VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

Commission on VASAP

Ignition Interlock & Remote Alcohol Monitoring Process & Procedure Manual

Your Doorway to Safe & Sober Driving

July 1, 2021

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Part I: General Provisions

Section 1.1 Authority

The Alcohol Safety Action Program's (ASAP) ignition interlock monitoring authority is stated in Virginia Code §18.2-270.1.

Section 1.2 Purpose

Provide the local Alcohol Safety Action Programs (ASAPs) with clear and direct policies and procedures which shall be fully adhered to in the process of monitoring Virginia ignition interlock requirements. The Commission on VASAP reserves the right to deviate from these Operational Guidelines at its discretion.

Section 1.3 Monitoring System Usage & Access

Traffic Records Electronic Data System (TREDS) shall be the only ignition interlock referral, monitoring, and removal tool used by ASAP, not including DMV updates.

ASAP employees seeking to have access to the TREDS system must have their director contact the Commission on VASAP to have a USER ID and password created. Passwords must be re-set every 90 days through the "Profile" section of TREDS. In order to re-set your password, log-in to the TREDS system and click "My Account" on the TREDS horizontal toolbar. Click "Change Password" on the vertical tool bar and follow the steps to change your password.

If an individual is no longer employed by the VASAP system, the ASAP director is required to contact the Commission on VASAP immediately to terminate their access.

Section 1.4 Referral Sources

Interlock referrals are received from the Virginia Department of Motor Vehicles (DMV), the Virginia Court System, or US Probation.

Section 1.5 State-Approved Ignition Interlock Providers

Intoxalock
Jennifer O'Brien
(571) 329-6439
jobrien@intoxalock.com

Drager
Michele Denhoff
(301) 370-3205
Michele.Denhoff@draeger.com

LifeSafer
Jennifer McVeigh
(410) 279-0505
Jennifer.McVeigh@lmgholdings.com

Smart Start
John Honea
(804) 878-4108
JHonea@smartstartinc.com

Section 1.6 State-Approved Remote Alcohol Providers

LifeSafer
Jennifer McVeigh
(410) 279-0505
Jennifer.McVeigh@lmgholdings.com

Smart Start
John Honea
(804) 878-4108
JHonea@smartstartinc.com

SCRAM Systems, Inc.
Christopher Barstad
cbarstad@scramsystems.com

Part II: Program Initiation

Section 2.1 Interlock Orientation

The "ASAP Ignition Interlock Agreement" is required to be signed by all ASAP clients subject to a Virginia ignition interlock requirement. It is imperative that case managers answer any questions the client may have about the agreement to increase understanding.

Section 2.2 Interlock Service Provider Selection

ASAPs shall make the "Interlock Facility" document, and the Commission on VASAP Ignition Interlock Brochure, available to clients to assist them in their independent selection of an interlock service provider. Under no circumstances shall an ASAP employee influence a client's selection of an interlock service provider by any means, to include but not limited to, verbal or non-verbal communication or use of interlock service provider stationary or products. A copy of the most current "Interlock Facility" document can be found on the Commission website in the footer section.

Section 2.3 Interlock Authorization & Monitoring

It is the sole responsibility of the ASAP to monitor ignition interlock calibrations and send timely interlock installation and removal authorizations to the interlock service provider. Since interlock vendors rely on the information, they have on file at the time of interlock service, ASAP's failure to send a removal authorization in a timely manner may result in the client incurring unnecessary interlock fees. If this occurs, the ASAP shall be liable to the client, or interlock vendor, for unnecessary ignition interlock service provider fees.

ASAP personnel are required to make an entry into the ASAP case management system each time a calibration is reviewed indicating whether the calibration contained any interlock violations.

It is important to note that the interlock vendor is the "custodian of record" for all ignition interlock reports. This does not exclude nor disqualify ASAP personnel from appearing and testifying in court for Show Cause hearings regarding non-compliance with ASAP or ignition interlock. ASAPs are not relieved of the responsibility to report violations and status changes to the court. ASAP personnel shall continue to follow the order of the court and proceed as normal in court testimony. In the instance where the Commonwealth needs the custodian of record present, please direct them to the interlock vendor.

Part III: Interlock Installation

Section 3.1 Referral Type: Administrative/DMV

ASAPs shall require a "DMV Compliance Summary", dated within 30 days of enrollment, for any individual attempting to enroll with the program to satisfy a DMV administrative ignition interlock requirement and shall place the document in the client's file as a referral source. The "DMV Compliance Summary" must list ignition interlock as a requirement for licensing or the ASAP will be required to decline ignition interlock monitoring services.

The client must provide the ASAP with registration information for each vehicle in which an ignition interlock installation is required. If the client elects to install in a non-owned vehicle, to include leased vehicles, the ASAP shall notify the client that the "VASAP Consent to Install Form" must be properly executed before installation of the device. The document must be notarized unless the owner is going to be present at installation. An exception to this would be a leasing company that refuses to sign the "VASAP Consent to Install Form". In this instance, ASAP will accept the lienholder's signed release form.

When the ignition interlock requirement is confirmed through the client's "DMV Compliance Summary" and all vehicle registration information has been received by the ASAP, the ASAP shall send an interlock installation authorization to the client's independently chosen interlock service provider through the TREDS system. The length of the interlock requirement is a minimum of six consecutive months with no alcohol-related violations unless the original DC266 specifically states an exact number of months longer than the minimum six-month requirement. ASAPs should make sure they document exact interlock requirement times noted on the "DC266 Interlock Order Form" in the "Notes" section of the TREDS "Create a Case" for this reason.

When verification of installation of the interlock device is received in TREDS, the ASAP shall update the "Projected Program End Date" field in TREDS with a date that is exactly six months, unless noted with a longer number of months on the original DC266, from the installation date. In addition, the ASAP is required to update the DMV system, within 24 business hours, by using the INST code for each applicable vehicle. Clients, who fail to install the ignition interlock within 30 days of sending the installation authorization, shall have their referral deleted in the TREDS system.

Clients under this referral type are not eligible for indigent status for any reason and are not permitted to drive an employer vehicle without an ignition interlock installed.

Section 3.2 Referral Type: Court

Per Virginia Code §18.2-271.1, individuals arrested for DUI may pre-qualify with the local ASAP to schedule installation (not officially install) of their ignition interlock device prior to their court date. The actual installation of the device shall not occur until the day of conviction or later and a restricted license or restoration order has been issued by the convicting court. In these instances, the ASAP can charge the ASAP fee in full. It is imperative that the ASAP notify the client that the fee is not refundable even if there is no conviction. The "ASAP Pre-

Enrollment and Ignition Interlock Pre-Qualification Form" can be found under the "Tools" tab in TREDS.

The ASAP shall send a pre-qualification referral to the client's independently chosen ignition interlock service provider by placing the client's future court date in the "Notes" field and checking the pre-qualification box in TREDS. If the court date changes for any reason, the client is responsible for notifying the ASAP and the ignition interlock service provider immediately.

Once received, ASAPs shall review the client's DC261, DC265, and DC266 to verify all ignition interlock requirements. The DC266 contains the following information:

> Client Information: court information that must be matched with ASAP client records in the case management system to confirm accuracy. Information includes, but is not limited to, the client name, address, date of birth, and DMV customer number.
>
> Effective Date: the date that the client is eligible to install the ignition interlock device. This date is entered in the "Court Order Date" field of the TREDS installation authorization. This date is the "Effective Date" on the DC266, if a court ordered referral.
>
> Length of Interlock Requirement: the length of consecutive time that the client must have the ignition interlock installed. This will be noted on the third page of the order (DC266 Interlock Order Form) and will either be marked "until the period of license suspension/revocation has ended" or the number of months will be specifically noted in this order. This information is entered in the "Program Length" field of the TREDS installation authorization. If the interlock requirement is until the end of the restricted license, this date, found on the DC265, shall be entered in the "Projected Program End Date" field in TREDS. Similar to a DMV Referral, if the period of time is in months, the ASAP shall update the "Projected Program End Date", when verification of installation is received in TREDS, by adding the number of months to the verified installation date. If the court has permitted a client, convicted of a DUI 1st offense with a BAC below .15%, to operate a vehicle with no restriction other than ignition interlock, the length of the interlock requirement is 12 consecutive months minimum regardless if a shorter time is marked on the DC266. ASAPs are required to note ECM whenever an interlock requirement of this type is received.
>
> Number of Vehicles: the vehicles that are required to have an interlock installed by the court. If the offense is a DUI 2nd or subsequent, all vehicles operated or titled, in full or in part, to the client will be required to have an interlock installed for a minimum of six consecutive months with no alcohol-related violations.
>
> In some cases, on a DUI 1st offense, the court will require that an interlock be installed on all vehicles registered or titled to the client. In this situation, the ASAP shall not place an INST on any vehicle until all vehicles have an ignition interlock installed. At that time, an INST can be entered on all applicable vehicles. If the interlock requirement is for a normal DUI 1st requirement, the ASAP shall not place an NCRT code on any

vehicle not equipped with an interlock until it is time to remove the interlock device successfully. Please see the end of Section 5.1.

Employer Vehicles: a section checked "Yes" if the court permits the client to drive an employer vehicle without an interlock installed. The client is still required to install an interlock device in a personal vehicle to satisfy the requirement. If permitted by the court and checked "Yes" on that portion of the DC266 Ignition Interlock Form, the employer must complete the "Employer Ignition Interlock Acknowledgement & Owner Verification Form" which verifies the owner of the business is aware and that the client is not in control of the business in whole or in part. The client must return this document to the ASAP within 10 calendar days of enrollment or the client will be sent back to court non-compliant. This document is located under the "Tools" tab in TREDS.

Indigent Status: a section checked "Yes" if the court determines that the client is indigent and not required to pay a portion or all of the ignition interlock fees. If this section is checked "Yes", the client is required to complete, and have notarized, the "VASAP Unaffordability Request Form" and submit to their ASAP who will then forward to the Commission on VASAP for final approval. If checked "No", it is not necessary to send the form to the Commission. The Commission on VASAP will notify the ASAP and the client's independently chosen interlock service provider of the final decision, and the length of the full or partial waiver, if approved. Under no circumstances will indigent status include months added to the original requirement due to a violation or any months that exceed the restricted license end date. If this section is not checked "Yes", the client is not eligible for indigent status. The "VASAP Unaffordability Request Form" is located under the "Tools" tab in TREDS.

The client must provide the ASAP with registration information for each vehicle in which an ignition interlock installation is required. If the client elects to install in a non-owned vehicle, to include leased vehicles, the ASAP shall notify the client that the "VASAP Consent to Install Form" must be properly executed before installation of the device. The document must be notarized unless the owner is going to be present at installation. An exception to this would be a leasing company that refuses to sign the "VASAP Consent to Install Form". In this instance, ASAP will accept the lienholder's signed release form.

Once verification of installation of the interlock device is received in TREDS, the ASAP shall update the "Projected Program End Date" field in TREDS with a date that is exactly the number of months ordered by the court. If the court-ordered ignition interlock requirement is through the entire restricted license period, the end date shall be entered in the "Projected Program End Date" field of TREDS when sending the installation authorization to the interlock service provider. In addition, the ASAP is required to update DMV, within 24 business hours, by using the INST code for each applicable vehicle. For TREDS purposes only, clients who fail to install the ignition interlock within 60 days from the installation authorization date shall have their referral deleted in the TREDS system.

ASAPs are required to follow-up with each court they service to determine how the specific court would like the ASAP to handle clients who fail to install the interlock device within 30 days of the effective date on the DC266 Ignition Interlock Order.

If a client amends their restricted license order to add a restriction, change an address, etc.., the new effective date does not change the original end date at DMV. For example, if the original restricted license on a DUI 1st conviction is effective January 1, 2018, a change to the order in March, 2018 does not change the original end date of January 1, 2019.

If a client appeals a General District Court DUI conviction, the interlock requirement shall not be enforced until the appeal is heard and the court decides if the conviction stands. If the interlock is already installed before the client decides to appeal the conviction, the device shall be authorized for removal by the ASAP when they appeal. If a client appeals a Circuit Court DUI conviction, the interlock requirement stands until the appeal is heard and the court overturns the conviction, if they so elect.

Section 3.3 Referral Type: US Probation

Clients who are referred to ASAP by US Probation must petition the state court of jurisdiction for a restricted license if they intend to drive a vehicle. When the client obtains a restricted license from the state court of jurisdiction, the same installation procedures apply that are outlined in the Court Referral Type Section 3.2. It is important to note that the referral remains a "US Probation" referral type even after a restricted license is issued by the state court.

Section 3.4 Registering & Titling of Vehicles

If a client titles a vehicle while under a DUI 1st requirement, and intends to operate such vehicle, they will be required to install an interlock in the vehicle within 10 days. If they do not intend to drive this vehicle, the ASAP simply does not update anything in the DMV system until the interlock requirement has been satisfied. At that time, the ASAP shall place an NCRT code into the DMV system for each vehicle that was not subject to the interlock requirement before placing a CMPL on the vehicle, or vehicles, that were subject to the interlock requirement.

Please see Part XVI, titled "DMV Vehicle Activity Report" before proceeding any further in this section.

If a client titles a vehicle while under a DUI 2nd or subsequent, or DUI 1st requirement requiring interlock to be installed on all vehicles, and fails to have an interlock installed in the new vehicle within 10 days, the client shall be required to install an interlock in the added vehicle for the full length of time ordered by the court, or if a DMV referral, a minimum of six consecutive months with no alcohol-related violations. In addition, all other vehicles currently installed with an ignition interlock will be required to start over from the date an interlock is installed in the recently added vehicle for the full length of time ordered by the court, or if a DMV referral, a minimum of six consecutive months with no alcohol-related violations.

If a client titles a vehicle while under a DUI 2nd or subsequent, or a DUI 1st with an "all vehicles", ignition interlock requirement, notifies the ASAP and installs the interlock device

within 10 days, avoiding a license suspension, the client shall be required to install an interlock in the added vehicle for the remaining length of time left on the existing interlock requirement. If the client fails to abide by this requirement, the ignition interlock inception date for all vehicles will re-start from the new installation date, or the last violation, whichever is most recent.

If a client does not own a vehicle, but has an outstanding ignition interlock requirement, they can install the interlock in a non-owned vehicle, to include leased vehicles. The owner, or leasing company, must completely fill out the "VASAP Consent to Install Form". This form is located in under the "Tools" tab in TREDS. An exception to this would be a leasing company that refuses to sign the "VASAP Consent to Install Form". In this instance, ASAP will accept the lienholder's signed release form.

In instances where an installation has already been entered into the DMV system for a client but their record still shows a "no active title", the ASAP shall give the client the title number of the vehicle and instruct them to go to the DMV to have the vehicle deleted from their history.

Section 3.5 Out-of-State License Surrender

Clients who permanently reside in the Commonwealth of Virginia, and desire to drive, have 60 days, per Virginia Code §46.2-308, to surrender their out-of-state license and obtain a valid Virginia driver's license. Clients who fail to abide by this requirement will not receive any interlock credit, past the 60 days allotted on their restricted license, until they have met all licensing requirements of the Virginia DMV by achieving a licensed driver status.

If a client is in not-licensed status (does not include suspended or revoked) in Virginia, but the not-licensed status does not affect their out-of-state license status, interlock time will count unless the DC265 specifically lists a Virginia work address. In order to successfully enter not-licensed status, the client must file appropriate insurance, pay the reinstatement fee, and meet any other DMV requirements. If a Virginia work address is listed on the DC265, or the Virginia not-licensed status negatively affects their out-of-state license, the case would be handled in the same fashion as a client who resides in Virginia. The client is responsible for providing proof of licensed status in the other state by providing an updated driver's transcript to the ASAP within 60 days from conviction and the transcript must be dated at least 30 days after conviction. In addition, the client must provide a transcript, dated within the past 30 days, at the end of their interlock monitoring period to the ASAP to verify out-of-state licensing status before a removal authorization is sent to the interlock vendor.

Part IV: Interlock Calibration

Section 4.1 Referral Type: Administrative/DMV

Per Virginia Code §18.2-270.1, clients are required to have the interlock device calibrated at least every 30 days. ASAPs are required to verify that a client has calibrated at least every 30 days and review the calibration report to determine if any alcohol-related violations exist. If a

TREDS missed calibration alert is received, the ASAP shall review the client's record on the assigned ignition interlock vendor's web-site to confirm that the calibration did not occur. The ASAP shall then check the case management system to make sure the client did not report the reason for the missed calibration. The ASAP shall then provide a courtesy call to the client to see if they have a valid reason for the missed calibration. Once the missed calibration is verified, and no reasonable excuse provided, the ASAP shall send an unsuccessful removal and place an RVAS code in the DMV system unless the ASAP and client agree to extending the time for the calibration. Once the interlock device is authorized for removal and an RVAS is placed in the DMV system, the client's six-month interlock requirement will start over if they choose to continue with ASAP interlock monitoring in the future, regardless if they took the vehicle in for interlock device removal. ASAP directors have discretion, regarding starting a client's interlock time over in this situation, if the client never had the interlock device removed.

Section 4.2 Referral Type: Court

Per Virginia Code §18.2-270.1, clients are required to have the interlock device calibrated at least every 30 days. ASAPs are required to verify that a client has calibrated at least every 30 days and review the calibration report to determine if any alcohol-related violations exist. If a TREDS missed calibration alert is received, the ASAP shall review the client's record on the assigned ignition interlock vendor's web-site to confirm that the calibration did not occur. The ASAP shall then check the case management system to make sure the client did not report the reason for the missed calibration. The ASAP shall then provide a courtesy call to the client to see if they have a valid reason for the missed calibration. Once the missed calibration is verified, and no reasonable excuse provided, the ASAP shall immediately send a non-compliance letter to the court unless the ASAP and client agree to extending the time for the calibration.

Section 4.3 Referral Type: US Probation

The same processes and procedures of the Court Referral Type Section 4.2 apply to this section with the addition that ASAP shall notify the client's assigned US Probation Officer of any violations of the client's ignition interlock requirement to include failure to install, failure to calibrate, and any incurred alcohol-related violations. The ASAP shall also notify the state court that issued the restricted license of the same.

Part V: Interlock Removal

Section 5.1 Referral Type: Court & DMV

After verification that the client has met all conditions of their ignition interlock requirement, and received court-approval if required, they shall send a removal authorization to the client's independently chosen interlock service provider through the TREDS system. The ASAP is required to run a DMV record check to verify the client is licensed before sending the removal. Please see "Part VIII: Crediting Ignition Interlock Installation Time" for those clients who are not in a valid licensed status. The ASAP, at the time of successful removal authorization, shall

also update the client's interlock status within the DMV system as successfully completed by entering the CMPL code by each vehicle for which an interlock was installed. Correct processing of installation into DMV for a standard DUI 1st requirement is covered later in this section.

It is the ASAP's responsibility to authorize removal of the ignition interlock once the client has successfully satisfied all of the interlock requirements. ASAPs who fail to send the removal authorization to the client's interlock service provider as required shall be liable to the client, or interlock vendor, for unnecessary ignition interlock service provider fees, if incurred.

In instances where the ASAP is sending a removal authorization due to an unsuccessful General District Court-ordered interlock removal, the ASAP shall delay removal authorization until the end of the appeal window of 10 days unless the client, or their attorney, advise the ASAP they will not be seeking an appeal. Absent communication from the client, or their attorney, that they will not be seeking an appeal, the ASAP shall verify the existence, or non-existence, of an appeal through the Virginia Supreme Court web-site at the 10-day mark. If there is no appeal of the General District Court case, the ASAP shall immediately authorize removal of the interlock device and RVAS the client's interlock status in the DMV system. Unsuccessful interlock removal authorizations for DMV administrative cases do not require this 10-day delay.

If an interlock violation has been returned to the court but has not yet been tried, a removal order shall not be sent, unless otherwise directed by the court. This applies even if the client has completed six consecutive months with no alcohol-related violations.

For processing of habitual offender/license restoration cases, please see "Part VI: Other Ignition Interlock Service Types".

If the court orders successful removal of the ignition interlock device prior to any period of time mandated by law, the ASAP shall remove the device per the court order but the client will be required to repeat and satisfy the interlock requirement at a later date. Under no circumstances shall an ASAP update the DMV system with a successful completion of ignition interlock when an interlock device has been installed less than six months unless the court has ordered successful removal for a reckless driving or a license restoration case that has no DMV administrative interlock requirement.

ASAP personnel are required to abide by the Commission on VASAP Case Management Operational Guidelines regarding proper disposition of an ASAP case. In situations where a client is either ASAP revoked by the court, or had their restricted license revoked by the court, the ASAP shall authorize unsuccessful removal of the ignition interlock device, notify the client, and enter an RVAS code in the interlock requirement within the DMV system.

If a situation occurs where a client does not finish ASAP successfully and failed to return to the court for an extension of their restricted license, the client will remain licensed while the interlock is installed. Once the interlock requirement is completed successfully in the DMV system, the client's license will change to a not-licensed status until they re-enroll and complete ASAP successfully. If the client does not finish interlock successfully, the ASAP shall update the

client's interlock requirement in the DMV system with the RVAS code, effectively suspending their license.

In processing a successful removal authorization for a client subject to a DUI 1st requirement in which they only had an interlock installed on one or more, but not all, of their multiple vehicles, the ASAP shall place an NCRT code on all vehicles without an interlock installed before placing the CMPL code on the successfully completed vehicle.

If a removal authorization is sent in error through the TREDS system, the ASAP shall click "view case" within the client's file, then click "vehicle events", and then click the red "X" to delete the removal authorization for the desired vehicle or vehicles.

In cases where a client is originally ordered to have ignition interlock for 12-consecutive months with no other restrictions, they will be required to finish the 12 month requirement successfully in order to become licensed. If they later go back to the court to petition for early interlock removal short of the 12-month period, and it is granted by the court, please send the information directly to chris.morris@vasap.virginia.gov before processing the removal.

Section 5.2 Referral Type: US Probation

When the ASAP has verified that the client has met all conditions of their ignition interlock requirement and gathered removal authorization from the client's assigned US Probation Officer, the ASAP shall send a removal authorization to the client's independently chosen interlock service provider through the TREDS system. The ASAP is required to run a DMV record check to verify the client is licensed, or in a valid not-licensed status for out-of-state license holders with Virginia RDL's, before sending the removal. Please see "Part VIII: Crediting Ignition Interlock Installation Time" for those clients who are not in a valid licensed status. The ASAP, at the time of successful removal authorization, shall follow the same procedure referenced in section 5.1.

It is the ASAP's responsibility to authorize removal of the ignition interlock when the client has successfully satisfied all of the interlock requirements and has been given approval by the US Probation Officer. ASAPs that fail to send the removal authorization to the client's interlock service provider shall be liable to the client, or interlock vendor, for unnecessary ignition interlock service provider fees, if incurred.

If an interlock violation has been returned to the court but has not yet been tried, a removal order shall not be sent, unless otherwise directed by the court. This applies even if the client has completed six consecutive months with no alcohol-related violations.

In instances where the ASAP is sending a removal authorization due to unsuccessful completion of the ignition interlock requirement, the ASAP shall RVAS the client's interlock status in the DMV system at the time they send the removal authorization.

Section 5.3 Referral Type: Reckless Driving

Clients who are under an ignition interlock requirement due to a reckless driving conviction are required to complete the minimum requirement of six consecutive months of interlock installation with no alcohol-related violations. If a client chooses to install the interlock device and the court authorizes removal of the device prior to the restricted license end date and prior to a minimum of six consecutive months of interlock supervision having been completed, DMV will not require the minimum six consecutive months to be completed, however; if the interlock is still installed at the restricted license end date and the minimum six consecutive months of violation free compliant interlock supervision has not been completed, then DMV will require a minimum of six consecutive months with no alcohol-related violations.

If an interlock violation has been returned to the court but has not yet been tried, a removal order shall not be sent, unless otherwise directed by the court. This applies even if the client has completed six consecutive months with no alcohol-related violations.

The ASAP, at the time of removal authorization, shall also update the client's interlock status within the DMV system as either successfully completed by entering the CMPL code (same process as section 5.1), or unsuccessfully completed by entering the RVAS code, for each vehicle for which an interlock was installed. A client's failure to obtain their DMV license while under an ignition interlock requirement for reckless driving will not affect their compliance.

Section 5.4 Temporary Interlock Removal & Vehicle Transfers

If the client requires a temporary removal of the interlock device while under a DMV administrative requirement, the ASAP shall send a removal authorization to the client's independently chosen interlock service provider, update the client's vehicle, or vehicles, with the RVAS code in the DMV system, and start the client's interlock requirement time over unless installed in another approved vehicle within 10 days of the removal. It is important to note that if the vehicle in question was totaled before 12/15/15, the ASAP shall contact the DMV work center to properly address disposition of the vehicle in the DMV system and not place the vehicle in RVAS status. If the vehicle was totaled after 12/15/15, this is a non-issue and the RVAS code can be used. Approved reasons for a temporary removal, not requiring a re-start, would include verified vehicle accidents, mechanical work on the starter by a licensed mechanic, and catastrophic engine failure. In these situations, the total number of days that the interlock is not installed will be added to the end of the requirement.

If the client requires a temporary removal of the interlock device for a reckless driving case, or DUI 1st in which the court does not specifically require an interlock to be installed on any vehicle registered or titled to the client, in whole or in part, the ASAP can add the new vehicle in TREDS, update the DMV system and the client will be required to have the device removed from the old car and placed in the new car at the same time with no time delay. The client could also have the interlock device installed in the new vehicle before having the device removed from the old vehicle.

If the client requires temporary removal of the interlock device for a DUI 2nd or subsequent or a DUI 1st, where the court specifically requires an interlock to be installed on any vehicle registered or titled to the client, in whole or in part, court authorization is required in all circumstances.

If a client chooses to transfer the interlock device from one vehicle to another, and the transfer pertains to a DUI 1st conviction, the ASAP shall authorize removal on the first vehicle only after the 2nd vehicle has an interlock installed. The ASAP shall then place an NCRT code on the 1st vehicle (vehicle the interlock device is being transferred from) and an INST on the newly installed vehicle. Vehicle transfers involving a DUI 2nd court-ordered interlock requirement require a court order.

Part VI: Other Service Types

Section 6.1 License Restoration without Administrative Interlock Requirement

In some instances, the court will order ignition interlock even though the client is not required to complete ignition interlock administratively through DMV. The ASAP shall monitor the client's ignition interlock requirement and report their findings to the court. No entry into the DMV system shall be made unless required by DMV. ASAPs shall collect the interlock monitoring fee via a payment plan unless the client elects to pay the entire balance up front. Removals are only authorized if ordered by the court. This fee is inclusive of the monitoring of all of the restricted license requirements.

Section 6.2 License Restoration with Interlock Requirement

The ASAP shall monitor the client's interlock requirement until they complete a minimum of six consecutive months of ignition interlock with no alcohol-related violations unless the court has ordered a longer interlock requirement. ASAPs shall collect the interlock monitoring fee via a payment plan unless the client elects to pay the entire balance up front. This fee is inclusive of the monitoring of all of the restricted license requirements.

If the court orders removal of the ignition interlock device prior to six consecutive months of interlock installation with no alcohol-related events, the ASAP shall remove the device per the court order but the client will be required to complete six consecutive months with no alcohol-related violations to satisfy the outstanding DMV requirement.

Section 6.3 DMV VASAP with Interlock

ASAP shall verify the DMV VASAP and interlock requirement by reviewing the client's "Compliance Summary". Once verified, the client may enroll, and ASAP shall enter, the client's enrollment date in the DMV system. If the client wishes to drive, they will need to petition the court of DUI conviction for a restricted license. If the client completes VASAP successfully, the ASAP shall enter an ASAP completion in the DMV system. If the client fails to complete

VASAP successfully, the ASAP shall close the case unsuccessful and notify the court if a restricted license was obtained.

Interlock violations shall be re-started for a six-month period from the date of the violation unless the original "DC266 Ignition Interlock Order" specifically states a longer time. Violations shall also be reported to the court that issued the restricted license so that the court can make a determination on whether to revoke the restricted license order.

Section 6.4 DMV VASAP w/o Interlock

ASAP shall verify the DMV VASAP requirement by reviewing the client's "Compliance Summary". Once verified, the client may enroll, and ASAP shall enter, the client's enrollment date in the DMV system. If the client wishes to drive, they will need to petition the court of jurisdiction for a restricted license. If the court issues a restricted license or restoration order with the interlock requirement, then the removal of the interlock is dependent upon either successful completion of the original court-ordered interlock requirement, removal by revocation by the court, or successful court-ordered removal by the court even if the interlock installed time is less than six months. The reason is that DMV holds jurisdiction of the case, therefore if there is no DMV administrative interlock requirement on this case, the interlock requirement is solely a court issue.

Section 6.5 Remote Alcohol Monitoring

If a remote alcohol monitoring device is required by the court for any reason, and the person is referred into ASAP, the ASAP is the monitoring authority for the remote alcohol monitoring court requirement. In situations where a person begins remote alcohol monitoring as a pre-trial with another monitoring agency other than ASAP, but subsequently is convicted and referred into the ASAP, the ASAP will take over monitoring of the remote alcohol requirement for the court. In this type of situation, the ASAP is required to notify the Commission to ensure that the service provider currently servicing the client's device is state-approved.

ASAPs shall cover and provide the "VASAP Remote Alcohol Agreement" to clients and have them sign and date the document. In addition, the ignition interlock and remote alcohol facility list shall be made available to ASAP clients that are subject to either, or both, requirements. This document can be found in the footer section of the Commission website.

If a client is ordered to have an ignition interlock installed and a remote alcohol monitoring device pursuant to Virginia Code 18.2-270.1 Subsection E, the ASAP shall not update the interlock requirement in the DMV system with a successful completion (CMPL) until both the interlock and remote alcohol monitoring requirements have been satisfied successfully.

Remote alcohol monitoring violations follow the same rules of **Part VII: Interlock Violations** with the exception of testing times which are every 30 minutes; therefore, if a BAC of .020% or above is recorded on the remote alcohol monitoring device and not cleared within the next testing time, the event is considered an alcohol-related violation. ASAPs are required to send all

remote alcohol monitoring events that they consider a violation to the Commission for a secondary review via the interlockreviews@gmail.com account.

Part VII: Interlock Violations

Interlock events that contain a 0.02% BAC or higher are considered alcohol-related interlock violations. Clients are required to provide another test within 15 minutes of the failed event to assist the ASAP in determining if the original failed test was due to something other than drinking alcohol. Although this is the standard, ASAP personnel shall consider the totality of the circumstances surrounding a failing BAC to determine if the event is a violation.

Interlock events that contain skipped rolling re-tests that are not cleared within 15 minutes with a .000% BAC may be considered alcohol-related interlock violations. Although this is the standard, ASAP personnel shall consider all pertinent events surrounding a skipped rolling retest to determine if the event is a violation. In all situations, EXCEPT when the court of jurisdiction states otherwise, skipped rolling-retest events that are determined to be violations shall be treated just like an alcohol-related violation.

In situations where the ASAP has determined that an interlock event is an alcohol-related violation, and the original failing BAC is between 0.02 and 0.04%, the ASAP shall submit the interlock event to the Commission on VASAP at interlockreviews@gmail.com for a secondary review. No action shall be taken regarding the interlock event with the court, DMV, or the client either in verbal or written form until a response is received by the Commission. The Commission will reply to the ASAP with the results of their secondary review within 24-48 business hours. The local ASAP remains as the party to testify in court regarding the interlock violation if required to do so by the Commonwealth, defense attorney, or the court. If the case is a transfer case, the servicing ASAP shall send the violation review to the Commission on VASAP for secondary approval before notifying the originating ASAP.

In situations where the ASAP has not considered a BAC between 0.02 and 0.04% to be an alcohol-related violation, there is no need to send the information to the Commission for a secondary review.

ASAPs are not permitted to make treatment referrals and/or require that a treatment intervention be completed in cases where an interlock violation is recorded for an interlock-only DMV administrative ignition interlock case, for any reason.

Unless otherwise directed by the court, failure to abide by the requirements of section 7.1 in the most current “Case Management Operational Guidelines” pertaining to alcohol-related interlock violations shall require documented approval of the ASAP director or assigned supervisor.

Under no circumstances shall the ASAP accept any other means of clearing a failing BAC registered on an interlock device other than the interlock device itself. This includes, but is not limited to, preliminary breath test machines, urine screens, etc.…

If an alcohol-related violation is identified, and confirmed by the Commission on VASAP, the client's interlock requirement shall be extended six months, or more, depending on the court order, from the date of the alcohol-related violation unless a Show-Cause hearing is held and the interlock event is not determined to be a violation by the court. This does not include situations where the court simply fails to take action, or make a specific ruling, on the interlock violation. If the original "DC266 Interlock Order Form" specifically states that the interlock requirement is for a time longer than six months, the re-start shall be for that period of time. If the court has permitted a person convicted of a 1st offense DUI with a BAC below 0.15% to operate a vehicle with no restrictions other than the interlock for 12 consecutive months with no violations, then any identified alcohol-related violation will result in a 12 month extension of the interlock requirement from the date of the violation.

Even in the absence of an ignition interlock violation, ASAPs shall review all ignition interlock photographs downloaded at calibration in an attempt to identify circumvention events. Per Virginia Code §18.270.1, circumvention attempts are considered a class 1 misdemeanor.

If an interlock event, tied to a court-ordered interlock requirement, is determined to be a violation and has been confirmed via a secondary review by the Commission, the ASAP shall handle the case per the desire of the court of jurisdiction. If the referral is a DMV administrative case, the requirement shall be extended six months from the date of the violation unless the original court order stated in "months" a time longer than the six-month minimum. In that case, the interlock would be extended for a period of months equal to the months cited in the original court order.

If an interlock circumvention, of any type, is detected the ASAP shall immediately report the circumvention to the Commission on VASAP. The ASAP shall not contact the client about the violation or circumvention, without approval from the Commission, until the Commission has concluded their investigation. If the client contacts the ASAP about the circumvention or violation, the ASAP shall refer the client to the Commission on VASAP.

Part VIII: Crediting Ignition Interlock Installation Time

In situations where the client has a court-ordered ignition interlock requirement, they are required to become "licensed" through the DMV within 60 days of issuance of the court-ordered restricted license. Failure to do so results in the client no longer having a valid restricted license. Clients who fail to abide by this requirement shall lose credit for any interlock installation from the 60-day mark until the date they become licensed through the DMV.

The simplest way to calculate interlock time is to add the original length of the interlock requirement to the date that the client obtains their hard-copy license from DMV and then subtract the number of days the interlock was installed within the first 60 days of restricted license issuance.

Example for a six-month interlock requirement:

ROL Issuance Date:	*January 1, 2020*
Interlock Installation Date:	*February 1, 2020*
60-Day Expiration Date:	*March 1, 2020*
Original Program End Date:	*August 1, 2020*
Licensure through DMV Date:	*April 1, 2020*
New Program End Date:	*October 1 minus 30 days (time interlock installed before 60-day ROL expiration) = September 1, 2020*

It is important to note that the client's ignition interlock time does not start over from the date they become licensed as they receive credit for installed interlock time incurred within the first 60-days of license issuance (unless they did not have the interlock installed within the first 60-days).

Temporary breaks in licensure, after the client becomes licensed through DMV, should be added to the end of the compliance date unless the suspension is related to an alcohol, drug, or driving suspended conviction in which case the interlock time will start over from the date the client again becomes licensed through DMV.

Under no circumstances should license time be added to the interlock requirement that exceeds the client's original court or DMV-ordered interlock requirement absent an alcohol-related violation.

In rare instances the court may issue a restricted license on a DUI 2nd at the time of conviction so that the client does not have to come back to the court to obtain a restricted license at a later date. If this situation occurs, the interlock installation should not be authorized by the ASAP until the hard-suspension time has expired.

Clients, subject to a DMV administrative interlock requirement, begin credit for installed interlock time from the date they become licensed through DMV.

For interlock purposes, clients subject to a learner's permit receive credit for interlock time installed if they are age 25 or older.

Part IX: Multiple Interlock Requirements

There are multiple instances where a client may be subject to two interlock requirements, based on more than one conviction in effect at the same time. Each situation shall be handled in the following manner:

Client is convicted of a DUI 1st and a DUI 1st in a short time frame: The interlock requirements will run consecutive. In this scenario ignition interlock is only required if the customer is granted a restricted license and installs the ignition interlock device. If the customer never acts upon the

restricted license order and elects to walk for the entire revocation period, the ignition interlock requirement will be waived at the end of the revocation period

Client is convicted of a DUI 1st and a DUI reduced to reckless driving with interlock in a short time frame: The interlock requirements will run consecutive. The interlock requirement will be a minimum of six consecutive months with no alcohol-related violations for the DUI. The reckless driving interlock requirement will begin afterwards and run until the minimum number of months required by the court with no alcohol-related violations occur or until the court orders removal of the interlock device.

Client is convicted of a DUI 1st and is also convicted of a DUI 2nd while the DUI 1st ignition interlock requirement is still in effect: The interlock requirements will run consecutive but will not be effective until the four-month DUI 2nd suspension has expired for a 2nd in 10 years and one year for a 2nd in 5 years.

Client is convicted of a DUI 1st and DUI 2nd in a short time frame and the interlock is already installed on the DUI 1st when the DUI 2nd conviction occurs: The ASAP will notify the client that they are in a suspended status and advise the client that they can either keep the interlock on for the DUI 2nd four months within 10 years (or one year for a 2nd in 5 years) month suspension time and not receive credit or they can petition the court for interlock removal. The client shall be notified that any time accrued on interlock on the DUI 1st that occurred before the DUI 2nd four months within 10 years (or one year for a 2nd in 5 years) month suspension occurred will not be credited and they will have to start over after the four-month suspension for a 12-month period (two 6-month requirements running consecutive).

Part X: Ignition Interlock Monitoring Fees

ASAPs who monitor a client's DMV administrative ignition interlock requirement are entitled to collect $50 per month for their monitoring services. This includes monitoring of interlock months that are required after a client's restricted license end date. The ASAP shall only require that the client pay interlock monitoring fees as services are provided, meaning $50 per month. In situations where a client prefers to pay the entire amount of interlock monitoring fees up front, the ASAP can collect the entire amount, but any fees for months in which services are not provided must be returned to the client within 30 calendar days. The $50 per month fee is a per referral fee, not a per vehicle fee.

In situations where a client is attempting to satisfy a DMV VASAP requirement and an ignition interlock requirement at the same time, interlock monitoring fees shall be collected as follows:

1. If the client did not enroll in to the ASAP during the period of time the case was under jurisdiction of the court, the client shall be charged no more than $400 total for DMV VASAP services and interlock monitoring services.

1. If the client did enroll in to the ASAP, and failed to complete the program successfully, the client shall be charged no more than $400 for the DMV VASAP services and $50 per

month for interlock monitoring services (if applicable). The ASAP Director is permitted to use discretion in deciding if interlock monitoring charges will apply based on individual case circumstances.

In situations where a client is permitted to drive with no restrictions, other than ignition interlock, the length of the interlock requirement is 12-consecutive months with no alcohol related violations. In this situation only, if the client has no violations, and their 12-month interlock period takes them past the restricted license end date, they will not owe any monthly interlock fee to the ASAP for the first 30 days past the restricted license end date. After that time, the client will owe $50 per month for interlock monitoring. This 30-day interlock monitoring fee exclusion does not apply to a client who has an alcohol-related violation resulting in any of their interlock time extending past the restricted license end date.

If at any time a client falls 60 days or more behind in payment of interlock monitoring fees to the ASAP, the ASAP may send a removal authorization to the interlock vendor, RVAS the client's interlock monitoring status in DMV and close the case unsuccessful. The client will be required to re-enroll and pay any outstanding balance and the first month's monitoring fee to initiate service. The exception to this rule is if the client only fails to pay the final month of interlock service. If this occurs, clients who completed the interlock requirement successfully will be authorized for removal of the interlock device but will not have their status completed in DMV until they pay the outstanding $50 fee plus an additional $50 administrative fee. If the client contacts the ASAP, and pays all outstanding fees at a later date and never removed the interlock device, it is the discretion of the ASAP case manager on crediting prior installed interlock time.

Part XI: Transfers

TREDS ignition interlock cases are to be transferred to the servicing ASAP at all times. If a client transfers from one ASAP to another, regardless of the reason, the TREDS case is also to be transferred to the new servicing ASAP. TREDS interlock cases shall be transferred back to the originating ASAP in cases where the servicing ASAP has closed their interest in the case due to the client's non-compliance or the client's move back to the jurisdiction of the originating ASAP. This will enable the originating ASAP to take back full control of the case pending the outcome of the client's non-compliance. The exception to this would be situations where the court of jurisdiction prefers that the client continue in intervention while the non-compliance is being processed by the court. In that situation, the servicing ASAP would not transfer the TREDS interlock case back to the originating ASAP.

If the case is returned back to the servicing ASAP for whatever reason (re-referred by the court, etc…), the originating ASAP shall provide a letter to the servicing ASAP of the court and/or originating ASAP's expectations regarding the case.

The servicing ASAP shall report any interlock violations to the ASAP of jurisdiction (originating ASAP) within 15 days of the calibration date containing the violation. The servicing ASAP shall not take any action without first receiving direction from the originating ASAP.

In cases where the ASAP client plans to petition the court for interlock removal, the servicing ASAP shall review the client's current DMV driver's transcript to verify the current driver license status before sending notification to the originating ASAP. The client must then contact the originating ASAP to obtain a status letter to accompany their petition to remove the interlock device.

Part XII: TREDS

Section 12.1 Ignition Interlock Installation

Ignition interlock installation authorizations are sent to the client's independently selected interlock service provider by entering the following information in the "Create a Case" function on the TREDS Home Page:

ASAP: defaulted by log-in ID.

State: it is imperative that the ASAP select the correct state when sending the installation authorization so that the interlock service provider sets the ignition interlock device to Virginia specifications.

Case Manager: assigned case manager name.

Driver's License Number: the ASAP shall enter the client's Virginia driver's license number which will auto-populate the client's personal information. If the client resides out-of-state, the ASAP shall conduct a name/DOB search in the DMV system to retrieve any prior Virginia customer number or the "D" number assigned to the current conviction. If neither exist, the ASAP shall enter the out-of-state license number and manually enter the client's personal information once prompted by the system.

Referral Information: the ASAP shall enter all information by either using the DC266, if a court referral, or the DMV compliance summary and driving record if a DMV referral.

Vehicle Information: the ASAP shall enter all registration information for each vehicle in which an ignition interlock is required to be installed. If the client does not own the vehicle, the ASAP shall provide the owner with the "VASAP Consent to Install Form" found under the "Common Forms" section of TREDS.

Section 12.2 Ignition Interlock Monitoring

ASAPs are required to use the TREDS' "Alerts" section to monitor ignition interlock requirements (DMV action codes are in section XV1 for your reference). Interlock calibration alerts shall be worked and cleared from the TREDS' system on a daily basis. Identified interlock violations shall be extended a minimum of six months from the date of the latest violation, and if under a court order, shall be handled per the desire of the court of jurisdiction. In some

instances, the interlock requirement shall be extended for a period longer than six months if noted specifically on the DC266.

Section 12.3 Ignition Interlock Removal

Once the client has met all the conditions of their ignition interlock requirement, the ASAP shall send a removal to the client's independently chosen ignition interlock service provider via the table below:

Situation	Removal Type	Result Type
Successful DMV	DMV Completed	Completed Successfully
Unsuccessful DMV	DMV Completed	Unsuccessful DMV
Successful Court	Court Ordered Removal	Completed Successfully
Unsuccessful Court	Removal by Revocation	Returned to Court

The ASAP must include the BAC at arrest, the alcohol determination method, and the reason for stop when sending the removal authorization. Removals lacking any of this information will not be processed.

Section 12.4 Miscellaneous Changes

The following changes can be made within the TREDS system after installation:

Add Vehicle: in situations where a client requests to add a vehicle, the ASAP shall use this function for processing. If the client requests to replace a vehicle, and it is the only vehicle with an interlock installed, the ASAP shall send a request for installation through this method and wait for the vendor to click installed in the TREDS system for the replacement vehicle before sending a permanent removal for the old vehicle. For effective interlock monitoring purposes, all added vehicles must be sent to the same interlock vendor for which the client independently selected for their currently installed vehicle.

Request Permanent Removal: used in situations where the ASAP desires to send a removal authorization on a vehicle for which an ignition interlock will never again be installed under the current requirement.

Part XIII: Ignition Interlock Breath Reduction Requests

All breath reduction requests must be approved by the Commission on VASAP. In instances where a client advises the ASAP that they are unable to provide enough air volume to properly use the ignition interlock system, the ASAP shall require that the client complete a pulmonary exam with a qualified physician in order to determine the client's lung capacity in liters. The

"VASAP Breath Reduction Form" shall be made available to the client to assist in retrieving the required documentation from the physician. If a valid medical condition applies, the pulmonary findings must be written clearly on physician letterhead to state the client's current lung capacity in liters. The ASAP shall send the pulmonary test diagnosis to the Commission on VASAP for review. If approved, the interlock vendor and the servicing ASAP will be notified by the Commission on VASAP. If not approved, the servicing ASAP will be notified by the Commission on VASAP. The ASAP is responsible for notifying the client of approval or disapproval.

Part XIV: Interlock Complaints

ASAP employees are expected to notify clients of any ignition interlock violations and the subsequent consequence(s). Clients who disagree with a violation and ask to elevate their complaint above the case manager, should be directed to the ASAP director. Clients who fail to abide by this protocol will be re-directed by the Commission on VASAP to the assigned ASAP director.

The Commission on VASAP is available to assist case managers on interlock monitoring questions but it does not serve as an appeal source for clients. Interlock violations are expected to be handled at the local ASAP level.

In situations where the client files a complaint, whether verbal or in writing, with the ASAP regarding any customer service or interlock device issues with the interlock vendor, the ASAP shall report the issue to the Commission on VASAP via phone or e-mail at (cmorris@vasap.virginia.gov) for resolution.

Part XV: Interlock Service Provider Transfers

Clients seeking to transfer from one interlock service provider to another require Commission on VASAP approval if the interlock has already been installed. In some instances, after Commission on VASAP approval, the client will also be required to petition the court of jurisdiction for permission to temporarily remove the interlock device. ASAPs do not need Commission approval to transfer a client from one interlock vendor to another if the client never had the interlock device installed with their first independently chosen interlock vendor.

PART XVI: DMV Vehicle Activity Report

ASAP employees are required to monitor the TREDS' "DMV Alerts" tab on a daily basis. This alert notifies the ASAP of any recent activity attributed to an active client (. i.e.: vehicles recently titled, disposed of vehicles, new DUI convictions, recent order activity, etc.…). It is imperative that ASAP processes these alerts quickly so that highway safety is not compromised and to ensure that these customers are in compliance. Below is a list of DMV Codes that may appear on the DMV Alerts:

CLOC – Change VASAP Location Responsible
CMPL – Device Requirement Complete
INST – Device Installed
LEAS – Leased Vehicle Requires Device
NCRT – Not Court Required
ORDD – Order Deleted
ORDI – Order Issued
ORDW – Order Waived/Closed
RVAS – Requirement for Device Reinstated
TDEL – Title Deleted
TDIS – Customer has Disposed of Vehicle
TISS – New Title Issued, May Require Device
TOWN – New Owner for Existing Title
TREA – Title Record Re-activated
TREM – Customer Removed from Title
TRES – Title Re-Established Requiring Device
WAIV – Ignition Interlock Requirement Waived
WCRT – Court Withdrew Device Requirement
WVAS – VASAP Withdrew Device Requirement

Once a TISS or TRES DMV Code is received that is related to a client with a DUI 2nd or subsequent interlock requirement, or a DUI 1st conviction requiring interlock installation on all vehicles, the ASAP is required to abide by the following protocol:

- Immediate phone contact by the ASAP to the client advising them that failure to have an interlock device installed in the newly registered vehicle within 10 days will result in license suspension.

- If the client fails to contact the ASAP to gather interlock installation authorization and have the interlock device installed in the newly registered vehicle within 10 days of registration of the new vehicle, the ASAP is required to place an RVAS Code over the INST Code on the currently installed vehicle in the DMV system. If this occurs, the client will be required to start the interlock requirement over on ALL vehicles from the date the newly registered or titled vehicle has an interlock installed and all licensing issues have been satisfactorily resolved.

PART XVII: Ignition Interlock Case Jurisdiction

Virginia Code §18.2-271.1 Subsection F, specifically states that the court shall have jurisdiction over any case until the case has been disposed of by either successful completion of the program, or revocation due to the ineligibility or violation of a condition, or conditions, imposed by the court, whichever shall occur first. In summary, the case has to incur an official final disposition of successful completion or revocation by the court or the court maintains jurisdiction.

Example 1: If a client fails to complete their treatment classes by their restricted license end date, the case would be closed unsuccessfully by the ASAP and the court would maintain jurisdiction over the case moving forward.

Example 2: If a client is returned to the court for a violation of ASAP and the court officially revokes the client from ASAP, the court no longer has jurisdiction over the case.