

COMMISSION ON VASAP
QUARTERLY BOARD MEETING

Friday, December 7, 2012

Minutes

Attendance:

Commission Members:

Delegate Salvatore R. Iaquinto, Chairman
Delegate Jackson Miller, Vice Chairman
Senator Thomas K. Norment
Senator Richard H. Stuart
Delegate Richard L. Morris
The Honorable James F. Almand
The Honorable George W. Harris, Jr.
The Honorable George D. Varoutsos
Sheriff Michael L. Wade
Ms. Pat Eggleston
Ms. Susan Marchon
Mr. Roy Keith Lloyd

ASAP Directors:

Ms. Robyn Allen
Mr. Miles Bobbitt
Mr. Anthony Carmichael
Ms. Brianna Foulke
Ms. Mary Read Gillispie
Mr. Richard Griffin
Ms. Kathryn Hall
Mr. James Hatcher Johnson
Ms. Sabrina High
Mr. Elwood Jones
Ms. Victoria Kesler
Mr. Daren Leake
Ms. Kathryn Van Patten
Mr. Kimball Peele
Ms. Pam Simmons
Ms. Tara Smith

Absent:

Delegate David J. Toscano
Mr. John L. Saunders

Commission Staff:

Ms. Angela Coleman, Executive Director
Mr. Oscar Brinson, Legal Counsel
Mr. Christopher Morris
Ms. Charlene Motley
Ms. Linda Johnson
Ms. Sarah Morr

Guests:

Mr. Jim Ballard
Mr. Charles Buffington, III
Ms. Debra Coffey
Mr. John Honea
Mr. Don Nebhan
Major Brad Rinehimer
Mr. Jason Robbins
Mr. Mike Robertson
Mr. Meade Spotts

Time and Place:

The quarterly meeting of the Commission on the Virginia Alcohol Safety Action Program (VASAP) was held on December 7, 2012 at the General Assembly Building 6th Floor Speaker's Conference Room. The meeting was called to order by Delegate Salvatore Iaquinto.

Welcome:

Everyone in attendance introduced themselves. Delegate Iaquinto offered thanks to everyone for attending the meeting.

Delegate Iaquinto welcomed Sabrina High as the new Director of the Chesapeake Bay ASAP. Ms. High was the former chairperson for the Southeastern ASAP. Delegate Iaquinto thanked Ms. High for taking on the task of new Director of the Chesapeake Bay ASAP.

Delegate Iaquinto also welcomed Victoria Kesler as the new Director for the John Tyler ASAP. Ms. Kesler has been employed for a number of years having served as a senior Case Manager and an Interim Director.

Ms. Kesler extended her gratitude and a sincere thank you to the Commission and Ms. Coleman for their assistance in helping her make the transition as the new Director of the John Tyler ASAP.

Approval of Minutes:

A motion was made by Delegate Iaquinto and properly seconded by Judge Almand to approve the minutes from the meeting on September 7, 2012. All were in favor.

Special Recognition:

Delegate Iaquinto presented Ms. Kathy Hall with a plaque to commend her for years of hard work and public service to the Commission and to VASAP. Delegate Iaquinto thanked Ms. Hall for dedicating her career to saving lives by keeping drunk drivers off the roads. Ms. Hall thanked the Commission for recognizing her hard work and dedication.

Executive Finance Committee Report:

The Executive Finance Committee report was presented by Ms. Susan Marchon. The Executive Finance Committee met on December 7, 2012. During the meeting, Ms. Coleman, Ms. Marchon and Mr. Lloyd left the meeting briefly to attend a meeting being held at the General Assembly Building where the Board of the Department Of Criminal Justices Services was meeting. The Department of Criminal Justices Services through Ms. Angela Coleman presented a plaque to the Commission on VASAP. The plaque was in recognition of a partnership Ms. Coleman developed in conjunction with the Department of Criminal Justice Services to assist with training for law enforcement departments. The Commission's support and purchase of the alka-sensors made the training possible. This collaborative effort enhanced the lines of communication between the Department of Criminal Justice Services and the Commission. Ms. Marchon stated what Ms. Coleman accomplished was a "really big deal" and she as well as the Commission "thanked" Ms. Coleman for all of her hard work.

Budget Amendments

Chesapeake Bay

During the last Commission meeting, various issues concerning the Chesapeake Bay ASAP were discussed. Ms. Marchon reported since the last meeting the Chesapeake Bay ASAP has hired Ms. Sabrina High as their new Director. To further address additional issues, an Assistant Director has been hired and changes were made to other staff positions. Two of the additional positions are new. With the addition of the new positions, an increase to the approved FY 2013 budget was requested to cover additional employment and benefit costs. The amount requested was \$78,650.00 dollars. This increase will leave the Chesapeake Bay ASAP with a small surplus in their budget. Ms. Marchon stated the new positions were necessary and she recommended approval of the request.

A motion was made to amend the Chesapeake Bay ASAP's budget in the amount of \$78,650.00 dollars to cover employment and benefits costs. The motion was properly seconded. All were in favor.

Peninsula ASAP

Due to the retirement of Ms. Hall and the resignation of another staff member, the ASAP will be required to payout their unused annual leave. Due to the vacancies created, two new employees will be hired, however; they will be hired at a lower funding level. Ms. Marchon expressed that the Peninsula ASAP has an interesting situation regarding employee participation in a retirement plan. Current employees who work for the Peninsula ASAP are under the retirement plan of the City of Newport News and they pay into the system at a higher amount. Due to the reduction in the amount paid into the Virginia Retirement System, this budget amendment request of 24, 971.00 dollars will actually result in a reduction of the Peninsula ASAP's total approved budget for the

current year. Sheriff Wade asked Ms. Marchon if this was a request for additional money or a change in a line item. Ms. Marchon stated this budget amendment will actually result in a reduction to the Peninsula ASAP budget's bottom line and it is just a matter of reallocating the money. Ms. Marchon stated the Director has been instructed to notify the Board when the funds are reallocated.

A motion was made to amend the Peninsula ASAP's budget in the amount of \$24,971.00 dollars to cover the payment of annual leave created by the retirement of Ms. Hall and another staff member and to cover participation in the Virginia Retirement System. The motion was properly seconded. All were in favor.

Southeastern ASAP

A budget amendment increase in the amount of \$7,000.00 was requested to cover healthcare costs that were underestimated in the original approved budget. Ms. Marchon stated there was no choice but to cover the shortage. Ms. Marchon assured the Commission there were ample funds available to cover the increase.

A motion was made to amend the Southeastern ASAP's budget in the amount of \$7,000.00 dollars to cover healthcare related costs. The motion was properly seconded. All were in favor.

Certification

Ms. Marchon provided a status report and update on the Chesapeake Bay ASAP. During the last Commission meeting, a report was given concerning the significant issues at the Chesapeake Bay ASAP. The Chesapeake Bay ASAP's Policy Board solicited help from the Commission to help resolve their issues. Since the last Commission meeting, at least one person from the Commission staff has been onsite at the Chesapeake ASAP everyday with the exception of the most recent weeks providing assistance and support. Additionally, just about every Director in the system has spent at least two days on site working with them to resolve their issues. Currently the Chesapeake Bay ASAP has hired Ms. High as their new Director. They have also hired a new assistant director, three new case managers and two new assistant case managers.

Ms. Marchon stated approximately 5 people have been terminated with cause from employment with the Chesapeake Bay ASAP. With the new processes and procedures in place, progress is now being made. When the contract expires on December 15, 2012, it is not the intention of the Commission staff to renew the contract. However, the Commission will continue to monitor the program on a weekly basis. Ms. Marchon stated that the Commission is not controlling the program. The Board is in charge of the program. The Commission was only providing support and assistance as requested by the Chesapeake Bay ASAP Policy Board. Ms. Marchon concluded her report and offered to answer any questions. Ms. High also stated she would be happy to answer any questions.

Southwest Virginia ASAP

Ms. Marchon stated that at this time Southwest Virginia ASAP has met all of the requirements for full certification. Ms. Marchon asked the Board to approve full certification.

A motion was made and properly seconded to certify the Southwest Virginia ASAP. All were in favor.

Court Community Corrections

Ms. Marchon stated in most cases when a report is presented to the Commission recommending conditional certification the team will go back and conduct another follow-up visit to ensure corrective measures have been taken to resolve the issues. Due to the amount of time and assistance being given to the Chesapeake Bay ASAP, the Commission staff has not had the opportunity to conduct the follow-up visit. Ms. Marchon asked the Commission to approve extending the conditional certification of the Court Community Corrections ASAP until the February 14, 2013 meeting. Ms. Marchon assured the Commission that the site visit in Roanoke will occur before the next meeting. Delegate Iaquinto stated a motion was not required due to Court Community Corrections already being granted conditional certification.

Vendor Issues

Ms. Marchon apprised the Commission on numerous issues pertaining to Smart Start who is currently one of the ignition interlock vendors. The Commission is responsible for monitoring the four approved interlock vendors. To assist with the monitoring, Mr. Morris, the Special Programs Coordinator is responsible for logging all of the various complaints and issues received from vendors across the State of Virginia. Ms. Marchon gave the following summary: Smart Start complaints comprise approximately 69% of all vendor matters received by the Commission, and total more than two times those received by all other vendors combined. All of the complaints received have been thoroughly investigated and the Smart Start State Director has been made aware of each event. Smart Start has hired a new State Director and Ms. Marchon stated she would allow Smart Start to address the issues at the conclusion of the report. Ms. Marchon stated the following events have been sent to Smart Start for resolution but they continue to occur:

- Defective interlock equipment including faulty data loggers, head units, and curly cords have been identified. The faulty data loggers lose information that cannot be retrieved. Ms. Marchon provided the Commission with a brief example of this issue. The example given was a report maybe indicating two weeks of data; there maybe a week of data that you can not see and one week

that you can not retrieve. Smart Start is aware of the issue; however as of this date it has not been resolved.

- There have been problems with improper installation or removal of the ignition interlock device resulting in damaged vehicles. Smart Start, at the Commission's request, has made financial compensation to the affected clients. The financial impact for one client was quite significant.
- Smart Start technicians have displayed consistent difficulties setting the interlock device to meet the requirements of the Virginia contract. The Virginia contract requires that a reading of .02 or greater is considered a violation. The problem is getting the Smart Start units to recognize that the .02 reading is a violation.
- There have been repeated problems complying with the ASAP processes and procedures such as receipt of referral, timely notification of violation reports, appropriate processing out-of state clients and installation without ASAP authorization. The contract requires the ASAPs send prior notification and authorization to the vendors before the ignition interlock device is installed. It is not possible in Virginia for an ignition interlock client to walk into a vendor and request installation. There must be authorization from the ASAP. Careful attention was given to establishing processes and procedures to assure no favoritism was given to any vendor. This prior authorization was put in place to prevent any ASAP from sending too many clients to one particular vendor. There have been occasions when a client has gone to a Smart Start vendor without prior authorization, and the device was installed.
- Customer complaints have been consistent regarding overall customer service concerns with local technicians and the call center. The concerns include failure to answer phone calls, unexpected closure of facilities and cancelled appointments. Although several technicians have been terminated or placed on probation, customer service issues remain.

Delegate Morris asked Ms. Marchon what were the time frames when most of the 69% of the complaints were received. Ms. Marchon stated the period began when the new contract started on July 1, 2012 until the present. Senator Stuart wanted to know if Smart Start had been one of the vendors before. Ms. Marchon stated Smart Start has been a vendor since 2009. Senator Stuart inquired about Smart Start's previous performance. Mr. Morris stated that prior to July 1, 2012, the amount of complaints received concerning Smart Start were infrequent and sporadic. The drastic increase in the number of complaints started after July 1, 2012. Senator Stuart wanted to know if this increase in the number of complaints pertaining to Smart Start had any correlation to the change in the DUI statute that requires all first time DUI offenders to have an ignition interlock device installed on their vehicles. A graph was shown to the Commission depicting a gradual increase in the number of installations since July 1, 2012. Senator Stuart wanted to know how many ignition interlock vendors were under contract with the Commission.

Ms. Marchon stated there were a total of four vendors including Smart Start. Senator Stuart wanted to know the degree of the other complaints received from the other vendors. Ms. Marchon stated several complaints concerning LifeSafer had been received; however, they are not as severe as the complaints received relating to Smart Start. Sheriff Wade wanted to know if this issue with Smart Start was a State issue or a local issue. Ms. Marchon stated in the beginning the Commission only had one vendor in the State that handled the ignition interlock program and there were problems. Ms. Coleman stated in 2009, the oversight process was less stringent. Oversight has increased significantly with the addition of new staff. Sheriff Wade wanted to know what are the "numbers" that relate to the 69% of the complaints. Mr. Morris stated out of the total number of complaints received, 95 out of 137 pertained to Smart Start.

Mr. Jim Ballard, President of Smart Start, informed the Commission that effective February 1, 2013, he will become the CEO of Smart Start. Mr. Ballard provided the Commission members with a handout containing an overview of who Smart Start is, their role in Virginia, what the current issues are, and the corrective actions that the company plans to take. Mr. Ballard formerly apologized to the Commission for having to take their valuable time to explain why Smart Start is experiencing significant issues delivering quality service in Virginia. Mr. Ballard stated he was not disputing any of the issues brought forward by the Commission. Mr. Ballard introduced Ms. Debra Coffey, who is Vice President of Government Affairs with Smart Start. Ms. Coffey stated that Smart Start is celebrating their twentieth anniversary in business and they are currently operating in forty-six states and seventeen countries. Smart Start currently has one thousand points of service. Ms. Coffey stated Virginia is very important to their company and prior to 2009, Smart Start endeavored to become a service provider in the State of Virginia. Ms. Coffey commended VASAP for having a model program. According to Ms. Coffey, Smart Start has installed 90,000 interlock devices throughout the United States. Of those installed, 22,000 have cameras. Ms. Coffey stated during her sixteen year tenure with the company, Virginia is the only state that has experienced issues that have arisen to this level. Ms. Coffey further stated that Smart Start has been in business for a long time and they are dedicated to saving lives and providing quality service. With this in mind, Smart Start is dedicated to resolving all issues. The company has recently prevented seven million illegal interlock starts in the United States. Ms. Coffey stated that Smart Start has a fourth generation camera system, GPS tracking in some of their interlock devices and E911 reporting system that provides immediate vehicle reporting to local authorities. Additionally, Ms. Coffey informed the Commission that Smart Start has a second generation alcohol in home monitoring system. Ms. Coffey stated that Smart Start was one of the first companies to provide some form of alcohol monitoring. They are working on a technology that would provide installation of the ignition interlock device within twenty minutes. They have acquired a new technology called "no drive" that would monitor anyone who attempts to drive with a suspended license. Lastly, Smart Start has acquired a drug testing technology that would identify an illegal substance through a person's fingerprint. All of this information has been provided to the Commission to illustrate Smart Start's commitment to innovation and their commitment to meeting the needs of their clients. Mr. Ballard

provided a brief overview on the number of violations that have been reported in Virginia. In 2010, there were 870 total customers and 1.18 million breath tests administered. As of December 2, 2012, there are currently 1889 total customers and 2.84 breath tests have been administered. Mr. Ballard stated after meeting with high level staff a list of the top five issues affecting Virginia was comprised. The issues are as follows: process, customer –issue/error, product issues, people/technicians and the inconclusive category. Mr. Ballard defined process issues as technicians for unknown reasons, who are not following proper procedures. Customer related issues were defined as the customer not being properly trained on how to use the device. Product issues were defined as instances where data is not being captured or the inability to retrieve data. People and technician issues have been resolved by terminating and hiring new staff. The inconclusive category has been defined as any issue where there is not enough information for inclusion in the above specified categories. Now that Smart Start has identified and categorized the issues, they have developed a corrective plan of action. The corrective actions that have been taken thus far are, they have hired Mr. John Honea as their new State Director, and they are actively recruiting a new Operations Manager who will possess more technological skills. Mr. John Honea expressed his disappointment in the level of customer service that Smart Start has provided in Virginia. Mr. Honea stated customer service is very important to him and he will endeavor to correct the issues. In order to accomplish this, all technicians will be required to receive a week of training at the corporate headquarters in Dallas, Texas. This training will provide instruction on how to properly install the interlock devices and how to treat the customer.

Currently, there are two senior level technician managers who are conducting site visits throughout the State at the Smart Start shops. The senior level managers are inspecting the shops for cleanliness and when necessary taking proactive measures to clean the shops. Mr. Honea stated he will continue to maintain a chart of all of the complaints received from Mr. Morris. Mr. Honea assured the Commission that the complaints and or issues will be addressed and resolved in a timely manner to the Commission's satisfaction. Additionally, Mr. Ballard reiterated Smart Start's commitment to retraining technicians. According to Mr. Ballard, the company's accelerated growth may have led to hiring new technicians and not providing them with the appropriate level of training. To address the issue of Virginia customers having installations performed in other states, Smart Start will provide administrative oversight and take steps to provide each State with proper notification and identification of the Virginia clients who need ignition interlock devices installed on their vehicles. Mr. Ballard informed the Commission that a new Quality Assurance Manager has been hired to provide oversight at the call center. A new training initiative is under way in Virginia to ensure the proper processes and procedures are in place. This new initiative will highlight the necessity and importance of having prior authorization and notification before an ignition interlock device is installed on a client's vehicle in Virginia. Smart Start is still trying to determine what caused some of the data problems. Technical staff and newly hired engineers are meeting frequently to develop a program to fix the data related issues. At this time, Mr. Ballard believes that some of the data issues have been resolved, however testing is still being conducted before the final product is released. Mr. Ballard opened the floor to questions

from the Commission. Delegate Iaquinto thanked Mr. Ballard and his staff for their willingness to address the Commission.

Judge Harris inquired about what had been done for the clients who experienced vehicle damage during the Smart Start installation of the ignition interlock device. Mr. Ballard assured the Commission and Judge Harris that any vehicles that may have been damaged during the installation process have been resolved. Delegate Iaquinto further reiterated that to his knowledge, all issues relating to vehicle damage sustained during Smart Start ignition interlock device installation have been resolved with satisfaction. Senator Norment asked Mr. Ballard what is the time frame from the actual DUI conviction to the actual installation of the ignition interlock device on the client's vehicle. Ms. Coleman stated the installations normally occur within 3-4 days. Mr. Ballard stated that in some instances, installation of the ignition interlock device can occur on the same day. It depends on the client's location. Senator Norment wanted to know the monthly cost associated with having the ignition interlock device installed on the client's vehicle. Mr. Ballard stated the cost to the client is sixty dollars a month plus the twenty dollar VASAP fee. Senator Norment wanted to know if the cost of installing the ignition interlock device would eventually decrease due to the increase in the number of installations resulting from the mandatory requirement for first time DUI convictions to have the ignition interlock device installed on their vehicles. Mr. Ballard responded by stating that Virginia had one of the lowest cost in the United States. Senator Norment also wanted to know if there was a margin error built into the actual ignition interlock devices. Mr. Ballard stated that the devices are in compliance with the Highway Traffic Safety Administration (NHTSA) standards. Mr. Ballard stated it is "not the failure of the device to accurately capture the breaths" it is the failure of Smart Start to configure the devices properly. Each State has a different "fail" level, as a result if a client has an installation done in another State the device may default to that State's level. Senator Norment stated due to the increase in the number of persons having ignition interlock devices on their vehicles Defense Attorneys are starting to see an increase in violations and this has caused them to look very carefully at the error allowance because it can affect the disposition of the case by the Court.

Mr. Ballard stated that an issue had developed over the interpretation data. This issue has been resolved by not allowing Smart Start staff to interpret data or talk about data with anyone without having approval from VASAP.

Senator Stuart thanked the Commission and Ms. Coleman for giving Smart Start the opportunity to attend the meeting. Senator Stuart told the Commission that he was aware of an incident that occurred in Chesterfield County where a client with a new car was told she would have to buy another car due to several failed attempts at installing the ignition interlock device. Senator Stuart acknowledged that Smart Start is actively taking steps to resolve their issues, however he wanted a more detailed time frame when all of the issues were going to be resolved to prevent other customers from experiencing an incident like the one that occurred in Chesterfield County. Mr. Ballard stated measures have already been taken and he cannot foresee an incident like the one in Chesterfield County ever occurring in the future. Mr. Ballard stated he could not promise perfection, but he will

continue to discipline employees who do not offer quality customer service. Mr. Ballard stated he anticipates fewer customer service related complaints and improvements concerning the product side within the upcoming weeks. Senator Stuart wanted to know how many customers were being monitored as of December 7, 2012 by Smart Start? Mr. Ballard stated there were 1,900 customers in Virginia who were being monitored. This number does not include new installations or customers who had to choose another vendor due to issues with equipment failure. Mr. Morris stated his report reflected approximately 1,700 active customers being monitored by Smart Start. Mr. Morris stated Smart Start may have included voluntary installations in their total number; however VASAP is reporting 1,700 active customers being monitored. Senator Stuart wanted to know if the 1,700 customers were being monitored in a reliable manner. Ms. Marchon stated that Smart Start was not responsible for the actual monitoring. VASAP is responsible for the actual monitoring. Ms. Marchon stated that VASAP is given the authority to provide the monitoring because the person is on probation with VASAP. VASAP receives the reports from Smart Start and uses that data to monitor the person. During this monitoring process, the missing data problem with Smart Start was discovered. Ms. Marchon stated that Virginia is the only state in the country to have a probation system for various DUI offenders. In other states, it is often left up to the ignition interlock vendors to provide the monitoring. In Virginia, local programs have assumed the responsibility of monitoring customers on a weekly or monthly basis. That is why it is imperative and critical that the data contained in the report is correct. Senator Stuart wanted to know about the monthly fees. Ms. Marchon stated that the local programs receive \$10.00 dollars a month per person and the Commission office receives the same. The remainder of the money goes to the vendor. Senator Stuart wanted to know if the equipment provided by Smart Start was working properly. Ms. Marchon stated it was not an issue with the New River Valley VASAP because the Judge in her area required cameras as a part of the ignition interlock installation and there are only two vendors who meet that criteria. Senator Stuart raised the question again on whether or not Smart Start's equipment currently installed is functioning properly on a daily basis for the 1,700 customers who have it installed. Mr. Morris responded by stating that the majority or 25% of the overall complaints are due to lost calibration data. Smart Start has attributed the lost calibration data to faulty data loggers or time stamps. The lost data is in months. If a person is being monitored over a six month period, in some instances 1-3 months of data maybe missing. When dealing with the lost data issues, in some cases the lost data cannot be retrieved. Senator Stuart asked Mr. Morris what happens when customers experience calibration issues. Mr. Morris stated if the customer had complied with the requirements of VASAP, the device is removed, without retrieving the lost data.

Mr. Ballard responded to the calibration and missing data issues by stating that some of the data is there, but Smart Start quarantines the data when they know the time stamps are incorrect. If the back-up battery fails in the device and the data is still being logged with the incorrect time stamp, the data is still stored but it is quarantined off the system so it cannot be viewed. Smart Start made the decision to make the data unavailable for review, because the data integrity issues rendered the data indefensible in court. According to Mr. Ballard, a fix is currently being developed and should be available for use within the upcoming week.

Judge Harris raised concerns over the professionalism of some of the Smart Start employees hired in Virginia. He also raised concerns about substandard equipment being used in the State. Mr. Ballard stated that the majority of the people were hired locally. Mr. Ballard again apologized to the Commission and stated that they are committed to resolving all of the issues. Delegate Iaquinto again thanked the representatives of Smart Start and asked them if they had any additional issues that needed to be brought before the Commission. Mr. Ballard responded by saying "no"

Sheriff Wade wanted to know how many companies manufactured ignition interlock equipment. Sheriff Wade asked Mr. Ballard who was the manufacturer of the equipment used by Smart Start. Mr. Ballard stated that Smart Start manufactured their own equipment however; there are approximately 10 manufacturers in the United States. Sheriff Wade wanted to know what percentage of the total installations performed in Virginia were performed by Smart Start. Mr. Morris stated that Smart Start has 32 % of the market in the State of Virginia.

Delegate Morris wanted to know how the customer chooses an ignition interlock vendor. Ms. Marchon stated they are given a list of vendors to choose from. Sheriff Wade asked the Directors if they had any additional comments. Mr. Jones of the Fairfax ASAP stated he had an issue with an offender who had a violation above .02 however, the device did not require a retest and the client was allowed to still operate his vehicle. Mr. Jones stated this poses an eminent threat to public safety and defeats the purpose of ignition interlock.

Ms. Allen of the Piedmont ASAP had the following issues and concerns:

1. Office manager has to spend too much time acting as a mediator between the client and Smart Start.
2. Customer service representatives do not possess the skill set to answer questions.
3. Clients sentenced in Judge Woodson's jurisdiction by Judge Woodson are given his home telephone number and they are allowed to call him anytime when they have an issue. Ms. Allen stated if the judge receives a phone call he in turn calls her and demands a response.
4. A Smart Start representative is only onsite one day a week.
5. In order to remove the ignition interlock device, the certified mechanic must have a land line.

Senator Stuart asked the Directors if anyone from Smart Start had reached out to them concerning their issues. Ms. Allen responded by saying she had received assistance from a Smart Start representative.

Delegate Iaquinto told the Directors that Smart Start representatives would be available to answer any of their questions at the conclusion of the Commission meeting.

Executive Director's Report

Ms. Coleman welcomed everyone. Ms. Coleman stated that during the holiday season the Commission is frequently contacted by media outlets for a public service announcement. Last year the Commission made the decision to provide the media with a standardized statement. Ms. Coleman provided the Commission and the VASAP directors with a copy of the December 2012 Commission on VASAP Holiday Statement for their review and comments before publication on the VASAP website.

At Delegate Iaquinto's request, Ms. Coleman provided the Commission members with a graph showing the total number of ignition interlock devices installed beginning in July of 2012 through October 2012. Ms. Coleman stated that in October there were 777 new installations. Ms. Coleman also presented the Commission with a graph showing the total number of installed interlocks beginning on July 11, 2012 through October 12, 2012. Ms. Coleman stated as of October 12, 2012 the number of installed interlocks totaled 5350 in the State of Virginia. Ms. Coleman stated the graphs are updated on a monthly basis and the next updates will be available on December 15, 2012. If anyone would like a copy, please contact Mr. Morris and he would be happy to provide you with one. Ms. Coleman stated that the holiday PSA service announcement will be in movie theaters beginning December 14, 2012 and will be shown through January 12, 2013. The announcement will be shown in theaters in Norfolk, Hampton, Roanoke and Charlottesville.

A pre-treatment education workbook is being developed to shorten the time of the classes required for those persons classified as "treatment". The classes will decrease from ten weeks to four weeks.

Ms. Coleman presented the Commission with a copy of the draft workbook for their review. The final version of the workbook will be printed and ready for distribution by February 1, 2013. Ms. Coleman stated the Commission staff will begin a comprehensive review and update of all internal ASAP's operational policies and procedures as well as their certification process. Three years ago, the Commission contracted with VCU to update the certification process. The updates have been used for a full cycle and now some additions and updates are needed. The Commission will once again seek assistance from VCU to help us with this process. Ms. Coleman also stated that assistance will be sought from the Directors. Ms. Coleman asked the Directors to please check their emails frequently because there are approximately fifty policies that need to be reviewed and updated to bring them in compliance with current procedures.

VASAPDA REPORT(ASAP Director's Association)

Mr. Peele stated since the new law requiring first time DUI offenders to have the ignition interlock installed, the Directors are reporting the satisfactory ability to handle the increase, which has been gradual. Mr. Peele stated Mr. Morris has been very helpful

when issues arise. According to Mr. Peele, Mr. Morris has provided excellent oversight in helping the localities with installs and removal of the devices. Mr. Peele stated they have new procedures in place to help customers pre-qualify; and devices in most cases can be installed the day of Court. The customers are provided with a list of the four vendors and they call each vendor to see who can install the device the quickest. Mr. Peele stated that a delay in having the device installed has not been an issue.

During the conference, the pre-enrollment policy was completed. This policy allows the customer to enroll in ASAP prior to their conviction, this also included pre-qualification for ignition interlock. This allows for the same day or next day installation after the Court conviction. The DMV referred policy was also completed. This policy is designed for people who are enrolling in ASAP after the Court's jurisdiction has ended or their court order has ended and they have never completed ASAP. The Habitual Offender Guidelines were updated to reflect the change in the use of the term habitual offender. The guidelines now include DUI offenders that have been convicted of a DUI third offense or those offenders who have three DUI convictions within ten years and they have been administratively revoked by the Department of Motor Vehicles. The updates will assist those individuals who are petitioning the Circuit Court to have their licenses restored after the 3-5 year waiting period.

Locally, two new training program packets have been developed. One is for new Case Managers and one has been designed for ASAP administrative personnel. These packets will be available on the public network for all of the ASAP's.

Mr. Peele gave an update on training. Administrative training has been conducted for some of the ASAP programs, the training was held at the Regional Jail facility in Winchester, Virginia. Law Enforcement DUI training was held at the Weirs Cave Training Facility and at the Criminal Justice Academy in Salem, Virginia.

Mr. Peele stated that numerous staff joined the Directors to help reorganize the Chesapeake Bay ASAP. Mr. Peele also stated the Directors are happy to have Ms. High who is the new Director of the Chesapeake Bay ASAP join the Director's Association.

Mr. Peele gave a brief update on training received at the Director's conference in reference to the use of "bath salts".

The Directors had a very good conference when they met in Staunton, Virginia. During the conference, they welcomed Ms. Foulke who is the new Director of the Alexandria ASAP. Ms. Foulke has agreed to be the new secretary for VASAPDA.

Mr. Peele concluded his presentation by stating the Directors continue to enjoy a very good working relationship with the State staff and Ms. Coleman. Mr. Peele thanked Ms. Coleman and recognized the Virginia ASAP Program as one of the best in the country.

Meeting Dates

Delegate Iaquinto presented the 2013 scheduled Commission meeting dates. The scheduled meeting dates were changed to accommodate a request that was made by Senator Stuart. Beginning in 2013, the meetings will be held on Thursdays. The dates are as follows: February 14, 2013, June 6, 2013, September 12, 2013 and December 5, 2013. Delegate Iaquinto suggested that people attending the meeting on February 14, 2013 should arrive early due to the General Assembly being in session. The meeting will be held at 9:00 am to allow the legislators to return to the floor.

Executive Session

It was moved that Members of the Commission convene in Closed Meeting under the *Code of Virginia*, pursuant to Section 2.2.3711(A) to discuss specifically those matters related to Smart Start Inc. The motion was seconded and unanimously passed.

Return to Open Session

Delegate Iaquinto moved to certify by roll-call vote that that only matters pertaining to Smart Start were discussed during Closed Meeting.

The motion was seconded and the Commission Members voted as follows:

Delegate Salvatore R. Iaquinto.....	Yes
Delegate Jackson H. Miller.....	Yes
Senator Thomas K. Norment, Jr.....	Yes
Senator Richard H. Stuart.....	Yes
Delegate Richard L. Morris	Yes
Delegate David J. Toscano.....	Absent
Honorable George D. Varoutsos.....	Yes
Honorable James F. Almand.....	Yes
Honorable George W. Harris Jr.....	Yes
Sheriff Michael L. Wade.....	Yes
Mr. John Saunders.....	Absent
Ms. Pat Eggleston.....	Yes
Ms. Susan E. Marchon.....	Yes
Mr. Roy Keith Lloyd.....	Yes

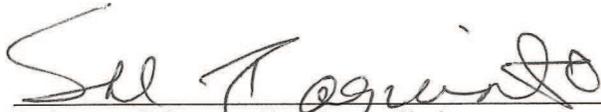
The following action was taken as a result of the Closed Meeting.

Senator Stuart moved to suspend all new installations by Smart Start until the next meeting on February 14th and then re-visit and review their performance between now and then. He stated that he would specifically put in that motion that they need to be compliant and problem free with the monitoring of their existing clients in Virginia. Senator Stuart further stated that at the next meeting, he would also include that they be present to explain the actions taken to correct these problems, if they have been corrected. And we then will review it and make a further determination at the February 14th meeting.

The motion was amended to replace the verbiage *problem free* with *substantially free*.
The amended motion was properly seconded. Eleven were in favor with one abstention,
Delegate Jackson Miller.

Adjournment:

The meeting was adjourned by Delegate Salvatore Iaquinto.



Delegate Salvatore Iaquinto, Chairman