



June 29, 2010

Dr. Michael K. Young, President
University of Utah
201 South President's Circle, Rm. 203
Salt Lake City, Utah 84112-9008

Certified Mail
Return Receipt Requested
Domestic Return Receipt 70080150000209008970

RE: **Program Review Report**
OPE ID: 00367500
PRCN: 200940827000

Dear Dr. Young:

From August 25, 2009 through August 27, 2009, Fran Susman, Linda Shewack, and Michael Rhodes conducted a review of the University of Utah's (the U of U) administration of the programs authorized pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 *et seq.* (Title IV, HEA programs). The review focused solely on the U of U's compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*. The findings of that review are presented in the enclosed report.

Findings of noncompliance are referenced to the applicable statutes and regulations and specify the action required to comply with the statute and regulations. Please review the report and respond to each finding, indicating the corrective actions taken by the U of U. The response should include a brief, written narrative for each finding that clearly states the U of U's position regarding the finding and the corrective action taken to resolve the finding. Separate from the written narrative, the U of U must provide supporting documentation as required in each finding.

Please note that pursuant to section 498A(b) of the HEA, the Department is required to:

- (1) provide to the institution an adequate opportunity to review and respond to any preliminary program review report¹ and relevant materials related to the report before any final program review report is issued;
- (2) review and take into consideration an institution's response in any final program review report or audit determination, and include in the report or determination –

¹ A "preliminary" program review report is the program review report. The Department's final program review report is the Final Program Review Determination (FPRD).

Federal Student Aid, School Participation Team - Denver
1244 Speer Boulevard, Suite 201, Denver, CO. 80204
www.FederalStudentAid.ed.gov

- a. A written statement addressing the institution's response;
- b. A written statement of the basis for such report or determination; and
- c. A copy of the institution's response.

For purposes of attaching a copy of the institution's response, the Department considers the institution's response to be the written narrative and any supplemental responses. Any supporting documentation submitted with the institution's written response will not be attached to the final program review determination (FPRD), although it will be retained. Copies of the program review report, the institution's response, and any supporting documentation may be subject to release under the Freedom of Information Act (FOIA) and may be provided by the Department to other entities with oversight responsibility over the University after the FPRD is issued.

The institution's response should be sent directly to Fran Susman of this office within 30 calendar days of receipt of this letter.

Record Retention:

Program records relating to the period covered by the program review must be retained until the end of the retention period otherwise applicable to the record under 34 C.F.R. § 668.24(e).

We would like to express our appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this report. If you have any questions concerning this report, please contact Fran Susman at (303) 844-3682 or via e-mail at fran.susman@ed.gov.

Sincerely,



Harry C. Shriver, Jr.
Area Case Director

cc: Mr. Scott Folsom, Chief of Police
Ms. Lori McDonald, Associate Dean of Students
Ms. Barbara Remsburg, Director of Housing & Residential Education

Enclosure:
Protection of Personally Identifiable Information

PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION

Personally Identifiable Information (PII) being submitted to the Department must be protected. PII is any information about an individual which can be used to distinguish or trace an individual's identity (some examples are name, social security number, date and place of birth).

PII being submitted electronically or on media (e.g., CD-ROM, floppy disk, DVD) must be encrypted. The data must be submitted in a .zip file encrypted with Advanced Encryption Standard (AES) encryption (256-bit is preferred). The Department uses WinZip. However, files created with other encryption software are also acceptable, provided that they are compatible with WinZip (Version 9.0) and are encrypted with AES encryption. Zipped files using WinZip must be saved as Legacy compression (Zip 2.0 compatible).

The Department must receive an access password to view the encrypted information. The password must be e-mailed separately from the encrypted data. The password must be 12 characters in length and use three of the following: upper case letter, lower case letter, number, special character. A manifest must be included with the e-mail that lists the types of files being sent (a copy of the manifest must be retained by the sender).

Hard copy files and media containing PII must be:

- sent via a shipping method that can be tracked with signature required upon delivery
- double packaged in packaging that is approved by the shipping agent (FedEx, DHL, UPS, USPS)
- labeled with both the "To" and "From" addresses on both the inner and outer packages
- identified by a manifest included in the inner package that lists the types of files in the shipment (a copy of the manifest must be retained by the sender).

PII data cannot be sent via fax.

Prepared for

University of Utah



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OPE ID: 00367500

PRCN: 200940827000

Prepared by

U.S. Department of Education

Federal Student Aid

School Participation Team - Denver

Program Review Report

June 29, 2010

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A. Institutional Information

University of Utah
201 South President's Circle, Room 203
Salt Lake City, Utah 84112-9008

Type: Public

Highest Level of Offering: Master's or Doctor's Degrees

Accrediting Agency: Northwest Commission on Colleges and Universities

Current Student Enrollment: 28,211 (2008-2009)

% of Students Receiving Title IV: 45% (2008-2009)

**Title IV Participation, Per U.S. Department of Education Data Base
(Postsecondary Education Participants System):**

2007-2008 Award Year

Federal Family Education Loan Program	\$81,269,154
Federal Pell Grant Program	\$12,228,618
Federal Perkins Loan Program	\$ 2,789,180
Federal Work-Study Program	\$ 1,508,949
Federal Supplemental Education Opportunity Grant Program	\$ 889,880

Default Rate FFEL: 2006 – 0.9%
2005 – 1.9%
2004 – 1.4%

Default Rate Perkins: As of:
6/30/2007 – 1.9%
6/30/2006 – 1.7%
6/30/2005 – 0.9%

The University of Utah (the U of U; the University) is a coeducational research university that offers more than 100 undergraduate and more than 90 graduate degree programs. The U of U Police Department consists of 30 sworn officers that patrol the campus 24 hours a day, 7 days a week, and is backed by a security staff of over 50 people. The U of U Police Department maintains a mutual aid agreement with Salt Lake City to assist off campus, and to be assisted on campus, when necessary to render law enforcement and operational assistance to each other in dealing with emergencies and law enforcement matters.

B. Scope of Review

The U.S. Department of Education (the Department) conducted a focused campus security program review at the U of U from August 25, 2009 to August 27, 2009. The review was conducted by Fran Susman, Linda Shewack, and Michael Rhodes.

The focus of the review was to examine the U of U's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The U of U was selected for review from a sample of institutions of higher education with sworn police departments. The review was not the result of any specific complaint or allegation of non-compliance. The review consisted of an examination of the U of U's police incident reports, arrest records and disciplinary files, a review of the campus crime statistics submitted by the U of U to the Department and reported to students and employees, as well as policies and procedures related to the Clery Act. Staff interviews were also conducted.

The Department's program review coincided with the Quality Assurance Review (QAR) that the Federal Bureau of Investigation (FBI)'s Criminal Justice Information Service (CJIS) Audit Unit conducted at the U of U. The Department is partnering with the CJIS Audit Unit (CAU) to ensure accurate crime reporting on America's college campuses. A copy of the CJIS report is attached as Appendix A. The CAU reviewed a total of 86 Part I Offenses and 80 Part II Offenses that were recorded from December through January 2008.

The Department reviewed 61 campus police incident reports for Part I Offenses, 52 disciplinary reports and an additional 50 miscellaneous campus police incident reports from calendar year 2007. The files were selected randomly from a list of all incidents of crime reported to the U of U Police Department or other campus security authority and from a listing of all arrests and disciplinary referrals for law violations involving alcohol, illegal drugs, illegal usage of legal controlled substances and weapons during the same calendar year.

Disclaimer:

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning the U of U's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve the U of U of its obligation to comply with all of the statutory or regulatory provisions governing the Title IV, HEA programs.

While this report reflects initial findings of the Department, they are not final. The Department will issue a Final Program Review Determination Letter at a later date.

C. Findings

During the review, several areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by the U of U to bring operations into compliance with the statutes and regulations.

Finding 1: Lack of Adequate Policy Statements

Citation: Under the Clery Act, an institution must include within its annual security report a statement of current campus policies. The policy statements must include, but are not limited to, information about how students and others should report criminal actions or other emergencies occurring on campus, security of and access to campus facilities, and campus law enforcement/security. *34 C.F.R. § 668.46(b)(2) – (b)(12)*

Noncompliance: After the U of U was notified of the program review and prior to the on-site visit by the Department, the University reviewed its campus security policies and procedures. The U of U provided the Department's review team with a chart outlining deficiencies the institution had identified in those policies and procedures. A review of the current policies and procedures and the chart provided revealed that the U of U's annual security report lacked the following required information:

- A statement of current policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus including its policy governing its response to such reports, including policies for making timely warning reports to the campus community, policies for preparing the annual crime report, and a list of the titles of each person or organization to whom students and employees report crimes. *34 C.F.R. § 668.46(b)(2)*
- A statement of current policies regarding security of and access to campus facilities. *34 C.F.R. § 668.46(b)(3)*
- A statement of current policies regarding campus law enforcement that addresses the authority of campus law enforcement, the campus law enforcement's relationship with other State and local law enforcement agencies, and whether campus law enforcement officers have the authority to arrest individuals. Additionally, the U of U does not appear to have procedures that encourage pastoral counselors and professional counselors, if and when they deem it 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. *34 C.F.R. § 668.46(b)(4)*
- A statement that clearly describes all the programs available to inform students and employees about campus security procedures and practices *34 C.F.R. § 668.46(b)(5)*

- A statement that describes the programs available to inform students and employees about the prevention of crime. *34 C.F.R. § 668.46(b)(6)*
- A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at properties off campus owned by recognized student organizations. *34 C.F.R. § 668.46(b)(7)*
- A statement of policy regarding the enforcement of underage drinking laws or enforcement of federal or state drug laws. *34 C.F.R. § 668.46(b)(8) and 668.46(b)(9)*
- A description of the drug and alcohol education programs offered. *34 C.F.R. § 668.46(b)(10)*
- A statement of the institution's policies regarding its campus sexual assault programs to prevent sex offenses, and procedures to follow when a sex offense occurs. Specifically, the annual security report failed to include (1) possible sanctions the U of U may impose following a final determination of an on-institutional disciplinary proceeding regarding a sex offense; (2) procedures for on-campus disciplinary action in cases of an alleged sex offense; (3) a statement that institutional personnel will assist the student in notifying authorities, if the student requests the assistance; and (4) notification to students that the institution will change a victim's academic and living situation after an alleged sex offense. *34 C.F.R. § 668.46(b)(11)*
- A correct link to the State Web site containing the list of registered sex offenders; the link listed is no longer operational. *34 C.F.R. § 668.46(b)(12)*

Required Action: The U of U provided the review team with a plan to address the deficiencies noted in the policies and procedures. In response to this finding, the University must provide a status report on the steps that have been taken to comply with these regulatory requirements.

Based on an evaluation of all available information, including the U of U's response, the Department will determine if additional actions are necessary and advise the University in the Final Program Review Determination letter of our determination.

Finding 2: Failure to Properly Classify Crimes

Citation: Institutions are required to classify crimes properly so that the statistical disclosures are in compliance with the Clery Act. The definitions of crimes are in 34 CFR Part 668, Subpart D, Appendix A. One of the types of offenses required to be reported by the Clery Act is burglary. Burglary is defined as "*the unlawful entry of a structure to commit a felony or a theft*". *34 C.F.R. Part 668, Subpart D, Appendix A.*

Noncompliance: In its campus crime statistics for 2007, the U of U incorrectly classified two incidents as *thefts* that should have been classified as *burglaries*.

- (1) Incident #2007-265: A camera was taken from a desk drawer in one of the offices of the U of U. The complainant was unable to determine whether her office was locked at the time of the burglary. However, it is clear that the entry of the office was illegal since the location of the crime was a private office and there was no evidence that the person who took the item was lawfully in the office. Therefore, this incident should have been classified as a *burglary* instead of a *theft*.
- (2) Incident #2007-472: Three LCD projectors were taken from Room 545 at the Rice Eccles Stadium. This room is a locked area and there were no signs of forced entry. The incident report indicated that possibly an unknown individual with access to keys to the room entered the room and took the projectors. If personnel who have keys and are authorized to gain access only for specific tasks, enter a room not for that specific task (i.e., maintenance, housekeeping) and steal an item, the offense should be classified as burglary.

Further as noted in the CJIS report, the CAU identified seven instances of inaccurate classifications among the 86 Part 1 Offenses reviewed (Appendix A). One of the inaccurately classified incidents was incident #2008-974. This incident was classified as Burglary – Forcible Entry when it should have classified as Theft From Coin-operated Device or Machine. The other instances were all classified as Purse-snatching when they should have been classified as Theft from Building.

Required Action: In response to this finding, the U of U may provide any additional documentation on Incidents #2007-265 and/or #2007-472 that would support its claim that the incidents were, in fact, properly classified as thefts. Otherwise, the U of U must reclassify the above two crimes as *burglaries* instead of *thefts* and modify its 2007 Campus Crime Statistics, on the Department's Web site database and on the annual security report provided to students and staff.

With regard to the discrepancies noted by the FBI's CAU in the QAR report, the U of U should have taken corrective action prior to reporting crimes for calendar year 2008. The Department notes that if these offenses were correctly classified, none of these crimes were reportable for Clery purposes.

Based on an evaluation of all available information, including the U of U's response, the Department will determine if additional actions are necessary and advise the University of its determination in the Final Program Review Determination letter.

Finding 3: Failure to Properly Disclose Crime Statistics

Citation: All eligible institutions participating in the Title IV programs are required to make available to students, employees, future students and employees and the Department statistical information relating to certain reported crimes, as well as statistics relating to arrests and/or campus disciplinary referrals for alcohol, drug and illegal weapons possession violations. The statistical information must be disclosed by location – on campus (including a breakdown of those which occurred in dormitories/residential facilities), in or on noncampus buildings or property, and on public property – and must be provided for the three most recent calendar years. *34 C.F.R. § 668.46(a), 668.46(c)(1)-(c)(4).*

Noncompliance: The U of U failed to disclose accurate crime statistics for the 2007 calendar year as follows:

- (1) Aggravated Assault: The U of U reported 5 aggravated assaults on public property for calendar year 2007. The Department’s review of all incident reports for reported aggravated assaults indicated that one of the listed aggravated assaults was actually a warrant issued for the arrest of someone who had previously committed an assault in a prior reporting period. (See Appendix B for incident report number.) Therefore, this aggravated assault should be omitted. Below are the reported and actual numbers for Aggravated Assaults for calendar year 2007.

	On Campus Property	Residential Facilities*	Noncampus Properties	Public Property
Reported	1	1	0	5
Actual	1	1	0	4

**Residential Facilities are a subset of On Campus Property*

- (2) Liquor Law Arrests: The U of U reported a total of 37 liquor law arrests for calendar year 2007. The Department reviewed a sample of incident reports from the campus police records and the Salt Lake City police records (obtained from the Department of Student Affairs) and reviewed the audit trail provided by the campus police department. That review identified 53 liquor law arrests during calendar year 2007. Based on the Department’s review, the reported and actual numbers for Liquor Law Arrests for calendar year 2007 are below. (See Appendix B for incident report numbers.)

	On Campus Property	Residential Facilities	Noncampus Properties	Public Property
Reported	13	10	2	22
Actual	19	10	10	14

(3) Drug Law Arrests: The U of U reported a total of 11 drug law arrests for calendar year 2007. The Department’s review of a sample of incident reports from the campus police records and the Salt Lake City police records and the audit trail provided by the campus police department indicated there were a total of 13 drug law arrests. Below are the reported and actual numbers for Drug Law Arrests for calendar year 2007. (See Appendix B for incident report numbers.)

	On Campus Property	Residential Facilities	Noncampus Properties	Public Property
Reported	6	4	0	5
Actual	8	5	0	5

(4) Liquor Law Violations Referred for Disciplinary Action: The U of U reported 196 campus liquor law violations referred for disciplinary action for calendar year 2007. During the review, an officer with the campus police department indicated the number “196” was a typographical error and should have been “169”. A review of the audit trail revealed 168 entries. The Department reviewed a sample of referrals from the records of the Department of Housing and compared referrals for disciplinary action with arrest records from the campus police. This review indicated that of the 168 disciplinary referrals, five individuals were also arrested for “minor in possession of alcohol” and were reported in the Liquor Law Arrests category on the annual security report. (See Appendix B for incident number.) If an individual is both arrested and referred for disciplinary action for an offense, institutions should count the arrest only. Below are the reported and actual numbers for Liquor Law Violations Referred for Disciplinary Action for calendar year 2007.

	On Campus Property	Residential Facilities	Noncampus Properties	Public Property
Reported	196	196	0	0
Actual	163	163	0	0

(5) Drug Law Violations Referred for Disciplinary Action: The U of U reported 23 campus drug law violations referred for disciplinary action for calendar year 2007. The Department reviewed a sample of referrals from the records of the Department of Housing and compared referrals for disciplinary action with arrest records from the campus police. This review indicated that of the 23 disciplinary referrals, one individual was also arrested for a drug law violation. This was reported in the Drug Law Arrests category on the annual security report. (See Appendix B for incident report numbers.) If an individual is both arrested and referred for disciplinary action for an offense, institutions should count the arrest only. Below are the reported and actual numbers for Drug Law Violations Referred for Disciplinary Action for calendar year 2007.

	On Campus Property	Residential Facilities	Noncampus Properties	Public Property
Reported	23	22	0	0
Actual	22	22	0	0

(6) Hate Crimes: Because institutions typically do not have many hate crimes to report, or none at all, institutions may present hate crime data in a narrative or descriptive format. However, institutions must report statistics for the three most recent calendar years. Although the U of U correctly reported hate crimes for the last three years to the Department’s Web-based survey, and, in fact, reported zero hate crimes for all three years, the U of U only reported statistics for one calendar year on its annual security report provided to students and staff.

Required Action: In response to this finding, the U of U may provide any additional documentation that would support the statistics it originally reported. Otherwise, the U of U must correct its 2007 Campus Crime Statistics, both on the Department’s Web site database and on the annual security report provided to students and staff.

Based on an evaluation of all available information, including the U of U’s response, the Department will determine if additional actions are needed and advise the University of its determination in the Final Program Review Determination letter.

Finding 4: Failure to Correctly Report Statistics including All Reportable Crimes Occurring in Non-Campus Buildings or Property

Citation: An institution must include within its annual security report statistics reflecting all reportable crimes that occur in certain geographical locations including “noncampus buildings or property”. 34 C.F.R. § 668.46(c)(4)

A noncampus building or property is defined as “any building or property owned or controlled by a student organization that is officially recognized by the institution; or any 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.” 34 C.F.R. § 668.46(a)(“Noncampus building or property”)

Noncompliance: The U of U’s annual security report for calendar year 2007 did not include crime statistics from certain noncampus sites where classes are held. The U of U identified the failure to obtain and report statistics for those locations prior to the program review. The locations are Bountiful, Downtown Salt Lake City, Murray, Park City, Sandy, and St. George, Utah.

Required Action: The U of U must obtain statistics of reportable crimes at any locations that meet the definition of a noncampus building or property in 34 C.F.R. § 668.46(a) for calendar years 2006, 2007, and/or 2008 and correct the reported statistics on the Department's Web site database, and in the most recent annual security report provided to students and staff. If the U of U cannot obtain statistics for those locations for prior calendar years, the U of U must provide information detailing the attempts made to obtain the statistics.

Based on an evaluation of all available information, including the U of U's response, the Department will determine if additional actions are needed and advise the University of its determination in the Final Program Review Determination letter.

Finding 5: Lack of Proper Notice of Availability of Annual Security Report

Citation: The annual security report must be distributed to all currently enrolled students and all employees by October 1st of each year. The report must be distributed directly by publications and mailings through the U.S. Postal Service, by campus mail or electronic mail, or by posting on an Internet or intranet Web site that is reasonably accessible to currently enrolled students and to employees. *34 C.F.R. § 668.41(b), (c), and (e)*

The annual security report must also be provided to any prospective student or prospective employee upon request. Prospective students and prospective employees must be provided with a notice containing a statement of the report's availability, a description of its contents and the opportunity to request a copy. This notice may be provided to prospective students and prospective employees along with other information the institution provides to them. *34 C.F.R. § 668.41(b) and (e)(4)*

Noncompliance: The U of U elected to distribute the annual security report by posting to the U of U Internet Web site. Notification of the availability of the annual security report was sent to enrolled students and to employees by an e-mail dated September 26, 2008. However, the e-mail notification did not include the required brief description of the report and did not inform students and employees that the U of U would make the report available in paper copy on request. The U of U identified the deficiencies in the e-mail notification prior to the program review.

The U of U did not provide notice of the availability of the annual security report to prospective students and employees. The U of U identified the deficiencies in the notification process prior to the program review.

Required Action: The U of U must update its e-mail notification language to include all elements required by the Department's regulations. In response to this finding, the U of U must provide a copy of the revised e-mail notification that will be sent to current students and to employees notifying them of the availability of the annual security report for 2010.

Prior to the program review, the U of U informed the review team that it would work with Human Resources (for prospective employees) and the Student Recruitment and Admissions Departments (for prospective students) to include a statement about the availability of the report on its Web sites and in its brochure materials. In response to this finding, the U of U must provide a status report on the steps that have been taken to comply with this regulatory requirement.



Summary Exit Briefing Local Agency Review

University Of Utah Police
Department



Quality Assurance Review

*Shared Management
Shared Responsibility
Shared Success*

A Partnership in Criminal Justice

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Local Agency Review Process

To adequately conduct a state Uniform Crime Reporting (UCR) Program Quality Assurance Review (QAR), the CJIS Audit Unit (CAU) reviews local agencies that contribute to the national Program through their respective state Programs. This helps evaluate the crime reports as they relate to data submission to the national UCR Program via the state UCR Program. The CAU staff contact these agencies through a designated Point of Contact (POC) approximately 45 days prior to the scheduled Review to gather information regarding the flow of reports from the time an incident is reported, to its classification, scoring, and submission to the national UCR Program. During the initial contact call, the auditors discuss logistics pertaining to the on-site Review with the agency POC and make preliminary plans regarding the Review. The CAU staff then follows up with written confirmation of the scheduled QAR to the Chief/Sheriff and UCR POC that will give general information concerning the QAR process.

The local agency QAR consists of three phases:

- Administrative Interview
- Data Quality Review
- Exit Briefing

Administrative Interview

During the administrative interview, the CAU staff learn how an agency manages crime reports and whether the data submitted to the national UCR Program comply with national definitions and guidelines or, if not, how the data are converted to national UCR Program standards prior to submission to the national UCR Program.

The interview is based on the agency's policies and procedures concerning the national UCR Program's standards, definitions and information requirements. Topics covered during the interview include:

- Duties and responsibilities of the UCR POC
- Records management system
- Classification and Scoring
- Arrests
- Clearances
- Jurisdiction
- Property Values
- Offenders
- Hate Crime
- Law Enforcement Officers Killed or Assaulted (LEOKA)
- Updating/Quality Assurance
- State Program Services

Data Quality Review

During the data quality review, the CAU staff reviews a predetermined number of Part I and Part II incidents based on a statistical sampling method used at the state level. Record counts are distributed to agencies based on their Return A record counts. Case files, including the officer's narrative and supplemental information, are then compared to data reported to the national UCR Program to determine if national standards and definitions were appropriately applied. The CAU staff then determine if these offenses were appropriately classified. Additionally, the CAU staff reviews incidents to ensure Arrests, Hate Crime, and LEOKA data are reported according to the national standards and definitions.

The following discrepancies can be scored at a summary reporting agency:

- Overreported - Offense reported was not documented in the case file.
- Underreported - Offense is available in the case file and was not reported.
- Inaccurate - Offense reported did not match the case report.

Discrepancies are documented for evaluation and discussion with local agency personnel and/or the state UCR Program manager.

Exit Briefing

The CAU staff provides an exit briefing packet to the local agency that summarizes the findings based on the administrative interview and the data quality review. The exit briefing packet contains a brief description of all the topics covered during the administrative interview and documents local agency compliance with UCR guidelines. During the exit briefing, the CAU staff will review/discuss each of the discrepancies with the local agency UCR POC to verify the auditor's findings. The CAU staff will answer any questions the agency may have.

Data Quality Results - Part I

The data quality portion of the QAR will be compiled with other data to assess the state's compliance to policy, definitions and information requirements. Requirement One, UCR Handbook, Revised 2004, p. 4, "The state Program must conform to the national UCR Program's standards, definitions, and information required."

Month(s) Reviewed: Jan. - Dec. 2008

Total Part I Offenses Reviewed: 86

Classification

Overreported

Underreported

Inaccurate

Total Part I Discrepancies:

LEOKA

Overreported

Underreported

Hate Crime

Total Hate Crime Reviewed: _____

Overreported

Underreported

Inaccurate

Data Quality Results - Part II

The data quality portion of the QAR will be compiled with other data to assess the state's compliance to policy, definitions and information requirements. Requirement One, UCR Handbook, Revised 2004, p. 4, "The state Program must conform to the national UCR Program's standards, definitions, and information required."

Month(s) Reviewed: Jan. - Dec. 2008 Total Part II Records Reviewed: 80

Classification

*Underreported

Arrests

Overreported

Underreported

Total Part II Discrepancies:

*Indicates underreported Part I offenses found in Part II Arrest reports.

Data Quality Results - Part I

	Overreported	Underreported	Inaccurate	Total
(1) Criminal Homicide	0	0	0	0
1a. Murder/Nonnegligent Manslaughter	0	0	0	0
1b. Manslaughter by Negligence	0	0	0	0
(2) Forcible Rape	0	0	0	0
2a. Rape by Force	0	0	0	0
2b. Force Rape Attempt	0	0	0	0
(3) Robbery	0	0	0	0
3a. Firearm	0	0	0	0
3b. Knife or Cutting Instrument	0	0	0	0
3c. Other Dangerous Weapons	0	0	0	0
3d. Hands, Fists, or Feet	0	0	0	0
(4) Aggravated Assault	0	0	0	0
4a. Firearm	0	0	0	0
4b. Knife or Cutting Instrument	0	0	0	0
4c. Other Dangerous Weapons	0	0	0	0
4d. Hands, Fists, or Feet	0	0	0	0
4e. Other Assaults- Simple, Not Aggravated	0	0		0
(5) Burglary	0	0	0	0
5a. Forcible Entry	0	0	1	1
5b. Unlawful Entry- No Force	0	0	0	0
5c. Attempted Forcible	0	0	0	0
(6) Larceny-Theft	0	0	0	0
6a. Pocket Picking	0	0	0	0
6b. Purse Snatching	0	0	6	6
6c. Shoplifting	0	0	0	0
6d. Theft from Motor Vehicles	0	0	0	0
6e. Theft of Motor Vehicle Parts/Acc.	0	0	0	0
6f. Theft of Bicycles	0	0	0	0
6g. Theft from Buildings	0	0	0	0
6h. Theft from Coin Operated Machine	0	0	0	0
6i. Theft All Other	0	0	0	0
(7) Motor Vehicle Theft	0	0	0	0
7a. Autos	0	0	0	0
7b. Trucks	0	0	0	0
7c. Other	0	0	0	0
(8) Arson	0	0	0	0
8a-g. Structural	0	0	0	0
8h-i. Mobile	0	0	0	0
8j. Other	0	0	0	0
Total	0	0	7	7

	Underreported
(1) Criminal Homicide	0
1a. Murder/Nonnegligent Manslaughter	0
1b. Manslaughter by Negligence	0
(2) Forcible Rape	0
2a. Rape by Force	0
2b. Force Rape Attempt	0
(3) Robbery	0
3a. Firearm	0
3b. Knife or Cutting Instrument	0
3c. Other Dangerous Weapons	0
3d. Hands, Fists, or Feet	0
(4) Aggravated Assault	0
4a. Firearm	0
4b. Knife or Cutting Instrument	0
4c. Other Dangerous Weapons	0
4d. Hands, Fists, or Feet	0
4e. Simple Assault	0
(5) Burglary	0
5a. Forcible Entry	0
5b. Unlawful Entry- No Force	0
5c. Attempted Forcible	0
(6) Larceny-Theft	0
6a. Pocket Picking	0
6b. Purse Snatching	0
6c. Shoplifting	0
6d. Theft from Motor Vehicles	0
6e. Theft of Motor Vehicle Parts/Acc.	0
6f. Theft of Bicycles	0
6g. Theft from Buildings	0
6h. Theft from Coin Operated Machine	0
6i. Theft All Other	0
(7) Motor Vehicle Theft	0
7a. Autos	0
7b. Trucks	0
7c. Other	0
(8) Arson	0
8a-g. Structural	0
8h-i. Mobile	0
8j. Other	0
Total	0

Administrative Interview Results

The administrative interview portion of the QAR will be compiled with other data to assess the state's compliance to policy, definitions and information requirements. Requirement One, UCR Handbook, Revised 2004, p. 4, "The state Program must conform to the national UCR Program's standards, definitions, and information required."

Classification

1. "The Hierarchy Rule requires that when more than one Part I offense is classified, the law enforcement agency must locate the offense that is highest on the hierarchy list and score that offense involved and not the other offense(s) in the multiple offense situation." (UCR Handbook, Revised 2004, p. 10)

Meets UCR Guidelines

Comments:

Arson

2. "For a multiple-offense situation, of which one offense is arson, the reporting agency must report the arson and then apply the Hierarchy Rule to the remaining Part I offenses to determine which one is the most serious." (UCR Handbook, Revised 2004, p. 12)

Meets UCR Guidelines

3. "Because of the hazardous nature of the professions of police officers and firefighters, arson-related deaths and injuries of these individuals are excluded from the Return A and SHR but law enforcement officer deaths and injuries should be reported on the appropriate LEOKA forms." (UCR Handbook, Revised 2004, p. 74)

Meets UCR Guidelines

Comments:

Scoring

4. For counting purposes, the agency:
 - a. Counts one offense for each victim of a "Crime Against Persons" (UCR Handbook, Revised 2004, p. 41)

Meets UCR Guidelines

Administrative Interview Results

- b. Counts one offense for each distinct operation or attempt for "Crime Against Property" except motor vehicle theft, where one offense is counted for each stolen vehicle.
(UCR Handbook, Revised 2004, p. 41)

Meets UCR Guidelines

Comments:

Arrests

5. "The reporting agency must record on the appropriate ASR (according to age) all persons processed by arrest, citation, or summons during the past month for committing an offense in its jurisdiction . . ."
(UCR Handbook, Revised 2004, p. 98)

Meets UCR Guidelines

6. "If a person was arrested for several offenses both Part I and Part II, agencies must ignore the Part II crimes and score only the Part I crime appearing highest in the hierarchy."
(UCR Handbook, Revised 2004, p. 97)

Meets UCR Guidelines

7. "If a person was arrested for several Part II offenses, the agency itself should determine which is the most serious offense and score only that one arrest."
(UCR Handbook, Revised 2004, p. 97)

Meets UCR Guidelines

8. "The reporting agency must count one arrest for each separate occasion on which a person is arrested." (UCR Handbook, Revised 2004, p. 98)

Meets UCR Guidelines

9. "If the reporting agency determines that an offender in custody has committed other crimes, it must not score additional arrests for those crimes. Agencies must score only the original arrest."
(UCR Handbook, Revised 2004, p. 98)

Meets UCR Guidelines

Comments:

Clearances

10. "An offense is cleared by arrest, or solved for crime reporting purposes, when at least one person is (1) arrested, (2) charged with the commission of the offense, and (3) turned over to the court for prosecution (whether following arrest, court summons, or police notice)." (UCR Handbook, Revised 2004, p. 79)

Meets UCR Guidelines

11. "If agencies can answer all of the following questions in the affirmative, they can clear the offense exceptionally for the purpose of reporting to UCR." (UCR Handbook, Revised 2004, pp. 80-81)

1. "The investigation must have clearly and definitely established the identity of at least one offender."
2. "Sufficient probable cause must have been developed to support the arrest, charging, and prosecution of the offender."
3. "The exact location of the offender must be known so that an arrest could be made."
4. "There must be a reason outside the control of law enforcement which prevents the arrest."

Meets UCR Guidelines

12. "The administrative closing of a case or the clearing of it by departmental policy does not permit exceptionally clearing the offense . . ." (UCR Handbook, Revised 2004, p. 81)

Meets UCR Guidelines

Comments:

Jurisdiction

13." To be certain that data (offense or arrest) are not reported more than once by overlapping jurisdictions . . ." (UCR Handbook, Revised 2004, p. 9)

- a. Agencies report only those offenses committed within their own jurisdictions.

Meets UCR Guidelines

- b." The recovery of property should be reported only by the agency from whose jurisdiction it was stolen, regardless of who or which agency recovered it."
(UCR Handbook, Revised 2004, p. 9)

Meets UCR Guidelines

Administrative Interview Results

c. "Agencies must report only those arrests made for offenses committed within their own jurisdictions." (UCR Handbook, Revised 2004, p. 9)

Meets UCR Guidelines

Comments:

Property Values

14. "All agencies reporting data to the UCR Program are asked to prepare the Supplement to Return A (Supplement), which is a monthly reporting of the nature of crime and the type and value of property stolen and recovered." (UCR Handbook, Revised 2004, p. 85)

Meets UCR Guidelines

15. "Questions frequently arise as to the method most commonly used by law enforcement to determine the value of stolen property. To answer these questions, the national UCR Program suggests that reporting agencies:" (UCR Handbook, Revised 2004, p. 86)

- a. "Use the fair market value . . . "
- b. "Use the cost to the merchant (wholesale cost)of goods. . ."
- c. "Use the victim's evaluation . . ."
- d. "Use the replacement cost or actual cash cost . . ."
- e. "Use common sense and good judgment . . ."

Meets UCR Guidelines

Comments:

Hate Crime

16. "The types of bias to be reported to the FBI's UCR Program are limited to those mandated by the enabling Act and its subsequent amendments, i.e., bias based on race, religion, disability, sexual orientation, or ethnicity." (UCR, Hate Crime Data Collection Guidelines, Revised October 1999, p. 2)

Meets UCR Guidelines

17. "At the end of each calendar quarter, the reporting agency must submit a single Quarterly Hate Crime Report, together with an individual Hate Crime Incident Report form for each bias-motivated incident identified during the quarter (if any)." (UCR Handbook, Revised 2004, p. 125)

Meets UCR Guidelines

Comments:

Law Enforcement Officers Killed or Assaulted (LEOKA)

18. "The form entitled Law Enforcement Officers Killed or Assaulted (LEOKA) should be used by agencies to report line-of-duty felonious or accidental killings and assaults on their officers for a given month." (UCR Handbook, Revised 2004, p. 109)

Meets UCR Guidelines

19. ". . .the reporting agency must enter the number of sworn officers with full arrest powers killed in the line of duty by felonious acts and those killed by accident or negligence while acting in an official capacity." (UCR Handbook, Revised 2004, p. 110)

Meets UCR Guidelines

20. "Reporting agencies must count all assaults that resulted in serious injury or assaults in which a weapon was used that could have caused serious injury or death. They must include other assaults not causing injury if the assault involved more than mere verbal abuse or minor resistance to an arrest." (UCR Handbook, Revised 2004, p. 110)

Meets UCR Guidelines

21. "If no officers are killed or assaulted during a given month, reporting agencies should not submit this form. However, the reporting agency must mark the NO LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED REPORT. . .box on the Return A." (UCR Handbook, Revised 2004, p. 109)

Meets UCR Guidelines

Comments:

Unfounded

22. "If the investigation shows that no offense occurred nor was attempted, UCR Program procedures dictate that the reported offense must be unfounded in Column 3. Agencies must still record all such Part I offenses and then score them as unfounded on the current month's Return A." (UCR Handbook, Revised 2004, p.77)

Meets UCR Guidelines

Administrative Interview Results

Comments:

Updating / Quality Assurance

23. "Agencies can make needed adjustments on the current month's report; these do not affect the reliability of the figures because such adjustments tend to offset one another from month to month over a period of time." (UCR Handbook, Revised 2004, p. 82)

Meets UCR Guidelines

State Program Services

24. Submission frequency:

Monthly

Comments:

Auditor Notes:

Appendix B
Incident Report Numbers

Finding 3: Failure to Properly Disclose Crime Statistics

<u>Category</u>	<u>Incident Report Numbers</u>
(1) Aggravated Assault	2007-23929
(2) Liquor Law Arrests	
• <i>On-Campus/Residential</i>	2007-4085 (8 arrests) 2007-12408 2007-19464 2007-17221 2007-21673 2007-2033 2007-5127 (3 arrests) 2007-7403 2007-16686 2007-16679
• <i>Noncampus (Salt Lake City Police)</i>	01/06/07 (2 arrests) 03/10/07 (1 arrest) 09/02/07 (1 arrest) 09/14/07 (5 arrests) 10/27/07 (1 arrest)
• <i>Public Property</i>	2007-1572 2007-2435 2007-3564 2007-4512 (2 arrests) 2007-7929 2007-13697 (3 arrests) 2007-17258 (5 arrests)
(3) Drug Law Arrests	
• <i>On Campus, non-residential</i>	2007-4283 2007-4362 2007-2033
• <i>On Campus, residential</i>	2007-7820 2007-9021 2007-15649 2007-19871 (2 arrests)
(4) Liquor Law Violations Referred for Disciplinary Action:	2007-4085 (5 arrests)
(5) Drug Law Violations Referred for Disciplinary Action:	2007-9021