



Transmittal Memo

TO: TJJJ Staff
FROM: Office of the General Counsel, Policy and Standards Section
SUBJECT: GAP Transmittal
DATE: October 30, 2019

Please be advised that changes have been made to the General Administrative Policy (GAP) Manual. These changes will go into effect on **November 1, 2019**.

Summary of Changes

GAP.05.03 OIG Mission, Authority, and Responsibilities

- Revised the policy statement to reflect that OIG provides security services at TJJJ facilities.
- Added references to additional types of staff appointed by the chief inspector general to be commissioned peace officers, including security officers, K-9 and contraband detection investigators, and gang intelligence investigators.
- Added that the chief inspector general may hire or contract:
 - tele-communicators or other staff necessary to operate the OIG and the Incident Reporting Center; and
 - in consultation with the board chair, other staff deemed necessary to fulfill the statutory duties of the office.
- Added that the OIG may initiate *law enforcement operations* (in addition to investigations) as deemed appropriate by the chief inspector general.
- Added that OIG will request an independent law enforcement investigation if a member of OIG staff uses deadly force or intentionally or accidentally discharges a firearm.
- Added *gatehouse entry searches* and *exterior patrols of facilities* to the list of OIG's prevention activities.
- Added that OIG has the authority and responsibility to assist the Parole, Interstate Compact, and State Services Divisions within TJJJ relating to the transport of juveniles and juvenile offenders.
- Clarified that the purpose for operating the Incident Reporting Center includes receiving information relating to:
 - directives to apprehend issued by TJJJ;
 - abuse, neglect, or exploitation of youth *under the jurisdiction of TJJJ or a juvenile board* (in addition to youth in the custody of TJJJ);
 - 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
 - grievances relating to youth under TJJJ jurisdiction.
- Removed the requirements for the Office of the General Counsel to consult with the board chair prior to taking any final action after the Office of the General Counsel determines that:
 - OIG staff are not authorized to attend a TJJJ meeting because it is closed under state law or because the attorney–client privilege applies; or
 - OIG staff are not authorized to access records because they are protected by the attorney–client privilege.

- Added that the OIG has full and unrestricted access to all TJJJ information related to issues under investigation *unless a valid privilege applies*, as determined by the Office of General Counsel (rather than stating that OIG has access unless the Office of General Counsel determines the records are protected under attorney–client privilege).
- Clarified that the chief inspector general is responsible for all training of OIG personnel.
- Added that the OIG will select, direct, evaluate, and discipline OIG personnel in accordance with applicable *state and federal laws* (rather than in accordance with TJJJ personnel policies).
- Clarified that OIG may open and conduct criminal and administrative investigations *in accordance with applicable statutes*.
- Added that the final decision authority for grievances concerning termination of OIG staff *is the chief inspector general* (rather than allowing the executive director to delegate such authority).
- Added that OIG staff may appeal disciplinary actions in accordance with *OIG policies developed under Human Resources Code §242.004* (rather than under the TJJJ grievance policy).
- Clarified that OIG (not the Human Resources Division) conducts investigations of allegations of Title VII violations, other complaints of alleged employment discrimination, and complaints of alleged retaliation related to a discrimination claim.
- Clarified that OIG may conduct simultaneous criminal and administrative investigations (instead of conducting a criminal investigation simultaneously with an administrative investigation undertaken by the Human Resources Division).
- Added that, without prior written approval from the governor and the Legislative Budget Board, TJJJ shall neither transfer appropriations from the OIG nor reduce the number of full-time equivalent positions allocated to the OIG in the most recently enacted General Appropriations Act.
- Added that TJJJ shall provide the necessary indirect support and administrative resources to enable OIG to fulfill its statutory responsibilities and that the manner in which they are provided shall not infringe upon the independence of OIG.
- Added that budget requests or other requests related to General Appropriations Act provisions shall be submitted by TJJJ in a manner that maintains the independence of OIG.
- Clarified that the chief inspector general or designee provides quarterly summaries of OIG activity to the board and executive director.
- Added the following items to the list of topics that must be included in the standard operating procedures of the OIG:
 - procedures for employment-related grievances;
 - procedures for conducting internal affairs investigations; and
 - any other policy or procedure as deemed necessary by the chief inspector general for the safe, efficient, and effective operation of the OIG.
- Removed the statement that addressed OIG's responsibilities to submit certain records requests to the Office of the General Counsel when the request was initially received directly by OIG. Under Senate Bill 944, all public information requests must be submitted to the addresses provided by the agency on its website, which do not include the OIG's address.