

T R A F F I C I N J U R Y R E S E A R C H F O U N D A T I O N



Indigent Funding Initiatives and Opportunities

Erin Holmes, TIRF
Alcohol Interlock Symposium
Melbourne, Australia
Oct. 28th, 2009



Overview

- > **This presentation will cover the following:**
 - » Introduction
 - » Magnitude of problem
 - » Defining indigency
 - » Defining indigency - challenges
 - » Indigent funding strategies
 - Sliding fee scales
 - Indigent funds
 - Other strategies
 - » Example of an indigent fund – South Carolina
 - » Viable factors for determining indigency
 - » Next steps



Introduction

- > **Alcohol interlock programs are funded using an offender-pay scheme.**
- > **The devices average approximately US \$70.00 for installation and an additional US \$70.00 monthly for monitoring.**
- > **The cost of the alcohol interlock device is \$3-\$4 per day or about the cost of a drink.**



Introduction

- > **The issue of indigency is always raised at the political level.**
- > **States struggle with the issue; particularly given the current economic climate in the US as more people may now be classified as indigent and state governments face deficits.**
- > **Currently, there is no uniform approach and a lack of consensus on how to handle the indigent problem.**



Percentage of indigent offenders

- > In many jurisdictions it is not known how many interlock offenders are indigent.
- > Several states do not have mechanisms in place to track the number of offenders declared indigent.
- > This is an important gap in data.
- > More research is needed to determine these numbers which would allow states to allocate resources accordingly.



Percentage of indigent offenders

- > **Virginia – service providers pay**
 - » Commission on VASAP grants less than 1% of requests for indigent funding
- > **Illinois – indigent fund for first offenders**
 - » Rate is holding at 9-10% (needs to remain at 5% to be fully funded)
- > **Washington – indigent fund**
 - » Since September 2009, approx. 1,000 offenders (12.5%) have applied for assistance – 60% approved and 40% denied
- > **South Carolina – indigent fund**
 - » Committee has had several applications made but have only approved one request



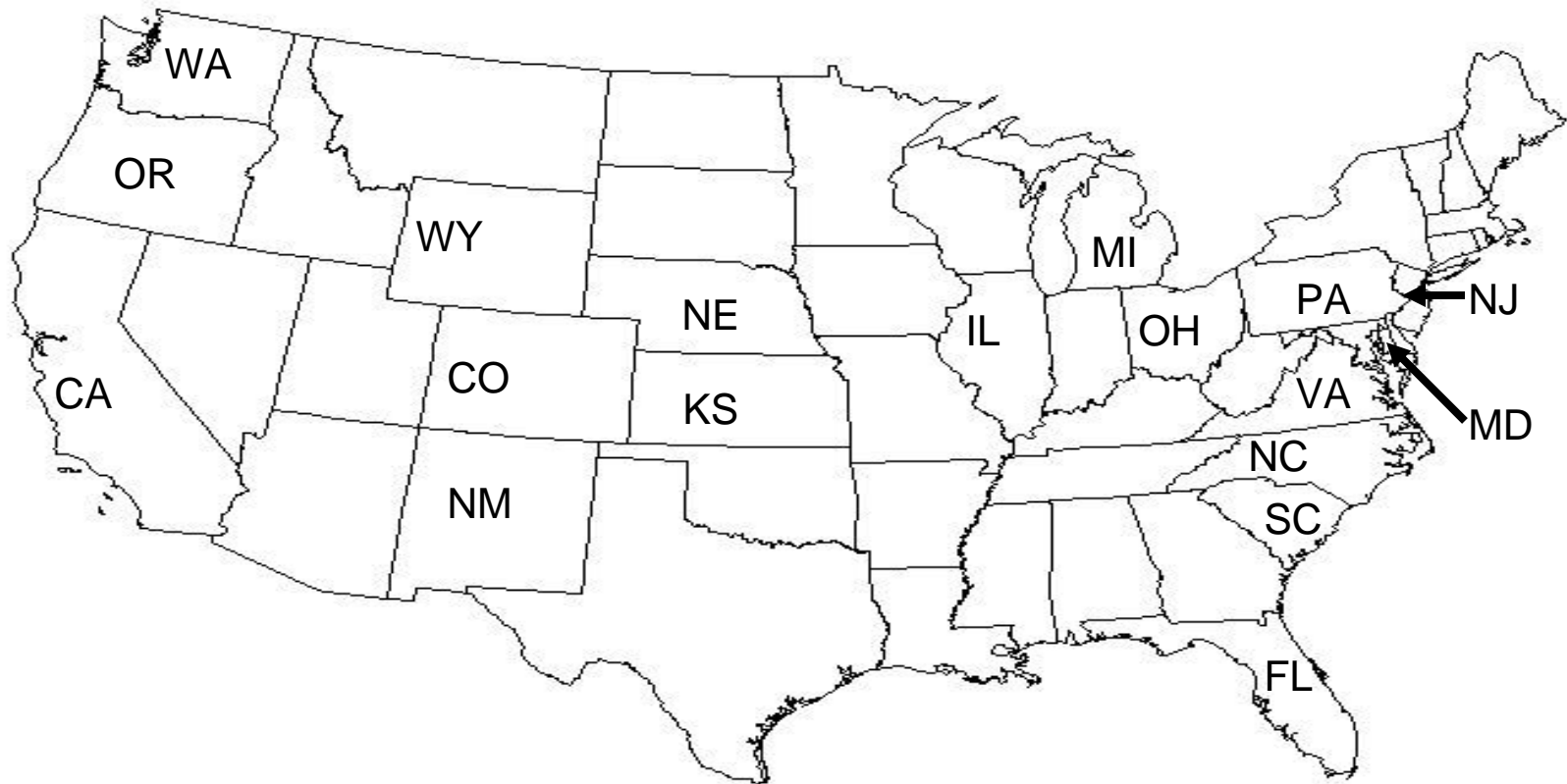
Canada

- > At present, no jurisdiction in Canada offers indigent funding to interlock offenders.
- > The rationale is that if an individual can afford a driver's licence, they can afford an alcohol interlock – driving is a privilege; it is not a right.





United States





Defining indigency

- > **There are multiple ways in which indigency can be determined in the US:**
 - » Court-determined (left to judicial discretion);
 - » At or below a certain percentage of the federal poverty line (125-200%);
 - » Food stamp eligibility;
 - » Enrolled in government assistance program;
 - » Inability to pay for counsel; and/or
 - » Other agency determined (ex. VASAP in Virginia).



Defining indigency

Eligibility Criteria	States
Judicial discretion	- Florida; Illinois; Nebraska; New Mexico; North Carolina.
Federal poverty guidelines	- Colorado; Maryland; Michigan; Pennsylvania; South Carolina; Washington.
Food stamp guidelines	- Kansas; Oregon; South Carolina; Wyoming.
Participation in government assistance program	- New Jersey
Inability to pay for counsel	- Washington
Other agency determination	- California; Virginia.



Defining indigency - challenges

- > **When left to the discretion of the judiciary, there is little consistency in findings of indigency.**
- > **This can also lead to a rapid increase in the number of offenders who are declared indigent.**
 - » For example, in New Mexico, the number of indigent offenders went from 100 to 3,500.



Defining indigency - challenges

- > **Using federal poverty guidelines, food stamp guidelines, participation in a government assistance program, or the inability to pay for counsel as criteria are also problematic.**
- > **They do not necessarily take into consideration all individual expenses.**
 - » For example, a person may be above the poverty line but have additional expenses – i.e., being a single parent.



Indigent funding strategies

- > **There are multiple strategies utilized to address indigent offenders:**
 - » Subsidized funding;
 - » Government-supported funds; or
 - » Negotiated rates with service providers (sliding fee scales).



Types of Indigent Strategies: *Sliding Fee Scales*

- > **Sliding fee scales are typically negotiated by service providers who allow indigent offenders to pay a reduced rate.**
- > **States who use this strategy include:**
 - » California; Michigan; Nebraska; and New Jersey.
- > **Eligibility criteria is different in each state.**
- > **The main issue is that service providers must absorb the cost of indigent offenders. A large number of these offenders can result in lost profits for providers.**



Types of Indigent Strategies: *Indigent Funds*

- > Indigent funds are the most common strategy.
- > They involve either the state or the service providers putting money into a fund that is used to cover the costs of offenders deemed indigent.
- > Typically, non-indigent offenders will be charged an additional monthly fee that will be used to maintain the fund.
- > States who use this strategy include:
 - » Colorado; Illinois; New Mexico; North Carolina; Ohio; Oregon; South Carolina; Washington; and Wyoming.



Types of Indigent Strategies: *Indigent Funds*

- > **All of the indigent funds are different in how they are managed, sustained, and how eligibility is determined.**
- > **Issues with this strategy include:**
 - » Sustaining a fund using state money;
 - » Additional costs to non-indigent offenders or service providers;
 - » Having too few offenders to continue receiving funding (e.g. Illinois); and
 - » Having too many offenders and lacking the funds to accommodate them.



Types of Indigent Programs: *Other Strategies*

Florida	<ul style="list-style-type: none"> > Judicial discretion to waive fees to defray the costs of interlock legislation
Kansas	<ul style="list-style-type: none"> > 2% of providers gross profits are set aside to cover the costs of indigent offenders > Indigency is determined through the use of the standards for indigence adopted by the Federal Government for food stamps
Maryland	<ul style="list-style-type: none"> > Economic hardship exemption from installing the device on ALL vehicles; if they meet the criteria they will only have to install the device on one vehicle > Indigency is determined by providing documentation of income (ex. \$26,580 or less for a family of one)
Pennsylvania	<ul style="list-style-type: none"> > Economic hardship exemption from installing the device on ALL vehicles; if they meet the criteria they will only have to install the device on one vehicle > Indigency is defined as annual income at or below 200% of the federal poverty guidelines or documentation of participation in a governmental assistance program



Indigent funding strategies

- > **Currently, there is no consistent strategy to determine which offenders qualify as indigent.**
- > **There is concern about a two-tiered system.**



South Carolina – Indigent Fund

- > **State-administered indigent fund**
- > **Fund is sustained by charging all non-indigent offenders a \$30/month surcharge.**
- > **Committee of 5 officials review applications for indigent funding.**
- > **Indigency is determined using the Federal Poverty Guidelines, but also taken into account are other factors such as living arrangements, food stamps, other expenses, etc.**
- > **At present, there have been several applications made for funding but only one offender has been approved.**

South Carolina – Application Form

SOUTH CAROLINA DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES Print Form

IGNITION INTERLOCK DEVICE PROGRAM FINANCIAL ASSESSMENT - CONFIDENTIAL

This form may be completed online and printed.

QUALIFYING INFORMATION SECTION

Last Name First Name MI

Address DL#

City Date of Birth

State Zip Year, Make, Model of Vehicle

Living Arrangements: Length of time in Current Arrangement:
(Describe Living Arrangement)

Employment Status (Check One)

Employed
Place of Employment
Position Length of Time
Address
City State Zip
Verification
Name Date

Unemployed
Length of Unemployment
Verification
Name Date
Last Employed: From To
Last Place of Employment

Other People Living in Household:

Name	Age	Relationship	Name	Age	Relationship

FINANCIAL REPORTING SECTION

<p>A: Monthly Income From Wages</p> <p>Self <input type="text"/></p> <p>Spouse <input type="text"/></p> <p>Other Household Members <input type="text"/></p> <p>How Often is Driver Paid? <input type="text"/> <small>(Weekly, Bi-Monthly, Monthly)</small></p>	<p>B: Monthly Income From Other Sources</p> <p>Rental Income <input type="text"/></p> <p>CDs/Trusts/Stocks/Bonds <input type="text"/></p> <p>Child Support <input type="text"/></p> <p>Alimony <input type="text"/></p> <p>Legal Settlements <input type="text"/></p> <p>AID/CF/food Stamps/ Rental Assistance <input type="text"/></p> <p>Other (List below) <input type="text"/></p>	<p>C: Monthly Expenses</p> <p>Rent/Mortgage <input type="text"/></p> <p>Water/Sewer <input type="text"/></p> <p>Electric/Gas <input type="text"/></p> <p>Food <input type="text"/></p> <p>Telephone <input type="text"/></p> <p>Health/Life Insurance <input type="text"/></p> <p>Child Support/Child Care <input type="text"/></p> <p>Alimony <input type="text"/></p> <p>Auto Loan <input type="text"/></p> <p>Charge/Loan Accounts <input type="text"/></p> <p>Recreation <input type="text"/></p> <p>Other <input type="text"/></p>
---	---	--

I certify that all financial information and statements disclosed are true and accurate.

Driver Signature Date

FINANCIAL ASSESSMENT INSTRUCTIONS

The information requested by the Financial Assessment must be properly and accurately completed for this form to be processed. All requested information must be furnished. At least two articles of verification are recommended to verify wages, other income or expenses (i.e. verification for the current and previous periods of review). All information must be completed as outlined below.

NOTE: The offender shall be informed that the South Carolina Department of Probation, Parole and Pardon Services reserves the right to cease participation in the Ignition Interlock Program and bill for the full amount of services rendered if information provided for the Financial Assessment is misstated or misrepresented.

QUALIFYING INFORMATION SECTION

- **Driver Name:** (Last, First, MI): Enter offender's name.
- **Address:** Enter driver's mailing address.
- **DL#:** Enter driver's Driver License Number.
- **Date of Birth:** Enter driver's birth date.
- **Living Arrangements and Length of time in Current Arrangement:** Describe the driver's present living arrangement and the length of time in this living arrangement (e.g. homeless, with relatives other than spouse or parent).
- **Employment Status:** Check the appropriate response. If employed, provide all information requested in the "Employed" section only and proceed to the "Other People Living in Household" section. Documents that can be used as verification of employment include a recent pay stub or a company or employer letter. If unemployed, provide all information requested in the "Unemployed" section and proceed to the "Other People in Household" section. Documents that can be used as verification of unemployment include benefits statement/check stub for unemployment benefits, employer letter, disability verification or signed offender statement.
- **List Other People in Household:** List other people who live in the same household with the driver, including spouse and any dependents.

FINANCIAL REPORTING SECTION (Do not leave any spaces blank. Place a zero in the appropriate space if the driver has no income or expenses.)

- **A - Monthly Income From Wages:** Enter all wages as appropriate. The following documents can be used as verification: pay check stub, W-2 form or employer statement.
- **B - Monthly Income From Other Sources:** Enter all income received from sources other than employment. ("Rental Income" refers to income received from rental property that is owned by the offender.) The following documents can be used as verification: payment stub, most recent state or federal tax return, bank statement, court records, letters from the benefit office regarding monthly benefit amount, etc.
- **C - Monthly Expenses:** Enter all monthly expenses as appropriate. The following documents can be used as verification: expense receipts, payment books, most recent bill.
- The federal Poverty Guidelines table will be applied to determine indigence.





Viabile factors for determining indigency

- > **Income**
- > **Government assistance/food stamps**
- > **Dependents**
- > **Living arrangements**
- > **Monthly costs**
 - » Cable tv
 - » Cell phone bills
 - » Vehicle payments
- > **Treatment costs**
- > **Additional fines/fees**



Next Steps

- > It is important as governments move forward to create a strategy or policy that would provide guidelines on how to better handle indigency.
- > Researchers must be better able to measure the indigent problem.
- > Researchers, government decision-makers, and practitioners need to collaborate to create recommendations and best practices on how to define indigency, administer funding, and manage costs.



Staying informed

www.tirf.ca

