



Biennial Report Regarding the Council on Sex Offender Treatment

Prepared for the
Office of the Governor, Lieutenant Governor, and Speaker of the House of Representatives
Pursuant to Texas Occupations Code, § 110.160

November 10, 2006

Council on Sex Offender Treatment
1100 West 49th Street
Austin, Texas 78756

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History

In 1983, the Council on Sex Offender Treatment (CSOT) was created by the Texas Legislature due to the identification of a rising rate of sexual crimes and extremely high recidivism rates for untreated sexual offenders. Over the past two decades, the Council's core function as a regulatory agency has expanded due to the increased public awareness and concern for community safety. Today, the Council has four primary functions: 1) public safety: by administering the civil commitment program of sexually violent predators and preventing sexual assault; 2) public and behavioral health: by establishing the standards of practice for assessing and treating sex offenders; 3) regulatory: by licensing and maintaining a database of sex offender treatment providers and establishing the standards regarding the licensure of sex offender treatment providers; and 4) educational: by the dissemination of information to legislators, judicial officers, community supervision or parole workers, state and municipal agencies, and the public regarding the management of sex offenders. This legal mandate is an innovative domain of the law. The Council's functions are synergistic with maintaining the highest level of public safety and preventing sexual assault through effective treatment and interventions in the management of sex offenders.

Mission

To enhance public safety by developing and implementing standards and policies to protect the citizens of Texas through research based assessment, treatment, and management of adult sex offenders and juveniles with sex offending behaviors.

Philosophy

The Council believes public safety is served by contributing to the general knowledge of adults and juveniles with sex offending behavior through research and education and by ensuring offenders receive offense specific treatment designed to reduce their individual risk of offending.

Objectives

- No more victims
- Increase awareness by educating, training, and disseminating information to the community and professional organizations whose purpose is to assess, treat, and manage sex offenders or prevent sexual assault
- Provide and promote a network of professionals in the field of sex offender treatment and to ensure continued competence of professionals
- Effectively regulate sex offender treatment providers as a means to protect and promote public health, safety, and welfare
- Enhance public safety through the management and treatment within the outpatient sexually violent predator treatment program
- Provide guidance and recommendations regarding legislation and public policy
- Promote research in offender assessment, treatment, and recidivism

CSOT Mandates

Occupations Code, Chapter 110

- To establish, develop, or adopt an individual risk assessment tool that evaluates the criminal history, the likelihood that the person will engage in criminal activity, and determine if the person is a continuing danger to the community
- To develop and implement policies and treatment strategies for sex offenders
- To set standards for treatment providers of sex offenders

- To develop, research, and implement the risk assessment tool(s) in determining a sex offenders risk to the community.
- To recommend to licensing and regulatory boards and to the directors of current programs methods of improving programs to meet the Council's standards
- To develop and implement by rule licensing requirements and procedures for sex offender treatment providers
- To maintain a list of qualified sex offender treatment providers
- To collect and disseminate information about sex offender treatment to judicial officers, community supervision or parole workers, state and municipal agencies, and public
- To advise and assist agencies in coordinating procedures to provide treatment services
- To design and conduct continuing education programs for sex offender treatment providers

CSOT Sexually Violent Predator Mandates

Article 4, Title 11, Health & Safety Code Chapter 841

- To administer Chapter 841
- To adopt rules consistent with the purpose of the statute
- To develop policies, procedures, and standards of treatment and case management for persons committed under this chapter
- To serve on the Multidisciplinary Team which reviews sex offenders in TDCJ-ID who have more than one sexually violent offense for civil commitment and refers potential sexually violent predators for a behavioral abnormality assessment
- To provide by contract appropriate treatment, supervision, transportation, residential housing, and drug/alcohol screening for the committed person
- To hire two full time case manager employees for Dallas/Tarrant and Harris County for the supervision and Global Positioning Satellite Tracking of SVPs
- To contract with the Department of Public Safety who provides surveillance and monitoring of the Global Positioning Satellite Tracking in areas outside of Dallas/Tarrant and Harris Counties
- To contract with an expert to perform a biennial examination to determine if the behavioral abnormality has changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence

Council Members

The Council on Sex Offender Treatment consists of seven members appointed by the Governor with the advice and consent of the Senate. Four (4) members are professional clinical expert members and three (3) members represent the public. Members serve staggered six-year terms. The terms of two members expire on February 1 of each odd-numbered year. Council officers are elected in odd-number years. The Council is an independent, governor-appointed board administratively attached to the Texas Department of State Health Services.

| Board Members | Appointed | Term Expires |
|--|---------------------|----------------------|
| Walter Meyer III, M.D. Chairperson, LSOTP | January 1990 | February 2007 |
| Liles Arnold, LPC, LSOTP | July 1998 | February 2009 |
| Maria Molett, MA, LPC, LMFT, LSOTP | October 1998 | February 2009 |
| Aaron Pierce, Ph.D., LSOTP | April 2005 | February 2011 |
| Judge Patricia Rae Lykos, Public Member | July 2001 | February 2007 |
| Glen Kercher, Ph.D., Public Member | April 2005 | February 2009 |

Vacant, Public Member

Council Staff

The Texas Department of State Health Services employs seven full-time staff to carry out the work of the Council. Allison Taylor serves as the Executive Director for the Council. Lisa Worry serves as the Program Specialist for the statewide oversight of the Civil Commitment Outpatient Sexually Violent Predator Treatment Program (OSVPTP). Rachael Darling and Andre' O'Bryan serve as the Program Specialists in the Dallas/Fort Worth area for Civil Commitment. Deborah Morgan and Derrek Glover serve as the Program Specialists in the Houston area for Civil Commitment. Lupe Ruedas serves as the Administrative Assistant for the Council and OSVPTP.

Interagency Advisory Committee

Pursuant to Chapter 110.201, Occupations Code, the Interagency Advisory Committee advises the Council on administering the Council's duties under the Occupations Code, Chapter 110. The following agencies and their designated representatives are members: Ana Aguirre, Texas Juvenile Probation Commission; Jill Miller, Ph.D., Sam Houston State University; Colleen Benefield, Office of the Governor, Criminal Justice Division; Lori Schneider, Office of the Attorney General, Sexual Assault Prevention and Crisis Services; Lauren Lacefield-Lewis, Department of State Health Services; Geri Engman, TDCJ, Institutional Division Sex Offender Treatment Program; Pat Logterman, LMSW-ACP, Texas Youth Commission Rehabilitation Services; and Laurie Lindsey, Department of Family and Protective Services.

September 1, 2004-August 31, 2006 Council and Staff Activities

78th Legislative Session-Resource Witness

Senate Bill 912 (Senator Shapiro)-amending Health & Safety Code, Chapter 841

Senate Bill 990 (Senator Nelson)- requiring training for youth camps regarding sexual assault and sex offenders

House Bill 867 (Representative Ray Allen)-regarding Chapter 62, sex offender registration

House Bill 2036 (Representative Ray Allen)-amending Chapter 110, Occupations Code requiring licensure and dynamic risk pilot program

November 16, 2004 Testified before the Sunset Commission regarding the Licensing Re-Organization Project (LRP)

December 15, 2004 Public Hearing Sunset Commission Decisions on LRP

February 10, 2005 Testified before the House Corrections Committee.

March 30, 2005 Testified at the House Corrections Committee regarding HB 2036.

April 11, 2005 House Government Reform Committee hearing on HB 1828

April 12, 2005 Senate Criminal Justice Committee hearing on SB 921

April 14, 2005 House Corrections Committee hearing on HB 1921

April 19, 2005 House Corrections Committee hearing on HB 867

May 3, 2005 Testified before the House Public Education Committee regarding HB 444 and HB 977

May 6, 2005 House Corrections Committee heard SB 912

July 12, 2005 Senator Shapiro's Sex Offender Taskforce

Legislative Contacts= 80

CSOT staff tracked 142 bills relating to sex offenders and sexual assault during the 79th Legislative Session.

Enacted Legislation Directly Affecting CSOT

HB 2036 (Representative R. Allen)

- Amends Health & Safety Code, Chapter 1, by expanding the definition of "licensed practitioner" to include a sex offender treatment provider licensed under Occupations Code Chapter 110
- Protects the practice of sex offender treatment
- Amends Chapter 109.054 to include releasable information
- Changes "registered" to "licensed" sex offender treatment provider
- Adds emergency suspension of licenses and administrative penalties
- Creates a pilot program for the Council to research dynamic risk assessment
- Council will work with the LBB to study recidivism rates of offenders under the pilot program

SB 912 (Senator F. Shapiro)

- Adds sexually motivated murder and capital murder as a sexually violent offense
- Adds 2 FTEs for case management in Harris and Dallas/Tarrant counties
- Amends the judicial requirements to state the SVP shall reside in a Texas residential facility under contract with the Council or at another location or facility approved by the Council

- Requires/mandates a study for the Council to research how sexually violent predators and other persons who commit sexual violent offenses use the internet to establish contact with potential victims (This report is available through the Council's website at www.dshs.state.tx.us/csot)

HB 867 (Representative R. Allen)

- Adds the Executive Director and a sex offender treatment provider to the Risk Assessment Review Committee
- The Council by rule shall determine the minimum required registration period under 42 U.S.C. Section 14071
- The Council shall compile and publish a list of reportable convictions and verify the list with the Bureau of Justice Assistance
- The Council shall establish, develop, or adopt an individual risk assessment tool that evaluates the criminal history, the likelihood the person will engage in criminal activity, and determine if the person poses a risk to the community
- The Council shall provide the individual risk assessment to a person who files a motion for early termination

SB 990 (Senator K. Janek)

- Adds a member of the Council on the advisory committee to establish a training and examination program on sexual abuse and child molestation for youth camp counselors

Out of State Legislative Contacts

May 11, 2005 The Vermont Judiciary Committee regarding Texas OSVPTP (testified by phone)

April 18, 2005 Ohio Representative Favor regarding the Outpatient Sexually Violent Predator Treatment Program.

April 20, 2005 Georgia Senator Don Thomas regarding GPS tracking legislation

April 21, 2005 New York Governor's Office regarding GPS tracking of sex offenders

April 21, 2005 Georgia Legislative Research regarding risk assessments of sex offenders

April 21, 2005 Illinois regarding the Outpatient Sexually Violent Predator Treatment Program

June 13, 2005 Illinois Attorney Generals Office regarding SVP court cases

June 29, 2005 Missouri Representative Brad Roark regarding GPS tracking

May 9, 2006 Ohio State Legislature on inpatient treatment vs. outpatient treatment for SVPs

June 15, 2006 Illinois Attorney General Office regarding sexually violent predators

Presentations/Trainings

September 18, 2004 University of Texas-Social Work Program (Austin)

September 28, 2004 The 4th Annual Criminal Justice Conference-Association Against Sexual Assault (Austin)

October 12, 2004 Harris County Children's Assessment Center (Houston)

October 21-22, 2004 NASW/Texas Annual Conference (Austin)

December 4-5, 2004 Civil Commitment Contractor Training-30 contractors participated

April 7, 2005 ATSS Conference (Addison)

April 27, 2005 Williamson County Homeowners Association regarding sex offenders

May 2, 2005 Texas Crime Victims Clearinghouse Conference (Austin)

May 20, 2005 South Austin Homeowners Association

August 4, 2005 American Legislative Exchange Counsel, Criminal Justice Committee (Grapevine)

August 25, 2005 United States Federal Probation (Plano)

August 26, 2005 United States Federal Probation (Tyler)
October 1, 2005 University of Texas Social Work Department (Austin)
October 26, 2005 DPS Training on sex offenders and civil commitment (Austin)
November 15-17, 2005 Department of Public Safety Conference (Galveston)
December 15-16, 2005 Child Abuse Conference-Booth (San Antonio)
January 9, 2006 American Probation and Parole Association (Austin)
January 18, 2006 City of Austin Neighborhood Planners
January 19, 2006 Interagency Sex Offender Advisory Committee (Houston)
January 27, 2006 Child Protective Services-Management (Austin)
February 23, 2006 United States Federal Probation (Beaumont)
February 28, 2006 Texas Association Against Sexual Assault (South Padre)
March 26, 2006 14th Annual Conference on the Management of Adult Sex Offenders (San Antonio)
April 11, 2006 Child Protective Services Training (Corpus Christi)
April 20, 2006 Family Crisis Services of Big Bend (Alpine)
May 4, 2006 Texas Crime Victims Clearinghouse Conference (San Antonio)
May 10, 2006 Clint Small Middle School (Austin)
May 19, 2006 Tarrant County Sexual Assault Advisory Council Conference (Ft. Worth)
June 10-11, 2006 Sexually Violent Predator-Civil Commitment Training (Austin)
August 1, 2006 Child Protective Services Training (Houston)
August 10, 2006 Safeplace (Amarillo)

Conferences/Co-Sponsors/Exhibits

September 2004 Annual Criminal and Civil Law Conference-Texas District and County Attorney's Association South Padre, Texas
October 26, 2004 National SVP Summit held in Albuquerque, New Mexico
October 26, 2004 National PPG Standards meeting held in Albuquerque, New Mexico
November 3-4, 2005 Austin Police Department Conference (Austin)
November 15-17, 2005 Department of Public Safety Conference (Galveston)
November 14-17, 2005 Texas Association Against Sexual Assault Conference (South Padre)
February 2005 13th Annual Conference on the Management of Adult Sex Offender (Austin)
July 2005 13th Annual Conference on Juveniles with Sexual Behavior Problems (Austin)
February 2006 14th Annual Conference on the Management of Adult Sex Offenders (San Antonio)
May 15, 2006 19th Annual Texas Crime Victims Clearinghouse Conference (San Antonio)
July 2006 14th Annual Conference of Juveniles with Sexual Behavior Problems (San Antonio)

Media Coverage (Interviews, Articles, and Publications)

December 1, 2004 Austin American Statesman regarding *In the Matter of Fisher*
December 7, 2004 Houston Chronicle regarding RSOTP requirements
December 7, 2004 Dallas Morning News regarding criminal history checks on nurses
December 27, 2004 Dallas Morning News, WOAI-San Antonio, KVUE-Austin, Central Florida Local 6, published the report on nurses
March 1, 2005 Washington Times regarding female sex offenders
March 21, 2005 CNN Christy Feg scheduled interview for Fox News Live
March 23, 2005 Fox News Live from New York interviewed regarding GPS and sexually violent predators
March 24, 2005 USA Today interviewed by Mark Memmott regarding sexually violent predators
March 28, CBS 11 2005 Dallas scheduled interview with Brook Ritchie.

March 28, 2005 WKRC Joe Striker Show in Cincinnati, Ohio regarding sexually violent predators
 March 28, 2005 Texas State University Newspaper regarding GPS monitoring
 March 28, 2005 Mike Gallagher Show KJCE 1370 regarding GPS monitoring
 March 29, 2005 MSNBC Coast to Coast with Ron Reagan Jr. regarding sexually violent predators
 March 29, 2005 Good Morning America, the Council was to be interviewed on March 30th.
 March 30, 2005 St. Edwards University regarding the management and containment of sex offenders
 and sexually violent predators
 April 7, 2005 Fox News-Austin
 April 8, Fox 2005 News-Austin on GPS monitoring of sex offenders
 April 12, 2005 Univision-San Antonio regarding high risk sex offenders
 April 18, 2005 CBS 11-Dallas regarding licensure and protected practice
 April 25, 2005 Dallas Observer Newspaper regarding civil commitment
 April 26, 2005 Miami Herald regarding high-risk sex offenders
 April 28, 2005 Beaumont Examiner regarding HB 867
 April 27, 2005 Ft. Worth Newspaper regarding sex offenders
 April 27, 2005 CNN regarding female sex offenders
 April 28, 2005 KXAN 36-Austin regarding GPS tracking and civil commitment
 May 3, 2005 San Antonio Express regarding sex offenders and castration
 May 3, 2005 Fox 7 News Austin regarding sex offenders and castration
 May 4, 2005 KVET Radio regarding sex offenders and castration
 May 4, 2005 KAHL 1310 Eliza Sonneland Show set interview for May 5th
 May 4, 2005 KTSA 550 AM Jimmy Parks Show regarding sex offenders and castration
 May 4, 2005 San Francisco Rita Crosby Show regarding sex offenders
 May 5, 2005 KAHL 1310 Eliza Sonneland Show regarding sex offenders and castration
 May 20, 2005 Fox 7 Austin regarding sex offender registration and community notification
 May 24, 2005 Fox 7 Austin regarding sex offenders and Viagra
 May 27, 2005 Dallas Observer regarding HB 867
 May 27, 2005 Fox 7 regarding recidivism of sex offenders and Viagra
 May 27, 2005 Associated Press regarding recidivism of sex offenders
 June 7, 2005 USA Today regarding GPS tracking
 June 13, 2005 Dallas Morning News regarding the trial of David Jones
 June 20, 2005 Channel 4 Little Rock Arkansas regarding GPS tracking
 June 20, 2005 Slaton Texas Newspaper regarding risk levels with sex offenders
 June 23, 2005 Fox 7 Austin regarding pedophiles who have offended within the family
 July 7, 2005 WFAA Dallas regarding SB 912
 July 19, 2005 KXAN Channel 36 Austin regarding HB 867
 July 21, 2005 Fox 7 Austin regarding HB 2036 dynamic risk assessment
 July 21, 2005 NBC-Waco regarding HB 2036 dynamic risk assessment
 August 2, 2005 Fox 7-Austin regarding high risk sex offenders
 October 2005 New York Fox New regarding the OSVPTP
 October 2005 WOAI, San Antonio, Channel 4 regarding Jessica's Law
 November 1, 2005 Bosque County Newspaper regarding registration
 November 7, 2005 Austin American Statesman regarding restrictive SO laws
 January 13, 2006 Dallas Morning News regarding Jerome Alexander's trial
 January 13, 2006 Miami Herald regarding the outpatient sexually violent predator program
 January 17, 2006 KDFW-TV Fox (Dallas) regarding outpatient sexually violent predator program
 February 8, 2006 Dallas Morning News regarding HB 867

February 16, 2006 Sacramento News regarding SVPs
 March 3, 2006 Newport News Daily Press (Virginia) on Texas OSVPTP
 March 20, 2006 Tel A Mundo regarding the treatment of sex offenders
 March 29, 2006 KSAT Channel 12 San Antonio regarding treating sex offenders
 April 4, 2006 KSAT Channel 12 San Antonio regarding Deregistration
 April 4, 2006 Times Record News Wichita Falls regarding Child Safety Zones
 April 25, 2006 KSAT Channel 12 San Antonio regarding deregistration
 May 2, 2006 CBS 11 Dallas regarding SVP absconder
 May 2, 2006 Channel 33 Dallas regarding SVP absconder
 May 19, 2006 America's Most Wanted regarding SVP absconder
 May 29, 2006 Dallas Morning News regarding Chapter 62 and deregistration
 May 31, Dallas Morning News regarding Outpatient Sexually Violent Predator Treatment Program
 June 1, 2006 Dallas Morning News regarding Outpatient Sexually Violent Predator Treatment Program
 June 6, 2006 New York Times regarding the Outpatient Sexually Violent Predator Treatment Program
 June 19, 2006 WOAI Channel 4 San Antonio on potential legislation
 June 19, 2006 Dallas Morning News Outpatient Sexually Violent Predator Treatment Program
 June 23, 2006 The Monitor (McAllen, Texas) regarding sex offenders
 June 28, 2006 Dallas Morning News regarding 1000 foot child safety zones and city ordinances
 June 30, 2006 48 Hours (CBS) regarding sexually motivated murders
 July 18, 2006 Omaha World Herald regarding GPS
 August 23, 2006 48 Hours regarding sexually motivated murders

Local, State, Out-of-State, and International Contacts

October 5, 2004 Texas Board of Pharmacy regarding adjudicated sex offenders
 October 15, 2004 New Jersey regarding interstate compact agreement for SVPs
 October 28, 2004 South Carolina Victim Assistance Network regarding civil commitment
 November 2, 2004 Florida regarding group and individual sex offender treatment
 November 3, 2004 Federal Probation-Houston regarding sex offender halfway houses
 November 30, 2004 Illinois regarding Texas Supreme Court-Texas SVP Act
 December 6, 2004 Washington State regarding updating the SVP State by State comparison
 December 6, 2004 Missouri Office of Budget and Planning regarding SVP statistics
 December 27, 2004 California Research Bureau regarding state by state comparison regarding sex offender management and treatment
 December 27, 2004 Alaska, New York, New Mexico, and North Dakota regarding CRB Report
 January 19, 2005 Channing ISD regarding child safety zones
 January 19, 2005 Seattle, Washington regarding transferring SVP
 February 1, 2005 Washington State regarding treatment of juveniles and staff training.
 February 11, 2005 Alabama regarding Texas standards on the treatment of sex offenders.
 February 17, 2005 California regarding Texas standards and fiscal cost of treatment.
 February 17, 2005 Minnesota Coalition Against Sexual Assault regarding proposed Minnesota legislation regarding castration
 March 1, 2005 Portland, Oregon regarding the outpatient sexually violent predator treatment program
 March 7, 2005 Illinois and Virginia regarding the SVP Summit
 March 9, 2005 California, Pennsylvania, Kansas, and Arizona regarding the SVP Summit
 March 9, 2005 Winnipeg Manitoba, Canada Police Department regarding a cold case murder involving sexual sadism
 March 10, 2005 New York Empire State College regarding Sex Offender Council's in the U.S.

March 15, 2005 North Dakota State Hospital regarding SVP treatment
March 22, 2005 New Jersey regarding sex offender registration
March 24, 2005 Georgia regarding GPS tracking of sex offenders
March 28, 2005 Wisconsin regarding GPS tracking of sex offenders
April 1, 2005 Interviewed by St. Edwards on sex offenders
April 5, 2005 Legal Services of Northwest Minnesota regarding pornography and pedophilia
April 13, 2005 Sacramento California regarding female sex offenders
April 20, 2005 University of Nevada regarding juvenile sex offenders
April 28, 2005 New Jersey and Florida regarding addressing SVP conduct
April 29, 2005 Minnesota and Missouri regarding addressing SVP conduct
May 3, 2005 Kansas regarding SVP behaviors
May 3, 2005 Illinois regarding law suit by SVP
May 4, 2005 Arlington Police Department regarding basic sexual assault and sex offender information
May 16, 2005 Maryland Adult Behavior Health Program regarding developmentally delayed sex offenders
May 16, 2005 Tampa Bay Florida regarding registered sex offenders
May 16, 2005 Vermont regarding Texas OSVTP
May 16, 2005 Virginia, North Dakota, Florida, Missouri, Wisconsin, and New Jersey regarding detainee sex offender treatment
May 19, 2005 Georgia regarding GPS tracking of sex offenders
May 23, 2005 Poughkeepsie, New York Clinical Forensic Services regarding Texas Standards of Practice
May 23, 2005 Office of the Governor of New York regarding Texas Standards of Practice and Texas Supreme Court Decision *In the Matter of Fisher*
May 23, 2005 North Dakota regarding Texas Supreme Court Decision *In the Matter of Fisher*
June 6, 2005 U.S. Probation Eastern District of Texas regarding training
June 17, 2005 Dallas District Attorney regarding deregistration
June 17, 2005 Jackson Mississippi Attorney regarding court cases with the ABEL
June 20, 2005 Indiana DOC regarding laws mandating sex offender treatment
June 21, 2005 Wisconsin regarding sex offender polygraphs
June 23, 2005 Honolulu Hawaii regarding transfer of a juvenile sex offender to Texas
July 12, 2005 Missouri Sexual Assault Coalition regarding castration bills
July 12, 2005 Kentucky regarding registration research
July 13, 2005 Canberra, Australia regarding Texas SVP Act
August 17, 2005 Las Vegas District Attorney's Office regarding licensure
August 18, 2005 New York regarding Texas Sexually Violent Predators
October 5, 2005 Kansas regarding the OSVPTP
October 11, 2005 Minnesota School of Law regarding HB 867 and reciprocal agreements
October 11, 2005 North Dakota Department of Human Services Sex Offender Workgroup regarding the OSVPTP
October 18, 2005 New York Health and Human Services regarding the OSVPTP
October 25, 2005 Ohio regarding the OSVPTP
October 27, 2005 New York Bureau of Research, Criminal Justice Services on the OSVPTP
November 10, 2005 Iowa regarding judicial discretion regarding juvenile registration
November 10, 2005 Illinois Department of Corrections regarding female SVPs
November 30, 2005 Virginia Director of SVP services regarding visit to Texas
November 30, 2005 Texas Board of Nurse Examiners regarding SO evaluations

January 3, 2006 Kansas on sex offender supervision
January 3, 2006 Stanford Law School regarding Jessica's Law
January 13, 2006 Indiana regarding female sex offenders
January 13, 2006 Maryland regarding the Texas SVP Act related the use of "cure"
January 23, 2006 Vancouver, British Colombia regarding treatment for high risk offenders
January 23, 2006 Hawaii regarding training and qualifications of treatment providers
January 30, 2006 Indiana regarding Standards of Practice for female sex offenders
February 7, 2006 Arizona regarding the diagnosis of serial rapists for trials
February 13, 2006 Ohio Department of Rehabilitation and Corrections regarding SVP Act
February 13, 2006 Virginia Department of Mental Health regarding the SVP Act
April 7, 2006 Ohio Forensic Mental Health Department regarding OSVPTP
April 26, 2006 Ewha Women's University South Korea regarding SOTP
June 16, 2006 Illinois State Health Services regarding OSVPTP
June 28, 2006 Hong Kong Correctional Department regarding Community Notification
July 5, 2006 HM Prison Service England and Wales regarding Community Notification
July 18, 2006 Wisconsin Sand Ridge regarding sexual history polygraphs
July 24, 2006 Minnesota Supreme Court regarding the OSVPTP
August 7, 2006 University of South Florida regarding sex offenders in nursing homes
August 16, 2006 Colorado Office of Domestic Violence and Sex Offender Management regarding sex offender management boards

Council Meetings

November 15, 2004 in Austin
February 19, 2005 in Austin
March 18, 2005 in Austin
June 17, 2005 in Austin
July 23, 2005 in Austin
October 14, 2005 in Austin
January 19-21 2006 Retreat (The Woodlands)
March 25, 2006 in San Antonio
May 19, 2006 Retreat (Arlington)
July 22, 2006 in San Antonio

Council Rules-Standards of Practice (22 Texas Administrative Code § 810)

September 12, 2004 Newly adopted Council Standards of Practice became effective
June 1, 2005 First draft of 22 TAC 810 revised
July 23, 2005 Second draft of 22 TAC 810 revised
June 29, 2005 Council's executive director and counsel met with executive directors and counsel of the Texas State Board of Social Worker Examiners, the Texas State Board of Examiners of Marriage and Family Therapists, and the Texas State Board of Examiners of Professional Counselors to discuss implementation of proposed licensure rules
July 5, 2005 Council contacted the Texas State Board of Psychology
August 25, 2005 Meeting with TDCJ Chairperson Christina Melton-Crain
September 19, 2005 Rules Committee Meeting
October 14, 2005 Rules Committee Meeting
October 10, 2005 Meeting with Department of Family and Protective Services
November 30, 2005 Meeting with DFPS and Texas Association Against Sexual Assault

January 13, 2006 Proposed Rules Posted on the Texas Register for 30 day public comment
January 23, 2006 Meeting with Texas Juvenile Probation Commission
January 31, 2006 Meeting with Department of Aging and Disabilities
February 9, 2006 Public Hearing
February 10, 2006 Meeting with TDCJ, TYC, and TJPC
March 8, 2006 Meeting with Department of Family and Protective Services
March 21, 2006 Meeting with DSHS-Community Mental Health
March 25, 2006 Committee Meeting (San Antonio) New proposed rules were approved.
May 24, 2006 Proposed Rules sent to TDCJ, TYC, and TJPC
May 26, 2006 Proposed Rules published on the Texas Register
May 27, 2006 Public comment began
June 12, 2006 Meeting with Texas Youth Commission and Texas Juvenile Probation Commission
June 14, 2006 Meeting with the Mental Health Boards regarding 22 TAC 810
June 23, 2006 Public Hearing on 22 TAC 810
June 26, 2006 Meeting with Texas Department of Criminal Justice regarding 22 TAC 810
July 7, 2006 Rules Committee Meeting
July 22, 2006 Council Adopted the Rules

Number of Licensed Sex Offender Treatment Providers

FY 2006 - 362 (end of FY06)
FY 2007 - 427 (beginning of FY07)

Civil Commitment-Outpatient Sexually Violent Predator Treatment Program (OSVPTP) Health & Safety Code, 841

- **History.** There have been a number of high profile sexually violent crimes that have occurred throughout the United States. Some of these crimes were committed by individuals who were recently discharged from prison with or without parole or mandatory supervision. These cases were the major catalyst for sexually violent predator legislation. To date, 17 states in the United States have passed sexually violent predator acts.
- **Purpose.** The legislature finds that a small but extremely dangerous group of sexually violent predators exists and that those predators have a behavioral abnormality that is not amenable to traditional mental illness treatment modalities and that makes the predators likely to engage in repeated predatory acts of sexual violence. The legislature finds that the existing involuntary commitment provisions of Subtitle C, Title 7, are inadequate to address the risk of repeated predatory behavior that sexually violent predators pose to society. The legislature further finds that treatment modalities for sexually violent predators are different from the traditional treatment modalities for persons appropriate for involuntary commitment under Subtitle C, Title 7. Thus, the legislature finds that a civil commitment procedure for the long-term supervision and treatment of sexually violent predators is necessary and in the interest of the state.
- **Texas Senate Bill 365 (1999)** established the first outpatient civil commitment program in the United States for sexually violent predators. The Texas Sexually Violent Predator Act (Art. 4, Title 11, Health and Safety Code, Chapter 841) is a civil commitment statute. The State has the burden to prove beyond a reasonable doubt that the person is a sexually violent predator with a behavioral abnormality (Sec. 841.062). Civil commitment is different than a criminal charge in that a criminal sentence has a definitive timeframe. Civil commitment continues until it is determined that the person's behavioral

abnormality has changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence.

- **Texas Civil Commitment Outpatient and Treatment Program** begins upon the person's release from the Texas Department of Criminal Justice-Institutional Division, discharge from a state hospital, or upon conclusion of the trial. The Council on Sex Offender Treatment is the administrator of this program (Sec. 841.081) and is responsible for the comprehensive case management supervision, intensive sex offender treatment, global positioning satellite tracking 24 hours per day/7 days per week, residential housing requirements, anti-androgen medication, mandated polygraphs, mandated penile plethysmographs, biennial examinations, restricted transportation, substance abuse testing, compliance with DPS registration every 30 days, and compliance with the 1000 foot child safety zone.

- **Texas Civil Commitment Process**

- Texas Department of Criminal Justice (TDCJ) determines potential predators according to the definition in law prior to the prison release dates. The Multidisciplinary Team made up of TDCJ, DPS, Council on Sex Offender Treatment, and DSHS Mental Health Division determines whether the person is a repeat sexually violent offender, whether the person is likely to commit a sexually violent offense after release or discharge, and recommends the assessment for a behavioral abnormality.

- TDCJ contracts an expert to determine whether the person suffers from a behavioral abnormality that makes the person likely to engage in a predatory act of sexual violence. TDCJ determines whether to refer the case to the state prison prosecution unit.

- The state prison prosecution unit files petitions alleging predatory status, followed by notice to the Office of State Counsel for Offenders. A judge or jury trial is conducted to determine if the person is a sexually violent predator (SVP) with a behavioral abnormality. If a unanimous verdict is reached, the judge imposes the civil commitment court ordered requirements necessary to ensure the person's compliance with treatment and supervision and to protect the community.

- Upon entering the program, the SVP is assigned to a case manager who is the chair of the Interagency Case Management Team and is responsible for coordinating the treatment, supervision, and global positioning satellite tracking of the SVP. Failure to comply with the order of commitment may result in a third-degree felony charge, which may result in incarceration in the Texas Department of Criminal Justice-Institutional Division (Sec. 841.085).

- The SVP is entitled to file an annual unauthorized petition for release and to a biennial examination (Sec. 841.101). The Council contracts with an expert to perform the examination. The judge may set a hearing if the judge determines at the review that: a requirement imposed on the SVP should be modified; or probable cause exists to believe that the SVP's behavioral abnormality has changed to the extent that the SVP is no longer likely to engage in predatory acts of sexual violence. The burden of proof at the hearing is on the state to prove beyond a reasonable doubt that the SVP's behavioral abnormality has not changed to the extent that the SVP is no longer likely to engage in predatory acts of sexual violence.

- The duties imposed by Chapter 110, Occupations Code, and the requirements of the civil commitment order are suspended for the duration of any confinement or any commitment of a person to a community center, mental health facility, or state school, by governmental action (Sec. 841.150).

• **Current Status of Texas Program:** The first civil commitment trial in Texas was in 2001. As of September 1, 2006, there were 66 sex offenders civilly committed and no SVP has been released from civil commitment. Twenty-eight of those offenders were in communities being monitored and receiving treatment. Twenty-three offenders were in TDCJ waiting to be released into the community or have been returned to custody; ten were in custody in county jails with pending civil commitment charges; one was residing in a State Hospital; one was residing in a State School; two have absconded; and one has died. Approximately 30% of the SVPs have been convicted of failure to comply with court ordered requirements and have completed additional jail/prison time after being civilly committed. Upon completion of prison or jail time, SVPs re-enter the outpatient sexually violent predator treatment program. None of the Texas civilly committed SVPs have been arrested for or convicted of a new sexual offense. The estimated FY06 cost of the Texas civil commitment program is \$1 million.

Court Decisions

October 12, 2005 U.S. Supreme Court denies Fisher's petition and finalizes the successful defense of the Texas SVP Act

In Re Commitment of Fisher-Court of Appeals 13th District; oral argument heard November 30, 2004; Texas Supreme Court

In Re Commitment of Larkin Court of Appeals 9th District –Re-Committed July 21, 2004

Beasley v. Molett-Petition for Review under Rule 53 Disposed of-Texas Supreme Court

In Re Commitment of Almaguer-Court of Appeals 9th District

In Re Commitment of Michaels-Court of Appeals 9th District

In Re Commitment of Petersimes- Court of Appeals 9th District

In Re Commitment of Corliss-Court of Appeals 9th District

In Re Commitment of Danner-Court of Appeals 9th District

In Re Commitment of Adams-Court of Appeals 9th District

In Re Commitment of Graham-Court of Appeals 9th District

In Re Commitment of Morales-Court of Appeals 9th District

In Re Commitment of Shaw- Court of Appeals 9th District

In Re Commitment of Martinez-Court of Appeals 9th District

In Re Commitment of Mullens-Court of Appeals 9th District

In Re Commitment of Castillo-Court of Appeals 9th District

In Re Commitment of Sanchez-Court of Appeals 9th District

In Re Commitment of Rosales-Court of Appeals 9th District

In Re Commitment of Richards-Court of Appeals 9th District

In Re Commitment of McKay-Court of Appeals 9th District

In Re Commitment of Van Zandt-Court of Appeals 9th District

In Re Commitment of Jamison-Court of Appeals 9th District

In Re Commitment of Hassell-Court of Appeals 9th District

In Re Commitment of Webb- Court of Appeals 9th District

In Re Commitment of Thompson- Court of Appeals 9th District

In Re Commitment of Barbee- Court of Appeals 9th District

In Re Commitment of Martinez- Court of Appeals 9th District

In Re Commitment of Richards- Court of Appeals 9th District

Multidisciplinary Team (MDT) Statistics

FY 04

Offenders Reviewed = **515**

Offenders Referred for a Behavioral Abnormality Assessment = **103**

FY 05

Offenders Reviewed = **537**

Offenders Referred for a Behavioral Abnormality Assessment = **107**

FY 06

Offenders Reviewed = **547**

Offender Referred for a Behavioral Abnormality Assessment = **115**

Total Sex Offenders Reviewed by MDT = 1599

Total Referred for Assessment = 325 (20%)

Disposition of Civil Commitment Cases

FY 2001

7 Civilly Committed

FY 2002

11 Civilly Committed

FY 2003

13 Civilly Committed

FY 2004

10 Civilly Committed

FY 2005

11 Civilly Committed

FY 2006

14 Civilly Committed

Exceptional Item Funding Request for Civil Commitment

Item Name: Monitoring of Sexually Violent Predators

The Department of State Health Services has requested exceptional item funding in the amount of \$1,106,191 for FY 08 and \$1,460,037 for FY 09 on the basis of 15 additional SVPs being committed to the program each fiscal year. The Texas Health and Safety Code, Chapter 841, requires the provision of a comprehensive case management program for sexually violent predators who have been civilly committed after discharge from prison with or without parole. The Council on Sex Offender Treatment, which is administratively attached to DSHS, is responsible for the administration of this treatment program.

Based on historical data, 15 additional clients will be added to the program each fiscal year. The projected caseload for FY 08 is 98 and for FY 09 is 113. The average cost is \$36,480 per client for clients residing in the community under contractor supervision. This cost includes treatment, supervision, housing, transportation, biennial examinations and various required testing. The Special Prosecution Unit has submitted a Legislative Appropriation Request for 50 trials per year. If funding is approved, this will have a direct impact on the Department's exceptional item request. Historically, the cases that are tried and committed are released from prison in the same year of commitment. This could result in an increase in the number of cases supervised in the community.

Recommendations for Changes to Occupations Code, Chapter 110

Occupations Code, Chapter 110.001 Definitions

Delete (5) ~~“Rehabilitation Service” means a mental health treatment or medical intervention program designed to treat or remedy a sex offender’s mental or medical problem that may relate or contribute to the sex offender’s criminal or paraphilic problem.~~

Amend (6) “Sex Offender” means a person who:

- (A) is convicted of committing or adjudicated to have committed a sex crime under state or federal law;
- (B) is awarded deferred adjudicated for a sex crime under state or federal law; or
- (C) admits to having violated state or federal law with regard to sexual conduct; or is or has been convicted, adjudicated, or received deferred adjudication for a sexually motivated offense which involved the intent to arouse or gratify the sexual desire of any person immediately before, during, or immediately after the commission of an offense.
- (D) ~~Experiences or evidences a paraphilic disorder as defined by the Revised Diagnostic and Statistical Manual, including any subsequent revision of that manual.~~

Amend (7) “Sex Offender Treatment Provider” means a person; ~~licensed or certified to practice in this state, including a physician, psychiatrist, psychologist, licensed professional counselor, licensed marriage and family therapist, or social worker, who provides mental health or medical services for rehabilitation of sex offenders by the council and who is recognized based on training and experience to provide assessment and treatment to adult sex offenders and/or juveniles with sexual behavioral problems who have been convicted, adjudicated, deferred, or referred by a State agency or court.~~

Amend 110.301(a) to read, “A person may not provide a ~~rehabilitation service~~ sex offender treatment or act as a sex offender treatment provider unless the person is licensed under this chapter”.

Recommendations for Changes in Health & Safety Code, Chapter 841

Amend Section 841.083(a), so as to remove the salary cap for treatment providers to allow the Council to pay a competitive rate for individual and group sessions.

Amend Section 841.085, Criminal Penalty to be a strict liability offense similar to the offense of Driving While Intoxicated which is viewed as primarily as a public safety issue. This will allow law enforcement and district attorney’s to expedite charges. Currently, we must prove culpable mental state that the client knowingly, intentionally, and recklessly violated that order of commitment. It is very difficult to prove the person knowingly, intentionally, and recklessly failed to comply with the judicial order (i.e. participate in and comply with a specific course of treatment or obstructed or tampered with the GPS tracking).

Recommendations for the Texas Penal Code

Amend Texas Penal Code 41.01(a)(11) voyeurism to be listed with sexual offenses in Chapter 22. Voyeurism is a paraphilia but is currently listed with various forms of disorderly conduct.

Delete § 21.12. IMPROPER RELATIONSHIP BETWEEN EDUCATOR AND STUDENT. (a) An employee of a public or private primary or secondary school commits an offense if the employee engages in sexual contact, sexual intercourse, or deviate sexual intercourse with a person who is enrolled in a public or private primary or secondary school at which the employee works and who is not the employee's spouse.

This charge is being used improperly with sexual assaults. If the person is a minor, the charge should be Indecency with a Child, Sexual Assault of a Child, or Aggravated Sexual Assault of a Child. To use the word “relationship” indicates that a child is capable of consenting to the sexual assault. Additionally, this offense is not subject to Chapter 62, Sex Offender Registration.

Recommendations for Chapter 62, Sex Offender Registration

Amend 62.007(5) to allow for a designee for the Executive Director on the Risk Assessment Review Committee. This will result in greater flexibility and more active participation by the CSOT.