

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 Ohio Public Defender has 123 full-time permanent employees.

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

Agency Priorities

- Maintain existing operations at the Office of the Ohio Public Defender to ensure quality representation is provided to Ohio's indigent residents who are accused of crime.
- Maintain or increase resources for Ohio's indigent defense delivery systems. This includes ability to maintain the state reimbursement rate at a minimum of 35 percent, long term, continued development and implementation of the Ohio Public Defender Online computer system, and providing traditional and skills based legal training to attorneys who provide representation to indigent persons at state expense.

Funding Recommendation for 2014 and 2015

- GRF: Funding for fiscal year 2014 is \$14.4 million (or a 116.2% increase from fiscal year 2013). Funding for fiscal year 2015 is \$14.6 million (or a 0.9% increase from fiscal year 2014).
- All Funds: Funding for fiscal year 2014 is \$84.8 million (or a 15.6% increase from fiscal year 2013). Funding for fiscal year 2015 is \$86.3 million (or a 1.7% increase from fiscal year 2014).

The Executive Recommendation will fund the following objectives:

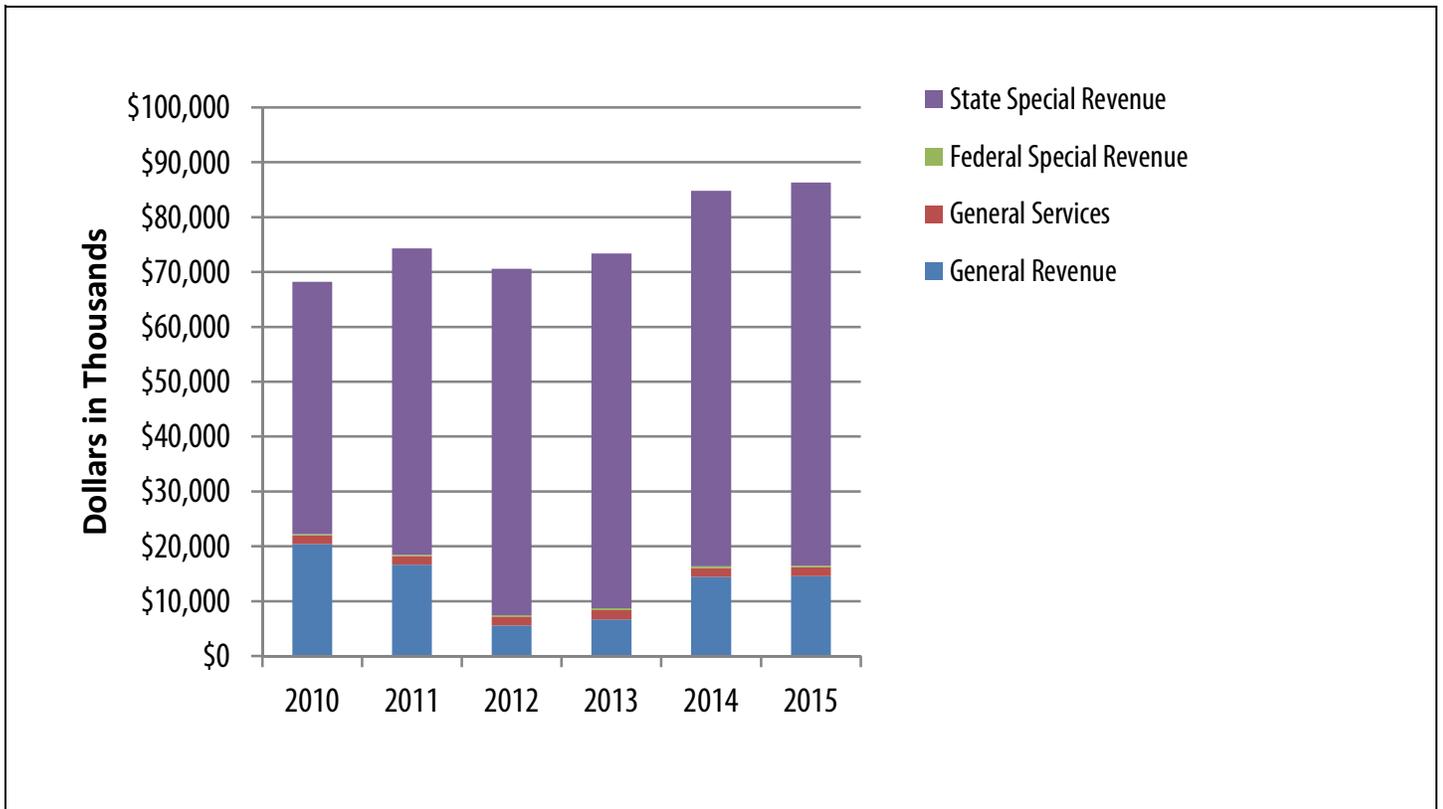
- Support 12 attorneys, two supervising attorneys, and one division chief along with support employees in the Appeals and Post-Conviction Division to provide representation in over 1,700 cases per year where the indigent client claims unlawful incarceration.
- Support 10 attorneys, three supervising attorneys, and one division chief along with support employees in the Death Penalty Division to provide competent legal counsel to all 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.
- Support five staff attorneys, one supervising attorney, and support employees who will provide an orientation to the estimated 26,000 persons who will be processed through the Department of Rehabilitation and Correction intake centers each year, review each incoming inmate's jail time credit for correctness, evaluate and screen approximately 2,500 case inquiries for arguable merit, and maintain records for all persons for whom the Ohio Public Defender has provided representation.
- Maintain a library of print and computerized materials to be used by the Columbus office and branch offices, and provide 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.
- Support five staff attorneys, one division chief, and support employees to provide an orientation and legal assistance to around 2,100 juveniles during the fiscal year 2014-2015 biennium who have been committed to the Department of Youth Services on appeal, and in other post disposition claims or who have been bound over to be tried as an adult.
- Support three attorneys to provide direct representation or assistance in approximately 130 to 160 trial level cases each year involving the death penalty, life in prison, or other serious charges when requested by a local court or county public defender, and provide expert assistance to local trial counsel in complex criminal cases when requested by the local court or local counsel.
- Support nine investigators to provide criminal investigation services in approximately 60 to 80 cases per year involving death penalty, life without parole, or other serious charges against the defendant, and provide mitigation services in 25 to 35 capital cases per year, including clemency.

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- Reimburse all 88 counties for indigent defense costs and fund branch office programs in the eleven counties that participate in the Multi-County Office and Trumbull County Office programs at an increased level of 40 percent in both fiscal years 2014 and 2015.
- Continue development and implementation of the Ohio Public Defender Online computer system, an integrated case management, document management, and billing system for all attorneys who provide representation to indigent persons at state expense.
- Allow the Ohio Public Defender to make required disbursements from the Legal Aid Fund to the Ohio Legal Assistance Foundation and the qualifying local Legal Aid Societies.
- Provide administrative services such as budgeting, accounting, personnel and training, human resource management, computer information systems, and general office services to the entire agency, and support the processing of reimbursement payments to counties and the collection of payment from counties for legal services performed by the agency.

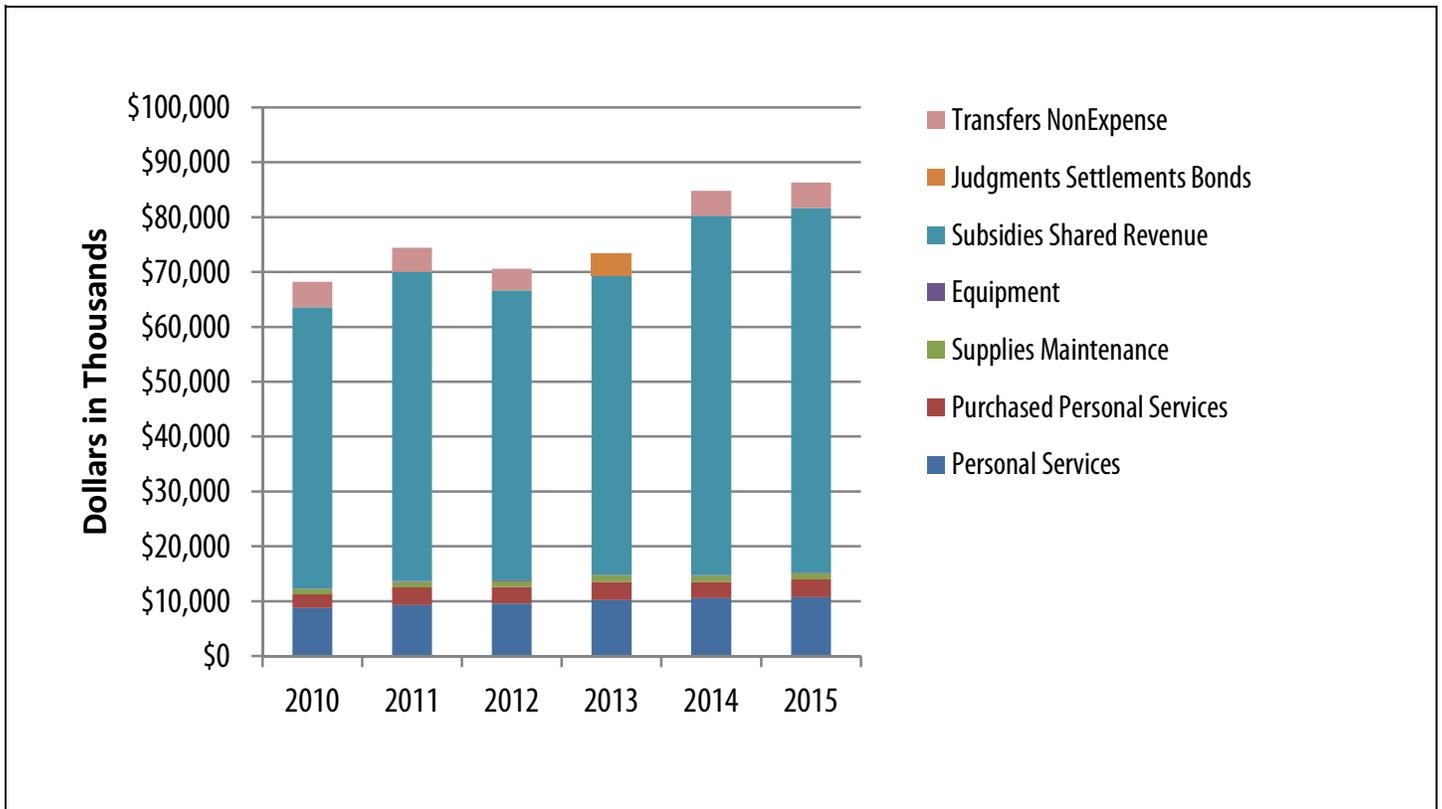
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Budget Fund Group Information



(in Thousands) Budget Fund Group	Actual			Est.	% Change	Recommended			
	FY 2010	FY 2011	FY 2012	FY 2013	FY 12-13	FY 2014	% Change	FY 2015	%Change
General Revenue	20,402	16,665	5,596	6,674	19.3%	14,431	116.2%	14,566	0.9%
General Services	1,610	1,577	1,625	1,693	4.2%	1,608	-5.0%	1,606	-0.2%
Federal Special Revenue	195	185	235	315	34.2%	309	-1.9%	307	-0.6%
State Special Revenue	45,996	55,897	63,109	64,666	2.5%	68,464	5.9%	69,795	1.9%
Total	68,203	74,324	70,565	73,349	3.9%	84,812	15.6%	86,274	1.7%

Expense Account Category Information



(in Thousands) Expense Account Category	Actual			Est.	% Change	Recommended			
	FY 2010	FY 2011	FY 2012	FY 2013	FY 12-13	FY 2014	% Change	FY 2015	%Change
Personal Services	8,787	9,316	9,597	10,201	6.3%	10,584	3.7%	10,756	1.6%
Purchased Personal Services	2,487	3,211	2,971	3,322	11.8%	2,961	-10.9%	3,216	8.6%
Supplies & Maintenance	959	1,015	1,090	1,143	4.9%	1,062	-7.1%	1,108	4.3%
Equipment	63	182	153	132	-14.2%	131	-0.3%	132	0.2%
Subsidies & Shared Revenue	51,276	56,273	52,823	54,550	3.3%	65,474	20.0%	66,461	1.5%
Judgments, Settlements, & Bonds	0	0	0	4,000	0.0%	0	-100.0%	0	0.0%
Transfers & Non-Expense	4,631	4,422	3,929	0	-100.0%	4,600	0.0%	4,600	0.0%
Total	68,203	74,419	70,565	73,349	3.9%	84,812	15.6%	86,274	1.7%

Program Series 1: State Legal Defense Services (8750A)

This program series includes Appeals & Post-conviction (8750B), Death Penalty Representation (8755B), Intake & Prison Services (8760B), Juvenile Legal Assistance (8765B), the Legal Resource Center (8770B), Trial Services (8775B), and Investigation Services (8780B). These programs provide trial and appeal representation to indigent persons including juveniles, adults, and death row inmates. The programs field and screen inmate requests, maintain the case filing system, assign and manage cases, operate an orientation program for incoming inmates at DRC institutions, operate a law library, handle parole revocations, and provide trial representation, criminal investigation, mitigation, and support to private appointed attorneys and public defenders.

Fund	ALI	ALI Name	Estimated	Recommended			
			FY 2013	FY 2014	% Change	FY 2015	% Change
GRF	19401	State Legal Defense Services	2,528,169	2,373,995	-6.1%	2,365,329	-0.4%
4070	19604	County Representation	360,507	351,149	-2.6%	354,248	0.9%
4080	19605	Client Payment	0	254,310	0.0%	250,976	-1.3%
5CX0	19617	Civil Case Filing Fee	533,879	532,136	-0.3%	528,476	-0.7%
3S80	19608	Federal Representation	185,000	204,706	10.7%	202,942	-0.9%
5DY0	19619	Indigent Defense Support - State Office	3,257,905	3,135,186	-3.8%	3,207,782	2.3%
Total for State Legal Defense Services			6,865,460	6,851,482	-0.2%	6,909,753	0.9%

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Program Series 2: County Level Indigent Defense (8790A)

This program series includes the Indigent Defense Reimbursement Program (8790B), the Branch Offices Program (8795B), and the Pro Bono Training Program (8800B). This series provides subsidy payments to counties for up to 50 percent of their costs in providing legal counsel to indigent persons in criminal and juvenile matters, and provides representation in counties that elect to contract with the State Public Defender as their indigent defense delivery system. This series also operates a pro bono training program for private appointed counsel and county public defenders.

Fund	ALI	ALI Name	Estimated		Recommended		
			FY 2013	FY 2014	% Change	FY 2015	% Change
GRF	19403	Multi-County: State Share	1,216,064	1,237,318	1.7%	1,250,824	1.1%
GRF	19404	Trumbull County-State Share	364,408	354,743	-2.7%	359,631	1.4%
GRF	19405	Training Account	50,000	50,000	0.0%	50,000	0.0%
GRF	19501	County Reimbursement	2,023,098	9,768,050	382.8%	9,885,175	1.2%
4C70	19601	Multi-County: County Share	2,252,250	2,297,876	2.0%	2,322,959	1.1%
4X70	19610	Trumbull County-County Share	676,757	658,809	-2.7%	667,887	1.4%
5DYO	19618	Indigent Defense Support - County Share	38,527,000	40,320,991	4.7%	41,191,285	2.2%
Total for County Level Indigent Defense			45,109,577	54,687,787	21.2%	55,727,761	1.9%

Program Series 3: Legal Assistance Foundation (8810A)

The Legal Assistance Foundation Program (8810B) is the only program within this series. Under this program, the Ohio Public Defender distributes funds from three 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.

Fund	ALI	ALI Name	Estimated		Recommended		
			FY 2013	FY 2014	% Change	FY 2015	% Change
5740	19606	Civil Legal Aid	18,008,000	20,000,000	11.1%	20,000,000	0.0%
Total for Legal Assistance Foundation			18,008,000	20,000,000	11.1%	20,000,000	0.0%

Program Series 4: Program Management (8820A)

Program Management is the only program within this series. This program provides budgeting, accounting, personnel, information systems, and office management services for the agency. The program provides mandated services including training, collecting reimbursement from the counties for legal services, and processing subsidy payments to counties for their indigent defense costs. The program also monitors compliance and provides outreach and technical assistance to counties that wish to examine and improve their indigent defense systems.

Fund	ALI	ALI Name	Estimated		Recommended		
			FY 2013	FY 2014	% Change	FY 2015	% Change
GRF	19401	State Legal Defense Services	492,686	646,860	31.3%	655,526	1.3%
4080	19605	Client Payment	790,805	470,834	-40.5%	471,955	0.2%
5CX0	19617	Civil Case Filing Fee	8,078	0	-100.0%	0	0.0%
3FX0	19621	Wrongful Conviction Program	129,712	103,950	-19.9%	103,950	0.0%
4N90	19613	Gifts and Grants	23,576	0	-100.0%	0	0.0%
5740	19606	Civil Legal Aid	6,000	0	-100.0%	0	0.0%
5DYO	19619	Indigent Defense Support - State Office	1,914,904	2,051,143	7.1%	2,404,937	17.2%
Total for Program Management			3,365,761	3,272,787	-2.8%	3,636,368	11.1%

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Fund	ALI	ALI Name	Actual			Estimated	Recommended			
			FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	% Change	FY 2015	% Change
GRF	019321	Public Defender Administration	723,798	595,846	3,078	0	0	0.0%	0	0.0%
GRF	019401	State Legal Defense Services	4,147,224	3,429,022	2,600,103	3,020,855	3,020,855	0.0%	3,020,855	0.0%
GRF	019403	Multi-County: State Share	1,025,382	1,185,435	1,163,138	1,216,064	1,237,318	1.7%	1,250,824	1.1%
GRF	019404	Trumbull County-State Share	328,601	343,837	332,044	364,408	354,743	-2.7%	359,631	1.4%
GRF	019405	Training Account	45,490	36,415	50,000	50,000	50,000	0.0%	50,000	0.0%
GRF	019501	County Reimbursement	14,131,314	11,074,886	1,448,133	2,023,098	9,768,050	382.8%	9,885,175	1.2%
Total General Revenue			20,401,809	16,665,441	5,596,496	6,674,425	14,430,966	116.2%	14,566,485	0.9%
4070	019604	County Representation	147,668	180,173	226,053	360,507	351,149	-2.6%	354,248	0.9%
4080	019605	Client Payment	778,175	695,180	866,496	790,805	725,144	-8.3%	722,931	-0.3%
5CX0	019617	Civil Case Filing Fee	683,797	702,133	532,135	541,957	532,136	-1.8%	528,476	-0.7%
Total General Services			1,609,640	1,577,486	1,624,684	1,693,269	1,608,429	-5.0%	1,605,655	-0.2%
3FX0	019621	Wrongful Conviction Program	0	0	0	129,712	103,950	-19.9%	103,950	0.0%
3S80	019608	Federal Representation	194,964	184,652	234,527	185,000	204,706	10.7%	202,942	-0.9%
Total Federal Special Revenue			194,964	184,652	234,527	314,712	308,656	-1.9%	306,892	-0.6%
4C70	019601	Multi-County: County Share	1,976,395	2,110,631	2,163,205	2,252,250	2,297,876	2.0%	2,322,959	1.1%
4N90	019613	Gifts and Grants	0	21,110	32,329	23,576	0	-100.0%	0	0.0%
4X70	019610	Trumbull County-County Share	635,872	620,675	619,602	676,757	658,809	-2.7%	667,887	1.4%
5740	019606	Civil Legal Aid	19,937,193	18,903,371	17,402,424	18,014,000	20,000,000	11.0%	20,000,000	0.0%
5DY0	019618	Indigent Defense Support - County Share	21,847,763	30,726,023	37,913,512	38,527,000	40,320,991	4.7%	41,191,285	2.2%
5DY0	019619	Indigent Defense Support - State Office	1,599,012	3,514,973	4,977,932	5,172,809	5,186,329	0.3%	5,612,719	8.2%
Total State Special Revenue			45,996,235	55,896,783	63,109,004	64,666,392	68,464,005	5.9%	69,794,850	1.9%
Grand Total Public Defender Commission			68,202,648	74,324,362	70,564,711	73,348,798	84,812,056	15.6%	86,273,882	1.7%