

**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 2004**

Data collected on July 23, 2007

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**DWI Studies for the Harris County Criminal Courts at Law
 Recidivism Profiles of First-Time DWI Defendants Case Filed in 2004
 Findings**

- 1) Of the first time DWI defendants with case filed in 2004 that resulted in a conviction, 14% were subsequently charged with a new criminal offense.
- 2) Of the first-time DWI defendants who had future criminal cases, 42% had their next case within 1 year.
- 3) Convictions were higher than Probations for defendants aged 38 years and under.
- 4) Defendants placed on probation are less likely to become repeat offenders than those sentenced to serve jail time and/or pay a fine (Table A).
 - 11% of those placed on probation had a future case
 - 16% of those sentenced to jail time and/or a fine had a future case
- 5) Defendants who are 24 years old or younger are the most likely to become repeat offenders. Those who are 21 years old or younger have the highest rate of new offenses (Table B).

Table A: Comparison of Probation to Jail&/or Fine Judgments

Probation		Jail Time &/or Fine	
% of Defendants	% with Futures Cases	% of Defendants	% with Futures Cases
40%	11%	59%	16%

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

Age	% of Age Band Given Probation	% of Age Band Given Jail &/or Fine	% with Future Cases
17	42%	58%	22%
18	32%	68%	23%
19	27%	72%	20%
20	30%	70%	21%
21	44%	56%	16%
22	45%	55%	15%
23	38%	62%	18%
24	39%	61%	13%

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 2004. The base study group consists of 5,616 individuals whose first-ever criminal case in Harris County (other than a Class C misdemeanor) was a DWI misdemeanor charge filed in 2004 that resulted in a judgment. Of these, 763 have returned to the Harris County criminal justice system as of July 23, 2007.

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 2004 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 2004, there were 11,418 misdemeanor DWI cases filed in Harris County. Of these, 182 cases currently do not have a judgment, and those defendants were not included in this study.

The remainder (11,236 cases) have been adjudicated by the Harris County Criminal Courts at Law. This set of cases includes 11,010 unique individuals (unique SPNs) who were adjudicated by the courts.

Of these total unique defendants in adjudicated DWI cases, there were 6,001 first-time offenders.

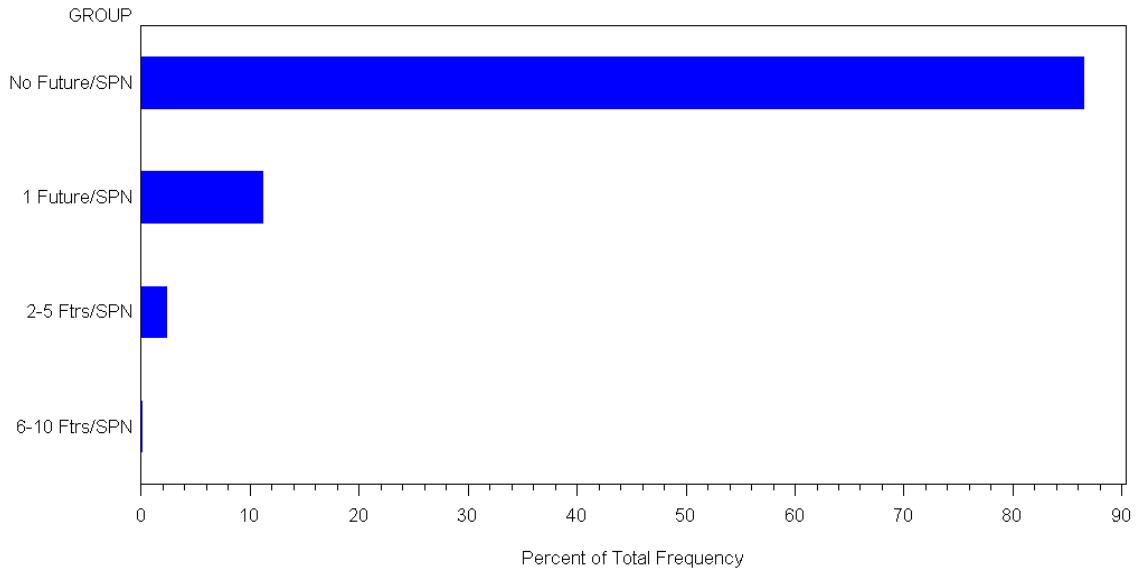
A total of 385 first-time DWI defendants had their case dismissed and were subtracted from the population for this study, leaving a total population of 5,616 first-time DWI defendants from 2004 whose case resulted in a judgment.

Population Selection	
11,418	Misdemeanor DWI Cases Filed in 2004
-182	Cases without a Judgment as of July 23, 2007
11,236	Adjudicated Cases
-226	Duplicate SPNs
11,010	2004 DWI Defendants Adjudicated
-5,009	Defendants with Previous Criminal Cases
6,001	2004 First-time DWI Defendants Adjudicated
-385	Dismissals
5,616	2004 First-time DWI Defendants Convicted or Acquitted

The case information for this study is current as of July 23, 2007.

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

5,616	First-time DWI Defendants in 2004
-4,853	Defendants with No Future Cases Since 2004 (86%)
763	Recidivist Population from 2004 (14%)



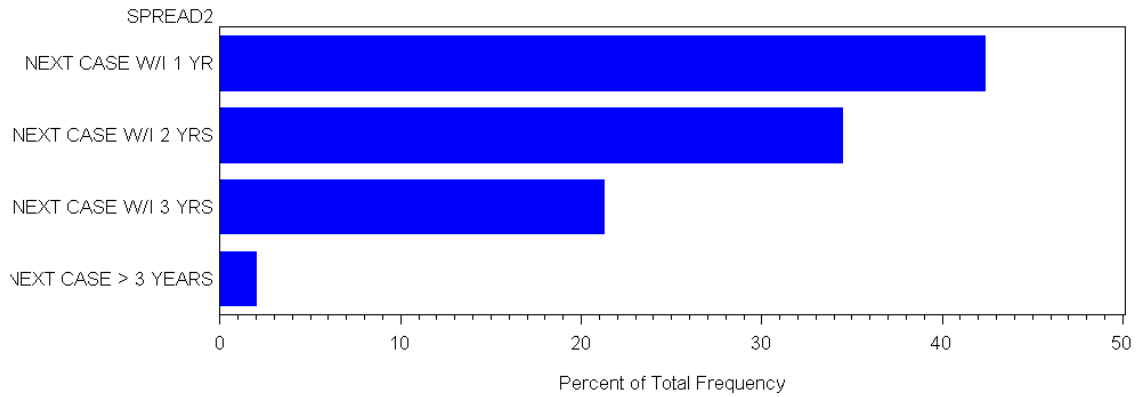
Categories	Number of Defendants	Percent of Total Defendants
No Futures Cases/SPN	4,853	86%
1 Future Case/SPN	629	11%
2-5 Future Cases/SPN	131	2%
6-10 Future Cases/SPN	3	.05%

The recidivism rate for 2004 first-time DWI defendants adjudicated in 2004 is 14%.

Of the 5,616 first-time DWI defendants adjudicated that were filed in 2004:

- 14% were subsequently charged with a new criminal offense
- 86% have not incurred any additional cases

**2004 First Offense DWI Defendants with Future Cases
Time Lapse Between First and Second Cases**



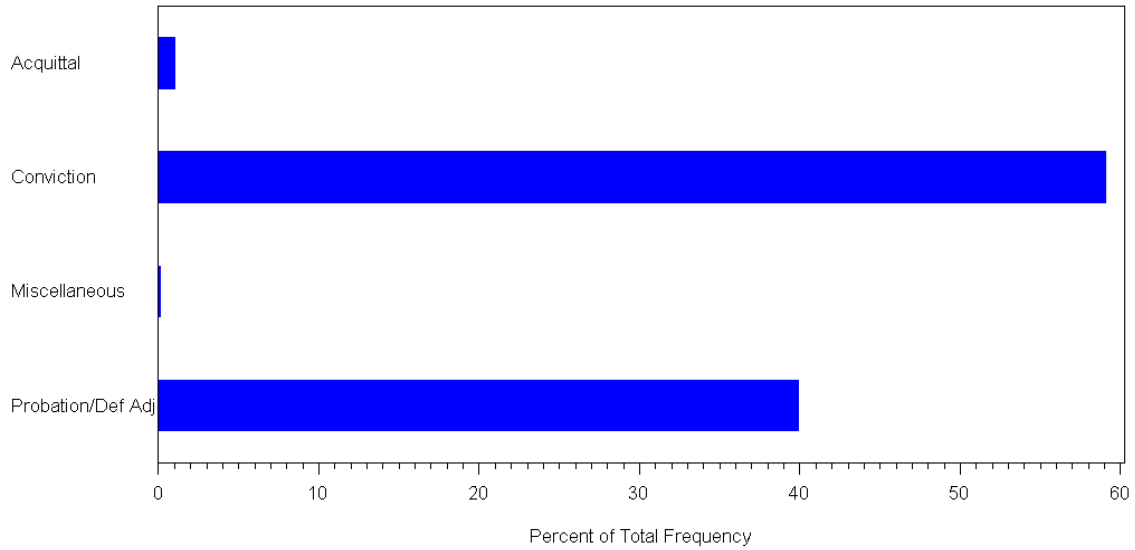
Categories	Number of Defendants
Next Case W/I 1 YR	323
Next Case W/I 2 YRS	263
Next Case W/I 3 YRS	162
Next Case More Than 3 YRS	15

Of the 763 first-time DWI defendants who had future criminal cases:

- 42% had their next case within 1 year
- 34% within two years
- 21% within 3 years
- 2% more than 3 years after their first DWI case

Judgments on First Offense Cases Adjudication Rates

Base Case Judgments
Total Base Cases: 5,616



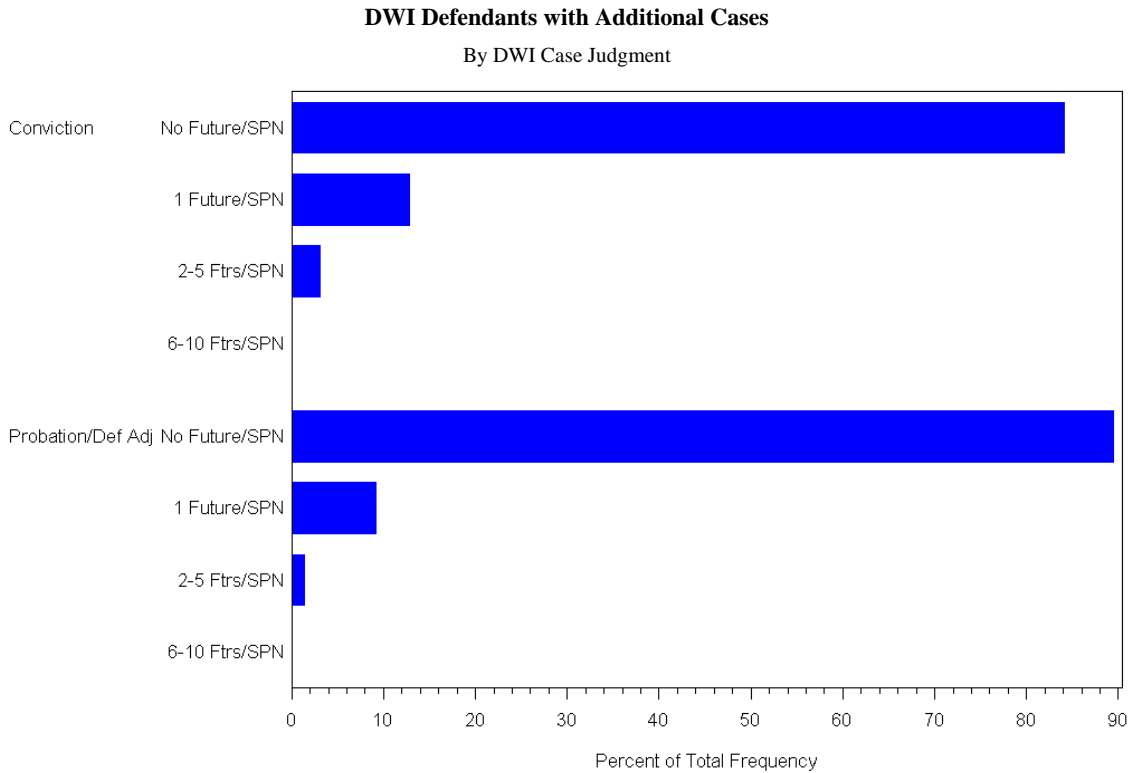
Judgment	Number of Cases	Percent of Total Cases
Acquittal	55	1%
Conviction	3,316	59%
Miscellaneous	5	.09%
Probation/Def Adj	2,240	40%

Of the 5,616 2004 first-time DWI defendants adjudicated:

- 40% were placed on probation
- 59% 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.



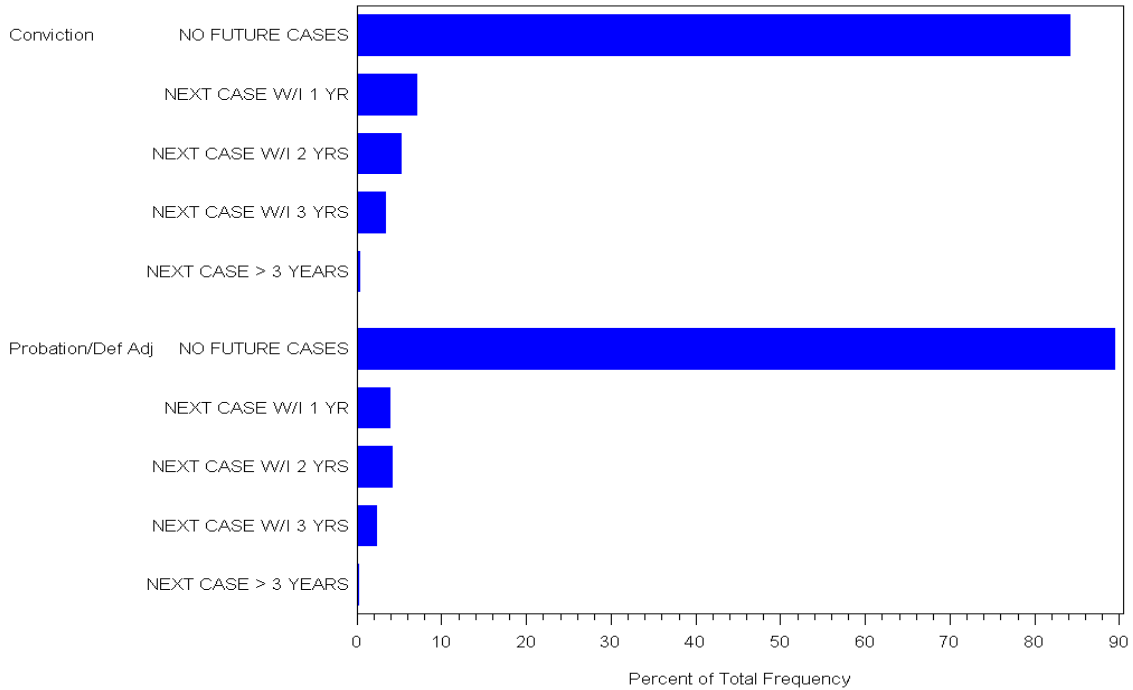
Future Cases by Judgment Category

Conviction (Jail/Fine)			Probation		
No Future	2,790 people	84.1%	No Future	2,004 people	89.5%
1 future	423 people	12.8%	1 future	205 people	9.2%
2 – 5 futures	101 people	3.0%	2 – 5 futures	30 people	1.3%
6 – 10 futures	1 person	.04%	6 – 10 futures	1 people	.04%

Of the 763 first-time DWI defendants who had future criminal cases:

- 11% of those placed on probation had a future case
- 16% 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

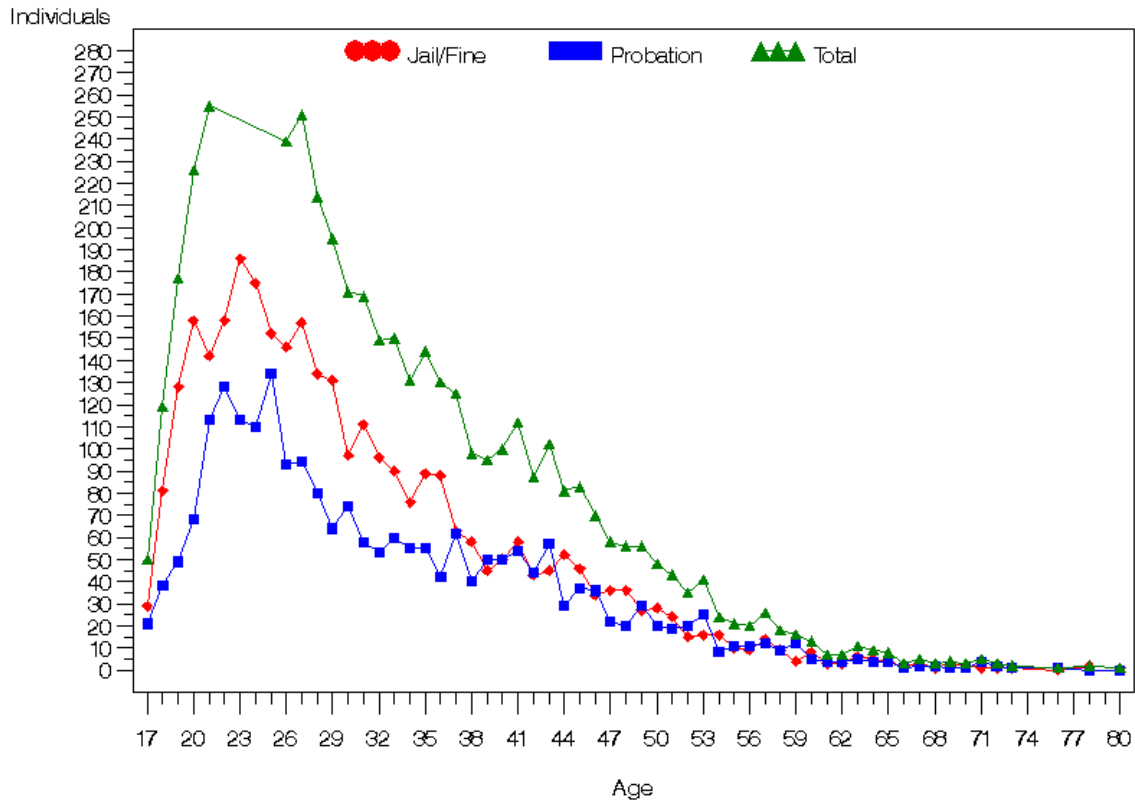


Conviction (Jail / Fine)			Probation/Deferred Adjudication		
No Future	2,790 people	84.1%	No Future	2,004 people	89.5%
Next Case W/I 1 yr	235 people	7.1%	Next Case W/I 1 yr	87 people	3.8%
Next Case W/I 2 yrs	170 people	5.1%	Next Case W/I 2 yrs	93 people	4.2%
Next Case W/I 3 yrs	110 people	3.3%	Next Case W/I 3 yrs	52 people	2.3%
Next Case > 3 yrs	11 people	.33%	Next Case > 3 yrs	4 people	.18%

- 526 individuals had future cases after a Conviction on their first case
 - 45% (235 people) had their second case within 1 year of their first case.
 - 32% (170 people) had their second case within 2 years of their first case.
 - 21% (110 people) had their second case within 3 years of their first case.
 - 2% (11 people) had their second case +3 years after their first case.

- 236 individuals had future cases after Probation on their first case
 - 37% (87 people) had their second case within 1 year of their first case.
 - 39% (93 people) had their second case within 2 years of their first case.
 - 22% (52 people) had their second case within 3 years of their first case.
 - 2% (4 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 5,428 defendants with verifiable age

- For most age groups, defendants are more likely to serve jail time or pay a fine than be placed on probation
- Defendants, under the legal drinking age in Texas of 21, represent 10% (572) of this study's population
 - The youngest defendant was 17 years old
 - 396 (69%) underage defendants were given jail/fine judgments
 - 176 (31%) underage defendants were placed on probation

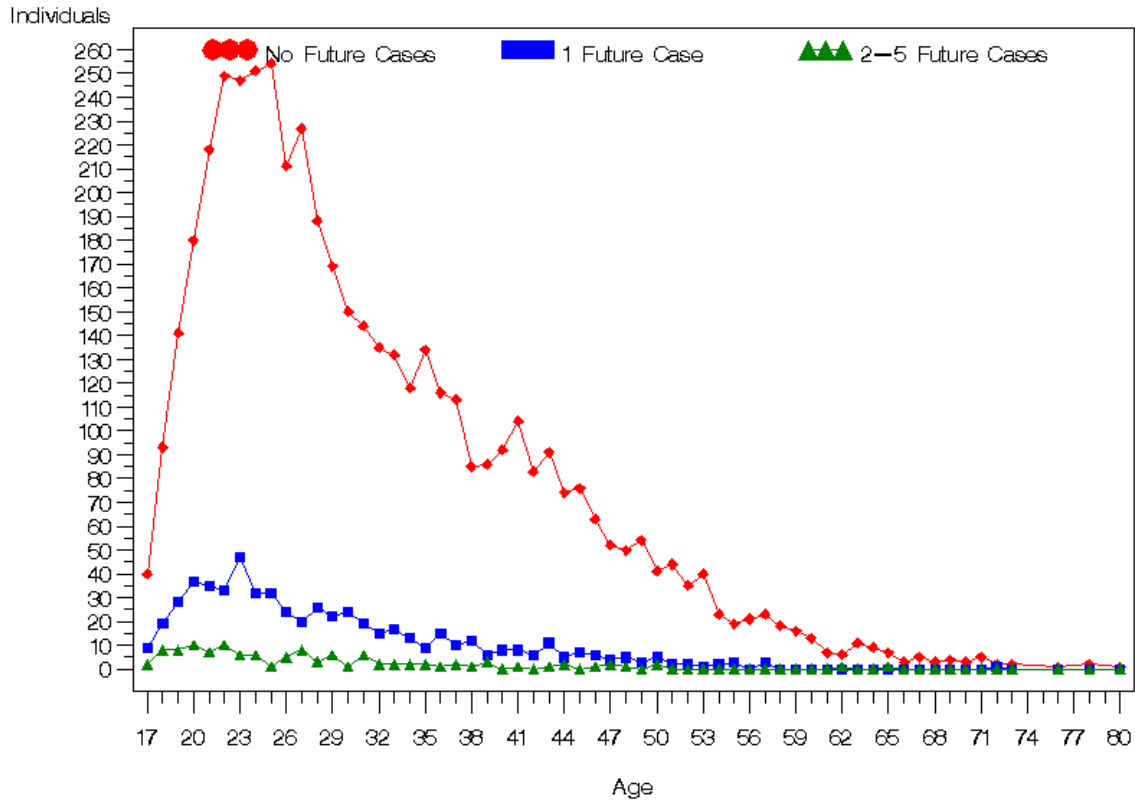
To develop the age analysis statistics, 188 individuals were eliminated because the date of birth month and birth year could not be validated. These individuals had multiple dates of birth recorded in the source data.

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

Age	Conviction	Probation	Age Total	Cumulative Total
17	29	21	50	50
18	81	38	119	169
19	128	49	177	346
20	158	68	226	572
21	142	113	255	827
22	158	128	286	1113
23	186	113	299	1412
24	175	110	285	1697
25	152	134	286	1983
26	146	93	239	2222
27	157	94	251	2473
28	134	80	214	2687
29	131	64	195	2882
30	97	74	171	3053
31	111	58	169	3222
32	96	53	149	3371
33	90	60	150	3521
34	76	55	131	3652
35	89	55	144	3796
36	88	42	130	3926
37	63	62	125	4051
38	58	40	98	4149
39	45	50	95	4244
40	50	50	100	4344
41	58	54	112	4456
42	43	44	87	4543
43	45	57	102	4645
44	52	29	81	4726
45	46	37	83	4809
46	34	36	70	4879
47	36	22	58	4937
48	36	20	56	4993
49	27	29	56	5049
50	28	20	48	5097
51	24	19	43	5140
52	15	20	35	5175
53	16	25	41	5216
54	16	8	24	5240
55	10	11	21	5261
56	9	11	20	5281
57	14	12	26	5307
58	9	9	18	5325
59	4	12	16	5341
60	46	41	87	5428

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 have the most occurrences of future cases.

- 23% of defendants age 18 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 (300 cases)

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	51	40	78.43	9	2	0	11	21.57
18	121	93	76.86	19	8	1	28	23.14
19	177	141	79.66	28	8	0	36	20.34
20	227	180	79.30	37	10	0	47	20.70
21	260	218	83.85	35	7	0	42	16.15
22	292	249	85.27	33	10	0	43	14.73
23	300	247	82.33	47	6	0	53	17.67
24	289	251	86.85	32	6	0	38	13.15
25	287	254	88.50	32	1	0	33	11.50
26	241	211	87.55	24	5	1	30	12.45
27	255	227	89.02	20	8	0	28	10.98
28	217	188	86.64	26	3	0	29	13.36
29	198	169	85.35	22	6	1	29	14.65
30	175	150	85.71	24	1	0	25	14.29
31	169	144	85.21	19	6	0	25	14.79
32	152	135	88.82	15	2	0	17	11.18
33	151	132	87.42	17	2	0	19	12.58
34	133	118	88.72	13	2	0	15	11.28
35	145	134	92.41	9	2	0	11	7.59
36	132	116	87.88	15	1	0	16	12.12
37	125	113	90.40	10	2	0	12	9.60
38	98	85	86.73	12	1	0	13	13.27
39	95	86	90.53	6	3	0	9	9.47
40	100	92	92.00	8	0	0	8	8.00
41	113	104	92.04	8	1	0	9	7.96
42	89	83	93.26	6	0	0	6	6.74
43	103	91	88.35	11	1	0	12	11.65
44	81	74	91.36	5	2	0	7	8.64
45	83	76	91.57	7	0	0	7	8.43
46	70	63	90.00	6	1	0	7	10.00
47	58	52	89.66	4	2	0	6	10.34
48	56	50	89.29	5	1	0	6	10.71
49	57	54	94.74	3	0	0	3	5.26
50	48	41	85.42	5	2	0	7	14.58
51	46	44	95.65	2	0	0	2	4.35
52	37	35	94.59	2	0	0	2	5.41
53	41	40	97.56	1	0	0	1	2.44
54	25	23	92.00	2	0	0	2	8.00
55	22	19	86.36	3	0	0	3	13.64
56	21	21	100.00	0	0	0	0	0.00
57	26	23	88.46	3	0	0	3	11.54
58	18	18	100.00	0	0	0	0	0.00
59	16	16	100.00	0	0	0	0	0.00
60+	87	84	96.55	1	2	0	3	3.45

Future Cases: Convictions & Probations vs. Misdemeanors & Felonies

There were 763 repeat offenders from the base study group for 2004. These individuals accumulated non-acquittal judgments on an additional 947 future cases.

Of these 947 future cases,

- 87% were misdemeanors (826 cases)
- 13% were felonies (121 cases)

A review of the 763 repeat offenders showed that

- 69% received a jail/fine judgment on their first offenses (526 defendants)
- 31% were placed on probation (236 defendants)

DWI Priors with Convictions

Of the 526 defendants who received a jail/fine judgment on their first offense and committed at least one additional offense,

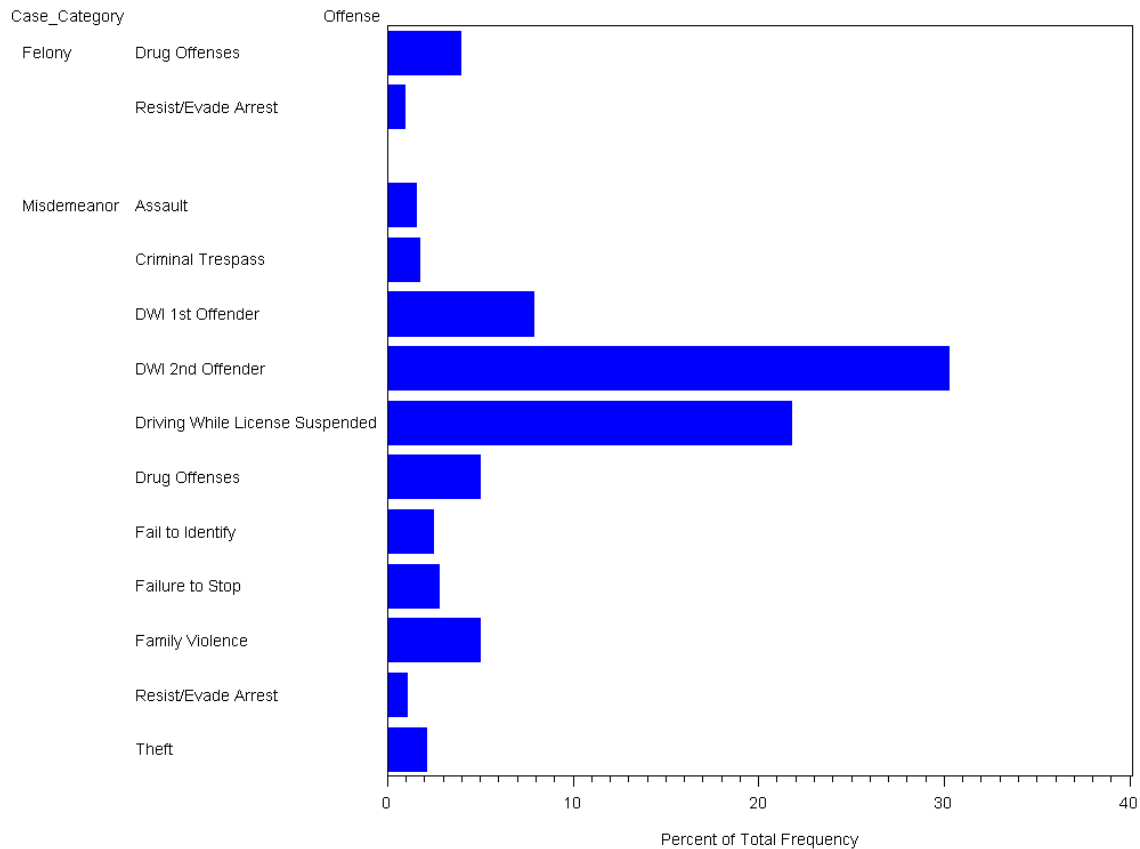
- 82% committed a misdemeanor offense as their second offense (436 defendants)
- 17% committed a felony (90 defendants)

DWI Priors with Probations

Of the 236 defendants who received probation on their first offense and committed additional offenses,

- 89% committed an additional misdemeanor (210 defendants)
- 11% committed an additional felony (26 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.

- 30% of repeat offenders were charged with a “DWI 2nd 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

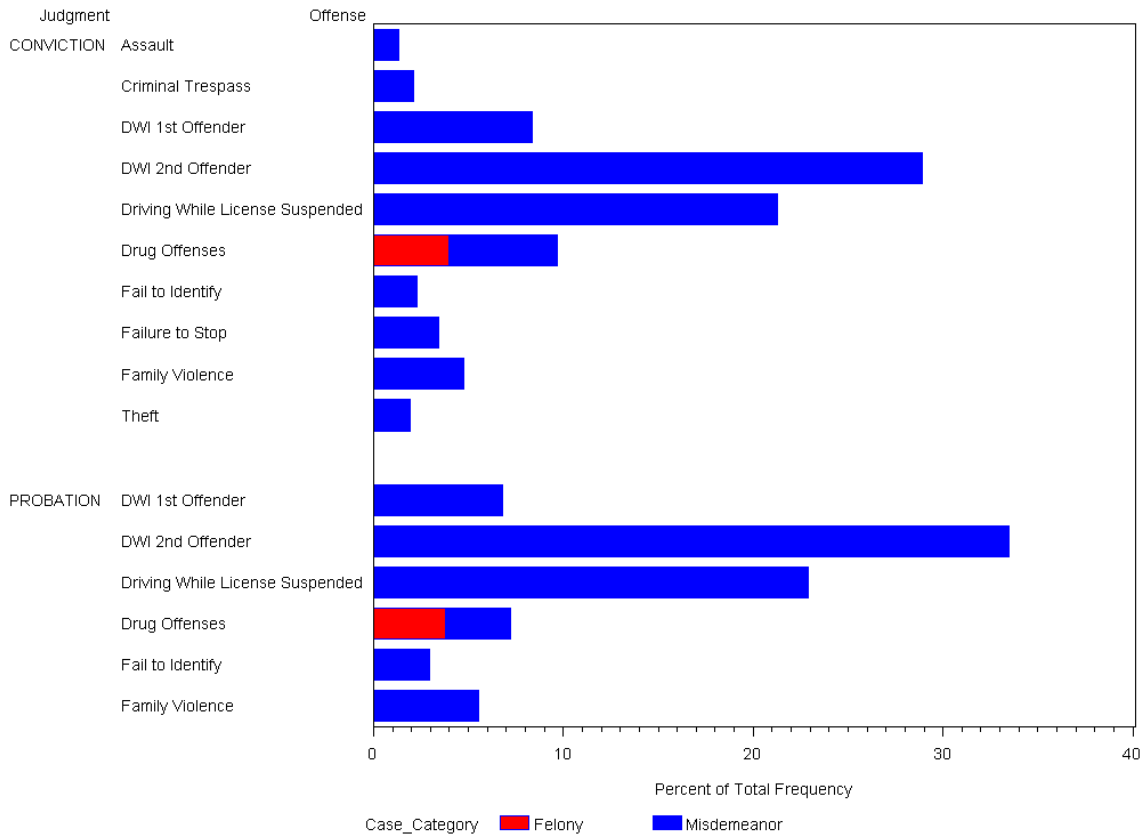
Second Offense for Repeat Offenders

First Offense was a Misdemeanor DWI

Base Case Type=Misdemeanor Base Case Offense=DWI 1st Offender

2nd Case Offense Type	2nd Case Offense	Number of Defendants	Percentage of Group
Misdemeanor	DWI 2nd Offender	231	30.2752
Misdemeanor	Driving While License Suspended	166	21.7562
Misdemeanor	DWI 1st Offender	60	7.8637
Misdemeanor	Drug Offenses	38	4.9803
Misdemeanor	Family Violence	38	4.9803
Felony	Drug Offenses	30	3.9318
Misdemeanor	Failure to Stop	21	2.7523
Misdemeanor	Fail to Identify	19	2.4902
Misdemeanor	Theft	16	2.0970
Misdemeanor	Criminal Trespass	13	1.7038
Misdemeanor	Assault	12	1.5727
Misdemeanor	Resist/Evade Arrest	8	1.0485
Felony	Resist/Evade Arrest	7	0.9174

**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 763 repeat offenders

- Approximately the same percentage of each group were charged with future DWI 2nd Offense charges
 - 29% for Convictions vs. 33% for Probations
- Those with prior Convictions (jail/fine) judgments
 - committed more non-alcohol related second offenses
 - 6% were charged with Felony Drug Offenses
 - 5% were charged with Family Violence Offenses as second offense
- Those with prior Probation judgments
 - 6% were charged with Family Violence Offenses as second offense

Defendants with Convictions: Distribution of Future Offenses

526 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	152	28.8973
Misdemeanor	Driving While License Suspended	112	21.2928
Misdemeanor	DWI 1st Offender	44	8.3650
Misdemeanor	Drug Offenses	30	5.7034
Misdemeanor	Family Violence	25	4.7529
Felony	Drug Offenses	21	3.9924
Misdemeanor	Failure to Stop	18	3.4221
Misdemeanor	Fail to Identify	12	2.2814
Misdemeanor	Criminal Trespass	11	2.0913
Misdemeanor	Theft	10	1.9011
Misdemeanor	Assault	7	1.3308

Defendants with Convictions: Distribution of Future Offenses

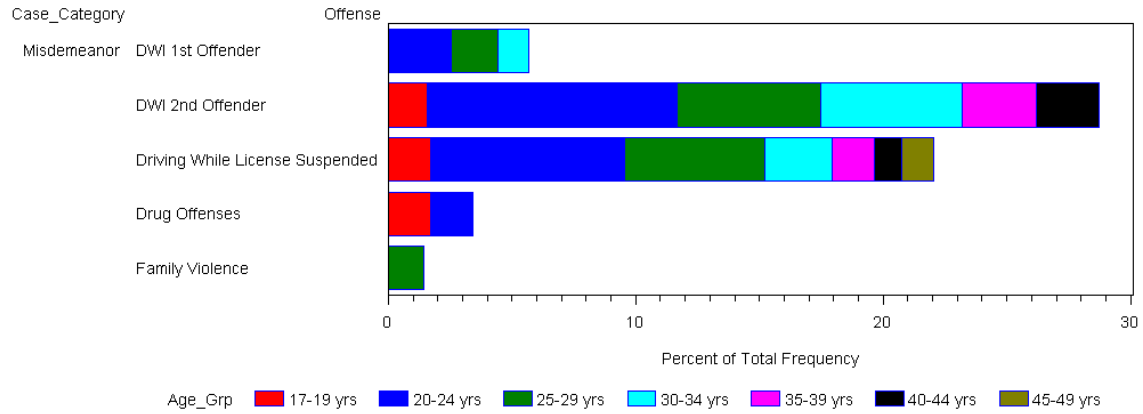
236 Defendants with DWI Prior – Probation

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	79	33.4746
Misdemeanor	Driving While License Suspended	54	22.8814
Misdemeanor	DWI 1st Offender	16	6.7797
Misdemeanor	Family Violence	13	5.5085
Felony	Drug Offenses	9	3.8136
Misdemeanor	Drug Offenses	8	3.3898
Misdemeanor	Fail to Identify	7	2.9661

2002 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

- The 20-24 year olds, 25-29 year olds, and 30-34 year olds were more likely to commit non-alcohol related offenses than the other age groups.
- Those older than 35 years only had future cases for charges of “Driving while License Suspended” and additional DWI Charges.