

**MINUTES OF THE**  
**SANTA FE COUNTY**



**DWI PLANNING COUNCIL**

**November 12, 2009**

**Santa Fe, New Mexico**

This meeting of the Santa Fe County DWI Planning Council was called to order by Allan Wheeler, Chair at approximately 8:35 a.m. on the above-cited date at 2052 S. Galisteo, Santa Fe, New Mexico.

The following members were present:

**Members Present:**

Allan Wheeler, Chairman  
Yvonne Ortiz  
Donna Morris  
Marti Rodriguez  
Sgt. Louis Carlos  
Shelley Mann-Lev  
Jon Paul Romero  
Diego Lopez

**Member(s) Excused:**

Sgt. Joe McLaughlin  
Donna Bevacqua-Young

**Staff Present:**

Becky Beardsley, Program Coordinator  
Renee Sandoval, Compliance Monitor

**Others Present:**

Alice Sealey, Teen Court  
Cpl. Bill Ritch, County Sheriff's Department  
Sgt. Alan Mascareñas, Santa Fe PD

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
DWI MINUTES  
PAGES: 6  
I Hereby Certify That This Instrument Was Filed for  
Record On The 13TH Day Of July, 2010 at 10:10:15 AM  
And Was Duly Recorded as Instrument # 1604888  
Of The Records Of Santa Fe County  
Witness My Hand And Seal Of Office  
Valerie Espinoza  
County Clerk, Santa Fe, NM  
Deputy *Valerie Espinoza*

**APPROVAL OF MINUTES**

July 9, 2009 - Mr. Romero moved to approve the July 9, 2009 meeting minutes as submitted. His motion was seconded by Ms. Morris and passed by unanimous voice vote.

September 10, 2009 - Sgt. Carlos moved to approve the minutes as published. Mr. Romero seconded and the September 10, 2009 minutes were unanimously approved.

## AGENDA

By consensus the agenda was approved as published.

## INTRODUCTIONS

The participants introduced themselves.

## OLD BUSINESS

### **City/County Alcohol Task Force Update Special Legislative Session**

Ms. Beardsley the Governor's DWI crime package community forum was held a few weeks ago where she provided a DWI presentation. She provided a power point presentation identifying the many facets of Santa Fe County's DWI program. The following information emerged: In 1997 Santa Fe County created a formal DWI Planning Council which advises the County on what components to fund, the composition of the council, its standard meeting date, fiscal budget, identified programs that include prevention, information, evidenced-based programs, advertising in theaters, buses, newspapers and local periodicals to educate and raise awareness. Over 29,000 individuals in Santa Fe County attended prevention activities in FY09; the reduction in DWI arrests are attributed to the CADDy program as well as community awareness; the program pays salaries and benefits for two law enforcement officers and meets monthly with law enforcement agencies, does data tracking and probation-type tracking, and is currently tracking 1,400 active offenders. She identified the partners working with the Santa Fe County DWI program.

Reviewing the budget, Ms. Beardsley said a new program, "mental health first aid", will be introduced through the SWAT (Student Watch Action Team) sponsors. She compared the SWAT program to the employee assistance program within an organization and stated the kids have been trained in suicide prevention, recognizing suicidal tendencies and other risk behaviors. This program will broaden their knowledge base and help them identify other mental health issues.

Alcoholodu was recommended by the education subcommittee of the City/County Task Force and staff will investigate implementing that.

Treatment will be modified in this year's program with only treatment for teens being funded. Reducing the remaining treatment will release some funds for other allocations – the CARE Connection and other prevention programs.

Ms. Beardsley noted that from 2003 to 2007 there was a 41 percent reduction in alcohol-involved crashes and 48 percent reduction in alcohol-involved injuries. From 2003 to 2008 there was a 50 percent reduction in fatalities. She noted that since the numbers are fairly small, although not insignificant they are easily skewed by a single event.

Chair Wheeler asked whether the data would be enhanced if it were related to population per 10,000. Ms. Beardsley said the data she presented was Santa Fe County's population data and would not change if presented per capita unless comparing Santa Fe County to other

counties. She pointed out the data runs approximately two years behind because of the process to validate it.

She mentioned the new City/County task force and outlined its charge, the subcommittees (Treatment, Taxation, Education, and Law Enforcement and Judicial) and the recommendations from those subcommittees. The subcommittee findings and recommendations have been presented to the City Council and County Commission; the next step will be enactment of the programs.

The taxation subcommittee is supporting a local option. She noted that it is believed Attorney General King will be introducing a bill this year that will allow a local option for Bernalillo, San Juan and Santa Fe Counties.

Regarding the possible excise tax, Ms. Beardsley said they will support the bill because it brings extra money into the community and hopefully the bill will provide flexibility for expending the funds. However, the funds are not guaranteed to come to the DWI programs yet she anticipates the program will be responsible for overseeing it which could be quite labor intensive and political especially if there are not specific guidelines for the funding. Another concern is if the option is approved, the legislators may reduce the distribution money that the program depends on. This would be a problem if the local option funds are limited to certain components such as prevention and treatment this could be a problem. Screening and tracking are required by state statute and other components have been identified as essential in addressing DWI but there may not be any funds to do so. She also noted that a bill to increase the liquor excise tax would bring tremendous opposition from the liquor industry.

If the excise tax was increased and even if the new funds went directly to the general fund, Chair Wheeler suggested that when the economy improves the DWI programs may be able to lobby for the funds in the future.

Ms. Beardsley said research has shown raises in the tax will reduce the consumption in underage groups. However, the bill as written caps the DWI funding at the FY2009 level. This will be an issue because as salaries and benefits increase programs may need to be cut since there will not be an increase in funding to offset the natural increases. Currently the programs receive approximately 41% of the funds. With this cap the percentage being allocated to the counties will continue to decrease. She said the bill will be presented by Representative Egolf and Senator Sanchez.

Ms. Mann Lev said the Representative Egolf has been working with the Education group to develop the bill and the money in his bill is dedicated to education. Ms. Sealey noted that the educational component was not written but he has verbally promised that.

Ms. Mann Lev pointed out that the Santa Fe County Commission passed a resolution in support of the local option.

Ms. Beardsley as vice chair of the DWI Affiliate said she would be attending the legislative session with Rob Mitchell, the affiliate chair, to educate the legislators on the issues of the different DWI-related bills.

Ms. Mann Lev said she was encouraged that the City and County were working together on the Alcohol Taxation Committee.

Ms. Beardsley said Cynthia Delgado is the contact person at 670-3002 for more information regarding the City/County Alcohol Task Force.

### **III. NEW BUSINESS**

#### **Fiscal Year 2011 Budget**

Ms. Beardsley said she attended a workshop where she obtained the application for the FY11 budget. There is an increase of approximately \$70,000 for next fiscal year. The major changes to be made to the budget next year are the reduction in treatment by \$77,500, increasing CARE Connection and the CADDy program and expanding prevention with Alcohol Edu. The remainder of the budget remains relatively flat.

CARE Connection is exploring creative funding and staffing. Ms. Beardsley said the DWI program will help fund the teen screening program.

Referring to the treatment reduction, Ms. Beardsley said in the past the program issued vouchers to four treatment providers and those vouchers were going unused and would be better used in prevention serving more individuals and hopefully preventing the reversion of unused funds.

Ms. Mann Lev requested a prevention spreadsheet depicting what has been accomplished over the past few years regarding the contracts.

#### **Governor's DWI Crime Package Community Forum**

Ms. Beardsley said the package includes closing loopholes and having tougher penalties. Tougher penalties propose a mandatory three-day jail sentence for the first DWI conviction, four days to seven days for the second DWI conviction, 30 days to six months for the third conviction and four to six months for the fourth conviction. The third conviction becomes a felony and the financial penalties are increased.

The mandatory jail sentence has financial implications on the counties that will be paying the jail costs. In addition crimes resulting in fines over \$1,000 are heard in magistrate court, thus increasing the case loads for judge, district attorneys, public defenders, adult probation and DWI staff. Although the County Commission recently supported the Governor's initiatives, Ms. Beardsley said without a mechanism to hold the counties harmless they would be cautious about the package and may not support it.

Ms. Beardsley said the courts were permitting DWI convicts to serve out their sentences with electronic monitoring and that would be discontinued with the mandatory jail. Another loophole is that cases where an individual refuses to submit a breath or alcohol sample have been plead down to a non-DWI offense. This is a language technicality that will be corrected. And an automatic 2<sup>nd</sup> degree murder charge would be developed for DWI crashes resulting in death.

In response to Chair Wheeler's question, Ms. Beardsley said she has provided input to the Governor's Office and the County Commission. Rachel O'Connor, state DWI Czar, anticipates opposition from the counties unless there is a hold-harmless provision.

#### **Conflict of Interest Statement**

Noting this was an annual requirement, Ms. Beardsley asked that the council members review and sign the forms.

**DFA Detox and Distribution Resolutions**

Ms. Beardsley said these resolutions authorize the County to submit an application to DFA, Local Government Division to participate in the local DWI grant and distribution program and the local DWI CARE Connection/Detox Program.

Sgt. Carlos moved to approve resolutions 2009-01 and 2009-02 as presented by staff. His motion was seconded by Ms. Ortiz and passed by unanimous voice vote.

Ms. Beardsley said the budget will be presented to the HPPC and with their approval the budget will move forward to the BCC. Following Board action, the budget will be submitted in February.

**December Meeting Agenda & Holiday Celebration**

The juvenile DWI report will be postponed until December or January.

The traditional burrito and biscochito December breakfast meeting was confirmed.

**ITEMS FROM THE FLOOR**

Ms. Ortiz announced that starting 2010 there were be two classes each month through YDAP. Referrals from tribal judges will be solicited.

Ms. Mann Lev said the vehicle seizure numbers in the city have been incredible. She hoped the DWI crime report blotter would include "vehicles seized." There was discussion that the individuals losing their vehicles were not aware of the program

Ms. Ortiz recommended a public service announcement about the program in Spanish.

Many of the offenders have opted for the 30-day boot program rather than seizure. If there is another DWI following the boot program, the vehicle is automatically seized without a hearing. The offenders are charged a \$600 boot fee plus towing fees.

Ms. Beardsley noted that the boot program may be used through Magistrate Court where an individual refuses to get an ignition interlock and/or sign a waiver.

Diego Lopez invited the council to attend a screening of a new prevention tool through Hands Across Cultures in collaboration with Santa Fe's DWI program and Northern New Mexico College. The film is called *Torcida* and congratulations were offered to Diego Lopez, the film's director.

**STAFF REPORTS**

**Coordinator's Report & Financial Report**

Ms. Beardsley noted this was covered during the previous items.

**Financial Report**

The report was is in the packet as an information item.

**Prevention Report**

The report was in the packet as an information item.

**Teen Court Report**

The September and October report was included in the packet.

**ANNOUNCEMENTS**

**Prevention** – met on November 9<sup>th</sup>

**Law Enforcement/Adjudication**

On September 26<sup>th</sup> a multi-agency/multi-jurisdictional checkpoint was conducted with Rio Arriba County and Española was blocked off with 10 different law enforcement agencies involved. The different entities worked well together and there were 8 DWI citations that evening.

The next meeting is scheduled for December 9<sup>th</sup> at 2 p.m.

**Screening/Treatment** – to be called for special topics

**Next PC meeting** – December 10<sup>th</sup>

As a point of information, Ms. Beardsley said Santa Fe County lost \$87,000 in federal funding which translates to one law enforcement officer when it dropped out of the top 10 for DWI fatalities per 100,000 population.

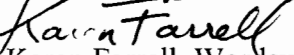
**ADJOURNMENT**

This meeting was declared adjourned at approximately 10:00 a.m.

Approved by:

  
Allan Wheeler, Chair  
DWI Planning Council

Submitted by:

  
Karen Farrell, Wordswork