

UCSB AUDIT AND ADVISORY SERVICES

April 5, 2011

To: Vice Chancellor for Student Affairs Michael Young
Chief of Police Dustin Olson

Re: **Clery Act Reporting Process**
Audit Report No. 08-11-00005

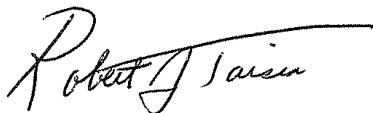
As part of the 2010-11 annual audit plan, Audit and Advisory Services conducted an audit of the Clery Act Reporting Process. Enclosed is the audit report detailing the results of our review.

The purpose of the audit was to evaluate the adequacy of the procedures used for gathering and reporting Clery crime statistics and to ensure compliance with United States Code: Title 20, Section 1092(f), *Disclosure of Campus Security Policy and Campus Crime Statistics* (Clery Act). The scope of the review included discussions with the University of California Police Department (UCPD) and Student Affairs management and staff and limited testing in the following areas:

- Collection, Documentation, Categorization, and Reporting of Clery Crime Statistics
- Preparation, Publishing, and Distribution of the Annual Security Report

Based on the results of the work performed within the scope of the audit, UCPD and Student Affairs have established effective internal controls over the collection and reporting of Clery crime statistics. However, our review did identify areas in which internal controls could be strengthened. The more significant of these areas include the documentation of crime statistics and training of campus personnel on Clery Act requirements.

We have included a copy of our detailed observations and management corrective actions with this cover memo. The management corrective actions provided indicate that each audit observation was given thoughtful consideration and that positive measures have been taken or planned to implement the management corrective actions. The cooperation and assistance provided by UCPD and Student Affairs staff during the review was sincerely appreciated. If you have any questions, please feel free to contact me.



Robert Tarsia
Acting Director
Audit and Advisory Services

Vice Chancellor Student Affairs Michael Young
Chief of Police Dustin Olson
April 5, 2011

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Enclosure

cc: Chancellor Henry Yang
Associate Vice Chancellor Ron Cortez
UCSB Audit Committee
Senior Vice President and Chief Compliance and Audit Officer Sheryl Vacca
Associate Dean of Students Deborah Fleming
Police Captain Michael Foster

Clery Act Reporting Process
Audit Report No. 08-11-00005

Performed by:
Albert Rojas, Staff Auditor

Approved by:
Robert Tarsia, Acting Director

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Clery Act Reporting Process
Audit Report No. 08-11-00005**

Purpose and Scope

The purpose of the audit was to evaluate the adequacy of the procedures used for gathering and reporting Clery crime statistics and to ensure compliance with United States Code: Title 20, Section 1092(f), *Disclosure of Campus Security Policy and Campus Crime Statistics* (Clery Act). The scope of the review included discussions with UCPD and Student Affairs management and staff and limited testing in the following areas:

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Background

The issue of campus security is important to students and their families when they are deciding on a college. In 1990, Congress responded to this concern by enacting the Crime Awareness and Campus Security Act. In the late 1990s, amendments renamed the law the Clery Act (formally known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act). The federal statute is named for Jeanne Clery, a 19 year old Lehigh University freshman who was raped and murdered in 1986. The act is intended to provide important information about the safety and security of college communities to enable people to make informed decisions when choosing a college for educational or employment purposes.

The act requires all postsecondary institutions participating in Title IV student financial aid programs to prepare, publish, and distribute an annual security report (ASR) disclosing information about campus safety policies and procedures and campus crime statistics for the three most recent calendar years. Clery crime statistics reported to the Department of Education (DoE) and on the ASR are required to be categorized by offense type (e.g. aggravated assault, burglary, etc.) and geographic location (e.g. on-campus, non-campus, etc.). Crimes are categorized based on definitions from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook. Colleges are required to make available to current students and employees a copy of the ASR by October 1st of each year; to inform prospective students and employees of the availability of the report and provide them with a copy, upon request; and to report Clery crime statistics to the DoE by mid-October of each year. The Handbook for Campus Crime Reporting (Clery Act Handbook), created by the DoE, provides guidance for assisting institutions in meeting the regulatory requirements of the Clery Act by guiding them through the regulations, explaining what they mean, and what they require institutions to do.

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The Clery Act mandates that institutions disclose statistics for crimes reported to local police agencies and for crimes reported to campus security authorities (CSAs). DoE guidance states that the intent of including non-law enforcement personnel as CSAs is to acknowledge that many individuals, students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other campus-affiliated individuals. The Clery Act regulations define a campus security authority as:

- A member of a campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

At the University of California, Santa Barbara (UCSB), three individuals from UCPD and Student Affairs have been delegated the responsibility for collecting, preparing, and publishing the Clery crime statistics. The three individuals are the UCPD Records/Dispatch Supervisor, the Special Projects Coordinator in Student Affairs, and the Director of the Rape Prevention Education Program. The preparation of the ASR is usually completed during the beginning of each calendar year and published on both the DoE and Student Affairs websites by October of each year.

Summary Opinion

Based on the results of the work performed within the scope of the audit, UCPD and Student Affairs have established effective internal controls over the collection and reporting of Clery crime statistics. However, our review did identify areas in which internal controls could be strengthened. The more significant of these areas include the documentation of crime statistics and training of campus personnel on Clery Act requirements.

The audit observations and management corrective actions are detailed in the remainder of the audit report.

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Detailed Observations and Management Corrective Actions

A. Campus Security Authorities

All postsecondary institutions participating in federal Title IV student aid programs are required to comply with Clery Act regulations. The Clery Act mandates that institutions disclose statistics for crimes reported to local police agencies and for crimes reported to campus security authorities. The function of a campus security authority, or CSA, is to report to the appropriate law enforcement personnel, either campus police or local police, or to an official or office designated by the institution, those allegations of Clery Act crimes that he or she concludes are made in good faith. It is the campus' responsibility to identify CSAs as well as informing them of their responsibility for Clery Act reporting. At UCSB, 26 employees have been delegated the responsibility of being a CSA. The audit found the following:

1. Campus Security Authority Delegation

Individuals have not been informed in writing each calendar year that they have been delegated roles as CSAs. Student Affairs personnel indicated that there has been limited turnover of individuals in the CSA positions, so there has not been a need to inform them of their responsibilities. The DoE recommends annually notifying all appropriate individuals or offices in writing that they have been delegated roles as CSAs and to explain what is required of them.

To improve compliance with the Clery Act Handbook, Student Affairs personnel should inform the selected employees in writing on an annual basis that they have been delegated roles as CSAs. Notifying employees will help ensure that they are aware of their assignments as CSAs, as well as their specific responsibilities.

Management Corrective Actions

The Student Affairs CSA Coordinator will send the annual CSA notification in writing to appropriate individuals and offices to inform them they have been identified as a CSA and to explain the duties associated with this designation by January 15th of each year. The management corrective action will be implemented by January 31, 2012.

For the 2011 Annual Security Report only, the CSA Coordinator will notify appropriate individuals and offices to inform them they have been identified as a CSA and to explain the duties associated with this designation by April 1, 2011.

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2. Clery Training

Although the UCPD Records/Dispatch Supervisor and the Special Projects Coordinator in Student Affairs participated in Clery training webinars in the past few years, CSAs responsible for gathering and reporting Clery incidents have not been formally trained on Clery regulations. It was noted during the review that a PowerPoint presentation covering Clery Act requirements is included with the annual email requesting the Anonymous Reporting Form for statistical reporting. The Anonymous Reporting Forms are used for the anonymous reporting of any criminal offenses or bias-motivated (hate) incidents that are reported to the CSAs. The forms include the nature of the incident, date and time the incident occurred, and the location of the incident.

To help ensure the accuracy and completeness of Clery Act reporting, CSAs and other individuals responsible for gathering and reporting Clery crime statistics should be formally trained on an annual basis. Training will help ensure that individuals are aware of Clery Act requirements and their roles in ensuring compliance.

Management Corrective Actions

The Student Affairs Clery staff and UCPD will offer two in-person training opportunities for designated CSAs to educate them of Clery Act requirements and their roles on ensuring compliance. This training will be conducted in January and February of each year.

Our plan for this current academic year is to schedule two in-person trainings, one in May and another in June of 2011. The Special Projects Coordinator, Records/Dispatch Supervisor, and the Director of the Rape Prevention Education Program will be responsible for the corrective action implementation. The management corrective action will be implemented by June 30, 2011.

B. Clery Crime Statistics

As a participant of the federal Title IV student aid program, UCSB must prepare, publish, and distribute an ASR disclosing information about campus safety policies and procedures and campus crime statistics for the three most recent calendar years, based on definitions from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook. Clery crime statistics reported to the DoE and on the ASR must be categorized by offense type and geographic location.

At UCSB, most Clery crime statistics are gathered by the UCPD, while referrals are received from Judicial Affairs. The Clery Act Handbook defines referrals as the referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the

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imposition of a sanction. However, for incidents involving UCPD, the arresting police officer must prepare a police report of the incident in the Computer Aided Dispatch and Records Management System (ARMS), which is a software program used to document incidents. The Records/Dispatch Supervisor reviews all of the police reports from ARMS and enters them into UCPD's FileMaker Pro database for statistical reporting. When entering information into FileMaker Pro, the Records/Dispatch Supervisor determines if the incident is reportable under Clery Act requirements and completes the corresponding fields.

To determine whether crimes statistics reported to the DoE were in compliance with the DoE's Clery Act Handbook, the audit examined a sample of 73 Clery and non-Clery incidents from the 2009 ASR. Incidents were reviewed to ensure they fell under Clery requirements for reporting, were properly categorized, and were not reported twice. Also, incidents categorized as non-Clery incidents were reviewed to determine whether this categorization was proper under Clery requirements. In addition, the audit compared the crime statistics reported to the DoE to those reported in the ASR to ensure the statistics agreed by offense type and geographic location. The following was noted:

1. Reporting of Non-Clery Crimes

Two incidents that did not meet the Clery requirements for reporting were reported to the DoE. In one instance, a weapons law arrest location was reported as a non-residence campus incident when, in fact, the arrest occurred at a location that was not reportable under Clery location reporting requirements. In another instance, a weapons law arrest location was reported as a public property incident, although the incident did not occur on public property. The Records/Dispatch Supervisor indicated that she relies on the supervisors of the police officers to verify the information entered on the police report is accurate.

To improve the reporting process, police officers should be notified to enter the information correctly into ARMS. Additionally, the supervisors of the police officers should be notified to verify the information is properly recorded on the police reports. This will help ensure that all incidents reported to the DoE are reportable under Clery requirements.

Management Corrective Actions

UCPD will provide training and develop the department's policy and procedures (see below) that will place the responsibility for report accuracy on the police supervisor(s).

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General Order 344.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should complete the Report Correction form stating the reasons for rejection. The original report and the correction form should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

General Order 344.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

The management corrective action will be implemented by January 1, 2012. The Police Captain will be responsible for the corrective action implementation.

2. Clery Crime Statistics

Our comparison of Clery crime statistics reported to the DoE and those recorded in the ASR identified some issues with the reporting of offense statistics by location. The following differences were noted:

- The ASR showed six aggravated assaults in the on-campus student housing facilities location section, while the statistics submitted to the DoE reflected none. The Records/Dispatch Supervisor indicated that there was a clerical error when the figures were submitted to the DoE.
- The ASR reflected eight burglaries on non-campus properties, while seven were reported to the DoE. The Records/Dispatch Supervisor was unsure why only seven crimes were reported to the DoE.
- In the last instance, the ASR reflected four weapons law arrests at campus non-residence locations, while five were reported to the DoE.

During the review, it was noted that larceny thefts is not a category for the DoE statistical reporting except for hate crime offenses. Additionally, the DoE does not allow institutions to post any statistical figures for burglaries that occurred on public property.

To ensure accurate reporting of Clery crime statistics, a comparison between the DoE and ASR figures should be performed before the statistics are submitted to the DoE. In addition, it should

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be footnoted on the ASR that the DoE does not allow reporting of larceny thefts and burglaries that occurred on public property. This will ensure accurate reporting and help explain differences between the figures reported to the DoE and the figures on the ASR.

Management Corrective Actions

An additional system for checks and balances will be implemented to alleviate future discrepancies in these two data points. This system will involve the report management system we currently use (ARMS) and the implementation of some recent modifications to the program to assist in the accurate transfer of the data. The management corrective action will be implemented by January 1, 2012. The Police Captain will be responsible for the corrective action implementation.

3. Categorization of Crimes

Incidents reported to the DoE are not always properly reported by geographic location. Our review indicated that in two (or 8%) of 25 incidents examined, the incident's location was not properly reported to the DoE. In two instances, the incident's location was recorded as campus residence instead of non-campus residence. The Records/Dispatch Supervisor indicated that she relies on the supervisors of the police officers to verify that the information entered on police reports is accurate.

To improve the reporting process, police officers should be notified to enter the information correctly into ARMS. Additionally, the supervisors of the police officers should be notified to verify the information is properly recorded on the police reports. This will help ensure that the incidents being reported to the DoE are properly categorized by location.

Management Corrective Actions

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