



**Biennial Report regarding the Texas Civil Commitment Office
December 1, 2018 – November 30, 2020**

**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) is a small state agency with limited resources that is 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, six-year terms with the terms of one or two members expiring on February 1 of each odd-numbered year. The current members of the TCCO Board are:

Christy Jack, Chair
Fort Worth, Texas
Term Expires: 02/01/2023

Katie McClure
Kingwood, Texas
Term Expires: 02/01/2021

Roberto Dominguez
Mission, Texas
Term Expires: 02/01/2023

Jose Aliseda
Beeville, Texas
Term Expires: 02/01/2025

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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

Sexually Violent Predator (SVP) civil commitment was enacted in Texas in 1999. In enacting the SVP Act, Chapter 841 of the Texas Health and Safety Code, the legislature determined that a small, but extremely dangerous, group of SVPs were being released from prison with a behavioral abnormality that was not amenable to traditional mental illness treatment modalities and existing involuntary commitment provisions were not sufficient to address the risk posed by these sexually violent predators. The legislature further found these individuals were likely to engage in repeated acts of predatory sexual violence. Accordingly, the Texas civil commitment program was created to provide intensive supervision and treatment to those sexually violent predators suffering from a behavioral abnormality.

From its inception in 1999 until 2011, the Council on Sex Offender Treatment (CSOT) was responsible for the administration and implementation of the Texas civil commitment program. In 2011, the Office of Violent Sex Offender Management (OVSOM), was created as a separate state agency to perform the functions relating to the sexually violent predator treatment program. Civil commitment in Texas was administered by the OVSOM from 2011 until 2015 when the agency was renamed TCCO as a result of the 84th Legislative Session, Senate Bill 746.

What is a Sexually Violent Predator?

A sexually violent predator or SVP, as defined by Section 841.003 of the Texas Health and Safety Code, 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, 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, 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.

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.

A behavioral abnormality is defined in Section 841.002 of the Health and Safety Code 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.

Civil Commitment Process

Review by Texas Department of Criminal Justice

The civil commitment process begins approximately two years prior to an offender's release from the Texas Department of Criminal Justice (TDCJ). TDCJ reviews all offenders to determine whether the offender has more than one qualifying sexually violent offense and gives notice to a multidisciplinary team (MDT) of the anticipated release of a person who is serving a sentence for a sexually violent offense and may be a repeat sexually violent offender. The notice is required to provide the MDT with certain information regarding the person including name, identifying factors, anticipated residence after release or discharge, criminal history information, documentation of institutional adjustment, any treatment provided, and an assessment of the likelihood that the person will commit a sexually violent offense after release or discharge.

Multidisciplinary Team Review

The MDT is a seven-member panel composed of: one mental health professional from the Department of State Health Services, 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. 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. The training is conducted by TDCJ and TCCO staff.

Upon receiving notice regarding a potential sexually violent predator, the MDT is required to review that individual's case within sixty days. The MDT's task is 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, and recommend the assessment of the person for a behavioral abnormality, if appropriate. A majority vote is required to recommend that the offender receive further evaluation to determine whether the offender suffers from a behavioral abnormality that makes him or her likely to engage in repeated predatory acts of sexual violence. 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 the

individual's parole was 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.

Evaluation for a Behavioral Abnormality

If the MDT refers a person for a behavioral abnormality assessment, TDCJ is 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 is completed through an expert evaluation to include a clinical interview, psychological testing for psychopathy, a review of risk assessments, a review of records, a review of victim impact statements, institutional adjustment, and all relevant medical or psychiatric records or reports. The goal of the evaluation is to determine whether the person meets the definition of a behavioral abnormality, as set forth in the Health and Safety Code.

Referral to Prosecutor

If the evaluator determines that the offender suffers from a behavioral abnormality, TDCJ is required to provide notice of the assessment and supporting documentation to the attorney representing the state. Until June 17, 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) and all cases were filed in Montgomery County in the 435th District Court. Following the passage of Senate Bill 746 in 2015, the attorney representing the state is the District Attorney in the county of the offender's last conviction for a sexually violent offense. The attorney representing the state, upon receiving notice of the assessment and supporting documentation, reviews the case further to determine whether to file a petition for civil commitment in the offender's court of last conviction for a sexually violent offense. The attorney representing the state has the discretion to determine which cases are filed; the statute does not mandate that all cases in which a behavioral abnormality has been diagnosed result in a civil commitment proceeding. The decision whether to file a petition for civil commitment must be made within 90 days of receiving the case referral from TDCJ.

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. Until 2015, the SPU was funded for a maximum of fifty trials per year. This funding limit put a maximum on the number of cases that would be filed in any given year. However, under the amended statute with cases being filed in the offender's county of last conviction rather than in Montgomery County, this limit no longer exists.

Filing a Petition and Trial

If the prosecutor moves forward with filing a petition and trial, the offender is represented by the State Counsel for Offenders (SCFO) and both the prosecutor and the SCFO are entitled to obtain an additional evaluation of the offender. The offender can choose to enter into an agreed judgment and admit that he or she is a sexually violent predator or the offender can move forward to trial. Section 841.065 of the Health and Safety Code 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.

If a case goes to trial, the offender has the right to a jury trial but can waive that right and elect for a bench trial. The Texas Rules of Civil Procedure apply to the civil commitment proceedings, including rules related to pre-trial discovery. At trial, the prosecutor is required to prove beyond a reasonable doubt that the offender 1) is a repeat sexually violent offender and 2) suffers from a behavioral abnormality that makes him or her likely to engage in a predatory act of sexual violence. If the jury, or judge in a bench trial, determines the offender met the two criteria of an SVP, the judge is required to commit the person for treatment and supervision to be coordinated by TCCO.

Final Judgment & Order of Commitment

An order of civil commitment and final judgment are then signed by the judge. The order of civil commitment, pursuant to Section 841.082 of the Health and Safety Code, imposes requirements upon the person to ensure the SVP's compliance with treatment and supervision. The order of civil commitment requires: 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.

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
2017	784	47	41
2018	653	49	29
2019	583	49	36
2020	642	60	23

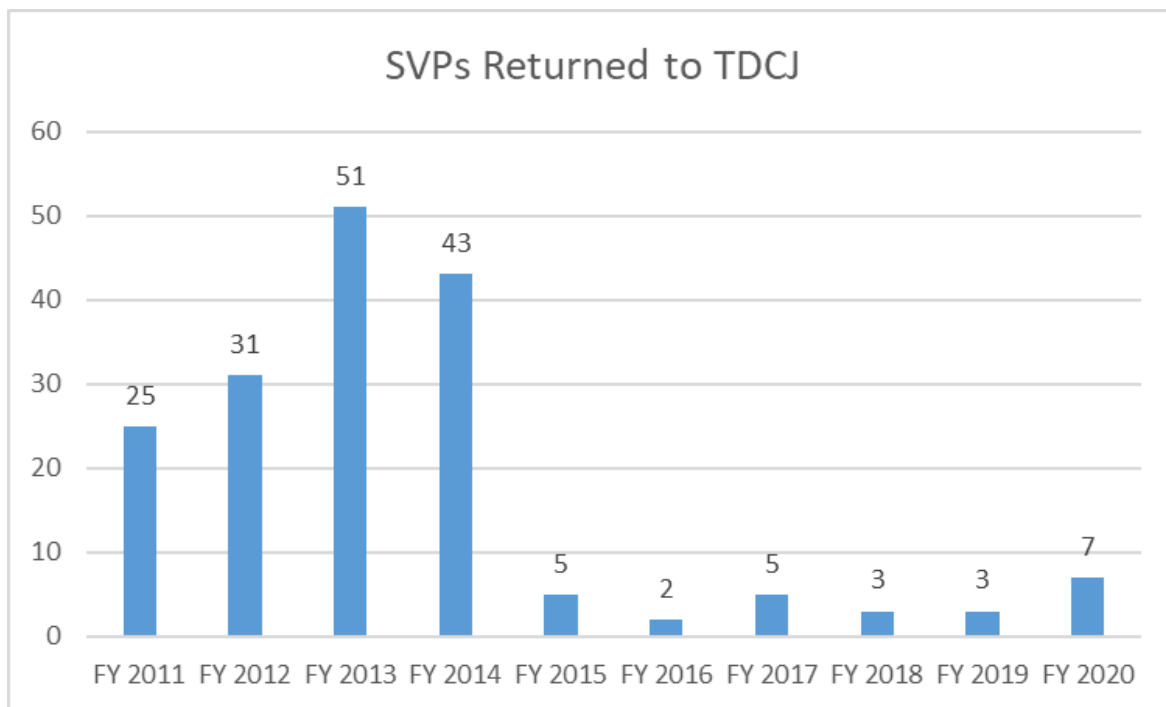
Violations

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. As a result, many SVPs were returned to TDCJ each year for violations of their civil commitment order. Senate Bill 746, effective June 17, 2015, 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. This change in statute has greatly reduced the number of SVPs returned to TDCJ for violations and allows TCCO to deal with violations in a treatment setting.

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. If an SVP is convicted of a civil commitment violation, or any other offense, and returns to TDCJ his civil commitment remains in effect throughout the SVP's incarceration. However, pursuant to Section 841.150 of the Texas Health and Safety Code, TCCO's requirements regarding the SVP's civil commitment are suspended throughout his incarceration. Upon the SVP's release from TDCJ, the SVP returns to the TCCO caseload and is provided with supervision and treatment by TCCO. TCCO closely tracks the release dates of any SVP who has returned to TDCJ on a violation in order to prepare for the impact on TCCO's caseload.

Table: SVPs Returned to TDCJ by Year as of 09/01/2020.



Biennial Reviews and Petitions for Release

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.

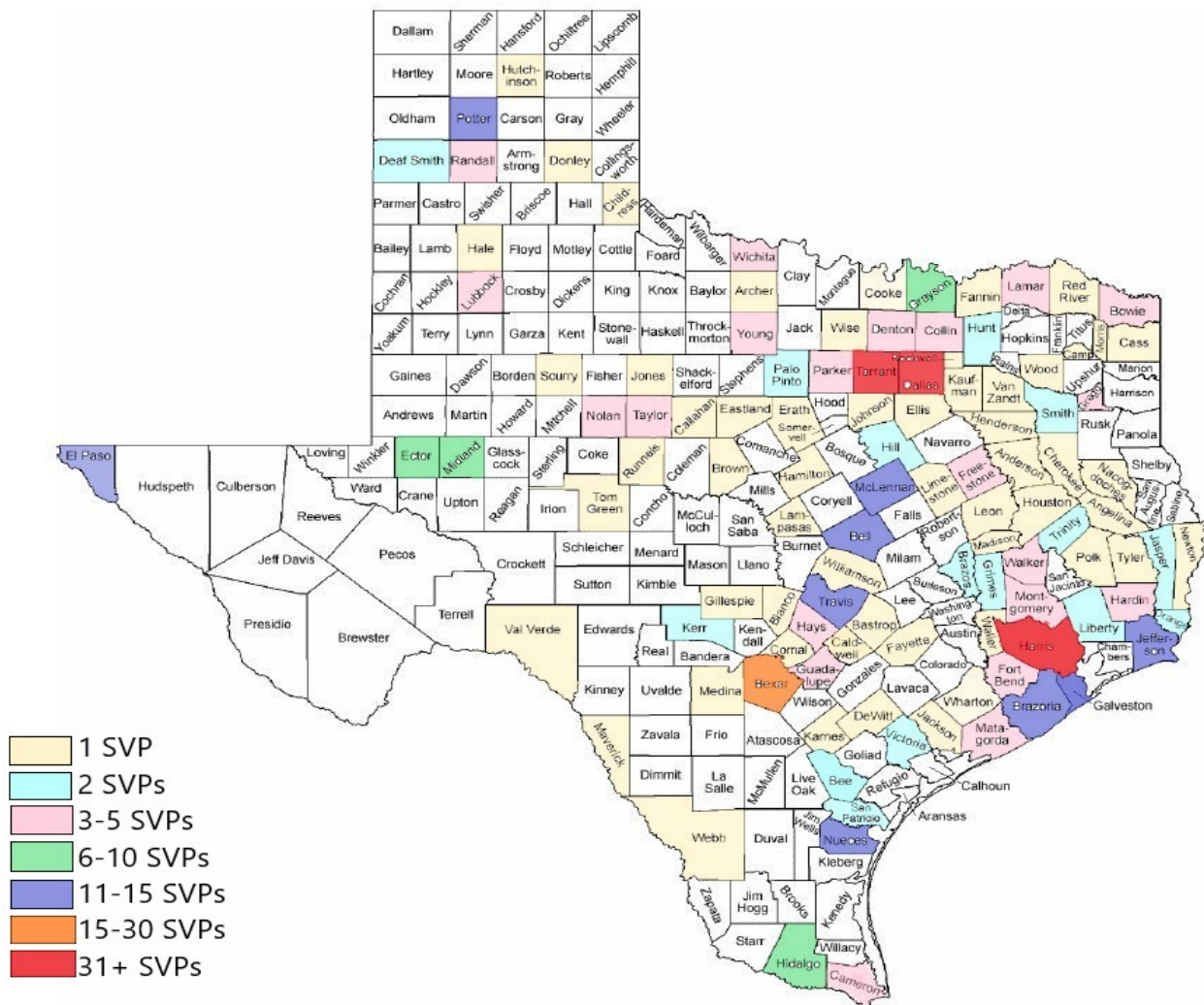
Chapter 841 envisions two procedures by which an SVP can be released from civil commitment: the biennial review process or through a petition for release. Each SVP has a right to file an unauthorized petition for release with the court of commitment alleging that he no longer suffers from a behavioral abnormality and should be released. TCCO is required by statute to remind each SVP of this right on an annual basis. SVPs are also entitled to a review of their commitment status every two years. TCCO contracts with clinical examiners to provide biennial evaluations of SVPs. The evaluation's purpose is to determine whether the SVP's behavioral abnormality has changed such that he is no longer likely to engage in a predatory act of sexual violence. The clinical examiner's report along with a report from the SVP's assigned case manager and treatment provider are filed with the court of commitment. A copy of the biennial examination is provided to the attorney representing the state, the SVP's attorney, and to the SVP. During FY 2019 and 2020, TCCO filed 305 biennial examinations with courts of commitment throughout the state.

An SVP is entitled by Chapter 841 to representation by counsel during the biennial review process and SCFO is appointed for that purpose; however, the SVP is not entitled to be present during a biennial review unless a hearing is set. If the court determines there is probable cause to believe that the SVP's behavioral abnormality has changed such that he or she is no longer likely to engage in a predatory act of sexual violence, the court is required to set the case for a hearing. The hearing can be held before a jury if requested by the SVP or the state. If a hearing is set, the state and the SVP are entitled to an additional examination by an expert. At the hearing, the state is required to prove beyond a reasonable doubt that the SVP's behavioral abnormality has not changed to the extent that he or she is no longer likely to engage in a predatory act of sexual violence. If the state fails to meet the burden, the court will issue an order releasing the SVP from civil commitment.

TCCO Client Demographics & Offense Statistics

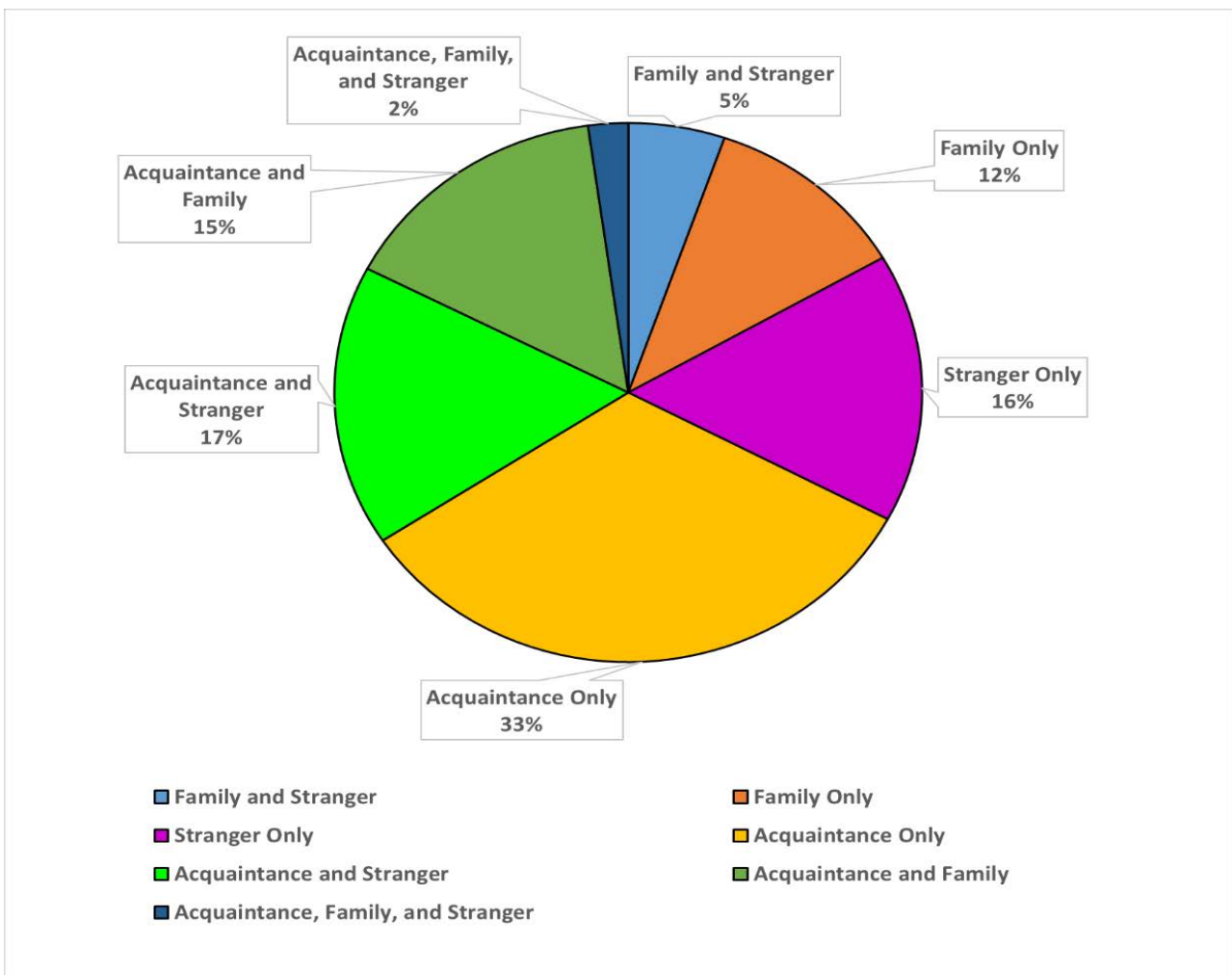
Although Chapter 841 of the Health and Safety Code does not preclude female sex offenders from being referred for civil commitment, at present all TCCO clients are men. TCCO clients range in age from 24 years old to 91 years old. The majority of TCCO clients, 54.74% are Caucasian. The remaining population is divided as follows: 25.00% African-American, 19.89% Hispanic, 0.18% Native American, and 0.18% Other. As of November 2020 the SVPs in TCCO's program had last counties of conviction spanning 108 counties throughout the state with many areas having only one SVP.

Table: Last Counties of Conviction as of 10/19/2020



Each of the SVPs has committed at least two qualifying offenses as required by Chapter 841. The majority of the SVPs, 65.38%, committed their offenses against female victims only. Of the remaining SVPs, 18.50% committed offenses against both male and female victims and 16.12% committed offenses against male victims only. The victims of the SVPs' offenses are classified as strangers, acquaintances, or family members for purposes of TCCO's statistics. Many of the SVPs committed an offense against more than one type of victim. However, as of November 6, 2020 the SVPs had the following types of victims: 186 committed at least one sex offense against a family member, 221 committed at least one sex offense against a stranger, and 367 committed at least one sex offense against an acquaintance. A chart illustrating the victim profiles of the SVPs is below.

Table: SVP Victim Types



Tiered Treatment Program

The SVP Act requires TCCO to provide appropriate and necessary supervision and treatment to civilly committed SVPs and requires TCCO to develop a tiered program for the supervision and treatment of SVPs. Section 841.0831 of the Health and Safety Code requires the tiered program to provide for the seamless transition of SVPs from total confinement to less restrictive housing and supervision to eventual release from commitment based upon the SVP's progress in treatment and behavior. TCCO is required to transfer an 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. Additionally, if transferred to a less restrictive tier, an 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, an SVP who wishes to transfer to a less restrictive tier may file a petition with the court for a transfer and an SVP who has been returned to a more restrictive tier may file a petition with the court to review the transfer.

TCCO operates a five-tiered sex offender treatment program for SVPs. Tiers One through Four take place at the Texas Civil Commitment Center in Littlefield, Texas and Tier Five takes place in the community. The tiered program utilizes cognitive behavioral therapy incorporating the Good Lives and Risk Needs Responsivity models. 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. An 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 able to successfully and safely reside in the community and ultimately, be released from civil commitment.

Tiers One through Four

Tier One introduces the language and concepts of the Good Lives model which is founded on the belief that all humans share primary needs. The curriculum utilized in Tier One builds problem solving skills and teaches SVPs how good decisions are made. Additionally, Tier One addresses individual needs and considers the various levels of skills each SVP has for managing their own life. Tier One clients participate in six hours of group sex offender treatment per week, are required to attend a weekly therapeutic study hall, and participate in individual treatment sessions on a

quarterly basis or more frequently as needed.

Tier Two builds upon the concepts from Tier One and assist the client in developing a path toward establishing a balanced, self-determined lifestyle free from offending behaviors. In Tier Two clients participate in disclosure groups that discuss their offending behaviors, relationships and sexual history. Tier Two clients participate in six hours of group sex offender treatment per week, are required to attend a weekly therapeutic study hall, and participate in individual treatment sessions every 90 days or more frequently as needed.

Tier Three helps the SVP client develop the skills to control his or her psychological risk factors. Tier Three also focuses on relationship skills and the ability to develop and maintain an emotionally close relationship with adults. Additionally, Tier Three focuses on relationship skills and provides clients with the skills to understand and share with others in a more empathic and emotionally healthy manner. Finally, throughout Tier Three clients continue ongoing development and practice of their self-control behaviors, thoughts and emotions. Tier Three clients participate in six hours of group sex offender treatment per week, individual treatment sessions every 90 days or more frequently as needed, and are not required to but can choose to attend a weekly therapeutic study hall.

Tier Four SVP clients are nearing readiness to return to the community. The focus of their treatment is maintenance and discharge planning. Clients in Tier Four receive support and guidance to reinforce the skills they have learned in treatment and prepare to return to the community through individually-tailored curriculum. Tier Four clients also have the opportunity to mentor clients in lower tiers. Tier Four clients participate in six hours of group sex offender treatment per week, individual treatment sessions every 90 days or more frequently as needed and may choose to attend therapeutic study hall but are not required to do so. The most advanced Tier Four SVPs are able to reside in an Advanced Group Environment or AGE Dorm in which the residents are able to focus on preparing to return to the community.

Additional Programming at the Texas Civil Commitment Center

The treatment program for Tiers One through Four at the Texas Civil Commitment Center also encourages SVPs to develop a healthy and prosocial lifestyle by offering other treatment-related activities such as life skills classes, employment services, budget planning, AA/NA groups,

substance abuse treatment and basic education/GED classes. All SVP Clients 62 years of age or younger are required to participate in basic education or GED classes if they do not already have a high school diploma or GED. Clients over the age of 62 may choose to participate. As of November 18, 2020 67 clients have participated in the adult basic education/GED program. Additionally, 281 SVP clients have been screened for or participated in substance abuse treatment at the TCCC.

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 an SVP from each dorm as well as the facility administration 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 as well as encourages positive communication among all parties involved. The Texas Civil Commitment Center also offers a paid therapeutic work program for SVPs; SVPs are able to apply and interview for positions within the center. SVPs in Tiers 3 and 4 are able to participate in the therapeutic work program. The SVPs who 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.

Table: Tier Levels of Clients at TCCC as of November 8, 2020

Tiers at TCCC	Total 372
1	43
2	187
3	115
4	24
New arrival pending tier assignment	3

Tier Five

Tier Five takes place in the community in the SVP's county of last conviction for a sexually violent offense unless there are not adequate opportunities for the SVP's treatment, housing, or supervision in that county. SVPs in Tier Five attend sex offender treatment in the community and

receive group and individual treatment sessions. The number of hours of group and individual treatment are determined by the SVP’s treatment provider, in coordination with TCCO, dependent upon the SVP’s individual needs. Currently, there are three SVPs in Tier 5 in the community.

Other Treatment Programming

SVPs in all tiers also participate in polygraph examinations and penile plethysmograph examinations to determine compliance with treatment and supervision requirements and to measure the client’s progress in controlling sexual deviance. Additionally, the SVP Act encourages financial responsibility by requiring all non-indigent SVPs to reimburse the state for the cost of their housing, treatment and GPS monitoring. TCCO has implemented this requirement by enacting a policy that non-indigent SVPs are required 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 2016 to FY 2020

FY 2016 Treatment, Housing, GPS	FY 2017 Treatment, Housing, GPS	FY 2018 Treatment, Housing, GPS	FY 2019 Treatment, Housing, GPS	FY 2020 Treatment, Housing, GPS
\$145,335.70	\$169,946.07	\$190,767.97	\$231,623.05	\$255,685.13

TCCO Client Population

Current Population Data

As of November 18, 2020 there are 511 active civilly committed sex offenders. An additional nine 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. Of the 511 SVPs, 105 are in prison and 406 are in the community. The majority of the SVPs in the community, a total of 377, are located at the Texas Civil Commitment Center in Littlefield, Texas. Three SVPs are in Tier 5 in the community; two in Austin and one in Houston. An additional 10 SVPs are in state hospitals or state supported living centers, seven are in a county jail, one is in a nursing home in Killeen, and 8 SVPs have passed away and are pending case closure with the court.

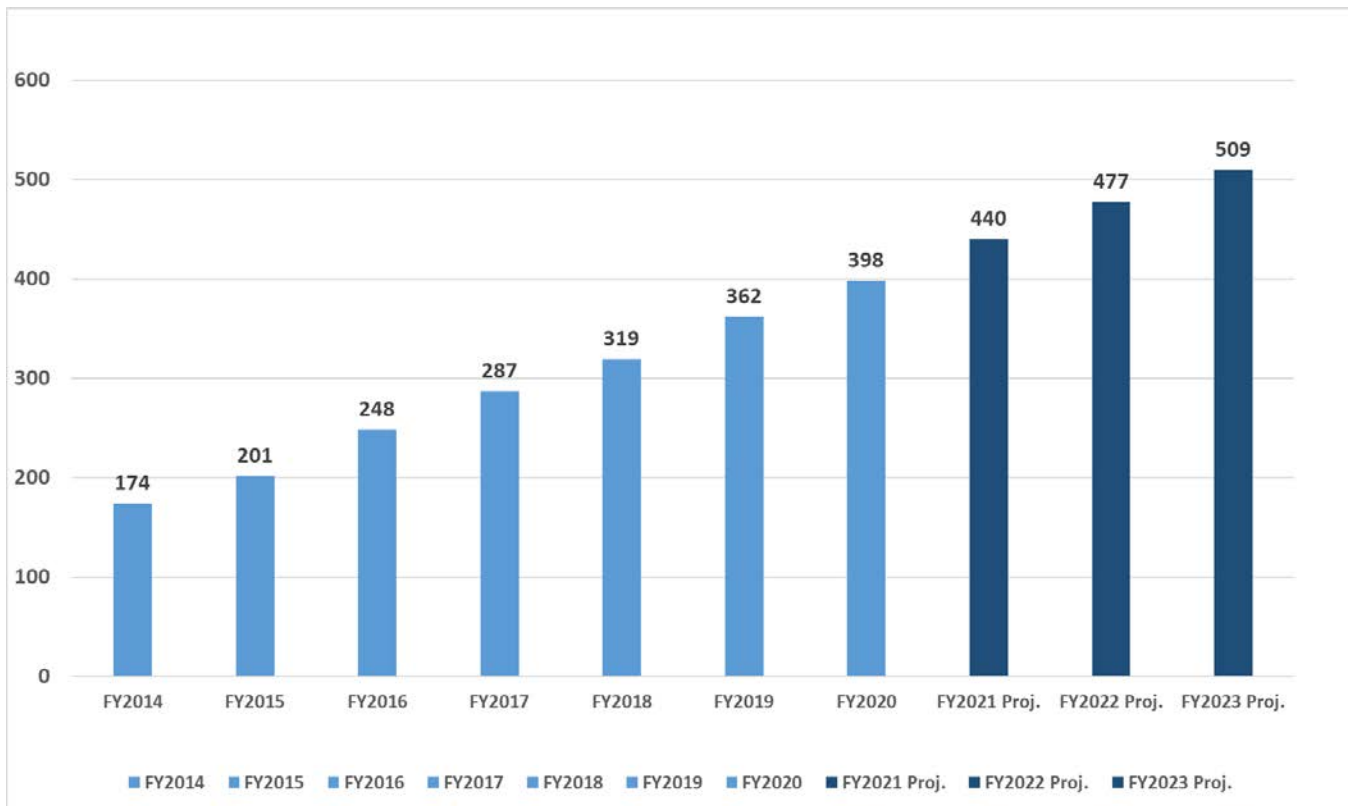
Caseload Growth

TCCO's caseload of SVPs in the community has grown significantly over the last five years. Between FY 2014 and FY 2020, TCCO's caseload grew by 128.7% from 174 SVPs in the community in FY 2014 to 398 SVPs in the community at the end of FY 2020. TCCO continually monitors anticipated caseload growth in order to estimate the type, amount and cost services that will be necessary for the SVP clients, including the space that is necessary to house SVPs. The Texas Civil Commitment Center is the only confined treatment facility for SVPs in Texas.

TCCO has closely monitored caseload growth in relation to capacity at the Texas Civil Commitment Center. The facility, which is owned by the City of Littlefield and leased to the vendor that operates the facility under contract with TCCO, had an initial capacity of 346 SVPs. That capacity was able to be expanded to 372 SVPs through internal reconfiguration. TCCO has developed a plan with the contracted service provider for the Texas Civil Commitment Center to be able to expand capacity to 750 SVPs at no additional cost to the state. The first two buildings which expanded capacity for Tier 4 and Advanced Group Environment clients opened in October 2020 and expanded capacity to 398 SVPs.

In projecting its population growth, TCCO completely revamped its caseload projection model in 2018 after working with TDCJ throughout the year to conduct a review of the pipeline of inmates that were eligible for civil commitment. TCCO reviewed the inmates in TDCJ that were flagged as civil commitment eligible and found that these inmates would provide a steady pipeline of individuals who could be civilly committed. Based on the this information regarding inmates eligible to be civilly committed along with average commitment rates and average time between commitment and release, TCCO developed an updated caseload projection model. In 2020, TCCO has again reviewed the caseload projection model and made only minor adjustments. The projections indicate that the number of SVPs who are civilly committed and in the community will continue to rise. TCCO's caseload is projected to reach 440 in FY 2021, 477 in FY 2022, and 509 in FY 2023.

Table: Caseload Growth 2014 to 2021



TCCO COVID-19 Response

In March 2020, as the COVID-19 virus was spreading throughout the United States and Governor Abbott began to issue emergency orders regarding the pandemic, TCCO took action to protect TCCO staff statewide as well as TCCO clients residing at the Texas Civil Commitment Center. On March 13, 2020, TCCO suspended all visitation to the Texas Civil Commitment Center. Additionally, TCCO staff reached out to all visitors who had been to the facility during the prior thirty days to check on their health status and ensure that none of the visitors were experiencing symptoms that could be related to COVID-19. TCCO and the contractor operating the Texas Civil Commitment Center worked together to develop a screening protocol for all staff arriving to the facility. Each day, staff undergoes a screening upon arrival to include having their temperature checked and being asked questions regarding their health status and any symptoms they may be experiencing. Additionally, all TCCO staff statewide and all vendor staff of the Texas Civil Commitment Center were tested for COVID-19.

Throughout the pandemic, TCCO has stayed up to date on the latest guidance and information from state and federal health officials. TCCO participates in a weekly call hosted by the Department of State Health Services regarding updates in the status of the pandemic, research related to the spread and treatment of COVID-19 and guidance regarding precautions.

TCCO worked with TDCJ to provide reusable cloth masks for all TCCO staff, all Texas Civil Commitment Center vendor staff and all SVP clients. TCCO has also provided personal protective equipment and disinfectants for all staff statewide to include disposable masks, reusable masks, gloves, face shields, coveralls, hand sanitizer, disinfectant spray, and disinfectant wipes. TCCO also worked with our contractor to reconfigure all programming at the Texas Civil Commitment Center to ensure that SVP clients are cohorted by dorm/housing area and are not in sex offender treatment or other programming with any SVP clients from a different housing area. This allowed TCCO to continue providing sex offender treatment and other necessary programming.

COVID-19 has also affected the way that clients release to TCCO. TCCO has worked with TDCJ and with the Texas Civil Commitment Center to pick up clients releasing from TDCJ at their current unit of assignment rather than having the client be transferred to the unit from which SVP clients are traditionally released. This allows for fewer transports and a lessened risk of exposure for the SVP client. TCCO has also worked with TDCJ and county jails to request that SVP clients releasing to TCCO are COVID tested prior to release. Additionally, clients arriving at the Texas Civil Commitment Center from TDCJ, a county jail or other offsite facility undergo a 14-day quarantine prior to being assigned to a dorm.

TCCO Case Managers have continued to provide intensive supervision of clients. TCCO Case Managers in the community have continued to complete unannounced home, work, and field visits with their clients and to have ongoing face-to-face contacts with the client. TCCO Case Managers in the Texas Civil Commitment Center have continued to meet with their clients in their offices to provide supervision and case management services.

In October 2020, as cases in the Lubbock area began to surge, the Texas Civil Commitment Center has experienced multiple cases of COVID-19 among staff and SVP Clients. Affected clients have been quarantined, affected staff have been sent home and are not permitted to return to work without a negative COVID test, and increased disinfection protocols have been put into place. TCCO continues to monitor

the situation and will continue to adjust our response accordingly as the situation develops.

TCCO Fiscal Information

Size of Budget

TCCO is responsible for providing appropriate and necessary treatment and supervision for SVPs civilly committed to the State’s Civil Commitment Program. TCCO employs Case Managers to provide supervision and manage civil commitment caseloads. SVP clients are monitored twenty-four hours a day, seven days a week by real-time GPS tracking. TCCO contracts with vendors to provide necessary services such as: housing in a confined treatment facility, sex offender treatment, substance abuse treatment, clinical examinations, polygraphs, medical services, transportation and related program services. The TCCO is administratively attached to the Health & Human Services Commission which minimizes administrative costs and helps the agency focus on program service delivery. Between FY 2014 and FY 2020, TCCO’s caseload has increased by 128.7% from 174 SVPs to 398 SVPs.

To fund the significant caseload growth and implement legislatively mandated changes, the size of the agency’s budget has significantly increased. The following chart shows the growth in the agency’s appropriated funds, the number of authorized FTEs and the number of SVPs provided services.

Table: TCCO Appropriated Funds, FTEs and SVPs Served by Fiscal Year

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Appropriated Funds	\$6,029,249	\$ 6,902,262	\$12,250,269	\$12,250,270	\$16,775,737	\$16,310,808	\$17,985,957	\$19,781,089
Authorized FTEs	35	35	35	35	35	35	35	35
SVPs Served	174	201	248	287	319	362	398	440 (est.)

The TCCO’s budget is fully funded by General Revenue, except for \$62,000 per year from, cost recovery reimbursements from SVP clients. Currently, 88% of the agency’s budget is spent on outsourced services for treatment, housing, security, medical, electronic monitoring, transportation and other program-related services provided for SVPs. An additional 8% of the agency’s budget is spent on intensive supervision and case management of SVPs by experienced case managers and program staff. Only 4% of the agency’s budget is spent on agency administration and support.

In FY 2020, the TCCO spent an average of \$43,839 on each SVP.

Legislative Appropriations Request

As specified in the General Appropriations Act, the TCCO is an independent agency that is administratively attached to the Health and Human Services Commission (HHSC). 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 reflected as Goal 13, Objective 1, Strategy 1. The following is a summary of the TCCO 2022-2023 Baseline and Exceptional Item request:

BASELINE REQUEST

FY 2022 \$17,950,178

FY 2023 \$17,950,177

Baseline \$35,900,355

TCCO's baseline funding is made up of \$35,776,355 in general revenue funds and \$124,000 in cost recovery reimbursements received from SVPs who are not indigent, for their housing, treatment and GPS tracking costs. TCCO's baseline request retains our 35 authorized FTEs. The baseline level of funding maintains current operations and supports the existing SVP caseload, but it does not fund any new clients committed to the SVP civil commitment program in the next biennium. 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 Items funding.

EXCEPTIONAL ITEM REQUEST

TCCO has submitted four Exceptional Items for legislative consideration.

Total Requested FY 2022	\$1,321,930
<u>Total Requested FY 2023</u>	<u>\$2,881,557</u>
Total, Exceptional Items	\$4,203,487

1. Caseload Growth and Housing Rate Increase

Justification

The passage of SB 746 during the 84th Legislative Session revamped the state's civil commitment program. It also provided for civil commitment cases to be tried in the client's court of last conviction for a qualifying sex offense. As a result, it is difficult to predict the number of sexually violent predators (SVPs) that will be committed each year by local courts. However, the number of civilly committed SVPs released from prison has continued to increase annually. TCCO under Government Code, Chapter 420A and Health & Safety Code, Chapter 841 is solely responsible for providing the treatment and supervision of civilly committed SVPs who are civilly committed until the SVP's behavioral abnormality has changed to the extent that the SVP is no longer likely to engage in a predatory act of sexual violence and the court of commitment has released the SVP. The number of SVPs who are civilly committed and in TCCO's program is expected to be 475 in FY 2022 and 507 in FY 2023. The baseline funding does not provide for increase in the housing per diem rate. This exceptional item also provides for a 2% increase in per diem rate increase each year. For the FY 2022 and FY 2023 biennium, these expenses are expected to be \$3,130,415.

2. Offsite Healthcare

Justification

Sexually Violent Predators (SVPs) located at the Texas Civil Commitment Center (TCCC) in Littlefield, Texas require offsite healthcare. The current contract between TCCO and the TCCC operator requires that the contractor pays for the first \$25,000 in offsite medical costs for each SVP. The funds requested in this Exceptional Item would pay for the non-contracted SVP medical care cost for each SVP that exceed the \$25,000 threshold covered by the current contract. This would ensure that the catastrophic medical care needed by the SVP population, which averages 56 years of age, does not fall to the local indigent care system in a small county. For the FY 2022 and FY 2023 biennium, these expenses are expected to be \$713,424.

3. Case Manager Career Ladder

Justification

Section 420A.009 of the Texas Government Code, as amended by SB 1576 during the 85th Legislative Session, requires TCCO to develop and implement a salary career ladder for its Case Managers based on the Case Manager's classification and years of service with TCCO. As adopted by TCCO's Board, the Case Manager Career Ladder provides for an annual salary adjustment equivalent to 3% of the established salary rate for Case Managers in good standing that meet all required employment standards. For the FY 2022 and FY 2023 biennium, the Case Manager Career Ladder increases are expected to total \$ 68,688.

4. Contracted Professional Services

Justification

Section 2102 of the Texas Government Code requires state agencies with an annual operating budget that exceeds \$10 million to implement an internal auditing program and appoint an internal auditor. As an agency with an operating budget greater than \$10 million, TCCO is required to have an internal auditor. Due to the limited number of hours of work required of the internal auditor for an agency as small as TCCO, the TCCO internal auditor position is a 0.25 FTE. TCCO has posted the part-time auditor position in the state and local newspapers in addition to posting on CAPPS, WorkinTexas, contacted Internal Audit professional groups, and job sites such as Indeed and Monster.com over the past 8 months. Accordingly, TCCO has been unable to hire a permanent internal auditor. When we hire one, they turn over quickly to take a fulltime job. As an alternative TCCO will procure the professional services of a private audit firm to perform the duties of internal auditor as defined in Section 2102.007 of the Texas Government Code. For the FY 2022 and FY 2023 biennium, the Contracted Professional Audit Services are expected to total \$ 50,000.

5. Additional FTE Request

Justification

The number of Sexually Violent Predators (SVPs) undergoing treatment and supervision at the Texas Civil Commitment Center has continued to grow steadily each biennium. Despite the significant growth in SVP population, TCCO has not increased the case manager FTEs since the

84th Legislative Session It will be necessary to increase the number of case manager FTE's in order to maintain the highest level of public safety and keep the case manager to SVP ratio at the optimum level. The addition of FTEs will also expand case manager coverage to other areas of the state such as southwest Texas and the Valley. At the moment, TCCO can only place community based SVPS in Dallas/Fort Worth, Houston and Austin. For the FY 2022 and FY 2023 biennium, the cost of additional FTE's are expected to total \$ 215,543.

Future Challenges and Focus Points

Throughout 2021 and in the coming biennium, TCCO will focus on maintaining the quality of its programs while also locating necessary resources for SVP client services. TCCO continually monitors the quality of our programs and has an ongoing focus on contract monitoring and oversight to include weekly contract monitoring activities regarding the Texas Civil Commitment Center to ensure that services are being provided as required and at an acceptable quality level. TCCO is also focused on the resources and funding needed to meet the rising health care needs and expenses for the aging SVP population. Finally, TCCO will continue to work to locate necessary staffing, professional services, community transitional beds and related resources for SVPs transitioning to Tier 5 in the community.

Contact Information for Questions

If you have any questions regarding TCCO or any of the information included within this report, please contact:

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