

COMMISSION ON VASAP  
QUARTERLY MEETING  
Friday, December 13, 2019

Minutes

Attendance:

Commission Members:

Sheriff Michael L. Wade, Chairman  
Delegate James A. Leftwich, Jr.  
The Honorable George D. Varoutsos  
The Honorable Mary Jane Hall  
The Honorable Gino W. Williams  
Mr. John Saunders  
Ms. Pat Eggleston  
Mr. Anthony Carmichael  
Ms. Robyn Allen

Teleconference:

Delegate David J. Toscano, Vice Chairman

Absent:

Delegate Christopher E. Collins  
Senator Glen H. Sturtevant, Jr.  
Delegate Michael P. Mullin  
Senator Richard H. Stuart

Commission Staff:

Ms. Angela Coleman, Executive Director  
Ms. Queenie Bradley  
Ms. Rosario Carrasquillo  
Mr. Richard Foy  
Mr. Christopher Morris  
Ms. Charlene Motley  
Ms. Nicole Patrick-Eason  
Mr. Richard Phillips

Office of the Attorney General:

Ms. Janet Baugh

ASAP Directors:

Mr. Miles Bobbitt  
Ms. Jennifer DeNova  
Mr. James Hatcher Johnson  
Mr. Roy-Keith Lloyd  
Ms. Jaime Moran  
Ms. Deborah Morgan  
Ms. Cindy Sheffield  
Mr. Rohan Williams  
Ms. Laura Offield  
Ms. Victoria Kesler  
Mr. Rick Wilkins

Guests:

Ms. Linda Aldridge  
Ms. Michele Denhoff  
Mr. Chad Goodwin  
Mr. John Honea  
Ms. Cynthia Hites  
Mr. David Hites  
Ms. Jennifer O'Brien  
Mr. Andrew Molloy  
Ms. Debra Coffey  
Ms. Jennifer McVey

## **Time and Place**

The quarterly meeting of the Commission on Virginia Alcohol Safety Action Program (VASAP) was held on December 13, 2019 in the Virginia State Capitol Building, House Room 1. The meeting was called to order at 10:08 a.m. by Sheriff Michael L. Wade, Chairman.

## **Welcome and Introductions**

Sheriff Wade welcomed and thanked everyone for attending the meeting. All meeting attendees introduced themselves. He recognized the new director of Peninsula ASAP, Mr. Rohan Williams.

## **Approval of Minutes**

A motion was made by The Honorable Gino W. Williams, and properly seconded by Mr. John Saunders to approve the Commission meeting minutes from September 13, 2019. All present at the time of the vote were in favor; none opposed.

## **Special Recognition**

Sheriff Wade recognized Delegate David J. Toscano, Vice Chair; and Senator Glen H. Sturtevant, Jr. for their dedicated service and commitment to the Commission on VASAP.

## **Ignition Interlock Regulations Update**

Mr. Christopher Morris presented proposed changes to the VASAP Ignition Interlock regulations for approval by the Commission. Judge Hall inquired of the vendors whether GPS technology already exists in the ignition interlocks currently installed in Virginia. Debra Coffey stated that Smart Start's devices in Virginia do not currently have GPS functionality, but can be so equipped if required. Their devices in some other states are already GPS equipped.

After discussion of the suggested changes, Delegate James A. Leftwich, Jr. moved that the presented changes be approved for submission to the regulatory process with the following amendments: (1) remove the comma on 24VAC35-60-60 (F)22 after the word "requirement;" (2) add the language under 24VAC35-60-80 (O), "If the offender's reason to transfer to another interlock service provider is based upon a malfunctioning device, or a legitimate customer service issue, the Commission shall not reasonably deny permission;" and (3) remove the comma in 24VAC35-60-130 (C)7 after the word "request." The Honorable Mary Jane Hall seconded the motion. All present at the time of the vote were in favor; none opposed.

Ms. Coleman stated that before any implementation of a GPS requirement takes effect, the Commission will give the ignition interlock vendors the opportunity to provide input about the process and procedures.

## **Executive Director's Report**

Ms. Angela Coleman presented the Executive Director's report.

### *Ignition Interlock Summary Report*

The number of ignition interlock installations has remained fairly steady with approximately 7,700 – 7,800 currently in use.

### *New Commission Staff*

Nicole Patrick-Eason was introduced as the new Information Technology Specialist for the Commission. Ms. Coleman stated that Inferno data was still being backed up at the state office; however, she reminded the ASAP directors to back up their own data from the Inferno case management system since the database will be “view only” as of January 1, 2020.

### *Recognition of VASAP's Work on High Risk Impaired Driving*

The Commission is being recognized in a publication of the Governors Highway Safety Association for its work with DMV on the TREDIS database and other electronic projects to aid in combating the threat posed by high risk impaired drivers.

### *Holiday Statement*

Ms. Coleman directed the attention of the Commission members to the VASAP annual holiday statement that was prepared for local ASAPs that choose to issue press releases. The statement encourages persons using alcohol to celebrate responsibly.

## **Advisory Board Report**

Mr. Andrew Molloy presented an update on the advisory board's activities. The advisory board met on six occasions, resulting in the preparation of a report with four recommendations which he presented for the consideration and approval of the Commission. These recommendations included: (1) that all court-referred offenders be required to pay at least 10% of the ASAP fee at the time of enrollment; (2) that consideration of raising the ASAP fee be revisited in two years; (3) that the Commission monitor the local ASAPs to ensure they have at least 90 days of operational funds on reserve at all times; and (4) that there be a review of all local ASAP ancillary programs to ensure they are necessary and self-supporting.

A final recommendation of the advisory board was that the Commission work with the Virginia Commonwealth University Performance Management Group to develop a strategic plan to identify: (1) the minimal operational capabilities required of local programs to be certified by the Commission; (2) opportunities for system efficiencies, and (3) how to share best practices among the ASAPs.

A motion was made by Mr. John Saunders, and seconded by Delegate James A. Leftwich, Jr.

to accept the recommendations made by the advisory board. All present were in favor; none opposed.

### **VASAP Directors' Association Report**

Ms. Jaime Moran, VASAP Directors' Association President, and Director of Bull Run ASAP, presented the VASAPDA report.

Ms. Moran stated that VASAPDA is currently working on updating the offender intervention interview video. The association is also planning on providing administrative staff training in 2020.

### **Virginia Regulatory Petition 296**

Ms. Cynthia Hites petitioned to amend Administrative Code (§ 24VAC-35-150. Reporting) to read, "ASAPs shall work with the courts and service providers to establish reports essential to the probationary function of the case manager. Under no circumstances shall an ASAP case manager alter any court-imposed sentence, or attempt to personally adjudicate a suspected ignition interlock violation."

Sheriff Wade opened the floor for public comment. Ms. Cynthia Hites and Mr. David Hites presented comments in support of the petition. Mr. Richard Foy offered the Commission perspective, recommending that no action be taken on the petition.

Judge Hall inquired about how the process normally works when there is a suspected interlock violation, asking whether offenders currently have a way to appeal a positive reading that they believe is in error. Judge Williams explained that all offenders may petition the court at any time to have their case reviewed. At Judge William's request, Ms. Deborah Morgan explained how the judicial review process of positive ignition interlock tests occurs in the Montgomery County General District Court.

After public comments concluded, a motion was made by Judge Hall, and properly seconded by Mr. John Saunders, to deny Petition 296. All present were in favor; none opposed.

### **Meeting Dates**

The following Commission meeting dates were scheduled for 2020:

March 27th  
June 5th  
September 11th  
December 11th

### **Adjournment**

The Commission on VASAP meeting was adjourned at 11:22 by Sheriff Michael L. Wade, Chairman.

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