

COMMISSION ON VASAP  
QUARTERLY BOARD MEETING

Friday, June 10, 2016

Minutes

Attendance:

Commission Members:

Delegate Jackson H. Miller, Chairman  
Sheriff Michael L. Wade, Vice Chairman  
Senator Glen H. Sturtevant, Jr.  
The Honorable Mary Jane Hall  
The Honorable Gino W. Williams  
Mr. John Saunders  
Ms. Pat Eggleston  
Mr. James Hatcher Johnson  
Mr. Roy-Keith Lloyd

Telephone Conference:

Delegate David J. Toscano

Absent:

Delegate G.M. "Manoli" Loupassi  
Senator Richard H. Stuart  
Delegate Richard L. Morris  
The Honorable George D. Varoutsos  
Ms. Mellie Randall

Commission Staff:

Ms. Angela Coleman, Executive Director  
Mr. Oscar Brinson, Legal Counsel  
Ms. Rosario Carrasquillo  
Mr. Richard Foy  
Mr. Christopher Morris  
Ms. Charlene Motley

ASAP Directors:

Ms. Robyn Allen  
Ms. Diane Barbour  
Mr. Miles Bobbitt  
Mr. Anthony Carmichael  
Ms. Andrea Cosans  
Ms. Ashley Cvetnich  
Ms. Sharneé Eure  
Ms. Aja Ferguson  
Ms. Angela Fortune  
Ms. Mary Read Gillispie  
Ms. Victoria Kesler  
Mr. Daren Leake  
Ms. Jaime Moran  
Ms. Deborah Morgan  
Ms. Cindy Sheffield  
Ms. Pam Simmons  
Ms. Tara Smith

Guests:

Ms. Linda Aldridge  
Mr. Pete Andrews  
Ms. Michele Denhoff  
Mr. John Honea  
Mr. Stephen Gyurisin  
Mr. Scott Mason  
Ms. Ashley Ullom

**Time and Place:**

The quarterly meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) was held on June 10, 2016 at the General Assembly Building 6<sup>th</sup> Floor Speaker's Conference Room. The meeting was called to order by the Honorable Jackson H. Miller, Chairman.

**Welcome:**

Delegate Miller welcomed and thanked everyone for attending the meeting. Delegate Miller introduced and welcomed Senator Glen H. Sturtevant, Jr., a new member of the Commission on VASAP. He also introduced and welcomed two new directors: Ms. Aja Ferguson, Director of the Tri-River ASAP and Ms. Ashley Cvetnich, Director of the Southwest Virginia ASAP.

**Approval of Minutes:**

A motion was made by the Honorable Gino Williams, and properly seconded by Senator Sturtevant, Jr., to approve the minutes from the March 18, 2016 Commission meeting. All were in favor.

**Executive Finance Report:**

The Executive Finance Committee report was presented by Mr. Roy-Keith Lloyd.

Mr. Lloyd reported that the Executive Finance Committee met on June 3, 2016.

**Local ASAP Programs FY 2017 Budget Review**

Mr. Lloyd explained that the 24 local ASAP programs are required to submit an operating budget to the Commission office prior to April 1st of each year. He added that the budget review is a multi-stage process and the Commission office starts to review the budgets as they are received.

After extensive review by Ms. Keshana Pierce, Senior Accountant for the Commission, the budget review committee met on May 5, 2016 to analyze the budgets and to offer the local programs an opportunity to make any needed adjustments. Mr. Lloyd also noted that the ASAP directors did an excellent job of submitting well prepared budgets and making any needed revisions necessary to be in compliance with the Commission requirements.

The Executive Finance Committee thanked the local ASAP directors, and the local policy boards, for working with the budget review committee to make sure all of the programs are financially stable and remain self-supporting.

Mr. Lloyd stated that upon approval, the application of the budget is handled at the local ASAP level with oversight by the local policy board and monthly review by the Commission office. Furthermore, any additional expenditures outside of the operating budget after approval requires subsequent review and approval by the Commission. He also informed that any projected increase of employee salaries are determined and approved by the local policy board, prior to Commission budget approval.

The budget review committee has reviewed the increases and made certain that funding is available to the local programs in order to sustain the increases.

The Executive Finance Committee reported that this year all 24 local ASAPs submitted budgets that positioned them in positive financial standing for the 2017 fiscal year. Mr. Lloyd stated that the budgets, as presented, will not require assistance from the state's deficit funding account.

Special attention was provided to the Arlington ASAP's budget, since it is the only program that has a projected deficit. The projected 2017 budget for the Arlington ASAP reflects a shortfall of 191,234.75; however, in past years it has been the practice of the Arlington Sheriff's Department to cover any shortfall that the program experiences. The Commission received a letter from the Arlington Sheriff's Department which expressed its commitment to cover the shortfall again in 2017.

Ms. Tara Smith, Arlington ASAP Director, informed the Commission that the reason for the shortfall was to keep up with Arlington County Sheriff's Department required benefits and personnel costs.

The Executive Finance Committee met and performed a final review of all of the budgets. A recommendation was made to approve the FY 2017 budgets for all 24 local ASAPs.

Delegate Miller complimented Ms. Angela Coleman, Executive Director for the Commission on VASAP, Commission staff, Mr. Lloyd, and the ASAP directors, for streamlining the process. He added that the process minimized the Commission members' involvement since they did not have to spend so much reviewing the program budgets line by line. Delegate Miller assured the Commission members that there was a sufficient amount of review conducted by Commission staff, the Executive Finance Committee and the Budget Review Committee, if any problems existed, the Executive Finance Committee would have brought the issues before the Commission.

Sheriff Michael Wade informed the new Commission members that he has been a member of the Commission for a long time, and in the past, reviewing each program budget took over two hours to complete. He complimented Ms. Coleman the Commission staff, and the ASAP Directors for reviewing the budgets and handling issues prior to the Commission meeting.

A motion was made by Sheriff Wade, and properly seconded by Judge Williams, to approve the FY 2017 budgets for: Alexandria ASAP, Arlington ASAP, Bull Run ASAP, Capital Area ASAP, Central Virginia ASAP, Chesapeake Bay ASAP, Court Community Corrections ASAP, Dan River ASAP, District Nine ASAP, Fairfax ASAP, James River ASAP, John Tyler ASAP, Mount Rogers ASAP, New River Valley ASAP, Old Dominion ASAP, Peninsula ASAP, Piedmont ASAP, Rappahannock Area ASAP, Rockingham/Harrisonburg ASAP, Southeastern Virginia ASAP, Southside Virginia ASAP, Southwest Virginia ASAP, Tri-River ASAP, and Valley ASAP. All were in favor.

#### Old Dominion ASAP Update

Mr. Lloyd presented the Commission with an update for the Old Dominion ASAP.

The Code of Virginia requires that all 24 ASAP programs be certified every three years. Presently, Old Dominion ASAP and Tri-River ASAP remain under conditional certification.

On May 23rd and 24th, Commission staff conducted a recertification file review of the Old Dominion ASAP. The Executive Finance Committee was pleased to inform the Commission that the deficiencies previously noted were corrected with the assistance of the Old Dominion ASAP Director, Ms. Andrea Cosans and the Old Dominion ASAP Policy Board. Mr. Lloyd also reported that the program continues to show improvement. However, there were a few problem areas needing attention. Ms. Cosans submitted a corrective action plan to address these areas. The Executive Finance Committee recommended that Old Dominion ASAP receive full certification with an expiration date of June 30, 2018.

A motion was made by Sheriff Wade, and properly seconded by Judge Williams, to certify Old Dominion ASAP with an expiration date of June 30, 2018. All were in favor.

#### Tri-River ASAP Update

Mr. Lloyd informed that the Commission on VASAP assumed managerial oversight of the Tri-River ASAP in November of 2015. Since that time, a new director and case manager have been hired, and the office is now fully staffed. However, the Commission continues to send staff to the program weekly to provide support. Additionally, the Commission continues to handle all financial matters and is also going to court for non-compliant cases. It is projected that the Tri-River ASAP may be ready for full certification within six to nine months.

#### ASAP Pretrial Services Involving Felonies

The Commission office received a request from a court that District Nine ASAP be permitted to conduct pretrial supervision on non-alcohol related offenses to include felony offenses in that locality. At the Commission's request, Mr. Oscar Brinson, Legal Counsel, reviewed the information and offered a written response to the court.

There was discussion regarding the authority for ASAPs to provide pretrial supervision for non-alcohol related offenses. Mr. Brinson reported that he had responded to an inquiry received from District Nine ASAP which is located in Culpeper, Virginia. Mr. Daren Leake is the ASAP Director for District Nine. The judge in that area was referring offenders to the ASAP for monitoring and drug testing services. Ms. Coleman had initially provided Mr. Leake with the approval to provide monitoring with the assumption that these were alcohol-related cases. However, it was later determined that these cases included some non-alcohol related felony cases. Mr. Brinson provided a letter to the District Nine ASAP Policy Board stating that to provide these services is exceeding the authority of the Commission. The Commission wants to be careful not to over step its authority. These cases are normally supervised by local probation and parole community corrections.

Judge Williams stated that he utilizes the New River Valley ASAP for pretrial monitoring for alcohol-related felony cases, mostly for DUI 3<sup>rd</sup> offenses. Judge Williams stated that he normally would not give a person a bond without great structure on how they are going to go out into the community. Judge Williams stated that the only venue he has is a portable alcohol

monitoring device called an intoxilyzer, commonly known as the “black box.” VASAP is the only agency in Virginia that can provide the monitoring of the black box to offenders. VASAP has an agreement with Smart Start to provide and calibrate the device. All ASAP programs can monitor the black box. Therefore, he places felony alcohol-related cases on pretrial monitoring through ASAP. The ASAP is responsible for monitoring the activity of the black box and immediately reporting any positive readings to the court. The fee is \$30 per month for ASAP monitoring and the offender is also responsible for paying the intoxilyzer vendor monthly. The total monthly fee for all services is approximately \$100.00. Judge Williams added that participating in the black box monitoring program is not mandatory. Offenders have the ability to opt out, thereby remaining in jail until their case is heard.

Judge Williams stated that it may be expensive for the offender to pay ASAP for monitoring and to calibrate the device. Nevertheless, if the offender chooses to be monitored by the device as a condition of their bond, the offender will have the opportunity to continue to attend work or school and even travel out of state if necessary.

Delegate Miller thanked Judge Williams for providing the Commission with the process that he uses.

Judge Hall was very interested; she stated that this was an introduction to the black box as an additional tool for pretrial services. Currently, seven ASAP programs monitor alcohol-related pretrial services.

Ms. Coleman informed the Commission that the black box will be presented in detail at the General District Court Judges Conference in September.

The question as to whether judges currently have the authority to impose this pretrial monitoring was raised by Delegate Miller, Senator Sturtevant, and Delegate Toscano. Mr. Brinson stated that under Virginia Code §19.213-A1, judges have this authority to impose pretrial monitoring. Mr. Brinson stated that the issue was not whether the judges had the authority or not. The issue was whether VASAP had the authority to accept these cases. Mr. Brinson further stated that the Commission has never taken a position on it. However, District Nine ASAP Director, Mr. Daren Leake, is trying to accommodate the judges in the ASAP’s surrounding jurisdictions, since a local probation and parole community corrections program is not available in the Culpeper area. Upon the Executive Finance Committee’s request, Mr. Brinson drafted a policy for the Commission’s review. After much discussion, Mr. Brinson recommended that the Commission adopt the language as modified in the VASAP Policy and Procedure Manual.

A motion was made by Senator Sturtevant, Jr, and properly seconded by Sheriff Wade, that the following policy be added to the VASAP Policy and Procedure Manual. “ASAPs are not authorized to provide pretrial monitoring or testing services to persons charged with a non-alcohol related felony, absent a finding by the Commission of compelling circumstances in specific instances which may dictate otherwise.” All were in favor.

### **Executive Director's Report:**

Ms. Coleman presented the Executive Director's report.

#### **Ignition Interlock**

Ms. Coleman stated that on May 17, 2016, Governor McAuliffe approved the new ignition interlock regulations with the anticipated effective date of July 18th. One of the major changes is the requirement that all ignition interlock devices be equipped with a camera. Another change is that the Commission on VASAP will begin to require certification of all ignition interlock vendor technicians who install the device. Ms. Coleman announced that as a result of the new enhancements, an ignition interlock technical support specialist position will be created to support Commission staff. The position announcement will be posted after July 1, 2016. The Commission will be looking for someone who has experience in oversight of installations, calibrations, and any other mechanical issues related to ignition interlocks.

Ms. Coleman stated that Virginia continues to be recognized as a leader in interlock monitoring and oversight. The Fourth Annual Ignition Interlock Program Administrators Conference was held in Denver on May 14 through 18, 2016. Mr. Christopher Morris, Special Programs Coordinator and Ms. Coleman presented during the conference. In 2017, this national conference will be hosted in Richmond. The Commission is looking forward to the opportunity to showcase the beauty of the Commonwealth and innovations in interlock monitoring.

Mr. Morris presented the ignition interlock inspection report and interlock referral numbers. Ignition interlock numbers have dropped when compared to April of last year's 9,000 installs. The number of installs have dropped by about 1,000. Mr. Morris stated that there are different variables as to why the decline is occurring. The installs are expected to increase once cameras are a requirement. Mr. Morris stated that in Tri-River ASAP 's service area, some judges are ordering the devices to be equipped with cameras, adding that after extensive review of client calibrations and photographs, it is evident that some clients are handing the device over for somebody else to blow, or moving the camera. Mr. Morris stated that there has been an instance in Charlottesville where a minor was given the device to clear for the client.

Mr. Morris stated that in 2015 the Multi-State Ignition Interlock Forum was hosted by the Commission on VASAP, to discuss reciprocity issues among states with interlock and related licensing requirements. As a result of the forum, an application called "Approcity" was launched, which was originally designed for states and vendors that provide information to individuals who have a dual-state interlock requirement. The Commission identified that ASAPs could utilize the "Approcity" application to improve efficiency and deliver enhanced customer service. The application will provide clients with the ability to select their ignition interlock vendor and submit that information to the ASAPs for processing. Mr. Morris announced that the first submission was received the morning of the Commission meeting. Central Virginia ASAP and Tri-River ASAP are piloting this program. Additionally, another feature of the application that Tri-River ASAP is piloting is the ability for persons to enroll in the program through mobile devices. This feature of the application will provide individuals different options for enrolling.

Ms. Coleman stated that the Commission is trying to expand everything electronically to make it easier for persons to enroll in the program and to submit payments. Ms. Coleman reported that

there are now eight local programs that are using the on-line payment system. This system provides clients with the flexibility to submit payments using their cellphones or other mobile devices 24 hours a day. The online payment system continues to expand with hopes that other ASAP programs will utilize the service.

#### Awards

The Commission on VASAP was nominated by Virginia Interactive for its implementation of the Online Payment System. The Commission was one of the three nominees for the Richmond Technology Awards in the area of Innovation in Utilization of Small Capital Projects sponsored by CarMax. The other two nominees in this category were the Office of the Governor and the Department of Motor Vehicles. The Innovation and Utilization Award was awarded to the company or organization whose creative use of existing technology enhances process, methodologies and/or services for their own or other's benefit. The Department of Motor Vehicles was the selected recipient of the award.

Ms. Coleman announced that the Commission on VASAP was nominated and selected to receive the Virginia Governor's Transportation Safety Award in the area of Impaired Driving. This award is in recognition of the Multi-State Ignition Interlock Forum and the Appropcity Application. Governor McAuliffe will recognize winners for their accomplishments on June 27th during a ceremony which will be held at the Executive Mansion.

Ms. Coleman reminded everyone of the 2016 DMV and VASAP procedural training that will start on June 21st and 22nd in Roanoke and 28th and 29th in Richmond. All Commission members were invited to attend.

#### VASAP Conference

Ms. Coleman announced that the annual VASAP training conference is scheduled for September 19th and 20th in Portsmouth. Ms. Coleman added that Mr. Morris and she will be presenting at the mandatory General District Court Judicial Conference on September 20th in Norfolk to discuss ignition interlock, the black box, and VASAP.

Judge Williams complimented the collaboration, attitude, and positives of Ms. Coleman, the Commission staff, ASAP directors, and interlock vendors. He added that, "Everybody seems to be on the same page and working toward the same goals. The collaboration has been wonderful; I am glad to see the change."

Mr. Brinson stated that the National Highway Traffic Safety Administration (NHTSA) recognizes the VASAP system in Virginia as being one of the best in the nation. Mr. Brinson added that several years ago, Australia wanted to institute a program similar to the VASAP system; therefore, NHTSA recommended the Commission on VASAP system for emulation. Mr. Brinson stated that everyone that is part of the VASAP system should be very proud. The interlock innovations and other innovations that the Commission has launched have also been recognized as cutting edge in the United States.

**VASAPDA**

Ms. Robyn Allen, President of the VASAP Directors' Association, presented the VASAPDA report.

Ms. Allen thanked Ms. Pierce for assisting the directors with the fiscal year 2017 budgets.

Ms. Allen stated that the VASAPDA conference was in May. The conference training focused on alcohol and drug screening.

Ms. Allen welcomed the new ASAP directors.

Ms. Allen congratulated Commission staff for the 2016 Governors Transportation Safety Award and Richmond Technology Awards nomination for the online payment system.

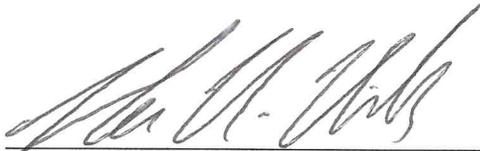
**Meeting Dates:**

September 16, 2016                      10:00 a.m.

December 9, 2016                        10:00 a.m.

**Adjournment:**

The meeting was adjourned by Delegate Miller.



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The Honorable Jackson H. Miller, Chairman