

San Miguel County DWI Highlights

- The total economic impact to San Miguel County of the alcohol-involved crashes in 2003 was almost \$32 million (\$31,744,000) or more than a thousand dollars (\$1,019) for every county resident: man, woman, and child.
- From 1999 to 2003 the number of DWI citations issued per year remained about the same, while the number of alcohol-related crashes increased by more than 60 percent (62.8 percent). The average BAC of drivers arrested in 2002 was .17- more than double the legal limit for impairment. For this to be the average, many of those arrested had to have BACs much higher. Sixteen people had a BAC of .28 or higher (at .30 the average person loses consciousness).
- The magistrate court in the county was more likely to fine convicted offenders than other magistrate courts in the state every year from 1999 to date. For example in 2003, 94 percent of offenders convicted in San Miguel Magistrate Court were fined, compared to only 76 percent of offenders convicted in all other magistrate courts in the state.
- Of the drivers convicted of DWI between 1998 and 2000, 26 percent (municipal) and 31 percent (magistrate) were arrested again within 36 months.
- Of the drivers who had a DWI citation dismissed between 1998 and 2000, 25 percent (municipal) and 40 percent (magistrate) were arrested again within 36 months.

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 Case Study

On February 23, 2002, Mr. Moya was injured after he drove his car into a telephone pole. He was charged with DWI, and would be convicted later that year in September (\$0 fine, zero days in jail). However, approximately six weeks after the first crash, Mr. Moya improperly turned left, broad-siding a vehicle driven by a 49 year-old male and his 47 year-old female passenger. He was again charged with DWI in connection with this crash, and later convicted. His conviction for the second DWI would happen almost five months later (two weeks before the conviction for his first DWI), but not before he was cited a third time in July 2002.

For the first conviction (second DWI) he was fined \$300 and sentenced to 364 days in jail. Perhaps the reason he was neither fined nor jailed at the hearing two weeks later is that he was in jail at the time. But four days after his day in court (18 days after being sentenced to a year in jail) he was arrested on a fourth DWI charge. His third and fourth offenses each resulted in an additional \$500 fine and 364 days in jail.

- Total offenses: 4, including one while he was in jail, and two DWI crashes.
- Total fines assessed: \$1,300
- Total jail time sentenced: 3 years, some suspended

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DWI

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Highlights

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DWI In San Miguel County: A Problem Statement

Our community is the County of San Miguel. As of 2002, 29,674 people made their homes in the county, and 17,704 of them are licensed to drive. New Mexico ranked 45th among the states for median household income in 2002; and our county ranked #23 among New Mexico's 33 counties for household income. In 2002, 6 percent of the county's population was age 4 or younger, 20 percent was between ages 5 and 17, and 12 percent was 18 to 24 years old. There were 36,680 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. 58 people died in our county's motor vehicle crashes during 1998-2002, and 29 of those deaths (50 percent) were alcohol related. A total of 1,899 people were injured in motor vehicle crashes in 1998-2002 in our county, and 302 of the injuries (16 percent) involved alcohol. An estimated 150 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. Six DWI-related deaths occurred in the cities of our county in 1998-2002, 20 percent of our total DWI deaths in the county. 135 DWI related injuries occurred in the cities, 45 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 \$31,744,000, 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 \$2,183.

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 10 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, 77 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 our county, alcohol-related crash counts are increasing. Statewide, 60 percent of DWI crashes happen at night, compared to 55 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, 79 percent of 1998-2002 drunk drivers in crashes are male, and 47 percent are under age 30. Statewide, 16 percent are under age 21, compared to 20 percent here. Statewide, 7 percent of drunk drivers in crashes are from another state. In our county, 8 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 0.17, 110 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, 56 percent had prior arrests. 33 percent had two or more prior arrests. Of those arrested for DWI in our

DWI

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

For first offenders, 22 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 have been convicted of DWI, approximately 2,529 drivers in our county have been convicted of DWI. In 2003, 377 were arrested for DWI, 2.12 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 37 percent of arrests in 2001-2003, tribal police arrests reported to the state made up 0.5 percent, the sheriff's office made 3.9 percent, and the State Police made 58 percent.

Defining "active" DWI enforcement as arrests of impaired drivers for traffic violations, and "passive" enforcement as arrests resulting from crashes, 81 percent of arrests in our county were active, a level slightly lower than the state rate of 84 percent, indicating that enforcement here could be more aggressive.

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 3 percent of total DWI arrests in the county for 2001-2003. Arrests of minors age 18-20 were 9 percent.

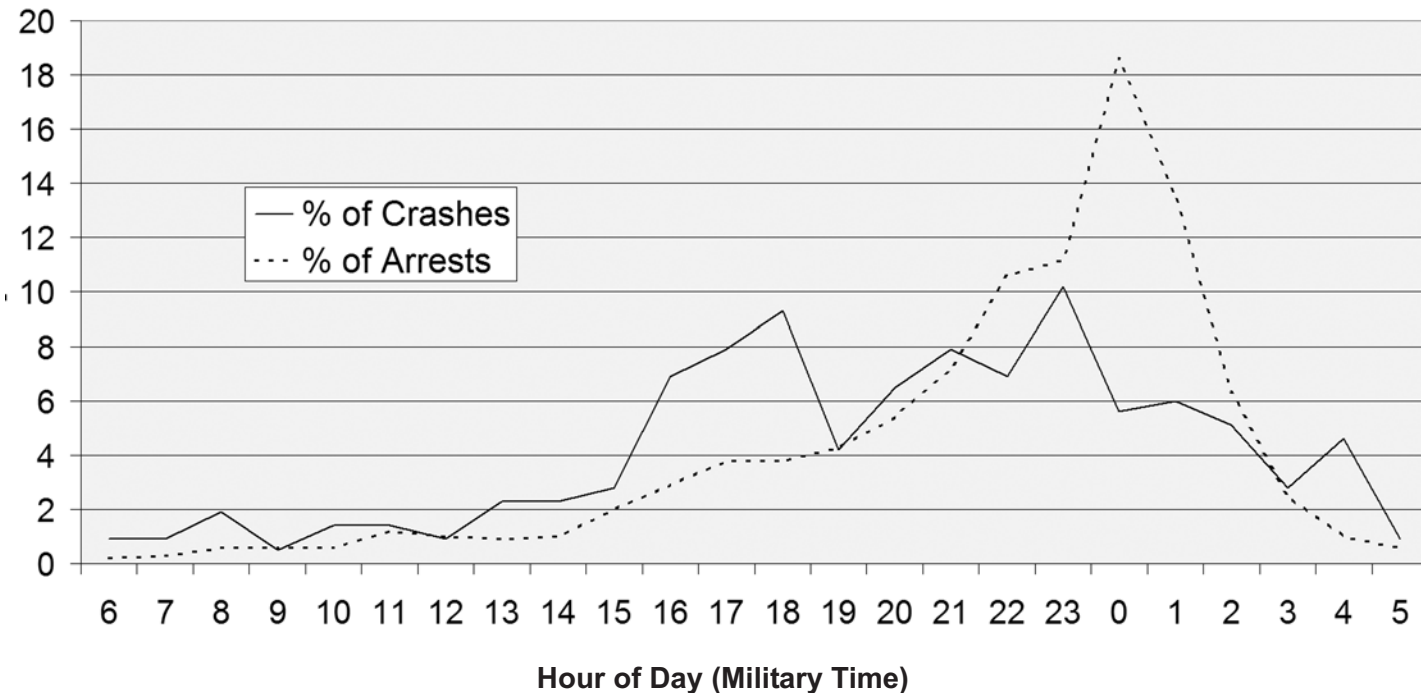
Crash and enforcement data can be used to study the correspondence between timing of a community's deterrence efforts and alcohol-related injury problems. Regarding enforcement levels by month for 1998-2002, our community's efforts are proportionate to alcohol-involved crashes except in March, August, and to a lesser extent, July.

Reviewing levels by day of the week, our community enforcement efforts should pay increased attention to Sunday and Monday. Regarding hour of day, our community's efforts are less aggressive during daylight hours than the percent of alcohol-involved crashes during those hours warrant.

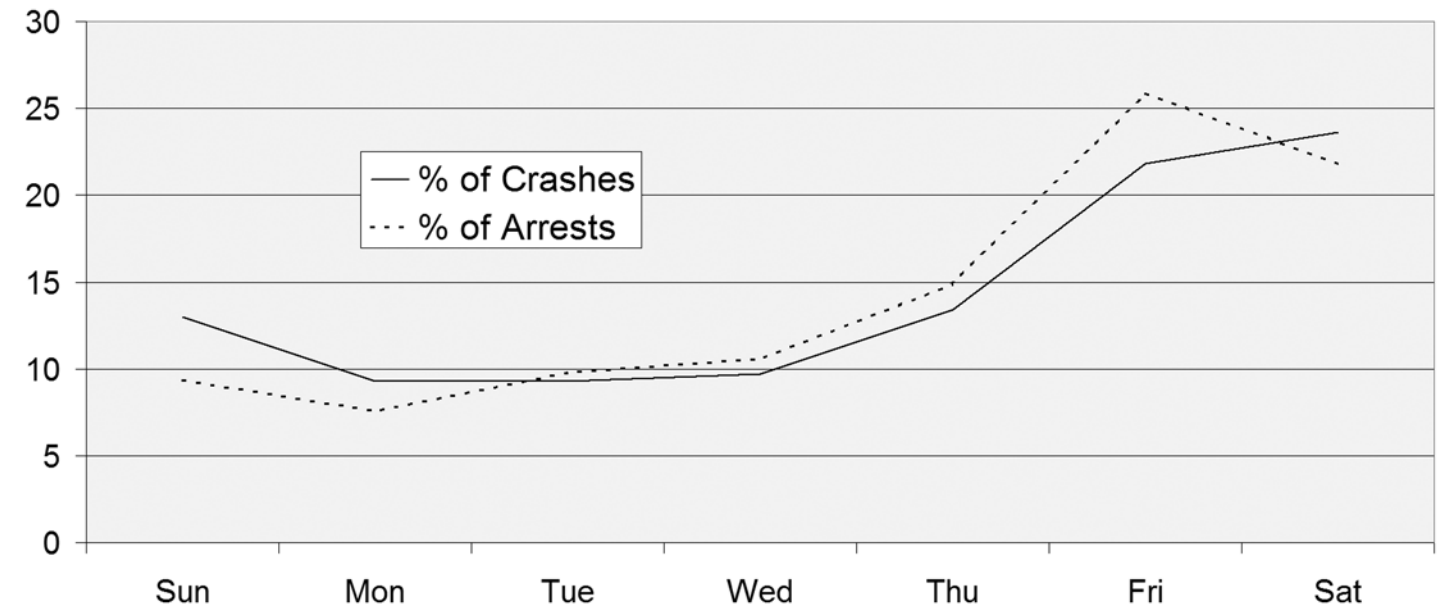
In New Mexico as a whole, DWI arrests declined from 1994 to 2000, then started to rise, though never returning to their high 1994 level. In our county, DWI arrest counts have varied widely in the past few years.

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

San Miguel County Percent of Alcohol-Involved Crashes & DWI Arrests by Hour



San Miguel County Percentage of Alcohol-Involved Crashes & Arrests by Day of Week



(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, 93 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, 15 percent of arrested drivers requested hearings in 2001-2003, a rate 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 130 days after the arrest and hearings on average happen 75 days after the arrest, so hearings in general are held before the court date.

When hearings are held, 59 percent uphold the police action of license revocation, compared to the statewide rate of 54 percent. All told, there were 163 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, 81 percent of cases result in reported conviction, 19 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, 16 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 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 \$462,000 annually for 2001-2003.