

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 State Board of Indigents' Defense Services submits to you for your approval its budget request for FY 2024 and FY 2025.

The Board of Indigents' Defense Services' (BIDS) is currently struggling 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..."¹ This is due to 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 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 hourly rates to handle the number of cases flowing into our assigned counsel program.² 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 unnecessarily higher assigned counsel costs.

In FY 2022, 1 out of every 5 public defenders left public service with the Kansas public defender service.³ While the full agency pay adjustment implemented at the beginning of FY 2023 had a significant impact on lowering that turnover rate from 20% in FY 2022 to 9.72% in FY 2023, we continue to struggle to fill vacant positions in our agency due to uncompetitive salaries that still linger approximately 28% below

¹ See K.S.A. 22-4522.

² BIDS' current statutory rate of \$80 per hour in K.S.A. 22-4507(c) is approximately 65% 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). The rate BIDS is currently paying based on our FY 2024 special budget proviso of \$120/ hour is still 45% below that now five year old survey rate.

³ Turnover rate FY 2022 for BIDS as an agency was 17.94%, with staff turnover sitting at 14.10% and public defender turnover at 20.63% as provided by the Department of Administration for the timeframe from July 1, 2021 to June 30, 2022.

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prosecutor salary rates in the same jurisdictions. As a result, in FY 2023, our active trial level public defender average caseload was 169 cases per attorney, per year.⁴ This was 19 cases in excess of the 1973 National Advisory Commission Criminal Justice Standards of an absolute maximum of 150 felony cases per year, per attorney.⁵ Averaged out, that 169 felony caseload left each of our active trial attorneys approximately only **12 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.⁶ In comparison, the 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.⁷ 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 standards for criminal defense practice.

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 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 recent, historic investments in our public defense system 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. Most especially,

⁴ 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 2023 and the number of cases open and worked but not yet completed during FY 2023.

⁵ Standard 13.12 Workload of Public Defenders, found at <https://www.nlada.org/defender-standards/national-advisory-commission/black-letter>

⁶ 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 12 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.

⁷ https://www.rand.org/pubs/research_reports/RRA2559-1.html

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the substantial investment made in FY 2023 to attempt to get us closer pay parity with prosecutors had a significant impact on our turnover rates in FY 2023. 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 28% above our public defender starting 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 additional budget enhancement requests for FY 2025 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 either aimed at continuing the progress towards appropriately compensating our employees for their increased experience levels and high performance, or, in the alternative, a salary adjustment aimed at bridging that final gap and achieving pay parity with prosecutors for our public defenders;
- (2) a moderate request for additional staffing for several division with specific staffing needs in order to address caseloads and to gain capacity to better support both our public defender offices and our assigned counsel;
- (3) a request for additional funding to support much needed space and training for our current public defense employees and large assigned counsel program;
- (4) the last step in our three-step proposal from 2020 to raise our assigned counsel rate to continue to attract new experienced criminal defense attorneys to our assigned counsel panel lists across the state; and
- (5) funding to support a modest salary increase for the 4 employees with Legal Services for Prisoners so they are more appropriately compensated for their work.

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A strong public defense system is not just a constitutional imperative. It is also a value 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 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.⁸

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 2025 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.

The Constitutional and Statutory Right to Counsel in Kansas

The Board of Indigents' Defense Services' (BIDS) traditionally fulfills its core mission of providing the Sixth Amendment right to counsel to indigent Kansans accused of felonies through two different types of delivery systems: public defenders and assigned private counsel.

Public defenders and public defense staff are state employees who are directly employed by the Board and who are subject to the internal oversight and quality control procedures instituted by the Board through its Regional Chief Public Defenders and their supervisory staff. When fully funded and staffed, Public Defender Offices are administrative structures that help BIDS meet its criminal defense ethical requirements and create the best possible circumstances for our employees to comply with professional criminal defense best practices. They offer independence in individual case decision making apart from inappropriate pressures from the court and prosecution. They are supervised for quality representation. They are not

⁸ 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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paid by the case and are therefore not incentivized to take more cases than they can reasonably and ethically handle. Attorneys and support staff work together on cases in teams and staff are trained and mentored in-house. Defender offices also offer a single hub for defense practice in each jurisdiction where they are located, much like a prosecutor's office, which helps the court administration better manage case assignments and have more consistent availability for cases.

Assigned private counsel are generally made up of two groups: contract counsel, and non-contract counsel. Contract counsel are typically private attorneys or firms that contract with the Board to accept appointed cases at a negotiated and contracted fee where the public defender has a conflict or is unable to otherwise handle the case, or where there is no public defender available to accept an appointment. Contract counsel are private attorneys and are not directly supervised by BIDS. Instead, BIDS audits contract counsel claim forms when submitted after the case is completed and facilitates payments for those counsel for cases handled after the case has been completed.

Non-contract assigned counsel are private attorneys who meet minimum regulatory criteria and voluntarily sign up to serve on appointments panels in each judicial district. They are appointed to cases directly by the district court judges. As the result of a special budget proviso put in place by the 2023 Kansas Legislature, these attorneys currently receive a one hundred twenty dollar (\$120) per hour rate to handle cases where the public defender is conflicted from representing a client or is otherwise unable to accept the appointment, and where contract counsel are otherwise unavailable.⁹ Non-contract assigned counsel are private attorneys and are not directly supervised by BIDS. Instead, BIDS audits assigned counsel claim forms when submitted and facilitates payments to those counsel for cases handled after the case has been completed. BIDS has very little statutory or administrative authority to oversee individual casework by our assigned counsel attorneys.

It is important when considering our budget to keep in mind that, on average, fully eighty-five percent (84%) of all adults charged with felonies in Kansas qualify for and are appointed counsel to handle their cases.¹⁰ BIDS provides all of those appointed attorneys in those cases through

⁹ K.S.A. 22-4507(c). The statutory rate, absent the special budget proviso, is capped currently at \$80 per hour. BIDS anticipates putting forth a statutory amendment during the 2024 Legislative session to raise that cap to the current \$120 per hour rate.

¹⁰ Statistic provided by the Kansas Sentencing Commission, July 2023.

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one of the two systems above. During a typical year where caseloads are not suppressed by the global COVID-19 pandemic, BIDS averages around 28,803 cases.¹¹ In FY 2020, BIDS handled 26,237, which was approximately 9% below average, likely due to the effects of the COVID-19 pandemic during the fourth quarter of that year. In 2021, BIDS handled a grand total of 24,353 cases: 9,666 through the public defender system, and 14,687 through the assigned counsel program. This was 4,450 cases less than would be typically expected and was approximately 15% below our 2015-2019 average, due to the effects of the COVID-19 pandemic during all four quarters of the 2021 fiscal year. In FY 2022, caseloads slightly increased as pandemic court slow-downs began to end and BIDS handled a total of 24,609 cases: 8,806 through the public defender system and 15,803 through the assigned counsel program, still close to our FY 2021 pandemic numbers, but the influx of cases into our system since the beginning of FY 2023 is noticeably trending upwards. In FY 2023, BIDS handled 27,110 cases, with public defender offices handling 8,507 and assigned counsel handling 18,603 cases. As is clear from these statistics, the relative health of the Kansas public defense system has a substantial impact on the ability of our criminal courts to work a large percentage of their criminal dockets throughout Kansas.

Recent BIDS Difficulties

It has been no secret that BIDS has suffered historically from high turnover rates of public defenders and too high of caseloads. In the spring of 2019, it was reported that 1 in 4 public defenders were leaving their positions.¹² In FY 2022, BIDS lost another 1 out of every 5 public defenders. While we continue to work to slow that turnover rate, our constantly overwhelming caseloads and non-competitive wages in our public defender offices continued to contribute to turnover rates that we cannot afford and continued difficulty filling vacancies in many offices.

Chronic turnover significantly impacts on our ability to consistently keep our public defender offices fully staffed with highly experienced attorneys, as training new criminal attorneys takes as much as 2-5 years for full proficiency at high level cases. Thankfully, since our pay scale adjustment was largely implemented in July 2022, we've seen a noticeable decrease in the number of employees leaving our agency and a small

¹¹ In 2015, BIDS handled 27,343 cases. In 2016 BIDS handled 28,588 cases. In 2017, BIDS handled 28,811 cases. In 2018, BIDS handled 29,957 cases. In 2019, BIDS handled 29,317 cases. The average of those five years comes to 28,803 cases.

¹² Ujijediin, Nomin, *One In Four Kansas Public Defenders Quit Last Year, Leaving Agency 'In Crisis,' KCUR*, published April 8, 2019. <https://www.kcur.org/government/2019-04-08/one-in-four-kansas-public-defenders-quit-last-year-leaving-agency-in-crisis> ;

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improvement in our ability to recruit attorneys to fill our vacant positions. However, our ability to keep this trend moving in a positive direction will be determined by the willingness of the Governor and the Legislature to keep pace with our proposed pay adjustments to attain pay parity with our prosecutor counterparts.

Similarly, historical turnover rates have been not just driven by low pay, but also by high caseloads. In an effort to better control those overwhelming caseloads, we've had to make extensive use of one of the only mechanisms available to us to stop the influx of cases to our public defenders. When our public defender offices do not have enough experienced attorneys to handle those cases, or the attorneys that we have are simply too overloaded with cases, our public defender offices, after consultation with the director, notify their local district court that they will be refusing to accept new cases for a designated period of time.¹³ So while our public defender offices continue to work their old cases, their offices have to temporarily stop taking new cases to ensure that they are meeting their professional ethical obligations to their clients.

In FY 2023, there were three trial level public defender offices, out of 11, that had to partially or totally refuse new cases for over 50% of the year.¹⁴ These case refusals occurred because of turnover and staffing issues and high caseloads that could not be handled by these offices at their staffing levels at that time. While these three offices had significant case refusals, 8 of 11 of our trial offices experienced some level of case refusals due to high caseloads and turnover issues. These case refusals have had a significant detrimental impact on our assigned counsel panels.

We currently do not have enough private experienced defense counsel willing to take BIDS cases at our current rates in most jurisdictions to handle the volume of cases charged by local prosecutors. This is due to several intersecting factors: retirement of attorneys in many jurisdictions, a lack of new private counsel opening offices in jurisdictions outside of the Greater Kansas City and Wichita areas to replace those who are retiring,

¹³ K.A.R. 105-21-3(b) "The public defender may refuse to accept court-appointed cases when it is determined jointly by the public defender and the director that the current active caseload would preclude the public defender from providing adequate representation to new clients," ; K.A.R. 105-21-3(c) "When a decision is made to withdraw from a case or to not accept cases due to current caseloads, the public defender shall communicate this decision to the administrative judge of the district, who shall appoint attorneys, in sequence, from the panel for a period established by the director." See also, K.S.A. 22-4501, K.S.A. 22-4522.

¹⁴ The Third Judicial District Public Defender Office in Topeka limited cases for all 365 days of FY 2023 (100%) of the year while still continuing to take some cases; the 10th Judicial District Public Defender Office in Olathe temporarily refused cases for 205 days, or 56% of the year, and the Salina Regional Public Defender in Salina also limited the flow of cases coming into their office for all 365 days of the year (100%), all due to turnover and high caseloads.

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lower acceptance and graduation rates from area law schools over the past ten years, and the impact of overflow cases into the private bar from those jurisdictions where public defenders have seen substantial case refusals due to their own staffing issues. This lack of available private defense counsel is most acute in Sedgwick, Saline, Shawnee, Geary, Riley, Dickenson, Crawford, Cherokee, and Labette counties. BIDS' administrative office staff is frequently making constant daily phone calls through our assigned counsel lists in efforts to recruit attorneys to accept additional cases. Unfortunately, many of those calls for assistance are being refused due to private counsel caseloads that are also reaching maximum levels. In desperation in a handful of counties, BIDS has been forced to contract with private counsel at special rates for limited term contracts in order to meet case needs in a reasonably timely manner.

BIDS cannot force experienced private criminal defense counsel to move to and open offices in these underserved jurisdictions, nor can BIDS force non-criminal private defense counsel to become criminal defense attorneys throughout the state. BIDS can, however, serve these communities with public defender offices that are sufficiently staffed if the full-time employee positions are available and salary levels are competitive with local prosecutor offices so that we can keep these offices staffed and successfully recruit new attorneys. However, to do so, BIDS continues to need investments in new FTEs, and appropriate salary progression for our employees.

While recent increases of funding are both greatly appreciated and are of significant assistance to our agency as we continue to fill our vacant public defender positions and continue recruiting private attorneys onto our appointment panels, there is still a lot more work that needs to be done to create lasting, effective, and efficient indigent defense in Kansas. There is no way to sugar coat the hard reality that our chronic insufficient staffing issues are going to require ongoing, substantial financial investment in our agency this year and in years to come.

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 given us, particularly the extremely helpful start on our plan to fix public defense in Kansas in our FY 2024 and FY 2025 budgets. We will continue to make our best efforts at

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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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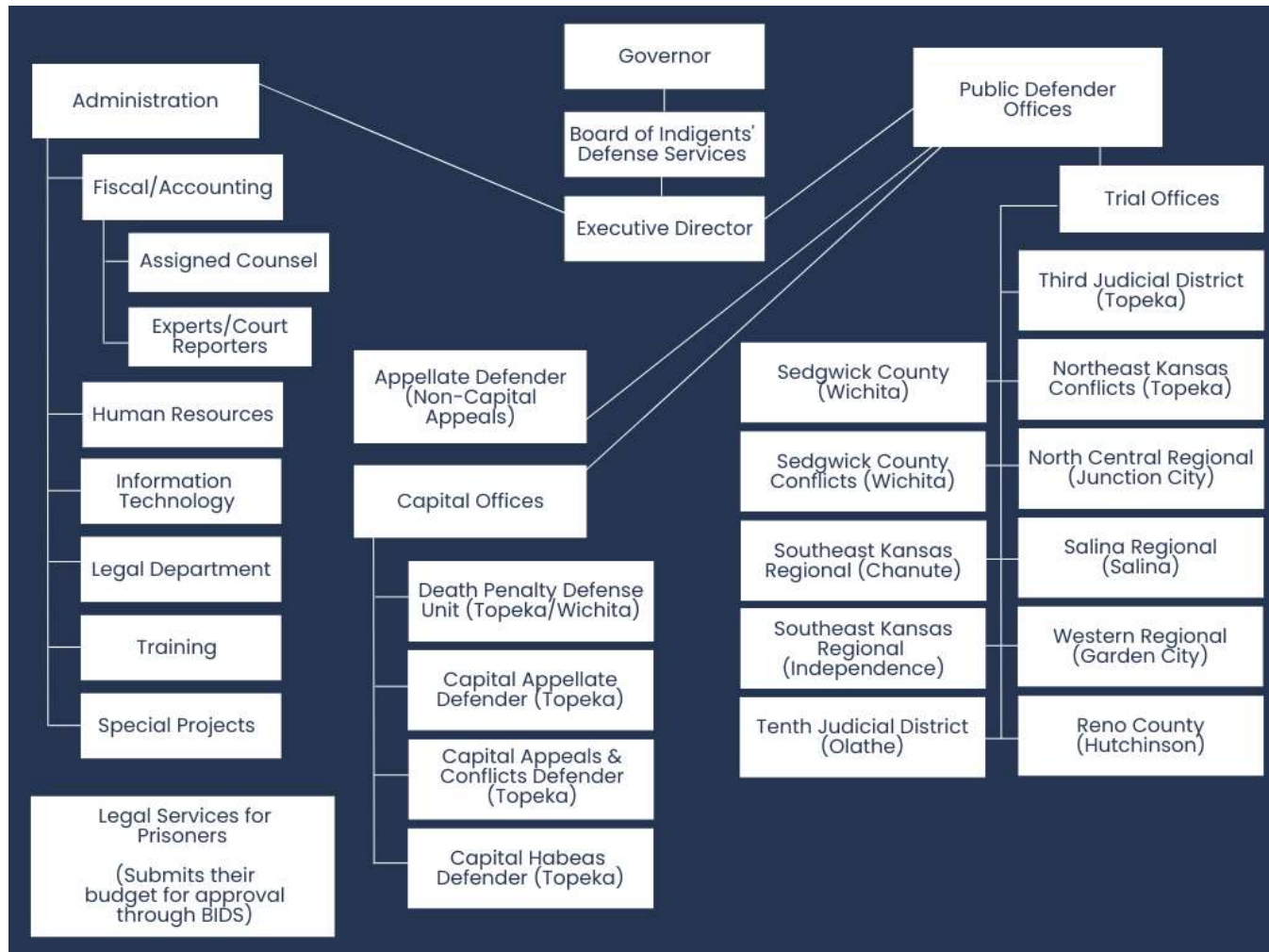
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Agency Organizational Chart FY 2023



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Board of Indigents' Defense Services

AGENCY MISSION

Advocacy. Dignity. Justice. 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.

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.¹⁵

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.

¹⁵ K.S.A. 22-4522(a)

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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 2023, our Public Defender Offices consisted of the following offices:

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Kansas Public Defender Offices

Office	Localities Served	Year Established
Appellate Defender Office (Topeka)	Statewide	1985
Capital Appellate Defender Office (Topeka)	Statewide	2002
Capital Appeals and Conflicts Defender (Topeka)	Statewide	2002
Capital Habeas Office (Topeka)	Statewide	2015
Death Penalty Defense Unit (Topeka/Wichita)	Statewide	1995
North Central Kansas Public Defender Office (Junction City)	Geary County, Riley County, Clay County, Morris County, Dickenson County	1972
Northeast Kansas Conflicts Public Defender Office (Topeka)	Shawnee County	1997
Reno County Public Defender Office (Hutchinson)	Reno County	1996

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Salina Regional Public Defender Office (Salina)	Saline County, Ottawa County	1973
Sedgwick County Public Defender Office (Wichita)	Sedgwick County	1985
Sedgwick County Conflicts Public Defender Office (Wichita)	Sedgwick County	2009
Southeast Kansas Public Defender Office (Chanute)	Allen County, Neosho County, Wilson County, Woodson County	1997
Southeast Kansas Public Defender Satellite Office (Independence)	Chautauqua County, Montgomery County	2004
Third Judicial District Public Defender Office (Topeka)	Shawnee County	1972
Tenth Judicial District Public Defender Office (Olathe)	Johnson County	1989
Western Regional Public Defender Office (Garden City)	Finney County	1994

A History of BIDS Assigned Counsel Rates

Notably, in December 1987, the Kansas Supreme Court held in *Stephan v. Smith* 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,

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considering overhead and expenses.” In essence, the court ordered an end to the long-standing reliance on the good will 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. However, the legislature issued a directive to the agency in the Omnibus bill, to open public defender offices where it would be cost effective in light of the hourly increase.

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

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2019	\$80	Public hearing/ Legislative funding increase
2022	\$100*	Special Budget Proviso/ Legislative funding increase
2021	\$120*	Special Budget Proviso/ Legislative funding increase

*Statutory hourly rate remains at \$80 per hour, higher rates currently being paid through series of special budget provisos in BIDS budget bills.

Currently, the official statutory rate is still currently \$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. However, statutory amendments will need to be made during the upcoming legislative session in 2024 to make that rate change a permanent part of our statutes.

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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 289.23 as follows:

Administration	30.63	Assigned Counsel	0.0
Legal Services for Prisoners	0.0	Appellate Defender Office	27.0
Trial Level Public Defender Offices	195.6	Death Penalty Defense	36.0

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

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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%. While the implementation of a state employee pay raise of 5% at the beginning of FY 2024 has continued that pay progress, additional pay adjustments are still needed to continue 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 to fill our vacancies.

Assigned Counsel

The statutory payment rate for our assigned counsel is currently \$80 per hour under K.S.A. 22-4507(c). For FY 2024 (and FY2025), the Legislature included a special budget proviso in the BIDS budget bill language to allow BIDS the authority to pay our assigned counsel rate at \$120 an hour while also supporting that rate with the necessary assigned counsel funding. Statutory amendments will have to be made during the 2024 Legislative session to our rate statute to enshrine that \$120 an hour rate and the legislature will have to continue to fund that new rate in order to maintain that rate change permanently.

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Assigned counsel, though necessary, were historically more costly per case than public defenders.¹⁶ 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. In FY2010, \$230,000 of unspent Capital Defense appropriation was transferred to Operating Expenditures to cover funding shortfalls for these services. For FY2011, fee fund revenue decreased from \$1,000,000 to \$863,749. Operating Expenditure re-appropriations replaced this reduction. For FY2012, BIDS requested supplemental funding of \$300,000 for expert and court reporter services. This was not granted. The agency ended FY2012 with a decline in fee fund revenues of \$46,352 and had to carry \$214,437 of unpaid claims forward to FY2013. In FY2013, a supplemental request was submitted and provided to cover the estimated deficit. Unfortunately, the agency still finished

¹⁶ 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.

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FY2013 \$16,469 short and carried those transcriptionist and expert bills into FY2014 for payment. The provision of supplemental funding in FY2013, the replacement of docket fee funds with SGF, and the carry forward of FY2013 Operating Funds (1000-0603) into FY2014 provided funding for the anticipated 5% growth in transcript and expert costs.

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Experts Expenditures by year	\$1,123,218	\$1,098,273	\$1,034,141	\$1,088,164	\$1,341,182	\$1,229,582	\$1,178,837	\$2,008,522	\$2,114,188

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.

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Transcription costs by year	\$793,007	\$691,046	\$769,683	\$680,447	\$378,279	\$430,764	\$543,338

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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.

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CURRENT YEAR – FY2024 - \$60,636,495

The agency's approved FY2024 resources includes \$55,963,255 in SGF appropriations, an estimated \$800,000 in Indigents' Defense Services fee fund receipts, \$20,837 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 FY2023 in the amount of \$3,840,801. This amount includes \$2,549,099 from Operations, and \$1,291,702 from Capital.

BIDS Supplemental - FY2024 TOTAL- \$176,999

Supplemental Package #1 of 1

FY2024 Pay Plan Shortfall Supplemental Request: \$176,999 (ongoing)

Summary

In FY2024 the Governor proposed and the Legislature funded a state employee pay plan that allocated approximately 5% increases for most state employee salaries with a handful of selected position titles additional adjusted for market rates. However, the full funding needed to support that plan was not allocated as part of the FY 2024 budget bill. As a result, BIDS is short \$176,999 to support its pay plan for FY 2024. Specifically, BIDS is short \$148,296 in our operations budget for our non-capital salaries, and \$28,703 in our capital budget for our capital salaries.

BIDS respectfully requests the additional \$176,999 needed to supplement its FY 2024 pay plan.

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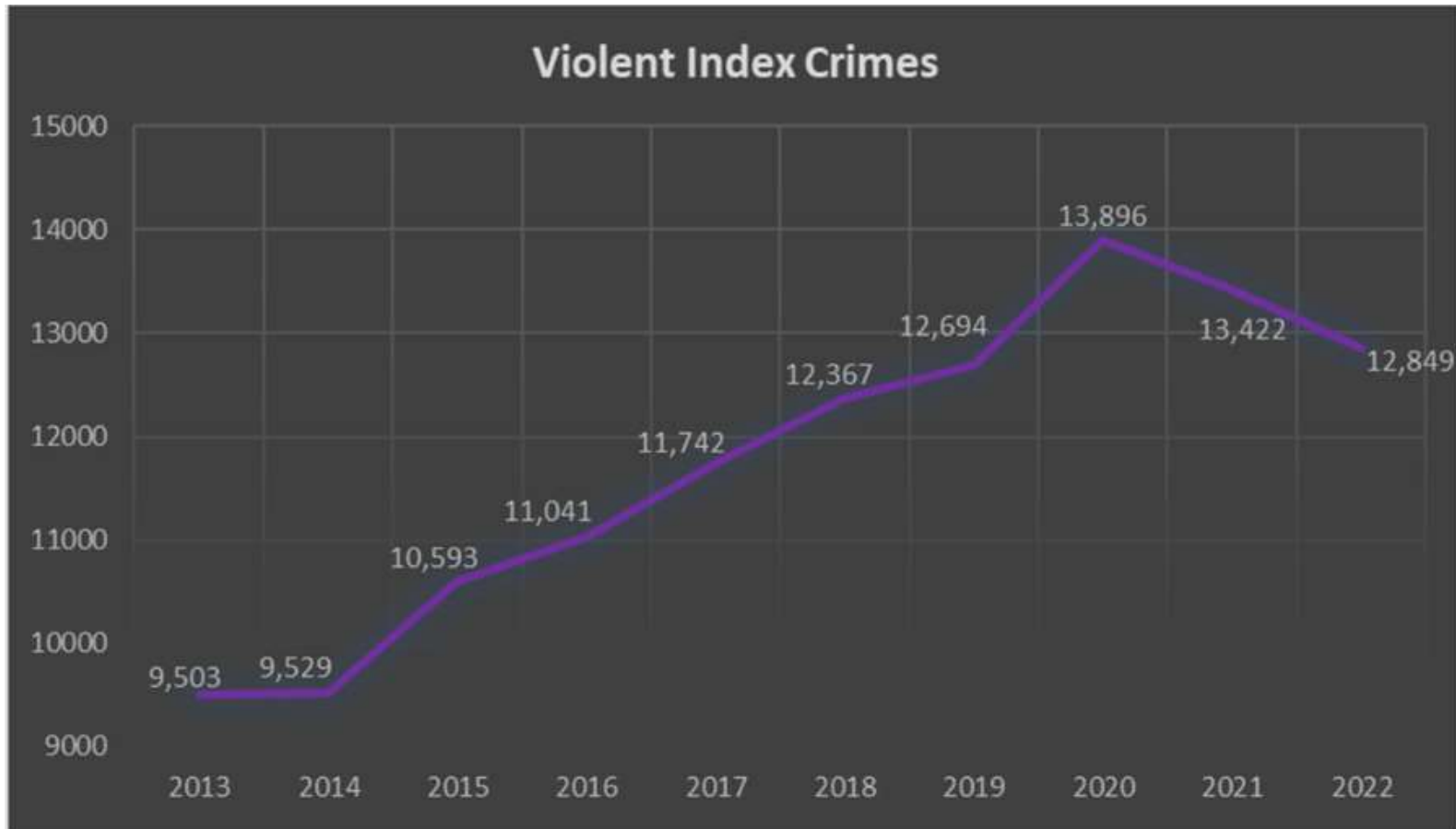
The following Violent Kansas Crime Index produced by the Kansas Bureau of Investigation charts the recent continued downward trend of violent crime in Kansas. This index is an important consideration when discussing the allocation of state resources as the more crimes prosecutors decide to charge, the more cases our agency is then responsible for providing defense counsel to defend. 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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2022 Index Crimes From KBI



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Public Defense Service Coverage Areas by Type FY 2023

Counties With Public Defender Office Coverage	Counties with Contract Counsel Coverage	Counties with Assigned Counsel Panel Coverage
Allen Chautauqua Clay Dickenson Finney Geary Johnson Montgomery Morris Neosho Ottawa Reno Riley Saline Sedgwick Shawnee Wilson Woodson	Butler Cloud Geary Hamilton Jewell Johnson Kearney Lincoln Miami Mitchell Ottawa Reno Republic Saline Scott Sedgwick Washington	All Counties

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Number of Assigned Counsel Cases Per County FY 2023

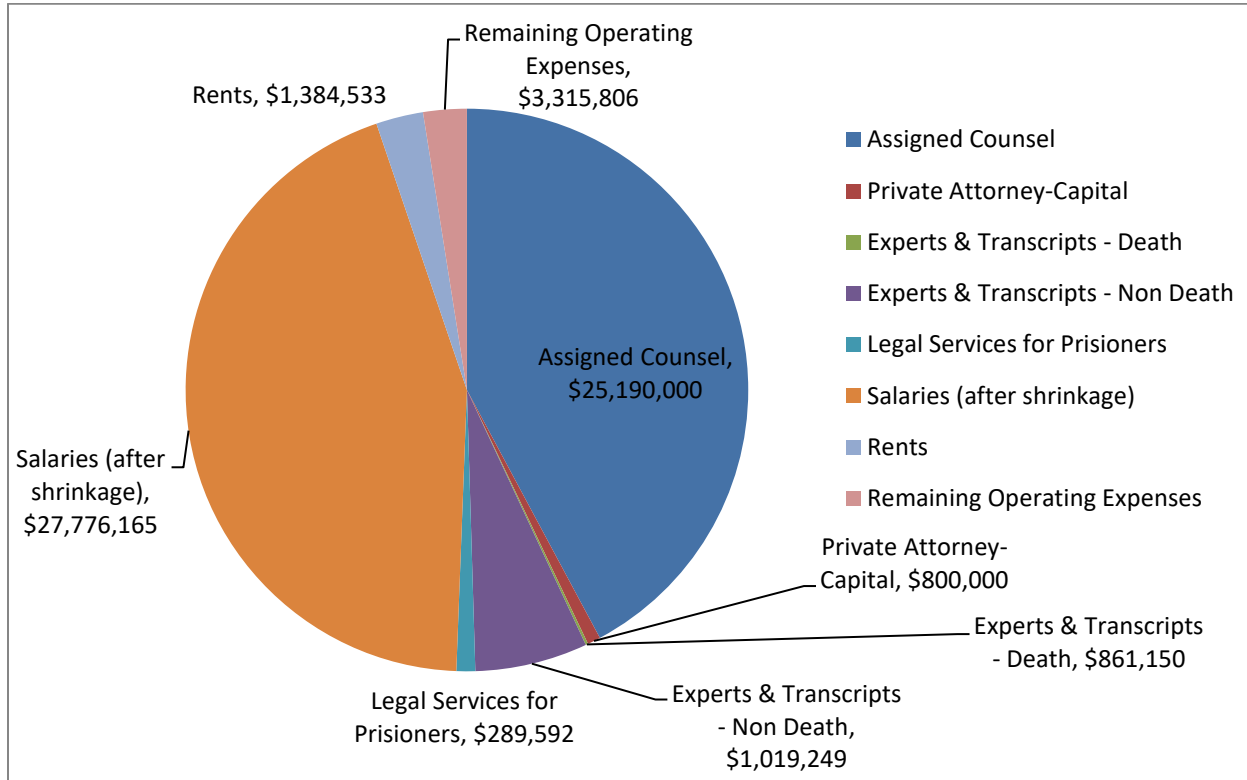
9	5	10	36	19	6	9	34	26	87	27	118	36
CHEYENNE	RAWLINS	DECATUR	NORTON	PHILLIPS	SMITH	JEWELL	REPUBLIC	WASHINGTON	MARSHALL	NEMAHA	BROWN	DONIPHAN
89	83	3	12	32	14	76	122	20	151	129	420	122
SHERMAN	THOMAS	SHERIDAN	GRAHAM	ROOKS	OSBORNE	MITCHELL	CLOUD	CLAY	RILEY	POTTAWATOMIE	JACKSON	ATCHISON
4	19	1	33	268	75	22	29	95	540	45	1153	81
WALLACE	LOGAN	GOVE	TREGO	ELLIS	RUSSELL	LINCOLN	OTTAWA	DICKINSON	GEARY	WABAUNSEE	JEFFERSON	LEAVENWORTH
17	14	54	14	27	27	45	938	25	112	718	898	1010
GREELEY	WICHITA	SCOTT	LANE	NESS	RUSH	ELLSWORTH	SALINE	MORRIS	SHAWNEE	DOUGLAS	JOHNSON	WYANDOTTE
53	10	259	8	96	502	65	325	131	252	239	157	169
HAMILTON	KEARNY	FINNEY	HODGEMAN	PAWNEE	BARTON	RICE	MCPHERSON	MARION	CHASE	OSAGE	FRANKLIN	MIAMI
15	44	24	42	593	29	382	466	11	152	63	50	169
STANTON	GRANT	HASKELL	GRAY	FORD	EDWARDS	RENO	HARVEY	CHASE	COFFEY	ANDERSON	LINN	465
42	17	285	52	14	10	69	1885	367	63	269	465	465
MORTON	STEVENS	SEWARD	MEADE	CLARK	COMANCHE	BARBER	KINGMAN	BUTLER	WOODSON	ALLEN	BOURBON	569
42	17	285	52	14	10	69	190	398	47	209	569	569
42	17	285	52	14	10	69	190	398	ELK	WILSON	NEOSHO	RAWFORD
42	17	285	52	14	10	69	190	398	6	245	278	289
MORTON	STEVENS	SEWARD	MEADE	CLARK	COMANCHE	BARBER	HARPER	SUMNER	COWLEY	CHAUTAUQUA	MONTGOMERY	LABETTE
												CHEROKEE

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FY2024 Agency Appropriation



This chart reflects the distribution of agency appropriations and fee funds for FY2024. Remaining Operating funds of \$3,315,806 cover the needs of eighteen offices and two hundred eighty-nine 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

FY2025 Appropriation – Current Service Level - \$56,723,563

The agency's approved FY2025 resources includes \$55,917,563 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 – FY2025 TOTAL - \$13,798,438 and 25 FTEs¹⁷

Enhancement Package #1A of 5

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

¹⁷ This funding amount includes Enhancement Package 1A. The FY 2025 total with the alternative enhancement 1B request would amount to \$8,318,587 and 25 FTEs.

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positions. In FY 2024, 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.

However, 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 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.

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 has put together two alternative proposed compensation adjustments for FY 2025 contained in enhancements 1A and 1B.

Enhancement 1A: Pay Parity with Prosecutors Compensation Adjustment FY 2025

In FY 2023, the Governor and Legislature supported a major compensation adjustment for all of our BIDS attorneys and staff in order to gain better pay parity with prosecutors and other government employees. Unfortunately, that request was based on data collected in 2020, prior to the Great Resignation which hit all employment sectors in 2021 and 2022. During that period of rapid turnover, prosecutors' offices across the state responded by substantially increasing both starting salaries of new attorneys in their offices and continuing to substantially increase their experienced attorney pay. As part of BIDS ongoing effort to continue to monitor pay parity issues, in the summer of 2023, BIDS filed Kansas Open Records Act requests with a number of regional prosecutors' offices and discovered that starting salaries for prosecutors' offices are now hovering 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. Just in the past six months, as BIDS has centralized our recruitment and hiring process, we have 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

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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 2025 and again in FY 2026. 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 2023 meeting and has directed agency staff to work with the Governor's office and Department of Administration to adjust our salary scales for FY 2025 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 alternative Recruitment and Retention Pay Parity with Prosecutors Enhancement in FY 2025 is \$6,668,972.

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Enhancement Package #1B of 5 Recruitment & Retention Enhancement: Next Step Compensation Adjustment (with Merit Adjustments): Totaling \$1,189,121 (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, 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.

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 has put together two alternative proposed compensation adjustments for FY 2025 contained in enhancements 1A and 1B.

Enhancement 1B: Next Step Compensation Adjustment (with Merit Adjustments) FY 2025

The second of our salary adjustment requests is a Next Step compensation adjustment (an average of approximately 5% increase by employee) that would be administered on an employee-by-employee basis. This request is intended to continue moving our current employees along our already implemented salary scales as they gain more experience and are able to work more complicated cases. This option also includes funding to appropriately compensate the anticipated segment of employees (estimated at around 40%) who we believe will be completing our performance management process later this year with ratings of “exceeds expectations” or “exceptional” with a merit increase of an additional 2% on top of their next step adjustment. **The total ongoing agency cost (with fringe changes) of that Next Step (with Merit) Compensation Adjustment for FY 2025 is \$1,189,121 and would cover all BIDS employees with some adjustment, depending on their level of gained experience and their performance reviews.**

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BIDS respectfully requests that the Governor and Legislature fully fund our Next Step (with Merit) 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 Next Step Compensation Enhancement (with Merit Adjustments) in FY 2025 is \$1,189,121.

Enhancement Package #2 of 5

Ethical Caseloads Staffing & Support Plan for FY 2025: Totaling \$2,747,454 and 25 new FTEs. (Ongoing)

Summary

In September 2023, new national public defender caseload standards are being released by the American Bar Association, the National Center for State Courts, and the Rand Corporation. Based on the preliminary release of those new caseload standards, BIDS is projecting that it 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) in order to fully staff its offices and cut back significantly on the number of public defender offices weathering prolonged case refusals due to caseload concerns.

While BIDS is reviewing the new caseload standards and formulating a workable plan for implementing new staffing to support those new caseload standards starting in FY 2026, BIDS intends to use its staffing request in FY 2025 to help address some of our agency's most immediate needs and to begin the process of building capacity in our administrative office to be able to implement future staffing plans.

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In order to do so, BIDS needs an additional 25 positions in FY 2025 to both meet our most immediate needs. **Based on these assessments, BIDS is requesting 25 additional FTE in FY 2025 for a total agency cost of \$2,747,454.** This includes 6 FTE for our capital offices (\$630,225), 10 FTEs for our non-capital public defender offices (\$1,100,625), and 9 FTEs for our administrative operations (\$1,016,604) to meet our most immediate caseload needs and to build out our capacity to effectively recruit, hire, and support future necessary staffing.

We ask that the Governor and Legislature consider fully funding this capacity building Ethical Caseloads Staffing request in FY 2025 and allow us to add 25 new fully funded FTE positions to BIDS.

The total agency cost for the FY 2025 Ethical Caseloads Staffing Enhancement is \$2,747,454 and 25 new FTEs (ongoing).

Enhancement Package #3 of 5

Basic Infrastructure Enhancement Request: Totaling \$475,862 (ongoing costs)

Summary:

This enhancement consists of two items that the agency needs to continue functioning effectively and efficiently that should not be funded out of one-time cost savings due to their on-going nature.

A. *Additional Leased Space for Current Employee Needs: \$352,500 (Ongoing)*

Now that BIDS is able to fill many more of its vacant positions, many of our public defender offices are now out of space or have recently needed to acquire additional space to fully accommodate the staff assigned to their offices. While remote working and office sharing was a viable option during a large portion of the last few years due to the pandemic, all of our offices are largely back to their offices full time and opportunities for remote work, especially for our trial level public defenders, are rare. As a result, in order to finish filling many of their vacant positions and to be able to

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regularly have their current employees in-house in their offices, multiple offices need some new or additional lease space. Additionally, adding lease space to these offices helps vacate much needed room in several more offices (which are currently sharing their space with many of these overcrowded offices) to house their current employees and immediately anticipated growth.

This specific budget item is to cover the employees we already have and some of the vacant positions we have already established that we cannot reasonably fill until we have room to place those immediately anticipated new employees.

We need funding to support space for approximately 47 employees across seven separate offices. At approximately 300 sq. feet per employee, at an anticipated cost of \$25 per sq. ft. per year, we believe we will need about \$352,500.00 to cover the ongoing lease space costs.

B. FY 2025 Agency-wide Training Budget Enhancement Request: \$123,362 (ongoing)

In FY 2024, BIDS received funding for its training budget for all of its current employees and our assigned counsel. This request is to revise that budget for actual anticipated costs in FY 2025 and to make that difference a permanent part of our ongoing agency funds.

The BIDS Training Division currently serves all 289 current public defender employees, along with over 350 Assigned Counsel and their staff. After being established in October 2021, the BIDS Training Division conducted 24 individual CLEs and Skills Training Events in FY 2022 and in FY 2023 conducted 55 CLEs and individual trainings with approximately 1402 attendees and 139 presenters throughout the year. In FY 2023, those trainings included, among other things, a two-day in person full agency annual conference, an in-person two-day Leadership Training Institute for all public defender Chiefs and Deputies, two separate new attorney skills 8-week long training sessions, and many practical skills trainings. The Training Division has also established and begun implementing a comprehensive training plan for all of our capital attorneys, as required by the ABA capital defense standards.

The Training Divisions training plan for FY 2025 includes capital trainings, new attorney trainings, leadership trainings, an all agency, in-person conference for public defenders and assigned counsel from across the state, investigator trainings, appellate trainings, and other much needed items to consistently and thoroughly train all of our attorneys, staff, and BIDS assigned counsel in handling criminal cases in the most up to date criminal

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defense methods and standards. Investing in appropriate on-going training is not just a professional ethical requirement of all attorneys within the state. It is also an investment in our employees and assigned counsel that pays dividends down the line in fewer wrongful conviction claims, less viable ineffective assistance of counsel claims, and better overall quality work from our public defenders and panel attorneys.

BIDS asks that the Governor and Legislature fully fund the ongoing cost of the BIDS Training Division for FY 2025 for an estimated additional ongoing cost of \$123,362.

The total estimated ongoing cost for funding the BIDS Infrastructure request in FY 2025 would be \$475,862.

Enhancement Package #4 of 5

Assigned Counsel Rate Increase to \$140 per hour: \$3,793,360

Our current statutory rate for assigned counsel is \$80 per hour of work.¹⁸ However, the 2022 Legislature gave BIDS funding to raise that rate up to \$120 per hour, and that funding was continued through FY 2024 and FY 2025 with a special budget proviso to allow us to temporarily pay that higher rate out while we continue to pursue legislation to make that rate permanent in our statute. However, BIDS is also pursuing the final step in our original three step plan from 2020 to raise that hourly rate up to \$140 per hour and the funding requested in this enhancement would support that request.

During the discussions with our budget committees in 2022, we shared that the \$100 per hour rate had helped us keep current assigned counsel panel members from leaving the panels due to pay and that the \$120 an hour rate had helped us start to recruit some new criminal defense attorneys on to our

¹⁸ K.S.A. 22-4507(c).

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panels that had traditionally not served before or who had not accepted many cases under the old rates. We believe that there are a number of private counsel who we could continue to recruit into accepting BIDS appointments to help alleviate the ongoing assigned counsel crisis across the state at the slightly higher rate of \$140 per hour, as that rate gets much closer to the current federal CJA panel rate of approximately \$158 per hour.

In 2017, the average hourly rate in Kansas was around \$225 per hour. Our statutory rate of \$80 per hour is 64% below the market rate for private counsel. Even at \$140 per hour, this rate would still be 38% below that 2017 market value of legal services for private counsel. Given the severe shortage we have of assigned counsel willing to take cases in many of our busy jurisdictions, we need all the help we can get on our panels.

It is important to note that in 1987, the Kansas Supreme Court explicitly held that the responsibility to provide the Sixth Amendment right to counsel is a public responsibility that is not to be borne entirely by the private bar and that attorneys' services are property, and thus are subject to Fifth Amendment takings protections. *State ex rel. Stephan v. Smith*, 242 Kan. 336, Syl. ¶¶6,11, 747 P.2d 816 (1987).

The reality is that this difference in pay rate has a real impact on our ability to recruit and maintain attorneys on our assigned counsel appointment lists. This is particularly true in rural areas where attorneys have to additionally factor in long drives and hours of windshield time when determining whether it is cost-effective for them to put their name on the assigned counsel appointments list in certain areas.

Our heavier dependence on our assigned counsel program in light of our public defender office turnover issues and caseload problems has also exacerbated this issue in our more suburban and urban areas. Whereas counsel might have traditionally signed up on the assigned counsel list in those areas knowing that they would be second or third in line for appointments behind the local public defender office and contract counsel, they've recently begun to second guess that decision. This is because we've had to frequently stop taking new cases in our public defender offices due to turnover and caseload issues, which then causes an outsized portion of cases to be offloaded to the assigned counsel program. This causes attorneys on those appointments lists to get saddled with more and more appointments. Because the statutory rate that we pay does not realistically cover many of the most basic aspects of handling a case or the time modern criminal cases really require, where an attorney might otherwise take a case and cover the cost with other, non-BIDS private work, now BIDS appointments are taking up an increased portion of their time. It is not unusual for our assigned counsel to stop volunteering to serve on these appointments lists because, at a certain level of cases, they simply can no longer afford to cover the lack of funding that we provide.

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Our projected post-pandemic number of case hours for assigned counsel will likely total around 189,668 hours of assigned counsel time. An increase of an extra \$20 per hour to \$140 per hour for FY 2025, based on those projections would result in an increased assigned counsel cost above the current FY 2024 special budget proviso rate of approximately \$3,793,360.

The BIDS Board has tentatively approved an increase to the hourly rate for our assigned counsel of \$140 per hour for FY 2025, dependent upon appropriate funding and statutory amendments to allow for this increase. If the Legislature would amend the statutory language in K.S.A. 22-4507(c) that currently holds our rate at \$80 per hour, and provide the funding to support this increase, that \$140 per hour rate would have a huge impact on our ability to recruit and retain assigned counsel to our appointments lists throughout the state. Even at an increased cost of \$140 per hour, that rate would help ensure that the State is still providing a far more cost-effective delivery of defense services than it would cost to handle those cases through the independent private bar at the going market rate of legal services.

BIDS asks the Governor and the Legislature to consider funding our last step in the three-step increase to our assigned counsel rate to help us address our assigned counsel shortage crisis.

The total cost for Enhancement #6, Increasing the Assigned Counsel Rate to \$140 per hour: \$3,793,360.

**Legal Services for Prisoners Budget Enhancement Package #5 of
LSP Salary Adjustment Package for LSP employees: \$112,790. (ongoing).**

Summary

Legal Services for Prisoners provides constitutionally vital legal services to incarcerated individuals within the Department of Corrections, serving every state prison in Kansas. LSP's budget is passed through BIDS each year, which is why this enhancement request is included in the BIDS budget.

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LSP currently has 4 FTEs to serve every individual incarcerated in a state prison in Kansas and their salaries lag severely behind other comparable state government salaries. The two remaining long-time attorneys providing these legal services are past retirement age and there is a serious concern, given their low salary levels, that LSP will not be able to hire replacement attorneys at the current salary rates. This has been a problem in the recent past when attorneys who served LSP in the Hutchinson Correctional Facility and Ellsworth Correctional Facility left and LSP was unable to hire any attorneys to replace them due to low pay. It is also occurring right now as LSP struggles to replace their former Director, Charles Cavenee, who passed away last Spring and for whom no replacement has been hired to pick up his casework.

Additionally, LSP plays an important role for KDOC. At the request of the Kansas Department of Corrections, Legal Services For Prisoners has accepted the responsibilities of being a reporting point for inmate complaints under the Prison Rape Elimination Act (PREA). For the KDOC to be compliant with PREA, they must have a place, not a part of the KDOC, for inmates to submit their PREA complaints, Legal Services For Prisoners fulfills that duty. Continuity of staffing for LSP therefore is essential for KDOC's compliance with PREA.

As a result, LSP is requesting a modest salary adjustment for all four of their FTEs that will bring them closer in line with the recent salary scales that were approved by the Governor and the Department of Administration for BIDS' public defender staff in FY 2023.

LSP Salary Adjustment Package

This salary adjustment funding would be sufficient to cover the base salary adjustments, fringe costs, and overhead for all four current LSP employees, adjusted for their levels of experience and bring them closer in line with the recent salary scales approved by the Governor and the Department of Administration for BIDS.

Each LSP attorney currently with LSP has over 30 years of experience and makes almost \$15,000 dollars a year less than a brand-new public defender with no experience. All LSP employees should be compensated appropriately for their experience level and the work that they do.

Legal Services for Prisoners asks that the Governor and Legislature fully fund their salary adjustment package for a total cost of \$112,790.

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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

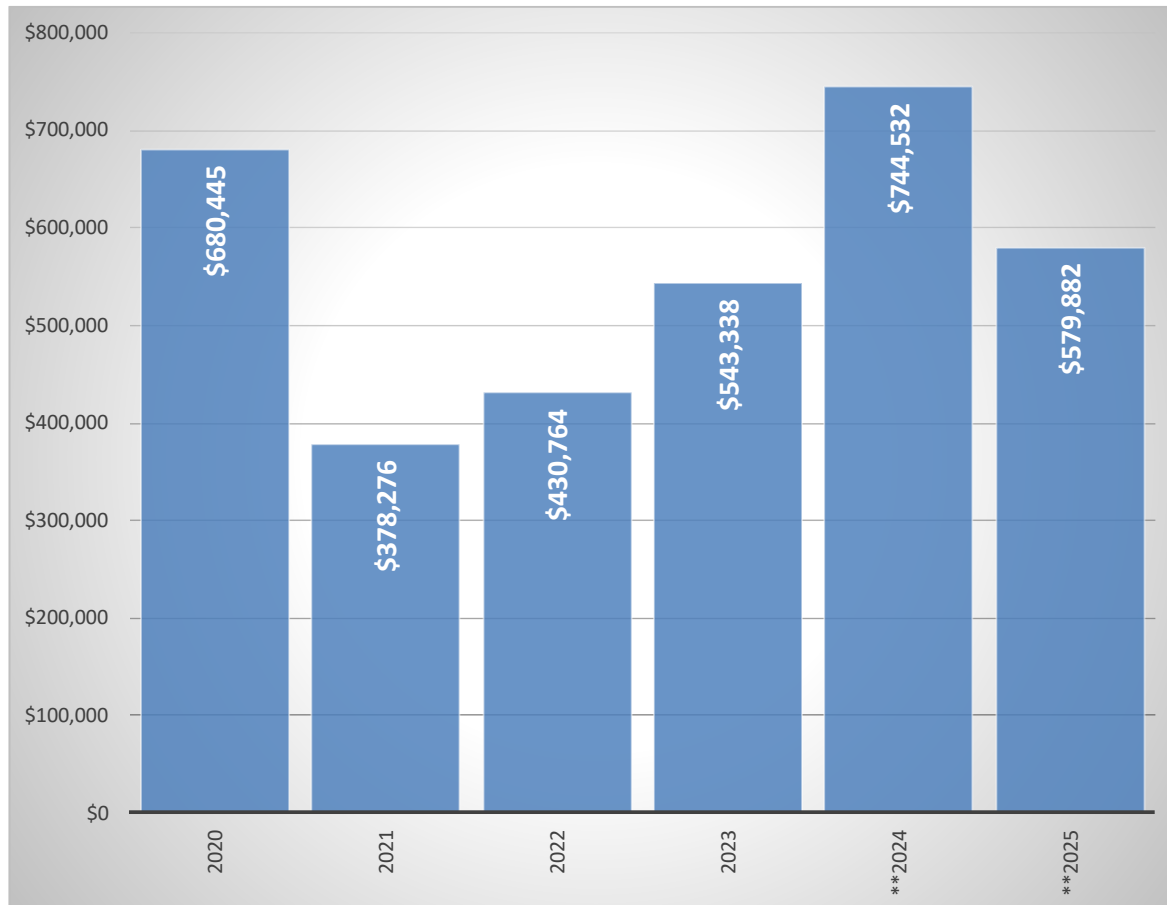
	Actual FY2020	Actual FY2021	Actual FY2022	Actual FY2023	Allocated FY2024	Allocated FY2025
ADO	501,852	259,020	282,645	422,826	449,432	349,432
NE Kansas Conflicts	8,942	1,780	449	165	7,950	7,950
Sedgwick Co Conflicts	559	11	139	1,600	2,000	2,000
Third Judicial-Topeka PD	2,007	1,176	1,168	1,794	5,000	5,000
Junction City PD	585	60	189	0	0	0
Saline Co PD	3,854	424	416	161	5,000	5,000
SE Kansas-Chanute	0	0	0	189	0	0
Reno Co - Hutchinson	4,487	3,957	2,905	2,629	3,000	3,000
Douglas Co PD-Lawrence	0	0	0	0	500	500
Sedgwick Co PD	4,078	4,179	3,042	2,980	3,000	3,000
Johnson Co PD	287	0	448	0	0	0
Western Regional-Garden City	615	3,935	356	563	5,000	5,000
Subtotal Trial	25,413	15,520	9,111	10,080	31,450	31,450
Assigned Counsel	138,338	101,538	98,730	85,809	230,000	180,000
Death Penalty Topeka	532	410	7,102	6,420	10,000	0
Death Penalty Wichita	0	81	2,639	918	1,250	0
Capital State Penalty Habeas	35	308	424	273	0	0
Capital Case Private Attorney	0	0	16,811	3,346	3,400	0
Capital Appeals & Conflicts	13,194	1,316	4,946	5,431	7,000	7,000
Capital Appeals	1,082	84	8,358	8,236	12,000	12,000
Subtotal Capital Defense	14,843	2,198	40,279	24,624	33,650	19,000
Grand Total	680,445	378,276	430,764	543,338	744,532	579,882

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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

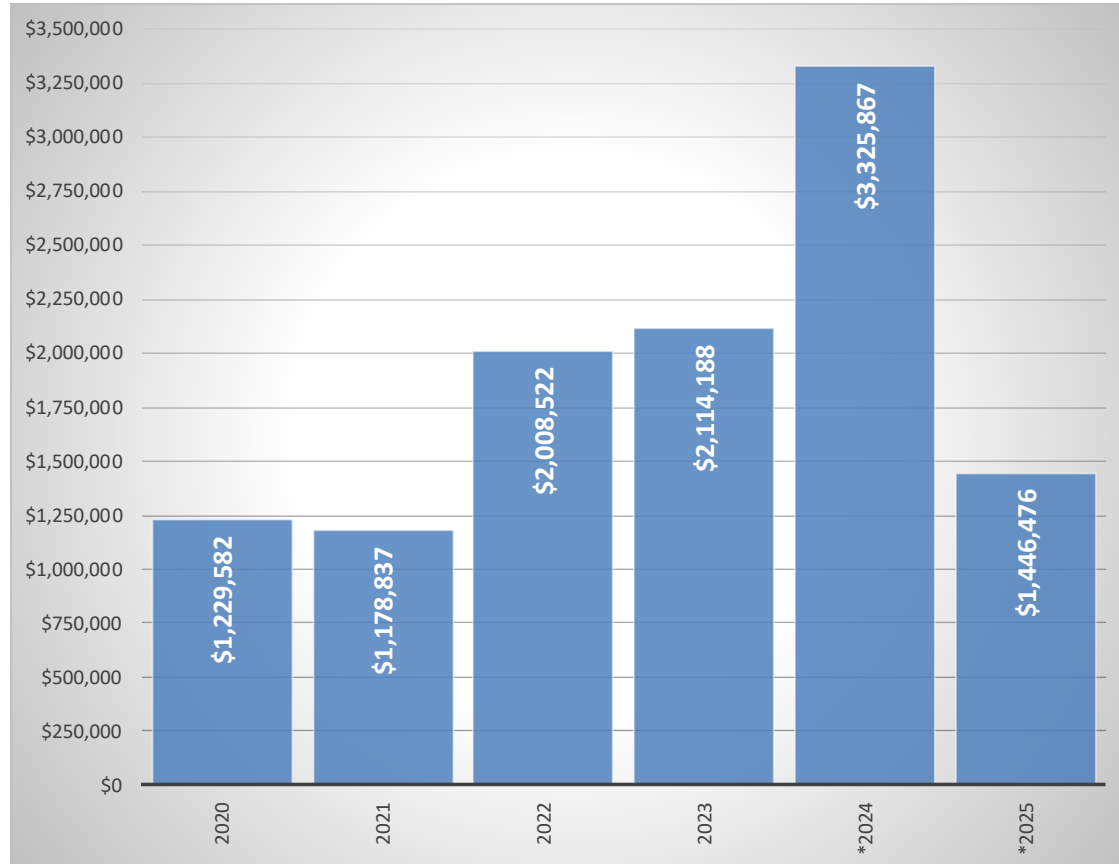
	Actual FY2020	Actual FY2021	Actual FY2022	Actual FY2023	Allocated FY2024	Allocated FY2025
ADO	0	84	71	0	0	0
NE Kansas Conflicts	4,507	10,514	28,877	19,449	43,000	43,000
Sedgwick Co Conflicts	20,376	13,394	18,617	29,690	35,000	25,000
Third Judicial-Topeka PD	33,056	37,274	41,648	33,379	75,000	75,000
Junction City PD	57,899	27,079	30,316	39,767	40,873	25,873
Saline Co PD	52,089	38,257	41,439	17,768	59,909	50,550
SE Kansas-Chanute	4,808	163	2,412	11,629	12,000	12,000
Douglas Co PD-Lawrence	0	0	0	0	15,446	15,446
SE Kansas-Independence	4,275	0	0	240	0	0
Reno Co -Hutchinson	15,047	35,852	47,234	31,127	43,032	20,000
Sedgwick Co PD	129,953	35,155	28,103	23,092	45,000	32,000
Johnson Co PD	75,863	120,627	144,707	156,689	164,107	144,107
Western Regional-Garden City	3,830	4,938	0	0	5,000	5,000
Subtotal Trial	401,703	323,253	383,352	362,830	538,367	447,976
Assigned Counsel	529,474	479,298	1,020,658	1,116,140	1,960,000	630,000
Death Penaltly Topeka	26,645	61,365	186,320	196,141	225,000	75,000
Death Penalty Wichita	21,748	37,192	56,413	59,509	74,000	22,000
Capital State Penalty Habeas	47,257	14,876	15,415	122,578	170,000	20,000
Capital Case Private Attorney	202,755	261,869	346,293	256,989	357,000	250,000
Capital Appeals & Conflicts	0	900	0	0	1,500	1,500
Capital Appeals	0	0	0	0	0	0
Subtotal Capital Defense	298,406	376,202	604,441	635,218	827,500	368,500
Grand Total	1,229,582	1,178,836	2,008,522	2,114,188	3,325,867	1,446,476

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Expert Costs



* Estimated Expert Costs Based on Available Budget

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ADMINISTRATION OFFICE BACKGROUND

Historical Perspective

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Cost	\$806,486	\$853,147	\$896,179	\$754,611	\$794,585	\$788,499	\$792,153	\$829,257	\$924,697	\$1,264,046	\$2,123,560
FTE	10.5	10.5	10.5	10.5	10.0	10.2	10.2	11.8	11.8	19.2	30.6

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 requirement 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.

<u>Fiscal Year</u>	<u>Payment Transactions</u>	<u>Audit Cuts</u>
FY2014	13,569	\$137,039
FY2015	14,854	\$171,511
FY2016	15,547	\$223,961
FY2017	15,423	\$212,615
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

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The administrative office provides support services for the 17 public defender offices across the state as well as all of the assigned counsel program which consists of approximately 350 individual private counsel.

The administrative office also supervises and administers our BIDS paid public defender internship program for 2L and 3L year law students. 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 in Topeka, Wichita, and Salina.

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.

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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.

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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.

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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. In FY 2023, the Training Section consisted of our Training Director, Assistant Training Director, and a part-time training 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 in FY 2023 consists of a Special Projects Director and a rotating group of temporary interns.

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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 in FY 2023 consists of a Human Resources Director and a Human Resources Professional II.

Accounting Section

The Accounting Section consists of an Accountant III, two Accountant II, and three Accountant I 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.

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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: ADMINISTRATION

DIVISION OF THE BUDGET
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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
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

DIVISION OF THE BUDGET
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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 which 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:

Maintain 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
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Performance Measures for Objective #1:

OUTCOME MEASURES:

	Actual FY 2013	Actual FY 2014	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY2019	Actual FY2020	Actual FY2021	Actual FY2022	Actual FY2023	Current Year FY2024	Outyear #1 FY2025
Maintain level of dollars saved by audit procedures	\$143,362	\$137,039	\$171,511	\$223,961	\$212,615	\$262,705	\$235,654	\$234,185	\$291,488	\$404,353	\$672,612	\$840,765	\$1,050,956
Maintain increase in average cost per case for attorney services to 5% or less	\$836	\$806	\$841	\$798	\$850	\$885	\$941	\$993	\$898	\$1,062	\$1,328	\$1,394	\$1,464

OUTPUT MEASURES:

	Actual FY 2013	Actual FY 2014	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023	Current Year FY 2024	Out Year #1 FY 2025
Number of Judicial Districts reviewed for cost effective delivery of defense services	31	31	31	31	31	31	31	31	31	31	31	31	31
Number of counties covered by assigned counsel contracts/agreements	35	35	38	38	38	37	36	39	19	17	17	17	18
Number of agency CLE programs offered to appointed panel attorneys	2	2	2	2	2	3	2	2	2	10	51	50	50

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: ADMINISTRATION

OBJECTIVE #2:

To monitor 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:

	Actual FY 2014	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023
Prevent ineffective assistance of counsel due to case overload	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices	All Offices
Maintain standard of excellence in legal services with a zero tolerance for ethics violations on case work	No violations	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
 SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

DIVISION OF THE BUDGET
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OUTPUT MEASURES:

	Actual FY 2014	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023
Number of in-house attorney trainings & CLEs	2	2	2	2	2	2	2	3	24	59
Approximate number of contacts with Chief Defenders regarding caseloads	20	20	20	20	20	20	35	33	48	60
Approximate number of contacts with Court regarding assignment of attorneys to other jurisdictions	3	5	5	5	5	7	20	18	10	5

OBJECTIVE #3:

Minimize increase in cost of expert 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 on line and through telephone contact.
5. Continue to provide administrative review of expert service requests and claims.
6. Initiate paperless processing of expert service requests from public defenders.

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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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Performance Measures for Objective #3

OUTCOME MEASURES:

	Actual FY 2014	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023
Estimated number of experts agreeing to work at reduced rates	60	60	60	63	63	64	64	65	67	67

OUTPUT MEASURES:

	Actual FY 2014	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023
Estimated Number of contacts/communication with assigned counsel/court regarding expert services approval and clarifications	1000	1000	1000	1000	1000	1000	1010	1300	1500	2000

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: ADMINISTRATION

EXPENDITURE JUSTIFICATION:

Account Code 51000 – Salaries and Wages:

FTE: 30.63

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 FY2024: -- \$2,059,843

The agency estimate includes a full year staffing of 30.63 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 FY2025: -- \$2,202,935

This estimate includes maintaining current staff of 30.63 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: 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 FY2024: -- \$1,254,289

(\$863,179 will be transferred to Capital funding once budget is finalized)

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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PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
SUBPROGRAM TITLE AND NUMBER: ADMINISTRATION

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

Budget Year FY2025: -- \$510,046

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 FY2024: -- \$18,250

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 FY2025 -- \$18,250

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

Account Code Capital Outlay:

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

Current Year FY2024: -- \$1,355,310

(\$120,000 will be transferred to Capital funding once budget is finalized; to replace two state vehicles and procure two additional vehicles)

NARRATIVE INFORMATION – DA 400

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This estimate includes funding to address additional equipment and infrastructure needs for the agency, a case management system, and an electronic voucher system.

Budget Year FY2025: -- \$210,000

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

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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

ASSIGNED COUNSEL

The 6th 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 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.¹ 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.

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 public hearing, from \$62/hour to \$65/hour for FY2016 and increased the

¹ 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.

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AGENCY NAME: Kansas State Board of Indigents' Defense Service
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hourly rate, after 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. However, BIDS intends to continue to pursue statutory changes to make that rate change a permanent part of our statute during the 2024 Legislative session.

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.

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

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.

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AGENCY NAME: Kansas State Board of Indigents' Defense Service
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Performance Measures for Objective #1

OUTCOME MEASURES:

	Actual FY 2013	Actual FY 2014	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023	Current Year FY 2024	Outyear #1 FY 2025
Maintain level of dollars saved by audit procedures	\$143,362	\$137,039	\$171,511	\$223,961	\$212,615	\$262,705	\$235,654	\$234,185	\$291,488	\$404,353	\$672,612	\$840,765	\$1,050,956
Maintain increase in average cost per case for attorney services to 5% or less	\$836	\$806	\$841	\$798	\$850	\$885	\$941	\$993	\$898	\$1,062	\$1,328	\$1,394	\$1,464

OUTPUT MEASURES:

	Actual FY 2013	Actual FY 2014	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023	Current Year FY 2024	Out Year #1 FY 2025
Number of Judicial Districts reviewed for cost effective delivery of defense services	31	31	31	31	31	31	31	31	31	31	31	31	31
Number of counties covered by assigned counsel contacts/ agreements	35	35	38	38	38	37	36	39	19	17	17	18	20
Number of agency CLE programs offered to appointed panel attorneys	2	2	2	2	2	3	2	2	2	10	51	50	50

NARRATIVE INFORMATION – DA 400

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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

Account Code 527000 - Fees-Professional Services:

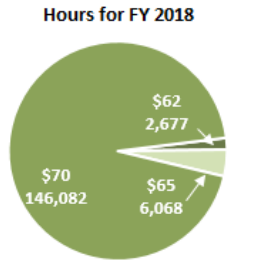
The current statutory rate is \$80 per hour, however, in 2021, at the request of the Board, and with the Governor's approval, the Legislature allotted funds for the Board to pay assigned counsel at a \$100 per hour rate and created a special budget proviso to allow that rate to be paid over the statutory cap starting July 1, 2021. The Governor and Legislature again allotted funds and approved a special budget proviso to allow that rate to be paid at \$120 per hour starting July 1, 2022 throughout the rest of FY 2023. For FY 2024, the Legislature continued to support a \$120 per hour rate financially and with a budget proviso through FY 2025. However, statutory changes to that rate cap will need to be made as part of the 2024 Legislative session, along with sufficient funding will be needed in order to sustain that rate change over the long term.

NARRATIVE INFORMATION – DA 400

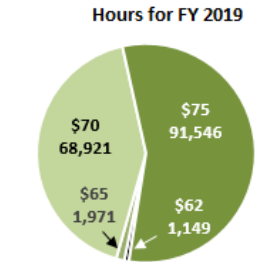
AGENCY NAME: Kansas State Board of Indigents' Defense Service
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 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
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DIVISION OF THE BUDGET
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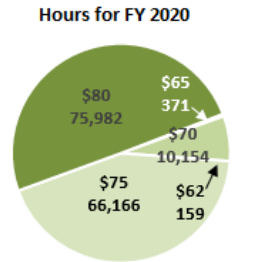
Claim Payment Rates Non Contract Cases



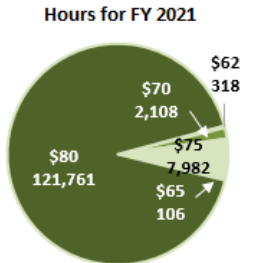
Rate	Hours	Cost
\$62	2,677	\$ 165,993
\$65	6,068	394,433
\$70	146,082	10,225,730
\$75	-	-
\$80	-	-
Total	154,827	\$ 10,786,155



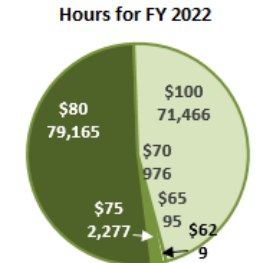
Rate	Hours	Cost
\$62	1,149	\$ 71,244
\$65	1,971	128,089
\$70	68,921	4,824,501
\$75	91,546	6,865,913
\$80	-	-
Total	163,587	\$ 11,889,747



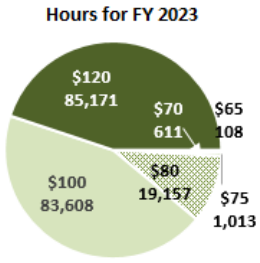
Rate	Hours	Cost
\$62	159	\$ 9,833
\$65	371	\$ 24,122
\$70	10,154	\$ 710,780
\$75	66,166	\$ 4,962,480
\$80	75,982	\$ 6,078,592
Total	152,833	\$ 11,785,807



Rate	Hours	Cost
\$62	318	\$ 19,685
\$65	106	6,890
\$70	2,108	147,560
\$75	7,982	598,650
\$80	121,761	9,740,896
\$100	-	-
\$120	-	-
Total	132,275	\$ 10,513,681



Rate	Hours	Cost
\$62	9	\$ 583
\$65	95	6,175
\$70	976	68,313
\$75	2,277	170,768
\$80	79,165	6,333,192
\$100	71,466	7,146,558
\$120	-	-
Total	153,988	\$ 13,725,588



Rate	Hours	Cost
\$62	-	\$ -
\$65	108	7,001
\$70	611	42,744
\$75	1,013	75,998
\$80	19,157	1,532,580
\$100	83,608	8,360,840
\$120	85,171	10,220,536
Total	189,668	\$ 20,239,698

NARRATIVE INFORMATION – DA 400

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AGENCY NAME: Kansas State Board of Indigents' Defense Service
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 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
 SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

Percentage of Claims Paid per Payment Rate

	<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%	0.0%	0.0%
FY 2021		0.2%	0.1%		1.6%	6.0%	92.1%	0.0%	0.0%
FY 2022		0.0%	0.1%		0.6%	1.5%	51.4%	46.4%	0.0%
FY 2023		0.0%	0.1%		0.3%	0.5%	10.1%	44.1%	44.9%

NARRATIVE INFORMATION – DA 400

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AGENCY NAME: Kansas State Board of Indigents' Defense Service
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SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

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 FY2024 and FY2025 Assigned Counsel Caseload and Costs

In April 2023, the Caseload Consensus Group projected assigned counsel expenditures for FY2024 to be \$20,672,309 from assigned counsel funding and \$2,327,691 from litigation support funding. At the same time funding projections were assessed for FY2025 at a base of \$23,000,000. The agency requests that actual caseload data continue to be reviewed at the caseload consensus meetings in October 2023 and April 2024 so that agency projections can be revised accordingly for FY2024 and FY2025 as more data becomes available.

Current Year FY2024: -- \$25,190,000

Attorneys - \$23,000,000

Court Reporters - \$230,000

Experts - \$1,960,000

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.

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AGENCY NAME: Kansas State Board of Indigents' Defense Service
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SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

DIVISION OF THE BUDGET
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Budget Year FY2025: -- \$23,810,000

Attorneys - \$23,000,000

Court Reporters - \$180,000

Experts - \$630,000

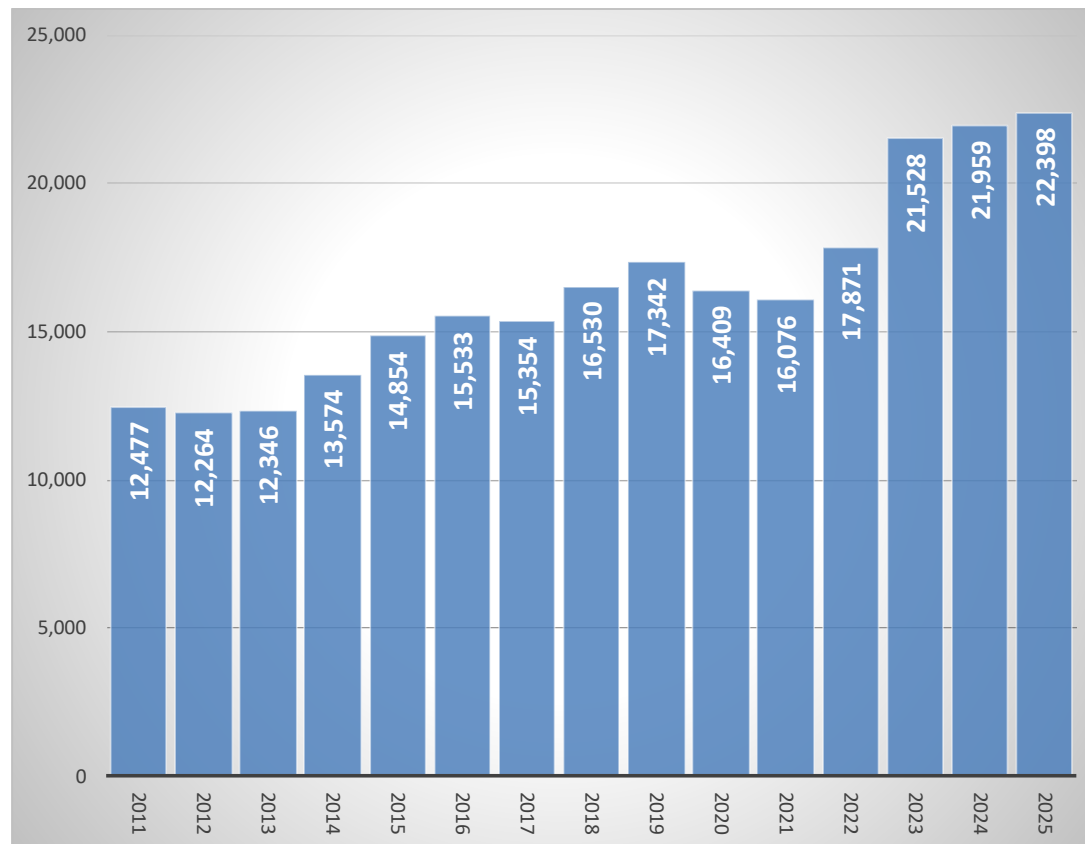
In FY 2022, we saw the beginning of a clear rebound of case numbers and case costs from the previous FY 2021 and FY 2020 reductions due to the COVID-19 pandemic. However, due to ongoing staffing shortages caused primarily by a handful of vacant positions and insufficient FTEs in our public defender offices 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 2023, 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 2024 and FY 2025 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
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

Number of Assigned Counsel Fund Payment Transactions



Fiscal Year	(Claims)	Cases
2011	12,477	11,255
2012	12,264	11,007
2013	12,346	10,997
2014	13,574	12,049
2015	14,854	13,204
2016	15,533	13,579
2017	15,354	13,585
2018	16,530	14,639
2019	17,342	15,310
2020	16,409	14,781
2021	16,076	14,687
2022	17,871	15,697
2023	21,528	18,603
** 2024	21,959	18,975
** 2025	22,398	19,355

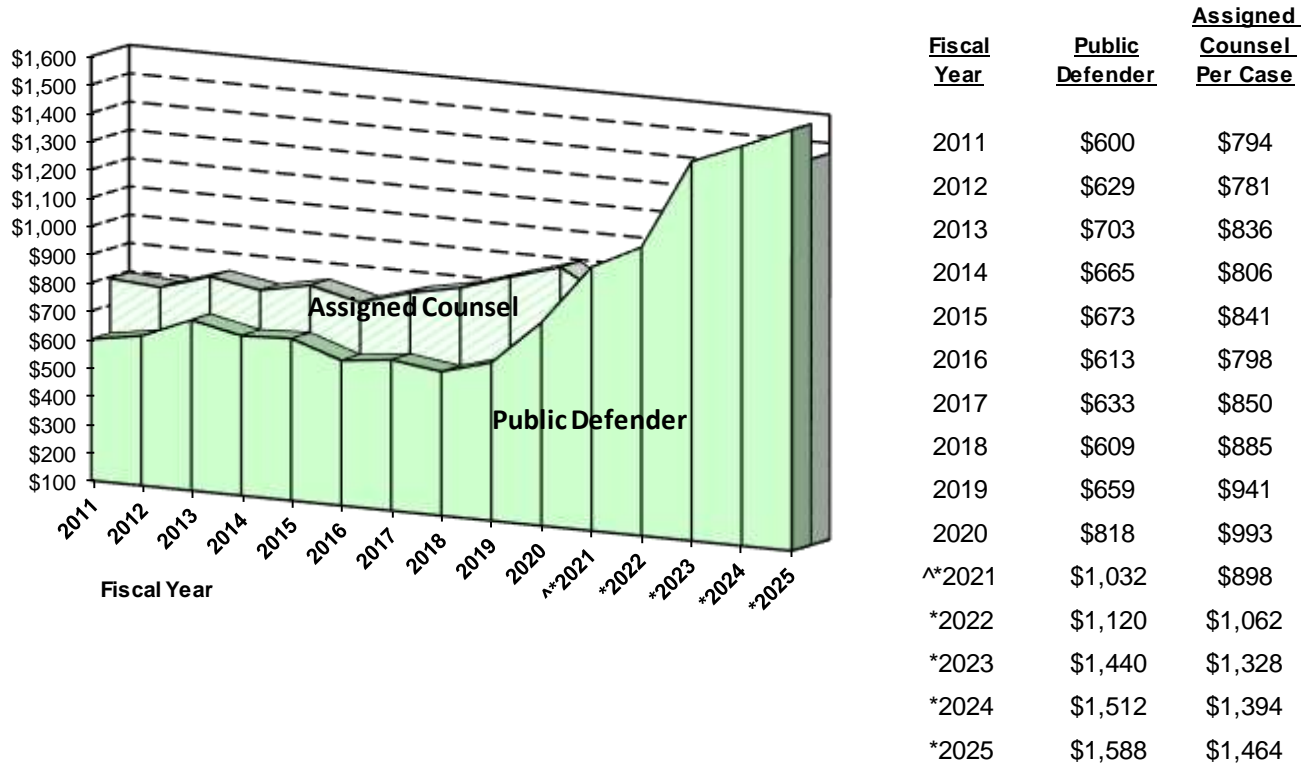
** Estimates based on available budget

NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service
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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

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DIVISION OF THE BUDGET
STATE OF KANSAS

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%	

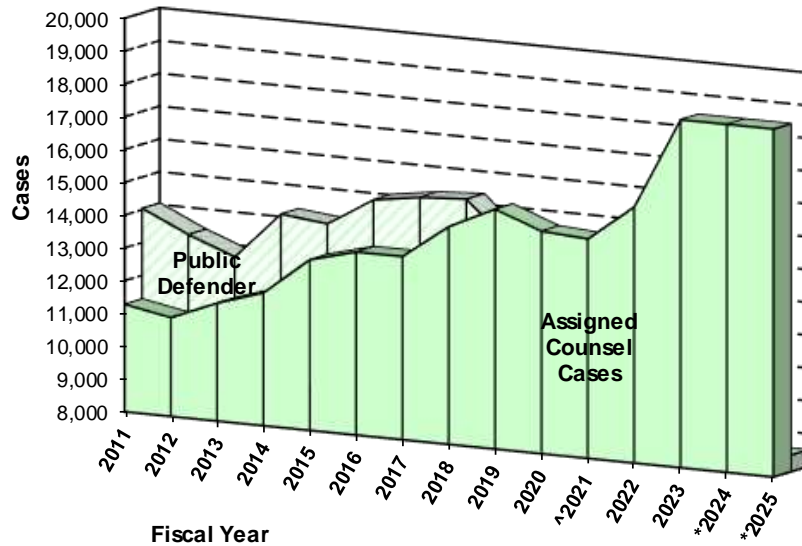
† Effective January 2010, assigned counsel payments were reduced from \$80 per hour to \$62 per hour by Board action in response to budget cuts.

NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET
STATE OF KANSAS

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 AGENCY NUMBER: 328-00 FUNCTION NO. 01
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 SUBPROGRAM TITLE AND NUMBER: ASSIGNED COUNSEL & LITIGATION SUPPORT

Trial Public Defender and Assigned Counsel Cases



Fiscal Year	Public Defender	Assigned Counsel Transactions	Assigned Counsel Cases	Total Cases defended by both
2011	14,043	12,477	11,276	25,319
2012	13,385	12,266	11,013	24,398
2013	12,843	12,345	11,599	24,442
2014	14,292	13,574	12,053	26,345
2015	14,139	14,854	13,204	27,343
2016	15,009	15,533	13,579	28,588
2017	15,226	15,354	13,585	28,811
2018	15,318	16,530	14,639	29,957 ♦♦
2019	14,007	17,342	15,310	29,317 ♦♦
2020	11,456	16,409	14,781	26,237
^2021	9,666	16,076	14,687	24,353
2022	8,806	17,871	15,803	24,609
2023	8,507	21,528	18,603	27,110
*2024	8,507	21,528	18,603	27,110
*2025	8,507	21,528	18,603	27,110

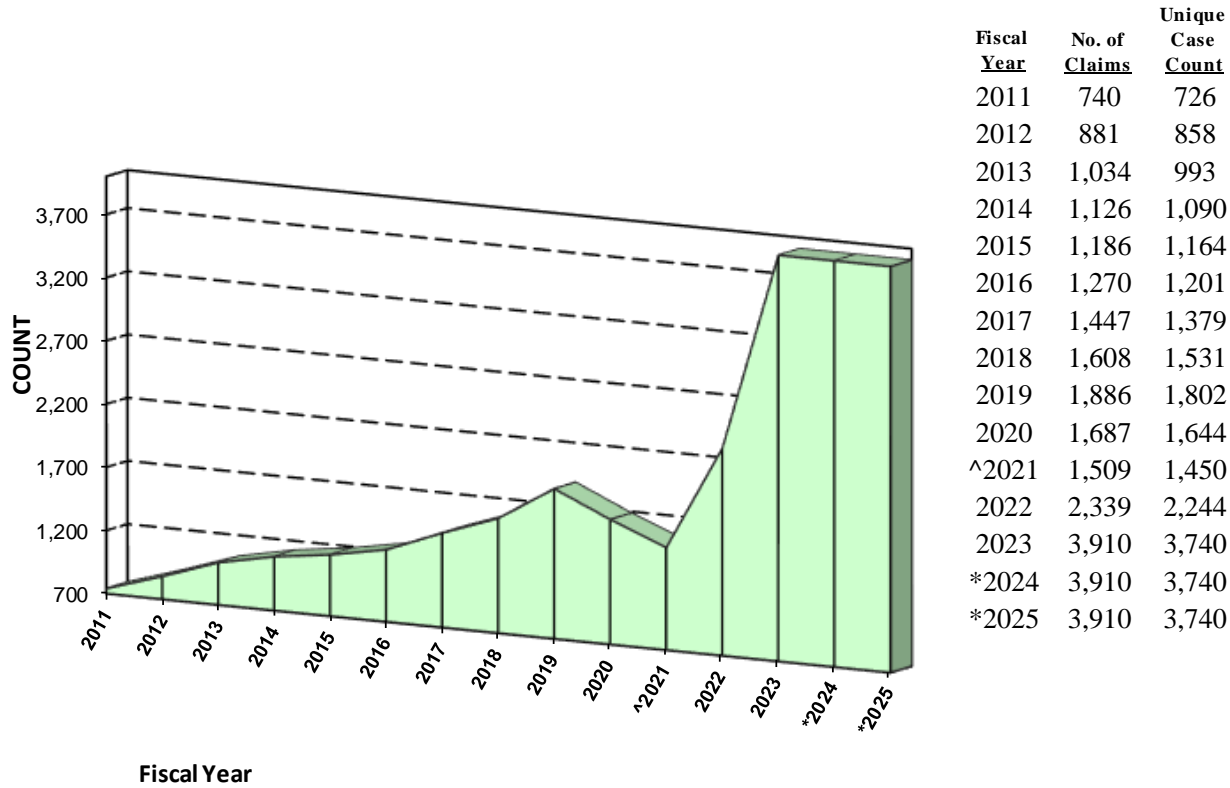
- * Estimated
- ^ FY2021 was substantially impacted by the COVID-19 pandemic.
- ♦ based on cases closed
- based on claims received
- + Based on unique case count
- ♦♦ overall were filed

NARRATIVE INFORMATION – DA 400

DIVISION OF THE BUDGET
STATE OF KANSAS

AGENCY NAME: Kansas State Board of Indigents' Defense Service
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Number of Cases Court Ordered as “Exceptional” Per Year



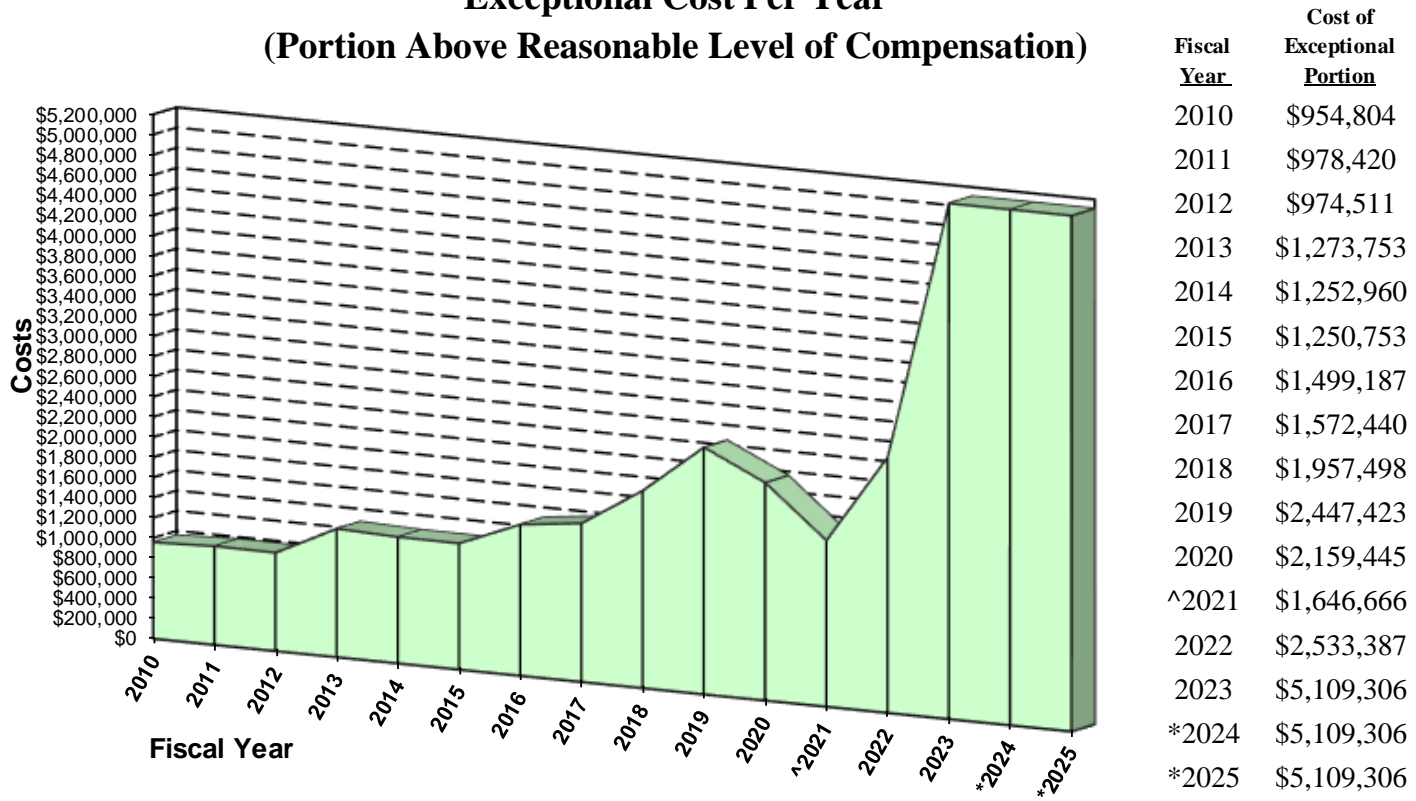
^ FY2021 Substantially impacted by COVID-19 pandemic.
 * Estimated. The number of exceptional cases is expected to increase based on an increase due to the increase in the number of Jessica's Law cases being filed and the increase in the number of homicides.

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DIVISION OF THE BUDGET
STATE OF KANSAS

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



* Estimated

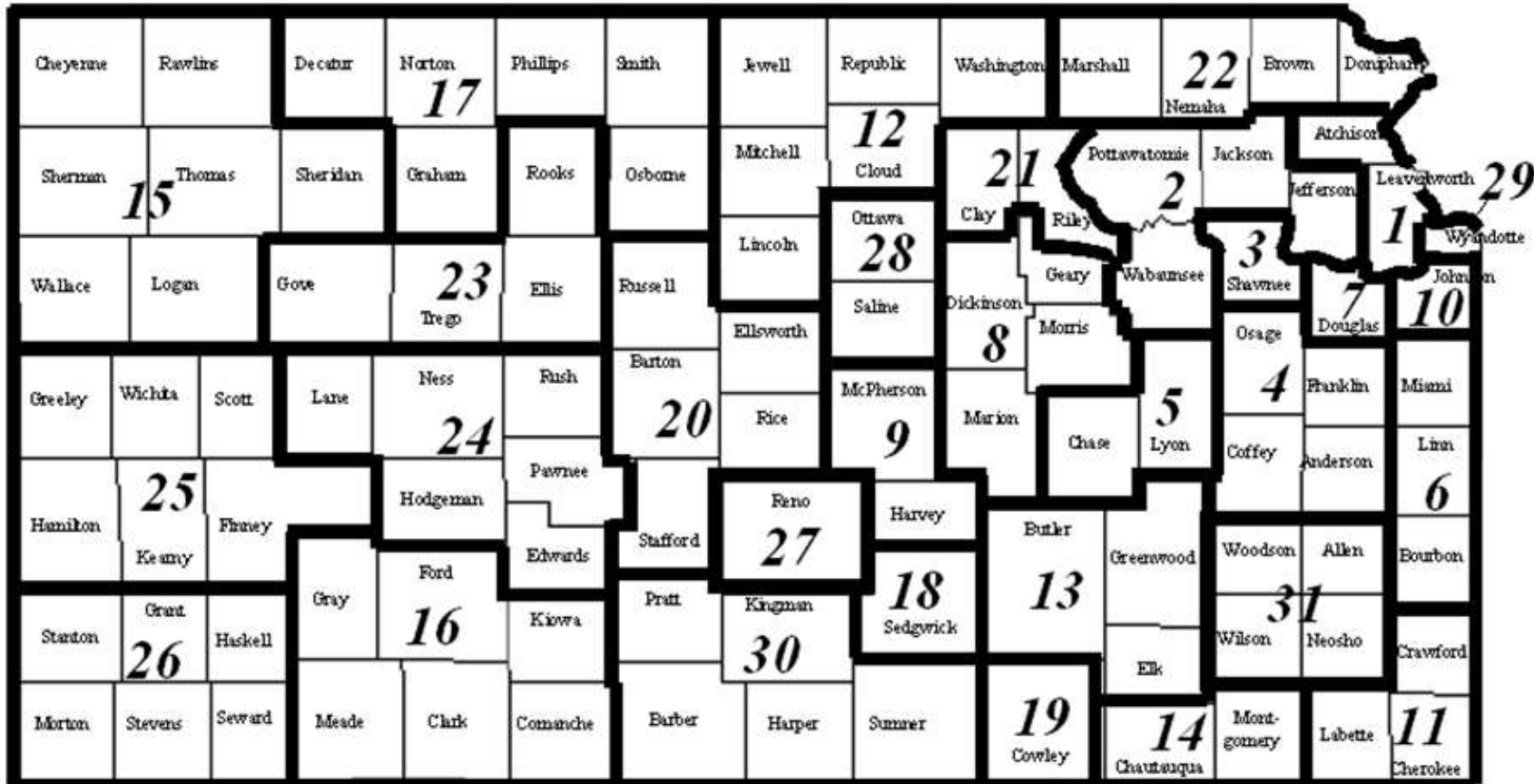
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DIVISION OF THE BUDGET
STATE OF KANSAS

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 2023**

<p align="center">Counties With Public Defender Office Coverage</p>	<p align="center">Counties with Contract Counsel Coverage</p>	<p align="center">Counties with Assigned Counsel Panel Coverage</p>
<p align="center"> Allen Chautauqua Clay Dickenson Finney Geary Johnson Montgomery Morris Neosho Ottawa Reno Riley Saline Sedgwick Shawnee Wilson Woodson </p>	<p align="center"> Butler Cloud Geary Hamilton Jewell Johnson Kearney Lincoln Miami Mitchell Ottawa Reno Republic Saline Scott Sedgwick Washington </p>	<p align="center">All Counties</p>

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DIVISION OF THE BUDGET
STATE OF KANSAS

FY 2023 Felony Cases per County Defended by Assigned and Contract Counsel

9	5	10	36	19	6	9	34	26	87	27	118	36
CHEYENNE	RAWLINS	DECATUR	NORTON	PHILLIPS	SMITH	JEWELL	REPUBLIC	WASHINGTON	MARSHALL	NEMAHA	BROWN	DONIPHAN
89	83	3	12	32	14	76	122	20	151	129	420	122
SHERMAN	THOMAS	SHERIDAN	GRAHAM	ROOKS	OSBORNE	MITCHELL	CLOUD	CLAY	RILEY	POTTAWATOMIE	JACKSON	ATCHISON
4	19	1	33	268	75	22	29	95	540	45	1153	81
WALLACE	LOGAN	GOVE	TREGO	ELLIS	RUSSELL	LINCOLN	OTTAWA	DICKINSON	GEARY	WABAUNSEE	SHAWNEE	JEFFERSON
17	14	54	14	27	27	45	938	25	718	898	1010	463
GREELEY	WICHITA	SCOTT	LANE	NESS	RUSH	SALINE	ELLSWORTH	MORRIS	DOUGLAS	JOHNSON	WYANDOTTE	LEAVENWORTH
53	10	259	8	96	502	65	325	131	252	112	239	157
HAMILTON	KEARNY	FINNEY	HODGEMAN	PAWNEE	BARTON	RICE	MCPHERSON	MARION	LYON	OSAGE	FRANKLIN	MIAMI
15	44	24	42	593	29	382	466	11	252	63	50	169
STANTON	GRANT	HASKELL	GRAY	FORD	EDWARDS	RENO	HARVEY	CHASE	COFFEY	ANDERSON	LINN	465
42	17	285	52	14	10	69	1885	367	34	269	465	465
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DIVISION OF THE BUDGET
STATE OF KANSAS

FY 2023 Cost per Case by County For Assigned and Contract Counsel

9 \$15,777 \$1,753 Cheyenne	5 \$3,318 \$664 Rawlins	10 \$10,323 \$1,032 Decatur	36 \$52,513 \$1,459 Norton	19 \$34,604 \$1,821 Phillips	6 \$13,795 \$2,299 Smith	9 \$13,393 \$1,488 Jewell	34 \$37,868 \$1,114 Republic	26 \$29,192 \$1,123 Washington	87 \$105,336 \$1,211 Marshall	27 \$31,598 \$1,170 Nemaha	118 \$144,984 \$1,229 Brown	36 \$72,214 \$2,006 Doniphan		
89 \$127,516 \$1,433 Sherman	83 \$90,178 \$1,086 Thomas	3 \$47,951 \$15,984 Sheridan	12 \$13,716 \$1,143 Graham	32 \$97,236 \$3,039 Rooks	14 \$67,058 \$4,790 Osborne	76 \$73,274 \$964 Mitchell	122 \$115,192 \$944 Cloud	20 \$23,788 \$1,189 Clay	151 \$306,574 \$2,030 Riley	129 \$140,329 \$1,088 Pottawatomie	420 \$535,318 \$1,275 Jackson	122 \$220,962 \$1,811 Atchison		
4 \$5,085 \$1,271 Wallace	19 \$21,486 \$1,131 Logan	1 \$520 \$520 Gove	33 \$62,272 \$1,887 Trego	268 \$403,848 \$1,507 Ellis	75 \$98,147 \$1,309 Russell	22 \$22,616 \$1,028 Lincoln	29 \$26,378 \$910 Ottawa	95 \$109,203 \$1,150 Dickinson	540 \$568,977 \$1,054 Geary	45 \$70,861 \$1,575 Wabaunsee	1153 \$1,749,276 \$1,517 Shawnee	81 \$104,017 \$1,284 Jefferson	463 \$562,331 \$1,215 Leavenworth	1010 \$1,271,884 \$1,259 Wyandotte
17 \$23,612 \$1,389 Greeley	14 \$14,571 \$1,041 Wichita	54 \$56,169 \$1,040 Scott	14 \$28,351 \$2,025 Lane	27 \$50,578 \$1,873 Rush	502 \$558,504 \$1,113 Barton	45 \$61,275 \$1,362 Ellsworth	65 \$71,027 \$1,093 Rice	325 \$505,219 \$1,555 McPherson	131 \$255,971 \$1,954 Marion	25 \$32,640 \$1,306 Morris	252 \$325,501 \$1,292 Osage	112 \$150,583 \$1,344 Franklin	239 \$279,238 \$1,168 Miami	157 \$145,811 \$929 Franklin
53 \$55,951 \$1,056 Hamilton	10 \$11,140 \$1,114 Kearny	259 \$368,803 \$1,424 Finney	8 \$9,574 \$1,197 Hodgeman	96 \$110,399 \$1,150 Pawnee	29 \$50,153 \$1,729 Stafford	382 \$452,337 \$1,184 Reno	466 \$641,683 \$1,377 Harvey	367 \$378,719 \$1,032 Butler	11 \$21,328 \$1,939 Chase	152 \$164,053 \$1,079 Greenwood	63 \$84,916 \$1,348 Coffey	50 \$72,072 \$1,441 Anderson	169 \$232,863 \$1,378 Linn	465 \$539,241 \$1,160 Bourbon
15 \$16,798 \$1,120 Stanton	44 \$111,522 \$2,535 Grant	24 \$29,509 \$1,230 Haskell	42 \$58,160 \$1,385 Gray	593 \$645,769 \$1,089 Ford	37 \$53,532 \$1,447 Kiowa	69 \$85,832 \$1,244 Kingman	1885 \$2,898,379 \$1,538 Sedgwick	367 \$378,719 \$1,032 Butler	11 \$21,328 \$1,939 Chase	152 \$164,053 \$1,079 Greenwood	63 \$84,916 \$1,348 Coffey	50 \$72,072 \$1,441 Anderson	169 \$232,863 \$1,378 Linn	465 \$539,241 \$1,160 Bourbon
42 \$53,452 \$1,273 Morton	17 \$35,405 \$2,083 Stevens	285 \$372,708 \$1,308 Seward	52 \$84,943 \$1,634 Meade	14 \$17,449 \$1,246 Clark	10 \$16,348 \$1,635 Comanche	19 \$20,865 \$1,098 Barber	69 \$74,684 \$1,082 Harper	190 \$217,230 \$1,143 Sumner	398 \$476,804 \$1,198 Cowley	47 \$48,006 \$1,640 Butler	63 \$103,321 \$1,640 Wilson	209 \$166,892 \$799 Neosho	569 \$804,104 \$1,413 Crawford	289 \$432,350 \$1,496 Cherokee

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: 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.

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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.

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AGENCY NAME: Kansas State Board of Indigents' Defense Service
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 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
 SUBPROGRAM TITLE AND NUMBER: LEGAL SERVICES FOR PRISONERS

PERFORMANCE MEASURES FOR OBJECTIVES:

OUTCOME MEASURES:

CASES BY DISPOSITION

	Actual FY 2013	Actual FY 2014	Actual FY 2015	Actual FY 2016	Actual FY 2017	Actual FY 2018	Actual FY 2019	Actual FY 2020	Actual FY 2021	Actual FY 2022	Actual FY 2023*	Current Year FY 2024	Allocated FY 2025
Total Cases	2,049	2,172	2,172	1,836	1,637	1,637	1,636	1,463	1,530	1,582	1,068	1,068	1,068
Total Hours	2,664	3,148	3,148	2,528	2,096	2,096	1,894	1,759	2,013	1,943	1,586	1,586	1,586
DISPOSITION:													
Administratively Resolved	1,855	1,855	1,855	1,395	1,205	1,205	1,220	1,042	1,058	1,039	696	696	696
Judicially Resolved	16	16	16	17	15	15	4	6	1	2	4	4	4
Rejected	301	301	301	437	414	414	387	376	467	522	343	343	343
Cases Still open	17	17	17	13	3	3	11	0	4	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 1,068 requests for legal assistance in FY2023 and spent 1,586 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.

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DELIVERY OF SERVICES:

Currently, Legal Services for Prisoners consists of a staff of three (2) 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.

Because LSP has concerns about its ability to hire attorneys at its current salary levels to eventually replace those that it will likely lose soon to retirement, LSP is requesting an enhancement for FY 2025 to adjust salary ranges of its 3 current employees and its one vacant attorney position.

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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 FY2024: \$289,592

Budget Year FY2025: \$289,592

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 FY2024: \$289,592

Budget Year FY2025: \$289,592

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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 FY2024: \$0

Budget Year FY2025: \$0

Account Codes 53000-53900 Commodities:

Current Year FY2024: \$0

Budget Year FY2025: \$0

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Account Code Capital Outlay:

Current Year FY2024: \$0

Budget Year FY2025: \$0

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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. In FY2005, a similar program was established in partnership with the Washburn University School of Law. The universities provide 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 2023, the Appellate Defender Office was staffed with nineteen appellate defenders, including one chief, and two deputies, 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. In FY 2019, the appellate office docketed 954 cases and closed 1,120 appeals. FY2020, the appellate office docketed 750 cases and closed the appeals of 981 cases. In FY 2021, the appellate office docketed 704 cases and closed the appeals in 981 cases. In FY 2022, the appellate office docketed 731 cases and closed the appeals in 843 cases. In FY 2023, the appellate office docketed 817 cases and closed the appeals in 647 cases.

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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 FY2024: -- \$2,847,027

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 FY2025: --\$2,835,142

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 FY2024: -- \$599,242

Budget Year FY2025: -- \$499,242

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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 FY2024: -- \$9,100

Budget Year FY2025: -- \$9,100

Account Code Capital Outlay:

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

Current Year FY2024: -- \$15,000

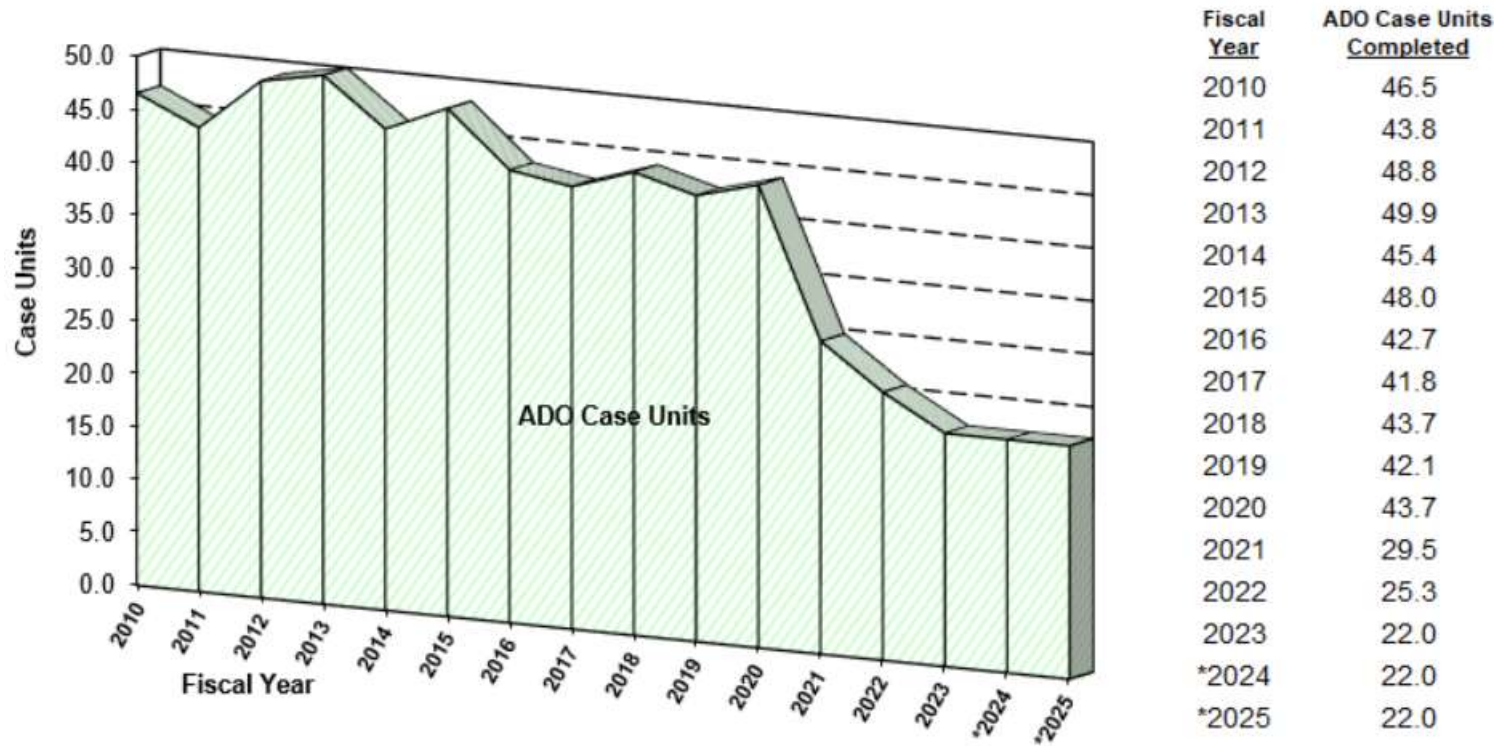
Budget Year FY2025: -- \$2,500

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Appellate Defender Caseload History: Average Case Units Completed per Attorney



*Estimated. Efforts are being made to decrease the number of case units completed per appellate defender to enable a closer review of the record on appeal

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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. In August 2021, the Board voted to request funding for FY 2023 to open a new public defender office in the 7th Judicial District, Douglas County.

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.

Third Judicial District Public Defender Office (Topeka)

This office was one of three pilot public defender programs begun in 1972. The office is currently staffed by 11 attorneys. Currently six support positions assist the office. In FY2015, this office completed work on 1,208 cases. In FY2016, the office completed work on 1,205 cases and in FY2017, the office completed work on 1,277 cases. For FY2018, the office completed work on 1,247 cases including 15 off grid cases and 6 severity level 1, person felonies. In FY 2019 this office completed work on 1,177 cases, 4 off-grid and 4 severity level one felonies. In FY 2020 this office completed work on 963 cases, 6 off-grid and 6 severity level one felonies. In FY 2021 this office completed work on 888 cases. In FY 2022, this office completed work on 980 cases. In FY 2023, this office completed work on 880 cases.

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Salina Public Defender Office

The Salina 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 six positions but was only staffed in FY 2023 by two defenders in addition to several support staff due to chronically open vacancies.

In FY2015, 1,258 cases were completed along with representation of persons assigned to "Drug Court" and in FY2016, 1,242 cases including drug court cases were completed. In FY2017 acceptance to the "Drug Court" program became more restrictive. However, the office completed work on even more cases – 1,395. In FY2018, with the continued restricted entry into the "Drug Court" program, the office completed work on 1,270 cases including 5 off-grid and 11 severity level 1 cases. For FY2019, the office completed work on 1,013 cases, 3 off-grid and 4 severity level one, person felonies. For FY2020, the office completed work on 757 cases, 6 off-grid and 3 severity level one, person felonies. In FY 2021, this office completed work on 580 cases. In FY 2022, this office completed work on 503 cases. In FY 2023, this office completed work on 238 cases.

Junction City Public Defender Office

The Junction City Public Defender Office 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 8th and 21st Judicial Districts. The 8th Judicial District consists of Geary, Dickinson, Marion and Morris counties. The 21st Judicial District is comprised of Riley and Clay counties. In 2015, 1,244 cases were completed. In FY2016 with a new chief among 11 defenders, the office completed work on 1,376 cases. That number grew in FY2017 to 1,468 cases. In FY2018, the office completed 1,360 cases including 5 off-grid and 21 severity level one felonies. In FY2019 this office completed 1,253 cases including 17 off-grid and 22 severity level one felonies. The office currently has seventeen positions including eleven defenders. In FY2020 this office completed 1,168 cases including 11 off-grid and 13 severity level one felonies. In FY 2021, this office completed 1,079 cases. In FY 2022 this office completed 952 cases. In FY 2023, this office completed work on 879 cases.

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Sedgwick County Regional 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 had twenty-one defender positions allotted to it in FY 2023 but a large number of those were unfilled as the agency struggled with turnover and recruitment issues. In FY2015, the completed cases increased to 4,479. In FY2016, completed cases increased substantially to 4,995. Several defenders left the office in FY2017 resulting in a decrease in the number of completed cases to 4,775. In FY2018, the office completed 4,897 cases including 45 off-grid and 60 severity level one felonies. FY2019 this office completed 4,458 cases including 45 off-grid and 36 severity level one felonies. FY2020 this office completed 3,630 cases including 40 off-grid and 36 severity level one felonies. In FY 2021, this office completed 2,054 cases. In FY 2022, this office completed 1,399 cases. In FY 2023, this office completed 1,424 cases.

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 six defenders, one legal assistant, an investigator, and one administrative assistant. In FY2015, 946 cases were completed. In FY2016, 969 cases were completed even though the number of cases going to trial increased. In FY2017, 929 cases were completed. The office completed work on 1,080 cases in FY2018, including 2 off-grid and 1 Level 1 severity level felonies. In FY2019 the office completed work on 874 cases including 4 off-grid and 5 level one severity level felonies. FY2020 this office completed 681 cases including 2 off-grid and 4 severity level one felonies. In FY 2021 this office completed work on 724 cases. In FY 2022, this office completed work on 745 cases. In FY 2023, this office completed 780 cases.

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. Effective FY2005, Miami County is under contract with private counsel. The office is currently staffed by nineteen attorneys, in addition to a number of support staff support staff that include two investigators, four legal assistants and three clerical staff. In FY2015, the office completed 2,061 cases. In FY2016, the office completed 2,281 cases. In FY2017 the office completed work on 2,540 cases. The office completed work on 2,667 cases in FY2018 including 15 off-grid and 16 Level 1 severity level cases. In FY2019 this office completed 2,754 cases including 20 off-grid and 14 level one severity level cases. FY2020 this office completed 2,324 cases including 7 off-grid and 17 severity level one felonies. In FY 2021, this office completed work on 2,611 cases. In FY 2022, this office completed work on 2,306 cases. In FY 2023, this

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office completed 2,257 cases.

Western Kansas Regional Public Defender Office (Garden City)

The Garden City office, established in January of 1994, serves the 25th Judicial District, which includes Finney, Kearny, Hamilton, Greeley, Wichita, and Scott counties. The staff includes three defenders, one legal assistant, a support staff member and an investigator. In FY2015, 678 cases were completed before the chief of that office resigned to join the county attorney's office. In FY2016, 688 cases were completed and in FY2017 with the ongoing efforts of the chief defender, 710 cases were completed. With only two attorneys staffing the office in FY2018, 683 cases were completed including 7 off-grid and 20 Level 1 severity level cases. In FY2019 the office completed 475 cases including 7 off-grid and 6 level one severity level cases. FY2020 this office completed 230 cases including 1 off-grid and 0 severity level one felonies. In FY2021, this office completed work on 426 cases. In FY 2022, the office completed 371 cases. In FY 2023, this office completed 316 cases.

The Liberal office opened in August of 1996 in response to requests from the Administrative Judge in the 26th district because all private attorneys had removed their names from the appointment list due to dissatisfaction with the rate of compensation. The 26th Judicial District includes 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 however, September 1, 2009, due to the inability to keep the office staffed with an experienced attorney.

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 attorneys, including one chief defender, one legal assistant and an investigator. The chief defender also supervises the Independence office. In FY2015, 556 cases were completed. In FY2016, completed cases increased to 615. In FY2017, 557 cases were completed. In FY2018, 540 cases were completed, 1 off-grid and 3 Level one. The Chanute office completed 552 cases, 4 off-grid, and 7 severity level one cases in FY2019. FY2020 this office completed 387 cases including 3 off-grid and 5 severity level one felonies. In FY 2021, this office completed 296 cases. In FY 2022, the office completed 414 cases. In FY 2023, this office completed 641 cases.

The Independence branch office was opened on September 1, 2004, also in response to a lack of local attorneys willing to represent indigent defendants.

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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
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This office is staffed by three attorneys, and one legal assistant and is responsible for all cases in Montgomery and Chautauqua Counties. In FY2015, 436 cases were completed. In FY 2016, completed cases increased to 463. In FY2017, 484 cases were completed. In FY2018, the office completed work on 465 cases despite problems with the utilities in the office building, including 5 off-grid and 5 severity level one cases. In FY2019 the Independence office completed 343 cases, 4 off-grid and 4 severity level one cases. FY2020 this office completed 298 cases including 9 off-grid and 5 severity level one felonies. In FY 2021, this office completed 145 cases. In FY 2022, the office completed 277 cases. In FY 2023, this office completed 340 cases.

Northeast Kansas Conflict Office

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 attorneys and support staff that includes two investigators, one legal assistant, and one clerical position. In FY2015, the office accepted a new capital appointment and completed 727 cases. In FY2016, the office completed work on 634 cases with the loss of two experienced attorneys and in FY2017 completed work on 591 cases. The office continued to suffer frequent attorney turnover in FY2018, yet completed work on 593 cases, including 3 off-grid and 6 severity level one cases. In FY2019, the office completed work on 600 cases, 3 off-grid and 2 severity level one cases. FY2020 this office completed 614 cases including 1 off-grid and 3 severity level one felonies. In FY 2021, this office completed 514 cases. In FY 2022, the office completed 472 cases. In FY 2023, this office completed 361 cases.

Sedgwick County Conflict Office

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 a chief defender, five high level defenders, one legal assistant, and one senior administrative assistant. In FY2015, 484 cases were completed while one defender was assigned to a capital case. In FY 2016, the office completed work on 511 cases. In FY2017, the office completed work on 474 cases. The office completed work on 516 cases in FY2018 including 17 off-grid cases and 14 level one severity level felonies. In FY2019, the office completed work on 508 cases 12 off-grid cases and 10 level one severity level felonies. FY2020 this office completed 404 cases including 13 off-grid and 11 severity level one felonies. In FY 2021, this office completed work on 386 cases. In FY 2022, the office completed 387 cases. In FY 2023, this office completed 496.

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

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EXPENDITURE JUSTIFICATION:

Account Code 51000 – Salaries and Wages:

FTE: 195.6

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

Current Year FY2024: -- \$18,858,104

The agency estimate includes a full year staffing of 195.6 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 FY2025: -- \$18,785,552

This estimate includes maintaining current staff of 195.6 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.

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AGENCY NAME: Kansas State Board of Indigents' Defense Service
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Current Year FY 2024: - \$2,295,102

Expert services of \$538,367 and court reporter services of \$31,450 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 2025: -- \$2,148,728

This funding level includes utility prices, vehicle repair costs, professional liability insurance, and automobile insurance premiums. Expert services of \$447,976 and court reporter services of \$31,450 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 FY2024: -- \$113,441

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 FY2025 -- \$75,992

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

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AGENCY NAME: Kansas State Board of Indigents' Defense Service
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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 FY2024: -- \$468,000

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

Budget Year FY2025: -- \$92,713

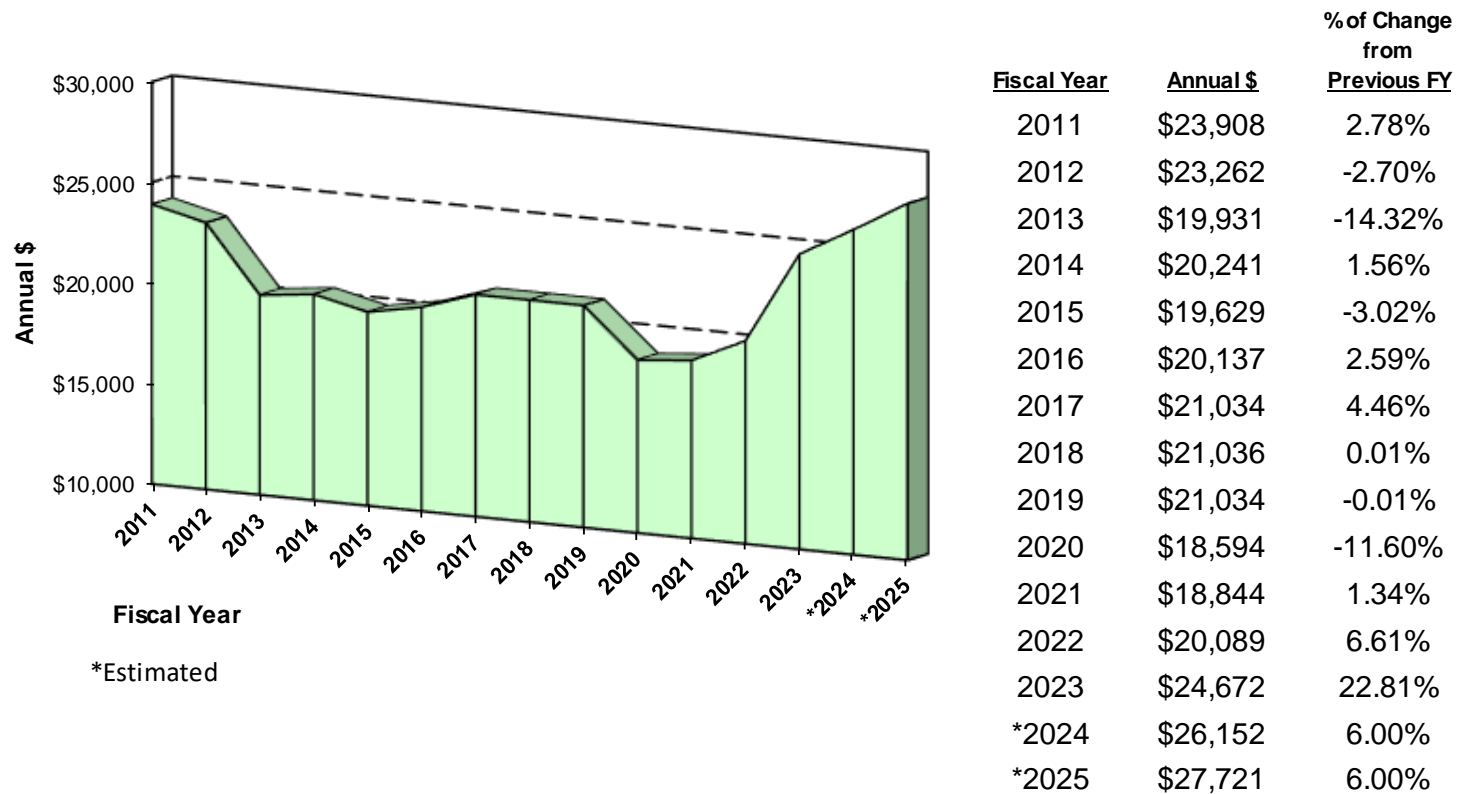
This estimate includes funding to address additional equipment and infrastructure needs for the agency.

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Professional Liability Insurance

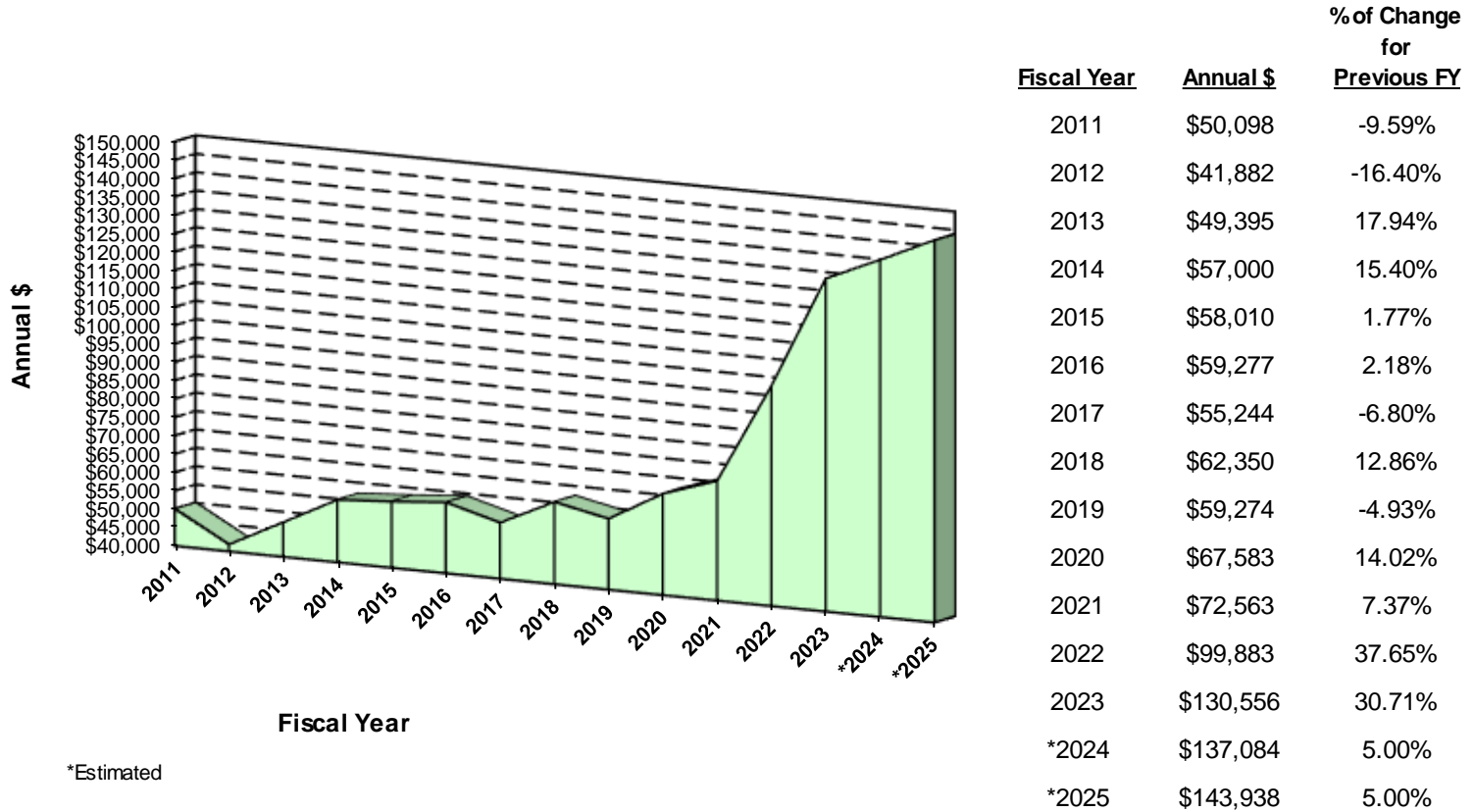


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WestLaw



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FY 2023 Trial Office Actual Closed Cases

Trial Office	Attorneys*	Cases Completed**	Cases Completed Per Attorney
Third Judicial Dist. Defender (Topeka)	11	880	80
Salina Public Defender	7	238	34
North Central Reg. Defender (Junction City)	11	879	79.9
Sedgwick County Public Defender (Wichita)	21	1,424	67.8
Reno County Public Defender (Hutchinson)	6	780	130
Tenth Judicial Dist. Defender (Olathe)	19	2,257	118.8
Western Regional Public Defender (Garden City)	4	316	79
SE KS Public Defender (Chanute)	5	641	128.2
SE KS Public Defender Satellite (Independence)	2	340	170
Northeast KS Conflicts Defender (Topeka)	6	361	60.2
Sedgwick County Conflicts Defender (Wichita)	6	496	82.7
Total Trial Offices	98	8,612	87.9

*Represents number of attorney positions in each office in FY 2023. Actual number of active attorneys handling cases may differ because of vacant positions.

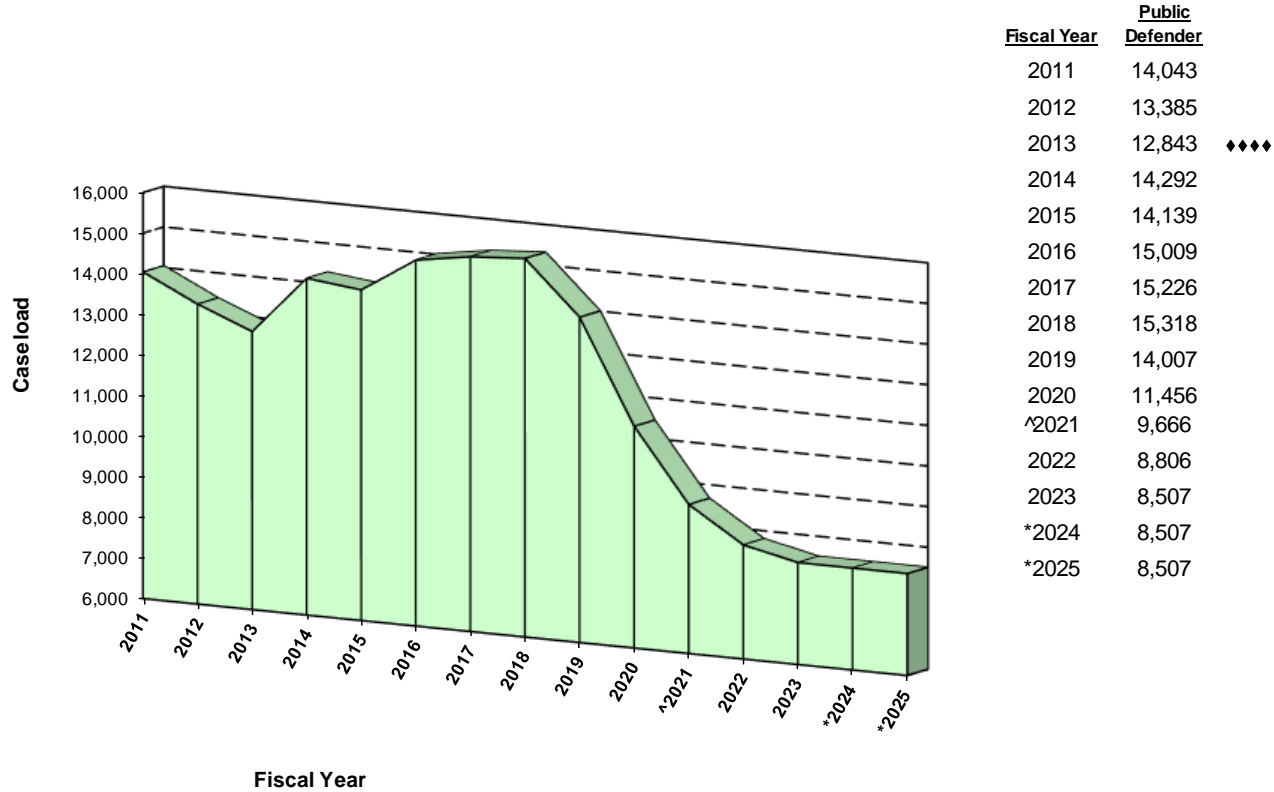
**Includes only cases closed in FY 2023, not cases still open but that were worked in FY 2023. Cases closed does not represent the full caseloads held by individual offices in FY 2023.

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Trial Public Defender Completed Cases



* Estimated
 ^ FY2021 Substantially impacted by the COVID-19 pandemic.
 ◆◆◆ Decrease due to resignation rate of public defenders - 15%

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AGENCY NAME: Kansas State Board of Indigents' Defense Service
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FY 2023 Trial Office Average Actual Cases Handled By Active Attorneys

Trial Office	Attorneys Active in FY 2023*	Total Cases Worked in FY 2023**	Avg. Cases Worked Per Attorney FY 2023
Third Judicial Dist. Defender (Topeka)	11	1124	102
Salina Public Defender	2	319	159
North Central Reg. Defender (Junction City)	7	1247	178
Sedgwick County Public Defender (Wichita)	16	2062	129
Reno County Public Defender (Hutchinson)	6	1041	174
Tenth Judicial Dist. Defender (Olathe)	13	3176	244
Western Regional Public Defender (Garden City)	2	444	222
SE KS Public Defender (Chanute)	4	1045	261
SE KS Public Defender Satellite (Independence)	2	534	267
Northeast KS Conflicts Defender (Topeka)	4	464	116
Sedgwick County Conflicts Defender (Wichita)	5	714	143
Total Trial Offices	72	12,170	169

*Represents number of active attorney working in each office in FY 2023, excluding positions with extended vacancies.

**Includes cases closed in FY 2023 in addition to those open and worked but not yet completed in FY 2023.

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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 FY1995 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 FY1996 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 FY2022, this office employed six trial attorneys, one investigator, two mitigators, and two legal assistants. Additional attorneys from trial offices are called upon to handle conflict cases on occasion.

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.

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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

	Disposition	Representation
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

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	PROGRAM TITLE AND NUMBER: <u>AID TO INDIGENTS DEFENSE</u>
	SUBPROGRAM TITLE AND NUMBER: <u>DEATH PENALTY DEFENSE UNIT</u>

Rusty Frazier – Butler County	2019	J. Shepack
Justin Thurber – Clay County	2007 Remand	DPDU

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

	Disposition	Representation
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:

Vinh Bon Nguyen – Sedgwick County	FY Filed Capital 2014	Representation DPDU
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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
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 – Greely County
 Sidney Gleason – Butler County
 Gary Kleypas – Crawford County

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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

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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

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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.

Capital Cases Tried or Pled in FY 2023

FY Filed Capital

Representation

Vinh V. Nguyen—Sedgwick County
Dontenize Kelly—Sedgwick County

2014
2021

DPDU
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

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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

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

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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.

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. These office are each staffed by three capital defense trial attorneys and the Capital Appeals office also has one legal assistant.

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. This office is staffed by seven capital defense trial attorneys, and multiple support staff members.

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SUBPROGRAM TITLE AND NUMBER:	<u>DEATH PENALTY DEFENSE UNIT</u>	

EXPENDITURE JUSTIFICATION:

Account Code 51000 – Salaries and Wages:

FTE: 36

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 FY2024: -- \$4,011,191

The agency estimate includes a full year staffing of 36 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 FY2025: -- \$4,015,158

The agency estimate includes a full year staffing of 36 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.

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SUBPROGRAM TITLE AND NUMBER:	<u>DEATH PENALTY DEFENSE UNIT</u>	

DIVISION OF THE BUDGET
STATE OF KANSAS

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 FY2024: - \$1,277,104

(\$863,179 will be transferred from Administration's total funding once budget is finalized)

Budget Year FY2025: - \$1,197,183

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 FY2024: -- \$25,900

Budget Year FY2025: -- \$21,500

Account Code Capital Outlay:

Current Year FY2024: --\$0

(\$120,000 will be transferred from Administration's total funding once budget is finalized; to replace two state vehicles and procure two vehicles)

Budget Year FY2025: -- \$0

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: 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
 AGENCY NUMBER: 328-00 FUNCTION NO. 01
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
 SUBPROGRAM TITLE AND NUMBER: REVENUE ESTIMATE

DIVISION OF THE BUDGET
STATE OF KANSAS

	<u>Bond</u>			
	<u>Docket</u>	<u>Application</u>	<u>Forfeiture</u>	<u>Total</u>
2011	\$98,687	\$471,911	\$293,151	\$863,749
2012	\$173,792	\$427,010	\$221,545	\$822,347
2013	\$78,868	\$445,025	\$223,130	\$747,023
2014	\$0	\$459,481	\$133,786	\$593,267
2015	\$0	\$474,797	\$269,778	\$744,575
2016	\$0	\$479,553	\$293,084	\$772,637
2017	\$0	\$493,544	\$261,755	\$755,299
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	\$600,000	\$200,000	\$800,000
*2025	\$0	\$600,000	\$200,000	\$800,000

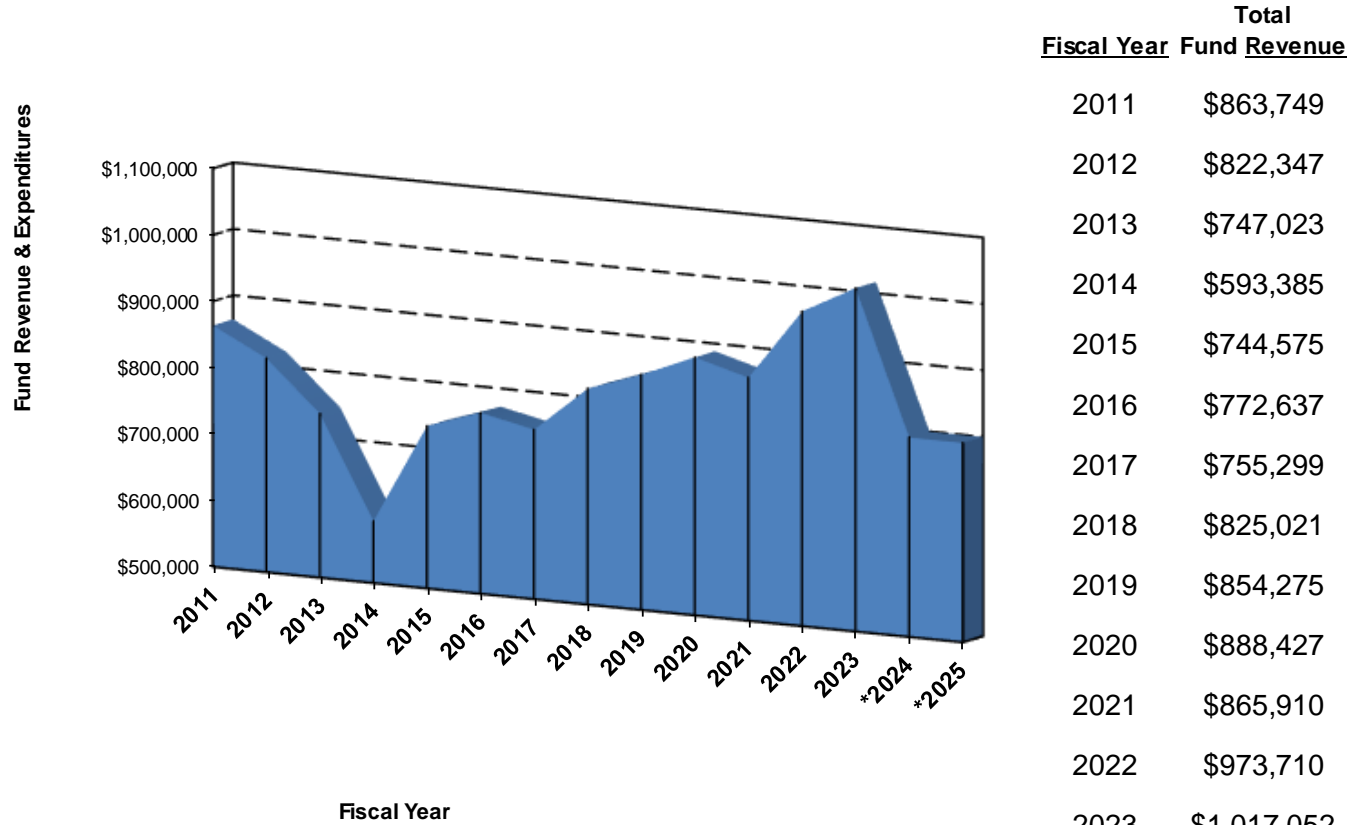
Historically, this fund was used to partially pay assigned counsel expenditures. Since FY2006, this fund has been used to pay expert service and transcriptionist costs supplemented by state general funds.

NARRATIVE INFORMATION – DA 400

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

DIVISION OF THE BUDGET
STATE OF KANSAS

Indigents' Defense Services Fee Fund



* Estimate

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>REVENUE ESTIMATE</u>	

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 FY2024, and FY2025 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

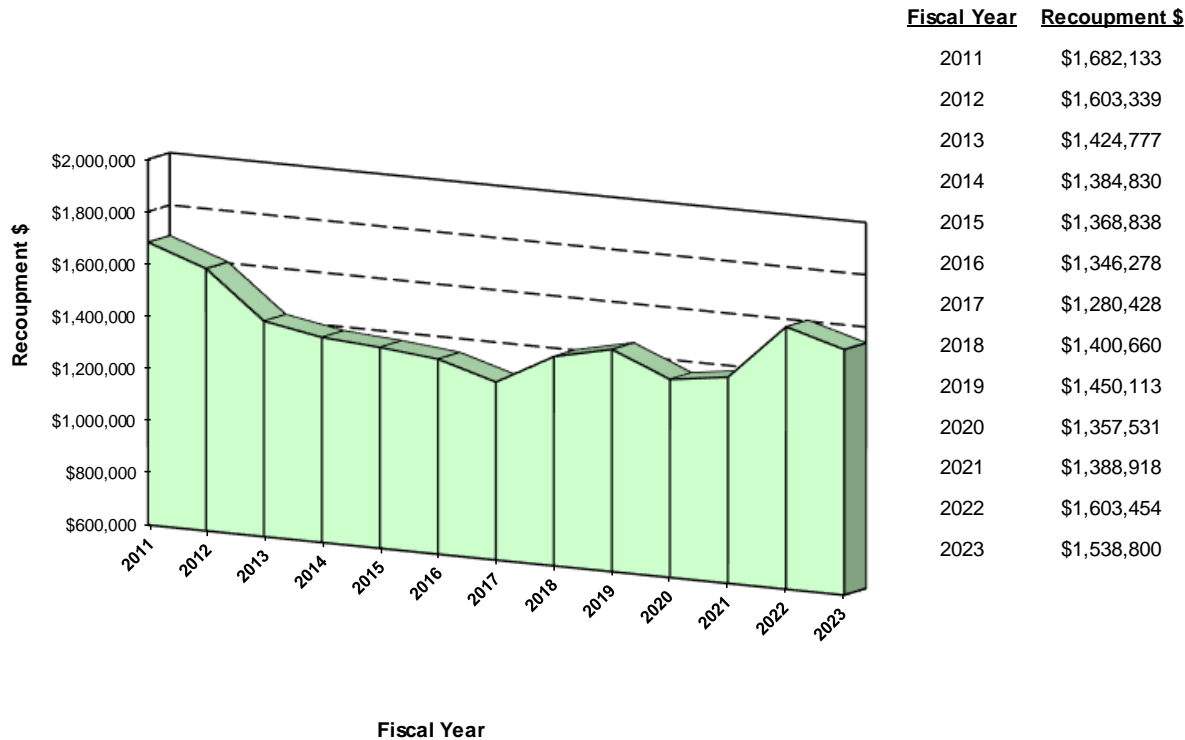
AGENCY NAME: Kansas State Board of Indigents' Defense Service
 AGENCY NUMBER: 328-00 FUNCTION NO. 01
 PROGRAM TITLE AND NUMBER: AID TO INDIGENTS DEFENSE
 SUBPROGRAM TITLE AND NUMBER: REVENUE ESTIMATE

DIVISION OF THE BUDGET
STATE OF KANSAS

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
STATE OF KANSAS

APPENDIX

404 Report

Agency: 00328 Board of Indigents Defense Services

Version: 2025-A-02-00328

Fund Number: Name: LEGAL SERVICES FOR PRISONERS	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40001 APPROPRIATION	289,592	289,592	289,592
40011 Supplemental Appropriation	0	0	112,790
Total Available	289,592	289,592	402,382
Total Reportable Expenditures	289,592	289,592	402,382
Total Expenditures	289,592	289,592	402,382
Balance Forward	0	0	0
KANSAS	404 Report		kmason / 2025-A-02-00328

404 Report

Agency: 00328 Board of Indigents Defense Services

Version: 2025-A-02-00328

Fund Number: 1000 0510 Name: LITIGATION SUPPORT	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40001 APPROPRIATION	2,327,691	2,327,691	2,327,691
40002 REAPPROPRIATION	131,652	0	0
Total Available	2,459,343	2,327,691	2,327,691
Total Reportable Expenditures	2,459,343	2,327,691	2,327,691
Total Expenditures	2,459,343	2,327,691	2,327,691
Balance Forward	0	0	0
KANSAS	404 Report		kmason / 2025-A-02-00328

404 Report

Agency: 00328 Board of Indigents Defense Services

Version: 2025-A-02-00328

Fund Number: 1000 0603 Name: OPERATING EXPENDITURES	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40001 APPROPRIATION	22,655,520	28,544,323	27,237,283
40002 REAPPROPRIATION	3,339,754	2,549,099	0
40004 TRANSFERS	(4,934,250)	0	0
40011 Supplemental Appropriation	0	148,296	9,204,970
Total Available	21,061,024	31,241,718	36,442,253
Total Reportable Expenditures	18,511,942	31,241,718	36,442,253
Total Expenditures	18,511,942	31,241,718	36,442,253
Balance Forward	2,549,082	0	0
KANSAS	404 Report		kmason / 2025-A-02-00328

404 Report

Agency: 00328 Board of Indigents Defense Services

Version: 2025-A-02-00328

Fund Number: 1000 0610		FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
Name: Indigents Defense Services Ops				
40001	APPROPRIATION	156,847	156,847	156,847
	Total Available	156,847	156,847	156,847
	Total Reportable Expenditures	156,849	156,847	156,847
	Total Expenditures	156,849	156,847	156,847
	Balance Forward	(2)	0	0
KANSAS		404 Report		kmason / 2025-A-02-00328

404 Report

Agency: 00328 Board of Indigents Defense Services

Version: 2025-A-02-00328

Fund Number: 1000 0700 Name: ASSIGNED COUNSEL EXPENDITURES	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40001 APPROPRIATION	17,741,473	20,672,309	20,672,309
40004 TRANSFERS	2,500,000	0	0
40005 LAPSES	(2)	0	0
40011 Supplemental Appropriation	1,299,184	0	3,793,360
Total Available	21,540,655	20,672,309	24,465,669
Total Reportable Expenditures	21,540,655	20,672,309	24,465,669
Total Expenditures	21,540,655	20,672,309	24,465,669
Balance Forward	0	0	0
KANSAS	404 Report		kmason / 2025-A-02-00328

404 Report

Agency: 00328 Board of Indigents Defense Services

Version: 2025-A-02-00328

Fund Number: 1000 0800 Name: CAPITAL DEFENSE OPERATIONS	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40001 APPROPRIATION	3,194,432	3,972,493	5,233,841
40002 REAPPROPRIATION	217,555	1,291,702	0
40004 TRANSFERS	2,434,250	0	0
40011 Supplemental Appropriation	0	28,703	1,876,439
Total Available	5,846,237	5,292,898	7,110,280
Total Reportable Expenditures	4,554,528	5,292,898	7,110,280
Total Expenditures	4,554,528	5,292,898	7,110,280
Balance Forward	1,291,709	0	0
KANSAS	404 Report		kmason / 2025-A-02-00328

404 Report

Agency: 00328 Board of Indigents Defense Services

Version: 2025-A-02-00328

Fund Number: 2119 2000 Name: INDIGENTS DEFENSE SERVICES FD	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40007 CASH FORWARD	5,095	20,837	0
453020 INDIGENT DEFENSE DOCKET FEES	1,017,052	800,000	800,000
Total Available	1,022,147	820,837	800,000
Total Reportable Expenditures	1,001,310	820,837	800,000
Total Expenditures	1,001,310	820,837	800,000
Balance Forward	20,837	0	0
KANSAS	404 Report		kmason / 2025-A-02-00328

404 Report

Agency: 00328 Board of Indigents Defense Services

Version: 2025-A-02-00328

Fund Number: 2186 2100 Name: INSERVICE EDU WORKSHOP FF	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40007 CASH FORWARD	5,318	5,602	0
462900 OTHER REIMB AND REFUNDS	(80)	0	0
469090 OTHER NONREVENUE RECEIPTS	11,025	6,000	6,000
Total Available	16,263	11,602	6,000
Total Reportable Expenditures	10,661	11,602	6,000
Total Expenditures	10,661	11,602	6,000
Balance Forward	5,602	0	0
KANSAS	404 Report		kmason / 2025-A-02-00328

Custom 406/410 Report

Dept. Name:
Agency Name: Board of Indigents Defense Services
Agency Reporting Level:
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 10:10:29

Division of the Budget
 KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
519990	Salaries and Wages SHRINKAGE	18,486,049 0	29,117,879 0	0 (1,341,714)	29,117,879 (1,341,714)	0 176,999	29,117,879 (1,164,715)
	TOTAL Salaries and Wages	18,486,049	29,117,879	(1,341,714)	27,776,165	176,999	27,953,164
52000	Communication	150,812	0	192,690	192,690	0	192,690
52100	Freight and Express	9,210	0	51,300	51,300	0	51,300
52200	Printing and Advertising	23	0	75	75	0	75
52300	Rents	974,183	0	1,453,633	1,453,633	0	1,453,633
52400	Reparing and Servicing	50,735	0	20,690	20,690	0	20,690
52500	Travel and Subsistence	112,632	0	163,050	163,050	0	163,050
52510	InState Travel and Subsistence	46,508	0	69,675	69,675	0	69,675
52520	Out of State Travel and Subsis	19,475	0	30,750	30,750	0	30,750
52600	Fees-other Services	404,243	0	549,895	549,895	0	549,895
52700	Fee-Professional Services	27,668,693	0	28,231,241	28,231,241	0	28,231,241
52800	Utilities	25,057	0	29,170	29,170	0	29,170
52900	Other Contractual Services	40,505	0	63,160	63,160	0	63,160
	TOTAL Contractual Services	29,502,076	0	30,855,329	30,855,329	0	30,855,329
53000	Clothing	116	0	0	0	0	0
53400	Maint Constr Material Supply	8,087	0	4,000	4,000	0	4,000
53500	Vehicle Part Supply Accessory	19,841	0	25,800	25,800	0	25,800
53600	Pro Science Supply Material	12,981	0	500	500	0	500
53700	Office and Data Supplies	66,256	0	130,750	130,750	0	130,750
53900	Other Supplies and Materials	3,958	0	5,641	5,641	0	5,641
	TOTAL Commodities	111,239	0	166,691	166,691	0	166,691
	TOTAL Capital Outlay	424,764	0	1,838,310	1,838,310	0	1,838,310
	SUBTOTAL State Operations	48,524,128	29,117,879	31,518,616	60,636,495	176,999	60,813,494
	TOTAL Capital Improvements	752	0	0	0	0	0
	TOTAL REPORTABLE EXPENDITURES	48,524,880	29,117,879	31,518,616	60,636,495	176,999	60,813,494
	TOTAL EXPENDITURES	48,524,880	29,117,879	31,518,616	60,636,495	176,999	60,813,494

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name:
Agency Name: Board of Indigents Defense Services
Agency Reporting Level:
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 10:10:29

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
1000	0500 LEGAL SERVICES FOR PRISONERS	289,592	0	289,592	289,592	0	289,592
1000	0510 LITIGATION SUPPORT	2,459,343	0	2,327,691	2,327,691	0	2,327,691
1000	0603 OPERATING EXPENDITURES	18,511,942	24,909,656	6,183,766	31,093,422	148,296	31,241,718
1000	0610 Indigents Defense Services Ops	156,849	0	156,847	156,847	0	156,847
1000	0700 ASSIGNED COUNSEL EXPENDITURES	21,540,655	0	20,672,309	20,672,309	0	20,672,309
1000	0800 CAPITAL DEFENSE OPERATIONS	4,554,528	4,208,223	1,055,972	5,264,195	28,703	5,292,898
2119	2000 INDIGENTS DEFENSE SERVICES FD	1,001,310	0	820,837	820,837	0	820,837
2186	2100 INSERVICE EDU WORKSHOP FF	10,661	0	11,602	11,602	0	11,602
0	TOTAL GENERAL FUNDS	47,512,909	29,117,879	30,686,177	59,804,056	176,999	59,981,055
80	TOTAL ALL OTHER FUNDS	1,011,971	0	832,439	832,439	0	832,439
84	TOTAL ALL FUNDS	48,524,880	29,117,879	31,518,616	60,636,495	176,999	60,813,494

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name:
Agency Name: Board of Indigents Defense Services
Agency Reporting Level:
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 13:13:18

Division of the Budget
 KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
519990	Salaries and Wages SHRINKAGE	28,998,736 0	0 (1,159,949)	28,998,736 (1,159,949)	10,605,547 0	39,604,283 (1,159,949)	0 0
	TOTAL Salaries and Wages	28,998,736	(1,159,949)	27,838,787	10,605,547	38,444,334	0
52000	Communication	0	184,540	184,540	0	184,540	0
52100	Freight and Express	0	31,300	31,300	0	31,300	0
52200	Printing and Advertising	0	75	75	0	75	0
52300	Rents	0	1,478,500	1,478,500	352,500	1,831,000	0
52400	Reparing and Servicing	0	19,085	19,085	0	19,085	0
52500	Travel and Subsistence	0	143,750	143,750	0	143,750	0
52510	InState Travel and Subsistence	0	60,125	60,125	0	60,125	0
52520	Out of State Travel and Subsis	0	27,050	27,050	0	27,050	0
52600	Fees-other Services	0	530,756	530,756	123,362	654,118	0
52700	Fee-Professional Services	0	25,891,950	25,891,950	3,906,150	29,798,100	0
52800	Utilities	0	27,550	27,550	0	27,550	0
52900	Other Contractual Services	0	60,110	60,110	0	60,110	0
	TOTAL Contractual Services	0	28,454,791	28,454,791	4,382,012	32,836,803	0
53000	Clothing	0	0	0	0	0	0
53400	Maint Constr Material Supply	0	4,000	4,000	0	4,000	0
53500	Vehicle Part Supply Accessory	0	23,900	23,900	0	23,900	0
53600	Pro Science Supply Material	0	500	500	0	500	0
53700	Office and Data Supplies	0	93,022	93,022	0	93,022	0
53900	Other Supplies and Materials	0	3,350	3,350	0	3,350	0
	TOTAL Commodities	0	124,772	124,772	0	124,772	0
	TOTAL Capital Outlay	0	305,213	305,213	0	305,213	0
	SUBTOTAL State Operations	28,998,736	27,724,827	56,723,563	14,987,559	71,711,122	0
	TOTAL Capital Improvements	0	0	0	0	0	0
	TOTAL REPORTABLE EXPENDITURES	28,998,736	27,724,827	56,723,563	14,987,559	71,711,122	0
	TOTAL EXPENDITURES	28,998,736	27,724,827	56,723,563	14,987,559	71,711,122	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name:
Agency Name: Board of Indigents Defense Services
Agency Reporting Level:
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 13:13:18

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
1000	0500 LEGAL SERVICES FOR PRISONERS	0	289,592	289,592	112,790	402,382	0
1000	0510 LITIGATION SUPPORT	0	2,327,691	2,327,691	0	2,327,691	0
1000	0603 OPERATING EXPENDITURES	24,816,280	2,421,003	27,237,283	9,204,970	36,442,253	0
1000	0610 Indigents Defense Services Ops	0	156,847	156,847	0	156,847	0
1000	0700 ASSIGNED COUNSEL EXPENDITURES	0	20,672,309	20,672,309	3,793,360	24,465,669	0
1000	0800 CAPITAL DEFENSE OPERATIONS	4,182,456	1,051,385	5,233,841	1,876,439	7,110,280	0
2119	2000 INDIGENTS DEFENSE SERVICES FD	0	800,000	800,000	0	800,000	0
2186	2100 INSERVICE EDU WORKSHOP FF	0	6,000	6,000	0	6,000	0
0	TOTAL GENERAL FUNDS	28,998,736	26,918,827	55,917,563	14,987,559	70,905,122	0
80	TOTAL ALL OTHER FUNDS	0	806,000	806,000	0	806,000	0
84	TOTAL ALL FUNDS	28,998,736	27,724,827	56,723,563	14,987,559	71,711,122	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

412 reconciliation

Program Name: null
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: null
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 12:48:25

Division of the Budget
 KANSAS

Classification of Employment	Pay Grade	FY 2024 Estimate		FY 2025 Request	
		Pos	Amount	Pos	Amount
Authorized Positions					
Regular Classified					
Investigative Agent	27	1.00	50,918	1.00	50,918
Legal Assistant	24	5.00	215,176	5.00	215,176
Senior Administrative Spec	22	0.00	0	0.00	0
Special Investigator I	22	1.00	38,896	1.00	38,896
Special Investigator II	24	1.00	42,806	1.00	42,806
Subtotal Regular Classified		8.00	347,797	8.00	347,797
Regular Unclassified					
Accountant	1	6.63	340,853	6.63	340,853
Administrative Assistant	1	2.00	68,827	2.00	68,827
Administrative Specialist	1	16.00	620,757	16.00	620,757
Assistant Director	1	1.00	94,500	1.00	94,500
Data Analyst	1	1.00	62,504	1.00	62,504
Human Resource Director	1	1.00	84,000	1.00	84,000
Human Resource Professional II	1	1.00	66,789	1.00	66,789
Legal Assistant	1	35.10	1,820,421	35.10	1,820,421
Mitigation Specialist	1	3.00	205,800	3.00	205,800
Public Defender	1	85.00	6,638,933	84.00	6,481,718
Public Defender II	1	32.00	2,684,974	32.00	2,684,974
Public Defender III	1	18.00	1,831,850	18.00	1,831,850
Public Defender IV	1	19.00	2,116,350	20.00	2,231,350
Public Defender V	1	19.00	2,444,500	19.00	2,444,500
Senior Administrative Assistant	1	1.00	43,680	1.00	43,680
Senior Administrative Specialist	1	5.00	206,336	5.00	206,336
Special Investigator	1	16.00	826,277	16.00	826,277
Special Investigator I	1	7.00	371,979	7.00	371,979
Technology Support Consultant	1	4.00	233,605	4.00	233,605
Subtotal Regular Unclassified		272.73	20,762,936	272.73	20,720,720
Non FTE Unclassified					
Permanent					
Mitigation Specialist	1	0.00	55,000	0.00	55,000
Subtotal Non FTE Unclassified Permanent		0.00	55,000	0.00	55,000
Temporary Classified					
Accountant I	27	0.00	0	0.00	0
Administrative Assistant	18	0.00	0	0.00	0
Legal Assistant	24	0.00	36,171	0.00	36,171
Subtotal Temporary Classified		0.00	36,171	0.00	36,171
Temporary Unclassified					
Appt/elect Bd/comm Bd Member	1	0.00	2,520	0.00	2,520
Public Defender	1	8.00	106,642	8.00	106,642
Systems Analyst	1	1.00	65,270	1.00	65,270

KANSAS

DA-412 - 412 reconciliation

kmason / 2025A0200328

412 reconciliation

Program. Name: null
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: null
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 12:48:25

Division of the Budget
KANSAS

Classification of Employment	Pay Grade	FY 2024 Estimate		FY 2025 Request	
		Pos	Amount	Pos	Amount
Subtotal Temporary Unclassified		9.00	174,433	9.00	174,433
Longevity		0.00	5,440	0.00	5,560
Subtotal Longevity		0.00	5,440	0.00	5,560
Totals		289.73	21,381,776	289.73	21,339,681
Totals by Fringe Benefits					
RET	KPERS	0.00	1,488,092	0.00	1,348,806
RET	OTHER	0.00	0	0.00	7,949
RET	KPER2	0.00	1,389,745	0.00	1,271,970
FICA		0.00	1,325,670	0.00	1,323,060
UNEMP		0.00	0	0.00	12,774
WKCMP		0.00	15,181	0.00	41,823
RSAL		0.00	153,949	0.00	153,646
HLT1		0.00	2,365,401	0.00	2,472,142
HLT2		0.00	688,030	0.00	717,461
FICA 2		0.00	310,036	0.00	309,425
Total Benefits		0.00	7,736,104	0.00	7,659,055
Total Salaries and Benefits		0.00	29,117,880	0.00	28,998,736
Totals by Position Type					
Regular Classified		8.00	347,797	8.00	347,797
Regular Unclassified		272.73	20,762,936	272.73	20,720,720
Non FTE Unclassified		0.00	55,000	0.00	55,000
Permanent		0.00	36,171	0.00	36,171
Temporary Classified		9.00	174,433	9.00	174,433
Temporary Unclassified		0.00	5,440	0.00	5,560
Longevity					
KANSAS					

DA-412 - 412 reconciliation

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Administration Division
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4110000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 10:13:41

Division of the Budget
 KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
519990	Salaries and Wages SHRINKAGE	1,615,553 0	2,300,146 0	0 (240,303)	2,300,146 (240,303)	0 148,296	2,300,146 (92,007)
	TOTAL Salaries and Wages	1,615,553	2,300,146	(240,303)	2,059,843	148,296	2,208,139
52000	Communication	12,506	0	15,650	15,650	0	15,650
52100	Freight and Express	480	0	1,200	1,200	0	1,200
52300	Rents	61,597	0	84,000	84,000	0	84,000
52400	Reparing and Servicing	719	0	1,450	1,450	0	1,450
52500	Travel and Subsistence	12,510	0	35,250	35,250	0	35,250
52510	InState Travel and Subsistence	5,693	0	17,650	17,650	0	17,650
52520	Out of State Travel and Subsis	2,826	0	6,000	6,000	0	6,000
52600	Fees-other Services	96,215	0	219,100	219,100	0	219,100
52700	Fee-Professional Services	165,035	0	831,879	831,879	0	831,879
52900	Other Contractual Services	29,651	0	42,110	42,110	0	42,110
	TOTAL Contractual Services	387,232	0	1,254,289	1,254,289	0	1,254,289
53400	Maint Constr Material Supply	2,892	0	4,000	4,000	0	4,000
53500	Vehicle Part Supply Accessory	3,038	0	4,500	4,500	0	4,500
53600	Pro Science Supply Material	813	0	0	0	0	0
53700	Office and Data Supplies	3,770	0	9,000	9,000	0	9,000
53900	Other Supplies and Materials	392	0	750	750	0	750
	TOTAL Commodities	10,905	0	18,250	18,250	0	18,250
	TOTAL Capital Outlay	338,601	0	1,355,310	1,355,310	0	1,355,310
	SUBTOTAL State Operations	2,352,291	2,300,146	2,387,546	4,687,692	148,296	4,835,988
	TOTAL Capital Improvements	752	0	0	0	0	0
	TOTAL REPORTABLE EXPENDITURES	2,353,043	2,300,146	2,387,546	4,687,692	148,296	4,835,988
	TOTAL EXPENDITURES	2,353,043	2,300,146	2,387,546	4,687,692	148,296	4,835,988

Custom 406/410 Report

Dept. Name: Administration Division
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4110000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 10:13:41

Division of the Budget
 KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
1000	0603 OPERATING EXPENDITURES	2,344,686	2,300,146	2,375,944	4,676,090	148,296	4,824,386
2186	2100 INSERVICE EDU WORKSHOP FF	8,357	0	11,602	11,602	0	11,602
0	TOTAL GENERAL FUNDS	2,344,686	2,300,146	2,375,944	4,676,090	148,296	4,824,386
20	TOTAL ALL OTHER FUNDS	8,357	0	11,602	11,602	0	11,602
24	TOTAL ALL FUNDS	2,353,043	2,300,146	2,387,546	4,687,692	148,296	4,835,988

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Administration Division
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4110000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 11:25:49

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
519990	Salaries and Wages SHRINKAGE	2,294,725 0	0 (91,790)	2,294,725 (91,790)	8,796,608 0	11,091,333 (91,790)	0 0
	TOTAL Salaries and Wages	2,294,725	(91,790)	2,202,935	8,796,608	10,999,543	0
52000	Communication	0	15,650	15,650	0	15,650	0
52100	Freight and Express	0	1,200	1,200	0	1,200	0
52300	Rents	0	101,000	101,000	285,000	386,000	0
52400	Repairing and Servicing	0	1,450	1,450	0	1,450	0
52500	Travel and Subsistence	0	35,250	35,250	0	35,250	0
52510	InState Travel and Subsistence	0	17,650	17,650	0	17,650	0
52520	Out of State Travel and Subsis	0	6,000	6,000	0	6,000	0
52600	Fees-other Services	0	225,236	225,236	123,362	348,598	0
52700	Fee-Professional Services	0	64,500	64,500	0	64,500	0
52900	Other Contractual Services	0	42,110	42,110	0	42,110	0
	TOTAL Contractual Services	0	510,046	510,046	408,362	918,408	0
53400	Maint Constr Material Supply	0	4,000	4,000	0	4,000	0
53500	Vehicle Part Supply Accessory	0	4,500	4,500	0	4,500	0
53600	Pro Science Supply Material	0	0	0	0	0	0
53700	Office and Data Supplies	0	9,000	9,000	0	9,000	0
53900	Other Supplies and Materials	0	750	750	0	750	0
	TOTAL Commodities	0	18,250	18,250	0	18,250	0
	TOTAL Capital Outlay	0	210,000	210,000	0	210,000	0
	SUBTOTAL State Operations	2,294,725	646,506	2,941,231	9,204,970	12,146,201	0
	TOTAL Capital Improvements	0	0	0	0	0	0
	TOTAL REPORTABLE EXPENDITURES	2,294,725	646,506	2,941,231	9,204,970	12,146,201	0
	TOTAL EXPENDITURES	2,294,725	646,506	2,941,231	9,204,970	12,146,201	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Administration Division
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4110000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 11:25:49

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
1000	0603 OPERATING EXPENDITURES	2,294,725	640,506	2,935,231	9,204,970	12,140,201	0
2186	2100 INSERVICE EDU WORKSHOP FF	0	6,000	6,000	0	6,000	0
0	TOTAL GENERAL FUNDS	2,294,725	640,506	2,935,231	9,204,970	12,140,201	0
20	TOTAL ALL OTHER FUNDS	0	6,000	6,000	0	6,000	0
24	TOTAL ALL FUNDS	2,294,725	646,506	2,941,231	9,204,970	12,146,201	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Assigned Counsel
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4710000
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 11:01:32

Division of the Budget
 KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
52700	Fee-Professional Services	25,201,724	0	25,190,000	25,190,000	0	25,190,000
	TOTAL Contractual Services	25,201,724	0	25,190,000	25,190,000	0	25,190,000
	TOTAL REPORTABLE EXPENDITURES	25,201,724	0	25,190,000	25,190,000	0	25,190,000
	SUBTOTAL State Operations	25,201,724	0	25,190,000	25,190,000	0	25,190,000
	TOTAL EXPENDITURES	25,201,724	0	25,190,000	25,190,000	0	25,190,000

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Assigned Counsel
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4710000
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 11:01:32

Division of the Budget
 KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
1000	0510 LITIGATION SUPPORT	2,459,343	0	2,327,691	2,327,691	0	2,327,691
1000	0603 OPERATING EXPENDITURES	497,576	0	1,680,000	1,680,000	0	1,680,000
1000	0610 Indigents Defense Services Ops	107,323	0	60,000	60,000	0	60,000
1000	0700 ASSIGNED COUNSEL EXPENDITURES	21,540,655	0	20,672,309	20,672,309	0	20,672,309
1000	0800 CAPITAL DEFENSE OPERATIONS	1,090	0	0	0	0	0
2119	2000 INDIGENTS DEFENSE SERVICES FD	595,737	0	450,000	450,000	0	450,000
0	TOTAL GENERAL FUNDS	24,605,987	0	24,740,000	24,740,000	0	24,740,000
60	TOTAL ALL OTHER FUNDS	595,737	0	450,000	450,000	0	450,000
64	TOTAL ALL FUNDS	25,201,724	0	25,190,000	25,190,000	0	25,190,000

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Assigned Counsel
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4710000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 12:37:07

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
52700	Fee-Professional Services	0	23,810,000	23,810,000	3,793,360	27,603,360	0
	TOTAL Contractual Services	0	23,810,000	23,810,000	3,793,360	27,603,360	0
	TOTAL REPORTABLE EXPENDITURES	0	23,810,000	23,810,000	3,793,360	27,603,360	0
	SUBTOTAL State Operations	0	23,810,000	23,810,000	3,793,360	27,603,360	0
	TOTAL EXPENDITURES	0	23,810,000	23,810,000	3,793,360	27,603,360	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Assigned Counsel
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4710000
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 12:37:07

Division of the Budget
 KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
1000	0510 LITIGATION SUPPORT	0	2,327,691	2,327,691	0	2,327,691	0
1000	0603 OPERATING EXPENDITURES	0	300,000	300,000	0	300,000	0
1000	0610 Indigents Defense Services Ops	0	60,000	60,000	0	60,000	0
1000	0700 ASSIGNED COUNSEL EXPENDITURES	0	20,672,309	20,672,309	3,793,360	24,465,669	0
1000	0800 CAPITAL DEFENSE OPERATIONS	0	0	0	0	0	0
2119	2000 INDIGENTS DEFENSE SERVICES FD	0	450,000	450,000	0	450,000	0
0	TOTAL GENERAL FUNDS	0	23,360,000	23,360,000	3,793,360	27,153,360	0
60	TOTAL ALL OTHER FUNDS	0	450,000	450,000	0	450,000	0
64	TOTAL ALL FUNDS	0	23,810,000	23,810,000	3,793,360	27,603,360	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Legal Services Prisoners
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 02500
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 11:24:22

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
52700	Fee-Professional Services	289,592	0	289,592	289,592	0	289,592
	TOTAL Contractual Services	289,592	0	289,592	289,592	0	289,592
	TOTAL REPORTABLE EXPENDITURES	289,592	0	289,592	289,592	0	289,592
	SUBTOTAL State Operations	289,592	0	289,592	289,592	0	289,592
	TOTAL EXPENDITURES	289,592	0	289,592	289,592	0	289,592

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Legal Services Prisoners
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 02500
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 11:24:22

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
1000	0500 LEGAL SERVICES FOR PRISONERS	289,592	0	289,592	289,592	0	289,592
0	TOTAL GENERAL FUNDS	289,592	0	289,592	289,592	0	289,592
	TOTAL ALL OTHER FUNDS	0	0	0	0	0	0
14	TOTAL ALL FUNDS	289,592	0	289,592	289,592	0	289,592

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Legal Services for Prisoners
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4910000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 12:44:05

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
52700	Fee-Professional Services	0	289,592	289,592	112,790	402,382	0
	TOTAL Contractual Services	0	289,592	289,592	112,790	402,382	0
	TOTAL REPORTABLE EXPENDITURES	0	289,592	289,592	112,790	402,382	0
	SUBTOTAL State Operations	0	289,592	289,592	112,790	402,382	0
	TOTAL EXPENDITURES	0	289,592	289,592	112,790	402,382	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Legal Services for Prisoners
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4910000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 12:44:05

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
1000	0500 LEGAL SERVICES FOR PRISONERS	0	289,592	289,592	112,790	402,382	0
0	TOTAL GENERAL FUNDS	0	289,592	289,592	112,790	402,382	0
	TOTAL ALL OTHER FUNDS	0	0	0	0	0	0
14	TOTAL ALL FUNDS	0	289,592	289,592	112,790	402,382	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Appellate Division
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4210000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 10:16:06

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
	Salaries and Wages	2,472,748	2,965,653	0	2,965,653	0	2,965,653
519990	SHRINKAGE	0	0	(118,626)	(118,626)	0	(118,626)
	TOTAL Salaries and Wages	2,472,748	2,965,653	(118,626)	2,847,027	0	2,847,027
52000	Communication	17,814	0	22,050	22,050	0	22,050
52100	Freight and Express	1,608	0	1,500	1,500	0	1,500
52300	Rents	79,929	0	78,500	78,500	0	78,500
52400	Reparing and Servicing	2,228	0	0	0	0	0
52500	Travel and Subsistence	4,988	0	3,550	3,550	0	3,550
52510	InState Travel and Subsistence	1,710	0	2,350	2,350	0	2,350
52520	Out of State Travel and Subsis	529	0	800	800	0	800
52600	Fees-other Services	45,067	0	38,310	38,310	0	38,310
52700	Fee-Professional Services	426,341	0	451,432	451,432	0	451,432
52900	Other Contractual Services	656	0	750	750	0	750
	TOTAL Contractual Services	580,870	0	599,242	599,242	0	599,242
53400	Maint Constr Material Supply	98	0	0	0	0	0
53500	Vehicle Part Supply Accessory	400	0	600	600	0	600
53600	Pro Science Supply Material	2,282	0	0	0	0	0
53700	Office and Data Supplies	7,686	0	8,500	8,500	0	8,500
53900	Other Supplies and Materials	38	0	0	0	0	0
	TOTAL Commodities	10,504	0	9,100	9,100	0	9,100
	TOTAL Capital Outlay	10,171	0	15,000	15,000	0	15,000
	TOTAL REPORTABLE EXPENDITURES	3,074,293	2,965,653	504,716	3,470,369	0	3,470,369
	SUBTOTAL State Operations	3,074,293	2,965,653	504,716	3,470,369	0	3,470,369
	TOTAL EXPENDITURES	3,074,293	2,965,653	504,716	3,470,369	0	3,470,369

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Appellate Division
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4210000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 10:16:06

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
1000	0603 OPERATING EXPENDITURES	2,838,163	2,965,653	214,716	3,180,369	0	3,180,369
1000	0610 Indigents Defense Services Ops	24,585	0	40,000	40,000	0	40,000
2119	2000 INDIGENTS DEFENSE SERVICES FD	211,545	0	250,000	250,000	0	250,000
0	TOTAL GENERAL FUNDS	2,862,748	2,965,653	254,716	3,220,369	0	3,220,369
30	TOTAL ALL OTHER FUNDS	211,545	0	250,000	250,000	0	250,000
34	TOTAL ALL FUNDS	3,074,293	2,965,653	504,716	3,470,369	0	3,470,369

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Appellate Division
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4210000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 11:26:18

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
	Salaries and Wages	2,953,273	0	2,953,273	0	2,953,273	0
519990	SHRINKAGE	0	(118,131)	(118,131)	0	(118,131)	0
	TOTAL Salaries and Wages	2,953,273	(118,131)	2,835,142	0	2,835,142	0
52000	Communication	0	22,050	22,050	0	22,050	0
52100	Freight and Express	0	1,500	1,500	0	1,500	0
52300	Rents	0	78,500	78,500	0	78,500	0
52400	Reparing and Servicing	0	0	0	0	0	0
52500	Travel and Subsistence	0	3,550	3,550	0	3,550	0
52510	InState Travel and Subsistence	0	2,350	2,350	0	2,350	0
52520	Out of State Travel and Subsis	0	800	800	0	800	0
52600	Fees-other Services	0	38,310	38,310	0	38,310	0
52700	Fee-Professional Services	0	351,432	351,432	0	351,432	0
52900	Other Contractual Services	0	750	750	0	750	0
	TOTAL Contractual Services	0	499,242	499,242	0	499,242	0
53400	Maint Constr Material Supply	0	0	0	0	0	0
53500	Vehicle Part Supply Accessory	0	600	600	0	600	0
53600	Pro Science Supply Material	0	0	0	0	0	0
53700	Office and Data Supplies	0	8,500	8,500	0	8,500	0
53900	Other Supplies and Materials	0	0	0	0	0	0
	TOTAL Commodities	0	9,100	9,100	0	9,100	0
	TOTAL Capital Outlay	0	2,500	2,500	0	2,500	0
	TOTAL REPORTABLE EXPENDITURES	2,953,273	392,711	3,345,984	0	3,345,984	0
	SUBTOTAL State Operations	2,953,273	392,711	3,345,984	0	3,345,984	0
	TOTAL EXPENDITURES	2,953,273	392,711	3,345,984	0	3,345,984	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Appellate Division
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 4210000
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 11:26:18

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
1000	0603 OPERATING EXPENDITURES	2,953,273	102,711	3,055,984	0	3,055,984	0
1000	0610 Indigents Defense Services Ops	0	40,000	40,000	0	40,000	0
2119	2000 INDIGENTS DEFENSE SERVICES FD	0	250,000	250,000	0	250,000	0
0	TOTAL GENERAL FUNDS	2,953,273	142,711	3,095,984	0	3,095,984	0
30	TOTAL ALL OTHER FUNDS	0	250,000	250,000	0	250,000	0
34	TOTAL ALL FUNDS	2,953,273	392,711	3,345,984	0	3,345,984	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Trial Public Defenders
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 02700
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 10:20:10

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
519990	Salaries and Wages SHRINKAGE	11,338,183 0	19,643,857 0	0 (785,753)	19,643,857 (785,753)	0 0	19,643,857 (785,753)
	TOTAL Salaries and Wages	11,338,183	19,643,857	(785,753)	18,858,104	0	18,858,104
52000	Communication	109,208	0	142,650	142,650	0	142,650
52100	Freight and Express	4,779	0	47,900	47,900	0	47,900
52200	Printing and Advertising	23	0	75	75	0	75
52300	Rents	738,810	0	1,113,690	1,113,690	0	1,113,690
52400	Reparing and Servicing	34,837	0	18,740	18,740	0	18,740
52500	Travel and Subsistence	49,361	0	71,600	71,600	0	71,600
52510	InState Travel and Subsistence	10,551	0	18,725	18,725	0	18,725
52520	Out of State Travel and Subsis	3,226	0	9,050	9,050	0	9,050
52600	Fees-other Services	198,657	0	251,435	251,435	0	251,435
52700	Fee-Professional Services	391,597	0	574,067	574,067	0	574,067
52800	Utilities	25,057	0	29,170	29,170	0	29,170
52900	Other Contractual Services	8,230	0	18,000	18,000	0	18,000
	TOTAL Contractual Services	1,574,336	0	2,295,102	2,295,102	0	2,295,102
53000	Clothing	116	0	0	0	0	0
53400	Maint Constr Material Supply	4,419	0	0	0	0	0
53500	Vehicle Part Supply Accessory	7,716	0	11,050	11,050	0	11,050
53600	Pro Science Supply Material	9,246	0	500	500	0	500
53700	Office and Data Supplies	43,605	0	97,250	97,250	0	97,250
53900	Other Supplies and Materials	3,330	0	4,641	4,641	0	4,641
	TOTAL Commodities	68,432	0	113,441	113,441	0	113,441
	TOTAL Capital Outlay	66,199	0	468,000	468,000	0	468,000
	TOTAL REPORTABLE EXPENDITURES	13,047,150	19,643,857	2,090,790	21,734,647	0	21,734,647
	SUBTOTAL State Operations	13,047,150	19,643,857	2,090,790	21,734,647	0	21,734,647
	TOTAL EXPENDITURES	13,047,150	19,643,857	2,090,790	21,734,647	0	21,734,647

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Trial Public Defenders
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 02700
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 10:20:10

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
1000	0603 OPERATING EXPENDITURES	12,834,268	19,643,857	1,913,106	21,556,963	0	21,556,963
1000	0610 Indigents Defense Services Ops	24,941	0	56,847	56,847	0	56,847
1000	0800 CAPITAL DEFENSE OPERATIONS	0	0	0	0	0	0
2119	2000 INDIGENTS DEFENSE SERVICES FD	185,637	0	120,837	120,837	0	120,837
2186	2100 INSERVICE EDU WORKSHOP FF	2,304	0	0	0	0	0
0	TOTAL GENERAL FUNDS	12,859,209	19,643,857	1,969,953	21,613,810	0	21,613,810
50	TOTAL ALL OTHER FUNDS	187,941	0	120,837	120,837	0	120,837
54	TOTAL ALL FUNDS	13,047,150	19,643,857	2,090,790	21,734,647	0	21,734,647

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Trial Public Defenders
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 02700
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 12:44:50

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
	Salaries and Wages	19,568,282	0	19,568,282	0	19,568,282	0
519990	SHRINKAGE	0	(782,730)	(782,730)	0	(782,730)	0
	TOTAL Salaries and Wages	19,568,282	(782,730)	18,785,552	0	18,785,552	0
52000	Communication	0	135,250	135,250	0	135,250	0
52100	Freight and Express	0	27,900	27,900	0	27,900	0
52200	Printing and Advertising	0	75	75	0	75	0
52300	Rents	0	1,121,557	1,121,557	0	1,121,557	0
52400	Reparing and Servicing	0	17,235	17,235	0	17,235	0
52500	Travel and Subsistence	0	65,500	65,500	0	65,500	0
52510	InState Travel and Subsistence	0	15,775	15,775	0	15,775	0
52520	Out of State Travel and Subsis	0	7,550	7,550	0	7,550	0
52600	Fees-other Services	0	226,460	226,460	0	226,460	0
52700	Fee-Professional Services	0	488,926	488,926	0	488,926	0
52800	Utilities	0	27,550	27,550	0	27,550	0
52900	Other Contractual Services	0	14,950	14,950	0	14,950	0
	TOTAL Contractual Services	0	2,148,728	2,148,728	0	2,148,728	0
53000	Clothing	0	0	0	0	0	0
53400	Maint Constr Material Supply	0	0	0	0	0	0
53500	Vehicle Part Supply Accessory	0	10,750	10,750	0	10,750	0
53600	Pro Science Supply Material	0	500	500	0	500	0
53700	Office and Data Supplies	0	62,272	62,272	0	62,272	0
53900	Other Supplies and Materials	0	2,400	2,400	0	2,400	0
	TOTAL Commodities	0	75,922	75,922	0	75,922	0
	TOTAL Capital Outlay	0	92,713	92,713	0	92,713	0
	TOTAL REPORTABLE EXPENDITURES	19,568,282	1,534,633	21,102,915	0	21,102,915	0
	SUBTOTAL State Operations	19,568,282	1,534,633	21,102,915	0	21,102,915	0
	TOTAL EXPENDITURES	19,568,282	1,534,633	21,102,915	0	21,102,915	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Trial Public Defenders
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 02700
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 12:44:50

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
1000	0603 OPERATING EXPENDITURES	19,568,282	1,377,786	20,946,068	0	20,946,068	0
1000	0610 Indigents Defense Services Ops	0	56,847	56,847	0	56,847	0
1000	0800 CAPITAL DEFENSE OPERATIONS	0	0	0	0	0	0
2119	2000 INDIGENTS DEFENSE SERVICES FD	0	100,000	100,000	0	100,000	0
2186	2100 INSERVICE EDU WORKSHOP FF	0	0	0	0	0	0
0	TOTAL GENERAL FUNDS	19,568,282	1,434,633	21,002,915	0	21,002,915	0
50	TOTAL ALL OTHER FUNDS	0	100,000	100,000	0	100,000	0
54	TOTAL ALL FUNDS	19,568,282	1,534,633	21,102,915	0	21,102,915	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Capital Defense
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 02800
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 11:23:12

Division of the Budget
 KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
519990	Salaries and Wages SHRINKAGE	3,059,565 0	4,208,223 0	0 (197,032)	4,208,223 (197,032)	0 28,703	4,208,223 (168,329)
	TOTAL Salaries and Wages	3,059,565	4,208,223	(197,032)	4,011,191	28,703	4,039,894
52000	Communication	11,289	0	12,340	12,340	0	12,340
52100	Freight and Express	2,343	0	700	700	0	700
52300	Rents	93,847	0	177,443	177,443	0	177,443
52400	Reparing and Servicing	12,951	0	500	500	0	500
52500	Travel and Subsistence	46,899	0	52,650	52,650	0	52,650
52510	InState Travel and Subsistence	28,554	0	30,950	30,950	0	30,950
52520	Out of State Travel and Subsis	12,894	0	14,900	14,900	0	14,900
52600	Fees-other Services	65,106	0	41,050	41,050	0	41,050
52700	Fee-Professional Services	1,196,696	0	894,271	894,271	0	894,271
52900	Other Contractual Services	1,968	0	2,300	2,300	0	2,300
	TOTAL Contractual Services	1,472,547	0	1,227,104	1,227,104	0	1,227,104
53400	Maint Constr Material Supply	678	0	0	0	0	0
53500	Vehicle Part Supply Accessory	8,733	0	9,650	9,650	0	9,650
53600	Pro Science Supply Material	640	0	0	0	0	0
53700	Office and Data Supplies	11,195	0	16,000	16,000	0	16,000
53900	Other Supplies and Materials	198	0	250	250	0	250
	TOTAL Commodities	21,444	0	25,900	25,900	0	25,900
	TOTAL Capital Outlay	9,906	0	0	0	0	0
	TOTAL REPORTABLE EXPENDITURES	4,563,462	4,208,223	1,055,972	5,264,195	28,703	5,292,898
	SUBTOTAL State Operations	4,563,462	4,208,223	1,055,972	5,264,195	28,703	5,292,898
	TOTAL EXPENDITURES	4,563,462	4,208,223	1,055,972	5,264,195	28,703	5,292,898

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Capital Defense
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 02800
Version: 2025-A-02-00328

Date: 09/15/
2023
Time: 11:23:12

Division of the Budget
KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Entry	FY 2024 Base Budget Request	FY 2024 Agency Change Packages	FY 2024 Adjusted Budget Request
1000	0603 OPERATING EXPENDITURES	564	0	0	0	0	0
1000	0800 CAPITAL DEFENSE OPERATIONS	4,554,507	4,208,223	1,055,972	5,264,195	28,703	5,292,898
2119	2000 INDIGENTS DEFENSE SERVICES FD	8,391	0	0	0	0	0
0	TOTAL GENERAL FUNDS	4,555,071	4,208,223	1,055,972	5,264,195	28,703	5,292,898
30	TOTAL ALL OTHER FUNDS	8,391	0	0	0	0	0
34	TOTAL ALL FUNDS	4,563,462	4,208,223	1,055,972	5,264,195	28,703	5,292,898

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Capital Defense
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 02800
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 12:45:26

Division of the Budget
KANSAS

Obj. Code	OBJECTS OF EXPENDITURE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
	Salaries and Wages	4,182,456	0	4,182,456	1,808,939	5,991,395	0
519990	SHRINKAGE	0	(167,298)	(167,298)	0	(167,298)	0
	TOTAL Salaries and Wages	4,182,456	(167,298)	4,015,158	1,808,939	5,824,097	0
52000	Communication	0	11,590	11,590	0	11,590	0
52100	Freight and Express	0	700	700	0	700	0
52300	Rents	0	177,443	177,443	67,500	244,943	0
52400	Reparing and Servicing	0	400	400	0	400	0
52500	Travel and Subsistence	0	39,450	39,450	0	39,450	0
52510	InState Travel and Subsistence	0	24,350	24,350	0	24,350	0
52520	Out of State Travel and Subsis	0	12,700	12,700	0	12,700	0
52600	Fees-other Services	0	40,750	40,750	0	40,750	0
52700	Fee-Professional Services	0	887,500	887,500	0	887,500	0
52900	Other Contractual Services	0	2,300	2,300	0	2,300	0
	TOTAL Contractual Services	0	1,197,183	1,197,183	67,500	1,264,683	0
53400	Maint Constr Material Supply	0	0	0	0	0	0
53500	Vehicle Part Supply Accessory	0	8,050	8,050	0	8,050	0
53600	Pro Science Supply Material	0	0	0	0	0	0
53700	Office and Data Supplies	0	13,250	13,250	0	13,250	0
53900	Other Supplies and Materials	0	200	200	0	200	0
	TOTAL Commodities	0	21,500	21,500	0	21,500	0
	TOTAL Capital Outlay	0	0	0	0	0	0
	TOTAL REPORTABLE EXPENDITURES	4,182,456	1,051,385	5,233,841	1,876,439	7,110,280	0
	SUBTOTAL State Operations	4,182,456	1,051,385	5,233,841	1,876,439	7,110,280	0
	TOTAL EXPENDITURES	4,182,456	1,051,385	5,233,841	1,876,439	7,110,280	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328

Custom 406/410 Report

Dept. Name: Capital Defense
Agency Name: Board of Indigents Defense Services
Agency Reporting Level: 02800
Version: 2025-A-02-00328

Date: 09/15/2023
Time: 12:45:26

Division of the Budget
 KANSAS

Fund Code	FUND/ACCOUNT TITLE	FY 2025 Posted Payroll	FY 2025 Base Budget Entry	FY 2025 Base Budget Request	FY 2025 Agency Change Packages	FY 2025 Adjusted Budget Request	null
1000	0603 OPERATING EXPENDITURES	0	0	0	0	0	0
1000	0800 CAPITAL DEFENSE OPERATIONS	4,182,456	1,051,385	5,233,841	1,876,439	7,110,280	0
2119	2000 INDIGENTS DEFENSE SERVICES FD	0	0	0	0	0	0
0	TOTAL GENERAL FUNDS	4,182,456	1,051,385	5,233,841	1,876,439	7,110,280	0
30	TOTAL ALL OTHER FUNDS	0	0	0	0	0	0
34	TOTAL ALL FUNDS	4,182,456	1,051,385	5,233,841	1,876,439	7,110,280	0

KANSAS

406/410 - Custom 406/410 Report

kmason / 2025A0200328