

WAC 381-100-250 Hearing procedures—Witnesses. (1) Either party may call witnesses to testify in-person or electronically.

(2) The presiding officer may limit the number of witnesses and the scope of the testimony to matters relevant to the allegations and/or disposition.

(3) Witnesses may be excluded from in-person appearance as follows:

(a) Due to facility concerns; or

(b) Upon a finding of good cause by the presiding officer.

(4) In addition, the presiding officer may exclude a witness from testifying at a hearing or may require a witness to testify outside of the presence of the offender when there is a substantial likelihood that the witness will not be able to give effective, truthful testimony in the offender's presence during the hearing.

(a) In this circumstance, if the offender is not represented by counsel, the offender shall be provided the opportunity to submit a list of questions for any witness testifying outside of their presence.

(b) If the offender is represented by counsel, the attorney shall be allowed to question the witness on the record, but outside the presence of the offender.

(5) In all cases, the presiding officer shall take reasonable precautions related to the safety concerns of witnesses.

[Statutory Authority: RCW 34.05.220 (1)(b). WSR 09-08-109, § 381-100-250, filed 3/31/09, effective 5/1/09.]