



TEXAS DEPARTMENT
OF
CRIMINAL JUSTICE

NUMBER: BP-01.03 (rev. 14)

DATE: August 14, 2020

PAGE: 1 of 3

SUPERSEDES: BP-01.03 (rev. 13)
December 10, 2015

BOARD POLICY

SUBJECT: DELEGATION OF AUTHORITY TO MANAGE THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

AUTHORITY: Tex. Gov't Code §§ 492.001, 492.010, 492.013, 493.002, 493.0021, 493.0052, 493.006, 493.013, 501.172, 2261.254; Tex. Code of Crim. Proc. art. 26.051; Tex. Health & Safety Code § 841.005; BP-01.01, "Texas Board of Criminal Justice Responsibilities"; BP-02.08, "Statement of Internal Controls"

APPLICABILITY: Texas Board of Criminal Justice (TBCJ) and Texas Department of Criminal Justice (TDCJ)

POLICY:

The TBCJ delegates authority to the TDCJ executive director to carry out the management of the TDCJ.

DEFINITIONS:

The following term is defined for the purpose of this policy and is not intended to be applicable to other policies or procedures.

"Contract" means all contracts and modifications to contracts such as depository contracts; interagency and interlocal contracts; contracts for consultant services, professional services, and utility services; and requests for lease and leases for office space.

PROCEDURES:

I. General

The TBCJ governs the TDCJ and shall employ an executive director who is responsible for the administration and enforcement of all laws relating to the TDCJ. The TBCJ may delegate management responsibility to the executive director, who may also delegate

responsibility as permitted by board rule, policy, or general law. Tex. Gov't Code §§ 492.001, 492.013, and 493.006.

II. Delegation of Authority

The authority to organize, manage, and supervise the daily operations of the TDCJ is delegated by the TBCJ to the executive director who may, in turn, further delegate this authority to staff as appropriate. Tex. Gov't Code §§ 493.013(e) and 493.006(b). In carrying out this delegated authority, the executive director shall ensure adherence to all applicable statutes and regulations governing the TDCJ.

This delegation of authority includes:

- A. Employing and discharging persons as necessary for the efficient operation of the TDCJ, except as provided in Section III of this policy;
- B. Prescribing policies, procedures, and regulations and establishing a system for maintaining and updating these documents;
- C. Structuring the organization of the TDCJ to improve operations and make changes as necessary to the organizational structure, except for the creation or elimination of divisions of the TDCJ;
- D. Overseeing the fiscal management of the TDCJ, including authority to approve financial matters; implementing fiscal controls; executing contracts and leases, except as provided in Section II of BP-01.01, "Texas Board of Criminal Justice Responsibilities"; funding expenditure approvals; maintaining accurate accounts of every financial transaction of the TDCJ; and any other activity of a financial nature;
- E. Settling litigation to the extent permitted by law; however, the executive director and general counsel shall report to the TBCJ settlements in excess of \$50,000;
- F. Implementing executive directives governing personnel policies for the TDCJ;
- G. Developing policies for the dissemination of information to the general public;
- H. Initiating litigation, after consultation with the TBCJ chairman, for the collection and enforcement of demands and debts owed to the TDCJ; and
- I. Establishing a Grant Funds Committee to apply for and accept grants for use in maintaining and improving programs and services of the TDCJ, and to report to the TBCJ on grant activity in accordance with Texas Government Code § 493.013.

III. Reservation of Authority over Certain Personnel

- A. The TBCJ reserves authority over the employment, evaluation, and discharge of an inspector general, a director of Internal Audit, a director of State Counsel for Offenders, and a *Prison Rape Elimination Act* ombudsman.
- B. These personnel are subject to TDCJ personnel policies as though they were employed under the authority of the executive director.

Patrick O'Daniel, Chairman *
Texas Board of Criminal Justice

* Signature on file