

PUBLIC DEFENDER COMMISSION



**Missouri State Public Defender System
Budget Request
Fiscal Year 2022**

PUBLIC DEFENDER COMMISSION

Budget Request Fiscal Year 2022

**Mary Fox
State Public Defender, Director
573-777-9977
Extension 201**



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Columbia, Missouri 65201
573-777-9977, ext. 201**

October 1, 2020

Dear Governor Parson:

Enclosed please find the budget request for FY 2022 for Missouri State Public Defender. Our request is made with an understanding of the budget constraints Missouri is facing this year and with an appreciation for the need to be good stewards of taxpayer funds. MSPD has two requests: that our core budget remain in place and that the State provide one additional attorney for the twelve trial offices where excessive caseloads have resulted in the creation of a waitlist for services.

MSPD has been plagued for decades with excessive caseload issues. In FY 2020 MSPD has worked to not only provide effective representation for our clients, but also to decrease the number of cases which require MSPD representation. MSPD has:

- used available funds to contract out cases on the waitlists decreasing the list from over 5,000 cases to approximately 2,500 cases;
- entered into a MOU with Department of Labor to verify applicant income information to make certain that only eligible applicants receive legal representation at the public expense;
- reallocated attorneys to counties where filed cases have increased;
- worked with the courts to limit eligible cases to those where the defendant is facing incarceration.

The Attorney General is defending MSPD and the State of Missouri in a lawsuit brought by the ACLU to contest the constitutionality of those waitlists. Decreasing the number of cases on those waitlists can be effective in a successful resolution of that lawsuit for Missouri.

Waitlists result in delays that are detrimental not only to our clients, but also to the State, the courts and the complaining witnesses. One additional attorney in each of these twelve offices that have a court authorized waitlist will significantly decrease the existing waitlists and the addition of new defendants to them.

MSPD has taken significant steps to improve Missouri's ability to fulfill its constitutional mandate to provide legal representation at public expense to the poor. Your recommendation in support of our core budget, as well as our one new decision item, will solidify the collaborative efforts that MSPD and the courts have begun. Together the State of Missouri can move beyond this caseload crisis to a successful partnership to provide high quality representation as required by the Sixth Amendment of the United States Constitution and Article I, Section 18 of the Missouri Constitution.

Sincerely,

Mary Fox
Director

**State Public Defender
2022 Legislative Budget Request
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PROGRAM DESCRIPTION

Department: Missouri 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 is to provide effective criminal defense representation for its clients fulfilling the State's constitutional mandate to provide legal representation to the poor charged with criminal offenses who are unable to retain counsel on their own. Strategies to accomplish this mission have been identified and implemented with continued refinements to enhance productivity and efficiencies, 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 (MSPD) is a statewide system that provides legal representation to poor persons who are accused or convicted of state crimes. That representation occurs in Missouri's trial, and appellate courts, as well as in the United States Supreme Court. MSPD'S representation of eligible applicants fulfills the state's constitutional mandate to provide counsel pursuant to the Sixth Amendment of the United States Constitution and Article I, Section 18 of the Missouri Constitution.

PROGRAM DESCRIPTION

Department: **Missouri State Public Defender**

HB Section(s): **HB 12.400**

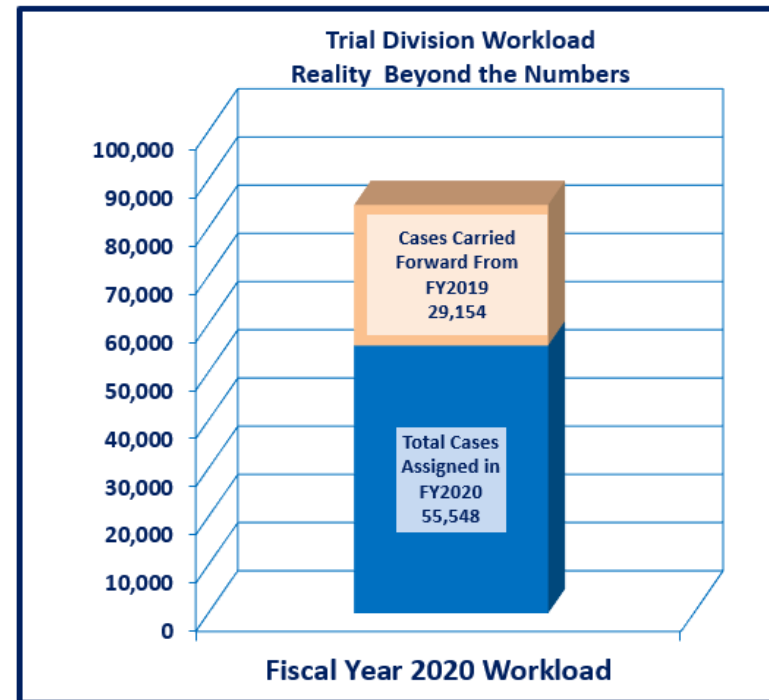
Program Name: **Public Defender**

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.

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

MSPD tracks both intake of new cases and resolution of disposed cases. MSPD also tracks outcomes of those cases. Many cases take more than a year from assignment to disposition and many more do not fall neatly, start to finish, within a single fiscal year. The chart reflects the reality that no lawyer begins the fiscal year with an empty file drawer. At the start of FY2020, Missouri's Trial Division public defenders had over 29,154 pending cases already on their desks, to which another 55,548 new cases were assigned over the course of the fiscal year.



PROGRAM DESCRIPTION

Department: Missouri State Public Defender

HB Section(s): HB 12.400

Program Name: Public Defender

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

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effective legal representation to indigent persons accused of crime.**

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

MSPD provides representation to the majority of persons facing criminal charges in Missouri's courts. Each eligible applicant is assigned to an individual Assistant Public Defender who is responsible for the representation of the client. MSPD measures incoming cases by charges filed by the State and jurisdiction in which the charges are pending. MSPD measures disposition of the cases by the final outcome of the case; i.e. trial, guilty plea, dismissal, etc. Any case which results in a conviction is eligible for post conviction review by both circuit and appellate courts. MSPD is generally responsible for providing representation in those cases also.

The attorneys of MSPD have a duty to represent the eligible indigent defendants that request legal representation, but those attorneys must balance the rights of those eligible defendants with the obligations of the attorney to provide competent and effective assistance. Because more cases are eligible for legal representation at public expense than the State has provided resources to handle, twelve trial offices currently have court authorized waitlists for services. Eligible applicants on those waitlists must appear in court without counsel until an attorney is available to provide legal representation.

As Chief Justice Draper noted in his State of the Judiciary speech in January, 2020 *"the system simply does not work without a sufficiently funded and staffed public defender system. To be sure, all attorneys in public service work long, hard hours, and many are underpaid and under-recognized. But if criminal cases cannot be moved efficiently through the system because of overloaded attorneys, we risk leaving those who are guilty on the street, those who are not guilty unable to return to being productive members of society, and victims and their families powerless to find closure and move forward with their lives. Together, we all share the burden of our state constitutional mandate demanding that 'justice shall be administered without sale, denial or delay.'"*

MSPD's ability to provide quality, timely representation is affected by the amount of resources available in relation to the number of cases in need of representation.

PROGRAM DESCRIPTION

Department: Missouri State Public Defender

HB Section(s): HB 12.400

Program Name: Public Defender

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

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effective legal representation to indigent persons accused of crime.**

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

As noted above, MSPD is the independent statutory department that provides legal representation at the public expense to any eligible applicant as required by the Sixth Amendment of the United States Constitution and Article I, Section 18 of the Missouri Constitution. Missouri's criminal courts would come to a standstill without MSPD. At any time, MSPD is the defense attorney of record in the majority of criminal cases pending in those courts. Chief Justice Draper explained the danger to Missouri without a funded public defender system is that the guilty will go free, the innocent will be unable to return to their communities and victims will not have closure.

PROGRAM DESCRIPTION

Department: Missouri State Public Defender

HB Section(s): HB 12.400

Program Name: Public Defender

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

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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 cases coming in the door. As a result, effectiveness in many of these cases is compromised.

PROGRAM DESCRIPTION

Department: Missouri State Public Defender

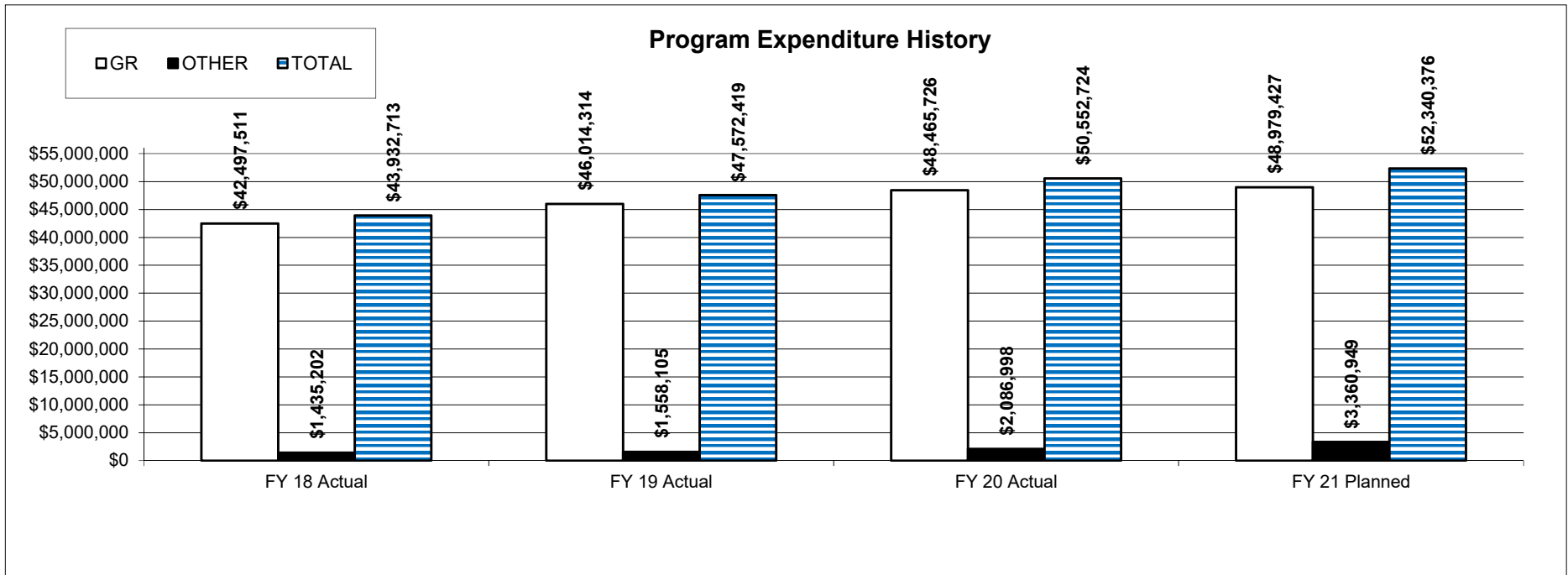
HB Section(s): HB 12.400

Program Name: Public Defender

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

This program is found in all MSPD core budgets.
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effective legal representation to indigent persons accused of crime.

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 (0670) - Collections from Client fees and other.

PROGRAM DESCRIPTION

Department: Missouri 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.
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effective legal representation to indigent persons accused of crime.**

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.

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

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM RANKING

Budgeting Unit			FY 2022	FY 2022	*****	*****		
Decision Item	Rank		DEPT REQ	DEPT REQ	SECURED	SECURED	CUMULATIVE TOTAL	
Fund			DOLLAR	FTE	COLUMN	COLUMN	DOLLARS	FTE
OFFICE OF THE DIRECTOR								
CORE	001							
GENERAL REVENUE			44,258,356	613.13	0	0.00	0	0.00
TOTAL			44,258,356	613.13	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			2,735,949	2.00	0	0.00	0	0.00
TOTAL			2,735,949	2.00	0	0.00		
GRANTS								
CORE	001							
PUBLIC DEFENDER-FEDERAL & OTHR			625,000	0.00	0	0.00	0	0.00
TOTAL			625,000	0.00	0	0.00		
OFFICE OF THE DIRECTOR								
Constitutionally Manadated APD - 1151001	002							
GENERAL REVENUE			820,032	12.00	0	0.00	0	0.00
TOTAL			820,032	12.00	0	0.00		
GRAND TOTAL			\$53,160,408	627.13	\$0	0.00		

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
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	34,092,415	606.23	35,558,116	613.13	35,558,116	613.13	0	0.00
TOTAL - PS	34,092,415	606.23	35,558,116	613.13	35,558,116	613.13	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	9,506,865	0.00	8,700,240	0.00	8,700,240	0.00	0	0.00
TOTAL - EE	9,506,865	0.00	8,700,240	0.00	8,700,240	0.00	0	0.00
TOTAL	43,599,280	606.23	44,258,356	613.13	44,258,356	613.13	0	0.00
Constitutionally Manadated APD - 1151001								
PERSONAL SERVICES								
GENERAL REVENUE	0	0.00	0	0.00	742,752	12.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	742,752	12.00	0	0.00
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	77,280	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	77,280	0.00	0	0.00
TOTAL	0	0.00	0	0.00	820,032	12.00	0	0.00
GRAND TOTAL	\$43,599,280	606.23	\$44,258,356	613.13	\$45,078,388	625.13	\$0	0.00

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CORE DECISION ITEM

Department:	Missouri State Public Defender	Budget Unit	<u>15141C</u>
Division:	Public Defender		
Core:	Legal Services	HB Section	<u>HB 12.400</u>

1. CORE FINANCIAL SUMMARY

	FY 2022 Budget Request			
	GR	Federal	Other	Total
PS	35,558,116	0	0	35,558,116
EE	8,700,240	0	0	8,700,240
PSD	0	0	0	0
TRF	0	0	0	0
Total	44,258,356	0	0	44,258,356

FTE	613.13	0.00	0.00	613.13
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Est. Fringe	20,390,098	0	0	20,390,098
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2022 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

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

Other Funds:

2. CORE DESCRIPTION

The Missouri State Public Defender (MSPD) is a statewide system, providing legal representation to indigent defendants accused of state crimes in the 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 Deender Commission, appointed by the Governor.

This core decision item includes funding for public defenders and their support support staff throughout the state and a 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)

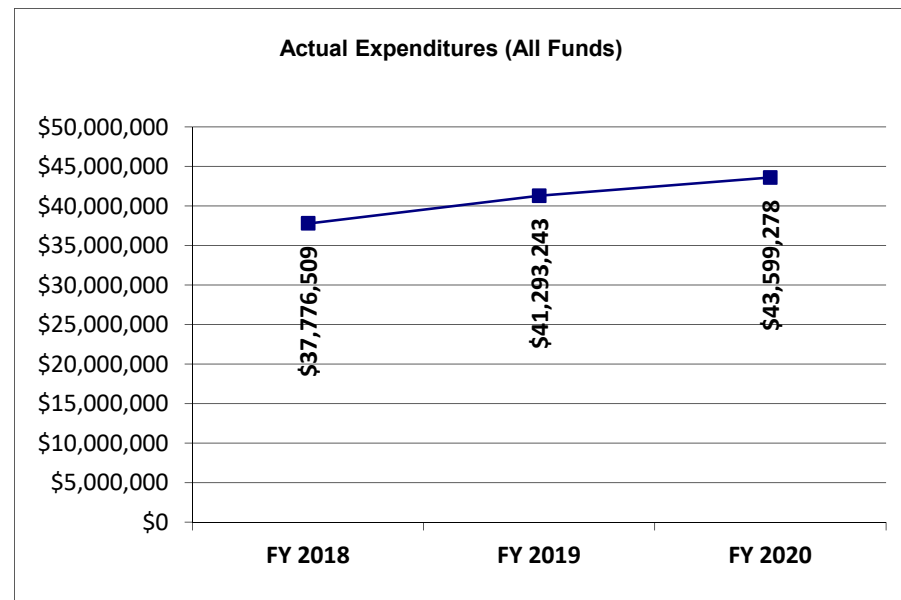
The Missouri State Public Defender has only one program: providing constitutionally required criminal defense representation to eligible applicants facing the loss of liberty in state misdemeanor and felony prosecutions, as well as in appellate and post-conviction representation matters in which the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

CORE DECISION ITEM

Department:	Missouri State Public Defender	Budget Unit	<u>15141C</u>
Division:	Public Defender		
Core:	Legal Services	HB Section	<u>HB 12.400</u>

4. FINANCIAL HISTORY

	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Current Yr.
Appropriation (All Funds)	37,776,510	41,293,244	43,608,451	45,258,356
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	(145,376)
Budget Authority (All Funds)	37,776,510	41,293,244	43,608,451	45,112,980
Actual Expenditures (All Funds)	37,776,509	41,293,243	43,599,278	N/A
Unexpended (All Funds)	1	1	9,173	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Current Year restricted amount is \$0 as of September 22, 2020.

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:

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
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								
LEGISLATOR ASSISTANT (RNG 12)	408	0.01	0	0.00	0	0.00	0	0.00
TEMPORARY EMPLOYEE	12,348	0.45	0	0.00	0	0.00	0	0.00
SECRETARY	3,873,860	124.52	3,972,761	125.25	3,987,477	124.00	0	0.00
COMPUTER INFO. SPECIALIST	403,651	6.92	487,390	7.88	503,883	7.13	0	0.00
INVESTIGATOR	2,330,733	57.03	2,468,703	60.00	2,469,172	60.00	0	0.00
PARALEGAL	180,524	4.41	186,676	4.50	185,996	4.50	0	0.00
MITIGATION SPECIALIST	368,971	8.39	433,606	10.00	436,488	10.00	0	0.00
ASSISTANT PUBLIC DEFENDER	21,537,684	342.56	22,330,049	341.00	22,370,043	343.00	0	0.00
DISTRICT DEFENDER	3,913,133	43.23	4,105,194	45.00	4,103,419	45.00	0	0.00
DIVISION DIRECTOR	386,905	3.13	496,964	4.00	373,518	3.00	0	0.00
PROGRAM TECHNICIAN	182,998	4.00	384,392	8.00	433,434	9.50	0	0.00
PROGRAM MANAGER	759,258	10.63	538,356	6.50	544,974	6.00	0	0.00
DIRECTOR	141,942	0.95	154,025	1.00	149,712	1.00	0	0.00
TOTAL - PS	34,092,415	606.23	35,558,116	613.13	35,558,116	613.13	0	0.00
TRAVEL, IN-STATE	779,255	0.00	1,010,376	0.00	900,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	14,431	0.00	20,000	0.00	15,000	0.00	0	0.00
FUEL & UTILITIES	54,518	0.00	50,000	0.00	55,000	0.00	0	0.00
SUPPLIES	264,429	0.00	275,000	0.00	265,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	1,688	0.00	5,000	0.00	2,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	592,152	0.00	605,000	0.00	595,000	0.00	0	0.00
PROFESSIONAL SERVICES	6,598,136	0.00	5,522,864	0.00	5,621,740	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	119,566	0.00	120,000	0.00	120,000	0.00	0	0.00
M&R SERVICES	163,622	0.00	150,000	0.00	155,000	0.00	0	0.00
COMPUTER EQUIPMENT	40,465	0.00	10,000	0.00	10,000	0.00	0	0.00
MOTORIZED EQUIPMENT	0	0.00	25,000	0.00	20,000	0.00	0	0.00
OFFICE EQUIPMENT	3,928	0.00	12,000	0.00	10,000	0.00	0	0.00
OTHER EQUIPMENT	92	0.00	5,000	0.00	1,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	809,639	0.00	810,000	0.00	860,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	19,708	0.00	30,000	0.00	20,000	0.00	0	0.00
MISCELLANEOUS EXPENSES	45,236	0.00	50,000	0.00	50,000	0.00	0	0.00
TOTAL - EE	9,506,865	0.00	8,700,240	0.00	8,700,240	0.00	0	0.00
GRAND TOTAL	\$43,599,280	606.23	\$44,258,356	613.13	\$44,258,356	613.13	\$0	0.00
GENERAL REVENUE	\$43,599,280	606.23	\$44,258,356	613.13	\$44,258,356	613.13		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 BUDGET UNIT NAME: Office of the State Public Defender - Legal Services HOUSE BILL SECTION: 12.400	DEPARTMENT: Missouri State Public Defender DIVISION: Director's Office - Legal Services
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1. Provide the amount by fund of personal service flexibility and the amount by fund of expense and equipment flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed. If flexibility is being requested among divisions, provide the amount by fund of flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed.

DEPARTMENT REQUEST

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

It is also necessary to transfer vacancy savings dollars from the Personal Service Appropriation to the Expense and Equipment Appropriation to cover 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
\$1,452,000	\$1,250,000	\$1,250,000

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

PRIOR YEAR EXPLAIN ACTUAL USE	CURRENT YEAR EXPLAIN PLANNED USE
\$1,452,000 was transferred from Personal Service (0911) to Expense & Equipment (0912). \$500,000 of this transfer was due to a NDI being coded to 0911 instead of 0912 when approved. In FY20 most of the transferred money was used to reduce waitlists of public defender eligible defendants.	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 2

Department: Missouri State Public Defender	15111C	Budget Unit
Division: Legal Services	DI#1151001	
DI Name: Constitutionally Mandated Representation (Waitlist Reduction)	12.400	HB Section

1. AMOUNT OF REQUEST

FY 2022 Budget Request					FY 2022 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Federal	Other	Total
PS	742,752	0	0	742,752	PS	0	0	0	0
EE	77,280	0	0	77,280	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	820,032	0	0	820,032	Total	0	0	0	0
FTE	12.00	0.00	0.00	12.00	FTE	0.00	0.00	0.00	0.00
Est. Fringe	414,575	0	0	414,575	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				
Other Funds:					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.

Missouri is constitutionally mandated to provide legal representation at the public's expense to poor persons who have been charged with a criminal offense who are unable to hire counsel. MSPD is the independent statutory department created to fulfill that obligation. MSPD was established in 1982 and has struggled for much of its existence to obtain the necessary resources to fulfill that constitutional mandate.

The issue of Missouri State Public Defender's excessive workload has been the subject of five different studies. Each of these investigations reached the same conclusion: Missouri does not provide funding for enough lawyers to fulfill the state's constitutional obligations to provide counsel for the poor.

NEW DECISION ITEM

RANK: 2 **OF** 2

Department: Missouri State Public Defender	15111C	Budget Unit
Division: Legal Services	DI#1151001	
DI Name: Constitutionally Mandated Representation (Waitlist Reduction)	12.400	HB Section

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 a result of these excessive caseloads waitlists for services have been established in jurisdictions covered by twelve of MSPD's trial offices. (see map and chart on the following pages.) Almost 2,500 cases await an available public defender to enter as counsel for the defendant. That delay is detrimental not only to the defendant; but also to the courts, the State and the counties.

MSPD has been proactive in eliminating excessive caseload. Indigence guidelines have been tightened and consistently enforced. MSPD has limited accepting cases that will not result in the defendant's confinement. MSPD has reallocated available assistant public defender FTE positions from urban areas to areas that have seen a growth in population and/or crime. MSPD has reallocated senior management attorney positions to trial office assistant public defender positions.

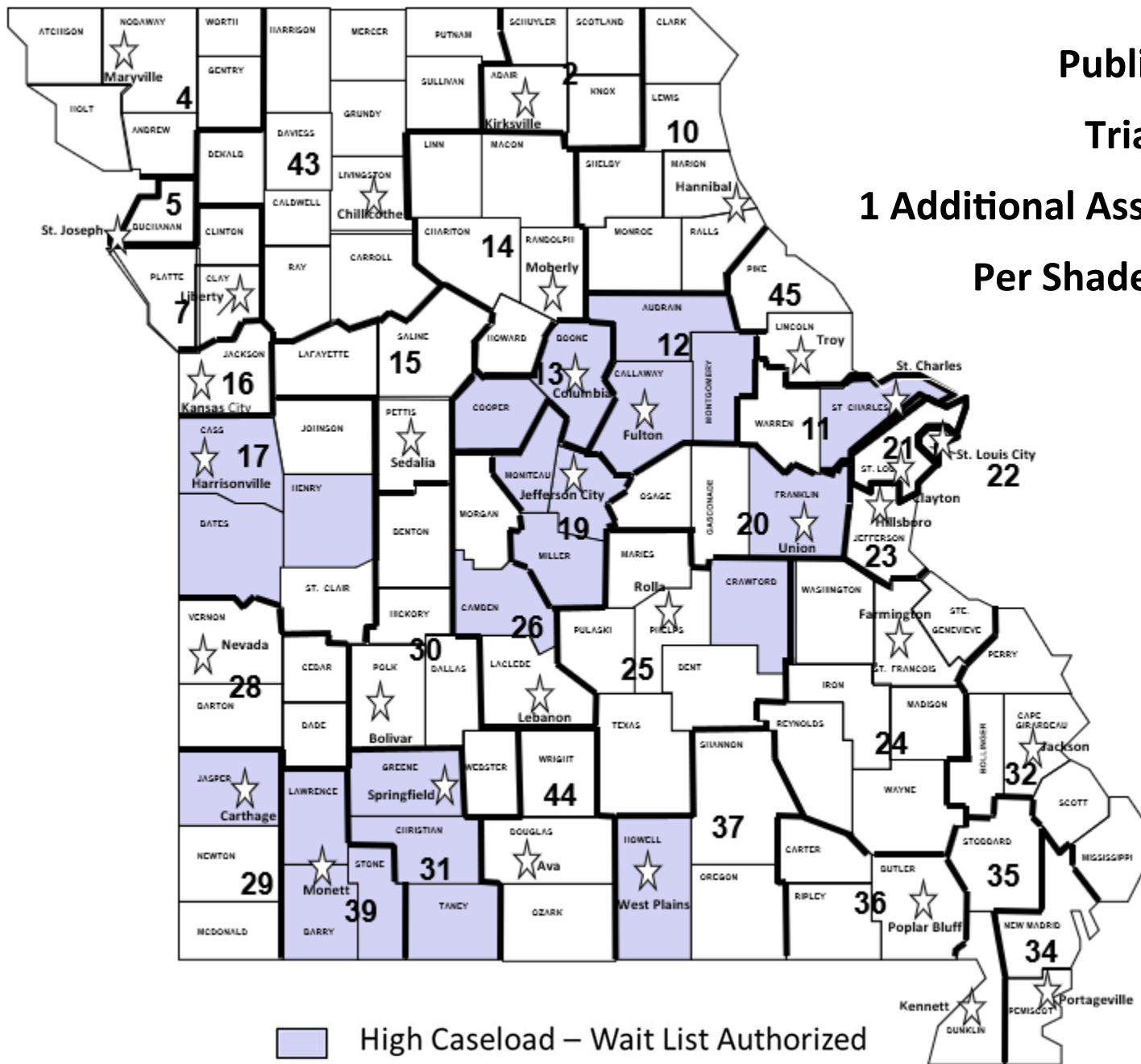
Twelve assistant public defenders are requested in this new decision item. One additional attorney in each of twelve trial offices that have court authorized waitlists will significantly decrease the existing waitlists and the addition of new defendants to those waitlists. These twelve trial offices are responsible for all existing and incoming eligible trial division cases in 38 of Missouri's 114 counties.

The average cost per case to significantly reduce the waitlist by adding 12 FTE is \$330.66. (Including fringe benefits funded in HB 5 the average cost per case by adding FTE is \$497.82) The reduction of these waitlist cases by contracting to private counsel is at an average cost of \$711.60 per case. Providing constitutional representation to the waitlisted defendants through adding twelve additional assistant public defenders is \$820,032. Providing constitutional representation to the waitlisted defendants through conflict counsel would be at a cost of \$1,764,768. Adding FTE is a more cost efficient way to fulfill this constitution mandate and could save the State approximately \$530,000 per fiscal year.

Due to the expectation the current pandemic will limit the availability of the State's funds for new decision items, this is the only new decision item being requested by MSPD in FY 2022.

NEW DECISION ITEM
RANK: 2 OF 2

Department: Missouri State Public Defender					15111C		Budget Unit		
Division: Legal Services					DI#1151001				
DI Name: Constitutionally Mandated Representation (Waitlist Reduction)					12.400		HB Section		
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
Assistant Public Defender	742,752	12.0					742,752	12.0	
Total PS	742,752	12.0	0	0.0	0	0.0	742,752	12.0	0
Travel - 140	10,800						10,800		
Supplies - 190	5,100						5,100		
Professional Developemnt - 320	4,920						4,920		
Communication - 340	13,200						13,200		
Professional Services - 400	9,000						9,000		
Computer Equipment - 480	17,400						17,400		
Office Equipment - 580	16,860						16,860		
Total EE	77,280		0		0		77,280		0
Program Distributions							0		
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	820,032	12.0	0	0.0	0	0.0	820,032	12.0	0



October 1, 2020

Public Defender Offices
Requesting to Add an Assistant Public Defender
Counties Represented
Sorted by District Number

District #	Office Location	Counties	District #	Office Location	Counties
11	St. Charles	St. Charles	25	Rolla	Crawford
	Wait List			Wait List	
12	Fulton	Audrain	26	Lebanon	Camden
	Wait List	Montgomery		Wait List	
		Callaway			
13	Columbia	Boone	29	Carthage	Jasper
	Wait List	Cooper		Wait List	
17	Harrisonville	Bates	31	Springfield	Christian
	Wait List	Cass		Wait List	Greene
		Henry			Taney
19	Jefferson City	Cole	37	West Plains	Howell
	Wait List	Miller		Wait List	
		Moniteau	39	Monett	Barry
20	Union	Franklin		Wait List	Lawrence
	Wait List				Stone

**Trial Divisions Caseload Standards
Fiscal Year 2022
Request 12 Assistant Public Defenders**

COST BREAKDOWN	TOTAL COSTS
Personal Service	
Assistant Public Defender III - Range 30	12.00
\$61,896	<u>\$742,752</u>
Total Personal Service	\$742,752
Expense & Equipment	
One-time Purchases	
Attorney Package	12.00
\$2,855	\$34,260
On-Going Costs	
Attorneys	12.00
\$3,585	<u>\$43,020</u>
Total Personnel Related On-Going Costs	\$43,020
Total Expense and Equipment	\$77,280
Total Decision Item Request	\$820,032

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

Detail for Projections

On-Going Costs - Trial Division

Attorneys

Travel @ \$300 per month	\$3,600
Office Supplies	\$515
Postage	\$300
Professional Costs	\$575
Bar Membership	\$410
Phone & Network Communications	\$1,200
	\$6,600

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
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 Manadated APD - 1151001								
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	742,752	12.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	742,752	12.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	10,800	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	5,100	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	0	0.00	0	0.00	4,920	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	13,200	0.00	0	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	9,000	0.00	0	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	17,400	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	16,860	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	77,280	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$820,032	12.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$820,032	12.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
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	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
TOTAL - EE	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
TOTAL	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
GRAND TOTAL	\$4,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$0	0.00

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CORE DECISION ITEM

Department: Missouri 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 2022 Budget Request			
	GR	Federal	Other	Total
PS		0	0	0
EE	4,721,071	0	0	4,721,071
PSD	0	0	0	0
TRF	0	0	0	0
Total	4,721,071	0	0	4,721,071

FTE 0.00 0.00 0.00 0.00

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

Other Funds:

	FY 2022 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE 0.00 0.00 0.00 0.00

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

Other Funds:

2. 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 and death penalty cases.

LITIGATION EXPENSES: Litigation expenses are also paid out of the appropriation. These would include, but are not limited to, such things as 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. The co-defendants each require conflict free counsel who can investigate and negotiate the case independently, including any negotiation of testimony against another co-defendant.

CORE DECISION ITEM

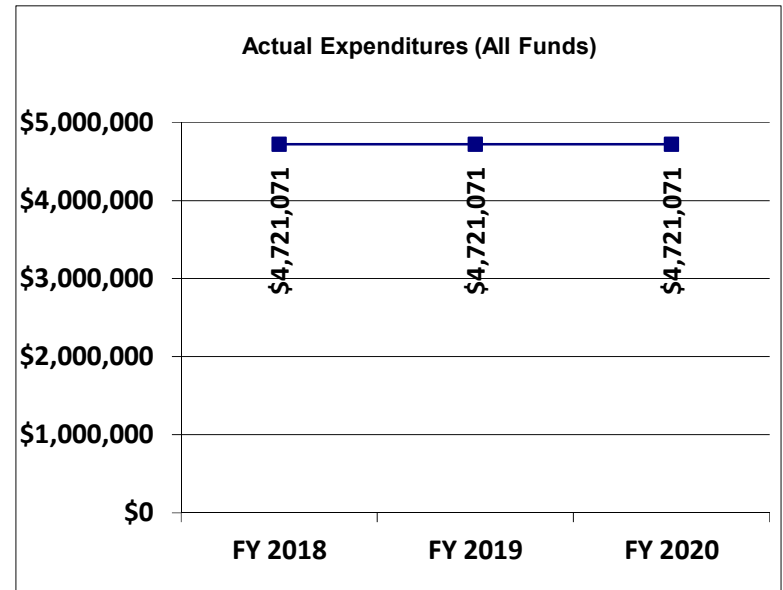
Department: <u>Missouri State Public Defender</u>	Budget Unit <u>15151C</u>
Division: <u>Public Defender</u>	
Core: <u>Litigation Expenses & Conflict Cases Core Request</u>	HB Section <u>HB 12.400</u>

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

The Missouri State Public Defender (MSPD) is a statewide system that provides legal representation to poor persons who are accused or convicted of state crimes. That representation occurs in Missouri's trial, and appellate courts, as well as in the United States Supreme Court. MSPD's representation of eligible applicants fulfills the state's constitutional mandate to provide counsel pursuant to the Sixth Amendment of the United States Constitution and Article I, Section 18 of the Missouri Constitution.

4. FINANCIAL HISTORY

	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Current Yr.
Appropriation (All Funds)	4,721,071	4,721,071	4,721,071	0
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	4,721,071	4,721,071	4,721,071	0
Actual Expenditures (All Funds)	4,721,071	4,721,071	4,721,071	N/A
Unexpended (All Funds)	0	0	0	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Current Year restricted amount is \$0 as of September 21, 2020.

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:

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
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	243,341	0.00	290,000	0.00	280,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	45,630	0.00	70,000	0.00	50,000	0.00	0	0.00
FUEL & UTILITIES	6,118	0.00	5,000	0.00	6,000	0.00	0	0.00
SUPPLIES	18,942	0.00	22,000	0.00	20,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	221	0.00	1,500	0.00	1,500	0.00	0	0.00
COMMUNICATION SERV & SUPP	25,924	0.00	22,500	0.00	22,500	0.00	0	0.00
PROFESSIONAL SERVICES	4,125,639	0.00	4,052,071	0.00	4,080,571	0.00	0	0.00
HOUSEKEEPING & JANITORIAL SERV	2,578	0.00	2,000	0.00	2,500	0.00	0	0.00
M&R SERVICES	7,298	0.00	6,000	0.00	7,500	0.00	0	0.00
COMPUTER EQUIPMENT	29	0.00	1,500	0.00	1,500	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	10,000	0.00	5,000	0.00	0	0.00
BUILDING LEASE PAYMENTS	234,746	0.00	232,000	0.00	235,000	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	1,515	0.00	1,500	0.00	1,500	0.00	0	0.00
MISCELLANEOUS EXPENSES	9,090	0.00	5,000	0.00	7,500	0.00	0	0.00
TOTAL - EE	4,721,071	0.00	4,721,071	0.00	4,721,071	0.00	0	0.00
GRAND TOTAL	\$4,721,071	0.00	\$4,721,071	0.00	\$4,721,071	0.00	\$0	0.00
GENERAL REVENUE	\$4,721,071	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

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
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	138,890	1.87	140,943	2.00	140,943	2.00	0	0.00
TOTAL - PS	138,890	1.87	140,943	2.00	140,943	2.00	0	0.00
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	1,765,795	0.00	2,345,006	0.00	2,445,006	0.00	0	0.00
TOTAL - EE	1,765,795	0.00	2,345,006	0.00	2,445,006	0.00	0	0.00
PROGRAM-SPECIFIC								
LEGAL DEFENSE AND DEFENDER	70,440	0.00	250,000	0.00	150,000	0.00	0	0.00
TOTAL - PD	70,440	0.00	250,000	0.00	150,000	0.00	0	0.00
TOTAL	1,975,125	1.87	2,735,949	2.00	2,735,949	2.00	0	0.00
GRAND TOTAL	\$1,975,125	1.87	\$2,735,949	2.00	\$2,735,949	2.00	\$0	0.00

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CORE DECISION ITEM

Department: Missouri State Public Defender

Budget Unit 15111C

Division: Public Defender

Core: Legal Defense & Defender Fund - Core Request

HB Section HB 12.400

1. CORE FINANCIAL SUMMARY

	FY 2022 Budget Request			
	GR	Federal	Other	Total
PS	0	0	140,943	140,943
EE	0	0	2,595,006	2,595,006
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	2,735,949	2,735,949
FTE	0.00	0.00	2.00	2.00

Est. Fringe	0	0	74,776	74,776
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2022 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

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

Other Funds:

2. 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 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.

CORE DECISION ITEM

Department: Missouri State Public Defender

Budget Unit 15111C

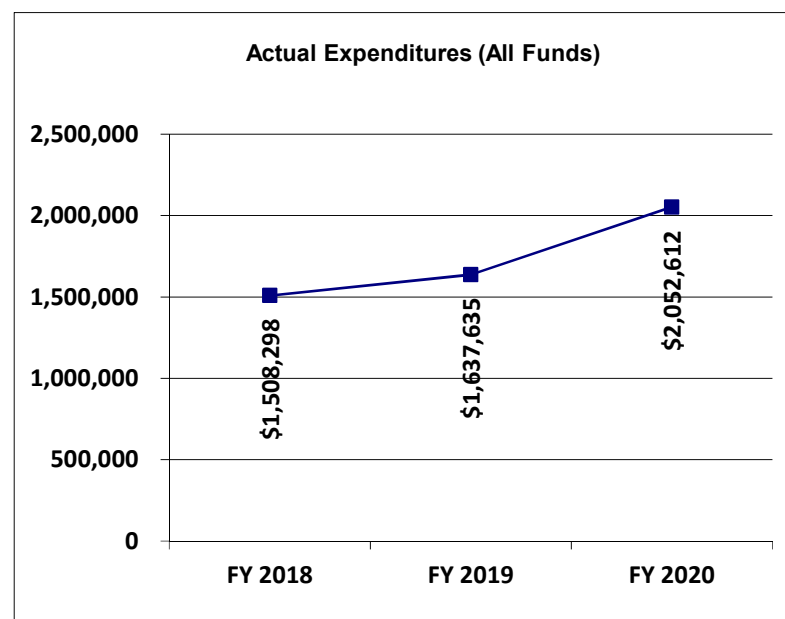
Division: Public Defender

Core: Legal Defense & Defender Fund - Core Request

HB Section HB 12.400

4. FINANCIAL HISTORY

	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Current Yr.
Appropriation (All Funds)	2,985,943	2,986,768	3,000,896	0
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	2,985,943	2,986,768	3,000,896	0
Actual Expenditures (All Funds)	1,508,298	1,637,635	2,052,612	N/A
Unexpended (All Funds)	1,477,645	1,349,133	948,284	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Current Year restricted amount is as of September 21, 2020.

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:

This appropriation is the spending authority for funds collected from MSPD clients. MSPD can only spend what is transferred from a prior fiscal year and what is collected during the current fiscal year. (Up to the ceiling imposed by appropriation.) The expended amount includes transfers from the

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
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	96,534	0.87	98,813	1.00	96,159	1.00	0	0.00
PROGRAM TECHNICIAN	42,356	1.00	42,130	1.00	44,784	1.00	0	0.00
TOTAL - PS	138,890	1.87	140,943	2.00	140,943	2.00	0	0.00
TRAVEL, IN-STATE	257,175	0.00	511,250	0.00	525,000	0.00	0	0.00
TRAVEL, OUT-OF-STATE	52,351	0.00	75,000	0.00	75,000	0.00	0	0.00
SUPPLIES	134,749	0.00	150,000	0.00	150,000	0.00	0	0.00
PROFESSIONAL DEVELOPMENT	179,188	0.00	215,000	0.00	200,000	0.00	0	0.00
COMMUNICATION SERV & SUPP	1,363	0.00	160,000	0.00	25,000	0.00	0	0.00
PROFESSIONAL SERVICES	55,650	0.00	125,000	0.00	75,000	0.00	0	0.00
M&R SERVICES	406,060	0.00	225,000	0.00	400,000	0.00	0	0.00
COMPUTER EQUIPMENT	554,444	0.00	350,000	0.00	527,006	0.00	0	0.00
MOTORIZED EQUIPMENT	0	0.00	25,000	0.00	25,000	0.00	0	0.00
OFFICE EQUIPMENT	11,059	0.00	248,256	0.00	250,000	0.00	0	0.00
OTHER EQUIPMENT	609	0.00	75,000	0.00	7,500	0.00	0	0.00
BUILDING LEASE PAYMENTS	1,410	0.00	7,500	0.00	7,500	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	17,995	0.00	45,000	0.00	45,000	0.00	0	0.00
MISCELLANEOUS EXPENSES	93,742	0.00	133,000	0.00	133,000	0.00	0	0.00
TOTAL - EE	1,765,795	0.00	2,345,006	0.00	2,445,006	0.00	0	0.00
REFUNDS	70,440	0.00	250,000	0.00	150,000	0.00	0	0.00
TOTAL - PD	70,440	0.00	250,000	0.00	150,000	0.00	0	0.00
GRAND TOTAL	\$1,975,125	1.87	\$2,735,949	2.00	\$2,735,949	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	\$1,975,125	1.87	\$2,735,949	2.00	\$2,735,949	2.00		0.00

STATE OF MISSOURI FUND FINANCIAL SUMMARY

DEPARTMENT: Missouri State Public Defender
FUND NAME: Legal Defense & Defender Fund
FUND NUMBER: 0670

☒ Statutory _____
☐ Constitutional _____

☐ Federal Fund
☒ Administratively Created
☒ Interest Deposited To Fund

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

	FY 2020 ADJUSTED APPROP	FY 2020 ACTUAL SPENDING	FY 2021 ADJUSTED APPROP	FY 2022 REQUESTED	FY 2022 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	426,136	426,136	409,789	500,000	500,000
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	2,036,265	2,036,265	1,266,450	1,263,525	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	2,036,265	2,036,265	1,266,450	1,263,525	0
TOTAL RESOURCES AVAILABLE	2,462,401	2,462,401	1,676,239	1,763,525	500,000
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	2,989,646	1,978,316	2,735,949	2,735,949	0
TRANSFER APPROPS	75,748	74,296	75,750	75,750	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	3,065,394	2,052,612	2,811,699	2,811,699	0
BUDGET BALANCE	(602,993)	409,789	(1,135,460)	(1,048,174)	500,000
UNEXPENDED APPROPRIATION *	1,012,782	0	1,635,460	1,548,174	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	409,789	409,789	500,000	500,000	500,000
FUND OBLIGATIONS					
ENDING CASH BALANCE	409,789	409,789	500,000	500,000	500,000
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	0	0	0	0	0
UNOBLIGATED CASH BALANCE	409,789	409,789	500,000	500,000	500,000

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: Missouri State Public Defender
FUND NAME: Legal Defense & Defender Fund
FUND NUMBER: 0670

REVENUE SOURCE: Funds collected from Public Defender clients and others.

FUND PURPOSE: Training all staff pursuant to subdivision (7) of subsection 1 of section [600.042](#), and may be used to pay for expert witness fees, the costs of depositions, travel expenses incurred by witnesses in case preparation and trial, expenses incurred for changes of venue and for other lawful expenses as authorized by the public defender commission.

EXPLANATION OF UNEXPENDED APPROPRIATION AMOUNT: MSPD can only expend the appropriation up to the amount collected and placed in the fund. The appropriation amount gives MSPD the spending authority.

EXPLANATION OF OTHER ADJUSTMENTS:

EXPLANATION OF OUTSTANDING PROJECTS:

* Do not include in the Prior Year Actual column as doing so would double count lapse & reserve.

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	SECURED	SECURED
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	COLUMN	COLUMN
GRANTS								
CORE								
EXPENSE & EQUIPMENT								
PUBLIC DEFENDER-FEDERAL & OTHR	111,873	0.00	0	0.00	0	0.00	0	0.00
TOTAL - EE	111,873	0.00	0	0.00	0	0.00	0	0.00
PROGRAM-SPECIFIC								
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	625,000	0.00	625,000	0.00	0	0.00
TOTAL - PD	0	0.00	625,000	0.00	625,000	0.00	0	0.00
TOTAL	111,873	0.00	625,000	0.00	625,000	0.00	0	0.00
GRAND TOTAL	\$111,873	0.00	\$625,000	0.00	\$625,000	0.00	\$0	0.00

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CORE DECISION ITEM

Department:	Missouri State Public Defender	Budget Unit	<u>15131C</u>
Division:	Public Defender		
Core:	Federal & Other Core	HB Section	<u>HB 12.400</u>

1. CORE FINANCIAL SUMMARY

	FY 2022 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	625,000	0	625,000
TRF	0	0	0	0
Total	0	625,000	0	625,000

FTE **0.00** **0.00** **0.00** **0.00**

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

Other Funds: Mac

	FY 2022 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE **0.00** **0.00** **0.00** **0.00**

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

Other Funds:

2. CORE DESCRIPTION

Appropriation is requested to have spending authority should Federal or Other Funds become available during Fiscal Year 2021 to assist in funding the Missouri State Public Defender.

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

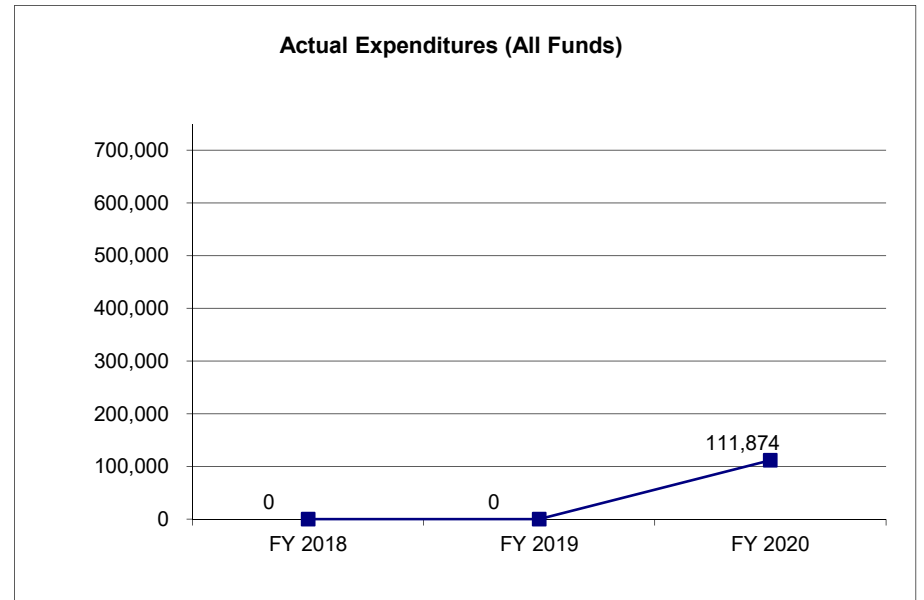
There are no separate programs within this appropriation. Dollars made available to this fund will assist in funding the Missouri State Public Defender.

CORE DECISION ITEM

Department:	Missouri State Public Defender	Budget Unit	<u>15131C</u>
Division:	Public Defender		
Core:	Federal & Other Core	HB Section	<u>HB 12.400</u>

4. FINANCIAL HISTORY

	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Current Yr.
Appropriation (All Funds)	125,000	125,000	625,000	625,000
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	125,000	125,000	625,000	625,000
Actual Expenditures (All Funds)	0	0	111,874	N/A
Unexpended (All Funds)	125,000	125,000	513,126	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Current Year restricted amount is \$0 as of September 22, 2020.

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:

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
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								
SUPPLIES	1,959	0.00	0	0.00	0	0.00	0	0.00
PROFESSIONAL SERVICES	10,960	0.00	0	0.00	0	0.00	0	0.00
M&R SERVICES	25,619	0.00	0	0.00	0	0.00	0	0.00
COMPUTER EQUIPMENT	28,525	0.00	0	0.00	0	0.00	0	0.00
OFFICE EQUIPMENT	44,810	0.00	0	0.00	0	0.00	0	0.00
TOTAL - EE	111,873	0.00	0	0.00	0	0.00	0	0.00
PROGRAM DISTRIBUTIONS	0	0.00	625,000	0.00	625,000	0.00	0	0.00
TOTAL - PD	0	0.00	625,000	0.00	625,000	0.00	0	0.00
GRAND TOTAL	\$111,873	0.00	\$625,000	0.00	\$625,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00		0.00
FEDERAL FUNDS	\$111,873	0.00	\$625,000	0.00	\$625,000	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

STATE OF MISSOURI FUND FINANCIAL SUMMARY

DEPARTMENT: Missouri State Public Defenderr
FUND NAME: Public Defender Federal & Other
FUND NUMBER: 0112

<input type="checkbox"/>	Statutory	<input type="checkbox"/>	Federal Fund	<input type="checkbox"/>	Subject To Biennial Sweep
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	Administratively Created	<input type="checkbox"/>	
<input type="checkbox"/>	Constitutional	<input checked="" type="checkbox"/>	Interest Deposited To Fund	<input type="checkbox"/>	Subject to Other Sweeps (see Notes)

	FY 2020 ADJUSTED APPROP	FY 2020 ACTUAL SPENDING	FY 2021 ADJUSTED APPROP	FY 2022 REQUESTED	FY 2022 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	0	0	3,736	0	0
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	115,610	115,610	621,264	625,000	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	115,610	115,610	621,264	625,000	0
TOTAL RESOURCES AVAILABLE	115,610	115,610	625,000	625,000	0
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	125,000	111,874	625,000	625,000	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	125,000	111,874	625,000	625,000	0
BUDGET BALANCE	(9,390)	3,736	0	0	0
UNEXPENDED APPROPRIATION *	13,126	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	3,736	3,736	0	0	0
FUND OBLIGATIONS					
ENDING CASH BALANCE	3,736	3,736	0	0	0
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	0	0	0	0	0
UNOBLIGATED CASH BALANCE	3,736	3,736	0	0	0

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
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	1,692,195	0.00	1,700,000	0.00	1,700,000	0.00	0	0.00
TOTAL - TRF	1,692,195	0.00	1,700,000	0.00	1,700,000	0.00	0	0.00
TOTAL	1,692,195	0.00	1,700,000	0.00	1,700,000	0.00	0	0.00
GRAND TOTAL	\$1,692,195	0.00	\$1,700,000	0.00	\$1,700,000	0.00	\$0	0.00

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CORE DECISION ITEM

Department:	Missouri State Public Defender	Budget Unit	<u>15161C</u>
Division:	Public Defender		
Core:	Debt Offset Escrow Fund	HB Section	<u>HB 12.400</u>

1. CORE FINANCIAL SUMMARY

	FY 2022 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	1,700,000	1,700,000
Total	0	0	1,700,000	1,700,000
FTE	0.00	0.00	0.00	0.00

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

Other Funds:

	FY 2022 Governor's Recommendation			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

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

Other Funds:

2. CORE DESCRIPTION

As laws continue to change and turnover of Missouri State Public Defender's staff is significant, training of all all 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 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)

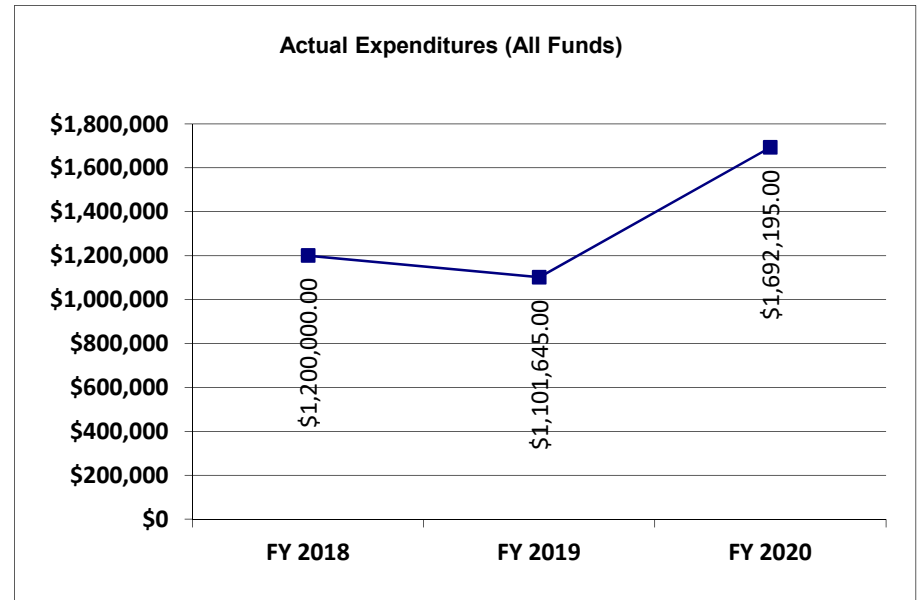
There are no separate programs within this appropriation. Dollars collected from Public Defender Clients are utilized to assist in funding the Missouri State Public Defender.

CORE DECISION ITEM

Department:	Missouri State Public Defender	Budget Unit	<u>15161C</u>
Division:	Public Defender		
Core:	Debt Offset Escrow Fund	HB Section	<u>HB 12.400</u>

4. FINANCIAL HISTORY

	FY 2018 Actual	FY 2019 Actual	FY 2020 Actual	FY 2021 Current Yr.
Appropriation (All Funds)	1,200,000	1,700,000	1,700,000	1,700,000
Less Reverted (All Funds)	0	0	0	0
Less Restricted (All Funds)*	0	0	0	0
Budget Authority (All Funds)	1,200,000	1,700,000	1,700,000	1,700,000
Actual Expenditures (All Funds)	1,200,000	1,101,645	1,692,195	N/A
Unexpended (All Funds)	0	598,355	7,805	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



*Current Year restricted amount \$0 is as of September 22, 2020.

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:

MISSOURI STATE PUBLIC DEFENDER

DECISION ITEM DETAIL

Budget Unit	FY 2020	FY 2020	FY 2021	FY 2021	FY 2022	FY 2022	*****	*****
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	1,692,195	0.00	1,700,000	0.00	1,700,000	0.00	0	0.00
TOTAL - TRF	1,692,195	0.00	1,700,000	0.00	1,700,000	0.00	0	0.00
GRAND TOTAL	\$1,692,195	0.00	\$1,700,000	0.00	\$1,700,000	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	\$1,692,195	0.00	\$1,700,000	0.00	\$1,700,000	0.00		0.00