

MEMORANDUM

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

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

DATE: December 3, 2008

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 2008.

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

2008

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 2008.

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:

- Reckless/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 Service Program
- Ignition Interlock Program
- Drug Testing/Urine Screening
- DUI Court (Fredericksburg)

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 Salvatore Iaquinto
Delegate Jackson H. Miller

Senator Kenneth T. Cuccinelli, II
Delegate Todd Gilbert
Delegate Brian Moran

Judicial

Honorable George D. Varoutsos

Honorable George W. Harris, Jr.

At-large Members

Ms. Susan E. Marchon
Mr. John L. Saunders
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
Tracy Thacker – Executive Secretary

Quilla Brooks – Executive Assistant
Richard Foy – Technical Instructor
Cheryl Shaffer - Fiscal Technician
Oscar Brinson – Legal Counsel

Commission Meeting Dates

Mar. 7, 2008

June 27, 2008

Sept. 19, 2008

Dec. 5, 2008

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.

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 2008, the Commission on VASAP:

- proactively assisted local ASAPs to address fiscal challenges and enhance local program services by reducing the amount of state share fees that local programs submit to the state office (as required by § 18.2-271.1 of the Code of Virginia) from six percent (6%) to three percent (3%), effective July 1, 2008.
- provided services for over 70,000 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 statewide training and networking session in Charlottesville for ASAP staff and treatment providers to familiarize them with using the American Society of Addiction Medicine (ASAM) placement criteria in working with high risk DUI offenders.
- conducted a system-wide Super Conference in Hampton, August 11-13, for approximately 250 members of all local ASAPs.
- provided ongoing technical support and infrastructure for maintenance of the offender tracking system.
- provided information on VASAP's screening and assessment activities to be included in the *Report on the Status and Effectiveness of Offender Drug Screening, Assessment and Treatment* for the General Assembly.
- sent staff to the Summer Institute on Addiction Studies at the College of William and Mary, June 16-20.
- 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.
- served on the Annual Conference on Transportation Safety (ACTS) planning committee and hosted an ACTS breakout session on ASAP's role with the Fredericksburg Drug Court, June 11-13.
- 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 a grant to the Colonial ASAP region for case management and administrative training, and for the purchase of offender orientation videos for all 24 ASAPs.
- conducted two case management trainings on offender classification guidelines and criteria for case managers from all 24 local alcohol safety action programs.
- monitored ignition interlock installation sites, provided interlock program training, updated the ignition interlock policy and procedure manual, and meet periodically with interlock service provider representatives to ensure the maintenance of a quality state interlock program.
- partnered with the Department of Motor Vehicles to offer a series of regional trainings to coordinate the efforts and activities of ASAP directors and case managers with DMV district managers, help desk call center managers and central office staff.
- sent state office personnel to the Lifesaver’s transportation safety conference in Portland, Oregon, April 12-15.
- worked cooperatively with the executive committee of the VASAP Directors’ Association and attended their fall and spring conferences.
- sent state office personnel to the National Drug Court Conference in St. Louis, Missouri, May 28-30.

2008 VASAP REFERRALS

<i>TOTAL REFERRALS BY AGE*</i>	<i>PERCENTAGE</i>
< 16	0.15%
16 – 25	37.92%
26 – 35	25.26%
36 – 45	17.93%
46 – 65	17.52%
> 65	1.22%
<i>TOTAL REFERRALS BY RACE*</i>	<i>PERCENTAGE</i>
African American	20.79%
Asian	1.85%
Caucasian	70.80%
Hispanic	5.89%
Other	0.67%
<i>TOTAL REFERRALS BY GENDER*</i>	<i>PERCENTAGE</i>
Male	73.68%
Female	26.32%
<i>DUI REFERRALS BY CURRICULUM**</i>	
Education	25.32%
Intensive Education	27.86%
Treatment	46.76%
Drug Education	0.07%

- * “Total referrals” include all persons receiving any type of ASAP service (n = 70,653).
- ** “DUI referrals” include only those persons referred to ASAP as a result of a DUI conviction (n = 26,921).

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 2008, the Commission on VASAP:

- partnered with the Virginia Departments of State Police, Motor Vehicles, Game and Inland Fisheries, and Alcoholic Beverage Control to plan, coordinate, and host the 2008 Judicial Transportation Safety Conference at Virginia Beach, August 13-15.
- provided staff in many jurisdictions to assist judges and clerks of court with the processing of DUI cases.
- continued to provide support for the DUI court in Fredericksburg.
- produced an adult offender DUI sanctions chart and distributed it to judges and attorneys.
- sent brochures on teenage drinking and driving to Virginia juvenile and domestic relations courts for use in drivers’ licensing ceremonies.

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 2008, the Commission on VASAP:

- monitored committee meetings of the General Assembly to track the introduction and passage of DUI enforcement legislation.
- sent informational materials to police departments for distribution to the public.
- provided grant funding for the training of law enforcement agencies in the Battlefield Region.

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 2008, the Commission on VASAP:

- hosted an information and education booth at the Judicial Transportation Safety Conference, August 15-17.

- expanded public information efforts by sending brochures to high schools, community colleges, universities, businesses, insurance companies, county administrators' offices, regional jails, mass transit sites, and private driving schools.
- exhibited at the Annual Conference on Transportation Safety (ACTS), June 11-13.
- provided materials for distribution at the State Fair of Virginia, September 25 – October 5.
- provided curriculum materials to law enforcement agencies involved in school alcohol/tobacco prevention programs.
- provided an information booth on two occasions at the “Fridays at Sunset” festival in Richmond, July 18 and August 8. Written prevention materials were distributed to the public on the dangers and consequences of drinking and driving.
- participated on the Highway Safety Challenge committee with VDOT, VSP, DMV and other non-profit and private sector organizations to develop innovative and effective strategies to reduce traffic fatalities by encouraging motorists to be responsible drivers.
- conducted a public information event in conjunction with the Department of Game and Inland Fisheries at the Osbourne Pike boat landing on August 29 to remind boaters of the dangers of driving and boating under the influence.
- displayed summertime billboards and banners along highways and at toll booths in Central and Tidewater Virginia reminding drivers that *Fun Can Be Intoxicating, Don't Drink and Drive* and *Don't Let Alcohol Drive Your Decisions, Stay Sober*.
- partnered with the Governor's Office of Substance Abuse on the Underage Drinking and Driving *Think!, Don't Drink* initiative.
- exhibited an electronic driving simulator model to demonstrate for Richmond Boy Scout Troop 740 the effects of driving under the influence.

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 2008, the Commission on VASAP:

- audited and reviewed the budgets of the 24 local alcohol safety action programs (ASAPs).
- underwent a financial audit of the state office with no findings of deficiencies.
- performed field visits of local ASAPs.
- conducted management reviews of local programs.
- attended and presented information on program operations at local policy board meetings.
- conducted certifications of all ASAP programs in the Battlefield and Blue Ridge regions.
- sent state staff to attend and monitor local ASAP education classes.
- Serve as a participating agency in the cooperative agreement between DMV/Governor's Highway Safety Office and NHTSA on the development and maintenance of the Virginia Crash Outcome Data Evaluation System (CODES).
- initiated the process to review and revise all VASAP regulations.