

**OFFICE OF COURT MANAGEMENT  
HARRIS COUNTY CRIMINAL COURTS AT LAW**



**DWI Study for the Harris County Criminal Courts at Law  
Recidivism Profiles of First-Time DWI Defendants Case Filed in 2006**

Data collected on December 27, 2010  
Additional Cases and Judgments through July, 2010

Bob Wessels  
Court Manager  
Harris County Courts

Hon. Sherman Ross  
Presiding Judge  
Harris County Criminal Courts at Law

Karen Welborn  
Research Data Analyst  
Harris County Courts

**DWI Studies for the Harris County Criminal Courts at Law  
Recidivism Profiles of First-Time DWI Defendants Case Filed in 2006 Findings**

- 1) Of the first time DWI defendants with cases filed in 2006 that resulted in a conviction, 16% were subsequently charged with a new criminal offense.
- 2) Of the first-time DWI defendants who had future criminal cases, 31% had their next case within 1 year.
- 3) Defendants placed on probation are less likely to re-offend than those given a straight conviction. (Table A).
  - 12% of those placed on probation had a future case
  - 18% of those given a straight conviction had a future case
- 4) In 2006 for all age groups, more defendants were given straight convictions versus probation.
- 5) Defendants who are 25 years old or younger are the most likely to become repeat offenders. Those who are 20 years old or younger have the highest rate of new offenses (Table B).

**Table A: Comparison of Probation to Straight Conviction Judgments**

Probation		Straight Conviction	
% of Defendants	% with Futures Cases	% of Defendants	% with Futures Cases
21%	12%	78%	18%

**Table B: Comparison of Judgments to Future Cases for 17 to 24 year olds**

Age	% of Age Band Given Probation	% of Age Band Given Straight Conviction	% with Future Cases
17	20%	80%	36%
18	25%	75%	31%
19	28%	72%	28%
20	24%	76%	24%
21	26%	74%	19%
22	32%	68%	18%
23	33%	67%	19%
24	29%	71%	21%
25	28%	72%	20%

## **DWI Study for the Harris County Criminal Courts at Law Overview of the Report**

This study was designed to profile first-time DWI defendants from 2006. The base study group consists of 5,499 individuals whose first criminal case in Harris County (other than a Class C misdemeanor) was a DWI misdemeanor charge filed in 2006 that resulted in a judgment. Of these, 891 have returned to the Harris County criminal justice system within 4 years after the judgment of their first DWI offense. Multiple charges from the same day were considered as one occurrence. Any future charges that resulted in an acquittal or that have not reached a judgment were eliminated from the study. The source data is from the Harris County Justice Information Management System (JIMS).

This study examines the re-appearance rate for these individuals within the Harris County Criminal Courts at Law and the Harris County District Courts Trying Criminal Cases. The 2006 profile describes the group according to the age of the defendants, and it also describes the kind of judgments dispensed for the group.

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## DWI Recidivism: Population

For the year 2006, there were 9,919 misdemeanor DWI cases filed in Harris County. Of these, 150 cases currently do not have a judgment, and those cases were not included in this study.

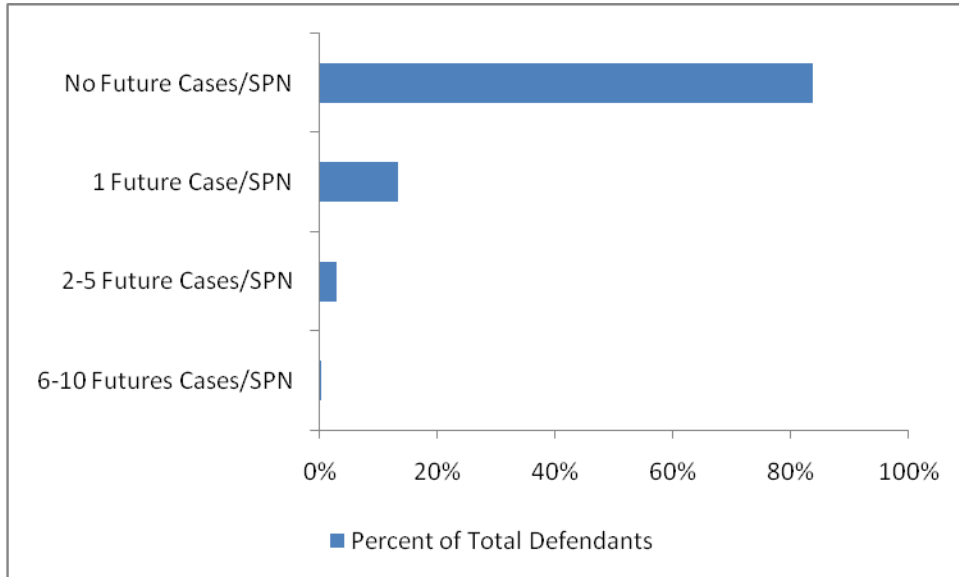
The remainder, 9,769 cases, was adjudicated by the Harris County Criminal Courts at Law. Of these, 947 cases were dismissed. The 8,822 cases that were not dismissed or adjudicated were filed against 8,713 unique defendants. For 5,499 defendants, the 2006 DWI case is their first criminal case filed in the Harris County Criminal Courts at Law or the Harris County State District Courts Trying Criminal Cases.

Population Selection	
9,919	Misdemeanor DWI Cases Filed in 2006
-150	Cases without a Judgment as of June 30, 2010
9,769	Adjudicated Cases
-947	Cases Dismissed
8,822	2006 DWI cases Adjudicated and not Dismissed
8,713	Defendants for the 8,822 DWI Cases
5,499	2006 First-time DWI Defendants Convicted or Acquitted

*The case information for this study is current as of June 30, 2010.*

**Recidivism Rate**  
**First-time Defendants with One or More Future Cases**

5,499 -4,608	First-time DWI Defendants in 2006 Defendants with No Future Cases filed more than 4 years after the original judgment date of first offense (84%)
891	Recidivist Population from 2006 (16%)



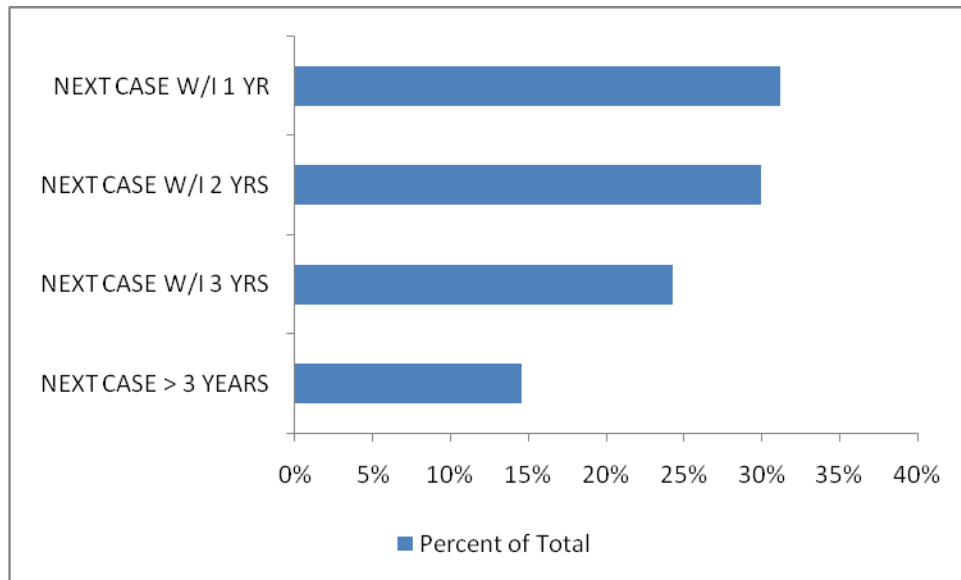
Categories	Number of Defendants	Percent of Total Defendants
No Future Cases/SPN	4,608	84%
1 Future Case/SPN	733	13%
2-5 Future Cases/SPN	157	3%
6-10 Futures Cases/SPN	1	0%

*The recidivism rate for 2006 first-time DWI defendants adjudicated is 16%.*

Of the 5,499 first-time DWI defendants adjudicated that were filed in 2006:

- 16% were subsequently charged with a new criminal offense
- 84% have not incurred any additional cases

**2006 First Offense DWI Defendants with Future Cases  
Time Lapse between First and Second Cases**



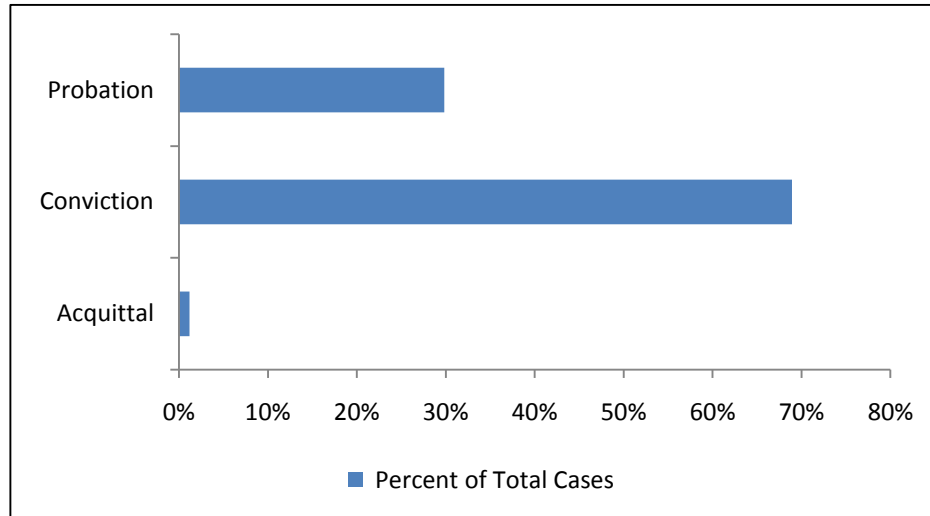
Categories	Number of Defendants
Next Case Within 1 yr	278
Next Case Within 2 yrs	267
Next Case Within 3 Yrs	216
Next Case more than 3 Yrs	130

Of the 891 first-time DWI defendants who had future criminal cases:

- 31% had their next case within 1 year
- 30% within two years
- 22% within 3 years
- 14% more than 3 years after their first DWI case

## Judgments on First Offense Cases Adjudication Rates

Base Case Judgments  
Total Base Cases: 5,499



Judgment	Number of Cases	Percent of Total Cases
Probation	1,641	30%
Conviction	3,792	69%
Acquittal	65	1%
Miscellaneous	1	0%

Of the 5,499 2006 first-time DWI defendants adjudicated:

- 30% were placed on probation
- 69% were convicted and served jail time and/or paid a fine

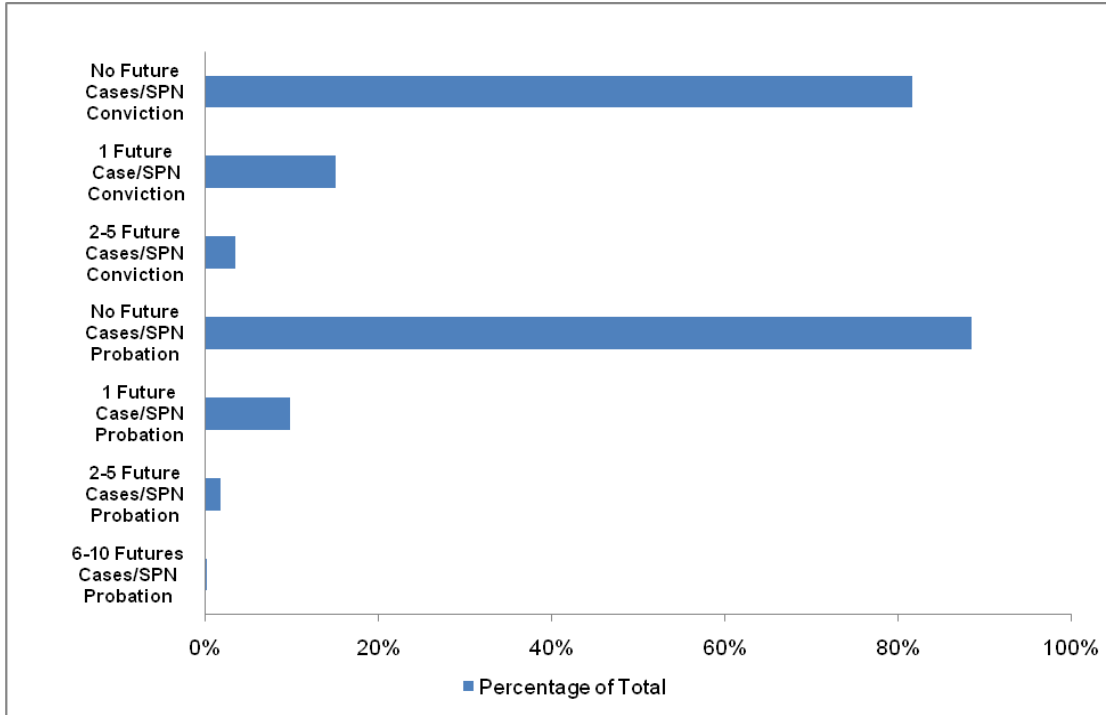
## Recidivism Rates: Probation vs. Conviction

### Re-occurrence Rates

For the purpose of this study, a *Conviction* is a Guilty verdict that resulted in jail time and/or a fine. A *Probation* is a Guilty verdict that resulted in a probated sentence.

#### DWI Defendants with Additional Cases

By DWI Case Judgment



#### Future Cases by Judgment Category

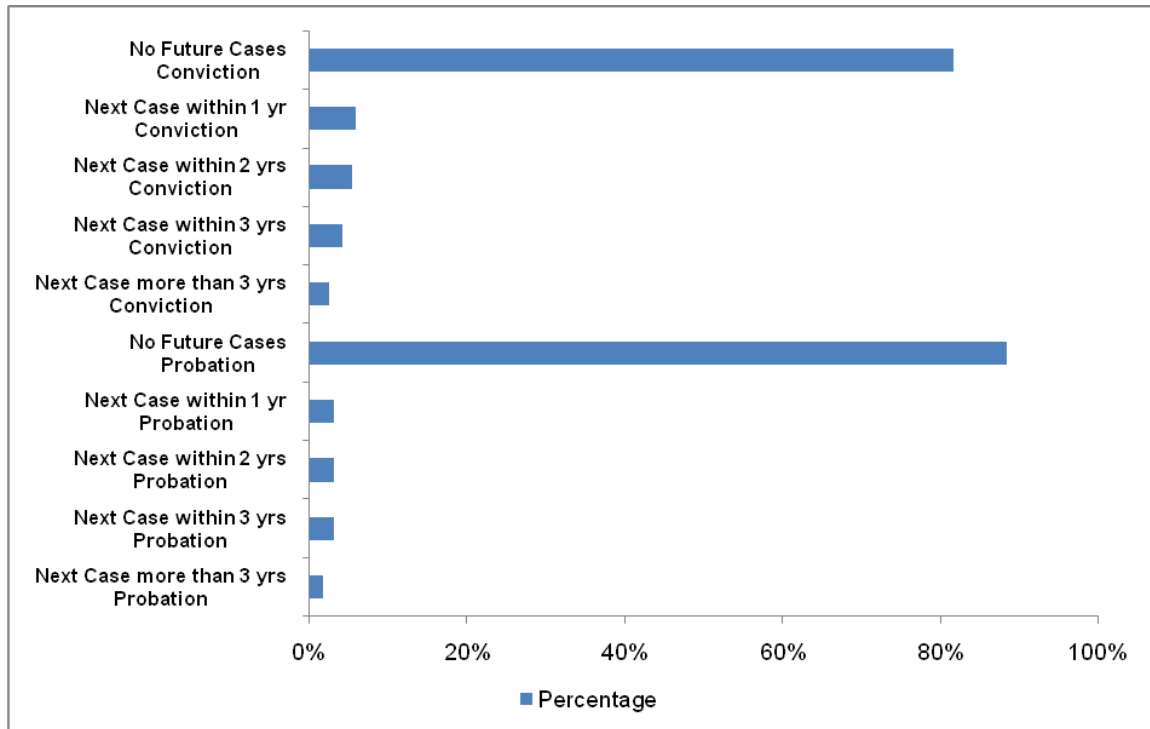
Conviction			Probation		
No Future Cases/SPN	3,095	82%	No Future Cases/SPN	1,451	88%
1 Future Case/SPN	569	15%	1 Future Case/SPN	160	10%
2-5 Future Cases/SPN	128	3%	2-5 Future Cases/SPN	29	2%
			6-10 Futures Cases/SPN	1	0%

Of the 891 first-time DWI defendants who had future criminal cases:

- 12% of those placed on probation had a future case
- 18% of those sentenced to jail time and/or a fine had a future case



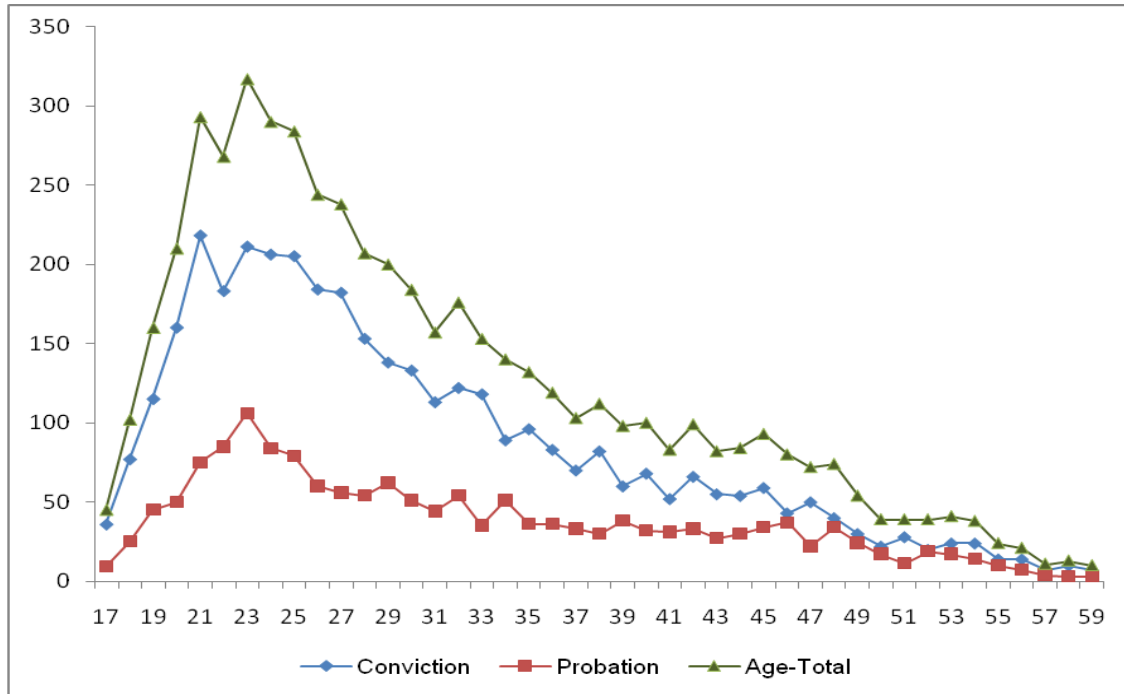
## Second Offense Time Lapse: Probation vs. Conviction Recidivism Rate by Judgment Category



Conviction			Probation		
No Future Cases	3,095	82%	No Future Cases	1,451	88%
Next Case within 1 yr	225	6%	Next Case within 1 yr	53	3%
Next Case within 2 yrs	210	6%	Next Case within 2 yrs	54	3%
Next Case within 3 yrs	164	4%	Next Case within 3 yrs	52	3%
Next Case more than 3 yrs	98	3%	Next Case more than 3 yrs	31	2%

- 697 individuals had future cases after a Conviction on their first case
  - 32% (225 people) had their second case within 1 year of their first case.
  - 30% (210 people) had their second case within 2 years of their first case.
  - 24% (164 people) had their second case within 3 years of their first case.
  - 14% (98 people) had their second case +3 years after their first case.
  
- 190 individuals had future cases after Probation on their first case
  - 28% (53 people) had their second case within 1 year of their first case.
  - 28% (54 people) had their second case within 2 years of their first case.
  - 27% (52 people) had their second case within 3 years of their first case.
  - 16% (31 people) had their second case +3 years after their first case.

## Age of Defendant: Conviction vs. Probation Adjudication Rate by Age and Judgment



Of the 5,370 defendants with verifiable age

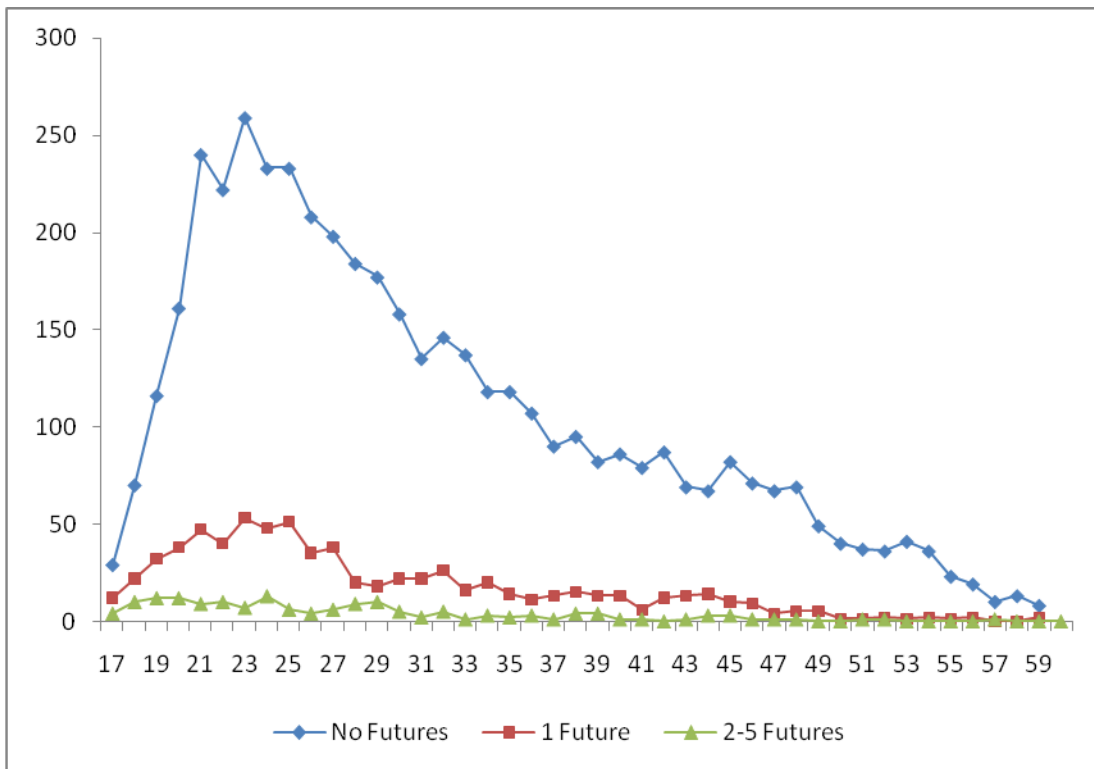
- For ages 48 to 57, 223 (59%) defendants were given straight convictions and 157 (41%) were placed on probation.
- Defendants under the legal drinking age in Texas of 21 represent 10% (517) of this study's population
  - The youngest defendants were 17 years old
  - 388 (75%) underage defendants were given straight convictions
  - 129 (25%) underage defendants were placed on probation

To develop the age analysis statistics, 129 individuals were eliminated because the date of birth month and birth year could not be validated.

**Age of Defendant: Conviction vs. Probation  
Distribution of Judgments by Age of Defendant**

Age	Conviction	Probation	Age-Total	Cumulative-Total
17	36	9	45	45
18	77	25	102	147
19	115	45	160	307
20	160	50	210	517
21	218	75	293	810
22	183	85	268	1,078
23	211	106	317	1,395
24	206	84	290	1,685
25	205	79	284	1,969
26	184	60	244	2,213
27	182	56	238	2,451
28	153	54	207	2,658
29	138	62	200	2,858
30	133	51	184	3,042
31	113	44	157	3,199
32	122	54	176	3,375
33	118	35	153	3,528
34	89	51	140	3,668
35	96	36	132	3,800
36	83	36	119	3,919
37	70	33	103	4,022
38	82	30	112	4,134
39	60	38	98	4,232
40	68	32	100	4,332
41	52	31	83	4,415
42	66	33	99	4,514
43	55	27	82	4,596
44	54	30	84	4,680
45	59	34	93	4,773
46	43	37	80	4,853
47	50	22	72	4,925
48	40	34	74	4,999
49	30	24	54	5,053
50	22	17	39	5,092
51	28	11	39	5,131
52	20	19	39	5,170
53	24	17	41	5,211
54	24	14	38	5,249
55	14	10	24	5,273
56	14	7	21	5,294
57	7	4	11	5,305
58	10	3	13	5,318
59	7	3	10	5,328
60+	31	11	42	5,370

**Future Cases: Distribution by Age of Defendant**  
**Rate of Future Cases by Defendant's Age**



The Number of Future Cases by Age breakdown provides an indicator of the age groups that have the most occurrences of future cases.

- 36% of defendants age 17 had one or more future criminal cases, more than at any other age level
- Defendants under 21 are more likely to have a future criminal case
- The age group with the largest number of DWI First Offense defendants is 23 years old (319 cases) with 21 year olds (296 cases) being the second highest.

**Future Cases: Distribution by Age of Defendant**  
**Table: Rate of Future Cases by Defendant's Age**

Age	Total	No Futures	% w/o Futures	1 Future	2-5 Futures	6-10 Futures	Total w/Futures	% w/Futures
17	45	29	64%	12	4	0	16	36%
18	102	70	69%	22	10	0	32	31%
19	160	116	73%	32	12	0	44	28%
20	212	161	76%	38	12	1	51	24%
21	296	240	81%	47	9	0	56	19%
22	272	222	82%	40	10	0	50	18%
23	319	259	81%	53	7	0	60	19%
24	294	233	79%	48	13	0	61	21%
25	290	233	80%	51	6	0	57	20%
26	247	208	84%	35	4	0	39	16%
27	242	198	82%	38	6	0	44	18%
28	213	184	86%	20	9	0	29	14%
29	205	177	86%	18	10	0	28	14%
30	185	158	85%	22	5	0	27	15%
31	159	135	85%	22	2	0	24	15%
32	177	146	82%	26	5	0	31	18%
33	154	137	89%	16	1	0	17	11%
34	141	118	84%	20	3	0	23	16%
35	134	118	88%	14	2	0	16	12%
36	121	107	88%	11	3	0	14	12%
37	104	90	87%	13	1	0	14	13%
38	114	95	83%	15	4	0	19	17%
39	99	82	83%	13	4	0	17	17%
40	100	86	86%	13	1	0	14	14%
41	86	79	92%	6	1	0	7	8%
42	99	87	88%	12	0	0	12	12%
43	83	69	83%	13	1	0	14	17%
44	84	67	80%	14	3	0	17	20%
45	95	82	86%	10	3	0	13	14%
46	81	71	88%	9	1	0	10	12%
47	72	67	93%	4	1	0	5	7%
48	75	69	92%	5	1	0	6	8%
49	54	49	91%	5	0	0	5	9%
50	41	40	98%	1	0	0	1	2%
51	39	37	95%	1	1	0	2	5%
52	39	36	92%	2	1	0	3	8%
53	42	41	98%	1	0	0	1	2%
54	38	36	95%	2	0	0	2	5%
55	24	23	96%	1	0	0	1	4%
56	21	19	90%	2	0	0	2	10%
57	11	10	91%	0	1	0	1	9%
58	13	13	100%	0	0	0	0	0%
59	10	8	80%	2	0	0	2	20%
60+	43	40	93%	3	0	0	3	7%

## **Future Cases: Convictions & Probations vs. Misdemeanors & Felonies**

There were 891 repeat offenders from the base study group for 2006. These individuals accumulated non-acquittal judgments on an additional 1,094 future cases.

Of these 1,094 future cases,

- 81% were misdemeanors (889 cases)
- 19% were felonies (205 cases)

A review of the 891 repeat offenders showed that

- 78% received a straight conviction on their first offenses (697 defendants)
- 21% were placed on probation (190 defendants)

### *DWI Priors with Convictions*

Of the 697 defendants who received a straight conviction on their first offense and committed at least one additional offense,

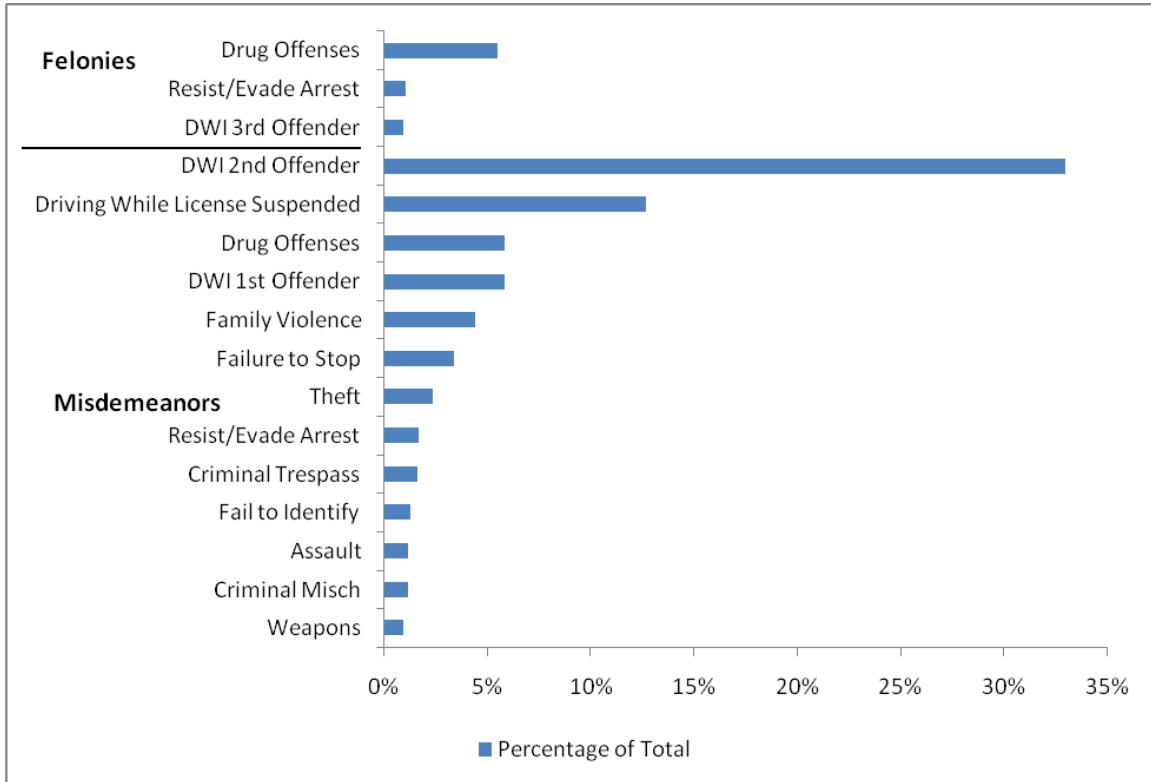
- 81% committed a misdemeanor offense as their second offense (564 defendants)
- 19% committed a felony (133 defendants)

### *DWI Priors with Probations*

Of the 190 defendants who received probation on their first offense and committed additional offenses,

- 92% committed an additional misdemeanor (174 defendants)
- 8% committed an additional felony (16 defendants)

**Distribution of Offenses on Future Cases  
Rate of Occurrence by Offense Level and Category  
Second Offense for Repeat Offenders**



Second occurrences represented a broad range of offenses.

- 33% of repeat offenders were charged with a “DWI 2<sup>nd</sup> Offender” offense
- Graph only includes offense categories with at least 7 individuals

## Distribution of Offenses on Future Cases

**Table: Rate of Occurrence by Offense Level and Category**

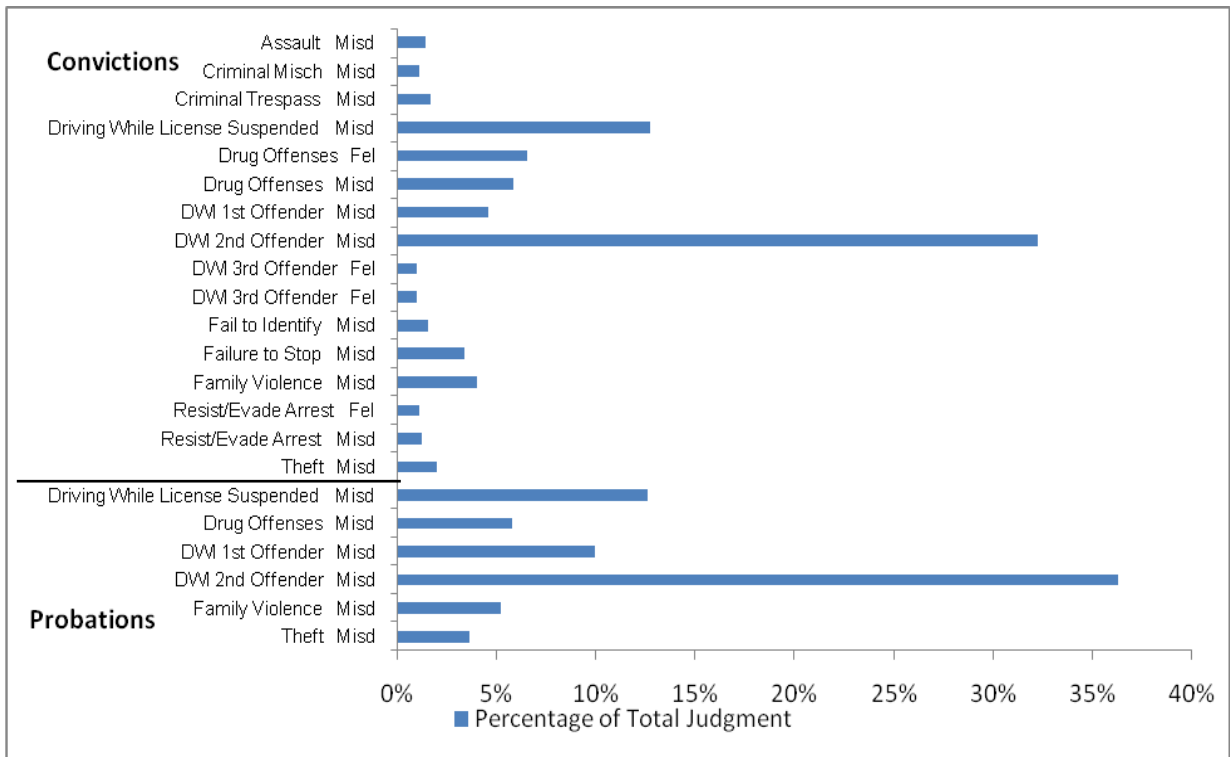
**Second Offense for Repeat Offenders**

*First Offense was a Misdemeanor DWI*

<b>2nd Case Offense Type</b>	<b>2nd Case Offense</b>	<b>Number of Defendants</b>	<b>Percentage of Group</b>
Misdemeanor	DWI 2nd Offender	294	33%
Misdemeanor	Driving While License Suspended	113	13%
Misdemeanor	DWI 1st Offender	52	6%
Misdemeanor	Drug Offenses	52	6%
Felony	Drug Offenses	49	5%
Misdemeanor	Family Violence	39	4%
Misdemeanor	Failure to Stop	30	3%
Misdemeanor	Theft	21	2%
Misdemeanor	Resist/Evade Arrest	15	2%
Misdemeanor	Criminal Trespass	14	2%
Misdemeanor	Fail to Identify	11	1%
Misdemeanor	Assault	10	1%
Misdemeanor	Criminal Misch	10	1%
Felony	Resist/Evade Arrest	9	1%
Felony	DWI 3rd Offender	8	1%
Misdemeanor	Weapons	8	1%



**Conviction vs. Probation: Distribution of Future Offenses  
Rate of Occurrence by Offense Level and Offense Category  
Grouped by Judgment on Original Offense  
Second offense for Repeat Offenders  
First Offense was a misdemeanor DWI.**



Of the 891 repeat offenders

- Approximately the same percentage of each group were charged with future DWI 2<sup>nd</sup> Offense charges
  - 32% for Convictions vs. 36% for Probations
- Those with prior Convictions (jail/fine) judgments
  - committed more non-alcohol related second offenses
  - 7% were charged with Felony Drug Offenses
  - 4% were charged with Family Violence Offenses as second offense
- Those with prior Probation judgments
  - 5% were charged with Family Violence Offenses as second offense

## Defendants with Convictions: Distribution of Future Offenses

### Defendants with DWI Prior – Conviction

*Represents offenses that had at least 7 individuals*

2nd Case Offense Type	2nd Case Offense	Number of Defendants	Percentage of group
Misdemeanor	DWI 2nd Offender	225	32%
Misdemeanor	Driving While License Suspended	89	13%
Felony	Drug Offenses	46	7%
Misdemeanor	Drug Offenses	41	6%
Misdemeanor	DWI 1st Offender	32	5%
Misdemeanor	Family Violence	28	4%
Misdemeanor	Failure to Stop	24	3%
Misdemeanor	Theft	14	2%
Misdemeanor	Criminal Trespass	12	2%
Misdemeanor	Fail to Identify	11	2%
Misdemeanor	Assault	10	1%
Misdemeanor	Resist/Evade Arrest	9	1%
Misdemeanor	Criminal Mischief	8	1%
Felony	Resist/Evade Arrest	8	1%
Felony	DWI 3rd Offender	7	1%
Felony	DWI 3rd Offender	7	1%

## Defendants with Convictions: Distribution of Future Offenses

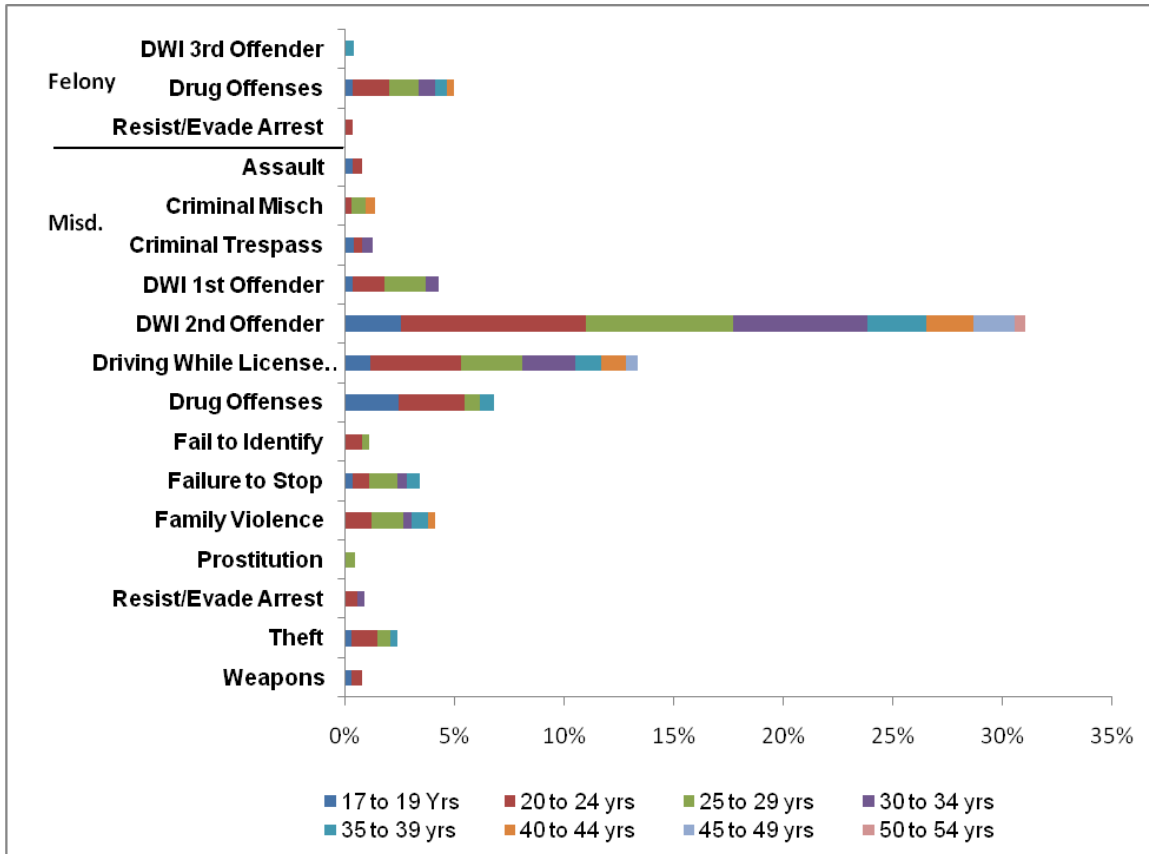
### Defendants with DWI Prior – Probation

*Represents offenses that had at least 7 individuals*

<b>2nd Case Offense Type</b>	<b>2nd Case Offense</b>	<b>Number of Defendants</b>	<b>Percentage of group</b>
Misdemeanor	Driving While License Suspended	24	13%
Misdemeanor	Drug Offenses	11	6%
Misdemeanor	DWI 1st Offender	19	10%
Misdemeanor	DWI 2nd Offender	69	36%
Misdemeanor	Family Violence	10	5%
Misdemeanor	Theft	7	4%

## 2006 First Offense DWI Defendants with Future Cases Age Groups and Distribution of Future Offenses

*Represents Offenses that had at least 7 individuals*



Age Analysis indicates that

- For all age groups, the most prevalent future offense was a DWI.
- For the 17 to 19 year olds, the next future case was a 2<sup>nd</sup> DWI, Driving while License Suspended or a Drug Offense.
- Those older than 35 years had future cases for charges of Driving while License Suspended, additional DWI Charges, Family Violence offenses, Failure to Stop, Theft and felony Drug offenses.