

**WAC 388-880-010 Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

**"Appropriate facility"** means the total confinement facility the department uses to hold and evaluate a person court-detained under chapter 71.09 RCW.

**"Authorized third party"** means a person approved in writing by the resident on a DSHS Form 17-063 (Authorization to disclose records), who may request and have access to the resident clinical file under chapter 71.09 RCW or the resident's medical records under chapter 70.02 RCW.

**"Care"** means a service the department provides during a person's detention or commitment within a secure facility toward adequate health, shelter, and physical sustenance.

**"Chief executive officer (CEO)"** means the person appointed by the secretary of the department to be responsible for the general operation, program, and facilities of the SCC. Also referred to as "superintendent of the special commitment center" and "superintendent" under chapter 71.09 RCW.

**"Control"** means a restraint, restriction, or confinement the department applies protecting a person from endangering self, others, or property during a period of custody under chapter 71.09 RCW.

**"Department"** means the department of social and health services or DSHS.

**"Escorted leave"** means a leave of absence under the continuous supervision of an escort from a facility housing persons who are court-detained or civilly committed under chapter 71.09 RCW.

**"Evaluation"** means an examination, report, or recommendation by a professionally qualified person to determine if a person has a personality disorder, mental abnormality, or both, which causes serious difficulty in controlling their sexually violent behavior and renders the person likely to engage in predatory acts of sexual violence if not confined in a secure facility. The four types of evaluations that occur related to a person's commitment or detention under chapter 71.09 RCW are as follows:

- The **initial evaluation** occurs before the person is detained at the SCC, usually occurring while the person is in prison, department of children, youth, and families, a state mental hospital, a county jail, or in the community following commission of a recent overt act.
- **Supplemental evaluations**, as required by RCW 71.09.040, are performed for civil commitment trial purposes.
- **Annual review evaluations** occur only after a person has been civilly committed under RCW 71.09.070.
- **Post commitment evaluations**, as required by RCW 71.09.090, when the person qualifies for a conditional or unconditional release trial.

**"Health care facility"** means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

**"Health care practitioner"** means an individual or firm licensed or certified to engage actively in a regulated health profession.

**"Health care services"** means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

**"Health profession"** means those licensed or regulated professions set forth in RCW 18.120.020(4).

**"Immediate family"** includes a resident's parents, stepparents, parent surrogates, legal guardians, grandparents, spouse, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, registered domestic partner, and other dependents.

**"Indigent"** refers to the financial status of a resident who has maintained a total balance of \$40 or less, combined, in their resident trust and resident store accounts for the past 30 days, after paying court ordered legal financial obligations, child support, or cost-of-care reimbursement, and who swears or affirms under penalty of perjury that they have no additional outside resources, including but not limited to pension income, business income, and a spouse's or registered domestic partner's employment or other income.

**"Individual treatment plan (ITP)"** means an outline the SCC staff persons develop detailing how control, care, and treatment services are provided to a civilly committed person or to a court-detained person.

**"Legal mail"** means a resident's written communications, to or from: Courts/court staff regarding a legal action currently before a court, a licensed attorney, a public defense agency, a licensed private investigator retained by private counsel representing a resident or appointed by a court, an expert retained by an attorney representing a resident or appointed by a court, and a law enforcement agency.

**"Less restrictive alternative (LRA)"** means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions stated in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to RCW 71A.12.230.

**"Less restrictive alternative facility"** means a secure community transition facility as defined under RCW 71.09.020(16).

**"Mental abnormality"** means a congenital or acquired condition affecting the person's emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

**"Original format"** means the format in which a record subject to public disclosure was originally produced.

**"Oversight"** means official direction, guidance, review, inspection, investigation, and information gathering activities conducted for the purposes of program quality assurance by persons or entities within, or external to, the SCC.

**"Personality disorder"** means an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment. Purported evidence of a personality disorder must be supported by testimony of a licensed forensic psychologist or psychiatrist.

**"Predatory"** means acts a person directs toward:

- (1) Strangers;
- (2) Individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or
- (3) Persons of casual acquaintance with whom no substantial personal relationship exists.

**"Professionally qualified person":**

- (1) **"Psychiatrist"** means a person licensed as a physician in this state, in accordance with chapters 18.71 and 18.57 RCW. In addition, the person must:

(a) Have completed three years of graduate training in a psychiatry program approved by the American Medical Association or the American Osteopathic Association; and

(b) Be certified, or eligible to be certified, by the American Board of Psychiatry and Neurology.

(2) **"Psychologist"** means a person licensed as a doctoral level psychologist in this state, in accordance with chapter 18.83 RCW.

**"Relapse prevention plan (RPP)"** details static and dynamic risk factors particular to the resident and contains a written plan of interventions for the purpose of reducing the risk of sexual offending.

**"Resident"** means a person court-detained or civilly committed pursuant to chapter 71.09 RCW.

**"Resident trust account"** means the custodial bank account, held by the state, which represents the resources of the individual resident which is held for the individual resident's use.

**"Responsivity"** refers to the delivery of treatment in a manner that is consistent with the abilities and learning style of the resident. Responsivity can be conceptualized within the following categories: Physical limitations and sensory impairments, cognitive and learning impairments, mental health symptoms and behavioral disorders, cultural and subcultural differences to the extent that these differences may interfere with treatment participation.

**"Risk factors"** means resident factors, supported by empirical evidence, shown to increase the likelihood an individual will engage in sexual offending behavior.

**"Secretary"** means the secretary of the department of social and health services or the secretary's designee.

**"Secure community transition facility (SCTF)"** means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include, but are not limited to, the facilities established in RCW 71.09.250 and any community-based facilities established under chapter 71.09 RCW and operated by the secretary or under contract with the secretary.

**"SCTF residential community transition team (RCTT)"** means a team made up of three key individuals who will be closely involved with day to day decision making related to the transition activities of a resident residing in an SCTF operated by the department of social and health services. These three individuals include the department of corrections (DOC) correctional specialist, the certified sex offender treatment provider employed by DSHS or who has been contracted by SCC, and the SCTF manager, the chief of clinical services or designee may substitute for the SCTF manager. The RCTT must approve all community activities of an SCTF resident. As the agency responsible for funding SCTF activities, DSHS through its SCTF manager may consider budgetary constraints when approving or supporting discretionary activities such as community shopping or recreation, or personal activities such as visiting family and friends.

**"Secure facility"** means a residential facility for persons court-detained or civilly committed under the provisions of chapter 71.09 RCW that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement in RCW 71.09.096.

**"Senior clinical team"** means a team of professionally qualified persons employed by the department which are designated by the CEO to meet regularly to:

- Make decisions about the implementation of the sex offense treatment.
- Make clinical recommendations to provide input about residents releasing to less restrictive alternative (LRA) settings.
- Provide general consultation regarding resident treatment and behavioral management issues.
- Conduct outreach to program areas of SCC including staffing and consultation of residents in sex offense treatment.
- As requested, provide guidance and advice to the chief of clinical services, the CEO, and the treatment teams.

Members of the senior clinical team are expected to consider all available relevant information, including contextual and situational factors, to make optimal, clinically supportable decisions.

The team may include either a SCC contracted community-based psychologist with advanced forensic assessment and treatment expertise, a contracted community-based psychiatrist with advanced expertise in forensic assessment and treatment, or both.

The senior clinical team may not include the following persons, unless needed at the request of the chief of clinical services for consultation on a specific issue(s):

- The resident's attorney;
- The prosecuting agency;
- Any representative from DOC;
- Potential certified sex offender treatment providers (CSOTPs) or community providers of any type who may treat the resident; or
- Any other party who may serve to financially gain from the resident's release.

**"Sexual predator program"** means a department-administered and operated program including the special commitment center (SCC) established for:

- (1) A court-detained person's custody and evaluation; or
- (2) Control, care, and treatment of a civilly committed person defined as a sexually violent predator under chapter 71.09 RCW.

**"Sexually violent offense"** means an act defined under RCW 71.09.020.

**"Sexually violent predator"** means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

**"Special commitment center (SCC)"** means the department operated secure facility that provides supervision and sex offender treatment services in a total confinement setting for individuals detained or committed under RCW 71.09.

**"Total confinement facility"** means a facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a secure facility by the secretary.

[Statutory Authority: RCW 71.09.070, 71.09.090, and 71.09.097. WSR 23-11-031, § 388-880-010, filed 5/10/23, effective 6/10/23. Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 10-13-130, § 388-880-010, filed 6/22/10, effective 7/23/10. Statutory Authority:

RCW 71.09.040(4). WSR 03-23-022, § 388-880-010, filed 11/10/03, effective 12/11/03. Statutory Authority: Chapter 71.09 RCW, 2000 c 44, 2001 c 286. WSR 02-02-054, § 388-880-010, filed 12/27/01, effective 1/27/02. WSR 99-21-001, recodified as § 388-880-010, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 71.09.230. WSR 97-24-054, § 275-155-010, filed 12/1/97, effective 1/1/98. Statutory Authority: 1990 c 3. WSR 90-17-120 (Order 3054), § 275-155-010, filed 8/21/90, effective 9/21/90.]