

MINUTES OF THE
SANTA FE COUNTY
DWI PLANNING COUNCIL
October 8, 2015
Santa Fe, New Mexico

I. This meeting of the Santa Fe County DWI Planning Council was called to order by Chair Thomas P. Starke at approximately 9:00 a.m. on the above-cited date at County Community Services Department Conference Room, 2052 Galisteo Street, Suite B.

II. Lacking a quorum, non-action items were discussed. The following members were present:

Members Present:

Thomas P. Starke, Chair
Erica Abeyta
Jay Spoonheim
Christine Wendel

Member(s) Absent:

David Saldivar
Leah Tafoya
Richard De Mella
John Mowen

County Staff Present:

Lupe Sanchez, DWI Program Coordinator
Peter Olson, DWI Prevention Specialist

Others Present:

Jack Hiatt, City Hearing Officer – interested citizen
Shelly Mann-Lev, Santa Fe Prevention Alliance for SFPS
Marie Claire Voorhees, Santa Fe Prevention Alliance
Norma Vazquez, DFA, LDWI Program Manager
Valery Henderson, DFA
Amanda Katz, Vehicle Forfeiture Program
W. Azul La Luz B, Nueva Light Enterprises

Those present introduced themselves. Chair Starke thanked the public for attended and invited their input.

III. Approval of Agenda

The agenda was accepted by consensus.

IV. Approval of Minutes

Lacking a quorum, corrections were offered and no action taken. Those corrections were incorporated into the minutes for action at the November meeting.

V. Public Comments

None were offered at this point and Chair Starke said he would provide an additional opportunity for comments at the end of the meeting.

VII. Matters from the Council/Action Items

A. Follow-up from previous meetings

- 1. Approval of Annual Report – postponed pending quorum**
- 2. #DWI Data**

Mr. Sanchez said Planning Council member De Mella requested this information at a previous meeting. The data goes back to 2012, is divided by month, number of calls, contacts made by law enforcement, and number of DWI arrests. He noted that the numbers in 2012 were very high and appear to have dropped subsequently.

In Santa Fe County drivers are encouraged to call 911 which has a quicker dispatch process.

3. Number of Offenders with Children

Mr. Sanchez said the issue of offenders with dependents has come up during council meetings and he provided data from January 2015 through September 22, 2015. Out of the 322 clients in the County DWI program 158 clients had dependents (0-18 years) and there were 342 kids.

Chair Starke noted that Mr. De Mella who serves as the City’s juvenile justice coordinator is concerned about the consequence on youth of alcohol abusing parents. Ms. Wendel noted that alcoholism is a family disease

Chair Starke said a mission of this council is the reduction of alcohol use in the community. There may be a way to build into the DWI program education the effects on children of family alcohol abuse.

Ms. Mann Lev noted that a few years ago there was an evidence-based program for parents and children ages 9 to 14 called “Strengthening Families Program.” The program had included community service for individuals convicted of DWI. She opined

that there is no greater community service than raising children equitably and well. The notion of participating in educational programs as a community service/alternative should be explored further. She encouraged a review of the current community service options for convicted DWI offenders. Chair Starke supported that idea and asked Ms. Mann-Lev to help staff to identify programs appropriate for DWI offenders and the County could approach the judge requesting his consideration.

Ms. Voorhees supported the suggestion and recommended expanding it beyond parents but for all DWI offenders.

Mr. Sanchez said an arrest for DWI with a child in the car includes an additional charge of child abuse.

4. Bylaw review and approval

Chair Starke asked that staff include a printed copy of the bylaws in next month's packet.

5. DWI Program response to *New Mexican* article on conviction rates

Chair Starke said the article reviewed the DWI conviction data from the Office of Administrative Courts (OAC). District Court and Municipal Court have an 80 percent conviction rate. Magistrate Court is approximately 65 percent. The DA is very concerned with the Magistrate Court rate.

Mr. Sanchez said Rachel O'Connor, Director, Community Services Department, is very concerned about the data and they have begun working together to address this issue. The County is actively working to develop a contract with Margaret McClean to train local law enforcement officers in report writing, courtroom procedures and trial practice. This training should help in reducing cases being dismissed because of officer failings. In fact, Mr. Sanchez said this training should have a huge impact.

Ms. Katz noted that many of the cases that are dismissed are where the blood results came in late and the charges are dismissed and not refiled. She said it may not be officer related and instead problems arise from the DAs or prosecutors. Mr. Sanchez said they did review the data and there was a high percentage that was officer related/lack of prosecution. Chair Starke said two of the issues are ill-prepared evidence and/or submitted late evidence. Another issue is the officer's failure to appear.

Mr. Sanchez said this training is occurring in response to law enforcement's request.

Mr. Sanchez clarified that a very small percent of the DWI cases are forwarded to Municipal Court. Ms. Mann-Lev said the City is considering sending first-time offenders to Municipal Court.

Mr. Sanchez said the County DWI compliance program is preparing to expand and include domestic violence offenders. The City will need to file cases in the Municipal Court for the County to take on the DV cases.

Mr. Hiatt suggested staff talk with the judge(s) as well to determine whether there is a reason they don't want to hear cases. He noted this was a political year with Judge Yalman retiring and staff may want to discuss the issues with the new candidates.

It was noted that defense counsel prefers Magistrate Court which elicited laughter given that Magistrate has a 65 percent conviction rate. Mr. Hiatt noted in most cases the magistrate judge is not a legally trained judge. Mr. Sanchez that further complicates the theatre.

6. Upcoming Events – Review of Program Calendar

Mr. Sanchez said the calendar is located on the County website and he mentioned new items added for October include the NAMI Walk on October 10th, Capital High Awareness Walk on October 24th and Halloween event at SFCC on October 29th. Exact locations and other details are listed on the website. DWI Week is November 16th to 20th. He also mentioned the Alcohol Outlet Density Training scheduled on December 11th.

Ms. Wendel said she would like to continue to promote the message of recovery and requested booth information at the events.

b. Announcements

None were provided.

c. A DWI Program Alcohol Policy Recommendation Resolution

Chair Starke remarked on the ongoing work to bring the DWI numbers down. At the last Victim Impact Panel the number of offenders were half the usual. The Planning Council's mission also includes alcohol abuse. One in six deaths in New Mexico is alcohol related.

This agenda item was included to begin the development of a program to reduce alcohol abuse. The Planning Council would serve to help fund, support and review the program. Chair Starke said it was important that policies surrounding alcohol are reviewed in order to reduce abuse.

Ms. Wendel raised the issue of "unintended consequences" where people may not be drinking and driving and instead drinking and causing havoc at home. She said there may be an increase in domestic violence.

Chair Starke agreed with that observation and said that further enforces the need for the Planning Council to step up its game.

VII. Information Items

A. Legislative Proposals
1. Alcohol Taxes Save Money and Lives

Marie Claire Voorhees, Santa Fe Prevention Alliance, said the Alliance is committed to the statewide initiative called “Alcohol Taxes Save Lives & Money.” New Mexico has been the top state in alcohol related deaths in the country for 30 years. The Alliance is presenting this initiative to address the state’s excessive drinking and underage drinking. She recognized the complexities of the issue adding that New Mexico was number one in the country with early initiation drinking, that is kids drinking under the age of 13. And in that regard, Northern New Mexico is one of the highest in the state.

Ms. Voorhees discussed that there has been improvement with kids drinking but of the 32 percent of those kids who drink, 19 percent have engaged in binge drinking.

Ms. Voorhees provided the following information regarding the initiative:

- The CDC recently announced the annual impact of alcohol related costs to the State of New Mexico is \$2.2 billion. That is approximately a per capita cost of \$960+ to address alcohol related harm.
- The current alcohol excise tax in New Mexico raises \$45 million. Vis-à-vis the harm of \$2.2 billion it hardly covers 2 percent of the cost. The tax which is not tied to inflation continues to decrease as the harm continues to rise.
- SFPA worked with Bernalillo to fund an economic report on the proposed 25 cent increase per drink. The increase in cigarette tax facilitated the reduction in smokers. The report demonstrated benefits to the state.
- That increase will save lives, reduce underage drinking, reduce alcohol dependence and abuse, reduce violence, create jobs, provide local funds for prevention, intervention and treatment and continued health care coverage for Medicaid expansion. There has been concern about Medicaid in the state because in 2017 the government is requiring the state to contribute a 5 percent match. The notion is to dedicate a portion of the excise funds to help meet the gap in Medicaid. Having our community members covered by health insurance is very helpful. Raising the tax is recognized as the number one strategy to reduce excessive drinking and underage drinking. The second one is the reduction of alcohol outlet density.
- The report demonstrated that the average increase would be \$9.85 per year per person who buys alcohol. Excessive drinkers would pay \$51.14 per year. Further, the 25 cent increase is estimated to save 52 lives a year, prevent 306 violent acts and prevent over 12,375 cases of alcohol dependence or abuse in the state. The impact on underage drinkers is also great. Even if the new tax generated was placed directly in the general fund and not used for prevention, Ms. Voorhees said the gains through reduction in violence, deaths, abuse would remain.
- Almost half of New Mexico’s population chooses not to drink with fewer than 19 percent drinking excessively. The excise tax is a true user-fee.

- Although there may be a drop in alcohol-related service jobs there would be a gain in health-related jobs.
- The 25 cent tax would result in \$154 million in increased state revenues.

The CDC asserts the increase in the alcohol excise tax will:

- Reduce motor vehicle crashes
- Lessen alcohol impaired driving
- Lessen mortality from liver cirrhosis
- Reduce harm, i.e., violence, STDs, and alcohol dependence and abuse

Ms. Voorhees emphasized that early initiation drinkers have 47 times greater chance of having adult onset alcohol related problems. SFPA believes and study results support that increasing the tax will impact the problems.

She distributed a resolution [*Exhibit 1*] in support of the excise tax hike. The plan is to educate the legislature in 2016 in the hopes of bringing a bill forward in 2017.

Ms. Mann-Lev offered to provide presentations for interested organizations.

Chair Starke recognized the work that has gone into the initiative and thanked the Alliance for their service. He said the Planning Council's role would be to pass the resolution with a recommendation that the County Commission do the same. He asked that the item be included in next month's agenda for action. It is a well-established scientific fact that the increase in the price of alcohol decreases the use. As use drops harms drops.

Mr. Sanchez said Commissioner Holian will be sponsoring this resolution and he suggested the Alliance request she do so in November when HPPC and DWI Planning Council have had an opportunity to forward their recommendations.

The overall strength of the alcohol lobby in the legislature and the community norms around alcohol will present opposition to the tax.

It was repeated that New Mexico has the highest rate of alcohol related death in the country.

Ms. Mann-Lev pointed out the tax is volume based.

2. Closing Ignition Interlock Loopholes

Chair Starke identified the fundamental problem in that 50 percent of people who get DWIs do not install ignition interlock. When installed the chances of another DWI are greatly reduced by 5 to 7 times. Without the interlock many offenders are arrested for 122g-driving while revoked for DWI, their vehicles are seized in Santa Fe, Doña Ana, and Bernalillo counties. Thus it becomes a hardship and had the interlock been installed this could have been avoided.

The bill changes the law encouraging the offender to install the interlock. A crash risk curve graph was shown that demonstrates there is a high rate of accidents. The bill would increase the interlock period for higher BAC. Those without an interlock would be required to stay sober and be routinely tested via a home breathalyzer for the mandated interlock period.

Chair Starke recognized the bill was not perfect but it was a step toward greater compliance with the interlock law. He noted that one out of three people with an ignition interlock do try to drive drunk – but they can't. Once a person has attempted to drive drunk, the interlock period will be extended six months.

B. Law Enforcement Update

Mr. Olson said three topics came up at the last meeting. They met with Jeres Rael, the new traffic safety prosecutor with the AG's Office. He has offered a great deal of help. His goal is to get convictions in court. The DAs are required to get blood test reports from law enforcement agencies rather than the DOH's Scientific Lab Division. Getting discovery from law enforcement has been difficult but it is being addressed. Santa Fe County Sheriff's Office will be taking a DWI officer and putting him/her in traffic on a motorcycle which will be concentrated on day work.

C. Development of a Best Practices Guide for Liquor Establishments

The Planning Council would like to work with the Alliance to establish best practices for both on and off premises at alcohol establishments, stated Chair Starke. It would be best practices beyond the requirements of law, as stated by Ms. Mann-Lev.

D. Coordinator's Report

Mr. Sanchez reported that staff is still working on the contract with Margaret McClean. A new compliance officer will begin work with the County November 2nd and may have a focus on DV cases. October 18th staff will be attending accreditation training. All 33 counties will be celebrating DWI Week in November and the effort will be to increase awareness around the DWI programs and educate the legislators on the programs. DWI Week will be kicked off with a checkpoint exercise on November 16th. An officer appreciation event could occur during the DWI Week. Another collaborative effort is working with Tesuque Pueblo, obtaining their data and helping the offenders.

In July the Council will review the strategic plan and then in February have a retreat with the stakeholders and set aside an entire day and bring in the providers such as law enforcement, the courts, those that have a role in DWI and obtain their input and then work on the plan. There appears to be board consensus in dedicating a day to work on the plan.

Ms. Wendel asked that the stakeholder list be broad and include different ideas of what community service looks like.

E. Behavioral Health Alliance Update

Chair Starke said the Council's overlap with the Behavioral Alliance has to do with alcohol harm. He said the alliance is not a non-profit.

F. Prevention Alliance Update

Ms. Mann-Lev suggested the Prevention Alliance do a press release and share how lucky we are in Santa Fe to have a strong DWI program.

- The Responsible Beverage Service Initiative has begun a pilot project with 20 off-premises stores. A checklist beyond the requirements of the law is provided to the manager/owner. Follow-up letters encourage adoption of additional requirements. The project will, with the help of the DWI Planning Council, expand to on-premise. The Alliance met with the new Special Investigation Division (SID) director and will be sharing data with them.
- Local Alcohol Policy – the Prevention Alliance has provided a definition of “standard drink” and is working with City Councilor Dominguez to ensure best practices are followed when exemptions are made for the sale of alcohol in public property.
- A Municipal Alcohol Plan is an idea for consideration. This would allow the City to intentionally consider alcohol permitting in a different way. The old Walmart is coming forward for a liquor license which is of great concern. This will take community action to stop. The area is densely populated with Section 8 housing, etc. There could be detrimental effects to public health, safety and morals, increased police calls, DWIs, and traffic issues. With increased community concern NM Alcohol and Gaming Division could deny the license.
- Two educational campaigns are underway about hosting alcohol safe.
- DWI Day at the Roundhouse is February 10th.

Life Link and the Santa Fe Community Housing Authority were mentioned as contacts for the Walmart liquor plans.

VIII. Miscellaneous

A. Agenda Items for Next Few Meetings

- Resolution: Alcohol Taxes Save Lives and Money
- Approval of Annual Report
- By-law review and approval – staff to provide print copy

IX. Announcements

- Next Planning Council Meeting: November 12, 2015

X. Adjournment

Having completed the agenda and with no further action to come before the Council, Chair Starke declared this meeting adjourned at approximately 10:40 a.m.

Approved by:

Thomas P. Starke
Thomas P. Starke, Chair
DWI Planning Council

Respectfully submitted by:

Karen Farrell, Wordswork



COUNTY OF SANTA FE) DWI MINUTES
STATE OF NEW MEXICO) ss PAGES: 9
I Hereby Certify That This Instrument Was Filed for
Record On The 1ST Day Of March, 2016 at 10:46:49 AM
And Was Duly Recorded as Instrument # 1797675
Of The Records Of Santa Fe County
Attest My Hand And Seal Of Office
Deputy Geraldine Salazar Geraldine Salazar
County Clerk, Santa Fe, NM

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