

1 taken at that facility to address the problem of
2 sexual assault in detention facilities.

3 Thank you, sir. Do you want to stand
4 and take the oath.

5 (Witness sworn.)

6 CHAIRMAN WALTON: Welcome.

7 MAJOR K.W. BERRY: Good morning.

8 Mr. Chairman, Commissioners, on behalf of the Harris
9 County Sheriff's Office, it is indeed an honor and a
10 pleasure to be able to testify here today before you.

11 The information being presented today
12 represents -- is representative of activities and
13 actions within the Harris County detention system only
14 and by no means reflects the activities or actions of
15 other jurisdictions or agencies.

16 Harris County Sheriff's Office is the
17 largest of 254 counties in Texas, with an approximate
18 population of 3.6 million. The Harris County
19 Sheriff's Office is accredited by CALEA. We have
20 approximately 3500 employees, of which approximately
21 1300 are assigned to detentions, as deputies or
22 corrections officers.

23 The detention system is made up of four
24 main buildings, three housing facilities, and an
25 inmate processing center. There are currently plans

1 to build a new 1,000-bed minimum risk facility north
2 of town, and we're also looking at also rebuilding --
3 or building a new processing center.

4 Of the three housing facilities we have
5 available, the 1200 Baker Street has a capacity of
6 4156 beds; the 701 San Jacinto facility has a capacity
7 of 4144 beds; and the third housing facility, 1307
8 Baker Street, houses approximately 800 minimum risk
9 inmates.

10 The current population as we speak, as
11 of midnight last night, for the Harris County
12 detention system is 9298. Of that population, 1348
13 are female. We have females housed at the 1200 Baker
14 facility on the fourth and fifth floors and, in
15 addition, we have some females housed on the first
16 floor in the female infirmary.

17 The two main facilities are connected
18 by way of tunnel to the Criminal Courts Building. We
19 send approximately six to 800 inmates a day to court
20 through that tunnel system or via vehicle.

21 All of our housing systems at present
22 are in direct supervision and in accordance with the
23 Texas Commission on Jail Standards, they are staffed
24 in accordance with the Texas Commission on Jail
25 Standards policy, one-to-48, one staff member for 48

1 inmates.

2 Inmates coming into the jail system
3 receive -- are received at the inmate processing
4 center where they are booked into the system,
5 classified, they're given mental health and medical
6 screening. We have an objective classification system
7 in place that meets or exceeds the Texas Commission on
8 Jail Standards requirements. Special needs inmates,
9 just as high profile inmates, homosexuals, mental
10 health patients, or inmates -- medical inmates, or
11 high-risk inmates are identified and they are housed
12 appropriately.

13 We also have approximately 96 bunks
14 available to certified juveniles that are certified by
15 the courts and sent over to us.

16 Inmates that are classified, after
17 initial classification, are reassessed in 14 days from
18 their initial classification process. The processing
19 center is equipped with cameras in various areas as
20 needed. Pay phones and call boxes are also available
21 in holding cells and in cellblocks.

22 All inmates receive an inmate handbook,
23 and that's in English and Spanish, at the processing
24 center at intake, and those inmates who can't read it,
25 it is read to them. And if those inmates don't speak

1 that language, we interpreters on staff to interpret
2 for them.

3 All personnel assigned to the detention
4 center must be licensed through the Texas Commission
5 on Law Enforcement Standards and Education within one
6 year of their assignment to detention. That includes
7 both detention officers and deputies. And new
8 employees just coming on board are required a two-week
9 orientation course. This is an 80-hour class that
10 they are in -- that they are provided, one week in the
11 classroom and one week on-the-job training. And after
12 which, they are assigned to the training floor until
13 such time as they are sent to the jail school, which
14 is taught at our academy, which is four-week long
15 school that is required by the Texas Commission on
16 Jail Standards which, at the completion of that,
17 they're licensed a license by the Commission.

18 The licensing for jailers and deputies
19 is three -- four-fold. You have a basic license, an
20 intermediate, an advanced, and a masters certification
21 or licensing. We pay incentive pay for those with
22 masters peace officers or masters jailers licenses.

23 We're here today to discuss rapes in a
24 county facility or jail facilities or prisons. And
25 one of the big issues that I've heard in my sitting

1 here at this Commission hearing is, how are these
2 rapes or how are these assaults reported.

3 Although we have in place a reporting
4 system for inmates to write grievances, to write notes
5 or what have you, we accept any report in any fashion
6 from an inmate on any assault or any sexual assault or
7 any issue that they have a concern of. To write one
8 is not unusual. You get them verbally. To see
9 inmates that are acting unusual, to see inmates that
10 may appear to have been injured, all brought to the
11 attention of the staff member, either by an inmate or
12 by the own inmate or by the staff member's
13 attentiveness, all could bring about an incident
14 report of such activities.

15 We have, however, received, for the
16 information of the Commission, reported misconduct or
17 assaults from various other sources, to include
18 inmates' attorneys, the county judge's office, the
19 District Attorney's Office, the Texas Commission on
20 Jail Standards, family members, other inmates, and the
21 list goes on. There is no restrictions on how we
22 receive these complaints.

23 All reported incidents of rapes or use
24 of force or sexual assaults are investigated as a
25 crime. All reports -- all reported investigations are

1 subject to the Open Records Act. It is available,
2 upon request, under the Open Records Act as long as
3 it's not still under investigation.

4 There are two regulatory agencies that
5 affect Harris County and detention systems throughout
6 Texas: The Texas Commission on Law Enforcement
7 Standards and Education, which regulates licensing,
8 they regulate training, and they also are responsible
9 for revocation of licensing. They have a website here
10 locally -- or they do have a website that's available.

11 The Texas Commission on Jail Standards
12 is responsible for jail operations. That includes
13 staffing, overcrowding issues, training, construction,
14 and they also make annual and unannounced inspections
15 of jails here in Texas.

16 Reporting of -- reporting and
17 investigating of sexual assaults: All reported
18 incidents alleging sexual assault and sexual
19 misconduct, nonconsensual sexual acts, or abusive
20 sexual contacts are treated as and investigated as
21 sexual assault. Our procedure is as follows: Seeing
22 a report, assault treated as a crime, crime scene is
23 secured, crime scene unit responds, crime scene unit
24 staff collects evidence, crime scene unit submits
25 evidence, Harris County Medical Examiner's Office

1 conducts forensic testing and analysis of all evidence
2 and prepares a report.

3 Investigating of sexual assault: The
4 detective assigned to the sexual assault unit
5 records -- responds to all incidents, assumes
6 responsibility for investigating and filing of
7 criminal charges if cases are founded or unsustained.

8 Medical procedures for victims: All
9 sexual assault victims are taken to the medical unit,
10 all clothing is secured for forensics examination,
11 victims transported to the hospital for sexual assault
12 examination kit to be completed in all cases. All
13 injuries or complaints of injuries are treated at the
14 hospital. Medical attention continues as needed.

15 Prosecution and filing of charges:
16 Sexual assault unit investigators assigned to review
17 case files, DNA reports, sexual assault exam results.
18 The sexual assault unit investigator forwards
19 completed case files to the District Attorney's
20 Office, who determines if charges will be filed.

21 Pending improvements in efforts towards
22 sexual assault incidents. What we have planned at --
23 in the future is bringing on a SANE, a sexual assault
24 nurse examiner, trained in the sexual assault
25 response, on duty 24 hours a day, seven days a week.

1 We are also continuing and have ongoing
2 classes in crisis intervention for all Sheriff's
3 Office personnel, expected to be completed by August
4 2009.

5 Incidents of sexual assault: I have
6 here before me incidents that -- statistics from 2001
7 through 2006. I won't get into the detail of it.
8 However, I will summarize it for you.

9 The average daily population between
10 January 1, 2001, and January 1, 2006, average daily
11 population, 8,036.5. The total amount of sexual
12 assault incidents reported from the year 2001 through
13 2006, 55 incidents of sexual assaults were reported,
14 an average of 9.1 sexual assault incidents reported
15 each year. Five inmates -- five inmate on inmate
16 sexual assault incidents were sustained during the
17 six-year reporting period. One sexual assault
18 involving a staff member was sustained during this
19 six-year period -- during the six-year reporting
20 period. That was in the year 2002, and charges were
21 filed. Felony charges filed in three sexual assault
22 incidents during the reporting period on the inmate on
23 inmate cases.

24 I am open for questions.

25 CHAIRMAN WALTON: Let me just ask, in