

# California's Postsecondary Educational Institutions

## Some Institutions Have Not Fully Complied With Federal Crime Reporting Requirements

### REPORT NUMBER 2012-032, ISSUED OCTOBER 2012

This report concludes that the six California postsecondary educational institutions (institutions) we visited—Academy of Art University (Academy); California State University, Northridge (Northridge); Laney College (Laney); San Bernardino Valley College (San Bernardino); San Diego City College (San Diego); and University of the Pacific (Pacific)—did not fully comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requirements. All six institutions reported at least some inaccurate statistics, none of the institutions disclosed all of the required policies in their annual security reports, and four of the six institutions did not properly notify prospective employees of the availability of their annual security reports. Most of the errors leading to inaccurate statistics resulted in institutions reporting more crimes than the Clery Act required them to disclose. We also found that the most frequently missing policy disclosures were related to emergency response and evacuation procedures. Failure to comply with the Clery Act may result in federal financial penalties of up to \$27,500 per violation. Furthermore, the U.S. Department of Education (Education) has stated that the goal of safety- and security-related regulations is to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus so that they can make informed decisions. We identified several reasons for institutions' lack of compliance with the Clery Act. These reasons included not adequately reviewing and adhering to guidance related to the Clery Act and the absence of a thorough review of annual security reports for accuracy before publication.

In the report, the California State Auditor (state auditor) made the following recommendations to the six institutions we audited. The state auditor's determination regarding the current status of recommendations is based on each of the six institutions' responses to the state auditor as of December 2012 and January 2013.

#### **Recommendation 1.1.a—See pages 11—20 of the audit report for information on the related findings.**

To ensure that they comply with the Clery Act by correctly reporting all applicable crimes and disclosing all required campus security policies, institutions should review and adhere to applicable guidance related to the Clery Act, including Education's Office of Postsecondary Education's (OPE) *Handbook for Campus Safety and Security Reporting* (OPE handbook) and the Federal Bureau of Investigation's *Uniform Crime Reporting Handbook*.

#### ***Academy's Action: Fully implemented.***

According to the Academy, the annual security report will be updated each year. To ensure that the report includes only Clery reportable crimes as well as the campus security procedures and disclosures required by Education, reportable crimes will be based on the OPE handbook and Academy staff will stay current on new disclosure requirements by attending Clery conferences and monitoring Clery updates.

#### ***Northridge's Action: Fully implemented.***

According to the police department at Northridge, it has reviewed and will adhere to the applicable guidelines related to the Clery Act. Specifically, Northridge records unit personnel will continue to use the OPE handbook as its primary resource for meeting Clery Act requirements.

#### ***Laney's Action: Pending.***

Laney did not provide a response to the state auditor as requested in time to include it in this report.

***San Bernardino's Action: Pending.***

According to San Bernardino's police department, it is updating its annual security report's policies and procedures for both crime statistics and campus security policy disclosures to include a review of the OPE handbook and the Federal Bureau of Investigation's *Uniform Crime Reporting Handbook* to ensure Clery Act compliance.

***San Diego's Action: Pending.***

According to the San Diego Community College District (district), its Clery Act Compliance Committee is assessing compliance concerns, including district policies and procedures. All policies and procedures determined to be out of compliance with the Clery Act will be revised and/or included in future annual security reports. Also, the district's Emergency Communications Policy and Procedure is currently under administrative review. Once approved, this policy and procedure will be added to the 2012 annual security report. Lastly, the district is developing additional information to include in future annual security reports regarding illegal drug and alcohol policies.

***Pacific's Action: Pending.***

Pacific did not provide a response to the state auditor as requested in time to include it in this report.

**Recommendation 1.1.b—See pages 11—20 of the audit report for information on the related findings.**

To ensure that they comply with the Clery Act by correctly reporting all applicable crimes and disclosing all required campus security policies, institutions should thoroughly review the Clery Act crime statistics and security policy disclosures in their annual security reports for accuracy before publication.

***Academy's Action: Partially implemented.***

According to the Academy, the annual security report will be updated each year. To ensure that the report includes only Clery reportable crimes, the report will be reviewed for accuracy by the Academy's Clery officer and director of security. These reviews will occur throughout the year as well as at year end before the report is released for publication. Also, as mentioned under recommendation 1.1.a, Academy staff will stay current on new disclosure requirements by attending Clery conferences and monitoring Clery updates. However, although the Academy indicated that it will be taking steps to stay informed of the disclosures required by Education, it did not mention the steps it would take to ensure that any changes to its campus security procedures related to those disclosures are reflected in its annual security report.

***Northridge's Action: Fully implemented.***

According to Northridge, in 2012, it established a two-step process to ensure that the annual security report includes all the required policy statements and disclosures as well as accurate statistics. This process includes a review by the records supervisor who writes the report. Next, the report is reviewed by the records administrator to verify its completeness. The review is completed by using a checklist of the procedures, policies, disclosures, practices, and programs as required by Education to be included in the report.

***Laney's Action: Pending.***

Laney did not provide a response to the state auditor as requested in time to include it in this report.

***San Bernardino's Action: Pending.***

According to San Bernardino, it is updating its annual security report's policies and procedures to include a secondary review of the Clery Act crime statistics and security policy disclosures in its annual security report to ensure this information is accurate before the report is published.

***San Diego's Action: Partially implemented.***

According to the district, it is continuing to take the necessary steps to ensure that the crime reporting review process is in compliance with the federal definition of all Clery reportable crimes. However, these steps were not explained. In addition, the district did not mention the steps it would take to stay current on new disclosure requirements or the steps it would take to ensure that any changes to campus security procedures related to new disclosures are reflected in the annual security report.

***Pacific's Action: Pending.***

Pacific did not provide a response to the state auditor as requested in time to include it in this report.

**Recommendation 1.1.c—See pages 16 and 17 of the audit report for information on the related finding.**

To ensure that they comply with the Clery Act by correctly reporting all applicable crimes and disclosing all required campus security policies, institutions should ensure that they have a complete, accessible daily crime log, as required by the Clery Act.

***Laney's Action: Pending.***

Laney did not provide a response to the state auditor as requested in time to include it in this report.

***San Bernardino's Action: Pending.***

According to San Bernardino, it is planning to ensure that the daily crime log is reviewed by a supervisor on a daily basis and forwarded to the chief of police for verification of accuracy.

***San Diego's Action: Fully implemented.***

According to the district, it will now spot check the daily crime log for accuracy for a period of at least six-months to ensure that all required information is being reported correctly.

***Pacific's Action: Pending.***

Pacific did not provide a response to the state auditor as requested in time to include it in this report.

**Recommendation 1.2—See pages 20 and 21 of the audit report for information on the related finding.**

Institutions should ensure that they properly notify both current and prospective students and employees of the availability of their annual security reports in the manner prescribed by the Clery Act.

***Laney's Action: Pending.***

Laney did not provide a response to the state auditor as requested in time to include it in this report.

***San Bernardino's Action: Pending.***

According to San Bernardino, it is in the process of updating its policies and procedures for notifying current and perspective students as well as current and perspective employees of its annual security report to ensure the notification is done properly.

***San Diego's Action: Partially implemented.***

According to the district, it has added a link to the annual security report on the district's Employment Opportunities Web site. Also, its Clery Act Compliance Committee is working with the district's Human Resources to establish any additional guidelines necessary for compliance with the notification requirement.

***Pacific's Action: Pending.***

Pacific did not provide a response to the state auditor as requested in time to include it in this report.