

# Legislative Appropriations Request

For Fiscal Years 2022 and 2023

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

by the

## Office of Capital and Forensic Writs

September 22, 2020

(Revised)

**FY 2020-21 LEGISLATIVE APPROPRIATIONS REQUEST**  
**Office of Capital and Forensic Writs**

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Since 2010, the Office of Capital and Forensic Writs (OCFW) has had the privilege of serving an essential function for the State of Texas and the criminal justice system: ensuring that convictions are constitutionally sound, reliable, and untainted by questionable forensic science.

OCFW does this through two basic programs:

(1) CAPITAL POST-CONVICTION REPRESENTATION.

- a. OCFW safeguards the constitutionality of death penalty convictions and sentences by investigating and litigating all possible constitutional claims in post-conviction litigation in Texas courts, ensuring that these fundamental claims are fully aired, and Texas courts can consider them efficiently and fairly.
- b. OCFW represents approximately 80% of persons sentenced to death in mandated capital post-conviction proceedings, ensuring that all possible claims are investigated consistent with professional norms and statutory requirements, and all courts are well equipped to decide all possible claims in one full and fair court proceeding soon after conviction, rather than in successive rounds of piecemeal litigation.
- c. Capital post-conviction representation and investigation are mandated by statute (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.
- d. By providing this service, OCFW safeguards the integrity and reliability of the Texas criminal justice system.

(2) FORENSIC WRIT REPRESENTATION.

- a. OCFW represents a limited number of incarcerated persons serving sentences for non-capital crimes, where questionable forensic science tainted their conviction. *See* Tex. Govt. Code sec. 78.054.
- b. The only cases OCFW handles under this mandate are those of potential wrongful conviction or innocence that have been referred by the Texas Forensic Science Commission following an investigation into the professional negligence or misconduct of forensic analysts or unsupported forensic scientific analysis and testimony.
- c. The 84<sup>th</sup> Legislature expanded OCFW's mandate, but this priority was not funded until the current biennium when OCFW received 2 FTEs to handle these cases involving questionable forensic science. The need is great; while OCFW expected a limited number of referrals, the Forensic Science Commission referred 60 cases in FY2020.

In 2015, the Court of Criminal Appeals appointed current OCFW Director, Benjamin Wolff, and reappointed him to a second four-year term in 2019. As a judicial branch agency, OCFW relies on many services provided by the Office of Court Administration (OCA) to function effectively. As such, OCFW fully supports the baseline and exceptional appropriations requests of OCA.

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**OCFW'S SERVICES ARE BOTH ESSENTIAL AND ECONOMICAL**

OCFW practices statewide, focusing narrowly on constitutional issues, forensic science, and wrongful convictions. Capital and forensic writ cases are extraordinarily complex and require post-conviction and appellate specialists to provide this highly technical and often resource-intensive representation. OCFW's caseload comes from counties, big and small, across the State of Texas. Where OCFW is unable to provide representation, counties bear the entire cost of representation by paying appointed attorneys, mitigation specialists, investigators, and experts often on an hourly basis. 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 requisite level of representation.

OCFW is funded entirely from the Fair Defense Account (Fund 5073), a dedicated account that can only be spent on indigent defense. OCFW is not seeking general revenue to fund its important programs.

As an institutional public defender program, OCFW benefits from economies of scale and provides cost-effective representation by highly specialized, supervised staff, who deliver mandated services while keeping costs lower than commensurate representation delivered by attorneys in private practice.

**OCFW'S LOW PAY HAS CREATED UNUSUALLY HIGH TURNOVER**

In just 10 years, OCFW has lost 38 employees—the equivalent of losing 185% of its current staff. In 2017, OCFW lost 22% of its attorneys. In 2018, 48%. In 2019, 53%. During those same years, the Office of Court Administration saw attrition of 10% or less, and the State Prosecuting Attorney—OCFW's closest analog—saw 0% attrition. Turnover among OCFW mitigation specialists is even more startling: attrition among these vital staff climbed from 36% in 2017 to 100% in 2019.

In 2018, OCFW commissioned an outside audit to assess its challenges and effectiveness. The audit identified two drivers of attrition at OCFW—uncompetitive salaries and caseloads that exceeded national standards. With the help of the 86<sup>th</sup> Legislature, OCFW made progress toward reducing its caseload to national standards. But uncompetitive salaries continue to destabilize OCFW.

During informal exit interviews, departing staff consistently tell OCFW leadership that they are leaving to pursue similar work at a higher rate of pay. Many former OCFW staff now populate different capital public defender offices across the state; after getting training and experience at OCFW, they leave for other, better paying jobs in the federal and state criminal justice field. After federal defenders opened Capital Habeas Units in Austin

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and Dallas in 2017, OCFW attrition increased. The creation of the Travis County Public Defender will likely have a similar effect when it begins hiring staff attorneys this year.

The business costs of turnover are steep. Economists estimate that the direct replacement costs for salaried employees can exceed 50% to 60% of an employee's annual salary. OCFW is no different. Being shorthanded means that OCFW cannot accept as many new cases, or efficiently staff and litigate existing cases. Because of staff turnover and the corresponding inability to adequately staff many cases, OCFW's effectiveness and impact is diminished. Given the complexity of capital and forensic post-conviction work, there is a steep learning curve to each post-conviction matter that OCFW handles. Capital trials sometimes last for months, and the record of these proceedings amount to tens of thousands of pages with tens of thousands of other pages of case files and documentary evidence that must be reviewed. Forensic cases are sometimes smaller, but their subject matter is more complicated. Former attorneys' caseloads must be assumed by remaining staff, who must start their review of the voluminous, complex record from scratch. While the litigation of cases can take 5-8 years, OCFW has been unable to retain many staff for longer than a fraction of that time, leading to less reliable adjudication.

**OCFW's TURNOVER IS DRIVEN BY UNCOMPETITIVE SALARIES**

The work of OCFW attorneys and mitigation specialists is complex, highly specialized, and vitally important to the fair administration of justice in Texas. But OCFW is unable to retain talented employees because it is unable to pay competitive salaries. Staff are highly dedicated to the mission of OCFW and motivated to perform exceptional work for their clients and the State of Texas on a consistent basis. Given present salary levels, however, OCFW is unable to retain its employees because they receive offers to perform rewarding work at similar governmental agencies at 150% or even 200% of what OCFW can pay them.

In fiscal year 2021, OCFW anticipates its average attorney salary will reach only \$75,000. By comparison:

- Assistant State Prosecuting Attorneys, who perform similarly specialized appellate representation before the Court of Criminal Appeals on behalf of the State of Texas, earn \$115,573 (E-Class data from State Auditor);
- According to the State Bar of Texas, the mean salary for appellate attorneys in Austin in 2015 was \$203,000 ([https://www.texasbar.com/AM/Template.cfm?Section=Demographic\\_and\\_Economic\\_Trends&Template=/CM/ContentDisplay.cfm&ContentID=34183](https://www.texasbar.com/AM/Template.cfm?Section=Demographic_and_Economic_Trends&Template=/CM/ContentDisplay.cfm&ContentID=34183));
- Assistant Federal Public Defenders who do similarly specialized post-conviction, habeas corpus representation can earn up to \$170,000 in salaries tied to the earnings of similarly situated Assistant United States Attorneys (Information provided by the Federal Public Defender).
- Attorneys at the newly formed Travis County Public Defender with just six years of experience can earn up to \$124,000, while those with eight years of experience can earn up to \$132,000 (based on information provided by the Chief Public Defender, Travis County).

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- The Texas Workforce Commission reports that the average salary in the Austin-Round Rock statistical area for experienced attorneys is \$154,043 (<https://texaswages.com/MSAWages/MSASocDetails?soc=23-1011&wgeType=experience>) and \$126,120 for attorneys overall (<https://texaswages.com/MSAWages/MSASocDetails?soc=23-1011&wgeType=mean>).

Likewise, in this fiscal year, OCFW anticipates that its average mitigation specialist salary will reach only \$58,000. By comparison:

- The Texas Workforce Commission reports that the average salary for legal support professionals in the capital area is \$74,198 (<https://texaswages.com/WDAWages/WDASocDetails?soc=23-2099&wgeType=mean>).
- Mitigation specialists and investigators employed by the Federal Public Defender can earn salaries that range from \$68,994 to \$151,061 (Information provided by Federal Public Defender).
- Investigators employed by Travis County earn salaries that start at \$72,000 (information provided by Chief Public Defender, Travis County);
- Mitigation specialists in private practice commonly earn between \$125 and \$175 per hour for their services by federal courts, *see* [https://www.fd.org/sites/default/files/criminal\\_defense\\_topics/essential\\_topics/cja\\_panel\\_information/2019-dec-10\\_dsc\\_memo\\_re\\_rev\\_experience-based\\_hourly\\_rate\\_changes\\_002.pdf](https://www.fd.org/sites/default/files/criminal_defense_topics/essential_topics/cja_panel_information/2019-dec-10_dsc_memo_re_rev_experience-based_hourly_rate_changes_002.pdf), and between \$75 and \$125 per hour by Texas courts (information on file with OCFW).

OCFW will continue to suffer high rates of attrition, while employees can leave state employment and walk a few blocks to join a different governmental agency and earn substantially more performing similar or even less-complex, lower-stakes work.

#### EXCEPTIONAL BUDGET REQUESTS

OCFW attorneys are as important to the State of Texas and its administration of criminal justice as their prosecutorial counterparts who perform similarly complex appellate litigation before the Court of Criminal Appeals. Mitigation specialists are likewise an invaluable part of the process as their investigations uncover much of the evidence that is necessary for reliable adjudication. OCFW, however, cannot fulfill its mission when it cannot retain knowledgeable, experienced staff. To combat the chronic attrition of essential staff, OCFW has two related exceptional budgetary items:

1. OCFW seeks salary parity for attorney staff with its colleagues from the Office of the State Prosecuting Attorney, so that its attorneys earn, on average, \$115,000 per year. In addition, to retain its indispensable mitigation staff, OCFW seeks appropriations so that mitigation specialists earn on average \$75,000. To fund these priorities within both budgetary strategies, OCFW seeks \$1,181,000 over the biennium from the Fair Defense Account (Fund 5073), which is limited to indigent defense purposes.

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2. OCFW seeks restoration of 5% budgetary base reduction from the Fair Defense Account (Fund 5073). Because of its small size and lean budget, OCFW would be forced to reduce its salary budgetary line item to account for the 5% base reduction in fiscal years 2022 and 2023. Without the restoration of this cut, OCFW would be forced to reduce its salary budget item over the biennium by \$166,980 in its capital strategy and \$18,554 in its forensic writ strategy. This would have the effect of compounding the existing emergency created by low, uncompetitive salaries, leading to additional losses of valuable staff.

OCFW is cognizant of and sensitive to the pain and budgetary problems associated with the pandemic. OCFW, however, is facing an extraordinary staffing crisis due to uncompetitive salaries. Without urgent action, OCFW's crisis can only be expected to further deteriorate.

**REQUEST FOR UNEXPENDED BALANCE AUTHORITY**

Uncertainty exists with respect to investigation and litigation costs because they vary based on the particulars of the case being filed, and 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. This will be particularly important in the upcoming biennium where costs may be deferred and fluctuate more than normal due to the pandemic.

Unexpended balances authority was given to the OCFW by the 82nd, 83rd, 84th, 85th and 86th Legislatures. OCFW requests unexpended balance budget authority again in FY 2022-23.

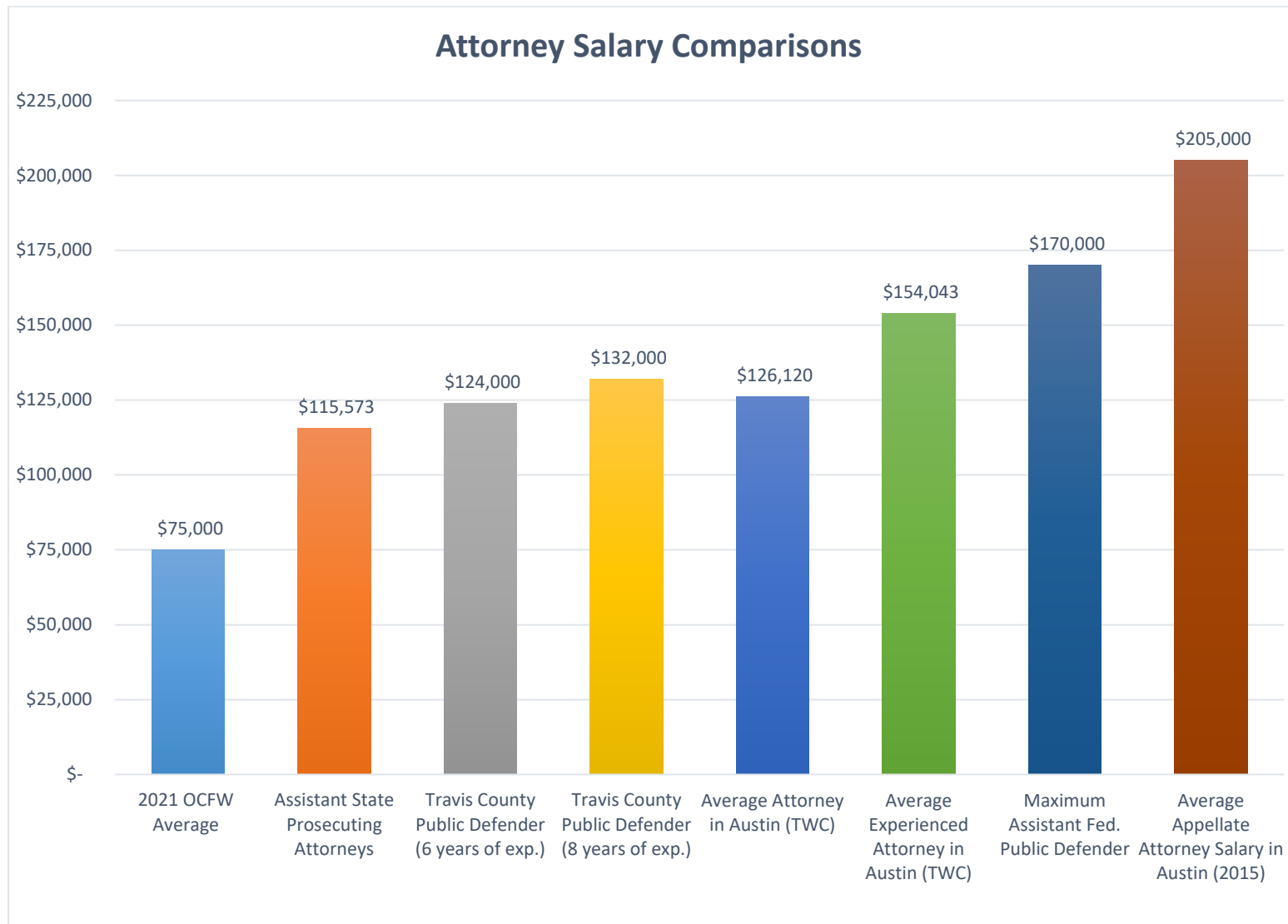
\* \* \*

In order to meet its mandate and provide essential services to the state, OCFW respectfully asks that its appropriations request receive favorable consideration.

Respectfully submitted,

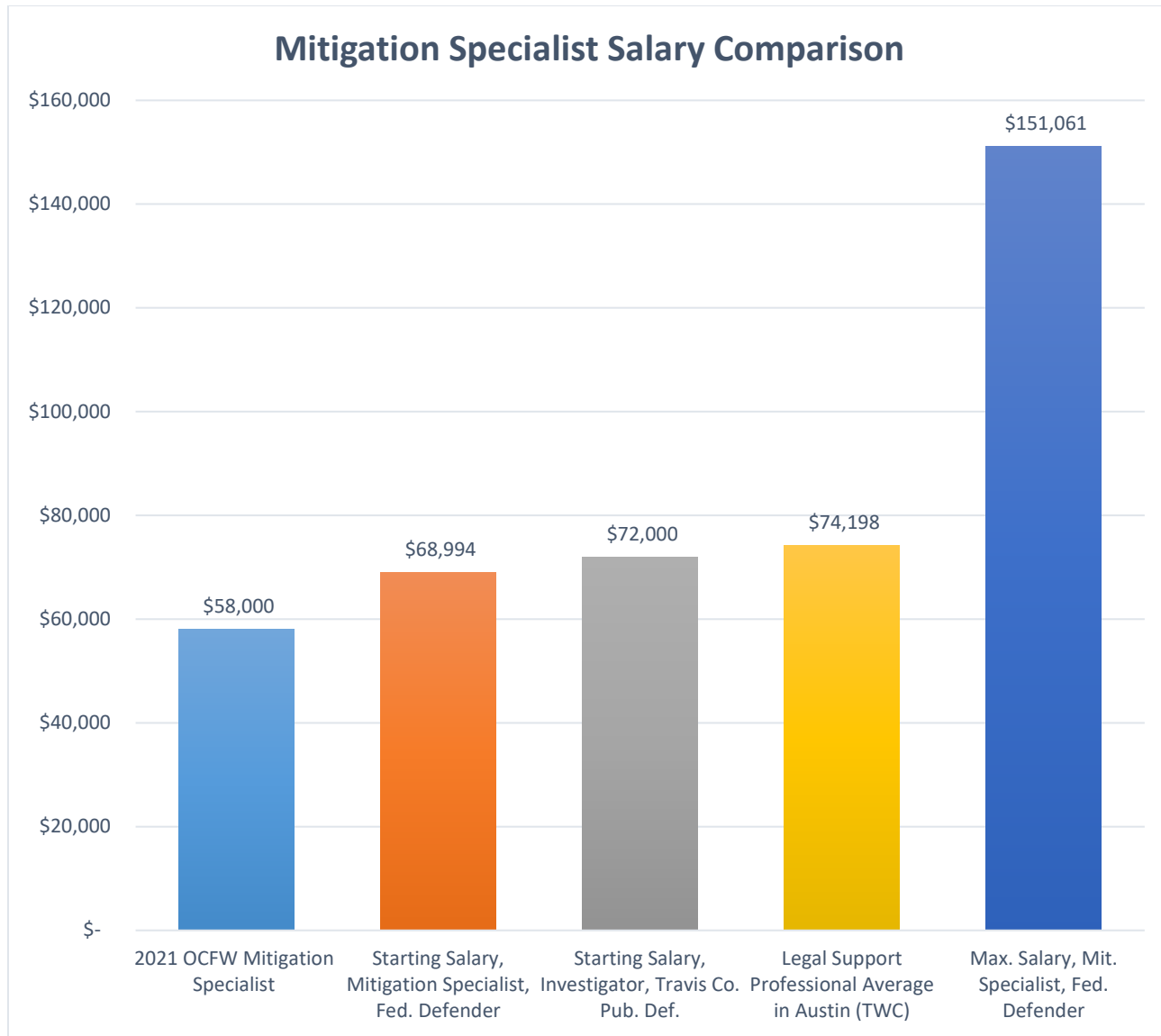
Benjamin B. Wolff  
Director  
Office of Capital and Forensic Writs

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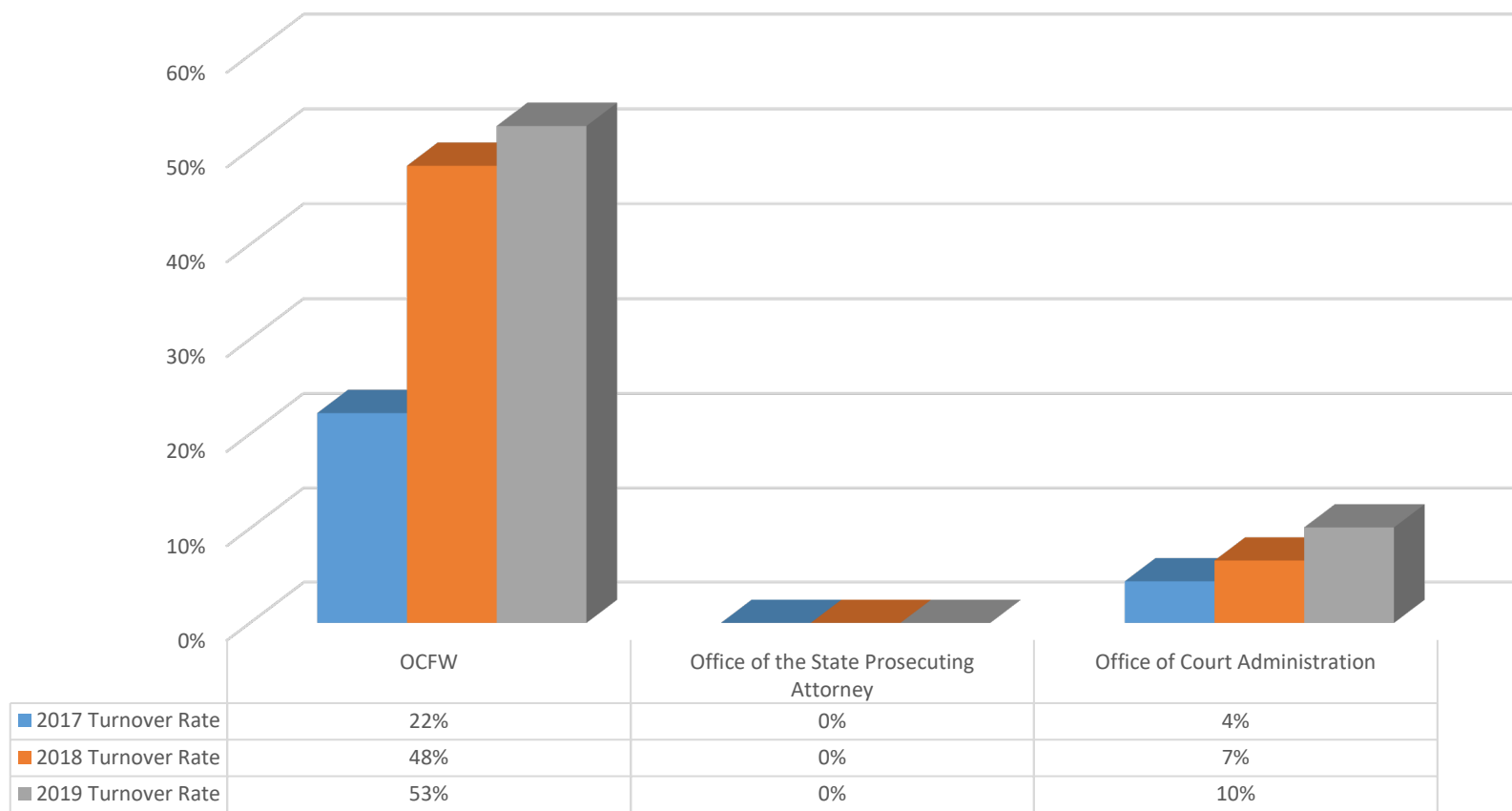
215 Office of Capital and Forensic Writs



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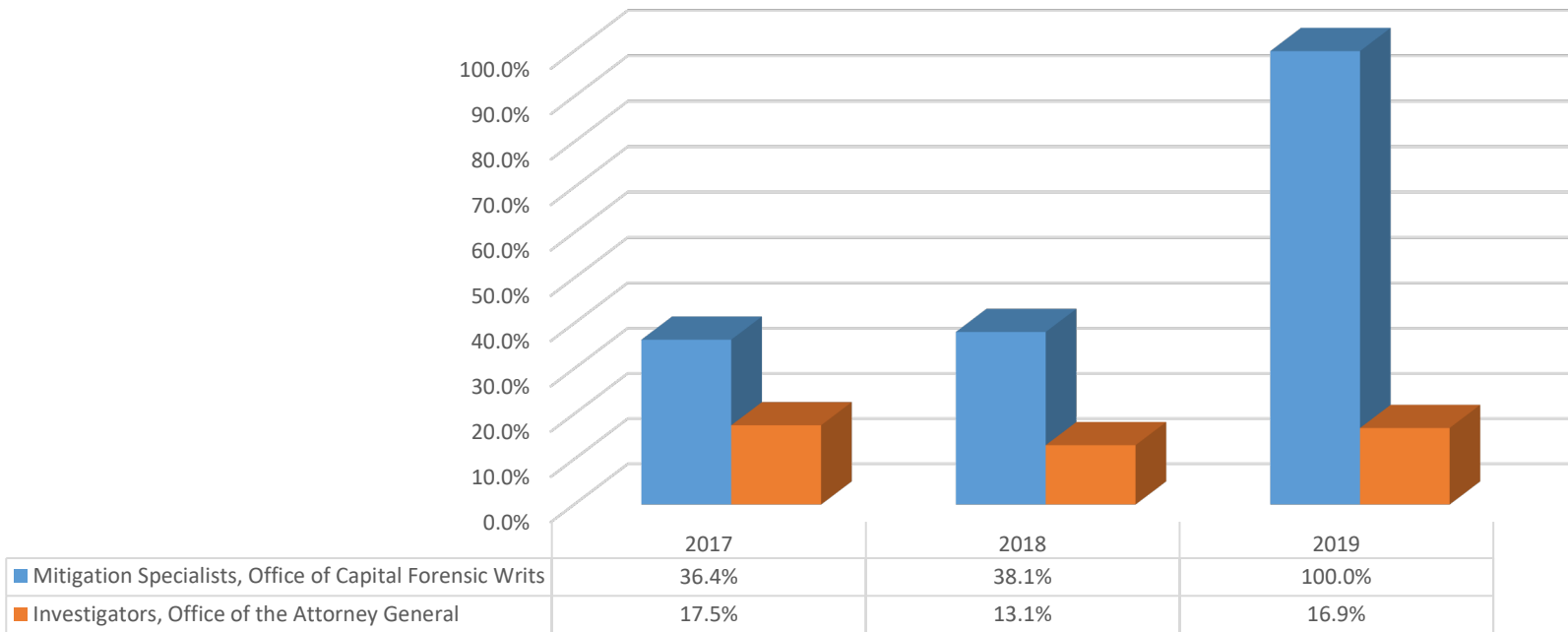
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**Turnover Rate Among Attorneys**



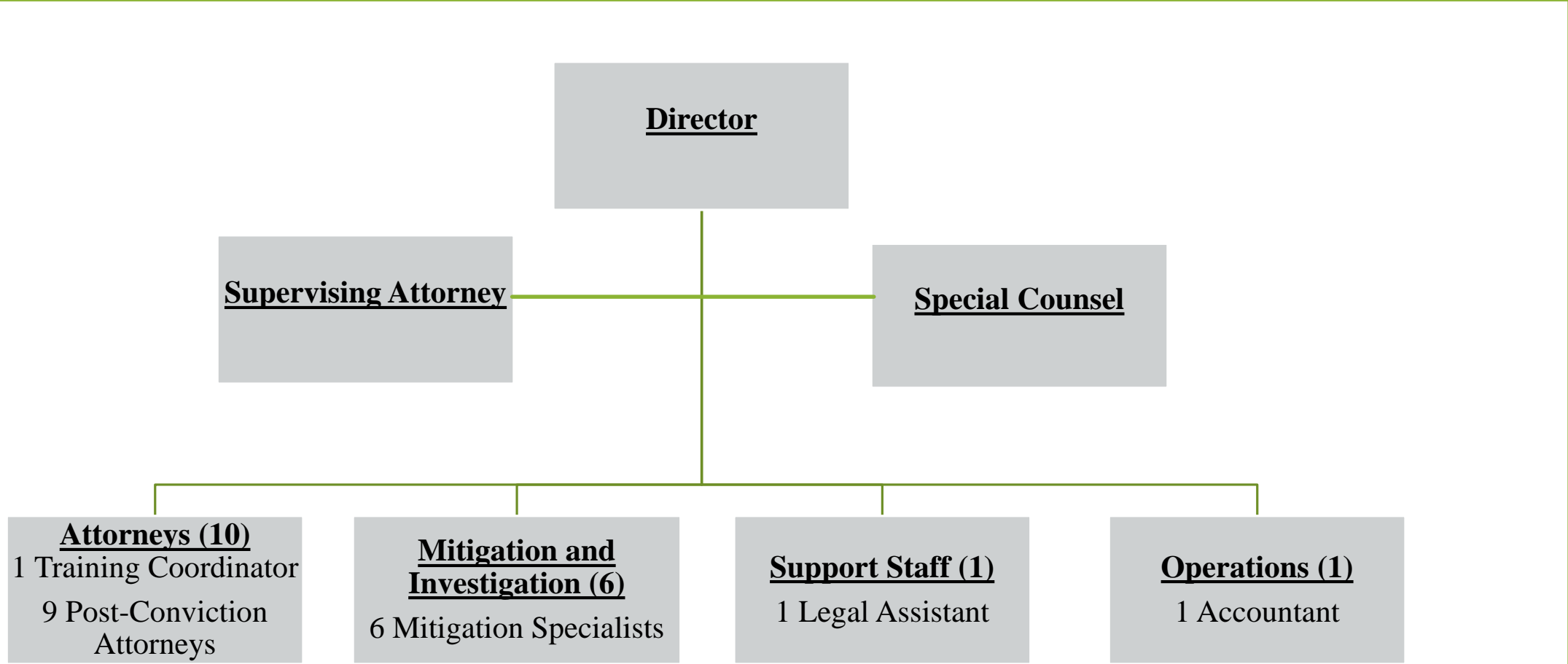
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**Comparative Turnover Rate Among Mitigation Specialists and Investigators at OCFW and the Office of the Attorney General**



■ Mitigation Specialists, Office of Capital Forensic Writs     
 ■ Investigators, Office of the Attorney General

**Office of Capital and Forensic Writs**  
**Organizational Chart**



The Office of Capital and Forensic Writs does not have an oversight or advisory board.



## CERTIFICATE

**Agency Name** The 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**

Handwritten signature of Benjamin B. Wolff in blue ink.

Signature

Benjamin B. Wolff

Printed Name

Director

Title

September 22, 2020

Date

**Board or Commission Chair**

Signature

Printed Name

Title

Date

**Chief Financial Officer**

Handwritten signature of Sandra Justice in blue ink.

Signature

Sandra Justice

Printed Name

Senior Accountant

Title

September 22, 2020

Date

**Budget Overview - Biennial Amounts**  
**87th Regular Session, Agency Submission, Version 1**  
Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs  
Appropriation Years: 2022-23

	GENERAL REVENUE FUNDS		GR DEDICATED		FEDERAL FUNDS		OTHER FUNDS		ALL FUNDS		EXCEPTIONAL ITEM FUNDS	
	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2020-21	2022-23	2022-23	
<b>Goal: 1. Post-Conviction Representation</b>												
1.1.1. Capital Representation			3,160,569	3,045,836					3,160,569	3,045,836		1,186,041
1.1.2. Non-Capital Representation			364,587	479,320					364,587	479,320		180,954
<b>Total, Goal</b>			<b>3,525,156</b>	<b>3,525,156</b>					<b>3,525,156</b>	<b>3,525,156</b>		<b>1,366,995</b>
<b>Total, Agency</b>			<b>3,525,156</b>	<b>3,525,156</b>					<b>3,525,156</b>	<b>3,525,156</b>		<b>1,366,995</b>
<b>Total FTEs</b>									<b>20.5</b>	<b>20.5</b>		<b>0.0</b>

# SUMMARIES OF REQUEST

2.A. Summary of Base Request by Strategy

9/22/2020 2:27:18PM

87th 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 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<b>1</b> Post-Conviction Representation					
<b>1</b> Post-Conviction Representation					
<b>1</b> CAPITAL REPRESENTATION	1,338,588	1,445,177	1,715,392	1,522,918	1,522,918
<b>2</b> NON-CAPITAL REPRESENTATION	0	116,712	247,875	239,660	239,660
TOTAL, GOAL <b>1</b>	<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>
TOTAL, AGENCY STRATEGY REQUEST	<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>
TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST*				<b>\$0</b>	<b>\$0</b>
GRAND TOTAL, AGENCY REQUEST	<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>



2.A. Summary of Base Request by Strategy

9/22/2020 2:27:18PM

87th 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 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<u>METHOD OF FINANCING:</u>					
<b>General Revenue Funds:</b>					
1 General Revenue Fund	0	0	0	0	0
<b>SUBTOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>General Revenue Dedicated Funds:</b>					
5073 Fair Defense	1,338,588	1,561,889	1,963,267	1,762,578	1,762,578
<b>SUBTOTAL</b>	<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>

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

**2.B. Summary of Base Request by Method of Finance**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

9/22/2020 2:27:18PM

Agency code: <b>215</b>	Agency name: <b>Office of Capital and Forensic Writs</b>				
<b>METHOD OF FINANCING</b>	<b>Exp 2019</b>	<b>Est 2020</b>	<b>Bud 2021</b>	<b>Req 2022</b>	<b>Req 2023</b>
<b><u>GENERAL REVENUE</u></b>					
<b><u>1</u></b> General Revenue Fund					
<i>REGULAR APPROPRIATIONS</i>					
Regular Appropriations from MOF Table (2020-21 GAA)					
	\$0	\$0	\$0	\$0	\$0
<b>TOTAL, General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>TOTAL, ALL GENERAL REVENUE</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**GENERAL REVENUE FUND - DEDICATED**

**5073** GR Dedicated - Fair Defense Account No. 5073  
*REGULAR APPROPRIATIONS*

Regular Appropriation from MOF Table (2018-19 GAA)					
	\$1,337,586	\$0	\$0	\$0	\$0
Regular Appropriations from MOF Table (2020-21 GAA)					
	\$0	\$1,851,889	\$1,858,802	\$0	\$0
Regular Appropriations from MOF Table (2022-23 GAA)					
	\$0	\$0	\$0	\$1,762,578	\$1,762,578

2.B. Summary of Base Request by Method of Finance  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

9/22/2020 2:27:18PM

Agency code: 215		Agency name: Office of Capital and Forensic Writs				
METHOD OF FINANCING		Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
<b><u>GENERAL REVENUE FUND - DEDICATED</u></b>						
<i>LAPSED APPROPRIATIONS</i>						
	Regular Appropriations from MOF Table (2020-21 GAA)	\$ (8)	\$ 0	\$ 0	\$ 0	\$ 0
	Regular Appropriations from MOF Table (2020-21 GAA)	\$ 0	\$ 0	\$ (185,535)	\$ 0	\$ 0
	<b>Comments:</b> 5% Reduction in Budget					
<i>UNEXPENDED BALANCES AUTHORITY</i>						
	HB 2, 85th Leg, Regular Session	\$ 1,010	\$ 0	\$ 0	\$ 0	\$ 0
	SB 2, 86th Leg, Regular Session	\$ 0	\$ (290,000)	\$ 290,000	\$ 0	\$ 0
<b>TOTAL,</b>	<b>GR Dedicated - Fair Defense Account No. 5073</b>	<b>\$ 1,338,588</b>	<b>\$ 1,561,889</b>	<b>\$ 1,963,267</b>	<b>\$ 1,762,578</b>	<b>\$ 1,762,578</b>
<b>TOTAL, ALL</b>	<b>GENERAL REVENUE FUND - DEDICATED</b>	<b>\$ 1,338,588</b>	<b>\$ 1,561,889</b>	<b>\$ 1,963,267</b>	<b>\$ 1,762,578</b>	<b>\$ 1,762,578</b>

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

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87th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

Agency code: <b>215</b>		Agency name: <b>Office of Capital and Forensic Writs</b>				
<b>METHOD OF FINANCING</b>		<b>Exp 2019</b>	<b>Est 2020</b>	<b>Bud 2021</b>	<b>Req 2022</b>	<b>Req 2023</b>
<b>TOTAL,</b>	<b>GR &amp; GR-DEDICATED FUNDS</b>	<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>
<b>GRAND TOTAL</b>		<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>

**2.B. Summary of Base Request by Method of Finance**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

9/22/2020 2:27:18PM

METHOD OF FINANCING	Exp 2019	Est 2020	Bud 2021	Req 2022	Req 2023
Agency code: <b>215</b> Agency name: <b>Office of Capital and Forensic Writs</b>					
<b>FULL-TIME-EQUIVALENT POSITIONS</b>					
REGULAR APPROPRIATIONS					
Regular Appropriations from MOF Table (2018-19 GAA) <b>Comments:</b> Regular Appropriations from MOF Table (2018-19 GAA)	16.5	0.0	0.0	0.0	0.0
Regular Appropriations from MOF Table (2020-21 GAA) <b>Comments:</b> Regular Appropriations from MOF Table (2020-21 GAA)	0.0	20.5	20.5	0.0	0.0
Regular Appropriations from MOF Table (2022-23 GAA) <b>Comments:</b> Regular Appropriations from MOF Table (2022-23 GAA)	0.0	0.0	0.0	20.5	20.5
LAPSED APPROPRIATIONS					
Regular Appropriations from MOF Table (2020-21 GAA) <b>Comments:</b> Regular Appropriations from MOF Table (2020-21 GAA)	0.0	0.0	0.0	0.0	0.0
UNAUTHORIZED NUMBER OVER (BELOW) CAP					
UNAUTHORIZED NUMBER <b>Comments:</b> Unauthorized Number Over (Below) Cap	(1.6)	0.0	0.0	0.0	0.0
<b>TOTAL, ADJUSTED FTES</b>	<b>14.9</b>	<b>20.5</b>	<b>20.5</b>	<b>20.5</b>	<b>20.5</b>

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

9/22/2020 2:27:18PM

87th Regular Session, Agency Submission, Version 1

Automated Budget and Evaluation System of Texas (ABEST)

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Agency code: **215**

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

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**METHOD OF FINANCING**

**Exp 2019**

**Est 2020**

**Bud 2021**

**Req 2022**

**Req 2023**

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**NUMBER OF 100% FEDERALLY FUNDED  
FTEs**

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

9/22/2020 2:27:19PM

87th 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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1001 SALARIES AND WAGES	\$976,372	\$1,334,834	\$1,528,878	\$1,433,578	\$1,433,578
1002 OTHER PERSONNEL COSTS	\$74,433	\$21,557	\$15,850	\$15,000	\$15,000
2001 PROFESSIONAL FEES AND SERVICES	\$57,516	\$40,022	\$100,000	\$80,000	\$80,000
2003 CONSUMABLE SUPPLIES	\$6,343	\$5,164	\$10,000	\$10,000	\$10,000
2004 UTILITIES	\$3,577	\$3,442	\$6,000	\$6,000	\$6,000
2005 TRAVEL	\$92,188	\$52,765	\$115,000	\$105,000	\$105,000
2006 RENT - BUILDING	\$2,570	\$3,974	\$5,000	\$5,000	\$5,000
2007 RENT - MACHINE AND OTHER	\$5,780	\$5,782	\$8,000	\$8,000	\$8,000
2009 OTHER OPERATING EXPENSE	\$119,809	\$94,349	\$174,539	\$100,000	\$100,000
<b>OOE Total (Excluding Riders)</b>	<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>
<b>OOE Total (Riders)</b>				<b>\$0</b>	<b>\$0</b>
<b>Grand Total</b>	<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>

**2.D. Summary of Base Request Objective Outcomes**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

9/22/2020 2:27:19PM

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**215 Office of Capital and Forensic Writs**

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Goal/ Objective / Outcome	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
1 Post-Conviction Representation					
1 Post-Conviction Representation					
<b>KEY</b> <b>1 # Capital Writ Apps for Which Hearings Are Granted by Trial Court</b>					
	15.00	18.00	14.00	14.00	14.00
<b>KEY</b> <b>2 Percentage of Capital Writs Filed on a Timely Basis</b>					
	100.00%	100.00%	100.00%	100.00%	100.00%
<b>3 Percentage of Capital Cases Pending at the District-Court Level</b>					
	78.00%	50.00%	75.00%	50.00%	50.00%



**2.E. Summary of Exceptional Items Request**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/22/2020  
 TIME : 2:27:19PM

Agency code: 215

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

Priority	Item	2022			2023			Biennium	
		GR and GR/GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds	FTEs	GR and GR Dedicated	All Funds
1	Salary Parity	\$590,730	\$590,730		\$590,730	\$590,730		\$1,181,460	\$1,181,460
2	Return of 5% Reduction	\$92,767	\$92,767		\$92,768	\$92,768		\$185,535	\$185,535
<b>Total, Exceptional Items Request</b>		<b>\$683,497</b>	<b>\$683,497</b>		<b>\$683,498</b>	<b>\$683,498</b>		<b>\$1,366,995</b>	<b>\$1,366,995</b>

**Method of Financing**

General Revenue

General Revenue - Dedicated

Federal Funds

Other Funds

General Revenue - Dedicated	683,497	683,497		683,498	683,498		1,366,995	1,366,995
<b>Total</b>	<b>\$683,497</b>	<b>\$683,497</b>		<b>\$683,498</b>	<b>\$683,498</b>		<b>\$1,366,995</b>	<b>\$1,366,995</b>

**Full Time Equivalent Positions**

**Number of 100% Federally Funded FTEs**

**2.F. Summary of Total Request by Strategy**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 9/22/2020  
 TIME : 2:27:19PM

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

<b>Goal/Objective/STRATEGY</b>	<b>Base</b>	<b>Base</b>	<b>Exceptional</b>	<b>Exceptional</b>	<b>Total Request</b>	<b>Total Request</b>
<b>1</b> Post-Conviction Representation						
<b>1</b> <i>Post-Conviction Representation</i>						
<b>1</b> CAPITAL REPRESENTATION	\$1,522,918	\$1,522,918	\$593,020	\$593,021	\$2,115,938	\$2,115,939
<b>2</b> NON-CAPITAL REPRESENTATION	239,660	239,660	90,477	90,477	330,137	330,137
<b>TOTAL, GOAL 1</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>	<b>\$683,497</b>	<b>\$683,498</b>	<b>\$2,446,075</b>	<b>\$2,446,076</b>
<b>TOTAL, AGENCY STRATEGY REQUEST</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>	<b>\$683,497</b>	<b>\$683,498</b>	<b>\$2,446,075</b>	<b>\$2,446,076</b>
<b>TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>GRAND TOTAL, AGENCY REQUEST</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>	<b>\$683,497</b>	<b>\$683,498</b>	<b>\$2,446,075</b>	<b>\$2,446,076</b>

**2.F. Summary of Total Request by Strategy**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 9/22/2020  
 TIME : 2:27:19PM

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

<b>Goal/Objective/STRATEGY</b>	<b>Base</b>	<b>Base</b>	<b>Exceptional</b>	<b>Exceptional</b>	<b>Total Request</b>	<b>Total Request</b>
<b>General Revenue Funds:</b>						
1 General Revenue Fund	\$0	\$0	\$0	\$0	\$0	\$0
	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>General Revenue Dedicated Funds:</b>						
5073 Fair Defense	1,762,578	1,762,578	683,497	683,498	2,446,075	2,446,076
	<b>\$1,762,578</b>	<b>\$1,762,578</b>	<b>\$683,497</b>	<b>\$683,498</b>	<b>\$2,446,075</b>	<b>\$2,446,076</b>
<b>TOTAL, METHOD OF FINANCING</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>	<b>\$683,497</b>	<b>\$683,498</b>	<b>\$2,446,075</b>	<b>\$2,446,076</b>
<b>FULL TIME EQUIVALENT POSITIONS</b>	<b>20.5</b>	<b>20.5</b>	<b>0.0</b>	<b>0.0</b>	<b>20.5</b>	<b>20.5</b>

**2.G. Summary of Total Request Objective Outcomes**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 9/22/2020  
 Time: 2:27:20PM

Agency code: 215

Agency name: Office of Capital and Forensic Writs

Goal/ Objective / Outcome

	BL 2022	BL 2023	Excp 2022	Excp 2023	Total Request 2022	Total Request 2023
1 Post-Conviction Representation						
1 <i>Post-Conviction Representation</i>						
<b>KEY 1 # Capital Writ Apps for Which Hearings Are Granted by Trial Court</b>						
	14.00	14.00			14.00	14.00
<b>KEY 2 Percentage of Capital Writs Filed on a Timely Basis</b>						
	100.00%	100.00%			100.00%	100.00%
<b>3 Percentage of Capital Cases Pending at the District-Court Level</b>						
	50.00%	50.00%			50.00%	50.00%

# STRATEGY SCHEDULES

**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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
<b>Output Measures:</b>						
KEY 1	Number of Capital Writ Applications Filed	6.00	5.00	5.00	6.00	6.00
KEY 2	Number of New Capital Cases Accepted	5.00	5.00	5.00	4.00	4.00
<b>Explanatory/Input Measures:</b>						
1	Number of Capital Cases Refused	2.00	2.00	2.00	2.00	2.00
2	Number of Capital Cases Pending	35.00	36.00	35.00	34.00	33.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$976,372	\$1,228,241	\$1,358,878	\$1,276,487	\$1,276,487
1002	OTHER PERSONNEL COSTS	\$74,433	\$21,024	\$15,000	\$13,500	\$13,500
2001	PROFESSIONAL FEES AND SERVICES	\$57,516	\$40,022	\$50,000	\$30,000	\$30,000
2003	CONSUMABLE SUPPLIES	\$6,343	\$4,564	\$9,000	\$9,000	\$9,000
2004	UTILITIES	\$3,577	\$3,092	\$5,400	\$5,400	\$5,400
2005	TRAVEL	\$92,188	\$52,765	\$100,000	\$90,000	\$90,000
2006	RENT - BUILDING	\$2,570	\$3,974	\$4,500	\$4,500	\$4,500
2007	RENT - MACHINE AND OTHER	\$5,780	\$4,982	\$7,200	\$7,200	\$7,200
2009	OTHER OPERATING EXPENSE	\$119,809	\$86,513	\$165,414	\$86,831	\$86,831
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$1,338,588</b>	<b>\$1,445,177</b>	<b>\$1,715,392</b>	<b>\$1,522,918</b>	<b>\$1,522,918</b>

**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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
<b>Method of Financing:</b>						
5073	Fair Defense	\$1,338,588	\$1,445,177	\$1,715,392	\$1,522,918	\$1,522,918
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$1,338,588</b>	<b>\$1,445,177</b>	<b>\$1,715,392</b>	<b>\$1,522,918</b>	<b>\$1,522,918</b>
<b>Rider Appropriations:</b>						
5073	Fair Defense					
701	1 Unexpended Balances				\$0	\$0
<b>TOTAL, RIDER &amp; UNEXPENDED BALANCES APPROP</b>					<b>\$0</b>	<b>\$0</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$1,522,918</b>	<b>\$1,522,918</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$1,338,588</b>	<b>\$1,445,177</b>	<b>\$1,715,392</b>	<b>\$1,522,918</b>	<b>\$1,522,918</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>14.9</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>
<b>STRATEGY DESCRIPTION AND JUSTIFICATION:</b>						

**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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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Since 2010, the Office of Capital and Forensic Writs (OCFW) has the privilege of serving an essential function for the State of Texas and the criminal justice system: ensuring that capital and noncapital convictions are constitutionally sound and untainted by questionable forensic science. By providing this service, OCFW safeguards the integrity and reliability of the Texas criminal justice system.

OCFW serves as a constitutional safety net for death penalty convictions and sentences by investigating and litigating all possible constitutional claims in post-conviction litigation in Texas courts, ensuring that these fundamental claims are decided in one full and fair court proceeding soon after conviction, rather than in successive rounds of piecemeal litigation.

Capital post-conviction presentation and investigation are mandated by statute. See Tex. Code of Criminal Procedure art. 11.071 sec. 2, 3. OCFW provides this service to the State pursuant to the authority granted to it by section 78.054 of the Texas Government Code.

OCFW represents approximately 80% of persons sentenced to death in statutorily-required capital post-conviction proceedings. Where OCFW is unable to provide representation, counties bear the cost of appointed private representation.

**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**



**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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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Texas law guarantees capital post-conviction applicants the right to competent representation.

The effectiveness of OCFW is hampered by damaging rates of staff attrition, caused by uncompetitive salaries. In 2019, OCFW experienced 53% attorney attrition and 100% mitigation specialist attrition. Staff are highly dedicated and mission driven, but OCFW is unable to retain employees because they receive offers to perform rewarding work at similar governmental agencies at 150% or even 200% of their OCFW salaries.

Texas Government Code section 78.054 provides that OCFW may not accept an appointment: (i) if a conflict of interest exists; (ii) OCFW has insufficient resources to provide adequate representation; (iii) OCFW is incapable of providing representation consistent with the rules of professional conduct; or (iv) other good cause exists.

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.

The number of cases pending may fluctuate depending on litigation schedules set by courts and the rate at which courts make decisions, factors outside of OCFW's control.

**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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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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 2020 + Bud 2021)	Baseline Request (BL 2022 + BL 2023)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$3,160,569	\$3,045,836	\$(114,733)	\$(114,733)	Funds were allocated to strategy A.1.2 per instructions from LBB.
			<b>\$(114,733)</b>	<b>Total of Explanation of Biennial Change</b>

**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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
<b>Output Measures:</b>						
KEY 1	Number of New Non-capital Cases Accepted	0.00	5.00	3.00	3.00	4.00
<b>Explanatory/Input Measures:</b>						
1	The Number of Non-capital Cases Pending	0.00	5.00	8.00	8.00	8.00
2	The Number of Non-capital Cases Refused	0.00	0.00	10.00	5.00	5.00
3	The Number of Non-capital Cases Reviewed	0.00	60.00	10.00	9.00	9.00
<b>Objects of Expense:</b>						
1001	SALARIES AND WAGES	\$0	\$106,593	\$170,000	\$157,091	\$157,091
1002	OTHER PERSONNEL COSTS	\$0	\$533	\$850	\$1,500	\$1,500
2001	PROFESSIONAL FEES AND SERVICES	\$0	\$0	\$50,000	\$50,000	\$50,000
2003	CONSUMABLE SUPPLIES	\$0	\$600	\$1,000	\$1,000	\$1,000
2004	UTILITIES	\$0	\$350	\$600	\$600	\$600
2005	TRAVEL	\$0	\$0	\$15,000	\$15,000	\$15,000
2006	RENT - BUILDING	\$0	\$0	\$500	\$500	\$500
2007	RENT - MACHINE AND OTHER	\$0	\$800	\$800	\$800	\$800
2009	OTHER OPERATING EXPENSE	\$0	\$7,836	\$9,125	\$13,169	\$13,169
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$0</b>	<b>\$116,712</b>	<b>\$247,875</b>	<b>\$239,660</b>	<b>\$239,660</b>

**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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
<b>Method of Financing:</b>						
5073	Fair Defense	\$0	\$116,712	\$247,875	\$239,660	\$239,660
<b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b>		<b>\$0</b>	<b>\$116,712</b>	<b>\$247,875</b>	<b>\$239,660</b>	<b>\$239,660</b>
<b>Rider Appropriations:</b>						
1 General Revenue Fund						
701	2 Unexpended Balances				\$0	\$0
<b>TOTAL, RIDER &amp; UNEXPENDED BALANCES APPROP</b>					<b>\$0</b>	<b>\$0</b>
<b>TOTAL, METHOD OF FINANCE (INCLUDING RIDERS)</b>					<b>\$239,660</b>	<b>\$239,660</b>
<b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>		<b>\$0</b>	<b>\$116,712</b>	<b>\$247,875</b>	<b>\$239,660</b>	<b>\$239,660</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>		<b>0.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>
<b>STRATEGY DESCRIPTION AND JUSTIFICATION:</b>						

**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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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OCFW represents a limited number of incarcerated persons serving sentences for non-capital crimes, where questionable forensic science tainted their conviction. See Tex. Govt. Code sec. 78.054. All of these cases involve wrongful convictions or innocence. The integrity of the criminal justice systems depends on the funding of lawyers to identify and litigate these cases.

The only cases OCFW handles under this mandate are those that have been referred by the Texas Forensic Science Commission following an investigation into the professional negligence or misconduct of forensic analysts or unsupported forensic scientific analysis and testimony.

**EXTERNAL/INTERNAL FACTORS IMPACTING STRATEGY:**

The 84th Legislature expanded OCFW's mandate include these cases, but this priority was not funded until the current biennium.

OCFW work in this area is limited what attorneys in the two funded FTE positions can reasonably accomplish.

The need is great; while OCFW expected a limited number of referrals, the Forensic Science Commission referred 60 cases in FY2020.

OCFW cannot accept referrals of cases directly; its jurisdiction is restricted to cases involving undermined 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.

**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 2019	Est 2020	Bud 2021	BL 2022	BL 2023
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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 2020 + Bud 2021)	Baseline Request (BL 2022 + BL 2023)	CHANGE	\$ Amount	Explanation(s) of Amount (must specify MOFs and FTEs)
\$364,587	\$479,320	\$114,733	\$114,733	Funds were allocated from strategy A.1.1 per instructions from LBB.
			<b>\$114,733</b>	<b>Total of Explanation of Biennial Change</b>

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**SUMMARY TOTALS:**

<b>OBJECTS OF EXPENSE:</b>	<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>
<b>METHODS OF FINANCE (INCLUDING RIDERS):</b>				<b>\$1,762,578</b>	<b>\$1,762,578</b>
<b>METHODS OF FINANCE (EXCLUDING RIDERS):</b>	<b>\$1,338,588</b>	<b>\$1,561,889</b>	<b>\$1,963,267</b>	<b>\$1,762,578</b>	<b>\$1,762,578</b>
<b>FULL TIME EQUIVALENT POSITIONS:</b>	<b>14.9</b>	<b>20.5</b>	<b>20.5</b>	<b>20.5</b>	<b>20.5</b>





# REQUESTED RIDER REVISIONS

### 3.B. Rider Revisions and Additions Request

<b>Agency Code:</b> 215	<b>Agency Name:</b> Office of Capital and Forensic Writs	<b>Prepared By:</b> Sandra Justice	<b>Date:</b> 9/21/2020	<b>Request Level:</b> Baseline
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Current Rider Number	Page Number in 2020-21 GAA	Proposed Rider Language
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IV-33

**Noncapital Inmate Representation.** Out of amounts appropriated above in General Revenue-Dedicated Fair Defense Account No. 5073 in Strategy A.1.2 Post-Conviction Non-Capital Representation, \$239,000 in fiscal year 2022 and 2.0 FTEs and \$239,000 in fiscal year 2023 and 2.0 FTEs shall be used for the purpose of providing representation for noncapital inmates in cases where questionable science contributed to the conviction.

*We seek to update the rider to reflect the fact that OCFW's budget structure has changed during the present biennium, and what was once one budget strategy, A.1.1., Post-Conviction Representation, has now been split into two strategies, A.1.1. Post-Conviction Capital Representation, and A.1.2., Post-Conviction Non-Capital Representation. We also seek to modify the rider language to adjust the years for the 2022-2023 biennium, and the amounts sought for this priority at the baseline level under strategy A.1.2.*

# EXCEPTIONAL ITEM REQUESTS

**4.A. Exceptional Item Request Schedule**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/22/2020  
 TIME: 2:27:21PM

Agency code: 215

Agency name: Office of Capital and Forensic Writs

CODE	DESCRIPTION	Excp 2022	Excp 2023
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<b>Item Name:</b>	Salary Parity to Reduce Turnover		
<b>Item Priority:</b>	1		
<b>IT Component:</b>	No		
<b>Anticipated Out-year Costs:</b>	No		
<b>Involve Contracts &gt; \$50,000:</b>	No		
<b>Includes Funding for the Following Strategy or Strategies:</b>	01-01-01	Post-Conviction Capital Representation	
	01-01-02	Post Conviction Non-capital Representation	

**OBJECTS OF EXPENSE:**

1001	SALARIES AND WAGES	582,000	582,000
1002	OTHER PERSONNEL COSTS	2,910	2,910
2009	OTHER OPERATING EXPENSE	5,820	5,820
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>590,730</b>	<b>590,730</b>

**METHOD OF FINANCING:**

5073	Fair Defense	590,730	590,730
<b>TOTAL, METHOD OF FINANCING</b>		<b>590,730</b>	<b>590,730</b>

**DESCRIPTION / JUSTIFICATION:**

High rates of turnover are an institutional emergency. In 2019, attorney attrition was 53%; for mitigation specialists, it was 100%. Departing staff consistently tell OCFW leadership that they are leaving to pursue similar work at a higher rate of pay. Many former OCFW staff now populate different capital public defender offices across the state; after getting training and experience at OCFW, they leave for other, better paying jobs in the federal and state criminal justice field. The increase in attrition experienced by OCFW in 2017 after the federal public defender opened capital habeas units in Austin and Dallas exemplifies this trend. The creation of the Travis County Public Defender will likely have a similar effect when it begins hiring staff attorneys this year.

OCFW is unable to retain its employees because they receive offers at 150% or even 200% of what OCFW can pay them. OCFW seeks salary parity for attorney staff with its colleagues from the Office of the State Prosecuting Attorney, so that its attorneys earn, on average, \$115,000 per year. In addition, to retain its mitigation staff, OCFW seeks appropriations so that mitigation specialists earn on average \$75,000.

**EXTERNAL/INTERNAL FACTORS:**

The average OCFW attorney salary is 75,000. Assistant State Prosecuting Attorneys, who perform similarly specialized appellate representation before the Court of Criminal Appeals on behalf of the State of Texas, earn \$115,573. Assistant Federal Defenders perform similar work for up to \$170,000. Attorneys with just 8 years of experience can earn up to \$132,000 at the new Travis County Public Defender. The average experienced attorney salary in Austin is \$154,043.

**4.A. Exceptional Item Request Schedule**  
87th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/22/2020  
TIME: 2:27:21PM

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Agency code: 215

Agency name:

**Office of Capital and Forensic Writs**

<u>CODE</u>	<u>DESCRIPTION</u>	<u>Excp 2022</u>	<u>Excp 2023</u>
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The average OCFW mitigation specialist salary is \$58,000. Mitigation specialists who leave state employment for private practice can earn between \$125 and \$175 an hour for federal work, and between \$75 and \$125 per hour for state court work. Mitigation specialists with the Federal Public Defender earn salaries that range from \$68,994 to \$151,061. Investigators with Travis County Public Defender will start at \$72,000.

At present, employees can leave OCFW to join a different governmental agency and earn substantially more performing similar or sometimes even lower-stakes work. Salary parity will help OCFW retain knowledgeable, experienced staff.

**PCLS TRACKING KEY:**

**4.A. Exceptional Item Request Schedule**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/22/2020  
 TIME: 2:27:21PM

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

CODE	DESCRIPTION	Excp 2022	Excp 2023
	<b>Item Name:</b> Return of 5% Base Reduction <b>Item Priority:</b> 2 <b>IT Component:</b> No <b>Anticipated Out-year Costs:</b> No <b>Involve Contracts &gt; \$50,000:</b> No <b>Includes Funding for the Following Strategy or Strategies:</b> 01-01-01 Post-Conviction Capital Representation 01-01-02 Post Conviction Non-capital Representation		
<b>OBJECTS OF EXPENSE:</b>			
1001	SALARIES AND WAGES	92,767	92,768
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$92,767</b>	<b>\$92,768</b>
<b>METHOD OF FINANCING:</b>			
5073	Fair Defense	92,767	92,768
<b>TOTAL, METHOD OF FINANCING</b>		<b>\$92,767</b>	<b>\$92,768</b>

**DESCRIPTION / JUSTIFICATION:**

Because of its small size and lean budget, OCFW would be forced to reduce its salary budgetary line item to account for the 5% base reduction in fiscal year 2022 and 2023. This is because it is simply not possible to effectively litigate cases statewide without sufficient money for staff travel and a modest amount for professional fees and services, which funds expert assistance. Without the restoration of this cut, OCFW would be forced to reduce its salary budget item over the biennium by \$166,980 in its capital strategy and \$18,554 in its forensic writ strategy.

During the present biennium, OCFW was able to meet its 5% budgetary reduction target in part through COVID-19-related reductions in travel and professional fees and services spending, cost-savings in these necessary areas that OCFW does not anticipate during the 2022-2023 biennium.

**EXTERNAL/INTERNAL FACTORS:**

The least deleterious way to meet this reduction target would be to keep staff positions unfilled, which would slow OCFW productivity. If the reduction target could not be met by keeping vacancies unfilled in the event of turnover, OCFW would be forced to reduce staff salaries. Because the capital post-conviction strategy of OCFW is larger than the forensic non-capital post-conviction strategy, the 5% reduction would more dramatically affect the salary item of the capital post-conviction strategy and OCFW's performance in that area. The effect on OCFW's non-capital post-conviction representation would be more modest. OCFW staff are already dramatically underpaid in comparison to staff at other agencies, leading to crippling levels of turnover. Were OCFW's base budget to remain reduced by 5%, it would compound the existing emergency created by low, uncompetitive salaries, leading to additional losses of valuable staff.

**PCLS TRACKING KEY:**

**4.A. Exceptional Item Request Schedule**  
87th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/22/2020  
TIME: 2:27:21PM

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Agency code: 215

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

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<b>CODE</b>	<b>DESCRIPTION</b>	<b>Excp 2022</b>	<b>Excp 2023</b>
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Agency code: **215** Agency name: **Office of Capital and Forensic Writs**

Code	Description	Excp 2022	Excp 2023
<b>Item Name:</b> Salary Parity to Reduce Turnover			
<b>Allocation to Strategy:</b> 1-1-1 Post-Conviction Capital Representation			
<b>OBJECTS OF EXPENSE:</b>			
1001	SALARIES AND WAGES	502,000	502,000
1002	OTHER PERSONNEL COSTS	2,510	2,510
2009	OTHER OPERATING EXPENSE	5,020	5,020
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$509,530</b>	<b>\$509,530</b>
<b>METHOD OF FINANCING:</b>			
5073	Fair Defense	509,530	509,530
<b>TOTAL, METHOD OF FINANCING</b>		<b>\$509,530</b>	<b>\$509,530</b>



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

Code	Description	Excp 2022	Excp 2023
<b>Item Name:</b> Salary Parity to Reduce Turnover			
<b>Allocation to Strategy:</b> 1-1-2 Post Conviction Non-capital Representation			
<b>OBJECTS OF EXPENSE:</b>			
1001	SALARIES AND WAGES	80,000	80,000
1002	OTHER PERSONNEL COSTS	400	400
2009	OTHER OPERATING EXPENSE	800	800
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$81,200</b>	<b>\$81,200</b>
<b>METHOD OF FINANCING:</b>			
5073	Fair Defense	81,200	81,200
<b>TOTAL, METHOD OF FINANCING</b>		<b>\$81,200</b>	<b>\$81,200</b>

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

Code	Description	Excp 2022	Excp 2023
<b>Item Name:</b> Return of 5% Base Reduction			
<b>Allocation to Strategy:</b> 1-1-1 Post-Conviction Capital Representation			
<b>OBJECTS OF EXPENSE:</b>			
1001	SALARIES AND WAGES	83,490	83,491
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$83,490</b>	<b>\$83,491</b>
<b>METHOD OF FINANCING:</b>			
5073	Fair Defense	83,490	83,491
<b>TOTAL, METHOD OF FINANCING</b>		<b>\$83,490</b>	<b>\$83,491</b>

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

Code	Description	Excp 2022	Excp 2023
<b>Item Name:</b> Return of 5% Base Reduction			
<b>Allocation to Strategy:</b> 1-1-2 Post Conviction Non-capital Representation			
<b>OBJECTS OF EXPENSE:</b>			
1001	SALARIES AND WAGES	9,277	9,277
<b>TOTAL, OBJECT OF EXPENSE</b>		<b>\$9,277</b>	<b>\$9,277</b>
<b>METHOD OF FINANCING:</b>			
5073	Fair Defense	9,277	9,277
<b>TOTAL, METHOD OF FINANCING</b>		<b>\$9,277</b>	<b>\$9,277</b>

**4.C. Exceptional Items Strategy Request**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

**DATE:** 9/22/2020  
**TIME:** 2:27:21PM

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

<b>CODE DESCRIPTION</b>	<b>Exp 2022</b>	<b>Exp 2023</b>
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**OUTPUT MEASURES:**

<u>1</u> Number of Capital Writ Applications Filed	1.00	1.00
<u>2</u> Number of New Capital Cases Accepted	1.00	1.00

**EXPLANATORY/INPUT MEASURES:**

<u>1</u> Number of Capital Cases Refused	1.00	1.00
<u>2</u> Number of Capital Cases Pending	35.00	35.00

**OBJECTS OF EXPENSE:**

1001 SALARIES AND WAGES	585,490	585,491
1002 OTHER PERSONNEL COSTS	2,510	2,510
2009 OTHER OPERATING EXPENSE	5,020	5,020
<b>Total, Objects of Expense</b>	<b>\$593,020</b>	<b>\$593,021</b>

**METHOD OF FINANCING:**

5073 Fair Defense	593,020	593,021
<b>Total, Method of Finance</b>	<b>\$593,020</b>	<b>\$593,021</b>

**EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:**

Salary Parity to Reduce Turnover

Return of 5% Base Reduction

**4.C. Exceptional Items Strategy Request**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

**DATE:** 9/22/2020  
**TIME:** 2:27:21PM

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

<b>CODE DESCRIPTION</b>	<b>Exp 2022</b>	<b>Exp 2023</b>
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**OUTPUT MEASURES:**

<u>1</u> Number of New Non-capital Cases Accepted	1.00	0.00
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**EXPLANATORY/INPUT MEASURES:**

<u>1</u> The Number of Non-capital Cases Pending	8.00	8.00
<u>2</u> The Number of Non-capital Cases Refused	5.00	5.00
<u>3</u> The Number of Non-capital Cases Reviewed	10.00	10.00

**OBJECTS OF EXPENSE:**

1001 SALARIES AND WAGES	89,277	89,277
1002 OTHER PERSONNEL COSTS	400	400
2009 OTHER OPERATING EXPENSE	800	800
<b>Total, Objects of Expense</b>	<b>\$90,477</b>	<b>\$90,477</b>

**METHOD OF FINANCING:**

5073 Fair Defense	90,477	90,477
<b>Total, Method of Finance</b>	<b>\$90,477</b>	<b>\$90,477</b>

**EXCEPTIONAL ITEM(S) INCLUDED IN STRATEGY:**

Salary Parity to Reduce Turnover

Return of 5% Base Reduction

# HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE

**6.A. Historically Underutilized Business Supporting Schedule**  
 87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 9/22/2020  
 Time: 2:27:21PM

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 2018			Total Expenditures FY 2018		HUB Expenditures FY 2019			Total Expenditures FY 2019	
			% Actual	Diff	Actual \$	% Goal	% Actual	Diff	Actual \$	% Goal	Actual \$	
11.2%	Heavy Construction	11.2 %	0.0%	-11.2%	\$0	\$0	11.2 %	0.0%	-11.2%	\$0	\$0	
21.1%	Building Construction	21.1 %	0.0%	-21.1%	\$0	\$0	21.1 %	0.0%	-21.1%	\$0	\$0	
32.9%	Special Trade	32.9 %	0.0%	-32.9%	\$0	\$0	32.9 %	0.0%	-32.9%	\$0	\$0	
23.7%	Professional Services	23.7 %	0.0%	-23.7%	\$0	\$0	23.7 %	0.0%	-23.7%	\$0	\$0	
26.0%	Other Services	26.0 %	0.0%	-26.0%	\$0	\$73,452	26.0 %	0.0%	-26.0%	\$0	\$80,678	
21.1%	Commodities	21.1 %	1.6%	-19.5%	\$262	\$16,565	21.1 %	0.0%	-21.1%	\$0	\$15,274	
	<b>Total Expenditures</b>		<b>0.3%</b>		<b>\$262</b>	<b>\$90,017</b>		<b>0.0%</b>		<b>\$0</b>	<b>\$95,952</b>	

**B. Assessment of Fiscal Year - Efforts to Meet HUB Procurement Goals**

**Attainment:**

Due to a change in OCFW's internal procurement process and method of payment (Pro-Card), the amounts spent with HUB vendors appear to not have been accurately captured by the HUB Consolidated report prepared by the Comptroller. OCFW regrets this error. In this biennium, OCFW will modify its processes so that these charges are reliably reported. In FY2018, the HUB report indicates that OCFW spent \$16,565 in commodity purchasing. In the same fiscal year, OCFW spent \$10,440 with one HUB-certified vendor, data that unfortunately is not reflected in this report. In FY2019, the HUB report indicates that OCFW spent \$15,274 in commodity purchasing. Agency records for the same year reflect that OCFW spent \$4,314 directly with the same HUB vendor. Thus, OCFW utilized HUB vendors for at least 63% of commodities purchased in 2018 and 28% in 2019.

**Applicability:**

The "Heavy Construction," "Building Construction," and "Special Trade" categories are inapplicable to OCFW.

**Factors Affecting Attainment:**

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.

**"Good-Faith" Efforts:**

Due to issues associated with OCFW's internal procurement process and using method of payment (using a Pro-card, rather than a purchase order), OCFW's "good faith" efforts are not accurately reflected in the Consolidated HUB agency report. OCFW will rectify this error. OCFW has made efforts to purchase from certified HUB vendors to the extent possible, both directly and through Texas Smart Buy, and will continue to do so. Based on available financial data, OCFW met its HUB goals for commodities in 2018 and 2019.

# COVID-19-RELATED EXPENDITURES SUPPORTING SCHEDULE



**6.G. HOMELAND SECURITY FUNDING SCHEDULE - PART C - COVID-19 RELATED EXPENDITURES**

DATE: 9/22/2020  
 TIME: 2:27:22PM

87th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

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

CODE	DESCRIPTION	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
<b>OBJECTS OF EXPENSE</b>						
2009	OTHER OPERATING EXPENSE	\$0	\$488	\$1,034	\$0	\$0
<b>TOTAL, OBJECTS OF EXPENSE</b>		<b>\$0</b>	<b>\$488</b>	<b>\$1,034</b>	<b>\$0</b>	<b>\$0</b>
<b>METHOD OF FINANCING</b>						
5073	Fair Defense	\$0	\$488	\$1,034	\$0	\$0
	Subtotal, MOF (Gr-Dedicated Funds)	\$0	\$488	\$1,034	\$0	\$0
<b>TOTAL, METHOD OF FINANCE</b>		<b>\$0</b>	<b>\$488</b>	<b>\$1,034</b>	<b>\$0</b>	<b>\$0</b>

**FULL-TIME-EQUIVALENT POSITIONS**

**NO FUNDS WERE PASSED THROUGH TO LOCAL ENTITIES**

**NO FUNDS WERE PASSED THROUGH TO OTHER STATE AGENCIES OR INSTITUTIONS OF HIGHER EDUCATION**

**USE OF HOMELAND SECURITY FUNDS**

In anticipation of the necessity of travel, field work, and the return to in-office work during the pandemic, OCFW has purchased a large amount of hand sanitizer and face masks to protect staff.

**6.G. HOMELAND SECURITY FUNDING SCHEDULE - PART C - COVID-19 RELATED EXPENDITURES**

DATE: 9/22/2020

**Funds Passed through to Local Entities**

TIME: 2:27:22PM

87th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

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

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<b>CODE</b>	<b>DESCRIPTION</b>	<b>Exp 2019</b>	<b>Est 2020</b>	<b>Bud 2021</b>	<b>BL 2022</b>	<b>BL 2023</b>
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**6.G. HOMELAND SECURITY FUNDING SCHEDULE - PART C - COVID-19 RELATED EXPENDITURES**

DATE: 9/22/2020

**Funds Passed through to State Agencies**

TIME: 2:27:22PM

87th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

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

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<b>CODE</b>	<b>DESCRIPTION</b>	<b>Exp 2019</b>	<b>Est 2020</b>	<b>Bud 2021</b>	<b>BL 2022</b>	<b>BL 2023</b>
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# DOCUMENT PRODUCTION STANDARDS

**6.L. Document Production Standards  
Summary of Savings Due to Improved Document Production Standards**

<b>Agency Code:</b> 215	<b>Agency Name:</b> Office of Capital and	<b>Prepared By:</b> Sandra Justice
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<b>Documented Production Standards Strategies</b>	<b>Estimated</b>	<b>Budgeted</b>
	<b>2020</b>	<b>2021</b>
1.	\$1,026	\$525
2.	\$0	\$0
3.	\$0	\$0
4.	\$0	\$0
<b>Total, All Strategies</b>	\$1,026	\$525
<b>Total Estimated Paper Volume Reduced</b>	-	-

**Description:**  
For several years, OCFW has sought to reduce the volume of paper it consumes by mandating that all case records be maintained electronically and case-related communication occur electronically where feasible. Absent compelling circumstances, the only paper generated by OCFW is that which is required in connection with court filings, hearing exhibits, and similar legal representation purposes, as well as for the maintenance of financial records as required by the Comptroller. Where printing is required, it is done double-sided where possible. Because these strategies have been in place for several years, the costs savings are lower than they might otherwise be in connection with the Article IX, Section 7.15, Document Production Standards mandate. Generally speaking, OCFW paper usage can be expected to fluctuate based on external factors such as litigation needs in particular cases or court requirements.

# ADMINISTRATIVE AND SUPPORT COSTS

Agency code: **215**

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

Strategy	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
<b>1-1-1</b> <b>Post-Conviction Capital Representation</b>					
<b>OBJECTS OF EXPENSE:</b>					
1001 SALARIES AND WAGES	\$57,279	\$52,995	\$54,479	\$54,479	\$54,479
1002 OTHER PERSONNEL COSTS	2,526	2,425	2,504	2,648	2,720
2009 OTHER OPERATING EXPENSE	573	515	530	545	545
<b>Total, Objects of Expense</b>	<b>\$60,378</b>	<b>\$55,935</b>	<b>\$57,513</b>	<b>\$57,672</b>	<b>\$57,744</b>
<b>METHOD OF FINANCING:</b>					
5073 Fair Defense	60,378	55,935	57,513	57,672	57,744
<b>Total, Method of Financing</b>	<b>\$60,378</b>	<b>\$55,935</b>	<b>\$57,513</b>	<b>\$57,672</b>	<b>\$57,744</b>
<b>FULL-TIME-EQUIVALENT POSITIONS (FTE):</b>	<b>14.9</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>	<b>18.5</b>

**DESCRIPTION**

The Office of Capital and Forensic Writs support staff consists of a single accountant, whose job duties include human resources, finance, payroll, procurement, reporting, travel, and reimbursements, in support of the agency's 20.5 FTEs working in both programs.

Agency code: **215**

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

Strategy	Exp 2019	Est 2020	Bud 2021	BL 2022	BL 2023
<b>1-1-2 Post Conviction Non-capital Representation</b>					
<b>OBJECTS OF EXPENSE:</b>					
1001 SALARIES AND WAGES	\$0	\$5,888	\$6,053	\$6,053	\$6,053
1002 OTHER PERSONNEL COSTS	0	269	278	294	302
2009 OTHER OPERATING EXPENSE	0	74	76	61	61
<b>Total, Objects of Expense</b>	<b>\$0</b>	<b>\$6,231</b>	<b>\$6,407</b>	<b>\$6,408</b>	<b>\$6,416</b>
<b>METHOD OF FINANCING:</b>					
5073 Fair Defense	0	6,231	6,407	6,408	6,416
<b>Total, Method of Financing</b>	<b>\$0</b>	<b>\$6,231</b>	<b>\$6,407</b>	<b>\$6,408</b>	<b>\$6,416</b>
<b>FULL-TIME-EQUIVALENT POSITIONS (FTE):</b>	<b>0.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>	<b>2.0</b>

**DESCRIPTION**

The Office of Capital and Forensic Writs support staff consists of a single accountant, whose job duties include human resources, finance, payroll, procurement, reporting, travel, and reimbursements, in support of the agency's 20.5 FTEs working in both programs.



Agency code: **215**

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

	<b>Exp 2019</b>	<b>Est 2020</b>	<b>Bud 2021</b>	<b>BL 2022</b>	<b>BL 2023</b>
<b>GRAND TOTALS</b>					
<b>Objects of Expense</b>					
1001 SALARIES AND WAGES	\$57,279	\$58,883	\$60,532	\$60,532	\$60,532
1002 OTHER PERSONNEL COSTS	\$2,526	\$2,694	\$2,782	\$2,942	\$3,022
2009 OTHER OPERATING EXPENSE	\$573	\$589	\$606	\$606	\$606
<b>Total, Objects of Expense</b>	<b>\$60,378</b>	<b>\$62,166</b>	<b>\$63,920</b>	<b>\$64,080</b>	<b>\$64,160</b>
<b>Method of Financing</b>					
5073 Fair Defense	\$60,378	\$62,166	\$63,920	\$64,080	\$64,160
<b>Total, Method of Financing</b>	<b>\$60,378</b>	<b>\$62,166</b>	<b>\$63,920</b>	<b>\$64,080</b>	<b>\$64,160</b>
<b>Full-Time-Equivalent Positions (FTE)</b>	<b>14.9</b>	<b>20.5</b>	<b>20.5</b>	<b>20.5</b>	<b>20.5</b>