

MINUTES OF THE
SANTA FE COUNTY
DWI PLANNING COUNCIL

January 13, 2011

Santa Fe, New Mexico

This study session of the Santa Fe County DWI Planning Council was called to order by Yvonne Ortiz, Acting Chair at approximately 8:45 a.m. on the above-cited date at 2052 S. Galisteo, Santa Fe, New Mexico. Lacking a quorum, no action was taken.

The following individuals were present:

Members Present:

Yvonne Ortiz, Acting Chair
Donna Morris

Member(s) Excused:

Marti Rodriguez
Jon Paul Romero
Sgt. Louis Carlos

Staff Present:

Steve Shepherd, Health & Human Services Division Director
Becky Beardsley, Program Coordinator
Diolinda Roybal, Santa Fe County DWI Program
Christina Gomez, Santa Fe County DWI Program

Others Presents:

Donna Bevacqua-Young, Special Prosecutor, AG's Office
Cynthia Delgado, Santa Fe Underage Drinking Prevention Alliance, Community Liaison
Diego Lopez, Hands Across Cultures
Shelley Mann-Lev, Santa Fe Public Schools – Underage Drinking Prevention Alliance
Inez Orona, Hands Across Cultures
Chris J. Martinez, State Police, Special Investigation Division
Sgt. William Pacheco, Sheriff's Office
Mary Justice, Christus SV

Those present introduced themselves.

DISCUSSION OF MINUTES:

December 8, 2010

Ms. Morris noted that in response to questions from Ms. Delgado, Mr. Magourilos stated there is an overall prevention plan submitted annually to DFA for funding.

Ms. Bevacqua-Young indicated that she works for the Attorney General not the District Attorney.

OLD BUSINESS

A. Update on County Project to Restructure Councils, Committees Boards, etc.

Ms. Beardsley reported that the County recently advertised for interested candidates for the DWI Planning Council. The deadline to submit an application for the Council is January 28th. The County is establishing a review committee and all candidates will be vetted. She understood appointments would occur at the BCC's February 22nd meeting.

The Planning Council typically does not meet in February to facilitate staff participating in the legislative session and she recommended moving the March meeting to the 31st after the session. At that time, a comprehensive update of legislation that would affect the program could occur.

Ms. Morris asked that pertinent bill analysis be forwarded to the members as has been done in the past. Mr. Shepherd said there have been some changes regarding bill analysis and he would email the members on management's call on this issue.

Mr. Shepherd said it is anticipated that the council will be comprised of nine members which is the minimum permitted in the resolution.

B. Legislative Update

Ms. Beardsley said staff has begun analyzing bills. A new draft of the local option was developed with the same staff concern regarding incorporated areas crossing over county boundaries. Proposed House Bill 49 would set intoxication levels for certain drugs to help prosecute drugged drivers. Ms. Bevacqua-Young said she would be reviewing that bill.

Ms. Beardsley said the minors under the influence bill is coming forward as well as a new bill dealing with boating while intoxicated.

Representative Mary Helen Garcia is introducing a bill that would increase the existing excise tax but reduce the contribution to county DWI programs. Ms. Beardsley said the excise tax money is earmarked for addressing alcohol abuse.

Ms. Mann-Lev said Brian Egolf has introduced a similar bill that maintains the same percentage to programs. Ms. Beardsley said Congressman Egolf's bill also leads to a reduction in DWI funding.

Ms. Bevacqua-Young said there is a statute that prohibits the pleading down of DWI charges and the issue has been raised as to whether the statute is in violation of the constitution which allows prosecutors to allow plea down their cases.

Ms. Beardsley said training law enforcement personnel in phlebotomy has surfaced with the notion they could take blood samples on the side of the road. Ms. Bevacqua-Young said training is very expensive for this program. She said Arizona and Idaho have phlebotomy trained law enforcement, and Texas and Utah are investigating the program. She said given the expense, liability, and health and safety issues she didn't think it would go forward.

Ms. Bevacqua-Young said the AG's office is introducing a no texting while driving (TWD) bill.

C. Santa Fe Underage Drinking Prevention Alliance Update

Ms. Mann-Lev reported that the Alliance's annual retreat is scheduled for Tuesday, January 25th from 9 to 2:30. She invited participation in the March of Sorrow scheduled for DWI Awareness Day, January 27th, at the Roundhouse directly following the noon press conference.

Ms. Mann-Lev said the social host ordinance – part of the City's nuisance law – is directed at large underage drinking parties and will come before the Council February 23rd. Ms. Delgado encouraged attendance at the meeting.

Ms. Mann-Lev said the Alliance is working with a youth group to determine the impact on their sense of safety in regards to the proliferation of alcohol outlets on Airport Road. Councilor Dominguez is interested in the project. She said high density of alcohol outlets has a high correlation to alcohol related problems. A liquor license transfer is being requested by the Giant Gas Station on South Meadows and Airport on the 23rd of February.

Ms. Delgado referred to a paper published by the Society for the Study of Addiction, *Alcohol: No Ordinary Commodity*. The paper is actually a book summary on environmental strategies that identifies the most cost effective strategies in addressing DWI and alcohol abuse in the community. Taxation and increased price of alcohol and restriction of availability of alcohol are the top preventers. Ms. Delgado offered to email the article.

Ms. Delgado asked whether the Planning Council had an expert to educate in public forums. Ms. Beardsley said prevention staff is the experts.

Identifying this Planning Council as the community's sole dedicated resource in terms of alcohol prevention, Ms. Delgado encouraged participation at the City Council's meeting.

Ms. Mann-Lev said whether speaking as an advocate or an educator on an item, she said it was important to be present.

Regarding education, Ms. Mann-Lev said the Alliance continues to successfully implement "Life of an Athlete." Training for alcohol screening was provided to 50 health care

providers at Christus SV through team education. She mentioned a Christus SV physician who is now using the tool. A prom/graduation campaign is under planning.

The Alliance hosted a meeting for five groups involved in providing significant parent initiatives around underage drinking prevention. The purpose is coordination and insuring the parent programs have an extended reach

D. Fiscal Year 2011 Budget – Re-budget options/direction

In terms of re-budgeting, Ms. Beardsley said staff was reviewing the CADDy program. Initially the program cost the County \$40,000 and currently the program costs are closer to \$120,000. She attributed the reduction of DWI arrest with the tripling of the program ridership. Staff is contemplating full funding through this fiscal year and then asking the Prevention Subcommittee to look at the program. She said the program provides approximately 900 hours of services annually and there is a question as to whether the program would be more cost effective if it were in-house.

Ms. Beardsley said there was strong Commission support behind this program.

Ms. Beardsley said law enforcement was contacted about the program funding additional overtime for checkpoints and saturation patrols. Those contacted did not request the funding. BIA has expressed a desire for additional money, however, as a federal agency they are not eligible for state grant money. A party patrol was considered but determined to be too hit or miss. A multi-agency operation may be appropriate and would occur during May and June to keep a check on the graduation parties through major saturation patrols.

The publicity to accompany the graduation period would be a reminder that it's a fourth degree felony to provide alcohol to minors, encouraging people to report to law enforcement of parties with alcohol and minors.

For the agencies that lack manpower, Ms. Beardsley said checkpoints would be piggybacked which has been effective in the past to stop impaired drivers on alternate routes avoiding the checkpoint.

Ms. Delgado said she received a calendar of saturation patrols and checkpoints from the State Police, County Sheriff and City Police. She asked for BIA's calendar.

Ms. Beardsley explained that BIA is such a small unit that they don't have a calendar and instead they piggyback on other agency operations. She said she works with the BIA Chief and in addition there are tribal police and NM Mounted Patrol.

Ms. Delgado asked whether there would be significant press around the prom/graduation period and Ms. Beardsley said that has been the plan.

Mr. Martinez mentioned Operation Safe Celebration where last year six teams spread out to try to hit as many establishments licensed to sell liquor as possible. He suggested better coordination during the saturation checkpoints.

Ms. Mann-Lev said according to the principal at Santa Fe High that prom will be held April 9th. Santa Fe public schools will hold graduations in May this year.

A discussion ensued about prom venues and that the school board determined that a casino is an inappropriate venue.

Ms. Roybal said Pojoaque held their prom at Buffalo Thunder and Ms. Gomez added that breathalyzers were used on all students and staff.

Ms. Gomez said prevention staff has been contacted in the past by public high schools to borrow breathalyzers for the proms, homecomings, etc.

Ms. Beardsley said there is not a firm number on how much is available to the program. She estimated there would be approximately \$150,000 to spend, and aside from CADDy program, staff was investigating a new copier, school training project, contracting with a strategic plan writer, online public assessment and the media campaign for prom/graduation.

Regarding the public assessment, Ms. Beardsley said the issue has become more complex and the accessible program for the widest range of the population lacks access to the database.

Ms. Delgado asked about the composition of the prevention subcommittee and Ms. Beardsley said the members are: prevention staff, Ms. Ortiz, Ms. Mann-Lev, Ms. Bevacqua-Young. Ms. Mann-Lev noting the committee has not met for a very long time. Confirming that, Ms. Gomez said Mr. Magourilos did contact the membership via email to develop a meeting schedule.

Ms. Delgado recommended adding the chair of the Education Committee of the Santa Fe Underage Drinking Committee. Mr. Shepherd said that could be done; however, that individual would not be a formal member because the subcommittee is made up of Planning Council members. The meetings are open for public attendance but only members may vote.

Ms. Beardsley said the County has established new protocol for serving on boards, councils, committees, task forces, etc. The candidate must submit a letter of interest, a resume, complete a conflict of interest form, a questionnaire; an optional application has been added to the DWI Planning Council.

Mr. Shepherd said advertisement for the vacancies will begin Sunday, January 16th. A press release occurred earlier and is on the County's website, twitter, and facebook.

Ms. Delgado said having someone in the media involved in the Planning Council may be advantageous and Ms. Beardsley offered to forward her the application information.

Mr. Shepherd said the County's new resolution which restricts terms will change the composition of the Health Policy & Planning Commission. He said the HPPC will go from 21 to 9 members. The County's resolution creates a one-size-fits-all approach to boards.

He said the DWI Planning Council will continue to operate under the original resolution.

Ms. Beardsley said DWI Planning Council will operate under a tighter format wherein comments from the public will be occur as a specific agenda item.

Ms. Delgado said while she agreed the DWI arrests were down she did not attribute it to the CADDy program but instead the Sheriff's Department numbers are down. Stating she supported the CADDy program, Ms. Delgado said she was not comfortable with the analysis provided to increase its funding.

Ms. Beardsley clarified her earlier report stating DWI arrests were down during those hours that correspond to the CADDy program operating hours.

Ms. Delgado requested a copy of that data.

E. 2012 LDWI funding Application/Budget

Ms. Beardsley said the application has been submitted to the County's Legal Department for review. She made the application available for review and offered to email it.

Ms. Beardsley recommended a review of the application, which divides the budget by components. This may answer Ms. Mann-Lev's desire to review a budget related action plan. The budget would be emailed along with the budget required attachments.

NEW BUSINESS

A. CADDy Program

Ms. Beardsley said this item was covered earlier in the meeting. The Prevention Subcommittee will review the data and make recommendations for next fiscal year. She anticipated the strategic planner will review this program as well.

C. Update on Prosecution of Providing Alcohol to Minors Cases and Adjudication of Shoulder Tap Operation Offenders

Angela "Spence" Pacheco district attorney for the 1st Judicial District, stated the case management systems used by the court do not track the issues (agenda items). The system is set up per charge and it would be the selling or procurement of alcohol to minor children and encompasses many different scenarios. For the past two years there were 128 specific charges of selling or giving alcohol to a minor. There could be half a dozen charges for one person – domestic violence, DWI, alcohol to a minor, etc. She said a couple of these cases the grand jury found "not true bill," (meaning no reasonable cause to believe the client committed the crime). She said all that could be surmised from the finding is the grand jury did not like those cases.

Mr. Martinez said those were SID operations and he understands the grand jury needs education about the operation.

Ms. Delgado said the City Police raised the concern on these issues. She asked about the process and how the community can be assured the best expert is available to explain the case. She understood that SID would be involved. The City did a shoulder tap operation without SID and the feedback they got was the DA's office was not moving forward to prosecute because of a resource issue.

Ms. Pacheco said there is a resource problem but frankly, not all of these cases are a high priority. She said her office will be taking another major cut July 1 and many cases will not be prosecuted.

Ms. Delgado asked whether Ms. Bevacqua-Young could provide help from the AG's office.

Ms. Bevacqua-Young said she talked to her office supervisors and they appear comfortable with her helping out especially if the cases are in Santa Fe. Ms. Pacheco said the AG has said if they prosecute any of the DA's cases the AG wants to be reimbursed. She repeated it comes down to resources.

Ms. Delgado said there is a lot of pressure on law enforcement to crack down on the DWIs and it appears the rest of the system is not supporting the effort.

Ms. Pacheco said her office deals with the cases and those cases are only dismissed when there is an evidence problem. She said she would talk to the City of Santa Fe Police Chief to determine what their issues are. The office knows, stated Ms. Pacheco, DWI cases are to be prosecuted.

Ms. Pacheco said the DA's office is prohibited by law from educating the grand jury on an issue, i.e. alcohol abuse. The DA's office serves as an aid regarding legal components.

Mr. Martinez said it was important that law enforcement agencies are operating shoulder taps in the same manner. He said SID was prepared to send an agent to help with shoulder taps.

Ms. Pacheco said she wasn't aware of the City operation that prompted her invitation to this meeting and said she would call SFPD and find out what's happening. Ms. Beardsley said Sgt. Carlos Lewis coordinated the operation.

A discussion ensued about the importance of SID participating in operations.

Ms. Pacheco said the court is set up to receive everything electronically and she lauded Santa Fe Sheriff's Office for using that method of reporting. The case is logged and reviewed to ascertain whether it was cited correctly. If additional information is needed the referring agency is contacted. Once all the information is available and it's a felony charge it is forwarded to the grand jury for indictment. A violent offense is heard faster because those individuals are incarcerated. Following the grand jury, the individual is summoned to appear in district court and the case generally starts within two weeks.

Ms. Pacheco indicated that the 10 cases coming forward (shoulder tap/sales to minor) will be scheduled for the same day and Mr. Martinez will be present to educate the jury for the first case and that will be sufficient for the nine remaining cases.

Ms. Pacheco said it was accurate that the budget was extraordinarily tight but she is committed to addressing the alcohol-related cases.

Ms. Delgado said photos of outstanding DWI offenders will be published in the *New Mexican* January 23rd. Mr. Martinez said many offenders will turn themselves in rather than face the humiliation of having their picture published in the paper.

Ms. Pacheco mentioned again that the County Sheriff's Office "consistently" does outstanding DWI quality of work. She said she does not focus on the numbers, rather the quality of the work.

Ms. Pacheco said there has been an ongoing issue with the State Police in prosecuting DWIs. Cases have been dismissed because the officer does not show up to court and she mentioned it was particularly notable in District 7. Officers are not responding to subpoenas and are failing to provide videotapes. She said State police officers have been told not to arrest people if they aren't going to show up for court.

Ms. Mann-Lev said that exemplifies the two distinct steps in the process: arrest and convictions.

Ms. Delgado asked that the issue of convictions by agencies be added as an agenda item. Speaking as a taxpayer and stating it was a significant issue, Ms. Delgado asked for a list of those police not showing up for court.

Ms. Pacheco said the magistrate court attorney documents failure to show each time.

In response to a question, Ms. Beardsley said the compliance monitors start at conviction and are not present at arraignment. Ms. Gomez said if the client has a previous conviction, the monitor may be present at arraignment.

Regarding District 7, Mr. Martinez said he would talk to them.

The Council thanked Ms. Pacheco for attending.

B. DWI Program Reorganization

Ms. Beardsley said there has been reorganization in the program and she is now the department administrator with primary responsibilities for the budget, applications, and actual business aspects of the program. Mr. Shepherd will have staff oversight and be the decision maker.

ANNOUNCEMENTS

[Exhibit 2: Mentoring Program information]

Mr. Lopez introduced his colleague, Inez Orona from Hands Across Cultures.

Ms. Orona said she is the coordinator for the ACF grant which mentors children of prisoners: Hombres y Mujeres Nobles Mentoring Program. The grant focuses on children between the ages of 5 and 18 with a parent or guardian incarcerated in a state or federal facility. She said finding children has been harder than finding mentors. The school districts have not forwarded any referrals. She encouraged people to contact her if they know of any eligible children. It does not need to be a parent or guardian; children can be affected by incarcerated siblings.

Ms. Beardsley suggested Ms. Orona contact the Administrative Office of the Court for presentation at the judges meeting. She said the program could be offered as a resource to the families of the incarcerated. Also, the program may suffice for community service hours.

Ms. Delgado recognized that many of those present were leaders in other organizations and she encouraged that they share this information.

Ms. Gomez said Santa Fe Community College has courses that require service learning and this program may dovetail with it. She encouraged those present to make a difference in a young person's life and be a mentor, "It's been an extremely awarding experience...as a human being."

Ms. Mann-Lev said it is estimated that 20 percent of Santa Fe Public School youth have a parent or someone close within their network incarcerated. Ms. Orona said the schools have confidentiality issues to deal with.

Ms. Orona said the mentors are asked to provide four hours a month.

Prevention – to be reinstated January 2011

Law Enforcement/Adjudication – March 2011 - 1:30 p.m.

Next PC meeting – March 31, 2011 – 8:30 to 10:30

STAFF REPORTS

Ms. Beardsley noted the Teen Court Report is included in the packets. She highlighted that the number of teens going through the program has increased.

C. Prevention Report

Ms. Gomez said there have been discussions on the development of a strategic plan for Santa Fe County's DWI Prevention. At this point, staff is drafting a scope of work for an external contractor to assist and evaluate the project. A definitive date for the next Prevention Subcommittee has not been selected, however, the strategic planning group will meet soon.

The planning process for Change Your Reality 2011 has begun. She said she was evaluating last year's program to better identify what this year's conference will focus on. A new Envision Your Future group will start next week at Ortiz Middle School. Edgewood and Moriarty middle schools are getting on board with the prevention program.

Ms. Gomez mentioned Pojoaque's problem with bullying. A special program is being developed and Ms. Roybal will be participating.

The grant application requests that gaps and needs in the County be met, and Ms. Gomez said she was confident the prevention report met that requirement.

Ms. Delgado said one of the issues at the Santa Fe Underage Drinking Steering Committee was not knowing what the prevention plan is that is being proposed in the schools.

She requested a copy of Mr. Magourilios' plan for Moriarty. Ms. Gomez said that was distributed in an outline form at the previous meeting but she would be glad to email them out.

Ms. Delgado asked that the DWI Planning Council Prevention and Law Enforcement meetings all be communicated through the County's email noticing program. Mr. Shepherd said DWI Planning Council is noticed in that manner but the subcommittees were not noticed unless a quorum of the planning council was anticipated and minutes will not be provided. Mr. Shepherd said he would check with management about noticing it. Ms. Delgado said if it can't be accomplished via the internet she asked that staff figure out a manner in which she could be provided notice.

ADJOURNMENT

This meeting was declared adjourned at approximately 10:45 a.m.

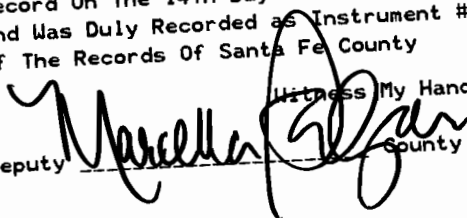
Approved by:


Yvonne Ortiz, Acting Chair
DWI Planning Council

Submitted by:

Karen Farrell, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
DWI MINUTES
PAGES: 10
I Hereby Certify That This Instrument Was Filed for
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