

DWI Information Network

Bernalillo County

DWI Statistics
Updated November 2004

The DWI Information Network is a project of the DWI Resource Center, Inc., supported by Award No. 2003-DD-BX-1036 awarded by the Bureau of Justice Assistance, Office of Justice Programs. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the Department of Justice. The goal of the project is to increase awareness, availability and utilization of DWI data and research to reduce DWI death and injury. The project is currently limited to the following fifteen counties in New Mexico: Bernalillo, Chaves, Doña Ana, McKinley, Otero, Rio Arriba, Sandoval, San Juan, San Miguel, Bernalillo, Sierra, Socorro, Taos, Torrance and Bernalillo.

The cost of:

Crime:

- 1 murder every 34 minutes**
- 1 aggravated assault every 35 seconds**
- 1 violent crime every 22 seconds**
- 1 property crime every 3 seconds**
- 1 crime every 3 seconds**

Crashes:

- 1 fatality every 13 minutes**
- 1 injury every 15 seconds**
- 1 property damage every 8 seconds**
- 1 crash every 5 seconds**



Sources: NHTSA and Dept. of Justice, 1999 data

As these data demonstrate, although 'violent crimes' are more apt to be reported on the nightly news, the human toll created by traffic crashes is far greater in terms in injuries and lives lost.

Driving under the influence of alcohol and other drugs contributes to this preventable tragedy!

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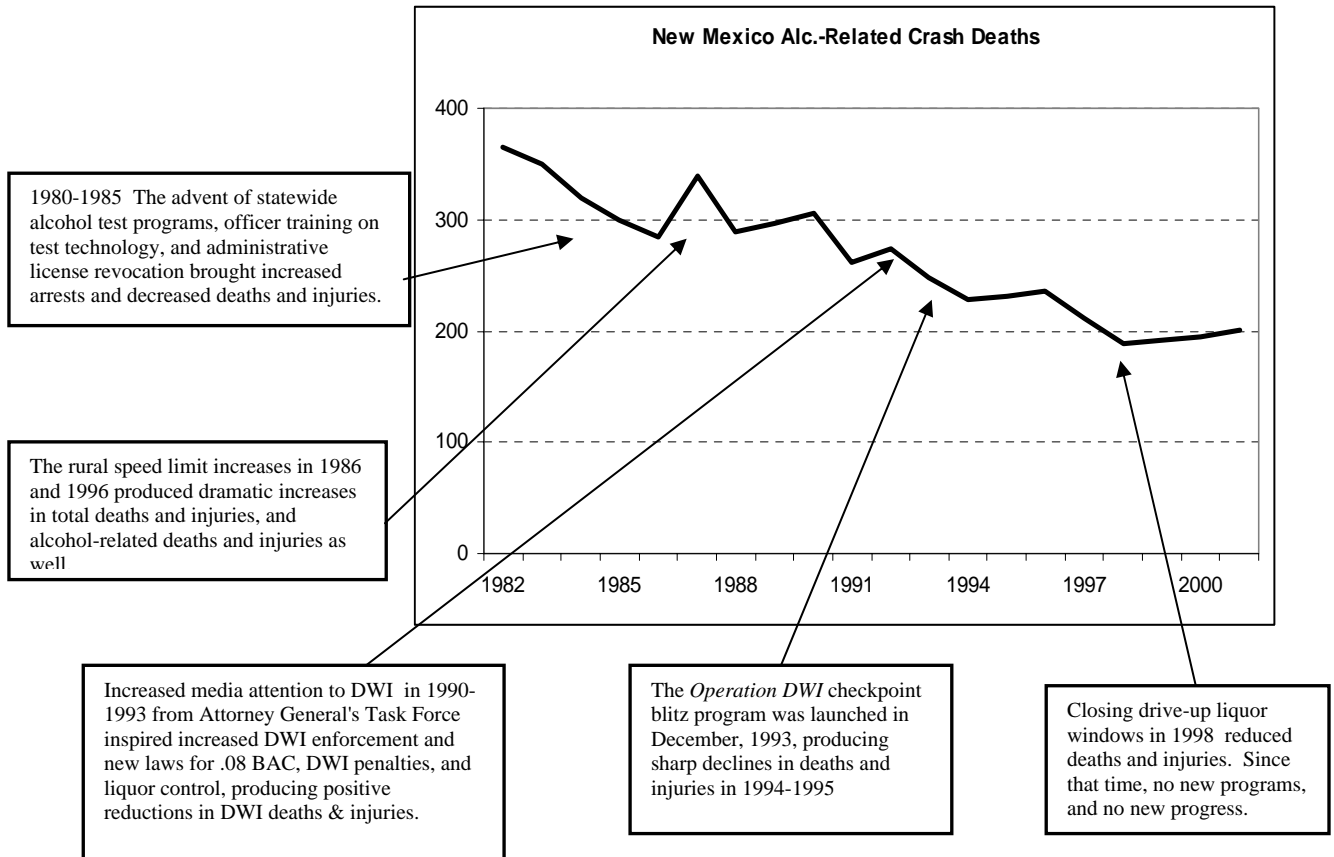
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DWI BENCHMARKS IN NEW MEXICO, 1980 – 2000

The record in New Mexico shows that well-managed programs that are research-proven to reduce death and injury do deliver results:



Fatalities in New Mexico from alcohol-related crashes were at a five-year high in 2002.

WHERE NEW MEXICO STANDS IN ALL TRAFFIC CRASHES

- Each year nearly 500 deaths, (of which 200 are DWI-related) 2,500 more permanently disabled
- 27,000 injured, \$3.2 billion annual economic loss
- Worst state in region for per capita deaths, fifth worst in nation
- Death rate 87% above national rate
- Death rate nearly twice Utah's despite similar geography
- Crashes are the leading cause of deaths for New Mexicans under age 45
- No public health approach to prevention
- Focus on politicized Look-Good and Feel-Good programs rather than Doing Good
- More funding available than ever before, but used poorly
- Large amounts of funding unused from year to year
- Large, increasing amounts of overhead or diverted elsewhere
- No progress at reducing DWI crash deaths since 1998
- Programs fail to target drivers who cause most crashes, so they do not reduce death and injuries

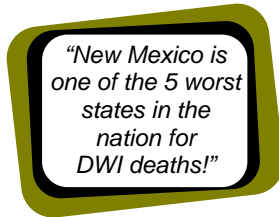
THE PURPOSE AND BENEFIT OF THIS BOOK

The purpose of this booklet is to increase awareness, availability and utilization of DWI data and research to reduce DWI death and injury. The information provided herein is intended for the use of agencies and/or key decision makers for the planning and funding of DWI Prevention Programs within their communities.

The statistics provided herein are based on the driver master (DWIM) database, which the Motor Vehicle Division (MVD) of the New Mexico Taxation and Revenue Department created and maintains. The DWICTS (DWI Citation Tracking System) file contains data such as citation, driver, reporting agency, MVD administrative hearing, and court hearing data. The MVD is the official keeper of records as outlined by New Mexico Statute §66-8-135, NMSA 1978. It is intended to aid in the analysis of DWI system processing in New Mexico.

ABOUT THE DWI RESOURCE CENTER

New Mexico has had a long history of high rates of alcohol-related fatal crashes. In fact, for the past few decades we have led the nation in this regard. This is despite the fact that attempts to address the problem through legislation, education and enforcement have been made. In 1993, legislation was passed to further strengthen New Mexico's DWI laws and anti-DWI environment.



The DWI Resource Center is a 501(c)3, tax-exempt, non-profit, New Mexico organization. Our mission is to reduce the social and economic impact of DWI in New Mexico through public awareness, education, prevention programs, and research. The Center also provides assistance to victims and serves as a central clearinghouse of information on DWI and victims' rights. This is an organization that knows the DWI issue and has spent years developing multi-faceted approaches to reduce DWI injuries. The Center collaborates with treatment providers, youth organizations, businesses, community task forces, elected officials, courts, government agencies and the media.

The DWI Resource Center has over sixteen years' experience in providing services and delivering effective research-based programs around the state.

The value of the information in this resource varies according to the user. Law enforcement personnel will use it differently than other community members, and journalists will have their own unique needs. That said, perhaps the most important aspect of this book is its versatility. The electronic format allows the data to be quickly revised and made available with minimal delay. Also, as users become more familiar with the types of data and analysis available, additional sections can be created.

So what do you do with this book? To answer that, let's look at the entire DWI process. We can begin almost anywhere, because it is more a cycle than a one-way journey. Someone drinks and then gets on the road (even walking!). If they then made it to their next destination every single time, DWI would not be a problem. But they don't. They cause death, injury, and damage. How much? For DWI to be addressed by the members of a community (city, county state) its importance must be recognized. How many people were killed and maimed in your area? How many drinking drivers were arrested before they killed someone ***this time?*** Is this the first time they have been arrested? If all citations are issued to first time offenders then the current punishment system is working. There is still room for improvement; an ideal system would *prevent* drinkers from getting on the road in the first place. When arrested, does the driver take or refuse the BAC test? What is the BAC result?

When the person cited has a court date do they show up? Is the officer there? Is there a hearing or is there some reason for a continuance? Are previous citations known about and documented? Is the case handled according to the applicable laws? If convicted, is the offender sent to screening and/or a first offender program? How many times has he or she been sent to the first offender program for previous arrests? Does the court obey sentencing statutes, and are the finding and sanctions reported to MVD as required? Are meaningful sanctions utilized? Is there adequate follow-up?

The driving force behind looking in this book should be questions. If the answers are not already there, then perhaps they can be added as needed. But the answers can be just a bunch of numbers. How do we decipher them? First- look at the date of the particular bit of information. We have and will always strive to have the most current data available, but you need to know what the year and source are. Is the number a count or a rate? Each has value. If 10 people are killed, it doesn't matter to their families that the fatality rate was .00273 per hundred million vehicle miles. On the other hand, if there is a reduction of one fatality in Bernalillo County that is far less of a change than the same reduction in Catron or Harding counties. Rates and percents can be compared among cities, counties or states, it is not appropriate to compare counts.

If you are looking at a rate, note what it is based on. It might be miles driven or population. When comparing rates be sure they are the same type. Finally, don't hesitate to ask for help! We're as close as an email to info@dwiresourcecenter.org.

ARRESTS AND RESULTS

DWI Arrests vs. Alcohol-involved Crashes (Figure 1, next page)

Research studies indicate that even a slightly heightened perception of both risk of arrest and severity of sanction and an awareness of DWI checkpoint efforts will help reduce alcohol-related fatalities. Over the past five years (the most recent data available) the trends show an increasing number of DWI arrests and a declining number of alcohol-involved crashes (see Figure 1, next page). So it is likely that the Superblitz programs and their associated publicity have contributed to the reduction in the number of crashes. This reduction has occurred as the population of the state has continued to grow.

DWI Arrests vs. DWI Convictions (Figure 2, next page)

Although the number of citations is increasing, the number of resulting convictions as of July 2004 is declining. It is possible that as more of the court dispositions are available the proportion of convictions may increase.

DWI Citation Results (Figure 3, next page)

The percentage of citations dismissed increased from 2000 to 2002. At the same time the number of citations with the outcome not reported has increased. As of mid 2003 the court a driver is cited into is no longer reported to MVD until after trial. This eliminates any future possibility of identifying citations such as the more than 800 in 2000 which had no reported court action by July 2004. The total of the different results is not equal to the total number of citations issued because some dispositions such as "reduced" are not included.

MEAN NUMBER OF DAYS TO COURT DISPOSITION, 2003

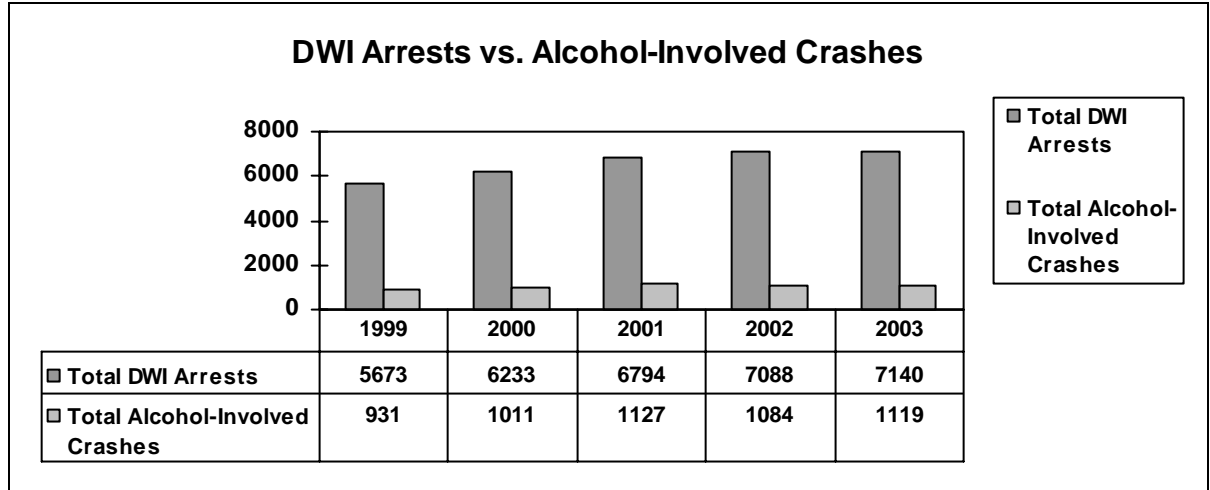
Total 2003 Arrests	Percent Crash Involved ¹	Mean BAC ²	Citations Unresolved as of 4/04	Citations Resolved		Mean Days ³	
				DWI Conviction	Dismissal	DWI Conviction	Dismissal
7140	14	.15	3154	2517	1,465	121 days	157 days

Source: MVD DWI Citation Tracking File

1. This is the percentage of citations which were issued after a traffic crash brought the DWI incident to police attention. Statewide in 2004, 15 percent of the DWI citations were issued after a crash.
2. Only citations for which a BAC was determined are included; citations for which offender refused to submit to a BAC test are excluded.
3. These are the average number of days from the date of the citation to the date of any court disposition as of July 2004. For example, the 2,517 convictions in Bernalillo County were decided in an average of 121 days after the citation.

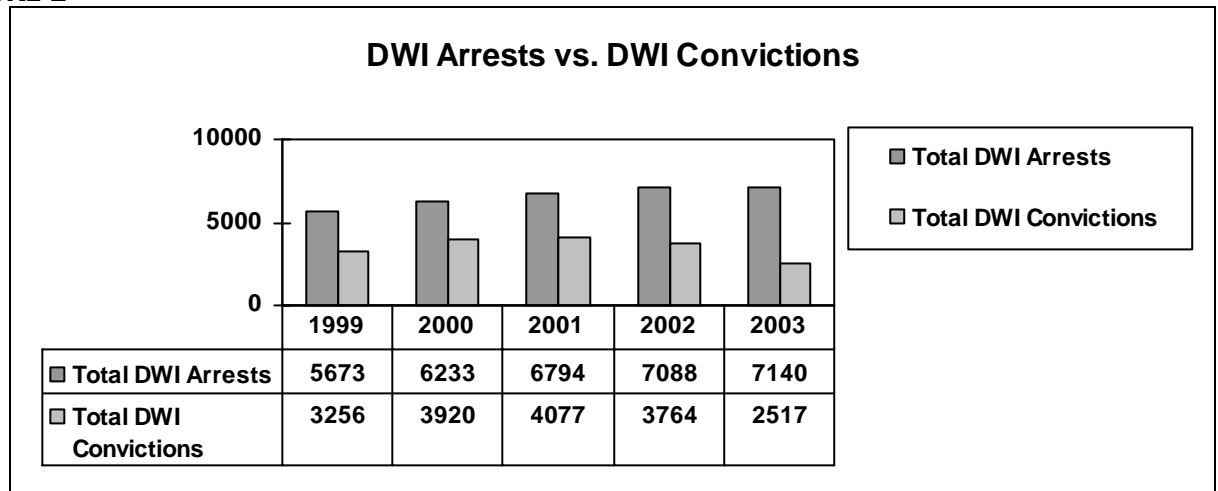
ALCOHOL-INVOLVED CRASHES, ARRESTS AND CONVICTIONS

FIGURE 1



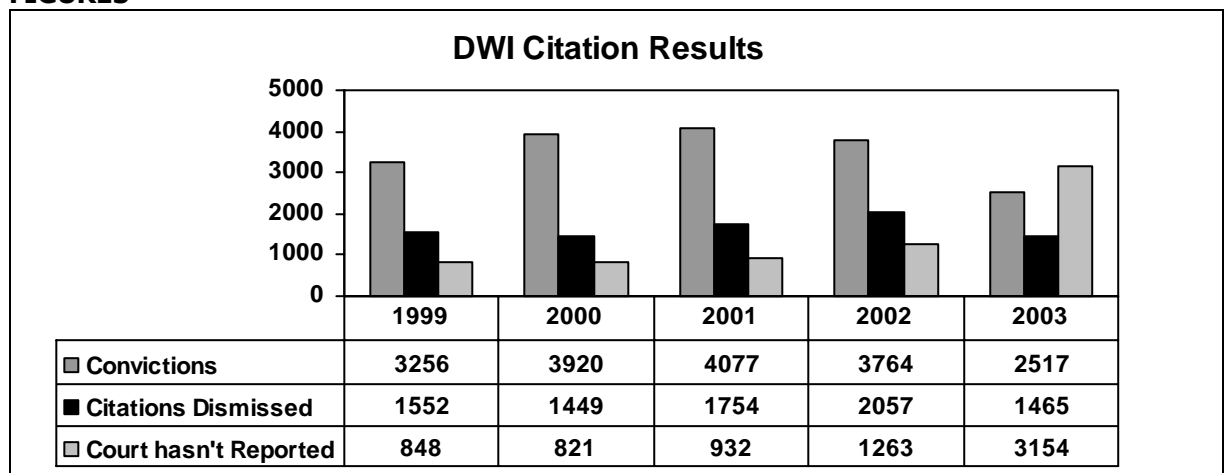
Source: MVD DWI Citation Tracking File

FIGURE 2



Source: MVD DWI Citation Tracking File. Conviction data are as of 7/04 and are preliminary.

FIGURE 3



Source: MVD DWI Citation Tracking File Court disposition data are as of 7/04 and are preliminary.

DWI CITATIONS ISSUED BY AGENCY

Agency	1999	2000	2001	2002	2003*
Albuquerque Police	4368	5152	5760	6060	6182
Bernalillo County Sheriff	826	632	663	661	712
NM State Police	146	110	86	153	122
Isleta Police	33	48	45	40	25
KAFB	153	155	122	61	25

Source: MVD DWI Citation Tracking File. *2003 data are preliminary and subject to change

DWI CITATIONS ISSUED BY AGENCY – PERCENTAGES

Agency	1999	2000	2001	2002	2003*
Albuquerque Police	77	83	85	85	87
Bernalillo County Sheriff	15	10	10	9	10
NM State Police	3	2	1	2	2
Isleta Police	1	1	1	1	0
KAFB	3	2	2	1	0

Source: MVD DWI Citation Tracking File *2003 data are preliminary and subject to change

DWI CITATIONS- WAS THERE A CRASH?

Driver Age (18+ or Under 18)	1999	2000	2001	2002	2003
Adults, no crash	4473	4854	5425	5912	5919
Adults, crash	804	860	982	1017	961
Youth, no crash	100	75	79	81	94
Youth, crash	33	29	31	20	24

Source: MVD DWI Citation Tracking System

In Bernalillo County 14 percent of the DWI citations in 2003 were issued after a crash, compared to 15 percent statewide.

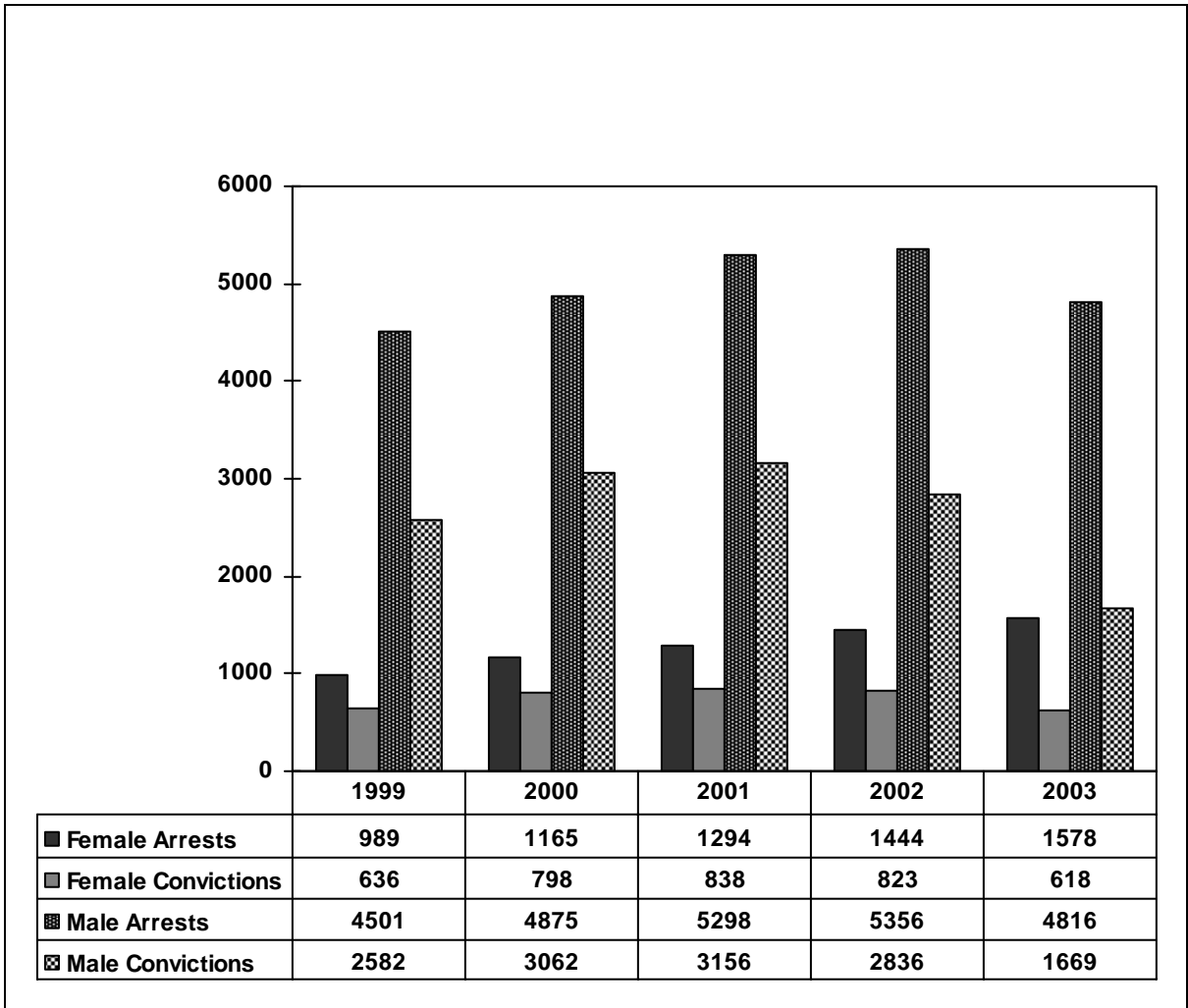
This table shows the counts of DWI citations which were issued to drivers after an alcohol-involved crash brought the DWI offense to the attention of a law enforcement officer. These can be compared with the citations which resulted from a checkpoint or traffic stop. For example, in 2003 adult drivers (age 18 and older) received 5,919 citations issued at a checkpoint or after a traffic stop while 961 received citations after they were involved in a crash.

This can be used as a measure of law enforcement activity: it is more difficult to detect an impaired driver driving down the street than it is to detect one involved in a crash. Therefore, a greater proportion of 'no-crash' citations is an indication of more vigorous enforcement, i.e. officers are not waiting for impaired drivers to crash before they issue a citation.

From this table we can see that in 2003 drivers 18 and over received a much higher proportion of 'no crash' citations than did drivers under age 18. In fact, of drivers under age 18, almost a third were cited after they crashed. This suggests an opportunity for greater detection and apprehension of young impaired drivers *before* they crash.

Of the alcohol-involved drivers in Bernalillo County crashes in 2003, 61 percent had never been cited for DWI.

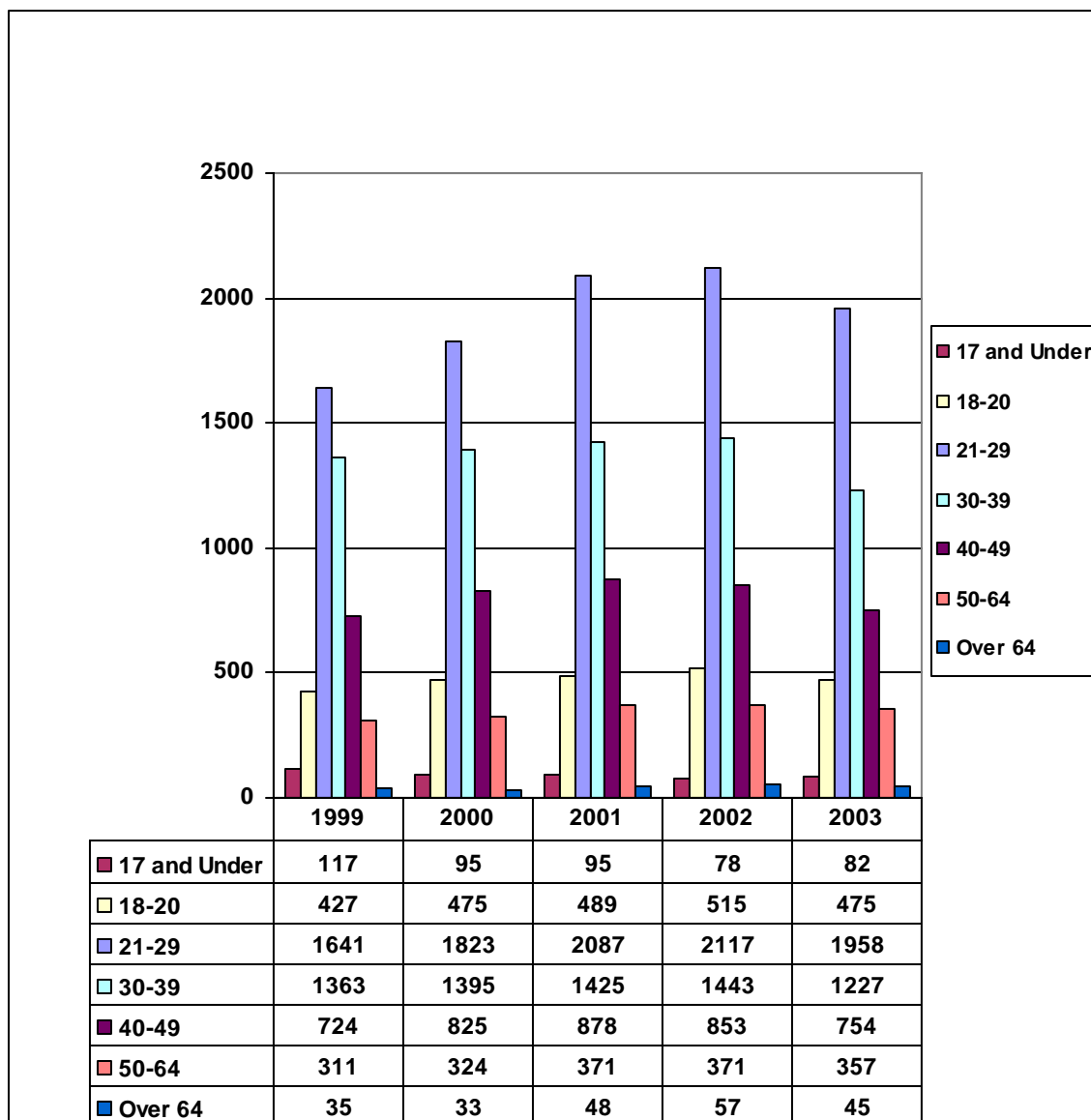
**DRIVERS ARRESTED/CONVICTED
(OFFENDERS AGE 18 AND OLDER)**



Source: MVD DWI Citation Tracking File as of July 2004

The declining numbers of citations and convictions for males is offset by increases in the numbers for females, resulting in little change in the totals overall. Conviction data, and to a lesser extent the citation counts for 2003 are preliminary and will increase as cases and paperwork make their way through the system.

MALE DWI ARRESTS BY AGE

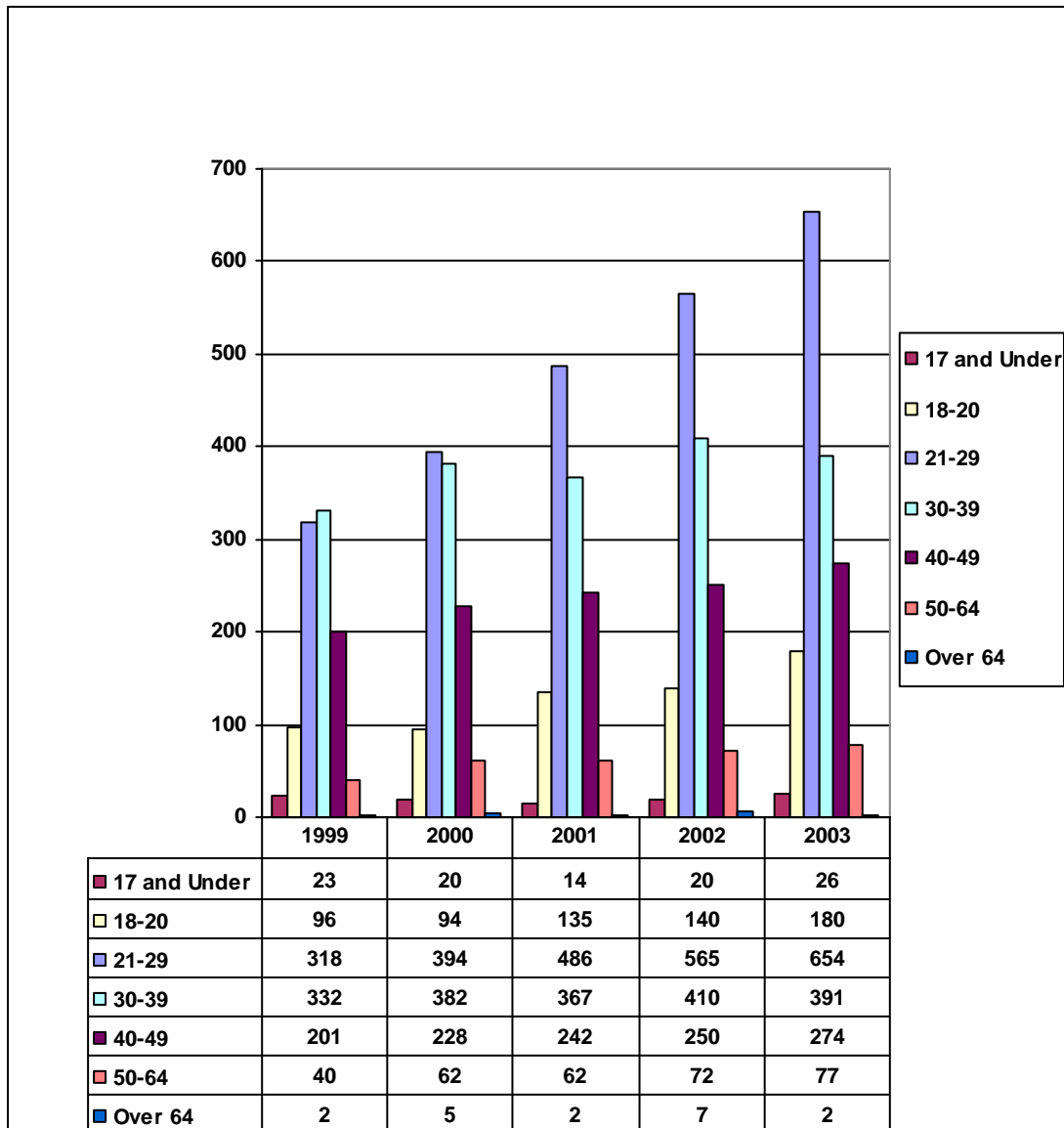


Source: MVD DWI Citation Tracking File

These are counts of citations and do not take into account changes in the population. For example, the increases in the numbers citations issued in a particular age category *might* just be a reflection of an increase in the number of drivers that age, either due to immigration or the aging of the children of the Baby Boom. Citation counts are also influenced by changes in enforcement activity

Teenaged drivers (under 18) are likely undercounted in this table because their offenses are frequently handled as Children's Code violations and are not reported to MVD.

FEMALE DWI ARRESTS BY AGE



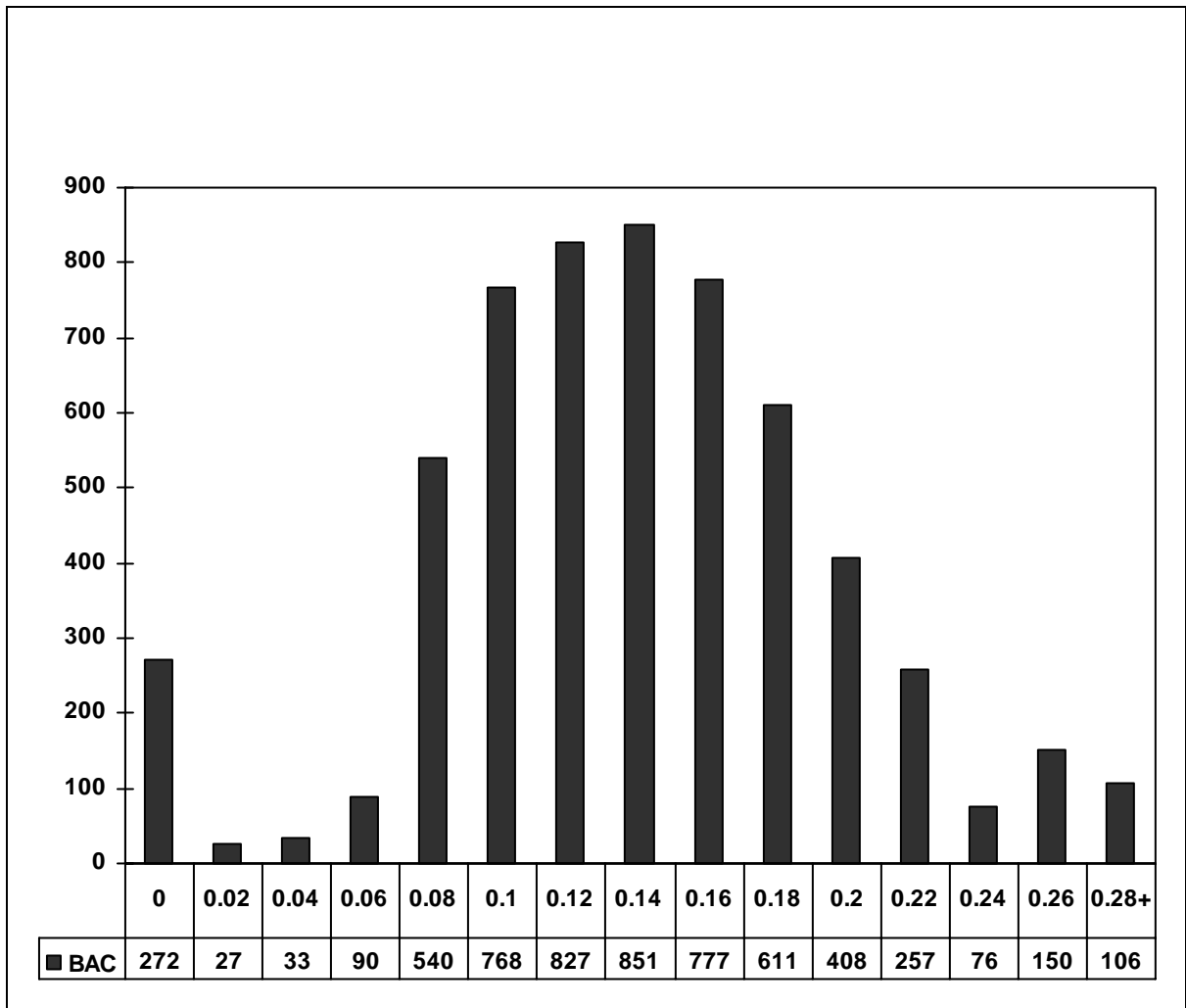
Source: MVD DWI Citation Tracking File

These are counts of citations and do not take into account changes in the population. For example, the increases in the numbers citations issued in a particular age category *might* just be a reflection of an increase in the number of drivers that age, either due to immigration or the aging of the children of the Baby Boom. Citation counts are also influenced by changes in enforcement activity.

Teenaged drivers (under 18) are likely undercounted in this table because their offenses are frequently handled as Children’s Code violations and are not reported to MVD.

BAC TEST RESULTS, 2003

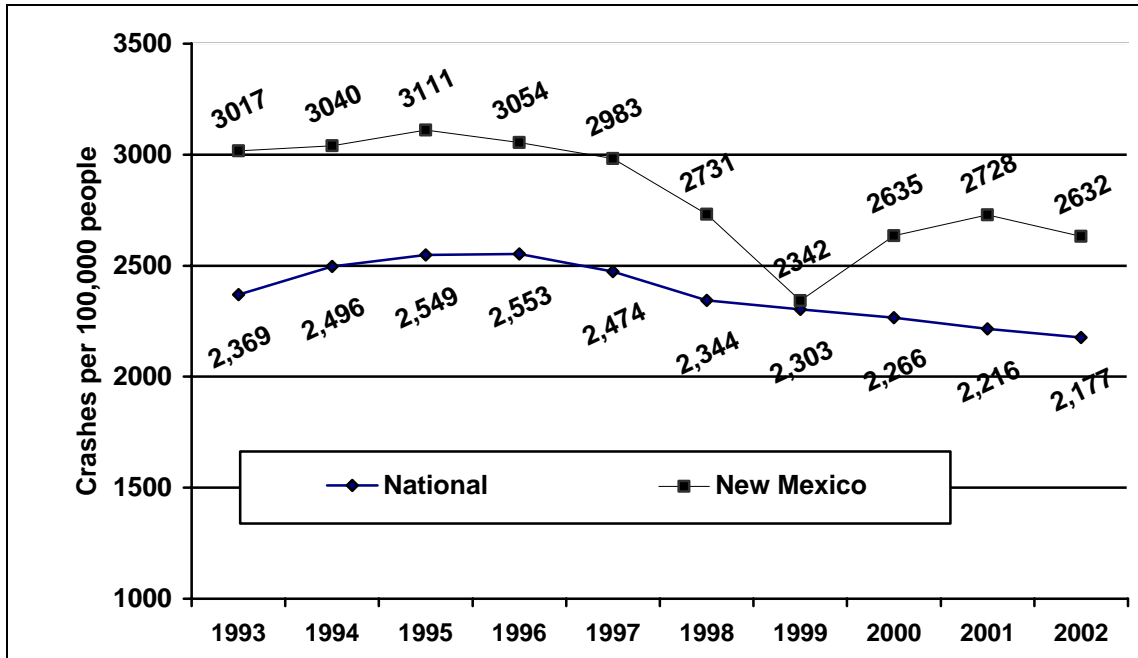
AGE 18 AND OVER



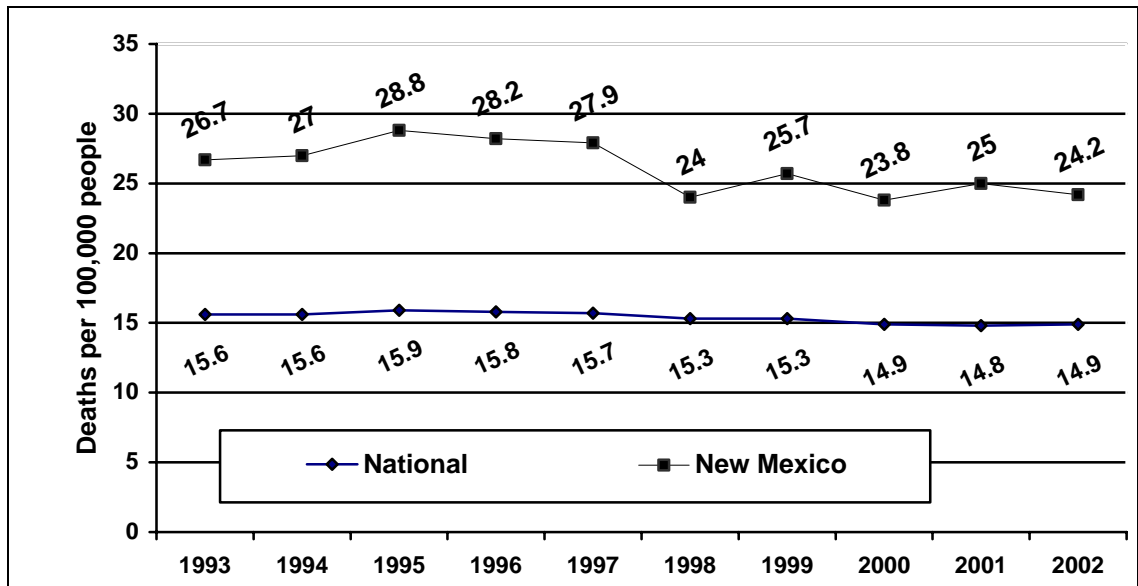
Source: MVD DWI Citation Tracking file

The mean (average) BAC level was .16 – double the legal limit for drivers over 21. This average excludes tests with a result of 0.0. The BAC results are rounded to the nearest .02 to limit the number of categories. For example, the .06 bar includes BAC test results of .055 to .064. Breath tests which yielded a 0.0 result could have been from drivers who were arrested as a result of driving while impaired by drugs other than alcohol. These drugs can only be identified by blood tests. The results of blood analysis by the Scientific Laboratory Division of the Office of the Medical Investigator are not included in the MVD DWI Citation Tracking file.

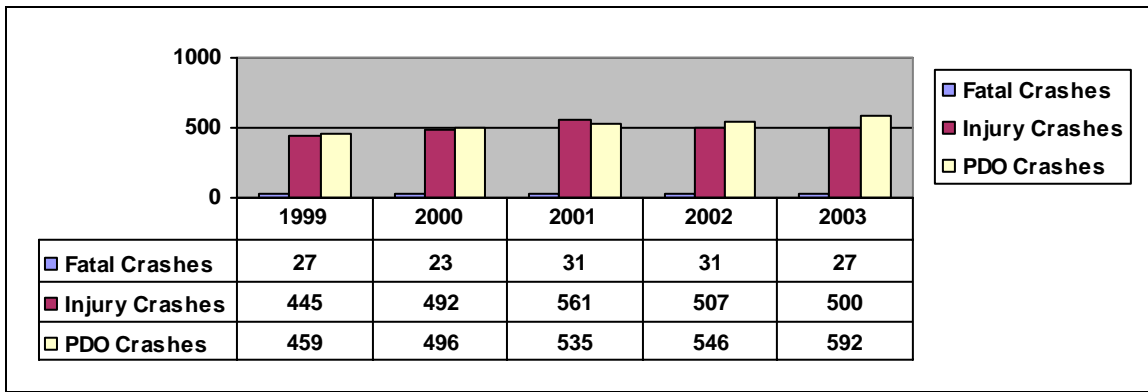
NEW MEXICO AND NATIONAL CRASH RATES, 1993 - 2002



NEW MEXICO AND NATIONAL CRASH DEATH RATES, 1993 - 2002



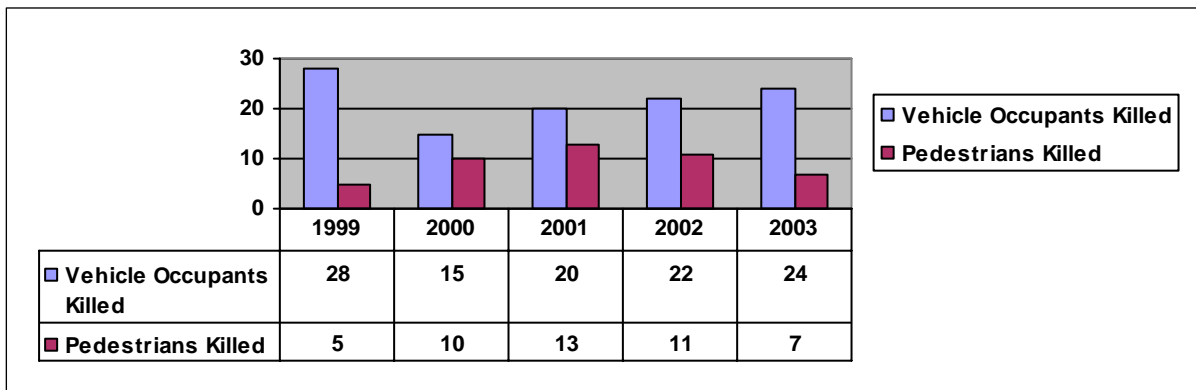
SEVERITY OF ALCOHOL-INVOLVED CRASHES



Source: MVD Crash Files

The counts above are the number of **crashes** in the county that were determined to be alcohol-involved. Each crash could have involved one or more than one vehicle and any number of drivers, passengers and pedestrians. These are **not** counts of people; these appear in other tables. The severity for any given crash is based on the worst injury sustained by anyone involved in the crash. For example a crash involving two vehicles, two fatalities and five injuries would appear here as one fatal crash.

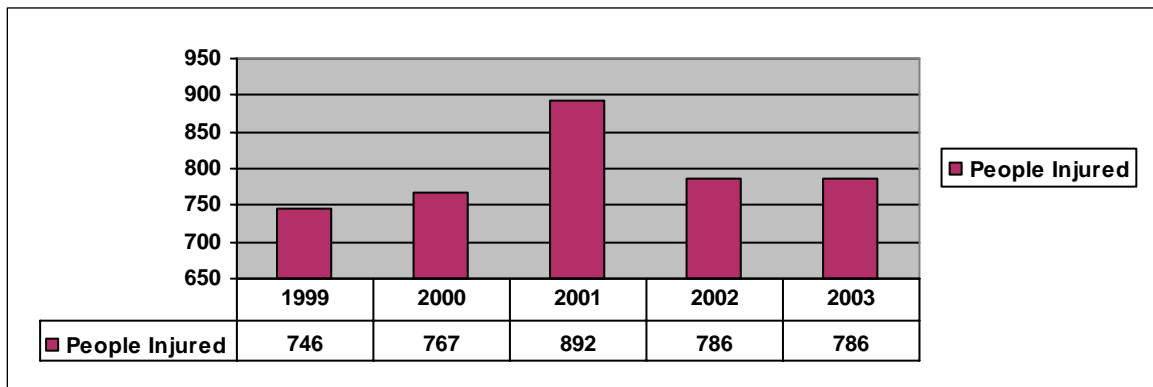
PEOPLE KILLED IN ALCOHOL-INVOLVED CRASHES



Source: MVD Crash Files

These are the total number of **drivers, passengers and pedestrians** that were **killed** in alcohol-involved crashes.

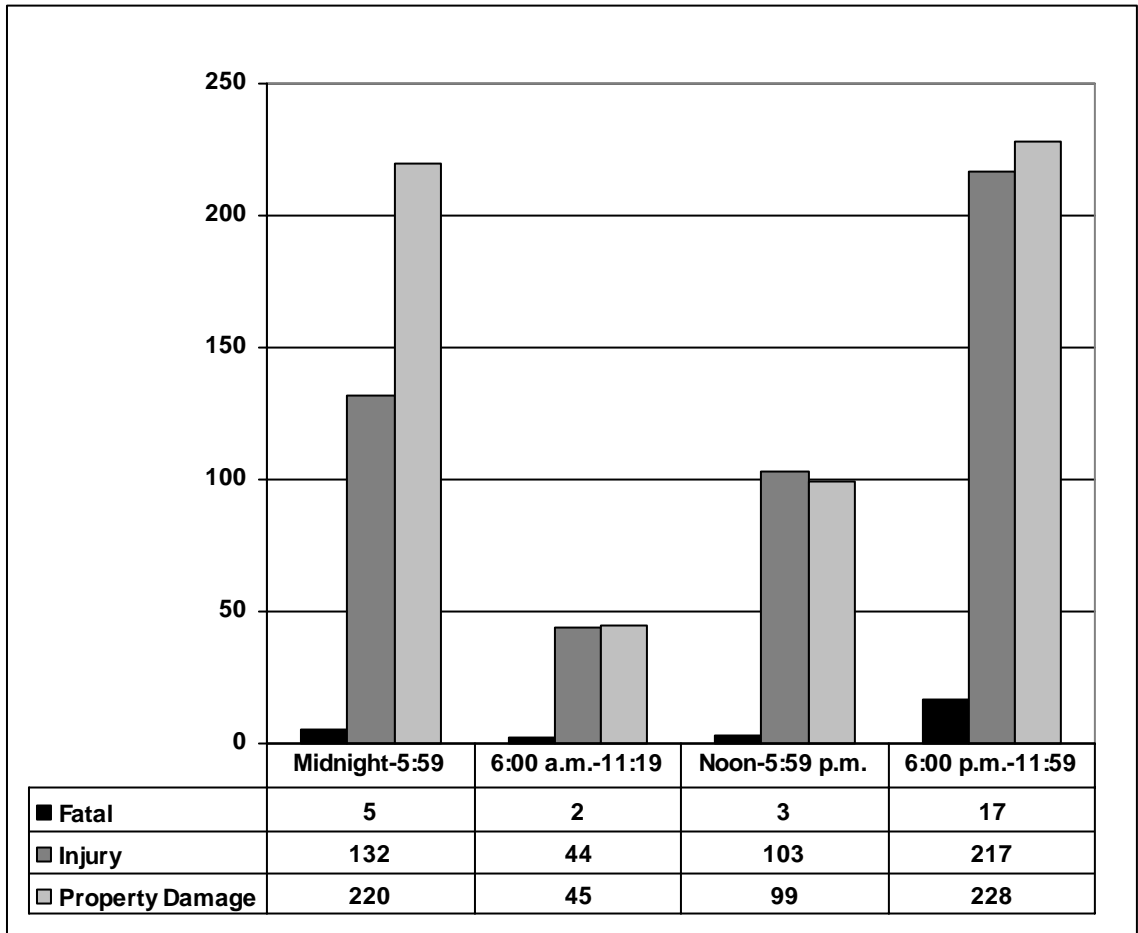
PEOPLE INJURED IN ALCOHOL-INVOLVED CRASHES



Source: MVD Crash Files

These are the total number of **drivers, passengers and pedestrians** that were **injured** in alcohol-involved crashes.

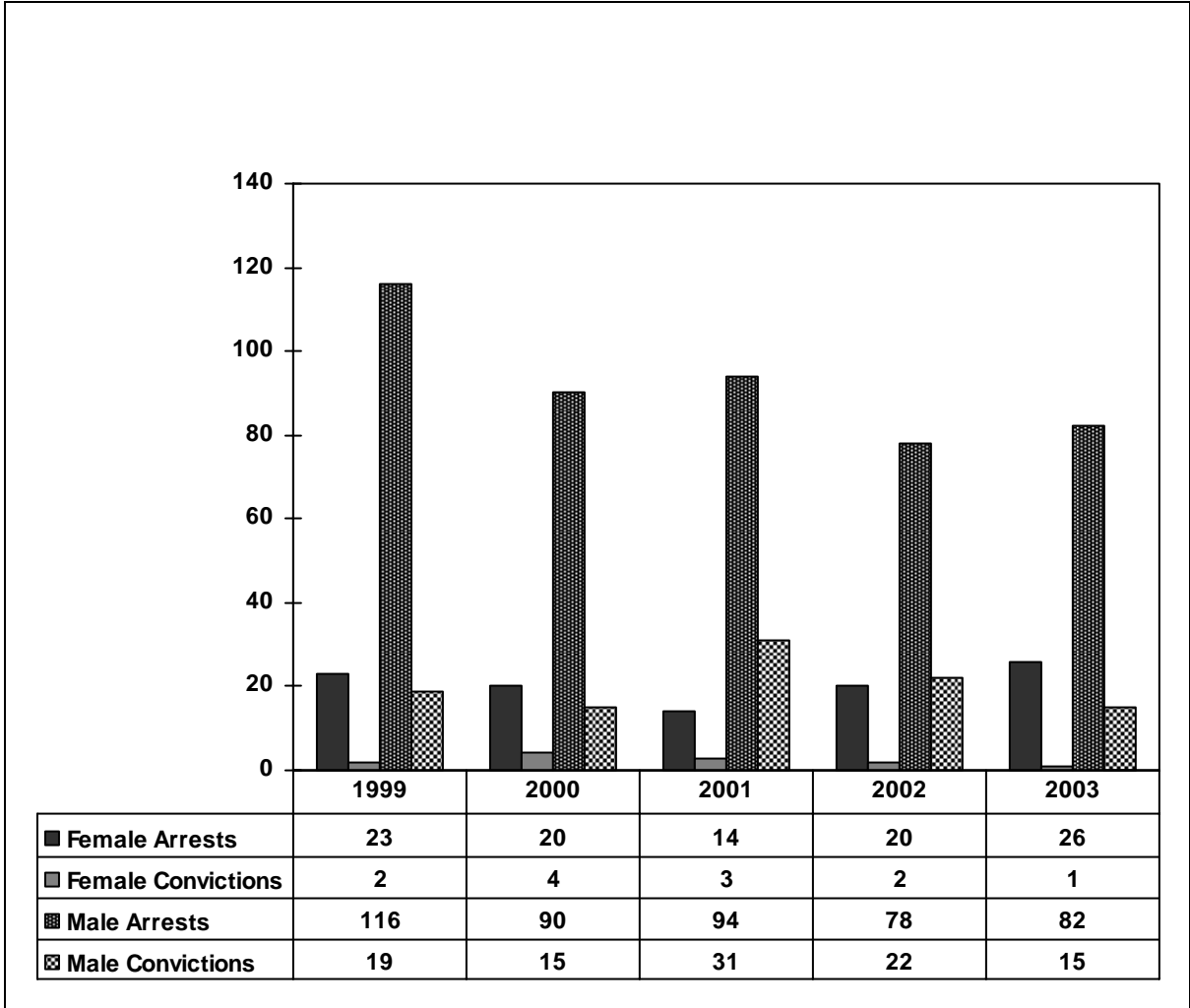
ALCOHOL-INVOLVED CRASHES BY HOUR AND SEVERITY, 2003



Source: MVD Crash Files

This graph represents the number of crashes between the designated times, e.g., there were five fatal and 132 injury crashes between midnight and 5:59 a.m. This chart demonstrates that not all alcohol-involved crashes occur during the traditional "drinking hours" (after 6:00 p.m.). Although there were significantly fewer fatal crashes during daylight hours, this points out a time period which might not be as obvious but which warrants significant enforcement activity.

**JUVENILES ARRESTED/CONVICTED
(OFFENDERS UNDER THE AGE OF 18)**

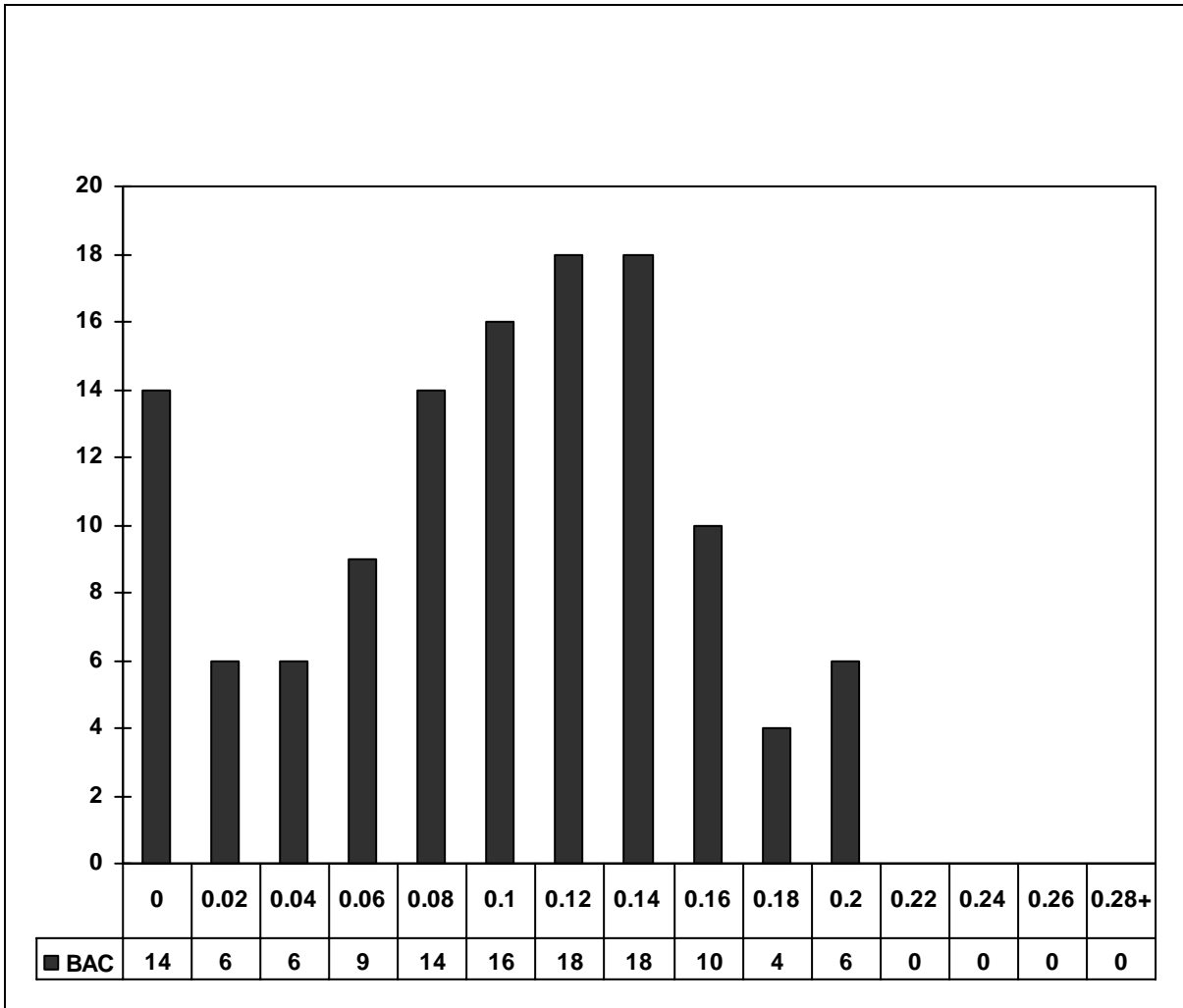


Source: MVD DWI Citation Tracking File

These numbers are reported to the state Motor Vehicle Division and should be viewed with reservation. In many instances juvenile offenses are cited under the Children's Code and are not reported to MVD. In other cases the juvenile appears before a Juvenile Probation Officer instead of a judge, and again, the citation and/or conviction is sometimes, but not always, reported to MVD

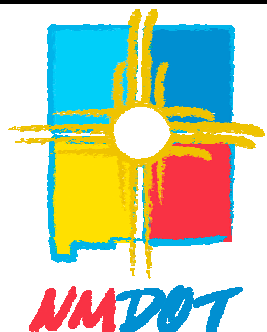
JUVENILE BAC RESULTS, 2003

BAC – means Blood Alcohol Content – the value is the percentage of alcohol found in a person’s blood by volume. It is usually derived from breath alcohol content.



Source: MVD DWI Citation Tracking file

The legal limit for drivers under 21 is .02. The BAC results are rounded to the nearest .02 to limit the number of categories. For example, the .06 bar includes BAC test results of .055 to .064. Breath tests which yielded a 0.0 result could have been from drivers who were arrested as a result of driving while impaired by drugs other than alcohol. These drugs can only be identified by blood tests. The results of blood analysis by the Scientific Laboratory Division of the Office of the Medical Investigator are not included in the MVD DWI Master file.



The High Cost of DWI

in New Mexico 2004

Effective March 2, 2004

The New Mexico Department of Transportation, Traffic Safety Bureau



DWI Offense	Jail ¹	Fines and Fees ²	License Revocation ³		Other
			Administrative	Criminal	
<p>1st Misdemeanor 66-8-102E</p>	<p>Maximum: 90 Days</p> <p>Mandatory: 48 hours if offender fails to comply with any condition of probation. 66-8-102E</p>	<p>Maximum fine: \$500 66-8-102E License fee: \$100 66-5-33.1 Crime lab fee: \$65 31-12-7A Community fee: \$75 31-12-7B Limited license fee: \$45, 66-5-35C Interlock License fee: \$45, 66-5-35C Alcohol screening: \$100-200 DWI school: up to \$150 Ignition Interlock fee: \$960/year or more Corrections Fee: \$20, 35-6-1D(1)</p>	<p>Under 21 (.02+ BAC) 6 months 66-8-111C(2) Age 21+ (.08+ BAC) 90 days 66-8-111C(1) Commercial Driver (CDL) (.04 BAC) 66-8-111C Limited license available, 66-5-35B⁴ Refusal: 1 year 66-8-111B and no limited license allowed, 66-5-35B⁴ Ignition interlock license available 66-5-503⁷</p>	<p>Upon conviction: 1 year unless offender attends DWI school 66-5-29A(2)</p> <p>Limited license available, 66-5-35A & E</p> <p>Ignition interlock license available⁷ 66-5-503⁷</p> <p>The criminal per se standard is .08, but .04 for commercial driver licenses.</p>	<p>Mandatory: Screening, 66-8-102E & K DWI school, 66-8-102E. Court discretion: Treatment, 66-8-102E & K; 48 hrs community service, 66-8-102E: Probation, up to 1 year— if the offender violates probation on a suspended or deferred sentence, the judge may impose any sentence originally available and credit shall not be given for time served by the offender on probation, 66-8-102E; judge may order ignition interlock⁶, 66-8-102O</p> <p>Aggravated DWI⁵, Mandatory: Jail: Additional 48 hours jail if convicted of Aggravated DWI, 66-8-102D & E; ignition interlock⁶, 66-8-102N.</p>

<p>2nd Misdemeanor 66-8-102F</p>	<p>Maximum: 364 Days</p> <p>Mandatory: 96 hours; Also mandatory extra 7 days if offender fails to comply with sentence</p>	<p>Maximum fine: \$1,000 66-8-102F Mandatory fine: \$500 66-8-102F(1)</p> <p>All other costs and fees same as first offense</p>	<p>.02+ BAC (under 21) .04+ BAC(Commercial DL) .08+ BAC or any refusal: All 1 year revocation 66-8-111B and 66-8-111C</p> <p>No limited license allowed 66-5-35B⁴ Ignition interlock license available 66-5-503⁷</p>	<p>Upon conviction: 1 year, 66-5-29A(3)</p> <p>No limited license allowed 66-5-35B⁴</p> <p>Ignition interlock license available 66-5-503⁷</p>	<p>Mandatory: Treatment: 66-8-102L⁸ Screening: 66-8-102K Community service: 48 hrs, 66-8-102F(1); Ignition interlock⁶, 66-8-102P Court discretion: Probation: Up to 5 years probation, 66-8-102F</p> <p>Aggravated DWI⁵, Mandatory: Additional 96 hours jail if convicted of aggravated DWI, 66-8-102D & F(1); Ignition interlock⁶, 66-8-102P.</p>
<p>3rd Misdemeanor 66-8-102F</p>	<p>Maximum: 364 Days</p> <p>Mandatory: 30 days Also mandatory 60 days if offender fails to comply with sentence</p>	<p>Maximum fine: \$1,000 66-8-102F Mandatory fine: \$750 66-8-102F(1)</p> <p>All other costs and fees same as first offense</p>	<p>Same as second offense</p>	<p>10 years if offender is convicted of DWI 3 times within any 10 year period, 66-5-5D. Otherwise, 1 year</p> <p>No limited license allowed 66-5-35B⁴ Ignition interlock license available 66-5-503⁷</p>	<p>Mandatory: Treatment: 66-8-102L⁸ Screening, 66-8-102K Ignition interlock⁶ 66-8-102P Court discretion: Up to 5 years probation, 66-8-102F Aggravated DWI⁵, Mandatory: Jail: Additional 60 consecutive days jail if convicted of aggravated DWI, 66-8-102D & F(2); ignition interlock⁶ 66-8-102P.</p> <p>Albuquerque, Dona Ana County, Las Cruces, Roswell: Forfeiture of car in civil action</p>
<p>4th 4th Degree Felony 66-8-102G</p>	<p>Maximum: 18 Months 66-8-102G</p> <p>Mandatory: 6 months 66-8-102G</p>	<p>Maximum fine: \$5,000 31-18-15E(5)</p> <p>All other costs and fees same as first offense</p>	<p>Same as second offense</p>	<p>Same as third offense</p>	<p>Mandatory: Treatment: 66-8-102M⁸ Screening, 66-8-102K; Ignition interlock⁶, 66-8-102P</p> <p>Albuquerque, Dona Ana County, Las Cruces, Roswell: Forfeiture of car in civil action</p>

<p>5th 4th Degree Felony 66-8-102H</p>	<p>Maximum: 2 Years 66-8-102H Mandatory: 1 year 66-8-102G</p>	<p>Maximum fine: \$5,000 31-18-15E(5) All other costs and fees same as first offense</p>	<p>Same as second offense</p>	<p>Same as third offense</p>	<p>Mandatory: Treatment: 66-8-102M⁸ Screening, 66-8-102K; Ignition interlock⁶, 66-8-102P Albuquerque, Dona Ana County, Las Cruces, Roswell: Forfeiture of car in civil action</p>
<p>6th 3rd Degree Felony 66-8-102I</p>	<p>Maximum: 30 months 66-8-102I Mandatory: 18 months 66-8-102I</p>	<p>Maximum fine: \$5,000 31-18-15E(5) All other costs and fees same as first offense</p>	<p>Same as second offense</p>	<p>Same as third offense</p>	<p>Mandatory: Treatment: 66-8-102M⁸ Screening, 66-8-102K; Ignition interlock⁶, 66-8-102P Albuquerque, Dona Ana County, Las Cruces, Roswell: Forfeiture of car in civil action</p>
<p>7th or subsequent 3rd Degree Felony 66-8-102J</p>	<p>Maximum: 3 years 66-8-102J Mandatory: 2 years 66-8-102J</p>	<p>Maximum fine: \$5,000 31-18-15E(5) All other costs and fees same as first offense</p>	<p>Same as second offense</p>	<p>Same as third offense</p>	<p>Mandatory: Treatment: 66-8-102M⁸ Screening, 66-8-102H; Ignition interlock⁶, 66-8-102P Albuquerque, Dona Ana County, Las Cruces, Roswell: Forfeiture of car in civil action</p>
<p>Driving While Revoked Misdemeanor 66-5-39</p>	<p>Maximum: 364 Days 66-5-39A Mandatory: 7 days, 66-5- 39A</p>	<p>Maximum fine: \$1,000 66-5-39A Mandatory fine: \$300 66-5-39A</p>	<p>There is no administrative sanction for driving while revoked for DWI.</p>	<p>1 year added to current revocation period, 66-5-39C</p>	<p>30 days immobilization of vehicle driven by offender, 66-5- 39B Albuquerque, Dona Ana County, Las Cruces, Roswell: Forfeiture of car in civil action</p>

DW Vehicular Homicide 3rd Degree Felony	Maximum: 6 Years 31-18-15A(4)	Maximum fine: \$ 5,000 31-18-15E(4)	Depends on number of prior DWI offenses, no limited license or interlock license allowed 66-5-35A(5) and 66-5-503 ⁷	Depends on number of prior DWI offenses. No limited license or interlock license allowed.	Mandatory: 4 years extra jail time added for every prior DWI conviction within the last 10 years, 66-8-101D, including tribal convictions, 66-8-101E(2)
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1. **Mandatory jail time** must be consecutively served. 2. **Fines and fees** do not include increased insurance costs, treatment, lost wages, towing and storage, court costs and attorney fees. 3. **Revocation:** Licenses are administratively revoked for driving with .08 BAC or higher (21 and older), .02 BAC or higher (under 21), .04 or higher (commercial driver's licenses) and any refusal. These are violations of the Implied Consent Act, 66-8-105 through 112. Licenses remain revoked until offenders apply to reinstate them. Note that a violation of the Implied Consent Act is not part of the *criminal* sentence. 4. **Limited licenses** are only offered to first offenders who didn't refuse the breath/blood test at the time of arrest, and may be applied for after 30-days of administrative license revocation. 5. **Aggravated DWI** is a conviction for DWI when the offender: (1) Refused to take a BAC test at time of arrest; **OR** (2) Drove with a BAC of .16 or higher; **OR** (3) Caused bodily injury to someone while driving under the influence of alcohol or other drugs. See 66-8-102T(1). 6. **Criminal ignition interlock provisions:** Interlock **must** be installed on all vehicles driven by the offender for at least one year, as a *condition of probation*. 7. **An Ignition Interlock license** allows drivers to drive without time and place restrictions and is available to every revoked driver except those who have committed vehicular homicide or great bodily injury by vehicle while under the influence of intoxicating liquor or drugs. The penalty for driving without an interlock when it's required by license is the same as driving while revoked. For an application form for a limited or interlock license go to <http://ipl.unm.edu/traf/pubs/mvd10792.pdf> *Either a limited license or an interlock license requires proof of the following:* enrollment in both DWI school and alcohol screening; proof of auto insurance to be provided to the Motor Vehicle Division at time of license application, 66-5-35B. Other requirements apply separately to each kind of license. 8. **Treatment is mandatory**, as follows, for a *second* or *third* conviction: not less than a 28-day inpatient residential or in-custody substance abuse treatment program approved by the court; not less than a 90-day outpatient treatment program approved by the court; a drug court program approved by the court; OR any other substance abuse treatment program approved by the court. **For any felony conviction**, the Corrections Department is required to provide substance abuse counseling and treatment to the offender, while the offender is in custody and on probation.

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DWI CITATION RESULTS COURTS FROM METROPOLITAN COURT

Bernalillo County Metropolitan Court

Violation Year	Total Cases Adjudicated	Convictions	Percent Convicted	Dismissed	Percent Dismissed
1999	4648	3187	69	1461	31
2000	5213	3825	73	1388	27
2001	5622	3947	70	1675	30
2002	5339	3490	65	1849	35
2003	3763	2409	64	1354	36

* Many 2003 violations had not been resolved by July 2004

- Adjudicated cases are those which have resulted in a conviction or dismissal reported to the MVD.
- MVD Citation Tracking System data are as of July 2004; rates will not reflect cases adjudicated since then.
- Year of conviction or dismissal is not necessarily the same as violation year. Years shown reflect the year of arrest; the year of disposition is not shown, but was sometime prior to July 2004.

All New Mexico Municipal and Magistrate Courts Combined

Violation Year	Total Cases Adjudicated	Convictions	Percent Convicted	Dismissed	Percent Dismissed
1999	11609	9582	83	2027	17
2000	11531	9503	82	2028	18
2001	10995	9151	83	1844	17
2002	10301	8592	83	1709	17
2003	9290	7632	82	1658	18

* Many 2003 violations had not been resolved by July 2004

Footnotes for table above apply to this table as well.

- **Aggregate results from municipal and magistrate courts statewide are used to compare with the outcomes from Bernalillo County Metropolitan Court which is a combined municipal and magistrate court for the County.**

Bernalillo County Aggravated DWI, 1999 - 2003

Jail Time Assigned	Bernalillo County Metropolitan Court		All New Mexico Municipal and Magistrate Court Combined	
	Aggravated DWI	Percent of Aggravated DWI	Aggravated DWI	Percent of Aggravated DWI
Less than 2 days	4527	56	3427	15
2 days	125	2	570	2
3-29 days	41	1	899	4
30-89 days	38	0	711	3
90-178 days	2252	28	10372	44
179 or more days	1077	13	7332	31

Source: MVD DWI Citation Tracking File

- These are cases in which the citation reflected a charge of Aggravated DWI and the offender was convicted. It is unknown whether the conviction was a conviction for aggravated DWI or whether the aggravated component was eliminated as part of a plea agreement. State law requires two days jail for a first Aggravated DWI conviction.

FINES AND REARRESTS

- *More than 94 percent of drivers convicted in Bernalillo County Metropolitan Court(s) were not fined, compared with 36 percent in all municipal and magistrate courts statewide*
- *32 percent of drivers convicted in Bernalillo County Metropolitan Court between 1998 and 2000 were rearrested within 36 months.*
- *Of the drivers whose DWI citation was dismissed in Bernalillo County Metropolitan Court between 1998 and 2000, 35 percent were rearrested within 36 months.*

DISTRICT COURT CASE DISPOSITIONS

Violation Year	Total Cases Adjudicated	Convictions	Percent Convicted	Dismissed	Percent Dismissed
1999	205	111	54	94	46
2000	212	140	66	72	34
2001	144	100	69	44	31
2002	266	186	70	80	30
2003	123	67	54	56	46

Source: MVD DWI Citation Tracking File

These are the total results from all District courts in the state combined.

In 1994, 4th Offense DWI became a felony and should be found in District Court data reported to MVD, as required by law. District Courts are also where the Vehicular Homicide and Great Bodily Injury cases are adjudicated.

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; and (8) whether the defendant was represented by counsel or waived his right to counsel and, if represented, the name and address of counsel. (emphasis added)

F. The failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal.

SOURCES

The data sources are:

Crash Files - information from crash reports submitted by the many law enforcement agencies in the state, which are compiled and processed by the Transportation Statistics Bureau and analyzed by the Division of Government Research, UNM.

MVD DWI Citation Tracking file: This file contains data such as citation, driver, reporting agency, MVD administrative hearing, and court hearing data. The MVD is the official keeper of records as outlined by New Mexico Statute §66-8-135, NMSA 1978.

Population - counts are from University of New Mexico, Bureau of Business and Economic Research, July 2001.

Cost Estimates - the cost of crashes in New Mexico is based on Federal Highway Administration estimation formulae (*The Cost of Highway Crashes*, FHWA-RD-91-055, Federal Highway Administration, 1991). These are estimates, not actual dollar amounts. Included are direct costs such as lost wages and medical expenses, and indirect "willingness to pay" estimates of lost quality of life.

National Crash Rates - The data for the national crash rates are derived from the General Estimates System (GES) which began operation in 1988. Care should be taken when comparing National and New Mexico crash rates because the statistics obtained from the GES are estimates based on a sample of crashes.

National Death Rates - figures are calculated using fatalities from *the Monthly Traffic Fatality Report*, the National Center for Statistics & Analysis - Research & Development, the National Highway Traffic Safety Administration, the U.S. Department of Transportation, and the population counts from the Census Bureau.

ORDER FORM

The DWI Resource Center can provide statistics, research and other pertinent information that may help you when planning and budgeting for DWI prevention programs in your community.

If you have a special request or would like more information you may contact us at: **(505) 881-1084**.

You may also fill out the following form and return it to the

DWI Resource Center

by **FAX: (505) 881-1301**,

or by mail at: **PO Box 30514, Albuquerque, NM 87190**.

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____ FAX: _____

E-mail address: _____

Organization you are affiliated with: _____

Specific additional data requested:

TIME PERIOD(S) (e.g., 1998 – 2001)	TYPE OF DATA (e.g., Citations, BAC)	LOCATION(S)

What other information would you like to have?

How would you like to receive this information?

<p><input type="checkbox"/> Plain Paper (can be copied to transparencies for overhead display)</p> <p><input type="checkbox"/> E-Mail (Please be sure to provide e-mail address above, and file type below.)</p> <p><input type="checkbox"/> CD-ROM (Specify file type below)</p> <p>What type of file (e.g. Corel WordPerfect®, Microsoft Word®(what version?), plain text etc.)</p> <p>_____</p> <p><input type="checkbox"/> Webpage (most data provided will be posted to your county webpage automatically; however, special requests or links may be requested)</p> <p><input type="checkbox"/> PowerPoint® Presentation (please contact us with specific details)</p>
