

Florida Statutes and UCR Comparison

Points of confusion

	Florida Statute	UCR
<i>Burglary</i>	Entering a <u>dwelling, a structure, or a conveyance</u> with the intent to commit an offense therein, unless the premises are at the time open to the public. Or the remaining in a dwelling, structure, or conveyance surreptitiously, with the intent to commit an offense therein;	The unlawful entry into a <u>building or a structure</u> that has four walls, a roof, and is capable of being closed.
<i>Theft</i>	A person knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently deprive the other person of a right to the property or a benefit from the property or appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.	The unlawful taking, carrying, leading or riding away of property from the possession, or constructive possession, of another person.
<i>Burglary to a vehicle</i>	Entering a conveyance/vehicle unlawfully and stealing property from within.	Classified as a theft from motor vehicle (larceny). NOTE: The taking of vehicle <u>parts and accessories</u> attached to a vehicle regardless if it is inside or outside the vehicle is also considered a larceny.
<i>Attempted Murder</i>	The unlawful attempt to kill another human when the victim survives.	Classified as an aggravated assault.

How Certain Offenses Are Counted Per UCR

UCR Crime

How It's Counted

<i>UCR Crime</i>	<i>How It's Counted</i>
<i>Persons Crimes</i>	<p>Homicide, Negligent Manslaughter, Forcible Rape, Forcible Sodomy, Forcible Fondling, Aggravated Assault, Aggravated Stalking, Simple Assault, Simple Stalking and Intimidation, are persons crimes. NOTE: Doesn't include robbery.</p>
<i>Property Crimes</i>	<p><u>Robbery</u>, Larceny, and Arson are property crimes per UCR.</p> <p>Burglary is also a property crime.</p>
<i>Hotel/Motel Rule</i>	<p>Burglaries of hotels/motels and other places where <u>temporary</u> lodging is the main purpose, should be counted according to the "hotel/motel rule". This rule dictates that if multiple dwelling units are burglarized, the burglary should be scored as one offense, regardless of the number of individual rentals burglarized or victims involved.</p>
<i>Rental Cars not returned</i>	<p>Rental cars which are not returned or which were obtained by Fraud are not reported as Motor Vehicle Theft.</p>
<i>Other Stolen Vehicles</i>	<p>A motor vehicle stolen during a Murder, Rape, Robbery, or Burglary is not reported/counted as a theft.</p>

Exceptionally Clearing Cases

A clearance by exception is when an arrest can't be claimed because there's some reason beyond law enforcement control that prevents the arrest from occurring. To clear a pending case by exception you must be able to **successfully answer yes to all of the following questions:**

- Has the investigation definitely established the identity of the offender?
- Is there enough information to support an arrest, charge and prosecution of the offender?
- Do you know the exact location of the offender so that you could take him into custody now? *(This means you must know his physical location not just the address where he has resided)*
- Is there some reason beyond law enforcement control that stops you from arresting, charging and prosecuting the offender?

Note: Answering no to any one of the questions above prevents you from clearing the case by exception.

Generally, an offense can be cleared exceptionally for the following reasons. Note: You must successfully answer yes to the four questions above before using any of the reasons provided below to exceptionally clear a case:

- **Death of the offender** – when the perpetrator of the offense dies during the commission of the offense or prior to his/her arrest.
- **Extradition declined** – when an agency is notified that a person that they have a current warrant on has been arrested by another agency and extradition is declined by either agency.
- **Victim/Witness Refuse to Cooperate** – when your agency has successfully answered yes to the four prerequisite questions and the victims refusal to cooperate is the only reason an arrest and/or prosecution did not occur. *(The victims refusal to cooperate does not unfound the case.)*
- **Juvenile/No Custody** – when a juvenile is identified as a perpetrator and your agency either handles the matter in-house or through the Department of Children and Families and no prosecution is required.
- **Arrest on Primary Offense, Secondary Offense Without Prosecution** – when an arrest was made and the subject has committed several offenses that can be cleared and the state attorney or agency decides not to prosecute on some of the cases. *(A clearance by arrest can be claimed for all of the offenses that the subject is prosecuted on.)*
- **Prosecution Declined** – when the agency has identified the offender and has sufficient evidence to prosecute the individual, but prosecution is not pursued on this offense for reasons other than those provided above.

The Following Circumstances do not meet the criteria of an exceptional clearance:

1). Turning a case over to the state attorney for prosecution. *Notification from the state attorney providing reason(s) for lack of prosecution will help you determine if the case can be cleared exceptionally.* The case cannot be cleared exceptionally if the reason is because of lack of evidence or not enough information to support an arrest or prosecution.

2). The issuance of a warrant. *The warrant must be served. Once the warrant has been served in person, a clearance by arrest can be claimed.*

3). The recovery of property/vehicle. *Arresting an individual who is in possession of stolen property or a stolen vehicle from a pending crime may or may not clear the case. If the individual is charged with the theft of the property or vehicle then the case may be cleared by arrest. However, if the individual is charged with possession of stolen property and cannot be linked to the actual theft then the case cannot be cleared by arrest or exception.*

4). The administrative closing of a case or the “clearing” of a case by your agency’s departmental policy. Your agency may have in-house policies that permit you to close cases at the agency level for the following reasons: statute of limitation, no investigative leads or follow-up resources. Note: Closing cases based on an agencies internal policies does not necessarily permit a clearance by UCR standards. The guidelines for clearing cases by arrest and exception must be applied when clearing cases in accordance with UCR procedures.

NOTE: The issuance of a warrant or referring a case to the State Attorney's Office does not meet the criteria of an exceptional clearance. Once a warrant has been served in person, a clearance by arrest can be claimed. If a case is referred to the State Attorney's Office, an exceptional clearance can only be claimed if the agency is advised that the victim or witness refused to cooperate; the State Attorney's Office declines prosecution for reasons other than lack of evidence or not enough information to support an arrest or prosecution; or the State Attorney advises the defendant will be prosecuted on another violation with the secondary offense dropped.

If the State Attorney declines prosecution on the case because of lack of evidence or because there is not enough information to support an arrest or prosecution, the case cannot be cleared by exception.