

12.405 CLOSURE OF OFFENSE REPORTS

References:

Ohio Incident Based Reporting System Manual
Procedure 12.400 – Incident and Miscellaneous Reporting
Procedure 12.401 – Telephone Crime Reporting Unit (TCRU)
Procedure 12.420 – Reporting Vehicle Thefts and Related Offenses

Policy:

When taking an offense report, the reporting officer will complete a thorough initial investigation. The officer will record all pertinent information accurately on the original Ohio Incident Based Report and the Form 311, Incident Report Supplement. Under the Early Closure System, the maintenance of a high standard of clearance is dependent on the quality of the preliminary investigation.

If the reporting officer determines there is no evidence or witnesses, and no viable crime scene to assist investigators in identifying the individual(s) responsible for the offense, the case may be subject to immediate Early Closure by providing the complainant with a Form 311CL, Closure Letter. The offense will be reported as usual, reviewed and approved by a supervisor and forwarded to a district investigative supervisor. The investigative supervisor will review the report for any crime patterns, trends or case similarities. The investigative supervisor will make the final decision about the case closure.

The closure process will include: reviewing and analyzing all previous reports prepared in the preliminary phase; Department records; results from laboratory examinations; conducting additional interviews and interrogations; seeking additional information (from uniformed officers, informants); planning, organizing, conducting searches, and collecting physical evidence; identifying and apprehending suspects; determining involvement of suspects in other crimes; checking suspects' criminal histories; preparing cases for court presentation; and making a "second contact" with principals involved in a case requiring follow-up investigations or which has been closed.

Information:

Close offense reports assigned to Patrol Bureau and Criminal Investigation Section (CIS), with the exception of homicide cases and missing persons, within 28 days from the date reported to police.

Neither a Form 311 nor an Ohio Incident Based Report, is required to close a case with an original arrest or an original otherwise. If a case is an original arrest closure, the arrested must be charged with the reported offense. An original otherwise closure requires a statement justifying why the case is not closed by arrest. Record this information on the original Ohio Incident Based Report, in the "Narrative" section.

However, fill out a Form 311G, Confidential Investigative Notes-General, if there are additional suspects not arrested, or if the offense is similar to other unsolved offenses.

The recovery of stolen property is supplemental to the closure of an offense. It has no bearing on the type of closure.

The unit commander, or designate, must review and approve closing reports to ensure the report is complete and correct.

Procedure:

A. Case Assignment Criteria for Follow-Up Investigation:

1. Follow-up investigation of an offense report will occur when any of the following apply:
 - a. Suspect identification can be developed from:
 - 1) Usable fingerprints.
 - 2) Significant physical evidence.
 - 3) Victim, witness, or informant information.
 - 4) A license number or significant description of a vehicle used in the offense.
 - b. There is serious physical harm, or the threat of serious physical harm to the victim. Generally bomb threats and obscene phone call offenses are not assigned for investigation. However, aggravated circumstances may cause assignment of any of these offenses.
 - c. The suspect used a deadly weapon or dangerous ordinance.
 - d. There is a significant modus operandi (MO) which will aid in the solution of the offense.
 - e. The offense is a sex crime in which the victim and suspect had physical contact.
 - f. There is another reason to assign the offense for investigation.

Example: Hazardous or dangerous material stolen

Example: A reported offense which would raise community concern

2. All offenses involving Motor Vehicle Thefts, Unauthorized Use of a Motor Vehicle, and License Plates Thefts will have a three day follow-up investigation period to verify registration and to ensure accurate information. When assigned, these cases will have a 28 day follow up.

B. On-scene Closure of Incident Reports

1. During the initial offense investigation, if the reporting officer determines there is no evidence or witnesses, and no viable crime scene, the officer will:
 - a. Complete the appropriate Ohio Incident Based Report(s).
 - b. Provide a Form 311CL, Closure Letter, to the complainant and answer any questions they may have.
 - c. Indicate on the 311 that the complainant was provided with a Closure Letter.
 - d. Submit the report for review and approval as usual.
2. If the complainant strongly disagrees with the early closure, the reporting officer should submit the report for investigation, indicating on the 311G the reason no 311CL was given to the complainant.

C. Methods Used to Close Offense Reports:

1. An offense is cleared by "Arrest" when at least one person is arrested and charged with the commission of the reported offense.
 - a. List the arrest's name, address, sex, race, age, charge, control number, etc., on the closing Form 311.
 - b. In cases involving juveniles, place the charge of Juvenile Delinquency along with the specific offense on the Form 311.
2. In order to clear an offense with an exceptional clearance i.e. "Death of Offender," "Prosecution Declined," "In Custody of Other Jurisdiction," "Victim Refused to Cooperate," or "Juvenile/No Custody," the following conditions must be met and all necessary information must be documented on the closing Form 311:
 - a. The investigation has definitely identified at least one suspect.
 - b. Sufficient probable cause was established to support the arrest and prosecution of the suspect.

- c. The suspect's exact location is known and an arrest can be made.
 - d. There is some reason outside police control preventing the charging and arrest of the suspect.
 - e. Complete suspect information (name, address, sex, race, DOB, etc.) must be on the closing Form 311.
3. Substantiate related multiple exceptional clearance closures (four or more) by one of the following:
- a. A copy of a recorded statement or a copy of a signed statement by the suspect. The contents will include the suspect admitting to the offenses and some details of the commission of the offenses.
 - b. A Form 17 signed by a unit supervisor listing the offenses submitted for closure (offense number and the complainant's name) and details for the otherwise closures.
4. Inactive Closures ("Warrant Issued" or "Investigation Pending")
- a. An offense can have an "Inactive" closure even though there is property recovered and/or there is knowledge of the identity of the perpetrator who has not been apprehended.
 - b. Reopen and close these inactive reports according to new developments.
5. Unfounded Reports
- a. Unfounding an offense report does not count as a case closed. The offense is removed from the reported crime statistics.
 - b. A report is unfounded because the reported facts do not constitute a reportable offense, or the investigation reveals the reported facts did not occur.
- D. Early Closure of Ohio Incident Based Reports ("Closed"):
- 1. Early close an Ohio Incident Based Report that does not meet the criteria for follow-up investigation. Complete a Form 311. Select "EC" next to the "Closed" box.
 - a. The case assignment supervisor will review all offenses and determine the case assignment status.

2. When an offense does not meet the necessary criteria for follow-up investigation, the investigating officer will review, sign, and immediately forward a postcard to the complainant with the early closure information.
- E. Final Disposition of **Ohio Incident Based Reports** (Except Early Closure):
1. Upon conclusion of the follow-up investigation, the investigator will:
 - a. Conduct a final interview with the complainant by telephone or in person.
 - b. Advise the complainant the investigation is being terminated. If there are additional investigative leads, such as an arrest or property recovery, the investigation may be reopened and the complainant will be contacted and provided with the pertinent developments.
 - 1) Note notification of the complainant of the case closure on the closing Form 311.
 2. When there is an arrest when taking the original Ohio Incident Based Report, note in the "Narrative" section that the complainant was notified of the case closure.
- F. Supplementary Offense Report (Form 311):
1. Use the Form 311 to close the Ohio Incident Based Report.
 - a. Complete information pertinent to any closure must appear on the Form 311.
 2. Complete a Form 311 to report the recovery of stolen property believed to have been stolen locally, but not identified with any local offense reports.
- G. Scoring Arrests:
1. As the scoring of arrests is determined from the officers' names and district appearing on the Arrest and Investigation Report (Form 527) under "Arresting Officer," only those officers who qualify within the definition should be listed.
 - a. The arresting officers are only those officers at the scene of the arrest who actively participate in the arrest.
 - b. Officers who may supply information leading to an arrest or develop evidence pertaining to the arrest will be termed "Cooperating Officers," and their names will be entered on the Form 527 under "Facts of Arrest."

2. In general, when making an arrest, the credit goes to the arresting officer(s)' district or unit of assignment. Examples are:
 - a. If a District One officer makes an arrest in District Two, credit the arrest to District One.
 - b. If the Criminal Investigation Section makes an arrest in District One, credit the arrest to the Criminal Investigation Section.
 - c. If a District One officer is off duty and makes an arrest in District Two, credit District One with the arrest.
3. When officers from more than one district or unit make an arrest, credit the arrest to the district wherein the arrest is made, provided one of the arresting officers is assigned to the district of arrest.
 - a. The above policy for crediting arrests will also apply to multiple arrests.
4. Officers employed by private agencies who work in a police capacity will be considered in the same class as a private policeman. When they make arrests while so engaged, credit for their arrest goes to the district where the arrest was made.
 - a. It will be the responsibility of the arresting officers to furnish the Hamilton County Justice Center Intake sufficient information of their outside employment status (under the above paragraph), so that correct information can be placed on the arrest forms.