

Legislative Appropriations Request

For Fiscal Years 2026 and 2027

Submitted to the Office of the Governor, Budget and Policy Division,
and the Legislative Budget Board
by the

Office of Capital and Forensic Writs

August 16, 2024

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**FY 2026-27 LEGISLATIVE APPROPRIATIONS
REQUEST Office of Capital and Forensic Writs**

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ADMINISTRATOR'S STATEMENT

Since 2010, the Office of Capital and Forensic Writs (OCFW) has proudly served as Texas' office of conviction integrity and worked to ensure that capital and non-capital convictions are constitutional, reliable, and untainted by flawed forensic science.

OCFW does this through two programs:

- Capital Post-Conviction Representation.
 - OCFW represents death-sentenced Texans in mandated proceedings that determine the constitutionality of their convictions and sentences.
 - By investigating and litigating post-conviction claims, OCFW safeguards the reliability of the Texas criminal justice system and ensures that the state's most serious and complex criminal cases are vetted thoroughly and fairly.
 - By ensuring that claims are investigated consistent with professional norms and statutory requirements, and that courts are well equipped to decide all possible claims in one full and fair court proceeding soon after conviction, rather than years later in successive rounds of litigation, OCFW also ensures these important cases can be addressed efficiently.
- Forensic Science Post-Conviction Representation.
 - OCFW represents incarcerated Texans whose cases were tainted by flawed forensic science.
 - The Texas Forensic Science Commission refers these cases to OCFW following an investigation into professional negligence, misconduct of forensic analysts, or erroneous scientific analysis.
 - The only forensic cases OCFW handles are those of wrongful conviction or innocence, where the Texas Forensic Science Commission identified potentially problematic or unsupportable forensic evidence that may have affected the reliability of a conviction.

OCFW GOVERNANCE

The Court of Criminal Appeals appoints the Executive Director of OCFW. The court appointed the current Director in 2015 and reappointed him in 2019. The 87th Legislature, Regular Session, passed SB 280, which established an oversight board for OCFW to ensure continued institutional success, independence, and good governance. The role of the Oversight Board is to provide oversight and strategic guidance to OCFW, including recommending a candidate for appointment as agency head to the Court of Criminal Appeals when a vacancy exists, setting office policy, and developing a budget proposal. The Oversight Board has five members: three appointed by the Executive Director of the Texas Indigent Defense Commission, two appointed by the State Bar of Texas. The members of the OCFW Oversight Board are:

James Bethke, Esq., Chair, San Antonio, TX

Marcy Greer, Esq., Vice Chair, Austin, TX

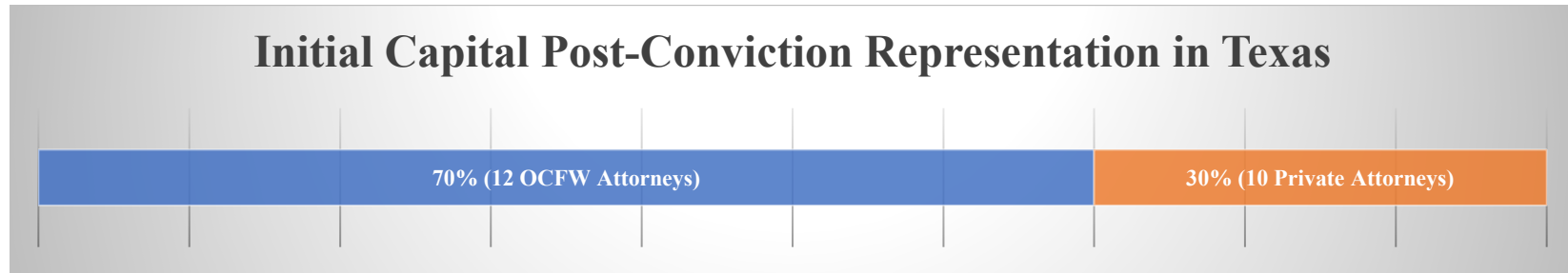
Alma Lagarda, Esq., Secretary, El Paso, TX

Hon. Terry Shamsie, Esq., Corpus Christi, TX

Phillip Yates, Esq., Houston, TX

OCFW IS A SMALL JUDICIAL AGENCY, WITH A BIG IMPACT.

- With 12 attorneys, seven mitigation specialists, three paralegals, a director, and two accountants, OCFW represents approximately 70% of death-sentenced individuals in capital post-conviction proceedings.
- As a public defender, OCFW provides Texas great benefits, including economies of scale, skilled and specialized experience, and supervised, high-quality work.
- OCFW's caseload comes from counties big and small across the State of Texas.
- Regardless of where the cases come from, capital and forensic writ litigation is extraordinarily complex and requires post-conviction specialists to provide highly technical, resource-intensive representation in challenging, multi-faceted cases.
- Outside of OCFW, there are just ten attorneys on the statewide list of qualified counsel eligible to receive capital post-conviction appointments in Texas courts.



OCFW PROTECTS THE RELIABILITY OF THE TEXAS CRIMINAL JUSTICE SYSTEM.

Meritorious constitutional claims are fully investigated and litigated early on, avoiding last-minute successive litigation later. Over the last two years:

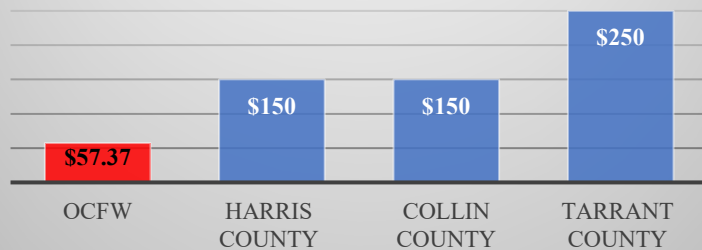
- The Court of Criminal Appeals overturned the death sentences of two clients based on constitutional violations.
 - One client had been sentenced to death unconstitutionally thirty-seven years prior and had been abandoned by his previous lawyers and forgotten by the criminal justice system before OCFW took on his case.
 - One client was found to be intellectually disabled and removed from death row, after having previously been scheduled for execution on three separate occasions during the 16 years he was incarcerated under a sentence of death.

- The United States Supreme Court ruled unanimously in favor of an OCFW client, in whose case a Texas judge previously held that it would “shock the conscience to allow the conviction” to stand because the forensic evidence against him at trial was flawed and false.
- OCFW filed Texas Code of Criminal Procedure Article 11.073 and innocence claims on behalf of two separate clients serving non-capital sentences in cases referred to OCFW by the Forensic Science Commission.
- OCFW is developing innocence and junk science claims in five other cases referred by the Forensic Science Commission.
- In three of the four OCFW capital post-conviction cases presently before the CCA, the trial court has recommended a new trial or sentencing.
- Since the last LAR, OCFW litigation prompted Texas district courts to recognize constitutional violations and recommend new trials or sentencings in four separate capital cases.

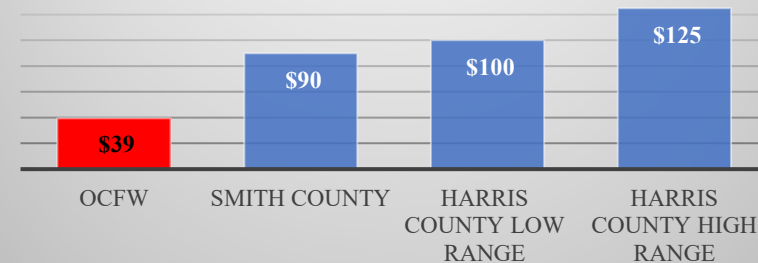
OCFW IS ECONOMICAL, EFFICIENT, AND SAVES TEXAS COUNTIES MONEY

- OCFW is entirely funded by the General Revenue-Dedicated Fair Defense Account (5073), which comes from court fees and related sources and can only be spent on indigent defense. In effect, OCFW is funded within the criminal justice system, from the users of that system. The only other agency funded from this account is the Texas Indigent Defense Commission, which helps create and finance county-level indigent defense programs.
- When OCFW is unable to provide representation, costs associated with this mandated representation shift to Texas counties. Instead of high-quality, supervised work by OCFW salaried employees funded from GR-D, counties are forced to bear the entire cost of representation, including paying appointed attorneys, mitigation specialists, investigators, and experts, often on an hourly basis. When this happens, local property taxes pay for representation, not GR-D.
- This is a burden for smaller counties where capital post-conviction representation needs arise, because they may not have the resources or capability to provide the required level of representation needed to satisfy the intense scrutiny imposed on death penalty cases.
- Over the last two fiscal years, OCFW has been forced to turn down appointments in four capital cases because it lacked the people power to handle these matters. As a result, the counties of conviction had to bear 100% of the costs of this mandated representation.

Comparison of Hourly Equivalent of OCFW GRD-Funded Attorney Representation Versus Hourly Rate Paid by Counties In Cases Not Taken By OCFW

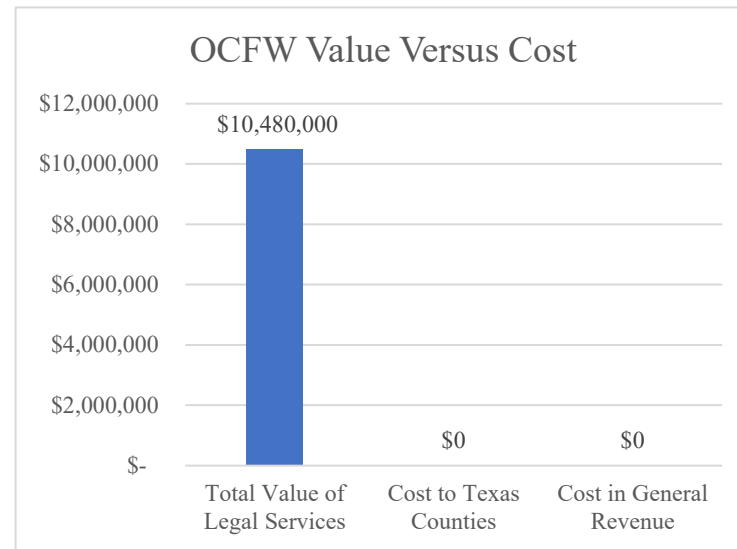
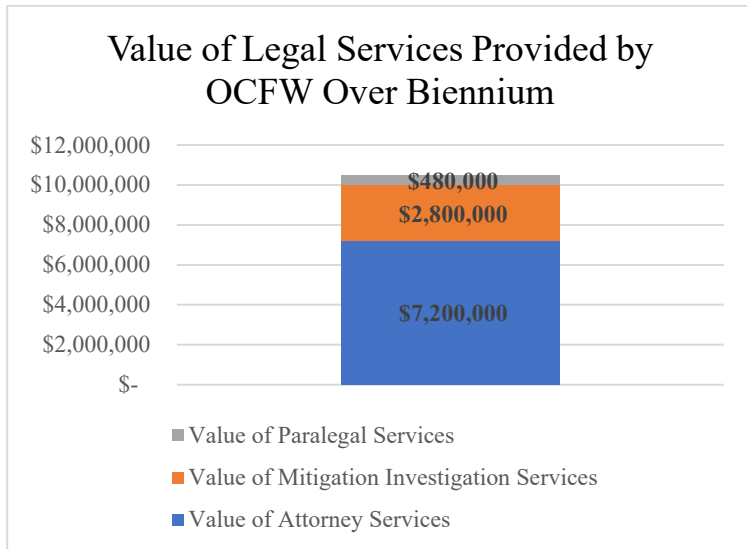


Comparison of Hourly Rates for OCFW Mitigation Specialists Versus Hourly Rate Paid by Counties for Appointed Mitigation Specialists In Cases Not Taken by OCFW



- **OCFW saves Texas counties and property taxpayers at least \$10,480,000 each biennium**

- Each year, OCFW provides the State of Texas over 24,000 hours of legal representation, 14,000 hours of mitigation investigation, and 6,000 hours of paralegal work through the work of its salaried employees. (This conservative estimate does not include legal work provided by the Director or interns.)
- If OCFW did not provide this representation, Texas counties would bear the cost of this representation, paying, on average, \$150 per hour for attorney work, \$100 per hour for mitigation specialists, and \$40 per hour for paralegal assistance through property taxes. If counties were responsible for providing 24,000 hours of legal representation and 12,000 of mitigation investigation, and 6000 hours of paralegal work, it would cost them \$5,240,000 each year or \$10,480,000 over each biennium.
- OCFW's services are of great value to Texans, costing substantially less than alternative representation provided by appointed counsel and mitigation specialists. The hourly rate equivalent of the salaried representation provided by OCFW attorneys is \$57 per hour, while appointed private counsel earn \$150 or even \$250 per hour. Likewise, the hourly rate equivalent of the salaried work of OCFW mitigation specialists is \$39 per hour, while mitigation specialists appointed by Texas courts in cases OCFW does not handle earn anywhere from \$90 to \$125 per hour.



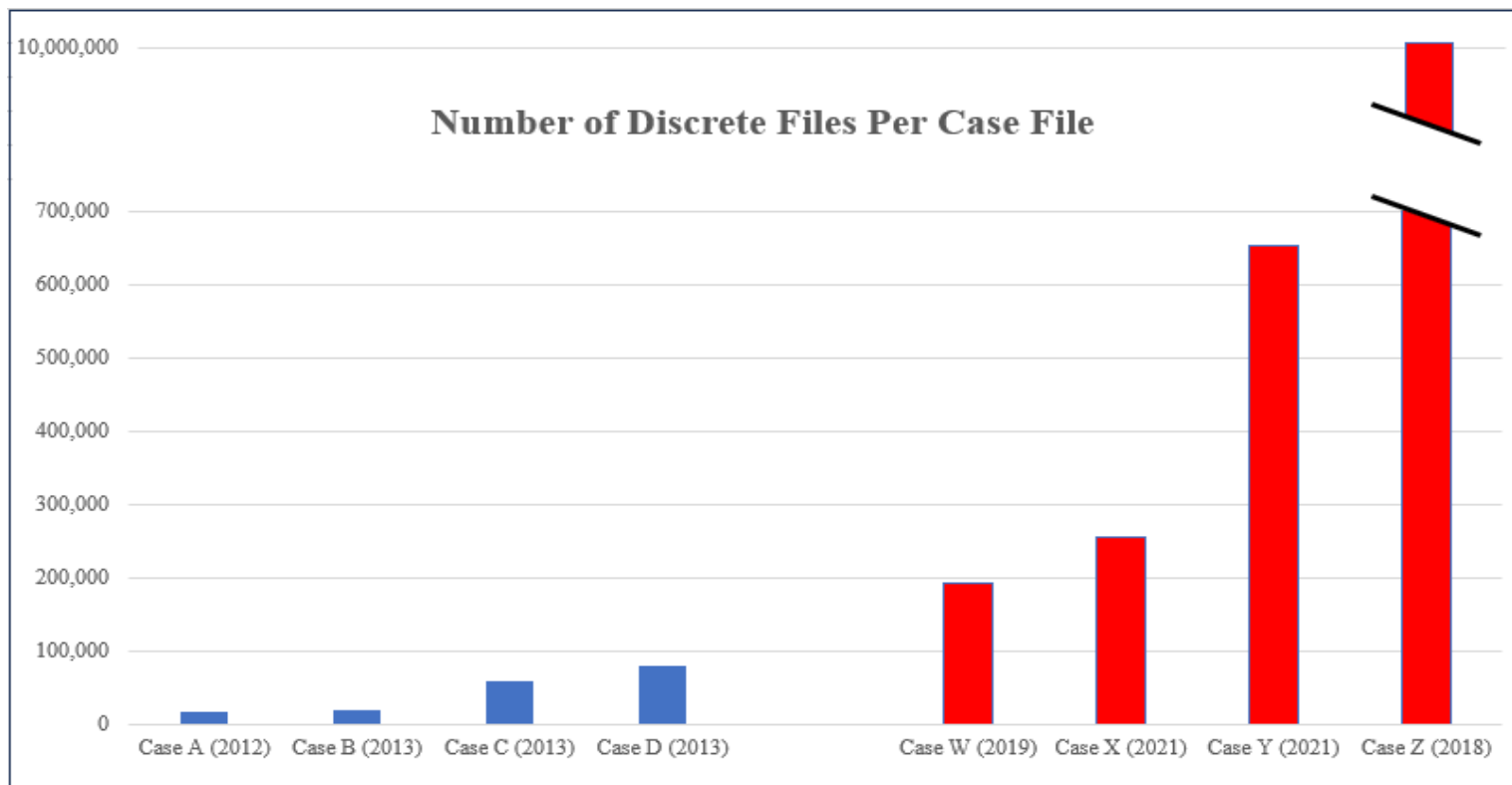
OCFW HAS LESS ADMINISTRATIVE HELP THAN VIRTUALLY EVERY OTHER STATE AGENCY

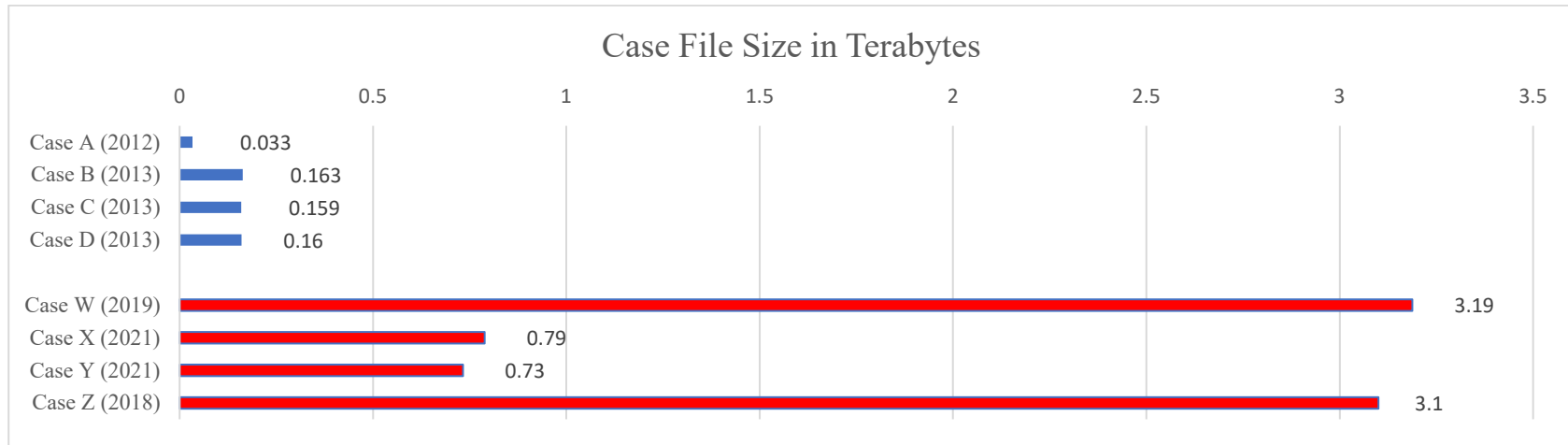
OCFW stands alone from most other state agencies in that it does not have any staff members serving in an administrative support capacity. Other agencies have staff serving in Administrative Assistant, Executive Assistant, Clerk, Legal Secretary, or Administrative Support roles. For example, the Office of the Attorney General has 256 employees in those roles. OCFW has none.

Agency	Ratio of Attorneys (Attorneys, Gen. Counsel, Asst. Att. Gen.) to Administrative Staff (Exec. Assistants, Admin. Assts., Legal Secretaries)
OCFW	12 to 0
Office of the Attorney General	2.8 to 1
Department of Public Safety (Attorneys and G.C. to Legal Secretaries only)	4.7 to 1
State Commission on Judicial Conduct	2 to 1

OCFW'S EFFECTIVENESS IS HAMPERED BY A LACK OF ADMINISTRATIVE AND PARALEGAL SUPPORT

Exponential Growth of Case Files. OCFW is required to investigate constitutional claims relating to innocence/wrongful conviction, due process violations, and unconstitutional sentences. This investigation necessitates a careful examination of all discovery, trial evidence, what the trial lawyers knew and did not know about the facts of a case, and new evidence developed through independent investigation. Due to the growth of electronic discovery and increased reliance on forensic evidence, the typical OCFW casefile size has skyrocketed over the last ten years. These case folders routinely contain hundreds of thousands of unique files and can fill multiple terabytes of data, all of which must be reviewed and analyzed by OCFW staff. One OCFW case has, on its own, over ten million discrete files.





OCFW legal staff are being inundated with ever-larger case files and electronic discovery, which both limits OCFW effectiveness on existing cases and prevents OCFW from accepting more cases. (During each of the last two fiscal years, OCFW has been forced to decline multiple capital case assignments).

The lack of administrative and paralegal help keeps OCFW staff from focusing on core functions. Based on timekeeping records, we estimate that 20% of attorney and mitigation specialist time at OCFW is spent not on lawyering or investigative tasks, but on paralegal and administrative tasks. Likewise, based on detailed timekeeping records, we estimate that our accountants spend 25% of their time on tasks like HR onboarding/off-boarding, IT/equipment issues, inventory, office supplies, job postings, and purchasing instead of accounting.

	Hours Spent on Non-Core Tasks	Salary Attributable to Time Spent on Non-Core Tasks
Accountants	1,000	\$ 35,800
Mitigation Specialists	2,800	\$ 110,516
Attorneys	4,800	\$ 275,376

The costs of this hole in OCFW's organization are substantial. Instead of paying lawyers to lawyer, OCFW is paying lawyers to spend 20% of their time performing tasks that do not require a law degree. Similarly, instead of paying mitigation specialists to conduct detailed investigations into innocence, competency, trauma, or intellectual disability, OCFW is paying them to spend 20% of their time to organize files, analyze and index records, arrange travel, and handle correspondence.

In short, without administrative and additional paralegal support, OCFW’s highly skilled staff are spending substantial portions of their work time performing tasks that, while critical to their ability to perform their work, are also very time-consuming and should be performed at significantly less expense by staff administrative and paralegal support.

WITH THE LEGISLATURE’S HELP, OCFW HAS MADE SIGNIFICANT PROGRESS AT CONTROLLING DAMAGING RATES OF ATTRITION

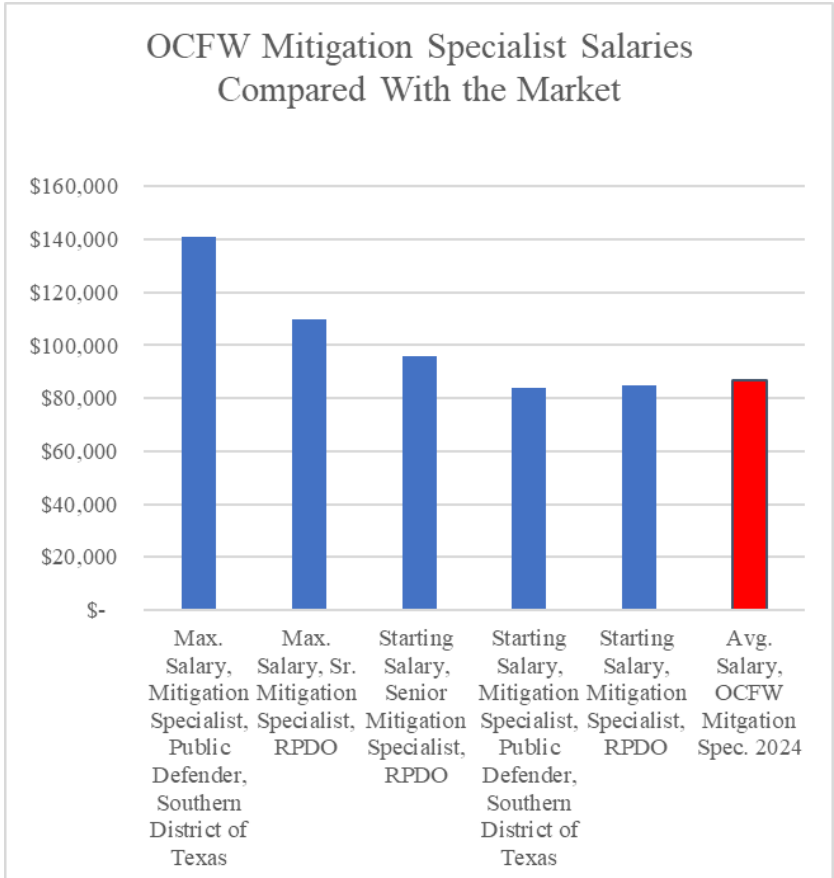
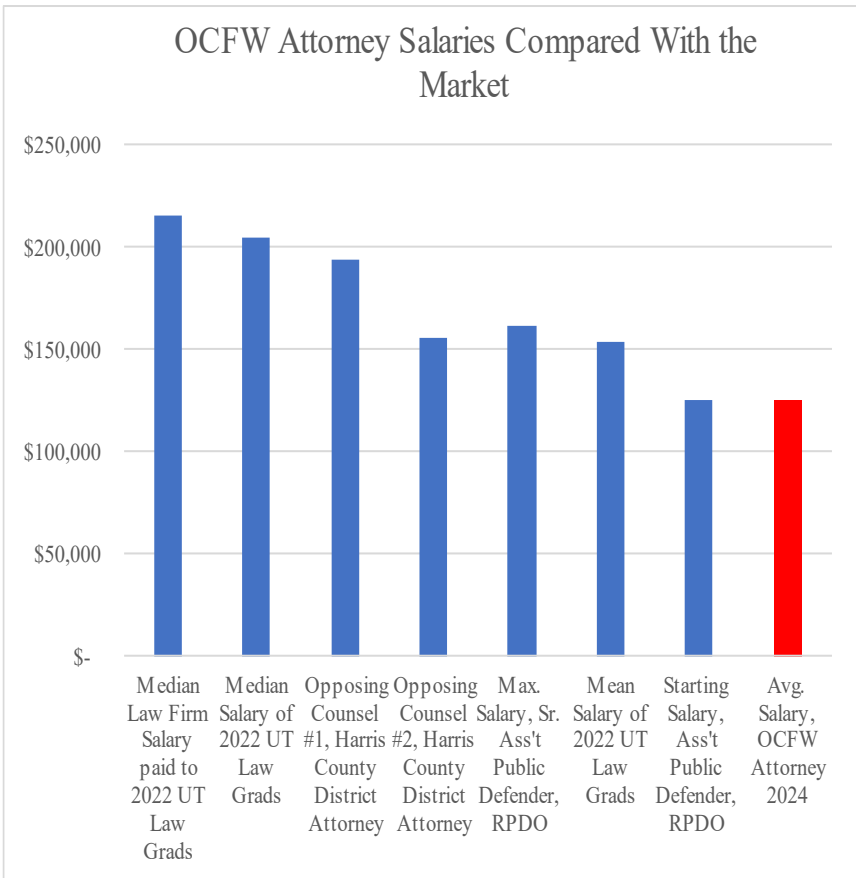
Historically, OCFW has struggled with damaging rates of attrition that has limited the number of cases it could handle and its effectiveness and efficiency. For example, since opening 14 years ago, OCFW has lost nearly 50 valuable employees—the equivalent of losing 200% of current staff. Some years were worse than others. For example, in 2019, OCFW suffered 100% attrition among mitigation specialists. In 2023, OCFW saw 53% attrition among attorneys.

Non-competitive salaries largely drove this damaging attrition; it was hard to retain experienced, talented staff, when employees could leave for other governmental or public defender employment and earn substantially more performing similar or even less-complex, lower-stakes work. The business costs of turnover are steep; Gallup estimates that replacing exiting staff costs 40% to 200% of an employee’s annual salary. (See <https://www.gallup.com/workplace/646538/employee-turnover-preventable-often-ignored.aspx>.) Being shorthanded also means that OCFW cannot accept as many new cases, or efficiently staff and litigate existing cases, and more costs are shifted to Texas counties.

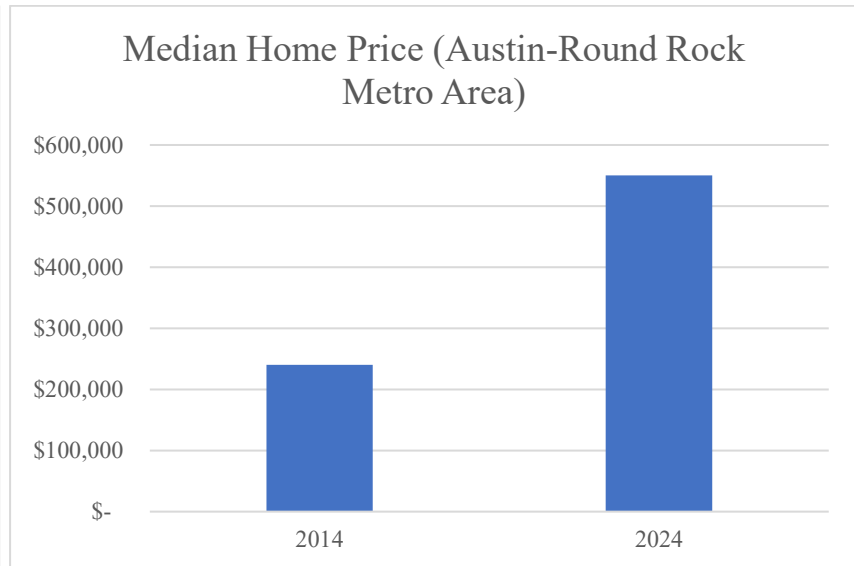
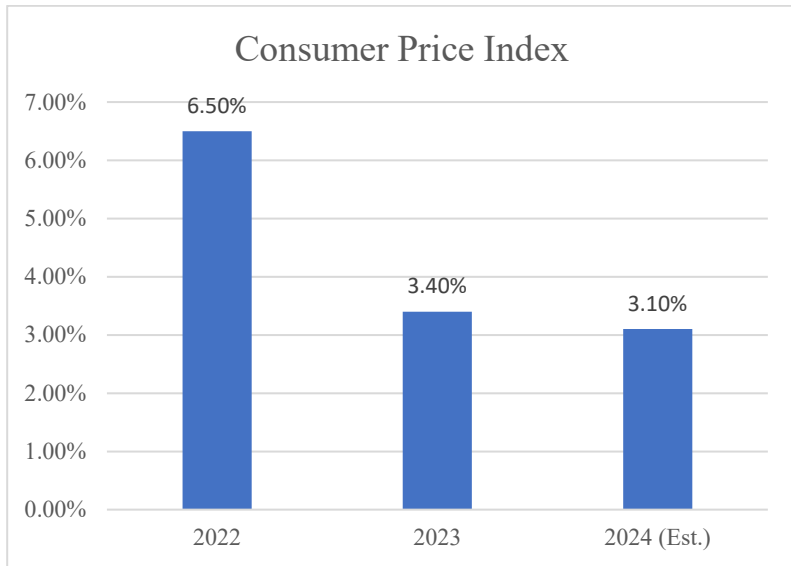
However, thanks to the salary increases given to the hard-working, dedicated staff of OCFW by the last Legislature, attrition at OCFW has dropped to manageable levels. In the last year, overall turnover at OCFW has fallen from 39.1% to an estimated 7.7% for FY24, and the attrition rate for attorneys has fallen from 53% to 0%. The attrition rate for OCFW mitigation specialists for FY24 is estimated to be 15%.

WHILE PROGRESS HAS BEEN MADE, OCFW’S SALARIES REMAIN NON-COMPETITIVE.

The 88th Legislature appropriated money to OCFW to raise staff salaries to more equitable, competitive levels, within the range of the salaries paid by the Regional Public Defender for Capital Cases (RPDO), a capital trial public defender based in Lubbock that is funded by TIDC. As a result, the average OCFW attorney and mitigation specialist salaries equal the starting salary paid by the RPDO in Lubbock. This has made OCFW more competitive, but OCFW salaries still lag behind other salaries both within the legal profession and the economy as a whole. A comparison of OCFW salaries to the salaries of recent UT Law graduates, RPDO staff, prosecutors, and mitigation specialists within other Texas public defender offices demonstrates this point:



It is also the unfortunate reality in America that inflation is a persistent scourge and the cost of living in Austin continues to outpace national averages.



OVERVIEW OF OCFW’S FY2026-2027 LEGISLATIVE FUNDING REQUEST

OCFW is not requesting General Revenue; rather OCFW seeks appropriations exclusively from the General Revenue-Dedicated Fair Defense Account (Fund 5073), which can only be spent on indigent defense purposes.

In addition to the amounts included in OCFW’s baseline request, OCFW respectfully requests the following exceptional items:

Exceptional Item #1: Administrative and Additional Paralegal Support For More Efficient and Effective Work (\$369,487 in Strategy A.1.1-Post-Conviction Capital Representation and \$51,656 in Strategy A.1.2-Post-Conviction Non-Capital Representation over the biennium).

The key to efficient organizational design is having the right people doing the right work. OCFW has more work than it can do; and the lack of administrative and paralegal support limits OCFW’s impact. Attorneys spend substantial parts of their days performing tasks that do not require law degrees. Instead of investigating our clients’ cases, mitigation specialists spend too much time performing administrative and paralegal tasks. OCFW accountants spend too much of their time performing general office manager or administrative functions instead of accounting. And the OCFW Director is likely the only head of a Texas State agency without any administrative help.

At the same time, the three OCFW paralegals, along with the rest of the OCFW legal staff, are drowning in ever-larger case files with hundreds of thousands, if not millions, of discrete records.

As a result, highly skilled lawyers and other legal staff are spending 20-25% of their time on tasks that are necessary for them to be able to do their work but do not require their professional expertise. And while attorneys and mitigation specialists are burdened with an excess of administrative and paralegal tasks, they accomplish less case work, and OCFW is forced as a result to handle fewer cases at any given time (thereby shifting the financial burden for this work to Texas counties).

To enable our legal and accounting staff to optimize their time and serve Texas to the greatest extent possible, OCFW requests the addition of an Executive Assistant, Administrative Assistant, and Paralegal.

Exceptional Item #2: Judiciary-Wide Inflation Relief and Staff Retention and Recruitment (\$276,071 in Strategy A.1.1-Post-Conviction Capital Representation and \$39,142 in Strategy A.1.2-Post-Conviction Non-Capital Representation over the biennium.)

Together with the Texas Supreme Court, the Court of Criminal Appeals, and other Courts and judicial agencies, OCFW requests appropriations to retain talented staff and keep pace with inflation. With the help of the 88th Legislature, OCFW made strides towards paying OCFW staff more competitive wages, for which OCFW is deeply grateful.

But even after the increased funding received in the 88th Legislative Session, OCFW attorneys and staff, like those of other Article IV courts and agencies, remain impacted by increasing costs due to inflation and the draw of more lucrative employment opportunities in state governmental entities outside the judicial branch, the federal courts, and the private legal sector.

The cases handled by OCFW are the most serious in the criminal justice system and among the most complicated. Expertise and experience are essential. OCFW cannot fulfill its mission when it cannot retain knowledgeable, experienced staff. And it cannot retain experienced staff when they can walk down the street and earn substantially more at a different governmental or public defender office, or when it becomes too difficult to support a family on an OCFW salary. And when OCFW cannot retain talented staff, it cannot represent as many clients, shifting more costs of representation to Texas counties.

Like other Article IV courts and agencies, OCFW is acutely aware of the need to adequately compensate its highly skilled and specialized staff so that the matters of the highest importance to the jurisprudence of the State of Texas are handled efficiently and accurately. In concert with the rest of the judicial branch, OCFW is therefore seeking a modest 6% increase in staff salaries to maintain a strong and experienced workforce.

While a modest 6% increase would not change the relationship of OCFW salaries to those paid to inexperienced law school graduates working at private law firms, or make the salaries earned by OCFW staff with advanced degrees more competitive with the salaries

paid by private industry in jobs with fewer educational requirements, it would allow OCFW to keep pace with inflation and not lose competitive ground. In addition, a 6% salary increase would also serve as a retention tool for experienced staff since any salary increase would increase the ERS pension benefit of employees who retire after 25 years commensurately.

The retention and recruitment of highly skilled candidates is of utmost importance. Training of new staff is costly, not only because of the caliber and complexity of the cases handled by OCFW, but also because of the added pressures of high ethical and confidentiality standards associated with this work.

Collectively with the Supreme Court, the Court of Criminal Appeals, and other Article IV Courts and Agencies, OCFW therefore requests a 6% salary increase to maintain and recruit a strong, experienced, and efficient judiciary workforce.

Exceptional Item #3: Mitigation Specialist Pipeline Fellowship (\$150,000 over the biennium in Strategy A.1.1--Post-Conviction Capital Representation)

OCFW has struggled with turnover among mitigation specialists for some time. While the rate of attrition is no longer the 100% seen in FY2019, or the 30% seen in FY22, it remains a detrimentally high 15%. Since FY2020, OCFW mitigation specialist turnover has exceeded that seen among investigators at other state agencies, averaging 18%, while TDCJ averaged 13%, DFPS averaged 13%, and the OAG averaged 11% over the same period. Moreover, post-conviction work is impossible without investigation. When mitigation specialists leave, the work of OCFW slows and the number of cases it can handle diminishes. Mitigation specialists are qualified by training, experience and education to investigate sensitive areas like intellectual disability, mental illness, competency and trauma, in addition to essential innocence and factual investigations. Experienced, high-quality capital mitigation specialists are difficult to find.

A capital mitigation fellowship would allow us to create a mini-pipeline or “build the bench” of mitigation specialists, and develop and train promising but inexperienced candidates into fully formed mitigation specialists with training and experience, who would be highly competitive and qualified candidates for permanent, higher-level mitigation employment at OCFW or another Texas public defense organization. A mitigation fellow would also allow OCFW to hedge against the business costs of turnover. When mitigation specialists leave, it is common that it takes at least six months for their replacement to be hired, trained, and brought up to speed. In the meantime, casework and investigation lags.

To hedge against the business costs of attrition, enable OCFW to investigate more reliably and efficiently and handle more work, and “build the bench” of qualified mitigation specialists, OCFW seeks funding for a two-year mitigation fellowship position.


Other Matters:

- OCFW Professional Office Space Update. For the last few years, OCFW has worked with the Texas Facilities Commission (TFC) to obtain additional, professionally appropriate office space. Prior to the last legislative session, the TFC initially recommended that OCFW move to a space on the 8th floor of the Stephen F. Austin Building, and the Legislature appropriated money for related buildout expenses to enable this move. However, the TFC subsequently decided to allocate the 8th floor space to a larger state agency that requested it after OCFW. Since then, OCFW has worked productively and collaboratively with TFC to meet OCFW's office space needs through a combination of existing and additional space on the fourth floor of the Stephen F. Austin building that the TFC is renovating to meet OCFW's needs. As a result, it is possible that OCFW will be able to return some of the money appropriated to it by the 88th Legislature for capital/renovation expenses.
- Unexpended Balance Authority. Uncertainty exists with respect to investigation and litigation costs because they vary based on the particulars of the cases being filed, including whether a district court holds a live evidentiary hearing. Authority to carry forward unexpended balances within the biennium provides greater flexibility in managing expenses that may vary greatly from year to year. Unexpended balances authority was given to the OCFW by the 82nd, 83rd, 84th, 85th, 86th, 87th and 88th Legislatures. OCFW requests unexpended balance budget authority again in FY 2026-27.
- Office of Court Administration. The Office of Court Administration receives funding to support the information technology needs of OCFW and other judicial agencies. Apart from IT, OCFW relies on OCA in many ways, big and small, official and unofficial, to perform effectively and efficiently. OCFW is deeply appreciative of the support OCA offers OCFW and other judicial agencies and respectfully urges the Legislature to favorably consider the OCA appropriations request.
- Texas Indigent Defense Commission. The Texas Indigent Defense Commission also receives funding from the Fair Defense Account (Fund 5073) to provide its essential work of funding, overseeing, and improving county-level indigent defense throughout the State of Texas. OCFW supports the TIDC baseline and exceptional budgetary requests.
- Background checks. OCFW has the authority under Government Code §411.1405(b) to obtain criminal history information on an individual who is an employee, applicant for employment, contractor, subcontractor, intern, or other volunteer who has access to information resources or technology, other than a desktop computer or telephone station assigned to the individual. OCFW requests this information for individuals working with OCFW's technology resources where necessary to ensure safety of personnel and property. If requested, criminal history information is destroyed after review. In addition, OCFW is entitled to obtain criminal history information maintained by the Texas Department of Public Safety that relates to a criminal case in which OCFW has been appointed. *See* Tex. Govt. Code § 411.1272.

Summary

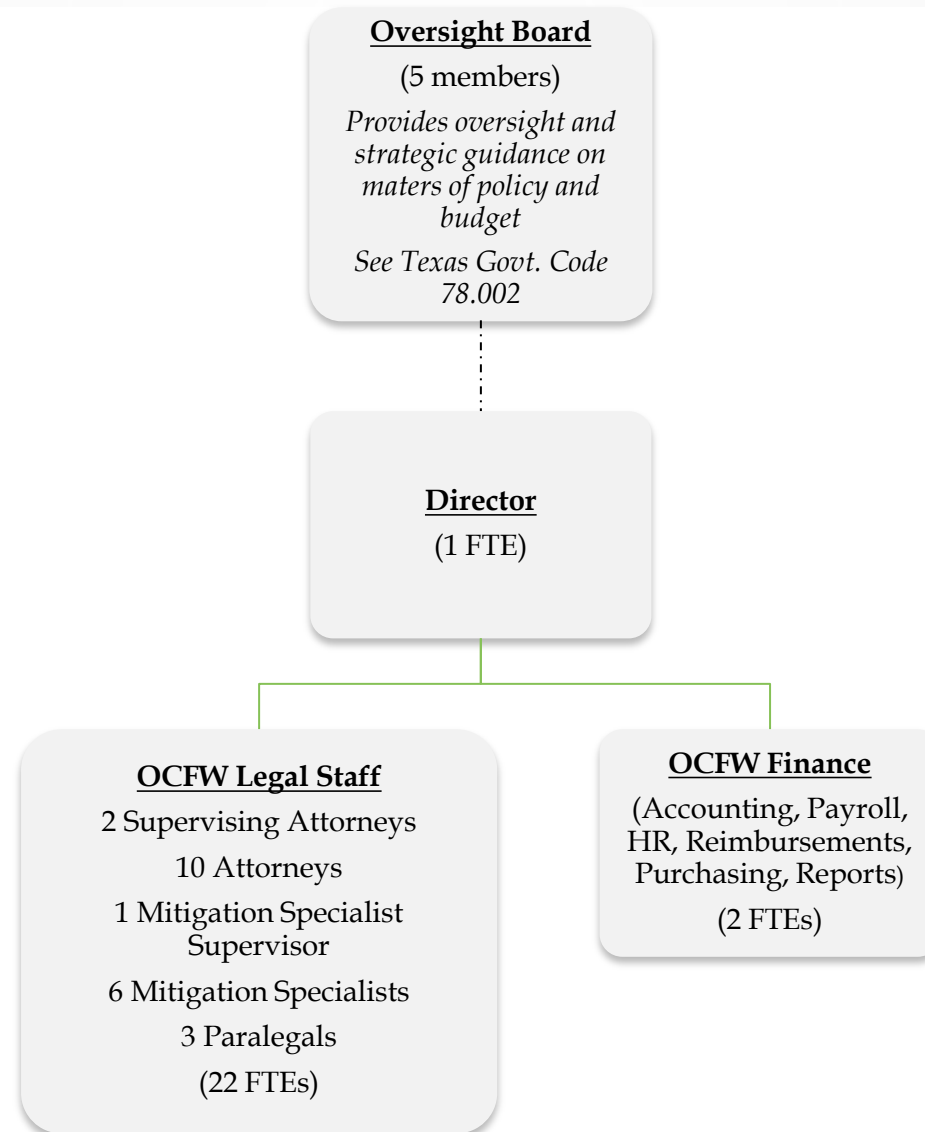
OCFW continues to be grateful for the support that the Legislature has been providing over the past legislative sessions. To continue to meet its mandate of ensuring that capital and non-capital convictions are constitutional, reliable, and untainted by questionable forensic science, OCFW respectfully asks that its appropriations request for FY2026 and 2027 receive favorable consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "B. Wolff". The signature is written in a cursive style with a prominent initial "B" and a stylized "W".

Benjamin B. Wolff
Director
Office of Capital and Forensic Writs

OCFW ORGANIZATION CHART





CERTIFICATE

Agency Name Office of Capital and Forensic Writs

This is to certify that the information contained in the agency Legislative Appropriation Request filed with the Legislative Budget Board (LBB) and the Governor's Office Budget Division (Governor's Office) is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the PDF file submitted via the LBB Document Submission application are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the Governor's Office will be notified in writing in accordance with Article IX, Section 7.01 (2020-21 GAA).

Chief Executive Officer or Presiding Judge



Signature

Benjamin B. Wolff

Printed Name

Director

Title

August 16, 2024

Date

Board or Commission Chair



Signature

James D. Bethke

Printed Name

Chair

Title

August 16, 2024

Date

Chief Financial Officer



Signature

Olga Right

Printed Name

Finance Team Lead

Title

August 16, 2024

Date

Budget Overview - Biennial Amounts
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs
Appropriation Years: 2026-27

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS
	2024-25	2026-27	2024-25	2026-27	2024-25	2026-27	2024-25	2026-27	2024-25	2026-27	2026-27
	Goal: 1. Post-Conviction Representation										
1.1.1. Capital Representation	118,290		5,625,440	5,760,025	6,730				5,750,460	5,760,025	795,558
1.1.2. Non-Capital Representation	13,143		749,594	773,328					762,737	773,328	90,798
Total, Goal	131,433		6,375,034	6,533,353	6,730				6,513,197	6,533,353	886,356
Total, Agency	131,433		6,375,034	6,533,353	6,730				6,513,197	6,533,353	886,356
Total FTEs									24.5	24.5	4.0

SUMMARIES OF REQUEST

2.A. Summary of Base Request by Strategy

89th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

Goal / Objective / STRATEGY	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
1 Post-Conviction Representation					
1 <i>Post-Conviction Representation</i>					
1 CAPITAL REPRESENTATION	2,064,079	2,761,238	2,989,222	2,880,012	2,880,013
2 NON-CAPITAL REPRESENTATION	252,520	361,807	400,930	386,664	386,664
TOTAL, GOAL 1	\$2,316,599	\$3,123,045	\$3,390,152	\$3,266,676	\$3,266,677
TOTAL, AGENCY STRATEGY REQUEST	\$2,316,599	\$3,123,045	\$3,390,152	\$3,266,676	\$3,266,677
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				\$0	\$0
GRAND TOTAL, AGENCY REQUEST	\$2,316,599	\$3,123,045	\$3,390,152	\$3,266,676	\$3,266,677

2.A. Summary of Base Request by Strategy

89th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

Goal / Objective / STRATEGY	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>METHOD OF FINANCING:</u>					
General Revenue Funds:					
1 General Revenue Fund	0	0	131,433	0	0
SUBTOTAL	\$0	\$0	\$131,433	\$0	\$0
General Revenue Dedicated Funds:					
5073 Fair Defense	2,221,650	3,116,315	3,258,719	3,266,676	3,266,677
SUBTOTAL	\$2,221,650	\$3,116,315	\$3,258,719	\$3,266,676	\$3,266,677
Federal Funds:					
325 Coronavirus Relief Fund	94,949	6,730	0	0	0
SUBTOTAL	\$94,949	\$6,730	\$0	\$0	\$0
TOTAL, METHOD OF FINANCING	\$2,316,599	\$3,123,045	\$3,390,152	\$3,266,676	\$3,266,677

*Rider appropriations for the historical years are included in the strategy amounts.

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215** Agency name: **Office of Capital and Forensic Writs**

METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
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GENERAL REVENUE

1 General Revenue Fund

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2022-23 GAA)

\$0	\$0	\$0	\$0	\$0
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Comments: 2022-23 GAA

Regular Appropriations from MOF Table (2024-25 GAA)

\$0	\$131,433	\$0	\$0	\$0
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Comments: 2024-25 GAA

UNEXPENDED BALANCES AUTHORITY

Art IV, Special Provisions - Judiciary Section, Unexpended Balances Authority (2024-25 GAA)

\$0	\$(131,433)	\$131,433	\$0	\$0
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Comments: This is money that was appropriated to OCFW for the purposes of an office renovation. For the last year, OCFW has been working with TFC to accomplish the intended renovations. The process, however, has been slower than anticipated. For that reason, we do not anticipate the renovations to be complete until mid FY2025. As such, OCFW anticipates that any expenses associated with this renovation will occur in FY25 rather than FY24 due to factors out of OCFW's control.

2.B. Summary of Base Request by Method of Finance

89th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code:	215	Agency name:	Office of Capital and Forensic Writs			
METHOD OF FINANCING		Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>GENERAL REVENUE</u>						
TOTAL,	General Revenue Fund	\$0	\$0	\$131,433	\$0	\$0
TOTAL, ALL	GENERAL REVENUE	\$0	\$0	\$131,433	\$0	\$0

GENERAL REVENUE FUND - DEDICATED

5073 GR Dedicated - Fair Defense Account No. 5073

REGULAR APPROPRIATIONS

Regular Appropriations from MOF Table (2022-23 GAA)

\$2,150,711 \$0 \$0 \$0 \$0

Regular Appropriations from MOF Table (2024-25 GAA)

\$0 \$3,187,815 \$3,163,719 \$0 \$0

Regular Appropriations from MOF Table (2022-23 GAA)

\$0 \$0 \$0 \$0 \$0

Comments: Revenue from return of PayFlex funds

Regular Appropriations from MOF Table (2026-27)

\$0 \$0 \$0 \$3,266,676 \$3,266,677

2.B. Summary of Base Request by Method of Finance

89th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 215	Agency name: Office of Capital and Forensic Writs				
METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>GENERAL REVENUE FUND - DEDICATED</u>					
<i>TRANSFERS</i>					
SB 30, Section 9.01 88th Leg, Regular Session	\$12,741	\$0	\$0	\$0	\$0
Comments: 5% sal inc TRNSF (APR 38901)					
Art IX, Sec 17.16, Appropriation for a Salary Increase for General State Employees (2024-25 GAA)	\$0	\$23,500	\$0	\$0	\$0
Comments: supplemental amounts for 5% salary incr. from the CPA					
<i>LAPSED APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2022-23 GAA)	\$(11,212)	\$0	\$0	\$0	\$0
<i>UNEXPENDED BALANCES AUTHORITY</i>					
A.1.1. Post-Conviction Representation (2022-23 GAA)	\$69,410	\$0	\$0	\$0	\$0
Comments: OCFW had struggled with staff turnover and retention. The amounts lapsed/UB were largely due to unspent salary amounts, secondary to attrition. In addition, certain anticipated professional fees and services amounts came in under initial estimates, were rolled into subsequent fiscal years, or ended up being defrayed by courts.					

2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215** Agency name: **Office of Capital and Forensic Writs**

METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
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GENERAL REVENUE FUND - DEDICATED

Art IV, Special Provisions - Judiciary Section, Unexpended Balances Authority (2024-25 GAA)

	\$0	\$(95,000)	\$95,000	\$0	\$0
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Comments: UB is due to two things, in part: lower than anticipated travel expenses due to unpredictable litigation deadlines and that it took longer than anticipated to fill open positions. We anticipate both of these conditions to be temporary. With respect to travel, we were appointed recently to cases in El Paso and Texarkana, which will occasion higher than average travel costs. With respect to staffing, we are currently fully staffed and do not anticipate salary savings due to open positions (or slow hiring).

TOTAL, GR Dedicated - Fair Defense Account No. 5073	\$2,221,650	\$3,116,315	\$3,258,719	\$3,266,676	\$3,266,677
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TOTAL, ALL GENERAL REVENUE FUND - DEDICATED	\$2,221,650	\$3,116,315	\$3,258,719	\$3,266,676	\$3,266,677
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TOTAL, GR & GR-DEDICATED FUNDS	\$2,221,650	\$3,116,315	\$3,390,152	\$3,266,676	\$3,266,677
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FEDERAL FUNDS

325 Coronavirus Relief Fund

UNEXPENDED BALANCES AUTHORITY

SB 8, 87th Leg, Third Called Session

	\$101,679	\$0	\$0	\$0	\$0
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2.B. Summary of Base Request by Method of Finance
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

8/15/2024 12:09:28PM

Agency code: 215		Agency name: Office of Capital and Forensic Writs				
METHOD OF FINANCING		Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027
<u>FEDERAL FUNDS</u>						
SB 30, Sect 8.65 88th Leg, Regular Session		\$ (6,730)	\$ 6,730	\$ 0	\$ 0	\$ 0
TOTAL,	Coronavirus Relief Fund	\$94,949	\$6,730	\$0	\$0	\$0
TOTAL, ALL	FEDERAL FUNDS	\$94,949	\$6,730	\$0	\$0	\$0
GRAND TOTAL		\$2,316,599	\$3,123,045	\$3,390,152	\$3,266,676	\$3,266,677
FULL-TIME-EQUIVALENT POSITIONS						
REGULAR APPROPRIATIONS						
	Regular Appropriations from MOF Table (2022-23 GAA)	20.5	0.0	0.0	0.0	0.0
	Regular Appropriations from MOF Table (2024-25 GAA)	0.0	24.5	24.5	0.0	0.0
	Regular Appropriations from MOF Table (2026-27 GAA)	0.0	0.0	0.0	24.5	24.5
RIDER APPROPRIATION						
	Art IX, Sec 6.10(a)(1), Board or Administrator FTE Adjustment (2024-25 GAA)	0.4	0.0	0.0	0.0	0.0
TOTAL, ADJUSTED FTES		20.9	24.5	24.5	24.5	24.5

2.B. Summary of Base Request by Method of Finance

89th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 215	Agency name: Office of Capital and Forensic Writs					
METHOD OF FINANCING	Exp 2023	Est 2024	Bud 2025	Req 2026	Req 2027	
NUMBER OF 100% FEDERALLY FUNDED FTEs	1.0	0.0	0.0	0.0	0.0	

2.C. Summary of Base Request by Object of Expense

89th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

OBJECT OF EXPENSE	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1001 SALARIES AND WAGES	\$1,745,826	\$2,550,722	\$2,782,309	\$2,780,886	\$2,780,886
1002 OTHER PERSONNEL COSTS	\$158,387	\$21,103	\$10,194	\$10,850	\$10,850
2001 PROFESSIONAL FEES AND SERVICES	\$37,843	\$204,034	\$121,707	\$120,000	\$120,000
2003 CONSUMABLE SUPPLIES	\$11,939	\$1,245	\$2,000	\$2,400	\$2,400
2004 UTILITIES	\$1,242	\$1,296	\$1,230	\$1,263	\$1,263
2005 TRAVEL	\$149,937	\$187,929	\$211,244	\$199,039	\$199,039
2006 RENT - BUILDING	\$3,132	\$4,962	\$4,800	\$5,000	\$5,000
2007 RENT - MACHINE AND OTHER	\$5,075	\$3,470	\$4,620	\$4,740	\$4,740
2009 OTHER OPERATING EXPENSE	\$203,218	\$148,284	\$160,154	\$142,498	\$142,499
5000 CAPITAL EXPENDITURES	\$0	\$0	\$91,894	\$0	\$0
OOE Total (Excluding Riders)	\$2,316,599	\$3,123,045	\$3,390,152	\$3,266,676	\$3,266,677
OOE Total (Riders)					
Grand Total	\$2,316,599	\$3,123,045	\$3,390,152	\$3,266,676	\$3,266,677

2.D. Summary of Base Request Objective Outcomes
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

215 Office of Capital and Forensic Writs

Goal/ Objective / Outcome	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
1 Post-Conviction Representation					
1 Post-Conviction Representation					
KEY 1 Percentage of Capital Writs Filed on a Timely Basis					
	100.00%	100.00%	100.00%	100.00%	100.00%

2.E. Summary of Exceptional Items Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 215

Agency name: **Office of Capital and Forensic Writs**

Priority	Item	2026			2027			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Administrative Support	\$215,521	\$215,521	3.0	\$205,621	\$205,621	3.0	\$421,142	\$421,142
2	Art. IV Inflation Relief/Retention	\$157,607	\$157,607		\$157,607	\$157,607		\$315,214	\$315,214
3	Mitigation Specialist Fellowship	\$76,650	\$76,650	1.0	\$73,350	\$73,350	1.0	\$150,000	\$150,000
Total, Exceptional Items Request		\$449,778	\$449,778	4.0	\$436,578	\$436,578	4.0	\$886,356	\$886,356

Method of Financing

General Revenue

General Revenue - Dedicated

Federal Funds

Other Funds

449,778	449,778		436,578	436,578		886,356	886,356
\$449,778	\$449,778		\$436,578	\$436,578		\$886,356	\$886,356

Full Time Equivalent Positions

4.0

4.0

Number of 100% Federally Funded FTEs

0.0

0.0

2.F. Summary of Total Request by Strategy
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215** Agency name: **Office of Capital and Forensic Writs**

Goal/Objective/STRATEGY	Base 2026	Base 2027	Exceptional 2026	Exceptional 2027	Total Request 2026	Total Request 2027
1 Post-Conviction Representation						
1 <i>Post-Conviction Representation</i>						
1 CAPITAL REPRESENTATION	\$2,880,012	\$2,880,013	\$403,884	\$391,674	\$3,283,896	\$3,271,687
2 NON-CAPITAL REPRESENTATION	386,664	386,664	45,894	44,904	432,558	431,568
TOTAL, GOAL 1	\$3,266,676	\$3,266,677	\$449,778	\$436,578	\$3,716,454	\$3,703,255
TOTAL, AGENCY STRATEGY REQUEST	\$3,266,676	\$3,266,677	\$449,778	\$436,578	\$3,716,454	\$3,703,255
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST						
GRAND TOTAL, AGENCY REQUEST	\$3,266,676	\$3,266,677	\$449,778	\$436,578	\$3,716,454	\$3,703,255

2.F. Summary of Total Request by Strategy
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215** Agency name: **Office of Capital and Forensic Writs**

Goal/Objective/STRATEGY	Base 2026	Base 2027	Exceptional 2026	Exceptional 2027	Total Request 2026	Total Request 2027
General Revenue Funds:						
1 General Revenue Fund	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
General Revenue Dedicated Funds:						
5073 Fair Defense	3,266,676	3,266,677	449,778	436,578	3,716,454	3,703,255
	\$3,266,676	\$3,266,677	\$449,778	\$436,578	\$3,716,454	\$3,703,255
Federal Funds:						
325 Coronavirus Relief Fund	0	0	0	0	0	0
	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL, METHOD OF FINANCING	\$3,266,676	\$3,266,677	\$449,778	\$436,578	\$3,716,454	\$3,703,255
FULL TIME EQUIVALENT POSITIONS	24.5	24.5	4.0	4.0	28.5	28.5

2.G. Summary of Total Request Objective Outcomes
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation system of Texas (ABEST)

Agency code: **215**

Agency name: **Office of Capital and Forensic Writs**

Goal/ Objective / Outcome

	BL 2026	BL 2027	Excp 2026	Excp 2027	Total Request 2026	Total Request 2027
1						
1						
KEY						
1 Percentage of Capital Writs Filed on a Timely Basis						
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

STRATEGY SCHEDULES

3.A. Strategy Request
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

GOAL: 1 Post-Conviction Representation
OBJECTIVE: 1 Post-Conviction Representation
STRATEGY: 1 Post-Conviction Capital Representation

Service Categories:

Service: 01 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
Output Measures:						
KEY 1	Number of New Capital Cases Accepted	5.00	6.00	4.00	4.00	4.00
KEY 2	Number Of Capital Cases Refused	2.00	2.00	3.00	3.00	3.00
Explanatory/Input Measures:						
1	Number of Capital Cases Pending	27.00	33.00	35.00	35.00	35.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$1,570,639	\$2,247,248	\$2,445,026	\$2,445,026	\$2,445,026
1002	OTHER PERSONNEL COSTS	\$142,605	\$18,282	\$9,344	\$10,000	\$10,000
2001	PROFESSIONAL FEES AND SERVICES	\$20,431	\$185,721	\$101,530	\$100,000	\$100,000
2003	CONSUMABLE SUPPLIES	\$9,586	\$996	\$1,600	\$2,000	\$2,000
2004	UTILITIES	\$999	\$1,080	\$1,038	\$1,038	\$1,038
2005	TRAVEL	\$144,983	\$175,455	\$204,520	\$192,575	\$192,575
2006	RENT - BUILDING	\$3,132	\$4,962	\$4,800	\$5,000	\$5,000
2007	RENT - MACHINE AND OTHER	\$4,060	\$2,796	\$3,696	\$3,792	\$3,792
2009	OTHER OPERATING EXPENSE	\$167,644	\$124,698	\$134,963	\$120,581	\$120,582
5000	CAPITAL EXPENDITURES	\$0	\$0	\$82,705	\$0	\$0
TOTAL, OBJECT OF EXPENSE		\$2,064,079	\$2,761,238	\$2,989,222	\$2,880,012	\$2,880,013

3.A. Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

GOAL: 1 Post-Conviction Representation
 OBJECTIVE: 1 Post-Conviction Representation
 STRATEGY: 1 Post-Conviction Capital Representation

Service Categories:

Service: 01 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
Method of Financing:						
1	General Revenue Fund	\$0	\$0	\$118,290	\$0	\$0
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$0	\$0	\$118,290	\$0	\$0
Method of Financing:						
5073	Fair Defense	\$1,969,130	\$2,754,508	\$2,870,932	\$2,880,012	\$2,880,013
SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)		\$1,969,130	\$2,754,508	\$2,870,932	\$2,880,012	\$2,880,013
Method of Financing:						
325	Coronavirus Relief Fund					
	21.027.119 COV19 State Fiscal Recovery	\$94,949	\$6,730	\$0	\$0	\$0
CFDA Subtotal, Fund	325	\$94,949	\$6,730	\$0	\$0	\$0
SUBTOTAL, MOF (FEDERAL FUNDS)		\$94,949	\$6,730	\$0	\$0	\$0
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$2,880,012	\$2,880,013
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$2,064,079	\$2,761,238	\$2,989,222	\$2,880,012	\$2,880,013
FULL TIME EQUIVALENT POSITIONS:		18.8	21.6	21.6	21.6	21.6

3.A. Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

GOAL: 1 Post-Conviction Representation
 OBJECTIVE: 1 Post-Conviction Representation Service Categories:
 STRATEGY: 1 Post-Conviction Capital Representation Service: 01 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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STRATEGY DESCRIPTION AND JUSTIFICATION:

Since 2010, the Office of Capital and Forensic Writs (OCFW) has proudly served as the office of conviction integrity for the State of Texas, ensuring that capital and non-capital convictions are constitutional, reliable, and untainted by flawed forensic science. Capital post-conviction representation and investigation are mandated by statute, see Texas Code of Criminal Procedure, Article 11.071 sec. 2, 3, and OCFW provides this service to the State pursuant to the authority granted to it by section 78.054 of the Texas Government Code.

By investigating and litigating post-conviction claims, OCFW safeguards the reliability of the Texas criminal justice system and ensures that the state’s most serious and complex criminal cases are vetted thoroughly and fairly.

By ensuring that claims are investigated consistent with professional norms and statutory requirements, and that courts are well equipped to decide all possible claims in one full and fair court proceeding soon after conviction, rather than years later in successive rounds of litigation, OCFW also enables these important cases to be addressed efficiently.

Where OCFW is unable to provide representation, Texas counties bear the cost of appointed private representation.

Outside of OCFW, there are just ten attorneys in Texas who qualify for appointment in capital post-conviction cases, and counties pay these attorneys anywhere from \$150-250 per hour for cases otherwise handled by OCFW.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

3.A. Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

GOAL: 1 Post-Conviction Representation
 OBJECTIVE: 1 Post-Conviction Representation Service Categories:
 STRATEGY: 1 Post-Conviction Capital Representation Service: 01 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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Texas law guarantees capital post-conviction applicants the right to competent representation. Over the last biennium, by providing the State of Texas over 24,000 hours of legal representation, 12,000 of mitigation investigation, and 6,000 of paralegal work, OCFW saved Texas counties and local property taxpayers at least \$10,480,000.

The lack of administrative help and a shortage of paralegal assistance limits the number of cases OCFW can handle at any given time, and how efficient OCFW is able to provide representation. Due to the growth of electronic discovery and increased reliance on forensic evidence, the typical OCFW casefile size has skyrocketed. These records routinely contain hundreds of thousands (one case has ten million) unique files and can fill multiple terabytes of data, all of which must be reviewed by OCFW staff.

The number of new cases OCFW accepts depends on the number of referrals, the availability of staff, and financial resources and may fluctuate depending on litigation schedules set by courts and the rate at which courts make decisions, factors outside of OCFW's control.

Historically, OCFW impact has been limited by high rates of attrition caused by uncompetitive salaries. With the help of the Legislature, OCFW made substantial progress towards paying more competitive wages, improving employee retention. When OCFW is only able to retain staff for a fraction of the 5-8 years that state-post-conviction litigation can take, it limits the number of cases OCFW can handle, and costs more because the State pays multiple lawyers to do the same work.

3.A. Strategy Request
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

GOAL: 1 Post-Conviction Representation
OBJECTIVE: 1 Post-Conviction Representation Service Categories:
STRATEGY: 1 Post-Conviction Capital Representation Service: 01 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		BIENNIAL	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2024 + Bud 2025)	Baseline Request (BL 2026 + BL 2027)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$5,750,460	\$5,760,025	\$9,565	\$(118,290)	Reduction for one-time office renovation and move expenses for Fund 0001
			\$(23,992)	Reduction for one-time office renovation and move expenses for Fund 5073
			\$(6,730)	Reduction of remaining ARPA funding
			\$158,577	Adjustment necessary to implement the provisions of GAA, Art. IX, Sec. 17.16 (2024-25)
			<u>\$9,565</u>	Total of Explanation of Biennial Change

3.A. Strategy Request
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

GOAL: 1 Post-Conviction Representation
OBJECTIVE: 1 Post-Conviction Representation
STRATEGY: 2 Post-Conviction Non-capital Representation

Service Categories:

Service: 01 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
Output Measures:						
KEY 1	Number of New Non-capital Cases Accepted	0.00	2.00	4.00	4.00	4.00
KEY 2	Number Of Non-capital Cases Refused	0.00	0.00	1.00	1.00	1.00
KEY 3	Number Of Non-capital Cases Reviewed	0.00	2.00	4.00	4.00	4.00
Explanatory/Input Measures:						
1	The Number of Non-capital Cases Pending	8.00	10.00	13.00	15.00	16.00
Objects of Expense:						
1001	SALARIES AND WAGES	\$175,187	\$303,474	\$337,283	\$335,860	\$335,860
1002	OTHER PERSONNEL COSTS	\$15,782	\$2,821	\$850	\$850	\$850
2001	PROFESSIONAL FEES AND SERVICES	\$17,412	\$18,313	\$20,177	\$20,000	\$20,000
2003	CONSUMABLE SUPPLIES	\$2,353	\$249	\$400	\$400	\$400
2004	UTILITIES	\$243	\$216	\$192	\$225	\$225
2005	TRAVEL	\$4,954	\$12,474	\$6,724	\$6,464	\$6,464
2006	RENT - BUILDING	\$0	\$0	\$0	\$0	\$0
2007	RENT - MACHINE AND OTHER	\$1,015	\$674	\$924	\$948	\$948
2009	OTHER OPERATING EXPENSE	\$35,574	\$23,586	\$25,191	\$21,917	\$21,917
5000	CAPITAL EXPENDITURES	\$0	\$0	\$9,189	\$0	\$0

3.A. Strategy Request
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

GOAL: 1 Post-Conviction Representation
OBJECTIVE: 1 Post-Conviction Representation
STRATEGY: 2 Post-Conviction Non-capital Representation

Service Categories:
Service: 01 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
TOTAL, OBJECT OF EXPENSE		\$252,520	\$361,807	\$400,930	\$386,664	\$386,664
Method of Financing:						
1	General Revenue Fund	\$0	\$0	\$13,143	\$0	\$0
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$0	\$0	\$13,143	\$0	\$0
Method of Financing:						
5073	Fair Defense	\$252,520	\$361,807	\$387,787	\$386,664	\$386,664
SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)		\$252,520	\$361,807	\$387,787	\$386,664	\$386,664
TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)					\$386,664	\$386,664
TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)		\$252,520	\$361,807	\$400,930	\$386,664	\$386,664
FULL TIME EQUIVALENT POSITIONS:		2.1	2.9	2.9	2.9	2.9
STRATEGY DESCRIPTION AND JUSTIFICATION:						

3.A. Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

GOAL: 1 Post-Conviction Representation
 OBJECTIVE: 1 Post-Conviction Representation Service Categories:
 STRATEGY: 2 Post-Conviction Non-capital Representation Service: 01 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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OCFW represents a limited number of incarcerated persons serving sentences for non-capital crimes, where flawed forensic science tainted their conviction. See Tex. Govt. Code sec. 78.054. All of these cases involve wrongful convictions or innocence, and the integrity of the criminal justice systems depends on the funding of lawyers to identify and litigate these cases.

The Texas Forensic Science Commission refers OCFW these cases following an investigation into professional negligence, misconduct of forensic analysts, or unsupported forensic scientific analysis.

These are cases of potential wrongful conviction or innocence, where the Texas Forensic Science Commission has identified problematic or unsupportable forensic science that may have affected the reliability of a conviction.

EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:

3.A. Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

GOAL:	1	Post-Conviction Representation			
OBJECTIVE:	1	Post-Conviction Representation		Service Categories:	
STRATEGY:	2	Post-Conviction Non-capital Representation		Service: 01	Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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The 84th Legislature expanded OCFW’s mandate include these cases, but this priority was not funded until the last biennium. OCFW work in this area is limited what the two funded attorney FTE positions can reasonably accomplish with paralegal assistance.

The number of new cases OCFW can accept depends on how many cases are referred to it, the availability of staff with the capacity to provide professionally appropriate representation, and the financial resources of the agency.

OCFW cannot accept referrals of cases directly; its jurisdiction is limited to cases involving flawed forensic science that were referred in writing by the Forensic Science Commission. As such, OCFW’s ability to handle cases involving forensic science is limited to those over which the Forensic Science Commission has jurisdiction. In addition, referral is limited to only those cases where the Forensic Science Commission has opened an investigation into the forensic issue presented. Thus, the number of referrals received by OCFW from the Forensic Science Commission depends on the workload of that agency, how many investigations they conduct each year, whether the investigations are narrowly focused or broad based. As a result, the number of referrals can be expected to vary.

OCFW is litigating innocence and Article 11.073/junk science claims in two cases right now and is continuing to investigate and or seek additional forensic testing on other cases. By the end of the year, OCFW expects to file writs on behalf of two additional clients.

3.A. Strategy Request
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs

GOAL: 1 Post-Conviction Representation
OBJECTIVE: 1 Post-Conviction Representation Service Categories:
STRATEGY: 2 Post-Conviction Non-capital Representation Service: 01 Income: NA Age: NA

CODE	DESCRIPTION	Exp 2023	Est 2024	Bud 2025	BL 2026	BL 2027
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EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):

<u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u>		BIENNIAL	<u>EXPLANATION OF BIENNIAL CHANGE</u>	
Base Spending (Est 2024 + Bud 2025)	Baseline Request (BL 2026 + BL 2027)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$762,737	\$773,328	\$10,591	\$(13,143)	Reduction for one-time office renovation and move expenses for Fund 0001
			\$(2,666)	Reduction for one-time office renovation and move expenses for Fund 5073
			\$26,400	Adjustment necessary to implement the provisions of GAA, Art. IX, Sec. 17.16 (2024-25)
			\$10,591	Total of Explanation of Biennial Change

3.A. Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$2,316,599	\$3,123,045	\$3,390,152	\$3,266,676	\$3,266,677
METHODS OF FINANCE (INCLUDING RIDERS):				\$3,266,676	\$3,266,677
METHODS OF FINANCE (EXCLUDING RIDERS):	\$2,316,599	\$3,123,045	\$3,390,152	\$3,266,676	\$3,266,677
FULL TIME EQUIVALENT POSITIONS:	20.9	24.5	24.5	24.5	24.5

RIDER REVISION REQUEST

Agency Code: 215	Agency Name: Office of Capital and Forensic Writs	Prepared By: Joy Right	Date: August 12, 2024	Request Level: Baseline
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Current Rider Number	Page Number in 2024-25 GAA	Proposed Rider Language
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1

IV-32

~~**2. Relocation Funding.** Amounts appropriated above in fiscal year 2024 include \$118,290 in General Revenue Funds and \$23,992 in General Revenue Dedicated Account No. 5073 funds in strategy A.1.1, Post-Conviction Capital Representation, and \$13,143 in General Revenue Funds and \$2,666 in General Revenue Dedicated Account No. 5073 funds in strategy A.1.2, Post-Conviction Non-capital Representation, for one-time costs associated with moving the agency into larger office space.~~

EXCEPTIONAL ITEM REQUEST

4.A. Exceptional Item Request Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215**

Agency name: **Office of Capital and Forensic Writs**

CODE	DESCRIPTION	Excp 2026	Excp 2027
	Item Name: Administrative and Additional Paralegal Support For More Efficient and Effective Work.		
	Item Priority: 1		
	IT Component: No		
	Anticipated Out-year Costs: No		
	Involve Contracts > \$50,000: No		
	Includes Funding for the Following Strategy or Strategies:		
	01-01-01 Post-Conviction Capital Representation		
	01-01-02 Post-Conviction Non-capital Representation		
 OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	200,496	200,496
1002	OTHER PERSONNEL COSTS	1,001	1,001
2009	OTHER OPERATING EXPENSE	14,024	4,124
TOTAL, OBJECT OF EXPENSE		\$215,521	\$205,621
 METHOD OF FINANCING:			
5073	Fair Defense	215,521	205,621
TOTAL, METHOD OF FINANCING		\$215,521	\$205,621
FULL-TIME EQUIVALENT POSITIONS (FTE):		3.00	3.00

DESCRIPTION / JUSTIFICATION:

OCFW is virtually alone among state agencies in that it does not have any staff members serving in an administrative support capacity, such as administrative assistant, executive assistant or legal secretary.

OCFW is required to investigate constitutional claims relating to innocence/wrongful conviction, due process violations, and unconstitutional sentences, which requires a careful examination of all discovery, trial evidence, and new evidence developed through independent investigation. Due to the growth of electronic discovery and increased reliance on forensic evidence, the typical OCFW casefile size has skyrocketed, routinely containing hundreds of thousands of unique files and comprising multiple terabytes of data, all of which must be reviewed and digested by OCFW staff. One OCFW case has on its own over ten million discrete files.

OCFW legal staff are being inundated with ever-larger case files and electronic discovery, which both limits OCFW effectiveness on existing cases and prevents OCFW from accepting more cases.

Without administrative and additional paralegal support, OCFW's highly skilled staff are spending substantial portions of their work time performing tasks that are not mission critical and could be performed at significantly less expense by administrative support.

To allow OCFW staff to perform more mission-critical, legal work, OCFW seeks an Executive Assistant III and Administrative Assistant VI for a total biennial cost of \$270,964.

4.A. Exceptional Item Request Schedule
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 215

Agency name: **Office of Capital and Forensic Writs**

CODE	DESCRIPTION	Excp 2026	Excp 2027
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To provide additional paralegal support for more efficient and effective work by OCFW’s legal staff, OCFW seeks a paralegal (Legal Assistant IV) for a total biennial cost of \$150,180.

For each new FTE requested, OCFW’s request includes \$4006 in FY26 and \$706 in FY27 for computer equipment and software licensing costs, which would cover the costs to the Office of Court Administration for these staff members.

EXTERNAL/INTERNAL FACTORS:

The lack of administrative and paralegal help keeps OCFW staff from focusing on core functions. Based on timekeeping records, 20% of attorney and mitigation specialist time at OCFW is spent on paralegal and administrative tasks. Likewise, our accountants spend 25% of their time on tasks like HR onboarding/off-boarding, IT/equipment issues, inventory, office supplies, job postings, and purchasing instead of accounting.

The costs of this hole in OCFW’s organization is substantial. Instead of paying lawyers to lawyer, OCFW is paying lawyers to spend 20% of their time performing tasks that do not require a law degree. Instead of paying mitigation specialists to conduct detailed investigations into innocence, competency, trauma, or intellectual disability, OCFW is paying them to spend 20% of their time to organize files, digest and index records, arrange travel, and handle correspondence.

Administrative and paralegal help will allow the highly specialized OCFW staff to focus on the core mission of the agency and provide a greater degree of service to the State of Texas.

PCLS TRACKING KEY:

4.A. Exceptional Item Request Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215**

Agency name: **Office of Capital and Forensic Writs**

CODE	DESCRIPTION	Excp 2026	Excp 2027
	Item Name: 6% Judiciary-Wide Inflation Relief and Staff Retention and Recruitment. Item Priority: 2 IT Component: No Anticipated Out-year Costs: No Involve Contracts > \$50,000: No Includes Funding for the Following Strategy or Strategies: 01-01-01 Post-Conviction Capital Representation 01-01-02 Post-Conviction Non-capital Representation		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	154,861	154,861
1002	OTHER PERSONNEL COSTS	424	424
2009	OTHER OPERATING EXPENSE	2,322	2,322
TOTAL, OBJECT OF EXPENSE		\$157,607	\$157,607
METHOD OF FINANCING:			
5073	Fair Defense	157,607	157,607
TOTAL, METHOD OF FINANCING		\$157,607	\$157,607

DESCRIPTION / JUSTIFICATION:

Together with the Texas Supreme Court, the Court of Criminal Appeals, and other Courts and judicial agencies, OCFW requests 6% salary increase to retain talented staff and keep pace with inflation. With the help of the Legislature, OCFW has made strides towards paying OCFW staff more competitive wages, for which OCFW is deeply grateful. To continue to make progress, and to avoid losing any competitive ground, OCFW requests 6% to maintain a strong and experienced workforce.

But even after the increased funding received in the 88th Legislative Session, OCFW attorneys and staff, like those of other Article IV courts and agencies, remain impacted by increasing costs due to inflation and the draw of more lucrative employment opportunities in state governmental entities outside the judicial branch, the federal courts, and the private legal sector.

The cases handled by OCFW are the most serious in the criminal justice system and among the most complicated. Expertise is essential. OCFW cannot fulfill its mission when it cannot retain knowledgeable, experienced staff. And it cannot retain experienced staff when staff can walk down the street join a different governmental or public defender office and earn substantially more, or when it becomes too difficult to support a family on an OCFW salary. And when OCFW cannot retain talented staff, it cannot represent as many clients, shifting more costs of representation to Texas counties.

A 6% salary increase would also serve as a retention tool for experienced staff since any salary increase would increase the ERS pension benefit of employees who retire after 25 years commensurately. The retention and recruitment of highly skilled candidates is of utmost importance. Training of new staff is costly, not only because of the caliber

4.A. Exceptional Item Request Schedule
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215**

Agency name: **Office of Capital and Forensic Writs**

CODE	DESCRIPTION	Excp 2026	Excp 2027
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and complexity of the cases handled by OCFW, but also because of the added pressures of high ethical and confidentiality standards associated with this work.

EXTERNAL/INTERNAL FACTORS:

The consumer price index was 6.5% in 2022 3.4% in 2023 and is estimated to be 3.15% for 2024. The median home price in the Austin-Round Rock metro area has increased from \$240,000 in 2014 to \$550,000 in 2024.

OCFW Attorney salaries compare unfavorably to the salaries earned by UT Law School graduates entering the legal profession without any experience (median salary: \$205,000), salaries of prosecutors who serve as opposing counsel in OCFW cases (e.g., two opposing counsel in Harris County earn \$193,000 and \$155,000), and the salaries paid by the Regional Public Defender for Capital Cases(RPDO), a capital public defender program based in Lubbock funded by TIDC (salary range from \$125,000 to \$161,000).

The salary range for mitigation specialists employed by the Federal Public Defender for the Southern District of Texas starts at \$84,000 and tops out at \$140,000. The RPDO mitigation specialist salaries range from \$85,000 to \$110,000 at the senior level.

PCLS TRACKING KEY:

4.A. Exceptional Item Request Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215**

Agency name: **Office of Capital and Forensic Writs**

CODE	DESCRIPTION	Excp 2026	Excp 2027
	Item Name: Mitigation Specialist Pipeline Fellowship.		
	Item Priority: 3		
	IT Component: No		
	Anticipated Out-year Costs: No		
	Involve Contracts > \$50,000: No		
	Includes Funding for the Following Strategy or Strategies: 01-01-01 Post-Conviction Capital Representation		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	60,000	60,000
1002	OTHER PERSONNEL COSTS	300	300
2005	TRAVEL	11,744	11,744
2009	OTHER OPERATING EXPENSE	4,606	1,306
TOTAL, OBJECT OF EXPENSE		\$76,650	\$73,350
METHOD OF FINANCING:			
5073	Fair Defense	76,650	73,350
TOTAL, METHOD OF FINANCING		\$76,650	\$73,350
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.00	1.00

DESCRIPTION / JUSTIFICATION:

The work of mitigation specialists is essential to the work of OCFW. Mitigation Specialists are trained interviewers and investigators into areas relevant to culpability and punishment like intellectual disability, mental illness, and trauma, in addition to essential innocence and factual investigations. Experienced, high-quality mitigation specialists are difficult to find.

A capital mitigation fellowship would allow us to create a mini-pipeline or “build the bench” of mitigation specialists, and develop and train promising, but inexperienced candidates into fully formed mitigation specialists with training and experience, who would be highly competitive and qualified candidates for permanent, higher-level mitigation employment at OCFW or another Texas public defense organization. A mitigation fellow would also allow OCFW to hedge against the business costs of turnover. When mitigation specialists leave, it is common that it takes six months for their replacement to be hired, trained, brought up to speed. In the meantime, casework and investigation lags.

To hedge against the business costs of attrition, enable OCFW to investigate more reliably and efficiently and handle more work, and “build the bench” of qualified mitigation specialists, OCFW seeks funding for a two-year mitigation fellowship position.

This request includes \$4006 in FY26 and \$706 in FY27 for computer equipment and software licensing costs, which would cover the costs to the Office of Court Administration for these staff members.

4.A. Exceptional Item Request Schedule
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 215

Agency name: **Office of Capital and Forensic Writs**

CODE	DESCRIPTION	Excp 2026	Excp 2027
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EXTERNAL/INTERNAL FACTORS:

OCFW has struggled with turnover among mitigation specialists for some time. While the rate of attrition is no longer the 100% seen in FY2019, or the 30% seen in FY22, it remains a detrimentally high 15% (which compares unfavorably the attrition rates among investigators at other state agencies). Moreover, post-conviction work is impossible without investigation. When mitigation specialists leave, the work of OCFW slows and the number of cases it can handle diminishes.

The business costs of turnover are steep. The delays in casework are difficult to quantify, but the costs associated with turnover are estimated to range from 40% to 200% of a departed employee's salary. OCFW's experience is similar. When mitigation specialists leave, it is common that it takes at least six months for their replacement to be hired, trained, brought up to speed. In the meantime, casework and investigation lags.

PCLS TRACKING KEY:

4.B. Exceptional Items Strategy Allocation Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215** Agency name: **Office of Capital and Forensic Writs**

Code	Description	Excp 2026	Excp 2027
Item Name:		Administrative and Additional Paralegal Support For More Efficient and Effective Work.	
Allocation to Strategy:		1-1-1	Post-Conviction Capital Representation
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	175,746	175,746
1002	OTHER PERSONNEL COSTS	878	878
2009	OTHER OPERATING EXPENSE	12,574	3,664
TOTAL, OBJECT OF EXPENSE		\$189,198	\$180,288
METHOD OF FINANCING:			
5073	Fair Defense	189,198	180,288
TOTAL, METHOD OF FINANCING		\$189,198	\$180,288
FULL-TIME EQUIVALENT POSITIONS (FTE):		2.7	2.7

4.B. Exceptional Items Strategy Allocation Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215** Agency name: **Office of Capital and Forensic Writs**

Code	Description	Excp 2026	Excp 2027
Item Name:		Administrative and Additional Paralegal Support For More Efficient and Effective Work.	
Allocation to Strategy:		1-1-2 Post-Conviction Non-capital Representation	
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	24,750	24,750
1002	OTHER PERSONNEL COSTS	123	123
2009	OTHER OPERATING EXPENSE	1,450	460
TOTAL, OBJECT OF EXPENSE		\$26,323	\$25,333
 METHOD OF FINANCING:			
5073	Fair Defense	26,323	25,333
TOTAL, METHOD OF FINANCING		\$26,323	\$25,333
 FULL-TIME EQUIVALENT POSITIONS (FTE):		 0.3	 0.3

4.B. Exceptional Items Strategy Allocation Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215** Agency name: **Office of Capital and Forensic Writs**

Code	Description	Excp 2026	Excp 2027
Item Name:		6% Judiciary-Wide Inflation Relief and Staff Retention and Recruitment.	
Allocation to Strategy:		1-1-1	Post-Conviction Capital Representation
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	135,623	135,623
1002	OTHER PERSONNEL COSTS	379	379
2009	OTHER OPERATING EXPENSE	2,034	2,034
TOTAL, OBJECT OF EXPENSE		\$138,036	\$138,036
METHOD OF FINANCING:			
5073	Fair Defense	138,036	138,036
TOTAL, METHOD OF FINANCING		\$138,036	\$138,036

4.B. Exceptional Items Strategy Allocation Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215** Agency name: **Office of Capital and Forensic Writs**

Code	Description	Excp 2026	Excp 2027
Item Name:		6% Judiciary-Wide Inflation Relief and Staff Retention and Recruitment.	
Allocation to Strategy:		1-1-2	Post-Conviction Non-capital Representation
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	19,238	19,238
1002	OTHER PERSONNEL COSTS	45	45
2009	OTHER OPERATING EXPENSE	288	288
TOTAL, OBJECT OF EXPENSE		\$19,571	\$19,571
METHOD OF FINANCING:			
5073	Fair Defense	19,571	19,571
TOTAL, METHOD OF FINANCING		\$19,571	\$19,571

4.B. Exceptional Items Strategy Allocation Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **215** Agency name: **Office of Capital and Forensic Writs**

Code	Description	Excp 2026	Excp 2027
Item Name:			
	Mitigation Specialist Pipeline Fellowship.		
Allocation to Strategy:			
	1-1-1 Post-Conviction Capital Representation		
OBJECTS OF EXPENSE:			
1001	SALARIES AND WAGES	60,000	60,000
1002	OTHER PERSONNEL COSTS	300	300
2005	TRAVEL	11,744	11,744
2009	OTHER OPERATING EXPENSE	4,606	1,306
TOTAL, OBJECT OF EXPENSE		\$76,650	\$73,350
METHOD OF FINANCING:			
5073	Fair Defense	76,650	73,350
TOTAL, METHOD OF FINANCING		\$76,650	\$73,350
FULL-TIME EQUIVALENT POSITIONS (FTE):		1.0	1.0

4.C. Exceptional Items Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: **215** Agency name: **Office of Capital and Forensic Writs**

GOAL: 1 Post-Conviction Representation

OBJECTIVE: 1 Post-Conviction Representation

STRATEGY: 1 Post-Conviction Capital Representation

Service Categories:

Service: 01 Income: NA Age: NA

CODE DESCRIPTION	Exp 2026	Exp 2027
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STRATEGY IMPACT ON OUTCOME MEASURES:

<u>1</u> Percentage of Capital Writs Filed on a Timely Basis	100.00 %	100.00 %
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OUTPUT MEASURES:

<u>1</u> Number of New Capital Cases Accepted	1.00	1.00
<u>2</u> Number Of Capital Cases Refused	(1.00)	(1.00)

EXPLANATORY/INPUT MEASURES:

<u>1</u> Number of Capital Cases Pending	36.00	36.00
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OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	371,369	371,369
1002 OTHER PERSONNEL COSTS	1,557	1,557
2005 TRAVEL	11,744	11,744
2009 OTHER OPERATING EXPENSE	19,214	7,004
Total, Objects of Expense	\$403,884	\$391,674

METHOD OF FINANCING:

5073 Fair Defense	403,884	391,674
Total, Method of Finance	\$403,884	\$391,674

FULL-TIME EQUIVALENT POSITIONS (FTE):

	3.7	3.7
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Administrative and Additional Paralegal Support For More Efficient and Effective Work.

6% Salary Increase to Retain Talented Staff and Keep Pace With Inflation.

4.C. Exceptional Items Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: **215** Agency name: **Office of Capital and Forensic Writs**

GOAL: 1 Post-Conviction Representation

OBJECTIVE: 1 Post-Conviction Representation

STRATEGY: 1 Post-Conviction Capital Representation

Service Categories:

Service: 01 Income: NA Age: NA

CODE	DESCRIPTION	Excp 2026	Excp 2027
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Mitigation Specialist Pipeline Fellowship.

4.C. Exceptional Items Strategy Request
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: **215** Agency name: **Office of Capital and Forensic Writs**

GOAL: 1 Post-Conviction Representation

OBJECTIVE: 1 Post-Conviction Representation

STRATEGY: 2 Post-Conviction Non-capital Representation

Service Categories:

Service: 01 Income: NA Age: NA

CODE DESCRIPTION	Exp 2026	Exp 2027
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STRATEGY IMPACT ON OUTCOME MEASURES:

<u>1</u> Percentage of Capital Writs Filed on a Timely Basis	100.00 %	100.00 %
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OUTPUT MEASURES:

<u>1</u> Number of New Non-capital Cases Accepted	1.00	1.00
<u>3</u> Number Of Non-capital Cases Reviewed	1.00	1.00

EXPLANATORY/INPUT MEASURES:

<u>1</u> The Number of Non-capital Cases Pending	16.00	16.00
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OBJECTS OF EXPENSE:

1001 SALARIES AND WAGES	43,988	43,988
1002 OTHER PERSONNEL COSTS	168	168
2009 OTHER OPERATING EXPENSE	1,738	748
Total, Objects of Expense	\$45,894	\$44,904

METHOD OF FINANCING:

5073 Fair Defense	45,894	44,904
Total, Method of Finance	\$45,894	\$44,904

FULL-TIME EQUIVALENT POSITIONS (FTE):

	0.3	0.3
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EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:

Administrative and Additional Paralegal Support For More Efficient and Effective Work.

6% Salary Increase to Retain Talented Staff and Keep Pace With Inflation.

**HISTORICALLY UNDERUTILIZED BUSINESS
SUPPORTING SCHEDULE**

6.A. Historically Underutilized Business Supporting Schedule
 89th Regular Session, Agency Submission, Version 1
 Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: 215 Agency: Office of Capital and Forensic Writs

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

A. Fiscal Year - HUB Expenditure Information

Statewide HUB Goals	Procurement Category	% Goal	HUB Expenditures FY 2022			Total Expenditures FY 2022		HUB Expenditures FY 2023			Total Expenditures FY 2023	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	FY 2023		
11.2%	Heavy Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
21.1%	Building Construction	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
32.9%	Special Trade	0.0 %	0.0%	0.0%	\$0	\$0	0.0 %	0.0%	0.0%	\$0	\$0	
23.7%	Professional Services	0.0 %	0.0%	0.0%	\$0	\$2,170	0.0 %	0.0%	0.0%	\$0	\$0	
26.0%	Other Services	5.0 %	0.0%	-5.0%	\$0	\$102,036	5.0 %	2.9%	-2.1%	\$2,377	\$82,295	
21.1%	Commodities	21.1 %	36.6%	15.5%	\$8,829	\$24,095	21.1 %	58.2%	37.1%	\$26,551	\$45,615	
	Total Expenditures		6.9%		\$8,829	\$128,301		22.6%		\$28,928	\$127,910	

B. Assessment of Attainment of HUB Procurement Goals

Attainment:

The agency attained one of two goals of the applicable agency HUB procurement goals in FY 2022 and FY 2023, and is pleased that its efforts to purchase more commodities from HUB vendors resulted in this goal being dramatically exceeded.

Applicability:

OCFW does not have real property, so it does not have expenditures in the Heavy Construction, Building Construction, or Special Trade HUB categories. Insignificant amounts for professional Services were reported in FY 2022.

Factors Affecting Attainment:

OCFW did not meet the Statewide HUB Goal in the "other Services" category in FY 2022 and FY 2023. OCFW expends this procurement category on judicial-related items, so many of the "other services" vendors were persons providing specialized legal or expert witness services which are difficult to procure through the HUB procurement process and that cannot be sourced elsewhere.

C. Good-Faith Efforts to Increase HUB Participation

Outreach Efforts and Mentor-Protégé Programs:

OCFW has made efforts to purchase from certified HUB vendors to the extent possible, directly and through TexasSmartBuy, and will continue to do so. Based on available financial data, OCFW far exceeded its HUB goals for commodities in FY 2022 and FY 2023.

6.A. Historically Underutilized Business Supporting Schedule
89th Regular Session, Agency Submission, Version 1
Automated Budget and Evaluation System of Texas (ABEST)

Agency Code: **215** Agency: **Office of Capital and Forensic Writs**

HUB Program Staffing:

OCFW is a small state agency with no HUB staff or staff dedicated to procurement.

Current and Future Good-Faith Efforts:

OCFW will continue to prioritize HUB vendors and utilize TexasSmartBuy for procurement needs.