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

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

(Witness sworn.)

CHAIRMAN WALTON: Welcome.

MAJOR K.W. BERRY: Good morning.

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

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

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

The detention system is made up of four main buildings, three housing facilities, and an inmate processing center. There are currently plans
to build a new 1,000-bed minimum risk facility north of town, and we're also looking at also rebuilding -- or building a new processing center.

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

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

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

All of our housing systems at present are in direct supervision and in accordance with the Texas Commission on Jail Standards, they are staffed in accordance with the Texas Commission on Jail Standards policy, one-to-48, one staff member for 48
Inmates coming into the jail system receive -- are received at the inmate processing center where they are booked into the system, classified, they're given mental health and medical screening. We have an objective classification system in place that meets or exceeds the Texas Commission on Jail Standards requirements. Special needs inmates, just as high profile inmates, homosexuals, mental health patients, or inmates -- medical inmates, or high-risk inmates are identified and they are housed appropriately.

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

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

All inmates receive an inmate handbook, and that's in English and Spanish, at the processing center at intake, and those inmates who can't read it, it is read to them. And if those inmates don't speak
that language, we interpreters on staff to interpret

for them.

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

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

We're here today to discuss rapes in a
county facility or jail facilities or prisons. And
one of the big issues that I've heard in my sitting
here at this Commission hearing is, how are these
rapes or how are these assaults reported.

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

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

All reported incidents of rapes or use
of force or sexual assaults are investigated as a
crime. All reports -- all reported investigations are
subject to the Open Records Act. It is available, upon request, under the Open Records Act as long as it's not still under investigation.

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

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

Reporting of -- reporting and investigating of sexual assaults: All reported incidents alleging sexual assault and sexual misconduct, nonconsensual sexual acts, or abusive sexual contacts are treated as and investigated as sexual assault. Our procedure is as follows: Seeing a report, assault treated as a crime, crime scene is secured, crime scene unit responds, crime scene unit staff collects evidence, crime scene unit submits evidence, Harris County Medical Examiner's Office
conducts forensic testing and analysis of all evidence and prepares a report.

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

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

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

Pending improvements in efforts towards sexual assault incidents. What we have planned at -- in the future is bringing on a SANE, a sexual assault nurse examiner, trained in the sexual assault response, on duty 24 hours a day, seven days a week.
We are also continuing and have ongoing classes in crisis intervention for all Sheriff's Office personnel, expected to be completed by August 2009.

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

The average daily population between January 1, 2001, and January 1, 2006, average daily population, 8,036.5. The total amount of sexual assault incidents reported from the year 2001 through 2006, 55 incidents of sexual assaults were reported, an average of 9.1 sexual assault incidents reported each year. Five inmates -- five inmate on inmate sexual assault incidents were sustained during the six-year reporting period. One sexual assault involving a staff member was sustained during this six-year period -- during the six-year reporting period. That was in the year 2002, and charges were filed. Felony charges filed in three sexual assault incidents during the reporting period on the inmate on inmate cases.

I am open for questions.

CHAIRMAN WALTON: Let me just ask, in