

Clery Act Compliance of Institutions in the University of California System.

Overview

The following information is based on an on-site review conducted at the Davis Campus, the Irvine Campus, and the Riverside campus.

As I concluded the on-site review of the three campuses it was clear that as of this year all three institutions made an earnest attempt to comply with the Clery Act. It was also clear that the Irvine and Riverside campuses were seriously out of compliance in the previous years. Those two campuses had done very little to comply with the Clery Act prior to 2000. It was obvious that the Davis campus had been making a concerted effort to comply with the Clery Act for the last several years.

I sat down with key individuals at each campus and the time that we spent together proved to be very valuable from a training perspective. I believe the individuals at all three campuses now have a clearer understanding of the areas where they fall short of being in compliance with the act. I was able to make immediate suggestions for improvement and I believe that all of the individuals that I spoke to were eager to do whatever is necessary to fully comply with this law.

After my visit to the first two campuses, I spent some time with the UC System Task Force to discuss the Clery Act and I gave them a preview of some of the areas where each institution was out of compliance.

Independent Review of UC Davis

Compliance Document

Prior to visiting the campus, I reviewed the compliance document for UC Davis to determine if, based on the compliance document in and of itself, whether or not I would consider the campus to be in compliance. The answer to that question is no, I would not have considered UC Davis to be in complete compliance based on the following observations:

- I do not believe that the compliance document includes an adequate policy statement regarding “security considerations used in a maintenance of campus facilities.” There was an attempt to touch on the subject under the “Developing Campus Safeguards” section of the compliance document where the following sentence appeared: “We also invite reports of physical hazards for example, a broken stair or non- functioning traffic light”. I do not believe that this sentence is sufficient to address this requirement. An example of language that might address this requirement is as follows:

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. UC Davis police officers regularly patrol the campus and reports malfunctioning lights and other unsafe physical conditions to the Facilities Management area for correction. Other members of the UC Davis community are helpful when they report equipment problems to the UC Davis Police Department or to the Facilities Management Department.

- The policy requiring “a description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others” was not adequately addressed. There was no mention in the compliance document about the “frequency” of these programs.
- Another policy that is required is “the notification to students of existing on and off campus counseling, mental health, and other student services for victims of sex offenses”. The compliance document adequately addresses the availability of on campus assistance, but I believe that it should also state that the city of Davis does not have a rape crisis center. There is a requirement to notify students of existing on and off-campus services. It would be beneficial to mention the absence of off campus services since in instances of sexual assault students often attempt to go off campus to get assistance. This is not a requirement, but rather a suggestion to improve the current description of services as listed in the UC Davis compliance document.

Discussion Regarding the Requirements of the Law

The following information is provided based on the On Site Review that included interviews and an audit of the records and reports used to determine the number of reportable incidents, in accordance with the Clery Act guidelines and definitions.

Timely Warning Notice

Based on the information I received from the UC Davis staff, it appears that they are in compliance with the timely warning provision of the Clery Act. In fact, they were the only campus that I visited that had a written policy with regard to when, where, and how the timely warning notices were developed and distributed.

Prospective Student Notification

UC Davis has relied on the UC System application to provide the required notification to prospective students. The UC System application does not contain all of the necessary information that is required in order to be considered in compliance with the Clery Act. That information should be expanded to provide information about the availability of the security report, a description of its contents, and how to request a copy of the report, as required by the Clery Act.

Prospective Employee Notification

The newly revised employment application contains the appropriate language. However, this requirement was only recently fulfilled.

Distribution to Current Students and Employees

UC Davis made an earnest attempt to comply with the provision of distributing the “notice” about the compliance document to current students and employees. They did this by sending 46,000 e-mails and by supplementing that information by placing the website address on employees’ pay stubs and on student bills. The concern I have with this method of distribution is that placing the website address on the pay statements and student bills would not meet the

requirement of the law since the students and employees did not receive notification about the “availability of the security report, a description of its contents, and how to request a copy”. The staff were not certain that the 46,000 e-mails included all employees, for example the employees in facilities, housekeeping, and other areas where having an e-mail address is not typically a “requirement” of the job.

We determined during our meeting that the best method for UC Davis to use to comply with this requirement of direct distribution to every employee, would be to place the required language in an insert to be delivered with a pay statement at least once a year. However with this said, it is obvious that the staff made an earnest attempt to get the information to the majority of the employees working for UC Davis.

Crime Statistics

Discussion Regarding Crime Statistics

UC Davis staff indicated that they received the requested crime statistics from the local police, from the office that handles disciplinary matters for the campus, and from the housing officials who handle disciplinary matters. I did not find evidence that there was a process for gathering the required statistics from other individuals on campus who have “significant responsibilities for student and campus activities.” There needs to be a formal process to assure that a request is made at least once a year to other people on campus who fit the definition of “campus security authority.” This would include the director of athletics, team coaches, and all faculty advisors.

UC Davis has two branch campuses. While the statistics were reported in the appropriate manner for the Medical Center, responsible officials did not report statistics in a separate chart as required for the Bodega Bay campus.

There were no statistics reported for “non-campus buildings” although it appears that there are some non-campus buildings associated with this campus. The UC Davis police department did not request statistics from the local police for any of the agricultural facilities or medical clinics that might be considered non-campus property. I suggested to the committee that they

immediately assess whether or not each of these properties falls into the “non-campus property” definition. If so, they need to begin requesting statistics for those locations and they need to begin reporting those statistics immediately.

The residence hall statistics that were reported for 1999 were not reported in the proper manner as required by the Clery Act. The residence hall statistics were reported separately from the on-campus statistics. The residence hall statistics are required to be reported as an aggregate number of the on-campus statistics and this was not the case in the statistics that the UC Davis Police department reported on their website.

Assessment of the Accuracy of the Statistics Based on the Audit

As I went through the records that were used to determine the accuracy of the crime statistics reported, I found several areas where there were errors in the number of crimes reported. It is obvious that there was no intent to “hide crime” since some of the errors included instances where crimes were over-reported. However, it is imperative that the campus make an effort to accurately report the crime statistics. I only audited the 1999 statistics and would recommend that the officials who are responsible for reporting the statistics go back and review the 1998 statistics to make sure they are accurate, particularly since the 1998 statistics will be reported again in the up-coming compliance document that will be published in 2001.

- In 1999 under “campus buildings or property” there should be:
 - four (4) sex offenses with two (2) happening in the residence halls
 - sixty-two (62) burglaries with ten (10) happening in the residence halls
 - two (2) incidents of arson with one (1) happening in the residence halls

- The following statistics should have been reported:
 - **Liquor law violations (arrests):** There were twenty-five (25) reported on campus and three (3) in the residence halls for a total of twenty-eight (28). However, there were only nineteen (19) arrests reported for UC Davis in the annual report that is printed by the University of California. UC Davis staff mistakenly included alcohol offenses for DUI which are not required to be reported.

- The crime statistics reported for liquor law arrests for the UC Davis Medical Center were also incorrect. The reported number of liquor law arrests in 1999 was thirty-two (32) when the records at the UC Police Department show a total of eleven (11). UC Davis staff mistakenly included alcohol offenses for DUI which are not required to be reported.

- **Liquor law violations (referrals):** There were three (3) referrals for liquor law violations listed in 1999 in the Campus Building column with two hundred and five (205) occurring in the residence halls. There should have been two hundred (200) listed in 1999 in the Campus Building column with one hundred and ninety-nine (199) of them occurring in the residence halls.

- The information reported about hate crimes was accurate in that the hate crimes were reported by category of prejudice.

- The crimes reported to UC Davis by the Sacramento Police Department were not accurately transferred into the compliance document. There were two (2) motor vehicle thefts that were listed on the statistics sheet provided by the Sacramento Police Department but they were not included in the statistics reported on the UC Davis website.

Several other issues regarding the crime statistics include the fact that Jennifer Beeman requested statistics from the Sacramento and Davis Police Departments and asked for the statistics based on “UCR definitions”. The statistics that were sent back to her were clearly captured under the California Penal Code. If that is the only manner in which the statistics can be retrieved from the city, I would suggest that a caveat be included in the compliance document so that it is made clear that while the statistics were requested based on UCR definitions, the statistics were received from the local police department based on the California Penal Code. I believe that a caveat with this explanation would appropriately protect the institution in the event of an audit.

A concern that came up while I was discussing the statistics with the UC Davis Records Department Personnel was that they reported fifty-one (51) burglaries in 1999 that occurred on campus when there were actually fifty-two (52) burglaries. The explanation for why the fifty-second burglary had not been counted was because the Records Department did not get the report from the uniformed personnel until January of 2000. Even though they did not report that statistic in their UCR statistics for the month of December of 1999, I explained that for purposes of the Clery Act, which is not typically distributed until October of 2000, that they would need to capture any statistics that were reported in a particular year, even if they didn't get the incident report from the uniform division in a timely manner.

In spot-checking the records, I found that the UC Davis Police Department is not properly classifying incidents of burglary as defined by UCR. These are several examples of reports that were classified as thefts according to the state code, which would be accurate but should have been captured under the definition of burglary for purposes of the UCR {9904-0827 (6E-76), 9904-1283 (6E-87), 9905-3072 (6E-119)}. If a structure such as a residence hall is a locked facility where one would need to be authorized to enter that facility and something is taken from someone in that structure, the incident should be classified as a burglary unless it can be shown that the person who took the item was a resident of the building and therefore was in the building "lawfully". If that cannot be proven, then the incident must be classified as a burglary according to UCR definitions. I would recommend that the person in the records department who actually reports the statistics to the FBI and provides the statistics to Jennifer Beeman for purposes of the Clery Act be given authorization to bring forward incidents that appear to be improperly classified.

In my conversation with the records department staff it became clear that they have been told in the past by the commissioned police personnel that they should accept the classifications as they are listed by the police officers who filed the report without questioning the accuracy of the information. Jennifer Beeman currently a non-sworn employee of the UC Davis police department and that appears to be causing some difficulty since non-sworn employees are not currently permitted to have access to the reports. Until she is allowed to verify the accuracy of

the classification and location in accordance with the requirements of the Clery Act, it is likely that UC Davis will continue to be out of compliance.

Summary

I was quite impressed with the knowledge of the UC Staff with regard to the requirements of the Clery Act. In particular Jennifer Beeman and Jean Wilson appear to be very knowledgeable about this subject and have put forth a great deal of effort in attempting to comply with the Clery Act. I have no doubt that the omissions and errors that I pointed out were unintentional. I applaud the efforts UC Davis staff. They clearly set up a non-official protocol and system for complying with this complicated law, which included a formal process to collect and verify reportable information from Police, Housing, Student Judicial Affairs and Administration through the Campus Counsel's Office. I understand that the campus officials responsible for compliance with the Clery Act are in the process of putting that information into an official, written protocol.

Independent Review of UC Irvine

Compliance Document

Prior to visiting the campus, I reviewed the compliance document for UC Irvine to determine, if based on the compliance document in and of itself, whether or not I would consider the campus to be in compliance. The answer to that question is no, I would not have considered UC Irvine to be in complete compliance based on the following observations:

- The campus was required to disclose “policies for preparing the annual disclosure of crime statistics.” Under Section 4.0 Crime Statistics there is an explanation of the policies for capturing the crime statistics for fraternities and sororities. This policy was not addressed in the compliance document.
- The campus was required to “disclose whether the institution has any policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion of the annual disclosure of crime statistics, and if so, a description of

those policies and procedures”. There was no such disclosure included in the compliance document.

- The requirement to include “a statement of current policies concerning security of and access to campus facilities, including campus residences” was not adequately addressed in the compliance document. While Section 7.0 Campus Facilities Access and Security requires an explanation of the access policies for the campus, there is a description of the housing facilities and other non-related information. The current language in that section does not properly address the requirement in the law. The following language is an example of how the campus might structure a response to this policy requirement:

The UC Irvine campus is part of the city of Irvine, and as such is open to the public. The academic and administrative buildings are open to the public at a minimum during normal business hours. Most facilities have individual hours and the hours may vary at different times of the year. Access to some of these buildings is also controlled by card access after normal business hours. Most academic and administrative buildings do not have a UC Irvine police officer assigned to them however UC Irvine police officers patrol these buildings on a regular basis. For information about the access protocol for a specific building see the building manager or contact the UC Irvine Police Department.

Access to residence halls is restricted to residents, their approved guests and other members of the university community. Residents gain entry by swiping their cards in the card access readers; all others gain entry at certain times of the day only with the approval of residence hall staff.

This example might not be an accurate description of the specific access policies for UC Irvine, but it provides an example of how to describe a statement of current policies and procedures regarding access to campus facilities.

- The policy regarding a description of “the security considerations used in the maintenance of campus facilities” was not addressed in the compliance document. An example of language that might address this requirement is:

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. UC Irvine police officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the Facilities Management Department for correction. Other members of the UC Irvine community are helpful when they report equipment problems to the UC Irvine Police Department or to the Facilities Management Department.

- There is a requirement to “describe the procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics”. I don’t know whether the UC Irvine Police Department has or does not have a procedure that encourages this from pastoral and professional counselors. However, I would encourage the implementation of such a procedure since the requirement is that the institution simply “encourages” the counselors to inform people about confidential reporting procedures. If such a procedure is developed then it should be described in the compliance document.
- The policy requiring “a description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others” was not adequately addressed. There was no mention in the compliance document about the “frequency” of these programs.

Discussion Regarding the Requirements of the Law

The following information is provided based on the On-Site Review that included interviews and an audit of the records and reports used to determine the number of reportable incidents, in accordance with the Clery Act guidelines and definitions.

Timely Warning Notice

Based on the information I received from the UC Irvine staff it appears that they are in compliance with the timely warning provision of the Clery Act. Each Employee and student automatically gets an email address with the institution. They use the email system as well as the ZOT weekly newsletter to distribute crime bulletin information. I suggested that they develop a written policy with regard to when, where, and how the timely warning notices are developed and distributed.

Prospective Student Notification

UC Irvine has relied on the UC System application to provide the required notification to prospective students. The UC System application does not contain all of the necessary information that is required in order to be considered in compliance with the Clery Act. That information should be expanded to provide information about the availability of the security report, a description of its contents, and how to request a copy of the report, as required by the Clery Act.

Prospective Employee Notification

I was advised that the newly revised employment application contains the appropriate language. However, I did not get an opportunity to review that language to verify this information. The committee indicated that the institution just recently came into compliance with this requirement.

Distribution to Current Students and Employees

UC Irvine staff made an attempt to comply with the provision of distributing the notice about the compliance document to current students and employees. They did this by placing the website address on employees' pay stubs and on the student bills. Placing the website address on these

documents would not meet the requirement of the law because the students and employees were not provided with information about the “availability of the security report, a description of its contents and how to request a copy”. In addition to placing the website address in these locations the UC Irvine Police Department did send out a flyer to each department within the institution to distribute to their employees and/or post in their department. However, that would not meet the requirement of “direct distribution”. This year was the first year that UC Irvine attempted to directly distribute the required notification to student and employees. This means that prior to this year it was out of compliance with this requirement.

Crime Statistics

Discussion Regarding Crime Statistics

UC Irvine staff indicated that they received statistics from the local police department. However, they only requested statistics for the north side of the campus, and did not request the required statistics for the public property surrounding the entire campus. One major street that clearly should have been included was University Drive. We discussed the fact that they need to request the required statistics for the other three sides of campus in order to be in compliance with this requirement.

The UC Irvine Police Department obtained statistics from the office that handles disciplinary matters for the campus. There are several glaring problems with the statistics that were received from that office. In reviewing the document provided to the UC Irvine Police Department, Adjudicated Student Conduct Cases 1996-2000, the first problem is that the statistics are maintained by academic year rather than by calendar year and the requirement for reporting these statistics is by calendar year. The second concern is that the statistics are reported to the police department based on “code descriptions.” For example, statistics under 102.08 of which there

were 22 reported incidents include “physical abuse, including rape, sexual assault, sex offenses and other physical assault; threats of violence; or conduct that threatens the health or safety of another person”. This code is too broad for purposes of the Clery Act and there is no way that the Police Department can properly report the required statistics if they continue to use this system. The staff at UC Irvine recently developed a form and a process for gathering the required statistics from individuals on campus who have “significant responsibilities for student and campus activities,” and this should correct the problem.

UC Irvine has one branch campus, the Medical Center. The statistics for the Medical Center were reported in the same chart that was used for the main campus. Statistics for branch campuses are required to be reported on a separate chart, which includes a breakdown of the four required geographic areas

The Medical Center uses contract security and clearly that creates circumstances where the policies and procedures for that branch campus would be significantly different than those of the main campus. In this situation, the policies and procedures would need to be adequately described for the branch campus. Therefore, in the compliance document issues such as “police authority”, “reporting criminal activity”, “crime prevention efforts”, “access to the campus facilities”, and other issues that are not consistent between the main campus and the branch campus need to be addressed separately in the compliance document. I would suggest that the person responsible for complying with the Clery Act review these issues immediately.

Assessment of the Accuracy of the Statistics Based on the Audit

As I went through the records that were used to determine the accuracy of the crime statistics reported, I found several areas where there were errors in the numbers of crimes reported. It is obvious that there was no intent to “hide crime” because some of the errors included instances where crimes were over-reported. However, it is imperative that the campus makes an effort to accurately report the crime statistics. I only audited the 1999 statistics and would recommend that the officials who are responsible for reporting the statistics go back and review the 1998

statistics to make sure they are accurate, particularly since the 1998 statistics will be reported again in the up-coming compliance document that will be published in 2001.

- The statistics reported under UCI Student Housing on Main Campus reported to UCPD column included: eight (8) motor vehicle thefts and when reviewing the records there were zero (0) reported.
- Under the Crime Reported to the City of Irvine PD in areas surrounding the Main Campus column, there were one hundred and forty (140) liquor law arrests reported when the number should have been fourteen (14) based on the records received from that department.
- When comparing the Clery Act statistics to the statistics published in the Annual Report and Crime Statistics, it is clear that there was an error in the number of reported drug law arrests. There were twenty three (23) reported in the Clery Act statistics and in the Annual Report there were six (6) felony narcotics arrests, twenty eight (28) misdemeanor narcotics arrests and one (1) drug DUI arrest for a total thirty-five (35) drug law arrests.
- The incidents dealt with via discipline through the Housing Department were not included in the reported crime statistics as they should have been. This included numbers for liquor law violations, drug law violations, and weapons law violations that were referred to the housing officials for disciplinary action.
- The manner in which the UC Irvine Police Department is receiving statistics from the Campus Assault Prevention Program is not conducive to being able to translate those numbers into statistics, as they would be required to be reported by the Clery Act.
- In reviewing the forcible and non-forcible sex offenses we found that there was at least one incident that occurred in 1999 that the staff recalled but it was not captured in the on-campus crime statistics.

- The residence hall statistics that were reported for 1997, 1998, and 1999 were not reported in the proper manner, as required by the Clery Act. The residence hall statistics are required to be reported as an aggregate number of on campus statistics, and this was not the case with the statistics that UC Irvine Police Department reported on their website.
- The crime statistics were reported based on eight different categories including UC Irvine Main Campus reported to UCPD; UCI Medical Center reported to UCPD (includes clinics in the city of Westminster, Santa Ana, and Anaheim); UCI Student Housing on Main Campus reported to UCPD; UCI Administrators Incident Reports other than UCPD; UCI Administrators incident reports other than UCPD that occurred in housing; UCI Medical Center reported to Administrators other than UCPD; Crimes reported to City of Irvine PD in areas surrounding the main campus; Crimes Reported to City of Orange PD in areas surrounding the Medical Center. This does not meet the requirement of reporting the crime statistics by the four required geographic areas which include: on campus, non-campus, public property, and residence halls as an aggregate number of the on campus statistics.
- The hate crimes are required to be reported by the category of prejudice and they were captured under the heading of hate crimes but not by category of prejudice.

Several other issues regarding the crime statistics include the fact that UC Irvine requested statistics from the Irvine Police Department and asked for the statistics based on “UCR definitions”. The statistics that were sent back to UC Irvine were clearly captured under the California Penal Code. If that is the only manner in which the statistics can be retrieved from the city, I would suggest that a caveat be included in the compliance document so that it is made clear that while the statistics were requested based on UCR definitions, the statistics were received from the local police department based on the California Penal Code. I believe that a caveat with an explanation would appropriately protect the institution in the event of an audit.

In spot-checking the records, I found that the UC Irvine Police Department is not properly classifying incidents of burglary as defined by UCR. I found at least one example of a report that was classified as a theft according to state code, which would be accurate, but should have been captured under the definition of burglary for purposes of the UCR (DR# 99-0186 Incident# 105482). If a structure such as a residence hall is a locked facility where one would need to be authorized to enter that facility and something is taken from someone in that structure, the incident should be classified as a burglary unless it can be shown that the person who took the item was a resident of the building and therefore was in the building “lawfully”. If that cannot be proven, then the incident must be classified as a burglary according to UCR definitions.

Summary

The UC Irvine compliance document is missing several policies and procedures that need to be added to the website as soon as possible. I only identified several areas where the number of crimes were actually reported incorrectly. The format for reporting the crime statistics is a critical issue for UC Irvine to correct in order to get into compliance. The format needs to be revised to include a chart with four geographical areas (sub-classifications are acceptable under each geographical area), the residence hall statistics need to be reported as an aggregate number of the on-campus statistics and the hate crimes need to be reported by the six required categories of prejudice. Another important step to rectifying some of the errors in the reported statistics would be to develop a system for the Judicial Affairs office and for the Housing office to report statistics back to the police department in an organized manner, and based on the UCR definition of each of the crimes that is required to be reported. I suggested to Ms. Garrett that she review the system developed by UC Davis and I sent her a copy of the system that I set up at The

George Washington University to give her some ideas about how she might want to go about creating a system that will work for the UC Irvine campus.

I applaud the efforts of Ms. Garrett. Based on the fact that she was assigned to this task over the summer and was responsible for coordinating the compliance efforts with regard to the Clery Act, I believe she did an excellent job. She is fairly new to this topic, so I would recommend that she participate in any available training sessions regarding the Clery Act, so that she can become more familiar with the requirements for complying with this complex law.

In conclusion, I have no doubt that the omissions and error that I pointed out were unintentional.

Independent Review of UC Riverside

Compliance Document

Prior to visiting the campus, I reviewed the compliance document for UC Riverside to determine, if based on the compliance document in and of itself, whether or not I would consider the campus to be in compliance. The answer to that question is no, I would not have considered UC Riverside to be in complete compliance based on the following observations:

- The campus was required to disclose “policies for preparing the annual disclosure of crime statistics.” This policy was not addressed in the compliance document.
- The campus was required to “disclose whether the institution has any policies or procedures that allow victims or witnesses to report crimes on a voluntary, confidential basis for inclusion of the annual disclosure of crime statistics, and if so, a description of those policies and procedures”. There was no such disclosure included in the compliance document.

- The policy regarding a description of “the security considerations used in the maintenance of campus facilities” was not addressed in the compliance document. An example of language that might address this requirement is:

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. UC Riverside police officers regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the Facilities Management Department for correction. Other members of the UC Riverside community are helpful when they report equipment problems to the UC Riverside Police Department or to the Facilities Management Department.

- There was no “statement of current policies concerning the relationship with state and local police agencies” included in the compliance document. I would suggest that a statement be added to include a description about the relationship between the UC Riverside Police Department and the Riverside Police Department.
- There is a requirement to “describe the procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics”. I don’t know whether the UC Riverside Police Department has or does not have a procedure that encourages this from pastoral and professional counselors, but I would encourage the implementation of such a procedure since the requirement is that the institution simply “encourages” the counselors to inform people about confidential reporting procedures. If such a procedure is developed then it should be described in the compliance document.
- The policy requiring “a description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage student and employees to be responsible for their own security and the security

of others” was not adequately addressed. There was no mention in the compliance document about the “frequency” of these programs.

- The requirement to have a “statement of policy concerning the monitoring and recording through local police agencies of criminal activity in which students engaged at off-campus locations of student organizations officially recognized by the institution, including student organizations with off campus housing facilities” has not been addressed within the compliance document.
- The statement of policy requiring “a description of educational programs to promote the awareness of rape, acquaintance rape and other forcible and non-forcible sex offenses” was not addressed in the compliance document.
- The statement of policy requiring “notification to students of existing on and off campus counseling, mental health, or other student services for sex offenses” was not addressed in the compliance document.
- The following policies were not addressed in the compliance document: “the notification to students that the institution will change victims academic and living situations after alleged sex offense and of the options for those changes, if those changes are requested by a victim and are reasonably available” and “procedures for campus disciplinary action in cases of alleged sex offense including a clear statement that the accuser and accused are entitled to the same opportunities to have others present during a disciplinary hearing and both the accuser and the accused must be informed of the outcome of an institutional disciplinary proceeding brought alleging a sex offense.”

Discussion Regarding the Requirements of the Law

The following information is provided based on the On Site Review that included interviews and an audit of the records and reports used to determine the number of reportable incidents, in accordance with the Clery Act guidelines and definitions.

Timely Warning Notice

Based on the information I received from the UC Riverside staff it appears that they are in compliance with the timely warning provision of the Clery Act.

Prospective Student Notification

UC Riverside has relied on the UC System application to provide the required notification to prospective students. The UC System application does not contain all of the necessary information that is required in order to be considered in compliance with the Clery Act. That information should be expanded to provide information about the availability of the security report, a description of its contents, and how to request a copy of the report. The UC Riverside administration is in the process of developing a procedure where the notice is sent to all students who have specifically applied to UC Riverside and that notice will be sent to each of those students. For graduate school students who are applying via the UC Riverside website, there is a notice on the website with the application. The graduate application is being printed in the summer of 2001 and will include the required language. In the meantime flyers are being inserted in the graduate applications.

Prospective Employee Notification

I was advised that the newly revised employment application will contain the appropriate “notice.” Currently the campus is inserting the “notice” into the hardcopy application and it has been placed on the website with the employment application that can be downloaded. The institution just recently came into full compliance with this requirement.

Distribution to Current Students and Employees

UC Riverside staff made an earnest attempt to comply with the provision of distributing the notice about the compliance document to current students and employees. They did this by sending an e-mail to everyone with an email account through the university, and e-mailed department heads within the institution requesting that they distribute the notice to their departmental employees who did not have e-mail accounts. They mailed a letter with the notice to all enrolled students. In both cases, they did send the required “notice” which included the

availability of the security report, a description of its contents, how to request a copy, and the website address. The staff that I met with were certain that some of the employees at the university do not have an e-mail account so it is clear that in order to reach 100% of the employees, the campus is going to need to find a method of directly distributing the notice to all employees. I do not believe that e-mailing department heads and asking them to post or to distribute the notice meets the requirement of direct distribution. I would suggest one solution could be to place the required language in an insert to be delivered with a pay statement at least once a year.

Crime Statistics

Discussion Regarding Crime Statistics

UC Riverside staff indicate that they received statistics from the local police department and the sheriff's department for all requested areas except for public property surrounding the campus. However, they would be considered to be in compliance because they did request the statistics and the local police department was unable to provide them. The staff indicated that they requested and received statistics from the Housing Department and the individuals responsible for Judicial Affairs on campus but there may be a situation where the police department is over reporting the statistics because policy violations and violations of the law are included in the statistics provided to the UC Riverside police department. In addition, they may be double counting in instances where a student was cited for two violations and the incident is being counted as two rather than one as required by law. I recommended to the UC Riverside police staff that they develop a clear system for capturing only the statistics that are violations of the law. I was impressed by the system developed by Assistant Chief Staggs for requesting and gathering the required statistics from individuals on campus who have "significant

responsibilities for student and campus activities”. He has developed a formal process that appears to be working well.

UC Riverside does not have any branch campuses so they did not have to deal with any issues regarding compliance in that area.

The hate crimes were accurately reported by categories of prejudice and all of the crime statistics were published based on the calendar year.

The residence hall statistics were not reported in the proper manner, as required by the Clery Act. The residence hall statistics are required to be reported as an aggregate number of the on campus statistics and this was not the case in the statistics that the UC Riverside Police Department reported on their website.

Assessment of the Accuracy of the Statistics Based on the Audit

As I went through the records that were used to determine the accuracy of the crime statistics reported, I found several areas where there were errors in the numbers of crimes reported. It is obvious that there was no intent to “hide crime” because some of the errors included instances where crimes were over-reported. However, it is imperative that the campus make an effort to accurately report the crime statistics. I only audited the 1999 statistics and would recommend that the officials who are responsible for reporting the statistics go back and review the 1998 statistics to make sure they are accurate, particularly since the 1998 statistics will be reported again in the up-coming compliance document that will be published in 2001.

- In 1999 four motor vehicle thefts were reported under the Residence Hall column. Those statistics should have been reported only under the on-campus column since they happened in parking lots outside of the residence halls. The crimes did not happen inside of the residence hall structure and should not be counted as such.
- Thirty seven (37) drug law violation arrests for 1999 were reported in the Clery Act statistics. In the Annual Report and Crime Statistics published by the University of

California system, the number of arrests listed was as follows: eleven (11) felony narcotics arrests, forty-two (42) misdemeanor narcotics arrests, and one (1) drug DUI for a total of fifty-four (54) arrests. The accuracy of the number of crime statistics reported for the Clery Act should be verified. The explanation by Assistant Chief Staggs about differences between the statistics in the annual report and the statistics reported for the Clery Act is that some of the incidents that the officers responded to and where an arrest for a drug violation was the result, occurred off campus and not in one of the reportable geographic areas. Where there are discrepancies in the reported statistics, there needs to be a caveat listed in the compliance document to explain the differences and to avoid the assumptions that will be made that there is an “error” in one of the documents.

- Under 1998 the number of disciplinary referrals for liquor law violations was reported as seventy-three (73) but only sixty-five (65) incidents could be found when attempting to verify this number.
- There are several crimes reported on page 100 of the Annual Report and Crime Statistics that were identified during our discussion as being incorrect. The number of rapes reported for 1999 should have been two (2) and the number of reported motor vehicle thefts should have been fourteen (14).
- The number of burglaries reported in the Annual Report was twenty-seven (27), the number reported in the compliance document was twenty-five (25), two (2) incidents of vehicle burglary, as defined by California Penal Code, were erroneously captured in the Annual Report and the number for both documents should have been twenty-five (25).

In spot-checking the records, I found that the UC Riverside Police Department is not properly classifying incidents of burglary as defined by UCR. There are several examples of reports that were classified as thefts according to the state code, which would be accurate, but those reports should have been captured under the definition of burglary for purposes of the UCR (980852, 980608). If a structure such as a residence hall is a locked facility where one would need to be authorized to enter that facility and something is taken from someone in that structure, the

incident should be classified as a burglary unless it can be shown that the person who took the item was a resident of the building and therefore was in the building “lawfully”. If that cannot be proven, then the incident must be classified as a burglary according to UCR definitions.

Summary

I was impressed with the knowledge and effort put forth by Assistant Chief Staggs with regard to complying with the Clery Act. He clearly has an organized approach to complying with this complicated law. I have no doubt that the omissions and errors I pointed out were unintentional. He clearly has a good system in place for complying with this law.