

Chapter: Agency Supports and Controls	Effective Date: 11/1/19
Title/Rule: OIG Mission, Authority, and Responsibilities	Page: 1 of 5
Statutes: Human Resources Code §§221.011, 242.102, 243.052; Code of Criminal Procedure Article 2.12; General Appropriations Act, Rider 34	Replaces: GAP.05.03, 6/3/11
References: 37 TAC Chapters 350, 358; 37 TAC §§380.9710, 380.9711, 380.9713, 380.9723, 380.9729	

(a) **Policy.**

The Office of Inspector General (OIG) conducts independent criminal and administrative investigations as authorized by statute and provides certain security services at TJJD facilities. The OIG is committed to delivering the leadership, communication, and commitment necessary to provide the highest level of service to the TJJD governing board, TJJD staff, and the citizens of Texas. The OIG performs all functions based on the principles of integrity, fairness, and timeliness.

(b) **Mission.**

The mission of the OIG is to serve as an independent office to conduct investigations in accordance with professional standards that relate to the fields of investigation in a government environment, certain regulations and policies of the board and TJJD, the laws of the State of Texas, and the Constitution and laws of the United States, as applicable.

(c) **General Provisions.**

- (1) Pursuant to Section 242.102, Human Resources Code, the OIG is the primary investigative and law enforcement entity for TJJD.
- (2) The chief inspector general ensures coordination and effective communication with the board and TJJD executive management.
- (3) The OIG reports to the board, with the chief inspector general reporting all pertinent items directly to the board chair as deemed appropriate and necessary.

(d) **OIG Staff.**

(1) **Peace Officers.**

- (A) As authorized under Article 2.12, Code of Criminal Procedure, and Section 243.052, Human Resources Code, the chief inspector general may appoint deputy inspectors general, security officers, K-9 and contraband detection investigators, gang intelligence investigators, and apprehension specialists as commissioned peace officers to serve under the direction of the chief inspector general and to assist in performing the law enforcement and security duties of the OIG.
- (B) All TJJD-commissioned peace officers must be licensed by the Texas Commission on Law Enforcement under Chapter 1701, Occupations Code.

(2) **Other Staff.**

- (A) The chief inspector general may hire or contract tele-communicators or any other staff in connection with operating the OIG and the Incident Reporting Center, specifically described in (e)(8) below.

- (B) In consultation with the board chair, the chief inspector general may hire or contract other staff deemed necessary to fulfill the statutory duties of the office.

(e) **Authority and Responsibilities.**

The OIG has the authority and responsibility to engage in the following activities.

- (1) Develop, implement, and evaluate program goals, objectives, operational policies and procedures, and public reports for the departments of the OIG.
- (2) Direct investigations related to the enforcement of all appropriate federal and state laws and regulations, as well as board and agency policies.
- (3) Provide information and evidence relating to criminal acts to appropriate federal and state prosecutors.
- (4) Initiate investigations and law enforcement operations, including approval of any necessary out-of-state travel, as deemed appropriate by the chief inspector general.
- (5) Ensure that each investigation is professional, thorough, complete, and unbiased and that all available techniques and resources are employed by the investigator. Every effort must be made to protect the rights of suspects, victims, and witnesses.
- (6) Receive and investigate complaints from any source or upon OIG's own initiative concerning alleged corruption, illegal acts, abuse, neglect, exploitation, fraud, and waste. This includes, but is not limited to, allegations of excessive and/or unnecessary use of force; abuse, neglect, or exploitation of youth; sexual misconduct; and possession and/or distribution of contraband, illegal drugs, or controlled substances.
- (7) Request that the appropriate state, county, or municipal law enforcement agency investigate all incidents during which a member of OIG staff uses deadly force or intentionally or accidentally discharges a firearm, not including discharges during approved training exercises.
- (8) Operate an Incident Reporting Center on behalf of TJJJ and staff a 24-hour, toll-free hotline number for the purpose of receiving any information concerning:
 - (A) directives to apprehend issued by TJJJ;
 - (B) the abuse, neglect, or exploitation of youth under the jurisdiction of TJJJ or a juvenile board;
 - (C) certain serious incidents occurring in state facilities, county facilities, and contract facilities or involving youth under the jurisdiction of TJJJ or a juvenile board; and
 - (D) grievances relating to youth under TJJJ jurisdiction.
- (9) Refer matters for further civil, criminal, and/or administrative action to appropriate administrative and prosecutorial agencies.
- (10) Conduct joint investigations and projects with other oversight or law enforcement agencies, including assisting the divisions of Interstate Compact, Parole, and State Services with the transport of juveniles and juvenile offenders.
- (11) Monitor investigative techniques, policies, and regulations; make recommendations to the board for appropriate action; and oversee the preparation of a variety of investigative reports. The chief inspector general may determine independently to hire consultants as authorized by state contracting policies to assist in complex, specialized investigations.

- (12) Engage in prevention activities, such as gatehouse entry searches, exterior patrols of secure facilities, training, and education.
- (13) Review legislation, rules, regulations, policies, procedures, and transactions.
- (14) Attend any meetings held by TJJJ that specifically address issues currently under administrative or criminal investigation by the OIG unless the TJJJ Office of the General Counsel (OGC) determines that the meeting is closed under state law or the content of the meeting is protected by attorney–client privilege.
- (15) Oversee operational, training, and equipment requirements for the OIG and develop justifications to address these needs within available resources. The chief inspector general is responsible for all training of OIG personnel and may authorize travel for investigations and training of the OIG staff.
- (16) Maintain information regarding the cost of investigations and cooperate with appropriate administrative and prosecutorial agencies in recouping such costs from nongovernmental entities involved in willful misconduct.
- (17) Oversee investigators, security officers, K-9 and contraband detection investigators, gang intelligence investigators, and apprehension specialists.
- (18) Respond or direct the response to inquiries from any source regarding any OIG investigation.
- (19) Select, direct, evaluate, and discipline all personnel employed by the OIG in accordance with applicable state and federal laws.

(f) **Powers.**

The OIG is provided the following powers to accomplish its responsibilities:

- (1) The right to obtain full and unrestricted access to all offices, employees, records, information, data, reports, plans, projects, matters, contracts, memoranda, correspondence, and any other materials, including electronic data of TJJJ, that specifically relate to issues currently under administrative or criminal investigation by the OIG, unless a valid privilege applies. The determination of whether a valid privilege applies will be made by the OGC.
- (2) Open and conduct criminal and administrative investigations in accordance with applicable statute(s) and as deemed appropriate by the chief inspector general, requested by the board chair or board members, requested by TJJJ executive management, or as required by policy, state law, or court order. When warranted, the chief inspector general has authority for decisions regarding the method and scope of investigations, within the framework of established policies and procedures.
- (3) Require TJJJ employees to report to the OIG any information regarding abuse, neglect, or exploitation; fraud; waste; corruption; and illegal acts.

(g) **Title VII and Other Employee Relations Investigations.**

- (1) The OIG conducts administrative investigations of allegations of Title VII violations and other complaints of alleged employment discrimination, as well as complaints of alleged retaliation for making or becoming involved in such employment discrimination complaints.
- (2) When appropriate, the OIG may conduct a criminal investigation simultaneously with the administrative investigation.

(h) Public Information Requests.

The OIG and the OGC coordinate the processing of all public information requests for documents related to administrative and criminal investigations.

- (1) The general counsel or designee notifies the chief inspector general or designee of all such requests for information. The chief inspector general or designee responds to the OGC in a timely manner concerning all public information requests related to administrative or criminal investigations.
- (2) The chief inspector general or designee will comply with all federal and state laws and guidelines associated with the release of information related to administrative or criminal investigations.

(i) Selection and Operations.

- (1) Subject to applicable procedures as established in the TJJJ Board Governance and Policy Manual, the chief inspector general is appointed by the board.
- (2) The chief inspector general is responsible for the management of all authorized budgeted funds for OIG. The expenditure of funds is subject to agency procedures and directives provided by the chief financial officer to ensure that expenditures are consistent with the General Appropriations Act and other state law.
 - (A) Without prior written approval from the governor and the Legislative Budget Board, TJJJ shall neither:
 - (i) transfer appropriations from the OIG; nor
 - (ii) reduce the number of full-time equivalent positions allocated to the OIG in the most recently enacted General Appropriations Act.
 - (B) TJJJ shall provide indirect support and administrative resources as necessary to enable the OIG to fulfill its statutory responsibilities, and the manner in which they are provided shall not infringe upon the independence of the OIG.
 - (C) Budget requests or other requests related to General Appropriations Act provisions shall be submitted by TJJJ in a manner that maintains the independence of the OIG.
- (3) Employees of the OIG may appeal disciplinary actions in accordance with OIG policies developed under Section 242.004, Human Resources Code. The final decision authority for disciplinary termination grievances involving OIG staff is the chief inspector general, whose decision is final and non-appealable.
- (4) The chief inspector general works directly with the board chair on all investigations involving allegations against the executive director or director of internal audit. If there is reasonable cause to believe that any management or supervisory employee of TJJJ is impeding, obstructing, or interfering with OIG investigations, the chief inspector general immediately initiates an investigation by formally notifying the board chair of the evidence indicating such reasonable cause.
- (5) The chief inspector general or designee provides quarterly summaries of OIG activity to the board and the executive director. Upon request, OIG provides the board with specific information concerning investigations, unless prohibited by law.

- (6) To the fullest extent possible within legal limitations, a high priority is placed on ensuring continuous, timely, and responsive cooperation with all divisions of TJJD; federal, state and local law enforcement; and regulatory and prosecution agencies on all matters pertaining to the mission and jurisdiction of the OIG.
 - (7) To the fullest extent possible, the OIG places a high priority on apprehending escapees and on investigating allegations of excessive or unnecessary use of force and sexual misconduct.
 - (8) The chief inspector general must establish and maintain a manual that establishes the standard operating procedures for the OIG. This manual must include:
 - (A) procedures for conducting investigations;
 - (B) criteria for opening and closing cases;
 - (C) criteria relating to the scope and method of investigations;
 - (D) procedures for the operation of the Incident Reporting Center;
 - (E) procedures for employment-related grievances, as required by Section 242.004, Human Resources Code;
 - (F) procedures for conducting internal affairs investigations consistent with the requirements of the Texas Government Code; and
 - (G) any other policy or procedure as deemed necessary by the chief inspector general for the safe, efficient, and effective operation of the OIG.
-
-