

BOARD OF INDIGENTS' DEFENSE SERVICES

FY 2021 – FY 2023 BUDGET ANALYSIS

FIGURE 1
BUDGET OVERVIEW, FY 2021 – FY 2023

	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Operating Expenditures:					
State General Fund	\$ 29,707,199	\$ 43,078,464	\$ 38,490,568	\$ 58,459,436	\$ 45,727,377
Federal Funds	131,504	-	-	-	-
All Other Funds	874,038	613,749	613,749	606,000	606,000
<i>Subtotal</i>	<u>\$ 30,712,741</u>	<u>\$ 43,692,213</u>	<u>\$ 39,104,317</u>	<u>\$ 59,065,436</u>	<u>\$ 46,333,377</u>
Capital Improvements:					
State General Fund	\$ -	\$ -	\$ -	\$ -	\$ -
Federal Funds	-	-	-	-	-
All Other Funds	-	-	-	-	-
<i>Subtotal</i>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
TOTAL	<u>\$ 30,712,741</u>	<u>\$ 43,692,213</u>	<u>\$ 39,104,317</u>	<u>\$ 59,065,436</u>	<u>\$ 46,333,377</u>
Percentage Change:					
State General Fund	(4.7) %	45.0 %	29.6 %	35.7 %	18.8 %
All Funds	(5.1) %	42.3 %	27.3 %	35.2 %	18.5 %
FTE Positions	201.8	244.3	244.3	344.3	244.3

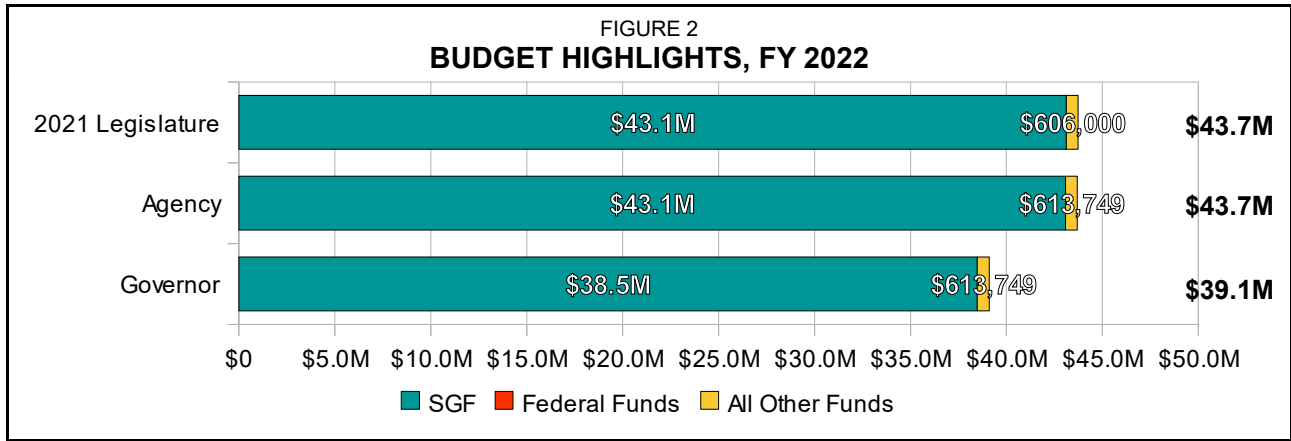
For purposes of this analysis, full-time equivalent (FTE) positions include non-FTE permanent unclassified positions but continue to exclude temporary employees. FTE positions reflect permanent state positions equating to a 40-hour work week.

The Board of Indigents' Defense Services (BIDS) is the state agency tasked with providing and supervising constitutionally and statutorily required legal services for indigents accused of felonies. BIDS fulfills this mission by overseeing a statewide system of public defender offices and by compensating assigned counsel when public defenders are unavailable. The agency also serves as the pass-through agency for funding for Legal Services for Prisoners, Inc., a nonprofit corporation providing legal assistance to indigent inmates of Kansas correctional institutions.

EXECUTIVE SUMMARY

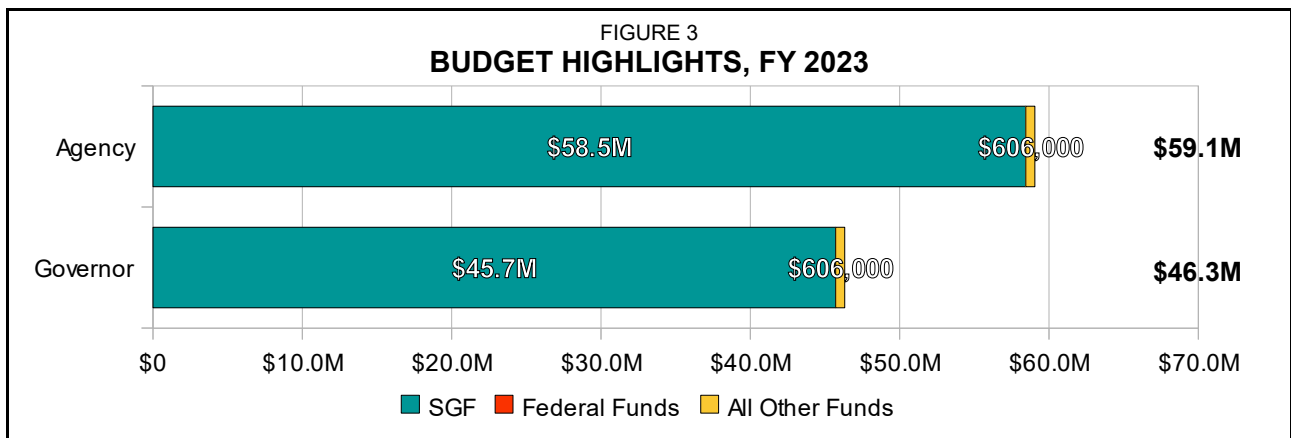
The 2021 Legislature approved a budget of \$41.8 million, including \$41.2 million from the State General Fund (SGF), for the Board of Indigents' Defense Services for FY 2022. An adjustment has been made subsequently to that amount, which changes the current year approved amount without any legislative action required. Adjustments for this agency include the following:

- **SGF REAPPROPRIATION.** The agency received approximately \$2.0 million SGF in reappropriated funds from FY 2021. This amount includes \$853,668 from Litigation Support, \$278,327 from Operations, \$665,064 from Assigned Counsel, and \$155,691 from Capital Defense Operations.



The **agency** requests a revised estimate of \$43.7 million, including \$43.1 million SGF, in FY 2022. This is an all funds decrease of \$43,863, or 0.1 percent, and an SGF decrease of \$51,612, or 0.1 percent, below the FY 2022 approved amount. The agency has decreased expenditures for salaries and wages (\$2.5 million) due to vacant positions, which is partially offset by increased expenditures for contractual services (\$2.1 million) primarily in reappropriated assigned counsel funding and capital outlay (\$278,899) for new equipment and furnishings to fill currently vacant positions. The agency estimate also includes 244.3 FTE positions, which is 0.3 FTE positions below the approved amount.

The **Governor** recommends expenditures of \$39.1 million, including \$38.5 million SGF, in FY 2022. This is an SGF decrease of \$4.6 million, or 10.5 percent, below the agency's FY 2022 revised estimate. The decrease is attributable to the fall assigned counsel caseload adjustment. The recommendation includes 244.3 FTE positions, which is the same as the agency's FY 2022 revised estimate.



The **agency** requests \$59.1 million, including \$58.5 million SGF, for FY 2023. This is an all funds increase of \$15.4 million, or 35.2 percent, and an SGF increase of \$15.4 million, or 35.7 percent, above the FY 2022 revised estimate. The agency request also includes 344.3 FTE positions, which is an increase of 100.0 FTE positions above the FY 2022 revised estimate.

Significant items in the agency request include the following:

- **ENHANCEMENT-RECRUITMENT AND RETENTION PLAN.** The agency requests \$4.1 million SGF to address recruitment and retention issues via pay scale adjustments and establishment of an internal training program for public defenders and assigned counsel.

- **ENHANCEMENT–ETHICAL CASELOADS STAFFING AND SUPPORT PLAN.** The agency requests \$8.1 million SGF to support 88.0 FTE positions to address chronic attorney caseload issues and insufficient support staffing in its public defender offices.
- **ENHANCEMENT–EXPANSION OF PUBLIC DEFENDER OFFICES.** The agency requests \$1.2 million SGF to establish a public defender office and 12.0 FTE positions in the 7th Judicial District (Douglas County).
- **ENHANCEMENT–INFRASTRUCTURE UPGRADES.** The agency requests \$526,512 SGF for the anticipated ongoing maintenance for the new Case Management System, additional Death Penalty Defense Unit office space, additional costs for Westlaw upgrades, and new licensing for video evidence software.
- **ENHANCEMENT–ASSIGNED COUNSEL RATE INCREASE.** The agency requests \$3.6 million SGF to fund assigned counsel rate increase up to \$120 per hour.

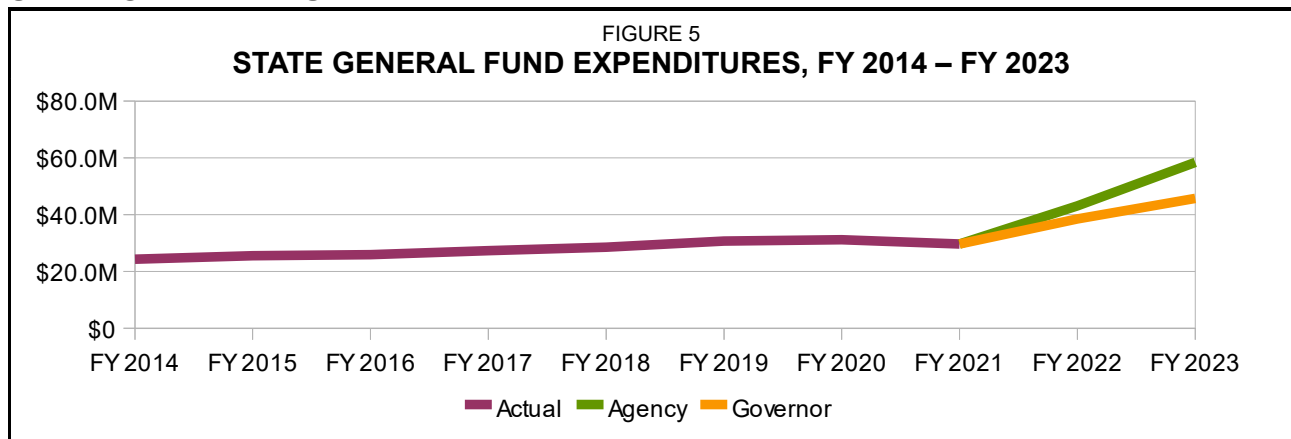
The **Governor** recommends expenditures of \$46.3 million, including \$45.7 million SGF, for FY 2023. This is an SGF decrease of \$12.7 million, or 27.5 percent, below the agency's FY 2023 request. The decrease is primarily due to the Governor not recommending the agency's enhancement requests for caseload staffing and expansion of public defenders offices. There is also a decrease due to the assigned counsel caseload adjustment. This is partially offset by partial funding for the agency's enhancement requests for infrastructure upgrades and recruitment and retention. The recommendation includes 244.3 FTE positions, which is 100.0 FTE positions below the agency's FY 2023 request. This is due to the Governor not recommending the agency's enhancement requests for ethical caseload staffing and the expansion of the public defender offices.

EXPENDITURES AND FINANCING

FIGURE 4
BUDGET SUMMARY BY CATEGORY OF EXPENDITURE, FY 2021 – FY 2023

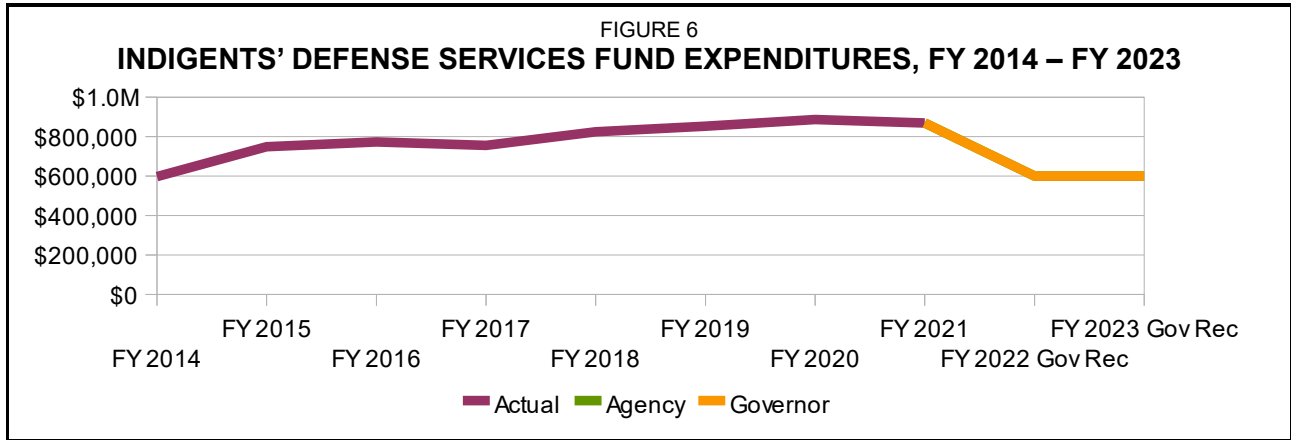
	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Category of Expenditure:					
Salaries and Wages	\$ 13,723,210	\$ 17,789,422	\$ 17,789,422	\$ 31,042,608	\$ 21,766,233
Contractual Services	16,477,096	25,280,364	20,692,468	27,769,800	24,314,116
Commodities	149,926	131,028	131,029	128,028	128,028
Capital Outlay	362,509	491,399	491,399	125,000	125,000
Debt Service Interest	-	-	-	-	-
<i>Subtotal</i>	<u>\$ 30,712,741</u>	<u>\$ 43,692,213</u>	<u>\$ 39,104,318</u>	<u>\$ 59,065,436</u>	<u>\$ 46,333,377</u>
Aid to Local Units	-	-	-	-	-
Other Assistance	-	-	-	-	-
<i>Subtotal—Operating</i>	<u>\$ 30,712,741</u>	<u>\$ 43,692,213</u>	<u>\$ 39,104,318</u>	<u>\$ 59,065,436</u>	<u>\$ 46,333,377</u>
Capital Improvements	-	-	-	-	-
Debt Service	-	-	-	-	-
Principal	-	-	-	-	-
TOTAL	<u>\$ 30,712,741</u>	<u>\$ 43,692,213</u>	<u>\$ 39,104,318</u>	<u>\$ 59,065,436</u>	<u>\$ 46,333,377</u>
Financing:					
State General Fund	\$ 29,707,199	\$ 43,078,464	\$ 38,490,568	\$ 58,459,436	\$ 45,727,377
Indigents' Defense Services Fund	869,561	600,359	600,359	600,000	600,000
Inservice Education Workshop Fee Fund	4,477	13,390	13,390	6,000	6,000
Federal Funds	131,504	-	-	-	-
All Other Funds	-	-	-	-	-
TOTAL	<u>\$ 30,712,741</u>	<u>\$ 43,692,213</u>	<u>\$ 39,104,317</u>	<u>\$ 59,065,436</u>	<u>\$ 46,333,377</u>
FTE Positions	201.8	244.3	244.3	344.3	244.3

STATE GENERAL FUND



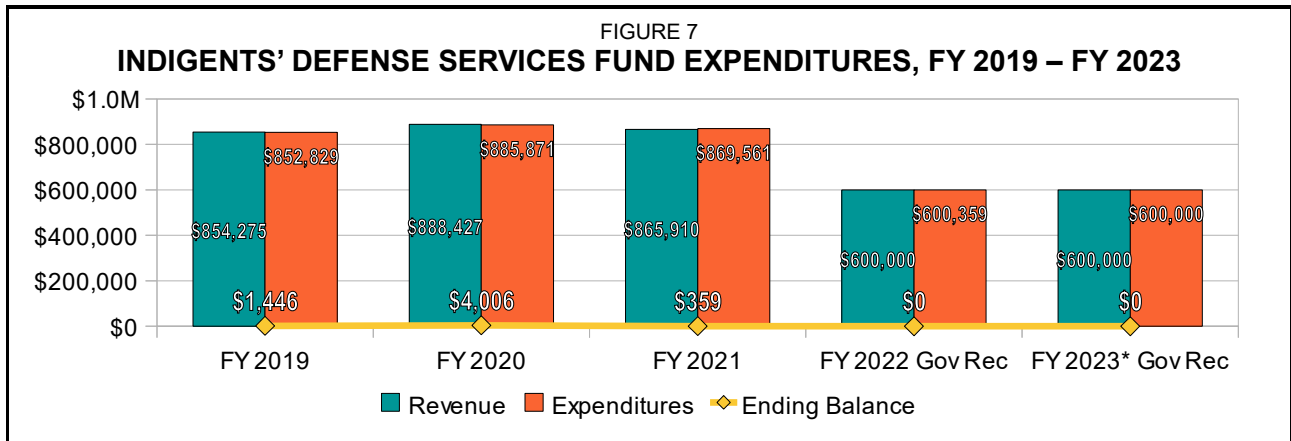
For the Board of Indigents' Defense Services, SGF moneys are the primary source of funding. FY 2022, the SGF expenditure increase is primarily due to enhancement requests that were approved by the 2021 Legislature for the purchase of a case management system and funding to address staffing shortages to address high caseloads. Additionally, the 2021 Legislature added language to the appropriations bill to fund assigned counsel rate increase for FY 2022. SGF increases for FY 2023 are due to the agency's enhancement requests.

INDIGENTS' DEFENSE SERVICES FUND



The Indigents' Defense Services Fund, per KSA 22-4526, receives revenues from clerks of the District Courts from assessment or docket fees, application fees, and the bond forfeiture program. Since FY 2006, this fund has been used to pay expert service and transcriptionist costs, supplemented by SGF moneys.

INDIGENTS' DEFENSE SERVICES FUND



* For FY 2023, the lowest month ending balance for the Indigents' Defense Services Fund will occur in July, with a balance of \$0.

FY 2022 ANALYSIS

FIGURE 8
SUMMARY OF BUDGET REQUEST, FY 2022

	SGF	Special Revenue Funds	All Funds	FTE
Legislative Approved:				
Amount Approved by 2021 Legislature	\$ 41,177,326	\$ 606,000	\$ 41,783,326	244.7
1. SGF Reappropriation	1,952,750	-	1,952,750	--
<i>Subtotal—Legislative Approved</i>	<i>\$ 43,130,076</i>	<i>\$ 606,000</i>	<i>\$ 43,736,076</i>	<i>244.7</i>
Agency Revised Estimate:				
2. All Other Adjustments	(51,612)	7,749	(43,863)	(0.4)
<i>Subtotal—Agency Revised Estimate</i>	<i>\$ 43,078,464</i>	<i>\$ 613,749</i>	<i>\$ 43,692,213</i>	<i>244.3</i>
Governor's Recommendation:				
3. Assigned Counsel Caseload Adjustment	(4,587,896)	-	(4,587,896)	--
TOTAL	\$ 38,490,568	\$ 613,749	\$ 39,104,317	244.3

LEGISLATIVE APPROVED

Subsequent to the 2021 Session, an adjustment was made to the \$41.2 million SGF appropriated to the Board of Indigents' Defense Services for FY 2022. This adjustment changes the current year approved amount without any legislative action required and includes the following:

1. **SGF REAPPROPRIATION.** The agency received approximately \$2.0 million SGF in reappropriated funds from FY 2021. This amount includes \$853,668 from Litigation Support, \$278,327 from Operations, \$665,064 from Assigned Counsel, and \$155,691 from Capital Defense Operations.

AGENCY ESTIMATE

The **agency** requests a revised estimate of \$43.7 million, including \$43.1 million SGF, in FY 2022. This is an all funds decrease of \$43,863, or 0.1 percent, and an SGF decrease of \$51,612, or 0.1 percent, below the FY 2022 approved amount.

The **agency** estimate includes the following adjustments:

2. **ALL OTHER ADJUSTMENTS.** The 2021 Legislature approved multiple enhancements for the agency, including increased agency staffing. The agency has decreased expenditures for salaries and wages (\$2.5 million) due to vacant positions. This is partially offset by increased expenditures for contractual services (\$2.1 million), primarily for assigned counsel, and capital outlay (\$278,899) for furnishings and equipment for new hires.

The **agency** estimate also includes 244.3 FTE positions, which is 0.3 FTE positions below the FY 2022 approved amount.

GOVERNOR'S RECOMMENDATION

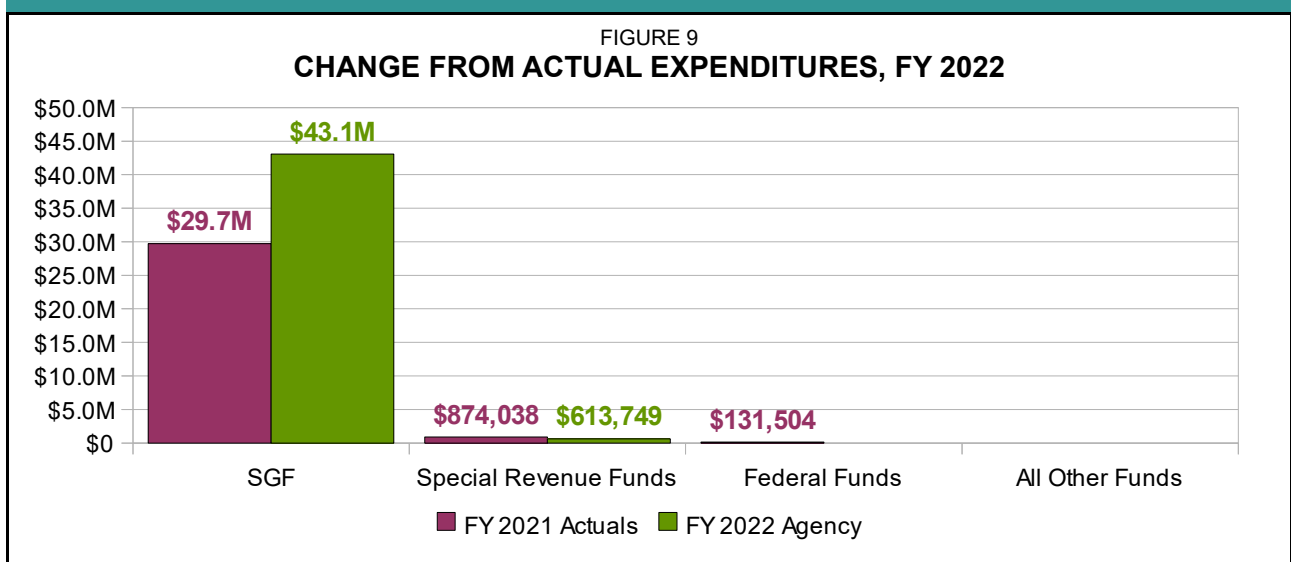
The **Governor** recommends expenditures of \$39.1 million, including \$38.5 million SGF, in FY 2022. This is an SGF decrease of \$4.6 million, or 10.5 percent, below the agency's FY 2022 revised estimate.

The **Governor's** recommendation includes the following adjustments:

3. **ASSIGNED COUNSEL CASELOAD ADJUSTMENT.** The recommendation includes a decrease of \$4.6 million, all SGF, for the fall assigned counsel caseload adjustment, which sets the caseload amount at \$16.5 million.

The **Governor's** recommendation also includes 244.3 FTE positions, which is the same as the agency's FY 2022 revised estimate.

FY 2022 CHANGE FROM ACTUAL EXPENDITURES



The agency estimates revised FY 2022 expenditures of \$43.7 million, including \$43.1 million SGF. This is an all funds increase of \$13.0 million, or 42.3 percent, and an SGF increase of \$13.4 million, or 45.0 percent, above the FY 2021 actual expenditures. The increase is primarily due to the 2021 Legislature approving enhancement requests for increased agency staffing, a case management system, and funding for the assigned counsel rate increase in FY 2022.

FY 2023 ANALYSIS

FIGURE 10
SUMMARY OF BUDGET REQUEST, FY 2023

	SGF	Special Revenue Funds	All Funds	FTE
Agency Revised Estimate, FY 2022	\$ 43,078,464	\$ 613,749	\$ 43,692,213	244.3
Agency Request:				
1. Enhancement– Recruitment and Retention Plan	\$ 4,124,600	\$ -	\$ 4,124,600	--
2. Enhancement– Ethical Caseloads Staffing and Support Plan	8,079,500	-	8,079,500	88.0
3. Enhancement– Expansion of Public Defender Offices	1,233,470	-	1,233,470	12.0
4. Enhancement– Infrastructure Upgrades	526,512	-	526,512	--
5. Enhancement– Assigned Counsel Rate Increase	3,569,164	-	3,569,164	--
6. All Other Adjustments	(2,152,274)	(7,749)	(2,160,023)	--
<i>Subtotal–Agency Estimate</i>	<u>\$ 58,459,436</u>	<u>\$ 606,000</u>	<u>\$ 59,065,436</u>	<u>344.3</u>
Governor’s Recommendation:				
7. Enhancement– Recruitment and Retention Plan	\$ (140,125)	\$ -	\$ (140,125)	--
8. Enhancement– Ethical Caseloads Staffing and Support Plan	(8,079,500)	-	(8,079,500)	(88.0)
9. Enhancement– Expansion of Public Defender Offices	(1,233,470)	-	(1,233,470)	(12.0)
10. Enhancement– Infrastructure Upgrades	(209,800)	-	(209,800)	--
11. Assigned Counsel Caseload Adjustment	(3,069,164)	-	(3,069,164)	--
TOTAL	<u>\$ 45,727,377</u>	<u>\$ 606,000</u>	<u>\$ 46,333,377</u>	<u>244.3</u>

AGENCY REQUEST

The **agency** requests \$59.1 million, including \$58.5 million SGF, for FY 2023. This is an all funds increase of \$15.4 million, or 35.2 percent, and an SGF increase of \$15.4 million, or 35.7 percent, above the FY 2022 revised estimate.

The **agency** request includes the following adjustments:

- 1. ENHANCEMENT–RECRUITMENT AND RETENTION PLAN.** The agency requests \$4.1 million SGF to address recruitment and retention issues through pay scale adjustments and the establishment of an internal formal training program for public defenders and assigned counsel. *Staff note:* For more detailed information, please see Request 1 below.
- 2. ENHANCEMENT–ETHICAL CASELOADS STAFFING AND SUPPORT PLAN.** The agency requests \$8.1 million SGF and 88.0 FTE positions to address chronic attorney caseload issues and insufficient support staffing in its public defender offices. *Staff note:* For more detailed information, please see Request 2 below.
- 3. ENHANCEMENT–EXPANSION OF PUBLIC DEFENDER OFFICES.** The agency requests \$1.2 million SGF to establish a public defender office and 12.0 FTE positions in the 7th Judicial District (Douglas County). *Staff note:* For more detailed information, please see Request 3 below.

4. **ENHANCEMENT–INFRASTRUCTURE UPGRADES.** The agency requests \$526,512 SGF for the anticipated ongoing maintenance for the new Case Management System, additional Death Penalty Defense Unit office space, additional costs for Westlaw upgrades, and new licensing for video evidence software. *Staff note:* For more detailed information, please see Request 4 below.
5. **ENHANCEMENT–ASSIGNED COUNSEL RATE INCREASE.** The agency requests \$3.6 million SGF to fund an assigned counsel rate increase up to \$120 per hour.
6. **ALL OTHER ADJUSTMENTS.** The agency request deletes \$2.2 million SGF and \$7,749 from special revenue funds from the FY 2022 revised estimate. The deletion is primarily attributable to reappropriated assigned counsel fees and capital outlay expenditures for new furnishings and equipment to fill vacant positions in FY 2022.

The **agency** request also includes 344.3 FTE positions, which is an increase of 100.0 FTE positions above the FY 2022 revised estimate number.

GOVERNOR’S RECOMMENDATION

The **Governor** recommends expenditures of \$46.3 million, including \$45.7 million SGF, for FY 2023. This is an SGF decrease of \$12.7 million, or 27.5 percent, below the agency’s FY 2023 request.

The **Governor’s** recommendation includes the following adjustments:

7. **ENHANCEMENT–RECRUITMENT AND RETENTION PLAN.** The Governor recommends \$4.0 million, all SGF, for salary increases for attorney and non-attorney staff. This is a reduction of \$140,125, all SGF, below the agency request.
8. **ENHANCEMENT–ETHICAL CASELOADS STAFFING AND SUPPORT PLAN.** The Governor does not recommend the agency's \$8.1 million SGF and 88.0 FTE request to increase staffing and support in the public defender offices.
9. **ENHANCEMENT–EXPANSION OF PUBLIC DEFENDER OFFICES.** The Governor does not recommend the agency's \$1.2 million and 12.0 FTE request for expansion of the public defenders offices.
10. **ENHANCEMENT–INFRASTRUCTURE UPGRADES.** The Governor recommends \$316,712, all SGF, for infrastructure upgrades. This is a reduction of \$209,800, all SGF, below the agency request.
11. **ASSIGNED COUNSEL CASELOAD ADJUSTMENT.** The Governor's recommendation includes a decrease of \$3.1 million, all SGF, for the fall assigned counsel caseload adjustment, which sets the caseload amount at \$16.5 million.

The **Governor’s** recommendation also includes 244.3 FTE positions, which is 100.0 FTE positions below the agency’s FY 2023 request. This is due to the Governor not recommending the agency’s enhancement requests for ethical caseload staffing and the expansion of the public defender offices.

ENHANCEMENT REQUESTS

REQUEST 1
RECRUITMENT AND RETENTION PLAN

RECRUITMENT AND RETENTION PLAN				
Item	Agency		Gov. Rec.	
	SGF	FTE	SGF	FTE
Pay Scale Adjustment	\$ 3,984,475	--	\$ 3,984,475	--
Training	140,125	--	-	--
TOTAL	\$ 4,124,600	--	\$ 3,984,475	--

PAY SCALE ADJUSTMENT. The agency requests \$4.0 million SGF to adjust salaries for pay parity with prosecutors and other comparable government employees for FY 2023. The agency has created a series of internal pay scales for each position that appropriately reflects the level of experience of its employees and competes with prosecutor pay and other comparable government salaries. This is the same request that was made in FY 2021.

The agency estimates the cost of adjusting its current employees to the new salary pay scales (plus fringe benefits) to be the following:

Non-Attorney Staff Pay Parity Pay Scale Conversion:	\$ 649,605
Attorney Prosecutor Pay Parity Pay Scale Conversion:	3,334,870
Total Funding Needed for Pay Scale Conversion:	\$ 3,984,475

INTERNAL TRAINING PROGRAM. The agency requests \$140,125 SGF to partially fund the new training division for FY 2023. This amount is for the office space, training programs, organizational memberships, and Bar Fees.

TRAINING DIVISION EXPENDITURES		
Item	SGF	FTE
Rent/Office Space	\$ 15,000	--
Program Funding:		--
Annual Agency Two-day Conference for attorneys, investigators, legal assistants	50,000	--
New Public Defender Intensive Training Program	14,000	--
Annual Internal Leadership and Management Training Summit	11,000	--
Capital Trainings	7,000	--
Support Staff Trainings	10,000	--
Annual National Association of Public Defense Membership (includes member trainings and constantly updated resources)	4,525	--
BIDS Public Defender Annual Bar Licensing Fees	28,600	--
TOTAL	\$ 140,125	--

The Governor recommends \$4.0 million, all SGF, for pay scale adjustments.

REQUEST 2

ETHICAL CASELOADS STAFFING AND SUPPORT PLAN

The 2020 Legislature required the agency to submit a report detailing the status of staff vacancies and retention including a detailed strategy to address the findings. The agency submitted a detailed report title "A Report on the Status of Public Defense in Kansas" that utilized a multi-phased approach on how to address numerous issues identified by the agency. The industry standard for the workload of a defense attorney was set by the 1973 National Advisory Commission on Criminal Justice Standards and Goals for the Defense to be no more than 150 felony cases per year, no more than 400 misdemeanor cases per year, and no more than 25 appeal cases per year.

The 2021 Legislature partially funded the agency’s staffing enhancement request in the amount of \$3.9 million SGF to fund approximately 45.0 FTE positions for FY 2022. The agency is in the process of creating and hiring approximately 42.0 new FTE positions, including 7.0 additional administrative support staff, 19.0 new experienced level public defender positions, 8.0 new legal assistants, 5.0 new investigator positions, 1.0 new social worker position, and 2.0 new administrative assistants.

ETHICAL CASELOADS STAFFING AND SUPPORT PLAN						
Item	Agency		Gov. Rec.			
	SGF	FTE	SGF	FTE		
Staffing (Remainder of Phase I)	\$ 4,000,000	53.0	\$ -		\$ -	--
Appellate Defender	2,596,000	22.0	-		-	--
Capital Defender	944,000	8.0	-		-	--
Administrative Support	539,500	5.0	-		-	--
TOTAL	\$ 8,079,500	88.0	\$ -		\$ -	--

The agency requests \$8.1 million SGF to support 88.0 FTE positions to address chronic attorney caseload issues and insufficient support staffing in its public defender offices.

The Governor does not recommend adoption of this request.

REQUEST 3

EXPANSION OF PUBLIC DEFENDER OFFICES

In spring 2021, the agency began conducting a review of judicial districts that field a high number of criminal cases but operate without established public defender offices. Additionally, the agency is conscious of the Governor’s Commission on Racial Equity and Justice recommendations from December 2020, advising that every county in Kansas with over 100,000 in population should have a public defender office. Furthermore, the Kansas Criminal Justice Reform Commission recommended in December 2020 that the statewide expansion of public defender offices be considered and reviewed.

The agency held a public hearing in the 7th Judicial District (Douglas County) on August 8, 2021, and the agency approved the establishment of a new public defender office on August 13, 2021.

EXPANSION OF PUBLIC DEFENDER OFFICES					
Item	Agency		Gov. Rec.		
	SGF	FTE	SGF	FTE	
Initial Start-Up Costs	\$ 1,233,470	12.0	\$ -		--

The agency requests \$1.2 million SGF to establish a public defender office and 12.0 FTE positions in the 7th Judicial District (Douglas County). This is estimated first-year cost, including base salary, fringe benefits, overhead costs, a full-service lease, plus the initial year one-time start-up costs of establishing a new office. The FTE positions include 6.0 public defenders, 2.0 legal assistants, 2.0 investigators, and 2.0 administrative assistants.

The agency estimates ongoing operating cost of approximately \$1.1 million for the FTE positions, overhead, and lease obligations.

The Governor does not recommend adoption of this request.

REQUEST 4

INFRASTRUCTURE UPGRADES

The agency has identified several items for investment, including the need for additional office space and several infrastructure-supporting services, that either need to be upgraded or purchased in order for public defense employees to save time and become more efficient. Additionally, the agency notes such investment is needed to provide public defense employees with access to the same types of information accessed by comparable legal system actors, such as prosecutors and the courts.

Item	Agency	
	SGF	FTE
Case Management System	\$ 50,000	--
Death Penalty Defense Unit Office Space	209,800	--
Upgrade Software Licensing	86,712	--
Video Evidence Software	180,000	--
TOTAL	\$ 526,512	--

The agency requests \$526,512 SGF for the anticipated ongoing maintenance for the new Case Management System, additional Death Penalty Defense Unit office space, additional costs for Westlaw upgrades, and new licensing for video evidence software for FY 2023.

CASE MANAGEMENT SYSTEM. The 2021 Legislature allocated, and the Governor approved, \$200,000 for the purchase of a modern case management system. The agency is currently in the process of reviewing the options and intends to purchase the system in FY 2022. The FY 2022 estimated cost indicates there would be an ongoing fee to maintain the system of approximately \$50,000 a year. This cost is not currently incorporated as part of the agency’s year-to-year operation expenditures, and therefore is including the cost for FY 2023.

DEATH PENALTY DEFENSE UNIT OFFICE SPACE. The agency has experienced a large increase in the number of capital cases, specifically cases with co-defendants. Professional ethics and best practices prevent the same attorneys from representing two (or more) co-defendants. Because of this, one co-defendant will be assigned to the Death Penalty Defense Unit capital trial office, while the agency contracts for counsel for the co-defendant. To address the lack of capital qualified private counsel, and in conjunction with the agency’s staffing enhancement request, the agency has decided to split the Death Penalty Defense Unit into two independent capital trial offices to be located in Topeka and Wichita. The agency estimates that two separate leases would be approximately \$104,900 for each full-service lease for a total ongoing yearly cost of \$209,800.

UPGRADE SOFTWARE LICENSING. The agency estimates the cost of upgrading to Westlaw Edge will be an added yearly cost of \$16,200. This is based on a quote for Westlaw Edge and is an increase of \$1,350 per month over the agency’s current Westlaw expenditures for the approximately 143 licenses that would be upgraded.

INFRASTRUCTURE UPGRADES

VIDEO EVIDENCE SOFTWARE. The agency notes it has reviewed multiple programs and is interested in licensing a program called Justice Text, which is video evidence management software that quickly creates key cited transcripts of the video evidence to allow for much easier review of the evidence itself and easier use during motions preparation, motions hearings, plea negotiations, and trial. Based on demonstrations, the agency believes that this will be beneficial in reviewing dash camera, body camera, and interrogation video evidence in a faster and easier way than it is currently reviewed. This will allow public defenders and investigators to increase case efficiency.

The agency received a quote of \$100 per month, per licensed user. There are approximately 150 users, and thus the cost for the licenses would be up to \$180,000 per year. This would be an ongoing, yearly expenditure.

The Governor recommends \$316,712, all SGF, for infrastructure upgrades.

SPECIAL TOPICS

TOPIC 1

FALL 2021 ASSIGNED COUNSEL CASELOAD ESTIMATES

The revised caseload estimate for FY 2022 is \$16.5 million, all SGF. This is a decrease of \$4.6 million, or 21.8 percent, below the FY 2022 amount approved by the 2021 Legislature. The decrease is due to the COVID-19 pandemic and its impact on the courts' progression of cases. Additionally, assigned counsel only receives the \$100 per hour temporary rate for cases begun in FY 2022. Therefore, the majority of payments remain at the \$80 per hour rate. This has resulted in decreased expenditures for claims paid to assigned counsel.

The caseload estimate for FY 2023 is \$16.5 million, all SGF. This is the same as the FY 2022 revised estimate. This amount takes into consideration current law and reverts the assigned counsel hourly rate back to \$80 per hour for FY 2023. However, it is anticipated that payments at the \$100 per hour rate will continue well into FY 2023 for cases begun in FY 2022. This delay explains why the caseload recommendation is the same despite the hourly rate declining from FY 2022.

Ten Years of Cases and Expenditures

	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016**	FY 2017**	FY 2018	FY 2019**	FY 2020**	FY 2021
Cases*	11,927	11,979	13,207	14,443	15,101	14,936	16,084	16,867	15,955	15,643
Expenditures (in millions)	\$8.5	\$9.2	\$9.7	\$10.3	\$11.1	\$11.8	\$13.0	\$14.4	\$14.4	\$12.9

* Case information provided by the agency.

**Rate changes: FY 2009 (\$62 per hour); FY 2016 (\$65 per hour); FY 2017 (\$70 per hour); FY 2019 (\$75 per hour); FY 2020 (\$80 per hour).

The Division of the Budget, the Board of Indigents' Defense Services, and the Kansas Legislative Research Department review actual and historical data to develop independent estimates prior to the consensus meeting. At the meeting, each agency provides an explanation of its estimate to the team. This is followed by a group discussion, and a consensus for total funding is reached. The following cost drivers are considered:

- **NON-CONTRACT ATTORNEYS.** The total number of hours worked and the average hourly rate, in addition to the amount of incurred expenses by the attorney during representation; and
- **CONTRACT ATTORNEYS.** Total fees and expenses. These rates are negotiated between the attorneys and BIDS.

Assigned Counsel Caseload Estimates

(Includes KLRD estimates for hourly rate, total hours, expenses and contract fees)

Caseload Estimate	FY 2021 Actual	FY 2022 Approved	FY 2022 Revised Estimate	FY 2022 Change from Approved		FY 2023 Estimate	Change from FY 2022 Estimate	
Total Estimate (Mil.)	\$12.9	\$21.1	\$16.5	(\$4.6)	(21.8%)	\$16.5	--	--
Hourly Rate (Avg.)	\$77.66	\$100.00	\$92.50	(\$7.50)	(7.5%)	\$88.75	(\$3.75)	(4.5%)
Hours	132,275	132,005	145,211	13,206	10.00%	151,610	6,399	4.4%
Expenses (Mil.)	\$0.4	\$0.6	\$0.5	(\$0.1)	(17.5%)	\$0.6	\$0.1	17.9%
Contract Fees (Mil.)	\$2.2	\$2.2	\$2.1	(\$0.1)	(2.3%)	\$2.3	\$0.2	9.5%

PROGRAM AND PERFORMANCE MEASURES OVERVIEW

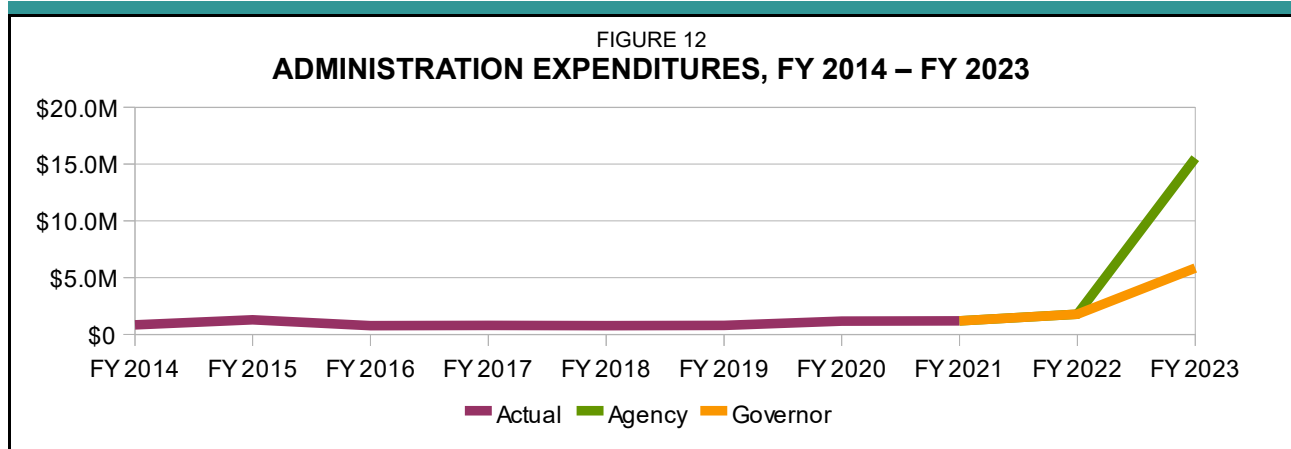
FIGURE 11
EXPENDITURES AND FTE POSITIONS BY PROGRAM, FY 2021 – FY 2023

Programs	Actual FY 2021	Agency FY 2022	Governor FY 2022	Agency FY 2023	Governor FY 2023
Expenditures:					
Administration	\$ 1,195,902	\$ 1,800,746	\$ 1,800,746	\$ 15,523,161	\$ 5,860,266
Appellate Defender	2,329,539	2,366,521	2,366,521	2,418,097	2,418,097
Assigned Counsel	13,454,019	21,700,692	17,112,796	23,748,328	20,679,164
Capital Defense	2,923,268	3,257,160	3,257,160	3,101,512	3,101,512
Legal Services for Prisoners	289,592	289,592	289,592	289,592	289,592
Trial Public Defenders	10,520,601	14,277,502	14,277,502	13,984,746	13,984,746
TOTAL	\$ 30,712,921	\$ 43,692,213	\$ 39,104,317	\$ 59,065,436	\$ 46,333,377
FTE Positions:					
Administration	12.8	18.8	18.8	118.8	18.8
Appellate Defender	23.0	24.0	24.0	24.0	24.0
Assigned Counsel	-	-	-	-	-
Capital Defense	27.0	27.0	27.0	27.0	27.0
Legal Services for Prisoners	-	-	-	-	-
Trial Public Defenders	139.0	174.5	174.5	174.5	174.5
TOTAL	201.8	244.3	244.3	344.3	244.3

PERFORMANCE MEASURES

The 2016 Legislature passed HB 2739, which outlined a three-year process for state agencies to develop and implement a system of performance budgeting using outcome measures to evaluate program effectiveness.

ADMINISTRATION



STATUTORY BASIS: • 6th Amendment of the *U.S. Constitution*; Sections 5 and 10 of the *Kansas Constitution Bill of Rights*; KSA 22-4519 through KSA 22-4523

PROGRAM GOALS: • Maintain statewide costs per case while maintaining quality service to clients.
 • Monitor caseload and performance of public defenders in all divisions.
 • Minimize the increase in cost of expert services.

The Administration program is responsible for overall agency operations and provides support for the statewide delivery of indigents' defense services. Funding is from the SGF, except for a small amount that is from the In-service Education Workshop Fee Fund.

FIGURE 13
ADMINISTRATION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Maintain level of dollars saved by audit procedures.*	\$ 234,185	\$ 291,488	\$ 253,777	\$ 291,488	\$ 291,488
2. Maintain increase in average cost per case for private attorney services to 5% or less.	\$ 993	\$ 898	\$ 944.0	\$ 898	\$ 898
3. Prevent ineffective assistance of counsel due to case overload.*	All Offices	All Offices	All Offices	All Offices	All Offices
4. Maintain standard of excellence in public defender legal services with a zero tolerance for ethics violations on case work.*	No Violations	No Violations	No Violations	No Violations	No Violations
5. Number of experts agreeing to work at reduced rates.*	64	65	64.0	65	65
Output Measure:					
6. Number of Judicial Districts reviewed for cost effective delivery of defense services.*	31	31	31.0	31	31
7. Number of counties covered by assigned counsel contracts/agreements.*	19	19	25.7	19	19
8. Number of agency CLE** programs offered to appointed panel attorneys.*	2	2	2.0	2	2

FIGURE 13
ADMINISTRATION, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
9. Number of agency CLE programs offered to public defenders.*	2	3	2.3	2	2
10. Number of contacts with Chief Defenders regarding caseloads.*	35	33	29.3	33	33
11. Number of contacts with Court regarding assignment of public defenders to other jurisdictions.*	20	18	15.0	18	18
12. Number of contacts/communications with assigned counsel/court regarding expert services approval and clarifications.*	1,010	1,300	1,103.0	1,300	1,300
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 902,601	\$ 1,064,133		\$ 1,798,746	\$ 5,858,266
Federal Funds	269,486	131,144		-	-
All Other Funds	1,435	625		2,000	2,000
TOTAL	<u>\$ 1,173,522</u>	<u>\$ 1,195,902</u>		<u>\$ 1,800,746</u>	<u>\$ 5,860,266</u>
Percentage Change:					
SGF	12.7 %	17.9 %		69.0 %	225.7 %
All Funds	46.2 %	1.9 %		50.6 %	225.4 %
FTE Positions	10.2	12.8		18.8	18.8

*The Governor's Office does not utilize this measure for evaluation purposes.

**Continuing Legal Education

BUDGET ANALYSIS

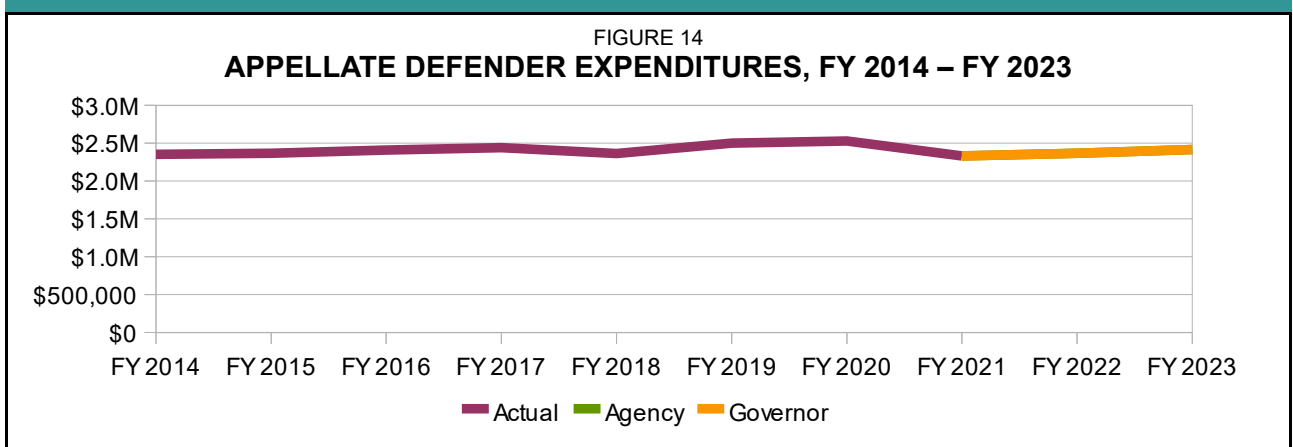
The **agency** requests Administration program expenditures of \$15.5 million, including \$15.5 million SGF, for FY 2023. This is an increase of \$13.7 million SGF, or 762.0 percent, above the FY 2022 revised estimate. The increase is due to the agency's FY 2023 enhancement requests for recruitment and retention, ethical caseload staffing, expansion of public defenders offices, and infrastructure upgrades.

The request includes 118.8 FTE positions, which is 100.0 FTE positions above the FY 2022 revised estimate number. This increase is entirely due to the agency's enhancement requests.

The **Governor** recommends expenditures of \$5.9 million, including \$5.9 million SGF, for FY 2023. This is a decrease of \$9.7 million, all SGF, or 164.9 percent, below the agency's request. The decrease is primarily attributable to the Governor not recommending the agency's enhancement requests for caseload staffing and the expansion of the public defender offices.

The recommendation includes 18.8 FTE positions, which is 100.0 FTE positions below the agency's request. This is due to the Governor not recommending the agency's enhancement requests for caseload staffing and the expansion of the public defender offices.

APPELLATE DEFENDER



STATUTORY BASIS: • 6th Amendment of the *U.S. Constitution*; Sections 5 and 10 of the *Kansas Constitution Bill of Rights*; KSA 22-4522(b); KSA 22-4505(b)

PROGRAM GOALS: • Provide high-quality and economically efficient constitutionally required defense services at the appellate level to clients.
 • Monitor caseloads of public defenders to ensure compliance with professional ethical rules.

The Appellate Defender Office is a statewide office located in Topeka that represents indigent felony defendants on appeal. Funding for death penalty appeals

handled by the Appellate Defender Office is included in the budget for the Death Penalty Defense Unit. The Office makes use of paralegals and law school interns.

FIGURE 15
APPELLATE DEFENDER, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Governor FY 2022	Governor FY 2023
Outcome Measure:					
1.Prevent ineffective assistance of counsel due to case overload.*	All Offices	All Offices	All Offices	All Offices	All Offices
2.Monitor average case units per attorney to avoid caseload overload.*	41	29	36.3	29	29
3.Maintain standard of excellence in legal services with a zero tolerance for ethics violations on case work.*	No Violations	No Violations	No Violations	No Violations	No Violations
Output Measure:					
4.Number of in-house attorney training CLEs for public defenders.*	2	3	2.3	2	2
5.Number of Appeals Docketed*	750	704	802.7	704	704
6.Number of Appeals Completed *	981	981	1,027.3	981	981
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 2,287,109	\$ 2,113,378		\$ 2,116,521	\$ 2,168,097
Federal Funds	-	-		-	-
All Other Funds	241,588	215,981		250,000	250,000
TOTAL	<u>\$ 2,528,697</u>	<u>\$ 2,329,359</u>		<u>\$ 2,366,521</u>	<u>\$ 2,418,097</u>
Percentage Change:					
SGF	3.2 %	(7.6) %		0.1 %	2.4 %
All Funds	1.1 %	(7.9) %		1.6 %	2.2 %
FTE Positions	23.0	23.0		24.0	24.0

*The Governor's Office does not utilize this measure for evaluation purposes.

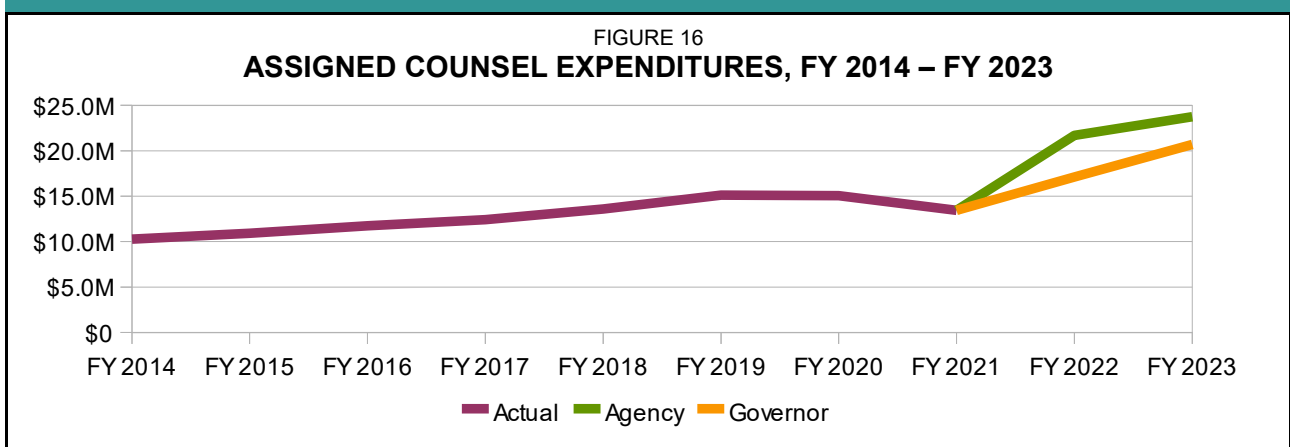
BUDGET ANALYSIS

The **agency** requests Appellate Defender program expenditures of \$2.4 million, including \$2.2 million SGF, for FY 2023. This is an SGF increase of \$51,576, or 2.2 percent, above the FY 2022 revised estimate. This primarily due to court reporting fee expenditures.

The request includes 24.0 FTE positions, which is the same as the FY 2022 revised estimate number.

The **Governor** concurs with the agency's request for FY 2023.

ASSIGNED COUNSEL



STATUTORY BASIS: • 6th Amendment of the *U.S. Constitution*; Sections 5 and 10 of the *Kansas Constitution Bill of Rights*; KSA 22-4501; KSA 22-4503(c)

PROGRAM GOALS: • Manage the average annual cost of assigned counsel expenditures while maintaining quality defense services.

The Assigned Counsel system of providing indigent felony defense is used in geographic areas where it is not cost effective to open a public defender office and in cases where the public defenders have a conflict of interest and are therefore unable to provide defense services. Attorneys are either selected and

assigned to cases by judges or are assigned by judges from a pool of attorneys with whom the agency has negotiated contracts. When contracts are involved, the agency is able to realize a cost savings and has made a concerted effort to expand the number of assigned counsel who serve under contract.

FIGURE 17
ASSIGNED COUNSEL, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Maintain level of dollars saved by audit procedures on assigned counsel vouchers.*	\$ 243,185	\$ 291,488	\$ 253,776	\$ 291,488	\$ 291,488
2. Maintain increase in average cost per case for private attorney services to 5% or less.	\$ 993	\$ 898	\$ 944	\$ 898	\$ 898
Output Measure:					
3. Number of Judicial Districts reviewed for cost effective delivery of defense services.*	31	31	31	31	31
4. Number of counties covered by assigned counsel contracts/agreements.*	19	19	25.7	19	19
5. Number of agency CLE programs offered to appointed panel attorneys.	2	2	2	2	2

Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 14,656,845	\$ 13,062,084		\$ 16,862,796	\$ 20,679,164
Federal Funds	-	-		-	-
All Other Funds	402,174	391,935		250,000	250,000
TOTAL	<u>\$ 15,059,019</u>	<u>\$ 13,454,019</u>		<u>\$ 17,112,796</u>	<u>\$ 20,929,164</u>
Percentage Change:					
SGF	(0.5) %	(10.9) %		29.1 %	22.6 %
All Funds	(0.3) %	(10.7) %		27.2 %	22.3 %
FTE Positions	--	--		--	--

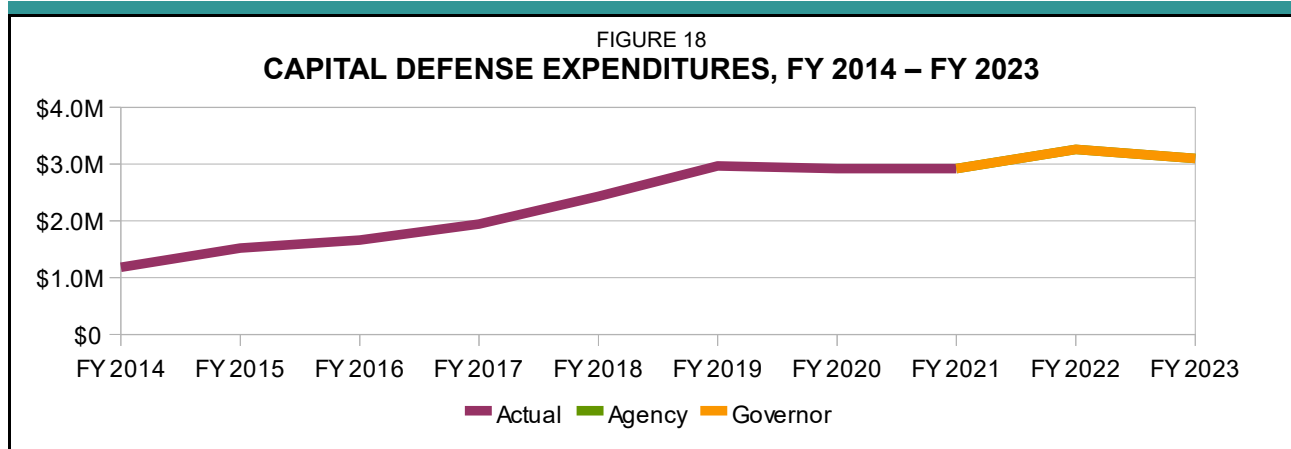
*The Governor's Office does not utilize this measure for evaluation purposes.

BUDGET ANALYSIS

The **agency** requests Assigned Counsel program expenditures of \$23.7 million, including \$23.5 million SGF, for FY 2023. This is an SGF increase of \$2.0 million, or 9.4 percent, above the FY 2022 revised estimate. The increase is due to the agency's FY 2023 enhancement request for funding to increase the assigned counsel rate up to \$120 per hour.

The **Governor** recommends expenditures of \$20.7 million, including \$20.4 million SGF, for FY 2023. This is a decrease of \$3.1 million, or 12.9 percent, all SGF, below the agency's request. The decrease is attributable to the fall 2021 assigned counsel caseload adjustment.

CAPITAL DEFENSE



STATUTORY BASIS: • 6th Amendment of the *U.S. Constitution*; Sections 5 and 10 of the *Kansas Constitution Bill of Rights*; KSA 22-4522(b); KSA 22-4506(d)

PROGRAM GOALS: • Provide high-quality and economically efficient constitutionally required defense services to capital clients.
• Monitor caseloads of public defenders to ensure compliance with professional ethical rules.

The Capital Defense program represents individuals charged with capital cases, administers a system by which courts may appoint qualified attorneys to represent indigents charged with capital offenses, serves as a resource for attorneys assigned to capital cases, develops training programs and materials for persons involved in capital cases, maintains statistical records about the use of capital punishment, and provides expert and investigative services to trial counsel in capital cases. Expenditures for the unit include costs of in-house defense, contracts with private attorneys in conflict cases or because of staff

overload, and costs associated with capital cases on appeal.

Attorneys can only defend capital cases when they meet the standards set by the American Bar Association. Previously, that standard included the requirement that an attorney have previously handled a death penalty case as a second chair. That standard was changed. Currently, attorneys are qualified to defend a capital case when they have 1) experience defending homicide cases to a jury, and 2) taken specific continuing legal education coursework on capital defense.

FIGURE 19
CAPITAL DEFENSE, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1.Prevent ineffective assistance of counsel due to case overload.*	All Offices	All Offices	All Offices	All Offices	All Offices
2.Maintain standard of excellence in legal services with a zero tolerance for ethics violations on case work.*	No Violations	No Violations	No Violations	No Violations	No Violations
Output Measure:					
3.Number of new cases filed with a potential sentence of death.*	6	3	5	6	6

FIGURE 19
CAPITAL DEFENSE, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
4. Number of cases tried or pled during the fiscal year.*	2	1	5	5	5
5. Number of in-house attorney training CLEs available for capital public defenders.*	3	5	3	3	3
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 2,903,305	\$ 2,917,892		\$ 3,255,160	\$ 3,099,512
Federal Funds	-	201		-	-
All Other Funds	16,638	5,175		2,000	2,000
TOTAL	<u>\$ 2,919,943</u>	<u>\$ 2,923,268</u>		<u>\$ 3,257,160</u>	<u>\$ 3,101,512</u>
Percentage Change:					
SGF	(1.7) %	0.5 %		11.6 %	(4.8) %
All Funds	(1.6) %	0.1 %		11.4 %	(4.8) %
FTE Positions	27.0	27.0		27.0	27.0

*The Governor's Office does not utilize this measure for evaluation purposes.

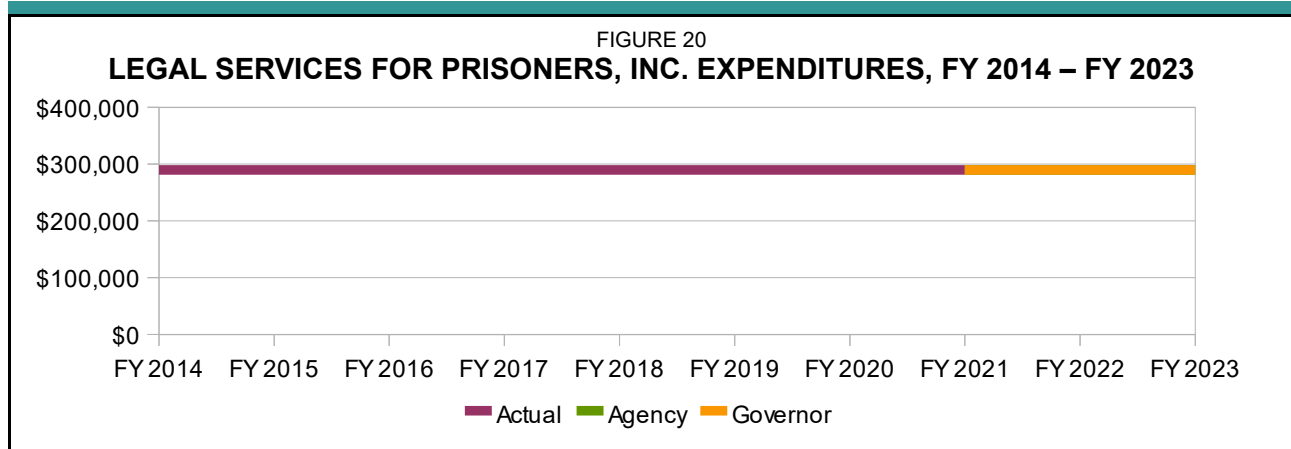
BUDGET ANALYSIS

The **agency** requests Capital Defense program expenditures of \$3.1 million, including \$3.1 million SGF, for FY 2023. This is an SGF decrease of \$155,648, or 4.8 percent, below the FY 2022 revised estimate. The decrease is primarily attributable to decreased expert witness fees and assigned counsel expenditures.

The request includes 27.0 FTE positions, which is the same as the FY 2022 revised estimate number.

The **Governor** concurs with the agency's request for FY 2023.

LEGAL SERVICES FOR PRISONERS, INC.



- STATUTORY BASIS:** • KSA 22-4514a
- PROGRAM GOALS:**
- Provide individuals incarcerated in the Kansas Department of Corrections with constitutionally required meaningful access to the courts.
 - Identify and assist those incarcerated residents with real legal problems concerning the validity of convictions and sentences, civil rights, and conditions of confinement.
 - Discourage frivolous and unsubstantial litigation.
 - Assist state courts and the Board of Indigents' Defense Services in meeting their program goals.
 - Assist incarcerated residents in successfully completing their sentences, parole, and post-release supervision. Those whose legal problems are taken care of prior to their release are more apt to successfully complete their term of parole or post-release supervision.

The Legal Services for Prisoners, Inc. is a nonprofit corporation organized to provide legal assistance to indigent inmates of Kansas correctional institutions. The Board of Indigents' Defense Services is a pass-through agency for funding purposes and has no administrative or policy control over the corporation. The corporation is governed by a board composed of a representative of each of the Kansas law schools, four representatives of the Kansas Bar

Association, one representative of the Kansas Trial Judges Association, and the Judicial Administrator of the Court. Expenditures for the corporation are from the SGF. Legal Services for Prisoners has an office in Topeka and offices in the correctional facilities located in Lansing and El Dorado. These offices also provide assistance to inmates at correctional facilities located in Ellsworth, Larned, Norton, Osawatomie, Wichita, and Winfield.

FIGURE 21
LEGAL SERVICES FOR PRISONERS, INC., PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1. Cases administratively resolved*	1,042	1,058	1,107	1,508	1,508
2. Cases judicially resolved *	6	1	3.7	1	1
3. Cases rejected by LSP *	376	467	410	467	467
4. Cases still open at the end of the fiscal year.*	-	4	5	4	4
Output Measure:					
5. Total Cases handled by LSP *	1,463	1,530	1,543	1,530	1,530
6. Total Hours spent on cases *	1,759	2,013	1,889	2,013	2,013

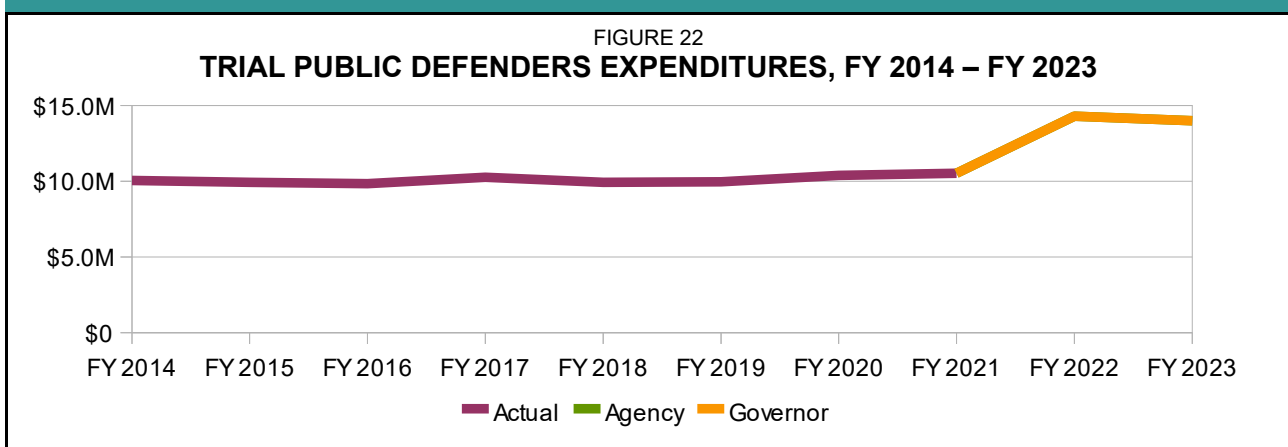
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 289,592	\$ 289,592		\$ 289,592	\$ 289,592
Federal Funds	-	-		-	-
All Other Funds	-	-		-	-
TOTAL	<u>\$ 289,592</u>	<u>\$ 289,592</u>		<u>\$ 289,592</u>	<u>\$ 289,592</u>
Percentage Change:					
SGF	-- %	-- %		-- %	-- %
All Funds	-- %	-- %		-- %	-- %
FTE Positions	--	--		--	--

*The Governor's Office does not utilize this measure for evaluation purposes.

BUDGET ANALYSIS

The **agency** requests Legal Services for Prisoners, Inc. program expenditures of \$289,592 SGF for FY 2023. This is the same as the FY 2022 revised estimate. The **Governor** concurs with the agency's request for FY 2023.

TRIAL PUBLIC DEFENDERS



STATUTORY BASIS: • 6th Amendment of the *U.S. Constitution*; Sections 5 and 10 of the *Kansas Constitution Bill of Rights*; KSA 22-4522(b)

PROGRAM GOALS: • Maintain statewide costs per case while maintaining quality service to clients.
• Monitor caseloads and performance of public defenders for quality services.

The Trial Public Defenders offices are located around the state and provide services in counties to indigents on a regional basis. Offices are located in Chanute, Garden City, Hutchinson, Johnson County, Junction City, Salina, Topeka, and Wichita. There are two conflict offices: the Northeast Kansas Conflict Office in Topeka and the Sedgwick County Conflict Office in Wichita. The Conflict Offices

become involved in conflicts cases when there are multiple indigent defendants and one of the defendants is already being represented by a public defender or assigned counsel. Former Public Defender Offices that have been closed are the Johnson County Satellite Office in Miami County and the Southwest Public Defender Office in Liberal.

FIGURE 23
TRIAL PUBLIC DEFENDERS, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
Outcome Measure:					
1.Prevent ineffective assistance of counsel due to case overload.*	All Offices	All Offices	All Offices	All Offices	All Offices
2.Maintain increase in average cost per case for public defender services to 5% or less.	\$ 818	\$ 1,032	\$ 836	\$ 1,032	\$ 1,032
3.Maintain standard of excellence in legal services with a zero tolerance for ethics violations on case work.*	No Violations	No Violations	No Violations	No Violations	No Violations
Output Measure:					
4.Number of in-house attorney training CLEs for public defenders.*	2	3	2.3	2	2
5.Number of Judicial Districts reviewed for cost effective delivery of defense services.*	31	31	31	31	31
6.Number of contacts with Chief Defenders regarding caseloads.*	35	33	29.3	33	33

FIGURE 23

TRIAL PUBLIC DEFENDERS, PERFORMANCE MEASURES

	Actual FY 2020	Actual FY 2021	Actual 3-Year Avg.	Target FY 2022	Target FY 2023
7. Number of contacts with Court regarding assignment of public defenders to other jurisdictions.*	20	18	15	18	18
Financing	Actual FY 2020	Actual FY 2021		Governor FY 2022	Governor FY 2023
SGF	\$ 10,138,750	\$ 10,260,120		\$ 14,167,753	\$ 13,882,746
Federal Funds	-	159		-	-
All Other Funds	243,924	260,322		109,749	102,000
TOTAL	\$ 10,382,674	\$ 10,520,601		\$ 14,277,502	\$ 13,984,746
Percentage Change:					
SGF	3.9 %	1.2 %		38.1 %	(2.0) %
All Funds	4.4 %	1.3 %		35.7 %	(2.1) %
FTE Positions	139.5	139.0		244.3	244.3

*The Governor's Office does not utilize this measure for evaluation purposes.

BUDGET ANALYSIS

The **agency** requests Trial Public Defenders program expenditures of \$14.0 million, including \$13.9 million SGF, for FY 2023. This is an all funds decrease of \$292,756, or 2.1 percent, and an SGF decrease of \$285,007, or 2.0 percent, below the FY 2022 revised estimate. The decrease is primarily attributable to expert witness fees and one-time expenditures for furnishings and equipment for new hires in FY 2022 that do not occur in FY 2023.

The request includes 174.5 FTE positions, which is the same as the FY 2022 revised estimate number.

The **Governor** concurs with the agency's request for FY 2023.