

**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 2005**

Data collected on June 29, 2009

Bob Wessels
Court Manager
Harris County Courts

Hon. Jean Spradling Hughes
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 2005 Findings**

- 1) Of the first time DWI defendants with cases filed in 2005 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, 35% 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
 - 19% of those given a straight conviction had a future case
- 4) Older defendants are more likely to receive probation. For the defendant age groups of 17 years to 59 years, only 5 age groups had more probation judgments than straight convictions on their first offense. These age groups are 45, 46, 53, 55 and 56 years.
- 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 Straight Conviction Judgments

| Probation | | Straight Conviction | |
|-----------------|----------------------|---------------------|----------------------|
| % of Defendants | % with Futures Cases | % of Defendants | % with Futures Cases |
| 37% | 12% | 62% | 19% |

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 | 33% | 67% | 28% |
| 18 | 30% | 70% | 23% |
| 19 | 35% | 65% | 24% |
| 20 | 26% | 74% | 25% |
| 21 | 36% | 64% | 22% |
| 22 | 33% | 67% | 20% |
| 23 | 40% | 60% | 20% |
| 24 | 36% | 64% | 15% |

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 2005. The base study group consists of 5,897 individuals whose first criminal case in Harris County (other than a Class C misdemeanor) was a DWI misdemeanor charge filed in 2005 that resulted in a judgment. Of these, 931 have returned to the Harris County criminal justice system within 5 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 2005 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 2005, there were 10,732 misdemeanor DWI cases filed in Harris County. Of these, 195 cases currently do not have a judgment, and those cases were not included in this study.

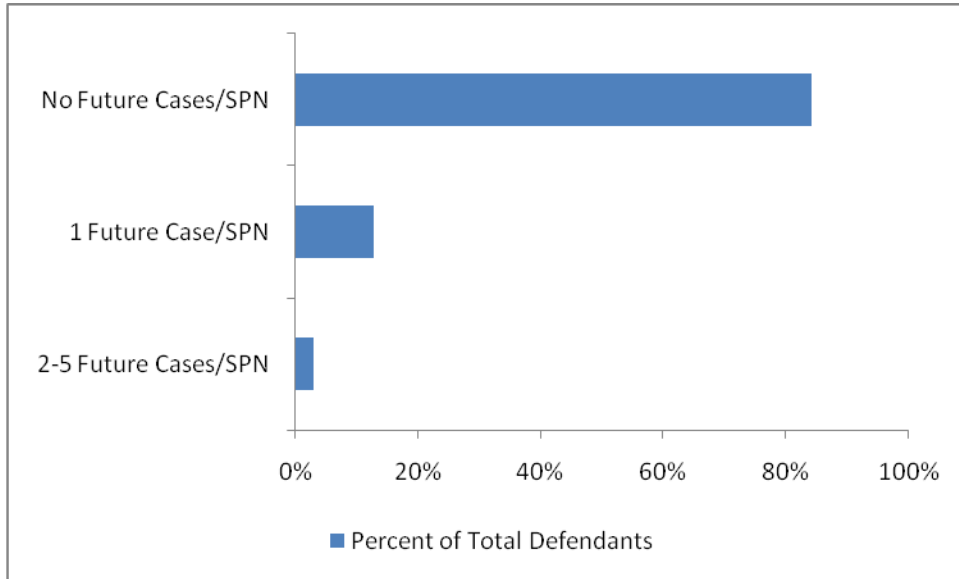
The remainder, 10,537 cases, was adjudicated by the Harris County Criminal Courts at Law. Of these, 959 cases were dismissed. The 9,578 cases that were not dismissed or not adjudicated were filed against 9,469 unique defendants. For 5,897 defendants, the 2005 DWI case is their first criminal case filed in the Harris County Criminal Courts at Law or the Harris County State District Courts Trying Criminal Cases.

| Population Selection | |
|-----------------------------|---|
| 10,732 | Misdemeanor DWI Cases Filed in 2005 |
| -195 | Cases without a Judgment as of June 29, 2009 |
| 10,537 | Adjudicated Cases |
| -959 | Cases Dismissed |
| 9,578 | 2005 DWI cases Adjudicated and not Dismissed |
| 9,469 | Defendants for the 9,578 DWI Cases |
| 5,897 | 2005 First-time DWI Defendants Convicted or Acquitted |

The case information for this study is current as of June 29, 2009.

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

| | |
|-----------------|--|
| 5,897 -4,966 | First-time DWI Defendants in 2005 Defendants with No Future Cases filed more than 4 years after the original judgment date of first offense (84%) |
| 931 | Recidivist Population from 2005 (16%) |



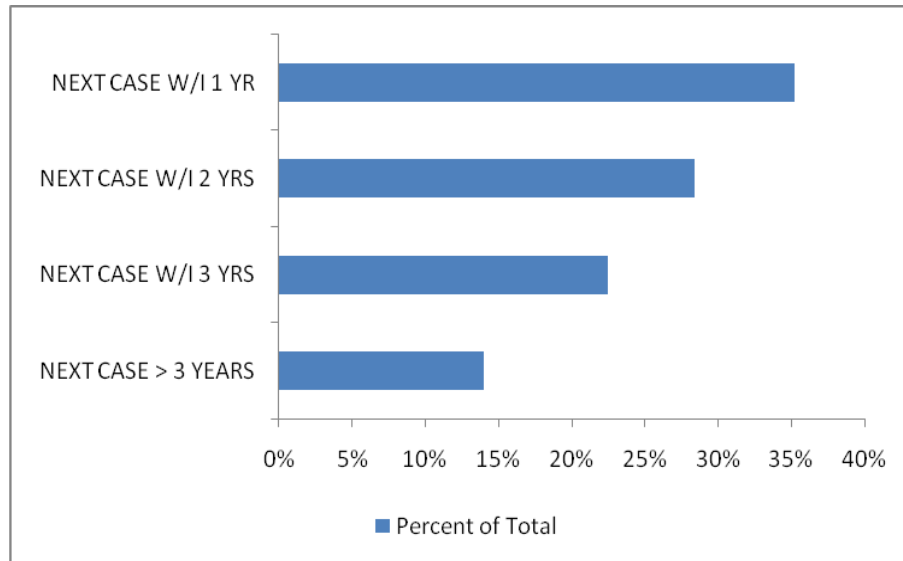
| Categories | Number of Defendants | Percent of Total Defendants |
|----------------------|----------------------|-----------------------------|
| No Futures Cases/SPN | 4,966 | 84% |
| 1 Future Case/SPN | 754 | 13% |
| 2-5 Future Cases/SPN | 177 | 3% |

The recidivism rate for 2005 first-time DWI defendants adjudicated is 16%.

Of the 5,897 first-time DWI defendants adjudicated that were filed in 2005:

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

**2005 First Offense DWI Defendants with Future Cases
Time Lapse Between First and Second Cases**



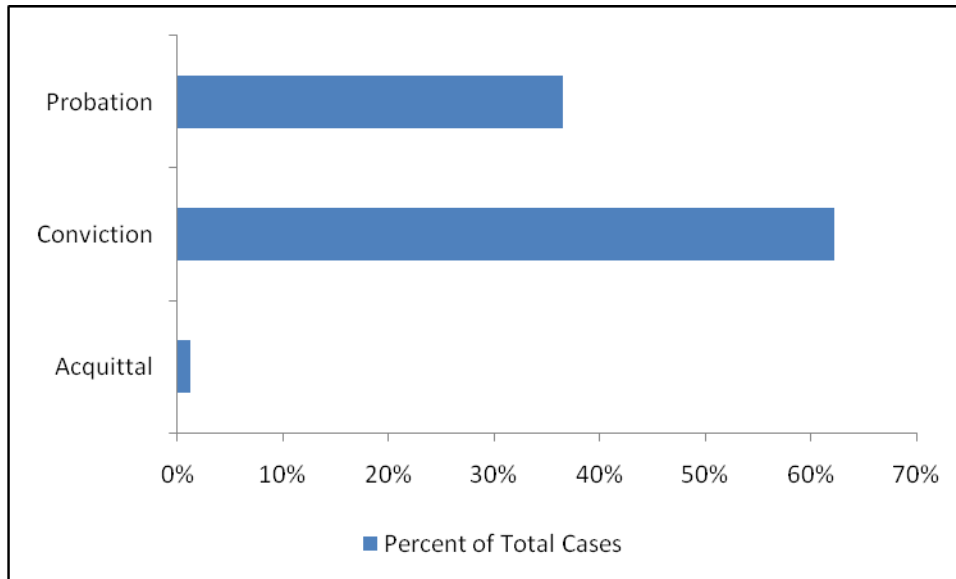
| Categories | Number of Defendants |
|---------------------------|----------------------|
| Next Case W/I 1 YR | 328 |
| Next Case W/I 2 YRS | 264 |
| Next Case W/I 3 YRS | 209 |
| Next Case More Than 3 YRS | 130 |

Of the 931 first-time DWI defendants who had future criminal cases:

- 35% had their next case within 1 year
- 28% 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: 5,897



| Judgment | Number of Cases | Percent of Total Cases |
|---------------|-----------------|------------------------|
| Acquittal | 70 | 1% |
| Conviction | 3,668 | 62% |
| Miscellaneous | 4 | 0% |
| Probation | 2,155 | 37% |

Of the 5,897 2005 first-time DWI defendants adjudicated:

- 37% were placed on probation
- 62% were convicted and served jail time and/or paid a fine

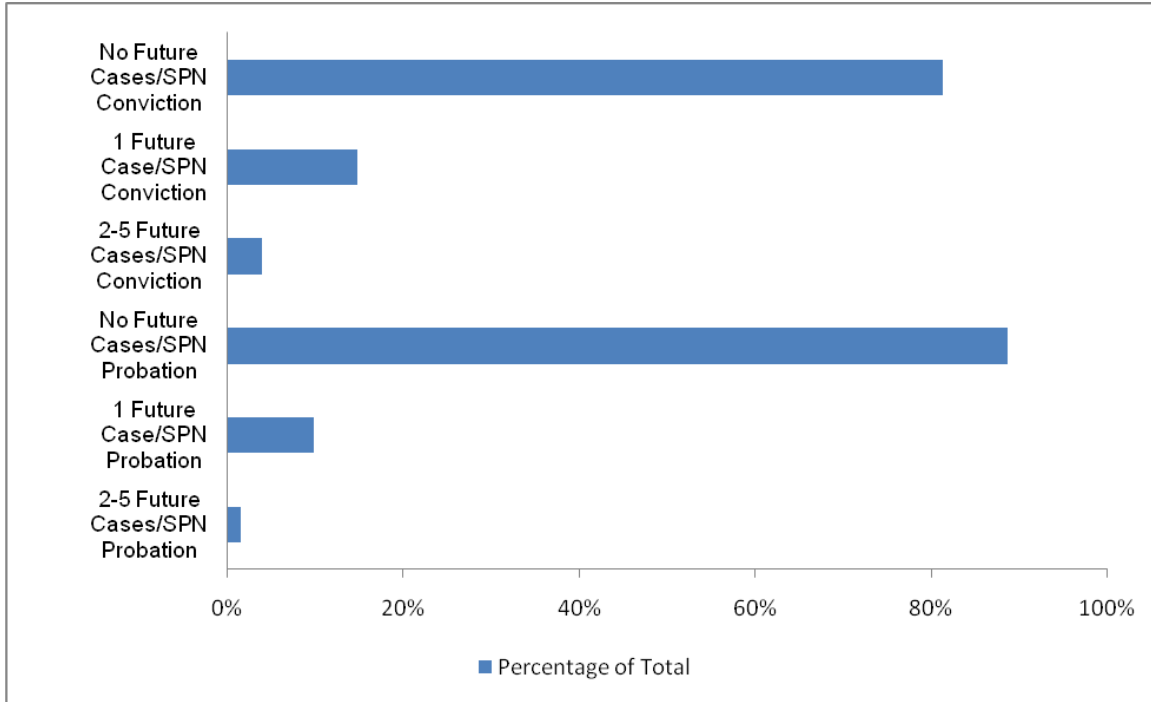
Recidivism Rates: Probation vs. Conviction

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



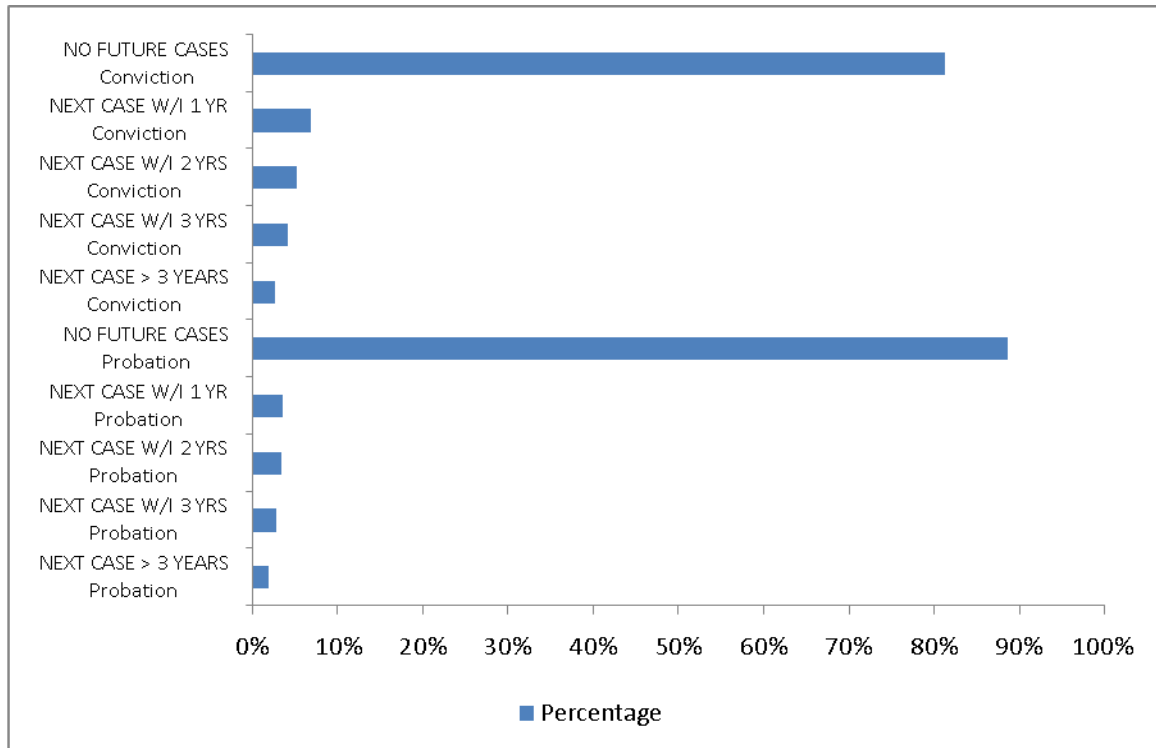
Future Cases by Judgment Category

| Conviction | | | Probation | | |
|----------------------|-------|-----|----------------------|-------|-----|
| No Future Cases/SPN | 2,985 | 81% | No Future Cases/SPN | 1,912 | 89% |
| 1 Future Case/SPN | 539 | 15% | 1 Future Case/SPN | 210 | 10% |
| 2-5 Future Cases/SPN | 144 | 4% | 2-5 Future Cases/SPN | 33 | 2% |

Of the 931 first-time DWI defendants who had future criminal cases:

- 12% of those placed on probation had a future case
- 19% 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

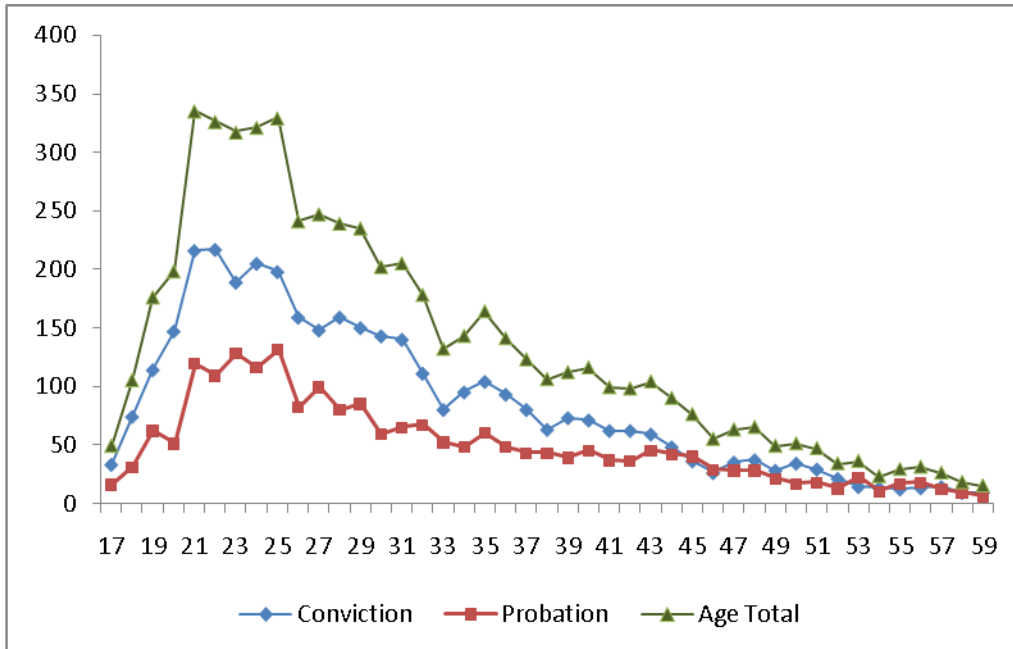


| Conviction | | | Probation | | |
|---------------------|-------|-----|---------------------|-------|-----|
| NO FUTURE CASES | 2,985 | 81% | NO FUTURE CASES | 1,912 | 89% |
| NEXT CASE W/ 1 YR | 251 | 7% | NEXT CASE W/ 1 YR | 76 | 4% |
| NEXT CASE W/ 2 YRS | 190 | 5% | NEXT CASE W/ 2 YRS | 70 | 3% |
| NEXT CASE W/ 3 YRS | 150 | 4% | NEXT CASE W/ 3 YRS | 59 | 3% |
| NEXT CASE > 3 YEARS | 92 | 3% | NEXT CASE > 3 YEARS | 38 | 2% |

- 683 individuals had future cases after a Conviction on their first case
 - 37% (251 people) had their second case within 1 year of their first case.
 - 28% (190 people) had their second case within 2 years of their first case.
 - 22% (150 people) had their second case within 3 years of their first case.
 - 13% (92 people) had their second case +3 years after their first case.

- 243 individuals had future cases after Probation on their first case
 - 31% (76 people) had their second case within 1 year of their first case.
 - 29% (70 people) had their second case within 2 years of their first case.
 - 24% (59 people) had their second case within 3 years of their first case.
 - 16% (38 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 5,823 defendants with verifiable age

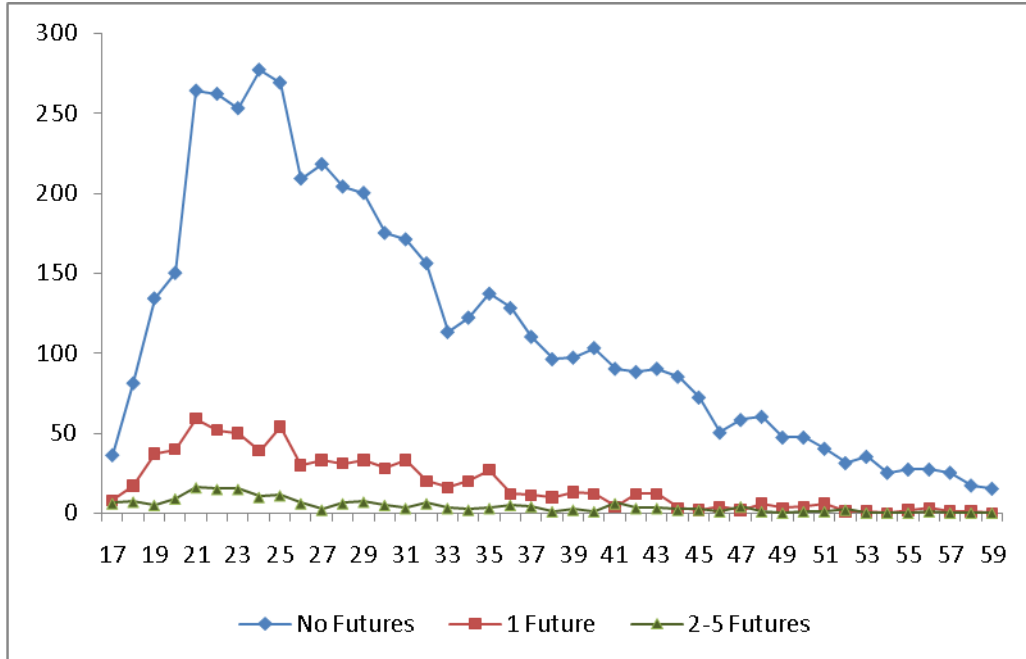
- For most age groups, defendants are more likely to serve jail time or pay a fine than be placed on probation
- Defendants under the legal drinking age in Texas of 21 represent 9% (528) of this study's population
 - The youngest defendant was 17 years old
 - 368 (70%) underage defendants were given straight convictions
 - 160 (30%) underage defendants were placed on probation

To develop the age analysis statistics, 74 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 | 33 | 16 | 49 | 49 |
| 18 | 74 | 31 | 105 | 154 |
| 19 | 114 | 62 | 176 | 330 |
| 20 | 147 | 51 | 198 | 528 |
| 21 | 216 | 119 | 335 | 863 |
| 22 | 217 | 109 | 326 | 1,189 |
| 23 | 189 | 128 | 317 | 1,506 |
| 24 | 205 | 116 | 321 | 1,827 |
| 25 | 198 | 131 | 329 | 2,156 |
| 26 | 159 | 82 | 241 | 2,397 |
| 27 | 148 | 99 | 247 | 2,644 |
| 28 | 159 | 80 | 239 | 2,883 |
| 29 | 150 | 85 | 235 | 3,118 |
| 30 | 143 | 59 | 202 | 3,320 |
| 31 | 140 | 65 | 205 | 3,525 |
| 32 | 111 | 67 | 178 | 3,703 |
| 33 | 80 | 52 | 132 | 3,835 |
| 34 | 95 | 48 | 143 | 3,978 |
| 35 | 104 | 60 | 164 | 4,142 |
| 36 | 93 | 48 | 141 | 4,283 |
| 37 | 80 | 43 | 123 | 4,406 |
| 38 | 63 | 43 | 106 | 4,512 |
| 39 | 73 | 39 | 112 | 4,624 |
| 40 | 71 | 45 | 116 | 4,740 |
| 41 | 62 | 37 | 99 | 4,839 |
| 42 | 62 | 36 | 98 | 4,937 |
| 43 | 59 | 45 | 104 | 5,041 |
| 44 | 48 | 42 | 90 | 5,131 |
| 45 | 36 | 40 | 76 | 5,207 |
| 46 | 26 | 29 | 55 | 5,262 |
| 47 | 35 | 28 | 63 | 5,325 |
| 48 | 37 | 28 | 65 | 5,390 |
| 49 | 28 | 21 | 49 | 5,439 |
| 50 | 34 | 17 | 51 | 5,490 |
| 51 | 29 | 18 | 47 | 5,537 |
| 52 | 21 | 13 | 34 | 5,571 |
| 53 | 14 | 22 | 36 | 5,607 |
| 54 | 13 | 10 | 23 | 5,630 |
| 55 | 12 | 17 | 29 | 5,659 |
| 56 | 13 | 18 | 31 | 5,690 |
| 57 | 14 | 12 | 26 | 5,716 |
| 58 | 9 | 9 | 18 | 5,734 |
| 59 | 9 | 6 | 15 | 5,749 |
| 60+ | 45 | 29 | 74 | 5,823 |

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.

- 28% 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 21 years old (339 cases) with 25 year olds (334 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 | 50 | 36 | 72% | 8 | 6 | 0 | 14 | 28% |
| 18 | 105 | 81 | 77% | 17 | 7 | 0 | 24 | 23% |
| 19 | 176 | 134 | 76% | 37 | 5 | 0 | 42 | 24% |
| 20 | 199 | 150 | 75% | 40 | 9 | 0 | 49 | 25% |
| 21 | 339 | 264 | 78% | 59 | 16 | 0 | 75 | 22% |
| 22 | 329 | 262 | 80% | 52 | 15 | 0 | 67 | 20% |
| 23 | 318 | 253 | 80% | 50 | 15 | 0 | 65 | 20% |
| 24 | 326 | 277 | 85% | 39 | 10 | 0 | 49 | 15% |
| 25 | 334 | 269 | 81% | 54 | 11 | 0 | 65 | 19% |
| 26 | 245 | 209 | 85% | 30 | 6 | 0 | 36 | 15% |
| 27 | 253 | 218 | 86% | 33 | 2 | 0 | 35 | 14% |
| 28 | 241 | 204 | 85% | 31 | 6 | 0 | 37 | 15% |
| 29 | 240 | 200 | 83% | 33 | 7 | 0 | 40 | 17% |
| 30 | 208 | 175 | 84% | 28 | 5 | 0 | 33 | 16% |
| 31 | 207 | 171 | 83% | 33 | 3 | 0 | 36 | 17% |
| 32 | 182 | 156 | 86% | 20 | 6 | 0 | 26 | 14% |
| 33 | 132 | 113 | 86% | 16 | 3 | 0 | 19 | 14% |
| 34 | 144 | 122 | 85% | 20 | 2 | 0 | 22 | 15% |
| 35 | 167 | 137 | 82% | 27 | 3 | 0 | 30 | 18% |
| 36 | 145 | 128 | 88% | 12 | 5 | 0 | 17 | 12% |
| 37 | 125 | 110 | 88% | 11 | 4 | 0 | 15 | 12% |
| 38 | 107 | 96 | 90% | 10 | 1 | 0 | 11 | 10% |
| 39 | 112 | 97 | 87% | 13 | 2 | 0 | 15 | 13% |
| 40 | 116 | 103 | 89% | 12 | 1 | 0 | 13 | 11% |
| 41 | 100 | 90 | 90% | 4 | 6 | 0 | 10 | 10% |
| 42 | 103 | 88 | 85% | 12 | 3 | 0 | 15 | 15% |
| 43 | 105 | 90 | 86% | 12 | 3 | 0 | 15 | 14% |
| 44 | 90 | 85 | 94% | 3 | 2 | 0 | 5 | 6% |
| 45 | 76 | 72 | 95% | 2 | 2 | 0 | 4 | 5% |
| 46 | 55 | 50 | 91% | 4 | 1 | 0 | 5 | 9% |
| 47 | 64 | 58 | 91% | 2 | 4 | 0 | 6 | 9% |
| 48 | 67 | 60 | 90% | 6 | 1 | 0 | 7 | 10% |
| 49 | 50 | 47 | 94% | 3 | 0 | 0 | 3 | 6% |
| 50 | 52 | 47 | 90% | 4 | 1 | 0 | 5 | 10% |
| 51 | 47 | 40 | 85% | 6 | 1 | 0 | 7 | 15% |
| 52 | 34 | 31 | 91% | 1 | 2 | 0 | 3 | 9% |
| 53 | 36 | 35 | 97% | 1 | 0 | 0 | 1 | 3% |
| 54 | 25 | 25 | 100% | 0 | 0 | 0 | 0 | 0% |
| 55 | 29 | 27 | 93% | 2 | 0 | 0 | 2 | 7% |
| 56 | 31 | 27 | 87% | 3 | 1 | 0 | 4 | 13% |
| 57 | 26 | 25 | 96% | 1 | 0 | 0 | 1 | 4% |
| 58 | 18 | 17 | 94% | 1 | 0 | 0 | 1 | 6% |
| 59 | 15 | 15 | 100% | 0 | 0 | 0 | 0 | 0% |
| 60+ | 74 | 72 | 97% | 2 | 0 | 0 | 2 | 3% |

Future Cases: Convictions & Probations vs. Misdemeanors & Felonies

There were 931 repeat offenders from the base study group for 2005. These individuals accumulated non-acquittal judgments on an additional 1,148 future cases.

Of these 1,148 future cases,

- 81% were misdemeanors (935 cases)
- 19% were felonies (213 cases)

A review of the 931 repeat offenders showed that

- 73% received a straight conviction on their first offenses (683 defendants)
- 26% were placed on probation (243 defendants)

DWI Priors with Convictions

Of the 683 defendants who received a straight conviction on their first offense and committed at least one additional offense,

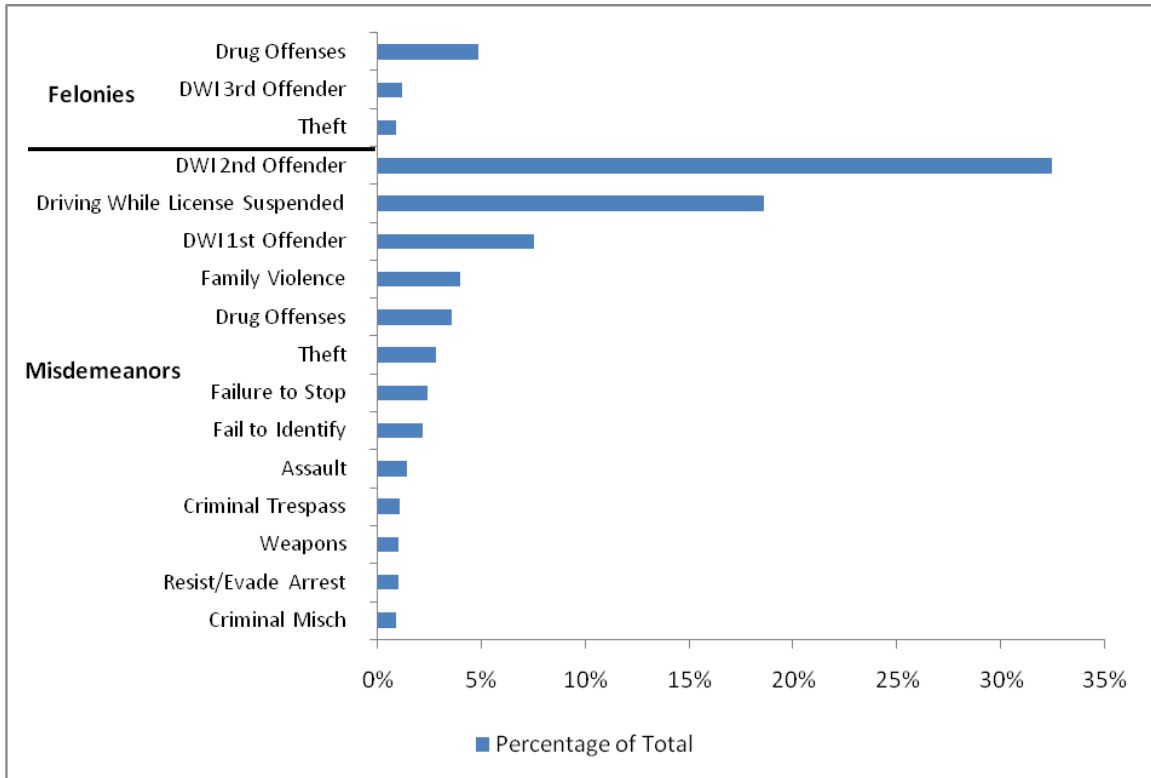
- 82% committed a misdemeanor offense as their second offense (563 defendants)
- 18% committed a felony (120 defendants)

DWI Priors with Probations

Of the 243 defendants who received probation on their first offense and committed additional offenses,

- 92% committed an additional misdemeanor (224 defendants)
- 8% committed an additional felony (19 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.

- 32% 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

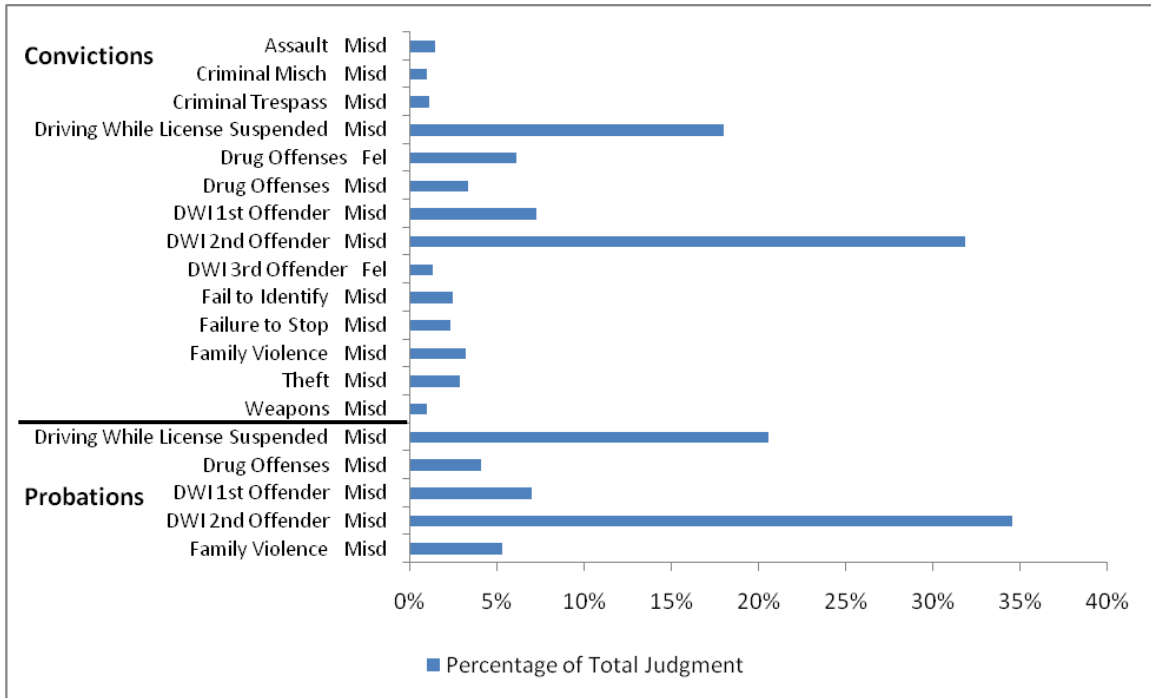
Table: Rate of Occurrence by Offense Level and Category

Second Offense for Repeat Offenders

First Offense was a Misdemeanor DWI

| 2nd Case Offense Type | 2nd Case Offense | Number of Defendants | Percentage of Group |
|------------------------------|---------------------------------|-----------------------------|----------------------------|
| Misdemeanor | DWI 2nd Offender | 302 | 32% |
| Misdemeanor | Driving While License Suspended | 173 | 19% |
| Misdemeanor | DWI 1st Offender | 70 | 8% |
| Felony | Drug Offenses | 45 | 5% |
| Misdemeanor | Family Violence | 37 | 4% |
| Misdemeanor | Drug Offenses | 33 | 4% |
| Misdemeanor | Theft | 26 | 3% |
| Misdemeanor | Failure to Stop | 22 | 2% |
| Misdemeanor | Fail to Identify | 20 | 2% |
| Misdemeanor | Assault | 13 | 1% |
| Felony | DWI 3rd Offender | 11 | 1% |
| Misdemeanor | Criminal Trespass | 10 | 1% |
| Misdemeanor | Resist/Evade Arrest | 9 | 1% |
| Misdemeanor | Weapons | 9 | 1% |
| Felony | Theft | 8 | 1% |
| Misdemeanor | Criminal Mischief | 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 931 repeat offenders

- Approximately the same percentage of each group were charged with future DWI 2nd Offense charges
 - 32% for Convictions vs. 35% for Probations
- Those with prior Convictions (jail/fine) judgments
 - committed more non-alcohol related second offenses
 - 6% were charged with Felony Drug Offenses
 - 3% 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 | 218 | 32% |
| Misdemeanor | Driving While License Suspended | 123 | 18% |
| Misdemeanor | DWI 1st Offender | 50 | 7% |
| Felony | Drug Offenses | 42 | 6% |
| Misdemeanor | Drug Offenses | 23 | 3% |
| Misdemeanor | Family Violence | 22 | 3% |
| Misdemeanor | Theft | 20 | 3% |
| Misdemeanor | Fail to Identify | 17 | 2% |
| Misdemeanor | Failure to Stop | 16 | 2% |
| Misdemeanor | Assault | 10 | 1% |
| Felony | DWI 3rd Offender | 9 | 1% |
| Misdemeanor | Criminal Trespass | 8 | 1% |
| Misdemeanor | Criminal Mischief | 7 | 1% |
| Misdemeanor | Weapons | 7 | 1% |

Defendants with Convictions: Distribution of Future Offenses

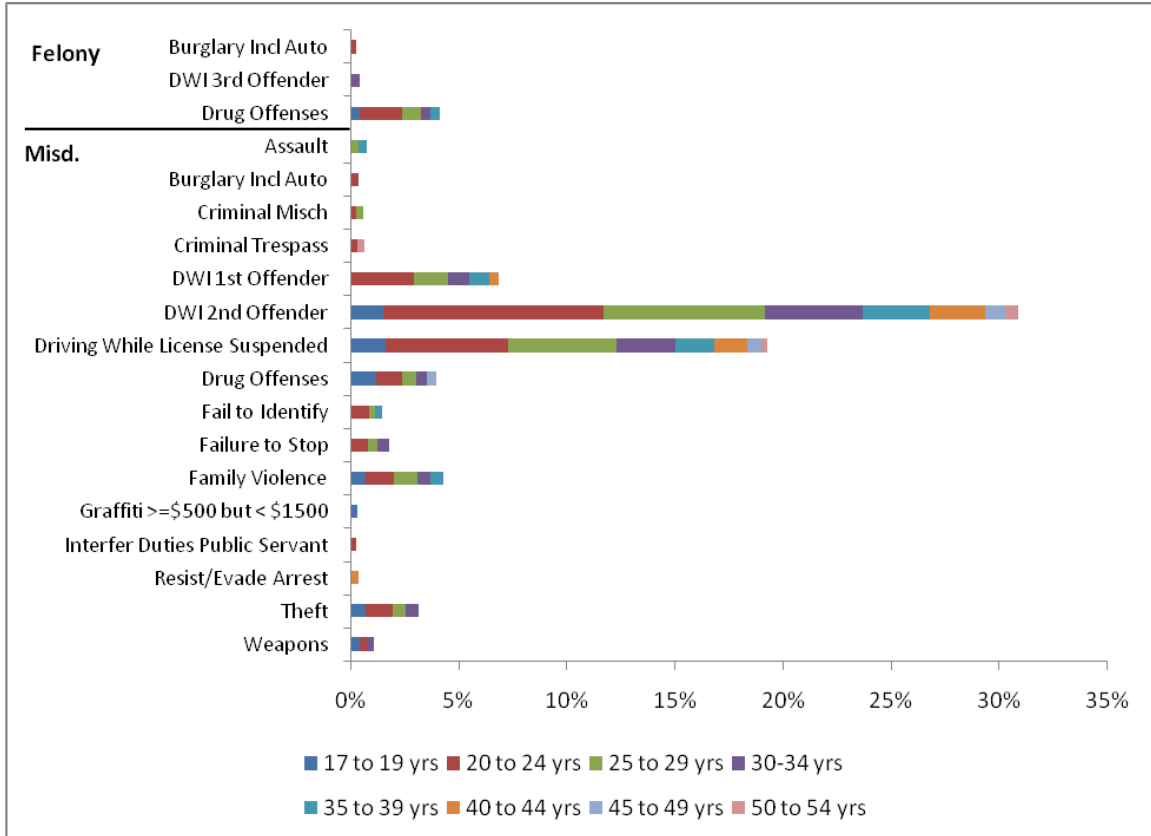
Defendants with DWI Prior – Probation

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 | 84 | 35% |
| Misdemeanor | Driving While License Suspended | 50 | 21% |
| Misdemeanor | DWI 1st Offender | 17 | 7% |
| Misdemeanor | Family Violence | 13 | 5% |
| Misdemeanor | Drug Offenses | 10 | 4% |

2005 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 had future cases for charges of Driving while License Suspended, additional DWI Charges, Family Violence offenses, and felony Drug offenses.