

Alcohol Safety Action Program

Lines of Business

LOB #308:

ALCOHOL SAFETY ACTION PROGRAM

Purpose

The Fairfax County Alcohol Safety Action Program (ASAP)'s mission is to improve driver and resident safety by decreasing the incidence of driving under the influence of alcohol and other drugs, leading to the reduction of alcohol- and drug-related crashes.

Each local ASAP operates in accordance with five component targets. The components are Enforcement, Adjudication, Case Monitoring/Offender Intervention, Evaluation/Certification and Public Information/Education. The ASAP office also administers the Ignition Interlock Program. Ignition Interlock is a breath test machine that attaches to an offender's car to determine if there is blood alcohol content (BAC). Ignition Interlock is mandated under the Code of Virginia for all drivers convicted of Driving While Intoxicated (DWI) offenses who are granted a restricted operator's license by the court. The Department of Motor Vehicles (DMV) may also require this device for repeat offenders. Fairfax ASAP offers other programs designed to improve highway safety. These programs include Driving Improvement, Reckless Aggressive Driving, and Suspended Operators License Interview.

The 251 Program is Fairfax ASAP's drug education program which provides education and case supervision for first-time offenders who have been charged with misdemeanor drug offenses. In accordance with the Code of Virginia §18.2-251, the court grants a deferred judgment on these drug offenses. In court, the offenders may have the charge dismissed provided that they enter a plea of guilty due to the evidence being sufficient to find the defendant guilty. The judge then defers a finding of guilt for a probationary period determined by the court (either six months or one year). The offenders must enter into and complete the ASAP drug education program and have no further violations of law. The charge will be dismissed upon expiration of the probation period.

ASAP also provides services to individuals declared by the courts as habitual offenders. Habitual offenders are persons convicted of three DWI offenses within a 10-year period. As a result of this status, clients receive an indefinite suspension of their driver's license and must petition the Circuit Court for restoration.

Description

The Virginia Alcohol Safety Action Program (VASAP) has been in existence since 1975. Its mission is to improve highway safety by decreasing the incidence of driving under the influence of alcohol and other drugs, leading to the reduction of alcohol- and drug-related crashes.

Alcohol and Reckless Driving Education and Case Monitoring Services

ASAP provides educational programs based on client assessments and court-ordered participation. The curriculum is approved by the Commission on VASAP, and classes are required to be in eight-hour and 20-hour groups.

Probationary and case monitoring services are provided by the probation staff, each of whom currently have 500 or more active cases on their caseload. The primary objectives of ASAP probation officers are to enforce the mandates of the courts, reinforce public safety and provide clients with either the appropriate rehabilitative education or treatment programs. ASAP clients convicted by the court are placed on a period of probation which ranges from one to three years. Probation supervision includes monitoring of clients' activities, from time of intake and assessment, until the completion of all education and treatment requirements. This time period for monitoring ranges from six months to three years. Probation staff also monitor the ignition interlock device and its use by clients assigned to their caseload.

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Drug Education and Case Monitoring Services

The Fairfax ASAP 251 Program is the drug education program which provides education and case supervision for first-time offenders who have been charged with misdemeanor drug offenses. Referred clients are placed in the VASAP drug education classes which are conducted in accordance with the VASAP approved Drug Education Curriculum. This 20-hour curriculum educates clients about the dangers of drug use and abuse, and also examines self-evaluation techniques so individuals can recognize patterns of substance use and understand the consequences.

Clients without prior drug convictions are eligible for case monitoring services provided by an ASAP probation officer. These services are provided throughout the entire court-ordered probationary period. New drug charges/convictions are considered a probation violation.

Case monitoring services include:

- Monitoring client community service hours
- Overseeing mandated drug screenings
- Providing drug prevention education
- Referring clients for drug treatment
- Ensuring completion of the program

Habitual Offender Services

The ASAP habitual offender program includes services for persons denied driving privileges due to behavior that demonstrated indifference for the safety and welfare of others. Evaluation services include:

- Individual interviews of clients for an in-depth investigation of their background and assessment of current behaviors
- Determination of risk factors to include current or prior alcohol and/or drug use, driving offenses, criminal record and/or significant medical or psychological issues which would impair the ability to safely operate a motor vehicle
- Completion of alcohol and drug screenings
- Follow-through on referrals for a clinical assessment by a licensed professional

Education and monitoring services include:

- Completion of VASAP education and/or treatment
- Written evaluations, including recommendations, are provided to the Circuit Court, in preparation for restoration hearings
- Supervision of clients granted restricted licenses until VASAP education and/or treatment requirements are met

Additional ASAP Services

The ASAP program offers additional services which include both mandated and non-mandated services.

Mandated services include the following:

- Pre-enrollment DWI which allows individuals to pre-enroll in the program for a pending DWI charge.
- Pre-trial assessment is an evaluation conducted prior to conviction for the client to present at a DWI hearing.

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- Young Offender services is for persons under the age of 21 years of age or younger referred for an alcohol-related offense such as possession of alcohol and those convicted of Driving after Illegally Consuming Alcohol.
- Ignition Interlock monitoring services is the monitoring of an ignition interlock device, installed in the offender's vehicle, which is required for DWI offenders.
- Suspended Operators License Interview services is for individuals who are required by the DMV to complete an intervention interview for two "driving on suspended" convictions within a 10-year period. ASAP is the only program that can provide this service.

Non-mandated services include:

- S.A.F.E. (Substance Alcohol Focused Education) is the Fairfax ASAP's program for juvenile offenders charged with alcohol and drug offenses. Juvenile offenders, as well as their parents, are required to complete an intake interview with an ASAP probation officer. In addition, juveniles and their parents are required to participate in program workshops. The juveniles also participate in guided hospital tours and must attend a workshop with Fairfax County's Chief Medical Examiner. The S.A.F.E. Program offers monthly workshops to juvenile offenders and their parents.
- Driver Improvement program is a DMV-approved eight-hour course designed to educate individuals so they become safer drivers and are eligible to earn five safe driving points on their driving record.
- Reckless/Aggressive Driver Education Program includes the eight-hour Driver Improvement course and a four-hour reckless/aggressive driver course. This entire program focuses on driver safety education, as well as skills for ensuring less aggressive driving.
- Court Services Program is for individuals who are charged with both driving and non-driving alcohol and/or drug offenses and are referred by the General District Court Services Probation Department for participation in ASAP alcohol and drug education classes.

Benefits

The Alcohol Safety Action Program benefits the community and continuously strives to achieve a safer environment for residents through the following:

- Providing services and referrals to those in need of alcohol and/or drug education or treatment
- Reducing the risk that impaired drivers pose to the community
- Deterring drivers from operating vehicles under the influence of alcohol and drugs
- Deterring those arrested and convicted of driving under the influence from becoming habitual offenders
- Ensuring probationary oversight of offenders
- Ensuring the delivery of education and treatment services for offenders
- Increasing public education and awareness regarding the dangers and public health risks associated with impaired driving, as well as the range of physical and mental health effects of drug use and abuse
- Referring clients to treatment resources and monitoring treatment services for habitual offenders
- Collaborating with clients to develop individualized plans to avoid further drug-related behavior

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Mandates

Code of Virginia

Code of Virginia §18.1-271.1: Probation, education and rehabilitation of person charged or convicted; person convicted under law of another state

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to Code of Virginia §18.2-251.01 or §19.2-299.2, as appropriate, and enter treatment and/or education programs or services:

- Code of Virginia §18.2-251, Persons charged with a first offense drug charge misdemeanor may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees ; violations; discharge
- Code of Virginia §19.2-299.2. Alcohol and substance abuse screening and assessment for designated Class 1 misdemeanor convictions

Code of Virginia §46.2-360: Restoration of privilege of operating motor vehicle; restoration of privilege to persons convicted under certain other provisions of Habitual Offender Act

Code of Virginia §46.2-361: Restoration of privilege after driving while license revoked or suspended for failure to pay fines or costs, furnish proof of financial responsibility or pay uninsured motorist fee

Code of Virginia §46.2-391: Revocation of license for multiple convictions of driving while intoxicated; exception; petition for restoration of privilege

Virginia Administrative Code (VAC)

24VAC35-30-20 Administration

24VAC35-30-50 VASAP Components

24VAC35-30-20 VASAP Case Management Policy

24VAC35-30-50 VASAP Components

24VAC35-30-20 VASAP Case Management Policy

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Trends and Challenges

Trends

Fairfax County's Alcohol Safety Action Program strives to maintain a quality program while adjusting to a statewide reduction in referrals to the program. Current trends include:

- Decreasing number of DWI convictions statewide and locally
- Decreasing alcohol-related deaths
- Decreasing referrals by the courts affecting ASAP revenue
- An increasing number of states have passed laws to decriminalize marijuana use or have sanctioned the use for medical purposes
- Courts have expanded referrals to include synthetic drugs and controlled prescription drugs

Challenges

ASAP staff work to identify new trends, legislation, resources and budget guidance to continually excel at keeping County residents safe. Some of the challenges include:

- ASAP program fees are regulated by the Commonwealth of Virginia and have not been adjusted since 1986 (this impacts the state share of costs in support of the local program)
- Continued close management of program expenditures while maintaining quality of services provided within mandated standards for timeliness
- Courts granting waiver of fees for some clients poses a challenge to service delivery as any revenue loss must be made up in reduced service levels or subsidized through alternate revenue sources
- In Fairfax County in 2014, 12 people were killed and 476 persons were injured in alcohol-related crashes
- Changes in the perception that marijuana is not a “drug” contributes to its increased use
- Use of marijuana as a “gateway” drug may lead to the use of other illicit drugs
- An increasing number of ASAP clients who test positive for marijuana claim that they have used it in the District of Columbia where it has been legalized
- Repeat offenders have difficulty meeting all ASAP program requirements and therefore remain on the ASAP caseload for an indefinite period of time

Resources

As this line of business encompasses all activities of the fund, please refer to the table in the Fund Resources section above.

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Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Total ASAP Referrals	6,236	5,499	4,964	4,468	4,468
Individuals served in the education program	3,334	3,127	2,673	2,530	2,530
Cost per individual served in the education program	\$430	\$434	\$536	\$583	\$583
Percent of individuals satisfied in all ASAP programs	97%	96%	97%	96%	96%
Percent of individuals successfully completing education program	75%	75%	75%	75%	75%

The total number of clients referred to ASAP in FY 2015 was 4,964, a decrease from 5,499 in FY 2014 and 6,236 in FY 2013. For FY 2016 and FY 2017, ASAP anticipates that overall referrals to the program will continue to decline to 4,468.

In FY 2015, the agency served 2,673 clients in the education program, which was a decrease from 3,127 in FY 2014 and 3,334 in FY 2013. ASAP anticipates that 2,530 clients will participate in education-based programs in FY 2016 and FY 2017.

The total number of clients referred to ASAP and the total number of clients in ASAP education programs have declined in the past three fiscal years, and are projected to continue declining because there have been fewer court-referred clients within the County and fewer transfer clients due to the same trend across the State. ASAP continues to monitor operational and personnel costs, review and analyze program objectives and data, and hold vacant positions open to offset the loss of revenue associated with the decline in referrals.

The cost per individual served in the education program in FY 2014 was \$434, or \$4 more per client than in FY 2013. This modest increase in per client cost is attributed to maintaining position vacancies. ASAP's cost per individual increased substantially in FY 2015 to \$536 due primarily to the decrease in the number of client referrals. Even though staff are experiencing somewhat reduced caseloads compared to previous fiscal years, the current average caseload size remains high, approximately 450 clients, which still exceeds the VASAP recommended caseload threshold of 300. In addition, the cost per client served has exceeded what Fairfax ASAP may charge clients per the Code of Virginia, a trend which began in FY 2013.

Clients who participated in ASAP's classes exhibited a very high level of satisfaction with the program for the past three fiscal years, consistently exceeding the targets. In FY 2015, 97 percent of individuals were satisfied with services compared to the target of 95 percent. In client satisfaction surveys, individuals have expressed that they have found the classes informative, helpful, and engaging.

In FY 2015, 75 percent of ASAP's clients successfully completed DWI and reckless driving education programming, falling short of the 83 percent target, primarily due to clients in education classes not performing as well as anticipated. Targets for FY 2016 and FY 2017 remain at 75 percent.