

State of Ohio
Public Defender Commission

Role and Overview

The Public Defender Commission (PUB) provides, supervises, and coordinates legal representation for indigent persons who are charged with a crime and for indigent prisoners who are appealing their convictions, who are seeking post-conviction relief, or who are charged with a violation of parole. The commission also sets rules and regulations governing the provision of indigent defense services, administers state reimbursement to counties for indigent defense expenditures, and passes funding to the Ohio Legal Assistance Foundation. The office of the Public Defender has 121 employees and an annual operating budget of over \$58 million.

More information regarding the Public Defender Commission is available at <http://www.opd.ohio.gov>

Executive Priorities for the Public Defender Commission

- Ensure quality representation is provided to all indigent persons accused of crime in Ohio.
- Set and enforce rules, standards, and guidelines governing county public defenders and appointed counsel.
- Reimburse counties for a portion of their indigent defense costs.

Summary of Budget History and Recommendations

(In thousands)				ESTIMATE FY 2005	% CHANGE FY 04-05	RECOMMENDED			
BUDGET FUND GROUP	FY 2002	ACTUAL FY 2003	FY 2004			FY 2006	% CHANGE	FY 2007	% CHANGE
General Revenue Fund	41,686	37,553	38,306	39,949	4.3	38,151	(4.5)	38,078	(.2)
General Services Fund Group	624	802	420	540	28.4	869	61.1	999	15.0
Fed Special Revenue Fund Group	764	440	190	356	87.7	380	6.9	315	(17.1)
State Special Revenue Fund Group	16,772	15,741	17,236	18,060	4.8	19,245	6.6	24,070	25.1
TOTAL	59,847	54,535	56,152	58,904	4.9	58,647	(.4)	63,463	8.2

(In thousands)				ESTIMATE FY 2005	% CHANGE FY 04-05	RECOMMENDED			
OBJECT OF EXPENSE	FY 2002	ACTUAL FY 2003	FY 2004			FY 2006	% CHANGE	FY 2007	% CHANGE
Personal Services	9,519	9,260	8,394	8,769	4.5	8,923	1.8	9,134	2.4
Purchased Services	1,865	1,763	1,616	1,651	2.2	1,872	13.4	1,836	(1.9)
Maintenance	1,358	1,178	1,267	1,235	(2.6)	1,178	(4.6)	1,184	.5
Equipment	96	17	118	20	(83.0)	129	544.4	39	(69.6)
Subsidy	46,316	41,661	44,100	46,429	5.3	45,642	(1.7)	50,154	9.9
Transfer & Other	692	656	657	800	21.9	902	12.8	1,115	23.6
TOTAL	59,847	54,535	56,152	58,904	4.9	58,647	(.4)	63,463	8.2

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PROGRAM SERIES 01: State Legal Defense Services

This program series provides legal representation and services to indigent adults, juveniles, and incarcerated individuals in state and federal courts when representation is required by Ohio law, the Ohio Constitution, or the United States Constitution.

Program 01.01: Appeals and Postconviction Representation

This program provides legal representation in state and federal courts to indigent persons who claim they are unlawfully incarcerated. The clientele are generally inmates in Ohio's prisons who contact the office to have their cases reviewed. Attorney staff review the requests for assistance and determine whether or not the cases have arguable merit. If the case has arguable merit and the office is able to provide assistance, the agency litigates the claim.

What the Budget Buys:

- Funds the provision of legal representation for indigent persons who have had a trial, been found guilty and claim that they are unlawfully incarcerated, with arguable merit for appeal; and
- Supports nine staff attorneys and three supervising attorneys who provide representation in over 800 cases per year where the indigent client claims unlawful incarceration.

FUND GROUP	FUND	ALI	ALI NAME	RECOMMENDED	
				FY 2006	FY 2007
GRF	GRF	019-401	State Legal Defense Services	1,721,382	1,746,887
TOTAL FOR PROGRAM				1,721,382	1,746,887

Program 01.02: Death Penalty Representation

This program provides legal counsel to indigent persons charged with or under a sentence of death in Ohio. Services include providing legal counsel to Ohio's death row inmates in direct appeal, state postconviction, federal habeas corpus, and executive clemency. The program also provides legal assistance, criminal investigation, mitigation, and trial services to private appointed attorneys in such cases.

What the Budget Buys:

- Provides competent legal counsel to indigent persons under a sentence of death, including direct appeal, state post-conviction, federal habeas corpus, and clemency appeals, as well as criminal investigation and mitigation; and
- Supports the Ohio Public Defender's Death Penalty Division, which functions as the resource center for assistance on capital case issues in Ohio.

FUND GROUP	FUND	ALI	ALI NAME	RECOMMENDED	
				FY 2006	FY 2007
GRF	GRF	019-401	State Legal Defense Services	2,564,960	2,667,319
GSF	407	019-604	County Representation	186,146	188,810
GSF	408	019-605	Client Payments	91,389	97,640
FED	3S8	019-608	Federal Representation	380,484	315,287
TOTAL FOR PROGRAM				3,222,979	3,269,056

Program 01.03: Intake and Prison Legal Services

This program fields and screens requests from inmates for legal assistance, manages the office's legal case filing system, and assigns cases to staff attorneys for review. The program also operates an orientation program for incoming inmates at the Department of Rehabilitation and Correction institutions. In the orientation, inmates are given information regarding their legal rights and responsibilities and afforded an opportunity to speak with an attorney about their case. The program also provides representation in select parole revocation matters.

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What the Budget Buys:

- Funds intake personnel who answer routine questions, field duty calls, receive initial requests for legal representation, and assign case types and codes to all incoming cases;
- Maintains the records management function which involves opening all new case files, gathering relevant documents, organizing cases for attorney assignment, and generating statistical information and reports for the agency; and
- Provides legal advice to inmates at three reception centers in the Ohio prison system, as well as representation at certain parole revocation hearings throughout the state.

FUND GROUP	FUND	ALI	ALI NAME	RECOMMENDED	
				FY 2006	FY 2007
GRF	GRF	019-401	State Legal Defense Services	756,361	579,102
GSF	101	019-602	Inmate Legal Assistance	53,086	32,338
GSF	408	019-605	Client Payments	0	210,467
TOTAL FOR PROGRAM				809,447	821,907

Program 01.04: Juvenile Legal Assistance

This program provides legal representation and assistance to juveniles on appeal and other post-dispositional issues. Representation ranges from gathering general information for the youth, correcting sentence errors, filing motions in juvenile court, and directly representing youth on appeal. The program also coordinates and provides training to defense attorneys who handle juvenile work, and provides legislative advocacy and information on right-of-counsel issues and other substantive issues involving children in the juvenile justice system.

What the Budget Buys:

- Allows PUB to present an orientation to all youth entering Department of Youth Services state institutions, and to provide each youth with the opportunity to have their case reviewed. The agency will process those cases with the strongest issues and the highest probability for relief.

FUND GROUP	FUND	ALI	ALI NAME	RECOMMENDED	
				FY 2006	FY 2007
GRF	GRF	019-401	State Legal Defense Services	323,532	327,470
TOTAL FOR PROGRAM				323,532	327,470

Program 01.05: Legal Resource Center

Under this program, the agency maintains a law library and legal resource center as required by Ohio Revised Code 120.04(B)(1). The program maintains a collection of print and electronic media materials for the use by Ohio Public Defender staff, county public defenders, and private counsel appointed to represent indigent persons in criminal cases.

What the Budget Buys:

- Allows PUB to continue to maintain a collection of print and computerized materials to be used by the Columbus office and branch offices; and
- Provides reference and research services to all staff members, as well as county public defenders, appointed counsel and correctional institution librarians, including answering reference questions and performing specific research.

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FUND GROUP	FUND	ALI	ALI NAME	RECOMMENDED	
				FY 2006	FY 2007
GRF	GRF	019-321	Public Defender Administration	450	450
GRF	GRF	019-401	State Legal Defense Services	203,480	205,586
TOTAL FOR PROGRAM				203,930	206,036

PROGRAM SERIES 02: Indigent Defense Reimbursement

This program series provides state funding to reimburse counties for a portion of their indigent defense expenditures, and to operate systems in counties that contract with the State Public Defender in lieu of using a direct reimbursement system. Funds are also used to sponsor training programs for attorneys who provide representation to indigent persons in criminal or juvenile matters.

Program 02.01: Indigent Defense Reimbursement

Under this program, the Ohio Public Defender subsidizes counties for the cost of providing counsel to indigent persons in criminal and juvenile matters pursuant to Ohio Revised Code Sections 120.18, 120.28, and 120.33-35. These sections provide that the State Public Defender reimburse the counties 50 percent of the costs of operating their local indigent defense systems, unless the legislature appropriates less funding than needed to reimburse at 50 percent, in which case each county receives a reduced share. The program is also used to fund the operations of counties that contract with the State Public Defender in lieu of direct reimbursement.

What the Budget Buys:

- Reimburses counties for approximately 27.5% of the cost of providing indigent defense in fiscal year 2006 and 25.9% in fiscal year 2007.

FUND GROUP	FUND	ALI	ALI NAME	RECOMMENDED	
				FY 2006	FY 2007
GRF	GRF	019-403	Multi-County: State Share	823,620	823,620
GRF	GRF	019-404	Trumbull County - State Share	256,380	256,380
GRF	GRF	019-501	County Reimbursement	30,000,000	30,000,000
SSR	4C7	019-601	Multi-County- County Share	2,028,309	2,104,367
SSR	4X7	019-610	Trumbull County - County Share	642,106	665,860
TOTAL FOR PROGRAM				33,750,415	33,850,227

Program 02.02: Pro Bono Training Program

This program provides continuing legal education training programs to public defenders and private counsel who provide representation to indigent persons in criminal and juvenile matters. Public defenders may attend the seminars at no cost. Private counsel may attend the seminars in exchange for providing free representation in a criminal or juvenile matter.

What the Budget Buys:

- Provides free training to county public defenders and to private attorneys who practice criminal defense law. Private attorneys receive free training in exchange for providing one pro bono case for every seminar attended.

FUND GROUP	FUND	ALI	ALI NAME	RECOMMENDED	
				FY 2006	FY 2007
GRF	GRF	019-405	Training Account	31,324	31,324
TOTAL FOR PROGRAM				31,324	31,324

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PROGRAM SERIES 03: Ohio Legal Assistance Foundation

This program series helps support the Ohio Legal Assistance Foundation and Ohio's civil legal aid societies. The program receives revenue from four dedicated revenue sources: Interest on Lawyers Trust Accounts (IOLTA), Interest on Real Estate Escrow Accounts (IOTA), civil filing fees, and interest on investments. The funds are used for civil legal services for Ohio's poorer citizens.

Program 03.01: Ohio Legal Assistance Foundation

Under this program, the Ohio Public Defender distributes funds from four dedicated funding sources to the Ohio Legal Assistance Foundation and to several civil legal aid societies in Ohio. The Foundation in turn provides statewide advocacy and support for the legal aid societies. The legal aid societies provide representation to low-income persons with civil legal needs.

What the Budget Buys:

- Supports the Ohio Legal Assistance Foundation, which provides grants to legal aid societies.

FUND GROUP	FUND	ALI	ALI NAME	RECOMMENDED	
				FY 2006	FY 2007
SSR	574	019-606	Legal Services Corporation	16,569,282	21,294,190
TOTAL FOR PROGRAM				16,569,282	21,294,190

PROGRAM SERIES 04: Program Management

This program series provides administrative services for the Office of the Ohio Public Defender.

Program 04.01: Program Management

This program provides budgeting, accounting, personnel, computer, information systems, and general office management services to the agency. In addition, the program provides several services mandated in Ohio Revised Code Chapter 120, including collecting reimbursement from the counties for legal services and processing reimbursement payments to counties for their indigent defense costs. The program also provides technical assistance to counties that wish to examine and improve their indigent defense systems.

What the Budget Buys:

- Continues to provide administrative services such as budgeting, accounting, personnel and training, human resource management, computer information systems, and general office services to the entire agency;
- Supports the processing of reimbursement payments to counties and the collection of payment from counties for legal services performed by PUB; and
- Funds educational seminars and conferences and maintains the agency library.

FUND GROUP	FUND	ALI	ALI NAME	RECOMMENDED	
				FY 2006	FY 2007
GRF	GRF	019-321	Public Defender Administration	1,295,120	1,261,989
GRF	GRF	019-401	State Legal Defense Services	174,886	177,753
GSF	406	019-603	Training and Publications	16,000	16,000
GSF	408	019-605	Client Payments	522,638	453,999
SSR	574	019-606	Legal Services Corporation	5,718	5,810
TOTAL FOR PROGRAM				2,014,362	1,915,551

Public Defender Commission

Appropriation Line Item Analyses for FYs 2006 and 2007

Line Item Restructuring Analysis

Consolidating two line items for more efficient processing has restructured the Public Defender Commission's budget. County Reimbursement – Capital/503 is merged into County Reimbursement – Non Capital/501, and renamed County Reimbursement/501.

To illustrate changes in funding levels for lines 019-501 and 019-503, estimated fiscal year 2005 spending in the following table is converted from the previous line-item structure to the current line-item structure.

			Estimated	Recommended			
Fund	ALI	ALI Title	FY 2005	FY 2006	% Change	FY 2007	% Change
GRF	019-501	County Reimbursement	31,279,706	30,000,000	-4.1%	30,000,000	0.0%

Line Item Notes

Mandate Assistance/504: This line item is funded through Controlling Board action to provide additional reimbursement for costs incurred by counties in providing defense to indigent defendants. The Office of the Public Defender may apply for any moneys allocated to the Controlling Board line item 404/Mandate Assistance that are not fully utilized by the end of the fiscal year.

Client Payments/605: This line item includes a new indigent defense application fee, which supports programs 01.02 Death Penalty Representation, 01.03 Intake and Prison Legal Services, and 04.01 Program Management.

LINE ITEM SUMMARY - Public Defender Commission

FUND	ALI	ALI TITLE	FY 2002 ACTUAL	FY 2003 ACTUAL	FY 2004 ACTUAL	FY 2005 ESTIMATE	FY 2006 RECOMMENDED	% CHANGE	FY 2007 RECOMMENDED	% CHANGE
GRF	019-321	Public Defender Administration	1,647,604	1,470,944	1,431,860	1,270,404	1,295,570	2.0	1,262,439	(2.6)
GRF	019-401	State Legal Defense Services	6,389,592	6,042,344	5,877,539	5,661,958	5,744,601	1.5	5,704,117	(.7)
GRF	019-403	Multi-County: State Share	1,071,734	924,261	838,490	875,040	823,620	(5.9)	823,620	.0
GRF	019-404	Trumbull County - State Share	352,949	309,523	287,224	289,943	256,380	(11.6)	256,380	.0
GRF	019-405	Training Account	37,075	34,250	30,000	31,324	31,324	.0	31,324	.0
GRF	019-501	County Reimbursement	31,320,936	27,961,935	29,055,527	30,553,706	30,000,000	**	30,000,000	.0
GRF	019-503	Cty Reimbursement - Capital	866,520	809,901	785,624	726,000	0	**	0	.0
GRF	019-504	Reimbursement:Mandate Assistance	0	0	0	540,407	0	(100.0)	0	.0
TOTAL General Revenue Fund			41,686,410	37,553,158	38,306,264	39,948,782	38,151,495	(4.5)	38,077,880	(.2)
101	019-602	Inmate Legal Assistance	55,895	27,706	22,406	52,054	53,086	2.0	32,338	(39.1)
101	019-607	Juvenile Legal Assistance	49,231	0	0	0	0	.0	0	.0
406	019-603	Training and Publications	0	0	0	16,000	16,000	.0	16,000	.0
407	019-604	County Representation	202,594	184,716	140,415	186,040	186,146	.1	188,810	1.4
408	019-605	Client Payments	316,611	589,370	257,383	285,533	614,027	**	762,106	24.1
TOTAL General Services Fund Group			624,331	801,792	420,204	539,627	869,259	61.1	999,254	15.0
3S8	019-608	Federal Representation	681,616	422,392	189,639	355,950	380,484	6.9	315,287	(17.1)
3U7	019-614	Juvenile JAIBG Grant	31,667	0	0	0	0	.0	0	.0
3U8	019-615	Juvenile Challenge Grant	50,623	17,117	0	0	0	.0	0	.0
TOTAL Fed Special Revenue Fund Group			763,906	439,509	189,639	355,950	380,484	6.9	315,287	(17.1)
4C7	019-601	Multi-County- County Share	1,455,745	1,651,822	1,719,998	1,991,506	2,028,309	1.8	2,104,367	3.8
4X7	019-610	Trumbull County - County Share	501,156	549,787	587,041	628,454	642,106	2.2	665,860	3.7
574	019-606	Legal Services Corporation	14,815,127	13,539,334	14,928,584	15,440,000	16,575,000	7.4	21,300,000	28.5
TOTAL State Special Revenue Fund Group			16,772,028	15,740,943	17,235,623	18,059,960	19,245,415	6.6	24,070,227	25.1
TOTAL Public Defender Commission			59,846,675	54,535,402	56,151,730	58,904,319	58,646,653	(.4)	63,462,648	8.2

** Please see the Appropriation Line Item analysis for further detail.