

TUSCARAWAS COUNTY COMMISSIONERS

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To: Members of the Senate Finance Corrections Subcommittee

From: Kerry Metzger – Tuscarawas County Commissioner

Re: House Bill 64 - Ohio Public Defender Commission Budget

Mr. Chairman and members of the Senate Finance Corrections Subcommittee, my name is Kerry Metzger and I am currently serving my 4th term as County Commissioner from Tuscarawas County. I previously served as a State Representative for the 97th House District and as Past-President of the County Commissioner Association of Ohio. I am here today to ask the Senate to provide 50 percent reimbursement to counties for their costs incurred in providing indigent defense representation.

As you are aware, states have a constitutional mandate to provide legal representation to indigent persons. This mandate was decided in a Supreme Court ruling in *Gideon v. Wainwright* (United States Supreme Court, 1963). Ohio then chose to transfer this responsibility to its counties and created a 50/50 partnership with the counties to share in the costs of providing this constitutional mandate by reimbursing the counties for 50 percent of the costs incurred for providing indigent counsel.

However, since 1979 the state has backed away from its original shared commitment with the counties and obligated the counties into carrying more than their 50% share of the burden to finance indigent defense. State reimbursement rates have averaged 34.6% for the decade prior to the FY14/15 biennium and hit its record low of 26.1% in FY09. Currently the reimbursement rate is set at 40 percent.

The counties were extremely pleased that the House provided an additional \$12,000,000 to GRF line item 019501-County Reimbursement in each year of the biennium beyond the appropriation contained in the bill as introduced. The House appropriation level should provide 50% reimbursement to the counties during the biennium. Increasing the reimbursement rate to 50% is the primary priority for CCAO.

Why is the 50 percent reimbursement rate important to the counties? Allow me to use Tuscarawas County as an example. From figures that I received from our Tuscarawas County Auditor, I have created the chart below which demonstrates the monetary difference to our county if we had been receiving 50 percent reimbursement these past 4 years instead of the actual lower reimbursement rate.

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YEAR	REIMBURSEMENT RATE	ACTUAL REIMBURSEMENT RECEIVED	REIMBURSEMENT IF AT THE 50% RATE	DIFFERENCE
2011	35%	\$213,230.11	\$304,614.47	\$91,384.36
2012	35%	\$215,292.30	\$307,560.42	\$92,268.12
2013	35%/40%	\$249,172.53	\$330,595.42	\$81,422.89
2014	40%	\$308,060.06	\$385,075.03	\$77,014.97
TOTAL ADDITIONAL REIMBURSEMENT IF RATE WAS AT 50% (2011-2014)				\$342,090.34

If the 50/50 partnership had been restored for the past 4 years, the \$342,090.34 from the additional reimbursement rate could have been General Fund dollars that could have been used to meet the critical needs of Tuscarawas County in other areas such as law enforcement vehicles, county infrastructure improvements, economic development projects, etc. Instead it had to be used to subsidize the operational costs of the Public Defender's Office.

This scenario can be played out in all 88 counties throughout the state of Ohio. That's why I, along with the other counties, request that, at a minimum, the Senate retain this level of funding so that the original partnership can be restored and counties receive reimbursement for 50% of their costs incurred in meeting the State's constitutional mandate to provide legal representation to indigent defendants.

Thank you for your time and I would be happy to answer any questions.