

MINUTES OF THE SENATE WAYS AND MEANS COMMITTEE

The meeting was called to order by Chairman Jay Emler at 10:30 a.m. on February 10, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Alan Conroy, Kansas Legislative Research Department
Michael Steiner, Kansas Legislative Research Department
Estelle Montgomery, Kansas Legislative Research Department
Amy Deckard, Kansas Legislative Research Department
Jill Wolters, Office of the Revisor of Statutes
Daniel Yoza, Office of the Revisor of Statutes
Melinda Gaul, Chief of Staff
Shirley Jepson, Committee Assistant

Conferees appearing before the committee:

Don Jordan, Secretary, Department of Social and Rehabilitation Services (SRS)
Ray Dalton, Deputy Secretary, Department of Social and Rehabilitation Services (SRS)

Others attending:

See attached list.

Continued Hearing on SB 128 - Fatherhood initiative program; implemented by the department of social and rehabilitation services.

Jill Wolters, Office of the Revisor of Statutes, explained that **SB 128** would direct SRS to establish a fatherhood initiative program to encourage the formation and continuation of relationships between children and their fathers. SRS would make grants to local initiatives that address the objectives of the bill and would be required to report the number of program participants, program expenditures, and a cost-savings analysis annually to the Legislature. The fiscal note on **SB 128** estimates a cost of \$748,042 from the State General Fund (SGF) with total cost from all funds of \$797,938. SRS estimates the need for the addition of 1.0 full-time equivalency (FTE) position for a program consultant position (Attachment 1).

Senator Faust-Goudeau appeared before the Committee in support of **SB 128** (Attachment 2). Senator Faust-Goudeau stated the importance of having fathers involved in their child's life, not only financially but also emotionally.

Don Jordan, Secretary, Department of Social and Rehabilitation Services (SRS), presented neutral testimony on **SB 128** (Attachment 3). Secretary Jordan stated that if the legislation becomes law, the agency will work through grants to local communities to support new initiatives and programs that address the goals. The Secretary noted that it might be possible to finance the program with federal funding through the Temporary Assistance to Needy Families (TANF) funds. The Secretary indicated that the program could be run through local not-for-profit organizations. Secretary Jordan noted that **HB 2276**, currently before the Legislature, has similar language; however, specifies that funding would come from TANF.

There were no other conferees to come before the Committee on **SB 128**.

The hearing on **SB 128** was closed.

Update on Sexual Predator Treatment Program and Expansion

Ray Dalton, Deputy Secretary, Department of Social and Rehabilitation Services (SRS), appeared before the Committee with additional information on the Sexual Predator Treatment Program as requested by the Committee (Attachment 4). Mr. Dalton's testimony includes a synopsis of treatment programs in South Carolina, Massachusetts and Florida. Mr. Dalton noted that although they were not able to get details of the South Carolina program, SRS estimates that the South Carolina program costs approximately \$89,270 per resident per year. The Massachusetts program is housed in a Department of Corrections' facility with an

CONTINUATION SHEET

Minutes of the Senate Ways And Means Committee at 10:30 a.m. on February 10, 2009, in Room 545-N of the Capitol.

approximate annual cost of \$43,500 per resident. Because the program is co-mingled with Department of Corrections' costs, it could be more costly per resident than the estimate. The Florida program is run on a contracted basis by the GEO Group, a large organization that provides a variety of services, including mental health, to the entities with which it contracts. The estimated annual per capita costs for the program is approximately \$50,000 per individual. Mr. Dalton noted that Florida has built a facility specifically for the sexual predator population, making it more cost effective because they are all housed in one building.

Deputy Secretary Dalton felt that Kansas has a very cost-effective program with per capita costs declining over the past fiscal year. The annual per capita cost of the Kansas program is approximately \$70,430.

Responding to questions from the Committee, Mr. Dalton stated that it is necessary to keep the sexual predator population separated from other prison populations. The state's sexual predator population has been housed in Department of Corrections' (DOC) facilities that were not needed by DOC at the time and has been moved several times as DOC requirements changed. It is anticipated if additional DOC space becomes available, it could be remodeled to house the population in one building, which would be more cost-effective. Deputy Secretary Dalton indicated that the treatment programs are a combination of individual and group sessions, with no set number of hours required for each individual.

Secretary Jordan stated that the treatment program is designed to establish a balance between the federal court requirements and the costs of the program. The federal court requires that the state provide an adequate treatment program.

- The Committee requested a breakdown of the contractual expense related to outside medical costs.

Overview of Texas Sexually Violent Predator Program

Ray Dalton provided an overview of the Texas Sexually Violent Predator Program ([Attachment 5](#)). Mr. Dalton noted that the Texas program is an outpatient program that has been in place since September 1999. The program was chosen strictly to control costs. There are no specific sentencing guidelines for sex offenders in Texas. The Deputy Secretary noted that 35 participants of the program have violated their outpatient treatment orders and were sent back to prison. To date, no one has successfully completed the program.

Adjournment

The next meeting is scheduled for February 11, 2009.

The meeting was adjourned at 11:20 a.m.

**SENATE WAYS & MEANS COMMITTEE
GUEST LIST**

DATE: February 10, 2009

NAME	REPRESENTING
Ray Dalton	SRS
Don Jordan	SRS
Patrick Woods	SRS
Allen Askew	federico
Berend Koops	Hein Law Firm
Samantha Strobing	Civilian interest
Helen Pedigo	Sentencing Commission
Josh Smith	Sen. Pyle, Intern
Jimmy Dickson	Staff Mgmt / Amazon
Paul Shoup	Amazon.com
Emily Hayes	Umberger's luncheon
Janet Carter	KS Organization of State Employees
V. Meyer	KTRA
Christina Wood	Faust-Goudeau
Mark Boranyak	CAPITOL STRATEGIOS
Jenni Rae	KCSL
Robin Plunkett	Child Welfare Co's

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MEMORANDUM

To: Chairman Emler and members of the Senate Ways and Means Committee
From: Jill Ann Wolters, Senior Assistant Revisor
Date: February 4, 2009
Subject: Senate Bill No. 128

Senate Bill No. 128 would require the secretary of social and rehabilitation services to establish a fatherhood initiative program within the department. Connecticut, Hawaii and Louisiana have similar programs, some of the language in the bill is patterned after such State's programs.

The objectives of the initiative are to:

- (1) Promote public education concerning the financial and emotional responsibilities of fatherhood;
- (2) assist men in preparation for the legal/financial/emotional responsibilities of fatherhood;
- (3) promote the establishment of paternity at childbirth;
- (4) encourage fathers, regardless of marital status, to foster their emotional connection to and financial support of their children;
- (5) establish support mechanisms for fathers in their relationship with their children, regardless of their marital and financial status;
- (6) integrate state and local services available for families; and
- (7) promote, foster, encourage and otherwise support programs designed to educate and train young men who are both current and future fathers as to effective parenting skills, behaviors and attitudes.

The secretary shall report annually to the legislature:

- (1) The number of fathers and children participating in the program;
- (2) an overview of any moneys spent on the program; and
- (3) the cost-savings analysis of implementing the program by having children build and retain a relationship with their father.

The secretary is granted the authority to adopt any necessary rules and regulations to implement the program. The program is subject to the provisions of appropriation acts.

Senate Ways & Means Cmte

Date 2-10-2009

Attachment 1

STATE OF KANSAS

OLETHA FAUST-GOUDEAU
SENATOR, 29TH DISTRICT
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WICHITA, KANSAS 67208
316-652-9067
Office: STATE CAPITOL BUILDING—134-N
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TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS

RANKING MINORITY MEMBER: FEDERAL AND STATE AFFAIRS
ETHICS AND ELECTIONS
MEMBER: COMMERCE
LOCAL GOVERNMENT
JOINT COMMITTEE ON ARTS AND
CULTURAL RESOURCES

email: Oletha.Faust-Goudeau@senate.ks.gov

February 4, 2009

Senate Ways and Means Committee
Capitol Bldg., Rm. 537-N
Topeka, Kansas 66612

Chairman Emler, esteemed colleagues,

SB 128 attacks the same problem as the Grandparents as Caregivers bills you have just heard. But it attacks it at the source.

Why are Grandparents raising their grandchildren? Because their children can't or won't. We need to do something about that, and we have many programs that help young mothers be more effective parents. But helping the mothers is attacking only half the problem.

Studies have shown that seven in ten incarcerated men grew up in a family without a father. Think about that. More than half, almost three-quarters! How do we turn those numbers around? I believe we need to start focusing on the fathers as well as the mothers. It is easy to get a mother engaged with a baby; all she has to do is spend time with that baby. But a young father isn't nearly as likely to know what to do with a baby and may even feel that taking care of the child is women's work. They need help learning how to hold and comfort the baby, how to talk to it and croon a little tune to make it fall asleep.

In a perfect world, that young father would learn by watching his father, the baby's grandfather, care for the infant. But we know that the world of teen pregnancy is far from perfect. Too often, there IS no grandfather. Too often, the boy-father loses interest and wanders away, abandoning both mother and child. Without him in the picture, the mother is far more likely to fail as well, and the child winds up being raised by a grandmother, an aunt, a cousin.

SB 128 is intended to get SRS to look into what can be done to help young fathers know that they are responsible for their children, that their children need them in so many ways. It is not a panacea, and I hope it won't be a placebo either. I just want to know that we are devoting some of our energy to the fathers as well as the mothers.

It won't solve the problem, but maybe it will mean that fewer children have to be raised by a relative.

Thank you,

Oletha Faust-Goudeau
Senator, 29th District

Senate Ways & Means Cmte
Date 2-10-2009
Attachment 2

① For my testimony in support of
S.B. 128, please carefully
consider attached brochure.

② Fatherless children growing
up on social welfare are costing
Kansas taxpayers hundreds of millions
of dollars every year.

③ And when they become adults, a
high percent go into crime costing
Kansas taxpayers more hundreds of
millions of dollars to prosecute and
incarcerate them.

④ National Fatherhood Initiative
tells us that 70 percent of all hard
core long term inmates grew up
without a dad. Did you hear what
I said? 70 percent!

⑤ Two days ago we heard on the
national news that 8 out of 10 crimes
in America are gang related. Did you
hear that? 8 out of 10. And gangs are
increasing. Most young people who
go into gangs come from fatherless homes.

(2)

⑥ a few years ago, everyone in Wichita was SHOCKED when the Carr brothers were convicted of horrible murders. Now they are rotting in solitary confinement awaiting the death penalty, costing taxpayers enormous amounts of money for incarceration and appeals.

⑦ THINK of the magnificent contribution the Carr brothers MIGHT have made if these young men had been raised by a wonderful father like Tiger Woods had.

The saddest memory of all..... is the memory of that which..... MIGHT have been.

Thanking you, I remain very sincerely and respectfully.

William T. Davitt
1205 N Bitting Avenue
Wichita, Kansas 67203
phone 316 267-5560

Bill was introduced by now SENATOR
OLETHA FAUST-GOUDÉAU

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IN THEIR OWN WORDS . . .


ads in all walks of life — and their children have benefited from NFI's programming in partnership with community-based and faith-based organizations, hospitals, the military, prisons, and businesses. Consider the words of William, who participated in NFI's innovative 24/7 Dad™ program. He noted,

"I've learned more from these classes than I learned in 33 years of living about being a man, owning up to responsibilities, and just being a dad. Being a dad is a wonderful thing when you really know what being a dad is all about. The 24/7 Dad™ program can teach you what being a dad is really all about."

Or consider the words of Adam, incarcerated in New Mexico. Adam, who participated in NFI's ground-breaking InsideOut Dad™ program, is one of many thousands of incarcerated dads nationwide, in over 300 prisons so far, who have participated in NFI programming that helps incarcerated dads in loving, affirming, and guiding their children. Along with these benefits to children, research also shows that family connectedness is a key factor in reducing recidivism once ex-prisoners re-enter the community. He wrote:

"...I have been in prison for five years. At first I never heard from my daughter. Now we have a relationship. This class is the best by far!"

Please help NFI reach more dads, children, and families. NFI is a 501(c)(3) organization. You may donate at www.fatherhood.org/contribute/. Thank you for your support!

 **National Fatherhood Initiative**
101 Lake Forest Blvd., Suite 360
Gaithersburg, MD 20877
301.948.0599 | www.fatherhood.org

If you could help solve many of society's problems:

**CRIME
POVERTY
TEEN PREGNANCY
DRUG ABUSE
ILLITERACY**

by addressing just one issue...

wouldn't you get involved?

This is YOUR opportunity to change the world... by supporting involved, responsible, and committed fatherhood.

Get involved in the work of the National Fatherhood Initiative today, and YOU will play a significant role in helping us reverse the devastating trend of father absence.

One out of every three children in the United States grows up in a home without his or her father. That's more than 24 million children across the country. Two out of three of all African-American children (over 7 million total) grow up in a father-absent home. The fastest growing group of father-absent families exists among white families; more than 15 million white children live apart from their biological fathers. Over 4 million children of Hispanic origin (who may identify as being of any race) are growing up in homes without their biological dads.



WHY DOES FATHER ABSENCE MATTER?

Father absence is a significant indicator in nearly every imaginable social problem.

- Research shows that children growing up without a dad are more likely to engage in violent crimes, abuse drugs and alcohol, drop out of school, face teenage pregnancy, and even commit suicide.
- Additionally, children in father-absent homes are more likely to be victims of child abuse and neglect, and are five times more likely to be poor.

OUR MISSION:

To improve the well-being of children by increasing the proportion of children growing up with involved, responsible, and committed fathers

OUR HISTORY:

Since 1994 NFI has been educating, equipping, and engaging dads — and our society at large — on what a difference an involved, responsible and committed father makes. Through its work in every sector of society, NFI has sparked a groundswell movement — for the well-being of this generation and the next.

WHAT WE DO:

Educate and inspire all Americans, especially fathers, through public awareness campaigns, research and other resources. Equip and develop leaders of national, state, and community programs through curricula, training, and technical assistance. Engage every sector of society through strategic alliances and partnerships.

EDUCATE

NFI's highly successful public awareness campaigns have reached millions of fathers and others through television, radio, billboard, and Internet ads that convey the message that dads are important. NFI also leads the way in compiling research on fathers and families, and uses the media, the Internet, and other tools to communicate its findings to further educate our society on this important issue.

EQUIP

NFI partners with organizations across the country to equip fathers and families. NFI offers resources ranging from curricula and programs for in-depth training (including evaluation components), to brochures and posters, to interactive resources for dads to use on their own. Many of NFI's resources are available in both English and Spanish. NFI has six specialized programming areas: Community-based (including Education and Schools), Healthcare (for dads of infants and toddlers), Prisons, Military, Christian-based, and Work-Family Balance programming. Through FatherSOURCE.org, organizations and individuals may also order materials directly from NFI.

ENGAGE

Engaging every sector of society in our mission is a key to the NFI strategy. Because dads are everywhere, there are seemingly endless opportunities and ways in which we can reach them. As part of this strategy, NFI works with government and policy leaders to educate them on the importance of the issue and to encourage their involvement. We also highlight and work with celebrities, athletes, corporations, and not-for-profits that model involved, responsible, and committed fatherhood and father-friendly policies. During our annual Fatherhood Awards Gala™, NFI recognizes individuals and groups for their contributions to families and society on this crucial issue.



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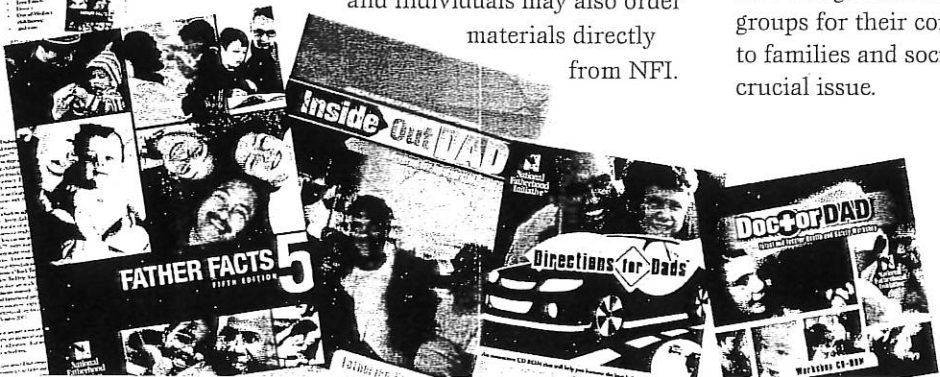
If you don't teach him, who will?
Have you been a Dad today?



Fatherhood Today

Get the Facts!

...to School for Dads



HOW YOU CAN HELP!

National Fatherhood Initiative needs YOU to get involved with our work today. Make a difference in your community by using and distributing our resources or by starting your own fatherhood initiative in your neighborhood, city, or town. Want to make a further impact? Pledge your tax-deductible financial support to NFI today, and make a powerful difference in the lives of dads and children by helping NFI develop and distribute resources and information across the country.

NFI is a 501(c)(3) organization. Please donate at www.fatherhood.org/contribute/ or mail a check to: Contributions Coordinator, National Fatherhood Initiative, 101 Lake Forest Blvd., Suite 360, Gaithersburg, MD 20877. Thank you very much for your help in reaching fathers, children and families.



DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

Don Jordan, Secretary

Senate Ways and Means Committee
February 4, 2009

SB 128 – Fatherhood Initiative

For Additional Information Contact:
Patrick Woods, Director of Governmental Affairs
Docking State Office Building, 6th Floor North
(785) 296-3271

Senate Ways & Means Cmte
Date 2-10-2009
Attachment 3

Fatherhood Initiative

Senate Ways and Means Committee February 4, 2009

Chairman Emler and members of the committee, I am Don Jordan, Secretary of SRS. Thank you for the opportunity to provide information on Senate Bill 128. This bill would direct SRS to establish a fatherhood initiative program, subject to appropriations, to encourage the formation and continuation of relationships between fathers and children.

The objectives outlined in this bill are to support fathers, regardless of marital or economic status, in building and maintaining relationships with their children, including fatherhood responsibilities, early paternity establishment, fostering emotional connections and financial support, integrating state and local services for families; and building fathers' parenting skills, behaviors, and attitudes.

Currently, fatherhood efforts are promoted and supported in a variety of ways, including promoting father-friendly practices in Head Start and other community programs. SRS, the Kansas Head Start Association and the Kansas Parent Information Resource Center collaborated in 2008 to develop and distribute a statewide Fatherhood Directory. Also, a statewide fatherhood summit occurs annually in Kansas, providing a forum for parental education and networking and furnishing tools and information on how to build community fatherhood programs. The Parent Leadership Conference is also held annually to assist fathers in learning how to advocate for their children on the local, state and federal level.

If this bill is passed, SRS would work through grants to local communities to support new initiatives and programs that address these goals.

This concludes my testimony and I would be glad to answer any questions the committee may have.



KANSAS

DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

Don Jordan, Secretary

Senate Ways & Means Committee
February 10, 2009

Overview of Sexual Predator Treatment
Program and Expansion

Disability & Behavioral Health Services
Ray Dalton, Deputy Secretary

For Additional Information Contact:
Patrick Woods, Director of Governmental Affairs
Docking State Office Building, 6th Floor North
(785) 296-3271

Senate Ways & Means Cmte
Date 2-10-2009
Attachment 4

Overview of Sexual Predator Treatment Program and Expansion

Senate Ways and Means Committee
February 10, 2009

Chairman Emler and members of the Committee. Attached is the information you had requested from my testimony on the Sexual Predator Treatment Program and Expansion that I presented to the Committee on January 27, 2009.

I will now go through the documents with you and answer any questions you may have.

Follow up Information for Senate Ways and Means on the Sexual Predator Treatment Program

Provided below is information regarding cost comparisons of SPTP with the programs in South Carolina, Massachusetts, and Florida. These were the programs in a recent report by the Washinton State Institute for Public Policy which listed annual per capita costs as less than Kansas.

South Carolina

Despite a number of phone calls and emails, we have not yet received figures directly from a person associated with South Carolina's sexual offender civil commitment program. We know it is housed within the South Carolina Department of Corrections. A FY 2008-2009 budget document found on the South Carolina Department of Mental Health's website suggests the annual cost of their program is \$8,034,338 for their current census of 90 residents. This would be \$89,270 per resident per year. In the Washington report, South Carolina reports a cost of \$41,176 per resident of the program. We believe this cost did not include any of the expenses included in the DOC budget, e.g., housing, food, etc. In addition, the South Carolina FY 2008-09 budget included a request for \$56 million to build a new 200 bed facility to accommodate the growth of their program.

Massachusetts

Like South Carolina, Massachusetts' program is housed within a Department of Corrections' facility. Dr. Nicolas Petrou, who oversees the treatment contract for the state stated the annual per individual costs of this contract is approximately \$43,500. Robert Murphy, the superintendent of the DOC penitentiary in which the program is housed explained that he couldn't give a precise figure on costs because of the comingling of some costs between inmates and civilly committed persons, but he estimated close to \$39,000 per year per resident. This would give an annual total of \$82,500 per resident.

Florida

Timothy Budz, who is the facility administrator for the Florida program stated this program, in Arcadia, Florida, is run on a contract basis by the GEO Group, a large organization that provides a variety of services, including mental health, to the entities with which it contracts. He estimated that his present annual per capita costs were approximately \$50,000. While this is higher than reported in the Washington report, it is still lower than Kansas' cost. Mr. Budz attributed this to economies of scale – the Florida facility houses 675 persons – and to the system which GEO uses. He pointed out that the contract calls for GEO to provide all aspects of the program – treatment, facilities, food, security, etc. – and that GEO's ability to integrate all these functions into the design of their facility was central to the costing process. He noted that, on land donated by the state, GEO had just constructed a \$62 million dollar facility constructed in such a way (eg. sight lines, control centers, etc.) as to minimize staff needs and

reduce other costs, such as energy. Florida's program, which has experienced some security problems, including escapes, in its history, manages security issues through a roving security

team within a facility that is designed to allow them to move relatively quickly from one unit to another. It would be difficult for us to utilize the Florida approach unless we were willing to construct a new facility dedicated to housing the entire SPTP program. Our present units could not easily be expanded beyond their present size, given the physical spaces in which they exist. We could expand unit size by double-bunking but it should be noted that no other program does this for sexual offenders because it is contra-indicated for this population, and even Florida, which deliberately constructed the most efficient program they could conceive, did not resort to this. Mr. Budz also observed that the GEO system would not have application to populations less than 200, but did offer to have his organization make a presentation to Kansas if we wished, since our population is now approaching 200.

Kansas

Kansas SPTP FY09 budget of \$12,325,282 translates to an annual per capita cost of \$70,430.

Kansas has a very cost-effective program, it should be noted that the per capita costs of the Kansas program has actually declined over the past fiscal year. This is attributable to the following actions that have been taken by the Larned staff to accommodate the increase in census and operational costs, without additional resources.

- LSH/SPTP reduced staff core levels on night shift and also locked doors on dangerous units.
- LSH/SPTP has re-evaluated all core staffing levels of each unit and shift, ensuring the most economical yet safest coverage can be obtained.
- LSH and SPTP continue to work with local medical facilities to receive care at reduced cost. As the SPTP population ages, it will become even more important.
- Work orders and requisitions have been centralized for cost effectiveness and efficiency.
- Clinical Program hours have been reduced from 26-30 hours per week per resident to 18 hours.
- A reduction in the number of hours of Activity Therapy, Psycho-Educational Therapy, Vocational Training, and Recreation/Leisure activities. (Note these are all requirements of the Turay Standards)

The following budget information provides information on the major category of expenses for the program and helps highlight the majority of expenses are for the direct supervision of the residents by direct care staff, and medical care.

FY09 Salary and Wages SPTP

	FTE	SALARY	BENEFITS INCL LONGEV	TOTAL	% Vacant
Admin Total	39	\$ 1,562,179	\$ 539,698	\$ 1,369,020	31%
Direct Care Total	185	\$ 5,536,523	\$ 2,050,045	\$ 7,468,605	13%
Professional Total	25	\$ 1,204,758	\$ 343,999	\$ 1,827,442	32%
Grand Total	249	\$ 8,546,204	\$ 2,956,241	\$ 10,665,067	

FY09 Other Operating Expenses

Contractual Expenses

Miscellaneous	\$ 64,444
Laboratory Fees	\$ 84,152
Outside Medical	\$ 589,050
Utilities	\$ 180,044
Total Contractual Expenses	\$ 917,690

Commodities Expenses

Miscellaneous	\$ 95,043
Food	\$ 255,547
Professional Supplies	\$ 388,745 (Primarily Pharmaceuticals)
Total Commodities	\$ 739,335
Total Capital Outlay	\$ 3,190

SUBTOTAL State Operations \$ 12,325,282

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 1st, 2nd, and 3rd 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 (3rd 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_tsyp.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

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