

The Supreme Court of Ohio

Budget Testimony on behalf of the Supreme Court of Ohio

Ohio House of Representatives Finance Committee, Transportation Subcommittee

**Submitted by:
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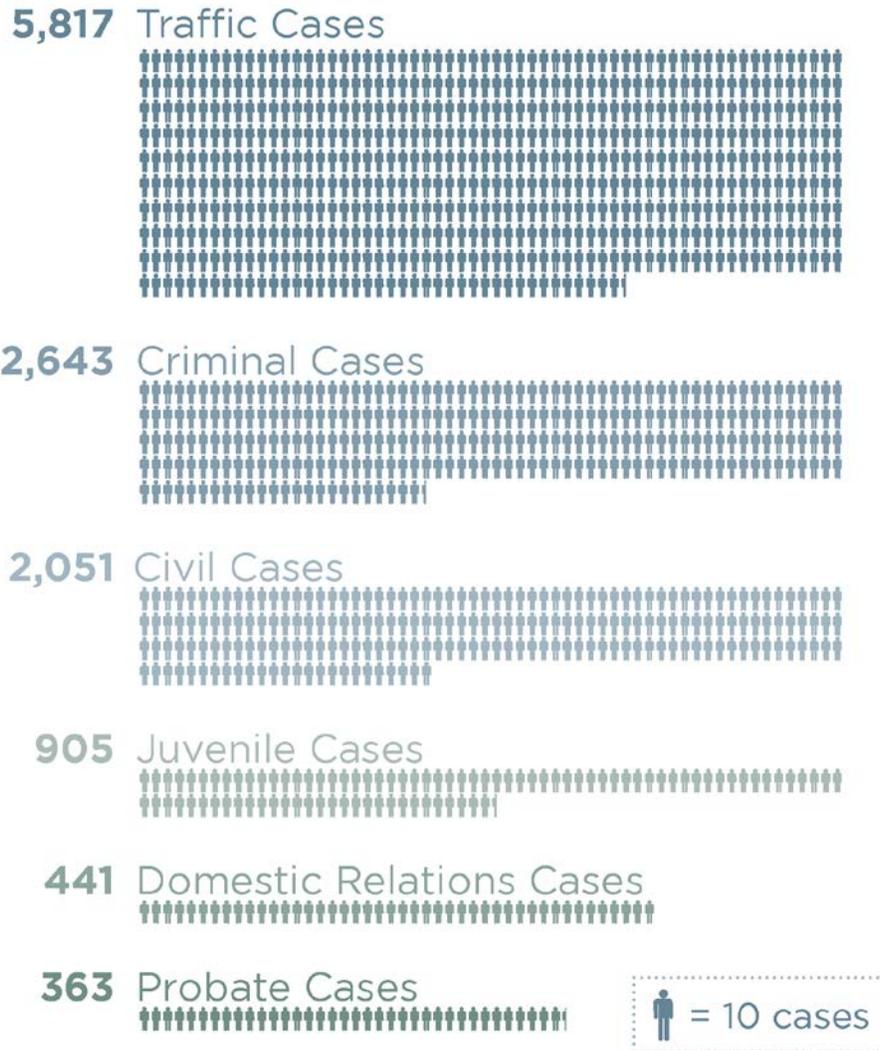
Tuesday, April 9, 2019

Chairman Greenspan, Ranking Member Skindell, and Members of the Subcommittee, on behalf of Chief Justice Maureen O'Connor, the justices of the Supreme Court of Ohio, and the judges of Ohio, I want to thank you for this opportunity to provide written testimony on the Court's proposed 2020-2021 biennium budget.

I. Background

The Ohio judiciary includes 383 courts, with 722 judges serving on those courts. On a typical day, Ohio's trial courts hear over 12,000 cases across the various case types (see graphic below). Although there has been a general downward trend in caseloads over the past 10 years, the 2018 caseload disposition statistics represent an 8 percent increase over 2016.

On a Typical Day in 2018, Ohio's Courts Heard:



Although the caseload statistics are helpful, it does not tell the entire story of the work of the judiciary.

II. Opioid Epidemic

As you know, Ohio has suffered greatly as a result of the opioid epidemic and the judiciary has been greatly impacted as well. In an effort to address the epidemic, Chief Justice O'Connor continues to lead the Regional Judicial Opioid Initiative (RJOI) Ohio team. The RJOI is a multi-state initiative convened by Chief Justice O'Connor in 2016 to combat the opioid epidemic in the

region. The Ohio cross-disciplinary team has made great strides in combating the opioid crisis. One of the most successful projects came from a collaboration of Supreme Court and the Board of Pharmacy staff. This project created a process by which judges could gain access to the Prescription Drug Monitoring Program (PDMP). Such access is critical for judges when mandating treatment for individuals with substance use disorders.

Staff are also developing a method by which specialized docket participants (those individuals in programs such as drug, mental health, human trafficking, and veteran's dockets) will be flagged in the PDMP system so that prescribing doctors will be aware that the individual is a current specialized docket participant. This will assist the doctor in appropriately prescribing medication in light of the individual's identified substance use disorder.

The Ohio RJOI team is also reaching beyond the impact of opioids and is discussing ways to increase services for *all* individuals with substance use disorders, instead of focusing only on individuals with an opioid addiction. This work will continue to expand in the next biennium.

III. Specialized Dockets

Another avenue by which the Court is addressing addiction is through its specialized dockets. Currently, 194 Ohio judges operate 249 certified specialized dockets. Supreme Court staff have been working closely with staff from Governor DeWine's office, as part of the Recovery Ohio Initiative, to develop a plan to create additional specialized dockets and expand the scope of current dockets. The continued growth of specialized dockets expands the intensive involvement Ohio judges are having on the lives of individual participants and the impact of courts on social issues like the opioid epidemic and human trafficking.

Acknowledging that access to treatment is critical to the success of specialized docket participants, Supreme Court staff are piloting a project to utilize teleservices in courts where in-

person treatment is not readily available. These services will encompass both the delivery of treatment and other supportive services to specialized docket participants as well as compliance monitoring and supervision of those participants.

IV. Bail Reform

The Court is also continuing to address the use of bail in Ohio. In late 2018, Chief Justice O'Connor convened a task force to review current practices and make recommendations for revisions to rules and processes. The task force is currently reviewing the draft report, which will be released in early summer.

Later this month, Chief Justice O'Connor will host the first statewide Pretrial Justice Summit. At that time, Judges, prosecutors, defense counsel, pretrial services officers, and law enforcement will convene to develop a roadmap for implementing or expanding their pretrial services. The effective development of pretrial services are crucial to the success of bail reform in Ohio as it creates standardized processes for gathering and reporting information that judges need to make risk-based decisions on pretrial conditions for individuals charged with a crime.

V. The Budget

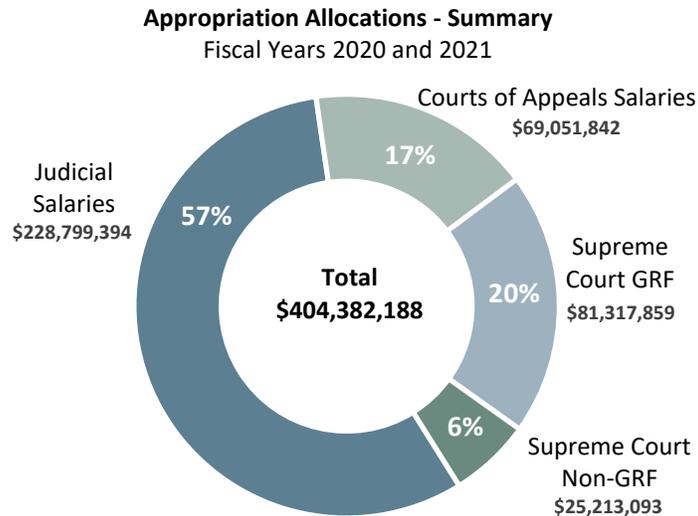
As you can see, while the Court is an institution rooted in tradition, it also encourages staff to identify innovative projects that will improve the administration of justice in Ohio. Nonetheless, as in previous years, the budget submitted is fairly conservative.

The Supreme Court's budget is a relatively small portion of the overall state budget, accounting for only 0.27% of the state budget in the upcoming biennium. The Court has submitted a total budget request of \$404,387,188. The 2020-2021 biennium budget breaks down as follows:

- 57% or \$228,799,394 for statutorily mandated salaries (justices and judges);
- 17% or \$69,051,842 covers the salaries of employees of the courts of appeals; and

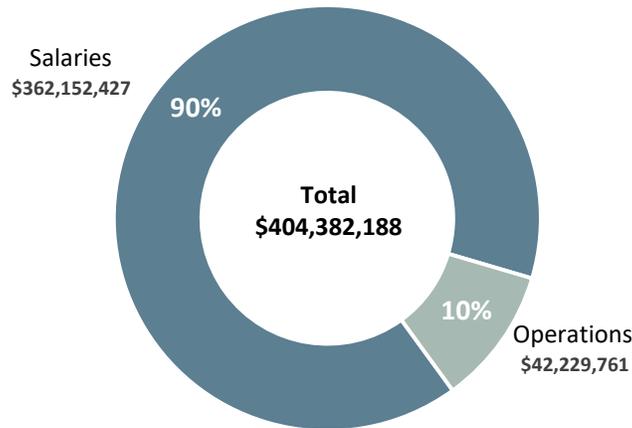
- 26% or \$106,530,952 which includes the costs of the Supreme Court divided between General Revenue Funds and other funds such as grants.

The following chart provides a visual representation of how the appropriations are allocated in the upcoming biennium.



Another way of looking at the budget is to compare the personal service expenses with the operational expenses. As the following chart illustrates, of the Court’s total request, 90% or \$362,152,427 is allocated for personal services, the bulk of which are statutorily required.

Appropriation Allocations - Salaries and Operations
Fiscal Years 2020 and 2021



Included in the operational expenses are the costs of maintaining and running the Thomas J. Moyer Ohio Judicial Center and the costs of the maintaining the Ohio Courts Network, which is a statewide repository for caseload data. The operational expenses also include monies that are passed on to local courts and other non-profit justice system partners through technology grants and civil justice grants. Lastly, the operational expenses also include federal and other grants, such as the federal Court Improvement Program (CIP) and the Statewide System Improvement Program (SSIP), all of which the Court receives and largely passes through to support local court operations.

As previously mentioned, many of the requested increases are mandated by statute or are required to cover the increased cost of employee benefits and other program charge-backs required by the Department of Administrative Services or the Office of Budget and Management. Personnel costs reflect the final 5% judicial salary increase pursuant to O.R.C. 141.04 amended by the 131st General Assembly on September 29, 2015 as well as the 1.75% judicial salary increase as required at the end of 2018 by S.B. 296. Please note that the personnel costs for FY20 are higher than FY21 due to the 27th payroll during that fiscal year.

The Court is also requesting \$4.1 million over the biennium to replace the existing appellate case management system, which was first designed nearly 20 years ago. The implementation of a new off-the-shelf system will allow the appellate courts to leverage current technology which will in turn, create efficiencies and increase access to justice.

The Court has requested an additional \$200,000 which will be used to complete a comprehensive review of Ohio's specialized dockets. This evaluation will test the impact of the specialized docket model using a design that will be employed to compare the criminal justice outcomes (e.g., violations of supervision, new arrests, new arrests on drug related charges) of participants in the state's specialized dockets with a matched comparison sample of defendants exposed to traditional case processing.

Lastly, the Ohio Criminal Sentencing Commission is an affiliated office created by statute and as such, its budget is included as a line item in the Supreme Court's budget. The Sentencing Commission is seeking to build upon its current foundation and is requesting an ongoing appropriation of \$596,006 in FY2020 and \$611,088 in FY2021. Consistent with any permanent commission, it is critical to have both qualified staff and adequate funding to successfully complete its designated tasks and duties. As the Commission grows its capacity for data collection and analyses, the increase in funding will allow it to continue to serve as a vehicle for the betterment of Ohio's criminal justice system, expand its analytical capacity and further its goal of developing data informed policy decisions that ensure fairness and consistency in sentencing.

VI. Conclusion

On behalf of Chief Justice O'Connor, the justices of the Supreme Court, and the judges of the state, thank you for the opportunity to provide a more detailed outline and vision for the Court's biennial budget.