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MINUTES OF THE
SANTA FE COUNTY

DWI PLANNING COUNCIL

March 11, 2010

Santa Fe, New Mexico



This meeting of the Santa Fe County DWI Planning Council was called to order by Allan Wheeler, Chair at approximately 8:40 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
- Sgt. Louis Carlos
- Yvonne Ortiz
- Marti Rodriguez
- Shelley Mann-Lev
- Donna Bevacqua-Young
- Diego Lopez [late arrival]

Member(s) Excused:

- Jon Paul Romero
- Sgt. Joe McLaughlin
- Donna Morris

Staff Present:

- Frank Magourilos, Prevention Specialist

Others Present:

- Cpl. Bill Ritch, Santa Fe County Sheriff's Department
- Sgt. Clifton Coleman, Santa Fe County Sheriff's Department
- Sgt. Alan Mascareñas, Santa Fe PD

AGENDA

Sgt. Lewis said he would like to report on the HPPC minutes, and this was made item A under New Business. Ms. Bevacqua-Young asked that the fatal crash and quick clearance laws be made item B, and C will discuss shoulder tap operations. D. will be a request for a letter regarding a current project by Ms. Mann-Lev Legislative updates will be discussed under Coordinator's Report.

SFC CLERK RECORDED 07/13/2010

The agenda was approved by consensus.

APPROVAL OF MINUTES:

January 14, 2010

The January meeting minutes were approved without opposition and with Ms. Mann-Lev and Ms. Bevacqua-Young abstaining.

OLD BUSINESS

A. Juvenile DWI Report – Verify Need for and Redefine Purpose and Focus

Ms. Mann-Lev said Sarah Piltch, attorney for the children's court has been working on an OSAP (Office of Substance Abuse) funded project with the goal of reducing overall DWI. The hypothesis is that youth do not perceive a great risk in being caught drinking and driving. A problem arises in that the records are sealed, making data collection on consequences difficult if not impossible. Ms. Pilcher has access to the charts and has agreed to do case review to tally up outcomes of cases from drug court, i.e., number of days of community service, length of time on probation, and whether there was compliance. This is with an eye to determining whether the consequences are providing a suitable deterrent.

District Attorney Pacheco has approved the project, and it is moving forward at a snail's pace. Ms. Mann-Lev asked if this group was interested in being involved, and whether there were other ideas on how to approach the issue.

Chair Wheeler suggested that data be kept from the time of first contact with the police to determine how long the steps take. "Sure and certain punishment is certainly really what we're looking for." Compliance is also a point of interest.

Ms. Mann-Lev said at this point it is a "black box." Ms. Bevacqua-Young recommended involving AOC.

Sgt. Lewis asked what the goal of the project was. Ms. Mann-Lev answered the goal was to keep kids from drinking and driving by making sure they are aware of strong sanctions.

Mr. Magourilos said there probably were not strong sanctions.

Ms. Mann-Lev said the point is to strengthen the sanctions and make them timely.

Cpl. Ritch said that might entail changes to the juvenile code and prosecute some juveniles as adults. Ms. Mann-Lev said the first step is to get the data together.

Ms. Bevacqua-Young said poly-drug use should be included.

Sgt. Coleman stated there is a high incidence of not only prescription but also over-the-counter drugs as well as caffeine drinks that impair driving.

Sgt. Mascareñas said the legislature would have to be lobbied to change the arbitrary 18-year age limit.

Ms. Mann-Lev said Bernalillo County mandates an overnight stay in detention. She asked if there were categories of crime where juveniles are prosecuted as adults. Cpl. Ritch said even serious crimes are not automatically "bumped up" to adult prosecution, and never under the age of 14.

Sgt. Lewis said currently most burglaries are committed by juveniles. He cited a case where a kid was released and was committing more crimes. Those were not figured into his sentencing for the first offense due to time lags in the system. He added that the legislature just shot down proposed anti-gang laws.

Sgt. Coleman indicated when he testifies he always brings up the fact that it is socially acceptable to drink and drive, and this is the problem.

[Mr. Lopez joined the meeting.]

Sgt. Lewis said the police department can provide data, but it's an uphill struggle. More accountability is needed.

Sgt. Coleman suggested charging adults with child abuse along with DWI if there are kids in the car, although DAs are reluctant to prosecute. Sgt. Coleman said he books adults who are driving kids who have been drinking. Strict enforcement is being hindered by budget cuts.

Sgt. Lewis said the problem is parents don't want the responsibility of parenting. They are the ones that should be held responsible for their kids' actions. Ms. Bevacqua-Young predicted there would be an outcry.

A discussion ensued about lower numbers of DWI citations being due not to better prevention efforts, but in fact due to officer reduction. An additional factor is reduction in fatalities due to safer cars, more seatbelt use, and better medical care.

Sgt. Coleman said NITSA funding is cut when the data shows lower DWI rates.

There was committee consensus that the search for data on juvenile sanctions be pursued.

B. Letter to the Editor

Mr. Magourilos reminded the committee that the *New Mexican* has been devoting a lot of attention to the DWI issue and there was a suggestion to send a letter to the editor to thank them for that effort. Sgt. Lewis recommended that it be a letter of appreciation rather than thanks.

Chair Wheeler said he would draft the letter and it would be emailed to the committee for feedback.

NEW BUSINESS

A. HPPC Report

Sgt. Carlos stated there was discussion at the meeting of the possible dissolution of the commission. The issue involves a \$95/day compensation for all committee members that has come to light. Additionally a motion was passed to recommend not soliciting Social Security numbers from indigents in order to qualify more people, specifically those without documents.

B. Fatal Crash

Ms. Bevacqua-Young indicated that the driver in Friday night's fatal crash had priors and many issues may arise, including passenger responsibility. Sgt. Mascareñas outlined details of the incident. Ms. Bevacqua-Young said many agencies are working together to make sure nothing falls through the cracks. Ms. Mann-Lev pointed out that the driver was arrested for DWI in May of 2008 and had yet to be brought to trial; he had five priors. Ms. Bevacqua-Young anticipated there will be finger-pointing due to a Notice of Revocation not filed in the past.

Chair Wheeler said the case appeared to be symptomatic of the problems in the system, and there is a lot to be learned.

Sgt. Lewis noted they should be prepared for the finger-pointing but the problem is not the system, it is the drunk driver.

Ms. Bevacqua-Young pointed out the BAC levels of the driver were released to the press before law enforcement. She will request that a procedure be put in place to ensure law enforcement gets the information first so they aren't blind-sided.

Quick Clearance

On a related topic, Ms. Bevacqua-Young said a representative from the Federal Highway Administration has been talking about laws that call for immediate cleanup of debris from accidents, which can impede evidence gathering. She has been talking with other states about possible changes.

C. Shoulder Tap

Sgt. Lewis said a 4 ½ to 5-hour shoulder tap operation was held on February 18th in cooperation with SID. Four charges were filed. He said it is important to start targeting adults providing liquor to juveniles, and this committee has been supportive of that effort. He said a press release was issued. He noted that none of the people who were solicited and did not cooperate subsequently called the police.

D. Letter

Ms. Mann-Lev stated Santa Fe Public Schools has been receiving funding from the Office of Substance Abuse Prevention for the past 10 years and she is requesting that letters be written protesting a proposed huge reduction in funds. She listed the programs that have been supported by this money, including Project SUCCESS and life skills training. She asked that the Council send a letter in support of the school programs. Chair Wheeler said he would draft a letter.

[Sgt. Mascareñas and Ms. Mann-Lev left the meeting.]

STAFF REPORTS

Coordinator’s Report & Financial Report

Mr. Magourilos stated bills (Senate Bills 40, 207 and 32) cutting grant funding were passed by the legislature, that will not directly affect Santa Fe’s DWI program but could affect smaller programs. Santa Fe County is looking at cost-cutting measures.

Ms. Bevacqua-Young gave a heads-up for the next legislative session regarding doing away with the “slightest degree of impairment” theory in favor of BACs, and this should not pass.

Sgt. Coleman said he would prefer the subjective criteria exclusively.

Financial Report

The report was is in the packet as an information item and there was nothing extraordinary to report.

Prevention Report

Mr. Magourilos noted the incident involving the four teenagers has given rise to a City-County task force and he and Ms. Mann-Lev are on the Education subcommittee, which may eventually become a working group for the Prevention subcommittee. They will be doing a strategic plan, which may be ready in draft form for the next meeting.

Teen Court Report

The report is in the packet. The court has been busy.

SUBCOMMITTEE REPORTS

a. Law Enforcement

Mr. Magourilos said big checkpoints are coming. There will be three operations before April 1st involving multiple agencies.

ANNOUNCEMENTS

Prevention – to be called for special topics

Law Enforcement/Adjudication – April 14, 2010 – 1 p.m.

Screening/Treatment – to be called for special topics

Next PC meeting – May 13, 2010 – 8:30-10:30 a.m. – if necessary

Ms. Ortiz announced she had given out 540 bike helmets at Pinon Elementary School. YDAP, the Youth Drug and Alcohol Program, continues meeting once a month involving chiefly tribal youth first offenders.

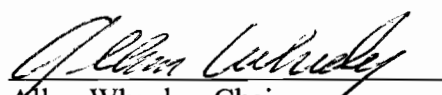
Mr. Lopez asked about the status of the Change Your Reality Conference. Mr. Magourilos said it is progressing and will be held on June 8th and 9th at Santa Maria de la Paz. The next meeting will be at Santa Clara Pueblo, March 31st at 1:30.

Judge Rodriguez outlined problems with abuse of prescription drugs among tribal youth. There has been a four-fold increase in criminal activity involving very young kids

ADJOURNMENT

This meeting was declared adjourned at approximately 10:15 a.m.

Approved by:


Allan Wheeler, Chair
DWI Planning Council

Submitted by:

Debbie Doyle, Wordswork