

**Department of Finance and Administration Local Government Division**

**Follow-up of the 2003 Audit of the Local DWI Grant Fund Program**

**August 17, 2004**



*Report to*  
*The LEGISLATIVE FINANCE COMMITTEE*

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August 17, 2004

Mr. James Jimenez, Secretary  
Department of Finance and Administration  
Bataan Memorial Building  
Santa Fe, New Mexico 87503

Dear Mr. Jimenez:

On behalf of the Legislative Finance Committee (Committee), we are pleased to transmit our report on the follow-up to the January 20, 2003 Local DWI Grant Fund program audit.

The audit team interviewed key personnel, examined documents and prepared this report which will be presented at a public hearing of the Committee on August 17, 2004. The contents of this report were discussed with Department of Finance and Administration, Local Government Division staff on August 5, 2004. We appreciate the department's cooperation and assistance.

We believe this report addresses the issues the Committee asked us to review and hope the Local Government Division will benefit from our efforts.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Abbey".  
David Abbey  
Director

DA/JSR:lg

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## **EXECUTIVE SUMMARY**

## **Executive Summary**

### ***Objectives of follow up:***

This review was designed to assess the resolution and adequacy of previous findings; assess the timing and implementation of finding recommendations; determine the effect of the \$500 thousand increase in funding for administration and local program oversight and whether it was used prudently; and determine the effectiveness cross-agency coordination between the Local Government Division (LGD) Local DWI Grant Fund program and the departments of Transportation, Taxation and Revenue and Health and the Administrative Office of the Courts in the statewide effort to curtail DWI occurrences and alcohol related problems.

## **RESULTS**

### ***The LDWI program needs to finalize a strategic plan.***

- The LDWI Grant Fund program needs to finalize a long term strategic plan that clearly identifies milestones to measure progress and program success.
- Workshops presented by LGD staff could be enhanced to be more effective in providing local DWI programs the guidance and technical assistance they require to operate effective programs.

### ***Four site visits performed in 2003 and 2004 combined.***

- Four site visit audits were performed by LGD staff on LDWI Grant Fund programs to assess program accountability and success in FY03 and FY04 combined.
- Fiscal deficiencies due mainly to weak internal controls at the local program level continue to affect many DWI programs and the ability of some local programs to accurately report the numbers of persons served by components needs improvement.

### ***Issues concerning the administrative hearing process for driver license revocations persist.***

- The number of license revocations rescinded by the Motor Vehicle Division of the Taxation and Revenue Department due to a challenge by the driver continues its 10 year trend of increasing. The percentage rescinded due to the absence of a law enforcement official reaching 72 percent in 2002.
- The \$500 thousand increase to LDWI administration was used to enhance its oversight and technical assistance capabilities by reorganizing resources and hiring additional staff in a timely manner.
- The Web-based ADE database system pilot project was not implemented on July 1, 2004 in the counties selected to pilot the project.

***Inconsistent reporting among entities involved in DWI curtailment has hampered cross-agency coordination efforts.***

- Inconsistent reporting among the various agencies and entities hampers successful achievement of cross agency strategic outcomes that depend heavily upon effective coordination and communication to efficiently allocate limited resources.
- Screening percentages of convicted DWI offenders remain unchanged from the previous audit for reasons that include the lack of cooperation by certain courts.
- The interlock database maintained by Department of Transportation (NMDOT) Traffic Safety Bureau (TSB) needs to be enhanced to more effectively track offenders, duration of the ignition interlock sentence and other court data.

**Recommendations:**

***Finalize & distribute strategic plan.***

- Finalize and distribute the long term (three to five) year strategic plan to ensure cross-agency coordination of efforts to mitigate DWI occurrences. Use the long-term strategic plan to gauge and assess the expected progress and overall success of the program.

***New and innovative training techniques and mechanisms need to be developed.***

- Develop new and innovative training techniques to ensure the distribution of clear, concise and accurate instruction in a format which coordinators can easily implement into their own programs.
- Stay the course of the LDWI site visit schedule to ensure each program is visited annually to enhance program accountability.
- Review and implement the recommendation made in the 2003 audit report and enhance cross agency coordination efforts with local governments, law enforcement agencies, and other state agencies to encourage improved attendance by local law enforcement officials at license revocation hearings.

***Develop criteria and techniques for estimating numbers of persons served.***

- Collaborate with local programs to develop criteria, scientific techniques and methodologies for estimating the number of persons served that will ensure reliable, and realistic reporting of service data that can be verified with documentation.
- Establish a staffing pattern and workload schedule to allow each project representative the time to provide effective oversight, guidance and technical assistance to the local programs.

***Efforts should be coordinated with the newly appointed DWI Czar.***

- Coordinate with the governor's newly appointed DWI Czar and other agencies and entities to implement Governor Richardson's Multi-Agency DWI Strategic plan.
- Continue working with municipal and magistrate court associations, district courts, the Municipal League and the Administrative Office of the Courts to improve court participation in screening DWI offenders.
- Coordinate with the Traffic Safety Bureau of the Department of Transportation and Administrative Office of the Courts to develop a single repository for interlock sanction data.

**General Conclusion:**

***Many findings have been addressed satisfactorily.***

It appears the LDWI Grant Fund program made significant administrative improvements, addressed many findings satisfactorily and implemented many of the recommendations from the January 2003 audit report. The LDWI Grant Fund program appears to be gaining momentum and fiscal and program accountability appears to be improving. Additionally, LGD should be given credit for effectively using the \$500 thousand funding increase for program administration.

***Some findings remain unresolved and recommendations have not been implemented.***

However; some findings remain unresolved, their resolution was inadequate or recommendations were not implemented timely. A strategic plan that clearly identifies milestones and measures program success needs to be finalized. Training and technical assistance for local DWI programs could be more effective. Few site visits were performed by LGD staff, and some local programs continue to be affected by fiscal and programmatic deficiencies. Additionally, The web-based ADE, Inc. screening and tracking mechanism pilot project was not implemented as scheduled.

***LDWI program on verge of excelling.***

Other non-LGD issues persist such as the reversal of driver license revocations and a single repository for ignition interlock data needs to be developed. The non-participation of courts in the screening and tracking process also needs to be addressed.

Once the DWI Czar and other affected entities address these issues and cross-agency coordination improves the LDWI program will turn a corner and become an effective and accountable program.

***Department Responses***

Located @ exhibits E-I.



## **REVIEW INFORMATION**

## BACKGROUND

Sections 11-6A-1 through 11-6A-5 NMSA 1978 were enacted to address the problem of persons driving while intoxicated (DWI) in New Mexico. The laws provided funding from liquor excise taxes to assist local governments in their efforts to curtail DWI and alcohol abuse within their communities. The laws also established a seven member DWI Grant Council charged with the responsibility of administering allocations from the Local DWI Grant Fund (LDWI) to local governments to establish and maintain local DWI programs. Funds granted by the council were based on recommendations made by the Local Government Division (LGD) of the Department of Finance and Administration (DFA). Regulations, policies and procedures for the LDWI Grant Fund program administration and funding allocation were developed by LGD as required by law.

Per Section 11-6A-3 NMSA 1978, counties and local communities may be funded for new, innovative or model programs designed to prevent or reduce the incidence of DWI, alcohol abuse, and other alcohol related issues such as domestic violence. Program funds can also be used for treatment services, prevention and enforcement activities, and screening and assessment of persons convicted of DWI. The following seven components may be employed in any combination by a local DWI program and are eligible for LDWI funds:

- **Enforcement** – Activities by law enforcement agencies to prevent and deter the incidents of DWI;
- **Prevention** – Community awareness programs directed at youth, the community, and local businesses;
- **Screening and Tracking** – Assessment, reporting and monitoring of convicted DWI offenders;
- **Treatment** – Prescribed programs designed to modify the alcohol behaviors of DWI offenders;
- **Intensive Supervision** – Programs designed to enhance probation efforts that will assist courts with monitoring sanctioned DWI offenders;
- **Alternative Sentencing** – Programs designed to be alternatives to the traditional sanctions levied on DWI offenders such as Teen Court programs and intervention services; and
- **Coordination, Planning and Evaluation** – Coordinating, reporting and evaluating all local program activities, numbers of persons served and the success of the program by the program coordinator.

Pursuant to House Joint Memorial 93 (HJM 93), passed during the 2002 legislative session, the Legislative Finance Committee performance auditors conducted an audit of the Local DWI Grant Fund program. On January 20, 2003 the results of that audit were presented to the Legislative Finance Committee. The primary objectives of that particular audit were to:

1. Assess the fiscal accountability of the program;
2. Determine the number of persons served by the program;
3. Determine the success of the program in mitigating DWI and alcohol abuse; and
4. Assess the existence and effectiveness of follow-up and after-care programs for offenders.

Results of that audit include the following major findings and observations:

1. A strategic plan that clearly describes the implementation and expected progress of the LDWI Grant Fund program has not been implemented;
2. A formula driven methodology that can support and document allocations does not exist. The grant review process is subjective and funding recommendations do not correspond with application review scores;
3. The quality and quantity of data that is collected by the local programs is not sufficient to enable adequate assessment of the LDWI Grant Fund program;

At that time LFC performance auditors concluded that the number of persons served by the program and the success of the program in mitigating DWI and limiting alcohol abuse in New Mexico could not be determined because of the inadequacy and insufficiency of data and information at the local program level to enable such determination. It was noted that few of the local programs provide alcohol abuse treatment for DWI offenders and even fewer provide after-care for those who complete treatment.

At the Local Government Division of the Department of Finance and Administration, insufficient staffing and insufficient administrative resources resulted in ineffective oversight and monitoring of local DWI Grant Fund programs. Many local DWI Grant Fund programs were plagued with administrative and fiscal accountability problems.

The decrease in alcohol related crashes, including those with injuries and fatalities since inception of the programs is a good indicator of improvement. The fact that over \$70 million has been expended by the program since 1993, suggests the local DWI Grant Fund program contributed to curtailing DWI problems. The extent of the contribution; however, could not be determined with any degree of certainty due to inadequate program documentation by LGD and the local programs involved.

## **OBJECTIVE AND SCOPE OF THIS FOLLOW-UP**

1. Assess adequacy of finding resolutions and the implementation of recommendations;
2. Assess impact of \$500 thousand increase to program administration for enhanced local program oversight and guidance; and
3. Determine the effectiveness of cross-agency coordination between LDWI Grant Fund program and the departments of Health, Public Safety, Taxation and Revenue, and Transportation, and the Administrative Office of the Courts in the statewide effort to assess, curtail and deal with DWI and alcohol related problems.

## **PROCEDURES**

Audit procedures include:

- Review the audit of the Local DWI Grant Fund program and associated work papers;
- Interview key DFA and local program staff;
- Obtain and examine documentation that supports finding resolutions and recommendation implementation;
- Review corrective actions implemented by LGD and the local programs as a result of audit findings noted in the January 23, 2003 report to determine adequacy, timeliness and effectiveness of those actions;
- Perform additional site visits of Local DWI Grant Fund programs to assess the fiscal and programmatic accountability, implementation of recommendations and to determine whether local programs have corrected deficiencies, enhanced their accountability and implemented recommendations noted in the previous audit;
- Review current LGD organization, staffing patterns and timeliness of hiring additional staff necessary for effective oversight and guidance of local programs;
- Review license revocation reports generated by the Division of Governmental Research for the Motor Vehicle Division of the Taxation and Revenue Department;
- Review screening and tracking reports generated by the Department of Health;
- Review information from the Department of Transportation's Traffic Safety Bureau regarding ignition interlock laws and data;
- Review documentation describing cross agency coordination efforts to combat DWI in New Mexico; and

- Review documentation regarding the implementation and capabilities of the new ADE, Inc. web-based tracking system to be installed and used by every local DWI Grant Fund program by the end of fiscal year 2005.

## **EXIT CONFERENCE**

The contents of this report were discussed with DFA staff and Legislative Finance Committee staff on Thursday August 5, 2004. Representing DFA were Deputy Secretary Danette Burch, Local Government Division Director David Ruiz, LDWI Program Supervisor Joyce Johnson, and Program Specialists Ruby Rael. Representing the LFC were Director David Abbey, Deputy Director for Performance Audit Manu Patel, performance auditor J. Scott Roybal and fiscal analyst Olivia Padilla-Jackson.

## **REPORT DISTRIBUTION**

This report is intended for the information of the Offices of the Governor, Departments of Health, and Finance and Administration, the Office of the State Auditor, the Legislative Finance Committee and the Revenue Stabilization and Tax Policy Committee.

A handwritten signature in black ink that reads "Manu Patel". The signature is written in a cursive, flowing style.

Manu Patel  
Deputy Director for Performance Audit

**FINDINGS, RECOMMENDATIONS AND  
DEPARTMENT RESPONSES**

## **RESOLUTION OF REPORT FINDINGS AND IMPLEMENTATION OF RECOMMENDATIONS**

**Four findings reported in the January 2003 LFC audit remain unresolved, are only partially resolved, or LFC Audit recommendations were implemented inadequately.**

The following four areas need additional attention, clarification and implementation by the local government division (LGD) to resolve prior audit findings.

**LGD needs to finalize and distribute a long term strategic plan to clearly set milestones and timelines to measure program progress and success.**

It was reported in January 2003 that the Department had not established a strategic plan for the implementation, monitoring and expected progress of the Local DWI Grant Fund program. It was recommended that LGD establish a three to five year strategic plan flexible enough to allow adjustment of activities, which will address the responsibility of all involved parties, and that is complete with a time-line that clearly identifies milestones.

In response to a request for an update of progress made on reported findings, LDWI staff stated they participated in Governor Richardson's Multi-Agency DWI Strategic Planning Committee to develop a plan for a long term state-wide approach towards mitigating DWI issues. The Planning Committee presented a plan to Governor Richardson on December 15, 2003. Based on that plan, LGD stated they would meet in July 2004 to develop a five year strategic plan specific to the LDWI Grant Fund program and capable of addressing LFC concerns. LGD staff presented a draft of the LDWI Program 5-Year Strategic Plan Goals and Objectives at the August 5, 2004 exit conference.

A strategic plan is necessary to establish LDWI goals and objectives; identify key players and their responsibilities; identify mechanisms to achieve goals so the agency can assess the progress, success, and ultimately the impact LDWI has in curtailing DWI in New Mexico. Each local DWI Grant Fund program is required to submit a three to five year long range plan in their annual grant application to be reviewed and approved by the Department of Health (DOH) before they may be considered eligible for grant funds.

### **Recommendation:**

- Solicit input from the local DWI programs and other agencies and entities involved to ensure all strategic goals and objectives to curtail DWI occurrences are aligned; and
- Finalize and distribute the long-term strategic plan to assess the expected progress and overall success of the program.

**Training and technical assistance to local DWI programs could be more effective in providing local program coordinators and staff the direction and instruction they require.**

The January report stated efforts to build capacity at the local level had been inadequate. It was recommended that the LDWI program strengthen and standardize the administrative handbook, develop orientation training for new LDWI project representatives, and develop an orientation training curriculum for new local program coordinators.

In response, LGD established comprehensive curricula for ongoing training that includes individual orientation; workshops for implementation and grant application completion; and screening and tracking. In addition to the training provided by LDWI staff, training and workshops are provided in other program areas by LGD budget staff, the Department of Health, Mothers Against Drunk Drivers and other local and national organizations.

The type, frequency and number of trainings and workshops offered by LDWI staff and other agencies and organizations appear to be adequate. However, based on information obtained, the nature of deficiencies noted by both LFC and LGD audit staff, and LFC auditor observation, training and technical assistance is still in need of improvement to some extent. Documents regarding inconsistent reporting, ineligible costs, contract over-runs, untimely processing of fiscal transactions and other program issues obtained during site visits could be an indication that current methods and mechanisms used in training are in need of enhancement.

Conversations with program coordinators at the grant council meeting and during site visits indicated that training workshops provided by LDWI staff could be improved. Coordinators stated that LDWI instruction and responses to questions are often unclear and confusing. Others stated workshops in the past did not make an efficient use of time and some program coordinators stated that they had difficulty implementing directives from LDWI training into their own programs.

Discussions with new and interim coordinators indicated the absence of the “individual orientation” from LGD staff. They also indicated additional need of hands-on training in the aspect of program administration, reporting requirements and fiscal accountability.

Frequent turnover of coordinators increases training need. Since the previous audit, two programs have had three new coordinators. Overall, seven of the 33 (21 percent) local programs have had at least one new coordinator since the last report.

The LDWI administrative handbook had not yet been finalized at the time of the exit conference. The LGD Director agreed and instructed his staff to finalize it. In addition to program policies, the administrative handbook provides meaningful guidance and illustrates standardized program practices and procedures. It also provides definitions of program components and treatment standards. The handbook is essential to gain an all around understanding of program operations especially for new program coordinators.



**Recommendations:**

- Administer new coordinator training and orientation to better educate, technically assist and encourage new local program coordinators;
- Develop new and innovative training techniques and mechanisms to ensure the distribution of clear, concise and accurate instruction to implement standardized program practices and procedures by the local program coordinator; and
- Finalize and post the administrative handbook on the LDWI web-site to provide local programs with guidance, directives, and definitions of program procedures, operations and standards.

**Four site visit audits were performed by LGD staff on LDWI Grant Fund programs to assess program accountability and success in fiscal years 2003 and 2004 combined.**

The January 2003 audit reported LGD's lack of performing in depth site visits of local programs. It was recommended that LDWI establish a site visit schedule that ensures each program will receive at least one site visit per year; create site visit protocol; and develop a standardized audit program.

Credit should be given to LGD for accomplishing many tasks recommended in this area. However, information obtained from the agency indicated in-depth site visits were performed at four local programs to assess the management and fiscal accountability of the program, its ability to support information and data reported to DFA and its ability to measure program success during fiscal years 2003 and 2004 combined. Two more site visits have been completed in fiscal year 2005. None of the seven counties had in-depth site visits from LDWI prior to visits by LFC staff as indicated by the bullets below:

- Lea and Chaves have not had a site visit since November-December 2001;
- Taos cannot recall their last formal site visit; however, recently had LGD staff visit to resolve \$17,000 in fund reversions and questionable costs;
- Quay county does not believe they have had a formal site visit since the late 1990's;
- San Miguel did not have a site visit performed by LDWI staff until this July; and
- Neither Grant nor Sierra counties have had site visits.

The performance of site visits may mitigate many deficiencies noted in LFC site visits, provide individualized technical assistance and enhance working relationships between LDWI staff and the local DWI programs.

Exhibit A illustrates the audit schedule proposed by LGD. Proposed site visits are prioritized according to criteria established by LGD staff.

### **Recommendations:**

- Adhere to the LDWI site visit schedule to ensure that each program is audited yearly to:
  - enhance local program fiscal and operational accountability;
  - assess the progress and success of each local program; and
  - restore program confidence and a positive working relationship between LGD and the local programs.

### **Driver license revocations rescinded by the Motor Vehicle Division of the Taxation & Revenue Department continues its 10 year trend of increasing due to poor attendance of law enforcement officials at revocation hearings.**

The previous LFC audit reported that LGD and most local grant fund programs are not sufficiently involved in the license revocation hearing process. It was recommended that they do become more involved and work with local law enforcement agencies to improve law enforcement officer attendance at license revocation hearings.

Although the Taxation and Revenue Department (TRD) is administratively responsible for the administrative hearing process, the lack of involvement by LGD and the local programs persists. Information received from LDWI staff indicated that a request was made to the Traffic Safety Bureau (TSB) of the New Mexico Department of Transportation (DOT) to make available to the local DWI Grant Fund programs the annual report on license revocation hearings. There is no indication that LGD followed up on this request to ensure the reports were distributed. None of the counties visited by LFC auditors indicated they received or were aware of such reports from TSB.

In general, the Implied Consent Act (Sections 66-8-107 through 66-8-112 NMSA 1978) states persons arrested for DWI that have their driver license revoked, have ten days to request an administrative hearing to review the revocation. The hearing is entirely separate from the DWI prosecution process and is administered by the Motor Vehicle Division (MVD) of TRD. The LDWI program has no direct involvement in this process.

Based on updated information obtained from the Division of Governmental Research, the percentage of persons arrested for DWI who request an administrative hearing to challenge their driver license revocation has increased from 18 percent 1993 to 28 percent in 2002. The percentage of persons whose license revocation was rescinded has increased from 32 percent to 44 percent during this same time period peaking at 48 percent in calendar year 2000. Refer to the following schedule:

Calendar Year	Number Arrested	Hearings Requested	Percent Requested	Revocations Rescinded	Percent Rescinded
1993	24,442	4,798	18%	1,559	32%
1994	23,931	4,274	18%	1,789	42%
1995	22,096	3,988	18%	1,655	42%
1996	20,670	4,173	20%	1,829	44%
1997	19,636	4,204	22%	1,710	40%
1998	19,942	4,613	24%	1,824	40%
1999	19,232	4,655	24%	2,044	44%
2000	19,465	4,808	24%	2,341	48%
2001	19,621	5,022	26%	2,222	44%
2002	19,622	5,309	28%	2,362	44%

Source: Division of Governmental Research

The number of hearings requested and revocations rescinded continues to rise. One main reason is arresting officers fail to show up for administrative hearings and more and more DWI offenders become aware of this fact. The most recent data available (through calendar year end 2002), indicated 1,702 of the 2,362 (72 percent) driver license revocations rescinded occurred because necessary law enforcement officials failed or were unable to attend the administrative hearing at the scheduled date and time. Reference exhibit B for a listing of the top 25 reasons driver license revocations that were rescinded in calendar year 2002.

### **Recommendations:**

- Review and implement the recommendation made in the January 2003 audit report and increase cross-agency coordination efforts through the recently appointed DWI Czar and with local governments, law enforcement agencies, and other state agencies and entities to improve attendance of law enforcement officials at license revocation hearings.

### **Results of Local Program Site Visits by LFC Audit Staff**

**Fiscal deficiencies due to weak internal controls at the local program level continue to affect many local DWI programs.**

The following deficiencies were noted during the performance of sight visits of local DWI Grant Fund programs by LFC auditors:

- Contracts in the amount of \$11,620 and \$11,055 were exceeded by \$1,435.00 and \$137.25 respectively without amending payment terms in the contract thus violating the procurement code;
- Non-compliance with Section 6-10-3 NMSA 1978 which requires any agency receiving public money to deposit money with the treasurer before the close of the next succeeding business

day, was noted at all but one of the seven programs visited. Untimeliness ranged from one to 14 days;

- Reconciliations between fees received by intake staff and turned over to another person to deposit with the county treasurer are not performed at some programs. At other programs daily fee receipts ledgers do not reconcile with deposit slip receipts received from the county treasurer's office;
- Cash is still received at some DWI programs for intake, intensive supervision and UA (urine analysis) fees. Receipt of cash invites theft and other improprieties as was evident in embezzlement allegations in Lea and San Juan counties;
- Quarterly revenue summary forms do not reconcile from one quarter to next and often go undetected by both LGD and local program staff for several fiscal quarters; and
- Revenues generated from convicted DWI offenders attending DWI school and deposited with the county treasurer do not reconcile with offenders listed on rosters as having attended the class.

#### **Recommendations:**

- LGD effectively train and educate local coordinators to track contracts accurately and regularly to avoid contract over-runs and possible procurement code violations. Training should include contract term development and amendment;
- LGD establish and train local coordinators on guidelines and laws regarding the collection, reconciliation, and depositing of the various fee receipts associated with the program. Additionally DWI offender payments should be only in the form of checks, money orders or credit/debit cards; and
- LGD effectively and diligently review quarterly reports for fiscal and technical merit to ensure their accuracy and integrity.

#### **The ability of some local DWI programs to accurately report numbers of persons served by program components needs improvement.**

Several programs are still unable to accurately report the numbers of persons served by individual program components. The performance of audit procedures during local program site visits revealed that some programs are unable to support numbers of persons served by the program in a funded component. In some cases coordinators would post data provided by contractors without data verification or examination of source documents.

Tests also revealed cases where persons receiving service in previous quarters were incorrectly included in subsequent quarterly reports. In other cases, the numbers of persons served were simply estimated. For example: a DWI program kiosk or table would be set up at a local county fair or school

function. The coordinator would then *guess-timate* the number of persons they believed attended the function, acknowledged the kiosk and benefited from it somehow. The coordinator would then include the estimated figure in the quarterly report. Discrepancies appeared to occur most often within the prevention component due to it being a somewhat indirect service and geared towards larger audiences rather than an individual or single activity.

The establishment of comprehensive criteria and techniques for capturing data relative to the numbers of persons served in each individual component by local programs is essential. Without reliable information the effectiveness of the component and more importantly the success of the program in curtailing DWI and alcohol related problems cannot be determined with any degree of certainty. Additionally, reliable data is essential to justify to lawmakers and office of the Governor continuance of the program.

### **Recommendations:**

- The LGD and local programs collaborate to develop criteria, scientific techniques and methodologies for estimating the numbers of persons served by a component that will ensure more reliable, and realistic reporting of component service data that can be verified with documentation; and
- The local programs exercise due diligence in reviewing, compiling and obtaining source documents for component data which will be included in quarterly reports and reviewed by persons charged with program oversight.

### **OTHER TOPICS**

**The \$500,000 increase to LDWI administration was used to enhance its oversight and technical assistance capabilities by reorganizing resources and hiring additional staff in a timely manner.**

The previous audit reported that insufficient administrative funding had greatly limited LGD's ability to effectively manage the LDWI Grant Fund program. Many deficiencies noted in the first report were due to staff being overwhelmed by the work load and being unable to manage the fund and effectively monitor the local programs. The report recommended the LGD's administrative funding be increased up to five percent of the total annual DWI Grant Fund allocations and that LGD establish staffing patterns that would allow project representatives to focus their energies on local program oversight and technical assistance. As a result of the audit recommendation House Bill 190 (HB 190) was signed into law during the 2003 legislative session which amended Section 11-6A-3C NMSA 1978 to read:

"The local DWI grant fund is created in the state treasury and shall be administered by the division... No more than \$600,000 of liquor excise tax revenues distributed to the fund in any fiscal year shall be expended for administration of the program."

The amendment reflected the increase of \$500,000 in funding to the Local Government Division for administrative support and to enhance LDWI Grant Fund program oversight and associated initiatives. With total funding now at \$600,000 LGD created an LDWI Program Supervisor position (\$63,000)

and two technical specialist positions for prevention and evaluation (\$102,000). The positions were filled by a reorganization of former full time equivalents.

Additionally, LGD hired three new “project representatives” for the purpose of providing more effective oversight and more technical assistance to local DWI programs (\$168,000). Each project representative has been assigned to monitor nine local programs. Each also has other tasks assigned to them such as finalizing the administrative handbook and the development and maintenance of the Local DWI Grant Fund program web site. The web site developed by LGD staff is quite comprehensive and a great source of DWI information from various agencies and organizations locally and nationally. The web address is [www.nmdwi.org](http://www.nmdwi.org).

An auditor position was also created and filled on March 1, 2004 for the purpose of examining local program fiscal and programmatic accountability (\$47,000). The auditor position is also responsible for establishing site visit protocols and procedures and mechanisms for proper data collection and maintenance.

- Subtotal of salaries and benefits for six LDWI staff \$380,000

The remaining balance of the \$600,000 as proposed by LDWI management in their response to the January 2003 audit breaks down as follows:

- |                                     |                  |
|-------------------------------------|------------------|
| • Operating costs                   | \$ 20,000        |
| • Contract for evaluation services  | \$150,000        |
| • Hispanic-Native American Contract | <u>\$ 50,000</u> |
| TOTAL                               | <u>\$600,000</u> |

A contract with Toltec Evaluation and Educational Services for evaluating the local DWI Grant Fund program in the amount of \$117,280 was signed on June 25, 2004 to begin on July 1, 2004. LGD is required to evaluate the LDWI Grant Fund program. The contract scope includes but is not limited to:

- standardization of reporting requirements;
- standardization and reporting for aftercare; and
- determination of statewide study topics.

## Recommendations

- Establish a workload schedule that will allow each project representative to provide effective oversight, guidance and technical assistance to the local DWI Grant Fund programs; and
- In addition to the proposed audit schedule visit local programs as often as necessary to provide ongoing technical assistance and one-on-one mentoring.

**Implementation of the Web-based ADE pilot project has been delayed from the July 1, 2004 start date due to technical issues being resolved by the software developer.**

The web-based screening and tracking system was to be implemented as a pilot project in three counties, Santa Fe, Sandoval and Quay. These programs are some of the stronger programs state-wide. LGD hopes to have all counties on-line and using the system by the end of 2005. As the July 1<sup>st</sup> deadline approached, it became apparent the implementation was behind schedule. In a letter from an ADE, Inc. representative dated June 24, 2004 the deadline could not be met for reasons described as problems discovered when more than one database is converted into a single data base. According to the letter implementation was on schedule. Sandoval County submitted their data to ADE, Inc. for conversion back in June 2004 and as of August 3, 2004 had not heard back from the company regarding a time-frame for actual implementation. The same applies to Quay and Santa Fe counties.

ADE, Inc. designed and developed this web-based screening and tracking mechanism for the LDWI Grant Fund program. When fully implemented this system will centralize data gathering and reporting which in turn will ensure consistency among the 33 local DWI Grant Fund programs. Another expected benefit of this web-based system is that it will be real time reporting and therefore annual reports such as the Alcohol Screening and Tracking of DWI Offenders in New Mexico from the Department of Health's Office of Epidemiology will contain more current data on a timely basis instead of the current two year time lag.

**Recommendations:**

- Develop a written implementation plan for the web-based ADE, Inc. screening and tracking software that clearly identifies milestones and timelines; and
- Involve agency IT staff and the State Chief Information Officer (CIO) in the development and implementation of the web-based ADE, Inc. screening and tracking software to assist in identifying needs and necessary data fields.

**Cross-Agency Communication and Coordination**

**Inconsistent reporting between the various agencies and entities hampers successful achievement of cross-agency strategic outcomes that depend heavily upon effective coordination and communication to efficiently allocate limited resources.**

Numerous agencies and entities with numerous programs within them are involved in the effort to combat DWI and alcohol related problems in New Mexico. Major entities include the Departments of Health, Transportation, Finance and Administration, Public Safety, and Taxation and Revenue, the Regulation and Licensing, the Administrative Office of the Courts (AOC), Mothers Against Drunk Driving (MADD), county and municipal governments and tribal agencies.

Until recently the state lacked a comprehensive, statewide strategic plan with effective centralized leadership to coordinate the effort effectively and to achieve desired results and outcomes to reduce the occurrence of DWI and alcohol related traffic fatalities statewide. Several of the entities engaged in

developing and implementing multiple strategy initiatives to address DWI and related issues most notably the Governor Richardson's Statewide Multi-Agency Strategic Planning Committee.

Successful achievement of cross-agency strategic outcomes depends heavily upon effective coordination and communication between all the entities involved to efficiently allocate limited resources. Currently, this is not the case and prime example is the lack of data sharing and the inconsistencies between the entities in reporting what is essentially the same information regarding DWI offender statistics.

DWI arrest, conviction and court disposition data was obtained from the AOC ([www.nmcourts.Com](http://www.nmcourts.Com)) and University of New Mexico, Division of Governmental Research (DGR) for comparison and analysis. Specifically, we wanted to see how the two data bases reconciled and expected to find only timing differences. Unfortunately, data compiled and maintained by the AOC is from statewide magistrate courts only and is non-inclusive of DWI cases handled by municipal, district or other courts. Additionally, it is reported on a fiscal year basis. DGR data is sorted by county and is reported on a calendar year basis and appears inclusive of more courts than AOC data. In short the two databases did not reconcile and in some cases varied significantly. For example the client tracking system (CTS) data provided by the DGR reports 1,360 total DWI arrests for Dona Ana County in 1999, whereas the AOC database reports 657 for the same reporting period. Similarly, the DGR reports 987 DWI convictions in Santa Fe County in 2000 whereas the AOC reports 652.

Additionally, the ADE, Inc. Screening and Tracking (Client Tracking Program - CTP) is also used for this purpose but has some shortcomings of its own. The database has a different trigger mechanism than the other two systems. It is inclusive of only those offenders who have been convicted of a DWI offense. It does not track data on offenders who do not comply with court ordered sanctions. Record keeping at most locations statewide is at best sketchy, different interpretation of program terminology contributes to the problem. Non-participation by tribal police agencies and court systems in data sharing of DWI offender and traffic citation information impedes the cooperation and communication efforts as well.

In summary none of the above mentioned databases reconcile. There are many inconsistencies between entities in data reporting, and there is a lack of a mechanism for quality control. In addition, frequent turnover contributes to problem as does the lack of sufficient and adequate training in this area.

It is imperative that systems used by the various entities statewide compliment, communicate and reconcile with each other. Data must be reported consistently statewide for it to be effective so that desired efforts and initiatives can be measured in outcomes in a meaningful manner. Additionally, the state needs to develop a single mechanism to track every DWI arrest from the time of the arrest through all subsequent activity such as the court disposition, ignition interlock installation, license revocation hearings, treatment, and incarceration. The recent appointment of a DWI Czar by the Governor should provide the centralized leadership and coordination necessary to effectively implement the Governor's Statewide DWI Strategic Plan.



## **Recommendations:**

- Coordinate with the newly appointed DWI Czar and other agencies to effectively implement Governor Richardson's multi-agency DWI strategic plan;
- Develop a comprehensive DWI offender tracking mechanism capable of tracking every DWI arrest from the time of the arrest by law enforcement officials and through all subsequent activity. Such a system must be capable of being used and shared by all the entities statewide to maintain data consistency;
- Develop standardized terminology and definitions to enhance consistent communication between all the entities; and
- Work with tribal courts to develop memorandums of understanding (MOU's) regarding the sharing of data regarding DWI offenders on pueblos and reservation lands.

## **Screening and Assessment**

**Overall screening percentages of convicted DWI offenders remain relatively unchanged from the previous audit for reasons that include, but not limited to, the lack of cooperation by certain courts.**

The January 2003 audit reported that only 58 percent of convicted DWI offenders were screened for alcohol and substance abuse during fiscal year 2000. The percentage was calculated by dividing the number of people cited and convicted of a DWI (13,251) obtained from the Motor Vehicle Division (MVD) citation tracking system (CTS) by the number of matched screenings (7,801). Screening data was provided by the local DWI programs and compiled by the Department of Health's Office of Epidemiology.

In fiscal years 2001 and 2002 the screening percentage of convicted DWI offenders were 64.8 percent and 64.4 percent respectively. Some counties demonstrated significant improvement over the three year reporting period. Other counties remained constant while a few counties reported fewer screenings as illustrated by exhibit C. The reasons for improvement included:

- Cooperation by more courts in FY01 and FY02 with local DWI programs in providing screening and tracking data of convicted DWI offenders; and
- Some courts submitting not only screening data from first offenders as they had in fiscal year 2000, but also screenings data from subsequent DWI offenders in fiscal years 2001 and 2002. All DWI offenders were screened in those two years by courts not previously reporting subsequent offenders.

Exhibit C also illustrates an overall drop in the percentage of DWI offenders screened to 59.6 percent in fiscal year 2003. According to Department of Health staff, reasons for the decrease in percentage of DWI offenders screened included:

- One local program dissolved in FY03 and therefore screening data was not maintained nor reported to the LDWI program that year;
- Municipal and magistrate courts in some communities stopped cooperating with their local DWI programs and either did not order screenings of convicted DWI offenders or did not submit the data to the local program; and
- A continuously poor participation record by district courts.

Each county DWI program is responsible for screening and tracking offenders convicted of DWI in their county using a standard data collection system established July 1, 1999. LGD entered into an agreement to have the Department of Health's (DOH) Office of Epidemiology (EPI) serve as the statewide repository for the offender screening and tracking data from each LDWI program.

Senate Bills 144 and 207 were passed during the 2004 legislative session and signed into law effective March 2, 2004. They require convicted DWI offenders to complete an alcohol or drug abuse screening program approved by DFA.

#### **Recommendations:**

- Continue working with municipal and magistrate court associations, district courts, the Municipal League and the Administrative Office of the Courts to improve court participation; and
- Implement the web-based ADE, Inc. screening and tracking system as soon as reasonably possible to standardize data collection and reports.

#### **Ignition Interlock**

**A central repository for ignition interlock data needs to be developed to effectively track interlock sanctions and relevant court data.**

The New Mexico Department of Transportation's Traffic Safety Bureau (TSB) is statutorily responsible for administering the ignition interlock program. According to TSB staff, no single agency or data repository collects judicial mandates, ignition interlock sanction or other relevant court data on a consistent cross-agency basis. Therefore, it would be impossible to determine which court, which judge, and the duration of the ignition interlock sanction without reviewing sentence documentation for each DWI offender at each municipal, magistrate and district court.

According to data provided by TSB, 2063 interlock licenses had been granted by MVD since the first day ignition interlock laws went into effect and through June 23, 2004. Additionally, 3,879 interlocks have been installed statewide since the programs inception and 2,327 are currently being installed as of June 30, 2004. The number of interlocks installed can exceed the number of licenses granted simply because the convicted offender is required to have an ignition interlock installed in every vehicle he has access to.

The Traffic Safety Bureau is also responsible for licensing and approving all interlock manufacturers, service centers and installers who operate in New Mexico. Based on NMAC 18.20.11 Ignition Interlock Devices, the service centers must operate in specified areas and provide service within 100 miles or two hours of the DWI offender.

According to information obtained from TSB they are currently working in conjunction with the Administrative Office of the Courts (AOC) to develop and implement a single comprehensive Ignition Interlock Database to consistently track and to ensure that the Ignition Interlock system is being used by the DWI offenders. Lists of the Ignition Interlock Rules and Regulations; approved vendors and their location; and also copies of all applications for manufacturers, service centers and installers, can be located at the TSB web address [www.unm.edu/~dgrint/tsb.html](http://www.unm.edu/~dgrint/tsb.html)

#### **Recommendations:**

- Coordinate with the AOC to develop the ignition interlock database to effectively track DWI offenders, ignition interlock sanctions and relevant court information to provide reliable information to measure program effectiveness and success.
- Involve information technology personnel at both agencies to assist in determining necessary data fields and solicit input from other agencies and entities that may use the data maintained by the system; and
- Develop regular reports and reporting schedules that will provide useful ignition interlock data to agencies and entities involved in curtailing DWI.

## **General Conclusions:**

It appears the LDWI Grant Fund program has made administrative improvements, addressed many findings satisfactorily and implemented many of the recommendations from the January 2003 audit report. The LDWI Grant Fund program appears to be gaining momentum and fiscal and program accountability appears improved. Among other things, LGD should be given credit for effectively utilizing the \$500,000 increase in program administration for local program oversight, developing an effective grant application scoring mechanism, a detailed audit program, an ambitious site visit schedule and an informative web-site for the LDWI program.

A strategic plan that clearly identifies milestones and time-lines to measure program progress and success needs to be finalized. Training and technical assistance to local DWI programs could be enhanced to be more effective. Few site visits were performed by LGD staff, and some local programs continue to be affected by fiscal and programmatic deficiencies.

In addition, other non-LGD issues persist. Issues such as the administrative hearings requested by persons arrested for DWI that challenge driver license revocation and that are rescinded continues to climb. An effective database needs to be developed to standardize the collection of ignition interlock data and the lack of court participation in the screening and tracking of DWI offenders process needs to be immediately addressed.

Once LGD and other affected entities address these issues and cross-agency coordination improves the LDWI program will turn a corner and become an effective and accountable program.

## **EXHIBITS**

## EXHIBIT A

County	Proposed Audit Priority	Proposed Audit Date	Actual Audit Date
Dona Ana	19	1/4 - 7/05	
San Juan	6	7/20 - 23/04	7/20 - 23/04
Hidalgo	30	5/10 - 13/05	
Bernalillo	26	3/29 - 4/1/05	
Mora	11	9/28 - 10/1/04	
San Miguel	5	7/6 - 9/04	7/6 - 7/04
Chaves	17	11/30 - 12/3/04	
Curry	*22	2/15 - 16/05	
De Baca	9	8/31 - 9/3/04	
Eddy	2	5/25 - 28/04	5/25 - 27/04
Lea	14	10/26 - 29/04	
Roosevelt	13	10/26 - 29/04	
Quay	*23	2/17 - 18/05	
Rio Arriba	31	5/24 - 27/05	
Valencia (Los Lunas)	25	3/15 - 18/05	
Colfax	29	4/26 - 29/05	
Guadalupe	33	6/21 - 24/05	
Harding	4	6/16 - 18/04	6/22 - 25/04
Lincoln (Ruidoso)	3	6/9 - 11/04	6/11/04
Los Alamos	18	12/14 - 17/04	
Otero	20	1/18 - 21/05	
Santa Fe	7	8/3 - 6/04	
Taos	10	9/14 - 17/04	
Union	15	11/2 - 5/04	
Catron	27	3/29 - 4/1/05	
Cibola	16	11/16 - 19/04	
Luna	24	3/1 - 4/05	
McKinley	28	4/12 - 15/05	
Sandoval	32	6/7 - 10/05	
Grant (Silver City)	21	2/1 - 4/05	
Sierra (T or C)	12	10/12 - 15/04	
Socorro	8	8/17 - 20/04	
Torrance	1	5/11 - 14/04	5/11 - 13/04

Audit Period:

	FY04
	FY04 Site Visit
	FY05 Q 1 & 2
	FY05 Q 3 & 4

\* indicates these counties may be auditable in the same trip

LGD Proposed Site Audit Schedule

## EXHIBIT B

Top 25 Reasons Administrative License Revocations Were Rescinded  
for Calendar Year 2002 Produced by the Division of Governmental Research, UNM

Reason Rescinded	Total	% Rescinded Where Reason Available	% of Hearings	% of Arrests
Officer Did Not Appear	994	44	19	5
Officer Could Not Attend, Not Rescheduled	708	31	14	4
State Did Not Prove Case	153	7	3	1
Improper Paperwork by Officer	106	5	2	1
Test Not Given Legally	75	3	1	0
Officer Did Not Have Grounds for Stop	43	2	1	0
Other Dept Error	40	2	1	0
Officer Did Not Give proper Warnings Under ICA	32	1	1	0
Officer Did Not Allow Independent Test	26	1	0	0
No Jurisdiction	11	0	0	0
Hearing Not Held Within 90 Days	11	0	0	0
Dept Did Not Prove Proper Notice	10	0	0	0
Arrest Unlawful	9	0	0	0
Hearing Officer Unable to Attend	8	0	0	0
Violated Order of Court or Hearing Officer	6	0	0	0
Driver Did Not Refuse Test	6	0	0	0
MVD Wrong Officer Listed and Subpoenaed	6	0	0	0
Hearing Officer Error	3	0	0	0
Post Office Error	3	0	0	0
H01	3	0	0	0
Roadblock Criteria Not Established	2	0	0	0
Driver Established Duress Defense	2	0	0	0
Collateral Estoppels w/Ruling from Same Case	2	0	0	0
Error by State Lab	1	0	0	0
Driver at Hearing Not Person Arrested	1	0	0	0

MATCH RATES BETWEEN SCREENING AND TRACKING AND CITATION TRACKING SYSTEM  
FOR COUNTY DWI PROGRAMS July 1999 – June 2003

County	July 1999 – June 2000			July 2000 – June 2001			July 2001 – June 2002			July 2002 – June 2003		
	N	Matched to CTS	Percent Matched	N	Matched to CTS	Percent Matched	N	Matched to CTS	Percent Matched	N	Matched to CTS	Percent Matched
Bernalillo	3,373	1,885	58.3	3,959	2,931	74.0	4,020	3,070	76.4	4,094	3,024	73.9
Catron	23	11	47.8	24	13	54.2	17	15	88.2	21	7	33.3
Chaves	308	223	72.4	309	251	81.2	273	209	76.6	180	125	69.4
Cibola	218	60	27.5	241	106	44.0	210	164	78.1	231	181	78.4
Colfax	159	75	47.2	152	91	59.9	114	65	57.0	95	53	55.8
Curry	270	118	43.7	290	89	30.7	294	116	39.5	251	90	35.9
De Baca	24	13	54.2	9	5	55.6	14	10	71.4	13	5	38.5
Dona Ana	802	525	65.5	886	683	77.1	948	685	72.3	1,053	561	53.3
Eddy	359	144	40.1	316	163	51.6	247	138	55.9	245	145	59.2
Grant	274	222	81.0	222	137	61.7	198	140	70.7	153	85	55.6
Guadalupe	60	29	48.3	31	119	61.3	51	39	76.5	51	28	54.9
Harding	4	1	25.0	2	2	100.0	2	1	50.0	4	4	100.0
Hidalgo	46	18	39.1	47	10	21.3	69	8	11.6	61	30	49.2
Lea	435	248	57.0	335	161	48.1	317	173	54.6	361	239	66.2
Lincoln	262	163	62.2	233	175	75.1	220	157	71.4	176	29	16.5
Los Alamos	56	38	67.9	38	28	73.7	30	21	70.0	26	18	69.2
Luna	227	152	67.0	163	86	52.8	145	92	63.4	142	80	56.3
McKinley	960	567	59.1	822	525	63.9	717	363	50.6	700	340	48.6
Mora	41	17	41.5	46	19	41.3	34	13	38.2	37	16	43.2
Otero	449	297	66.1	475	328	69.1	379	166	43.8	385	156	40.5
Quay	91	64	70.3	81	73	90.1	118	99	83.9	104	84	80.8
Rio Arriba	350	143	40.9	272	111	40.8	284	123	43.3	250	189	75.6
Roosevelt	117	70	59.8	172	87	50.6	139	95	68.3	144	93	64.6
Sandoval	411	181	44.0	461	214	46.4	386	285	73.8	352	283	80.4
San Juan	1,372	667	48.6	1,495	626	41.9	1,816	623	34.3	1,728	439	25.4
San Miguel	282	197	69.9	262	207	79.0	230	181	78.7	278	162	58.3
Santa Fe	1,121	957	85.4	1,027	869	84.6	991	816	82.3	993	731	73.6
Sierra	86	34	39.5	106	43	40.6	112	67	59.8	92	54	58.7
Socorro	231	171	74.0	228	164	71.9	197	163	82.7	102	79	69.0
Taos	222	170	76.6	196	158	80.6	171	125	73.1	142	98	69.0
Torrance	118	70	59.3	145	97	66.9	92	67	72.8	77	62	80.5
Union	23	20	87.0	22	16	72.7	37	29	78.7	15	10	66.7
Valencia	405	209	51.6	337	204	60.5	301	168	55.8	297	158	53.2
Unknown	72	42	58.3	26	14	53.8	39	23	59.0	30	17	56.7
Total	13,251	7,801	58.9	13,430	8,705	64.8	13,212	8,509	64.4	12,883	7,675	59.6

Data Linkage prepared by Laura R. Kapitula 05/04  
Summary prepared by Judy Harmon, Office of Epidemiology, DOH  
06/14/04



**Local DWI Grant Program**  
**1993 - 2005 DWI Grant and Distribution Allocations**

Grantee Name	93	94	95	96	97	98	99	00	01	02	*04	05
Bernalillo(Albuquerque)	\$ 725,000	\$ 485,265	\$ 1,795,000	\$ 473,742	\$ 480,000	\$ 2,576,144	\$ 2,594,144	\$ 2,576,144	\$ 4,276,144	\$ 4,746,969	\$ 4,941,301	\$ 4,030,818
Catron (Reserve)	0	40,708	0	35,000	35,000	52,681	79,926	85,681	85,681	82,934	72,000	75,419
Chaves	85,000	108,167	64,700	135,208	150,000	388,657	284,657	270,657	292,000	294,877	266,173	266,842
Cibola	89,000	102,000	106,600	108,000	100,000	178,055	203,055	206,055	208,000	200,000	195,467	181,384
Colfax	0	0	26,400	35,000	40,000	73,981	72,061	66,711	78,000	78,000	69,526	68,970
Curry	186,000	150,830	56,200	170,000	148,000	181,571	242,371	217,371	219,371	219,371	212,689	199,624
De Baca	29,000	42,500	34,000	34,000	40,000	112,681	37,681	51,281	62,681	67,000	60,000	57,419
Dona Ana	524,170	375,200	919,800	370,000	333,000	614,225	593,025	610,000	634,400	741,840	574,844	611,238
Eddy	190,000	111,000	46,200	135,000	142,250	185,378	199,578	210,578	238,089	225,714	201,641	198,361
Grant (Silver City)	52,000	117,456	6,600	113,322	104,660	150,888	149,588	160,388	167,403	164,389	143,880	147,513
Guadalupe	67,000	68,500	0	0	40,000	79,257	77,763	80,681	83,681	86,870	75,200	64,519
Harding	0	51,667	0	40,000	42,000	67,606	79,547	73,681	68,681	64,681	64,300	65,419
Hidalgo	78,000	103,335	0	35,000	42,761	55,181	58,408	67,681	69,681	71,000	65,000	65,419
Lea	0	0	29,150	35,000	40,000	195,942	187,942	188,000	213,000	213,145	217,593	209,048
Lincoln (Ruidoso)	0	100,300	0	87,500	99,000	114,167	151,167	157,167	158,167	165,418	107,551	101,954
Los Alamos	105,000	94,500	6,600	70,000	59,000	73,839	98,706	97,681	99,861	97,936	84,092	84,574
Luna	0	97,500	13,200	80,000	76,000	121,727	143,537	142,197	144,197	146,100	134,334	134,762
McKinley	243,000	315,000	214,600	303,912	275,000	552,725	558,000	508,000	525,000	533,000	528,196	507,964
Mora	0	90,910	5,500	50,000	52,000	62,681	105,881	87,681	90,000	89,500	76,000	71,419
Otero	90,470	71,500	28,700	118,332	147,000	185,766	256,128	236,264	234,264	241,148	213,908	193,544
Quay	199,500	140,000	82,600	120,000	128,737	388,479	41,189	41,189	146,189	144,189	124,205	120,457
Rio Arriba	240,000	285,485	89,200	200,000	192,000	242,340	262,340	272,340	469,340	469,340	462,613	451,872
Roosevelt (Portales)	0	96,500	76,600	109,000	112,000	255,582	52,412	52,412	121,412	122,412	122,426	119,402
Sandoval	258,000	333,411	74,300	333,671	305,000	436,771	408,874	372,860	522,859	526,537	628,365	624,745
San Juan	700,000	500,000	378,000	480,000	450,000	562,125	930,108	780,000	1,065,000	1,098,000	1,056,699	1,084,669
San Miguel	150,000	97,000	13,200	0	143,000	209,709	201,857	188,909	192,909	187,509	153,475	149,614
Santa Fe	275,000	476,379	0	393,000	400,000	848,181	837,181	687,171	987,032	1,054,816	1,071,070	972,584
Sierra (T or C)	145,000	145,800	11,600	145,000	106,000	131,172	144,872	160,872	160,872	153,872	139,987	135,404
Socorro	135,000	145,000	120,100	190,000	146,000	192,373	185,724	190,724	333,070	312,204	286,963	210,745
Taos	170,000	184,284	61,051	175,000	180,000	251,197	251,197	235,197	237,197	241,197	244,782	187,463
Torrance	117,529	165,912	40,350	165,000	166,700	213,781	202,681	202,681	202,681	165,660	120,000	120,419
Union	0	0	0	35,000	35,000	55,281	62,911	67,681	70,481	68,361	64,000	47,419
Valencia (Los Lunas)	88,800	97,000	15,950	80,800	74,000	186,261	190,061	192,778	193,000	214,000	224,775	222,746
<b>TOTAL Allocations</b>	<b>\$ 4,942,469</b>	<b>\$ 5,193,109</b>	<b>\$ 4,315,201</b>	<b>\$ 4,855,487</b>	<b>\$ 4,884,108</b>	<b>\$ 9,956,404</b>	<b>\$ 9,944,572</b>	<b>\$ 9,538,713</b>	<b>\$ 12,650,343</b>	<b>\$ 13,287,989</b>	<b>\$ 13,003,054</b>	<b>\$ 11,783,749</b>

\*04 - The project numbering system was changed to reflect the fiscal year. 03 project numbers are now labeled 04.

\*04 - The funding includes the April 30, 2003 Allocation of \$12,404,395 and the December 9, 2003 Special Allocation of \$598,695.

**MEMORANDUM**

TO: David Abbey, Director  
Legislative Finance Committee

FROM: David Ruiz, Director

DATE: September 16, 2004

RE: Final Response to the August 17, 2004 Legislative Finance Committee Follow-up  
Audit Report of the Local DWI Grant Fund Program

Attached is the final response to the August 17, 2004 LFC follow-up audit report.

Please do not hesitate to contact me if you wish to discuss this topic in more detail.

Enclosure (1)

September 15, 2004

Senator Ben D. Altamirano, Chair  
Legislative Finance Committee  
1123 Santa Rita Street  
Silver City, New Mexico 88061

Dear Chairman Altamirano:

On August 17, 2004 the Legislative Finance Committee's (LFC) audit team presented to the LFC a report on the follow-up to the January 20, 2003 audit of the Local DWI Grant Fund Program. Thank you for the opportunity to respond to the follow-up audit. We are pleased to note that, with the exception of findings and recommendations over which we have no control, the audit recommendations generally build upon initiatives that have already been implemented by the Local Government Division (LGD) and create an opportunity to strengthen them.

As required by the follow-up audit, the Local Government Division of the Department of Finance and Administration (DFA) is required to provide a written response and corrective action plan within 30 days of the audit report. This letter serves as our response, and addresses each audit recommendation individually. Attachment A is our corrective action plan.

Listed below is each follow-up audit recommendation and LGD's response:

- Solicit input from the local DWI programs and other agencies and entities involved to ensure all strategic goals and objectives to curtail DWI occurrences are aligned.

The mission of the Local DWI Grant Program is to reduce the incidence of DWI in New Mexico. We will seek to involve local programs as much as possible to develop local and statewide program and component-specific goals. The Local DWI Grant Program evaluator will engage in discussions with local program coordinators – individually and in groups – and LGD staff to develop goals that are reflective of and integrated into our strategic plan. Through the strategic plan we will develop the measures against which the Local DWI Grant Program and local programs can be evaluated.

- Finalize and distribute the long-term strategic plan to assess the expected progress and overall success of the program.

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Our draft strategic plan was developed on August 2, 2004. We conducted a follow-up discussion on September 13, 2004. A finalization meeting is currently scheduled for October 5, 2004. The New Mexico DWI Czar, Rachel O'Connor has been invited to participate in both meetings. On September 10, 2004 staff met with Rachel O'Connor and representatives of the Office of the Governor and the Traffic Safety Bureau to discuss statewide goals. We will work with the evaluator and local programs to align LGD and local program goals and objectives with the DWI Czar's statewide goals.

- Administer new coordinator training and orientation to better educate, technically assist and encourage new local program coordinators.

The original audit recommendation was to establish a training curriculum. That is accomplished and includes new coordinator training and orientation. Improving the quality of training is an on-going goal.

- Develop new and innovative training techniques and mechanisms to ensure the distribution of clear, concise and accurate instruction to implement standardized program practices and procedures by the local program coordinator.

Audit findings and program coordinator feedback help us to identify pertinent training topics.

Throughout the year, we make available various training opportunities. Workshop evaluations guide training improvement. Other training opportunities include interactive screener training via the Internet, the Local DWI Grant Program website and audio-video conferencing. In addition to training provided by our staff, we notify program coordinators of educational events sponsored by other state agencies and advocate groups.

With the addition of staff members, we have been able to discuss policy issues as a group. As a result of these informed discussions, communications with program coordinators have been clearer and more consistent. However, it is still incumbent upon program coordinators to avail themselves of the training and technical assistance opportunities that exist at the LGD, with other state agencies and advocate groups, and with their peers.

- Finalize and post the administrative handbook on the LDWI web-site to provide total programs with guidance, directives, and definitions of program procedures, operations and standards.

The Administrative Manual was distributed at the DWI Affiliate meeting, which took place in Silver City on August 17 & 18, 2004. The full document is available at the Local DWI Grant Program website: <http://www.nmdwi.org/>.

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- Adhere to the LDWI site visit schedule to ensure that each program is audited yearly to:
  - enhance local program fiscal and operational accountability;
  - assess the progress and success of each local program; and
  - restore program confidence and a positive working relationship between LGD and the local programs.

Thank you for recognizing our efforts to conduct site visits and program audits.

Site visits are conducted by Program Managers. We have an internal goal of performing at least one site visit to each program each year. Additional site visits are performed, as needed. The purpose of site visits is to get an understanding of the program, address pressing program needs, and to strengthen communications and the relationship between LGD and local programs.

The auditor on our staff, accompanied by the appropriate Program Manager, conducts audits. We have an internal goal of having all programs audited by June 30, 2005. Beyond FY05, each program will be audited once every two years; more than that would put an undue strain on LGD staff. The purpose of audits is to ensure compliance, test fiscal and operational accountability, assess program success, identify training and technical assistance needs, improve program implementation and strengthen communications and the relationship between LGD and local programs.

- Review and implement the recommendation made in the January 2003 audit report and increase cross-agency coordination efforts through the recently appointed DWI Czar and with local governments, law enforcement agencies, and other state agencies and entities to improve attendance of law enforcement officials at license revocation hearings.

The LGD does not have statutory authority over the agencies responsible for the license revocation hearing process. Leadership in this area necessarily falls to law enforcement agencies, the Taxation and Revenue Department (TRD) and the Governor's DWI Coordinator.

Since the LGD has no control over other agencies, we disagree with any assumption that we can be held responsible for their success in resolving issues surrounding license revocation hearings. As discussed during the exit conference, however, we will offer to the Governor's DWI Coordinator and other pertinent agencies any assistance we can provide to address this issue.

- LGD effectively train and educate local coordinators to track contracts accurately and regularly to avoid contract over-runs and possible procurement code violations. Training should include contract term development and amendment.

Audits and site visits to local programs have revealed several areas for increased and on-going training and technical assistance. Among those areas are:

- Compliance with the state procurement code;
- Contract development and amendment
- Contract management; and
- Legislative Finance Committee

➤ Contract evaluation.

Our staff has begun to address those issues during our Implementation Workshops and audit exit conferences. Training and technical assistance on contract issues will be on-going.

- LGD establish and train local coordinators on guidelines and laws regarding the collection, reconciliation, and depositing of the various fee receipts associated with the program. Additionally DWI offender payments should be only in the form of checks, money orders or credit/debit cards.

Training in this area has begun and will be on-going.

A memorandum (Attachment B) that followed up on issues that were raised during the April 2004 Implementation Workshop illustrates our efforts to present a clearer and more consistent with the information we disseminate to program coordinators. It is also reflective of conversations we had with program coordinators regarding contracts and the separation of duties associated with fee collection.

- LGD effectively and diligently review quarterly reports for fiscal and technical merit to ensure their accuracy and integrity.

Program Managers now review quarterly reports more thoroughly for fiscal and technical merit.

- The LGD and local programs collaborate to develop criteria, scientific techniques and methodologies for estimating the numbers of persons served by a component that will ensure more reliable, and realistic reporting of component service data that can be verified with documentation.

A considerable amount of work has already been done in this area. Development of the ADE minimum data set and MSD-4 (in coordination with the Department of Health) has created avenues by which we are able to record offender screening and tracking information. Additionally, the prevention database tracks individuals and provides a basis for evaluating programs.

Through the Local DWI Grant Program evaluator we will seek to involve programs as much as possible to continue to refine criteria and methods to measure the numbers of individuals served in program components that will be used to measure success toward local and statewide program goals.

- The local programs exercise due diligence in reviewing, compiling and obtaining source documents for component data which will be included in quarterly reports and reviewed by persons charged with program oversight.

Thank you for recognizing the vital role that local programs play in requiring service providers to supply component data, verifying its accuracy and reporting it to the LGD in quarterly reports. We will work with local programs to revise our quarterly report format so that it is easier and more meaningful.

- Establish a workload schedule that will allow each project representative to provide effective oversight, guidance and technical assistance to the local DWI Grant Fund programs.

This has been accomplished. For new positions were filled as of March 1, 2004. Staff now includes three new program managers and one auditor. This staffing pattern and workload schedule will allow time for effective oversight, guidance and technical assistance.

- In addition to the proposed audit schedule visit local programs as often as necessary to provide ongoing technical assistance and one-on-one mentoring.

This practice is already in place. LGD has an internal goal that all programs receive a site visit at least once each year. Additional site visits are conducted as necessary. Additionally, ongoing technical assistance and one-on-one mentoring often takes place via telephone or email.

- Develop a written implementation plan for the web-based ADE, Inc. screening and tracking software that clearly identifies milestones and timelines.

An implementation plan will be developed with input from ADE and local programs.

- Involve agency IT staff and the State Chief Information Officer (CIO) in the development and implementation of the web-based ADE, Inc. screening and tracking software to assist in identifying needs and necessary data fields.

The web-based screening and tracking software has already been developed, as has a minimum data set. To recreate this type of software would be counter-productive.

The funding required to implement the use of the web-based software does not reach the levels at which the CIO would necessarily get involved. However, our staff will seek the advice of the CIO and follow any appropriate guidelines that might be recommended.

- Coordinate with the newly appointed DWI Czar and other agencies to effectively implement Governor Richardson's multi-agency DWI strategic plan.

We will continue to meet with the Governor's DWI Coordinator to integrate our efforts with those of other agencies.

- Develop a comprehensive DWI offender tracking mechanism capable of tracking every DWI arrest from the time of the arrest by law enforcement officials and through all subsequent activity. Such a system must be capable of being used and shared by all the entities statewide to maintain data consistency.

The LGD does not have statutory authority over the agencies from which this type of information would be required. However, we are partners in the current effort for automation of New Mexico's traffic records system. LGD staff serves on the Statewide Traffic Records Executive Oversight Committee (STREOC) and the Statewide Traffic Records Coordinating Committee (STRCC). Traffic Safety Bureau is the lead agency; the Administrative Office of

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the Courts heads the project. We will continue to work through these committees and Rachel O'Connor and the Governor's office to develop a statewide system.

- Develop standardized terminology and definitions to enhance consistent communication between all the entities.

Again, leadership in this area might be better suited to the Governor's DWI Coordinator.

- Work with tribal courts to develop memorandums of understanding (MOU's) regarding the sharing of data regarding DWI offenders on pueblos and reservation lands.

We do not have authority over tribal courts. However, we will continue to stress to local programs the importance of working with tribal entities in their counties and we will work with local programs to support and complement their efforts.

- Continue working with municipal and magistrate court associations, district courts, the Municipal League and the Administrative Office of the Courts to improve court participation.

Thank you for recognizing our efforts to improve court participation in the mandatory use of the DFA-approved screening program. We will continue to work with the judiciary to increase participation in the screening program. However, because LGD does not have authority over courts, we cannot be held responsible for courts that do not follow the law. We will provide the courts with training and technical assistance on the screening program's value and usefulness. We will also work with Rachel O'Connor to bring more courts into compliance with the law requiring them to use the DFA-approved screening program.

- Implement the web-based ADE, Inc. screening and tracking system as soon as reasonably possible to standardize data collection and reports.

We will continue to work closely with ADE, Inc. and local programs to implement the web-based screening and tracking system as soon as reasonably possible.

- Coordinate with the AOC to develop the ignition interlock database to effectively track DWI offenders, ignition interlock sanctions and relevant court information to provide reliable information to measure program effectiveness and success.

We will continue to work collaboratively with the Administrative Office of the Courts (AOC) through existing committees and taskforces, as well as any that might be formed in the future. We meet as necessary with the AOC to discuss common concerns and issues.

- Involve information technology personnel at both agencies to assist in determining necessary data fields and solicit input from other agencies and entities that may use the data maintained by the system.

We will continue to work collaboratively with the Administrative Office of the Courts (AOC) through existing committees and taskforces, as well as any that might be formed in the future. We meet as necessary with the AOC to discuss common concerns and issues.



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- Develop regular reports and reporting schedules that will provide useful ignition interlock data to agencies and entities involved in curtailing DWI.

The Traffic Safety Bureau is responsible for the development of reports, reporting schedules and the ignition interlock database. We will continue to work collaboratively with the Traffic Safety Bureau and the Administrative Office of the Courts (AOC) through existing committees and taskforces, as well as any that might be formed in the future. We meet as necessary with the AOC to discuss common concerns and issues.

In closing, we thank you for the opportunity to respond to the follow-up performance audit of the Local DWI Grant Fund Program. As noted in the audit, the LGD has made significant progress toward improving the administration of the Local DWI Grant Program. This is due, in part, to the increased administrative funding that was recommended in the original audit. With these additional funds we have been able to hire additional staff, increase communications with local programs and provide additional training and technical assistance to local program coordinators. Through these efforts, we have become a more effective and accountable program.

The LGD continues to strive for improved administration of the Local DWI Grant Program. We concur with many of the recommendations made in the follow-up audit report and will work to implement them as fully as possible. At the same time, we do not agree that we can be held accountable for activities that are the responsibility of other state agencies. Through the guidance of the DWI Czar, we will continue to work collaboratively with other state agencies that are involved in the effort to combat DWI and alcohol-related problems in New Mexico, and will continue to participate on appropriate committees and task forces.

I hope this response and attached corrective action plan satisfy the requirement of the follow-up audit. If you require additional information, please do not hesitate to contact me at 505-827-8053 or Joyce Johnson at 505-827-4179.

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Sincerely,

David Ruiz, Director

Attn:

cc: Representative Kiki Saavedra, Chair  
Audit & Computers Subcommittee

Senator Phil Griego, Vice Chair  
Audit & Computers Subcommittee

Representative Luciano "Lucky" Varela  
Vice Chair, Legislative Finance Committee

David Abbey, Director  
Legislative Finance Committee

James C. Jimenez, Secretary  
Department of Finance and Administration

Dannette Burch, Deputy Secretary  
Department of Finance and Administration



# EXHIBIT G

2a	Develop draft strategic plan	8/2/04	All staff & Evaluator	Y	8/3/2004
2b	Meet with DWI Czar and TSB to discuss overarching statewide goals	9/10/04	J. Johnson, J. Lapington, R. Rael	Y	9/10/2004
2c	Follow-up discussion	9/13/04	All staff & Evaluator	Y	9/13/2004
2d	Finalize strategic plan	10/5/04	All staff & Evaluator		
2e	Integrate component-specific local and statewide goals into strategic plan	Dec.	All staff & Evaluator		
2f	Distribute strategic plan	12/30/04			

3	Administer training and orientation to better educate, technically assist and encourage new local program coordinators				
3a	Implement coordinator orientation curriculum	rolling	All staff	Y	rolling
3b	Identify new coordinators	rolling	All staff	Y	rolling
3c	Provide new coordinator orientation curriculum	rolling	All staff	Y	rolling

4	Develop new and innovative training techniques and mechanisms to ensure the distribution of clear, concise and accurate instruction to implement standardized program practices and procedures by the local program coordinator				
4a	Present training on such topics as application preparation, grant writing, contract development, contract management, contract evaluation, program evaluation, statistical analysis, state procurement, fee collection and deposit, quarterly reporting, screening, tracking, creating a planning council, community networking, working with special populations, etc. through the following venues:	on-going	All staff and outside presenters		

EXHIBIT G

4a-1	Present application workshop	annually		Y	annually
4a-2	Present implementation workshop	annually		Y	annually
4a-3	Present ADE training	as needed		Y	as needed
4a-4	Offer traing during site visits and program audits	on-going		Y	
4b	Notify program coordinators of training and technical assistance provided by other agencies	on-going	All staff and outside presenters	Y	as available

5	Finalize and post the administrative handbook on the LDWI web-site to provide local programs with guidance, directives, and definitions of program procedures					
5a	Finalize current administrative manual	8/14/04	J. Edgar	Y	8/14/2004	
5b	Distribute current administrative manual to all program coordinators	8/17/04	J. Lapington	Y	8/17/2004	
5c	Post current administrative manual to the LDWI website	8/16/04	J. Simpson	Y	8/17/2004	
5d	Update administrative manual	6/30/05	J. Edgar & all staff			
5e	Distribute updated administrative manual to all program coordinators	6/30/05	All staff			
5f	Post updated administrative manual to the LDWI website	6/30/05	J. Simpson			

6	Adhere to the LDWI site visit schedule to ensure that each program is audited yearly					
	6a	Develop goal that all programs receive at least one site visit annually	7/1/03	All staff	Y	7/1/2003
	6b	Conduct site visits	on-going	Program Managers	Y	on-going

## EXHIBIT G

6c	Develop goal that all programs will be audited prior to June 30, 2005	4/1/04	A. Ortiz	Y	4/1/2004
6d	Develop audit-related instruments	5/15/04	A. Ortiz	Y	5/15/2004
6e	Develop audit schedule	5/15/04	A. Ortiz	Y	5/15/2004
6f	Revise audit schedule	as needed	A. Ortiz	Y	as needed
6g	Complete audit of each program prior to June 30, 2005	6/30/05	A. Ortiz and Program Managers		
6h	Develop goal that after FY05 each program will be audited once every two years	5/15/04	All staff	Y	5/15/2004
6i	Conduct audit of each program once every two years	on-going	A. Ortiz and Program Managers		

7	Review and implement the recommendation made in the January 2003 audit report and increase cross-agency coordination efforts through the recently appointed DWI Czar and with local governments, law enforcement agencies, and other state agencies and entities to improve attendance of law enforcement officials at license revocation hearings				
7a	Offer assistance to Governor's DWI Coordinator and other pertinent agencies (BHDWG, TAC, IAWG, STRECC, STREOC, ignition interlock, etc.)	on-going	All staff	Y	on-going
7b	Provide assistance to Governor's DWI Coordinator and other pertinent agencies when requested	on-going	All staff		

## Results of Local Program Site Visits by LFC Audit Staff

8	LGD effectively train and educate local coordinators to track contracts accurately and regularly to avoid contract over-runs and possible procurement code violations	See #4 above
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## EXHIBIT G

9	LGD establish and train local coordinators on guidelines and laws regarding the collection, reconciliation, and depositing of the various fee receipts associated with the program	See #4 above
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10	LGD effectively and diligently review quarterly reports for fiscal and technical merit to ensure their accuracy and integrity	
	10a	Review with all staff job requirements and document what is entailed in each task
		6/30/04 All staff Y 6/30/2004

11	The LGD and local programs collaborate to develop criteria, scientific techniques and methodologies for estimating the numbers of persons served by a component that will ensure more reliable, and realistic reporting of component service data that can be verified with documentation	See #1 above
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12	The local programs exercise due diligence in reviewing, compiling and obtaining source documents for component data which will be included in quarterly reports and reviewed by persons charged with program oversight	
	12a	Revise quarterly report format
		6/30/05 All staff, Evaluator & Program Coordinators

### Other Topics

13	Establish a workload schedule that will allow each project representative to provide effective oversight, guidance and technical assistance to the local DWI Grant Fund programs	
	13a	Fill all LDWI positions
		11/1/04 J. Johnson

## EXHIBIT G

14	In addition to proposed audit schedule visit local programs as often as necessary to provide ongoing technical assistance and one-on-one mentoring	See #6 above
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15	Develop a written implementation plan for the web-based ADE, Inc. screening and tracking software that clearly identifies milestones and timelines					
	15a	Request implementation plan from ADE, Inc.	8/6/04	R. Rael	Y	8/6/2004
	15b	Integrate ADE plan in CIO's program plan format	11/1/04	R. Rael		

16	Involve agency IT staff and the State CIO in the development and implementation of the web-based ADE, Inc. screening and tracking software to assist in identifying needs and necessary data fields				
		16a	Seek the advice of the state CIO	9/30/04	J. Johnson
		16b	Follow-up on advice received from the state CIO	on-going	R. Rael

### Cross-Agency Communication and Coordination

17	Coordinate with the newly appointed DWI Czar and other agencies to effectively implement Governor Richardson's multi-agency DWI Strategic Plan						
		17a	Meet with the Governor's DWI Coordinator	on-going	All staff	Y	on-going
		17b	Participate in appropriate committees and task forces	on-going	All staff	Y	on-going



# EXHIBIT G

18	Develop a comprehensive DWI offender tracking mechanism capable of tracking every DWI arrest from the time of the arrest by law enforcement officials and through all subsequent activity; such a system must be capable of being used and shared by all the entities statewide to maintain data consistency	Beyond our authority. TSB is responsible; AOC heads project.				
19	Develop standardized terminology and definitions to enhance consistent communication between all the entities	Beyond our authority. DWI Coordinator might take lead.				
20	Work with tribal courts to develop MOUs regarding the sharing of data regarding DWI offenders on pueblos and reservation lands	Beyond our authority				
		20a	Communicate to local programs the need to make every effort to coordinate with pueblos and reservations in their service areas and offer LGD assistance to achieve this	10/15/04	J. Johnson	
		20b	Communicate to tribal courts the importance of sharing data with local programs and offer LGD assistance to achieve this	10/15/04	J. Johnson	
21	Continue working with municipal and magistrate court associations, district courts, the Municipal League and the AOC to improve court participation					
		21a	Present at the Magistrate Judges Conference, if invited	10/1/04	R. Rael	
		21b	Develop a web-based screening and tracking training for judges	1/15/05	J. Simpson & ADE, Inc.	
		21c	Continue communications with courts and the AOC the importance of use of the DFA-approved screening program	on-going	All staff	Y on-going

## EXHIBIT G

22	Implement the web-based ADE, Inc. screening and tracking system as soon as reasonably possible to standardize data collection and reports					
	22a	Implement Phase I of web-based ADE screening and tracking system in three pilot sites	6/30/04	ADE, Inc., R. Rael, Program Coordinators	Y	
	22b	Complete Phase I	12/30/04	ADE, Inc., R. Rael, Program Coordinators		
	22c	Initiate Phase II of implementation	1/1/05	ADE, Inc., R. Rael, Program Coordinators		
	22d	Complete Phase II	4/30/05	ADE, Inc., R. Rael, Program Coordinators		
	22e	Initiate Phase III of implementation	5/1/05	ADE, Inc., R. Rael, Program Coordinators		
	22f	Complete Phase III	6/30/05	ADE, Inc., R. Rael, Program Coordinators		

### Ignition Interlock

23	Coordinate with the AOC to develop the ignition interlock database to effectively track DWI offenders, ignition interlock sanctions and relevant court information to provide reliable information to measure program effectiveness and success		Beyond our authority; AOC is responsible.			
	23a	Participate in appropriate committees and task forces	on-going	All staff	Y	on-going

24	Involve information technology personnel at both agencies to assist in determining necessary data fields and solicit input from other agencies and entities that may use the data maintained by the system		Beyond our authority; AOC is responsible.			
	24a	Participate in appropriate committees and task forces	on-going	All staff	Y	on-going

# EXHIBIT G

25	Develop regular reports and reporting schedules that will provide useful ignition interlock data to agencies and entities involved in curtailing DWI	Beyond our authority; TSB and AOC are responsible.					
		25a	Participate in appropriate committees and task forces	on-going	All staff	Y	on-going

## MEMORANDUM

DATE: APRIL 30, 2004

TO: COUNTY DWI COORDINATORS

RE: GRANT IMPLEMENTATION

FROM: DFA/LGD LOCAL DWI GRANT PROGRAM STAFF

It was such a pleasure to see all of you at the DWI Grant Council allocation meeting and Local DWI Implementation Workshop on April 13 and 14, 2004. What a wonderful opportunity for DWI Coordinators and new DFA/LGD Local DWI Grant Program staff to connect names and voices with faces.

During our two days together, several issues came up that merited further research and discussion by DFA/LGD Local DWI Grant Program staff. As a team, we have looked into these issues and discussed them. This memo serves as our collective response to your questions and clarification of how each issue should be addressed:

### **Contracts and Other Types of Agreements**

- The preferred methods for entering into agreements with program partners are contracts and Memoranda of Understanding (MOU).
- Beginning in fiscal year 2005 (FY05), mini grants and Memoranda of Agreement (MOA) will no longer be accepted for expenditure of grant, distribution or detox funds.
- All contracts, MOUs and other acceptable types of agreements require DFA/LGD administrative review and approval prior to execution.
- The Scope of Work and compensation rates carry a great deal of importance, but DFA/LGD must review documents in their entirety.
- All contracts, MOUs and other acceptable types of agreements require fiscal agent legal review and approval prior to execution.
- Contracts, MOUs or other acceptable types of agreements must have all applicable signatures affixed prior to execution; payments may not be made retroactively.
- All expenses incurred prior to execution of contracts, MOUs or other acceptable types of agreements are the responsibility of the fiscal agent.
- Begin developing your contracts, MOUs or other acceptable types of agreements early!

### **HIPPA and Client Confidentiality**

- The Statement of Assurances in MOUs allows for:
  - release of client information to DOH for ADE reporting; and
  - access to client information at the program site to DFA and other appropriate state agencies for review and audit.

### **Additional Website Links**

- A link to the SAMHSA/CSAP web page has been added to the “Links Page” on the New Mexico Local DWI Program website.

## EXHIBIT I

### **Budget**

- We are working to re-write and re-organize budget line items to streamline and clarify budget categories.
- We anticipate that the revised format will be available for use in FY06.

### **Deposit of Fees**

- The Local Government Division of the DFA holds that fees collected by employees of local DWI grant programs are to be deposited "...before the close of the next succeeding business day after the receipt of the money..." as set forth in Section 6-10-3 NMSA 1978. Generally referred to as the 24-Hour Rule, non-compliance will result in an audit finding.
- Additionally, the person who collects fees, prepares cash receipts and deposit slips, makes deposits, posts to accounting ledgers and reconciles cash should not be one in the same. Each county or municipality must establish a policy and procedure that allows for sufficient controls to minimize the risk of improprieties.
- If you have questions about whether or not your practices satisfy this requirement, please discuss them with your Program Manager and Alicia. We will do our best to accommodate extenuating circumstances.