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309 W Washington Street Suite 501 • Indianapolis, IN 46204



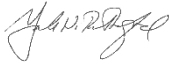
Public Defender Commission

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MEMORANDUM

TO: Governor Eric J. Holcomb
Lieutenant Governor Suzanne Crouch
Chief Justice Loretta H. Rush
All Associate Justices of the Indiana Supreme Court
Sen. Rodric Bray, Senate President Pro Tempore
Sen. Timothy Lanane, Senate Minority Leader
Sen. Ryan Mishler, Chair, Senate Appropriations Committee
Sen. Karen Tallian, Ranking Minority Member, Senate Appropriations Committee
Rep. Brian Bosma, Speaker of the House
Rep. Phil GiaQuinta, House Minority Leader
Rep. Timothy Brown, Chair, House Ways and Means Committee
Rep. Gregory Porter, Ranking Minority Member, House Ways and Means Committee
All Members of the Indiana General Assembly

FROM: Mark Rutherford, Chairman 

DATE: December 2018

SUBJECT: **2017-2018 Annual Report of the Indiana Public Defender Commission**

The Indiana Public Defender Commission's Annual Report for Fiscal Year 2017-2018 provides an overview of the purpose and use of the Public Defense Fund. For the prior 28 years, the Commission, in cooperation with the General Assembly and the Indiana Supreme Court, has established and revised its standards for public defense services in both death penalty and non-death penalty cases. The report contains a brief history of the Commission, its responsibilities, and its reimbursements.

The Commission is authorized by statute to reimburse all 92 counties for 50% of their defense expenditures in capital (death penalty) cases. The Public Defense Fund's participating counties may also receive reimbursement of up to 40% of their defense expenditures in non-capital public felony, juvenile delinquency, and Children in Need of Services and Termination of Parental Rights (CHINS/TPR) cases if the counties comply with the Commission's Standards for defense services. The Commission's standards are always available online at: www.in.gov/publicdefender.

The Commission is pleased to report that a record 60 counties requested and received reimbursement for their non-capital public defense expenses during the fiscal year - representing over two-thirds of Indiana's

population. County non-capital public defense expenses continue to increase. During this time, the State of Indiana, through the Public Defense Fund, returned in excess of \$25 million to the counties for these expenses, easing their budget burden. The Commission also authorized over \$256,000 in death penalty reimbursement. Total county public defense expense reimbursement exceeded a record \$25 million.

The Commission is grateful that the Public Defense Fund's appropriation was increased in the 2017 Legislative Session to accommodate additional reimbursement obligations. This funding is the only state assistance provided to the counties for their public defense expenditures. In contrast, the state historically contributes over \$70 million for trial judge salaries and benefits and \$31 million for prosecutor salaries and benefits annually. Indiana's 92 counties are directly responsible for the majority of the more than \$98 million in tax dollars spent on public defense in Indiana each year.

In response to national critiques of Indiana's public defense system in recent years, in 2017-2018 the Commission assembled the Task Force on Public Defense, chaired by Judge John Tinder (7th Circuit, Ret.) and included 16 other members from all three branches of government, as well as various other stakeholder groups. The group conducted a yearlong study and developed a report, released in the Fall of 2018 and located on our website, which includes numerous findings and recommendations. The Commission has since received the report and adopted numerous of its recommendations. Specifically, the Commission will seek legislative change in the upcoming 2019 session to reimburse misdemeanor expenses, create an office to provide state-level support of public defense appeals, change county public defender board composition, and formally allow for the optimization of public defense services by allowing for reimbursement if counties choose to regionalize public defense services.

The Commission looks forward to working with you to continue the progress that has been made to improve the quality of public defense services in Indiana. The goals of the Indiana Public Defender Commission include continued reimbursement to Indiana's counties for the public defense costs upon which they have come to rely while ensuring adequate and responsible public defense services throughout the state.

Thank you for your continued commitment to guarantee the constitutional rights of Indiana's residents. Please do not hesitate to contact us to provide any additional information at any time.