

MEMORANDUM

TO: The Honorable Timothy M. Kaine
Members of the General Assembly

FROM: Senator Henry L. Marsh, III
Chairman, Commission of VASAP

DATE: January 5, 2007

Section 18.2-271.2 of the Code of Virginia requires that the Commission on VASAP submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission. The attached report provides an overview of the Commission on VASAP activities during 2006.

Please contact my office or Debra D. Gardner the executive director of the Commission on VASAP if you have any questions.

Attachment

Annual Executive Summary

2006

THE COMMISSION ON



VASAP

Virginia Alcohol Safety Action Program

Introduction

The Virginia Alcohol Safety Action Program traces its roots to Fairfax County. In 1972, it became the site of one of 35 national “Alcohol Safety Action Projects” funded by the National Highway Traffic Safety Administration (NHTSA). On March 24, 1975, legislation passed by the General Assembly expanded this program statewide establishing driver education and rehabilitation programs in an effort to reduce the number of highway tragedies.

There are currently 24 Alcohol Safety Action Programs throughout Virginia. Every jurisdiction in the Commonwealth is covered. They have the responsibility of doing everything they can to lower the number of impaired drivers on our roadways. Efforts have paid off because the number of DUI deaths in Virginia continues to decline each year.

In 1986, the General Assembly formed the Commission on Virginia Alcohol Safety Action Program (Commission on VASAP). This provided for the standardization of ASAP operations, increasing the quality and equity of services to offenders statewide. Section 18.2-271.2 of the *Code of Virginia* requires the Commission on VASAP to submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission. This report provides an overview of Commission on VASAP activities during 2005.

Mission

To improve highway safety by decreasing the incidence of driving under the influence of alcohol and other drugs, leading to the reduction of alcohol and drug-related fatalities and crashes.

Objectives

1. Deter the motoring public from driving under the influence of alcohol and other drugs.
2. Deter those arrested and convicted of driving under the influence from becoming repeat offenders.
3. Increase awareness to aid in the identification, apprehension and conviction of offenders driving under the influence of alcohol and other drugs.
4. Raise the conviction rate for offenders and the number of appropriate referrals to Alcohol Safety Action Programs.
5. Ensure appropriate probationary control of offenders.
6. Ensure the delivery of proper education and treatment services for offenders.
7. Provide statewide offender tracking services for all ASAPs.
8. Increase public awareness of the civil and legal consequences of DUI arrests, public perception of transportation crash risks and public activities to reduce DUI incidents.
9. Assess and maintain the effectiveness and self-supporting status of both the Commission and local Alcohol Safety Action Programs.

Programs

VASAP has developed many educational programs designed to improve highway safety, providing a credible Alcohol Safety Action Program that responds to the needs of each locality in Virginia. Included among these are:

- Aggressive Driver Program
- Habitual Offender Restoration Reviews
- Driver Improvement
- First Offender Drug Programs
- Young Offender Program
- Relapse Prevention Education
- Adolescent Alcohol Education
- Victim Impact Panels
- Driving Suspended Program
- Community Diversion Incentive Program
- Ignition Interlock Program
- Drug Testing/Urine Screening
- Public Inebriate Program

Overview of the Commission

§18.2-271.2. Commission on VASAP; purpose; membership; terms; meetings; staffing; compensation and expenses; chairman's executive summary.

A. There is hereby established in the legislative branch of state government the Commission on the Virginia Alcohol Safety Action Program (VASAP). The Commission shall administer and supervise the state system of local alcohol and safety action programs, develop and maintain operation and performance standards for local alcohol and safety action programs, and allocate funding to such programs. The Commission shall consist of 15 members that include six legislative members and nine nonlegislative citizen members. Members shall be appointed as follows: four current or former members of the House Committee for Courts of Justice, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate Committee for Courts of Justice, to be appointed by the Senate Privileges and Elections Committee; three sitting or retired judges, one each from the circuit, general district and juvenile and domestic relations district courts, who regularly hear or heard cases involving driving under the influence and are familiar with their local alcohol safety action programs, to be appointed by the Chairman of the Committee on District Courts; two directors of local alcohol safety action programs, to be appointed by the legislative members of the Commission; one representative from the law-enforcement profession, to be appointed by the Speaker of the House and one nonlegislative citizen at large, to be appointed by the Senate Committee on Privileges and Elections; one representative from the Virginia Department of Motor Vehicles whose duties are substantially related to matters to be addressed by the Commission to be appointed by the Commissioner of the Department of Motor Vehicles, and one representative from the

Department of Mental Health, Mental Retardation and Substance Abuse Services whose duties also substantially involve such matters, to be appointed by the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services. Legislative members shall serve terms coincident with their terms of office. In accordance with the staggered terms previously established, nonlegislative citizen members shall serve two-year terms. All members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be made for the unexpired terms. Any appointment to fill a vacancy shall be made in the same manner as the original appointment.

B. The Commission shall meet at least four times each year at such places as it may from time to time designate. A majority of the members shall constitute a quorum. The Commission shall elect a chairman and vice-chairman from among its membership.

The Commission shall be empowered to establish and ensure the maintenance of minimum standards and criteria for program operations and performance, accounting, auditing, public information and administrative procedures for the various local alcohol safety action programs and shall be responsible for overseeing the administration of the statewide VASAP system. Such programs shall be certified by the Commission in accordance with procedures set forth in the Commission on VASAP Certification Manual. The Commission shall also oversee program plans, operations and performance and a system for allocating funds to cover deficits that may occur in the budgets of local programs.

C. The Commission shall appoint and employ and, at its pleasure, remove an executive director and such other persons as it may deem necessary, and determine their duties and fix their salaries or compensation.

D. The Commission shall appoint a Virginia Alcohol Safety Action Program Advisory Board to make recommendations to the Commission regarding its duties and administrative functions. The membership of such Board shall be appointed in the discretion of the Commission and include personnel from (i) local safety action programs, (ii) state or local boards of mental health and mental retardation and (iii) other community mental health services organizations. An assistant attorney general who provides counsel in matters relating to driving under the influence shall also be appointed to the Board.

E. Legislative members of the Commission shall receive compensation as provided in § [30-19.12](#). Funding for the costs of compensation of legislative members shall be provided by the Commission. All members shall be reimbursed for all reasonable and necessary expenses as provided in §§ [2.2-2813](#) and [2.2-2825](#) to be paid out of that portion of moneys paid in VASAP defendant entry fees which is forwarded to the Virginia Alcohol Safety Action Program.

F. The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Commission Members

Legislative

Senator Henry L. Marsh, III, Chairman
Delegate Ward L. Armstrong
Delegate Robert Hurt
Delegate Brian Moran

Senator Kenneth T. Cuccinelli, II
Delegate Todd Gilbert
Delegate Salvatore Iaquinto

Judicial

Honorable Archie Elliott, Jr.
Honorable George D. Varoutsos

Honorable Robert B. Spencer, Jr.

At-large Members

Ms. Susan E. Marchon
Ms. Joanne Maxwell
Sheriff Michael L. Wade

Mr. Roy-Keith Lloyd
Ms. Pat Eggleston

Commission Staff

Debra D. Gardner – Executive Director
Angela Coleman – Field Services Supervisor
John Kimbel – IT Administrator
Oscar Brinson – Legal Counsel

Tracy Thacker – Executive Assistant
Richard Foy – Technical Instructor
Keshana Lee – Fiscal Technician

Commission Meeting Dates

March 9, 2006

June 2, 2006

Sept 22, 2006

December 8, 2006

Advisory Board

The Commission on VASAP, as mandated by the Code of Virginia, has an appointed advisory board which makes recommendations to the Commission regarding its duties and administrative functions. The VASAP Advisory Board met on the following date:

November 17, 2006

Component Area Activities

In keeping with VASAP's mission to improve highway safety, the VASAP system operates within five component target areas.

Case Management/Offender Intervention

Persons referred to ASAP are monitored by case managers who assess and classify offenders to determine the most appropriate education and/or treatment services needed.

In 2006, the Commission on VASAP:

- provided services for over 74,000 citizens of the Commonwealth.
- participated as a member of the Supreme Court's advisory committee, tasked with creating standards and guidelines, and reviewing and approving applications for specialty court programs.
- conducted a system-wide Super Conference in Portsmouth, August 14-16, for approximately 250 members of all local ASAPs.
- provided ongoing technical support and infrastructure for maintenance of the offender tracking system.
- participated in an interagency group to produce the *Report on the Status and Effectiveness of Offender Drug Screening, Assessment and Treatment* for the General Assembly.
- provided comprehensive substance abuse training with a specialty ASAP track for approximately 40 ASAP directors and case managers at the Summer Institute on Addiction Studies at the College of William and Mary.
- implemented recommendations from the Substance Abuse Services Council Annual Report (to the Governor and the General Assembly) to include: (1) placing a high priority on hard core drunk drivers and repeat offenders; (2) promoting and providing training in the use of assessment instruments; (3) establishing uniform, statewide substance abuse standards and treatment definitions for use by service providers, and (4) identifying programs and evaluations that have documented success.
- conducted a study on monitoring devices and new urine screening technology (EGT), and explored the possibility of implementing a pilot study in the future.
- served on the Annual Conference on Transportation Safety (ACTS) planning committee and hosted an ACTS breakout session on the adjudication, education and treatment of youthful offenders in college settings.
- served on the Surface Transportation Safety (STS) executive committee, assisting with the development of the Commonwealth's Strategic Highway Safety Plan and implementation of several of its elements.
- provided grants to the three ASAP regions for clerical, case management, and law enforcement training.
- attended the annual meeting of drug court professionals in Seattle, Washington.
- conducted case management training on offender classification guidelines and criteria.

- worked with the Substance Abuse Council to initiate training for treatment providers on assessment instruments and best practices for hard core and high BAC drivers.
- provided program management for the Peninsula ASAP during the absence of an executive director.

2006 VASAP REFERRALS

<i>TOTAL REFERRALS BY AGE*</i>	<i>PERCENTAGE</i>
< 16	0.13%
16 – 25	40.06%
26 – 35	23.75%
36 – 45	18.85%
46 – 65	16.13%
> 65	1.08%
<i>TOTAL REFERRALS BY RACE*</i>	<i>PERCENTAGE</i>
African American	20.31%
Asian	1.47%
Caucasian	71.48%
Hispanic	5.97%
Other	0.77%
<i>TOTAL REFERRALS BY GENDER*</i>	<i>PERCENTAGE</i>
Male	74.66%
Female	25.34%
<i>DUI REFERRALS BY CURRICULUM**</i>	<i>PERCENTAGE</i>
Education	23.31%
Intensive Education	32.11%
Treatment	44.51%
Drug Education	0.07%

* “Total referrals” include all persons receiving any type of ASAP service.

** “DUI referrals” include only those persons referred to ASAP as a result of a DUI conviction.

Adjudication

VASAP, prosecutors, and the courts work together to ensure the efficient processing of those convicted of driving under the influence and referred to VASAP for probation.

In 2006, the Commission on VASAP:

- presented an overview of ASAP services to over 150 persons at the judicial training conference in Virginia Beach, August 16-18. This presentation was highlighted by personal appearances of actual ASAP clients, some of whom were DUI recidivists.
- continued to provide support for Virginia's only two DUI courts in Fredericksburg and Staunton.
- Presented a specialty training track on young offender and driver improvement programs to the juvenile and domestic relations judges at the judicial training conference.

Enforcement

VASAP enhances law enforcement efforts to reduce alcohol and other drug-related crashes by providing training to detect and apprehend those driving under the influence.

In 2006, the Commission on VASAP:

- provided funding for training on proactive traffic enforcement strategies to 346 officers from over 100 different law enforcement agencies of the Blue Ridge and Battlefield ASAP regions.
- supplied Standardized Field Sobriety Test (SFST) instructors with textbooks and other student training materials.
- provided regional grant funds for the purchase of preliminary breath test screening devices for local law enforcement officers.
- monitored committee meetings of the General Assembly to track the introduction and passage of DUI enforcement legislation.
- attended the Piedmont ASAP Law Enforcement Recognition Awards Ceremony.

Public Information/Education

VASAP helps reduce the number of impaired driving injuries and fatalities by increasing public awareness through education, and by encouraging responsible decision making. Each program conducts local public information efforts with training and support materials from the Commission.

In 2006, the Commission on VASAP:

- hosted an information and education booth at the Judicial Training Conference, August 17-18.
- produced an adult offender DUI sanctions chart and distributed it to judges and attorneys.
- distributed the juvenile "use and lose" sanctions chart to police training academies for use in instruction.
- sent brochures on teenage drinking and driving to private driving schools and Virginia juvenile and domestic relations courts for use in drivers' licensing ceremonies.
- sent brochures to high schools, community colleges, universities and businesses for special events.
- distributed "Choose to be Free" campaign materials aimed at the prevention of alcohol and tobacco use among middle school students.
- exhibited at the Annual Conference on Transportation Safety (ACTS).

- participated at the Hopkins Elementary School, Richmond, Virginia annual safety event.
- provided an information booth on two occasions at the “Fridays at Sunset” festival in Richmond.

Evaluation/Certification

The Commission on VASAP is responsible for periodically evaluating and recertifying each ASAP to ensure that services in the communities are effective, consistent, and appropriate.

In 2006, the Commission on VASAP:

- presented a two-day conference for local ASAP policy board members, facilitated by a professional trainer in board governance.
- audited and reviewed the budgets of the 24 local alcohol safety action programs (ASAPs).
- performed field visits of local ASAPs.
- conducted certification reviews of all ASAP programs in the Colonial region.
- conducted management reviews of local programs.
- Attended and presented information on program operations at local policy board meetings.