

# TEXAS CIVIL COMMITMENT OFFICE



## POLICY AND PROCEDURE

**NUMBER:** 4.1  
**EFFECTIVE DATE:** 12/20/2023  
**SUPERCEDES:** 10/10/2023

### **SUBJECT: TIERED PROGRAMMING**

**AUTHORITY:** Health and Safety Code §§ 841.0831, 841.0832, 841.0834, 841.141(b)3.

**PURPOSE:** To provide guidelines for the tiered program and establish criteria for movement between the tiers.

**POLICY:** Pursuant to the Health & Safety Code §§ 841.0831, 841.0832, 841.084 and 841.141(b)3, the Texas Civil Commitment Office (TCCO) shall develop a tiered program for treatment and supervision of a committed person to include criteria for movement between the tiers.

### **PROCEDURE:**

#### **I. Tiered Treatment Program**

- A.** The Texas Civil Commitment Office (TCCO) treatment and supervision program consists of five treatment tiers with Tiers One through Four occurring while the client resides at the Texas Civil Commitment Center (TCCC), a community residential facility, treatment facility, or other supervised housing designated by the TCCO. Clients who have progressed to Tier Five are placed in the community for continued treatment and supervision.
- B.** The TCCC is designated to serve as the intake and orientation facility for clients released from a secure correctional facility, state hospital, state supported living center, or placed there by TCCO. All clients shall initially reside in the Texas Civil Commitment Center (TCCC) unless otherwise designated by TCCO.
- C.** The tiered program shall provide a seamless transition from total confinement to less restrictive housing and supervision based on the client's individual behavior and progress in treatment.

- D. The tiered program consists of group and individual treatment. The client will attend group as required by the Individual Treatment Plan or by the program design. In the event a client cannot attend group or individual treatment for a TCCO approved reason such as Treatment Provider approved training, natural disaster, medical isolation, pandemic or other approved reason, the Treatment Provider shall provide the client with treatment assignments commensurate with the number of groups or individuals not attended. The treatment assignments shall be reviewed by the Treatment Provider with feedback provided and documented in the case management automated system. The information presented must be reflected on the written assignment.
- E. The tiered program consists of the following tiers:
1. Tier One – Responsibility. Includes curricula that will help the client with building problem solving skills and will teach the client how good decisions are made. This tier addresses the client's individual needs and considers the level of skill the client has for managing their life. The goals of Tier One include: attending and actively participating in treatment; understanding cognitive behavior therapy and thinking errors; demonstrating honesty, accountability, readiness for change; and understanding healthy sexuality.
  2. Tier Two – Awareness and Discovery. The client will participate in disclosure group, which includes curricula that covers offending behavior; relationships; and sexual history. The client works on developing behaviors toward establishing a balanced, self-determined lifestyle that is free from offending behavior. The goals of Tier Two include: admitting to the offenses; understanding their offense cycle; being accountable for the choices they have made; identifying risk; and continuing to demonstrate an understanding of healthy sexuality.
  3. Tier Three – Healthy Relationships and Empathy. The client will learn to control their risk factors and build relationship skills. This tier assists the client to understand and share with others in a more empathic and emotionally healthy manner through ongoing development and supervised practice of self-control behaviors, thoughts, and emotions. The goals of Tier Three include: being able to identify high-risk situations; increasing social support; gaining skills in recognizing healthy relationships; and creating a maintenance plan for managing risk.
  4. Tier Four – Preparation for Community Reintegration. The client will receive support and guidance to enforce and support the new skills learned in treatment. The client will also prepare to return to the community through individually tailored curriculum using offense-focused group presentation, cognitive restructuring, role play, and life planning. Tier Four also includes an Advanced Group Environment (AGE) for clients who have progressed significantly in Tier Four and are being considered for Tier Five. This environment emphasizes an increase in independent living skills and personal responsibility that is similar to community living. The goals of Tier Four include: being financially and emotionally responsible and developing a discharge and safety plan for community living.
  5. Tier Five – Community Treatment. A client who has completed all of the goals in Tiers One through Four of the sex offender program or the equivalent and have been approved to live in less restrictive housing in the community are placed in Tier Five. The client's placement in Tier Five must be in the best interest of the client and

conditions shall be imposed that adequately protect the community. Sex offender treatment will continue in Tier Five utilizing the cognitive behavioral model incorporating the Good Lives and Risk-Need-Responsivity Model. The client will continue to receive treatment and supervision that will reinforce the skills learned in treatment. The goals for Tier Five are for the client to continue to build healthy relationships and social support systems, identify high-risk situations, and to be a productive citizen who is free from offending behavior with the ultimate goal of no more victims.

- F. Tier Two consists of two parts: Tier Two – I and Tier Two. The first six (6) months is considered Initial Placement (Tier Two – I). Clients are placed in Tier Two – I for the first six (6) months of this tier. A client may also be considered for Tier Two – I if the client receives an incident report that was sustained at a Behavior Management Review (BMR). Going forward in this policy, this tier regardless of initial placement or incident report is referred to as Tier Two.

## **II. Movement Between Tiers**

- A. A client in Tier One or Tier Two may progress to the next tier (Tier Two or Three respectively) upon:
  - 1. Successfully completing all assigned curriculum and assignments;
  - 2. Successfully meeting and maintaining all of the treatment goals;
  - 3. Consistently demonstrating through their behavior that they have engaged in treatment and are utilizing the strategies learned in a positive pro-social manner; and
  - 4. The Treatment Team recommending the client progress to the next tier.
- B. A client in Tier Three may progress to Tier Four upon:
  - 1. Successfully completing all assigned curriculum and assignments;
  - 2. Successfully meeting and maintaining all of the treatment goals;
  - 3. Consistently demonstrating through their behavior that they have engaged in treatment and are utilizing the strategies learned in a positive pro-social manner;
  - 4. Continued compliance with supervision and treatment rules;
  - 5. No reported violations within the last six (6) months;
  - 6. No deception indicated on the most recent maintenance polygraph;
  - 7. The client participating in the Panel Review as described below;
  - 8. The Treatment Team recommending the client progress to Tier Four; and
  - 9. The TCCO Executive Director or designee approving the client to progress to Tier Four.
- C. A client in Tier Four may be considered to move to the AGE upon approval from the Director of Case Management Services (DCM) when the client:
  - 1. Is systematically completing the assignments and achieving the goals of Tier Four;
  - 2. Is compliant with supervision and treatment rules;
  - 3. Has had no reported violations within the last six (6) months;
  - 4. Has no significant responses to deviant stimuli on the most recent valid plethysmograph (PPG) or is currently working on sexual arousal management;

5. Has no deception indicated on the most recent maintenance polygraph;
  6. Has participated in the Panel Review;
  7. The Treatment Team agrees; and
  8. The TCCO Executive Director approves the client to move to AGE.
- D. A client in Tier Four may progress to Tier Five with approval of the TCCO Executive Director upon:
1. Successfully completing all assigned curriculum and assignments in Tiers One – Tier Four or the equivalent;
  2. Successfully achieving and maintaining all of the treatment goals;
  3. Consistently demonstrating through their behavior that they have engaged in treatment and are utilizing the strategies learned in a positive pro-social manner;
  4. TCCO determining that the transfer to less restrictive housing is in the best interest of the client and conditions can be imposed that can adequately protect the community;
  5. Completion and approval of the client's High-Risk and Safety Plans;
  6. The Treatment Team's recommendation; and
  7. Investigation and approval of a home plan.
- E. A client who demonstrates a regression in treatment or behavior may be reduced in tier as determined by the Treatment Team. If a client is participating in a BMR, a tier reduction shall not occur during the review. The participants in the BMR include but are not limited to the client, representatives from clinical, security, and TCCO case management. The participants may recommend a tier review during the BMR; however, the Treatment Team shall make the final decision regarding the tier assignment.
- F. On a case-by-case basis, a client may remain in their current tier in sex offender treatment group but have a reduced tier assignment regarding housing and privileges if behavioral or treatment issues need to be addressed as determined by the Treatment Team. The Case Manager shall document the privilege restriction on the Review/Change in Tier form (TCCO-05-19) and enter the information in the comments and enter the restriction on the Restriction section of the Sanctions screen of the case management automated system within two (2) working days of the decision. Once the restriction is completed, the Case Manager shall enter the completion date in the "discharge date" of the Restriction section of the Sanctions screen in the case management automated system and enter the reason within two (2) working days of the restriction being completed.
- G. The Treatment Team may approve a client to advance to the next tier in treatment while remaining in the lower tiered housing and privileges if the client has completed all of the assignments and has met all of the goals of the tier but remains noncompliant in some areas of supervision. The Case Manager shall staff the case with the DCM prior to approving the client to move to the next treatment tier. The Case Manager shall document the housing restriction on the Review/Change in Tier form (TCCO-05-19) and enter the information in the comments. The Case Manager shall document the staffing as a Case Conference and enter the restriction in the Restriction section of the Sanctions screen in the case management automated system within two (2) working days of the decision. Once the restriction is completed, the Case Manager shall enter the completion date in the "discharge

date” of the Restriction section of the Sanctions screen in the case management automated system and enter the reason within two (2) working days of the restriction being completed.

- H. Without approval from the TCCO, a client may file a petition with the court of commitment for transfer to the next less restrictive tier. A client who files a petition for less restrictive tier shall also provide a copy to the TCCO Central office. Pursuant to § 841.0834 of the Health and Safety Code, the court shall grant the transfer if the court determines that the transfer is in the best interest of the client and conditions can be imposed that adequately protect the community.
- I. The TCCO shall transfer a client who is not required to reside in a total confinement facility back to more restrictive setting in a total confinement facility if the transfer is considered necessary to further treatment and to protect the community, which may include transfer to the TCCC. The transfer must be based on the client’s behavior or treatment progress.

### **III. Tier Assignment and Documentation**

- A. The Case Manager shall place a client who is a new arrival to the TCCC or a returning client who was previously terminated from the facility in the Pending status in the case management automated system until the Treatment Provider completes the initial tier assessment.
- B. A client returning to the TCCC with pending felony charges, if not being housed in the Special Management Unit (SMU), shall be assessed to determine the appropriate tier placement. Clients with pending felony charges shall receive Tier One housing and privileges until the felony charges have been disposed. Upon disposition of the charges, if the client remains at the TCCC, the Treatment Team shall determine the appropriate privilege level.
- C. New arrivals and clients who return to the TCCC who have previously been terminated for over six (6) months from the facility shall be provided with an Intake Orientation/Intake Procedures by the TCCC and TCCO staff.
- D. A Treatment Provider shall complete an Initial Tier Assessment (TCCO-04-19) form for each new arrivals and for previously terminated clients returning to the TCCC. If a client had previously attended sex offender treatment while in prison or in the community, the Treatment Provider shall provide extensive justification if the client is placed in a tier lower than Tier Two. The Treatment Provider shall provide a copy of the Initial Tier Assessment to the Case Manager within two (2) working days of assigning the client a tier. The tier assessment for clients with pending felony charges shall be completed upon disposition of the charges.
- E. The Treatment Team shall discuss a client’s tier change when a client has progressed in treatment to the point of advancing tiers or if the client has regressed.

- F. The Case Manager shall complete a Review/Change in Tier form (TCCO-05-19) each time a client's tier changes. In addition, the Case Manager shall complete a TCCO-05-19 at least annually to document the review of the client's current tier.
- G. The Case Manager or designee shall scan the TCCO-04-19 or the TCCO-05-19, whichever applies, into the TCCO case management automated system within two (2) working days of receipt or of the staffing.
- H. When the Treatment Team is considering a client for Tier Four or AGE, the Case Manager shall submit a Decision Memorandum to the Unit Supervisor and DCM. Upon approval from the DCM, the Unit Supervisor shall coordinate scheduling the Panel Review.
- I. The Panel Review participants include, at a minimum, the DCM or designee, Unit Supervisor, Case Manager, Clinical Director or designee, and the client. The Treatment Team may request additional individuals to be included to participate in the Panel Review with the approval of the DCM.
  - 1. The Case Manager shall present the client's offenses, progress in treatment, completion of goals and behavior.
  - 2. The members of the panel shall ask the client questions to determine if the Treatment Team will recommend the client to move to Tier Four or AGE, whichever is applicable.
  - 3. If the Treatment Team agrees that the client is ready to move to Tier Four or AGE, the Case Manager shall submit the finalized Decision Memorandum to the Unit Supervisor within three (3) working days of the Panel Review. The Unit Supervisor shall submit the Decision Memorandum to the DCM within ten (10) working days of the Panel Review.
  - 4. The DCM shall submit the Decision Memorandum to the Deputy Director for review within two (2) working days of receipt if the DCM concurs with the tier/housing change.
  - 5. The Deputy Director shall submit the Decision Memorandum to the Executive Director or designee within two (2) working days of receipt if the Deputy Director concurs with the tier/housing change.
  - 6. The Executive Director shall sign the Decision Memorandum indicating whether the tier/housing change is approved or denied.
  - 7. The DCM shall inform the Case Manager of the Executive Director's decision and scan the signed Decision Memorandum in the case management automated system within (2) working days of the decision.
- J. The Case Manager shall complete and submit a Decision Memorandum when the Treatment Team determines the client's movement to Tier 5 should be considered. For information on home plan preparation, reference TCCO policy 5.2 *Transition to Home Plan*.
- K. The Case Manager shall enter the assigned tier in the case management automated system on the effective date of the tier change.

#### **IV. Additional Programming**

##### **A. Study Hall**

1. Clients in Tier One and Tier Two residing at the TCCC are required to attend study hall.
2. Clients in Tier Three and Tier Four shall attend study hall as identified in their Individual Treatment Plan or as instructed by any member of their Treatment Team.

##### **B. Clients in Tier One through Tier Four who do not have a verifiable high school education or General Educational Development (GED) and who are sixty (60) years of age and younger are required to attend GED classes at the TCCC as instructed by their Case Manager.**

##### **C. Clients in Tier One through Tier Four may be required to attend classes offered at the TCCC as instructed by their Case Manager.**

##### **D. The Case Manager and/or facility staff shall make appropriate and necessary referrals, which may include but is not limited to referrals for substance abuse treatment and education, life skills classes, mental health and on-site medical services.**

**SIGNATURE ON FILE**

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Marsha McLane  
Executive Director

#### **Associated Forms**

- Initial Tier Assessment form with Instructions (TCCO-04-19)
- Review/Change in Tier Level form with Instructions (TCCO-05-19)
- Decision Memorandum