

Indigent Drivers Alcohol Treatment Fund

Ohio Department of Alcohol and Drug Addiction
Services
(ODADAS)

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ODADAS

Overview - Authority

- *ODADAS is responsible for all substance abuse prevention, treatment and recovery services in the state.*
- *According Ohio law (ORC 3793), the Department coordinates the alcohol and other drug services of state departments, the criminal justice system, law enforcement, the legislature, local programs and treatment/prevention professionals.*
- *The Department oversees 50 county boards responsible for alcohol and other drug addiction services. ODADAS' Boards contract with more than 600 certified treatment and recovery providers throughout the state.*

ODADAS

Overview- Treatment

- *Research has consistently found that involvement in substance abuse treatment reduces recidivism for offenders who use drugs.*
- *Drug treatment is proven to cut drug use in half, reduce crime by 80 percent, and reduce arrests by 64 percent. The cost of drug treatment is 15 times less than the cost of locking a person up for a drug-related crime. (Source: Join Together).*

ODADAS

Overview- Treatment

- While it is true that the rate of relapse is high among offenders, it is also true that relapse is part of the recovery process. When an offender experiences a relapse it is crucial to gauge the seriousness of the “slip” to determine appropriate interventions. It is essential that personnel from the criminal justice and treatment systems agree to the range of responses and times when certain responses are appropriate.
- If handled properly, relapse can lead to, among other things, increased motivation for recovery and the awareness of what can be lost by leaving the treatment process.
- Ultimately, the missions of the treatment system and the correctional system are complementary and a goal that is critically important to both is the reduction of crime

Funding

Indigent Drivers Alcohol Treatment Fund

- *Ohio has been fortunate to have a funding stream to access the appropriate AoD (alcohol and other drug) treatment services to assist indigent offenders convicted of operating a vehicle under the influence of alcohol or drugs.*
- *The indigent drivers alcohol treatment fund (IDAT) allows courts in Ohio to utilize necessary treatment services for offenders charged with OVI who would otherwise not be able to afford such services. **Please note that Driver Intervention Programs (DIPs) are not considered treatment and can not be paid with IDAT Funds.** Funding may also be utilized for the continued use of an electronic monitoring device in conjunction with treatment services when clinically necessary.*

Funding

Indigent Drivers Alcohol Treatment Fund

- *Additionally, courts in consultation with their local Alcohol Drug Addiction Services Board or Alcohol Drug Addiction and Mental Health Services Board may declare a surplus to their IDAT funds in order to utilize additional services.*
- *The surplus funds may be used for treatment services for indigent offenders of crimes other than driving under the influence when it is determined that substance abuse was a contributing factor to the crime. Courts may also make the most of surplus funds by purchasing electronic monitoring devices to be used with the non-surplus funds as a treatment component.*

Indigent Drivers Alcohol Treatment Fund Background

The Indigent Drivers Alcohol Treatment (IDAT) Fund was created by statute over fifteen years ago.

The purpose of IDAT funds is to cover the cost of mandatory substance abuse treatment for indigent OVI offenders and indigent juvenile traffic offenders.

Indigent Drivers Alcohol Treatment Fund Collaboration

Collaboration between the court and the local ADAS/ADAMHS Board can result in a plan that effectively maximizes IDAT resources and improves the delivery of substance abuse treatment services.

Indigent Drivers Alcohol Treatment Fund Program Administration

The local ADAS/ADAMHS Board is required to administer the court's IDAT program. The board determines which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board.

An amount not to exceed 5% of the amounts credited to and deposited into the IDAT fund is paid to the board to cover the costs it incurs in administering the indigent drivers alcohol treatment programs.

Indigent Drivers Alcohol Treatment Fund Recent Changes: Indigency Determination

SB 17 established a standard of indigency for the use of IDAT funds. The court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make determinations.

The guidelines Standards of Indigency can be found at O.A.C. 120-1-03. The link for this section is <http://codes.ohio.gov/oac/120-1-03>

Indigent Drivers Alcohol Treatment Fund

Recent Changes: Court costs

HB 562 changes sec. 2949.094 (A)

Imposes additional court costs of \$10 per moving violation, of which \$1.50 is credited to IDAT. This new money can be used for alcohol monitoring, but does not have to be in conjunction with treatment.

Indigent Drivers Alcohol Treatment Fund

Recent Changes: Alcohol Monitoring Device

- HB 562 – changes “electronic continuous alcohol monitoring device” under previous law to “alcohol monitoring device”
- "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

Indigent Drivers Alcohol Treatment Fund

Recent Changes: OVI fines

SB 17 Increases OVI fines by \$50. The increase will be deposited into the court's special projects fund to cover the cost of alcohol monitoring. If the court does not have a special projects fund, the \$50 will go to the IDAM fund.

Indigent Drivers Alcohol Treatment Fund

Recent Changes: IDAM

- IDAM = Indigent Drivers Interlock and Alcohol Monitoring Fund – used to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device or alcohol monitoring device
- IDAM – created by SB 17 is funded through an additional \$50 added to reinstatement fees under ORC 4511.191
- IDAM funding must be exhausted prior to utilizing IDAT for alcohol monitoring devices whether surplus or non surplus. (SB 17)

Indigent Drivers Alcohol Treatment Fund

Recent Changes: Ignition Interlock Device Certification

SB 17 also creates the Ignition Interlock Device Certification program.

Manufacturers are required to pay annual certification fees of \$100.

Certified manufacturers must also pay a 5% net profits tax. Both the fees and collected taxes are deposited into IDAT by the Ohio Department of Public Safety.

Indigent Drivers Alcohol Treatment Fund Recent Changes: Immobilization waiver fee

SB 17 creates an immobilization waiver fee of \$50.00 that is deposited into the State Treasury and credited to IDAT.

Indigent Drivers Alcohol Treatment Fund IDAT Expenditures

Expenditures from an IDAT fund shall be made only upon the order of a county, juvenile or municipal court judge and only for payment of the cost of an assessment or the cost of attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

Indigent Drivers Alcohol Treatment Fund IDAT Expenditures (continued)

In addition, a judge may use IDAT funds to pay for the continued use of an electronic continuous alcohol monitoring device by an offender or juvenile traffic offender, in conjunction with a treatment program approved by ODADAS, when such use is determined clinically necessary by the treatment program and when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring of the device.

Indigent Drivers Alcohol Treatment Fund

Surplus IDAT Funds

If the court determines, in consultation with the local ADAS/ADAMHS Board, that the funds in the court's IDAT fund are more than sufficient to satisfy the purpose for which the fund was established, the court may declare a surplus in the fund. If the court declares a surplus, the court may expend the amount of the surplus in the fund for:

1. Alcohol and drug abuse assessment and treatment for persons who are charged in court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:

Indigent Drivers Alcohol Treatment Fund Surplus IDAT Funds (continued)

- a. The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or juvenile traffic offense with which the person is charged.
- b. The court determines that the person is unable to pay for the cost of the alcohol and other drug abuse assessment and treatment for which the surplus money will be used.

Indigent Drivers Alcohol Treatment Fund Surplus IDAT Funds (continued)

2. All or part of the cost of purchasing electronic continuous alcohol monitoring devices to be used in conjunction with 4511.19 (H)(3). SB 17 requires that IDAT funds can not be accessed until moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device are exhausted.

SB 17 allows that courts may identify and refer to ODADAS, non-certified programs interested in receiving surplus IDAT funds. If a court-identified program has an active application to become certified, the program is eligible to receive surplus funds. If the interested program withdraws the certification application, ODADAS will notify the court and the court shall not provide the interested program with any further surplus funds.

Indigent Drivers Alcohol Treatment Fund Funds Distribution

- Bi-annually, MIS staff emails Fiscal a file itemizing reinstatement fee amounts authorized to individual courts.
- MIS also prepares Board and Court notification letters regarding the payment amounts.
- Fiscal utilizes MIS generated letters to issue payment through OAKS.
- Payments are entered, reviewed and approved by appropriate fiscal staff.
- Courts will typically receive payment within 3-5 business days via wire transfer or 5-7 days via warrant.

Indigent Drivers Alcohol Treatment Fund ODADAS Contacts

- Please contact Joani Moore at (614) 752-7385 or moore@ada.ohio.gov if you have questions concerning the usage of IDAT funds.
- Please contact Karen Wolfe at (614) 466-9003 or wolfe@ada.ohio.gov if you have questions regarding the disbursement of IDAT funds.
- ODADAS Website: www.odadas.ohio.gov

Indigent Drivers Interlock and Alcohol Monitoring (IDAM) Funds Public Safety Contacts

- Leora Knight, Revenue Management Section
- phone number is 752-7657.
- email is LKnight@dps.state.oh.us