

PUBLIC DEFENDER COMMISSION



**Missouri State Public Defender System
Budget Request
Fiscal Year 2020**

PUBLIC DEFENDER COMMISSION

Budget Request Fiscal Year 2020

**Michael Barrett
State Public Defender, Director
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October 1, 2018

Dear Governor Parson:

Enclosed please find the 37th budget request for the Missouri State Public Defender System (MSPD). As you are aware, MSPD's mission is to carry out the state's obligation to provide competent counsel to Missourians who are poor and face a loss of their liberty following a criminal conviction.

Over the course of the past couple of years, Missouri has climbed to 8th highest in the rate at which it incarcerates its citizens, with approximately 50% of individuals incarcerated for a non-violent offense, while contemporaneously reaching 11th among the states in violent crime rate.

These outcomes suggest that the prison population, and its budget, is continuing to grow without any positive impact on the state's violent crime rate. In addition to helping the state fulfill its obligation under the 6th and 14th amendments, MSPD's aim is to make sure that taxpayers are not burdened with the enormous costs of incarceration if a person can be effectively managed in the community. Without adequate resources, however, MSPD's ability to provide representation for each client is nearly impossible. Regrettably, this often results in more people going to state prison for low-level or non-violent offenses, including for violating their probation. Not only does this break up families, it needlessly inflates the reliance on welfare when families are forced to break up.

This is particularly so for young Missourians who must navigate the juvenile justice system. According to a 2015 Department of Justice report, poor children in Missouri are systemically denied the right to counsel because there are not enough public defenders. In one jurisdiction, the lone juvenile defender had between 300-400 juvenile clients at one time. This leads to unjust outcomes, not just for the child, but also for the State. Without sufficient juvenile defenders, too many children needlessly go to the Department of Corrections, even though most youth are charged with low-level non-violent offenses. Helping children avoid adult prison significantly reduces the likelihood that they will re-offend as the recidivism rate for children sentenced to the Division of Youth Services is only 13.7%, compared to a 40% recidivism rate for children sentenced to the Department of Corrections. The National Juvenile Defender Center which investigated Missouri, found that with the exception of a few counties, "youth are discouraged from and systematically denied counsel throughout the state."

Therefore, it is my responsibility to submit a budget request that accurately reflects the task that is before us. Without a budget that mirrors the workload that the state has placed on MSPD, constitutional violations will undoubtedly continue and Missouri will continue to achieve poor outcomes in both its incarceration rate and public safety.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Barrett".

Michael Barrett
Director, Missouri State Public Defender

**State Public Defender
2020 Legislative Budget Request
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PROGRAM DESCRIPTION

Department: Office of the State Public Defender

HB Section(s): HB 12.400

Program Name: Public Defender

Program is found in the following core budget(s):

This program is found in all MSPD core budgets. MSPD has only one mission and only one program - to provide effective legal representation to indigent persons accused of crime.

1a. What strategic priority does this program address?

The single overriding goal of the Office of the Missouri State Public Defender System is to provide effective criminal defense representation for its clients fulfilling the office’s constitutional mandate. Strategies to accomplish this mission have been identified and implemented with continued refinements to enhance productivity, efficiencies, whereby reducing costs and eliminating waste in the processes and operations that deliver such services.

1b. What does this program do?

The Missouri State Public Defender System [MSPD] is a statewide system that provides legal representation to poor persons who are accused or convicted of state crimes in Missouri’s trial, appellate, and Supreme courts. Carrying out these functions fulfills the state’s obligation to provide the right to counsel under the state and U.S. Constitutions to those who cannot afford it.

2a. Provide an activity measure(s) for the program.

In Fiscal Year 2019, The Missouri State Public Defender System’s 369.50 Trial and Appellate lawyers closed 71,238 cases last year, appearing in every courthouse in every county across the state, at an average cost to the state’s taxpayers of just \$365.56 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.

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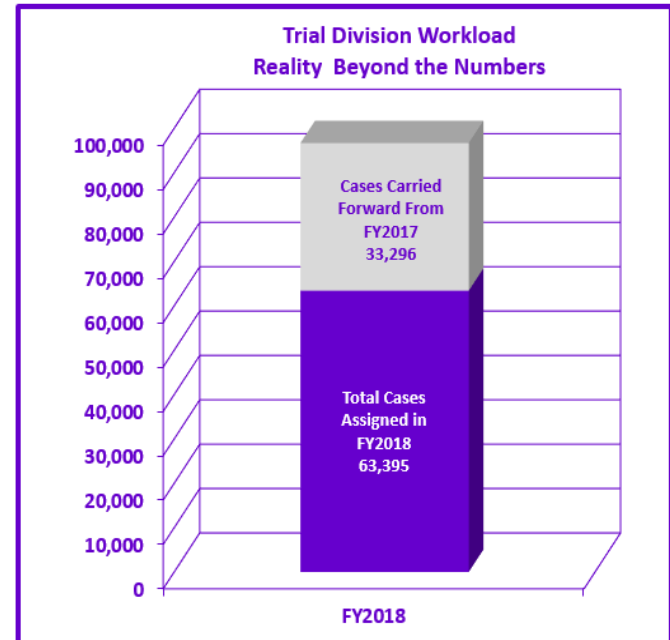
2b. Provide a measure(s) of the program's quality.

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.

2c. Provide a measure(s) of the program's impact.

In FY2018, MSPD provided representation in 75,419 new 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.

In addition to the cases opened in Fiscal Year 2018, public defenders must provide representation in those cases that were opened in prior fiscal years and have not yet been closed, as the table on the right illustrates.



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2d. Provide a measure(s) of the program's efficiency.

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: one by a Missouri Bar Task Force, two by *The Spangenberg Group*, an independent consultant, another by a Senate Interim Committee, and the most recent by the American Bar Association titled *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 identify excessive work overloads – which it did -- but also to establish reliable case weights to determine what staffing levels are needed to match the existing workload (i.e., the average number of hours a competent attorney could expect to spend on a particular case type to provide competent representation).

When these case weights are applied to MSPD’s caseload, the number of staff MSPD would need to meet its existing caseload is 306 additional attorneys (see case weight metrics below). 289 attorneys are requested in the Constitutionally Mandated Representation decision item. 10 attorneys are requested in the Juvenile Advocacy decision item and 6 attorneys requested in a separate Springfield Appellate Office decision item

ABA/RubinBrown Workload Study Hours Per Type of Case	
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

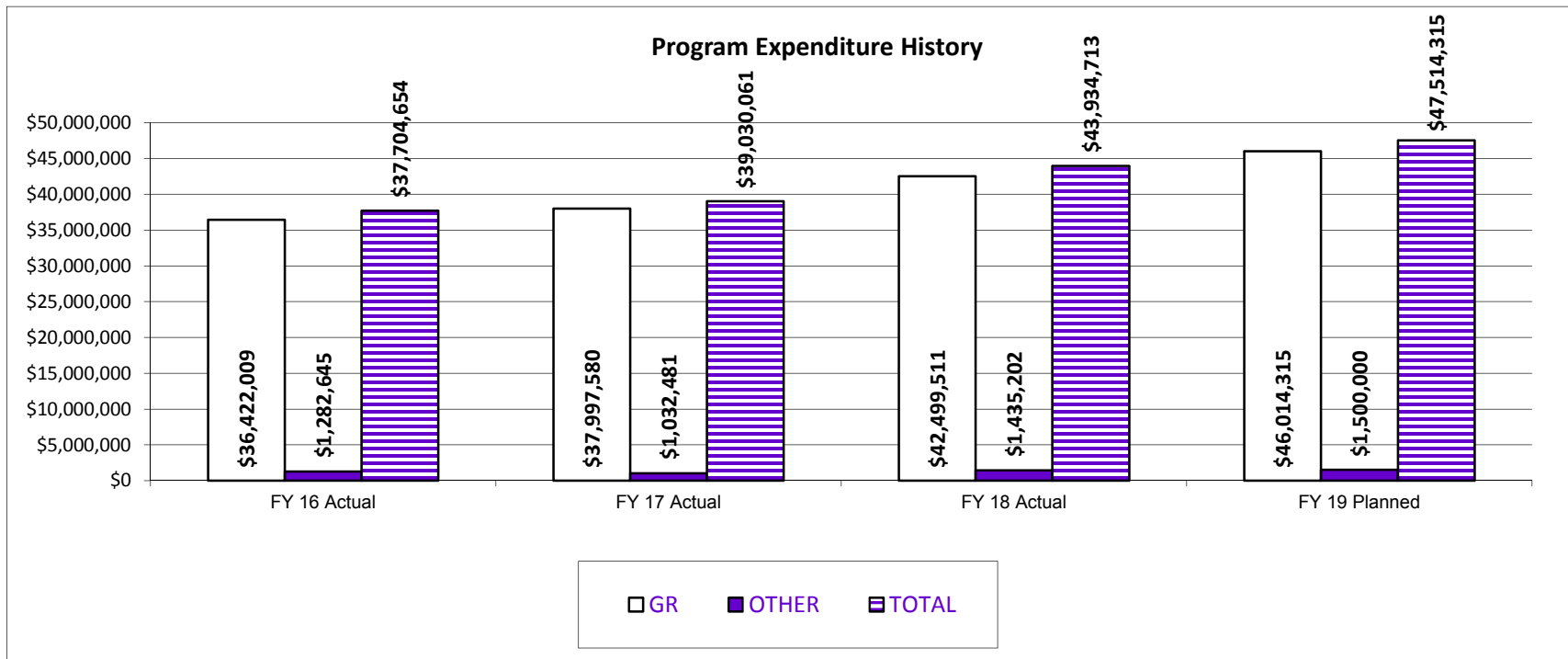
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3. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year. (Note: Amounts do not include fringe benefit costs.)



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

Legal Defense and Defender Fund - Collections from Client fees.

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5. 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.

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

No

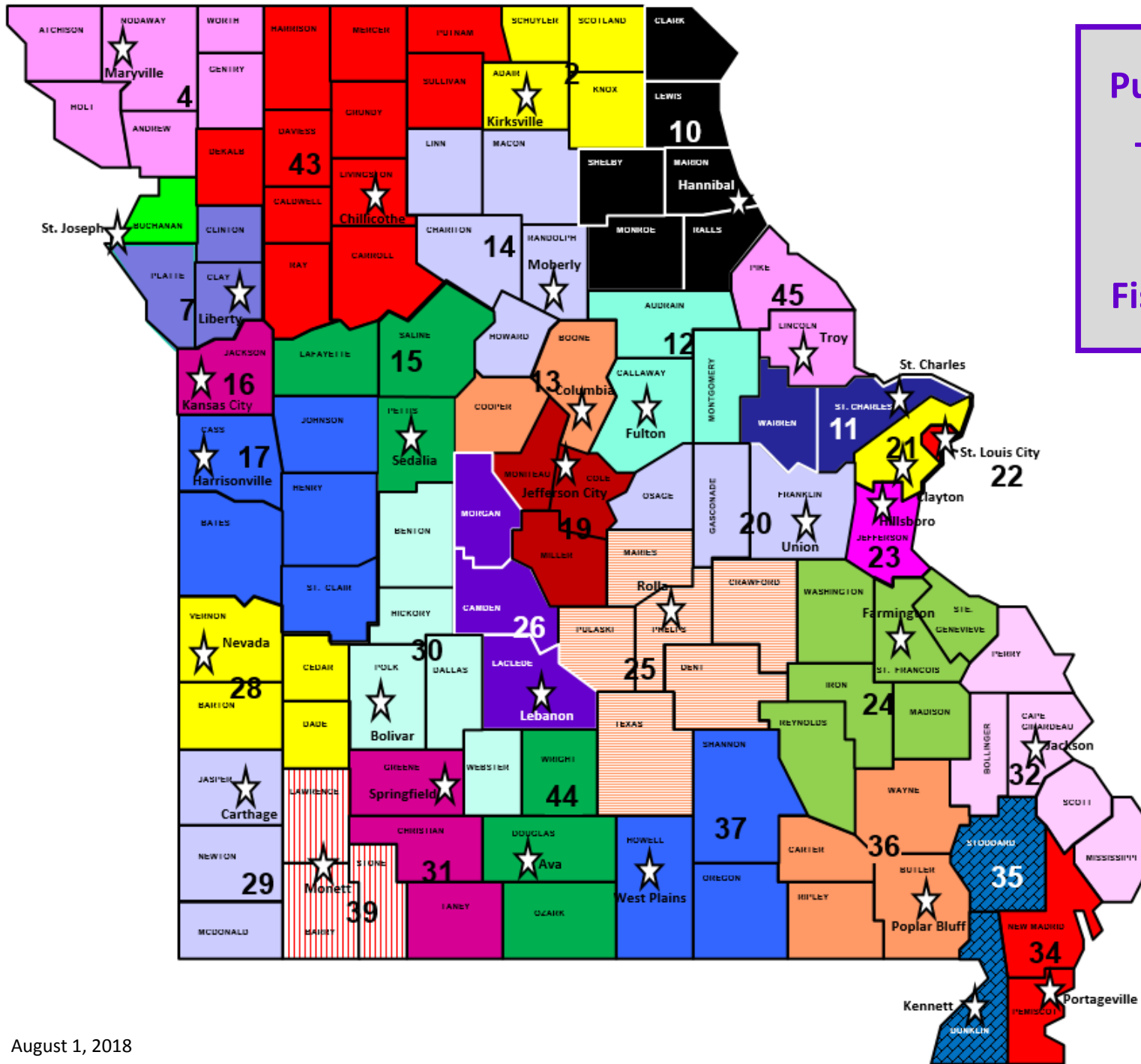
7. Is this a federally mandated program? If yes, please explain.

Yes. The Provision of counsel to indigent defendants facing prosecution and potential loss of their liberty if federally mandated 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.

Missouri State Public Defender System
Cases Assigned by Case Type
Does Not Include Wait List (Rule 4) Cases

Fiscal Year	Murder 1st	Other Homicide	Felony	Murder + Felony Case load	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed (No Conflicts)
FY18	194	203	43,064	43,461	12,167	1,074	1,309	158	16,805	445	75,419	71,329
FY17	179	195	45,364	45,738	16,487	1,617	1,264	458	19,405	843	85,812	78,629
FY16	187	138	42,276	42,601	16,121	1,677	829	204	18,557	766	80,755	71,934
FY15	167	148	37,879	38,194	14,853	1,831	916	174	16,831	799	73,598	71,464
FY14	129	138	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



Public Defender
 Trial Division
 District Map
 Fiscal Year 2019

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			FY 2020	FY 2020	*****	*****	CUMULATIVE TOTAL	
Decision Item	Rank		DEPT REQ	DEPT REQ	SECURED	SECURED	DOLLARS	FTE
Fund			DOLLAR	FTE	COLUMN	COLUMN		
OFFICE OF THE DIRECTOR								
CORE	001							
GENERAL REVENUE			41,293,244	595.13	0	0.00	0	0.00
TOTAL			41,293,244	595.13	0	0.00		
Juvenile Advocacy Offices - 1151001	001							
GENERAL REVENUE			1,089,083	18.00	0	0.00	0	0.00
TOTAL			1,089,083	18.00	0	0.00		
Contract Fee Rates - 1151002	001							
GENERAL REVENUE			2,350,083	0.00	0	0.00	0	0.00
TOTAL			2,350,083	0.00	0	0.00		
Springfield Appellate Office - 1151004	001							
GENERAL REVENUE			575,533	9.00	0	0.00	0	0.00
TOTAL			575,533	9.00	0	0.00		
Office Space Requirements - 1151005	001							
GENERAL REVENUE			2,576,382	0.00	0	0.00	0	0.00
TOTAL			2,576,382	0.00	0	0.00		
Constitutionally Mandated Repr - 1151006	001							
GENERAL REVENUE			23,584,259	385.00	0	0.00	0	0.00
TOTAL			23,584,259	385.00	0	0.00		
Social Worker Pilot Project - 1151007	001							
GENERAL REVENUE			248,060	5.00	0	0.00	0	0.00
TOTAL			248,060	5.00	0	0.00		
EXTRAORDINARY EXPENSE/CONFLIC								
CORE	001							
GENERAL REVENUE			4,721,071	0.00	0	0.00	0	0.00
TOTAL			4,721,071	0.00	0	0.00		
LEGAL DEFENSE & DEFENDER FUND								
CORE	001							
LEGAL DEFENSE AND DEFENDER			2,986,768	2.00	0	0.00	0	0.00
TOTAL			2,986,768	2.00	0	0.00		
GRANTS								
CORE	001							
PUBLIC DEFENDER-FEDERAL & OTHR			125,000	0.00	0	0.00	0	0.00
TOTAL			125,000	0.00	0	0.00		

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM RANKING

Budgeting Unit		FY 2020	FY 2020	*****	*****	CUMULATIVE TOTAL	
Decision Item	Rank	DEPT REQ	DEPT REQ	SECURED	SECURED	DOLLARS	FTE
Fund		DOLLAR	FTE	COLUMN	COLUMN		
OFFICE OF THE DIRECTOR							
Pay Plan FY19-Cost to Continue - 0000013	002						
GENERAL REVENUE		221,595	0.00	0	0.00	0	0.00
TOTAL		221,595	0.00	0	0.00		
LEGAL DEFENSE & DEFENDER FUND							
Pay Plan FY19-Cost to Continue - 0000013	002						
LEGAL DEFENSE AND DEFENDER		825	0.00	0	0.00	0	0.00
TOTAL		825	0.00	0	0.00		
GRAND TOTAL		\$79,771,903	1,014.13	\$0	0.00		

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
PERSONAL SERVICES								
GENERAL REVENUE	28,940,575	590.75	33,413,677	595.13	33,413,677	595.13	0	0.00
TOTAL - PS	28,940,575	590.75	33,413,677	595.13	33,413,677	595.13	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	8,835,934	0.00	7,879,567	0.00	7,879,567	0.00	0	0.00
TOTAL - EE	8,835,934	0.00	7,879,567	0.00	7,879,567	0.00	0	0.00
TOTAL	37,776,509	590.75	41,293,244	595.13	41,293,244	595.13	0	0.00
Juvenile Advocacy Offices - 1151001								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	913,786	18.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	913,786	18.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	175,297	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	175,297	0.00	0	0.00
TOTAL	0	0.00	0	0.00	1,089,083	18.00	0	0.00
Contract Fee Rates - 1151002								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	2,350,083	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	2,350,083	0.00	0	0.00
TOTAL	0	0.00	0	0.00	2,350,083	0.00	0	0.00
Springfield Appellate Office - 1151004								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	475,793	9.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	475,793	9.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	99,740	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	99,740	0.00	0	0.00
TOTAL	0	0.00	0	0.00	575,533	9.00	0	0.00

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Office Space Requirements - 1151005								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	2,576,382	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	2,576,382	0.00	0	0.00
TOTAL	0	0.00	0	0.00	2,576,382	0.00	0	0.00
Constitutionally Mandated Repr - 1151006								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	20,116,404	385.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	20,116,404	385.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	3,467,855	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	3,467,855	0.00	0	0.00
TOTAL	0	0.00	0	0.00	23,584,259	385.00	0	0.00
Social Worker Pilot Project - 1151007								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	222,500	5.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	222,500	5.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	25,560	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	25,560	0.00	0	0.00
TOTAL	0	0.00	0	0.00	248,060	5.00	0	0.00
Pay Plan FY19-Cost to Continue - 0000013								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	221,595	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	221,595	0.00	0	0.00
TOTAL	0	0.00	0	0.00	221,595	0.00	0	0.00
GRAND TOTAL	\$37,776,509	590.75	\$41,293,244	595.13	\$71,938,239	1,012.13	\$0	0.00

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit <u>15111C</u>
Division: Public Defender	
Core: Legal Services	HB Section <u>HB 12.400</u>

1. CORE FINANCIAL SUMMARY

	FY 2020 Budget Request						FY 2020 Governor's Recommendation				
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	33,413,677	0	0	33,413,677		PS	0	0	0	0	
EE	7,879,567	0	0	7,879,567		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	41,293,244	0	0	41,293,244		Total	0	0	0	0	
FTE	595.13	0.00	0.00	595.13		FTE	0.00	0.00	0.00	0.00	

Est. Fringe	17,686,927	0	0	17,686,927
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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:

Other Funds:

2. CORE DESCRIPTION

The Missouri State Public Defender System [MSPD] is a statewide system, providing legal representation to indigent defendants accused of state crimes in 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. It also includes partial funding for assigning conflict cases to private counsel.

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

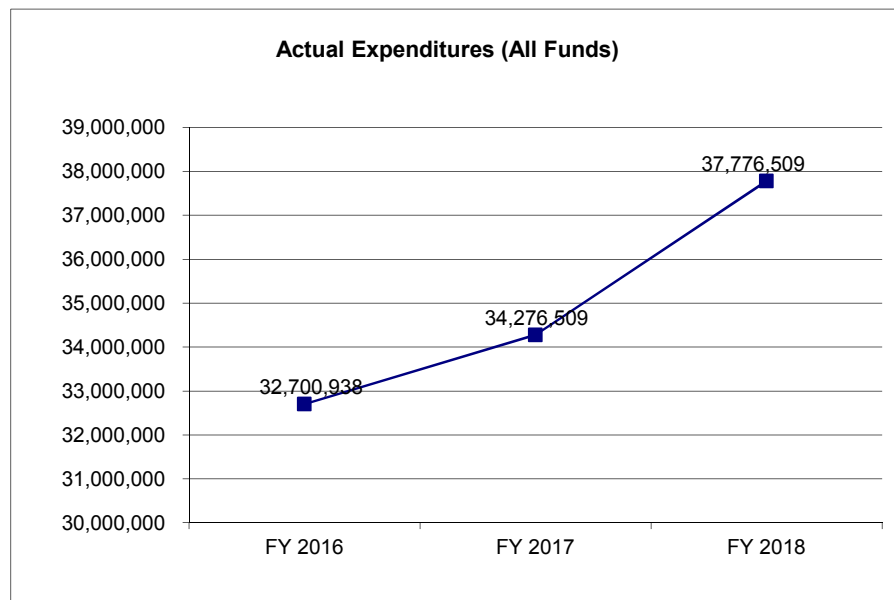
The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to Missourians facing the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state has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

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Public Defender	
Core: Legal Services	HB Section HB 12.400

4. FINANCIAL HISTORY

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 Current Yr.
Appropriation (All Funds)	32,700,939	37,776,510	37,776,510	41,293,244
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	(3,500,000)	0	0
Budget Authority (All Funds)	32,700,939	34,276,510	37,776,510	41,293,244
Actual Expenditures (All Funds)	32,700,938	34,276,509	37,776,509	N/A
Unexpended (All Funds)	1	1	1	0
Unexpended, by Fund:				
General Revenue	1	1	1	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Restricted amount is \$0.00 as of September 14, 2018

Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

The \$3,500,000 withheld from Fiscal Year 2017, was not released.

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
CORE								
TEMPORARY HELP	350	0.02	0	0.00	0	0.00	0	0.00
TEMPORARY EMPLOYEE	40,874	1.45	0	0.00	0	0.00	0	0.00
SECRETARY	3,363,096	119.14	3,442,567	120.50	3,679,584	120.63	0	0.00
COMPUTER INFO. SPECIALIST	291,797	5.94	415,668	7.50	458,867	8.00	0	0.00
INVESTIGATOR	2,129,581	57.26	2,206,979	57.63	2,293,412	58.00	0	0.00
PARALEGAL	171,774	4.66	169,719	4.50	174,845	4.50	0	0.00
MITIGATION SPECIALIST	310,544	7.56	325,379	8.00	345,620	8.00	0	0.00
ASSISTANT PUBLIC DEFENDER	18,093,784	333.68	20,698,130	335.00	21,145,119	335.00	0	0.00
DISTRICT DEFENDER	3,062,531	41.10	4,764,525	43.00	3,873,612	43.00	0	0.00
DIVISION DIRECTOR	515,830	4.58	568,488	5.00	486,366	4.00	0	0.00
PROGRAM TECHNICIAN	199,230	5.07	227,747	6.00	235,436	6.00	0	0.00
PROGRAM MANAGER	612,924	9.29	445,473	7.00	571,165	7.00	0	0.00
DIRECTOR	148,260	1.00	149,002	1.00	149,651	1.00	0	0.00
TOTAL - PS	28,940,575	590.75	33,413,677	595.13	33,413,677	595.13	0	0.00
TRAVEL, IN-STATE	888,827	0.00	935,000	0.00	895,567	0.00	0	0.00
TRAVEL, OUT-OF-STATE	8,957	0.00	10,000	0.00	10,000	0.00	0	0.00
FUEL & UTILITIES	43,376	0.00	45,000	0.00	45,000	0.00	0	0.00
SUPPLIES	399,692	0.00	445,000	0.00	400,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	144,300	0.00	143,500	0.00	145,000	0.00	0	0.00
COMMUNICATION SERV & SUPP	514,342	0.00	375,000	0.00	515,000	0.00	0	0.00
PROFESSIONAL SERVICES	5,475,702	0.00	3,985,067	0.00	4,475,000	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	119,928	0.00	115,000	0.00	120,000	0.00	0	0.00
M&R SERVICES	270,391	0.00	415,000	0.00	270,000	0.00	0	0.00
COMPUTER EQUIPMENT	34,719	0.00	425,000	0.00	35,000	0.00	0	0.00
MOTORIZED EQUIPMENT	0	0.00	26,000	0.00	26,000	0.00	0	0.00
OFFICE EQUIPMENT	31,729	0.00	40,000	0.00	32,000	0.00	0	0.00
OTHER EQUIPMENT	21,138	0.00	60,000	0.00	21,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	808,376	0.00	780,000	0.00	780,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	29,687	0.00	30,000	0.00	60,000	0.00	0	0.00
MISCELLANEOUS EXPENSES	44,770	0.00	50,000	0.00	50,000	0.00	0	0.00
TOTAL - EE	8,835,934	0.00	7,879,567	0.00	7,879,567	0.00	0	0.00
GRAND TOTAL	\$37,776,509	590.75	\$41,293,244	595.13	\$41,293,244	595.13	\$0	0.00
GENERAL REVENUE	\$37,776,509	590.75	\$41,293,244	595.13	\$41,293,244	595.13		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

FLEXIBILITY REQUEST FORM

BUDGET UNIT NUMBER: 15111C	DEPARTMENT: Office of the State Public Defender
BUDGET UNIT NAME: Office of the State Public Defender - Legal Services	
HOUSE BILL SECTION: 12.400	DIVISION: Director's Office - Legal Services

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 appropriation shortfalls in case litigation expenses and increasing office expenses such as travel, postage, equipment maintenance and network charges.

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 ACTUAL AMOUNT OF FLEXIBILITY USED	CURRENT YEAR ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED	BUDGET REQUEST ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED
\$956,368	\$1,250,000	\$1,000,000

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

PRIOR YEAR EXPLAIN ACTUAL USE	CURRENT YEAR EXPLAIN PLANNED USE
\$956,368 was transferred from Personal Service (0911) to Expense & Equipment (0912) to cover a significant shortage in litigation costs, general operating costs and \$386,023 of additional conflict cases paid to private counsel.	Flexibility will be utilized to best meet the caseload demands of the State Public Defender System. Dollars from Personal Service vacancy savings could be used to meet the costs of operating the local offices or to contract out cases to private bar as the need arises or to pay for increasing necessary litigation expenses.

NEW DECISION ITEM

RANK: 2 OF _____

Department: Office of the State Public Defender	Budget Unit: 15111C
Division: Legal Services	
DI Name: CTC FY2019 Pay Plan DI# '000013	HB Section: 12.400

1. AMOUNT OF REQUEST

	FY 2020 Budget Request				E
	GR	Federal	Other	Total	
PS	221,595	0	0	221,595	
EE	0	0	0	0	
PSD	0	0	0	0	
TRF	0	0	0	0	
Total	221,595	0	0	221,595	
FTE	0.00	0.00	0.00	0.00	

	FY 2020 Governor's Recommendation				E
	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	67,520	0	0	67,520
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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:

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 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 2019 budget includes appropriation authority for a \$700 pay increase for employees making under \$70,000 and a 1% pay increase for employees making over \$70,000 beginning January 1, 2019. The remaining six months were unfunded, but the stated intent of the legislature was to provide the funding in FY 2020.

NEW DECISION ITEM

RANK: 2 OF _____

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>CTC FY2019 Pay Plan</u> <u>DI# '000013</u>	HB Section <u>12.400</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.)

The appropriated amount for the Fiscal Year 2019 pay plan was based on a \$700 pay increase for employees making under \$70,000 and a 1% pay increase for employees making over \$70,000 beginning January 1, 2019. The Fiscal Year 2020 requested amount is equivalent to the remaining six months 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	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	E
C00200 Secretary	42,875						42,875			
C00270 Computer Information Spec	2,625						2,625			
C00300 Investigator	20,521						20,521			
C00325 Paralegal	1,575						1,575			
C00350 Mitigation Specialist	3,150						3,150			
C00400 Assistant Public Defender	118,650						118,650			
C00460 District Defender	24,078						24,078			
C00550 Division Director	2,829						2,829			
C00560 Program Technician	2,100						2,100			
C00570 Program Manager	2,450						2,450			
C00600 Director	742						742			
							0	0.0		
Total PS	221,595	0.0	0	0.0	0	0.0	221,595	0.0	0	
Grand Total	221,595	0.0	0	0.0	0	0.0	221,595	0.0	0	

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Pay Plan FY19-Cost to Continue - 0000013								
SECRETARY	0	0.00	0	0.00	42,875	0.00	0	0.00
COMPUTER INFO. SPECIALIST	0	0.00	0	0.00	2,625	0.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	20,521	0.00	0	0.00
PARALEGAL	0	0.00	0	0.00	1,575	0.00	0	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	3,150	0.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	118,650	0.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	24,078	0.00	0	0.00
DIVISION DIRECTOR	0	0.00	0	0.00	2,829	0.00	0	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	2,100	0.00	0	0.00
PROGRAM MANAGER	0	0.00	0	0.00	2,450	0.00	0	0.00
DIRECTOR	0	0.00	0	0.00	742	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	221,595	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$221,595	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$221,595	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

NEW DECISION ITEM

RANK: 2 OF 8

Department: Office of the State Public Defender
 Division: Legal Services
 DI Name: Juvenile Advocacy Offices DI# '1151001

Budget Unit 15111C
 HB Section 12.400

1. AMOUNT OF REQUEST

	FY 2020 Budget Request				E
	GR	Federal	Other	Total	
PS	913,786	0	0	913,786	
EE	175,297	0	0	175,297	
PSD	0	0	0	0	
TRF	0	0	0	0	
Total	1,089,083	0	0	1,089,083	
FTE	18.00	0.00	0.00	0.00	

	FY 2020 Governor's Recommendation				E
	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	505,447	0	0	505,447
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input checked="" 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 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.

In the Spring of 2013, the National Juvenile Defender Center issued an assessment of Missouri's system of juvenile indigent defense representation. The report was 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. (- Continued on Next Page)

NEW DECISION ITEM

RANK: 2 OF 8

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Juvenile Advocacy Offices</u> DI# <u>'1151001</u>	HB Section <u>12.400</u>

The study concluded that “Missouri’s indigent defense system is in crisis and has endured at least two decades of crushing caseloads and inadequate resources to provide its mandated services,” and little to no attention has been paid to what this crisis has meant to poor children accused of a criminal offense. Specifically, it 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 released *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....”

Further, the NJDC assessment emphasized that "the defense lawyer plays a critical role for youth in delinquency court by protecting clients from unfairness, promoting accuracy in decision making, providing alternatives for decision makers, and monitoring institutional treatment, after care and reentry. Throughout the entire court process the juvenile defender is the individual responsible for bringing the child’s perspective and interests before the court." Not only is the defense lawyer the child's voice, in order to adequately represent a child, they need to be knowledgeable in other areas including adolescent brain development, education law, childhood mental illnesses, trauma, and cognitive limitations, age-appropriate treatments and disposition options, and juvenile court practice and procedure. Specialization is critical when representing youth.

NEW DECISION ITEM

RANK: 2 OF 8

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Juvenile Advocacy Offices</u> DI# <u>'1151001</u>	HB Section <u>12.400</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.)

SIXTY FOUR PERCENT OF JUVENILES GO WITHOUT REPRESENTATION

Utilizing data provided from the Office of the State Court’s Administrator (OSCA), there were 16,544 formal juvenile cases filed statewide in Fiscal Year 2017, of which 12,227 were abuse/neglect cases, leaving 4,317 juvenile cases where the juvenile was entitled to an attorney. Of the 4,317 juveniles, if only 13% (the last number provided by OSCA) were actually represented by private counsel, that leaves 3,756 juvenile cases where the juvenile needed a public defender. However, in the same fiscal year, MSPD provided representation in just 1,617 juvenile cases. Sixty four percent of children who had a delinquency petition filed with the court were not represented by the state’s indigent defense organization.

Additionally, due to the legislature’s successful adoption of Senate Bill 793 (Raise the Age) in 2018, children under the age of 17 will have their delinquency cases filed in juvenile court starting in January of 2021. The addition of this population of children in the juvenile justice system will result in the same need for specialized counsel. In fact, in 2018, MSPD provided representation in 735 cases in adult court where the defendant was less than 18 years old.

As a result of this finding, the Missouri Juvenile Justice Association is seeking a rule or statutory change to prohibit the waiver of counsel by juveniles (this need has become even more so given the Department of Justice’s findings in its 2015 report on St. Louis County). In the meantime, MSPD is pursuing the reinstatement of the two Juvenile Advocacy Units, one in the Kansas City area and one in the greater St. Louis area. (MSPD previously had these units, but had to relinquish them when trial division caseloads became too high and no additional personnel were added.)

MSPD is requesting juvenile attorney staffing at the recommended RubinBrown workload standards. MSPD is also seeking one additional attorney in each office 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.

NEW DECISION ITEM

RANK: 2 OF 8

Department: Office of the State Public Defender Budget Unit 15111C
 Division: Legal Services
 DI Name: Juvenile Advocacy Offices DI# '1151001 HB Section 12.400

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	E
	GR DOLLARS	GR FTE	FED DOLLARS	FED FTE	OTHER DOLLARS	OTHER FTE	TOTAL DOLLARS	TOTAL FTE	One-Time DOLLARS	
							0			
C00200 Secretary	114,672	4.0					114,672			
C00300 Investigator	63,216	2.0					63,216			
C00350 Juvenile Disposition Spec.	82,368	2.0					82,368			
C00400 Assistant Public Defender	480,672	8.0					480,672			
C00460 District Defender	172,858	2.0					172,858			
							0	0.0		
Total PS	913,786	18.0	0	0.0	0	0.0	913,786	0.0	0	
							0			
Travel / 140	33,000						33,000			
Supplies / 190	9,100						9,100			
Rent / 680	105,237						105,237			
Phones & Network Costs / 340	12,960						12,960			
Professional Costs / 400	15,000						15,000			
							0			
							0			
Total EE	175,297		0			0	175,297		0	
Program Distributions							0			
Total PSD	0		0			0	0		0	
Transfers							0			
Total TRF	0		0			0	0		0	
Grand Total	1,089,083	18.0	0	0.0	0	0.0	1,089,083	0.0	0	

**Missouri State Public Defender
JUVENILE CASELOAD**

ST. LOUIS AREA - FY2018 Cases + Estimated "Raise the Age" Cases

Franklin County	9			
Jefferson County	38			
St. Charles County	45			
St. Louis City	151			
St. Louis County	157			
Raise the Age	141			
Total Number of Cases	541			
* RubinBrown/ABA Hours	19.50			
Hours Required	10,549.50			
/ Hours per Attorney Per Year	2,080.00	Does Not Include Travel or Court Time		
	5.07			
Director of Juvenile Defense and Policy	1.00			
Statewide Juvenile Resource Attorney	1.00			
Total Attorneys Requested	7.07	(Round to 7)		
Job Titles	FTE	Salary	Cost	
District Defender	1.00	\$86,429	\$86,429	
Assistant Public Defenders III	6.00	\$60,084	\$360,504	
Juvenile Dispositional Specialist	1.00	\$41,184	\$41,184	
Legal Assistant	1.00	\$28,668	\$28,668	
Investigator	1.00	\$31,608	\$31,608	
Secretary	1.00	\$28,668	\$28,668	
TOTAL PERSONAL SERVICE	11.00			\$577,061
Travel & Parking				
\$95/ mo * 12 * 11 = Parking			\$12,540	
\$200/ mo * 12 * 10 = Mileage			\$24,000	
Supplies			\$3,000	
Professional			\$7,500	
Telephone \$90/mo * 12			\$1,080	
Network Costs \$450/mo * 12 months			\$5,400	
Postage \$200/mo * 12 months			\$2,400	
Building Costs			\$45,792	
TOTAL EXPENSE & EQUIPMENT				\$101,712
TOTAL COSTS ST. LOUIS AREA				\$678,773

Missouri State Public Defender JUVENILE CASELOAD				
KANSAS CITY AREA -FY2018 Cases + Estimated "Raise the Age" Cases				
Jackson County	165			
Raise the Age	<u>73</u>			
Total Number of Cases	238			
* RubinBrown/ABA Hours	<u>19.50</u>		*Does Not Include Travel or Court Time	
Hours Required	4641.00			
/ Hours per Attorney Per Year	<u>2080.00</u>			
	2.23			
Statewide Juvenile Resource Attorney	<u>1.00</u>			
Total Attorneys Requested	3.23	(Round to 3)		
<u>Job Titles</u>	<u>FTE</u>	<u>Salary</u>	<u>Cost</u>	
District Defender	1.00	\$86,429	\$86,429	
Assistant Public Defenders III	2.00	\$60,084	\$120,168	
Juvenile Dispositional Specialist	1.00	\$41,184	\$41,184	
Legal Assistant	1.00	\$28,668	\$28,668	
Investigator	1.00	\$31,608	\$31,608	
Secretary	<u>1.00</u>	\$28,668	<u>\$28,668</u>	
TOTAL PERSONAL SERVICE	7.00			\$336,725
Travel & Parking				
\$65/ mo *12*7 = Parking			\$5,460	
\$125/ mo *12*6 = Mileage			\$9,000	
Supplies			\$2,500	
Professional			\$7,500	
Telephone \$90/mo *12			\$1,080	
Network Costs \$450/mo * 12			\$5,400	
Postage \$100/mo * 12			\$1,200	
Building Costs			<u>\$41,445</u>	
TOTAL EXPENSE & EQUIPMENT				<u>\$73,585</u>
TOTAL COSTS JACKSON COUNTY				\$410,310
TOTAL COSTS FOR EXISTING JUVENILE CASES ST. LOUIS AREA & JACKSON COUNTY				\$1,089,083

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Juvenile Advocacy Offices - 1151001								
SECRETARY	0	0.00	0	0.00	114,672	4.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	63,216	2.00	0	0.00
MITIGATION SPECIALIST	0	0.00	0	0.00	82,368	2.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	480,672	8.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	172,858	2.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	913,786	18.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	33,000	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	12,960	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	105,237	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	175,297	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,089,083	18.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,089,083	18.00		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: 3 OF 8

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Increased Contract Counsel Fees</u> DI# <u>'1151002</u>	HB Section <u>12.400</u>

1. AMOUNT OF REQUEST

	FY 2020 Budget Request				E		FY 2020 Governor's Recommendation				E
	GR	Federal	Other	Total			GR	Federal	Other	Total	
PS	0	0	0	0		PS	0	0	0	0	
EE	2,350,083	0	0	2,350,083		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	2,350,083	0	0	2,350,083		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
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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:

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: <u>Contract Rate Adjustment</u>	

NEW DECISION ITEM

RANK: 3 OF 8

Department: Office of the State Public Defender	Budget Unit	15111C
Division: Legal Services		
DI Name: Increased Contract Counsel Fees DI# '1151002	HB Section	12.400

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 is requesting an additional \$2,332,352 to increase private attorney fee rates paid in contracted cases.

In Fiscal Year 2018, MSPD spending authority for case contracting increased by \$4,500,000, nearly tripling our case contracting budget. These funds are used for contracting case conflicts to private attorneys. As a result MSPD increased the number of cases contracted to private attorneys from 3,938 in FY17 to 10,266 in FY18. Over thirteen percent (13%) of MSPD's total caseload was provided representation by private counsel. Eliminating or minimizing conflicts provides for more efficient use of staff attorney time by reducing time-consuming travel as well as providing critical caseload relief to an unconstitutionally overburdened system. Indigent defense in Missouri is now truly a public-private partnership.

However, despite the resulting need for more private attorneys to participate in MSPD's panel attorney program and despite significant recruiting efforts, as a result of low, outdated fees MSPD has been unable to significantly recruit additional private attorneys, with the number participating remaining around 230, leaving far too few private attorneys to handle the large number of cases we contract across the state. For instance there are no active panel attorneys in 59 of Missouri's counties. In many other counties there are too few, or too few with the necessary experience and willingness to handle serious cases. As a result, in order to provide coverage to the entire state, MSPD requires that panel attorneys sign up by Judicial Circuit rather than by County and frequently assigns cases to private attorneys more than 45 miles away, and sometimes significantly more. As a result of too many assignments to too few panel attorneys, the participating panel attorneys frequently remove themselves from the panel for a period of time because their caseloads have grown too large to be manageable.

In order to successfully continue this public-private partnership MSPD must be able to recruit and retain more panel attorneys. MSPD's current attorney fee schedule has remained the same for almost two decades, with no increase in compensation to private attorneys. Therefore, MSPD is requesting an increase in the fee rates paid to private attorneys. The resulting rates would continue to be significantly below market rate, but would be a meaningful increase, encouraging private attorneys to join and remain on MSPD's panel and to allow cases to be handled more expeditiously by having attorneys closer to the courts, to the incarcerated clients, and to the witnesses.

NEW DECISION ITEM

RANK: 3 OF 8

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Legal Services	
DI Name: Increased Contract Counsel Fees DI# '1151002	HB Section 12.400

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.)

Missouri State Public Defender Private Counsel Fee Schedule							
Case Type	Description	FY2019 Contract Rates	FY2020 Requested Contract Rates	Amount of Increase	Percentage of Increase	FY19 Budgeted Cases Assigned	Additional FY2020 Costs
15	Murder 1st Degree	\$10,000	\$12,000	\$2,000	20.00%	41	\$81,585
62	Sexual Predator Trial	\$8,000	\$8,000	\$0	0.00%	1	\$0
62	Sexual Predator Hearing	\$4,000	\$4,000	\$0	0.00%	1	\$0
20	Other Homicide	\$6,000	\$7,000	\$1,000	16.67%	44	\$43,574
30D	AB Felony Drug	\$750	\$1,000	\$250	33.33%	176	\$44,037
30F	AB Felony Other	\$1,500	\$2,000	\$500	33.33%	720	\$360,178
30X	AB Felony Sex	\$2,000	\$2,500	\$500	25.00%	70	\$35,230
35D	CDE Felony Drug	\$750	\$1,000	\$250	33.33%	2,402	\$600,529
35F	CDE Felony Other	\$750	\$1,000	\$250	33.33%	3,296	\$823,960
35X	CDE Felony Sex	\$1,500	\$2,000	\$500	33.33%	20	\$10,198
45M	Misdemeanor	\$375	\$500	\$125	33.33%	1,318	\$164,792
50N	Juvenile - Non Violent	\$500	\$500	\$0	0.00%	57	\$0
50V	Juvenile - Violent	\$750	\$1,000	\$250	33.33%	44	\$10,893
65	Probation Violation	\$375	\$500	\$125	33.33%	1,248	\$155,985
110F & S	Direct Appeals - Felony & Misd.	\$3,750	\$4,000	\$250	6.67%	58	\$14,602
124A	Rule 24.035 Appeal	\$500	\$750	\$250	50.00%	-	\$0
124M	Rule 24.035 Motion	\$500	\$750	\$250	50.00%	6	\$1,391
129A	Rule 29.15 Appeal	\$1,875	\$2,000	\$125	6.67%	6	\$811
129M	Rule 29.15 Motion	\$1,000	\$1,250	\$250	25.00%	9	\$2,318
							\$2,350,083

NEW DECISION ITEM

RANK: 3 OF 8

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Legal Services	
DI Name: Increased Contract Counsel Fees DI# '1151002	HB Section 12.400

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	E
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0	
Professional Costs / 400	<u>2,350,083</u>						<u>2,350,083</u>			
Total EE	<u>2,350,083</u>		<u>0</u>		<u>0</u>		<u>2,350,083</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><u>2,350,083</u></u>	<u><u>0.0</u></u>	<u><u>0</u></u>	<u><u>0.0</u></u>	<u><u>0</u></u>	<u><u>0.0</u></u>	<u><u>2,350,083</u></u>	<u><u>0.0</u></u>	<u><u>0</u></u>	

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Contract Fee Rates - 1151002								
PROFESSIONAL SERVICES	0	0.00	0	0.00	2,350,083	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	2,350,083	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$2,350,083	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$2,350,083	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

NEW DECISION ITEM

RANK: 5 OF 8

Department: Office of the State Public Defender Budget Unit 15111C
 Division: Legal Services
 DI Name: Springfield Appellate Office DI# '1151005 HB Section 12.400

1. AMOUNT OF REQUEST

	FY 2020 Budget Request				E
	GR	Federal	Other	Total	
PS	475,793	0	0	475,793	
EE	99,740	0	0	99,740	
PSD	0	0	0	0	
TRF	0	0	0	0	
Total	575,533	0	0	575,533	
FTE	18.00	0.00	0.00	0.00	

	FY 2020 Governor's Recommendation				E
	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	371,990	0	0	371,990
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input checked="" 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 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, Missouri.

NEW DECISION ITEM

RANK: 5 **OF** 8

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Springfield Appellate Office</u> DI# <u>'1151005</u>	HB Section <u>12.400</u>

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, which is why MSPD has six appellate/post-conviction offices, two each in St. Louis, Kansas City, and Columbia. Each pair 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 (gray) counties, MSPD's Central PCR office is carrying a caseload at 362% of its attorney capacity. The amount of travel involved makes it an equation that is simply not sustainable.

NEW DECISION ITEM

RANK: 5 OF 8

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Springfield Appellate Office</u> DI# <u>'1151005</u>	HB Section <u>12.400</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.)

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. MSPD’s attempts to contract these cases to private counsel have 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 accepted the opportunity and those who did, ended 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.

Therefore, this decision item will 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 from the Columbia office, provide better service to the clients and courts in Southwest Missouri while reducing 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.

NEW DECISION ITEM

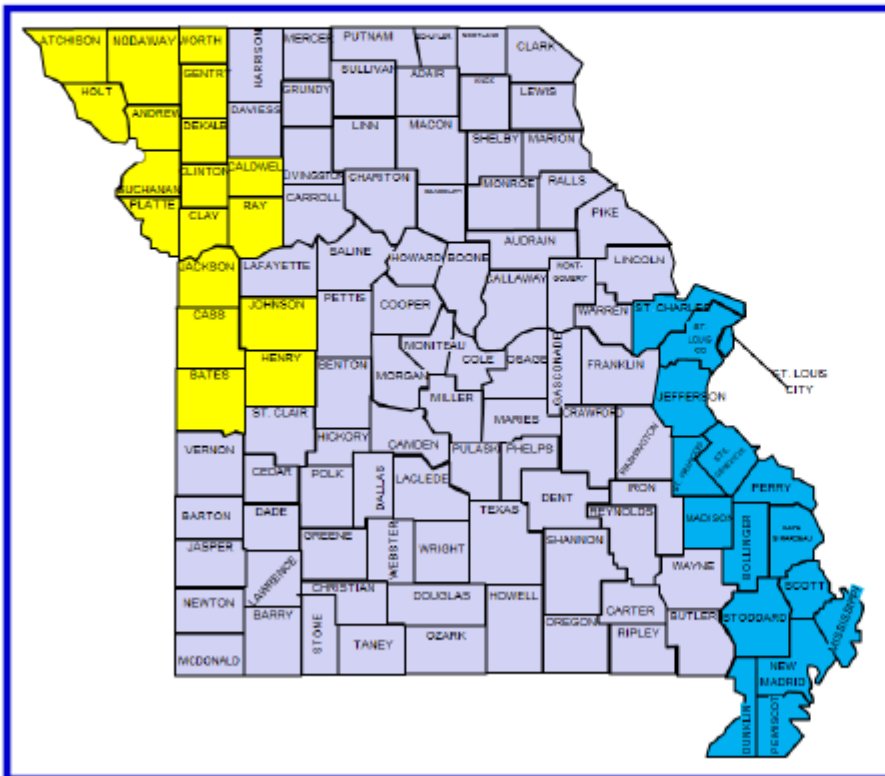
RANK: 5 OF 8

Department: Office of the State Public Defender Budget Unit 15111C
 Division: Legal Services
 DI Name: Springfield Appellate Office DI# '1151005 HB Section 12.400

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	E
							0			
C00200 Secretary	57,336	2.0					57,336			
C00300 Investigator	31,608	1.0					31,608			
C00400 Assistant Public Defender	300,420	5.0					300,420			
C00460 District Defender	86,429	1.0					86,429			
							0	0.0		
Total PS	475,793	9.0	0	0.0	0	0.0	475,793	0.0	0	
							0			
Travel / 140	19,200						19,200			
Supplies / 190	5,400						5,400			
Rent / 680	61,250						61,250			
Phones & Network Costs / 340	6,390						6,390			
Professional Costs / 400	7,500						7,500			
							0			
							0			
Total EE	99,740		0		0		99,740		0	
Program Distributions							0			
Total PSD	0		0		0		0		0	
Transfers										
Total TRF	0		0		0		0		0	
Grand Total	575,533	9.0	0	0.0	0	0.0	575,533	0.0	0	

Current PCR County Assignments



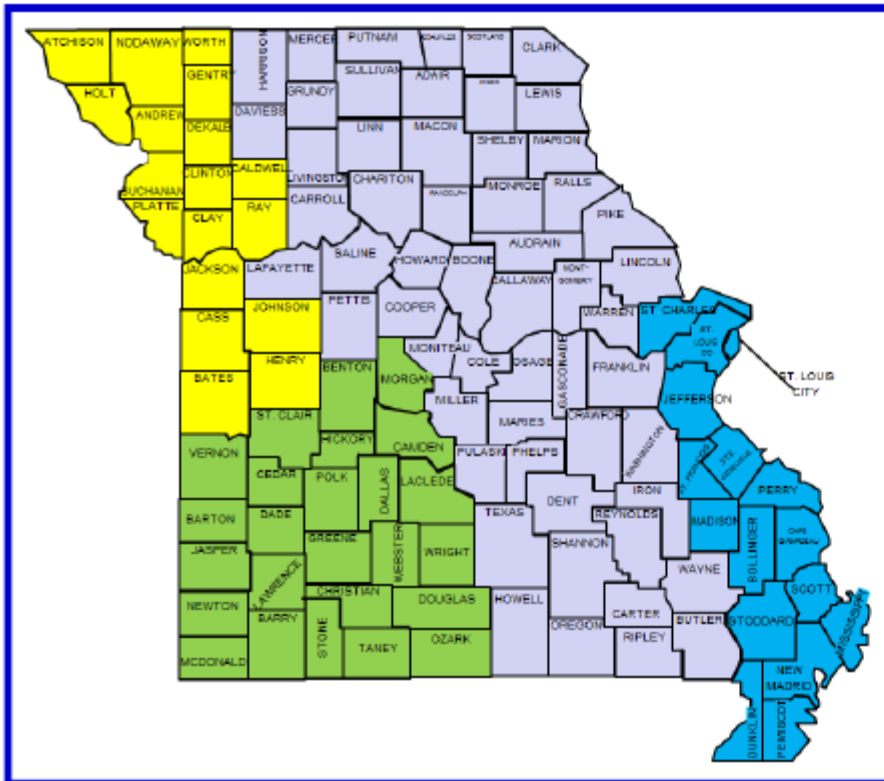
**Post Conviction Relief - Trials
(Circuit Court Level)**

**Central PCR
District 67**

**Eastern Appellate/PCR
Districts 51 & 68**

**Western Appellate/PCR
Districts 52 & 69**

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

**Missouri State Public Defender
SPRINGFIELD APPELLATE OFFICE**

<u>Job Titles</u>	<u>FTE</u>	<u>Salary</u>	<u>Cost</u>	
District Defender	1.00	\$86,429	\$86,429	
Assistant Public Defenders III	5.00	\$60,084	\$300,420	
Legal Assistant	1.00	\$28,668	\$28,668	
Investigator	1.00	\$31,608	\$31,608	
Secretary	<u>1.00</u>	\$28,668	<u>\$28,668</u>	
TOTAL PERSONAL SERVICE	9.00			\$475,793
Travel - \$200/ mo * 12 * 8 = Mileage			\$19,200	
Supplies			\$3,000	
Professional			\$7,500	
Telephone \$90 * 11.50			\$990	
Network Costs \$450 * 12 months			\$5,400	
Postage \$300 * 12 months			\$2,400	
Building Costs			<u>\$61,250</u>	
TOTAL EXPENSE & EQUIPMENT				<u>\$99,740</u>
TOTAL COST				\$575,533

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Springfield Appellate Office - 1151004								
SECRETARY	0	0.00	0	0.00	57,336	2.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	31,608	1.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	300,420	5.00	0	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	86,429	1.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	475,793	9.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	19,200	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	5,400	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	6,390	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	7,500	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	61,250	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	99,740	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$575,533	9.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$575,533	9.00		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: 6 OF 8

Department: Office of the State Public Defender Budget Unit 15111C
 Division: Legal Services
 DI Name: Office Space Requirements DI# '1151006 HB Section 12.400

1. AMOUNT OF REQUEST

	FY 2020 Budget Request				E
	GR	Federal	Other	Total	
PS	0	0	0	0	
EE	2,576,382	0	0	2,576,382	
PSD	0	0	0	0	
TRF	0	0	0	0	
Total	2,576,382	0	0	2,576,382	
FTE	0.00	0.00	0.00	0.00	

	FY 2020 Governor's Recommendation				E
	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.

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:

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 checked="" type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

NEW DECISION ITEM

RANK: 6 OF 8

Department: Office of the State Public Defender	Budget Unit 15111C
Division: Legal Services	
DI Name: Office Space Requirements DI# '1151006	HB Section 12.400

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.

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

"The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, 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 therefore, all other expenses and costs of the state public defender system authorized under this chapter."

Not only do some county governments object to and resent being required to pay for office space for a Department of State Government, but TAFP SS for SCS for HCS for HB 215 requires that by December 31, 2018 the Public Defender district office representation boundaries coincide with existing Judicial Circuits boundaries. This effort could result in the cancellation/consolidation of existing leases held by the counties currently being provided representation from an existing office. This task is nearly impossible because MSPD is not in control of the county budgets or in control of the leases the counties have previously signed. If the responsibility for Public Defender office space rested with the Public Defenders (MSPD), then we could move toward meeting this newly imposed statutory requirement.

HISTORY OF CHALLENGES

When the Missouri State Public Defender System was first established and RSMo. 600.040.1 was first enacted, public defender services in most rural areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities. In reality though, the State did pay through the established contract rate.

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however, the interceptions and threat of interceptions have put great strain on state-county relations. MSPD tried to invoke this at one point in the past, but was asked by the then gubernatorial administration to forego the remedy because of the hostility being caused between the state and the counties as a result of the intercept.

NEW DECISION ITEM

RANK: 6 OF 8

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Office Space Requirements</u> DI# <u>'1151006</u>	HB Section <u>12.400</u>

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, RSMo. 600.101, was added which allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee. This year, the Missouri State Public Defender System and the counties of Public Defender Area 36, Butler, Carter, Ripley and Wayne found it necessary to take a dispute to this commission.

Today, some county governments provide public defender office space in county courthouses or other county owned facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate privately owned space.

Disputes have not only concerned whether or not office space will be provided at all, they have included where and what space will be provided. Either because of economic necessity or in passive resistance to their obligation, some counties house the Public Defender in inadequate facilities. Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, cramped quarters, and black mold to name a few.

Some counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. Most of our offices serve multiple counties. It is a logistical nightmare to get multiple commissioners in multiple counties to sign off on every change to a lease involving one of our offices (including no less than 33 commissioners in our Chillicothe office, which covers 11 counties!) A number of counties refuse to provide or pay for additional space to accommodate growing defender staff, a problem that will multiply if additional staffing is forthcoming in this legislative session. While MSPD has not recently received significant additional staffing, we do move positions among offices based upon growing / dropping caseload.

SOME OF THE CHALLENGES CURRENTLY BEING FACED ARE:

- Attorneys doubled up in offices, making a confidential client meeting impossible;
- Attorneys setting up an office in the telephone /computer server closet, as well as taking over all public space in the office – break room, conference room, library – so that these generally standard areas in a law office are no longer available anywhere within in the office;
- Having to install locks on all filing cabinets and moving them into a public hallway to free up space for staff to squeeze in another desk;
- Receiving an eviction notice because six counties refused to pay, between them, a total increase of \$48.67 per month imposed by the landlord. To prevent the eviction, MSPD agreed to pay the difference. This office has now been relocated and the counties are paying their pro-rata shares.
- Counties fighting with MSPD and among themselves when more than one county covered by an office has available 'free' county space and doesn't want to contribute cash to another county instead. These disputes have escalated to lawsuits between counties on at least once.

NEW DECISION ITEM

RANK: 6 **OF** 8

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Office Space Requirements</u> DI# <u>'1151006</u>	HB Section <u>12.400</u>

- The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.
- Some counties providing space that is in very poor shape and unfit for a law office. We have been placed in office space where the ceiling tiles were crumbling onto the attorneys' desks, in offices with severe mold conditions, asbestos, cockroaches, termite and spider infestations. Such unsuitable and difficult working conditions undoubtedly contribute to our turnover, as well as to reduced productivity, yet MSPD's hands are tied.

The State Public Defender is not seeking fancy, luxurious offices. Its interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed or where needed as caseload varies from year to year.

Local public defender office space varies greatly from office to office, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have completely inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the Public Defender administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its beginnings and the original intent of RSMo. 600.040.1.

The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.

NEW DECISION ITEM

RANK: 6 OF 8

Department: Office of the State Public Defender Budget Unit 15111C
 Division: Legal Services
 DI Name: Office Space Requirements DI# '1151006 HB Section 12.400

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.)

See Chart on the Following Page

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	E
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0	
Rent/680	2,308,036						2,308,036			
Fuel & Utilities/ 180	82,800						82,800			
Housekeeping & Janitor Services	185,546						185,546			
Total EE	2,576,382		0		0		2,576,382		0	
Program Distributions							0			
Total PSD	0		0		0		0		0	
Transfers										
Total TRF	0		0		0		0		0	
Grand Total	2,576,382	0.0	0	0.0	0	0.0	2,576,382	0.0	0	

Cost of Renting Office Space for All Local Public Defender Offices
Revised September 4, 2018

PS = Privately Owned Space - CO = County Owned Space - SW = Statewide Office

Office		Est. Sq. Ft	Total Rent	Estimated Utilities	Janitor/Trash	Total Cost	Comment	
Kirksville	PS	2,060	\$18,000	Inclusive	\$1,800	\$19,800	Counties Lease - Expires 05/31/2020	
Maryville	PS	2,060	\$12,301	Inclusive	\$1,800	\$14,101	Counties Lease - Expires 07/31/2020	
St. Joseph	PS	5,400	\$39,600	Inclusive	County	\$39,600	County Lease - Expires 06/15/2020	
Liberty	CO	6,500	\$117,000		County	\$117,000	In County Owned Space (\$18.00 per sq ft)	
Hannibal	PS	2,625	\$30,284	Inclusive	\$2,700	\$32,984	Counties Lease - Expires 12/31/2018	
St. Charles	CO	4,040	\$72,720		County	\$72,720	In Courthouse (\$18 per sq ft)	
Fulton	CO	3,500	\$49,000		\$3,000	\$52,000	In County Owned Space (\$14 per sq ft)	
Columbia	CO	6,085	\$109,530		\$7,800	\$117,330	In County Owned Space (\$18 Per sq ft)	
Moberly	PS	2,900	\$30,000	Inclusive	\$1,800	\$31,800	Counties Lease - Expired 12/31/2017	
Sedalia	PS	3,675	\$25,800	Inclusive	\$5,040	\$30,840	Counties Lease - Expires 11/30/2025	
Kansas City	PS	18,185	\$204,581	Inclusive	Inclusive	\$204,581	County Lease - Lease Expires 07/31/2019	
Harrisonville	PS	4,500	\$66,915		\$3,600	\$70,515	Counties Lease - Expired 08/31/2017	
Jefferson City	CO	4,200	\$63,000		County	\$63,000	In County Owned Space (\$15 per sq ft)	
Union	CO	3,225	\$45,150	Inclusive	\$1,920	\$47,070	In County Owned Space (\$14 per sq ft)	
St. Louis County	CO	9,000	\$189,000	Inclusive	County	\$189,000	In Courthouse (\$21 per sq ft)	
St. Louis City	CO	13,000	\$273,000	Inclusive	\$25,000	\$298,000	In Carnahan Courthouse (\$21 per sq ft)	
Hillsboro	PS	2,800	\$35,400	\$0	County	\$35,400	County Lease - Lease Expires 07/31/2020	
Farmington	CO	5,000	\$70,000		\$6,750	\$76,750	In County Owned Space (\$14 per sq ft)	
Rolla	PS	7,084	\$36,000		\$5,400	\$41,400	Counties Lease - Expired 01/31/2018	
Lebanon	PS	4,100	\$28,800	\$7,200	\$2,880	\$38,880	Counties Lease - Expires 12/31/2018	
Nevada	PS	3,000	\$24,300	Inclusive	\$2,000	\$26,300	Counties Lease - Expires 12/31/2021	
Carthage	CO	7,000	\$105,000		County	\$105,000	In County Owned Space -Inadequate (\$15 sq ft)	
Bolivar	PS	3,500	\$18,600	\$4,650	\$3,600	\$26,850	Counties Lease-Expired 06/30/2018	
Springfield	PS	8,728	\$129,528	Inclusive	\$9,000	\$138,528	Counties Lease - Expires 06/30/2019	
Jackson	CO	6,000	\$90,000		\$3,600	\$93,600	In County Owned Space (\$15 per sq ft)	
Portageville	PS	3,500	\$16,800	Inclusive	\$1,800	\$18,600	Counties Lease - Expires 07/31/2023	
Kennett	CO	4,000	\$56,000	\$14,000	\$1,800	\$71,800	In County Rented Space - Unknown amount (\$14 sq ft)	
Poplar Bluff	PS	5,500	\$24,750	\$12,000	\$6,000	\$42,750	Counties Lease - Expires 12/31/2026	
West Plains	PS	3,500	\$49,000	Inclusive	\$1,800	\$50,800	Counties Lease - Expired - 12/31/16	
Monett	PS	4,600	\$16,800	\$4,200	\$2,400	\$23,400	Counties Lease - Expires 09/30/19	
Chillicothe	PS	4,500	\$30,000	Inclusive	\$2,400	\$32,400	Counties Lease - Expired 12/31/2017	
Ava	PS	4,560	\$20,737		\$4,500	\$25,237	Counties Lease - Expired 05/31/2015	
Troy	CO	3,500	\$52,500	\$7,500	County	\$60,000	In County Owned Space (\$15 per sq ft)	
JC Director's Office	SW	1,076	\$20,340	\$3,250	\$0	\$23,590	State Public Defender Pays - Expired 04/30/2018	
Columbia Defenderplex	SW	22,450	\$335,000	\$30,000	\$16,656	\$381,656	State Public Defender Pays - Expires 05/31/2022	
St. Louis Defenderplex	SW	15,959	\$299,758	Inclusive	Inclusive	\$299,758	State Public Defender Pays - Expires 07/31/2026	
KC Defenderplex	SW	10,858	\$179,375	Inclusive	Inclusive	\$179,375	State Public Defender Pays - Expires 10/31/2026	
		222,170	\$2,984,569	\$82,800	\$125,046	\$3,192,415		
		Less: Current Agency Payments					-\$676,533	
		Plus Janitor/Trash where County is Now Paying					\$60,500	
		Total Implementation Costs					\$2,576,382	

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Office Space Requirements - 1151005								
FUEL & UTILITIES	0	0.00	0	0.00	82,800	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	0	0.00	0	0.00	185,546	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	2,308,036	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	2,576,382	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$2,576,382	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$2,576,382	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

NEW DECISION ITEM

RANK: 7 OF 8

Department: Office of the State Public Defender Budget Unit 15111C
 Division: Legal Services
 DI Name: Constitutionally Mandated Representation - DI# 1151007 HB Section 12.400

1. AMOUNT OF REQUEST

	FY 2020 Budget Request				E
	GR	Federal	Other	Total	
PS	20,116,404	0	0	20,116,404	
EE	3,467,855	0	0	3,467,855	
PSD	0	0	0	0	
TRF	0	0	0	0	
Total	23,584,259	0	0	23,584,259	
FTE	385.00	0.00	0.00	0.00	

	FY 2020 Governor's Recommendation				E
	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	10,985,088	0	0	10,985,088
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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:

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: <u>Constitutionally Mandated Representation</u>	

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.

As stated in the program description, the issue of Missouri Public Defender's workload has been the subject of many different studies. Through budget requests, the media and eventually law suits, the Missouri State Public Defender (MSPD) has warned that the rights of poor Missourians are being violated throughout the state because MSPD's resources are too few and the caseloads too high. These claims were confirmed for both juveniles and adults.

NEW DECISION ITEM

RANK: 7 **OF** 8

Department: Office of the State Public Defender **Budget Unit** 15111C
Division: Legal Services
DI Name: Constitutionally Mandated Representation - DI# 1151007 **HB Section** 12.400

In the Spring of 2013, the National Juvenile Defender Center (NJDC) released a report that declared Missouri's indigent defense system to be "in crisis" after having "endured two decades of crushing caseloads and inadequate resources to provide its mandated services." A year later, following yet another failed attempt to acquire more resources, the American Bar Association (ABA) released the results of a commissioned report using a nationally renowned accounting firm, RubinBrown, which assessed MSPD's workload data in order to draw unbiased conclusions.

To facilitate this review, MSPD became the first public defender system in the country to require its attorneys to track time in five minute increments. Applying the Delphi methodology, a proven business-analysis model, the ABA Report, "The Missouri Project", found that MSPD did not have nearly enough resources to meet its obligations and that a significant number of additional attorneys were needed.

When these case weights (shown to the right) are applied to MSPD's 2018 caseload, the number of staff MSPD would need to meet its caseload is 306 additional attorneys (see case weight metrics to the right). 289 attorneys are requested in this Constitutionally Mandated Representation decision item. 11 attorneys are requested in the Juvenile Advocacy decision item and 6 are requested in the Springfield Appellate Office decision item.

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 DECISION ITEM

RANK: 7 OF 8

Department: Office of the State Public Defender Budget Unit 15111C
Division: Legal Services
DI Name: Constitutionally Mandated Representation - DI# 1151007 HB Section 12.400

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.)

Attorney Staff Needed to Handle Remaining Caseload: Removing all conflict cases helped to reduce the public defender case overload, but it does not eliminate it. Assuming a consistent caseload, MSPD would still be 306 lawyers short of the number of attorneys needed according to the ABA report. This number is determined by applying RubinBrown’s average case weights to the number of cases for each case type assigned for Fiscal Year 2018. The number was calculated after conflicts have all been eliminated and contracted to private attorneys. Attorney travel time and court time were added to the RubinBrown metrics calculations, resulting in 1,384,928 attorney hours required. Assuming 2,080 available attorney hours each year—664.5 attorneys would be required to provide effective, constitutional representation. The current number of Trial and Appellate Division attorneys is 359.50. There are 10 attorneys requested in a separate Juvenile Advocacy decision item and 6 attorneys requested in a separate Springfield Appellate decision item; leaving 289 attorneys to be requested in this decision item.

Support Staff: Every law practice management expert will affirm that lawyer time needs to be leveraged by utilizing support staff for everything that can be done by a non-lawyer. This allows the lawyer to focus on tasks that only a lawyer can do. Therefore, MSPD is requesting 1 legal assistant for every 3 attorneys; that would mean 96 legal assistants in order to meet that ratio.

Attorneys and support staff would be allocated to the most over-worked offices based on several factors including but not limited to: the RubinBrown caseload weights, problematic counties to practice in, difficult prosecutors to negotiate with, office space available, etc.

The calculations for the Trial Division office only include the juvenile cases where the public defender system is currently providing juvenile representation. Some local public defender offices do not provide representation for juveniles and in those instances many counties are contracting with private attorneys to do so. A separate decision item is included in MSPD’s FY2020 Legislative Budget Request to set up juvenile advocacy offices in St. Louis Area and in Kansas City.

NEW DECISION ITEM

RANK: 7 OF 8

Department: Office of the State Public Defender Budget Unit 15111C
 Division: Legal Services
 DI Name: Constitutionally Mandated Representation - DI# 1151007 HB Section 12.400

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 One-Time DOLLARS	E
	GR DOLLARS	GR FTE	FED DOLLARS	FED FTE	OTHER DOLLARS	OTHER FTE	TOTAL DOLLARS	TOTAL FTE				
							0					
C00200 Secretary	2,752,128	96.0					2,752,128					
C00400 Assistant Public Defender	17,364,276	289.0					17,364,276					
							0		0.0			
Total PS	20,116,404	385.0	0	0.0	0	0.0	20,116,404		0.0		0	
							0					
Travel / 140	1,011,000						1,011,000					
Supplies / 190	161,300						161,300					
Rent / 680	731,500						731,500					
Phones & Network Costs / 340	462,000						462,000					
Office Equipment/580	520,285						520,285					
Other Equipment/590	129,395						129,395					
Computer Equipment//480	452,375						452,375					
							0					
Total EE	3,467,855		0			0	3,467,855				0	
Program Distributions							0					
Total PSD	0		0			0	0				0	
Transfers												
Total TRF	0		0			0	0				0	
Grand Total	23,584,259	385.0	0	0.0	0	0.0	23,584,259		0.0		0	

**Fiscal Year 2018 ASSIGNED CASES -
Trial & Appellate Division Caseload, Adjusted for Withdrawals, and Office Conflicts
MSPD to Retain All Cases That Are Not Conflicts
Does Not include Capital or CDU**

Type Code	Case Type	Trial & Appellate Division Cases Entered	Trial & Appellate Division Cases Wait List	Adjusted for FY18 Withdrawn	1st Level Conflicts 41's, - Sending Office	1st Level Conflicts 41's, - Receiving Office	Conflicts Assigned to Private Counsel 42's	Conflicts Assigned to Private Counsel 49's	Trial & Appellate Adjusted Caseload NO CONFLICTS	RubinBrown Hours Required for Case Type	FY18 Required Hours
15	Murder 1st Degree	134		(30)	(2)	(2)	(4)	(37)	59	106.60	6,289
20	Other Homicide	155	2	(22)	(3)	(3)	(1)	(28)	100	106.60	10,660
30D	AB Felony Drug	595	20	(88)	(10)	(10)	(36)	(141)	330	47.60	15,708
30F	AB Felony Other	3,278	71	(431)	(21)	(21)	(75)	(542)	2,259	47.60	107,528
30X	AB Felony Sex	567	9	(73)	(4)	(4)	(7)	(47)	441	63.80	28,136
35D	CDE Felony Drug	11,643	640	(926)	(84)	(84)	(291)	(1,837)	9,061	25.00	226,525
35F	CDE Felony Other	19,496	844	(1,539)	(120)	(120)	(295)	(2,445)	15,821	25.00	395,525
35X	CDE Felony Sex	273	3	(31)	(2)	(2)	(3)	(23)	215	63.80	13,717
45M	Misdemeanor	9,162	526	(579)	(48)	(48)	(89)	(861)	8,063	11.70	94,337
45T	Misdemeanor - Traffic	1,588	91	(140)	(7)	(7)	(9)	(98)	1,418	11.70	16,591
50N	Juvenile - Non Violent	500	10	(66)	(1)	(1)	(5)	(58)	379	19.50	7,391
50S	Juvenile - Status	83	3	(34)				(3)	49	19.50	956
50V	Juvenile - Violent	382	12	(46)	(1)	(1)	(5)	(40)	301	19.50	5,870
60	552 Release Petitions	4	2	(6)				(679)	-679	0.00	0
65F	Probation Violation - Felony	12,976	210	(815)	(55)	(55)	(111)	(113)	12,037	9.80	117,963
65M	Probation Violation - Misd	2,483	58	(126)	(8)	(8)	(23)		2,376	9.80	23,285
75	Special Writ	36		(6)					30	0.00	0
110F	Direct Appeals - Felony	331		(12)	(5)	(5)	(3)		306	96.50	29,529
110S	Direct Appeal - Misdemeanor	24		(1)	(1)	(1)			21	96.50	2,027
124A	Rule 24.035 Appeal	214		(1)					213	96.50	20,555
124M	Rule 24.035 Motion	633		(22)	(9)	(9)	(2)		591	96.50	57,032
129A	Rule 29.15 Appeal	189		(2)	(1)	(1)			185	96.50	17,853
129M	Rule 29.15 Motion	248		(19)	(8)	(8)	(2)		211	96.50	20,362
Other	Other	94	7	(15)	(1)	(1)		(5)	79	0.00	0
	Totals	65,088	2,508	(5,030)	(391)	(391)	(961)	(6,957)	53,866	Case Hours	1,217,835

**2018 Attorney Calculation
Trial and Appellate Division - Case Standards
Assuming All Conflicts to Private Counsel**

Attorney Travel Time Per Year - Estimated from FY2016 Expense Reports	34,538.41
Attorney In Court Time - Estimated from FY2016 Time Log Data	129,636.33
Case Hours Required Per ABA/RubinBrown Study - January 2014	<u>1,217,834.70</u>
Total Attorney Hours Required Per Year	1,382,009.44
Attorney Hours Available Per Year	2,080.00
Number of Attorneys Required	664.43
Current Number of Trial & Appellate Division Attorneys (Authorized FTE)	<u>(359.50)</u>
Number of Attorneys Needed to meet RubinBrown Standard	304.93

**Trial and Appellate Divisions Case Standards
Assuming All Conflicts to Private Counsel
RubinBrown**

COST BREAKDOWN	TOTAL COSTS
Personal Service	
Assistant Public Defender III - Range 30 \$60,084	289.00 \$17,364,276
Legal Assistants - Range 15 \$28,668	96.00 \$2,752,128
	<u>385.00</u>
Total Personal Service	\$20,116,404
Expense & Equipment	
One-time Purchases	
Attorney Package \$2,855	289.00 \$825,095
Legal Assistant Package \$2,885	96.00 <u>\$276,960</u>
Total One-Time Purchases	\$1,102,055
On-Going Costs	
Attorneys \$6,600	289.00 \$1,907,400
Legal Assistant \$4,775	96.00 <u>\$458,400</u>
Total Personnel Related On-Going Costs	<u>\$2,365,800</u>
Total Expense and Equipment	<u>\$3,467,855</u>
Total Decision Item Request	\$23,584,259

Position Cost Detail for New FTE's

One Time Equipment Purchase

Attorneys

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

Support Staff

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

Detail for Projections

On-Going Costs - Trial & Appellate Divisions

Attorneys

Travel @ \$250 per month	\$3,000
Office	\$500
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$6,600

Legal Assistants/Investigators

Travel @ \$125 per month	\$1,500
Office	\$175
Rent	\$1,900
Phone & Network Communications	<u>\$1,200</u>
	\$4,775

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Constitutionally Mandated Repr - 1151006								
SECRETARY	0	0.00	0	0.00	2,752,128	96.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	17,364,276	289.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	20,116,404	385.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	1,011,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	161,300	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	462,000	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	452,375	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	520,285	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	129,395	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	731,500	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	3,467,855	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$23,584,259	385.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$23,584,259	385.00		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: 8 OF 8

Department: Office of the State Public Defender
 Division: Legal Services
 DI Name: Social Worker Pilot Program DI# '1151008

Budget Unit 15111C
 HB Section 12.400

1. AMOUNT OF REQUEST

	FY 2020 Budget Request				E
	GR	Federal	Other	Total	
PS	222,500	0	0	222,500	
EE	25,560	0	0	25,560	
PSD	0	0	0	0	
TRF	0	0	0	0	
Total	248,060	0	0	248,060	
FTE	5.00	0.00	0.00	0.00	

	FY 2020 Governor's Recommendation				E
	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	130,856	0	0	130,856
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input checked="" 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 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.

Missouri State Public Defender trial offices have been taxed with the responsibility of providing legal representation to indigent defendants throughout the State of Missouri. Those defendants who become MSPD clients are hampered not just by the criminal charge they are facing, but usually also by other issues such as mental illness, substance abuse, unemployment or homelessness. All of those factors play a significant role in whether the defendant remains incarcerated pretrial, whether the defendant is convicted and often whether the person becomes a MSPD client a second time.

NEW DECISION ITEM

RANK: 8 **OF** 8

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Social Worker Pilot Program</u> DI# <u>'1151008</u>	HB Section <u>12.400</u>

Mental health clients are a significant cost burden on county jails for both incarceration costs and medical treatment. Mental health clients spend longer periods of pre-trial detention on lower level felonies because they have no place to go. Placing resources in MSPD for social workers to address the needs of these clients will reduce local county jail costs and benefit public safety by connecting mentally ill clients with resources and decreasing the chances of re-offense.

The introduction of social workers into trial offices would provide MSPD with the resources to advocate for pretrial release while assuring community safety. MSPD could also locate treatment for addictions and connect clients with housing and employment opportunities. Currently those burdens are placed on the shoulders of attorneys who have no training in social work and no time to perform those social work responsibilities. The presence of a social worker in public defender representation would reduce the possibility of recidivism by addressing collateral issues that bring the client into the criminal justice system.

Social workers would assist in establishing pretrial release plans for clients. Here are a few examples of what other states are doing: (*Source: American Bar Association - State Implementation Project*)

- A case study in the Southern District of Iowa showed that pretrial release was effective both in reducing recidivism and reducing county costs for pretrial detention.
- Similarly, the placement of social workers in public defender offices in Kentucky reduced the cost of pretrial incarceration and reduced the rate of recidivism. The social workers were able to work with the defendants regarding drug and alcohol counseling and provide the defendants with enhanced support that could not be provided otherwise.
- In Connecticut social workers are available to work on all cases. The social workers advocate, educate, assess, plan and assist the clients. They are trained to identify issues of competence to stand trial, suicidal ideation, mental illness and substance abuse. They work on a micro level to effect outcome of client's lives, providing services as basic as making certain clients have clothes to wear when leaving jail or testifying before a judge on the invaluable human element of the defendant before the Court. All to the benefit of not only the clients, but also to the Court system and State.

NEW DECISION ITEM

RANK: 8 OF 8

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15111C</u>
Division: <u>Legal Services</u>	
DI Name: <u>Social Worker Pilot Program</u> DI# <u>'1151008</u>	HB Section <u>12.400</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.)

In addition to pretrial work social workers in public defender offices can assist the court by telling the complete story of the defendant, resulting in a sentence, if convicted, that ensures the defendant's successful re-entry into society. Social workers can prepare reports for the Court that inform the Court of the defendant's mental health, substance abuse, brain development, medical conditions, and social development. The report to the Court contains a comprehensive assessment of the defendant and a plan of action for successful rehabilitation and re-entry. The information can help suggest a sentence that allows the defendant the opportunity to remain or become a productive member of society, once again potentially decreasing the state's costs of incarceration.

NEW DECISION ITEM

RANK: 8 OF 8

Department: Office of the State Public Defender Budget Unit 15111C
 Division: Legal Services
 DI Name: Social Worker Pilot Program DI# '1151008 HB Section 12.400

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	E
	GR	GR	FED	FED	OTHER	OTHER	TOTAL	TOTAL	One-Time	
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	DOLLARS
							0			
C00350 Social Worker	222,500	5.0					222,500			
							0	0.0		
Total PS	222,500	5.0	0	0.0	0	0.0	222,500	0.0	0	
							0			
Travel / 140	15,000						15,000			
Supplies / 190	3,000						3,000			
Phones & Network Costs / 340	3,000						3,000			
Parking/680	4,560						4,560			
							0			
							0			
Total EE	25,560		0		0		25,560		0	
Program Distributions							0			
Total PSD	0		0		0		0		0	
Transfers							0			
Total TRF	0		0		0		0		0	
Grand Total	248,060	5.0	0	0.0	0	0.0	248,060	0.0	0	

**Missouri State Public Defender
Social Worker Pilot Project**

District 22 - St. Louis City	2			
District 21 - St. Louis County	1			
District 16 - Kansas City	1			
District 19 - Jefferson City	<u>1</u>			
TOTAL SOCIAL WORKERS REQUESTED	5.00			
<u>Job Titles</u>	<u>FTE</u>	<u>Salary</u>	<u>Cost</u>	
Social Worker/Mitigation Specialist	5.00	\$44,500	\$222,500	
TOTAL PERSONAL SERVICE	5.00			<u>\$222,500</u>
Travel & Parking				
\$95/ mo * 12 * 4 = Parking			\$4,560	
\$250/ mo * 12 * 5= Mileage			\$15,000	
\$50/mo * 12 * 5 = Supplies			\$3,000	
\$50/mo * 12 * 5 = Telephone & Network Costs			<u>\$3,000</u>	
TOTAL EXPENSE & EQUIPMENT				<u>\$25,560</u>
TOTAL COSTS - SOCIAL WORKER PILOT PROJECT				\$248,060

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
OFFICE OF THE DIRECTOR								
Social Worker Pilot Project - 1151007								
MITIGATION SPECIALIST	0	0.00	0	0.00	222,500	5.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	222,500	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	3,000	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	3,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	0	0.00	4,560	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	25,560	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$248,060	5.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$248,060	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

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLIC								
CORE								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	4,720,922	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
TOTAL - EE	4,720,922	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
TOTAL	4,720,922	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
GRAND TOTAL	\$4,720,922	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$0	0.00

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit 15151C
Division: Public Defender	
Core: Litigation Expenses/Conflict Cases Core Request	HB Section HB 12.400

1. CORE FINANCIAL SUMMARY

	FY 2020 Budget Request						FY 2020 Governor's Recommendation				
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	0	0	0	0	0	PS	0	0	0	0	
EE	4,721,071	0	0	4,721,071		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	4,721,071	0	0	4,721,071		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
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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:

Other Funds:

2. CORE DESCRIPTION

This appropriation was established to cover three main types of expenses.

VIOLENT CRIMES: Payment of expenses associated with the defense of violent crimes, including those charged as sexually violent predators.

LITIGATION EXPENSES: Litigation expenses costing over \$500 are paid out of the appropriation. These would include, but are not limited to, such things as independent analysis of DNA evidence, mental health evaluations by experts, depositions, interpreters, medical records, transcriptions, exhibits, immigration consultations, fingerprint experts, handwriting analysis, etc. There has been no increase in funding for litigation expense since fiscal year 1996.

CONFLICT CASES: A conflict requiring a case to be contracted out to private counsel occurs when there are multiple co-defendants charged in a particular incident. Should these co-defendants, each want to snitch on the other, an ethical problem is created and one defender office may not represent more than one co-defendant.

CORE DECISION ITEM

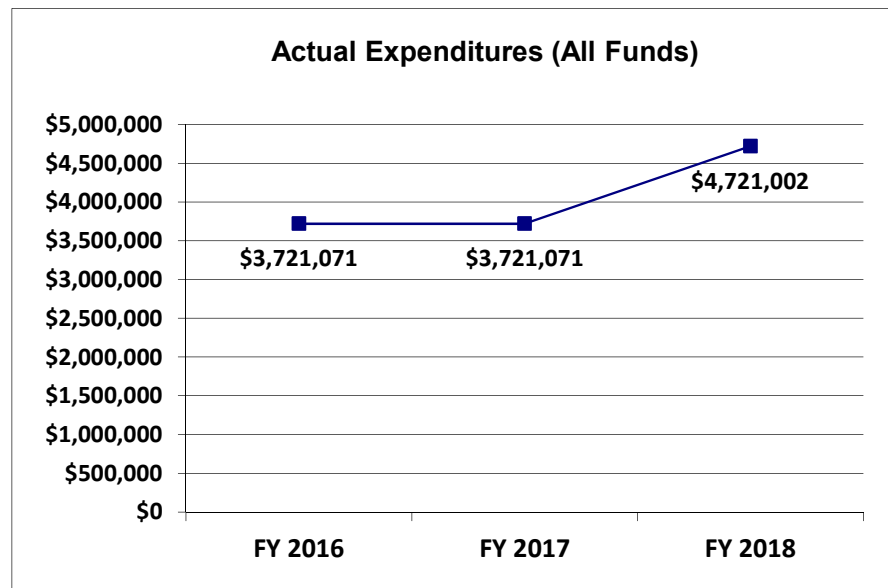
Department: Office of the State Public Defender	Budget Unit 15151C
Division: Public Defender	
Core: Litigation Expenses/Conflict Cases Core Request	HB Section HB 12.400

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 the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the state has created a right to counsel.

4. FINANCIAL HISTORY

	<u>FY 2016</u> <u>Actual</u>	<u>FY 2017</u> <u>Actual</u>	<u>FY 2018</u> <u>Actual</u>	<u>FY 2019</u> <u>Current Yr.</u>
Appropriation (All Funds)	3,721,071	3,721,071	4,721,071	0
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	3,721,071	3,721,071	4,721,071	0
Actual Expenditures (All Funds)	3,721,071	3,721,071	4,721,002	N/A
Unexpended (All Funds)	0	0	69	0
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Restricted amount is \$0.00 as of September 14, 2018

Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
EXTRAORDINARY EXPENSE/CONFLIC								
CORE								
TRAVEL, IN-STATE	264,346	0.00	275,000	0.00	265,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	52,196	0.00	50,000	0.00	55,000	0.00	0	0.00
FUEL & UTILITIES	4,442	0.00	5,500	0.00	5,000	0.00	0	0.00
SUPPLIES	23,592	0.00	25,000	0.00	25,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	0	0.00	1,500	0.00	1,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	21,385	0.00	20,000	0.00	20,000	0.00	0	0.00
PROFESSIONAL SERVICES	4,112,692	0.00	4,129,571	0.00	4,095,571	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	2,517	0.00	2,500	0.00	2,500	0.00	0	0.00
M&R SERVICES	7,433	0.00	6,000	0.00	7,000	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	1,500	0.00	1,500	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	1,500	0.00	15,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	225,003	0.00	200,000	0.00	225,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	1,408	0.00	1,500	0.00	1,500	0.00	0	0.00
MISCELLANEOUS EXPENSES	5,908	0.00	1,500	0.00	1,500	0.00	0	0.00
TOTAL - EE	4,720,922	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
GRAND TOTAL	\$4,720,922	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$0	0.00
GENERAL REVENUE	\$4,720,922	0.00	\$4,721,071	0.00	\$4,721,071	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 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	135,088	1.79	136,012	2.00	136,012	2.00	0	0.00
TOTAL - PS	135,088	1.79	136,012	2.00	136,012	2.00	0	0.00
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	1,052,739	0.00	2,600,756	0.00	2,600,756	0.00	0	0.00
TOTAL - EE	1,052,739	0.00	2,600,756	0.00	2,600,756	0.00	0	0.00
PROGRAM-SPECIFIC								
LEGAL DEFENSE AND DEFENDER	247,375	0.00	250,000	0.00	250,000	0.00	0	0.00
TOTAL - PD	247,375	0.00	250,000	0.00	250,000	0.00	0	0.00
TOTAL	1,435,202	1.79	2,986,768	2.00	2,986,768	2.00	0	0.00
Pay Plan FY19-Cost to Continue - 0000013								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	0	0.00	0	0.00	825	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	825	0.00	0	0.00
TOTAL	0	0.00	0	0.00	825	0.00	0	0.00
GRAND TOTAL	\$1,435,202	1.79	\$2,986,768	2.00	\$2,987,593	2.00	\$0	0.00

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit <u>15141C</u>
Division: Public Defender	
Core: Legal Defense & Defender Fund	HB Section <u>HB 12.400</u>

1. CORE FINANCIAL SUMMARY

	FY 2020 Budget Request						FY 2020 Governor's Recommendation				
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	0	0	136,012	136,012		PS	0	0	0	0	
EE	0	0	2,850,756	2,850,756		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	0	0	2,986,768	2,986,768		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	41,443	41,443
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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: Legal Defense and Defender Fund Other Funds:

2. CORE DESCRIPTION

As laws continue to change and turnover of Missouri State Public Defender's staff is significant, training of public defenders and their staff becomes even 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, but not limited to, training, Missouri Bar Dues, legal research, one-time equipment purchases, office moves and other critical needs.

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

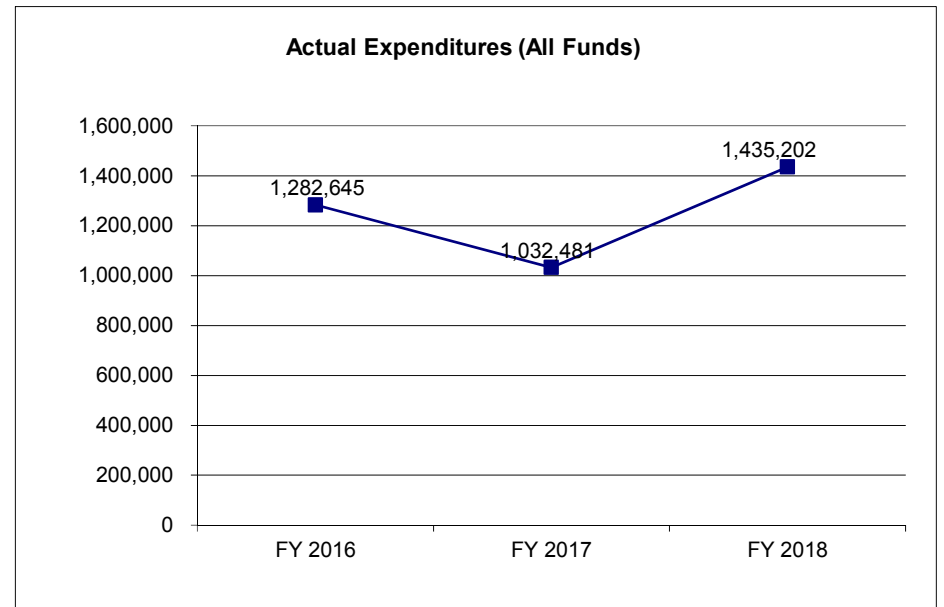
There are no separate programs within this appropriation. Dollars collected from Public Defender Clients are utilized to assist in funding the Missouri State Public Defender System.

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit 15141C
Division: Public Defender	
Core: Legal Defense & Defender Fund	HB Section HB 12.400

4. FINANCIAL HISTORY

	<u>FY 2016</u> <u>Actual</u>	<u>FY 2017</u> <u>Actual</u>	<u>FY 2018</u> <u>Actual</u>	<u>FY 2019</u> <u>Current Yr.</u>
Appropriation (All Funds)	2,983,293	2,985,943	2,985,943	2,986,768
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	2,983,293	2,985,943	2,985,943	2,986,768
Actual Expenditures (All Funds)	1,282,645	1,032,481	1,435,202	N/A
Unexpended (All Funds)	1,700,648	1,953,462	1,550,741	0
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Restricted amount is \$0 as of September 17, 2018

Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES: The Appropriation is the requested spending authority should collections of fees collected from Missouri State Public Defender Clients reach the limit.

In addition to the actual expenditures, transfer of funds occur between the Office of Administration and the Public Defender for employee fringe benefits and the Central Services Cost Allocation Plan (CSCAP). In Fiscal Year 2018, MSPD's share of the CSCAP was \$14,071.

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
CORE								
DIVISION DIRECTOR	96,911	0.96	95,460	1.00	95,460	1.00	0	0.00
PROGRAM TECHNICIAN	38,177	0.83	40,552	1.00	40,552	1.00	0	0.00
TOTAL - PS	135,088	1.79	136,012	2.00	136,012	2.00	0	0.00
TRAVEL, IN-STATE	406,556	0.00	800,000	0.00	784,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	72,427	0.00	75,000	0.00	75,000	0.00	0	0.00
SUPPLIES	19,208	0.00	35,000	0.00	35,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	60,426	0.00	185,000	0.00	185,000	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	160,000	0.00	160,000	0.00	0	0.00
PROFESSIONAL SERVICES	5,505	0.00	125,000	0.00	125,000	0.00	0	0.00
M&R SERVICES	208,092	0.00	375,000	0.00	375,000	0.00	0	0.00
COMPUTER EQUIPMENT	83,556	0.00	320,756	0.00	320,756	0.00	0	0.00
MOTORIZED EQUIPMENT	13,335	0.00	0	0.00	25,000	0.00	0	0.00
OFFICE EQUIPMENT	2,068	0.00	195,000	0.00	195,000	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	75,000	0.00	75,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	0	0.00	10,000	0.00	1,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	41,366	0.00	45,000	0.00	45,000	0.00	0	0.00
MISCELLANEOUS EXPENSES	140,200	0.00	200,000	0.00	200,000	0.00	0	0.00
TOTAL - EE	1,052,739	0.00	2,600,756	0.00	2,600,756	0.00	0	0.00
REFUNDS	247,375	0.00	250,000	0.00	250,000	0.00	0	0.00
TOTAL - PD	247,375	0.00	250,000	0.00	250,000	0.00	0	0.00
GRAND TOTAL	\$1,435,202	1.79	\$2,986,768	2.00	\$2,986,768	2.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$1,435,202	1.79	\$2,986,768	2.00	\$2,986,768	2.00		0.00

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: Office of the State Public Defender
 FUND NAME: Legal Defense & Defender Fund
 FUND NUMBER: 0670

Statutory RSMo 600.090.6
 Constitutional _____

Federal Fund
 Administratively Created
 Interest Deposited To Fund

Subject To Biennial Sweep
 Subject to Other Sweeps (see Notes)

	FY 2018 ADJUSTED APPROP	FY 2018 ACTUAL SPENDING	FY 2019 ADJUSTED APPROP	FY 2020 REQUESTED	FY 2020 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	466,825	466,825	673,039	450,000	450,000
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	514,512	514,512	350,000	3,520,000	0
TRANSFERS IN	1,200,000	1,200,000	1,700,000	1,700,000	0
TOTAL RECEIPTS	<u>1,714,512</u>	<u>1,714,512</u>	<u>2,050,000</u>	<u>5,220,000</u>	<u>0</u>
TOTAL RESOURCES AVAILABLE	2,181,337	2,181,337	2,723,039	5,670,000	450,000
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	2,985,943	1,435,202	2,986,768	2,987,593	0
TRANSFER APPROPS	0	73,096	74,300	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	(788,029)	0	0
TOTAL APPROPRIATIONS	<u>2,985,943</u>	<u>1,508,298</u>	<u>2,273,039</u>	<u>2,987,593</u>	<u>0</u>
BUDGET BALANCE	(804,606)	673,039	450,000	2,682,407	450,000
UNEXPENDED APPROPRIATION *	1,477,645	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	<u>673,039</u>	<u>673,039</u>	<u>450,000</u>	<u>2,682,407</u>	<u>450,000</u>
FUND OBLIGATIONS					
ENDING CASH BALANCE	673,039	673,039	450,000	2,682,407	450,000
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	<u>673,039</u>	<u>673,039</u>	<u>450,000</u>	<u>2,682,407</u>	<u>450,000</u>

NEW DECISION ITEM

RANK: 2 OF _____

Department: Office of the State Public Defender	Budget Unit: 15141C
Division: Legal Services	
DI Name: CTC FY2019 Pay Plan DI# '000013	HB Section: 12.400

1. AMOUNT OF REQUEST

	FY 2020 Budget Request				E
	GR	Federal	Other	Total	
PS		0	825	825	
EE	0	0	0	0	
PSD	0	0	0	0	
TRF	0	0	0	0	
Total	0	0	825	825	
FTE	0.00	0.00	0.00	0.00	

	FY 2020 Governor's Recommendation				E
	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	251	251
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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:

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 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 2019 budget includes appropriation authority for a \$700 pay increase for employees making under \$70,000 and a 1% pay increase for employees making over \$70,000 beginning January 1, 2019. The remaining six months were unfunded, but the stated intent of the legislature was to provide the funding in FY 2020.

NEW DECISION ITEM

RANK: 2 OF _____

Department: <u>Office of the State Public Defender</u>	Budget Unit <u>15141C</u>
Division: <u>Legal Services</u>	
DI Name: <u>CTC FY2019 Pay Plan</u> <u>DI# '000013</u>	HB Section <u>12.400</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.)

The appropriated amount for the Fiscal Year 2019 pay plan was based on a \$700 pay increase for employees making under \$70,000 and a 1% pay increase for employees making over \$70,000 beginning January 1, 2019. The Fiscal Year 2020 requested amount is equivalent to the remaining six months 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	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	E
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	
C00550 Division Director					475		475			
C00560 Program Technician					350		350			
							0	0.0		
Total PS	0	0.0	0	0.0	825	0.0	825	0.0	0	
Grand Total	0	0.0	0	0.0	825	0.0	825	0.0	0	

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
LEGAL DEFENSE & DEFENDER FUND								
Pay Plan FY19-Cost to Continue - 0000013								
DIVISION DIRECTOR	0	0.00	0	0.00	475	0.00	0	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	350	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	825	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$825	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	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	\$825	0.00		0.00

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
FUND TRANSFERS								
DEBT OFFSET ESCROW	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL - TRF	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
Debt Offset Transfer Authority - 1151003								
FUND TRANSFERS								
DEBT OFFSET ESCROW	0	0.00	0	0.00	500,000	0.00	0	0.00
TOTAL - TRF	0	0.00	0	0.00	500,000	0.00	0	0.00
TOTAL	0	0.00	0	0.00	500,000	0.00	0	0.00
GRAND TOTAL	\$1,200,000	0.00	\$1,200,000	0.00	\$1,700,000	0.00	\$0	0.00

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit 1512005
Division: Public Defender	
Core: Debt Offset Escrow Fund	HB Section HB 12.400

1. CORE FINANCIAL SUMMARY

	FY 2020 Budget Request						FY 2020 Governor's Recommendation				
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	0	0	0	0		PS	0	0	0	0	
EE	0	0	0	0		EE	0	0	0	0	
PSD	0	0	0	0		PSD	0	0	0	0	
TRF	0	0	1,200,000	1,200,000		TRF	0	0	0	0	
Total	0	0	1,200,000	1,200,000		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
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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

Beginning in FY1995, each department/agency participating the Department of Revenue's Debt Offset Program, was required to establish an appropriation to receive money intercepted from individual Missouri State Income Tax Refunds by the Department of Revenue on behalf of the department/agency.

The Department of Revenue has also set up an intercept program for persons receiving Lottery winnings, in which the State Public Defender participates.

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

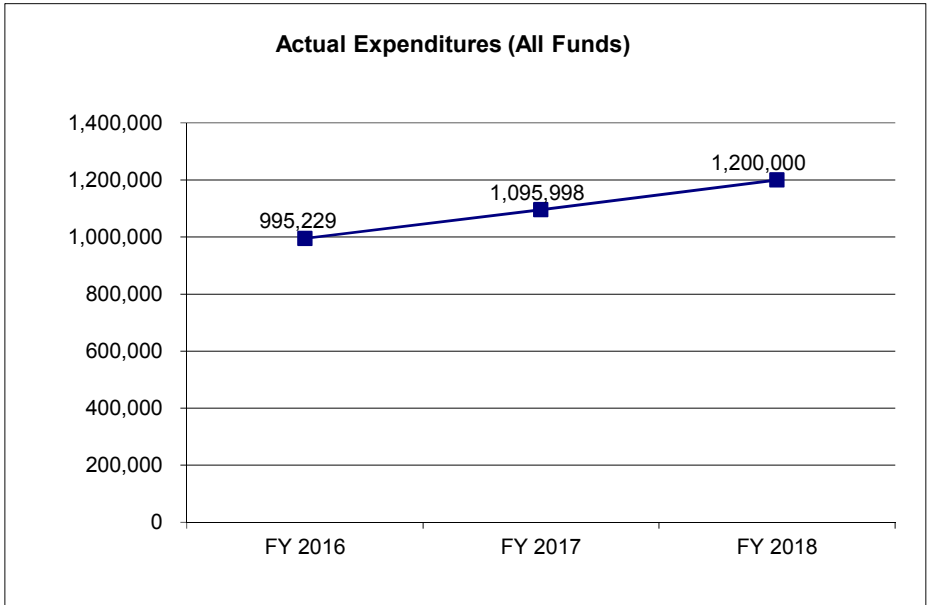
In Fiscal Year 2017, the Missouri State Public Defender intercepted \$1,059,487.53 of Missouri State Income Tax refunds and \$95,201.99 of Lottery winnings from past Public Defender clients who have/had outstanding debts to the State Public Defender.

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit 1512005
Division: Public Defender	
Core: Debt Offset Escrow Fund	HB Section HB 12.400

4. FINANCIAL HISTORY

	<u>FY 2016</u> <u>Actual</u>	<u>FY 2017</u> <u>Actual</u>	<u>FY 2018</u> <u>Actual</u>	<u>FY 2019</u> <u>Current Yr.</u>
Appropriation (All Funds)	1,200,000	1,200,000	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)	1,200,000	1,200,000	1,200,000	1,200,000
Actual Expenditures (All Funds)	995,229	1,095,998	1,200,000	N/A
Unexpended (All Funds)	204,771	104,002	0	0
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Restricted amount is as of ____

Reverted includes the statutory three-percent reserve amount (when applicable).

Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
CORE								
TRANSFERS OUT	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
TOTAL - TRF	1,200,000	0.00	1,200,000	0.00	1,200,000	0.00	0	0.00
GRAND TOTAL	\$1,200,000	0.00	\$1,200,000	0.00	\$1,200,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$1,200,000	0.00	\$1,200,000	0.00	\$1,200,000	0.00		0.00

NEW DECISION ITEM

RANK: 4 OF 8

Department: Office of the State Public Defender Budget Unit 1512005
 Division: Public Defender
 DI Name: Increase in Transfer Authority DI# 1151004 HB Section HB 12.400

1. AMOUNT OF REQUEST

	FY 2020 Budget Request				E
	GR	Federal	Other	Total	
PS	0	0	0	0	
EE	0	0	0	0	
PSD	0	0	0	0	
TRF	0	0	500,000	0	
Total	0	0	500,000	0	

FTE 0.00 0.00 0.00 0.00

<i>Est. Fringe</i>	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: Legal Defense & Defender Fund - Transfer Authority

	FY 2020 Governor's Recommendation				E
	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

<i>Est. Fringe</i>	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: <u>Increase in the Transfer Authority Amount</u> | |

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.

Increase in Transfer Authority for the Debt Offset Transfer Appropriation **\$500,000**

When Public Defender fees are intercepted from prior client's Missouri State Tax refunds, the Department of Revenue places the intercepted dollars in temporary escrow fund. MSPD's FY19 appropriation (spending authority) from this fund is currently set at \$1,200,000. As the intercepts exceeded the appropriation limit in FY18 by approximately \$250,000, that \$250,000 was transferred at the beginning of FY2019. This transfer at the beginning of FY19, will cause the FY19 appropriation to be insufficient. If the collection of fees remains constant from FY18 to FY19, the insufficiency will be doubled.

The statutory authority for setting off debts owed to the State of Missouri against tax refunds is RSMo.143.786

NEW DECISION ITEM

RANK: 4 OF 8

Department: Office of the State Public Defender Budget Unit 1512005
 Division: Public Defender
 DI Name: Increase in Transfer Authority DI# 1151004 HB Section HB 12.400

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.)

As the intercepts exceeded the appropriation limit in FY18 by approximately \$250,000, that \$250,000 was transferred at the beginning of FY2019. This transfer at the beginning of FY19, will cause the FY19 appropriation to be insufficient. If the collection of fees remains constant from FY18 to FY19, the insufficiency will be doubled.

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	Dept Req
	GR	GR	FED	FED	OTHER	OTHER	TOTAL	TOTAL	One-Time	E
	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	
							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>	
							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					500,000					
Total TRF	<u>0</u>		<u>0</u>		<u>500,000</u>		<u>0</u>		<u>0</u>	
Grand Total	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>500,000</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>0</u>	

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
DEBT OFFSET ESCROW FUND								
Debt Offset Transfer Authority - 1151003								
TRANSFERS OUT	0	0.00	0	0.00	500,000	0.00	0	0.00
TOTAL - TRF	0	0.00	0	0.00	500,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$500,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	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	\$500,000	0.00		0.00

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
PROGRAM-SPECIFIC								
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit 1512005
Division: Public Defender	
Core: Federal and Other Funds	HB Section HB 12.400

1. CORE FINANCIAL SUMMARY

	FY 2020 Budget Request						FY 2020 Governor's Recommendation				
	GR	Federal	Other	Total	E		GR	Federal	Other	Total	E
PS	0	0	0	0		PS	0	0	0	0	
EE	0	0	0	0		EE	0	0	0	0	
PSD	0	0	125,000	125,000		PSD	0	0	0	0	
TRF	0	0	0	0		TRF	0	0	0	0	
Total	0	0	125,000	125,000		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
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

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:

Other Funds:

2. CORE DESCRIPTION

Appropriation is requested to have spending authority should Federal or other funds become available during Fiscal Year 2019 to assist in funding the State Public Defender System.

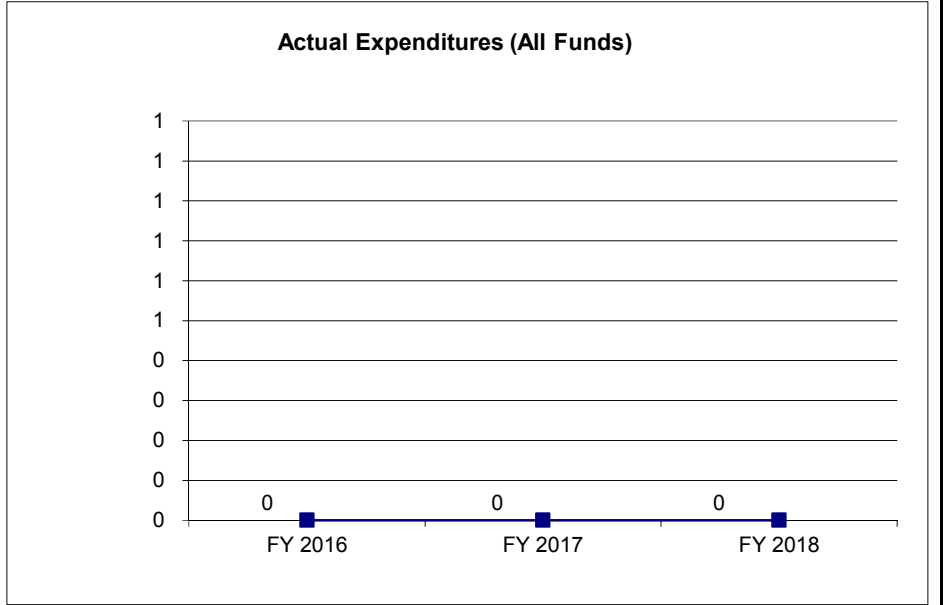
3. PROGRAM LISTING (list programs included in this core funding)

CORE DECISION ITEM

Department: Office of the State Public Defender	Budget Unit <u>1512005</u>
Division: Public Defender	
Core: Federal and Other Funds	HB Section <u>HB 12.400</u>

4. FINANCIAL HISTORY

	FY 2016 Actual	FY 2017 Actual	FY 2018 Actual	FY 2019 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	N/A
Unexpended (All Funds)	125,000	125,000	125,000	0
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Restricted amount is \$0 as of September 17, 2018

Reverted includes the statutory three-percent reserve amount (when applicable).
 Restricted includes any Governor's Expenditure Restrictions which remained at the end of the fiscal year (when applicable).

NOTES:

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2018	FY 2018	FY 2019	FY 2019	FY 2020	FY 2020	*****	*****
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
PROGRAM DISTRIBUTIONS	0	0.00	125,000	0.00	125,000	0.00	0	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$125,000	0.00	\$125,000	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	SUPPL DEPT	SUPPL DEPT	*****	*****	*****	*****	SUPPL	SUPPL
Budget Object Summary	REQUEST	REQUEST	SECURED	SECURED	SECURED	SECURED	MONTHS FOR	POSITION
Fund	DOLLAR	FTE	COLUMN	COLUMN	COLUMN	COLUMN		
OFFICE OF THE DIRECTOR								
Juvenile Advocacy Supplemental - 2151001								
PERSONAL SERVICES								
GENERAL REVENUE	144,265	2.50	0	0.00	0	0.00	15	11.00
TOTAL - PS	144,265	2.50	0	0.00	0	0.00	15	11.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	25,428	0.00	0	0.00	0	0.00	0	0.00
TOTAL - EE	25,428	0.00	0	0.00	0	0.00	0	0.00
TOTAL	169,693	2.50	0	0.00	0	0.00	15	11.00
GRAND TOTAL	\$169,693	2.50	\$0	0.00	\$0	0.00	\$15	11.00

SUPPLEMENTAL NEW DECISION ITEM

Enter Department Name: Office of the State Public Defender
 Enter Division Name: State Public Defender
 Enter DI Name: Juvenile Advocacy Office - Supplemental Request

House Bill Section HB 12.400

Original FY 2019 House Bill Section, if applicable Vetoed

1. AMOUNT OF REQUEST

	FY 2019 Supplemental Budget Request				E
	GR	Federal	Other	Total	
PS	144,265	0	0	144,265	
EE	25,428	0	0	25,428	
PSD	0	0	0	0	
TRF	0	0	0	0	
Total	169,693	0	0	169,693	

FTE 11.00 0.00 0.00 2.75
 POSITIONS 11 0 0 0
 NUMBER OF MONTHS POSITIONS ARE NEEDED: 3

Est. Fringe 182,690 0 0 78,641

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

Other Funds:

	FY 2019 Supplemental Governor's Recommendation				E
	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
 POSITIONS 0 0 0 0
 NUMBER OF MONTHS POSITIONS ARE NEEDED: 0

Est. Fringe 0 0 0 0

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

Other Funds:

2. WHY IS THIS SUPPLEMENTAL FUNDING NEEDED? 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 system of juvenile indigent defense representation. The report was 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. (- Continued on Next Page)

SUPPLEMENTAL NEW DECISION ITEM

Enter Department Name: Office of the State Public Defender

House Bill Section HB 12.400

Enter Division Name: State Public Defender

Enter DI Name: Juvenile Advocacy Office - Supplemental Request

Original FY 2019 House Bill Section, if applicable Vetoed

The study concluded that “Missouri’s indigent defense system is in crisis and has endured at least two decades of crushing caseloads and inadequate resources to provide its mandated services,” and little to no attention has been paid to what this crisis has meant to poor children accused of a criminal offense. Specifically, it 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 released *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....”

Further, the NJDC assessment emphasized that "the defense lawyer plays a critical role for youth in delinquency court by protecting clients from unfairness, promoting accuracy in decision making, providing alternatives for decision makers, and monitoring institutional treatment, after care and reentry. Throughout the entire court process the juvenile defender is the individual responsible for bringing the child’s perspective and interests before the court." Not only is the defense lawyer the child's voice, in order to adequately represent a child, they need to be knowledgeable in other areas including adolescent brain development, education law, childhood mental illnesses, trauma, and cognitive limitations, age-appropriate treatments and disposition options, and juvenile court practice and procedure. Specialization is critical when representing youth.

SUPPLEMENTAL NEW DECISION ITEM

Enter Department Name: Office of the State Public Defender

House Bill Section HB 12.400

Enter Division Name: State Public Defender

Enter DI Name: Juvenile Advocacy Office - Supplemental Request

Original FY 2019 House Bill Section, if applicable Vetoed

3. 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.)

SIXTY FOUR PERCENT OF JUVENILES GO WITHOUT REPRESENTATION

Utilizing data provided from the Office of the State Court’s Administrator (OSCA), there were 16,544 formal juvenile cases filed statewide in Fiscal Year 2017, of which 12,227 were abuse/neglect cases, leaving 4,317 juvenile cases where the juvenile was entitled to an attorney. Of the 4,317 juveniles, if only 13% (the last number provided by OSCA) were actually represented by private counsel, that leaves 3,756 juvenile cases where the juvenile needed a public defender. However, in the same fiscal year, MSPD provided representation in just 1,617 juvenile cases. Sixty four percent of children who had a delinquency petition filed with the court were not represented by the state’s indigent defense organization.

Additionally, due to the legislature’s successful adoption of Senate Bill 793 (Raise the Age) in 2018, children under the age of 17 will have their delinquency cases filed in juvenile court starting in January of 2021. The addition of this population of children in the juvenile justice system will result in the same need for specialized counsel. In fact, in 2018, MSPD provided representation in 735 cases in adult court where the defendant was less than 18 years old.

As a result of this finding, the Missouri Juvenile Justice Association is seeking a rule or statutory change to prohibit the waiver of counsel by juveniles (this need has become even more so given the Department of Justice’s findings in its 2015 report on St. Louis County). In the meantime, MSPD is pursuing the reinstatement of the one Juvenile Advocacy Unit in the greater St. Louis area. (MSPD previously had these units in both St. Louis and in Kansas City, but had to relinquish them when trial division caseloads became too high and no additional personnel were added.)

MSPD is requesting juvenile attorney staffing at the recommended RubinBrown workload standards. MSPD is also seeking one additional attorney 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.

SUPPLEMENTAL NEW DECISION ITEM

Enter Department Name: Office of the State Public Defender House Bill Section HB 12.400
 Enter Division Name: State Public Defender
 Enter DI Name: Juvenile Advocacy Office - Supplemental Request Original FY 2019 House Bill Section, if applicable Vetoed

4. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE.

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	E
C00200	Secretary	14,334	0.5					14,334	0.5	
C00300	Investigator	7,902	0.3					7,902	0.3	
C00350	Juvenile Disposition Spec	10,296	0.3					10,296	0.3	
C00400	Assistant Public Defender	90,126	1.5					90,126	1.5	
C00460	District Defender	21,607	0.3					21,607	0.3	
Total PS		144,265	2.8	0	0.0	0	0.0	144,265	2.8	
	Travel/ 140	6,000						6,000		
	Supplies/ 190	1,350						1,350		
	Rent/ 680	14,583						14,583		
	Phones & Network Costs/ 340	1,620						1,620		
	Professional	1,875						1,875		
Total EE		25,428		0		0		25,428		
	Program Distributions							0		
Total PSD		0		0		0		0		
	Transfers							0		
Total TRF		0		0		0		0		
Grand Total		169,693	2.8	0	0.0	0	0.0	169,693	2.8	

SUPPLEMENTAL NEW DECISION ITEM

Enter Department Name: Office of the State Public Defender

House Bill Section HB 12.400

Enter Division Name: State Public Defender

Enter DI Name: Juvenile Advocacy Office - Supplemental Request

Original FY 2019 House Bill Section, if applicable Vetoed

The study concluded that “Missouri’s indigent defense system is in crisis and has endured at least two decades of crushing caseloads and inadequate resources to provide its mandated services,” and little to no attention has been paid to what this crisis has meant to poor children accused of a criminal offense. Specifically, it found that:

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SUPPLEMENTAL NEW DECISION ITEM

Enter Department Name: Office of the State Public Defender

House Bill Section HB 12.400

Enter Division Name: State Public Defender

Enter DI Name: Juvenile Advocacy Office - Supplemental Request

Original FY 2019 House Bill Section, if applicable Vetoed

3. 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.)

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MSPD is requesting juvenile attorney staffing at the recommended RubinBrown workload standards. MSPD is also seeking one additional attorney 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.

SUPPLEMENTAL NEW DECISION ITEM

Enter Department Name: Office of the State Public Defender House Bill Section HB 12.400
 Enter Division Name: State Public Defender
 Enter DI Name: Juvenile Advocacy Office - Supplemental Request Original FY 2019 House Bill Section, if applicable Vetoed

4. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE.

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	E
C00200 Secretary	14,334	0.5					14,334	0.5	
C00300 Investigator	7,902	0.3					7,902	0.3	
C00350 Juvenile Disposition Spec	10,296	0.3					10,296	0.3	
C00400 Assistant Public Defender	90,126	1.5					90,126	1.5	
C00460 District Defender	21,607	0.3					21,607	0.3	
Total PS	144,265	2.8	0	0.0	0	0.0	144,265	2.8	
Travel/ 140	6,000						6,000		
Supplies/ 190	1,350						1,350		
Rent/ 680	14,583						14,583		
Phones & Network Costs/ 340	1,620						1,620		
Professional	1,875						1,875		
Total EE	25,428		0		0		25,428		
Program Distributions							0		
Total PSD	0		0		0		0		
Transfers							0		
Total TRF	0		0		0		0		
Grand Total	169,693	2.8	0	0.0	0	0.0	169,693	2.8	

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	SUPPL DEPT	SUPPL DEPT	*****	*****	*****	*****	SUPPL	SUPPL
Decision Item	REQUEST	REQUEST	SECURED	SECURED	SECURED	SECURED	MONTHS FOR	POSITION
Budget Object Class	DOLLAR	FTE	COLUMN	COLUMN	COLUMN	COLUMN		
OFFICE OF THE DIRECTOR								
Juvenile Advocacy Supplemental - 2151001								
SECRETARY	14,334	0.50	0	0.00	0	0.00	3	2.00
INVESTIGATOR	7,902	0.25	0	0.00	0	0.00	3	1.00
MITIGATION SPECIALIST	10,296	0.25	0	0.00	0	0.00	3	1.00
ASSISTANT PUBLIC DEFENDER	90,126	1.25	0	0.00	0	0.00	3	6.00
DISTRICT DEFENDER	21,607	0.25	0	0.00	0	0.00	3	1.00
TOTAL - PS	144,265	2.50	0	0.00	0	0.00	15	11.00
TRAVEL, IN-STATE	6,000	0.00	0	0.00	0	0.00	0	0.00
SUPPLIES	1,350	0.00	0	0.00	0	0.00	0	0.00
COMMUNICATION SERV & SUPP	1,620	0.00	0	0.00	0	0.00	0	0.00
PROFESSIONAL SERVICES	1,875	0.00	0	0.00	0	0.00	0	0.00
BUILDING LEASE PAYMENTS	14,583	0.00	0	0.00	0	0.00	0	0.00
TOTAL - EE	25,428	0.00	0	0.00	0	0.00	0	0.00
GRAND TOTAL	\$169,693	2.50	\$0	0.00	\$0	0.00	\$15	11.00
GENERAL REVENUE	\$169,693	2.50	\$0	0.00	\$0	0.00	\$15	11.00
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	SUPPL DEPT	SUPPL DEPT	*****	*****	*****	*****	SUPPL	SUPPL
Budget Object Summary	REQUEST	REQUEST	SECURED	SECURED	SECURED	SECURED	MONTHS FOR	POSITION
Fund	DOLLAR	FTE	COLUMN	COLUMN	COLUMN	COLUMN		
DEBT OFFSET ESCROW FUND								
Debt Offset Transfer Authority - 2151002								
FUND TRANSFERS								
DEBT OFFSET ESCROW	500,000	0.00	0	0.00	0	0.00	0	0.00
TOTAL - TRF	500,000	0.00	0	0.00	0	0.00	0	0.00
TOTAL	500,000	0.00	0	0.00	0	0.00	0	0.00
GRAND TOTAL	\$500,000	0.00	\$0	0.00	\$0	0.00	\$0	0.00

SUPPLEMENTAL NEW DECISION ITEM

Enter Department Name: Office of the State Public Defender

House Bill Section HB 12.400

Enter Division Name: Public Defender

Enter DI Name: Increase in Transfer Authority from Debt Offset

Original FY 2019 House Bill Section, if applicable HB 12.400

1. AMOUNT OF REQUEST

	FY 2019 Supplemental Budget Request				E
	GR	Federal	Other	Total	
PS	0	0	0	0	
EE	0	0	0	0	
PSD	0	0	0	0	
TRF	0	0	500,000	500,000	
Total	0	0	500,000	500,000	

FTE	0.00	0.00	0.00	0.00
POSITIONS	0	0	0	0

NUMBER OF MONTHS POSITIONS ARE NEEDED: _____

Est. Fringe 0 0 0 0

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

Other Funds: Legal Defense & Defender Funds

	FY 2019 Supplemental Governor's Recommendation				E
	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
POSITIONS	0	0	0	0

NUMBER OF MONTHS POSITIONS ARE NEEDED: _____

Est. Fringe 0 0 0 0

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

Other Funds:

2. WHY IS THIS SUPPLEMENTAL FUNDING NEEDED? INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Increase in Transfer Authority for the Debt Offset Transfer Appropriation \$500,000

When Public Defender fees are intercepted from prior client's Missouri State Tax refunds, the Department of Revenue places the intercepted dollars in temporary escrow fund. MSPD's FY19 appropriation (spending authority) from this fund is currently set at \$1,200,000. As the intercepts exceeded the appropriation limit in FY18 by approximately \$250,000, that \$250,000 was transferred at the beginning of FY2019. This transfer at the beginning of FY19, will cause the FY19 appropriation to be insufficient. If the collection of fees remains constant from FY18 to FY19, the insufficiency will be doubled.

The statutory authority for setting off debts owed to the State of Missouri against tax refunds is RSMo.143.786

SUPPLEMENTAL NEW DECISION ITEM

Enter Department Name: Office of the State Public Defender House Bill Section HB 12.400
 Enter Division Name: Public Defender
 Enter DI Name: Increase in Transfer Authority from Debt Offset Original FY 2019 House Bill Section, if applicable HB 12.400

3. 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.

As the intercepts exceeded the appropriation limit in FY18 by approximately \$250,000, that \$250,000 was transferred at the beginning of FY2019. This transfer at the beginning of FY19, will cause the FY19 appropriation to be insufficient. If the collection of fees remains constant from FY18 to FY19, the insufficiency will be doubled.

4. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE.

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	E
							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>	
							0	0.0	
Total EE	<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>		
Transfers					500,000		500,000		
Total TRF	<u>0</u>		<u>0</u>		<u>500,000</u>		<u>500,000</u>		
Grand Total	<u>0</u>	<u>0.0</u>	<u>0</u>	<u>0.0</u>	<u>500,000</u>	<u>0.0</u>	<u>500,000</u>	<u>0.0</u>	

OFFICE OF THE STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	SUPPL DEPT	SUPPL DEPT	*****	*****	*****	*****	SUPPL	SUPPL
Decision Item	REQUEST	REQUEST	SECURED	SECURED	SECURED	SECURED	MONTHS FOR	POSITION
Budget Object Class	DOLLAR	FTE	COLUMN	COLUMN	COLUMN	COLUMN		
DEBT OFFSET ESCROW FUND								
Debt Offset Transfer Authority - 2151002								
TRANSFERS OUT	500,000	0.00	0	0.00	0	0.00	0	0.00
TOTAL - TRF	500,000	0.00	0	0.00	0	0.00	0	0.00
GRAND TOTAL	\$500,000	0.00	\$0	0.00	\$0	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$500,000	0.00	\$0	0.00	\$0	0.00		0.00