



Ohio Sunset Review Committee Agency Questionnaire

Agency Name: Ohio Public Defender Commission

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Agency's primary purpose and its various goals and objectives:

The Ohio Public Defender Commission and the Office the Ohio Public Defender (collectively, "OPD") exist to provide, supervise, and coordinate legal representation at state expense for indigent persons accused of committing a crime and facing a loss of liberty. The foundation for Ohio's indigent defense system is the Sixth Amendment of the United States Constitution. The Sixth Amendment guarantees that in all criminal prosecutions, persons accused of a crime shall have the right to the assistance of counsel.

The current public defender system in Ohio was created in January 1976 by Chapter 120 of the Ohio Revised Code (R.C.). The law created a nine-member board called the Ohio Public Defender commission, and an Office of the State Public Defender. The Commission and Office of the State Public Defender – known as the Office of the Ohio Public Defender share a common state budget. The statutory responsibilities of the Ohio Public Defender Commission and Office of the Ohio Public Defender are enumerated in Chapter 120 of the Ohio Revised Code. The major statutory responsibilities include but are not limited to the following:

- Establish standards and guidelines for county public defenders and appointed counsel, including a maximum fee schedule, and supervising compliance with these standards.
- Administer reimbursement to Ohio's 88 counties for the cost of indigent defense in each county.
- Maintain an office for handling appeal and post-conviction matters.
- Appoint assistant public defenders and other personnel necessary for operation of office.
- Provide legal representation when designated by a court or requested by counties.

- Provide legal representation in accordance with contracts with counties.
- Provide legal representation to any indigent person who, while incarcerated in a state correctional institution, is charged with a felony offense.
- Provide representation to individuals incarcerated in the Department of Rehabilitation and Correction at parole board hearings and at parole revocation hearings.
- Provide technical aid and assistance to county public defender offices and other local counsel.
- Conduct a legal assistance service for children committed to the Ohio Department of Youth Services relative to conditions of confinement.
- Make disbursements on behalf of the Ohio Access to Justice Foundation.
- Collect all money due for reimbursement.
- Establish standards and guidelines for reimbursement of counties.
- Keep and maintain financial records of cases.
- Maintain a law library.
- Collect and track data in order to analyze the changes in county reimbursement between fiscal years.

OPD's Mission: *Advocating, Fighting, Helping.*

OPD's Vision: *A Fair Justice System.*

OPD's Values:

Compassion

We will be mindful of the conditions and experiences that shape those who come to us for help and each other.

Dignity

We will treat all with respect.

Equity

Our work and our office will be free from bias or favoritism towards others and each other.

Integrity

We will act with sound moral character and a dedication to professional and ethical principles for our clients and each other.

Service

We will dedicate ourselves to protecting the rights of indigent individuals, and in doing so will protect the rights afforded to all citizens by the Constitution.

Community

We will foster a collaborative and supportive environment and empower each other in our work protecting the rights of our clients.

Agency's past and anticipated workload, number of staff required to complete workload, and total number of staff:

As detailed above, OPD is charged with numerous statutory duties, not the least of which includes representation of individuals, technical assistance to counties, and oversight and distribution of state dollars to counties for reimbursement of indigent defense costs. The OPD currently has a ceiling of 186 employees. With current staffing levels, the OPD is still unable to meet all its statutory duties due to increased workloads and evolving needs; however, the agency continues to evaluate and shift resources to fulfill its obligations and provide quality representation. The OPD will continue to work to address its resource deficiencies through the biennial budget process.

OPD processes approximately 12-14,000 requests for reimbursement each month thereby processing approximately 140,000 requests for reimbursement each fiscal year. These requests are submitted to the OPD by the majority of the 88 counties in paper, however, OPD is in the process of launching an online program that will allow for the electronic submission of reimbursement requests, known as the Court Appointed Billing System or CABS. CABS is currently undergoing beta testing in Summit County, with the intent to eventually launch and be utilized in all 88 counties. The requests are audited for compliance with Ohio Revised Code and Ohio Administrative Code requirements as well as OPD's Standards and Guidelines.

The tables on the following pages show the number of cases OPD attorneys and investigators provided representation and assistance in during fiscal year 2023.

**OFFICE OF THE OHIO PUBLIC DEFENDER FY2023 CASES BY
DEPARTMENT/DIVISION/SECTION**

DEATH PENALTY DEPARTMENT

Case Type	Pending	Opened in FY 23	Closed in FY 23
Amicus Curiae	0	1	1
Application to Reopen	0	0	0
Certiorari	2	0	2
Civil Action	45	2	8
Clemency	6	1	2
Direct Appeal	4	4	8
Felony	0	1	0
Habeas Corpus Writ	9	0	1
Innocence Review	1	1	2
Memorandum in Support of Jurisdiction	1	2	1
Miscellaneous	3	3	1
Miscellaneous Appeal	5	4	5
Miscellaneous Motion	1	0	1
Miscellaneous Writ	0	1	0
New Trial Motion	4	0	1
Parole Board	3	17	19
Postconviction Petition	29	4	9
Resentencing Hearing	3	0	3
TOTALS:	116	41	64

YOUTH DEFENSE DEPARTMENT

CASE TYPE	PENDING	CLOSED	TOTAL
Amicus Curiae			
Application to Reopen	2		2
Certiorari			
Community Control Violation			
Conditions of Confinement	84	21	105
Delayed Appeal	6		6
Direct Appeal	25	3	28
Expunge Record	15	1	16
Felony	1	2	3
Innocence Review	1		1
Jail-Time Credit	14	4	18
Judicial Release	124	45	169
Juvenile Confinement Credit	56	39	95
Juvenile Delinquency	6	7	13
Juvenile Direct Appeal	24	1	25
Juvenile Miscellaneous	394	295	689
Juvenile Sex Offender	10	6	16
Memorandum in Support of Jurisdiction	1	1	2
Memorandum in Opposition	1		1

Miscellaneous	4	6	10
Miscellaneous Appeal	3	3	6
Miscellaneous Motion	14	7	21
Miscellaneous Writ	1		1
Parole Board – Full Board	3	1	4
Parole Board – Miscellaneous	32	5	37
Parole Board – Panel Hearing	5	3	8
Parole Board - Revocation Hearing			
Post-Conviction Petition		2	2
Reentry	94	59	153
Release Authority	5	1	6
Resentencing Hearing		1	1
Seal Record	20	2	22
Sex Offender Reclassification	1		1
SYO Invocation	1		1
Withdrawal of Guilty Plea	1		1
Grand Total	948	515	1463

INTAKE SECTION

CASE TYPE	PENDING	CLOSED	TOTAL
Amicus Curiae	2	4	6
Application to Reopen	2	11	13
Certiorari	0	3	3
Clemency	3	6	9
Delayed Appeal	3	65	68
Direct Appeal	2	24	26
Extradition	15	60	75
Felony	0	0	0
Habeas Corpus Writ	0	11	11
Jail-Time Credit	5	74	79
Judicial Release	4	129	133
Juvenile Miscellaneous	0	0	0
Memorandum in Support of Jurisdiction	1	47	48
Miscellaneous	150	678	828
Miscellaneous Appeal	0	5	5
Miscellaneous Motion	0	15	15
Miscellaneous Writ	2	0	2
New Trial Motion	3	8	11
Parole Board – Miscellaneous	20	43	63
Post-Conviction Petition	11	38	49
Grand Total	223	1221	1444

LEGAL SECTION

CASE TYPE	PENDING	CLOSED	TOTAL
Amicus Curiae	43	10	53
Application to Reopen	5	4	9
Certiorari	1	1	2
Clemency			
Conditions of Confinement			
Delayed Appeal	2	5	7
Direct Appeal	47	10	57
Extradition			
Felony	1		1
Habeas Corpus Writ			
Jail-Time Credit	1	1	2
Judicial Release	4		4
Juvenile Miscellaneous			
Memorandum in Support of Jurisdiction	14	15	29
Miscellaneous	17	53	70
Miscellaneous Appeal	4	4	8
Miscellaneous Motion	5	1	6
Miscellaneous Writ	1	6	7
New Trial Motion			
Parole Board – Miscellaneous	1		1
Parole Board - Revocation Hearing			
Post-Conviction Petition	8	1	9
Resentencing Hearing	1		1
Grand Total	155	111	266

PRISON LEGAL SERVICES SECTION

CASE TYPE	PENDING	CLOSED	TOTAL
Application to Reopen	0	0	0
Judicial Release	0	2	2
Miscellaneous	2	14	16
Miscellaneous Motion	0	0	0
Miscellaneous Writ	0	0	0
Parole Board - Full Board	36	71	107
Parole Board – Miscellaneous	9	9	18
Parole Board - Revocation Hearing	984	864	1848
Post-Conviction Petition	0	0	0
Grand Total	1031	960	1991

TRIAL SECTION

CASE TYPE	PENDING	CLOSED	TOTAL
Clemency	4		4
Community Control Violation			
Direct Appeal	1		1
Felony	15	28	43
Judicial Release	2		2
Miscellaneous		1	1
Misdemeanor		1	1
Parole Board - Full Board			
Parole Board - Revocation Hearing			
Grand Total	22	30	52

WRONGFUL CONVICTION PROJECT

CASE TYPE	PENDING	CLOSED	TOTAL
Direct Appeal	1		1
Habeas Corpus Writ	1	1	2
Memorandum in Support of Jurisdiction			
Miscellaneous	340	133	473
Miscellaneous Appeal	2	1	3
Miscellaneous Motion	1		1
New Trial Motion	3	2	5
Post-Conviction Petition	2	1	3
Grand Total	350	138	488

MITIGATION & INVESTIGATION DEPARTMENT

CASE TYPE	PENDING	CLOSED	TOTAL
Felony			
Miscellaneous		25	25
Mitigation & Investigation	13	27	40
Resentencing Hearing			
Grand Total	13	52	65

Agency's past and anticipated budgets and its sources of funding:

To fully understand the work of the OPD, it is important to note that OPD has the following separate budgets:

1. The OPD operational budget funds the OPD's Central Office, which is primarily used to employ staff to help meet our statutory duties prescribed in Revised Code Chapter 120 which are further described below;
2. The reimbursement budget provides reimbursement to all 88 counties for their county-level indigent defense costs;
3. The operational budget for OPD's branch offices provide funding for the county public defender offices maintained by the OPD in Athens, Ross, Trumbull, and Washington counties as a result of those four counties contracting with the OPD to provide indigent defense services in those respective counties;
4. The OPD also has a budget line that serves as a pass through to the Ohio Access to Justice Foundation – or Legal Aid, which is an agency that serves needy Ohioans on civil matters. Legal Aid does not provide indigent defense services, so their budget does not impact defense indigent defense representation.

On the next page is OPD's FY2023 and FY2024 budget.

Fund	ALI	ALI Descr	2023 Approp	2024 Approp	FY 2023 (Exp+Enc)	FY 2024 (Exp+Enc)
1010	19607	JUVENILE LEGAL ASSISTANCE	205,000.00	205,000.00	193,395.74	198,183.03
3S80	19608	FEDERAL REPRESENTATION	38,315.00	38,300.00	0.00	0.00
3IQ0	19626	REFORMING REENTRY PROGRAM	0.00	120,482.00	0.00	6,300.00
4060	19603	TRAINING AND PUBLICATIONS	25,000.00	75,000.00	18,265.91	51,961.47
4070	19604	COUNTY REPRESENTATION	285,000.00	375,000.00	284,955.63	317,929.65
4080	19605	CLIENT PAYMENT	741,479.00	800,000.00	637,297.08	680,213.25
4C70	19601	MULTI-COUNTY: COUNTY SHARE	1,169,906.00	1,473,000.00	1,090,154.55	1,416,046.05
4N90	19613	GIFTS & GRANTS	16,083.00	13,400.00	16,083.00	12,644.69
4X70	19610	TRUMBULL COUNTY-COUNTY SHARE	564,886.00	0.00	558,329.02	0.00
5740	19606	LEGAL SERVICES CORPORATION	27,000,158.00	49,000,000.00	26,510,731.10	48,223,909.34
5CX0	19617	CIVIL CASE FILING FEE	617,949.00	620,000.00	481,114.42	552,142.06
5DY0	19618	INDIGENT DEFENSE SUPPORT FUND	27,888,000.00	23,904,000.00	23,352,563.23	21,416,582.73
5DY0	19619	INDIGENT DEFENSE SUPPORT-STATE	6,777,761.00	6,000,000.00	5,990,572.73	5,497,690.99
GRF	19401	STATE LEGAL DEFENSE SERVICES	7,805,783.00	9,816,000.00	7,743,349.59	9,797,563.44
GRF	19403	MULTI-COUNTY: STATE SHARE	4,783,352.00	0.00	4,039,473.31	0.00
GRF	19404	TRUMBULL COUNTY-STATE SHARE	2,311,071.00	0.00	2,040,848.42	0.00
GRF	19405	TRAINING ACCOUNT	50,000.00	0.00	20,575.00	0.00
GRF	19501	COUNTY REIMB - NON-CAPITAL CS	136,422,991.00	166,096,000.00	130,486,971.66	166,093,395.61
			216,702,734.00	258,536,182.00	203,464,680.39	254,264,562.31

Note:

- Fund 3IQ0 019626 is a Federal grant award that began in October 2023. No appropriations or expenses in FY 2023.
- GRF 019403 and 019404 were combined with 019501 beginning in FY2024.
- GRF 019405 was combined with 019401 beginning in FY2024.
- 4X70 019610 was abolished and funds combined with 4C70 019601 beginning in FY2024.

Number of members of its governing board or other governing entity and their compensation, if any:

The governing board of the Office of the Ohio Public Defender is the Ohio Public Defender Commission. The board has nine members, five of whom are appointed by the Governor and four by the Supreme Court.

Pursuant to R.C. 120.02, members of the Ohio Public Defender Commission receive an amount fixed pursuant to R.C. 124.14 per diem for every meeting of the commission that they attend. Members are also reimbursed for the actual and necessary expenses they incur, and mileage for each mile necessarily traveled, in connection with every meeting of the commission they attend.

Additional notes: Please see the attached Figures 1 and 2 for additional information regarding Ohio's indigent defense delivery and reimbursement system.

Ohio's Indigent Defense Reimbursement System

Overview

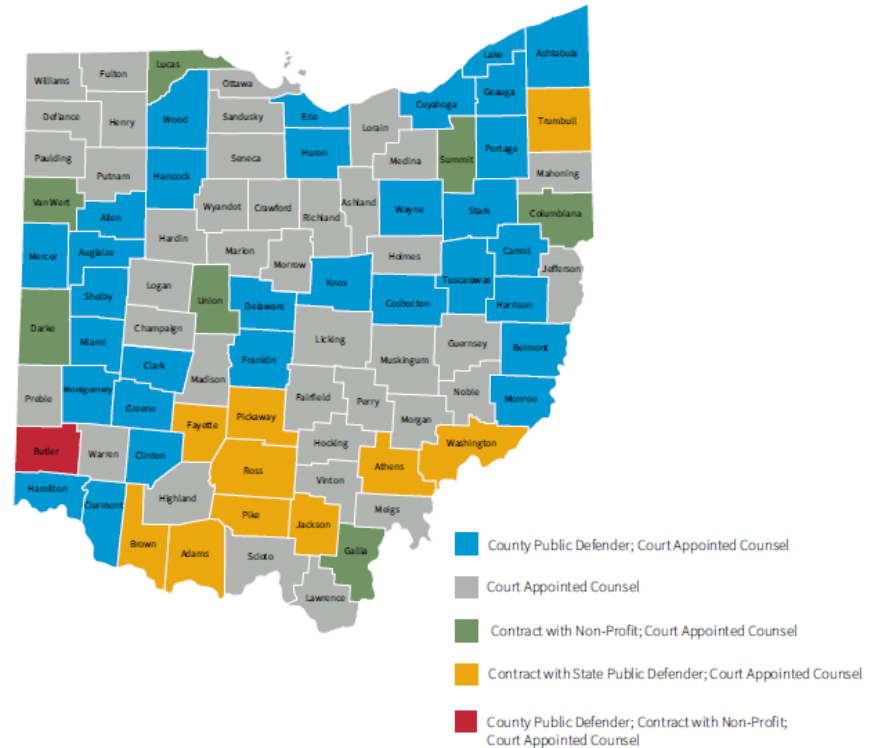
At the county level, the local county commission determines what method(s) of indigent defense representation are provided for each county. The map on this page reflects the methods of indigent defense representation currently utilized in each county. Additional information on the funding and number of cases associated with each method of indigent defense representation in a given county is available via OPD's annual reports on reimbursement.

In Ohio, each county is responsible for providing and paying for indigent defense services provided in their county. After making payment, counties may then submit those costs to the Office of the Ohio Public Defender (OPD) for reimbursement.

Once the bills from all 88 counties have been submitted to OPD (approximately three months later), a comparison is made between the amount spent and the amount available to provide reimbursement. The result of that comparison determines the reimbursement rate provided.

Figure 1

Map of County Services



Reimbursement Trends and 2024 YTD

Overall, indigent defense costs and reimbursement requests have continued to increase, as evidenced by the below overview of reimbursement submissions from FY20 – FY23.

Reimbursement Overview	FY20	FY21	FY22	FY23
Annual Approved Submissions	\$150,475,274	\$142,745,863	\$162,031,862	\$189,909,016
Average Monthly Submissions	\$12.5 mil	\$11.9 mil	\$13.5 mil	\$15.8 mil
Annual Paid Submissions	\$112,821,981	\$107,345,830	\$162,031,862	\$149,730,778
Annual Average Reimbursement Rate	75%	75%	100%	79%

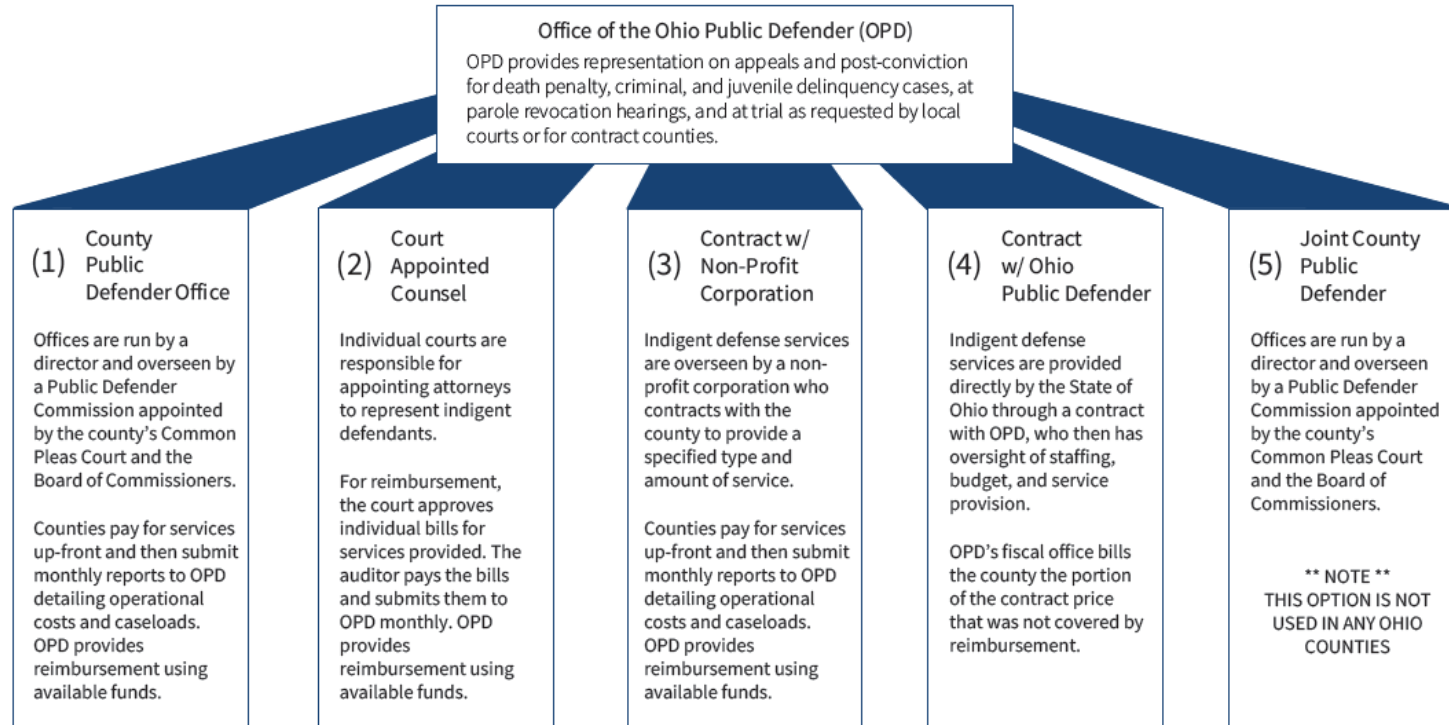
For FY24, the average amount submitted monthly for reimbursement is \$17.3 million. Submissions from all 88 counties, in comparison to the total funding appropriated for reimbursement, has resulted in a reimbursement rate of 85% thus far in FY24.

FY24 Month	Submitted
May	\$17.5 mil
June	\$18.5 mil
July	\$16.2 mil
August	\$17.1 mil
September	\$17.2 mil
Average	\$17.3 mil

Figure 2

Ohio Indigent Defense Structure & Funding

Under Ohio's current indigent defense system, there are five statutorily available service delivery methods for counties to choose from: (1) a county public defender office; (2) court appointed counsel; (3) contracting with a non-profit corporation; (4) contracting with the Office of the Ohio Public Defender (OPD); or (5) a public defender's office run jointly among multiple counties. Counties may generally utilize one or more of these methods. Regardless of the method elected, all counties utilize court appointed counsel. Currently, ten counties contract directly with OPD for services.



For More Information

 <p>OPD's Annual Reports on Reimbursement</p>	 <p>Interactive Ohio County Service Map</p>	 <p>www.opd.ohio.gov</p>
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