

# **LSC Greenbook**

**Analysis of the Enacted Budget**

**Ohio Public Defender Commission**

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# Ohio Public Defender Commission

- Continuing shift to non-GRF funding sources
- County reimbursement rate expected to be about 35%
- Civil Legal Aid revenues decline

## OVERVIEW

### Duties and Responsibilities

The Ohio Public Defender Commission, which was created effective January 13, 1976, pursuant to H.B. 164 of the 111th General Assembly, provides, supervises, and coordinates legal representation for persons who cannot afford to hire an attorney to represent that person in criminal court. Arguably, from a fiscal perspective, the Commission's most significant role is 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.

Other notable Commission activities include: (1) establishing the standards and guidelines for county public defenders and appointed counsel, (2) providing technical assistance to county public defenders and appointed counsel, (3) providing 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, and (4) administering funds for the purpose of providing financial assistance to legal aid societies throughout the state.

### Appropriation Summary

Table 1 below summarizes the Commission's appropriations by fund group.

Fund Group	FY 2011*	FY 2012	% change, FY 2011-FY 2012	FY 2013	% change, FY 2012-FY 2013
General Revenue	\$16,665,438	\$5,663,922	-66.0%	\$6,674,425	17.8%
General Services	\$1,577,486	\$1,992,649	26.3%	\$1,890,959	-5.1%
State Special Revenue	\$55,896,781	\$77,049,801	37.8%	\$80,566,385	4.6%
Federal Special Revenue	\$279,152	\$341,733	22.4%	\$263,431	-22.9%
<b>TOTAL</b>	<b>\$74,418,857</b>	<b>\$85,048,105</b>	<b>14.3%</b>	<b>\$89,395,200</b>	<b>5.1%</b>

\*FY 2011 figures represent actual expenditures.

To support the Commission's services and activities, the budget provides FY 2012 appropriations totaling \$85.0 million, an increase of \$10.6 million, or 14.3%,

from the actual FY 2011 expenditures totaling \$74.4 million. For FY 2013, the budget appropriates a total of \$89.4 million, or 5.1%, above the total FY 2012 appropriation. The notable storyline continues to be the intention of the executive and the legislature to transition financial support for the Commission's operations and county indigent defense reimbursement program away from the GRF and toward non-GRF resources, in particular money appropriated from accounts in the State Special Revenue (SSR) Fund Group.

### **County Indigent Defense Services Delivery Systems**

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

1. Establishing a county public defender system;
2. Establishing a joint county public defender system;
3. Adopting a schedule to pay private appointed counsel;
4. Contracting with the state public defender; or
5. Contracting with a nonprofit corporation.

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

### **Transition to Non-GRF Revenue Sources**

The FY 2010-FY 2011 biennial budget marked the beginning of a more noticeable transition away from GRF money and toward non-GRF generated revenue streams. In previous years, the Commission's reliance on GRF funding to pay for indigent defense legal services was quite clear, and stood at nearly 90% of its annual criminal legal services budget.<sup>1</sup> As the Commission has faced, in recent years, several rounds of reductions in their GRF funding for indigent defense services, they began to seek various non-GRF sources of funding as a way of replacing reductions in its GRF appropriations.

In the budget for the FY 2012-FY 2013 biennium, GRF funding accounts for approximately 10% of the Commission's criminal legal services budget. The deep cuts in key GRF line items used by the Commission have been predicated on significant

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<sup>1</sup> This percentage does not take into account rather large non-GRF appropriations dedicated for use by the Ohio Legal Assistance Foundation (OLAF) to provide civil legal services to indigent persons. These appropriations are housed in the Public Defender Commission's budget structure, but they are transferred directly to OLAF and are not used by the Commission for the provision of any indigent criminal defense services.

offsetting increases in non-GRF funding, which now accounts for about 90% of their funding. There have been a number of recent revenue enhancements provisions enacted over the course of the past two General Assemblies.

### Staffing Levels

Table 2 below summarizes the number of staff that the Commission paid, or will pay, on the last pay period of FY 2006 through FY 2013. Two facets of this data can be highlighted. First, its total number of staff has been relatively stable running between the equivalent of about 120 to 125 full-time equivalent (FTE). Second, the appropriations in the budget appear sufficient for the Commission to retain its existing payroll of 126 FTEs in each of FYs 2012 and 2013.

<b>Table 2. Commission Staffing Levels,* FY 2006-FY2013**</b>								
<b>Activity</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
State Legal Defense	71.5	77.0	74.5	70.0	74.0	72.0	72.0	72.0
County Indigent Defense	27.5	29.0	28.0	28.0	28.0	28.0	28.0	28.0
Program Management	22.0	20.5	23.5	21.5	21.0	26.0	26.0	26.0
<b>TOTAL</b>	<b>121.0</b>	<b>126.5</b>	<b>126.0</b>	<b>119.5</b>	<b>123.0</b>	<b>126.0</b>	<b>126.0</b>	<b>126.0</b>

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

\*\*FY 2012 and FY 2013 are estimates.

## **ANALYSIS OF ENACTED BUDGET**

### **Introduction**

For purposes of analyzing the FY 2012-FY 2013 biennial budget, the Commission's line items have been grouped into four major categories of services and activities as follows:

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

Table 3 below summarizes, by fund group, all of the Commission's line items and notes, for each line item, which one of the four categories of services and activities into which it has been grouped. The line items are assigned to the category that their appropriation exclusively or primarily funds. The remainder of this greenbook section discusses the actual funding of each category in more detail.

<b>Table 3. Commission Line Items (ALIs) by Category of Services &amp; Activities</b>		
<b>Fund</b>	<b>ALI and Name</b>	<b>Category of Services &amp; Activities</b>
<b>General Revenue Fund Group</b>		
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
<b>General Services Fund Group</b>		
4070 109604	County Representation	1: State Legal Defense Services
4080 019605	Client Payments	4: Program Management
5CX0 019617	Civil Case Filing Fee	1: State Legal Defense Services
<b>Federal Special Revenue Fund Group</b>		
3S80 019608	Federal Representation	1: State Legal Defense Services
<b>State Special Revenue Fund Group</b>		
4C70 019601	Multi-County: County Share	2: County-Level Indigent Defense
4N90 019613	Gifts and Grants	1: State Legal Defense Services
4X70 019610	Trumbull County - County Share	2: County-Level Indigent Defense
5740 019606	Civil Legal Aid	3: Ohio Legal Assistance Foundation
5DY0 019618	Indigent Defense Support - County Share	2: County-Level Indigent Defense
5DY0 019619	Indigent Defense Support - State Share	1: State Legal Defense Services

## Services & Activities Category 1: State Legal Defense Services

This services and activities category encapsulates the line items all or a portion of which, 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 by local public defenders.

Table 4 below shows the line items that are used to fund this category of services and activities, as well as the enacted 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 then a discussion of the purpose of each appropriated line item and how the appropriation will be allocated in FYs 2012 and 2013.

<b>Table 4. Appropriation Allocations for State Legal Defense Services</b>				
<b>Fund</b>	<b>ALI and Name</b>		<b>FY 2012</b>	<b>FY 2013</b>
<b>General Revenue Fund (GRF)</b>				
GRF	019401	State Legal Defense Services*	\$2,289,162	\$2,393,821
<b>General Revenue Fund Subtotal</b>			<b>\$2,289,162</b>	<b>\$2,393,821</b>
<b>General Services Fund (GSF) Group</b>				
4070	019604	County Representation	\$231,076	\$231,754
4080	019605	Client Payments*	\$0	\$82,034
5CX0	019617	Civil Case Filing Fee*	\$538,654	\$535,713
<b>General Services Fund Group Subtotal</b>			<b>\$769,730</b>	<b>\$849,501</b>
<b>Federal Special Revenue Fund (FED) Group</b>				
3S80	019608	Federal Representation	\$341,733	\$263,431
<b>Federal Special Revenue Fund Group Subtotal</b>			<b>\$341,733</b>	<b>\$263,431</b>
<b>State Special Revenue Fund (SSR) Group</b>				
4N90	019613	Gifts and Grants	\$35,000	\$35,000
5DY0	019619	Indigent Defense Support – State Office*	\$3,826,532	\$3,735,570
<b>State Special Revenue Fund Group Subtotal</b>			<b>\$3,861,532</b>	<b>\$3,770,570</b>
<b>Total Funding: State Legal Defense Services</b>			<b>\$7,262,157</b>	<b>\$7,277,323</b>

\*For these noted line items, the figures in the above table reflect the amount of each fiscal year's appropriation the Commission plans to allocate for State Legal Defense Services; plans call for the remainder of each of those appropriations to be allocated for Program Management.

The specific types of services and activities grouped under the State Legal Defense Services category can be described as follows:

- **Appeals and Post-conviction Representation.** This program provides legal representation in state and federal courts to indigent persons who have been tried, found guilty, and claim they are unlawfully incarcerated.
- **Death Penalty Representation.** This program provides competent legal counsel to indigent persons under the sentence of death, legal services to private appointed attorneys in such cases, and training seminars on death penalty law.
- **Intake and Prison Services.** This program provides inmates of Ohio's prison system with legal information and advice.
- **Juvenile Legal Assistance.** This program provides legal assistance and representation to juveniles who have been committed to the Department of Youth Services (DYS).
- **Legal Resource Center.** This program supports the Commission's Law Library.
- **Trial Services.** This program provides direct representation and assistance to local counsel in trial level cases to indigent defendants throughout Ohio.
- **Investigation Services.** This program provides both criminal and mitigation investigation services for Commission staff attorneys, county public defender attorneys, and court appointed attorneys.

The following narrative discusses the purpose of each appropriated line item for State Legal Defense Services.

#### **State Legal Defense Services (GRF line item 019401)**

This GRF line item contains around one-third of the money appropriated for the purpose of funding the payroll, maintenance, and equipment costs associated with State Legal Defense Services. For this line item in FY 2012, the budget appropriates \$2,610,272, which is \$818,748, or 23.9%, less than the actual FY 2011 expenditure of \$3,429,020. The FY 2013 appropriation is \$3,020,855, which is 15.7% more than the FY 2012 appropriation, but still 11.9% less than the FY 2011 expenditures.

The GRF funding reduction will not, however, compromise the current level of State Legal Defense Services. Instead, as previously noted, the reduction in GRF funding is part of the ongoing transition away from GRF funding and toward greater reliance on non-GRF revenue sources. The GRF reductions are essentially replaced by non-GRF revenues deposited in the Indigent Defense Support Fund (Fund 5DY0) and appropriated to line item 019619, Indigent Defense Support – State Share.

**County Representation (GSF line item 019604)**

This GSF line item contains payments for legal representation, and investigation or mitigation services provided to counties under certain circumstances. The use of this money is statutorily restricted to be used by the State Public Defender to provide legal representation for indigent persons, or to provide investigation or mitigation services.

The budget provides this line item with appropriations for FYs 2012 and 2013 of \$231,076 and \$231,754, respectively. The FY 2012 appropriation is \$50,903, or 28.3%, more than the FY 2011 actual expenditure of \$180,173. The FY 2013 appropriation is 0.3% more than the FY 2012 appropriation.

**Civil Case Filing Fee (GSF line item 019617)**

The GSF 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.

For this line item, the budget, in FYs 2012 and 2013, appropriates \$708,654 and \$705,713, respectively. Of the total appropriation, it is likely that about 75% will be allocated for State Legal Defense Services. The remaining 25% of the appropriation will be utilized in the Program Management area to cover expenses related the agencywide operations.

**Federal Representation (FED line item 019608)**

The funding for this federal line item consists of payments collected from federal courts that offset some of the costs incurred by the Office of the State Public Defender when a federal 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. These federal payments are then 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.

For this line item, the budget, in FYs 2012 and 2013, appropriates \$341,733 and \$263,431, respectively. The FY 2012 appropriation represents a \$157,081, or 85.1%, increase from the FY 2011 expenditure of \$184,652. The FY 2013 appropriation represents a \$78,302, or 22.9%, decrease from the FY 2012 appropriation.

**Gifts and Grants (SSR line item 019613)**

This SSR line item is used to receive, disburse, and account for gifts, grants, and awards for the operation of programs for the defense of indigent persons. For this purpose, the budget appropriates \$35,000 in each fiscal year. The appropriation will be

used as the state share of a post-graduate Public Defender Commission fellowship awarded by the Moritz College of Law at The Ohio State University to a recent graduate. Under this program, the College and the Commission each pay half of the award.

### **Indigent Defense Support – State Share (SSR line item 019619)**

This SSR line item's FY 2012 appropriation is \$6,521,723, which is \$3,006,751, or 85.5%, more than the actual FY 2011 expenditure of \$3,514,972. The FY 2013 appropriation is \$6,096,759, which is 6.5% less than the FY 2012 appropriation. The appropriations, which are noticeable increases over the actual FY 2011 expenditure, are indicative of the overall shifting toward non-GRF funding sources.

Approximately 60% of the total appropriation will be utilized to support State Legal Defense Services. The remaining 40% of the appropriation will be utilized in Program Management to cover expenses related to the agencywide operations.

### **Services & Activities Category 2: County-Level Indigent Defense**

This services and activities category encapsulates the 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 pursuant to R.C. 120.18, 120.28, and 120.33 to 120.35. The Revised Code 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.

The total GRF appropriation for County-Level Indigent Defense (about \$6.7 million over the FY 2012-FY 2013 biennium) reflects continuing reductions in the amount of GRF appropriated for the purpose of distributing county reimbursement payments. The total GRF amount distributed for this purpose during the FY 2010-FY 2011 biennium was about \$28.2 million, which means the combined GRF appropriation for FYs 2012 and 2013 reflects a biennial reduction of about \$21.4 million. That GRF biennial funding reduction will be offset by the Commission's enhanced non-GRF funding mechanisms. This trade-off between GRF and non-GRF will permit the Commission to maintain the current county reimbursement rate of about 35% in each of FYs 2012 and 2013. Taking the reimbursement rate up to 50% would require additional funding of approximately \$19.3 million in FY 2012 and \$20.0 million in FY 2013.

Table 5 below shows the line items that are used to fund this category of services and activities, as well as the enacted funding levels. It is followed by a narrative describing the purpose of each appropriated line item and how its FYs 2012 and 2013 appropriations will be allocated.

<b>Table 5. Appropriation Allocations for County-Level Indigent Defense</b>				
<b>Fund</b>	<b>ALI and Name</b>		<b>FY 2012</b>	<b>FY 2013</b>
<b>General Revenue Fund (GRF)</b>				
GRF	019403	Multi-County: State Share	\$338,931	\$406,626
GRF	019404	Trumbull County – State Share	\$99,321	\$119,158
GRF	019405	Training Account	\$50,000	\$50,000
GRF	019501	County Reimbursement	\$2,565,398	\$3,077,786
<b>General Revenue Fund Subtotal</b>			<b>\$3,053,650</b>	<b>\$3,653,570</b>
<b>State Special Revenue (SSR) Fund Group</b>				
4C70	019601	Multi-County: County Share	\$3,324,009	\$3,333,014
4X70	019610	Trumbull County – County Share	\$974,069	\$976,612
5DY0	019618	Indigent Defense Support – County Share	\$42,195,000	\$43,125,000
<b>State Special Revenue Fund Group Subtotal</b>			<b>\$46,493,078</b>	<b>\$47,434,626</b>
<b>Total Funding: County-Level Indigent Defense</b>			<b>\$49,546,728</b>	<b>\$51,088,196</b>

### **Training Account (GRF line item 019405)**

This GRF 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 \$50,000 appropriation in each of FYs 2012 and 2013 represents a 37.3% increase over the actual FY 2011 expenditure of \$36,415. In previous years, the appropriation in this line item has been cut, and the Commission, in response, was forced to reduce training opportunities. In FYs 2010 and 2011, the Commission began to reestablish previous levels of training, and ultimately provide training sessions to every attorney appointed to criminal cases. The budget should enable the Commission to provide training seminars to about 328 attorneys. All of the amounts appropriated in each fiscal year will be used to pay companies to deliver pro bono training.

### **County Reimbursement (GRF line item 019501)**

This GRF 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 appropriation for FY 2012 is \$2,565,398, which is \$8,509,488, or 76.8%, less than the FY 2011 expenditure of \$11,074,886. The FY 2013 appropriation is \$3,077,786, which is about 20% more than the FY 2012 appropriation, yet still 72.2% less than the FY 2011 expenditure. As noted, these GRF reductions are part of an overall strategy to transition support for the Commission's services and activities away from GRF funding and toward greater reliance on non-GRF revenue sources.

**Branch Offices (GRF line items 019403/019404; SSR line items 019601/019610)**

This set of GRF and SSR line items pays 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. These state public defender-operated offices are authorized under R.C. 120.04(C)(7).

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 total FY 2012 appropriation for the GRF state share of the branch office system (line item 019403 plus 019404) is reduced by \$1,091,021, or 71.3%, from the FY 2011 expenditure of \$1,529,273. The total FY 2013 appropriation is actually increased by about 20% over the total FY 2012 appropriation, but still 65.6% lower than FY 2011. These GRF reductions are offset by increases in non-GRF appropriations.

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 about the same reimbursement rate, 35%, over the next two fiscal years. Since the branch offices are funded with different line items, 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 appropriation for this branch office (GRF line item 019404 plus SSR line item 019610) totals around \$1.1 million in each of FYs 2012 and 2013.

**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 appropriation for this branch office (GRF line item 019403 plus SSR line item 019601) totals in the range of about \$3.7 million in each of FYs 2012 and 2013.

### **Indigent Defense Support – County Share (SSR line item 019618)**

This SSR 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 appropriations are \$42,195,000 in FY 2012 and \$43,125,000 in FY 2013; their source of revenue is non-GRF money collected from the mix of fines, fees, and court costs deposited in Fund 5DY0.

The biennial appropriation for this line item, when combined with the \$5.6 million in biennial funding for indigent defense reimbursement appropriated to GRF line item 019501, County Reimbursement, will allow for the continuation of roughly the same level of support for County-Level Indigent Defense in the FY 2012-FY 2013 biennium. The combined amount of GRF and non-GRF appropriations for county indigent defense reimbursement totals about \$44.8 million in FY 2012 and about \$46.2 million in FY 2013 (GRF line item 019501 plus SSR line item 019618). At this level of funding, the county reimbursement rate for indigent defense services will remain at about 35% through FY 2013.

### **Services and Activities Category 3: Ohio Legal Assistance Foundation**

This services and activities category's appropriations are used 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. OLAF, 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.

Money from dedicated funding sources, including, but not limited to, the interest earned on certain trust and real estate escrow accounts, are deposited to the credit of the Legal Aid Fund (Fund 5740) and are then passed through the Commission to OLAF. OLAF 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.

Table 6 below shows the lone line item that is used for civil legal aid purposes, as well as the enacted funding levels. It is then followed by a narrative describing how that appropriation amount will be used.

Table 6. Appropriation Allocations for the Ohio Legal Assistance Foundation				
Fund		ALI and Name	FY 2012	FY 2013
<b>State Special Revenue (SSR) Fund Group</b>				
5740	019606	Civil Legal Aid	\$24,000,000	\$27,000,000
<b>Total Funding: Ohio Legal Assistance Foundation</b>			<b>\$24,000,000</b>	<b>\$27,000,000</b>

### Civil Legal Aid (SSR line item 019606)

The budget fully funds the Commission's requested annual appropriation of \$24 million in FY 2012 and \$27 million in FY 2013, amounts that will be used to support the state's legal aid societies. The revenue received from certain interest bearing trust and real estate escrow accounts is very sensitive to fluctuations in interest rates. The enacted appropriations generally are based on the expected returns from these accounts.

### Services and Activities Category 4: Program Management

This category encompasses 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, and fleet management. In addition, the Administrative Division provides services specifically mandated by R.C. Chapter 120., including: collecting reimbursement from 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.

The amounts appropriated for Program Management generally continue the larger overall transition that is moving the Commission away from their support by the GRF and toward a greater reliance on non-GRF revenue sources. GRF appropriation reductions are largely replaced by revenues deposited in the non-GRF Indigent Defense Support Fund (Fund 5DY0) and appropriated to line item 019619, Indigent Defense Support – State Share, which was created to support operations of the Commission. The money appropriated from Fund 5DY0, along with funding allocated from certain GRF and GSF line items, should be sufficient to maintain the current level of program management services and activities, which will cost more in the next biennium.

Table 7 below shows the line items that are used to fund this category of services and activities, as well as the enacted funding levels. The amounts shown in the table only reflect the portion of the overall appropriation that may be used to support Program Management services and activities. It is followed by a narrative describing the purpose of each appropriated line item and how its FY 2012 and FY 2013 appropriation will be allocated.

<b>Table 7. Appropriation Allocations for Program Management</b>				
<b>Fund</b>		<b>ALI and Name</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>General Revenue Fund (GRF)</b>				
GRF	019401	State Legal Defense Services*	\$321,110	\$627,034
<b>General Revenue Fund Subtotal</b>			<b>\$321,110</b>	<b>\$627,034</b>
<b>General Services Fund (GSF) Group</b>				
4080	019605	Client Payments*	\$1,052,919	\$871,458
5CX0	019617	Civil Case Filing Fee*	\$170,000	\$170,000
<b>General Services Fund Group Subtotal</b>			<b>\$1,222,919</b>	<b>\$1,041,458</b>
<b>State Special Revenue (SSR) Fund Group</b>				
5DY0	019619	Indigent Defense Support – State Share*	\$2,695,191	\$2,361,189
<b>State Special Revenue Fund Group Subtotal</b>			<b>\$2,695,191</b>	<b>\$2,361,189</b>
<b>Total Funding: Program Management</b>			<b>\$4,239,220</b>	<b>\$4,029,681</b>

\*For these noted line items, the figures in the above table reflect the amount of each fiscal year's appropriation the Commission plans to allocate for Program Management; plans call for the remainder of each of those appropriations to be allocated for State Legal Defense Services.

GSF line item 019605, Client Payments, draws its appropriation from payments collected from certain defendants, and 20%, or \$5, of a nonrefundable \$25 indigent defense application fee. This money may only 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.

Of the line item's appropriations, the Commission plans to allocate the entire FY 2012 amount (\$1,052,919) and a large portion of the FY 2013 appropriation (\$871,458) for operating expenses of the Commission's Administrative Division. This is the only line item in the Commission's budget that is used almost exclusively to support the operating expenses of its Administrative Division. The remainder of the Division's expenses are paid for with money allocated from other Commission line items, whose purpose is generally to support the State Legal Defense Services Program. This includes GRF line item 019401, State Legal Defense Services, GSF line item 019617, Civil Case Filing Fee, and SSR line item 019619, Indigent Defense Support – State Office

# FY 2012 - FY 2013 Final Appropriation Amounts

# All Fund Groups

Line Item Detail by Agency					Appropriations	FY 2011 to FY 2012	Appropriations	FY 2012 to FY 2013
			FY 2010	FY 2011	FY 2012	% Change	FY 2013	% Change
<b>Report For Main Operating Appropriations Bill</b>			<b>Version: Enacted</b>					
<b>PUB Ohio Public Defender Commission</b>								
GRF	019321	Public Defender Administration	\$ 723,798	\$ 595,844	\$ 0	-100.00%	\$ 0	N/A
GRF	019401	State Legal Defense Services	\$ 4,147,222	\$ 3,429,020	\$ 2,610,272	-23.88%	\$ 3,020,855	15.73%
GRF	019403	Multi-County: State Share	\$ 1,025,382	\$ 1,185,436	\$ 338,931	-71.41%	\$ 406,626	19.97%
GRF	019404	Trumbull County - State Share	\$ 328,601	\$ 343,837	\$ 99,321	-71.11%	\$ 119,158	19.97%
GRF	019405	Training Account	\$ 45,490	\$ 36,415	\$ 50,000	37.31%	\$ 50,000	0.00%
GRF	019501	County Reimbursement	\$ 14,131,314	\$ 11,074,886	\$ 2,565,398	-76.84%	\$ 3,077,786	19.97%
<b>General Revenue Fund Total</b>			<b>\$ 20,401,806</b>	<b>\$ 16,665,438</b>	<b>\$ 5,663,922</b>	<b>-66.01%</b>	<b>\$ 6,674,425</b>	<b>17.84%</b>
4070	019604	County Representation	\$ 147,669	\$ 180,173	\$ 231,076	28.25%	\$ 231,754	0.29%
4080	019605	Client Payments	\$ 778,176	\$ 695,180	\$ 1,052,919	51.46%	\$ 953,492	-9.44%
5CX0	019617	Civil Case Filing Fee	\$ 683,797	\$ 702,133	\$ 708,654	0.93%	\$ 705,713	-0.42%
<b>General Services Fund Group Total</b>			<b>\$ 1,609,642</b>	<b>\$ 1,577,486</b>	<b>\$ 1,992,649</b>	<b>26.32%</b>	<b>\$ 1,890,959</b>	<b>-5.10%</b>
3FF0	019620	Capital Case Litigation	\$ 0	\$ 94,500	\$ 0	-100.00%	\$ 0	N/A
3S80	019608	Federal Representation	\$ 194,964	\$ 184,652	\$ 341,733	85.07%	\$ 263,431	-22.91%
<b>Federal Special Revenue Fund Group Total</b>			<b>\$ 194,964</b>	<b>\$ 279,152</b>	<b>\$ 341,733</b>	<b>22.42%</b>	<b>\$ 263,431</b>	<b>-22.91%</b>
4C70	019601	Multi-County: County Share	\$ 1,976,394	\$ 2,110,630	\$ 3,324,009	57.49%	\$ 3,333,014	0.27%
4N90	019613	Gifts and Grants	\$ 0	\$ 21,110	\$ 35,000	65.80%	\$ 35,000	0.00%
4X70	019610	Trumbull County - County Share	\$ 635,872	\$ 620,675	\$ 974,069	56.94%	\$ 976,612	0.26%
5740	019606	Civil Legal Aid	\$ 19,937,193	\$ 18,903,371	\$ 24,000,000	26.96%	\$ 27,000,000	12.50%
5DY0	019618	Indigent Defense Support - County Share	\$ 21,847,763	\$ 30,726,023	\$ 42,195,000	37.33%	\$ 43,125,000	2.20%
5DY0	019619	Indigent Defense Support - State Office	\$ 1,599,010	\$ 3,514,972	\$ 6,521,723	85.54%	\$ 6,096,759	-6.52%
<b>State Special Revenue Fund Group Total</b>			<b>\$ 45,996,232</b>	<b>\$ 55,896,781</b>	<b>\$ 77,049,801</b>	<b>37.84%</b>	<b>\$ 80,566,385</b>	<b>4.56%</b>
<b>Ohio Public Defender Commission Total</b>			<b>\$ 68,202,645</b>	<b>\$ 74,418,857</b>	<b>\$ 85,048,105</b>	<b>14.28%</b>	<b>\$ 89,395,200</b>	<b>5.11%</b>