



NIBRS Coding Scenarios

Exceptional Clearance - Prosecution Declined

Scenario: Agencies have difficulty in knowing whether they can clear a case by Exceptional Clearance - Prosecution Declined.

Scenario Coding: Below are a few examples of when it is appropriate to use "Prosecution Declined" as an Exceptional Clearance.

1. There were mutual combatants in a simple assault case. The prosecutor reviews the case and renders a decision that it is an "agreed fight" and they are not going to prosecute.
2. An employee took money from the cash register in an embezzlement case. The case was forwarded to the prosecutor's office for further review. The prosecutor rendered a decision that if the offender pays back the employer the prosecutor will not prosecute. Basically, in this case the prosecutor pleads out the case.
3. Law Enforcement turns over their case to the prosecutor who advises that they will not prosecute the case because the suspect is a first time offender.
4. A senior citizen steals a candy bar from the local grocery store. Law enforcement turns over their case to the prosecutor who advises the dollar amount is too low and will not prosecute the case.

Note: These examples are specifically talking about exceptional clearance code B=Prosecution Declined (by the prosecutor for other than lack of probable cause). What it means is that the prosecutor deems that there is enough to prosecute the case but the prosecutor will not for some of the reasons cited above in the examples. If at any point the prosecutor says there is not enough here to prosecute the case and law enforcement needs to go back out and gather more information/leads, then a case should not be cleared by exceptional means.

Agencies also need to remember that it is important that they are answering YES (affirmative) to each of the four conditions listed in the NIBRS Volume 1: Data Collection Guidelines on page 70 in order to even get to the point of exceptional clearance in NIBRS.

There are two ways in NIBRS that you can clear a case. That is by an arrest or exceptional means.

Reference: NIBRS Volume 1: Data Collection Guidelines (blue cover), Cleared Exceptionally, pp 69-70.



Note that the preceding gives general examples. It is not meant to be all inclusive. Coding is based on individual case circumstances. Please direct NIBRS questions to:

Brenda Manning
Criminal Statistical Analysis Center
605-773-6312 or brenda.manning@state.sd.us

