Annual Report on Forensic Services in State Supported Living Centers

As Required by
Senate Bill 643
81st Legislature, Regular Session, 2009

Texas Department of Aging and Disability Services
December 2011
As required by Senate Bill (S.B.) 643, 81st Legislature, Regular Session, 2009, the Department of Aging and Disability Services shall collect data regarding the commitment of alleged offender residents to state supported living centers (SSLCs), including any offense with which an alleged offender resident is charged, the location of the committing court, whether the alleged offender resident has previously been in the custody of the Texas Youth Commission or the Department of Family and Protective Services, and whether the alleged offender resident receives mental health services or previously received any services under a Section 1915(c) waiver program. The department shall annually submit to the governor, the lieutenant governor, the speaker of the House of Representatives and the standing committees of the Legislature with primary subject matter jurisdiction over SSLCs a report of the information collected under this section. The report cannot contain personally identifiable information for any person.

For the purposes of this report and as set out in §555.001(1) of the Health and Safety Code, an “alleged offender resident” of an SSLC is defined “as a person with an intellectual disability who (a) was committed to or transferred to a state supported living center under Chapter 46B or 46C, Code of Criminal Procedure, as a result of being charged with or convicted of a criminal offense; or (b) is a child committed to or transferred to a state supported living center under Chapter 55, Family Code, as a result of being alleged by petition or having found to have engaged in delinquent conduct constituting a criminal offense.”

The following information provides context for and analysis of data related to the provision of appropriate services and supports for individuals classified as “alleged offender residents” of SSLCs in Texas. As of August 31, 2011, 251 alleged offenders were receiving services in SSLCs, representing 6.3 percent of the entire SSLC service population. While this group of individuals is small in proportion to the entire population receiving services in the SSLC system, the challenges in providing appropriate services and supports for this very complex group of individuals are significant.

**Designation of Primary Forensic Facility**

Consistent with direction set by the 81st Legislature in S.B. 643, the Mexia SSLC has been designated as the primary provider of residential services and supports for those alleged offender residents who have been determined to be at high risk of inflicting substantial physical harm on other residents. Efforts have been underway since the passage of S.B. 643 to modify the policies, procedures, organizational structures, practices and physical plant at the Mexia SSLC so it can serve as the entry point into the SSLC system for all alleged offenders, as well as the residence of all alleged offenders determined to be at high risk of inflicting substantial physical harm to other residents. During the 82nd legislative session, legislation to name the San Angelo SSLC as a second forensic facility was proposed (S.B. 1753); however, this legislation did not pass. Currently, all male alleged offenders admitted under Chapter 46b of the Code of Criminal Procedures or Chapter 55 of the...
Family Code are assigned to Mexia SSLC and female alleged offenders are assigned to San Angelo SSLC.

While Mexia currently serves approximately 71 percent of all alleged offenders in the system, 16 percent reside in San Angelo, 7 percent at Corpus Christi and the remaining 6 percent at six of the other SSLCs. Figure 1 details the current number of alleged offenders residing at each of the SSLCs as of August 31, 2011.

**Trends in Admission and Discharge of Alleged Offenders to SSLCs**

Data reflect 583 individuals classified as alleged offenders have been admitted to SSLCs through August 31, 2011. There is an increasing trend in the number of alleged offenders being admitted over the past six fiscal years, with the largest number of admissions occurring during fiscal year (FY) 2008. (See detail in Figure 2.) The majority of admissions are to Mexia SSLC, with a much smaller percentage of admissions to the San Angelo SSLC (only female alleged offenders.) All alleged offenders whose admission to the SSLC system is ordered by a court will initially be admitted to Mexia SSLC (for males) or San Angelo SSLC (for females) for evaluation of high risk status. If determined not to be high risk, the individual will be considered for transfer to another SSLC that might be closer to his or her family or natural support system.

![Figure 2. Trends in Admission of Alleged Offenders to State Supported Living Centers](image)

Further analysis shows that admissions of both juvenile and adult alleged offenders have been increasing. However, the increasing frequency of juvenile admissions noted from FY 2006-FY 2008 appears now to be decreasing somewhat in 2009, 2010 and 2011. (See Figure 3.)

![Figure 3. Trends in Admission of Alleged Offenders to State Supported Living Centers](image)
An analysis of commitments by county since 2001 shows that 37 percent (217) of the 583 court-ordered admissions came from 81 counties, with each of those counties ordering nine or fewer admissions per county. The majority (63 percent) of all court-ordered admissions came from 13 counties. The numbers of court-ordered admissions for these 13 counties are found in Figure 4.

As expected, the data reflect larger numbers of court-ordered admissions for the more populous counties – Dallas, Harris, Tarrant and Bexar. Additionally, the numbers of admissions from these more populous counties has increased over recent years, contributing to the overall upward trend in court-ordered admissions to the SSLC system reflected in Figure 2.

Data related to the primary alleged offenses for each of these individuals has been analyzed to identify specific trends and/or patterns. This analysis reveals a large majority of these charges are in three areas – assault/injury to another individual (36 percent), sexual offenses (27 percent) and charges associated with burglary/theft/robbery (13 percent). Charges in the undetermined/other category represent 15 percent of the offenses. Details regarding the offense categories are detailed in Figure 5.

<table>
<thead>
<tr>
<th>Alleged Offenses</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arson</td>
<td>20</td>
<td>3%</td>
</tr>
<tr>
<td>Assault/Injury</td>
<td>209</td>
<td>36%</td>
</tr>
<tr>
<td>Burglary/Theft/Robbery</td>
<td>74</td>
<td>13%</td>
</tr>
<tr>
<td>Drug-Related Offenses</td>
<td>22</td>
<td>4%</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>3</td>
<td>1%</td>
</tr>
<tr>
<td>Murder/Deadly Conduct</td>
<td>11</td>
<td>2%</td>
</tr>
<tr>
<td>Sexual Offenses</td>
<td>159</td>
<td>27%</td>
</tr>
<tr>
<td>Undetermined/Other</td>
<td>85</td>
<td>15%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>583</strong></td>
<td></td>
</tr>
</tbody>
</table>

Other factors related to admission trends were evaluated, including individuals who had previously received services through the Texas Youth Commission (2 of 583 – 0.3 percent); having previously been in the conservatorship of the Department of Family and Protective Services (24 of 583 – 4.0 percent); or having previously been enrolled in the Home and Community-based Services Waiver program (48 of 583 – 8 percent). However, no relevant trends or patterns were identified for these very small groups of individuals.

Once an individual is admitted to an SSLC through court order, the individual’s treatment team determines appropriate services and also determines, in accordance with federal regulations, when the individual is able to transition to live in a less-restrictive setting. If an individual is determined to be appropriate for discharge from the SSLC, the center notifies the committing court about the planned discharge.

Data related to discharge of alleged offenders from the SSLCs from FY 2006 through FY 2011 were compared to similar data for admissions during this same period of time. An average of 66 individuals was admitted to the SSLCs through court order as alleged offenders during each of these six years. During this same period, an average of 53 alleged offenders was discharged from the SSLCs. The majority of these admissions (76 percent) and discharges (75 percent) were at the Mexia SSLC. These numbers were proportionally consistent with those at each of the SSLCs, as Mexia currently has 71 percent of all alleged offender residents in the SSLC system. Figure 6 details a downward trend in the number of discharges from previous years through FY 2011. Reasons for the decline in discharge numbers can be contributed to full implementation of the Settlement Agreement with the Department of
Justice, particularly as it relates to increased requirements for discharge planning and oversight following transition from a SSLC. However, admissions under Chapter 55 of the Family Code are also decreasing. See Figure 3.

Discharges of alleged offenders fall into two main categories – (1) determination of competency/fitness to proceed through the court system and (2) placement into the community. If the individual is assessed during his or her initial evaluation period and is determined competent, he or she is returned to the criminal justice system for appropriate dispensation of pending charges. If determined not competent, the individual is provided services and supports to develop appropriate skills and abilities to transition safely and appropriately to a less-restrictive residential setting. During the six-year evaluation period, 136 individuals (43 percent) were determined competent/fit to proceed through the court system, and 180 individuals (56 percent) were discharged to a community placement after the individual was determined to no longer require the extensive services and supports provided by the SSLC system. Figure 7 details a decrease in community placement of these individuals. While the number of alleged offenders found to be competent has decreased slightly.

Related to pending admissions, as of December 1, 2011, there were 4 individuals with orders for admission to the SSLC system under Chapter 55 of the Family Code, 2 individuals with orders for admission under Chapter 46b of the Code of Criminal Procedure and 20 individuals currently residing in state hospitals with court-ordered admissions to the SSLC system under Chapter 46. These 26 individuals will be admitted as soon as an appropriate bed is identified at Mexia SSLC.
Demographic Analysis of Current Alleged Offender Residents (as of October 31, 2011)

An in-depth evaluation of the 251 alleged offenders now receiving SSLC services found:

- **The alleged offender population is young.**
  While the average age of all persons receiving services in the SSLC system is 47, the average age of the alleged offender population is 29. Of the alleged offender population, 42 percent is 21 or younger. Only 6 percent of the population is 55 or older. Refer to Figure 8 for a breakdown of age.

- **The alleged offender population is predominantly male.**
  Of the alleged offenders currently in SSLCs, 92 percent are male. This compares to 61 percent in the total service population. This substantial male majority has been prevalent in recent years.

- **The alleged offender population has significant behavior management needs.**
  Severe, profound or moderate behavior management needs are those that cause major disruption and threaten the health and safety of the individual, peers, or staff if allowed to continue. These behaviors often require intensive intervention. Behavior management needs are categorized as severe or profound for 74 percent of the alleged offender population. This compares to 22 percent of the entire SSLC service population.

- **The alleged offender population has a higher percentage of individuals with behavioral health needs requiring extensive psychiatric supports.**
  Intensive behavioral health supports, including routine psychiatric services, are required for 93 percent of the current alleged offender population. This compares to 63 percent of the total service population.

### Table 1. Age Categories of Alleged Offenders

<table>
<thead>
<tr>
<th>Age Category</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age 0-17</td>
<td>74</td>
<td>29%</td>
</tr>
<tr>
<td>Age 18-21</td>
<td>33</td>
<td>13%</td>
</tr>
<tr>
<td>Age 22-34</td>
<td>67</td>
<td>27%</td>
</tr>
<tr>
<td>Age 35-44</td>
<td>34</td>
<td>14%</td>
</tr>
<tr>
<td>Age 45-54</td>
<td>29</td>
<td>12%</td>
</tr>
<tr>
<td>Age 55-64</td>
<td>12</td>
<td>5%</td>
</tr>
<tr>
<td>Age 65-75</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Total</td>
<td>251</td>
<td></td>
</tr>
</tbody>
</table>

**Findings of the Data Analysis**

Based on this data, it is projected that an increasing percentage of the population served by the SSLC system will be comprised of individuals whose admission is ordered by the court. Further, unless current service delivery system trends change significantly, a substantial percentage of all court-ordered admissions will be of children whose admission is ordered under Chapter 55 of the Family Code.

While the Mexia SSLC is expected to continue to provide services for the majority of alleged offenders receiving services in the SSLC system, an increasing number of these individuals – both children and adults – will be receiving services in other SSLCs if they are determined not to represent a high risk of inflicting substantial physical harm to other residents.

The specific needs of this population described above will require ongoing clinical and residential direct service staff reallocations to assure appropriate services and supports are available to protect the health and safety of these individuals and others who are receiving services in the same residential environments. Additionally, the need for clinical services and supports – specifically psychiatric,
behavioral and pharmacological supports – is expected to increase as the number of alleged offenders with intense and often complex behavioral health needs continues to grow.

**Action Steps for Current and Future Operations**

1. Continue efforts to establish and expand appropriate clinical, residential and infrastructure supports at the Mexia SSLC so it can serve as an efficient and effective entry and evaluation point for all alleged offenders whose admission is ordered into the SSLC system.

2. Continuation of policy creation and refinement as necessary. A statewide policy regarding determination of high risk status for individuals admitted under a criminal court commitment has been distributed to the SSLCs. Included in the policy is guidance regarding risk determination and subsequent transfer to/from the Mexia SSLC. Upon completion of high risk determination for those individuals with a criminal court commitment currently in residence at an SSLC other than Mexia or San Angelo, transfer of high risk individuals to the Mexia SSLC will be initiated.

3. Continue training regarding the service delivery system for high-risk alleged offender residents to direct contact employees of the Mexia SSLC.

4. Continue to process all alleged offender admissions through the Mexia SSLC (males) and the San Angelo SSLC (females).

5. Continue to collect and analyze relevant demographic data related to the alleged offender population and use this data to project future capacity needs.

6. Continue to structure appropriate clinical and residential direct supports at Mexia, San Angelo and the other SSLCs to assure the health and safety of these individuals, as well as to support their clinical stabilization to enable each to live and receive services in the most appropriate integrated setting.

7. Further evaluate the court-ordered admission patterns by county to identify the relevant factors that drive them and follow up on any patterns to assure appropriate planning for future service demands.

8. Evaluate the length of stay for each individual whose admission is court-ordered into the SSLC system to discern specific patterns and to make appropriate resource allocation decisions.