

Bernalillo County DWI Highlights

- There were 1,119 alcohol-involved crashes in 2003 (the most recent data available). Of the 1,140 drinking drivers in those crashes, driving records could be located for 730. Of those 730, 62 percent had not been cited for DWI since 1983.
- In 2003, 31 people died and 786 were injured in alcohol-involved crashes.
- The total economic impact to Bernalillo County of the alcohol-involved crashes in 2002 was almost \$197 million (\$196,800,000) or \$343 per person.
- Of the 3,459 people convicted of DWI in Bernalillo County Metropolitan Court in 2003, 87 percent (3,018) reported no fine imposed. Almost 73 percent (2,508) reported no days in jail. Any consideration of penalty effectiveness must first look at whether the penalties are actually being used.
- Of the 18,226 DWI citations issued between 1999 and 2001 and cited into Metro Court, 2,425 had no disposition reported as of October 2004. These citations may have resulted in convictions which have not been reported to the Motor Vehicle Division or may have been refiled in a different court.

Know the Law

New Mexico Statutes, Section 66-8-135 Record of traffic cases [paragraphs A, B, and F]:

A. Every trial court judge shall keep a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and every official action and disposition of the charge by that court.

B. Within ten days of the later of entry of judgment and sentence or failure to appear on a charge of violating the Motor Vehicle Code or other law or ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter and from which no appeal or review is successfully taken, every trial court judge, including children's court judges, or the clerk of the court in which the entry of judgment and sentence or failure to appear occurred shall prepare and forward to the department an abstract of the record containing:

(1) the name and address of the defendant; (2) the specific section number and common name of the provision of the NMSA 1978 or local law, ordinance or regulation under which the defendant was tried; (3) the plea, finding of the court and disposition of the charge, including fine or jail sentence or both, forfeiture of bail or dismissal of the charge; (4) an itemization of costs assessed to the defendant; (5) the date of the hearing; (6) the court's name and address; (7) whether the defendant was a first or subsequent offender; (8) whether the defendant was represented by counsel or waived his right to counsel and, if represented, the name and address of counsel.



DWI

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Highlights

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DWI In Bernalillo County: A Problem Statement

Our community is the County of Bernalillo. As of 2002, 573,675 people made their homes in the county, and 386,515 of them are licensed to drive. New Mexico ranked 45th among the states for median household income in 2002; and our county ranked fourth among New Mexico's 33 counties for household income. In 2002, 7 percent of the county's population was age 4 or younger, 18 percent was between ages 5 and 17, and 10 percent was 18 to 24 years old. There were 248,663 housing units in the county in 2002.

DWI Death and Injury

Driving while impaired is a serious problem in our community because of the deaths and injuries it causes. 344 people died in our county's motor vehicle crashes during 1998-2002, and 150 of those deaths (44 percent) were alcohol related. A total of 51,558 people were injured in motor vehicle crashes in 1998-2002 in our county, and 4,114 of the injuries (8 percent) involved alcohol. An estimated 750 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. Many rural DWI crashes involve those who live or drink in cities, so city and county DWI problems are interconnected. 129 DWI related deaths occurred in the cities of Bernalillo county in 1998-2002, 85 percent of our total DWI deaths in the county. 3,931 DWI related injuries occurred in the cities, 96 percent of total DWI injuries for the county.

The burden that DWI death and injury puts on families in our community is extreme. 2 percent 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 \$ 196,800,000, 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 \$ 791.

It is important that we change the conditions which perpetuate drunk driving. In 2002 New Mexico was ranked the fifth worst state in the nation for alcohol-related motor vehicle deaths per capita. While good statistics for comparing DWI death rates among states are not uniformly available, it is well established that New Mexico ranks first in the nation for cirrhosis of the liver death rate, that we rank first for pedestrian deaths per capita, and that our fatal crashes are 38 percent more likely to involve DWI than fatal crashes elsewhere. Within New Mexico, for 1998-2002, our county ranked 19 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, 70 percent of vehicle occupants killed by drunk drivers in our county were not using safety belts.

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 Bernalillo county, alcohol-related crash counts have increased since 1999. Statewide, 60 percent of DWI crashes happen at night, compared to 59 in our county. Statewide, 31 percent happen on Friday and Saturday nights, compared to 25 percent in our county.

Who Is Driving Drunk

Among New Mexico drunk drivers in crashes, 82 percent are male, and 58 percent are under age 30. In Bernalillo county, 77 percent of 1998-2002 drunk drivers in crashes are male, and 49 percent are under age 30. Statewide, 16 percent are under age 21, compared to 17 percent here. Statewide, 7 percent of drunk drivers in crashes are from another state. In Bernalillo county, 23 percent 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 0.15, 88 percent above the legal limit. For New Mexico overall, 48 percent of drunk drivers arrested in 2001-2003 had prior arrests since July 1984. In our county, for 2001-2003, 45 percent had prior arrests. 23 percent had two or more prior arrests. Of those arrested for DWI in

our county in 1998-2000, 29 percent were rearrested within 36 months, compared to the statewide rate of 28 percent.

For first offenders, 21 percent were rearrested within 36 months. For offenders with prior arrests, 27 percent were rearrested within 36 months.

DWI Enforcement

Based on the statewide rate that one in seven New Mexico drivers has been convicted of DWI, approximately 55,216 drivers in our county have been convicted of DWI. In 2003, 7,112 were arrested for DWI, 2 percent of all drivers in the county.

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 86 percent of arrests in 2001-2003, tribal police arrests reported to the state made up 1 percent, the sheriff's office made 10 percent, and the State Police made 3 percent.

Defining "active" DWI enforcement as arrests of impaired drivers for traffic violations, and "passive" enforcement as arrests resulting from crashes, 86 percent of arrests in our county were active, a level slightly higher than the state rate of 84 percent, indicating that enforcement here is more aggressive than average.

Arresting juveniles (i.e., those under age 18) is especially burdensome for police. Some police agencies go all out on enforcing laws against juvenile drinking and DWI. Some police agencies rarely arrest juveniles for DWI, because of the burden it imposes; instead, they call the

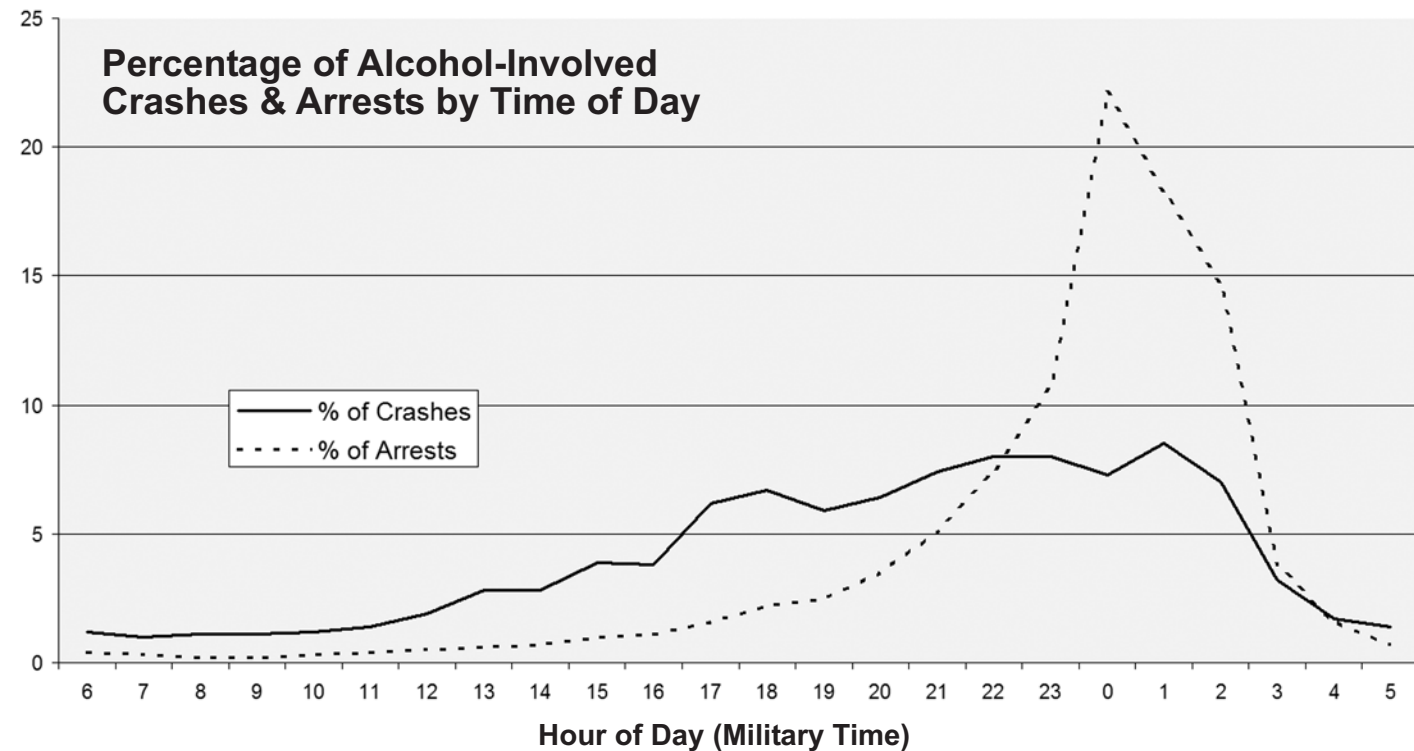
parents to collect their child. Some agencies make the arrest, but do not send the citation to the Motor Vehicle Division as the law requires, so teen drunk drivers do not lose their license. In our county, DWI arrests of juveniles reported to MVD were 2 percent of total DWI arrests in the county for 2001-2003. Arrests of minors age 18-20 were 10 percent of the total DWI arrests.

Crash and enforcement data can be used to study the correspondence between timing of a community's deterrence efforts and alcohol-related injury problems. Regarding enforcement levels by month for 1998-2002, our community's efforts underemphasize October. That is, the percentage of DWI arrests was lower in October, but there was no corresponding decrease in the percentage

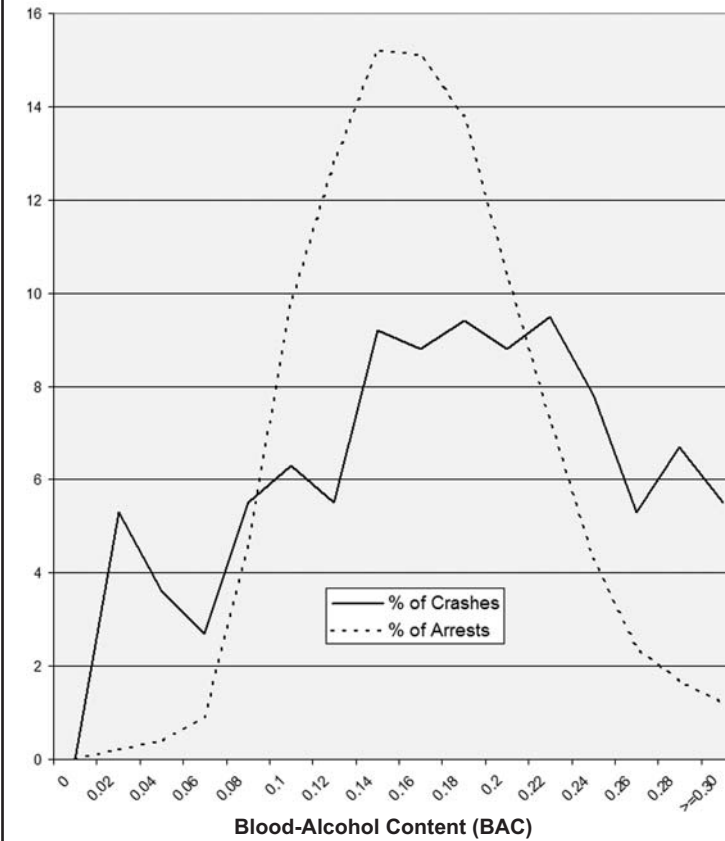
Reviewing levels by day of the week, our community's efforts appear to track alcohol-involved crashes very well. Regarding hour of day, our community's efforts underemphasize daytime, with alcohol-involved crashes increasing beginning around 5 p.m. but DWI citations not increasing until 10 p.m. Analysis of data also can offer insights about how enforcement levels correspond to who is driving drunk and how drunk those individuals are. Comparing arrest BAC's to state-level data on BAC's of impaired drivers in crashes, our community's efforts underemphasize high BAC's.

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 increased.

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



Percentage of Alcohol-Involved Crashes & Arrests by BAC



BAC	% of Crashes	% of Arrests
0.00	0.0	0.0
0.02	5.3	0.2
0.04	3.6	0.4
0.06	2.7	0.9
0.08	5.5	4.6
0.10	6.3	9.8
0.12	5.5	12.8
0.14	9.2	15.2
0.16	8.8	15.1
0.18	9.4	13.8
0.20	8.8	10.4
0.22	9.5	7.3
0.24	7.8	4.3
0.26	5.3	2.4
0.28	6.7	1.7
>=0.30	5.5	1.2

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, 78 percent 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, 41 percent of arrested drivers requested hearings in 2001-2003, a rate that is higher than the statewide rate of 27 percent. 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 159 days after the arrest and hearings on average happen 79 days after the arrest, so hearings in general are held before the court date.

When hearings are held, 50 percent uphold the police action of license revocation, compared to the statewide rate of 54 percent. All told, there were 8,612 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 percent of 2001-2003 DWI arrests with dispositions reported to the Motor Vehicle Division resulted in convictions, and 22 percent result in dismissal or acquittal. In our community, 67 percent of cases result in reported conviction, 33 percent result in reported dismissal or acquittal.

Courts' failure to report case outcomes remains a major problem for DWI case handling in New Mexico, often resulting in repeat offenders being prosecuted as first-timers because prior case records are inaccessible, inaccurate driving records for occupation and insurance checks, and evasion of some license revocation penalties. Statewide, 18 percent of DWI arrests for 2001-2003 still had no disposition reported 12 months after the arrest date, and 13 percent of DWI arrests still had no disposition reported 24 months after the arrest date. For our community's cases, 19 percent had no disposition reported as of 12 months after the arrest date, and 14 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 \$1255. 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 \$8,777,000 annually for 2001-2003.