

**D** riving  
**W** hile  
**I** mpaired



**New Mexico 2008**



*New Mexico* DEPARTMENT OF  
**TRANSPORTATION**  
MOBILITY FOR EVERYONE



Rachel O'Connor  
New Mexico DWI Czar  
Office of the Governor

The State of New Mexico has made considerable progress in its fight to stop DWI. Strategic and aggressive programs and policies in tandem with effective law enforcement, public awareness campaigns, liquor control measures, educational programs and treatment initiatives have led to a 35% reduction of alcohol-involved fatalities from 2003-2008. New Mexico has received national recognition for this benchmark coupled with the State's move out of the National Highway Traffic Safety Administration's top ten list for the alcohol-related death rate per 100,000 miles traveled.

New Mexico's efforts to reduce DWI stem from a comprehensive approach that incorporates a variety of programs initiated in accord with the State's five-year strategic plan. Initiatives such as Ignition Interlock, felony charges for serving alcohol to minors, public awareness campaigns featuring the state's slogan—"You Drink, You Drive, You Lose", Liquor Control Act enforcement, the Drunk Buster Program, and Super Blitz enforcement, all play a role in reducing DWI. Several new and effective programs were initiated this year and contributed to the State's success.

- The State funded a six-county Court Monitoring Program initiated in 2008 that has provided insight into the DWI court process, identifying chronic court issues and making recommendations to improve sentencing and court practices. Outcomes have served as a guide for funding new programs and have also served to develop policy recommendations.
- The State's intent to reduce DWI on tribal lands included a renewed commitment to work in partnership with New Mexico tribes. In 2008, the State forged a cross-commissioning agreement with the Navajo Nation and law enforcement agencies from McKinley County. Funds were allocated from the State for a State/Tribal DWI Task Force that is comprised of four law enforcement agencies that assist in patrolling on and around the Navajo Nation. Enforcement efforts are supplemented by a public awareness campaign that is written and directed by Native Americans. The State is working with tribes to extend the License Revocation Program for those arrested on tribal lands.
- The first hearing under the "Three Strikes Regulation" went into effect, calling for the revocation of a liquor license if a bar or restaurant consistently serves to minors or intoxicated persons.
- Law enforcement agencies statewide participated in the "100 Days and Nights of Summer Program", conducting over 200 DWI checkpoints and issuing over 100,000 citations to reduce DWI crashes during the summer months.

These and other efforts are continuing in 2010, expanding programs to address court issues, drugged driving, and increased penalties for first and repeat offenders. We appreciate the dedicated endeavors and resources set forth by agencies, organizations and individuals. Thank you all for the concerted effort and commitment to the State of New Mexico.

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The University of New Mexico, Division of Government Research, produces this report for the New Mexico Department of Transportation. The report provides statistical information that contributes to the impaired driving plan and the DWI initiatives conducted statewide.

**On the Cover:**

The cover photo this year illustrates that if you are caught driving under the influence, then getting arrested and going to jail are consequences of that choice.

Photo by Damien Spencer

# DWI in New Mexico

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<http://www.nmshtd.state.nm.us/main.asp?secid=14474>

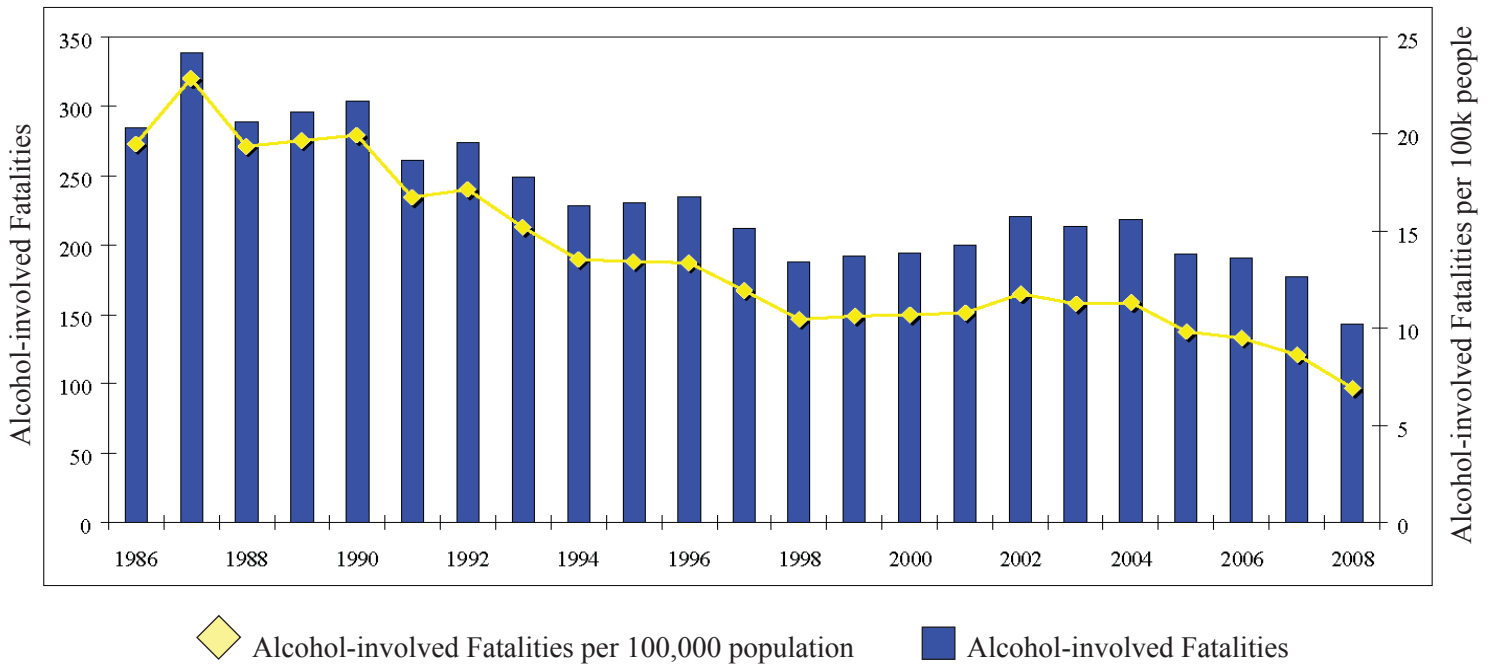
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The Traffic Safety Bureau of the New Mexico Department of Transportation (NMDOT) develops programs to address traffic issues in the state. The mission of the Bureau is to continuously reduce traffic-related fatalities, injuries and crashes. Program initiatives include education, enforcement, regulation, legislation, prevention, screening and treatment, and public information. The Bureau works in partnership with New Mexico law enforcement agencies statewide to enforce traffic safety laws.

**Note: Alcohol-involved crashes in 2005 were under-reported.** Also, the 1999 crash file contains 15% fewer crashes than the 1998 file. This may be due to problems in implementing the new system after the old system failed, or to under-reporting. Care should be used when interpreting differences between 1999 or 2005 and other years in this report.

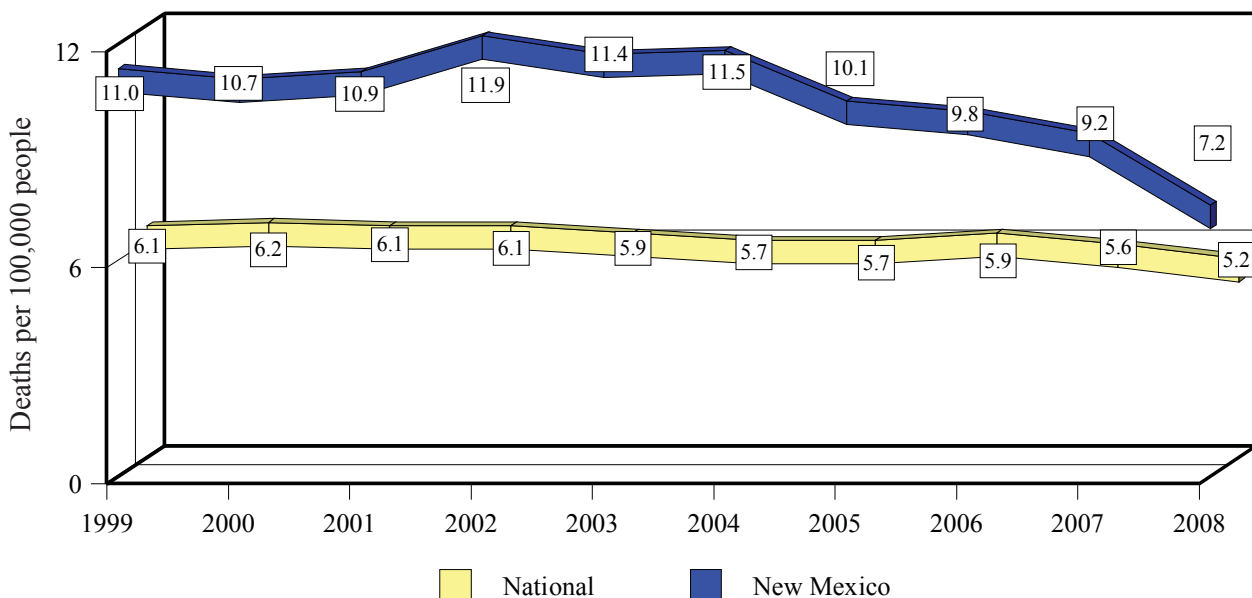
**Alcohol-involved?** Prior to 2007, data on crashes involving only drugs other than alcohol were included along with data on alcohol-involved crashes in this report. Beginning in 2007, data on crashes with no alcohol involvement (but involving drugs other than alcohol) are excluded from all tables and graphs except for those on page 4. Crashes in which the only alcohol involvement was on the part of a non-driver, such as a pedestrian, are also considered alcohol-involved crashes and are included in the totals for all the charts and graphs.

## Alcohol-involved Fatalities and Rates, 1986-2008



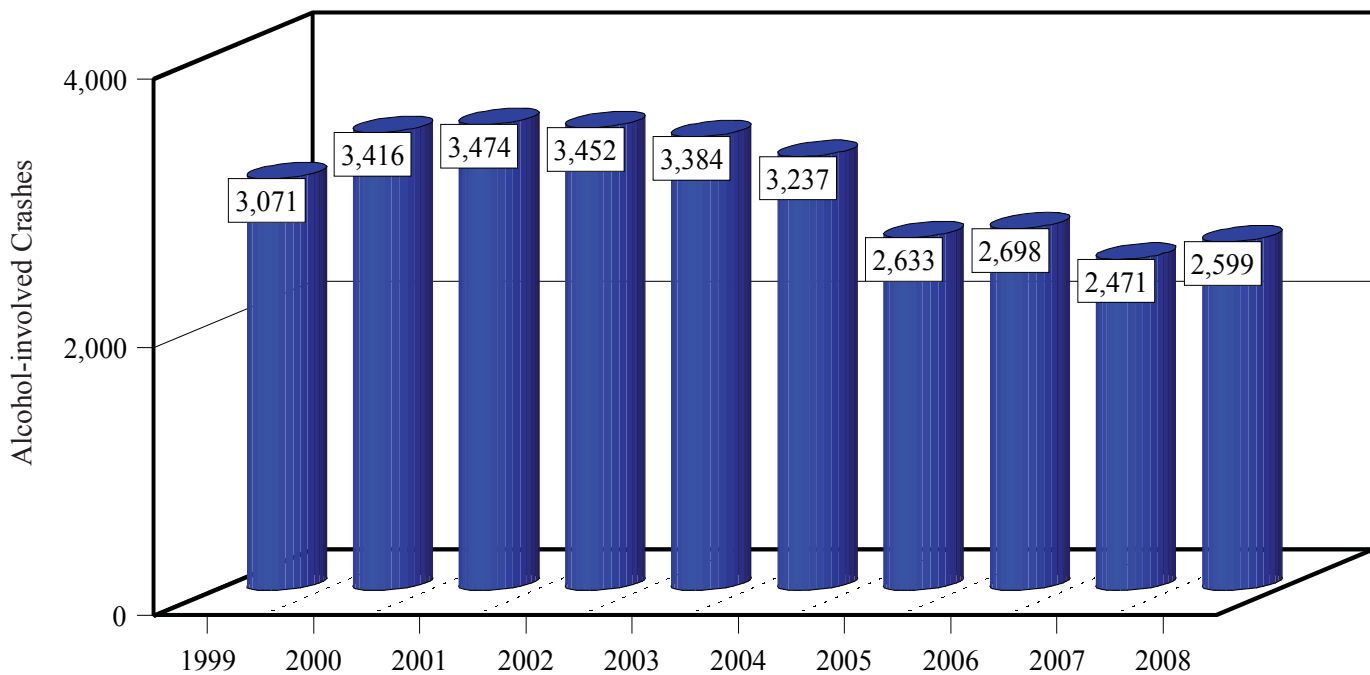
Source: Crash files, Census Bureau, UNM Bureau of Business and Economic Research (population estimates for 2001-2008)

## Alcohol-involved Fatality Rates, 1999-2008



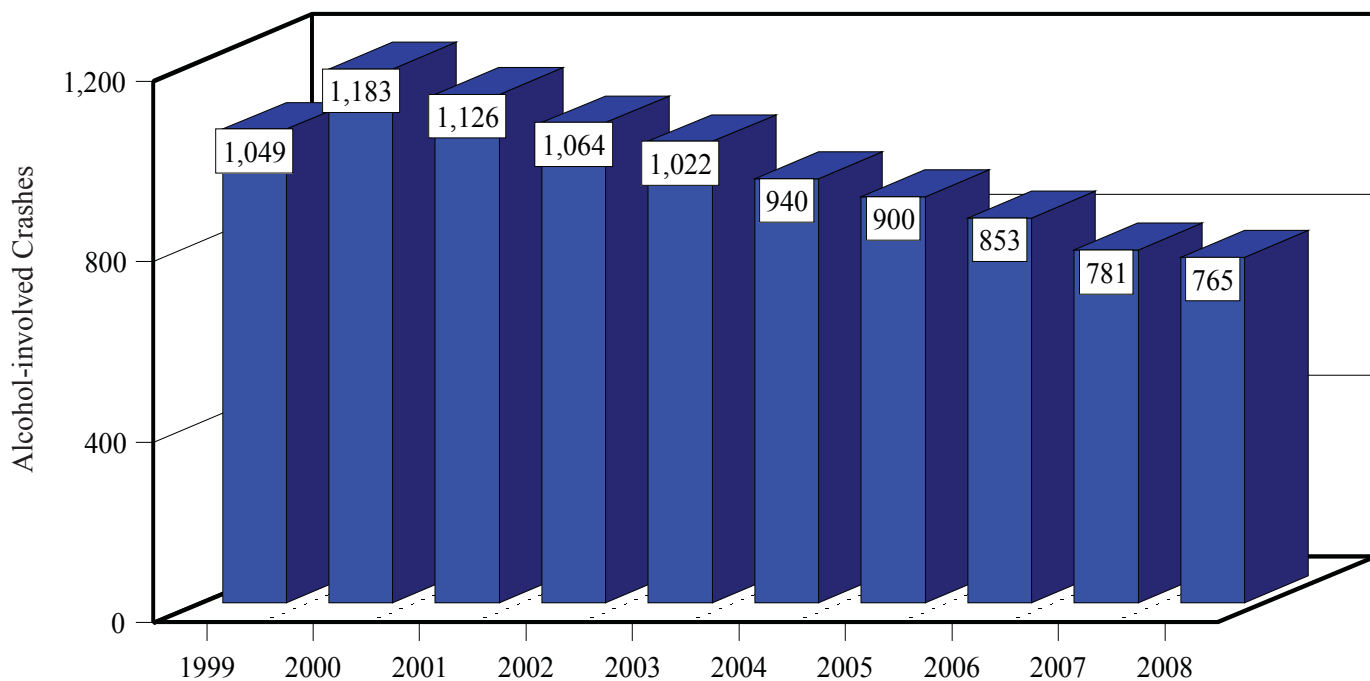
Source: Fatality Analysis Reporting System, the Census Bureau and Crash files

**Alcohol-involved Crashes, 1999-2008**



Source: Crash files

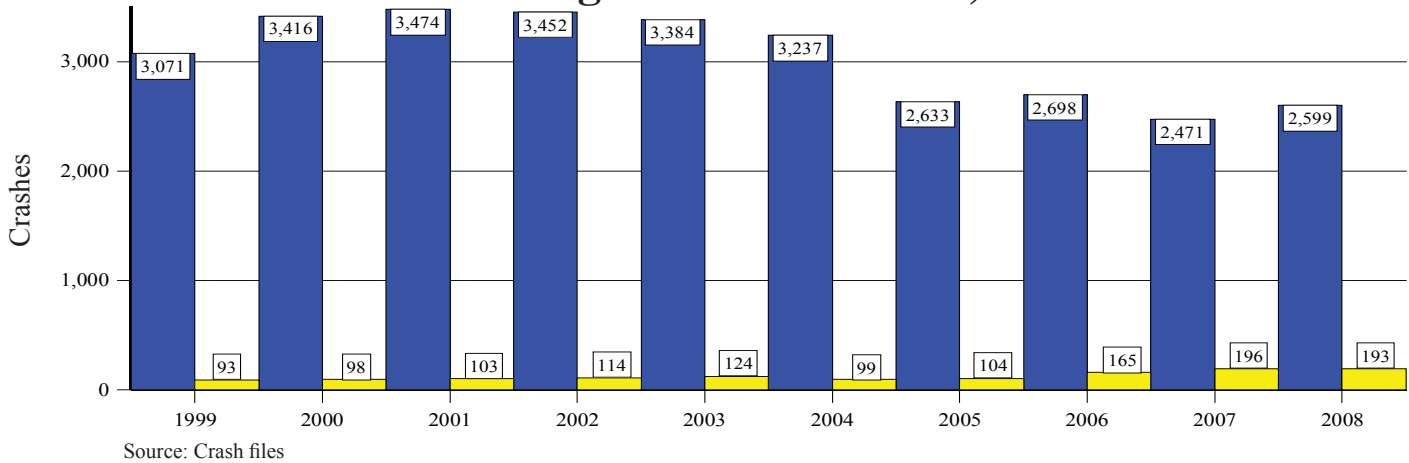
**Alcohol-involved Serious Injury Crashes, 1999-2008**



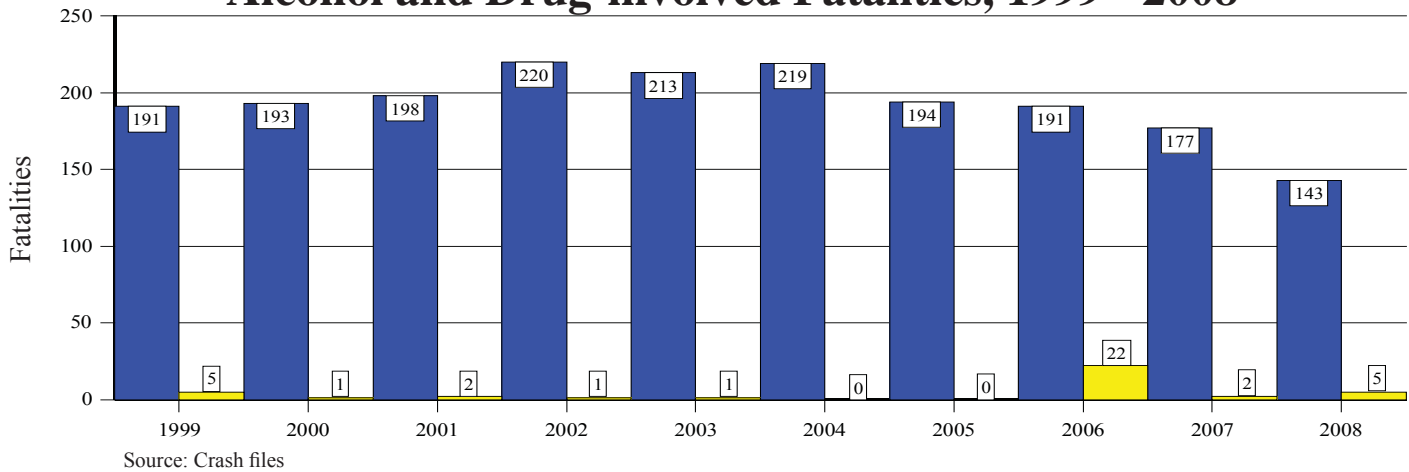
Source: Crash files

Drug involvement includes both legal and illegal drug use. Drug involvement is determined by the investigating officer at the scene of the crash. Alcohol-involved drivers might have also used drugs other than alcohol.

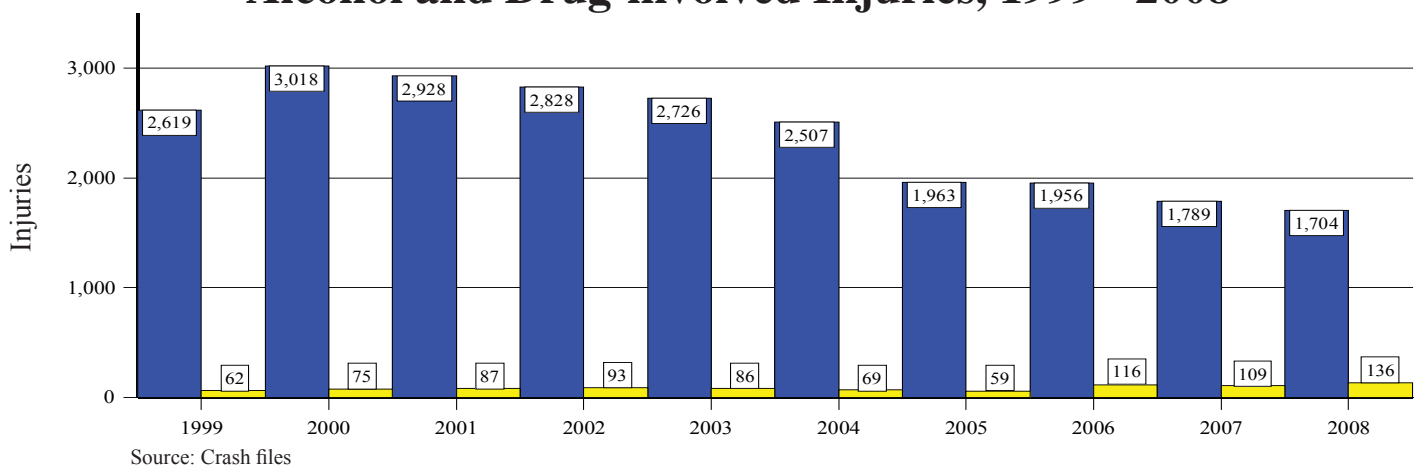
## Alcohol and Drug-involved Crashes, 1999 - 2008



## Alcohol and Drug-involved Fatalities, 1999 - 2008



## Alcohol and Drug-involved Injuries, 1999 - 2008



**Victims of Alcohol-involved Crashes, 2008**

County	People in Crashes			Impact (in dollars) <sup>2</sup>		2008 Population <sup>3</sup>
	Total	Sober <sup>1</sup>	Under 18	Total (000)	Per capita	
Bernalillo	1,612	672	384	200,392	316	635,139
Catron	5	1	3	1,932	567	3,405
Chaves	225	87	34	39,149	621	63,060
Cibola	99	19	17	32,080	1,176	27,285
Colfax	42	6	9	12,094	933	12,962
Curry	84	30	20	17,368	397	43,755
De Baca	0	0	0	0	0	1,907
Doña Ana	416	154	78	75,465	374	201,603
Eddy	158	43	28	28,879	562	51,360
Grant	77	13	14	21,595	724	29,844
Guadalupe	13	0	1	2,443	562	4,346
Harding	0	0	0	0	0	684
Hidalgo	9	0	2	2,851	581	4,910
Lea	252	95	59	36,777	622	59,155
Lincoln	62	17	10	11,793	567	20,793
Los Alamos	22	11	4	2,937	162	18,150
Luna	25	10	6	5,828	214	27,227
McKinley	364	137	85	62,026	877	70,724
Mora	7	3	3	3,024	599	5,052
Otero	104	25	14	24,561	391	62,776
Quay	13	3	2	2,230	250	8,929
Rio Arriba	104	41	17	29,571	727	40,692
Roosevelt	48	13	6	9,328	494	18,889
Sandoval	293	103	53	51,140	418	122,298
San Juan	551	179	115	101,069	825	122,500
San Miguel	64	30	20	8,718	305	28,558
Santa Fe	520	210	123	80,929	562	143,937
Sierra	11	1	6	3,731	300	12,437
Socorro	42	12	5	11,726	645	18,180
Taos	80	21	18	15,484	491	31,546
Torrance	19	2	4	6,152	378	16,269
Union	9	5	3	1,759	466	3,777
Valencia	105	35	16	22,342	309	72,207
<b>Total</b>	<b>5,435</b>	<b>1,978</b>	<b>1,159</b>	<b>925,372</b>	<b>466</b>	<b>1,984,356</b>

Source: Crash files

1. Sober people are drivers, passengers and pedestrians who were involved in a crash with a driver or pedestrian who had been drinking.
2. Impact is the cost of DWI-related crashes in New Mexico based on Federal Highway Administration estimation formulae (*The Costs of Highway Crashes*, FHWA-RD-91-055, Federal Highway Administration, 1991). The figures are based on 1988 dollars, adjusted for inflation to 2008 dollars. **These are estimates, not actual dollar amounts.** Included are direct costs such as lost wages and medical expenses, and indirect "willingness to pay" estimates of lost quality of life.
3. Population estimates are for July 2008 and are from the U.S. Census Bureau.

**DWI Penalties in New Mexico\***

Offense	Administrative License Revocation
Implied Consent Violation (Driving with BAC over legal limit or refusal to take the BAC test)	Age under 21 and BAC at least .02: 1 year for first offense Age 21 or older and BAC at least .08: 6 months for first offense CDL and BAC at least .04: 6 months for first offense Refusal: 1 year Any subsequent offense: 1 year Ignition interlock license available <sup>1</sup>

Note that this is **not** a criminal offense and the resulting license revocation is an administrative, not a criminal penalty. Municipalities are prohibited from establishing *per se* BAC limits different from state limits (§66-8-102.2). Licenses remain revoked until offenders reinstate them.

Criminal Sanctions (Basic Sentence)				
DWI Offense	Jail <sup>2</sup>	Fines/Fees/Costs <sup>3</sup>	License Revocation	Other
<b>1st</b> Misdemeanor §66-8-102E	<b>Maximum:</b> 90 days <sup>2</sup>  <b>Probation Violation:</b> Mandatory 48 hours if offender fails to comply with any condition of probation §66-8-102E  <b>Aggravated<sup>4</sup>DWI</b> <b>Mandatory:</b> Additional 48 hours jail §66-8-102D, E	<b>Maximum: \$500</b> §66-8-102E <b>License Fee: \$100</b> §66-5-33.1 <b>Crime Lab Fee: \$65</b> §31-12-7A <b>Community Fee: \$75</b> <b>Interlock license fee: \$63</b> §66-5-35B, 66-5-44 <b>Alcohol Screening: \$100-\$200</b> <b>DWI School: \$150</b> <b>Interlock costs: \$960+/yr.</b> <b>Corrections fee: \$10-20</b> §35-6-1D(1)	1 year §66-5-29 A(2), C(1)  Interlock license required <sup>1</sup> §66-8-102N(1)  Tested within 3 hours of driving when the BAC is from alcohol consumed before or while driving <sup>5</sup>	<b>Mandatory:</b> Screening <sup>6</sup> DWI school Interlock installed for 1 year Community service (minimum of 24 hours) §66-8-102E, K  <b>If ordered by Court:</b> Treatment <sup>6</sup> Probation (up to 1 year) §66-8-102E, K
<b>2nd</b> Misdemeanor §66-8-102F	<b>Mandatory:</b> 96 hours  <b>Maximum:</b> 364 days <sup>2</sup>  <b>Mandatory:</b> 7 days if offender fails to comply with sentence §66-8-102F(1)  <b>Aggravated<sup>4</sup>DWI</b> <b>Mandatory:</b> Additional 96 hours jail §66-8-102D, F(1)	<b>Maximum:</b> \$1,000 §66-8-102F  <b>Mandatory:</b> \$500 §66-8-102F(1)  All other costs and fees are the same as first offense.	2 years §66-5-29A(3) & §66-5-29C(2)(a)  Interlock license required <sup>1</sup> §66-8-102N(2)	<b>Mandatory:</b> Treatment, Screening <sup>6</sup> , Community service (minimum of 48 hours), Ignition interlock installed for 2 years §66-8-102F(1), K, L, N(2)  <b>Vehicle forfeiture in civil action in:</b> Albuquerque & Las Cruces and the counties of Doña Ana & Torrance.  <b>If ordered by court:</b> up to 5 years probation §66-8-102F
<b>3rd</b> Misdemeanor §66-8-102F	<b>Mandatory:</b> 30 days  <b>Maximum:</b> 364 days <sup>2</sup>  <b>Mandatory:</b> 60 days if offender fails to comply with sentence. §66-8-102F(2)  <b>Aggravated<sup>4</sup>DWI</b> <b>Mandatory:</b> Additional 60 days jail §66-8-102D, F(2)	<b>Maximum:</b> \$1,000 §66-8-102F  <b>Mandatory:</b> \$750 §66-8-102F(2)  All other costs and fees are the same as first offense.	3 years §66-5-29A(3) & §66-5-29C(2)(b)  Interlock license required <sup>1</sup> 66-8-102N(3)	<b>Mandatory:</b> Treatment, Screening <sup>6</sup> , Community service (minimum of 96 hours), Ignition interlock installed for 3 years §66-8-102F(2), K, L, N(3)  <b>Vehicle forfeiture in civil action in:</b> Albuquerque, Las Cruces, Santa Fe, and the counties of Doña Ana, Santa Fe, & Torrance.  <b>If ordered by court:</b> up to 5 years probation §66-8-102F

\*All section numbers (§...) refer to New Mexico Statutes Annotated, 1978.



<b>Criminal Sanctions (Basic Sentence) - continued</b>				
DWI Offense	Jail <sup>2</sup>	Fines/Fees/Costs <sup>3</sup>	License Revocation	Other
<b>4<sup>th</sup> or 5<sup>th</sup></b> 4 <sup>th</sup> Degree Felony §66-8-102G, H	<b>Mandatory:</b> 6 months (4 <sup>th</sup> ) 1 year (5 <sup>th</sup> ) §66-8-102G, H  <b>Maximum:</b> 18 months (4 <sup>th</sup> ) <sup>2</sup> 2 years (5 <sup>th</sup> ) <sup>2</sup> §66-8-102G, H	<b>Maximum:</b> \$5,000 §31-18-15E(9)  All other costs and fees are the same as first offense.	Revoked for life. Ignition interlock license required 66-5-29A(3) & 66-5-29C(2)(c)  Offender may apply to district court for restoration of license after 5 years.	<b>Mandatory:</b> Treatment, Screening <sup>6</sup> , Ignition interlock for life §66-8-102K, M, N(4)  <b>Vehicle forfeiture in civil action in:</b> Albuquerque, Las Cruces, & Santa Fe, and the counties of Doña Ana, Santa Fe, & Torrance.
<b>6<sup>th</sup> or subsequent</b> 3 <sup>rd</sup> Degree Felony §66-8-102I, J	<b>Mandatory:</b> 18 months(6 <sup>th</sup> ) 2 years (7 <sup>th</sup> +) §66-8-102I, J  <b>Maximum:</b> 30 months (6 <sup>th</sup> ) <sup>2</sup> 3 years (7 <sup>th</sup> +) <sup>2</sup> §66-8-102I, J	<b>Maximum:</b> \$5,000 §31-18-15E(9)  All other costs and fees are the same as first offense.	Revoked for life. Ignition interlock license required 66-5-29A(3) & 66-5-29C(2)(c)  Offender may apply to district court for restoration of license after 5 years.	<b>Mandatory:</b> Treatment, Screening <sup>6</sup> , Ignition interlock for life §66-8-102K, M, N(4)  <b>Vehicle forfeiture in civil action in:</b> Albuquerque, Las Cruces, & Santa Fe, and the counties of Doña Ana, Santa Fe, & Torrance.
<b>Vehicular Homicide</b> 3 <sup>rd</sup> Degree Felony §31-18-15A(7)	<b>Maximum:</b> 6 years §31-18-15A(7)	<b>Maximum:</b> \$5,000 §31-18-15E(7)	Depends on number of prior DWI offenses  No interlock license or limited license allowed §66-5-35A(5) & §66-5-503C	4 years extra jail time added for <b>each</b> prior DWI conviction within the past 10 years. §66-8-101D  Includes tribal convictions §66-8-101E(2)
<b>Driving While Revoked for DWI</b> Misdemeanor §66-5-39A	<b>Mandatory:</b> 7 days §66-5-39A  <b>Maximum:</b> 364 days <sup>2</sup> §66-5-39A	<b>Mandatory:</b> \$300 §66-5-39A  <b>Maximum:</b> \$1,000 §66-5-39A	1 year added to current revocation period §66-5-39C	30 days immobilization of vehicle driven by offender. §66-5-39B  Vehicle forfeiture in civil action as for 3 <sup>rd</sup> conviction

**Notes on DWI Penalties**

- An ignition interlock license** allows drivers to drive without time and place restrictions and is available to every revoked driver except those who have committed vehicular homicide or great bodily injury by vehicle while under the influence of intoxicating liquor or drugs. An interlock is defined as "a device, approved by the Traffic Safety Bureau, that prevents the operation of a motor vehicle by an intoxicated or impaired person" (§66-5-502B). Out-of-state drivers convicted elsewhere of DWI within the last 10 years who apply for a NM license are eligible **only** for an interlock license, according to the same schedule as NM offenders (§66-5-5E). The penalty for tampering with, or driving without an interlock when it's required by license is the same as driving while revoked (§66-5-504, §66-5-39). For an ignition interlock license application go to <http://ipl.unm.edu/traf/pubs/mvd10792.pdf>. **Criminal ignition interlock provisions:** Interlock **must** be installed on all vehicles driven by the offender **and** the offender must obtain an ignition interlock license.
- Mandatory jail time** must be served consecutively. A deferred sentence on a first offense is considered a first offense for the purposes of defining subsequent offenses (§66-8-102E, F, G, H, I).
- Fines and Fees** do not include increased insurance costs, treatment, lost wages, towing and storage, court costs and attorney's fees.
- Aggravated DWI** is a conviction for DWI when the offender: (a) had a BAC (Blood Alcohol Concentration) of .16 or higher within 3 hours of driving when the BAC is from alcohol consumed before or while driving, **or** (b) caused a person bodily injury while DWI, **or** (c) refused a BAC test when arrested.
- Testing time limits:** The results of a chemical test given *more than 3 hours after driving* may be introduced as evidence of the BAC in the driver's blood or breath at the time of the test (not the time of driving), and the judge or jury will determine how much weight to give the evidence (§66-8-110E).
- Screening and Treatment:** The judge shall sentence the offender to alcohol screening approved by the Dept. of Finance and Administration and, if necessary, a court approved treatment program. Treatment is mandatory on any subsequent offense (§66-8-102K, L).

Source: Institute of Public Law, UNM School of Law. Laws are available at IPL's web site (<http://ipl.unm.edu/traf>).

## Alcohol-involved Crashes and DWI Convictions by County, 2008

County	Crashes <sup>1</sup>				People Killed	People Injured	DWI Conv.	Rates <sup>2</sup>		2008 Licensed Drivers
	Alcohol Fatal	% of all Fatal	Alcohol Injury	% of all Injury				Severe <sup>3</sup> Alcohol Crashes	DWI Conv.	
Bernalillo	21	39	301	6	22	430	4,020	0.7	8.8	455,186
Catron	0	0	1	9	0	2	12	0.3	3.6	3,361
Chaves	3	33	47	11	3	78	362	1.1	8.2	43,963
Cibola	5	83	28	19	5	41	262	2.0	16.2	16,206
Colfax	1	33	13	15	1	18	64	1.3	5.9	10,782
Curry	0	0	22	8	0	30	244	0.7	7.9	30,720
De Baca	0	0	0	0	0	0	11	0	6.7	1,637
Doña Ana	6	50	99	7	6	137	1,280	0.8	9.5	134,412
Eddy	6	40	39	11	6	62	260	1.2	6.9	37,859
Grant	4	36	23	13	4	30	156	1.2	6.7	23,289
Guadalupe	0	0	4	6	0	8	33	1.3	10.5	3,135
Harding	0	0	0	0	0	0	6	0	10.0	598
Hidalgo	0	0	2	5	0	2	38	0.6	10.8	3,530
Lea	3	21	46	11	3	62	319	1.2	7.7	41,508
Lincoln	1	100	13	11	1	18	110	0.8	6.4	17,276
Los Alamos	0	0	2	4	0	3	33	0.1	2.1	16,028
Luna	2	20	3	3	2	3	150	0.3	8.0	18,829
McKinley	18	67	52	17	22	100	887	1.8	23.1	38,322
Mora	0	0	3	21	0	4	32	0.8	8.6	3,711
Otero	3	33	24	7	3	40	253	0.7	6.3	40,469
Quay	1	11	3	6	3	5	42	0.5	5.7	7,330
Rio Arriba	7	50	23	14	9	45	403	1.0	13.1	30,866
Roosevelt	3	60	10	11	4	16	88	1.0	7.1	12,402
Sandoval	6	35	65	11	6	108	705	0.8	7.7	91,559
San Juan	13	48	115	13	16	198	1,269	1.6	16.1	78,728
San Miguel	5	56	12	15	5	18	234	0.9	12.4	18,887
Santa Fe	6	43	99	8	6	159	796	0.9	7.1	111,768
Sierra	0	0	3	5	0	3	62	0.3	6.5	9,571
Socorro	2	18	11	12	4	15	126	1.1	10.3	12,286
Taos	3	43	18	11	3	29	153	0.8	6.0	25,562
Torrance	1	17	4	6	1	10	88	0.4	7.8	11,266
Union	1	50	2	7	1	3	16	0.9	5.0	3,202
Valencia	6	67	19	7	7	27	257	0.5	4.9	52,945
Other							722			
<b>Total</b>	<b>127</b>	<b>39</b>	<b>1,106</b>	<b>8</b>	<b>143</b>	<b>1,704</b>	<b>13,493</b>	<b>0.9</b>	<b>9.6</b>	<b>1,407,193</b>

Source: Crash files and Driver History file

1. The crash percentages shown are the percent of all crashes which involved alcohol. For example, 39 percent of all Bernalillo County fatal crashes involved alcohol, and resulted in 22 fatalities.
  2. Rates are per 1,000 licensed drivers.
  3. Severe crashes are those involving death or injury.
- ◆ DWI convictions are those handed down in 2008. The citations that resulted in these convictions could have been issued prior to 2008. See the note on page 18 for a complete explanation. Convictions are counted by county of driver residence, not the county in which the citation was issued. Driver residence county was determined by ZIP code. The 722 convictions received by drivers with missing, invalid, or out-of-state ZIP codes are shown as "Other" and are included in the total.
  - ◆ See map on inside back cover

**Alcohol-involved Crashes and DWI Convictions by City, 2008**

County	Crashes <sup>1</sup>				People Killed	People Injured	DWI Conv.	Rates <sup>2</sup>		2008 Licensed Drivers
	Alcohol Fatal	% of all Fatal	Alcohol Injury	% of all Injury				Severe <sup>3</sup> Alcohol Crashes	DWI Conv.	
Alamogordo	0	0	7	4	0	10	159	0.3	5.8	27,340
Albuquerque	18	39	289	6	19	411	3,952	0.7	9.0	439,045
Artesia	0	0	6	15	0	7	88	0.5	7.5	11,774
Aztec	0	0	2	4	0	2	102	0.2	8.7	11,730
Bayard	0	0	2	40	0	4	18	1.1	10.1	1,777
Belen	1	50	5	8	1	6	62	0.4	4.0	15,579
Bernalillo	2	100	8	8	2	16	80	1.5	11.7	6,858
Bloomfield	0	0	7	16	0	10	122	0.7	11.8	10,376
Bosque Farms	0	0	2	11	0	3	17	0.5	4.3	3,953
Carlsbad	1	50	22	11	1	27	149	0.9	6.1	24,245
Clayton	0	0	1	14	0	1	16	0.5	7.2	2,216
Clovis	0	0	13	6	0	20	227	0.5	8.0	28,305
Corrales	0	0	3	12	0	3	37	0.4	4.6	8,005
Deming	0	0	2	4	0	2	145	0.1	8.4	17,300
Española	3	100	14	8	3	26	172	1.4	14.5	11,885
Eunice	0	0	1	25	0	2	16	0.5	7.4	2,171
Farmington	0	0	40	9	0	54	542	1.1	14.6	37,087
Gallup	4	80	32	17	4	59	311	2.4	20.5	15,154
Grants	1	100	7	13	1	11	86	1.1	12.2	7,057
Hobbs	1	33	30	12	1	37	213	1.1	7.8	27,465
Jal	0	0	0	0	0	0	14	0	8.4	1,667
Las Cruces	2	50	67	6	2	89	831	0.8	9.4	88,317
Las Vegas	3	60	11	16	3	17	175	1.1	13.9	12,623
Lordsburg	0	0	1	17	0	1	33	0.4	13.1	2,517
Los Alamos	0	0	1	2	0	2	33	0.1	2.1	16,028
Los Lunas	0	0	3	3	0	6	161	0.1	5.5	29,212
Lovington	1	50	2	5	1	3	69	0.3	7.7	9,002
Milan	1	100	0	0	1	0	19	0.5	9.9	1,911
Portales	1	100	6	12	1	10	85	0.6	7.4	11,488
Raton	1	100	2	6	1	2	31	0.5	5.1	6,120
Rio Rancho	1	25	28	9	1	36	386	0.5	6.4	60,539
Roswell	1	20	27	9	1	50	322	0.7	8.4	38,368
Ruidoso	0	0	5	11	0	6	49	0.7	6.4	7,656
Santa Fe	3	43	59	7	3	85	714	0.7	7.5	95,023
Silver City	1	33	8	8	1	9	75	0.6	5.1	14,623
Socorro	2	100	5	13	4	8	70	1.0	9.7	7,216
Sunland Park	0	0	8	21	0	11	77	1.2	11.2	6,893
Taos	2	67	11	12	2	19	48	1.4	5.2	9,187
T or C	0	0	2	6	0	2	39	0.4	7.5	5,180
Tucumcari	0	0	3	15	0	5	35	0.6	6.5	5,404
Tularosa	0	0	0	0	0	0	24	0	6.1	3,946

1. The crash percentages shown are the percent of all crashes which involved alcohol. For example, 43 percent of all Santa Fe fatal crashes involved alcohol, and resulted in three fatalities.
2. Rates are per 1,000 licensed drivers.
3. Severe crashes are those resulting in death or injury.
  - ◆ Only cities with estimated populations of 2,500 or more are included here.
  - ◆ DWI convictions are those handed down in 2008. The citations that resulted in these convictions could have been issued prior to 2008. See the note on page 18 for a complete explanation.

## Alcohol-involved Crashes and DWI Arrests by Month, 2008

Month	Crashes		Crashes	Arrests		Arrests
	Total	Percent		Total	Percent	
January	215	8.3		1,702	8.7	
February	226	8.7		1,685	8.6	
March	218	8.4		1,705	8.7	
April	196	7.5		1,504	7.7	
May	222	8.5		1,800	9.2	
June	190	7.3		1,555	7.9	
July	188	7.2		1,493	7.6	
August	182	7.0		1,751	8.9	
September	214	8.2		1,789	9.1	
October	276	10.6		1,499	7.6	
November	261	10.0		1,641	8.4	
December	210	8.1		1,507	7.7	
<b>Total</b>	<b>2,598</b>	<b>100.0</b>	<b>100 200 300</b>	<b>19,631</b>	<b>100.0</b>	<b>1,000 2,000</b>

Source: Crash files and DWI Citation Tracking file

## Alcohol-involved Crashes and DWI Arrests by Day of the Week, 2008

Day	Crashes		Crashes	Arrests		Arrests
	Total	Percent		Total	Percent	
Sunday	317	12.2		1,642	8.4	
Monday	273	10.5		1,564	8.0	
Tuesday	304	11.7		1,826	9.3	
Wednesday	271	10.4		2,245	11.4	
Thursday	362	13.9		3,114	15.9	
Friday	537	20.7		4,798	24.4	
Saturday	534	20.6		4,442	22.6	
<b>Total</b>	<b>2,598</b>	<b>100.0</b>	<b>300 600</b>	<b>19,631</b>	<b>100.0</b>	<b>2,500 5,000</b>

Source: Crash files and DWI Citation Tracking file

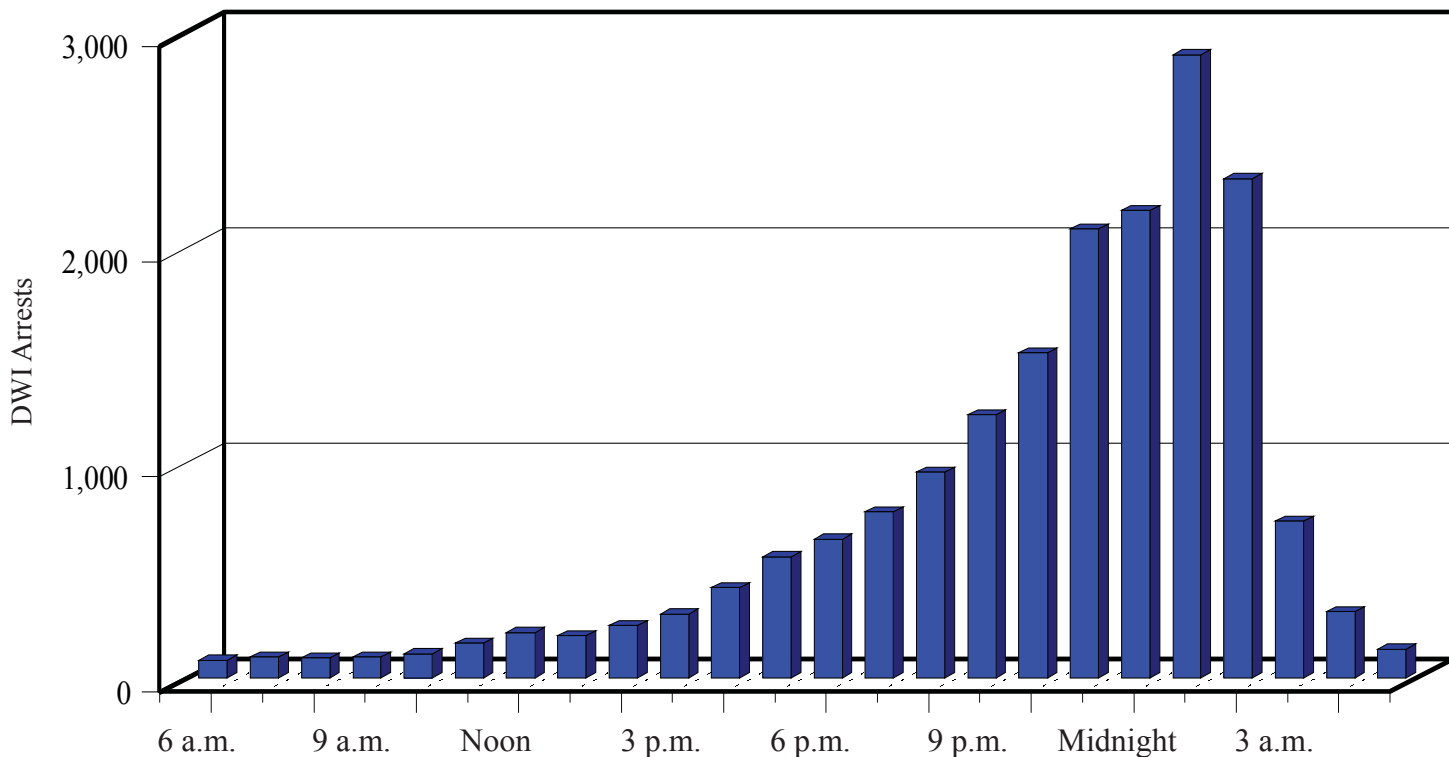
◆ For this table each day was considered to run from 6:00 a.m. to 5:59 a.m. the following morning.

## Alcohol-involved Crashes and DWI Arrests by Agency, 2008

Agency	Crashes		Crashes	Arrests		Arrests
	Total	Percent		Total	Percent	
Albuquerque PD	591	22.7		5,497	28.0	
State Police	356	13.7		3,778	19.2	
County Sheriff	477	18.4		4,133	21.1	
Other City PDs	1,038	39.9		5,624	28.6	
Other	137	5.3		599	3.1	
<b>Total</b>	<b>2,599</b>	<b>100.0</b>	<b>500 1,000</b>	<b>19,631</b>	<b>100.0</b>	<b>2,500 5,000</b>

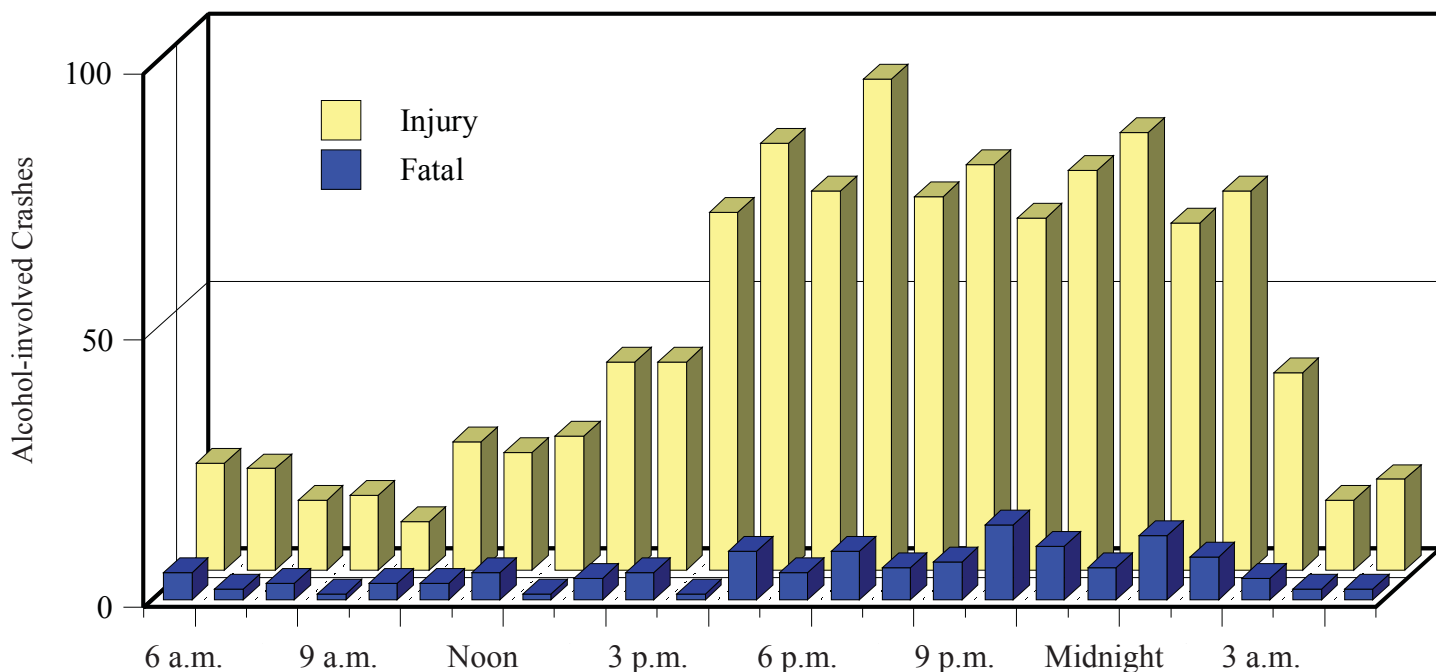
Source: Crash files and DWI Citation Tracking file

### DWI Arrests by Hour of the Day, 2008



Source: DWI Citation Tracking file

### Alcohol-involved Crashes by Hour and Severity, 2008



Source: Crash files

## Contributing Factors in Fatal Alcohol-involved Crashes, 2008

Contributing Factor	Count	Percent	Percent of Involvements	
Excessive speed	176	23.2		
Driver inattention	148	19.5		
Alcohol involved	140	18.4		
Other	76	10.0		
Other improper driving	73	9.6		
Drove left of center	56	7.4		
Failure to yield	34	4.5		
Disregard traffic control	17	2.2		
Mechanical defects	14	1.8		
Improper turn	12	1.6		
Improper overtaking	9	1.2		
Follow too close	4	0.5		
Total	759		10	20

Source: Crash files

- ◆ These are counts of all factors reported to have contributed to fatal crashes. These are *not* the same thing as fatal crash counts. A single crash often involves more than one vehicle, and each vehicle may be affected by more than one factor. The percents shown are the percents of vehicles in fatal crashes which were affected by each of the contributing factors. For these reasons the total here is higher than in other tables presenting fatal crash information.

## Alcohol-involved Crashes in New Mexico by Class, 2008

Class	Crashes					People	
	Total	% of Total	Fatal	% of Fatal	Injury	Killed	Injured
Other Vehicle	949	37	23	18	455	29	841
Fixed Object	897	35	15	12	304	17	375
Overturn	338	13	57	45	206	65	324
Parked Vehicle	233	9	2	2	47	2	58
Pedestrian	87	3	26	20	54	26	60
Other Non-collision	41	2	0	0	16	0	17
Other Object	19	1	2	2	5	2	8
Pedalcyclist	15	1	2	2	10	2	11
Animal	15	1	0	0	7	0	8
Vehicle on Other Road	4	0	0	0	1	0	1
Railroad Train	1	0	0	0	1	0	1
Total	2,599	100	127	100	1,106	143	1,704

Source: Crash files

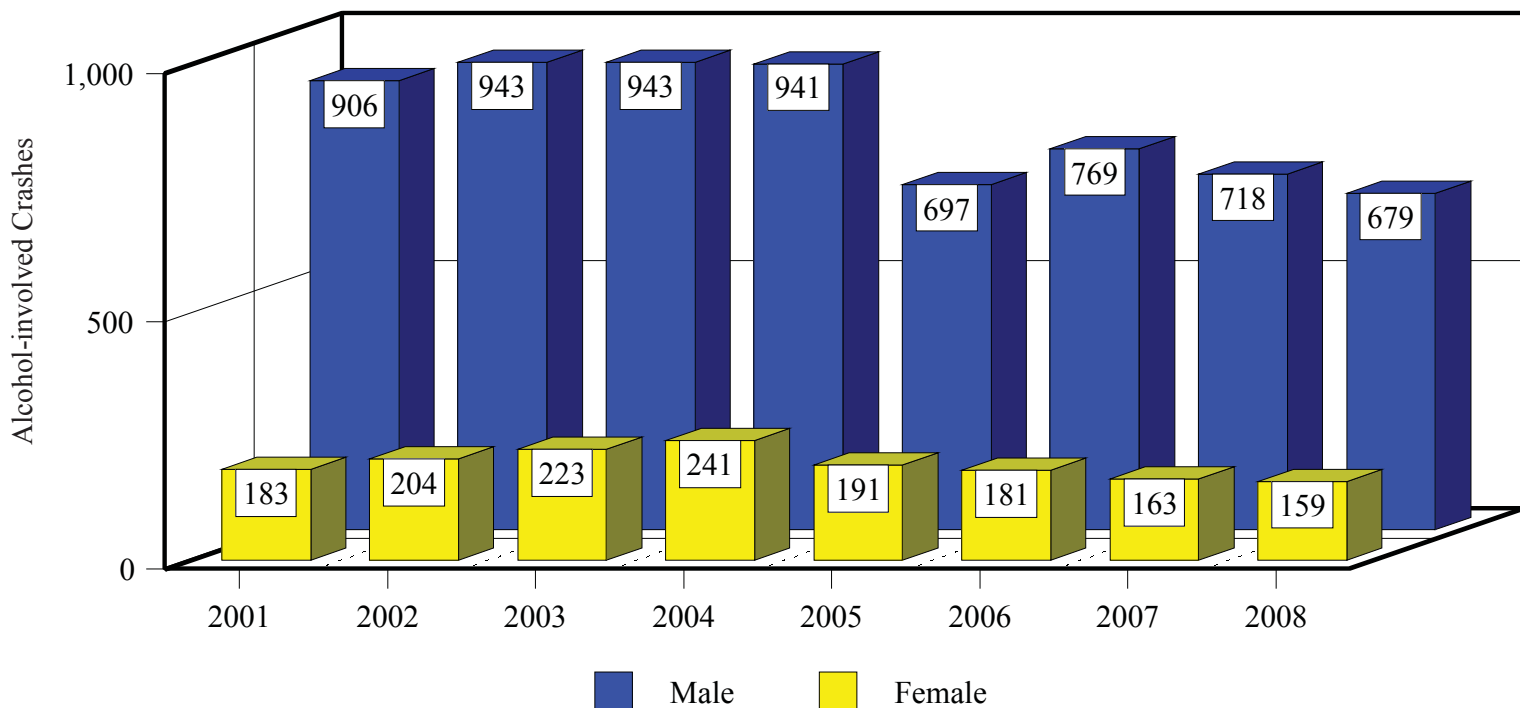
- ◆ Crash class is based on the first harmful event in the crash, such as colliding with something or overturning.

### Vehicles in Alcohol-involved Crashes, 2008

Vehicle Type	Total	Fatalities	Injuries	Total
Passenger Car	2,071	51	869	
Pickup	917	48	382	
Van or 4WD	609	28	265	
Motorcycle	137	18	103	
Pedestrian	91	26	58	
Semi	27	6	7	
Pedalcyclist	15	2	10	
Bus	5	0	2	
Other	78	0	33	
Unknown	144	9	46	
<b>Total</b>	<b>4,094</b>	<b>188</b>	<b>1,775</b>	

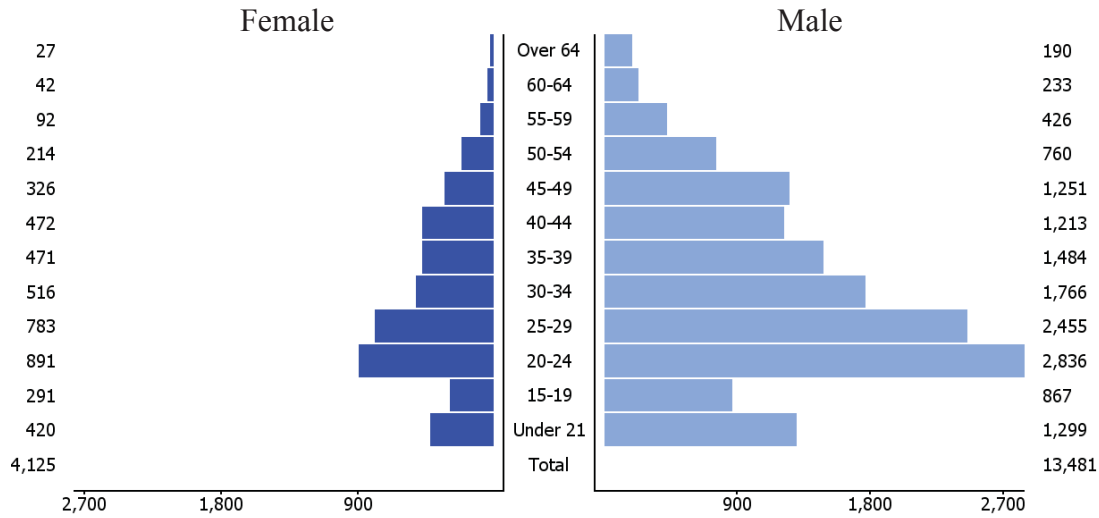
Source: Crash files

### Speed-related Alcohol-involved Crashes by Sex, 2001-2008



Source: Crash files

## DWI Arrests by Age and Sex, 2008



Source: DWI Citation Tracking file

## Alcohol-involved Crashes and DWI Convictions by Driver Age and Sex, 2008

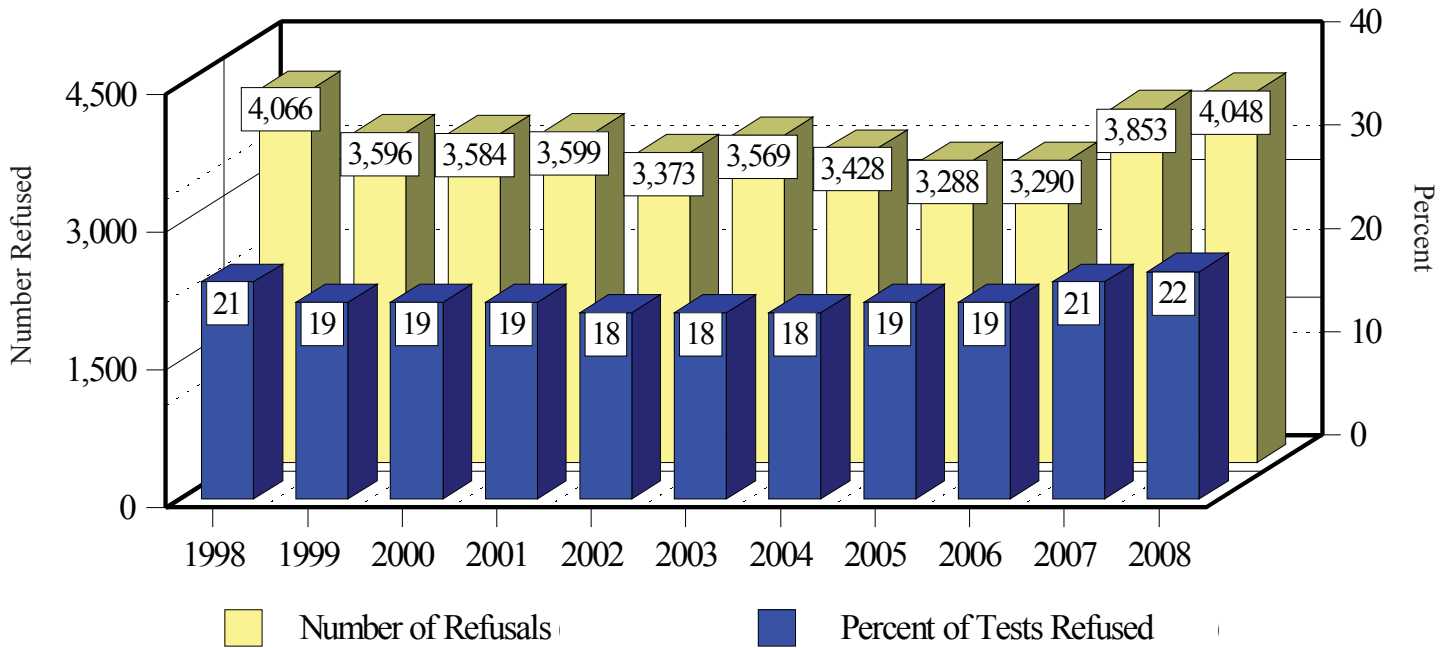
Age	Severe Crash Drivers <sup>1</sup>				DWI Conv.	Rates <sup>2</sup>		Licensed Drivers
	Fatal		Injury			Severe Alcohol Crashes	DWI Conv.	
	Male	Female	Male	Female				
Under 15	1	0	1	0	0	*	0.00	30
15-19	13	3	55	22	625	1.36	9.16	68,229
20-24	20	4	191	42	2,951	2.14	24.53	120,296
25-29	18	3	136	33	2,605	1.46	20.07	129,804
30-34	13	1	84	32	1,837	1.09	15.34	119,724
35-39	12	3	66	26	1,496	0.89	12.40	120,653
40-44	11	2	60	17	1,344	0.74	11.01	122,080
45-49	12	2	69	19	1,245	0.72	8.84	140,812
50-54	5	2	41	12	684	0.43	4.93	138,849
55-59	7	1	25	6	401	0.30	3.12	128,587
60-64	4	0	13	3	195	0.19	1.83	106,732
Over 64	3	1	14	5	142	0.11	0.67	211,397
<b>Total</b>	<b>119</b>	<b>22</b>	<b>755</b>	<b>217</b>	<b>13,525</b>	<b>0.79</b>	<b>9.61</b>	<b>1,407,193</b>
<b>Under 21</b>	<b>15</b>	<b>3</b>	<b>95</b>	<b>31</b>	<b>1,060</b>	<b>1.58</b>	<b>11.63</b>	<b>91,137</b>

Sources: Crash files and Driver History file

1. Severe crashes are those resulting in death or injury.
  2. Rates are per 1,000 licensed drivers.
- \* Due to the low number of licensed drivers under 15 years old, the rates for this age group are not informative.
- ◆ These are drivers or pedestrians in crashes who reportedly had been drinking.
  - ◆ People under the legal drinking age of 21 accounted for 8 percent of the DWI convictions in 2008.
  - ◆ See explanation of conviction counts on page 18.

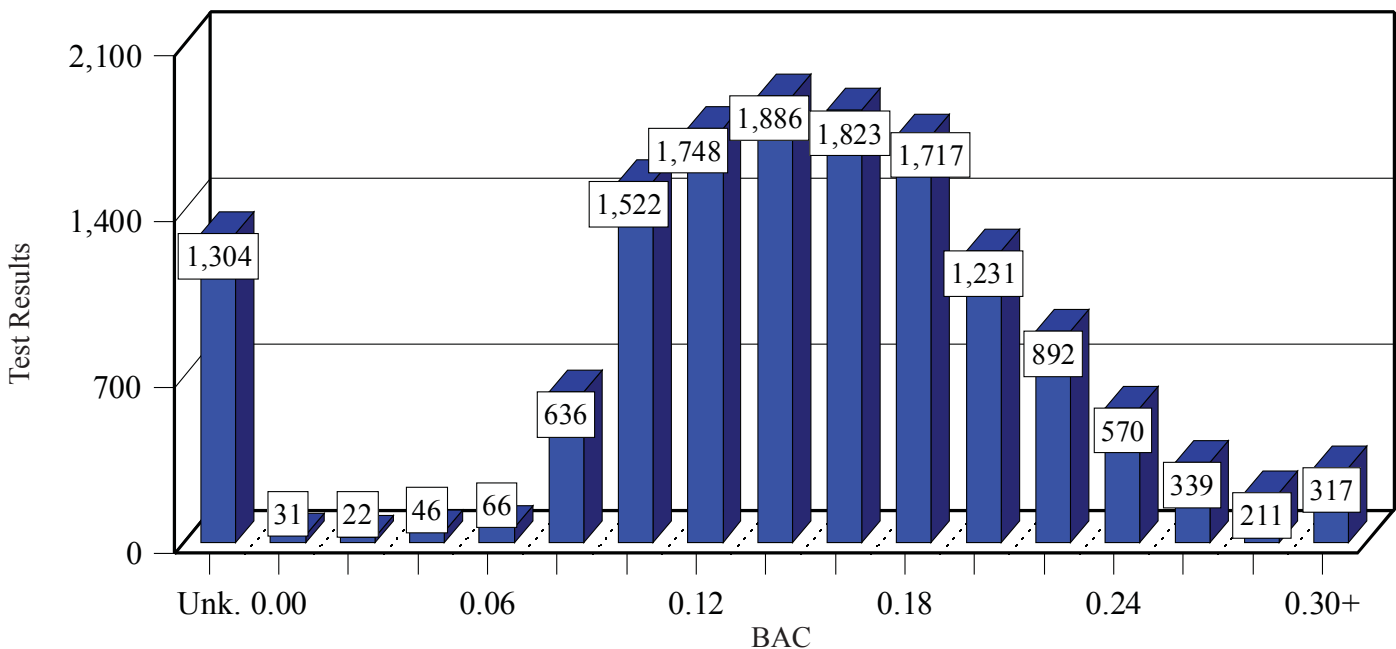


## BAC Test Refusals, 1998-2008



Source: DWI Citation Tracking file

## BAC Test Results, 2008



Source: DWI Citation Tracking file

- ◆ The mean BAC (Blood Alcohol Concentration) result was 0.16, double the legal limit for drivers over 21. This average excludes test results of 0.0 BAC, including cases where the driver refused the test, or the driver's BAC was unknown.
- ◆ Many of the drivers with a 0.0 or unknown BAC result were likely impaired by drugs. More than 7 percent of DWI crashes involved drivers impaired only by drugs other than alcohol.

# RESULTS

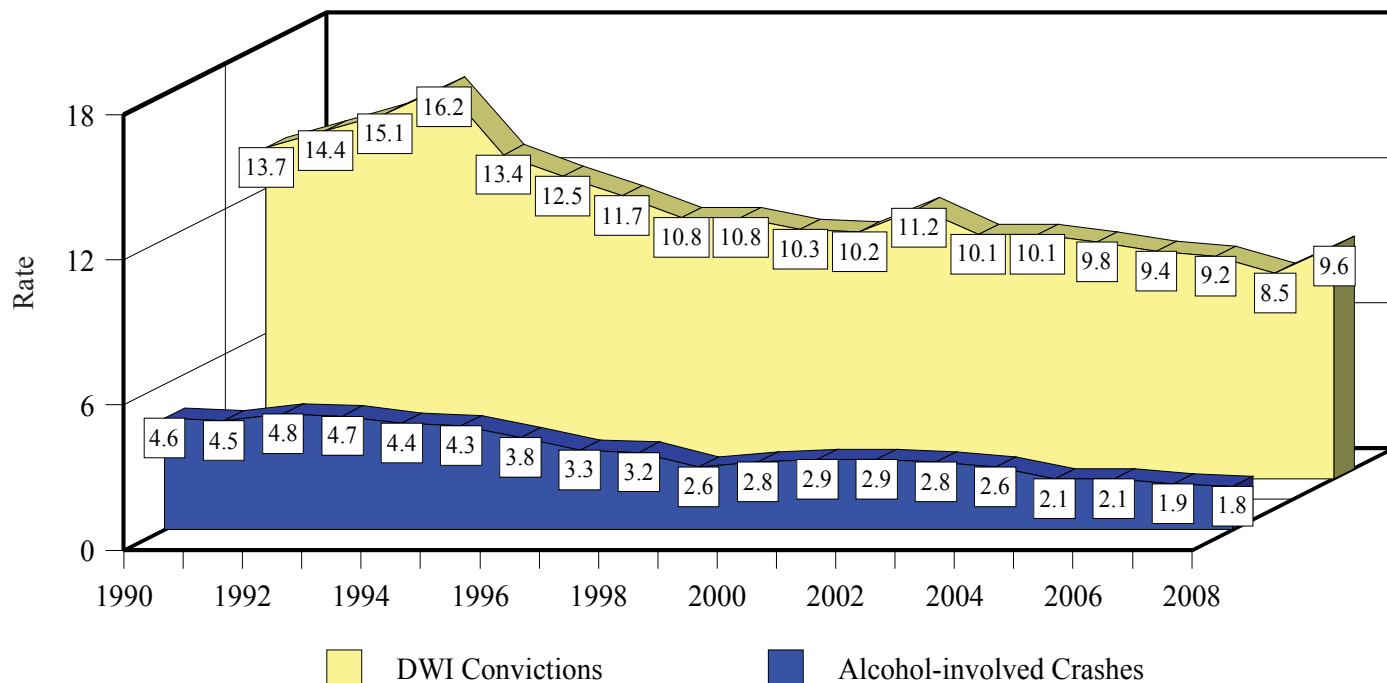
## Mean Number of Days to Court Disposition by County, 2008

County	Total Arrests	Percent Crash Involved <sup>1</sup>	Mean BAC <sup>2</sup>	Citations Resolved <sup>3</sup>		Mean Days <sup>4</sup>	
				DWI Conviction	Dismissal	DWI Conviction	Dismissal
Bernalillo	7,065	10	0.15	3,790	1,686	162	168
Catron	21	0	0.15	13	3	65	116
Chaves	456	23	0.16	342	49	105	130
Cibola	452	12	0.16	216	62	102	116
Colfax	118	18	0.16	80	19	96	98
Curry	310	12	0.16	196	29	122	151
De Baca	8	25	0.12	5	2	221	65
Doña Ana	1,743	13	0.15	1,174	142	89	160
Eddy	362	25	0.16	231	42	80	109
Grant	220	15	0.15	153	32	86	85
Guadalupe	58	18	0.17	46	9	81	122
Harding	9	11	0.14	6	3	71	168
Hidalgo	84	11	0.14	68	7	61	86
Lea	523	18	0.15	359	47	60	129
Lincoln	247	17	0.15	139	42	83	137
Los Alamos	39	23	0.19	24	1	138	81
Luna	228	6	0.15	137	53	77	121
McKinley	1,184	13	0.17	702	295	98	165
Mora	31	32	0.14	21	6	105	194
Otero	387	14	0.15	250	56	118	83
Quay	89	15	0.16	60	16	92	106
Rio Arriba	447	14	0.17	257	103	94	136
Roosevelt	148	14	0.15	99	20	109	176
Sandoval	672	18	0.17	414	114	132	157
San Juan	2,020	12	0.16	1,512	204	126	154
San Miguel	323	18	0.16	224	63	121	135
Santa Fe	1,310	18	0.16	686	208	136	166
Sierra	84	10	0.15	56	15	100	134
Socorro	226	13	0.15	140	43	133	159
Taos	179	31	0.18	105	51	148	110
Torrance	102	16	0.16	72	12	88	139
Union	31	16	0.18	19	9	51	79
Valencia	424	13	0.16	166	153	125	136
Total	19,600	13	0.15	11,762	3,596	125	155

Source: DWI Citation Tracking file

1. This is the percentage of citations that were issued after a traffic crash brought the DWI incident to police attention.
2. Only citations for which a BAC was determined are included; citations for which the offender refused to submit to a BAC test are excluded.
3. These are citations issued in 2008 for which results were available by July 2009. The conviction counts differ from those in other tables because these are based on citations issued in 2008 as opposed to convictions handed down in 2008. The resulting convictions or dismissals could have been decided in 2009.
4. These are the average number of days from the date of the citation to the date of any court disposition as of July 2009. For example, the 3,790 convictions in Bernalillo County were decided on average within 162 days after the citation.

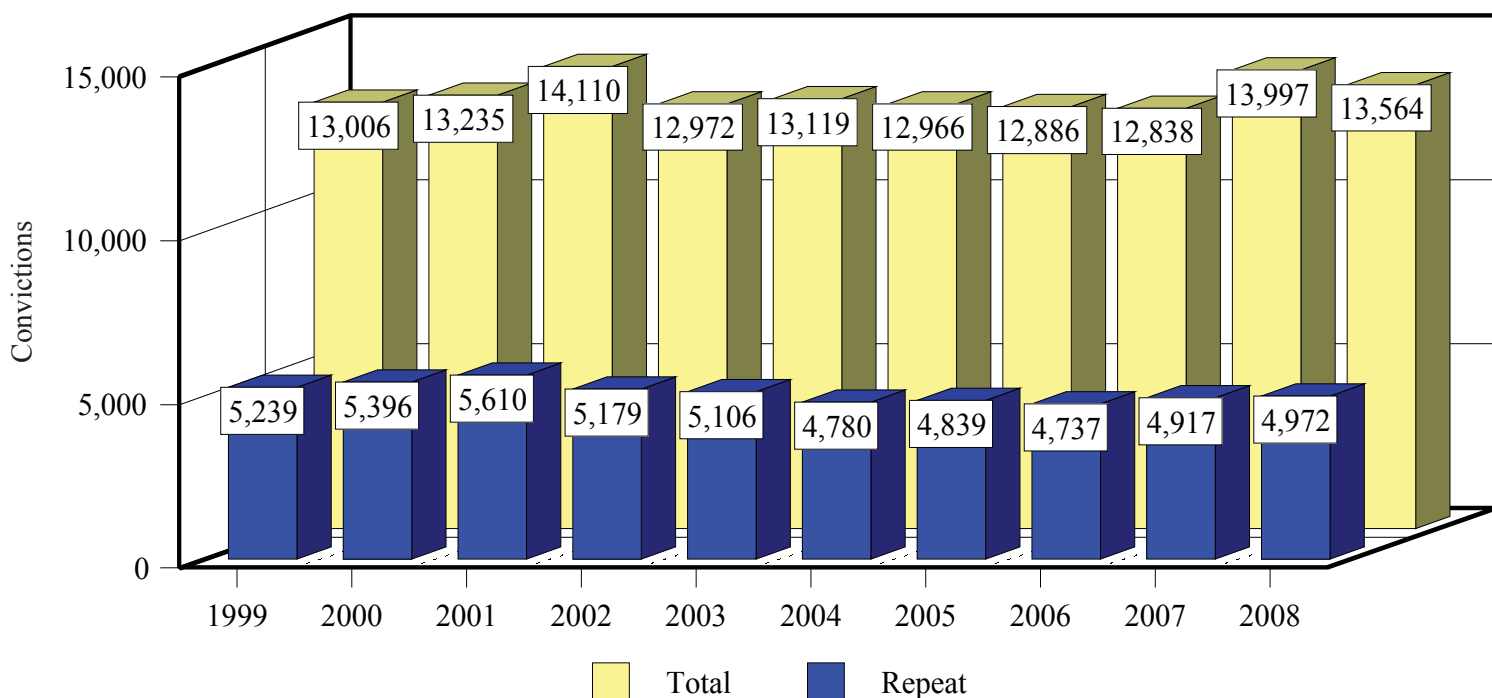
## DWI Conviction Rates and Alcohol-involved Crash Rates, 1990-2008



Sources: Driver History file and Crash files

- ◆ The rates are incidents (convictions or crashes) per 1,000 licensed drivers. See page 18 for a note about convictions. The rate of alcohol-involved crashes has decreased 63 percent from 1992 to 2008.

## Total and Repeat DWI Convictions, 1999-2008



Source: Driver History file

# REPEAT OFFENDERS

## Lifetime DWI Convictions for Drivers Convicted of DWI in 2008

Conviction	Since 1982	Percent	Number of DWI Convictions Since 1982
1st	8,655	66.8	8,655
2nd	2,644	20.4	2,644
3rd	1,040	8.0	1,040
4th	389	3.0	389
5th	155	1.2	155
6th	47	0.4	47
7th	20	0.2	20
8th	7	0.1	7
9th	4	0.0	4
10th or more	1	0.0	1
Total	12,963	100.0	12,963

Source: Driver History file

## DWI Convictions Since 2002 for Drivers Convicted of DWI in 2008

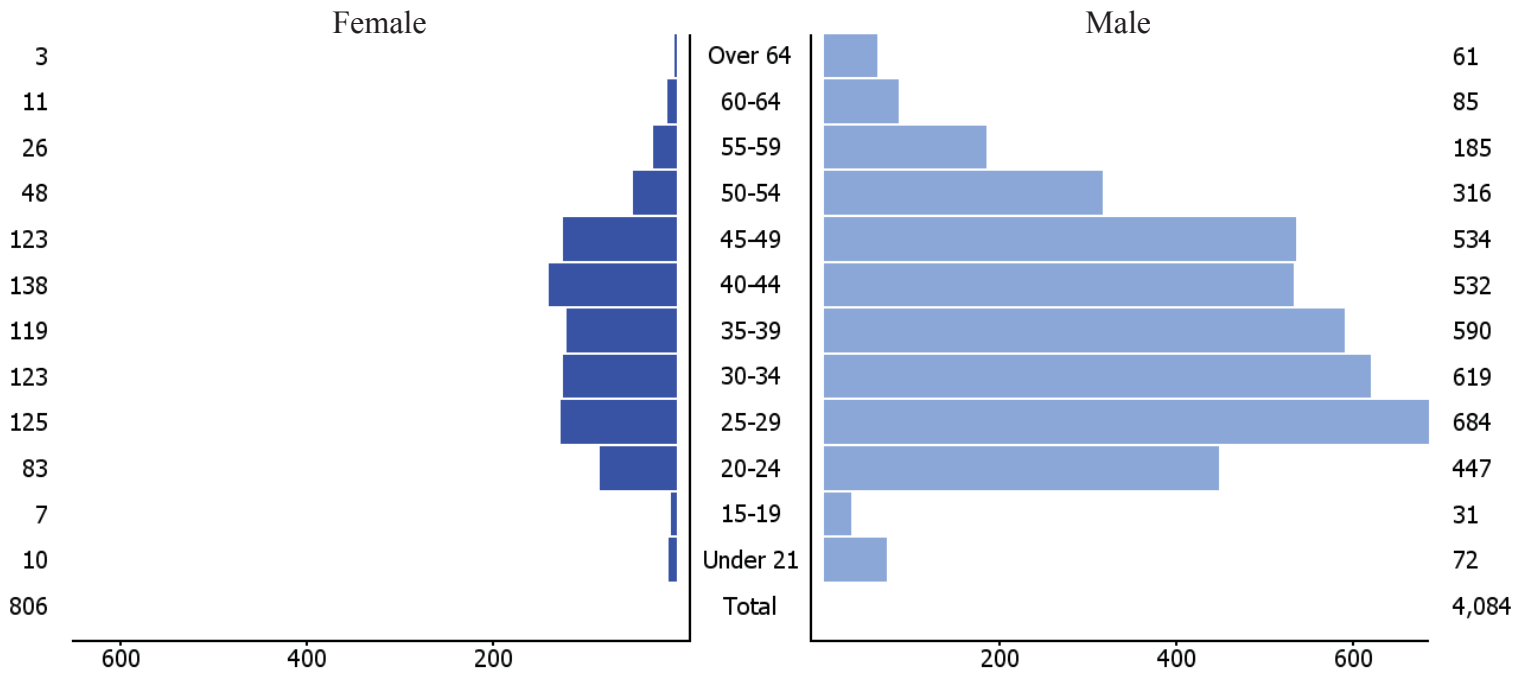
Conviction	Since 2002	Percent	Number of DWI Convictions Since 2002
1st	10,376	80.0	10,376
2nd	2,094	16.2	2,094
3rd	400	3.1	400
4th	78	0.6	78
5th	8	0.1	8
6th	6	0.0	6
10th or more	1	0.0	1
Total	12,963	100.0	12,963

Source: Driver History file

- ◆ There were 12,963 people convicted of DWI in 2008. Of those, 10,376 had not been convicted since 2002, and 8,655 had not been convicted since 1982 (1,721 had been convicted at least once between 1982 and 2002). The number of repeat convictions (4,972, see chart on page 17) is *not* equal to the total minus the number of first convictions, because some people were convicted more than once in 2008. Only their last conviction is included in the table above, while all repeat convictions are included in the chart on the next page.
- ◆ **Conviction note:** Unless otherwise noted, conviction counts in this report are based on convictions handed down in 2008, and are only comparable to counts since the 1994 edition of this report. The citations which resulted in these convictions could have been issued before 2008. Due to the sometimes lengthy period between citation and conviction (see table on page 16), counting convictions resulting from citations issued during a particular year would result in convictions after the publication of this report never being counted. By counting convictions regardless of the citation date, all convictions are included.

# REPEAT OFFENDERS

## DWI Repeat Convictions by Age and Sex, 2008



## Repeat DWI Convictions by NMDOT District\*, 1999 - 2008

Year	District 1	District 2	District 3	District 4	District 5	District 6	State
1999	571	873	1,442	308	1,243	776	5,213
2000	622	868	1,340	290	1,502	745	5,367
2001	702	789	1,711	270	1,484	643	5,599
2002	650	656	1,549	290	1,445	571	5,161
2003	697	660	1,509	253	1,354	626	5,099
2004	671	588	1,091	291	1,356	776	4,773
2005	677	566	1,413	246	1,322	604	4,828
2006	670	500	1,436	231	1,180	648	4,665
2007	618	575	1,503	268	1,217	723	4,904
2008	697	551	1,553	206	1,218	720	4,945

Source: Driver History file

\* These districts are based on counties, with the following definitions:

- District 1:** Doña Ana, Grant, Hidalgo, Luna, Sierra and Socorro
- District 2:** Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Otero and Roosevelt
- District 3:** Bernalillo and Valencia
- District 4:** Colfax, Guadalupe, Harding, Mora, Quay, San Miguel and Union
- District 5:** Los Alamos, Rio Arriba, San Juan, Santa Fe, Taos and Torrance
- District 6:** Catron, Cibola, McKinley and Sandoval

# INDEX & SOURCES

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Age	5, 14, 19	DWI crashes	
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Arrests	10, 11, 14, 16	Fatal or Injury	6, 7, 10, inside back cover
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BAC test refusal	15	Fatalities	2, 4, 8, 9, 12, 14
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Crash related	16	Laws	6, 7
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Convictions	8, 9, 14, 16, 17	Mean days	16
Repeat convictions	17, 18, 19	Month	10
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Day	10	Penalties	6, 7
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District	19	Rates	2, 8, 9, 14, 17
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		Sober people	5
		Under 18	5
		Under 21	6, 14, 19

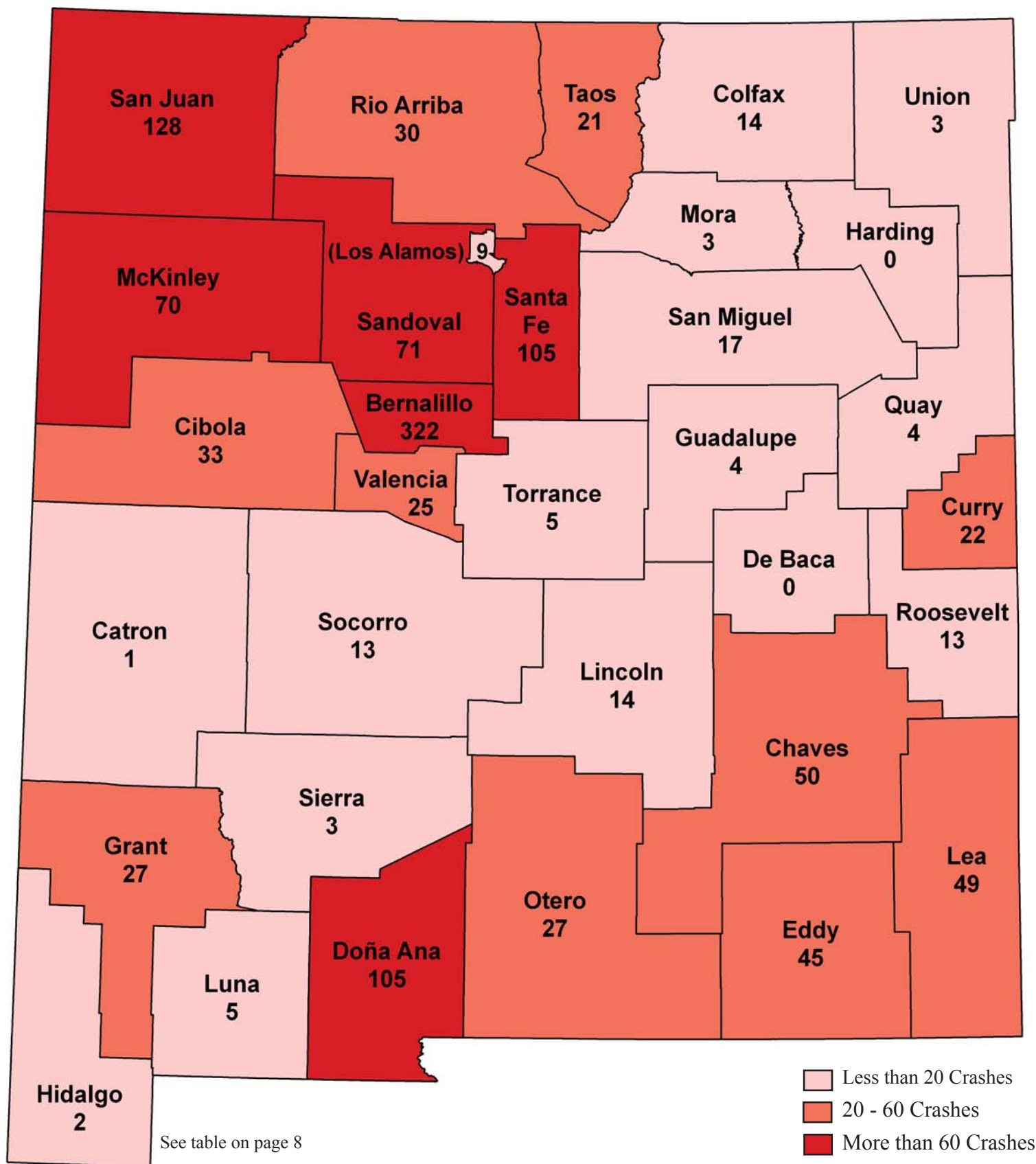
**Source data are noted below each table. The data sources are:**

<b>BAC results</b>	The Blood Alcohol Concentration (BAC) data for the chart on page 15 are from the Motor Vehicle Division's DWI Citation Tracking file (see below).
<b>Crash files</b>	Information from crash reports are submitted by the many law enforcement agencies in the state, compiled and processed by the NMDOT, Transportation Statistics Bureau and then reprocessed by the Division of Government Research, University of New Mexico.
<b>Driver History file</b>	Driver's license and conviction data maintained by the Motor Vehicle Division. Conviction data are current as of July 2009.
<b>DWI Citation Tracking file</b>	Data from all DWI citations submitted to, and maintained by, the Motor Vehicle Division. BAC test results in this file generally include only breath tests. Data are as of July 2009.
<b>Fatality Analysis Reporting System</b>	Database of all fatal crashes on public roads in the United States. This file is maintained by the National Highway Traffic Safety Administration.
<b>Licensed drivers</b>	Counts are as of July 2008 from the Driver History file maintained by the Motor Vehicle Division.
<b>Population</b>	Except where noted, estimates are from the U.S. Census Bureau.

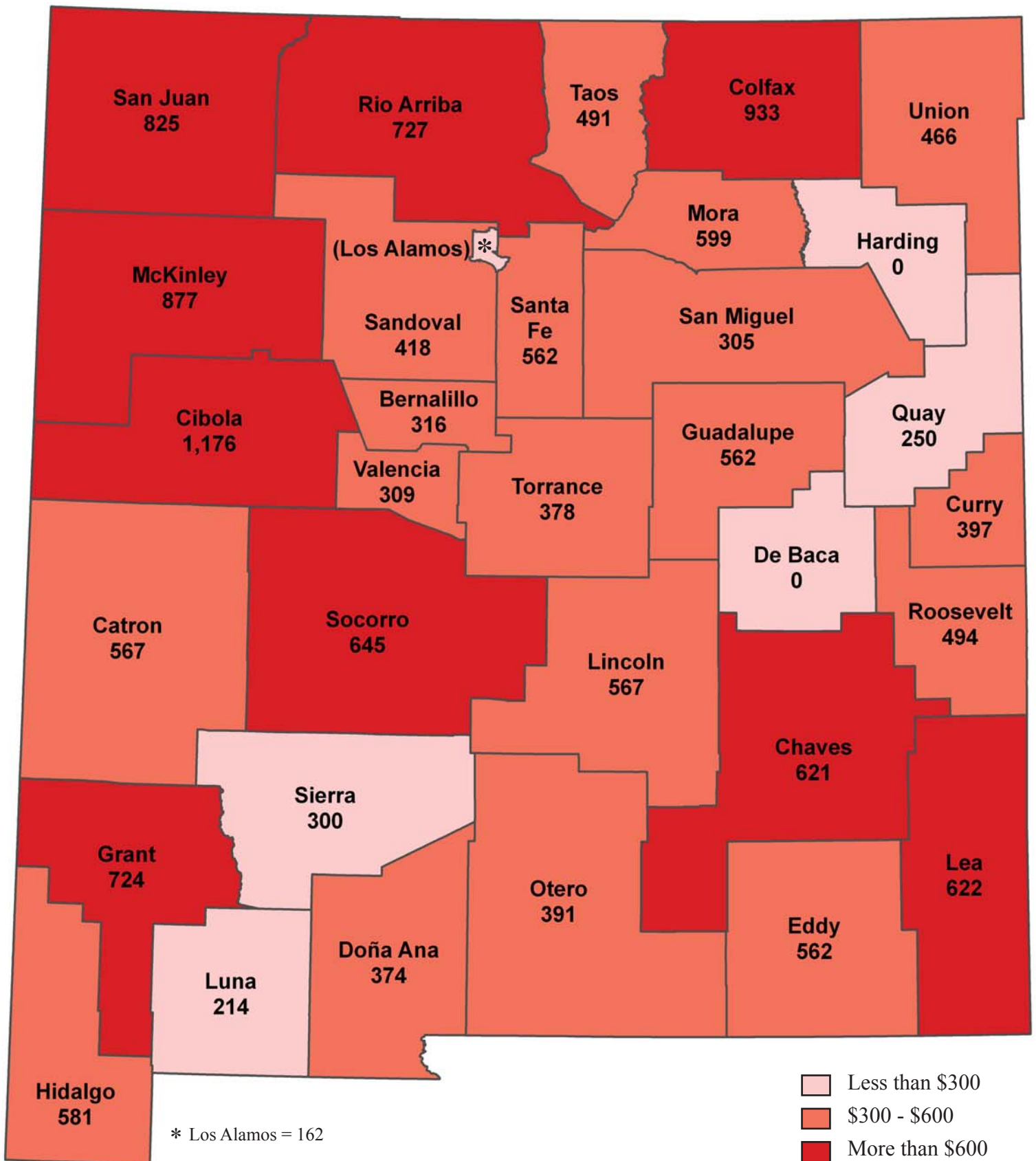
The Division of Government Research provides a wide range of data processing and analysis services. This report presents a portion of the data available concerning DWI in the state of New Mexico. These data are processed by DGR, but owned by the NM Department of Transportation or the Motor Vehicle Division of the Taxation and Revenue Department. Requests for further information should be directed to the Traffic Safety Bureau at the address inside the front cover.

Several people at DGR are responsible for the data and analysis included in this report. Bich-Hanh Nguyen is Acting Manager of DGR. Editor of this report was Keith Smith. It was produced by assistant editors Steven Davis and David Jacobs, with further assistance from Jessica Bloom and Jim Holten IV.

# Number of Fatal or Injury Alcohol-involved Crashes, 2008



# Per Capita Cost Estimates of Alcohol-involved Crashes, 2008



DWI Cost estimates based on FHWA economic loss formulae  
 Population estimates are from July 2008  
 New Mexico's cost estimate is \$466 per capita