

LSC Redbook

Analysis of the Executive Budget Proposal

Ohio Public Defender Commission

Joseph Rogers, Senior Budget Analyst
Legislative Service Commission

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READER'S GUIDE

The Legislative Service Commission prepares an analysis of the executive budget proposal for each agency. These analyses are commonly called "Redbooks." This brief introduction is intended to help readers navigate the Redbook for the Ohio Public Defender Commission (PUB), which includes the following four sections.

1. Overview: Provides a description of the Commission's existing functions and staffing, and an overview of the Commission's executive recommended budget for the FY 2016-FY 2017 biennium, and notes other important budgetary matters.
2. Facts and Figures: Provides a visual time series summary of county-level indigent defense services (reimbursement rates, caseloads, and costs).
3. Analysis of Executive Proposal: Provides a detailed analysis of the Commission's executive recommended budget, including the funding and purposes for each appropriated line item, and the services and activities that are financed by those appropriated moneys.
4. Attachments: Includes LSC's Catalog of Budget Line Items (COBLI), which describes each line item's purpose, revenue, and expenditures, and the LSC budget spreadsheet, which summarizes each line item's recent expenditure and appropriations history.

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Ohio Public Defender Commission

- Executive recommendations expected to maintain existing operations and subsidy programs
- County reimbursement rate to be about 40%
- Civil Legal Aid revenues increase

OVERVIEW

Duties and Responsibilities

The Ohio Public Defender Commission provides, supervises, and coordinates legal representation for persons who cannot afford to hire an attorney to represent that person in criminal court.¹ Also significant is its role as administrator of the subsidy program that partially reimburses counties for indigent defense expenditures related to the operation of local public defender offices or the use of appointed counsel. The Commission consists of nine appointed members; the Governor appoints five, including the chair, and the Supreme Court of Ohio appoints the other four. No more than five members can be from one of the two major political parties. The Commission appoints a state public defender who maintains and administers the Office of the Ohio Public Defender.

Appropriations Overview

The Commission's estimated FY 2015 expenditures are compared with the executive recommendations for FY 2016 and FY 2017, by fund group, in Table 1 below.

Fund Group	FY 2015*	FY 2016	% change, FY 2016-FY 2017	FY 2017	% change, FY 2016-FY 2017
General Revenue	\$14,566,485	\$14,704,112	0.9%	\$14,727,653	0.2%
Dedicated Purpose	\$63,788,239	\$65,189,495	2.2%	\$66,581,296	2.1%
Federal	\$341,956	\$242,900	-29.0%	\$242,900	0.0%
TOTAL	\$78,696,680	\$80,136,507	1.8%	\$81,551,849	1.8%

*FY 2015 figures represent estimated expenditures.

¹ Criminal defendants have a constitutional right to court-appointed attorneys if the accused are financially unable to retain private counsel, a right guaranteed by the Sixth and Fourteenth Amendments to the U.S. Constitution. The right to counsel extends from the time that judicial proceedings have been initiated against the accused, whether by way of formal charge, preliminary hearing, indictment, information, or arraignment, through sentencing and appeal. There is no absolute right to appointed counsel in post-conviction proceedings.

To support the Commission's services and activities, the executive budget recommends FY 2016 appropriations totaling \$80.1 million, an increase of \$1.4 million, or 1.8%, from the total estimated FY 2015 expenditures of \$78.7 million. For FY 2017, the executive budget recommends appropriations totaling \$81.6 million, an increase of \$1.4 million, or 1.8%, above the FY 2016 recommendation. These recommended amounts are expected to be sufficient for the Commission to maintain existing operations and subsidy programs.

Other Duties and Responsibilities

In addition to its primary fiscal function of administering the state's county indigent defense reimbursement system, the Commission:

- Establishes the standards and guidelines for county public defenders and appointed counsel, including a maximum fee schedule, and supervising the compliance with these standards.
- Provides technical assistance to county public defenders and appointed counsel.
- Provides legal services to inmates at the state's correctional facilities, trial-level representation in some capital cases, and appellate and post-appeals representation in capital and noncapital cases.
- Serves as the custodian of funds that are subsequently transferred to the Ohio Legal Assistance Foundation (OLAF) for the purpose of providing financial assistance to legal aid societies throughout the state.

County Indigent Defense Services Delivery Systems

In meeting the right to counsel obligations in criminal matters, each county has the option of:

- Establishing a county public defender system.
- Establishing a joint county public defender system.
- Adopting a schedule to pay private appointed counsel.
- Contracting with the state public defender.
- Contracting with a nonprofit corporation.

The board of county commissioners in each county determines the method of providing indigent defense services. Currently, counties use one of four methods: court-appointed counsel (40), county public defenders (28), contract with the state's Office of the Ohio Public Defender (11), or contract with nonprofit corporations (9).

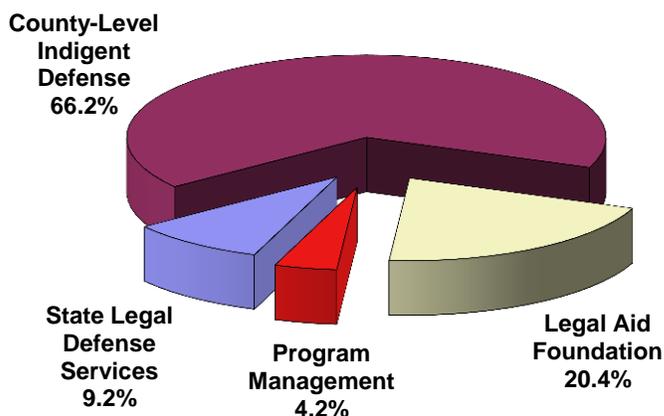
Expense by Program Series Summary

Chart 1 below shows the total recommended appropriations (FY 2016 and FY 2017) by program series.² The Commission's services and activities can be grouped into four distinct program series as follows:

1. State Legal Defense Services, the purpose of which is to provide legal representation and services to indigent adults, juveniles, and incarcerated individuals in state and federal courts when Ohio law, the Ohio Constitution, or the U.S. Constitution requires representation.
2. County-Level Indigent Defense, the purpose of which is to provide, facilitate, and improve the delivery of criminal defense services to indigent persons accused of crimes handled by common pleas, municipal, and county court.
3. Ohio Legal Aid Foundation, the purpose of which is to administer and fund the state's civil legal services program.
4. Program Management, the purpose of which is to provide the necessary services common to most state agencies, including fiscal and accounting, personnel and training, computer information systems, purchasing, fleet management, as well as collecting and processing indigent defense reimbursement payments and producing educational seminars and conferences.

Based on the executive biennial budget recommendations, the largest portions of the Commission's budget for the two-year span will be allocated for county-level indigent defense (66.2%) and the Legal Aid Foundation (20.4%).

**Chart 1: Executive Biennial Budget Recommendations
by Program Series, FY 2016-FY 2017**

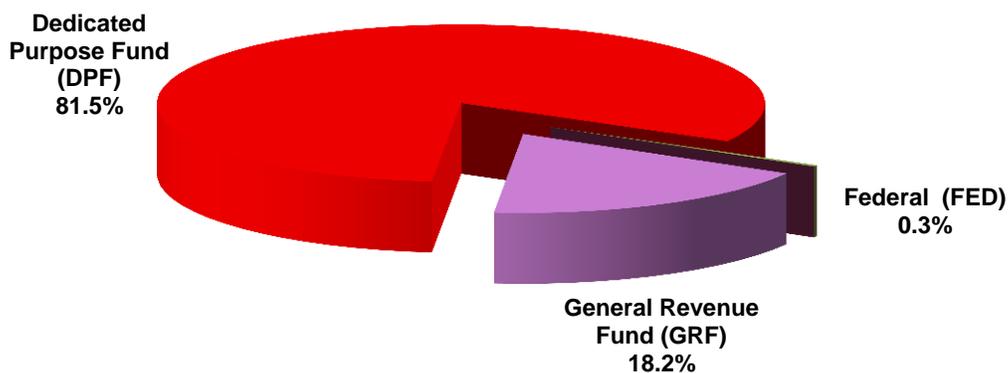


² A program series is a service and/or activity or a closely related group of services and/or activities that correspond to a major focus, goal, need, problem, or objective.

Expense by Fund Group Summary

As Chart 2 below shows, of the Commission's two-year executive recommended budget, money appropriated from line items in the Dedicated Purpose Fund (DPF) Group comprise 81.5%; GRF line items will pay for 18.2%. The remainder, or 0.3%, of the funding will be drawn from the Federal (FED) Fund Group.

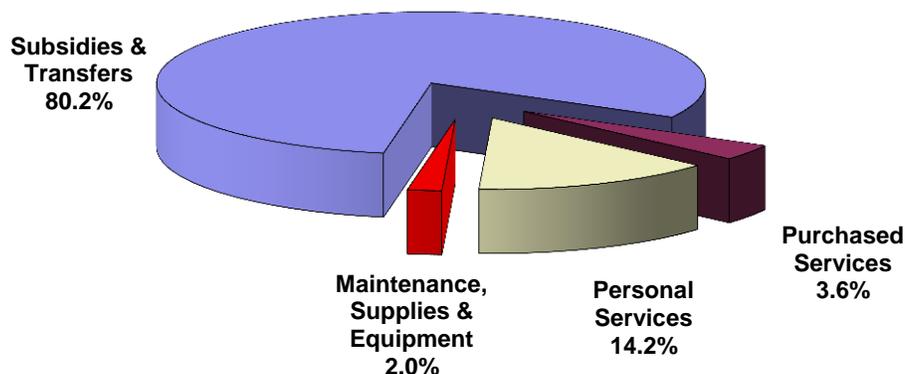
Chart 2: Executive Biennial Budget Recommendations by Fund Group, FY 2016-FY 2017



Object of Expense Summary

Chart 3 below summarizes, based on the executive recommendations, the types of items on which the Commission plans to spend its appropriated money for the two-year period (FY 2016 and FY 2017). About 80% of the Commission's expenditures will be allocated for a mix of subsidies and transfers, which includes county indigent defense reimbursement payments and financing for civil legal aid distributed by the Ohio Legal Aid Foundation. The second largest category of expense is personal services (14.2%), essentially the payroll-related expenses for approximately 130 full-time equivalent (FTE) staff positions. Smaller amounts will be allocated for purchased personal services (3.6%) and maintenance, supplies and equipment (2.0%).

**Chart 3: Executive Biennial Budget Recommendations
by Expense Category, FY 2016-FY 2017**



Staffing Levels

Table 2 below summarizes the number of staff that the Commission paid, or will pay, on the last pay period of FY 2010 through FY 2017. The appropriations in the executive proposed budget do not appear to be sufficient for the Commission to retain its current payroll of 137.5 FTEs in the next biennium. They will likely eliminate six positions due to revenue shortages in several key non-GRF funds.

Table 2. Commission Staffing Levels,* FY 2010-FY 2017**								
Activity	2010	2011	2012	2013	2014	2015	2016	2017
State Legal Defense	74.0	72.0	72.0	70.5	74.0	73.0	73.0	73.0
County Indigent Defense	28.0	28.0	28.0	30.0	32.5	33.5	33.5	33.5
Program Management	21.0	26.0	26.0	27.8	30.5	31.0	25.0	25.0
TOTAL	123.0	126.0	126.0	128.3	137.0	137.5	131.5	131.5

*These numbers represent full-time equivalent (FTE) staff positions.

**FY 2015 numbers are actual FTEs as of this date, while FY 2016 and FY 2017 are estimates.

The Commission has noted some long-term solvency concerns over declining revenues in several non-GRF funds. The combined annual revenue credited to these funds is approximately \$450,000 below estimates based on historical patterns of revenue generation. The funds in question are as follows:

- The Civil Case Filing Fee Fund (Fund 5CX0) is approximately \$150,000 below the historical annual average.
- The Federal Representation Fund (Fund 3S80) is about \$50,000 below its historic annual average.

- The County Representation Fund (Fund 4070) has been variable, generating between \$50,000 and \$100,000 less than its historic annual average.
- The Client Payments Fund (Fund 4080) is generating about \$30,000 less per year than expectations based on historic average.
- The Wrongful Conviction Program Fund (Fund 3FX0) has received about \$125,000 per year as part of a federal grant which is not being renewed. The Commission plans to retain the attorney and investigator hired for this program, but the revenue to pay them is gone.

The Commission plans to adjust to these declining non-GRF revenues, as previously noted, by eliminating six FTE positions. These employees currently process county indigent defense reimbursement payments, and are paid from the Client Payments Fund. The Commission is currently developing an online system to process reimbursement claims, thus eliminating the need for these positions. However, this system it is not scheduled to replace the current system until later in the FY 2016-FY 2017 biennium.

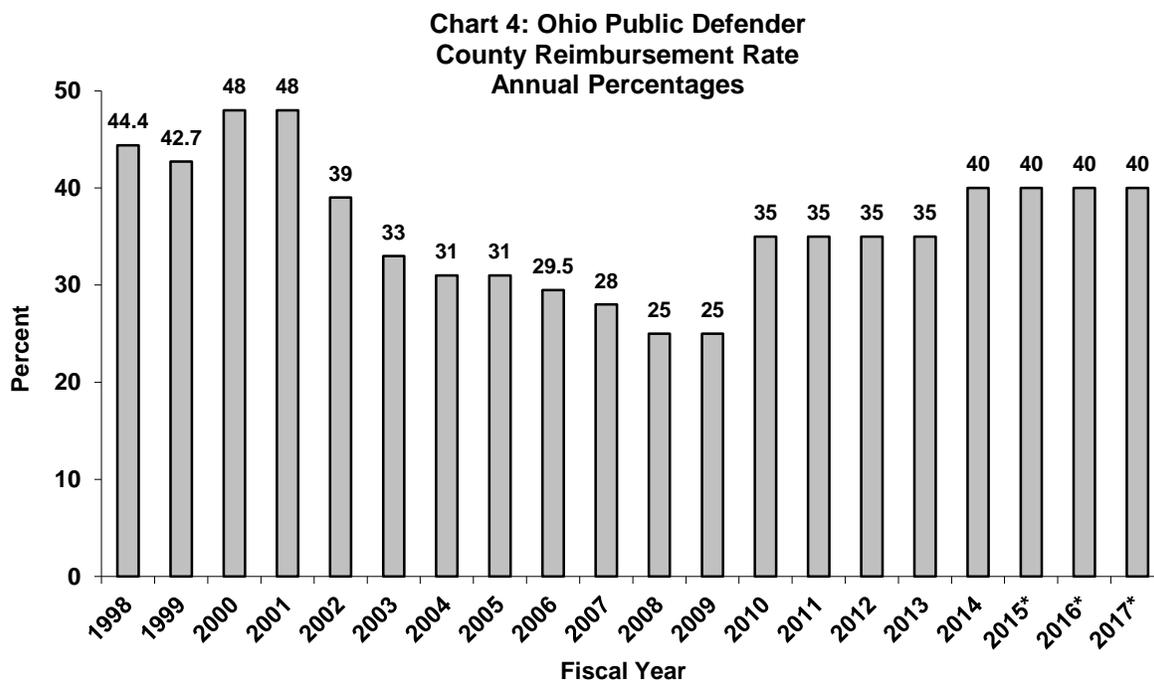
The Commission generally expects that, despite these declining non-GRF revenues, they will be able to maintain FY 2015 levels of services, but this may necessitate the elimination of the above mentioned six FTE employees to cover expected shortfalls.

FACTS AND FIGURES

This section of the Redbook provides a visual time series summary of certain aspects of indigent defense services delivered locally by the state and counties (reimbursement rates, caseloads, and costs).

County Indigent Defense Reimbursement Rate

Chart 4 below captures the Commission's annual county indigent defense reimbursement rate from FY 1998 through FY 2014, and projected from FY 2015 through FY 2017. In FY 2000 and FY 2001, that rate was at 48%. The Commission's annual county reimbursement rate subsequently declined to a low of 25% in FY 2008 and FY 2009. Subsequently enacted non-GRF funding revenue-generating mechanisms pushed the reimbursement rate up to 35% in FY 2010 through FY 2013. The executive recommended funding for indigent defense services is expected to continue the estimated reimbursement rate of 40% in FY 2016 and FY 2017.



*The FY 2015 through FY 2017 annual percentages for the county reimbursement rate in the above graph are estimates.

Pursuant to the Ohio Public Defender Law enacted in 1976, the state was required to reimburse counties for 50% of the costs associated with the provision of legal counsel to indigents. Effective July 1, 1979, pursuant to Am. Sub. H.B. 204 of the 113th General Assembly, the provision was amended to state that, if the amount appropriated by the General Assembly in any fiscal year is insufficient to pay 50% of the costs associated with the provision of legal counsel to indigents, the amount of

money paid is to be reduced proportionately so that each county is paid an equal percentage of its total costs. FY 1991 was the last time the Commission was able to reimburse counties for 50% of their indigent defense costs.

County-Level Indigent Defense Caseloads

Table 3 below displays a breakdown of the total number of indigent defense cases that were closed annually from FY 1998 through FY 2014, along with the estimated total number of indigent cases to be closed annually from FY 2015 through FY 2017. That breakdown shows closed cases that were directly handled by counties in some manner (the "Appointed Counsel," "Public Defender," and "Death Penalty" columns in the table below) and closed cases that were handled by the state in the form of the Office of the Ohio Public Defender Commission (the "Multi-County" and "Trumbull County" columns in the table below).

Table 3. County-Level Indigent Defense Closed Cases Subject to State Reimbursement & Branch Office Caseloads						
Fiscal Year	Appointed Counsel	Public Defender	Death Penalty	Multi-County	Trumbull County	Total Cases
1998	76,199	180,957	147	7,966	4,160	269,429
1999	88,738	189,787	140	10,197	4,753	293,615
2000	95,305	207,718	133	11,013	4,783	318,952
2001	103,495	209,129	106	10,873	4,745	328,348
2002	112,891	200,285	123	11,831	5,638	330,768
2003	126,356	240,244	108	11,977	6,330	385,015
2004	131,009	246,218	131	12,892	5,089	395,339
2005	137,833	247,613	142	12,485	6,128	404,201
2006	138,595	252,183	147	13,152	6,520	410,597
2007	137,092	245,322	136	12,472	6,376	401,398
2008	133,767	253,496	87	14,459	5,786	407,595
2009	132,197	253,869	85	16,659	5,970	408,780
2010	127,089	256,939	128	14,243	6,270	404,669
2011	122,983	259,860	115	12,157	5,783	400,898
2012	115,715	273,398	96	12,460	6,146	407,815
2013	115,801	254,878	91	13,615	5,585	389,970
2014	117,561	250,407	65	13,067	6,226	387,326
2015*	121,090	257,930	100	13,460	6,410	398,990
2016*	124,720	265,670	100	13,860	6,600	410,950
2017*	128,460	273,640	100	14,275	6,800	423,275

*The data associated with FY 2015 through FY 2017 are estimates.

Relative to Table 3 above, the caseload data for the period covering FY 1998 through FY 2014 include the following highlights:

- The number of indigent defense cases closed annually by counties and the Office of the Ohio Public Defender Commission combined increased by 117,897, or 43.8%, from 269,429 to 387,326.
- The number of indigent defense cases closed annually by counties (appointed counsel + public defender + death penalty) increased by 110,730, or 43.0%, from 257,303 to 368,033.
- The number of indigent defense cases closed annually by the Office of the Ohio Public Defender Commission (Multi-County + Trumbull County) increased by 7,167, or 59.1%, from 12,126 to 19,293.

Cost of County-Level Indigent Defense Services

Table 4 below displays a breakdown of the total annual costs to counties and the Office of the Ohio Public Defender Commission for the provision of trial-level indigent defense services. That breakdown shows the costs associated with indigent defense cases that were directly handled by counties in some manner (the "Non-Capital Cases" and "Capital Cases" columns in the table below) and the costs associated with indigent defense cases handled by the state in the form of the Office of the Ohio Public Defender (the "Multi-County" and "Trumbull County" columns in the table below).

Table 4. County-Level Indigent Defense Amount Subject to State Reimbursement & Branch Office Costs					
Fiscal Year	Non-Capital Cases	Capital Cases	Multi-County	Trumbull County	Total Cost
1998	\$54,973,281	\$2,479,280	\$2,052,513	\$732,528	\$60,237,602
1999	\$57,887,608	\$2,074,700	\$2,091,608	\$756,009	\$62,809,925
2000	\$65,038,160	\$1,766,673	\$2,359,659	\$819,094	\$69,983,586
2001	\$70,127,153	\$1,758,853	\$2,484,460	\$844,302	\$75,214,768
2002	\$79,916,063	\$1,978,301	\$2,507,604	\$860,862	\$85,262,830
2003	\$88,592,159	\$2,141,417	\$2,585,325	\$863,038	\$94,181,939
2004	\$92,160,364	\$2,501,675	\$2,630,153	\$875,049	\$98,167,241
2005	\$96,170,308	\$2,337,473	\$2,607,554	\$850,974	\$101,966,309
2006	\$101,314,190	\$2,644,462	\$2,730,857	\$864,448	\$107,553,957
2007	\$103,319,659	\$2,348,198	\$2,803,450	\$891,265	\$109,362,572
2008	\$107,407,242	\$1,699,900	\$2,913,037	\$919,975	\$112,940,154
2009	\$111,713,156	\$1,521,189	\$2,973,003	\$967,405	\$117,174,752
2010	\$109,176,535	\$2,567,330	\$3,020,552	\$962,746	\$115,727,163
2011	\$107,920,349	\$2,835,849	\$3,314,950	\$969,349	\$115,040,497
2012	\$110,326,881	\$2,143,217	\$3,339,116	\$959,909	\$116,769,123
2013	\$108,458,776	\$1,857,103	\$3,352,517	\$973,849	\$114,642,245

Table 4. County-Level Indigent Defense Amount Subject to State Reimbursement & Branch Office Costs					
Fiscal Year	Non-Capital Cases	Capital Cases	Multi-County	Trumbull County	Total Cost
2014	\$111,425,483	\$1,414,987	\$3,545,119	\$1,023,283	\$117,408,872
2015*	\$113,653,993	\$2,000,000	\$3,733,949	\$1,057,835	\$120,445,777
2016*	\$117,063,612	\$2,000,000	\$3,941,156	\$1,091,316	\$124,096,084
2017*	\$120,575,521	\$2,000,000	\$3,983,310	\$1,108,014	\$127,666,845

*The data associated with FY 2015 through FY 2017 are estimates.

Relative to Table 4 above, the cost data for the period covering FY 1998 through FY 2014 include the following highlights:

- The annual cost to counties of providing indigent defense services (Non-Capital Cases + Capital Cases) increased by \$55.4 million, or 96.4%, from \$57.5 million to \$112.8 million.
- The annual cost to the Office of the Ohio Public Defender Commission of providing trial-level indigent defense services (Multi-County + Trumbull County) increased by \$41.8 million, or 64%, from \$2.8 million to \$4.6 million.

ANALYSIS OF EXECUTIVE PROPOSAL

Introduction

This section provides an analysis of the executive recommended funding for each appropriated line item in the Ohio Public Defender Commission's FY 2016-FY 2017 biennial budget. In this analysis, the Commission's line items are grouped into four major categories reflecting the focus of its services and activities. For each category, a table is provided listing the recommended appropriation in each fiscal year of the biennium. Following the table, a narrative describes how the appropriation is used and any changes affecting the appropriation in the executive proposed budget. The four categories used in this analysis are as follows:

1. State Legal Defense Services;
2. County-Level Indigent Defense;
3. Ohio Legal Assistance Foundation; and
4. Program Management.

To aid the reader in finding each line item in the analysis, the following table shows the category in which it has been placed, listing the line items generally in order within their respective fund groups and funds. This is the same order the line items appear in the budget bill.

Categorization of the Commission's Appropriation Line Items for Analysis of the Executive Proposal		
Fund	ALI and Name	Category
General Revenue Fund Group		
GRF 019401	State Legal Defense Services	1: State Legal Defense Services
GRF 019403	Multi-County: State Share	2: County-Level Indigent Defense
GRF 019404	Trumbull County – State Share	2: County-Level Indigent Defense
GRF 019405	Training Account	2: County-Level Indigent Defense
GRF 019501	County Reimbursement	2: County-Level Indigent Defense
Dedicated Purpose Fund Group		
1010 019607	Juvenile Legal Assistance	1: State Legal Defense Services
4070 019604	County Representation	1: State Legal Defense Services
4080 019605	Client Payments	4: Program Management
4C70 019601	Multi-County: County Share	2: County-Level Indigent Defense
4N90 019613	Gifts and Grants	4: Program Management
4X70 019610	Trumbull County – County Share	2: County-Level Indigent Defense
5740 019606	Civil Legal Aid	3: Ohio Legal Assistance Foundation
5CX0 019617	Civil Case Filing Fee	1: State Legal Defense Services
5DY0 019618	Indigent Defense Support – County Share	2: County-Level Indigent Defense
5DY0 019619	Indigent Defense Support – State Share	1: State Legal Defense Services
Federal Fund Group		
3GJ0 019622	Byrne Memorial Grant	2: County-Level Indigent Defense
3S80 019608	Federal Representation	1: State Legal Defense Services

Category 1: State Legal Defense Services

This category of appropriations consists of line items that the Commission uses to pay for the provision of legal representation to indigent adults, juveniles, and incarcerated individuals in all courts when the U.S. Constitution requires representation, or when it is requested by the court, the county or joint county public defender, or an inmate. Most legal matters in which the state provides direct representation involve appeals or death penalty cases. Indigent defense for most other cases is provided locally by public defenders or assigned counsel.

The total amount to be allocated from the executive recommended budget for the State Legal Defense Services category in FY 2016 and FY 2017 is \$7,385,199 and \$7,539,853, respectively. The total appropriation should be sufficient to maintain the current level of State Legal Defense Services, which includes payroll expenses for 73.0 full-time equivalent (FTE) staff positions. For FY 2015, the estimated total expenditure for this category is \$7,144,128.

The table below shows the line items that are used to fund this category of services and activities, as well as the executive recommended funding levels. It is followed by a narrative describing the specific types of services and activities grouped under the State Legal Defense Services category, and the purpose of each appropriated line item, and how its recommended FY 2016 and FY 2017 appropriation will be allocated.

Executive Recommended Amounts for State Legal Defense Services				
Fund		ALI and Name	FY 2016	FY 2017
General Revenue Fund (GRF)				
GRF	019401	State Legal Defense Services*	\$2,609,495	\$2,692,117
General Revenue Fund Subtotal			\$2,609,495	\$2,692,117
Dedicated Purpose Fund (DPF) Group				
1010	019607	Juvenile Legal Assistance	\$200,000	\$200,000
4070	019604	County Representation	\$225,800	\$228,456
4080	019605	Client Payments*	\$449,086	\$455,418
5CX0	019617	Civil Case Filing Fee	\$446,820	\$453,580
5DY0	019619	Indigent Defense Support – State Office*	\$3,251,056	\$3,307,340
Dedicated Purpose Fund Group Subtotal			\$4,572,762	\$4,644,794
Federal Fund (FED) Group				
3S80	019608	Federal Representation	\$202,942	\$202,942
Federal Fund Group Subtotal			\$202,942	\$202,942
Total Funding: State Legal Defense Services			\$7,385,199	\$7,539,853

*For these noted line items, the amounts in the above table only reflect the portion of the appropriation that supports the State Legal Defense Services Program.

Services and Activities

The specific types of services and activities grouped under the State Legal Defense Services category are described in more detail below.

- **Appeals and Post-conviction Representation.** This is a program with the purpose of providing legal representation in state and federal courts to indigent persons who have been tried, found guilty, and claim they are unlawfully incarcerated. Claims of unlawful incarceration of indigent persons are reviewed to determine whether their claims have arguable merit. If arguable merit is present, attorney staff may litigate the claim in the appropriate court. This program has 11 staff attorneys and three supervising attorneys who provide representation in over 1,400 cases per year where the indigent claim unlawful incarceration.
- **Death Penalty Representation.** This is a program with the purpose of providing competent legal counsel to indigent persons under the sentence of death (Ohio's death row inmates on direct appeal, state post-conviction, federal habeas corpus, and clemency appeals), as well as legal assistance, criminal investigation and mitigation, and trial services to private appointed attorneys in such cases. This program also supports training seminars on death penalty law to help ensure that the state bar meets requirements imposed under Ohio Supreme Court Superintendence Rule 20. This program has 11 staff attorneys, and three supervisors. The staff attorneys work on capital appeals, post-conviction, and habeas corpus cases. The three supervising attorneys also provide representation, but carry a smaller caseload. These attorneys not only provide counsel during the review of death penalty cases through the state courts, but also as those cases go through the federal habeas corpus litigation process, which is complex and time consuming.
- **Intake and Prison Services.** This program consists of three units: (1) Intake, which fields calls, handles routine questions, and receives initial requests for legal representation, (2) Records Management, which opens new case files, gathers relevant documents, delivers the files to supervisors for attorney assignment, and generates statistical reports, and (3) Prison Legal Services, which provides legal advice to inmates at the three reception centers in Ohio's prison system. Incoming inmates receive an orientation, information regarding their legal rights, and an opportunity to speak with an attorney regarding their case. The program also provides representation in select parole revocation matters. During FY 2014, the Commission provided representation in a total of about 368 parole revocation and other hearings

before the Parole Board; a similar annual caseload is expected in FY 2016 and FY 2017.

- **Juvenile Legal Assistance.** This is a program with the purpose of providing legal assistance and representation to juveniles who have been committed to the Department of Youth Services (DYS). Upon entering a DYS correctional facility, juveniles receive an orientation from staff attorneys and have an opportunity to have their case reviewed.³ Additional activities include gathering general information for the juvenile, correcting sentencing errors, filing motions in juvenile court, and representing juveniles on appeal. With limited staff resources (this section has only five attorneys), not every case can be heard. Those cases with the strongest issues and the highest probability for relief will be processed. The program also coordinates and provides training to defense attorneys who handle juvenile work and provides legislative advocacy on right to counsel issues and other substantive issues involving children in the juvenile justice system.
- **Legal Resource Center.** This program supports the Commission's Law Library, which is maintained pursuant to R.C. 120.04(B)(1) requiring it to maintain an office equipped with a library of adequate size, considering the needs of the office and the accessibility of other libraries, and other necessary facilities and equipment. The Law Library maintains a collection of print and electronic media materials to be used by Commission staff. Reference and research resources are also provided to all Commission staff, county public defenders, appointed counsel, and correctional institution librarians.
- **Trial Services.** The purpose of this program is to provide direct representation and assistance to local counsel in trial level cases to indigent defendants throughout Ohio. Given that only three staff attorneys are available, representation is provided in a limited number of cases. Generally, the only time this program provides representation is when there are no local attorneys qualified to provide representation in a case, typically serious capital cases. Representation may also be provided in situations where local counsel is available, but none are willing to take the case. With some frequency, local judges appoint Trial Services Program attorneys to take over the representation of an indigent defendant whose case proved to be too difficult or time consuming for a private appointed attorney to form the constitutionally requisite attorney-client relationship.

³ As of January 2015, the Department's daily facility population averaged 471 juveniles.

- **Investigation Services.** The purpose of this program is to provide both criminal and mitigation investigation services for Commission staff attorneys on trial and appellate level death penalty and nondeath penalty cases on behalf of indigent defendants in both adult and juvenile courts in Ohio. The program also provides criminal and mitigation investigation services for county public defender attorneys and court appointed attorneys on death penalty and nondeath penalty cases on behalf of indigent defendants.

The following describes the purpose of each appropriated line item for State Legal Defense Services and how its recommended FY 2016 and FY 2017 appropriation will be allocated.

State Legal Defense Services (GRF line item 019401)

This line item is used for the purpose of funding the operating expenses (payroll, purchased personal services, supplies and maintenance, equipment) associated primarily with the Commission's State Legal Defense Services program series.

For the portion of the line item supporting this program, the executive budget allocates \$2,609,795 in FY 2016, a \$143,707, or 5.8%, increase from FY 2015 estimated expenditures of \$2,465,788. The FY 2017 recommendation is \$2,692,117, an increase of \$82,622, or 3.2%, over the FY 2016 recommendation. Approximately 90% of the recommended amount in each fiscal year will be allocated for payroll-related expenses; the remainder will be allocated for purchased personal services and supplies and maintenance.

Juvenile Legal Assistance (DPF line item 019607)

This line item supports the provision of certain legal services to children committed to the Department of Youth Services.⁴ For this purpose, the executive budget recommends \$200,000 in FY 2016 and FY 2017, an amount identical to FY 2015 estimated expenditures. The recommended appropriations will be supported by cash transferred from the Department of Youth Services' budget. Over 95% of the appropriations will be allocated for payroll-related expenses

⁴ State law authorizes the State Public Defender to provide legal representation and services to a child committed to the Department of Youth Services relative to the fact, duration, and conditions of the child's confinement. The Department of Youth Services is required to give the State Public Defender access to the child and any Department of Youth Services institution or record that the State Public Defender needs to provide authorized representation and services (R.C. 120.06 and 5139.04).

County Representation (DPF line item 019604)

This line item contains payments for legal representation, and investigation or mitigation services provided to counties under certain circumstances. The use of this money is restricted to providing legal representation for indigent persons, or to provide investigation or mitigation services.

The executive budget provides the Commission requested appropriation for this line item in FY 2016 and FY 2017: \$225,800 and \$228,456, respectively. The recommended appropriation for FY 2016 is \$82,602, or 26.8%, less than the FY 2015 estimated expenditure of \$308,402. The FY 2017 recommended appropriation is 1.2% more than FY 2016 recommended appropriation. The appropriated amount in each fiscal year will be allocated primarily for payroll-related expenses, and secondarily for maintenance and supplies.

Client Payments (GSF line item 019605)

This line item draws its appropriation from payments collected from certain defendants, and 20%, or \$5, of a nonrefundable \$25 indigent defense application fee.⁵ For the portion of the line item supporting the State Legal Defense Services program, the executive budget allocates \$449,086 in FY 2016 and \$455,418 in FY 2017. The FY 2016 recommendation is a \$357,994, or 393.3%, increase from FY 2015 expenditures of \$91,092. The FY 2017 recommendation is \$6,332, or 1.4%, more than the FY 2016 recommendation. Virtually all of the recommended amount in each fiscal year will be allocated for payroll-related expenses.

Civil Case Filing Fee (DPF line item 019617)

The line item is supported by certain locally collected filing fees that are deposited in the state treasury for the purpose of appointing assistant public defenders and for providing other personnel, equipment, and facilities necessary for operation of the Ohio Public Defender Commission.

The executive budget provides the Commission requested total appropriation for this line item in FY 2016 and FY 2017: \$446,820 and \$453,580, respectively. The recommended appropriation for FY 2016 is \$80,714, or 15.3%, less than the FY 2015 estimated expenditure of \$527,534. The FY 2017 recommended appropriation is \$6,760, or 1.5%, more than FY 2016 recommended appropriation. The appropriated amount in each fiscal year will be allocated primarily for payroll-related expenses.

⁵ Existing law permits this money to be used to: (1) appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the Commission's operation, (2) reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems, and (3) provide assistance to counties in the operation of county indigent defense systems.

Indigent Defense Support – State Share (DPF line item 019619)

Of this line item, which draws its appropriation from the Indigent Defense Support Fund (Fund 5DY0), 56.4% of the total executive recommended appropriation will be utilized to support the functions of the State Legal Defense Services Program. The remaining 43.6% will be utilized in the Program Management area to cover expenses related to the agency wide operations.

For the portion of the line item supporting the State Legal Defense Services Program, the executive proposed budget provides:

- \$3,251,056 in FY 2016, which is \$97,314, or 2.9%, less than the estimated amount allocated for this purpose in FY 2015 (\$3,348,370).
- \$3,307,340 in FY 2017, which is \$56,284, or 1.7%, more than the recommended allocation for FY 2016.

These recommendations should be sufficient to continue FY 2015 levels of services. The appropriated amount in each fiscal year will be allocated largely to support payroll-related expenses, and secondarily a mix of maintenance and supplies, purchased personal services, and equipment purchases.

Federal Representation (FED line item 019608)

This line item contributes to the funding of State Legal Defense Services, particularly those involving death penalty representation, and contains the payments collected from a federal court that offset some of the costs incurred by the Office of the State Public Defender when that court has appointed the State Public Defender to provide legal representation to an indigent defendant in federal habeas corpus proceedings, primarily matters involving the death penalty.⁶ These federal payments are used by the Commission's Death Penalty Division to provide, coordinate, and supervise post-trial legal representation to indigent defendants in federal courts on federal habeas corpus proceedings where the defendant is appealing the imposition of a death sentence by a state trial court.

⁶ Habeas corpus is an appeal to the federal courts for wrongful conviction and unconstitutional imprisonment. A habeas petition is filed after a defendant has exhausted his or her direct appeal and state post-conviction remedies. In this instance, a defendant combines all of the prior claims raised on direct appeal and state post-conviction and he or she raises them in one petition in the United States District Court. All habeas cases, win or lose, are reviewed by the United States Court of Appeals for the Sixth Circuit in Cincinnati. In this habeas petition, the defendant may only seek relief on claims that involve a violation of the United States Constitution, for example, a violation of the 6th Amendment right to effective counsel or a violation of the 8th Amendment right to present mitigating evidence for sentencing.

The executive budget provides the Commission's requested appropriation of \$202,942 in FY 2016 and FY 2017, an amount that is identical to FY 2015 estimated expenditures. The appropriated amount in each fiscal year will be allocated primarily for payroll-related expenses.

Category 2: County-Level Indigent Defense

This category of appropriations consists of line items that the Commission uses to provide, facilitate, and improve the delivery of criminal defense services to indigent persons accused of crimes handled by common pleas, municipal, and county courts. With this portion of its budget, the Commission partially subsidizes counties for the cost of providing counsel to indigent persons in criminal and juvenile matters.⁷ State law stipulates that the Commission reimburse counties 50% of the costs of operating their local indigent defense systems, unless the legislature appropriates less funding than needed to reimburse at 50%, in which case each county receives a reduced, but equal share.

These services and activities also include establishing standards (including indigence), guidelines, and maximum fees for state reimbursement of county-level indigent defense services, and monitoring county compliance with those standards.

For the current FY 2014-FY 2015 biennium, the GRF is expected to provide a total of \$22.8 million as the state share of providing county-level indigent defense. The recommended GRF amount for this purpose for the FY 2016-FY 2017 biennium totals \$23.3 million, an increase of \$0.5 million over the current biennium. The recommended GRF funding, when combined with non-GRF funding, will allow the Commission to maintain the FY 2015 county reimbursement rate of 40% in FY 2016 and FY 2017. The recommended appropriation in the executive budget will support about 33.5 full-time equivalent (FTE) staff positions in this program series.

The table below shows the line items that are used to fund this category of services and activities, as well as the executive recommended funding levels. It is followed by a narrative describing the purpose of each appropriated line item and how its recommended FY 2016 and FY 2017 appropriations will be allocated.

⁷ Pursuant to R.C. 120.18, 120.28, and 120.33 to 120.35.

Executive Recommended Amounts for County-Level Indigent Defense				
Fund	ALI and Name		FY 2016	FY 2017
General Revenue Fund (GRF)				
GRF	019403	Multi-County: State Share	\$1,576,463	\$1,593,325
GRF	019404	Trumbull County – State Share	\$436,526	\$443,205
GRF	019405	Training Account	\$50,000	\$50,000
GRF	019501	County Reimbursement	\$9,620,268	\$9,620,268
General Revenue Fund Subtotal			\$11,683,257	\$11,706,798
Dedicated Purpose Fund (DPF) Group				
4C70	019601	Multi-County: County Share	\$2,364,693	\$2,389,985
4X70	019610	Trumbull County – County Share	\$654,790	\$664,809
5DY0	019618	Indigent Defense Support – County Share	\$38,005,178	\$39,409,939
Dedicated Purpose Fund Group Subtotal			\$41,024,661	\$42,464,733
Federal Fund (FED) Group				
3GJ0	019622	Byrne Memorial Grant	\$39,958	\$39,958
Federal Fund Group Subtotal			\$39,958	\$39,958
Total Funding: County-Level Indigent Defense			\$52,747,876	\$54,211,489

Training Account (GRF line item 019405)

This line item is used exclusively for the Commission's Pro Bono Training Program, under which it contracts with private and nonprofit training companies to provide continuing legal education (CLE) certified seminars to attorneys who practice criminal indigent defense law. The Commission pays the seminar companies a fee for each attorney who attends a seminar under the program.

The executive budget provides the Commission's requested appropriation of \$50,000 in FY 2016 and FY 2017, an amount that is identical to FY 2015 estimated expenditures. The executive recommended budget should enable the Commission to provide training seminars to about 328 attorneys that are appointed to criminal cases. All of the amounts appropriated in each fiscal year will be used to pay companies to deliver pro bono training.

The seminar companies presently charge \$125 per attorney for a regular one-day seminar and \$200 per attorney for the two-day Rule 20 seminars. The seminars are provided free of charge to attorneys who are employees of a county public defender office, who contract with the Ohio Public Defender to represent criminal defendants, or who agree to provide representation in an indigent case at no charge to the state. There are currently over 4,000 private attorneys who accept indigent criminal appointments in this state, as well as over 360 part-time or full-time public defenders.

County Reimbursement (GRF line item 019501)

This line item is used to reimburse counties for up to 50% of their indigent defense expenditures on both noncapital and capital cases. If the available appropriations are insufficient to reimburse 50% of the indigent defense expenditures for noncapital and capital cases, then the reimbursement percentage for each of the public defender offices and appointed counsel systems is reduced equally.

The executive recommended appropriation for FY 2016 and FY 2017 is \$9,620,268, an amount that is identical to FY 2015 estimated expenditures. These recommended appropriations, when combined with non-GRF funding, will support the current 40% rate of county reimbursement for indigent criminal defense services in FY 2016 and FY 2017.

Branch Offices (GRF line items 019403 and 019404; DPF line items 019601 and 019610)

This set of line items pay for the expenses associated with operating branch offices. Under the Branch Offices Program, the State Public Defender provides local indigent defense services as an alternative to traditional appointed counsel or county public defender offices. The Commission currently operates two such offices, referred to as the Trumbull County Branch Office and the Multi-County Branch Office.⁸

For FY 2015, the branch office system is projected to handle 19,870 cases at a cost of about \$4.8 million. The branch office system is projected to handle 20,406 and 21,075 cases in FY 2016 and FY 2017, respectively. The cost is estimated at \$5 million in FY 2016 and \$5.1 million in FY 2017.

Although the branch office systems operate as an alternative to traditional public defender offices and appointed counsel systems, these operations are still affected by changes in state funding just like the direct reimbursement systems.

The executive recommendation for the GRF state share of the branch office system is \$2,012,989 in FY 2016 and \$2,036,530 in FY 2017. The FY 2016 recommendation is \$137,627, or 7.3%, more than the FY 2015 estimated expenditure of \$1,875,362. The FY 2017 recommendation is \$23,541, or 1.2%, more than the FY 2016 recommendation.

These GRF and non-GRF appropriations for the branch offices are generally structured to keep the reimbursement rates for the branch offices equal to the reimbursement rates expected for the other counties that are reimbursed from line items 019501, County Reimbursement, and 019618, Indigent Defense Support – County Share. These counties are expected to receive the same reimbursement rate of 40% over the next two fiscal years. Since the branch offices are funded with different line items,

⁸ These state public defender-operated offices are authorized under R.C. 120.04(C)(7).

adjustments are often made during any given fiscal year to the state share of the branch office appropriations to keep the reimbursement rates equal across all counties.

Trumbull County Branch Office. This office, established in FY 1985, provides local indigent defense services for Trumbull County. The recommended appropriation for this branch office (GRF line item 019404 plus DPF line item 019610) totals around \$1.1 million annually. The appropriated amount in each fiscal year will be allocated primarily to cover payroll and purchased personal services, and secondarily for a mix of supplies and maintenance, and equipment.

Multi-County Branch Office. This office provides local indigent defense services to ten counties in the southern and southeastern part of Ohio. The ten counties are Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington, with public defender offices located in Athens, Ross, and Washington counties. The Multi-County Branch Office was established in January 1991.

The recommended appropriation for this branch office (GRF line item 019403 plus DPF line item 019601) totals in the range of about \$3.9 million annually. The appropriated amount in each fiscal year will be allocated primarily to cover payroll and purchased personal services, and secondarily for a mix of supplies and maintenance, and equipment.

Indigent Defense Support – County Share (DPF line item 019618)

This line item, which draws its appropriations from the Indigent Defense Support Fund (Fund 5DY0), will be used as part of the Commission's county reimbursement system. The executive recommended appropriations are \$38,005,178 in FY 2016, and \$39,409,939 in FY 2017, and will be backed by non-GRF revenues collected from the mix of fines, fees, and court costs deposited in Fund 5DY0.

The recommended biennial appropriation for this line item, when combined with the nearly \$19.2 million in biennial funding for indigent defense reimbursement appropriated to GRF line item 019501, County Reimbursement, will maintain the FY 2015 level of support for County-Level Indigent Defense in the FY 2016-FY 2017 biennium. The combined amount of recommended GRF and non-GRF appropriations for county indigent defense reimbursement totals about \$47.6 million in FY 2016 and about \$49.0 million in FY 2017 (GRF line item 019501 + DPF line item 019618). At this level of funding, the county reimbursement rate for indigent defense services should remain at about 40% in FY 2016 and FY 2017.

Byrne Memorial Grant (FED line item 019622)

This line item is used to expend a \$39,958 federal grant awarded by the state's Office of Criminal Justice Services for the purpose of reducing offender recidivism in Athens, Pike, and Meigs counties. The grant funds are paying for a social worker in the Athens County Branch Office who works with and assist clients in obtaining

appropriate community services designed to reduce the client's likelihood of reoffending.

The executive budget provides the Commission's requested appropriation of \$39,958 in FY 2016 and FY 2017, an amount that is identical to FY 2015 estimated expenditures. This funding level assumes that the Commission will be successful in its application for a renewal of this grant.

Category 3: Ohio Legal Assistance Foundation

This category of appropriations is exclusively to support operations of the Ohio Legal Assistance Foundation (OLAF), which is a nonprofit entity, created by statute, and charged with administering state funds for Ohio's legal aid societies.⁹

The table below shows the single line item that is used for civil legal aid purposes, as well as the executive recommended funding levels. It is then followed by a narrative describing how that appropriation amount will be used.

Executive Recommended Amounts for the Ohio Legal Assistance Foundation				
Fund	ALI and Name		FY 2016	FY 2017
Dedicated Purpose Fund (DPF) Group				
5740	019606	Civil Legal Aid	\$16,500,000	\$16,500,000
Total Funding: Ohio Legal Assistance Foundation			\$16,500,000	\$16,500,000

Civil Legal Aid (DPF line item 019606)

The executive budget recommends appropriations of \$16,500,000 in FYs 2016 and 2017 to support the state's legal aid societies. This amount is \$2,295,000, or 16.2%, more than FY 2015 estimated expenditures of \$14,205,000. The revenue received from certain interest bearing trust and real estate escrow accounts is very sensitive to fluctuations in interest rates. The appropriation generally is based on the expected returns from these accounts. Approximately \$5,000 in FY 2016 and FY 2017 will be charged as administrative costs borne by the Commission for managing Foundation activities.

Money from dedicated funding sources, including the interest earned on certain trust and real estate escrow accounts, is deposited in the Legal Aid Fund (Fund 5740) and then passed through the Commission to the Foundation. The Foundation then administers payments to nonprofit legal aid societies that provide legal representation to indigent persons in civil cases. These payments are distributed to legal aid societies throughout the state pursuant to a statutory formula based on poverty population. Every county is served by one or more legal aid societies.

Revenue Enhancement

Effective March 23, 2015, Fund 5740 will begin receiving money from a new revenue stream: additional filing fees applied to certain civil actions. This fee may generate as much as \$1.5 million annually. The fee was enacted by Am. Sub. S.B. 177 of the 130th General Assembly.

⁹ The Foundation, established by Am. Sub. H.B. 152 of the 120th General Assembly, effective July 1993, develops financial support and solicits financial contributions for use in providing assistance to Ohio's legal aid societies.

Category 4: Program Management

This category includes the services and activities performed by the Commission's Administrative Division, which provides the necessary services common to most state agencies, including fiscal and accounting, personnel and training, computer information systems, purchasing, fleet management, and delivery. The Division also provides certain required services: collecting reimbursement from the counties for legal services provided by the Ohio Public Defender, processing reimbursement to the counties for indigent defense programs, and producing educational seminars and conferences.¹⁰

The total amount to be allocated from the executive recommended budget for the Program Management category in FY 2016 and FY 2017 is \$3,503,432 and \$3,300,507, respectively. These amounts are not likely to be sufficient to maintain the current level of program management services, including payroll related expenses for 31.0 full-time equivalent (FTE) staff positions. The Commission expects it will have to eliminate six positions that involve the processing of county reimbursement payments due to revenue shortages in several key non-GRF funds. These six employees are currently paid from the Client Payments Fund.

The table below shows the line items that are used to fund this category of services and activities, as well as the executive recommended funding levels. It is followed by a narrative describing the purpose of each appropriated line item and how its recommended FY 2016 and FY 2017 appropriations will be allocated.

Executive Recommended Amounts for Program Management				
Fund		ALI and Name	FY 2016	FY 2017
General Revenue Fund (GRF)				
GRF	019401	State Legal Defense Services*	\$411,360	\$328,738
General Revenue Fund Subtotal			\$411,360	\$328,738
Dedicated Purpose Fund (DPF) Group				
4080	019605	Client Payments*	\$520,878	\$378,859
4N90	019613	Gifts and Grants	\$50,250	\$50,250
5DY0	019619	Indigent Defense Support – State Office	\$2,520,944	\$2,542,660
Dedicated Purpose Fund Group Subtotal			\$3,092,072	\$2,971,769
Total Funding: Program Management			\$3,503,432	\$3,300,507

*For these noted line items, the amounts in the above table only reflect the portion of the appropriation that supports Program Management.

¹⁰ R.C. Chapter 120.

State Legal Defense Services (GRF line item 019401)

This line item is used for the purpose of funding the operating expenses (payroll, purchased personal services, supplies and maintenance, equipment) associated primarily with the Commission's State Legal Defense Services program series, and secondarily Program Management. Most of the amounts for Program Management in each year will be allocated for a mix of payroll and purchased personal services, and should be sufficient to maintain delivery of FY 2015 service levels.

Client Payments (DPF line item 019605)

This line item draws its appropriation from payments collected from certain defendants, and 20%, or \$5, of a nonrefundable \$25 indigent defense application fee. Of the total amount recommended for this line item, the executive budget allocates \$520,878, or 53.7%, in FY 2016 for operating expenses of the Commission's Administrative Division. In FY 2017, the executive budget allocates \$378,859, or 45.4% of the total Client Payments appropriation for the Division. Over the biennium, approximately 50% will be allocated for payroll-related expenses and close to 40% for supplies and maintenance.

Gifts and Grants (DPF line item 019613)

This line item is supported by the Gifts and Grants Fund (Fund 4N90), which is used to disburse grants, donations, and awards from public and private sources that the Commission has received for specific purposes. The line item's executive recommended appropriation for FY 2016 and FY 2017 is \$50,250, a decrease of \$24,413, or 32.7%, from FY 2015 estimated expenditures of \$74,663. This funding is allocated equally between payroll-related expenses and purchased personal services.

Presently, the Commission has two sources of money being deposited in Fund 4N90 for the projects described below.

Civil Impacts of Criminal Convictions

Six state agencies have entered into interdepartmental agreements with the Commission to contribute \$5,000 each annually (total of \$30,000) for the costs of operating the Civil Impacts of Criminal Convictions (CIVICC) under Ohio Law website.¹¹ CIVICC collects in one place all of the civil impacts of criminal convictions that exist in Ohio statutes. These are legal restrictions, also called "collateral consequences" or "collateral sanctions," that apply outside of the criminal justice system to a person with a criminal record, including laws that can limit access to jobs, licenses,

¹¹ The six contributing state agencies include: the Department of Job and Family Services, the Department of Mental Health and Drug Addiction Services, the Development Services Agency, the Department of Rehabilitation and Correction, the Department of Youth Services, and the Department of Aging.

civic rights, housing, and education. The website is intended for use by anyone, free of charge.

Wrongful Conviction Project

The Ohio State University Moritz College of Law makes an annual gift of \$25,250 to fund two law students that work on the Commission's Wrongful Conviction Project. This project addresses claims of innocence where biological evidence (DNA) was not available. It was launched in the fall of 2009 with the help of a grant from the U.S. Department of Justice's Wrongful Conviction Review Program.

Indigent Defense Support – State Share (DPF line item 019619)

Of this line item, which draws its appropriation from the Indigent Defense Support Fund (Fund 5DY0), 43.6% of the total executive recommended appropriation will be allocated to support Program Management. The remaining 56.4% will be allocated to the State Legal Defense Services program.

For the portion of the line item supporting Program Management, the executive proposed budget allocates:

- \$2,520,944 in FY 2016, which is \$287,619, or 12.9%, more than the estimated expenditure for this purpose in FY 2015 (\$2,233,325).
- \$2,542,660 in FY 2017, which is \$21,716, or 0.9%, more than the recommended allocation for FY 2016.

This recommended level of GRF funding will allow for the continuation of FY 2015 levels of Program Management services and activities. The appropriated amount in each fiscal year will, in approximate order of magnitude, as follows: payroll-related expenses (72%), purchased personal services (14%), maintenance and supplies (13%), and equipment (1%).

Summary of Line Items Shared with State Legal Defense Services

As noted, under the executive budget, Program Management and State Legal Defense Services will share the funding appropriated to three line items used by the Commission. The following table summarizes the FY 2016-FY 2017 biennial funding for those three line items and the amounts that are planned to be allocated between the Program Management and State Legal Defense Service categories.

Table 5. Program Management Allocations from Line Items Shared with State Legal Defense Service, FY 2016-FY 2017				
Fund Group/ Line Item	Line Name	Total Biennial Appropriation	Program Management Allocation	State Legal Defense Services Allocation
GRF/019401	State Legal Defense Services	\$6,041,710	\$740,098	\$5,301,612
DPF/019605	Client Payments	\$1,804,241	\$899,737	\$904,504
DPF/019619	Indigent Defense Support	\$11,622,000	\$5,063,604	\$6,558,396
TOTAL		\$19,467,951	\$6,703,439	\$12,764,512

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Ohio Public Defender Commission

General Revenue Fund

GRF 019321 Public Defender Administration

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$3,078	\$0	\$0	\$0	\$0	\$0
	-100%	N/A	N/A	N/A	N/A

Source: General Revenue Fund

Legal Basis: Discontinued line item (originally established by Am. Sub. H.B. 215 of the 122nd G.A.)

Purpose: This line item was used to pay for operating expenses incurred by the Public Defender Commission's Administrative Division in delivering business support services to the agency. Since FY 2012, money for this purpose has been allocated from other, mostly non-GRF, funds used by the Commission.

GRF 019401 State Legal Defense Services

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$2,600,102	\$2,973,270	\$3,025,527	\$3,020,855	\$3,020,855	\$3,020,855
	14.4%	1.8%	-0.2%	0.0%	0.0%

Source: General Revenue Fund

Legal Basis: Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Am. Sub. H.B. 215 of the 122nd G.A.)

Purpose: This line item primarily is used for operating expenses associated with the Public Defender Commission's Legal and Death Penalty Divisions, which provide trial and appeal representation to indigent persons, including juveniles, adults, and death row inmates.

Ohio Public Defender Commission

GRF 019403 Multi-County: State Share

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$1,163,138	\$1,183,143	\$1,410,287	\$1,455,103	\$1,576,463	\$1,593,325
	1.7%	19.2%	3.2%	8.3%	1.1%

Source: General Revenue Fund

Legal Basis: ORC 120.04, 120.06, and 120.33; Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Controlling Board on December 17, 1990)

Purpose: This line item is used to fund the state's share of the Multi-County Branch Office Program, which began operation in FY 1991. Under the program, the state provides indigent defense services as an alternative to traditional appointed counsel or county public defender offices to ten counties in south and southeastern Ohio: Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington. Each county's contribution to the program is deposited in the state treasury to the credit of Fund 4C70 (line item 019601, Multi-County: County Share). The funding split between the state and county shares is the same as it is for the Commission's statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

GRF 019404 Trumbull County - State Share

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$332,043	\$340,547	\$406,370	\$420,259	\$436,526	\$443,205
	2.6%	19.3%	3.4%	3.9%	1.5%

Source: General Revenue Fund

Legal Basis: ORC 120.04, 120.06, and 120.33; Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Am. Sub. H.B. 291 of the 115th G.A.)

Purpose: This line item is used to fund the state's share of the Trumbull County Branch Office. The office, which began operation in 1984, provides indigent criminal defense representation in the courts of Trumbull County. The local share of the office is deposited in the state treasury to the credit of Fund 4X70 (line item 019610, Trumbull County - County Share). The funding split between the state and local shares is the same as it is for the Public Defender Commission's statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

Ohio Public Defender Commission

GRF 019405 Training Account

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$50,000	\$44,080	\$51,175	\$50,000	\$50,000	\$50,000
	-11.8%	16.1%	-2.3%	0.0%	0.0%

Source: General Revenue Fund

Legal Basis: ORC 120.03; Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Am. Sub. H.B. 171 of the 117th G.A.)

Purpose: This line item is used to fund the Public Defender Commission's Pro Bono Training Program, under which it contracts with private and non-profit training companies to provide continuing legal education (CLE) certified seminars to attorneys who practice criminal indigent defense law.

GRF 019501 County Reimbursement

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$1,448,133	\$2,023,098	\$9,505,557	\$9,620,268	\$9,620,268	\$9,620,268
	39.7%	369.9%	1.2%	0.0%	0.0%

Source: General Revenue Fund

Legal Basis: ORC 120.04, 120.18, 120.28, 120.33, 2941.51, and 2949.19; Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Am. Sub. H.B. 164 of the 111th G.A.)

Purpose: This line item is used, in concert with other money appropriated for use by the Public Defender Commission, to reimburse counties for up to 50% of their costs in providing legal counsel to indigent persons in criminal and juvenile matters.

Dedicated Purpose Fund Group

1010 019607 Juvenile Legal Assistance

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$0	\$0	\$186,403	\$200,000	\$200,000	\$200,000
	N/A	N/A	7.3%	0.0%	0.0%

Source: Dedicated Purpose Fund Group: Cash transferred from the Ohio Department of Youth Services's (DYS) budget pursuant to an interdepartmental agreement

Legal Basis: Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Controlling Board on August 16, 1993)

Purpose: This line item is used by the Public Defender Commission's Juvenile Division to provide certain legal representation and assistance services to juveniles committed to the Ohio Department of Youth Services.

Ohio Public Defender Commission

4060 019603 Training and Publications

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$0	\$0	\$4,475	\$0	\$0	\$0
	N/A	N/A	-100%	N/A	N/A

Source: Dedicated Purpose Fund Group: Educational seminar fees and publication sales

Legal Basis: As needed line item: ORC 120.03(E) (originally established by Am. Sub. H.B. 291 of the 115th G.A.)

Purpose: This line item is used to conduct training and education programs for attorneys and others in the legal representation of indigent persons.

4070 019604 County Representation

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$226,053	\$328,165	\$347,476	\$308,402	\$225,800	\$228,456
	45.2%	5.9%	-11.2%	-26.8%	1.2%

Source: Dedicated Purpose Fund Group: Funds paid by counties that have requested the State Public Defender provide counsel in local cases

Legal Basis: ORC 120.06(D)(4); Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Am. Sub. H.B. 291 of the 115th G.A.)

Purpose: This line item is used by the State Public Defender to: (1) provide legal representation for indigent persons when designated by the court or requested by a county or joint county public defender, and (2) provide investigation or mitigation services, including investigation or mitigation services to private appointed counsel or a county or joint county public defender, as approved by the court.

Ohio Public Defender Commission

4080 019605 Client Payments

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$866,494	\$698,547	\$701,409	\$708,040	\$969,964	\$834,277
	-19.4%	0.4%	0.9%	37.0%	-14.0%

Source: Dedicated Purpose Fund Group: (1) Money collected from defendants who were provided appointed counsel or a public defender and ordered to pay all or a portion of the costs of their defense, and (2) 20%, or \$5, of a non-refundable \$25 indigent defense application fee assessed a defendant in a criminal case when requesting indigent defense services

Legal Basis: ORC 120.04(B)(5) and 120.36(D); Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Am. H.B. 291 of the 115th G.A.)

Purpose: This line item is used for the Public Defender Commission's operating expenses, primarily those incurred by the Administrative Division in providing business support services to the agency.

4C70 019601 Multi-County: County Share

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$2,163,205	\$2,186,862	\$2,133,860	\$2,343,484	\$2,364,693	\$2,389,985
	1.1%	-2.4%	9.8%	0.9%	1.1%

Source: Dedicated Purpose Fund Group: Contract payments from ten counties in south and southeastern Ohio for their portion of the costs of operating the Multi-County Branch Office Program

Legal Basis: ORC 120.04(C)(7); Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Controlling Board on December 17, 1990)

Purpose: This line item is used to fund the local share of the Multi-County Branch Office Program, which began operation in FY 1991. Under the program, the state provides indigent defense services as an alternative to traditional appointed counsel or county public defender offices to ten counties in south and southeastern Ohio: Adams, Athens, Brown, Fayette, Jackson, Meigs, Pickaway, Pike, Ross, and Washington. The state share is drawn from the Commission's GRF line item 019403, Multi-County: State Share. The funding split between the state and county shares is the same as it is for the Commission's statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

Ohio Public Defender Commission

4N90 019613 Gifts and Grants

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$32,329	\$23,030	\$27,633	\$74,663	\$50,250	\$50,250
	-28.8%	20.0%	170.2%	-32.7%	0.0%

Source: Dedicated Purpose Fund Group: Grants, donations, and awards from public and private sources that the Commission has received for specific purposes

Legal Basis: As needed line item; ORC 120.04 (originally established by Controlling Board on June 1, 1994)

Purpose: Currently, money is being collected and disbursed from this line item for two specific purposes. First, the costs of operating the Civil Impacts of Criminal Convictions (CIVICC) under Ohio Law web site, which collects in one place all of the civil impacts of criminal convictions that exist in Ohio statutes. Six state agencies have entered into interdepartmental agreements with the Commission to contribute \$5,000 each annually (total of \$30,000) for this purpose. Second, The Ohio State University Moritz College of Law makes an annual gift of \$25,250 to fund two law students that work on the Commission's Wrongful Conviction Project. This project addresses claims of innocence where biological evidence (DNA) was not available.

4X70 019610 Trumbull County - County Share

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$619,602	\$632,458	\$619,891	\$656,740	\$654,790	\$664,809
	2.1%	-2.0%	5.9%	-0.3%	1.5%

Source: Dedicated Purpose Fund Group: Contract payments from Trumbull County for its portion of the costs of operating the Commission's Trumbull County Branch Office

Legal Basis: ORC 120.04(C)(7); Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Am. Sub. H.B. 215 of the 122nd G.A.)

Purpose: This line item is used to fund the local share of the Trumbull County Branch Office. The office, which began operation in 1984, provides indigent criminal defense representation in the courts of Trumbull County. The state's share is drawn from the Public Defender Commission's GRF line item 019404, Trumbull County - State Share. The funding split between the state and local shares is the same as it is for the Commission's statewide County Reimbursement Program under which the state is responsible for up to 50% of a county's indigent defense costs.

Ohio Public Defender Commission

5740 019606 Civil Legal Aid

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$17,402,425	\$16,499,901	\$13,828,837	\$14,205,000	\$16,500,000	\$16,500,000
	-5.2%	-16.2%	2.7%	16.2%	0.0%

Source: Dedicated Purpose Fund Group: (1) Interest generated on lawyer's trust accounts (IOLTAs) and title insurance trust accounts (IOTAs), (2) additional filing fees collected by municipal, county, and common pleas courts on certain new civil actions or proceedings, and (3) investment earnings

Legal Basis: ORC 120.52; Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Am. Sub. S.B. 219 of the 115th G.A.)

Purpose: This line item is used to support operations of the Ohio Legal Assistance Foundation (OLAF), which is a nonprofit entity charged with administering state funds for Ohio's legal aid societies. The Foundation then administers payments to nonprofit legal aid societies that provide legal representation to indigent persons in civil cases. These payments are distributed to legal aid societies throughout the state pursuant to a statutory formula based on poverty population. Every county is served by one or more legal aid societies.

5CX0 019617 Civil Case Filing Fee

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$532,136	\$535,335	\$461,240	\$527,534	\$446,820	\$453,580
	0.6%	-13.8%	14.4%	-15.3%	1.5%

Source: Dedicated Purpose Fund Group: 4% of filing fees collected by municipal courts, county courts, and courts of common pleas in certain new civil actions or proceedings (remainder of the filing fees, or 96%, credited to the state's Legal Aid Fund (Fund 5740)).

Legal Basis: ORC 120.07; Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Am. Sub. H.B. 66 of the 126th G.A.)

Purpose: This line item is used to fund operating expenses of the Public Defender Commission.

Ohio Public Defender Commission

5DY0 019618 Indigent Defense Support - County Share

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$37,913,512	\$36,574,664	\$39,709,776	\$39,182,681	\$38,005,178	\$39,409,939
	-3.5%	8.6%	-1.3%	-3.0%	3.7%

Source: Dedicated Purpose Fund Group: (1) Designated portion (\$75, \$125, \$250, or \$500) of the mandatory fines for operating a vehicle while under the influence (OVI) violations, (2) \$5 of an additional \$10 in court costs for moving violations, (3) court costs of \$30 for a felony offense and \$20 for a misdemeanor offense other than a traffic offense that is not a moving violation, (4) \$10 additional court cost for a traffic offense that is neither a moving violation nor a parking violation, (5) designated portion (\$10, \$25, \$50, or \$100) of driver's license reinstatement fees, and (6) a \$25 bail bond surcharge

Legal Basis: ORC 120.08, 2937.22, 2949.091, 2949.111, 4507.45, 4509.101, and 4510.22; Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Sub. S.B. 209 of the 127th G.A.)

Purpose: This line item is used, in concert with other money appropriated for use by the Public Defender Commission, to reimburse counties for up to 50% of their costs in providing legal counsel to indigent persons in criminal and juvenile matters.

5DY0 019619 Indigent Defense Support - State Office

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$4,977,932	\$4,723,287	\$4,965,916	\$5,581,695	\$5,772,000	\$5,850,000
	-5.1%	5.1%	12.4%	3.4%	1.4%

Source: Dedicated Purpose Fund Group: Shares sources of revenue noted in the preceding entry for the Commission's DPF Fund 5DY0, line item 019618, Indigent Defense Support - County Share

Legal Basis: ORC 120.08, 2937.22, 2949.091, 2949.111, 4507.45, 4509.101, and 4510.22; Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Sub. S.B. 209 of the 127th G.A.)

Purpose: This line item is used to fund operating expenses of the Public Defender Commission.

Ohio Public Defender Commission

Federal Fund Group

3FX0 019621 Wrongful Conviction Program

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$0	\$24,306	\$126,284	\$99,057	\$0	\$0
	N/A	419.6%	-21.6%	-100%	N/A

Source: Federal Fund Group: CFDA 16.746, Capital Case Litigation

Legal Basis: Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Controlling Board on September 10, 2012)

Purpose: This line item is used to disburse a \$249,648 federal grant related to the Wrongful Conviction Project, which was launched in the fall of 2009. The project works exclusively on the investigation and review of claims of innocence where DNA evidence is not available, and when appropriate, provides representation. The grant expired on September 30, 2014, and no additional funding is anticipated.

3GJ0 019622 Byrne Memorial Grant

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$0	\$0	\$0	\$39,957	\$39,958	\$39,958
	N/A	N/A	N/A	0.0%	0.0%

Source: Federal Fund Group: CFDA 16.738, Edward Byrne Memorial Justice Assistance Grant Program

Legal Basis: Established by Controlling Board on January 27, 2014

Purpose: This line item is used to expend a \$39,958 federal grant awarded by the state's Office of Criminal Justice Services for the purpose of reducing offender recidivism in Athens, Pike, and Meigs counties. The executive budget assumes that the grant will be renewed.

Ohio Public Defender Commission

3S80 019608 Federal Representation

FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Estimate	FY 2016 Introduced	FY 2017 Introduced
\$234,526	\$137,175	\$190,520	\$202,942	\$202,942	\$202,942
	-41.5%	38.9%	6.5%	0.0%	0.0%

Source: Federal Fund Group: Reimbursement payments from federal courts that offset some of the Public Defender Commission's indigent defense costs incurred in federal habeas cases

Legal Basis: Section 353.10 of Am. Sub. H.B. 59 of the 130th G.A. (originally established by Controlling Board on March 2, 1998)

Purpose: This line item is used by the Commission's Death Penalty Division to provide, coordinate, and supervise post-trial legal representation to indigent defendants in federal courts on federal habeas corpus proceedings where the defendant is appealing the imposition of a death sentence by a state trial court.

FY 2016 - FY 2017 Introduced Appropriation Amounts

All Fund Groups

Line Item Detail by Agency

			FY 2014	Estimate FY 2015	Introduced FY 2016	FY 2015 to FY 2016 % Change	Introduced FY 2017	FY 2016 to FY 2017 % Change
Report For Main Operating Appropriations Bill			Version: As Introduced					
PUB Ohio Public Defender Commission								
GRF	019401	State Legal Defense Services	\$ 3,025,527	\$ 3,020,855	\$ 3,020,855	0.00%	\$ 3,020,855	0.00%
GRF	019403	Multi-County: State Share	\$ 1,410,287	\$ 1,455,103	\$ 1,576,463	8.34%	\$ 1,593,325	1.07%
GRF	019404	Trumbull County - State Share	\$ 406,370	\$ 420,259	\$ 436,526	3.87%	\$ 443,205	1.53%
GRF	019405	Training Account	\$ 51,175	\$ 50,000	\$ 50,000	0.00%	\$ 50,000	0.00%
GRF	019501	County Reimbursement	\$ 9,505,557	\$ 9,620,268	\$ 9,620,268	0.00%	\$ 9,620,268	0.00%
General Revenue Fund Total			\$ 14,398,916	\$ 14,566,485	\$ 14,704,112	0.94%	\$ 14,727,653	0.16%
1010	019607	Juvenile Legal Assistance	\$ 186,403	\$ 200,000	\$ 200,000	0.00%	\$ 200,000	0.00%
4060	019603	Training and Publications	\$ 4,475	\$ 0	\$ 0	N/A	\$ 0	N/A
4070	019604	County Representation	\$ 347,476	\$ 308,402	\$ 225,800	-26.78%	\$ 228,456	1.18%
4080	019605	Client Payments	\$ 701,409	\$ 708,040	\$ 969,964	36.99%	\$ 834,277	-13.99%
4C70	019601	Multi-County: County Share	\$ 2,133,860	\$ 2,343,484	\$ 2,364,693	0.91%	\$ 2,389,985	1.07%
4N90	019613	Gifts and Grants	\$ 27,633	\$ 74,663	\$ 50,250	-32.70%	\$ 50,250	0.00%
4X70	019610	Trumbull County - County Share	\$ 619,891	\$ 656,740	\$ 654,790	-0.30%	\$ 664,809	1.53%
5740	019606	Civil Legal Aid	\$ 13,828,837	\$ 14,205,000	\$ 16,500,000	16.16%	\$ 16,500,000	0.00%
5CX0	019617	Civil Case Filing Fee	\$ 461,240	\$ 527,534	\$ 446,820	-15.30%	\$ 453,580	1.51%
5DY0	019618	Indigent Defense Support - County Share	\$ 39,709,776	\$ 39,182,681	\$ 38,005,178	-3.01%	\$ 39,409,939	3.70%
5DY0	019619	Indigent Defense Support - State Office	\$ 4,965,916	\$ 5,581,695	\$ 5,772,000	3.41%	\$ 5,850,000	1.35%
Dedicated Purpose Fund Group Total			\$ 62,986,916	\$ 63,788,239	\$ 65,189,495	2.20%	\$ 66,581,296	2.14%
3FX0	019621	Wrongful Conviction Program	\$ 126,284	\$ 99,057	\$ 0	-100.00%	\$ 0	N/A
3GJ0	019622	Byrne Memorial Grant	\$ 0	\$ 39,957	\$ 39,958	0.00%	\$ 39,958	0.00%
3S80	019608	Federal Representation	\$ 190,520	\$ 202,942	\$ 202,942	0.00%	\$ 202,942	0.00%
Federal Fund Group Total			\$ 316,804	\$ 341,956	\$ 242,900	-28.97%	\$ 242,900	0.00%
Ohio Public Defender Commission Total			\$ 77,702,635	\$ 78,696,680	\$ 80,136,507	1.83%	\$ 81,551,849	1.77%