



Biennial Report Regarding the
Council on Sex Offender Treatment
September 1, 2016 – August 31, 2018

Prepared for the
Office of the Governor, Lieutenant Governor, and Speaker of the House of Representatives
Pursuant to Section 110.160, Occupations Code

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Council on Sex Offender Treatment
P.O. Box Mail 149347, Code 1982
Austin, Texas 78714-9347
Phone (512) 834-4530 Fax (512) 834-6677
Email: csot@hhsc.state.tx.us
Website: <http://www.dshs.texas.gov/csot/default.shtm>

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Council on Sex Offender Treatment (CSOT)

History

In 1983, the CSOT was created by the 68th Texas Legislature under the name “Interagency Council on Sex Offender Treatment” to coordinate effective assessment and treatment strategies to reduce recidivism of sex offenders and to enhance public safety. The CSOT is enabled by Occupations Code Chapter 810 to regulate the assessment, treatment, and rehabilitation of sex offenders in the State of Texas.

Mission

The CSOT’s mission is to enhance public safety by developing and implementing standards and policies to protect the citizens of Texas through research-based assessment and treatment of adults and juveniles with sex offending behaviors.

Philosophy

The CSOT believes community safety is enhanced by providing research-based, offense-specific assessment and treatment to adults and juveniles who have committed sexual offenses.

Objectives

- Eliminate sexual assault victimization.
- Increase awareness by educating, training, and disseminating information to the community and professional organizations whose purpose is to assess, treat, and manage sex offenders or to prevent sexual assault.
- Provide and promote a network of licensed professionals in the field of sex offender treatment and ensure continued competence of professionals by enforcement of the standards of practice.
- Provide guidance and recommendations regarding legislation and public policy.
- Promote research in sex offender assessment, treatment, and recidivism.
- Reduce the number of registered sex offenders so resources may be focused on high-risk offenders, essentially increasing public safety

Functions

The CSOT has four primary functions:

- 1) regulatory — by maintaining a list of licensed sex offender treatment providers and establishing the rules and regulations regarding the treatment of sex offenders,
- 2) public health — by creating and implementing a research-based risk assessment protocol for the purpose of facilitating the deregistration process of certain low risk registered sex offenders, and
- 3) behavioral health — by advocating for the management and treatment of sex offenders,
- 4) educational — by disseminating information on the best practices in the treatment and management of sex offenders to the public.

The CSOT's functions are synergistic with maintaining the highest level of public safety and preventing sexual assault through effective treatment and interventions in the management of sex offenders.

The CSOT Mandates – Occupations Code, Chapter 110

- Develops and implements policies and treatment strategies for sex offenders;
- Establishes, develops, and adopts the risk assessment tool or tools in determining a sex offender's risk to the community;
- Recommends to licensing and regulatory boards current methods of improving programs to meet the CSOT's standards;
- Develops and implements, by rule, licensing requirements and procedures for sex offender treatment providers;
- Maintains a list of qualified licensed sex offender treatment providers;
- Collects and disseminates information about sex offender treatment to judicial officers, community supervision or parole workers, state and municipal agencies, and the public;
- Distributes money appropriated to the CSOT by the Legislature for the development, operation, or evaluation of sex offender treatment programs (Note: the CSOT is administratively attached to Health and Human Services Commission (HHSC) and there is no CSOT line item appropriation in the General Appropriations Act);
- Advises and assists agencies in coordinating procedures to provide treatment services;
- Designs and conducts continuing education programs for sex offender treatment providers; and
- Establishes, develops, and adopts an individual risk assessment tool that evaluates the criminal history, the likelihood that the person will engage in criminal activity, and determine if the person is a continuing danger to the community.

Number of Licensed Sex Offender Treatment Providers

FY 2006 – 362
FY 2007 – 427
FY 2008 – 460
FY 2009 – 454
FY 2010 – 463
FY 2011 – 473
FY 2012 – 498
FY 2013 – 526
FY 2014 – 543
FY 2015 – 557
FY 2016 – 569
FY 2017 – 570
FY 2018 – 592

Other Mandates Regarding Management of Sex Offenders

Dynamic Risk Assessment (DRA) Research: Occupations Code §110.501. The CSOT shall work directly with the appropriate entities to develop, implement, research, and deploy dynamic risk assessment tools and protocols for use under this subchapter by persons licensed under this chapter. Costs incurred under this section shall be included with costs required to be paid under Code of Criminal Procedure, Section 11(i), Article 42.12. The CSOT shall work with the Legislative Budget Board (LBB) to study the recidivism of sex offenders treated under the pilot program, including a study comparing the various dynamic risk assessment tools and protocols. Senate Bill 909 of the 80th Legislative Session amended Government Code, §493.0151(b) by mandating that before an inmate serving a sentence for a sexual offense is discharged or released on parole or mandatory supervision from the Texas Department of Criminal Justice, the Department shall use the dynamic risk assessment tool developed by the CSOT under Occupations Code §110.164, to assign the inmate a risk level of low, medium, or high.

Status: Completed

From October 2005 to October 2010, a five-year recidivism study was conducted to determine which of the dynamic risk assessment tools and protocols most accurately predict recidivism. The CSOT has used those findings to develop the current protocol for dynamic risk assessments, but will continue to seek out the most effective risk assessment tools for both men and women who have committed sexual offenses.

Code of Criminal Procedure, Chapter 62, Sex Offender Registration

Art. 62.007, “Risk Assessment Review Committee; Sex Offender Screening Tool.” The CSOT participates in the review of sex offenders’ risk levels prior to release from prison for the purpose of community notification.

Art.62.403 the CSOT shall provide the individual risk assessment to a sex offender who files a motion for early termination of his or her obligation to register.

Status: On July 1, 2011, the CSOT began accepting applications for early termination from registered sex offenders who had one reportable sexual offense conviction or adjudication. An administrative procedure or program was developed by the CSOT to process these applications and to determine an offender’s eligibility to sit for a deregistration risk assessment evaluation as required by the statute. Additionally, the CSOT held two specialized training sessions for Licensed Sex Offender Treatment Providers who sought the designation of Deregistration Evaluation Specialist. Registered sex offenders who meet the initial screening criteria are approved to sit for a deregistration evaluation risk assessment conducted by one of the CSOT-approved specialists. Once the evaluation is completed, the findings are reduced to writing and returned to the CSOT for its review and confirmation that the specialist addressed all objective criteria in his or her evaluation of the registered sex offender. If confirmation is made, the CSOT then certifies the evaluation report and forwards same to the registered sex offender or his or her attorney. Pursuant to statute, the offender then files his or her Motion for Early Termination, complete with the certified risk assessment evaluation in the sentencing court. If granted an Order by the Court, the registered sex offender then presents the Order for Early Termination to the Texas Department of Public Safety with a request that the sex offender’s name be removed from the official Sex Offender Registry.

A review of Council records shows

- Awareness of the program has increased since 2014,
- Approximately 47% of applicants who submit the Initial Eligibility Checklist are not eligible to participate in the deregistration program, and
- On average from 2014 through 2016, 69% of those determined to be program eligible submit the evaluation for review.

CSOT Members

The CSOT consists of seven members appointed by the Governor with the advice and consent of the Senate. Four members are professional clinical expert members and three members represent the public. Members serve staggered six-year terms. The terms of two members expire on February 1 of each odd-numbered year. The Governor designates a member of the CSOT as presiding officer. The CSOT is an independent board administratively attached to HHSC.

Board Members	Appointed	Term Expires
Aaron Pierce, PhD, LPC, LSOTP- S, Chair	4/20/2005	2/1/2023
Terri L. Bauer, LCSW, LSOTP-S	12/6/2011	2/1/2019
Charissa Sloan Dvorak, JD, public member	3/8/2017	2/1/2023
Louis Gonzales, public member	4/26/2011	2/1/2019
Ezio Leite, LPC-S, LMFT, LSOTP-S	1/9/2017	2/1/2021
Emily Orozco-Crousen, LPC, LSOTP	1/9/2017	2/1/2021
James Taylor, LMFT, LCDC, public member	1/9/2017	2/1/2021

The Health and Human Services Commission employs staff to carry out the responsibilities of the CSOT.

Interagency Advisory Committee

Pursuant to Chapter 110.204, Occupations Code, the Interagency Advisory Committee shall cooperate with the CSOT and at the request of the CSOT, advise the CSOT on the duties under the Occupations Code, Chapter 110. The following are members: Sam Houston State University, Office of the Governor-Criminal Justice Division, Office of the Attorney General-Sexual Assault Prevention and Crisis Services, Texas Department of Criminal Justice-Rehabilitation Programs Division, Texas Juvenile Justice Department, Department of State Health Services, and Department of Family and Protective Services.

Conferences

March 5-7, 2017, 25th Annual Conference on Management and Containment of Adult and Juvenile Sex Offenders. The CSOT hosted the annual conference in San Marcos, Texas.

March 4-6, 2018, 26th Annual Conference on the Management and Containment of Adult and Juvenile Sex Offenders. The CSOT hosted the annual conference in Galveston, Texas.

CSOT Meetings

The CSOT held eight public meetings during the biennium.

CSOT Rules-Standards of Practice (22 Texas Administrative Code Chapter 810)

Texas Administrative Code Chapter 810 became effective October 1, 2015.

Recommendations for the 86th Legislature

In accordance with the pronouncements made by several members of the Texas Legislature that the State of Texas has declined to adopt the federal Adam Walsh Act [42 U.S.C. Section 16911 et seq.], the CSOT recommends that the Legislature remove the language in Art. 62.402, Texas Code of Criminal Procedure, which ties our deregistration program to the federal Adam Walsh Act. This change would enable the State to continue developing and implementing an evidence-based deregistration program that will enhance public safety by allocating our limited resources to higher risk offenders.

The CSOT recommends Legislative action to resolve apparent conflict in 3 TOC Sec. 110.302(c), amended by Acts 2007, 80th Leg., R.S., Ch. 263 (S.B. 103), Sec. 61, which allows the Texas Board of Criminal Justice to exempt employees of the Texas Department of Criminal Justice from a specific licensing requirement and prohibits the Texas Youth Commission from exempting any employee and 3 TOC Sec. 110.302(c), amended by Acts 2007, 80th Leg., R.S., Ch. 1308 (S.B. 909), Sec. 47, which allows the governing board of the Texas Youth Commission to exempt employees of the Texas Youth Commission from a specific licensing requirement and prohibits the Texas Board of Criminal Justice from exempting any employee. Also, the 82nd Legislature, in Senate Bill 653, abolished the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department, effective September 1, 2011.