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### Board of Public Defense

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<https://www.pubdef.state.mn.us/>

### AT A GLANCE

- Largest user of Minnesota courts - provides mandated criminal defense services at the trial and appellate court level
- 140,000 trial court cases opened annually
- 4,000 appellate cases opened annually

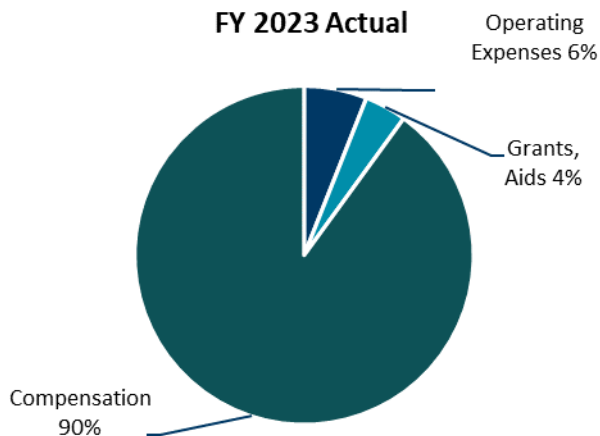
### PURPOSE

The Board of Public Defense is a judicial branch agency, but not subject to the oversight of the Minnesota Supreme Court, whose purpose is to provide legal services mandated by the Constitution and statute. The board's mission is to protect the liberty of, and engage in, transformational criminal justice reform on behalf of those individuals served by the board by respecting the whole individual, being culturally responsive and providing a well-resourced and trained defense team.

The board is committed to five major goals: client centered representation, creative advocacy, continual training for all staff, recruitment and retention of excellent staff, and being a full partner in the justice system. A functioning public defender system ensures that the constitutional rights of the indigent are protected. This helps to protect the rights of all Minnesota's citizens. It also helps to make sure that the work of the court system continues uninterrupted, which helps to ensure that people in Minnesota are safe. Public defender services are financed by the general fund.

### BUDGET

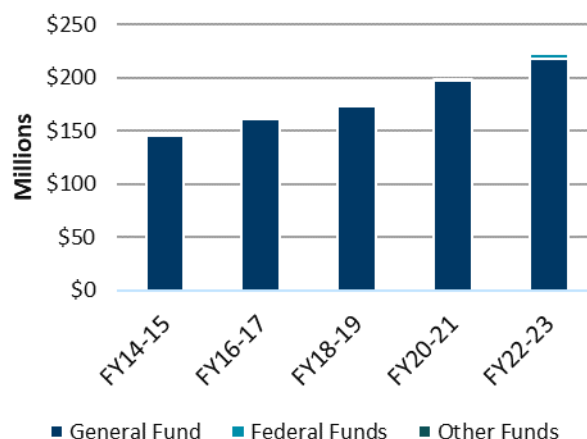
**Spending by Category  
FY 2023 Actual**



Source: Board of Public Defense

*Compensation includes funding of county employees in the 2nd and 4th Judicial Districts; however, this is included in the grants, aids, and subsidies funding category on the fiscal reports.*

**Historical Spending**



Source: Consolidated Fund Statement

## STRATEGIES

The board has developed various tools to further its mission and goals and to provide effective and efficient service delivery. These include:

- Implementation of quality representation guidelines on the trial and appellate levels
- Accommodation of audio and video in electronic content management system
- Commitment to vertical representation
- Commitment to team defense
- Commitment to continual training of all staff
- Using a cost-effective model of representation that combines full and part time defenders
- Development of an internal resource allocation policy to better target attorney resources

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M.S. 611 (<https://www.revisor.mn.gov/statutes/cite/611>) provides the legal authority for the Board of Public Defense.

(Dollars in Thousands)

|                                      | Actual         | Actual         | Actual         | Estimate       | Forecast Base  |                | Governor's Recommendation |                |
|--------------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|---------------------------|----------------|
|                                      | FY22           | FY23           | FY24           | FY25           | FY26           | FY27           | FY26                      | FY27           |
| <b><u>Expenditures by Fund</u></b>   |                |                |                |                |                |                |                           |                |
| 1000 - General                       | 102,347        | 115,860        | 152,885        | 167,352        | 164,860        | 164,860        | 168,233                   | 171,689        |
| 2000 - Restrict Misc Special Revenue | 420            | 228            | 293            | 462            |                |                |                           |                |
| 2403 - Gift                          | 414            | 63             | 232            | 624            | 100            | 100            | 100                       | 100            |
| 3015 - ARP-State Fiscal Recovery     | 674            | 3,286          |                |                |                |                |                           |                |
| <b>Total</b>                         | <b>103,855</b> | <b>119,437</b> | <b>153,409</b> | <b>168,438</b> | <b>164,960</b> | <b>164,960</b> | <b>168,333</b>            | <b>171,789</b> |
| Biennial Change                      |                |                |                | 98,555         |                | 8,073          |                           | 18,275         |
| Biennial % Change                    |                |                |                | 44             |                | 3              |                           | 6              |
| Governor's Change from Base          |                |                |                |                |                |                |                           | 10,202         |
| Governor's % Change from Base        |                |                |                |                |                |                |                           | 3              |

**Expenditures by Program**

|                                |                |                |                |                |                |                |                |                |
|--------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Appellate Office               | 7,299          | 7,625          | 10,093         | 11,926         | 10,866         | 10,866         | 11,088         | 11,315         |
| Administrative Services Office | 2,686          | 2,894          | 4,082          | 4,959          | 4,690          | 4,690          | 4,779          | 4,871          |
| District Public Defense        | 93,870         | 108,918        | 139,234        | 151,553        | 149,404        | 149,404        | 152,466        | 155,603        |
| <b>Total</b>                   | <b>103,855</b> | <b>119,437</b> | <b>153,409</b> | <b>168,438</b> | <b>164,960</b> | <b>164,960</b> | <b>168,333</b> | <b>171,789</b> |

**Expenditures by Category**

|                              |                |                |                |                |                |                |                |                |
|------------------------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Compensation                 | 84,439         | 92,379         | 129,619        | 146,879        | 145,737        | 145,737        | 149,110        | 152,566        |
| Operating Expenses           | 12,215         | 15,376         | 14,905         | 13,257         | 12,682         | 12,682         | 12,682         | 12,682         |
| Grants, Aids and Subsidies   | 6,567          | 11,095         | 8,651          | 6,240          | 5,240          | 5,240          | 5,240          | 5,240          |
| Capital Outlay-Real Property | 3              | (132)          |                |                |                |                |                |                |
| Other Financial Transaction  | 632            | 719            | 234            | 2,062          | 1,301          | 1,301          | 1,301          | 1,301          |
| <b>Total</b>                 | <b>103,855</b> | <b>119,437</b> | <b>153,409</b> | <b>168,438</b> | <b>164,960</b> | <b>164,960</b> | <b>168,333</b> | <b>171,789</b> |

**Full-Time Equivalents**

|               |               |               |               |               |               |               |               |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| <b>791.49</b> | <b>869.70</b> | <b>903.20</b> | <b>903.16</b> | <b>903.16</b> | <b>903.16</b> | <b>903.16</b> | <b>903.16</b> |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|

## Public Defense Board

## Agency Financing by Fund

(Dollars in Thousands)

|                                   | Actual  | Actual  | Actual  | Estimate | Forecast Base |         | Governor's Recommendation |         |
|-----------------------------------|---------|---------|---------|----------|---------------|---------|---------------------------|---------|
|                                   | FY22    | FY23    | FY24    | FY25     | FY26          | FY27    | FY26                      | FY27    |
| 1000 - General                    |         |         |         |          |               |         |                           |         |
| Balance Forward In                |         | 4,478   |         | 2,492    |               |         |                           |         |
| Direct Appropriation              | 106,381 | 111,409 | 154,884 | 164,360  | 164,360       | 164,360 | 167,733                   | 171,189 |
| Transfers In                      | 880     | 1,165   | 620     | 500      | 500           | 500     | 500                       | 500     |
| Transfers Out                     | 380     | 665     | 120     |          |               |         |                           |         |
| Cancellations                     | 199     | 527     | 8       |          |               |         |                           |         |
| Balance Forward Out               | 4,335   |         | 2,492   |          |               |         |                           |         |
| Expenditures                      | 102,347 | 115,860 | 152,885 | 167,352  | 164,860       | 164,860 | 168,233                   | 171,689 |
| Biennial Change in Expenditures   |         |         |         | 102,030  |               | 9,483   |                           | 19,685  |
| Biennial % Change in Expenditures |         |         |         | 47       |               | 3       |                           | 6       |
| Governor's Change from Base       |         |         |         |          |               |         |                           | 10,202  |
| Governor's % Change from Base     |         |         |         |          |               |         |                           | 3       |
| Full-Time Equivalents             | 790.74  | 840.63  | 899.46  | 899.46   | 899.46        | 899.46  | 899.46                    | 899.46  |

**2000 - Restrict Misc Special Revenue**

|                                   |            |            |            |            |      |       |      |       |
|-----------------------------------|------------|------------|------------|------------|------|-------|------|-------|
| Balance Forward In                | 452        | 362        | 472        | 462        |      |       |      |       |
| Transfers In                      | 329        | 338        | 283        |            |      |       |      |       |
| Balance Forward Out               | 362        | 472        | 462        |            |      |       |      |       |
| <b>Expenditures</b>               | <b>420</b> | <b>228</b> | <b>293</b> | <b>462</b> |      |       |      |       |
| Biennial Change in Expenditures   |            |            |            | 107        |      | (755) |      | (755) |
| Biennial % Change in Expenditures |            |            |            | 16         |      | (100) |      | (100) |
| Governor's Change from Base       |            |            |            |            |      |       |      | 0     |
| Governor's % Change from Base     |            |            |            |            |      |       |      |       |
| Full-Time Equivalents             | 0.04       | 0.04       | 0.04       | 0.04       | 0.04 | 0.04  | 0.04 | 0.04  |

**2403 - Gift**

|                                   |            |           |            |            |            |            |            |            |
|-----------------------------------|------------|-----------|------------|------------|------------|------------|------------|------------|
| Balance Forward In                | 303        | 324       | 654        | 524        |            |            |            |            |
| Receipts                          | 434        | 370       | 102        | 100        | 100        | 100        | 100        | 100        |
| Balance Forward Out               | 324        | 631       | 524        |            |            |            |            |            |
| <b>Expenditures</b>               | <b>414</b> | <b>63</b> | <b>232</b> | <b>624</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> |
| Biennial Change in Expenditures   |            |           |            | 379        |            | (656)      |            | (656)      |
| Biennial % Change in Expenditures |            |           |            | 80         |            | (77)       |            | (77)       |
| Governor's Change from Base       |            |           |            |            |            |            |            | 0          |
| Governor's % Change from Base     |            |           |            |            |            |            |            | 0          |

(Dollars in Thousands)

|                       | Actual<br>FY22 | Actual<br>FY23 | Actual<br>FY24 | Estimate<br>FY25 | Forecast Base |      | Governor's<br>Recommendation |      |
|-----------------------|----------------|----------------|----------------|------------------|---------------|------|------------------------------|------|
|                       |                |                |                |                  | FY26          | FY27 | FY26                         | FY27 |
| Full-Time Equivalents | 0.09           | 0.22           | 3.66           | 3.66             | 3.66          | 3.66 | 3.66                         | 3.66 |

**3015 - ARP-State Fiscal Recovery**

|                                   |            |              |      |         |   |   |
|-----------------------------------|------------|--------------|------|---------|---|---|
| Balance Forward In                |            | 3,288        |      |         |   |   |
| Direct Appropriation              | 3,945      |              |      |         |   |   |
| Cancellations                     |            | 2            |      |         |   |   |
| Balance Forward Out               | 3,271      |              |      |         |   |   |
| <b>Expenditures</b>               | <b>674</b> | <b>3,286</b> |      |         |   |   |
| Biennial Change in Expenditures   |            |              |      | (3,960) | 0 | 0 |
| Biennial % Change in Expenditures |            |              |      | (100)   |   |   |
| Governor's Change from Base       |            |              |      |         |   | 0 |
| Governor's % Change from Base     |            |              |      |         |   |   |
| Full-Time Equivalents             | 0.62       | 28.81        | 0.04 |         |   |   |

(Dollars in Thousands)

|   | FY25           | FY26           | FY27           | Biennium<br>2026-27 |
|---|----------------|----------------|----------------|---------------------|
| <b>Direct</b>                                     |                |                |                |                     |
| <b>Fund: 1000 - General</b>                       |                |                |                |                     |
| FY2025 Appropriations                             | 164,360        | 164,360        | 164,360        | 328,720             |
| Forecast Base                                     | 164,360        | 164,360        | 164,360        | 328,720             |
| Change Items                                      |                |                |                |                     |
| Operating Adjustment                              |                | 3,373          | 6,829          | 10,202              |
| <b>Total Governor's Recommendations</b>           | <b>164,360</b> | <b>167,733</b> | <b>171,189</b> | <b>338,922</b>      |
| <b>Dedicated</b>                                  |                |                |                |                     |
| <b>Fund: 2000 - Restrict Misc Special Revenue</b> |                |                |                |                     |
| Planned Spending                                  | 462            |                |                |                     |
| Forecast Base                                     | 462            |                |                |                     |
| <b>Total Governor's Recommendations</b>           | <b>462</b>     |                |                |                     |
| <b>Fund: 2403 - Gift</b>                          |                |                |                |                     |
| Planned Spending                                  | 624            | 100            | 100            | 200                 |
| Forecast Base                                     | 624            | 100            | 100            | 200                 |
| <b>Total Governor's Recommendations</b>           | <b>624</b>     | <b>100</b>     | <b>100</b>     | <b>200</b>          |
| <b>Revenue Change Summary</b>                     |                |                |                |                     |
| <b>Dedicated</b>                                  |                |                |                |                     |
| <b>Fund: 2403 - Gift</b>                          |                |                |                |                     |
| Forecast Revenues                                 | 100            | 100            | 100            | 200                 |
| <b>Total Governor's Recommendations</b>           | <b>100</b>     | <b>100</b>     | <b>100</b>     | <b>200</b>          |

## Board of Public Defense

### FY 2026-27 Biennial Budget Change Item

#### Change Item Title: Operating Adjustment

| Fiscal Impact (\$000s)                           | FY 2026 | FY 2027 | FY 2028 | FY 2029 |
|--|---------|---------|---------|---------|
| General Fund                                     |         |         |         |         |
| Expenditures                                     | 3,373   | 6,829   | 6,829   | 6,829   |
| Revenues   | 0       | 0       | 0       | 0       |
| Other Funds                                      |         |         |         |         |
| Expenditures                                     | 0       | 0       | 0       | 0       |
| Revenues   | 0       | 0       | 0       | 0       |
| Net Fiscal Impact =<br>(Expenditures – Revenues) | 3,373   | 6,829   | 6,829   | 6,829   |
| FTEs   | 0       | 0       | 0       | 0       |

#### Recommendation:

The Governor recommends additional funding of \$3,373,000 in FY 2026 and \$6,829,000 in each subsequent year from the general fund to help address operating cost increases at the Board of Public Defense.

#### Rationale/Background:

The cost of operations rises each year due to increases in employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on operating budgets that remain flat year to year. The Board faces challenging decisions to manage these rising costs within existing budgets, while maintaining the services Minnesotans expect. From year to year, the Board finds ways to become more efficient with existing resources. This recommendation provides additional resources to help address these cost pressures and pay for operations.

The Board of Public Defense requests funding for salary increases and the employer share of health insurance increases. Public defenders are not able to refuse cases and must represent those clients assigned to them. This request is sought to support the core mission and services of the Board of Public Defense and to allow to continue to undertake initiatives designed to increase efficiency, reduce costs, and improve public services.

#### Proposal:

The Governor recommends increasing operating budgets to support current services. For the Board of Public Defense, this funding will help cover expected growth in employee compensation and insurance, and other operating costs.

#### Dollars in Thousands

| Net Impact by Fund | FY 26 | FY 27 | FY 26-27 | FY 28 | FY 29 | FY 28-29 |
|--------------------|-------|-------|----------|-------|-------|----------|
| General Fund       | 3,373 | 6,829 | 10,202   | 6,829 | 6,829 | 13,658   |

#### Results:

This recommendation is intended to help the Board of Public Defense address rising cost pressures and mitigate impacts to current levels of service and information to the public.



## Program: Appellate Office

<https://www.pubdef.state.mn.us/>

### AT A GLANCE

- More than 1,000 appellate files
- 2,500 parole revocation hearings
- Largest user of Minnesota Appellate Courts and Minnesota Supreme Court

### PURPOSE AND CONTEXT

The Board of Public Defense's Appellate Office provides services to indigent clients in criminal appeals, post-conviction proceedings in the Minnesota District Courts, and supervised release/parole revocation proceedings.

The goal for the Appellate Office is to provide excellent, client-centered representation to clients in criminal appeals, post-conviction proceedings in the district courts, and supervised release (parole) revocation hearings. The Appellate Office is dedicated to the principle that all clients are entitled to equal access to justice and quality representation.

By providing quality representation, the Appellate Office helps to ensure that legislation and court decisions are based on sound constitutional and legal principles, thereby ensuring that the rights of all citizens are protected.

With the district courts reducing service during the COVID-19 pandemic, the number of cases declined during 2020. These cases are now increasing as the courts have returned to full operations. With the several thousand case backlog being addressed, the case numbers will increase dramatically.

### SERVICES PROVIDED

The Appellate Office provides mandated services to indigent prisoners who appeal their criminal cases to the Minnesota Court of Appeals and Supreme Court, or who pursue post-conviction proceedings in the district courts throughout the state, as well as to defendants in supervised release/parole revocation proceedings.

### RESULTS

The Appellate Office has incorporated quality representation guidelines into its attorney practices. During the COVID-19 pandemic, there were fewer trials and appeals. With the courts now addressing the case backlog, these numbers are now increasing. With short timelines for post-conviction relief cases, there is even greater pressure to get these cases resolved.

| Measure name   | Measure type | Measure data source                    | Historical trend                               | Most recent data |
|----------------|--------------|--|--|------------------|
| Appeals Opened | Quantity     | Files opened in case management system | 955 in fiscal year (FY) 2021, 1,076 in FY 2024 | 1,076 in FY 2024 |
| Oral Arguments | Quantity     | Files opened in case management system | 93 in FY 2021, 123 in FY 2024                  | 123 in FY 2024   |

M.S. 611 (<https://www.revisor.mn.gov/statutes/cite/611>) provides the legal authority for the program.

(Dollars in Thousands)

|  | Actual<br>FY22 | Actual<br>FY23 | Actual<br>FY24 | Estimate<br>FY25 | Forecast Base |      | Governor's<br>Recommendation |      |
|--|----------------|----------------|----------------|------------------|---------------|------|------------------------------|------|
|  |                |                |                |                  | FY26          | FY27 | FY26                         | FY27 |

**Expenditures by Fund**

|                               |              |              |               |               |               |               |               |               |
|-------------------------------|--------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|
| 1000 - General                | 7,299        | 7,625        | 10,093        | 11,926        | 10,866        | 10,866        | 11,088        | 11,315        |
| <b>Total</b>                  | <b>7,299</b> | <b>7,625</b> | <b>10,093</b> | <b>11,926</b> | <b>10,866</b> | <b>10,866</b> | <b>11,088</b> | <b>11,315</b> |
| Biennial Change               |              |              |               | 7,094         |               | (287)         |               | 384           |
| Biennial % Change             |              |              |               | 48            |               | (1)           |               | 2             |
| Governor's Change from Base   |              |              |               |               |               |               |               | 671           |
| Governor's % Change from Base |              |              |               |               |               |               |               | 3             |

**Expenditures by Activity**

|                       |              |              |               |               |               |               |               |               |
|-----------------------|--------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|
| State Public Defender | 7,299        | 7,625        | 10,093        | 11,926        | 10,866        | 10,866        | 11,088        | 11,315        |
| <b>Total</b>          | <b>7,299</b> | <b>7,625</b> | <b>10,093</b> | <b>11,926</b> | <b>10,866</b> | <b>10,866</b> | <b>11,088</b> | <b>11,315</b> |

**Expenditures by Category**

|                    |              |              |               |               |               |               |               |               |
|--------------------|--------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Compensation       | 5,970        | 6,394        | 8,831         | 9,701         | 9,580         | 9,580         | 9,802         | 10,029        |
| Operating Expenses | 1,329        | 1,231        | 1,262         | 2,225         | 1,286         | 1,286         | 1,286         | 1,286         |
| <b>Total</b>       | <b>7,299</b> | <b>7,625</b> | <b>10,093</b> | <b>11,926</b> | <b>10,866</b> | <b>10,866</b> | <b>11,088</b> | <b>11,315</b> |

**Full-Time Equivalents**

|              |              |              |              |              |              |              |              |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| <b>50.67</b> | <b>54.25</b> | <b>55.89</b> | <b>55.89</b> | <b>55.89</b> | <b>55.89</b> | <b>55.89</b> | <b>55.89</b> |
|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|

(Dollars in Thousands)

|                                   | Actual | Actual | Actual | Estimate | Forecast Base |        | Governor's Recommendation |        |
|-----------------------------------|--------|--------|--------|----------|---------------|--------|---------------------------|--------|
|                                   | FY22   | FY23   | FY24   | FY25     | FY26          | FY27   | FY26                      | FY27   |
| 1000 - General                    |        |        |        |          |               |        |                           |        |
| Balance Forward In                |        | 152    |        | 1,060    |               |        |                           |        |
| Direct Appropriation              | 6,937  | 7,200  | 11,033 | 10,866   | 10,866        | 10,866 | 11,088                    | 11,315 |
| Transfers In                      | 380    | 538    | 120    |          |               |        |                           |        |
| Transfers Out                     |        | 81     |        |          |               |        |                           |        |
| Cancellations                     |        | 183    |        |          |               |        |                           |        |
| Balance Forward Out               | 18     |        | 1,060  |          |               |        |                           |        |
| Expenditures                      | 7,299  | 7,625  | 10,093 | 11,926   | 10,866        | 10,866 | 11,088                    | 11,315 |
| Biennial Change in Expenditures   |        |        |        | 7,094    |               | (287)  |                           | 384    |
| Biennial % Change in Expenditures |        |        |        | 48       |               | (1)    |                           | 2      |
| Governor's Change from Base       |        |        |        |          |               |        |                           | 671    |
| Governor's % Change from Base     |        |        |        |          |               |        |                           | 3      |
| Full-Time Equivalents             | 50.67  | 54.25  | 55.89  | 55.89    | 55.89         | 55.89  | 55.89                     | 55.89  |

**Program: Administrative Services Office**
<https://www.pubdef.state.mn.us>
**AT A GLANCE**

- More than 900 board employees receive training at statewide or district events
- Office provides human resources, payroll, technology, and administrative functions for more than 900 employees of the Board of Public Defense

**PURPOSE AND CONTEXT**

The Administrative Services Office of the Board of Public Defense provides district and appellate public defenders and staff with the resources they need to be successful in providing high quality legal assistance to indigent Minnesotans, and to do so in a cost-effective manner.

The office implements board policies and provides staff support and training for all public defense functions statewide. In addition, the office has developed and manages agency systems in the areas of caseloads, budget, personnel, and agency assets.

Over 900 people in the board's 29 offices, part-time lawyers' offices, and Public Defense Corporation offices rely on the board's technology staff for hardware and software assistance and the management of accounts used to access agency systems that are needed in the representation of clients.

The office has developed an electronic content management system (ECM). The ECM allows for the transmission, review, and storage of electronic records that flow to and from the board's justice partners.

**SERVICES PROVIDED**

- Developed and implemented policies covering personnel, compensation, budgeting, training, conflict cases, internal controls, and management information systems
- Implemented quality representation guidelines and an internal resource allocation policy to better target attorney resources
- Developed and implemented a new class of full-time attorneys to provide more flexibility in the provision of services and to address the coming retirements of part time public defenders
- Implemented a model and training for handling cases involving DNA and other scientific evidence
- Developed an upgraded "defender dashboard" on the case management system to allow public defenders to more effectively use additional features of the case management system
- Worked with the courts to provide automatic scheduling and scheduling updates

**RESULTS**

| Measure name                     | Measure type | Measure data source            | Historical trend  | Most recent data   |
|----------------------------------|--------------|--------------------------------|---|--|
| Recruitment of diverse workforce | Quantity     | Administrative services office | Calendar year (CY) 2022<br>Office is made up of 45 percent women, 11 percent Black, Indigenous, People of Color (BIPOC) | CY 2024<br>Office is made up of 56 percent women, 12 percent BIPOC |

| <b>Measure name</b>       | <b>Measure type</b> | <b>Measure data source</b>   | <b>Historical trend</b>   | <b>Most recent data</b>   |
|---------------------------|---------------------|--|---|---|
| Laptop/server maintenance | Quantity            | Administrative services-technology office- fixed asset inventory system  | CY 2022<br>Maintained and provided maintenance for 894 laptops, 385 servers | CY 2024<br>Maintained and provided maintenance for 1,033 laptops, 402 servers |
| Phone management          | Quantity            | Administrative services-technology office – fixed asset inventory system | None, recently switched to Voice over Zoom                                  | 729 office phones   |
| Statewide trainings       | Quantity            | Administrative services office   | CY 2022-2023<br>nine training events  | Fiscal year (FY) 2024<br>28 training events                                   |

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M.S. 611.27 (<https://www.revisor.mn.gov/statutes/cite/611.27>) provides the authority for this program.

# Administrative Services Office

# Program Expenditure Overview

(Dollars in Thousands)

|  | Actual<br>FY22 | Actual<br>FY23 | Actual<br>FY24 | Estimate<br>FY25 | Forecast Base |      | Governor's<br>Recommendation |      |
|--|----------------|----------------|----------------|------------------|---------------|------|------------------------------|------|
|  |                |                |                |                  | FY26          | FY27 | FY26                         | FY27 |

## Expenditures by Fund

|                               |              |              |              |              |              |              |              |              |
|-------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1000 - General                | 2,686        | 2,894        | 4,082        | 4,959        | 4,690        | 4,690        | 4,779        | 4,871        |
| <b>Total</b>                  | <b>2,686</b> | <b>2,894</b> | <b>4,082</b> | <b>4,959</b> | <b>4,690</b> | <b>4,690</b> | <b>4,779</b> | <b>4,871</b> |
| Biennial Change               |              |              |              | 3,461        |              | 339          |              | 609          |
| Biennial % Change             |              |              |              | 62           |              | 4            |              | 7            |
| Governor's Change from Base   |              |              |              |              |              |              |              | 270          |
| Governor's % Change from Base |              |              |              |              |              |              |              | 3            |

## Expenditures by Activity

|                                |              |              |              |              |              |              |              |              |
|--------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Administrative Services Office | 2,686        | 2,894        | 4,082        | 4,959        | 4,690        | 4,690        | 4,779        | 4,871        |
| <b>Total</b>                   | <b>2,686</b> | <b>2,894</b> | <b>4,082</b> | <b>4,959</b> | <b>4,690</b> | <b>4,690</b> | <b>4,779</b> | <b>4,871</b> |

## Expenditures by Category

|                             |              |              |              |              |              |              |              |              |
|-----------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Compensation                | 2,342        | 2,520        | 3,554        | 3,887        | 3,852        | 3,852        | 3,941        | 4,033        |
| Operating Expenses          | 327          | 374          | 524          | 1,072        | 838          | 838          | 838          | 838          |
| Other Financial Transaction | 17           | 0            | 4            |              |              |              |              |              |
| <b>Total</b>                | <b>2,686</b> | <b>2,894</b> | <b>4,082</b> | <b>4,959</b> | <b>4,690</b> | <b>4,690</b> | <b>4,779</b> | <b>4,871</b> |

## Full-Time Equivalents

|       |       |       |       |       |       |       |       |
|-------|-------|-------|-------|-------|-------|-------|-------|
| 15.00 | 15.83 | 17.73 | 17.73 | 17.73 | 17.73 | 17.73 | 17.73 |
|-------|-------|-------|-------|-------|-------|-------|-------|

# Administrative Services Office

# Program Financing by Fund

(Dollars in Thousands)

|                                   | Actual | Actual | Actual | Estimate | Forecast Base |       | Governor's Recommendation |       |
|-----------------------------------|--------|--------|--------|----------|---------------|-------|---------------------------|-------|
|                                   | FY22   | FY23   | FY24   | FY25     | FY26          | FY27  | FY26                      | FY27  |
| 1000 - General                    |        |        |        |          |               |       |                           |       |
| Balance Forward In                |        | 37     |        | 269      |               |       |                           |       |
| Direct Appropriation              | 2,723  | 2,823  | 4,471  | 4,690    | 4,690         | 4,690 | 4,779                     | 4,871 |
| Transfers In                      |        | 46     |        |          |               |       |                           |       |
| Transfers Out                     |        |        | 120    |          |               |       |                           |       |
| Cancellations                     |        | 12     |        |          |               |       |                           |       |
| Balance Forward Out               | 37     |        | 269    |          |               |       |                           |       |
| Expenditures                      | 2,686  | 2,894  | 4,082  | 4,959    | 4,690         | 4,690 | 4,779                     | 4,871 |
| Biennial Change in Expenditures   |        |        |        | 3,461    |               | 339   |                           | 609   |
| Biennial % Change in Expenditures |        |        |        | 62       |               | 4     |                           | 7     |
| Governor's Change from Base       |        |        |        |          |               |       |                           | 270   |
| Governor's % Change from Base     |        |        |        |          |               |       |                           | 3     |
| Full-Time Equivalents             | 15.00  | 15.83  | 17.73  | 17.73    | 17.73         | 17.73 | 17.73                     | 17.73 |

## Program: District Public Defense

<https://www.pubdef.state.mn.us/>

## AT A GLANCE

- More than 140,000 cases opened annually
- Largest user of Minnesota's trial court system
- Increased time commitments with expansion of video discovery
- Increased complexity of cases with scientific evidence and collateral consequences.

## PURPOSE AND CONTEXT

The District Public Defense Program provides legal services required by the Minnesota State Constitution and statutes to indigent persons in Minnesota's trial courts. This is accomplished through a system that relies on a mix of full-time and part-time attorneys, as well as support staff. Trial level public defenders provide service in approximately 140,000 cases per year (80 to 90 percent of all criminal cases). This program also includes statutory (M.S. 611.215 (<https://www.revisor.mn.gov/statutes/cite/611.215>) funding for four nonprofit public defense corporations. The corporations provide criminal and juvenile defense services primarily to minority indigent defendants who otherwise would need public defense services.

## SERVICES PROVIDED

Under Minnesota law, all individuals accused of a felony, gross misdemeanor, misdemeanor or juvenile crime are entitled to be represented by an attorney. The District Defense Program provides quality mandated criminal defense services to indigent persons in these cases. The program also provides representation to children ten years of age and older in Children in Need of Protective Services (CHIPS) cases.

The public defense corporations are nonprofit corporations that provide criminal and juvenile defense services, primarily to minority indigent defendants, who otherwise would need public defense services. The four corporations are the Neighborhood Justice Center (St. Paul), Legal Rights Center (Minneapolis), Duluth Indian Legal, and the Regional Native Public Defense Corporation (serving Leech Lake and White Earth).

## RESULTS

The increased use of scientific evidence has made the practice of law much more complicated over the last several years. Such evidence must be analyzed for its validity, and the ways in which this evidence is collected, processed, analyzed, and reported. This includes computer forensics, drug analysis, fingerprint analysis, DNA, ballistics, arson reports, and other forensic evidence.

| Measure name                                    | Measure type | Measure data source                                | Historical trend                       | Most recent data                     |
|---|--------------|--|--|--------------------------------------|
| DNA/Forensic Referrals to DNA/Forensic Team     | Quantity     | Board case management systems                      | CY 2022- 132                           | CY 2024 (to date) 217                |
| Attorney staffing versus 1991 caseload standard | Quantity     | Cases opened in the board's case management system | 75 percent in 2023, 99 percent in 2024 | 100 percent in fiscal year (FY) 2024 |



| Measure name   | Measure type | Measure data source   | Historical trend                       | Most recent data                               |
|--|--------------|---|--|--|
| Video discovery transmitted  | Quantity     | Collected from prosecutors via electronic content management system | 61 Terabytes in 2021, 280 in 2023      | On pace for more than 400 terabytes in FY 2024 |
| Counties with public defender at first appearance (out of custody) | Quality      | Reported by district chief public defenders                         | 60 percent in 2018, 85 percent in 2024 | 85 percent in FY 2024                          |

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M.S. 611 (<https://www.revisor.mn.gov/statutes/cite/611>) provides the legal authority for District Public Defense.

# District Public Defense

# Program Expenditure Overview

(Dollars in Thousands)

|  | Actual<br>FY22 | Actual<br>FY23 | Actual<br>FY24 | Estimate<br>FY25 | Forecast Base<br>FY26 FY27 |  | Governor's<br>Recommendation<br>FY26 FY27 |  |
|--|----------------|----------------|----------------|------------------|----------------------------|--|---|--|
|--|----------------|----------------|----------------|------------------|----------------------------|--|---|--|

## Expenditures by Fund

|                                      |               |                |                |                |                |                |                |                |
|--------------------------------------|---------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 1000 - General                       | 92,362        | 105,341        | 138,710        | 150,467        | 149,304        | 149,304        | 152,366        | 155,503        |
| 2000 - Restrict Misc Special Revenue | 420           | 228            | 293            | 462            |                |                |                |                |
| 2403 - Gift                          | 414           | 63             | 232            | 624            | 100            | 100            | 100            | 100            |
| 3015 - ARP-State Fiscal Recovery     | 674           | 3,286          |                |                |                |                |                |                |
| <b>Total</b>                         | <b>93,870</b> | <b>108,918</b> | <b>139,234</b> | <b>151,553</b> | <b>149,404</b> | <b>149,404</b> | <b>152,466</b> | <b>155,603</b> |
| Biennial Change                      |               |                |                | 88,000         |                | 8,021          |                | 17,282         |
| Biennial % Change                    |               |                |                | 43             |                | 3              |                | 6              |
| Governor's Change from Base          |               |                |                |                |                |                |                | 9,261          |
| Governor's % Change from Base        |               |                |                |                |                |                |                | 3              |

## Expenditures by Activity

|                         |               |                |                |                |                |                |                |                |
|-------------------------|---------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| District Public Defense | 93,870        | 108,918        | 139,234        | 151,553        | 149,404        | 149,404        | 152,466        | 155,603        |
| <b>Total</b>            | <b>93,870</b> | <b>108,918</b> | <b>139,234</b> | <b>151,553</b> | <b>149,404</b> | <b>149,404</b> | <b>152,466</b> | <b>155,603</b> |

## Expenditures by Category

|                              |               |                |                |                |                |                |                |                |
|------------------------------|---------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Compensation                 | 76,127        | 83,465         | 117,233        | 133,291        | 132,305        | 132,305        | 135,367        | 138,504        |
| Operating Expenses           | 10,559        | 13,771         | 13,119         | 9,960          | 10,558         | 10,558         | 10,558         | 10,558         |
| Grants, Aids and Subsidies   | 6,567         | 11,095         | 8,651          | 6,240          | 5,240          | 5,240          | 5,240          | 5,240          |
| Capital Outlay-Real Property | 3             | (132)          |                |                |                |                |                |                |
| Other Financial Transaction  | 615           | 719            | 231            | 2,062          | 1,301          | 1,301          | 1,301          | 1,301          |
| <b>Total</b>                 | <b>93,870</b> | <b>108,918</b> | <b>139,234</b> | <b>151,553</b> | <b>149,404</b> | <b>149,404</b> | <b>152,466</b> | <b>155,603</b> |

## Full-Time Equivalents

|               |               |               |               |               |               |               |               |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| <b>725.82</b> | <b>799.62</b> | <b>829.58</b> | <b>829.54</b> | <b>829.54</b> | <b>829.54</b> | <b>829.54</b> | <b>829.54</b> |
|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|

# District Public Defense

# Program Financing by Fund

(Dollars in Thousands)

|                                   | Actual | Actual  | Actual  | Estimate | Forecast Base |         | Governor's Recommendation |         |
|-----------------------------------|--------|---------|---------|----------|---------------|---------|---------------------------|---------|
|                                   | FY22   | FY23    | FY24    | FY25     | FY26          | FY27    | FY26                      | FY27    |
| 1000 - General                    |        |         |         |          |               |         |                           |         |
| Balance Forward In                |        | 4,289   |         | 1,163    |               |         |                           |         |
| Direct Appropriation              | 96,721 | 101,386 | 139,380 | 148,804  | 148,804       | 148,804 | 151,866                   | 155,003 |
| Transfers In                      | 500    | 581     | 500     | 500      | 500           | 500     | 500                       | 500     |
| Transfers Out                     | 380    | 584     |         |          |               |         |                           |         |
| Cancellations                     | 199    | 332     | 8       |          |               |         |                           |         |
| Balance Forward Out               | 4,280  |         | 1,163   |          |               |         |                           |         |
| Expenditures                      | 92,362 | 105,341 | 138,710 | 150,467  | 149,304       | 149,304 | 152,366                   | 155,503 |
| Biennial Change in Expenditures   |        |         |         | 91,474   |               | 9,431   |                           | 18,692  |
| Biennial % Change in Expenditures |        |         |         | 46       |               | 3       |                           | 6       |
| Governor's Change from Base       |        |         |         |          |               |         |                           | 9,261   |
| Governor's % Change from Base     |        |         |         |          |               |         |                           | 3       |
| Full-Time Equivalents             | 725.07 | 770.55  | 825.84  | 825.84   | 825.84        | 825.84  | 825.84                    | 825.84  |

## 2000 - Restrict Misc Special Revenue

|                                   |            |            |            |            |      |       |      |       |
|-----------------------------------|------------|------------|------------|------------|------|-------|------|-------|
| Balance Forward In                | 452        | 362        | 472        | 462        |      |       |      |       |
| Transfers In                      | 329        | 338        | 283        |            |      |       |      |       |
| Balance Forward Out               | 362        | 472        | 462        |            |      |       |      |       |
| <b>Expenditures</b>               | <b>420</b> | <b>228</b> | <b>293</b> | <b>462</b> |      |       |      |       |
| Biennial Change in Expenditures   |            |            |            | 107        |      | (755) |      | (755) |
| Biennial % Change in Expenditures |            |            |            | 16         |      | (100) |      | (100) |
| Governor's Change from Base       |            |            |            |            |      |       |      | 0     |
| Governor's % Change from Base     |            |            |            |            |      |       |      |       |
| Full-Time Equivalents             | 0.04       | 0.04       | 0.04       | 0.04       | 0.04 | 0.04  | 0.04 | 0.04  |

## 2403 - Gift

|                                   |            |           |            |            |            |            |            |            |
|-----------------------------------|------------|-----------|------------|------------|------------|------------|------------|------------|
| Balance Forward In                | 303        | 324       | 654        | 524        |            |            |            |            |
| Receipts                          | 434        | 370       | 102        | 100        | 100        | 100        | 100        | 100        |
| Balance Forward Out               | 324        | 631       | 524        |            |            |            |            |            |
| <b>Expenditures</b>               | <b>414</b> | <b>63</b> | <b>232</b> | <b>624</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> |
| Biennial Change in Expenditures   |            |           |            | 379        |            | (656)      |            | (656)      |
| Biennial % Change in Expenditures |            |           |            | 80         |            | (77)       |            | (77)       |
| Governor's Change from Base       |            |           |            |            |            |            |            | 0          |
| Governor's % Change from Base     |            |           |            |            |            |            |            | 0          |

# District Public Defense

# Program Financing by Fund

(Dollars in Thousands)

|                       | Actual<br>FY22 | Actual<br>FY23 | Actual<br>FY24 | Estimate<br>FY25 | Forecast Base |      | Governor's<br>Recommendation |      |
|-----------------------|----------------|----------------|----------------|------------------|---------------|------|------------------------------|------|
|                       |                |                |                |                  | FY26          | FY27 | FY26                         | FY27 |
| Full-Time Equivalents | 0.09           | 0.22           | 3.66           | 3.66             | 3.66          | 3.66 | 3.66                         | 3.66 |

## 3015 - ARP-State Fiscal Recovery

|                                   |            |              |      |         |   |   |
|-----------------------------------|------------|--------------|------|---------|---|---|
| Balance Forward In                |            | 3,288        |      |         |   |   |
| Direct Appropriation              | 3,945      |              |      |         |   |   |
| Cancellations                     |            | 2            |      |         |   |   |
| Balance Forward Out               | 3,271      |              |      |         |   |   |
| <b>Expenditures</b>               | <b>674</b> | <b>3,286</b> |      |         |   |   |
| Biennial Change in Expenditures   |            |              |      | (3,960) | 0 | 0 |
| Biennial % Change in Expenditures |            |              |      | (100)   |   |   |
| Governor's Change from Base       |            |              |      |         |   | 0 |
| Governor's % Change from Base     |            |              |      |         |   |   |
| Full-Time Equivalents             | 0.62       | 28.81        | 0.04 |         |   |   |