


## City of Alexandria, Virginia

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MEMORANDUM

**DATE:** DECEMBER 9, 2010

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**FROM:** JAMES K. HARTMANN, CITY MANAGER 

**SUBJECT:** STATUS REPORT AND FUTURE PLANS FOR THE ALEXANDRIA ALCOHOL SAFETY ACTION PROGRAM (ASAP)

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**ISSUE:** Consideration of a Report on the Alexandria Alcohol Safety Action Program.

**RECOMMENDATION:** That Council receive this report on the status of the City's Alcohol Safety Action Program, and advise the City Manager and Sheriff if Council concurs with the proposal to return the local program to the State for administration by the State Alcohol Safety Action Program.

**DISCUSSION:** The Code of Virginia (§18.2-271.2) provides for a Virginia Alcohol Safety Action Program (VASAP) Commission. The VASAP Commission, in turn, oversees local ASAP programs that work with individual DUI offenders and give them the education and other services they need. Generally those participating in these programs are ordered by the court to attend ASAP training as a result of their driving under the influence (DUI) status.

The Alexandria ASAP Program has existed for many years. It was first administered by the Commonwealth's Attorney's Office, but was moved to the Sheriff's Office in the 1990's. The ASAP staff provides case management and education classes to individuals convicted of driving under the influence (DUI). The Alexandria ASAP program, which operates from leased offices in the 400 block of King Street, currently manages a caseload of 700 offenders. It is staffed with three employees: a director and two caseworkers. The program is designed to be self-funded from the fees paid by those who have been ordered by the court to participate in this program.

Over the past months, the Sheriff and his staff have had a series of meetings with the VASAP staff and board to discuss the decline in Alexandria program revenues due to fewer enrolled participants, the cost of operating the Alexandria program and the options for continuing the program in the future.

The FY 2011 budget for this program is \$368,270. Until 2007 due to the number of program participants, program fees generated a budget surplus. These fees were placed in a surplus account which had a balance of \$193,000 in 2007. Since 2007, program participation has declined, the fees generated have been insufficient to pay for the program, and deficits have been

covered by using funds from the surplus account. The current balance of the surplus account is \$71,991. Deficits have occurred because DUI cases have declined (approximately 35 percent since 2007), resulting in a corresponding revenue reduction, while rent, and employee compensation costs have risen. The FY 2011 deficit, through November 30, 2010, is \$42,991. If expenditures and revenues continue at the current rate, the total annual deficit for Alexandria's ASAP for 2011 will be \$101,738.

At Council's September 28 legislative meeting, at the request of the Virginia Alcohol Safety Action Program (VASAP) Office, Council adopted a resolution reaffirming the City's endorsement of the City continuing to have an independent policy board for our ASAP program operated by the Office of Sheriff. At that time it appeared that the program could continue as currently structured, and staff expected that the ASAP program could be funded solely by client fees. Staff also recommended legislation in the 2011 City Package to increase these fees to help cover program costs.

On December 3, 2010, the (State) VASAP Commission met and ordered a freeze on Alexandria ASAP's surplus account. This action will force the City to use general funds for Alexandria ASAP if it is to be maintained as a local program. No City funds have been budgeted for the Alexandria ASAP program. The City's alternative is to agree to return the ASAP program to the control of the State (VASAP). The state could combine the program with that of another local jurisdiction, or find less expensive rental space and reduce staffing in order to reduce costs.

In addition VASAP staff has also indicated to a number of individuals that it will oppose any legislation to increase VASAP fees.

After reviewing the funding issue and determining that the City does not wish to provide additional local funds to maintain this program, the Sheriff and I believe it is in the City's best interest to turn the program over to VASAP and let the state decide how and where Alexandria ASAP clients can obtain the educational services provided by the program. If Council concurs, we will advise the VASAP Commission that the City cannot justify using City funds to support this program and is returning it to State (VASAP) control. The City will work with VASAP for an orderly transition of the program. In addition, staff will not pursue legislation to increase VASAP fees.

Of the three City staff currently assigned to ASAP, one is a temporary employee, another staff member will be transferred to another position in the Sheriff's Office and the third staff member is expected to be leaving City employment after the first of the year.

**FISCAL IMPACT:** If the program is continued, and if the City is unable to collect additional fees or use the surplus ASAP funds generated in the past, the City would face a deficit of up to \$101, 738 for FY 2011. Of this amount \$42,991 is the shortfall through November, which has been covered with funds from the surplus account. This leaves an unfunded deficit of \$59,546.

**STAFF:**

Dana Lawhorne, Sheriff

Tony DiCesare, Chief Deputy Sheriff

Michele Evans, Deputy City Manager

Bernard Caton, Legislative Director