

**WAC 381-90-150 Disposition.** (1) The board shall make a finding of whether it is more likely than not that the incarcerated individual will commit another sex offense if released to the community, pursuant to RCW 9.95.420.

(2) The board shall make a finding of whether it is more likely than not that the inmate will engage in new criminal behavior if released to the community, pursuant to RCW 10.95.030(3) or 9.94A.730.

(3) A list of factors that the board may consider includes, but is not limited to:

(a) Refusal to participate in available programs or resources designed to assist an inmate to reduce the risk of reoffense (e.g., stress and anger management, victim awareness, substance abuse treatment, mental health treatment, sex offense specific treatment).

(b) Serious and/or repetitive disciplinary infractions during incarceration.

(c) Evidence of an inmate's continuing intent or propensity to engage in sex offenses, violent acts, or criminal behavior.

(d) Statements or declarations by the inmate of intent not to comply with conditions of community custody.

(e) End of sentence review determination based on actuarial assessments identifying risk to sexually reoffend.

(f) Psychological evaluation including actuarial assessment information identifying risk to engage in criminal behavior.

(g) Testimony of relevant persons related to the case to include but not limited to the case manager or designee and any relevant treatment providers or designee.

[WSR 23-14-109, § 381-90-150, filed 7/3/23, effective 8/3/23. Statutory Authority: RCW 34.05.220 (1)(b). WSR 09-08-109, § 381-90-150, filed 3/31/09, effective 5/1/09.]

**Reviser's note:** Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.