

California State Auditor

B U R E A U O F S T A T E A U D I T S

California's Education Institutions:

*A Lack of Guidance Results in Their
Inaccurate or Inconsistent Reporting
of Campus Crime Statistics*



December 2003
2002-032

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CALIFORNIA STATE AUDITOR

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December 18, 2003

2002-032

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

As required by Chapter 804, Statutes of 2002, the Bureau of State Audits presents its audit report concerning California's education institutions that receive federal student aid and must comply with the federal Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act).

This report concludes that institutions sometimes report inaccurate or incomplete statistics in their annual reports because the Clery Act does not always provide clear definitions. In a few instances, institutions have developed their own policies to address the lack of clarity, which further increases the risk of inconsistent reporting of campus crime statistics among institutions. Finally, our review found that some institutions did not maintain documentation of the incidents included in their annual reports. Thus, it is difficult to determine whether the institutions are accurately and consistently reporting incidents from year to year.

Respectfully submitted,

A handwritten signature in cursive script that reads "Elaine M. Howle".

ELAINE M. HOWLE
State Auditor

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CONTENTS

<i>Summary</i>	1
----------------	---

<i>Introduction</i>	5
---------------------	---

Audit Results

Institutions Receive Little Guidance on Converting California's Definitions of Crimes to Clery Act Reportable Crimes	9
----------------------------------------------------------------------------------------------------------------------	---

Some Institutions Do Not Maintain Documentation of the Incidents They Include in Their Annual Reports and Others Inaccurately Report the Number of Incidents	11
--------------------------------------------------------------------------------------------------------------------------------------------------------------	----

Institutions' Interpretations of Clery Act Definitions for Reportable Locations Can Vary	12
------------------------------------------------------------------------------------------	----

Institutions Do Not Always Have an Adequate Process for Accurately Identifying Crimes at Reportable Locations	13
---------------------------------------------------------------------------------------------------------------	----

Collecting Insufficient Information From Campus Security Authorities and Local Police Agencies Can Lead to Other Errors	15
-------------------------------------------------------------------------------------------------------------------------	----

Institutions Do Not Always Comply With Clery Act Requirements	16
---------------------------------------------------------------	----

The Commission's Web Site Does Not Link Users to the Institutions' Web Sites	19
------------------------------------------------------------------------------	----

Recommendations	19
-----------------	----

Appendix A

Definition of Crimes and Violations Reportable Under the Clery Act	23
--------------------------------------------------------------------	----

Appendix B

Statistics Reported by Institutions in Their Annual Reports Contain Inaccuracies	25
----------------------------------------------------------------------------------	----

Responses to the Audit

California State University, Sacramento 31

City College of San Francisco 33

San Diego State University 35

University of California, Davis 37

***California State Auditor's Comments
on the Response From the
University of California, Davis*** 41

University of California, Santa Barbara 43

***California State Auditor's Comments
on the Response From the
University of California, Santa Barbara*** 47

University of Southern California 49

***California State Auditor's Comments
on the Response From the
University of Southern California*** 53

California Postsecondary Education Commission 55

SUMMARY

Audit Highlights . . .

Our review of California's education institutions' compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), revealed the following:

- ☑ *The Clery Act does not always provide clear definitions.*
 - ☑ *Institutions sometimes report inaccurate or incomplete statistics in their annual reports.*
 - ☑ *Institutions have significant discretion in identifying reportable locations.*
 - ☑ *Institutions do not always request sufficient detail on crimes from campus security authorities and police agencies to avoid duplication or exclusion of a reportable incident.*
 - ☑ *Not all institutions disclose required campus security policies and notify current students and employees of the annual reports' availability.*
-

RESULTS IN BRIEF

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires eligible institutions (institutions), such as public or private nonprofit educational institutions, proprietary institutions of higher education, and postsecondary vocational institutions that receive funding under Title IV of the federal Higher Education Act of 1965, as amended, to prepare and distribute an annual security report (annual report). The annual report contains information about violent campus crimes; alcohol, drug, and weapon offenses; and existing security procedures. Each institution is required to distribute the annual report to all current students and employees, and to applicants for enrollment or employment upon request. However, it appears that no single governing body exists within California to provide guidance to institutions required to comply with the Clery Act on such matters as converting California's definitions of crimes to those reportable under the Clery Act.

We found that institutions sometimes report inaccurate or incomplete statistics in their annual reports because the Clery Act does not always provide clear definitions and the institutions must make judgments on which incidents they should include.¹ In a few instances, institutions have developed their own policies, risking reporting statistics that are neither accurate nor consistent with those of other institutions. Further, one of the six institutions we reviewed did not maintain its documentation in a manner that would allow us to verify the incidents included in its annual report, making it difficult to determine whether it accurately and consistently reported incidents from year to year. If the United States Department of Education (Education) finds that institutions have substantially misrepresented the number, location, or nature of reported crimes, it may impose a civil penalty of up to \$25,000 for each violation or misrepresentation and suspend or terminate the institution's eligibility status for Title IV funding.

The Clery Act requires institutions to report statistics based on the location of the incident, but because it does not clearly define location types, institutions have significant discretion

¹ The Clery Act requires institutions to report incidents of the crimes and violations shown in Appendix A that occur at reportable locations.

in identifying the locations to report. Consequently, they may report inaccurate and inconsistent statistics to the public. For example, the University of California, Santa Barbara, omitted one of its noncampus locations.

Additionally, the Clery Act requires institutions to collect crime statistics from campus security authorities and state or local police agencies (police agencies). Institutions do not always request sufficient detail on crimes such as the time, date, location, and nature of an incident from campus security authorities and police agencies to avoid duplication or exclusion of a reportable incident.

Although the Clery Act requires institutions to disclose campus security policies as part of their annual reports, and to notify all current students and employees of the annual reports' availability, the institutions do not always do so. For example, City College of San Francisco (San Francisco) failed to include two of the eight policies required by the Clery Act. In addition, although five of the six institutions made good-faith efforts to notify their current students and employees of the availability of their annual reports through appropriate publications or mailings, San Francisco only puts a notice on its Web site and distributes the annual report upon request. Failure to comply fully with the Clery Act can leave students and employees unaware of serious issues affecting their safety at the institution.

Lastly, state law requires the California Postsecondary Education Commission (Commission) to provide a link to the Web site of each California institution containing criminal statistics information. However, as of September 4, 2003, the Commission's Web site did not include links to almost 300 campuses listed on the Web site of Education's Office of Postsecondary Education.

RECOMMENDATIONS

To provide additional guidance to California institutions for complying with the Clery Act, the Legislature should consider creating a task force to perform the following functions:

- Compile a comprehensive list converting crimes defined in California's laws to Clery Act reportable crimes.
- Issue guidance to assist institutions in defining reportable locations.

- Obtain concurrence from Education on all agreements reached.
- Evaluate the pros and cons of establishing a governing body to oversee institutions' compliance with the Clery Act.

To improve the accuracy and completeness of their data, California institutions required to comply with the Clery Act should do the following:

- Retain adequate documentation that specifically identifies the incidents they include in their annual reports.
- Establish procedures to ensure that they accurately identify all reportable locations and report all associated incidents.
- Establish procedures to obtain sufficient information from campus security authorities and police agencies to determine the nature, date, and location of incidents.
- Establish procedures to include all required campus security policies in their annual reports and to notify all current and prospective students and employees of the reports' availability.

To ensure that it provides a link to the Web site of each California institution that includes on that Web site criminal statistics, the Commission should periodically reconcile its Web site to the federal Web site.

AGENCY COMMENTS

California State University, Sacramento; San Francisco; San Diego State University; and the University of Southern California generally agreed with our findings. However, the University of California, Davis (Davis), and Santa Barbara did not agree with all of our findings. Davis disagreed with our finding that its inclusion of public property surrounding noncampus locations is inconsistent with the Clery Act. Further, Santa Barbara disagreed with our finding that it lacks adequate procedures to identify all of its noncampus locations.

In addition, five of the six institutions and the Commission generally agreed with our recommendations and plan to take specific actions to address them. Santa Barbara does not believe that it should establish a policy to define what it considers a timely response for disseminating information to

the campus community on Clery Act reportable crimes. This is because Education has stated that it is not necessary to define timely reports. However, Education also stated that campus security authorities should consult their local law enforcement agencies for guidance. Thus, nothing precludes Santa Barbara from implementing our recommendation to establish a policy to define timely warnings. ■

INTRODUCTION

BACKGROUND

Title IV of the federal Higher Education Act of 1965, as amended, provides funding to eligible students in the form of Pell Grants and other federal aid, including direct loans.² Eligible institutions, such as public or private nonprofit educational institutions, proprietary institutions of higher education, and postsecondary vocational institutions that receive federal funding under Title IV, are required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) to disclose certain timely and annual information about campus crime and security policies.

The Clery Act was named after Jeanne Ann Clery, a 19-year-old freshman who was raped and murdered while asleep in her residence hall room at Lehigh University on April 5, 1986. In 1987, Jeanne Ann Clery's parents began efforts to enact laws requiring colleges and universities nationwide to make available to current and prospective students complete information about violent campus crimes, alcohol and drug offenses, and existing security procedures. Federal regulations require, among other things, that each eligible institution distribute an annual security report (annual report) by October 1 of each year to all enrolled students and current employees. Additionally, institutions must notify prospective students and employees about the availability of the annual report. The annual report must contain specified crime statistics for the most recent and two preceding calendar years. Appendix A lists the categories of crimes that institutions are required to report.

Statistics for the crimes shown in Appendix A are further broken down by location: those occurring on campus, in or on noncampus buildings or property,

Definitions of Reportable Locations in the Clery Act

Campus:

- Building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls.
- Building or property that is within or reasonably contiguous to the area identified above, that is owned or controlled by another person, is frequently used by students, and supports institutional purposes, such as food or other retail vendor[s].

Noncampus Building or Property:

- Building or property owned or controlled by a student organization that is officially recognized by the institution.
- Building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and not within the same reasonably contiguous geographic area of the institution.

Public Property—all public property that is within the same reasonably contiguous geographic area of the institution, such as a thoroughfare, street, sidewalk, and parking facility, that is within the campus, or immediately adjacent to and accessible from the campus.

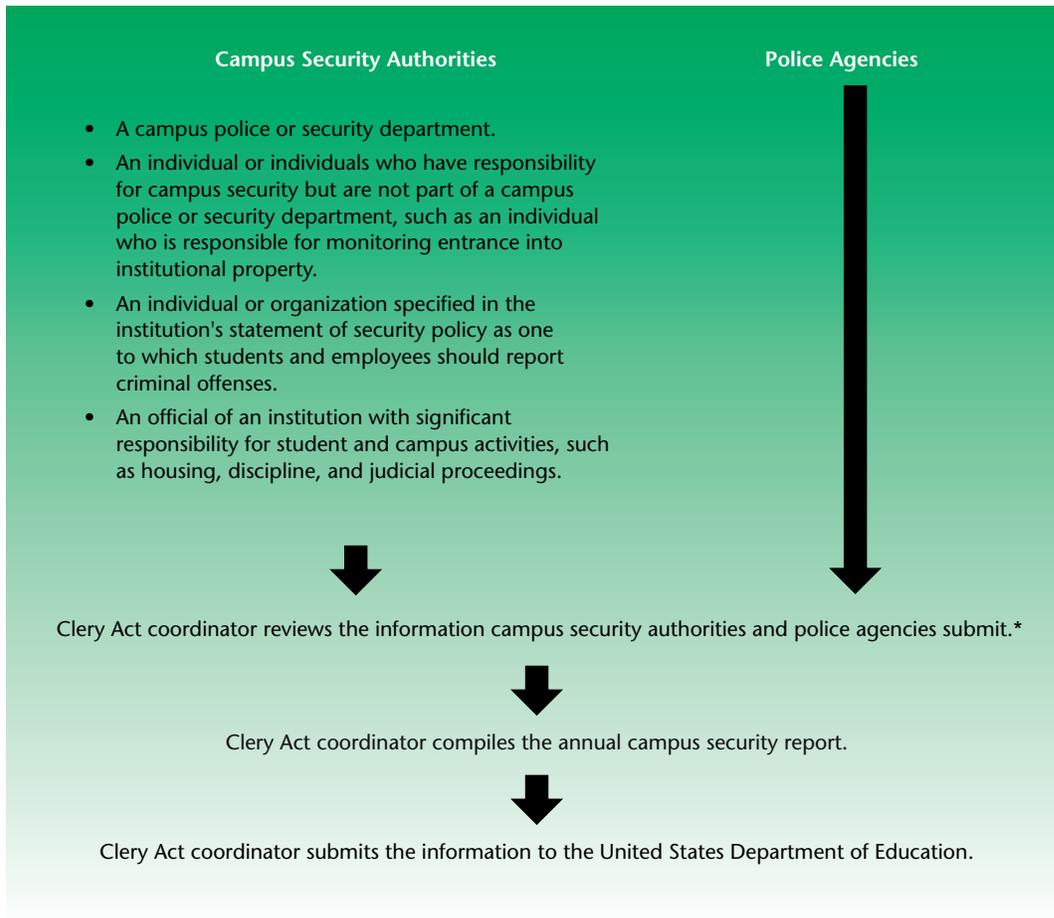
Source: 34 Code of Federal Regulations, Chapter VI, Subpart D, Section 668.46.

² The federal Pell Grant Program awards grants to help financially needy students meet the cost of their postsecondary education.

and on public property. Institutions generally request information from multiple sources, including their campus security authorities and state or local police agencies (police agencies). As shown in the figure, the process of compiling information on incidents requires the coordinated efforts of multiple individuals.

FIGURE

Crime Information Gathering and Annual Reporting Process



* For purposes of this report, we define the individual or individuals appointed by the institutions to perform the identified activities as the Clery Act coordinator.

SCOPE AND METHODOLOGY

Chapter 804, Statutes of 2002, requires the Bureau of State Audits (bureau) to report to the Legislature the results of its audit of not less than six California postsecondary education institutions (institutions) that receive federal student aid. The bureau was also

directed to evaluate the accuracy of the institutions' statistics and the procedures they use to identify, gather, and track data for publishing, disseminating, and reporting accurate crime statistics in compliance with the requirements of the Clery Act.

Using factors such as student population, federal funding, and geographic location, we selected a sample of institutions from the California Community College, California State University, and University of California systems, as well as a private institution. Specifically, we evaluated compliance with the Clery Act at California State University, Sacramento; City College of San Francisco; San Diego State University; University of California, Davis; University of California, Santa Barbara; and University of Southern California. We reviewed the institutions' annual reports for 2002, which include their crime statistics for calendar years 1999, 2000, and 2001.

To evaluate the accuracy and completeness of the crime statistics reported by the institutions, we selected a sample of crime reports from the institutions' police departments, reviewed relevant state and federal laws and regulations, interviewed staff at each institution, and reviewed relevant supporting documentation. Additionally, we reviewed information obtained from campus security authorities and police agencies to determine whether the institutions reported these incidents correctly.

To understand how each institution defined its reportable locations for capturing crime statistics and its methodology for collecting crime statistics from campus security authorities and police agencies, we interviewed the Clery Act coordinator and campus security authorities' staff at each institution, and we reviewed relevant supporting documentation.

To ascertain whether the institutions adequately disclose all required policies, we reviewed their annual reports and interviewed staff at each institution.

Chapter 804, Statutes of 2002, also states that institutions of higher education that are subject to the Clery Act should establish and publicize a policy that allows victims or witnesses to report crimes to their campus police department or to a specified campus security authority on a voluntary, confidential, or anonymous basis. To determine if each institution established and publicized the policy, we reviewed the annual reports for 2002 and interviewed appropriate staff at each institution.

Finally, Chapter 804, Statutes of 2002, requires the California Postsecondary Education Commission (Commission) to provide on its Internet Web site a link to the Internet Web site of each California institution of higher education that includes on that Web site the institution's criminal statistics information. To determine whether the Commission has complied with state law, we reviewed its Web site, as well as that of the United States Department of Education, and interviewed Commission staff. ■

AUDIT RESULTS

INSTITUTIONS RECEIVE LITTLE GUIDANCE ON CONVERTING CALIFORNIA'S DEFINITIONS OF CRIMES TO CLERY ACT REPORTABLE CRIMES

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires eligible institutions (institutions) to compile crime statistics in accordance with the definitions used in the uniform crime reporting system of the United States Department of Justice, Federal Bureau of Investigation (FBI). Definitions for crimes reportable under the Clery Act can be found in both the FBI's Uniform Crime Reporting Handbook (handbook) and federal regulations. If the United States Department of Education (Education) finds that institutions have substantially misrepresented the number, location, or nature of the reported crimes, it may impose a civil penalty of up to \$25,000 for each violation or misrepresentation. Additionally, it may suspend or terminate the institution's eligibility status for Title IV funding. Although some state and federal entities provide limited guidance to some institutions, it appears that no single governing body exists within California to provide guidance to all institutions required to comply with the Clery Act. This lack of comprehensive guidance can result in the inconsistent reporting of crime statistics by the institutions and exposes them to Education's penalties.

Although some state and federal entities provide limited guidance to some institutions, it appears that no single governing body exists within California to provide guidance to all institutions required to comply with the Clery Act.

State law requires every person or agency dealing with crimes or criminals, including California's institutions, to submit crime statistics to the California Department of Justice (Justice). However, Justice is not required to develop a list of state laws that meet the definition of crimes reportable under the Clery Act.

The University of California's Office of the President (University of California) prepared a manual to provide guidance to employees who have responsibilities under the Clery Act, but it holds each campus responsible for establishing appropriate procedures. The manual does include, among other things, a table that converts crimes defined in California's laws to Clery Act reportable crimes. Although this table is a good start, it remains incomplete. For example, the table groups 16 state laws under aggravated assault but does not include any of

the state laws relating to battery, such as California Penal Code, Section 243(d), which addresses those instances when a battery is committed and serious bodily injury is inflicted on the person. This crime may fall under the Clery Act's definition of aggravated assault, depending on the type of weapon, seriousness of the injury, and intent of the assailant to cause serious injury. However, University of California institutions that rely solely on the manual for reporting may overlook battery crimes entirely because of their absence from the manual.

The California State University Office of the Chancellor (California State University) conducts training sessions and annual audits regarding Clery Act compliance. It has also created a 30-minute video and accompanying viewer guide. However, it has yet to issue guidance on how its campuses can convert crimes defined in California's laws to Clery Act reportable crimes. California State University's training and annual audits do not address the accuracy of the crime statistics that the institutions report but focus on their compliance with Clery Act disclosure of campus security policies and notification of the availability of the annual report to current and prospective students and employees. The California Community Colleges Chancellor's Office provides its districts with links to Web sites that have information on the Clery Act. However, it also has yet to issue guidance on how its districts can convert crimes defined in California's laws to Clery Act reportable crimes. Lastly, it appears that no single governing body exists to issue guidance for all private institutions.

Three of the six institutions we reviewed also participate in the FBI's voluntary Uniform Crime Reporting Program. The primary objective of this program is to generate reliable crime statistics to use in law enforcement administration, operation, and management, and to indicate fluctuations in the level of crime in America. The FBI developed its handbook to assist participating agencies in understanding and completing its monthly and annual reporting forms. The FBI's handbook is used to define Clery Act reportable crimes, but it does not convert crimes defined in California laws to Clery Act reportable crimes.

Institutions can receive some guidance from the United States Department of Education, upon request, regarding compliance with the Clery Act requirements.

Institutions can receive some guidance from Education, upon request, regarding compliance with the Clery Act requirements. For example, Education maintains a hotline that institutions can call to ask specific questions. In February 2003 the United States Congress approved \$750,000 for Education to develop and distribute a handbook to all institutions that provides detailed instructions on compliance with the Clery Act. However,

according to an Education staff person, the handbook will not convert state crime definitions into reportable Clery Act crime definitions. Thus, institutions will continue to lack guidance, which impacts the consistent reporting of their crime statistics.

SOME INSTITUTIONS DO NOT MAINTAIN DOCUMENTATION OF THE INCIDENTS THEY INCLUDE IN THEIR ANNUAL REPORTS AND OTHERS INACCURATELY REPORT THE NUMBER OF INCIDENTS

The six institutions we visited have established procedures to capture what each institution believes are reasonably complete crime statistics. Although the *Federal Student Aid Handbook* requires institutions to retain records used to create their annual reports, including the crime statistics, for three years after the due date of the report, only the California State University, Sacramento (Sacramento), retained documentation to identify the specific incidents that were included in its 2002 annual report for calendar years 1999, 2000, and 2001. San Diego State University (San Diego) was only able to provide documentation to identify the specific incidents it reported for calendar years 1999 and 2001. The University of California, Davis (Davis), and the University of California, Santa Barbara (Santa Barbara), did not maintain their documentation in a manner that would allow us to identify the specific incidents included in their annual reports; however, they chose to re-create their statistics. Further, we were able to re-create the statistics for City College of San Francisco (San Francisco) using data from crime reports and other relevant documents. According to our analysis, as shown in Table 1 on the following page, institutions mostly over-reported their crime statistics. However, except for Davis and San Francisco, the percentage of error was generally small. In Appendix B, we present more detailed data for each institution shown in Table 1.

We were unable to re-create and verify the statistics in the annual report of the remaining institution. Specifically, the University of Southern California (USC) did not maintain its documentation in a manner that would allow us to identify the specific incidents included in its annual report. Since institutions must use significant judgment when determining to include or exclude an incident, they need to ensure that their records accurately reflect those incidents they choose to include, which will aid in accurate and consistent reporting from year to year.

TABLE 1**Statistics Reported by Institutions in Their Annual Reports Contain Inaccuracies**

	Institutions				
	Davis	Sacramento	San Diego	San Francisco	Santa Barbara
1999					
Crimes identified by the bureau	396	354	1,218	34	1,074
Crime statistics per annual report	501	351	1,228	63	1,127
Crimes over- (under-) reported	105	(3)	10	29	53
Percent over- (under-) reported	21%	(1)%	1%	46%	5%
2000					
Crimes identified by the bureau	426	334	*	22	789
Crime statistics per annual report	493	347	1,462	39	798
Crimes over- (under-) reported	67	13	*	17	9
Percent over- (under-) reported	14%	4%	*	44%	1%
2001					
Crimes identified by the bureau	555	388	1,129	49	998
Crime statistics per annual report	617	399	1,151	73	998
Crimes over- (under-) reported	62	11	22	24	0
Percent over- (under-) reported	10%	3%	2%	33%	0%
Total for all years[†]					
Crimes identified by the bureau	1,377	1,076	2,347	105	2,861
Crime statistics per annual report	1,611	1,097	2,379	175	2,923
Crimes over- (under-) reported	234	21	32	70	62
Percent over- (under-) reported	15%	2%	1%	40%	2%

Source: Institutions' records of incidents reported to their campus security authorities and police agencies, and the institutions' 2002 annual reports.

* Because San Diego was unable to provide us with the specific incidents that it included in its 2002 annual report for calendar year 2000, we were unable to determine the accuracy of its statistics.

† Totals for San Diego include calendar years 1999 and 2001 only.

INSTITUTIONS' INTERPRETATIONS OF CLERY ACT DEFINITIONS FOR REPORTABLE LOCATIONS CAN VARY

The Clery Act requires institutions to report statistics concerning the occurrence of crime on campus, in or on noncampus buildings or property, and on public property. Although federal regulations provide definitions for these location types, the definitions are not always clear. Thus, institutions have significant discretion in identifying reportable locations.

The University of California, Santa Barbara, and the University of Southern California have definitions of public property that appear reasonable; however, their varying definitions can make it difficult for a person to compare their crime statistics.

The phrase “immediately adjacent to” in the federal regulations definition of public property can lead to various interpretations. For example, USC defines public property as the four main streets adjacent to and immediately surrounding the main campus. In contrast, Santa Barbara defines public property as the unincorporated area of Isla Vista, which covers roughly one square mile. According to Santa Barbara’s Clery Act coordinator, the institution identified all of Isla Vista as public property because many Santa Barbara students reside within the boundaries of this community, which is small and in close proximity to the institution. Both interpretations of public property appear reasonable; however, the two interpretations can have a considerable impact on the number of crimes included. When institutions interpret the definitions for reporting locations differently, it becomes difficult for a person, such as a prospective student or the student’s parent, to compare crime statistics among multiple institutions.

The Clery Act requires institutions to report separately the crime statistics for their branch campuses, schools, or administrative divisions that are not within a reasonably contiguous geographic area. The terms of the Clery Act do not always address issues that arise for institutions in the course of identifying their reportable locations. For example, at Sacramento, students in its College of Continuing Education attend classes at various locations, including other institutions that must comply with the Clery Act. However, the Clery Act does not provide guidance on whether to include or exclude incidents at these types of locations. Sacramento has established a policy to remove from its annual report incidents occurring at other institutions that are required to comply with the Clery Act.

INSTITUTIONS DO NOT ALWAYS HAVE AN ADEQUATE PROCESS FOR ACCURATELY IDENTIFYING CRIMES AT REPORTABLE LOCATIONS

To comply with the Clery Act requirement for reporting the statistics for crimes occurring in or on noncampus buildings and property, and on public property, institutions must determine which locations meet the Clery Act definitions of noncampus and public property. Two of the six institutions we visited did not have a sufficient process for identifying all reportable noncampus locations in their statistics. Another institution did not differentiate in its annual report crimes occurring on campus from those occurring at public property locations, such as streets

When institutions do not adequately capture and report statistics for all noncampus and public property locations, they risk distorting actual levels of crime. For example, Santa Barbara omitted one location—the Ventura Learning Center Extension.

surrounding the campus. When institutions do not adequately capture and report statistics for all noncampus and public property locations, they risk distorting actual levels of crime.

Until recently, Santa Barbara lacked a comprehensive process for identifying all of its noncampus locations and omitted one location—the Ventura Learning Center Extension—as a noncampus building. The Clery Act coordinator for Santa Barbara acknowledges that the institution did not identify the Ventura Learning Center Extension as a noncampus location before calendar year 2002. Santa Barbara’s former policy was to rely on courtesy police reports forwarded from two local police agencies and to request crime statistics from the Sheriff’s Department regarding student organizations. However, according to the Clery Act coordinator, beginning with its calendar year 2003 annual report, Santa Barbara improved its process for compiling and reviewing a complete list of its owned and leased property so that it could determine those locations that meet the Clery Act definition of noncampus.

Although USC compiled a comprehensive list of its owned and leased property not reasonably contiguous to the main campus, it does not have an adequate process for separately identifying noncampus locations. USC includes all of its property not reasonably contiguous to the main campus as noncampus without reviewing each location to ensure it meets the Clery Act definition of noncampus. For example, USC includes some locations that meet the Clery Act definition for public property as noncampus, such as a local bank and a restaurant. USC’s Clery Act coordinator stated that some public property locations were included in its list of noncampus locations to ensure that public property incidents are counted. Nevertheless, this practice does not accurately reflect the distinction in reporting locations set forth in the Clery Act and poses a risk of inaccurately reporting statistics.

San Francisco, on the other hand, did not have an annual process for identifying crimes by location type. Specifically, it does not identify which crimes occurred on campus versus on public property in its annual report. The Clery Act coordinator stated that he was unaware of the federal requirement for reporting crimes that occur on public property. We believe that including public property crimes in its on-campus crimes is misleading and does not accurately represent San Francisco’s crime statistics since it over-reports on-campus crimes and under-reports public property crimes.

COLLECTING INSUFFICIENT INFORMATION FROM CAMPUS SECURITY AUTHORITIES AND LOCAL POLICE AGENCIES CAN LEAD TO OTHER ERRORS

The Clery Act requires institutions to collect crime statistics from campus security authorities and state or local police agencies (police agencies). However, the institutions did not always collect sufficient detail, such as the time, date, location, and nature of an incident, to determine if the incidents are reportable. Specific details of an incident aid in verifying whether it is reportable and whether the same crime has been reported by more than one of its sources (for example, an institution's police department and a police agency). Institutions that do not collect sufficient detail on an incident may over-report actual crimes by counting an incident more than once.

According to federal regulations, institutions are responsible for identifying campus security authorities and requesting crime statistics from them. Four of the six institutions have procedures for campus security authorities to promptly report crimes to the campus police department. Also, five of the six institutions formally request information from campus security authorities at least annually. By doing so, they attempt to capture crimes that victims do not always report to law enforcement, such as sexual assaults.

Definition of a Campus Security Authority

Federal regulations define a campus security authority as follows:

- A campus police or security department.
- An individual or individuals who have responsibility for campus security but are not part of a campus police or security department, such as an individual who is responsible for monitoring entrance into institutional property.
- An individual or organization specified in the institution's statement of security policy as one to which students and employees should report criminal offenses.
- An official of an institution with significant responsibility for student and campus activities, such as housing, discipline, and judicial proceedings.

Source: 34 Code of Federal Regulations, Chapter VI, Subpart D, Section 668.46.

Only three of the five institutions that formally request information from their campus security authorities request specific details such as the nature, date, location, and a narrative of the incident. However, campus security authorities do not always comply with these requests. For example, although Sacramento requests its campus security authorities to provide the number of incidents occurring for each crime type and to provide as much detail as they can, they do not consistently supply all of the requested information. According to its Clery Act coordinator, Sacramento followed up on each incident in an attempt to retrieve additional information but was not always successful.

The Clery Act also requires institutions to report statistics on people referred for campus disciplinary action resulting from drug abuse, liquor, and weapon law violations. Five of the six institutions requested and received campus disciplinary actions. San Francisco, however,

Although five of the six institutions requested and received statistics on persons referred for campus disciplinary actions, San Francisco neither requested nor received such information from its campus security authorities for the 1999, 2000, or 2001 calendar years.

neither requested nor received information on disciplinary actions from its campus security authorities for the 1999, 2000, or 2001 calendar years. The Clery Act coordinator began requesting and reporting statistics for campus disciplinary actions in its 2003 annual report. San Francisco's failure to report disciplinary actions can mislead people about the safety of the institution.

Finally, the federal regulations require institutions to make a reasonable, good-faith effort to obtain statistics from police agencies. However, if the institution makes such a reasonable effort, it is not responsible for the failure of the police agencies to supply the required statistics. For example, Davis requested but did not receive statistics from the local police agency with jurisdiction over the area Davis identified as its reportable public property. Consequently, its annual reports do not reflect crimes on its reportable public property.

INSTITUTIONS DO NOT ALWAYS COMPLY WITH CLERY ACT REQUIREMENTS

The Clery Act outlines numerous campus security policies that institutions must disclose in their annual reports. Although most of the institutions make reasonable efforts to disclose their policies, they can do more to ensure compliance with all statutory requirements. The Clery Act and federal regulations also require institutions to distribute their annual reports to enrolled students and current employees and to notify prospective students and employees of the availability of the annual report. San Francisco is the only one of the six institutions we reviewed that does not do so. Institutions need to make every effort to notify current and prospective students, employees, and other interested individuals of the availability of their annual reports to provide access to information that could affect their safety. In addition, the Clery Act requires that institutions make timely reports to the campus community on Clery Act reportable crimes considered a threat to other students and employees. However, only one of the six institutions established a time frame to report incidents to the campus community.

Only Three Institutions Comply Fully With the Clery Act Requirement to Disclose Campus Security Policies

Although most institutions put forth a good-faith effort to fully disclose their campus security policies, three had incomplete information regarding the policies in their annual reports, as

shown in Table 2. Only Davis, Sacramento, and San Diego meet the reporting requirements for all eight categories. Complying with the Clery Act ensures that students and employees at these institutions are aware of key policies concerning their safety.

TABLE 2

How Institutions Comply With Disclosing Required Campus Security Policies

Clery Act Disclosure Requirements	Davis	Sacramento	San Diego	San Francisco	Santa Barbara	USC
Policies on the reporting of criminal actions occurring on campus and the institution's response.	✓	✓	✓	*	✓	✓
Policies on security, access, and maintenance of campus facilities.	✓	✓	✓	✓	✓	✓
Policies concerning campus law enforcement.	✓	✓	✓	✓	✓	✓
Description of the type and frequency of programs designed to inform students and employees about security procedures and to encourage students to be responsible for the security of themselves and others.	✓	✓	✓	✓	✓	✓
Description of programs designed to inform students and employees about crime prevention.	✓	✓	✓	✓	✓	✓
Policy concerning the monitoring and recording through local police agencies of criminal activity at noncampus student organizations.	✓	✓	✓	NA	✓	†
Policy on the possession, use, and sale of alcoholic beverages and illegal drugs, the enforcement of federal and state laws, and a description of any alcohol and drug abuse education programs.	✓	✓	✓	✓	✓	✓
Policy regarding the institution's campus sexual assault programs and the procedures to follow when a sex offense occurs.	✓	✓	✓	‡	§	

Source: This table is based on our review of the policies and procedures in the institutions' 2002 annual reports. It excludes crime statistics, which are discussed in a previous section and Appendix B.

* San Francisco did not address its response to reports of criminal actions occurring on campus.

† USC does not include a statement concerning the monitoring and recording through police agencies of criminal activity at noncampus student organizations.

‡ San Francisco did not include this policy in its annual report.

§ Santa Barbara did not have a procedure stating that the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault.

|| USC does not include a statement of the possible sanctions it may impose following the final determination of an on-campus disciplinary procedure regarding rape or other sex offenses (forcible or nonforcible).

NA = San Francisco has no noncampus student organizations that it recognizes.

Only four of the six institutions complied with a state law requiring institutions to establish and publicize a policy that allows victims or witnesses to report crimes to the institutions' police department or to a specified campus security authority on a voluntary, confidential, or anonymous basis.

In addition to the Clery Act, California's Chapter 804, Statutes of 2002, requires institutions to establish and publicize a policy that allows victims or witnesses to report crimes to the institutions' police departments or to a specified campus security authority on a voluntary, confidential, or anonymous basis. However, only four of the six institutions complied with this state law. For example, Sacramento established a policy that states, "All reported crimes will be taken seriously even if anonymous or taken confidentially" and publishes this statement in its annual reports. San Francisco has not complied with this law because it was not aware of it. USC has not complied with this law because all of its crime reports are processed through the Los Angeles Police Department and that system does not allow for voluntary, confidential reports.

Most Institutions Notify All Current and Prospective Students and Employees of the Availability of Their Annual Reports

The Clery Act and federal regulations require institutions to distribute, through appropriate publications or mailings, to all enrolled students and current employees their annual report by October 1 of each year. Additionally, institutions must notify prospective students and employees of the availability of the annual report. Five institutions made a good-faith effort to do so. Davis, Sacramento, San Diego, Santa Barbara, and USC sent e-mails or postcards to current students and employees to notify them of the availability of the annual report. A few of these institutions also placed notices in their course catalogs and campus newspapers. Employees at Davis and San Diego also received an additional notification on their pay stubs. Further, most of these institutions make reasonable efforts to notify prospective students and employees by including notices on their enrollment and/or employment applications. In contrast, San Francisco only puts a notice on its Web site and distributes the annual report upon request. San Francisco intends to take the necessary steps to address this deficiency. Until it does so, because of a lack of direct notification, many current students and employees may not know that its annual report exists.

The Clery Act Requires Institutions to Provide Timely Notices of Threats to Students and Employees

The Clery Act requires that institutions release timely information to the campus community on Clery Act reportable crimes considered a threat to other students and employees. Because the Clery Act does not define timely, we expected that

institutions would establish their own definitions. For example, in its training sessions, California State University informs its campuses that timely ordinarily means within 24 to 48 hours of an incident. However, only one of the six institutions established a time frame to report incidents to the campus community. Specifically, San Diego's timely warning policy states that it will disseminate warning notices via campus e-mail, voice mail, posting these notices on the exterior doors of campus buildings and bulletin boards and by notifying local media, typically within 48 hours of receiving all relevant information. The other institutions treat reported incidents on a case-by-case basis. Without a policy to define timely, institutions may not notify students and employees of potential threats to their safety and be able to prevent similar occurrences.

THE COMMISSION'S WEB SITE DOES NOT LINK USERS TO THE INSTITUTIONS' WEB SITES

State law requires the California Postsecondary Education Commission (Commission) to provide a link to the Web site of each California institution containing criminal statistics information. However, as of September 4, 2003, the Commission's Web site did not include links to almost 300 campuses listed on the Web site of Education's Office of Postsecondary Education (federal Web site). The Commission asserts that it does not currently have resources available to provide direct links to the annual reports of all California institutions required to comply with the Clery Act. The Commission believes that it would need assistance from the Bureau for Private Postsecondary and Vocational Education of the Department of Consumer Affairs to maintain a comprehensive list of institutions and their Web sites.³ Without such a list, the Commission is unable to provide links to the Web site of each institution, as state law requires.

RECOMMENDATIONS

To provide additional guidance to California institutions for complying with the Clery Act, the Legislature should consider creating a task force to perform the following functions:

³ The Bureau for Private Postsecondary and Vocational Education protects students attending privately operated postsecondary education institutions by establishing minimum standards for instructional quality and institutional stability.

- Compile a comprehensive list converting crimes defined in California’s laws to Clery Act reportable crimes.
- Issue guidance to assist institutions in defining campus, noncampus, and public property locations, including guidelines for including or excluding crimes occurring at other institutions.
- Obtain concurrence from Education on all agreements reached.
- Evaluate the pros and cons of establishing a governing body to oversee institutions’ compliance with the Clery Act.

To improve the accuracy and completeness of its data, Davis should do the following:

- Retain adequate documentation that specifically identifies the incidents it includes in its annual reports.
- Establish a policy to define timely warning and establish procedures to ensure that it provides timely warnings when threats to campus safety occur.

To improve the accuracy and completeness of its data, Sacramento should do the following:

- Establish procedures to ensure that it obtains sufficient information from campus security authorities and police agencies to determine the nature, date, and location of crimes reported by these entities.
- Establish a policy to define timely warning and establish procedures to ensure that it provides timely warnings when threats to campus safety occur.

To improve the accuracy and completeness of its data, San Diego should do the following:

- Retain adequate documentation that specifically identifies the incidents it includes in its annual reports.
- Establish procedures to ensure that it accurately identifies all campus, noncampus, and public property locations; and report all associated crimes.

To improve the accuracy and completeness of their data, San Francisco and USC should do the following:

- Retain adequate documentation that specifically identifies the incidents they include in their annual reports.
- Establish procedures to ensure that they accurately identify all campus, noncampus, and public property locations; and report all associated crimes.
- Establish procedures to ensure that they obtain sufficient information from campus security authorities and police agencies to determine the nature, date, and location of crimes reported by these entities.
- Establish procedures to ensure that they include all required campus security policies in their annual reports and that they notify all current and prospective students and employees of the annual reports' availability.
- Establish a policy to define timely warning and establish procedures to ensure that they provide timely warnings when threats to campus safety occur.

To improve the accuracy and completeness of its data, Santa Barbara should do the following:

- Retain adequate documentation that specifically identifies the incidents it includes in its annual reports.
- Establish procedures to ensure that it accurately identifies all campus, noncampus, and public property locations; and report all associated crimes.
- Establish procedures to ensure that it includes all required campus security policies in its annual reports.
- Establish a policy to define timely warning and establish procedures to ensure that it provides timely warnings when threats to campus safety occur.

To ensure that it provides a link to the Web site of each California institution containing criminal statistics, the Commission should work with the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs to update its Web site. Additionally, the Commission should periodically reconcile its Web site to the federal Web site.

We conducted this review under the authority vested in the California State Auditor by Section 8543 et seq. of the California Government Code and according to generally accepted auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,

A handwritten signature in black ink that reads "Elaine M. Howle". The signature is written in a cursive, flowing style.

ELAINE M. HOWLE
State Auditor

Date: December 18, 2003

Staff: Joanne Quarles, CPA, Audit Principal
Jeana Kenyon, CPA, CMA, CFM
Nicholas Almeida
Sang Park

APPENDIX A

Definition of Crimes and Violations Reportable Under the Clery Act

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and federal regulations require institutions to report statistics for the following categories shown in Table A.1 of criminal offenses and violations.

TABLE A.1

Definition of Crimes and Violations Reportable Under the Clery Act

	Definition
Murder and non-negligent manslaughter	The willful killing of one human being by another.
Negligent manslaughter	The killing of another person through gross negligence.
Forcible sex offenses	Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
Nonforcible sex offenses	Unlawful sexual intercourse not performed by force, such as incest or statutory rape.
Aggravated assault	An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death. However, it is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.
Robbery	The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force, threat of force or violence, or putting the victim in fear.
Burglary	The unlawful entry of a structure to commit a felony or a theft.
Motor vehicle theft	The theft or attempted theft of a motor vehicle.
Arson	Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, aircraft, or personal property of another.
Weapon law violation	Violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
Drug abuse violation	Violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
Liquor law violation	Violation of laws or ordinances such as those that prohibit the manufacture, sale, transporting, furnishing, or possessing of intoxicating liquor. (Drunkenness and driving under the influence are not included in this definition.)

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APPENDIX B

Statistics Reported by Institutions in Their Annual Reports Contain Inaccuracies

For the five California educational institutions (institutions) that were able to provide documentation to identify the incidents included in their 2002 annual security reports (annual reports), the Bureau of State Audits (bureau) found that their criminal statistics contain inaccuracies. For example, as shown in Table B.1, California State University, Sacramento (Sacramento), over-reported 10 motor vehicle thefts in 2000 and under-reported burglaries by four in 1999.

TABLE B.1

Statistics Reported in the California State University, Sacramento's Annual Report Versus Crimes Identified by the Bureau

	Crimes Identified by the Bureau			Crime Statistics per Annual Report			Crimes Over-(Under-) Reported in Annual Report		
	1999	2000	2001	1999	2000	2001	1999	2000	2001
Murder and non-negligent manslaughter	1	0	0	1	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Forcible sex offenses	4	4	4	4	5	4	0	1*	0
Nonforcible sex offenses	0	0	0	0	0	0	0	0	0
Aggravated assault	6	12	6	6	13	7	0	1*	1†
Robbery	3	2	1	3	3	2	0	1†	1†
Burglary	52	72	91	48	72	94	(4)‡	0	3†
Motor vehicle theft	31	64	59	31	74	65	0	10§	6*†
Arson	4	11	2	4	11	2	0	0	0
Liquor law violations	215	133	188	216	133	188	1	0	0
Drug abuse violations	36	35	34	36	35	34	0	0	0
Weapon law violations	2	1	3	2	1	3	0	0	0
Totals	354	334	388	351	347	399	(3)	13	11

* Sacramento double-counted an incident.

† Sacramento included an incident in its annual report that should have been reported by another institution required to comply with the Clery Act, despite its policy to exclude the statistics provided by police agencies for these institutions.

‡ Sacramento did not include reportable incidents.

§ Sacramento miscounted the number of reportable incidents.

|| Sacramento could not provide evidence to support this reported incident.

As shown in Table B.2, the City College of San Francisco (San Francisco) over-reported aggravated assaults by 25 in 1999 and 2001 and under-reported forcible sex offenses by 11 in 1999.

TABLE B.2

**Statistics Reported in the City College of San Francisco's Annual Report
Versus Crimes Identified by the Bureau**

	Crimes Identified by the Bureau			Crime Statistics per Annual Report			Crimes Over-(Under-) Reported in Annual Report		
	1999	2000	2001	1999	2000	2001	1999	2000	2001
Murder and non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Forcible sex offenses	11	1	2	0	0	1	(11)*	(1)*	(1)*
Nonforcible sex offenses	0	0	0	0	0	0	0	0	0
Aggravated assault	6	1	5	31	15	30	25†	14†	25†
Robbery	4	2	4	4	2	4	0	0	0
Burglary	4	5	6	5	4	6	1‡	(1)*	0
Motor vehicle theft	6	5	8	7	4	7	1‡	(1)*	(1)*
Arson	1	0	4	0	0	0	(1)*	0	(4)*
Liquor law violations	0	2	1	4	2	6	4†	0	5†
Drug abuse violations	2	6	15	9	9	13	7†	3†	(2)*
Weapon law violations	0	0	4	3	3	6	3†	3†	2†
Totals	34	22	49	63	39	73	29	17	24

* San Francisco did not include reportable incidents. For example, San Francisco did not report incidents relating to arson or forcible sex offenses other than rape.

† San Francisco included incidents that are not reportable. For example, San Francisco includes assaults other than aggravated assaults and warnings for drug abuse, liquor, and weapon law violations.

‡ San Francisco could not provide evidence to support this reported incident.

As shown in Table B.3, among other differences, San Diego State University (San Diego) over-reported liquor law violations by 34 and under-reported burglaries by nine in 2001. Further, although San Diego did not identify any hate offenses in its annual report, we identified one aggravated assault that appeared to be a hate offense.

TABLE B.3

**Statistics Reported in the San Diego State University's Annual Report
Versus Crimes Identified by the Bureau**

	Crimes Identified by the Bureau			Crime Statistics per Annual Report			Crimes Over-(Under-) Reported in Annual Report		
	1999	2000*	2001	1999	2000	2001	1999	2000*	2001
Murder and non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Forcible sex offenses	11	0	8	10	12	8	(1) [†]	0	0
Non-forcible sex offenses	0	0	0	0	0	0	0	0	0
Aggravated assault	29	0	18	27	8	18	(2) [†]	0	0
Robbery	8	0	14	8	7	14	0	0	0
Burglary	54	0	53	49	67	44	(5) ^{†‡}	0	(9) [§]
Motor vehicle theft	60	0	100	60	76	100	0	0	0
Arson	4	0	3	4	2	3	0	0	0
Liquor law violations	864	0	716	882	998	750	18	0	34 [#]
Drug abuse violations	178	0	203	178	282	201	0	0	(2) [§]
Weapon law violations	10	0	14	10	10	13	0	0	(1) [§]
Totals	1,218	0	1,129	1,228	1,462	1,151	10	0	22

* Because San Diego was unable to provide us with the specific incidents that it included in its 2002 annual report for calendar year 2000, we were unable to determine the accuracy of its statistics.

[†] San Diego did not include reportable incidents.

[‡] San Diego did not account for all victims and occurrences shown on the incident report.

[§] San Diego did not include reportable incidents although its records indicate that it recognized these incidents are reportable.

^{||} San Diego included arrests for drunkenness and driving under the influence, which federal regulations specifically exclude.

[#] San Diego included incidents that did not occur at reportable locations.

As shown in Table B.4, the University of California, Davis (Davis), over-reported 75 liquor law violations in 1999 and under-reported eight liquor law violations in 2001.

TABLE B.4

**Statistics Reported in the University of California, Davis' Annual Reports
Versus Crimes Identified by the Bureau**

	Crimes Identified by the Bureau			Crime Statistics per Annual Report			Crimes Over-(Under-) Reported in Annual Report		
	1999	2000	2001	1999	2000	2001	1999	2000	2001
Murder and non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Forcible sex offenses	16	13	43	21	18	48	5*†	5†‡	5†§
Nonforcible sex offenses	0	0	0	0	0	3	0	0	3*
Aggravated assault	9	5	14	10	13	25	1#†	8†‡	11*§
Robbery	0	7	3	2	8	5	2†	1§	2‡
Burglary	73	55	109	82	66	112	9§*	11*†§***	3*§***‡
Motor vehicle theft	24	37	23	34	39	41	10*	2‡§	18*‡§††
Arson	2	8	7	2	10	8	0	2‡,‡‡	1*
Liquor law violations	200	228	211	275	256	203	75§§	28§§	(8)§§
Drug abuse violations	64	69	140	63	76	160	(1)	7	20
Weapon law violations	8	4	5	12	7	12	4	3	7
Totals	396	426	555	501	493	617	105	67	62

* Davis included incidents that are not reportable.

† Davis included incidents, provided by either campus security authorities or police agencies, that did not contain sufficient information to determine whether they occurred at reportable locations.

‡ Davis could not provide evidence of these reported incidents.

§ Davis included incidents that did not occur at reportable locations.

|| Davis could not provide evidence indicating that the locations of these incidents are reportable.

Davis miscounted the number of reportable incidents.

** Davis did not account for all occurrences shown on the incident report.

†† Federal regulations require institutions to follow the hierarchy rule found in the United States Department of Justice, Federal Bureau of Investigation's Uniform Crime Reporting Handbook to classify multiple-offense incidents. The hierarchy rule counts the higher offense and ignores the lesser offenses. Davis reported the lesser offense.

‡‡ Davis double-counted an incident.

§§ Davis included arrests for public drunkenness and driving under the influence, which federal regulations specifically exclude.

||| According to Davis' Clery Act coordinator, she uses the Annual Report and Crime Statistics prepared by the University of California Police Department to identify the number of incidents for drug abuse, liquor, and weapon law violations. Although the Annual Report and Crime Statistics is compiled using similar definitions as the Clery Act reportable crimes, it does not take into account the Clery Act reportable locations. Therefore, it may include incidents that are not reportable under the Clery Act. For example, in 2001 the Annual Report and Crime Statistics indicates that there were 92 drug law arrests on campus and at the Davis Medical Center, but our review of Davis' Police Department records revealed only 11 Clery Act reportable arrests.

As shown in Table B.5, the University of California, Santa Barbara (Santa Barbara), over-reported liquor law violations by 46 in 1999 and under-reported liquor law violations by four in 2001.

TABLE B.5

Crime Statistics Reported in the University of California, Santa Barbara's Annual Reports Versus Crimes Identified by the Bureau

	Crimes Identified by the Bureau			Crime Statistics per Annual Report			Crimes Over-(Under-) Reported in Annual Report		
	1999	2000	2001	1999	2000	2001	1999	2000	2001
Murder and non-negligent manslaughter	0	0	4	0	0	4	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Forcible sex offenses	21	17	19	22	15	18	1*†‡	(2)‡	(1)‡
Non-forcible sex offenses	2	1	1	0	1	1	(2)*‡	0	0
Aggravated assault	45	46	147	50	45	152	5‡§	(1)‡	5§
Robbery	5	3	11	5	3	11	0	0	0
Burglary	119	148	137	122	149	138	3*#§	1*	1#§
Motor vehicle theft	2	4	2	2	4	2	0	0	0
Arson	3	4	12	0	3	12	(3)‡	(1)§	0
Liquor law violations	618	493	460	664	500	456	46**††‡	7*§‡‡	(4)‡‡§
Drug abuse violations	254	68	200	256	72	199	2*§‡‡	4†‡§§‡‡	(1)§‡‡‡
Weapon law violations	5	5	5	6	6	5	1§	1‡	0
Totals	1,074	789	998	1,127	798	998	53	9	0

* Santa Barbara misclassified an incident.

† Santa Barbara could not provide evidence to support this reported incident.

‡ Santa Barbara did not include reportable incidents.

§ Santa Barbara did not maintain documentation to support the number of incidents it reported as occurring on noncampus student organization property. According to the Clery Act coordinator, she relied upon information received from a local police agency. During our review, Santa Barbara requested and received documentation of incidents occurring during calendar years 1999, 2000, and 2001. However, this information did not agree with the number of incidents previously reported by the local police agency. Santa Barbara made a good-faith effort to obtain the criminal statistics, but is not responsible for the accuracy of the information.

|| Santa Barbara included incidents that are not reportable.

Santa Barbara did not account for all victims and occurrences shown on the incident report.

** Santa Barbara included arrests for public drunkenness and driving under the influence, which federal regulations specifically exclude.

†† Santa Barbara did not request arrest statistics from a local police agency.

‡‡ Santa Barbara miscounted the number of reportable incidents.

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Agency's comments provided as text only.

California State University, Sacramento
University Counsel
6000 J Street
Sacramento, California 95819-6078

December 5, 2003

Elaine M. Howle
State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

RE: Clery Act Audit

Dear Ms. Howle:

California State University, Sacramento appreciates the opportunity to review and comment on the audit report titled: "California's Education Institutions: A Lack of Guidance Results in Their Inaccurate or Inconsistent Reporting of Campus Crime Statistics."

California State University, Sacramento (CSUS) offers the following resolutions and time tables to the recommendations in the report:

1. *Establish procedures to ensure that it obtains sufficient information from campus security authorities and local police agencies to determine the nature, date, and location of crimes reported by these entities.*
 - CSUS will revise its form which it distributes to all non-police campus security authorities so that it better defines the information needed to determine the nature, date, and location of crimes reported by them as part of the yearly canvassing of campus security authorities.

The revised form will be finalized by January 15, 2004, which will be timely for collecting 2003 data.

- CSUS Police Department will continue to monitor and analyze information received from local law enforcement agencies to ensure that duplication of crime statistics does not occur.

2. *Establish a policy to define timely warning and establish procedures to ensure that it provides timely warning when threats to campus safety occur.*

CSUS will develop a policy that defines “timely warning” and will develop procedures consistent with the Clery Act, good police practices, and other campus policies and procedures for communicating threats to the campus community.

The policy and procedures will be finalized by January 15, 2004.

Please let me know if you have any questions.

Sincerely,

(Signed by: Donna Selnick)

Donna Selnick
University Counsel

Agency's comments provided as text only.

City College of San Francisco
Public Safety Department
Office of the Chief of Police
50 Phelan Avenue
San Francisco, CA 94112

December 4, 2003

California State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

I am in review of the draft copy of your report that pertains to the audit your office was required to do by Chapter 804, Statutes of 2002. The report, titled "California's Education Institutions: A Lack of Guidance Results in Their Inaccurate or Inconsistent Reporting of Campus Crime Statistics," will be kept confidential by my office in accordance with California Government Code, sections 8545 (b) and 8545.1. This report will not be duplicated or released.

As this report makes recommendations to improve the accuracy and completeness of data, I will now respond to the five points listed on page twenty-four of this report that pertains to City College of San Francisco:

- This department will revise our annual report, beginning with calendar year 2003, to include all forcible sex offences and arson cases. This department will retain adequate documentation that specifically identifies these incidents and include them in our annual report.
- This department will establish procedures, beginning with calendar year 2003's annual report, to ensure that campus, non-campus, and public property locations are reported separately as required.
- This department will establish procedures, beginning with calendar year 2003's annual report, to ensure that sufficient information from local police agencies and campus authorities are reported. This department will include, in all future annual reports, cases that involve student discipline in all categories required. These student discipline cases are those investigated independently by the Associate Dean of Student Advocacy, Rights and Responsibilities, that are not criminal in nature.
- This department will establish procedures, beginning with calendar year 2003's annual report, to ensure that all required campus security policies are followed. All current, prospective students and employees will be notified of this departments annual reports' availability by publishing this notification in student catalogs, class schedules and employee handbooks. This notification is currently located on this department's web site, (http://www.ccsf.edu/Departments/Public_Safety/).

- This department has established a policy and defined a timely warning procedure to ensure that warnings are posted for students and employees when threats to campus safety occur. Notifications can be located on this department's web site, (http://www.ccsf.edu/Departments/Public_Safety/) and warning bulletins will be distributed as threats to campus safety occur.

In conclusion, I am confident that when these changes are implemented this department will be in full compliance with the requirements set forth in the Clery Act. If you wish to discuss my response, please don't hesitate to contact me at (415) 239-3151.

Sincerely,

(Signed by: Kenneth L. Baccetti)

Kenneth L. Baccetti
Interim Chief, College Police

Agency's comments provided as text only.

San Diego State University
Business Information Management
5500 Campanile Drive
San Diego, CA 92182-1620

December 2, 2003

Ms. Elaine M. Howle, State Auditor
555 Capitol Mall, Suite 300
Sacramento, California 95814

Re: Report 2002-032

Dear Ms. Howle:

At the request of President Stephen L. Weber, this memorandum is San Diego State University's response to Report 2002-032, which concerns compliance with provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

San Diego State University (SDSU) takes seriously its responsibilities for reporting under the Clery Act. We believe the University's commitment is reflected in the report itself, wherein SDSU is cited several times for appropriate and successful policies and procedures in the collection and reporting of crime statistics and in the publication and notification of security policies.

The report contained two recommendations to improve the accuracy and completeness of data. Those two recommendations, and our responses, are as follows:

Recommendation: Retain adequate documentation that specifically identifies the incidents [the University] includes in its annual reports.

University Response: (1) The University has re-assigned gathering of documentation for Clery Act and similar reporting as a primary responsibility to a single individual in the Department of Public Safety. Previously, this responsibility was a secondary assignment of multiple individuals within the Department. (2) Processes will be revised to collect incident information on a monthly basis to ensure reconciliation between detailed and summary records, to provide a basis for verification of statistics, and to aid in accurate and consistent reporting from year to year.

Recommendation: Establish procedures to ensure that [the University] accurately identifies all campus, noncampus and public property locations, and reports all associated crimes.

Ms. Elaine M. Howle
December 2, 2003
Page 2

University Response: (1) The University will ensure that year-end documentation includes an inventory of locations associated with that reporting year. (2) Policies and procedures will be updated to ensure that location information contained in the ARMS database is updated regularly. When location information is updated, a print-out will be made and retained.

We appreciate the professionalism with which the audit was conducted. Please do not hesitate to request any further information you may need.

Sincerely,

(Signed by: Ellene J. Gibbs)

Ellene J. Gibbs
Director, Business Information Management
w/ Audit and Tax

Agency's comments provided as text only.

University of California, Davis
Office of the Chancellor
One Shields Avenue
Davis, California 95616-8558

HAND-DELIVERED

December 9, 2003

Elaine M. Howle*
California State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Re: Bureau of State Audits Draft Report, "California's Education Institutions: A Lack of Guidance Results in their Inaccurate or Inconsistent Reporting of Campus Crime Statistics;" 2002-032

Dear Ms. Howle:

On behalf of Chancellor Larry Vanderhoef, thank you for your letter of December 1 and the opportunity to respond to the above-referenced draft report. We understand that the draft report addresses an audit performed by your office of six educational institutions, including UC Davis, regarding issues of compliance with the federal Clery Act. We concur with the primary findings in the draft report concerning the lack of clear guidance to higher education institutions regarding compliance with the Clery Act and Department of Education regulations.

We agree that the definitions are not always clear, significant discretion is left to individual campuses regarding interpretation of important components of the Act, and there is inadequate guidance regarding conversion of California's definitions of crimes to those reportable under Clery. We agree that this lack of guidance can lead to inconsistent reporting standards by different institutions, thereby undermining the original purpose of the Clery Act, to permit prospective students to compare the relative safety of colleges and universities in determining where to matriculate. Our hope is that this report may serve as a basis for the State of California to work with the federal Department of Education to ensure that consistent and clear guidance is provided to higher education institutions in the future.

It appears we may have some good-faith differences of opinion regarding interpretations of Clery Act terms (such as definitions of reportable locations) and appropriate categorization of crimes. These differences, I believe, underscore the lack of specific guidance to those entities seeking to comply with the Clery Act, which is a focus your report.

* California State Auditor's comments appear on page 41.

Our staff has worked closely with BSA staff in an attempt to understand the basis for the report's draft determinations so that we could provide clarifying information. BSA staff has been very helpful and has given detailed explanations and rationales for specific determinations. The campus has provided a great deal of additional information to BSA staff regarding issues raised by the report, including spreadsheets reconciling numerical differences identified in the report. We appreciate the extraordinary time and effort that BSA staff members have devoted to this effort.

We wish to briefly address the specific recommendations concerning UC Davis included in the report.

“To improve the accuracy and completeness of its data, ... Davis should ...retain adequate documentation that specifically identifies the incidents it includes in its annual reports.”

The BSA commented that “Davis ... did not maintain its documentation in a manner that would allow us to identify the specific incidents included in its annual report; however, Davis chose to re-create its statistics.”

In the course of the audit, we learned that our records and record-keeping procedures do need improvement, demonstrated by the difficulty that we, and BSA staff, experienced in reconciling our records with our numbers. As a result, we will compile for the 2003 annual report and all future reports, a comprehensive list that documents all reported crimes/disciplinary referrals organized by crime, location and reporting party status. This list will use unique identifiers for each crime/disciplinary referral, such as the UCDPD [or other law enforcement agency] crime report number; the Student Judicial Affairs or Student Housing Case number, etc. For crime reports received from other non-police campus security authorities, each report will be assigned a “CSA Report Number” for the year. Other changes will include using common identifiers for disciplinary cases that overlap both Student Judicial Affairs and Student Housing (to avoid double counting); keeping separate lists of crimes reported and those excluded with reasons for inclusion/exclusion specified; and ensuring that the Clery coordinators receive monthly summaries of all UCD police reports.

● Upon reconciling our records and our numbers with the information provided by the BSA, we also learned that UC Davis uses more broadly inclusive definitions of covered crimes (e.g., including felony domestic violence cases in aggravated assaults) and of locations such as “on-campus,” “non-campus property (including UCDCMC),” and “public property” (adjacent to campus and to the Medical Center) than are accepted by the BSA. We have interpreted these terms broadly to ensure the fullest public disclosure of crimes and incidents consistent with the Clery Act.

● For example, we count crimes reported on all UCDCMC property, including the UCDCMC main hospital, and on public property that is adjacent to UCDCMC property. A comparison of UCDCMC crime reports counted by UC Davis and the BSA suggests that BSA excluded crimes reported on UCDCMC property (other than the main hospital) and public property surrounding the UCDCMC.

We further found some cases that were reported in error, or wrongly categorized, and will work to improve the accuracy of our records.

The BSA also recommended that UC Davis “**Establish a policy to define timely warning and establish procedures to ensure that it provides timely warnings when threats to campus safety occur.**”

UC Davis has defined timely warning to mean “promptly publiciz[ing] any incident of criminal activity [occurring on- or off-campus] that poses a potential threat to the campus or UCDCMC through ‘Crime Alert Bulletins’ that are issued to campus and local media in Davis and Sacramento, posted on campus [and UCDCMC] bulletin boards, and on the web...and transmitted to campus [and UCDCMC] departments [and/or student organizations] by e-mail and/or fax.” In practice, UCDCPD has applied its timely warning policy by issuing a “Crime Alert Bulletin” as soon as it has determined that the criminal activity poses a potential threat to the campus or UCDCMC, generally within 48 hours or less of the date and time the crime is committed, discovered, or reported. UCDCPD will update its special orders to specifically reference the maximum turn-around for “Crime Alert Bulletins” of 48 hours.

Please let me know if you have any questions. I will be happy any additional information or documentation that you may need.

Sincerely,

(Signed by: Robert J. Loessberg-Zahl for)

Virginia S. Hinshaw
Provost and Executive Vice Chancellor

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COMMENTS

California State Auditor's Comments on the Response From the University of California, Davis

To provide clarity and perspective, we are commenting on the University of California, Davis' (Davis), response to our audit report. The number below corresponds to the number we have placed in its response.

- We disagree with Davis that its broad interpretation of crimes is consistent with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). For example, the Clery Act requires institutions to report incidents of aggravated assault in accordance with the definition used in the uniform crime reporting system of the United States Department of Justice, Federal Bureau of Investigation (FBI) that we present in Appendix A. The FBI's Uniform Crime Reporting Handbook states that careful consideration of the type of weapon employed or the use of an object as a weapon; the seriousness of the injury; and the intent of the assailant to cause serious injury should be given when distinguishing an aggravated assault from a simple assault. However, in most instances, Davis' domestic violence information was either insufficient to determine the extent of the victims' injuries or indicated that the victim did not sustain a major injury. Therefore, we did not include these incidents in Table 1 or Appendix B.
- Davis' inclusion of public property that is adjacent to its Medical Center is inconsistent with the Clery Act, which does not require institutions to report incidents that occur on public property adjacent to noncampus locations. Davis classifies its Medical Center as a noncampus location. Thus, Davis is over-reporting the number of public property incidents that occur.

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Agency's comments provided as text only.

University of California, Santa Barbara
Office of the Executive Vice Chancellor
Santa Barbara, CA 93106-2030

December 10, 2003

Via Fax and Federal Express

Elaine M. Howle*
State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, California 95814

Dear Ms. Howle:

Thank you for your letter dated December 1, 2003. Chancellor Yang has asked that I reply. Our written response to the draft Clery Act report from your office regarding campus crime statistics is included in this letter and in an attachment. At your request, we have also copied our response on the diskette you provided (enclosed).

On the last line of page 3 and in the first paragraph on lines 1-4 of page 4 of the draft report, you state: *"Further, two of the six institutions [Santa Barbara is one of the two institutions] we reviewed did not maintain their documentation in a manner that would allow us to verify the incidents included in their annual reports, making it difficult to determine whether they accurately and consistently report incidents from year to year."* On page 14, on lines 12-14, you continue (as amended this morning): *"The University of California, Santa Barbara did not maintain their documentation in a manner that would allow us to identify the specific incidents included in their annual report; however, Santa Barbara chose to re-create its statistics."* I respectfully request that this phrasing be revised in order to clarify the meaning of the term "re-create," which could be misinterpreted to suggest that the campus created additional data, or revised existing data, during the audit process. For example, you could change the phrasing after the semi-colon to read: "however, Santa Barbara subsequently provided a mechanism that allowed us to access their data in order to verify the incidents included in their annual report."

I want to emphasize that no data were created or changed in any way for presentation to your auditors. As your auditors determined, all data were complete and readily accessible by our staff. We merely provided a mechanism for your staff to be able to identify specific incidents and track them between our database entries and the incident reports. We have changed our procedures so that your auditors will be able to more easily track incidents in the future. We will continue to ensure that the statistics we report are accurate.

Our response to the other recommendations is attached.

* California State Auditor's comments begin on page 47.

December 10, 2003
Page 2

Thank you for the opportunity to respond to the draft audit. If you have questions or need additional information, please do not hesitate to contact me.

Sincerely,

(Signed by: Glenn E. Lucas)

Glenn E. Lucas
Executive Vice Chancellor

Enclosures

RESPONSES TO OTHER RECOMMENDATIONS

On page 24 of the draft of the audit report, the state auditor made the following recommendations:

Point Two: Establish procedures to ensure that it accurately identifies all campus, noncampus and public properties locations, and report all associated crimes.

Response: The campus uses the guidelines established by the University's Office of the President (UCOP), and published in the "Clery Act Compliance Manual" to define and identify campus, noncampus, and public property locations. The campus currently is reporting the required crimes for those locations. The Santa Barbara campus does include a broader definition of public property locations than set forth in the guidelines due to the uniqueness of the unincorporated community of Isla Vista. Isla Vista is surrounded on three sides by campus property, and the campus owns and maintains several properties within the community itself. Since the spirit of this requirement is to present a clear picture of crime in the areas adjacent to, and accessible from campus, the report included statistics for the entire Isla Vista community. Those statistics are requested from, and provided by, the Santa Barbara County Sheriff's Department.

Annually, the campus' Clery Act Coordinator obtains a list from the UCSB Office of Business Services of all properties owned or controlled by the University. Each department is contacted to verify whether these properties meet the Clery definition of "non-campus" property. If a property meets the Clery definition, the campus Police Chief requests crime statistics from the law enforcement agency which has jurisdiction over the property and surrounding area. Information provided by that law enforcement agency is reported in the annual security report. Statistics related to the Ventura Learning Center have been requested from the Ventura Police Department.

Point Three: Establish procedures to ensure that it includes all required campus security policies in its annual reports.

Response: UCSB currently follows the guidelines outlined in the University of California "Clery Act Compliance Manual" to ensure all policies are included in the annual security report. The campus practice, as well as systemwide University policy, has been to inform both the alleged victim and the accuser. The recommendation to add a sentence to the Sexual Assault Program's procedures stating that the "accused" shall be informed of the outcome of any campus disciplinary proceeding has been completed and is now included on the campus' Clery Report website.

Point Four: Establish a policy to define timely warning and establish procedures to ensure that it provides timely warnings when threats to campus safety occur.

Response: It is not clear to us from the draft audit report's text if this pertains directly to the Santa Barbara campus. The campus timely warning policy is established consistent with the guidelines contained in the UCOP "Clery Act Compliance Manual," as well as guidance from the United States Department of Education (DOE). The Department of Education has stated that: "The Secretary does not believe that a definition of 'timely reports' is necessary or warranted. Rather, the Secretary believes that timely reporting to the campus community for this purpose must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community, and the

possible risk of compromising law enforcement efforts. Campus security authorities should consult the local law enforcement agency for guidance on how and when to release 'timely reports' to the campus community." (59 Federal Register 22314, April 29, 1994).

The UCOP "Clery Act Compliance Manual" further states: "In general, whenever a report of a violent crime against a person or a major crime against property on campus is received by the campus police department that is determined by the police department to represent an ongoing threat to the safety of the campus community, the campus police department must issue a Campus Crime Alert." The "Clery Act Compliance Manual" goes on to state that such Campus Crimes Alerts "should be distributed as soon as possible after the time the incident is reported, subject to the availability of accurate facts concerning the incident." The procedures recommended in the UCOP "Clery Act Compliance Manual" are currently in place within the police department, which determines what qualifies for a campus notification, and when that notification is made, depending on the factual circumstances surrounding the incident.

COMMENTS

California State Auditor's Comments on the Response From the University of California, Santa Barbara

To provide clarity and perspective, we are commenting on the University of California, Santa Barbara's (Santa Barbara), response to our audit report. The number below corresponds to the number we have placed in its response.

- We modified our text prior to receiving Santa Barbara's response. This information appears on page 1 and reads "Further, one of the six institutions we reviewed did not maintain its documentation in a manner that would allow us to verify the incidents included in its annual report, making it difficult to determine whether it accurately and consistently reported incidents from year to year." We identify the one institution on page 11.
- We do not agree that a change to our report is necessary because we state clearly that Santa Barbara re-created its statistics, not the supporting documentation. Specifically, when we visited Santa Barbara in August 2003, and in subsequent discussions, Santa Barbara did not have documentation to identify the specific incidents it included in its annual security report (annual report). On December 2, 2003, Santa Barbara's Clery Act coordinator gave us additional information that she re-created for the statistics in its 2002 annual report using its available supporting documentation.⁴ However, during her efforts to re-create the statistics, the Clery Act coordinator found that she was unable to identify all of the incidents that had been reported in the annual report. For example, she could not account for 52 liquor law arrests that occurred in 1999 or 17 that occurred in 2000. Furthermore, it was Santa Barbara's effort to re-create its statistics that allowed us to verify the incidents included in its annual report and identify the differences we present in Appendix B.
- According to Santa Barbara's Clery Act coordinator, in 2003 Santa Barbara improved its practices for identifying all of its campus, noncampus, and public property locations. However, the institution did not provide us with written procedures outlining its improved process.

⁴ The Clery Act refers to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

- Although Santa Barbara's citation of the United States Department of Education's (Education) statement in the *Federal Register* is correct, we would like to point out that Education concludes by stating that "Campus security authorities should consult the local law enforcement agency for guidance on how and when to release 'timely reports' to the campus community." Therefore, nothing precludes Santa Barbara from implementing our recommendation on page 21 relating to timely warnings. Further, as we point out on page 19, San Diego State University established a timely warning policy that states it will disseminate warning notices through various means, typically within 48 hours of receiving all relevant information. Finally, although the other institutions we reviewed treated reported incidents on a case-by-case basis, they have agreed to implement our recommendation. Without a policy to define timely warnings, institutions may not notify students and employees of potential threats to their safety and be able to prevent similar occurrences.

Agency's comments provided as text only.

University of Southern California
Career and Protective Services
Department of Public Safety
Los Angeles, California 90089-1912

December 5, 2003

VIA FACSIMILE AND CERTIFIED MAIL

Elaine M. Howle*
State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Re: Audit 2002-032

I enclose the University of Southern California's (USC's) responses to the Bureau of State Audits (Bureau)'s report relating to university compliance with the Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

Recommendation #1

Retain adequate documentation that specifically identifies the incidents they include in their annual reports.

USC Response to Recommendation #1

USC has a partnership with the Los Angeles Police Department (LAPD) whereby the USC Department of Public Safety (DPS) forwards criminal charges to the LAPD for further action. The LAPD, in turn, often revises the nature of the charge and that revision impacts whether the ultimate crime is reportable under the Clery Act. The inconsistencies between the two departments may have contributed to the Bureau's recommendation.

In an effort to address this issue, DPS intends to purchase a new record keeping system that will assist the department in (1) maintaining appropriate documentation of incidents included in USC's annual reports and (2) tracking those incidents more efficiently for audit and other purposes.

In addition, USC will revise its current procedures to include a process to archive a separate copy of each offense report that is included in our annual report. DPS also will maintain a separate file that will include the pertinent information on each offense.

Recommendation #2

Establish procedures to ensure that all campus, noncampus and public locations are accurately identified, and report all associated crimes.

* California State Auditor's comments appear on page 53.

USC Response to Recommendation #2

USC currently incorporates crimes that occur at certain public property locations in its reporting statistics even though such reporting is not required under the Clery Act. USC provides this information in an effort to distribute more useful and comprehensive information to its community. USC is an urban campus and the distinctions between campus and public property locations may not be as clear to our current and prospective students and employees.

Accordingly, if USC's record keeping in this regard is inaccurate, it is because DPS has been overly inclusive in its reporting of crime statistics. It is our understanding that USC's actions do not constitute a Clery Act violation, but that the Bureau believes that this manner of reporting is confusing.

Notwithstanding the above, DPS will coordinate with USC's Property Management office to review its listings of campus and non-campus locations and to separate the crimes that occur on public property for reporting purposes. The Property Management office's list identifies all property owned or controlled by the university for which crime statistics must be collected for the annual report. A separate address list will be created for the purpose of gathering data on public property offenses.

Recommendation #3

Establish procedures to ensure that USC obtains sufficient information from campus security authorities and local police agencies to determine the nature, date, and location of crimes reported by those entities.

USC Response to Recommendation #3

Although this is identified as a recommendation, the Bureau's report states that USC is in compliance with this requirement with respect to campus security authorities. With respect to local police agencies, USC does request specific information regarding crimes reported to such agencies. Whether such requested information is sufficiently provided by the local police agencies, however, is not within the control of USC.

● We would appreciate further clarification from the Bureau in connection with this recommendation.

Recommendation #4

Establish procedures to ensure that USC includes all required campus security policies in their annual reports and that they notify all current and prospective students and employees of the annual reports' availability.

USC Response to Recommendation #4

We understand that there are three specific Bureau recommendations in this regard:

- a. Establish and publicize a policy that allows victims or witnesses to report crimes to DPS on a voluntary, confidential or anonymous basis;
- b. Include a statement concerning the monitoring and recording of criminal activity at noncampus student organizations; and
- c. Include a statement of possible sanctions to be imposed following the final determination of an on campus disciplinary procedure regarding rape, or other sex offense.

With respect to Recommendation #4a, DPS's practice is to handle all complaints received by the department, anonymous or otherwise. Further, the university has a formalized Help and Hotline, which also accepts anonymous complaints. DPS will memorialize its complaint process and distribute as appropriate.

It should be noted that LAPD ultimately has jurisdiction over whether to proceed on a complaint. LAPD will not accept anonymous complaints.

With respect to Recommendation #4b, USC does have a policy statement covering the monitoring and recording of criminal activity through local police. The data related to student organizations is included in what is obtained from local police. Accordingly, we believe that we are in compliance with the intent and spirit of the Clery Act. With that said, DPS will revise our policy statement to incorporate the Bureau's recommendation.

With respect to Recommendation #4c, the current policy statement is being reviewed with the relevant university representatives and will be revised to include a reference to the possible sanctions for sex offenses under the university's disciplinary procedures.

Recommendation #5

Establish a policy to define timely warning and establish procedures to ensure that USC provides timely warnings when threats to campus safety occur.

Response to Recommendation #5

USC will formalize its current unwritten policy and procedure for the creation and dissemination of timely warnings regarding threats to the campus community. A written policy statement will be added to the university's annual security report.

I understand that the Bureau will advise us as to timing with respect to complying with the above recommendations.

In addition to the above, we note that starting at the bottom of page 14 and continuing on to page 15 of the report, there are three institutions, one of which is USC, with different interpretations of "public property". However, in the first paragraph on page 15, there are only references to two, as opposed to three, interpretations appearing reasonable. We believe that this should be changed so that the sentence reads: "Each of these interpretations appear reasonable; however, the three interpretations can have a considerable impact on the number of crimes included."

We appreciate the Bureau's efforts to clarify certain aspects of the Clery Act.

I trust that the enclosed adequately responds to your recommendations. Please do not hesitate to contact me if you have any questions or need further information.

Sincerely,

(Signed by: Aaron L. Graves)

Aaron L. Graves
Chief

COMMENTS

California State Auditor's Comments on the Response From the University of Southern California

To provide clarity and perspective, we are commenting on the University of Southern California's (USC) response to our audit report. The number below corresponds to the number we have placed in its response.

- Although USC is one of the five institutions on page 15 that formally requests information from its campus security authorities, it does not request specific details from them. Specifically, USC's Department of Public Safety does not request specific details from the Assistant Dean of Student Affairs or police agencies. The USC requests police agencies to provide only the number of criminal offenses and arrests by address.
- We do not agree that changes to our report are necessary. Our discussion on page 13 focuses on the comparison of two interpretations of the Clery Act definition for *public property* that we believe appear reasonable.⁵ The third interpretation relates to the Clery Act definition for a *noncampus building or property*, which we did not conclude on its reasonableness.

⁵ The Clery Act refers to the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

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Agency's comments provided as text only.

California Postsecondary Education Commission
Office of the Executive Director
1303 J Street, Suite 500
Sacramento, California 95814-2938

December 5, 2003

Elaine M. Howle
State Auditor
Bureau of State Audits
555 Capitol Mall, Suite 300
Sacramento, CA 95814

Dear Ms. Howle:

Thank you for the opportunity to comment on your audit report *California's Education Institutions: A Lack of Guidance Results in Their Inaccurate or Inconsistent Reporting of Campus Crime Statistics*. As you know, the California Postsecondary Education Commission was assigned a small role in facilitating access to these crime statistics through the creation of links on its website.

While we agree that the Commission's website was missing links to some of the off-campus centers, it was considerably less than the 300 you note in your report. As missing sites came to our attention, links were created. At this time, the Commission is providing links to all California institutions that have reported their crime data to the Office of Postsecondary Education, Campus Security including all off-campus centers. The Commission will regularly check with the Office of Postsecondary Education to ensure that it has complete information. In addition, the Commission is coordinating with the Bureau for Private Postsecondary and Vocational Education to ensure that its group of institutions report to the Office of Postsecondary Education so that their links can be included in the links presented on the Commission's website.

The Commission also provides links to other websites containing information about campus crime so that California students will be better informed. We believe that the dissemination of information on this subject is vital to the well being of California citizens and will continue to perform our role in this activity to the best of our ability.

Sincerely,

(Signed by: Robert L. Moore)

Robert L. Moore
Executive Director

cc: Members of the Legislature
Office of the Lieutenant Governor
Milton Marks Commission on California State
Government Organization and Economy
Department of Finance
Attorney General
State Controller
State Treasurer
Legislative Analyst
Senate Office of Research
California Research Bureau
Capitol Press