



Clearance Methods for Sexual Assault Cases

Sergeant Joanne Archambault (Ret.)
Kimberly A. Lonsway, PhD

July 2007, Last updated October 2017

Course Description

In this module, we provide information for law enforcement officers, investigators, and supervisors who make decisions regarding how to clear or otherwise close sexual assault cases. This module begins with an overview of the background on the Uniform Crime Report (UCR), the National Incident-Based Reporting System (NIBRS), and a discussion on the revised UCR definition of rape. Clearance decisions are often quite challenging, particularly in a sexual assault case, yet many law enforcement personnel are provided little or no guidance in how to make them appropriately. Therefore, this module outlines the various ways in which a sexual assault case can be cleared or otherwise closed, and explores how and why some cases are not really closed at all but simply suspended or inactivated. The module concludes with best practice recommendations that pertain generally to the successful investigation of sexual assault, because any improvements to the criminal justice response to sexual assault will inevitably lead to more accurate clearances.

Estimated time for completion: 8 hours

OVW Grant Funding

The OLTI was created and continues to be supported with funding from the Office on Violence Against Women, U.S. Department of Justice. However, the opinions, findings, conclusions, and recommendations expressed are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Expert Contributions

OLTI training content is created and updated with input from professionals in a variety of disciplines, including law enforcement, prosecution, health care, victim advocacy, and related fields. Please see the acknowledgements page of each module, for a list of the individuals who served as contributing authors or expert reviewers.

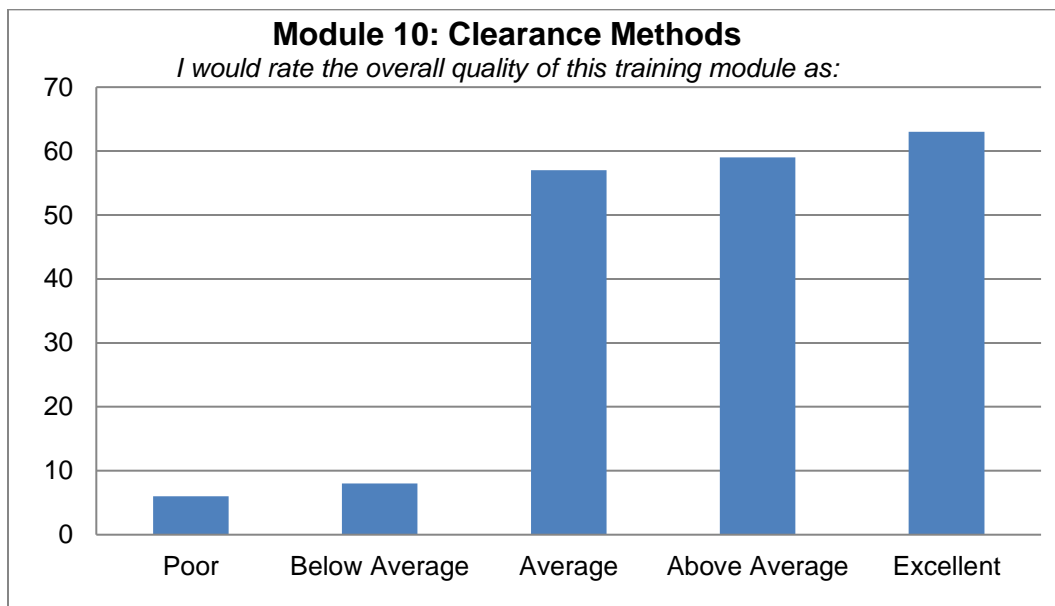
Course Evaluations

At the end of each module participants are asked a number of questions, including the overall quality of the module, as well as its difficulty. They are also asked to indicate how likely they are to apply the information they learned on the job. Their responses are summarized in the following charts, and illustrated with the quotes.

What did you find most helpful in this module?

It was interesting to see the different ways cases were closed and be given a strategy for identifying cases that were closed incorrectly.

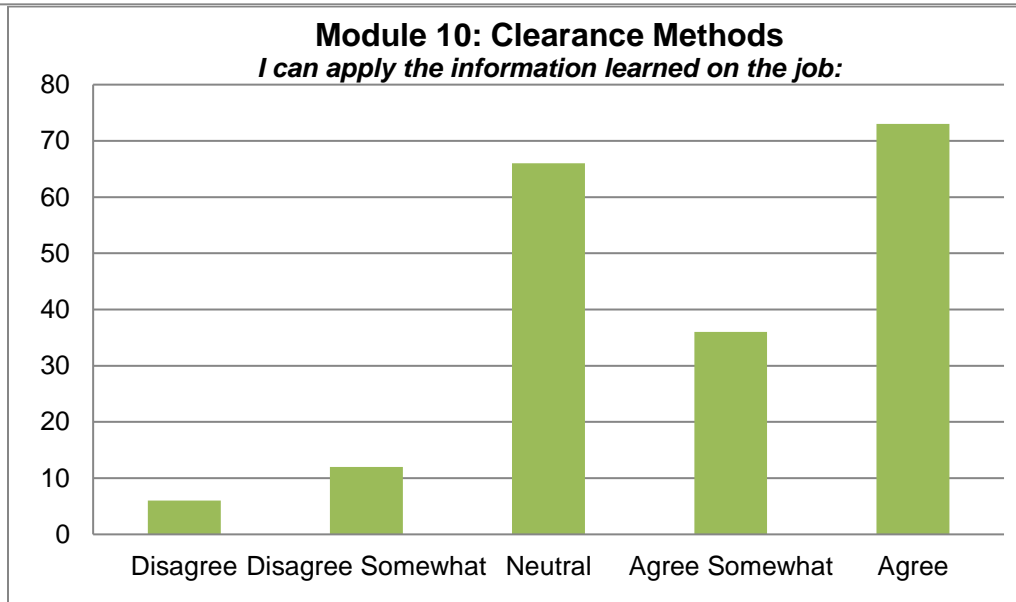
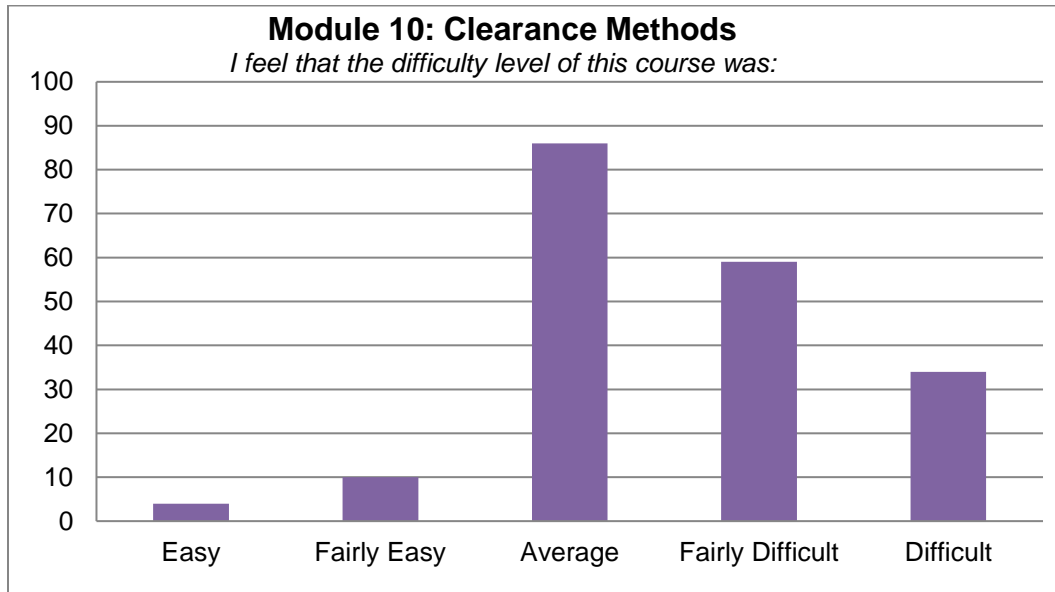
I had no training in UCR clearance requirements at all and I am now anxious to correct what my unit has been doing wrong.



63% rated the module “excellent” or “above average.”

Clearance Methods for Sexual Assault Cases

Archambault, Lonsway



56% “agree” and “somewhat agree” that they can apply what they learned on the job.

Course Objectives

At the end of this training module, the learner will be able to:

1. Identify the various ways in which a sexual assault case can be cleared or otherwise closed.
2. Explore how some cases are suspended or inactivated.
3. Discuss clearance methods defined by the Uniform Crime Report (UCR) program.

Clearance Methods for Sexual Assault Cases

Archambault, Lonsway

4. Identify the criteria for *clearance by arrest*, *exceptional clearance*, and *unfounding*, according to the UCR?
5. Explain the difference between an *unfounded* and a *false report*.

Course Outline

- I. Introduction
 - a. Summary Reporting System (SRS)
 - b. National Incident-Based Reporting System (NIBRS)
 - c. Revised definition of rape
 - d. Data collection purposes only
 - e. Drug facilitated sexual assault
 - f. No change in legal definitions
 - g. The example of male victims
 - h. Need for public education
- II. What are the Methods for Closing a Sexual Assault Case?
- III. Should All Sexual Assault Reports Be Closed at Some Point?
 - a. Crime reports vs. informational reports
 - b. Suspending or inactivating a case
- IV. Clearance by Arrest
 - a. Clarifications and exceptions
- V. Exceptional Clearance
 - a. Victim's "refusal to cooperate"
 - b. Criteria for exceptional clearance
 - c. Misunderstanding and misuse
 - d. Four questions
 - e. Two examples: clearance by arrest vs. exception
 - f. UCR offers clarification
- VI. Unfounded Crime Reports
 - a. False reports
 - b. Baseless reports
 - c. Other guidelines for unfounding
- VII. Problems with Unfounding
 - a. Difficulty distinguishing unfounded vs. false
 - b. No clear criteria for unfounding
 - c. Varying interpretations and procedures
 - d. Ideas about false reporting
 - e. Lack of training on UCR criteria
 - f. Problems establishing the elements of an offense
 - g. Insufficient investigation and premature conclusions
 - h. Pressure to close cases
- VIII. Unfounding to Make Difficult Cases "Disappear"
 - a. When the victim recants
 - b. No significant exam findings
- IX. Other Ways that Difficult Cases Disappear

Clearance Methods for Sexual Assault Cases

Archambault, Lonsway

- a. Undercounting sexual assault
 - b. Downgrading sexual assault reports
 - c. Informal “memos,” “secret files,” and other tactics
 - d. Discouraging victims and “release waivers”
- X. What Happens When Sexual Assault Reports Disappear?
- XI. How Can We Fix the Problems with Clearance Methods?
- XII. Conclusion