

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

- (a) The offender's literacy;
- (b) The complexity of the issue(s);
- (c) The offender's overall ability to speak for himself/herself and adequately present his/her case;
- (d) The offender's ability to communicate in English;
- (e) Any disability that might impair the offender's ability to adequately defend himself/herself.

(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 offender's needs. He/she may attend in person or by telephone. He/she shall not present the offender'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 offenders are neither confidential nor privileged.

[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.]