

OPENING STATEMENT

Introduction

Thank you for inviting me to testify about the Harris County Sheriff's Office. Before I continue with my remarks, let me introduce experts from my Department who are with me today to add any details you may need:

- Chief Fred Brown, who oversees our jail command;
- Dr. Michael Seale, Executive Director of Health Services, who is also the medical expert on the Texas Commission on Jail Standards;
- Jim Leitner, General Counsel and former First Assistant District Attorney and criminal defense attorney;
- Major Debra Schmidt, a key jail commander who drafted our new, nationally recognized LGBTI policies;
- Capt. Ronny Taylor of our jail command, who specializes in regulatory compliance initiatives; designated HCSO PREA coordinator, to be trained as a PREA Auditor
- Lt. Walter Bailey, our inmate classifications supervisor
- Katrina Camacho, our PREA Manager, and

- Alan Bernstein, Director of Public Affairs, a former journalist for one of the nation's 10 largest newspapers, who reported on the results of hundreds of public surveys.

Opening statement

As the Sheriff of Harris County Texas, I am responsible for the challenges and opportunities that the third largest county jail can provide. The commitment of my staff and I, to ensure that we adhere to all local, state and federal obligations for the care, custody and control of our diverse inmate population, in my opinion, is second to none.

A well run county jail system not only enhances public safety, but also enhances public confidence when it is operated under a philosophy of transparency and accountability by which I have worked since the beginning of my administration in 2009.

I also have recognized the fact that many of the inmates in my custody are not necessarily hardened criminals or dangerous to our society, but rather are persons who are ill. That is why I have placed a great deal of emphasis on programs and services that are focused towards helping the people with mental illness. In addition, I understand that individuals who are from the LGBTI community could be most vulnerable within a

correctional setting like a county jail which is why we have worked extensively to develop what I believe to be some of the most comprehensive policies in the country. As an example, my policies are mentioned in a recent Huffington Post article as being among the Top 10 Transgender Wins of 2013. It is also important to mention that our LGBTI policy is highlighted by the National Institute of Corrections (NIC) as a recognized “best practice” policy and is published on their website.

My staff and I are here today because I believe we have an incredible story of progress that illustrates our commitment to running a professional, contemporary correctional system. To that end, in my written testimony dated November 8, 2013, I took exception to the results of your study of one of my four jail facilities. However, my goal today is not to debate the study or results themselves, because all such studies are opportunities to evaluate operations, policies and processes, which brings me to my second goal for today. I believe that my testimony, as well as the testimony of my staff, today will demonstrate forward thinking, commitment toward improvement, and the willingness to lead in otherwise uncharted territory for jails and prisons. Even before the conclusion of today’s hearing, I hope our commitment towards improvement is demonstrated by the fact Captain Taylor, whom I introduced earlier, is on his way to becoming a PREA National Auditor. In

addition, my staff had a very positive and constructive meeting with members of the PREA Resource Center this morning.

When I became Sheriff of Harris County, I knew that the job was going to be more than catching people who commit crimes and cause harm to the citizens of our community, but also about protecting those who are in our custody as well. I am proud of our work and excited about making further progress. I will now provide a comprehensive overview of the work our office has been carrying out on PREA related matters.

Overview

To begin, I would like to introduce you to the Harris County Sheriff's Office and county jail system. The Harris County Sheriff's Office is made up of a workforce of approximately 4,400 employees and is the third largest Sheriff's Office serving the third most populous county in the United States. The Sheriff's jurisdiction encompasses approximately 1,729 square miles, including most of the City of Houston, thirty-four other municipalities, villages, and unincorporated areas, and has a population of over four million residents. With an International Airport, soon to add a second International airport, a major deep-water Port, all within driving distance of Mexico, Harris County is an international destination with a very diverse population.

In addition to performing law enforcement functions, the HCSO operates the third largest county jail system in the nation. The total *design* housing capacity of the Harris County Jail system is approximately 9,434 inmates. As of January 05, 2014, there were 8,527 inmates housed in the Harris County Jail. The jail population includes inmates ranging in age from 17 to 78.

In Texas, offenders younger than seventeen years of age are not held in the Harris County Jail. Instead, they are held in the Harris County Juvenile Detention Center. As a result, it is important to mention that my legal counsel and staff successfully moved to vacate a district court order which mandated the transfer of a sixteen year old juvenile certified to stand trial as an adult from the Harris County Juvenile Detention Center into the Harris County Jail. We urged, among other things, that the court-ordered transfer of the sixteen year old would violate Department of Justice sight, sound, physical contact, supervision, isolation, exercise, education, work and other program-related standards issued in accordance with the Prison Rape Elimination Act.

As a jail, we are regulated by state and federal laws, court orders, administrative agencies and state and national accrediting agencies. We

must continually work with these organizations, supply them with information, and review all feedback from them.

The Harris County jail facilities consist of four temporary lockups in the patrol districts, a downtown Inmate Processing Center and four downtown housing locations—the 1307 Baker Street Jail, the 701 North San Jacinto Street Jail, the 711 North San Jacinto Street Jail and the 1200 Baker Street Jail. With the exception of the 1307 Baker Street Jail, all of the downtown facilities are connected by a secure tunnel system, which also connects the jails to the Harris County criminal courts building.

All of the large jails provide basic inmate service components, including, for example, a medical clinic, laundry, commissary, recreation areas, chaplaincy services, law library, visitation areas, kitchen, re-entry programs and all qualified inmates have access to educational programs, vocational training, and inmate jobs. The Harris County Jail system was built on the Podular design which facilitates direct, 24/7 staff observation into the inmate housing cellblocks.

Process overview

For the purpose of this hearing, let me walk you through our intake process and jail operations.

The process begins at the Harris County Inmate Processing Center (IPC) and Central Work Center. The IPC was built in 1991 and is designed to process prisoners into the Harris County Jail system. Last November, Harris County voters approved the construction of an inmate processing center. This new facility will enable the HCSO to implement contemporary best practices, such as jail diversion, open-booking, direct supervision housing, re-entry, and other components with an emphasis on PREA compliance.

Since January of 2009, the HCSO has received and processed over half a million prisoners in its jail facilities, averaging around 120,000 per year. In general, the intake process includes a suicide screening, search, property inventory, receiving, AFIS (Automated Fingerprint Identification System), photograph, pre-trial interview, probable cause hearing, booking, dress-out, and a health assessment by a medical professional, including a chest x-ray for TB screening. The HCSO has recently added full body x-ray scanners to its intake process, which should dramatically reduce the need for more intrusive body searches. Any inmate requiring more extensive medical and/or mental health services is escorted to the 1200 Baker Street Jail Clinic prior to classification and housing.

Another challenge regarding this large intake volume is the fact that inmates are usually held for short periods of time in the Harris County Jail facilities before release or transfer to other facilities. As an example, in 2012, 36% of the intake volume was released within 24 hours; 50% was released within 72 hours. The HCSO facilities house pre-trial detainees who are arrested by the HCSO, and approximately 100 other law enforcement agencies that function within the borders of Harris County, Texas.

Process Detail

The HCSO has a robust system to identify inmates with mental health and/or other health issues that begins in the booking process. The process of screening inmates for mental health issues begins at the very beginning of intake. Deputies trained in C.I.T. (Crisis Intervention Training) initially screen incoming inmates with a questionnaire as well as personal observation. There are three licensed nurses assigned on a 24/7 basis to the booking area. Intake staff uses the nursing resources to begin the “fast track” booking process designed to expedite care for inmates suffering from significant health issues, to include mental and/or emotional problems. These inmates are escorted directly (without waiting in line) to the 1200 Baker Street Jail medical section where they are evaluated by a medical physician and/or psychiatrist. The HCSO

system is designed so that physicians may recommend specialized housing, either in the medical infirmary or in-patient mental health unit, prior to Classification.

The HCSO also performs routine mental health and health screening during the booking process. The screening is conducted by a registered nurse, who screens for medical and/or mental health issues. Any affirmative finding causes the inmate to be referred to the 1200 Baker Street facility medical/mental health clinic, which is staffed on a 24/7/365 basis by both medical physicians and psychiatrists. Detainees with medical and/or mental health needs are evaluated by physicians before undergoing the classification and housing process.

Facilities Overview

Now that I have summarized our intake process, I would like to provide an overview to our jail facilities. Our facilities are designed and built to house inmates of all custody levels and provide for their appropriate care.

First, our 1307 Baker Street Jail is a minimum security rated jail designed to house 1,072 inmates. The facility is primarily used to house male general population inmates and inmates participating in work or educational programs. A limited number of females are also housed in

this facility. Many of these inmates are bussed to other locations each day to perform work or to take advantage of educational programs.

Next, our 701 North San Jacinto Jail is a seven-story, maximum security rated facility and is designed to house 3,965 inmates. The facility was opened in 1991, and is primarily used to house medium and maximum security male inmates. While most of the inmates are housed in general population, this building does include some education programs, work programs and administrative separation housing cells.

Third, our 711 North San Jacinto Jail is adjacent to the 701 Jail and is designed to house up to 144 minimum-security inmates. It is currently used to house inmates participating in outside work programs.

And lastly, our testimony today concerns our 1200 Baker Street Jail, and I will now focus on that facility. The 1200 Baker Street Jail is a six-story, maximum security rated facility and is designed to house up to 4,253 inmates. This facility was opened in 2003, and is primarily used to house male and female prisoners with special needs. This includes most of our inmates who have significant medical and/or mental health issues, administrative separation, substance abuse programs, and inmates in need of protective housing (i.e. high-publicity cases, non-heterosexuals,

child sex offenders, etc.). Most of the female prisoner population is also housed in the 1200 Baker Street Jail.

Inmates with special needs are housed in the 1200 Baker Street Jail in order to facilitate their access to medical and mental health services, treatment programs, and other centralized areas. This jail includes the main Clinic which is staffed with six-full time employee physicians and seven full-time equivalent physicians working under contract with temporary agencies, plus five full-time nurse practitioners, thirteen psychiatrists and over 400 health service staff. There are also contracts with the local Mental Health Mental Retardation Authority (MHMRA) to provide mental health care and competency evaluations. The HCSO also has a Quality Control Coordinator who acts as a “go between” to facilitate communication and make sure all aspects of mental health care run smoothly between the HCSO Mental Health Unit (MHU) security and MHU Medical personnel.

The Harris County Jail has been referred to as the largest psychiatric facility in the State of Texas. More than 2,000 inmates incarcerated in the Harris County Jail are on psychotropic medications on a daily basis. Harris County leads the nation in correctional mental health treatment.

At the 1200 Baker St. Jail, the HCSO operates a 100-bed medical infirmary, staffed daily by a dedicated, full-time physician and two dedicated full-time psychiatrists and staffed by nurses on a 24/7 basis. The HCSO also operates a 108-bed mental health infirmary, staffed by two dedicated fulltime psychiatrists each day and staffed by nurses and psychiatric technicians on a 24/7 basis. The HCSO also operates 138-bed mental health step down units, monitored by deputies and detention officers with 112 hours of specialized mental health training. The step-down units often serve as a transition between the more acute mental health infirmary and general population.

In the Mental Health Unit, inmates are monitored 24 hours a day by specially trained security personnel with specialized non-threatening uniforms. Inmates are moved through a step-down process whenever possible to stabilize their condition and prepare them for return to general population and hopefully to non-incarcerated society. There is within the Mental Health Unit a CIRT team (Crisis Intervention Response Team) which responds immediately to any location in the Criminal Justice Command where an incident is occurring involving a mentally ill inmate in crisis.

On October 28, 2013, the National Commission on Correctional Health Care (“NCCHC”) awarded the Harris County Jail its 2013 “Program of the Year Award” for its mental health and medical security units.

Classification

The role of HCSO Classification in protecting inmates from sexual victimization involves the identification of (1) inmates who may be victimized and (2) inmates who may subject another person to victimization. Classification runs a criminal history check, a “CCQ” Continuity of Care Query – created by the Texas Department of State Health Services and the Department of Public Safety for real-time identification of those who have previously received state mental health services. Classification also conducts an interview, checks for “keep separates”, and completes a security risk level assessment on every inmate prior to housing the person in the jail. Inmates are housed separately based on gender, level of security (*i.e.*, minimum, medium and maximum) and any special handling issue (medical, mental health, protection, etc.). When deemed necessary, Classification will place the individual in protective custody or administrative separation.

The Sheriff’s Office uses the objective, point-additive system of inmate Classification and housing. The Initial Screening, Reassessment and

Needs Assessment instruments were recommended and approved by the Texas Commission on Jail Standards. We have developed a new screening document based on the requirements of PREA, and are using it as a classification tool daily. Our people are dedicated to their jobs, but they realize that every day is an opportunity to learn new and better ways to accomplish the many tasks with which we are charged while running a large operation such as the Harris County jail system. Our jail population is a reflection of the diversity of Harris County in ethnicity, language and gender-orientation. As such, we have displayed PREA notification posters written in English and Spanish, which are the predominant languages in our jail. We are striving to meet all the communication needs of our inmates. The adjudication status of our jail population is also diverse. We house inmates who are pre-trial detainees, post-trial detainees waiting to be transferred to some other correctional facility, as well as those sentenced to serve county time. We house probation and parole violators. Inmates in HCSO custody may also have an immigration hold and may be waiting to be extradited or deported.

PREA-related protections for inmates

We have an extensive network of surveillance cameras within the 1200 Baker Street Jail, with more on the way valued at \$877,000. The 1200 Baker Street Jail was designed to facilitate direct, 24/7 staff observation

into the inmate housing cellblocks (duty stations face into the cellblocks). Our policies mandate that officers make security rounds every 25 minutes in the administrative cellblocks and every 15 minutes for those inmates considered potentially suicidal.

In the context of inmate victimization, all sexual assault outcries are aggressively investigated as a criminal offense. In addition, inmates who make outcry of an alleged sexual assault are evaluated by the physicians in the 1200 Baker clinic and referred to the Harris Health hospital district facilities for Sexual Assault Nurse Examiner (SANE) evaluation. We do not attempt to collect forensic evidence from the victim at our clinic, but request it be done at the hospital where the medical staff specializes in forensic evaluations. Upon return to the jail facilities, inmates are re-evaluated by physicians and referred to the providers of the Harris County Mental Health and Mental Retardation Authority (MHMRA) for evaluation. Policies and Procedures regarding Health Services' response to sexual assault allegations have been reviewed and meet the standards of the National Commission on Correctional Health Care ("NCCHC"). Since July 19, 1985, the NCCHC has continually accredited the Harris County Jail's health care services, including its medical and mental health services. Under my watch, the jails have also received annual certification from the Texas Commission on Jails Standards.

We create a culture for inmates and staff alike that there is a zero tolerance policy in effect for sexual abuse and sexual harassment. We believe that our culture leads to detainee comfort in reporting. In 2013, we adopted a new LGBTI policy with the purpose to better protect and serve the LGBTI community within the Harris County Jail. That policy can be found in the National Institute of Corrections Library.

We also acknowledge Director Arthur Wallenstein's premise that PREA's enforcement will be accomplished through inmate lawsuits, just as medical care, the right to counsel and other rights have been assured. So, as the Sheriff of one of the largest jails in the country, I stand before you today and say that under my watch, Harris County has not had a successful federal or state court suit against it with regard to PREA-related issues. In fact, the United States Court of Appeals for the Fifth Circuit recently affirmed judgment in Harris County's favor in a civil rights case alleging sexual assault in the 1200 Baker Street Jail. According to the Fifth Circuit:

The record further reflects that Harris County took significant steps to protect inmate safety. 1200 Baker Street is a modern "In-Direct Observation" facility, where deputies oversee inmates from control centers that present a direct line of sight to nearly the entire cellblock. Inmates who pose special risks

or face special threats due to their physical health, mental health, or sexuality are housed in separate cellblocks apart from the general population. Each report of sexual assault results in a full investigation, which includes collection and testing of any DNA evidence.

We realize that no matter what we are presently doing to protect our inmates from sexual abuse and sexual harassment, we will always be subject to criticism from someone. We welcome your suggestions on how we may improve for the future.

Efforts undertaken

The dedicated men and women of the HCSO truly want to protect and serve our inmate community, as well as our entire community. My Office stands ready to implement additional innovative ideas that will further the safety and security of all concerned just as we implemented the Crisis Response Intervention Teams.

Let me reemphasize actions taken since 2009 to protect our inmate population:

- Creation of the HCSO Mental Health Advisory chaired by defense attorney George Parnham.
- The HCSO proposed enhancements to the classification screening instruments that were later adopted by the Texas Commission on Jail Standards. These modifications allowed the HCSO to safely identify several hundred more minimum security inmates, which made them eligible for additional programs, such as educational, vocational, work, and re-entry.
- Creation of an orientation videotape for inmates which plays in the Inmate Processing Center. This video addresses, among other things, the issues of inmate sexual activity and sexual assaults, and explains, among other things:

“Sexual conduct between inmates is STRICTLY PROHIBITED. The Harris County Sheriff’s Office will investigate all allegations of sexual misconduct. If you feel that you are a victim of sexual harassment or sexual assault, you should immediately bring it to the attention of any staff member.”

- Creation of a new-hire orientation DVD that has a PREA disclaimer. This, for example, helps the HCSO create a culture of PREA awareness before employees even begin employment:

“It is important to note that the Harris County Sheriff’s Office strictly prohibits fraternization and socialization with inmates. It is also the policy of the Sheriff’s Office to comply with all standards set by the Prison Rape Elimination Act to prevent, respond, educate, screen and report sexual misconduct in all of its facilities.”

- Creation and implementation of a Staff Sexual Misconduct Policy (D-115).
- Creation and implementation of a PREA Policy (D-116).
- Presentation of a two-hour PREA overview in New-Hire Training Program and mandate requiring all new detention officers to sign a PREA acknowledgement form.
- Creation of a toll free telephone line for Harris County Jail inmates to report sexual abuse.

- Installation of additional inmate surveillance cameras in the laundry, commissary and kitchen areas.
- Amendment of HCSO policy to require more frequent security rounds in the administrative separation cellblocks.
- Since January 2012, the HCSO has hired, trained and deployed more than 800 new Detention Officers in the Harris County jail facilities.
- The HCSO's PREA Assault Hotline Flyers have been placed in every cellblock at all Harris County jail facilities in English and Spanish. The newest HCSO PREA Poster (hourglass) is displayed throughout public areas (visitation areas, lobby areas, and bonding). PREA flyers are also being placed inside inmate commissary bags before delivery.
- HCSO has established a PREA Compliance Committee. The PREA Compliance Committee will meet once a month to help the HCSO transition into full implementation and compliance with PREA standards.
- Revision, in March of 2013, of the Harris County Jail Inmate Handbook to add a section addressing the topic of sexual assault, to

include inmate rights, safety, criminal consequences, reporting an incident, and available health services.

- The Texas Commission of Jail Standards (“TCJS”) conducts a comprehensive inspection of the Harris County Jail facilities on an annual basis and at irregular intervals.
- Development and implementation of a LGBTI policy (# 413) within the Harris County Sheriff’s Office.
- Most recently, the Harris County Sheriff’s Office was awarded a PREA grant in the amount of \$237,000, which the Sheriff’s Office will match. This funding will allow the Sheriff’s Office to collect data for a process and outcome to evaluate PREA policy compliance and sexual victimization. The grant will also be used to fund victim advocates and LGBTI counseling.
- Contracted consultation services valued at \$48,000 to create and implement a LGBTI sensitivity training class for all HCSO employees.

My administration is always open to considering a better way to reach a common goal. We want to learn and study whether and how such practices can be effective in our particular jail setting. PREA has focused

our attention on the issues that you put forward, but now we all need to look at the ways in which we can create and implement efficient and effective procedures and programs for our specific inmate environments.

Despite the challenges that all jail administrators face, our jail is unique. We continually strive to make the mark as evidenced by HCSO policies being placed in the DOJ's NIC library to be emulated, continually receiving national and state certifications, and being recognized as a national leader and award winner in mental health programs for inmates. Again, we thank you for giving us the opportunity to be part of this process.

A handwritten signature in black ink, appearing to read "Adrian Garcia", written over a horizontal line.

Adrian Garcia, Sheriff

Harris County, Texas