

**NEW MEXICO COMMUNITY DWI (CDWI)**

**PROGRAM GUIDE**

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## AN OVERVIEW OF DWI IN NEW MEXICO

In 1998, 425 people died as a result of motor vehicle crashes in New Mexico. Of these 425 deaths, at least 189 (44%) were alcohol-related. Eight years earlier, in 1991, **469** people were killed in motor vehicle crashes. Of those 469, 261 (nearly 56%) were alcohol related. This means that **72 fewer people were killed in alcohol related crashes** in 1998 than 1991.

In addition to these tragic and needless deaths, nearly **1,500** people are permanently disabled from alcohol related crashes (more than four per day). Motor vehicle crashes are the leading killers of persons less than 45 years old in New Mexico; and the leading cause of, head injury, spinal injury and loss of limb. The cost to New Mexico for these deaths and injuries is **one billion dollars per year** in increased taxes, insurance, health care, funeral expenses, reduced productivity, and diminished quality of life.

The 10% of the population who continually drive drunk are responsible for nearly 50% of New Mexico's fatal car accidents. The 15% that didn't use their seat belts accounts for 75% of occupant deaths.

Teenagers are especially at risk when it comes to traffic deaths in New Mexico. In 1997, of all drivers in crashes, 16 percent were teenagers, although teenagers comprised only 6 percent of New Mexico's drivers. Forty percent of teenage crash deaths involved alcohol.

**Over half of New Mexico's drunk driving convictions are repeat offenses.** Think about that: the system had an opportunity to intervene with these people at least once, but was unable to effectively influence their behavior. Some people are not afraid of a system that does not always punish them for violating the law.

In 1993, legislation launched many promising new initiatives in the fight against DWI. In addition, the Traffic Safety Bureau has committed grant funds from the National Highway Traffic Safety Administration (NHTSA) to establish the Operation DWI and the Operation Buckle Down programs, providing funds for law enforcement to commit officers on overtime to crack down on offenders. These programs are conducted with law enforcement agencies around the State and require cooperation and sacrifice. These programs have proven quite successful. New Mexico has the highest seatbelt use rate in the country, and during months with Operation DWI Blitzes, alcohol-related fatal crashes drop almost 25% compared to the average of the same months in 1992 and 1993.

Although New Mexico now has some of the toughest and most comprehensive DWI laws in the nation, and has lost it's #1 ranking in alcohol-related deaths, we still have work to do.

### WHAT NEEDS TO HAPPEN?

While we now have most of the tools and resources to successfully fight DWI, many of our efforts have failed to focus on those who continue to drink and drive. About 85% of those drinking and driving are males, 15-45 years old.

We must focus our energy and resources on these high-risk targets; including prevention, enforcement, and treatment. We cannot ignore our long-term education, early intervention and prevention programs while driving down our alcohol related fatality numbers.

There are two keys to the success of our efforts: Education and Enforcement. Education refers to prevention efforts, and Enforcement refers to those things we do when prevention falls short.

## **WE HAVE TO GO WHERE THEY ARE**

We need to deliver our **DRIVE SOBER** message at events and places where there will be a high percentage of the group that continues to drink and drive: males aged 15-45. Such places are bars, nightclubs, ballparks, drag races, etc.

In addition to delivering our **DRIVE SOBER** message, we must work with prosecutors and judges to insure that those arrested for DWI are convicted-not thrown out of court with a slap on the wrist. We must instill a Zero Tolerance Level in this state.

What we need to do is create community action that supports driving sober. A community where bartenders won't serve visibly intoxicated people. Where teens are unable to obtain alcohol. Where the media advertises a Zero Tolerance Level. A community where intoxicated drivers are arrested and punished for their crime and screened and treated for problem drinking and alcoholism. A community where anyone that shows up to work, school, an emergency room, or in a domestic violence call is actively sent to help; with follow-up to make sure they get the help needed. Community action like this has a huge impact on DWI.

## **RESOURCES TO MOVE IN THIS DIRECTION**

In 1988, Congress challenged all states to make certain changes to their DWI laws and practices. New Mexico was the first state to qualify with a 1991 law, which among other things imposed a \$75 fee to be paid by every drunk driver upon conviction. This fee goes to support his community's DWI prevention activities. There is some justice in having those who cause the problem help pay for the solution.

This new fee generates nearly \$900,000 per year statewide for community based DWI prevention programs. The money is collected by those judges who impose the fee, sent to the State Administrative Office of the Courts, and then transferred to the Traffic Safety Bureau. Every penny is returned to the communities of New Mexico that choose to apply for the funding, and propose to undertake activities that will impact the DWI problem.

This money goes to communities to pay for programs that put together four key areas:

- ◆ Increased DWI prevention (such as designated driver programs)
- ◆ Information and education
- ◆ Increased DWI enforcement (such as more checkpoints, equipment and training), and
- ◆ Improved programs to stop DWI offenders from repeating their crime (like paying overtime to serve bench warrants for no-shows, or improving follow-up to make sure sentences are actually served).

## **THE REGULATION**

The Community Driving While Impaired/Intoxicated (CDWI) program is governed by a Highway and Transportation Department regulation, SHTD Rule 91-5. It defines a community as a city or county, except that counties and cities can vote to create a joint program, which we strongly encourage. It produces better programs, reduces work for the cities and counties, and reduces work for the Traffic Safety Bureau. The decision to create a joint program is up to each city council and county commission.

## **THE PROGRAM**

To apply for the money, communities must establish a Task Force that includes police, community traffic safety groups, local health officials, court representation, prosecutors, schools, media, and emergency medical services. Others may also be included (e.g., the private sectors and members of the faith community). An existing group, like a safety committee that includes all these entities, can be used if the community chooses. This Task Force must review the existing DWI problem and prevention programs in the community, identify needs, and decide what the best use for the funds will be to meet these needs. Communities are encouraged to spend money to improve all four areas but only if a strong case is made for each activity to be undertaken. It must be shown that each activity/program will directly impact the DWI problem identified by the Task Force. Again, focus and targeting of resources and energy is essential. Activities to be accomplished, equipment to be purchased and materials to be developed, must be specifically focused on reducing DWI.

New plans must be received on the date indicated by the Traffic Safety Bureau for the July 1 to June 30 period. Once the application is approved and a project agreement executed, applicants should promptly begin the activities included in their approved applications with local funds. Each community will then be reimbursed for those expenditures.

Only government agencies may receive these funds. However, local governments may choose to subcontract for services needed in the plan. Projects must follow the rules of the State Purchasing Act for implementing programs, including the selection of subcontractors.

The Traffic Safety Bureau administers these grants the same way they administer all other State and Federal grants. Reports and paperwork are simple: grant claims are requested on a one-page form, accompanied by documents to back up the claim amounts.

Grant amounts are based on the number of DWI conviction fees generated by the local courts. The law requires sending in records of convictions. Since some courts are more aggressive than others are, some communities will get more than others. Each community will get whatever the local judges collect - no more, no less. This will encourage courts to become more aggressive. Increasing the arrest and conviction rates in your community will increase the amount of funds available to your community.

## THE PLANNING PROCESS

### 1. IDENTIFY EXISTING PROGRAMS

- A. Most counties now receive grants from the Department of Finance and Administration (DFA). It is important for you to be aware of what your County DWI program is and is not doing so that duplication can be eliminated and unmet needs can be addressed, and that activities are coordinated, focused and targeted at meeting those needs.
- B. Talk to others in your community- a public health nurse, a representative of law enforcement, a safety activist, etc. Find out if activities are already underway to make this program work.

### 2. DEFINE YOUR COMMUNITY

- A. Funds are allocated to most incorporated cities, towns, or villages and all counties for Community DWI prevention activities.
- B. Each city and each county can have it's own program, or cities and counties can combine resources and run joint programs. Cities can unite with other cities or counties. Since the grant amounts are relatively small compared to the great need for DWI prevention, in many cases it makes sense for cities and counties to jointly conduct integrated city/county programs. It means less overhead work, bigger and broader programs, and sharing of the work involved. Of course, even if communities do not choose to do joint programs, they can coordinate their separate activities to make them more effective.
- C. To conduct joint programs, refer to the sample **Memorandum of Agreement form** in section III. A Memorandum of Agreement must be submitted for each participating city or county, with a signature from the council or commission chairman.
- D. A Memorandum of Agreement is not needed to do a CDWI program for a single government entity. In this case, only those funds generated from that government entity's court system will be awarded to that program.

### 3. INVOLVING THE NEW MEXICO STATE POLICE

A number of CDWI Task Forces have involved their district offices of the NMSP in DWI prevention activities and programs, especially overtime for sobriety checkpoints. If you would like to include the NMSP in your DWI prevention efforts, you must complete the **NMSP Overtime Authorization form** in section V and follow these procedures:

- A. If a local NMSP representative is not already included, invite a representative of the local NMSP to serve on your CDWI Task Force. Prior to their meeting, take time to visit with the District Commander and explain the CDWI program, what you plan to do, funding, etc.

B. Ascertain whether highly visible DWI sobriety checkpoints or saturation patrols are consistent with your identified critical problem statement.

C. If consistent, determine the degree to which the NMSP can commit officer overtime to sobriety checkpoints and saturation patrols. Complete the NMSP Overtime Authorization Form. Secure proper signatures. II.1

D. Please note that reimbursement for NMSP will go directly from the TSB to the NM Department of Public Safety (DPS). As such, the amount of your CDWI allocation will be reduced by the amount you wish to dedicate to the NMSP once approved by both the TSB and DPS. This process can take anywhere from 45 to 60 days. **It is essential not to authorize local NMSP involvement for reimbursement until you receive your fully executed Project Agreement.**

#### 4. IDENTIFY THE TASK FORCE

A. Each community must designate a Task Force to prepare its Community DWI Prevention Plan. Certain groups **must** be represented on the Task Force. However, there is no requirement that each community have its own distinct Task Force. Cities and counties can share a common Task Force if they choose. Nor is it required that these Task Forces be newly formed for this purpose; any local group that includes the required representatives can be chosen. Many communities already have safety committees or other groups that already have a track record of accomplishment and could easily be adapted to satisfy the representation and other requirements.

B. At least one member of each of the following groups must be included in the designated Task Force:

**Law Enforcement:** City, county, state, and/or tribal police officers.

**Local Department Of Health:** A nurse, doctor, health educator, or other representative of your nearest local field office for the New Mexico Department of Health.

**Courts:** A judge or other employee of a local municipal magistrate, metropolitan, or other court.

**Schools:** A teacher, administrator, or other representative of local public schools and/or universities.

**EMS:** A local emergency medical service provider, such as a paramedic or EMS manager.

**Prosecutors:** A staff member that handles DWI cases from the city attorney or District Attorney's office.

**Media:** A representative of a local newspaper, radio station, TV station or other mass media outlet.

**Community Traffic**

**Safety Groups:** An activist representing an already existing committee or a organization that has been involved in prior DWI issue (e.g., MADD, RID).

II.2

Task Forces may include others (e.g., the faith community), as appropriate. They may include more than one member in each category as appropriate.

- C. There is no state requirement that, for example, the representative of local police be the police Chief or be selected by the Chief. Any law enforcement officer will do. However, it is usually good politics and good sense to work through channels, especially since your Community Plan may need services from these agencies.
- D. You should include all major groups that have a stake and a role in preventing DWI in your area. Consider including representatives of the local hospital, area tribes, the Indian Health Service, a major employer, the National Guard, the faith community, the military base, etc.
- E. If one of the required groups for whatever reason does not want to participate, the Traffic Safety Bureau may waive the requirement that the group be represented IF you can provide compelling evidence of a good faith effort to include them in the Task Force. For example, a copy of a letter declining to participate is quite persuasive that effort was made.
- F. The Traffic Safety Bureau will only accept a community DWI application that has been prepared by a Task Force with the required membership, then approved by the local governments governing body. The **Task Force Authorization form** in section V must be completed and submitted with the application. The Bureau does not require that the Task Force be formally designated by Council or Commission action, nor does it require that the members be individually named by the Council or Commission.

However, the governing body may be reluctant to approve a Plan prepared by a Task Force that has not been recognized. Therefore, it is a good idea to get the Task Force formally recognized up front. Talk to your mayor, County Manager, or Commission Chair to get their recommendation.

- G. We recommend that the Task Force meet at least quarterly, if possible more often, to insure that the Community has representation on how to best utilize funds.

## 5. IDENTIFY YOUR STRATEGIES

- A. See the Planning Guide of this Guide to review what kinds of activities and programs are II.3 allowable. Activities and programs should address the four key areas of prevention, enforcement, public information and education, and offender programs.
- B. Be imaginative! Your strategy must reduce DWI related deaths and injuries in your community. And, it must be legal and ethical. You can never do too much when it comes to preventing DWI crashes.
- C. Focus your activities and programs to target the specific problems in your community. For example, if your problem is low conviction rates, work on raising the conviction rates. Starting a Warrant Roundup Program can help. Don't start a "Friday Night Live Program" so you will have fewer arrests to prosecute. That is a solution to a different kind of problem.

## 6. CHOOSE A FISCAL AGENT FOR YOUR PROGRAM

The entity can be a city or county government. Programs can be implemented through other entities such as a police department, a public university or vocation school, public schools, a public hospital, or a non-profit organization. The key factor is that it is subject to the Federal Single Audit Act and either the Federal Purchasing Rules or the State Purchasing Act. All government agencies are subject to these laws.

- A. Think about how grant funds that pay for your Plan will flow. There are two main conditions:
  - 1) A government entity must be the fiscal agent, and
  - 2) That entity must expend the funds up front for the activity.
- B. The duties of the fiscal agent will be to oversee procuring goods and services for the Plan, to pay bills involved, and to apply for reimbursement. They must provide a copy of their annual audit report to the Traffic Safety Bureau for each fiscal year in which they receive funds.
- C. To oversee procuring means to insure that all purchases of goods, professional services, etc., are in strict compliance with the State Purchasing Act or Federal Purchasing Rules. This varies somewhat from agency to agency, but in general means getting competitive bids when contracting for services and on purchases more than \$500, etc.

The State Purchasing Act applies to acquisitions of goods or services from non-government sources. Competitive bids are not required for governmental services (such as police overtime, printing at UNM, etc.). **Refer to the procurement procedures and per diem policies in section VIII of this guide.**

- D. The fiscal agent's duties do not necessarily include overseeing project activities. Your community Application can assign someone that responsibility. However, your Plan must name a project director whose signature is required on requests for reimbursement II.4 The project director can be an employee of the fiscal agent, the Task Force chair someone else. The project director will be the Traffic Safety Bureau's primary contact on matters related to the Project Agreement and program.

## 7. PREPARE YOUR APPLICATION

### A. Refer to section IV.

- B. Be aware that in order to acquire the signatures of some of the governing bodies, planning ahead will be necessary since they may only meet once or twice a month. Allow enough time to procure the necessary signatures prior to the May 1, due date.

## 8. OBTAIN APPROVAL OF THE APPLICATION

- A. The city or county government involved must approve the application. **The application form will not be reviewed by the Traffic Safety Bureau without a signature from the authorizing official.** The authorizing official is the Mayor, City Council Chair, County Commission Chair, etc. Depending on local policy, the authorizing official can usually sign for the government only after a formal vote of approval of the application by the city council or county commission, so you will need to coordinate the council meeting schedules and agenda setting schedules.
- B. You should have all or most of your Task Force members present at the Council or Commission meeting when your plan is considered so that the Task Force can explain the Plan, justify the decisions the Task Force has made, and make intentions clear. It would be prudent to talk to some or all councilors or commissioners in advance to make sure they are aware of what is going on and help win their support.

## **Programs**

- ◆ Prevention Programs
- ◆ Enforcement Programs
- ◆ Public Information and Education Programs
- ◆ Offender Programs

### **Prevention Programs**

- ◆ Project Graduation
- ◆ Teens Need Teens
- ◆ Designated Driver programs
- ◆ Nets/Employer DWI Training
- ◆ SAFERIDES
- ◆ Faith Community Initiatives
- ◆ Social Host Responsibility/Liability

## **PROJECT GRADUATION**

Project Graduation is a program designed to promote a safe and sober graduation. It must be conducted in conjunction with a yearlong education and awareness effort such as “Teens Need Teens,” not just a community sponsored party for graduates. The activity expenditures must reflect a year round program of activities for teens in school and those no longer attending school. Graduation is a time that should be filled with happy memories, not tragedies caused by drunk driving. This program is designed to establish a cooperative effort between teens and their friends, families, and the community to develop a public awareness of the dangers of driving while intoxicated. Media coverage generates community awareness and support of the program.

The actual development and implementation of Project Graduation requires interested community members to work in cooperation with the graduates to plan and develop alcohol and drug free activities. It is imperative that the input of teens be included to ensure its success. The objective of Project Graduation can also be extended to other events such as homecoming and prom.

The concepts that are learned and the attitudes and behaviors that are altered could lead to a lifetime of safe driving habits. The theme is that parties and events can be fun without drugs and alcohol-not filled with sadness to the loss of a classmate in a DWI related car accident.

**FUNDING** Many expenses related to Project Graduation are eligible for funding. This includes PSA’s (Public Service Announcements), flyers, and incentives. It is essential that the community support such a program and that local businesses, organizations, and governments be willing to donate merchandise, services, equipment, and/or facilities to ensure a fun and safe Project Graduation Activity.

**WHY** The goal of Project Graduation is to decrease the number of DWI related injuries and deaths. When tied to a year round effort, this program encourages teens to develop self-confidence, and such skills as leadership, organization, and decision-making. These tools will help teens to know how to handle alcohol and drug related situations involving themselves and friends.

**WHY NOT** Communities that already have several teen activities and parties in operation with the theme of Project Graduation may not participate in this activity.

## **TEENS NEED TEENS**

Teens Need Teens (TNT) is a peer program designed to prevent alcohol and drug use among teenagers. The majority of teens that die in motor vehicle crashes, homicides and suicides, usually have a history of risky behaviors such as driving under the influence. This program targets these risky behaviors and presents alternative self-esteem building and health promoting strategies. The focus is on changing teen attitudes and behaviors towards alcohol and drug use by developing self-esteem, leadership skills, organizational abilities, and community involvement. Teens are actively involved in the planning, development and implementation of activities and parties free of alcohol and drugs. Some chapters have evolved into community related services that provide valuable experiences to teens. Social and ethnic backgrounds are forgotten as teen's join together to impact their peers, families, and communities in developing and establishing alternatives to alcohol and drug use. It may be tied to a Project Graduation project as the culmination of a yearlong Teens Need Teens program.

**FUNDING** CDWI funding can provide part time advisors and support for activities, training for advisors, peer leadership, and travel to conferences. A statewide coordinator for this program is available through the Public Health Division, Injury Prevention & Control Section, phone # (505) 827-2383. Technical assistance, training and materials to start you chapter(s) are available.

**WHY** The three leading causes of death among teens are motor vehicle crashes, homicide, and suicide. Among the risk factors associated with these behaviors are alcohol and drug use, low self-esteem, and poor decision making skills. Teens Need Teens is specifically designed to influence and change these attitudes, behaviors, and skill levels which will result in teens leading healthier lives. Participation in these activities allows teens to see that alcohol and drug free activities can be fun. By both planning and participating in these activities, and having an opportunity to make important decisions about their program, teens learn skills in leadership, public relations, organization and management. Many activities already taking place in schools, such as Red Ribbon and Buckle Your Bod can be organized under the TNT umbrella. This program is a viable means to exert a positive influence on teens and enables them to establish responsible alternatives to driving while intoxicated.

**WHY NOT** Communities which already have similar existing programs that raise teen awareness about the dangers of alcohol and drugs may choose not to participate in this activity. Remember that CDWI funded activities are not to supplant existing programs.

## **DESIGNATED DRIVER PROGRAMS**

This program is designed to reduce the number of alcohol related motor vehicle accidents by promoting and encouraging people to establish a Designated Driver. A Designated Driver is someone in that will not drink or use drugs so that they can provide a safe ride home to others. It involves raising the awareness levels of the general public, predominately through media campaigns, to the dangers of driving while intoxicated. It then involves a collaborative effort between the drinking establishment and its patrons. The theme emphasizes not drinking and driving both on an individual basis and by not allowing friends and loved ones to drink and drive. One person in the group assumes the responsibility of designated driver. This means not drinking any alcoholic beverages or using any drugs that evening, therefore providing a safe ride home for the rest of the group. In return, the establishment provides the designated driver with non-alcoholic beverages at no cost. The Traffic Safety Bureau has a booklet to help communities establish designated driver programs.

**FUNDING** Funding is available for printing a town guide that advertises those establishments that support the Designated Driver program. Recognizing the Designated Driver as a special person is an excellent way of encouraging participation from liquor outlets. Any other materials that encourage participation in the program is appropriate.

**WHY** This program is critical in decreasing the number of alcohol and drug related injuries and fatalities. Increasing awareness of the Designated Driver program and its active implementation in liquor establishments will result in a decrease in the number of alcohol and drug related accidents in New Mexico. Enhancing existing Designated Driver programs is encouraged.

**WHY NOT** Communities that already have strong existing Designated Driver programs in operation may decide not to participate in this activity.

## **NETS/EMPLOYER DWI EDUCATION**

NETS (Network of Employers for Traffic Safety) is a national organization founded in 1989 to address drunk driving as a business concern. Drunk driving affects businesses through absenteeism, increased health care costs, decreased productivity, increased insurance, legal costs, and lost work time. Upon completion of a NETS training seminar, community participants (usually business employers), are ready to implement this program in their workplace. The workplace is an excellent setting for introducing DWI prevention and intervention programs to many people in one location. Employers work together with employees to reduce the number of alcohol and drug related injuries and deaths. Objectives of this program are; to develop and/or improve existing traffic safety issues, to provide employees with continuous traffic safety awareness and education programs, and to devise and enforce written policies on alcohol and drug consumption in relation to on the job responsibilities. Some companies have set up Employee Assistance Programs to help employees who have an alcohol problem. NETS works closely with NHTSA to encourage businesses across the nation to establish or expand workplace traffic safety and to include these efforts into the community. Call SafetyNETWorks at 1-800-621-5755 for further information.

**FUNDING** Costs related to this program are an eligible activity.

**WHY** The objective of this program is to reduce injuries and deaths of employees and employees' families involving alcohol and drug related accidents. Employers offer programs in the workplace which raise awareness levels and provide education about traffic safety. Another benefit of the program is reduced economic loss to businesses in terms of medical costs, lost productivity and high insurance rates. Programs targeted to reducing alcohol involvement and increased use of safety belts are promoted.

**WHY NOT** Communities who have well-developed NETS/EMPLOYER program may not participate in this activity.

## **SAFERIDES**

SAFERIDES is designed to reduce the number of motor vehicle crashes involving intoxicated drivers. This program provides safe alternative rides home for people who have been drinking. It includes individuals and groups that failed to agree on a designated driver. SAFERIDES are currently provided by taxicabs, other transportation contractors, volunteers, and/or law enforcement officers.

**FUNDING** CDWI can provide subsidies for taxi rides, and advertising to increase public awareness of the program.

**WHY** All alcohol related accidents are preventable. This program is critical in decreasing the number of alcohol-related injuries and mortalities. Increasing awareness of the SAFERIDES program and its active implementation in liquor establishments will reduce the number alcohol related crashes in New Mexico.

**WHY NOT** Communities that already have strong existing SAFERIDES programs in operation may not participate in this activity.

## **FAITH COMMUNITY INITIATIVES**

Churches, synagogues, and other religious institutions are interested in helping their members improve their quality of their life and overcoming difficulties. Community DWI Task Forces can assist faith leaders in accomplishing these goals by helping initiate a Pledge Card program, providing DWI awareness training, and educating members about offender programs.

Religious institutions may differ concerning their norms about alcohol use, but all would agree that DWI is dangerous and preventable. Most congregations meet formally at least once a week. Being a somewhat “captive” audience, the congregation is an ideal target for DWI awareness. Church members, including lay and youth leaders, can also be an excellent source of volunteers for special projects and activities.

Gaining access to the congregation, however, requires the support of faith leaders who may need to be educated about the dangers of DWI.

**FUNDING** CDWI funds can be used to provide training for clergy and lay leaders. Costs of workshops, training videos, and educational materials are also appropriate.

**WHY** Religion plays a major role in most communities. Some communities report a decline in DWI arrests during Lent. This shows faith leaders to be very influential. If informed and educated about drunk driving, they can play a major role in preventing DWI among their congregates and the community at large.

**WHY NOT** Some faith communities are not active in areas outside their traditional church activities and some denominations may have beliefs that prevent them from considering DWI a problem that can be solved by community effort.

## **SOCIAL HOST RESPONSIBILITY & LIABILITY TRAINING**

Anyone who sells alcohol today, the restaurateur, bar, grocery store, or party host, has to be aware of the public's concern about alcohol abuse and drunk driving. Impatience with DWI offenders is increasingly being directed at those who sell or serve alcohol. Courts more frequently are finding servers, including private party hosts, liable for damages in civil suits filed by the victims of drunk drivers.

Servers and hosts can be given training in a variety of alcohol related areas. Such areas include the effects of alcohol, how to identify troublesome drinkers or situations before they become a problem, and how to deal with intoxicated customers or guests. Special training programs on Social Host Liability and Responsibility can be organized within the community and planned to precede special events like graduations, holidays, or the Super Bowl. Involvement of Schools, Law Enforcement Officials, Prosecutors, Attorneys, Judges, and others can add to the affect of such efforts. Of course this program can and probably should be tied to a broad PI&E (Public Information & Education campaign, and can be coordinated with OPERATION DWI).

**FUNDING** The Traffic Safety Bureau will consider funding innovative training programs for such community education efforts. Funding may be used for the development of a curriculum, program coordination, materials duplication, PI&E costs, etc. Reimbursement will be based upon conducted training sessions.

**WHY** Those that sell or serve alcohol must face their responsibilities with alcohol related accidents. Their efforts are part of the solution. They should be held accountable for their actions that can cause death, injury, and costly disability. Continuing community condoning of graduation and other teen parties should not be tolerated.

**WHY NOT** If you have not had a alcohol related accident in your community in the past five years, you probably don't need this program.

### **Enforcement Programs**

- ◆ Enforcement Overtime
  - ❖ Sobriety Checkpoints
  - ❖ Saturation Patrols
  - ❖ Warrant Roundups
  - ❖ Teenage Alcohol Enforcement Patrols
  - ❖ Cops in Shops
- ◆ Video Cameras/Video Camera Training
- ◆ Drug Recognition Training
- ◆ Prosecutor Training
- ◆ Enforcement Officer DWI Training

## **ENFORCEMENT OVERTIME**

Funding for overtime can be supplied for various programs. Some eligible programs include:

- DWI checkpoints and highly visible promoted saturation patrols
- Warrant Roundups
- Cops in Shops
- Drug Recognition Expert Training
- Underage Stings

These are only a few examples of how overtime money can be used to address the DWI problem. Any such effort must have a direct impact on DWI and be the primary purpose.

Cooperation and participation from police and the sheriffs' department in publicizing such activities will add tremendously to their deterrent effect.

## **ELIGIBLE EXPENSES**

Reimbursement is based upon actual overtime costs while an Officer is on special DWI related enforcement assignments and activities (1.5 times Officers standard hourly rate). Reimbursements may be made for the direct Officer overtime only, and do not include costs of employee benefits. You may also allocate a portion of your grant to the state police for enforcement overtime in your community. Special arrangements can be made so that the Traffic Safety Bureau will process reimbursement directly with the New Mexico State Police, relieving you of the administrative burden.

**WHY** If a community has a DWI problem, increased enforcement is the quickest and surest way to begin to reduce such occurrences.

**WHY NOT** If a community has not had a DWI related accident in the past five years, such overtime efforts are probably unnecessary.

## **SOBRIETY CHECKPOINTS**

Sobriety Checkpoints (Operation DWI) combine enforcement and prevention efforts to reduce DWI in your community. The idea is to discourage people from drinking and driving by instilling a fear of being caught and arrested of driving under the influence.

The “Betancourt Decision” of case law governs checkpoint locations and operations. This decision prescribes the general boundaries of legal checkpoints. The State Police and other agencies have developed specific protocols for checkpoint operation. A copy of the State Police protocol is included in the reference section of this guideline.

A key element to the success of this program is a vigorous PI & E program to send out a strong message of “If you drink and drive, you will get caught!” Increasing the visibility of checkpoints discourages people from drinking and driving in fear of getting arrested. Aiming this message at the majority of drunk drivers, males aged 14-45 will have the greatest impact.

Cooperation and participation from police and the sheriffs’ department in publicizing such activities will add tremendously to their deterrent effect.

**FUNDING** Reimbursement is based upon actual overtime costs while Officer is on special DWI related enforcement assignments and activities (1.5 times Officers standard hourly rate). Reimbursements may be made for the direct Officer overtime only, and do not include costs of employee benefits. You may also allocate a portion of your grant to the state police for enforcement overtime in your community. Special arrangements can be made so that the Traffic Safety Bureau will process reimbursement directly with the New Mexico State Police, relieving you of the administrative burden. Equipment costs related to DWI enforcement will be considered.

**WHY** If a community has a DWI problem, increased enforcement is the quickest and surest way to reduce such occurrences.

**WHY NOT** If a community has not had a DWI related accident in the past five years, such overtime efforts are probably not necessary.

## **SATURATION PATROLS**

Saturation Patrols combine enforcement and prevention efforts to reduce DWI. The concept involves discouraging people from drinking and driving by instilling the fear of being caught and arrested if a person drives while under the influence.

A saturation patrol is when a number of law enforcement officers are concentrated in a limited area, actively seeking out drunk drivers. It differs from Sobriety Checkpoints in that it is a proactive and potentially highly mobile deterrent force that can work one part of town for a period of time and then quickly move to another part of town. In addition, offenders will have a more difficult time evading such a mobile patrol than the static checkpoint. VISIBILITY is the key factor to the deterrent value of this effort, and units (police cars) should be identifiable as participating in such a DWI enforcement program. In addition, the enforcement agency must be willing to allocate the manpower to saturate an area and produce the visibility effect. An absolute minimum of four units should be committed, and the more-the better. Even so, this effort may require less manpower than checkpoints.

A key element to the success of this program is a vigorous PI & E program to send out a strong message of “If you drink and drive, you will get caught!” Increasing the visibility of patrols discourages people from drinking and driving in fear of getting arrested. Aiming this message at the majority of drunk drivers, males aged 14-45 will have the greatest impact.

Cooperation and participation from police and the sheriffs’ department in publicizing such activities will add tremendously to their deterrent effect.

**FUNDING** Reimbursement is based upon actual overtime costs while Officer is on special DWI related enforcement assignments and activities (1.5 times Officers standard hourly rate). Reimbursements may be made for the direct Officer overtime only, and do not include costs of employee benefits. You may also allocate a portion of your grant to the state police for enforcement overtime in your community. Special arrangements can be made so that the Traffic Safety Bureau will process reimbursement directly with the New Mexico State Police, relieving you of the administrative burden. Equipment costs related to DWI enforcement will be considered.

**WHY** If a community has a DWI problem, increased enforcement is the quickest and surest way reduce such occurrences.

**WHY NOT** If a community has not had a DWI related accident in the past five years; such overtime efforts are probably not necessary.

## **WARRANT ROUNDUPS**

Judges issue bench warrants for DWI offenders who fail to appear in court for an arraignment, hearing, or who fail to meet the terms of a sentence. Signed bench warrants are given to enforcement agencies whose officers are authorized to serve them. This entails locating the offender, arresting him/her, and incarcerating them for up to 48 hours or until the offender “bonds out.”

Unfortunately, many law enforcement agencies lack the resources to routinely serve such warrants. As a result, many of the worst DWI offenders are never held accountable for their crimes.

This problem is solved by providing funds for overtime officers to conduct Warrant Roundups, concentrating financial and manpower resources in a more efficient way. Many communities hold these Round Ups before major holidays. This serves two purposes; reducing the number of potential drunk drivers during holiday season, and inconveniencing the offender which adds to the deterrent value and possibly increases compliance in the future.

Another operation is to coordinate the roundups with the courts, offenders being picked up, booked into jail, and brought directly to court for hearing.

**FUNDING** Reimbursement is based upon actual overtime costs while Officer is on special DWI related enforcement assignments and activities (1.5 times Officers standard hourly rate).

**WHY** If a community has chronic problems with DWI offenders failing to appear or comply with conditions of sentence.

**WHY NOT** If your community already supports such a program, you cannot supplant those resources.

## **TEENAGE ALCOHOL ENFORCEMENT PATROLS**

Teenage Alcohol Enforcement patrols are formed to check the rise of alcohol related injuries and deaths in teens. The focus for enforcement is to stop scattering teen parties once an officer is dispatched to the scene, and to take direct enforcement action against teens drinking. Programs focus on underage drinking at parties, liquor being sold to minors, minors in possession, fake ID's. It ensures that enough officers are available to secure the location of a party and to hold the teens until a parent or guardian arrives to take them home. Portable breath test devices are used to detect the presence of alcohol and some of the teens are taken to the police department. Teens are given a summons, which serves as a greater deterrent than a verbal warning.

Success of this program requires a strong community collaborative effort involving law enforcement officers, school personnel, youth, families, related social agencies and the news and media to focus attention on the strong enforcement policies. Officers make presentations at local schools against drinking and driving and how what they will do to deter this behavior.

**FUNDING**      Approved costs may include Officer overtime, costs of cellular phone calls by Officers to parents, purchase of Passive Breath Sensors, brochures and other informational materials.

**WHY**            To reduce the number of alcohol related injuries and fatalities involving teens.

**WHY NOT**      Communities without teen alcohol party problems or which already have well established TAP patrols may not need to participate in this activity.

## **COPS IN SHOPS**

This program is aimed towards stopping underage purchases of alcohol. An undercover officer is placed in a liquor store posing as an employee. When underage purchasers try to buy alcoholic beverages, the officer makes an arrest. As a warning and deterrence to this target population, bright colored signs are prominently posted stating an undercover officer may be present and will arrest any underage person attempting to purchase alcohol. The signs are displayed at all times, and underage purchasers do not know when the officer is present. Arrests are also made if legal purchases are made and then sold to underage drinkers in the vicinity of the liquor establishment.

A key element to the success of this program is a vigorous PI & E program to send out a strong message of “Underage Purchasing is not tolerated!”

Cooperation and participation from police and the sheriffs’ department in publicizing such activities will add tremendously to their deterrent effect.

**FUNDING** Funds for officer training and overtime may be provided by CDWI. Technical assistance and training is offered through the Special Investigations Division of the New Mexico Department of Public Safety at (505) 841-4660.

**WHY** This program can be used to deter minors from purchasing alcohol in communities where selling to minors is a problem. This program in coordination with other teen programs, such as Teens Need Teens and Teen Court, will help address the teen drinking problem.

**WHY NOT** If another comprehensive program is already in place to deal with teen possession and consumption, or problems surrounding teen age purchases are not present, this program may not be necessary.

## **VIDEO CAMERAS/MONITORS/TRAINING**

Video cameras are an effective tool in DWI enforcement. The cameras are placed in law enforcement vehicles and used whenever a person who is suspected of driving under the influence is stopped. The camera records all actions and statements made during the officers investigation and arrest. The recording can also be used to document probable cause for the initial stop. When shown in court, the judge and/or jury are able to see the actions of the person charged with DWI.

A variety of equipment is available. You must use caution when purchasing such equipment, as some units are not suitable for the demands of enforcement work. Matching your enforcement agency's needs with the available equipment is important.

An important issue for the judicial system is the training of law enforcement officers in equipment use to apprehend a suspect. Officers must be provided with the opportunity to develop the knowledge and skills to use video equipment in an affective and legally accepted manner.

**FUNDING** CDWI funds may be used to purchase cameras, remote microphones, tapes, and related essential equipment; as well as some training costs, including costs of overtime for officers to attend and/or per diem to attend out of town classes or costs for trainer to come to the community.

**WHY** Because of the inherent problems surrounding testimony and blood tests, cameras give an additional tool to law enforcement to document probable cause. The use of this equipment gives an advantage to prosecutors to aggressively pursue and obtain convictions. The video cameras can also be used to address issues surrounding plea-bargaining. The result may be more guilty pleas and compliance with sentencing, thus helping to eliminate caseloads in the judicial system. By training law enforcement in the use of the equipment, the probability of conviction rises and the probability of plea-bargains decreases. This program also assists in the consistency of enforcement. This training should accompany purchases of the video equipment.

**WHY NOT** Communities that have efficient judicial systems that aggressively pursue high conviction rates, have well trained law enforcement, and as a result have high conviction rates may to need to take advantage of this program. Implications of initiating this program are varied and complex. Please refer to the Rio Rancho P. D. study for a complete discussion of these issues.

## **DRUG RECOGNITION EXPERT (DRE) TRAINING**

Often, drivers will show high impairment when stopped and put through the Field Sobriety Tests, yet have a low BAC when given a breath test. These factors indicate that the driver is likely to be under the influence of drugs (prescription or illegal). Drug Recognition Expert (DRE) training is geared toward giving law enforcement officers the necessary skills to recognize signs, symptoms and effects of the different drugs being used by those who might be stopped for DWI. These recognition skills can be used to assist the officer in developing probable cause when investigating a DWI that indicates drug use.

**FUNDING** Funds for travel and per diem can be provided so that officers and departments pre-approved in the state program can attend training that is offered yearly. Instructors are provided through National Highway Traffic Administration (NHTSA) to New Mexico and equipment from the Traffic Safety Bureau. Eleven days of initial training are needed with at least four 4-day weekends of certification evaluations conducted.

**WHY** This training gives law enforcement personnel and the judicial system another tool to use in aggressively pursuing DWI enforcement where drugs are involved.

**WHY NOT** If drug use is not a prominent cause of DWI in your area or DRE's are already available in your area, you will not find this program useful.

## **PROSECUTOR TRAINING**

Effective prosecutions resulting in convictions are vital to curb DWI. Prosecutors may not be placing priority on DWI cases because they may not understand how to surmount the problems they face in these complex cases. If excessive dismissals or plea-bargaining is taking place, this program may be effective in increasing conviction rates. Mock trials on DRE Case Handling is especially useful for prosecutors whose community has drug recognition experts (DRE's).

Prosecutor training is used to better prepare prosecutors for the complexities of DWI court cases. It defines their role within the overall environment of DWI enforcement. Training is developed to inform them of alternative sentences and services available within the community to better serve justice. Special training issues such as blood tests, video camera evidence, and breathalyzer reliability may be developed to overcome problems that arise during trials.

**FUNDING** CDWI funding can cover travel expenses and per diem for local prosecutors to attend DRE case handling offered once a year through the Traffic Safety Bureau in Albuquerque for four days. The judicial Education Center often holds seminars with DWI topics for judges and prosecutors to attend.

**WHY** If your community is experiencing low conviction rates and/or high plea-bargaining rates for DWI cases.

**WHY NOT** Prosecutors that are already well trained and effectively reaching a high conviction rate with little plea bargaining of cases may not need to participate in this program

## **ENFORCEMENT OFFICER DWI PROSECUTION TRAINING**

In some rural areas of the state, enforcement officers must prosecute their own DWI arrest cases. Defense attorneys scrutinize the arrest process and officers are put in the prosecutors' position in order to achieve a conviction. Prosecutors may not be placing priority on DWI cases because they may not understand or know how to surmount the problems they face in these complex cases. Officers may not be aware of the complexities as well. Due to the time demands placed upon enforcement officers and prosecutors, we must provide them with necessary knowledge and skills to make proper and supportable arrests and maximum effectiveness of courtroom time.

The University of New Mexico Institute of Public Law (IPL) can conduct training for enforcement officers who may prosecute their own DWI cases. Professional presentation of the facts involved, validity of standard field sobriety tests and drug recognition education is discussed. Trial advocacy is being conducted with video taping and review of each officer's skills. This training can assist the officers in many areas: building knowledge and skills in DWI stops and investigations, understanding the rights of the DWI suspect, how to acquire evidence to prove impairment, preparing the DWI complaint, and prosecuting the DWI license revocation case.

**FUNDING** CDWI funding may be used for travel and per diem for officers or local prosecutors to attend training programs. Funds may also be made available to bring a group of instructors to your community.

**WHY** If excessive dismissals or plea bargaining is taking place in your community, this program may be effective in increasing conviction rates. Because prosecution for convictions is vital to curb DWI, it is important to increase the knowledge and effectiveness of prosecutors and officers.

**WHY NOT** If prosecutors and officers are already well trained and effectively reaching high conviction rates with little plea-bargaining of cases, this program may not be necessary.

### **Public Information and Education Programs**

- ◆ Holiday Survival Campaign
- ◆ Press Releases and Conferences/Media Exposure
- ◆ Speakers Bureau
- ◆ Resource Library
- ◆ ENCARE
- ◆ Teen Activism
- ◆ Events

## **HOLIDAY SURVIVAL CAMPAIGN**

The Holiday Survival Campaign is coordinated to encourage drivers to Buckle Up, Slow Down, and DRIVE 100% SOBER during the Thanksgiving through New Years holiday season. National Drunk and Drugged Driving (3-D) month materials are incorporated into New Mexico's Holiday Survival Campaign. Together, at the local state and national levels, they increase DWI awareness and prevention strategies. The campaign can be supported and expanded with local events, incentives programs, and publicity.

The holiday Survival Campaign can incorporate a number of various "party smart" activities in order to encourage a holiday season of good time and good cheer specifically designed to prevent alcohol related traffic accidents.

**FUNDING** Eligible activities include promotional and educational materials, alcohol free dances, PSA's, media events, developing and/or distributing a "Mocktails" (alcohol-free) recipe book, educational presentations (such as Social Host Responsibility and Liability), and coordinating promotional and educational effort that increase DWI and seatbelt enforcement.

**WHY** The Holiday Survival Campaign is an excellent Statewide message for communities that need to increase their awareness of DWI during the holiday season and increase the public perception of enforcement that will be taking place.

**WHY NOT** If your community does not celebrate the holidays, or if you have community involvement in a consistent and inter agency related program targeting the holidays and DWI risks and precautions- you don't need to participate.

## **PRESS RELEASES AND CONFERENCES/MEDIA EXPOSURE**

Press releases and conferences are used to enhance the public's awareness of DWI enforcement and prevention activities and to deter drinking and driving everywhere. These include but are not limited to highly visible saturation patrols, DWI checkpoints, safety checks, and to check for alcohol impairment. Publishing the names of those arrested for or convicted of DWI can also be a powerful deterrent. Press events or conferences concerning the local DWI problem and steps being taken to reduce DWI rates can be an effective prevention and intervention tool, as well as free publicity.

Media in this section refers to posters, flyers, brochures, pledge cards, billboards, audio and video PSA's, ad slicks, and signage. This program attempts to incorporate all available media campaigns and methods to raise public awareness about DWI enforcement and DWI laws. Ad slicks for newspapers or pamphlets utilize special graphic design to emphasize a particular theme, and makes it easier for local newspapers, newsletters, etc. to use them in their publications. PSA's also broadcast these same messages. Another use of the media is to arrange for talk shows, radio call in shows, teen panels, etc. to discuss the latest prevention and intervention strategies targeted to reducing the number of alcohol related injuries and deaths. Task Force members or those implementing programs can be great spokespersons.

Public attention focused on an issue by use of the media puts pressure on police, public health officials, school personnel, etc. to become involved and do something about the problem. The media is the most powerful intervention for raising awareness about the dangers of DWI since it has the potential of reaching so many people at one time. It is imperative that media messages be sensitive to the culture or subgroups they are targeting.

Aiming this message at the majority of arrested and convicted drunk drivers, males aged 14-45 will have the greatest impact. Efforts must be made to ensure that most of these messages are targeted towards this group. Try non-traditional and culturally diverse means to reach this audience.

**FUNDING** CDWI funds may be used to develop, reproduce and distribute such materials.

**WHY** If your community has a high DWI rate and or/low awareness of the consequences of DWI.

**WHY NOT** Communities which already have well developed media and press coverage addressing DWI need not participate in this activity.

## **SPEAKERS BUREAU**

This program involves developing a pool of speakers comprised of law enforcement officers, media specialists, public health officials, DWI task force members, judges or prosecutors, etc. who act as guest speakers individually or as a panel to increase knowledge and to raise community awareness about the dangers of driving drunk. And to deliver messages on the theme “DRIVE 100% SOBER.” These resource persons should be available to share their professional expertise in their respective areas and how it can serve to decrease the number of alcohol related fatalities in New Mexico. By pooling knowledge and skills communities can work together to decrease the number of alcohol related injuries and deaths.

The promotion and scheduling of speakers is at least as important as the recruitment of dynamic and interesting speakers.

**FUNDING**      When necessary, CDWI funds may be used for travel expenses and small stipends for speakers.

## **RESOURCE LIBRARY**

Communities may establish a library section to increase knowledge and to raise community awareness about the dangers of driving while intoxicated. This section should be composed of the newest and most effective prevention and intervention programs relating to alcohol related crashes. Information may be in the form of books, pamphlets, tapes, or videos. Topics should include open container, underage drinking, designated drivers, and alcohol free teen activities. This library will be a valuable tool in adapting existing community DWI programs to incorporate the newest strategies or may be used to develop and implement a new program that would be successful in your community. In addition, these materials should be made available to schools, businesses, and other interested agencies working to promote the prevention and reduction of DWI.

Do not undertake this program unless you are committed and prepared to distribute such material, maintain records on where materials have been loaned, and to promote the availability and use of the materials.

**FUNDING** Funds can be used to promote such programs.

**WHY** Most New Mexicans are not fully informed about the seriousness of the DWI problem in our state or within their community, as well as what they can do about it. If this describes your community, you need this program.

**WHY NOT** Communities who already have a well developed resource library may decide not to participate in this activity.

## **ENCARE**

The ENCARE (Emergency Nurses Cancel Alcohol Related Emergencies) program was developed as a preventive educational effort to reduce the number of injuries and deaths attributed to alcohol related crashes. Emergency Nurses and other agencies conduct the ENCARE Program by going to schools and presenting a slide show of accident victims as they are treated in the Emergency room after an alcohol related car accident. The nurses describe the physiological effects of alcohol, the nature of the injuries due to drinking and driving accidents, the medical treatment of victims, and the social consequences of drinking and driving car accidents. Many teens are injured in motor vehicle accidents involving alcohol, partly because they believe they are invincible -that nothing will hurt them. Many of the slides show paralyzed teens as a result of injuries. When presenting this program, sober activities are promoted. The Nurses also promote designated driver and SAFERIDE programs. Occasionally survivors of accidents, or family members of those killed in an alcohol related accident, will accompany the nurses to the presentations and offer a first hand look at the impact of drunk driving on daily life. These programs are intended to educate people and show the emotional and physical trauma caused by driving under the influence.

**FUNDING** Funding can be used to provide training by an in-state trainer and pay for their travel and per diem expenses. Slides and materials can be ordered through the National ENCARE program by contacting Barbara Foley at (505) 366-7591.

**WHY** Many teens and young adults are involved in crashes because they believe they are invincible. ENCARE can help people to realize that they too are at the risk of being involved in DWI related accident.

**WHY NOT** Communities that already have a well established ENCARE program may decided not to participate.

## **TEEN ACTIVISM, NEWS 101, FENCES**

Teen activism comes in many different shapes and sizes. The key word is activism. Unlike more traditional prevention activities that are usually planned for teens by adults, activities in the teen activism arena usually involve a significant amount of youth empowerment in the planning and implementation phases. Adults are involved but usually more as a resource, facilitator, consultant and advocate. What is crucial is an adult sponsor who knows the process of empowerment and teens that want to make a difference. It always helps to know local merchants who will donate pizzas, sandwiches, etc. to maintain motivation and reward young people for a job well done. The community may not view teens as resources but as victims or troublemakers. This activity can help bridge this gap and increase mutual understanding and respect.

Specific activities include media advocacy (e.g., print journalism for school newspapers), documentaries (e.g., television, news 101), fences, petitions to local and state officials (e.g., removing alcohol at the state fair), lobbying, internships, court monitoring, formulating and submitting resolutions to local government, community development, and other self-initiated projects.

**FUNDING** Costs associated with this area are usually minimal, and are approved on a case by case basis with a detailed budget.

**WHY** Part of youth alcohol use is based in lack of purpose and meaning, and a feeling of alienation from adults. By initiating activities that put teens in positions of leadership, youth are empowered and have an opportunity to interact with adults that want to interact with them.

**WHY NOT** This program may not be helpful if the community has given up on the youth, or if a patient, compassionate, and dedicated adult coordinator cannot be found.

## **EVENTS**

### **DWI Simulations/Demonstrations**

DWI simulations incorporate demonstrations for the general public on the hazards of driving while impaired. In such instances, volunteers are given amounts of alcohol sufficient to impede their judgement and render them impaired.

### **Conferences**

Participation by staff and Task Force Members in local, regional, State-wide and National conferences dealing with DWI and Traffic Safety issues is an excellent way to learn new and effective programs for combating.

### **Parades**

Parades are an ideal way to encourage the entire community to get involved with the message of "Drive sober."

### **Mock Crashes**

Mock crashes incorporate the health professionals as well as other members/organizations of the community, i.e., the schools, the medical profession, wrecking companies, police, etc. The use of such vehicles provides a more realistic picture of such tragic crashes, and this in turn, creates a greater impact for the audience. Mock crashes and other similar demonstrations are conducted in key target areas where viewers can see firsthand the tragic consequences of impaired driving behavior.

Presentations by victims and survivors of fatal victims can have a dramatic affect on an audience.

### **Offender Programs**

- ◆ Victims impact panels
- ◆ Court monitoring
- ◆ Teen court
- ◆ Vehicle immobilization programs

## VICTIMS IMPACT PANELS

This is a form of sentencing that judges can use for a DWI offender. The judge normally imposes a fine, jail term, community service or DWI school. If a judge so chooses, he may also assign the offender to attend a victim impact panel. Offenders who fail to appear are ordered back to court for further sentencing. The objective of this program is to bring offenders and victims together in a non-accusatory manner. It is hoped that when faced with the tragedy and sadness that others have suffered from DWI behavior, the offender will make a decision to stop drinking and driving.

Since New Mexico is a state rich in cultural diversity this must be taken into account when choosing panelists in that representatives of the impact panel should include the cultural composition of the offenders. A question and answer session may follow if deemed appropriate, however each session should be considered unique.

With the consent of the presiding judge, attendance fees may be charged to offenders sentenced to attend a DWI victims panel. Such fees are the most likely and available source for payment of program costs if funds are limited. Attendance fees of 20 or 25 dollars are recommended for panel programs endeavoring to generate sufficient income to hire a part time coordinator. In addition, it is important that the Victims Impact Panel provide grief counseling to the victims as part of the activity.

**NOTE:** It is imperative not to assign a victim to a panel which is to be attended by their offending drunk driver.

**FUNDING** Related program costs are eligible.

**WHY** The purpose of this program is to bring together DWI offenders and victims of DWI crashes. It is hoped that the offender when faced with the tragedy and sadness that others have suffered from actions such as his/hers drunk driving may make the decision to change their life threatening behaviors and not drink and drive anymore.

**WHY NOT** Communities who already have a well established victim impact panels program may decide not to participate in this activity.

## **COURT MONITORING**

Court monitoring is performed when a person or group attends a court to monitor the progress of individual DWI related court cases. The purpose is to record the outcome of each individual case. It can also be used to identify trends in the way cases are handled in court. It could identify areas of weakness or misunderstanding. It could also identify problems outside the judicial system such as poor preparation by law enforcement or procedural problems that slow or stop the judicial process. By identifying these areas, more consistency of justice could be obtained from the judicial system. Records are kept of convictions, dismissals, and other dispositions of all DWI related cases. This data collection has numerous functions to assist in increasing conviction rates.

This program can be used to increase overall knowledge of the judicial system. It can be used to gather information about prosecutors and judges conviction rates and sentencing policies. A program can also be designed to determine whether judges and prosecuting attorneys are enforcing all laws or a specific law, and how effectively they are doing so. The information derived from this program may be used to show trends, educate the public, and assist the judicial system. Used as a needs assessment, this program may be the beginning of a comprehensive program to increase conviction rates. Guides and Badges are available from the Traffic Safety Bureau.

**FUNDING** CDWI funding may support part time employment for adequately trained people to spend time in court and/or follow up on cases and sentencing.

**WHY** If conviction rates, compliance with sentences, and uniform application of the law are low and dismissal rates are high.

**WHY NOT** If conviction rates, compliance to sentences and uniform application of the law are high and dismissal rates are low.

## **TEEN COURT**

The Teen Court is an adult supervised youth driven activity that is designed to interrupt and prevent future problem behavior among teens. Specifically, the Teen Court as initiated in New Mexico focuses upon the disruption and cessation of alcohol related behaviors (i.e., DWI minor allowing self to be served, minor in possession).

The Teen Court is a court with youth in all roles with exception of the judge. Youth are the prosecutors, defense attorneys, bailiffs, and jurors. By the time a youth would appear in front of his/her peers, they have already pleaded guilty to the offense(s). Depending upon the offense, other sentencing options can be added (e.g., DWI school, screening and/or counseling, etc.) The court is also effective in dealing with other traffic safety offenses (speeding) and misdemeanors (shoplifting).

Experience has shown that seed money for the first six to twelve months is critical. But perhaps even more critical, is the communities' commitment to the concept. Equally important is the ability for representatives from key systems (court, police, and juvenile probation) to work together in a truly collaborative manner. Numerous team meetings at the front end are essential for a meeting of the minds, cross training and working out operational procedures. Further more, a community education campaign is important because the community itself will be starting to manage underage youth and drinking behaviors differently. Parents and police are particularly important in this area. Parents who have ignored or looked the other way while their children initiated their drinking careers will need to move beyond denial into helpful changes that will likely change the way the family does business.

**FUNDING** CDWI funds may be used to support this activity.

**WHY** To provide meaningful interventions into problem behavior among youth who drink alcohol that are based in the criminal justice system but are peer driven and influenced. Any community that has an excess of underage drinking and driving and programmatic focus to change that would benefit from this approach.

**WHY NOT** Communities that have had prevention programs in place for a while and have made a significant impact on preventing DWI would not be appropriate, nor would communities who have difficulty in collaborating. Further more, this is a labor-intensive project particularly at the front end. A willingness to build this into ones job description for the first sixth months would be very helpful. If that (or a similar sort of time commitment) can't be made, it would probably be better to initiate some other activity.

## **INTERLOCK DEVICE**

Another potential solution available to communities is the implementation of the Guardian Interlock Device, which is an in car breathalyzer to prevent ignition of the vehicle by an impaired driver. This device used in conjunction with the responsible driver program can save lives. The interlock device provides technical safeguards to prevent and deter tampering. It allows easy monitoring of an offender's progress by court officials. Additionally, the re-arrest rate among interlock users has been reduced 70% over non-interlock users. It should be noted that enabling legislation has been passed in over half of the nation (5 states currently use the interlock statewide without legislation).

### **FUNDING**

**WHY** This system provides an alternative to revocation of driving privileges, such as in the case of a sole provider.

**WHY NOT** This kind of system is not the one to implement in your area if the courts in your area presently use effective means of providing alternative sentencing measures for DWI offenders and the authorities are effectively utilizing existing restrictions to a drivers license.

## **VEHICLE IMMOBILIZATION**

The repeat driving offender is a dangerous concern to all of society. Let us not forget that driving is a privilege, not a right.

The Club and the Denver Boot are vehicle immobilization programs that can relieve Courts of all burden of sentencing. The club program, for example, includes the installation of “the Club”, tamper proof seal, yellow poster, court documentation and vehicle monitoring.

In these times of overcrowded jails, such a program may reduce the chances of convicted drunk drivers re-offending while on probation.

**FUNDING** CDWI funding may be used to initiate such a program.

**WHY** This type of program can keep offenders from drinking and driving their vehicles without expense of incarceration to the community. It also provides the offender the freedom to maintain a job while undergoing treatment.

**WHY NOT** This program may be of no use to you if the courts in your area are presently using effective means of providing alternative sentencing measures for DWI offenders and the authorities are effectively utilizing existing restriction to a drivers license.

## 1. THE APPLICATION PROCESS

In section V of the Program Guide, you will find seven forms:

- ◆ Application
- ◆ Scope of Work
- ◆ Task Force Authorization & Information
- ◆ Memorandum of Agreement (Sample)
- ◆ NMSP Overtime Authorization
- ◆ Budget Adjustment/Agreement Amendment Request
- ◆ Project Agreement Amendment (Draft)

Please be sure to submit all necessary documents. The Application, Scope of Work (one for each program category), and the Task Force Authorization form are the minimum forms that must be submitted. For use and/or submittal information on the NMSP Overtime Authorization form, refer to section II.3; for the Memorandum of Agreement form, refer to section II.2.C; for the Budget Adjustment/Agreement Amendment Request and the Project Agreement Amendment refer to section VI.3.

You will need to refer to the **Project Budget Categories form** in section VII to prepare the budget on the Application and Scope of Work. Remember to set aside some budget for next years conference. Also, indirect costs are not allowed, but the category is identified to maintain consistency with other Bureau forms. It is important to carefully review your communities DWI related statistics to identify the communities' most serious problems and to target the programs to address these problems. **FOCUS ON REAL PROBLEMS AND TARGET EFFECTIVE SOLUTIONS.**

## 2. APPLICATION APPROVAL

Review all forms to insure they are completed, signed, and dated as required, and in compliance with the SHTD Rule 91-5. Be sure that signatures are originals and not copies.

Send your application, with the original signature, to the Traffic Safety Bureau at:

New Mexico Traffic Safety Bureau  
PO Box 1149  
Santa Fe, NM 87504-1149  
Phone (505) 827-0427

Or hand deliver to:

New Mexico Traffic Safety Bureau  
604 West San Mateo

**Deadline for receipt of the applications in the Traffic Safety Bureau office  
May 1.**

IV.1

**The agreement is considered fully executed after both copies of the agreement have been signed and dated by the Traffic Safety Bureau Chief and the authorized representative of the applicant agency. Projects may begin on July 1 or upon execution of the agreement, whichever is later.**

In the event that the Application is incomplete, the Project Director will be notified by the Bureau and will have 10 working days for resubmission of the application.

Communities are strongly urged to submit their applications as early as possible before the deadline. This will allow sufficient time if changes are necessary and ample time to prepare for implementation of the program.

The Traffic Safety Bureau will not reimburse communities for any expenses incurred prior to the effective date. All related amendments must have TSB's prior written approval. Refer to section VI for more information on amendments. Only expenses included in the Application will be reimbursable. Expenses incurred after the Project Agreement period ends will not be reimbursed. Costs and expenses incurred before the official approval date will not be paid without prior written consent from the Traffic Safety Bureau. Any exceptions must have substantial justification.

**3. AFTER THE AGREEMENT IS EXECUTED**

Once you receive an agreement with original signatures of the authorizing official from your agency, and the Chief of Traffic Safety Bureau, you can proceed with your plan. Do not commit to spend money prior to the effective start date of the Project Agreement.

The Traffic Safety Bureau will send the letter of approval to the project director, with a copy to the fiscal agent and to the chief executive office for each city or county involved. When the approved letter comes, let the Task Force members know right away. Also contact all those who will be doing the work involved in the plan. Make sure they understand what the effective start date is, and provide copies of the letter and Plan if they need it for budget adjustments, etc.

Your grant will be assigned a number that must be referenced on all related correspondences, reports, reimbursements, etc.

Hold a press conference or issue a press release in which the Task Force can introduce the program to the whole community. Let the public know what is coming, why it is important, and what is expected of both them and the program.

Keep records of all activities associated with the program: Quarterly reports, photographs, correspondences, news clippings, statistics and financial details.

Community action is an important role in reducing DWI related crashes.

## **CDWI Accounting Procedures**

1. Introduction
2. Expenditures
3. Budget Adjustments/Agreement Amendments
4. Reimbursements
5. Final Reimbursements
6. Auditing
7. Inventory
8. Quarterly Report
9. Authorizing Official
10. Equipment Purchases
11. Copyrights
12. Monitoring Evaluation
13. Personnel Activity
14. Termination of Agreement
15. References

## 1. INTRODUCTION

Accountability for Community DWI Prevention Fund, authorized by Chapter 245, 1991, Laws of New Mexico, for Community DWI prevention programs is essential.

The responsible office (Authorizing Official) of the applicants' fiscal agent must establish and maintain adequate procedures and records for accountability of funds and the administration of the project. The agency's present accounting system will be acceptable provided that it conforms with generally accepted accounting principles and meets specific accounting procedures required by these instructions in regards to support documentation and report submission. **All correspondence and reports must be legible and carry the correct date.**

## 2. EXPENDITURES

Expenditures **must** be controlled and maintained within the budget amount authorized for each approved Budget Category. Refer to the **Project Budget Categories form** for information on classifying expenditures. Expenses **must be incurred and paid PRIOR** to seeking reimbursement for any CDWI-funded activities from the Traffic Safety Bureau and **must be incurred during the authorized project period.** The authorized period is from the date the project agreement is fully executed through June 30.

## 3. BUDGET ADJUSTMENTS/AGREEMENT AMENDMENTS

The agency may make adjustments within the budget categories based on an analysis of their overall budget and program and community needs. **The project director must request and receive written approval from the Bureau prior to spending funds based on the adjustment (see Budget Adjustment Request form in section V).** Expenditures are **NOT** to be incurred nor reimbursement requested prior to the adjustment request being approved by the Bureau. Violation in adhering to the approved budget is a failure to comply with the project agreement and may result in delay of payment and/or disallowance of the reimbursement claim. Adjustments to the **program categories** do not need TSB approval as long as the money remains in the same budget category.

Any other changes to the agreement must be made with an amendment. The Authorized Representative will submit a written request to the Bureau detailing the requested changes to the agreement. The Bureau will then prepare an amendment document (see **Project Amendment draft** form in section V) based on the request. The Bureau Chief will then sign two copies of the amendment and send both copies to the agency for signature by the Authorized Representative. The agency will keep one original signed copy for its files and send the other original back to the bureau. The amendment is effective the date the two copies are signed by the authorized representative.

#### 4. REIMBURSEMENTS

To secure reimbursement, it is necessary to prepare the **Project Reimbursement Claim form** and the **Project Reimbursement Claim (SUPPLEMENTAL) form**. Both forms are in section VII. Expenditures must be recorded on the Project Reimbursement claim form by budget category as well as by program category. **Claims should be submitted at least quarterly.**

**The claim must be approved and signed by the Project Director before submitting to the Traffic Safety Bureau's Financial Management Unit for processing.** The Traffic Safety Bureau staff will process claims as they are received. Once a claim is processed and approved for payment, a warrant (check) should be mailed within a week. The Project Director is responsible for verifying that payments are received, or for notifying the Traffic Safety Bureau if payment is not received. This is **CRITICAL** at the end of the Project Agreement and fiscal year.

In the event that inappropriate reimbursements have been found during or subsequent to the project period, the grantee shall be liable for inappropriately paid amounts. The amounts will be refunded by the grantee or withheld by the Traffic Safety Bureau from future payments on this project or any other project to the same grantee.

#### 5. FINAL REIMBURSEMENT

When the final Request for Reimbursement Claim is submitted, the grantee must indicate that it is a **FINAL** claim by placing a checkmark in the space provided on the form. The 4th Quarter Report must also be submitted with the final claim. **Final reimbursement claims must be submitted within 60 days of the Project Agreement end date. Any claim submitted after August 31, following the Project Agreement end date, will not be honored, unless prior written approval extending the claim submission date was authorized by the Traffic Safety Bureau Chief. All CDWI agreements end on June 30.**

#### 6. AUDITING

The fiscal agent is responsible for maintaining original documentation and records as evidence of incurred/reimbursed costs. These records must be available for a period of not less than three years after the final payment and the final report have been completed.

The Traffic Safety Bureau may request **a copy of the grantee's audit report** completed by an independent auditor for the fiscal years involved. The audit must comply with provisions and requirements of the Office of the State Auditor. If examinations of records result in disallowance of expenditures, the grantee agency will be required to reimburse the Traffic Safety Bureau.

#### 7. INVENTORY

An inventory list of non-expendable items (equipment, furniture, and machinery, etc.) purchased with Community DWI Prevention funds must be maintained. You must follow the fiscal agent's inventory policies and procedures. **Items not appropriately used for DWI prevention purposes may be recovered by the Traffic Safety Bureau.**

## 8. QUARTERLY PROJECT REPORT

VI.3

A **Quarterly Report form**, found in section VII, must be submitted to the New Mexico Traffic Safety Bureau showing current progress. Quarterly Reports are due in the Traffic Safety Bureau office by **October 30, January 30, April 30 and August 31**. These reports are not necessarily a request for reimbursement. Rather, they are a report on the progress of your activities.

**The absence of a Quarterly Report may delay reimbursement requests.**

## 9. AUTHORIZING OFFICIAL

The Authorizing Official is the person authorized by the local/state government body to enter into project agreements (usually the County Commission Chair or Mayor).

## 10. EQUIPMENT PURCHASES

Insurance is to be carried on all equipment purchased, in accordance with your government entities liability policies. **All equipment is to be purchased at the best obtainable price under the procedures of the New Mexico State Purchasing Act.** Equipment purchased with Community DWI funds must be used for DWI prevention.

## 11. COPYRIGHTS

Any material which has been developed and funded in whole or in part through a traffic safety grant shall be made available free of charge to any state or federal agency upon request.

## 12. MONITORING AND EVALUATION

Monitoring and Evaluation is done by field trips, phone calls, correspondence, and quarterly reports and request for reimbursement. It is imperative that proper files be kept for all expenditures including payroll records. Payroll records must also be kept by enforcement agencies submitting reimbursement requests for overtime hours.

There will be an on-site check documented on each active project periodically by a member of the New Mexico Traffic Safety Bureau staff. In cases where the fiscal agent maintains inadequate records, the TSB may require complete documentation to be submitted with reimbursement requests. Non-compliance with the Project Agreement may also result in cancellation of the agreement or withholding reimbursement payments.

Questions, problem areas, or possible changes to the project agreement should be addressed to the applicable TSB personnel as soon as they become apparent.

VI.4

#### **14. TERMINATION**

The following actions will result in the termination of a Project Agreement:

- ◆ Failure to comply with stated rules, guidelines and regulations.
- ◆ Inability to perform on the part of the grantor or grantee.

The party requesting termination will transmit a written request. A minimum of 30 days notice will normally be provided. Incurred costs normally reimbursable with a date prior to termination may be eligible for reimbursement.

#### **15. REFERENCES**

Highway and Transportation Department, Traffic Safety Bureau Project Management and Accounting Procedures Manual.

Chapter 13, Public Purchases and Property (Procurement)

Refer to Section VIII of the Program Guide for various rules/regulations/policies.

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