



Governor's Crime Commission
NC DEPARTMENT OF PUBLIC SAFETY

Justice Analysis Review

A PUBLICATION OF THE CRIMINAL JUSTICE ANALYSIS CENTER

Incidents Cleared by North Carolina Law Enforcement, 2020-2022

Summary

Law enforcement agencies use standardized reporting systems to support the analysis of reported criminal offenses, including whether an incident has been resolved and how. In 2019, North Carolina agencies adopted the National Incident-Based Reporting System, a comprehensive system developed by the Federal Bureau of Investigation. NIBRS is voluntarily used by N.C. law enforcement agencies to document incidents that involve offenses within their jurisdictions.

When a crime is reported to law enforcement, an incident report is created, and reports are submitted by the participating agency to NIBRS. An incident is defined as one or more offenses committed by the same offender(s) at the same time and place. The clearance status of each incident can be determined based on arrestee or administrative information within the incident report.

Clearances should not be taken as an indication of law enforcement performance or effectiveness. Rather, the data presented here provides insight into incident- and offense-level clearance reporting. This publication presents an analysis of procedures and time to clear offense-level NIBRS data.

Methodology

There are a variety of means for calculating clearance and arrest rates. For purposes of this JAR, clearance calculations use the standard NIBRS definition of incident clearance. In cases where an incident has more than one offense, a clearance of one offense in that incident clears all offenses in the incident. Further, this publication utilizes the date the incident occurred (incident date) as the primary date variable for analysis, and includes data submitted through October 2023.

It is important to note that the calculations in this publication are only as accurate as the data submitted from participating law enforcement agencies. Law enforcement agencies may have different practices for updating incidents submitted to NIBRS, which could lead to missing data.

According to NIBRS, law enforcement agencies, or LEAs, “clear incidents rather than individual offenses.”^[1] There are two ways to clear an incident in NIBRS: by arrest or for an administrative reason, referred to as exceptional means. To clear an incident by exceptional means, an agency must encounter circumstances that are beyond their control that prevent them from arresting and formally charging an offender. If an incident report does not list an arrestee or does not include an exceptional clearance code, the incident has not been cleared in NIBRS.

Although NIBRS may indicate that an incident is cleared, the investigation by law enforcement may not be complete. When an incident is cleared in NIBRS, law enforcement can take additional action regarding other offenses within the incident. If necessary, additional data can be submitted to NIBRS if a “subsequent event materially affects the report” including but not limited to:

^[1] 2023.0 National Incident-Based Reporting System User Manual. Federal Bureau of Investigation-Criminal Justice Information Services Division; 2023.

- discovery of an additional unreported offense, victim and/or offender.
- a subsequent arrest or exceptional clearance.
- discovery of a significant amount of unreported property loss.
- recovery of stolen property.
- incorrect entry of important data such as the offense code, the victim's or arrestee's sex or race, etc.[2]

Incident and Offense Clearance Overview

As of October 2023, NIBRS collected 1,550,083 incidents from law enforcement agencies in North Carolina from 2020 to 2022. While there can be more than one offense in an incident, the majority (85%) of these incidents only have one offense. There were 1,808,952 offenses reported within the period. Approximately 33% of all offenses from 2020 have been cleared in some manner, compared to 32% from 2021 and 31% from 2022. The number of offenses from earlier years that have been cleared is higher than in more recent years, likely due to the amount of time investigations have had to progress since the offense occurred.

Reported offenses are separated into three groups:

- person, harm to an individual;
- property, acts to obtain or damage goods; and
- society, activities prohibited such as drug use and prostitution.

Society offenses are cleared at a higher rate than person or property crimes. Society offenses typically must be witnessed by a law enforcement officer and thus are associated with a higher rate of clearance than crimes against persons or property. From 2020 to 2022, 65% of all society offenses were cleared compared to 45% of person offenses and 17% of property offenses.[3]

Clearance by Arrest

When an arrest is reported for an offense within an incident, that incident is considered cleared. Every offense in an incident does not have to have an identified arrestee; one listed arrestee for one offense can clear an entire incident for NIBRS purposes. If an incident lists more than one arrestee, the arrest that occurred first is the arrest that is considered to clear the incident. About 25% of all NIBRS offenses reported from 2020 to 2022 were cleared by an arrest.

There are three types of apprehension that a law enforcement agency can select when reporting an arrest:

- On-view arrest, or apprehension without a warrant or previous incident report,
- Summoned or cited, but not taken into custody and
- Taken into custody based on a warrant or previously submitted incident report

Only one of these options can be entered for each arrestee. During the period, 453,167 offenses were cleared by arrest, and over half (58%) of all offense-clearing arrests were reported to be on-view arrests. Figure 1 shows the distribution of various arrest types reported by year. Again, the incidents in earlier years benefit from more time for investigation to clear a case.

[2] 2023.0 National Incident-Based Reporting System User Manual. Federal Bureau of Investigation-Criminal Justice Information Services Division; 2023.

[3] 60% of all reported offenses were property offenses, compared to 21% person and 19% society.

Clearance by Exceptional Means

Outside of an arrest, an incident can also be cleared by what is referred to as exceptional means. As mentioned previously, the agencies encounter circumstances that are beyond their control that prevent them from arresting and formally charging an offender. The Federal Bureau of Investigation defines four conditions that a law enforcement agency must meet to clear an incident by exceptional means:

1. Identified the offender
2. Gathered enough evidence to support an arrest, make a charge and turn over the offender to the court for prosecution
3. Identified the offender’s exact location so that the suspect could be taken into custody immediately
4. Encountered a circumstance outside the control of law enforcement that prohibits the agency from arresting, charging and prosecuting the offender

Figure 2: Exceptional Clearance Codes by Year

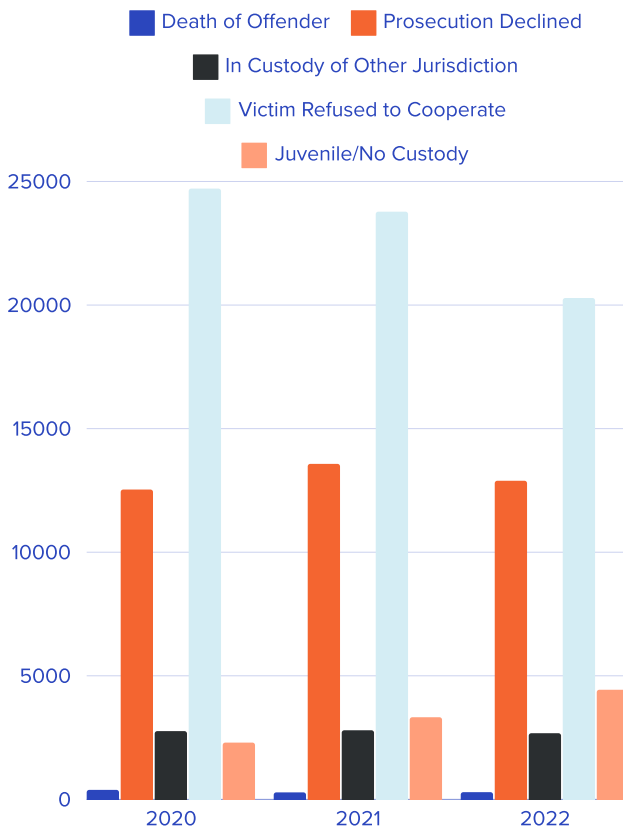
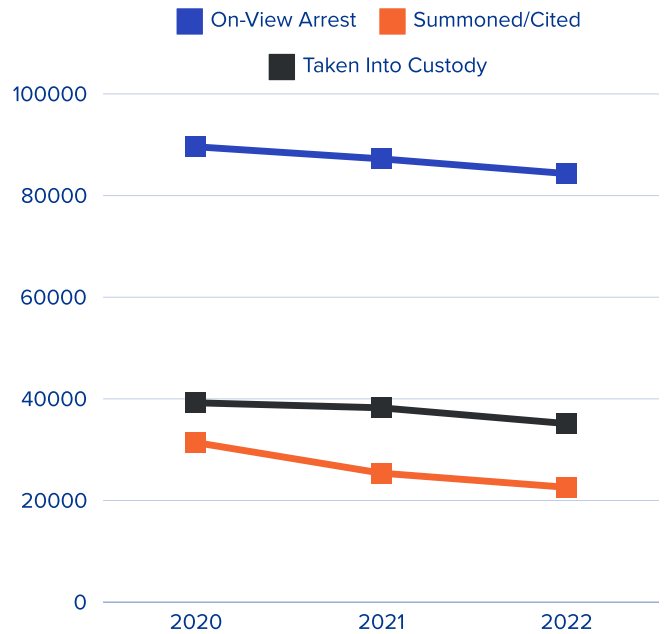


Figure 1: Types of Arrest by Year



If these four conditions are met, an incident may be cleared by exceptional means in one of five ways:

1. Death of the offender, either by suicide or justifiably killed by police or citizen
2. Victim’s refusal to cooperate with prosecution
3. Denial of extradition because the offender committed a crime in another jurisdiction and is being prosecuted for that offense
4. The prosecutor declines to prosecute for reasons other than lack of probable cause
5. Handling of a juvenile without taking him or her into custody, but instead providing oral or written notice to a parent or legal guardian in a case involving a minor offense.[4]

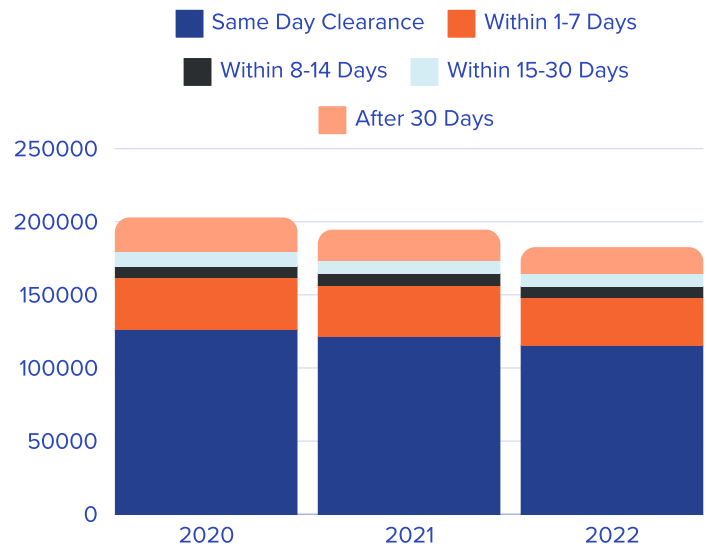
Of all offenses reported in the period, there were 127,025 cleared by exceptional means, which accounts for 7% of all reported offenses. Of the five ways an offense can be cleared exceptionally, 54% of them were reported to be due to the victim’s refusal to cooperate. Figure 2 displays the breakdown of exceptional clearance codes reported by year.

[4] 2023.0 National Incident-Based Reporting System User Manual. Federal Bureau of Investigation-Criminal Justice Information Services Division; 2023.

Time to Clear

The amount of time it takes to clear an offense can be calculated based on the date of an incident and the date the incident was cleared, either by the first reported arrest or by an exceptional clearance reported. Among the offenses cleared, 63% were cleared on the same day that the offense occurred and 89% were cleared within 30 days. Figure 3 shows the time to clear all offenses by year. It is important to note that the overall time to clear is heavily influenced by the time to clear by arrest, as 78% of all cleared offenses were by a reported arrest.

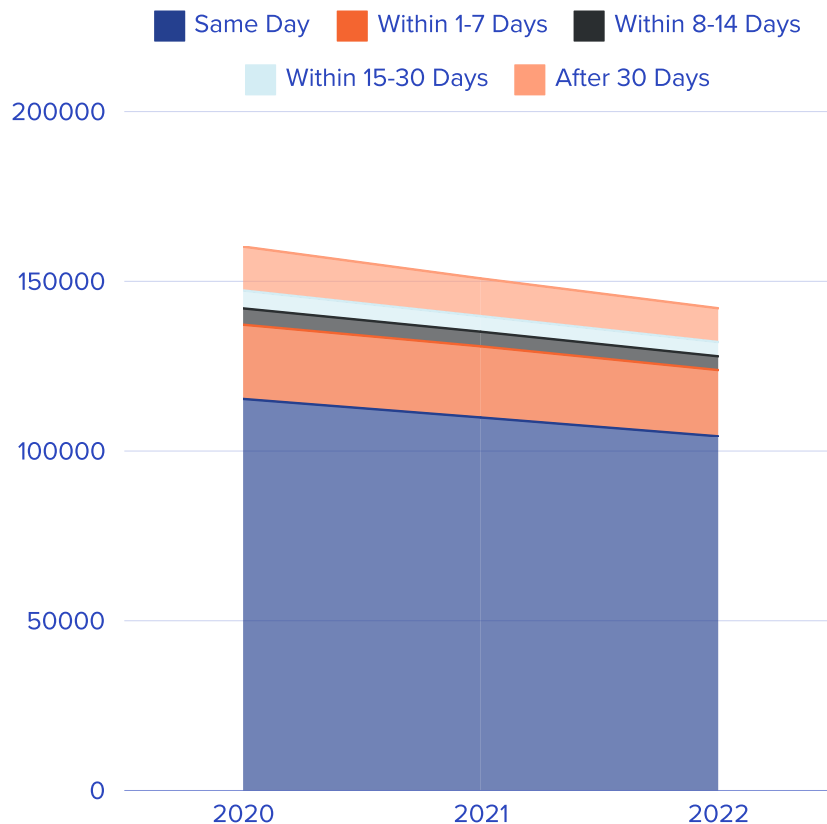
Figure 3: Time to Clear Offenses by Year



Arrest

When offenses are cleared by arrest, the majority (73%) of arrests occur on the same day the incident occurred. Further, 93% of offenses cleared by arrest were cleared within 30 days of the incident date. Figure 4 provides a breakdown of time to clear by arrest.

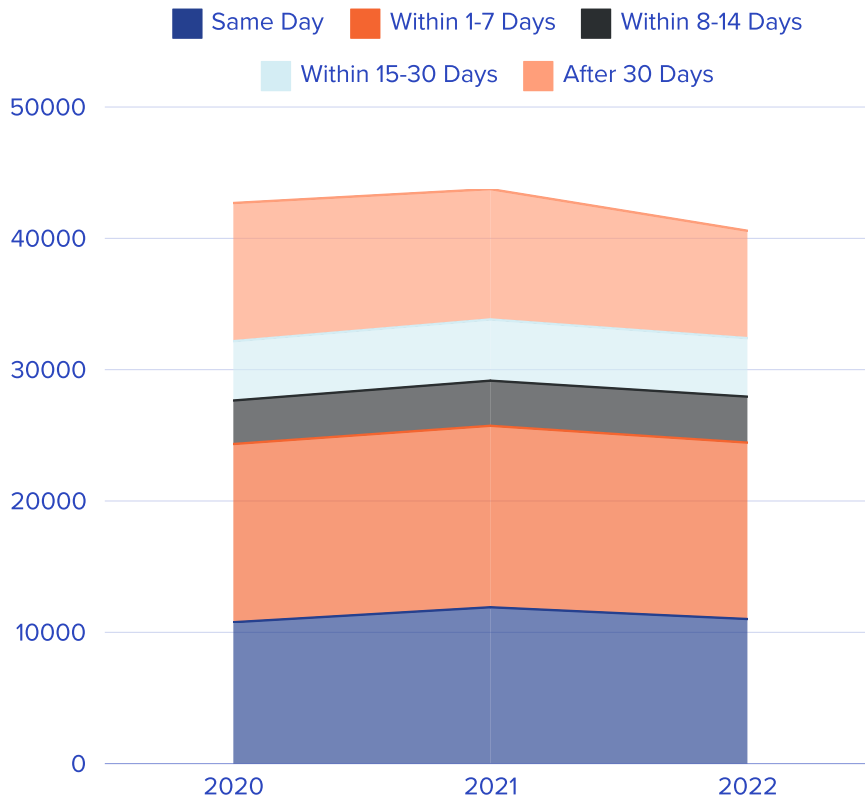
Figure 4: Time to Clear Offenses by Arrest by Year



Exceptional Means

Offenses cleared by exceptional means follow a different time frame. Of all exceptionally cleared offenses, 27% were cleared on the same day as the incident. The largest proportion of exceptional clearances were reported 1-7 days after the incident (32%) and 23% occurred more than 30 days after. Figure 5 displays the time to clear by exceptional means by year.

Figure 5: Time to Exceptionally Clear Offenses by Year



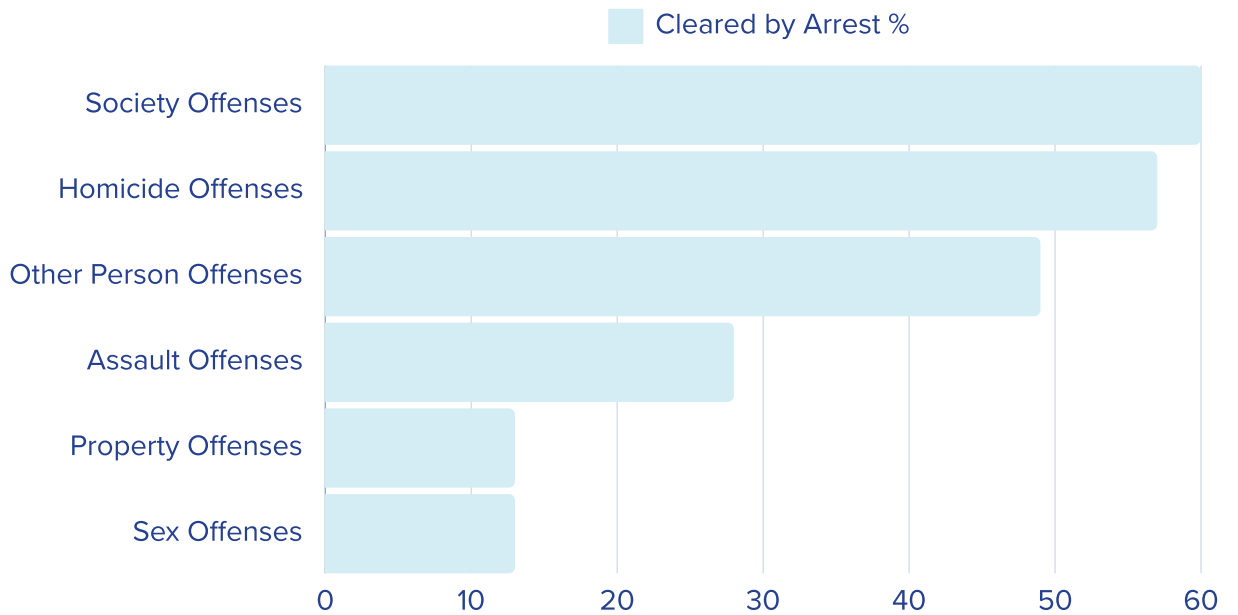
Clearance Rates by Offense Types

For purposes of this JAR, NIBRS offenses are categorized into six types: assault offenses, homicide offenses, sex offenses, all other person offenses, all property offenses, and all society offenses. As stated previously, 25% of all reported offenses were cleared by an arrest and 7% were cleared by exceptional means. The following sections will delve into each clearance type by the above categories.

Arrest

Society offenses have the highest clearance rate by arrest (60%), and drug or narcotic offenses make up 81% of these arrests. Sex offenses and property offenses both have a 13% rate of clearance by arrest, the lowest for the categories. Figure 6 displays the clearance by arrest percentage for each of the categories.

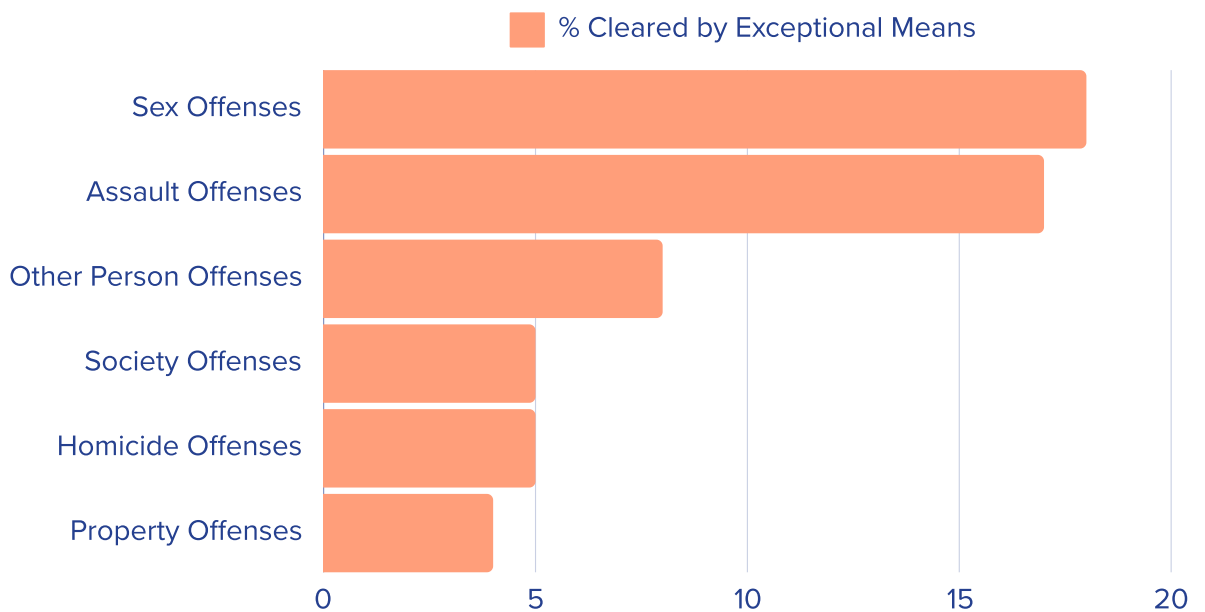
Figure 6: 2020-2022 Clearance by Arrest Percentage of Arrest Category



Exceptional Clearance

Sex offenses recorded the highest rate of clearance by exceptional means at 18%. The category with the lowest exceptional clearance rate was all property offenses (4%). Figure 7 shows the clearance by exceptional means percentage for each category.

Figure 7: 2020-2022 Clearance by Exceptional Means Percentage of Arrest Category



Conclusion and Considerations

There are a lot of considerations surrounding clearance rates, including how to calculate and interpret the data. The NIBRS User Manual provides limited guidance for determining clearance rates that could alleviate confusion and misunderstanding of the topic. The analysis in this publication follows the FBI principle that the entire incident is considered cleared when one offense within the incident is cleared. However, analysis is concentrated on the offenses to examine differences across offense types. Other reports may follow different methodologies.

The rate of clearance varies by time to clear, the type of clearance and offense category:

- 63% of all cleared offenses were cleared in the same day the offense occurred.
- 54% of all exceptional clearances reported were classified as Victim Refused to Cooperate.
- Exceptional clearances are most frequent in sex (18%) and assault (17%) offenses.
- Society offenses (60%) and homicide offenses (57%) have the highest rate of clearance by arrest among all crime categories.

Analysis of clearance rates for North Carolina NIBRS reports is in no way conducted as an effort to indicate performance of law enforcement agencies. Many factors affect the reported clearances of offenses based on the data procedures of each agency. These include the comprehensiveness of the initial data entry in their records management system, entry of subsequent case developments as well as the cadence and contents of data submission to the SBI. There very well may be incidents that are cleared but that, due to timing, have not been updated in previously submitted incidents. Finally, it is important to note that this analysis cannot account for the impact of prevention measures by law enforcement that reduce the number of criminal offenses.