



This training bulletin is the first in a series developed to explain the various methods that law enforcement agencies use for clearing crime reports. In this first installment, we will outline the definition and criteria for clearance by arrest. In subsequent bulletins, we will explore the other two primary methods: exceptional clearance and unfounding. Finally, we will discuss some of the problems and challenges with the way clearance methods are used by various law enforcement agencies across the country.

### **What is a “Clearance Method?”**

In many of our training materials, we provide recommendations for law enforcement personnel to successfully investigate their cases, but at some point investigators either reach a conclusion in a case (e.g., by referring it for prosecution) or exhaust all investigative leads without reaching any meaningful conclusion. Either way, at some point, the case needs to be “put to bed” and removed from the active investigative caseload for the investigator, unit or department. Unfortunately, there is a great deal of confusion surrounding this topic because of the different terminology and procedures used by law enforcement agencies across the country.

- To begin with some definitions, the term “clearance” refers to specific case dispositions, defined by the FBI for their [Uniform Crime Reporting \(UCR\) Program](#). These clearance methods include: “clearance by arrest” and “exceptional clearance,” as well as “unfounding.”
- The term “closure” is often used more broadly to include cases that are cleared as well as those that are closed using some administrative mechanism. It may even be used to describe cases that are still technically open but suspended or temporarily inactivated and removed from an active caseload.
- The term “cancellation” is also used differently across agencies, sometimes to refer to cases that are “cleared” and sometimes for cases that are “closed.”

### **UCR Program**

Clearance methods are officially defined by the Uniform Crime Report (UCR) Program within the Federal Bureau of Investigations (FBI). The UCR Program is a nationwide statistical effort of over 17,000 city, county, and state law enforcement agencies that voluntarily report data on reported crimes. It was originally conceived in 1929 by the International Association of Chiefs of Police to meet a need for reliable, uniform crime statistics for the nation. Then in 1930, FBI took over collecting, publishing, and archiving those statistics. Today, several annual statistical publications are produced on the basis of UCR data, and they are widely disseminated and cited for information about crime in the United States.

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For law enforcement agencies participating in the UCR Program, data on eight specific crimes (referred to as “Index Crimes”) are voluntarily provided to the FBI to be compiled with data submitted from law enforcement agencies across the country. Data is collected on how many reported Index Crimes were completed versus attempted, and information is recorded on how they were cleared using specific criteria and procedures. The three primary methods for clearance used in the UCR program are:

- (1) Clearance by arrest
- (2) Exceptional clearance, and
- (3) Unfounding.

Again, we will discuss each of these specific clearance methods used by the UCR in separate training bulletins.

Note: References to the Uniform Crime Report (UCR) guidelines come from the *Uniform Crime Reporting Handbook* (2004) published by the Federal Bureau of Investigations (FBI) and available from the FBI website at: <http://www2.fbi.gov/ucr/handbook/ucrhandbook04.pdf>.

### Clearance by Arrest

The first clearance method to be described in this training bulletin is “clearance by arrest,” where someone is arrested for completing or attempting the Index Crime, AND that person is charged with the commission of the offense, AND the case is turned over to the court for prosecution.

Unfortunately, this is a source of some confusion. Many law enforcement professionals believe that a suspect has been “charged” with a crime when a warrant is issued. Thus, it is routine practice in many police agencies to clear a case once a warrant has been issued. However, this is incorrect. In fact, a case cannot be cleared just because a warrant has been issued. To clear the case:

The suspect has to be taken into custody,  
AND charged,  
AND handed over to the court for prosecution.

Thus, several crime reports may be cleared with the arrest of a single person, if that person committed more than one offense. On the other hand, the arrest of several suspects may only clear a single offense, if it was perpetrated by more than one individual acting together.

### Defining Arrest

There is also some debate in the field regarding what is meant by being “charged,” and whether this is something that can be done for the purposes of the UCR Program by law enforcement, or whether it refers only to charges filed by a prosecutor. We will return to this discussion in a later training bulletin. At this point, we want to simply note that there are a few exceptions to these general criteria. The primary exceptions are the following:

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- For juvenile offenders (under age 18), clearance by arrest can be claimed even when they are not physically arrested if they are cited to appear in juvenile court or before other juvenile authorities.
- A case can also be cleared by arrest if a summons to appear (often referred to as a “notify letter”) has been issued. Although different terminology may be used for this procedure, it is used when the suspect has agreed to surrender or to appear in court at a certain date or time. This agreement is reached between the suspect, prosecutor, and defense attorney, and it is documented in writing.

Clearance by arrest tends to be the most clearly defined and consistently applied method of clearance within the UCR Program. In the next training bulletin, we will discuss exceptional clearance, which is anything but clear or consistently applied.

### **For More Information**

For more information, please see the [OnLine Training Institute \(OLTI\)](#) module on *Clearance Methods for Sexual Assault Cases*. This training bulletin is an adapted excerpt from that module.