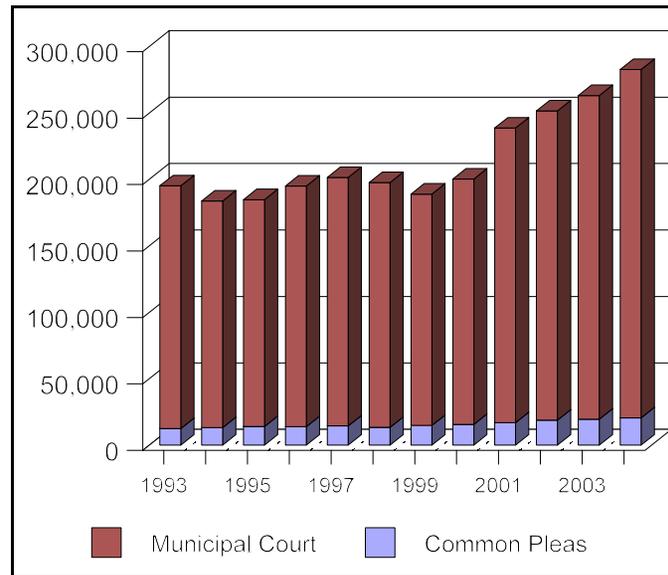


## Section 5. Court Activity Trends

This section of the report provides information about the flow of cases through the Hamilton County Court of Common Pleas and Municipal Courts.

### Civil and Criminal Case Flow

**Figure 5.1** Common Pleas and Municipal Court Case Flow



Data in Figure 5.1 and Table 5.1 was provided from two sources. All data related to Municipal Court was taken from Annual Reports of the Municipal Court except for 2003 and 2004. In those years, it was necessary to exclude traffic cases, which were not included in prior years. Data related to the Court of Common Pleas for 1993 - 2000 was taken from Annual Reports. In 2001, the Court stopped producing Annual Reports. Data from 2001 - 2004 was extracted from the Annual Report of the Supreme Court of Ohio, Common Pleas General Division.

**Table 5.1** Common Pleas and Municipal Court Case Flow

Year	Common Pleas	Municipal Court	Total
1993	12,476	182,656	195,132
1994	13,225	170,497	183,722
1995	14,046	170,635	184,681
1996	13,892	181,058	194,950
1997	14,424	187,003	201,427
1998	13,376	184,151	197,527
1999	14,831	174,058	188,889
2000	15,606	184,603	200,209
2001	16,924	221,674	238,598
2002	18,824	232,624	251,448
2003	19,580	243,429	263,009
2004	20,569	262,049	282,618

During this period, the Court of Common Pleas cases have accounted for seven percent of all criminal and civil case filings. These cases, however, because of their seriousness typically require more hours of effort to come to a resolution. After a period of relative stability from 1993 to 2000, cases filed in both the Court of Common Pleas and Municipal Court have increased significantly. Cases filed in Municipal Court increased 42% between 2000 and 2004, while cases filed in the Court of Common Pleas have increased 32%. The Core Team indicated that they believe that the quality of the population is changing as well; this population is perceived as more violent and more likely to be involved with a lifestyle which includes drugs and weapons.

## Section 5. Court Activity Trends

The ability of the Court to process cases depends on both the volume of cases filed and the judicial resources that are available to hear them. During this same period, judicial resources remained constant at 16 judges in the Court of Common Pleas and 14 judges and six magistrates in the Municipal Court. The number of cases assigned to each judge has increased.

### Common Pleas Caseload Information

#### Common Pleas Criminal Caseload Information

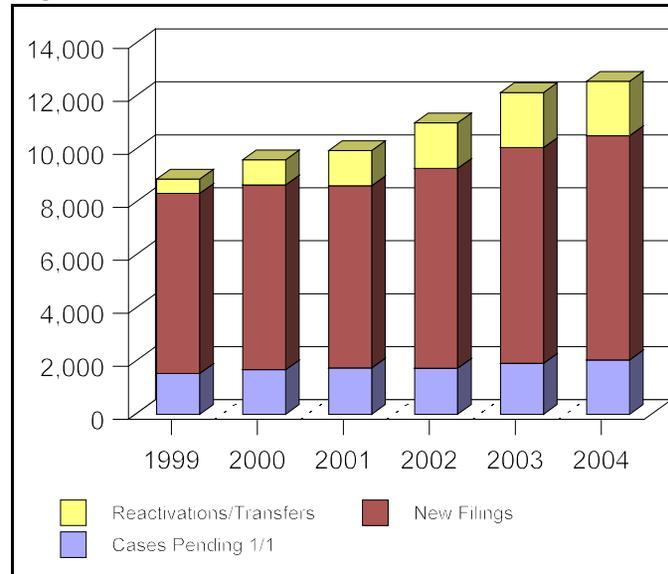
This section provides information extracted from the Annual Reports of the Supreme Court of Ohio, General Division of the Courts of Common Pleas.

**Table 5.2** Criminal Caseload Information (Hamilton County and State of Ohio)

	1999	2000	2001	2002	2003	2004
<b>Hamilton County</b>						
Cases Pending 1/1	1,544	1,686	1,756	1,741	1,929	2,057
New Filings	6,798	6,974	6,874	7,548	8,143	8,465
Reactivations/Transfers	540	947	1,328	1,715	2,078	2,053
Total Cases	8,882	9,607	9,958	11,004	12,150	12,575
Total Terminations	7,171	7,858	8,217	9,075	10,093	10,244
Clearance Rate	97.7%	99.2%	100.2%	98.0%	98.7%	97.4%
Cases Pending 12/31	1,711	1,749	1,741	1,929	2,057	2,331
Cases Pending Beyond Guidelines	25	49	85	90	106	167
Cases Beyond Guidelines as % of Total Cases	0.3%	0.5%	0.9%	0.8%	0.9%	1.3%
<b>Statewide</b>						
Cases Pending 1/1	16,541	17,879	18,422	21,162	22,393	25,005
New Filings	59,683	61,014	66,871	68,544	72,261	73,785
Reactivations/Transfers	7,006	7,909	9,959	10,519	12,246	13,274
Total Cases	83,230	86,802	95,252	100,225	106,900	112,064
Total Terminations	65,382	68,404	74,090	77,848	81,894	86,620
Clearance Rate	98.0%	99.2%	96.4%	98.5%	96.9%	99.5%
Cases Pending 12/31	17,848	18,398	21,162	22,377	25,006	25,444
Cases Pending Beyond Guidelines	1,763	1,952	2,538	2,817	3,631	3,575
Cases Beyond Guidelines as % of Total Cases	2.1%	2.2%	2.7%	2.8%	3.4%	3.2%

Section 5. Court Activity Trends

Figure 5.2 Criminal Caseload Information



Information in Table 5.2 and Figure 5.2 show that all types of criminal case filings have increased. Criminal case terminations have also increased. This trend is not isolated in Hamilton County, but is clearly suggested by summary State findings.

Hamilton County experienced a 33% increase in the number of cases carried over from the prior year in contrast with the State which showed a 51% increase in cases carried over. Both Hamilton County and the State in general showed a 25% increase in cases filed. Hamilton County experienced a 280% increase in reactivations/transfers in contrast to a more modest, but still significant 89% increase in this category at the State level. Overall, the increase in filings in Hamilton County has been more substantial (42%) than in the State as a whole (35%).

Hamilton County experienced a 43% increase in case terminations in contrast to the State average of 32%. Hamilton County also has a lower proportion of cases pending at the end of the year (36%) than the State as a whole (43%).

When discussing cases pending beyond the guidelines (90 days), it is important to note that Hamilton County has had a much lower percentage of cases pending beyond the guidelines than the State as a whole.

In 1999, Hamilton County had only .3% of cases beyond guidelines. This proportion grew during the period between 1999 and 2004 to 1.3% of cases in 2004. The State, in contrast, in 1999 had 2.1% of cases pending beyond guidelines; this increased to 3.2% in 2004.

It is important to acknowledge how efficient case processing is in this Court. In 2000, the National Institute of Justice published an evaluation of case processing in nine large urban court systems.<sup>1</sup> Hamilton County provided the most expeditious felony case processing time.

<sup>1</sup> NIJ, Research in Brief, "Efficiency, Timeliness and Quality: A New Perspective from Nine State Criminal Trial Courts, June 2000.

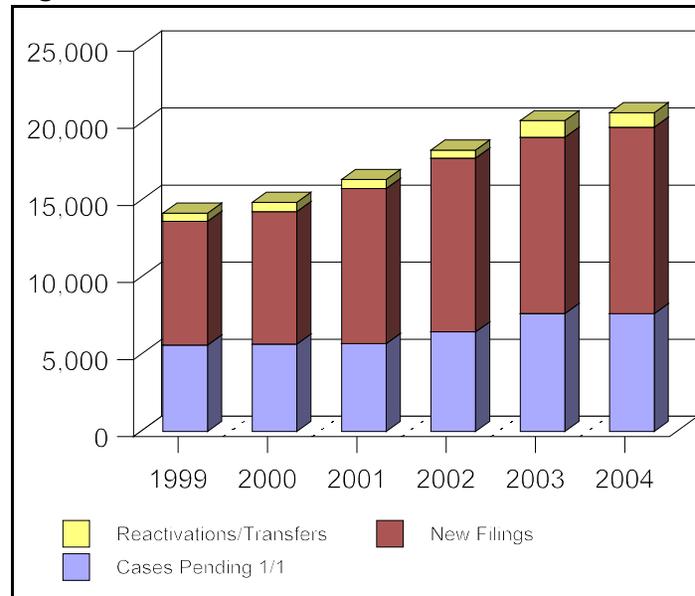
Section 5. Court Activity Trends

Common Pleas Civil Caseload Information

Table 5.3 Hamilton County Civil Caseload Information

	1999	2000	2001	2002	2003	2004
<b>Hamilton County</b>						
Cases Pending 1/1	5,613	5,676	5,711	6,470	7,663	7,645
New Filings	8,034	8,599	10,050	11,276	11,437	12,104
Reactivations/Transfers	520	595	595	514	1,067	934
Total Cases	14,167	14,870	16,356	18,260	20,167	20,683
Total Terminations	8,490	9,214	9,886	10,597	12,522	12,843
Clearance Rate	99.3%	100.2%	92.9%	89.9%	100.1%	98.5%
Cases Pending 12/31	5,677	5,656	6,470	7,663	7,645	7,840
Cases Pending Beyond Guidelines	328	270	208	353	348	382
Cases Beyond Guidelines as % of Total Cases	2.32%	1.82%	1.27%	1.93%	1.73%	1.85%
Total new cases	14,832	15,573	16,924	18,824	19,580	20,569

Figure 5.3 Civil Caseload Information



Although information about civil caseload does not have a direct bearing on criminal justice planning, it is provided here because civil caseloads are a significant portion of the Court's business and thus influence the use of judicial resources. During the period studied, civil cases pending at the first of the year increased 36%. New filings have increased 51%, and reactivations and transfers have increased 80%, resulting in an overall caseload increase of 46%.

Civil terminations have increased 51% and cases pending beyond guidelines have increased 16%. Civil cases pending beyond guidelines as a percentage of total cases has decreased from 2.32% in 1999 to 1.85% in 2004.

It seems clear that Hamilton County has a more efficient system for processing both criminal and civil cases than the State as a whole. However, it also appears that the level of judicial resources in this Court is beginning to have an impact on the ability of the Court to maintain what is a very rapid processing period.

## Section 5. Court Activity Trends

## Common Pleas Criminal Case Terminations

Table 5.4 Common Pleas Criminal Case Terminations

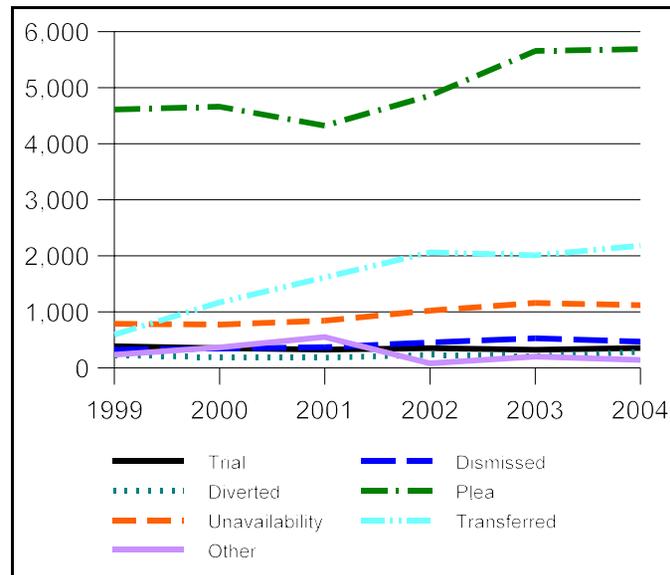
	1999	%	2000	2001	2002	2003	2004	%
<b>Hamilton County</b>								
Jury Trial	130	1.8%	152	144	159	139	155	1.5%
Court Trial	256	3.6%	199	184	192	186	201	2.0%
Settled or Dismissed Pretrial	25	0.3%	22	1	0	0	5	0.0%
Dismissal	277	3.9%	299	352	451	520	449	4.4%
Dismissed for Lack of Speedy Trial	21	0.3%	25	15	6	11	17	0.2%
Diversion/Arbitration	231	3.2%	189	183	235	209	288	2.8%
Guilty or No contest to Original Charge	3,155	44.0%	3,383	2,483	1,835	1,890	2,360	23.0%
Guilty or No contest to Reduced Charge	1,455	20.3%	1,279	1,841	3,026	3,766	3,326	32.5%
Unavailability of Party	789	11.0%	771	845	1,024	1,160	1,119	10.9%
Transferred Out	595	8.3%	1,173	1,618	2,062	2,008	2,181	21.3%
Bankruptcy Stay/Interlocutory Appeal	2	0.0%	1	1	2	0	4	0.0%
Other Termination	235	3.3%	365	550	83	204	139	1.4%
Total Terminations	7,171	100.0%	7,858	8,217	9,075	10,093	10,244	100.0%
<b>Statewide</b>								
Jury Trial	1,680	2.6%	1,589	1,747	1,711	1,643	1,653	1.9%
Court Trial	727	1.1%	623	712	741	803	934	1.1%
Settled or Dismissed Pretrial	1,543	2.4%	1,553	1,643	1,574	1,564	1,385	1.6%
Dismissal	3,198	4.9%	3,296	3,441	3,823	4,038	4,406	5.1%
Dismissed for Lack of Speedy Trial	97	0.1%	108	110	99	104	119	0.1%
Diversion/Arbitration	1,939	3.0%	1,939	2,143	2,282	2,763	2,841	3.3%
Guilty or No contest to Original Charge	23,685	36.2%	27,347	25,869	24,906	26,814	31,558	36.4%
Guilty or No contest to Reduced Charge	22,743	34.8%	21,260	25,874	28,871	28,891	26,209	30.3%
Unavailability of Party	4,955	7.6%	5,222	6,112	6,847	7,275	8,149	9.4%
Transferred Out	3,376	5.2%	3,849	4,454	5,263	5,523	6,790	7.8%
Bankruptcy Stay/Interlocutory Appeal	69	0.1%	77	72	78	46	72	0.1%
Other Termination	1,370	2.1%	1,541	1,913	1,653	2,430	2,504	2.9%
Total Terminations	65,382	100.0%	68,404	74,090	77,848	81,894	86,620	100.0%

Section 5. Court Activity Trends

Figure 5.4 summarizes the data which is provided in greater detail in Table 5.4. During the years from 1999 through 2004, the number of criminal trials has ranged from a low of 325 in 2003 to a high of 386 in 1999. In general, criminal trials decreased 8% from 1999 to 2004 in Hamilton County; in contrast, criminal trials in the State increased 7%. An additional difference is that there is a greater use of court trials in Hamilton County (58% of all trials from 1999 to 2004) than in the State (31% of all trials for the same period).

During this period, Hamilton County has seen a 46% increase in dismissals in contrast with the State aggregate at 22%. Hamilton County's use of diversion appears to be less than the State's, showing a 25% increase from 1999 to 2004, in contrast to the State's increase in diversions of 47%.

**Figure 5.4** Trend in Common Pleas Criminal Case Terminations



Pleas are by far the most common way in which cases are resolved, accounting for more than 55% of all terminations between 1999 and 2004. About half of all pleas are to the original charge, while the remainder are to a lesser included or reduced charge. This pattern is consistent with that seen in the State as a whole.

Between 1999 and 2004, Hamilton County experienced a 42% increase in the number of cases that were terminated because a party was unavailable. This could indicate the degree to which individuals who are involved in a criminal case do not make themselves available to the Court. Hamilton County has a slightly higher proportion of cases which are terminated for this reason (11% between 1999 and 2004) than the State (8.5% for the same period). Core team members report that changes in the behavior of defendants and their associates have resulted in potential for a higher degree of witness and (potentially) juror intimidation, which may relate to the greater degree of witnesses who do not make themselves available to the Court. Finally, there has been a very large increase (267%) in cases which are transferred out. The core team believes that these transfers are primarily back to Municipal Court. A common scenario that would lead to a transfer would be a case which is charged as a felony is returned from the Grand Jury as a misdemeanor, which must then be transferred from Common Pleas to Municipal Court.

Section 5. Court Activity Trends

Municipal Court Caseload Information

Table 5.5 New and Reactivated Municipal Court Criminal and Traffic Cases

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
Criminal Court	54,210	52,691	56,007	57,843	63,049	65,107	64,629	66,057	49,769	46,151	51,087	52,507
Traffic Court	74,754	70,826	70,110	79,230	79,375	68,611	61,000	67,975	44,120	45,584	56,134	58,670
Criminal Violations Bureau	5,058	2,528	2,059	2,834	3,123	4,077	5,397	6,027	2,629	2,447	2,448	1,775
Traffic Violation Bureau	92,073	87,885	84,773	85,536	84,070	87,669	83,568	77,148	45,705	49,127	57,691	54,487
Total Criminal and Traffic	226,095	213,930	212,949	225,443	229,617	225,464	214,594	217,207	142,223	143,309	167,360	167,339

Figure 5.5 New and Reactivated Municipal Court Criminal and Traffic Cases

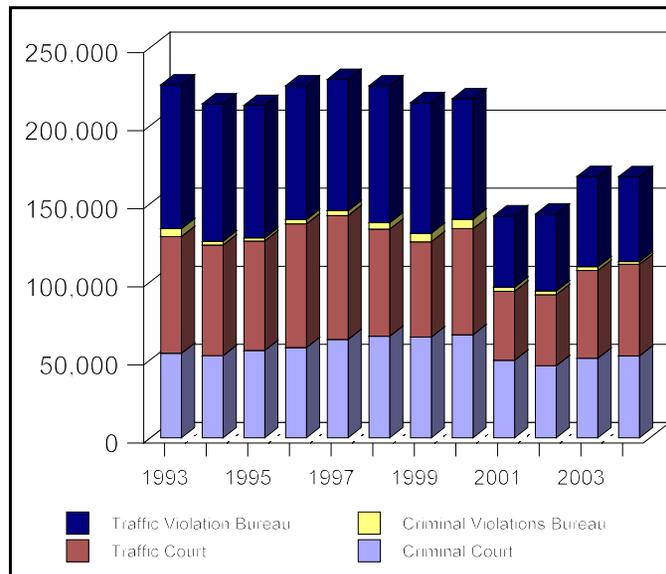


Table 5.5 and Figure 5.5 show the trend in Municipal Court Criminal and Traffic caseloads. Between 1993 and 2004, there was a 26% reduction in new and reactivated criminal and traffic cases. The most significant change is in the reduction of cases processed by the Traffic Violation Bureau, which has experienced a 41% reduction in new and reactivated cases. Since this was a large category, this is a significant number of cases. However, the Criminal Violation’s Bureau, which has a smaller number of cases, has had an even more significant decrease (65%).

Members of the core team believe that at least two factors have influenced this pattern:

- parking tickets were decriminalized, resulting in a reduction of traffic offenses, and
- Cincinnati Police Department traffic enforcement strategies were modified in the last few years, resulting in fewer traffic contacts.

## Section 5. Court Activity Trends

## Charges Filed in Municipal Court

The MIS Section of the Court provides annual summary information of charges filed in the Court. Although this may not represent all charges filed in Hamilton County (because some charges may be filed directly in the Court of Common Pleas as part of Grand Jury direct indictments), this information does present information about the nature of offenses which result in prosecution. Because MIS system coding has been modified during this period, there will be some inconsistencies in categories, such as the 2004 inclusion of violations related to the required registration of sex offenders.

Offense	1999	2000	2001	2002	2003	2004	% change 99-04	Low	High
<b>Homicide and Assault</b>									
Involuntary Manslaughter	na	na	na	na	2	2		2	2
Aggravated Murder/Murder	17	21	34	21	36	42	147%	17	42
Felonious Assault	750	666	652	768	712	741	-1%	652	768
Aggravated Assault	57	41	45	28	38	23	-60%	23	57
Aggravated/Vehicular Homicide/Vehicular Assault	39	17	33	35	42	64	64%	17	64
Menacing by Stalking	138	100	93	101	100	91	-34%	91	138
Aggravated Menacing	593	494	519	654	628	606	2%	494	654
Assault/Negligent Assault/Assault on a Police Officer	1,679	1,524	1,984	1776	1,826	1,779	6%	1,524	1,984
Menacing	287	285	260	310	286	331	15%	260	331
Patient Neglect	na	1	1	na	na	1		1	1
<b>Subtotal</b>	<b>3,560</b>	<b>3,149</b>	<b>3,621</b>	<b>3,693</b>	<b>3,670</b>	<b>3,680</b>	<b>3%</b>		
<b>Kidnaping &amp; Extortion</b>									
Kidnaping	24	17	23	45	44	51	113%	17	51
Abduction/Unlawful Restraint/Child Stealing	74	41	50	72	68	70	-5%	41	74
Enticement/Coercion	8	2	2	13	3	10	25%	2	13
Extortion	na	na	na	na	2	2		2	2
<b>Subtotal</b>	<b>106</b>	<b>60</b>	<b>75</b>	<b>130</b>	<b>117</b>	<b>133</b>	<b>25%</b>		
<b>Sex Offenses</b>									
Rape	91	52	49	68	114	121	33%	49	121
Sexual Battery	11	5	2	4	16	18	64%	2	18
Corruption of a Minor	49	18	14	26	63	59	20%	14	63
Gross Sexual Imposition	41	31	18	26	32	58	41%	18	58
Sexual Imposition	43	31	49	41	35	37	-14%	31	49
Importuning/Promoting/Compelling Prostitution	22	14	10	46	50	36	64%	10	50
Voyeurism	6	7	2	na	7	9	50%	2	9
Public Indecency	187	156	170	149	99	109	-42%	99	187
Prostitution/Soliciting	673	614	485	868	1,089	1,204	79%	485	1,204

## Section 5. Court Activity Trends

Offense	1999	2000	2001	2002	2003	2004	% change 99-04	Low	High
Pandering Obscenity	na	na	na	na	32	40		32	40
<b>Subtotal</b>	<b>1,123</b>	<b>928</b>	<b>799</b>	<b>1,228</b>	<b>1,537</b>	<b>1,691</b>	<b>51%</b>		
<b>Arson Related Offenses</b>									
Aggravated Arson	27	16	22	40	19	21	-22%	16	40
Arson Related Offenses	14	11	11	8	5	17	21%	5	17
Vandalism/Disrupting Public Service	51	60	87	44	98	95	86%	44	98
Criminal Damage/Mischief	764	730	777	826	816	922	21%	730	922
Terrorist Threats	na	na	na	na	na	2		2	2
<b>Subtotal</b>	<b>856</b>	<b>817</b>	<b>897</b>	<b>918</b>	<b>938</b>	<b>1,057</b>	<b>23%</b>		
<b>Robbery/Burglary/Trespass</b>									
Aggravated Robbery	225	203	232	348	343	401	78%	203	401
Robbery/Burglary/Trespass	304	296	293	320	297	322	6%	293	322
Aggravated Burglary	153	127	167	150	155	145	-5%	127	167
Burglary/Safecracking/Tampering Coin	338	363	327	412	463	449	33%	327	463
Breaking & Entering	181	193	277	277	227	259	43%	181	277
Criminal Trespassing	2,006	1,628	1,254	1,292	1,196	1,571	-22%	1,196	2,006
<b>Subtotal</b>	<b>3,207</b>	<b>2,810</b>	<b>2,550</b>	<b>2,799</b>	<b>2,681</b>	<b>3,147</b>	<b>-2%</b>		
<b>Thefts &amp; Frauds</b>									
Thefts	3,955	3,683	3,980	3,938	4,220	4,369	10%	3,683	4,369
Unauthorized Use of Motor Vehicle	440	475	403	493	504	514	17%	403	514
Passing Bad Check	1,298	916	712	888	564	575	-56%	564	1,298
Misuse of Credit Card	115	113	117	137	148	248	116%	113	248
Forgery/Fraud	486	423	517	781	771	861	77%	423	861
Tampering w/Records	20	19	59	34	55	46	130%	19	59
Receiving Stolen Property	924	840	1,059	1,160	1,284	1,367	48%	840	1,367
Criminal Simulation	na	na	na	na	37	24		24	37
Taking ID of Another	na	na	na	na	50	101		50	101
<b>Subtotal</b>	<b>7,238</b>	<b>6,469</b>	<b>6,847</b>	<b>7,431</b>	<b>7,633</b>	<b>8,105</b>	<b>12%</b>		
<b>Gambling</b>									
Gambling	106	111	61	136	99	91	-14%	61	136
<b>Subtotal</b>	<b>106</b>	<b>111</b>	<b>61</b>	<b>136</b>	<b>99</b>	<b>91</b>	<b>-14%</b>		
<b>Offenses Against Public Peace</b>									
Inciting to Violence	4	4	na	3	4	3	-25%	3	4
Aggravated Riot/Riot	13	20	36	na	23	9	-31%	9	36
Disorderly Conduct	3,935	3,630	2,714	2,553	2,717	2,623	-33%	2,553	3,935
Telephone Harassment	142	158	142	190	155	205	44%	142	205
Induce Panic/False Alarm	103	153	143	133	136	142	38%	103	153

## Section 5. Court Activity Trends

Offense	1999	2000	2001	2002	2003	2004	% change 99-04	Low	High
<b>Subtotal</b>	<b>4,197</b>	<b>3,965</b>	<b>3,035</b>	<b>2,879</b>	<b>3,035</b>	<b>2,982</b>	<b>-29%</b>		
<b>Offense Against the Family</b>									
Endangering Children	397	247	190	358	364	365	-8%	190	397
Interference w/Custody	25	20	22	33	32	36	44%	20	36
Domestic Violence	4,824	4,088	4,121	4,369	4,229	4,097	-15%	4,088	4,824
Violation of Temporary Protective Order	381	467	573	679	735	709	86%	381	735
Non-support	na	na	na	na	116	146		116	146
<b>Subtotal</b>	<b>5,627</b>	<b>4,822</b>	<b>4,906</b>	<b>5,439</b>	<b>5,476</b>	<b>5,353</b>	<b>-5%</b>		
<b>Offense Against Justice/Public Administration</b>									
Bribery/Intimidation	52	44	44	52	45	49	-6%	44	52
Tampering w/Evidence	151	155	87	136	148	210	39%	87	210
Falsification	998	1,129	669	690	922	1,085	9%	669	1,129
Obstructing Justice	114	89	58	73	44	58	-49%	44	114
Obstructing Official Business	2,631	2,544	1,984	2,445	2,618	2,719	3%	1,984	2,719
Resisting Arrest	1,318	1,258	1,017	974	955	989	-25%	955	1,318
Failure to Comply w/Police Officer/Flee/Elude Police Officer	192	203	260	209	328	350	82%	192	350
Conveyance Detention Facility	20	25	24	21	23	24	20%	20	25
Escape	153	45	77	64	54	63	-59%	45	153
Theft in office	1	1	2	2	6	1	0%	1	6
Impersonating a Police Officer	7	4	8	5	1	7	0%	1	8
Harass by Inmate	na	na	na	na	2	4		2	4
<b>Subtotal</b>	<b>5,637</b>	<b>5,497</b>	<b>4,230</b>	<b>4,671</b>	<b>5,146</b>	<b>5,559</b>	<b>-1%</b>		
<b>Weapons/Ordinance/Conspiracy/Attempt</b>									
Conspiracy	na	na	na	na	28	30		28	30
Attempt	80	86	97	120	113	123	54%	80	123
Complicity	178	144	164	206	234	218	22%	144	234
Carry Concealed Weapon	496	411	405	568	597	618	25%	405	618
Weapon Intox/Disability	136	139	230	378	490	521	283%	136	521
Discharge Firearm/Motor Vehicle/Dangerous Ordinance	57	158	73	135	153	143	151%	57	158
Possession Criminal Tools	175	199	209	238	235	278	59%	175	278
<b>Subtotal</b>	<b>1,122</b>	<b>1,137</b>	<b>1,178</b>	<b>1,645</b>	<b>1,850</b>	<b>1,931</b>	<b>72%</b>		
<b>Drug Abuse Offenses</b>									
Corruption Another w/Drugs	6	7	4	4	3	9	50%	3	9
Trafficking	966	923	714	1,184	1,598	1,884	95%	714	1,884
Possession of Drug	3,272	2,600	2,384	2,862	3,471	4,315	32%	2,384	4,315

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Offense	1999	2000	2001	2002	2003	2004	% change 99-04	Low	High
Minor Misdemeanor Drug Abuse	3,082	3,246	1,628	1,944	2,730	2,762	-10%	1,628	3,246
Permitting Drug Abuse	36	40	25	29	58	54	50%	25	58
Drug Paraphernalia/Instruments	2,500	2,142	1,535	1,909	2,551	3,340	34%	1,535	3,340
Deception to obtain Dangerous Drug/Theft of Drugs	184	193	129	93	171	136	-26%	93	193
Illegal Processing of Drug Document	75	68	66	70	89	62	-17%	62	89
Harmful Intoxicants/Trafficking in Harmful Intoxicants/Counterfeit Control	142	121	65	77	80	98	-31%	65	142
Illegal Manufacture/Fund/Distribution	na	na	na	na	38	32		32	38
<b>Subtotal</b>	<b>10,263</b>	<b>9,340</b>	<b>6,550</b>	<b>8,172</b>	<b>10,789</b>	<b>12,692</b>	<b>24%</b>		
<b>Sexually Oriented Offenses</b>									
Duty to Register	na	na	na	na	na	24		24	24
Failure to Comply	na	na	na	na	na	74		74	74
Failure to Verify Address	na	na	na	na	na	40		40	40
<b>Subtotal</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>102</b>	<b>138</b>			
<b>Miscellaneous Codes, Traffic &amp; Secondary Charge Offenses</b>									
Ethnic Intimidation	12	9	19	5	20	10	-17%	5	20
Habitual Sex Offender	na	4	6	4	na	na		4	6
DUI	1,921	1,691	1,407	1,468	1,572	1,493	-22%	1,407	1,921
No Drivers' License/DUS	8,869	7,638	5,611	6,892	9,062	8,167	-8%	5,611	9,062
Miscellaneous Traffic	13,033	15,441	9,710	7,198	9,535	12,903	-1%	7,198	15,441
Open Container	2,238	2,834	1,480	1,526	1,531	1,703	-24%	1,480	2,834
Arrest of Probationer	6,853	3,940	3,351	4,406	4,530	4,261	-38%	3,351	6,853
Miscellaneous Misdemeanors	6,773	1,590	3,434	5,442	2,125	1,382	-80%	1,382	6,773
<b>Subtotal</b>	<b>39,699</b>	<b>33,147</b>	<b>25,018</b>	<b>26,941</b>	<b>28,375</b>	<b>29,919</b>	<b>-25%</b>		
<b>Grand Total</b>	<b>82,741</b>	<b>72,252</b>	<b>59,767</b>	<b>66,082</b>	<b>71,448</b>	<b>76,478</b>	<b>-8%</b>		

Table 5.6 Trend in Offenses Filed in Municipal Court

It is important to recognize that relatively small numbers of offenses, i.e., less than 100 in the category, will show much greater percentage variations than larger offense categories. For that reason, it is important to examine the **range** of offenses as well as percentage increases. It is clear that there have been significant shifts in enforcement and/or charging patterns in Hamilton County during the years between 1999 and 2004.

1. Homicide and Assault
  - a. Overall, this category has increased 3% with a range from a low of 3,149 in 2000 to a high of 3,693 in 2002. Although these are very serious offenses which will often result in pretrial detention, the overall change is relatively small.

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- b. Although there are few cases in the aggravated murder/murder category, the increase is significant (147%), from a low of 17 in 1999 to a high of 42 in 2004. This group is likely to use a great deal of criminal justice resources, including jail beds.
  - c. The largest category in this group has been (simple) assaults which have increased 6% and actually peaked in 2001.
  - d. It is important to note that the difference between murder and felony assault is often the degree to which emergency medical care is able to intervene on behalf of the victim.
2. Kidnaping and Extortion
- a. Overall, this category has increased 25% since 1999, ranging from a low of 60 in 2000 to a high of 133 in 2004.
  - b. The most significant percentage increase in this category is kidnaping (113%), which reached a high of 51 in 2004.
  - c. Although this is a relatively small category, this group also includes a number of very serious offenses which are likely to result in a significant use of criminal justice resources.
3. Sex Offenses
- a. Overall, this category has increased 51%, ranging from a low of 799 in 2001 to a high of 1,691 in 2004.
  - b. This category includes a number of offenses against persons, such as rape and sexual battery, as well as other offenses, such as prostitution.
    - i. Among the person-oriented sexual offenses, there are significant increases in rape (33%, with a range from 49 in 2001 to 121 in 2004) and sexual battery (64%, with a range from a low of two in 2001 to a high of 18 in 2004). Gross sexual imposition has also increased 41% since 1999.
    - ii. Among the other types of sex offenses, the most significant increase is a 79% increase in prostitution/solicitation offenses since 1999. This category ranged from a low of 485 in 2001 to a high of 1,204 in 2004.
4. Arson-Related Offenses
- a. Overall this category has increased 23%, ranging from a low of 817 in 2000 to a high of 1,057 in 2004.
  - b. The most significant percentage change is in the vandalism/disrupting public service category, which experienced an 86% increase. This continues to be a relatively small category, ranging from a low of 44 in 2002 to a high of 98 in 2003.
  - c. The most significant numeric change is in the criminal damage category, which had a 21% increase, ranging from a low of 730 in 2000 to a high of 922 in 2004.
5. Robbery/Burglary/Trespass
- a. Overall, this category has decreased slightly (2%), ranging from a low of 2,550 in 2001 to a high of 3,207 in 1999.
  - b. The patterns in this category are mixed.
    - i. Aggravated robbery, which is a serious person offense, has increased 78% from a low of 203 in 2000 to a high of 401 in 2004. This is a large enough category that this percentage increase should be viewed seriously.
    - ii. There are increases in both burglary (33% increase, from a low of 327 in 2001 to a high of 463 in 2003) and breaking and entering (43% increase, from a low of 181 in 1999 to a high of 277 2001).
    - iii. There is a significant decrease in criminal trespassing (22%, ranging from a low of 1,196 in 2003 to a high of 2,006 in 1999). Since this charge is often a “step down” charge for burglary, this may reflect changes in charging

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practices as well as changes in actual offenses. In 2004, this category was up from prior years and should be monitored.

6. Thefts and Frauds
  - a. Overall, this category has increased 12% since 1999, with a range from a low of 6,469 in 2000 to a high of 8,105 in 2004.
  - b. There are a number of significant changes in this category.
    - i. Receiving stolen property, which is one of the more frequent offenses in this category has increased 48%, with a range from a low of 840 in 2000 to a high of 1,367 in 2004.
    - ii. Thefts, which is the most common offense in this category, have increased 10% since 1999, from a low of 3,683 in 2000 to a high of 4,369 in 2004.
    - iii. Bad check charges have decreased 56% since 1999, ranging from a low of 564 in 2003 to a high of 1,298 in 1999.
    - iv. However, credit card misuse and forgery/fraud have increased 116% and 77% respectively. Both offenses reached their peaks in 2004.
7. Gambling
  - a. This is a very small category, ranging from a low of 61 in 2001 to a high of 136 in 2002.
8. Offenses against the Public Peace
  - a. Overall offenses in this category have decreased 29% since 1999, from a low of 2,879 in 2002 to a high of 4,197 in 1999.
  - b. With the exception of telephone harassment and inducing panic/false alarms, which have increased 44% and 38% since 1999, all other charges in this category have decreased.
  - c. The most noteworthy of the decreasing categories is disorderly conduct, which has decreased 33% since 1999, ranging from a low of 2,553 in 2002 to a high of 3,935 in 1999. The consultant believes that this change represents a real change in law enforcement practices, since this is a very easy charge on which to generate an arrest.
9. Offenses Against the Family
  - a. Overall, offenses against the family have decreased 5% since 1999, ranging from a low of 4,822 in 2000 to a high of 5,627 in 1999.
  - b. The most frequent offense in this category is domestic violence, which has decreased 15% during this period, ranging from a low of 4,088 in 2000 to a high of 4,824 in 1999.
  - c. Violations of temporary protective orders has increased 86% during this period, ranging from a low of 381 in 1999 to a high of 735 in 2003. This is an interesting statistic which may suggest that:
    - i. More temporary protective orders are being sought - and therefore more are being violated, or
    - ii. Arrest on this charge has become a preferred option, or
    - iii. There is heightened sensitivity to the potential risk to victims.
10. Offenses Against Justice/Offenses Against Public Order
  - a. Overall, the change from 1999 to 2004 is a 1% decrease. However, this appears to reflect more significant decreases in the intervening years, with a substantial increase in 2003 and 2004. Offenses in this category were lowest in 2001 (4,230) and highest in 1999 (5,637).
  - b. There are significant decreases in some offenses:

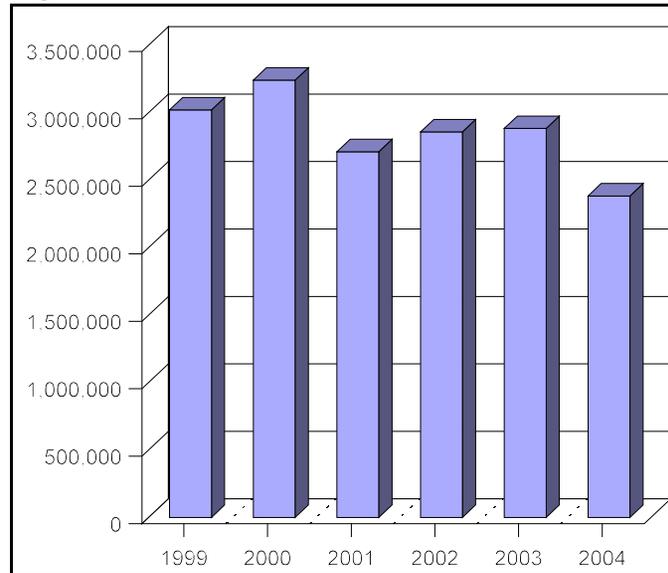
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- i. Obstructing justice has decreased 49% since 1999, with a range from a low of 44 in 2003 to a high of 114 in 1999. This is likely a change in charging or arrest preference, since obstructing official business has returned to levels seen in 1999 (3% increase for this period) after a period of significant decrease in 2001.
    - ii. Resisting arrest has decreased 25% from a low of 955 in 2003 to a high of 1,318 in 1999. This also likely reflects a change in charging practices.
11. Weapons Offenses
  - a. Overall, there has been a 72% increase in weapons offenses since 1999, ranging from a low of 1,122 in 1999 to a high of 1,931 in 2004. This appears to be a significant trend.
  - b. There has been a 25% increase in carrying a concealed weapon since 1999, ranging from a low of 405 in 2001 to a high of 618 in 2004. This is a charge which is often associated with another charge since concealed weapons aren't visible.
  - c. There has been a 283% increase in charges associated with carrying a weapon while impaired, ranging from a low of 136 in 1999 to a high of 521 in 2004.
  - d. There has been a 151% increase in charges associated with discharging a firearm, ranging from a low of 57 in 1999 to a high of 158 in 2000.
  - e. Changes in this offense category may reflect shifts in enforcement priorities as well as changes in the environment.
12. Drug Abuse Offenses
  - a. Overall, there has been a 24% increase in charges associated with drug abuse, ranging from a low of 6,550 in 2001 to a high of 12,692 in 2004.
  - b. Perhaps the most notable change has been in the degree of seriousness of the offense. There has been a 95% increase in trafficking offenses since 1999, ranging from a low of 923 in 2000 to a high of 1,884 in 2004. This could reflect changes in law enforcement charging practices as well as changes in the environment.
  - c. There has been a 32% increase in drug possession charges since 1999, ranging from a low of 2,394 in 2001 to a high of 4,315 in 2004.
  - d. There has been a 34% increase in possession of drug paraphernalia since 1999, ranging from a low of 1,535 in 2001 to a high of 3,340.
  - e. There have been small decreases in offenses related to procuring drug documents, possession of harmful intoxicants, and manufacturing harmful intoxicants, which probably relate to changes in the environment (type of drugs being abused).
  - f. Altogether, it appears that drug abuse has become a focus of law enforcement activity.
13. Sexually-Oriented Offenses
  - a. This is a new category, related to sex offender registration.
  - b. There is not enough data to comment.
14. Miscellaneous Codes, Traffic & Secondary Charge Offenses
  - a. This has consistently been the largest category and as a result changes in this area will be felt in system workload.
  - b. Overall, offenses in this category have decreased 25% since 1999, ranging from a low of 25,018 in 2001 to a high of 36,699 in 1999.
  - c. Arrests for DUI have decreased 22% since 1999, ranging from a high of 1,921 in 1999 to a low of 1,407 in 2001.

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- d. Driving without a License or Under Suspension offenses have decreased 8% since 1999, ranging from a low of 5,611 in 2001 to a high of 9,062 in 2003.
- e. Open container violations have decreased 24% since 1999, ranging from a low of 1,480 in 2001 to a high of 2,834 in 2000.
- f. Probation violations have decreased 38% since 1999, ranging from a low of 3,351 in 2001 to a high of 6,835 in 1999.
- g. Miscellaneous misdemeanor offenses have decreased 80% since 1999, ranging from a high of 6,773 in 1999 to a low of 1,382 in 2004.

Figure 5.6 Mobile Data Transactions



Another measure of the decrease in traffic activity was provided by the Regional Computer Center. Figure 5.6 shows the trend in data transactions which occur when police officers query the system. This typically occurs during traffic stops when an officer runs “wants and warrants.” Figure 5.6 shows a decrease in data transactions, beginning in 2001. There were small increases in 2002 and 2003, and a significant decrease in 2004.

Table 5.6 Mobile Data Transactions

Year	Mobile Data Transactions
1999	3,021,405
2000	3,241,240
2001	2,710,557
2002	2,857,653
2003	2,883,653
2004	2,382,793

Conclusions

1. There are a number of significant shifts in offenses being brought into Court. Although there is an overall decrease in the number of offenses, decreases have come in categories which relate to less serious offenses, such as traffic offenses. Members of the Core Team believe that this reflects a change in arrest practices which began in 2001 and has continued, with some slow increases, since that time. This suggests that there may be a number of relatively minor offenders in the community who used to come into the criminal justice system who are not brought into the system at this time.
2. At the same time, there are clear indications of increases in a number of the more serious offenses involving violence, weapons and drugs. These offenses are increasing. Because this is court filing data rather than reported offenses, it is hard to separate how much of this reflects changing law enforcement priorities and how much reflects true change in the community. In the case of violent offenses, these almost always result in law enforcement activity; as a result, increases in these categories are likely to result from true increases in the activity. However, in the case of sex offenses, increases in this category could also reflect an increased willingness to report these offenses to law enforcement.
3. In the case of drug and weapon offenses, both of these could clearly reflect shifting law enforcement priorities to place an emphasis on these crimes. If that is the case, then it is difficult to separate out how much of the substantial increases in these

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offenses comes from true change in the community versus increased law enforcement emphasis or increased ability to develop arrests in these areas. At the risk of stating the obvious, it is important to understand that it is serious offenders who tend to drive the pretrial population of the jail. If this population continues to increase, the jail can expect to have a more serious offender population who present a variety of risks in custody as well as in the community.

4. Perhaps the most significant change, however, is in the “who is *not* being arrested category. In the past, there have been a significant number of individuals who have come into the system as a result of traffic enforcement activities. It appears that these practices began to shift significantly in 2001 and have continued at lower levels. If these practices revert to levels seen in 1999 and 2000, the consequences for the criminal justice system will be significant - both in the potential increase in the jail population as more of these offenders are sentenced to jail time and in the workloads experienced by the courts and the various elements of the criminal justice system which manage the alternatives to incarceration.