



# CASE CLEARANCE & ADMINISTRATIVE DESIGNATION

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### **I. POLICY**

The following definitions will be used by all department components when compiling statistics for both in-house and UCR purposes. Supervisors will ensure that their components' statistics are being captured and recorded as defined below.

### **II. OPEN**

Case currently assigned for investigation and investigative efforts are active.

### **III. SUSPENDED**

Cases that have been actively investigated and all possible leads have been exhausted. In the event any additional information is developed, the case can be reopened for further investigation.

### **IV. CLOSED: BY ARREST**

An offense is closed by arrest or solved for crime reporting purposes when at least one person is:

- A. Arrested;
- B. Charged with the commission of the offense; and
- C. Turned over to the court for prosecution (whether following arrest, court summons, or police notice). Although no physical arrest is made, a clearance by arrest can be claimed when the offended is a person under 18 years of age and is cited to appear in Juvenile Court or before other juvenile authorities.

Several crimes may be cleared by the arrest of one person, or the arrest of many persons may clear only one crime. Further, if several persons are involved in the commission of a crime and only one is arrested and charged, the crime is listed as cleared by arrest. When the other persons involved in the crime are arrested at a later date, no record will be made of a clearance by arrest since this offense was already cleared following the arrest of the first person.

### Examples:

1. Five thieves forcibly break and enter a warehouse; one suspect is arrested and charged. Statistically, this event will be recorded as one burglary and one physical arrest and one burglary clearance. Days later, the other four thieves are arrested and charged. No entry is made for the offense of burglary because the offense has already been recorded and cleared by the first arrest. However, the additional four physical arrests will simply be recorded as four burglary arrests cross referencing the original burglary case number.

2. One suspect is arrested and charged with committing five separate burglaries. All five burglaries will be recorded as “cleared by arrest”, however, only one physical arrest will be recorded with cross referencing the case numbers.

#### V. CLOSED: BY EXCEPTION

In certain situations, law enforcement is not able to close a case by arrest. Many times all leads have been exhausted and everything possible has been done in order to clear a case. If the following questions can all be answered “yes”, the offense can then be cleared “exceptionally” for crime reporting purposes:

- A. Has the investigation definitely established the identity of the offender?
- B. Is there enough information to support an arrest, charge, and turning over to the court for prosecution?
- C. Is the exact location of the offender known so that the subject could be taken into custody now?
- D. Is there some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender?

#### Examples of Exceptional Clearances:

Generally, an offense can be exceptionally cleared when it falls into one of the following categories. The list is not, however, all inclusive, and there may be other circumstances when a law enforcement agency is entitled to an exceptional clearance.

1. Suicide of the offender (the person responsible is dead).
2. Double murder (two persons kill each other).
3. Deathbed confession (the person responsible dies after making the confession).
4. Offender killed by police or other citizen.
5. Confession by offender already in your custody or serving sentence (this is actually a variation of true clearance by arrest – the offender would not be “apprehended” but in most situations would be prosecuted on the new charge).
6. Offender prosecuted by state or local authorities in another city for a different offense or prosecuted in another city or state by the federal government for an offense which may be the same (an attempt is made to return the offender for prosecution, but the other jurisdiction will not allow the release).
7. Extradition denied.
8. Victim refuses to cooperate in the prosecution (this action does not “unfound” the offense, and the answer must also be “yes” to the first three questions listed previously to clear exceptionally).
9. Warrant is outstanding for felony but before being arrested the offender dies, for instance, of natural causes, as a result of an accident, or is killed in the commission of another offense.
10. The handling of a juvenile offender either verbally or by written notice to parents in instances involving minor offenses such as petty larceny. No referral is made to juvenile court as matter of publicly accepted law enforcement policy.
11. ***The declination to prosecute by the State’s Attorney’s Office even though probable cause existed that an offense had occurred.***

Department policy permits the discontinuance of investigation and the administrative closing of cases in which all investigation has been completed. The administrative closing of a case or the “clearing” of it by department policy does not permit exceptionally clearing an offense unless all four questions mentioned earlier can be answered “yes”. The recovery of property does not clear a case in-house or UCR purposes. Clearance in accordance with in-house or UCR procedures have no effect on the Department’s decision to suspend a case.

#### VI. FALSE REPORTS & UNFOUNDED COMPLAINTS

On occasion, an agency will receive a complaint, which is determined through investigation to be *intentionally false or baseless*. ***There are other occasions when a complaint is made with good intentions; however after investigation it is determined that no offense occurred.*** If the investigation shows that no offense occurred nor was attempted, the reported offense can be unfounded for UCR purposes.

Remember that the recovery of stolen property, the small value of stolen property, the refusal of the victim to cooperate with prosecution, or the failure to make an arrest does not unfound a legitimate offense.

**VII. PROPONENT UNIT:** Central Records.

**VIII. CANCELLATION:** This directive cancels Article 22, Section 22.9. Prior date: 07-01-07.