

# CALIFORNIA'S EDUCATION INSTITUTIONS

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

REPORT NUMBER 2002-032, DECEMBER 2003

California education institutions' and the California Postsecondary Education Commission's responses as of December 2003

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### ***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.*
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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 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). We evaluated compliance with the Clery Act at California State University, Sacramento (Sacramento); City College of San Francisco (San Francisco); San Diego State University (San Diego); University of California, Davis (Davis); University of California, Santa Barbara (Santa Barbara); and University of Southern California (USC).

Chapter 804, Statutes of 2002, also 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 institutions' criminal statistics information.

### **Finding #1: Institutions receive little guidance on converting California's definitions of crimes to Clery Act reportable crimes.**

The Clery Act requires eligible 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 their crime statistics, it may impose a civil penalty of up to \$25,000 for each violation or misrepresentation and 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 on such matters as converting California's definitions of crimes to those reportable under 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.

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 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.

***Legislative Action: Unknown.***

**Finding #2: 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 Sacramento retained documentation to identify the specific incidents that were included in its 2002 annual report. San Diego was only able to provide documentation to identify the specific incidents it reported for calendar years 1999 and 2001. We were able to re-create the statistics for San Francisco using data from crime reports and other relevant documents. Davis, Santa Barbara, and USC did not maintain their documentation in a manner that would allow us to identify the specific incidents included in their annual reports; however, Davis and Santa Barbara chose to re-create their statistics. We were unable to re-create and verify the statistics for USC. According to our analysis, institutions mostly over-reported their crime statistics. However, except for Davis and San Francisco, the percentage of error was generally small.

To improve the accuracy and completeness of their data, we recommended that five of the six institutions retain adequate documentation that specifically identifies the incidents they include in their annual reports.

***Institutions' Actions: Pending.***

The education institutions generally agreed with our recommendation and included plans to implement either systems or methods to retain adequate documentation of the incidents they include in their annual reports.

**Finding #3: 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 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.

To improve the accuracy and completeness of their data, we recommended that four of the six institutions should establish procedures to ensure that they accurately identify all reportable locations and report all associated incidents.

*Institutions' Actions: Pending.*

The education institutions generally agreed with our recommendation and included plans to implement policies and procedures to ensure that they identify all reportable locations and report all associated incidents.

**Finding #4: Collecting insufficient information from campus security authorities and 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. Institutions that do not collect sufficient detail on an incident may over-report actual crimes by counting an incident more than once.

To improve the accuracy and completeness of their data, we recommended that three of the six institutions should establish procedures to obtain sufficient information from campus security authorities and police agencies to determine the nature, date, and location of incidents.

*Institutions' Actions: Pending.*

The education institutions generally agreed with our recommendation and included plans to request sufficient information on incidents, including the nature, date, and location of the incident.

**Finding #5: 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. 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.

To improve the accuracy and completeness of their data, we recommended that three of the six institutions should establish procedures to include all required campus security policies in their annual reports. Further, we recommended that two institutions should establish procedures to notify all current and prospective students and employees of the reports' availability. Finally, we recommended that five of the six institutions should establish a policy to define timely warning and establish procedures to ensure that they provide timely warnings when threats to campus safety occur.

***Institutions' Actions: Partial corrective action taken.***

The education institutions generally agreed with our recommendations and stated that they will make the necessary changes to correct the deficiencies noted in our report.

However, only four of the five institutions agreed with our recommendation concerning timely warnings and included plans to implement a policy. 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 considered to be a threat to other students and employees. 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.

**Finding #6: The Commission's Web site does not link users to the institutions' Web sites.**

State law requires the 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. The Commission believes that it would need assistance from the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs to maintain a comprehensive list of institutions and their Web sites. Without such a list, the Commission is unable to provide links to the Web site of each institution, as state law requires.

To ensure that it provides links to the Web site of each California institution that includes on that Web site 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.

***Commission Action: Partial corrective action taken.***

The Commission stated that it is working with the Bureau for Private Postsecondary and Vocational Education to ensure that all links are included on the Commission's Web site. Further, the Commission reported that it will regularly check with Education to ensure that it has complete information. Finally, the Commission stated that it has updated its Web site to include links to all California institutions on Education's Web site.