

MINUTES OF THE
SANTA FE COUNTY
DWI PLANNING COUNCIL

December 11, 2014

Santa Fe, New Mexico

This meeting of the Santa Fe County DWI Planning Council was called to order by Chair Tom Starke at approximately 9:00 a.m. on the above-cited date at 2052 S. Galisteo, Santa Fe, New Mexico.

A quorum was achieved with the following members present:

Members Present:

Tom Starke
Richard De Mella
Erica Abeyta
Loralee Freilich
John Mowen
Leah Tafoya

Member(s) Excused:

David Saldivar

Staff Present:

Lupe Sanchez, DWI Program Coordinator
Peter Olson, DWI Program

Others Present:

Shelley Mann-Lev, Santa Fe Prevention Alliance and SFPS
Ramona Flores-Lopez, Santa Fe Prevention Alliance
Ted Lovato, Juvenile Probation Office
Jonathan Fernandez, DWI Program, Local Government Division - DFA
Julie Krupcale, DWI Bureau Chief, Local Government Division - DFA

Those present introduced themselves.

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

DWI MINUTES
PAGES: 8

I Hereby Certify That This Instrument Was Filed for
Record On The 9TH Day Of January, 2015 at 02:38:09 PM
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Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy Marella D. Salazar County Clerk, Santa Fe, NM
Geraldine Salazar



III. Approval of Minutes: November 13, 2014

Upon motion by Mr. Mowen and second by Mr. De Mella, the minutes were approved without objection.

IV. Approval of Agenda

Mr. Mowen moved to approve. His motion was seconded by Mr. De Mella and passed by unanimous voice vote.

V. Matters from the Council/Action Items

A. Follow up from previous meetings

Chair Starke mentioned previous discussions about the rise in DWI crashes in the county – a 30 percent increase this calendar year. Staff is working with the state Transportation Engineer to determine whether traffic has significantly increased. All crashes are up in the county.

DWI Bureau Chief Julie Krupcale said fatalities are up as well and law enforcement is reviewing the issue.

Mr. Olson said at this point there are no definitive answers other than people are driving drunk. Chair Starke said there are suppositions but no data.

Ms. Freilich mentioned the proliferation of breweries throughout the state. She recommended raising the first DWI offense to \$1,000 to get the public's attention. Chair Starke said the first DWI typically costs the offender \$4,000 and many of these people are indigent.

In response to Ms. Abeyta's question whether the data could be divided by age group. Mr. Sanchez said they are looking at demographics and where the accidents are occurring in relation to the driver's home or work place. While many of the accidents are minor, people are getting behind the wheel intoxicated. Firestik Studio is focusing on "buzz driving."

Mr. Mowen said it was critical to have comparison groups to determine patterns.

Ms. Krupcale noted that the screening tool asks where the liquor was obtained.

Ms. Freilich recommended posting signs in liquor stores advising the patrons to drink at home.

VI. Information Items

A. Santa Fe Prevention Alliance – Legislative Memorial

Ramona Flores-Lopez, Santa Fe Underage Drinking Prevention Alliance, said the impetus for the memorial to study the broader health and social impact of drinking in New Mexico came from the push to ask the City Council to deny Giant's liquor license transfer

request to sell liquor at Airport and South Meadows. The case had been appealed to the NM Supreme Court who refused to render an opinion.

A couple of issues have come forward: why the Alcohol and Gaming Division's 300-foot rule from school or church was not adhered to and whether there is case law in terms of health-related issues. The court requires specific health harm in the area where the liquor establishment is proposed.

Ms. Flores-Lopez said these facts led to the notion of introducing a memorial during the session asking that the legislature conduct a comprehensive study of the total costs of alcohol on NM society and the economic contribution of the liquor industry. The CDC estimated that in 2006 the cost of alcohol abuse in New Mexico was \$2 billion for the state. DOH estimated that over the past 30 years NM has had among the highest alcohol related death rates in the country. She cited additional statistics from DOH research adding that alcohol dispensary density contributes to the problem.

Ms. Flores-Lopez said she and Maire Claire Voorhees met with Senator Wirth and outlined the CDC and DOH data and the concept of the memorial. As chair of the Judiciary Senator Wirth was unable to dedicate the appropriate time to carry the memorial but provided good recommendations for sponsors. The memorial requests a comprehensive analysis of the State Liquor License rules, regulations, policies and practices and their impact on the health and well-being of New Mexico.

Shelley Mann-Lev said the session starts January 20th and she encouraged the council members to serve as advocates for the memorial.

Chair Starke requested that the memorial be forwarded for email distribution to the council members. He said a general summary of the key bills that the Alliance is tracking would be useful. He explained how a bill/memorial works through the legislative process emphasizing that the legislators listen to the public with a keener ear than to a lobbyist.

Ms. Freilich offered to serve as a spokesperson and appear before the legislature. She encouraged SFPA to consider advancing the notion that alcohol consumption is a health issue.

February 17th was identified as DWI Day at the legislature. The March of Sorrow will also occur on that date.

Chair Starke thanked the Alliance for their work on the memorial.

B. DWI Bureau Chief, Local Government Division

Ms. Krupcale concurred with the Chair's introduction that the DWI program funding is derived from the liquor excise tax. Currently 41.5 percent of that tax flows through DFA's Local DWI programs and issues. Next fiscal year that will increase to 46 percent for a three-year period and is estimated to provide an additional \$2 million statewide. The DWI affiliates have agreed to use the additional funds to conduct program evaluations. She said the LFC is concerned about

treatment and how to apply Medicaid funds for treatment. She is unaware of any legislation DFA may be sponsoring.

Ms. Krupcale said the tax is based on the volume of liquor sales. Ms. Mann-Lev said excise taxes are a set amount. This has not changed since 2000 and is roughly 5 to 6 cents per drink. Mr. Sanchez said the distributors rather than the liquor establishment pay the tax.

Chair Starke requested data reflecting the volume of alcohol sold in Santa Fe County. He suggested a correlation could be developed between the increase in DWI-related crashes and the volume of liquor sales in the county. Ms. Krupcale said she has statewide numbers.

Ms. Krupcale said the distribution formula is based on two numbers: alcohol crashes that occurred between 2000 and 2002 and gross receipts tax.

Chair Starke requested that Ms. Mann-Lev assist in following up with State Tax & Rev to ascertain whether they have dollar amount/volume of sale by county.

Jonathan Fernandez, DWI Program grant manager said he and DWI auditor Daniel Montoya recently conducted an audit on Santa Fe County's program. The program components – teen court, screening, prevention – were analyzed and there were no concerns identified.

Ms. Krupcale said there was follow-up needed on the Sobering Center. Mr. Sanchez said there are HIPAA concerns that require additional review. Ms. Krupcale said as an auditor they should be allowed to review files to insure the contract funds are spent appropriately; she noted the facility receives \$300,000 annually.

Ms. Krupcale commended the County on the DWI reminder posters in mall storefronts.

C. Crash Data

Mr. Sanchez directed the council to the packet information. Ted Lovato, JPO, acknowledged the work that Mr. Sanchez and Mr. Olson are doing for the community in terms of DWI awareness.

Ms. Freilich recommended requiring DWI offenders to take and pass a driving course.

The DWI dashboard is compiled by Shelly Moeller and published monthly in the *New Mexican*. Law enforcement numbers depict 67 DWI arrests in October. The majority of City DWI arrests are filed in magistrate court. Law enforcement has had more confidence in the manner in which magistrate court handles DWI cases. Municipal court handles many of the low-BAC first offenses.

Chair Starke reviewed the statistics and noted that both arrests and crashes are up compared to 2013. He attributed the arrests to strong law enforcement efforts and an increase in targets. The minors in possession and minors under the influence show a 54 percent decrease. A recent survey showed a dramatic decrease in alcohol consumption.

Ms. Mann-Lev said the Youth Risk and Resiliency Survey (YRRS), a biannual survey of high- and middle-school students, reveals a dramatic decrease over a 10-year period. While the two-year numbers show a large drop, Ms. Mann-Lev said she distrusted what it meant other than highlighting the challenge of how to help law enforcement enforce minors in possession rules.

Mr. Lovato said it would be important to separate the information on 18- to 21-year olds. The important discussion is why kids are drinking. Kids drinking is a covert situation. Available liquor in the home merits discussion as well as parents providing liquor for underage parties.

Mr. Lovato recommended developing a process making the system as easy as possible, i.e., a one-page document to help the officer write up citations in 30 seconds. The citation could be given to the parent/guardian and JPO. A simple process as easy as saying “dump your beer and get out of here.” If the council wants to focus on underage drinking, then there has to be a simple, clear document.

Chair Starke said it was a topic worth discussion and asked staff to develop an agenda item.

Ms. Krupcale suggested asking law enforcement to identify barriers for MIP arrests would be useful. Mr. Lovato said arrests and citing are different.

Mr. Lovato said youth drinking, marijuana or any drug use cannot be tolerated.

Ms. Mann-Lev said the Alliance is launching a campaign: “Don’t be a party to underage drinking,” to promote and publicize the City’s social host ordinance.

Mr. Sanchez noted the fatality summary provides data through November 2014. Also included was data on all crashes in NM and alcohol-related crashes in Santa Fe County.

D. Coordinator’s Report

Mr. Sanchez provided an update on the SBIRT (Screening Brief Intervention Referral for Treatment), a program that the County is piloting. Participants were selected randomly from the first-time offenders. The pilot project has an online treatment component administered by Behavioral Therapy Associates. Once the online treatment is completed a follow-up evaluation occurs to insure the individual successfully completed the program. Fifty individuals have completed the program and 40 have completed the required 19 sessions and the follow-up evaluation. At the conclusion of the pilot program, Jim Davis at DOH has agreed to conduct an evaluation on the compiled data as well as a comparison with other treatment methods.

Mr. Sanchez said he’d like to see a re-evaluation conducted on the individuals every couple of years.

Chair Starke pointed out that if the pilot is successful, it could be expanded to include all the offenders without a substantial dollar increase to the program. Mr. Sanchez said there are similar online programs for drug offenders and more concentrated programs for repeat offenders. He said more planning on this program is needed. To date there have been 23 females and 27 males through the program.

Mr. Sanchez mentioned resistance in the behavioral health industry to online treatment. The program has SAMHSA best practice approval. He offered to provide the questions or website address of the online program.

The urine testing program has 171 participants who are tested twice monthly. Since August 11th 810 tests have been conducted, 97 have tested positive and many of those are repeat high testers; 688 have been negative. 62 have tested positive for THC/marijuana, some have a medical card, there has been an increase in positive cocaine. He said discussions with Judge Segura are needed to determine the immediacy of sanctions if one fails a test. He was surprised by the number of individuals with prescription for opiates, Benzodiazepines, Oxycodone. Immediate sanctions are more effective than waiting.

He said an additional test is performed on individuals before and after a verified vacation and the participant pays a \$30 fee.

Driving on revoked license: Data from magistrate court was received and will be analyzed. Many of these cases are dismissed because the officer does not appear for the court date. The officer prosecutes these cases and when going against an attorney many times the case is pleaded down to careless driving. Once the data is analyzed, staff will go to the Traffic Safety Division with a proposal to fund a position for the DA who would handle the cases. This may tie into ignition interlock. A compliance officer has been funded to monitor ignition interlock.

January through October there were 233 driving on revoked for DWI cases filed in magistrate court. Of those 64 are pending, 28 were found guilty and 132 were dismissed. Ms. Mann-Lev said SFPA looked at municipal court numbers and they are very similar.

Chair Starke said there is a proposed bill that creates a correlation with the BAC and the interlock requirements.

December 23rd will be the launch date for the next campaign with support of law enforcement. Mr. Olson said the campaign is "Two = Tow." He distributed bumper stickers and coasters that will be used at bars. He displayed the t-shirts that bartenders would be wearing supporting the campaign. Another bus wrap is proposed.

VII. Miscellaneous

A. Agenda Items for Future Meetings

- DWI Program budget review
- Review of the strategic plan
- Discuss HPPC's objective to reduce alcohol abuse
- Underage drinking citation development

Ms. Freilich expressed an interest in hearing from Santa Fe's youth on access to drinking.

Mr. De Mella commended the work of Impact DWI-Victim Impact Panels and thanked Chair Starke for his service with that group.

DRAFT
Santa Fe County DWI Planning Council
AGENDA

2052 S. Galisteo
Thursday, January 8, 2015
9:00AM-10:30 AM

Provide

include CDWT
Funding

- I. Call To Order
- II. Roll Call
- III. Approval of December 11, 2014 meeting minutes
- IV. Approval of Agenda
- V. Matters from the Council/ Action Items
 - a. Follow up from previous meetings
- VI. Information Items
 - a. LFC Audit
 - b. Review of Projects
 - c. Crash Data
 - d. Coordinators Report
- VII. Miscellaneous
 - a. Agenda Items for Next Meeting
- VIII. Announcements
 - a. Next Planning Council Meeting February 12, 2015

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VIII. Announcements

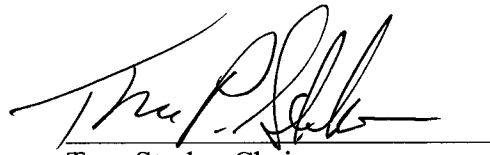
Holiday cheer was expressed for all.

The next meeting was scheduled for January 8, 2015.

IX. Adjournment

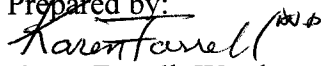
Having completed the agenda and with no further action to come before the Council, Chair Starke declared this meeting adjourned at approximately 10:30 a.m.

Approved by:



Tom Starke, Chair
DWI Planning Council

Prepared by:



Karen Farrell, Wordswork