



AUG/SEP 2001

IN THIS ISSUE:

- 1 **DWI Trends In The Courts**
Victim Resources
- 2 **DWI Trends In The Courts Tables**
- 3 **Court Observations**
- 4 **Court Monitoring Experience Eye-Opening**
Victim Impact Panels

Domestic Violence Impact Panel

LABOR DAY



September 3

DWI ARREST INFORMATION 1996-2000

The tables on Page 2 provide information on the DWI arrests in New Mexico from 1996-2000.

For the year 2000, the information on arrest outcome i.e. convictions, percent convicted and dismissals had not been reported (Missing Court Info column) to the central repository (MVD) as of March 2001.

What we see in the statewide trend from 1996 to 1999 was a decline in the number of arrests, a decline in the number of convictions and an alarming number of arrests with no reported outcome. This lack of information causes problems with prosecuting repeat offenders as repeat offenders. Since 1986 and again in 1993 and again in 2001 millions of dollars have been allocated to 'automate the courts' in order to share data, yet this problem remains of missing court information in a central repository.

Of other significance is the percent of DWI arrests from crashes. The higher the rate indicates the DWI enforcement is lagging. Ideally, DWI arrests are made to curtail DWI crashes. If the arrest is occurring after a crash, it's too late.

If you don't see your community here, go online to www.accountablegovernment.org/dwirpts.htm. You can look up DWI reports for your city or county. If you have any questions or need more information please call us at the Center 881-1084.

Please Have A Safe Labor Day Holiday

Take the time to plan your celebrating. Remember that Labor Day is one of New Mexico's deadliest on the Highways.

Tipsy Tow — AAA New Mexico 1-800-222-4357 Albuquerque, Santa Fe, Las Cruces, Tatum, Las Vegas.

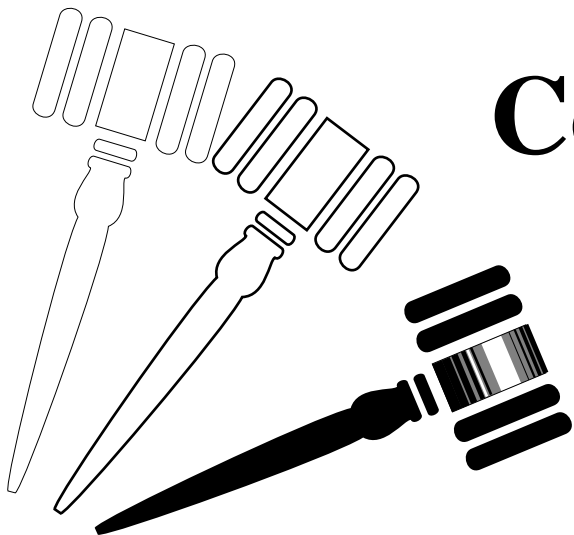
Safe Ride Home — 242-7433 (RIDE) Bernalillo County Only.

Designated Driver — One person stays sober and gets everyone home safely!

Spot & Report Suspected Impaired Drivers — (free cell call) *394 (DWI) or 1-800-232-8394.

This newsletter funded in part by the New Mexico Crime Victims Reparations Commission with funds from the Office for Victims of Crime, U. S. Department of Justice

Court Observations



JUSTICE?

COURT DATE: November 13, 2000

DATE OF ARREST/CRASH: September 11, 2000

BLOOD ALCOHOL CONTENT (BAC): .30/.30

VICTIM: Moderate damage to victim's vehicle, mailbox, home cable box and brick fence. They intended to ask for restitution for their auto/homeowners insurance deductibles.

CHARGES: DWI 1st and reckless driving (should have been aggravated with BAC).

RESULTS: Offender pled guilty to DWI 1st offense.

SENTENCE: First Offender Program; DWI School; alcohol screening; attend Victim Impact Panel; 1-year unsupervised probation; letter of apology to victims and no consumption of alcohol. Because the offender was living out of his vehicle prior to this DWI, the judge waived all fees.

COMMENTS: The offender's last DWI was 20 years ago, in California. A man representing the Salvation Army was present to say the offender was in a 6-month inpatient treatment program there. No additional jail time was added since the offender spent 15 days in jail for this DWI. The victims did not ask for restitution when they realized the offender was homeless, however, they stated how emotional this was for them because their young son was playing in the driveway and could have been killed.

COURT DATE: April 5, 2001

DATE OF ARREST/CRASH: October 22, 2000

BLOOD ALCOHOL CONTENT (BAC): None, refused.

VICTIM: Two people (mother and daughter) injured. Impact to their truck sent it airborne, removing the camper shell. Truck was totaled.

CHARGES: Aggravated DWI 1st, escape, 2-counts eluding an officer, open container, leaving the scene of an accident with injury and reckless driving.

RESULTS: **Case Dismissed!** State unable to get offender transferred from prison to court in time.

COMMENTS: At the time of crash, offender had outstanding bench warrant for his arrest. He violated parole on a prior criminal conviction. January 19, 2000, the judge continued the case against the state because they were unable to get the offender transferred to court in time for his trial. The judge warned the state the case would be dismissed if they were not ready April 5th. I contacted the Corrections Dept. to locate the offender and then gave the information to the prosecutor. We wanted to make sure the case went forward. After the DWI dismissal, the victim found out the offender would be in District Court May 1st, on a probation violation. She contacted Kari Brandenburg, who contacted the prosecuting attorney for that hearing. The judge's secretary was informed the victim of the DWI would be in the audience, watching the proceedings. The secretary told the prosecuting attorney the victim could not speak (judge does not consider a probation violation to be a criminal court setting where victims have a right to speak). During the hearing, all parties remind the judge of the DWI, but the defense attorney emphasized since the DWI was dismissed it should not be taken into consideration as a probation violation. The prosecutor reminded the judge this was a DWI crash with injuries and asked for a 6-year prison term for violating probation. Under the offenders conditions of probation, there was to be no drinking, no violations of the law! A conviction of any crime is not necessary. The judge revoked the offenders probation, then reinstated it with the condition of completing Delaney Street (a 2-year alcohol/drug program) after his parole (served in prison) is completed. Before this DWI the offender failed to complete the TLC program on another charge. He should have been dealt with more harshly by the judge. It seems to me that conditions of probation are a part of one's sentence. - Joan Fleetwood, Victim Advocate

COURT MONITORING EXPERIENCE EYE-OPENING

Note: The DWI Resource Center is a Service Learning Agency for TVI. We train many students in court monitoring and victim advocacy. In 2000 TVI students contributed over 400 hours of service for the Center and we are eternally grateful for their invaluable assistance. The following is one student's experience . . .

For my service learning project, I chose to volunteer at the DWI Resource Center. The program director, Linda Atkinson, gave me the introduction to the court monitoring (observing) program. Among the things I learned were how the court operates and what the docket is for, who the judges and prosecuting attorneys are and how they work together. Also, I learned about the DWI victims and about their lives after the crash. My personal views and perspectives on drunken driving have changed since this learning experience.

One of the first things I learned at the courthouse was how to read the docket and how to make it work for me. For the docket I learned what stage of the system the case was in and what the charges were. After a few trips to the courthouse, I knew which judges I wanted to observe. One of my favorites is Judge Frank Gentry. He seems very strict and fair. He listened to the defendants excuses and stories, then being fair and intelligent, Gentry fulfilled his obligations to the court to hear the cases before him. I also enjoyed observing in Judge Keesha Ashanti's court. The first bench trial I saw was in Ashanti's court. I found I could approach the district attorneys without hesitation. One of the most interesting events was meeting some of the

staff from the DA's office. After my bench trial in Ashanti's court, I shared an elevator with the prosecuting attorneys' from that trial. I introduced myself as a court monitor, and Mr. Guttman, the lead attorney, was happy to answer my questions. The next time I saw Mr. Guttman, he invited me and another monitor to sit at his desk and talk after court was over. He was very friendly to us, told us we were very welcome and to ask if we needed any assistance. Similar events happened with other attorneys throughout this project.

Another startling event was the very quick attitude change that I had personally due to this project. I had no idea about the lives of the DWI victims and how this one act by some thoughtless individual changed their lives forever, always for the worse and never to be normal again. I had tolerated DWI in others for years. I never had any traffic violations but I had seen what a DWI conviction had done to others, but never looked at this from the victims's perspective. These victims are speaking out and are now being heard. Their stories are making a difference. I hope to be able to continue to work for the DWI Resource Center throughout my studies.

- Cynthia Stewart

VICTIM RESOURCES

DWI Resource Center 881-1084
 District Attorney's Office 841-7100
 United Way 247-3671
 Compassionate Friends 298-8827
 Attorney Referral Service 243-2615

DOMESTIC VIOLENCE IMPACT PANEL

September 6, 2001
 6:30 - 8:30 PM

**Lovelace Education Building
 5400 Gibson SE**

Public Is Welcome



P.O. Box 30514
 Albuquerque, New Mexico 87190-0514

NONPROFIT
 ORGANIZATION
 U.S. POSTAGE
PAID
 ALB., NM
 PERMIT #1405