

**COMMISSION ON VASAP
QUARTERLY MEETING**

December 9, 2022

Minutes

Attendance:

Commission Members:

Senator Richard H. Stuart, Chairman
Mr. John L. Saunders, Vice Chairman
Senator Scott A. Surovell
Delegate James A. Leftwich, Jr.
Delegate Don L. Scott, Jr.
Delegate Timothy V. Anderson
The Honorable George D. Varoutsos
Ms. Margaret Steele
Ms. Pat Eggleston
Ms. Tara Smith

Teleconference:

Delegate Wren M. Williams
The Honorable Gino W. Williams
Ms. Krystal Hulette

Absent:

The Honorable Mary Jane Hall

Commission Staff

Ms. Angela Coleman, Executive Director
Ms. Queenie Bradley
Ms. Shelby Edwards
Mr. Glen Miller
Mr. Christopher Morris
Ms. Charlene Motley
Mr. Richard Phillips

Office of the Attorney General

Ms. Janet Baugh

Time and Place

The quarterly meeting of the Commission on Virginia Alcohol Safety Action Program (VASAP) was conducted in Senate Committee Room A of the Pocahontas Building in Richmond, Virginia on December 9, 2022, at 11:00 a.m.

Senator Richard H. Stuart, Chairman, presided and called the meeting to order at 11:05 a.m.

Ms. Angela Coleman, Executive Director, called roll of the Commission Members.

Senator Stuart introduced Delegate Timothy V. Anderson and welcomed him to the Commission as a new member.

Approval of the Minutes

Delegate James A. Leftwich, Jr. moved and Senator Scott A. Surovell seconded the motion that the minutes from the September 16, 2022, Commission meeting be approved. All were in favor; none opposed.

Discussion of Legislation

Senator Surovell recommended that the Commission endorse a bill in concept to require ASAP Policy Boards to have on their membership a defense attorney who practices DUI law. After discussion on the recommendation, Senator Surovell moved and Mr. John L. Saunders, Vice Chairman seconded the motion to endorse the bill in concept. All were in favor; none opposed.

Senator Surovell brought forward a concern that the ASAP monitoring statute, as written, does not allow for an ASAP non-compliance violation notice to be written for those DUI charges reduced to reckless driving, commonly known as “wet reckless” convictions. Janet Baugh, Office of the Attorney General, provided further insight as to how the code currently reads regarding those convictions and the consequences, or lack thereof, for violating ASAP. Once the individual enrolls in ASAP, DMV has no authority to hold the license for those reckless driving convictions where ASAP was ordered as the code currently reads that they must enroll in ASAP as opposed to completing ASAP. Delegate Anderson expressed concern with creating legislation.

Senator Stuart advised that the Judges are requesting the support. Judge Gino Williams stated there is an issue when it comes to plea agreements with enforcement. Ms. Baugh expressed there is no mechanism for keeping the driver suspended if they violate ASAP as there is for a DUI conviction and provided options for fixing the legislation. Senator Surovell moved, and Vice Chairman Saunders seconded the motion to endorse a bill in concept to amend Virginia Code 46.2-392 by changing enroll to complete and to endorse a bill in concept to add Reckless Driving, involving alcohol, into the violation provisions of Code Section 18.2-271. Twelve members were in favor; Delegate Anderson opposed.

Bull Run ASAP

The Bull Run ASAP budget was discussed. Ms. Jamie Moran, Director of the Bull Run ASAP, was present to provide an update on the Bull Run ASAP amended budget. Hourly wages were increased, and the court liaison part-time position was reinstated. Ms. Coleman expressed support of the amended budget.

Senator Surovell suggested that Bull Run ASAP begin discussions with the Board of Supervisors about supplementing their budget to increase hourly rates to retain staff. Delegate Leftwich moved and Vice Chairman Saunders seconded the motion to approve the Bull Run ASAP amended budget. All were in favor; none opposed.

Alexandria ASAP

Chris Morris, Special Programs Coordinator for the Commission on VASAP, provided an update regarding the status of Alexandria ASAP. Mr. Morris reported that the Commission staff met with Mr. Rohan Williams, Director of Peninsula ASAP, and their Policy Board to discuss Peninsula ASAP taking over Alexandria ASAP. Mr. Rohan Williams provided a report on the recent success in Alexandria ASAP since taking over the program on November 14, 2022. To include meetings with multiple stakeholders, securing free office space within the Alexandria Court House, and providing in-person services to the clients of Alexandria ASAP. There was discussion regarding the long-term sustainability of the current processes in place. Senator Stuart expressed gratitude to Mr. Williams and the Peninsula ASAP policy board for their efforts.

Executive Director's Report

Ms. Coleman presented the director's report.

Ms. Coleman introduced Ms. Ashley Cole, Director of John Tyler ASAP and Mr. Hatcher Johnson, Director of Capital Area ASAP. Ms. Cole reported the John Tyler ASAP and the Capital Area ASAP have been working together to reduce their overall expenses, including sharing classroom space, instructors, and vendors. Senator Stuart expressed appreciation that the two ASAPs are working together to find ways to reduce expenses as the programs, as well as the clients, are both suffering from inflation.

Petition 375 to Amend 24VAC35-60-20

Mr. Morris gave an overview of the petition. Delegate Anderson had questions regarding the functionality of the interlock device and the safety implications if the petition was granted. Mr. Morris advised granting the petition could negatively impact highway safety if clients are permitted to remove the device without at least six months of consecutive violation-free calibrations. Delegate Don L. Scott Jr. requested to know the financial impact on the client if a violation occurs. Mr. Morris advised their interlock time starts over from the date of the violation and they are responsible for the monthly fees associated with the device. There was discussion regarding the client's ability to re-test to clear any mouth alcohol. The Honorable George D. Varoutsos moved and Delegate Leftwich seconded the motion to deny Petition 375 to Amend 24VAC35-60-20. Twelve members were in favor; Delegate Anderson opposed.

VASAP Directors' Association Report

Mr. Miles Bobbitt, VASAPDA President, reported that VASAPDA is working in partnership with the Department of Corrections to provide Intervention Interview services to inmates. There is a Memorandum of Understanding already in place between The Commission and the Department of Corrections for these services. John Tyler ASAP is currently providing these services to DOC inmates.

Following Mr. Bobbitt's report, Krystal Hulette, Director of Court Community Corrections ASAP, thanked Ms. Angela Coleman for her work over the past several years stating she has provided tremendous leadership and support not only at that State level but also to the local programs. Ms. Coleman, through her guidance and leadership, has maintained consistent staff in the state office with no turnover aside from retirement. Ms. Hulette reported in her 26 years of working with many state and local agency's not all of those have provided the support or requested input from the local programs the way that Ms. Coleman has. Ms. Hulette thanked Ms. Coleman and the Commission staff for their continued support of the local ASAP programs.

Meeting Dates

The following Commission meeting dates are scheduled for 2023:

March 24th

June 9th

September 15th

December 8th

Adjournment

Senator Stuart, Chairman adjourned the meeting.

Senator Richard H. Stuart, Chairman