



# **Council on Sex Offender Treatment**



## **Annual Report**

**FY September 1, 2002-August 31, 2003**



## Introduction

During the past two decades, the State of Texas has recognized the increase in public awareness and concern with the chronic prevalence of sexual aggression and sexual victimization.

In 1983, the Council on Sex Offender Treatment (CSOT) was created by the 68th Legislature to address the rising rate of sexual crimes and high recidivism rates of untreated sex offenders. The mission of the Council is to enhance public safety by developing and implementing policies and procedures, and Standards of Practice for effective interventions and management of sex offenders. Additionally, the Council is dedicated to the prevention of sexual assault through effective treatment, training and education, and dissemination of information. The foundation of sex offender treatment is **NO MORE VICTIMS**.

## Statutory Requirements

- ◆ **Title 3, Occupations Code, Chapter 462 (Article 4413[51], Chapter 110**
- ◆ **Senate Bill 365 by the 76<sup>th</sup> Legislature, Article 4, Title 11, Health & Safety Code, Chapter 841.141** Civil Commitment of Sexually Violent Predators: The legislature finds that a small but extremely dangerous group of sexually violent predators exist 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.
- ◆ **Article 4, Title 11, Health & Safety Code, Section 841.007. Duties of the Council on Sex Offender Treatment.** The Council is responsible for providing appropriate and necessary treatment and supervision through the case management system.

## Responsibilities of the Council

- To develop strategies for assessing, managing, and treating sex offenders
- To collect and disseminate information regarding the management of sex offenders and the prevention of sexual assault
- To provide resource information to Legislators regarding sex offenders, treatment, and victim advocacy agencies
- To administer the Civil Commitment Outpatient Sexually Violent Predator Treatment Program (OSVPTP)
- To design and conduct educational training programs for sex offender treatment providers, supervision officers, case managers, law enforcement, and advocacy agencies
- To establish and maintain a registry of sex offender treatment providers
- To develop and implement by rule registration requirements and procedures for treatment providers



- To advise and assist agencies in coordinating treatment services
- To distribute money for the purpose of development, operation, or evaluation of sex offender treatment programs
- To set forth standards of practice for treatment providers

## 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. Board Officers are elected in odd-number years. The Council is an independent board administratively attached to the Texas Department of Health.

## Board Members

## Appointed

## Term Expires

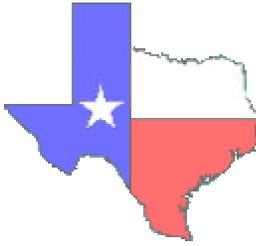
<b>Walter Meyer III, M.D. Chairperson</b>	<b>January 1990</b>	<b>February 2007</b>
<b>Liles Arnold, LPC, RSOTP</b>	<b>July 1998</b>	<b>February 2009</b>
<b>Kristy Carr, Public Member</b>	<b>July 1998</b>	<b>February 2005</b>
<b>Maria Molett, MA, LPC, RSOTP</b>	<b>October 1998</b>	<b>February 2009</b>
<b>Richard Mack, M.Div., LMFT, RSOTP</b>	<b>March 1999</b>	<b>February 2005</b>
<b>Judge Patricia Rae Lykos, Public Member</b>	<b>July 2001</b>	<b>February 2007</b>
<b>Linda Bell Robinson, Public Member</b>	<b>November 2003</b>	<b>February 2009</b>

## Interagency advisory committee

The Interagency Advisory Committee advises the Council on administering the Council's duties under Chapter 110 of the Occupations Code. The following are committee members: Estella Guillen-Texas Department of Criminal Justice-Community Justice Assistance Division, Ana Aguirre-Texas Juvenile Probation Commission, Paul Jordan-Department of Public Safety, Glen Kercher, Ph.D.-Sam Houston State University, Jim Kester-Office of the Governor-Criminal Justice Division, Janet Latham-Texas Department of Criminal Justice Pardons and Parole Division, Grace Davis, Office of the Attorney General Sexual Assault Prevention and Crisis Services, Michael Maples-Texas Department of Mental Health and Mental Retardation, Judy Johnson, LPC, LMFT, TDCJ-Institutional Division Sex Offender Treatment Program, Pat Logterman, LMSW-ACP-Texas Youth Commission Rehabilitation Services, and Rosalie Boldin-Texas Council of Community MHMR Centers.

## Staff

Allison Taylor serves as the Executive Director for the Council along with two program staff positions. Lisa Worry serves as the Program Administrator for the Civil Commitment Outpatient Sexually Violent Predator Treatment Program (OSVPTP). Lupe Ruedas serves as the Administrative Technician for the Council and OSVPTP.



## Consultation from Legislative and State Agencies

The Council is committed to the prevention of sexual assault through dissemination of information regarding the effective management and treatment of sex offenders. The Council is devoted to assisting legislators in the passage of laws that integrate the containment model for sex offenders and prevent re-victimization. The Legislators sought the Council's input on the following bills and/or studies:

Senate Bill 1093/871 (Senator Shapiro)

Senate Bill 1054 (Senator Shapleigh)

Senate Bill 97 (Senator Barrientos)

Senate Bill 924 (Senator Zafferini)

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House Bill 155 (Representative Wise)

House Bill 2894 (Representative Allen)

The Council is currently working with Representatives on the interim study for sex offender treatment provider licensure.

## Council Funding

In 1989, the Council received its first appropriation of \$64,900.00. In fiscal years 2002 and 2003, the Council and the civil commitment outpatient sexually violent treatment program were funded through a shared appropriation to the Texas Department of Health (TDH) to fund the C.1.1 strategy of Health Care Standards. The legislative appropriation was made to TDH and was distributed to the program through the Associateship for Consumer Health Protection. The General Appropriations Act (GAA) did not contain a line item appropriation for the program. All revenue and expenditures continued to be processed, accounted for, tracked, and audited through the TDH budget, fiscal, and audit structures.

## Recommendations concerning the council

- The Council should be associated with the other Mental Health Boards and/or report directly to legislators.
- Continue the independent board status of the Council because sex offender treatment is a specialty unfamiliar to most mental health professionals with enormous public safety issues.
- Adopt a licensure for Registered Sex Offender Treatment Providers (RSOTP) to provide enforcement to the CSOT Standards of Practice for Treatment Providers
- Have a protected practice regarding "Sex Offender Treatment" which would prevent unqualified individuals from providing sex offender treatment of unknown quality. Sex Offender treatment is a specialty, which requires specific sex offender treatment training and experience.
- Provide an exception regarding HB 2292 Section 2.42 (a) Subchapter B, Chapter 12 Health & Safety Code, Section 12.0111 Section 12.0111 (b) states, "notwithstanding other law, the department shall charge a fee for issuing or renewing a license that is in an amount designed to allow the department to recover from its license holders all of the department's direct and indirect cost in administering and enforcing the applicable licensing program". To cover our entire cost of the Council's registry activity, the renewal fee would be increased by \$50.00 dollars annually. The Council is **unanimously opposed** to the increase in fees to cover the costs because the Council's costs are not

related solely to the registry, but include public and provider education and training, collecting and disseminating information, and development of treatment strategies. The Council is concerned that an increase in cost may lead to a decrease in registered providers and thereby jeopardize our communities. It is the Council's position that RSOTPs provide an invaluable service to the citizens of Texas by enhancing public safety through effective treatment and management of sex offenders. The Council believes that RSOTPs have prevented the citizens of Texas from re-victimization and reduce recidivism rate. The reduction in recidivism saves the State and County combined approximately \$150,000.00 to \$200,000.00 dollars in investigating, prosecuting, and incarcerating an offender for a single sexual abuse case.

### **Recommendations regarding sex offender legislation**

- Eliminate plea bargain agreements from aggravated sexual assault down to a non-sexual offense (i.e. injury to a child) to avoid registration requirements, child safety zones, and sex offender treatment
- Place a child safety zone requirement on high-risk sex offenders who are no longer on probation or parole supervision but are still required to register with the Texas Department of Public Safety.
- Address using the penile plethysmograph and sex history polygraph in determining sex offender risk levels instead relying solely on risk assessments. These instruments are the strongest predictors of recidivism and risk to the community.
- Re-define child safety zones to address malls, amusement parks, and theaters, etc.

### **Civil Commitment Outpatient sexually violent predator Treatment Program (OSVPTP) Fiscal update**

In fiscal year 2000, the Council received the initial allocation of \$615,408 appropriated to the Texas Department of Health (TDH) to implement Senate Bill 365, the first outpatient sexually violent predator treatment program (OSVPTP) in the nation. The Council is legislatively mandated under Health & Safety Code Chapter 841 to administer the OSVPTP. The initial cost for treatment and supervision of a single sexually violent predator (SVP) was projected to be \$15,000 to \$20,000 per client per year. Six SVP clients were civilly committed in FY 2000. In FY 2002-2003 biennium, the Council and OSVPTP were allocated \$1,418,120 dollars through a shared appropriation to TDH strategy of Health Care Standards. In fiscal year 2002, the combined expenditures for the Council and OSVPTP were \$332,197 with twenty-six SVP clients, and in fiscal year 2003 were \$477,717 with thirty-two SVP clients.

For the FY 2004-2005 biennium, the Council will continue to be funded through a shared appropriation to TDH. The OSVPTP will be funded through a sub-strategy appropriation (Sexually Violent Predators) to TDH strategy of Health Care Standards for the Council to administer the program. The Sexually Violent Predator sub-strategy received an appropriation of \$800,000 dollars for the FY 2004-2005 biennium. Due to increased service costs related to residential facilities, transportation, biennial exams, global positioning tracking, and auditing the projected 2004 cost are approximately \$30,000 dollars per client per year (living in the community for twelve months). Sixteen other States utilize inpatient incarceration treatment programs at a cost of \$80,000 to \$125,000 per client per year.

## **The following are costs incurred per SVP client:**

- ▣ **Civil Commitment Trial in Montgomery County**-\$2,500.00 plus additional court costs to the County.
- ▣ **Prosecution of a Civil Commitment Violator** cost varies depending on the county that the violator resides in
- ▣ **Case Manager** supervision cost per client per month is \$1,200.00.
- ▣ **Global Positioning Satellite Tracking** cost per client per month is \$684.00 plus the monthly cost of air cards.
- ▣ **Biennial Examinations** (every two years) cost per client is \$1,000.00 to \$1,200.00 plus travel.
- ▣ **Routine SVP transportation by Cab Companies** cost per client per month ranges from \$300.00 to \$1,800.00 depending upon the city. **Transportation by residential facilities** is .40 cents per mile.
- ▣ **SVP transportation** from the Institutional Division to the residence is \$50.00 per hour with a four-hour minimum and \$10.00 car usage fee.
- ▣ **Residential Facility** cost per client per month is \$1,085.00 to \$1,240.00.
- ▣ **Sex Offender Treatment** per client per month is \$480.00.
  - Group Sessions** cost \$30.00 per client per hour two groups per week for ninety minutes.
  - Individual Sessions** cost \$60.00 per client.
  - Monthly Interagency Case Management Meeting** is \$50.00 per hour at least one per month.
  - Intake Evaluations** per client is \$475.00 (Special Needs Clients incur a higher rate).
- ▣ **Psychopharmacological agents** cost per client varies depending on the medication (Anti-psychotic is \$100 per month to \$.25 cents for aversion therapy).
- ▣ **Polygraphs** per client cost is \$175.00 (at least three per year).
- ▣ **Plethysmographs** cost per client is \$200.00 (two per year).
- ▣ **Prescription** for the plethysmograph per client is \$75.00 (one per year).
- ▣ **Urinalysis testing** per client per test is \$38.00 to \$75.00 for five-panel test.

**\*\*Underlined items indicate costs that may not be applicable to each SVP**

**Inflation rates in transportation and housing should be accounted for annually**

### **Council Staff Cost**

- ▣ **Council travel** for the Civil Commitment Multidisciplinary Team Meetings
- ▣ **Council staff** travel for statewide training on SVPs and managing sex offenders
- ▣ **Case Manager and Treatment Provider Training** (two times per year) cost includes travel, lodging, and meals. There are 37 contractors as of September 1, 2003.
- ▣ **Miscellaneous** costs (photocopying the manuals and information, film, cell phones, special needs clients, consultant fees, DPS fingerprints, etc).
- ▣ **Two and a half full time employees**
- ▣ **Independent Auditors of Civil Commitment Contractors**

### **Combined Council and Civil Commitment FY 2003**

- **Allocated=\$806,771.00**
- **Total Expended=\$477,717 (to include shared support salaries)**
  - Total Council Costs=\$107,685**
  - Total Civil Commitment=\$370,031**

- **Contractor Services=\$177,386.00**
- **All Staff Salaries=\$176,442 (includes fringe benefits, general counsel, and shared support salaries)**
- **Travel for the Council and Staff=\$16,444.00**
- **Other Operating Cost=\$50,213.00**
- **Updating the SVP Database=\$38,760.00**
- **Indirect Costs @ 14.01%=\$13,307.00**

## **SVP FISCAL PROJECTION**

**FY 2004**-It is predicted that forty-eight (48) SVPs will be committed at a cost range of \$30,000 dollars per SVP that reside in the community for approximately twelve months. This cost projection includes the client services discussed on page five and does not include the staff salaries, travel, and other professional operating costs.

**CSOT projects** at least one third will be in the community at a cost of **\$480,000.**

**FY 2005**-It is predicted that sixty-three (63) SVPs will be committed at a cost range of \$30,000 dollars per SVP that reside in the community for approximately twelve months. This cost projection includes client services discussed on page five and does not include the staff salaries, travel, and other professional operating costs.

**CSOT projects** at least one third will be in the community at a cost of **\$630,000.00**

Conservative estimate at the end of the biennium=**\$1,110,000**

## **Program enhancements**

- The Council recommended changes to SB 1093 regarding Section 841.082 Commitment Requirement, to assist in effectuating an arrest of a SVP in violation.
- The Council has secured Memorandums of Agreement with Houston, Ft. Worth, Austin, Dallas, Lubbock, Amarillo, and El Paso to spot purchase bed space in residential facilities for SVPs. This will allow SVPs to return to their county of offense. The Council is dedicated to returning SVPs to their county of offense as long as it does not jeopardize public safety or the welfare of their victims.
- The Council has provided statewide training for Residential Facility staff on SVPs and the management of sex offenders.
- The Council has provided training to Statewide Sexual Assault Task Forces and advocacy agencies.
- The Council presented an update on the Texas Civil Commitment Program to ATSA and the International Conference on Sex Offender Treatment.
- The Council met with Montgomery County Judges who suggested creating a committee to form a standardized order of commitment to assist District Attorneys and DPS to enhance public safety by further improving the order of commitment and the Council's administration of the program.
- The Council has secured off duty peace officers, residential facilities, and cab companies to transport SVPs and enhance public safety.
- The Council has revised the policy and procedure manual to ensure the highest level of client accountability and successful rehabilitation.
- The Council has had an increased participation of District Attorneys (DA) from across the State in the monthly civil commitment update meetings. The meetings address issues of concern in the administration, arrest, and prosecution of SVPs.

- The Council is working to increase the education of the OSVPTP to District Attorneys by having an article published in the Texas District and County Attorney Association newsletter “The Prosecutor” regarding the Civil Commitment of Sexually Violent Predators (Sept/Oct addition).
- The Council is working to increase the education nationwide regarding the OSVPTP in Texas. Articles requested by the New York Times, Chicago Tribune, and Texas Monthly.
- At the DA Conference in Corpus Christi, the Council had a booth to disseminate information on the civil commitment process.
- The Council has implemented a code of ethics for case managers and increased recruitment of off duty probation and parole officers as case managers.

## **Recommended changes To Health & Safety code chapter 841**

- Amending Section 841.082(a)(1) to read: “requiring the person to reside in a residential facility unless otherwise approved by the Council. Amending Section 841.082(a)(8) to read: “shall follow all written directives of the Council on Sex Offender Treatment and/or Case Manager”; and (a)(4) to read: “shall follow all written requirements of the Council on Sex Offender Treatment and/or treatment provider”. The Montgomery County Judges had the Council, District Attorneys from across the State, and the Department of Public Safety collaborate to create a standardized order of commitment and these amendments will assist all parties in the administration and prosecution of cases. The Council consulted with other states regarding SVP supervised release requirements.
- Expand Section 841.022 (d) to include the following: “The Council on Sex Offender Treatment, or the Texas Department of Criminal Justice-Victim Services may request a special review of a person by the multidisciplinary team to assess if the person meets the criteria under Section 841.003.
- Reorganize Section 841.023 so the expert determines and makes the referral to the Special Prosecution Unit when a behavioral abnormality is assessed and not a criminal justice agency (See *In the Commitment of Fisher*).
- Expand the eligibility of offenders for review by the Multidisciplinary Team in Section 841.002 and 841.003(b) to include “an offense under Section 19.02 (Murder), 19.03 (Capital Murder), 20.02 (Unlawful Restraint), 22.02 (Aggravated Assault), 22.04 (Injury to a Child), 42.072 (Stalking), and 43.25 (Sexual Performance by a Child), which has been determined to have been sexually motivated.” (See Washington RCW 71.09.020).
- Delete or change wording Section 841.083(c)(1-3) related to the committed person may not be housed for any period of time in a mental health facility, state school, or community center to address SVPs who have decompensated while in the OSVPTP..
- Add in Section 841.123(b), “the case manager shall provide supervision to the person, which includes monitoring compliance or non-compliance with the order of commitment” and delete the sentence “the provision of supervision shall include a tracking service, and if required by court order, supervised housing”. Add the following language to Section 841.083(e)(3): “the case manager shall provide a written report to the Council monthly or more frequently as necessary; and (B) provide a written biennial summary of the person’s treatment and supervision”.
- Change wording in Section 841.122, 841.123, and 841.124 from “Unauthorized” to “Annual Petition for Release” since it is the right of the SVP to file annually.

- Delete Section 841.123(c)(1-2)(A-B) due to 9<sup>th</sup> Circuit Court ruling (See *Beasley v. Molett*, the *Commitment of Morales*, and the *Commitment of Mullens*).
- Eliminate plea bargain agreements/abatements in lieu of civil commitment or provide a provision to monitor compliance with abatements.
- Change the wording or delete Section 841.084(a) “A treatment provider or a supervision provider, other than the case manager or tracking service personnel shall submit, monthly or more frequently if required by the case manager, a report to the case manager stating whether the person is complying with treatment or supervision requirements, as applicable”. It is ambiguous as to who should submit the report regarding compliance with treatment and supervision.
- Provide a provision regarding those SVPs who meet the statutory requirement for Civil Commitment as an SVP but have a requisite mental defect so the order can be suspended until the time competency is restored (Similar to Washington, Virginia, and Kansas).
- Remove the salary cap for treatment providers in Section 841.083(a) so that the current competitive rate for individual and group sessions can be paid.
- Increase the cap in Section 841.146(c) for the prosecution of civil commitment trials in Montgomery County to alleviate the fiscal burden on Montgomery County.
- Change the language in Section 841.150(a)(1) Effect of Certain Subsequent Convictions to read “a conviction for a felony regardless of whether a sentence is imposed”. This language would be identical to Section 841.150(a)(2) regarding convictions for a misdemeanor. Amending 841.150(b) to read: “The statutory duties imposed by this chapter are suspended for the duration of any confinement of a person who receives a conviction described by Subsection (a)(1-3).
- Add a provision stating that the SVP will incur the cost of treatment services (individual and group sessions) after a three-year period if the SVP is not indigent. (Similar to Washington State). This is not only an incentive to actively participate in treatment but is essential to increasing pro-social behaviors.

## **2003 Conferences**

The 11<sup>th</sup> Annual Conference on the Treatment and Supervision of the Adult Sex Offender was held February 27-March 1, 2003 in Dallas, Texas. There were 214 attendees from various disciplines.

The 11<sup>th</sup> Annual Conference on Working with the Juvenile Sex Offender was held July 20-22, 2003 in Austin, Texas. There were 276 attendees from various disciplines.

## **Registered sex offender treatment providers**

Sex offender treatment mandates an approach unfamiliar to most mental health professionals because of the substantial control a therapist must exercise over their client due to the concern for community protection. The field of sex offender assessment and treatment has undergone numerous changes and treatment of the sex offender requires specialized training. Sex offenders are not amenable to traditional psychotherapy.

Treatment must be offense specific, mandated, confrontational, structured, victim centered, focused on behaviors, and there are exceptions to confidentiality. Rules and standards of practice provide a framework for treatment providers and delineate professional expectations for the treatment and management of sex offenders. Due to this specialization,

a RSOTP or ASOTP is qualified through training and experience to conduct the assessment and provide the appropriate treatment for the sex offender.

In order to be eligible to become a RSOTP, an individual must be licensed or certified to practice as a physician, psychiatrist, psychologist, licensed professional counselor, licensed marriage and family therapist, licensed master social worker-advanced clinical practitioner, or an advanced practitioner recognized as a psychiatric clinical nurse specialist, or psychiatric mental health nurse practitioner and who provides mental health or medical services for the rehabilitation of sex offenders.

The registrant must possess a minimum of 1000 hours of clinical experience in the areas of assessment and treatment of sex offenders, obtained within a consecutive seven-year period. Additionally, the applicant must possess a minimum of 40 hours of documented continuing education training, documentation within three years prior to the application date, in the specific area of sex offender treatment and evaluation. Of the initial 40 hours of training required, 30 hours must be in sex offender rehabilitation training and 10 hours must be in sexual assault issues and/or sexual assault victim related training.

- ▣ Number of Registrants= 379
- ▣ Number of Affiliate Sex Offender Treatment Providers= 21
- ▣ Number of Complaints Filed= 16
- ▣ Disposition of cases closed
  - Number of complaints closed with no violations= 14
  - Number of complaints with a letter of concern= 1
  - Number of complaints with registration revoked= 1

## **Public Information**

The Council maintains a web site to provide information about its programs, activities, and information on sex offenders. The page can be located at the following address:

**Website:** <http://www.tdh.state.tx.us/hcqs/plc/csot.htm>.

**Additional Information mailing address:  
1100 West 49<sup>th</sup> Austin, Texas 78756  
Email: [CSOT@TDH.STATE.TX.US](mailto:CSOT@TDH.STATE.TX.US)  
Phone: 512-834-4530  
Fax: 512-834-4511**