

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**DWI PLANNING COUNCIL**

**December 9, 2010**

**Santa Fe, New Mexico**

This meeting 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.

The following members were present:

**Members Present:**

Yvonne Ortiz, Acting Chair  
Donna Morris  
Jon Paul Romero  
Sgt. Louis Carlos

**Member(s) Excused:**

Marti Rodriguez

**Staff Present:**

Becky Beardsley, Program Coordinator  
Frank Magourilos, Santa Fe County DWI Program Prevention Supervisor  
Diolinda Roybal, Santa Fe County DWI Program Prevention

**Others Presents:**

Sgt. Clifton Coleman, Santa Fe County Sheriff's Department  
Cynthia Delgado, Santa Fe Underage Drinking Prevention Alliance, Community Liaison  
Sgt. Alan Mascarenas, Santa Fe City Police Department  
Diego Lopez, Hands Across Cultures  
Shelley Mann-Lev, Santa Fe Public Schools – Underage Drinking Prevention Alliance  
Donna Bevacqua-Young, Special Prosecutor – District Attorney's Office

**APPROVAL OF MINUTES:**

**July 8, 2010 and October 14, 2010**

Ms. Morris moved to approve the minutes of the July 8<sup>th</sup> and October 14<sup>th</sup> meetings as presented. Her motion was seconded by Mr. Romero and passed by unanimous voice vote.

## AGENDA

There were corrections or changes and the agenda was accepted by consensus.

Those present introduced themselves.

## OLD BUSINESS

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

Ms. Beardsley indicated that the project remains in limbo and she had nothing to report.

### **B. Legislative Update**

Ms. Beardsley indicated that there were several issues pending. The local option will be reintroduced and staff continues to be concerned regarding incorporated areas crossing over county boundaries, the lack of definition for administrative fees and vagueness in the language.

Regarding the minors under the influence bill, Ms. Beardsley said staff met with the Attorney General and at this point the bill is going forward as discussed at the October meeting. There is still concern about the language. The ban on malt liquor bill may be reintroduced.

Ms. Beardsley said Dick Roth plans to propose a few bills during the upcoming session. One mandates supervised probation or immobilization of the vehicle until adjudication. One would impose a state-wide vehicle forfeiture program. One would allow search warrants to be obtained to get blood samples of individuals refusing to take a breathalyzer test and the idea of training and certifying officers in phlebotomy has surfaced.

Another bill that may be introduced, Ms. Beardsley said will prevent the pleading down of an aggravated DWI to a non-DWI offense.

Ms. Beardsley mentioned there have been discussions to move the local DWI programs under the Department of Transportation Traffic Bureau.

Ms. Bevacqua-Young said the AG's Office and DOT are working together to introduce a no-texting while driving bill. Thirty states have passed bills involving that issue. The bill will be introduced as a separate statute and jury instructions will be modified to include texting under vehicular homicide with DWI and reckless driving.

Ms. Beardsley said staff watches DWI-related bills and will keep the Council advised by email.

### **C. Santa Fe Underage Drinking Prevention Alliance Update**

Ms. Mann-Lev reported that another March of Sorrow is scheduled in collaboration with DWI Awareness Day, January 27<sup>th</sup>, at the Roundhouse.

The Alliance's annual retreat is scheduled for Tuesday, January 25<sup>th</sup>. Data will be reviewed to update the strategic plan and recommit to priorities for the coming year.

Ms. Mann-Lev said on the policy and law enforcement side, the Alliance continues to work with law enforcement agencies. Since the end of September there has been a focus on 1,000 individuals with DWI-related warrants and 160 have been resolved through Operation Descansos. The overtime to perform this operation is being paid by DOT.

City Councilor Carmichael Dominguez is working on a "social host" ordinance for the City. It will actually be an amendment to the Nuisance Abatement Ordinance and will allow the City to pass on the cost of first responders responding to large, loud parties on to the property owner. She hoped the County would consider adoption of a similar ordinance.

Regarding education, Ms. Mann-Lev said they were working on a project to increase screening in adolescents for alcohol and other drug use concerns. A training session is planned for healthcare providers at CHRISTUS January 11<sup>th</sup>.

The second of two youth forums was completed. She said they were very successful and there was some interesting information that youth shared.

Several parent initiatives are coming forward. Santa Fe Public Schools is funding a program called "Let's Talk Santa Fe" for parents with children aged 10 to 14. She mentioned "Life as an Athlete" and other parent initiatives occurring.

Ms. Delgado said Life as an Athlete has been presented to over 1,000 parents and student athletes since the beginning of the school year.

Ms. Delgado said different community partners are coming together to talk about the April/May timeframe in terms of prom and graduation and starting to plan events/awareness campaigns designed to reduce underage drinking.

Sgt. Mascarenas mentioned a recent operation on serving alcohol to underage individuals. He stated that grand jury found the operation was "entrapment" and therefore would not indict the individual arrested for providing alcohol to minors. He said that issue needs to be cleared up before another operation is conducted. Ms. Bevacqua-Young said research is being conducted on that and stated that further information would be beneficial.

Ms. Delgado recommended pre-emptive media coverage on all operations so that the community understands the impact/consequences of serving and buying alcohol for children.

Ms. Bevacqua-Young said that she had discussed the need to educate the juries with Ms. Delgado and Chris Martinez.

Sgt. Louis Carlos mentioned a recent shoulder-tap operation that resulted in a number of arrests with a press release and stated that to date no one has been held accountable.

Ms. Beardsley was asked how issues such as these are addressed. She said when an issue is brought to the Planning Council's attention she typically phones the appropriate agency representative, discusses it and then brings information back to the Planning Council.

Mr. Romero recommended inviting the DA to a Planning Council meeting so the council as a representative of the community can raise concerns and have a conversation.

Ms. Mann-Lev agreed and suggested the topic center on prosecution of sales to minors or providing alcohol to minors. She said she likes data showing how many cases of this nature came forward, how many were prosecuted, and the resulting adjudication. Ms. Beardsley stated that she will contact the DA's office and extend the invitation.

Ms. Bevacqua-Young said "spice," a synthetic form of marijuana, has been sweeping the country. Two weeks ago, the US Drug Enforcement Agency made spice and K2 part of schedule 1 drugs which allows officers to charge drug possession. It is produced as incense, legal to buy and dangerous when smoked.

## **NEW BUSINESS**

### **A. Prevention Program Update**

Mr. Magourilos said there are big changes happening on the national level in regard to prevention. He reviewed development from a recent conference where SAMHA (Substance Abuse & Mental Health Services Administration) announced prevention as their number one priority. Prevention will be moved into mental health which he said would be a big paradigm shift. Evidence-based prevention is cost effective and could save lives and resources. The Administration has adopted a new motto: "Prevention Works; Treatment is Effective; People Recover." The Administration would like more focus in risk and protective factors. Suicide prevention is a high priority and the suicide rate for youth is alarming. Native American youth suicide is three times that of the national average. Building emotional health in the youth was cited as a high priority.

Mr. Magourilos referenced a study from the National Academy of Sciences in which it states, "the future of prevention requires combined efforts to 1) apply existing knowledge in ways that are meaningful to families and communities, and 2) pursue a rigorous research agenda that is aimed at improving both the quality and implementation of interventions across diverse communities."

Mr. Magourilos remarked that the US Departments of Health and Human Services, Education and Justice have open dialogue about developmental issues. He said it seems from a federal level that they are seeing if prevention is done right it works. They are also promoting the idea that researchers and the prevention workforce engage in discussions.

Ms. Mann-Lev commented that the Santa Fe community has prevention expertise.

Referring to Santa Fe County's DWI Prevention Program, Mr. Magourilos said the rural communities (Edgewood, Pojoaque, etc.) are in great need. The evidence-based/science-based program "Protecting You/Protecting Me is actively being promoted. He mentioned that

Commissioner-elect Robert Anaya has prevention and dropout rates as high priorities. Mr. Magourilos will be meeting with school principals in the rural areas and will broach the idea of having a Hazeldon instructor train interested teachers the Protecting You Protecting Me curriculum which will expand Santa Fe's resources significantly.

Ms. Mann-Lev expressed concern about training teachers on a voluntary basis. She said unless the training is mandated there would be a very low participation.

Mr. Magourilos said MADD initiated the program at APS and is evaluating the progress of the program. He also stated that the DWI Program does not have the resources to provide prevention in all the schools so training the teachers to do that would help. Ms. Mann-Lev asked why staff was working part-time if community needs aren't being met. Ms. Beardsley stated that hasn't been determined or confirmed to the best of her knowledge.

Acknowledging the program's limited resources Ms. Delgado advocated specific targeting and measuring that test group.

Diolinda Roybal, Santa Fe County DWI Program, said she is currently working with all the 4<sup>th</sup> graders, approximately 150 children, at Pojoaque Intermediate School. This year she expanded to the 2<sup>nd</sup> graders, approximately 125 kids, in Pojoaque.

Mr. Magourilos said effective teaching requires multiple encounters with the kids.

Ms. Mann-Lev commented that the Parent Club at Capitol High had tremendous participation.

Ms. Delgado stated that the state and national information was very interesting but wanted to know if the Program has an overall Prevention plan. Mr. Magourilos stated one is provided annually for DFA in our funding application. Ms. Delgado expressed interest in seeing a complete list of the DWI prevention program plans with accompanying statistics to include purpose, outcome, and how many people were treated/touched. She said an activity report would be part of the total plan.

**B. 2012 LDWI Funding Application/Budget**  
*[Exhibit 1: FY2012 DWI Program Budget]*

Ms. Beardsley noted that the budget is presented by activity and component. She said the County DWI funds seven of the eight allowable components. This year's projected distribution is estimated at \$1.1+ million; \$97,000 less than what was projected last year. Staff was advised that available grant money is down by 30 percent statewide. She expressed concern that there may not be funding for two law enforcement officers but stated that the application for funding them would be submitted anyway.

Ms. Beardsley said the program's funding is based on a combination of GRT, liquor excise sales and crash data. She said she keeps the budget frugal because if the actual distribution comes in under budget the County is responsible for funding the difference out of the general fund. She reviewed the budget noting everything that happened in 2010 was included and highlighted the cushion categories. CARE Connection, which in the past was budgeted at

\$100,000, was taken over by CHRISTUS/St. Vincent and those funds are available to use on other programs – CADDy, evaluation systems/self assessments, and perhaps law enforcement efforts. These would all be one-time expenditures and Ms. Beardsley said she would entertain suggestions.

Mr. Lopez recommended technological capacity building for prevention staff. Currently, he does a lot of graphic art for County programs and he felt if they had the capacity in-house it would be helpful. Ms. Beardsley said the County has cut and severely restricted training, travel and education out of the budget so she didn't think that was something that would be supported.

Ms. Beardsley said there would be no reduction to personnel in law enforcement overall even if the grant is not funded. She said her program would fund two, the County, depending on whether the State funds one or two, will pick up the balance. Currently there are five positions funded in DWI law enforcement. While one position is currently vacant the savings will most likely be transferred over to the Sheriff's Department of fund overtime incurred by the DWI officers.

Referring to contracts, Ms. Beardsley said the program will no longer be funding the Youth Drug and Alcohol Program (YDAP). Since Yvonne Ortiz is on the Board the County cannot use LDWI funds for Hospital programs.

Ms. Beardsley talked about the possibility of implementing an online self-assessment program for the community. Ms. Delgado remarked that for the self-assessment to be successful it will require a significant PR effort.

Ms. Beardsley noted that the state statute mandates that every convicted DWI offender be screened and tracked. It costs \$15 to screen each offender. There are 600 to 800 arrests per year but the screening is only for those convicted.

Sgt. Alan Mascarenas observed that Santa Fe City Police Department was not included in the budget under law enforcement. Ms. Beardsley said the program funds overtime and about \$10,000 in CDWI. Ms. Delgado encouraged Sgt. Mascarenas to open a conversation on the funding of SFPD through the County's DWI program. Further, the density of alcohol retail is within the City limits and the issue of funding law enforcement should be addressed.

Ms. Beardsley advised that she talked with the Santa Fe City Police chief and explained the budget and no opposition was raised.

In response to Ms. Delgado's question of when the minutia of the budget is discussed, Ms. Ortiz said it happens throughout the year during advisory council meetings. She stated that performance measures should be identified at the beginning of the budget cycle and then reported on regularly.

Ms. Delgado asked the council if they felt confident that the budget reflects the most effective and the highest priority programs in Santa Fe County. They stated they did. She said she looked forward to seeing the data.

Ms. Mann-Lev said she would have preferred having the budget earlier in order to have time to review it and perhaps offer suggestions. She said she too would like to see better prevention reports that would improve the department's planning and evaluation. Ms. Beardsley said the process can be started earlier next year and was under the impression that the Prevention Subcommittee which she is part of had provided input to the Prevention piece. She stated that wasn't entirely true. Ms. Beardsley stated that the budget can be modified following approval but needed an initial budget so she can submit to the Board of County Commissioners and DFA.

Sgt. Carlos moved to recommend approval of the budget. Ms. Morrison seconded and the motion passed by [3-0] voice vote. Mr. Romero was not present for this action.

**ANNOUNCEMENTS**

**Prevention** – to be reinstated January 2011

**Law Enforcement/Adjudication** – January 12, 2011 - 1:30 p.m.

**Next PC meeting** – January 13, 2011 – 8:30 to 10:30

**ADJOURNMENT**

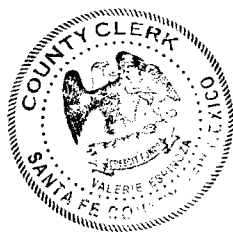
This meeting was declared adjourned at approximately 10:30 a.m.

Approved by:

  
Yvonne Ortiz, Acting Chair  
DWI Planning Council

Submitted by:

Karen Farrell, Wordswork

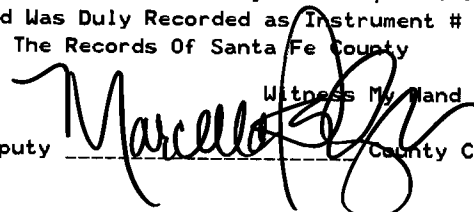


COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

DWI MINUTES  
PAGES: 7

I Hereby Certify That This Instrument Was Filed for  
Record On The 14TH Day Of June, 2011 at 04:17:48 PM  
And Was Duly Recorded as Instrument # **1637468**  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Valerie Espinoza  
Deputy \_\_\_\_\_ County Clerk, Santa Fe, NM



SEC CLERK RECORDED 14/2011