

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 16, 2017

TO: Honorable James White, Chair, House Committee on Corrections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1421 by Johnson, Jarvis (Relating to the creation of the office of independent oversight ombudsman for the Texas Department of Criminal Justice.), **As Introduced**

The cost of this legislation is indeterminate as it is dependent on the duties and the number of FTE positions transferred from the Department of Criminal Justice to the new agency, which would be inhibited by current statutes requiring TDCJ to implement such duties. Details on potential cost transfer and implications are discussed below.

The bill would amend Government Code, Chapter 512, to establish the Office of the Independent Oversight Ombudsman for the Texas Department of Criminal Justice (OIOO) as a separate state agency that would be administratively attached to the Commission on Jail Standards (TCJS). The purpose of OIOO would be to investigate, evaluate, and secure the rights of individuals in Texas Department of Criminal Justice (TDCJ) custody. The bill would require TDCJ and OIOO to enter into a memorandum of understanding to provide for the orderly transfer of certain duties and functions to the OIOO. The memorandum must also provide for the transfer of funds appropriated to TDCJ in fiscal year 2018-19 for duties and functions transferred to OIOO. The bill would take effect September 1, 2017.

The cost of the bill cannot be determined. TDCJ is required by several sections of the Government Code to maintain ombudsman and grievance programs. The bill does not repeal TDCJ oversight responsibilities and ombudsman duties. TDCJ reports that it would be statutorily required to maintain these functions. Additionally, TDCJ reports that such oversight provides a management tool to ensure concerns regarding TDCJ inmates and parolees are identified or resolved at the lowest possible level.

TDCJ indicates it currently performs functions similar to the bill's provisions, including initiatives for ombudsman inquiries and complaints, offender and medical grievances through the Ombudsman Program, Prison Rape Elimination Act (PREA) Ombudsman, Offender Grievance Program, Offender Medical Grievance Program, and Parole Ombudsman. TDCJ reported FTE counts and expenditures for the applicable programs. The Ombudsman Program includes 11 FTEs, \$434,167 in salaries, and \$2,200 in operating costs. The PREA Ombudsman includes 4 FTEs, \$193,152 in salaries, and \$800 in operating costs. The Offender Grievance Program includes 115 FTEs, \$4,148,730 in salaries, and \$23,000 in operating costs. The Offender Medical Grievance Program includes 42 FTEs, \$1,541,600 in salaries, and \$8,400 in operating costs. The Parole Ombudsman includes 4 FTEs, \$146,429 in salaries, and \$800 in operating costs. The cost implications would vary based on which duties and functions would be transferred.

If FTEs were transferred to TCJS, it could absorb administrative support for 2 additional FTEs

within existing resources. FTEs in addition to 2 would require additional office space and administrative support staff. According to TCJS, the average cost per square foot in Travis County for office space is \$2.50 per month; and each administrative FTE would require an average of 90 square feet. TCJS estimates that per FTE, there would be a one-time cost of \$800 for computers; a \$2,500 ongoing annual cost for consumable supplies, a \$216 ongoing annual cost for phone lines, and a \$540 ongoing annual cost for cell phone service. Depending on the number of FTEs transferred to the OIOO, TCJS may need to hire additional Accountants, System Analysts, Human Resource Assistants, and Purchasers. Salaries for these FTEs are not included in this analysis.

The Governor's Office and SAO indicate that any costs associated with the bill for those two agencies could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 300 Trusted Programs Within the Office of the Governor, 308 State Auditor's Office, 409 Commission on Jail Standards, 696 Department of Criminal Justice

LBB Staff: UP, KJo, AI, KVe, MW, LBe