

## When the Courts Retaliate, Only the Public Suffers

The DWI Resource Center applauds the recent focus given by the governor, lawmakers and the courts regarding the systemic problems that exist in Metro Court, including the high rate of case dismissals. However, despite the general willingness of these parties to acknowledge that the system is currently malfunctioning, there have also been several savage attacks on the DWI Resource Center for continuing, as it has done for more than 12 years, to bring these malfunctions to the attention of the public.

One manner in which the DWI Resource Center has sought improvement over the years has been to track and publish data regarding the outcome for DWI arrests, as it did last autumn by once again publishing rankings of Metro Court judges based in part on their respective rates of dismissal. The staff at the DWI Resource Center has been struck by the fact that the rebuttals to these judicial rankings have not disputed the underlying data, nor the problems to which this data calls attention. Instead, rebuttals to the judicial rankings have fiercely disputed the Center's right to provide this factual data to the general public.

The stance of Court officials becomes especially hypocritical in light of a recent DWI "summit" at which Metro Court representatives openly acknowledged that the dismissal rate is a key stumbling block to addressing the DWI problem when they asked for more public dollars. However, when this same issue is brought to light by the DWI Resource Center in a factual report compiled using information provided by the Department of Motor Vehicles, the Center is "partisan" and "malicious" and should lose its non-profit status.


The attacks on the DWI Resource Center culminated in most of the Metro Court judges voting to cease sending any offenders to the victim impact panel run by the Center. The Metro Court spokesperson claimed this vote was necessitated because if judges sent offenders to the DWI Resource Center panel, it might be perceived as improper currying of favor for the purposes of the next judicial rankings.

Such a specious argument is particularly offensive for two reasons. First, the data the DWI Resource Center used in the rankings is from the official state database to which the court is required by law to report case information. Second, the information reported to the official state database is a summary of the decisions the judges themselves make, so there is nothing Center staff can do that will affect the ultimate rankings.

Furthermore, other organizations also acknowledge the problem of dismissals, but do not provide the public with any data that might reflect negatively on Metro Court

judges. These same organizations also provide a victim impact panel, but have not received the censure of Metro Court. Perhaps the public should infer that "improper influence" on the Court is exerted not by those organizations reporting the facts, but by those that do not. Regardless of the varying responsibility attached to Metro Court judges regarding dismissals, one thing is certain. In choosing to penalize the DWI Resource Center's victim impact panel--an important tool to combat DWI repeat offenses--the individual judges are solely responsible.

Chief Justice Bosson from the New Mexico Supreme Court has stated that the integrity of the judiciary is a primary goal of his tenure. This goal is something all New Mexico citizens must hold him accountable to, because judges are, and should be, held to the highest standards of propriety. Unfortunately, the recent Metro Court actions give the Chief Justice an early opportunity to demonstrate his willingness to follow through on this commitment. The pretext used by Metro Court to single out the DWI Resource Center deserves close scrutiny. If judges are improperly silencing a non-profit dedicated to finding solutions to New Mexico's DWI problem, simply because that non-profit has pointed out the undisputed fact that dismissal rates are unacceptably high and judges are accountable for some portion of the status quo, then the public should have legitimate doubts regarding the unbiased nature of justice in our state.



**About Us**

The DWI Resource Center, Inc. is committed to reducing the social and economic impact of drunk driving in New Mexico through education, public awareness, prevention and research. The Center serves as a clearinghouse for DWI information and issues, providing community leaders with statistical information and analysis to assist them in creating localized plans to reduce DWI death and injury in New Mexico. Our key services and projects include:

- Research and Development**
- Public Policy & Law**
- Victims' Rights Legal Assistance Project**
- Court Monitoring**
- Drug-Free Workplace Programs**
- Retailers For Responsibility**
- Victim Impact Panels**

The DWI Resource Center, Inc. is a 501(c)3 non-profit organization. For more information about the Center or to make a contribution, please call us at **(505) 881-1084**, or visit our website at [www.dwiresourcecenter.org](http://www.dwiresourcecenter.org).

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## New SAMSHA Reports Available On Underage Drinking

The U.S. Substance Abuse and Mental Health Services Administration's (SAMSHA) Office of Applied Studies has published two new reports on underage drinking.

The two reports, "The NSDUH Report: Driving Under the Influence (DUI) Among Young Persons", and "The NSDUH Report: Youth Substance Use and Family Income" together show a high percentage of youth driving under the influence of drugs and alcohol, as well as a relationship between family income and substance abuse.

In SAMSHA's "DUI Among Young Persons" report, data from the 2002 and 2003 National Survey on Drug Use and Health indicated more than four million youth had engaged in drunk or drugged driving in the past year. Data from the "Youth Substance Use and Family Income" report shows that the lower the family income, the more likely that the youths had used cigarettes or an illegal drug in their lifetime.

Both reports were published in December 2004, and are available for download from the OAS website at: <http://www.oas.samhsa.gov>.

## Medical Center Offers Primer on Improving Highway Safety Through Alcohol Intervention

Preventing impaired driving remains a top priority of the criminal justice system. Because many more people access alcohol treatment through court referrals than through the health care system, improving the quality of DUI interventions can ensure that greater numbers of Americans receive effective alcohol treatment.

The George Washington Medical Center's primer, Finding Common Ground: Improving Highway Safety With More Effective Interventions for Alcohol Problems, focuses on steps that can be taken to improve highway safety by improving the quality of DUI interventions. A DUI arrest is often indicative of an alcohol problem; improving the quality of DUI interventions can ensure that greater numbers of Americans receive effective alcohol treatment. The primer highlights a new generation of DUI education programs designed to motivate change by offenders, provides guidance for reducing recidivism among DUI offenders, and discusses the important role the nation's health care system plays in reducing impaired driving.

The primer can be downloaded from the ESAP website at: <http://www.ensuringsolutions.org/images/primers/>

## Attack Availability, Prevent Youth Drinking

A new study says bringing law enforcement to bear on underage alcohol purchases and limiting the number of places selling alcohol are the most effective ways to prevent underage drinking, binge drinking, and drunk driving.

Researchers looked at data from the Oregon Healthy Teens survey on youth alcohol behaviors and concluded that self-reported youth alcohol use was higher in communities where it was easier for young people to get alcohol. Study co-author Joel Grube, director of the Prevention Research Center in Berkeley, Calif., and one of the study's authors, said the results confirmed what many preventionists have long been saying.

The study is published in the March 2005 issue of Preventive Medicine.



Century Council's retailers program materials to help reduce underage drinking. Available online at: <http://www.centurycouncil.org>

## Checkpoints Tied to Lower Fatalities

For the fifth straight year, California experienced an increase in alcohol-related traffic deaths. On the positive side, however, alcohol-related injuries and fatalities declined in 2003 in areas of the state that conducted sobriety checkpoints, the Associated Press reported December 7, 2004.

According to California Office of Traffic Safety spokesman Mike Marando, over Labor Day weekend and last year's holiday season, local police departments conducted 398 sobriety checkpoints. These resulted in 1,800 drunken-driving arrests, up from 800 over previous years. Alcohol-related injuries and deaths in checkpoint areas declined from 600 to 400, and Marando said the checkpoints "certainly are a significant factor" that helped localities beat a statewide trend. State research shows that alcohol-related deaths increased to 1,445 in 2003, compared with 1,416 in 2002. Alcohol-related injuries declined from 32,041 in 2002 to 31,337 last year.

For the 2004 holiday season, the California Office of Traffic Safety distributed \$4.7 million in grants to pay for 890 checkpoints.

The articles in this column are brought to you from Join Together Online, on the web at: <http://www.jointogether.org>

## City Grants DWI Resource Center Funds For DWI Prevention Program

Albuquerque, New Mexico - The City of Albuquerque has awarded the DWI Resource Center a contract to create and implement a drug-free workplace program designed to reduce DWI death and injury in the Albuquerque metropolitan area.

As part of their ongoing effort to promote and support innovative, evidence-based approaches to DWI prevention, the City of Albuquerque is partnering with the DWI Resource Center to reach more than 500 local businesses and 25,000 employees in industries at high risk for DWI and provide them with materials and training to help reduce illicit drug and heavy alcohol use, both of which contribute to DWI incidents on and off the job.

"Although highly visible law enforcement efforts and effective prosecution of DWI cases continue to be very important in reducing DWI, they address the end result rather than the causes of drunk driving," said Linda Atkinson, DWI Resource Center Executive Director. "The City's acceptance of our proposal demonstrates their understanding and support of our community's need to simultaneously address the environmental conditions which perpetuate drunk driving."

If you are an employer in the Albuquerque area and would like to start a drug-free workplace program, please contact the DWI Resource Center at (505) 881-1084 or visit us online at: <http://www.dwiresourcecenter.org>.

## Doctors for Designated Driving

A third-year medical student at Columbia University has founded Doctors for Designated Driving (DFDD) in hopes of raising awareness and encouraging businesses to give free, nonalcoholic drinks to designated drivers.

Columbia College Today reported that DFDD was started by Howie Forman, a student at Columbia's Albert Einstein College of Medicine. Forman said he would like more bars, restaurants, and sporting venues to adopt policies like that embraced by the Tampa Bay Buccaneers, which gives free soda to designated drivers. The group has reached agreement with some restaurants and bars, and also is working with a coalition of sports teams to institute uniform designated-driver policies at minor- and major-league sports venues.

"It's about making designated drivers a part of the culture," Forman said. "Our overall message is we're not anti-alcohol and anti-going out and having a good time. We're pro-safety for the drivers, pedestrians and everyone else on the road."

Forman serves on the American Medical Association's Action Team on Alcohol and Health, and also founded a program in which medical students visited Bronx high-school students to talk about alcohol. He also is a member of the National Commission Against Drunk Driving.

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## Award Recipients Honored

Each year, many outstanding members of our community make valuable contributions to reducing DWI death and injury in New Mexico. On December 10, 2004, the DWI Resource Center and Allstate Insurance Company honored this year's outstanding work by community members, elected officials and law enforcement at the 2004 DWI Annual Awards Banquet.

The DWI Resource Center would like to give special thanks to Allstate Insurance Company for their generous financial support and ongoing community efforts. The 2004 award winners were:

Officer Eric Montano  
NM State Police, Los Lunas  
**Law Enforcement Award**

Officer Kurtis Ward  
NM State Police, Bernalillo  
**Law Enforcement Award**

Deputy Paul Chavez  
Bernalillo County Sheriff's Dept  
**Law Enforcement Award**

Sgt. Les Brown  
APD DWI Unit  
**Law Enforcement Award**

Betsi Trujillo von Roemer  
Victims' Advocate, 2nd Judicial DA's Office  
**Victim Advocate Award**

Susan Layman  
2nd Judicial DAs Office  
**Public Service Award**

Devin Chapman  
Assistant District Attorney, 2nd Judicial  
**Prosecution Award**

Stan Harada  
City of Albuquerque Legal Department  
**Public Service Award**

Jim Johnson  
Psychology Instructor, TVI  
**Education Award**

Jim Villanucci  
770 Kkob-AM  
**Media Award**

Melissa Roberge  
Victim Advocate, NM Victims' Rights Project  
**DWI Survivor Award**



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