



Office of Internal Audit

**Audit of the University's Compliance with
The Jeanne Clery Act**

Report No. 13/14-01

July 18, 2013



OFFICE OF INTERNAL AUDIT

Date: July 18, 2013
To: Alexander Casas, Chief of Police
From: Allen Vann, Audit Director 
Subject: **Audit of the University's Compliance with The Jeanne Clery Act Report No. 13/14-01**

We have completed an audit of the University's Compliance with The Jeanne Clery Act. Our objective was to test the accuracy of the latest crime statistics in the University's 2012-2013 Campus Security and Fire Safety Report and evaluate the policies and procedures in place used to prepare the Report.

Overall, our audit disclosed that the University Police Department had adequate controls and procedures over the reporting process. However, there were some areas in need of improvement, particularly the manner in which information on Clery Act crimes is collected, reported, and distributed, the method crimes are labeled, how campuses are identified, and the method used by Environmental Health and Safety Department to prepare the Fire Safety Reports.

The audit resulted in nine recommendations, which management agreed to implement.

We would like to take this opportunity to express our appreciation for the cooperation and courtesies extended to us during this audit.

Attachment

C: Sukrit Agrawal, Chair, BOT Finance and Audit Committee and Committee Member
Mark B. Rosenberg, University President
Douglas Wartzok, Provost and Executive Vice President
Kenneth A. Jessell, Chief Financial Officer and Senior Vice President
Javier I. Marques, Chief of Staff, Office of the President

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OBJECTIVES, SCOPE, AND METHODOLOGY

Pursuant to our approved annual plan, we have completed the audit of the University's Compliance with The Jeanne Clery Act (Clery Act). The primary objective of our audit was to evaluate the accuracy of the 2011 crime statistics from the University's 2012-2013 Campus Security and Fire Safety Report (Security Report) and evaluate the policies and procedures in place used to prepare the Security Report.

Our audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing*, and included an evaluation of internal controls as those controls relate to the accomplishment of the audit objectives, as well as the performance of testing on samples of police records from the 2011 calendar year. Audit fieldwork was conducted from January 2013 to May 2013.

During the audit, we reviewed the Clery Act, Florida Statutes, University policies and procedures, University rules, observed current practices and processing techniques, interviewed responsible personnel, and tested selected police records. Sample sizes and police cases selected for testing were determined on a judgmental basis.

As part of our audit, we reviewed internal and external audit reports issued during the last three years to determine whether there were any prior recommendations related to the scope and objectives of this audit and whether management had effectively addressed prior audit concerns. There were no prior audits related to the Clery Act.

BACKGROUND

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal statute requiring all colleges and universities participating in certain federal student aid programs to publish an annual security report that accurately discloses campus crime statistics and security information. The University must distribute the reports to the entire campus community including current and prospective students, faculty, and staff by October 1st of each year. In addition, the institution must annually submit campus statistics to the U.S. Department of Education.

The University's Campus Security and Fire Safety Report (Security Report) for 2012-2013 is compiled by the University's Police Department. The Police Department obtains crimes statistics assembled from police records and campus security authorities, and individuals and organizations to which students and employees report criminal offenses. The Clery Act also requires the University to make a good faith effort to obtain crime statistics from local law enforcement agencies. Fire Statistics are required to be reported for on-campus housing facilities which are provided by the Department of Environmental Health & Safety.

The Security Report encompasses fire statistics and statistics related to specified crimes for the 2011 calendar year and the two preceding calendar years. Also included in the Security Report are the University's policies regarding emergency response and evacuation, crime prevention programs, and procedures for reporting crimes. The act requires institutions to report their statistics within the following specific location categories:

- On campus and on-campus housing
- In or on certain non-campus buildings or property, such as off-campus housing
- On specific public property that is within or immediately adjacent to the campus

If the University does not comply with the Clery Act requirements they would be subject to financial penalties for each violation and the University's participation in Title IV programs may be limited or terminated.

FINDINGS AND RECOMMENDATIONS

Overall, our audit disclosed that the University Police Department had adequate controls and procedures. Our audit tested a total of 65 police cases of the approximately 1,900 cases reported during the 2011 calendar year. Our audit indicated some areas in need of improvement, particularly the manner in which information on Clery Act crimes is collected, reported, and distributed, the method crimes are labeled, how campuses are identified, and the method used by Environmental Health and Safety Department to prepare the Fire Safety Reports.

Our overall evaluation of internal controls over Clery Act compliance is summarized in the table below.

INTERNAL CONTROLS RATING			
CRITERIA	SATISFACTORY	FAIR	INADEQUATE
Process Controls		x	
Policy & Procedures Compliance	x		
Effect	x		
Information Risk	x		
External Risk	x		
INTERNAL CONTROLS LEGEND			
CRITERIA	SATISFACTORY	FAIR	INADEQUATE
Process Controls	Effective	Opportunities exist to improve effectiveness	Do not exist or are not reliable
Policy & Procedures Compliance	Non-compliance issues are minor	Non-compliance Issues may be systemic	Non-compliance issues are pervasive, significant, or have severe consequences
Effect	Not likely to impact operations or program outcomes	Impact on outcomes contained	Negative impact on outcomes
Information Risk	Information systems are reliable	Data systems are mostly accurate but can be improved	Systems produce incomplete or inaccurate data which may cause inappropriate financial and operational decisions
External Risk	None or low	Potential for damage	Severe risk of damage

1. Security Report Distribution

Per Chapter 9 of *The Handbook for Campus Safety and Security Reporting* (the Handbook) from the U.S. Department of Education, the University must publish and distribute the Security Report by October 1 each year. There is no grace period and there are no exemptions. We could not verify the date of publication but distribution of the Security Report was not performed by the required deadline. The University did not send a notice of availability of the Annual Campus Security and Fire Safety Report until October 5, 2012 to students and until October 22, 2012 to employees.

Recommendation

The FIU Police Department should:	
1.1	Ensure that annual Security Report is distributed by the required deadline.

Management Response/Action Plan:

- 1.1 Clery distribution compliance will be met with proper coordination amongst departments and a more timely presentation to same. FIU Police Department will move internal deadlines for compiling the Crime Statistics Report earlier in the calendar year to ensure ample time for review. If necessary, FIU Police Department will send the notice directly.

Implementation date: Immediately

2. Crime Statistics

We reviewed the supporting documentation for the reported 2011 crime statistics provided by the Police Department. Six errors were found in the crime statistics reported, as follows:

Under-reported crimes:

- 1 Liquor law arrests at Modesto Madique Campus (MMC)
- 1 Liquor law referral at Biscayne Bay Campus (BBC) Housing
- 13 Drug referrals at MMC Housing

Over-reported crimes:

- 2 Liquor law referrals at MMC
- 14 Liquor law referrals at MMC Housing
- 1 Weapons arrest at BBC

The supporting documentation provided was not easily traced to the Security Report. In addition, we found that the documents used to search for weapons violations was conducted by University Police through key word searches performed against police case reports. This word search is conducted annually in preparation of the Security Report. Also, arrests and referrals for drug violations and referrals for liquor violations were obtained from an internally prepared spreadsheet, which we were unable to trace to the source.

Thus, for weapons violations if the case reports misspelled a word or used a different derivation of the word, the weapons violation could potentially be excluded from the crime statistics. Likewise, if a drug or liquor violation was excluded from the internally prepared spreadsheet the case would be underreported. One such incident was found during our audit that led to the omission of the case from the keyword search. We believe the current method is subject to the potential omission of crimes and a better method should be developed.

Recommendations

The FIU Police Department should:	
2.1	Ensure that Clery reportable crimes are accurately reported in the Security Report by developing a better method to capture such crimes.
2.2	Consider adapting a perpetual crime statistics database that captures all reportable incidents.

Management Response/Action Plan:

2.1 A better method of identifying specific Clery reportable crimes has been implemented and officers are being trained in its use.

Implementation date: Immediately

2.2 One is currently operational. Officers will receive additional training to ensure all reportable incidents are captured.

Implementation date: Immediately

3. Case Labeling

During the testing of the Police Crime Log and Police Case Reports we found that there were 17 instances where the description listed on the crime log did not agree to the description of the crime indicated in the police report. We also noted 15 instances where the crimes on the case report were indicated as “information only” when in fact that was not the case. For example, in one instance the crime log indicated a “traffic stop” and the case report indicated “information only” when in fact drugs were found and a drug referral was made. When crimes are properly identified in the case reports it is easier to identify the cases that must be reported per the Clery Act.

Due to mislabeling it appears one incident of a liquor arrest was labeled on the crime log as “arrest” and in the case report as “it is unlawful for any person under the age of 21” and was not reported in the Security Report.

Recommendations

The FIU Police Department should:	
3.1	Ensure that case description in the Crime Log agrees to the Police Case Reports.
3.2	Ensure that crime descriptions in the Police Case Report are accurate and descriptive.

Management Response/Action Plan:

- 3.1 Officers will receive additional training that will include notifying the dispatcher of any changes in the nature code. Dispatchers will make the appropriate changes to the code. The list will then be forwarded for publication.

Implementation date: Immediately

- 3.2 Officers will receive additional training that will include how to accurately title reports to reflect the facts of the case. Officer training took place prior to the audit. Supervisors will be trained to check to ensure the reports are accurately titled.

Implementation date: Immediately

4. Fire Safety Reports

The review of the Fire Safety Reports included in the Security Report disclosed several errors. Three causes of fires listed in the 2011 Fire Statistics Report were incorrect. They were listed as trash chute fires but were actually fires that occurred while cooking. In the 2011 Fire Safety Report one building was listed as having had fire drills, fire alarms, horns and strobes, and smoke detectors but had none. There were four fire drills also listed as if they had occurred in Greek Housing but no evidence of the drills could be provided by Environmental Health & Safety. The number of fire extinguishers contained in the University Apartments could not be confirmed against the reports provided by Environmental Health and Safety. There were several other typographical errors throughout the 2011 Fire Statistics Report and the 2010 and 2011 Fire Safety Reports.

Recommendations

The FIU Police Department should:	
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4.1	Ensure that the Fire Safety Reports are accurate.
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Management Response/Action Plan:

4.1 FIU Police Department will forward all reports of fire to the Safety Officer for consolidation to ensure Fire Safety Reports are accurate.

Implementation date: Immediately

5. Identification of Campus Locations

Per the Handbook, if institutions have more than one campus, it should consider a location a separate campus if it owns or controls the site, it is not reasonably geographically contiguous with the main campus, it has a program of study, and there is onsite administration. Per that definition, the Tianjin University of China campus should also be included in the Security Report as a separate campus. This campus was omitted from the Security Report, although the Police Department was knowledgeable of its existence. No Clery reportable crimes occurred during 2011 so no adjustments to the Security Report need to be made but the campus should be identified as a separate campus in future Security Reports.

Recommendation

The FIU Police Department should:	
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5.1	Ensure that all University campuses are included and properly identified in the Security Report.
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Management Response/Action Plan:

5.1 All FIU campuses that are not contiguous will be correctly identified and included on the Security Report.

Implementation date: Immediately

6. Identification of Other Clery Locations

The Handbook requires that the University first identify all buildings and properties owned or controlled by the University. "Controlled by" means that the University rents, leases, or has some other type of written agreement (including an informal one, such as a letter or an e-mail) for a building or property or a portion of a building. A written agreement for use of space gives the University control of that space for the time period specified in the agreement.

To identify such locations we went through the process of contacting various University departments to obtain all locations used by the University that could potentially be reportable, including study abroad programs, facilities used by the University's College of Medicine, research and grant locations, foreign locations where programs of study are provided, and other locations owned and rented by the University. Through this process we were able to identify and determine whether such locations qualified under Clery. In the process of identifying all University locations to determine whether they were Clery reportable, we noted that the Police Department did not identify all locations occupied by the University. Although none of these locations turned out to be Clery reportable, it is important that they be identified upfront to ensure that no Clery reportable locations go unreported.

Recommendations

The FIU Police Department should:

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| 6.1 | Ensure that a more inclusive process to identify all locations occupied by the University is developed. |
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Management Response/Action Plan:

- 6.1 All Clery locations will be correctly identified and included on the Security Report.

Implementation date: Immediately

7. Fire Log

According to the Handbook, if an institution has any on-campus student housing, they are required to maintain a fire log. This log may be combined with the crime log if they are labeled accordingly. The crime and fire log are currently combined into one log but it is labeled as a crime log. The fire log must include some required elements, such as the nature of the fire which is not currently included.

Recommendation

The FIU Police Department should:	
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7.1	Ensure that the fire log is properly identified and includes required elements.
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Management Response/Action Plan:

7.1 The fire log will be labeled accordingly with all the required reporting elements included.

Implementation date: Immediately