

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: AGENCY SUMMARY

DIVISION OF THE BUDGET  
STATE OF KANSAS

Dear Governor Kelly, and Senate and House Budget Subcommittee Members:

The Kansas State Board of Indigents' Defense Services submits to you for your approval its budget request for FY 2025 and FY 2026.

The Kansas State Board of Indigents' Defense Services' (BIDS) is engaged in an ongoing struggle to meet its constitutional mandate under *Gideon v. Wainwright*, 372 U.S. 335 (1963), and its statutory purpose under K.S.A. 22-4522 to "Provide, supervise and coordinate, in the most efficient and economical manner possible, the constitutionally and statutorily required counsel and related services for each indigent person accused of a felony..."<sup>1</sup> This is due to the ongoing problem of prosecutorial charging of felony cases that far exceeds our public defense system's current capacity, state-wide, to staff all of those indigent Kansans' cases with constitutionally reasonable effective criminal counsel in a timely and efficient manner.

We do not currently have enough attorneys and defense staff within our public defender offices to handle caseloads within our public defense system and there are not enough private practicing attorneys in Kansas who are experienced in criminal law and willing to take sufficient numbers of appointed cases at our current hourly rates to handle the number of cases flowing into our assigned counsel program.<sup>2</sup> As a result, there are delays in getting counsel appointed to cases in many jurisdictions and, when counsel are located for our clients, frequently they are traveling from far outside of the jurisdictions where they are needed, resulting in significantly higher assigned counsel costs.

We continue to struggle to fill and retain public defender positions in our agency due to uncompetitive salaries that still linger approximately \$20,000 to \$30,000 below prosecutor salary rates in the same jurisdictions. Additionally, we've also experienced significant issues hiring investigators and mitigation support staff as our salaries for those positions continue to linger \$10,000 to \$20,000 below competitive rates for

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<sup>1</sup> See K.S.A. 22-4522.

<sup>2</sup> BIDS' current statutory rate of \$120 per hour in K.S.A. 22-4507(c) is approximately 45% percent of the going rate of private defense services in Kansas (\$225/hour), last surveyed by the Kansas Bar Association in 2017. ([https://ksbar.org/?pg=economics\\_report](https://ksbar.org/?pg=economics_report)).

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sufficiently qualified candidates. As a result, in FY 2024, our active trial-level public defender average caseload was 157.7 cases per attorney, per year.<sup>3</sup> This was in excess of the now outdated 1973 National Advisory Commission Criminal Justice Standards of an absolute maximum of 150 felony cases per year, per attorney.<sup>4</sup> Averaged out, that 157.7 felony caseload left each of our active trial attorneys approximately only **13 hours per case** over the course of the year to fully litigate their client's felony criminal cases, which could include anything from probation violations up to premeditated first-degree murders with life sentences.<sup>5</sup>

In comparison, the now updated 2023 National Caseload Standards for Public Defense, published by the American Bar Association, the National Center for State Courts, and the Rand Corporation indicates that even for low-level felonies, attorneys should spend 35 hours per case to meet the Sixth Amendment Constitutional standard of reasonably effective assistance of counsel pursuant to professional norms.<sup>6</sup> To meet the constitutionally reasonable effective assistance of counsel standard on the highest level felonies, such as homicide and sex cases, the study found that attorneys should be spending 248 hours per case. These caseload standards were compiled using public defense workload study results from 17 different workload studies from across the United States and employed the Delphi method to facilitate a panel of 33 national criminal defense attorney experts. These new standards represent the widely accepted national professional, constitutional, and ethical standards for criminal defense practice. With Kansas public defenders having only an average of 13 hours to work each of their cases, regardless of severity level, it is clear that we are not meeting our constitutional obligations under *Gideon*.

It is past time for all state stakeholders who are concerned about the crisis in our Kansas criminal legal system to seriously address the influx of felony cases into our judicial system as well as our public defense system's severe staffing shortages. Inaction is not an option and half-measures

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<sup>3</sup> This figure is derived from the number of consistently actively filled attorney positions during the fiscal year divided into the total number of cases closed in FY 2024 and the number of cases open and worked but not yet completed during FY 2024.

<sup>4</sup> Standard 13.12 Workload of Public Defenders, found at <https://www.nlada.org/defender-standards/national-advisory-commission/black-letter>

<sup>5</sup> At 40 hours per week, 52 weeks a year, each attorney would have 2,080 hours per year to work those cases (with no vacations, holidays, or sick time), leaving 13 hours per case, per year for each attorney to handle everything from low level probation violations up to off-grid premeditated first degree murders with life sentences.

<sup>6</sup> [https://www.rand.org/pubs/research\\_reports/RRA2559-1.html](https://www.rand.org/pubs/research_reports/RRA2559-1.html)

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are insufficient to decisively address our client's needs in the face of a potentially catastrophic state-wide Sixth Amendment Constitutional failure to provide an attorney for every criminally charged impoverished Kansan who needs one in a timely manner.

To be clear, this Governor and Legislature's historic investments in our public defense system over the last five years have been desperately needed, much appreciated, and have made significant positive impacts on addressing part of our long history of too high of turnover of employees. However, we are still struggling to recruit qualified candidates from the small pools of law school graduates while competing with prosecutors' offices paying starting salaries \$20,000 to \$30,000 above our public defender salaries. Even as our turnover rates decrease and once all our current vacant positions are filled, we still simply do not have enough attorneys and staff to provide timely, constitutionally reasonable effective assistance of counsel in a timely manner in every case.

We are therefore asking, in addition to maintaining our current funding levels, that the Governor and Legislature consider a number of absolutely necessary additional budget enhancement requests for FY 2026 aimed once again at addressing the staffing issues and shortages of assigned counsel that continue to plague our efforts to meet our statutory mandate. Among these is:

- (1) a salary adjustment aimed at bridging the pay gap and achieving pay parity with prosecutors for our public defenders;
- (2) a moderate request for additional staffing in order to begin addressing shortages of attorneys and staff necessary to ethically support our current caseloads.

A strong public defense system is not just a constitutional imperative. It is also valuable to the Kansas criminal legal system as a whole. A strong public defense system not only protects our clients' rights and satisfies the state's obligations under the constitutional requirements of the

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Sixth Amendment, it also protects our Kansas citizens' individual liberties, increases the effectiveness of the court system, saves down the line incarceration costs for the Department of Corrections, and is essential to maintaining the legitimacy and fairness of the judicial process.<sup>7</sup>

The good news is that the investments in our public defense system over the last several years have started us down the path towards creating a well-functioning and effective public defense system, but our caseloads and the prosecutor's case filings are still outpacing this positive progress. In FY 2026 we desperately need to continue that progress forward in significant and measurable ways in order to meet those caseloads and the judicial system's needs.

We hope that by continuing to be brutally honest about the depth and severity of the difficulties that we are still facing that this information will aid the Division of Budget, the Governor, and the Legislature in making well-informed funding decisions for our agency. Our goal here is to give all stakeholders a clear picture of the full consequences those funding decisions will have on the future of our agency's most basic core function of providing constitutionally required criminal counsel to all impoverished Kansans who need our assistance.

### Conclusion

The Board of Indigents' Defense Services appreciates the support that the Governor and the Legislature have recently given us. We will continue to make our best efforts at providing the most constitutionally effective and economically efficient defense delivery system available to all Kansans who need our services with continued investments in the years to come.

Sincerely,

Heather Cessna  
Executive Director

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<sup>7</sup> Fabelo, Tony, "What Policy Makers Need to Know To Improve Public Defense Systems", *Bureau of Justice Assistance*, U.S. Dept. of Justice, December 2001, <https://www.ncjrs.gov/pdffiles1/bja/190725.pdf>

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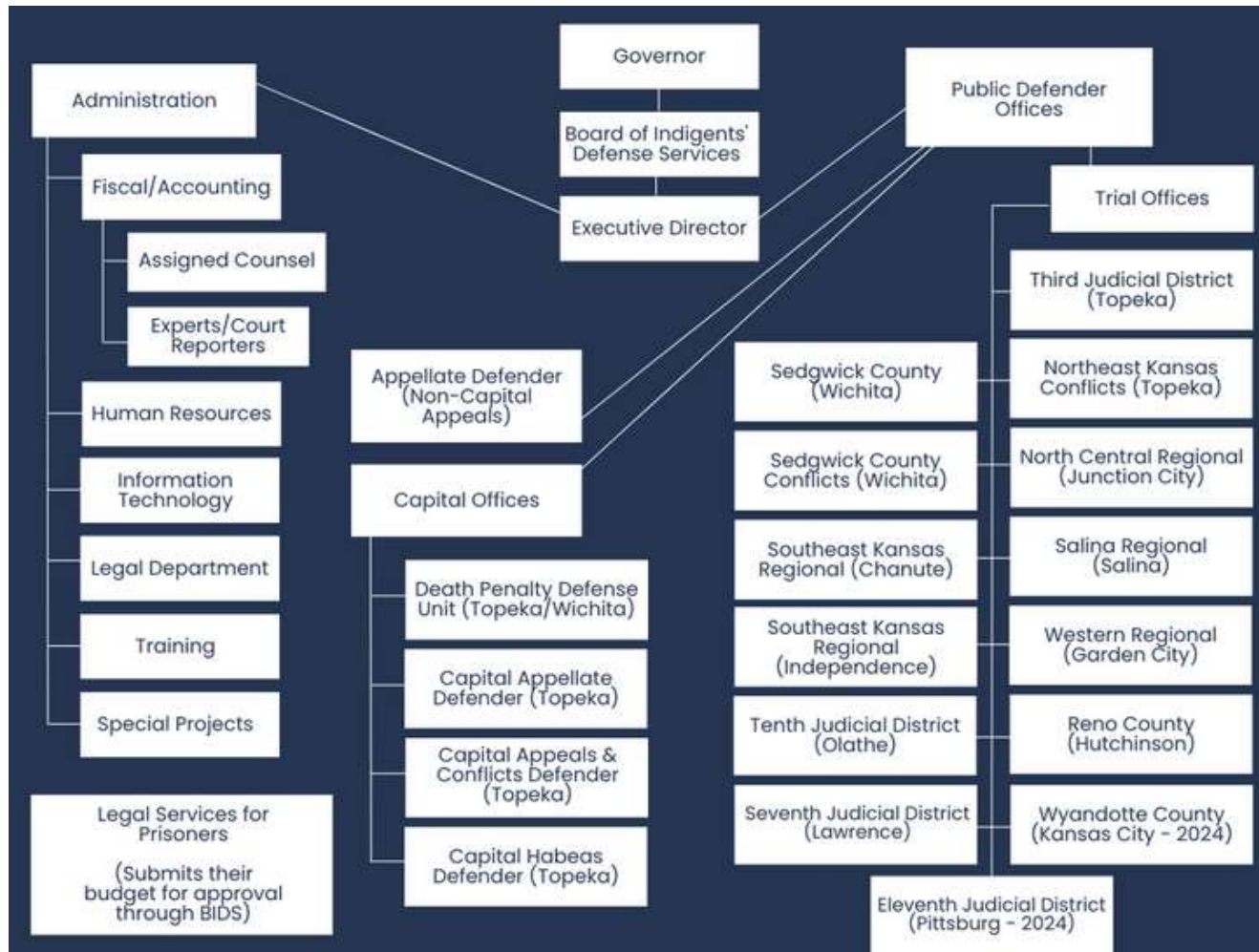
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## Agency Organizational Chart FY 2024



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### **Board of Indigents' Defense Services**

#### **AGENCY MISSION**

BIDS Mission is to fulfill the constitutional promise of a zealous defense by providing our clients with team-based advocacy that champions their human dignity and achieves just outcomes on their behalf.

ADVOCACY	Providing excellent criminal defense and holistic representation to promote our clients' priorities.
DIGNITY	Honoring and championing our clients' experiences is foundational to our client-centered representation.
JUSTICE	Zealously protecting the constitutional rights of our clients in pursuit of the transformation of an inherently unjust legal system.

#### **STATUTORY PURPOSE**

The statutory purpose of the State Board of Indigents' Defense Services is to provide, supervise and coordinate, in the most efficient and economical manner possible, the constitutionally and statutorily required counsel and related service for each indigent person accused of a felony and for such other indigent persons as prescribed by statute.<sup>8</sup>

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<sup>8</sup> K.S.A. 22-4522(a)

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### **AGENCY PHILOSOPHY**

The employees of the Board of Indigents' Defense Services strive to protect individual liberty and seek just outcomes for our clients through dedication to the Constitution and the Bill of Rights, and the effective and efficient use of resources.

### **PROGRAMS ESTABLISHED TO ASSIST WITH AGENCY MISSION:**

1. Administration Office
2. Trial Level Offices
3. Appellate Defender Office
4. Death Penalty Units
  - a. Capital Appeals & Conflicts Office
  - b. Capital Appellate Defender Office
  - c. Death Penalty Defense Unit (Trial Divisions in Topeka & Wichita)
  - d. State Capital Habeas Office
5. Assigned Counsel
  - a. Contracts
  - b. Attorney panels



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### **STATUTORY HISTORY AND THE DEFENSE SYSTEM**

The State Board of Indigents' Defense Services was created by the 1982 Legislature for the purpose of providing indigent felony defense services as required by the Sixth Amendment to the United States Constitution. The present Board succeeded the Board of Supervisors of Panels to Aid Indigent Defendants (1969 Legislature - K.S.A. 22-4501 et seq.) which was abolished on the effective date of the 1982 legislation.

The 1982 Legislature provided that the Board could: 1) contract with one or more law firms in a county or district for the defense of indigent persons accused of felonies; 2) contract with cities or counties to provide for defense of misdemeanors or other defense services at the expense of the city or county; 3) accept the services of volunteer workers and consultants; 4) appoint public defenders; 5) conduct attorney training programs; 6) provide technical aid or assistance to attorneys; and 7) accept and expend governmental and private grants.

The Kansas Public Defense System, administered by the Board of Indigents' Defense Services, consists of two types of indigents' defense delivery systems: our Assigned Counsel Program and our regional Public Defender Offices.

Our Assigned Counsel Program consists of two types of delivery systems. The first are the lists of private attorneys who volunteer to serve on local appointment panels in each judicial district where they are assigned felony cases by the local judge in exchange for the current BIDS hourly rate. The second of those two types of assigned counsel are local private attorneys who have accepted contracts from BIDS to handle felony cases in certain jurisdictions under negotiated contract terms.

In FY 2024, our Public Defender Offices consisted of the following offices:

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### Kansas State Level Public Defender Offices in FY 2024<sup>9</sup>

Office	Localities Served	Year Established	Current Chief Public Defender
<b>Appellate Defender Office</b> 700 SW Jackson Street, Suite 900 Topeka, KS 66603	Statewide	1985	J. Patrick Lawless
<b>Capital Appellate Defender</b> 300 SW 8 <sup>th</sup> Street Topeka, KS 66603	Statewide	2002	Clayton Perkins
<b>Capital Appeals and Conflicts Defender</b> 1040 New Hampshire Lawrence, KS 66044	Statewide	2002	Reid Nelson
<b>Capital Habeas Office</b> 825 S. Kansas Ave, Suite 530 Topeka, KS 66603	Statewide	2015	Julia Spainhour

<sup>9</sup> Adult Felony only—Juvenile/misdemeanor cases are handled through a separate county-by-county appointment system.

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<b>Death Penalty Defense Unit (Main Office)</b> 300 SW 8 <sup>th</sup> Street Topeka, KS 66603	Statewide	1995	Mark Manna
<b>Death Penalty Defense Unit</b> Wichita Satellite Office 604 N. Main Street Wichita, KS 67203	Statewide	1995	Mark Manna
<b>North Central Kansas Public Defender Office</b> 715 N. Washington Street Junction City, KS 66441	Geary County, Riley County, Clay County, Morris County, Dickenson County	1972	Cole Hawver
<b>Northeast Kansas Conflicts Public Defender Office</b> 700 SW Jackson Street Suite 1001 Topeka, KS 66603	Shawnee County (Conflicts/overflow cases)	1997	Jonathon Noble
<b>Reno County Public Defender Office</b> 129 W 2 <sup>nd</sup> Ave, Suite D Hutchinson, KS 67501	Reno County	1996	Sarah Sweet McKinnon
<b>Salina Regional Public Defender Office</b> 119 W. Iron Ave, 6 <sup>th</sup> Floor Salina, KS 67401	Saline County, Ottawa County	1973	Justin Bravi

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<b>Sedgwick County Public Defender Office</b> 604 N. Main Street, Suite D Wichita, KS 67203	Sedgwick County	1985	Sarah Sweet McKinnon
<b>Sedgwick County Conflicts Public Defender Office</b> 266 N. Main Street, Suite 210 Wichita, KS 67202	Sedgwick County (Conflicts/overflow cases)	2009	Bradley Sylvester
<b>Seventh Judicial District Public Defender Office</b> 1040 New Hampshire Street Lawrence, KS 66044	Douglas County	2023	Jessica Glendening
<b>Southeast Kansas Public Defender Office</b> 10 S. Highland Ave Chanute, KS 66720	Allen County, Neosho County, Wilson County, Woodson County	1997	Jay Witt
<b>Southeast Kansas Public Defender Satellite Office</b> 404 N. 14 <sup>th</sup> Street Independence, KS 67301	Chautauqua County, Montgomery County	2004	Jay Witt
<b>Third Judicial District Public Defender Office</b> 701 SW Jackson Street, 3 <sup>rd</sup> Floor Topeka, KS 66603	Shawnee County	1972	Danielle Hamilton Slate
<b>Tenth Judicial District Public Defender Office</b> 115 E. Park Street, Suite A Olathe, KS 66061	Johnson County	1989	Michael McCulloch

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<b>Western Regional Public Defender Office</b> 113 Grant Ave Garden City, KS 67846	Finney County	1994	Chris Mauldin
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### A History of BIDS Assigned Counsel Rates

In December 1987, the Kansas Supreme Court held in *State ex. rel. Stephan v. Smith*, 242 Kan. 336 (1987), that the state’s existing system of appointing and compensating assigned counsel was unconstitutional. The court overturned the then mandatory appointment process for assigned counsel and ruled the state “has an obligation to pay appointed counsel such sums as will fairly compensate the attorney...at a fair rate which is not confiscatory, considering overhead and expenses.” In essence, the court ordered an end to the long-standing reliance on the goodwill of the County Bar for indigent defense and instructed the state to pay reasonable compensation to attorneys assigned to represent indigent defendants.

As a result of *Stephan v. Smith*, the 1988 Legislature approved an increase in the compensation rate for assigned counsel from \$35 to \$50 per hour. Service by private attorneys on panels for appointment as counsel to indigent defendants was also made voluntary. In 2006, the Legislature increased the compensation for assigned counsel through statute K.S.A. 2006 supp. 22-4507, from \$50 to \$80 per hour. In 2024, the Legislature increased the statutory compensation for assigned counsel through statute K.S.A. 2024 Supp. 22-4507 from \$80 per hour to a minimum of \$120 per hour up to \$140 per hour. The BIDS hourly rate set by the Board and funded by the Legislature through the end of FY 2025 is \$120 per hour.

The below chart shows the history of progressive changes to the BIDS assigned counsel rate under K.S.A. 22-4507(c):

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### BIDS Assigned Counsel Hourly Rates

Year of Change	Paid Hourly Rate	Reason for Change
1982	\$35	Original rate set by Legislature
1988	\$50	Stephan v. Smith/ Legislative funding increase
2006	\$80	Legislative Increase
2010	\$62	Prorating by the BIDS Board due to budget shortfalls
2016	\$65	Public hearing/ Legislative funding increase
2017	\$70	Public hearing/Legislative funding increase
2018	\$75	Public hearing/ Legislative funding increase
2019	\$80	Public hearing/ Legislative funding increase
2022	\$100*	Special Budget Proviso/ Legislative funding increase
2021	\$120*	Special Budget Proviso/ Legislative funding increase
2022	\$120*	Special Budget Proviso/Legislative funding maintained.
2023	\$120*	Special Budget Proviso/Legislative funding maintained.

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2024	\$120-\$140	Statutory amendments to K.S.A. 22-4507, funding maintained at \$120 per hour for FY 2025.
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\*Statutory hourly rate remained at \$80 per hour, higher rates were being paid through a series of special budget provisos in BIDS budget bills.

From 2006 until 2024, the BIDS statutory hourly rate for our assigned counsel program was \$80 per hour under K.S.A. 22-4507(c). However, in 2021 the State Legislature allotted funds and included a special budget proviso in BIDS' FY 2022 budget to temporarily raise our statutory rate to \$100 an hour for our assigned counsel, to be paid starting July 1, 2021. In the 2022 Legislative Session, another special budget proviso was included in BIDS' FY 2023 budget which temporarily raised our statutory rate to \$120 an hour for our assigned counsel to be paid starting July 1, 2022. In the 2023 Legislative Session, another budget proviso was included in our BIDS budget to allow that \$120 per hour rate to remain in effect through FY 2024 and FY 2025. In the 2024 Legislative session, K.S.A. 22-4507(c) was amended to raise the statutory assigned counsel rate to a minimum of \$120 per hour up to \$140 per hour, with certain exceptions.

Currently, the BIDS Board has authorized and the Legislature has funded the BIDS assigned counsel rate at \$120 per hour through FY 2025.

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### **AGENCY WIDE OVERVIEW OF CURRENT YEAR ESTIMATE AND BUDGET YEAR SCENARIOS**

The BIDS budget can be described in thirds: Public Defenders; Assigned Counsel; and Defense Services, including court reporters, interpreters and experts.

#### ***Public Defenders***

Agency FTE is stable at 292 as follows:

Administration	39.0	Assigned Counsel	0.0
Legal Services for Prisoners	0.0	Appellate Defender Office	27.0
Trial Level Public Defender Offices	185.0	Death Penalty Defense	41.0

BIDS continues to make efforts to effectively and efficiently use our funding to provide the necessary resources for our employees and our clients. We continue to frequently negotiate with contract counsel and experts for lower-than-market rate services. Support staff provide vital assistance to aid in accomplishing the agency's mission as well.

#### **Public Defense Employee Pay and Turnover Issues**

However, one of the ways in which BIDS' efforts to use our resources effectively and efficiently continue to be hampered is through ongoing turnover. In the spring of 2019, it was reported that during the previous fiscal year, 1 out of every 4 public defenders resigned. As a result, the legislature approved funding to provide experience-based pay increases for public defenders that would begin July 1, 2019. That boost had a positive impact and that turnover rate fell to 13% in the fall of 2019. However, in part due to ongoing caseload issues and pay parity disparities, by July 2020 that turnover rate had increased back up to 15% agency-wide. In FY 2021 while that turnover rate fell slightly to 12%, our ongoing, chronic loss of



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experienced defenders over an extended period of time had put a significant strain on our ability to maintain our caseloads at ethically reasonable levels.

After enduring a world-wide pandemic and several years of stagnant wages, in FY 2022 our agency turnover rate spiked again to almost 18% with turnover rates among public defenders driving that at 20.63%. In FY 2022, 1 in 5 public defenders left our Kansas public defender system. During that severe period of turnover, another significant pay adjustment aimed at reaching better pay parity with prosecutors and other government services was implemented. As a result of that agency-wide pay scale adjustment and ongoing efforts to continue to control our public defender caseloads, our BIDS agency wide turnover rate plummeted in FY 2023 to 9.72% with public defender turnover specifically dropping to 8.55% while staff turnover hovered around 11.58%. By FY 2024, that turnover rate had risen back up to 14.8%.

While the implementation of a state employee pay raise of 5% at the beginning of FY 2025 has continued that pay progress, additional pay adjustments are still needed to hold any additional exodus of experienced defenders from starting again in future years and to aid us in continuing to recruit qualified, dedicated defense counsel and defense staff to fill our vacancies.

### *Assigned Counsel*

The statutory payment rate for our assigned counsel is currently funded at \$120 per hour under K.S.A. 2024 Supp. 22-4507(c), though BIDS has statutory authority under 2024 changes to K.S.A. 22-4507(c) to go as high as \$140 per hour. However, to support a rate of more than \$120 per hour long-term, additional funding will need to be secured for the assigned counsel program under future budget requests.

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Assigned counsel, though necessary, were historically more costly per case than public defenders, although due to staffing shortages and greater efforts to ethically control caseloads, that cost-effectiveness has inverted over the past few years.<sup>10</sup> Even at hourly rates well below the going market rate, assigned counsel historically cost more per case and assigned counsel typically handled fewer difficult, high-level cases such as first-degree murder and Jessica's Law cases. However, when the number of experienced public defenders drops due to resignation or public defender offices have to refuse cases due to caseload overload, more and more high-level cases must be defended by assigned counsel because there are not enough qualified public defenders remaining. This is due, in large part to the comparatively low salaries paid to public defenders compared to similarly qualified prosecutors.

### *Defense Services: Experts and Court Reporters*

For many years, revenue in the Indigents' Defense Services fee fund has fluctuated while expert and court reporter costs continue to climb. The projected state general funds and fee funds have not adequately supported expert and court reporter payments. Fluctuating increases in fee funds, savings from the remainder of the Operating Appropriation line item, and carrying unpaid claims into the next year have been the means for the agency to deal with this issue.

Additionally, due to recent state and national appellate decisions, our agency has implemented a new focus on the importance of utilizing appropriate expert services at all levels of the defense case. Due to the increased training on the necessity of obtaining appropriate experts and wider

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<sup>10</sup> Public Defenders were more cost-effective than assigned counsel by \$217 per case in 2017, by \$276 per case in 2018, by \$282 per case in 2019, and by \$175 per case in 2020. In FY 2021, due to the impacts of the COVID-19 pandemic, the slow-down in the court system, the stagnant costs of the public defender program, and lower than normal voucher submissions by the assigned counsel program, the assigned counsel program was temporarily more cost-effective by \$134 per case. However, by FY 2022 as cases began moving and the courts began to recover from the pandemic impacts, that rate became much more competitive with public defenders and assigned counsel cost per case roughly equivalent at \$1120 per case for public defenders and \$1062 per case for assigned counsel. In FY 2023, in part due to the implementation of legislative investments in the public defender pay structure, the cost per case for public defenders was \$1440 whereas the cost per case for our assigned counsel was \$1328. In FY 2024, in part due to the establishment of two new offices that did not begin accepting caseloads until FY 2025, the cost per case for public defenders was \$1,712 while the cost per case for assigned counsel was \$1,524.08.

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availability of a variety of experts, these costs have significantly increased over these past few years. While BIDS has had carry-over one-time cost savings in these recent years to cover these increased costs, more permanent funding support for these ethically required services will be necessary in future years.

BIDS continues to negotiate fees with experts at lower than market rates, but even those costs still increase year-to-year. As such, BIDS anticipates that in FY 2027 and beyond, additional permanent funding to support this program appropriately will be required.

	<b>FY 2018</b> (Actuals)	<b>FY 2019</b> (Actuals)	<b>FY 2020</b> (Actuals)	<b>FY 2021</b> (Actuals)	<b>FY 2022</b> (Actuals)	<b>FY 2023</b> (Actuals)	<b>FY 2024</b> (Actuals)	<b>FY 2025</b> (Current Yr.)	<b>FY 2026</b> (Out Year)
Experts Expenditures by year	\$1,088,164	\$1,341,182	\$1,229,582	\$1,178,837	\$2,008,522	\$2,114,188	\$3,731,092	\$3,165,022	\$1,026,556

Expert costs in FY2022 were \$2,008,522, likely in large part to a delay in casework in FY 2021 that was pushed back to FY 2022 due to the COVID-19 pandemic and the impacted court slowdowns and closures in FY 2021. Expert services vary annually based on the need for expert services for all cases. In FY 2023 experts costs were \$2,114,188, slightly higher than the year before, likely due to casework picking up steam after recovering from the slowdown during the pandemic. In FY 2024, in part due to a return to full case-loads post-pandemic and due to the increased focus in our trainings on the importance of experts in defense cases, those expert costs increased significantly in FY 2024 to \$3,731,092.00.

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	<b>FY 2018</b> (Actuals)	<b>FY 2019</b> (Actuals)	<b>FY 2020</b> (Actuals)	<b>FY 2021</b> (Actuals)	<b>FY 2022</b> (Actuals)	<b>FY 2023</b> (Actuals)	<b>FY 2024</b> (Actuals)	<b>FY 2025</b> (Current Yr.)	<b>FY 2026</b> (Out Year)
Transcription costs by year	\$691,046	\$769,683	\$680,447	\$378,279	\$430,764	\$543,338	\$623,946	\$924,663	\$774,663

Transcriptionist totals vary based on the length of trials transcribed. Transcription costs took a significant decline in FY2021 to \$378,279 due to the pandemic and lack of case movement in the courts during that time. Transcript costs in FY 2022 began to gain steam and were back up to \$430,764. In FY 2023, those costs increased to \$543,338, likely due to the pick up in casework following the slowdown of casework during the pandemic. Transcription costs were still lower in FY 2023 than they were in 2019, pre-pandemic. In FY 2024, as caseloads returned to more typical levels after pandemic slow-downs, transcription costs increased again to \$623,946.

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### **CURRENT YEAR – FY2025 - \$69,788,251**

The agency's approved FY2025 resources includes \$61,077,682 in SGF appropriations, \$104,600 in carry forward and an estimated \$800,000 in Indigents' Defense Services fee fund receipts, \$10,869 in fee fund carry forward, an estimated \$6,000 of revenue from the In-Service Education fee fund, and an In-Service Education fee fund carry forward of \$5,602. The agency also had reappropriations from FY2024 in the amount of \$7,789,100. This amount includes \$6,995,835 from Operations, \$492,533 from Assigned Counsel, and \$300,732 from Capital.

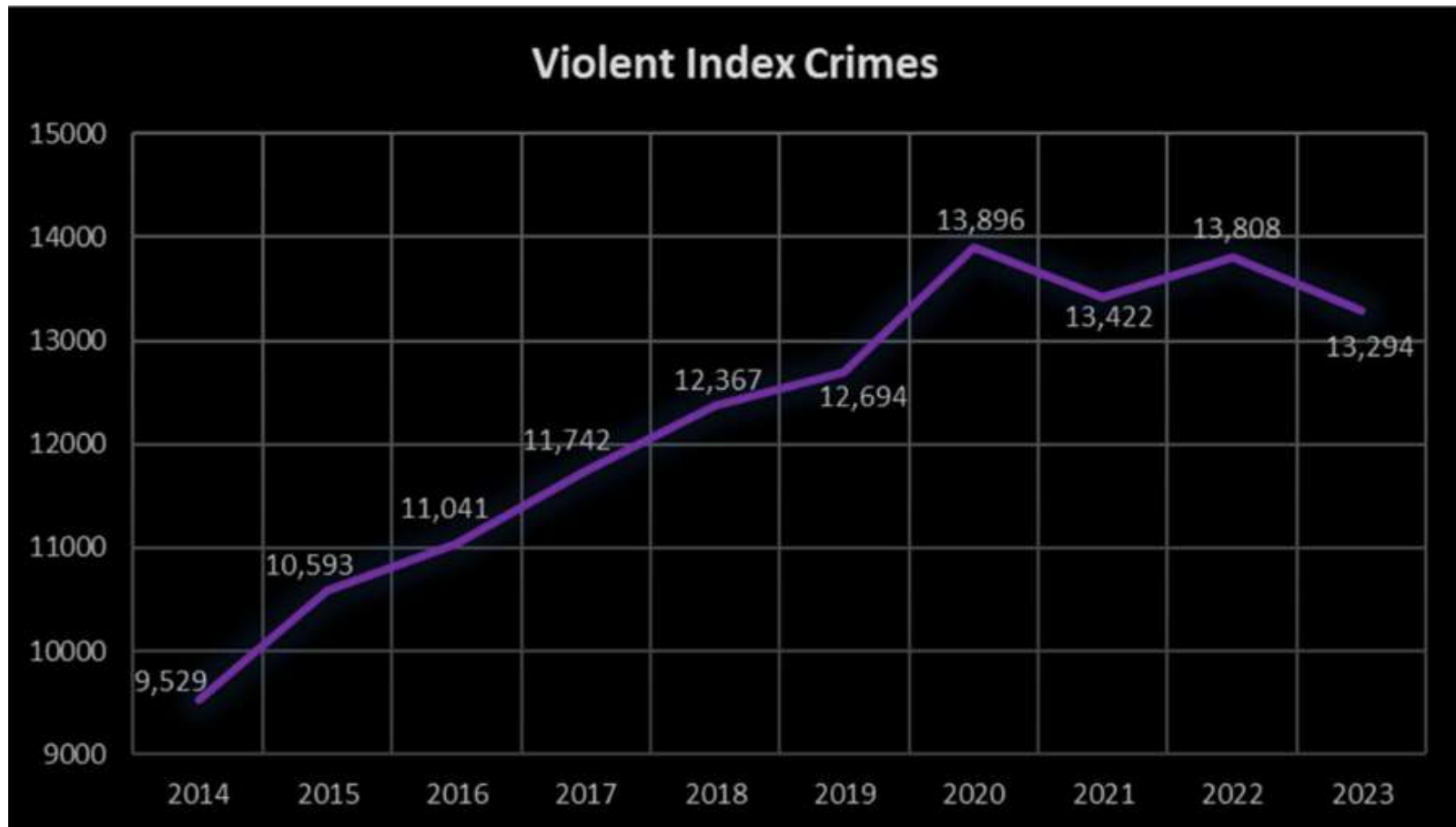
The following Violent Kansas Crime Index produced by the Kansas Bureau of Investigation charts the recent continued downward trend of overall violent crime in Kansas. While this index is an important consideration when discussing the allocation of state resources as the more crimes prosecutors decide to charge, though violent crime has gone down, prosecutors continue to charge increasing numbers of non-violent cases, increasing the need to provide more defense counsel to defend those cases. While a decrease in violent crimes reported is good for Kansas as a whole, if prosecutors continue to charge higher numbers of felonies overall, BIDS must continue to provide equivalent defense services for each one of those felonies. Frequently multiple persons are charged in the same incident, thus requiring the appointment of private attorneys in addition to the public defender. When one incident has multiple co-defendants, one of the co-defendants will receive the public defender, the second will receive the conflicts public defender if a conflicts office exists, the third will receive the contract assigned counsel, and the fourth will receive an assigned counsel attorney from the appointments panel. Because such situations are frequent, we have multiple judicial districts across the state where we have to simultaneously maintain all four levels of appointed counsel to consistently meet the needs of the court and our clients.

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### 2023 Index Crimes From KBI



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### Public Defense Service Coverage Areas by Type FY 2024

Counties With Public Defender Office Coverage	Counties with Contract Counsel Coverage	Counties with Assigned Counsel Panel Coverage
Allen Chautauqua Clay Dickenson Douglas Finney Geary Johnson Montgomery Morris Neosho Ottawa Reno Riley Saline Sedgwick Shawnee Wilson Woodson	Atchison, Brown, Butler, Cherokee, Cloud, Crawford, Doniphan, Douglas, Geary, Hamilton, Harper, Jefferson, Jewell, Johnson Kearney Labette, Leavenworth, Lincoln, Mitchell, Ottawa, Reno, Republic, Saline, Scott, Sedgwick, Shawnee, Sumner, Washington, Wyandotte	All Counties

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### Number of Assigned Counsel Cases Per County FY 2024

11	12	15	28	16	11	6	22	19	93	37	112	52
CHEYENNE	RAWLINS	DECATUR	NORTON	PHILLIPS	SMITH	JEWELL	REPUBLIC	WASHINGTON	MARSHALL	NEMAHA	BROWN	DONIPHAN
125	99	4	9	16	20	60	98	5	186	132	389	134
SHERMAN	THOMAS	SHERIDAN	GRAHAM	ROOKS	OSBORNE	MITCHELL	CLOUD	CLAY	RILEY	POTTAWATOMIE	JACKSON	ATCHISON
12	26		24	189	55	14	38		468	29	1181	65
WALLACE	LOGAN	GOVE	TREGO	ELLIS	RUSSELL	LINCOLN	OTTAWA	GEARY	WABAUNSEE	SHAWNEE	JEFFERSON	LEAVENWORTH
3	10	55	5	15	13	29	815	113	32		555	1264
GREELEY	WICHITA	SCOTT	LANE	NESS	RUSH	ELLSWORTH	SALINE	DICKINSON	MORRIS		DOUGLAS	JOHNSON
106					418	66	251	132	21	245	107	259
					BARTON	RICE	MCPHERSON	MARION	CHASE	LYON	OSAGE	FRANKLIN
31	17	370	3		106	30	310	414		53	65	175
HAMILTON	KEARNY	FINNEY	HODGEMAN	PAWNEE		30	RENO	HARVEY		COFFEY	ANDERSON	MIAMI
6	49	17			18	310	84	1541	304	28	303	131
STANTON	GRANT	BASKELL			EDWARDS	STAFFORD	KINGMAN	SEDGWICK	BUTLER	WOODSON	ALLEN	LINN
6	49	17	24	501	21	73	84	1541	304	134	28	303
			GRAY	FORD	KIOWA	PRATT	KINGMAN	SEDGWICK	BUTLER	GREENWOOD	73	389
										25	272	507
										ELK	WILSON	NEOSHO
11	22	253	52	9	7	22	73	155	417	11	3...	327
MORTON	STEVENS	SEWARD	MEADE	CLARK	COMANCHE	BARBER	HARPER	SUMNER	COWLEY	CHAUTAQUA	MONTGOMERY	CRAWFORD
											LABETTE	CHEROKEE

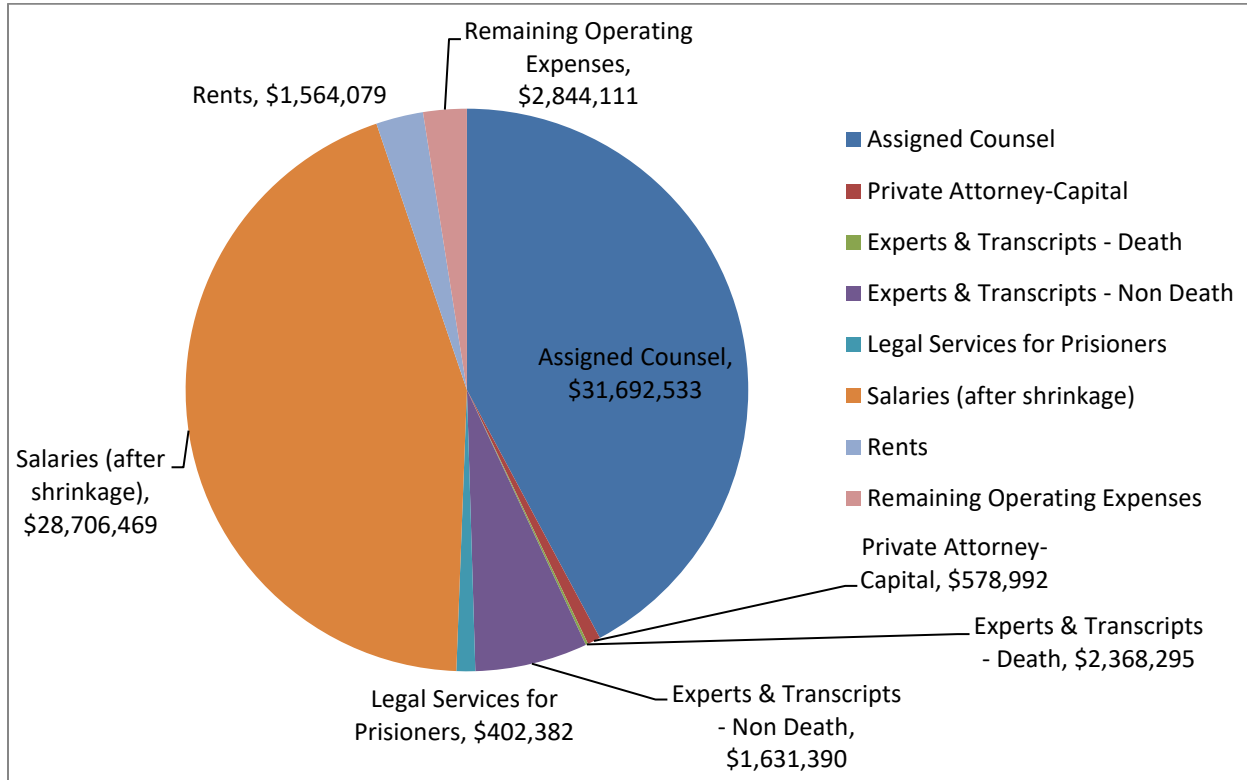


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### FY2025 Agency Appropriation



This chart reflects the distribution of agency appropriations and fee funds for FY 2025. Remaining Operating funds of \$2,844,111 cover the needs of eighteen offices plus two satellite locations and two hundred ninety-two full-time equivalent staff. These funds provide for training, equipment, postage, telephone, freight, printing, advertising, state fee assessments, travel and vehicle expenses, professional liability and automobile insurance, Westlaw, utilities, office supplies, record storage, and professional materials such as K.A.R.'s and P.I.K.'s.

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### **BUDGET YEAR INFORMATION**

#### **FY2026 Appropriation – Current Service Level - \$62,130,016**

The agency's approved FY2026 resources includes \$61,324,016 in SGF appropriations, an estimated \$800,000 in Indigents' Defense Services fee fund receipts, and an estimated \$6,000 of revenue from the In-Service Education fee fund.

#### **BIDS Enhancements – FY2026 TOTAL - \$10,960,972 and 29 FTEs**

##### **Enhancement Package #1 of 2**

##### **Recruitment & Retention Enhancement: Pay Parity with Prosecutors Compensation Adjustment Totaling \$6,668,972 (ongoing cost)**

###### *Summary*

In FY 2023, BIDS requested and received a large-scale, agency-wide salary readjustment to bring all of our employee salary ranges up to more competitive levels with similarly situated employees in other government agencies and to provide better pay parity for our public defenders with their prosecutor counterparts. While 1 in 5 public defenders left our service in FY 2022, that pay scale adjustment, effective with the first pay day in July 2022 for FY 2023, and had a significant impact on both our retention of current employees and our recruitment efforts to fill our currently vacant positions. In FY 2024 and FY 2025, we were able to continue that progress of moving our salary structure forward thanks to being included in the 5% state employee pay raise plan for two years in a row.

In the summer of 2023, BIDS conducted a new round of open records requests of a selection of prosecutor offices across the state aimed at reviewing the current salary structures of prosecutors and combined that data with the collection of prosecutor job opening advertisements from the Kansas

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Attorney General's office over the same time period. Based on that data collection, along with the more antidotal feedback we've gotten from recent job applicants, it's clear that our public defenders still lag approximately 28% behind prosecutor salaries at both the county and state levels. This is true for starting salaries as well as for experienced defender salaries. In FY 2024, we continued to monitor those salary levels and, unfortunately, prosecutors offices are still outpacing our public defender salaries by that same 28% and that gulf is only getting wider.

In 2019 we lost 1 out of every 4 public defenders. In 2022, we lost 1 out of every 5 public defenders. We will be paying for those recent catastrophic losses for quite some time as we continue to replace those lost attorneys with attorneys who overall have less experience than those we lost. Suffering another year of such huge staffing losses will result in a breakdown of our ability to meet our core agency mission of providing constitutionally required criminal defense counsel on every adult felony-level case for an indigent person in Kansas.

In August 2024, our Board heard a report from our BIDS Well-Being Committee on our 2024 Employee Well-Being Survey that was conducted over the summer of 2024. In that report, **approximately 75% of our employees who responded indicated that they had considered leaving our public defender offices within the last 12 months primarily due to salary concerns.** That is a highly concerning statistic. This is evidence that as long as our salaries continue to be so substantially outpaced by prosecutor salaries, we continue to be susceptible to substantial turnover issues. As a result, pay issues and specifically pay parity with prosecutors, will continue to be our Board's number one budget priority in order to retain our current employees and to continue recruiting new employees.

To support our current and long-term goals of keeping experienced public defenders within the agency and being able to recruit competitively against our prosecutor counterparts for quality candidates for open positions, BIDS is, for the second year in a row, proposing compensation adjustments for FY 2026 to account for pay parity with prosecutors.

### *Pay Parity with Prosecutors Compensation Adjustment FY 2026*

The Attorney General's Office as well as regional prosecutors' offices are offering starting salaries around \$80,000 for new law grads. BIDS current starting salary for new law grads is \$62,500, or 28% below competing prosecutors' offices around the state.

It is imperative for BIDS to not only continue to hold off additional turnover within our agency but also that we be able to continue to effectively compete for quality candidates to fill our vacant positions. Over the past year, as BIDS has centralized our recruitment and hiring process, we have

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tracked a number of quality candidates who we lost specifically because we could not come close to offering a competitive salary to who instead took prosecutor positions in the same jurisdictions where we offered a public defender position. In short, while the significant progress we made on pay parity issues two years ago was important and appreciated, that work is not yet done and an additional compensation adjustment is needed in order to meet the parity of resources and pay that prosecutor across the state have that we do not.

**Based on the data we collected and after a thorough review of our current salary structure, BIDS anticipates that the funding needed to adjust our compensation for both our attorneys and staff to reach better pay parity with prosecutor's offices requires an investment of an additional \$6,668,972.** This adjustment provides a 28% adjustment for attorney salaries and an average of a 10% average adjustment for non-attorney staff throughout the agency, depending on position. If this adjustment would be better implemented over the course of two years, rather than all at once, that adjustment would come to \$3,334,486 in both FY 2026 and again in FY 2027. These figures represent the total agency cost of both base salary changes and fringe adjustments.

The BIDS Board discussed and approved this request for a pay adjustment at its September 2024 meeting and has directed agency staff to work with the Governor's office and Department of Administration to adjust our salary scales for FY 2026 to accommodate this adjustment if the Governor and the Legislature agree to fund prosecutor pay parity for public defenders.

BIDS respectfully requests that the Governor and Legislature fully fund our pay parity with prosecutors' compensation adjustment. Continued movement towards our goal of professional-level compensation is vital so that BIDS can continue our efforts at slowing our turnover of experienced attorneys and staff and continuing to recruit quality candidates for our vacant positions.

**The total cost for the Recruitment and Retention Pay Parity with Prosecutors Enhancement in FY 2026 is \$6,668,972.**

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### **Enhancement Package #2 of 2 Ethical Caseloads Staffing & Support Plan for FY 2026: Totaling \$4,292,000.00 and 29 new FTEs. (Ongoing)**

#### Summary

In September 2023, the new national public defender caseload standards were released by the American Bar Association, the National Center for State Courts, and the Rand Corporation. Based on our review of those new caseload standards, even with every current position filled, **BIDS is short approximately 667 FTE positions to cover current caseloads in order to comply with those standards.** BIDS currently has approximately a third of the staffing it needs in its current public defender offices to handle current prosecutor case filings. Over the next five years or so, BIDS will need a substantial increase in new FTE positions (and funding to support those positions) to fully staff its offices and cut back significantly on the number of public defender offices weathering prolonged case refusals due to caseload concerns.

BIDS is working on a year-over-year steady increased staffing plan in order to start making significant progress on these shortages while not outpacing BIDS' ability to hire, onboard, and place those new employees. This would be the first year of this request and would increase staffing by approximately 10% (or 29 FTEs) in FY 2026. The new positions would be a combination of attorneys and non-attorney staff and this funding is the total cost to the agency for those positions, including base salary, fringe benefits, training, and overhead costs. The positions would be prioritized in offices with the capacity to house the positions and where positions are most likely to be filled quickly or where the need is the greatest.

BIDS has made substantial efforts to fill our vacant positions and anticipates, based on our hiring trends and our highly successful recruitment efforts and law student internship program acting as a feeder into post-law school employment, that the vast majority of our remaining vacant positions will be filled by July 1, 2025.

In order to be able to continue to hire and onboard new defenders and defense staff into our system in FY 2026 and in order to meet the ethical and constitutional requirements of maintaining appropriate caseloads, we will need these additional positions to be able to currently meet the volume of criminal cases that Kansas prosecutors continue to charge across the state.

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Even when all of our current positions are filled, our Kansas Workloads Report from December 2023 estimated that BIDS still needs approximately 667 additional FTEs to meet the National Public Defense Workloads Standards that are based upon a standard of the minimal level of constitutionally required representation allowable. These additionally requested 29 positions represent approximately 4% of those constitutionally required additional staffing level shortages. Failure to continue to make steady progress toward substantial compliance with our ethical and constitutional standards significantly increases the likelihood of statewide litigation on the constitutionality of our Kansas public defense system.

We ask that the Governor and Legislature consider fully funding this necessary Ethical Caseloads Staffing request in FY 2026 and allow us to add 29 new fully funded FTE positions to BIDS.

**The total agency cost for the FY 2026 Ethical Caseloads Staffing Enhancement is \$4,292,000.00 M and 29 new FTEs (ongoing).**

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### TRANSCRIPTIONISTS

Expenditures in this category are for court reporters that perform transcript preparation services. The rise in transcription costs is directly correlated to payment increases by Order of the Kansas Supreme Court and changes in the number of appellate cases. This rise and decline is represented in the following charts. Decisions by the Appellate Courts regarding sentencing issues, requiring transcripts of preliminary hearings, and the continued increase in claims of ineffective assistance of counsel have also impacted these costs. These increases are reflected in the historic actual costs and the future projections. Utilization of transcripts for trial defense work for public defenders and assigned counsel vary based on several issues including the severity of the case, whether or not there are co-defendants, and the philosophy of the attorney and any supervising attorney. Due to the need for transcripts of preliminary hearings for both trial and appeal purposes, we expect this cost to continue to increase as we continue to see rising caseloads across the state.

FY2001 Rule change by the Kansas Supreme Court increasing cost per page from \$2.00 to \$2.75.

FY2002 Decrease in appellate cases.

FY2003 Small increase in appellate cases.

FY2004 A significant decrease in appellate cases.

FY2005 Increase in claims of ineffective assistance of counsel.

FY2008 Effective January 1, 2008 \$3.00 per page

FY2010 Effective January 1, 2010 \$3.25 per page

FY2012 Effective January 1, 2012 \$3.50 per page

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### Transcription Costs by Office

	Actual FY2020	Actual FY2021	Actual FY2022	Actual FY2023	Actual FY2024	Allocated FY2025	Allocated FY2026
ADO	501,852	259,020	282,645	422,826	484,117	650,000	550,000
NE Kansas Conflicts	8,942	1,780	449	165	63	3,950	3,950
Sedgwick Co Conflicts	559	11	139	1,600	5,429	5,500	5,500
Third Judicial-Topeka PD	2,007	1,176	1,168	1,794	1,131	2,500	2,500
Junction City PD	585	60	189	0	2,164	1,913	1,913
Saline Co PD	3,854	424	416	161	1,845	2,500	2,500
SE Kansas-Chanute	0	0	0	189	0	0	0
Douglas Co PD-Lawrence	0	0	0	0	1,545	2,000	2,000
SE Kansas-Pittsburg	0	0	0	0	2,530	0	0
Reno Co -Hutchinson	4,487	3,957	2,905	2,629	4,673	3,000	3,000
Sedgwick Co PD	4,078	4,179	3,042	2,980	0	5,500	5,500
Wyandotte Co PD	0	0	0	0	246	2,500	2,500
Johnson Co PD	287	0	448	0	100	500	500
Western Regional-Garden City	615	3,935	356	563		500	500
Subtotal Trial	25,413	15,520	9,111	10,080	19,726	30,363	30,363
Assigned Counsel	138,338	101,538	98,730	85,809	108,776	230,000	180,000
Death Penalty Topeka	532	410	7,102	6,420	7,176	10,000	10,000
Death Penalty Wichita	0	81	2,639	918	1,297	1,800	1,800
Capital State Penalty Habeas	35	308	424	273	322	500	500
Capital Case Private Attorney	0	0	16,811	3,346	575	0	0
Capital Appeals & Conflicts	13,194	1,316	4,946	5,431	1,957	2,000	2,000
Capital Appeals	1,082	84	8,358	8,236	0	0	0
Subtotal Capital Defense	14,843	2,198	40,279	24,624	11,327	14,300	14,300
Grand Total	680,445	378,276	430,764	543,338	623,946	924,663	774,663

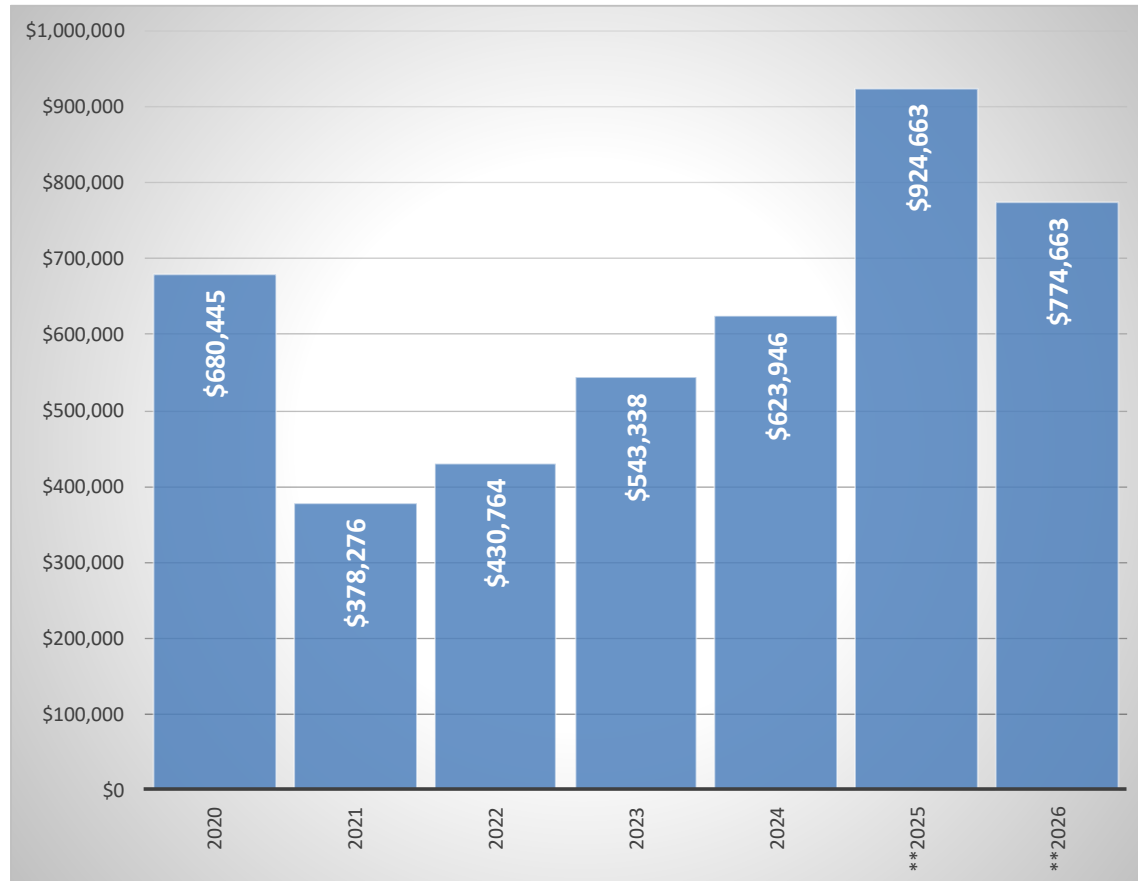


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## Transcript Costs



\*\* Estimated Transcript Costs

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### EXPERTS

Expert service expenditures are reported in the budget program associated with the corresponding requesting attorney (Trial, Appellate, Assigned Counsel, and Capital). Account Code 527970 is utilized to reflect these expenditures. Since the same issues impact the use of expert services across all program areas, a brief summary of these issues and aggregate historic statistical information for expert services provided.

Expenditures in this category include investigators, interpreters, expert's specializing in DNA analysis, change-of-venue, crime scene analysis, sexual abuse, psychology, ballistics, computer forensics, and other specialties. Expert costs continue to increase due to Supreme Court decisions requiring the use of experts in order to provide effective assistance of counsel. This is reflected in the subsequent charts.

This increase in the use of experts and the subsequent cost is due to:

- 1) legislation requiring drug and alcohol evaluations for all DUI cases,
- 2) legislation requiring psychological evaluations for sentencing purposes,
- 3) United States Supreme Court decisions finding that attorneys are ineffective if they do not use experts for the defense,
- 4) more expert hours being required on a case,
- 5) an increase in billed rates even though we maintain a list of experts who are willing to provide services for indigent defense at a reduced cost,
- 6) the impact of "Jessica's Law" and other legislation increasing sentences or increasing the severity level of a crime, and
- 7) the need for new types of experts for new crimes-such as electronic solicitation and possession of child pornography, in the areas of computer, cell phone and electronic forensics,
- 8). the increased professional standards that require much more extensive use of *Daubert* hearings to assess all types of evidence prior to their admission into evidence.

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### Expert Costs by Office

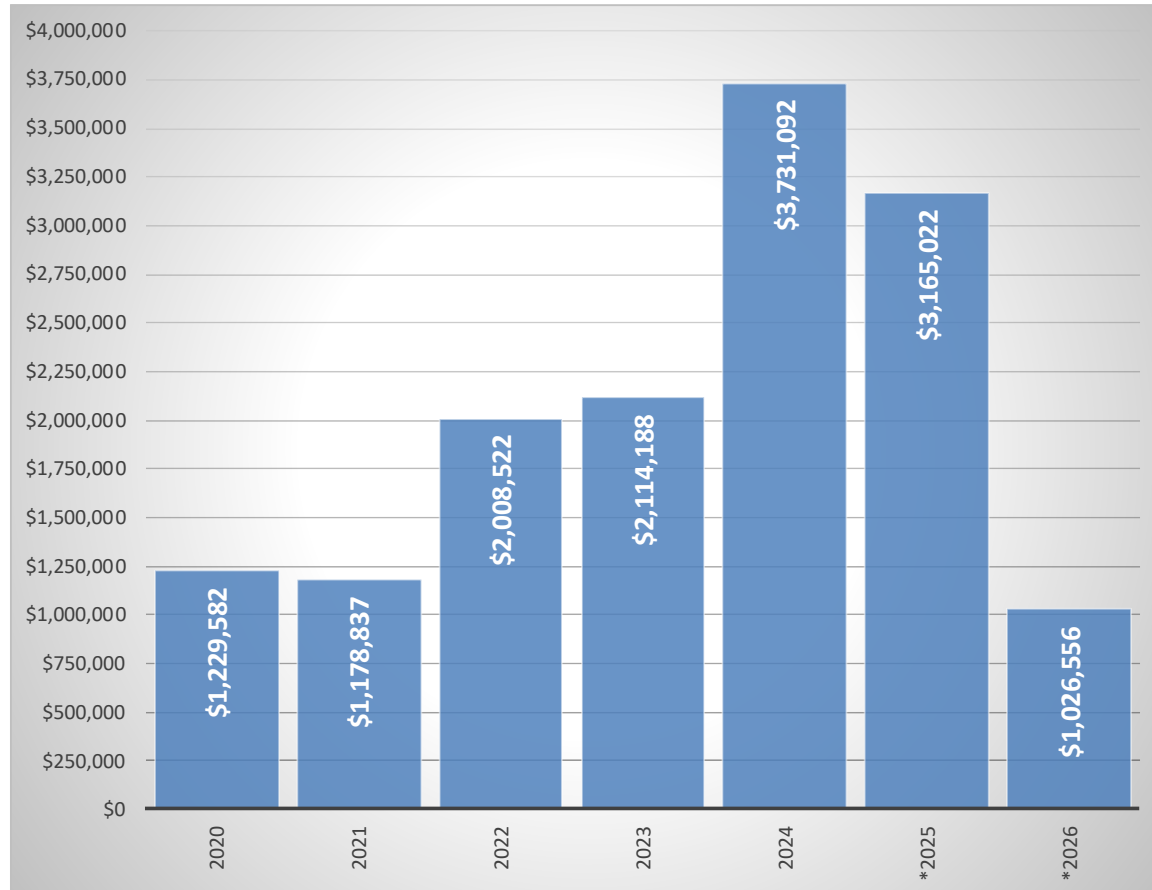
	Actual FY2020	Actual FY2021	Actual FY2022	Actual FY2023	Actual FY2024	Allocated FY2025	Allocated FY2026
ADO	0	84	71	0	163	0	0
NE Kansas Conflicts	4,507	10,514	28,877	19,449	17,291	40,000	10,000
Sedgwick Co Conflicts	20,376	13,394	18,617	29,690	36,803	75,000	10,000
Third Judicial-Topeka PD	33,056	37,274	41,648	33,379	39,565	75,000	10,000
Junction City PD	57,899	27,079	30,316	39,767	48,364	75,000	15,000
Saline Co PD	52,089	38,257	41,439	17,768	21,013	45,000	14,000
SE Kansas-Chanute	4,808	163	2,412	11,629	5,852	28,000	4,500
Douglas Co PD-Lawrence	0	0	0	0	19,128	40,000	5,000
SE Kansas-Independence	4,275	0	0	240	4,828	28,000	1,000
SE Kansas-Pittsburg	0	0	0	0	0	15,000	1,472
Reno Co -Hutchinson	15,047	35,852	47,234	31,127	33,182	65,000	10,000
Sedgwick Co PD	129,953	35,155	28,103	23,092	64,310	95,000	15,000
Wyandotte Co PD	0	0	0	0	0	30,000	3,000
Johnson Co PD	75,863	120,627	144,707	156,689	253,590	335,000	15,000
Western Regional-Garden City	3,830	4,938	0	0	1,380	5,027	1,500
Subtotal Trial	401,703	323,253	383,352	362,830	545,306	951,027	115,472
Assigned Counsel	529,474	479,298	1,020,658	1,116,140	1,570,210	1,960,000	630,000
Death Penaltly Topeka	26,645	61,365	186,320	196,141	756,683	75,000	75,000
Death Penalty Wichita	21,748	37,192	56,413	59,509	131,156	50,000	50,000
Capital State Penalty Habeas	47,257	14,876	15,415	122,578	169,598	50,000	50,000
Capital Case Private Attorney	202,755	261,869	346,293	256,989	557,976	78,995	106,084
Capital Appeals & Conflicts	0	900	0	0	0	0	0
Capital Appeals	0	0	0	0	0	0	0
Subtotal Capital Defense	298,406	376,202	604,441	635,218	1,615,413	253,995	281,084
Grand Total	1,229,582	1,178,836	2,008,522	2,114,188	3,731,092	3,165,022	1,026,556

# NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: AGENCY SUMMARY

## Expert Costs



\* Estimated Expert Costs Based on Available Budget

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
 SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

### ADMINISTRATION OFFICE BACKGROUND

#### Historical Perspective

	<b>FY 2018 (Actual)</b>	<b>FY 2019 (Actual)</b>	<b>FY 2020 (Actual)</b>	<b>FY 2021 (Actual)</b>	<b>FY 2022 (Actual)</b>	<b>FY 2023 (Actual)</b>	<b>FY 2024 (Actual)</b>
<b>COST</b>	<b>\$788,499</b>	<b>\$792,153</b>	<b>\$829,257</b>	<b>\$924,697</b>	<b>\$1,264,046</b>	<b>\$2,123,560</b>	<b>\$3,029,767</b>
<b>FTE</b>	<b>10.2</b>	<b>10.2</b>	<b>11.8</b>	<b>11.8</b>	<b>19.2</b>	<b>30.6</b>	<b>30.6</b>

The administrative office fulfills the agency mission of providing the most efficient and economical defense delivery system through constant vigilance of both the assigned counsel and the public defender systems. The effectiveness and efficiency of the assigned counsel program are promoted through the use of contracts between the agency and assigned counsel and by regulatory requirements for continuing legal education and minimum experience levels for attorneys who accept appointments as assigned counsel. The Administration Office continues to monitor costs in both the assigned counsel program and in the public defender offices. In recent years, due to the identified additional support needs of our public defender offices and our assigned counsel program, the administrative office has been experiencing much needed growth.

<u>Fiscal Year</u>	<u>Payment Transactions</u>	<u>Audit Cuts</u>
FY2018	16,532	\$262,705
FY2019	17,342	\$235,654
FY2020	16,409	\$234,185
FY2021	16,012	\$291,488
FY2022	17,871	\$404,353
FY2023	21,528	\$672,612
FY2024	19,966	\$553,312

The administrative office currently provides support services for the 20 public defender office locations across the state as well as all of the assigned counsel program which consists of approximately 350 individual private counsel.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
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DIVISION OF THE BUDGET  
STATE OF KANSAS

The administrative office also supervises and administers our BIDS paid public defender internship program for 2L and 3L year law students. Part of the increase in FTEs in the administrative office between FY 2022 and FY 2023 reflected the implementation of those paid internship positions that are filled on a rotating basis by different law students during the fall, spring, and summer sessions and are actually physically housed in our participating regional public defender offices across the state.

In support of the public defender offices and assigned counsel, the administrative office is responsible for accounts payable, accounts receivable, purchasing, contract negotiations, technology updates, expansions and support, human resources, training coordination and general administration. General administration includes responsibilities such as:

Caseloads of each office are monitored to address overload of cases and to allow for transfer of public defender and support staff positions as caseloads increase more rapidly in some counties.

The Administration writes and updates agency regulations, as well as, completes regulation approval and the public hearing process.

The Administration is in frequent contact with chief judges and district court clerks around the state in an effort to ensure that BIDS is providing sufficient attorney coverage to all areas of the state.

The Administration requests new legislation, or changes in legislation, to enable the agency to carry out its statutory mission.

The Administration conducts in-house continuing legal education (CLE) programs whereby public defenders and assigned counsel can receive the required training for attorney licensing at no cost to public defenders and low cost to assigned counsel.

The Administration secures training for public defenders through ITAP, and NITA, NACDL, NAPD, NCDC, and NLADA as well as other programs.

The Administration regularly attends and participates in a variety of local and state committees, programs, listening sessions, and public conversations about the role of public defense in our criminal legal system.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

DIVISION OF THE BUDGET  
STATE OF KANSAS

### *State Director*

The State Director serves as the Chief Executive Officer for the agency. (K.S.A. 22-4525)

The duties of the State Director are defined by K.S.A. 22-4525 as follows: “The state director of indigents’ defense services shall be chief executive officer of the state board of indigents’ defense services. In addition, thereto, the director shall: (a) supervise the operation, policies and procedures of the office of the board; (b) prepare and submit to the board an annual report of the operation of the office in such form as the board directs; and (c) perform such other duties as the board requires.” The Executive Director is responsible for overall supervision, agency planning, and providing the most current and accurate information regarding the agency to Board members, the Governor’s Budget Division, the Legislative Research Department, legislative subcommittees, all levels of the Executive Branch, and employees throughout the agency.

In addition, the State Director provides administrative supervision and support to contract counsel and assigned counsel by initiating and overseeing contracts with private attorneys, reviewing and authorizing payment for assigned counsel and expert services and updating Board policies. The State Director directly supervises the Assistant Director, Chief Counsel, Human Resources Director, Training Director, Special Projects Director, and the Chief Defenders of all the agency’s public defender offices.

Heather Cessna began as the current director for BIDS on October 1, 2019.

### *Assistant Director*

The Assistant Director serves as the Chief Fiscal Officer for the agency and oversees the Accounting and IT departments. The Assistant Director also directs fiscal operating functions of the agency, including but not limited to audit compliance, agency purchases, lease management activities, payroll backup, COOP plan involvement, serving as program manager for the trial offices, responsible for administering the preparation of all agency financial data, preparation and entry of the budget data in IBARS, and assisting the Director with the preparation of the annual budget narrative.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

DIVISION OF THE BUDGET  
STATE OF KANSAS

### *Legal Section*

The Legal Section of the BIDS Administrative office is responsible for all major legal questions and issues that come before the Board or involve the Board as and assigned counsel panel recruitment. The Legal Section also works closely with the State Director, Assistant Director, and the Personnel Section on employment law issues as needed. The Legal Section also responds to Open Records Act requests, coordinates responses to client inquiries and complaints regarding assigned defense counsel, and assists with locating experts and other legal resources for our public defenders and assigned counsel. The Legal Section currently consists of the agency's General Counsel and the Assigned Counsel Coordinating Counsel.

### *Training Section*

The Training Section of BIDS is responsible for training all BIDS employees and providing training to assigned counsel on a wide variety of topics including, but not limited to, new attorney trial skills, ethics, leadership training, continuing legal education on a variety of topics, basic employment rules and regulations training in conjunction with the Personnel Section and the Department of Administration, Capital Defense continuing legal education, investigator trainings, as well as legislative and case law updates. The Training Section also spearheaded a makeover of the BIDS agency website, coordinates with the BIDS Well-Being Committee to compile the annual well-being survey results, and coordinates the monthly BIDS employee newsletter. The Training Section consists of our Training Director, Assistant Training Director, and an administrative specialist.

### *Special Projects Section*

The Special Projects Section is responsible for recruitment of attorneys and staff to fill vacant positions within BIDS in conjunction with the Personnel Section. The Special Projects Section is also responsible for developing and administering an agency-wide internship program aimed at pairing interested law students, and potential criminal justice-oriented college and graduate students with appropriate learning opportunities within BIDS while providing additional needed assistance to our capital, trial, and appellate public defender offices. The Special Projects Section also is available to the Personnel Section, the Training Section, the Legal Section, and the Director and Assistant Director to spearhead or assist with specific limited projects for the improvement of the agency as workload allows. Our Special Projects Section is led by the Director of Special Projects, and includes a Data and Statistics Analyst, a Special Projects Staff Attorney, and a rotating group of temporary interns.



## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

DIVISION OF THE BUDGET  
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### *Personnel Section*

The Personnel Section of BIDS is responsible for all major personnel functions and activities related to human resource management such as employee relations, benefits, FLSA, ADA, FMLA, Shared Leave Program, Affirmative Action/Equal Employment Opportunity, employment, recruitment/orientation/exit interview, training, timekeeping, maintaining position organizational charts, and SHaRP.

The HR unit continually initiates changes and updates to the Employee Handbook, Personnel Handbook, and New Employee state-wide Orientation Training due to regulation changes. The HR unit has been involved with the Division of Personnel Services dealing with compensation and other issues. The agency continues to increase the use of technology by using the automation of the State Self-Serve web page for employees to view personal information, training summary, leave balances, paychecks, updating W-4 tax information, and requesting the reissue of W-2 forms. For many years, technology has been used for open enrollment changes and to view total compensation. The Personnel Section expanded in FY 2024 and now includes a Human Resources Director, several Human Resources Professionals and an administrative assistant.

### *Accounting Section*

The Accounting Section consists of a number of Accountant I, II, and III employees. The Accounting Section is responsible for the auditing, collection of supporting documentation, and processing of all agency payments in accordance with state and Board policies, regulations, and statutes. This includes operating expenses for all field offices, assigned counsel, experts, transcriptionists and contract attorneys. This section is also responsible for the monitoring and processing of defendant recoupment payments submitted by the District Courts. These recoupment funds are a pass-through to the State Treasurer for deposit into the State's revenue accounts; they are not agency funds. This section supports the Assistant Director, who serves as the agency CFO and the program manager for the field offices, by coordinating large purchases, office moves, travel requests, negotiating leases, and other projects that would affect the goals of the Public Defender program.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

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### *Information Technology Section*

One Technology Support Consultant III, who serves as the department team lead, one Technology Support Consultant II, two Technology Support Consultant I, and a System Analyst comprise the IT section's five FTE's. The Information Technology Section provides planning, design, procurement, implementation, training, and support of the agency's information resources including computer equipment, LAN/WAN connections, VPN, applications and telecommunications. With the use of statewide WAN connections and TCP/IP remote connections in smaller outlying offices, the agency is positioned to provide information services, demographics, and statistical data to its internal and external customers. The Assistant Director oversees the IT section and together they develop the Three-Year Information Technology Strategic Plan and other objectives for the department.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
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DIVISION OF THE BUDGET  
STATE OF KANSAS

### ADMINISTRATION OFFICE PROGRAM

**MISSION:** To provide administrative supervision, technical support, and coordination of state resources to support the delivery of indigents' defense services. Through teamwork, communication and cooperation, the Administration Office strives to continually improve assistance to the board, public defenders, and assigned counsel.

**PHILOSOPHY:** The Administration Office of the State Board of Indigents' Defense Services must accurately and wisely monitor, analyze and report the activities of our agency and social factors that affect it in order to aid the decisions of government policymakers. We shall strive to support the delivery of excellent services by those who directly serve the indigent client.

#### **OBJECTIVE #1:**

Monitor statewide costs per case while maintaining quality service to clients.

#### **Strategies for Objective #1:**

1. Review and analyze defense delivery cost for all counties in the state.
2. Explore alternative defense delivery options where cost-effective.
3. Implement viable cost-saving defense delivery programs including contracts with individual attorneys and exercise statutory authority to prorate cost per case.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
 SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

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### Performance Measures for Objective #1:

#### OUTCOME MEASURES:

	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Current Yr.)	FY 2026 (Out Year)
Maintain level of dollars saved by audit procedures.	\$262,705	\$235,654	\$234,185	\$291,488	\$404,353	\$672,612	\$553,612	\$692,015	\$865,019
Monitor increase in average cost per case for attorney services.	\$885	\$941	\$993	\$898	\$1,062	\$1,328	\$1,524	\$1,600	\$1,680

#### OUTPUT MEASURES:

	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Current Yr.)	FY 2026 (Out Year)
Number of Judicial Districts Reviewed for cost-effective delivery of defense services	31	31	31	31	31	31	31	31	31
Number of counties covered by assigned counsel contracts/agreements	37	36	39	19	17	17	29	29	30
Number of agency CLE programs offered to assigned counsel attorneys.	3	2	2	10	51	50	60	60	60

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
 SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

### OBJECTIVE 2:

To monitor the caseload and performance of public defenders in all divisions.

### Strategies for Objective #2:

1. Perform quarterly case count download from all offices.
2. Confer with chief defenders regarding case assignment on a continuing basis.
3. Confer with the court regarding assignment of public defenders outside their regular geographic areas.
4. Review decisions by the Kansas Supreme Court for any attorney ethics violations by public defenders.
5. Perform annual review of individual attorney caseload.

### Performance Measures for Objective #2

#### OUTCOME MEASURES:

	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Current Yr.)	FY 2026 (Out Year)
Prevent ineffective assistance of counsel due to caseload overload.	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices
Maintain standard of excellence on in legal services with a zero tolerance of ethics violations during in casework.	No Violations	No Violations	No Violations	No Violations	No Violations	No Violations	No Violations	No Violations	No Violations

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
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DIVISION OF THE BUDGET  
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### OUTPUT MEASURES:

	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Current Yr.)	FY 2026 (Out Year)
Number of in-house attorney trainings & CLEs	2	2	2	3	24	59	70	70	75
Approximate number of contacts with Chief Defenders regarding caseloads	20	20	35	33	48	60	41	45	50
Approximate number of contacts with Court regarding assignment of public defenders to other jurisdictions.	5	7	20	18	10	5	6	8	9

### OBJECTIVE #3:

Minimize increase in cost of expert services while maintaining quality defense services.

### Strategies for Objective #3:

1. Continue updating the compilation of experts who will work for reduced rates.
2. Pursue agreements with experts to provide indigent forensic services at reduced rates.
3. Continue to revise orders and instructions for expert service to provide better guidance to assigned counsel in obtaining expert services.
4. Continue to communicate agency regulations and policies to assigned counsel both online and through telephone contact.
5. Continue to provide administrative review of expert service requests and claims.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
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6. Initiate paperless processing of expert service requests from public defenders.

### Performance Measures for Objective #3

#### OUTCOME MEASURES:

	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Current Yr.)	FY 2026 (Out Year)
Estimated number of experts agreeing to work at reduced rates.	63	64	64	65	67	67	68	70	73

#### OUTPUT MEASURES:

	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Current Yr.)	FY 2026 (Out Year)
Estimated number of contacts/communication with assigned counsel/ court regarding expert service approval and clarifications.	1000	1000	1010	1300	1500	2000	2600	2800	2900

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

### **EXPENDITURE JUSTIFICATION:**

#### **Account Code 51000 – Salaries and Wages:**

**FTE: 39**

SUMMARY: The Administrative Office has been understaffed during the last eight budget years but has continued to perform essential duties. However, to continue to support our core mission and the increasing demands of our assigned counsel and public defense office needs, additional staffing (as detailed in our enhancement requests) is needed.

#### **Current Year FY2025: -- \$3,242,814**

The agency estimate includes a full year staffing of 39 FTE. Shrinkage is based on 4.0%. Benefit amounts are based on indices and calculations by the IBARS system. No overtime expenses are included.

#### **Budget Year FY2026: -- \$3,272,115**

This estimate includes maintaining current staff of 39 FTE. Shrinkage is based on 4.0%. Benefit amounts are based on indices and calculations by the IBARS system. No overtime expenses are included.



## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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### **Account Code 52000 - 52900 Contractual Services:**

SUMMARY: The Administrative Office will continue to look for efficiencies when communicating with customers. We have updated e-mail addresses for assigned counsel attorneys, experts, court reporters, and county courthouses and have increased our utilization of electronic communications. The majority of Contractual Services costs consist of maintenance surcharges to support state owned buildings; OITS fees; Enterprise costs to support SHaRP, SMART, central mail charges; and fees for record storage.

**Current Year FY2025: -- \$5,263,516**

*(\$2,600,000 will be transferred to Capital funding and \$2,000,000 to Assigned Counsel funding once budget is finalized)*

This estimate includes the cost of leasing rental vehicles, personal vehicle usage, and costs related to the agency training program.

**Budget Year FY2026: -- \$1,379,281**

### **Account Code 53000 – 53900 Commodities:**

SUMMARY: Commodities purchased for the Administrative Office include paper, envelopes, computer replacement parts, computer software, and general office supplies. Supplies for CLE training are also included in this line item.

**Current Year FY2025: -- \$34,750**

Commodities at this level are budgeted to reflect the cost of miscellaneous IT purchases (replacement drive, memory) needed to maintain existing workstations and servers, as well as other professional supplies, such as external hard drives. Electronic media supplies, miscellaneous telephone refurbishment and replacement, and fuel costs are also included.

**Budget Year FY2026 -- \$27,950**

This estimate includes miscellaneous IT, professional supplies, and fuel purchases.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
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### **Account Code Capital Outlay:**

SUMMARY: This category reflects purchases of \$500 and over with a useful life of one year or more.

### **Current Year FY2025: -- \$521,500**

This estimate includes funding to address additional equipment and infrastructure needs for the agency.

### **Budget Year FY2026: -- \$51,300**

This estimate includes funding to address additional equipment and infrastructure needs for the agency.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

DIVISION OF THE BUDGET  
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### ASSIGNED COUNSEL

The 6<sup>th</sup> Amendment to the U. S. Constitution provides every person with a right to adequate and effective representation when charged with a crime punishable by imprisonment. State statutes (K.S.A. 22-4501, et seq.) also mandate state-funded representation when a person who has been charged with a felony is determined to be indigent. The two primary systems for delivering these constitutionally guaranteed services in Kansas are the public defender system and the assigned counsel program.

The assigned counsel system of providing indigent felony defense is used in geographic areas where it is not cost-effective to open a public defender office and in cases where the public defenders have a conflict of interest or are otherwise unavailable due to caseloads and are therefore unable to provide defense services. Historically, the cost per case is often lower when a case is handled by public defenders, however that trend has reversed itself in recent years due to staffing shortages and additional necessary investments in our public defense system.<sup>1</sup> Initially, assigned counsel were paid at the rate of \$35 per hour and acceptance of court appointments was considered a professional duty for many years. The Kansas Supreme Court decision in *Stephan v. Smith* determined that participation as assigned counsel is voluntary. In response to that case decision, the Board increased the hourly rate for assigned counsel to \$50 per hour. In the 2006 legislative session, the payment rate became statutory at \$80 per hour.

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<sup>1</sup> Historically, cost per case favored public defenders. In FY 2021, due in large part to the rare anomaly of a world-wide pandemic and local court slowdowns, public defender cost per case was slightly higher. In FY 2022, the average cost per case between assigned counsel and public defenders was much more competitive. In FY 2023 due to much needed increased investments by the legislature in public defender pay, that gap widened again, however, in many counties the cost of assigned counsel is still higher than the average cost per case of a Kansas public defender. In FY 2024, due in part to the additional funding for two new public defender offices that did not start taking cases until FY 2025, the cost per case was more cost effective for assigned counsel than public defenders.

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AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

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In response to FY2010 budget cuts, the Board exercised its statutory authority to reduce the hourly rate paid to assigned counsel to meet assigned counsel appropriations. The hourly rate was reduced 22% from \$80 per hour to \$62 per hour effective for all work performed on and after January 18, 2010. The Board provided a slight increase in the hourly rate, after a public hearing, from \$62/hour to \$65/hour for FY2016 and increased the hourly rate, after a public hearing, to \$70/hour for FY2017 and for FY2018. For FY2019, the Board increased the hourly rate, after a public hearing, to \$75/hour. At its June, 2019, meeting, the Board of Indigents' Defense Services allowed the statutory hourly rate for assigned counsel to be restored to \$80 per hour. In 2021, due to concerns about our assigned counsel leaving our appointment lists due to low pay and high caseloads, the Legislature allotted and the Governor approved funding and a temporary budget proviso to allow BIDS to pay our assigned counsel at a \$100 per hour rate, beginning July 1, 2021. Again, due to concerns that more assigned counsel were needed for our panels, in FY 2022, the Legislature again allotted and the Governor approved funding and a temporary budget proviso to allow BIDS to pay our assigned counsel at \$120 per hour rate, beginning July 1, 2022. With continued funding to support a \$120 per hour rate, the Legislature included additional budget proviso language to allow BIDS to continue paying \$120 per hour through FY 2025. During the 2024 legislative session, the assigned counsel hourly rate was increased to a minimum of \$120 with the ability to go as high as \$140 per hour. During FY 2024 and FY 2025, that rate was approved by the Board and funded by the legislature at \$120 per hour.

During the 2015 Legislative session, based on recommendations by the Division of the Budget and the Governor's office, a State General Fund "Litigation Support" account was created for the assigned counsel consensus funding in order to give the agency the flexibility to operate in the most efficient manner to respond to case filings.

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AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

DIVISION OF THE BUDGET  
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### **PROGRAM GOAL I: Effectively Manage Program Expenditures.**

#### **OBJECTIVE #1:**

Manage the average annual cost of assigned counsel expenditures.

#### **Strategies for Objective #1:**

1. Negotiate contracts with private counsel to handle conflict cases where public defenders' office is located and negotiate volume contracts in other regions.
2. Continue to refine internal audit procedures of assigned counsel claims.
3. Collect data on numbers and costs of assigned counsel cases.
4. Exercise statutory authority to prorate fees when necessary.
5. Offer agency criminal defense CLE training to panel attorneys to assist them in maintaining their expertise, thereby effecting a reduction in down the line costs of retrial, resentencing, and ineffective assistance of counsel claims.
6. Review the cost of indigent defense in judicial districts to determine the most cost-effective way to provide the right to counsel.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
 SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

DIVISION OF THE BUDGET  
STATE OF KANSAS

### Performance Measures for Objective #1

#### OUTCOME MEASURES:

	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Current Yr.)	FY 2026 (Out Year)
Maintain level of dollars saved by audit procedures.	\$262,705	\$235,654	\$234,185	\$291,488	\$404,353	\$672,612	\$553,612	\$692,015	\$865,019
Monitor increase in average cost per case for attorney services.	\$885	\$941	\$993	\$898	\$1062	\$1328	\$1,524	\$1,600	\$1,680

#### OUTPUT MEASURES:

	FY 2018 (Actual)	FY 2019 (Actual)	FY 2020 (Actual)	FY 2021 (Actual)	FY 2022 (Actual)	FY 2023 (Actual)	FY 2024 (Actual)	FY 2025 (Current Yr.)	FY 2026 (Out Year)
Number of Judicial Districts Reviewed for cost-effective delivery of defense services	31	31	31	31	31	31	31	31	31
Number of counties covered by assigned counsel contracts/agreements	37	36	39	19	17	17	29	29	30
Number of agency CLE programs offered to assigned counsel attorneys.	3	2	2	10	51	50	60	60	60

## NARRATIVE INFORMATION – DA 400

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### **Account Code 527000 - Fees-Professional Services:**

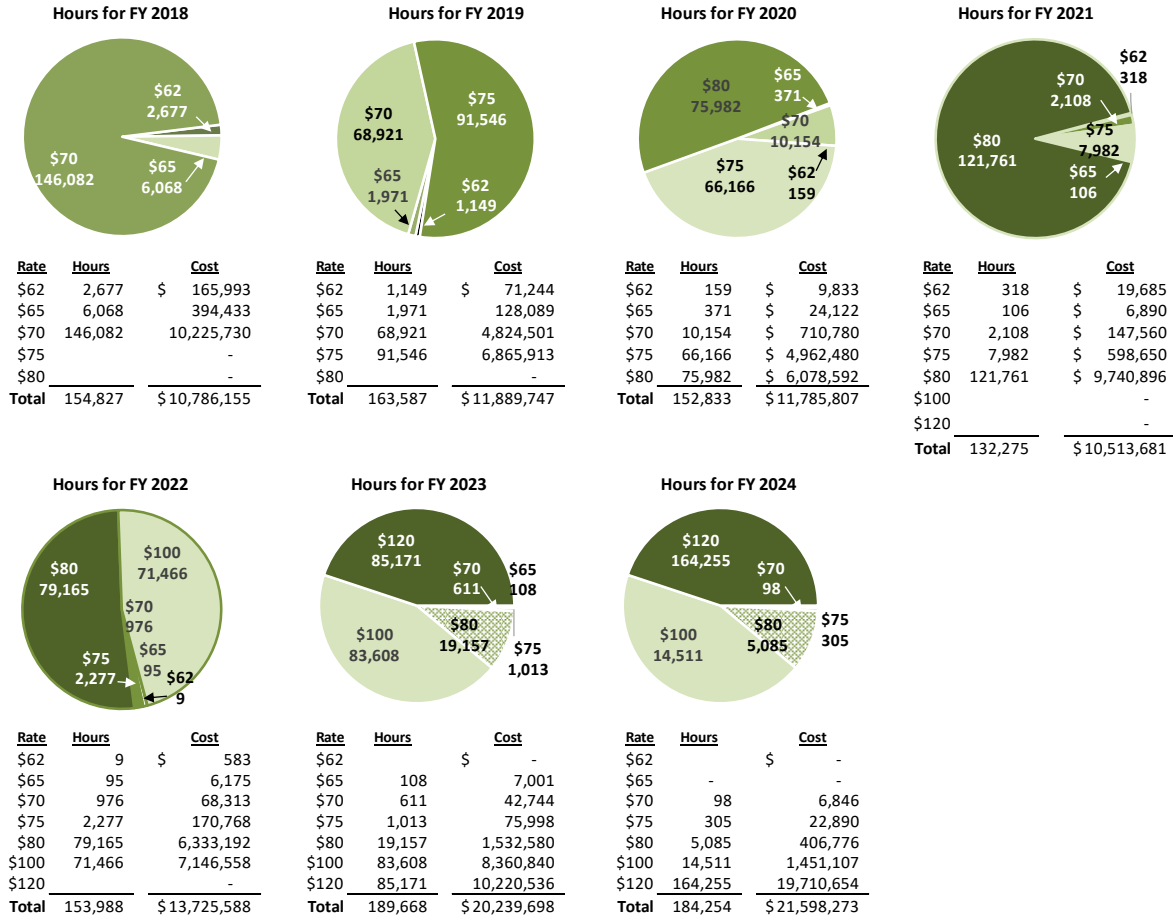
The current statutory rate is a minimum of \$120 per hour and a maximum of \$140 per hour. Currently, the BIDS Board has approved and the legislature has funded the assigned counsel statutory rate at \$120 per hour through FY 2025. The following chart shows the percentage of assigned counsel hours being paid at the various historical rates based on when claims subject to those rates were submitted for payment.

# NARRATIVE INFORMATION – DA 400

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DIVISION OF THE BUDGET  
STATE OF KANSAS

## Claim Payment Rates Non-Contract Cases





## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
 SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

### Percentage of Claims Paid per Payment Rate

<u>Year</u>	<u>\$50</u>	<u>\$62</u>	<u>\$65</u>	<u>\$69</u>	<u>\$70</u>	<u>\$75</u>	<u>\$80</u>	<u>\$100</u>	<u>\$120</u>
FY 2010		34.8%		10.5%			54.7%		
FY 2011		93.1%		1.2%			5.6%		
FY 2012		99.3%		0.3%			0.5%		
FY 2013		99.8%		0.1%			0.2%		
FY 2014		99.9%					0.1%		
FY 2015		68.9%					31.1%		
FY 2016		40.1%	59.9%				0.0%		
FY 2017		4.9%	37.0%		57.9%		0.2%		
FY 2018		1.7%	3.9%		94.4%				
FY 2019		0.7%	1.2%		42.1%	56.0%			
FY 2020		0.1%	0.2%		6.6%	43.3%	49.7%		
FY 2021		0.2%	0.1%		1.6%	6.0%	92.1%		
FY 2022			0.1%		0.6%	1.5%	51.4%	46.4%	
FY 2023			0.1%		0.3%	0.5%	10.1%	44.1%	44.9%
FY 2024			0.0%		0.1%	0.2%	2.8%	7.9%	89.1%

## NARRATIVE INFORMATION – DA 400

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DIVISION OF THE BUDGET  
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With the implementation of SMART in FY2011, expert and transcript costs requested by assigned counsel attorneys were also included in this assigned program cost analysis. BIDS uses four separate Contractual Services account codes to allow easier tracking of these expenditures.

Account Code	Nomenclature
527201	Assigned Counsel – Contract Lawyers
527202	Assigned Counsel – Non-Contract Lawyers
527970	Expert Witness Fees
527980	Court Reporting Fees

### Calculating the FY2025 and FY2026 Assigned Counsel Caseload and Costs

In April 2024, the Caseload Consensus Group projected assigned counsel expenditures for FY2025 to be \$24,672,309 from assigned counsel funding and \$2,327,691 from litigation support funding. At the same time funding projections were assessed for FY2026 at a base of \$27,000,000. The agency requests that actual caseload data continue to be reviewed at the caseload consensus meetings in October 2024 and April 2025 so that agency projections can be revised accordingly for FY2025 and FY2026 as more data becomes available.

#### **Current Year FY2025: -- \$29,682,533**

**Attorneys - \$27,492,533**

**Court Reporters - \$230,000**

**Experts - \$1,960,000**

*(\$2,000,000 will be transferred to Assigned Counsel funding from Operations once budget is finalized)*

The use of contracts in public defender districts to hold down costs of conflict cases has greatly helped control expenditures for assigned counsel. The agency has initiated a system of tracking costs by case type in order to better project caseload costs. We continue to find that the high numbers of low cost cases such as probation violations have artificially reduced the overall average cost per case for assigned counsel.

## NARRATIVE INFORMATION – DA 400

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### **Budget Year FY2026: -- \$27,810,000**

**Attorneys - \$27,000,000**

**Court Reporters - \$180,000**

**Experts - \$630,000**

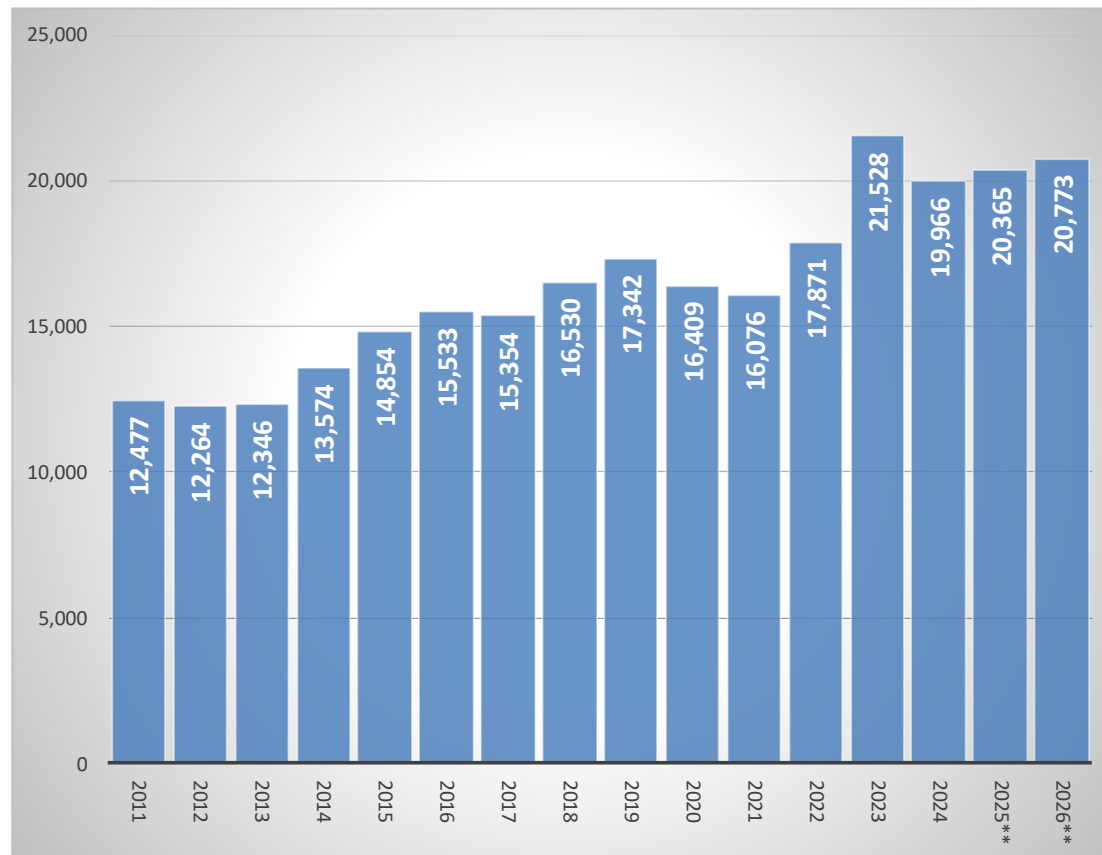
In FY 2022, we saw the beginning of a clear rebound of case numbers and case costs from the previous FY 2021 and FY 2020 reductions due to the COVID-19 pandemic. However, due to ongoing staffing shortages caused primarily by a handful of vacant positions and insufficient FTEs in our public defender offices to address our caseload needs, our public defender offices continue to suffer from extended periodic periods of case refusals to control their caseloads at ethically acceptable limits. As a result, our assigned counsel program continues to cover increasing numbers of cases at increased cost per case. At this point, many of our current assigned counsel panel members are themselves refusing cases for appointment because of their own caseload issues. As a result, in FY 2024, BIDS experienced significant difficulty matching clients with available experienced attorneys in various jurisdictions across the state due to the continued influx of cases being charged by local prosecutors. BIDS anticipates in FY 2025 and FY 2026 we will see continued increased assigned counsel costs as BIDS uses all tools at its disposal to continue to recruit additional assigned counsel attorneys to take more cases.

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
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AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
 SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

### Number of Assigned Counsel Fund Payment Transactions



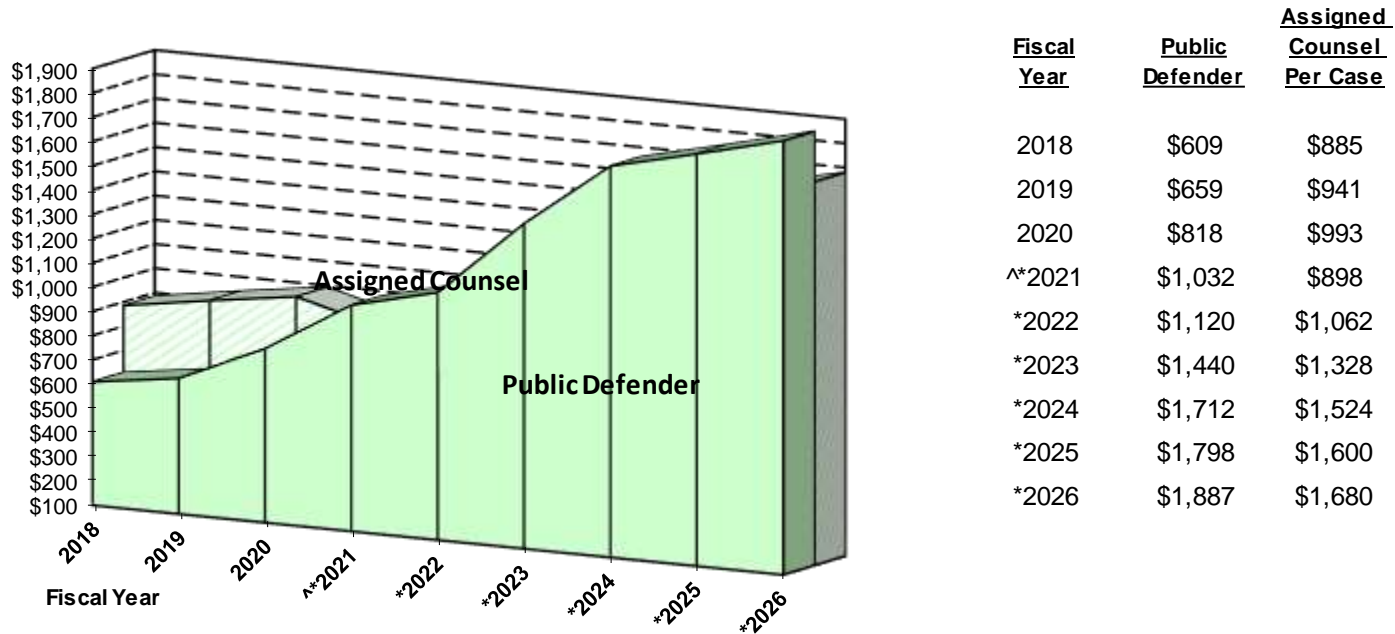
\*\* Estimates based on available budget

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
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### Trial Public Defender and Assigned Counsel Cost Per Case



^FY2021 was substantially impacted by the COVID-19 pandemic.

\*The administrative costs are included in both public defender and assigned counsel cost per case.

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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### Assigned Counsel – Comparison by Percentage of Change

	Assigned Counsel Fund	Percent Change	Total Transactions Paid**	Percent Change	Unique Case Count	Percent Change	Cost per Case using caseload process
† 2011	\$8,948,400	-3.3%	12,477	3.0%	11,276	2.5%	
2012	\$8,596,247	-3.9%	12,266	-1.7%	11,013	-2.3%	
2013	\$9,199,824	7.0%	12,345	0.6%	11,000	-0.1%	
2014	\$9,710,955	5.6%	13,574	10.0%	12,053	9.6%	
2015	\$8,931,454	-8.0%	14,854	9.4%	10,623	-11.9%	
2016	\$9,505,865	6.4%	14,849	0.0%	11,675	9.9%	
2017	\$10,053,077	5.8%	12,115	-18.4%	11,625	-0.4%	
2018	\$12,950,000	28.8%	16,530	36.4%	14,641	25.9%	
2019	\$14,400,000	11.2%	17,342	4.9%	15,310	4.6%	
2020	\$14,394,030	0.0%	16,409	-5.4%	14,781	-3.5%	
2021	\$12,881,268	-10.5%	16,076	-2.0%	14,687	-0.6%	
2022	\$16,368,347	27.1%	17,871	11.2%	15,697	6.9%	
2023	\$23,999,998	46.6%	21,528	20.5%	18,603	18.5%	
2024	\$26,007,467	8.4%	19,966	-7.3%	17,727	-4.7%	

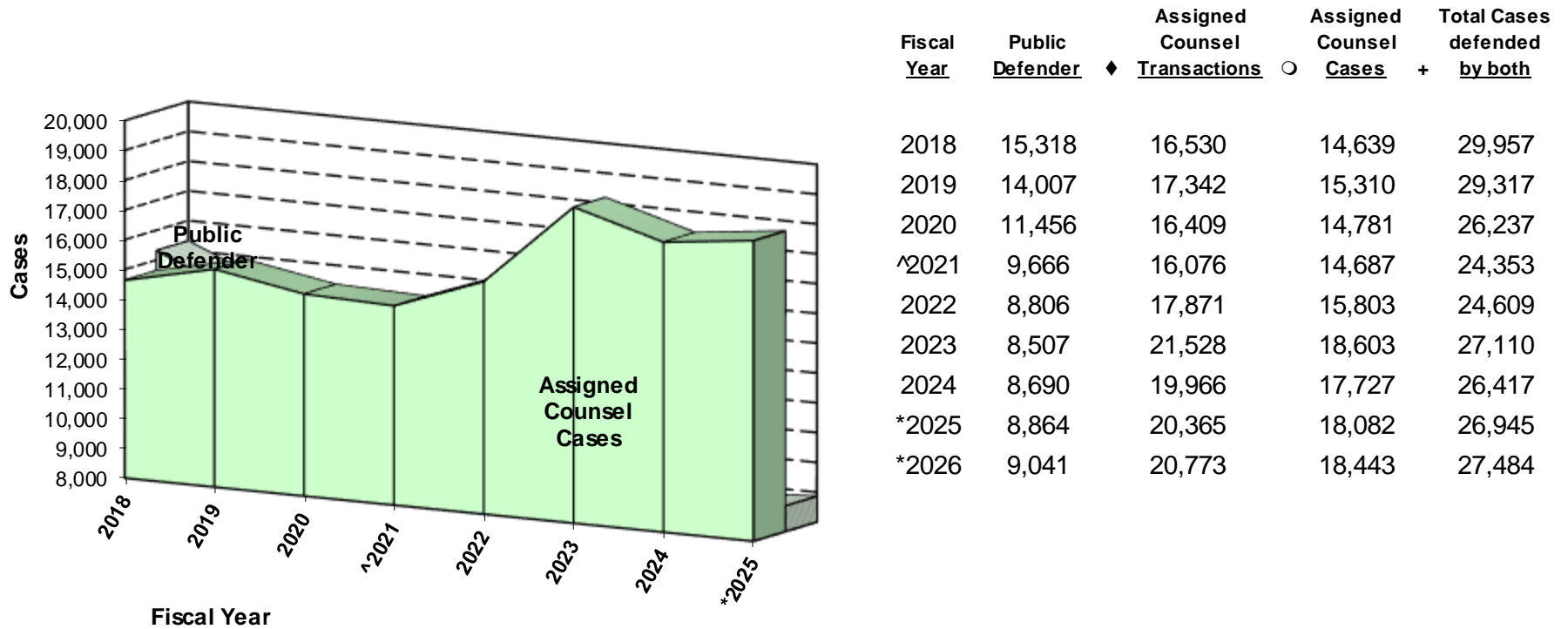
† Effective January 2010, assigned counsel payments were reduced from \$80 per hour to \$62 per hour by Board action in response to budget cuts.

## NARRATIVE INFORMATION – DA 400

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### Trial Public Defender and Assigned Counsel Cases



\* Estimated

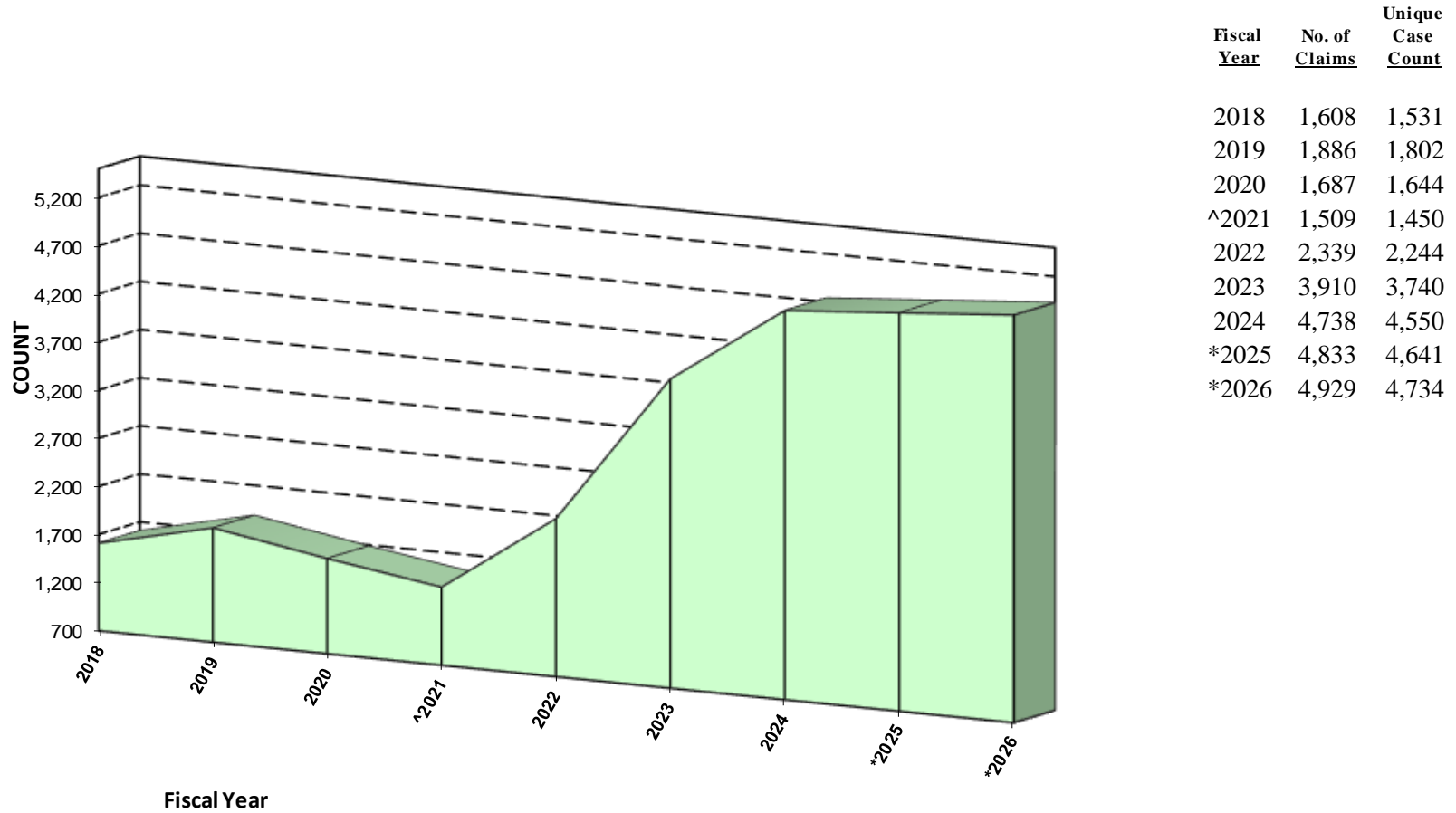
^ FY2021 was substantially impacted by the COVID-19 pandemic.

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
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### Number of Cases Court Ordered as “Exceptional” Per Year



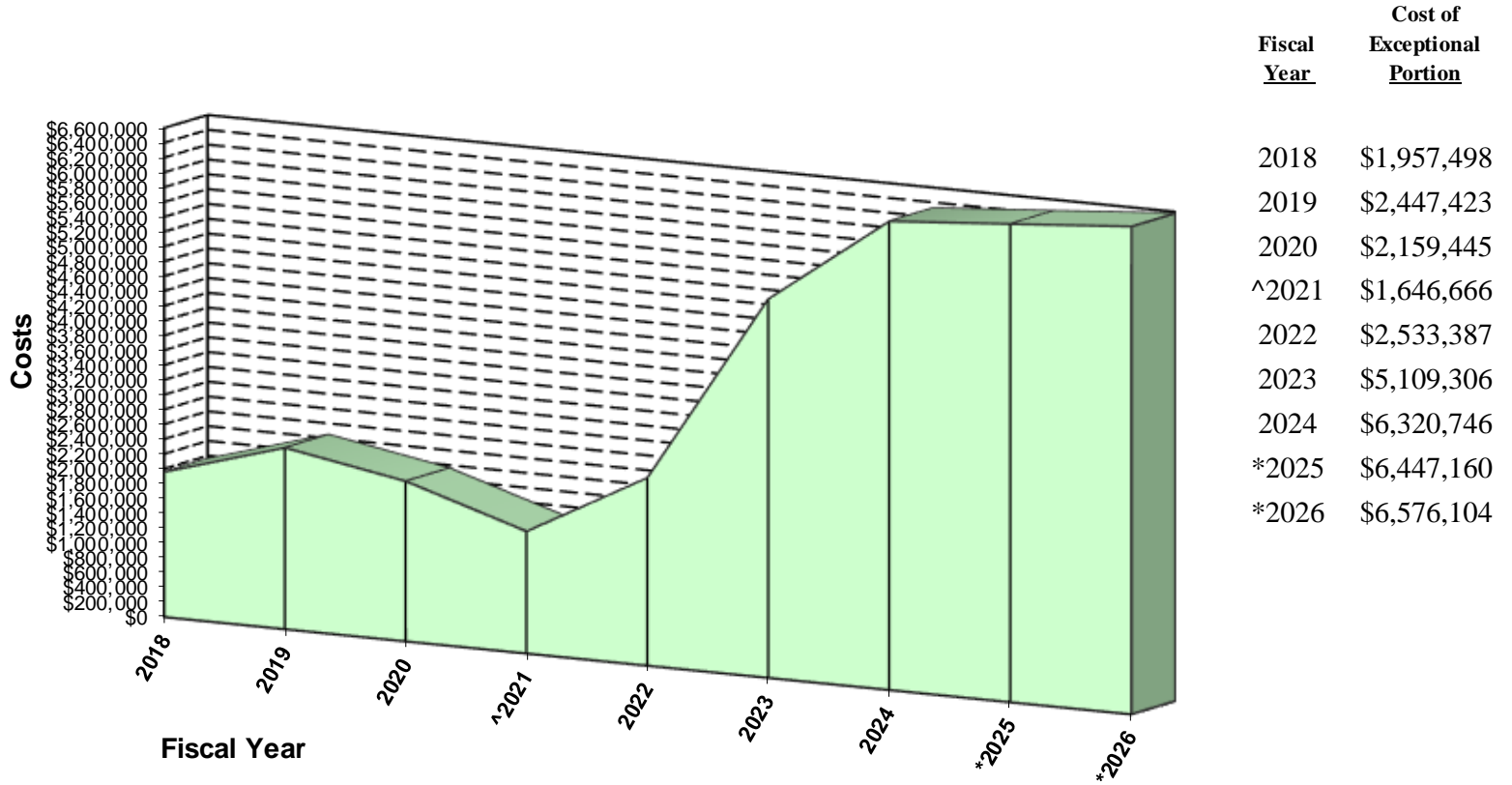


## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
STATE OF KANSAS

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### Exceptional Cost Per Year (Portion Above Reasonable Level of Compensation)



\* Estimated

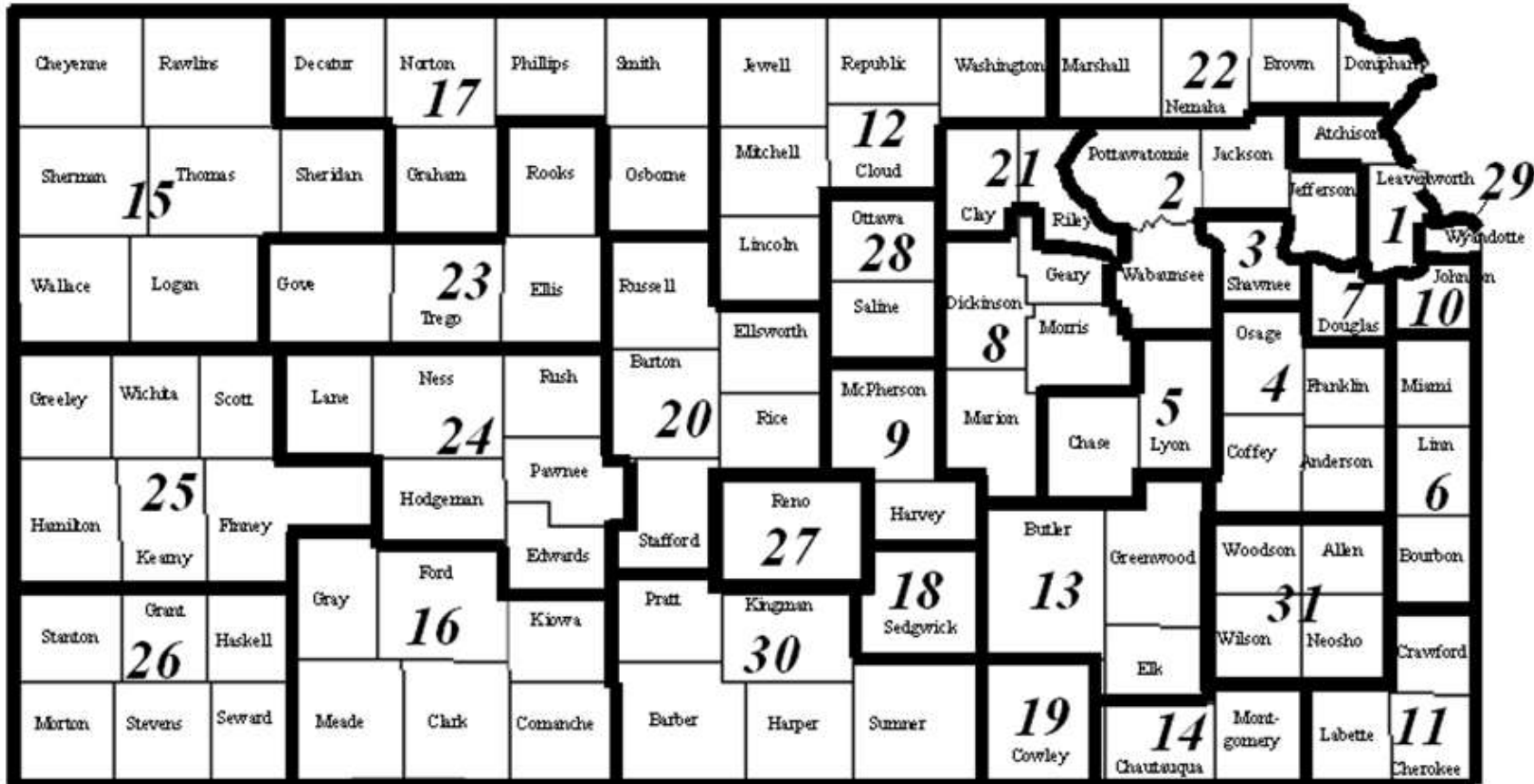
^ FY2021 Substantially impacted by COVID-19 pandemic.

## NARRATIVE INFORMATION – DA 400

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DIVISION OF THE BUDGET  
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### Kansas Judicial Districts (31)



**NARRATIVE INFORMATION – DA 400**

DIVISION OF THE BUDGET  
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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**Public Defense Service Coverage Areas by Type  
FY 2024**

<p align="center"><b>Counties With Public Defender Office Coverage</b></p>	<p align="center"><b>Counties with Contract Counsel Coverage</b></p>	<p align="center"><b>Counties with Assigned Counsel Panel Coverage</b></p>
<p align="center">                     Allen                      Chautauqua                      Clay                      Dickenson                      Douglas                      Finney                      Geary                      Johnson                      Montgomery                      Morris                      Neosho                      Ottawa                      Reno                      Riley                      Saline                      Sedgwick                      Shawnee                      Wilson                      Woodson                 </p>	<p align="center">                     Atchison,                      Brown, Butler,                      Cherokee, Cloud, Crawford,                      Doniphan, Douglas,                      Geary,                      Hamilton, Harper,                      Jefferson, Jewell, Johnson                      Kearney                      Labette, Leavenworth, Lincoln,                      Mitchell,                      Ottawa,                      Reno, Republic,                      Saline, Scott, Sedgwick,                      Shawnee, Sumner,                      Washington, Wyandotte                 </p>	<p align="center">All Counties</p>

## NARRATIVE INFORMATION – DA 400

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DIVISION OF THE BUDGET  
STATE OF KANSAS

### FY 2024 Felony Cases per County Defended by Assigned and Contract Counsel

11	12	15	28	16	11	6	22	19	93	37	112	52	
CHEYENNE	RAWLINS	DECATUR	NORTON	PHILLIPS	SMITH	JEWELL	REPUBLIC	WASHINGTON	MARSHALL	NEMAHA	BROWN	DONIPHAN	
125	99	4	9	16	20	60	98	5	186	132	389	134	
SHERMAN	THOMAS	SHERIDAN	GRAHAM	ROOKS	OSBORNE	MITCHELL	CLOUD	CLAY	RILEY	POTTAWATOMIE	JACKSON	ATCHISON	
12	26		24	189	55	14	38		468	29	1181	65	441
WALLACE	LOGAN	GOVE	TREGO	ELLIS	RUSSELL	LINCOLN	OTTAWA	GEARY	WABAUNSEE	SHAWNEE	JEFFERSON	LEAVENWORTH	1000
						29	815	113	32		555	1264	
						ELLSWORTH	SALINE	DICKINSON	MORRIS		DOUGLAS	JOHNSON	
3	10	55	5	15	13	418	66	251	132	21	107	259	175
GREELEY	WICHITA	SCOTT	LANE	NESS	RUSH	BARTON	RICE	MCPHERSON	MARION	LYON	OSAGE	FRANKLIN	MIAMI
										245	53	65	131
										CHASE	COFFEY	ANDERSON	LINN
31	17	370		3	106	30	310	414			28	303	389
HAMILTON	KEARNY	FINNEY		HODGEMAN	PAWNEE	STAFFORD	RENO	HARVEY			WOODSON	ALLEN	BOURBON
6	49	17	24	501	18	73	84	1541	304	134	73	272	507
STANTON	GRANT	HASKELL	GRAY	FORD	EDWARDS	PRATT	KINGMAN	SEDGWICK	BUTLER	GREENWOOD	WILSON	NEOSHO	RAWFORD
										25			
										ELK			
11	22	253	52	9	7	22	73	155	417	11	3...	327	212
MORTON	STEVENS	SEWARD	MEADE	CLARK	COMANCHE	BARBER	HARPER	SUMNER	COWLEY	CHAUTAUQUA	MONTGOMERY	LABETTE	CHEROKEE

## NARRATIVE INFORMATION – DA 400

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DIVISION OF THE BUDGET  
STATE OF KANSAS

### FY 2024 Cost per Case by County For Assigned and Contract Counsel

\$1,999 <b>\$21,986</b> CHEYENNE	\$1,559 <b>\$18,710</b> RAWLINS	\$1,697 <b>\$25,454</b> DECATUR	\$3,014 <b>\$84,401</b> NORTON	\$1,707 <b>\$27,307</b> PHILLIPS	\$2,364 <b>\$26,001</b> SMITH	\$1,223 <b>\$7,337</b> JEWELL	\$1,944 <b>\$42,773</b> REPUBLIC	\$1,168 <b>\$22,183</b> WASHINGTON	\$941 <b>\$87,487</b> MARSHALL	\$1,193 <b>\$44,149</b> NEMAHA	\$1,305 <b>\$146,136</b> BROWN	\$2,136 <b>\$111,091</b> DONIPHAN
\$1,265 <b>\$158,065</b> SHERMAN	\$1,473 <b>\$145,807</b> THOMAS	\$1,702 <b>\$6,807</b> SHERIDAN	\$1,591 <b>\$14,316</b> GRAHAM	\$1,783 <b>\$28,523</b> ROOKS	\$1,963 <b>\$39,258</b> OSBORNE	\$1,100 <b>\$65,992</b> MITCHELL	\$1,322 <b>\$129,563</b> CLOUD	\$3,280 <b>\$610,067</b> RILEY	\$1,460 <b>\$192,763</b> POTTAWATOMIE	\$1,391 <b>\$541,048</b> JACKSON	\$205,931 <b>\$205,931</b> ATCHISON	\$1,329 <b>\$586,148</b> EAVENWORTH
\$1,303 <b>\$15,631</b> WALLACE	\$1,282 <b>\$33,320</b> LOGAN	\$0 <b>\$0</b> GOVE	\$1,307 <b>\$31,359</b> TREGO	\$2,555 <b>\$482,950</b> ELLIS	\$1,401 <b>\$77,039</b> RUSSELL	\$1,141 <b>\$15,980</b> LINCOLN	\$1,319 <b>\$50,108</b> OTTAWA	\$7,126 <b>\$770,480</b> CLAY	\$1,646 <b>\$1,025</b> GEARY	\$1,834 <b>\$2,165,596</b> WABAUNSEE	\$1,643 <b>\$912,049</b> SHAWNEE	\$1,076 <b>\$1,360,442</b> DOUGLAS
\$917 <b>\$2,751</b> GREELEY	\$1,132 <b>\$11,321</b> WICHITA	\$1,408 <b>\$77,460</b> SCOTT	\$4,295 <b>\$21,476</b> LANE	\$2,565 <b>\$38,470</b> NESS	\$1,613 <b>\$20,973</b> RUSH	\$1,047 <b>\$437,729</b> BARTON	\$1,145 <b>\$33,193</b> ELLSWORTH	\$1,846 <b>\$208,545</b> DICKINSON	\$1,457 <b>\$46,632</b> MORRIS	\$1,761 <b>\$431,545</b> LYON	\$1,492 <b>\$159,699</b> OSAGE	\$1,183 <b>\$306,326</b> FRANKLIN
\$1,333 <b>\$41,321</b> HAMILTON	\$1,041 <b>\$17,699</b> KEARNY	\$1,518 <b>\$561,834</b> FINNEY	\$1,252 <b>\$3,756</b> HODGEMAN	\$1,387 <b>\$147,003</b> PAWNEE	\$1,017 <b>\$30,507</b> STAFFORD	\$2,035 <b>\$134,321</b> RICE	\$2,239 <b>\$562,064</b> MCPHERSON	\$1,637 <b>\$216,098</b> MARION	\$1,201 <b>\$25,213</b> CHASE	\$1,963 <b>\$104,016</b> COFFEY	\$1,490 <b>\$96,855</b> ANDERSON	\$1,353 <b>\$177,184</b> LINN
\$1,977 <b>\$11,861</b> STANTON	\$1,402 <b>\$68,702</b> GRANT	\$1,811 <b>\$30,794</b> HASKELL	\$1,301 <b>\$31,222</b> GRAY	\$1,261 <b>\$631,903</b> FORD	\$1,721 <b>\$36,132</b> KIOWA	\$1,766 <b>\$547,358</b> RENO	\$1,861 <b>\$770,510</b> HARVEY	\$1,060 <b>\$322,254</b> BUTLER	\$1,37,864 <b>\$137,864</b> GREENWOOD	\$1,938 <b>\$54,276</b> WOODSON	\$1,160 <b>\$351,541</b> ALLEN	\$1,472 <b>\$572,621</b> BOURBON
\$1,469 <b>\$16,154</b> MORTON	\$1,881 <b>\$41,393</b> STEVENS	\$1,590 <b>\$402,263</b> SEWARD	\$1,763 <b>\$91,694</b> MEADE	\$1,224 <b>\$11,019</b> CLARK	\$2,671 <b>\$18,699</b> COMANCHE	\$1,084 <b>\$23,837</b> BARBER	\$1,676 <b>\$122,380</b> HARPER	\$1,056 <b>\$163,629</b> SUMNER	\$1,120 <b>\$466,950</b> COWLEY	\$1,975 <b>\$21,728</b> ELK	\$1,996 <b>\$694,600</b> MONTGOMERY	\$1,706 <b>\$557,820</b> LABETTE
												\$1,251 <b>\$265,275</b> CHEROKEE

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
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AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: LEGAL SERVICES FOR PRISONERS

### LEGAL SERVICES FOR PRISONERS

Legal Services for Prisoners, Inc. is a non-profit corporation organized under the laws of the State of Kansas for the purpose of providing legal assistance to indigent incarcerated residents of Kansas correctional institutions. K.S.A. 22-4514(a) authorizes the corporation to submit its annual operating budget to the State Board of Indigents' Defense Services.

#### **PROGRAM GOAL:**

The program operates for the purpose of ensuring that the state meets its constitutional obligation to provide indigent incarcerated residents of KDOC with meaningful access to courts to pursue non-frivolous legal claims.

#### **OBJECTIVE #1:**

To identify and assist those incarcerated residents with real legal problems concerning the validity of convictions and sentences, civil rights and conditions of confinement.

#### **Strategies for Objective #1:**

1. To make the availability of services known through the cooperation of the Department of Corrections.
2. To provide standardized forms for applying for assistance.
3. To provide for the review of their requests by licensed attorneys.

#### **OBJECTIVE #2:**

To discourage frivolous and unsubstantial litigation.

## NARRATIVE INFORMATION – DA 400

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SUBPROGRAM TITLE AND NUMBER: LEGAL SERVICES FOR PRISONERS

DIVISION OF THE BUDGET  
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### **Strategies for Objective #2:**

1. To resolve at the lowest administrative level complaints and grievances that would otherwise burden correctional officers and the courts.
2. To advise incarcerated residents with legal questions of the viability of their legal claim.
3. To discourage filing in court claims without a substantial legal basis and where appropriate, refer incarcerated residents to agencies that may assist in solving complaints administratively and without litigation.

### **OBJECTIVE #3:**

To assist state courts and the Board of Indigents' Defense Services.

### **Strategies for Objective #3:**

1. To provide appropriate preparation of, and representation in, habeas corpus and post-conviction motions that would otherwise require the appointment of private counsel.

### **OBJECTIVE #4:**

To assist incarcerated residents in successfully completing their sentences, parole and post release supervision. Those whose legal problems are taken care of prior to their release are more apt to successfully complete their term of parole or post release supervision.

### **Strategies for Objective #4:**

1. To identify and solve legal problems and complete legal procedures prior to the resident's release from custody.

## NARRATIVE INFORMATION – DA 400

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 SUBPROGRAM TITLE AND NUMBER: LEGAL SERVICES FOR PRISONERS

DIVISION OF THE BUDGET  
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### **PERFORMANCE MEASURES FOR OBJECTIVES:**

### **OUTCOME MEASURES:**

#### CASES BY DISPOSITION

	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023*	Actual FY 2024	Current Year FY 2025	Out Year FY 2026
Total Cases	1,637	1,636	1,463	1,530	1,582	1,068	1,033	1,033	1,033
Total Hours	2,096	1,894	1,759	2,013	1,943	1,586	1,457	1,457	1,457
DISPOSITION:									
Administratively Resolved	1,205	1,220	1,042	1,058	1,039	696	836	836	836
Judicially Resolved	15	4	6	1	2	4	0	0	0
Rejected	414	387	376	467	522	343	197	197	197
Cases Still open	3	11	0	4	0	0	0	0	0

\*FY 2023 reports from LSP indicated that their final FY 2023 numbers do not appear to include approximately 220 requests received by the former LSP Director but not recorded before his passing in May 2023.

### **OUTPUT MEASURES:**

Legal Services for Prisoners handled approximately 1,033 requests for legal assistance in FY2024 and spent 1,457 attorney hours toward the resolution of those cases. The reduction in staffing has resulted in fewer attorney hours being available and meant that the number of court appointments that Legal Services for Prisoners accepted was reduced requiring appointment of assigned counsel and reducing the number of cases resolved without court filings. Reduced resources for future years will result in further staff reductions and a proportionate reduction in cases handled.



## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: LEGAL SERVICES FOR PRISONERS

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### **DELIVERY OF SERVICES:**

Currently, Legal Services for Prisoners consists of a staff of three (3) Attorneys and one (1) Administrative Assistant. Legal Services for Prisoners maintains an office in Topeka for inmates at the Topeka Correctional Facility and in the Eldorado Correctional Facility. LSP recently lost its office in Lansing Correctional Facility (LCF) due to the construction of a new prison facility and the closure of the old facility there. Legal Services for Prisoners also provides assistance -by mail only- to incarcerated residents at the correctional facilities located in Lansing Correctional Facility (LCF), Hutchinson (HCF), Ellsworth (ECF), Norton (NCF), Winfield (WCF), Larned (LCMHF) and the Wichita Work Release Center (WWRC), plus KDOC inmates housed in local jails and out of state, as well as parolees. In providing legal assistance, Legal Services for Prisoners receives some assistance each year from law students participating in the clinical program at the University of Kansas, School of Law.

The corporation's unpaid, volunteer, board of directors consists of one representative from each of the two Kansas law schools, and two Kansas Attorneys.

Funding at the current level will result in a reduction of the ability to review as many requests for assistance and further reductions in the types of requests LSP respond to. Incarcerated residents will be provided information and forms to allow them to file pro se motions in the courts. Attorneys will no longer be able to accept the same number of court assignments in cases where appointed counsel is otherwise available through the Board of Indigents' Defense Services at a substantially higher cost.

Additionally, LSP serves a critical function for the Department of Corrections in part to satisfy the KDOC's obligation to provide incarcerated residents in their facilities adequate access to the courts. Without LSP, KDOC would likely also incur additional costs in order to provide this access to the courts to their residents through alternative means.

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
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AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: LEGAL SERVICES FOR PRISONERS

### **EXPLANATION OF RESOURCE ESTIMATES:**

In past years Legal Services for Prisoners received a lump sum appropriation for its operation.

**Current Year FY2025: \$402,382**

**Budget Year FY2026: \$402,382**

### **EXPENDITURE JUSTIFICATION:**

#### **Account Code 51000 - Salaries and Wages:**

SUMMARY: Workers' Compensation, Health Insurance and Unemployment Taxes: As a very small, private corporation, Legal Services for Prisoners, Inc. is required to pay higher rates than the State of Kansas in these areas and the rates specified by the Division of Budget cannot be used. LSP is under private contract in each of these areas, the state rates do not apply, and the rates continue to rise annually, particularly in the area of workers' compensation and health insurance.

**Current Year FY2025: \$402,382**

**Budget Year FY2026: \$402,382**

**NARRATIVE INFORMATION – DA 400**

DIVISION OF THE BUDGET  
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AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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Funding at this level will not allow travel to the many correctional facilities and will eliminate appearances by LSP counsel at most hearings thereby requiring the appointment of counsel from assigned counsel panels at a much higher cost.

**ACCOUNT CODES: 52000-52900 CONTRACTUAL SERVICES; 53000-53900 COMMODITIES; AND CAPITAL OUTLAY**

**SUMMARY:** Legal Services for Prisoners, Inc. is a private corporation and must pay commercial telephone rates as well as all equipment costs and internet service at several offices. Postage and mailing expenses are also included in this category. Contractual Services also include LSP's professional liability insurance, which is essential to the organization and the fee for LSP's independent audit as required by K.S.A. 22-4514(a).

**Account Codes 52000-52900 Contractual Services:**

**Current Year FY2025: \$0**

**Budget Year FY2026: \$0**

**Account Codes 53000-53900 Commodities:**

**Current Year FY2025: \$0**

**Budget Year FY2026: \$0**

**NARRATIVE INFORMATION – DA 400**

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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**Account Code Capital Outlay:**

**Current Year FY2025: \$0**

**Budget Year FY2026: \$0**

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
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### **APPELLATE DEFENDER OFFICE**

#### **History of the Appellate Defender**

In June 1985, the Board approved the development and implementation of the Appellate Defender Office as a statewide office to represent indigent felony defendants on appeal.

In FY1994, an appellate defense program was established in partnership with the University of Kansas, School of Law whereby law students prepare direct appeal briefs under the supervision of an appellate defender. That program was discontinued in 2022 but the KU School of Law Project for Innocence now has a contract with BIDS to accept certain appeals and habeas cases under the direct supervision of attorney supervisors so that law students continue to gain important appellate experience prior to graduating law school. In FY2005, a similar program was established in partnership with the Washburn University School of Law which still remains in effect. Washburn provides office space, equipment and student labor.

In FY2002, the Capital Appeals and Conflicts Office and the Capital Appeals Office were established through reassignment of appellate defenders to provide appellate defense on capital murder convictions where the death penalty was issued and on other capital and capital eligible cases. Capital defense is the priority of these offices. However, both offices are available to handle conflict cases and overflow cases from the appellate defender office when their workloads allow.

In FY 2024, the Appellate Defender Office was staffed with twenty appellate defenders, including one chief, and two deputies, as well as three legal assistants and three support staff. The caseload of this office fluctuates depending on whether the Kansas Supreme Court decides a case that sets new precedent for current cases and future case filings.

## NARRATIVE INFORMATION – DA 400

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### Appellate Defender Office Appeals By Year

<b>Fiscal Year</b>	<b>Appeals Docketed</b>	<b>Appeals Completed</b>
FY 2018	1,120	1,333
FY 2019	954	1,120
FY 2020	750	981
FY 2021	704	981
FY 2022	731	843
FY 2023	817	647
FY 2024	871	761

## NARRATIVE INFORMATION – DA 400

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### **EXPENDITURE JUSTIFICATION:**

#### **Account Code 51000 - Salaries and Wages:**

**FTE = 27**

As in all years, caseloads will be closely monitored and conflict or overload cases will first be sent to the Capital Appeals office, the Capital Appeals and Conflicts Office, then to contract attorneys as needed. This office continues to make cost effective use of paralegals to assist with opening case files and other duties as assigned by appellate defenders.

#### **Current Year FY2025: -- \$2,956,531**

The agency estimate includes a full year staffing of 27 FTE. Shrinkage is based on 4.0% for SGF funded positions. Benefit amounts are based on indices and calculations by IBARS system. No overtime or temporary staff expenses are included.

#### **Budget Year FY2026: --\$2,984,758**

This estimate includes maintaining current staff of 27 FTE. Shrinkage is based on 4.0%. Benefit amounts are based on indices and calculations by IBARS system. No overtime or temporary staff expenses are included.

#### **Account Codes 52000 - 52900 Contractual Services:**

SUMMARY: The bulk of these charges are composed of rent, on-line telecommunications costs, and transcription fees. Telecommunications services save staff time, promote communication and have afforded us improved legal research with the use of Westlaw. The agency will continue to lease rental vehicles and reimburse personal vehicle usage. Enterprise costs, SMART, SHaRP, set-off, central mail charges, and fees for record storage.

#### **Current Year FY2025: -- \$821,190**

#### **Budget Year FY2026: -- \$703,140**

## NARRATIVE INFORMATION – DA 400

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### **Account Codes 53000 – 53900 Commodities:**

SUMMARY: Historically, Session Laws, Kansas Digest Supplements, Kansas Statutes Annotated, and Supreme Court Advance Sheets were purchased annually. For many years the purchase of these publications have been severely restricted or eliminated. Westlaw online access continues to replace paper versions of professional publications. Other commodities include paper, envelopes, professional books, computer replacement parts, computer software and general office supplies.

**Current Year FY2025: -- \$12,680**

**Budget Year FY2026: -- \$12,680**

### **Account Code Capital Outlay:**

SUMMARY: This category primarily reflects purchases of \$500 and over.

**Current Year FY2025: -- \$30,000**

**Budget Year FY2026: -- \$5,000**

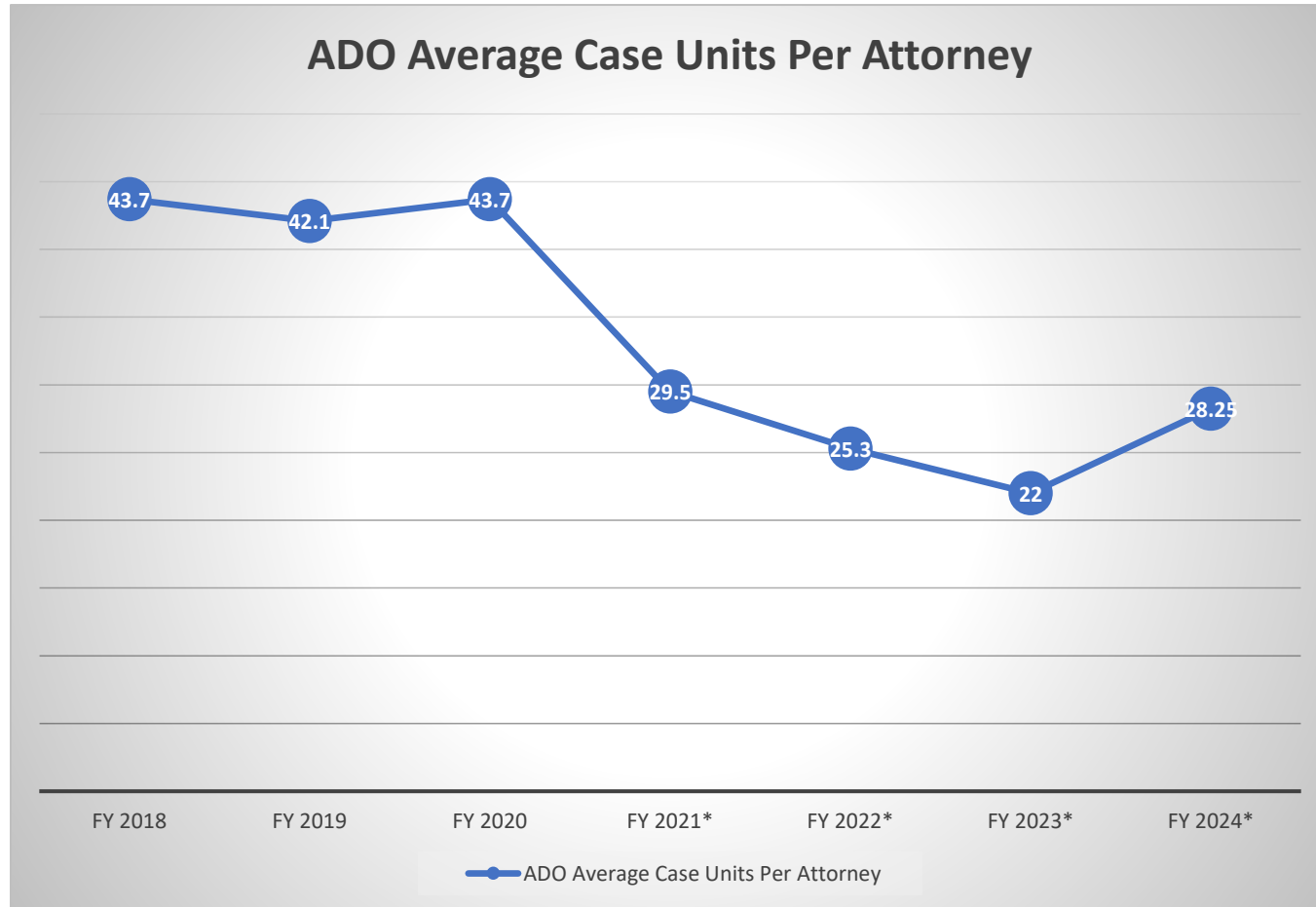


## NARRATIVE INFORMATION – DA 400

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### Appellate Defender Caseload History: Average Case Units Completed per Attorney



\* Denotes years where appellate caseloads were substantially affected by the COVID-19 pandemic.

## NARRATIVE INFORMATION – DA 400

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### TRIAL LEVEL PUBLIC DEFENDER OFFICES

#### **History of Public Defender Offices**

The first two public defender offices (3rd Judicial District - Topeka, and 8th Judicial District - Junction City) were authorized and organized in FY 1972, and the third (28th Judicial District - Salina) was set up in FY 1973. The 18th Judicial District Public Defender Office (Wichita) was created in FY 1985, although it began its phase-in during the latter part of FY 1984. On July 3, 1989, the 10th Judicial District Public Defender Office (Johnson County) began accepting indigent felony appointments. The 25th Judicial District Office (Garden City) began accepting cases in January 1994. The 27th Judicial District Public Defender Office (Hutchinson) opened in June of 1996. The Johnson County Office opened a satellite office in Miami County in June of 1996. In August of 1996, the Garden City Office began accepting cases at a satellite office in Liberal, Kansas. The Northeast Kansas Conflict Office began accepting cases in July of 1997 and the Southeast Kansas Public Defender Office (Chanute) began accepting cases in August of 1997 and a satellite office was opened in 2005 in Independence. The satellite office in Miami County was closed that same year in favor of a contract to allow attorney FTE to devote full time to Johnson County. On July 1, 2008, the Sedgwick County Conflicts Office was opened in Wichita. Effective September 1, 2009, the Southwest Public Defender Office in Liberal was closed as a result of continuing staff turnover. On October 1, 2023, a new public defender office opened in the 7<sup>th</sup> Judicial District, Douglas County. On August 12, 2024, a new public defender office began accepting cases in the 29<sup>th</sup> Judicial District in Wyandotte County. BIDS will be opening another new trial level public defender office in the 11<sup>th</sup> Judicial District (Labelle, Cherokee, and Crawford Counties) in FY 2025.

In FY 2021 and 2022, all of our public defender offices had lower than normal caseloads as a result of the effects of the COVID-19 global pandemic and the subsequent suspension of speedy trial, delay of charging of new cases during the pandemic by some prosecutors offices, and by prolonged caseload case refusals exacerbated by the court shutdown. As a result, across the board, our public defender offices completed fewer cases in FY 2021 and 2022 as a direct result of the pandemic. However, by FY 2023, cases had largely returned to typical pre-pandemic caseload levels.

## NARRATIVE INFORMATION – DA 400

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### **Third Judicial District Public Defender Office (Topeka)**

This office was one of three pilot public defender programs begun in 1972. The office is currently has 11 attorneys FTE positions. Currently seven support positions assist the office.

#### *Historical Office Caseload Statistics*

<b>FISCAL YEAR</b>	<b>CASES OPENED</b>	<b>CASES COMPLETED</b>
2018	1,176	1,247
2019	1,210	1,177
2020*	974	963
2021*	1,034	888
2022	751	980
2023	880	775
2024	695	839

\*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and subsequent prolonged slowdown of the Kansas Judicial System.

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### **Salina Regional Public Defender Office**

The Salina Regional Public Defender's Office began defending the indigent in Saline and Ottawa counties in 1972. One attorney handled the trial and appellate caseload until around 1986 when a second attorney was added to the staff. In 1988 the office was combined with the Junction City Public Defender Office to form the North Central Regional Public Defender Office. With regionalization, the territory served by the office was significantly enlarged from Saline, Ottawa, and (later) Lincoln counties to also include Cloud, Mitchell, Jewell, and Washington counties in the Twelfth Judicial District. A third attorney was added around 1990. In 1997 the board separated the Salina and Junction City offices in order to streamline management efficiencies. The office currently has five attorney FTEs and six support staff.

#### *Historical Office Caseload Statistics*

<b>FISCAL YEAR</b>	<b>CASES OPENED</b>	<b>CASES COMPLETED</b>
2018	1,272	1,270
2019	959	1,013
2020*	729	757
2021*	501	580
2022	386	503
2023	238	172
2024	301	291

\*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

## NARRATIVE INFORMATION – DA 400

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### North Central Regional Public Defender Office (Junction City)

The North Central Regional Public Defender Office in Junction City was formerly part of a regional office in combination with the Salina Public Defender Office. As of June 1997, the office became independent serving the 8<sup>th</sup> and 21<sup>st</sup> Judicial Districts. The 8<sup>th</sup> Judicial District consists of Geary, Dickinson, Marion and Morris counties. The 21<sup>st</sup> Judicial District is comprised of Riley and Clay counties. This office has ten attorney FTEs and is supported by seven staff.

#### *Historical Office Caseload Statistics*

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	1,435	1,360
2019	1,224	1,253
2020*	1,228	1,168
2021*	1,122	1,079
2022	896	952
2023	879	909
2024	908	924

\*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

## NARRATIVE INFORMATION – DA 400

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### **Sedgwick County Public Defender Office (Wichita)**

The Legislature authorized funding for the largest office in the state in Sedgwick County in October 1983. The office began taking cases in June 1984. The office has eighteen attorney FTEs and is supported by nine staff.

#### *Historical Office Caseload Statistics*

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	4,852	4,897
2019	4,711	4,458
2020*	3,842	3,630
2021*	1,054	2,054
2022	1,454	1,399
2023	1,424	1,532
2024	1,626	1,626

\*Caseloads during these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

## NARRATIVE INFORMATION – DA 400

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### **Reno County Regional Defender Office (Hutchinson)**

A satellite office in Reno County was established in FY1997 and was established as a separate regional office in FY2001. This office is currently staffed seven attorney FTEs and, two staff members.

#### *Historical Office Caseload Statistics*

<b>FISCAL YEAR</b>	<b>CASES OPENED</b>	<b>CASES COMPLETED</b>
2018	1,030	1,080
2019	851	874
2020*	793	681
2021*	778	724
2022	738	745
2023	780	685
2024	713	717

\*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

## NARRATIVE INFORMATION – DA 400

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### **Tenth Judicial District Public Defender Office (Olathe)**

The office began accepting cases in July of 1989. In addition to serving Johnson County, the office is responsible for handling off-grid cases in Miami, Linn, and Franklin counties. However, due to caseloads now this office primarily only accepts Johnson County cases and Miami, Linn, and Franklin counties are covered by the assigned counsel panel attorneys. The office is currently staffed by nineteen attorney FTEs and eleven support staff.

#### *Historical Office Caseload Statistics*

<b>FISCAL YEAR</b>	<b>CASES OPENED</b>	<b>CASES COMPLETED</b>
2018	2,789	2,667
2019	2,686	2,754
2020*	2,533	2,324
2021*	2,784	2,611
2022	2,230	2,306
2023	2,257	2,465
2024	2,128	2,174

\*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.



## NARRATIVE INFORMATION – DA 400

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### **Western Kansas Regional Public Defender Office (Garden City)**

The Garden City office, established in January of 1994, serves the 25<sup>th</sup> Judicial District, which includes Finney, Kearny, Hamilton, Greeley, Wichita, and Scott counties. The staff includes three attorney FTEs and three support staff.

The Liberal office opened in August of 1996 in response to requests from the Administrative Judge in the 26<sup>th</sup> district because all private attorneys had removed their names from the appointment list due to dissatisfaction with the rate of compensation. The 26<sup>th</sup> Judicial District included Seward, Stevens, Morton, Stanton, Grant, and Haskell counties. The hourly rate paid to assigned counsel was increased from \$50/hour to \$80/hour in 2006 but this did not bring an increase in the number of assigned counsel. This office was closed, September 1, 2009, due to the inability to keep the office staffed with an experienced attorney.

#### *Historical Office Caseload Statistics*

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	651	683
2019	423	475
2020*	357	231
2021*	365	426
2022	415	371
2023	316	379
2024	306	311

\*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

## NARRATIVE INFORMATION – DA 400

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### **Southeast Kansas Public Defender Office (Chanute & Independence)**

The Chanute office began accepting cases in September of 1997. The office located in Chanute was established in response to a lack of local attorneys willing to represent indigent defendants. The Thirty-first Judicial District includes Allen, Neosho, Wilson, and Woodson counties. The office is currently staffed by five attorney FTEs and one support staff.

#### *Historical Office Caseload Statistics: Chanute Office*

<b>FISCAL YEAR</b>	<b>CASES OPENED</b>	<b>CASES COMPLETED</b>
2018	594	540
2019	549	552
2020*	432	387
2021*	203	296
2022	588	414
2023	641	518
2024	276	566

\*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

## NARRATIVE INFORMATION – DA 400

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The Independence branch of the Southeast Kansas Public Defender Office was opened on September 1, 2004, also in response to a lack of local attorneys willing to represent indigent defendants. This office is staffed by two attorney FTEs and one support staff and is responsible for all cases in Montgomery and Chautauqua Counties

### *Historical Office Caseload Statistics: Independence Satellite Office*

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2018	469	465
2019	364	343
2020*	226	298
2021*	97	145
2022	370	277
2023	340	297
2024	227	251

\*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

## NARRATIVE INFORMATION – DA 400

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### **Northeast Kansas Conflict Office (Topeka)**

The office, located in Topeka, began accepting cases on July 1, 1997. The office was established primarily in response to the large number of conflict cases generated in Shawnee County and the relatively high costs associated with these cases. This office is currently staffed by seven attorney FTEs and four support staff.

#### *Historical Office Caseload Statistics*

<b>FISCAL YEAR</b>	<b>CASES OPENED</b>	<b>CASES COMPLETED</b>
2018	564	593
2019	638	600
2020*	687	614
2021*	443	514
2022	385	472
2023	361	314
2024	394	251

\*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

## NARRATIVE INFORMATION – DA 400

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### **Sedgwick County Conflict Public Defender Office (Wichita)**

At the start of FY 2009, the Sedgwick County Conflict Office was opened to handle trial cases on which the public defender office has a conflict. This enables additional cases to be defended cost-effectively by public defenders and replaces a private attorney contract. This office is staffed by five attorney FTEs and three support staff.

#### *Historical Office Caseload Statistics*

<b>FISCAL YEAR</b>	<b>CASES OPENED</b>	<b>CASES COMPLETED</b>
2018	481	516
2019	573	508
2020*	479	404
2021*	335	386
2022	381	387
2023	496	461
2024	394	446

\*Caseloads in these years were substantially affected agency-wide by the onset of the COVID-19 global pandemic and the subsequent prolonged slowdown of the Kansas Judicial System.

## NARRATIVE INFORMATION – DA 400

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### **7<sup>th</sup> Judicial District Public Defender (Lawrence)**

On October 1, 2023, the 7<sup>th</sup> Judicial District Public Defender Office was opened to handle trial cases in Douglas County, Kansas. This office currently has seven attorney FTEs who are supported by six staff.

#### *Historical Office Caseload Statistics*

FISCAL YEAR	CASES OPENED	CASES COMPLETED
2024*	351	158

\*Caseloads in this year was substantially affected by the fact that this new office opened during the second quarter of the fiscal year.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: TRIAL LEVEL PUBLIC DEFENDER OFFICES

DIVISION OF THE BUDGET  
STATE OF KANSAS

### **EXPENDITURE JUSTIFICATION:**

#### **Account Code 51000 – Salaries and Wages:**

**FTE: 185**

SUMMARY: The administrative office continues to reassign positions between trial level offices as needed to accommodate fluctuating caseloads.

#### **Current Year FY2025: -- \$17,814,321**

The agency estimate includes a full-year staffing of 185 FTE. Shrinkage is based on 4.0%. Benefit amounts are based on indices and calculations by the IBARS system. No overtime expenses are included.

#### **Budget Year FY2026: -- \$18,010,730**

This estimate includes maintaining current staff of 185 FTE. Shrinkage is based on 4.0%. Benefit amounts are based on indices and calculations by the IBARS system. No overtime expenses are included.

#### **Account Codes 52000 - 52900 Contractual Services:**

SUMMARY: The bulk of these expenses are composed of postage, telephone, printing, outside duplicating of evidentiary materials, travel, malpractice insurance, automobile insurance, vehicle repair, rents, utilities and on-line telecommunications costs. Telecommunications services provide connectivity to the administrative office, promote efficiency, support communication and has afforded us improved legal research with the use of Westlaw.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
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### **Current Year FY 2025: - \$3,275,095**

Expert services of \$1,451,027 and court reporter services of \$30,363 are included in this estimate. The contractual services projection includes professional liability and automobile insurance costs. Enterprise costs to support SHaRP, Set-off, and SMART; central mail charges; and fees for record storage continue to increase contractual expenditures.

### **Budget Year FY 2026: -- \$1,896,303**

This funding level includes utility prices, vehicle repair costs, professional liability insurance, and automobile insurance premiums. Expert services of \$115,472 and court reporter services of \$11,257 are also included in this estimate.

### **Account Code 53000 – 53900 Commodities:**

SUMMARY: Westlaw online access and electronic media purchases continue to replace paper versions of professional publications. The administrative office continues to pursue new opportunities for electronic formats to replace hard copies of professional publications wherever feasible. Other commodities include paper, envelopes, professional books, computer replacement parts, DVD's, CD's, and general office supplies. The quantity of evidentiary materials on electronic media has been increasing and will continue to increase. This impacts costs in this line item but will reduce some paper costs. The agency is working diligently to reduce paper costs by the use of electronic communications and duplexing printed materials.

### **Current Year FY2025: -- \$103,200**

Commodities at this level are budgeted to reflect the cost of maintaining current service levels only. We continue to pursue additional automation in the area of legal case management, improved data capture and analysis, etc.

### **Budget Year FY2026 -- \$5,200**

Commodities at this level are budgeted to reflect the cost of maintaining current service levels only.



## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
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SUBPROGRAM TITLE AND NUMBER: TRIAL LEVEL PUBLIC DEFENDER OFFICES

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### **Account Code Capital Outlay:**

SUMMARY: This category reflects purchases of \$500 and over with a useful life of one year or more.

### **Current Year FY2025: -- \$420,000**

This estimate includes funding to address additional equipment and infrastructure needs for the agency.

### **Budget Year FY2026: -- \$140,000**

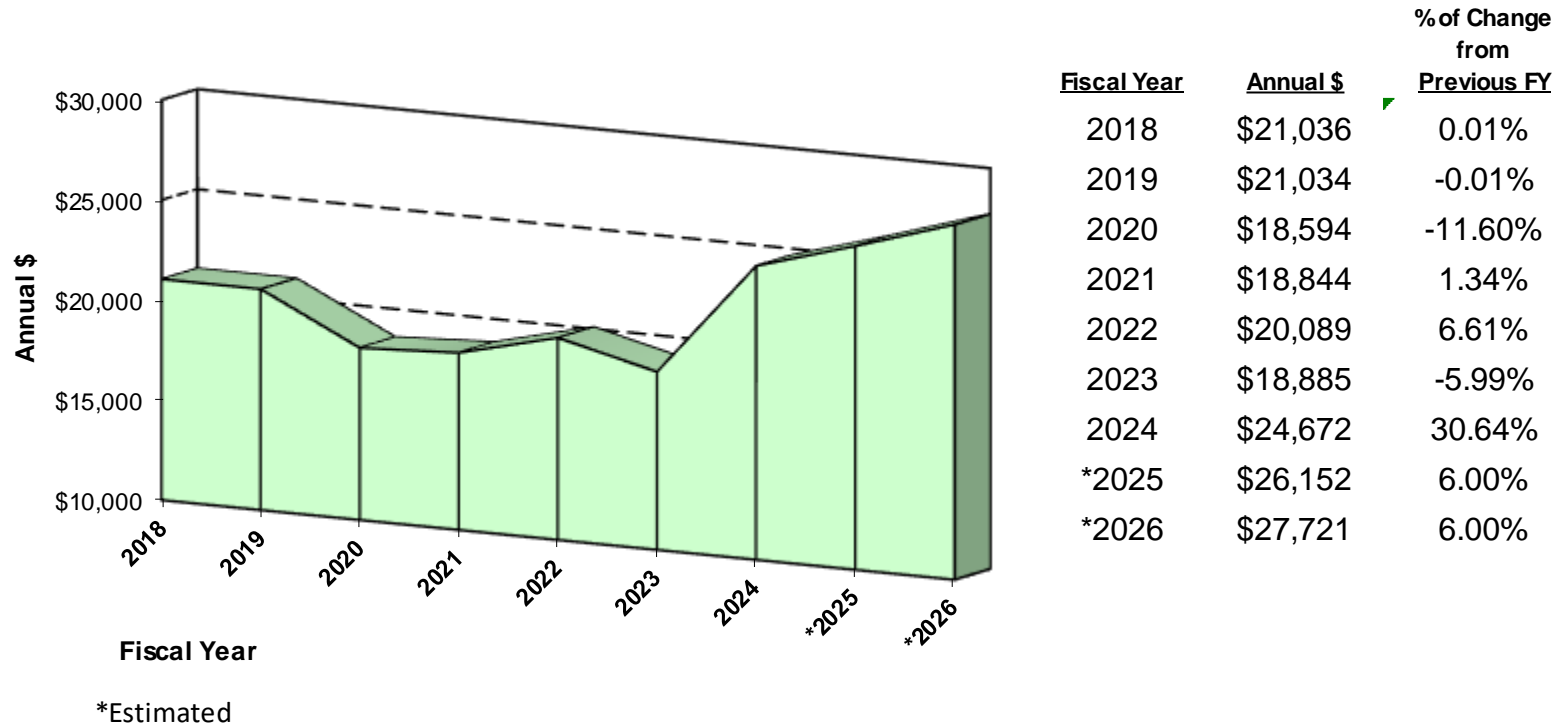
This estimate includes funding to address additional equipment and infrastructure needs for the agency.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
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### Professional Liability Insurance

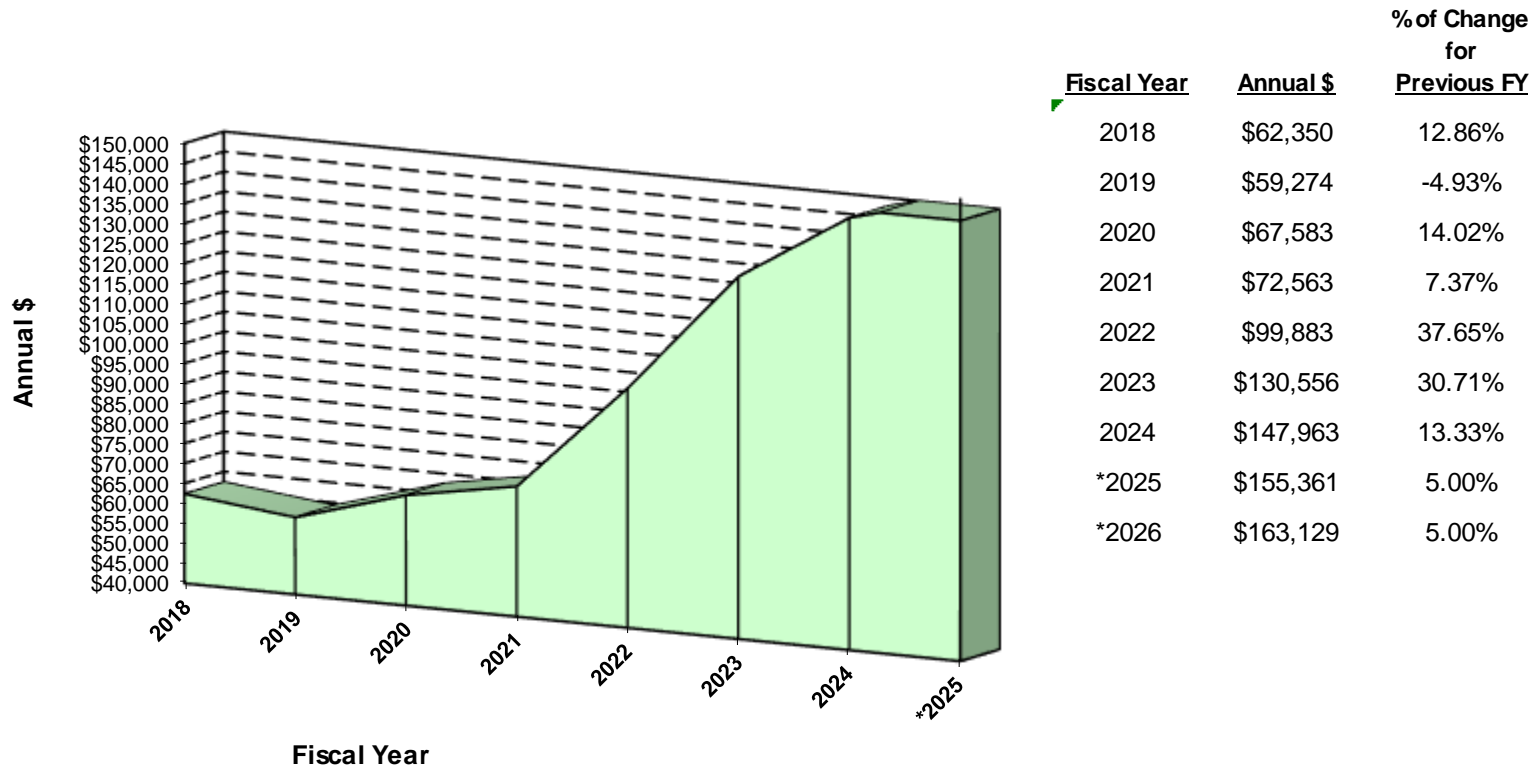


## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
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### WestLaw



\*Estimated

## NARRATIVE INFORMATION – DA 400

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### FY 2024 Trial Office Actual Closed Cases

Trial Office	Attorney FTEs*	Cases Completed**	Cases Completed Per Attorney FTE
Third Judicial Dist. Defender (Topeka)	11	839	76
Salina Public Defender	5	291	58
North Central Reg. Defender (Junction City)	11	924	84
Sedgwick County Public Defender (Wichita)	18	1,626	90
Reno County Public Defender (Hutchinson)	7	717	102
Tenth Judicial Dist. Public Defender (Olathe)	19	2,174	114
Seventh Judicial District Public Defender (Lawrence)	7	158	23
Western Regional Public Defender (Garden City)	3	311	104
SE KS Public Defender (Chanute)	4	566	142
SE KS Public Defender Satellite (Independence)	2	251	126
Northeast KS Conflicts Defender (Topeka)	7	387	55
Sedgwick County Conflicts Defender (Wichita)	5	446	89
<b>Total Trial Offices</b>	<b>99</b>	<b>8,690</b>	<b>88</b>

\*Represents attorney positions in each office in FY 2024. Actual number of active attorneys handling cases may differ because of vacant positions.

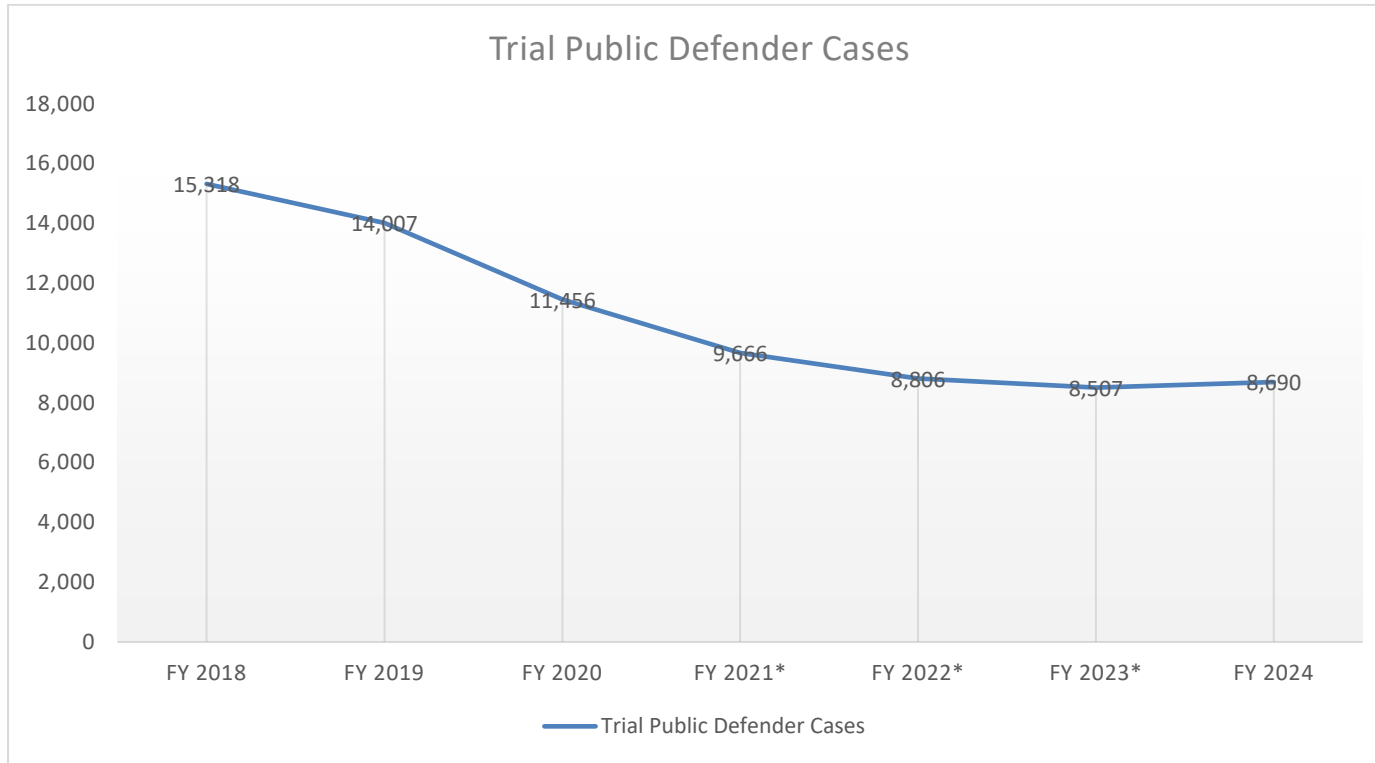
\*\*Includes only cases closed in FY 2024. Cases closed does not represent the full caseloads held by individual offices in FY 2024.

# NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
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## Trial Public Defender Completed Cases



\*Years where the COVID-19 pandemic substantially affected caseloads.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
 SUBPROGRAM TITLE AND NUMBER: DEATH PENALTY DEFENSE UNIT

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### FY 2024 Trial Office Average Actual Cases Handled By Active Attorneys

Trial Office	Attorneys Active in FY 2024*	Total Cases Worked in FY 2024**	Avg. Cases Worked Per Attorney FY 2024
Third Judicial Dist. Defender (Topeka)	7	1112	159
Salina Public Defender	4	429	107
North Central Reg. Defender (Junction City)	9	1243	138
Sedgwick County Public Defender (Wichita)	12	2175	181
Reno County Public Defender (Hutchinson)	6	1096	183
Tenth Judicial Dist. Public Defender (Olathe)	15	2862	191
Seventh Judicial District Public Defender (Lawrence)	5	351	70
Western Regional Public Defender (Garden City)	2	366	183
SE KS Public Defender (Chanute)	4	814	204
SE KS Public Defender Satellite (Independence)	2	450	225
Northeast KS Conflicts Defender (Topeka)	6	550	79
Sedgwick County Conflicts Defender (Wichita)	5	697	139
<b>Total Trial Offices</b>	<b>77</b>	<b>12,145</b>	<b>158</b>

\*Represents number of active attorneys working in each office in FY 2024, excluding positions with extended vacancies.

\*\*Includes cases closed in FY 2024 in addition to those open and worked but not yet completed in FY 2024.

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: DEATH PENALTY DEFENSE UNIT

### **DEATH PENALTY DEFENSE Program (CAPITAL DEFENSE COORDINATOR)**

#### **History of the Death Penalty Defense**

The Board of Indigents' Defense Services established the Capital Defense Coordinator Office in FY 1995 in response to the enactment of the death penalty. The Board transferred its most experienced attorney to the office and authorized a temporary Office Assistant I to assist. In FY 1996 the office expanded and its name was changed to the Death Penalty Defense Unit to more accurately reflect its mission to defend potential death penalty cases statewide. The purpose of the office is to establish and administer procedures and to provide services that result in the highest quality defense of person's accused of murder when the potential penalty is death. To accomplish this purpose, the Death Penalty Defense Unit will (1) represent all individuals, except those with which the office has a conflict of interest, charged with potentially capital cases wherever charged in the state; (2) establish and administer a system by which courts may appoint qualified attorneys; (3) plan and execute training programs for staff, public defenders, private counsel, investigators, mitigation specialists and ancillary staff including continuing legal education programs, manuals and newsletters; (4) establish and maintain a resource library and consultation service for attorneys assigned to capital or potentially capital cases; (5) collect and maintain statistical records regarding the use of capital punishment; and (6) establish through contract and/or negotiation a system for providing trial counsel with competent and cost-effective expert and investigative services needed to defend potential capital cases.

In FY2016 the Kansas death penalty was upheld by both the United States Supreme Court and the Kansas Supreme Court which necessitated the establishment of the capital habeas unit and the hiring of private attorneys with experience defending capital habeas cases.

In FY 2020, there were seven new capital cases filed in Kansas. The Death Penalty Defense Unit accepted appointments on six of those cases. The seventh was contracted out to private counsel due to a co-defendant conflict. In FY 2021, the DPDU accepted capital appointments on three new cases. In FY 2022, the DPDU accepted capital appointments on 2 new capital cases. In FY 2023, DPDU accepted capital appointments on three new capital cases. In FY 2024, the DPDU accepted capital appointments on 4 new capital cases.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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**In FY2019, there were 6 cases filed with a potential sentence of death:** Kimberly Younger, Michael J. Fowler, Jr., Rusty Frazier, Mashaun Jay Baker, Dion Green, and Carlisle Hervey.

**Capital Cases Tried or Pled in FY2019**

	<b>Disposition</b>	<b>Representation</b>
Luis G. Alvarado – Meraz – Sedgwick County	Motion alleging ineffective assistance of counsel filed post-trial but pre-sentence	DPDU
Jamieon Wimbley – Sedgwick County	Plea - 25 to life	Patrick Mitchell, Mark
Jamal Lewis – Wyandotte County	Plea – 25 to life	DPDU
Korrey R.W. Rinke – Johnson County	Plea -	DPDU
Shane Andrew Mays – Shawnee County	Plea -	K. Ambrosio
Jonathan Carter – Sedgwick County	Plea – 25 to life	C. Cotton, C. O’Hara
James Pavey – Saline County	Plea – 294 mos.	J. Bravi
Pablo Serrano-Vitorino – Wyandotte County	Deceased	DPDU
Michael J. Fowler, Jr. – Butler County	Plea	Jason Smartt
Mashqun Jay Baker – Geary County	Dismissed	Capital Habeas
Dion Green – Geary County		DPDU
Carlisle Hervey – Wyandotte County	Dismissed	

**Capital Cases Decided by Kansas Supreme Court FY2019**

No Decisions Released

**Capital Cases Proceeding to Trial in FY2019:**

**FY Filed Capital**

**Representation**

Vinh Bon Nguyen – Sedgwick County	2014	DPDU
Cornell McNeal – Sedgwick County	2014	DPDU, Oller
Devonte Wash – Johnson County	2018	DPDU
Antoine Fielder – Wyandotte County	2018	DPDU
Kimberly Younger – Butler County	2019	DPDU
Rusty Frazier – Butler County	2019	J. Shepack
Justin Thurber – Clay County	2007 Remand	DPDU



## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET STATE OF KANSAS	AGENCY NAME: <u>Kansas State Board of Indigents' Defense Service</u>
	AGENCY NUMBER: <u>328-00</u> FUNCTION NO. <u>01</u>
	PROGRAM TITLE AND NUMBER: <u>AID TO INDIGENTS DEFENSE</u>
	SUBPROGRAM TITLE AND NUMBER: <u>DEATH PENALTY DEFENSE UNIT</u>

**Capital Cases on Appeal to Kansas Supreme Court: 2019**

Jonathan Carr – Sedgwick County  
 Reginald Carr – Sedgwick County  
 Frazier Glenn Cross Miller – Johnson County  
 Kyle Flack – Franklin County

**Capital Cases on Appeal to United States Supreme Court: 2019**

James Kraig Kahler – Osage County

**Capital Habeas Cases FY2019:**

John Robinson – Johnson County  
 Scott Cheever – Greely County  
 Sidney Gleason – Butler County  
 Gary Kleypas – Crawford County

**In FY2020, there were 6 cases filed with a potential sentence of death:** Mark Hopkins, II, Daniel Lopez, John Pepper, Hugo Villanueva-Morales, Kyle Young, and Ishmael Caballero.

**Capital Cases Tried or Pled in FY2020**

	<b>Disposition</b>	<b>Representation</b>
Luis G. Alvarado – Meraz – Sedgwick County	Motion alleging ineffective assistance of counsel filed post-trial but pre-sentence	DPDU
Rusty Frazier—Barton County	Plea	J. Shepack

**Capital Cases Decided by Kansas Supreme Court FY2020**

No Decisions Released

**Capital Cases Proceeding to Trial in FY2021:**

	<b>FY Filed Capital</b>	<b>Representation</b>
Vinh Bon Nguyen – Sedgwick County	2014	DPDU
Cornell McNeal – Sedgwick County	2014	DPDU, Oller
Devonte Wash – Johnson County	2018	DPDU

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
 AGENCY NUMBER: 328-00 FUNCTION NO. 01  
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Antoine Fielder – Wyandotte County	2018		DPDU
Kimberly Younger – Butler County	2019		DPDU
Justin Thurber – Clay County	2007		DPDU
Dion Green—Geary County	2020		DPDU
Ismael Caballero—Wyandotte County	2020		DPDU
Hugo Villanueva—Wyandotte County	2020		DPDU
Mark Hopkins—Cherokee County	2020		DPDU
Daniel Lopez—Sedgwick County	2020		DPDU
John Pepper— Sedgwick County	2020		DPDU
Javier Alatorre—Wyandotte County	2020	J.Gorman/M. Warhurst	

**Capital Cases on Appeal to Kansas Supreme Court: 2020**

Jonathan Carr – Sedgwick County  
 Reginald Carr – Sedgwick County  
 Frazier Glenn Cross Miller – Johnson County  
 Kyle Flack – Franklin County

**Capital Cases on Appeal to United States Supreme Court: 2020**

James Kraig Kahler – Osage County

**Capital Habeas Cases FY2020:**

John Robinson – Johnson County  
 Scott Cheever – Greeley County  
 Sidney Gleason – Butler County  
 Gary Kleypas – Crawford County

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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**In FY2021, there were 3 cases filed with a potential sentence of death:** Donald Jackson Jr., Dontenize Kelly, and Yanez Sanford.

**Capital Cases Tried or Pled in FY 2021:**

Ismael Caballero

**Disposition**

Plea

**Representation**

DPDU

**Capital Cases Proceeding to Trial in FY2022:**

**FY Filed Capital**

**Representation**

Vinh Bon Nguyen – Sedgwick County	2014	DPDU
Cornell McNeal – Sedgwick County	2014	DPDU, Oller
Devonte Wash – Johnson County	2018	DPDU
Antoine Fielder – Wyandotte County	2018	DPDU
Kimberly Younger – Butler County	2019	DPDU
Justin Thurber – Clay County	2007	DPDU
Hugo Villanueva—Wyandotte County	2020	DPDU
Mark Hopkins—Cherokee County	2020	DPDU
Daniel Lopez—Sedgwick County	2020	DPDU
John Pepper— Sedgwick County	2020	DPDU
Javier Alatorre—Wyandotte County	2020	J.Gorman/M.Warhurst

**Capital Cases on Appeal to Kansas Supreme Court: 2021**

Jonathan Carr – Sedgwick County  
 Reginald Carr – Sedgwick County  
 Frazier Glenn Cross Miller – Johnson County  
 Kyle Flack – Franklin County  
 James Kraig Kahler—Osage County

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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SUBPROGRAM TITLE AND NUMBER: DEATH PENALTY DEFENSE UNIT

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### Capital Habeas Cases FY2021:

John Robinson – Johnson County  
Scott Cheever – Greely County  
Sidney Gleason – Butler County  
Gary Kleypas – Crawford County

**In FY2022, there were 2 cases filed with a potential sentence of death:** Salvador Garcia-Zarate, and Michael A. Peterson.

Capital Cases Tried or Pled in FY 2022	FY Filed Capital	Representation
Devonte Wash—Johnson County	2018	DPDU
Kimberly Younger—Butler County	2019	DPDU
Mark Hopkins—Cherokee County	2020	DPDU
John Pepper—Sedgwick County	2020	DPDU

### Capital Cases on Appeal to Appellate Courts: FY 2022

Jonathan Carr—Sedgwick County  
Reginald Carr—Sedgwick County  
Kyle Flack—Franklin County  
James Kraig Kahler—Osage County  
Mark Hopkins—Cherokee County  
John Pepper—Sedgwick County  
Michael Fowler—Barton County  
Ismael Caballaro—Wyandotte County  
Kimberly Younger—Barton County

**NARRATIVE INFORMATION – DA 400**

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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**Capital Habeas Cases FY 2022:**

John Robinson—Johnson County  
 Scott Cheever—Greely County  
 Sidney Gleason—Butler County  
 Gary Kleypas—Crawford County  
 Justin Thurber—Clay County

**In FY2023, there were 3 cases filed with a potential sentence of death:** Justin Macormac, Dawson Mitchell, and Doniel Sublett.

<b>Capital Cases Tried or Pled in FY 2023</b>	<b>FY Filed Capital</b>	<b>Representation</b>
Vinh V. Nguyen—Sedgwick County	2014	DPDU
Dontenize Kelly—Sedgwick County	2021	DPDU/ Koop

**Capital Cases on Appeal to Appellate Courts: FY 2023**

Jonathan Carr—Sedgwick County  
 Reginald Carr—Sedgwick County  
 Kyle Flack—Franklin County  
 Mark Hopkins—Cherokee County  
 John Pepper—Sedgwick County  
 Michael Fowler—Barton County  
 Ismael Caballaro—Wyandotte County  
 Kimberly Younger—Barton County  
 Cornell McNeal—Sedgwick County

**NARRATIVE INFORMATION – DA 400**

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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**Capital Habeas Cases FY 2023:**

John Robinson—Johnson County  
 Scott Cheever—Greely County  
 Sidney Gleason—Butler County  
 Gary Kleypas—Crawford County  
 Justin Thurber—Clay County  
 Kraig Kahler—Osage County  
 Reginald Carr—Sedgwick County  
 Jonathon Carr-Sedgwick County

**In FY2024, there were 4 cases filed with a potential sentence of death:** Ricardo J. Cadena-Garcia; Mickel W. Cherry; Charles Crawford; John A. Griffin.

**Capital Cases Tried or Pled in FY 2024**

**FY Filed Capital**

**Representation**

Doniel L. Sublett Jr. —Johnson County	2022	DPDU
Daniel Lopez—Sedgwick County	2020	DPDU
Justin Macormac—Sedgwick County	2022	DPDU
Yanez Sanford—Shawnee County	2020	DPDU

**Capital Cases Decided on Appeal: FY 2024**

Kyle Flack—Franklin County

**Capital Habeas Cases FY 2024:**

John Robinson—Johnson County  
 Scott Cheever—Greely County

## NARRATIVE INFORMATION – DA 400

AGENCY NAME:	<u>Kansas State Board of Indigents' Defense Service</u>	
AGENCY NUMBER:	<u>328-00</u>	FUNCTION NO. <u>01</u>
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Sidney Gleason—Butler County  
Gary Kleypas—Crawford County  
Justin Thurber—Clay County  
Kraig Kahler—Osage County  
Reginald Carr—Sedgwick County  
Jonathon Carr-Sedgwick County

Costs associated with the death penalty were examined by Legislative Post Audit in their “Costs Incurred for Death Penalty Cases”, issued in December, 2003, and by the Judicial Council in their study issued in January, 2004. The Judicial Counsel again reviewed death penalty cost issues in a 2009 study and again in 2014. Generally, it was determined that Kansas is experiencing the same issues and costs experienced by other states that have the death penalty. Legislative Post Audit made three recommendations in their report:

The first Legislative Post Audit recommendation was to make sure the Death Penalty Defense Unit had a sufficient number of qualified attorneys so that death penalty cases did not have to be assigned to private attorneys. Toward this recommendation, in 2003, two attorney positions from the Topeka workstation were moved to Wichita. Additionally, the two Wichita based attorneys can handle homicides in rural areas without public defender offices as well as the case overflow from the Wichita Public Defenders and the Wichita Conflict Public Defenders. In 2012, through grant funding received for training, all additional experienced defenders who were willing to provide capital defense received capital training, expanding the qualified attorney numbers. In FY 2022, a new capital appellate defender position was created. In July 2022, five new capital attorney positions were created by moving vacant trial-level attorney positions and their funding to the DPDU, Capital Appeals and Conflicts, and Capital Habeas.

The second Legislative Post Audit recommendation was to look into the feasibility of establishing a conflicts office. Funds were requested from the legislature to accomplish that recommendation but funding was not approved. Nevertheless, in order to provide appellate counsel in-house for each of the Carr brothers, an additional capital appellate team was established in 2002. In FY 2021, and again in FY 2022, BIDS has requested additional capital positions in order to separate the Wichita DPDU office from the Topeka DPDU office in order to allow for more in-house acceptance of conflict cases. However, that funding was not awarded.

The third recommendation was to look at cost control measures in other states. This was a specific assignment to the Judicial Counsel and their finding is that other states efforts were essentially the same as ours.

Costs will continue to rise as more and more cases are added. Only a handful of capital cases have been finalized. All other cases are continuing through the legal process to the State Capital Habeas proceedings and new cases are added each year.

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
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AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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### **Capital Appeals and Conflicts Office & Capital Appeals Office**

In FY2002, the Capital Appeals and Conflicts Office (CA&C) and the Capital Appeals Office (CA) were established through reassignment of appellate defenders to provide appellate defense on capital murder convictions where the death penalty was issued and on other capital and capital eligible cases. Capital defense is the priority of these offices. However, both offices handle conflict cases and overflow cases from the appellate defender office when time allows.

### **State Habeas Office**

In FY2015, the State habeas office was established to prepare for the next stage of death penalty defense after a death sentence is upheld by the Kansas Supreme Court and any petition for Certiorari has been unsuccessful for the defense.

### **EXPENDITURE JUSTIFICATION:**

#### **Account Code 51000 – Salaries and Wages:**

**FTE: 42**

This group of offices is each regularly staffed by a Chief Defender, multiple capital public defenders, legal assistants, mitigation specialists and investigators, depending on their case needs. When necessary, trial office public defenders may be assigned to defend capital cases when conflicts arise to ease the reliance on private attorneys. The funding source for salaries is then adjusted according to the percentage of time spent on capital defense and the time spent on non-capital cases.

**Current Year FY2025: -- \$4,692,803**

The agency estimate includes a full-year staffing of 42 FTE. Shrinkage is based on 4.0%. Benefit amounts are based on indices and calculations by the IBARS system. No overtime expenses are included.



## NARRATIVE INFORMATION – DA 400

AGENCY NAME:	Kansas State Board of Indigents' Defense Service	
AGENCY NUMBER:	328-00	FUNCTION NO. 01
PROGRAM TITLE AND NUMBER:	AID TO INDIGENTS DEFENSE	
SUBPROGRAM TITLE AND NUMBER:	DEATH PENALTY DEFENSE UNIT	

DIVISION OF THE BUDGET  
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### **Budget Year FY2026: -- \$4,736,231**

The agency estimate includes a full year staffing of 42 FTE. Shrinkage is based on 4.0%. Benefit amounts are based on indices and calculations by the IBARS system. No overtime expenses are included.

### **Account Code 52000 - 52900 Contractual Services:**

SUMMARY: A new level of casework, unique to the death penalty, began at the very end of FY2007. This casework – the post-conviction state habeas, was contracted out to experienced private counsel for cost efficiency. However, as more and more death penalty cases move into the habeas stage, some of that work has been brought back in house as part of the Capital Habeas Office. Post-conviction contract services include the cost of re-investigating the case, hiring expert witnesses, travel, mitigation costs and attorney fees. The cost estimates shift from one year to the other depending upon how fast or slow the matter is scheduled in the district court. Additionally, this request has been formulated applying the standards mandated by the American Bar Association Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases. Revised February 2007.

New capital cases are added and few are resolved. Therefore, the costs of these account codes will continue to rise. By way of example, the first death penalty case to proceed to trial since the reinstatement of the death penalty, the Kleypas case, began in 1995 and has not yet completed his state habeas case. There will be federal habeas proceedings after that is completed.

### **Current Year FY2025: - \$919,671**

*(\$2,600,000 will be transferred from Operations once budget is finalized)*

### **Budget Year FY2026: - \$647,181**

**NARRATIVE INFORMATION – DA 400**

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: DEATH PENALTY DEFENSE UNIT

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**Object Code 53000 – 53900 Commodities:**

SUMMARY: Westlaw online access continues to replace paper versions of professional publications. Other commodities include paper, envelopes, professional books, computer replacement parts, computer software, and general office supplies.

**Current Year FY2025: -- \$22,765**

**Budget Year FY2026: -- \$22,765**

**Account Code Capital Outlay:**

**Current Year FY2025: --\$72,500**

**Budget Year FY2026: -- \$23,000**

## NARRATIVE INFORMATION – DA 400

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STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: REVENUE ESTIMATE

### REVENUE ESTIMATE

#### **INDIGENTS' DEFENSE SERVICES FUND:**

Pursuant to L. 1996 S.B. No. 95, Sec. 134(b) Created by K.S.A. 22-4526

The revenues in this account are remitted by Clerks of the District Courts as part of an assessment or docket fee (\$0.50 per case filed with the courts – including non-indigent cases), an application fee, and a bond forfeiture program. An administrative fee as well as the bond forfeiture program was statutorily implemented by the 1997 legislature. The Board requested and legislation was passed changing the Board's fee from an "administrative" fee to an "application" fee, to be paid at the front end of a case and increasing the amount from \$50 to \$100 per case. All three components, docket fee, application fee and bond forfeiture, are paid by the court to the State Treasurer. For FY 2014 a statutory change was implemented eliminating payment of docket fees to the Board of Indigents' Defense Services. The loss of these funds was replaced with state general funds in a separate funding line entitled "Indigents' Defense Services Operations". Additionally in FY2013 the process for allocating bond forfeiture proceeds was modified. This modification has reduced revenue to the Indigents' Defense Services Fund. Due to the volatility of this revenue source, the agency is projecting a conservative amount of revenue from this source. This data is incorporated in the chart below.

Historically, the State Treasurer received one payment with the fees lumped together. The new full court reporting system now provides an avenue to report the three fees individually by the courts. Due to the new full court reporting system and some program language changes, the State Treasurer's Office began providing receipt information for the three components of this fund in May 2008.

**NARRATIVE INFORMATION – DA 400**

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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**INDIGENTS' DEFENSE SERVICES FUND**

	<u>Docket</u>	<u>Application</u>	<u>Bond</u> <u>Forfeiture</u>	<u>Total</u>
2018	\$0	\$541,371	\$283,649	\$825,021
2019	\$0	\$599,353	\$254,922	\$854,275
2020	\$0	\$593,825	\$294,602	\$888,427
2021	\$0	\$626,481	\$239,429	\$865,910
2022	\$0	\$671,953	\$301,757	\$973,710
2023	\$0	\$719,233	\$297,819	\$1,017,052
2024	\$0	\$697,367	\$374,383	\$1,071,750
*2025	\$0	\$600,000	\$200,000	\$800,000
*2026	\$0	\$600,000	\$200,000	\$800,000

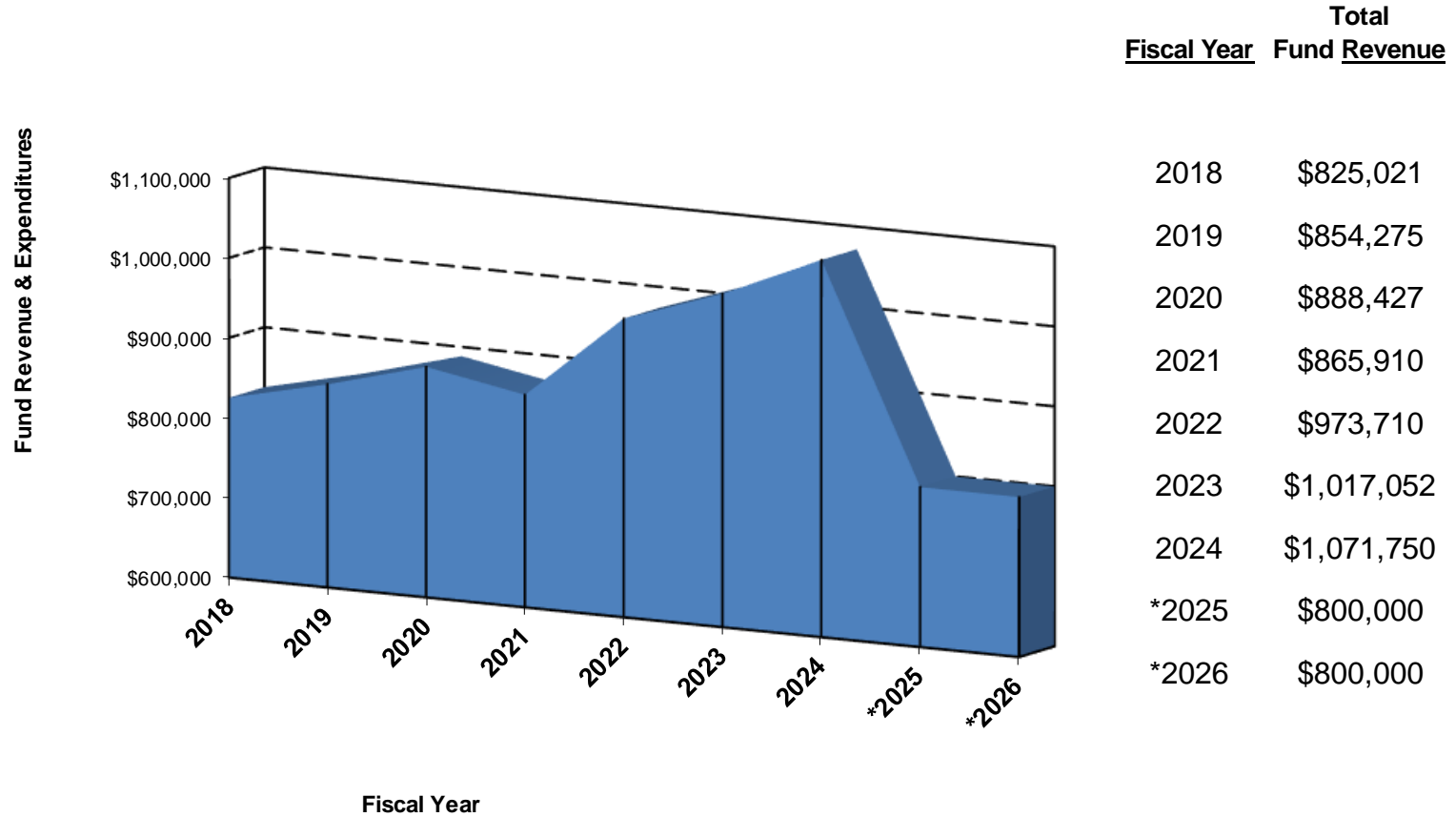
Historically, this fund was used to partially pay assigned counsel expenditures. Since FY2006, this fund has been used to pay expert service and transcriptionist costs supplemented by state general funds.

## NARRATIVE INFORMATION – DA 400

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
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### Indigents' Defense Services Fee Fund



\* Estimate

## NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET  
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AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: REVENUE ESTIMATE

### **DOCKET FEE:**

Effective July 1, 2014 the agency no longer receives any docket fees.

### **APPLICATION FEE:**

Legislation was proposed and passed by the 2003 session to direct that the administrative fee, usually assessed at the end of the case, would be replaced by an application fee to be paid when an accused person requests representation by the Board of Indigents' Defense Services. The amount was increased from \$35 to \$50 for FY2004 and to \$100 for FY2005.

In an effort to increase collection of the administrative fee, we have revised forms, mailed a reminder to assigned counsel attorneys, and reinforced the issue with our own public defender offices. In late FY2002, Assigned Counsel claim forms were revised to include a field to capture data regarding the ordering of the \$35 fee. The Assigned Counsel claim form was revised again in FY2005 to reflect the \$100 application fee and to provide the statutory reference. The Order Appointing Counsel form was also revised to include a notation regarding the fee with statutory reference. The Financial Affidavit form was also revised to address the ordering of the fees at the time indigency is determined. Forms were redesigned for FY 2007 in an attempt to increase this revenue. In 2012, the legislation allowed funding for an auditor position to review the assessment of the application fee by the court as part of sentencing. Additionally, the Sentencing Commission has complied with our request to include the ordering of the application fee in its sentencing forms.

### **BOND FORFEITURE FEE:**

The revenue collected from this fee will vary from year to year based on the number of bonds that are forfeited and the amount of the bond.

### **INSERVICE EDUCATION WORKSHOP FEE FUND:**

Per K.S.A. 22-4523(c), the State Board of Indigents' Defense Services may conduct programs having a general objective of training and educating attorneys and other persons involved in the legal representation of indigent persons. The agency offers two continuing legal education workshops for public defenders and assigned counsel each year. Historically, the agency did not charge for these workshops. However, in FY2010 out of necessity of budget cuts, the agency initiated a minimal fee for these programs. This resulted in net revenue of \$5,670. It is projected that revenue income for FY2025, and FY2026 will be \$6,000 each year. The agency will utilize these funds to offset costs incurred for providing this training service, such as site rental, printing, mailing, staff travel, etc. and for providing additional training to Public Defenders.

## NARRATIVE INFORMATION – DA 400

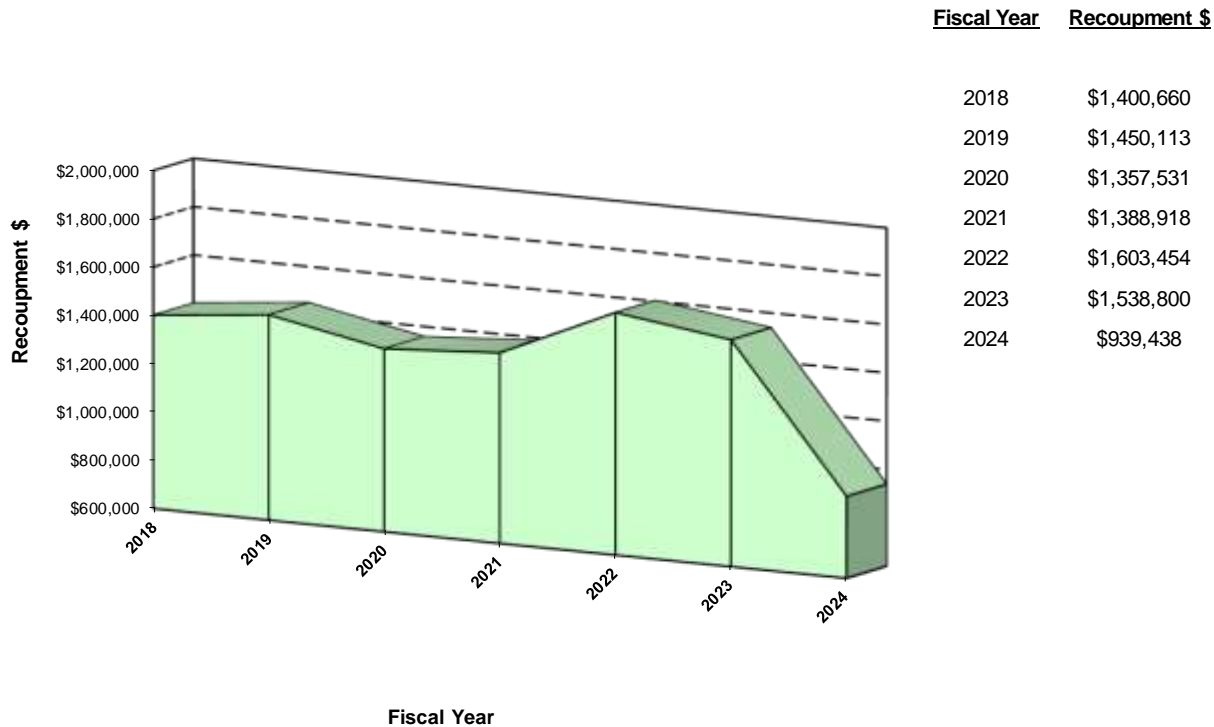
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### STATE OF KANSAS REVENUE ESTIMATE – DEFENDANT RECOUPMENTS

The Board of Indigents' Defense Services processes monies from the Courts on behalf of defendants as repayment for legal and expert services. These recoupments are ordered by the Judge at the time of sentencing. The funds are collected by the Courts and submitted to the Board of Indigents' Defense Services. They are receipted and processed by the administrative accounting staff and deposited into the State General Fund through the State Treasurer. These funds are available revenue to the State of Kansas, not to the agency. This activity is reflected in the following chart:

**Amount of Agency Recoupment**



**NARRATIVE INFORMATION – DA 400**

AGENCY NAME: Kansas State Board of Indigents' Defense Service  
AGENCY NUMBER: 328-00 FUNCTION NO. 01  
PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE  
SUBPROGRAM TITLE AND NUMBER: APPENDIX

DIVISION OF THE BUDGET  
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**APPENDIX**