

Chapter: Agency Supports and Controls
Title: OIG Mission, Authority, and Responsibilities

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ACA Standard(s): N/A
Statute(s): 42 USC §2000e, Civil Rights Act of 1964 Title VII
Code of Criminal Procedure Art. 2.12, HR Code §61.0451

(a) **Policy.**

The Office of Inspector General (OIG) shall provide leadership, communication, and commitment to support the highest level of independent investigative services for the Texas Youth Commission (TYC), the TYC governing board, and the citizens of Texas by striving to maintain performance levels based on 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 and certain regulations and policies of the board and TYC, the laws of the State of Texas, and the Constitution and laws of the United States, as are applicable.

(c) **General Provisions.**

- (1) Pursuant to Human Resources Code §61.0451, the OIG is the primary investigative and law enforcement entity for TYC.
- (2) The chief inspector general ensures coordination and effective communication with the board and TYC executive management.
- (3) The OIG reports to the board, with the chief inspector general reporting all pertinent items directly to the board chairman as deemed appropriate and necessary.

(d) **Peace Officers.**

The chief inspector general shall appoint inspectors general and apprehension specialists as authorized in Article 2.12, Texas Code of Criminal Procedure, and licensed by the Texas Commission on Law Enforcement Officer Standards and Education as licensed peace officers to serve under the direction of the chief inspector general and assist in performing the law enforcement duties of the OIG.

(e) **Authority and Responsibilities.**

The OIG has the authority and responsibility to engage in the following:

- (1) Oversee the development, implementation, and evaluation of 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 prosecutorial officials.
- (4) Initiate investigations as deemed appropriate by the chief inspector general. The chief inspector general may authorize out of state travel without the signatures of the chief financial officer (CFO) and/or executive director. Such approval is authorized only when the chief inspector general, in consultation with the board chairman, determines it is necessary to preserve the integrity of an investigation. In such cases, the CFO and executive director will be notified once the out-of-state travel is complete or the investigation is closed.

- (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 will be made to protect the rights of the suspect, victim, or witness.
- (6) Receive and investigate complaints from any source or upon its own initiative concerning alleged corruption, illegal acts, abuse, fraud, and waste. This includes, but is not limited to, allegations of excessive and/or unnecessary use of force, abuse/neglect/exploitation of youth, sexual misconduct, and possession and/or distribution of contraband or illegal drugs and controlled substances.
- (7) Request that the appropriate state, county, or municipal law enforcement agency investigate all incidents during which an apprehension specialist or inspector general uses deadly force or intentionally or accidentally discharges a firearm, not including discharges during approved training exercises.
- (8) Operate and staff a permanent, toll-free hotline number for the purpose of receiving any information concerning the abuse, neglect, or exploitation of children in the custody of TYC.
- (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.
- (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, as deemed necessary.
- (12) Engage in prevention activities, including but not limited to: review of legislation; review of rules, regulations, policies, procedures, and transactions; and training and education.
- (13) Attend any meetings held by TYC that specifically address issues currently under administrative or criminal investigation by the OIG unless the TYC Office of the General Counsel (OGC) determines that the meeting is closed under state law or the content of the meeting is protected by the attorney-client privilege. If the OGC makes such a determination, the OGC shall consult with the board chairman prior to taking any final action.
- (14) Oversee operational, training, and equipment requirements, and the development of justifications to address these needs within available resources for the departments of the OIG. The chief inspector general may authorize in-state travel for investigations and training of the OIG staff.
- (15) 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.
- (16) Oversee investigators and apprehension specialists assigned to locate and apprehend absconders and parole violators and, as a priority, escapees from TYC facilities.
- (17) Respond or direct the response to inquiries from any source regarding any OIG investigation.
- (18) Select, direct, evaluate, and discipline all personnel employed by the OIG in accordance with applicable TYC personnel policies.

(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 the TYC that specifically relate to issues currently under administrative or criminal investigation by the OIG, unless the OGC determines that the records are protected under attorney-client privilege. If the OGC makes such a determination, the OGC shall consult with the board chairman prior to taking any final action.
- (2) Open and conduct criminal and administrative investigations as deemed appropriate by the chief inspector general, requested by the board chairman or board members, or requested by TYC executive management 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 TYC employees to report to the OIG any information regarding abuse/neglect/exploitation, fraud, waste, corruption, and illegal acts.

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

The TYC Human Resources Division conducts administrative investigations of allegations of Title VII violations and other complaints of alleged employment discrimination, including but not limited to: complaints of alleged employment discrimination on the basis of race, creed, color, national origin, sex (including sexual harassment), age, disability; as well as complaints of alleged retaliation for making or involvement in such employment discrimination complaints. When appropriate, the OIG may conduct a criminal investigation simultaneously with the Human Resources Division administrative investigation.

(h) **Public Information Requests.**

The OIG and the OGC shall coordinate the processing of all public information requests for documents related to administrative and criminal investigations. The general counsel or designee will notify the chief inspector general or designee of all requests for information related to administrative or criminal investigations. Requests related to administrative or criminal investigations received directly by the OIG from other than legislative, law enforcement, or prosecutorial entities will be directed to the OGC. 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. The chief inspector general or designee will respond to all public information requests related to administrative or criminal investigations in a timely fashion.

(i) **Selection and Operations.**

- (1) Subject to applicable procedures as established in the TYC Board Governance and Policy Manual, the chief inspector general shall be appointed by the board.
- (2) The chief inspector general is responsible for the management of all authorized budgeted funds for OIG. The expenditures of funds shall be subject to agency procedures and directives provided by the CFO to ensure that expenditures are consistent with all provisions of the *General Appropriations Act* and state law.
- (3) Employees of the OIG may appeal disciplinary actions in accordance with TYC grievance procedures, as set forth in PRS.35.03. Final decision authority for disciplinary termination grievances involving OIG staff may be delegated by the executive director to the chief inspector general, whose decision will be final and non-appealable.
- (4) The chief inspector general shall work directly with the board chairman on all investigations involving allegations against the executive director or director of internal audit. If at any time there is reasonable cause to believe that any management or supervisory employee of the TYC is impeding, obstructing, or interfering with OIG investigations, the chief inspector general shall immediately initiate an investigation by formally notifying the board chairman of the evidence indicating such reasonable cause.

- (5) Quarterly summaries of activity within the OIG shall be provided to the board and the executive director. Upon request, the board shall be furnished 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 TYC, 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 shall place a high priority on investigating allegations of excessive or unnecessary use of force and sexual misconduct.
 - (8) The chief inspector general shall establish and maintain a manual that establishes the standard operating procedures for the OIG. This manual shall include:
 - (A) procedures for conducting investigations;
 - (B) criteria for opening and closing cases;
 - (C) criteria relating to the scope and method of investigations; and
 - (D) procedures for the operation of the Incident Reporting Center.
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