

COMMISSION ON VASAP
QUARTERLY BOARD MEETING

Friday, September 16, 2016

Minutes

Attendance:

Commission Members:

Delegate Jackson H. Miller, Chairman
Sheriff Michael L. Wade, Vice Chairman
Delegate David J. Toscano
The Honorable George D. Varoutsos
The Honorable Gino W. Williams
Mr. John Saunders
Ms. Pat Eggleston
Mr. Anthony Carmichael
Ms. Mary Read Gillispie

Absent:

Senator Richard H. Stuart
Senator Glen H. Sturtevant, Jr.
Delegate Richard L. Morris
Delegate G.M. "Manoli" Loupassi
The Honorable Mary Jane Hall
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
Mr. Richard Phillips

ASAP Directors:

Ms. Robyn Allen
Ms. Diane Barbour
Mr. Miles Bobbitt
Ms. Andrea Cosans
Ms. Sharneé Eure
Ms. Aja Ferguson
Ms. Angela Fortune
Ms. Victoria Kesler
Mr. James Hatcher Johnson
Mr. Daren Leake
Mr. Roy-Keith Lloyd
Ms. Jaime Moran
Ms. Deborah Morgan
Ms. Cindy Sheffield
Ms. Tara Smith

Guests:

Ms. Linda Aldridge
Mr. Chad Goodwin
Mr. John Honea
Mr. Harlan Williams
Ms. Brittney Less

Time and Place:

The quarterly meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) was held on September 16, 2016 at the General Assembly Building 6th Floor Speaker's Conference Room at 10:00 a.m. 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 stated that in an effort to provide the opportunity for more ASAP directors to participate in the Commission's processes, the legislative members appointed two directors to serve as members of the Commission. He welcomed Ms. Mary Read Gillispie, Director of the Central Virginia ASAP. She has been the director for ten years and has been employed with the ASAP for 39 years. Ms. Gillispie brings a wealth of institutional knowledge and established relationships within the ASAP community.

Delegate Miller also welcomed Mr. Anthony Carmichael, Director of the Southeastern ASAP. Mr. Carmichael has been the director for eight years. Delegate Miller added that prior to ASAP he was the Deputy Chief of Chesapeake Probation and Parole and served in the Navy where he was actively engaged in Desert Storm/Desert Shield.

Special Recognitions

Delegate Miller recognized Mr. Roy-Keith Lloyd and Mr. James Hatcher Johnson for their service and dedication as members of the Commission on VASAP, highlighting that Mr. Lloyd has served as a member for over ten years. He added that both Mr. Lloyd and Mr. Johnson were instrumental in the ASAP certification process, budget reviews and program management.

Retirement

Delegate Miller announced the retirement of Ms. Beth Lipes, Director of the Court Community Corrections ASAP and recognized her for 31 years of service with the ASAP program. Ms. Lipes will be retiring in October 1, 2016. He stated that due to medical reasons, Ms. Lipes could not be in attendance to accept her plaque.

Approval of Minutes:

A motion was made by Delegate David J. Toscano, and properly seconded by Mr. John Saunders, to approve the minutes from the June 10, 2016 Commission meeting. All were in favor.

Executive Finance Report:

The Executive Finance Committee report was presented by Ms. Gillispie.

Ms. Gillispie reported that the Executive Finance Committee met on September 9, 2016.

Capital Area Budget Amendment

Ms. Gillispie reported that during the approval of Capital Area ASAP's budget at the last Commission meeting, all employees, with the exception of Mr. Hatcher (the ASAP director), received a salary increase in the amount of two point five percent (2.5%).

She stated that Mr. Johnson wanted to review the program's progress and ensure that his staff received raises first. However, the Capital Area ASAP's policy board determined that Mr. Johnson should also receive the increase. The ASAP requested a budget amendment for the amount of \$1,978.73 to cover the cost of the two point five percent (2.5%) salary increase for the director.

Ms. Gillispie informed the Commission that the ASAP has sufficient revenue to cover the salary increase without impacting the program's finances. The Executive Finance Committee recommended approval.

A motion was made by the Honorable Gino Williams, and properly seconded by Mr. Saunders, to approve the Capital Area ASAP budget amendment in the amount of \$1,978.73 to cover the cost of a two point five percent (2.5%) salary increase for the ASAP director. All were in favor.

Ignition Interlock

Ms. Gillispie presented the ignition interlock summary report. She stated that there was decrease of about installations during the month of July; however, that number increased and returned to almost normal in August.

Ms. Gillispie introduced Mr. Christopher Morris, Commission Special Programs Coordinator, to provide an update regarding the new ignition interlock regulations and installation of the cameras.

Mr. Morris stated that on June 15, 2016 the Commission met with the four ignition interlock vendors to review and discuss how to effectively implement the ignition interlock regulations.

Mr. Morris stated that during the 30-day camera implementation period, no customer issues or install wait time delays were encountered from the vendors. He added that the only reports received were from clients objecting to installation of cameras in their vehicles. Mr. Morris complimented the interlock vendors for coming together for a smooth and successful transition.

Furthermore, Mr. Morris stated that due to the interlock camera requirement, the interlock installation number and device retention periods are projected to continue increasing since the ASAPs are now able to identify people who are violating as well as circumventing.

Mr. Morris presented the Commission members with an image of an individual blowing into the ignition interlock device for someone else that has the requirement. To keep the identity of persons involved confidential, the faces of all individuals photographed were blurred and the image was recovered at the end of the meeting. Mr. Morris informed the commission that the image presented was taken while the vehicle was in motion. The image identified a male driver, with a female passenger who was providing the test samples. Mr. Morris informed the Commission that the female, in several instances, started the vehicle for the driver and rode with him in the car while he was driving and she was providing the test. In essence, the person was driving without an ignition interlock in the car because the female was blowing into the device for him. He stated that when reviewing the photographs of the client, the images revealed the kids were riding in the back seat on several occasions. Mr. Morris stated that under the Code of

Virginia, it is a class one misdemeanor to circumvent the device; however, determining venue on these cases is an issue. When the vehicle is in motion, the venue cannot be determined easily.

Fortunately, the individuals pictured stated their location at the time of the violation. The Department of Motor Vehicles (DMV) will press charges against both persons. Mr. Morris highlighted that the camera works, and that the picture presented at the commission meeting is a prime example of what the ASAPs are finding.

Delegate Miller stated that not being able to determine the venue is an issue; therefore, he suggested looking at the Virginia Code and bringing in a “fix-it” piece of legislation to address the issue.

Judge Williams stated that at his jurisdiction, when the cameras were ordered with the device, the issues minimized and he thinks that legislation will certainly do that also. Judge Williams suggested that some of the language in the draft legislation include multiple possible venues, adding that if the proposed legislation passes, judges would have the individuals back in court. The Commonwealth of Virginia Attorney General’s Office will be drafting proposed legislation for the December Commission meeting.

Mr. Morris stated that if the venue is determined, individuals will be charged and convicted of a class one misdemeanor. As a result, fewer individuals will try to start the vehicle for someone else.

The ignition interlock vendors stated that technology is available which can determine the location of the individual for venue purposes. They described two types of technology; one is a global positioning system (GPS) tracker where information is downloaded every 30 days, and the second is a general packet radio service (GPRS) that provides real time data reporting. The technology discussed may possibly increase the ignition interlock fees. Delegate Miller

appreciated knowing that there is technology available; however, the Commission will try to resolve the issue through legislation instead of increasing the fees.

Executive Director's Report:

Ms. Coleman presented the Executive Director's report.

Ms. Coleman welcomed the newest member of the VASAP team, Mr. Richard Phillips. Ms. Coleman stated that at the last Commission meeting there was a discussion about adding someone to the Commission staff who had some mechanical and ignition interlock expertise. She added that in the past, if there was damage to a vehicle, the Commission had to rely either on the offender, the attorney, or the person servicing the car. She announced that Mr. Phillips is a mechanic and his previous employment was with Drager. He has knowledge and understanding of servicing vehicles and installing interlocks. Mr. Phillips will be assisting Mr. Morris. Virginia is among the leading states in interlock monitoring and is now one of a very few that has a person on staff trained in both auto mechanics and interlocks. Mr. Phillips will help further enhance our program with his expertise in these areas. He will provide assistance in vendor oversight, assist in resolving issues with installations, and solve problems regarding allegations of damaged cars and non-functioning devices.

Conference Agenda

Ms. Coleman stated that the 2016 VASAP Conference will begin on Monday, September 19th at the Renaissance Hotel in Portsmouth, VA. Conference registration will begin on Sunday, September 18th.

Ms. Coleman stated that this year's agenda will include speakers discussing research updates on impaired driving, supervision of DUI offenders, alcohol addiction, and persons driving under the influence of drugs, (illicit, synthetic and prescription). She announced that Ms. Jill Pepper from Team Coalition will speak about the efforts being used by professional and collegiate sports to effectively manage alcohol consumption during sporting events. Members of the Team Coalition include representatives from the National Football League (NFL), National Basketball Association (NBA), National Hockey League (NHL), National Collegiate Athletic Association (NCAA) and National Highway Traffic Safety Administration (NHTSA). Ms. Pepper will discuss initiatives for decreasing the incidences of driving under the influence of alcohol during sporting events.

DMV Highway Safety Grants

Ms. Coleman informed that every year the Commission office submits several highway safety project proposals to the National Highway Traffic Safety Administration, and for the first time in many years, the Commission was granted funds to complete all requested projects. Ms. Coleman announced that the VASAP program was approved for a total of \$535,155 in grant funds. Ms. Coleman stated that \$385,000 of those funds are going to be designated towards the development of a new case management information system to replace Inferno. The proposed case information management system will be web-based and transform the way the ASAPs currently conduct business; the system will be more effective and will have the capability to transfer cases without paper. ASAPs will be able to review records from all other ASAP programs. The Commission office is in the process of developing a request for proposals and will have a pre-bid conference for vendors interested in submitting proposals, during which time they

will be able to review the current Inferno system. Ms. Coleman thanked Ms. Charlene Motley, Commission Field Services Supervisor; Mr. Richard Foy, Commission Field Services Specialist; and Mr. Morris for preparing the grant and the request for proposals. Ms. Coleman also thanked Mr. Saunders for being an advocate for the VASAP program.

Mr. Sanders stated that the VASAP program is one of the best DUI programs in the country. He stated that there is still a problem nationwide with alcohol related fatalities with one third of all motor vehicle fatalities being alcohol related. Mr. Saunders stated the DMV Highway Safety Office is going to support any project that focuses on this issue and saves lives. He pointed out that the work that the Commission staff presented was performed professionally and it was not hard to support. He congratulated the Commission and extended his appreciation to all the VASAP program staff.

Delegate Miller stated that the reputation that the VASAP program has is due to the Commission staff and ASAP programs, adding that because of that reputation, VASAP is able to receive grants to improve public safety in Virginia. Delegate Miller congratulated the entire VASAP program.

Tri-River ASAP

Ms. Coleman stated that the Tri-River ASAP is still under the guidance of the Commission staff. Ms. Aja Ferguson, Tri-River ASAP Director, and her staff continue to make progress towards a fully functioning program, operating in compliance with Commission policy. Ms. Coleman highlighted that the Tri-River ASAP office had been in Urbanna for over 20 years. The courts

asked the Commission to look for an office location that was more convenient for referrals. Ms. Ferguson assumed that responsibility and the office was moved to its new location last month. Ms. Ferguson has secured space in the courthouse and at the community services board so that Tri-River ASAP can serve clients, who do not have transportation. Ms. Coleman thanked Ms. Ferguson and her staff, Ms. Brooklyn Jarrat, and Ms. Laura Offield, for their hard work towards getting the program reestablished. The Tri-River ASAP continues to be under conditional certification.

Article

Ms. Coleman discussed an article from Lawyers Weekly, published in August by John Katz; the article is titled *DWI Defendants-Beware and Abolish VASAP (The Virginia Alcohol Safety Action Program)*. Ms. Coleman requested that Delegate Miller elaborate since he communicated with the editor of the article. She stated that there are a number of inaccuracies in the article and that Delegate Miller did speak on behalf of the entire Commission.

Delegate Miller stated that there were a lot of mischaracterizations. Some parts of the article gave the impression that changes are coming to the VASAP program. He stated that at this moment there are no foreseen changes to the VASAP program.

Delegate Toscano asked where were some of the places the author misspoke.

Ms. Coleman stated the author discussed wanting the VASAP system to be a little bit more lenient on the offenders, that the ASAPs were too hard on them, requiring those that needed treatment to go to treatment. Also, he felt that in some places, it was difficult for offenders to get to an ASAP program. Ms. Coleman informed that there are 24 ASAP locations across the state.

She stated that the author is a defense attorney in the northern Virginia area. Traditionally, in Fairfax, the courts are very strict on DUI cases and non-compliance cases, so that may have precipitated some of the comments in the article.

Mr. Oscar Brinson stated another inaccuracy that several lawyers question is the ASAP's dual role. Mr. Brinson indicated that VASAP does not provide treatment. The VASAP system does function as a probationary wing of the court to which the DUI offenders are sent.

Ms. Coleman informed the Commission of one item discussed in the article which will require a programmatic change. She stated that there was concern about ASAPs having authority to pre-select treatment providers. Ms. Coleman stated that some ASAP programs have developed a list of approved treatment providers for the convenience of those clients who need treatment, so that they will not have to go all over the state looking for a treatment provider who is licensed and certified. However, the Commission office has been getting complaints from private providers stating they did not have the opportunity to be on the ASAP lists. The Commission was advised by the Attorney General's Office to change the current processes to make it available to all providers with appropriate licensing. The Commission will be working with Ms. Mellie Randall of the Department of Behavioral Health to determine the appropriate treatment protocols for ASAP clients.

The Commission developed a workgroup to review and assess the current processes. The group will also make recommended changes to be in compliance with the directive from the Attorney General's Office. The workgroup will meet and bring back recommendations to the Commission

for approval at the December meeting; if approved the new process will be effective January 1, 2017.

Delegate Miller appointed the following individuals to the workgroup:

Sheriff Michael Wade

Ms. Mellie Randall

Mr. Anthony Carmichael

Ms. Mary Read Gillispie

Ms. Angela Coleman

Ms. Charlene Motley

Mr. Richard Foy

Ms. Andrea Cosans

Ms. Krystal Hullette

Ms. Debbie Morgan

Ms. Pam Simmons

Delegate Miller concluded by stating that a lot of the article is false. He highlighted the final sentence of the article which reads, *“Unfortunately, VASAP is such an entrenched system-and through its statutory dominance likely has stifled the number of available quality private programs-that I am not holding my breath for any such changes to take place.”* Delegate Miller responded that the statement is false; the VASAP program is not stifling any quality programs available for treatment. He added that if the treatment providers have the certification to do the treatment, clients may choose to use their services.

Online Payment

Ms. Coleman provided a status report on the on-line payment system. A case study using Chesapeake Bay ASAP was conducted, and it showed the progress that program has made since the initiation of the online payment system in January. In eight months, the ASAP program has processed 3,910 transactions resulting in a savings of \$12,000 in merchant fees. The merchant fee was reduced from two point seven percent (2.7%) to one point seven-six percent (1.76%). Currently, 11 ASAP programs use the online payment system with 13 remaining. Ms. Coleman encouraged the remaining ASAP programs to enroll. Ms. Coleman announced that Interactive Voice Response (IVR) will be instituted as an additional tool for the ASAP programs that currently use the system. IVR will be available for clients who do not have internet or a mobile phone.

John Tyler

Ms. Coleman congratulated the John Tyler ASAP for being in existence for 40 years. An invitation for a celebration of John Tyler ASAP's 40th anniversary was extended to the members of the Commission. The celebration will be on Friday, October 14, 2016.

Judge Williams thanked Ms. Coleman and Mr. Morris in advance for presenting at the upcoming Judicial Conference of Virginia for District Courts on Tuesday, September 20, 2016. Judge Williams stated that they will be discussing the interlock, cameras, and new technology. Ms. Coleman and Mr. Morris are looking forward to presenting at the conference. The best thing is we are bringing the judge with us.

Drugged Driving

There was a brief discussion about drugged driving and distracted driving. Mr. Saunders stated that Virginia is reestablishing the Drug Recognition Expert (DRE) Program which assists law enforcement to better recognize impaired drivers. Ms. Coleman stated that at the 2016 Governors Highway Safety Conference, it was discussed that Virginia DMV is developing an impaired driving committee which is taking a look at all aspects of the drugged driving to include use of prescription medication. Ms. Coleman stated that the VASAP Conference will have a session on drugged driving.

VASAPDA

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

Ms. Robyn stated that they are looking forward to the 2016 VASAP Conference in Portsmouth, VA.

Ms. Allen thanked Mr. Saunders for being an advocate for the VASAP program.

Ms. Allen stated that the VASAPDA fall conference will be in October in Winchester, VA. At that time, Ms. Cindy Sheffield will be appointed the President of the VASAP Directors' Association.

Meeting Dates:

December 9, 2016

10:00 a.m.

Adjournment:

The meeting was adjourned by Delegate Miller.

DRAFT