

**Integration of Police Scheduling
Into Case Management Systems:
Assessing the Impact**

**Institute for Court Management
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ABSTRACT

The Hamilton County Municipal Court is a court of record which has 14 judges who preside over misdemeanor cases on a daily basis. Hamilton County has a total of 44 police agencies and two prosecutors' offices. Of these two prosecutor offices, one handles all cases filed within the city limits of Cincinnati and the second handles the cases for the remainder of Hamilton County. The purpose of this study was to examine the efficiencies of integrating a police scheduling program for the Cincinnati Police Department, the largest jurisdiction in the county, into the case management system of the municipal court. The reason for determining the efficiencies of this program are to decide when and if the court should reach out to the other 43 police agencies which serve the county and offer the same or similar type program option.

A simple survey containing just three questions was sent to 13 of the 14 Hamilton County Municipal Court Judges (See Appendix A). The judge who did not participate joined the court after the study period in 2007 and before the study period in 2008. The disseminated questions were designed to determine the perception of the judges as to whether the number of continuances for the cases being studied have been reduced. Simultaneously, a review of a significant number of cases from a three month period was conducted to determine if there was an actual reduction in the number of continuances granted for cases involving the City of Cincinnati Police Department which were set for trial. The reason for the perception survey and the actual data review was that while most of the cases seen on a daily basis originate with the City of Cincinnati, many cases from other jurisdictions are on the same dockets and with the high volume of the court there could certainly be perceptions which may not reflect actual findings. A completely separate series of questions was sent to the Chief Deputy Prosecutor for

the City of Cincinnati. (See Appendix B) The questions were sent to this person because he has always acted as somewhat of a liaison between the court, the City of Cincinnati, and its police department. There was also a series of questions sent to the finance department of the police department to determine the financial impact of the program. (See Appendix C)

The questionnaire presented to the 13 municipal court judges contained a five point Likert scale with room for comments after each of the questions. The review of cases which were continued for the months of June, July and August in 2007 versus the months of June, July and August in 2008 was narrowed down to a total of 789 cases which were heard by five judges. Those five judges were selected solely because their continued cases included notations that contained specific information as to why they were continued, specifically whether the officer was present for the hearing or not. As for the information requested from the City of Cincinnati Prosecutors' Office, it was a written request made directly to the Chief Deputy Prosecutor for the city. He was able to obtain all of the pertinent information regarding subpoenas, officers notify lead time and requests for change of court date. Lead time refers to the time prior to the trial date that the prosecutor's office is sending subpoenas and officer notifies. The information obtained from the Cincinnati Police finance department centered on overtime pay and man-hours.

There appears to be no consensus by the Judges of the Hamilton County Municipal Court as to the perception that there are fewer continuances since the inception of the integration of police schedules into the case management system. On the other hand, the data that was collected indicates a reduction in the number of continuances requested due to the unavailability of a police officer. Additionally, the information collected from the City of Cincinnati Prosecutor's office regarding lead time on notifies and the number of times officers requested a change in court dates were extremely positive. Also, there seems to be some conflicting

information which was gathered in the area of overtime pay and the number of man-hours spent by the City of Cincinnati Police Department.

Even though the efficiencies currently shown by the integration of schedules are probably enough to endorse the program and offer it to other police agencies, there should be an ongoing evaluation for the next several months. Not all of the items studied produced the expected results and there is some thought that it simply may take longer than first expected to produce results across the entire spectrum which will satisfy all entities involved. Further explanation will be discussed in the conclusions section of this paper.

INTRODUCTION

The Hamilton County Municipal Court is a limited jurisdiction court of record serving a population of approximately 820,000, a number which makes it the third most populous county in Ohio trailing only Cuyahoga and Franklin. Hamilton County is located in the southwest corner of Ohio, bordered by Kentucky to the south and Indiana to the west.

Ohio currently has 99 municipal courts. Of these, Hamilton County is the second most populous county to have only one court serving the entire county. The most populous county to have a single municipal court serve the entire county is Franklin, in which the state capital of Columbus is located. The most populous county in Ohio, Cuyahoga, has 15 separate municipal courts including the Cleveland Municipal Court.

One of the things that make the Hamilton County Municipal Court unique is that it is the only municipal court in Ohio in which the judges run for election in districts. In 1986, a federal lawsuit was filed claiming a lack of adequate representation of minority judges on the Hamilton County Municipal Court bench. Sometime prior to the general election in 1993 a federal court order was issued which apportioned the county into seven districts; each district was to elect one judge in the 1993 general election and one judge in the 1995 general election. Each full term consists of six years and candidates are not bound by a district residency rule. Since 1993, the Hamilton County Municipal Court has consisted of 14 judges who run for election in seven districts yet all of the judges have jurisdiction throughout the county.

The Hamilton County Municipal Court is supported by a violations bureau which is under the auspices of an elected Clerk of Courts. The Clerk of Courts Traffic Division, as it is known, processes cases that are payable and do not require a court appearance. These cases are

defined as minor misdemeanors and most can be paid for about one hundred dollars. The Clerk of Courts processes over 10,000 of these payouts monthly. Other offenses are more serious misdemeanors which require a court appearance and carry potential jail time. Those cases which require a court appearance along with the minor misdemeanors which citizens choose not to pay are set on an arraignment docket. The arraignment dockets are scheduled each weekday and typically have 250 to 350 cases scheduled. At arraignment a person may dispose of their case by pleading guilty or no contest, they will most likely be sentenced immediately. If someone wishes to contest a case they must plead not guilty, the case will then be scheduled for trial at a later date. The case is scheduled in the future due to the fact that police officers do not appear at the arraignment proceedings. For this reason, only cases in which a not guilty plea has been entered will be the focus of this study. Parking violations will not be included in the study as they are considered civil infractions in Cincinnati, no other traffic or criminal cases fall into this category.

In a municipal court that has the volume that Hamilton County has, any effort to reduce the number of continuances will have an effect on the number of cases on a judge's trial docket. It only stands to reason that if a case can be resolved in a reduced number of appearances that docket time can be cleared for other cases and the likelihood that those cases can be tried at the first trial setting is increased. Thus, improved management of a portion of the court's cases can result in positive effects on the flow of other cases in the court. Efficient management of cases in municipal courts, often the only contact with courts that citizens experience, also helps create a greater degree of public trust and confidence in the judiciary.

Over many years the Hamilton County Municipal Court has attempted to schedule cases involving police officers, specifically City of Cincinnati police officers, so that their work schedules were taken into account. For the past 35 years, there had been a method to accomplish this whereby officers would fill out what was called a "Court Control Form". (See Appendix D)

Each Court Control Form was made of heavy paper which contained a 4 month calendar of the year printed 4 times on each card. Each of the approximately 1000 officers in the City of Cincinnati Police Department was required to mark his or her unavailable days to attend court on each portion of the card and return the card to the sergeant at the district. The cards would then be collected by each district and forwarded to the assignment office of the court to be alphabetized and cut into four sections for use at separate office locations.

There are several problems with this method of operation. First, the Court Control Forms were not always filled out completely by the officers. Information was missing or illegible, at times even the officer's name was undecipherable. Second, many times Court Control Forms were not collected and forwarded in a timely fashion, sometimes leaving as long as two months for cases to be set without having the information provided on the cards. Third, when officers' schedules would change, individual officers could contact the assignment office to request that the Court Control Form be changed to reflect the updated information instead of going through a single point of contact.

Another issue which must be considered is that not every officer will actually be on duty when a court case is scheduled. With the Cincinnati Police force being so large there are obviously several groups of off days to consider. Many of the officer groups, as they are called, have rotating off days or weekend work schedules when the court is not in session. Additionally, there are several shifts to be considered. These factors, along with the fact that the court only schedules trials at 9:00 a.m. on weekdays, makes it impossible to accommodate the officer at all times. Therefore, even though a scheduling system could make court appearances for officers more convenient, those appearances will not necessarily be scheduled during the times that an officer is on duty.

When the court was installing a new case management system in the early 1990's, management had enough forethought to build in a component which would overlay the officers' schedules onto the judges' schedules thereby providing more timely information. However, when the system was being constructed this component was never fully developed. Over the course of the last 15 years or so, there have been numerous discussions revolving around the development of the scheduling module. Some of the hurdles which prevented the development and implementation were: a) The Fraternal Order of Police, the union which represents the City of Cincinnati Police Officers, was concerned that many officers would have their overtime pay reduced to such an extent that it would affect their standard of living; b) The administration of the Cincinnati Police Department, at one time, was interested in implementation of a similar idea but through the use of their own operating system; c) The Hamilton County Municipal Court was hesitant at one time due to the suggestion that the court was to pay for most or all of the implementation thus leaving the City of Cincinnati a minimal monetary investment.

Eventually, all of the entities involved were able to settle on the critical terms and conditions and an agreement to develop and implement the project was reached. The municipal court set aside funding for the development of the project and the City of Cincinnati Police Department agreed to work within the proposed framework to comply with the requirements of the implementation.

The ultimate goal of the research conducted which is discussed herein is to: a) Study the efficiencies of the program as to the number of continuances, the monetary ramifications and the lead time for officer notifies; and b) to determine if the efficiencies realized will be enough to offer the other police agencies in Hamilton County the opportunity to make use of the program. As mentioned, Hamilton County has a total of 44 police agencies within its jurisdiction.

This study focuses on the effects of integrating police officers' schedules into the case management system. In doing so it was necessary to review a collection of cases and determine the rate at which those cases were continued. While it would be beneficial to compare the figures obtained for this study with other counties in the state of Ohio, The Supreme Court of Ohio does not require that courts report this type of information. Likewise, discussions with other municipal courts in Ohio were futile when seeking information for comparison purposes.

After a review of the literature regarding scheduling of cases, specifically scheduling as it relates to taking into consideration police officers' schedules, results of all information collected will be reviewed and reported. Following review of all data, including the questionnaires completed by the Hamilton County Municipal Court Judges, data collected on specific cases, and information obtained from the City of Cincinnati, findings will be reported. Next, the conclusions of those findings will be discussed. Finally, any recommendations which may be made as a result of those conclusions will be reported.

LITERATURE REVIEW

The concept of scheduling court cases in Cincinnati must take into account the police officers' work schedule as well as the defense and, of course, the court. This is documented as far back as the mid 1960's.¹ At that time, a clerk would check the officer's "Day Off"² schedule before scheduling a traffic case for court. A recommendation was made that the Presiding Judge of the municipal court and the Chief of Police, along with the City Prosecutor establish a schedule of one officer's day in court every two weeks.³ Obviously, one of the main reasons for establishing a schedule for each officer to appear in court was to avoid having cases dismissed.⁴ As is still the case today, when a police officer is not present for trial the court has sole discretion whether to grant a continuance when requested or to dismiss a case.

Sometime in the early 1970's the Cincinnati Police Department made an agreement with the Hamilton County Municipal Court to use a form known as a "Court Control Form" to schedule municipal court cases taking into account the officers' work schedules. These forms included a four month calendar along with a place for the officer's name and badge number. They were manually marked by each officer and then collected by sergeants at each district and forwarded to the court.

There is evidence of other jurisdictions using some form of a scheduling process which includes consideration of police officers' work schedules. For example, in 1977 law enforcement agencies in Virginia were asked how court appearances in traffic cases are set.

¹ American Bar Association Traffic Court Program, Report on the Cincinnati Traffic Court, 1965, page 79

² Ibid, page 79

³ Ibid page 134

⁴ Ibid, page 155

In many cases the officer informed the offender to appear in court on the officer's "Court Day", which also happens to be the officer's day to work the day shift.⁵ In some areas the offender and the officer set the appearance date by agreement. There were times when this procedure created problems for the court, usually when officers would schedule more cases than the court could handle on a given day.⁶ The recommendation set forth by the National Center for State Courts in 1977 for Virginia traffic courts was that "Courts and Law Enforcement Agencies should work together to establish mutually acceptable original and continuance court dates, but the courts, when necessary, should exercise final control over the number of cases appearing on the docket any one day".⁷

In a study of the New Orleans Traffic Court in 1984 it was noted that this court used an "Officer's Day in Court" system for scheduling appearances on court hearings in which the clerk would look up the officer's date to appear in court and schedule accordingly.⁸ In the "Officer's Day in Court" system, each officer is assigned a specific day to be in court every week or two. Such a system has the advantages of conserving police time and minimizing the amount of court resources that must be used in traffic cases. Still it has the potential drawback of creating either a) discrepancies in the number of cases on calendars for different judges or for different days, or (b) fluctuations in the time from arraignment to trial date.⁹ These drawbacks are both excellent examples of why the court must be the first and foremost concern when setting a case for trial.

In 1974, a study of the Multnomah County, Oregon courts was conducted with the focus being an attempt to reduce police overtime for financial reasons. The first impressions given were that the bulk of overtime costs for police were within the control of the courts and the

⁵ Alexander B. Aikman, David C. Steelman, C. Mae Kuy Kendall, Traffic Adjudication in Virginia – Report and Recommendations, NCSC 1977, page 80

⁶ Ibid, page 80

⁷ Ibid, page 80

⁸ David C. Steelman, Operation and management of the Traffic Court, City of New Orleans, 1984, page 62

⁹ James P. Economos and David C. Steelman, Traffic Court Procedure and Administration, 2nd 1983, pages 119-121

prosecution.¹⁰ Multnomah County utilized a system in which officers would indicate their off days on the front of an offender's citation. If the defendant chose to plead not guilty at arraignment, the clerk would schedule the case around the officer's days off. Subsequently, if there was a continuance granted on the case, the prosecutor would again refer to the citation to choose an appropriate date for trial.¹¹ In many ways, the faults to this system are the same as the faults which previously plagued Hamilton County before the integration of officer's schedules into the case management system. These systems are subject to breakdowns if the officer indicates the incorrect days off or if the schedule changes between the time a citation is given and the trial date. This issue cannot probably be solved completely, but it is certainly less likely to occur with a virtual real time system in place. Another potential glitch would be the possibility that multiple officers are needed for the same case. With any manual system this just brings into play additional opportunity for error. With a fully automated system, the chance of error is greatly reduced. The automated system will overlay the officers' schedules on the court's schedule thereby highlighting the best day to set a case for trial.

Of course, even if there is the thought that a completely accurate system for scheduling would make everyone who is a party to a case satisfied, there are always those who would think otherwise. A common opinion among some officers is that they believe their schedules are not taken into account, even if they are accurate and up to date.¹² There are some officers who do not mind appearing in court on their days off because of the overtime compensation while others see it as a disruption to their lives while not on duty.¹³ Even when cases are scheduled for an officer's available day in court (presumably a work day) an argument could be made that a police

¹⁰ Peter Haynes, Recommendations for Reducing Court Related Expenditures on Police Overtime in Multnomah County (Portland), Oregon, 1974 page 2

¹¹ Ibid, page 5

¹² Ibid, page 17

¹³ Ibid, page 17

officer could be on the beat but is sitting in a courtroom for several hours waiting for a case to be called. Another possibility is that the officer works an overnight shift completing his tour of duty early in the morning, then having to wait two or three hours because he has a court case scheduled. Many times this leaves the officer inadequate time to return home and get a little sleep and yet not sufficient enough time after sitting in court for several hours to rest before his next shift begins. The Durham, North Carolina Police Department actually wrote court time requirements into an operations research project in 1997 requiring that officers' shifts cover time when they would be scheduled in court.¹⁴ At the time the Durham Police Department was organized in four "platoons". These platoons were scheduled so that each day one platoon worked the day shift, one worked the night shift and two were off duty. Shifts were 12 hours long, began and ended at six p.m. and six a.m., and a 12 hour rest period between consecutive shifts was required. The scheduling arrangement produced a great deal of officer fatigue, primarily because of the number of times an officer completed a sequence of night shifts and then changed back to a daytime routine.¹⁵

In 1997 Charles County, Maryland unveiled a web-based application for police officers to schedule their leave times, and court house staff to schedule court dates around the officers' schedules. The program, which is called Court Dates, was hailed as the most advanced program of this type at the time. It was designed to allow officers to manage their own schedules through password protected accounts on the Internet. Officials declared it would save taxpayer dollars while enhancing the officers' quality of life.¹⁶

The conservation of monetary resources, as well as man hours, is always an issue which will get the attention of those who are responsible for budget, coverage of an event, or day-to-

¹⁴ George Fishman, Shift Scheduling in the Durham Police Department, 1998, page 2

¹⁵ Ibid, page 1

¹⁶ www.washingtonpost.com/wp-dyn/content/article/2007/04/20/ar2007042002479.html.

day operations of any organization. Modifications to scheduling procedures can be helpful in all of these areas.

One example of saving these resources came from Portland, Oregon in 1987. Portland implemented a pretrial conference step on more serious misdemeanor cases. Along with the pretrial conference step the court also put in place a firm trial date and continuance policy. The result was that cases were resolved at the pretrial stage and fewer officers were summoned for court appearances. The program saved the county over \$250,000.00 the first year.¹⁷ Other jurisdictions have been even more radical in their approach to saving resources. Seminole County, Florida established what is known as the “Civil Traffic Hearing Officer Program.” In this approach, hearing officers are appointed to hear civil traffic hearings at various locations throughout the county.¹⁸ Some of the advantages realized were a reduction in law enforcement court time, more courtroom space, and more expeditious hearings.¹⁹

Municipal courts, and more specifically traffic cases within municipal courts, remain one of the most common means of personal contact that most people have with the courts.²⁰ For this reason the management of municipal court cases, and traffic cases, in particular, assume great significance in terms of public trust and confidence in the courts – the perception among citizens that the courts are accessible, expeditious, fair, independent and accountable.²¹

The manner in which most of these cases are processed by the court promotes the expedient and direct establishment of facts and application of law, without substantial investment

¹⁷ John Goerd, Small Claims and Traffic Courts: Case Management Procedures, Case Characteristics, and Outcomes in 12 Urban Jurisdictions, 1992, page 119 cited through information from a Judge in Portland.

¹⁸ Horace McMorrow, a Civil Traffic Infraction Hearing Officer Program for Seminole County, ICM, CEPD, Phase III Project, 1998, page 30

¹⁹ Ibid, pages 30, 32

²⁰ David C. Steelman with John A Goerd and James E. McMillan, Caseflow Management in the New Millennium, page 39.

²¹ Ibid

of time or money by the litigants to sustain their position. Although the process tends to be highly routinized, it is a duty of the court to ensure that complete fairness exists in all proceedings, but especially in those which are contested.²²

A critical part in the scheduling process of municipal court cases is the coordination of officers' appearances in court which create the following dilemma: If officers appear in court while on duty, they are not out in the neighborhoods patrolling and protecting the community. If officers appear in court while off duty, then they must be compensated, usually in overtime pay ultimately absorbed by those very taxpayers who are the litigants appearing before the court.²³ The offices in charge of scheduling must weigh the pros and cons of the process and make an informed decision about the timely setting of the case. However in a very high-volume oriented court such as Hamilton County, this decision is usually made at the level of the case setter.

More and more in large urban areas, cases are being set with the aid of scheduling modules within the court's automated information system. These automated information systems contain such information as a unique identifier for each officer, the officers' regular workday rotation, shifts, and the ability to insert "other" off days, such as training or vacation. According to American Bar Association standards, multiple appearances in cases such as a single traffic case should be avoided to minimize costs of appearance for motorists and police and to make efficient use of the court's resources.²⁴

Therefore, managing those cases in which there is more contact with the court than any other types of cases is an important way for courts to establish and maintain public trust and confidence in the judicial branch of government.²⁵

²² Ibid

²³ Ibid page 40

²⁴ See Note 17, Supra, page 119

²⁵ See BJS and NCSC, Trial Court Performance Standards, Standard 5.2.

Another issue which factors into the process is the local legal culture.²⁶ In a study produced by National Center for State Courts Researchers in 1978, local legal culture was explained as follows: Both speed and backlog is determined in large part by established expectations, practices, and informal rules of behavior of judges and lawyers. For want of a better term, we have called this cluster of factors the “Local Legal Culture.”²⁷

Since that study, the Local Legal Culture explained the reason that cases moved through a particular court system at the pace that they do.²⁸ Local Legal Culture is more accurately described as not only practices, rules, and the like of judges and lawyers, but also of police, various investigators such as pretrial and detention, prison, probation, and court staff among many others.²⁹ This concept has proven quite useful over the years in understanding and improving case flow management in local trial courts.³⁰

The collection of specific data from previously identified sources will indicate the efficiency of integrating police officers’ schedules into the case management system in Hamilton County, Ohio. After the data is collected through multiple formats, it will be assessed to direct the court in improving the program and/or the viability of offering some or all of the other 43 police agencies throughout Hamilton County an opportunity to utilize this new component of the court management system.

²⁶ Thomas Church, Alan Carlson, Jo-Lynne Lee, and Teresa Tan, Justice Delayed: The Pace of Litigation in Urban Trial Courts, NCSC, 1978, page 54.

²⁷ Ibid

²⁸ Geoff Gallas, The Court Manager, Volume 20, Issue 4, Local Legal Culture, page 23.

²⁹ Ibid

³⁰ Ibid

METHODS

The initial step in determining the efficiencies of integrating police officers' schedules with the case management system was to assess exactly what items could be measured and who would be in the best position to obtain the data required to do so.

The case study would involve a comparison of three months of cases in 2007 to the same three month period in 2008. Even though the Hamilton County Municipal Court consists of 14 judges it was determined that the potential field of judges to be interviewed would have to be trimmed by one since one of the judges was elected after the time period to be studied in 2007 and before the time period to be studied in 2008. Any data from that particular judge's caseload could not be fairly assessed. This judge was also not included in the survey of the judges to obtain the court's perception of continuances requested and granted.

A brief discussion was then had with each of the remaining 13 judges to find out if they made specific notations on journal entries which indicated the reason that continuances were requested by the prosecution, specifically if they noted whether the police officer was present or not when the continuance was requested. Without this specific notation on the journal entry it would not be possible to determine if continuances had been requested for this reason. Of the 13 judges questioned only five indicated that they consistently noted the officers' presence and/or absence when the prosecution requested a continuance. Therefore, the study only included the five judges who provided specific notations on their journal entries.

At this juncture, the data to be extrapolated had been determined. Direction was given to the court's software vendor to create a program to identify cases for those five judges which were for first-time trial settings and scheduled in the months of June, July and August of 2007. The cases were also narrowed to those initiated in the City of Cincinnati since this was the only

department using the pilot program. The process would then have to be duplicated for the months of June, July and August 2008 for comparison purposes. After each of the sample sets was collected there was a manual process by court staff in which each case was reviewed to determine if the case was continued at the prosecution's request or the request of the defense. This was done because the query conducted by the court's software provider could not break down the sample set to indicate the reason a case was continued. Only those cases which were set for trial and continued for trial were examined. At this point, the cases were input into a spread sheet (See Appendix F) and a manual examination of the cases was conducted. On the spreadsheet a notation was made indicating if the case was continued due to the unavailability of the officer. A notation was also made indicating what the final disposition was for each case. This was done to determine if more cases were ultimately dismissed if the case involved a continuance due to the officer's unavailability. A total of 437 cases from 2007 were examined and 351 cases from 2008. The physical review of the cases took approximately five weeks to complete. This time obviously could have been reduced if more staff had been dedicated to the project.

During approximately the same time period as the data collection of cases was being studied, a questionnaire was sent via interoffice mail to the 13 judges to try and gain a sense of their perception of the number of continuances requested and granted since the inception of the program. Before this questionnaire was distributed a sample questionnaire was reviewed by a former judge, a current magistrate and a current prosecutor to determine if the questions were easily understood, viable, and would elicit the information which was desired.

The judges' questionnaire was based on a five point Likert scale with room for comment after each of the three questions presented. The Likert scale, created by American educator and organizational psychologist Rensis Likert, is a psychometric scale commonly used in

questionnaires. When responding to a Likert questionnaire item, respondents specify their level of agreement to a statement. All 13 of the judges participated in the survey and all surveys were returned within three weeks. Additionally, a series of questions were presented to the Chief Deputy City Prosecutor. These questions revolved around the lead time for subpoenas and officer notifies concerning the number of written requests from officers to continue a case, and his opinion as to whether he believed the number of continuances due to officer unavailability was reduced. Other information obtained through the City of Cincinnati Police Department's financial division was obtained via inquiry about the cost of overtime for court appearances and the number of man-hours spent in court. All of the information obtained was for the months of June, July and August in 2007 and 2008.

FINDINGS

Results of the research conducted will be provided for each area of study mentioned in the methods section. Overall, the findings were a culmination of efforts in several areas in an attempt to create recommendations for further, and possibly expanded, use of the integrated scheduling program.

For reporting purposes, the judges whose cases were used in this study will be referred to as Judge “A” through Judge “E”. After reporting the findings produced for each of the five judges, a consolidation of cases for all five judges will be shown. Additionally, there will be a breakdown of criminal cases and traffic cases to determine if there was a noticeable discrepancy between the two.

Findings will also include information collected via the questionnaire sent to the Hamilton County Municipal Court Judges, information provided by the Chief Deputy City Prosecutor and the finance office of the City of Cincinnati Police Department.

Judge "A" continued a total of 78 cases during the time period studied in 2007, 44 of those were criminal cases and 34 were traffic cases. Of the cases which were continued for this period 23 were continued due to the unavailability of the police officer, 19 were criminal cases and four were traffic cases. In 2008, Judge "A" continued 51 cases during the time period studied, 40 of those were criminal cases and 11 were traffic cases. The number of cases continued due to the unavailability of the police officer was 13; there were 11 criminal cases and two traffic cases. The number of cases continued in 2008 due to the unavailability of a police officer reflects a 4% decrease from 2007.

CHART 1

2007 Continuances Studied Judge A (Total 78)

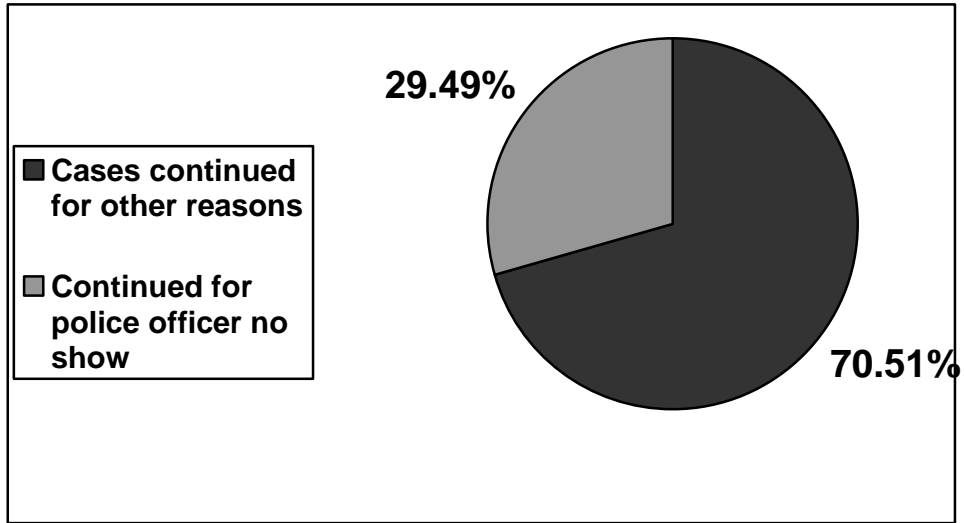
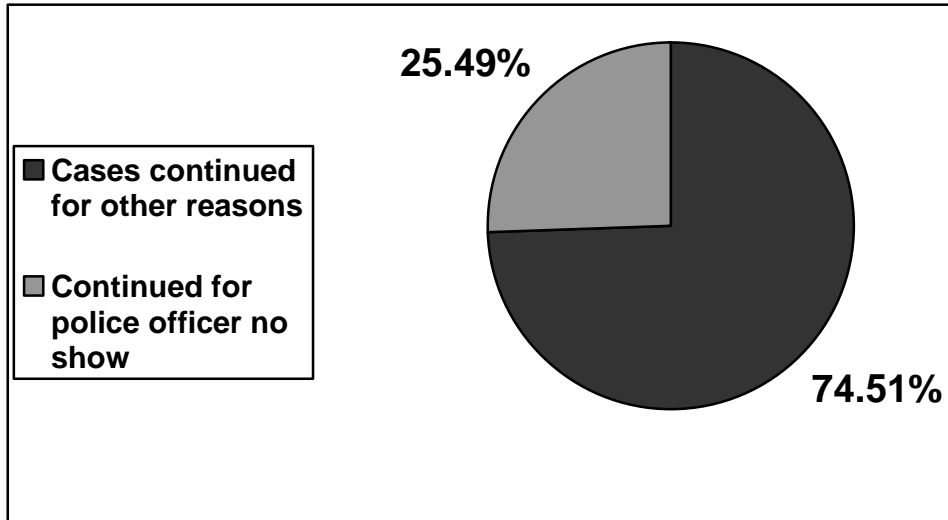


CHART 2

2008 Continuances Studied Judge A (Total 51)



Judge "B" continued a total of 80 cases during the time period studied in 2007, 49 of those were criminal cases and 31 were traffic cases. Of the cases which were continued for this period 16 were continued due to the unavailability of the police officer, 11 were criminal cases and five were traffic cases. In 2008, Judge "B" continued 104 cases during the time period studied, 58 of those were criminal cases and 46 were traffic cases. The number of cases continued due to the unavailability of the police officer was 17; there were ten criminal cases and seven traffic cases. The number of cases continued in 2008 due to the unavailability of a police officer reflects a 3.65% decrease from 2007.

CHART 3

2007 Continuances Studied Judge B (Total 80)

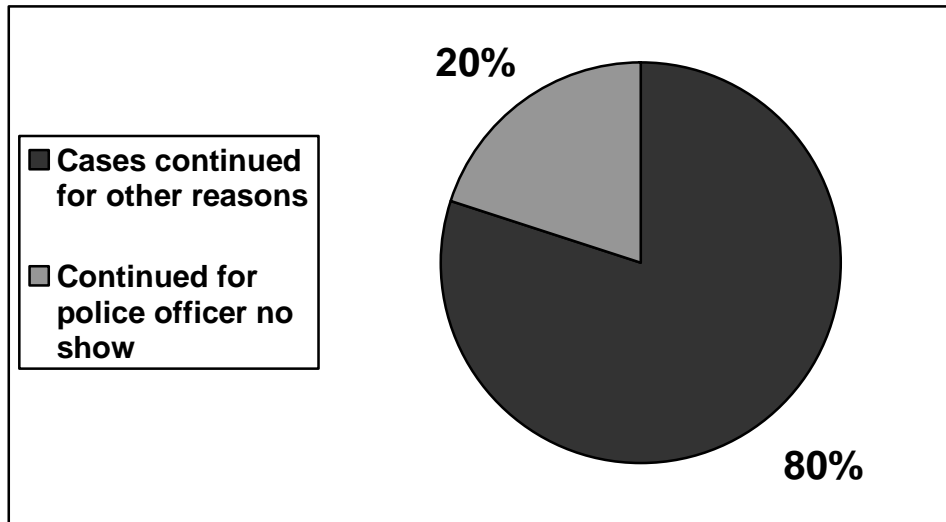
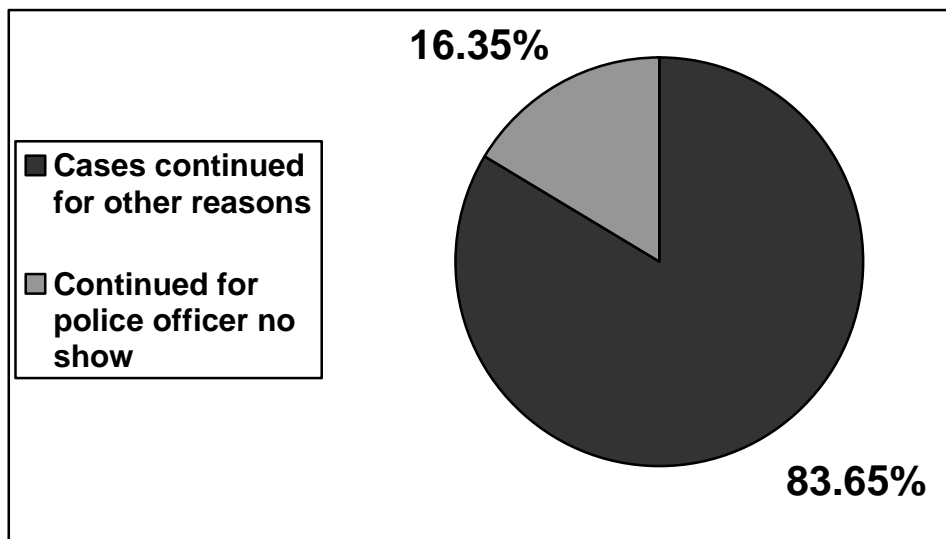


CHART 4

2008 Continuances Studied Judge B (Total 104)



Judge "C" continued a total of 68 cases during the time period studied in 2007, 52 of those were criminal cases and 16 were traffic cases. Of the cases which were continued for this period 11 were continued due to the unavailability of the police officer, nine were criminal cases and two were traffic cases. In 2008, Judge "C" continued 56 cases during the time period studied, 44 of those were criminal cases and 12 were traffic cases. The number of cases continued due to the unavailability of the police officer was 11; there were nine criminal cases and two traffic cases. The number of cases continued in 2008 due to the unavailability of a police officer reflects a 3.46% increase from 2007.

CHART 5

2007 Continuances Studied Judge C (Total 68)

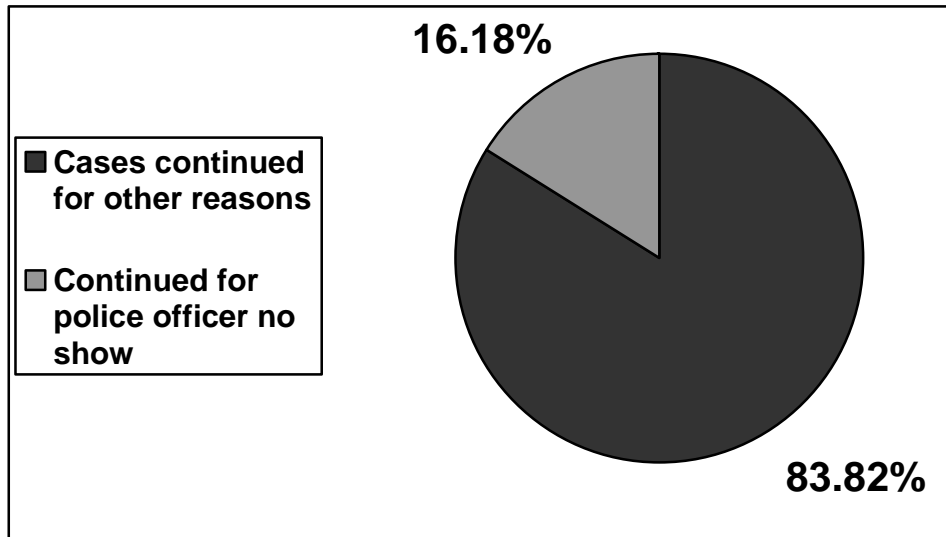
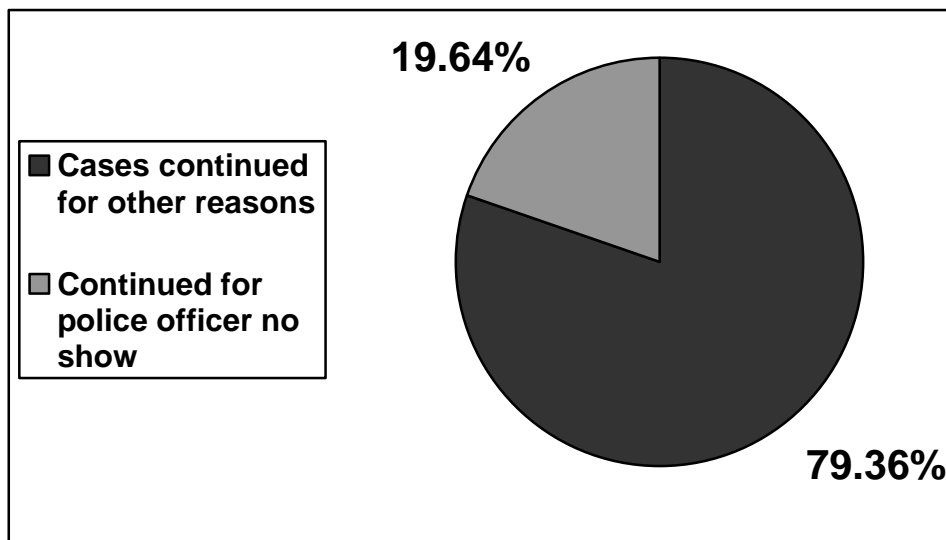


CHART 6

2008 Continuances Studied Judge C (Total 56)



Judge “D” continued a total of 87 cases during the time period studied in 2007, 74 of those were criminal cases and 13 were traffic cases. Of the cases which were continued for this period 36 were continued due to the unavailability of the police officer, 27 were criminal cases and nine were traffic cases. In 2008, Judge “D” continued 68 cases during the time period studied, 51 of those were criminal cases and 17 were traffic cases. The number of cases continued due to the unavailability of the police officer was nine; there were six criminal cases and three traffic cases. The number of cases continued in 2008 due to the unavailability of a police officer reflects a 28.14% decrease from 2007.

CHART 7

2007 Continuances Studied Judge D (Total 87)

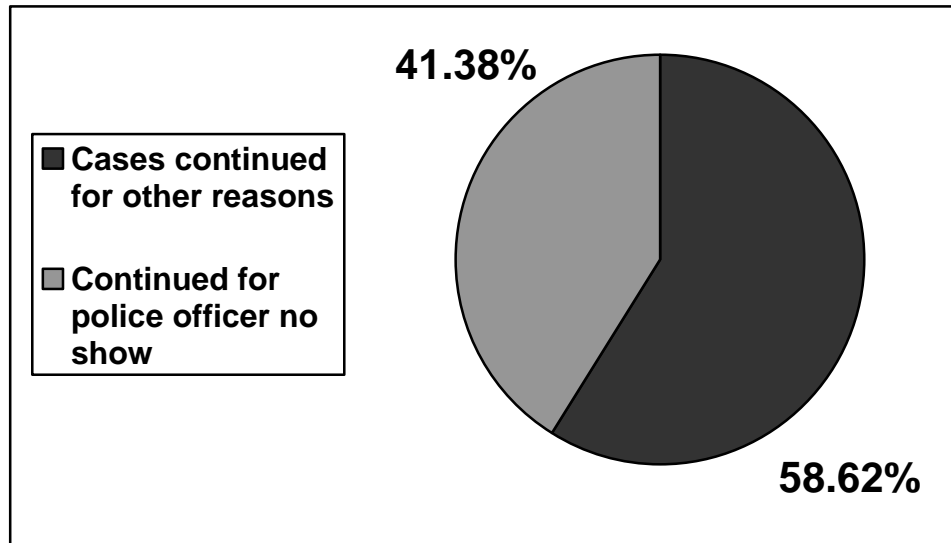
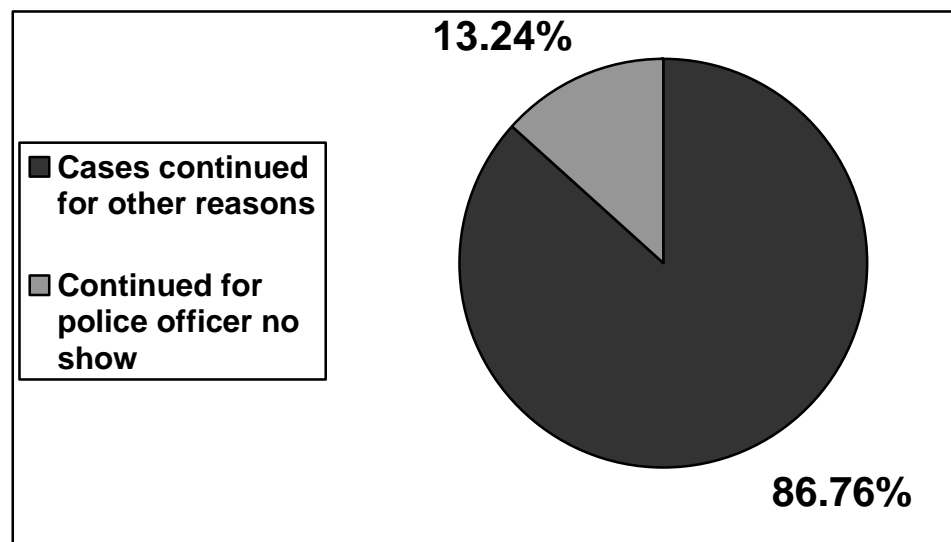


CHART 8

2008 Continuances Studied Judge D (Total 68)



Judge “E” continued a total of 124 cases during the time period studied in 2007, 99 of those were criminal cases and 25 were traffic cases. Of the cases which were continued for this period 23 were continued due to the unavailability of the police officer, 16 were criminal cases and seven were traffic cases. In 2008, Judge “E” continued 72 cases during the time period studied, 48 of those were criminal cases and 24 were traffic cases. The number of cases continued due to the unavailability of the police officer was three; there was one criminal case and two traffic cases. The number of cases continued in 2008 due to the unavailability of a police officer reflects a 14.38% decrease from 2007.

CHART 9

2007 Continuances Studied Judge E (Total 124)

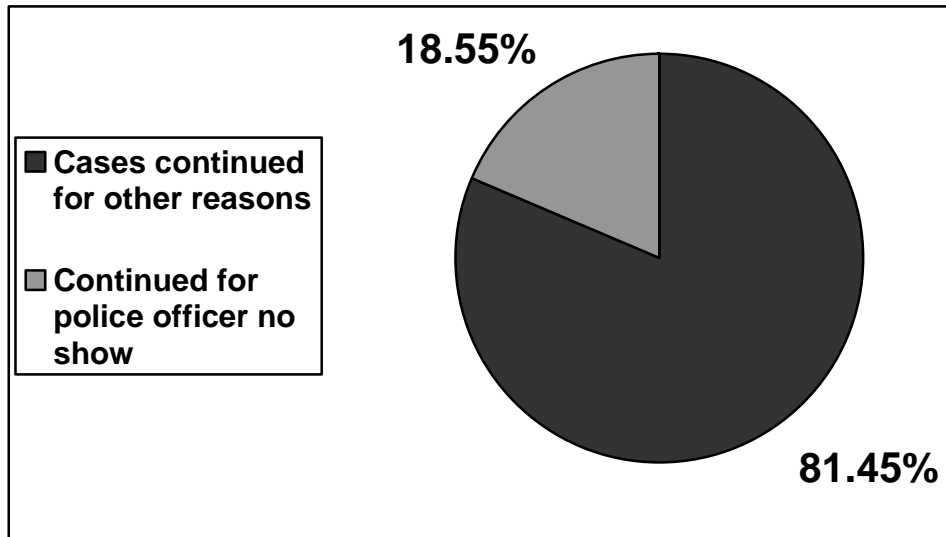
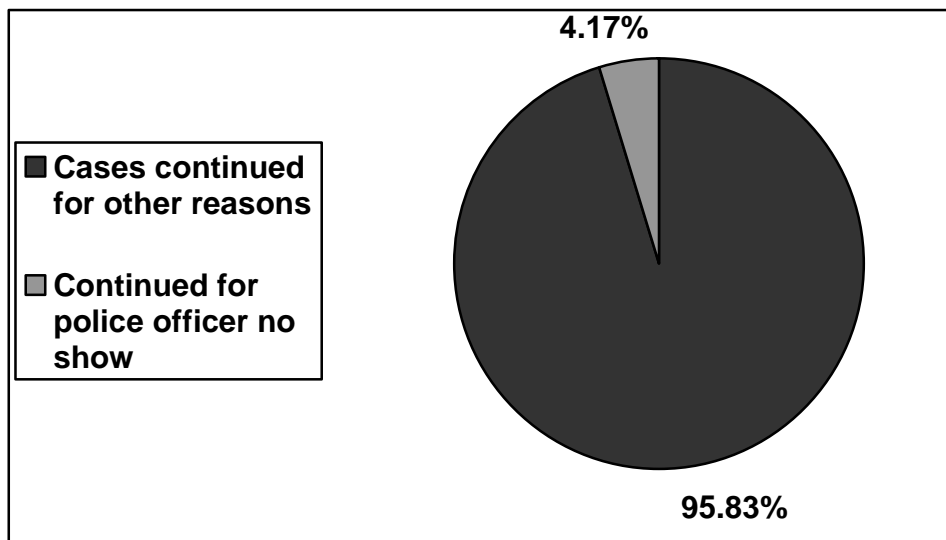


CHART 10

2008 Continuances Studied Judge E (Total 72)



Overall, there were 437 continued cases studied from 2007, 318 of those were criminal cases and 119 of the cases were traffic. The cases which were continued due to the unavailability of the officer numbered 109; there were 82 criminal cases and 27 traffic cases. In 2008 there were 351 continued cases that were studied, 241 of the cases were criminal and 110 were traffic. The cases which were continued due to the unavailability of the officer numbered 53, 37 of those were criminal cases and 16 were traffic. The number of cases continued in 2008 due to the unavailability of a police officer was 9.84% less than in 2007. This percentage was calculated based on the continuances studied for all five judges.

CHART 11

2007 Continuances Studied (Total 437)

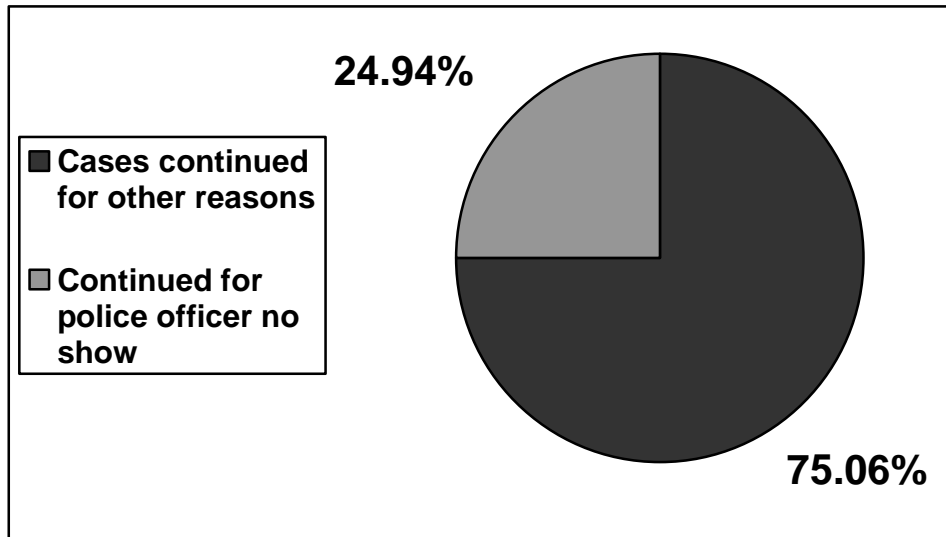
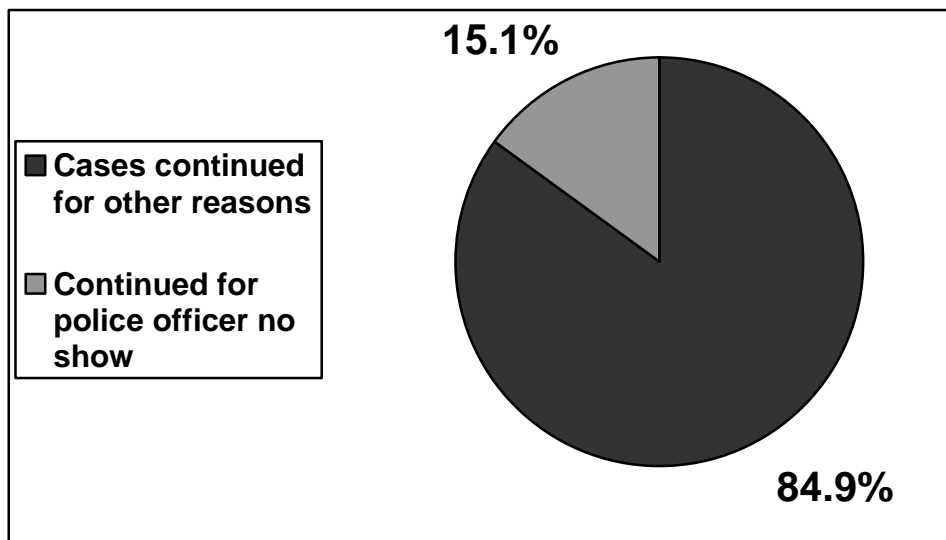


CHART 12

2008 Continuances Studied (Total 351)



The following is a comparison of the percentage of criminal cases continued due to the unavailability of a police officer for the months of June, July, and August in 2007 and 2008:

There were a total of 318 criminal cases continued in the three month period in 2007 with 82 of those continued due to the unavailability of a police officer. In 2008 there were 241 criminal cases continued, 37 as a result of the police officer being unavailable. The number of criminal cases continued in 2008 due to the unavailability of a police officer reflects a 10.44% decrease from 2007.

CHART 13

2007 Criminal Continuances Studied (Total 318)

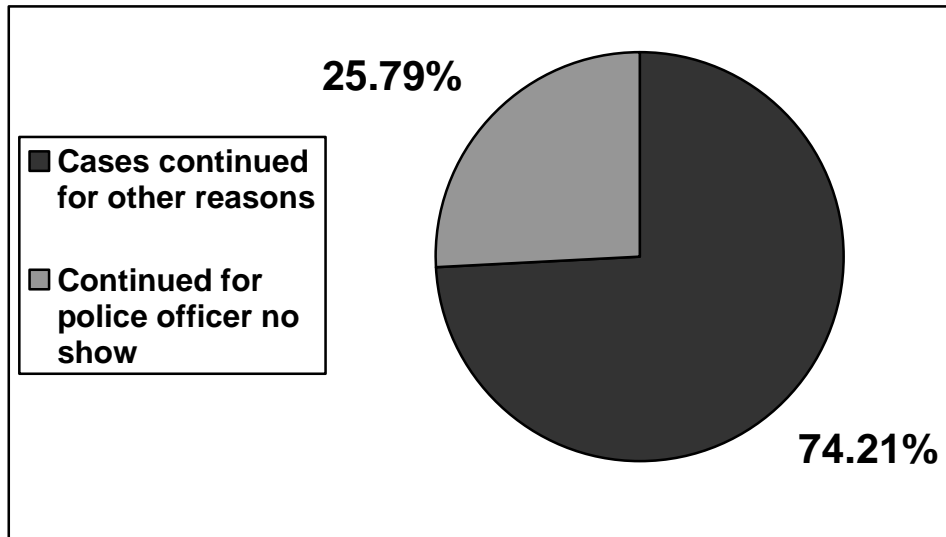
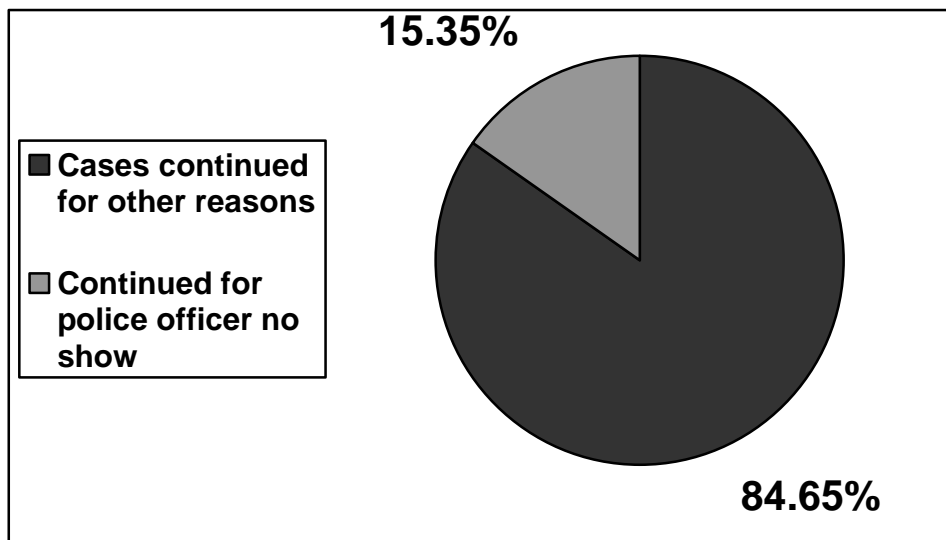


CHART 14

2008 Criminal Continuances Studied (Total 241)



The following is a comparison of the percentage of traffic cases continued due to the unavailability of a police officer for the months of June, July, and August in 2007 and 2008:

There were a total of 119 traffic cases continued in the three month period in 2007 with 27 of those continued due to the unavailability of a police officer. In 2008 there were 110 traffic cases continued, 16 as a result of the police officer being unavailable. The number of traffic cases continued in 2008 due to the unavailability of a police officer reflects an 8.14% decrease from 2007.

CHART 15

2007 Traffic Continuances Studied (Total 119)

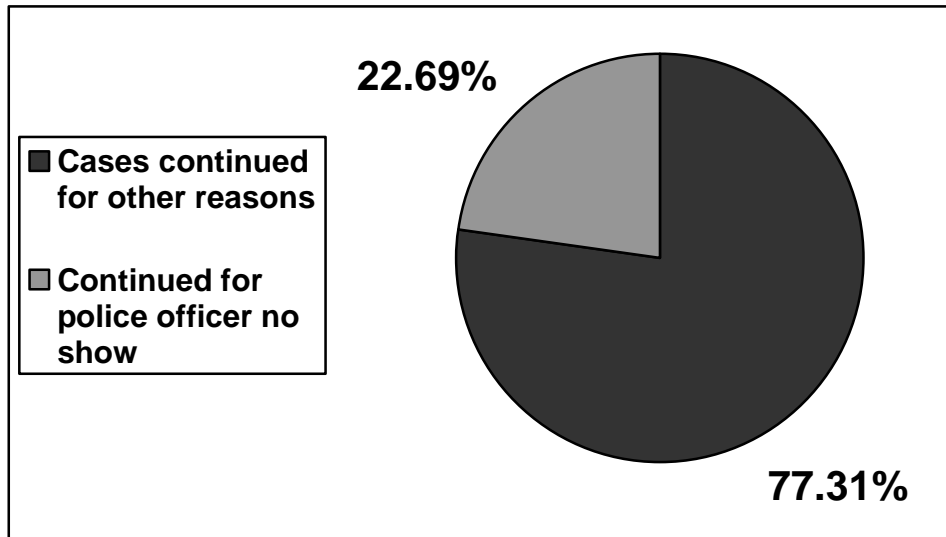
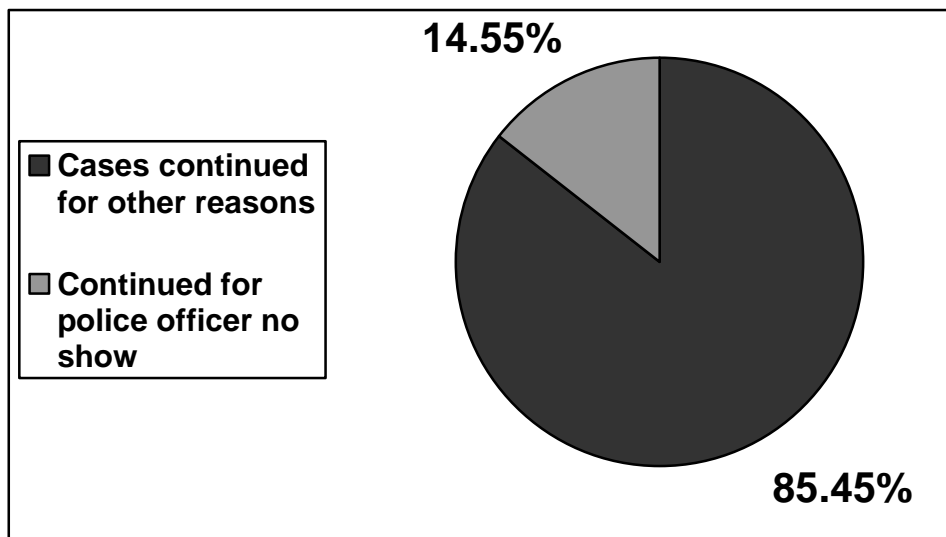


CHART 16

2008 Traffic Continuances Studied (Total 110)



Looking at cases which were eventually dismissed or acquitted after a continuance was granted due to the unavailability of a police officer shows a reduction of 12% from 2007 to 2008. Cases in which there was a continuance granted for any other reason showed only a 5% decrease from 2007 to 2008.

As previously mentioned, a set of three questions was sent to the 13 Hamilton County Municipal Court Judges. The first question was posed as follows: “Since January 2008, I have noticed a decrease in the number of continuances granted because a City of Cincinnati Police Officer was unavailable.” Using the Likert five point scale the possible responses were: (5) strongly disagree, (4) disagree, (3) no opinion, (2) agree and (1) strongly agree. Six of the Judges noted that they agreed, four indicated that they disagreed, while three had no opinion. Reviewing the five judges whose cases were individually scrutinized, two agreed, two disagreed and one had no opinion.

Question two was posed as follows: “Since January 2008, I have noticed a decrease in the number of city cases in which a continuance is requested.” Four of the judges agreed with that statement, six disagreed, one strongly disagreed and two had no opinion. Of the five judges whose cases were reviewed, only one agreed with the statement, three disagreed, and one strongly disagreed.

Question three was posed as follows: “Since January 2008, I have noticed an increase in the number of city police officers appearing in my courtroom for first trial settings.” Five of the judges agreed with the statement, three disagreed and five had no opinion. Of the five judges whose cases were reviewed, one agreed, one disagreed and three had no opinion.

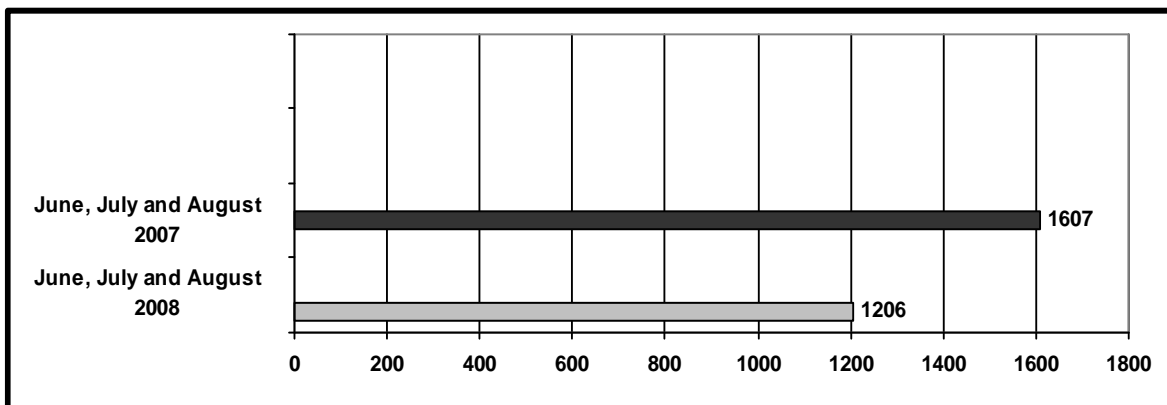
The response from the Chief Deputy City Prosecutor revealed the following information: Lead time for subpoenas prior to the integration of police officers’ schedules into the case

management system was approximately five days. Ten months post integration of police officers' schedules a lead time of more than 30 days is in place for subpoenas. Lead time for officer notifies was one or two days prior to the integration of police officers' schedules into the case management system. Ten months post integration of police officers' schedules a lead time of more than 30 days is in place for officer notifies. When asked if he believed that the integration of schedules had reduced the number of continuances in the municipal court, the Chief Deputy City Prosecutor responded that he believed the program had reduced continuances by about 30% and he is convinced that the number will continue to decrease with further enhancements or adjustments to the system.

Another question posed to the Chief Deputy City Prosecutor requesting information on the number of written requests by a police officer to continue a case, known within the court and the police department as a form 678. (See Appendix E) In June of 2007 there were 537 requests, 512 in July and 558 in August for a total of 1,607. In 2008 for those same months there were 415 requests in June, 430 in July and 361 in August, for a total of 1,206, a decrease of 25% in the total number of requests over the three-month period.

CHART 17

Number of written requests for continuance (Form 678) by Police Officer

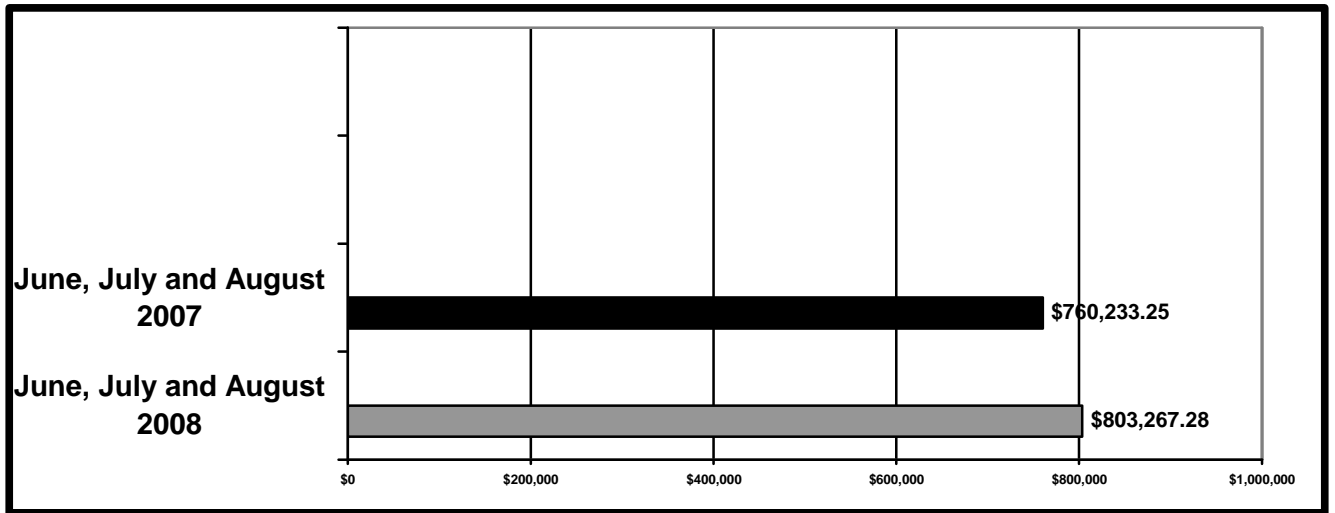


25% reduction

A request for financial information relating to overtime for court appearances and man-hours spent was sent to the Cincinnati Police Department financial division. In June of 2007, the city spent \$246,404.23 in police overtime related to court appearances. In July \$245,094.60 was spent and in August \$268,734.42 for a three-month total of \$760,233.25. In 2008 for the same three-month period \$803,267.28 was spent in police overtime related to court appearances. In June the amount was \$263,721.08, in July the amount was \$272,467.09 and in August the amount was \$267,079.11. This represents a 5.7% increase in overtime spent for court appearances by police officers.

CHART 18

Police overtime spent in dollars for Court Appearances

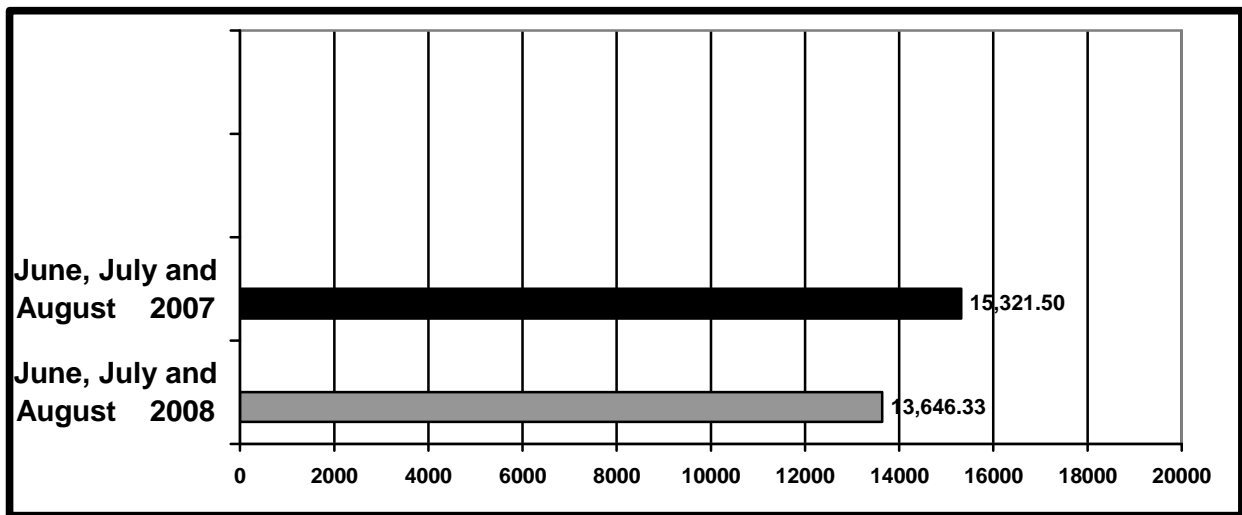


5.7% increase

The number of man-hours spent on police overtime for court appearances in June of 2007 was 5,067.33, in July 5,016.84 and in August it was 5,237.33, For a three-month total of 15,321.50. In June of 2008 there were 4,528.50 man-hours spent on police overtime for court appearances. In July the number was 4,672.50 and in August it was 4,445.33 for a three-month total of 13,646.33, a reduction of 11% from 2008.

CHART 19

Police overtime spent in man hours for Court Appearances



11% reduction

CONCLUSIONS

After a careful review of the findings of the data requested, the responses to questionnaires sent to the Hamilton County Municipal Court Judges, information requested from the City of Cincinnati Police Finance Department and information obtained from the Chief Deputy City Prosecutor the following is a result of a compilation of those findings.

The data which was reviewed for all except one of the five judges identified showed a decrease in the number of continuances granted due to the unavailability of a police officer. This information, when consolidated, showed an overall decrease in continuances of 9.84% granted for that reason. Thus the integration of Cincinnati Police Officers' schedules into the case management system has produced the intended effect to reduce the number of continuances in the Hamilton County Municipal Court. This was accomplished while the caseload of the court stayed virtually the same for the three-month periods which were examined for 2007 and 2008.

A review of the questions which were answered by the judges of the court showed that their perception about the number of continuances granted due the unavailability of a police officer varied widely. There was no real consensus on the perception about the total number of continuances granted on cases initiated by the city nor was there a convincing agreement about the number of cases initiated within the city limits in which the officer appeared at the first trial setting. The reason that the perception in these areas differs from the analysis of the data could be numerous. First of all, the cases initiated by the City of Cincinnati are only a portion of the total number of cases on a docket for any given day. As noted prior, there are 43 other police agencies in Hamilton County which send cases to the municipal court. Another reason could be the sheer volume of cases adjudicated by the court. Every judge's docket could have 35 to 90 cases set per day.

One item which indicates an increase in the number of officers appearing at the first trial setting is the reduced number of written Request for Continuance Forms (678's) being filed by police officers. There were 1607 written requests filed in the three-month time period in 2007 and only 1206 written requests filed in the three-month time period in 2008. This along with the reduced number of continuances because the officer is unavailable is a compelling argument that the program is working as intended. Also built into the program was a component which allows the city prosecutor's office staff to notify officers and private witnesses in a much more efficient manner resulting in the increased lead time for subpoenas and officer notifies. This affords civilian witnesses and officers more notice when a case is set for trial, thus reducing the likelihood of a conflict.

The next area of assessment from the information gathered centers around the overtime compensation paid to officers for time in court as well as man-hours spent. While the report suggests a decrease in man-hours spent, there is an increase in the overtime dollars spent by the city. This was an unexpected result but may be explained through a number of reasons. First, the police department, either by policy or contract, dictates that officers are to receive compensatory time instead of pay until they reach a total of 480 hours of compensatory time earned. Depending on the number of officers who reached that plateau either just before the time period to be studied or sometime during could result in the increase. Another possible reason could be the number of officers who received a pay increase or promotion between the study period in 2007 and the study period in 2008. This could also explain the discrepancy between overtime pay and man-hours spent in court. One more plausible explanation is that more officers are appearing for first trial settings, increasing the efficiency of the court by not continuing cases with the unintended consequence being an increase in the overtime pay to the police department's budget. In 2007, there was a total of \$760,233.25 spent in police overtime for court

appearances during the three-month time period studied. In 2008, there was a total of \$803,267.28 spent in police overtime for court appearances during the three-month time period studied.

The results of how fewer continuances relates to caseflow have not been discussed extensively in this study. However, it is important to realize that a reduction in the number of continuances granted results in fewer cases consuming valuable docket time which could be more suitably used to dispose of other cases. Thus the 9.84% reduction in continuances granted due to the unavailability of a police officer should result in improved overall caseflow.

RECOMMENDATIONS

Although much of what has been found through the research indicates there are positive steps toward creating a more efficient municipal court, there is still more to be assessed. As part of the Recommendation section of this paper the author hereby recommends:

Recommendation #1: That further analysis of the data is completed within the next year or so. Because this program was implemented just six months prior to the beginning of this study, it would be beneficial to assess a greater period of time. As well, it would be advisable to wait for a period, perhaps a year, to allow for corrections of any flaws in the program to be completed.

Recommendation #2: To further review an expanded period of time to assess the financial implications to the police department. The current analysis of the data which indicates an increase in court overtime could be a short-term unintended consequence. The actual impact on court overtime may be more accurately reflected over a greater period of time than the three-month period which was studied.

Recommendation #3: Provided that the future assessment continues to reveal positive results, it is the recommendation that this program be offered next to the Hamilton County Sheriff's Office. The reasoning behind offering the program to the sheriff next is that it is the second largest police agency within the jurisdiction. If and when the sheriff or any other agency takes advantage of this opportunity, it appears that that there would be minimal cost associated.

The cost should be limited to minimal installation and training, as well as buying and maintaining software licensing.

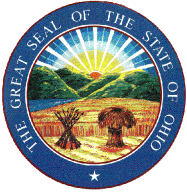
Recommendation #4: After the sheriff is offered the chance to take advantage of the program it will be the recommendation that other police agencies within the jurisdiction be given that same opportunity. This may not be a viable option for many of the smaller police departments but that option should be considered on a case by case basis.

As a whole, the recommendation is to continue to assess all of the areas previously discussed in this paper but to give the program a period of time to adjust into what it will become long term and to assess a lengthier period of time than the three-month period studied.

LIST OF APPENDICES

Appendix A	Survey of Municipal Court Judges
Appendix B	Questions for Chief Deputy City Prosecutor
Appendix C	Request for Information from City of Cincinnati Police Department
Appendix D	Court Control Form
Appendix E	Change in Court Appearance Form (678)
Appendix F	Spreadsheet

Appendix A



HAMILTON COUNTY INTERDEPARTMENTAL CORRESPONDENCE

Date:

To:

From:

Please take a couple of minutes to complete the following questionnaire and return to me at your earliest convenience.

Since January 2008, I have noticed a decrease in the number of continuances granted because a City of Cincinnati Police Officer was unavailable. Please circle the answer which most accurately describes your perception

Strongly Disagree Disagree No Opinion Agree Strongly Agree

Please give reasons, if any, to explain your answer.

Since January 2008, I have noticed a decrease in the number of city cases in which a continuance is requested.

Strongly Disagree Disagree No Opinion Agree Strongly Agree

Please give reasons, if any, to explain your answer.

Since January 2008, I have noticed an increase in the number of city police officers appearing in my Courtroom for first trial settings.

Strongly Disagree Disagree No Opinion Agree Strongly Agree

Please give reasons, if any, to explain your answer.

Appendix B

Questions for Assistant Chief Deputy City Prosecutor:

1.
 - a. Prior to the integration of police officers' schedules into the case management system, what was the lead time for subpoenas sent to private witnesses?
 - b. What is it currently?
2.
 - a. Prior to the integration of police officers' schedules into the case management system, what was the lead time for officer notifies?
 - b. What is it currently?
3.
 - a. From June through August 2007 how many 678 forms were filed? Please break down monthly, if available.
 - b. From June through August 2008 how many 678 forms were filed? Please break down monthly, if available.
4. In your opinion, has the integration of police officers' schedules aided in reducing the number of continuances granted by the court?

Appendix C

Request for information from the City of Cincinnati Police Department

1. a. In dollars, from June through August 2007 how much was spent on police overtime for court appearances.

Please break down the figures monthly, if available.

- b. In dollars, from June through August 2008 how much was spent on police overtime for court appearances.

Please break down the figures monthly, if available

2. a. In man hours, from June through August 2007 how much was spent on police overtime for court appearances.

Please break down the figures monthly, if available

- b. In man hours, from June through August 2008 how much was spent on police overtime for court appearances.

Please break down the figures monthly, if available

Appendix D

2807 HAMILTON COUNTY MUNICIPAL COURT - "COURT APPEARANCE CONTROL FORM"

UNIT: _____ BADGE: _____ NAME: _____ GROUP: _____ SHIFF: 1st _____ 2nd _____ 3rd _____ POWER: _____

SEPTEMBER							NOVEMBER						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
*	4	5	6	7			5	6	*	8	9		
10	11	12	13	14			**	13	14	15	16		
17	18	19	20	21			19	20	21	22	*		
24	25	26	27	28			26	27	28	29	30		
OCTOBER							DECEMBER						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5			3	4	5	6	7		
*	9	10	11	12			10	11	12	13	14		
15	16	17	18	19			17	18	19	20	21		
22	23	24	25	26			24	*	26	27	28		
29	30	31					31						

(INDICATE TRAINING DAYS WITH A "T")
 (REVIEW INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING FORM)
 * LABOR DAY - Room A (A.M. only) All Other Closed
 ** COLUMBUS DAY - Room A and for Court Only
 * ELECTION DAY - All Judges / DUJ Court - No Area Court
 No Traffic / DUJ Court - No Area Court
 - No Room B - P.M.
 ** VETERAN'S DAY - All Court Closed
 * THANKSGIVING DAY - All Court Closed
 * CHRISTMAS DAY OBSERVED - Room A (A.M. only) All Other Closed

2807 HAMILTON COUNTY MUNICIPAL COURT - "COURT APPEARANCE CONTROL FORM"

UNIT: _____ BADGE: _____ NAME: _____ GROUP: _____ SHIFF: 1st _____ 2nd _____ 3rd _____ POWER: _____

SEPTEMBER							NOVEMBER						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
*	4	5	6	7			5	6	*	8	9		
10	11	12	13	14			**	13	14	15	16		
17	18	19	20	21			19	20	21	22	*		
24	25	26	27	28			26	27	28	29	30		
OCTOBER							DECEMBER						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5			3	4	5	6	7		
*	9	10	11	12			10	11	12	13	14		
15	16	17	18	19			17	18	19	20	21		
22	23	24	25	26			24	*	26	27	28		
29	30	31					31						

(INDICATE TRAINING DAYS WITH A "T")
 (REVIEW INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING FORM)
 * LABOR DAY - Room A (A.M. only) All Other Closed
 ** COLUMBUS DAY - Room A and for Court Only
 * ELECTION DAY - All Judges / DUJ Court - No Area Court
 No Traffic / DUJ Court - No Area Court
 - No Room B - P.M.
 ** VETERAN'S DAY - All Court Closed
 * THANKSGIVING DAY - All Court Closed
 * CHRISTMAS DAY OBSERVED - Room A (A.M. only) All Other Closed

2807 HAMILTON COUNTY MUNICIPAL COURT - "COURT APPEARANCE CONTROL FORM"

UNIT: _____ BADGE: _____ NAME: _____ GROUP: _____ SHIFF: 1st _____ 2nd _____ 3rd _____ POWER: _____

SEPTEMBER							NOVEMBER						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
*	4	5	6	7			5	6	*	8	9		
10	11	12	13	14			**	13	14	15	16		
17	18	19	20	21			19	20	21	22	*		
24	25	26	27	28			26	27	28	29	30		
OCTOBER							DECEMBER						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5			3	4	5	6	7		
*	9	10	11	12			10	11	12	13	14		
15	16	17	18	19			17	18	19	20	21		
22	23	24	25	26			24	*	26	27	28		
29	30	31					31						

(INDICATE TRAINING DAYS WITH A "T")
 (REVIEW INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING FORM)
 * LABOR DAY - Room A (A.M. only) All Other Closed
 ** COLUMBUS DAY - Room A and for Court Only
 * ELECTION DAY - All Judges / DUJ Court - No Area Court
 No Traffic / DUJ Court - No Area Court
 - No Room B - P.M.
 ** VETERAN'S DAY - All Court Closed
 * THANKSGIVING DAY - All Court Closed
 * CHRISTMAS DAY OBSERVED - Room A (A.M. only) All Other Closed

2807 HAMILTON COUNTY MUNICIPAL COURT - "COURT APPEARANCE CONTROL FORM"

UNIT: _____ BADGE: _____ NAME: _____ GROUP: _____ SHIFF: 1st _____ 2nd _____ 3rd _____ POWER: _____

SEPTEMBER							NOVEMBER						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
*	4	5	6	7			5	6	*	8	9		
10	11	12	13	14			**	13	14	15	16		
17	18	19	20	21			19	20	21	22	*		
24	25	26	27	28			26	27	28	29	30		
OCTOBER							DECEMBER						
M	T	W	T	F	S	S	M	T	W	T	F	S	S
1	2	3	4	5			3	4	5	6	7		
*	9	10	11	12			10	11	12	13	14		
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22	23	24	25	26			24	*	26	27	28		
29	30	31					31						

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 (REVIEW INSTRUCTIONS ON REVERSE SIDE BEFORE COMPLETING FORM)
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 * ELECTION DAY - All Judges / DUJ Court - No Area Court
 No Traffic / DUJ Court - No Area Court
 - No Room B - P.M.
 ** VETERAN'S DAY - All Court Closed
 * THANKSGIVING DAY - All Court Closed
 * CHRISTMAS DAY OBSERVED - Room A (A.M. only) All Other Closed

Appendix E

CHANGE IN COURT APPEARANCE

(REFER TO PROCEDURE 12.815 FOR FURTHER INFORMATION)

REPORTING DATE _____

_____ OFFICER UNABLE TO APPEAR – NEW COURT DATE REQUESTED

_____ OFFICER NOT NEEDED FOR COURT
PROSECUTOR NOTIFIED AND AUTHORIZING DISREGARD
DATE PROSECUTOR NOTIFIED _____ BY _____

_____ CHANGE IN PRIMARY OFFICER*

OFFICER _____ BADGE # _____ UNIT _____

*NEW
PRIMARY OFFICER _____ BADGE # _____ UNIT _____

REASON _____

NEXT COURT DATE AVAILABLE _____

OFFICER NOTIFIED SUPERVISOR – DATE _____ TIME _____

DEFENDANT’S NAME _____ TRIAL DATE _____

CASE# _____ ROOM# _____

COMPANION CASE – YES ____ NO ____ CASE # _____

NAMES OF OTHER OFFICERS INVOLVED AND NOTIFIED TO APPEAR

1. NAME _____ BADGE# _____ UNIT _____

2. NAME _____ BADGE# _____ UNIT _____

3. NAME _____ BADGE# _____ UNIT _____

SUPERVISOR (typed) _____ BADGE# _____ UNIT _____

INITIALS _____



COURT CONTROL USE ONLY

FORM 678 COMPLIES WITH PROCEDURE 12.815; _____ YES _____ NO**

** MEMO FORWARDED TO BUREAU COMMANDER FOR ACTION ON _____

FORM 678 ENTERED INTO DATABASE ON _____ BY _____

Appendix F

CONTINUANCES GRANTED
(CITY CASES ONLY)

Case Number	Judge	Officer Unavailable	Criminal	Traffic	Final Disposition

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