

## McKinley County DWI Highlights

- There were 241 alcohol-involved crashes in 2003 (the most recent data available). Of the 244 drinking drivers in those crashes, driving records could be located for 150. Of those 150, 57 percent had not been cited for DWI since the state DWI database was created in July 1984.
- In 2003, 21 people died and 221 were injured in alcohol-involved crashes.
- The total economic impact to McKinley County of the alcohol-involved crashes in 2003 was about \$89 million (\$ 89,423,000) or \$1232 per person.
- Of the 652 people convicted of DWI in McKinley County municipal and magistrate courts in 2003, more than 7 percent ( 48) reported no fine imposed. More than 6 percent ( 38) reported no days in jail. Any consideration of penalty effectiveness must first look at whether the penalties are actually being used.
- Of the 3,869 DWI citations issued between 1999 and 2001 and cited into McKinley County municipal and magistrate courts, 273 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.

For more information, please visit our website at:  
<http://www.dwiresourcecenter.org>

*Data are from Motor Vehicle Division citation and conviction data from July 1984 to October 2004 and Transportation Statistics Bureau crash data for 2003.*



# DWI

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## 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

A DWI Resource Center, Inc. Publication

# Highlights

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## DWI In McKinley County: A Problem Statement

Our community is the County of McKinley. As of 2002, 73,973 people made their homes in the county, and 37,107 of them are licensed to drive. New Mexico ranked 45th among the states for median household income in 2002; and our county ranked #26 among New Mexico's 33 counties for household income. In 2002, 9 percent of the county's population was age 4 or younger, 27 percent was between ages 5 and 17, and 11 percent was 18 to 24 years old. There were 27,302 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. 188 people died in our county's motor vehicle crashes during 1998-2002, and 101 of those deaths (54 percent) were alcohol-related. A total of 4,807 people were injured in motor vehicle crashes in 1998-2002 in our county, and 1,166 of the injuries (24 percent) involved alcohol. An estimated 510 people 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. 17 DWI-related deaths occurred in the cities of our county in 1998-2002, 16 percent of our total DWI deaths in the county. 316 DWI-related injuries occurred in the cities, 27 percent of total DWI injuries for the county.

The burden that DWI death and injury puts on families in our community is extreme. 5 percent of our families have had a member killed or injured in a DWI-related crash between 1998 and 2002. The total economic cost in our county for DWI-related crashes in 2002 was \$105,591,000, 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 \$3,868.

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 first 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, 100 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, and then leveled off, showing little change since then. In our county, alcohol-related crash counts are also flat since 1998. Statewide, 60 percent of DWI crashes happen at night, compared to 49 percent in our county. Statewide, 31 percent happen on Friday and Saturday nights, compared to 21 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 our county, 76 percent of 1998-2002 drunk drivers in crashes are male, and 52 percent are under age 30. Statewide, 16 percent are under age 21, compared to 19 percent here. Statewide, 7 percent of drunk drivers in crashes are from another state. In our county, approximately 18 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 0.175, 120 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, 58 percent had prior arrests. 33 percent had two or more prior arrests. Of those arrested for DWI in

our county in 1998-2000, 34 percent were rearrested within 36 months compared to the statewide rate of 28 percent.

For first offenders, 24 percent were rearrested within 36 months. For offenders with prior arrests, 30 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 5,301 drivers in our county have been convicted of DWI. In 2003, 1,211 were arrested for DWI, 3 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 47 percent of arrests in 2001-2003, tribal police arrests reported to the state made up 0.2 percent, the sheriff's office made 14 percent, and the State Police made 39 percent.

Defining "active" DWI enforcement as arrests of impaired drivers for traffic violations, and "passive" enforcement as arrests resulting from crashes, 84 percent of arrests in our county were active, a level matching the state rate.

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 the total DWI arrests for 2001-2003, arrests for minors age 18-20 were 1 percent.

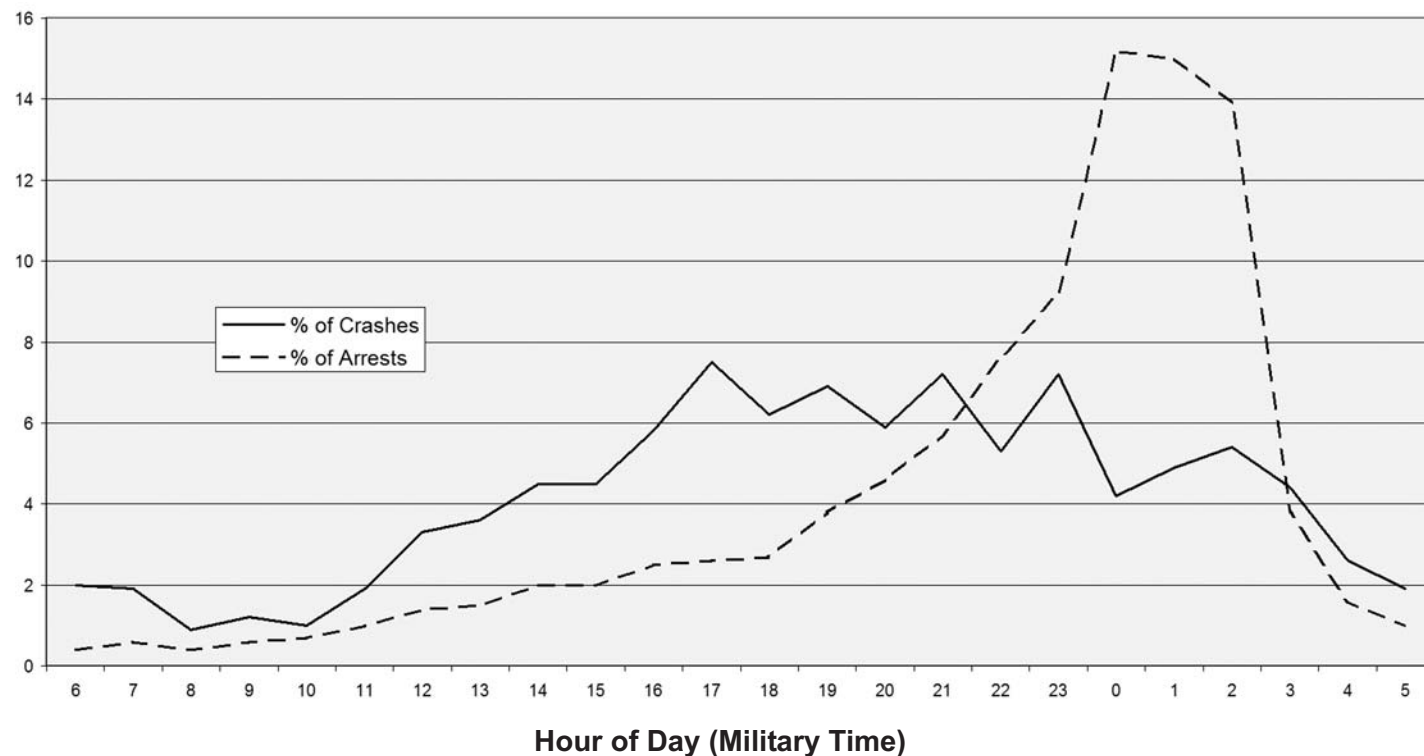
Crash and enforcement data can be used to study the correspondence between timing of a community's deterrence efforts and alcohol-related injury problems. Regarding enforcement levels by month for 1998-2002, our community's efforts could have been more aggressive in July and August, based on the percentage of alcohol-involved crashes during those months.

Reviewing levels by day of the week our community's efforts need to concentrate more on Sunday and Monday. Regarding hour of day, our community's efforts would benefit from increased attention to the time period from noon to 8 p.m.

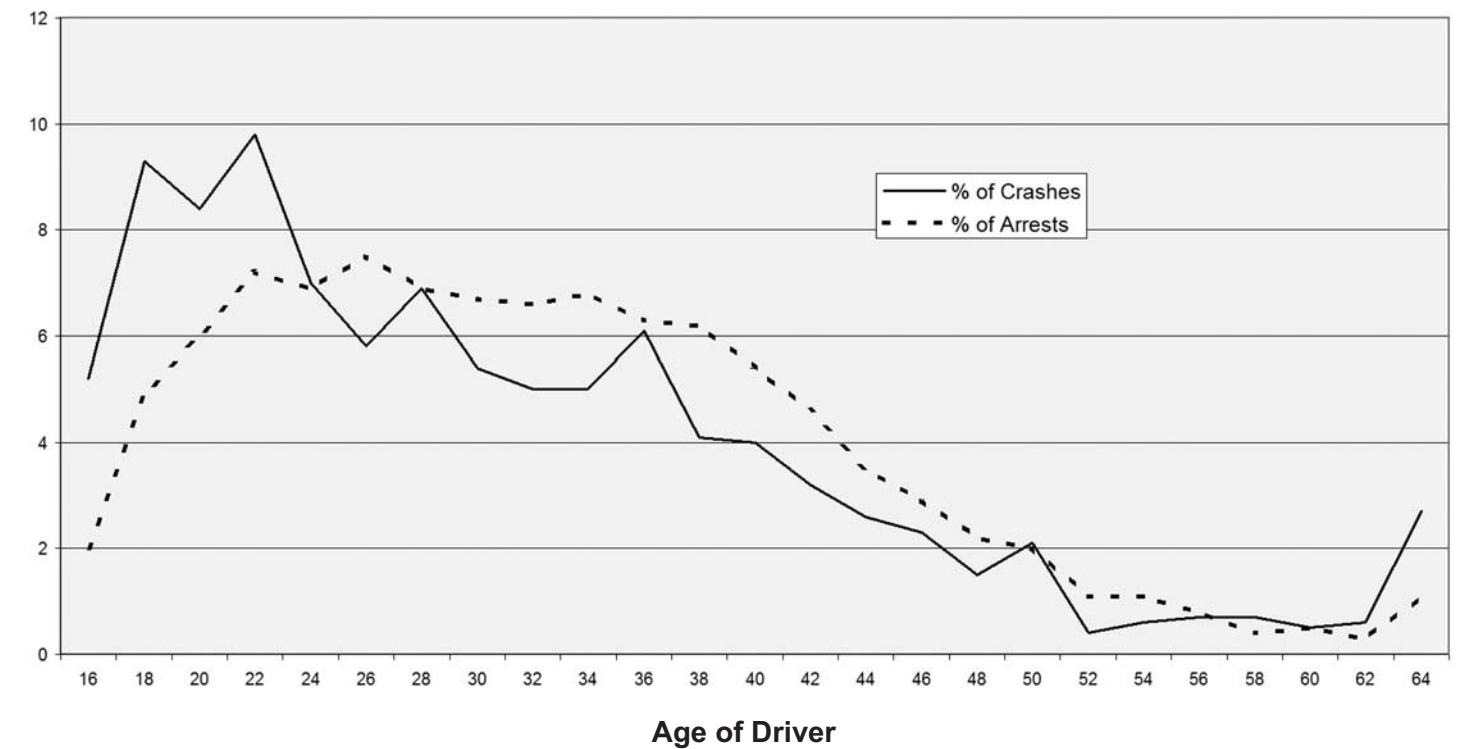
In New Mexico as a whole, DWI arrests declined from 1994 to 2000, then started to rise, though never returning to their high 1994 level. In our county, DWI arrests have been declining since 1994.

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

### McKinley County Percentage of Alcohol-Involved Crashes & Arrests by Time of Day



### McKinley County Percent of Alcohol-Involved Crashes & DWI Arrests by Age



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, 94 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, 9 percent of arrested drivers requested hearings in 2001-2003, a rate substantially lower 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 117 days after the arrest and hearings on average happen 63 days after the arrest, so hearings in general are held before the court date.

When hearings are held, 41 percent uphold the police action of license revocation, compared to the statewide rate of 54 percent. All told, there were 331 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, 71 percent of cases result in reported conviction, 29 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, 17 percent had no disposition reported 12 months after the arrest date, and 10 percent had no disposition reported 24 months after the arrest date.

Costs of DWI enforcement and adjudication can be 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 \$1,493,000 annually for 2001-2003.