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# Regional Summit on Driving Under the Influence

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Hampton Roads and the Eastern Shore

**November 2003**

Hosted By:

Senator Kenneth Stolle

Senator Nick Rerras

The points of view and opinions expressed at this Summit and in this report are those of the participants and do not necessarily represent the official position or policies of the Summit Hosts.

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## Executive Summary

This report outlines the results of the Regional Summit on Driving Under the Influence of Drugs and Alcohol convened on October 27<sup>th</sup>, 2003 in Norfolk, Virginia. The Summit was hosted by Senators Kenneth Stolle and Nick Rerras with the primary goal of eliciting and documenting participant responses to the recommendations made by the Governor's Task Force to Combat Driving Under the Influence of Drugs and Alcohol.

In Virginia, alcohol-related motor vehicle crashes increased at a rate of 7.73% between 1999 (10,942) and 2002 (11,788). According to the Virginia Department of Motor Vehicles, in 2002, three hundred seventy five fatalities occurred as a result of drunk driving comprising 41% of all highway fatalities that year.

In response to this trend Governor Mark R. Warner created the Task Force to Combat Driving Under the Influence of Drugs and Alcohol. The Task Force, created in August of 2002, was tasked with assessing current efforts and recommending new strategies to eliminate driving under the influence (DUI) and boating under the influence (BUI).

As a result of their efforts the Task Force identified nine high-priority issues and offered thirty-three recommendations for action designed to address those issues.

The recommendations were grouped into the following seven categories:

- » Legislative Actions
- » Administrative Actions
- » Court-Related Actions
- » Public Awareness and Education Actions
- » Substance Abuse Prevention, Intervention, and Treatment Actions
- » Training Actions
- » Further Studies

In direct response to the recommendations of the Task Force and in order to sustain the momentum of their work, the Regional Summit on Driving Under the Influence was convened.

The participants were comprised of a diverse group of over 50 people including judges, magistrates, commonwealth's attorneys, lawyers, law enforcement officers, researchers, clinical specialists, VASAP staff, advocacy groups, victims of DUI, and other interested parties.

The objectives of the Summit were as follows:

- » To offer a multidisciplinary forum in which to examine and discuss the recommendations made by the Governor's Task Force to Combat Driving Under the Influence of Drugs and Alcohol
- » To enable those present to examine the potential impact of the proposed initiatives on their respective communities and the region
- » To Provide the participants an opportunity to share their thoughts and concerns regarding the issue of DUI
- » To compile the responses and recommendations expressed in this forum into a single document for review by all those concerned

The format was a collaborative group learning process consisting of three breakout sessions. The sessions included Specific Deterrence, General Deterrence, and Prevention, Intervention and Treatment.

The responses and recommendations resulting from the Summit include the participant's level of support for the recommendations along with any concerns, additional details about the recommendations, and thought provoking comments for consideration in future efforts targeted to combat driving under the influence of drugs and alcohol.

*This summit was a true reality check. There were topics discussed in these sessions that the Task Force never conceived of. That is why it is so important to hear from the man and woman on the street. This is what is so valuable about the process. I challenge your peers across the state to replicate this process in their respective regions.*

*Vincent M. Burgess*  
Assistant Commissioner Department Of Motor Vehicles

### Introduction<sup>1</sup>

#### *Governor's Task Force to Combat Driving Under the Influence of Drugs and Alcohol*

In Virginia, alcohol-related motor vehicle crashes increased at a rate of 7.73% between 1999 (10,942) and 2002 (11,788). According to the Virginia Department of Motor Vehicles, in 2002, three hundred seventy five fatalities occurred as a result of drunk driving comprising 41% of all highway fatalities that year.

In response to this trend Governor Mark R. Warner created the Task Force to Combat Driving Under the Influence of Drugs and Alcohol. The Task Force, created in August of 2002, was tasked with assessing current efforts and recommending new strategies to eliminate driving under the influence (DUI) and boating under the influence (BUI).

The Task Force, co-chaired by the Secretaries of Public Safety and Transportation, was comprised of a 42-member panel appointed by the Governor and included members of the executive, legislative, and judicial branches of state government as well as individuals from businesses, professional organizations, and advocacy groups.

In order to assess current efforts and make recommendations for the future, the Task Force:

- » Reviewed the achievements made in combating driving and boating under the influence during the past 20 years;
- » Identified and assessed current efforts being taken to address DUI and BUI;
- » Identified national state-of-the-art efforts to combat DUI and BUI;
- » Identified gaps existing between current efforts and state-of-the-art efforts and recommended actions to bridge those gaps;
- » Recommended new strategies with initiatives to address high-risk populations

such as underage drinkers and repeat DUI offenders;

- » Recommended actions to sustain and enhance the public's awareness and concern for the danger posed by driving under the influence;
- » Identified potential funding sources for recommendations;
- » Recommended strategies for improved coordination of management, funding and resources at state and local levels.

#### *Committee Descriptions*

Three committees were formed by the Task Force in order to define and prioritize the issues and delineate recommendations for action to be approved by the Task Force as a whole. The committees were as follows:

**Specific Deterrence** – examined current laws and made recommendations regarding activities that focus on dangerous behaviors by individuals.

**General Deterrence** – reviewed current public awareness and deterrence efforts and recommended strategies to deter unacceptable behavior by educating the general public on the dangers and consequences of DUI and BUI.

**Prevention Intervention and Treatment** – reviewed current efforts and recommended future strategies for individuals who are identified as having a substance abuse or dependency problem, considered at-risk, or part of a risk-taking population.

Each committee met a total of five times while the full Task Force met a total of four times to discuss the findings of the committees, hear presentations from key speakers, and to review programs, procedures, and data on state and national trends. In consequence of those meetings high-priority issues and recommendations for action were defined by the Task Force.

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<sup>1</sup> From the Governor's Task Force to Combat Driving Under the Influence of Drugs and Alcohol: Reports and Recommendations, Richmond, VA, July 2003

*High-Priority Issues and Recommendations for Action*

As a result of their efforts the Task Force identified nine high-priority issues and thirty-three recommendations for action designed to address those issues. The high-priority issues identified were as follows:

1. Underage drinking and driving is a growing problem. This issue is particularly important because patterns of behavior established at an early age are likely to continue in adulthood. Increased outreach and education is required with enhanced efforts to prevent alcohol sales to minors.
2. Public perception and support lag in spite of national and state trends indicating a growing DUI and BUI problem. High-visibility leadership and public outreach campaigns are needed to help maintain public focus on critical issues.
3. There is variation in DUI and BUI prosecution and sentencing as well as perceptions regarding effective deterrents and penalties. In addition, law enforcement training in this arena is not uniform across all local agencies. Greater efforts are needed to bring together law enforcement personnel, prosecutors, judges and others to share experiences and build understanding of effective approaches and practices.
4. Access to and use of passive breath sensors, laptop computers in vehicles, and other technological tools vary among law enforcement personnel. Greater use of technology, such as driver license scanners, can also help alcohol retailers and sellers more quickly and effectively identify underage buyers.
5. Substance abuse screening, assessment and treatment approaches vary among service providers. Public and private service providers use a myriad of assessments and treatment approaches, not all of which are successful. Current substance abuse treatment and rehabilitation programs are inadequate to address increasingly complex problems and demands for services.

Delivery of substance abuse services is not coordinated across state and local agencies. State-of-the-art techniques should be employed throughout the entire spectrum of prevention, apprehension and treatment.

6. An increase in repeat offenders and hard-core drunk drivers is a growing menace. These individuals are involved in a disproportionate number of alcohol-related crashes and fatalities. Fines, license suspensions or revocations, and other existing sanctions are not proving effective in preventing recidivism. While strict sanctions are necessary, penalties should not be so tough that courts are reluctant to impose them.
7. Over time the Habitual Offender Act became controversial, due to its strict penalties for a driver habitually accumulating demerit points (including DUI) as stated above, as well as the burden it placed on the already overloaded court system. In 1999, the Habitual Offender Act was repealed and replaced with a third DUI felony provision. This removed the actual declaration of the driver as an habitual offender from the process, a step that many felt was a meaningful deterrent as well as a warning to those drivers who chose to continue to drink and drive. To deter repeat offenders components of the former Habitual Offender Act should be reconsidered.
8. Laws regarding DUI and BUI are complex, difficult to administer and not uniformly enforced. The complexity of laws and procedures create numerous challenges that make prosecution difficult. Law enforcement personnel are challenged by the amount of time it takes to make a DUI stop and arrest. This is especially true when the driver is a minor. State laws should be streamlined and the time to process an arrest reduced.
9. The lack of a unified, coordinated data management system makes it difficult to answer some questions. Numerous state agencies collect a significant amount of information regarding DUI and BUI. Information is not gathered in a consistent fashion and databases are not linked. It is

## Introduction

necessary to create a system to track records from arrest to resolution.

To address the nine high-priority issues, thirty-three recommendations for action were developed. The recommendations were grouped into the following seven categories:

- » Legislative Actions
- » Administrative Actions
- » Court-Related Actions
- » Public Awareness and Education Actions
- » Substance Abuse Prevention, Intervention, and Treatment Actions
- » Training Actions
- » Further Studies

The full recommendations for action can be found in Appendix A.

### *The Regional Summit on Driving Under the Influence*

In direct response to the recommendations of the Task Force and in order to sustain the momentum of their work, the Regional Summit on Driving Under the Influence was held in Norfolk, Virginia on October 27th, 2003.

The Summit was hosted by Senators Nick Rerras and Kenneth Stolle and coordinated by Chesapeake Bay ASAP staff with the primary objective of soliciting responses of those in attendance with regard to the Task Force's recommendations for action. This document serves as the aggregate of those solicitations.

A diverse group of over 50 participants including judges, magistrates, commonwealth's attorneys, lawyers, law enforcement officers, VASAP staff, advocacy groups, victims of DUI and other interested parties were in attendance.

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**Summit Goals, Objectives, and Process**

*Summit Goals and Objectives*

The Regional Summit on Driving Under the Influence brought together over 50 people to accomplish the central goal of discussing the merits of implementation of the recommendations of Governor Warner’s Task Force to Combat Driving Under the Influence of Drugs and Alcohol.

The objectives of the Summit were as follows:

- » To offer a multidisciplinary forum in which to examine and discuss the recommendations made by the Governor’s Task Force to Combat Driving Under the Influence of Drugs and Alcohol
- » To enable those present to examine the potential impact of the proposed initiatives on their respective communities and the region
- » To provide the participants an opportunity to share their thoughts and concerns regarding the issue of DUI
- » To compile the responses and recommendations expressed in this forum into a single document for review by all those concerned

To achieve the above stated objectives the process detailed below was followed.

*Summit Process*

The format for the Summit was a collaborative group learning process consisting of three breakout sessions including Specific Deterrence, General Deterrence, and Prevention, Intervention and Treatment. The breakout sessions were designed to correspond with the Governor’s Task Force committees of the same names.

Participants rotated between the three sessions which lasted approximately 1¼ hours each.

In attendance at each session were a facilitator, one or more documenters, and technical advisors from the Governor’s Task Force. Participants were divided into 3 multidisciplinary groups and asked to review and discuss each of the recommendations for that session and to provide responses in reference to the specified recommendations.

The benefit of multidisciplinary groups was twofold in that it allowed group members to identify and consider views outside of their respective professional/social circles while also providing a forum in which to foster new relationships and discussions that may not have been formed otherwise.

The following table illustrates the recommendations discussed by each breakout session:

<b>Breakout Session</b>	<b>Recommendation Number</b>
Specific Deterrence	1, 2, 3, 4, 5, 8, 11, 12, 31, 32, 33
General Deterrence	6, 7, 9, 10, 13, 15, 20, 21, 22, 27, 28, 29, 30,
Prevention, Intervention, and Treatment	16, 17, 18, 19, 23, 24, 25, 26

After the breakout sessions were complete the data for that session were collected, organized and analyzed for inclusion in this report. The goal of this report is to convey the responses solicited during the Summit.

Appendix C contains biographical sketches of the speakers and facilitators. Appendix D contains the agenda for the Summit while Summit staff can be found in Appendix E.

*There are three components to combat driving under the influence. A societal or tolerance component, an enforcement component, and an education component.*

*The only silver-bullet is for society to say we’re not going to tolerate driving under the influence with any BAC.*

*Senator Kenneth Stolle*  
8<sup>th</sup> District

## Summit Responses and Recommendations

### *Specific Deterrence*

Specific Deterrence- examined current laws and enforcement practices and made recommendations regarding activities that focus on dangerous behavior by individuals.

#### **Task Force Recommendation (1)**

Eliminate the requirement for a magistrate to issue a warning upon breath test refusal. Nominal administrative costs are anticipated. For DUI offenses refer to Code Section, § 18.2-268.3. For BUI offense refer to Code Section, §29.1-738.2 which requires procedures from §18.2-268.1 through §18.2-268.11.

#### **Summit Participant Response**

The participants were not completely clear regarding the intended outcome of the recommendation. For this reason, consensus was not reached on this recommendation. Responses from the participants varied and included the following:

- » A portion of the participants supported the recommendation and noted that removing the requirement of a magistrate to issue a warning would reduce the time required by an officer to process a DUI arrest.
- » Concerns were expressed regarding the impact on the judicial process if the warning is eliminated.

#### **Task Force Recommendation (2)**

Reinstate a form of the Habitual Offender Act to create administrative procedures to deter repeat offenses. Projected total cost for the first two years of implementation is \$315,000. Refer to Code Section, §46.2-355.1, §46.2-356, §46.2-357 and §46.2-360. The Habitual Offender Act was first codified under §46.2-351 and §46.2-354.

#### **Summit Participant Response**

The participants supported this recommendation and noted that the offenses should include DUI, DUID, BUI, and Refusal while failure to pay fines and other non-alcohol and non-drug related driving offenses should be omitted.

#### **Task Force Recommendation (3)**

Lower the statutory definition of high blood alcohol concentration (BAC) level from .20 to .15 to allow for increased sanctions and more intensive treatment interventions. Nominal administrative costs are anticipated. Refer to Code Section §18.2-270 for DUI and §29.1-738 for BUI.

#### **Summit Participant Response**

The participants supported this recommendation.

#### **Task Force Recommendation (4)**

Increase penalties for persons arrested while driving with a restricted license as a result of a previous DUI conviction. Nominal administrative costs are anticipated. Refer to Code Section §18.2-272 for DUI. No increased penalty currently exists for BUI offenses.

#### **Summit Participant Response**

The participants were not completely clear regarding the intent of the recommendation, specifically, they were uncertain whether it was intended to increase potential penalties for persons arrested while driving with a restricted license as a result of a previous DUI conviction or whether the intent was to require a minimum mandatory sentence. In addition, a portion of the participants supported the recommendation while others were not supportive. For this reason, consensus was not reached on this recommendation.

#### **Task Force Recommendation (5)**

Make an open container of alcohol in a vehicle a factor in determining probable cause to test the driver for DUI. Nominal administrative costs are anticipated. Refer to Code Section §18.2-323.1, which allows for rebuttable presumption of violation of drinking while driving, but not DUI. Drinking while boating is legal so there is no existing Code Section to reference.

#### **Summit Participant Response**

Participant responses to this recommendation varied. A portion of participants supported the recommendation while others expressed constitutional and due process related concerns.

**Task Force Recommendation (8)**

The Secretary of Public Safety should continue to support and encourage the use of technological tools (e.g. drivers license scanners; laptop computers in police cars; automated crash reporting forms; etc.), as funds become available, to help law enforcement personnel, retailers, servers and others more easily enforce DUI and ABC laws. Appropriate funds should be sought to support this initiative.

**Summit Participant Response**

The participants supported this recommendation and noted that the additional technological tool of in-car video cameras should be included.

**Task Force Recommendation (11)**

The Department of Motor Vehicles should implement a more prominent visual cue on driver's licenses for individuals under the age of 21 to make it easier for alcohol retailers and servers to quickly identify underage individuals, no later than 2005. Nominal administrative costs are anticipated.

**Summit Participant Response**

The participants expressed a lack of critical need for DMV to implement a more prominent visual cue on driver's licenses for individuals under the age of 21. Although this recommendation was supported generally, the participants suggested that education and training of servers and retailers would be more effective.

**Task Force Recommendation (12)**

The Department of Motor Vehicles should create a records management system to provide an administrative failsafe process to indicate a third DUI conviction regardless of the specific court ruling on the nature of the offense, no later than 2005. DMV would require administrative authority via a change to the Code of Virginia to impose sanctions based on the number of DUI convictions. This would eliminate avoidance of penalties through the use of multiple 1st and 2nd offenses. Projected cost for the first year is \$44,000 and \$20,000 for operations each successive year.

**Summit Participant Response**

The participants supported this recommendation and noted that the records available to the court should also be improved. An additional suggestion was provided by a portion of the participants as

follows: The courts responsibilities should relate only to the decision of guilt or innocence and sentencing for jail and fines. DMV should be responsible for all decisions regarding suspension and revocation of licenses and the issuance of restricted licenses.

**Task Force Recommendation (31)**

The Secretary of Public Safety should explore options for streamlining the State Code to reduce complexity of enforcement and prosecution. Input should be gathered from law enforcement personnel, prosecutors, the Commission on VASAP, the National Center for State Courts, Supreme Court of Virginia, Department of Motor Vehicles and others, to review DUI and BUI statutes and formulate specific recommendations. Nominal administrative costs are anticipated.

**Summit Participant Response**

The participants supported this recommendation and specified additional resources that should be consulted including pretrial services, community corrections, magistrates, and defense attorneys.

**Task Force Recommendation (32)**

The Secretary of Transportation should request the Virginia Transportation Research Council conduct the following:

*Proposed Study*

A study to determine the need for making standards, procedures and penalties uniform for driving under the influence (DUI) and boating under the influence (BUI), no later than 2005. Projected cost for completion is \$20,000.

*Participant Response*

The participants supported the need to make standards, procedures and penalties uniform for driving under the influence (DUI) and boating under the influence (BUI). In addition, it was suggested that the study is unnecessary and the recommendation should be implemented.

*Proposed Study*

A study of the benefits of mandating all drivers and boat operators involved in fatal crashes be tested for alcohol, no later than 2005. Projected cost for completion is \$15,000.

*Participant Response*

The participants supported mandating that all drivers and boat operators involved in fatal crashes be tested for alcohol. In addition, it was suggested that the study is unnecessary and that the recommendation should be implemented via legislation.

*Proposed Study*

A study on the collection, use and feasibility of third-party reimbursement for blood tests for BAC level for drivers admitted to hospitals, no later than 2005. Projected cost for completion is \$15,000.

*Participant Response*

The participants did not support the proposed study on the collection, use and feasibility of third-party reimbursement for blood tests for BAC level for drivers admitted to hospitals.

*Proposed Study*

A study and recommended methods for creating a standardized system for DUI-related record keeping across state agencies that would coordinate and integrate databases and make information more readily available, no later than 2005. Projected cost for completion is \$35,000.

*Participant Response*

The participants were supportive of the need to create a standardized system for DUI-related record keeping across state agencies that would coordinate and integrate databases and make information more readily available. The participants varied, however, on the need for the study. Some participants supported a study while others proposed moving forward with the planning phase of the initiative.

*Proposed Study*

A study that gathers data to evaluate the effectiveness of Virginia's open container law, compare this data to national benchmarks, and make recommendations for changes in the law, if needed, no later than 2005. Projected cost for completion is \$20,000.

*Participant Response*

The participants supported this recommendation while noting that current laws pertaining to open containers need to be strengthened. Instituting

legislative changes were suggested in lieu of conducting a study.

*Proposed Study*

A study to identify recommended methods for creating regular, periodic reports to law enforcement and court personnel regarding vehicle impoundments to help local officials identify individuals who have committed previous serious offenses, no later than 2008. Projected cost for completion is \$20,000.

*Participant Response*

The participants' level of support varied regarding this recommendation. A portion of the participants did not support the study, a portion supported the study, and the remaining participants suggested foregoing the study and proceeding to implementation.

*Proposed Study*

A study to determine the feasibility and impact of creating a dedicated funding stream (supported through fines and user fees), to support local DUI enforcement programs, public education campaigns and substance abuse prevention, intervention and treatment services, no later than 2008. Projected cost for completion is \$30,000.

*Participant Response*

The participants supported the creation of a dedicated funding stream (supported through fines and user fees), to support local DUI enforcement programs, public education campaigns and substance abuse prevention, intervention and treatment services. In addition, it was suggested that the study is unnecessary and the project should proceed to implementation.

**Task Force Recommendation (33)**

The National Center for State Courts, with input from the Supreme Court, General District Court Clerks, and the Committee on District Courts, should study the feasibility of instituting a conformance bond system that would provide a financial incentive to offenders to comply with court orders by returning a portion of the bond upon successful completion of all requirements, no later than 2008. Projected cost for completion is \$50,000 - \$75,000.

### Summit Participant Response

The participants' level of support varied regarding this recommendation. The majority of the participants did not support the study while others had no objections.

*I think Senator Stolle makes a good point- that laws reflect the mores of society and it may well be that in 2020 we will live in a zero tolerance (DUI/BUI) society. I believe that the trend is going in the right direction and that it is a question of public awareness and education about the dangers of drinking and driving.*

*The Honorable Whittington Clement  
Secretary of Transportation*

### General Deterrence

General Deterrence<sup>2</sup>- reviewed current public awareness and deterrence efforts. Recommendations included strategies to deter unacceptable behavior by educating the general public on the dangers and consequences of DUI and BUI.

### Task Force Recommendation (6)

The Governor's Office should continue to provide highly visible leadership on and support of DUI and BUI initiatives through the provision of annual progress reports, convening future Task Forces, or additional actions.

### Summit Participant Response

The participants supported this recommendation. The following suggestions were provided to supplement the recommendation as written:

- » The annual progress reports should be publicized and made widely available to the public with an emphasis on criminal justice professionals at all levels statewide.
- » A Task Force should either be maintained or future Task Forces convened more frequently than in the past.
- » The resources of the Governor's Office and the media should be maximized to maintain high visibility on DUI and BUI initiatives.

### Task Force Recommendation (7)

The Secretaries of Transportation and Public Safety should periodically brief key General Assembly legislative committees on DUI and BUI progress and problems.

### Summit Participant Response

The participants supported this recommendation. The following suggestions were provided to supplement the recommendation as written:

- » Briefings to key General Assembly legislative committees should be completed annually and would be most beneficial when provided within 90 days of the General Assembly session.
- » In addition to basic statistics on DUI and BUI progress and problems the briefing should include detailed information on demographics, population centers, growth areas in the state, and the economic impact of the problem.
- » The briefing information should be more widely distributed with an emphasis on the local level.
- » This recommendation could be combined with the following recommendation "The Department of Motor Vehicles should provide an annual report card on the status of Task Force recommendations to the Governor's Office, General Assembly, interested parties and partners to document progress, compare Virginia's progress to national benchmarks and best practices, and identify priorities for further action". Combining these resources could improve the quality and consistency of the information being distributed.

### Task Force Recommendation (9)

The Secretary of Public Safety should convene an advisory committee, including state police, chiefs of police, sheriffs, court personnel and others to examine and make recommendations concerning DUI and DUID (driving under the influence of drugs) training and implementation of training standards, to include Standard Field Sobriety Test (SFST) methods, no later than 2005. Nominal administrative costs are anticipated.

<sup>2</sup> Due to an omission in the Summit information packet, Recommendation 14 was not reviewed.

**Summit Participant Response**

The participants supported this recommendation. The following suggestions were provided to supplement the recommendation as written:

- » The advisory committee should include judges, prosecutors, VASAP, and representatives from all areas noted who are considered field or line staff and not just administrators.
- » The training should be sure to include the areas of field enforcement, court room presentation, and the increased use of technology.

**Task Force Recommendation (10)**

The Department of Motor Vehicles should provide an annual report card on the status of Task Force recommendations to the Governor’s Office, General Assembly, interested parties and partners to document progress, compare Virginia’s progress to national benchmarks and best practices, and identify priorities for further action. Nominal administrative costs are anticipated.

**Summit Participant Response**

The participants supported this recommendation. The following suggestions were provided to supplement the recommendation as written:

- » This recommendation could be combined with the following recommendation “The Secretaries of Transportation and Public Safety should periodically brief key General Assembly legislative committees on DUI and BUI progress and problems”. Combining these resources could improve the quality and consistency of the information being distributed.
- » The term “annual report card” should be changed to “annual status report”.
- » The annual status report should be completed and distributed within 90 days of the General Assembly session.

**Task Force Recommendation (13)**

The Department of Alcohol Beverage Control should retain the responsibility for wholesale distribution and retail sale of distilled spirits, enforcement of laws related to the sale and distribution of alcohol, licensing authority, and

training for servers and retailers. No additional costs are anticipated.

**Summit Participant Response**

The participants supported this recommendation while noting that enforcement authority and responsibility should be extended to local law enforcement officers without a reduction in ABC responsibility or authority.

**Task Force Recommendation (15)**

The Commission on Virginia Alcohol Safety Action Programs (VASAP) should publicize the findings of the current study of program effectiveness being conducted by the National Center for State Courts and brief key stake holders within the DUI control system, no later than 2005. No additional costs are anticipated.

**Summit Participant Response**

The participants supported this recommendation. The following suggestions were provided to supplement the recommendation as written:

- » The study of program effectiveness should be released and key stakeholders briefed significantly sooner than 2005.
- » The study should be highly publicized and distributed to all affected criminal justice professionals.
- » Evaluation of program effectiveness should be ongoing.
- » A follow-up study should be completed and released prior to 2005 that includes a control group comparison.

**Task Force Recommendation (20)**

The Department of Motor Vehicles and the Department of Game and Inland Fisheries should continue to place a priority on supporting public awareness and education campaigns to deter DUI and BUI. Priority should be given to campaigns that target youth and other at-risk populations and campaigns that support implementation of sobriety checkpoints. The agencies should work together to seek resources to expand these efforts. No additional costs are anticipated.

**Summit Participant Response**

The participants supported this recommendation. The following suggestions were provided to supplement the recommendation as written:

- » The Department of Motor Vehicles and the Department of Game and Inland Fisheries should coordinate their efforts with VASAP and local marine patrols like those found in Hampton Roads.
- » Potential funding sources for this initiative include private funding and funds from ABC licensing, cigarette taxes, federal highway traffic safety grants, and the lottery fund.

#### **Task Force Recommendation (21)**

The Department of Alcohol Beverage Control should expand efforts to create and support community and college coalitions designed to prevent underage and excessive drinking, no later than 2008. Projected costs are \$200,000 annually.

#### **Summit Participant Response**

The participants supported this recommendation. The following suggestions were provided to supplement the recommendation as written:

- » Colleges should be required to provide information on underage and excessive drinking during orientation.
- » Efforts should be made to secure private funding for the initiative.

#### **Task Force Recommendation (22)**

The Department of Education should continue to integrate and expand research-based substance abuse prevention programs that meet Standards of Learning criteria in all primary and secondary schools, no later than 2008. No additional costs are anticipated.

#### **Summit Participant Response**

The participants supported this recommendation while noting that it is critical that the information remains current.

#### **Task Force Recommendation (27)**

All Standard Field Sobriety Test (SFST) training provided to law enforcement personnel in Virginia should meet the guidelines established by the National Highway Traffic Safety Administration and Virginia Department of Criminal Justice Services, no later than 2005. No additional costs are anticipated.

#### **Summit Participant Response**

The participants supported this recommendation. The following suggestions were provided to supplement the recommendation as written:

- » Sobriety tests should be standardized statewide.
- » There should be a core curriculum for training to further ensure accuracy and consistency.
- » The standard should be a minimum of 5 days of training.

#### **Task Force Recommendation (28)**

The Department of Motor Vehicles, in partnership with the Commission on VASAP, the Commonwealth's Attorneys' Services Council and the Supreme Court, should host a conference for judges, prosecutors and law enforcement personnel to increase their awareness of DUI and BUI issues, discuss implementation of best practices, discuss the effective use of third offense felony laws, discuss issues concerning mandated sentencing and penalties, and explore options available for intervention and treatment, no later than 2005. Estimated costs are \$50,000.

#### **Summit Participant Response**

The participants supported this recommendation and noted that the conference should be held annually and include representatives of the juvenile justice system.

#### **Task Force Recommendation (29)**

The Department of Alcohol Beverage Control should partner with the Virginia Hospitality and Travel Association, and other state agencies, to develop and implement a statewide alcohol server education program to promote responsible alcohol service and consumption, no later than 2008. Projected costs are \$400,000 annually.

#### **Summit Participant Response**

The participants supported this recommendation. The following suggestions were provided to supplement the recommendation as written:

- » Server education should be required.
- » Federal funds are available to fund the development and pilot testing of the program.

- » Statewide implementation and maintenance should be fee-based.

- » The estimated cost appears low when considering the cost related with additional man-hours for clerks and other affected support staff. It seems that these additional costs were not factored in to the average.
- » The concept should be studied, with a focus on current local courts in operation, to determine the true cost and the feasibility of statewide application.

### Task Force Recommendation (30)

The Department of Alcohol Beverage Control should expand enforcement, training and education programs for alcohol retailers to help prevent underage purchases of alcohol, no later than 2008. Projected costs are \$400,000 annually.

### Summit Participant Response

The participants supported this recommendation while noting that there should be an emphasis placed on enforcement.

*Driving under the influence of drugs and alcohol has been a concern that my constituents have talked to me about for 19 years and now, more than ever, people are rallying around this issue because it is so vitally important to all Virginians.*

*Senator L. Louise Lucas*  
18<sup>th</sup> District

### Prevention, Intervention, and Treatment

Prevention, Intervention and Treatment- reviewed current efforts and recommended future strategies for individuals who are identified as having a substance abuse or dependency problem, considered at-risk, or part of a risk-taking population.

### Task Force Recommendation (16)

The Commission on VASAP should work with the Supreme Court and individual General District Court Judges to encourage the creation of specially designated DUI Courts or Dockets, no later than 2008. Projected costs for each court include an additional 78 hours of judicial time per 100 DUI convictions annually; and one additional ASAP community corrections case manager per 200 DUI convictions at an average cost of \$46,000 annually.

### Summit Participant Response

The participants expressed general support for creating specially designated DUI Courts or Dockets while expressing concerns about the recommendation. Responses from the participants varied and included the following:

### Task Force Recommendation (17)

The Commission on VASAP should partner with interested localities and General District Court Judges to pilot a DUI work release jail program that integrates education and treatment for repeat and high BAC offenders, no later than 2008. Projected costs for a program are \$1,000,000 a year. Similar programs operate on a cost-neutral basis, recouping their expenses through payment of fees and third-party insurance reimbursements.

### Summit Participant Response

The responses to this recommendation varied significantly by the participants. Three primary points of view were expressed as follows:

- » A portion of the participants did not support this recommendation at any level.
- » A portion of the participants supported the recommendation but expressed concerns over the cost. Suggestions were made to study the efficacy of the program and to consider focusing on programs that would be cost neutral.
- » The remaining participants supported the recommendation as written and suggested an emphasis on required education and treatment for the offender.

### Task Force Recommendation (18)

The Commission of VASAP should encourage local ASAP offices to use victim impact panels, no later than 2008. Panels would be composed of volunteers who are willing to discuss with offenders the direct impact that impaired driving and boating had on their lives. Nominal administrative costs are anticipated.

**Summit Participant Response**

The participants supported the recommendation of having local ASAP offices use victim impact panels and noted that variations of this concept may need to be utilized for rural and small jurisdictions that may be unable to form their own panel. Alternatives to local panels might include floating panels to serve across localities or the creation of a videotape.

**Task Force Recommendation (19)**

The Commission on VASAP should encourage the Supreme Court and General District Courts to implement a system of postcard and telephone prompts, staffed by community volunteers, to increase the percentage of court appearances on DUI dockets, no later than 2008. Nominal administrative costs are anticipated.

**Summit Participant Response**

Participant responses to this recommendation varied. A portion of participants supported the recommendation with the added recommendation of deploying an automated messaging system to complete the task. Others expressed concern over the necessity of the recommendation (considering the inherent severity of the charge) as well as the expenditure of resources and/or funds in this area when they would be better used in other ways to address the issues of DUI and BUI.

**Task Force Recommendation (23)**

The Commission on VASAP should continue to serve as the lead organization for DUI and BUI related substance abuse prevention, intervention, and treatment programs and work closely with the Governor's Office for Substance Abuse Prevention (GOSAP) and the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to review and modify programs and services. No additional costs are anticipated.

**Summit Participant Response**

The participants supported this recommendation.

**Task Force Recommendation (24)**

The Governor's Office for Substance Abuse Prevention should continue to develop and help implement a plan for the coordination of prevention programs and services provided through state agencies. This plan should establish statewide

goals and priorities for DUI and BUI substance abuse prevention efforts as well as identify best practices, no later than 2005. Nominal administrative costs are anticipated.

**Summit Participant Response**

The participants supported this recommendation. A portion of participants noted that there should be a focus on primary prevention.

**Task Force Recommendation (25)**

The Substance Abuse Services Council, in partnership with the Virginia Alcohol Safety Action Program, the Department of Mental Health, Mental Retardation and Substance Abuse Services, and other partners, should develop a plan that coordinates substance abuse intervention and treatment programs and services, no later than 2005. Nominal administrative costs are anticipated.

**Summit Participant Response**

A majority of the participants supported the recommendation. A portion of participants noted concern over the potential for duplication of efforts. In addition, some participants were not familiar with the Substance Abuse Services Council and believed that VASAP should be the leading organization. Responses to the planned components of the plan are documented below.

*Proposed Plan Component*

Establish statewide goals and priorities for substance abuse intervention and treatment efforts, placing a high priority on hard core drunk drivers, and repeat offenders;

*Participant Response*

The participants supported this component.

*Proposed Plan Component*

Identify and promote a standardized assessment tool, such as the Addiction Severity Index (ASI) or Substance Abuse Subtle Screening Inventory (SASSI), that can be used by all service providers to help match individuals to appropriate intervention and treatment programs;

*Participant Response*

Participant responses varied regarding this component. A portion of the participants were supportive of the component while others

## Summit Responses and Recommendations

expressed concern over standardized assessment tools.

### *Proposed Plan Component*

Establish uniform, statewide substance abuse standards and treatment definitions for use by service providers to improve understanding and implementation of treatment programs and evaluation of effectiveness;

### *Participant Response*

The participants supported this component

### *Proposed Plan Component*

Identify programs and approaches that have documented success;

### *Participant Response*

The participants supported this component

### *Proposed Plan Component*

Collect and track data collected from administration of standardized assessments to identify characteristics of at-risk populations in order to enhance the design of effective prevention, intervention and treatment programs.

### *Participant Response*

The majority of participants supported this component. Those participants who did not support the utilization of standardized assessment tools (above) did not support this recommendation.

### **Task Force Recommendation (26)**

The Substance Abuse Services Council should develop a long-term plan designed to increase the availability of DUI and BUI intervention and treatment services and identify successful programs and approaches, no later than 2008. Nominal administrative costs are anticipated.

In particular, this plan should:

- » Identify resources and document lead organizations for program implementation;
- » Recommend methods to increase the availability and intensity of effective intervention and treatment programs to

expand the range of available options for judges;

- » Recommend a coordinated system to conduct or catalog substance abuse needs assessments, by locality, for youth and at-risk populations to document problems, measure progress and guide resource allocation decision-making;
- » Identify prevention, intervention and treatment approaches and programs that have documented success.

### **Summit Participant Response**

Participant responses varied. A portion of the participants supported the recommendation while others did not.

*I am requesting that the participants of this Summit consider the use of minimum mandatory sentences for second and third DUI and BUI convictions. Your input on this issue is critical and I hope that the final result will be presented to the General Assembly.*

*Senator Nick Rerras  
6<sup>th</sup> District*

### *Additional Recommendations*

The participants discussed several recommendations that should be considered in future efforts to combat driving under the influence of drugs and alcohol. The recommendations are as follows:

1. A licensing process is recommended for the operation of a motor boat.
2. Offenses and their corresponding penalties should be standardized for motor vehicle and motor boat operation.
3. A relationship should exist between a person's drivers license and boating license, specifically; a suspension or revocation of one should result in a suspension or revocation of the other.

- 4.** A study examining the feasibility, impact, and level of citizen support, of minimum mandatory sentences for 2nd and 3rd offense DUI and BUI convictions should be completed.
  - 5.** The issue of driving under the influence of drugs requires more attention and must be included in all future education and training initiatives.
-

### Appendices

#### *Appendix A – Task Force Recommendations*

The following recommendations are intended to address the high priority issues previously discussed. Recommendations have been organized in seven categories based on subject matter. Short-term recommendations, intended for implementation between 2003 and 2005, as well as longer-term recommendations, for implementation between 2005 and 2008, are provided. The legislative actions listed below will be considered for introduction during the 2004 General Assembly session.

#### **LEGISLATIVE ACTIONS**

1. Eliminate the requirement for a magistrate to issue a warning upon breath test refusal. Nominal administrative costs are anticipated. For DUI offenses refer to Code Section, §18.2-268.3. For BUI offense refer to Code Section, §29.1-738.2 which requires procedures from §18.2-268.1 through §18.2-268.11.
2. Reinstate a form of the Habitual Offender Act to create administrative procedures to deter repeat offenses. Projected total cost for the first two years of implementation is \$315,000. Refer to Code Section §46.2-355.1, §46.2-356, §46.2-357 and §46.2-360. The Habitual Offender Act was first codified under §46.2-351 and §46.2-354.
3. Lower the statutory definition of high blood alcohol concentration (BAC) level from .20 to .15 to allow for increased sanctions and more intensive treatment interventions. Nominal administrative costs are anticipated. Refer to Code Section §18.2-270 for DUI and §29.1-738 for BUI.
4. Increase penalties for persons arrested while driving with a restricted license as a result of a previous DUI conviction. Nominal administrative costs are anticipated. Refer to Code Section §18.2-272 for DUI. No increased penalty currently exists for BUI offenses.
5. Make an open container of alcohol in a vehicle a factor in determining probable cause to test the driver for DUI. Nominal administrative costs are anticipated. Refer to Code Section §18.2-323.1, which allows for rebuttable presumption of violation of drinking while driving, but not DUI. Drinking while boating is legal so there is no existing Code Section to reference.

#### **ADMINISTRATIVE ACTIONS**

6. The Governor's Office should continue to provide highly visible leadership on and support of DUI and BUI initiatives through the provision of annual progress reports, convening future Task Forces, or additional actions.
7. The Secretaries of Transportation and Public Safety should periodically brief key General Assembly legislative committees on DUI and BUI progress and problems.
8. The Secretary of Public Safety should continue to support and encourage the use of technological tools (e.g. drivers license scanners; laptop computers in police cars; automated crash reporting forms; etc.), as funds become available, to help law enforcement personnel, retailers, servers and others more easily enforce DUI and ABC laws. Appropriate funds should be sought to support this initiative
9. The Secretary of Public Safety should convene an advisory committee, including state police, chiefs of police, sheriffs, court personnel and others, to examine and make recommendations concerning DUI and DUID (driving under the influence of drugs) training and implementation of training standards, to include

Standard Field Sobriety Test (SFST) methods, no later than 2005. Nominal administrative costs are anticipated.

10. The Department of Motor Vehicles should provide an annual report card on the status of Task Force recommendations to the Governor's Office, General Assembly, interested parties and partners to document progress, compare Virginia's progress to national benchmarks and best practices, and identify priorities for further action. Nominal administrative costs are anticipated.

11. The Department of Motor Vehicles should implement a more prominent visual cue on driver's licenses for individuals under the age of 21 to make it easier for alcohol retailers and servers to quickly identify underage individuals, no later than 2005. Nominal administrative costs are anticipated.

12. The Department of Motor Vehicles should create a records management system to provide an administrative failsafe process to indicate a third DUI conviction regardless of the specific court ruling on the nature of the offense, no later than 2005. DMV would require administrative authority via a change to the Code of Virginia to impose sanctions based on the number of DUI convictions. This would eliminate avoidance of penalties through the use of multiple 1st and 2nd offenses. Projected cost for the first year is \$44,000 and \$20,000 for operations each successive year.

13. The Department of Alcohol Beverage Control should retain the responsibility for wholesale distribution and retail sale of distilled spirits, enforcement of laws related to the sale and distribution of alcohol, licensing authority, and training for servers and retailers. No additional costs are anticipated.

14. The use of sobriety checkpoints should be expanded across the Commonwealth. The Virginia Association of Chiefs of Police and the Virginia Sheriffs Association, with input from the Department of Criminal Justice Services and others, should create model sobriety checkpoint standards and guidelines and encourage adoption and implementation by all local law enforcement agencies, no later than 2005. Nominal administrative costs are anticipated.

15. The Commission on Virginia Alcohol Safety Action Programs (VASAP) should publicize the findings of the current study of program effectiveness being conducted by the National Center for State Courts and brief key stake holders within the DUI control system, no later than 2005. No additional costs are anticipated.

#### **COURT-RELATED ACTIONS**

16. The Commission on VASAP should work with the Supreme Court and individual General District Court judges to encourage the creation of specially designated DUI Courts or Dockets, no later than 2008. Projected costs for each court include an additional 78 hours of judicial time per 100 DUI convictions annually; 91 hours of additional court clerk time per 100 DUI convictions annually; and one additional ASAP community corrections case manager per 200 DUI convictions at an average cost of \$46,000 annually.

17. The Commission on VASAP should partner with interested localities and General District Court Judges to pilot a DUI work release jail program that integrates education and treatment for repeat and high BAC offenders, no later than 2008. Projected costs for a program are \$1,000,000 a year. Similar programs operate on a cost-neutral basis, recouping their expenses through payment of fees and third-party insurance reimbursements.

18. The Commission on VASAP should encourage local ASAP offices to use victim impact panels, no later than 2008. Panels would be composed of volunteers who are willing to discuss with offenders the direct impact that impaired driving and boating had on their lives. Nominal administrative costs are anticipated.

19. The Commission on VASAP should encourage the Supreme Court and General District Courts to implement a system of postcard and telephone prompts, staffed by community volunteers, to increase the percentage of court appearances on DUI dockets, no later than 2008. Nominal administrative costs are anticipated.

#### **PUBLIC AWARENESS AND EDUCATION ACTIONS**

20. The Department of Motor Vehicles and the Department of Game and Inland Fisheries should continue to place a priority on supporting public awareness and education campaigns to deter DUI and BUI. Priority should be given to campaigns that target youth and other at-risk populations and campaigns that support implementation of sobriety checkpoints. The agencies should work together to seek resources to expand these efforts. No additional costs are anticipated.

21. The Department of Alcohol Beverage Control should expand efforts to create and support community and college coalitions designed to prevent underage and excessive drinking, no later than 2008. Projected costs are \$200,000 annually.

22. The Department of Education should continue to integrate and expand research-based substance abuse prevention programs that meet Standards of Learning criteria in all primary and secondary schools, no later than 2008. No additional costs are anticipated.

#### **SUBSTANCE ABUSE PREVENTION, INTERVENTION AND TREATMENT ACTIONS**

23. The Commission on VASAP should continue to serve as the lead organization for DUI and BUI related substance abuse prevention, intervention, and treatment programs and work closely with the Governor's Office for Substance Abuse Prevention (GOSAP) and the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to review and modify programs and services. No additional costs are anticipated.

24. The Governor's Office for Substance Abuse Prevention should continue to develop and help implement a plan for the coordination of prevention programs and services provided through state agencies. This plan should establish statewide goals and priorities for DUI and BUI substance abuse prevention efforts as well as identify best practices, no later than 2005. Nominal administrative costs are anticipated.

25. The Substance Abuse Services Council, in partnership with the Virginia Alcohol Safety Action Program, the Department of Mental Health, Mental Retardation and Substance Abuse Services, and other partners, should develop a plan that coordinates substance abuse intervention and treatment programs and services, no later than 2005. Nominal administrative costs are anticipated.

In particular, this plan should address and recommend ways to:

- Establish statewide goals and priorities for substance abuse intervention and treatment efforts, placing a high priority on hard core drunk drivers, and repeat offenders;
- Identify and promote a standardized assessment tool, such as the Addiction Severity Index (ASI) or Substance Abuse Subtle Screening Inventory (SASSI), that can be used by all service providers to help match individuals to appropriate intervention and treatment programs;
- Establish uniform, statewide substance abuse standards and treatment definitions for use by service providers to improve understanding and implementation of treatment programs and evaluations of effectiveness;
- Identify programs and approaches that have documented success;
- Collect and track data collected from administration of standardized assessments to identify characteristics of at-risk populations in order to enhance the design of effective prevention, intervention and treatment programs.

26. The Substance Abuse Services Council should develop a longer-term plan designed to increase the availability of DUI and BUI intervention and treatment services and identify successful programs and approaches, no later than 2008. Nominal administrative costs are anticipated.

In particular, this plan should:

- Identify resources and document lead organizations for program implementation;
- Recommend methods to increase the availability and intensity of effective intervention and treatment programs to expand the range of available options for judges;
- Recommend a coordinated system to conduct or catalog substance abuse needs assessments, by locality, for youth and at-risk populations to document problems, measure progress and guide resource allocation decision-making;
- Identify prevention, intervention and treatment approaches and programs that have documented success.

### **TRAINING ACTIONS**

27. All Standard Field Sobriety Test (SFST) training provided to law enforcement personnel in Virginia should meet the guidelines established by the National Highway Traffic Safety Administration and Virginia Department of Criminal Justice Services, no later than 2005. No additional costs are anticipated.

28. The Department of Motor Vehicles, in partnership with the Commission on VASAP, the Commonwealth's Attorneys' Services Council and the Supreme Court, should host a conference for judges, prosecutors and law enforcement personnel to increase their awareness of DUI and BUI issues, discuss implementation of best practices, discuss the effective use of third offense felony laws, discuss issues concerning mandated sentencing and penalties, and explore options available for intervention and treatment, no later than 2005. Estimated costs are \$50,000.

29. The Department of Alcohol Beverage Control should partner with the Virginia Hospitality and Travel Association, and other state agencies, to develop and implement a statewide alcohol server education program to promote responsible alcohol service and consumption, no later than 2008. Projected costs are \$400,000 annually.

30. The Department of Alcohol Beverage Control should expand enforcement, training and education programs for alcohol retailers to help prevent underage purchases of alcohol, no later than 2008. Projected costs are \$400,000 annually.

### **FURTHER STUDIES**

31. The Secretary of Public Safety should explore options for streamlining the State Code to reduce complexity of enforcement and prosecution. Input should be gathered from law enforcement personnel, prosecutors, the Commission on VASAP, the National Center for State Courts, Supreme Court of Virginia, Department of Motor Vehicles and others, to review DUI and BUI statutes and formulate specific recommendations. Nominal administrative costs are anticipated.

32. The Secretary of Transportation should request the Virginia Transportation Research Council conduct the following:

- A study to determine the need for making standards, procedures and penalties uniform for driving under the influence (DUI) and boating under the influence (BUI), no later than 2005. Projected cost for completion is \$20,000.
- A study of the benefits of mandating all drivers and boat operators involved in fatal crashes be tested for alcohol, no later than 2005. Projected cost for completion is 15,000.
- A study on the collection, use and feasibility of third-party reimbursement for blood tests for BAC level for drivers admitted to hospitals, no later than 2005. Projected cost for completion is \$15,000.

- A study and recommended methods for creating a standardized system for DUI-related record keeping across state agencies that would coordinate and integrate databases and make information more readily available, no later than 2005. Projected cost for completion is \$35,000.
- A study that gathers data to evaluate the effectiveness of Virginia's open container law, compare this data to national benchmarks, and make recommendations for changes in the law, if needed, no later than 2005. Projected cost for completion is \$20,000.
- A study to identify recommend methods for creating regular, periodic reports to law enforcement and court personnel regarding vehicle impoundments to help local officials identify individuals who have committed previous serious offenses, no later than 2008. Projected cost for completion is \$20,000.
- A study to determine the feasibility and impact of creating a dedicated funding stream (supported through fines and user fees), to support local DUI enforcement programs, public education campaigns and substance abuse prevention, intervention and treatment services, no later than 2008. Projected cost for completion is \$30,000.

33. The National Center for State Courts, with input from the Supreme Court, General District Court Clerks, and the Committee on District Courts, should study the feasibility of instituting a conformance bond system that would provide a financial incentive to offenders to comply with court orders by returning a portion of the bond upon successful completion of all requirements, no later than 2008. Projected cost for completion is \$50,000 - \$75,000.

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*Appendix B – Participant List*

Julia Allaman, Vice Chairman  
Peninsula ASAP Policy Board

James Barcroft, Chairman,  
Chesapeake Bay ASAP Policy Board

Richard J. Beaver, Deputy City Attorney  
Virginia Beach City Attorney's Office

Georjeane Blumling, Vice President Public Affairs  
Tidewater AAA

Charles S. Broadfield, Ph.D., Clinical Director  
Janus Association

Everette Brooks  
City Of Virginia Beach

Vincent M. Burgess, Assistant Commissioner  
Virginia Department Of Motor Vehicles

Judy Cole, Habitual Offender/DIP Team leader  
Chesapeake Bay ASAP

Theresa Case, Victim

Lillian DeVenny, President  
Virginians Opposing Drinking And Driving (VODD)

Marleen Durfee  
DUI Task Force Member

Dave Duty  
Virginia Beach Police (Retired)

Kurt Erickson, President and CEO  
Washington Regional Alcohol Program

James Fisher

Janet Fisher

Honorable Timothy S. Fisher  
Newport News General District Court

Theodore L. Fitzgerald  
VASAP

Jinny Gray, Financial Technician  
Chesapeake Bay ASAP

Richard D. Griffin, Director  
Tri-River ASAP

Stephen J. Hearne, Team Leader  
Chesapeake Bay ASAP – Eastern Shore

March Hickless, Sergeant  
ODU Police  
Old Dominion University

Robert Hill, Chief Magistrate  
Virginia Beach Magistrates Office

Bernard Hodges, Director  
Peninsula ASAP

Clifford Hoffman, Director  
Southeastern ASAP

Dave Holt, Legislative Assistant  
18<sup>th</sup> District Office

Honorable W. Edward Hudgins, Jr.,  
2nd Circuit Court

Dashawna Jackson  
Chesapeake Bay ASAP

Brian W. Kays, President  
KNT Network Services, Inc.

Richard Lauderman, Police Officer  
Newport News Police Department

Jerry Lawson, PhD  
E. Claiborne Robins School of Business

Sandra Littel, Victim  
Landon Chambers Family

Senator L. Louise Lucas  
State Senate 18th District

Celestee Matthews, Administrative Coordinator  
Chesapeake Bay ASAP

Richard H. Matthews, Attorney  
Pender And Coward

Danny Mitchell, Vice President  
Virginia Hospitality And Travel Association

Reta Moore, Director

## Appendices

### Capital Area ASAP

Larry L. Orie, Chairman  
Peninsula ASAP Policy Board

Karen Pyle, Victim  
Virginians Opposing Drinking and Driving (VODD)

Carol Powell, Director  
Rappahannock ASAP

Angela M. Ptucha, Legislative Policy Analyst  
Richmond, VA

Mary Ann Rayment, Public Relations Specialist  
Virginia Department of Motor Vehicles

Senator Nick Rerras  
State Senate 6th District

Calvin R. Richardson, Police Officer  
Old Dominion University  
Department Of Public Safety

Martin J. Roach, Police Officer  
Smithfield Police Department

James E. Robertson, Police Corporal  
Norfolk, VA

Tamara Rubin, Security  
Norfolk Airport

Gigi W. Smith, Chief Deputy/Criminal Division  
Virginia Beach Circuit Court Clerks Office

Lynn Smith, Victim

Ramona Ortiz  
Virginians Opposing Drinking and Driving (VODD)

Senator Kenneth Stolle  
State Senate 8<sup>th</sup> District

Kim Tamburino, Consumer Affairs  
Hoffman Beverage Co.

Honorable Norman A. Thomas  
Norfolk General District Court

Honorable Alfred M. Tripp  
Norfolk General District Court

Greg Vasilou, District Coordinator  
Drager Interlock, Inc.

Marie VanNostrand, PhD, Senior Consultant  
Luminosity, Inc.

Tanyika White, Executive Assistant  
Chesapeake Bay ASAP

Candy Whitfield, Senior Case Manager  
Chesapeake Bay ASAP

Honorable Bruce A. Wilcox  
Norfolk General District Court

Judy Worthington, Clerk of Court  
Chesterfield County Circuit Court

Lloyd Young, Jr., Executive Director  
Chesapeake Bay ASAP

*Appendix C – Biographical Sketches*

Summit Coordinator

**Lloyd Young, Jr., MSM**

Executive Director  
Chesapeake Bay ASAP

Lloyd Young is the Executive Director of Chesapeake Bay ASAP, and is the current President of the VASAP Directors' Association. He has over 25 years experience working in both the criminal justice and behavioral health professions. Prior to his current position, Mr. Young worked with the Virginia Department of Criminal Justice Services. He planned and staffed gubernatorial initiatives including Governor Wilder's Drug Summit (1992) and Governor Allen's Crime Forum (1996).

Lloyd completed his undergraduate studies at the University of Massachusetts and has a graduate degree in Management from Lesley College.

Speakers

**Vincent Burgess**

Assistant Commissioner  
Transportation Safety Services Department of Motor Vehicles

Vince Burgess entered government service in July of 1974 as a planner for the city of Portsmouth, Virginia. In July of 1975, Vince was hired by the Highway Safety Division of Virginia as the Program Director to set up and manage the newly formed Virginia Alcohol Safety Action Program (VASAP). In 1978, he was promoted to Administrator and headed up the VASAP program for the Department of Transportation Safety. Vince was elevated to the position of Administrator of Transportation Safety for the Department of Motor vehicles in July of 1983. He currently serves as the Assistant Commissioner of Transportation Safety Services for the Virginia Department of Motor Vehicles. He has served on several national, state and nonprofit Committees and Commissions. Vince has a Bachelors Degree in Business Administration from Old Dominion University and a Masters in Public Administration from Virginia Commonwealth University. He has also completed the Federal Executive Institute's and the Virginia Executive Institute's executive management programs.

**The Honorable Whittington Clement**

Secretary of Transportation

The Honorable Whitt Clement serves in Governor Mark Warner's Cabinet as Secretary of Transportation. In this capacity, he oversees six agencies, 12,000 employees, and an annual budget in excess of \$3.2 billion. Prior to joining the Warner administration, the Secretary served in the Virginia House of Delegates for fourteen years. While in the legislature, he served on the House Transportation and Appropriations Committees and chaired the Appropriations Subcommittee on Transportation. Whit Clement is retired from the Danville law firm of Clement & Wheatley. He is a past president of the Virginia Bar Association and he has been listed among the best lawyers in the Commonwealth by Virginia Business Magazine. Whitt is a graduate and former trustee of Episcopal High School in Alexandria, Virginia, and the University of Virginia undergraduate and law school. He is married to the former Margaret Irby and the couple has three boys.

**Robert G. “Jerry” Lawson, PhD**

Jerry Lawson is an Assistant Professor of organizational development at the Management Institute within E. Claiborne Robins School of Business. He has previously taught at a number of other institutions, including Virginia Commonwealth University, Randolph Macon College at Ashland, and Smith Deal/Massy Business College.

Dr. Lawson has over 30 years of experience in Virginia state government, with 23 years in management, 16 of which were at the chief operating officer level. His early experiences included work with the Department of Education, Department of Rehabilitative Services, Department of Corrections, and Department of Social Services. From these assignments he has developed a broad perspective of Virginia state government. His last position with the state was Deputy Director of the Department of Economic Development; prior to that he was Deputy Commissioner of the Virginia Employment Commission.

From 1991 to 1994, Jerry was self-employed as an independent management consultant, specializing in organizational renewal, policy development, strategic planning and training.

From 1992 to 1996, he was the program leader for the Virginia Executive Institute. In this capacity he directed the executive leadership development program for senior level administrators across state government.

**Senator L. Louise Lucas**

Senator Lucas was elected to the Virginia State Senate in 1992 and currently serves the 18<sup>th</sup> District. Louise serves on the Senate Committee for Courts of Justice, the Senate Committee on Education and Health, the Senate Committee on Local Government, the Senate Committee on Rehabilitation and Social Services, as well as several other subcommittees and commissions.

Senator Lucas currently holds the following positions:

- » President and CEO of the Portsmouth Day Support- a center-based day support program
- » President and Executive Director of Lucas Lodge - a licensed residential and center-based day support program for adults and adolescents with developmental challenges
- » President and Administrator of the Southside Direct Care Provider – residential programs for adults and adolescents with developmental challenges

Louise received her Bachelor of Science degree in vocational-industrial education and her Master of Arts degree in urban affairs with a concentration in human resources, planning and administration from Norfolk State University.

**Senator Nick Rerras**

Senator Rerras was elected to the Virginia State Senate in 1999 and serves the 6<sup>th</sup> District. Nick serves on the Senate committees of: Courts of Justice, Transportation, Rehabilitation and Social Services, and, Agriculture, Conservation, and Natural Resources

Nick also serves on the Joint Commission on Health Care, the Virginia War Memorial Foundation, the Commission on Youth, the Commission on VASAP and the Dr. Martin Luther King, Jr. Memorial Commission.

Senator Rerras was recently honored as the 2002 "Legislator of the Year" by the Virginia Sheriff's Association for his strong support for law enforcement and public safety. On the Eastern Shore, Nick was honored to receive the prestigious "Outstanding Service Award" from the Virginia Potato and Vegetable Growers Association.

### **Gary F. Snellings**

Gary Snellings was born and raised in Stafford County, Virginia. In 2001, Gary retired as Vice President of Sales from the McLane Company, a wholly owned subsidiary of Wal-Mart. Upon his retirement, he sought and was elected to a four-year term on the Stafford County Board of Supervisors. Shortly after his election, he and his wife Sharon founded G&S Inc., a company dedicated to bringing the best in personal development, leadership and inspiration to its audiences. His "tools for success" seminar series is drawn from his experience in the fields of customer service, goal setting, and team building. In addition, he gives keynote addresses to companies and organizations around the country. As Gary likes to say, "When I was six, I wanted to be seven and when I was seven, I wanted to be a public speaker."

### **Senator Kenneth W. Stolle**

Senator Stolle has been a Virginia State Senator for the 8th District since 1992. He serves as Senate Majority whip and is a ranking Senate expert on criminal justice.

Ken has helped pass mandatory sentencing laws and develop programs to stem recidivism. He serves as Chairman of the Courts of Justice Committee, which approves all judicial appointments for the Commonwealth, the Public Safety subcommittee of the Senate Finance Committee, and the Virginia State Crime Commission. In addition, he serves on other key Senate committees and the Joint Commission on Health Care.

### **Facilitators**

#### **Dave Duty**

Dave Duty is a recently retired 18 year Veteran of the Virginia Beach Police Department. His retirement resulted from an on-duty accident: being struck by an impaired driver. Officer Duty's law enforcement career was dedicated to the removal of impaired drivers from the streets of the city of Virginia Beach.

The career of Officer Dave Duty is distinguished by the following accomplishments: fatal crash investigator, hostage negotiator, member of Selective Enforcement Team, NHTSA instructor, and the recipient of many federal, state, and local awards.

#### **Marie VanNostrand, PhD**

Marie VanNostrand is a Senior Consultant with Luminosity Inc. specializing in research, evaluation and information technology solutions for criminal justice programs across the country. Prior to entering the consulting business Marie worked in the criminal justice system at the state and local levels for over 10 years; including work in the positions of alcohol safety action program (ASAP) case manager; probation and parole officer; pretrial services deputy director; and as a program analyst for the Virginia Department of Criminal Justice Services.

Dr. VanNostrand earned her Bachelor of Science degree in Criminal Justice from Syracuse University, and Masters degrees in Public Administration and Urban Studies and a PhD in Urban Services from Old Dominion University.

### **Judy L. Worthington**

Judy Worthington is Clerk of the Circuit Court of Chesterfield County, Virginia. She was originally elected to this position in November 1991 and is now in her second 8-year term, serving a population of approximately 270,000.

Prior to her election, Ms. Worthington was employed for 10 years with the Supreme Court of Virginia as an advisor to circuit court judges and clerks in matters of court administration and efficiency, planning and organization, case delay-reduction, personnel management, accounting, and technology. She also has a background in criminal justice, having previously worked in a professional capacity for the Virginia Department of Corrections and Norfolk Circuit Court.

A native of Norfolk, Virginia, Ms. Worthington graduated from Old Dominion University in 1973 with a Bachelor of Science degree in Psychology. She has also achieved her Certification as Clerk of Court from the Center for Public Service and Division of Continuing Education at the University of Virginia.

### **Technical Advisor Coordinator**

### **Marleen K. Durfee**

Marleen Durfee has been involved in the Alcohol Highway Safety System for 20 years having worked in three states; Pennsylvania, Louisiana and Virginia. Her first position was Director of the DUI program in which she worked closely with judicial, law enforcement and intervention/treatment programs. She trained law enforcement on detecting impaired drivers and organized a taskforce to provide judicial changes in handling offenders. Realizing that youth was a particular target population, she provided alcohol highway safety programs to local schools and colleges. In Louisiana, she developed and implemented an offender program providing advisory services to the probation departments. As Director, she also provided consulting services for private treatment programs. From 1986-1991, she was employed by Capital Area Alcohol Safety Action Program to provide evaluations, case management and public information services. She developed the Youth Offender Program and continued her efforts to work with law enforcement, judicial and treatment programs. In 1992, she worked with Jerry Kilgore in reviewing bills on DUI legislation. Recently, Marleen was a member of the Prevention, Intervention and Treatment Committee as part of Governor Warner's DUI Taskforce.

Ms. Durfee graduated from Pennsylvania State University with a BS in Health Community Education and has completed continuing education courses at the University of New Orleans and the University of Richmond.

Media Coordinator

**Mary Ann Rayment**

Mary Ann Rayment spent several years in the radio industry before beginning her career in government service as a Public Relations Specialist with the Virginia Department of Motor Vehicles. Currently, she serves as the Safe Communities' Program Manager in southeast Virginia. Mary Ann is a spokesperson for the area on transportation safety issues. Her multifaceted duties include grant management, program development and variety of media related issues.

She is a graduate of the Shenandoah Conservatory of Music with degrees in music and music theatre. She is also a NHTSA certified instructor for child passenger safety and teaches media and public information workshops throughout the country for NHTSA and TSI. Mary Ann resides in Virginia Beach with her husband Michael Bennett.

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## Appendices

### Appendix D - Agenda

9:00 am	Welcome: Senator Ken Stolle- Statement of Purpose		
9:15 am	Keynote Address:	Honorable Whittington Clement Secretary of Transportation	
9:30 am	Summit Format: Jerry Lawson, PhD		
<b>BREAKOUT SESSIONS</b>			
9:45 am	General Deterrence	Specific Deterrence	Prevention, Intervention, and Treatment
11:00 am	BREAK		
11:15 am	Prevention, Intervention, and Treatment	General Deterrence	Specific Deterrence
12:35 pm	Luncheon Speakers:	Senator Nick Rerras Gary Snellings Stafford County Board of Supervisors	
1:45 pm	Specific Deterrence	Prevention, Intervention, and Treatment	General Deterrence
3:00 pm	Closing Session:	Senator L. Louise Lucas Vincent Burgess, Assistant Commissioner Transportation Safety Services DMV	

*Appendix E - Summit Staff*

Summit Coordinator .....Lloyd Young, Jr., MSM

Facilitator Coordinator .....Jerry Lawson, PhD

Dave Duty, Facilitator  
Marie VanNostrand, PhD, Facilitator  
Judy Worthington, Facilitator

Technical Advisor Coordinator .....Marleen Durfee

Kurt Erickson  
Cliff Hoffman  
Bernard Hodges  
Danny Mitchell

Summit Documentation .....Brian W. Kays

Judy Cole  
Jinny Gray  
Celesteen Matthews  
Candy Whitfield

Media Coordinator .....Mary Ann Rayment

Dave Holt

Registration .....Tanyika White

Dashawna Jackson

## **Acknowledgements**

The following organizations are to be commended for their generous contributions of time and resources that helped make the Regional Summit on Driving Under the Influence a success.

**Chesapeake Bay ASAP**

**Commission on VASAP**

**Department of Motor Vehicles**

**Drager Interlock, Inc.**

**Peninsula ASAP**

**Southeastern ASAP**

*Report prepared by:*

