

## **California's Postsecondary Educational Institutions:**

*Stricter Controls and Greater Oversight  
Would Increase the Accuracy of Crime  
Statistics Reporting*



January 2007  
2006-032

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# CALIFORNIA STATE AUDITOR

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January 23, 2007

2006-032

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 evaluating the accuracy of crime statistics in the 2005 annual report published by a sample of six California postsecondary educational institutions. It describes the procedures these institutions used to identify, gather, and track data for reporting, publishing, and disseminating crime statistics in compliance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

This report concludes that the sampled institutions misreported their crime statistics and the average error rate over the three years presented in their reports ranged from 7 percent to 56 percent. Because some crimes defined in California law are different from those definitions the Clery Act uses, some institutions did not correctly convert crimes defined in California law to crimes the Clery Act requires institutions to report and others either did not review or did not correctly report some crimes in potentially reportable categories. Further, several institutions we reviewed did not correctly identify all reportable locations when compiling statistics for their 2005 annual reports, and most have not established written policies or procedures for some of the items described in their annual reports.

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

# CONTENTS

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<i>Summary</i>	1
<i>Introduction</i>	5
<i>Audit Results</i>	
The State’s Definitions of Crimes Cannot Always Be Uniformly Converted to Reportable Crimes	11
Some Institutions Did Not Identify All Reportable Crimes	13
Failing to Collect Enough Information From Campus Security Authorities and Local Police Agencies Can Affect Crime Statistics	18
Institutions That Lack Adequate Procedures for Determining Reportable Locations Risk Confusion and Inaccurate Reporting	21
The Statistics Institutions Report to Education Do Not Always Match the Statistics in Their Annual Security Reports	26
Well-Defined and Implemented Policies and Procedures Are Important Aspects of Clery Act Compliance	28
The California Postsecondary Education Commission Does Not Ensure a Link Exists to Institutions’ Crime Statistics	33
Recommendations	35
<i>Appendix A</i>	
Definitions of Crimes and Violations Reportable Under the Clery Act	41
<i>Appendix B</i>	
Statistics Reported by Postsecondary Educational Institutions in Their Annual Security Reports Contain Some Inaccuracies	43

***Responses to the Audit***

---

American River College 49

University of California, Berkeley 53

***California State Auditor's Comments on the  
Response From the University of California, Berkeley*** 59

---

California State University, Long Beach 61

Leland Stanford Junior University 65

***California State Auditor's Comments on the  
Response From the Leland Stanford Junior University*** 71

---

University of California, Los Angeles 73

***California State Auditor's Comments on the  
Response From the University of California,  
Los Angeles*** 77

---

University of Southern California 79

***California State Auditor's Comments on the Response  
From the University of Southern California*** 83

---

California Postsecondary Education Commission 85

# SUMMARY

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## Audit Highlights . . .

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

- One institution did not correctly convert crimes defined in California law to crimes the Clery Act requires to be reported in the annual security report.*
  - Institutions did not review some potentially reportable crimes to determine if they are reportable under the Clery Act.*
  - Institutions did not correctly identify all reportable locations.*
  - Institutions have not established a written policy or procedure for some of the items described in their annual reports.*
  - The California Postsecondary Education Commission does not ensure that the links that it provides lead to institutions' statistics.*
- 

## RESULTS IN BRIEF

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires eligible postsecondary educational institutions (institutions) to report crime statistics annually in accordance with the definitions used in the Uniform Crime Reporting Program of the Federal Bureau of Investigation. However, some crimes defined in California law are different from those defined by the Uniform Crime Reporting Program, and often institutions must review individual crimes to determine whether they are reportable under the Clery Act. One of the six institutions we reviewed did not correctly convert crimes defined in California law to crimes the Clery Act requires institutions to report in their annual security reports (annual reports), and four institutions either did not review or did not correctly report some crimes in potentially reportable categories.

The Clery Act also requires institutions to report the statistics for crimes committed in certain geographic locations associated with the campus in their annual reports. Each crime must be classified as occurring on the campus, in a residence hall, in or on certain noncampus buildings or property, or on specific public property. Although federal regulations provide definitions for these location types, some confusion existed in the past over the practical application of the various definitions. To give institutions additional guidance in applying the definitions, the U.S. Department of Education (Education) published a handbook in June 2005. The handbook included specific examples detailing how to classify various locations. Nevertheless, five of the institutions we reviewed did not correctly identify all reportable locations in their 2005 annual reports.

In addition, the Clery Act outlines numerous security policies that institutions must disclose in their annual reports, and the handbook published by Education provides guidance on the minimum requirements for specific information that must be included. However, the policies and procedures described in an annual report must accurately reflect the institution's unique security policies, procedures, and practices, and if the institution does not have a required policy, it must disclose that fact. Although they generally disclosed all required

information, most of the institutions we reviewed have not established written policies or procedures for some of the items described in their annual reports.

Lastly, state law requires the California Postsecondary Education Commission (commission) to provide a link to the Web site of each California institution containing crime statistics information. To more efficiently meet this directive, the commission provides a link to the statistics collected by Education for each of California's institutions. However, the commission does not ensure that these institutions post such statistics to Education's Web site.

## **RECOMMENDATIONS**

To improve the accuracy and completeness of their data, institutions should do the following:

- Ensure that crimes defined in California law are correctly converted to crimes the Clery Act requires institutions to report in their annual reports.
- Establish procedures to identify crimes defined in California law that cannot be directly converted to reportable crimes and ensure that additional steps are taken to determine if a crime is reportable.
- Establish procedures to accurately identify all campus, noncampus, and public property locations and report all associated crimes.

To ensure full compliance with the Clery Act, each institution should establish a body of comprehensive policies that support all disclosures made in their annual report.

To ensure that its Web site contains a link to all institutions' crime statistics, the commission should continue with its plan to test the validity of its links.

## **AGENCY COMMENTS**

American River College; California State University, Long Beach; and the commission generally agreed with our findings. However, the University of California, Berkeley (Berkeley); Leland Stanford Junior University (Stanford); University of California, Los Angeles (UCLA); and the University of

Southern California (USC) did not agree with all of our findings. Specifically, Berkeley disagreed with our finding that its definitions of public property were inconsistent with the Clery Act. Stanford and USC disagreed with our classification of university properties. USC and UCLA disagreed with the number of reportable crimes we identified. Finally, all six institutions and the commission generally agreed with our recommendations and plan to take specific actions to address them. ■

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# INTRODUCTION

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## BACKGROUND

**T**itle 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.<sup>1</sup> Eligible institutions—such as public or private nonprofit educational institutions, proprietary institutions of higher education, and postsecondary vocational institutions—that participate in federal student aid under Title IV are required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) to create an annual security report (annual report) containing information about campus crime and security policies. They are also required to issue timely warnings for crimes considered to be a threat to the safety of students.

The Clery Act was named after Jeanne Ann Clery, a 19-year-old freshman who was raped and murdered in her residence hall room at Lehigh University in Pennsylvania on April 5, 1986. In 1987 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 institution distribute an annual report by October 1 of each year to all enrolled students and current employees. Additionally, institutions must notify employees and current and prospective students of the availability of their annual reports. The 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.

### 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, its educational purposes, including residence halls.
- Building or property that is within or reasonably contiguous to the area identified above, that is owned by the institution but 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 is 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.

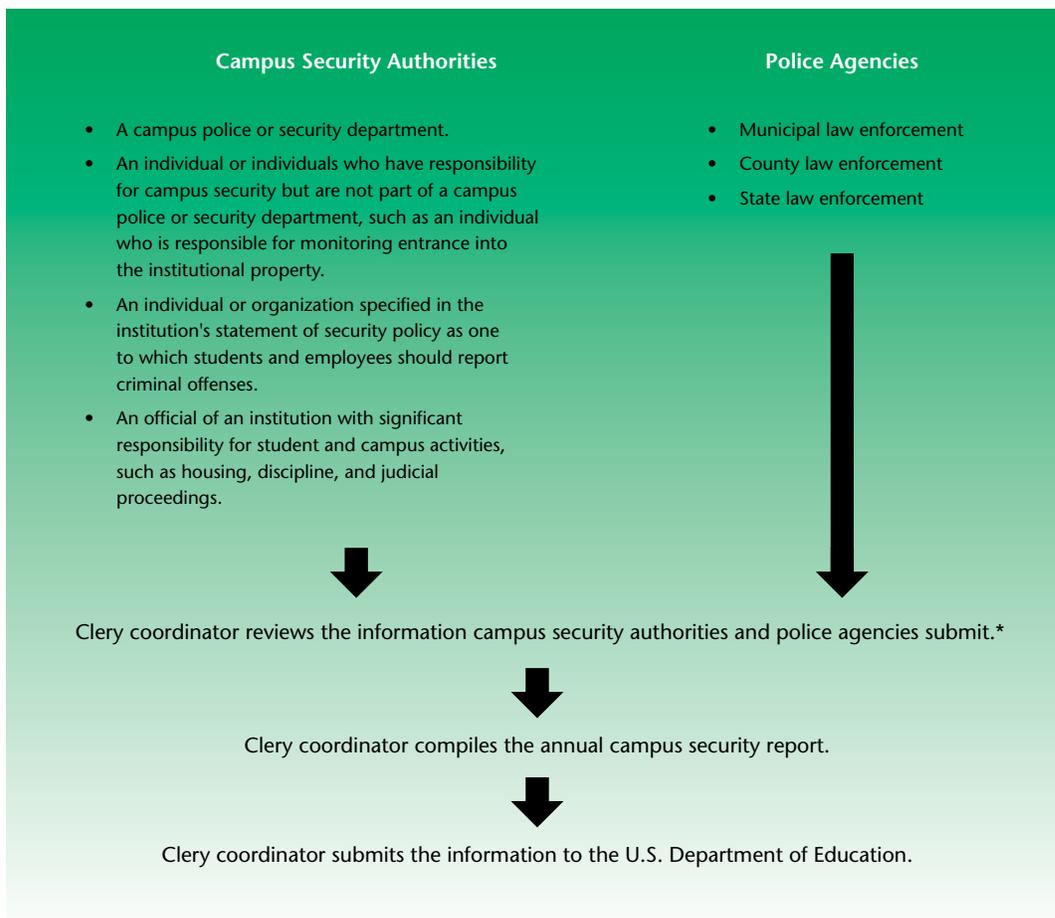
Source: Code of Federal Regulations, Title 34, Section 668.46.

<sup>1</sup> The federal Pell Grant Program awards grants to help financially needy students meet the cost of their postsecondary education.

The Clery Act also requires institutions to report these statistics using specific location categories: those occurring on campus, in or on certain noncampus buildings or property, and on specific public property as defined in the text box on page 5. Statistics for residence halls, a subsection of the campus category, must be presented separately. Institutions generally request crime information from multiple sources, including their campus security authorities as well as local police agencies. As shown in Figure 1, the process of compiling information on incidents requires the coordinated efforts of multiple individuals.

**FIGURE 1**

**Process for Gathering and Annually Reporting Crime Information**



Source: U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Crime Reporting*, Washington, D.C., 2005.

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

In June 2005 the U.S. Department of Education's (Education) Office of Postsecondary Education released a handbook for campus crime reporting. This handbook provides additional guidance on meeting the regulatory requirements of the Clery Act.

## **SCOPE AND METHODOLOGY**

Chapter 804, Statutes of 2002, which added Section 67382 to the California Education Code (code section), requires the Bureau of State Audits to report to the Legislature the results of our audit of not less than six California postsecondary educational institutions that receive federal student aid. We were also directed to evaluate the accuracy of the institutions' statistics and the procedures they use to identify, gather, and track data for reporting, publishing, and disseminating accurate crime statistics in compliance with the requirements of the Clery Act.

When we last conducted this audit in 2003, we found that limited guidance existed regarding Clery Act reporting. As a result, institutions sometimes reported inaccurate or incomplete statistics in their annual reports because the Clery Act does not always provide clear definitions and the institutions made judgments on which incidents they should include in their annual reports. Further, because the Clery Act does not clearly define location types, institutions had significant discretion in identifying the locations to report. Consequently, they may have reported inaccurate and inconsistent statistics to the public. Additionally, we found that the Clery Act requires institutions to collect crime statistics from campus security authorities and local police agencies but that institutions did not always request sufficient detail on crimes—such as the time, date, location, and nature of the incident—from campus security authorities and local police agencies to avoid duplication or exclusion of crimes reportable under the Clery Act. Finally, 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 did not always do so.

Using factors such as student population, federal funding, and geographic location, we selected a sample of six institutions from the California Community College, California State University, and University of California systems, as well as private institutions. We evaluated compliance with the Clery Act at American River College; California State University,



Long Beach; Leland Stanford Junior University (Stanford); University of California, Berkeley; University of California, Los Angeles (UCLA); and University of Southern California. We reviewed the institutions' annual reports for 2005, which include their crime statistics for 2002, 2003, and 2004. Annual reports for 2005 were due October 1, 2005, and were the most recent available reports at the time of our audit.

To evaluate the accuracy and completeness of the reported crime statistics, we obtained information from the crime-tracking system maintained by each institution and evaluated the crimes for the years under review. The U.S. Government Accountability Office (GAO), whose standards we follow, requires us to assess the reliability of computer-processed data. Based on our tests, we found that with the exception of UCLA, the data contained in these tracking systems were sufficiently reliable for the purposes of this audit. Because of the missing crime information described at page 17 of the Audit Results, we found that the data contained in the UCLA crime-tracking database were of undetermined reliability; therefore, we did not use these data to draw conclusions regarding UCLA's Clery statistics. Because this crime-tracking database has the most detailed information related to crime statistics, we present the statistics we calculated for UCLA for contextual purposes.

We also selected a sample of crime reports from the institutions' police agencies, 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 local police agencies to determine whether the institutions reported incidents obtained from these sources correctly. In our review of information provided by local police agencies, we were unable to assess the reliability of the data in accordance with GAO standards; thus, we consider all such data to be of undetermined reliability for the purposes of our audit. When possible, we attempted to quantify the effect of errors and present this information in the report.

To understand how each institution defined its reportable locations for capturing crime statistics and its methodology for collecting the statistics from campus security authorities and local police agencies, we interviewed the Clery coordinator and campus security authority staff at each institution. Five of the six institutions provided us with all relevant supporting

documentation requested; however, the Stanford Management Company, a division of Stanford established to manage its financial and real estate assets, did not provide us with requested information on property owned by Stanford.

To ascertain whether the institutions adequately disclosed all required policies, we reviewed their annual reports and interviewed staff at each institution. The code section also states that institutions of higher education should establish and publicize a policy that allows victims or witnesses to report crimes to the 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 such a policy, we reviewed the annual reports for 2005 and interviewed appropriate staff at each institution.

Finally, the code section requires the California Postsecondary Education Commission (commission) to provide on its Web site a link to the Web site of each California postsecondary institution that includes crime statistics information. To determine whether the commission has complied with state law, we reviewed its Web site, as well as that of Education, and interviewed commission staff. ■

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# AUDIT RESULTS

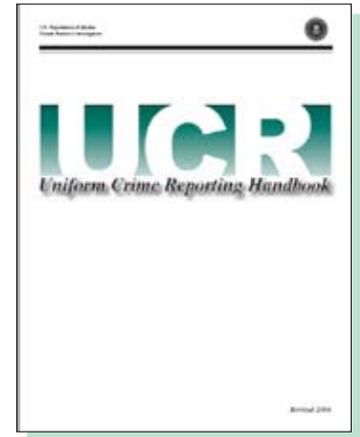
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## THE STATE'S DEFINITIONS OF CRIMES CANNOT ALWAYS BE UNIFORMLY CONVERTED TO REPORTABLE CRIMES

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and federal regulations require eligible postsecondary educational institutions (institutions) to compile crime statistics in accordance with the definitions established by the Uniform Crime Reporting Program of the Federal Bureau of Investigation (FBI).

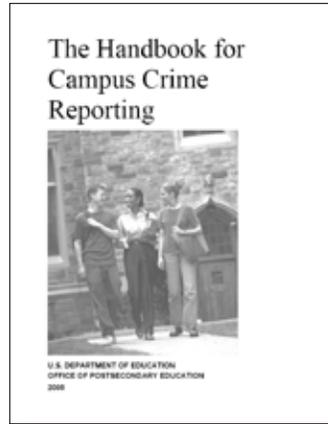
Definitions for crimes reportable under the Clery Act can be found in both federal regulations and the FBI's

*Uniform Crime Reporting Handbook* (UCR). If the U.S. Department of Education (Education) finds that an institution has violated the Clery Act by substantially misrepresenting the number, locations, or nature of reported crimes, it may impose a civil penalty of up to \$27,500 for each violation or misrepresentation. Additionally, Education may suspend or terminate the institution's eligibility status for Title IV funding.



Although various state and federal entities give limited guidance to some institutions, it appears that no single governing body provides guidance to all California institutions required to comply with the Clery Act. For example, institutions have not received specific instruction on converting the State's definitions of crimes to those reportable under the Clery Act. In addition, because some crimes defined in California law do not precisely match the crimes described in the UCR, often an institution must review the specifics of a case to determine whether the crime is reportable. This lack of comprehensive guidance could cause institutions to report crime statistics inconsistently and may expose institutions to penalties.

If they request it, institutions can receive some guidance from Education regarding compliance with the Clery Act requirements. For example, Education maintains an e-mail address for specific



questions. In June 2005 Education released *The Handbook for Campus Crime Reporting* (Education handbook), which offers additional guidance on compliance. However, the Education handbook does not convert state crime definitions into the definitions of crimes reportable under the Clery Act or identify potentially reportable state crimes. Thus, institutions continue to lack guidance in this area, which could affect the consistent reporting of their crime statistics.

The Clery Act requires institutions to use the UCR to define and classify crimes they must report; however, not all crimes defined in the UCR are reportable under the Clery Act. The FBI developed the UCR to assist participating agencies in understanding and completing the monthly and annual reporting forms for its 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. The UCR does not convert crimes from individual states to its definition and classification framework.

***Justice has developed a list of specific state laws that meet the uniform crime reporting definitions, but this list does not address those situations in which California laws could fall under more than one crime reporting category.***

State law requires every agency dealing with crimes or criminals, including certain California postsecondary educational institutions that maintain police departments, to submit crime statistics to the California Department of Justice (Justice). These statistics include more crimes and classifications than the institutions are required to report under the Clery Act. Justice has developed a list of specific crimes defined in state law that match the UCR definitions, but this list does not address those situations in which crimes defined in California law that could fall under more than one UCR category. For example, Justice's list groups all California burglaries under the UCR burglary category, however, California's burglary law includes auto burglaries, which are specifically assigned to a different category by the UCR.

The University of California's Office of the President (University of California) prepared a manual to guide employees who have responsibilities under the Clery Act, but it holds each campus responsible for establishing appropriate procedures. The manual includes a table that converts crimes defined in California

law to reportable crimes. Although this table is a good start, it does not identify crimes that may or may not be reportable depending on the specifics of the case. For example, the table groups 16 state laws under aggravated assault but does not include state laws relating to battery, such as California Penal Code, Section 243(d), which addresses instances when a battery is committed and serious bodily injury is inflicted on the victim. Crimes of battery may or may not fall under the Clery Act's definition of aggravated assault depending on the specifics of the case, including whether a weapon was used, the seriousness of the injury, and the intent of the assailant to cause serious injury. However, University of California campuses 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) provides training on Clery Act compliance and monitors its campuses' Web sites to ensure that they contain notices of the annual report and include the appropriate information. In addition, California State University has created a video and accompanying viewer's guide to assist its campuses in complying with the Clery Act. Although the viewer's guide identifies the crime categories from the UCR that campuses must report, it does not provide a table converting crimes defined in California law to Clery Act reportable crimes.

### **SOME INSTITUTIONS DID NOT IDENTIFY ALL REPORTABLE CRIMES**

We visited six institutions that published annual security reports (annual reports) in 2005: American River College (American River); California State University, Long Beach (Long Beach); Leland Stanford Junior University (Stanford); University of California, Berkeley (Berkeley); University of California, Los Angeles (UCLA); and University of Southern California (USC). Like all eligible institutions, the six we visited must retain all records they used to create their annual reports, including records for crime statistics, for three years after the due date of the reports, as specified in the Education handbook. Table 1 on the following page shows that each institution misreported its crime statistics and the average error rate over the three years ranged from 7 percent to 56 percent. In Appendix B we present more detailed data regarding inaccuracies in crime statistics published by the institutions we reviewed.

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*The average error rate over the three years for the six institutions we visited ranged from 7 percent to 56 percent.*

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**TABLE 1**

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

	Institutions					
	American River	Berkeley*	Long Beach†	Stanford	UCLA‡	USC
<b>2002</b>						
Crime statistics per annual report	34	860	131	387	369	397
Crimes identified by this audit	40	361	148	386	407	309
Crimes over-reported in annual report	0	499	4	15	6	88
Crimes (under-) reported in annual report	(6)	0	(21)	(14)	(44)	0
Total errors	6	499	25	29	50	88
Error rate	18%	58%	19%	7%	14%	22%
<b>2003</b>						
Crime statistics per annual report	23	722	217	388	358	354
Crimes identified by this audit	23	337	223	382	410	307
Crimes over-reported in annual report	1	385	13	20	1	60
Crimes (under-) reported in annual report	(1)	0	(19)	(14)	(53)	(13)
Total errors	2	385	32	34	54	73
Error rate	9%	53%	15%	9%	15%	21%
<b>2004</b>						
Crime statistics per annual report	43	263	78	311	401	190
Crimes identified by this audit	40	303	118	309	421	239
Crimes over-reported in annual report	5	55	2	8	4	1
Crimes (under-) reported in annual report	(2)	(95)	(42)	(6)	(24)	(50)
Total errors	7	150	44	14	28	51
Error rate	16%	57%	56%	5%	7%	27%
<b>Total for all years</b>						
Crime statistics per annual report	100	1,845	426	1,086	1,128	941
Crimes identified by this audit	103	1,001	489	1,077	1,238	855
Crimes over-reported in annual report	6	939	19	43	11	149
Crimes (under-) reported in annual report	(9)	(95)	(82)	(34)	(121)	(63)
Total errors	15	1,034	101	77	132	212
Error rate	15%	56%	24%	7%	12%	23%

Sources: Institutions’ records of incidents reported to their campus security authorities and police agencies, and the institutions’ 2005 annual reports.

Notes: Because over- and under-reported crimes in different categories may offset each other, this table presents the absolute number of errors in total for each crime category, exclusive of location errors and instances where over- and under-reporting errors offset each other within the same category.

Due to the small number of reported hate crimes, we did not include them in our comparative analysis.

Although we attempted to disclose all discrepancies between the statistics we calculated and those reported by the institutions, some discrepancies may exist because we were unable to determine exactly what crimes made up the institution’s statistics or because we reviewed a sample of crime reports and additional information may exist in the crime reports we did not review.

\* This table indicates a significant difference between the statistics the University of California, Berkeley (Berkeley) reported and those we calculated. Many of those differences resulted from the definition of public property that Berkeley used.

Berkeley’s crime-tracking database did not include all arrests and citations for the audit period. Thus, we do not include weapon, drug, or liquor arrests in our analysis.

† California State University, Long Beach, was unable to provide complete records of the statistics it obtained from the local police department. Thus, we do not include such numbers in our analysis or the numbers it reported.

‡ As described in the Scope and Methodology, because of concerns with the data in the University of California, Los Angeles’ crime-tracking database, we concluded that the data we present in this table are of undetermined reliability. Therefore, we are providing them for contextual purposes only.

### **One Institution Did Not Report a Homicide**

Although the Clery Act was established because of a murder, USC excluded one homicide from its statistics. Specifically, the Los Angeles Police Department (Los Angeles police) reported a homicide that occurred across the street from the USC campus, an area that meets the definition of public property. Although the documentation USC provided to us shows that the area was initially designated as public property, on further review USC staff decided that it was not a reportable location. However, the property is directly across the street from at least two locations designated as campus property and is adjacent to another. As such, this address meets the definition of public property, and we included the crime in the statistics we calculated.

### **Institutions Miscategorized Certain Types of Offenses**

The Clery Act requires institutions to compile crime statistics in accordance with the definitions established in the UCR. However, there is no comprehensive list converting crimes defined in California law to those reportable under the Clery Act and identifying crimes that cannot be uniformly converted. Consequently, institutions are responsible for ensuring that they include in their annual reports all reportable crimes and correctly classify crimes and their locations in accordance with the definitions of crimes reportable under the Clery Act. When institutions fail to meet these requirements, they can distort the level of crime occurring on the campuses.

Our testing found that one institution did not correctly convert crimes defined in California law to reportable crimes, as defined in the UCR. Specifically, Berkeley reported a few crimes of indecent exposure, which is specifically excluded in reportable UCR categories and the Education handbook.

Another institution did not include all crimes it had identified in a relevant location category. Because the residence hall location category is a subset of the campus category, the Education handbook requires all crimes reported in the residence hall location category to be included in the campus category. However, Long Beach did not include some residence hall crimes in the campus category. In fact, in several instances for its 2004 statistics, the number of crimes Long Beach reported at residence halls for some crime categories was higher than those reported for the campus as a whole.

## Failure to Correctly Classify Specific Incidents of Potentially Reportable Crime Types Led Institutions to Incorrectly Report the Number of Crimes

From our review of California law, we found that some crimes cannot be directly converted to crimes reportable under the Clery Act. For example, depending on the circumstances of the case, crimes defined in California law as battery may fit the UCR definition of aggravated assault, which is a Clery Act reportable crime, or it may fit the definition of a simple assault, which is not reportable. Without a review of such cases, institutions can overlook reportable crimes. Documentation we obtained from Berkeley, Stanford, and USC indicated that they either did not review some potentially reportable categories, or did not appropriately include some reportable crimes from potentially reportable categories. For example, the list of crimes Berkeley and USC indicated that they considered for inclusion in their annual reports did not include crimes of domestic violence or battery to determine if they were aggravated or simple assaults. In addition, UCLA included some crimes from potentially reportable categories that do not meet the criteria for reportable crimes.

### Best Practice

Long Beach implemented a process in its crime-tracking system to notify staff when a crime is entered into the system that cannot be directly converted to a crime reportable under the Clery Act so that further review can be performed.

Similarly, crimes defined in California law, such as brandishing a weapon—which is the drawing or exhibiting of a deadly weapon or firearm in a rude, angry, or threatening manner—could meet the criteria for aggravated assault specified in the UCR, depending on the circumstances of the case. However, we found that four of the six institutions we reviewed classified these crimes as illegal weapons violations. In addition, Berkeley did not review burglaries and thus it incorrectly included auto burglaries in its statistics. The California law that defines a burglary includes both structure burglaries and auto burglaries; the latter is specifically excluded from the burglary category in both the UCR and the Education handbook.

When institutions do not review crimes that cannot be uniformly converted to UCR crime definitions, they risk misreporting the number of crimes. Therefore, institutions must identify California law defining crimes that cannot be directly converted to Clery Act reportable crimes and ensure that they take additional steps, such as reviewing crime reports, to determine if the crimes are reportable.

## Incomplete Data Led Some Institutions to Under-report Crimes

Each institution we reviewed used some form of an electronic system to record and track crimes. However, a lack of controls in these systems led Stanford and UCLA to incorrectly report their crime statistics. At Stanford we identified crimes that either were not entered into the system or were entered with an incorrect year. In addition, at UCLA we found instances when the type of crime was not entered in the crime-tracking system for Clery Act reportable crimes, and UCLA subsequently assumed they were not criminal incidents. UCLA is currently investigating whether this is a data entry issue or a system issue and is exploring system modifications to better detect when these instances occur. We were unable to determine the exact number of reportable crimes within these incidents and therefore did not include them in the tables presented in this report.

### Best Practice

Long Beach performs monthly internal validation checks of its data and annually selects random records from its electronic systems to ensure that they match the documented crime reports.

Although Stanford and UCLA have a process in which supervisors are required to review the data entered, incidents were overlooked or critical information was entered incorrectly. When institutions do not identify all reportable crimes or enter erroneous information for crimes, they risk misrepresenting the number of crimes occurring on their campuses.

The UCR requires institutions to report only the most egregious crime when multiple offenses occur during a single incident. However, the Clery Act requires institutions to report only crimes that meet specific UCR definitions. For example, under the Clery Act, institutions must report the number of drug arrests but not crimes of larceny. Therefore, sometimes the more egregious crime is not a Clery Act reportable crime but the lesser offense is reportable.

Berkeley and Long Beach tracked all violations associated with each incident in their electronic systems, but neither institution reported a small number of crimes involving multiple offenses in which only the lesser offense must be reported under the Clery Act. As a result of this oversight, both institutions under-reported the number of crimes in their statistics. Some other institutions do not track crimes in a manner that would allow such a situation to be readily identifiable, but it is reasonable to believe that they also may not be reporting the lesser reportable crimes. Although the Clery Act states that the hierarchy of crimes specified in the UCR should be applied

to determine the most egregious incident to report, it does not indicate that reportable crimes should be excluded because of an associated offense that is not reportable.

## **FAILING TO COLLECT ENOUGH INFORMATION FROM CAMPUS SECURITY AUTHORITIES AND LOCAL POLICE AGENCIES CAN AFFECT CRIME STATISTICS**

The Clery Act requires institutions to collect crime statistics from campus security authorities and local police agencies. The six institutions we reviewed collect information from various campus security authorities throughout the institutions at

least annually. By doing so, the institutions are attempting to capture crimes that victims may not report to their campus police departments. Each institution identifies its campus security authorities by the positions they hold on campus. However, Long Beach was unable to provide sufficient records from campus security authorities for 2002. American River and Stanford did not retain complete records of their requests or responses from campus security authorities, and the results of the procedures we used to verify their existence were inconclusive.

Because local police agencies may be responsible for responding to certain types of crimes or patrolling designated noncampus and public property areas, institutions must also request information that allows them to determine which additional crimes they should include in their annual reports. Two institutions we reviewed, Long Beach and USC, either did not maintain original documents provided by local police agencies or documentation of which crimes they included in their annual reports.

### **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 onto 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: Code of Federal Regulations, Title 34, Section 668.46.

### **Various Campus Security Authorities May Be Aware of Additional Reportable Crimes**

One institution, USC, requests information only from its Office of Judicial Affairs and the Center for Women and Men (center), a sexual assault counseling center. The Clery coordinator for USC stated that it is unnecessary to request information from other campus security authorities as they would direct victims to report such crimes to the campus police department at the time they occurred. However, a campus security authority we

interviewed at another institution stated that his impression is that many crimes are not reported to the campus police department for numerous reasons. Given the institution's responsibility to ensure compliance with the Clery Act, it is important that it confirm with all campus security authorities that they have no crimes to report.

Because institutions often draw on multiple campus security authorities and local police agencies for information on crimes, specific details such as the time, date, location, and nature of an incident aid in verifying whether an incident is reportable and whether the same incident was reported by more than one source. Four institutions we reviewed that formally solicit information from their campus security authorities—American River, Berkeley, USC, and UCLA—also request necessary details. However, campus security authorities do not always comply with the requests. For example, USC states that although it asks the center to provide the number of incidents that occur and as much detail as it can, the center reports only the number of sexual assaults. According to the Clery coordinator, the center only reports the crimes that have not been reported to the campus police department. However, campus security authorities may not be aware of a victim's subsequent contact with the campus police department or other local police agencies.

#### Best Practice

UCLA's Clery coordinator contacts campus security authorities repeatedly and follows up with telephone calls to ensure that all campus security authorities submit reports detailing the crimes they are aware of or stating that they have no crimes to report.

Although all incidents reported to campus police departments and local police agencies should be considered, institutions should try to obtain detailed information on every incident reported to avoid over- or under-reporting. Without adequate information, an institution could under-report campus crime because it cannot confirm that it is already aware of the crime, or it could over-report as a result of counting an incident more than once.

Most of Stanford's campus security authorities did not respond to requests for information made by the institution's Clery coordinator. Only two of the 51 campus security authorities that Stanford identified in 2004 responded to the Clery coordinator's request for crime statistics. The former Clery coordinator at Stanford stated that in her experience this lack of response was normal and that she assumed that a lack of response from the remaining 49 campus security authorities meant they had nothing to report. Although other institutions also reported that many campus security authorities do not have crimes to

report, two institutions, Berkeley and UCLA, have procedures to ensure that they collect all campus security authority responses, whether or not they have crimes to report. To verify that campus security authorities are not neglecting their duty to report crimes of which they are aware, it is important that Clery coordinators obtain confirmation, whether or not reportable crimes exist.

### **Information Local Police Agencies Provide Must Include Sufficient Detail to Avoid Over-Reporting**

The Clery Act requires each institution to make a good-faith effort to obtain statistics from local police agencies. However, according to federal regulations, if the institution makes a reasonable effort, it is not responsible for the failure of the local police agencies to supply the required statistics. Each institution that we reviewed requested statistics from local police agencies, although Long Beach could not provide us with complete records of the data it obtained. Berkeley, Stanford, UCLA, and USC requested statistics from two or more local police agencies. Stanford and UCLA did not receive responses from local police agencies they requested statistics from during one or more of the years we reviewed. In addition, American River was unable to obtain data from a local police agency in enough detail to ensure that it was not over-reporting the number of crimes that occurred. As a result, American River states that Education has directed it not to include these crimes in its statistics.

An example of what can happen when institutions do not receive enough detail from local police agencies occurred when we were reviewing USC. Because the Los Angeles police are responsible for handling many of the crimes occurring on or near the USC campus, that local police agency is an important aspect of USC law enforcement. In responding to USC's request for crime information, the Los Angeles police provided statistics listing crimes by dates that often match the dates the crimes occurred as noted in USC's crime reports. However, USC's crime-tracking system lists crimes by the date they are reported to the campus police department, which would require USC to review crime reports to determine which crimes reported by the Los Angeles police are in addition to those USC already has in its statistics.

***USC may have overstated reportable crimes in its 2005 report because 60 crimes appear to have been reported in both the university and local police statistics.***

By reviewing a sample of USC crime reports to determine the dates that the crimes occurred, we identified 60 crimes that appear to have been reported in both the university and local police statistics, which most likely led to USC overstating

reportable crimes in its 2005 annual report. Because USC did not keep records of the specific crimes it included in its statistics, we were unable to reconcile the records from these two sources.

### **INSTITUTIONS THAT LACK ADEQUATE PROCEDURES FOR DETERMINING REPORTABLE LOCATIONS RISK CONFUSION AND INACCURATE REPORTING**

The Clery Act requires each institution to report statistics for crimes committed in certain geographic locations associated with the campus. Although the Education handbook provides specific examples of how various locations are to be classified, five of the six institutions we reviewed did not correctly identify all reportable locations. Some institutions did not properly identify public property for all years reviewed; incorrectly classified property meeting the definition of a campus location; did not differentiate in their annual reports between crimes occurring on campus and those occurring on certain public properties, such as streets adjacent to the institution; and failed to identify all noncampus locations subject to reporting. Although each campus is unique, it is important that institutions consistently apply the criteria established by Education to accurately classify reportable crimes.

#### **Confusion Over the Definition of Public Property Led Some Institutions to Misreport Their Number of Crimes**

Before Education issued its handbook in June 2005, institutions interpreted the definition of the public property they were required to consider in reporting crimes in a variety of ways. For example, Berkeley formerly defined all locations within an area of two to four blocks surrounding the campus as public property, and Long Beach included all reportable crimes that occurred in the local police agencies' reporting districts bordering the university. Berkeley states that in conjunction with other University of California campuses, it changed its definition of public property to be the sidewalk and half of the street adjacent to the campus, and in 2005 it used this definition of public property to compile its 2004 statistics. As discussed in the Introduction, the federal regulations define the category as all public property, including thoroughfares, streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus. The Education handbook provides additional clarification, including a notice that the Clery Act does not require the disclosure of crime statistics for public property that surrounds noncampus buildings or property.

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*When institutions use inconsistent interpretations for identifying reportable locations, it becomes difficult for a person, such as a prospective student, to know for which locations they are reviewing crime statistics.*

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Berkley said that it received the Education handbook in July 2005, although it also told us it did not have time to change its statistics to reflect the definition provided by the handbook because it prints its report earlier than required to provide it to incoming students. Long Beach stated that for the report it published in 2006, it altered its definition of public property to match that of the Education handbook. The efforts of institutions to be inclusive are admirable, but when institutions identify reportable locations inconsistently, it becomes difficult for a person to know the location for which they are reviewing crime statistics. This undermines one of the purposes of the Clery Act: to provide accurate, complete, and timely information about safety that enables all interested parties, such as prospective students, to make informed choices among institutions.

For crimes reported to it by the Los Angeles police, USC does not differentiate in its annual report between the crimes that occur on campus and those that occur on designated public property. USC stated that the Los Angeles police does not provide information in sufficient detail to make such a distinction. Therefore, USC states that it reports crimes from the Los Angeles police in the campus category. However, in reviewing USC's annual report, we noted that it reported crimes from local police agencies in the public property category and none in the campus category for 2002 and 2003. If it is unable to determine if crimes reported by the Los Angeles police occurred on campus or on public property, USC should determine which category is most appropriate and consistently include such crimes in that category.

### **Institutions Do Not Always Accurately Identify and Classify Reportable Locations**

Although the Clery Act and the Education handbook provide specific criteria for the classification of locations, three institutions did not properly identify all campus and noncampus locations. USC and UCLA both used additional criteria not established by the Clery Act or the Education handbook to classify certain residence halls as noncampus locations. In addition, USC and Stanford both classified a few campus locations as noncampus property, USC did not report crimes occurring at an intermittently used location, and Stanford overlooked some noncampus locations.

### Definition of a Campus Location

Federal regulations define a campus location in one of the following two ways:

1. Any building or property owned or controlled by the institution, within the same reasonably contiguous geographic area, and used in direct support of, or in a manner relating to, the institution's educational purpose.
2. A location within or reasonably contiguous to the area described above, owned by the institution, but controlled by another person, frequently used by students, and whose intent supports institutional purposes (such as a food or other retail vendor).

Source: Code of Federal Regulations, Title 34, Section 668.46 (a).

As described in the text box, the Clery Act specifically defines locations that should be considered in the campus category. However, UCLA and USC classified certain university-owned residence halls adjacent to the campus as noncampus locations. Specifically, USC did not classify La Sorbonne, a residence hall shown in Figure 2 on the following page, as campus property, thus excluding it from being considered when reporting crimes in the residence hall category. USC stated that the location did not meet the definition of an area reasonably contiguous to the main campus, despite its determination that the two adjacent residence halls do meet the definition. We asked USC to clarify which aspect of the definition La Sorbonne did not meet that the other residence halls did. USC indicated that because there is a barrier in the median

between La Sorbonne and the rest of the campus, the residence hall should not be considered a campus location, but because there are breaks in the barrier near the adjacent residence halls, they should be considered campus locations. However, although accessibility from campus is a consideration in the definition of public property for Clery Act reporting, it is not part of the Clery Act definition of a campus location. Also shown in Figure 2, La Sorbonne is closer to the campus than portions of the adjacent residence halls, which USC classified as campus property; therefore, we believe that La Sorbonne is geographically reasonably contiguous and should be classified as a campus location.

Similarly, UCLA classified university-owned student housing contiguous to the main campus as noncampus property. The Clery coordinator stated that even though the buildings are geographically contiguous to the main campus, UCLA classifies them as noncampus locations because they are dispersed among privately owned property reflective of the larger residential neighborhood west of the campus. However, like USC's classification of the La Sorbonne residence hall, the characteristic used by UCLA to exclude this area is not part of the criteria established by the Clery Act. Because this location meets the definition of campus property, it should be classified as such. When institutions do not accurately classify all locations according to the Clery Act criteria, they risk distorting the levels of crime for the locations for which they are expected to report.

FIGURE 2

University of Southern California Campus



Source: <http://www.terraserver.microsoft.com>, March 29, 2004.

Stanford and USC also incorrectly classified certain other campus properties. USC classified university-owned locations adjacent to the east side of the main campus as noncampus property, although USC used several of these properties during the reporting period for purposes that met the Clery Act definition of a campus location. Stanford classified its hospital as a noncampus location because it does not consider the hospital as primarily an educational facility. However, Stanford owns the property the hospital sits on, its students use the facility for internships, and the property is within the area Stanford defines as reasonably contiguous. For these reasons, we believe Stanford's hospital meets the Clery Act definition of a campus location.

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*Institutions misclassified or overlooked certain reportable locations, such as a university-owned hospital and shopping centers or leased athletic facilities.*

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In addition, Stanford and USC both classified university-owned shopping centers as noncampus property. Although the shopping centers fit the definition of a campus property, Stanford's legal department advised us that because the university's founding grant does not allow the sale of the original property, Stanford's method of disposing of property is through long-term leases, and the lessees are considered fee holders for certain purposes. The legal department stated that these transactions are essentially sales of real property for a term of years. However, the lease for the shopping center property specifically states that in no event shall Stanford's fee title to the premises be encumbered, impaired, or subordinated. Further, the legal department said that Stanford has no control over the land. Nevertheless, our review of the lease revealed that Stanford retains control over many aspects of the property, including certain improvements or alterations, and which tenants are allowed to lease portions of the location. As a result, we believe Stanford owns and to some extent controls this property. If Stanford wishes to continue reporting this location in the noncampus category, it should obtain Education's concurrence. However, based on the criteria in the Education handbook and clarification we obtained from Education, both the Stanford and USC shopping centers meet the Clery Act definition of campus property.

USC also failed to include the Los Angeles Memorial Coliseum (coliseum) and Los Angeles Memorial Sports Arena (sports arena) as reportable noncampus locations. Although the coliseum and sports arena are publicly owned athletic stadiums, the Education handbook specifically states that an example of a property typically meeting the requirements of noncampus property would include:

. . . a publicly owned athletic stadium that is leased by the institution for its football games. Report crimes that occur during the time the facility is used by your students. If your institution leases parking space associated with this facility, you must also disclose reports of crimes occurring there during the time of use by your institution.

USC staff agreed with us that the two locations should be included but stated the sites were overlooked because they did not request information from the Los Angeles police for rented or leased property. The Los Angeles police patrol these locations, but because USC did not request crime statistics for these areas, we are unable to quantify the number of reportable crimes that

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*Institutions did not report certain properties because they did not request crime statistics for rented or leased properties or used maps rather than a list of owned or rented properties.*

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may have been excluded. Although these locations are used only a few days of the year for USC sporting events, the coliseum alone seats in excess of 90,000 people per event. Thus, a significant number of crimes could occur at sporting events held at these locations, and their exclusion as reportable locations could result in significant under-reporting.

Stanford also excluded a noncampus location related to its athletic activities. The Stanford boathouse has been operated by the institution since 1905. However, because Stanford identifies reportable locations by reviewing a map rather than a list of owned or rented properties, the boathouse was overlooked.

Not all locations are classified as easily. For example, the Stanford Schools Corporation operates a high school at which students from Stanford's education department teach. Although the Stanford Schools Corporation is a separate legal entity, the high school property is included on the Stanford list of insured properties. In addition, of the 13 individuals on the board of directors as described in the bylaws, 10 are appointed by Stanford or the chair of the Stanford board of trustees, or serve by virtue of their positions as employees of Stanford. Finally, the high school's Web site lists Stanford as the school's sponsor. When we discussed this issue with Stanford's legal department, they stated that both the organizational structure and the operation of Stanford Schools Corporation support a determination that it is not part of the Stanford campus for purposes of Clery Act reporting. Further, they believe that a majority of the current board members have no Stanford affiliation. Because of the complexity of this situation, we believe that Stanford should obtain Education's concurrence if it wishes to continue excluding this location from its noncampus locations.

### **THE STATISTICS INSTITUTIONS REPORT TO EDUCATION DO NOT ALWAYS MATCH THE STATISTICS IN THEIR ANNUAL SECURITY REPORTS**

In addition to disclosing crime statistics in their annual reports, institutions must submit the information to Education, using a form on Education's Web site. Although we would expect these statistics to mirror one another, Berkeley, Long Beach, Stanford, UCLA, and USC had discrepancies between the number of crimes published in their annual reports and those they submitted to Education. Among the causes of the discrepancies were institutions' errors when completing Education's online form, errors in the institutions' annual reports, the discovery of

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*Some discrepancies resulted from errors when institutions completed Education's online form, others were caused by errors in the institutions' annual reports, still others were due to the discovery of misplaced information, and some were the result of corrections the institutions made after obtaining additional information.*

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misplaced information, and corrections institutions made after obtaining additional information. Errors made in reporting to Education and when preparing annual reports distort the actual levels of crime experienced by the institutions and result in unreliable resources for current and prospective students.

For example, both USC and Stanford attributed some of their discrepancies to data entry errors when entering their data on Education's online form. According to the Clery coordinator at USC, the bulk of the discrepancies in its statistics were caused by confusion over the entry of data from local police agencies after a redesign of Education's Web site. In addition to the errors in its submission to Education, USC published incorrect statistics in its annual report. A data entry error of its 2002 statistics resulted in USC over-reporting 23 forcible sex offenses in its annual report. Data entry errors also account for Stanford's under-reporting three campus residential sexual assaults and one burglary in its submission of 2003 statistics to Education. Stanford also under-reported its sexual assaults by excluding those submitted by campus security authorities in the data it reported to Education for the years we reviewed. Stanford's former Clery coordinator stated that the sexual assaults were left out because the institution was unable to verify which were already included in the records of the campus police department and adding them might suggest more sexual assaults than had actually occurred. However, the campus security authority that submitted the statistics said that incidents for which it knew the campus police department had been involved were not included in the numbers it submitted and therefore should have been included.

Further, Stanford's annual report noted one assault that was described as a hate crime—a crime required to be separately reported by the Clery Act—yet the former Clery coordinator did not include it in the data submitted to Education. She stated that she did not believe the crime met the definition of an aggravated assault. However, according to Stanford's crime-tracking system, the suspect was cited for both a hate crime and an aggravated assault by the responding police officers.

Berkeley also misreported certain crimes in its annual report or in the data it submitted to Education because it misfiled information provided by its campus security authorities, did not include all crimes in the database used to identify reportable crimes, and in one year omitted all crimes reported by its campus security authorities. Berkeley provided us with a very general list of the procedures it follows for compiling

***Berkeley misreported crimes because it misfiled information provided by its campus security authorities, did not include all crimes in the database used to identify Clery crimes, and in one year omitted all crimes reported by its campus security authorities.***

the annual report, but we noted that the list does not include detailed procedures reminding the Clery coordinator to obtain and include information from relevant sources, such as campus security authorities. A more detailed procedure might assist Berkeley in identifying and including all relevant information in its annual reports and Education submissions.

## **WELL-DEFINED AND IMPLEMENTED POLICIES AND PROCEDURES ARE IMPORTANT ASPECTS OF CLERY ACT COMPLIANCE**

A major component of Clery Act compliance is the disclosure of policy statements in the annual report. The Clery Act outlines numerous campus security policies that institutions must disclose, and the Education handbook provides guidance on the minimum requirements for specific information that the report must include. However, the policies and procedures described in the annual report must also accurately reflect the institution's unique security policies, procedures, and practices, and if the institution does not have a particular policy or procedure, it must disclose that fact. Although most of the institutions we visited disclose all policies required by the Clery Act, one institution could do more to ensure compliance with statutory requirements. Specifically, in its annual report USC did not address all components of the programs, policies, and procedures regarding sexual assault that the Clery Act requires it to disclose.

Further, most of the institutions we reviewed have not established a written policy or procedure for some of the items described in their respective reports. For example, one requirement of the Clery Act is that institutions must make timely reports to the campus community on Clery Act reportable crimes that are considered a threat to students and employees. However, only Berkeley and UCLA had written policies defining when and how such notices should be published. The Clery Act also requires each institution to distribute its annual report to enrolled students and current employees, and to notify prospective students and employees of its availability. However, American River did not sufficiently disclose the availability of the report to the required parties.

## Institutions Generally Comply With the Clery Act Requirements to Disclose Campus Security Policies

The Clery Act requires that each institution disclose its current campus security policies. While all six institutions we reviewed made good-faith efforts to fully disclose these policies, USC did not fully comply in its disclosures. Although it disclosed information for all seven of the categories we reviewed, its sexual assault information did not include all the components required by the Clery Act. Specifically, USC's sexual assault disclosure lacked such items as the steps victims should take when a sex offense occurs and the importance of preserving evidence following a sexual assault. Complying with the Clery Act provides students and employees at these institutions with important information concerning their safety.

### Best Practice

Berkeley created a Web site called CalTIP to enable individuals to report crimes anonymously. The Web site is described in Berkeley's annual report.

California Education Code, Section 67382(c), suggests that institutions establish and publicize a policy that allows victims or witnesses to report crimes to the institutions' police agencies or to a specified campus security authority on a voluntary, confidential, or anonymous basis, and federal regulations require institutions offering confidential or anonymous reporting to disclose its availability in their annual reports. All the institutions we reviewed allow confidential reporting by sexual assault victims, and three—Berkeley, Long Beach, and USC—allow anonymous reporting of crimes. In addition, USC's annual report directs people wishing to report crimes on a voluntary, confidential, or anonymous basis to contact the department of a recognized campus security authority. However, Long Beach did not adequately disclose its anonymous reporting procedure in its annual report.

A research report published by the U.S. Department of Justice in December 2000 states that fewer than 5 percent of attempted and completed rapes are reported to law enforcement officials. According to an article published in the FBI's Law Enforcement Bulletin dated June 1999, an anonymous reporting system enables law enforcement investigators to gain information about crimes of sexual violence that likely otherwise would go unreported. Unless institutions establish and inform students and staff of the availability of an anonymous reporting system, they may not have a clear picture of the degree of sexual violence occurring on their campus and surrounding communities.

## Some Institutions Have Not Established All the Policies or Procedures Described by Their Annual Reports

Although the institutions we reviewed generally disclosed the information required by the Clery Act in their annual reports, most campuses were unable to provide us with the policies and procedures to support all the disclosures they had made in those reports, as illustrated in Table 2. For example, American River did not have a departmental manual until 2004, and the manual currently in place does not cover three of the seven disclosures listed in Table 2.

**TABLE 2**

**Institutions Have Not Established All Policies and Procedures Supporting Required Disclosures**

Required Disclosures	Required Policies and/or Procedures					
	American River	Berkeley	Long Beach	Stanford	UCLA	USC
Preparing for annual disclosure	No	Yes	No*	No	Yes	No
Security and access to campus	No	Yes	Yes	Yes†	Yes	No
Campus police department's relationship with local police agencies	Yes‡	Yes	Yes	Yes	No	Yes
Timely warnings	No	Yes	No	No	Yes	No
Monitoring of off-campus organizations by local police agencies	NA	Yes	Yes	NA	NA	No
Policies regarding alcohol, drugs, and weapons	Yes	Yes	Yes	Yes	Yes	Yes
Policies regarding sexual assault	Yes	Yes	Yes	Yes	Yes	Yes §

Sources: Institutions' policies and procedures.

NA = Not applicable.

\* Long Beach has a draft procedure it plans to use to compile the report in future years.

† Although Stanford's current policies include this item, we were unable to obtain the policy supporting this disclosure for the audit years under review.

‡ American River has a signed memorandum of understanding (MOU) from 1988 with the local sheriff's department. However, it has been operating under the terms of an unsigned MOU since 2001.

§ Although USC makes most of the necessary disclosures, it does not adequately disclose to students the importance of preserving evidence and the recommended steps to do so.

A lack of established policies can cause confusion and affect consistency in the operations of campus police departments. For example, although Long Beach publishes statistics that may include the numbers of certain crimes reported in confidence to the counseling center, the police department does not have

a written policy for taking anonymous reports. When we discussed the general practice for dealing with such situations with Long Beach staff, we received conflicting answers regarding the procedures they would follow. Well-defined and publicized policies would help ensure that campus police officers are aware of the proper procedures and consistently follow them. Both American River and USC stated that they are currently in the process of updating their departmental policies.

In addition, two institutions, American River and UCLA, did not have current signed memorandums of understanding (memorandum) with local police agencies in place during the audit period, and neither disclosed this fact in their annual reports. Although American River has a signed memorandum from 1988 that it states is still in effect, the institution also stated that it operates under the provisions of a 2001 draft memorandum that was never signed. In addition to the Clery Act requirement that institutions disclose their working relationship with state and local police agencies, California Education Code, Section 67381, requires a written agreement between campus law enforcement and local law enforcement agencies. American River and UCLA indicated that they have developed memorandums and provided them to the local police agencies. American River stated that despite negotiation and discussion, it was unable to overcome disagreements over the substance of the memorandum until recently, and UCLA said that although it has attempted to negotiate a memorandum numerous times over the past eight years, it has not yet reached an agreement with the Los Angeles police and continues to operate under an informal cooperative understanding.

### **The Clery Act Requires Institutions to Provide Timely Notices to Students and Employees of Threats to Their Safety**

The Education handbook states that to keep the campus community informed about safety and security issues, an institution must alert the campus community of reportable crimes considered an ongoing threat to students and employees in a manner that is timely and will aid in the prevention of similar crimes. Because of its potential to prevent crimes, each institution is required to have a policy specifying how it will issue these warnings. Because the Clery Act does not define timely, we expected institutions to have established their own definitions. For example, once it determines a potential threat exists and a

#### **Best Practice**

UCLA's procedure uses a form to determine if a timely warning is necessary. If this process indicates that a timely warning is required, a clearly written policy guides staff at the campus police department in generating and issuing a timely warning within 12 to 24 hours after the initial incident.

warning needs to be issued, UCLA's procedure is to distribute alerts within 12 to 24 hours after the initial incident. As shown in Table 3, however, neither Long Beach nor Stanford has established guidelines or time frames for reporting incidents to the campus community.

**TABLE 3**  
**How Institutions Define "Timely Warning"**

Definition	American River	Berkeley	Long Beach	Stanford	UCLA	USC
Within 24 hours or the next business day		•				
Within the following 12 to 24 hours					•	
Within one or two business days						•
Within 48 hours	•					
No standard definition or protocol			•	•		

Sources: Institutional policies and interviews with institution staff.

Long Beach stated that creating a written policy would limit the scope for which the institution could issue timely warnings. Although we appreciate a desire to be more inclusive than the law requires, we noted that during the prior three years Long Beach issued only three warnings regarding Clery Act reportable crimes. Many of the 836 incidents Long Beach reported in its annual report during this period may not have presented an ongoing threat; however, it is important that Long Beach ensure that it provides warnings for those that are. If it wishes to expand the scope of warnings to address crimes not reportable under the Clery Act, nothing in the act prohibits Long Beach from doing so. Although institutions have latitude in creating procedures to fit their unique circumstances, the lack of written policies or procedures may lead to situations in which warnings are not issued promptly or consistently and in a manner that will best alert the campus community of potential danger. Despite the experience of authorities at each institution's police agency, a written policy also ensures that timely warnings are issued appropriately when staff authorized to issue warnings are not immediately available.

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

Federal regulations require institutions to distribute their annual reports to all enrolled students and current employees by October 1 of each year through appropriate publications or mailings. In addition, institutions must notify prospective students and employees of the availability of their annual reports. Although they use various methods of notification, as described in Table 4 on the following page, Berkeley, Long Beach, Stanford, UCLA, and USC made good-faith efforts to inform students and employees of the availability of annual reports. For example, Stanford, UCLA, and USC send e-mails or postcards to current students and employees to notify them that annual reports are available. Berkeley and Stanford send complete hard copies of the annual reports to current students. Some institutions also place notices in course catalogs, and Long Beach includes notices on employees' pay stubs. Further, most of these institutions make reasonable efforts to notify prospective students and employees by including notices in their promotional materials and on their enrollment and employment applications.

### Best Practice

Stanford uses multiple methods to ensure that all students and employees are aware of the availability of the annual report. Not only does Stanford provide a copy of the report to each dorm room, but it also sends both e-mail and postcard notices to students and staff.

American River is the only institution we reviewed that did not distribute its annual report or satisfactorily notify students and employees of its availability during the period we audited. However, American River said it corrected these oversights for the report due October 1, 2006. The annual report is only effective in educating students and staff about crime on campus and on the institution's security policies and procedures when students and staff are aware of its availability.

## THE CALIFORNIA POSTSECONDARY EDUCATION COMMISSION DOES NOT ENSURE A LINK EXISTS TO INSTITUTIONS' CRIME STATISTICS

State law requires the California Postsecondary Education Commission (commission) to provide a link to the Web site of each California institution containing crime statistics information. To fulfill this requirement, the commission provides links on its Web site to connect users to the selected institution's summary information on Education's Web site. The commission believes that this ensures uniform reporting of crime statistics, provides interested persons with a common reporting format

for comparison purposes, reduces the reporting burden on institutions, and makes the best use of the commission's scarce resources.

**TABLE 4**

**Methods Institutions Used to Distribute the Annual Report or Inform Students and Employees of Its Availability**

	American River	Berkeley	Long Beach	Stanford	UCLA	USC
<b>Informing of report availability</b>						
<b>Publication</b>						
Undergraduate admissions information	*	•	•		•	
Graduate admissions information	NA		•	•	•	
Schedule of classes	†		•			
Student catalog	†		•	•	•	
Student guidebook	*	•		•‡		•
Employment application/information	*	•	•	•	•	•
Post-employment materials/information	•	•	•	•		
<b>Distributing annual report</b>						
Copy of report		•		•§		
Postcard sent to students/staff				•	•	
E-mail notification	*		•	•		•

Sources: Institutions' published documents and interviews with staff.

NA = Not applicable.

• Indicates the institution uses this document or procedure.

\* American River identified plans to use this method in the future to notify students and faculty of its annual report.

† American River currently displays an excerpt of its annual report in these documents but does not provide a link to the report in its entirety.

‡ Stanford's graduate student handbook informs students of the availability of the annual report.

§ Stanford distributes one hard copy of its annual report to every room or unit of its campus housing facilities.

However, the commission was unaware that five institutions listed on its Web site had not submitted crime statistics to Education's Web site. Four of the institutions are not yet required to report their statistics, and although it had no crimes to report, the fifth institution had inappropriately neglected to submit a report to Education as required.

Although the commission has procedures in place to verify that it includes a valid link to Education's summary information for each institution, it does not ensure that the summary page contains a link to a valid crime statistics report. The commission's method seems to be a reasonable and effective

use of its resources; however, this does not exempt it from the responsibility of ensuring that the links on its Web site lead to crime statistics if they are available. When we discussed this issue with commission staff, they informed us that it would take too much time to check the link to the crime statistics report for each institution. However, our information technology staff were able to create an example of a program to automatically perform this check, which we have provided to the commission. The commission stated that it will use this program to identify institutions whose pages on Education's Web site do not contain the required crime statistics information and will determine each institution's status.

## **RECOMMENDATIONS**

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

- Establish procedures to obtain sufficient information from campus security authorities and local police agencies to determine the nature, dates, and locations of crimes reported by these entities.
- Establish procedures to verify the integrity of data in its electronic crime-tracking systems.

To ensure compliance with the Clery Act, American River should do the following:

- Establish comprehensive departmental policies that support disclosures made in its annual reports.
- Establish procedures to ensure that the campus community is informed of the availability of the annual report.

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

- Ensure that crimes defined in California law are correctly converted to crimes the Clery Act requires institutions to report in its annual reports.
- Establish procedures to identify crimes defined in California law that cannot be directly converted to reportable crimes and ensure that additional steps are taken to determine if a crime is reportable.

- Establish procedures to accurately identify all campus, noncampus, and public property locations and report all associated crimes.
- Establish procedures to verify the integrity of data in its electronic crime-tracking systems.
- Establish procedures to minimize data entry errors in its annual report and in its annual submission to Education.

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

- Establish procedures to identify crimes defined in California law that cannot be directly converted to reportable crimes and ensure that additional steps are taken to determine if a crime is reportable.
- Retain adequate documentation that specifically identifies the incidents it includes in its annual reports.
- Establish procedures to obtain sufficient information from campus security authorities and local police agencies to determine the nature, dates, and locations of crimes reported by these entities.
- Establish procedures to accurately identify all campus, noncampus, and public property locations and report all associated crimes.
- Establish procedures to minimize data entry errors in its annual report and in its annual submission to Education.

To ensure compliance with the Clery Act, Long Beach should do the following:

- Establish a policy to define timely warnings and establish procedures to ensure that it provides timely warnings when threats to campus safety occur.
- Establish comprehensive departmental policies that support disclosures made in its annual reports.
- Establish procedures to ensure adequate disclosure of the availability of anonymous and confidential reporting to its campus community.

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

- Establish procedures to identify crimes defined in California law that cannot be directly converted to reportable crimes and ensure that additional steps are taken to determine if a crime is reportable.
- Establish procedures to obtain sufficient information from campus security authorities and local police agencies to determine the nature, dates, and locations of crimes reported by these entities.
- Establish procedures to accurately identify all campus, noncampus, and public property locations and report all associated crimes.
- Establish procedures to verify the integrity of data in its electronic crime-tracking systems.
- Establish procedures to minimize data entry errors in its annual report and in its annual submission to Education.

To ensure compliance with the Clery Act, Stanford should do the following:

- Establish a policy to define timely warnings and establish procedures to ensure that it provides timely warnings when threats to campus safety occur.
- Establish comprehensive departmental policies that support disclosures made in its annual reports.

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

- Establish procedures to identify crimes defined in California law that cannot be directly converted to reportable crimes and ensure that additional steps are taken to determine if a crime is reportable.
- Establish procedures to accurately identify all campus, noncampus, and public property locations and report all associated crimes.
- Establish procedures to verify the integrity of data in its electronic crime-tracking systems.

- Establish procedures to minimize data entry errors in its annual report and in its annual submission to Education.

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

- Establish procedures to identify crimes defined in California law that cannot be directly converted to reportable crimes and ensure that additional steps are taken to determine if a crime is reportable.
- Retain adequate documentation that specifically identifies the incidents included in its annual reports.
- Establish procedures to identify all campus security authorities and collect information directly from each source.
- Establish procedures to obtain sufficient information from campus security authorities and local police agencies to determine the nature, dates, and locations of crimes reported by these entities.
- Establish procedures to accurately identify all campus, noncampus, and public property locations and report all associated crimes.
- Establish procedures to minimize data entry errors in its annual report and in its annual submission to Education.
- Develop a process to make sure that the dates that crimes occurred recorded by the institution are compared to the dates recorded by local police agencies to minimize the potential for duplicate reporting of crimes.

To ensure compliance with the Clery Act, USC should do the following:

- Establish a policy to define timely warnings and establish procedures to ensure that it provides timely warnings when threats to campus safety occur.
- Enhance the disclosures regarding sexual assaults in its annual report to fully meet statutory requirements.
- Establish comprehensive departmental policies that support disclosures made in its annual reports.

To ensure that its Web site contains a link to all institutions' crime statistics, the commission should continue with its plan to test the validity of its links using the automated method that we have provided or a similar tool.

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 government auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,



ELAINE M. HOWLE  
State Auditor

Date: January 23, 2007

Staff: Nancy C. Woodward, CPA, Audit Principal  
Jonnathon D. Kline  
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# APPENDIX A

## **Definitions 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**

**Definitions 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.)

Source: Code of Federal Regulations, Title 34, Section 668, Appendix A.

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# APPENDIX B

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## ***Statistics Reported by Postsecondary Educational Institutions in Their Annual Security Reports Contain Some Inaccuracies***

In our review of six California postsecondary educational institutions (institutions), we found crime statistics that contain inaccuracies. In Tables B.1 through B.6 on the following pages, we present a comparison of the number of crimes we identified through our review versus the number of crimes reported in the institutions' annual security reports (annual reports). We describe in the Audit Results the reasons for some of these discrepancies. Because of the small number of reported hate crimes, we did not include them in our comparative analysis in the following tables. Additionally, because of the number and variety of issues we identified and evaluated, we chose not to include information regarding our analysis of student referrals for violations of drug, weapon, and liquor laws. However, information on arrests for these items is included.

Although we attempted to disclose all discrepancies between the statistics we calculated and those reported by the institutions, other discrepancies may exist because in some cases we could not determine the exact crimes contained in a particular institution's statistics, or because in some cases additional information may have existed in crime reports not included in the sample we reviewed.

**TABLE B.1**

**Crime Statistics Reported in American River College  
Annual Report Versus Crimes Identified by This Audit**

Crime Types	Crime Statistics Annual Report			Crimes Identified in Audit			Crimes Over- (Under-) Reported in Annual Report		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
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	1	1	0	2	0	1	(1)	1	(1)
Nonforcible sex offenses	0	0	0	0	0	0	0	0	0
Robbery	0	1	3	0	1	3	0	0	0
Aggravated assault	0	0	0	0	0	1	0	0	(1)
Burglary	16	6	13	21	6	10	(5)	0	3
Motor vehicle theft	17	13	25	17	14	25	0	(1)	0
Arson	0	0	0	0	0	0	0	0	0
Weapon law violations	0	2	1	0	2	0	0	0	1
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	1	0	0	0	0	0	1
<b>Totals</b>	<b>34</b>	<b>23</b>	<b>43</b>	<b>40</b>	<b>23</b>	<b>40</b>	<b>(6)</b>	<b>0</b>	<b>3</b>

**TABLE B.2**

**Crime Statistics Reported in University of California, Berkeley,  
Annual Report Versus Crimes Identified by This Audit**

Crime Types	Crime Statistics per Annual Report			Crimes Identified by This Audit			Crimes Over-(Under-) Reported in Annual Report		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
Murder and non-negligent manslaughter	1	3	0	1	0	0	0	3	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Forcible sex offenses	30	24	25	19	19	20	11	5	5
Nonforcible sex offenses	0	1	0	0	1	0	0	0	0
Robbery	100	71	7	39	32	28	61	39	(21)
Aggravated assault	65	40	5	18	26	21	47	14	(16)
Burglary	371	334	193	171	166	145	200	168	48
Motor vehicle theft	289	238	28	110	86	86	179	152	(58)
Arson	4	11	5	3	7	3	1	4	2
Weapon law violations									
Drug abuse violations									
Liquor law violations									
<b>Totals</b>	<b>860</b>	<b>722</b>	<b>263</b>	<b>361</b>	<b>337</b>	<b>303</b>	<b>499</b>	<b>385</b>	<b>(40)</b>

Note: Because the University of California, Berkeley's (Berkeley), crime-tracking database did not include all arrests and citations for the audit period, we do not include weapon, drug, or liquor arrests in our analysis.

This table indicates a significant difference between the statistics Berkeley reported and those we calculated. Many of those differences resulted from the definition of public property that Berkeley used as described in the Audit Results.

**TABLE B.3**

**Crime Statistics Reported in California State University, Long Beach,  
Annual Report Versus Crimes Identified by This Audit**

Crime Types	Crime Statistics per Annual Report			Crimes Identified by This Audit			Crimes Over-(Under-) Reported in Annual Report		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
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	0	5	1	1	6	3	(1)	(1)	(2)
Nonforcible sex offenses	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	1	1	0	(1)	0	0
Aggravated assault	7	4	2	6	2	0	1	2	2
Burglary	46	16	6	47	29	15	(1)	(13)	(9)
Motor vehicle theft	48	59	55	45	53	58	3	6	(3)
Arson	0	1	0	0	0	0	0	1	0
Weapon law violations	4	7	0	4	8	0	0	(1)	0
Drug abuse violations	16	33	14	26	29	30	(10)	4	(16)
Liquor law violations	10	91	0	18	95	12	(8)	(4)	(12)
<b>Totals</b>	<b>131</b>	<b>217</b>	<b>78</b>	<b>148</b>	<b>223</b>	<b>118</b>	<b>(17)</b>	<b>(6)</b>	<b>(40)</b>

Note: Because California State University, Long Beach, was unable to provide complete records of the statistics it obtained from local police departments, we do not include such numbers in our analysis or the numbers it reported.

**TABLE B.4**

**Crime Statistics Reported in the Leland Stanford Junior University  
Annual Report Versus Crimes Identified by This Audit**

Crime Types	Crime Statistics per Annual Report			Crimes Identified by This Audit			Crimes Over-(Under-) Reported in Annual Report		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
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	14	51	13	17	55	12	(3)	(4)	1
Nonforcible sex offenses	0	0	0	1	0	0	(1)	0	0
Robbery	4	3	7	7	3	7	(3)	0	0
Aggravated assault	4	4	4	6	14	9	(2)	(10)	(5)
Burglary	198	192	169	202	192	169	(4)	0	0
Motor vehicle theft	64	45	58	64	45	55	0	0	3
Arson	3	2	1	3	1	1	0	1	0
Weapon law violations	3	7	0	3	6	0	0	1	0
Drug abuse violations	37	22	20	22	9	16	15	13	4
Liquor law violations	60	62	39	61	57	40	(1)	5	(1)
<b>Totals</b>	<b>387</b>	<b>388</b>	<b>311</b>	<b>386</b>	<b>382</b>	<b>309</b>	<b>1</b>	<b>6</b>	<b>2</b>

**TABLE B.5**

**Crime Statistics Reported in University of California, Los Angeles,  
Annual Report Versus Crimes Identified by This Audit**

Crime Types	Crime Statistics per Annual Report			Crimes Identified by This Audit			Crimes Over-(Under-) Reported in Annual Report		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
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	18	15	14	19	24	17	(1)	(9)	(3)
Nonforcible sex offenses	0	0	0	0	0	0	0	0	0
Robbery	11	5	7	12	7	5	(1)	(2)	2
Aggravated assault	26	10	19	20	9	20	6	1	(1)
Burglary	237	249	259	245	265	261	(8)	(16)	(2)
Motor vehicle theft	50	55	63	72	64	70	(22)	(9)	(7)
Arson	1	0	1	1	0	2	0	0	(1)
Weapon law violations	14	5	9	14	6	14	0	(1)	(5)
Drug abuse violations	9	12	23	17	21	28	(8)	(9)	(5)
Liquor law violations	3	7	6	7	14	4	(4)	(7)	2
<b>Totals</b>	<b>369</b>	<b>358</b>	<b>401</b>	<b>407</b>	<b>410</b>	<b>421</b>	<b>(38)</b>	<b>(52)</b>	<b>(20)</b>

Note: As mentioned in the Scope and Methodology, because of concerns with the data in the crime-tracking database maintained by the University of California, Los Angeles (UCLA), we concluded that the UCLA data that we present in this audit report are of undetermined reliability; therefore, we include the UCLA data for contextual purposes only.

**TABLE B.6**

**Crime Statistics Reported in the University of Southern California  
Annual Report Versus Crimes Identified by This Audit**

Crime Types	Crime Statistics per Annual Report			Crimes Identified by This Audit			Crimes Over-(Under-) Reported in Annual Report		
	2002	2003	2004	2002	2003	2004	2002	2003	2004
Murder and non-negligent manslaughter	0	0	0	0	1	0	0	(1)	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Forcible sex offenses	47	23	19	22	25	23	25	(2)	(4)
Nonforcible sex offenses	0	1	0	0	0	0	0	1	0
Robbery	60	64	35	51	58	45	9	6	(10)
Aggravated assault	8	25	8	8	11	11	0	14	(3)
Burglary	176	138	87	163	146	105	13	(8)	(18)
Motor vehicle theft	80	75	22	52	54	29	28	21	(7)
Arson	3	0	1	3	0	1	0	0	0
Weapon law violations	3	1	7	2	3	8	1	(2)	(1)
Drug abuse violations	19	27	11	8	9	10	11	18	1
Liquor law violations	1	0	0	0	0	7	1	0	(7)
<b>Totals</b>	<b>397</b>	<b>354</b>	<b>190</b>	<b>309</b>	<b>307</b>	<b>239</b>	<b>88</b>	<b>47</b>	<b>(49)</b>

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*Agency's comments provided as text only.*

American River College  
Office of the Chief of Police  
3835 Freeport Blvd.  
Sacramento, CA 95823

January 5, 2007

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

RE: Bureau of State Audits Draft Report, "California's Education Institutions: Stricter Controls and Greater Oversight Would Increase the Accuracy of Crime Statistic Reporting-2006-032"

Dear Ms. Howle:

On behalf of President David Viar, I would like to thank you for the opportunity to respond to the recommendations made in the above referenced report. Our response is as follows:

**Recommendation:**

*"Establish procedures to ensure they obtain sufficient information from campus security authorities and local police agencies to determine the nature, date, and location of crimes reported by these entities."*

**Response:**

We concur with the finding and have implemented several processes to capture the recommended information. As indicated on page 20\* of the audit report, we specifically solicit the nature, date, and location of crimes in the letters sent out to our identified campus security authorities and we have already significantly improved our tracking and record keeping processes. In addition, we have also developed a PowerPoint presentation as a training tool to provide campus security authorities with the detailed information that they need to ensure accurate reporting. Finally, in an effort to improve reporting, we have also modified our letters of requests to local police agencies.

**Recommendation:**

*"Establish procedures to verify the integrity of data in their electronic crime tracking systems."*

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\* Text refers to page numbers in an earlier draft version of the report.

**Response:**

We recognize and agree with the importance of accurate data in our electronic crime tracking systems. We are now utilizing an automated records management system that along with improved oversight procedures will greatly enhance the integrity of our data.

**Recommendation:**

*“Establish a body of comprehensive departmental policies that support disclosures made in their annual reports.”*

**Response:**

We agree that a body of comprehensive departmental policies will improve our current ability to support our disclosures. Our department policies that support our disclosures will be added to our General Orders and to our District policies. (Refer to Table 2, page 33.)

**Recommendation:**

*“Establish procedures to ensure the campus community is informed of the availability of the annual report.”*

**Response:**

We concur with your finding and believe we are now in compliance. The following reflects the various publications and methodologies which are currently used to notify students, staff and faculty of the availability of the annual report:

1. Student Class Catalog
2. Student Class Schedule
3. Student Rights and Responsibilities Handbook
4. Faculty Handbook
5. Los Rios Police Department Website
6. E-mails sent to all Los Rios Staff and Faculty on the Exchange
7. I-mails sent to all Los Rios Students on the Exchange
8. Student Application Packets
9. Los Rios Employee Hiring Packets
10. Monthly Crime Report statistics distributed to ARC Area Offices, District Office and Outreach Centers
11. Posted in the lobby of the Police Department

**Page 34:**

*“American River College stated that despite negotiation and discussion it was unable to overcome disagreements over the substance of the documents until recently.”*

We take great pride in our partnerships with our local law enforcement agencies and we work closely with them to ensure the safety and security of our community. Delays in signing the MOU were more the result of bureaucracy rather than disagreements. The 2006 MOU is signed and in effect.

In conclusion, we recognize the importance of compliance. We are committed to enhancing our policies and procedures to ensure that we fulfill our obligation to keep our community informed. Thank you for highlighting the continuing challenges that Colleges and Universities face in fully complying with the Clery mandates, and please commend your staff for the courteous and professional manner in which they conducted the audit.

Sincerely,

*(Signed by: Rick C. Jones)*

Rick C. Jones  
Chief of Police  
Los Rios Police Department

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*Agency's comments provided as text only.*

University of California, Berkeley  
Police Department  
Room 1 Sproul Hall #1199  
Berkeley, California 94720-1199

January 10, 2007

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: Stricter Control and Greater Oversight Would Increase the Accuracy of Crime Statistic Reporting"**

Dear Ms. Howle:

Thank you for your letter of January 4, 2007 and the opportunity to discuss and respond to the draft report. We understand that the draft report resulted from the audit performed by your office on six educational institutions, including the University of California, Berkeley, regarding issues of compliance with the federal Clery Act.

We are gratified that UC Berkeley is recognized for our procedures related to requesting information from our campus security authorities, for the "Best Practice" acknowledgement with our CalTIP program, for our procedures in providing timely warnings to our population and for our efforts to inform students and employees of the availability of the annual report.

Regarding the findings of the report, we feel that the 56% error rate is extremely misleading. In fact, there is an actual error rate of 1.9%. The remainder of the BSA-assessed "errors" are related to definitions Berkeley used for "public property." Prior to receipt of the Clery handbook in 2005, we sought guidance from the Department of Education regarding how to define and count "public property" crime. Faced with the absence of any guidance, we chose to report crimes based upon what we appreciated were the intent and spirit of the Clery Act. The creation of the Clery Act directly dealt with the public sense that campuses under-reported crime, even to the extent that crime was intentionally under-reported to mislead potential students. Berkeley embraced not only the need to comply with the regulation, but the actual genesis and intent of the federal law. To achieve our goal of providing a true and accurate picture of crime that students, parents and employees would find in our community, we made the deliberate decision to broadly interpret public areas surrounding our unique environment where residence halls and urban locations coexist.

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\* California State Auditor's comments begin on page 59.

The reported 56% error rate fails to reflect a true picture of Berkeley's efforts to provide meaningful crime information to our population. It is our interpretation that the error rate identified by BSA falls into two general categories: location errors and classification errors. Generally, those figures that are associated with over-reporting for 2002 and 2003 and under-reporting for 2004 were recorded accurately based upon the best information we had at the time for defining the locations identified as "public property" areas. It was not until receipt of the Clery handbook in July 2005 that the definition for "public property" was clarified to extend into the sidewalk across the street from campus property. While we disagree with the handbook's restrictive definition, BSA determined that we over-reported crimes. Berkeley associates the over-reporting with the error rate of 54.1%.

The errors associated with true classification and conversion mistakes where Berkeley misclassified or did not properly convert California laws to Clery reportable crimes is 1.9%. The report has identified for us 35 cases of the 1845 cases we reported that are associated with incorrect classification or incorrect conversion. We acknowledge and take responsibility for these mistakes and will put in place procedures to mitigate these types of errors.

Clearly, the BSA draft report points out Berkeley's challenge to provide accurate and informative crime statistics to the student, parent and employee populations that frequent our urban campus. It is Berkeley's geographic uniqueness that challenges the definition of "public property" with the meaningfulness of crime statistics that truly inform our public. Unlike most colleges and universities, Berkeley's residence halls are not located within what most campuses would consider our core campus boundaries. Our residence halls are intermixed with commercial and residential properties not belonging to the University. As stated, we had little guidance in defining "public property" where our campus residence halls blended into the city environs. We recognized that our students live, walk, congregate, dine and socialize throughout this area and needed an accurate representation of the location's crime statistics. As a result, we acted in good faith and developed a "public property" reporting area within a 2-3 block radius of the core campus in an effort to distribute more useful and comprehensive information to our community. The Audit has found that we over-reported for 2002 and 2003 based on this good-faith definition of "public property." It is untenable to believe that our students or their parents should be advised only of those crimes that occur in the public property adjacent to our residence halls when the students frequently travel outside those identified boundaries defined by the Clery handbook. It is unreasonable to think that parents would not want to know of the homicides that occurred in 2002 and 2003, even though this audit identified those as over-reported errors.

For 2004, still lacking Clery guidelines but aware that Education did not approve of Berkeley's broader definition of "public property," the nine University of California campuses worked collectively to define "public property" as the sidewalk to the middle of the street of public property adjacent to the campus location. It was this definition that Berkeley used in the computation of the 2004 annual statistics. BSA determined that this definition was in error, even though the Clery handbook arrived after Berkeley published its crime statistics, and BSA has found that Berkeley, as a result, under-reported crime statistics in 2004.

Berkeley continues to believe that the current definition of "public property" denies students, parents and employees of complete and informative crime statistics in this location. Our desire is to provide informative crime statistics in our urban environment when the distinctions between campus and public property locations may not be clear to our current and prospective students and employees. Nonetheless, in 2005 Berkeley recalculated our 2004 statistics, gathered our 2005 statistics using the Clery handbook definition and has published those statistics in our most recent Annual Report.

Our goal and our published reports reflect what we believe is a true and accurate picture of crime that students, parents and employees would find in our community. It is our desire to provide our population with meaningful and accurate information. We continue to maintain that our method of collecting crime statistics accomplishes the spirit and the intent of the Clery Act. In the course of this audit, we have accepted the opportunity to improve our data collection and review process and reporting procedures. We wish to briefly address the specific recommendations that concern Berkeley in the following pages.

We thank the Bureau of State Audits for its thorough review of Berkeley's process and for providing us this opportunity of response to its recommendations.

Sincerely,

*(Signed by: Nathan Brostrom)*

*(Signed by: Victoria L. Harrison)*

\_\_\_\_\_  
Nathan Brostrom                      Date  
Vice Chancellor, Administration

\_\_\_\_\_  
Victoria L. Harrison                      Date  
Chief of Police & Associate Vice Chancellor,  
Public Safety & Transportation

## Responses to Audit Report 2006-032

- Establish procedures to verify the integrity of data in their electronic crime tracking systems.
  - In 2002, Berkeley used a proprietary records management system. During the collection of our 2002 crime statistics, this system failed, information could not be retrieved electronically and the collection was tabulated by hand. Due to the failure of the proprietary system, Berkeley was unable to access the information and provide for Audit's review the complete data for 2002. In 2003, Berkeley upgraded the records management system and routinely backs up the data in a fashion that allows for future access.

In addition, Berkeley intends to implement a quarterly gap-check that will identify missing case numbers and document the cause of the missing data. This process will assist Berkeley in verifying the integrity of the information in our electronic crime tracking system.

- Ensure crimes defined in California laws are correctly converted to Clery Act reportable crimes.
  - In 2003, Berkeley included four cases of indecent exposure in our Clery reportable crimes. In 2004 and in 2005, Berkeley followed a procedure that ensured these crimes were not counted as Clery Act reportable crimes. **While acknowledging Audit's findings and comments stemming from the 2003 statistics, we have already complied with the recommendation.**
- Establish procedures to identify crimes identified in California laws that cannot be directly converted to Clery Act reportable crimes and ensure additional steps are taken to determine if a crime is reportable.
  - Berkeley intends to implement a procedure where crimes identified will be reviewed monthly to ensure that the reports are correctly converted and entered into the electronic records management system.
- Establish procedures to minimize data entry errors in the annual report and in the annual submission to the U.S. Department of Education.
  - Even though Berkeley has consistently included all CSA data in their Education submissions, we accept the recommendation to develop a detailed check list that will ensure the coordinator identify and include all relevant information in its annual report and Education submissions.
- Establish procedures to ensure they accurately identify all campus, noncampus, and public property locations and report all associated crimes.
  - Berkeley acknowledges the difficulty associated with the accurate identifications of crimes in the public property locations of our complex environment. Our campus is located in the midst of an urban environment where campus properties and areas frequented by students may be located across the city street or blocks apart. In our effort to comply with the spirit of the Clery Act, we recognized that our students continuously move about the urban environment surrounding the Berkeley campus. Believing that we owed our population an accurate picture of crime within the areas where they work, eat, traverse and socialize, we counted all reportable crimes inside the boundaries made of our residence halls that surround the campus. In 2005, Education advised that we could no longer use that definition associated with our 2002 and 2003 annual report.

For the 2004 crime statistics, Berkeley relied upon a workable definition developed collectively with other campuses and the University California Office of the President that counted reportable crimes occurring on the sidewalk to the middle of the street of public property adjacent to the campus. This definition was used systemwide.

The Clery handbook, issued in July 2005, clarified the definition of public property as the sidewalk, the entire street and the sidewalk across the street of property adjacent to the campus. Berkeley has a standing practice of publishing our annual report so that incoming students receive copies upon their arrival in August of each academic year and the Clery handbook arrived after the 2004 crime statistics were published.

Berkeley maintains that the current definition does not provide our population with an accurate description of crime in our unique environment, yet we have since complied with the definition of public property as contained in the Clery handbook. However, in an effort to stay true to our belief that the Berkeley community deserves total and accurate crime information, we fully intend to provide our population with supplemental crime data that goes beyond the restrictive definition.

In our Education submission of the 2005 statistics, Berkeley recalculated the 2004 crime statistics and counted the 2005 reportable crimes as directed by the Clery handbook definition. Our 2006 Annual Report, distributed in August 2006, reflects this data. **Through this action, Berkeley has already complied with this recommendation.**

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# COMMENTS

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## ***California State Auditor's Comments on the Response From the University of California, Berkeley***

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

- Our error rate of 56 percent is not misleading. Although we appreciate Berkeley's desire to apportion its error rate by error type, we disagree with its characterization that crimes excluded due to an inappropriate definition of public property are not errors. In addition, in calculating its 1.9 percent error rate Berkeley has overlooked the automobile burglaries it improperly included in its statistics. Berkeley's most recently published annual security report (annual report) indicates that auto burglaries for 2003 and 2004 have been removed, however, the 2005 annual report we audited included these crimes. Additionally, Berkeley's calculated error rate does not include an additional six forcible sex offenses reported by campus security authorities (CSA) that Berkeley states it omitted from the 2004 statistics published in its 2005 annual report.
- We appreciate Berkeley's desire to provide information to students and parents that goes beyond the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). If Berkeley wishes to report this additional information, we agree with Berkeley's proposal on page 57 to present this information separately from the crime statistics it reports under the requirements of the Clery Act and that it submits to the U.S. Department of Education (Education).
- According to information Berkeley provided to us, *The Handbook for Campus Crime Reporting* (Education handbook) arrived at Berkeley a few days before the draft of its annual report was provided to its printer. As described at page 22 of the report, Berkeley chooses to print its report earlier than required by the Clery Act so that it can provide the report to students when they first arrive on campus. However, Berkeley could have chosen to

delay the printing of this portion of its annual report while it recalculated its statistics using the definition of public property clarified in the Education handbook.

- Although Berkeley asserts that it consistently included all CSA data in its submissions to Education, Berkeley previously informed us that it overlooked 64 crimes when submitting its statistics to Education for 2002. In addition, Berkeley did not include CSA information in its published annual report in another instance. In the statistics for 2004, Berkeley states that it misfiled two-quarters worth of data from one CSA. Even though we did not include referrals in our tables or computation of error because of the large number of other issues identified, Berkeley states that this oversight in its published annual report led it to overlook 377 referrals for drug violations alone.
- Although Berkeley asserts that it recalculated its 2004 statistics in accordance with the new definition of public property, a comparison of the 2006 annual report to the 2005 annual report, which we audited, reveals that with the exception of the burglary category, the statistics reported for 2003 have not changed. This information will not be included in its next annual report, however, Berkeley's 2006 annual report still contains crimes in locations that do not meet the Clery Act definition of public property.

*Agency's comments provided as text only.*

California State University, Long Beach  
Division of Administration and Finance  
1250 Bellflower Boulevard  
Long Beach, California 90840-0119

January 10, 2007

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

**Re: Audit Report 2006-032**

Dear Ms. Howle:

On behalf of President King Alexander, thank you for your letter of January 4, 2007 and the opportunity to respond to the above-referenced draft report. At your request, we have also copied our response on the diskette you provided (enclosed).

California State University Long Beach (CSULB) takes seriously its responsibilities for reporting under the Clery Act. We believe the University's commitment is reflected in the report itself, wherein CSULB is cited for several Best Practices such as implementing a crime tracking system process to further review crimes not directly convertible into Clery Act terms and for performing monthly internal data validation checks and for annually verifying records on a random basis.

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

**Recommendation:**

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

**University Response:**

The University will revise its process to collect and retain incident information to ensure reconciliation between detailed and summary records and to provide a basis for verification of statistics in its annual report. Estimated date of completion is March 30, 2007.

**Recommendation:**

Establish procedures to ensure they obtain sufficient information from campus security authorities and local police agencies to determine the nature, date, and location of crimes reported by these entities

**University Response:**

The University will establish written procedures to ensure data is gathered from local police agencies and campus authorities and retained for the appropriate period of time. Estimated date of completion is March 30, 2007.

**Recommendation:**

Establish procedures to ensure they accurately identify all campus, noncampus, and public property locations and report all associated crimes.

**University Response:**

The University incorporated crimes that occur in all of the police-reporting districts bordering the university in its reporting statistics even though such reporting is not required under the Clery Act. Being an urban campus, the University provided this information in an effort to distribute more useful and comprehensive information to its community.

The University has altered its definition of reportable locations to match that of the Education handbook in its 2006 annual report.

**Recommendation:**

Establish procedures to identify crimes identified in California laws that cannot be directly converted to Clery Act reportable crimes and ensure additional steps are taken to determine if a crime is reportable.

**University Response:**

The University is currently in the process of implementing software changes to ensure crimes identified in California laws that cannot be directly converted to Clery Act reportable crimes are accurately identified and reported. Estimated date of completion is June 29, 2007.

**Recommendation:**

Establish procedures to minimize data entry errors in the annual report and in the annual submission to the U.S. Department of Education.

**University Response:**

The University will establish written procedures to minimize data entry errors in the annual report and in the annual submission to the U.S. Department of Education. In addition, the University has re-assigned gathering of documentation for Clery Act and similar reporting as a primary responsibility to a single position in the University Police Department. Estimated date of completion is March 30, 2007.

The report contained three recommendations to ensure compliance with the Clery Act. Those three recommendations, and our responses, are as follows:

**Recommendation:**

Establish a policy to define timely warnings and establish procedures to ensure they provide timely warnings when threats to campus safety occur.

**University Response:**

The University will develop a policy that defines "timely warning" and will develop written procedures consistent with the Clery Act for communicating threats to the campus community. Estimated date of completion is March 30, 2007.

**Recommendation:**

Establish a body of comprehensive departmental policies that support disclosures made in the annual report.

**University Response:**

The University will develop departmental policies and procedures that provide support for disclosures made in the annual report. These policies will be integrated into the Police Department's rules and regulations manual. Estimated date of completion is March 30, 2007.

**Recommendation:**

Establish procedures to ensure adequate disclosure of the availability of anonymous and confidential reporting to the campus community.

**University Response:**

The University will establish procedures to ensure adequate disclosure of the availability of the anonymous reporting procedure in the annual report. Estimated date of completion is March 30, 2007.

We appreciate the professionalism with which the audit was conducted. If you have questions or need additional information, please do not hesitate to contact me.

Sincerely,

*(Signed by: William H. Griffith)*

William H. Griffith  
Vice President for Administration and Finance

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*Agency's comments provided as text only.*

Leland Stanford Junior University

January 10, 2007

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

*RE: California's Education Institutions: Stricter Controls and Greater Oversight Would Increase the Accuracy of Crime Statistic Reporting*

Dear Ms. Howle:

On January 4, 2007, Stanford University was provided with a redacted draft of the above report with an invitation to provide comments ("Draft Report"). Thank you for the opportunity to respond to the Draft Report. While we do not agree with some of the conclusions in the Draft Report, the outside perspective provided by the auditing team has served to clarify certain issues as well as highlight areas in which we may improve our processes under the Clery Act. Stanford is very committed to safety, including open communication with students, faculty and staff about crime on campus. We work hard to comply with the Clery Act, and we appreciate being commended as having a best practice for distributing the Stanford Safety and Security Almanac ("the Clery Report") to our community.

Below are Stanford's specific responses to the Recommendations provided by the Bureau of State Audits beginning on page 39<sup>†</sup> of the Draft Report.

**FIRST RECOMMENDATION RELATING TO STANFORD:**

*"Establish procedures to ensure they obtain sufficient information from campus security authorities and local police agencies to determine the nature, date, and location of crimes reported by these entities."*

**Stanford Response:**

Stanford agrees with the Best Practice described on page 21 of the Draft Report and will implement a process to obtain a response from each designated Campus Security Authority. With respect to police agencies, Stanford has repeatedly asked certain local police agencies for information without success. Stanford has no control over these agencies and, consequently, cannot compel a response to its requests. But, Stanford will continue to use its best efforts to obtain information.

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\* California State Auditor's comments appear on page 71.

† Text refers to page numbers in an earlier draft version of the report.

**SECOND RECOMMENDATION RELATING TO STANFORD:**

*Establish procedures to ensure they accurately identify campus, non-campus and public property locations and report all associated crimes.<sup>1</sup>*

**Stanford Response:**

As suggested in the Draft Report, Stanford will contact the Department of Education for consultation about the proper designation of certain Stanford properties. Without going into an exhaustive discussion here, Stanford would like to reiterate its commitment to giving the Stanford community accurate information about crime rates on campus and near campus. For example, Stanford has consistently included crime statistics for the Stanford Shopping Center in our Clery Report as part of the *non-campus* location statistics. The Stanford Shopping Center – a major retail shopping center – is leased to and operated by a non-Stanford entity. The primary visitors to the shopping center are not members of the Stanford community. Due to its close proximity to our campus, our community should be aware of crimes that occur there, but including these statistics as on-campus crimes would mislead our community and create a false perception of what crimes take place in our dorms, dining halls, classrooms and on the main campus. We will, of course, explore this matter and the other areas of concern raised in the Draft Report with the Department of Education. In addition, Stanford’s Clery Coordinator will review a list of Stanford’s properties to determine that we have properly identified all campus and non-campus reporting locations.

**THIRD RECOMMENDATION RELATING TO STANFORD:**

*“Establish procedures to verify the integrity of data in their electronic crime tracking systems.”*

**Stanford Response:**

The Records Supervisor will conduct periodic audits of the crime tracking systems to ensure the integrity of the data in the system. Any errors will be addressed in a timely manner.

**FOURTH RECOMMENDATION RELATING TO STANFORD:**

*Establish procedures to identify crimes defined in California laws that cannot be directly converted to Clery Act reportable crimes and ensure additional steps are taken to determine if a crime is reportable.”*

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<sup>1</sup> Page 10 of the Draft Report indicates that the Stanford Management Company did not respond to requests for a list of Stanford-owned properties from the Bureau of State Audits. Stanford apologizes for the oversight by the Stanford Management Company; the list was not forthcoming due to some internal confusion about the production. By separate transmission, Stanford will provide that information to the Bureau. We would like to note that Stanford’s Risk Management department did provide a list of Stanford owned and insured properties to the Bureau of State Audits.

**Stanford Response:**

Stanford intends to implement a process similar to the Best Practice outlined on page 17 of the Draft Report to formalize the process of converting California crimes into Clery Act reportable crimes defined by the Uniform Crime Report (UCR). For those California crimes where there is no clear counterpart under the UCR, Stanford will continue its practice of reading each incident report to determine if the activity is reportable under the Clery Act. Stanford's Clery Coordinator will continue to consult with its Director of Public Safety and the Department of Education, as necessary, when there is a question about how to classify a case.

We would like to note that some – although not all – of the so-called inaccurately reported crimes listed in Table 1 and Table B.4 represent a good-faith difference of opinion between Stanford and the Bureau of State Audits on the conversion of California crimes into Clery-reportable UCR crimes. Information provided in the long-awaited release of the Department of Education Clery Handbook should help to minimize these differences of opinion. Additionally, if the State wants to ensure the uniformity of reporting California crimes on campuses, it could provide a list of California crimes and directions for reporting them for Clery Act purposes.

**FIFTH RECOMMENDATION RELATING TO STANFORD:**

*“Establish procedures to minimize data entry errors in the annual report and in the annual submission to the U.S. Department of Education.”*

**Stanford Response:**

Stanford's Clery Coordinator and Records Supervisor will cross check data entries prior to the submission of its Clery statistics to the U.S. Department of Education.

**SIXTH RECOMMENDATION RELATING TO STANFORD:**

*“Establish a policy to define timely warnings and establish procedures to ensure they provide timely warnings when threats to campus safety occur.”*

**Stanford Response:**

Stanford does have a written policy on timely warnings when threats to campus safety occur and has had a practice of reporting such incidents, as well as non-Clery reportable incidents, to the community through our police web page and group e-mails. Stanford will, however, review our policies in this area, and will formalize aspects of our existing written procedures to improve our compliance in this area.

**SEVENTH RECOMMENDATION RELATING TO STANFORD:**

*“Establish a body of comprehensive departmental policies that support disclosures made in their annual reports.”*

**Stanford Response:**

As already noted, Stanford will review and improve written policies relating to:

1. Preparing for Annual Disclosure
2. Determining of campus and non campus facilities, and
3. Issuing Timely Warnings

In addition to the recommendations, Stanford would also like to comment on the following portions of the Draft Report.

**SEXUAL ASSAULT REPORTING**

*“Stanford also under-reported its sexual assaults by excluding those submitted by campus security authorities in the data it reported to Education for the years we reviewed. Its former Clery coordinator stated that the sexual assaults were left out because Stanford was unable to verify which were already included in the Stanford police records and adding them might suggest more sexual assaults than had actually occurred. However, the campus security authority that submitted the statistics stated that incidents for which it knew the police had been involved were not included in the numbers it submitted and therefore should have been included.”*

**Stanford Response:**

In addition to gathering crime statistics from Campus Security Authorities, Stanford has gone beyond the requirements of the Clery Act by gathering sexual assault statistics from its mental-health counselors. These mental-health counselors are exempt from the reporting requirements of the Clery Act. We reported these sexual assault statistics in the annual Clery Report that was disseminated to the Stanford community in an effort to accurately inform our immediate community about reported sexual assaults – even though we were not legally obligated to do so. We did not provide these statistics to the Department of Education as these statistics were beyond the scope of the Clery Act. Having provided this explanation, Stanford is committed to reviewing our procedures and continuing to strive for accuracy in our Clery reporting. We will work with the Department of Education to determine the best way to report the sexual assault data we collect.

**TABLE 4 – METHODS INSTITUTIONS USED TO DISTRIBUTE THE ANNUAL REPORT**

**Stanford Response:**

Table 4 indicates that Stanford did not provide notice of the availability of its Clery Report in a schedule of classes. Stanford has one publication, the *Stanford Bulletin*, that serves as both a schedule of classes and a student catalog. The *Stanford Bulletin* does provide a reference to the Clery Report. Further, Table 4 indicates that Stanford did not provide the Annual Report in Undergraduate Admissions Information. Stanford now has a link from its Undergraduate Admissions website to Stanford's Clery Report, [http://www.stanford.edu/dept/uga/living/4\\_6\\_resources.html](http://www.stanford.edu/dept/uga/living/4_6_resources.html).

Again, thank you for the opportunity to respond to this audit. Please do not hesitate to contact me if you have any questions.

Sincerely,

*(Signed by: Laura Wilson)*

Laura Wilson  
Director of Public Safety  
Stanford University

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# COMMENTS

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## ***California State Auditor's Comments on the Response From the Leland Stanford Junior University***

To provide clarity and perspective, we are commenting on the Leland Stanford Junior University's (Stanford) response to our audit report. The numbers below correspond to the numbers we have placed in its response.

- We disagree with Stanford's suggestion that the U.S. Department of Education's (Education) *The Handbook for Campus Crime Reporting* will help minimize the differences in crime classification it describes. The crimes that the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires institutions to report are defined in the FBI's *Uniform Crime Reporting Handbook* (UCR), and in federal regulations, and we used these definitions as our criteria. The Education handbook, while reiterating the categories of crimes to be reported, only repeats information from the UCR and federal regulations.
- During the course of the audit, Stanford's staff were not able to produce such a policy and confirmed to us that Stanford had no written policy regarding timely warnings. We are therefore pleased that Stanford indicates it is reviewing its policies and formalizing the procedures in this area.
- Table 4 on page 34 of the audit report describes the various methods institutions use to inform interested parties of the availability of the annual report, and is not intended as a criticism of the methods or documents used. Our review of the Stanford Bulletin determined that the document did not include some elements that other institutions include in their schedules of classes. As such, we classified this document in the Student Catalog category and indicated that it informs students of the availability of the annual report.

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*Agency's comments provided as text only.*

University of California, Los Angeles  
Police Department  
601 Westwood Plaza  
Los Angeles California 90095-1364

January 8, 2007

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

Dear Ms. Howle,

Enclosed please find comments in response to the recommendations in the redacted draft copy of the report, "California's Educational Institutions: Stricter Controls and Greater Oversight Would Increase the Accuracy of Crime Statistic Reporting," provided by your Department. In addition to the written document, we have enclosed the diskette with this letter and attachments as requested.

The University of California, Los Angeles Police Department's staff diligently worked with the staff of the Bureau of State Audits for nearly six months to comply with the audit. The production of records covered three years of police reports, both photocopied and electronic format, encompassing 1,864 electronic files, totaling 345 megabytes of data in Word documents, Excel spreadsheets and Text files. In responding to requests of the auditors throughout the course of this audit, we developed unique data queries and produced special reports that do not conform to how our crime-tracking database gathers and stores criminal statistics.

The auditors initially came for an exit interview in November 2006. At this time we were shown a preliminary report, which was, for UCLA, substantially different from the current version. The difference is significant - in the current version our statistics are considered "unreliable," a change from the first report. As can be imagined, we are greatly disappointed with the findings and frustrated that we are not able to explore the issues that precipitated the changes from the initial draft report.

On the day prior to the draft copy of the report being sent, we were first informed that our numbers were being considered "unreliable" and provided three case examples directed to that point. The UCLA computer record system has the most detailed information related to crime statistics as noted on page nine of your report. Our crime-tracking database is built primarily to report crime in categories defined by the FBI's Uniform Crime Reporting System (UCR). However, the system is capable of capturing additional information for internal uses, which may have complicated the job of the auditors. In our research for each situation shared by the auditor there is accurate information in the system that allows us to accurately report out the basic crime statistics for that incident. In one example provided by the auditor, their analysis appears to focus on a lesser-included crime committed by other persons associated with the main offense in question. Their information and charges are in the system under the original case number. This additional information gathered by

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\* California State Auditor's comments begin on page 77.

the system does not change the original crime statistic reported to DOJ, and possibly explains one of the discrepancies cited by the auditor (It should be noted that this particular crime is not a Clery related incident based on the crime location, a distance away from campus.)

Information describing how the volumes of data were sampled or analyzed regarding reliability to reach the audit conclusion was not provided in the report or prior to receiving the draft report. We believe many of your conclusions may be unwarranted. We would like to understand the basis for the auditors' conclusions and, therefore, are requesting that the data and outcomes used to generate this opinion be provided to us for review. We do want to acknowledge a conversation with the auditors on January 9, 2007, the day prior to this response being due in Sacramento, where a discussion was initiated to address concerns with the findings.

An additional area noted in the report though not covered by the recommendations is the discussion regarding memorandums of understanding with outside police agencies.

For Clery, universities are asked to "Provide a statement of current policies concerning campus law enforcement: ....their working relationship with state and local police agencies," (Clery Handbook, page 92), with which we are compliant. The comment in the Audit Report noting that we do not have a signed memorandum with LAPD is accurate, however, by adding that this fact was not disclosed makes it appear that this was a purposeful omission and a violation of Clery compliance, which would not be correct.

Complying with Clery is a serious matter; we do not take it lightly and, as an institution, have taken a leadership role in working on a state and local level with compliance and training. Accordingly, addressing the recommendations from the audit is a priority and are outlined in the attached document. While disappointed in parts of the report, we do want to share our appreciation for the auditors' recognition of a couple of our programs as best practices. We will continue to strive to have all our Clery related approaches and information fall into that category.

Sincerely,

*(Signed by: Karl T. Ross)*

Karl T. Ross  
Chief of Police

Attachment

**Response to the California State Auditor  
California's Educations Institutions: Stricter Controls and Greater Oversight  
Would Increase the Accuracy of Crime Statistic Reporting Review of  
University of California - Los Angeles**

Recommendation: Establish procedures to ensure they accurately identify all campus, non-campus, and public property locations and report all associated crimes.

UCLA's Response

The DOE handbook provided guidance for the 2005 Clery Report making it clearer as to definitions of contiguous versus off campus property. The buildings noted are now being included as campus property.

Recommendation: Establish procedures to verify the integrity of data in their electronic crime tracking systems.

UCLA's Response

We plan to establish new data fields in our Computer Aided Dispatch (CAD) system enabling us to have separate fields for Clery reporting, which will simplify statistical gathering, hopefully, making this process more user friendly internally and for external evaluation. Currently, we are in conversations with our vendor regarding the software development component to accomplish this.

Recommendation: Establish procedures to identify crimes identified in California laws that cannot be directly converted to Clery Act reportable crimes and ensure additional steps are taken to determine if a crime is reportable.

UCLA's Response

UCPDLA does not rely on the UCPD Clery Conversation table noted in the draft report on page eleven. We report UCR eligible statistics on a monthly basis. For Clery, we review these UCR reports and then manually review all penal codes in our system for additional Clery reportable crimes. Supplementary approaches to insuring accuracy will be studied and implemented as available. However, as this table may be used by some UCs, it can be reviewed on a system wide basis and appropriate determinations made with respect to updating the table or using a different approach.

Recommendation: Establish procedures to minimize data entry errors in the annual report and in the annual submission to the U. S. Department of Education.

UCLA's Response

By developing isolated fields for Clery (as discussed in a prior recommendation) we hope to simplify capturing accurate data and avoid data entry errors. Additionally, we will continue to refine approaches to review data for accuracy when compiling the report.

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# COMMENTS

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## ***California State Auditor's Comments on the Response From the University of California, Los Angeles***

To provide clarity and perspective, we are commenting on the University of California, Los Angeles' (UCLA), response to our audit report. The numbers below correspond to the numbers we have placed in its response.

- UCLA is mischaracterizing what took place during our November 2006 exit interview. At that time, we discussed the report text concerning the missing data in its system, which we had also discussed with UCLA shortly after our initial visit in July 2006. As our report was still in draft status at the time of our interview, we had not yet included all of the final text. In fact, once UCLA had received the finalized draft, it requested that we review some additional information provided to us after its response on January 8, 2007. We agreed to review this information and subsequently were able to upgrade our initial assessment of its data from unreliable to of undetermined reliability. We characterized UCLA's data in this manner because, as we describe on page 17, in a number of instances it did not enter the type of crime in its crime-tracking system for the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) reportable crimes and subsequently assumed they were not criminal incidents.
- UCLA fails to address the issue described on page 17 of the Audit Results where we describe the significant number of cases that were not entered in its crime-tracking system. Further, in the specific example cited by UCLA, the data provided to us did not include the primary crime UCLA refers to. Our analysis is not focused on lesser crimes to the exclusion of other crimes, but rather on the accuracy of the crime information as a whole in UCLA's system. If additional or more accurate information exists in the system, we question why UCLA did not provide such information, and why, in the example UCLA cites, only the information regarding the lesser offenses was provided when we requested all information on all offenses. Moreover, to the extent that these discrepancies are not related to crimes

reportable under the Clery Act, they do not affect the number of discrepancies that we identified between UCLA's crime statistics and those we generated from its data.

- We stand by the conclusions contained in our report regarding areas where UCLA can improve its reporting of crime statistics under the Clery Act. As described in the audit report, due to the limitations we identified in the data we received, our conclusions are not based on the information provided from the crime-tracking system. Our conclusions are based on reviews of specific crimes that were either omitted from or incorrectly classified in UCLA's annual report.
- Because state law requires a written agreement between campus law enforcement and local law enforcement agencies, most of the institutions used their agreements as the underlying policy supporting their Clery Act disclosures. The language of the audit report is not intended to suggest that UCLA does not comply with the Clery Act. As described on page 31 of the report, UCLA does not comply with state law.
- UCLA fails to address the issue described on page 17 of the Audit Results. Although we encourage UCLA to take any steps that may simplify its job of compiling its statistics, our concern lies with the nearly 2,900 cases in 2002, 2003, and 2004 that were not included in the crime-tracking database and caused UCLA to overlook some Clery Act reportable crimes.
- While we are gratified that UCLA recognizes the weaknesses of the Clery conversion table described at page 13 of the report, we continue to recommend that it take steps to ensure that in the future it correctly classifies crimes such as aggravated assault to avoid the errors described in the report.

*Agency's comments provided as text only.*

University of Southern California  
Los Angeles, California 90089-1058

January 10, 2007

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

Ms. Howle:

Thank you for the opportunity to respond to the January 4, 2007 draft of the Bureau of State Audits' (BSA's) report "California's Education Institutions: Stricter Controls and Greater Oversight Would Increase the Accuracy of Crime Statistic Reporting." The University of Southern California (USC) continuously reviews its processes for the collection, analysis and dissemination of crime statistics in order to maintain the highest possible level of compliance with the Jeanne Clery Act. The recommendations in this report are a valuable part of this review process. I would like to take this opportunity to respond to and clarify several statements in the report which I respectfully believe do not accurately reflect the university's current procedures or the guidance to compliance for universities contained in the U.S. Department of Education (DOE) *Handbook for Campus Crime Reporting*.

#### **Homicide Reporting (page 15)<sup>†</sup>**

We disagree with BSA's claim that USC improperly failed to include a homicide in its statistics. The DOE Handbook defines public property as, "property not owned or controlled by your institution and not private residences or businesses." (*Handbook*, p.17). The Los Angeles Police Department (LAPD) report for this incident states that the homicide took place at a privately-owned gas station across the street from campus. This does not meet the DOE Handbook definition of public property that clearly excludes private residences or businesses. In addition, even if the gas station were considered public property, the guidelines state to "include the sidewalk across the street from your campus, but do not include public property beyond the sidewalk." (*Handbook*, p.17)

#### **Table 1 (page 15-16)**

The university has not been provided with the supporting documentation to explain how the audit team arrived at the figures contained in Table 1. It remains unclear how the audit team compiled the statistics, specifically the figures regarding under-reporting. The documentation maintained by USC staff does not corroborate these numbers. We invite BSA to provide the supporting documentation so that we can reconcile the variances.

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\* California State Auditor's comments begin on page 83.

<sup>†</sup> Text refers to page numbers in an earlier draft version of the report.

## **Crime Classifications (pages 16-17)**

The report states that “USC indicates that they did not include some reportable crimes from potentially reportable categories.” We understand that this finding relates to crime reports that USC receives from LAPD, which failed to differentiate between certain domestic violence crimes that are not reportable under the Clery Act and aggravated assault, which is a reportable crime.

During the audit period, the LAPD did not have proper systems to distinguish between aggravated assault and non-Clery reportable incidents relating to domestic violence. LAPD has since improved its data collection system so that they can provide USC with the necessary information to distinguish between reportable and non-reportable crimes. As of 2005, LAPD no longer includes aggravated assaults under the domestic violence category, so these incidents have been reported accurately since LAPD changed its reporting procedures.

The report also states that USC over-reported liquor law violations or public intoxication in its report and the report highlights this as an example of the institution failing to correctly convert California crimes to Clery Act reportable crimes. We do not believe this is correct.

It is not clear how BSA concluded that USC incorrectly included arrests for public intoxication, but we believe that it relates to an error in interpreting the database where this information is stored. Specifically, USC maintains two liquor law violations in its database that have the same penal code section. However, one violation is reportable under the Clery Act and the other is not. We believe that USC correctly excludes the non-reportable crime from its statistics.

## **Documentation/Errors in Reporting (page 20)**

The report states “USC did not maintain original documents provided by local police or documentation of which crimes they included in their report.” USC does maintain original documentation provided by LAPD and it was provided to the auditors. The university did not maintain the reconciliation reports used in 2002 and 2003. This issue was already addressed and corrected three years ago. Reconciliation reports have been maintained from 2004 to present and were provided to the auditors.

## **Reported Locations (pages 25-28)**

The Clery Act defines on-campus property as any building or property within the same “reasonably contiguous” geographic area, and explicitly highlights that these classifications requires some judgment on the part of the university. The lack of accessibility of the apartment complex referred to in the report was the reason for its exclusion from the “on-campus” statistics. Let me reiterate that any criminal incidents taking place in the apartment complex were included and reported in USC’s statistics, under the “non-campus” category.

The errors in categorizing locations were primarily due the limitations in data provided to the university by LAPD during the audit period. The LAPD statistics provided do not provide location details of particular criminal incidents which are necessary to make the distinction between the on-campus and non-campus categories. The University includes all these types of incidents as on-campus, which can lead to some over-reporting in this category. The university has spent additional time and resources to educate its staff and review the LAPD reports to further improve its reporting accuracy in this regard. But in cases where we are uncertain, we will continue to err on the side of caution and report the incidents as on-campus.

The university has also instituted additional measures to further improve the accuracy of the statistics reported to the Department of Education.

The report states that the university-owned locations surrounding campus were categorized incorrectly as non-campus properties. This is in reference to a shopping center located across the street from campus. This categorization during the audit period was based on the lack of use of the facility in direct support of, or in a manner relating to, USC's educational purpose. However, due to a change in use, for the current reporting year, the University has changed the categorization of these buildings to on-campus and will include these statistics in future reports.

It is also worth mentioning that the auditor's recommendation in regards to the Coliseum has already been corrected for the 2005 reporting year. The report states "This oversight is especially troubling because a significant number of crimes may occur at sporting events held at these locations." However, a review of LAPD reports for 2005 reflect that no **(0)** Clery crimes occurred during USC sporting events at the Coliseum.

### **Sexual Assaults (pages 21 and 32)**

The report states that institutions should try to obtain detailed information regarding crimes reported to other agencies on campus. Due to privacy concerns related to sexual assaults that may be reported to other offices on campus (such as our sexual assault counseling center), we are not provided with detailed information needed to correctly categorize these incidents. In this situation, the University errs on the side of over-reporting in a good-faith effort to comply with the Clery Act mandates.

USC's sexual assault disclosure in the annual security report is based on the university sexual assault policy. A review of this policy is underway, and any changes necessary to achieve full compliance with the Clery Act will be made.

### **Summary**

The audit process supplemented the university's on-going effort to improve its Clery compliance procedures. Some information however included in the audit report is not accurate based upon the geography differences in the campus and surrounding community during the time the university reported the Clery statistics as opposed to how the geography is today. We also should point out that many of the inaccuracies highlighted in the report relate to USC's over-reporting of statistics.

With that said, the university appreciates the overall results of these audit findings and the need to continuously re-evaluate and improve the processes used to comply with the Clery Act. The university looks forward to submitting a follow-up report in six months outlining improvements and progress made in developing a Clery compliance program which models best-practices in each of the Clery Act components.

Sincerely,

*(Signed by: Charles E. Lane)*

Charles E. Lane  
Associate Senior Vice President,  
Career and Protective Services

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# COMMENTS

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## ***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 numbers below correspond to the numbers we have placed in its response.

- The information USC obtains from the Los Angeles police indicates only the address of the crime. As USC described to us during the audit, because it does not obtain additional information to determine precisely where such crimes occur, it includes crimes from addresses whose sidewalks and streets would meet the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) definition of public property. Using USC's practice, this crime would be included as a public property crime. If USC obtained information from the Los Angeles police indicating that the crime took place on the property across the street and beyond the sidewalk, we would have expected it to provide this information to us as it did with another reportable crime in the information provided by the Los Angeles police.
- The section of the table representing USC is compiled based on the documentation provided by USC staff. However, USC did not retain records of which cases it included in its annual report.
- After further review we have deleted this text.
- The sentence quoted by USC refers to more than one institution and the portion pertaining to original documents provided by local police refers to another institution. However, as USC acknowledges, it did not maintain a record of what crimes reported by the local police it included in its annual report for several of the years we audited, nor did it maintain a record of what crimes it included in its statistics from its own activities, as we suggested it do the last time we performed this audit in 2003. Moreover, the 2004 reconciliation report provided by USC did not contain case numbers and was of limited value in determining the specific crimes making up USC's statistics. This documentation is

critical to ensure the validity of the statistics in its annual report, and the U.S. Department of Education's *Handbook for Campus Crime Reporting* requires institutions to retain all supporting records used in compiling the annual report for three years from the latest publication to which they apply.

- We are pleased that USC has now designated the shopping center as a campus property. However, we disagree with USC's assertion that a change in use prompted its reclassification. During the audit period, the shopping center was owned by USC, was frequently used by students, and due to the type of vendors occupying the premises, was used to support institutional purposes, thus meeting the Clery Act definition of a campus location.
- We disagree with USC's assertion that there are inaccuracies in our information because of changes in campus geography. USC apprised us of changes in campus geography through documentation provided by its Department of Public Safety and its Department of Space Management, and we took all such changes into account when performing our audit.

*Agency's comments provided as text only.*

California Postsecondary Education Commission  
Office of the Executive Director  
770 L Street, Suite 1160  
Sacramento, CA 95814-3396

January 5, 2007

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: Stricter Controls and Greater Oversight Would Increase the Accuracy of Crime Statistics Reporting*. As you know the California Postsecondary Education Commission was assigned a small role in facilitating access to these crime statistics through the maintenance of links to institution crime statistics on its website. As noted in a previous audit response to your office the Commission has not had any increase in staffing levels since the reduction in staff occurred a few years ago. This is not a reflection of the importance the Commission attaches to making this information available to the parents and students attending California colleges and universities.

The Commission has continued to verify and maintain links to institution crime statistics since the 2003 audit recommendations. The Commission now also verifies that the links provided on its website actually lead to crime statistics. Commission staff have modified the program provided by your Information Technology staff to ensure that this program performs its functions. Please note that while these verification checks are performed on a monthly basis, the number of private institutions that begin to operate in California almost guarantees that some institutions may be missing for a short period of time.

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 we look forward to facilitating this activity.

Sincerely,

*(Signed by: Murray J. Haberman)*

Murray J. Haberman  
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