

406.1 PURPOSE AND SCOPE

The proper clearance of a case, regardless of whether the crime was solved, is an important part of case management and vital for accurate reporting. This policy outlines how to properly clear a case and the guidelines for dismissing charges.

406.2 CLEARANCE STATUS

Reports shall be given one of the following clearance statuses as outlined in this section:

- (a) Cleared Administratively.
- (b) Cleared Exceptionally.
- (c) Cleared by Arrest.
- (d) Field Release Citation.
- (e) Suspended (Not Cleared).
- (f) Suspended (Pending Prosecutorial Review).
- (g) Unfounded.
- (h) Warrant Issued (Suspended).

406.2.1 CLEARED ADMINISTRATIVELY

This status is used to clear non-criminal reports such as the following:

- (a) Missing persons that are found or returned home. (Juvenile runaways are Cleared Exceptionally).
- (b) Found property that is returned to the owner.
- (c) Request to locate where the subject is found.
- (d) Accidental injuries when no crime is involved.
- (e) Suicides where no crime has occurred.

- (f) Dependent/neglected children when there is no criminal element.

406.2.2 CLEARED EXCEPTIONALLY

- (a) This status is used to clear incidents that meet all the following criteria:
 - 1. The investigation has established the identity of the offender; and
 - 2. There is sufficient information to support an arrest, charge, and prosecution; and
 - 3. The exact location of the offender is known so that the offender could be taken into custody; and
 - 4. There is some reason outside law enforcement control that prevents arresting, charging, and prosecuting the offender, such as:
 - (a) The victim will not cooperate with the investigation or does not wish to pursue the case; or
 - (b) A prosecuting attorney has reviewed the case and declines prosecution.
- (b) This status is also used to clear cases where:
 - 1. The suspect is a juvenile and committed a status offense; or
 - 2. The suspect is under the age of criminal responsibility; or
 - 3. The suspect dies; or
 - 4. Extradition of the suspect is denied.

406.2.3 CLEARED BY ARREST

This status should be used if any person involved in the report meets the following criteria, regardless of the disposition of other persons involved or the status of other offenses alleged in the same report.

- (a) This status is used to clear criminal cases involving adult offenders when a suspect is arrested, charges are filed, and the case is referred to court for prosecution.
- (b) This status is used to clear criminal cases involving juvenile offenders when:
 - 1. The suspect is physically taken into custody and transported to a juvenile facility or home; or
 - 2. The suspect is processed and the case referred to Juvenile Court, whether or not the suspect was actually taken into custody.

406.2.4 FIELD RELEASE CITATION

This status is used in misdemeanor cases where all arrested persons are issued a field release citation instead of a custody arrest.

406.2.5 SUSPENDED (NOT CLEARED)

This status is used when approved by the supervisor and:

- (a) When the determination is made that any further investment of time would be inefficient or unproductive; or
- (b) After 30 days from the date of assignment and the case has not progressed to the point that it can be cleared by any other means described in this section.

406.2.6 SUSPENDED (PENDING PROSECUTORIAL REVIEW)

This is a temporary clearance status to indicate that the case is being reviewed by the Grand Jury.

- (a) Upon a Grand Jury decision, the status will be changed to reflect the correct final disposition:

- 1. "True bill" will use the status Cleared by Arrest.
- 2. "No bill" will use the status Cleared Exceptionally.

406.2.7 UNFOUNDED

This status is used with the approval of the Investigative Unit supervisor if the investigation shows that no offense occurred or was attempted.

- (a) If the facts of a case indicate that an offense occurred but not the offense indicated by the title code of the report, the supervisor will change the title code.
- (b) This status shall not be used when a report includes multiple title codes where at least one of the offenses listed is supported by the facts of the case.

406.2.8 WARRANT ISSUED (SUSPENDED)

This is a temporary clearance status to indicate that a warrant is outstanding for the arrest of one or more suspects. When all suspects have been arrested the clearance status shall be changed to Cleared By Arrest.

406.3 DISMISSAL OF COMPLAINTS AND CHARGES

Employees are not authorized to recommend alteration or dismissal of charges to the District Attorney, County Attorney or to any other official of the court without proper authorization. Employees will not sign any form or affidavit to obtain a dismissal of a complaint without going through the following procedure:

- (a) When an employee learns of facts or circumstances to suggest a case they initiated should be dismissed, the employee will discuss the case with his supervisor.
- (b) If the supervisor and employee both feel the case should be dismissed, they will review the case with the appropriate commander.
- (c) With approval of the appropriate commander, requests for dismissal of charges will be handled as outlined below.

406.3.1 J. P. COURT

A recommendation to dismiss a case in J.P. Court will be handled as follows:

1. With the approval of the appropriate supervisor, the employee will sign the *Request for Dismissal* form in J.P. Court.
 - (a) If an incident report has been written, a supplement will be prepared by the employee setting out the reasons for recommending dismissal.
 - (b) If there is no incident report the employee will write a memorandum or letter, as appropriate.
2. A copy of the supplement, memorandum, or letter will be forwarded to the appropriate supervisor.

406.3.2 COUNTY OR DISTRICT COURT

A recommendation to dismiss a case in County or District Court will be handled as follows:

- (a) With the approval of the appropriate supervisor, the employee will:
 1. Prepare a detailed supplement or appropriate documentation (memorandum or letter) setting out the facts or circumstances that lead them to believe the case should be dismissed.
 2. If the employee requesting the dismissal is not part of the Investigative Unit assigned the case, an employee from the assigned Investigative Unit will review the case with the appropriate prosecutor.
 3. The final decision to dismiss a case must be made by the prosecuting attorney.