

January 31, 2014

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Program Analyst  
Review Panel on Prison Rape  
Review Panel on Prison Rape  
U.S. Department of Justice

Re: Harris County Sheriff's Office Response to the 2011- 2012 BJS Survey

Dear Mr. Swiderski:

The goals of the survey and all that the Review Panel on Prison Rape are doing are honorable and good. Sexual abuse in prison and detention facilities must be stopped. Every institution must do everything possible to eliminate this disgrace within our correctional facilities. Therefore, let me make it clear that I support the efforts and intentions of this Panel. We, at the Harris County Sheriff's Office, are taking this issue seriously as evidenced by our policies, personnel, time and financial commitment to PREA.

At the hearing we pointed to a sexual abuse complaint that we had received overnight at one of our jail facilities. That report was documented and investigated. The report basically stated that the inmate woke up with his pants down and therefore he believed that he must have been abused. No witnesses, no physical evidence, and not even an alleged abuser or specificity of the abuse. We agree that such a complaint must be investigated, and the time spent on that investigation must be rendered even if it leads to no results whatsoever, and the complaint ultimately is unfounded. We accept the responsibility to respond and investigate, but we should not be labeled as one of the worst institutions in the country and have our good name tainted for such complaints. Therefore, our aim at the hearing was to discuss the common protocols and best practices that any large jail should have in place to better serve its inmate population. We appreciate what you are doing as a panel to change the culture nationwide, and we want to assist in that change.

We noted several concerns with reliability of the inmate survey and survey results in our November 8, 2013 submission. As promised during the January 8, 2014 hearing, some additional concerns follow.

We hope these points are received in the matter in which they are intended, and in the manner they were invited by panelist Gary Christensen: as constructive critique. "It's also important for us to understand," Dr. Christensen said during the Jan. 8 hearing, "because a lot of what we do is based upon BJS findings and they provide a basis for which all of us who are out in the field of corrections can move forward, so it's important for us to understand your perspective."

■ **The low response rate at the 1200 Baker Street Jail creates a likelihood of bias in the results.**

The survey participation rate at the 1200 Baker St. Jail was only 58.3% (page 73), falling short of the target survey rate of 65% (page 35). The study attempted to address this shortcoming through weighting (page 8) and by adjusting the calculation of sample error (page 35).

However, the lower the participation rate, the greater the likelihood that inmates who declined to participate in the survey did so because they had nothing to report, making the sample group non-representative of the jail population, and creating bias which cannot be accounted for by either weighting or widening the confidence interval.

Methodology section (pages 35-37): "The estimates are subject to error arising from the fact that they are based on a sample rather than a complete enumeration. Within each facility, the estimated *sampling error varies by the size of the estimate (and) the number of completed interviews.*"

■ **BJS admits that it does not know how to factor for false accusations by inmates.**

It is unknown how reported sexual victimization rates differ from actual victimization rates. Therefore terms like "high-incidence rate" refer to self-reporting, not substantiated cases of victimization.

Page 8: "Some allegations in the (report) may be untrue. At the same time, some inmates may not report sexual victimization. . . . Although the effects may be offsetting, *the relative extent of under reporting and false reporting . . . IS UNKNOWN.*"

■ **The anonymous design of the survey makes verification and investigation of the inmate claims impossible.**

(Page 8: "*The survey does not permit any follow-up investigation or substantiation.*")



- **At the Harris County Jail’s three other buildings, the reported victimization rate was well below the national average. This reasonably supports the possibility that the findings on 1200 Baker Street are merely the result of sampling error and bias. (Page 36: “In each facility, bias could result if the random sample of inmates did not accurately represent the facility population.”)**

- **Although some law enforcement agencies were invited to testify about allegedly high rates of victimization of their entire correctional systems, and some were invited to testify about the low rates. The Harris County Sheriff’s Office was not asked to speak about its entire system, but only about the facility that allegedly had a high rate of victimization. Three out of *our* four facilities were below the national average.**

National average of inmate-on-inmate victimization: 1.6 percent

1200 Baker – 6.3 percent

1307 Baker – 1.0 percent

701 N. San Jacinto – 0.9 percent

711 N. San Jacinto 0.0 percent

(Page 81)

- **According to BJS, 20 of 393 jails refused to cooperate with the survey. (Page 34). This raises the odds that the 1200 Baker Street Jail truly is not among those with the alleged highest victimization rates.**

Among those who would not allow the survey were the Williamson County Jail near Austin, Texas, and the New Orleans Parish House of Detention. For example, *New Orleans’ South White Street Jail for women had a reportedly high (7.5 percent) victimization rate in one of your previous studies.* (Source: Times-Picayune newspaper of New Orleans)

- **As we have explained, at the time of the survey the 1200 Baker Street Jail housed most of our female inmates, all inmates with acute mental illnesses, and all self reporting non-heterosexual males who believed themselves to be vulnerable. These are the populations the BJS says are more prone to make allegations of victimization, false or otherwise.**

According to Dr. Beck, the study’s supervising statistician, two-thirds of the surveyed inmates at 1200 Baker St. who reported sexual victimization had “psychological distress disorders.” Source: Beck’s correspondence with our staff.

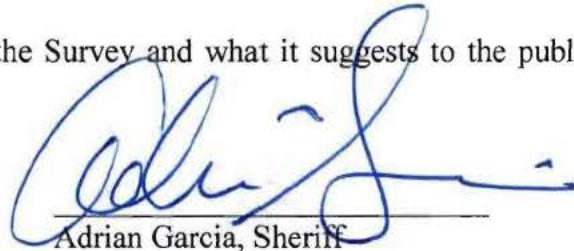
- **The survey at our jail system was conducted in October 2011. The results are out of date by more than two years.**

Any reference to alleged jail victimization rates at the 1200 Baker St. Jail in the present tense is therefore invalid.

- **We're here because of the Prison Rape Elimination Act, but BJS admits the report does not comply with PREA.**

*Page 37: The survey "is unable to provide an exact ranking for all facilities as required under PREA."*)

These are our concerns with the reliability of the Survey and what it suggests to the public at large.



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