

## Overview of Texas Sexually Violent Predator Program

### Summary Sex Offenders in Texas Department of Criminal Justice FY 2005-2007

FY	Total # of inmates	Total # TDCJ prison admissions	# admitted with a sex conviction	% of TDCJ admitted with a sex conviction	Total # of TDCJ prison releases	# released with sex conviction	% released with sex conviction	# committed to SVP outpatient program	% representing TDCJ sex offenders released
2005	134,293	42,132	3,416	8%	39,397	2,742	7%	23	.08%
2006	135,283	43,138	3,763	9%	41,177	2,697	7%	8	.03%
2007	135,666	42,807	3,410	8%	41,808	2,918	7%	14	.05%

\*Source Texas Department of Criminal Justice Statistical Report, Fiscal Years 2005, 2006, and 2007

\*TDCJ Annual Review, Fiscal Years 2005, 2006, and 2007

For FY 2007, close to 26,000 (or 19%) of the 135, 666 inmates were convicted of a sex offense.

There are no specific sentencing guidelines for sex offenders in Texas. Sentencing for felony crimes are based on 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree felonies and carry a punishment of 2-99 years of incarceration (depending on the degree of felony in which one is convicted). Because sex offenders are often incarcerated until their sentence expires, approximately 60-80% of all sex offenders released are not on parole. Texas sex offender registry lists an average of 47,000 sex offenders at any given time. TDCJ offers both sex offender programming/education and sex offender treatment (812 beds) for those incarcerated.

### **Council on Sex Offender Treatment-Sexually Violent Predators**

The Texas Sexually Violent Predator (SVP) program has been in place since September 1, 1999. The outpatient model was chosen by Texas strictly to control costs and was the first and only state to choose the outpatient treatment approach to sexually violent predators. Historically admissions to the Texas SVP have averaged 10-15 individuals a year, with an age range of 27-79 years. The number of SVP trials held each year is determined by how many are funded by the Texas Legislature. The number of funded trials each fiscal year is based on the previous years' trials and the number of cases that are stipulated by the defendants that make up the admissions. For example: FY 07- The Legislature funded 15 trials; FY 08- 25 trials; FY 09- 50 trials; FY 10, 50 trials. By FY 09, it is projected the admissions will be between 50-60 individuals. If the number of individuals requesting a SVP trial exceed the number of trials that have been funded for that year, those individuals cannot be held in prison beyond their sentence and are released from prison and are no longer considered for the program. Some individuals stipulate to being a SVP and do not require a trial.

In 2006, the cost to treat a person in the Texas out-patient program was \$17,391 per client, as compared to an inpatient treatment program that nationally averaged \$94,017 per resident. Kansas in 2006 averaged \$69,070 per resident. (*Comparison of State Laws Authorizing Involuntary Commitment of Sexually Violent Predators: 2006 Update, Washington State Institute for Public Policy, August 2007*). For FY 2008, the average cost per committed SVP for Texas was \$25,000. In Kansas, it averaged \$74,356.53 per resident.

The Texas SVP process is similar to that in Kansas. When an individual is convicted of a sexually motivated crime and is completing their time in prison, they are assessed to determine if they have a behavioral abnormality; there is a review by a Multidisciplinary Team; SVP evaluation by an expert; review by special prosecutor unit; filing of a petition; another SVP evaluation; trial; and commitment. The primary difference with Texas's process is that the determinations are done while the person is in prison, county jails are not involved. Three SVP evaluations are completed by contracted providers (the initial evaluation, one for the prosecutor, and one for the defense) and all hearings are held in Montgomery County (just north of Houston). Upon finding of SVP by a jury or stipulation, the person is then released from prison (or state hospital if that is where they were serving their time) and into the outpatient SVP program.

The Council contracts with private providers for all of their services for the clients in the SVP program, including specialized transportation. The Council contracts with private providers to conduct all of the SVP evaluations. The cost is \$1200 to \$1500 per evaluation plus mileage and per diem. A typical SVP evaluation will take about four hours.

When those newly committed to the SVP program are released from their time in prison, they are moved to a parole operated half-way house. The Council contracts with the Texas Department of Criminal Justice to purchase individual beds, in these half-way houses on an as needed basis. The costs of the beds are \$40-47 a day and are located in the Dallas-Ft. Worth, Houston, San Antonio, El Paso, and Austin areas. The roles of the half-way house operators are strictly to provide a bed and three meals a day. Eventually, the individual can transition into their own housing arrangement. This is perhaps where the greatest cost savings occur in the Texas program compared to the other SVP programs located throughout the country. The cost of \$40-47 to house a client, compared to the cost to house a SVP on an inpatient basis where 24/7 supervision is provided makes a difference.

The Texas Council on Sex Offender Treatment is the administrator of the program. Components of the outpatient treatment program in which The Council is responsible for implementing an array of treatment and supervision options:

- Comprehensive case management supervision
- Residential housing requirements (if applicable)
- Intensive sex offender treatment (Intake, Groups, Individual, Family Sessions) - Only licensed sex offender treatment providers who contract with the Council may assess and provide treatment to the SVP.
- Global positioning satellite tracking (24/7)\*
- Anti-androgen medication
- Polygraphs\*

- PPGs\*
- Biennial examinations\*
- Substance abuse testing\*
- Restricted/specialized transportation (use of cabs and other closely monitored or supervised transportation to appointments, jobs, etc)\*

\*Indicates required elements for every SVP committed to program

Until recently, clients were not responsible for any expenses related to their treatment and supervision. Just within the past couple of years the Adam Walsh Act required that GPS program participants pay for their GPS monitoring.

When the program was created, it was estimated the length of time to work through the various stages of the program would take 5-10 years. To date, five years is the longest time a client has been in the program. This person is currently in Stage 3 of the 5 Stage (plus aftercare) program.

As of July 29, 2008 there had been a total of 100 individuals committed to the program. Of those 100 committed:

- 28 were actively participating in the outpatient program-living in the community.
- 18 were in county jail awaiting trial for their violation of the SVP commitment orders (3<sup>rd</sup> degree felony or habitual sentencing). They will either return to the community or be sent back to prison.
- 49 are in prison either awaiting release into the program or are serving a sentence for their violation of the SVP commitment order (can range from 2-99 years). Once they complete their sentence for their SVP violation, they automatically are returned to the outpatient SVP program.
- 5 are no longer in the program, but were once committed-
  - 1- committed on to state mental health hospital
  - 1-committed on to state school (MR/DD)
  - 2- died
  - 1-absconded

Since the inception of the program, 35 participants have violated their outpatient treatment orders and were sent back to prison (seven of the 35 have been sent back twice). Of those 35, thirty two were technical violations such as using drugs or alcohol, GPS violations. Three were new criminal charges one related to failure to register as a sex offender and two related to assault on a law enforcement officer. None were new sex crimes.

To date, no one has successfully completed the program. In other words, no one has been released by the courts because their behavioral abnormality has changed and they are no longer likely to engage in acts of predatory sexual violence.

## **Source of Information for Report**

Allison Taylor, Executive Director, Texas Council on Sex Offender Treatment, Phone interview, June 10, 2008 and July 29, 2008

Council on Sex Offender website: [www.dshs.state.tx.us/csot/csot\\_tsvp.shtm](http://www.dshs.state.tx.us/csot/csot_tsvp.shtm)

Helen Pedigo, Executive Director, Kansas Sentencing Commission, Phone interview, June 11, 2008

Kansas Sentencing Commission: Fiscal Year 2008 Adult Inmate Prison Population Projections

Kansas SVP Resident Statistics –SRS Data as of 4/14/08

KDOC Computerized report “PGM-ISR 0212A/C” and “PGM-ISR0214A/C”

KDOC End-of-month Offender Population Report, May 2008

SPTP Resident Information Monthly Report

Testimony to Senate Judiciary Committee, Deputy Secretary of SRS, Ray Dalton, February 25, 2008

Prepared by:  
Leslie Huss, LMSW, Coordinator of Forensics  
SRS-Disability and Behavioral Health Services  
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