

PUBLIC DEFENDER COMMISSION

Budget Request Fiscal Year 2016

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October 1, 2014

Dear Governor Nixon,

Enclosed is the 34th annual budget request of the Missouri State Public Defender System. You will find this one a bit different from those you have seen from MSPD in the past few years. The addition of the \$3.47 million to our budget to contract out all conflict cases in our Trial Division this year will provide quite a bit of badly needed workload relief for Missouri's public defenders, and we are very appreciative of that. Therefore, instead of requesting across-the-board staffing increases as we have in the past, we are seeking just a few targeted new decision items to address those areas that will not be assisted by the contract relief:

(1) An additional appellate/post-conviction office to be placed in Springfield.

Few private attorneys handle post-conviction work. Contracting post-conviction overload to private counsel does not work in this instance. Instead, the attorneys and staff from our Columbia office are driving across the entirety of central and southern

Missouri to cover post-conviction hearings in each of those circuit courts. The amount of time they spend driving is time they do not have to handle cases. Placing an additional appellate/post-conviction office in Springfield, home to the Southern District Court of Appeals, will offer significant savings in travel time and costs.

(2) A new public defender office to serve the 42nd Judicial Circuit.

Currently public defender coverage of the five counties that make up the 42nd Circuit is divided among the several public defender offices whose districts border the 42nd. This will have to change under the new legislation that mandates public defender offices align with judicial circuits. We do not have to have an office for every circuit, but as of 2018, we can no longer split circuits among two or more offices. However, the five counties of the 42nd -- much

of which is not easily accessible by any direct route -- is too large an area to be wholly enveloped by any of the surrounding offices without increasing drive times beyond what is practical or efficient. Creating a new office based within the 42nd is the only reasonable way to comply with the statute. As explained in the enclosed budget request, this cannot wait until 2018 because of the expiring leases of the offices currently providing coverage of the impacted counties. The counties have to know what office will be providing their public defender services in order to know which office space they are financially responsible for and negotiate new office space leases accordingly. Time is of the essence on this decision item, so we hope it will be given serious consideration.

(3) Two youth advocacy offices, one in St. Louis and one in Kansas City.

This summer, I was approached by the leadership of the Missouri Juvenile Justice Association, asking us to pursue reinstatement of the two Youth Advocacy offices we once maintained in St. Louis and Kansas City. These offices not only provided direct representation to the juveniles within those metropolitan areas, but also provided training and served as a statewide resource on juvenile practice to public defenders and private attorneys alike. The offices were eventually closed by the Missouri Public Defender Commission because of the growing Trial Division caseload and the need to use the FTE from those specialty offices to help keep the rest of the

system afloat. In a system of triage, juvenile cases fell to the bottom. However, the MJJA believes the re-creation of these Youth Advocacy Offices is an important step in pursuing the reforms to Missouri's juvenile justice system recommended by the National Juvenile Defense Center assessment, for all of the reasons set out in the enclosed budget request. MSPD agrees and so has included these as a new decision item this year.

(4) Technology Upgrades.

E-filing, electronic discovery, videoconferencing, the increase in digital surveillance videos, etc. is killing our bandwidth. Everything is moving slower and slower at a time when our lawyers and staff are working remotely more and more as they cover counties well beyond their own. We are also seeking wifi hotspots for those counties where the courthouses do not provide wifi. Otherwise, the court and local prosecutor are both able to access case files, jury instructions, electronic discovery, etc. while the public defender is left shut out from all the resources needed to do his or her job. A relatively small item of \$254,000 would have a significant impact in the productivity of Missouri's public defenders and more than provide a return on its investment.

We know money is tight and many different entities are clamoring for resources. Tough choices have to be made. It is easy, and perhaps natural, to default to relegating representation of indigent criminal defendants to the end of

the line. However, if the events in Ferguson, Missouri have taught us anything, it is that we ignore justice at our own peril. Martin Luther King, Jr. knew what he was talking about when he said, "If you seek peace, work for justice." Beyond that, in a time of growing incarceration costs, investing in the one player in the criminal justice system who works to keep people *out* of prison – ensuring the innocent are not wrongfully convicted and finding alternative placements instead of prison that will address the problems that brought someone into the system in the first place and reduce recidivism along the way, is just smart public policy.

We look forward to working with you through the coming budget session to address both of these worthwhile goals.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy R. Kelly". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Cathy R. Kelly
Director, Missouri Public Defender Commission

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PROGRAM DESCRIPTION

Department: Office of the State Public Defender

Program Name: Public Defender

Program is found in the following core budget(s): Legal Services, Legal Defense & Defender Fund, Litigation Expenses & Conflicts, and Federal & Other

1. What does this program do?

The Sixth Amendment to the United States Constitution provides that, *"In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence."* If an individual cannot afford to hire an attorney, the state must provide one for him in order for the prosecution to proceed. The Missouri State Public Defender System was created to meet this obligation of the State of Missouri. Its lawyers provide criminal defense representation to indigent defendants in all of Missouri's criminal trial and appellate courts, as well as in a variety of quasi-criminal matters which carry a right to counsel, such as juvenile delinquency cases, sexually violent predator commitment cases, petitions for release from the Department of Mental Health, probation revocations and post-conviction motions to vacate criminal convictions.

2. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)

Chapter 600 R.S. Mo, which was enacted to comply with the state's obligations under the U.S. Constitution and Missouri Constitutions:

In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.
Amend VI, U.S. Constitution

In order to assert our rights, acknowledge our duties, and proclaim the principles on which our government is founded, we declare: . . .
That in criminal prosecutions the accused shall have the right to appear and defend in person and by counsel.
Article I, Section 18(a), Missouri Constitution.

3. Are there federal matching requirements? If yes, please explain.

No

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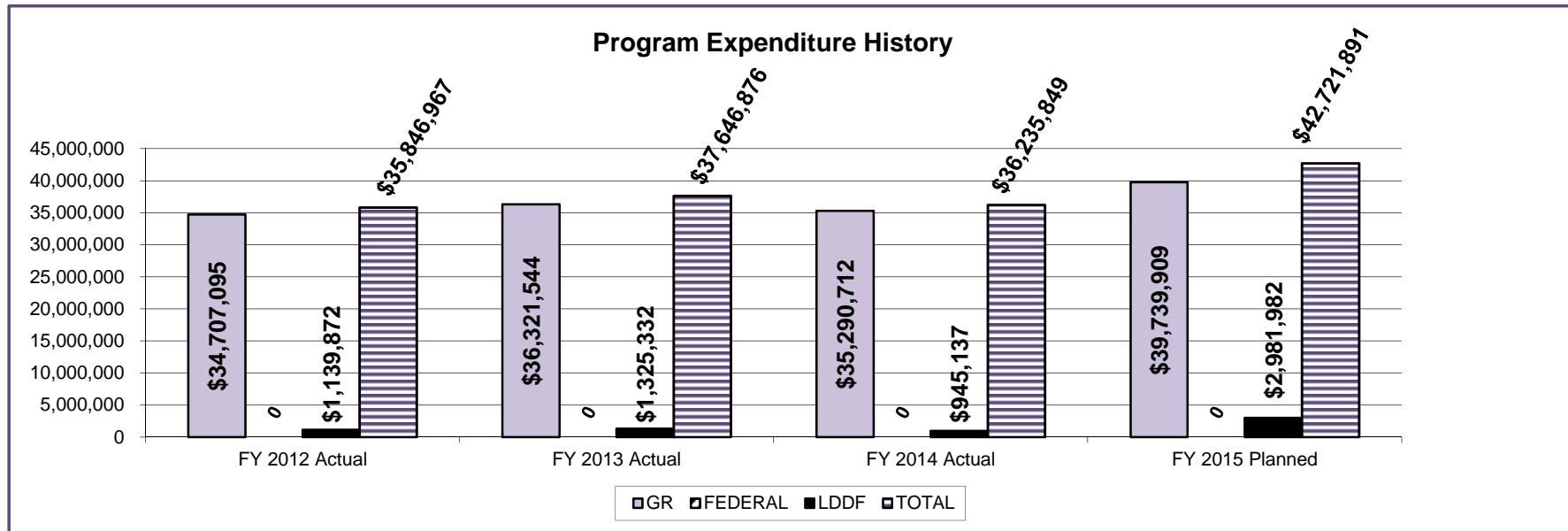
Program is found in the following core budget(s): Legal Services, Legal Defense & Defender Fund, Litigation Expenses & Conflicts, and Federal & Other

4. Is this a federally mandated program? If yes, please explain.

Yes. The provision of counsel to indigent defendants facing prosecution and the potential loss of their liberty is federally mandated under the United States Constitution:

In all criminal prosecutions, the accused shall enjoy the right to . . . have the assistance of counsel for his defence.” Amend VI, U.S. Constitution Bill of Rights

5. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year.



6. What are the sources of the "Other " funds?

Legal Defense and Defender Fund - Collections from Clients

FY2015 Planned does include currently Governor Withheld Funds \$3,472,238 Veto Overriden Conflict Counsel

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7a. Provide an effectiveness measure.

There are three primary measures of effectiveness applicable to the Missouri State Public Defender System:

(1) **Case Law:** Through cases ruled upon by the United States Supreme Court, the Missouri Supreme Court and Courts of Appeal, specific standards of what does or does not constitute effective assistance of counsel in the representation of a criminal defendant have evolved. Where an attorney is found by the court to have failed to meet those standards, any conviction of the defendant must be set aside.

(2) **Missouri Rules of Professional Responsibility** are established by the Missouri Supreme Court and applicable to every attorney licensed to practice law within the State of Missouri. The Rules set out what is expected from a competent, professional attorney and are enforced by the Missouri Supreme Court through its Office of Chief Disciplinary Counsel. Failure to comply with these rules can result in actions being taken against the attorney's license, ranging from a formal reprimand up to and including permanent disbarment from the right to practice law within the state.

(3) **MSPD Guidelines for Representation** adopted by the Missouri State Public Defender Commission, which set out the Commission's expectations of its attorneys in order to meet the above standards for effective representation of clients served by Missouri Public Defenders.

Unfortunately, the Missouri State Public Defender System is not currently able to meet many of these standards because it is staffed to handle only a percentage of the total caseload assigned to it this last year. The overload has forced lawyers and investigators alike to cut corners, skip steps, and make on-the-fly triage decisions in order to keep up with the deluge of cases coming in the door. As a result, effectiveness in many of these cases is seriously compromised.

American Bar Association Ethical Advisory Opinion re Public Defender Caseloads: In 2006, the American Bar Association issued an ethical advisory opinion warning against ethical violations caused by excessive defender caseloads and highlighting the fact that public defenders are not exempt from the professional obligation of all attorneys not to take on more cases than they can effectively handle. That opinion cited national caseload standards, as a base which should not be exceeded, but warned that other factors must also be taken into consideration, such as availability (or lack of) support staff to assist the attorneys, time taken away from case preparation by other non-case-related duties, such as travel, training, management, etc., and the specifics of local practice that could impact the amount of time needed for handling particular case types. See, *ABA Formal Opinion 06-441: Ethical Obligations of Lawyers who Represent Indigent Criminal Defendants When Excessive Caseload Interfere with Competent and Diligent Representation*, May 13, 2006.

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Over the last ten years, the issue of Missouri Public Defender's workload has been the subject of five different studies: by a Missouri Bar Task Force, twice by the independent consultant *The Spangenberg Group*, again by a Senate Interim Committee, and most recently by the American Bar Association-funded study called *The Missouri Project*. Each of these investigations reached the same conclusion: Missouri's public defenders have too many cases and not enough lawyers or support staff to fulfill the state's constitutional obligations.

The most recent ABA study, conducted and overseen by RubinBrown of St. Louis, one of the nation's top accounting and business analytics firms, was designed to not only verify the fact of an existing overload – which it did -- but to also establish reliable case weights to be used in determining the staffing needed to match the workload. Private attorney input was considered in equal measure with that of public defenders. The particulars of Missouri practice were taken into consideration. RubinBrown representatives met with and presented their proposed study methodology to the State Auditor prior to moving forward. The performance deemed acceptable was based, not on anything developed by MSPD, but the published standards of the American Bar Association for Prosecution and Defense Functions. The results were average case weights based on case type – i.e. the average number of hours a competent attorney could expect to spend on a particular case type to provide

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ABA/RubinBrown Workload Study	
Non-Capital Homicide	106.6
A/B Felony Offense	47.6
C/D Felony Offense	25.0
Sex Offense - Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appeals/PCR	96.5
Probation Violation	9.8

When these case weights are applied to MSPD's caseload, the number of additional staff needed to do the job the way the study concluded it should be done, is significant, as evidenced by the tables in the Appendix showing that we would need 291 additional attorney positions to fully implement The Missouri Project findings. MSPD recognizes that kind of staffing increase is simply not feasible all at once, especially at this time, given Missouri's financial situation. Instead, we are proposing smaller steps forward, starting with the removal of all Trial Division conflict cases, an approach that won the approval of the legislature last year and remains the single most efficient way to impact case overload.

In addition, we are requesting the addition of four new offices:

- Two Youth Advocacy Units,
one in Kansas City and one in St. Louis, to specialize in the representation of juveniles;
- An Appellate/Post-conviction office in Springfield
- A new trial office to serve the 42nd Judicial Circuit
part of the statutorily mandated realignment of MSPD's district offices with the judicial circuits.

Each of these constitutes a measured, but significant step forward on the road toward fulfilling the state's constitutionally mandated obligations.

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7b. Provide an efficiency measure.

The Missouri State Public Defender System's 369.50 lawyers opened 77,999 cases last year, appearing in every courthouse in every county across the state, at an average cost to the state's taxpayers of just \$391.21 per case. This astonishingly low cost of indigent defense in Missouri – among the lowest in the nation -- is not a cause for celebration. It comes at the cost of justice, the result of widespread failure to provide indigent defendants the effective assistance of counsel that the U.S. Constitution's Bill of Rights guarantees them. There is a limit to the 'Do More With Less' mantra within the arena of criminal justice, and Missouri passed it sometime ago.

Every Missouri Public Defender attorney, investigator and mitigation specialist now tracks their time in five-minute increments by task and case type so that we can see exactly what is – and what is NOT – getting done on the cases assigned to us.

7c. Provide the number of clients/individuals served, if applicable.

In FY2014, MSPD provided representation in 75,196 cases. The Public Defender Commission sets the indigency guidelines that are used to determine who is eligible for public defender services. Currently, those guidelines match the Federal Poverty Guidelines. Strictly applied, that would mean an individual making only \$12,000 a year would not qualify for a public defender. According to recent reports, Missouri ranks 50th out of 50 states in income eligibility standards for public defender services, leaving a wide gap of ineligible defendants who in reality still lack the means to retain private counsel in the market. The guidelines, however, do allow for the taking into consideration of all of the defendant's particular circumstances affecting his/her ability to hire counsel, so things such as the seriousness of the charge may impact that decision. Defendants have the right to appeal MSPD's denial of their application to the court for an independent review of their eligibility. If the court finds they are unable to afford private counsel, the court can overrule the public defender denial.

The table below shows a drop in new misdemeanors and probation violation cases for FY13 and FY14 from previous years. This is the direct result of judicial attempts to address public defender case overload. In several areas around the state, defendants facing only misdemeanor charges are diverted from or wait-listed for public defender services. Some courts wind up appointing private counsel to take on those cases without pay. Others withhold appointment of counsel until it is clear that the defendant either seeks a trial or the prosecutor is seeking jail time. As a result, some of those defendants wind up pleading guilty and being placed on probation for charges that carry a multitude of collateral consequences, including the risk of jail time if their probation is ever revoked, without ever having consulted with counsel. At this point, no one is tracking the number of cases diverted from the public defender system or to which private counsel is appointed to relieve public defender overload, so those numbers are not reflected in this budget request.

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On September 10, 2014 the General Assembly overrode the Governor's line item veto of \$3.472 million for the funding of contractual services for MSPD to contract out all conflict cases. As of the printing of this budget book, the veto override amounts have not been added to the BRASS budgeting system.

Had the General Assembly not overridden this line item veto, MSPD would have made the same its first priority for funding. If the FY2015 core and subsequently the FY2016 core is not adjusted, contracting out all conflicts to the private bar would be our first expansion decision item. The backing documentation is provided below:

This option presumes that:

- 1. All Trial Division conflict cases are contracted out to the private bar rather than sent to another nearby defender office
- 2. Current contract fee amounts to private counsel remain flat;
- 3. Caseload, and the percentage of cases that present conflicts, remain relatively flat; and
- 4. The personnel increases needed to handle the remaining caseload will be requested in future budget requests.

Contracting All Trial Division Conflict Cases:

Currently, when multiple defendants face companion charges, there is always the risk that at some point in the representation, one will wind up pointing a finger at the other. As a result, the local defender office can only represent one codefendant. The others must go elsewhere, either to another defender office or out to private counsel on a contract for representation. Historically, MSPD has sent the first co-defendant to another defender office and has only contracted second, third, (or more) co-defendants out to private counsel. However, this handling of trial division conflict cases in-house is not a cost-effective approach. These cases pull lawyers out of their primary jurisdictions and require them to drive significant distances to other counties to appear for court, conduct investigations, witness interviews and depositions, visit their clients in that county jail, etc. It is not uncommon for each trip to eat up close to a day of the attorney's time to deal with one or two cases. In the long run, it is much more cost-effective and more efficient to contract all trial level conflict cases out to competent local attorneys in the private bar and allow the defender offices to concentrate on effectively representing the cases that arise within the counties they are designed to serve.

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Missouri State Public Defender Private Counsel Fee Schedule

Case Type	Description	Contract Rates
15	Murder 1st Degree	\$10,000
20	Other Homicide	\$6,000
30D	AB Felony Drug	\$750
30F	AB Felony Other	\$1,500
30X	AB Felony Sex	\$2,000
35D	CD Felony Drug	\$750
35F	CD Felony Other	\$750
35X	CD Felony Sex	\$1,500
45M	Misdemeanor	\$375
45T	Misdemeanor - Traffic	\$375
50N	Juvenile - Non Violent	\$500
50S	Juvenile - Status	\$500
50V	Juvenile - Violent	\$750
65F	Probation Violation - Felony	\$375
65M	Probation Violation - Misd	\$375
110F	Direct Appeals - Felony	\$3,750
110S	Direct Appeal - Misdemeanor	\$3,750
124A	Rule 24.035 Appeal	\$500
124M	Rule 24.035 Motion	\$500
129A	Rule 29.15 Appeal	\$1,875
129M	Rule 29.15 Motion	\$1,000

At present, MSPD uses the fee schedule on the right for cases contracted out to private counsel. Litigation expenses (the cost of transcripts, investigation, experts, or depositions) are not included in these fees but are approved on a case-by-case basis. These costs would be incurred by MSPD whether the case was being handled internally or by private counsel.

Note: MSPD will pay additional compensation in cases resolved by:

Trials:

Jury Trial - \$1,500 for the first day and \$750 for each additional day

Bench Trial - \$750 per day prorated

Appeals:

Rule 29.15 Evidentiary Hearing \$500

Rule 24.035 Evidentiary Hearing \$250

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FY2014 CONFLICT CASES - Trial Division Does Not include Appellate, Post-conviction, Capital or CDU					
Case Type	Description	Conflicts Currently Handled by MSPD Sister Offices 41's	Conflicts Currently Contracted to Private Counsel 42's & 44's	Contract Rates	Cost of Contracts
15	Murder 1st Degree	19	6	\$10,000	\$250,000
20	Other Homicide	16	8	\$6,000	\$144,000
30D	AB Felony Drug	502	227	\$750	\$546,750
30F	AB Felony Other	518	144	\$1,500	\$993,000
30X	AB Felony Sex	35	14	\$2,000	\$98,000
35D	CD Felony Drug	788	230	\$750	\$763,500
35F	CD Felony Other	2,058	542	\$750	\$1,950,000
35X	CD Felony Sex	13	3	\$1,500	\$24,000
45M	Misdemeanor	893	172	\$375	\$399,375
45T	Misdemeanor - Traffic	74	12	\$375	\$32,250
50N	Juvenile - Non Violent	84	15	\$500	\$49,500
50S	Juvenile - Status	5	1	\$500	\$3,000
50V	Juvenile - Violent	55	5	\$750	\$45,000
65F	Probation Violation - Felony	495	125	\$375	\$232,500
65M	Probation Violation - Misd	127	26	\$375	\$57,375
	Totals	5,682	1,530		\$5,588,250
	Fiscal Year 2015 Contract Budget				<u>\$2,278,012</u>
	Additional Appropriation Required to Contract Out All Trial Conflicts				\$3,310,238
ALL TRIAL CONFLICTS (41'S AND 42'S) TO PRIVATE COUNSEL					

Given the assumptions set out, the cost of contracting out all Trial Division Fiscal Year 2014 conflict cases to private counsel would be approximately \$5,588,250.

Since our Fiscal Year 2015 appropriation for this purpose is approximately \$2.278 million (prior to the override of the appropriation veto), contracting out all conflict cases would require an additional \$3.310 million, as shown in the table on the right.

The amount of the appropriation veto override is \$3,472,238. If this amount remains in our core for Fiscal Year 2016, MSPD will not request any additional funds to address trial division caseload relief, but rather evaluate the effect of not having to provide representation in multiple jurisdictions on the demands of public defender time.

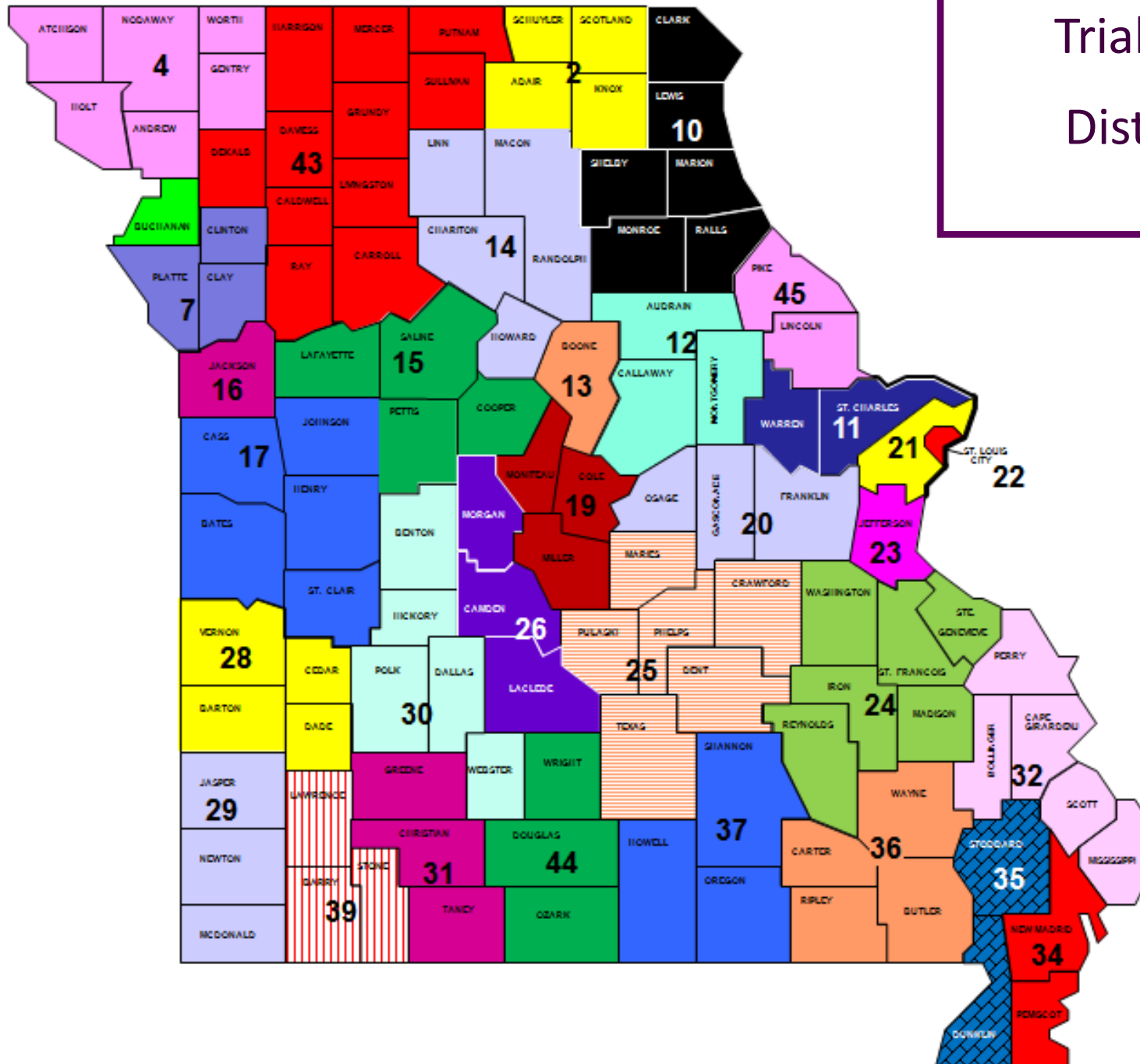
Each year the number and types of cases, in which the Missouri State Public Defender provides representation, changes. That is the reason for the difference between the \$3,472,238 (FY13 numbers) and the \$3,310,238 (FY2014 numbers) shown on the chart to the left.

Missouri State Public Defender System

Cases Assigned by Case Type

Fiscal Year	Murder 1st	Other Homicide	Felony	Murder + Felony Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed
FY14	25	242	38,554	38,821	15,228	1,830	939	166	17,460	752	75,196	72,197
FY13	152	207	38,785	39,144	16,692	1,670	986	238	18,477	792	77,999	79,985
FY12	121	197	38,551	38,869	20,948	1,923	1,212	159	20,320	966	84,397	81,871
FY11	148	149	35,753	36,050	22,767	1,893	1,088	119	20,066	913	82,896	80,137
FY10	161	164	34,781	35,106	24,768	2,393	1,141	131	20,147	930	84,616	81,346
FY09	121	180	33,226	33,527	25,181	2,513	1,264	181	19,518	898	83,082	81,704
FY08	158	154	34,766	35,078	26,098	2,715	1,061	182	19,555	716	85,405	85,116
FY07	174	161	35,109	35,444	27,816	3,380	828	129	19,157	743	87,497	85,133
FY06	138	146	35,339	35,623	28,227	3,676	838	46	19,412	710	88,532	83,260
FY05	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180
FY04	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356
FY03	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059
FY02	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165
FY01	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438
FY00	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591
FY99	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570
FY98	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495
FY97	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870
FY96	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664
FY95	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710
FY94	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453
FY93	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363
FY92	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651
FY91	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038
FY90	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425
FY89	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532
FY88	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117
FY87	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081
FY86	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491
FY85	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410
FY84	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730

Trial Division District Map



State Auditor's Reports and Oversight Evaluation

Program or Division Name	Type of Report	Date Issued	Website
Public Defender Commission	Audit	October 1, 2012	http://www.auditor.mo.gov/Press/2012-129.pdf

Office of the State Public Defender

DECISION ITEM RANKING

Budgeting Unit Decision Item Fund	Rank	FY 2016 DEPT REQ DOLLAR	FY 2016 DEPT REQ FTE	FY 2016 GOV REC DOLLAR	FY 2016 GOV REC FTE	CUMULATIVE TOTAL DOLLARS	FTE
OFFICE OF THE DIRECTOR							
CORE	001						
GENERAL REVENUE		36,018,838	585.13	32,546,600	585.13	32,546,600	585.13
TOTAL		36,018,838	585.13	32,546,600	585.13		
GRANTS							
CORE	001						
PUBLIC DEFENDER-FEDERAL & OTHR		125,000	0.00	125,000	0.00	32,671,600	585.13
TOTAL		125,000	0.00	125,000	0.00		
LEGAL DEFENSE & DEFENDER FUND							
CORE	001						
LEGAL DEFENSE AND DEFENDER		2,982,583	2.00	2,982,583	2.00	35,654,183	587.13
TOTAL		2,982,583	2.00	2,982,583	2.00		
EXTRAORDINARY EXPENSE/CONFLIC							
CORE	001						
GENERAL REVENUE		3,721,071	0.00	3,721,071	0.00	39,375,254	587.13
TOTAL		3,721,071	0.00	3,721,071	0.00		
DEBT OFFSET ESCROW FUND							
CORE	001						
DEBT OFFSET ESCROW		1,200,000	0.00	1,200,000	0.00	40,575,254	587.13
TOTAL		1,200,000	0.00	1,200,000	0.00		
OFFICE OF THE DIRECTOR							
Pay Plan FY15-Cost to Continue - 0000014	002						
GENERAL REVENUE		154,339	0.00	154,339	0.00	40,729,593	587.13
TOTAL		154,339	0.00	154,339	0.00		
LEGAL DEFENSE & DEFENDER FUND							
Pay Plan FY15-Cost to Continue - 0000014	002						
LEGAL DEFENSE AND DEFENDER		710	0.00	710	0.00	40,730,303	587.13
TOTAL		710	0.00	710	0.00		

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Office of the State Public Defender

DECISION ITEM RANKING

Budgeting Unit		FY 2016	FY 2016	FY 2016	FY 2016	CUMULATIVE TOTAL	
Decision Item	Rank	DEPT REQ	DEPT REQ	GOV REC	GOV REC	DOLLARS	FTE
Fund		DOLLAR	FTE	DOLLAR	FTE		
OFFICE OF THE DIRECTOR							
Springfield Appellate/PCR Off. - 1151001	005						
GENERAL REVENUE		308,232	5.00	0	0.00	40,730,303	587.13
TOTAL		308,232	5.00	0	0.00		
Juvenile Advocacy Offices - 1151002	005						
GENERAL REVENUE		849,351	16.00	0	0.00	40,730,303	587.13
TOTAL		849,351	16.00	0	0.00		
Office Realignment - 1151003	005						
GENERAL REVENUE		1,056,798	19.00	0	0.00	40,730,303	587.13
TOTAL		1,056,798	19.00	0	0.00		
Information Technology - 1151004	005						
GENERAL REVENUE		254,820	0.00	0	0.00	40,730,303	587.13
TOTAL		254,820	0.00	0	0.00		
GRAND TOTAL		\$46,671,742	627.13	\$40,730,303	587.13		

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
CORE								
PERSONAL SERVICES								
GENERAL REVENUE	27,267,687	569.47	28,624,153	585.13	28,624,153	585.13	28,624,153	585.13
TOTAL - PS	27,267,687	569.47	28,624,153	585.13	28,624,153	585.13	28,624,153	585.13
EXPENSE & EQUIPMENT								
GENERAL REVENUE	5,002,037	0.00	7,394,685	0.00	7,394,685	0.00	3,922,447	0.00
TOTAL - EE	5,002,037	0.00	7,394,685	0.00	7,394,685	0.00	3,922,447	0.00
TOTAL	32,269,724	569.47	36,018,838	585.13	36,018,838	585.13	32,546,600	585.13
Pay Plan FY15-Cost to Continue - 0000014								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	154,339	0.00	154,339	0.00
TOTAL - PS	0	0.00	0	0.00	154,339	0.00	154,339	0.00
TOTAL	0	0.00	0	0.00	154,339	0.00	154,339	0.00
Springfield Appellate/PCR Off. - 1151001								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	233,552	5.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	233,552	5.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	74,680	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	74,680	0.00	0	0.00
TOTAL	0	0.00	0	0.00	308,232	5.00	0	0.00
Juvenile Advocacy Offices - 1151002								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	681,336	16.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	681,336	16.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	168,015	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	168,015	0.00	0	0.00
TOTAL	0	0.00	0	0.00	849,351	16.00	0	0.00

Governor's FY2016 Recommendation reflects Core Cut of \$3,472,238 - the exact amount of the FY2015 Veto Override.

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Office Realignment - 1151003								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	839,028	19.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	839,028	19.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	217,770	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	217,770	0.00	0	0.00
TOTAL	0	0.00	0	0.00	1,056,798	19.00	0	0.00
Information Technology - 1151004								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	254,820	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	254,820	0.00	0	0.00
TOTAL	0	0.00	0	0.00	254,820	0.00	0	0.00
GRAND TOTAL	\$32,269,724	569.47	\$36,018,838	585.13	\$38,642,378	625.13	\$32,700,939	585.13

Governor's FY2016 Recommendation reflects Core Cut of \$3,472,238 - the exact amount of the FY2015 Veto Override.

CORE DECISION ITEM

Department	Office of the State Public Defender	Budget Unit	15111C
Division	Legal Services		
Core -	Legal Services		

Governor's FY2016 Recommendation reflects Core Cut of \$3,472,238 - the exact amount of the FY2015 Veto Override.

1. CORE FINANCIAL SUMMARY

	FY 2016 Budget Request			
	GR	Federal	Other	Total
PS	28,624,153	0	0	28,624,153
EE	7,394,685	0	0	7,394,685
PSD	0	0	0	0
TRF	0	0	0	0
Total	36,018,838	0	0	36,018,838
FTE	585.13	0.00	0.00	585.13

Est. Fringe	13,601,456	0	0	13,601,456
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2016 Governor's Recommendation			
	GR	Federal	Other	Total
PS	28,624,153	0	0	28,624,153
EE	3,922,447	0	0	3,922,447
PSD	0	0	0	0
TRF	0	0	0	0
Total	32,546,600	0	0	32,546,600
FTE	585.13	0.00	0.00	585.13

Est. Fringe	13,601,456	0	0	13,601,456
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

The Missouri State Public Defender System [MSPD] is a statewide system, providing representation to indigent defendants accused of state crimes Missouri's Trial, Appellate, and Supreme courts. It is an independent department of state government, located within, but not supervised by, the Judicial Branch. It is governed by a seven-member Public Defender Commission, appointed by the governor. This decision item includes funding for public defenders and their support staff throughout the state and central administrative staff.

3. PROGRAM LISTING (list programs included in this core funding)

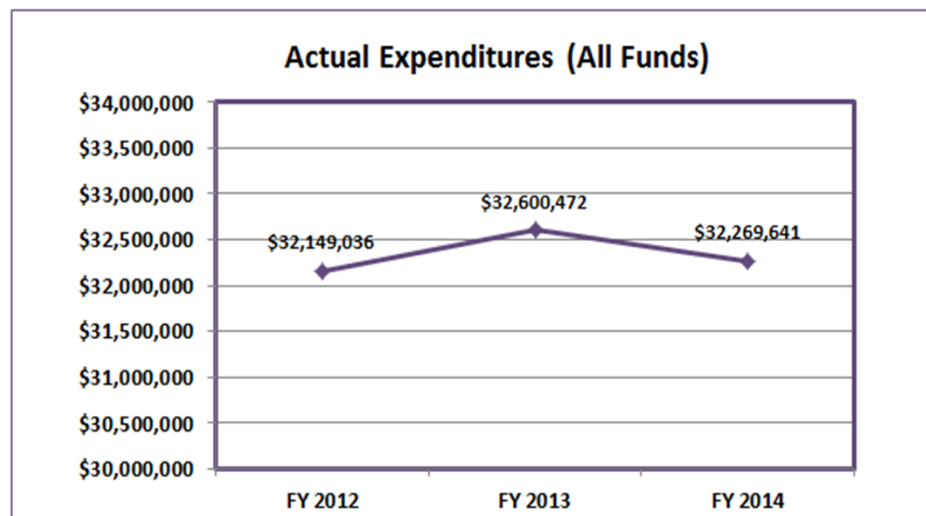
The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to Missourians facing loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state created a right to counsel.

CORE DECISION ITEM

Department	Office of the State Public Defender	Budget Unit	15111C
Division	Legal Services		
Core -	Legal Services		

4. FINANCIAL HISTORY

	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Current Yr.
Appropriation (All Funds)	32,149,041	32,600,474	32,269,722	36,018,838
Less Reverted (All Funds)	0	0	0	(3,472,238)
Less Restricted (All Funds)	0	0	0	
Budget Authority (All Funds)	32,149,041	32,600,474	32,269,722	32,546,600
Actual Expenditures (All Funds)	32,149,036	32,600,472	32,269,641	0
Unexpended (All Funds)	5	2	81	32,546,600
Unexpended, by Fund:				
General Revenue	5	2	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes Governor's standard 3 percent reserve (when applicable).
 Restricted includes any extraordinary expenditure restrictions (when applicable).

NOTES:

The "Reverted" includes the \$3,472,238 Veto Override Amount

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
CORE								
TEMPORARY EMPLOYEE	7,923	0.38	0	0.00	0	0.00	0	0.00
SECRETARY	3,135,440	119.22	3,264,252	119.50	3,258,442	119.50	3,258,442	119.50
COMPUTER INFO. SPECIALIST	292,857	5.20	367,366	6.25	348,944	6.25	348,944	6.25
INVESTIGATOR	1,982,095	55.28	2,124,874	60.38	2,087,806	60.38	2,087,806	60.38
PARALEGAL	229,218	6.50	232,983	6.50	238,313	6.50	238,313	6.50
MITIGATION SPECIALIST	280,281	7.00	287,690	7.00	286,024	7.00	286,024	7.00
LAW CLERK	111	0.00	0	0.00	0	0.00	0	0.00
ASSISTANT PUBLIC DEFENDER	17,228,226	320.03	17,910,476	326.50	17,913,070	326.50	17,913,070	326.50
DISTRICT DEFENDER	2,876,208	39.67	3,195,672	43.00	3,176,039	43.00	3,176,039	43.00
DIVISION DIRECTOR	623,805	6.06	632,155	6.00	645,773	5.00	645,773	5.00
PROGRAM TECHNICIAN	209,556	5.25	183,739	5.00	239,903	6.00	239,903	6.00
PROGRAM MANAGER	274,947	3.88	297,093	4.00	284,496	4.00	284,496	4.00
DIRECTOR	127,020	1.00	127,853	1.00	145,343	1.00	145,343	1.00
TOTAL - PS	27,267,687	569.47	28,624,153	585.13	28,624,153	585.13	28,624,153	585.13
TRAVEL, IN-STATE	831,857	0.00	850,000	0.00	850,000	0.00	850,000	0.00
TRAVEL, OUT-OF-STATE	8,608	0.00	16,500	0.00	10,000	0.00	10,000	0.00
FUEL & UTILITIES	56,459	0.00	56,000	0.00	56,000	0.00	56,000	0.00
SUPPLIES	278,994	0.00	379,025	0.00	330,000	0.00	330,000	0.00
PROFESSIONAL DEVELOPMENT	144,461	0.00	152,185	0.00	145,000	0.00	145,000	0.00
COMMUNICATION SERV & SUPP	430,888	0.00	416,525	0.00	425,000	0.00	425,000	0.00
PROFESSIONAL SERVICES	1,806,818	0.00	3,666,988	0.00	4,347,685	0.00	875,447	0.00
HOUSEKEEPING & JANITORIAL SERV	104,640	0.00	105,000	0.00	105,000	0.00	105,000	0.00
M&R SERVICES	218,731	0.00	949,546	0.00	225,000	0.00	225,000	0.00
COMPUTER EQUIPMENT	77,564	0.00	25,000	0.00	25,000	0.00	25,000	0.00
OFFICE EQUIPMENT	185,165	0.00	20,000	0.00	36,000	0.00	36,000	0.00
OTHER EQUIPMENT	84,618	0.00	5,000	0.00	50,000	0.00	50,000	0.00
BUILDING LEASE PAYMENTS	730,184	0.00	705,416	0.00	745,000	0.00	745,000	0.00
EQUIPMENT RENTALS & LEASES	13,929	0.00	10,000	0.00	15,000	0.00	15,000	0.00
MISCELLANEOUS EXPENSES	29,121	0.00	37,500	0.00	30,000	0.00	30,000	0.00
TOTAL - EE	5,002,037	0.00	7,394,685	0.00	7,394,685	0.00	3,922,447	0.00
GRAND TOTAL	\$32,269,724	569.47	\$36,018,838	585.13	\$36,018,838	585.13	\$32,546,600	585.13
GENERAL REVENUE	\$32,269,724	569.47	\$36,018,838	585.13	\$36,018,838	585.13	\$32,546,600	585.13
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

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Governor's FY2016 Recommendation reflects Core Cut of \$3,472,238 - the exact amount of the FY2015 Veto Override.

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FLEXIBILITY REQUEST FORM

BUDGET UNIT NUMBER: 1151000 BUDGET UNIT NAME: Public Defender Legal Services	DEPARTMENT: Office of the State Public Defender DIVISION: Legal Services
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1. Provide the amount by fund of personal service flexibility and the amount by fund of expense and equipment flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed. If flexibility is being requested among divisions, provide the amount by fund of flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed.

DEPARTMENT REQUEST

As in previous years, the Office of the State Public Defender is requesting full flexibility in our legal services appropriations. (Appropriations 0911, 0912 and 8727). Due to the turnover of attorney positions, the number of conflicts and the overload of cases, it is frequently necessary to transfer cases from state employees (Appropriation 0911) to private counsel who can be compensated from appropriation 0912 or 8727.

It is also necessary to transfer vacancy savings dollars from the Personal Service Appropriation to the Expense and Equipment Appropriation to cover increasing office expenses such as travel, postage, equipment maintenance and network charges . The dollars are also used for litigation expenses.

2. Estimate how much flexibility will be used for the budget year. How much flexibility was used in the Prior Year Budget and the Current Year Budget? Please specify the amount.

PRIOR YEAR - FY14 ACTUAL AMOUNT OF FLEXIBILITY USED	CURRENT YEAR - FY2015 ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED	BUDGET REQUEST ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED
\$1,079,591	\$1,164,000	\$750,000

3. Please explain how flexibility was used in the prior and/or current years.

PRIOR YEAR EXPLAIN ACTUAL USE	CURRENT YEAR EXPLAIN PLANNED USE
<p>\$709,000 was transferred from Personal Service (0911) to E&E (0912) to cover case overload contracts, a shortage in litigation costs, general office operating costs and the one time purchase of equipment.</p>	<p>Flexibility will be utilized to best meet the caseload demands of the State Public Defender System. Dollars from Personal Service could be used to meet the cost of operating the local offices or to contract out cases to the private bar as the need arises or to pay for necessary litigation expenses.</p>

NEW DECISION ITEM
RANK: 2 OF 5

Department: Office of the State Public Defender	Budget Unit: 15111C
Division: Legal Services	
DI Name: Pay Plan FY15 - Cost to Continue	DI#: 0000014

1. AMOUNT OF REQUEST

FY 2016 Budget Request					FY 2016 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	154,339	0	0	154,339	PS	154,339	0	0	154,339
EE	0	0	0	0	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	154,339	0	0	154,339	Total	154,339	0	0	154,339
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00

Est. Fringe	42,104	0	0	42,104
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input checked="" type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The FY 2015 budget includes appropriation authority for a 1% pay raise for all state employees, except elected officials, members of the general assembly and judges covered under the Missouri Citizens' Commission on Compensation for Elected Officials, beginning January 1, 2015 (11 pay periods). The remaining 13 pay periods were unfunded, but the stated intent of the legislature was to provide the funding in FY 16.

NEW DECISION ITEM

RANK: 2 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Legal Services		
DI Name:	Pay Plan FY15 - Cost to Continue	DI#:	0000014

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

The appropriated amount for the Fiscal Year 15 pay plan was based on one percent of the core personal service appropriations. That amount was then adjusted to reflect 11 pay periods which is the number of pay periods that would be paid in Fiscal Year 15 after January 1, 2015. The Fiscal Year 16 requested amount is equivalent to the remaining 13 pay periods in order to provide the core funding necessary for a full fiscal year.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
Secretary	00200	\$17,601					\$17,601		
Computer Information Specialist	00270	\$1,981					\$1,981		
Investigator	00300	\$11,458					\$11,458		
Paralegal	00325	\$1,256					\$1,256		
Mitigation Specialist	00350	\$1,552					\$1,552		
Assistant Public Defender	00400	\$96,572					\$96,572		
District Defender	00460	\$17,231					\$17,231		
Division Director	00550	\$3,408					\$3,408		
Program Technician	00560	\$990					\$990		
Program Manager	00570	\$1,601					\$1,601		
Director	00600	\$689					\$689		
Total PS		\$154,339					\$154,339		
Grand Total		\$154,339	0	0	0	0	\$154,339	0	0

NEW DECISION ITEM
RANK: 2 OF 5

Department: Office of the State Public Defender			Budget Unit 15111C							
Division: Legal Services										
DI Name: Pay Plan FY15 - Cost to Continue			DI#: 0000014							
		Gov Rec GR	Gov Rec GR	Gov Rec FED	Gov Rec FED	Gov Rec OTHER	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec TOTAL	Gov Rec One-Time
Budget Object Class/Job Class		DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
Secretary	00200	\$17,601						\$17,601		
Computer Information Specialist	00270	\$1,981						\$1,981		
Investigator	00300	\$11,458						\$11,458		
Paralegal	00325	\$1,256						\$1,256		
Mitigation Specialist	00350	\$1,552						\$1,552		
Assistant Public Defender	00400	\$96,572						\$96,572		
District Defender	00460	\$17,231						\$17,231		
Division Director	00550	\$3,408						\$3,408		
Program Technician	00560	\$990						\$990		
Program Manager	00570	\$1,601						\$1,601		
Director	00600	\$689						\$689		
								0	0.0	
Total PS		154,339	0.0	0	0.0	0	0.0	154,339	0.0	0
Grand Total		154,339	0.0	0	0.0	0	0.0	154,339	0.0	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Pay Plan FY15-Cost to Continue - 0000014								
SECRETARY	0	0.00	0	0.00	17,601	0.00	17,601	0.00
COMPUTER INFO. SPECIALIST	0	0.00	0	0.00	1,981	0.00	1,981	0.00
INVESTIGATOR	0	0.00	0	0.00	11,458	0.00	11,458	0.00
PARALEGAL	0	0.00	0	0.00	1,256	0.00	1,256	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	1,552	0.00	1,552	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	96,572	0.00	96,572	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	17,231	0.00	17,231	0.00
DIVISION DIRECTOR	0	0.00	0	0.00	3,408	0.00	3,408	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	990	0.00	990	0.00
PROGRAM MANAGER	0	0.00	0	0.00	1,601	0.00	1,601	0.00
DIRECTOR	0	0.00	0	0.00	689	0.00	689	0.00
TOTAL - PS	0	0.00	0	0.00	154,339	0.00	154,339	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$154,339	0.00	\$154,339	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$154,339	0.00	\$154,339	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
DI Name: Springfield Appellate Office	DI# 1151001

1. AMOUNT OF REQUEST

FY 2016 Budget Request				
	GR	Federal	Other	Total
PS	233,552	0	0	233,552
EE	74,680	0	0	74,680
PSD	0	0	0	0
TRF	0	0	0	0
Total	308,232	0	0	308,232
FTE	5.00	0.00	0.00	5.00

Est. Fringe	113,213	0	0	113,213
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2016 Governor's Recommendation				
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input checked="" type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input checked="" type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The Appellate / Post-conviction Division presents unique overload issues, which unlike Trial Division conflicts, are best addressed not through increased contracting to private counsel, but by the creation of an additional appellate/post-conviction office in Springfield, MO.

NEW DECISION ITEM

RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Springfield Appellate Office	DI#	1151001

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

This office is mirrored after our smallest existing Post Conviction/Appellate office. Three appellate attorneys will assist in providing relief to the over-burdened Central Post Conviction Relief Office. The Central PCR Office is carrying a caseload at 300% of its attorney capacity.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

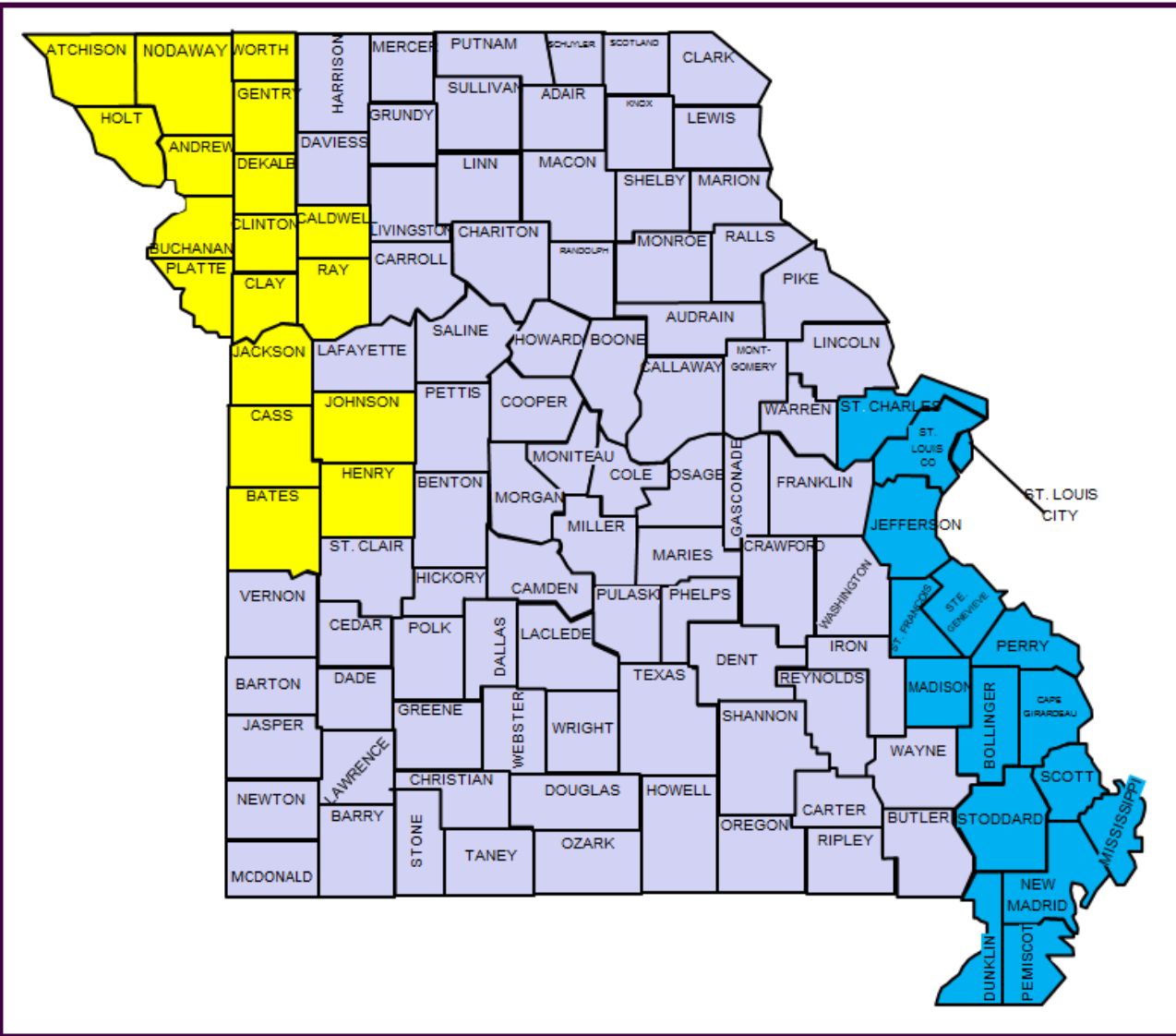
		Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
Budget Object Class/Job Class										
District Defender	00460	71,100			1.0			71,100	1.0	
Assistant Public Defender	00400	102,216			2.0			102,216	2.0	
Secretary	00200	25,032			1.0			25,032	1.0	
Investigator	00300	35,204			1.0			35,204	1.0	
Total PS		233,552	0.0	0	5.0	0	0.0	233,552	5.0	0
Travel/140		15,000						15,000		
Supplies/190		2,825						2,825		
Communications/340		6,000						6,000		
Communications Equipment/430		12,500						12,500		
Computer Equipment/480		10,865						10,865		
Office Equipment/580		16,320						16,320		
Other Equipment/590		1,670						1,670		
Building Leases/680		9,500						9,500		
Total EE		74,680		0		0		74,680		0
Grand Total		308,232	0.0	0	5.0	0	0.0	308,232	5.0	0

NEW DECISION ITEM

RANK: 5 OF 5


Department: Office of the State Public Defender		Budget Unit <u>15111C</u>								
Division: Public Defender - Legal Services										
DI Name: Springfield Appellate Office		DI# 1151001								
Budget Object Class/Job Class		Gov Rec GR DOLLARS	Gov Rec GR FTE	Gov Rec FED DOLLARS	Gov Rec FED FTE	Gov Rec OTHER DOLLARS	Gov Rec OTHER FTE	Gov Rec TOTAL DOLLARS	Gov Rec TOTAL FTE	Gov Rec One-Time DOLLARS
								0	0.0	
District Defender	00460	0			0.0			0	0.0	
Assistant Public Defender	00400	0			0.0			0	0.0	
Secretary	00200	0			0.0			0	0.0	
Investigator	00300	0			0.0			0	0.0	
Total PS		<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>
Travel/140		0						0		
Supplies/190		0						0		
Communications/340		0						0		
Communications Equipment/430		0						0		
Computer Equipment/480		0						0		
Office Equipment/580		0						0		
Other Equipment/590		0						0		
Building Leases/680		0						0		
Total EE		<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>
Program Distributions								0		
Total PSD		<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>
Transfers										
Total TRF		<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>		<u>0</u>
Grand Total		<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>

Current PCR County Assignments




**Post Conviction Relief - Trials
(Circuit Court Level)**


Central PCR

District 67 


Eastern Appellate/PCR


Districts 51 & 68 


Western Appellate/PCR

Districts 52 & 69 


**Post Conviction Relief - Trials
(Circuit Court Level)**


Central PCR
District 67 


Eastern Appellate/PCR
Districts 51 & 68 

Western Appellate/PCR
Districts 52 & 69 


**Post Conviction Relief - Trials
(Circuit Court Level)**


Central PCR
District 67 


Eastern Appellate/PCR
Districts 51 & 68 

Western Appellate/PCR
Districts 52 & 69 

**Post Conviction Relief - Trials
(Circuit Court Level)**


Central PCR
District 67 

Eastern Appellate/PCR
Districts 51 & 68 


Western Appellate/PCR
Districts 52 & 69 

**Post Conviction Relief - Trials
(Circuit Court Level)**


Central PCR

District 67 

Eastern Appellate/PCR


Districts 51 & 68 

Western Appellate/PCR


Districts 52 & 69 

**Post Conviction Relief - Trials
(Circuit Court Level)**


Central PCR

District 67 

Eastern Appellate/PCR


Districts 51 & 68 

Western Appellate/PCR


Districts 52 & 69 

**Post Conviction Relief - Trials
(Circuit Court Level)**


Central PCR

District 67 

Eastern Appellate/PCR

Districts 51 & 68 

Western Appellate/PCR

Districts 52 & 69 

NEW DECISION ITEM

RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Springfield Appellate Office	DI#	1151001

6. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)

The attorneys in this division represent defendants who have already been convicted of a crime and are raising issues of error in the judicial process that led to their conviction. Post-conviction counsel must always review and raise, where appropriate, the issue of ineffective assistance of the client's previous counsel. This means that the office that provides appellate representation for a client will always have a conflict handling that client's post-conviction proceedings. It is why MSPD has six appellate / post-conviction offices, two each in St. Louis, Kansas City, and Columbia. Each duo of offices is able to handle conflict cases for one another, without (most) of those cases having to be shipped across the state to one of the other two appellate / post-conviction office locations.

However, travel is still a significant problem in this division because of the nature of post-conviction proceedings, which take place in the circuit court of conviction. This means MSPD has five offices covering post-conviction proceedings in 114 counties plus the City of St. Louis. (Only one of the offices in Columbia handles post-conviction matters, the other handles only appellate cases.) The map on the next page shows how the counties are currently divided among the existing offices. As the map indicates, the heavier concentration of cases in the two urban areas of St. Louis and Kansas City leave the attorneys in those areas unable to take on as many counties as their Central Missouri counterparts are required to cover. But even with fewer cases coming in from each of the outstate (grey) counties, our Central PCR office is carrying a caseload at 300% of its attorney capacity. Add in the amount of travel involved in this span of coverage and you have an equation that is simply not sustainable.

MSPD has attempted to reduce the travel burden on these offices by contracting out "remote-county PCR's", as they are known within the system, to local private counsel, but this approach has not been successful. Post-conviction practice is unique and very technical. Very few private attorneys have any experience, much less expertise, in these types of cases. Our attempts to contract these cases to private counsel have much too frequently resulted in the cases having to be brought back in-system to correct significant, case-changing errors made by attorneys who are in over their heads. MSPD attempted to address this problem by offering training to private attorneys interested in taking these cases, but that, too, has proved insufficient to the task. Few partook of the opportunity and those who did, wind up taking these cases so infrequently that any benefit they may have received from the training has long since worn off by the time they get their next PCR.

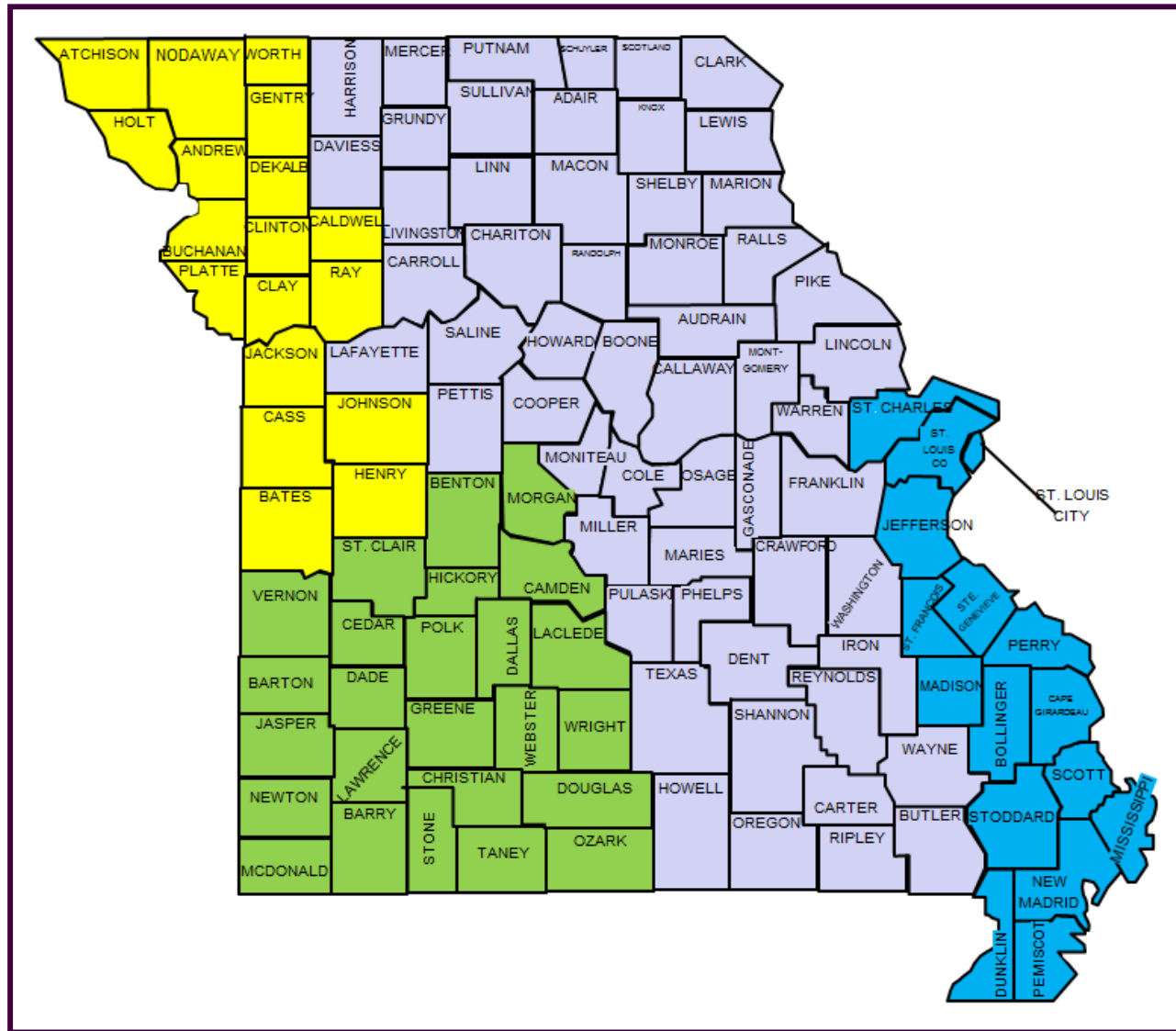
NEW DECISION ITEM

RANK: 5 **OF** 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender - Legal Services</u>	
DI Name: <u>Springfield Appellate Office</u>	DI# <u>1151001</u>

Therefore, this budget request seeks to address the problem by adding an additional office in Springfield. Missouri's appellate courts are located in St. Louis, Kansas City, and Springfield (with the Supreme Court in Jefferson City), so the new office would be conveniently located to the appellate court, while also reducing the travel time associated with a majority of the post-conviction cases in southwest Missouri. As expected, given the fact that Springfield is Missouri's third most populated city and Joplin is not far behind, the southwest region of the state accounts for a significant number of the post-conviction cases currently overloading the Central PCR office. Creating an additional appellate/pcr office in Springfield will siphon these cases off the Columbia office, provide better service to the clients and courts in Southwest Missouri while cutting back on travel costs and freeing up time for the Columbia Central PCR attorneys to better handle the workload in the remainder of Missouri's outstate counties.

Proposed PCR County Assignments



Post Conviction Relief - Trials (Circuit Court Level)

Central PCR

District 67



Eastern Appellate/PCR

Districts 51 & 68



Western Appellate/PCR

Districts 52 & 69



Proposed PCR Office

District 66



Springfield Appellate Office	
COST BREAKDOWN	TOTAL COSTS
Personal Service	
District Defender	1.00
\$71,100	<u>\$71,100</u>
Assistant Public Defender III - Range 30	2.00
\$51,108	<u>\$102,216</u>
Secretary - Range 12	1.00
\$25,032	<u>\$25,032</u>
Investigator II	1.00
\$35,204	<u>\$35,204</u>
	5.00
Total Personal Service	<u>\$233,552</u>
Expense & Equipment	
One-time Purchases	
Attorney Package	3.00
\$2,855	<u>\$8,565</u>
Investigator Package	1.00
\$2,885	<u>\$2,885</u>
Secretary Package	1.00
\$9,105	<u>\$9,105</u>
Phone System & Phones	
& Voice/Data Wiring * 2 Offices @\$12,500	<u>\$12,500</u>
Server @ \$5,000	<u>\$5,000</u>
File Cabinets \$275 * 12	<u>\$3,300</u>
Total One-Time Purchases	<u>\$41,355</u>
On-Going Costs	
Attorneys	3.00
\$6,600 (includes Rent)	<u>\$19,800</u>
Secretary	1.00
\$4,250 (includes rent)	<u>\$4,250</u>
Investigator	1.00
\$9,275(includes Rent)	<u>\$9,275</u>
Total Personnel Related On-Going Costs	<u>\$33,325</u>
Total Expense and Equipment	<u>\$74,680</u>
Total Decision Item Request	\$308,232

NEW DECISION ITEM

RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Springfield Appellate Office	DI#	1151001

One Time Equipment Purchase	
<u>Attorney</u>	
Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Bookcase	\$215
File Cabinet (2)	\$225
Telephone	\$275
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,855
<u>Investigator/Legal Assistant</u>	
Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Camera	\$190
Digital Recorder	\$105
File Cabinet (2)	\$225
Telephone	\$225
Laptop w/ Docking Station	\$960
PC Software	<u>\$215</u>
	\$2,885
<u>Secretary</u>	
Desk	\$540
Chair	\$175
Side Chair (1)	\$125
File Cabinet (2)	\$225
Telephone	\$325
Personal Computer (desktop)	\$950
PC Software	\$215
Printer/Copier/Fax	<u>\$6,550</u>
	\$9,105

Detail for Projections	
<u>Attorney</u>	
Travel @ \$250 per month	\$3,000
Office	\$500
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$6,600
<u>Investigator</u>	
Travel @ \$500 per month	\$6,000
Office	\$175
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$9,275
<u>Legal Assistant</u>	
Travel @ \$125 per month	\$1,500
Office	\$175
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$4,775
<u>Secretary</u>	
Office	\$1,150
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$4,250

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Springfield Appellate/PCR Off. - 1151001								
SECRETARY	0	0.00	0	0.00	25,032	1.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	35,204	1.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	102,216	2.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	71,100	1.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	233,552	5.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	15,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	2,825	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	6,000	0.00	0	0.00
M&R SERVICES	0	0.00	0	0.00	12,500	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	10,865	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	16,320	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	1,670	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	9,500	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	74,680	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$308,232	5.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$308,232	5.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
DI Name: Juvenile Advocacy Offices	DI# 1151002

1. AMOUNT OF REQUEST

FY 2016 Budget Request				
	GR	Federal	Other	Total
PS	681,336	0	0	681,336
EE	168,015	0	0	168,015
PSD	0	0	0	0
TRF	0	0	0	0
Total	849,351	0	0	849,351
FTE	16.00	0.00	0.00	16.00

Est. Fringe	344,268	0	0	344,268
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2016 Governor's Recommendation				
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: Assist in providing constitutionally mandated services	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

In the Spring of 2013, the National Juvenile Defender Center issued an assessment of Missouri's juvenile indigent defense representation. The report is part of a national strategy to review state juvenile indigent defense delivery systems and to evaluate how effectively attorneys in juvenile court are fulfilling their constitutional and statutory obligations to their clients.

The study concluded that little to no attention has been paid to what the MSPD caseload crisis has meant to the indigent juvenile accused. In Fiscal Year 2013 and 2014, juvenile cases made up 2.21% and 2.52% respectively, of the total cases assigned to the Trial Division .

NEW DECISION ITEM

RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Juvenile Advocacy Offices	DI#	1151002

The study found that, “children facing criminal or status offenses in Missouri’s juvenile justice system frequently do so without the benefit of counsel or without adequate representation through all critical stages. There are significant gaps in both access to and quality of representation provided to youth that fall well below the standards established by the Institute of Judicial Administration and American Bar Association’s *Juvenile Justice Standards*, the ABA *Rules of Professional Conduct*, the *Ten Core Principles for Juvenile Indigent Defense* established by NJDC and NJDS’s newly release *National Juvenile Defense Standards*. Justice is often rationed to juveniles in Missouri for a variety of reasons, not the least of which is the crisis in the public defender system....”

The Assessment itemized what the Missouri State Public Defender should do:

- Continue the longstanding efforts with the legislative branch in advocating for a fully funded indigent defense delivery system, especially for juvenile defense;
- Take the lead in reforming juvenile indigent defense and in implementing the core recommendations of this assessment;
- Promulgate practice standards for juvenile defenders that require attorneys to meet with clients prior to court proceedings, consult with clients and families about the case and social information, investigate cases, file motions as appropriate, provide vigorous and independent advocacy at detention, adjudication, disposition and post-disposition hearings, negotiate for fair and favorable plea agreements, prepare for and set trials to ensure that the government can meet its burden, and advise clients about all proceedings and consequences for any decision made;
- Create a high-impact culture for juvenile defense practice within the state that recognizes the practice as a specialized field and recruits and maintains well-trained and zealous lawyers;
- Create a state level Juvenile Division within MSPD, which can focus on enhancing appeals and other post-disposition work, providing specialized juvenile defense training, implementing juvenile defense policy work, and offering technical support for trial offices on juvenile cases;
- Reinstate the Youth Advocacy Units in the counties or comparable offices which can specialize in juvenile practice in large jurisdictions as well as provide assistance and consultation for smaller offices;

NEW DECISION ITEM

RANK: 5 **OF** 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Juvenile Advocacy Offices	DI#	1151002

- Implement a means of electronic sharing across the state—e.g. listservs, social media, etc.—for those engaged in juvenile defense practices to share information and resources and provide technical assistance;
- Actively engage the law schools to further student interest and skill building in juvenile defense work and to develop potential leadership in the next generation of lawyers; · Identify and suggest changes in court rules, which could improve access to counsel and quality of representation for youth in the delinquency system; and
- Work with and promote JDAI initiatives in participating counties to ensure that youth are provided with effective detention advocacy and that defenders are actively engaged with the JDAI committees and leadership structure. MSPD should be an active participant in the state leadership group for JDAI.

MSPD is making progress on those goals included herein that can be done internally, but there are some which require additional resources.

JUVENILE CASES WENT WITHOUT REPRESENTATION

Utilizing data provided from the Office of the State Court's Administrator, only 52% of juvenile cases where the juvenile would be entitled to an attorney, actually had an attorney. In Fiscal Year 2014 the Missouri State Public Defender System provided representation in just 1,830 juvenile cases.

This gap is startling enough to establish that a significant problem with juveniles going unrepresented does exist in Missouri. As a result of this finding, the Missouri Juvenile Justice Association is seeking a rule or statutory change to prohibit waiver of counsel by juveniles. In the meantime, they have asked MSPD to pursue the recommended reinstatement of the two Juvenile Advocacy Units, one in the Kansas City area and one in the greater St. Louis area.

These specialized units not only better serve juvenile clients in these areas, they also provide a currently non-existent resource and expertise for those providing juvenile representation throughout the state to draw upon. This will become even more essential if waiver of counsel in these cases is eliminated and more and more defenders and private counsel inexperienced in juvenile practice are appointed to provide defense representation.

NEW DECISION ITEM

RANK: 5 OF 5

Department:	Office of the State Public Defender	Budget Unit	15111C
Division:	Public Defender - Legal Services		
DI Name:	Juvenile Advocacy Offices	DI#	1151002

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

While we agree the staffing recommended by the RubinBrown workload standards as applied to these two Juvenile Advocacy Offices would be the ideal—and do hope to get to that level of staffing at some point in the future—we also recognize progress to that level will have to be incremental. Right now, MSPD is averaging staffing levels at approximately 55% of RubinBrown recommendations. Therefore, in an effort to move the line forward in a reasonable and measured way, MSPD is seeking to open these new Juvenile Advocacy Offices with 60% of the staffing levels RubinBrown standards recommend as the ideal. We are also seeking one additional attorney in each office both to represent juveniles certified to stand trial as an adult and to serve as a statewide juvenile resource attorney to assist local offices across the rest of the state.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class		Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req
		GR	GR	FED	FED	OTHER	OTHER	TOTAL	TOTAL	One-Time
		DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
District Defender	00460	142,200	2.0					142,200	2.0	
Assistant Public Defender	00400	306,648	6.0					306,648	6.0	
Juvenile Dispositional Spec	00350	72,408	2.0					72,408	2.0	
Legal Assistant	00200	50,064	2.0					50,064	2.0	
Investigator	00300	59,952	2.0					59,952	2.0	
Secretary	00200	50,064	2.0					50,064	2.0	
Total PS		681,336	16.0	0	0.0	0	0.0	681,336	16.0	0
Travel/140		24,300						24,300		
Supplies/190		9,100						9,100		
Communications/340		12,645						12,645		
Professional/400		15,000						15,000		
Building Leases/680		106,970						106,970		
Total EE		168,015		0		0		168,015		0
Grand Total		849,351	16.0	0	0	0	0	849,351	16.0	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Juvenile Advocacy Offices - 1151002								
SECRETARY	0	0.00	0	0.00	100,128	4.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	59,952	2.00	0	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	72,408	2.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	306,648	6.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	142,200	2.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	681,336	16.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	24,300	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	9,100	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	12,645	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	15,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	106,970	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	168,015	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$849,351	16.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$849,351	16.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

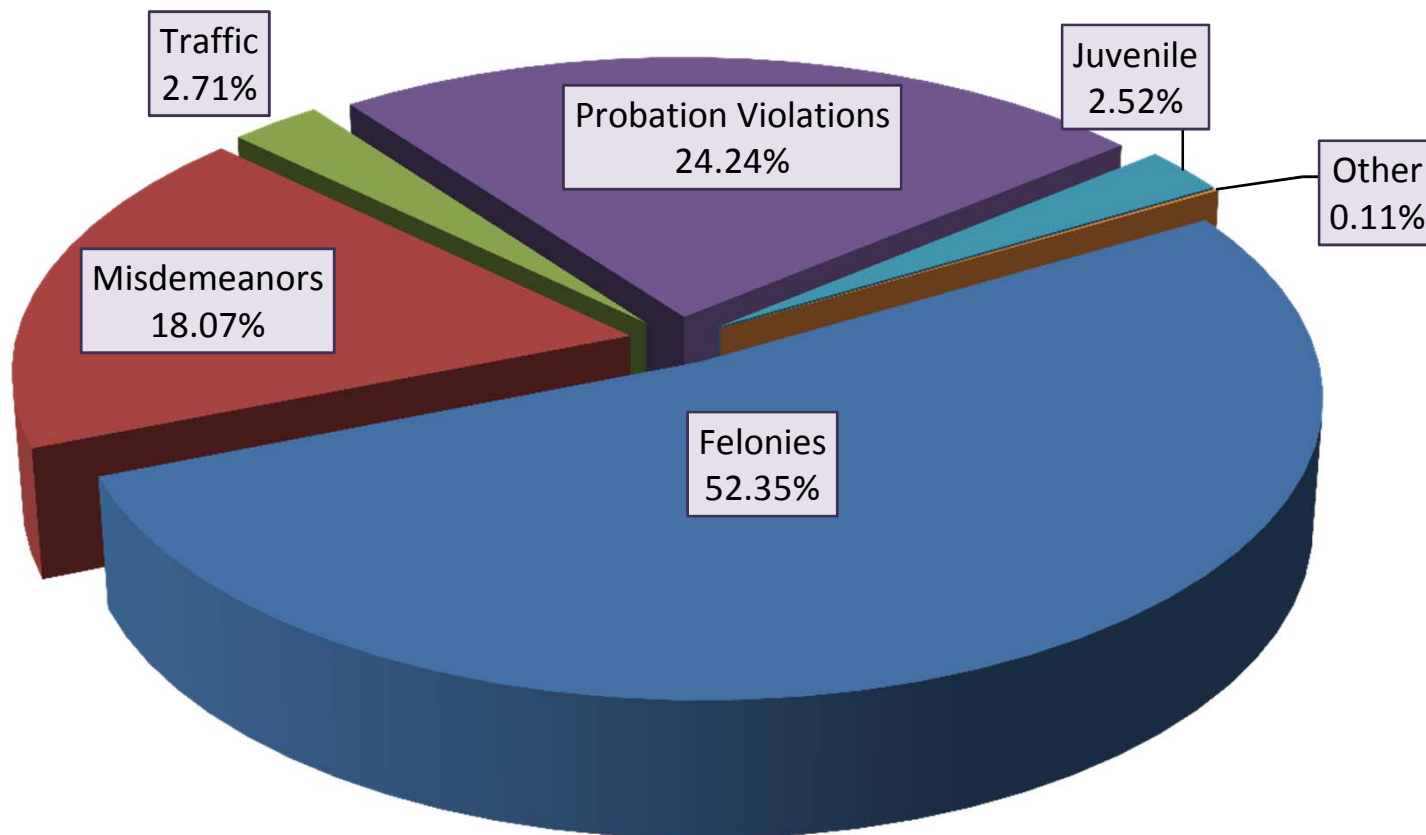
Missouri State Public Defender JUVENILE CASELOAD				
ST. LOUIS AREA - FY2014 Actual Juvenile Cases Handled				
St. Louis City	345			
St. Louis County	394			
St. Charles	<u>40</u>			
Total Number of Cases	779			
* RubinBrown/ABA Hours	<u>19.50</u>			
Hours Required	15,190.50			
/ Hours per Attorney Per Year	<u>2,080.00</u>			
	7.30			
Staffing @ 60% RubinBrown	<u>4.38</u>			
Statewide Juvenile Resource Attorney	<u>1.00</u>			
Total Attorneys Requested	5.00			
<u>Job Titles</u>	<u>FTE</u>	<u>Salary</u>	<u>Cost</u>	
District Defender	1.00	\$71,100	\$71,100	
Assistant Public Defenders III	4.00	\$51,108	\$204,432	
Juvenile Dispositional Spec	1.00	\$36,204	\$36,204	
Legal Assistant	1.00	\$25,032	\$25,032	
Investigator	1.00	\$29,976	\$29,976	
Secretary	<u>1.00</u>	\$25,032	<u>\$25,032</u>	
TOTAL PERSONAL SERVICE	9.00			\$391,776
Travel & Parking				
\$95/ mo * 12 * 9 = Parking			\$10,260	
\$200/ mo * 12 * 7 = Mileage			\$16,800	
Supplies			\$3,000	
Professional			\$7,500	
Telephone \$90 * 9			\$765	
Network Costs \$450 * 12 months			\$5,400	
Postage \$300 * 12 months			\$2,400	
Building Costs			<u>\$48,750</u>	
TOTAL EXPENSE & EQUIPMENT				<u>\$94,875</u>
TOTAL COSTS ST. LOUIS AREA				\$486,651

**Missouri State Public Defender
JUVENILE CASELOAD**

JACKSON COUNTY - FY2014 Actual Juvenile Cases Handled

Jackson County	285.00			
* RubinBrown/ABA Hours	<u>19.50</u>			
Hours Required	5557.50			
/ Hours per Attorney Per Year	<u>2080.00</u>			
	2.67			
Staffing @ 60% RubinBrown	1.60			
Statewide Juvenile Resource Attorney	<u>1.00</u>			
Total Attorneys Requested	3.00			
<u>Job Titles</u>	<u>FTE</u>	<u>Salary</u>	<u>Cost</u>	
District Defender	1.00	\$71,100	\$71,100	
Assistant Public Defenders III	2.00	\$51,108	\$102,216	
Juvenile Dispositional Spec	1.00	\$36,204	\$36,204	
Legal Assistant	1.00	\$25,032	\$25,032	
Investigator	1.00	\$29,976	\$29,976	
Secretary	<u>1.00</u>	\$25,032	<u>\$25,032</u>	
TOTAL PERSONAL SERVICE	7.00			\$289,560
Travel & Parking				
\$65/ mo *12*7 = Parking			\$5,460	
\$125/ mo *12*5 = Mileage			\$7,500	
Supplies			\$2,500	
Professional			\$7,500	
Telephone \$90 *12			\$1,080	
Network Costs \$450 * 12			\$5,400	
Postage \$100 * 12			\$1,200	
Building Costs			<u>\$42,500</u>	
TOTAL EXPENSE & EQUIPMENT				<u>\$73,140</u>
TOTAL COSTS JACKSON COUNTY				\$362,700
TOTAL COSTS FOR EXISTING JUVENILE CASES ST. LOUIS AREA & JACKSON COUNTY				\$849,351

**Fiscal Year 2014
Trial Division
Cases Assigned by Case Type**



NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
DI Name: Office Realignment	DI# 1151003

1. AMOUNT OF REQUEST

	FY 2016 Budget Request			
	GR	Federal	Other	Total
PS	839,028	0	0	839,028
EE	217,770	0	0	217,770
PSD	0	0	0	0
TRF	0	0	0	0
Total	1,056,798	0	0	1,056,798
FTE	19.00	0.00	0.00	19.00

Est. Fringe	416,987	0	0	416,987
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2016 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: Assist in providing constitutionally mandated services	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

In its 2013 session, the legislature adopted a requirement that MSPD realign its district offices to match the boundaries of the judicial circuits served. Under the new statute, an office may serve more than one judicial circuit, but it may no longer serve only a *portion* of a circuit. *See Section 600.042.1(12) R.S. Mo.* The proposed realignment plan is to be submitted to the legislature by December 31, 2014 and implemented by December 31, 2018. The majority of the changes necessary to comply with this legislation can be accomplished through reconfiguring the geographic coverage areas of existing offices. However, a new office will be required in the 42nd Judicial Circuit and this decision item seeks the funding to establish and staff that office.

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Office Realignment	DI# 1151003

The 42nd is made up of Crawford, Dent, Iron, Reynolds, and Wayne Counties. Those counties are currently served by the three defender offices that border the 42nd Circuit, with each district office serving the counties closest to it. The 42nd Judicial Circuit is a large and not easily accessible territory. None of the districts currently providing services to a portion of the 42nd can be stretched far enough to cover the entire circuit without increasing staff drive time beyond what is reasonable or efficient. Therefore, we are requesting that the Public Defender Commission approve the creation of a new office to be based within the 42nd Judicial Circuit.

This request is timely now because the office space leases for two of the three defender offices that currently serve the 42nd will have to be renegotiated this coming year, and changes in the geography of a district impact the county obligations on those leases. Section 600.040.1 R.S. Mo provides:

“The city or county shall provide office space and utility services, other than telephone service, for the district public defender and his or her personnel. **If there is more than one county in a district, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services,** other than telephone service. The state shall pay, within the limits of the appropriation therefor, all other expenses and costs of the state public defender system authorized under this chapter.” [Emphasis added]

Because the counties served by a district office are responsible for sharing the cost of that district’s office space, which counties are served by which offices is a key factor in the renegotiation of office space leases. Most of these leases are for 7-10 years. Better rates accompany longer leases and the cost of any necessary renovations can be amortized over the life of the longer lease at a cheaper monthly rate. Renegotiating leases now, knowing that five counties will be trying to pull out of those leases in two years sets up a tremendous conflict with all of the counties impacted. Counties switching to the new office will obviously not want to sign a long-term lease, while counties staying with their current office will be even more desirous of the lower-rates offered by a long-term lease because they will be facing greater shares of office space costs due to the realignment. In all, the lease obligations of 15 counties will be impacted by this change. Setting up the new office now, removes all uncertainty over the question of which counties are responsible for which leases, placing all in stronger negotiating positions to get the best deal possible with taxpayer funds.

NEW DECISION ITEM

RANK: 5 OF 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender - Legal Services</u>	
DI Name: <u>Office Realignment</u>	DI# <u>1151003</u>

As counties shift from one district office to another, the caseloads arising out of those counties, of course, shift with them. Were each of our existing offices staffed sufficiently, we would theoretically be able to shift staff along with the caseload with the net numbers remaining close to the same.

However, as already discussed in the previous caseload decision items, Missouri's public defenders are operating with a severe shortage of both attorneys and support staff. This means that simply shifting staff from the three existing offices to the new office in the 42nd Judicial Circuit is not a feasible solution. At the time of writing, all three of the district offices bordering the 42nd Judicial Circuit are carrying caseloads more than double their attorney capacity and even the removal of these five counties will not bring any of them down to their actual capacity levels of caseloads. For this reason, this decision items requests additional FTE with which to staff the new Area 42 District Office.

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

RubinBrown workload standards applied to the Fiscal Year 2014 caseload for the counties of the 42nd Judicial Circuit would require 20 attorneys and 7 support staff. While we agree that would be ideal—and do hope to get to that level of staffing at some point in the future—we also recognize that the leap from our current staffing levels to the ideal is substantial and we must work on moving forward, rather than crossing the finish line. MSPD's trial offices are currently averaging attorney staff at around 55% of RubinBrown's recommendations. In an effort to move that line incrementally, the proposed staffing for a new Area 42 office has been set at 60% of the RubinBrown recommendations.

PUBLIC DEFENDER WORKLOAD 42nd JUDICIAL CIRCUIT

County	15 Murder 1st Non- Death	20 Other Homicide	30D A-B Felony Drug	30F A-B Felony Other	30X A-B Felony Sex	35D C-D Felony Drug	35F C-D Felony Other	35X C-D Felony Sex	45M Misd.	45T Misd. Non- Traffic	50N Juvenile Non- Violent	50S Juvenile Status	50V Juvenile Violent	65F Felony Probation Violation	65M Misd. Probation Violation	Grand Total	RB Weights For Cases Assigned by County	# of Attorneys Required Using 2080 Hours/ Year
CRAWFORD	3	1	35	19	8	88	216	13	103	6	7		2	228	34	763	15,955	7.67
DENT			26	21	3	61	132	3	40	9				83	15	393	8,979	4.32
IRON			17	3		11	72		38	4			1	46	17	209	4,155	2.00
REYNOLDS	2	1	4	1	3	16	21		4	1	1			27		81	2,017	0.97
WAYNE	1		31	9		122	102	1	135	13	1		2	62	12	491	10,190	4.90
TOTALS	6	2	113	53	14	298	543	17	320	33	9	0	5	446	78	1,937	41,296	19.85
Current Budget Request @60% of RubinBrown Attorney Recommendations																		11.91

ABA/RubinBrown Workload Study

Non-Capital Homicide	106.6
A/B Felony Offense	47.6
C/D Felony Offense	25.0
Sex Offense - Felony	63.8
Misdemeanor	11.7
Juvenile	19.5
Appeals/PCR	96.5
Probation Violation	9.8

**New Public Defender
District Office - Area 42
60% RubinBrown Metrics**

COST BREAKDOWN	TOTAL COSTS	COST BREAKDOWN	TOTAL COSTS
Personal Service		Expense & Equipment	
District Defender	1.00	One-time Purchases -	
\$71,100	<u>\$71,100</u>	Attorney Package	12.00
Assistant Public Defender III - Range 30	11.00	\$2,855	<u>\$34,260</u>
\$51,108	<u>\$562,188</u>	Investigator & Legal Assistant Package	5.00
Assumes 60% of RubinBrown Recommendations		\$2,885	<u>\$14,425</u>
Legal Assistant - Range 12	2.00	Secretary Package	2.00
\$25,032	<u>\$50,064</u>	\$9,105	<u>\$18,210</u>
Secretary - Range 12	2.00	Phone System & Phones	<u>\$17,500</u>
\$25,032	<u>\$50,064</u>	Server @ \$5,000	<u>\$5,000</u>
Investigator II	3.00	File Cabinets \$275 * 12	<u>\$3,300</u>
\$35,204	<u>\$105,612</u>	Total One-Time Purchases	<u>\$92,695</u>
		On-Going Costs -	
FTE	19.00	Attorneys	12.00
Total Personal Service	<u>\$839,028</u>	\$6,600	<u>\$79,200</u>
		Investigators	3.00
		\$9,275	<u>\$27,825</u>
		Legal Assistants	2.00
		\$4,775	<u>\$9,550</u>
		Secretary	2.00
		\$4,250	<u>\$8,500</u>
		Total Personnel Related On-Going Costs	<u>\$125,075</u>
		Total Expense and Equipment	<u>\$217,770</u>
		Total Decision Item Request	\$1,056,798

Office Space and Lease Information
Public Defender Offices
Revised August 15, 2014

Office Location	District #	Comment
Kirksville	2	Counties Lease - Expires 05/31/2020
Maryville	4	Counties Lease - Expires 08/31/2020
St. Joseph	5	County Lease - Expires 06/15/2015
Liberty	7	In County Owned Space
Hannibal	10	Counties Lease - Expires 12/31/2014
St. Charles	11	In Courthouse
Fulton	12	In County Owned Space
Columbia	13	In County Owned Space
Moberly	14	Counties Lease - Expires 12/31/2017
Sedalia	15	Counties Lease - Expired 1995
Kansas City	16	County Lease - Expires 07/30/2019
Harrisonville	17	Counties Lease - Expires 08/31/2017
Jefferson City	19	In County Owned Space - Inadequate
Union	20	In County Owned Space
St. Louis County	21	In Courthouse
St. Louis City	22	In Carnahan Courthouse
Hillsboro	23	In Courthouse - Inadequate
Farmington	24	Counties Lease - Expired 06/30/2010
Rolla	25	Counties Lease - Expires 01/31/2018
Lebanon	26	Counties Lease - Expires 12/31/2014
Nevada	28	Counties Lease - Expires 12/31/2016
Carthage	29	In County Owned Space - Inadequate
Bolivar	30	Counties Lease - Expires 06/30/2018
Springfield	31	Counties Lease - Expires 06/30/2020
Jackson	32	In County Owned Space
Caruthersville	34	Counties Lease - Expired 05/31/2013
Kennett	35	County Lease - Being Moved to Old Courthouse
Poplar Bluff	36	Counties/State Lease - Expires 01/31/2016
West Plains	37	Counties Lease - Expires 12/31/2016
Monett	39	Counties Lease - Expires 09/30/16
Chillicothe	43	Counties Lease - Expires 12/31/2017
Ava	44	Counties Lease - Expires 05/31/2015
Troy	45	In County Owned Space - Inadequate
Columbia Defenderplex		State Public Defender Pays
St. Louis Defenderplex		State Public Defender Pays
KC Defenderplex		State Public Defender Pays

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender - Legal Services	
DI Name: Office Realignment	DI# <u>1151003</u>

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class		Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
District Defender	00460	71,100	1.0					71,100	1.0	
Assistant Public Defender	00400	562,188	11.0					562,188	11.0	
Legal Assistant	00200	50,064	2.0					50,064	2.0	
Investigator	00300	105,612	3.0					105,612	3.0	
Secretary	00200	50,064	2.0					50,064	2.0	
Total PS		839,028	19.0	0	0.0	0	0.0	839,028	19.0	0
Travel/140		57,000						57,000		
Supplies/190		9,175						9,175		
Communications/340		22,800						22,800		
Communications Equipment/430		17,500						17,500		
Computer Equipment/480		27,305						27,305		
Office Equipment/580		41,340						41,340		
Other Equipment		6,550						6,550		
Building Leases/680		36,100						36,100		
Total EE		217,770		0		0		217,770		0
Grand Total		1,056,798	19.0	0	0	0	0	1,056,798	19.0	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Office Realignment - 1151003								
SECRETARY	0	0.00	0	0.00	100,128	4.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	105,612	3.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	562,188	11.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	71,100	1.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	839,028	19.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	57,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	9,175	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	22,800	0.00	0	0.00
M&R SERVICES	0	0.00	0	0.00	17,500	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	27,305	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	41,340	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	6,550	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	36,100	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	217,770	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,056,798	19.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,056,798	19.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 5

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender - Legal Services	
DI Name: Information Technology - Keeping Up DI# 1151004	

1. AMOUNT OF REQUEST

FY 2016 Budget Request					FY 2016 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	0	0	0	0	PS	0	0	0	0
EE	254,820	0	0	254,820	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	254,820	0	0	254,820	Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: Increased Costs of Technology	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

MSPD cannot improve or expand our network infrastructure without additional funding. Improvement and expansion are critically needed. MSPD's budget for its Wide Area Network [WAN] has remained unchanged for the last decade, while its use of technological resources and electronic information has expanded at an amazing rate.

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender
Division: Public Defender - Legal Services
DI Name: Information Technology - Keeping Up DI# 1151004

Budget Unit 15111C

Distribution of Electronic Discovery and Critical Software Updates:

The Missouri State Public Defender has partnered with many prosecutors around the state to receive discovery in digital form. Distributing large digital discovery over the current MSPD network to the appropriate offices must be done outside of regular business hours to prevent disruption of other regular daily business. We routinely receive e-discovery containing video and audio files which congest our system. Also completed outside of regular business hours is the deployment of critical files to protect computers and servers. All must be updated nightly with the latest anti-virus software and patches to the installed software programs. These processes are taking longer and longer to complete because of limited network speeds. Also, attorneys utilizing the networks to work late into the evening and in early morning hours severely limit the number of hours available for these crucial functions.

Other Resources pulling on MSPD's network include:

- Missouri Courts mandatory E-Filing
- Access to Department of Revenue for driving history and vehicle access
- Increased use of Web-based investigative tools
- Internet-based legal research tools
- Secretary of State's web-based archiving system
- Highway Patrol electronic criminal records
- Web-based training
- Video conferencing
- Electronic Lien submission to DOR and MO Lottery
- SAMII
- BRASS
- Supreme Court oral arguments

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender
Division: Public Defender - Legal Services
DI Name: Information Technology - Keeping Up DI# 1151004

Budget Unit 15111C

Challenges to Information Technology Support:

MSPD has a very small IT staff. As a result, they rely heavily upon remote access tools to view and control MSPD employee computers all around the state in order to solve problems and provide needed assistance -- avoiding the delay and cost involved in travel time to provide in-person IT assistance. Unfortunately, more and more frequently, MSPD attorneys and investigators are encountering challenges in playing the wide variety of surveillance and other digital evidence associated with their cases, but MSPD's network is not sufficient to allow IT to remotely assist employees with the operation of these very large electronic files. Internet access and current technology tools are only as fast as the slowest link -- that "last mile". The PD system has a total of 37 "last miles" -- one for each of its locations around the state. Faster network access is essential for the IT Department to get equipment fixed in a timely fashion and help employees get to back to work faster.

Unlike Missouri's county-based prosecuting attorneys, MSPD does not have an office in each county courthouse with ready access to internet or WiFi. Instead, public defenders often spend significant portions of their time working counties other than the one in which their office is located, and while they have laptops to assist them in this remote practice, the laptops are of limited use without internet service with which to access their electronic case files, Missouri's statutes, court rules and case law, as well as the court's own Casenet database. Approximately half of Missouri's county courts provide free WiFi access to "visiting" attorneys like Missouri's public defenders. The other half does not. This decision item, therefore includes the cost of providing mobile WiFi hotspots to fill this gap in essential internet access.

NEW DECISION ITEM

RANK: 5 OF 5

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Public Defender - Legal Services</u>	
DI Name: <u>Information Technology - Keeping Up</u> DI# <u>1151004</u>	

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Larger Information Technology Pipelines to Every Public Defender Office

\$405 Additional per Month for 12 Months for 38 Locations	\$184,680
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Wifi Hotspot for all non Wifi Courtrooms

There are 334 Circuit and Associate Judges in the State

Estimate 1/2 do not have wifi accessibility in their Courtrooms

\$35 per Month for 12 months for 167 courts	<u>\$70,140</u>
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\$254,820

NEW DECISION ITEM

RANK: 5 OF 5

Department: Office of the State Public Defender				Budget Unit <u>15111C</u>					
Division: Public Defender - Legal Services									
DI Name: Information Technology - Keeping Up DI# 1151004									
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
	0						0	0.0	
	0						0	0.0	
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
Communications/340	<u>254,820</u>		<u>0</u>		<u>0</u>		<u>254,820</u>		<u>0</u>
Total EE	254,820		0		0		254,820		0
Program Distributions							0		
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	254,820	0.0	0	0.0	0	0.0	254,820	0.0	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Information Technology - 1151004								
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	254,820	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	254,820	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$254,820	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$254,820	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
GRANTS								
CORE								
PROGRAM-SPECIFIC								
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00
TOTAL	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15131C
Division:	Public Defender - Federal & Other		
Core:	Core Request		

1. CORE FINANCIAL SUMMARY

	FY 2016 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	125,000		125,000
TRF	0	0	0	0
Total	0	125,000	0	125,000
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

	FY 2016 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	125,000	0	125,000
TRF	0	0	0	0
Total	0	125,000	0	125,000
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

2. CORE DESCRIPTION

Appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2016 to assist in Funding the State Public Defender System.

3. PROGRAM LISTING (list programs included in this core funding)

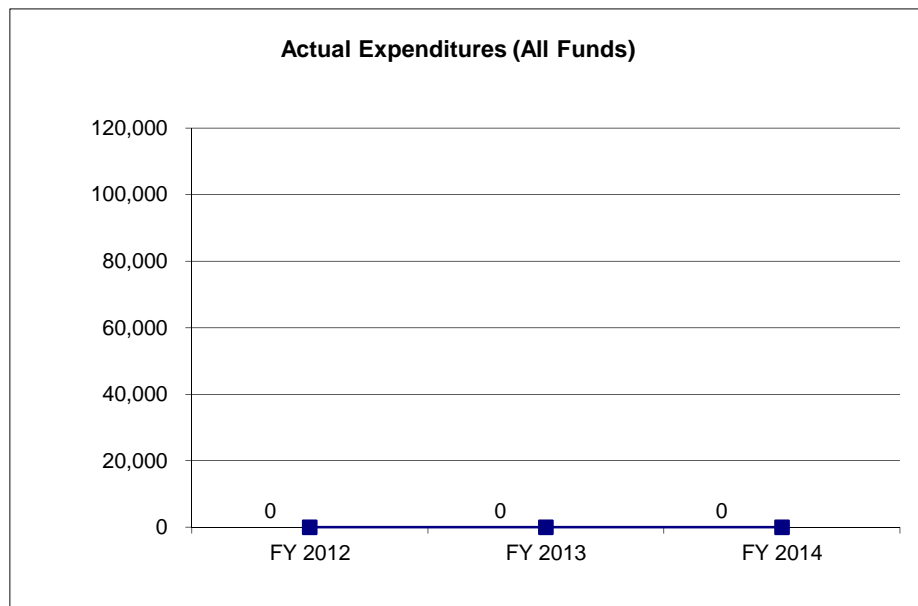
CORE DECISION ITEM

Department: Office of the State Public Defender
Division: Public Defender - Federal & Other
Core: Core Request

Budget Unit 15131C

4. FINANCIAL HISTORY

	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Current Yr.
Appropriation (All Funds)	125,000	125,000	125,000	125,000
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)	0	0	0	0
Budget Authority (All Funds)	125,000	125,000	125,000	125,000
Actual Expenditures (All Funds)	0	0	0	0
Unexpended (All Funds)	125,000	125,000	125,000	125,000
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes Governor's standard 3 percent reserve (when applicable).

Restricted includes any extraordinary expenditure restrictions (when applicable).

NOTES:

Appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2106 to assist in Funding the State Public Defender System.

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
GRANTS								
CORE								
PROGRAM DISTRIBUTIONS	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00
GENERAL REVENUE								
	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS								
	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00
OTHER FUNDS								
	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: 151
FUND NAME: Federal & Other
FUND NUMBER: 0112

<input type="checkbox"/> Statute _____	<input type="checkbox"/> Administratively Created	<input checked="" type="checkbox"/> Subject To Biennial Sweep
<input type="checkbox"/> Constitution _____	<input type="checkbox"/> Interest Deposited To Fund	<input type="checkbox"/> Subject to Other Sweeps (see notes)

	FY 2014 ADJUSTED APPROP	FY 2014 ACTUAL SPENDING	FY 2015 ADJUSTED APPROP	FY 2016 REQUESTED	FY 2016 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	0	0	0	0	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	0	0	0	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTAL RESOURCES AVAILABLE	0	0	0	0	0
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	0	0	0	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
BUDGET BALANCE	0	0	0	0	0
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	0	0	0	0	0
FUND OBLIGATIONS					
ENDING CASH BALANCE	0	0	0	0	0
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
UNOBLIGATED CASH BALANCE	0	0	0	0	0

FUND PURPOSE: Appropriations is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2016 to assist in funding the State Public Defender System.

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
LEGAL DEFENSE & DEFENDER FUND								
CORE								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	130,727	1.94	131,827	2.00	131,827	2.00	131,827	2.00
TOTAL - PS	130,727	1.94	131,827	2.00	131,827	2.00	131,827	2.00
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	791,800	0.00	2,762,408	0.00	2,765,756	0.00	2,765,756	0.00
TOTAL - EE	791,800	0.00	2,762,408	0.00	2,765,756	0.00	2,765,756	0.00
PROGRAM-SPECIFIC								
LEGAL DEFENSE AND DEFENDER	22,613	0.00	88,348	0.00	85,000	0.00	85,000	0.00
TOTAL - PD	22,613	0.00	88,348	0.00	85,000	0.00	85,000	0.00
TOTAL	945,140	1.94	2,982,583	2.00	2,982,583	2.00	2,982,583	2.00
Pay Plan FY15-Cost to Continue - 0000014								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	0	0.00	0	0.00	710	0.00	710	0.00
TOTAL - PS	0	0.00	0	0.00	710	0.00	710	0.00
TOTAL	0	0.00	0	0.00	710	0.00	710	0.00
GRAND TOTAL	\$945,140	1.94	\$2,982,583	2.00	\$2,983,293	2.00	\$2,983,293	2.00

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15141C
Division:	Public Defender		
Core:	Legal Defense & Defender Core Request		

1. CORE FINANCIAL SUMMARY

	FY 2016 Budget Request			
	GR	Federal	Other	Total
PS	0	0	131,827	131,827
EE	0	0	2,850,756	2,850,756
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	2,982,583	2,982,583
FTE	0.00	0.00	2.00	2.00

Est. Fringe	0	0	55,762	55,762
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds: Legal Defense and Defender Fund

	FY 2016 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	131,827	131,827
EE	0	0	2,850,756	2,850,756
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	2,982,583	2,982,583
FTE	0.00	0.00	2.00	2.00

Est. Fringe	0	0	55,762	55,762
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

2. CORE DESCRIPTION

As the laws continue to change and staffing continues to change, training of public defenders and their staff becomes more critical. The funds in this appropriation are collected from the indigent accused and by statute are used at the discretion of the Director of the State Public Defender System for the operation of the department, including training, Missouri Bar Dues, Westlaw, one-time equipment purchases and office moves.

3. PROGRAM LISTING (list programs included in this core funding)

There are no separate programs within this appropriation.

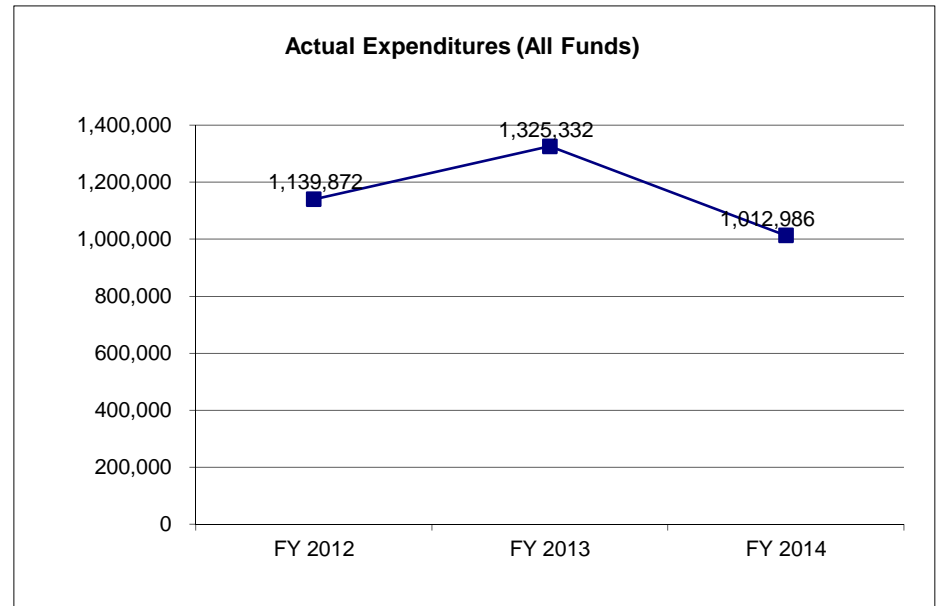
CORE DECISION ITEM

Department: Office of the State Public Defender
 Division: Public Defender
 Core: Legal Defense & Defender Core Request

Budget Unit 15141C

4. FINANCIAL HISTORY

	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Current Yr.
Appropriation (All Funds)	2,980,263	2,980,952	2,981,482	2,981,982
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)	0	0	0	0
Budget Authority (All Funds)	2,980,263	2,980,952	2,981,482	2,981,982
Actual Expenditures (All Funds)	1,139,872	1,325,332	1,012,986	0
Unexpended (All Funds)	1,840,391	1,655,620	1,968,496	2,981,982
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes Governor's standard 3 percent reserve (when applicable).
 Restricted includes any extraordinary expenditure restrictions (when applicable).

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
LEGAL DEFENSE & DEFENDER FUND								
CORE								
DIVISION DIRECTOR	90,385	0.94	94,504	1.00	92,614	1.00	92,614	1.00
PROGRAM TECHNICIAN	40,342	1.00	37,323	1.00	39,213	1.00	39,213	1.00
TOTAL - PS	130,727	1.94	131,827	2.00	131,827	2.00	131,827	2.00
TRAVEL, IN-STATE	169,427	0.00	1,029,664	0.00	928,256	0.00	928,256	0.00
TRAVEL, OUT-OF-STATE	43,952	0.00	49,797	0.00	50,000	0.00	50,000	0.00
SUPPLIES	26,480	0.00	224,425	0.00	95,000	0.00	95,000	0.00
PROFESSIONAL DEVELOPMENT	59,637	0.00	3,213	0.00	85,000	0.00	85,000	0.00
COMMUNICATION SERV & SUPP	820	0.00	58,437	0.00	60,000	0.00	60,000	0.00
PROFESSIONAL SERVICES	109,990	0.00	8,032	0.00	125,000	0.00	125,000	0.00
M&R SERVICES	170,748	0.00	439,895	0.00	225,000	0.00	225,000	0.00
COMPUTER EQUIPMENT	132,637	0.00	321,268	0.00	450,000	0.00	450,000	0.00
OFFICE EQUIPMENT	19,644	0.00	104,412	0.00	195,000	0.00	195,000	0.00
OTHER EQUIPMENT	0	0.00	240,951	0.00	275,000	0.00	275,000	0.00
BUILDING LEASE PAYMENTS	4,892	0.00	1,205	0.00	17,500	0.00	17,500	0.00
EQUIPMENT RENTALS & LEASES	9,527	0.00	40,158	0.00	10,000	0.00	10,000	0.00
MISCELLANEOUS EXPENSES	44,046	0.00	240,951	0.00	250,000	0.00	250,000	0.00
TOTAL - EE	791,800	0.00	2,762,408	0.00	2,765,756	0.00	2,765,756	0.00
REFUNDS	22,613	0.00	88,348	0.00	85,000	0.00	85,000	0.00
TOTAL - PD	22,613	0.00	88,348	0.00	85,000	0.00	85,000	0.00
GRAND TOTAL	\$945,140	1.94	\$2,982,583	2.00	\$2,982,583	2.00	\$2,982,583	2.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$945,140	1.94	\$2,982,583	2.00	\$2,982,583	2.00	\$2,982,583	2.00

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: 151
FUND NAME: Legal Defense & Defender Fund
FUND NUMBER: 0670

☐ Statute _____
☐ Constitution _____

☐ Administratively Created
☒ Interest Deposited To Fund

☒ Subject To Biennial Sweep
☐ Subject to Other Sweeps (see notes)

	FY 2014 ADJUSTED APPROP	FY 2014 ACTUAL SPENDING	FY 2015 ADJUSTED APPROP	FY 2016 REQUESTED	FY 2016 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	0	147,367	478,299	250,000	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	1,343,919	1,250,000	2,731,982	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	0	1,343,919	1,250,000	2,731,982	0
TOTAL RESOURCES AVAILABLE	0	1,491,286	1,728,299	2,981,982	0
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	1,012,986	1,478,299	0	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	0	1,012,986	1,478,299	0	0
BUDGET BALANCE	0	478,299	250,000	2,981,982	0
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	0	478,299	250,000	2,981,982	0
FUND OBLIGATIONS					
ENDING CASH BALANCE	0	478,299	250,000	2,981,982	0
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	0	0	0	0	0
UNOBLIGATED CASH BALANCE	0	478,299	250,000	2,981,982	0

REVENUE SOURCE: Monies collected from Public Defender clients.

FUND PURPOSE: Appropriation is largely used for training of public defenders and their staff. Funds are also used to pay for operations of the State Public Defender System.

NEW DECISION ITEM
RANK: 2 OF 5

Department: <u>Office of the State Public Defender</u>	Budget Unit: <u>15141C</u>
Division: <u>Legal Defense and Defender Fund</u>	
DI Name: <u>Pay Plan FY15 - Cost to Continue</u>	DI#: <u>0000014</u>

1. AMOUNT OF REQUEST

	FY 2016 Budget Request			
	GR	Federal	Other	Total
PS	0	0	710	710
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	710	710
FTE	0.00	0.00	0.00	0.00

Est. Fringe	<u>0</u>	<u>0</u>	<u>194</u>	<u>194</u>
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2016 Governor's Recommendation			
	GR	Federal	Other	Total
PS	710	0	710	710
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	710	0	710	710
FTE	0.00	0.00	0.00	0.00

Est. Fringe	<u>194</u>	<u>0</u>	<u>194</u>	<u>387</u>
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input checked="" type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The FY 2015 budget includes appropriation authority for a 1% pay raise for all state employees, except elected officials, members of the general assembly and judges covered under the Missouri Citizens' Commission on Compensation for Elected Officials, beginning January 1, 2015 (11 pay periods). The remaining 13 pay periods were unfunded, but the stated intent of the legislature was to provide the funding in FY 16.

NEW DECISION ITEM
RANK: 2 OF 5

Department: Office of the State Public Defender	Budget Unit 15141C
Division: Legal Defense and Defender Fund	
DI Name: Pay Plan FY15 - Cost to Continue	DI#: 0000014

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

The appropriated amount for the Fiscal Year 15 pay plan was based on one percent of the core personal service appropriations. That amount was then adjusted to reflect 11 pay periods which is the number of pay periods that would be paid in Fiscal Year 15 after January 1, 2015. The Fiscal Year 16 requested amount is equivalent to the remaining 13 pay periods in order to provide the core funding necessary for a full fiscal year.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
Division Director 00550	\$509						\$509		
Program Technician 00560	\$201						\$201		
Total PS	\$710						\$710		
Grand Total	\$710	0	0	0	0	0	\$710	0	0

Budget Object Class/Job Class	Gov Rec GR DOLLARS	Gov Rec GR FTE	Gov Rec FED DOLLARS	Gov Rec FED FTE	Gov Rec OTHER DOLLARS	Gov Rec OTHER FTE	Gov Rec TOTAL DOLLARS	Gov Rec TOTAL FTE	Gov Rec One-Time DOLLARS
Division Director 00550	\$509						\$509	0	0.0
Program Technician 00560	\$201						\$201		
Total PS	710	0.0	0	0.0	0	0.0	710	0.0	0
Grand Total	710	0.0	0	0.0	0	0.0	710	0.0	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
LEGAL DEFENSE & DEFENDER FUND								
Pay Plan FY15-Cost to Continue - 0000014								
DIVISION DIRECTOR	0	0.00	0	0.00	509	0.00	509	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	201	0.00	201	0.00
TOTAL - PS	0	0.00	0	0.00	710	0.00	710	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$710	0.00	\$710	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$710	0.00	\$710	0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
EXTRAORDINARY EXPENSE/CONFLIC								
CORE								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	3,021,071	0.00	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00
TOTAL - EE	3,021,071	0.00	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00
TOTAL	3,021,071	0.00	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00
GRAND TOTAL	\$3,021,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15151C
Division:	Public Defender		
Core:	Homicide/Conflict/Litigation Expenses Core Request		

1. CORE FINANCIAL SUMMARY

	FY 2016 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	3,721,071	0	0	3,721,071
PSD	0	0	0	0
TRF	0	0	0	0
Total	3,721,071	0	0	3,721,071

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2016 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	3,721,071	0	0	3,721,071
PSD	0	0	0	0
TRF	0	0	0	0
Total	3,721,071	0	0	3,721,071

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

This Appropriation was established in 1989 to cover three types of expenses:

HOMICIDE CASES: All Costs associated with the defense of homicide cases are paid from this appropriation,

LITIGATION EXPENSES: Litigation expenses over \$500 are paid out of this appropriation. These would include, but are not limited to, such things as an independent analysis of DNA evidence, mental health evaluations by experts, depositions, interpreters, medical records, transcriptions, exhibits, immigration consults, fingerprint experts, handwriting analysis, etc.

CONFLICT CASES: When an indigent defense case is contracted out to private counsel for representation, the attorney's fees associated with that contract are paid out of this appropriation. Most often, the conflict that requires the case to be contracted out to private counsel is due to the existence of multiple co-defendants charged in a particular incident who may be pointing the finger at one another, making it an ethical problem for one defender office to represent more than one of them. Recently, cases have also been contracted out because of case overload in an attempt to give overloaded offices some relief.

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit 15151C
Division: Public Defender	
Core: Homicide/Conflict/Litigation Expenses Core Request	

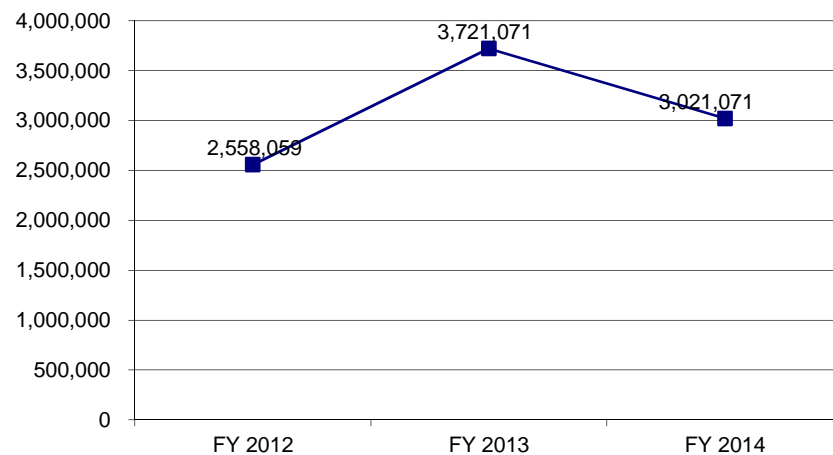
3. PROGRAM LISTING (list programs included in this core funding)

There are no separate programs within this appropriation.

4. FINANCIAL HISTORY

	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Current Yr.
Appropriation (All Funds)	2,558,059	3,721,071	3,021,071	3,721,071
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)	0	0	0	0
Budget Authority (All Funds)	2,558,059	3,721,071	3,021,071	3,721,071
Actual Expenditures (All Funds)	2,558,059	3,721,071	3,021,071	0
Unexpended (All Funds)	0	0	0	3,721,071
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0

Actual Expenditures (All Funds)



Reverted includes Governor's standard 3 percent reserve (when applicable).
 Restricted includes any extraordinary expenditure restrictions (when applicable).

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
EXTRAORDINARY EXPENSE/CONFLIC								
CORE								
TRAVEL, IN-STATE	218,452	0.00	140,500	0.00	225,000	0.00	225,000	0.00
TRAVEL, OUT-OF-STATE	20,169	0.00	30,000	0.00	30,000	0.00	30,000	0.00
FUEL & UTILITIES	6,327	0.00	5,000	0.00	7,500	0.00	7,500	0.00
SUPPLIES	20,277	0.00	37,000	0.00	25,000	0.00	25,000	0.00
PROFESSIONAL DEVELOPMENT	0	0.00	1,500	0.00	1,500	0.00	1,500	0.00
COMMUNICATION SERV & SUPP	22,227	0.00	13,250	0.00	25,000	0.00	25,000	0.00
PROFESSIONAL SERVICES	2,524,195	0.00	3,284,281	0.00	3,191,246	0.00	3,191,246	0.00
HOUSEKEEPING & JANITORIAL SERV	2,851	0.00	0	0.00	750	0.00	750	0.00
M&R SERVICES	14,671	0.00	10,500	0.00	15,000	0.00	15,000	0.00
OFFICE EQUIPMENT	0	0.00	1,500	0.00	1,500	0.00	1,500	0.00
BUILDING LEASE PAYMENTS	187,091	0.00	193,965	0.00	195,000	0.00	195,000	0.00
EQUIPMENT RENTALS & LEASES	744	0.00	575	0.00	575	0.00	575	0.00
MISCELLANEOUS EXPENSES	4,067	0.00	3,000	0.00	3,000	0.00	3,000	0.00
TOTAL - EE	3,021,071	0.00	3,721,071	0.00	3,721,071	0.00	3,721,071	0.00
GRAND TOTAL	\$3,021,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00
GENERAL REVENUE	\$3,021,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00	\$3,721,071	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
DEBT OFFSET ESCROW FUND								
CORE								
PROGRAM-SPECIFIC								
DEBT OFFSET ESCROW	857,764	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00
TOTAL - PD	857,764	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00
TOTAL	857,764	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00
GRAND TOTAL	\$857,764	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$1,200,000	0.00

CORE DECISION ITEM

Department:	Office of the State Public Defender	Budget Unit	15161C
Division:	Public Defender		
Core:	Debt Offset Escrow Fund Core Request		

1. CORE FINANCIAL SUMMARY

FY 2016 Budget Request					FY 2016 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	0	0	0	0	PS	0	0	0	0
EE	0	0	0	0	EE	0	0	0	0
PSD	0	0	1,200,000	1,200,000	PSD	0	0	1,200,000	1,200,000
TRF	0	0	0	0	TRF	0	0	0	0
Total	0	0	1,200,000	1,200,000	Total	0	0	1,200,000	1,200,000
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00
Est. Fringe	0	0	0	0	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds: Revenue's Debt Offset Collection Program

Other Funds:

2. CORE DESCRIPTION

Beginning in Fiscal Year 1995, each department/agency participating in the Department of Revenue's Debt Offset Program, was required to establish an appropriation to accept/receive money intercepted from Missouri State Income Tax Refunds for the Department of Revenue on the behalf of the agency.

3. PROGRAM LISTING (list programs included in this core funding)

In Fiscal Year 2014, the Missouri State Public Defender intercepted approximately \$783,310 of Missouri State Income Tax Refunds from the Department of Revenue and \$42,261 from the Lottery payable to past public defender clients who have/had outstanding debts to the State Public Defender

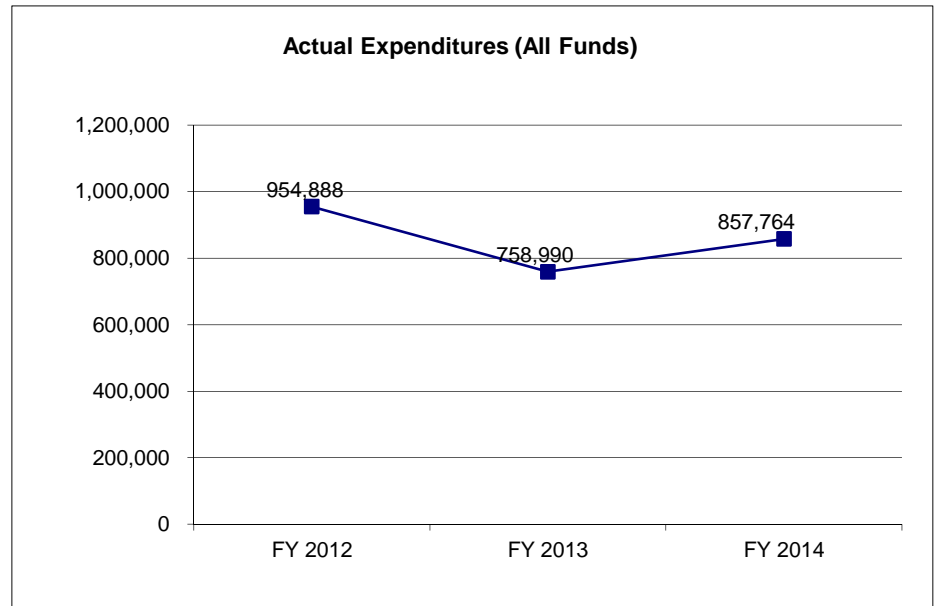
CORE DECISION ITEM

Department: Office of the State Public Defender
 Division: Public Defender
 Core: Debt Offset Escrow Fund Core Request

Budget Unit 15161C

4. FINANCIAL HISTORY

	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Current Yr.
Appropriation (All Funds)	350,000	350,000	1,200,000	1,200,000
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)	0	0	0	0
Budget Authority (All Funds)	350,000	350,000	1,200,000	1,200,000
Actual Expenditures (All Funds)	954,888	758,990	857,764	0
Unexpended (All Funds)	(604,888)	(408,990)	342,236	1,200,000
Unexpended, by Fund:				
General Revenue	0	0	0	0
Federal	0	0	0	0
Other	0	0	0	0



Reverted includes Governor's standard 3 percent reserve (when applicable).
 Restricted includes any extraordinary expenditure restrictions (when applicable).

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2014	FY 2014	FY 2015	FY 2015	FY 2016	FY 2016	FY 2016	FY 2016
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
DEBT OFFSET ESCROW FUND								
CORE								
REFUNDS	857,764	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00
TOTAL - PD	857,764	0.00	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00
GRAND TOTAL	\$857,764	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$1,200,000	0.00
GENERAL REVENUE								
	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS								
	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS								
	\$857,764	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$1,200,000	0.00

