

New Mexico Department of Transportation (NMDOT)

Testimony

“Fighting Drunk Driving: Lessons Learned from New Mexico”

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Good Morning, my name is Michael Sandoval and I am the Director of the New Mexico Department of Transportation’s Traffic Safety Division. I am here on behalf of my Cabinet Secretary Alvin Dominguez. I have been with the NMDOT for over 13 years. I would like to thank you for allowing me to testify today on this very important issue.

The following is a chronological listing of important events over the last seven years that have had a significant impact on the overall reduction in DWI related deaths in New Mexico. I thought it would be important to show the progression of significant projects, programs, and laws that contributed to the State’s overall success.

Calendar Year 2004

- 219 people died in alcohol related crashes in New Mexico. At the time, it was the third straight year where no progress was made in reducing DWI related deaths in the State. New Mexico was in the top three worst States in the nation on this issue.
- The NMDOT was made the lead agency on the fight against DWI. DWI became one of the major priorities for the NMDOT. This prompted a review and evaluation of all DWI

related funding and projects under the NMDOT's purview. With the help of many partners, this sparked the beginning of a change in culture regarding this deadly issue.

- The NMDOT was awarded through a competitive process, a DWI Demonstration project by the National Highway Traffic Safety Administration (NHTSA) in the amount of \$3 million dollars. The project was for focused DWI enforcement and public awareness in the counties where DWI was the deadliest (San Juan, McKinley, Santa Fe, Bernalillo, Dona Ana, Rio Arriba, and Navajo Nation Reservation). Unique enforcement and public awareness partnerships were developed in these areas based on the diversity and culture of the population. This project was above and beyond the yearly funding provided by NHTSA through the Section 402 program.

Calendar Year 2005

- 194 people died in alcohol related crashes in New Mexico. This starts a downward trend in the number of people dying as a result of DWI each year. The downward trend has continued through 2010 where a record low of 139 people died in alcohol related crashes in New Mexico. This translates into a 36% reduction in alcohol related deaths since 2004.
- Through the NHTSA project, full time DWI law enforcement officers were hired in each of the identified counties (up to four in each county). This was above and beyond the normal workforce of the Police agency. This allowed the new officers to dedicate 100% of their time to enforcing DWI laws through high visibility checkpoints and saturation patrols.

- Culturally sensitive media campaigns were developed and launched in each of the identified counties. For example, counties with heavy Native American populations had slightly different messaging than counties with heavy Hispanic populations.
- Targeted enforcement directed at serving alcohol to minors and serving alcohol to intoxicated persons became a priority. There were many bars and restaurants that were not abiding by the Liquor Control Act when it came to these issues.
- Legislation was passed and signed into law mandating all convicted DWI offenders to install an ignition interlock device in their vehicle(s). New Mexico was the first State to pass such a law requiring 1st offenders to install interlock devices.
- A DWI Leadership was formed and met monthly on major issues. This committee was Co-Chaired by the DWI Czar and the Director of the Traffic Safety Division. This committee was important in establishing policy change. Overall DWI funding was also discussed so that not to duplicate efforts or spend money on unproven strategies.

Calendar Year 2006/2007

- 191 people died in alcohol related crashes in 2006. 176 people died in alcohol related crashes in 2007 which marked the third straight year that fatalities declined. This was statistical evidence that DWI related deaths were on a steady downward trend.
- Projects and programs continued to mature including a big media campaign in the four corners area. This included specific television, radio, and billboard ads directed at the Native American population. All ads included Native American participation and input on the type of messaging.

- A court monitoring project (administered by the NMDOT) was implemented to assure that minimum mandatory penalties were being included in judgment and sentencing documentation. The focus was the six county courts. The ignition interlock law was a point of emphasis. It was important to assure that interlocks were installed on convicted offender's vehicles on a consistent, widespread basis. The NMDOT is responsible for the ignition interlock fund and program. The Motor Vehicle Division is responsible for the ignition interlock driver licensing.

Calendar Year 2008

- 143 people died in alcohol related crashes in 2008. At the time, this was a record low for the number of deaths in New Mexico related to DWI. New Mexico was now out of the top ten worst States for DWI related motor vehicle deaths. Also, NM would lose funding (approximately \$1 million dollars) because the State was no longer in the top ten (this is related to the NHTSA Section 410 program).
- The State worked with McKinley County to incorporate a cross commissioning agreement between the City of Gallup, County of McKinley, State Police, and the Navajo Nation. This agreement started the beginning of the McKinley County DWI Task Force which allowed law enforcement to cross State/Tribal jurisdictional lines to enforce DWI related laws.
- NMDOT conducted a Traffic Safety Summit to gather information and input on the State's Comprehensive Traffic Safety Plan. This was a Federal Highway Administration mandate to incorporate both behavioral and engineering solutions aimed at reducing

overall traffic fatalities. This plan incorporated DWI prevention strategies and further increased the exposure of DWI related projects and programs.

Calendar Year 2009-Present

New Mexico has continued to see a reduction in alcohol related crash deaths. A new record low was established in 2010 which was 139 deaths. After the first seven months of 2011, NM is once again on pace to reach a new record low. Although New Mexico's effort was a comprehensive approach, looking back I believe the following three strategies had the most impact on success:

1. Implementing a targeted high visibility enforcement and public awareness campaign with a focus on both a statewide general message and a specific message(s) for local high risk areas. It was important for law enforcement to have dedicated DWI officers and/or DWI units that were visible and well known throughout the community. If law enforcement is forced to incorporate DWI enforcement into their other duties, it is likely that it would not have a significant impact on deterring drunk driving. Bottom line, if people don't believe they will be caught, they are more likely to engage in this dangerous behavior.
2. Passed laws that our tough on the first offense. Tough sanctions for a first offender have two positive effects. First, tough laws act as a deterrent to drinking and driving in the first place. If people believe that even the first offense will have a significant negative effect on them, they will be less likely to engage in the behavior. Too many people believe that a first offense will just be a slap on the wrist. Passing the ignition

interlock law for the first offender was a major milestone in reducing the occurrence of drunk driving in New Mexico.

3. Implementing a court monitoring program with open communication with the Judiciary. This both supported law enforcement efforts and helped to assure that there are consistent consequences for DWI offenders. Although law enforcement makes the arrest on the front end of the process, they are heavily involved in the back end judicial process. Law enforcement felt supported when after the DWI conviction, the offender received the sanction outlined in the law. Secondly, it is difficult to assess what impact laws are having if they are not implemented consistently. Too many times new laws are passed and don't have the expected positive effect. This may have more to do with an inconsistent implementation rather than the law itself.

On behalf of my Cabinet Secretary Alvin Dominguez, I would like to thank you for your time and your invitation to speak. I would like to close by saying that although the downward trend shows success and that significant progress has been made in New Mexico, no one will be satisfied until there are 0 deaths on our roadways as DWI deaths are 100% preventable.

I would be happy to answer any questions or provide more information. Thank you.