

ALCOHOL CONTROL IN VIRGINIA:  
PLANNING DOCUMENTS FOR  
USE BY AGENCIES OF THE  
COMMONWEALTH

Prepared by the Virginia Highway and Transportation  
Research Council Under the Sponsorship  
of the Governor's Task Force to Combat  
Drunk Driving

Virginia Highway & Transportation Research Council  
(A Cooperative Organization Sponsored Jointly by the Virginia  
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the University of Virginia)

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## INTRODUCTION

The Governor's Task Force to Combat Drunk Driving was created in June 1982 to confront the problem of drunken driving in Virginia. Among its duties, the Task Force is to ascertain Virginia's current efforts to address this problem so that these efforts may be assessed and appropriate changes recommended. The planning documents presented here have been designed to provide an overview of the current and projected efforts of the agencies of the Commonwealth.

The documents fall into two groups. First, the components of Virginia's alcohol safety program are presented schematically. A flowchart traces the drunken driver's activities from pre-arrest to post-sentencing. Along this path, the driver encounters various state agencies as depicted in the diagram. The flowchart is followed by brief descriptions of the agencies' roles in the program.

Second, a DUI countermeasure survey form is included. To harmonize this survey with existing agency practices, the form borrows language from the budget planning process. It is intended as a guide for compiling current and projected DUI countermeasures. The materials in this group include instructions for completing the survey and a sample response.

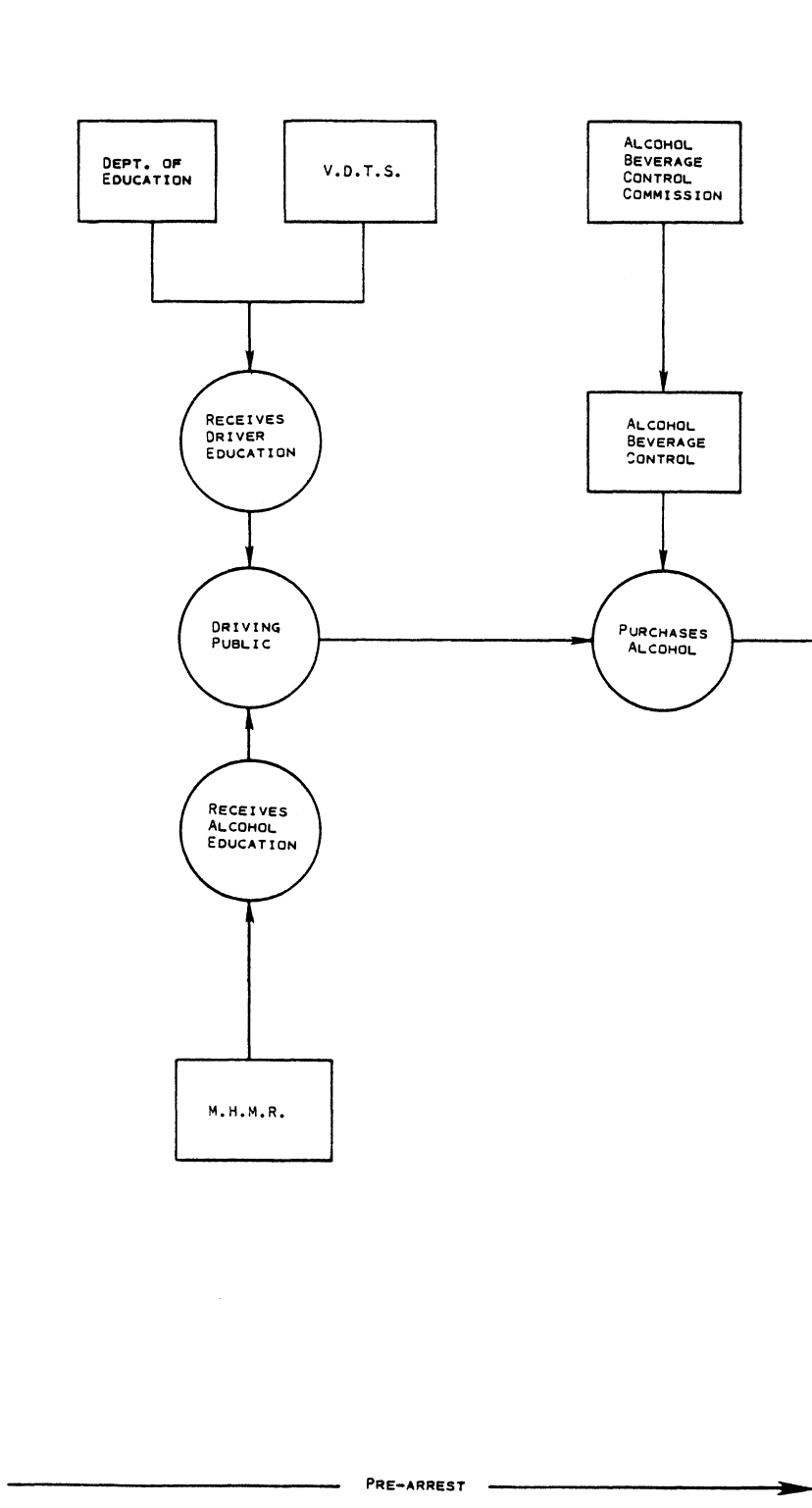


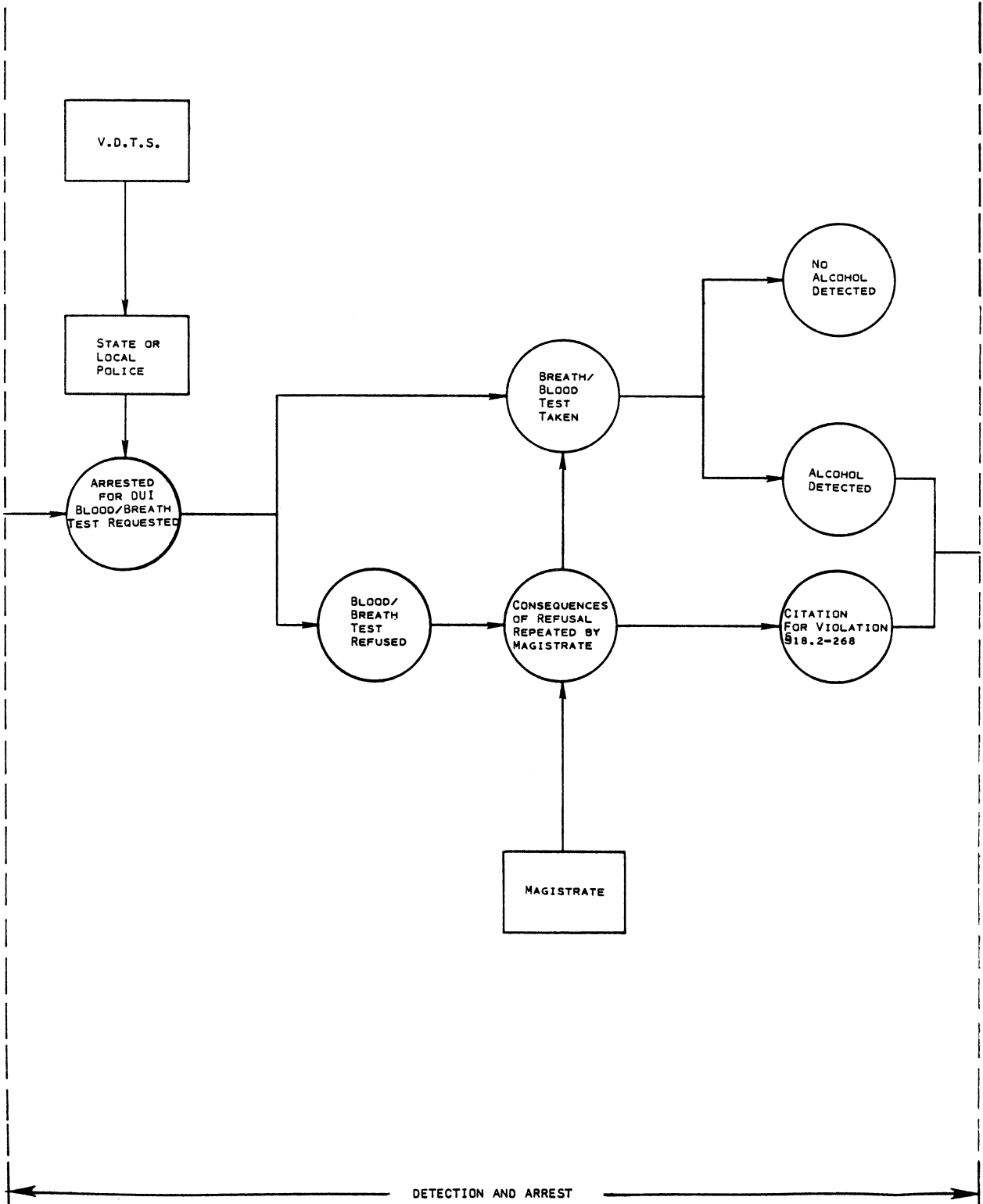
VIRGINIA ALCOHOL SAFETY PROGRAM COMPONENTS:  
FLOWCHART

The flowchart that follows illustrates how and where drunken drivers interact with state agencies. Circles depict the drunken driver's activities. Although these activities are presented sequentially, they can be grouped into four distinct periods: pre-arrest, detection and arrest, trial and sentencing, and post-sentencing. In the Pre-arrest period, the motorist combines driving with alcohol. Detection and Arrest focuses on locating suspected DUI offenders and testing their blood alcohol content. Trial and Sentencing illustrates the judicial process by which drunken drivers are arraigned, tried, convicted and sentenced. Post-arrest depicts how sentences are imposed or suspended and how rehabilitation may result from successful completion of Virginia's alcohol safety action program.

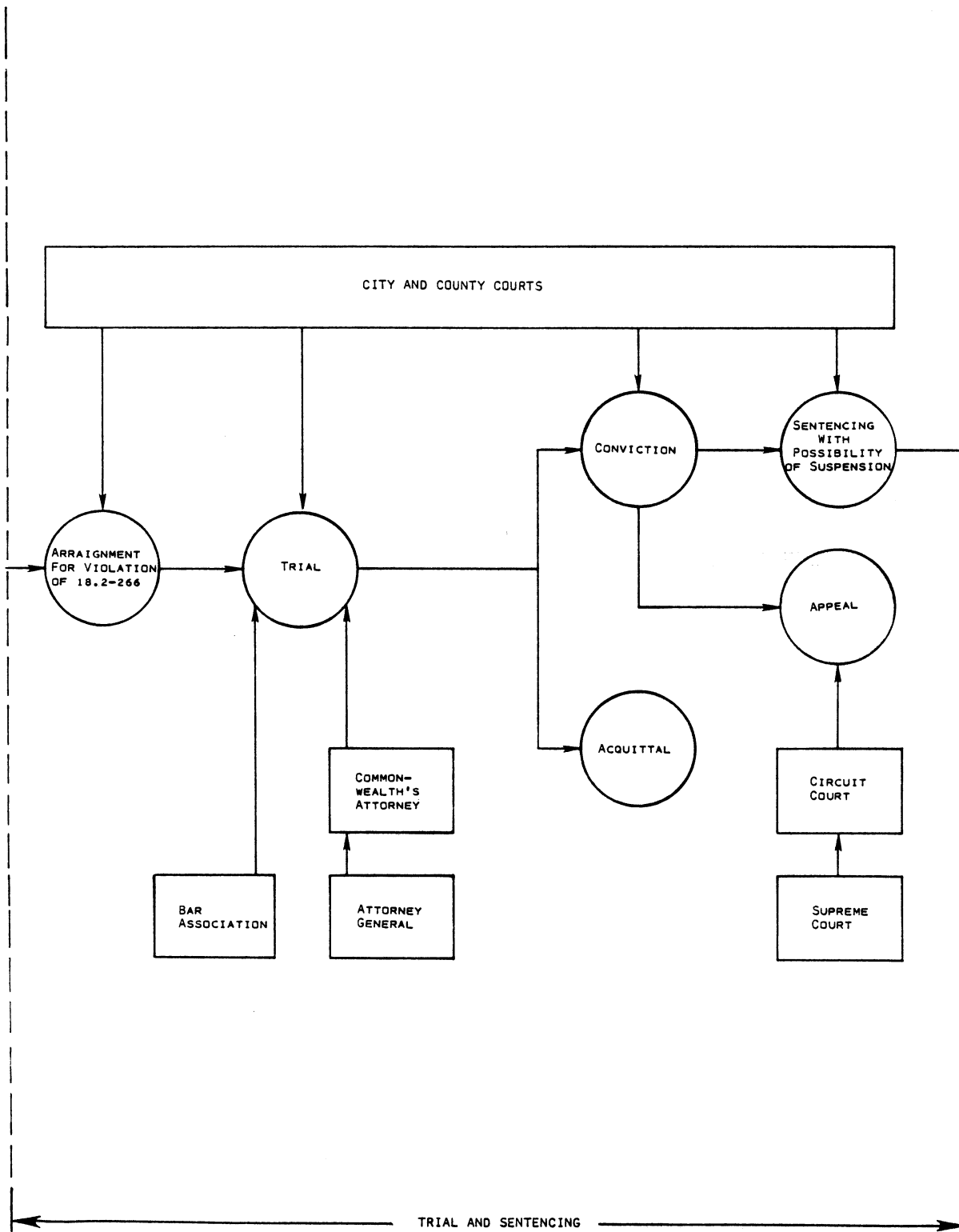
In each of these four periods, state agencies interact with the driver. These interactions are shown by arrows leading from a state agency (shown by a rectangle) to the activity.

# VIRGINIA ALCOHOL SAFETY PROGRAM COMPONENTS

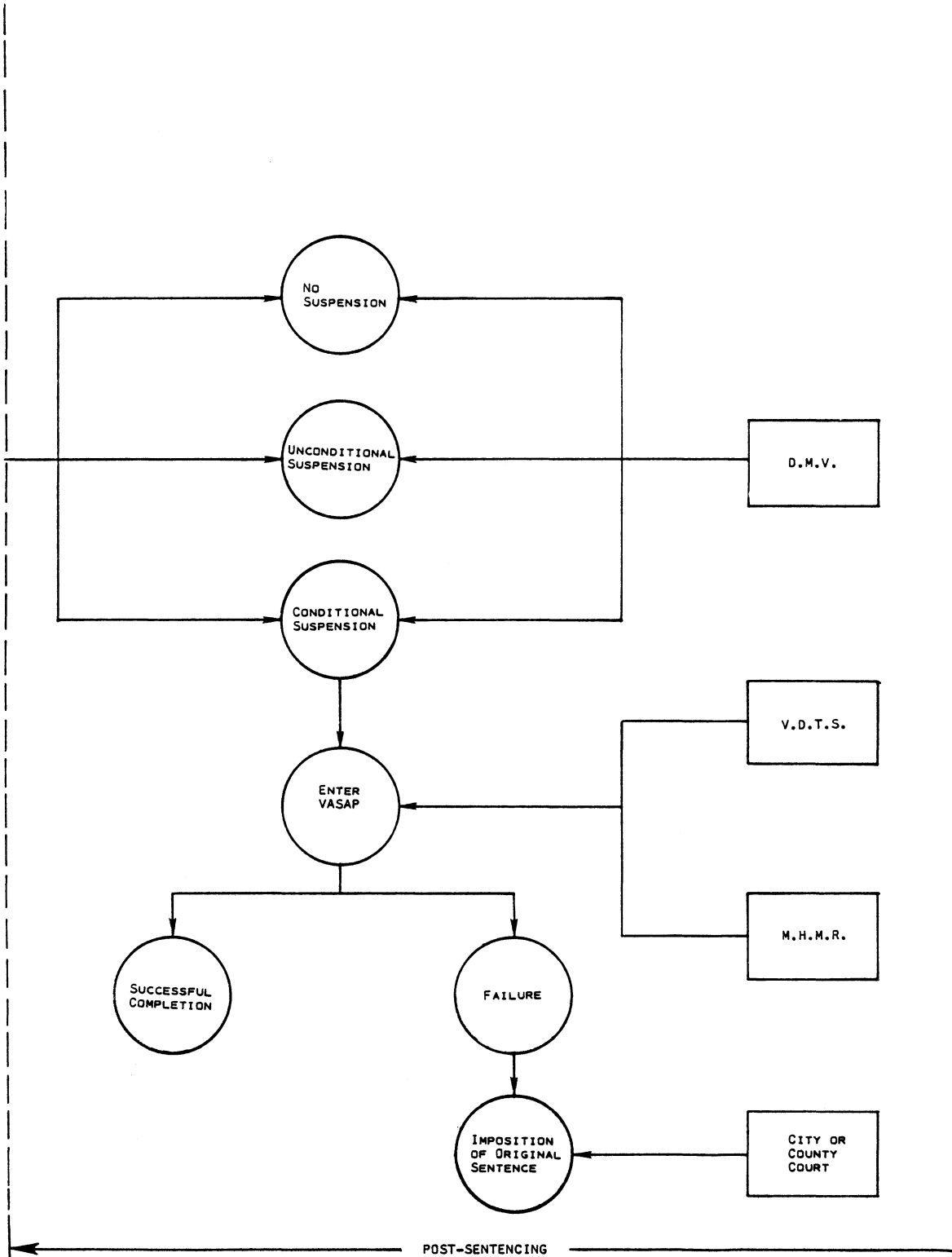




VIRGINIA ALCOHOL SAFETY PROGRAM COMPONENTS









VIRGINIA ALCOHOL SAFETY PROGRAM COMPONENTS:  
AGENCY DESCRIPTIONS

Once the interactions between the Commonwealth and the drunken driver have been identified, the next task is to describe how each agency perceives its role within the interaction. The following descriptions summarize these perceptions. Generally, the descriptions have been derived by examining authorizing sections in the Virginia Code and agency plans in the biennial budget.

Agencies Involved in Virginia's Alcohol Safety Program

▪ Department of Education

The Department funds local school districts that adopt driver education programs in accordance with State Board of Education regulations.

▪ Department of Transportation Safety (VDTS)

VDTS is responsible for generating programs to promote highway safety. Education and training are central to the Department's approach. VDTS prepares driver education materials to warn motorists of the risk of drunken driving, it trains state and local police to detect and apprehend suspects, and it conducts executive seminars to help district and circuit judges, prosecutors, and police chiefs deal effectively with violators. VDTS also directs and operates the VASAP system.

▪ Department of Mental Health and Mental Retardation (MHMR)

MHMR serves as a clearinghouse for research on alcohol abuse. The information gathered there is prepared and disseminated to the public. MHMR also cooperates with the VDTS to establish administrative standards for the alcohol safety action program.

▪ Alcoholic Beverage Control Commission

The ABC Commission controls the possession and sale of alcoholic beverages.

▪ County and City Courts

These courts hear and dispose of DUI and implied consent cases. Upon finding a violation, a court has authority to revoke the driver's license and to impose fines and sentences. The upper and lower limits of these punishments are often established by statute, but in many instances a court may use its discretion to restrict rather than revoke licenses, and to suspend fines and imprisonment. Frequently, suspension is conditioned upon successful completion of Virginia's alcohol safety action program.

▪ State and Local Bar Associations

These attorneys represent defendants in DUI and implied consent cases. The state and local bars have an interest in clarifying and expediting the judicial treatment of these cases.

▪ Commonwealth Attorneys and the Attorney General

These attorneys represent the state in DUI and implied consent cases.

▪ Circuit Courts and the Supreme Court

These courts hear appeals of DUI and implied consent convictions. Their decisions articulate the procedural and substantive rights of the driver and the enforcement powers of the arresting officer.

▪ State and Local Police

These bodies enforce the Virginia DUI statute (§18.2-266) and any parallel statutes adopted by counties or cities. When someone is suspected of drunken driving, the investigating officer will request that the driver submit to a breath test to determine his blood alcohol content. The police are also responsible for delivering blood samples to the Division of Consolidated Laboratories for alcohol analysis. The officers must retain a second blood sample for 72 hours, thus giving the accused an opportunity to direct the officer to deliver the sample to an approved independent facility. If no timely request is made, the police destroy the sample.

▪ Magistrates

When a driver refuses to take a breath test, the arresting officer must escort the driver to the nearest magistrate. The magistrate informs the driver that failure to consent to this test is a civil infraction punishable by revocation of the driver's license. If the driver still refuses, and the magistrate finds such refusal unreasonable, the driver will be cited for a violation of Virginia's implied consent statute (18.2-268), and this citation will be docketed on the local court's calendar as a misdemeanor.

▪ Division of Motor Vehicles (DMV)

DMV maintains the driving records of all holders of Virginia operator's licenses. The Division receives and records every DUI and implied consent violation. Courts use these transcripts to identify multiple offenders and to gauge sentences. DMV is charged with collecting revoked licenses from traffic violators. The Division has the

authority to hold hearings to revoke the licenses of "habitual drunkards", and to urge the Commonwealth's Attorneys to initiate revocation proceedings against habitual offenders.



## DUI COUNTERMEASURE SURVEY

The purpose of the DUI countermeasure survey is to obtain the five year "action plans" of state agencies with respect to drunken driving. The survey is compatible with the method employed in developing agency plans for the biennial budget, only the focus is restricted to activities related to drunken driving.

The DUI countermeasure survey form is intended as a guide for state agencies in their compilation of projected DUI countermeasures. The format suggested should prove to be both familiar to agency personnel and informative for purposes of analysis. Instructions and a completed sample survey are included.





## INSTRUCTIONS FOR DUI COUNTERMEASURE SURVEY FORM

The DUI countermeasure survey form is provided as a suggested format for use by agency personnel. While the format chosen is believed to be the most efficient means of compiling the required information, deviation from the form is permissible where useful information can best be conveyed by a different method. Agencies are encouraged to provide any and all information which might be beneficial in the analysis of DUI countermeasures.

COMPILATION INSTRUCTIONS

## I. Agency Profile

- |                              |  |
|------------------------------|--|
| A. Name:                     | Self-explanatory   |
| B. Agency Head               |  |
| 1. Name:                     | Self-explanatory   |
| 2. Title:                    | Self-explanatory   |
| 3. Address:                  | Self-explanatory   |
| C. Overview:                 | A brief narrative summarizing the circumstances under which the agency was formed and under which the agency operates. |
| D. Mission:                  | The mandate or general charge given the agency; its reason for being.  |
| E. Functions:                | The general duties and scope of the agency.  |
| F. Service Area:             | The geographical area which the agency is expected to serve.   |
| G. Clients:                  | The segments of the population which the agency is expected to serve.  |
| H. Enabling Legislation:     | Statutory provisions of the Code of Virginia commanding or permitting the operation of the agency.                     |
| I. Organizational Structure: | A schematic diagram of the infrastructure of the agency.   |

II. Program References  
(Complete section II for each alcohol control program administered by the agency.)

A. Identification

- 1. Program Title: Self-explanatory
- 2. Code Number: Self-explanatory
- 3. Appropriation Item Number: Self-explanatory

- B. Subprograms: List subprograms and code numbers where applicable. Note: If there are no subprograms under this program, complete sections III-C through III-L with respect to the applicable program.

III. Subprograms  
(Complete section III for each alcohol control subprogram administered by the agency.)

- A. Identification: Identify subprogram by name, number, etc.
- B. Authority: Statutory or regulatory authority for subprogram.
- C. History: The history of the subprogram if it has been operational in the past. Include any information or statistics indicating effectiveness.
- D. Years of Expected Operation: The years in which the subprogram is expected to operate during the next five years.
- E. Mission: The general aim of the subprogram.
- F. Functions: The duties and scope of the subprogram.
- G. Objectives: The specific goals of the subprogram (by year where applicable).
- H. Strategies: The tactics to be employed to meet the subprogram objective listed in III-G (by year where applicable).

- I. Service Area: The geographic area that the subprogram is expected to serve.
- J. Clients: The segments of the population which the subprogram is expected to serve.
- K. Projected Resource Summary
1. Table: Summarize the resources expected to be expended during the subprogram by type and fiscal year in tabular form.
  2. Narrative: A brief narrative summarizing the types of resources which will be expended during the subprogram.
- L. Method of Evaluation: A brief narrative describing the method by which the effectiveness of the subprogram in meeting its objectives will be measured.



DUI COUNTERMEASURE SURVEY  
FIVE-YEAR PROJECTIONS  
SAMPLE SURVEY

I. Agency Profile

A. Name: State Police

B. Agency Head

1. Name: Col. John Q. Smith  
2. Title: Superintendent  
3. Address: 1800 Main Street  
City, State 23219

C. Overview:

The Department of State Police has been serving the state and its people since it was established in 1910. The Department has grown from its original size of 19 troopers and support personnel to its present size of 478 troopers and detectives with a support staff of nearly 1,100 personnel. As the state highway system has developed, the Department has had to concentrate an increasing percentage of its resources on highway safety and traffic law enforcement. Other areas of authority include criminal investigation and assisting local authorities in various enforcement undertakings.

D. Mission:

To enforce the laws of the state and continue to promote and protect the safety of the population and property of the state.

E. Functions:

- To patrol the State's highways and enforce traffic laws with particular emphasis on speed enforcement and alcohol offenses.
- To assist local authorities in the enforcement of state law.
- To assist federal authorities in the enforcement of federal laws and the apprehension of fugitives from justice.

F. Service Area:

Statewide.

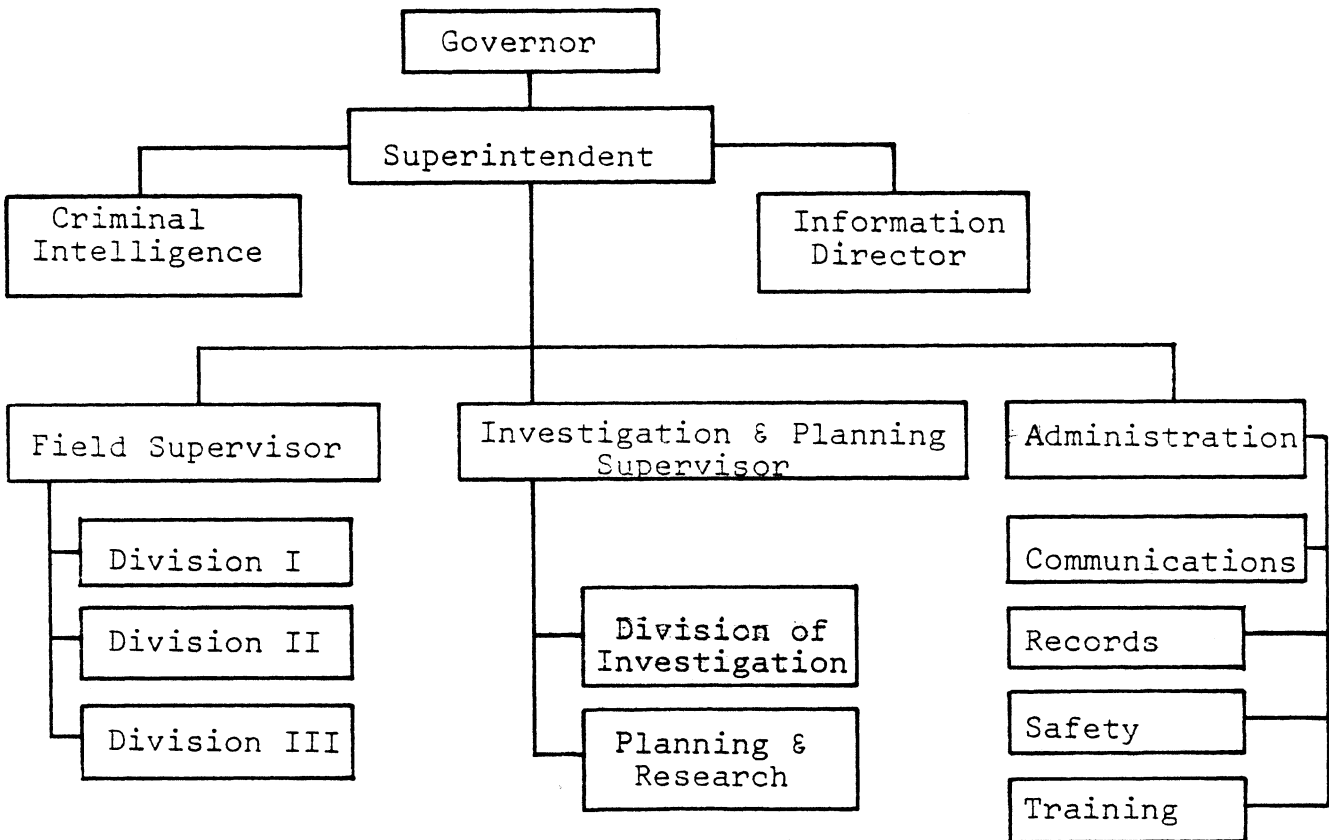
G. Clients:

The general public and governmental entities of the state.

H. Enabling Legislation:

Title 33.1, State Code.

I. Organizational Structure:



II. Program References

A. Identification

1. Program Title:	Selective Enforcement
2. Code Number:	00000000
3. Appropriation Item Number:	123

B. Subprograms:	Alcohol Selective Enforcement (00000001)
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III. Subprograms

A. Identification:	Alcohol Selective Enforcement
B. Authority:	Title 33.1, State Code
C. History:	New Program
D. Years of Expected Operation:	1983-1987
E. Mission:	To get the drinking driver off of the state's highways and thereby promote the safety of all highway users.
F. Functions:	- To patrol the state highways during selected time periods and stop drivers suspected of violating traffic law with respect to alcohol offenses.  - To administer chemical tests to persons suspected of violating traffic law with respect to alcohol offenses to determine if a violation has occurred.  - To arrest alcohol of- fenders and aid in the subsequent prosecution and conviction of such violators through the presentation of evidence etc.

G. Objectives:

1983	1984	1985	1986	1987
- To reduce the number of highway fatalities involving drinking drivers from 37% to 31%.	From 31% to 27%	From 27% to 24%	From 24% to 21%	From 21% to 19%
- To reduce the number of drinking drivers on the highway by 10%.	Same as '83	Same as '83	Same as '83	Same as '83
- To increase the number of arrests for alcohol-related violations by 25%.	15%	15%	10%	10%
- to log 175,000 miles of alcohol selective enforcement patrol.	Same as '83	Same as '83	Same as '83	Same as '83

H. Strategies:

1983	1984	1985	1986	1987
- Emphasis of patrols on surveillance and stopping of potential violators.	Same as '83	Same as '83	Same as '83	Same as '83
- High police officer visibility.	Same as '83	Same as '83	Same as '83	Same as '83
- Monitor C.B. radio traffic.	Same as '83	Same as '83	Same as '83	Same as '83
- Double coverage to be provided by overlapping shifts during selected time periods.	Same as '83	Same as '83	Same as '83	Same as '83

I. Service Area:

Selected highways statewide (I-95, U.S. 1, U. S. 29, U. S. 460, & U. S. 17).



J. Clients : The general driving population of the state.

K. Projected Resource Summary:

1. Table:

	1983	1984	1985	1986	1987
(a) Personnel (# Pos.)	117	117	122	125	125
(b) Operating Expense (000)	101.0	104.6	107.2	110.0	113.0
(c) Fixed Asset Expense (000)	<u>27.0</u>	<u>27.0</u>	<u>27.0</u>	<u>27.0</u>	<u>27.0</u>
(b+c) Total Expenses (000)	128.0	131.6	134.2	137.0	140.0

2. Narrative :

- (a) Personnel — As the volume of traffic on the state's high-ways rises, the number of positions requested to maintain alcohol enforcement will increase correspondingly.
- (b) Operating expense — Operating expense consists of personnel costs, support costs, and vehicle maintenance costs.
- (c) Fixed asset expense — The fixed asset expense consists of vehicles and radar units associated with the above positions.
- (d) Financing requirements — All financing for the Alcohol Selective Enforcement subprogram will be funded from the Department of State Police annual appropriations.

L. Method of Evaluation:

All statements concerning objectives, strategies, and resources in the preceding sections of this subprogram proposal are quantifiable and therefore measurable.



DUI COUNTERMEASURE SURVEY FORM  
FIVE-YEAR PROJECTIONS

I. Agency Profile

A. Name:

B. Agency Head

1. Name:

2. Title:

3. Address:

C. Overview:

D. Mission:

E. Functions:

F. Service Area:

G. Clients:

H. Enabling Legislation:

I. Organizational Structure:

II. Program References

A. Identification

1. Program Title:
2. Code Number:
3. Appropriation Item Number:

B. Subprograms:

III. Subprograms

A. Identification:

B. Authority:

C. History:

D. Years of Expected Operation:

E. Mission:

F. Functions:

G. Objectives:

H. Strategies:

I. Service Areas:

J. Clients:

K. Projected Resource Summary:

L. Method of Evaluation:

