

Mark W. Rutherford, Chairman
Indianapolis

Richard Bray
Martinsville
Bernice Corley
Indianapolis
Hon. Mary Ellen Diekhoff
Bloomington
Representative Ryan Dvorak
South Bend
Hon. Kelsey B. Hanlon
Spencer

309 W Washington Street Suite 501 • Indianapolis, IN 46204



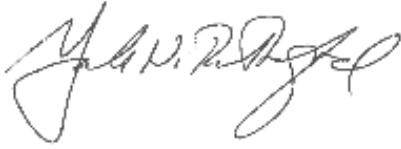
Public Defender Commission

David J. Hensel
Indianapolis
Senator Eric Koch
Bedford
Representative Ryan Lauer
Columbus
Hon. Steven P. Meyer
Lafayette
Senator Gregory G. Taylor
Indianapolis

www.in.gov/publicdefender • ph 317-233-6908

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. Greg Taylor, Senate Minority Leader
Sen. Ryan Mishler, Chair, Senate Appropriations Committee
Sen. Fady Qaddoura, Ranking Minority Member, Senate Appropriations Committee
Rep. Todd Huston, 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 W. Rutherford, Chairman 

DATE: December 2020

SUBJECT: **2019-2020 Annual Report of the Indiana Public Defender Commission**

The Indiana Public Defender Commission's Annual Report for Fiscal Year 2019-2020 provides an overview of the purpose and use of the Public Defense Fund. In cooperation with the General Assembly and the Indiana Supreme Court, the Commission 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 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 prohibited via statute from reimbursing misdemeanor expenditures.

The Commission is pleased to report that a record 64 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 over \$28.8 million to the counties for these expenses, easing their budget burden. The Commission also authorized over \$188,000 in death penalty reimbursement. Total county public defense expense reimbursement was over \$29 million, a new record.

The Commission is grateful that the Public Defense Fund's appropriation was increased in the 2019 Legislative Session to accommodate additional reimbursement obligations. This funding is the only state assistance provided to the counties for their public defense expenditures. 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.

The Commission will seek an increased appropriation to the Public Defense Fund in the 2021 legislative session that is adequate to cover expected reimbursement requests. The Commission will also support efforts to grant statutory authority to reimburse misdemeanor expenses.

The Commission looks forward to working with you to continue improving 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 if we can provide any additional information.



**2019-2020
ANNUAL
REPORT**



Indiana Public Defender Commission

Introduction

Long before the United States Supreme Court’s historic right to counsel case of *Gideon v. Wainwright* in 1963, Indiana recognized the right to counsel in the case of *Webb v. Baird*. In 1854, the Supreme Court of Indiana recognized the right to a publicly paid attorney for persons facing incarceration who could not otherwise afford an attorney. This made Indiana the first state in the Union to recognize such a right.

The burden of providing representation in Indiana has historically fallen upon each individual county. At the same time, the right to counsel is much more than just a technical requirement—it is the right to have a competent attorney who can protect the rights of each individual citizen to the fullest extent of the law. In order to assist counties with the financial burden of providing quality representation, the Indiana General Assembly created the Indiana Public Defender Commission.



309 West Washington Street
Suite 501
Indianapolis, IN 46204
317.232.6908
www.in.gov/publicdefender
Information@pdcom.in.gov

Statutory Duties

In response to serious concerns regarding the quality of publicly appointed defense attorneys in death penalty cases, the legislature created the Indiana Public Defender Commission in 1989 (P.L. 284-1989). In 1993, the legislature realized that the funding and quality of representation in non-death penalty cases was also a concern. Accordingly, it amended the Commission’s duties (P.L. 283-1993). The Commission is now authorized to reimburse counties for 50% of their public defense services in death penalty cases and up to 40% in non-death penalty cases, excluding misdemeanors.

These changes resulted in the current version of I.C. § 33-40-5-4, where the Commission is mandated to:

- 1** Make recommendations to the Indiana Supreme Court concerning standards for public defense services provided for defendants against whom the State has sought the death sentence under I.C. § 35-50-2-9, including the following subjects:
 - a. Determining indigency and eligibility for legal representation.
 - b. Selection and qualifications of attorneys to represent public defendants at public expense.
 - c. Determining conflicts of interest.
 - d. Investigative, clerical, and other support services necessary to provide adequate legal representation.
- 2** Adopt guidelines and standards for public defense services under which counties are eligible for reimbursement under I.C. § 33-40-6, including the following:
 - a. Determining indigency and the eligibility for legal representation.
 - b. The issuance and enforcement of orders requiring defendants to pay for the costs of court appointed legal representation under I.C. § 33-40-3.
 - c. The use and expenditure of funds in the county supplemental public defender services fund established by I.C. § 33-40-3-1.
 - d. Qualifications of attorneys to represent public defendants at public expense.
 - e. Minimum and maximum caseloads of public defender offices and contract attorneys.
- 3** Make recommendations concerning the delivery of public defense services in Indiana.
- 4** Make an annual report to the Governor, the General Assembly, and the Supreme Court on the operation of the Public Defense Fund.

The Commission is an eleven-member, independent, judicial branch state governing board. The membership is set by state statute and is composed of 3 members appointed by the Governor, 3 members appointed by the Chief Justice, 2 members appointed by the President Pro Tempore of the Senate, 2 members appointed by the Speaker of the House, and 1 member appointed by the Criminal Justice Institute. Members serve 4-year terms.



Mark Rutherford, Chair (Hamilton County)
Appointed by the Governor, Term Expires: 10.31.21

Mark Rutherford has chaired the Commission since 2007 and has served as a gubernatorial appointment to the Commission under three separate Governors. During his time as chair, the Commission's standards and reimbursement program has grown from 53 counties to 64 counties, and the Commission has been able to fully fund county reimbursement requests since 2009.

Mr. Rutherford is a shareholder at the Indianapolis law firm of Thrasher, Buschmann, and Voelkel, PC, where he focuses his practice on business law, business defense, litigation, and election law. He has previously served as both a deputy prosecutor and deputy public defender in Marion County. He also represents the Commission on Indiana's Justice Reinvestment Advisory Commission.

Richard Bray (Morgan County)
Appointed by the Governor, Term Expires: 10.31.21

Richard Bray was a member of the Indiana Senate, representing Senate District 37, which includes all or parts of Morgan, Owen, Putnam, Clay, Johnson and Monroe counties from 1992 to 2012, when he was succeeded by his son, current Senate President Pro Tem Rodric Bray. He also served in the Indiana House of Representatives from 1974 to 1992 and as the Morgan County Prosecuting Attorney from 1958 to 1970.

Mr. Bray served as the Assistant Majority Caucus Chair and chaired the Senate Judiciary Committee. He also served as the Ranking Member of the Commission on the Courts. Mr. Bray practices law in Martinsville, Indiana.



Bernice A. N. Corley (Marion County)
Appointed by the Indiana Criminal Justice Institute, Term Expires: 09.06.23

Bernice Corley is the Executive Director of the Indiana Public Defender Council. As Executive Director, she assists in managing the agency and carrying out the policies established by the Board of Directors. Prior to joining the Public Defender Council, Ms. Corley served four years as General Counsel at the Department of Education and also served as legal counsel for both the Indiana Senate and Indiana House of Representatives.

Ms. Corley's career includes clerking for Hon. Carr Darden. She served as a Marion County Public Defender Agency as trial counsel as well as appellate counsel.

Honorable Mary Ellen Diekhoff (Monroe County)
Appointed by the Chief Justice, Term Expires: 05.17.22

Mary Ellen Diekhoff is a Judge for the Monroe Circuit Court in Bloomington, Indiana. She has served as a judge for the court since 2005. Prior to becoming a judge, she was 1st Deputy Prosecutor for Monroe County and worked as an Associate Attorney at the Harrell, Clendening and Coyne law firm.

Judge Diekhoff currently handles criminal cases and presides over Drug Court, Veteran's Court and Re-Entry Court. She is a member of the Monroe County Bar Association, Indiana State Bar Association, and the Indiana Judges Association.



Representative Ryan Dvorak (St. Joseph County)
Appointed by the Speaker of the House, Term Expires: 07.01.23

Ryan Dvorak was first elected to the Indiana House of Representatives in 2002. He represents Indiana House District 8, which covers portions of South Bend, northern St. Joseph County, and northeastern LaPorte County.

Honorable Kelsey Hanlon (Owen County)
Appointed by the Chief Justice, Term Expires: 10.06.22

Kelsey Hanlon serves as Judge of Owen Circuit Court II, having first taken office in January of 2015. Prior to serving as judge, she served as Owen Circuit Court Referee and Child Support Commissioner. She currently presides primarily over a civil/family docket.

Judge Hanlon chairs the Juvenile Bench Book Committee and serves on the Juvenile Justice Improvement Committee of the Indiana Supreme Court. She also serves on the Board of Directors of the Indiana Council of Juvenile and Family Court Judges. She has volunteered with 4-H, Big Brothers Big Sisters, and the Spencer Exchange Club.



David Hensel (Marion County)
Appointed by the Governor, Term Expires: 10.31.21

David Hensel is a partner with Hoover Hull Turner LLP. He practices primarily in the areas of complex criminal and business litigation. Mr. Hensel also regularly represents attorneys, doctors, and other professionals in disciplinary and ethical matters.

Mr. Hensel has previously served as a judge of the Marion County Superior Court; Deputy Commissioner & Chief Counsel, Indiana Department of Environmental Management; and as a law clerk for the Honorable James T. Moody, U.S. District Court for the Northern District of Indiana. He is a past president and board member of Indiana Community Federal Defenders, Inc.

Senator Eric Koch (Lawrence County)
Appointed by the President Pro Tem of the Senate, Term Expires: 07.01.24

Eric Koch has served Senate District 44 since 2016. The district includes parts of Bartholomew, Jackson and Monroe counties and all of Brown and Lawrence counties. Before his election to the Indiana State Senate, Sen. Koch served District 65 in the House of Representatives from 2002 to 2016. He currently serves as Chairman of the Senate Utilities Committee and as a member on the Senate Committees on Commerce and Technology; Corrections and Criminal Law; and Judiciary. He also serves on the Indiana Supreme Court's Indiana Innovation Initiative and the Indiana Supreme Court's Commercial Courts Committee.

Sen. Koch is an attorney with Koch McAuley and Bailey P.C. He is also represents Indiana as a Commissioner on the National Conference of Commissioners on Uniform State Laws.



Representative Ryan Lauer (Bartholomew County)
Appointed by the Speaker of the House, Term Expires: 07.10.23

Ryan Lauer represents House District 59, which includes most of Bartholomew County. He serves on the Family, Children and Human Affairs Committee, the Government and Regulatory Reform Committee, and the Veterans Affairs and Public Safety Committee.

Rep. Lauer previously served on the Bartholomew County Council, when he was elected in 2010. In 2014, he was named council president. He also served on the Bartholomew County Sheriff's Merit Board and Community Corrections Advisory Board. He is now a technical specialist at Cummins, where he has worked for more than a decade.

Honorable Steven Meyer (Tippecanoe County)
Appointed by the Chief Justice, Term Expires: 04.24.20

Steven Meyer is a judge of the Tippecanoe County Superior Court II, where he was first elected in 2014.

Judge Meyer previously served as an intern for U.S. Congressman Floyd Fithian. While in law school, Meyer worked as an intern for the Indiana Legislative Services Agency. He was a shareholder and managing partner at Ball Eggleston, PC. at the time of his election to the bench. He practiced law in the Lafayette area for 30 years and served as a public defender in Tippecanoe County for 14 years.



Senator Greg Taylor (Marion County)
Appointed by the President Pro Tem of the Senate, Term Expires: 07.01.23

Greg Taylor was first elected to represent Senate District 33 (Marion County) in November 2008 and currently serves as the Minority Leader of the Indiana Senate. He has served as a member of the Commission on the Social Status of Black Males, the White River State Park Development Commission, the Uniform Law Commission, Code Revision Commission, and the State Fair Advisory Commission. Taylor also serves on the Law, Criminal Justice and Public Safety Committee of the National Conference of State Legislatures.

Sen. Taylor practices law as Senior Counsel at MWH Law Group, in the firm's transactional division and specializes in municipal finance law. Prior to his work with MWH, Taylor worked for the Indiana Department of Commerce, Business Development Division.

Meet the Commission Staff



Derrick Mason, *Senior Staff Attorney*

Derrick Mason is the Senior Staff Attorney with the Commission. Derrick holds a finance degree from the Kelley School of Business and received his law degree from the Maurer School of Law. He worked for the Monroe County Public Defender's Office for seven years. Previously, he worked for a civil law firm in Lake County and served as the attorney for the Monroe County Department of Child Services.

Derrick is a native of Blackford County and currently resides in Indianapolis. He has the distinction of having been one of Herman B Wells' personal assistants.

Andrew Cullen, *Communications and Policy Specialist*

Andrew Cullen manages Communications and Public Policy/Legislative Relations for the Commission. He has previously served as Vice President of Public Policy for United Way of Central Indiana, Regional Director for the United States Senate, Legislative Liaison for both the Indiana Public Defender Council and the Indiana Department of Natural Resources, and as a Legislative Assistant to the Speaker of the Indiana House of Representatives. He also currently serves as an Associate Faculty Member at the O'Neill School of Public and Environmental Affairs at IUPUI.

A graduate of IU McKinney School of Law and the University of Evansville, Andrew is a native of Knox County and currently lives in downtown Indianapolis. He can often be found at a Broadway Show or seeking new beaches to explore. He considers himself a very skilled dog sitter.



Paula Diaz, *Administrative Assistant*

Paula Diaz has served the State of Indiana in various agencies, including the Department of Child Services, the Department of Corrections, the Family & Social Services Administration, and the Department of Workforce Development. She currently serves as the Administrative Assistant for the Commission.

Paula attended Anderson University and currently resides in Madison County with her family and two dogs. In her free time, she is an avid reader and a volunteer First Aid/CPR Instructor.

Andrew Falk, *Staff Attorney*

As Staff Attorney for the Commission, Andrew Falk conducts law and policy research and assists with reimbursement request audits. Andrew previously helped start a non-profit organization helping women leave incarceration, practiced criminal appellate law, and worked in private practice. After law school, he clerked for the Honorable Brent Dickson of the Indiana Supreme Court.

He is also a Senior Fellow at the Sagamore Institute where he researches criminal justice reform. Andrew graduated from IU McKinney School of Law and IU-Kokomo. A previous resident of Clinton, Carroll, and Hendricks Counties, he resides in Indianapolis with his family and enjoys renovating houses and fantasy football.



Torrin Liddell, *Research and Statistics Analyst*

Torrin Liddell serves as the Research and Statistics Analyst for the Commission. He previously taught undergraduate and graduate statistics at IU Bloomington and has also served as a statistics consultant on published research projects. He completed his Ph.D in Psychology at IU Bloomington, where his research interests focused on advanced statistical methods, metacognition, and punishment decision making.

Though he moved to Bloomington from his hometown of East Lansing, Michigan, to pursue his education, he and his wife liked Bloomington so much that he remains there now despite the commute. In his free time, he enjoys cooking, reading novels, and tinkering with tech projects.

Jennifer Pinkston, *Fiscal Analyst*

As the Fiscal Analyst for the Commission, Jennifer Pinkston performs quarterly audits of reimbursement requests, conducts each county's annual desk audit and manages the Commission's fiscal matters. She has been in state government for over 16 years. Her prior roles have focused on operations, financial matters, and local government.

Jennifer grew up in Marion County and attended Ball State University. She now lives in Delaware County with her family. She enjoys restoring their 19th century farmhouse and is currently expanding their small farm.



Jennifer G. Shircliff, *Staff Attorney*

Jennifer G. Shircliff is a Staff Attorney with the Commission, responsible for developing, maintaining, and delivering the Commission's training program that focuses on Indiana public defender boards. Jennifer also assists with various legal research projects and reimbursement request audits. Before coming to the Commission, Jennifer worked in multiple Indiana counties as a public defender at both the trial and appellate levels.

Jennifer is a graduate of Indiana University McKinney School of Law. She lives in Fishers with her family and their menagerie of pets. Jennifer enjoys cooking, traveling, oil painting, and snowboarding.

Commission Study Finds Many Public Defenders Woefully Underpaid

A recently completed study by Commission staff has found that many lawyers are earning less than \$6 per hour for public defense work after accounting for overhead costs.

"This study has exposed what we have known for some time," said Derrick Mason, Senior Staff Attorney for the Commission. "Indiana must do a better job of compensating lawyers who practice public defense, especially those lawyers who practice under part-time, flat-rate contracts."

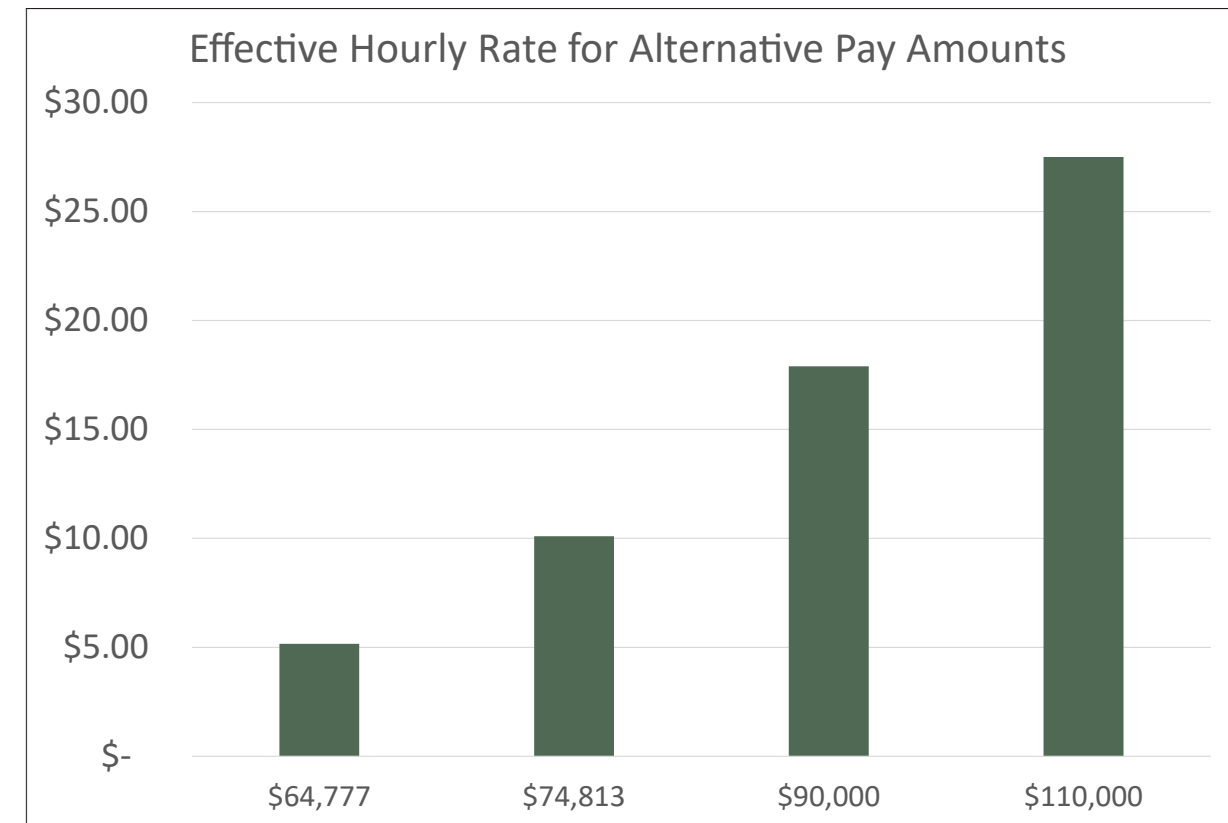
Over the past year, Dr. Torrin Liddell, the Commission's Research and Statistics Analyst, conducted a statewide survey to investigate the overhead costs required to support an attorney practicing public defense. Nearly 150 survey responses were evaluated, with a focus on attorneys who received compensation for work as a contract or part-time public defender, NOT as a full-time, salaried public defender.

"Prosecutors typically work in county government offices and do not have the same expenses as contractual, part-time attorneys who are responsible for absorbing their own office overhead and support staff costs," said Liddell. "This study clearly found that these lawyers are not being paid in true pay parity with county prosecutors, as required by Commission Standards."

The Commission's findings match previous surveys in other states showing a significant median overhead which almost completely eclipses the public defender's compensation. This amount means that a typical full-time contract public defender in Indiana makes just \$10,322 after overhead costs. This is just over \$5 per hour, based on a 40-hour work week.

The full study can be found on the Commission website: <https://www.in.gov/publicdefender/files/Overhead%20Survey%20Results.pdf>.

Key Finding:
Indiana public defenders require overhead compensation, an increase in general compensation, or both, to provide appropriate pay to contractors and to maintain true pay parity with county prosecutors.



In Indiana, the 2018 median pay for full-time contract attorneys in commission counties was \$64,777. After accounting for overhead, this is equivalent to an effective hourly rate of \$5.16. This graph (left) shows effective hourly rates after accounting for overhead using multiple benchmark compensation values.

Commission, American Bar Association Dive into Commission's Caseload Standards

Comprehensive Study Offers Roadmap for more Efficiency, Justice, Fairness

Current policies do not provide Indiana public defenders the time they need to offer effective representation, according to a collaborative study involving the Commission, the American Bar Association Standing Committee on Legal Aid and Indigent Defendants, and Crowe LLP.

"Indiana's caseload standards are a key piece of Indiana's public defense system," said Mark W. Rutherford, Board Chair of the Commission. "This comprehensive study will not just sit on the shelves. It will help guide the Commission's ongoing work to make our criminal justice system more just and more efficient."

Two main phases comprised the analysis: (1) applying the Delphi Method as a survey process to identify how much time a public or private attorney should spend, on average, providing constitutionally effective representation in varying types of cases pursuant to prevailing professional norms; and (2) analyzing the historical caseloads for public defense in Indiana.

The results demonstrated several areas where Indiana's current maximum caseload standards do not accurately reflect the actual amount of time public defenders should spend on cases. For example, the Commission's current caseload standards would allow a public defender to represent up to 120 high-level felony clients a year. The study revealed that this number should be closer to 31.

"The Commission's public defense caseloads are based on national standards and assumptions, so some changes were expected," said Derrick Mason, Senior Staff Attorney with the Commission. "However, the extent of some deficiencies was surprising. Commission staff will consider the results and seek further input from the public defense community before proposing changes to Indiana's public defense caseload standards."

The full report may be found on the Commission's website: https://www.in.gov/publicdefender/files/The%20Indiana%20Project_FINAL.pdf.

How to Interpret the graph to the right:

The current Commission caseloads are represented by the grey bars. The colored bars represent the recommended caseloads. The percentage change and the actual caseload limit numbers are listed.

A negative percentage change indicates that current Commission caseload standard is higher than recommended by this study. A positive percentage change indicates that a current Commission caseload standard is lower than recommended by this study.

For example, the study recommended that the Commission's felony level 6 caseload standards be reduced by 53% from a maximum caseload of 200 to a maximum caseload of 94.5.

The study recommended that the Commission's CHINS Appeals caseload standards be increased by 37% from a maximum caseload of 50 to a maximum caseload of 68.7.

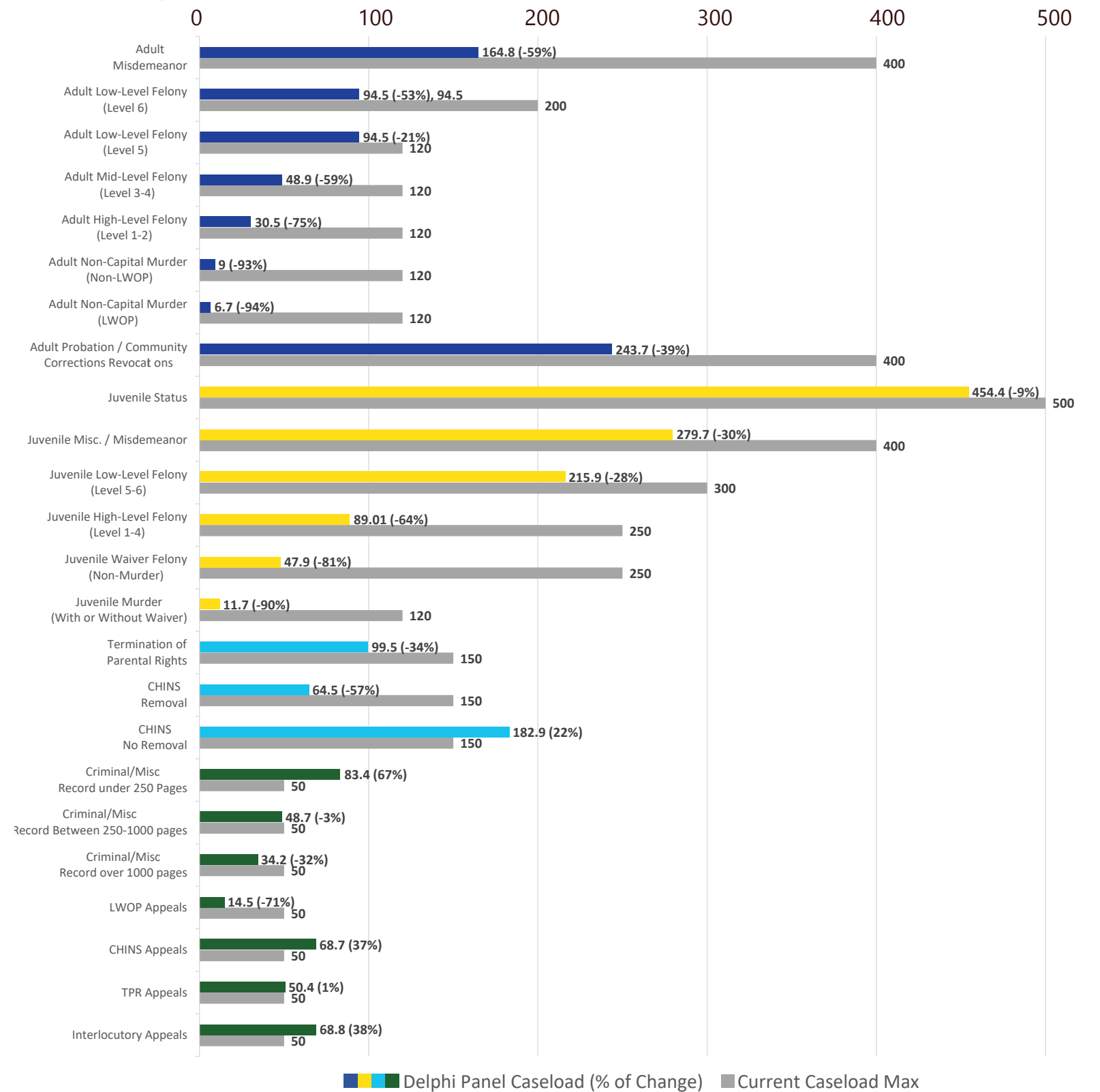
Additional Details to Consider:

The Delphi Caseload results for each Case Type provide an initial basis of comparison, in that they can be compared to the current Indiana Public Defender Commission Caseload Standards. This comparison is not exact, however, because the Commission Caseload Standards (Standard J) do not use the same detail of Case Type as this analysis.

For example, the Commission uses a single caseload standard for adult criminal felonies, whereas in the Delphi process, the Adult Criminal Consulting Panel determined that felonies should be broken down into three categories: Low-Level (Levels 5-6), Mid-Level (Levels 3-4) and High-Level (Levels 1-2).

Additionally, the comparisons provided are to the Commission's current caseload maximum under Standard J, which assumes attorneys have adequate support staff. Under Standard J, if the attorneys do not have adequate support staff, the standards typically are reduced by 20-25%.

Delphi Panel Caseloads vs. Current Caseloads



Commission Participation and Reimbursement History by County

County	Capital	Non-Capital	Total Reimbursement	Non-Capital Participation	County	Capital	Non-Capital	Total Reimbursement	Non-Capital Participation
ADAMS	\$24,093.55	\$1,672,830.32	\$1,696,923.87	2000-Present	LAWRENCE	\$0.00	\$2,471,626.68	\$2,471,626.68	2011-Present
ALLEN	\$392,175.95	\$20,688,953.18	\$21,081,129.13	2000-Present	MADISON	\$559,893.41	\$12,147,517.22	\$12,707,410.63	1998-Present
BENTON	\$0.00	\$402,364.85	\$402,364.85	1998-Present	MARION	\$4,167,663.81	\$102,846,666.85	\$107,014,330.66	1995-Present
BLACKFORD	\$0.00	\$843,728.53	\$843,728.53	2000-Present	MARTIN	\$0.00	\$778,204.74	\$778,204.74	1999-Present
Boone	\$458,377.16	\$0.00	\$458,377.16		MIAMI	\$17,918.79	\$1,196,315.08	\$1,214,233.87	1995-2007,2018-Present
BROWN	\$0.00	\$352,720.22	\$352,720.22	2012-2017, 2019-Present	MONROE	\$0.00	\$9,526,462.40	\$9,526,462.40	2000-Present
CARROLL	\$43,090.70	\$842,187.85	\$885,278.55	2001-Present	MONTGOMERY	\$0.00	\$1,080,445.33	\$1,080,445.33	1995-2013
CASS	\$0.00	\$1,336,514.59	\$1,336,514.59	2013-Present	MORGAN	\$511,283.37		\$511,283.37	
CLARK	\$539,030.42	\$5,132,766.11	\$5,671,796.53	1995-Present	NOBLE	\$0.00	\$2,895,944.93	\$2,895,944.93	2001-Present
CLINTON	\$0.00	\$252,772.58	\$252,772.58	2018-Present	OHIO	\$0.00	\$408,349.24	\$408,349.24	1999-Present
DAVISS	\$6,150.00		\$6,150.00		ORANGE	\$0.00	\$1,718,593.63	\$1,718,593.63	1995-Present
DECATUR	\$0.00	\$1,064,033.71	\$1,064,033.71	1999-Present	OWEN	\$0.00	\$487,514.48	\$487,514.48	2015-Present
DEKALB	\$0.00	\$954,068.46	\$954,068.46	2016-Present	PARKE	\$405,587.58	\$831,256.61	\$1,236,844.19	1996-Present
DELAWARE	\$307,403.49	\$4,594,097.27	\$4,901,500.76	2011-Present	PERRY	\$0.00	\$1,239,684.39	\$1,239,684.39	2004-Present
ELKHART	\$99,831.80	\$276,298.75	\$376,130.55	2020-Present	PIKE	\$16,890.76	\$1,225,085.26	\$1,241,976.02	2001-Present
FAYETTE	\$0.00	\$2,113,671.68	\$2,113,671.68	1999-Present	PORTER	\$83,653.84		\$83,653.84	
FLOYD	\$404,055.07	\$4,588,766.12	\$4,992,821.19	1997-Present	POSEY	\$75,447.10		\$75,447.10	
FOUNTAIN	\$59,553.05	\$649,797.54	\$709,350.59	1999-Present	PULASKI	\$0.00	\$1,232,022.55	\$1,232,022.55	1999-Present
FULTON	\$167,001.92	\$1,302,445.84	\$1,469,447.76	1998-Present	PUTNAM	\$128,306.40		\$128,306.40	
GIBSON	\$40,865.05		\$40,865.05	July 1, 2020*	RANDOLPH	\$25,308.56		\$25,308.56	2014-Present
GRANT	\$0.00	\$5,176,821.86	\$5,176,821.86	2003-Present	RIPLEY	\$0.00	\$520,699.57	\$520,699.57	
GREENE	\$28,435.81	\$2,258,466.64	\$2,286,902.45	2000-Present	RUSH	\$0.00	\$1,400,158.91	\$1,400,158.91	2001-Present
HAMILTON	\$230,965.24		\$230,965.24		ST. JOSEPH	\$85,691.69	\$9,807,684.61	\$9,893,376.30	2007-Present
HANCOCK	\$2,064.00	\$2,857,277.60	\$2,859,341.60	1999-Present	SCOTT	\$0.00	\$882,291.18	\$882,291.18	2000-2009,2018-Present
HARRISON	\$823,472.27		\$823,472.27		SHELBY	\$40,347.59	\$2,621,747.44	\$2,662,095.03	1999-Present
HENDRICKS	\$0.00	\$1,501,329.09	\$1,501,329.09	2017-Present	SPENCER	\$348,321.01	\$1,010,000.01	\$1,358,321.02	1999-Present
HENRY	\$76,311.74	\$773,998.32	\$850,310.06	1999-2008	STEUBEN	\$117,935.92	\$1,760,181.83	\$1,878,117.75	2001-Present
HOWARD	\$0.00	\$6,848,914.60	\$6,848,914.60	2004-Present	SULLIVAN	\$70,575.60	\$755,749.02	\$826,324.62	1999-Present
JACKSON	\$0.00	\$1,248,112.84	\$1,248,112.84	2015-Present	SWITZERLAND	\$0.00	\$1,018,152.69	\$1,018,152.69	1999-Present
JASPER	\$47,240.91	\$1,340,257.10	\$1,387,498.01	1999-Present	TIPPECANOE	\$85,663.35	\$10,710,228.71	\$10,795,892.06	2004-Present
JAY	\$0.00	\$1,711,085.02	\$1,711,085.02	2000-Present	UNION	\$0.00	\$369,809.15	\$369,809.15	1999-Present
JEFFERSON	\$87,054.05	\$755,875.33	\$842,929.38	2017-Present	VANDEBURGH	\$852,201.82	\$14,374,615.99	\$15,226,817.81	2000-Present
JENNINGS	\$0.00	\$1,358,723.69	\$1,358,723.69	1999-Present	VERMILLION	\$0.00	\$929,456.99	\$929,456.99	1997-Present
JOHNSON	\$217,557.21		\$217,557.21		VIGO	\$153,767.89	\$10,582,411.95	\$10,736,179.84	1999-Present
KNOX	\$54,275.54	\$3,645,358.05	\$3,699,633.59	1999-Present	WABASH	\$0.00	\$1,205,208.47	\$1,205,208.47	2007-Present
KOSCIUSKO	\$0.00	\$3,071,238.61	\$3,071,238.61	2000-Present	WARREN	\$0.00	\$264,761.86	\$264,761.86	1996-Present
LaGRANGE	\$0.00	\$649,241.15	\$649,241.15	2010-Present	WARRICK	\$481,596.53		\$481,596.53	
LAKE	\$2,142,552.82	\$26,383,772.50	\$28,526,325.32	1999-Present	WASHINGTON	\$3,877.66	\$2,548,715.28	\$2,552,592.94	2000-Present
LaPORTE	\$59,311.47	\$4,445,675.94	\$4,504,987.41	1995-Present	WHITE	\$0.00	\$32,777.70	\$32,777.70	2001-2002
					WHITLEY	\$0.00	\$213,243.89	\$213,243.89	1999-2008

*Gibson County joined on July 1, 2020 (Fiscal year 2021)

No Commission Reimbursement: Bartholomew, Clay, Crawford, Dearborn, Dubois, Franklin, Huntington, Marshall, Newton, Starke, Tipton, Wayne, Wells

Benefits of Commission Membership

The Commission has investigated a variety of data sources to assess potential secondary benefits of Commission membership. These benefits are secondary in the sense that they are not directly related to improved public defense but are potential downstream benefits associated with improved public defense. We have also quantified where participation in the Commission's reimbursement program leads to SAVINGS in other parts of Indiana's Criminal Justice System.

Participating Counties vs. Non-Participating Counties

Commission Counties have:

- 12% lower per-capita jail population
- 20% lower rate of "Low Recidivism Risk" individuals in DOC
- Nearly three weeks less time children are placed outside of the home in CHINS cases
- 64 days shorter DOC commitments

LOWER JAIL POPULATIONS:

Based on data from the past 7 years, Commission Counties have a 12% lower per-capita county jail population.

MORE APPROPRIATE SENTENCES:

Commission counties have a 20% lower rate of low-recidivism-risk individuals* in DOC facilities. One potential explanation for this difference is that higher quality public defense can more effectively procure alternative sentences for low-risk offenders, keeping them out of prison.

CHILDREN REUNITED WITH FAMILIES:

Out-of-home placements by DCS in Commission Counties are 20 days shorter than in Non-Commission counties, a potential \$5.8 million in cost savings per year. **

LESS CORRECTIONS EXPENSES:

Individuals in Commission counties receive on average 64-day shorter sentences in Department of Corrections (DOC) facilities, a potential \$30.8 million in savings per year. ***

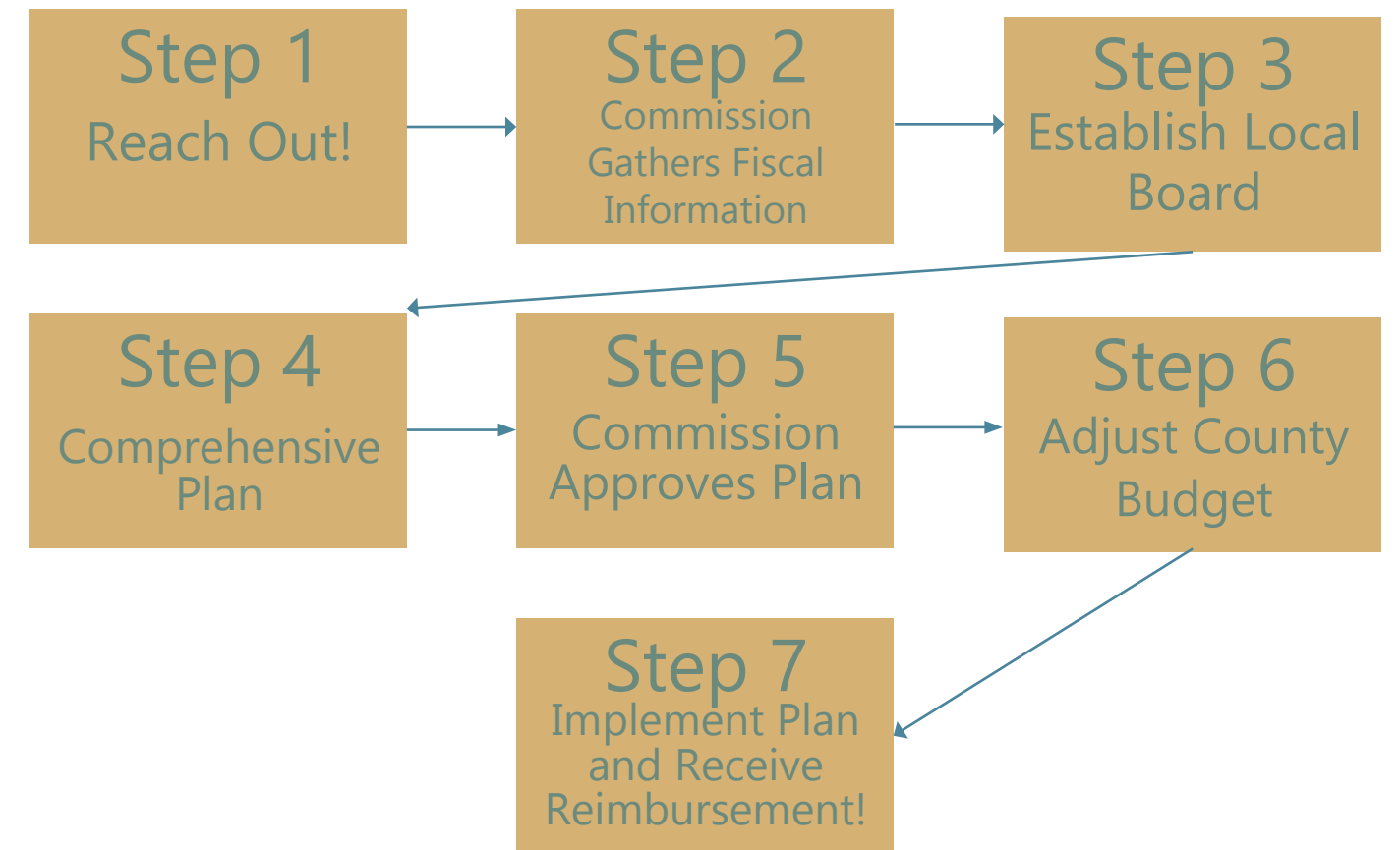
FOOTNOTES:

* "Low recidivism risk" is a category assigned via the Indiana Risk Assessment System (IRAS) indicating that the individual is less likely than other prisoners to recidivate. Correspondingly, a greater proportion of individuals in DOC facilities are in higher recidivism risk categories in Commission Counties

** There were 12,656 children in out-of-home care in Indiana as of July 2020. If each of these children had their time in foster care cut by 20 days, this represents \$5.8 million in cost savings.

*** In 2019 the DOC admitted 8,613 prisoners, with a reported per diem of \$55.92. If the savings above were realized for each of these prisoners, this is a potential \$30.8 million in savings.

How to Join the Commission



If your county is not one of the 64 counties currently receiving reimbursement for non-capital public defense services, this quick guide will explain the process for joining.

Step 1: Reach out to us! The first step to getting started is to let us know you're interested in learning more. This contact could come from a local public defender, a commissioner or member of the county council member, a judge or magistrate, a county auditor, a county clerk, or just an interested citizen.

Step 2: The Commission gathers information about your county's current public defense services and makes projections about what joining the Commission would mean.

Step 3: Once you see the fiscal impact, it's up to your county commissioners to pass an ordinance to establish a County Public Defender Board. We'll work directly with the County Attorney on those details.

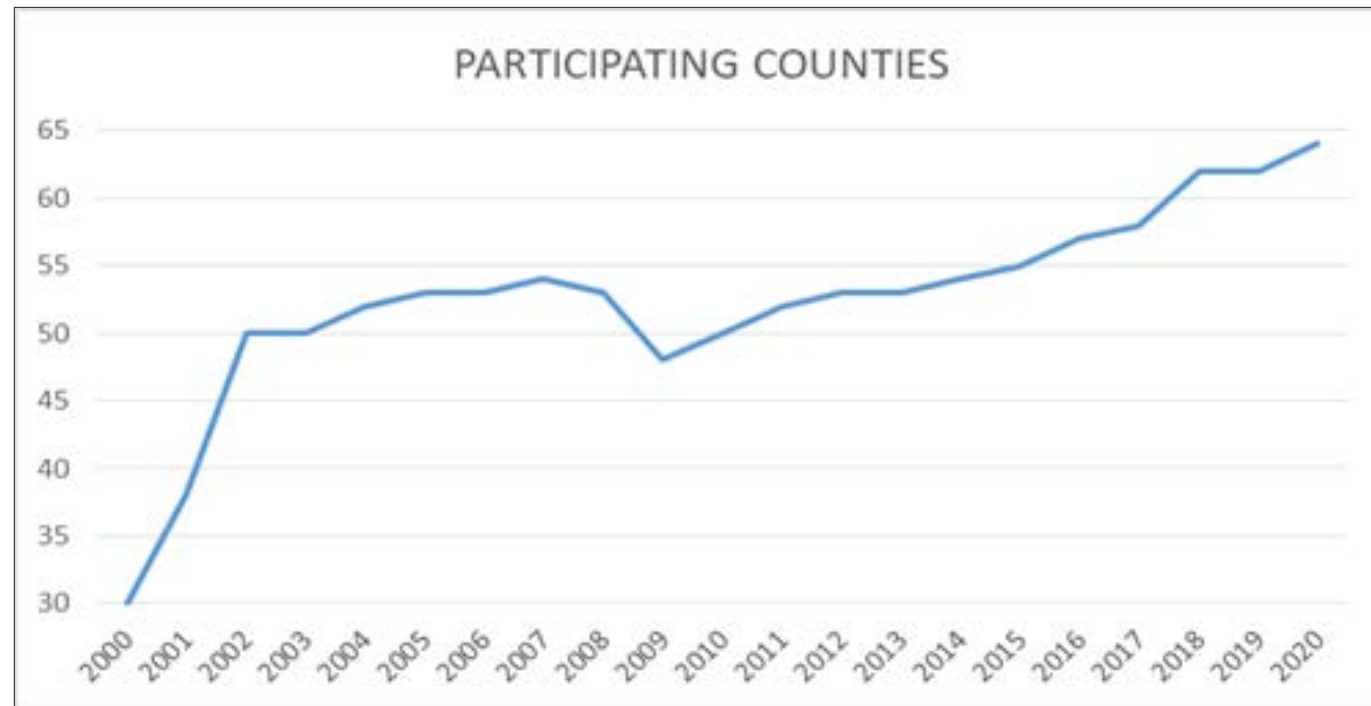
Step 4: After the county commissioners establish the PD Board, the members are appointed. It's a three-member board with one appointment by the commissioners, one appointment by the judges, and one appointment by us here at the state PD Commission. We will then work with the board to create a comprehensive plan. Don't worry, we have lots of models, and we'll walk you through it.

Step 5: The PD Commission will officially approve the plan. We'll have been working hand-in-hand with the County Public Defender Board throughout the process, so this step is usually a formality.

Step 6: Now the process switches to the county council, which must make any changes to the county budget necessary to implement the changes called for in the newly-approved comprehensive plan. Staff from the PD Commission is always willing to testify at budget hearings or chat individually with any member of the county council.

Step 7: Now your county is ready to seek reimbursements. Not only will you have a stronger, fairer, and more just criminal justice system, but you'll also be reaping the rewards of charging the state for part of it!

County Participation History 2000-2020

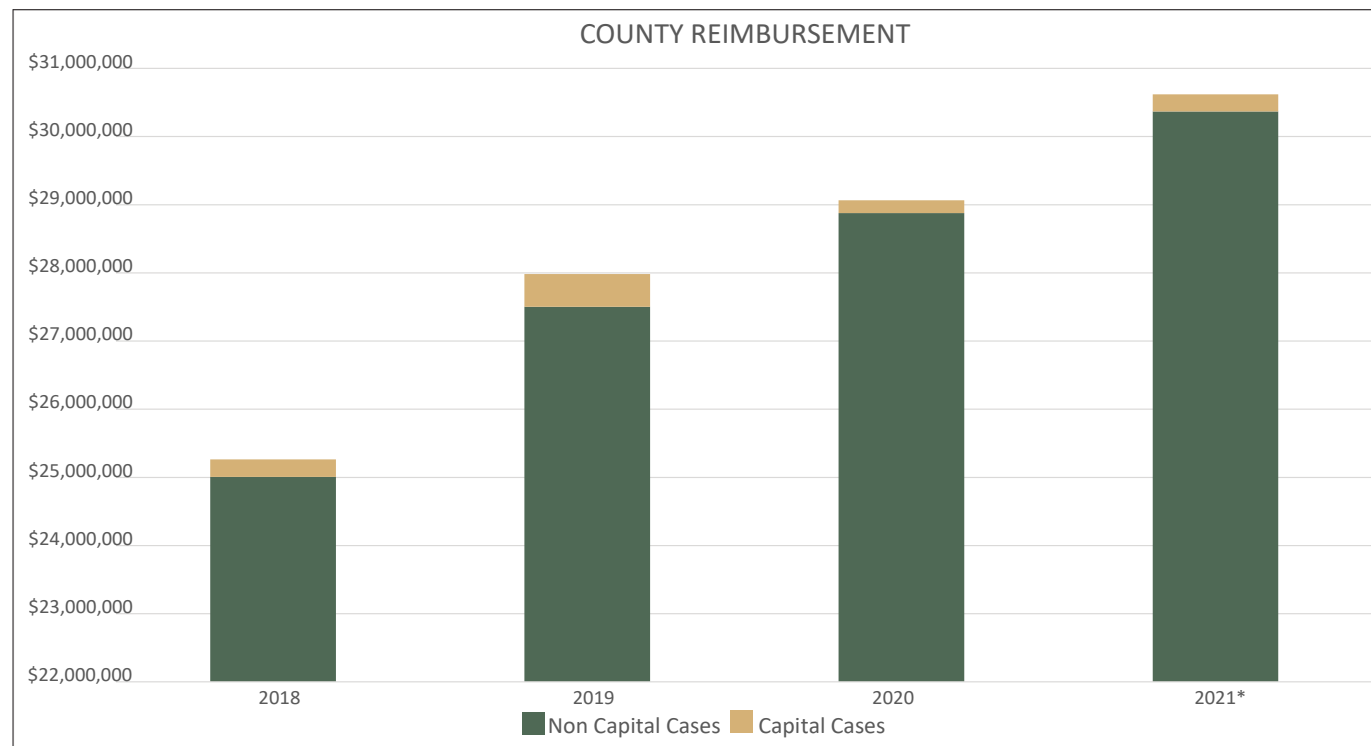


From July 1, 2019, to June 30, 2020, (the period of this Annual Report), the Commission welcomed Elkhart County to our reimbursement program, Indiana's sixth largest county by population.

Since June 30, 2020, the following counties have started or completed the process of joining the Commission's reimbursement program: Gibson, Harrison, Warrick, and Whitley.

The Commission has been able to fully fund county reimbursement requests since 2009, but that is only due to conservative fiscal projections, sound management of the Public Defense Fund, and a strong partnership with the Indiana General Assembly.

Reimbursement Trends 2018-2021*



*2021 reimbursement amount projected

Funding and Reimbursement History

Fiscal Year	# of Counties Eligible for Reimbursement	Annual Appropriation to PDCOM Fund	Reimbursement Paid in Capital Cases	Reimbursement Paid in Non-Capital Cases	Total Reimbursement Paid	Loss due to prorated reimbursement	% of reimbursement received
1989-90		\$ 650,000			\$ -		
1990-91		\$ 650,000	\$ 58,550		\$ 58,550		
1991-92		\$ 650,000	\$ 286,805		\$ 286,805		
1992-93		\$ 650,000	\$ 484,501		\$ 484,501		
1993-94		\$ 650,000	\$ 337,139		\$ 337,139		
1994-95		\$ 650,000	\$ 288,465		\$ 288,465		
1995-96	5	\$ 650,000	\$ 528,641	\$ 668,747	\$ 1,197,388		
1996-97	7	\$ 650,000	\$ 371,046	\$ 628,841	\$ 999,887		
1997-98	9	\$ 3,000,000	\$ 799,450	\$ 1,022,104	\$ 1,821,554		
1998-99	17	\$ 3,000,000	\$ 526,515	\$ 2,188,701	\$ 2,715,216		
1999-00	30	\$ 2,400,000	\$ 378,209	\$ 2,990,954	\$ 3,369,163		
2000-01	38	\$ 2,400,000	\$ 712,054	\$ 3,669,319	\$ 4,381,373		
2001-02	50	\$ 6,000,000	\$ 473,317	\$ 4,869,313	\$ 5,342,630	\$ 2,036,380	28%
2002-03	50	\$ 7,000,000	\$ 413,805	\$ 5,371,364	\$ 5,785,169	\$ 1,619,285	31%
2003-04	52	\$ 7,000,000	\$ 478,222	\$ 4,553,537	\$ 5,031,759	\$ 1,403,053	25%
2004-05	53	\$ 8,000,000	\$ 672,381	\$ 11,026,803	\$ 11,699,184	\$ 771,538	37%
2005-06	53	\$ 9,000,000	\$ 386,288	\$ 5,824,921	\$ 6,211,209	\$ 895,476	36%
2006-07	54	\$ 10,000,000	\$ 844,769	\$ 12,147,454	\$ 12,992,223	\$ 2,674,834	31%
2007-08	53	\$ 14,500,000	\$ 753,772	\$ 14,162,897	\$ 14,916,669	\$ 825,367	38%
2008-09	48	\$ 15,250,000	\$ 742,251	\$ 14,325,105	\$ 15,067,356	\$ 1,262,700	37%
2009-10	50	\$ 18,250,000	\$ 618,252	\$ 15,373,384	\$ 15,991,636		40%
2010-11	52	\$ 18,250,000	\$ 370,709	\$ 15,996,714	\$ 16,367,423		40%
2011-12	53	\$ 20,250,000	\$ 532,706	\$ 16,685,482	\$ 17,218,188		40%
2012-13	53	\$ 20,250,000	\$ 381,459	\$ 17,546,818	\$ 17,928,277		40%
2013-14	54	\$ 22,250,000	\$ 421,935	\$ 18,693,834	\$ 19,115,769		40%
2014-15	55	\$ 22,250,000	\$ 268,182	\$ 19,923,237	\$ 20,191,418		40%
2015-16	57	\$ 22,257,668	\$ 590,939	\$ 20,695,801	\$ 21,286,740		40%
2016-17	58	\$ 22,250,000	\$ 896,287	\$ 22,435,660	\$ 23,331,946		40%
2017-18	62	\$ 25,750,000	\$ 256,896	\$ 25,006,493	\$ 25,263,389		40%
2018-19	62	\$ 25,750,000	\$ 481,104	\$ 27,502,636	\$ 27,983,740		40%
2019-20	63	\$ 30,220,000	\$ 188,155	\$ 28,877,630	\$ 29,065,785		40%
TOTALS		\$ 310,257,668	\$ 14,354,649	\$ 283,310,120	\$ 297,664,767	\$ 11,488,633	

2020 Capital Case Reimbursements

COUNTY	DEFENDANT	TOTAL
Allen	Dansby	\$57,216.31
Boone	Baumgardt	\$3,124.59
Boone	Wright	\$33,510.19
Clark	Oberhansley	\$79,041.57
Marion	Adams	\$227.50
Marion	Brown	\$15,034.44
TOTAL		\$188,154.60

