



**Biennial Report regarding the Texas Civil Commitment Office
December 1, 2014 – November 30, 2016**

**Prepared for the Office of the Governor, Lieutenant Governor, and Speaker of the
House of Representatives
Pursuant to Texas Government Code Section 420A.007**

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Biennial Report Regarding the Texas Civil Commitment Office

Overview

The Texas Civil Commitment Office (TCCO), formerly known as the Office of Violent Sex Offender Management (OVSOM), is a small state agency tasked with the huge responsibility of providing supervision and treatment to civilly committed sexually violent predators (SVPs) through the case management system. TCCO is governed by a five-member board appointed by the Governor, three of whom must meet the following criteria:

1. One member experienced in the management of sex offenders;
2. One member experienced in the investigation or prosecution of sex offenses; and
3. One member experienced in counseling or advocating on behalf of victims of sexual assault.

TCCO board members serve staggered, two-year terms. Three members' terms expire on February 1 of each even-numbered year and two members' terms expires on February 1 of each odd-numbered year. The current members of the TCCO Board are:

Christy Jack, Chair
Fort Worth, Texas

Katie McClure
Kingwood, Texas

Roberto Dominguez
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Agency Mission, Philosophy, Objectives

TCCO recognizes that the civil commitment of sexually violent predators to long-term, comprehensive, and offense-specific supervision and treatment is necessary for the protection of the citizens of the State of Texas. The current TCCO mission is to enhance public safety by developing and implementing strategic management policies to protect the citizens of Texas and enhance protection of victims and potential victims through research-based management of civilly committed sexually violent predators. TCCO's administration is focused on the agency's equally important responsibilities for public safety, supervision, and treatment.

Agency History

TCCO, then called OVSOM, was created as a separate state agency in September 2011 to perform the functions relating to the outpatient sexually violent predator treatment program. Prior to the creation of the OVSOM, the Council on Sex Offender Treatment (CSOT) was responsible for the administration and implementation of Texas' civil commitment program.

In 1995, the Texas Legislature first contemplated a Sexually Violent predator (SVP) Act with the introduction of House Bill 595 by Representatives Greenberg, Hochburg, Danburg, et. al. As introduced, HB 595 would have provided for court-ordered mental health services for those individuals determined to be a SVP. Proceedings for these mental health treatment services for SVPs would have been governed by the Texas Mental Health Code, Chapter 574 of the Texas Health and Safety Code. However, the bill failed before the House Criminal Jurisprudence Committee.

In 1997, the 75th Texas Legislature considered Senate Bill 77 authored by Senators John Whitmire and Florence Shapiro. SB 77 was substantially similar to HB 595 from the previous legislative session and would have provided for the involuntary commitment of SVPs. The measure died in committee, partly because of potential constitutional issues concerning similar laws and lack of appropriations for the commitment of SVPs. The estimated costs were \$10.4 million in renovations for a 96-bed facility, \$3 million in assessments per year, and \$78,000 per year per sexually violent predator to provide care, treatment, security, food, other necessities, managerial

support and administrative staff. A key question appeared to be whether it was constitutional to involuntarily commit people after completing their criminal sentences. The Legislature directed an interim committee to study SVP laws and the need for an SVP law in Texas.

In 1999, SB 365 by Senator J.E. Brown was amended with SB 29 by Senator Florence Shapiro and the Legislature determined that a small, but extremely dangerous group of SVPs were being released from prison and that these individuals had a behavioral abnormality that was not amenable to traditional mental illness treatment modalities. The legislature further found that these individuals were likely to engage in repeated acts of predatory sexual violence. SB 365 expanded the duties of the CSOT to include the administration and implementation of the Outpatient Sexually Violent Predator Treatment Program.

In 2003, SB 871 by Senator Florence Shapiro amended Chapter 841 of the Texas Health and Safety Code to require a court to appoint an attorney for a SVP if the State Counsel for Offenders was unable to represent the SVP. The bill further added an additional member from CSOT to the Multidisciplinary Team (MDT). SB 871 further increased the date by which a trial shall be conducted after filing a petition alleging a person is a SVP from 60 days to 270 days. SB 871 further amended Chapter 841 to clarify that subsequent convictions, judgments, or mental health commitments suspend the requirements under the chapter. The bill added that the behavioral abnormality is not due to unsound mind for purposes of Section 15-a, Article I, Texas Constitution, increased cost not to exceed \$2,500 for the trial, and added the judicial requirements of not only participation but compliance with treatment, tampering with GPS, and possession or use of alcohol, inhalants, or a controlled substance.

In 2005, the 79th Legislature SB 912 by Senator Florence Shapiro amended Health & Safety Code, Chapter 841 to add sexually violent offenses to include sexually motivated murder and capital murder. The bill transferred some of the Global Positioning Satellite (GPS) tracking responsibilities to case managers from the Department of Public Safety, required that the SVP shall reside in a facility under contract with CSOT, and allowed SVPs to be housed in Mental Health/Mental Retardation facilities. Additionally, under HB 2292, the Texas Department of

Health and the CSOT were consolidated into the Health and Human Services Commission (HHSC) umbrella in the Department of State Health Services (DSHS).

In 2007, during the 80th legislative session HB 2034 by Representative Kirk England with SB 1198 by Senator Florence Shapiro amended Health & Safety Code, Chapter 841, to clarify that the division of the Special Prosecutions Unit (SPU) responsible for civil commitment trials is a civil division. The bill allowed the local prosecuting attorney to request SPU assist in a violation trial and that failure to comply with civil commitment may be prosecuted in the county of violation or Montgomery County. House Bill 8 by Representative Debbie Riddle required SVPs to pay for the GPS tracking if the SVP was not indigent. SB 1951 by Senator Wentworth created the 435th Judicial District Court in Montgomery County for civil commitment proceedings under Chapter 841, Health & Safety Code and criminal cases involving 841.085, Health & Safety Code, and Article 62.203, Code of Criminal Procedures. SB 1741 (by Senator Florence Shapiro) was filed to create a new state agency to perform the functions relating to the outpatient sexually violent predator treatment program that were performed by the CSOT. The bill died on the House floor.

In 2009, during the 81st legislative session, HB 2917 by Representative Jim McReynolds and Senator Florence Shapiro amended Government Code Section 411.110 to permit CSOT to obtain criminal history records of current and potential employees of the outpatient sexually violent predator treatment program. Senator Florence Shapiro re-filed the bill (SB 2037) to create a new state agency to perform the functions relating to the outpatient sexually violent predator treatment program. The bill would have amended the Government Code by adding a new Chapter 420A titled “Office of Violent Sex Offender Management (OVSOM).” The bill died on the House floor prior to final readings.

In 2011, during the 82nd Legislature, Senator Florence Shapiro re-filed the bill (SB 166 and HB 236 by Representative Jerry Madden) to create 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 DSHS solely for administrative support as necessary to carry out the

purpose of the OVSOM. Additionally, the bill amended Health & Safety Code, Chapter 841, regarding: the composition of the MDT to remove one member of the CSOT and one member from DSHS-Mental Health to add two members of OVSOM; requiring the person to comply with all written requirements imposed by the case manager or the office; increased the compensation for treatment providers not to exceed \$10,000 per OVSOM client; allows the office to enter into a memorandum of understanding with both DPS and local law enforcement for criminal complaints, warrants, apprehension, and arrest of the person; requires the office to contract with DPS for the provision of a tracking service; and requires a correctional facility or secure correctional facility to notify the case manager prior to releasing the person. On June 17, 2011 the bill was signed by Governor Rick Perry with the effective date of September 1, 2011.

Civil commitment in Texas was administered by the OVSOM from 2011 until 2015 when the agency was renamed as a result of the 84th Legislative Session, Senate Bill 746. SB 746 will be discussed separately in greater depth below.

What is a Sexually Violent Predator?

A sexually violent predator or SVP, as defined by Section 841.003, is a repeat sexually violent offender that suffers from a behavioral abnormality that makes the person likely to engage in a predatory act of sexual violence. A person is considered a repeat sexually violent offender if: the person is 1) convicted of more than one sexually violent offense and a sentence was imposed for at least one of the offenses; or 2) if the person was convicted of a sexually violent offense regardless of whether a sentence was imposed, or entered a plea of guilty or no contest to a sexually violent offense for a grant of deferred adjudication, is adjudged not guilty by reason of insanity of a sexually violent offense, or is adjudicated by a juvenile court as having engaged in delinquent conduct constituting a sexually violent offense and after that date the person is convicted, receives deferred adjudication, is adjudged not guilty by reason of insanity, or is adjudicated as having engaged in delinquent conduct the person commits a sexually violent offense for which the person is convicted and a sentence imposed or is adjudged not guilty by reason of insanity.

Qualifying sexually violent offenses, as defined by Section 841.002(8), include: Continuous Sexual Assault of a Child; Indecency with a Child by Contact; Sexual Assault; Aggravated Sexual

Assault; Aggravated Kidnapping with the Intent to Sexually Abuse or Violate the Victim; Burglary of a Habitation with the Intent to Commit a Sexual Offense; Murder or Capital Murder Based On Sexually Motivated Conduct; or the attempt, conspiracy, or solicitation to commit one of the listed offenses. Additionally, an offense under the law of another state, federal law, or the Uniform Code of Military Justice which contains elements substantially similar to the Penal Code offenses listed above constitute sexually violent offenses.

Civil Commitment Process: Inception through 2015

In 1999, the Legislature found that a small, but extremely dangerous group of sexually violent predators existed and that those predators have a behavioral abnormality that makes them likely to engage in repeated predatory acts of sexual violence. The Legislature further found that the behavioral abnormality was not amenable to traditional mental illness treatment and existing involuntary commitment provisions were not sufficient to address the risk posed by these sexually violent predators. Accordingly, the Texas civil commitment program was created to provide supervision and treatment to those sexually violent predators suffering from a behavioral abnormality.

Until June 17, 2015, the process for civil commitment of potential SVPs began approximately sixteen months before release, while the individual was incarcerated or in a State Hospital if found not guilty by reason of insanity.

Approximately sixteen months prior to release, the Texas Department of Criminal Justice (TDCJ) reviewed all offenders to determine whether the offender had more than one qualifying sexually violent offense. TDCJ was then required to give notice to the multidisciplinary team of the anticipated release of a person who is serving a sentence for a sexually violent offense and that may be a repeat sexually violent offender. Similarly, for those individuals adjudged not guilty by reason of insanity, the Department of State Health Services (DSHS) was required to give notice to the multidisciplinary team of the anticipated discharge date of a person who was committed to the DSHS as a result of being found not guilty by reason of insanity of a sexually violent offense and who may have been a repeat sexually violent offender. The notice by TDCJ or DSHS was required

to contain certain information regarding the person including name, identifying factors, anticipated residence after release or discharge, criminal history information, documentation of institutional adjustment and any treatment provided, and an assessment of the likelihood that the person will commit a sexually violent offense after release or discharge.

Upon receiving notice from TDCJ or DSHS regarding a potential sexually violent predator, the multidisciplinary team (MDT) was required to review that individual within sixty days. The MDT was a seven-member panel chaired by the TDCJ that reviews all offenders identified by TDCJ or DSHS as potential sexually violent predators. The team was made up of one member from the DSHS, one member from the Department of Public Safety, one member from CSOT, two members from OVSOM, and two members from TDCJ to include one member from Victims' Services. The MDT's task was to assess whether the person is a repeat sexually violent offender and whether the person is likely to commit a sexually violent offense after release or discharge, provide notice of the results of that assessment to TDCJ or DSHS, and recommend the assessment of the person for a behavioral abnormality, if appropriate. A majority vote was required to recommend that the offender receive further evaluation to determine whether the offender suffers from a behavioral abnormality that makes the offender likely to engage in repeated predatory acts of sexual violence.

A behavioral abnormality was defined as a congenital or acquired condition that, by affecting a person's emotional or volitional capacity, predisposes the person to commit a sexually violent offense to the extent that the person becomes a menace to the health and safety of another person. If the MDT referred a TDCJ offender or DSHS patient for a behavioral abnormality assessment, the TDCJ or DSHS was required within sixty days of referral to assess whether the person suffers from a behavioral abnormality that makes him or her likely to engage in a predatory act of sexual violence. This was completed through an expert evaluation to include a clinical interview, psychological testing for psychopathy, a review of risk assessments, a review of TDCJ or DSHS records, a review of victim impact statements, institutional adjustment, and all relevant medical or psychiatric records or reports. The goal of the evaluation was to determine whether the offender meets the definition of a behavioral abnormality, as set forth in Section 841.002 of the Health and Safety Code.

If the evaluator determined that the offender suffers from a behavioral abnormality, the TDCJ or DSHS was required to provide notice of the assessment and supporting documentation to the attorney representing the state. Until 2015, the attorney representing the state was defined in Chapter 841 as an attorney employed by the civil division of the Special Prosecutions Unit (SPU). The SPU received notification of all cases in which a behavioral abnormality had been diagnosed but then reviewed cases further to determine whether to file a petition for civil commitment. Statute provided SPU with the discretion to determine which cases were filed and did not mandate that all cases in which a behavioral abnormality was diagnosed resulted in a civil commitment proceeding. SPU was required to file cases in a Montgomery County district court, other than a family district court, through a petition alleging that the person was a sexually violent predator. SPU was required to make a decision and file a petition within 90 days after receiving the case referral. Until 2015, the SPU was funded for a maximum of fifty trials per year.

If the SPU moved forward to filing a petition and trial, the offender was represented by the State Counsel for Offenders (SCFO) and both SPU and the SCFO were entitled to obtain an additional evaluation of the offender. The offender could enter into an agreed judgment and admit that he or she was a sexually violent predator or the offender could move forward to trial. If the case went to trial, the offender had the right to a jury trial but could waive that right and elect for a bench trial. The rules of civil procedure applied to civil commitment proceedings, including rules related to pre-trial discovery.

At trial, the SPU was required to prove beyond a reasonable doubt that the offender 1) was a repeat sexually violent offender and 2) suffered from a behavioral abnormality that makes him likely to engage in a predatory act of sexual violence. If the jury, or judge in a bench trial, determined that the offender met the two criteria of an SVP, then the judge was required to commit the person for outpatient treatment and supervision to be coordinated by the OVSOM.

An order of civil commitment and final judgment were then signed by the judge. The order of civil commitment, pursuant to Section 841.082 of the Health and Safety Code, imposed requirements upon the person to ensure the civilly committed sex offender's compliance with treatment and supervision. The order of civil commitment required that: the SVP reside in a residential facility

under contract with OVSOM; the SVP attend a sex offender treatment program; refrain from contact with victims or potential victims; refrain from entering child safety zones; register as a sex offender as required under Chapter 62 of the Code of Criminal Procedure; be prohibited from using or possessing alcohol or illegal drugs; submit to constant monitoring using a global positioning satellite (GPS); and follow all written requirements of the OVSOM case manager and treatment provider. Any violation of the order of commitment could be prosecuted as a third degree felony.

2015 Legislative Changes: Senate Bill 746

The 84th Legislative Session brought about much needed change to the sexually violent predator SVP civil commitment program in the form of Senate Bill 746 by Senators Whitmire and Perry. As a preliminary matter, the name of the agency was changed from OVSOM to the Texas Civil Commitment Office (TCCO). Additionally, Senate Bill 746 made significant changes to the TCCO Board. Previously, OVSOM was governed by a three-member Board appointed by the governor. However, the small size of the Board was unduly burdensome in that it made it impossible to develop Board Committees or even for two Board members to have any conversation regarding agency business because two members constituted a quorum. Senate Bill 746 increased the Board to a five-member Board which must include one member experienced in the management of sex offenders, one member experienced in the investigation or prosecution of sex offenses, and one member experienced in counseling or advocating on behalf of victims of sexual assault. Most significantly, SB 746 made significant changes to the process for the commitment of SVPs, the housing and treatment of SVPs, and TCCO's authority to make decisions regarding the needs of SVPs.

Eligibility for Commitment and MDT Review

Senate Bill 746 revised Section 841.003 of the Health and Safety Code to remove from consideration for civil commitment those cases in which the individual was adjudged not guilty by reason of insanity. As a result, cases are no longer presented to the multidisciplinary team by the DSHS but rather only by TDCJ for those individuals serving a prison sentence. This helps to ensure that those who are civilly committed are able to participate in the treatment program.

Section 841.021 was amended so that the MDT now reviews cases approximately twenty-four months before the offender's anticipated release date. This allows for the entire commitment process to be completed prior to the offender's release and helps to avoid the possibility of what are termed "community commitments" or the commitment of individuals who have already been released from prison. Additionally, Section 841.021's changes provide that the MDT may not re-review a case that was previously reviewed and recommended for a behavioral abnormality assessment unless after that previous recommendation the individual has been convicted of a new sexually violent offense or if their parole has been revoked due to: the commission of a sexually violent offense, failure to adhere to sex offender treatment and supervision requirements, or failure to register as a sex offender.

Section 841.022 was amended to clarify the requirements for membership on the MDT. The MDT remains a seven-member panel and is now required to be composed of: one mental health professional from the DSHS, one licensed peace officer with five years' experience or the officer's designee from the Department of Public Safety, one licensed sex offender treatment provider from CSOT, two members from TCCO, and two members from TDCJ to include one member from Victims' Services Division and one from the sex offender rehabilitation program. Further, for the first time MDT members are required to receive training regarding the eligibility criteria for commitment, the process of evaluating people for commitment and the sex offender treatment program for civilly committed individuals.

Civil Commitment Trials

A significant change made by SB 746 was to decentralize civil commitment cases from one district court in Montgomery County to all Texas counties based on the SVP's last county of conviction for a violent sex offense. Chapter 841 now defines the attorney representing the state to be the district attorney, criminal district attorney, or county attorney with felony criminal jurisdiction. Section 841.023 of the Health and Safety Code now provides that TDCJ is required to give notice of those suffering from a behavioral abnormality to the district or county attorney for the county in which the person was most recently convicted of a violent sex offense. Additionally, Section 841.041 was amended to provide that cases are filed in the court that most recently convicted the person of a violent sex offense.

However, while the SPU is no longer formally assigned to handle civil commitment cases, they are required by statute to provide assistance upon request. Section 841.042 of the Health and Safety Code directs that upon the request of the attorney representing the state, the SPU shall provide legal, financial, and technical assistance for civil commitment proceedings.

Section 841.061 also worked to reduce community commitments by providing that while trials shall be conducted within 270 days of serving a petition, the trial date shall not be later than the person's sentence discharge date. Section 841.063 further worked to reduce community commitments. Specifically, Section 841.063 was amended to provide that the judge cannot continue a trial to a date occurring after the sentence discharge date.

Section 841.082 was amended to modify the requirements of civil commitment set forth in the order of commitment. Previously, the order of commitment was required to include eight categories of language. Now, in order to allow TCCO the ability to tailor treatment programming to the individual SVP, there are only five categories required of the order of commitment: 1) that the SVP reside where instructed by TCCO; 2) a prohibition against the SVP contacting his victim; 3) that the SVP participate in and comply with the sex offender treatment program and written requirements imposed by the office; 4) that the SVP submit to GPS monitoring and refrain from tampering with or manipulating the GPS device; and 5) a prohibition against the SVP leaving the state without TCCO's authorization.

Finally, while SVPs have been entering into agreed orders of commitment throughout the duration of the civil commitment program in Texas there had never been a formalized requirement regarding agreed orders. Senate Bill 746 added Section 841.065 of the Health and Safety Code which specifies that any agreed order of civil commitment must require that the SVP submit to the treatment and supervision of TCCO. This is to ensure that all civilly committed SVPs are provided with appropriate supervision and treatment, which TCCO is required by Section 841.007 to provide.

Table: MDT Presentations, Referrals to SPU or County, and Civil Commitments by Fiscal Year

Fiscal Year	Presented to MDT	Referred to Prosecutor	Civilly Committed
2010	528	84	37
2011	560	74	47
2012	640	89	43
2013	816	130	44
2014	1062	159	43
2015	966	57	32
2016	935	70	18

Tiered Treatment Program

Texas’ SVP Act has always provided that the agency responsible for administering civil commitment was required to provide appropriate and necessary supervision and treatment. However, Senate Bill 746 required specific changes for the implementation of a tiered program for SVP treatment and supervision. The concept of a tiered program is similar to that which is used by other successful civil commitment programs such as Washington State.

SB 746 added Section 841.0831 to specify that TCCO shall develop a tiered program for the supervision and treatment of SVPs. Further, the tiered program is required to provide for seamless transitions of SVPs from total confinement facilities to less restrictive housing and supervision to eventual release from commitment, based upon the SVP’s progress in treatment and behavior. To assist in the implementation of the tiered treatment program, Section 841.0832 was added which provides that TCCO shall operate, or contract with a vendor to operate, one or more facilities for the housing of committed persons. In the operation of such facilities, TCCO is required to designate a facility to serve as an intake and orientation facility for SVPs being released from prison.

Section 841.0834 provides that TCCO is required to transfer a SVP to less restrictive housing and supervision if the transfer is in the best interests of the SVP and conditions can be imposed to adequately protect the community. Once transferred to a less restrictive tier, a SVP can be returned

to a more restrictive tier if the transfer is necessary to further the SVP’s treatment and protect the community. Further, a SVP who wishes to transfer to a less restrictive tier may file a petition with the court for a transfer. When a SVP has progressed to the point that he is released from housing operated by TCCO or under contract with TCCO, he is required to return to his county of last conviction for a violent sex offense.

Finally, Section 841.084 was amended to provide that a SVP who is not indigent is responsible for the cost of the housing, treatment, and GPS monitoring provided under Chapter 841. Previously, SVPs were only responsible for the cost of the GPS monitoring service. TCCO has implemented this requirement by enacting a policy that non-indigent SVPs are to pay 33.33% of their income toward their housing, treatment, and GPS costs or the actual cost of services, whichever is less.

Table: Cost Recovery FY 2014 to FY 2016

FY 2014 GPS Only	FY 2015 GPS Only	FY 2016 Treatment, Housing, GPS
\$61,898.71	\$58,418.79*	\$145,335.70

*The cost of GPS services went from \$167.29 per month to \$95.51 per month in FY 2015.

Violations, Modifications, Biennial Reviews and Releases

Under the previous version of the statute, any violation of the order of commitment or of the OVSOM’s rules could be prosecuted as a third degree felony violation of Section 841.085 of the Texas Health and Safety Code. Senate Bill 746 removed the majority of the criminal penalties from the civil commitment program but left the most serious violations in place. Specifically, four types of violations remain subject to criminal penalties: 1) not residing where instructed by the TCCO; 2) contacting a victim; 3) leaving the state without permission; and 4) GPS violations. These violation cases, pursuant to the amended version of Article 13.315 of the Texas Code of Criminal Procedure, may be prosecuted in the county in which any element of the offense occurred or in the court which retains jurisdiction over the case.

The order of civil commitment issued in each client’s case requires the issuance of a court order for any modification of a requirement of civil commitment. Prior to SB 746, the statute also

required that the court provide written authorization of all changes of address of SVPs but did not specify a procedure for a hearing or approval of an address change. When TCCO sought to assist a SVP in receiving authorization from the court to move to a private residence it was a process that took numerous months and a court hearing. Under the current version of the statute, TCCO is able to make decisions regarding a client's residence based on progress rather than requiring the permission of the court for every change of address. Specifically, it allows clients to be moved to a less restrictive alternative if it is in the client's best interest and conditions can be imposed to adequately protect the community but also permits TCCO to return a client to a more secure environment if the client has regressed and the transfer is necessary to further treatment and protect the community.

Once an individual has been civilly committed, a court order from the court of commitment or a higher court is required in order to release that person from civil commitment. If an appellate court overturns the district court's decision committing an individual as an SVP, TCCO has a policy and procedure in place to release that individual. The court of commitment can also issue an order to release a client from civil commitment.

Chapter 841 envisions two procedures by which an individual could be released from civil commitment: the biennial review process and through a petition for release. SVPs are entitled to a review of their commitment status once every two years. TCCO contracts with clinical examiners to provide independent evaluations of SVPs. SB 746 did involve some changes to the manner in which biennial reviews are handled. First, Section 841.101(b) was amended to require that TCCO shall provide a copy of the biennial examination to the SVP. While TCCO has always provided a copy of the examination to the State Counsel for Offenders attorneys appointed to represent the SVPs at biennial review, this change directly provides the SVP with a copy of the review. As a practical matter, this change necessitated some additional training with TCCO's clinical examiners to ensure that information which identifies a victim was not included in the biennial examination report and with TCCO staff to ensure any such information is redacted prior to provision of the report to the SVP.

Additionally, while TCCO has court-ordered deadlines to submit the biennial review to the court, the court never had a deadline by which an order was required to be completed based on the review. This led to a number of cases in which a biennial examination report was pending judicial action for many months, sometimes more than a year. Accordingly, Section 841.102 was amended to require that the judge take action on a biennial review within sixty days of receipt of the report. Similar to biennial reviews, the court never had a deadline by which action was required to be taken on an unauthorized petition for release. Senate Bill 746 amended Sections 841.123 and 841.124 to provide that the judge take action on an unauthorized petition for release within sixty days of the petition's filing.

If, during a biennial review hearing, the attorney representing the state fails to meet the burden to prove that the individual continues to meet the two criteria to be civilly committed as an SVP then the court would issue an order releasing the SVP from civil commitment. Further, a TCCO client has the right to file an unauthorized petition for release with the court alleging that he no longer suffers from a behavioral abnormality and should be released from civil commitment.

Finally, to address concerns regarding a lack of transparency by the OVSOM's previous administration and the lack of notification to public officials regarding the movement of SVPs to their county, Section 841.0845 was enacted. Section 841.0845 requires that TCCO provide advance notice of any intent to house one or more SVPs at a location or facility that did not previously serve as housing for SVPs. Section 841.0845 provides that notice shall be provided in writing to each member of the legislature who represents a district containing territory in the affected county. The notice requirement also applies to vendors who are submitting proposals to the TCCO to construct or renovate a residence or facility to serve as a new location to house SVPs.

Agency Changes Since 2014 Biennial Report

In 2015, at the start of the 84th Legislative Session the Texas Civil Commitment Office, then called the Office of Violent Sex Offender Management was a small agency with a huge burden on its shoulders. Both of the office's primary housing vendors had provided notice that they would not renew their contracts upon expiration in August 2015, two requests for proposals (RFPS) had been issued for housing without success, and the office's administration had visited, spoken with, or reviewed more than 130 options for housing. At the same time, the office faced legal challenges

surrounding the sufficiency of the treatment provided and criticism from many that the program was broken or failing because no one had ever completed the program or been released. Finally, the office was under a new administration with a 100% turnover in senior staff following a scandal in 2014 and was working to rebuild public trust and correct numerous findings from a scathing State Auditor's Office (SAO) audit report.

Implementation of SB 746

With a deadline looming to remove all SVPs from the halfway house vendors prior to the expiration of their contracts on August 31, 2015, TCCO's first step to implement SB 746 was to issue a RFP for a civil commitment center for SVPs. The center would enable TCCO to enact the tiered treatment program and allow for movement from a more restrictive total confinement environment to less restrictive environments in a single setting. RFP responses were due back on July 17, 2015 and on July 24, 2015 the TCCO Board authorized TCCO's Executive Director to move forward with contract negotiations with Correct Care Recovery Solutions. A contract was signed between TCCO and Correct Care on July 31, 2015 with an effective date of September 1, 2015.

TCCO then began the difficult work of processing modifications or amendments to the court orders of all the SVPs. SB 746 provided for all existing SVPs' court orders to be amended and brought into line with SB 746's requirements after notice and hearing. Following lengthy discussions with the Office of the Attorney General, Special Prosecutions Unit, and state leadership it was determined that it would be necessary to complete a due process hearing with testimony and evidence presented prior to the amendment of court orders to remove reference to an outpatient program. This required TCCO to take all of the SVPs through a carefully orchestrated process of moving from their halfway house, to Houston for staging, then to Montgomery County for a due process hearing before finally being transferred to TCCC.

TCCO provided due process notices to all SVPs in halfway houses during the first week of July 2015. The notices provided a description of the changes to the TCCO program and a copy of the law prior to and after SB 746. SVPs were given a twenty-one-day period to decide whether to consent to enter the tiered treatment program or to attend a hearing. Following the twenty-one-

day notice period, SVPs who did not consent to the tiered program were scheduled for hearings. The evidence packets for the due process hearings consisted of the most recent behavioral abnormality assessment of the SVP and the most recent twelve months' worth of supervision and treatment progress reports. SVPs were provided with their evidence packets a minimum of ten days prior to the hearing.

On August 18, 2015, TCCO began the process of shuttling SVPs from around the state to Montgomery County for court. Throughout August, the Office of the Attorney General and SPU conducted multiple hearings per day in two courts in order to ensure all SVPs needing a hearing were provided with a hearing prior to transfer to the new tiered program. Throughout this process, TCCO staff worked nearly around the clock to shoulder the massive workload and TCCO also contracted with off-duty law enforcement officers for additional security during transportations and at the halfway houses. When hearings were completed for all SVPs in halfway houses, TCCO turned to those SVPs still in prison and began working through those SVPs based on release date to conduct hearings. To date, there have been 126 hearings with approximately 70 hearings for SVPs still in prison left to complete. The remaining SVPs consented to tiered treatment.

SVPs began transferring to the new Texas Civil Commitment Center on September 1, 2015. Upon arrival at the center, residents were evaluated to determine proper placement in programming tiers to ensure that no SVP was required to start over in his treatment and that appropriate credit was given for the work done in outpatient treatment. TCCO's case managers are now stationed within the center to provide daily case management services to the SVPs on-site. Additionally, the center employs security staff and therapeutic security technicians to provide supervision while maintaining a therapeutic environment which encourages the SVPs to take responsibility for their behavior and commit to making positive changes.

SVPs at the center now receive six hours of group sex offender treatment per week, a 100% increase over the number of hours previously provided. SVPs also receive individual sessions a minimum of once per month or more as needed. Clinical therapists facilitate two hours of therapeutic study halls per week for each resident during which SVPs in higher tiers can provide mentorship to those in lower tiers and SVPs can work on treatment assignments with the assistance

of a mentor or therapist. SVPs also participate in one hour of therapeutic community meetings per week with the other residents of their dorms to allow SVPs to discuss issues that have arisen in their community during that week, provide ideas of possible improvements or changes to the dorm, and suggest topics to be brought to the facility-wide Resident Council. The Resident Council is made up of a SVP from each dorm as well as the center's executive management team and a TCCO case manager. This allows SVPs to voice concerns in a productive manner and provide feedback on the treatment program, life at the facility, and services provided at the center as well as encourages positive communication among all parties involved. The center offers a paid therapeutic work program for SVPs, with SVPs are able to apply and interview for positions within the center. Those residents who choose to participate in the therapeutic work program opportunities receive real-world experience of developing a resume, interviewing for a job, managing time on the job, reporting to a supervisor, and budgeting income. Additional weekly life skills programming is offered to all SVPs to include employment services, budget planning, substance abuse education, personal care, and basic education classes for those SVPs struggling with subjects such as reading, writing, or basic math.

The treatment program at the center is a four-tiered program with a fifth tier taking place when the SVP returns to his county of conviction. The treatment program at the center is a Cognitive Behavioral Treatment program which incorporates the Risk Needs Responsibility and Good Lives models of sex offender treatment. Each tier builds upon the previous tier and has several tasks or assignments and behavioral targets which must be met or completed in order to move to the next tier. A SVP that does move to a higher tier but struggles with that tier or has treatment or behavioral setbacks can move back down to repeat a step if necessary. All movement is based on individual progress. The entire tiered program is positive programming designed with the goal of getting the SVP to a point where he is safe in the community and ultimately, being released from civil commitment.

Prior to the passage of SB 746, the court was required to authorize changes of address for SVPs and only one SVP was authorized to move to a private residence, a process which took nearly a year to complete. The amendment to Section 841.082 which requires TCCO to determine the conditions of supervision and treatment of a committed person also means that TCCO now has the

authority to determine the residence of the SVP. As a result, TCCO was able to make treatment-based decisions of whether a SVP was ready to live independently in the community with supervision of a TCCO case manager. Since June 2015, TCCO has authorized five additional SVPs to move to a private residence while remaining under the supervision of TCCO case managers and GPS monitoring. Of those, one SVP underwent a treatment regression and was moved back to the center for more intensive supervision and treatment. Additionally, three SVPs who were found by their biennial examiners to no longer have a behavioral abnormality have been completely released from civil commitment by the court. All three will remain subject to sex offender registration requirements.

Table: Tier Levels of Clients at TCCC as of October 31, 2016

Tiers at TCCC	Total 240
1	104
2	81
3	36
4	18
Not Assigned	1*

*One client not assigned does not have an amended order for the tiered program.

Status of Implementation of SAO Recommendations

In January 2015, the State Auditor’s Office issued a scathing audit report concerning the OVSOM. That audit report found that OVSOM did not have controls over contracting processes, budgeting, expenditure review, fee processing and system access. SAO recommended that OVSOM: 1) comply with the state contract management guide and develop a process to manage its contracts; 2) conduct and document contract planning activities; 3) develop and implement a process to solicit open-enrollment contracts; 4) develop and use standard evaluation criteria for vendor proposals; 5) require the agency’s general counsel to review all contracts and include all information required by the Contract Management Guide in its contracts; 6) monitor contracts to ensure compliance with contract provisions; 7) develop and implement a budgeting process; 8) develop and implement an expenditure review process; 9) work with DSHS and the LBB to ensure GPS fees are used to offset GPS expenditures; 10) revise the process for the calculation and

collection of GPS fees to segregate duties; 11) develop and implement processes regarding access to the case management system.

In 2014, TCCO began the process of a systemic review of all contracts and has been undergoing procurement processes for all services, prioritizing the most urgent needs. This process will continue until all necessary services have been obtained. TCCO has issued open enrollments for clinical examiners, polygraphers, and transport drivers. An RFP is currently open for community transitional housing and secured community residential facilities. TCCO also issued an RFP for community treatment services and is in the process of drafting open enrollments for community treatment services and substance abuse services.

Throughout 2015 TCCO worked to revise its processes with regard to contracting, procurement, budgeting, GPS fee collection, database access and contract monitoring. TCCO hired an operations monitor, an accountant, and a special projects coordinator to assist with contract management, budgeting, and procurement. TCCO also hired an internal auditor in FY 2016 as the budget surpassed \$10M annually. Additionally, TCCO revised policies as necessary to implement the recommendations of the SAO. On December 31, 2015, TCCO submitted an audit response update to the SAO reporting that all recommendations were fully implemented. Finally, TCCO's FY 2016 Internal Audit included a review of the status of implementation of the recommendations from the 2015 State Audit report. The FY 2016 Internal Audit report concluded that TCCO's management implemented all recommendations made by the State Auditor's Office.

TCCO Fiscal Information

Size of Budget

The TCCO was established as an independent agency in 2011 to perform the functions related to the sex offender civil commitment program. During the 84th Legislative Session, the passage of SB 746 revamped the civil commitment program. The new law decentralized the process for prosecuting and committing sexually violent predators. It established a new comprehensive tiered treatment program that allowed. It also required a secured facility environment for the initial tiers of the program. To implement these and other changes, and fund the expected growth in the

number of civilly committed sexually violent predators, the Legislature approved a 100% increase in the size of the agency’s budget. The following chart shows the agency’s General Appropriations Act authorized budget and FTEs during the last four fiscal years as well as the number of SVPs provided services.

	FY 2013	FY 2014	FY 2015	FY 2016
Appropriated Funds	\$ 4,766,511	\$ 6,029,249	\$ 6,902,262	\$ 13,924,308
FTEs	26	29	33	35
Number of SVPs Provided Treatment	164	221	253	285

The TCCO’s budget is 100% funded by General Revenue. Currently, 84% of the agency’s budget is spent on outsourced services for treatment, housing, security, medical, electronic monitoring, transportation and other program services provided for SVPs. An additional 10% of the agency’s budget is spent on intensive case management of SVPs by experienced case managers and direct program staff. Only 6% of the agency’s budget is spent on agency administration and support. Overall, the TCCO is spending an average of \$48,857 annually on each SVP.

Legislative Appropriations Request

As specified in the General Appropriations Act, the TCCO is an independent agency whose administrative attachment has been transitioned from the DSHS to the HHSC effective 9/1/2016. As a result of the administrative attachment, TCCO does not submit a Legislative Appropriations Request, but instead is a part of the HHSC request and is presented in Strategy M.1.1. Texas Civil Commitment Office. The following is a summary of the TCCO 2018-2019 Baseline and Exceptional Item request:

BASELINE REQUEST

FY 2018	\$ 14,985,016
<u>FY 2019</u>	<u>\$ 14,985,014</u>
	\$ 29,970,030

The baseline level of funding maintains current operations and supports the existing SVP caseload, but it does not fund the projected increase in the number of clients committed to the sexually violent predator civil commitment program. To fund the increase in the number of SVPs committed to the civil commitment program and other program needs TCCO has requested the following Exceptional Item funding.

EXCEPTIONAL ITEM REQUEST

TCCO has submitted five Exceptional Items for legislative consideration.

Total Requested FY 2018	\$ 3,460,004
<u>Total Requested FY 2019</u>	<u>\$ 5,774,660</u>
Total, Exceptional Items	\$ 9,234,664

1. Caseload Growth - SB746 passed during the 84th Legislative Session shifted jurisdiction for prosecuting civil commitment cases from a centralized Special Prosecution Unit and 435th District Court to cases being prosecuted by local District Attorneys in the client's county of last conviction. The number of SVPs who are Civilly Committed and in our program is projected to be 340 in FY2018 and 409 in FY2019. The total requested for the FY 2018-2019 biennium is \$5,111,030.

2. Offsite Healthcare - SVPs located at the Texas Civil Commitment Center (TCCC) in Littlefield average 55 years of age and many require considerable medical care, including several that are in need of Hepatitis C treatment. The TCCC contract includes an on-site primary health care clinic and covers the first \$25,000 in off-site medical care for each SVP and specifically excludes Hepatitis C medications, which are very expensive. The funds requested in this Exceptional Item would pay for SVP off-site medical care above the \$25,000 covered in the current contract and help ensure that catastrophic medical care costs do not fall on the taxpayers of a small community

which could overwhelm the local indigent care system. The total requested for the FY 2018-2019 biennium is \$1,669,874.

3. TCCC Supported Living Unit - Some SVPs located at the TCCC facility in Littlefield have medical and psychiatric needs that require accommodations such as safe rooms and significantly increased monitoring and supervision. These clients do not meet Department of State Health Services criteria for state facility admission. The Littlefield facility does not have the accommodations needed. This Exceptional Item will establish a Supported Living Unit of 5 safe rooms and beds, and provide the staffing necessary to supervise and monitor civilly committed clients with special medical and psychiatric needs. The total requested for the FY 2018-2019 biennium is \$1,612,900.

4. TCCC Contract 2% Per Diem Increase - TCCO negotiated the TCCC Littlefield facility contract in July 2015. The facility meets the secured facility requirements of SB746. The contract period covers the FY2016-2017 biennium and it includes a tiered per diem rate structure that reduces costs as the civil commitment population increases. Correct Care Recovery Solutions operates the TCCC. The funding requested in this Exceptional Item will allow TCCO to negotiate up to a 2% per diem increase for the FY2018-2019 biennium, subject to contractor performance. The total requested for the FY 2018-2019 biennium is \$627,092.

5. HHSC Administrative Support -

Effective September 1, 2016 TCCO's Administrative Support was transitioned from the Department of State Health Services to the Health & Human Services Commission (HHSC). HHSC provides Human Resources, Purchasing, Contracts, Accounting, Budget, Information Resources, Facility, Legal and other administrative services necessary to support the mission of TCCO. The funding requested in this Exceptional Item will reimburse HHSC for the services it provides TCCO. The total requested for the FY 2018-2019 biennium is \$213,768.

RIDER REQUEST

TCCO's rider is updated to reflect biennial date changes and the transfer of administrative support from DSHS to HHSC. Rider updated to include carry back authority to increase TCCO's flexibility

to serve the changing number of clients. The 84th Legislature passed Senate Bill 746 which allows cases to be tried in the client's county of last conviction by local District Attorneys instead of a centralized Special Prosecution Unit and District Court. This change means there is no longer a limit to the number of trials that can be conducted each year. As a result, it is extremely difficult to predict the increase in Sexually Violent Predators that will be committed each year.

Challenges in Making Projections

As TCCO implements legislative changes and the civil commitment program continues to grow, some challenges do remain with making projections. TCCO is required by law to provide supervision and treatment to all SVPs following their release from prison. As a result, TCCO's budget and expenditures are based upon the size of TCCO's caseload. However, TCCO does not have control on the influx of clients into the program. Rather, clients' release dates are dependent upon parole board votes and maximum sentence dates. Over the past two years, TCCO has seen an increase in the number of dually supervised SVPs that are receiving services from TCCO after being released from prison on parole.

Additionally, although TCCO has two votes on the MDT panel, the cases are still subject to prosecutorial and judicial discretion and the process is now decentralized with prosecutors and judges throughout the state tasked with handling civil commitment cases. We are still in the early days of the new system with trials taking place in the last county of conviction and the first such case did not occur until nearly nine months after the signing of SB 746. The rates of commitment in these counties may vary from the 100% commitment rate of the 435th District Court. However, TCCO projects larger inputs under this new model than under the previous model in which SPU's budget of 50 trials per year put a maximum cap on the number of cases TCCO could expect to receive. As a small agency, even slightly increased caseloads can have a large impact on TCCO as each type of position or location is generally covered by a single FTE such as one case manager covering a large geographic space.

Finally, although TCCO works to make projections on the services needed for SVPs it can be difficult to determine the resources that will be needed when SVPs return to their counties of conviction for treatment and supervision in Tier 5. Because all progress is dependent upon

individual progress and behavior, there is no set time period of how long it will take a SVP to reach Tier 5 after entering the program. This can lead to TCCO having to work quickly to locate resources such as housing, treatment, and case managers as SVPs near readiness for Tier 5. Additionally, it is difficult to project the length of time for which the services will be needed for each SVP in Tier 5 because there is no set time period when or if a SVP will be released fully from commitment by the court.

TCCO Client Population

Historical Population Data

Following the creation of the Texas civil commitment program, the first TCCO clients were civilly committed in FY 2001. From FY 2001 through FY 2007, there were seven to fourteen new civil commitments per year. At the end of fiscal year 2010, the TCCO client population was a total of 175 civilly committed sex offenders with 81 TCCO clients incarcerated and 94 TCCO clients in the community. In FY 2011, SPU received additional funding for civil commitment trials and the number of new commitments per year increased. Fiscal year 2011 brought an increase of 45 additional civilly committed sex offenders for a 25.7% increase in the TCCO client population and a total of 220 civilly committed sex offenders, with 98 incarcerated TCCO clients and 122 TCCO clients living in the community. Fiscal year 2012 brought an increase of 43 additional civilly committed sex offenders for a 19.5% increase in the TCCO client population for a total of 263 civilly committed sex offenders. Of those 263 civilly committed sex offenders, 105 were incarcerated and 158 were living in the community. Fiscal year 2013 brought an increase of 42 additional civilly committed sex offenders for a 16% increase in the TCCO client population for a total of 305 civilly committed sex offenders with 124 incarcerated clients and 181 clients in the community. In FY 2014, there were an additional 43 civil commitments, or a 14.1% increase, for a total of 348 civilly committed sex offenders. Those 348 were split evenly between incarceration and the community with 174 in each category.

Table: Client Population by Fiscal Year 2010 through 2016

Fiscal Year	Community Clients	Percent Increase	Incarcerated Clients	Percent Increase	Total Clients	Total Percentage Increase
2010	94	-	81	-	175	-
2011	122	29.8%	98	21.0%	220	25.7%
2012	158	29.5%	105	7.1%	263	19.5%
2013	181	14.6%	124	18.1%	305	16.0%
2014	174	-3.9%	165	33.1%	339	14.1%
2015	201	15.5%	176	6.7%	377	11.1%
2016	248	23.4%	150	-14.8%	398	5.6%

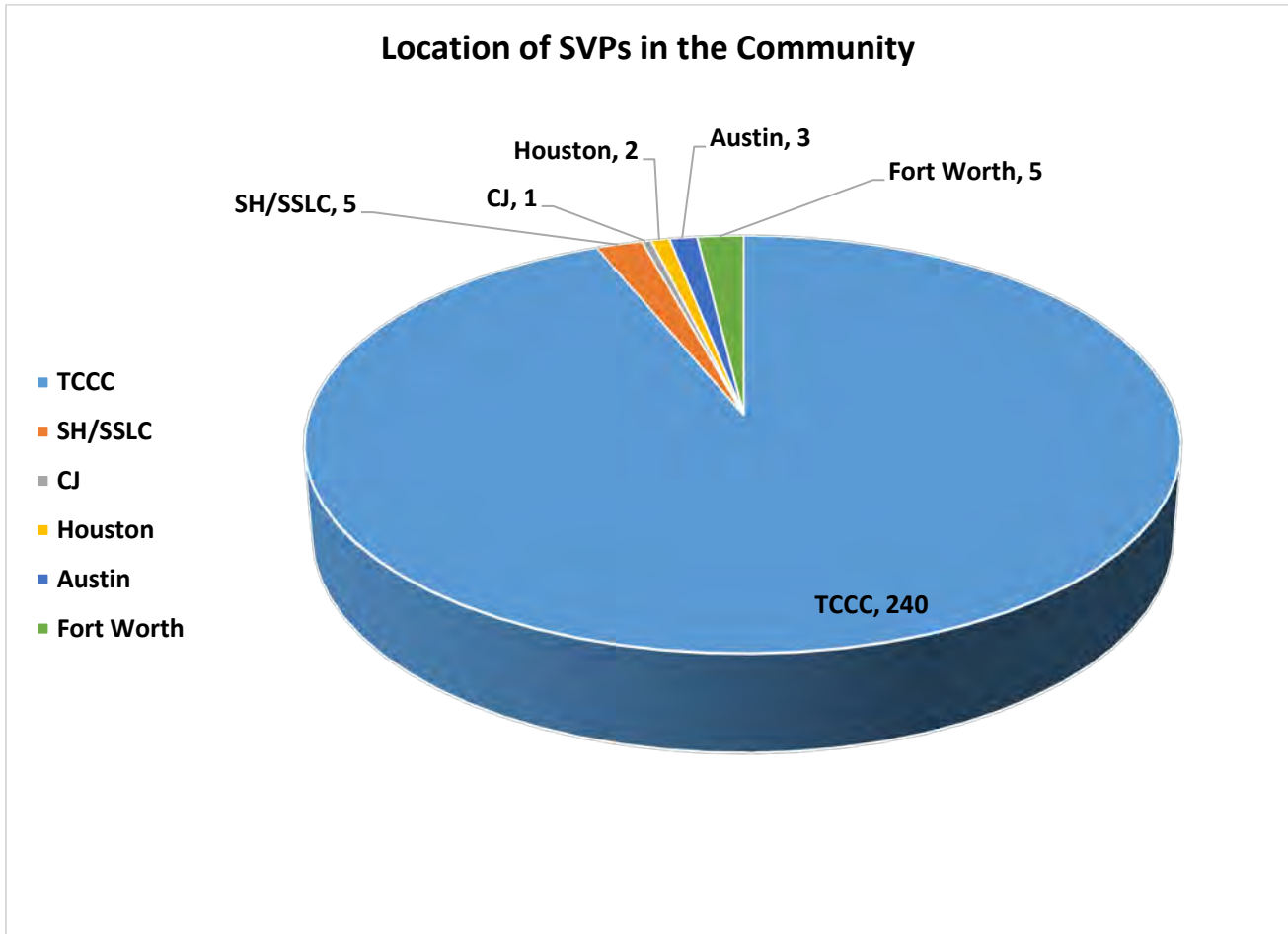
Current Population Data

As of October 31, 2016 there were 407 active civilly committed sex offenders and fifteen civil commitments that are no longer in the program. The fifteen civil commitments that are no longer in the program are composed of eleven deceased SVPs and four SVPs whose civil commitments were overturned by a higher court and were not retried by the SPU. Additionally, three civilly committed sex offenders that no longer had the behavioral abnormality that qualified them for commitment have been released by the court.

Locations of TCCO Clients

Of the 407 civilly committed sex offenders as of October 31, 2016, 256 of those were in the community and 151 remained incarcerated. The majority of the SVPs in the community, a total of 240, are located in the Texas Civil Commitment Center in Littlefield, Texas. An additional five SVPs are in state hospitals or state supported living centers, one is in a county jail, two are in a nursing home in Fort Worth, two are in a supervised living center in Austin, two are in independent living in Houston, two are in independent living in Fort Worth, and one is in independent living in Austin. One SVP that recently passed away in a nursing home is pending case closure with the court.

Table: Location of Clients in the Community as of October 31, 2016



TCCO Client Demographics

Although Chapter 841 of the Health and Safety Code does not preclude female sex offenders from being referred for civil commitment, at present all TCCO clients are men. The majority, 57%, of TCCO clients are Caucasian men with the remaining 43% split relatively evenly between African-American and Hispanic men. TCCO clients range in age from 23 years old to 87 years old with an average age of 53.64 years.

Table: TCCO Client Ethnicity

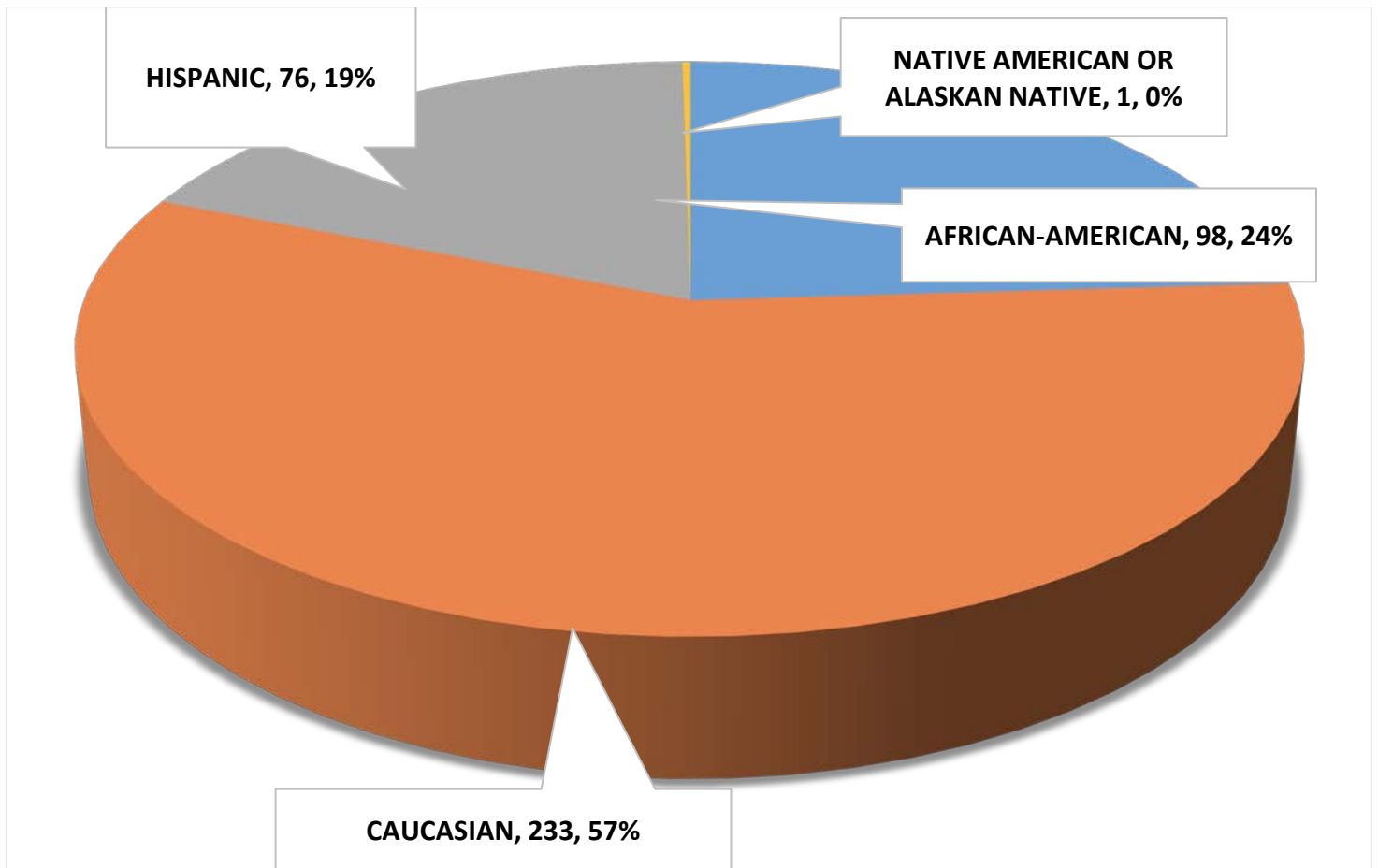
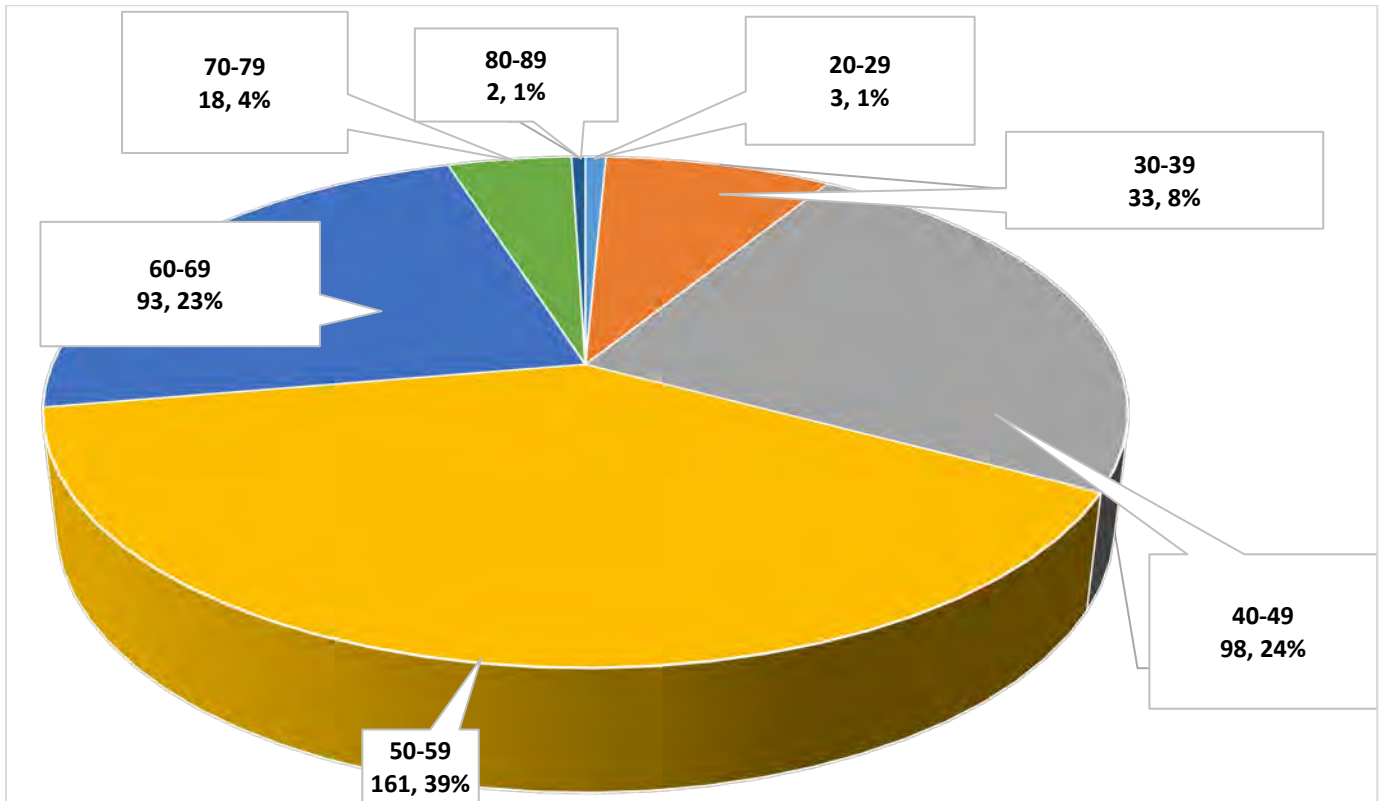


Table: TCCO Client Age



TCCO Client Offense and Victim Information as of August 10, 2016

The majority, or 65% of civilly committed sex offenders in Texas have only child victims, 16% have only adult victims and 19% have both adult and child victims. As of August 10, 2016, TCCO's clients had been convicted of 1255 sex offenses involving 1377 victims. Many of the SVPs committed an offense against more than one type of victim. However, the 396 SVPs on August 10, 2016 had the following types of victims: 125 committed at least one sex offense against a family member, 267 committed at least one sex offense against an acquaintance and 167 committed at least one sex offense against a stranger. The SVPs had an average age of 19 years old at first arrest with the youngest having been 7 years old at his time of first arrest and the oldest having been 56 years old at his time of first arrest.

In sum, 49% of the victims of the civil commitment clients were acquaintances while 22% were family members, 28% were strangers, and 1% were unknown whether stranger or acquaintances.

The victims of the 396 civil commitment clients range in age from 9 months old to 101 years old with 71% of the victims being female and 29% of the victims being male.

Ongoing Issues

While great strides have been made toward the implementation of SB 746 and revamping the TCCO program, there are some areas that continue to present challenges. Specifically, issues remain regarding: 1) provision of services for special needs SVPs; 2) medical costs for SVPs; and 3) community-based housing and treatment for SVPs.

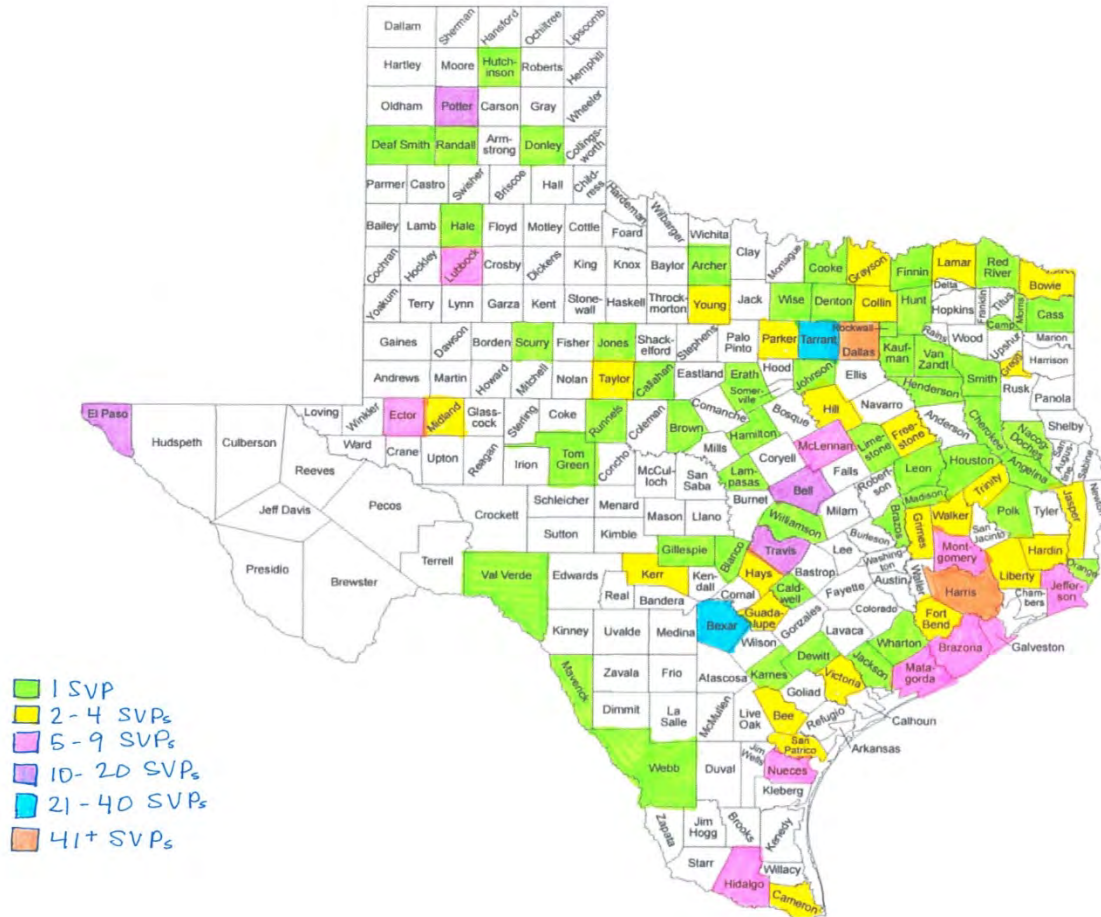
The provision of services to SVPs with physical disabilities, developmental delays, or severe mental illness was a primary concern prior to the implementation of SB 746. TCCO has had a very difficult time obtaining needed services for these SVPs, several of whom were unable to participate in treatment as a result of their mental illness or disabilities. To address concerns regarding the provision of services to SVPs with special needs, Section 841.0835 provides that HHSC shall coordinate with TCCO to provide psychiatric services, disability services, and housing for SVPs with intellectual or developmental disabilities, mental illness, or physical disabilities that prevent the SVP from effectively participating in treatment. This provision resulted in DSHS issuing a request for proposals for the provision of psychiatric care to those SVPs housed at the Texas Civil Commitment Center in Littlefield, Texas. However, the actual implementation of this provision has been problematic with a lack of inpatient hospitalization resources for those SVPs with very severe mental illnesses. As a result, TCCO has submitted an exceptional item request to develop a supported living unit at the Texas Civil Commitment Center to ensure that clients receive the necessary care despite resistance from HHSC to provide inpatient hospitalization.

Additionally, as shown in the table above, TCCO's population is an aging population with an average age of 53.64 years. As they age, SVPs are incurring additional medical expenses. At present, TCCO does not have funds budgeted for the considerable medical care required by the population. As a result, TCCO has submitted an exceptional item request for offsite healthcare costs. SVPs located at the Texas Civil Commitment Center (TCCC) in Littlefield average 55 years of age and many require considerable medical care, including several that are in need of Hepatitis C treatment. Our TCCC contract includes an on-site primary health care clinic and covers the first

\$25,000 in off-site medical care for each SVP and specifically excludes Hepatitis C medications, which are very expensive. The funds requested in this Exceptional Item would pay for SVP off-site medical care above the \$25,000 covered in the current contract and help ensure that catastrophic medical care costs do not fall on the taxpayers of a small community which could overwhelm the local indigent care system.

Finally, as SVPs move through the program and progress to the point that they are ready to move back to their counties of conviction for ongoing supervision and treatment, it can be difficult to locate the resources for that housing and treatment. TCCO will have to arrange for housing, supervision, treatment and related services in each area as SVPs near readiness to transition to Tier 5. TCCO will need to locate staff to provide supervision and vendors or staff to provide treatment in the SVPs' last counties of conviction. The numbers and locations of necessary staff and vendors are dependent on the location of last county of conviction and progress of SVPs. In order to assist in locating community transitional housing for SVPs who are nearing readiness for Tier 5, TCCO issued a RFP in November 2016 with proposals due back in early 2017. As of September 2016 the SVPs in TCCO's program represented 94 counties throughout the state with many areas having only one SVP.

Table: Last Counties of Conviction as of 09/22/2016



The Future

TCCO continues to implement SB 746 through a full revision of the agency’s policy and procedure manual and continues completing due process hearings for SVPs that are currently incarcerated. The tiered program has reached its first birthday and TCCO continues to evaluate the program to make changes as necessary and to review programming in other states to ensure that we are utilizing the most effective treatment methodologies.

Looking into the 85th Legislative Session and beyond, TCCO hopes to address: 1) challenges related to anticipated caseload increases, including the fact that the TCCC will reach capacity in FY 2019; 2) challenges related to receiving appropriate mental health care for civilly committed

sex offenders with severe mental illnesses that prevent them from effectively participating in the TCCO treatment program; 3) funding for the rising health care needs and expenses for the aging SVP population; and 4) locating community transitional beds and resources for clients reaching Tier 5.