

WAC 137-28-295 Department advisors. (1) A department advisor may be appointed per department policy to help the incarcerated individual prepare for and participate in the hearing. Before a department advisor is assigned, the following factors will be considered:

(a) The incarcerated individual's literacy;

(b) The complexity of the issue(s);

(c) The incarcerated individual's overall ability to speak for themselves and adequately present their case;

(d) The individual's mental status, as determined by a mental health professional or other employee with mental health training or experience;

(e) The incarcerated individual's ability to communicate in English; and/or

(f) Any disability that might impair the individual's ability to adequately defend themselves.

(2) The department advisor will be a staff member who is not involved in the observation or investigation of the infraction.

(3) The department advisor shall attend the hearing, in whole or in part, based on the incarcerated individual's needs. They may attend in person or by telephone. They shall not present the incarcerated individual's case, question witnesses, or make any other oral presentation, unless requested by the hearing officer.

(4) When a hearing is continued for the purpose of appointing a department advisor, an advisor shall be appointed immediately.

(5) Conversations between department advisors and incarcerated individuals are neither confidential nor privileged.

[Statutory Authority: RCW 79.01.090. WSR 23-22-112, § 137-28-295, 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, § 137-28-295, filed 9/24/15, effective 1/8/16.]