



MISSOURI STATE PUBLIC DEFENDER SYSTEM

Director's Office

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Official Statement – For Immediate Release

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Public Defender Response to Governor's Comments

On the claim that the Public Defender left approximately \$1.8 million unspent last fiscal year.

Not so. Attached is a screen shot of the Public Defender's balance in July of 2016. It shows that a total of \$0.52 remained in MSPD's General Revenue balance sheet for FY2016. What the Governor is mistakenly referring to is not available cash but rather the appropriation authority for certain accounts, the largest of which is the Legal Defense and Defender Fund (LDDF). "Appropriation authority" is the authority granted by the legislature to spend up to a certain amount. The legislature set MSPD's appropriation authority for LDDF at \$2,983,393. That would mean that MSPD could spend up to \$2.983 million if indeed that amount existed. However, MSPD only received \$1.362 million in the LDDF account for FY2016. The \$1.8 million is the difference between the funding authority for these accounts and the actual amount spent.

Legal Defense and Defender Fund (LDDF) This fund is separate from the appropriation used to fund MSPD's operating expenses (e.g., personnel and expense and equipment costs). It is funded through collections of fees paid by clients. The funding that goes into this account is used to fund training and one-time purchases such as computers, copiers and office moves.

On the claim that the Governor increased Public Defender Funding by 15% since 2009.

The Governor's statement represents all funding, including a significant amount appropriated to MSPD for purposes other than hiring attorneys to deliver legal services. For instance, the Governor includes this year's 2% increase in salary for all state employees despite the fact that this in no way translates into more resources to fulfill MSPD's core function. When looking at just the increase in resources that assist with delivering legal services, the actual increase is between 5-6% since 2009.

However, during this same period, MSPD's costs (e.g., experts, depositions, etc) have increased approximately 18% and, just over the last year, the number of cases has increased 12% (from approximately 74,000 to 82,000). As a result, MSPD has less resources now than it did in 2009. In 2014, the ABA released a report that indicated MSPD needed more than 250 additional attorneys. Only ten new positions were created since 2009; however, because of increased costs, MSPD was unable to fund 30 positions during the prior fiscal year. Further, MSPD has remained 49th among the 50 states in public defense funding and the Department of Justice has stated that MSPD does not have enough attorneys to provide constitutional representation.

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Fiscal Year 2016

Friday, July 08, 2016

Payroll Posted through June 15th Bi-Monthly Payroll or 100.00% of Fiscal Year
(24th Pay Period) (Distributed June 30th, 2016) For time worked through June 15th, 2016

Expenses paid through June 30, 2016- 100.00% of the Fiscal Year Complete

	Appropriated	Expended	Balance	% Expended
*Expended Does NOT include Encumbrances				
General Revenue				
Legal Services				
Personal Service - 0911 - Original Appropriation = \$28,778,492 No FY2016 Pay Plan \$800,000 Transferred to EE 02/10/2016 \$105,000 Transferred to EE 06/09/2016 \$7,845 Transferred tp EE 06/23/2016	\$27,865,647	\$27,865,646.48	\$0.52	100.00%
Expense & Equipment - 0912 - Original Appropriation = \$3,922,447 \$800,000 Transferred from PS 02/10/2016 \$105,000 Transferred from PS 06/09/2016 \$7,845 Transferred from PS 06/23/2016	\$4,835,292	\$4,835,292.00	\$0.00	100.00%
(note: Encumbrances = \$0 not included in expended)				
100% Flexibility -				
Total Legal Services	\$32,700,939	\$32,700,938.48	\$0.52	100.00%
Homicide/Litigation Expenses (From 07/08/2016 Expenditure Report)	\$1,443,059	\$1,725,010.28	-\$281,951.28	119.54%
Conflict Cases (From 07/08/2016 Expenditure Report)	\$2,278,012	\$1,996,060.72	\$281,951.28	87.62%
Homicide/Conflict Monies - 8727 - Governor Withholding \$0	\$3,721,071	\$3,721,071.00	\$0.00	100.00%
(note: Encumbrances = \$0 not included in expended)				
In Addition \$147,237.50 for Contracts and 24,370.22 for Extraordnaty Expenses was paid from 0912 to assist in balancing this appropriation.				
Legal Defense and Defender Fund				
Personal Service - 0951 - No FY2016 Pay Plan	\$132,537	\$132,536.25	\$0.75	100.00%
Expense & Equipment - 7673 -	\$2,850,756	\$1,150,108.37	\$1,700,647.63	40.34%
(note: Encumbrances = \$0 not included in expended)				
In Addition to the shown expenditures \$13,320 is transferred for HB 5.250 and \$55,044.76 for fringe benefits				
(note Cash on Hand June 30, 2016 = \$151,269.88)				
Next lapse threshold date = June 30, 2017				
Other Funds				
Debt Offset - 0753/3023				
Estimated Appropriation	\$1,200,000	\$995,229.25	\$204,770.75	82.94%
Federal - 0112/1111				
Personal Service & Expenses	\$125,000	\$0.00	\$125,000.00	0.00%
(note Cash on Hand = \$0)				
Total FY16 Appropriations	\$40,730,303	\$38,699,883.35	\$2,030,419.65	95.01%