

Statistical Report on DWI In New Mexico



New Mexico Administrative
Office of the Courts

*A report to the Legislative Finance
Committee on New Mexico Driving While
Intoxicated (DWI) court dispositions,
from 1997 through 2005.*

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A Statistical Report on DWI in New Mexico

Prepared by the Administrative Office of the Courts

Introduction

This statistical report consists of New Mexico Driving While Intoxicated (DWI) dispositional information from 1997 through 2005, for New Mexico magistrate courts, district courts, municipal courts, and the Bernalillo County Metropolitan Court. It includes breakdowns by disposition type and case dismissal status. All statistical information in this report was reviewed by Jim Davis, Director of the Division of Government Research at the University of New Mexico, for methodological validity. Mr. Davis is an acknowledged DWI statistical expert in New Mexico and has worked on many DWI projects for state agencies.

DWI Statistical Overview

Since 1996, magistrate courts handled between 6,500 and 7,500 DWI cases each year. Approximately 13% of these cases were transferred to district courts as felony cases. On average, 77% of the defendants in the remaining cases were convicted, acquitted or conditionally discharged. The other 23% of cases were dismissed, most as a result of motions filed by prosecutors.

During calendar year 2005, 17,955 DWI cases were adjudicated in New Mexico. District courts throughout the state disposed of 2,213 felony DWI cases. Magistrate courts disposed of 7,456 misdemeanor DWI cases, and the Bernalillo County Metropolitan Court disposed of 6,536 misdemeanor DWI cases. In addition, 1,750 DWI cases were charged under municipal ordinances and disposed in municipal courts. For 2005, 83.4 percent of district court DWI defendants were convicted and 72.6 percent of magistrate defendants were convicted. Conviction rates for Bernalillo County Metropolitan court and New Mexico municipal courts are 62.4 percent and 87 percent, respectively.

The report indicates that the rate of prosecutor-initiated dismissals has increased over time. However, as data entry practices have improved in the courts, the quality of DWI case information has also improved so as to allow the type of dismissal to be more readily identified. Previously, all dismissals were lumped together due to the tendency of court data entry clerks to use a generic dismissal code, whereas recent dismissals are more specific regarding the type of dismissal.

With the implementation of the Data Standards efforts initiated by the Judicial Information Systems Council, court data entry quality has greatly improved, particularly for calendar year 2005. In years previous to 2005, disposition data was less detailed and more generic. The increased specificity accounts for at least part of the apparent increase in dismissals by prosecutors.

The DWI Court Process

Some factors that might lead to dismissal by a prosecutor include refileing in district court; unavailability of a key witness or piece of evidence; unavailability of a defendant due to death or incarceration; lack of resources which forces concentration on the most serious cases; or procedural legal issues. As in most states, the DWI court process is complex. At present, district courts, magistrate courts, municipal courts and the Bernalillo County Metropolitan Court hear all DWI cases in New Mexico. Preliminary hearings on misdemeanor cases upgraded to felonies will likely first be heard in a magistrate court or the Bernalillo County Metropolitan Court, and then be transferred to a district court. These transfers, called “bind-overs,” are not dismissals, but are a means of transferring the most serious cases from limited jurisdiction courts to courts that have jurisdiction over felonies. Since 1997, the bind-over rate has fluctuated between 8.5 and 14.5 percent.

To further complicate matters, cases initially filed in magistrate courts or the Bernalillo County Metropolitan Court can be dismissed for lack of prosecution. These same cases are frequently refiled by prosecutors in district courts. When this happens, it is impossible to know which cases have been refiled. These cases are not truly dismissed, but for the purposes of this report, they are counted as dismissals. This causes an apparent increase in the overall dismissal rate that distorts the overall DWI disposition picture.

Site visits to magistrate courts indicate that many DWI cases counted as non-convictions for the purposes of this report actually contain convictions on underlying traffic charges. For example, when a police officer notices a traffic violation, such as speeding, the resulting traffic stop may conclude with a DWI arrest if the driver appears to have been drinking. The court case that results from such an arrest may have the DWI charge dismissed for any number of reasons, such as a lab result indicating that the offender had a blood alcohol level less than the legal limit, or due to evidentiary or procedural problems. In such cases, even though the DWI charge may be dismissed, the offender is frequently convicted on an underlying traffic offense. A review of 54 cases in Santa Fe Magistrate Court showed that almost all defendants whose DWI charges were dismissed were convicted on lesser traffic charges. In this report, cases that had convictions on underlying charges were counted as dismissals, even if such cases had convictions on associated traffic offenses.

Approximately two percent of DWI cases had a sentence of “deferred,” pending satisfactory completion of court-ordered treatment or other court-ordered interventions. For purposes of this report, these cases were counted as convictions since the offenders were sanctioned and many were subsequently sentenced to greater sanctions when they failed to abide by the conditions of their deferrals.

Efforts to Improve the DWI Justice Process

The New Mexico Judiciary is taking steps to ensure that DWI cases are heard on the merits of each case, and significant actions have been taken to address DWI problems. The Judiciary is now:

- Partnering with the University of New Mexico's Division of Government Research, to assist in researching DWI trends and issues.
- Partnering with the Judicial Education Center to provide distance training on DWI legal procedures to judges via court video arraignment networks.
- Providing prior DWI sentencing data to magistrate and district courts.
- Working with magistrate and district courts to perfect manual reporting of DWI dispositions.
- Providing DWI convictions to the public on the Judiciary Case Lookup Website (www.nmcourts.com).
- Providing automated DWI management tools to magistrate courts to improve procedural handling of DWI cases.
- Working with the New Mexico Motor Vehicle Department (MVD) to establish an all-electronic DWI disposition notification process. Such a process will reduce data entry mistakes and increase reporting rates by taking human error out of the reporting process.
- Working with the New Mexico Department of Transportation to implement an Ignition Interlock Data Warehouse that was created by Judicial Information Division application developers. This project was federally funded through the New Mexico Traffic Safety Bureau.

Statistical Anomalies

Court statistics are not in complete agreement with statistics derived from data provided by the MVD to the New Mexico DWI Resource Center. The reasons for this are three-fold:

1. The MVD relies mostly on manual reporting for its data. Dispositions reported on paper and manually entered into the MVD system may be either entered incorrectly, under-reported to MVD by the courts disposing of DWI cases, or lost during the manual transfer process. The figures provided in this report are derived from a transaction-based court case management system that captures all case initiations and dispositions as they occur, which ensures data completeness, timeliness and accuracy.

2. The statistics contained in this report were not created by comparing arrests with dispositions in a single year since many DWI cases are not adjudicated in the same year the case was initiated. DWI Resource Center statistics are calculated by a different method: all DWI arrests for a particular year are compared with all dispositions for that same year. As a result, the published conviction rates do not always

reflect dispositions and arrests in the same year. On average, a DWI case takes 109 days to complete in magistrate court, and 251 days in district court, thus many arrests in a particular year will actually be disposed in a later year. Because DWI dispositions frequently do not occur in the same year as the underlying arrest, court dismissal figures will not entirely agree with statistics derived from the MVD system.

3. Any DWI arrest that is not formally charged as a DWI by a prosecutor and filed with the court will not be factored into the court statistics. It is possible for a DWI arrestee to be released by the arresting police agency without being charged. Such releases would be counted as non-convictions by MVD. The courts do not receive arrest information unless the alleged offender is formally charged. Therefore, formal charging is used by the Judiciary to indicate the initiation of a DWI case.

DWI Cases Disposed For Calendar Years 1997 Through 2005

District Courts By Year

	Total Cases	Finding, Verdict, or Plea of Guilty	Overall Convictions	Total Cases Dismissed	Cases Dismissed by Prosecutor	Cases Dismissed by Court	Cases Dismissed Under 6 Month Rule	Cases Dismissed, Officer or Witness Failed To Appear	Other Case Dismissals	Other Dispositions
1997	901	99.6%	84.1%	11.4%	5.8%	0.0%	0.0%	0.0%	5.7%	4.0%
1998	1362	99.7%	83.3%	13.6%	7.9%	0.0%	0.0%	0.0%	5.7%	2.9%
1999	1637	99.5%	84.2%	12.7%	8.2%	0.0%	0.2%	0.0%	4.3%	2.6%
2000	1675	99.5%	79.2%	19.2%	9.1%	0.1%	0.3%	0.0%	9.7%	1.1%
2001	1651	99.6%	84.7%	14.3%	7.3%	0.0%	0.2%	0.0%	6.8%	0.6%
2002	1925	99.6%	84.7%	12.8%	5.6%	0.0%	0.3%	0.0%	6.9%	2.1%
2003	1945	99.6%	85.9%	12.9%	10.2%	0.4%	0.2%	0.0%	2.1%	0.8%
2004	2202	99.5%	87.0%	11.7%	9.9%	1.0%	0.5%	0.0%	0.2%	0.9%
2005	2213	99.2%	84.3%	14.2%	11.5%	2.0%	0.4%	0.0%	0.2%	0.8%

Magistrate Courts By Year

	Total Cases	Finding, Verdict, or Plea of Guilty	Overall Convictions	Total Cases Dismissed	Cases Dismissed by Prosecutor	Cases Dismissed by Court	Cases Dismissed Under 6 Month Rule	Cases Dismissed, Officer or Witness Failed To Appear	Other Case Dismissals	Other Dispositions
1997	7405	99.2%	80.2%	18.4%	5.8%	0.0%	0.5%	0.0%	12.0%	0.6%
1998	7106	99.4%	77.4%	21.2%	6.2%	0.1%	0.5%	0.0%	14.4%	0.8%
1999	7337	99.3%	76.7%	21.3%	7.5%	0.1%	1.0%	0.0%	12.7%	1.3%
2000	7202	99.5%	76.5%	22.2%	7.7%	0.1%	0.8%	0.1%	13.5%	0.8%
2001	6986	99.4%	76.1%	22.5%	8.9%	0.2%	0.8%	0.1%	12.4%	0.8%
2002	6568	99.2%	77.8%	20.2%	8.2%	0.1%	0.9%	0.1%	11.0%	1.2%
2003	7404	99.4%	76.8%	21.3%	9.9%	0.2%	0.7%	0.0%	10.5%	1.3%
2004	7919	99.1%	75.7%	22.3%	12.1%	0.4%	1.4%	0.2%	8.2%	1.0%
2005	7456	99.2%	72.6%	26.6%	21.6%	1.5%	0.9%	0.8%	1.8%	0.1%

Note: approximately 12% of magistrate court cases are bound over to district courts as felonies, and 10% of magistrate court dismissals are refiled in district courts as felonies

Column Heading Descriptions

Total Cases	DWI cases processed by the court
Finding, Verdict, or Plea of Guilty	Conviction rate for all cases heard at trial
Overall Convictions	Conviction rate for all cases processed by the Court
Total Cases Dismissed	Total dismissal rate for all cases processed by the Court
Cases Dismissed by Prosecutor	Rate of prosecutor-initiated dismissals
Cases Dismissed By Court	Rate of cases dismissed by order of the Court
Cases Dismissed Under 6 Month Rule	Rate of cases dismissed under the Six Month Rule time limitation
Cases Dismissed, Officer or Witness Failed To Appear	Rate of cases dismissed when a police officer or essential witness fails to appear in court
Other Case Dismissals	Rate of case dismissals that do not fall into above-listed categories
Other Disposition	Rate of non-dismissal dispositions that do not fall into above-listed categories

Bernalillo County Metropolitan Court By Year

	Total Cases	Finding, Verdict, or Plea of Guilty	Overall Convictions	Total Cases Dismissed	Cases Dismissed by Prosecutor	Cases Dismissed by Court	Cases Dismissed Under 6 Month Rule	Cases Dismissed, Officer or Witness Failed To Appear	Other Case Dismissals	Other Dispositions
1997	2869	98.1%	58.3%	39.7%	5.5%	5.0%	3.1%	23.0%	3.1%	0.1%
1998	5119	98.0%	67.0%	31.0%	3.9%	5.2%	2.1%	17.3%	2.6%	0.0%
1999	4980	97.4%	64.4%	33.0%	3.3%	5.0%	4.1%	17.2%	3.4%	0.1%
2000	4899	98.4%	69.5%	28.9%	4.3%	3.9%	3.7%	14.7%	2.3%	0.0%
2001	6073	98.6%	70.6%	28.0%	4.7%	3.9%	4.0%	12.9%	2.5%	0.1%
2002	6144	98.4%	66.1%	32.2%	4.7%	5.0%	4.6%	15.3%	2.7%	0.0%
2003	6706	98.2%	62.6%	35.7%	6.9%	5.9%	5.5%	14.9%	2.5%	0.0%
2004	6407	98.0%	60.0%	38.0%	5.0%	5.5%	5.3%	18.8%	3.3%	0.0%
2005	6536	98.0%	64.2%	33.7%	4.7%	4.5%	2.8%	19.4%	2.3%	0.0%

Column Heading Descriptions

Total Cases	DWI cases processed by the court
Finding, Verdict, or Plea of Guilty	Conviction rate for all cases heard at trial
Overall Convictions	Conviction rate for all cases processed by the Court
Total Cases Dismissed	Total dismissal rate for all cases processed by the Court
Cases Dismissed by Prosecutor	Rate of prosecutor-initiated dismissals
Cases Dismissed By Court	Rate of cases dismissed by order of the Court
Cases Dismissed Under 6 Month Rule	Rate of cases dismissed under the Six Month Rule time limitation
Cases Dismissed, Officer or Witness Failed To Appear	Rate of cases dismissed when a police officer or essential witness fails to appear in court
Other Case Dismissals	Rate of case dismissals that do not fall into above-listed categories
Other Disposition	Rate of non-dismissal dispositions that do not fall into above-listed categories

Municipal Court By Year

	Total Cases	Finding, Verdict, or Plea of Guilty	Overall Convictions	Total Cases Dismissed	Cases Dismissed by Prosecutor	Cases Dismissed by Court	Cases Dismissed Under 6 Month Rule	Cases Dismissed, Officer or Witness Failed To Appear	Other Case Dismissals	Other Dispositions
1997	2424	100.0%	98.2%	0.1%					0.1%	1.7%
1998	2375	100.0%	97.1%	1.6%					1.6%	1.3%
1999	2311	100.0%	97.1%	1.6%					1.6%	1.3%
2000	2350	100.0%	96.8%	1.4%					1.4%	1.8%
2001	1900	100.0%	96.1%	1.8%					1.8%	2.1%
2002	1294	99.8%	93.6%	3.5%					3.5%	2.7%
2003	1521	99.9%	91.2%	6.6%					6.6%	2.2%
2004	1351	99.4%	85.6%	12.1%					12.1%	1.7%
2005	1750	99.4%	87.0%	11.1%					11.1%	1.3%

Column Heading Descriptions

Total Cases	DWI cases processed by the court
Finding, Verdict, or Plea of Guilty	Conviction rate for all cases heard at trial
Overall Convictions	Conviction rate for all cases processed by the Court
Total Cases Dismissed	Total dismissal rate for all cases processed by the Court
Cases Dismissed by Prosecutor	Rate of prosecutor-initiated dismissals
Cases Dismissed By Court	Rate of cases dismissed by order of the Court
Cases Dismissed Under 6 Month Rule	Rate of cases dismissed under the Six Month Rule time limitation
Cases Dismissed, Officer or Witness Failed To Appear	Rate of cases dismissed when a police officer or essential witness fails to appear in court
Other Case Dismissals	Rate of case dismissals that do not fall into above-listed categories
Other Disposition	Rate of non-dismissal dispositions that do not fall into above-listed categories

District Courts By County

	Total Cases	Finding, Verdict, or Plea of Guilty	Overall Convictions	Total Cases Dismissed	Cases Dismissed by Prosecutor	Cases Dismissed by Court	Cases Dismissed Under 6 Month Rule	Cases Dismissed, Officer or Witness Failed To Appear	Other Case Dismissals	Other Dispositions
BERNALILLO	3364	100.0%	83.2%	16.3%	10.0%	0.2%	0.3%	0.0%	5.7%	0.4%
CATRON	19	100.0%	73.7%	15.8%	10.5%	0.0%	0.0%	0.0%	5.3%	10.5%
CHAVES	466	97.9%	87.3%	10.3%	9.0%	0.4%	0.0%	0.0%	0.9%	0.2%
CIBOLA	349	99.4%	81.1%	16.6%	14.3%	0.3%	0.0%	0.0%	2.0%	1.7%
COLFAX	121	100.0%	81.0%	18.2%	13.2%	0.0%	0.8%	0.0%	4.1%	0.8%
CURRY	701	99.3%	87.7%	11.4%	6.1%	0.9%	0.4%	0.0%	4.0%	0.1%
DE BACA	24	100.0%	79.2%	20.8%	0.0%	0.0%	4.2%	0.0%	16.7%	0.0%
DONA ANA	1482	99.2%	89.2%	7.1%	5.6%	0.2%	0.0%	0.0%	1.3%	2.9%
EDDY	368	99.5%	89.7%	6.8%	5.2%	0.0%	0.0%	0.0%	1.6%	3.0%
GRANT	130	97.7%	85.4%	11.5%	10.0%	0.8%	0.0%	0.0%	0.8%	0.8%
GUADALUPE	38	100.0%	68.4%	31.6%	13.2%	0.0%	0.0%	0.0%	18.4%	0.0%
HARDING	6	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
HIDALGO	52	100.0%	65.4%	30.8%	13.5%	0.0%	0.0%	0.0%	17.3%	3.8%
LEA	412	98.1%	79.1%	16.5%	12.4%	0.0%	0.0%	0.0%	4.1%	2.4%
LINCOLN	234	98.7%	81.6%	14.5%	8.5%	0.9%	0.4%	0.0%	4.7%	2.6%
LOS ALAMOS	46	100.0%	67.4%	21.7%	13.0%	0.0%	0.0%	0.0%	8.7%	10.9%
LUNA	121	100.0%	82.6%	15.7%	8.3%	0.0%	0.0%	0.0%	7.4%	1.7%
MCKINLEY	849	99.6%	76.9%	20.8%	17.1%	0.2%	0.5%	0.0%	3.1%	1.9%
MORA	30	96.7%	76.7%	13.3%	0.0%	0.0%	3.3%	0.0%	10.0%	6.7%
OTERO	397	98.7%	87.2%	10.8%	7.3%	1.0%	0.0%	0.0%	2.5%	0.8%
QUAY	126	100.0%	79.4%	19.8%	7.1%	0.0%	0.0%	0.0%	12.7%	0.8%
RIO ARriba	322	98.4%	67.7%	27.0%	11.5%	0.9%	0.3%	0.0%	14.3%	3.7%
ROOSEVELT	196	99.0%	90.8%	7.7%	5.6%	0.5%	0.0%	0.0%	1.5%	0.5%
SAN JUAN	2974	99.8%	93.3%	6.3%	5.3%	0.4%	0.0%	0.0%	0.7%	0.2%
SAN MIGUEL	256	99.6%	74.6%	20.7%	7.8%	0.4%	0.4%	0.0%	12.1%	4.3%
SANDOVAL	471	99.8%	80.5%	18.9%	9.8%	1.1%	0.4%	0.0%	7.6%	0.4%
SANTA FE	760	100.0%	78.8%	16.6%	5.9%	2.6%	0.8%	0.0%	7.2%	4.6%
SIERRA	105	99.0%	75.2%	11.4%	4.8%	0.0%	0.0%	0.0%	6.7%	12.4%
SOCORRO	242	99.6%	81.8%	10.3%	5.4%	0.4%	0.8%	0.0%	3.7%	7.4%
TAOS	286	100.0%	76.6%	21.7%	13.6%	0.7%	1.0%	0.0%	6.3%	1.7%
TORRANCE	150	98.7%	80.7%	15.3%	12.7%	0.0%	0.7%	0.0%	2.0%	2.7%
UNION	33	100.0%	81.8%	18.2%	6.1%	0.0%	6.1%	0.0%	6.1%	0.0%
VALENCIA	381	100.0%	68.2%	30.7%	17.1%	1.0%	0.3%	0.0%	12.3%	1.0%
Total	15511	99.5%	84.3%	13.7%	8.7%	0.5%	0.3%	0.0%	4.2%	1.5%

Magistrate Courts By County

	Total Cases	Finding, Verdict, or Plea of Guilty	Overall Convictions	Total Cases Dismissed	Cases Dismissed by Prosecutor	Cases Dismissed by Court	Cases Dismissed Under 6 Month Rule	Cases Dismissed, Officer or Witness Failed To Appear	Other Case Dismissals	Other Dispositions
CATRON	183	98.4%	86.3%	9.3%	3.8%	0.0%	0.0%	0.0%	5.5%	2.7%
CHAVES	1884	99.8%	84.9%	14.6%	7.3%	0.1%	0.0%	0.0%	7.2%	0.3%
CIBOLA	2217	99.5%	75.3%	22.5%	12.7%	0.3%	1.0%	1.2%	7.3%	1.8%
COLFAX	676	98.8%	76.2%	22.2%	12.0%	0.3%	0.1%	0.0%	9.8%	0.4%
CURRY	2137	99.6%	76.0%	15.0%	5.9%	0.2%	0.0%	0.0%	8.8%	8.6%
DE BACA	148	98.6%	85.1%	13.5%	11.5%	0.7%	0.7%	0.0%	0.7%	0.0%
DONA ANA	5385	99.4%	79.7%	19.4%	10.8%	0.1%	1.0%	0.0%	7.5%	0.3%
EDDY	1593	99.2%	91.5%	7.3%	4.2%	0.1%	0.1%	0.0%	2.9%	0.4%
GRANT	1658	98.7%	76.7%	21.0%	16.8%	1.7%	0.4%	0.2%	2.1%	1.0%
GUADALUPE	487	98.4%	80.9%	17.5%	4.7%	0.0%	0.0%	0.0%	12.7%	0.0%
HARDING	27	100.0%	81.5%	18.5%	7.4%	0.0%	0.0%	0.0%	11.1%	0.0%
HIDALGO	745	99.7%	86.3%	13.3%	6.2%	0.3%	0.3%	0.1%	6.4%	0.1%
LEA	2206	99.4%	87.1%	11.4%	7.3%	0.1%	0.0%	0.1%	3.9%	0.9%
LINCOLN	1714	99.7%	85.1%	14.2%	5.8%	0.1%	0.6%	0.0%	7.8%	0.4%
LOS ALAMOS	160	100.0%	65.6%	33.8%	1.9%	0.0%	0.6%	0.0%	31.3%	0.6%
LUNA	1087	99.8%	83.9%	15.5%	7.5%	0.4%	0.4%	0.2%	7.2%	0.4%
MCKINLEY	8271	98.8%	69.0%	29.4%	10.0%	0.2%	1.3%	0.0%	17.9%	0.4%
MORA	383	99.7%	79.6%	19.8%	9.7%	1.0%	2.1%	0.0%	7.0%	0.3%
OTERO	2220	99.5%	88.4%	10.9%	7.3%	0.0%	0.1%	0.0%	3.4%	0.2%
QUAY	858	99.4%	78.7%	20.6%	3.6%	0.0%	2.0%	0.0%	15.0%	0.1%
RIO ARRIBA	2291	99.5%	63.1%	35.2%	8.5%	0.2%	1.6%	0.0%	24.9%	1.2%
ROOSEVELT	1045	99.8%	87.1%	9.3%	4.1%	0.0%	0.1%	0.2%	4.9%	3.4%
SAN JUAN	6368	99.7%	79.3%	20.0%	7.3%	0.3%	0.2%	0.0%	12.2%	0.4%
SAN MIGUEL	2470	99.7%	81.8%	17.6%	12.0%	0.8%	1.8%	0.0%	3.0%	0.3%
SANDOVAL	2588	99.3%	70.0%	27.4%	14.3%	0.3%	1.3%	0.2%	11.4%	1.8%
SANTA FE	7813	99.6%	74.6%	24.5%	9.3%	0.2%	0.7%	0.0%	14.2%	0.5%
SIERRA	465	98.5%	84.3%	13.3%	6.9%	0.0%	0.6%	0.0%	5.8%	0.9%
SOCORRO	1677	99.2%	83.9%	15.2%	9.8%	1.0%	2.8%	0.1%	1.5%	0.1%
TAOS	1600	99.1%	71.8%	26.5%	11.0%	1.3%	2.0%	0.1%	12.2%	0.8%
TORRANCE	1012	98.5%	81.4%	16.8%	10.1%	0.0%	0.8%	0.0%	5.9%	0.3%
UNION	320	98.8%	77.5%	20.9%	6.6%	0.3%	0.0%	0.0%	14.1%	0.3%
VALENCIA	3695	98.5%	59.4%	38.3%	21.6%	0.3%	1.1%	1.5%	13.9%	0.8%
Total	65383	99.3%	76.6%	21.8%	9.8%	0.3%	0.9%	0.2%	10.6%	0.9%