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Overseeing Agency Operations

By Oliver J. Bell, Chairman

The Texas Board of Criminal Justice is a nine-member body appointed by the governor to oversee the Texas Department of Criminal Justice (TDCJ). It governs agency operations by employing the executive director, setting rules and policies that guide the agency, and taking action on matters requiring board approval at its regularly scheduled meetings. The board generally meets every other month or as needed to provide timely oversight.

Topics under the jurisdiction of the board are extremely varied. They include, but are not limited to setting standards and adopting policies for the operation of incarceration, community supervision and parole supervision services; overseeing facility construction, prison industries and agricultural operations; approving certain contracts for private correctional services; and reviewing selected policies on the treatment of offenders. The board is also responsible for appointing the inspector general, the director of the Internal Audit Division, the director for State Counsel for Offenders, and the Prison Rape Elimination Act (PREA) ombudsman. Designated as the Board of Trustees for the Windham School District, the board

serves in a similar capacity for the district by hiring the superintendent and providing comparable oversight.

To fulfill its duties to set policy and delineate the role of the board versus that of TDCJ staff, the board has developed a system of board policies. These policies reflect the intent of the board regarding internal management and organization of the agency. Through policy, the board has formally delegated to the executive director the authority to administer, organize, manage and supervise the daily operations of the agency. This includes the employment and discharge of most employees; policy-setting through executive, personnel and administrative directives; and fiscal, contractual, and transactional authority.

The board also adopts formal rules which are usually established in response to a specific statutory requirement. They are statements of general applicability that prescribe, implement, or interpret policy, or describe the procedure or practice requirements of the agency and affect people or groups outside the agency. As they can impact individuals outside the agency, proposed rules and any

subsequent amendments must be posted with the Secretary of State to receive public comment before they are adopted.

To help in the board's operations, the chairman has the power to appoint members to limited-purpose or standing committees. Currently the board has 10 committees that cover the agency's 17 divisions and the Office of the Inspector General. The purpose of these committees is to have certain members become particularly familiar with various issues, to facilitate discussion and recommend potential operational strategies. Through these committees, the agency's executive staff can communicate with and present various topics, reports, programs and new initiatives to the board.

Reporting directly to the board, the Internal Audit Division and the Office of the Inspector General assist the board in its oversight of agency operations. The Internal Audit Division examines and evaluates the adequacy and effectiveness of the agency's system

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of internal controls and the quality of the agency performance in carrying out assigned responsibilities. This is achieved through scheduled audits which examine the reliability and integrity of financial and operational information; the effectiveness of operations; the safeguarding of agency assets; and the compliance with laws, regulations and contracts. From these audits, action plans are developed by the agency to address recommendations. All audit report findings are provided to the board and status updates are given at each regularly scheduled board meeting.

The Office of Inspector General investigates to ensure enforcement of various laws and regulations. They monitor compliance with established laws, agency policies and regulations on behalf of the board.

The PREA Ombudsman Office also provides the board oversight assistance as it monitors the agency's efforts to eliminate the occurrence of sexual assaults in correctional facilities. It is also responsible for reviewing related policies and procedures to ensure compliance with federal and state laws and standards.

Through the establishment of operational policies and rules, the appointment of the executive director, and with the assistance of the various board divisions and departments, the Texas Board of Criminal Justice effectively fulfills its oversight role and is helping to enhance agency operations. ●