

MINUTES OF THE
SANTA FE COUNTY
DWI PLANNING COUNCIL

January 14, 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 8:37 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. Joe McLaughlin
Yvonne Ortiz
Donna Morris
Sgt. Louis Carlos
Shelley Mann-Lev [late arrival]
Donna Bevacqua-Young
Diego Lopez

Member(s) Excused:

Marti Rodriguez
Jon Paul Romero

Staff Present:

Becky Beardsley, Program Coordinator

Others Present:

Lt. Dale Lettenberger, Santa Fe PD
Cpl. Bill Ritch, Santa Fe County Sheriff's Department

AGENDA

Ms. Beardsley asked that the Juvenile DWI Report be postponed until March. Under New Business, Sgt. Carlos will report on the HPPC meeting and Ms. Beardsley will discuss media relations. The agenda was approved by consensus.

APPROVAL OF MINUTES:

November 11, 2009

Ms. Ortiz moved to approve the November meeting minutes and Sgt. Carlos seconded. The motion passed without opposition.

December 10, 2009

Upon motion by Ms. Ortiz and second by Sgt. Carlos the minutes of December 10th were unanimously approved.

OLD BUSINESS

B. Legislative Update

Ms. Beardsley announced that there have been many meetings related to the legislature and she said “it’s anybody’s guess what’s going to happen.” She said the pre-filed draft bills are already being revised, even before the start of the session.

SB 5 *[Exhibit 1]*

Ms. Beardsley said this changes the DWI penalties by imposing a three-day mandatory jail sentence on a first offense, seven days on a second and six months on a third offense. Fines are increased from \$500 to \$1000 on a first, \$1000 to \$2000 on a second, and \$5000 for a third, which will be considered a felony. There is a possibility of allowing three months of the six months to be served by electronic monitoring, but this is subject to compromise.

She stated the potential for penalties already exists at the discretion of the judge; this simply makes things mandatory. Jail may in fact exacerbate the problem. She said the fines would go to the courts so staff is neutral on that.

Chairman Wheeler asked what happens in the case of those who cannot afford the fines. Ms. Beardsley said some can be handled through community service, or they can be incarcerated. She added the theory is that more severe penalties will serve as a deterrent and will increase awareness.

Ms. Bevacqua-Young said she thought it would be a hard sell given the fact the defense attorneys will put up a fight.

Ms. Beardsley speculated that bits and pieces of the bill could be passed, including possibly a sliding scale for fines. It will probably be heard the second week. The County won’t be opposing it, but they are waiting for a fiscal impact report to see if counties will be held harmless for jail costs.

SB 3 *[Exhibit 2]*

Ms. Beardsley noted staff was not taking a position on this. It concerns the use of electronic monitoring. She said there have been conversations about combinations of jail time and electronic monitoring. “Electronic monitoring” will have to be defined. Will a Sobriotor be included? A SCRAM unit measuring blood alcohol? Without those an offender can do whatever

they want, so there is little in the way of penalty. Tracking is also an issue. She indicated the County will support anything that increases safety, reduces DWIs and does not have a negative financial impact, so they may support the bill.

Sgt. McLaughlin asked how these bills will impact the interlock program. Ms. Beardsley said they do not have any impact on it since they are separate issues.

SB 4 *[Exhibit 3]*

Ms. Beardsley stated this specifies that DWIs cannot be pled down to non-DWI offenses. The fact that it does not address DWIs where the defendant refuses to blow is a loophole that defense attorneys are using. This bill cleans up the language so the affiliate will support it.

Ms. Bevacqua-Young pointed out that DAs are generally thought to have a constitutional right to plea down.

SB 32 *[Exhibit 4]*

Ms. Beardsley said they will be supporting this bill which increases the fees for chemical test from \$65 to \$85. The fee is collected by the Scientific Lab Division.

Ms. Bevacqua-Young noted she was in favor of this but often the fees are not collected, even in felony cases. Ms. Beardsley said there should be more tracking in the future.

Discussion Draft *[Exhibit 5]*

This concerns the local option and Ms. Beardsley said she was not sure where the money will go or who will have oversight. She added it pertains to Class A Counties – Bernalillo, San Juan and Santa Fe. McKinley County already has a local option. There is a potential for an additional \$2 million in revenue for the County.

Ms. Bevacqua-Young asked if this included energy drinks. Ms. Beardsley stated page 4 has a breakdown. Chairman Wheeler said the rates are not based on alcohol content and discriminate in favor of beer. He noted the alcohol lobby will oppose it strongly.

Ms. Beardsley pointed to the language referring to services via contract, and other ambiguities in the bill. She doubted it would pass, although many people are behind it on the theory that higher cost will limit consumption. She also doubted county residents would vote for any new tax.

Chairman Wheeler advocated taking the money and putting it into the general fund for the duration of the financial crisis, then transfer it to DWI programs later. Ms. Beardsley said DWI programs were capped at the fiscal year 2009 distribution rates in the previous versions of the bill but wasn't sure how it will end up.

Mr. Lopez said it fails to deal with the arguments the liquor industry presented last time, including the question of allocation. Also, an excise tax will cause people to drive to other counties.

Discussion Draft *[Exhibit 6]*

Ms. Beardsley said this prohibits intoxication of minors. The statute currently prohibits purchase or possession but nothing is said about consumption. The problem is proving

intoxication. She suggested changing “intoxication” to “consumption”. She said staff will be supporting this bill.

Ms. Beardsley said she will be spending a great deal of time at the legislature during the session. Mr. Lopez and Chairman Wheeler volunteered to help in any testimony called for.

Ms. Beardsley said January 26th will be DWI Awareness Day at the Roundhouse and she invited everyone to participate. She added she has already heard talk of a special session.

Sgt. Carlos asked for electronic copies of the bills.

C . FY 2011 Funding Update

Ms. Beardsley indicated they will be applying for a \$150,000 grant for additional law enforcement. This is beyond the budget presented in November. She said there have been cuts in Traffic Safety which could impact two positions. The County’s financial position is uncertain, particularly if the state decides not to hold the County harmless for food tax.

Sgt. McLaughlin explained federal funding vis-à-vis staffing of the Sustainability Program.

[Ms. Mann-Lev joined the meeting.]

Ms. Beardsley noted they have not applied for this competitive LDWI grant in three years.

NEW BUSINESS

A. HPPC Report

Sgt. Carlos stated the DWI Program budget was discussed and initially tabled by Dr. Melio because the spreadsheet for FY2011 showed that only \$10,000 was dedicated to treatment yet the minutes stated that there was over \$75,000. He therefore wanted to know why there had been a reduction since the presentation and what the impact would be. Due to time constraints and the requirement for HPPC and BCC approval before proceeding to DFA, Sgt. Carlos provided some information and reintroduced a motion to pass it. After substantial discussion the budget was approved. HPPC was unaware of how specifically the money was dedicated. Ms. Beardsley clarified that a presentation had been done at the prior meeting and an overview of FY2010 funding was given where there was over \$75,000 in treatment. She said she further explained that the Planning Council had supported an effort to reduce the treatment budget and move the funds to prevention and then reviewed the FY2011 budget. She stated there had been confusion after reading the minutes and they thought the budget had been changed after it had been presented. Ms. Beardsley has sent written clarification to the Health Policy and Planning Commission and will be at the next meeting to further explain the budget and the process if they so request.

B. Underage Drinking Operation

Sgt. Carlos thanked the DWI program for providing funds to facilitate a Santa Fe SID operation targeting providing alcohol to minors which was part of a statewide effort.

Ms. Mann-Lev stated she was able to participate as a ride-along. Although the final results are not available, there could be 11 violations, indicating the establishments are getting sloppy. She believed 99 establishments were checked, meaning around 10 percent were out of compliance.

Mr. Lopez asked if good press had resulted from this operation. Sgt. Carlos said the community was told what was happening, and Sgt. McLaughlin added a press release was issued.

Ms. Mann-Lev stated there is an opportunity to work with the media in the future. She said there were no establishments in violation in Rio Arriba but there were some shoulder tap arrests. The violations were mostly for on-premise – restaurants and bars – rather than stores.

Ms. Beardsley noted that one of the servers had recently completed the certification class. She indicated she and her staff will be going to the March 1st certification class for evaluation. Mr. Lopez asked to be included in the training.

C. Media Relations

Ms. Beardsley referred to a misleading article that appeared in the Sunday newspaper due to a lack of communication. An impression was conveyed by staff members that funding was insufficient for the youth conference. Ms. Beardsley emphasized, “We are not broke; we do not need donations from the community. We never initiate a program or event without sufficient funds to complete it.” She said she has dealt with the matter internally and staff has been instructed not to speak to the media. Staff was attempting to solicit partnerships with community organizations when speaking with the media. Ms. Morris asked if there had been feedback and Ms. Beardsley said a number of people called volunteering help and money.

Ms. Beardsley mentioned Bernalillo paid for the production and air time of a commercial playing on Channel 13. These will also be on the government channel. Additionally, there will be a 15-minute spot on the County program along with 30-second PSA’s on underage drinking and the CADDy program. Ms. Beardsley will appear on the County Clerk’s program next Thursday. She said she was contacted by numerous media outlets around New Year’s Eve. Possibly due to the increased awareness and the 137 CADDy rides there were only two DWI arrests. She noted the culture is changing and awareness is heightened.

Chairman Wheeler stated the *New Mexican* has had a number of articles about DWI. He asked about sending them a letter of appreciation. Ms. Beardsley said much of that is due to the City-County Task Force, the Dashboard Program and the Prevention Alliance. There are ads for the CADDy program both in print and electronic media. Occasionally, the *New Mexican* runs ads pro bono. She said they will advertise CADDy in anticipation of the Super Bowl.

Ms. Beardsley stated Cynthia Delgado keeps a scrapbook of media coverage and could help provide examples for the letter.

Ms. Mann-Lev pointed out that letters to the editor should be under 150 words. She said they should be commended for separating DWI's in the police blotter, and for their feature articles.

It was decided that Chairman Wheeler would draft a letter and run it by the members at the next meeting.

STAFF REPORTS

Coordinator's Report & Financial Report

Ms. Beardsley said she is concentrating on the legislature and the budget.

Financial Report

The report was is in the packet as an information item and there was nothing extraordinary to report. Some vacancy savings have been realized and they could be diverted to prevention, law enforcement, or a social norms campaign. She anticipated a \$60,000 BAR.

Prevention Report

The report was in the packet as an information item. Mr. Magourilos has been busy helping other counties with their efforts. Mr. Lopez commended the positive findings in the evaluation report on the Change Your Reality Conference. Ms. Beardsley agreed there was good feedback.

Teen Court Report

A discussion ensued about the demographic statistics included in the packet. Ms. Mann-Lev cautioned about sharing specific information about the various schools as a number of variables are involved and there could be misunderstandings.

ANNOUNCEMENTS

DWI Awareness Day – January 26, 2010

Prevention – to be called for special topics

Law Enforcement/Adjudication – February 10, 2010 – 1 p.m.

Screening/Treatment – to be called for special topics

Next PC meeting – February 11, 2010 – 8:30-10:30 a.m. – if necessary

Chairman Wheeler said Impact DWI has allocated a yearly budget for pizzas for law enforcement at the checkpoints. Ms. Mann-Lev said they are getting youth involved.

Sgt. McLaughlin announced this was his last meeting as he is transferring to patrol. His long service to the Council was appreciated and he received the committee's thanks and a round of applause.

Ms. Mann-Lev spoke of the upcoming presentation on juvenile DWI, noting that case review is being conducted. Since these are confidential an audit checklist will be assembled so that consequences can be evaluated and a baseline established.

ADJOURNMENT

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

Approved by:

Allan Wheeler, Chair
DWI Planning Council

Submitted by:

Debbie Doyle, Wordswork

DRAFT

SUBJECT TO APPROVAL