



Biennial Report Regarding the
Council on Sex Offender Treatment
September 1, 2010 – August 31, 2012

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

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Council on Sex Offender Treatment (CSOT)

History

In 1983, the CSOT was created by the Texas Legislature due to the rising rate of sexual crimes and extremely high recidivism rates for untreated sexual offenders.

Mission

The CSOT's mission is to enhance public safety by developing and implementing standards and policies to protect the citizens of Texas through research-based assessment and treatment of adult sex offenders, and juveniles with sex offending behaviors.

Philosophy

The CSOT 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

- Eliminate sexual assault victimization.
- 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 to prevent sexual assault.
- Provide and promote a network of licensed professionals in the field of sex offender treatment and ensure continued competence of professionals by enforcement of the standards of practice.
- Provide guidance and recommendations regarding legislation and public policy.
- Promote research in sex offender assessment, treatment, and recidivism.
- Reduce the number of registered sex offenders so resources may be focused on high-risk offenders, essentially increasing public safety

Functions

The CSOT has four primary functions: 1) creation and implementation of a research based risk assessment protocol for the purpose of facilitating the deregistration process of certain low risk registered sex offenders, 2) public and behavioral health by advocating for the management and treatment of sex offenders, 3) regulatory by maintaining a list of licensed sex offender treatment providers and establishing the rules and regulations regarding the treatment of sex offenders, and 4) educational by disseminating information regarding the management of sex offenders to the public. The CSOT'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.

The CSOT Mandates

Occupations Code, Chapter 110

- Develops and implements policies and treatment strategies for sex offenders;
- Sets standards for licensed sex offender treatment providers;
- Establishes, develops, and adopts the risk assessment tool or tools in determining a sex offender's risk to the community;
- Recommends to licensing and regulatory boards current methods of improving programs to meet the CSOT's standards;
- Develops and implements, by rule, licensing requirements and procedures for sex offender treatment providers;
- Maintains a list of qualified licensed sex offender treatment providers;
- Collects and disseminates information about sex offender treatment to judicial officers, community supervision or parole workers, state and municipal agencies, and the public;
- Distributes money appropriated to the CSOT by the Legislature for the development, operation, or evaluation of sex offender treatment programs (Note: the CSOT is administratively attached to DSHS and there is no CSOT line item appropriation in the General Appropriations Act);
- Advises and assists agencies in coordinating procedures to provide treatment services;
- Designs and conducts continuing education programs for sex offender treatment providers; and
- Establishes, develops, and adopts 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.

Number of Licensed Sex Offender Treatment Providers

FY 2006- 362
FY 2007- 427
FY 2008- 460
FY 2009- 454
FY 2010- 463
FY 2011- 473
FY 2012- 498

Other Mandates Regarding Management of Sex Offenders

- **Dynamic Risk Assessment (DRA) Research:** Occupations Code §110.501. The CSOT shall work directly with the appropriate entities to develop, implement, research, and deploy dynamic risk assessment tools and protocols for use under this subchapter by persons licensed under this chapter. Costs incurred under this section shall be included with costs required to be paid under Code of Criminal Procedure, Section 11(i), Article 42.12. The CSOT shall work with the Legislative Budget Board (LBB) to study the recidivism of sex offenders treated under the pilot program, including a study comparing the various dynamic risk assessment tools and protocols. Senate Bill 909 of the 80th Legislative Session amended Government

Code, §493.0151(b) by mandating that before an inmate serving a sentence for a sexual offense is discharged or released on parole or mandatory supervision from the Texas Department of Criminal Justice, the Department shall use the dynamic risk assessment tool developed by the CSOT under Occupations Code §110.164, to assign the inmate a risk level of low, medium, or high.

Status: Completed

In October 2005, the CSOT began the dynamic risk assessment research project and contracted with Dr. Mark Stafford and Dr. Matt Ferrara to develop, monitor, and analyze the data collected in this research project. The goal of this project was to collect research data from a variety of risk assessment tools, which in turn can be used when considering deregistration issues. The CSOT provided to the Governor and to the Legislature a project status report on November 6, 2006. On July 6, 2007 the CSOT adopted the Static 99, the Level of Service Inventory-Revised (LSI-R), and the HARE-Psychopathy Check List-Revised (PCL-R) as the dynamic risk assessment tools for adult, male sex offenders, and the Level of Service Inventory-Revised (LSI-R) and the HARE-Psychopathy Check List-Revised (PCL-R) for adult, female sex offenders. On September 28, 2007, the CSOT adopted a matrix to be used to score the dynamic risk assessment tools and assign a risk level. Additionally the CSOT adopted the Stable 2007 and the Acute 2007 dynamic risk assessment tools to be administered first within three to six months following release of the offender into the community. These instruments will then be administered one year following release into the community and then annually while an offender is under supervision. As of 2008, there were 215 sex offenders involved in the research project. On October 2010, the research project was completed and was able to provide a five-year recidivism study to determine which of the various dynamic risk assessment tools and protocols most accurately predict recidivism.

- **Code of Criminal Procedure, Chapter 62, Sex Offender Registration**

- Art. 62.007, "Risk Assessment Review Committee; Sex Offender Screening Tool". The CSOT participates in the review of sex offenders' risk levels prior to release from prison for the purpose of community notification.
- Art.62.403 the CSOT shall provide the individual risk assessment to a sex offender who files a motion for early termination of his/her obligation to register.

Status: On July 1, 2011, the CSOT began accepting applications for early termination from registered sex offenders who had one reportable sexual offense conviction or adjudication. An administrative procedure or program was developed by the CSOT to process these applications and to determine an offender's eligibility to sit for a deregistration risk assessment evaluation as required by the statute. Additionally, the CSOT held two specialized training sessions for Licensed Sex Offender Treatment Providers who sought the designation of Deregistration Evaluation Specialist. Registered sex offenders who meet the initial screening criteria, are approved to sit for a deregistration evaluation risk assessment conducted by one of the CSOT-approved specialists. Once the evaluation is completed, the findings are reduced to writing and returned to the CSOT for its review and confirmation that the specialist addressed all objective criteria in his/her evaluation of the registered sex offender. If confirmation is made, the CSOT then certifies the evaluation report and forwards same to the registered sex

offender and/or his/her attorney. Pursuant to statute, the offender then files his/her Motion for Early Termination, complete with the certified risk assessment evaluation in the sentencing court. If granted an Order by the Court, the registered sex offender then presents the Order for Early Termination to the Texas Department of Public Safety with a request that the sex offender's name be removed from the official Sex Offender Registry. To date, 3 individuals have been removed from the registry.

CSOT Members

The CSOT consists of seven members appointed by the Governor with the advice and consent of the Senate. Four members are professional clinical expert members and three members represent the public. Members serve staggered six-year terms. The terms of two members expire on February 1 of each odd-numbered year. The Governor designates a member of the CSOT as presiding officer. The CSOT is an independent board administratively attached to DSHS.

Board Members	Appointed	Term Expires
Liles Arnold, LPC, LSOTP, Chair	July 1998	February 2015
Holly Miller, Ph.D, LSOTP	May 2009	February 2015
Aaron Pierce, Ph.D., LSOTP	April 2005	February 2017
Terri Bauer, LCSW, LSOTP	July 2008	February 2013
Ronnie Fanning, Public Member	July 2008	February 2017
Louis Gonzales, III, Public Member	July 2008	February 2013
Elsie Allen, Public Member	October 2012	February 2015

Department of State Health Services employs part-time staff to carry out the responsibilities of the CSOT.

Interagency Advisory Committee

Pursuant to Chapter 110.204, Occupations Code, the Interagency Advisory Committee shall cooperate with the CSOT and at the request of the CSOT, advise the CSOT on the duties under the Occupations Code, Chapter 110. The following are members:, Sam Houston State University, Office of the Governor-Criminal Justice Division, Office of the Attorney General-Crime Victims Services Division, Department of State Health Services- Community Mental Health & Substance Abuse Programs, Texas Department of Criminal Justice- Rehabilitation and Reentry Programs Division, Texas Juvenile Justice Department, and Department of Family and Protective Services.

82nd Legislative Session

In 2011, the 82nd Legislature created a new state agency to perform the functions relating to the outpatient sexually violent predator treatment program. The bill amended the Government Code by adding a new Chapter 420A titled “Office of Violent Sex Offender Management” (OVSOM). The bill was amended on the floor of the House of Representatives to administratively attach the new agency to the Department of State Health Services solely for administrative support as necessary to carry out the purpose of the OVSOM. On September 1, 2011, the oversight for the outpatient sexually violent predator treatment program was transferred from CSOT to OVSOM.

Conferences

February 27 – March 1, 2011, 19th Annual Conference on Management and Containment of Adult and Juvenile Sex Offenders. The CSOT hosted the annual conference in Austin, Texas.

March 4-6, 2012, 20th Annual Conference on the Management and Containment of Adult and Juvenile Sex Offenders. The CSOT hosted the annual conference in Galveston, Texas

CSOT Meetings

The CSOT held ten public meetings during the biennium.

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

Texas Administrative Code 810 became effective October 22, 2006. Currently, the CSOT is under the rule revision process.

Recommendations for the 83rd Legislative Session

In accordance with the pronouncements made by several members of the Texas Legislature that the State of Texas has declined to adopt the federal Adam Walsh Act [42 U.S.C. Section 16911 et seq.], the CSOT recommends that the Legislature remove the language in Art. 62.402, Texas Code of Criminal Procedure, which ties our deregistration program to the federal Adam Walsh Act.