

**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 with case filed in 2003**

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 with Case Filed in 2003
 Findings**

- 1) Of the first time DWI defendants with case filed in 2003 that resulted in a conviction, 17% were subsequently charged with a new criminal offense.
- 2) Of the first-time DWI defendants who had future criminal cases, 35% had their next case within 1 year.
- 3) Defendants under the age of 23 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).
 - 13% of those placed on probation had a future case
 - 21% of those sentenced to jail time and/or a fine had a future case
- 5) Defendants who are 26 years old or younger are the most likely to become repeat offenders. (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
49%	13%	51%	21%

Table B: Comparison of Judgments to Future Cases for 17 to 26 year olds

Age	% of Age Band Given Probation	% of Age Band Given Jail &/or Fine	% with Future Cases
17	47%	52%	45%
18	38%	62%	29%
19	40%	60%	28%
20	44%	56%	28%
21	47%	53%	21%
22	46%	54%	16%
23	52%	48%	17%
24	51%	49%	20%
25	52%	48%	21%
26	41%	59%	24%

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 2003. The base study group consists of 5,110 individuals whose first-ever criminal case in Harris County (other than a Class C misdemeanor) was a DWI misdemeanor charge filed in 2003 that resulted in a judgment. Of these, 876 (17%) 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 2003 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 2003, there were 10,300 misdemeanor DWI cases filed in Harris County. Of these, 117 cases currently do not have a judgment, and those defendants were not included in this study.

The remainder (10,183 cases) have been adjudicated by the Harris County Criminal Courts at Law. This set of cases includes 9,991 unique individuals (unique SPNs) who were adjudicated by the courts.

Of these total unique defendants in adjudicated DWI cases, there were 5,453 first-time offenders.

A total of 343 first-time DWI defendants had their case dismissed and were subtracted from the population for this study, leaving a total population of 5,110 first-time DWI defendants from 2003 whose case resulted in a judgment.

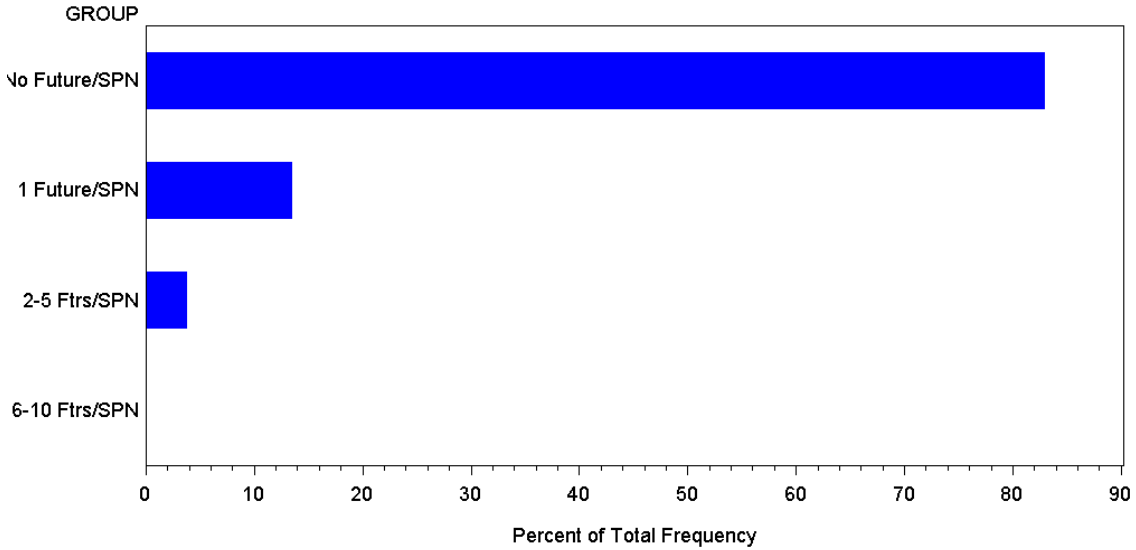
Population Selection	
10,300	Misdemeanor DWI Cases Filed in 2003
-117	Cases without a Judgment as of July 23, 2007
10,183	Adjudicated Cases
-192	Duplicate SPNs
9,991	2003 DWI Defendants Adjudicated
-4,538	Defendants with Previous Criminal Cases
5,453	2003 First-time DWI Defendants Adjudicated
-343	Dismissals
5,110	2003 First-time DWI Defendants Convicted or Acquitted

Table 1: Population Selection

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

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

5,110	2003 First-time DWI Defendants
-4,234	Defendants with No Future Cases Since 2003 (83%)
876	Recidivist Population from 2003 (17%)



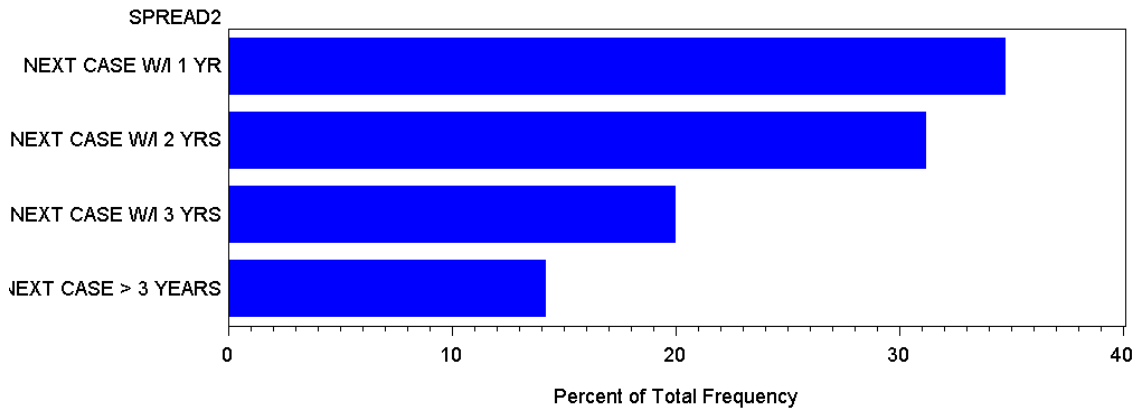
Categories	Number of Defendants	Percent of Total Defendants
No Futures Cases/SPN	4,234	83%
1 Future Case/SPN	684	13%
2-5 Future Cases/SPN	190	3.71%
6-10 Future Cases/SPN	2	.05%

The recidivism rate for first-time DWI defendants adjudicated in 2003 is 17%.

Of the 5,110 2003 first-time DWI defendants adjudicated:

- 17% were subsequently charged with a new criminal offense
- 83% have not incurred any additional cases

2003 First Offense DWI Defendants with Future Cases Time Lapse Between First and Second Cases

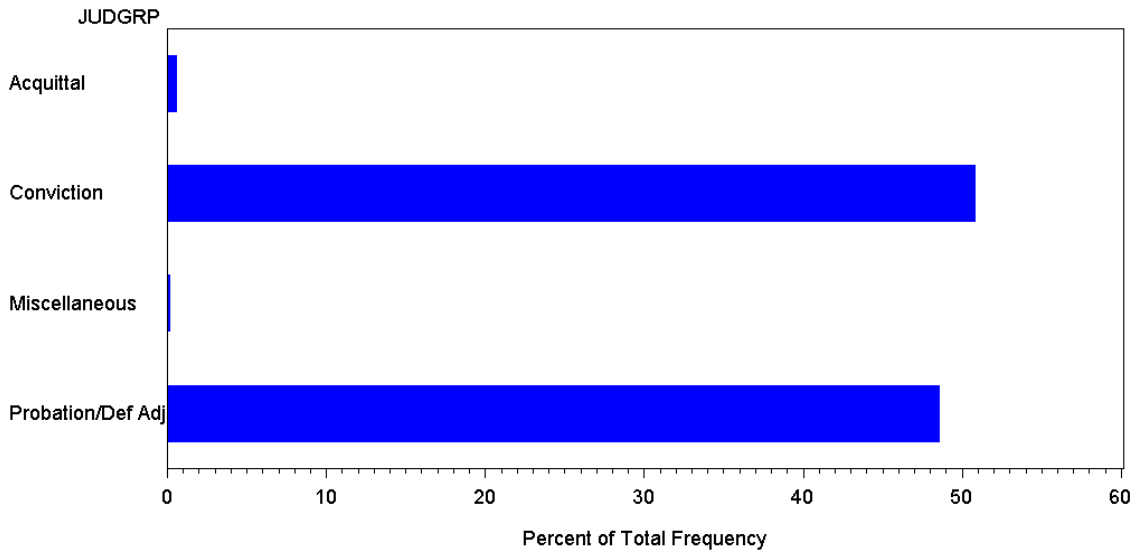


Categories	Number of Defendants
Next Case W/I 1 YR	304
Next Case W/I 2 YRS	273
Next Case W/I 3 YRS	175
Next Case More Than 3 YRS	124

Of the 876 first-time DWI defendants who had future criminal cases:

- 35% had their next case within 1 year
- 31% within two years
- 20% within 3 years
- 14% more than 3 years after their first DWI case

Judgments on First Offense Cases Adjudication Rates



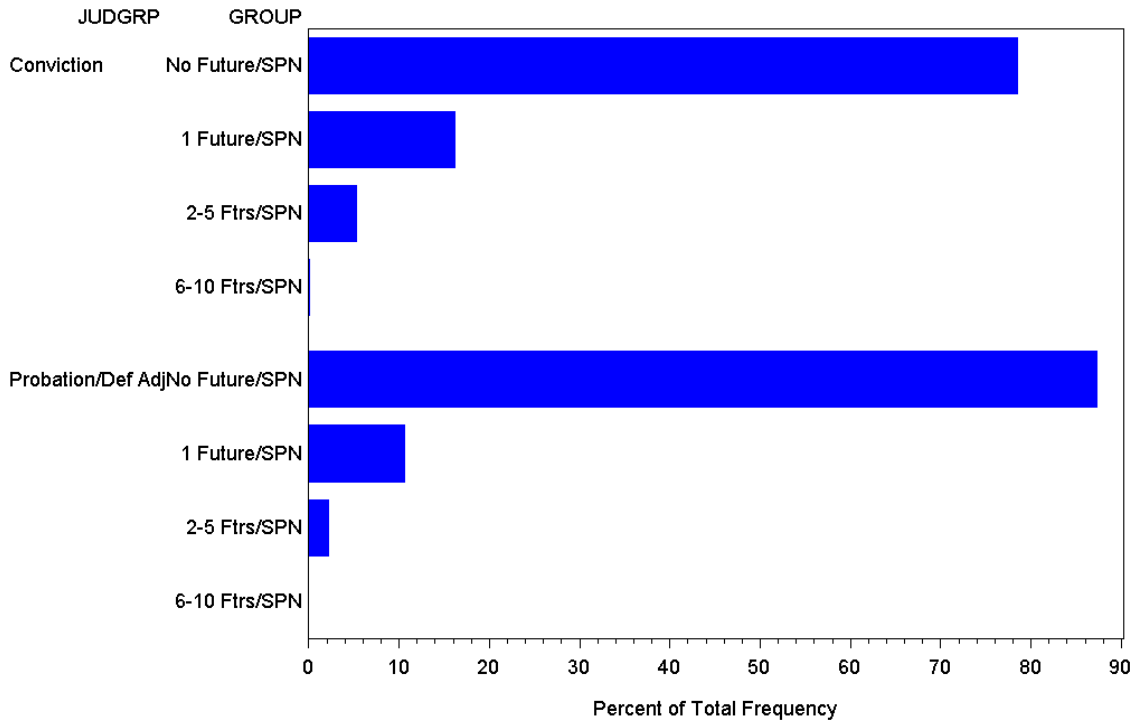
Judgment	Number of Cases	Percent of Total Cases
Acquittal	27	.53%
Conviction	2,595	50.78%
Miscellaneous	6	.12%
Probation/Def Adj	2482	48.57%

Of the 5,110, 2003 first-time DWI defendants adjudicated:

- 49% were placed on probation
- 51% 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.



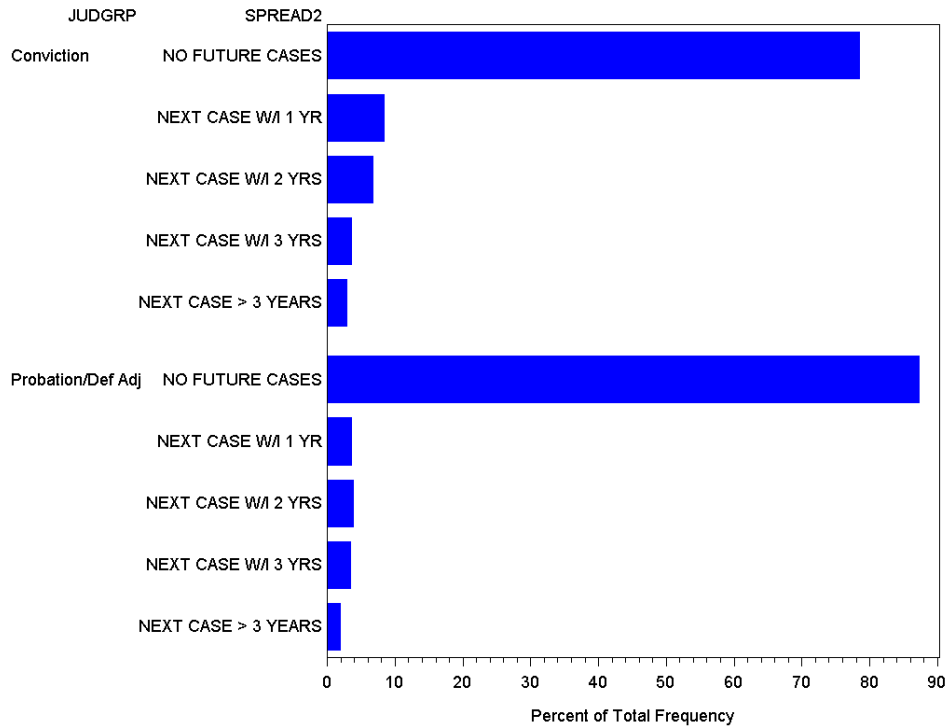
Future Cases by Judgment Category

Conviction (Jail/Fine)			Probation		
No Future	2,037 people	78.5%	No Future	2,166	87.3%
1 future	419	16.1%	1 future	263	10.6%
2 – 5 futures	137	5.3%	2 – 5 futures	53	2.1%
6 – 10 futures	1 person	.08%	6 – 10 futures	0 people	0%

Of the 876 first-time DWI defendants who had future criminal cases:

- 13% of those placed on probation had a future case
- 21% of those sentenced to jail time and/or a fine had a future case

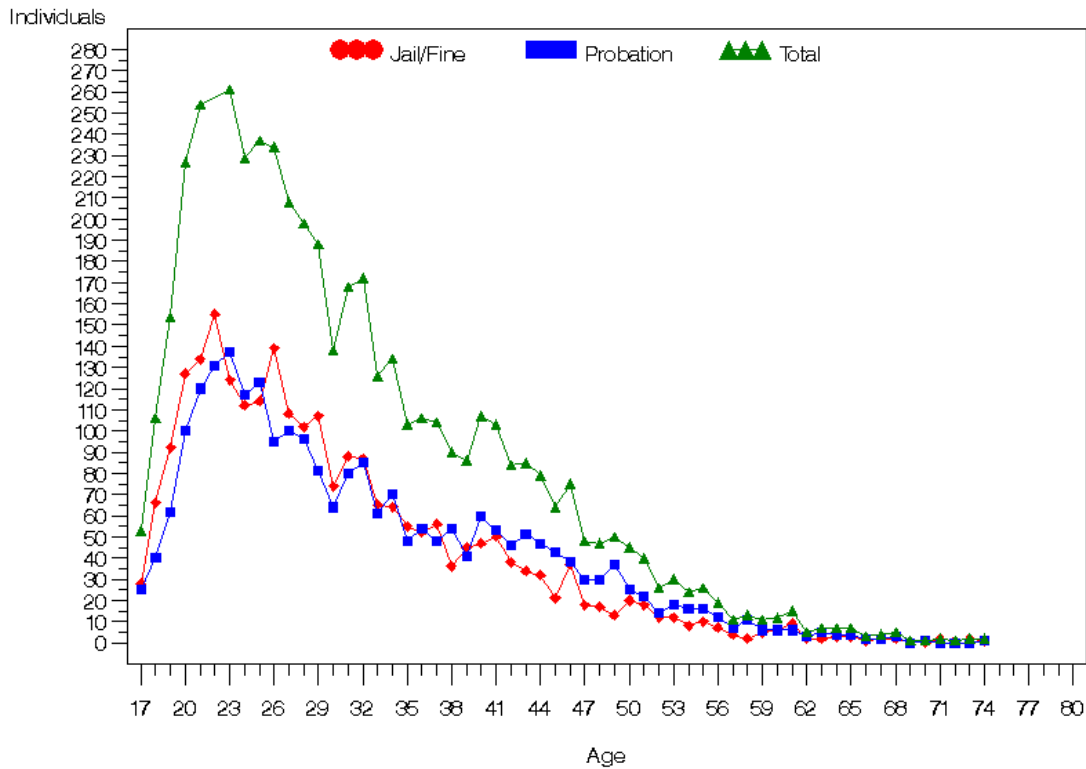
Second Offense Time Lapse: Probation vs. Conviction Recidivism Rate by Judgment Category



Conviction (Jail / Fine)			Probation/Deferred Adjudication		
No Future	2,037 people	78.5%	No Future	2,166 people	87.3%
Next Case W/I 1 yr	216 people	8.3%	Next Case W/I 1 yr	87 people	3.5%
Next Case W/I 2 yrs	176 people	6.8%	Next Case W/I 2 yrs	96 people	3.9%
Next Case W/I 3 yrs	91 people	3.5%	Next Case W/I 3 yrs	84 people	3.4%
Next Case > 3 yrs	75 people	2.9%	Next Case > 3 yrs	49 people	2.1%

- 558 individuals had future cases after a Conviction on their first case
 - 39% (216 people) had their second case within 1 year of their first case.
 - 32% (176 people) had their second case within 2 years of their first case.
 - 16% (91 people) had their second case within 3 years of their first case.
 - 13% (75 people) had their second case +3 years after their first case.
- 316 individuals had future cases after Probation on their first case
 - 28% (87 people) had their second case within 1 year of their first case.
 - 30% (96 people) had their second case within 2 years of their first case.
 - 27% (84 people) had their second case within 3 years of their first case.
 - 15% (49 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 4,923 defendants with verifiable age

- Defendants under 23 are more likely to serve jail time and/or pay a fine
 - 540 defendants were under the legal drinking age in Texas of 21
 - The youngest defendant was 17 years old
 - 313 underage defendants were given jail/fine judgments
 - 227 underage defendants were placed on probation
- Defendants ages 23 to 25 more likely to be placed on probation
- Defendants aged 26 to 39 received a sentence of conviction versus probation with 3 exceptions at ages 34, 36 and 38.

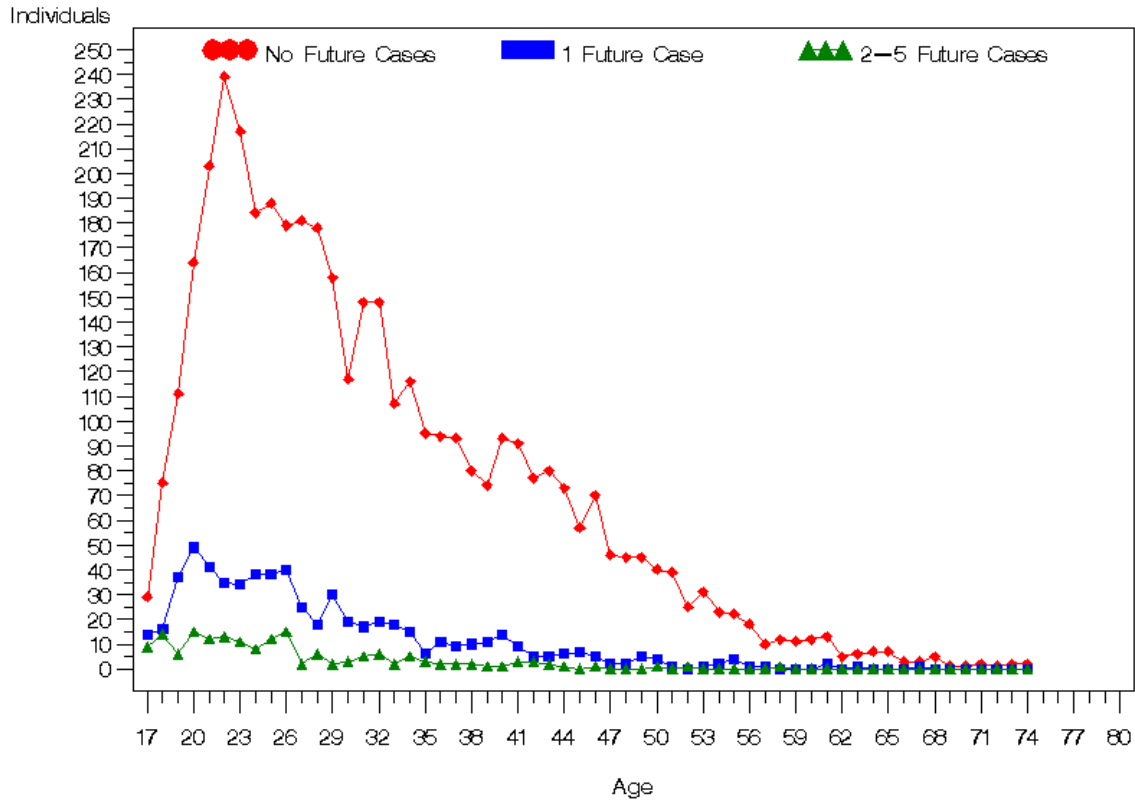
To develop the age analysis statistics, 187 individuals were eliminated because the date of birth month and birth year could not be validated. These individuals had multiple dates of birth recorded in the source data.

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

Age	Conviction	Probation	Age Total	Cumulative Total
17	28	25	53	53
18	66	40	106	159
19	92	62	154	313
20	127	100	227	540
21	134	120	254	794
22	155	131	286	1080
23	124	137	261	1341
24	112	117	229	1570
25	114	123	237	1807
26	139	95	234	2041
27	108	100	208	2249
28	102	96	198	2447
29	107	81	188	2635
30	74	64	138	2773
31	88	80	168	2941
32	87	85	172	3113
33	65	61	126	3239
34	64	70	134	3373
35	55	48	103	3476
36	52	54	106	3582
37	56	48	104	3686
38	36	54	90	3776
39	45	41	86	3862
40	47	60	107	3969
41	50	53	103	4072
42	38	46	84	4156
43	34	51	85	4241
44	32	47	79	4320
45	21	43	64	4384
46	37	38	75	4459
47	18	30	48	4507
48	17	30	47	4554
49	13	37	50	4604
50	20	25	45	4649
51	18	22	40	4689
52	12	14	26	4715
53	12	18	30	4745
54	8	16	24	4769
55	10	16	26	4795
56	7	12	19	4814
57	4	7	11	4825
58	2	11	13	4838
59	5	6	11	4849
60	37	37	74	4923

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.

- 45% 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 with a spike again at age 24, 25, and 26.
- The age group with the largest number of DWI First Offense defendants is 22 years old (287 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	53	29	54.72	14	9	1	24	45.28
18	106	75	70.75	16	14	1	31	29.25
19	154	111	72.08	37	6	0	43	27.92
20	228	164	71.93	49	15	0	64	28.07
21	256	203	79.30	41	12	0	53	20.70
22	287	239	83.28	35	13	0	48	16.72
23	262	217	82.82	34	11	0	45	17.18
24	230	184	80.00	38	8	0	46	20.00
25	238	188	78.99	38	12	0	50	21.01
26	234	179	76.50	40	15	0	55	23.50
27	208	181	87.02	25	2	0	27	12.98
28	202	178	88.12	18	6	0	24	11.88
29	190	158	83.16	30	2	0	32	16.84
30	139	117	84.17	19	3	0	22	15.83
31	170	148	87.06	17	5	0	22	12.94
32	173	148	85.55	19	6	0	25	14.45
33	127	107	84.25	18	2	0	20	15.75
34	136	116	85.29	15	5	0	20	14.71
35	104	95	91.35	6	3	0	9	8.65
36	107	94	87.85	11	2	0	13	12.15
37	104	93	89.42	9	2	0	11	10.58
38	92	80	86.96	10	2	0	12	13.04
39	86	74	86.05	11	1	0	12	13.95
40	108	93	86.11	14	1	0	15	13.89
41	103	91	88.35	9	3	0	12	11.65
42	85	77	90.59	5	3	0	8	9.41
43	87	80	91.95	5	2	0	7	8.05
44	80	73	91.25	6	1	0	7	8.75
45	64	57	89.06	7	0	0	7	10.94
46	76	70	92.11	5	1	0	6	7.89
47	48	46	95.83	2	0	0	2	4.17
48	47	45	95.74	2	0	0	2	4.26
49	50	45	90.00	5	0	0	5	10.00
50	45	40	88.89	4	1	0	5	11.11
51	40	39	97.50	1	0	0	1	2.50
52	26	25	96.15	0	1	0	1	3.85
53	32	31	96.88	1	0	0	1	3.13
54	25	23	92.00	2	0	0	2	8.00
55	26	22	84.62	4	0	0	4	15.38
56	19	18	94.74	1	0	0	1	5.26
57	11	10	90.91	1	0	0	1	9.09
58	13	12	92.31	0	1	0	1	7.69
59	11	11	100.00	0	0	0	0	0.00
60+	74	70	94.59	4	0	0	4	5.41

Future Cases: Convictions & Probations vs. Misdemeanors & Felonies

There were 876 repeat offenders from the base study group for 2003. These individuals accumulated non-acquittal judgments on an additional 1,114 future cases.

Of these 1,114 future cases,

- 86% were misdemeanors (965 cases)
- 14% were felonies (159 cases)

A review of the 876 repeat offenders showed that

- 64% received a jail/fine judgment on their first offenses (558 defendants)
- 36% were placed on probation (316 defendants)

DWI Priors with Convictions

Of the 558 defendants who received a jail/fine judgment on their first offense and committed at least one additional offense,

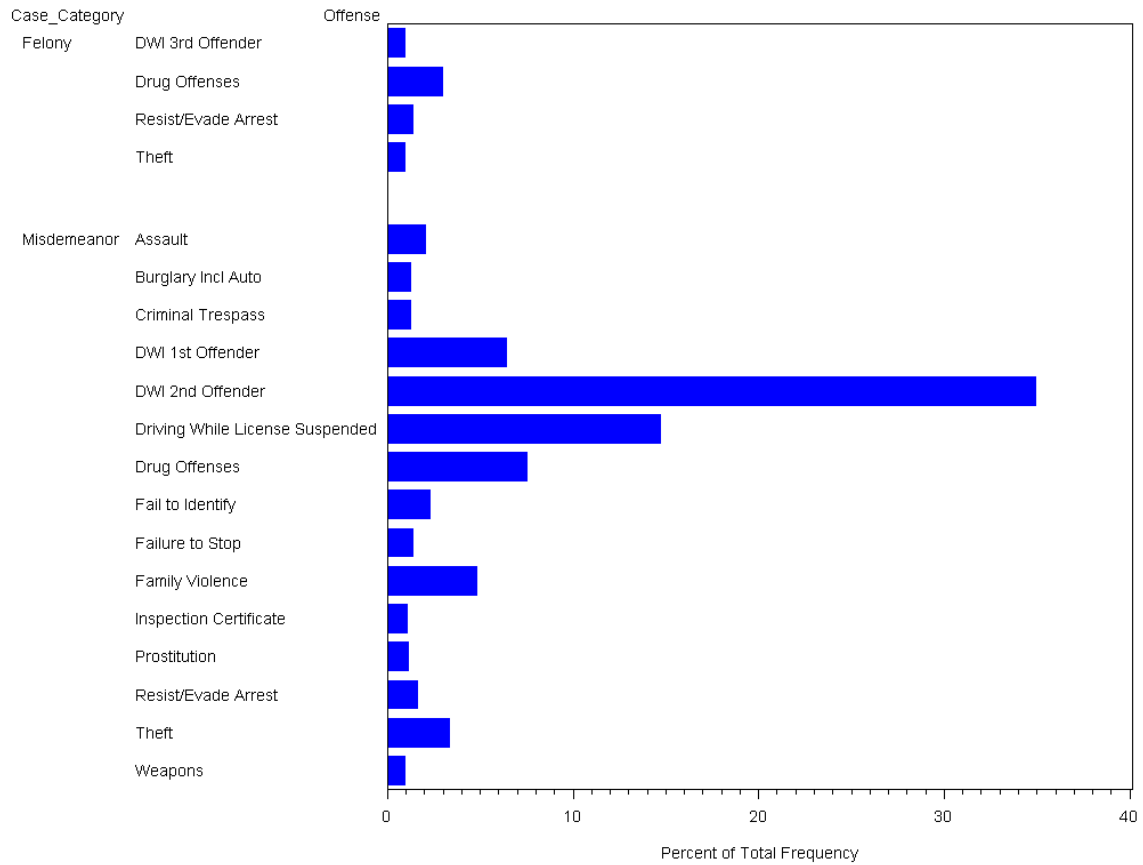
- 80% committed a misdemeanor offense as their second offense (444 defendants)
- 20% committed a felony (114 defendants)

DWI Priors with Probations

Of the 316 defendants who received probation on their first offense and committed additional offenses,

- 88% committed an additional misdemeanor (280 defendants)
- 11% committed an additional felony (36 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 2nd Offender” offense
- Graph only includes offense categories with at least 7 individuals

Distribution of Offenses on Future Cases

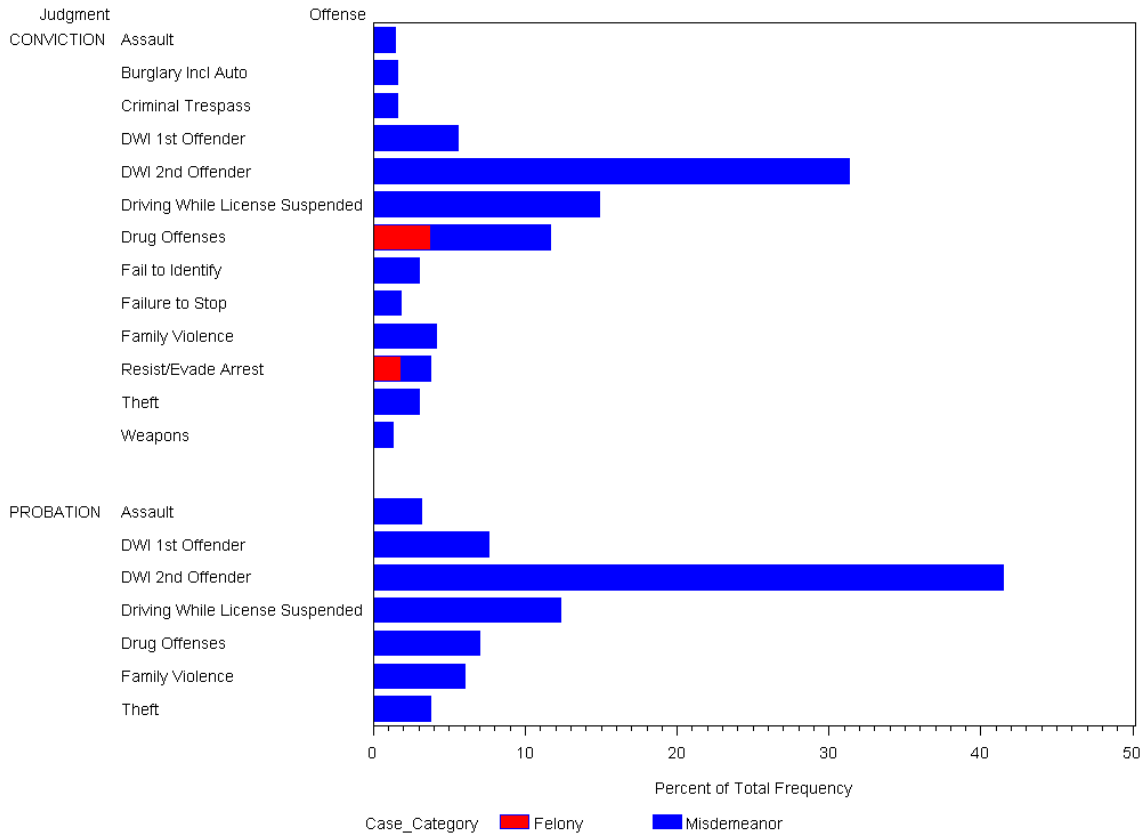
Table: Rate of Occurrence by Offense Level and Category

Second Offense for Repeat Offenders

First Offense was a Misdemeanor DWI

2nd Case Offense Type	2nd Case Offense	Number of Defendants	Percentage of Group
Misdemeanor	DWI 2nd Offender	306	35%
Misdemeanor	Driving While License Suspended	122	14%
Misdemeanor	Drug Offenses	66	8%
Misdemeanor	DWI 1st Offender	56	6%
Misdemeanor	Family Violence	42	5%
Misdemeanor	Theft	29	3%
Felony	Drug Offenses	26	3%
Misdemeanor	Fail to Identify	20	2%1
Misdemeanor	Assault	18	2%
Misdemeanor	Resist/Evade Arrest	14	2%
Misdemeanor	Failure to Stop	12	1%
Felony	Resist/Evade Arrest	12	1%
Misdemeanor	Burglary Incl Auto	11	1%
Misdemeanor	Criminal Trespass	11	1%
Misdemeanor	Prostitution	10	1%
Misdemeanor	Inspection Certificate	9	1%
Felony	DWI 3rd Offender	8	1%
Felony	Theft	8	1%
Misdemeanor	Weapons	8	1%
Misdemeanor	Driving While License Suspended	7	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 876 repeat offenders

- Defendant's with convictions on their first DWI had a lower percentage of future DWI 2nd Offender cases
 - 32% for Convictions vs. 41% for Probations
- Those with prior Convictions (jail/fine) judgments
 - 69% committed more non-alcohol related second offenses
 - 4% were charged with Felony Drug Offenses
 - 4% 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

558 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	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

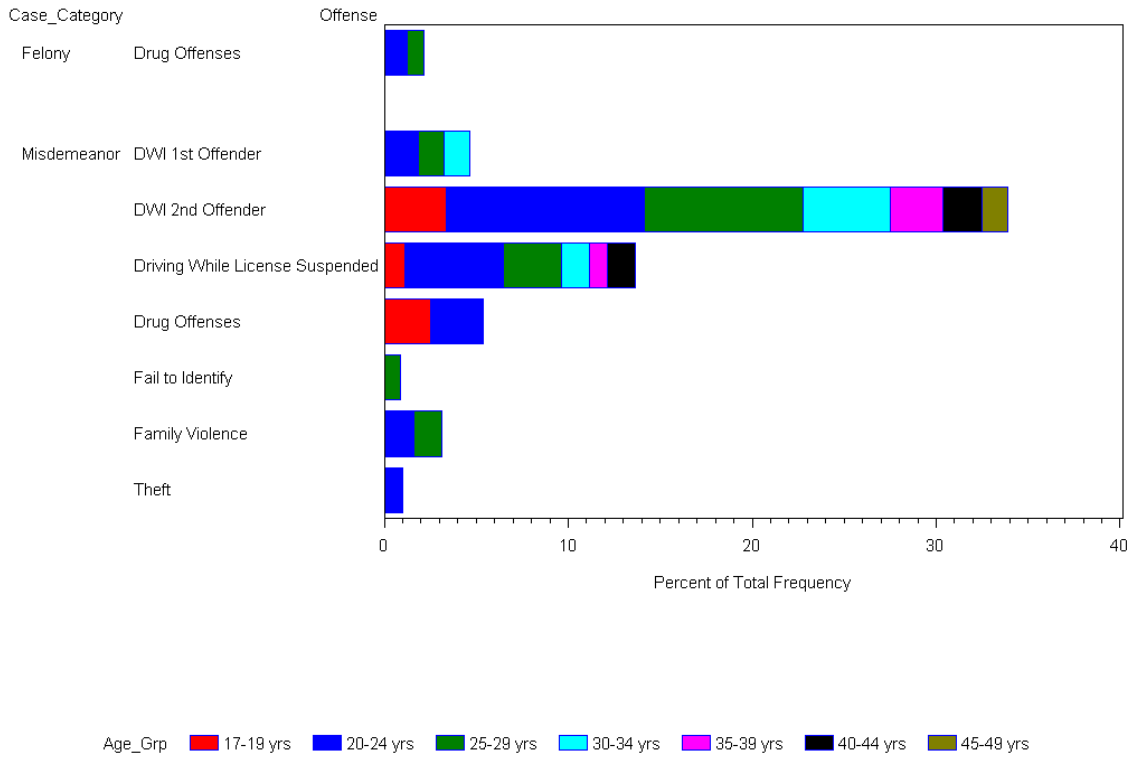
316 Defendants with DWI Prior – Probation

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	131	41%
Misdemeanor	Driving While License Suspended	39	12%
Misdemeanor	DWI 1st Offender	24	8%
Misdemeanor	Drug Offenses	22	7%
Misdemeanor	Family Violence	19	6%
Misdemeanor	Theft	12	4%
Misdemeanor	Assault	10	3%

2003 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.