



FBI moves to fix critical flaw in its crime reporting system in response to investigation

'Case Cleared,' a joint investigation from Newsy, Reveal and ProPublica, spurs FBI to fast-track process enabling police agencies across the nation to become more transparent about the outcomes of crime investigations

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CINCINNATI – The FBI is fast-tracking a process to reform its new system for reporting crimes following details uncovered in "Case Cleared: How Rape Goes Unpunished in America," a joint investigation from Newsy, Reveal from the Center for Investigative Reporting and ProPublica.

The investigation uncovered a major flaw in the FBI's new system for tracking crime reports, the National Incident-Based Reporting System (NIBRS). Cases classified as "unfounded," where police either do not believe the victim or do not believe the crime occurred, are no longer tracked – erasing any trace of this practice in the FBI's new system.

The Prince William County Police Department in Virginia, for example, showed no unfounded cases in the government's updated system in 2016. However, internal department records show that it classified nearly 40 percent of all rape cases as unfounded.

The FBI is now expediting a process to reform NIBRS rules in a way that is expected to require the nation's police agencies to report unfounded crimes. According to Stephen Fischer, spokesperson for the FBI, this decision was made "...because of the importance of the 'unfounded data' issue..." disclosed in the investigation.

"Case Cleared" originally aired in mid-November through cable broadcasts, radio, podcast and online distribution.

Typically, major changes to FBI rules go through lengthy processes just to get on the agenda for consideration. "This is lightning fast compared to how this usually works," said Erica Smith, chief of the incident-based reporting unit for the Department of Justice's Bureau of Justice Statistics.

"You've uncovered something that needs to be corrected," said Col. Edwin C. Roessler Jr., chairman of the FBI's NIBRS transition task force and chief of police in Fairfax County, Virginia. "This is a crisis, an emergency."

The FBI will work over the next several months to develop recommendations to bring greater accountability and transparency to how crimes are closed. A key advisory board will vote on the recommendations in June. If approved, they will go to the FBI director for implementation.

Reporting that creates change at local levels

The investigation from Newsy and its partners also had significant impact at local levels. "Case Cleared" exposed dozens of law enforcement agencies across the country who made it appear as

though they have solved a significant share of their rape cases when they simply had closed them using a tactic called “exceptional clearance.”

For a rape to be cleared by exceptional means, the FBI requires that the police know who and where the suspect is and have enough evidence to support an arrest but can’t arrest the suspect because of an element outside the control of law enforcement, such as the suspect is dead or already in jail. When police report how many cases they have cleared, most do not have to identify how or why, just the number of cases cleared.

Soon after the investigation aired, Steve Adler, the mayor of Austin, Texas, said the issues raised in “Case Cleared” are concerning and must be an immediate priority for the city. He told the Austin Chronicle, in response to the reports: “More than anything else, we must make sure we’re doing everything that we can do to prosecute and protect communities from sexual predators.” The Texas Department of Public Safety is now auditing how the Austin Police Department processes and clears sexual assault cases.

Opening up rape-case data for the greater good

Newsy and its partners are sharing the data as a public service. An interactive version of this data is available to the public through a feature on ProPublica’s [website](#), making it possible for communities to learn the truth for the first time about how often rape cases in their own areas are solved “exceptionally.” Detailed data for more than 60 law enforcement agencies are available by request through the [ProPublica Data Store](#) and the [Stanford Digital Repository](#).

Newsy and its partners also hosted a webinar last week for reporters who wanted to learn how to use the data for their own reporting on these issues.

“Case Cleared” aired on two episodes of the [“Reveal” podcast](#) and public radio show and on Newsy’s cable channel and over-the-top streaming platforms in November. Newsy will air the investigation again via an hour-long special report on Dec. 15 and 16 at 8 p.m. Eastern on its cable channel. The investigation can also be viewed at [newsy.com/casecleared](#).

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