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Research in Brief

Jeremy Travis, Director

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Issues and Findings

Discussed in this Research in Brief: Results from a national study sponsored by NIJ on police overtime to examine how State and local police departments managed overtime and how local law enforcement agencies used Federal money authorized for overtime payments.

Key issues: Overtime work has been generally viewed from inside and outside the criminal justice community as overused, misused, and inadequately regulated. In the past 15 years, Federal support to State and local police agencies for overtime has grown. As a result, interest in whether funds used by local law enforcement agencies for overtime payments are well spent has increased.

Study findings:

- U.S. Department of Justice funding accounted for 60 percent of Federal support of State and local police overtime in 1994, with Operation Weed and Seed and the Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program being the primary providers of funding for local police agencies.

- Overtime was funded primarily though local sources; Federal funds accounted for 5 to 10 percent of local police overtime outlays, which were less than 6 percent of the departments' total budgets.

continued…

Police Overtime: An Examination of Key Issues

by David H. Bayley and Robert E. Worden

There is a sense both inside and outside the law enforcement community that overtime is overused, misused, and only halfheartedly controlled. Federal officials want to be sure that the funds they award to local police agencies for overtime payments are well spent. Local police agencies are equally concerned. For this reason, the National Institute of Justice commissioned a study of the use of Federal funds provided to local law enforcement agencies for overtime. (See "Methodology" and "Federal Funding of Police Overtime.") This Research in Brief reports what we have learned about improving the management of overtime in American police departments.

The study discovered enormous differences among local police departments in the attention given to the issue, the capacity to produce information about it, and the policies and procedures for managing it. Clearly, some departments do an excellent job of managing overtime. This Research in Brief also shares information about some of these practices as a way to help agencies grappling with the issue and attempts to answer the following questions: Can overtime be responsibly managed? If so, how?

Very little has been written about the management of overtime, except to report that overtime management is viewed as a recurring problem by both private- and public-sector managers.[1] Regarding overtime in policing, almost no information exists in the public domain. For this study, researchers canvassed the major professional organizations specializing in police research, as well as prominent police scholars, and could not find any studies of the use of overtime in policing. Management consultants write private reports to individual police agencies that sometimes address the overtime issue, but this is unpublished literature that is generally not available.

Police departments themselves have vast experience in managing overtime, but they have not yet shared that knowledge. Professionals contacted often chuckled when told of the topic being studied, urging that the research proceed but indicating that there were good reasons why no studies had been performed previously. The universal opinion was that the inquiry was long overdue but that the subject matter might prove too sensitive to study successfully. Readers should understand, therefore, that what the authors present here by way of suggestions for managing overtime very much represents a first cut at a difficult subject.

How does one control overtime in policing? The answer: by recording, analyzing, managing, and supervising. This Research in Brief

Issues and Findings

continued…

- U.S. police departments varied enormously in the attention paid to overtime management and their ability to produce information about it.

- Overtime can be successfully controlled through a combination of analysis, recordkeeping, management, and supervision.

- Police managers should analyze overtime in terms of work done on paid overtime and on unpaid, or compensatory, overtime. Paid overtime increases policing activity, while compensatory time represents less policing because it must be repaid by taking time and a half from other activities.

Implications: Federal money invested in overtime by State and local law enforcement agencies does not supplant local spending on police overtime. Overtime should be viewed, within limits, as an unavoidable cost of policing. Overtime charges cannot be eliminated altogether, regardless of the number of police officers employed, because of inevitable shift extensions, court appearances, unpredictable events, and contract requirements. Concerns about overtime usage should be addressed through controlling overtime usage with improved management techniques.

Target audience: State and local law enforcement officials and administrators, city and county officials, criminal justice policy researchers and practitioners, and policymakers.

will examine each of these activities, so that police managers may better understand what they can do in a practical way to improve overtime performance.

The four activities listed would appear to suggest a temporal order of tasks for police departments: build databases, analyze them for patterns, make appropriate managerial decisions, and supervise the resulting policies. Nothing could be more mistaken. The key element that precedes all others is management. Useful records systems cannot be constructed unless managers anticipate what they need to know. Management is also essential for analysis, and analysis needs to be specified before responsive data systems can be designed. In other words, although it is certainly true that analysis cannot be done without records, records cannot be sensibly constructed without prefiguring analysis. Recording, analyzing, managing, and supervising are interactive, not sequential. The key is managing. One of the problems besetting contemporary policing, as managers everywhere ruefully recognize, is that the new computer-based information systems pour out data that are not used. Unmanaged information systems are like the legendary sorcerer's apprentice—madly producing data that bury consumers.

In short, the management of overtime comes in two forms: creating an infrastructure for recording and analyzing the use of overtime and making policies about overtime based on an understanding of what is happening. The first sort of management precedes all other activities. The second can only take place if the first sort has been done well.

Recognizing that managerial decisions about the kinds of analysis and, consequently, of records that are needed must be made at the very beginning of any attempt to control overtime, the topics will be presented in the following order: analysis, recording, managing, and supervising.

Analyzing overtime

What should managers know to ensure that overtime is used responsibly? What are the major questions they must

Methodology

Findings from this study are based primarily on information collected from three sources:

- An inventory of U.S. Department of Justice programs administered through the Bureau of Justice Assistance, Federal Bureau of Investigation, Drug Enforcement Administration, and Executive Office for Weed and Seed.

- A seven-page questionnaire on overtime expenditures and practices. This survey was mailed to 2,183 State and local police agencies—a representative sample of police departments that had responded to the 1990 Bureau of Justice Statistics Law Enforcement Management and Administrative Statistics Survey (LEMAS).[a] Followup calls were conducted with 100 of the largest police agencies, which in the aggregate account for most of the police overtime worked in the United States.

- Case studies of overtime practices in 11 police departments of various sizes nationwide.

[a] Conducted by the Bureau of Justice Statistics, the LEMAS survey included all U.S. police agencies, except for half of those with five or fewer full-time personnel, which LEMAS data show generated little overtime.

Federal Funding of Police Overtime

A number of observations on how Federal funds are used within local law enforcement agencies for overtime emerged from the study, including the following:

- Total Federal support for policing by State and local governments has been growing in the 1990s. Federal support for overtime has also been growing, but is difficult to estimate because expenditures are scattered among so many agencies (Department of Justice, Department of Housing and Urban Development, Department of Transportation, Department of the Treasury) and programs (Executive Office for Weed and Seed, Edward Byrne Memorial State and Local Law Enforcement Assistance Grant Program, Office of Community Oriented Policing Services).
- According to the study, the Department of Justice now accounts for approximately 60 percent of the Federal Government's expenditures on overtime by State and local law enforcement agencies.
- Federal expenditures by the Department of Justice invested in overtime by State and local law enforcement agencies do not supplant local spending on police overtime.
- By and large, overtime money is provided and used to supplement traditional programs, rather than to sponsor programmatic innovations. Federal expenditures shift enforcement priorities somewhat, but they do not bring about substantial organizational change.
- Although overtime expenditures by the Department of Justice provide a genuine increment in policing, analysis is needed to determine whether the increment is valuable enough to be paid for at premium wages.
- Police departments in the United States vary enormously in the attention they pay to overtime, their management of it, and their ability to produce information about it.
- Overtime should be viewed, within limits, as an unavoidable cost of policing. Overtime charges cannot be eliminated altogether, regardless of the number of police officers employed, because of inevitable shift extensions, court appearances, emergency situations, and contract requirements.
- Reimbursing overtime in money is preferable to reimbursing in compensatory time. Paid overtime increases policing activities, while compensatory time results in less policing because every hour worked must be repaid by the department at time and a half—time taken away from other activities.
- Reliance on overtime in American policing may have harmful consequences that are not sufficiently considered by police managers, such as exhaustion on the part of officers, unwillingness to provide any service without a tangible reward, increased antagonism between supervisors and line officers, and the undermining of professionalism.
- Overtime practices represent substantial possibilities for cost savings. Though overtime can never be eliminated, it can be more successfully controlled.
- Publicizing the practices of police departments found to excel in regulating overtime can contribute to improving overtime management nationally.
- The key to improving overtime management is foresight on the part of senior officers, which requires attention to analysis, recordkeeping, and supervision.

continually ask about overtime in their departments?

Are overtime expenditures justified in terms of the work being done? Because overtime represents police work performed at premium rates—time and a half—managers need the ability to determine whether the same work could be performed at less cost on straight time. Thus, they need to know how much of their agency's work is being performed on overtime, what sort of work it is, and the circumstances of its use.

When analyzing the cost-effectiveness of overtime, it is critical to distinguish work done on paid overtime from work done on unpaid, or compensatory, overtime. Work done on paid overtime generally increases policing activity, even though paid at time and a half. The cost is borne by city councils as an addition to the police budget. Compensatory time, on the other hand, represents less policing because every hour worked must be repaid by the department at time and a half. Compensatory time comes out of existing capacity. Therefore, managers need to be able to determine whether the work performed on compensatory time is more important than work being "scrimped" through the compensatory time payback. The implication for recordkeeping is that not only must records on paid time and compensatory time be kept, but also information on their respective uses, including the nature of the work forfeited to pay for compensatory time. These are called opportunity costs—the costs of taking one action at the expense of another.

Do the police and the local government have the capacity to pay for overtime? Answering this question requires police managers to know whether they are "on budget" throughout the year, so as to avoid cost overruns and consequent political exposure. This

means managers need to know how much has been spent throughout the current fiscal year and how the rate of expenditure compares with previous years. They should also examine current expenditures against likely future contingencies; planning requires forecasting overtime needs based on analyses of past patterns. Although some overtime expenditures cannot be predicted, repeated surprises indicate a lack of analysis. As the philosopher George Santayana said, "People who do not know the past are doomed to repeat it."

Because compensatory time does not come out of existing budgetary allocations, some police departments do not monitor its use as systematically as they do paid overtime. Compensatory time is not costless. Unless police departments keep close track of the amount of compensatory time earned and paid back, cities may suddenly face large unfunded liabilities—financial payouts they have not anticipated. In some departments officers who do not use their compensatory time can claim it as money at retirement. Police departments also need to track accumulations of compensatory time by individual officers, because departments cannot require officers (under the Fair Labor Standards Act or their own labor agreements) to work more than specified maximums of compensatory time without being paid.[2] Overtime beyond this amount must be paid as money. Police departments need to know where they stand with respect to this obligation.

Is overtime being abused? "Abused" here is defined as being used in ways that cannot be justified and may cause embarrassment to the organization. Generally, overtime abuses take the form of large, undetected overtime earnings by individuals or units within a police department. Such abuses represent a failure of supervision, which in turn reflects the inability of an organization to know, in a timely manner, what is happening. To avoid embarrassment, police departments need to analyze patterns of overtime expenditure—both as time and as money—by individuals, by units, and by the nature of the work performed. Unusual payouts to individuals or units may indicate problems of organizational management.

In sum, if a police department is to manage overtime, it must be able to justify expenditures in terms of the work performed, to anticipate the rate and amount of payouts, and to explain why overtime had to be paid to particular individuals and units at particular times.

Recording overtime

To analyze the issues described above, the following records must be current:

- **A police department's total obligations and payments for overtime,** both paid overtime and compensatory time.
- **Obligations and expenditures of overtime** by individual officers and commands or budgetary units—for example, investigations, traffic, patrol, and SWAT. Computer programs can automatically notify managers whenever overtime obligations exceed specified thresholds—for example, when a police officer earns more than 10 percent of monthly salary or at a projected yearly rate over $25,000, or when a unit's overtime budget is running 10 percent ahead of the previous year's expenditures.
- **The uses of overtime.** Setting up a system that adequately captures the uses of overtime requires forethought because relevant categories can vary with local conditions. The most common categories are holdovers or shift extensions; backfilling or buybacks (that is, paying people on leave to fill temporary vacancies); holidays; briefings and roll calls; court appearances; callbacks to duty; emergencies such as homicides and snowstorms; planned events beyond normal duty, for example, traffic control at venues; and meetings or training outside of working hours.

Monitoring the opportunity costs associated with compensatory overtime involves identifying those tasks that were not carried out because officers were granted time and a half off. This tracking is key to determining the true public safety cost-effectiveness of claiming overtime as time, rather than as money.

- **Circumstances of overtime use.** Knowing where, when, and under what circumstances overtime was incurred is necessary if managers are to anticipate overtime, to justify its payment, and perhaps to find ways to reduce the need for overtime expenditures. For example, if overtime occurs chronically in particular units, then hiring additional officers or reallocating existing personnel may solve the problem. On the other hand, if overtime is concentrated at particular times of the year, hiring additional staff would probably not be the solution.
- **Sources of overtime payments.** Records of such sources of overtime funding as city councils, State government, Federal Government, or private consumers should be kept. When tracking city expenditures, it would be useful to separate overtime accounts from the general fund, the police budget, and charges against the budgets of other municipal agencies.

Not surprisingly, it appears that police departments invest resources in collecting information primarily when it has clear fiscal significance. Of the police departments responding to the overtime survey, the majority (69 percent) were able to provide all 5 years of expenditure information (1990–94);

a much smaller percentage (38 percent) was able to provide the number of overtime hours worked.

Respondents provided limited information about overtime's functional uses. Among respondents who reported the total number of overtime hours, about 40 percent accounted for all (or virtually all) of those hours by functional category, while another 40 percent could account for about half. The limited ability to monitor and report information about overtime appeared in police agencies of all types (though sheriffs' departments in this study were somewhat less likely to be able to report overtime information, and State police agencies somewhat more likely) and occurred in all regions of the country.

Developing informative record systems need not be a particularly daunting or costly activity. Commitment seems to be the critical ingredient. Record systems can be put in place within a year or so, with the largest cost probably being incurred for staff to input data. Departments can also make the transition more easily by adapting systems already developed by other departments. Every region of the country has exemplary departments that have developed protocols for recording and analyzing data, programs that automatically provide managers with perspective on overtime. (See "Dollars and Recordkeeping.")

Managing overtime

Again, it is important to note that managing is not a separate activity from recording, analyzing, and supervising. Recording, analysis, and supervision are required for successful overtime management, but they must be managed so that useful knowledge is available to the managers who set overtime policies. Responsible overtime management requires leadership from the top.

If the chief is indifferent about overtime, the support systems—both human and technical—necessary to manage overtime will be neglected. A chief's indifference will also leave middle managers exposed—reluctant to go where the chief prefers not to tread, but at risk if overtime problems occur.

It is also important to be realistic about what management can achieve in controlling overtime. For example, some shift extensions are inevitable because police officers generally work 8-hour shifts, and time-consuming problems can occur at any time. Sensational crimes or natural disasters are impossible to predict and require extraordinary outlays of effort. Police work also inevitably generates court appearances, roll calls, meetings, and holidays. This sort of overtime can be viewed as a fixed cost of normal policing and will occur regardless of the number of officers employed. Overtime is not a discretionary category that can simply be managed out of existence. Policymakers and the public should be wary about judging the police according to unrealistic expectations.

Overtime is also critically affected by labor rules—the "contract"—that mandate uses and rates. Visits to police

Dollars and Recordkeeping

In the one department surveyed in which *all* overtime is compensated with dollars, rather than compensatory time, we found one of the most complete and sophisticated information systems for monitoring overtime use.[a] In that department, hours worked and dollars paid were tracked by organizational unit and by function, and this information was updated and disseminated to department managers every 2 weeks.

By contrast, another department, in which much of the overtime was compensated with time off rather than money, had a much more limited capacity to monitor overtime. Numbers of hours worked by individuals were tracked carefully within each division over the course of each 28-day work cycle, so that steps could be taken to minimize the likelihood that patrol officers would accrue hours for which they must be compensated monetarily and at a higher (time and a half) rate. But the aggregate patterns of overtime work were not monitored, and the only information that could easily be retrieved (from payroll records) for analysis was information on expenditures. Overtime could be analyzed in terms of the activities that were performed only by manually reviewing the paper forms that officers completed.

In another department, overtime was typically compensated monetarily. However, little overtime was incurred, partly because it had to be preauthorized by supervisors, and supervisors took steps to avoid overtime work. Given that overtime was not considered a significant budgetary issue, little information was computerized for analysis. Records of overtime were available, and particularly detailed records of overtime incurred under the auspices of Federal grant programs were kept, but they were not routinely compiled and analyzed; the latter records were available in the event of a Federal audit.

[a] An equally complete and sophisticated information system was found in a department that uses both compensatory time and paid compensation. This department is widely regarded as one of the most progressively managed in the country. Furthermore, it is very concerned about the prospect of unfunded liabilities.

departments revealed the following examples of contract stipulations with respect to overtime:

- Any court appearance by an officer, no matter how short, earned a fixed minimum amount of overtime, as much as 3 to 4 hours.
- Officers called back to work were guaranteed a minimum of 2 hours of overtime, no matter how long they actually worked.
- Supervisors who were on standby in the event of an emergency earned a minimum of 3 hours overtime.
- Patrol officers were given between 15 and 30 minutes of overtime each shift for attending roll calls.
- An officer waiting at home to be called to court was allowed a fixed amount of overtime, on the premise that the officer was forfeiting an opportunity to work at another job.
- All meetings outside the department were charged to overtime.

In the survey, 45 percent of police departments reported that overtime was governed by collective bargaining agreements; 39 percent said that such agreements applied specifically to patrol personnel, which is the largest specialty among police officers.

Some departments have tried to divide overtime expenses according to whether they are controllable—probably a fruitless exercise. The issue generally is not whether a particular form of overtime is controllable, but rather by whom and at what cost. Contract stipulations, for instance, are frequently treated as uncontrollable. This may be true from line supervisors' point of view, but not from the view of senior managers who are responsible for contract negotiations. Contract provisions are controllable in principle, even though the likelihood of doing so, given the political power of unions, is small. Even in the case of shift extensions, the option exists for police to pass work to later shifts. All overtime is potentially manageable by someone, but the costs of doing so in some cases are greater than the benefits. So, when departments say that some proportion of overtime is not controllable, they are making a judgment about options they are willing to try. Their willingness may be based on entirely correct assessments of what is likely to be achieved.

Interviews with police officers nationwide yielded several suggestions for policies to control overtime more tightly.

Court appearances. Agreements between police and court personnel could improve overtime usage. For example, policies could call for court appearances to coincide with usual working hours, rather than with time off. While officers are waiting to appear, they can be given indoor work, such as staffing property rooms, interviewing complainants, preparing shift rosters, or answering questions on the telephone. In addition, district attorneys can be asked to subpoena only those officers listed on arrest reports whose testimony might be important. There is no reason for supervisory personnel to appear in courts, since their testimony would be hearsay. Police can be asked not to list supervisory personnel on incident reports and arrest warrants.

Shift extensions. Responsibility for approving shift extensions rests with immediate supervisors. Managers can assist immediate supervisors by providing them with updated and revised guidelines for approving shift extensions, as well as by reviewing their performances periodically. Survey results show that immediate supervisors were authorized to approve overtime in 91 percent of the responding police departments, and 73 percent had guidelines that specified the purposes for which overtime could be used.

A more general solution, well beyond the capacity of any police force to enact, is to abolish the 40-hour week as the basis for overtime, aggregating hour-maximums by months or years.[3] This would allow departments to require longer hours of work for short periods without incurring overtime costs, compensating officers by less work during slack periods. In 1995, a U.S. Representative proposed hearings on the idea.[4]

Staff size. Persistent backfilling, or employing off-duty officers to fill necessary positions, indicates a chronic shortage of personnel in relation to work needing to be completed. Since local governments determine the strength of police forces, this imbalance is generally beyond the ability of departments to fix unless hiring is allowed. Departments may, however, be able to reduce the period of the imbalance, and hence overtime, by shortening the time needed to recruit and train new police officers. Departments may even consider using civilians, volunteers, or police academy students in nonenforcement lines of police work, thereby freeing experienced personnel for tasks requiring powers of arrest or those where minimum staffing levels must be maintained.

Emergency mobilizations. By carefully studying all unplanned emergency mobilizations, departments can determine how best to use existing capacity and thereby minimize callbacks or extensions. Emergencies require overtime, but they do not justify unlimited overtime. To some degree, overtime can be minimized in emergency situations by fine-tuning responses and making them more efficient, as well as by building the capacity to handle contingencies that singly are unpredictable

but in the aggregate are not. These possibilities are probably more likely for large departments, which can often develop such procedures more easily than small departments, because unpredictable events occur in greater numbers in their jurisdictions and therefore can be "averaged" on a yearly basis. In a small department, on the other hand, events such as a sensational murder may occur once every 20 years.

Special events. Departments often pay officers overtime for handling special events, such as crowd control at festivals or traffic at sporting events. Because these are episodic, it is not cost effective to maintain capacity to handle them. If these events are privately sponsored, departments might consider requiring sponsors to pay the costs of policing as a condition for granting a permit. Many large cities now require event sponsors to complete official statements regarding the effect of special events on police duties. The Madison, Wisconsin, police department, for example, requires that a police impact statement be filed as part of the permit process. In addition, cities and police departments should develop policies about when the costs of policing special events are to be publicly or privately borne. This may be a touchy political matter. For example, some local ordinances (strongly supported by police unions) require police, rather than private security, to work such events. Finally, work schedules of police could be adjusted, if permitted by contract regulations, so that officers can accumulate slack time that can later be allocated for policing predictable manpower-intensive events.

We determined from site visits that police departments throughout the country are experimenting with ways to minimize the burden of overtime. Frustrated by the rigidities of current practice and fearful of embarrassing public revelations, concerned managers are learning valuable lessons about managing overtime. Unfortunately, this knowledge is not being systematically collected and shared within the profession, which does not generally know which departments are the benchmarks for overtime management. Hence, a national canvas of techniques for managing overtime could be worthwhile to practitioners.

Supervising overtime

Supervision of overtime is often seen as the first line of defense against overtime abuses. Middle-rank commanders everywhere complained that one of their major responsibilities is controlling overtime. They believe it is critical to how they are judged as commanders. In fact, front-line supervision of overtime is the last line of defense, and supervisors are often made the scapegoats for more general failures of management. Most of the factors that determine overtime are beyond the control of any middle-rank manager, such as contract regulations, calls for service, crime emergencies, vacations, injuries, retirements, and approval for special events.

Although first-line supervisors formally approve overtime, in some departments their ability to refuse is restricted. Moreover, in many departments first-line supervisors are frequently not given the information needed to anticipate demands and adjust work schedules. With inadequate recordkeeping and analysis, supervisors cannot control overtime, they can only audit it. The control of overtime looks to be decentralized, but in reality it is not; it is structured by policies set at more senior levels or from outside the police force altogether.

Overtime can also be supervised by the officers themselves through peer pressure if amounts of overtime worked by individual officers are posted publicly at regular intervals. We visited several departments using this method. Knowing that overtime will be scrutinized by their peers, officers will be careful that extra hours claimed are justifiable in operational terms.

Successful management of police overtime requires assistance outside police departments. At present, police managers often fear that providing outsiders, such as city councils and the media, with information about overtime practices will expose the department to unfair criticism. This is one reason why some departments are reluctant to implement computer-based monitoring and online analysis of overtime. Police managers should realize, however, that factual information about overtime, if it is properly explained, can strengthen their position in advocating needed reforms both inside and outside their organization. Managers have more to fear from lack of information than from too much. Gradually, information in the public domain about overtime will expand. Some cities now regularly report all forms of overtime to city councils and even encourage the media to publish their departmental pattern analyses.

City councils and other outside auditors should also understand that overtime cannot be effectively controlled by front-line supervisors. They should not allow senior officers to pass the responsibility for managing overtime to junior officers. Councils and the media could be educated, most likely by police themselves, about the elements of an effective overtime management system. Analytic reports of overtime could provide police managers with information to explain to others the limits on their ability to control overtime and to construct a fact-based division of responsibilities between themselves and city councils. Police managers have more to gain from

making overtime information available and visible than from keeping it hidden.

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Notes

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2. Under the Fair Labor Standards Act, an officer who agrees to work compensatory time in lieu of cash cannot accumulate more than 480 hours during a lifetime. Many union contracts stipulate more restrictive maximums.

3. Mazur, Laura, "Coming: The Annual Workweek," *Across the Board* (April 1995): 42–45.

4. Laabs, Jennifer, "The Changing Workplace Stirs Up Overtime Pay Debate," *Personnel Journal* (April 1995): 12.

Findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

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Copies of the full report of the study, *Federal Funding of Police Overtime: A Utilization Study*, are available from the National Criminal Justice Reference Service (NCJRS) on a cost-recovery basis. To order, call NCJRS at 800–851–3420 and ask for NCJ 170614.

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