

Board of Indigents' Defense Services

	FY 2023			FY 2024		
	SGF	All Funds	FTE	SGF	All Funds	FTE
Agency Estimate W/O Maj. Changes	\$ 46,365,556	\$ 46,977,799	243.2	\$ 46,255,208	\$ 46,861,208	243.2
1. SGF Reappropriation	3,688,960	3,688,960	-	-	-	-
2. Recruitment and Retention	-	-	-	601,490	601,490	-
3. Ethical Caseload Staffing	-	-	-	13,156,105	13,156,105	131.0
4. Public Defender Office Service	-	-	-	3,774,366	3,774,366	30.0
5. Basic Infrastructure Upgrades	-	-	-	784,586	784,586	-
6. Assigned Counsel Rate Increase To \$140 Per Hour	-	-	-	3,569,164	3,569,164	-
7. Legal Services for Prisoners, Inc. Salary Increase	-	-	-	312,962	312,962	-
8. Capital Casework	-	-	-	700,000	700,000	-
Subtotal – Agency Estimate	<u>\$ 50,054,516</u>	<u>\$ 50,666,759</u>	<u>243.2</u>	<u>\$ 69,153,881</u>	<u>\$ 69,759,881</u>	<u>404.2</u>
Governor's Changes:						
9. Assigned Counsel Caseload Adjustment	\$ 1,299,184	\$ 1,299,184	-	-	-	-
10. Assigned Counsel Caseload Adjustment to \$120 Per Hour	-	-	-	2,930,836	2,930,836	-
11. Partially Adopted Basic Infrastructure Upgrades	-	-	-	(292,500)	(292,500)	-
12. Non-recommended Enhancements	-	-	-	(22,114,087)	(22,114,087)	(161.0)
13. GBA No. 1, Item 5 - Ethical Caseloads Staffing	-	-	-	1,781,626	1,781,626	15.0
Subtotal - Governor's Recommendation	<u>\$ 51,353,700</u>	<u>\$ 51,965,943</u>	<u>243.2</u>	<u>\$ 51,459,756</u>	<u>\$ 52,065,756</u>	<u>258.2</u>
Change from Agency Est.	\$ 1,299,184	\$ 1,299,184	-	\$ (17,694,125)	\$ (17,694,125)	(146.0)
Percent Change from Agency Est.	2.6 %	2.6 %	0.0 %	(25.6)%	(25.4)%	(36.1)%
Legislative Action:						
14. Public Defender Office Service	-	-	-	3,774,366	3,774,366	30.0
15. Agency Report	-	-	-	-	-	-
16. Adopt GBA No. 1, Item 5 - Ethical Caseloads Staffing	-	-	-	-	-	-
17. Salary Increase	-	-	-	729,133	729,133	-
TOTAL APPROVED	<u>\$ 51,353,700</u>	<u>\$ 51,965,943</u>	<u>243.2</u>	<u>\$ 55,963,255</u>	<u>\$ 56,569,255</u>	<u>288.2</u>
Change from Gov. Rec.	-	-	-	\$ 4,503,499	\$ 4,503,499	30.0
Percent Change from Gov. Rec.	0.0 %	0.0 %	0.0 %	8.8 %	8.6 %	11.6 %
Change from Agency Est.	\$ 1,299,184	\$ 1,299,184	-	\$ (13,190,626)	\$ (13,190,626)	(116.0)
Percent Change from Agency Est.	2.6 %	2.6 %	0.0 %	(19.1)%	(18.9)%	(28.7)%
Category of Expenditure:	SGF	All Funds		SGF	All Funds	
State Operations	\$ 51,353,700	\$ 51,965,943		\$ 55,963,255	\$ 56,569,255	
Aid to Local Units	-	-		-	-	
Other Assistance	-	-		-	-	
Capital Improvements	-	-		-	-	
TOTAL APPROVED	<u>\$ 51,353,700</u>	<u>\$ 51,965,943</u>		<u>\$ 55,963,255</u>	<u>\$ 56,569,255</u>	

1. The agency added \$3.7 million SGF in reappropriated funds in FY 2023. This amount includes Capital Defense Operations (\$217,555), Litigation Support (\$131,652), and Operations (\$3.3 million). The operations funding was designated to fill vacant positions within the agency.
2. The agency added \$601,490 SGF for a 3.0 percent base salary increase to address pay parity with prosecutors and other government employees for FY 2024. These adjustments would be based on years of service, employee skills developments, and additional job duties.
3. The agency added \$13.2 million SGF and 131.0 FTE positions for an enhancement request for ethical caseload staffing to address current and projected caseloads in an effort to mitigate current assigned counsel panel

shortages for FY 2024. This staffing plan would create new positions at trial, appellate, and capital levels, and includes public defenders (30.0 FTE positions) and support staff (95.5 FTE positions), as well as administrative office attorneys (1.5 FTE positions) and staff (4.0 FTE positions).

4. The agency added \$3.8 million SGF and 30.0 FTE positions for an enhancement request to cover first-year startup costs and staffing to establish public defender offices in the 29th Judicial District (Wyandotte County) and the 11th Judicial District (Crawford, Cherokee, and Labette counties) for FY 2024. Estimated ongoing costs of maintaining both offices would be \$3.5 million per year.
5. The agency added \$784,586 SGF for an enhancement request for basic infrastructure upgrades, including additional leased space for current employees (\$292,500), new and expanded software licensing (\$275,888), and employee training (\$216,198) for FY 2024.
6. The agency added \$3.6 million SGF for an enhancement request to fund an assigned counsel rate increase up to \$140 per hour for FY 2024.
7. The agency added \$312,962 SGF for an enhancement request for contractual services expenditures for salary increases for Legal Services for Prisoners, Inc. employees to bring salaries for those positions in line with the FY 2023 statewide salary increase passed by the 2022 Legislature for FY 2024.
8. The agency added \$700,000 SGF for an enhancement request to address casework expenses related to capital cases for FY 2024. These expenditures include all expenses that accompany the handling of a case, including those for attorneys, expert witnesses, evidentiary hearings, and forensic work.
9. The Governor added \$1.3 million SGF for the fall 2022 consensus assigned counsel caseload adjustment in FY 2023.
10. The Governor added \$2.9 million SGF to adjust the assigned counsel hourly rate up to \$120 per hour for FY 2024.
11. The Governor deleted \$292,500 SGF to partially adopt the agency's enhancement request for basic infrastructure upgrades for FY 2024. Recommended expenditures include \$25,376 for Adobe licensing, \$180,000 for video evidence software licenses, \$70,512 for investigative software expansion of background check licensing, and \$216,198 for the Training Division budget (Item 5).
12. The Governor deleted \$22.1 million SGF and 161.0 FTE positions to not recommended agency enhancements for FY 2024. These enhancements include recruitment and retention, ethical caseload staffing, public defender offices, assigned counsel rate increase up to \$140 per hour, Legal Services for Prisoners, Inc. salary increase, and capital casework (Items 2 through 4 and 6 through 8).
13. The Governor added \$1.8 million SGF and 15.0 FTE positions for ethical caseloads staffing in GBA No. 1, Item 5 for FY 2024. The positions include 13.0 FTE public defender positions and 2.0 FTE administrative staff positions, and will support the agency's priority staffing needs in areas with the highest caseloads and refusal of cases that lead to assigned counsel.
14. The Legislature added \$3.8 million SGF and 30.0 FTE positions for the agency's enhancement request to cover first-year startup costs and staffing to establish public defender offices in the 29th Judicial District (Wyandotte County) and the 11th Judicial District (Crawford, Cherokee, and Labette counties) for FY 2024. Estimated ongoing costs of maintaining both offices would be \$3.5 million per year.
15. The Legislature added language directing the agency to submit a report to the Senate Committee on Ways and Means and the House Committee on Appropriations on or before January 1, 2024, regarding the number of cases handled by assigned counsel, the total number of state attorneys in the agency, the average tenure of those attorneys over the past five years, the FY 2023 turnover rate, and any other information the agency deems valuable to evaluate the effectiveness of salary adjustments implemented over the past two years.
16. The legislature adopted GBA No. 1, Item 5 to add \$1.8 million SGF and 15.0 FTE positions for ethical caseloads staffing for FY 2024.
17. The Legislature added \$729,133 SGF for a salary adjustment for most state employees based on the Department of Administration Market Survey and a 5.0 percent salary adjustment for employees with job classifications that are not included in the Market Survey for FY 2024.