



TIBRS TRAINING TIPS

*CLEARING
INCIDENTS
FOR TIBRS*



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CLEARING INCIDENTS FOR TIBRS

There is only one way to clear a Group B incident in TIBRS:

Group B incidents are only reported when an arrest is made, so they can only be cleared by *Arrest*.

For TIBRS, a Group B incident is basically a form of an arrest report. It indicates the offense type, the arrestee information, and the narrative.

There are only two ways to clear a Group A incident in TIBRS:

By *Arrest* or by *Exceptional Clearance*.

If an incident has been cleared by *Arrest*, an *Exceptional Clearance* is never applicable.



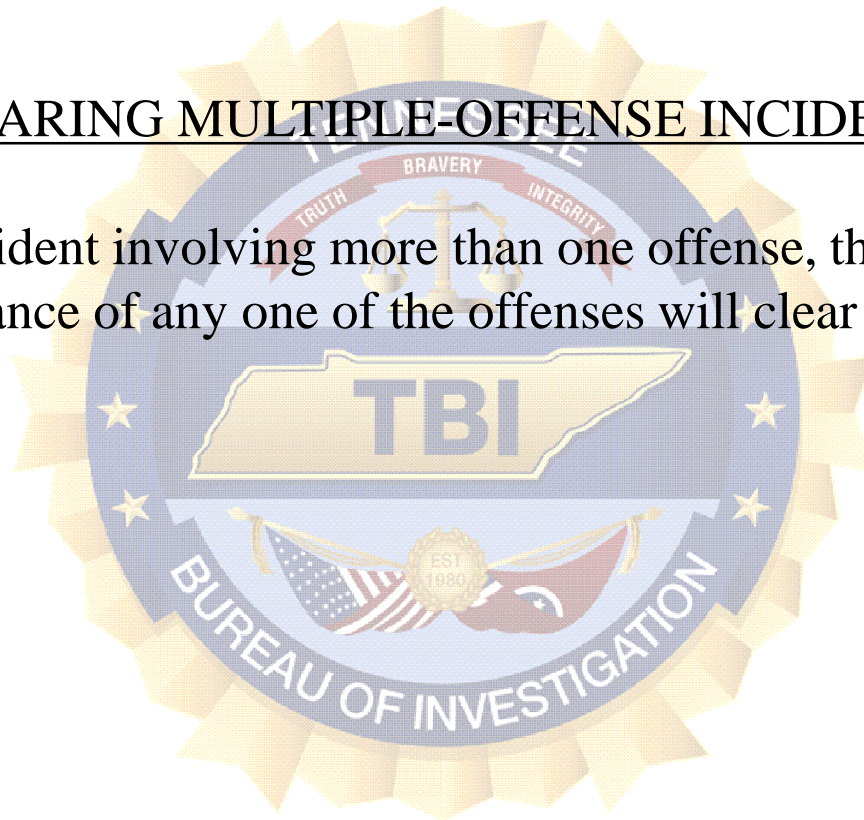


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CLEARING MULTIPLE-OFFENSE INCIDENTS:

In an incident involving more than one offense, the arrest or exceptional clearance of any one of the offenses will clear the *entire incident*.





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CLEARING A GROUP A INCIDENT EXCEPTIONALLY:

ALL FOUR of the following conditions must be met in order to clear an incident by Exceptional Means:

- 1) Investigation must have established the identity of at least one offender (must know the name, race, sex, date of birth, and ethnicity).**
- 2) Sufficient probable cause must have been developed to support the arrest, charging, and prosecution of the offender.**
- 3) The exact location of the offender must be known so that an arrest *could* be made.**
- 4) There must be a reason outside of law enforcement control, which prevents the arrest.**





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EXCEPTIONAL CLEARANCE CODES:

The five valid reasons outside of law enforcement control which prevent the arrest.

DEATH OF OFFENDER

You know at least one of the offenders, plus you have probable cause, plus you know the exact location of the offender so that an arrest could be made, but:
*Before law enforcement can make the arrest,
the offender is killed in a traffic accident.*





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PROSECUTION DECLINED

You know at least one of the offenders, plus you have probable cause, plus you know the exact location of the offender so that an arrest could be made, but:
The District Attorney refuses to prosecute the case for any reason other than lack of probable cause.





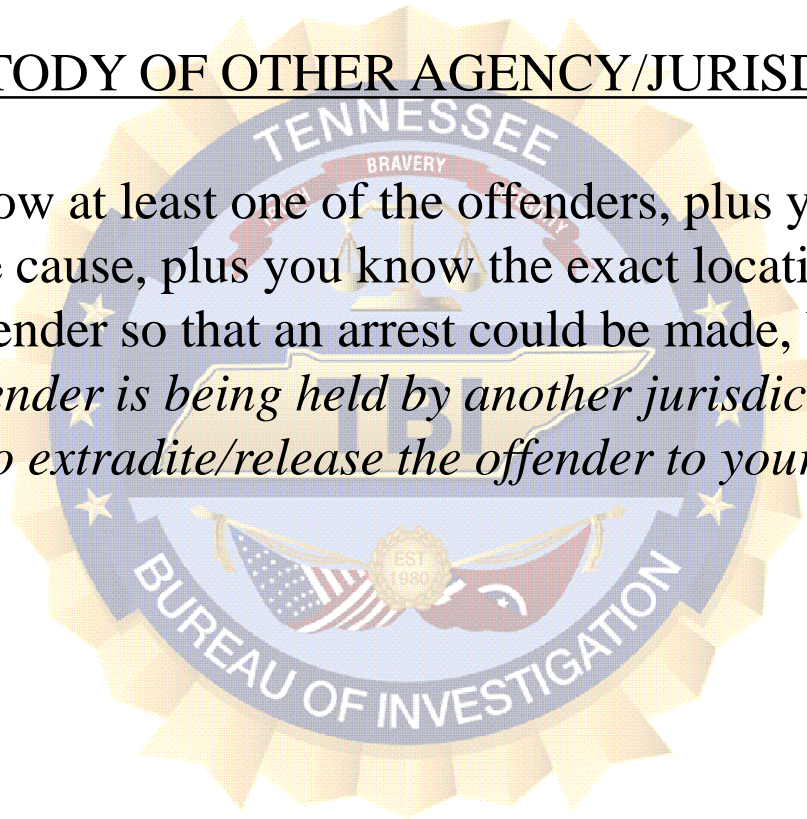
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IN CUSTODY OF OTHER AGENCY/JURISDICTION

You know at least one of the offenders, plus you have probable cause, plus you know the exact location of the offender so that an arrest could be made, but:

The offender is being held by another jurisdiction that refuses to extradite/release the offender to your custody.





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VICTIM REFUSED TO COOPERATE

You know at least one of the offenders, plus you have probable cause, plus you know the exact location of the offender so that an arrest could be made, but:
The victim informs your agency that they will not cooperate with the prosecution of the case.

The victim's refusal should be in writing, or VERY WELL DOCUMENTED in situations when the victim does not respond to repeated contacts by the agency.

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VICTIM REFUSED TO COOPERATE

CAN THIS INCIDENT BE CLEARED?

A victim was struck from behind by an unknown assailant. While giving a statement, the victim told the investigator that he would not want to prosecute even if the offender was located.

This incident cannot be cleared because the offender is unknown.





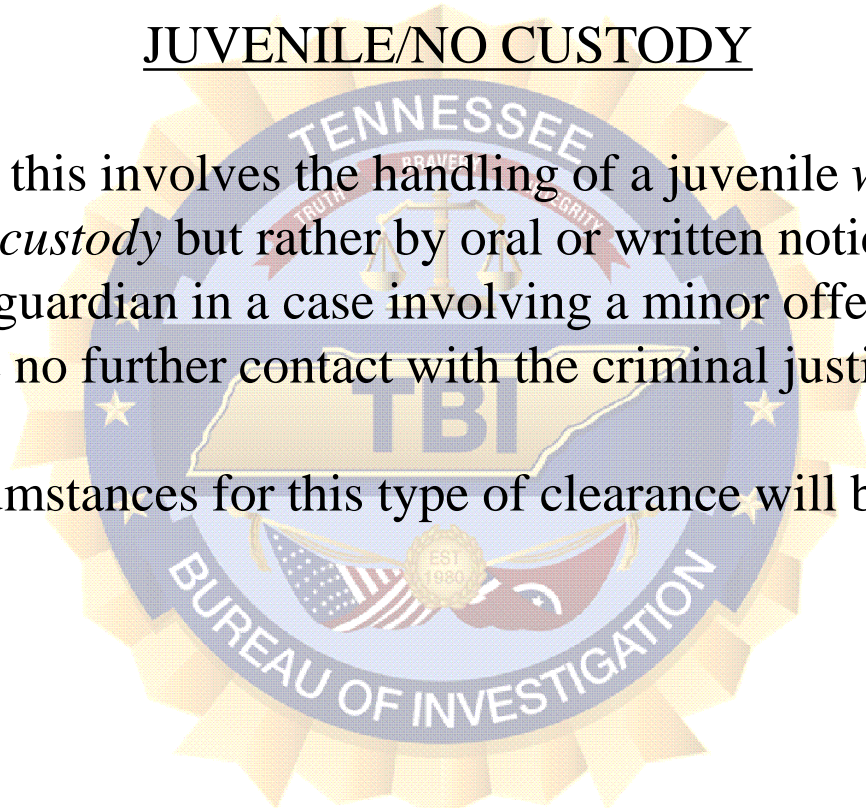
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JUVENILE/NO CUSTODY

Per the FBI, this involves the handling of a juvenile *without taking him/her into custody* but rather by oral or written notice given to the parents or legal guardian in a case involving a minor offense. The juvenile offender would have no further contact with the criminal justice system/authorities.

Circumstances for this type of clearance will be rare.



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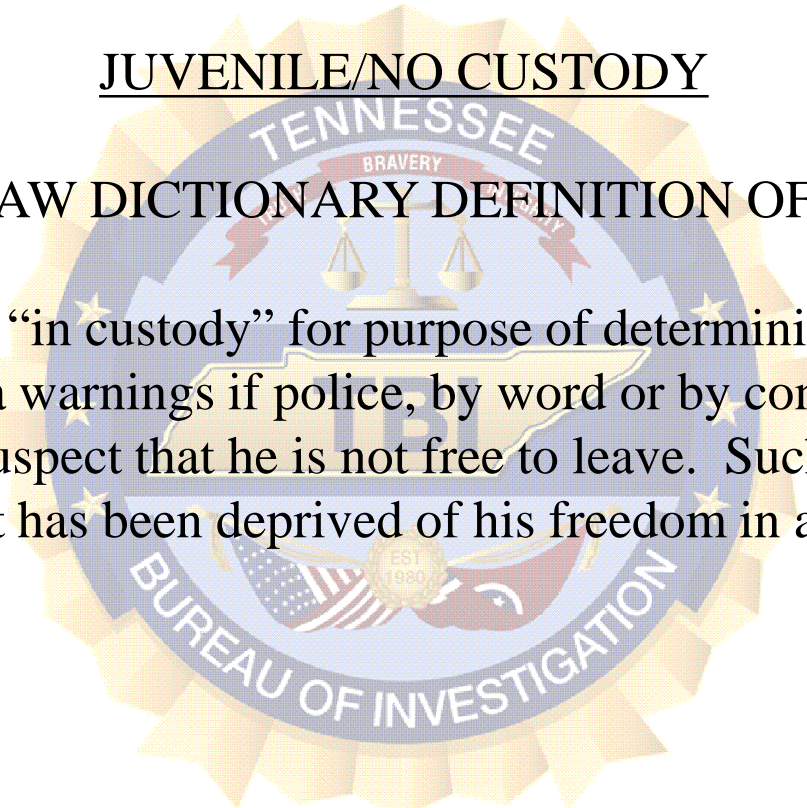
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JUVENILE/NO CUSTODY

BLACK'S LAW DICTIONARY DEFINITION OF CUSTODY:

A suspect is “in custody” for purpose of determining necessity of Miranda warnings if police, by word or by conduct, have manifested to suspect that he is not free to leave. Such custody exists when the suspect has been deprived of his freedom in a significant way.



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JUVENILE/NO CUSTODY

SCENARIO: *Fred, a juvenile, was caught shoplifting. Store security called the police. The responding officer held Fred at the store and called the parents. When the parents arrived 20 minutes later, the officer released Fred to them, issuing a warning against similar behavior in the future.*

Was the juvenile in custody? Was he free to leave? We leave it up to the agency to make that determination. *If your agency determines that the juvenile was **not** in custody, an Exceptional Clearance would be valid. However, if your agency determines that the juvenile was in custody, even though no formal charges were placed, the incident would be cleared by arrest for TIBRS reporting purposes.*

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CLEARANCE SUMMARY

If an arrest is made the incident is cleared by arrest.

If an arrest is not made, but the conditions for an Exceptional Clearance have been met, the incident is cleared exceptionally.

If neither of the above criteria have been met, the incident cannot be cleared.

