

# Chaves County DWI Grant Program

## Evaluation Report 2004 - 2005

### **Summary:**

***In New Mexico as a whole, DWI arrests declined from 1994 to 2000, then started to rise, though never returning to their high 1994 level. In our county, DWI arrests have continued to decrease drastically over the last 10 years. National statistics show Chaves County is still slightly above the National Average. These statistics on their own merit might indicate the Law Enforcement agencies are not doing their job arresting DWI offenders. However, when compared with statistics that show fewer vehicle crashes, fewer fatalities, more convictions, more administrative revocations, it can be deduced that DWI interdiction efforts in Chaves County are working and our county has had a definite impact on drug and alcohol impaired drivers.***

### **Program History:**

John Halvorson is the Chaves County DWI Coordinator. John was hired on November 14<sup>th</sup>, 2003 as an independent Contractor. Mr. Thomas Hawkins was the last Independent contractor for the DWI Grant Program Coordinator retired on June 30, 2002. Mr. Hawkins had been the Grant Program Coordinator since the program inception in 1995. After Mr. Hawkins retired Chaves County brought the operation of the DWI Grant Programs (Distribution Grant, Local DWI Grant, Community DWI Grant and Underage Drinking Enforcement Grant) in house. Mr. Paul Haberling assumed the position of DWI Grant Program Coordinator on July 11, 2002, with oversight being provided by Ms. Tammy Sanner, Chaves County Community Development Division. Paul and Tammy left Chaves County for other opportunities. Bonnie Parham became the Chaves County Grant Coordinator and assumed the duties of managing the Grant and Distribution fund in June 2003.

### **Areas needing Special Attention:**

Areas of concern change constantly and the program needs to be prepared for possible changes. At the current time our primary area of concern involves the area of the county known as the Pecos Valley (Dexter, Hagerman, Lake Arthur). This area is primarily agriculture (dairies, farming, ranching, etc...) in nature and the communities are made up of small towns. The school system in this area is outstanding but the area is primarily underdeveloped with only 2 convenience stores, 1 branch bank and 1 hardware store. Currently we are experiencing two different concerns in this area and one in the involving training.

The first concern involves underage drinking. Because there are not many things to do in these communities the tradition for young people is to go down to the Pecos River and drink. We have made great strides with our Teens-need-teens program (TNT) with activities and adult volunteer supervision we are at risk of losing funding for this very effective prevention program.

The second area of concern involves the migrant farm and dairy workers. The husbands are the primary means of financial support for the family. Most of these people work extremely hard, sometimes several weeks without a day off, double shifts and moderate pay. The families live up

to 4 families per household with little or no source of entertainment. The workers are paid usually on the weekend on their only day off. The men go home to pick up their wives and go dancing. Because of their culture they see nothing wrong with drinking until the bars close and driving home. Designated drivers or the wives driving home are also out of the question because of culture. This is their only source of fun and entertainment. We have utilized Spanish-speaking treatment classes but continue to have trouble in this area educating the community. Our State Police and alcohol enforcement dept of the DPS have been making a concentrated effort to cite bar owners for serving to intoxicated patrons. We have also looked at billboards and radio and cable TV advertisement but again these funds may be cut next year because of evidence based prevention efforts.

Another area of concern involves the specialization of enforcement efforts. Currently a standard DWI arrest takes four (4) hours from start to finish out of the officer's busy schedule. This time includes the initial observation or violation, traffic stop, field sobriety tests, towing / securing the offenders vehicle, transportation to the police station / hospital, 20 minute observation time, breath or blood test, transportation to hospital for medical clearance, transportation to jail for incarceration, report writing. This does not include the time the officer spends usually on his day off in MVD hearings and in Court. On average the officer will spend 2 to 4 hours each. Many officers fear DWI arrests. Municipal patrol officers are expected to patrol their districts and do not have time running from call to call to stop DWI offenders. Supervisors make officers lives miserable because they or other officers have to answer calls in the officer's district while he's busy with a drunk driver. In addition many departments will not send the city attorney to prosecute MVD cases. A new officer quickly finds himself in unfamiliar territory being cross-examined about things like probable cause. Most new officers are not aware or are not trained in what can or cannot be admitted in MVD hearings. Then the officer goes to criminal court and finds everything he stated in the MVD hearing used against him. It doesn't take long before some officers become gun shy of DWI arrests. Constant training is needed to keep an officers skill level up to speed with DWI arrests.

**Proposed, Expected Activities in the next three years:**

We will continue the present programming, including the Coordination; Screening; Enforcement; Prevention; Alternative Sentencing; Tracking; Domestic Violence and Treatment components.

Our plans include organizing and supporting our Enforcement program and obtaining equipment to assist officers with prosecution efforts. We would like to see the utilization of the BAT mobile and trained officers to a DWI enforcement unit. This would take some of the pressure off patrol officers and their duties.

To address the underage drinking, we plan to use Prevention Programs such as TNT and Project Graduation. In addition efforts to include media, radio, billboards will be utilized. TNT has activities throughout the year to keep teens busy.

Our screening program utilizes Licensed Substance Abuse Counselors (LADAC) who use the latest, clinically sound screening methods and instruments. The ADE NEEDS and SASSI Assessment are used to help in the screening and these instruments automatically enter the offender into the DWI Tracking Program. These assessments are the beginning treatment for the offender and brief intervention strategies are also utilized during the screening/assessment process.

Our alternative sentencing program involves intensive probation supervision of the offender. The offender is tracked throughout the time they are on probation and nothing is allowed to slip through the cracks. Our probation has a success rate of **MORE THAN 80% completion** of the offenders during this program.

Our treatment encompasses over 35% of both the combined Distribution and Grant funds. The program begins with low-level counseling (AA & ASPEN), mid-level counseling (Counseling Associates), high-level counseling (Crossroads) and Jail Based Intensive Intervention.

**Demographics:**

As of 2002, 60,177 people made their homes in the county, and 41,692 of them are licensed to drive. New Mexico ranked 45<sup>th</sup> among the states for median household income in 2002, and our county ranked #17 among New Mexico's 33 counties for household income. In 2002, 7.2% of the county's population was age 4 or younger, 20.7% was between ages 5 and 17, and 10.7% was 18 to 24 years old. There were 25,948 housing units in the county in 2002.

**DWI Death and Injury:** 56 people died in our county's motor vehicle crashes during 1998-2002, and 13 of those deaths (23.2 %) were alcohol related. A total of 3,810 people were injured in motor vehicle crashes in 1998-2002 in our county, and 329 of the injuries (8.6%) involved alcohol. An estimated 70 persons were permanently disabled during 1998-2002 by injuries caused by drunk drivers.

Most New Mexico DWI death is in rural areas where speed limits are higher, but the majority of DWI injuries occur in cities where the population is concentrated and alcohol vendors are common. 7 DWI related deaths occurred in the cities of our county in 1998-2002, 46.7 % of our total DWI deaths in the county. 213 DWI related injuries occurred in the cities, 64.7 % of total DWI injuries for the county.

1.3 % of our families have had a member killed or injured in a DWI related crash between 1998-2002. The total economic cost in our county for DWI related crashes in 2002 was \$26,670,000, including costs for medical care, property damage, and time off the job that result from DWI crashes. Every family in our community shared that 2002 cost by paying increased taxes, business and medical costs, and insurance in the amount of \$1,028.

It is important that we change the conditions that perpetuate drunk driving. In 2002, New Mexico was ranked the fifth worst state in the nation for alcohol-related motor vehicle deaths per capita. Within New Mexico, for 1998-2002, our county ranked 29 among New Mexico's 33 counties for alcohol related crash injuries per capita. Of course, DWI kills so often partly because so many of our citizens fail to use their safety belts. For 1998 to 2002, 66.7 % of vehicle occupants killed by drunk drivers in our county were not using occupant protection devices.

The annual count of DWI-related deaths and injuries in New Mexico dropped dramatically between 1993 and 1998, then leveled off, showing little change since then. In our county, alcohol-related crash counts are decreasing. Statewide, 60 % of DWI crashes happen at night, compared to 61.6 in our county. Statewide, 31 % happen on Friday and Saturday nights, compared to 28.5 % in our county.

**Who Is Driving Drunk:** Among New Mexico drunk drivers in crashes, 82 % are male, and 58 % are under age 30. In our county, 80.5 % of 1998-2002 drunk drivers in crashes are male, and 47.7 % are under age 30. Statewide, 16 % are under age 21, compared to 21.1 % here. Statewide, 7 % of drunk drivers in crashes are from another state. In our county, 14.3 % are from out of state.

Statewide in 2003, the average BAC at arrest was 0.16. In our county, the average BAC for arrested drunk drivers is 0.160, 99.8 % above the legal limit. To reach that level, a 160-lb. driver must drink about 8 cans of beer, glasses of wine, or shots of high-proof liquor in one hour. For New Mexico overall, 48 % of drunk drivers arrested in 2001-2003 had prior arrests since July 1984. In our county, for 2001-2003, 44.7 % had prior arrests. 22.2 % had two or more prior arrests. Of those arrested for DWI in our county in 1998-2000, 6.3 % were rearrested within 12 months, 12.0 % were rearrested within 24 months, and 17.4 % were rearrested within 36

months. These figures can be contrasted to the corresponding statewide rates of 10.6%, 20.1%, and 28.4%.

For first offenders, 5.2 % were rearrested within 12 months, 9.8 % within 24 months, and 14.2 % within 36 months (versus 8.5%, 15.1%, and 20.0% statewide). For offenders with prior arrests, 7.1 % were rearrested within 12 months, 12.3 % within 24 months, and 17.3 % within 36 months (versus 11.2%, 19.5%, and 26.5% statewide).

**DWI Enforcement:** Based on the statewide rate that one in seven New Mexico drivers have been convicted of DWI, approximately 5,956 drivers in our county have been convicted of DWI. In 2003, 213 were arrested for DWI, 0.51 % of all drivers in the county, lower than the statewide rate of 1.6 %.

New Mexico law enforcement operates on three or four levels in most counties: municipal police, tribal police, sheriffs departments, and State Police. In our county, municipal police made 49.4 % of arrests in 2001-2003, the sheriff's office made 19.7 %, and the State Police made 30.9 %. Defining "active" DWI enforcement as arrests of impaired drivers for traffic violations, and "passive" enforcement as arrests resulting from crashes, 78.5 % of arrests in our county were active, a level lower than the state rate of 84 %.

DWI arrests of juveniles reported to MVD were 3.2 % arrests of total DWI arrests in the county for 2001-2003, compared to 2.1% statewide. Arrests of minors age 18-20 were 8.2 %, compared to 9.6% statewide.

In New Mexico as a whole, DWI arrests declined from 1994 to 2000, then started to rise, though never returning to their high 1994 level. In our county, DWI arrests have continued to decrease drastically over the last 10 years. National statistics show Chaves County is still slightly above the National Average. These statistics on their own merit might indicate the Law Enforcement agencies are not doing their job arresting DWI offenders. However, when compared with statistics that show fewer vehicle crashes, fewer fatalities, more convictions, more administrative revocations, it can be deduced that DWI interdiction efforts in Chaves County are working and our county has had a definite impact on impaired drivers. These statistics are impressive but we still have more work to do.

New Mexico law provides that, upon arrest for DWI, police take away the suspect's driver license and issue a temporary permit. At the end of 20 days, the permit expires, and the driver has no valid license for 90 days (on a first arrest), or one year (for a repeat offense or for refusing a BAC test). In our community, of all drivers arrested in 2001-2003, 96.0 % lost their license through this "administrative revocation" process.

Arrested drivers have the right to request a hearing, delaying the effective revocation date until the hearing is held. In our community, 11.1 % of arrested drivers requested hearings in 2001-2003, a rate that is less than the statewide rate of 27 %. In communities where court dates for arrest come long after arrest, some suspects' attorneys occasionally request a hearing only so they can use it as a preview for the trial. In our community, court dates are on average 61 days after the arrest and hearings on average happen 69 days after the arrest, so hearings in general are held close to or after the court date.

When hearings are held, 68.4 % uphold the police action of license revocation, compared to the statewide rate of 54 %. All told, there were 94 administrative license revocation hearings held in our community in 2001-2003, each requiring about four hours of police officer time.

**The Courts and DWI:** Statewide, about 78 % of 2001-2003 DWI arrests with dispositions reported to the Motor Vehicle Division resulted in convictions, and 22 % result in dismissal or acquittal. In our community, 93.2 % of cases result in reported conviction, 6.8 % result in reported

dismissal or acquittal. For those cases, statewide 63 % pled guilty, compared to 83.4 % in our community.

Statewide, 18 % of DWI arrests for 2001-2003 still had no disposition reported 12 months after the arrest date, and 13 % of DWI arrests still had no disposition reported 24 months after the arrest date. For our community's cases, 11.0 % had no disposition reported as of 12 months after the arrest date, and 7.6 had no disposition reported as of 24 months after the arrest date.

Costs of DWI enforcement and adjudication can be very substantial, though far less than the costs of the crashes, deaths, and injuries that drunk drivers cause. An Oakland, California, study found that the average cost to the criminal justice system for a DWI case, including costs for police time, courts, and jails, averaged \$1,255. Based on that estimate, New Mexico spent an annual average of \$25.4 million for 2001-2003 for the direct costs of DWI case handling in the criminal justice system. In our community, DWI case handling is estimated to have cost \$354,000 annually for 2001-2003.

## DWI Statistics for Chaves County

### Population

Population (2002):	<b>60,177</b>
Licensed drivers (2002):	<b>41,692</b>
Ranking by income (1999):	<b>17</b>
Percentage population ages 0-4 (2002):	<b>7.2%</b>
Percentage population ages 5-17 (2002):	<b>20.7</b>
Percentage population ages 18-24 (2002):	<b>10.7</b>
Estimated housing units (2002):	<b>25,948</b>

### Injury

Crash deaths (1998-2002):	<b>56</b>
Alcohol-related crash deaths (1998-2002):	<b>13</b>
Percentage alcohol-related crash deaths (1998-2002):	<b>23.2%</b>
Crash injuries, (1997-2001):	<b>3,810</b>
Alcohol-related crash injuries (1997-2001):	<b>329</b>
Percentage alcohol-related crash injuries (1997-2001):	<b>8.6%</b>
Alcohol-related crash permanent disabilities (1998-2002):	<b>70</b>

### Injuries by place

Alcohol-related deaths in urban areas (1997-2001):	<b>7</b>
Percentage alcohol-related deaths in urban areas (1997-2001):	<b>46.7%</b>
Alcohol-related injuries in urban areas (1997-2001):	<b>213</b>
Percentage alcohol-related injuries in urban areas (1997-2001)	<b>64.7%</b>

### Injury effects

Percentage of families' alcohol-related crashes (1997-2001):	<b>1.3%</b>
Alcohol-related crash economic cost (2001):	<b>\$26,670,000</b>
Alcohol-related crash economic cost per household (2001):	<b>\$1,028</b>
Rank for severe alcohol-related crash rate per capita:	<b>29<sup>th</sup></b>

### **Crash Characteristics**

Percentage unbelted in alcohol-related crash deaths (1997-2001):	<b>66.7%</b>
Percentage alcohol-related crashes at night (1997-2001):	<b>61.6%</b>
Percentage alcohol-related crashes on Fri-Sat night (1997-2001):	<b>28.5%</b>
Percentage male alcohol-impaired drivers in crashes (1997-2001):	<b>80.5%</b>
Percentage alcohol-impaired crashes under age 30 (1998-2001):	<b>47%</b>
Percentage alcohol-impaired crashes under age 21 (1998-2001):	<b>21%</b>
Percentage out-of-state alcohol-impaired in crashes (1998-2001):	<b>14%</b>

### **Who is Driving Impaired**

Mean arrest BAC for DWI arrests (2003):	<b>0.160</b>
Percentage mean arrest BAC for DWI arrests exceeds .08 (2003):	<b>99.8%</b>

Number of drinks to reach mean BAC in 1 hour, for 160 lb driver:	<b>8</b>
Number of drinks to reach mean BAC in 2 hours, for 160 lb driver:	<b>9</b>

Percentage of 2001-2003 DWI arrests drivers with 1 or more priors	<b>44.7%</b>
Percentage of 2001-2003 DWI arrests drivers with >2 prior	<b>22.2%</b>

Percentage of 1998-2000 drivers re-arrested within 12 months:	<b>6.3%</b>
Percentage of 1998-2000 drivers re-arrested within 24 months:	<b>12.0%</b>
Percentage of 1998-2000 drivers re-arrested within 36 months:	<b>17.4%</b>

Percentage of 1998-2000 1 <sup>st</sup> offense re-arrested within 12 months:	<b>5.2%</b>
Percentage of 1998-2000 1 <sup>st</sup> offense re-arrested within 24 months:	<b>9.8%</b>
Percentage of 1998-2000 1 <sup>st</sup> offense re-arrested within 36 months:	<b>14.2%</b>

Percentage of 1998-2000 repeat re-arrested within 12 months:	<b>7.1%</b>
Percentage of 1998-2000 repeat re-arrested within 24 months:	<b>12.3%</b>
Percentage of 1998-2000 repeat re-arrested within 36 months:	<b>17%</b>

### **DWI Enforcement**

DWI Arrests (2003)	<b>213</b>
Percentage of drivers arrested in 2003:	<b>0.51%</b>
Number of local drivers convicted for DWI (2002):	<b>5,956</b>

Percentage of DWI arrests made by Municipal Police (2001-2003):	<b>49.4%</b>
Percentage of DWI arrests that involved now crash (2001-2003):	<b>78.5%</b>
Percentage of DWI arrests made by State Police (2001-2003):	<b>30.9%</b>
Percentage of DWI arrests made by Sheriffs Deputies (2001-2003):	<b>19.7%</b>
Percentage of DWI arrests of drivers under 18 (2001-2003):	<b>3.2%</b>
Percentage of DWI arrests of drivers age 18-20 (2001-2003):	<b>8.2%</b>

### **Driver License Revocation**

Percentage resulting in administrative revocation (2001-2003):	<b>96.0%</b>
Percentage requesting revocation hearing (2001-2003):	<b>11.1%</b>
Mean number of days from arrest to court date (2001-2003):	<b>61</b>
Mean number of days / arrest to revocation hearing (2001-2003):	<b>69</b>
Percentage of hearings sustaining license revocation actions:	<b>68.4%</b>
Number of DWI license revocation hearings (2001-2003):	<b>94</b>

## **Court Action**

Percentage of DWI arrests with guilty finding (2001-2003):	<b>93.2%</b>
Percentage of DWI arrests with dismissal or acquittal (2001-2003):	<b>6.8%</b>
Percentage of DWI arrests with plea of guilty (2001-2003):	<b>83.4%</b>
Percentage of DWI arrests with no disposition after 12 months:	<b>11.0%</b>
Percentage of DWI arrests with no disposition after 24 months:	<b>7.6%</b>
Direct annual cost of DWI case handling (2001-2003)	<b>\$354,000</b>

<sup>1</sup> Chaves County DWI Database

#1 St. Mary's Place  
Roswell NM 88203

<sup>2</sup> DWI Resource Center

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Albuquerque, NM 87190  
505.881.1084  
<http://dwiresourcecenter.org/>