



College of Liberal Arts

Center for Public Safety Initiatives

A Comprehensive Review of Case Clearance

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Introduction

The police force bears a fundamental responsibility to bring about justice for crime victims. To best fulfill this role, police officers must hold offenders accountable, beginning with their swift apprehension. Given this expectation, police agencies, and the public alike, have used clearance rates as a direct measure of police performance. However, despite its significance to victims, communities, and society at large, the complexities inherent to case clearance are rarely understood. Indeed, their definition, theoretical importance, and current figures are seldom examined among citizens and police agencies. This working paper will attempt to address this gap in knowledge by discussing the various forms of clearance, the significance of clearance rate through a theoretical and practical lens, and current clearance statistics.

Case Clearance Defined

According to the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) program, a case has been solved for crime reporting purposes if it has been cleared by arrest or by exceptional means (Federal Bureau of Investigations, 2018, para.1). To be cleared by arrest, a law enforcement agency must meet the following three requirements: "at least one person has been arrested, charged with the commission of the offense, [and] turned over to the court for prosecution (whether following arrest, court summons, or police notice)" (Federal Bureau of Investigations, 2018, para.2). It is worth noting, however, that for UCR reporting purposes, clearance is calculated by the number of offenses cleared, not the number of individuals arrested for an offense.

On the other hand, for an offense to be cleared by exceptional means, an agency must meet

the following four requirements: (1) an offender has been identified; (2) the agency has “gathered enough evidence to support an arrest, make a charge, and turn over the offender to the court for prosecution;” (3) the exact location of the perpetrator is known; (4) an element outside the agency’s control prohibits them from “arresting, charging, and prosecuting” the perpetrator (Federal Bureau of Investigations, 2018, para.4). In other words, a police department may clear a case by exceptional means if, for instance, the perpetrator is deceased, the extradition of the offender is denied, or a victim refuses to cooperate after the perpetrator has been identified (Federal Bureau of Investigations, 2018, para.5).

While the Federal Bureau of Investigations (FBI) only recognizes two types of clearances, police departments may have their own informal ways of closing a case, namely administrative clearance (Federal Bureau of Investigations, 2018, para.1). However, as previously mentioned, administrative clearance is not recognized by the FBI for crime reporting purposes. Though definitions may vary across agencies, police departments typically administratively close or “suspend/office” a case if investigators have been extensively investigating but “all possible leads have been exhausted” (Annapolis Police Department, 2001, p.1). Despite the “closing” of a case, the agency may decide to reopen a case if additional information is obtained and has the potential to further the investigation (Annapolis Police Department, 2001, p.1).

Theoretical Implications of Case Clearance

Though appearing simplistic in definition, clearance rates are theoretically complex. Indeed, various criminal justice and criminology theories lend themselves to demonstrating the

significance of the clearance of a case. Perhaps the most disputed domain of clearance literature, mainly by law enforcement officials, is the application of institutional theories of organizations on clearance rates. This theoretical lens posits that police departments must give the *illusion* of being capable of achieving their proposed goals in order to maintain legitimacy in the public eye (Meyer & Rowan, 1977, p.343). Scholars argue that despite clear evidence that investigators are ineffective at solving cases, they can still maintain legitimacy through the recognition of administrative clearance. Conversely, the criminological perspective, specifically through deterrence theory, contends that if police officers are equipped and capable of investigating and apprehending perpetrators, offenders can accurately perceive the risks associated with their behavior and thus, will be deterred from committing the crime (Braga & Dusseault, 2019, p.284). Other criminological theories, however, maintain that an increase of police legitimacy levels may increase cooperation among residents, and in turn, increase the solvability of a case and citizen's disposition to report a crime or ongoing dispute. Though each perspective proclaims distinct rationales for the significance of case clearance, a common thread remains - the clearance of a case is an essential function police officers must perform.

Criminal Justice Significance of Clearance Rates

Institutional Theory of Organizations

A critical advancement in police theory and research can be attributed to the recognition of police departments operating within an institutional context. This body of theory, often referred to as institutional theory of organization, posits that police departments are "systems of coordinated and controlled activities that arise when work is embedded in complex

networks of technical relations and boundary-spanning exchanges” (Meyer & Rowan, 1977, p.340). In other words, the duties and activities police departments are expected to perform largely result from their communication with external sources, namely from citizens and “the view of important constituents” (Zucker, 1987, p.443). Though not every resident may engage in “boundary-spanning exchanges” with their corresponding police department, the agencies will create organized structures and policies based on what is perceived to be a “widespread understanding of social reality” (Crank, 2003, p.189; Meyer & Rowan, 1977, p.343).

However, as various scholars have noted, these policies are “institutional myths” created solely to gain legitimacy. As long as the perception of effectiveness is maintained, so is their legitimacy among their constituents (Meyer & Rowan, 1977, p.343; Crank, 2003, p.189).

According to Meyer and Rowan (1977), police departments create this false reality by loosely coupling their actions with formal structures (p.341). The discrepancies between police activities and organizational policies are best exemplified by the current climate of community-oriented policing. The underlying expectation derived from this model is that law enforcement agencies must engage in “continuous, sustained contact with law-abiding people in the community so that together, they can explore creative solutions to local concerns...” (Mohanty & Mohanty, 2014, p.176). However, though many police departments may occasionally partake in such activities, such as foot patrols to engage citizens, recent investigations have revealed the contrary. Indeed, police agencies, such as the Cleveland Police Department, have engaged in excessive use of force and have failed to “embrace and incorporate the concepts of community policing at all levels” (U.S. Department of Justice, 2014, p.28). Because the organizational structures were initially rationalized to be legitimate, the negative outcomes that follow are often ignored (Crank & Langworthy, 1992, p.342).

When applying this concept to the clearance of cases, similar trends emerge. Inarguably, one of the greatest responsibilities a police officer must fulfill is the identification and apprehension of criminal offenders (Remington, 1975, p.463). However, a recent investigation by *The Atlantic* has revealed that clearance rates for homicides have been steadily declining since the 1960s (Thompson, 2022, para.2). In fact, more than 90% of homicides cases were cleared by arrest or by exceptional means in the 1960s, compared to just over 50% in recent years (Thompson, 2022, para.2). Despite these alarming figures, the legitimacy of policing is rarely discussed unless high-profile cases are brought into the public eye (Keel, Jarvis, & Muirhead, 2009, p.50; Mendez, 2018, p.1).

Even when clearance rates are included in legitimacy discourse, police agencies may rightfully choose to disclose clearance figures that contain cases that have been administratively closed. An agency-made policy such as administrative clearance could give the illusion that investigators are solving cases at a much higher rate. Moreover, the language inherent in administrative clearance policies generally tend to place the burden of solving the case on the community rather than the investigators. This shift in responsibility minimizes the pressure to produce positive case outcomes on police departments and aids in maintaining their legitimacy. Ultimately, the application of institutional theories of organizations on the clearance of cases suggests that clearance rates are vital in preserving the legitimacy of the institution, specifically through their use of administrative policies.

Criminological Significance of Clearance Rates

Deterrence Theory

Inarguably, the most simplistic yet highly effective approach to establishing the significance of clearance rates is through the use of deterrence theory. Originally set forth by Cesare Beccaria in *On Crimes and Punishments*, this paradigm claims that “individuals make decisions based on what will garner them pleasure and avoid pain, and unless deterred, they will pursue their own desires, even by committing crimes” (Tomlinson, 2016, p.33). Beccaria’s thoughts on criminal law and procedure are best summarized by eleven propositions.

Beccaria’s Propositions

1. To maintain order, individuals must give up part of their freedom to establish a contractual society. The social contract enables the government to create criminal laws and punish offenders.
2. Though criminal laws may place restrictions on individual liberties, they should not be unnecessarily restrictive.
3. The guiding principle of the administration of justice should be the presumption of innocence. The rights of all parties involved should be protected at every stage of the justice system.
4. A criminal law code that defines offenses and sanctions should be written in advance.
5. All punishments should be retributive in nature because another individual’s rights were violated.
6. The severity of the punishment should not exceed what is needed to prevent crime and deter criminals.
7. The punishment should be proportionate to the seriousness of the criminal act and not the criminal.
8. The punishment must be certain and imposed swiftly.
9. The purpose of imposing a sanction on an offender should not be to reform the offender or to set an example.
10. Offenders are rational thinkers that are capable of weighing the consequences of the crime, exactly like nonoffenders.
11. The aim of the criminal justice system should be to prevent crime and not be reactive in nature.

Criminological Theory: Context and Consequences
Lilly, Cullen, & Ball (2019), p.17

Though scholars of his time widely supported these propositions, some scholars argued that

for a deterrent effect to take place, other conditions must be present. Indeed, Jeremy Bentham furthered this perspective by adding that a message must be relayed to a target group (i.e., if you kill someone you could go to prison for life) (Tomlinson, 2016, p.33). The public must then interpret the message as a threat and make a rational choice based on the perceived sanctions (Tomlinson, 2016, p.33). When all three elements are present, perpetrators should be deterred from committing criminal acts.

Theoretically, the clearance of a case is perhaps the most appropriate method to create a deterrent effect. Surely, if perpetrators perceive that law enforcement is equipped and capable of identifying, swiftly apprehending, and enforcing a sanction on them, offenders can accurately gauge the risks associated with their behavior (Braga & Dusseault, 2018, p.284). However, as Bentham noted, a deterrent effect can only occur if offenders are aware of clearance rates and are able to associate them with the probability of being apprehended swiftly. Once the association occurs, offenders must feel threatened enough to make the conscious decision to not commit the crime. If all elements are present, and followed according to deterrence theory, higher clearance rates should yield lower crime levels.

Legal Cynicism

The significance of case clearance through a criminological perspective may also be exemplified by legal cynicism theory. Originally developed by Robert Sampson and Dawn Bartusch in 1998, legal cynicism theory argues that perceptions about law, criminal justice, and deviance are the result of two related influences: “(1) neighborhood structural conditions and (2) neighborhood variation in police practices and resident interaction with the police” (Kirk & Papachristos, 2011, p.1198). Simply stated, the structural characteristics of

neighborhoods and police-citizen interactions, when coupled together, influence the manner in which residents view police (Sampson & Bartusch, 1998, p.777).

According to Kirk and Papachristos (2011), an individual's cultural orientation is solely based on whether the law and its agents are perceived to be legitimate, responsive, and equipped to ensure public safety (p.1197). Indeed, this theory suggests that middle-class suburban neighborhoods are more likely to perceive our legal system as functional, primarily because it functions on their behalf (Kirk & Papachristos, 2011, p.1197). Because of their prior experiences with the police, residents living in more affluent areas expect officers to respond quickly and show concern and courteousness when arriving on scene (Kirk & Papachristos, 2011, p.1197). Concern for the well-being of the neighborhood is further reinforced when rare violent incidents occur in the community and instantaneously make the front-page news (Kirk & Papachristos, 2011, p.1197). Given the lack of experience with violent crime and high responsiveness of the police, residents within these neighborhoods often perceive the criminal justice system as functional (Kirk & Papachristos, 2011, p.1197). Residents' faith in the legal system often result in a higher likelihood to seek assistance from the police (Kirk & Papachristos, 2011, p.1198).

Conversely, individuals residing in high-crime inner-city neighborhoods are likely to view our criminal justice system as illegitimate, unresponsive, and ill-equipped to ensure public safety (Sampson & Bartusch, 1998, p.777). Sampson and Bartusch (1998) argue that these perceptions develop because, unlike residents in middle-class urban neighborhoods, they experience violent crime at much higher rates (p.783). Ironically, in these neighborhoods, police officers are either too absent or too present, not invested in the community to attempt

to prevent or fight crime, or are so invested in their authoritative role that they begin to harass residents (Sampson & Bartusch, 1998, p.738). Because these inconsistencies are so evident, when an incident occurs that requires legal assistance, residents do not feel inclined to call the police and would often rather resolve the issue informally—even if it results in a retaliatory killing (Sampson & Bartusch, 1998, p.784; Kubrin & Weitzer, 2003, p.178). Subsequently, as scholars have noted, neighborhoods characterized by higher levels of legal cynicism typically have an increased rate of violence (Kirk & Papachristos, 2011, p.1121).

When applied to the concept of case clearance, legal cynicism theory suggests that the clearance of a case may have significant implications in how citizens may choose to interact with or refrain from the police. Indeed, when an incident occurs, all residents have a minimum expectation that police will respond promptly, conduct a thorough neighborhood canvas, and attempt to investigate exhaustively until “justice is served.” When this occurs, especially when it culminates with the closing of a case, citizens are likely to have a better perception of the police and subsequently may feel more inclined to cooperate with police. As citizen cooperation and police legitimacy increases, residents may be less prone to solving their issues informally and instead rely on law enforcement to handle disputes. This new-found confidence in the police may also result in citizens reporting more crimes to the police.

Conversely, “cynical views of the police and the criminal justice system might lead individuals to conclude that reporting a crime to the police or cooperating with the police to help locate a suspect is of little use” (Kirk & Matusda, 2011, p.447). Should this occur, detectives will often have to reorient their investigative strategy given that identifying a perpetrator in a crime “might prove impossible without citizen cooperation” (Kirk & Matusda, 2011, p.447). When

viewed collectively, legal cynicism theory suggests that the clearance of a case may play a consequential role in citizens' perception of the police and conceivably citizens' willingness to cooperate with ongoing investigations, rely on the police to interfere in disputes, and report crimes to the police.

Practical Significance of Case Clearance

Arguably, the most neglected feature of clearance literature is the impact that the solving of a case may have on the retaliatory cycle of urban violence. In establishing its prevalence, scholars have found that “most of the lethal violence in the United States is not a consequence of random aggression, but of violent, tit-for-tat, retaliatory responses to interpersonal conflict” (Price, 2016, para.4; Pizarro, 2008, p.328). In fact, FBI nationwide data reveals that 71% of homicides that occurred in 2011 resulted from disputes or gang activity (Price, 2016, p.4). These findings were further supported by Klofas, Altheimer, and Petitti’s (2019) study which found that “In Rochester, New York, ... as many as 75% of homicides in any given year are the direct result of a violent dispute” (p.4).

Given the preponderance of retaliatory violence on both the national and local level, leading scholars have suggested that investigative interventions, specifically through the use of criminal arrests, may be effective at preventing retaliatory violence. Certainly, the incapacitation that results from arresting a dispute participant prevents both parties from engaging in subsequent retaliatory violence (Klofas et al., 2019, p.16). Furthermore, “the filing of criminal charges can provide leverage that might be helpful with regard to other preventative measures” (Klofas et al., 2019, p.16). For instance, once an individual has been arrested and criminal charges have been filed, prosecutors may offer leniency in exchange

for additional information. The potential trail of evidence that results may offer intelligence on key players, locations of weapons, or previous unsolved cases. Prosecutors may also obtain this information by monitoring jail conversations/telephone calls (Klofas et al., 2019, p.16). If proper action is taken by law enforcement during this incarceration period, subsequent retaliatory acts of violence can reasonably be prevented.

General Clearance Statistics

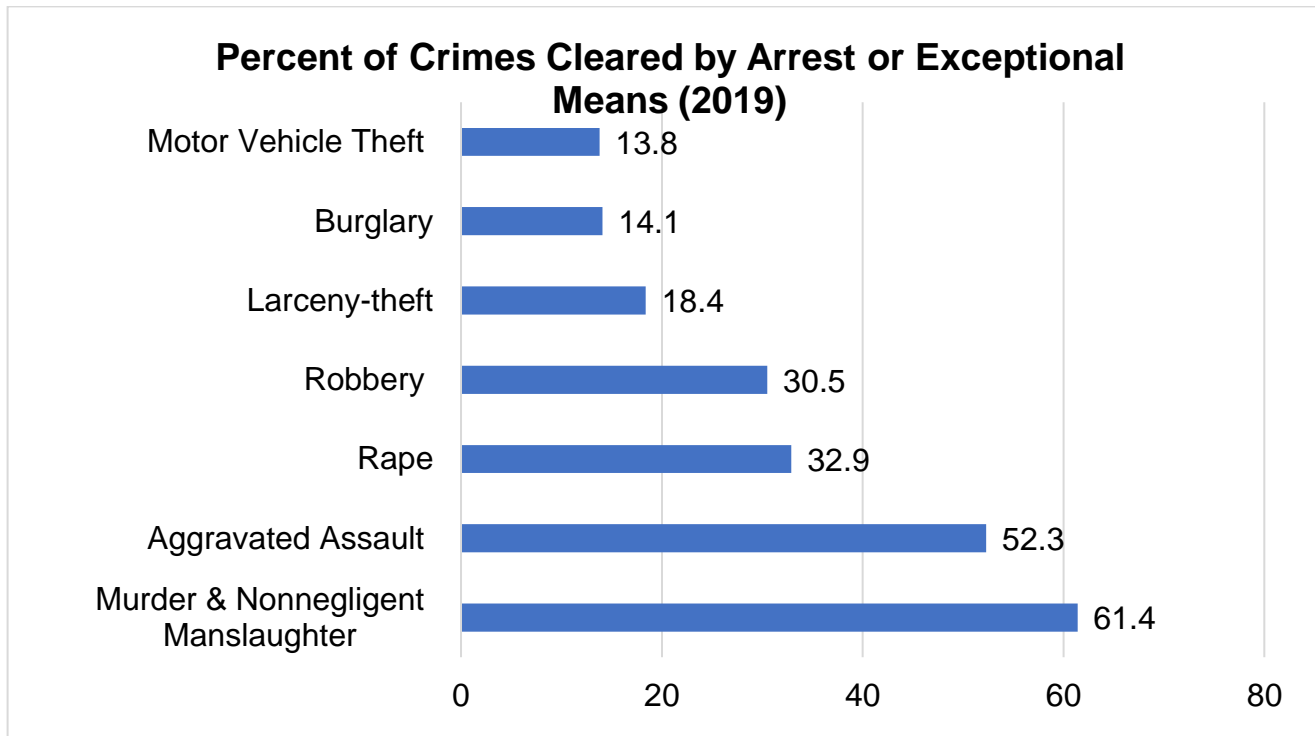
The final, and most pragmatic approach to understanding case clearance is through the examination of clearance rates. Clearance rates are “obtained by dividing the number of offenses cleared by the number of offenses known and then multiplying the resulting figure by 100” (FBI, 2019, p.2). Obtained by the FBI’s UCR program, this standardization of clearance figures allow us to compare jurisdictions and types of offenses.

To begin at the most basic level, figure 1 shows the national clearance rates for all part I crimes except arson.¹ As anticipated, violent crimes have significantly higher clearance rates than property crime. In fact, the largest variation observed is between motor-vehicle theft and murder and nonnegligent manslaughter, reporting a difference of 47.6%. Moreover, murder and nonnegligent manslaughter had a clearance rate 4.4 times higher than motor-vehicle theft and burglary, and 3.3 times higher than larceny-theft. Substantial differences were also observed within types of violent crime. Murder and nonnegligent manslaughter had a

¹ Arson clearance rates were not included in this analysis given that not all agencies submit arson reports to the FBI. Though some agencies do, the significantly smaller sample size does not reflect national levels, and thus, rendered unreliable.

clearance rate 2 times higher than robbery and 2.9 times higher than rape. Furthermore, aggravated assault reported a clearance rate 1.7 times higher than robbery and 1.6 times higher than rape.

Figure 1. Percent of Crimes Cleared by Arrest or Exceptional Means (2019)



According to Braga and Dusseault (2018), these stark differences may be attributed to the fact that arresting serious criminals (i.e., individuals who have committed homicide), “can have great moral significance to the investigator ... [as it] gives the officer a tangible sense of protecting the community” (p.285). Consequently, officers may put forth additional effort and resources to increase their likelihood of clearing the case (Braga & Dusseault, 2018, p.287). Conversely, other perspectives suggest that violent crimes may be more likely to yield witnesses when compared to property crimes (Friedman & Cullen, 2016, para.6). In spite of

these reasons, clearance rates for violent crimes are still at best mediocre given that only six out of ten suspects in a murder are arrested.

Though overall clearance rates provide some insight, specific offense breakdowns are beneficial to understanding how the circumstances of an incident may impact case outcomes. Table 1 displays offense breakdowns for part I crimes, with the exception of larceny-theft and murder and nonnegligent manslaughter, and their corresponding clearance rates.² The most apparent finding within table 1 is the large variation within the aggravated assault category, with a difference of 27.3%. The chances of clearing an aggravated assault nearly doubled if a body part was used when compared to those committed with a firearm. Vaughn (2020) claims that crimes involving personal weapons (e.g., hands, fists, feet, etc.) have a higher solvability rate “since they are more likely to involve victim-offender contact and to leave physical evidence” (p.3).

Another significant finding is the substantial difference in case outcomes between the arson of a structure and of a mobile. In fact, the arson of a structure is 2.4 times more likely to be solved when compared to the arson of a mobile. Despite the lack of plausible explanations in the literature, this trend may be the result of a discrepancy in evidence found at the scene. Certainly, if a mobile unit has been relocated after the arson has been committed, the possibility of finding physical evidence diminishes greatly. Conversely, the inability to move a

² The FBI obtains clearance figures for specific offense breakdowns via the Return A or the Monthly Return of Arson Offenses Known to Law Enforcement. Given that not all agencies participate, clearance figures may differ from other sources.

structure requires more effort on behalf of the perpetrator to discard of physical evidence. Though not endorsed by the literature, this may be a practical explanation to this trend.

Table 1. Clearance Rates by Type of Offense Breakdown

Type of Offense		Percent Cleared by Arrest
Rape	Rape by force	32.6
	Assault to rape-attempts	37.1
Robbery	Firearm	22.2
	Knife or cutting instrument	33.4
	Other weapon	29.9
	Strongarm	31.2
Aggravated Assault	Firearm	31.3
	Knife or cutting instrument	55.7
	Other weapon	49.8
	Hands, fists, feet, etc.	58.6
Burglary	Forcible entry	12.7
	Unlawful entry	16.1
	Attempted forcible entry	13.8
Motor Vehicle Theft	Autos	14.6
	Trucks & buses	11.5
	Other vehicles	11.3
Arson	Structure	28.2
	Mobile	11.9
	Other	26.2

Conclusion

Despite there being a plethora of research available, the nuances inherent to case clearance are often misunderstood. Indeed, there are numerous variations in its definition

given that police departments can create policies to close cases informally (i.e., administrative clearance). Though these policies are not recognized by the FBI UCR program, proponents of the institutional theory of organizations perspective argue that administrative clearance is used merely to appear legitimate to the public, and without it, the survival of the institution is at risk. On the contrary, criminologists argue that the clearance of a case is consequential in deterring individuals from pursuing their desires through criminal behavior and resolving disputes among themselves. When viewed within a practical context, one could also argue that the investigative intervention, solely through the arrest of a perpetrator, can largely disrupt the retaliatory cycle of violence that is inherent to urban environments. Though these perspectives provide distinct rationales for the significance of case clearance, they all proclaim that identifying and apprehending offenders are an essential function police officers *must* perform. Finally, a brief overview of clearance figures suggests that violent crimes are solved at substantially higher rates than property crimes, and even within these categories, large variations exist depending on the circumstances of the incident.

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About the Center for Public Safety Initiatives

The Center for Public Safety Initiatives is a unique collaboration between RIT's [Department of Criminal Justice](#), the City of Rochester, and the criminal justice agencies of Greater Rochester including the Rochester Police Department and Monroe County Crime Lab. Its purpose is to contribute to criminal justice strategy through research, policy analysis and evaluation. Its educational goals include training graduate and undergraduate students in strategic planning and policy analysis.

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