

## BERKELEY POLICE DEPARTMENT

DATE ISSUED: December 9, 1993

GENERAL ORDER R-16

SUBJECT: CLASSIFICATION, CHANGING OF CLASSIFICATION AND  
UNFOUNDING OF REPORTS

### PURPOSE

- 1 - To assure close adherence to the classification rules of the Committee on Uniform Crime Reporting, the following rules shall govern classification of reports or changes of classifications:

### POLICY

- 2 - The classification of every report will be that of the offense actually committed so far as can be reasonably determined from the data available.

### PROCEDURES

- 3 - Where there is doubt as to which one of two or more offenses is the proper classification, the more serious offense will be used. Example: If there is doubt as to whether an offense is Burglary or Theft, it will be classified as Burglary.
- 4 - If an offender is apprehended and it is found desirable to prosecute for a lesser offense than that actually committed, the original classification shall stand. Example: If an offender is arrested for passing a fictitious check and did, in fact, pass such check, but upon prosecution he/**she** is charged with Petty Theft, the classification of the report will remain Fictitious Check.
- 5 - Where a warrant is issued for a lesser offense, the classification of the report will remain that of the offense committed.
- 6 - The refusal of the Prosecuting Attorney to issue a complaint or warrant shall not form the basis for changing the classification of a report. However, should the Prosecuting Attorney render an opinion that no crime had been committed, or that the crime alleged had not been committed, then the report shall be appropriately reclassified.
- 7 - Questionable classifications and all changes of classifications involving major offenses shall be approved by the Captain of the **Support Services Division**.
- 8 - When a defendant is prosecuted on, or a warrant issued for, a lesser offense than that committed, the charge on which he/**she** is prosecuted, or warrant is issued, shall be shown on the Arrest Record as "Final Charge" and the case closed.
- 9 - No report may be classified as unfounded unless approved by the Captain of the **Support Services Division**.
- 10 - Unfounding of a report will not be considered unless sufficient facts are

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developed and presented in writing to fully sustain such action. "Unfounded" means that the complainant had no basis whatever for making the report.

**Example:** Should suspicious noises be reported and it is established that said noises were caused by a defective screen door, the report cannot be classified as unfounded because the condition causing the report did exist.

References: General Orders O-4 and R-31  
**CALEA Standards**