 1971

2. 390 ORDERS OF NEW MINIMUM TERM. Orders fixing a new minimum term shall be signed by the members who determined the new minimum term as soon after the meeting as normal workload will allow. The original order will be maintained in the Board file and a copy mailed to the institution of residence.

Adopted: June 14, 1971

**END**