

# **TEXAS CIVIL COMMITMENT OFFICE**

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**HOUSE CORRECTIONS COMMITTEE**

**FEBRUARY 6, 2019**



# Agency Overview

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- The Texas Civil Commitment Office is responsible for providing appropriate and necessary **treatment** and **supervision** for civilly committed sexually violent predators (SVPs).
- Civil commitment was created in 1999 and TCCO became a separate state agency in 2011.
- TCCO is governed by a five-member board.
- TCCO is authorized 35 FTEs and appropriated \$16.5 million annual budget of which 80% is outsourced contracted services.



# Program Overview

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- TCCO employs Case Managers to provide supervision to SVP clients.
- TCCO operates a tiered treatment program. Tiers 1 through 4 take place at the Texas Civil Commitment Center. Tier 5 takes place in the community when the SVP has been approved for independent living or is in community transitional housing.
- All SVPs outside the confined facility and Tiers 1 & 2 inside the confined facility undergo 24/7 real-time GPS tracking.
- Tier placement is based on individual progress in treatment and behavior.
- Tiers 1 through 4 receive 6 hours of group sex offender treatment per week and individual sessions quarterly or as needed. Additional programming includes GED classes, paid work program, study hall, community meetings, life skills, structured recreation and AA/NA.



# Program Overview

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- TCCO contracts with vendors to provide: a confined treatment facility, sex offender treatment and related services, GPS tracking services, substance abuse treatment, clinical examinations, polygraphs, and transportation services.
- TCCO staff monitors contracts on a routine basis according to the level of associated risk.



# Civil Commitment Process

All offenders with 2 eligible sex offenses reviewed by a 7 member multidisciplinary team\*  
(653 in FY 2018; 784 in FY 2017; 935 in FY 2016; 966 in FY 2015; 1,062 in FY 2014)

\*As of August 31, 2018 there were 10,923 inmates in TDCJ that had 2 qualifying offenses.

If majority of team votes yes, offender goes for a behavior abnormality evaluation  
(95 in FY 2018; 88 in FY 2017; 125 in FY 2016; 94 in FY 2015; 233 in FY 2014)

If diagnosed with a behavior abnormality, case referred for possible commitment  
(49 in FY 2018; 47 in FY 2017; 70 in FY 2016; 57 in FY 2015; 153 in FY 2014)

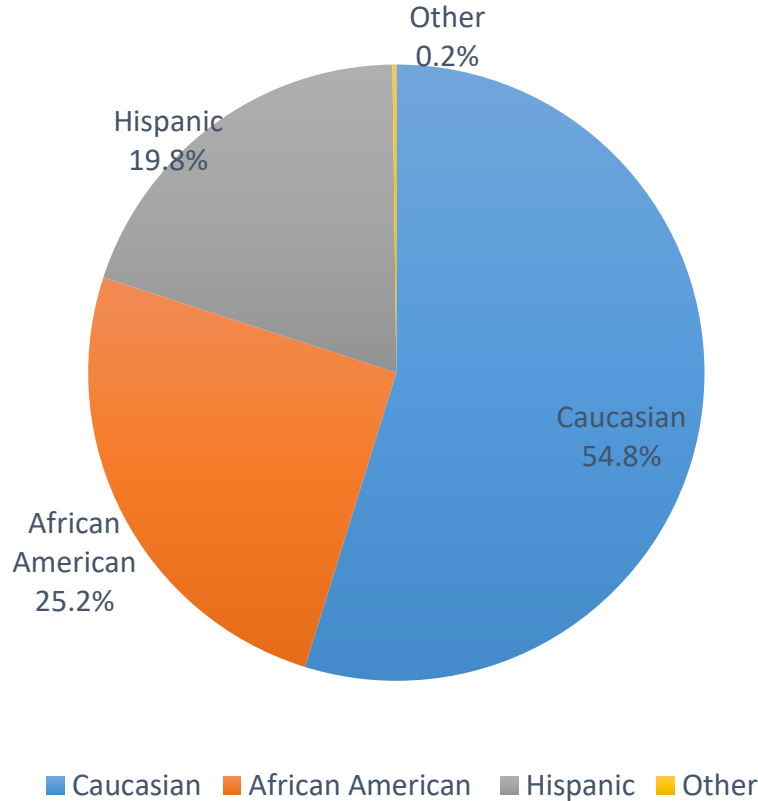
The county decides which cases to take to trial for civil commitment  
(32 trials, 29 committed in FY 2018; 41 in FY 2017; 18 in FY 2016; 32 in FY 2015; 43 in FY 2014)



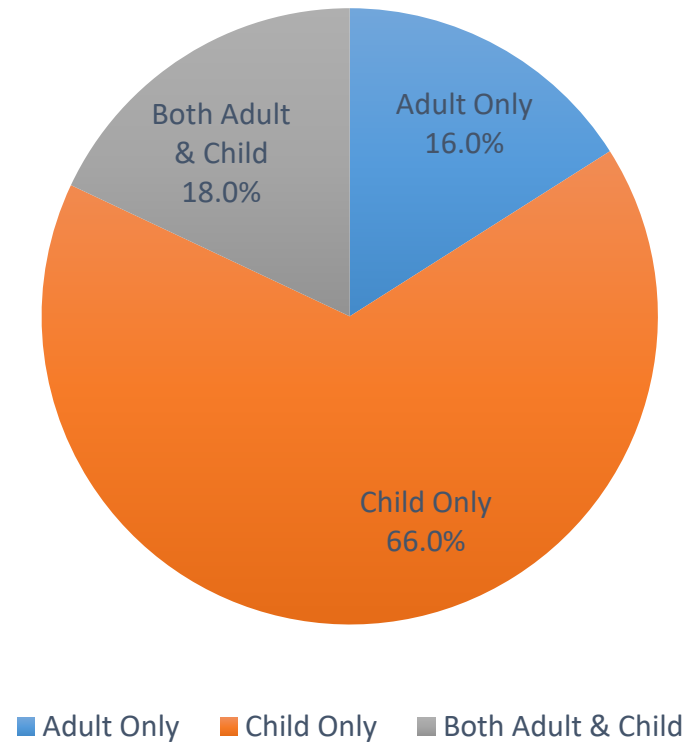
# SVP Client Demographics

SVP age range is 23 to 89 years old with an average age of 55.96 years.

## Ethnicity



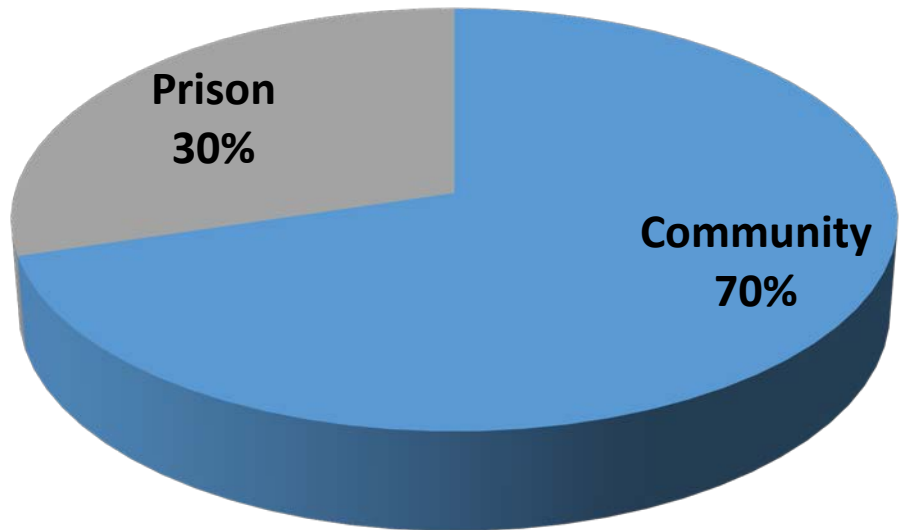
## Victim Types



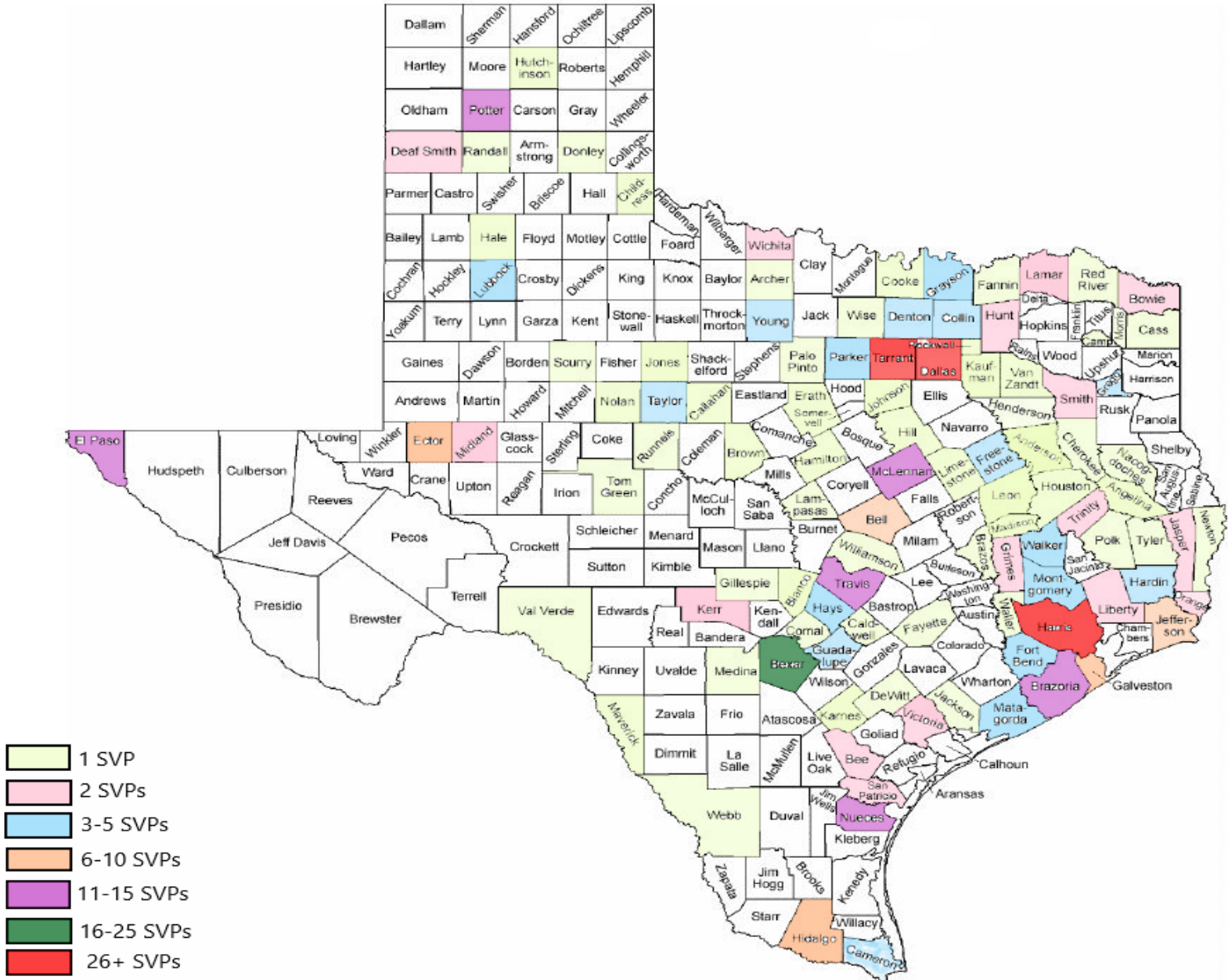
# TCCO Population

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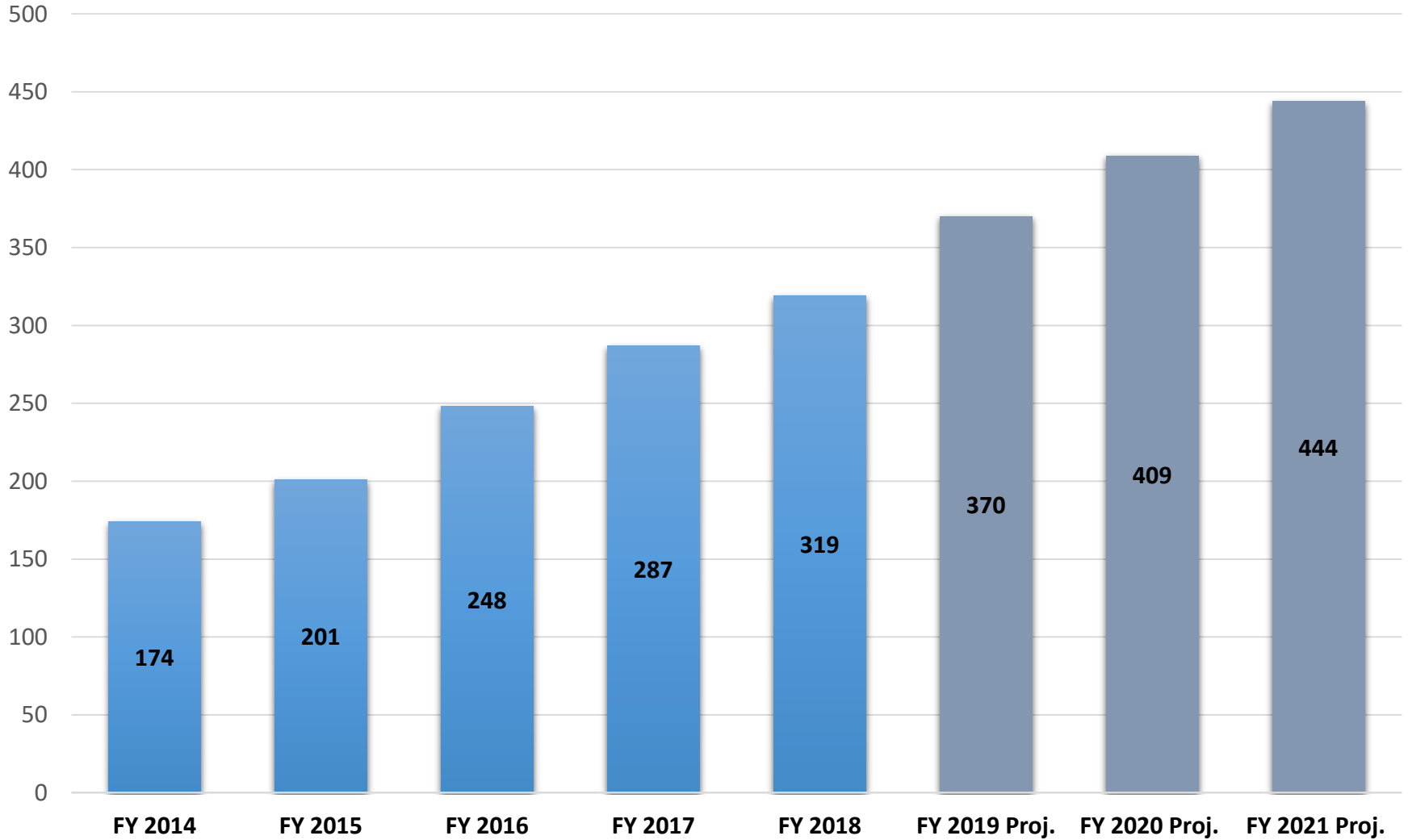
- 471 SVPs as of 12/31/2018 from 105 counties throughout Texas
  - 140 in Prison
  - 331 in the community
- Since 2016, 6 civilly committed sex offenders that no longer had a behavioral abnormality that qualified them for commitment have been released from civil commitment by the court.
- 3 SVPs in Tier 5 independent living in the community.



# Last Counties of Conviction Map



# Caseload Growth 2014 - 2021



# Caseload Growth

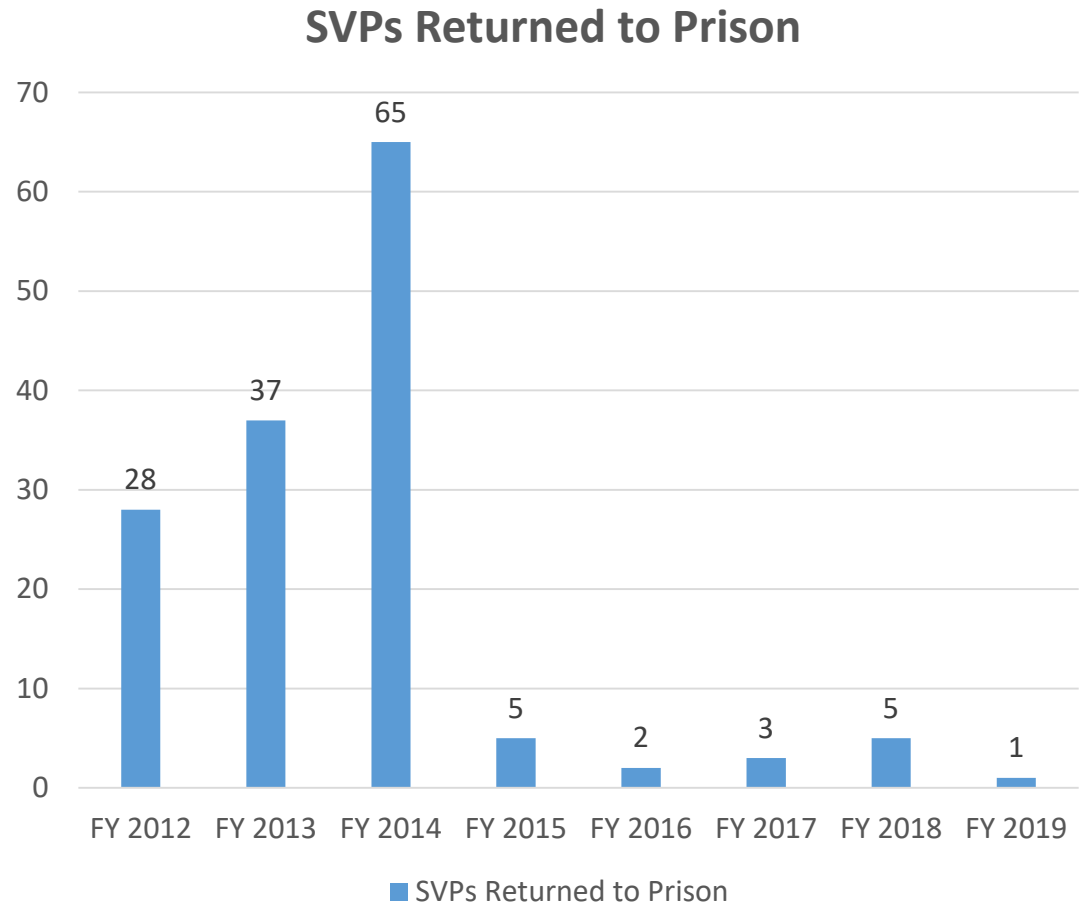
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- Between FY 2014 to FY 2018, TCCO's caseload has grown by 83% from 174 SVPs to 319 SVPs. It is projected that TCCO's caseload will grow by 155% to 444 SVPs by the end of FY 2021.
- Throughout 2018, TCCO worked with TDCJ to conduct a review of the pipeline of inmates eligible to be considered for civil commitment in order to revamp TCCO's caseload projection model.
- At the end of FY 2017 there were 33,457 sex offenders incarcerated in TDCJ.



# Caseload Growth

- At the same time, the number of SVPs who are being returned to prison for violations has been drastically reduced.
- From FY 2012 to FY 2014, 130 SVPs were returned to prison for violations. Under the agency's current administration, from FY 2015 onward, 16 SVPs have returned to prison for violations.



# Current Facility Capacity

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- Based on these caseload growth projections, the Texas Civil Commitment Center will reach capacity in the second half of FY 2019 at 346 SVPs.
- The Texas Civil Commitment Center (TCCC) is the only confined treatment facility for SVPs in Texas.
- The facility is owned by the City of Littlefield and leased to the vendor that operates the facility under contract with TCCO.
- In February 2018, TCCO submitted an RFP to HHSC for additional capacity. The RFP was initially scheduled to be published in Spring 2018. RFP published October 26, 2018 and proposals were due February 1, 2019.



# Future Challenges & Focus Points

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- Expansion to accommodate caseload growth either at the existing site or at a second location;
- Ongoing focus on contract monitoring and oversight;
- Funding for the rising health care needs and expenses for the aging SVP population; and
- Locating staff, professional services, community transitional beds and resources for clients reaching Tier 5.



# Legislative Appropriations Request FY 2020-2021

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The Texas Civil Commitment Office (TCCO) is pleased to present our Legislative Appropriations Request (LAR) for your consideration. TCCO is administratively attached to the Health & Human Services Commission (HHSC). Therefore, our request is incorporated into the HHSC's LAR and is reflected as Goal 13, Objective 1, Strategy 1.

## TCCO Baseline Request

FY 2020 \$ 16,543,273

FY 2021 \$ 16,543,272

Baseline \$ 33,086,545

TCCO's baseline funding is made up of \$32,962,545 in general revenue funds and \$124,000 in cost recovery reimbursements received from Sexually Violent Predators (SVPs) who are not indigent, for their housing, treatment and GPS tracking costs. Our baseline request retains our 35 authorized FTEs.



# Exceptional Items Request

TCCO has submitted four Exceptional Items for your consideration. They are:

	<u>FY 2020</u>	<u>FY 2021</u>	<u>Biennium</u>
<b>1. Caseload Growth</b>	\$ 604,366	\$1,795,827	\$2,400,193

The number of civilly committed Sexually Violent Predators (SVPs) will continue to grow as cases are tried and local courts order the commitment of SVPs. Responsibility for prosecuting civil commitment cases rests with local District Attorneys in the SVP's county of last conviction. TCCO has no control over the number of individuals that are committed each year, but is required by law to provide supervision and treatment. The number of SVPs who are civilly committed into TCCO's program is projected to increase to 409 in FY 2020 and 444 in FY 2021.

	<u>FY 2020</u>	<u>FY 2021</u>	<u>Biennium</u>
<b>2. Increased Facility Capacity</b>	\$ 684,638	\$1,266,973	\$1,951,611

The Texas Civil Commitment Center (TCCC) in Littlefield, Texas is the only confined facility in the state that houses SVPs and it will reach capacity in late FY 2019 at 346 SVPs. In February 2018 TCCO initiated a RFP through the HHSC to explore vendor/facility options to secure additional capacity. TCCO is also exploring the feasibility of increased capacity at the Littlefield facility. We expect that either a second facility or additional capacity at the TCCC will increase costs equivalent to the initial FY 2016 daily per diem rate of \$128.70. Therefore, this exceptional item requests the difference between the initial daily per diem rate of \$128.70 and the current daily per diem rate of \$85.58 (\$43.12) for capacity above 346 SVPs.



# Exceptional Items Request

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	<u>FY 2020</u>	<u>FY 2021</u>	<u>Biennium</u>
<b>3. Offsite Healthcare</b>	\$ 267,737	\$ 267,737	\$ 535,474

The SVP population which continues to grow at the TCCC in Littlefield, average 55 years of age and many require considerable medical care. 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, but it specifically excludes Hepatitis C medications because of their costs. The funds requested in this Exceptional Item would pay for SVP off-site medical care above \$25,000 and Hepatitis C treatment to help ensure that catastrophic medical care does not fall on the taxpayers of a small community which could overwhelm their local indigent care system.

	<u>FY 2020</u>	<u>FY 2021</u>	<u>Biennium</u>
<b>4. Case Manager Career Ladder</b>	\$ 19,812	\$ 41,148	\$ 60,960

TCCO is required to develop and implement a salary career ladder for its Case Managers based on the Case Manager's classification and years of service with the agency. TCCO's Case Manager Career Ladder provides for an annual salary adjustment to the next higher career ladder pay level within the same salary group. The agency anticipates that the implementation of the TCCO Case Manager Career Ladder will have a positive impact on the recruitment and retention of qualified and experienced Case Management staff and reduce turnover in these critical positions.

