

**WAC 137-28-285 Incarcerated individual rights.** (1) An incarcerated individual charged with a violation(s) has the right to:

- (a) A fair and impartial hearing;
  - (b) Written notice of the alleged violation(s) and a summary of the supporting evidence at least 24 hours before the hearing;
    - (i) The notice shall include a statement of the rights listed in this section.
    - (ii) The incarcerated individual may waive the 24 hour notice.
  - (c) Be present at the hearing or waive presence at the hearing;
  - (d) Request a department advisor and/or an interpreter to assist the incarcerated individual in preparing for and participating in the hearing;
  - (e) Testify or remain silent;
  - (f) Call witnesses and present documentary evidence, though the hearing officer may exclude witnesses/evidence deemed irrelevant, duplicative, or unnecessary;
  - (g) Propose questions for the hearing officer to ask witnesses, although the hearing officer may exclude questions deemed irrelevant, duplicative, or unnecessary;
  - (h) Appeal the hearing officer's finding(s) and/or sanction(s) imposed to the superintendent within 15 business days of the hearing officer's decision.
- (2) Incarcerated individuals do not have the right to:
- (a) Cross-examine witnesses;
  - (b) Have the reporting staff member present at the hearing;
  - (c) Receive a polygraph or other supplemental tests;
  - (d) Examine physical evidence;
  - (e) Receive confidential information.

[Statutory Authority: RCW 79.01.090. WSR 23-22-112, § 137-28-285, filed 10/31/23, effective 12/1/23. Statutory Authority: RCW 72.01.090, 72.65.100, and 72.09.130. WSR 15-20-011, § 137-28-285, filed 9/24/15, effective 1/8/16.]