

**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 defendants with case filed 2002**

Data collected on March 23, 2007

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 with Case Filed in 2002  
 Findings**

- 1) Of the first time DWI defendants with case filed in 2002 that resulted in a conviction, 18.56% 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 under the age of 21 are more likely to serve jail time and/or pay a fine.
- 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).
  - 15% of those placed on probation had a future case
  - 22% 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 20 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
54%	15%	46%	22%

**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	56%	44%	36.07%
18	46%	54%	37.50%
19	41%	59%	28.24%
20	41%	59%	26.83%
21	55%	45%	20.08%
22	60%	40%	20.14%
23	52%	48%	20.50%
24	58%	42%	20.87%

## **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 2002. The base study group consists of 5,060 individuals whose first-ever criminal case in Harris County (other than a Class C misdemeanor) was a DWI misdemeanor charge filed in 2002 that resulted in a judgment. Of these, 939 have returned to the Harris County criminal justice system as of March 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 2002 profile describes the group according to the age of the defendants, and it also describes the kind of judgments dispensed for the group.

### **Contents**

- Population
- Recidivism Rate
- Time Lapse between First and Second Cases
- Judgments on First Offense Cases
- Recidivism Rates: Conviction vs. Probation
- Second Offense Time Lapse: Conviction vs. Probation
- Age of Defendant: Conviction vs. Probation
- Future Cases: Distribution by Age of Defendant
- Future Cases: Convictions & Probations vs. Misdemeanors & Felonies
- Distribution of Offenses on Future Cases
- Conviction vs. Probation: Distribution of Future Offenses
- Defendants with Convictions: Distribution of Future Offenses
- Defendants with Probations: Distribution of Future Offenses

## DWI Recidivism: Population

For the year 2002, there were 10,077 misdemeanor DWI cases filed in Harris County. Of these, 121 cases currently do not have a judgment, and those defendants were not included in this study.

The remainder (9,956 cases) have been adjudicated by the Harris County Criminal Courts at Law. This set of cases includes 9,734 unique individuals (unique SPNs) who were adjudicated by the courts.

Of these total unique defendants in adjudicated DWI cases, there were 5,338 first-time offenders.

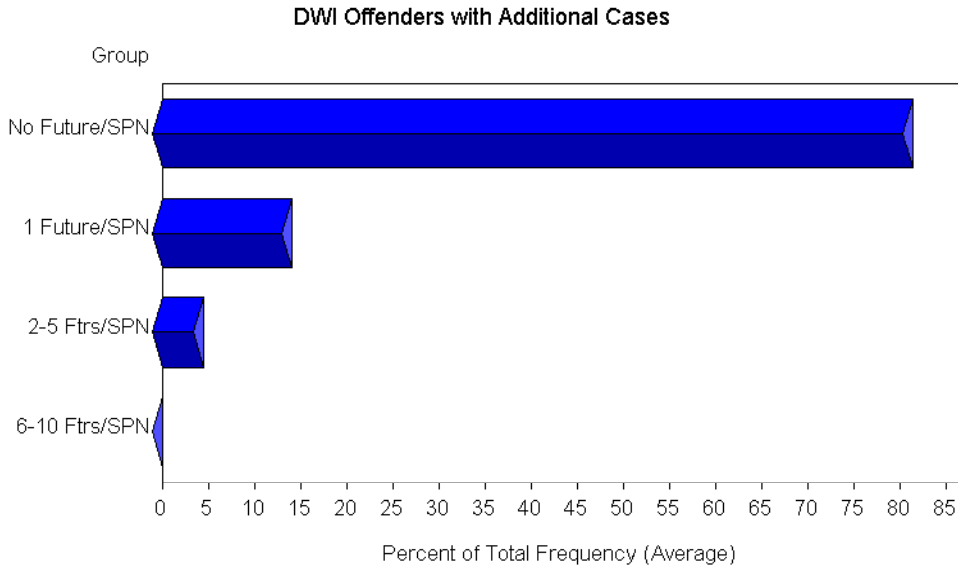
A total of 278 first-time DWI defendants had their case dismissed and were subtracted from the population for this study, leaving a total population of 5,060 first-time DWI defendants from 2002 whose case resulted in a judgment.

<b>Population Selection</b>	
10,077	Misdemeanor DWI Cases Filed in 2002
-121	Cases without a Judgment as of March 23, 2007
9,956	Adjudicated Cases
-222	Duplicate SPNs
9,734	Unique DWI Defendants Adjudicated in 2002
-4,396	Defendants with Previous Criminal Cases
5,338	First-time DWI Defendants Adjudicated in 2002
-278	Dismissals
5,060	First-time DWI Defendants Convicted or Acquitted in 2002

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

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

5,060	First-time DWI Defendants in 2002
-4,121	Defendants with No Future Cases Since 2002 (82%)
939	Recidivist Population from 2002 (18%)



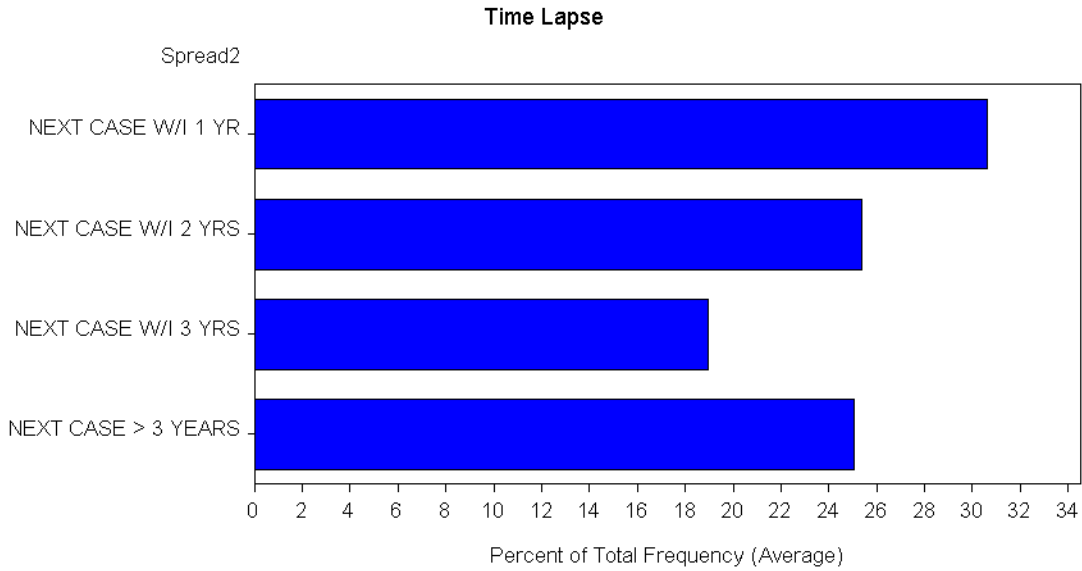
Categories	Number of Defendants	Percent of Total Defendants
No Futures Cases/SPN	4,121	81.44%
1 Future Case/SPN	710	14.03%
2-5 Future Cases/SPN	228	4.51%
6-10 Future Cases/SPN	1	.02%

*The recidivism rate for first-time DWI defendants adjudicated in 2002 is 18.56%.*

Of the 5,060 first-time DWI defendants adjudicated in 2002:

- 18.56% were subsequently charged with a new criminal offense
- 81.44% have not incurred any additional cases

**2002 First Offense DWI Defendants with Future Cases  
Time Lapse Between First and Second Cases**



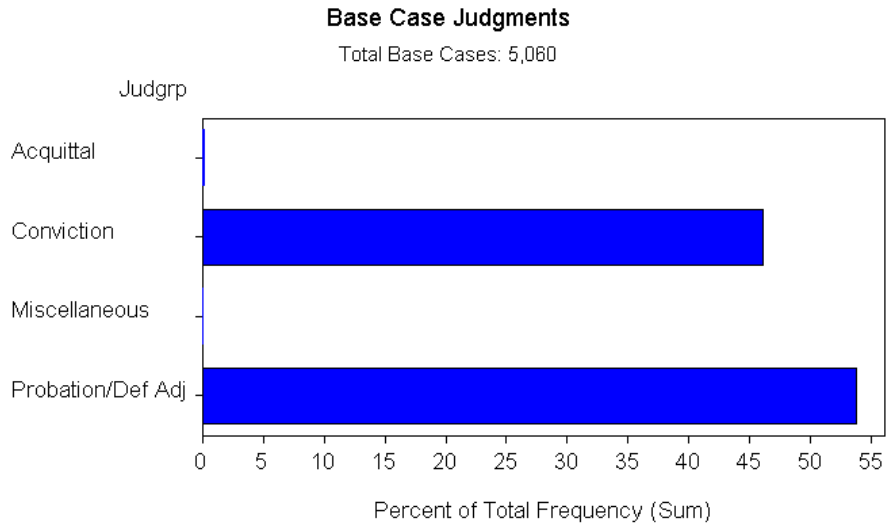
Categories	Number of Defendants
Next Case W/I 1 YR	287
Next Case W/I 2 YRS	238
Next Case W/I 3 YRS	178
Next Case More Than 3 YRS	235

Of the 938  
DWI defendants who had future criminal cases:

first-time

- 31% had their next case within 1 year
- 25% within two years
- 19% within 3 years
- 25% more than 3 years after their first DWI case

## Judgments on First Offense Cases Adjudication Rates



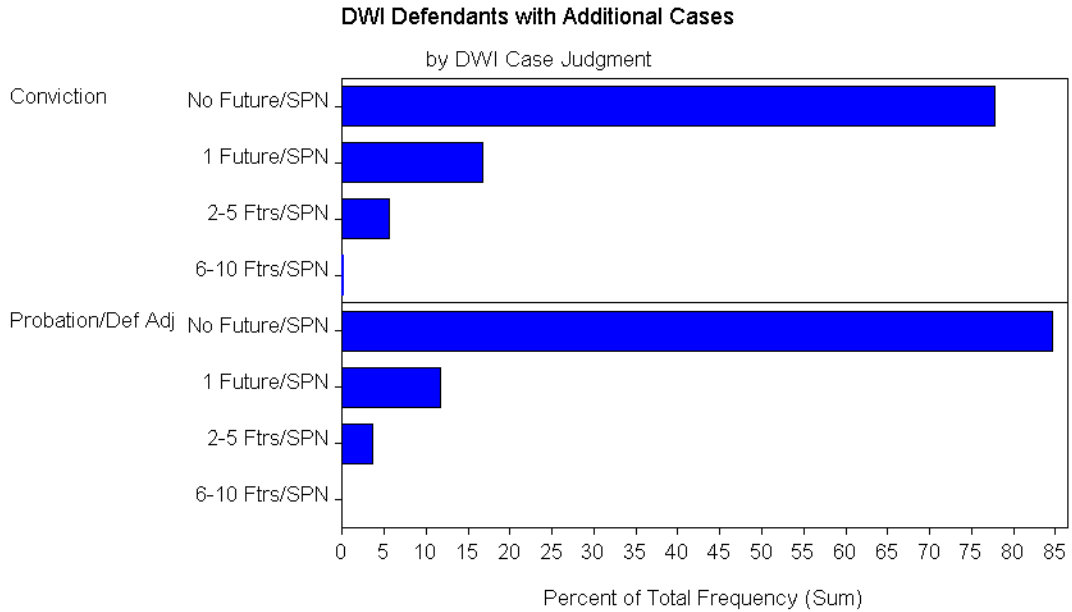
Judgment	Number of Cases	Percent of Total Cases
Acquittal	4	.08%
Conviction	2,332	46.09%
Miscellaneous	1	.02%
Probation/Def Adj	2,723	53.81%

Of the 5,060 first-time DWI defendants adjudicated in 2002:

- 54% were placed on probation
- 46% 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**

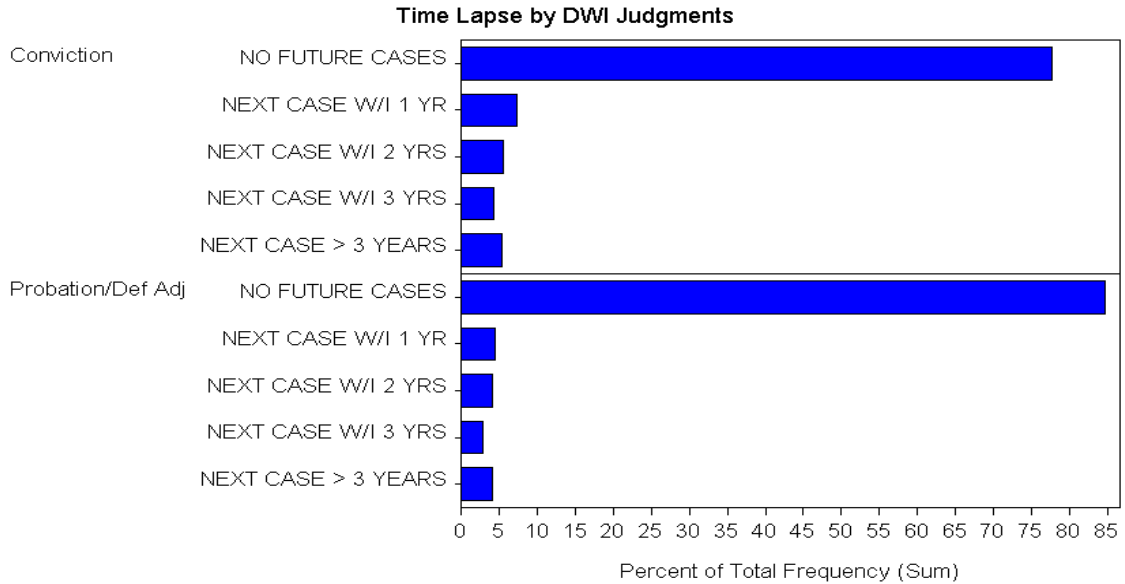
Conviction (Jail/Fine)			Probation		
No Future	1,812 people	77.7%	No Future	2,305 people	84.6%
1 future	389 people	16.7%	1 future	320 people	11.8%
2 – 5 futures	130 people	5.6%	2 – 5 futures	98 people	3.6%
6 – 10 futures	1 person	.04%	6 – 10 futures	0 people	0%

Of the 938 first-time DWI defendants who had future criminal cases:

- 15% of those placed on probation had a future case
- 22% of those sentenced to jail time and/or a fine had a future case



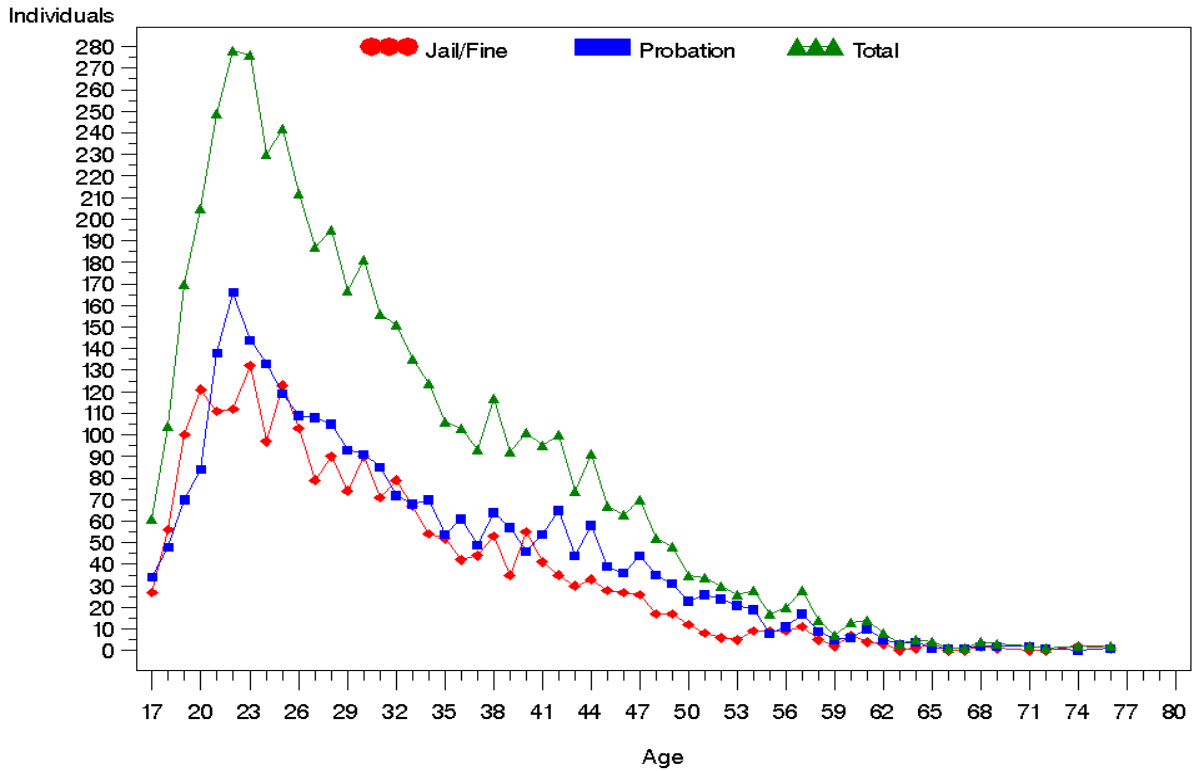
## Second Offense Time Lapse: Probation vs. Conviction Recidivism Rate by Judgment Category



Conviction (Jail / Fine)			Probation/Deferred Adjudication		
No Future	1,812 people	77.7%	No Future	2,305 people	84.6%
Next Case W/I 1 yr	168 people	7.2%	Next Case W/I 1 yr	119 people	4.4%
Next Case W/I 2 yrs	129 people	5.5%	Next Case W/I 2 yrs	109 people	4.0%
Next Case W/I 3 yrs	99 people	4.3%	Next Case W/I 3 yrs	79 people	2.9%
Next Case > 3 yrs	124 people	5.3%	Next Case > 3 yrs	111 people	4.1%

- 520 individuals had future cases after a Conviction on their first case
  - 32% (168 people) had their second case within 1 year of their first case.
  - 25% (129 people) had their second case within 2 years of their first case.
  - 19% (99 people) had their second case within 3 years of their first case.
  - 24% (124 people) had their second case +3 years after their first case.
  
- 418 individuals had future cases after Probation on their first case
  - 29% (119 people) had their second case within 1 year of their first case.
  - 26% (109 people) had their second case within 2 years of their first case.
  - 19% (79 people) had their second case within 3 years of their first case.
  - 26% (111 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 4,898 defendants with verifiable age

- Defendants under 21 are more likely to serve jail time and/or pay a fine
  - 541 defendants were under the legal drinking age in Texas of 21
  - The youngest defendant was 15 years old
  - 304 underage defendants were given jail/fine judgments
  - 237 underage defendants were placed on probation
- Defendants ages 21 and older are more likely to be placed on probation

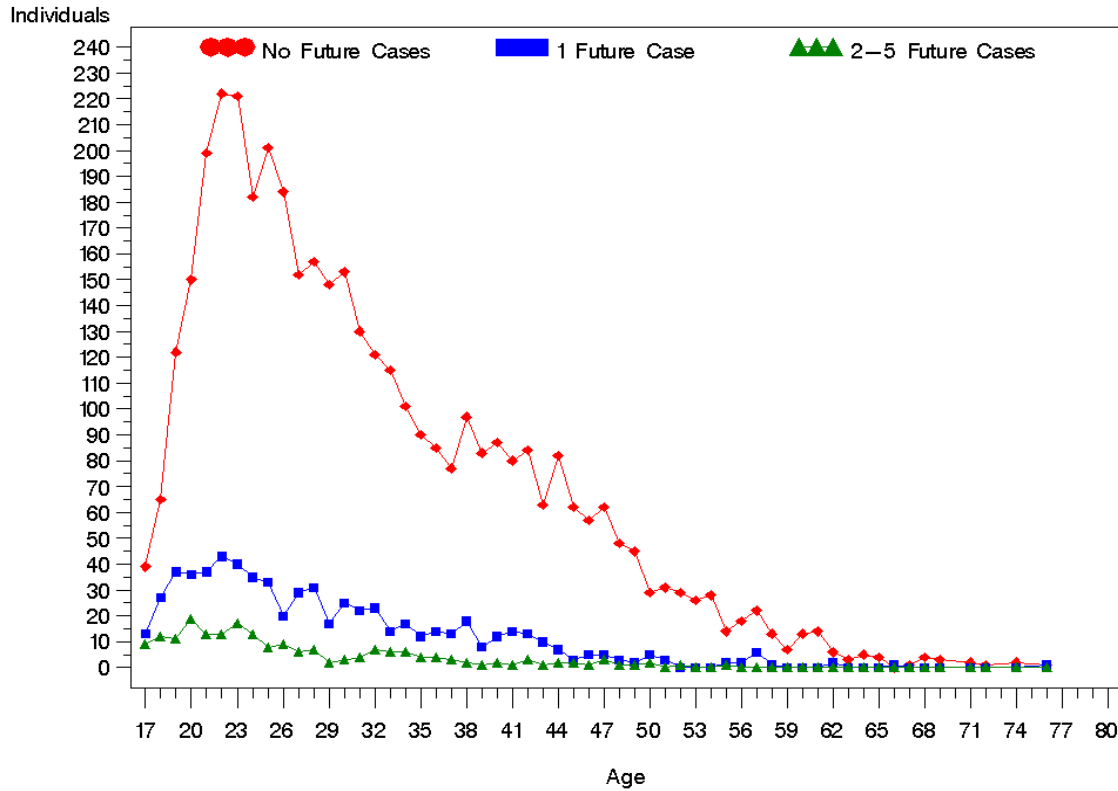
To develop the age analysis statistics, 192 individuals were eliminated because the date of birth month and birth year could not be validated. These individuals had multiple dates of birth recorded in the source data.

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

Age	Conviction	Probation	Age Total	Cumulative Total
15	0	1	1	1
17	27	34	61	62
18	56	48	104	166
19	100	70	170	336
20	121	84	205	541
21	111	138	249	790
22	112	166	278	1068
23	132	144	276	1344
24	97	133	230	1574
25	123	119	242	1816
26	103	109	212	2028
27	79	108	187	2215
28	90	105	195	2410
29	74	93	167	2577
30	90	91	181	2758
31	71	85	156	2914
32	79	72	151	3065
33	67	68	135	3200
34	54	70	124	3324
35	52	54	106	3430
36	42	61	103	3533
37	44	49	93	3626
38	53	64	117	3743
39	35	57	92	3835
40	55	46	101	3936
41	41	54	95	4031
42	35	65	100	4131
43	30	44	74	4205
44	33	58	91	4296
45	28	39	67	4363
46	27	36	63	4426
47	26	44	70	4496
48	17	35	52	4548
49	17	31	48	4596
50	12	23	35	4631
51	8	26	34	4665
52	6	24	30	4695
53	5	21	26	4721
54	9	19	28	4749
55	9	8	17	4766
56	9	11	20	4786
57	11	17	28	4814
58	5	9	14	4828
59	2	5	7	4835
60	24	39	63	4898

## 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.

- 37% 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 22 years old (278 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
15	1	1	100.00	0	0	0	0	0.00
17	61	39	63.93	13	9	0	22	36.07
18	104	65	62.50	27	12	0	39	37.50
19	170	122	71.76	37	11	0	48	28.24
20	205	150	73.17	36	19	0	55	26.83
21	249	199	79.92	37	13	0	50	20.08
22	278	222	79.86	43	13	0	56	20.14
23	278	221	79.50	40	17	0	57	20.50
24	230	182	79.13	35	13	0	48	20.87
25	242	201	83.06	33	8	0	41	16.94
26	213	184	86.38	20	9	0	29	13.62
27	187	152	81.28	29	6	0	35	18.72
28	195	157	80.51	31	7	0	38	19.49
29	167	148	88.62	17	2	0	19	11.38
30	181	153	84.53	25	3	0	28	15.47
31	156	130	83.33	22	4	0	26	16.67
32	151	121	80.13	23	7	0	30	19.87
33	135	115	85.19	14	6	0	20	14.81
34	124	101	81.45	17	6	0	23	18.55
35	106	90	84.91	12	4	0	16	15.09
36	103	85	82.52	14	4	0	18	17.48
37	93	77	82.80	13	3	0	16	17.20
38	117	97	82.91	18	2	0	20	17.09
39	92	83	90.22	8	1	0	9	9.78
40	101	87	86.14	12	2	0	14	13.86
41	95	80	84.21	14	1	0	15	15.79
42	100	84	84.00	13	3	0	16	16.00
43	74	63	85.14	10	1	0	11	14.86
44	91	82	90.11	7	2	0	9	9.89
45	67	62	92.54	3	2	0	5	7.46
46	63	57	90.48	5	1	0	6	9.52
47	70	62	88.57	5	3	0	8	11.43
48	52	48	92.31	3	1	0	4	7.69
49	48	45	93.75	2	1	0	3	6.25
50	36	29	80.56	5	2	0	7	19.44
51	34	31	91.18	3	0	0	3	8.82
52	30	29	96.67	0	1	0	1	3.33
53	26	26	100.00	0	0	0	0	0.00
54	28	28	100.00	0	0	0	0	0.00
55	17	14	82.35	2	1	0	3	17.65
56	20	18	90.00	2	0	0	2	10.00
57	28	22	78.57	6	0	0	6	21.43
58	14	13	92.86	1	0	0	1	7.14
59	7	7	100.00	0	0	0	0	0.00
60+	63	59	93.65	4	0	0	4	6.35

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

There were 938 repeat offenders from the base study group for 2002. These individuals accumulated non-acquittal judgments on an additional 1,234 future cases.

Of these 1,234 future cases,

- 85% were misdemeanors (1053 cases)
- 15% were felonies (181 cases)

A review of the 938 repeat offenders showed that

- 55% received a jail/fine judgment on their first offenses (520 defendants)
- 45% were placed on probation (418 defendants)

### *DWI Priors with Convictions*

Of the 520 defendants who received a jail/fine judgment on their first offense and committed at least one additional offense,

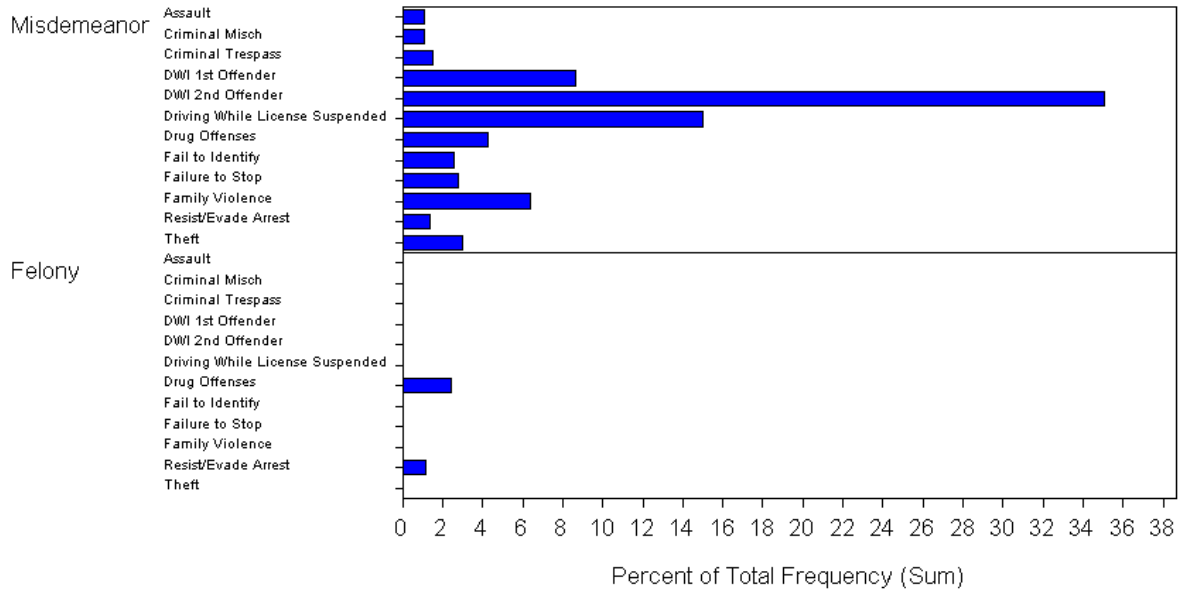
- 79% committed a misdemeanor offense as their second offense (412 defendants)
- 21% committed a felony (108 defendants)

### *DWI Priors with Probations*

Of the 418 defendants who received probation on their first offense and committed additional offenses,

- 86% committed an additional misdemeanor (358 defendants)
- 14% committed an additional felony (60 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.

- 35% of repeat offenders committed 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**

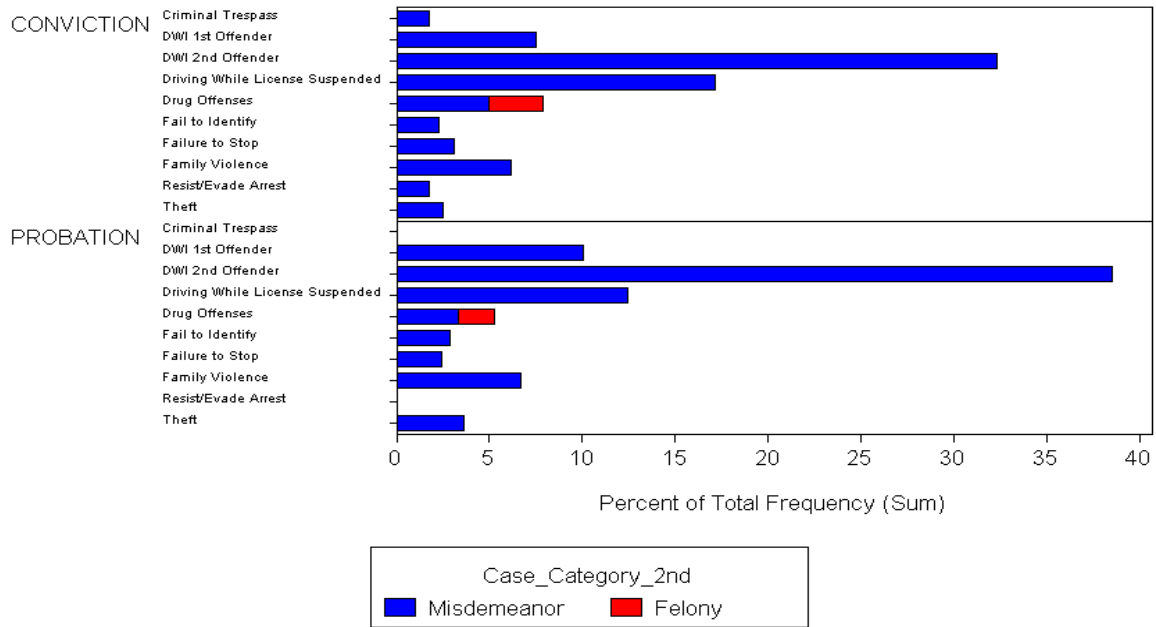
**Second Offense for Repeat Offenders**

*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	329	35%
Misdemeanor	Driving While License Suspended	141	15%
Misdemeanor	DWI 1st Offender	81	9%
Misdemeanor	Family Violence	60	6%
Misdemeanor	Drug Offenses	40	4%
Misdemeanor	Theft	28	3%
Misdemeanor	Failure to Stop	26	3%
Misdemeanor	Fail to Identify	24	3%
Felony	Drug Offenses	23	3%
Misdemeanor	Criminal Trespass	14	2%
Misdemeanor	Resist/Evade Arrest	13	2%
Felony	Resist/Evade Arrest	11	1%
Misdemeanor	Assault	10	1%
Misdemeanor	Criminal Mischief	10	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 938 repeat offenders

- Approximately the same percentage of each group were charged with future alcohol related charges
  - 32% for Convictions vs. 38% for Probations
- Those with prior Convictions (jail/fine) judgments
  - committed more non-alcohol related second offenses
  - 3% were charged with Felony Drug Offenses
  - 6% 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

### 520 Defendants with DWI Prior – Conviction

*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	DWI 2nd Offender	168	32%
Misdemeanor	Driving While License Suspended	89	17%
Misdemeanor	DWI 1st Offender	39	8%
Misdemeanor	Family Violence	32	6%
Misdemeanor	Drug Offenses	26	5%
Misdemeanor	Failure to Stop	16	3%
Felony	Drug Offenses	15	3%
Misdemeanor	Theft	13	3%
Misdemeanor	Fail to Identify	12	2%
Misdemeanor	Resist/Evade Arrest	9	2%
Misdemeanor	Criminal Trespass	9	2%

## Defendants with Convictions: Distribution of Future Offenses

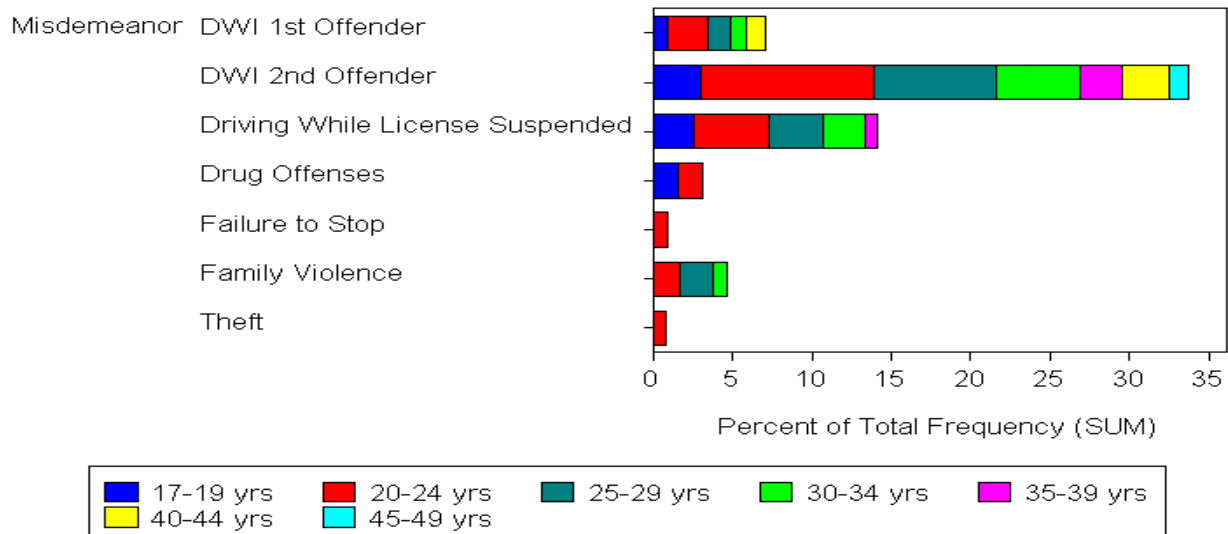
### 418 Defendants with DWI Prior – Probation

*Represents offenses that had at least 7 individuals*

<b>2nd Case Offense Type</b>	<b>2nd Case Offense</b>	<b>Number of People</b>	<b>Percentage of Group</b>
Misdemeanor	DWI 2nd Offender	161	39%
Misdemeanor	Driving While License Suspended	52	12%
Misdemeanor	DWI 1st Offender	42	10%
Misdemeanor	Family Violence	28	7%
Misdemeanor	Theft	15	4%
Misdemeanor	Drug Offenses	14	3%
Misdemeanor	Fail to Identify	12	3%
Misdemeanor	Failure to Stop	10	2%
Felony	Drug Offenses	8	2%

## 2002 First Offense DWI Defendants with Future Cases Age Groups and Distribution of Future Offenses

*Represents Offenses that had at least 7 individuals*

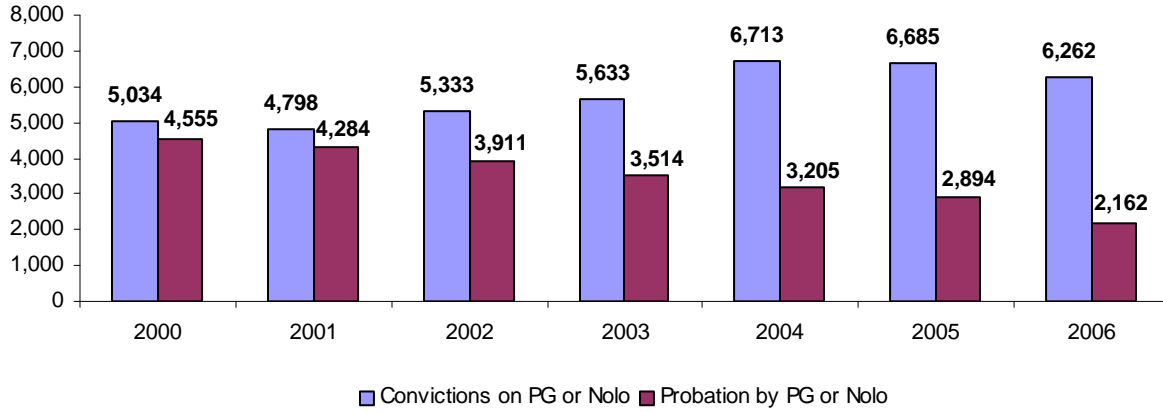


Age Analysis indicates that

- 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.

**Appendix to DWI Recidivism Study for 2002:  
DWI Dispositions: 2000-2006**

**Pleas of Guilty or Nolo Contendere in DWI Cases -- 7 Years**



**Profiles of DWI Dispositions: 2000-2006**

	2000	2001	2002	2003	2004	2005	2006	Totals
Total DWI Dispositions	10,615	9,925	10,096	10,095	11,011	10,991	10,038	72,771
Conviction on PG or Nolo	5,034	4,798	5,333	5,633	6,713	6,685	6,262	40,458
Conviction by court trial	1	3	3	4	3	2	2	18
Conviction by jury trial	34	11	18	21	24	33	30	171
Total DWI Convictions	5,069	4,812	5,354	5,658	6,740	6,720	6,294	40,647
Probation by PG or Nolo	4,555	4,284	3,911	3,514	3,205	2,894	2,162	24,525
Probation by court trial	24	11	14	4	1	8	0	62
Probation by jury trial	140	89	96	99	127	137	104	792
Total DWI Probations	4,719	4,384	4,021	3,617	3,333	3,039	2,266	25,379
Acquittal by Court Trial	3	1	1	4	14	10	10	43
Acquittal by Jury Trial	12	10	7	25	66	118	110	348
Total DWI Acquittals	15	11	8	29	80	128	120	391
Total DWI Dismissals	812	718	713	791	858	1104	1358	6,354

**Observations**

- The number of DWI convictions resulting in probation decreased from 44% of all DWI dispositions in 2000 (4,719 cases) to 22% in 2006 (2,266).
- Justice system observers believe that because jail sentences and probated sentences both result in a conviction, and because recent legislative changes have imposed greater restrictions and costs on probated sentences, convicted defendants are increasingly choosing jail time over probation.