

# Legislative Appropriations Request

For Fiscal Years 2020 and 2021

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

by the

## Office of Capital and Forensic Writs

Revised

October 15, 2018

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

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# ADMINISTRATOR'S STATEMENT

**Administrator's Statement**  
86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

**215 Office of Capital and Forensic Writs**

The Office of Capital and Forensic Writs (OCFW) is an agency of high public value with substantial challenges and resource needs.

OCFW opened its doors in 2010 as the state agency charged with representing capital defendants in post-conviction litigation. It currently handles about 70% of initial capital post-conviction cases in Texas. Counties assume financial responsibility for state-level capital post-conviction representation that is not provided by OCFW.

OCFW provides an essential service to the state, the Texas criminal justice system, and its clients by ensuring that the administration of the death penalty is constitutionally reliable and valid. It investigates, presents, and litigates all potential claims implicating the constitutionality of the death penalty in a particular case, ensuring that these fundamental claims are not defaulted and Texas courts can consider them efficiently and fairly. 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 appointed private attorneys.

In 2015, OCFW's mandate expanded to include the representation of non-capitally sentenced inmates in innocence-related litigation involving challenges to the forensic science used to convict them. This priority, however, has not been funded, and the OCFW has not yet been able to take on any such cases.

When the OCFW was getting off the ground, it was structured and funded based on good faith estimates of what Texas capital post-conviction representation entailed. With eight years of data, these initial estimates have proven inadequate. OCFW represents clients for longer and obtains many more resource-intensive evidentiary hearings than initially projected, and litigation is more procedurally complex than initially conceptualized.

To assess the challenges and effectiveness of the OCFW, during the last biennium, the OCFW commissioned an outside audit by experienced public defense system evaluators (<http://www.ocfw.texas.gov/media/11437/2018-assessment-of-the-texas-office-of-capital-and-forensic-writs-final.pdf>). The assessment identified certain areas that negatively impacted OCFW's ability to timely and competently meet professional standards:

- An organizational structure that is inadequate to meet the challenges of managing and supervising an office of OCFW's size and complexity;
- High attrition rates among key staff;
- Caseloads substantially higher than applicable professional standards;
- Non-competitive salaries;
- A lack of sufficient financial resources to perform necessary litigation tasks in a timely manner across Texas.

The OCFW has three funding priorities for the FY2020-21 biennium. To fund these priorities, OCFW is not requesting General Revenue; rather, OCFW requests that all appropriations come from the Fair Defense Account, a dedicated account for indigent defense. In addition, because OCFW relies on many services provided by the Office of Court Administration (OCA) to function efficiently, OCFW fully supports the baseline appropriation and exceptional items sought by the OCA in their appropriations request.

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**EXCEPTIONAL ITEM #1: REDUCE ATTRITION THROUGH MORE COMPETITIVE SALARIES AND CASELOAD MANAGEMENT**

OCFW requests \$1,054,425 in funding over the biennium to combat attrition through competitive salaries and caseload management.

OCFW has an urgent problem with staff turnover. Since OCFW opened in 2010, 27 staff have departed, the equivalent of over 168% of the present staff size. This includes 14 attorneys, 10 mitigation specialists, and 3 support staff. The average attrition rate among attorneys since the Office opened is 27%; among mitigation specialists/investigators, it is 38%. During FY2018, the problem of attrition has been particularly acute. For fiscal year 2018, OCFW expects a 63% attrition rate for attorneys. By contrast, for the last five fiscal years, the average yearly turnover rate for the Texas judicial branch was about 10%.

The business costs of turnover are steep. Economists estimate that that the direct replacement costs for salaried employees reach as high as 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 of OCFW to adequately staff many cases, OCFW has been forced to recruit outside law firms to assume pro bono representation in particular cases. Outside counsel now assist OCFW with the litigation of four cases, and a private law firm relieved OCFW from representing a fifth. This development is neither a sustainable nor ideal solution.

There is a steep learning curve to each capital post-conviction matter that OCFW handles. Each OCFW case file includes a lengthy trial record, but commonly also contains about 50,000 individual files reflecting both pretrial preparation and post-conviction investigation, comprising 150 GB of material. The caseloads of departed staff often must be assumed by remaining staff, who must start their review of the voluminous record from scratch. Thus, attrition further increases the already excessive caseload carried by the staff who remain. Even when cases can be transferred to newly hired staff, the onboarding costs are substantial, because their review of the record must also necessarily start from scratch.

As a result, turnover at OCFW slows case staffing and litigation. During FY2018, OCFW moved for extensions at least 17 times in 12 different matters based on difficulties related to staff turnover and excessive caseloads.

As identified in the 2018 OCFW assessment, there are two reasons why attrition is a growing problem: noncompetitive salaries and caseloads that exceed national standards.

**A. SALARIES ARE NONCOMPETITIVE AND BELOW MARKET**

OCFW Salaries:

|                                            |          |
|--------------------------------------------|----------|
| Average OCFW Attorney Salary:              | \$70,000 |
| Average OCFW Mitigation Specialist Salary: | \$55,000 |

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Market Salary Range for Comparable Attorneys:

|                                                                            |                       |
|----------------------------------------------------------------------------|-----------------------|
| Assistant State Prosecuting Attorney:                                      | \$105,000             |
| Assistant Public Defender (TX Regional Public Defender for Capital Cases): | \$100,500             |
| Assistant Federal Public Defender (Capital Habeas Unit):                   | \$88,000 to \$114,000 |
| Average Attorney Salary in Austin (Bureau of Labor Statistics):            | \$129,850             |

Market Salary Range for Mitigation Specialists:

|                                                      |                      |
|------------------------------------------------------|----------------------|
| Capital Mitigation Specialist (Capital Habeas Unit): | \$74,000 to \$96,000 |
|------------------------------------------------------|----------------------|

The salaries of Assistant State Prosecuting Attorneys are 50% higher than the average OCFW attorney salary. Salaries paid by the federal defender capital habeas units in Dallas and Austin are 30% to 60% higher. Assistant Public Defenders employed by the Regional Public Defender for Capital Cases (RPDO), a trial-level capital defender program that operates in over 180 mostly rural counties, earn 43% more than OCFW attorneys on average. Noncompetitive salaries and the presence of better paying competitor offices in close proximity are an ongoing source of staffing instability.

OCFW invests substantial human and financial capital in its staff; without more competitive salaries in line with what the State pays Assistant State Prosecuting Attorneys and other capital defender offices pay staff, OCFW will continue to lose key staff after they have been trained and gained valuable experience.

To reduce attrition, OCFW seeks salary parity with comparable and competitor offices, and requests appropriations to accomplish this purpose incrementally. For fiscal year 2020, OCFW requests \$157,500 during FY2020 to increase attorney salaries to \$85,000 on average and mitigation specialist salaries to \$62,500 on average. For fiscal year 2021, OCFW requests \$315,000 to increase average attorney salaries to \$100,000, and average mitigation specialist salaries to \$70,000, bringing OCFW staff salaries within range of the salaries at other agencies.

In total, OCFW requests \$472,500 over the biennium to remedy noncompetitive staff salaries that drive destabilizing attrition.

**B. GREATER CASELOAD MANAGEMENT TO REDUCE ATTRITION**

The second factor driving attrition is caseloads that exceed professional standards. The national professional caseload standard used by capital post-conviction offices in Texas and nationwide is 4 to 6 co-counseled cases per attorney. OCFW doesn't meet that standard, due to the volume of cases it has assumed relative to its staff size.

|                                                            |        |
|------------------------------------------------------------|--------|
| OCFW Caseload Average per attorney<br>(co-counseled cases) | 8.5    |
| Professional Standard<br>(co-counseled cases)              | 4 to 6 |

Higher than normal caseloads not only drive attrition, but contribute to inefficient litigation and extension requests, because even the most productive and committed attorneys can accomplish only so much in a given year.

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As such, OCFW requests funding for two additional attorneys and one additional mitigation specialist to reduce average staff caseload to the upper limit of the national professional standards, which is 6 cases. OCFW requests that the salary levels for these additional attorneys be funded at the same level as the requested salary increases above: \$85,000 for each attorney in FY2020, followed by \$100,000 in FY2021; \$62,500 for the additional mitigation specialist in FY2020, followed by \$70,000 in FY2021.

The amount of this request to bring OCFW caseloads into compliance with professional standards is \$502,500, plus additional monies to fund necessary travel, training, and equipment for these staff.

**EXCEPTIONAL ITEM #2: NECESSARY FUNDING TO STRENGTHEN OCFW'S OFFICE MANAGEMENT AND FUNCTIONING.**

Under this exceptional item, as detailed below, OCFW requests that a Deputy Director position be created and funded to supervise litigation and personnel; a Staff Services Officer position be created and funded to better manage our financial operations; additional money be provided to cover a burgeoning hearing docket throughout the state; and additional computers be funded to enable OCFW to make use of volunteer legal assistance.

The total amount requested over the biennium for this Exceptional Item is \$619,700.

**A. CREATE AND FUND A DEPUTY DIRECTOR POSITION.**

The Director of OCFW is the sole supervisor of the entire office. As the recent OCFW assessment notes, no one person can adequately supervise the work of eight attorneys, five mitigation specialists, a legal assistant, and an accountant, while handling a caseload, preparing reports and legislative materials, advocating for agency interests, and managing a diverse array of internal and external responsibilities. A Deputy Director would supervise litigation and personnel, freeing up the Director to manage internal and external responsibilities more effectively.

OCFW requests \$220,000 over the biennium to fund this position.

**B. CREATE AND FUND A STAFF SERVICES OFFICER POSITION TO MORE EFFICIENTLY AND EFFECTIVELY MANAGE FINANCIAL OPERATIONS.**

OCFW has only one accountant who handles all the agency's accounting, budgeting, purchasing, and human resources functions. Because of the statewide and travel-intensive work, the number of reimbursement and payments OCFW processes is two to three times larger than other agencies of similar size. In FY2017, OCFW processed and paid 1034 financial documents. By contrast, according to data maintained by the Comptroller, a similarly sized judicial agency with one accountant processed just 334 financial documents. Similarly, another judicial agency processed 299 financial documents—less than one-third the number OCFW generated—with the assistance of both an accountant and a Director of Finance.

To more efficiently and effectively manage its substantial accounting, budgeting, purchasing, and human resources needs, the OCFW requests that a Staff Services Officer position be created to work with OCFW's existing accountant and coordinate and oversee OCFW staff services. The salary cost of this staff person would be \$120,000 over the biennium.

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C. ADDITIONAL TRAVEL AND PROFESSIONAL FEES AND SERVICES TO HANDLE EVIDENTIARY HEARINGS IN DISTANT COUNTIES.

Evidentiary hearings are incredibly time- and resource-intensive undertakings. They are capital trial-like proceedings that often last for weeks and require months of preparation, substantial additional investigation inputs, expert assistance, on-location preparation of witnesses, and courtroom litigation in advance of the hearing. Because most OCFW cases are outside Austin, most hearings require out-of-town travel and hotel expenses. Last legislative session, the OCFW base budget was reduced by approximately \$112,000, which has limited the number of hearings OCFW can handle. Because of travel- and expert-assistance-related budgetary limitations as well as human resources limitations described elsewhere, OCFW has been forced to adjourn litigation into subsequent fiscal years and seek additional money from counties for expert costs.

To enable OCFW to meet the travel and litigation costs of its existing caseload, OCFW requests an additional \$250,000 over the biennium.

D. ADDITIONAL COMPUTERS

OCFW regularly relies on the volunteer assistance of summer and school-year interns and law clerks to perform necessary casework, but regularly has more volunteer staff than computers. During the present biennium, OCFW has had to depend on the generosity of the Office of Court Administration (OCA), which has lent OCFW computers for interns and law clerks. OCFW requests \$12,000 over the next biennium to purchase an additional six computers to cover these computer needs.

EXCEPTIONAL ITEM #3: FUNDING TO REPRESENT NONCAPITAL INMATES IN INNOCENCE-RELATED LITIGATION INVOLVING CONSTITUTIONAL CHALLENGES TO FORENSIC SCIENCE

The 84<sup>th</sup> Legislature expanded OCFW's mandate to include the representation of noncapital inmates in cases where questionable forensic science contributed to the conviction (SB1743). The legislation permitted OCFW to represent individuals in post-conviction proceedings, if the case was referred to OCFW in writing by the Texas Forensic Science Commission. SB1743, however, did not appropriate any funding to OCFW for this work, and no additional funding accompanied the expanded mandate during either the 84<sup>th</sup> or 85<sup>th</sup> Legislative sessions. Consequently, OCFW has not been able to act on this expanded mandate, because it is unable to do so with existing resources.

There would be tremendous public value to this program. According to the National Registry of Exonerations, there have been at least 156 exonerations in Texas since 1989 in which flawed forensic science was a contributing factor. Funding this program would provide much needed representation to inmates with potentially meritorious innocence-related claims, whose cases have been vetted by and referred to OCFW by the Forensic Science Commission. These inmates have few, if any, other sources of representation.

As such, OCFW requests funding to represent inmates in these forensic science challenges at the levels generally anticipated by the fiscal note accompanying SB1743, plus necessary professional fees and services (to retain necessary experts for these complicated cases), travel, and equipment costs. Consistent with the fiscal note, OCFW requests that this program be funded incrementally through the addition of two attorneys in FY2020, and a third attorney in FY2021.

The total amount requested by OCFW for this priority over the biennium is \$578,875.



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**215 Office of Capital and Forensic Writs**

\* \* \*

10% BIENNIAL BASE REDUCTION OPTIONS SCHEDULE.

OCFW is a small agency, and salaries comprise 80% of its budget. Ten percent of the OCFW base budget would be \$267,517 over the biennium. If OCFW's base budget were to be reduced by this amount, it would dramatically reduce OCFW's ability to fulfill its core functions, exacerbate attrition, and reduce the number of cases OCFW is able to litigate. To meet this targeted reduction in 2.5% increments, OCFW would be forced to reduce its workforce, and limit its travel. Any reduction in money allocated for travel would force OCFW to take locality into account when deciding what cases to accept. It would be difficult for OCFW to represent clients in cases further than 150 miles from Austin, because such cases would entail more substantial travel costs due to overnight hotel stays, air travel, lengthier car rental periods, extra fuel costs, and other increased travel costs.

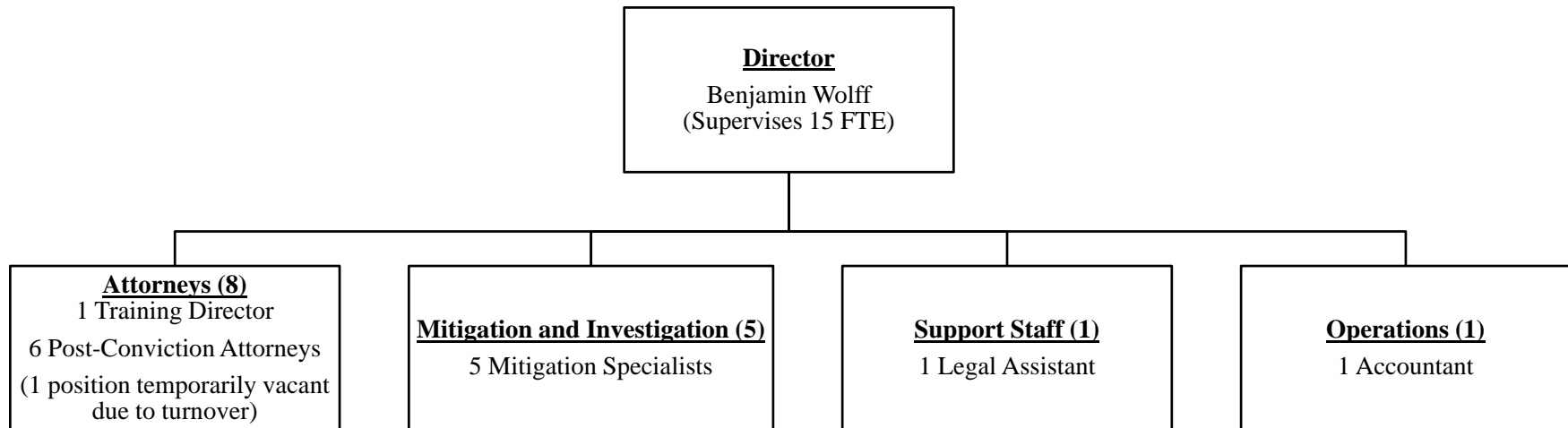
\* \* \*

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

**Office of Capital and Forensic Writs**  
**Organizational Chart**  
**July 27, 2018**



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



## CERTIFICATE

**Agency Name** OFFICE OF CAPITAL AND FORENSIC WRITS

This is to certify that the information contained in the agency Legislative Appropriations 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 (2018-19 GAA).

**Chief Executive Officer or Presiding Judge**

  
Signature

Benjamin B. Wolff  
Printed Name

Executive Director  
Title

July 27, 2018  
Date

**Board or Commission Chair**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**Chief Financial Officer**

  
Signature

Sandra Justice  
Printed Name

Senior Accountant / HR  
Title

July 27, 2018  
Date

# SUMMARIES OF REQUEST

**Budget Overview - Biennial Amounts**  
**86th Regular Session, Agency Submission, Version 1**  
Automated Budget and Evaluation System of Texas (ABEST)

215 Office of Capital and Forensic Writs  
Appropriation Years: 2020-21

|                                       | GENERAL REVENUE FUNDS                          |         | GR DEDICATED     |                  | FEDERAL FUNDS |         | OTHER FUNDS |         | ALL FUNDS        |                  | EXCEPTIONAL<br>ITEM<br>FUNDS |
|---------------------------------------|------------------------------------------------|---------|------------------|------------------|---------------|---------|-------------|---------|------------------|------------------|------------------------------|
|                                       | 2018-19                                        | 2020-21 | 2018-19          | 2020-21          | 2018-19       | 2020-21 | 2018-19     | 2020-21 | 2018-19          | 2020-21          | 2020-21                      |
|                                       | <b>Goal: 1. Post-Conviction Representation</b> |         |                  |                  |               |         |             |         |                  |                  |                              |
| 1.1.1. Post-Conviction Representation |                                                |         | 2,675,171        | 2,675,172        |               |         |             |         | 2,675,171        | 2,675,172        | 2,257,000                    |
| <b>Total, Goal</b>                    |                                                |         | <b>2,675,171</b> | <b>2,675,172</b> |               |         |             |         | <b>2,675,171</b> | <b>2,675,172</b> | <b>2,257,000</b>             |
| <b>Total, Agency</b>                  |                                                |         | <b>2,675,171</b> | <b>2,675,172</b> |               |         |             |         | <b>2,675,171</b> | <b>2,675,172</b> | <b>2,257,000</b>             |
| <b>Total FTEs</b>                     |                                                |         |                  |                  |               |         |             |         | <b>16.0</b>      | <b>16.5</b>      | <b>8.0</b>                   |

2.A. Summary of Base Request by Strategy

86th 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 2017           | Est 2018           | Bud 2019           | Req 2020           | Req 2021           |
|---------------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>1</b> Post-Conviction Representation     |                    |                    |                    |                    |                    |
| <b>1</b> Post-Conviction Representation     |                    |                    |                    |                    |                    |
| <b>1</b> POST-CONVICTION REPRESENTATION     | 1,437,011          | 1,337,585          | 1,337,586          | 1,337,586          | 1,337,586          |
| TOTAL, GOAL <b>1</b>                        | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| TOTAL, AGENCY STRATEGY REQUEST              | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| TOTAL, AGENCY RIDER APPROPRIATIONS REQUEST* |                    |                    |                    | \$0                | \$0                |
| GRAND TOTAL, AGENCY REQUEST                 | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| <u>METHOD OF FINANCING:</u>                 |                    |                    |                    |                    |                    |
| <b>General Revenue Dedicated Funds:</b>     |                    |                    |                    |                    |                    |
| 5073 Fair Defense                           | 1,437,011          | 1,337,585          | 1,337,586          | 1,337,586          | 1,337,586          |
| SUBTOTAL                                    | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| TOTAL, METHOD OF FINANCING                  | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |

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

**2.B. Summary of Base Request by Method of Finance**  
 86th 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**

| METHOD OF FINANCING | Exp 2017 | Est 2018 | Bud 2019 | Req 2020 | Req 2021 |
|---------------------|----------|----------|----------|----------|----------|
|---------------------|----------|----------|----------|----------|----------|

**GENERAL REVENUE FUND - DEDICATED**

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

*REGULAR APPROPRIATIONS*

Regular Appropriations from MOF Table (2016-17 GAA)

|             |     |     |     |     |
|-------------|-----|-----|-----|-----|
| \$1,328,863 | \$0 | \$0 | \$0 | \$0 |
|-------------|-----|-----|-----|-----|

Regular Appropriations from MOF Table (2018-19 GAA)

|     |             |             |     |     |
|-----|-------------|-------------|-----|-----|
| \$0 | \$1,337,585 | \$1,337,586 | \$0 | \$0 |
|-----|-------------|-------------|-----|-----|

Regular Appropriations from MOF Table (2020-21)

|     |     |     |             |             |
|-----|-----|-----|-------------|-------------|
| \$0 | \$0 | \$0 | \$1,337,586 | \$1,337,586 |
|-----|-----|-----|-------------|-------------|

*TRANSFERS*

Art IX, Sec 18.04, Additional Appropriation for Employee Benefits (2016-17 GAA)

|          |     |     |     |     |
|----------|-----|-----|-----|-----|
| \$11,453 | \$0 | \$0 | \$0 | \$0 |
|----------|-----|-----|-----|-----|

*LAPSED APPROPRIATIONS*

Regular Appropriation from MOF Table (2016-

|         |     |     |     |     |
|---------|-----|-----|-----|-----|
| \$(223) | \$0 | \$0 | \$0 | \$0 |
|---------|-----|-----|-----|-----|

*UNEXPENDED BALANCES AUTHORITY*

**2.B. Summary of Base Request by Method of Finance**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

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|                                                |                                                       |                    |                                             |                    |                    |                    |
|------------------------------------------------|-------------------------------------------------------|--------------------|---------------------------------------------|--------------------|--------------------|--------------------|
| Agency code:                                   | <b>215</b>                                            | Agency name:       | <b>Office of Capital and Forensic Writs</b> |                    |                    |                    |
| <b>METHOD OF FINANCING</b>                     |                                                       | <b>Exp 2017</b>    | <b>Est 2018</b>                             | <b>Bud 2019</b>    | <b>Req 2020</b>    | <b>Req 2021</b>    |
| <b><u>GENERAL REVENUE FUND - DEDICATED</u></b> |                                                       |                    |                                             |                    |                    |                    |
|                                                | Art IX, Sec 14.03(i), Capital Budget UB (2016-17 GAA) | \$96,918           | \$0                                         | \$0                | \$0                | \$0                |
| <b>TOTAL,</b>                                  | <b>GR Dedicated - Fair Defense Account No. 5073</b>   | <b>\$1,437,011</b> | <b>\$1,337,585</b>                          | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| <b>TOTAL, ALL</b>                              | <b>GENERAL REVENUE FUND - DEDICATED</b>               | <b>\$1,437,011</b> | <b>\$1,337,585</b>                          | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| <b>TOTAL,</b>                                  | <b>GR &amp; GR-DEDICATED FUNDS</b>                    | <b>\$1,437,011</b> | <b>\$1,337,585</b>                          | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| <b>GRAND TOTAL</b>                             |                                                       | <b>\$1,437,011</b> | <b>\$1,337,585</b>                          | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |



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

7/27/2018 10:24:51AM

86th 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 2017</b>                                          | <b>Est 2018</b> | <b>Bud 2019</b> | <b>Req 2020</b> | <b>Req 2021</b> |
| <b>FULL-TIME-EQUIVALENT POSITIONS</b>                                                                                            |                                                          |                 |                 |                 |                 |
| REGULAR APPROPRIATIONS                                                                                                           |                                                          |                 |                 |                 |                 |
| Regular Appropriations from MOF Table<br>(2016-17 GAA)<br><b>Comments:</b> Regular Appropriations from MOF Table (2016-17 GAA)   | 16.5                                                     | 0.0             | 0.0             | 0.0             | 0.0             |
| Regular Appropriations from MOF Table<br>(2018-19 GAA)<br><b>Comments:</b> Regular Appropriations from MOF Table (2018-19 GAA)   | 0.0                                                      | 16.5            | 16.5            | 0.0             | 0.0             |
| Regular Appropriations from MOF Table<br>(2020-2021 GAA)<br><b>Comments:</b> Regular Appropriations from MOF Table (2018-19 GAA) | 0.0                                                      | 0.0             | 0.0             | 16.5            | 16.5            |
| UNAUTHORIZED NUMBER OVER (BELOW) CAP                                                                                             |                                                          |                 |                 |                 |                 |
| UNAUTHORIZED NUMBER<br><b>Comments:</b> Unauthorized Number Over (Below) Cap                                                     | (1.5)                                                    | (0.5)           | (0.5)           | (0.5)           | (0.5)           |
| <b>TOTAL, ADJUSTED FTES</b>                                                                                                      | <b>15.0</b>                                              | <b>16.0</b>     | <b>16.0</b>     | <b>16.0</b>     | <b>16.0</b>     |

**NUMBER OF 100% FEDERALLY FUNDED  
FTEs**

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

7/27/2018 10:24:51AM

86th 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 2017           | Est 2018           | Bud 2019           | BL 2020            | BL 2021            |
|-------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 1001 SALARIES AND WAGES             | \$1,026,696        | \$1,030,793        | \$1,073,811        | \$1,073,811        | \$1,073,811        |
| 1002 OTHER PERSONNEL COSTS          | \$65,868           | \$29,689           | \$10,909           | \$10,909           | \$10,909           |
| 2001 PROFESSIONAL FEES AND SERVICES | \$134,358          | \$100,788          | \$65,066           | \$65,066           | \$65,066           |
| 2003 CONSUMABLE SUPPLIES            | \$15,153           | \$7,000            | \$10,000           | \$10,000           | \$10,000           |
| 2004 UTILITIES                      | \$5,438            | \$6,675            | \$6,000            | \$6,000            | \$6,000            |
| 2005 TRAVEL                         | \$97,787           | \$50,000           | \$85,000           | \$85,000           | \$85,000           |
| 2006 RENT - BUILDING                | \$3,298            | \$3,500            | \$3,800            | \$3,800            | \$3,800            |
| 2007 RENT - MACHINE AND OTHER       | \$5,125            | \$5,600            | \$8,000            | \$8,000            | \$8,000            |
| 2009 OTHER OPERATING EXPENSE        | \$83,288           | \$103,540          | \$75,000           | \$75,000           | \$75,000           |
| <b>OOE Total (Excluding Riders)</b> | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| <b>OOE Total (Riders)</b>           |                    |                    |                    | <b>\$0</b>         | <b>\$1</b>         |
| <b>Grand Total</b>                  | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,587</b> |

**2.D. Summary of Base Request Objective Outcomes**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

7/27/2018 10:24:51AM

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**215 Office of Capital and Forensic Writs**

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| Goal/ Objective / Outcome                                                     | Exp 2017 | Est 2018 | Bud 2019 | BL 2020 | BL 2021 |
|-------------------------------------------------------------------------------|----------|----------|----------|---------|---------|
| 1 Post-Conviction Representation                                              |          |          |          |         |         |
| 1 Post-Conviction Representation                                              |          |          |          |         |         |
| <b>KEY</b> <b>1 # Writ Apps for Which Hearings are Granted by Trial Court</b> |          |          |          |         |         |
|                                                                               | 24.00    | 20.00    | 18.00    | 18.00   | 18.00   |
| <b>KEY</b> <b>2 Percentage of Writs Filed on a Timely Basis</b>               |          |          |          |         |         |
|                                                                               | 100.00%  | 100.00%  | 100.00%  | 100.00% | 100.00% |
| <b>3 Percentage of Cases Pending at the District-Court Level</b>              |          |          |          |         |         |
|                                                                               | 64.00%   | 88.00%   | 70.00%   | 50.00%  | 50.00%  |

**2.E. Summary of Exceptional Items Request**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/27/2018  
 TIME : 10:24:51AM

Agency code: 215

Agency name: Office of Capital and Forensic Writs

| Priority                                | Item                       | 2020                   |                    |            | 2021                |                    |            | Biennium            |                    |
|-----------------------------------------|----------------------------|------------------------|--------------------|------------|---------------------|--------------------|------------|---------------------|--------------------|
|                                         |                            | GR and GR/GR Dedicated | All Funds          | FTEs       | GR and GR Dedicated | All Funds          | FTEs       | GR and GR Dedicated | All Funds          |
| 1                                       | REDUCE ATTRITION           | \$435,750              | \$435,750          | 3.0        | \$618,675           | \$618,675          | 3.0        | \$1,054,425         | \$1,054,425        |
| 2                                       | OFFICE IMPROVEMENTS        | \$320,850              | \$320,850          | 2.0        | \$298,850           | \$298,850          | 2.0        | \$619,700           | \$619,700          |
| 3                                       | FORENSIC SCIENCE EXPANSION | \$250,150              | \$250,150          | 2.0        | \$332,725           | \$332,725          | 3.0        | \$582,875           | \$582,875          |
| <b>Total, Exceptional Items Request</b> |                            | <b>\$1,006,750</b>     | <b>\$1,006,750</b> | <b>7.0</b> | <b>\$1,250,250</b>  | <b>\$1,250,250</b> | <b>8.0</b> | <b>\$2,257,000</b>  | <b>\$2,257,000</b> |

**Method of Financing**

General Revenue

General Revenue - Dedicated

Federal Funds

Other Funds

|                             |                    |                    |  |                    |                    |  |                    |                    |
|-----------------------------|--------------------|--------------------|--|--------------------|--------------------|--|--------------------|--------------------|
| General Revenue - Dedicated | 1,006,750          | 1,006,750          |  | 1,250,250          | 1,250,250          |  | 2,257,000          | 2,257,000          |
|                             | <b>\$1,006,750</b> | <b>\$1,006,750</b> |  | <b>\$1,250,250</b> | <b>\$1,250,250</b> |  | <b>\$2,257,000</b> | <b>\$2,257,000</b> |

**Full Time Equivalent Positions**

**7.0**

**8.0**

**Number of 100% Federally Funded FTEs**

**2.F. Summary of Total Request by Strategy**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 7/27/2018  
 TIME : 10:24:51AM

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

| <b>Goal/Objective/STRATEGY</b>                        | <b>Base<br/>2020</b> | <b>Base<br/>2021</b> | <b>Exceptional<br/>2020</b> | <b>Exceptional<br/>2021</b> | <b>Total Request<br/>2020</b> | <b>Total Request<br/>2021</b> |
|-------------------------------------------------------|----------------------|----------------------|-----------------------------|-----------------------------|-------------------------------|-------------------------------|
| <b>1</b> Post-Conviction Representation               |                      |                      |                             |                             |                               |                               |
| <i>1 Post-Conviction Representation</i>               |                      |                      |                             |                             |                               |                               |
| <b>1</b> POST-CONVICTION REPRESENTATION               | \$1,337,586          | \$1,337,586          | \$1,006,750                 | \$1,250,250                 | \$2,344,336                   | \$2,587,836                   |
| <b>TOTAL, GOAL 1</b>                                  | <b>\$1,337,586</b>   | <b>\$1,337,586</b>   | <b>\$1,006,750</b>          | <b>\$1,250,250</b>          | <b>\$2,344,336</b>            | <b>\$2,587,836</b>            |
| <b>TOTAL, AGENCY<br/>STRATEGY REQUEST</b>             | <b>\$1,337,586</b>   | <b>\$1,337,586</b>   | <b>\$1,006,750</b>          | <b>\$1,250,250</b>          | <b>\$2,344,336</b>            | <b>\$2,587,836</b>            |
| <b>TOTAL, AGENCY RIDER<br/>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>\$1,337,586</b>   | <b>\$1,337,586</b>   | <b>\$1,006,750</b>          | <b>\$1,250,250</b>          | <b>\$2,344,336</b>            | <b>\$2,587,836</b>            |

**2.F. Summary of Total Request by Strategy**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE : 7/27/2018  
 TIME : 10:24:51AM

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

| <b>Goal/Objective/STRATEGY</b>          | <b>Base<br/>2020</b> | <b>Base<br/>2021</b> | <b>Exceptional<br/>2020</b> | <b>Exceptional<br/>2021</b> | <b>Total Request<br/>2020</b> | <b>Total Request<br/>2021</b> |
|-----------------------------------------|----------------------|----------------------|-----------------------------|-----------------------------|-------------------------------|-------------------------------|
| <b>General Revenue Dedicated Funds:</b> |                      |                      |                             |                             |                               |                               |
| 5073 Fair Defense                       | \$1,337,586          | \$1,337,586          | \$1,006,750                 | \$1,250,250                 | \$2,344,336                   | \$2,587,836                   |
|                                         | <b>\$1,337,586</b>   | <b>\$1,337,586</b>   | <b>\$1,006,750</b>          | <b>\$1,250,250</b>          | <b>\$2,344,336</b>            | <b>\$2,587,836</b>            |
| <b>TOTAL, METHOD OF FINANCING</b>       | <b>\$1,337,586</b>   | <b>\$1,337,586</b>   | <b>\$1,006,750</b>          | <b>\$1,250,250</b>          | <b>\$2,344,336</b>            | <b>\$2,587,836</b>            |
| <b>FULL TIME EQUIVALENT POSITIONS</b>   | <b>16.5</b>          | <b>16.5</b>          | <b>7.0</b>                  | <b>8.0</b>                  | <b>23.5</b>                   | <b>24.5</b>                   |

**2.G. Summary of Total Request Objective Outcomes**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation system of Texas (ABEST)

Date : 7/27/2018  
 Time: 10:24:52AM

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

Goal/ Objective / Outcome

|                                                                        | <b>BL<br/>2020</b> | <b>BL<br/>2021</b> | <b>Excp<br/>2020</b> | <b>Excp<br/>2021</b> | <b>Total<br/>Request<br/>2020</b> | <b>Total<br/>Request<br/>2021</b> |
|------------------------------------------------------------------------|--------------------|--------------------|----------------------|----------------------|-----------------------------------|-----------------------------------|
| 1 Post-Conviction Representation                                       |                    |                    |                      |                      |                                   |                                   |
| 1 <i>Post-Conviction Representation</i>                                |                    |                    |                      |                      |                                   |                                   |
| <b>KEY 1 # Writ Apps for Which Hearings are Granted by Trial Court</b> |                    |                    |                      |                      |                                   |                                   |
|                                                                        | 18.00              | 18.00              | 8.00                 | 8.00                 | 8.00                              | 8.00                              |
| <b>KEY 2 Percentage of Writs Filed on a Timely Basis</b>               |                    |                    |                      |                      |                                   |                                   |
|                                                                        | 100.00%            | 100.00%            | 100.00%              | 100.00%              | 100.00%                           | 100.00%                           |
| <b>3 Percentage of Cases Pending at the District-Court Level</b>       |                    |                    |                      |                      |                                   |                                   |
|                                                                        | 50.00%             | 50.00%             | 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 Representation

Service Categories:

Service: 01      Income: NA      Age: NA

| CODE                               | DESCRIPTION                       | Exp 2017           | Est 2018           | Bud 2019           | BL 2020            | BL 2021            |
|------------------------------------|-----------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Output Measures:</b>            |                                   |                    |                    |                    |                    |                    |
| KEY 1                              | Number of Writ Applications Filed | 10.00              | 6.00               | 8.00               | 7.00               | 7.00               |
| KEY 2                              | Number of New Cases Accepted      | 3.00               | 3.00               | 3.00               | 3.00               | 3.00               |
| <b>Explanatory/Input Measures:</b> |                                   |                    |                    |                    |                    |                    |
| 1                                  | Number of Cases Refused           | 0.00               | 4.00               | 4.00               | 4.00               | 4.00               |
| 2                                  | Number of Cases Pending           | 46.00              | 45.00              | 38.00              | 35.00              | 35.00              |
| <b>Objects of Expense:</b>         |                                   |                    |                    |                    |                    |                    |
| 1001                               | SALARIES AND WAGES                | \$1,026,696        | \$1,030,793        | \$1,073,811        | \$1,073,811        | \$1,073,811        |
| 1002                               | OTHER PERSONNEL COSTS             | \$65,868           | \$29,689           | \$10,909           | \$10,909           | \$10,909           |
| 2001                               | PROFESSIONAL FEES AND SERVICES    | \$134,358          | \$100,788          | \$65,066           | \$65,066           | \$65,066           |
| 2003                               | CONSUMABLE SUPPLIES               | \$15,153           | \$7,000            | \$10,000           | \$10,000           | \$10,000           |
| 2004                               | UTILITIES                         | \$5,438            | \$6,675            | \$6,000            | \$6,000            | \$6,000            |
| 2005                               | TRAVEL                            | \$97,787           | \$50,000           | \$85,000           | \$85,000           | \$85,000           |
| 2006                               | RENT - BUILDING                   | \$3,298            | \$3,500            | \$3,800            | \$3,800            | \$3,800            |
| 2007                               | RENT - MACHINE AND OTHER          | \$5,125            | \$5,600            | \$8,000            | \$8,000            | \$8,000            |
| 2009                               | OTHER OPERATING EXPENSE           | \$83,288           | \$103,540          | \$75,000           | \$75,000           | \$75,000           |
| <b>TOTAL, OBJECT OF EXPENSE</b>    |                                   | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |

**215 Office of Capital and Forensic Writs**

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

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

| CODE                                                     | DESCRIPTION               | Exp 2017           | Est 2018           | Bud 2019           | BL 2020            | BL 2021            |
|----------------------------------------------------------|---------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>Method of Financing:</b>                              |                           |                    |                    |                    |                    |                    |
| 5073                                                     | Fair Defense              | \$1,437,011        | \$1,337,585        | \$1,337,586        | \$1,337,586        | \$1,337,586        |
| <b>SUBTOTAL, MOF (GENERAL REVENUE FUNDS - DEDICATED)</b> |                           | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</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>\$1,337,586</b> | <b>\$1,337,586</b> |
| <b>TOTAL, METHOD OF FINANCE (EXCLUDING RIDERS)</b>       |                           | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| <b>FULL TIME EQUIVALENT POSITIONS:</b>                   |                           | <b>0.0</b>         | <b>16.0</b>        | <b>16.0</b>        | <b>16.5</b>        | <b>16.5</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 Representation | Service: 01      Income: NA      Age: NA |

| CODE | DESCRIPTION | Exp 2017 | Est 2018 | Bud 2019 | BL 2020 | BL 2021 |
|------|-------------|----------|----------|----------|---------|---------|
|------|-------------|----------|----------|----------|---------|---------|

Pursuant to Texas Government Code Article 78, OCFW represents capital defendants in post-conviction litigation. OCFW first opened its doors in 2010, and currently handles about 70% of initial capital post-conviction cases in Texas. OCFW provides an essential service to the State and the criminal justice system by ensuring that the administration of the death penalty is constitutionally reliable and valid, and Texas courts can consider fundamental claims efficiently and fairly. Counties assume financial responsibility for Texas capital post-conviction representation that is not provided by OCFW.

In 2015, OCFW’s mandate expanded to include the representation of non-capitally sentenced inmates in innocence-related litigation involving challenges to the forensic science used to convict them. This priority, however, has not been funded, and the OCFW has not yet been able to take on any such cases.

**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 Representation | Service: 01      Income: NA      Age: NA |

| CODE | DESCRIPTION | Exp 2017 | Est 2018 | Bud 2019 | BL 2020 | BL 2021 |
|------|-------------|----------|----------|----------|---------|---------|
|------|-------------|----------|----------|----------|---------|---------|

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 non-competitive salaries and caseloads that exceed professional standards.

The work of OCFW is considerably more complicated, lengthy and, resource-intensive than initially projected when the agency was created in 2010. Initial projections estimated that cases would remain in state-court litigation for approximately three to four years; currently, OCFW projects cases will remain on its docket for six years, based on eight years of data. During the first four years of OCFW, the agency handled on average three and a half hearings per year. By contrast, during FY2017, OCFW juggled 24 different time- and resource-intensive evidentiary hearings statewide.

The number of new cases OCFW is able to 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.

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 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 Representation Service: 01 Income: NA Age: NA

| CODE | DESCRIPTION | Exp 2017 | Est 2018 | Bud 2019 | BL 2020 | BL 2021 |
|------|-------------|----------|----------|----------|---------|---------|
|------|-------------|----------|----------|----------|---------|---------|

**EXPLANATION OF BIENNIAL CHANGE (includes Rider amounts):**

| <u>STRATEGY BIENNIAL TOTAL - ALL FUNDS</u> |                                      | <u>BIENNIAL</u> | <u>EXPLANATION OF BIENNIAL CHANGE</u> |                                                       |
|--------------------------------------------|--------------------------------------|-----------------|---------------------------------------|-------------------------------------------------------|
| Base Spending (Est 2018 + Bud 2019)        | Baseline Request (BL 2020 + BL 2021) | CHANGE          | \$ Amount                             | Explanation(s) of Amount (must specify MOFs and FTEs) |
| \$2,675,171                                | \$2,675,172                          | \$1             | \$1                                   | Rounding Factor                                       |
|                                            |                                      |                 | <b>\$1</b>                            | <b>Total of Explanation of Biennial Change</b>        |

---

**SUMMARY TOTALS:**

|                                               |                    |                    |                    |                    |                    |
|-----------------------------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| <b>OBJECTS OF EXPENSE:</b>                    | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| <b>METHODS OF FINANCE (INCLUDING RIDERS):</b> |                    |                    |                    | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| <b>METHODS OF FINANCE (EXCLUDING RIDERS):</b> | <b>\$1,437,011</b> | <b>\$1,337,585</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> | <b>\$1,337,586</b> |
| <b>FULL TIME EQUIVALENT POSITIONS:</b>        | <b>0.0</b>         | <b>16.0</b>        | <b>16.0</b>        | <b>16.5</b>        | <b>16.5</b>        |

RIDER APPROPRIATIONS AND UNEXPENDED BALANCES  
REQUEST

3.C. Rider Appropriations and Unexpended Balances Request  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/27/2018  
 TIME: 10:24:53AM

Agency Code: 215 Office of Capital and Forensic Writs

| RIDER                             | STRATEGY                                                    | Exp 2017   | Est 2018   | Bud 2019   | BL 2020    | BL 2021    |
|-----------------------------------|-------------------------------------------------------------|------------|------------|------------|------------|------------|
| 701 1                             | Unexpended Balances<br>1-1-1 POST-CONVICTION REPRESENTATION | \$0        | \$0        | \$0        | \$0        | \$1        |
| <b>OBJECT OF EXPENSE:</b>         |                                                             |            |            |            |            |            |
|                                   | 2009 OTHER OPERATING EXPENSE                                | \$0        | \$0        | \$0        | \$0        | \$1        |
| <b>Total, Object of Expense</b>   |                                                             | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$1</b> |
| <b>METHOD OF FINANCING:</b>       |                                                             |            |            |            |            |            |
|                                   | 5073 Fair Defense                                           | \$0        | \$0        | \$0        | \$0        | \$0        |
| <b>Total, Method of Financing</b> |                                                             | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

**Description/Justification for continuation of existing riders or proposed new rider**

Any unexpended balances appropriated in fiscal year 2020 are hereby appropriated to the Office of Capital and Forensic Writs for fiscal year 2021 for the same purposes.

Investigation costs are a major component of the OCFW's budget. Uncertainty exists with respect to these costs because they vary based on the particulars of the case being filed, and whether a district court holds an evidentiary hearing requiring the live testimony of lay and expert witnesses. In addition, payments for outside experts may not be billed in the year services begin. Authority to carry forward unexpended balances between years of 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 and 85th Legislatures, R.S. The OCFW requests unexpended budget authority again in FY 2020-21.



3.C. Rider Appropriations and Unexpended Balances Request  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 7/27/2018  
 TIME: 10:24:53AM

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Agency Code: 215 Office of Capital and Forensic Writs

| RIDER                            | STRATEGY | Exp 2017 | Est 2018 | Bud 2019 | BL 2020 | BL 2021 |
|----------------------------------|----------|----------|----------|----------|---------|---------|
| <b>SUMMARY:</b>                  |          |          |          |          |         |         |
| <b>OBJECT OF EXPENSE TOTAL</b>   |          | \$0      | \$0      | \$0      | \$0     | \$1     |
| <b>METHOD OF FINANCING TOTAL</b> |          | \$0      | \$0      | \$0      | \$0     | \$0     |

# EXCEPTIONAL ITEM REQUEST

**4.A. Exceptional Item Request Schedule**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **10/15/2018**  
 TIME: **4:55:50PM**

Agency code: **215**

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

| <u>CODE</u>                     | <u>DESCRIPTION</u>                                                                                        | <u>Excp 2020</u> | <u>Excp 2021</u> |
|---------------------------------|-----------------------------------------------------------------------------------------------------------|------------------|------------------|
|                                 | <b>Item Name:</b> FUNDING TO REDUCE ATTRITION THROUGH MORE COMPETITIVE SALARIES AND CASELOAD MANAGEMENT   |                  |                  |
|                                 | <b>Item Priority:</b> 1                                                                                   |                  |                  |
|                                 | <b>IT Component:</b> No                                                                                   |                  |                  |
|                                 | <b>Anticipated Out-year Costs:</b> Yes                                                                    |                  |                  |
|                                 | <b>Involve Contracts &gt; \$50,000:</b> No                                                                |                  |                  |
|                                 | <b>Includes Funding for the Following Strategy or Strategies:</b> 01-01-01 Post-Conviction Representation |                  |                  |
| <br><b>OBJECTS OF EXPENSE:</b>  |                                                                                                           |                  |                  |
| 1001                            | SALARIES AND WAGES                                                                                        | 390,000          | 585,000          |
| 1002                            | OTHER PERSONNEL COSTS                                                                                     | 1,950            | 2,925            |
| 2001                            | PROFESSIONAL FEES AND SERVICES                                                                            | 6,000            | 6,000            |
| 2005                            | TRAVEL                                                                                                    | 15,000           | 15,000           |
| 2009                            | OTHER OPERATING EXPENSE                                                                                   | 22,800           | 9,750            |
|                                 | <b>TOTAL, OBJECT OF EXPENSE</b>                                                                           | <b>\$435,750</b> | <b>\$618,675</b> |
| <br><b>METHOD OF FINANCING:</b> |                                                                                                           |                  |                  |
| 5073                            | Fair Defense                                                                                              | 435,750          | 618,675          |
|                                 | <b>TOTAL, METHOD OF FINANCING</b>                                                                         | <b>\$435,750</b> | <b>\$618,675</b> |
|                                 | <b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>                                                              | 3.00             | 3.00             |

**DESCRIPTION / JUSTIFICATION:**

OCFW requests appropriations to combat attrition through competitive salaries and caseload management.

Salaries for attorneys and mitigation specialists are noncompetitive, and OCFW seeks parity incrementally. To accomplish this, OCFW requests \$157,500 during FY2020 to increase attorney salaries to \$85,000 on average and mitigation specialist salaries to \$62,500 on average. For fiscal year 2021, OCFW requests \$315,000 to increase average attorney salaries to \$100,000, and average mitigation specialist salaries to \$70,000, bringing OCFW staff salaries within range of the salaries at other agencies.

The second driver of attrition is caseloads that exceed professional standards. OCFW requests two additional attorneys and one mitigation specialist to reduce caseloads to the upper limit of the professional standard, six cases. OCFW requests that these new positions be funded as follows: \$85,000 in FY2020, and \$100,000 in FY2021, for each attorney; \$62,500 in FY2020, and \$70,000 in FY2021, for the mitigation specialist.

For added staff, OCFW requests money to pay for necessary travel (\$30,000 over the biennium), Professional Fees & Services (\$12,000 over the biennium), and Other Personnel Cost (\$1,950 in FY2020; \$2,925 in FY2021). As Other Operating Expenses, OCFW requests money for health insurance (\$3,900 in FY2020; \$5,850 in FY2021), computers and equipment (\$15,000 in FY2020), and legal research subscriptions (\$3,900 in FY2020 and FY2021).

Agency code: 215

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

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| CODE | DESCRIPTION | Excp 2020 | Excp 2021 |
|------|-------------|-----------|-----------|
|------|-------------|-----------|-----------|

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**EXTERNAL/INTERNAL FACTORS:**

Since OCFW opened in 2010, 27 staff have departed, the equivalent of over 168% of the present staff size. For fiscal year 2018, OCFW expects a 63% attrition rate for attorneys. Attrition negatively impacts OCFW's effectiveness; the costs of turnover are high because staff taking over transferred cases must start their work from scratch.

OCFW salaries are noncompetitive:

|                                            |          |
|--------------------------------------------|----------|
| Average OCFW Attorney Salary:              | \$70,000 |
| Average OCFW Mitigation Specialist Salary: | \$55,000 |

Market Salary Range for Comparable Attorneys:

|                                                                            |                       |
|----------------------------------------------------------------------------|-----------------------|
| Assistant State Prosecuting Attorney:                                      | \$105,000             |
| Assistant Public Defender (TX Regional Public Defender for Capital Cases): | \$100,500             |
| Assistant Federal Public Defender (Capital Habeas Unit):                   | \$88,000 to \$114,000 |
| Average Attorney Salary in Austin (Bureau of Labor Statistics):            | \$129,850             |

Market Salary Range for Mitigation Specialists:

|                                                      |                      |
|------------------------------------------------------|----------------------|
| Capital Mitigation Specialist (Capital Habeas Unit): | \$74,000 to \$96,000 |
|------------------------------------------------------|----------------------|

Noncompetitive salaries and the presence of better paying competitor offices in close proximity are an ongoing source of staffing instability. Without more competitive salaries, OCFW will continue to lose key staff after they have been trained and gained valuable experience.

The current average OCFW caseload per attorney is 8.5 co-counseled cases, whereas the Texas and national standard is 4 to 6.

**PCLS TRACKING KEY:**

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**DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :**

OCFW anticipates that it will need these additional staff and resources in FY2022, FY2023, and FY2024, and that out-year costs will increase by 5% per year due to moderate growth in personnel costs, travel, professional fees and services, and other operating expenses.

**4.A. Exceptional Item Request Schedule**  
86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 10/15/2018  
TIME: 4:55:50PM

Agency code: 215

Agency name:

**Office of Capital and Forensic Writs**

| <u>CODE</u> | <u>DESCRIPTION</u> | <u>Excp 2020</u> | <u>Excp 2021</u> |
|-------------|--------------------|------------------|------------------|
|-------------|--------------------|------------------|------------------|

**ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:**

| <u>2022</u> | <u>2023</u> | <u>2024</u> |
|-------------|-------------|-------------|
| \$649,609   | \$680,542   | \$711,477   |

**4.A. Exceptional Item Request Schedule**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 10/15/2018  
 TIME: 4:55:50PM

Agency code: 215

Agency name: Office of Capital and Forensic Writs

| CODE                                         | DESCRIPTION                                                                                               | Excp 2020        | Excp 2021        |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------|------------------|
|                                              | <b>Item Name:</b> FUNDING TO STRENGTHEN OCFW'S OFFICE MANAGEMENT AND FUNCTIONING                          |                  |                  |
|                                              | <b>Item Priority:</b> 2                                                                                   |                  |                  |
|                                              | <b>IT Component:</b> No                                                                                   |                  |                  |
|                                              | <b>Anticipated Out-year Costs:</b> Yes                                                                    |                  |                  |
|                                              | <b>Involve Contracts &gt; \$50,000:</b> No                                                                |                  |                  |
|                                              | <b>Includes Funding for the Following Strategy or Strategies:</b> 01-01-01 Post-Conviction Representation |                  |                  |
| <br><b>OBJECTS OF EXPENSE:</b>               |                                                                                                           |                  |                  |
| 1001                                         | SALARIES AND WAGES                                                                                        | 170,000          | 170,000          |
| 1002                                         | OTHER PERSONNEL COSTS                                                                                     | 850              | 850              |
| 2001                                         | PROFESSIONAL FEES AND SERVICES                                                                            | 100,000          | 100,000          |
| 2005                                         | TRAVEL                                                                                                    | 25,000           | 25,000           |
| 2009                                         | OTHER OPERATING EXPENSE                                                                                   | 25,000           | 3,000            |
|                                              | <b>TOTAL, OBJECT OF EXPENSE</b>                                                                           | <b>\$320,850</b> | <b>\$298,850</b> |
| <br><b>METHOD OF FINANCING:</b>              |                                                                                                           |                  |                  |
| 5073                                         | Fair Defense                                                                                              | 320,850          | 298,850          |
|                                              | <b>TOTAL, METHOD OF FINANCING</b>                                                                         | <b>\$320,850</b> | <b>\$298,850</b> |
| <b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b> |                                                                                                           | 2.00             | 2.00             |

**DESCRIPTION / JUSTIFICATION:**

OCFW requests funding to improve its management and function through the addition of a Deputy Director, a Staff Services Officer, necessary money for travel and litigation expenses, and equipment.

The OCFW has the same structure it had when it was much smaller; however, with the agency at its present size, OCFW requests that its management structure be enhanced through the addition of a Deputy Director. A Deputy Director would supervise the litigation of the office and personnel, freeing up the Director to manage internal and external responsibilities more effectively.

OCFW has only one accountant who handles all the agency's accounting, budgeting, purchasing, and human resources functions, but the number of reimbursement and payments OCFW processes is two to three times larger than other agencies of similar size. The OCFW requests that a Staff Services Officer position be created to more effectively manage its financial responsibilities.

OCFW requests that the Deputy Director and the Staff Services Officer positions be funded at \$110,000 and \$60,000 per year, respectively, Other Personnel Cost \$850 per year plus additional money for equipment (\$10,000) and a legal research subscription for the Deputy Director (\$1,300).

Agency code: **215**

Agency name:

**Office of Capital and Forensic Writs**

| <u>CODE</u> | <u>DESCRIPTION</u> | <u>Excp 2020</u> | <u>Excp 2021</u> |
|-------------|--------------------|------------------|------------------|
|-------------|--------------------|------------------|------------------|

OCFW has a large docket of time- and resource-intensive evidentiary hearings all across Texas. To cover the travel and litigation costs of its existing caseload, OCFW requests an additional \$250,000 over the biennium for travel and professional fees and services.

As Other Operating Expenses, OCFW requests money for health insurance (\$1,700 in FY2020 and FY2021), computers and equipment for new staff (\$10,000 in FY2020), a legal research subscription (\$1,300 in FY2020 and FY2021), and six additional computers to replace six currently on loan from OCA (\$12,000 in FY2020).

**EXTERNAL/INTERNAL FACTORS:**

A recent outside assessment of OCFW noted that the Director “wears too many hats,” and no one person could adequately supervise the work of eight attorneys, five mitigation specialists, a legal assistant, and an accountant, while handling a caseload, preparing reports and legislative materials, advocating for agency interests, and managing a diverse array of internal and external responsibilities.

The number of financial documents processed by OCFW is disproportionate to its size. In FY2017, OCFW processed and paid 1034 financial documents with only one accountant. By contrast, a similarly sized judicial agency with one accountant processed just 334 financial documents, and another judicial agency of similar size processed 299 financial documents—less than one-third the number OCFW generated—with the assistance of both an accountant and a Director of Finance.

OCFW handles many more hearings than initially anticipated. During the first four years of operations, OCFW handled an average of 3.5 hearings; during FY2016, OCFW juggled 24 cases in the hearing stage. Most hearings require substantial out-of-town travel and hotel expenses.

Last legislative session, the OCFW base budget was reduced by approximately \$112,000, which has limited the number of out-of-county OCFW can handle and the ability of OCFW to retain necessary expert assistance.

Due in part to travel- and expert-assistance-related budgetary limitations, OCFW has had to adjourn litigation into subsequent fiscal years and seek additional money from counties for expert costs.

**PCLS TRACKING KEY:**

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**DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :**

OCFW anticipates that it will need a Deputy Director and Staff Services Officer in FY2022, FY2023, and FY2024, and that out-year costs will increase by 5% per year due to moderate growth in other operating expenses.

**4.A. Exceptional Item Request Schedule**  
86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: **10/15/2018**  
TIME: **4:55:50PM**

Agency code: **215**

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

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| <b>CODE</b> | <b>DESCRIPTION</b> | <b>Excp 2020</b> | <b>Excp 2021</b> |
|-------------|--------------------|------------------|------------------|
|-------------|--------------------|------------------|------------------|

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**ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:**

| <b>2022</b> | <b>2023</b> | <b>2024</b> |
|-------------|-------------|-------------|
| \$181,650   | \$190,300   | \$198,950   |



**4.A. Exceptional Item Request Schedule**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 10/15/2018  
 TIME: 4:55:50PM

Agency code: 215

Agency name: Office of Capital and Forensic Writs

| CODE | DESCRIPTION                                                                                                                                         | Excp 2020 | Excp 2021 |
|------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
|      | <b>Item Name:</b> FUNDING TO REPRESENT NONCAPITAL PRISONERS IN INNOCENCE-RELATED LITIGATION INVOLVING CONSTITUTIONAL CHALLENGES TO FORENSIC SCIENCE |           |           |
|      | <b>Item Priority:</b> 3                                                                                                                             |           |           |
|      | <b>IT Component:</b> No                                                                                                                             |           |           |
|      | <b>Anticipated Out-year Costs:</b> Yes                                                                                                              |           |           |
|      | <b>Involve Contracts &gt; \$50,000:</b> No                                                                                                          |           |           |
|      | <b>Includes Funding for the Following Strategy or Strategies:</b> 01-01-01 Post-Conviction Representation                                           |           |           |

**OBJECTS OF EXPENSE:**

|                                 |                                |                  |                  |
|---------------------------------|--------------------------------|------------------|------------------|
| 1001                            | SALARIES AND WAGES             | 170,000          | 255,000          |
| 1002                            | OTHER PERSONNEL COSTS          | 850              | 1,275            |
| 2001                            | PROFESSIONAL FEES AND SERVICES | 50,000           | 50,000           |
| 2005                            | TRAVEL                         | 15,000           | 15,000           |
| 2009                            | OTHER OPERATING EXPENSE        | 14,300           | 11,450           |
| <b>TOTAL, OBJECT OF EXPENSE</b> |                                | <b>\$250,150</b> | <b>\$332,725</b> |

**METHOD OF FINANCING:**

|                                   |              |                  |                  |
|-----------------------------------|--------------|------------------|------------------|
| 5073                              | Fair Defense | 250,150          | 332,725          |
| <b>TOTAL, METHOD OF FINANCING</b> |              | <b>\$250,150</b> | <b>\$332,725</b> |

**FULL-TIME EQUIVALENT POSITIONS (FTE):**

|      |      |
|------|------|
| 2.00 | 3.00 |
|------|------|

**DESCRIPTION / JUSTIFICATION:**

In Senate Bill 1743 (SB1743), the 84th Legislature expanded OCFW's mandate to include the representation of noncapital inmates in cases where questionable forensic science contributed to the conviction. SB1743, however, did not appropriate any funding to OCFW for this work, and no additional funding accompanied the expanded mandate during either the 84th or 85th Legislative sessions.

OCFW requests funding to represent inmates in these forensic science challenges at the levels generally anticipated by the fiscal note accompanying SB 1743. As such, OCFW requests that this program be funded incrementally through the addition of two attorneys in FY2020 (\$170,000), and a third attorney in FY2021 (\$255,000). In addition, OCFW requests funding for Other Personnel Cost (\$850 in FY2020; \$1,275 in FY2021), necessary professional fees and services to retain necessary experts for these complicated cases (\$100,000 over the biennium), travel (\$30,000 over the biennium), equipment and computer costs (\$10,000 in FY2020; \$5,000 in FY2021), health insurance (\$1,700 in FY2020; \$2,550 in FY2021) and legal research subscriptions (\$2,600 in FY2020; \$3,900 in FY2021).

**EXTERNAL/INTERNAL FACTORS:**

According to the National Registry of Exonerations, there have been at least 156 exonerations in Texas since 1989 in which flawed forensic science was a contributing factor.

OCFW has been unable to handle any cases under this expanded mandate because it lacks the resources to do so.

**4.A. Exceptional Item Request Schedule**  
86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 10/15/2018  
TIME: 4:55:50PM

Agency code: 215

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

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| <u>CODE</u> | <u>DESCRIPTION</u> | <u>Excp 2020</u> | <u>Excp 2021</u> |
|-------------|--------------------|------------------|------------------|
|-------------|--------------------|------------------|------------------|

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PCLS TRACKING KEY:

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**DESCRIPTION OF ANTICIPATED OUT-YEAR COSTS :**

OCFW anticipates that the need for this program will continue during the out-years, and associated costs will increase by 5% due to moderate growth in travel, professional fees and services, and other operating expenses in FY2022, FY2023, and FY2024.

**ESTIMATED ANTICIPATED OUT-YEAR COSTS FOR ITEM:**

| <u>2022</u> | <u>2023</u> | <u>2024</u> |
|-------------|-------------|-------------|
| \$340,017   | \$356,209   | \$372,401   |

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

| Code                                                                                                    | Description                                               | Excp 2020        | Excp 2021        |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------|------------------|
| <b>Item Name:</b> FUNDING TO REDUCE ATTRITION THROUGH MORE COMPETITIVE SALARIES AND CASELOAD MANAGEMENT |                                                           |                  |                  |
| <b>Allocation to Strategy:</b> 1-1-1 Post-Conviction Representation                                     |                                                           |                  |                  |
| <b>STRATEGY IMPACT ON OUTCOME MEASURES:</b>                                                             |                                                           |                  |                  |
| <u>1</u>                                                                                                | # Writ Apps for Which Hearings are Granted by Trial Court | 18.00            | 18.00            |
| <u>2</u>                                                                                                | Percentage of Writs Filed on a Timely Basis               | 100.00%          | 100.00%          |
| <u>3</u>                                                                                                | Percentage of Cases Pending at the District-Court Level   | 50.00%           | 50.00%           |
| <b>OUTPUT MEASURES:</b>                                                                                 |                                                           |                  |                  |
| <u>1</u>                                                                                                | Number of Writ Applications Filed                         | 2.00             | 2.00             |
| <u>2</u>                                                                                                | Number of New Cases Accepted                              | 3.00             | 3.00             |
| <b>EXPLANATORY/INPUT MEASURES:</b>                                                                      |                                                           |                  |                  |
| <u>1</u>                                                                                                | Number of Cases Refused                                   | 1.00             | 1.00             |
| <u>2</u>                                                                                                | Number of Cases Pending                                   | 38.00            | 38.00            |
| <b>OBJECTS OF EXPENSE:</b>                                                                              |                                                           |                  |                  |
| 1001                                                                                                    | SALARIES AND WAGES                                        | 390,000          | 585,000          |
| 1002                                                                                                    | OTHER PERSONNEL COSTS                                     | 1,950            | 2,925            |
| 2001                                                                                                    | PROFESSIONAL FEES AND SERVICES                            | 6,000            | 6,000            |
| 2005                                                                                                    | TRAVEL                                                    | 15,000           | 15,000           |
| 2009                                                                                                    | OTHER OPERATING EXPENSE                                   | 22,800           | 9,750            |
| <b>TOTAL, OBJECT OF EXPENSE</b>                                                                         |                                                           | <b>\$435,750</b> | <b>\$618,675</b> |
| <b>METHOD OF FINANCING:</b>                                                                             |                                                           |                  |                  |
| 5073                                                                                                    | Fair Defense                                              | 435,750          | 618,675          |
| <b>TOTAL, METHOD OF FINANCING</b>                                                                       |                                                           | <b>\$435,750</b> | <b>\$618,675</b> |
| <b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>                                                            |                                                           | 3.0              | 3.0              |

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

| Code                                                                             | Description                                               | Excp 2020        | Excp 2021        |
|----------------------------------------------------------------------------------|-----------------------------------------------------------|------------------|------------------|
| <b>Item Name:</b> FUNDING TO STRENGTHEN OCFW'S OFFICE MANAGEMENT AND FUNCTIONING |                                                           |                  |                  |
| <b>Allocation to Strategy:</b> 1-1-1 Post-Conviction Representation              |                                                           |                  |                  |
| <b>STRATEGY IMPACT ON OUTCOME MEASURES:</b>                                      |                                                           |                  |                  |
| <u>1</u>                                                                         | # Writ Apps for Which Hearings are Granted by Trial Court | 18.00            | 18.00            |
| <u>2</u>                                                                         | Percentage of Writs Filed on a Timely Basis               | 100.00%          | 100.00%          |
| <u>3</u>                                                                         | Percentage of Cases Pending at the District-Court Level   | 50.00%           | 50.00%           |
| <b>OUTPUT MEASURES:</b>                                                          |                                                           |                  |                  |
| <u>1</u>                                                                         | Number of Writ Applications Filed                         | 0.00             | 0.00             |
| <u>2</u>                                                                         | Number of New Cases Accepted                              | 1.00             | 2.00             |
| <b>EXPLANATORY/INPUT MEASURES:</b>                                               |                                                           |                  |                  |
| <u>1</u>                                                                         | Number of Cases Refused                                   | 4.00             | 4.00             |
| <u>2</u>                                                                         | Number of Cases Pending                                   | 36.00            | 38.00            |
| <b>OBJECTS OF EXPENSE:</b>                                                       |                                                           |                  |                  |
| 1001                                                                             | SALARIES AND WAGES                                        | 170,000          | 170,000          |
| 1002                                                                             | OTHER PERSONNEL COSTS                                     | 850              | 850              |
| 2001                                                                             | PROFESSIONAL FEES AND SERVICES                            | 100,000          | 100,000          |
| 2005                                                                             | TRAVEL                                                    | 25,000           | 25,000           |
| 2009                                                                             | OTHER OPERATING EXPENSE                                   | 25,000           | 3,000            |
| <b>TOTAL, OBJECT OF EXPENSE</b>                                                  |                                                           | <b>\$320,850</b> | <b>\$298,850</b> |
| <b>METHOD OF FINANCING:</b>                                                      |                                                           |                  |                  |
| 5073                                                                             | Fair Defense                                              | 320,850          | 298,850          |
| <b>TOTAL, METHOD OF FINANCING</b>                                                |                                                           | <b>\$320,850</b> | <b>\$298,850</b> |
| <b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>                                     |                                                           | 2.0              | 2.0              |

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

| Code                                                                                                                                                | Description                                               | Excp 2020        | Excp 2021        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|------------------|------------------|
| <b>Item Name:</b> FUNDING TO REPRESENT NONCAPITAL PRISONERS IN INNOCENCE-RELATED LITIGATION INVOLVING CONSTITUTIONAL CHALLENGES TO FORENSIC SCIENCE |                                                           |                  |                  |
| <b>Allocation to Strategy:</b> 1-1-1 Post-Conviction Representation                                                                                 |                                                           |                  |                  |
| <b>STRATEGY IMPACT ON OUTCOME MEASURES:</b>                                                                                                         |                                                           |                  |                  |
| <u>1</u>                                                                                                                                            | # Writ Apps for Which Hearings are Granted by Trial Court | 0.00             | 3.00             |
| <u>2</u>                                                                                                                                            | Percentage of Writs Filed on a Timely Basis               | 100.00%          | 100.00%          |
| <u>3</u>                                                                                                                                            | Percentage of Cases Pending at the District-Court Level   | 50.00%           | 50.00%           |
| <b>OUTPUT MEASURES:</b>                                                                                                                             |                                                           |                  |                  |
| <u>1</u>                                                                                                                                            | Number of Writ Applications Filed                         | 3.00             | 6.00             |
| <u>2</u>                                                                                                                                            | Number of New Cases Accepted                              | 6.00             | 9.00             |
| <b>EXPLANATORY/INPUT MEASURES:</b>                                                                                                                  |                                                           |                  |                  |
| <u>1</u>                                                                                                                                            | Number of Cases Refused                                   | 4.00             | 4.00             |
| <u>2</u>                                                                                                                                            | Number of Cases Pending                                   | 41.00            | 44.00            |
| <b>OBJECTS OF EXPENSE:</b>                                                                                                                          |                                                           |                  |                  |
| 1001                                                                                                                                                | SALARIES AND WAGES                                        | 170,000          | 255,000          |
| 1002                                                                                                                                                | OTHER PERSONNEL COSTS                                     | 850              | 1,275            |
| 2001                                                                                                                                                | PROFESSIONAL FEES AND SERVICES                            | 50,000           | 50,000           |
| 2005                                                                                                                                                | TRAVEL                                                    | 15,000           | 15,000           |
| 2009                                                                                                                                                | OTHER OPERATING EXPENSE                                   | 14,300           | 11,450           |
| <b>TOTAL, OBJECT OF EXPENSE</b>                                                                                                                     |                                                           | <b>\$250,150</b> | <b>\$332,725</b> |
| <b>METHOD OF FINANCING:</b>                                                                                                                         |                                                           |                  |                  |
| 5073                                                                                                                                                | Fair Defense                                              | 250,150          | 332,725          |
| <b>TOTAL, METHOD OF FINANCING</b>                                                                                                                   |                                                           | <b>\$250,150</b> | <b>\$332,725</b> |
| <b>FULL-TIME EQUIVALENT POSITIONS (FTE):</b>                                                                                                        |                                                           | 2.0              | 3.0              |

**4.C. Exceptional Items Strategy Request**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

**DATE:** 7/27/2018  
**TIME:** 10:24:54AM

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 Representation

Service Categories:

Service: 01 Income: NA Age: NA

| <b>CODE DESCRIPTION</b> | <b>Exp 2020</b> | <b>Exp 2021</b> |
|-------------------------|-----------------|-----------------|
|-------------------------|-----------------|-----------------|

**STRATEGY IMPACT ON OUTCOME MEASURES:**

|                                                                    |          |          |
|--------------------------------------------------------------------|----------|----------|
| <u>1</u> # Writ Apps for Which Hearings are Granted by Trial Court | 8.00     | 8.00     |
| <u>2</u> Percentage of Writs Filed on a Timely Basis               | 100.00 % | 100.00 % |
| <u>3</u> Percentage of Cases Pending at the District-Court Level   | 50.00 %  | 50.00 %  |

**OUTPUT MEASURES:**

|                                            |       |       |
|--------------------------------------------|-------|-------|
| <u>1</u> Number of Writ Applications Filed | 6.00  | 10.00 |
| <u>2</u> Number of New Cases Accepted      | 10.00 | 14.00 |

**EXPLANATORY/INPUT MEASURES:**

|                                  |       |       |
|----------------------------------|-------|-------|
| <u>1</u> Number of Cases Refused | 1.00  | 1.00  |
| <u>2</u> Number of Cases Pending | 45.00 | 49.00 |

**OBJECTS OF EXPENSE:**

|                                     |                    |                    |
|-------------------------------------|--------------------|--------------------|
| 1001 SALARIES AND WAGES             | 730,000            | 1,010,000          |
| 1002 OTHER PERSONNEL COSTS          | 3,650              | 5,050              |
| 2001 PROFESSIONAL FEES AND SERVICES | 156,000            | 156,000            |
| 2005 TRAVEL                         | 55,000             | 55,000             |
| 2009 OTHER OPERATING EXPENSE        | 62,100             | 24,200             |
| <b>Total, Objects of Expense</b>    | <b>\$1,006,750</b> | <b>\$1,250,250</b> |

**METHOD OF FINANCING:**

|                                 |                    |                    |
|---------------------------------|--------------------|--------------------|
| 5073 Fair Defense               | 1,006,750          | 1,250,250          |
| <b>Total, Method of Finance</b> | <b>\$1,006,750</b> | <b>\$1,250,250</b> |

**FULL-TIME EQUIVALENT POSITIONS (FTE):**

|  |     |     |
|--|-----|-----|
|  | 7.0 | 8.0 |
|--|-----|-----|

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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 Representation

Service Categories:

Service: 01 Income: NA Age: NA

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**CODE DESCRIPTION**

**Exp 2020**

**Exp 2021**

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

FUNDING TO REDUCE ATTRITION THROUGH MORE COMPETITIVE SALARIES AND CASELOAD MANAGEMENT

FUNDING TO STRENGTHEN OCFW'S OFFICE MANAGEMENT AND FUNCTIONING

FUNDING TO REPRESENT NONCAPITAL PRISONERS IN INNOCENCE-RELATED LITIGATION INVOLVING CONSTITUTIONAL CHALLENGES TO FORENSIC SCIENCE

# HISTORICALLY UNDERUTILIZED BUSINESS SUPPORTING SCHEDULE



**6.A. Historically Underutilized Business Supporting Schedule**  
 86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/27/2018  
 Time: 10:24:54AM

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

COMPARISON TO STATEWIDE HUB PROCUREMENT GOALS

**A. Fiscal Year 2016 - 2017 HUB Expenditure Information**

| Statewide<br>HUB Goals | Procurement<br>Category   | % Goal | HUB Expenditures FY 2016 |        |                | Total<br>Expenditures<br>FY 2016 |          | HUB Expenditures FY 2017 |           |                | Total<br>Expenditures<br>FY 2017 |  |
|------------------------|---------------------------|--------|--------------------------|--------|----------------|----------------------------------|----------|--------------------------|-----------|----------------|----------------------------------|--|
|                        |                           |        | % Actual                 | Diff   | Actual \$      | % Goal                           | % Actual | Diff                     | Actual \$ | FY 2017        |                                  |  |
| 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            | \$1,080                          | 23.7 %   | 0.0%                     | -23.7%    | \$0            | \$2,008                          |  |
| 26.0%                  | Other Services            | 26.0 % | 0.0%                     | -26.0% | \$0            | \$120,705                        | 26.0 %   | 0.0%                     | -26.0%    | \$0            | \$99,031                         |  |
| 21.1%                  | Commodities               | 21.1 % | 15.1%                    | -6.0%  | \$3,267        | \$21,585                         | 21.1 %   | 71.0%                    | 49.9%     | \$8,759        | \$12,338                         |  |
|                        | <b>Total Expenditures</b> |        | <b>2.3%</b>              |        | <b>\$3,267</b> | <b>\$143,370</b>                 |          | <b>7.7%</b>              |           | <b>\$8,759</b> | <b>\$113,377</b>                 |  |

**B. Assessment of Fiscal Year 2016 - 2017 Efforts to Meet HUB Procurement Goals**

**Attainment:**

OCFW improved its HUB performance for commodities and improved from FY2016 to FY2017 where it exceeded the HUB Goal by nearly 50%. OCFW failed to meet any of the other procurement goals.

**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:**

Over the present biennium, OCFW has focused on meeting HUB procurement goals through additional training, and has sought to prioritize HUB vendors for commodities purchases. In addition, OCFW uses Texas Smart Buy for its purchasing needs. As a result of these efforts, HUB commodities purchases increased from 1.7% in FY2015, and 15.1% in FY2016, to 71% in FY2017.

# CURRENT BIENIUM ONETIME EXPENDITURE SCHEDULE

**6.B. Current Biennium Onetime Expenditure Schedule  
Summary of Onetime Expenditures**

|                            |                                                             |                                       |                           |
|----------------------------|-------------------------------------------------------------|---------------------------------------|---------------------------|
| <b>Agency Code:</b><br>215 | <b>Agency Name:</b><br>Office of Capital and Forensic Writs | <b>Prepared By:</b><br>Sandra Justice | <b>Date:</b><br>7/26/2018 |
|----------------------------|-------------------------------------------------------------|---------------------------------------|---------------------------|

| <b>Projects</b>                         | <b>Estimated<br/>2018</b> | <b>Budgeted<br/>2019</b> | <b>Requested<br/>2020</b> | <b>Requested<br/>2021</b> |
|-----------------------------------------|---------------------------|--------------------------|---------------------------|---------------------------|
| Build-Out of Suite 490E in SFA Building | \$44,639                  | \$0                      | \$0                       | \$0                       |
| 0                                       | \$0                       | \$0                      | \$0                       | \$0                       |
| 0                                       | \$0                       | \$0                      | \$0                       | \$0                       |
| 0                                       | \$0                       | \$0                      | \$0                       | \$0                       |
| <b>Total, All Projects</b>              | \$44,639                  | \$0                      | \$0                       | \$0                       |

**6.B. Current Biennium Onetime Expenditure Schedule  
Strategy Allocation from 2018-19 Biennium to 2020-21 Biennium**

|                            |                                                             |                                       |                           |
|----------------------------|-------------------------------------------------------------|---------------------------------------|---------------------------|
| <b>Agency Code:</b><br>215 | <b>Agency Name:</b><br>Office of Capital and Forensic Writs | <b>Prepared By:</b><br>Sandra Justice | <b>Date:</b><br>7/26/2018 |
|----------------------------|-------------------------------------------------------------|---------------------------------------|---------------------------|

|                                                                                                                                            |                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>2018-19</b><br><b>PROJECT:</b> Build-Out of Suite 490E in SFA Building<br><b>ALLOCATION TO STRATEGY:</b> Post-Conviction Representation | <b>2020-21</b><br><b>PROJECT:</b><br><b>ALLOCATION TO STRATEGY:</b> |
|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|

| Strategy Code                     | OOE/MOF Code | Strategy Allocation      | Estimated 2018 | Budgeted 2019 | Requested 2020 | Requested 2021 |
|-----------------------------------|--------------|--------------------------|----------------|---------------|----------------|----------------|
| <b>Object of Expense:</b>         |              |                          |                |               |                |                |
| 1.1.1                             | 2009/5073    | Other Operating Expenses | \$44,639       | \$0           | \$0            | \$0            |
| <b>Total, Object of Expense</b>   |              |                          | \$44,639       | \$0           | \$0            | \$0            |
| <b>Method of Financing:</b>       |              |                          |                |               |                |                |
|                                   |              | 5073 - Fair Defense      | \$44,639       | \$0           | \$0            | \$0            |
| <b>Total, Method of Financing</b> |              |                          | \$44,639       | \$0           | \$0            | \$0            |

**Project Description for the 2018-19 Biennium:**

Small-scale renovation of space to provide professional workspace for staff.

**Project Description and Allocation Purpose for the 2020-21 Biennium:**

# TEN PERCENT BIENNIAL BASE REDUCTION OPTIONS SCHEDULE

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/27/2018  
Time: 10:24:54AM

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

| Item Priority and Name/<br><u>Method of Financing</u> | REVENUE LOSS |      |                   | REDUCTION AMOUNT |      |                   | PROGRAM AMOUNT |      | TARGET            |
|-------------------------------------------------------|--------------|------|-------------------|------------------|------|-------------------|----------------|------|-------------------|
|                                                       | 2020         | 2021 | Biennial<br>Total | 2020             | 2021 | Biennial<br>Total | 2020           | 2021 | Biennial<br>Total |

**1 2.5% Incremental Reduction in Workforce**

**Category:** Administrative - FTEs / Layoffs

**Item Comment:** Payroll comprises 80% of OCFW’s lean budget. Historically, OCFW has found ways to do more with less. For example, there is just one legal assistant to support the work of 14 legal staff, while OCFW staff maintain a caseload that exceeds professional standards. During the 85th Legislative Session, OCFW’s base budget was reduced by 4%. While operating with fewer resources than before, OCFW’s caseload of time- and resource-intensive evidentiary hearings has grown. The 4% base reduction has made it difficult to conclude evidentiary hearings over the present biennium. Moreover, as noted elsewhere in this request, OCFW core mission and effectiveness is hampered by harmfully high rates of staff attrition due to high caseloads and noncompetitive salaries. Any further reduction to OCFW’s budget would negatively impact OCFW’s ability to provide essential services. Because of the nature of its budget, OCFW would have no choice but to layoff one FTE, and reduce the budget allocated to travel. The loss of one FTE and a reduction in the budget available for necessary statewide travel at a time when office caseloads exceed professional standards, attrition is at damaging levels, and OCFW’s budget limits the number of hearings and cases that can be litigated, would have a detrimental impact on the agency’s ability to maintain expected levels of services and key performance measures.

1st 2.5% increment: Loss of ½ FTE. OCFW would be forced to reduce its staff by ½ of an attorney position.

Strategy: 1-1-1 Post-Conviction Representation

Gr Dedicated

|                           |            |            |            |                 |                 |                 |                 |                 |                 |
|---------------------------|------------|------------|------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 5073 Fair Defense         | \$0        | \$0        | \$0        | \$33,439        | \$33,439        | \$66,878        | \$33,439        | \$33,439        | \$66,878        |
| <b>Gr Dedicated Total</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$33,439</b> | <b>\$33,439</b> | <b>\$66,878</b> | <b>\$33,439</b> | <b>\$33,439</b> | <b>\$66,878</b> |
| <b>Item Total</b>         | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$33,439</b> | <b>\$33,439</b> | <b>\$66,878</b> | <b>\$33,439</b> | <b>\$33,439</b> | <b>\$66,878</b> |

**FTE Reductions (From FY 2020 and FY 2021 Base Request)** **0.5**      **0.5**

**2 2.5% Incremental Reduction in Workforce**

**Category:** Administrative - FTEs / Layoffs

**Item Comment:** 2nd 2.5 % increment: Loss of ½ FTE. OCFW would be forced to reduce its staff by another ½ of an attorney position.

6.I. Percent Biennial Base Reduction Options

10 % REDUCTION

86th Regular Session, Agency Submission, Version 1  
 Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/27/2018  
 Time: 10:24:54AM

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

| Item Priority and Name/<br>Method of Financing | REVENUE LOSS |      |                   | REDUCTION AMOUNT |      |                   | PROGRAM AMOUNT |      | TARGET            |
|------------------------------------------------|--------------|------|-------------------|------------------|------|-------------------|----------------|------|-------------------|
|                                                | 2020         | 2021 | Biennial<br>Total | 2020             | 2021 | Biennial<br>Total | 2020           | 2021 | Biennial<br>Total |

Strategy: 1-1-1 Post-Conviction Representation

Gr Dedicated

|                           |            |            |            |                 |                 |                 |                 |                 |                 |
|---------------------------|------------|------------|------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 5073 Fair Defense         | \$0        | \$0        | \$0        | \$33,439        | \$33,440        | \$66,879        | \$33,439        | \$33,440        | \$66,879        |
| <b>Gr Dedicated Total</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$33,439</b> | <b>\$33,440</b> | <b>\$66,879</b> | <b>\$33,439</b> | <b>\$33,440</b> | <b>\$66,879</b> |
| <b>Item Total</b>         | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$33,439</b> | <b>\$33,440</b> | <b>\$66,879</b> | <b>\$33,439</b> | <b>\$33,440</b> | <b>\$66,879</b> |

FTE Reductions (From FY 2020 and FY 2021 Base Request)

0.5 0.5

3 2.5% Incremental Reduction in Travel Outside 150 Mile Radius

Category: Administrative - Travel

Item Comment: 3rd 2.5% increment: OCFW would be forced to limit necessary travel on cases, making it difficult for OCFW to handle cases or accept assignments from counties more than 150 miles from Austin.

Strategy: 1-1-1 Post-Conviction Representation

Gr Dedicated

|                           |            |            |            |                 |                 |                 |                 |                 |                 |
|---------------------------|------------|------------|------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| 5073 Fair Defense         | \$0        | \$0        | \$0        | \$33,440        | \$33,440        | \$66,880        | \$33,440        | \$33,440        | \$66,880        |
| <b>Gr Dedicated Total</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$33,440</b> | <b>\$33,440</b> | <b>\$66,880</b> | <b>\$33,440</b> | <b>\$33,440</b> | <b>\$66,880</b> |
| <b>Item Total</b>         | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> | <b>\$33,440</b> | <b>\$33,440</b> | <b>\$66,880</b> | <b>\$33,440</b> | <b>\$33,440</b> | <b>\$66,880</b> |

FTE Reductions (From FY 2020 and FY 2021 Base Request)

**6.I. Percent Biennial Base Reduction Options**

**10 % REDUCTION**

86th Regular Session, Agency Submission, Version 1  
Automated Budget and Evaluation System of Texas (ABEST)

Date: 7/27/2018  
Time: 10:24:54AM

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

| Item Priority and Name/<br><u>Method of Financing</u>                                                                                                                                                                                 | REVENUE LOSS |            |                   | REDUCTION AMOUNT |                  |                   | PROGRAM AMOUNT   |                  | TARGET            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------|-------------------|------------------|------------------|-------------------|------------------|------------------|-------------------|
|                                                                                                                                                                                                                                       | 2020         | 2021       | Biennial<br>Total | 2020             | 2021             | Biennial<br>Total | 2020             | 2021             | Biennial<br>Total |
| <b>4 2.5% Incremental Reduction in Travel Outside 150 Mile Radius</b>                                                                                                                                                                 |              |            |                   |                  |                  |                   |                  |                  |                   |
| <b>Category:</b> Administrative - Travel                                                                                                                                                                                              |              |            |                   |                  |                  |                   |                  |                  |                   |
| <b>Item Comment:</b> 4th 2.5% increment: OCFW would be forced to further limit necessary travel on cases, making it even more difficult for OCFW to handle cases or accept assignments from counties more than 150 miles from Austin. |              |            |                   |                  |                  |                   |                  |                  |                   |
| Strategy: 1-1-1 Post-Conviction Representation                                                                                                                                                                                        |              |            |                   |                  |                  |                   |                  |                  |                   |
| <u>Gr Dedicated</u>                                                                                                                                                                                                                   |              |            |                   |                  |                  |                   |                  |                  |                   |
| 5073 Fair Defense                                                                                                                                                                                                                     | \$0          | \$0        | \$0               | \$33,440         | \$33,440         | \$66,880          | \$33,440         | \$33,440         | \$66,880          |
| <b>Gr Dedicated Total</b>                                                                                                                                                                                                             | <b>\$0</b>   | <b>\$0</b> | <b>\$0</b>        | <b>\$33,440</b>  | <b>\$33,440</b>  | <b>\$66,880</b>   | <b>\$33,440</b>  | <b>\$33,440</b>  | <b>\$66,880</b>   |
| <b>Item Total</b>                                                                                                                                                                                                                     | <b>\$0</b>   | <b>\$0</b> | <b>\$0</b>        | <b>\$33,440</b>  | <b>\$33,440</b>  | <b>\$66,880</b>   | <b>\$33,440</b>  | <b>\$33,440</b>  | <b>\$66,880</b>   |
| <b>FTE Reductions (From FY 2020 and FY 2021 Base Request)</b>                                                                                                                                                                         |              |            |                   |                  |                  |                   |                  |                  |                   |
| <b>AGENCY TOTALS</b>                                                                                                                                                                                                                  |              |            |                   |                  |                  |                   |                  |                  |                   |
| <b>GR Dedicated Total</b>                                                                                                                                                                                                             |              |            |                   | <b>\$133,758</b> | <b>\$133,759</b> | <b>\$267,517</b>  |                  |                  | <b>\$267,517</b>  |
| <b>Agency Grand Total</b>                                                                                                                                                                                                             | <b>\$0</b>   | <b>\$0</b> | <b>\$0</b>        | <b>\$133,758</b> | <b>\$133,759</b> | <b>\$267,517</b>  | <b>\$133,758</b> | <b>\$133,759</b> | <b>\$267,517</b>  |
| <b>Difference, Options Total Less Target</b>                                                                                                                                                                                          |              |            |                   |                  |                  |                   |                  |                  |                   |
| <b>Agency FTE Reductions (From FY 2020 and FY 2021 Base Request)</b>                                                                                                                                                                  |              |            |                   | <b>1.0</b>       | <b>1.0</b>       |                   |                  |                  |                   |
| <b>Article Total</b>                                                                                                                                                                                                                  |              |            |                   | <b>\$133,758</b> | <b>\$133,759</b> | <b>\$267,517</b>  | <b>\$133,758</b> | <b>\$133,759</b> | <b>\$267,517</b>  |
| <b>Statewide Total</b>                                                                                                                                                                                                                |              |            |                   | <b>\$133,758</b> | <b>\$133,759</b> | <b>\$267,517</b>  | <b>\$133,758</b> | <b>\$133,759</b> | <b>\$267,517</b>  |



# DOCUMENT PRODUCTION STANDARDS

## 6.L. Document Production Standards

### Summary of Savings Due to Improved Document Production Standards

|                     |                                      |                     |
|---------------------|--------------------------------------|---------------------|
| <b>Agency Code:</b> | <b>Agency Name:</b>                  | <b>Prepared By:</b> |
| 215                 | Office of Capital and Forensic Writs | Sandra Justice      |

| Documented Production Standards Strategies                                        | Estimated<br>2018 | Budgeted<br>2019 |
|-----------------------------------------------------------------------------------|-------------------|------------------|
| 1. Maintaining all case-related materials electronically except for court filings | \$1,431           | \$500            |
| 2.                                                                                | \$0               | \$0              |
| 3.                                                                                | \$0               | \$0              |
| 4.                                                                                | \$0               | \$0              |
| <b>Total, All Strategies</b>                                                      | <b>\$1,431</b>    | <b>\$500</b>     |
| <b>Total Estimated Paper Volume Reduced</b>                                       | <b>-</b>          | <b>-</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 2017        | Est 2018        | Bud 2019        | BL 2020         | BL 2021         |
|----------------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <b>1-1-1</b> <b>Post-Conviction Representation</b> |                 |                 |                 |                 |                 |
| <b>OBJECTS OF EXPENSE:</b>                         |                 |                 |                 |                 |                 |
| 1001 SALARIES AND WAGES                            | \$52,275        | \$55,612        | \$57,279        | \$57,279        | \$57,279        |
| 1002 OTHER PERSONNEL COSTS                         | 1,920           | 2,189           | 2,446           | 2,446           | 2,446           |
| 2009 OTHER OPERATING EXPENSE                       | 523             | 540             | 573             | 573             | 573             |
| <b>Total, Objects of Expense</b>                   | <b>\$54,718</b> | <b>\$58,341</b> | <b>\$60,298</b> | <b>\$60,298</b> | <b>\$60,298</b> |
| <b>METHOD OF FINANCING:</b>                        |                 |                 |                 |                 |                 |
| 5073 Fair Defense                                  | 54,718          | 58,341          | 60,298          | 60,298          | 60,298          |
| <b>Total, Method of Financing</b>                  | <b>\$54,718</b> | <b>\$58,341</b> | <b>\$60,298</b> | <b>\$60,298</b> | <b>\$60,298</b> |
| <b>FULL-TIME-EQUIVALENT POSITIONS (FTE):</b>       | <b>1.0</b>      | <b>1.0</b>      | <b>1.0</b>      | <b>1.0</b>      | <b>1.0</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 16 FTEs.

Agency code: **215**

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

|                                             | <b>Exp 2017</b> | <b>Est 2018</b> | <b>Bud 2019</b> | <b>BL 2020</b>  | <b>BL 2021</b>  |
|---------------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <b>GRAND TOTALS</b>                         |                 |                 |                 |                 |                 |
| <b>Objects of Expense</b>                   |                 |                 |                 |                 |                 |
| 1001 SALARIES AND WAGES                     | \$52,275        | \$55,612        | \$57,279        | \$57,279        | \$57,279        |
| 1002 OTHER PERSONNEL COSTS                  | \$1,920         | \$2,189         | \$2,446         | \$2,446         | \$2,446         |
| 2009 OTHER OPERATING EXPENSE                | \$523           | \$540           | \$573           | \$573           | \$573           |
| <b>Total, Objects of Expense</b>            | <b>\$54,718</b> | <b>\$58,341</b> | <b>\$60,298</b> | <b>\$60,298</b> | <b>\$60,298</b> |
| <b>Method of Financing</b>                  |                 |                 |                 |                 |                 |
| 5073 Fair Defense                           | \$54,718        | \$58,341        | \$60,298        | \$60,298        | \$60,298        |
| <b>Total, Method of Financing</b>           | <b>\$54,718</b> | <b>\$58,341</b> | <b>\$60,298</b> | <b>\$60,298</b> | <b>\$60,298</b> |
| <b>Full-Time-Equivalent Positions (FTE)</b> | <b>1.0</b>      | <b>1.0</b>      | <b>1.0</b>      | <b>1.0</b>      | <b>1.0</b>      |