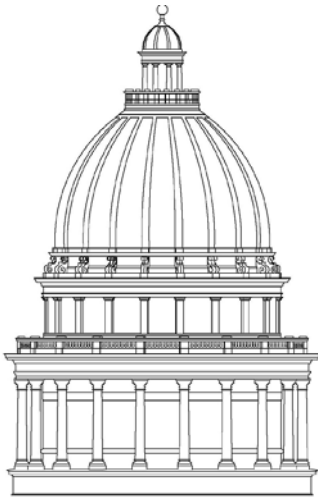
REPORT TO THE

UTAH LEGISLATURE

Number 2022-01



A Performance Audit of Higher Education Police Departments

April 2022

Office of the
LEGISLATIVE AUDITOR GENERAL
State of Utah

Utah
LEGISLATIVE
AUDITOR GENERAL

KADE R. MINCHEY, AUDITOR GENERAL

315 House Building | State Capitol Complex | Salt Lake City, UT 84114 | (801) 538-1033

April 20, 2022

The Utah State Legislature:

Transmitted herewith is our report, A Performance Audit of Higher Education Police Departments (Report #2022-01). An audit summary is found at the front of the report. The objectives and scope of the audit are explained in the Introduction.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any items contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

Kade Minchey

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Auditor General
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UTAH STATE LEGISLATURE

AUDIT SUMMARY

REPORT #2022-01 | APRIL 2022

Office of the Legislative Auditor General | Kade R. Minchey, Auditor General

PERFORMANCE AUDIT

Higher Education Police Departments

AUDIT REQUEST

The Legislative Audit Subcommittee approved an audit of the efficiency, effectiveness, liability, and cost of police departments at USHE institutions.

We also reviewed whether campuses would be better served through contracting. Finally, we evaluated the independence of campus police.

BACKGROUND

Despite many similarities between university police, municipal police, and county sheriff's offices, policing in the university setting is a unique form of law enforcement.

A report from the US Dept. of Justice shows that 98 percent of public institutions operate their own campus law enforcement agency.

Universities face significant and unique public safety obligations under laws like the Clery Act and Title IX of the 1972 Education Amendments. We believe these unique legal requirements serve as essential context around the key questions of this audit.

In part, the Clery Act requires universities to:

- Continually assess potential threats and issue a timely warning to their campus communities when certain threats are identified.
- Track and report certain crime statistics.

KEY FINDINGS

- University public safety obligations, like those under the Clery Act and Title IX, rest solely with institutions of higher education. This liability would not be eliminated by contracting with an outside law enforcement agency for police services.
- Instances of delayed reporting to University of Utah police negatively impacted public safety because of the missed opportunity for a more timely assessment and response.
- We identified data entry errors in nearly all USHE institutions' Clery Act crime reports. Such errors can lead to fines from the US Department of Education.
- Institutions would likely pay more through contracts to approximate the same level of service and control over operational decisions they currently enjoy.

RECOMMENDATIONS

- USHE administrators and public safety leaders should conduct assessments to determine whether adjustments to public safety service levels or service models may be appropriate.
- The University of Utah should address its reporting deficiencies by streamlining reporting pathways and training university personnel about the critical nature of Clery Act reporting.
- The Utah Board of Higher Education should complete its campus safety study to better address all statutory requirements in Utah Code 53B-28-402.
- USHE institutions should consider accreditation as a tool to review and improve police operations with the independence and accountability of an outside entity.

Summary continues on back >>

Universities Face Public Safety Liability Regardless of Service Model

Liability under university-focused public safety laws, like the Clery Act and Title IX, would not be eliminated by contracting with an outside law enforcement agency. It is the institution's responsibility to fulfill these obligations regardless of whether on-campus or off-campus police are a part of the system put in place to do so.

However, what would happen with liability related to police operations is less clear. Universities would assume liability for the wrongful or negligent actions of police officers in an on-campus police department. However, it is unclear how this liability would be offset through a contract for law enforcement services. General counsel for USHE institutions believe that the specific facts of a case, including the location of the incident and whether the contract officer was operating under university policy or supervision, would largely determine the liability the university would face. See Chapter II for more information.

Improving Clery Act Threat Assessment and Reporting Could Enhance Safety and Reduce Liability

Our audit found instances in which U of U entities did not adequately communicate campus safety information to university police. Specifically, we found cases where U of U housing did not make required reports to university police, undermining law enforcement's ability to perform timely threat assessments for certain incidents. We also found that the U of U hospital system is not reporting crime statistics as required under the Clery Act.

We also found 141 data entry errors where Utah institutions had not consistently reported Clery crime statistics across different reporting platforms. Although it is not certain that the US Department of Education would fine Utah institutions for these errors, a liability would exist if noncompliance was found.

USHE Institutions Should Assess Public Safety Needs and Service Options

Our review of law enforcement contracts, shown in Chapter IV, found that institutions would likely pay more through contracts to approximate the same level of service and control over operational decisions as they currently have. Although contracting could be a viable option under the right circumstances, we do not believe there is a definitive advantage to contracting in all cases. Although some contracts we reviewed are less costly, that is because they offer less service and control over operational decisions. For example, SLCC contracts with UHP to provide 24/7 law enforcement services on certain campuses. In coverage and scope, this approximates the service level of a full police department and is similar in cost to some of the on-campus USHE police departments.

In light of the unique circumstances of each institution and variation in public safety costs across USHE, we believe universities should conduct assessments to determine whether adjustments to public safety service levels or service models may be needed. A report prepared for the US Department of Justice recommends a systematic assessment through multiple steps :

- First, inventory current services and demand, including staffing levels, style of policing, and response times.
- Second, review crimes and calls for service to identify patterns and trends.
- Third, assess the impact of future growth including factors both inside and outside the entity.
- And finally, review labor, equipment, training, and other costs relative to surrounding law enforcement agencies and best practices. This can provide an indication of whether a police department can attract and retain experienced personnel and whether the cost of police services will be sustainable.

REPORT TO THE
UTAH LEGISLATURE

Report No. 2022-01

A Performance Audit of Higher Education Police Departments

April 2022

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Chapter I
Introduction

All eight of Utah's public degree-granting institutions of higher education[1] have police departments staffed with certified law enforcement officers. Seven institutions employ their own police officers, while Salt Lake Community College contracts with the Utah Highway Patrol (UHP) for the bulk of its law enforcement services.[2] This audit report explores the range of Utah's university police service models and provides conclusions and recommendations in key areas.

The scope of this audit includes a review of the liability and cost of maintaining university police departments. One of the requests was for our office to examine whether universities would be better served by contracting with municipal police or sheriff's offices. The answer to that question is nuanced, and we explore various relevant topics throughout the report. While potentially more costly, a contracting model could be successful under the right circumstances. However, we do not believe there is a definitive advantage to contracting for law enforcement services on the state's university campuses.

The scope of this audit includes a review of the liability and cost of maintaining university police departments.

The Vast Majority of Universities in the United States Have Their Own Law Enforcement Agencies

The US Department of Justice produced a report in January 2015 describing many operational details of campus law enforcement at more than 900 four-year colleges and universities across the United States.[3] Although the data reflects the state of these institutions ten

[1] ***Utah Code*** 53B-1-102 names the University of Utah, Utah State University, Weber State University, Southern Utah University, Snow College, Dixie State University, Utah Valley University, and Salt Lake Community College as degree-granting institutions of the Utah System of Higher Education. We use the term *university* throughout this report in reference to both universities and colleges.

[2] The two sworn officers employed by SLCC provide oversight for the contracted UHP officers and non-sworn security staff employed by the institution.

[3] See *Campus Law Enforcement, 2011-12,* a special report by the Bureau of Justice Statistics' (BJS). An effort to update this report for 2021-2022 is currently underway but is not yet complete.

years ago, the report provides the most recent and comprehensive view of university police in the United States we could find.

The report shows that during the 2011–2012 school year, 98 percent of the public institutions surveyed operated their own campus law enforcement agency, using officers employed by the institution.[4] Figure 1.1 shows more detailed statistics based on varying sizes of both public and private institutions.

A US Dept. of Justice reports shows that 98 percent of public institutions operated their own campus law enforcement agency in the 2011-2012 school year.

Figure 1.1 Among US Public Institutions of Higher Education, 98 Percent Had Their Own Campus Law Enforcement Agencies in 2011-2012. Of those, 92 percent of the officers employed were sworn law enforcement officers; the other 8 percent were non-sworn security staff.

2011–2012 School Year			
Type and size of 4-year campus	Total number of institutions	Schools that operate their own campus law enforcement agency	
		Number	Percentage
Public	**501**	**493**	**98%**
15,000 or more	173	172	99
10,000–14,999	83	82	99
5,000–9,999	146	144	99
2,500–4,999	99	95	96
Private, nonprofit	**404**	**368**	**91%**
15,000 or more	31	31	100
10,000–14,999	37	32	86
5,000–9,999	96	89	93
2,500–4,999	240	216	90
All campuses	**905**	**861**	**95%**

Source: Bureau of Justice Statistics, Campus Law Enforcement, 2011–12.

Utah's public universities fall within the three largest size categories shown in Figure 1.1 (i.e., they all have a headcount enrollment of 5,000 or more). For US public institutions of that size, 99 percent operated their own law enforcement agency in 2011–2012.

[4] The BJS report focused primarily on agencies serving four-year universities and colleges with a fall headcount enrollment of 2,500 or more. By comparison, the 2020–2021 fall headcount enrollment of all eight of Utah's public degree-granting institutions ranged from 5,875 at Snow College to 41,888 at Utah Valley University.

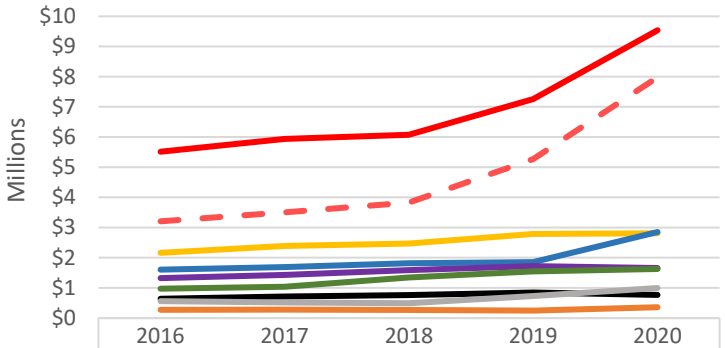
Among the small number of US institutions that did not operate their own campus law enforcement services, 77 percent contracted with a private security firm, and 18 percent used local law enforcement agencies to provide these services.

Universities Report That Rising Costs Reflect Needed Service Improvements

In fiscal year 2020, Utah's universities spent a combined $20.6 million on public safety, which includes both sworn police officers and non-sworn security staff. This is up from $13.1 million in 2016—a system-wide increase of $7.5 million over a five-year period. Because of the unique size and nature of the U of U Hospital's public safety needs, we report those expenditures separately. The U of U hospital system spent $8 million on police and security in 2020, paying for these costs with hospital revenues. Figure 1.2 shows total public safety expenditures at each university during fiscal years 2016–2020.

In fiscal year 2020, Utah's universities spent a combined $20.6 million on public safety.

Figure 1.2 Total Statewide Expenditures for University Police and Security in 2020 Were $20.6 Million. When spending for U of U Hospital police and security is included, the total grows to $28.6 million.



	2016	2017	2018	2019	2020
UofU	5.5 M	5.9 M	6.1 M	7.3 M	9.5 M
UofU Hospital	3.2 M	3.5 M	3.8 M	5.3 M	8.0 M
SLCC	2.2 M	2.4 M	2.5 M	2.8 M	2.8 M
USU	1.6 M	1.7 M	1.8 M	1.9 M	2.9 M
WSU	1.3 M	1.4 M	1.6 M	1.7 M	1.7 M
UVU	1.0 M	1.0 M	1.3 M	1.5 M	1.6 M
SUU	.64 M	.71 M	.76 M	.85 M	.77 M
DSU	.56 M	.52 M	.50 M	.73 M	.99 M
Snow	.27 M	.28 M	.27 M	.25 M	.36 M
USHE Total	16.3 M	17.5 M	18.6 M	22.3 M	28.6 M

Source: Auditor analysis of data provided by USHE institutions. Even though the U of U Hospital is on the university campus, the costs of hospital police and security are shown separately because they are paid out of hospital revenues and dedicated almost entirely to hospital needs.

The largest increase in expenditures from 2016–2020 occurred at the U of U ($4 million) and USU ($1.2 million). Public safety expenditures at UVU and SLCC both grew by around $650,000 during the same period. The U of U reports that broad changes to public safety on its campus were the main drivers of its increases. USU police received additional funding in 2020 to improve the department's equipment.

The largest increase in public safety expenditures from fiscal years 2016-2020 occurred at the U of U and USU.

While the cost of providing university police services has increased, public safety costs represent a small percentage of universities' total operating costs. At seven of the eight institutions, total expenditures for public safety are below 1 percent of total university costs. For SLCC, the proportion of public safety expenses reached its highest percentage in 2020, representing 1.34 percent of total operating costs.

Using the Utah System of Higher Education (USHE) lists of comparable institutions, we contacted certain institutions outside of Utah to get an idea of how much they spend on public safety. Figure 1.3 shows the amount each institution reported for fiscal year 2019.

Figure 1.3 Public Safety Expenditures at USHE Institutions Differed from That of Comparable Institutions. We show data from the out-of-state comparison schools without a full understanding of their unique circumstances and public safety practices.

Public safety expenditures at USHE institutions differed from that of comparable institutions.

USHE Institution	FY 2019 Public Safety Expenditures		Comparison School
U of U	**$ 7.26 M**	**$ 11.82 M**	University of Washington (Seattle campus)
SLCC	**$ 2.79 M**	**$ 4.22 M**	Central New Mexico Community College
USU	**$ 1.85 M**	**$ 3.58 M**	University of Nevada Reno
WSU	**$ 1.72 M**	**$ 2.17 M**	Boise State University
UVU	**$ 1.55 M**		
SUU	**$ 0.85 M**	**$ 2.17 M**	Austin Peay State University
DSU	**$ 0.73 M**		
Snow	**$ 0.25 M**	**$ 0.08 M**	Centralia College*

Source: Auditor compilation of information gathered from USHE and non-USHE institutions.
** Centralia College expenditures only include a limited outside security contract.*

For most of Utah's public universities, the comparison schools spent more for public safety.

Audit Scope and Objectives

This audit report addresses the efficiency, effectiveness, liability, and cost associated with police departments in the Utah System of Higher Education. The report also examines whether universities would be better served by contracting with municipal police or sheriff's offices.

Our audit is organized around the following questions as we discuss our findings and recommendations:

- **Chapter II:** What public safety obligations and liabilities do institutions of higher education face? How would those be impacted by a contract for police services?
- **Chapter III:** Are USHE institutions in compliance with federal and state crime reporting, threat assessment, and crime statistic tracking requirements?
- **Chapter IV:** How do USHE institutions' public safety needs compare to those of municipalities and counties? Would USHE's degree granting institutions be better served by contracting with municipal police departments or county sheriff's offices for public safety services?

Chapter II
Universities Face Public Safety Liability Regardless of Service Model

Universities face significant public safety obligations under laws like the Clery Act and Title IX of the 1972 Education Amendments. We believe these unique legal requirements serve as essential context around the key questions of this audit.

Universities face significant, unique public safety obligations under federal and state laws.

More specifically, the request for this audit asked us to evaluate whether Utah's universities would be better served by using municipal or county law enforcement instead of their own police departments. We found that significant, university-focused public safety obligations, like those under the Clery Act and Title IX, rest solely with institutions of higher education, and that liability under these laws would not be eliminated by contracting with an outside law enforcement agency for police services. It is the institution's responsibility to fulfill these public safety obligations, regardless of whether on-campus or off-campus police are a part of the system put in place to do so.

Liability under certain laws remains with universities regardless of how police services are provided.

Universities also face liability related specifically to their police operations, but it is not clear how such liability would be offset through an outside contract for law enforcement services. General counsel for universities tend to believe that institutions would be sued in all, or nearly all, cases of wrongful or negligent police conduct, regardless of whether the police officer was employed by the university or through an outside contract. However, university attorneys generally believe that the specific terms of a contract and the facts of each case would ultimately determine the liability the university would face.

It is not clear how liability related to police operations would be offset through an outside contract for law enforcement services.

To the extent that university police departments faithfully execute their duties, they can be valuable partners in making a campus safer and protecting universities against liability. To this end, the last part of this chapter explores accreditation as a tool to review and improve police operations. We also discuss the potential value of a system-wide or institution-level policy statement to affirm the value and necessity of university police independence in their investigation of criminal conduct.

Universities Are Subject to Unique Public Safety Laws and Regulations

In many important ways, university police departments look and act like municipal police departments. The statutory obligations for law enforcement officers to prevent and detect crime and to enforce Utah's criminal statutes are the same for sworn police officers on university campuses or elsewhere.[5] However, in contrast to cities, counties, or even other state agencies, institutions of higher education are subject to state and federal laws that create unique public safety obligations and liabilities.

Violation of university-focused public safety laws can lead to significant fines and/or sanctions by the federal government.

The Clery Act and Title IX are federal laws that put public safety requirements on institutions of higher education. Violation of either can lead to significant fines and/or sanctions. Further, there are state laws that place unique crime reporting, threat assessment, and statistical tracking obligations on universities.

The Clery Act Creates Campus Safety Obligations

All eight of USHE's degree-granting institutions are subject to the federal Clery Act.

Originally passed by Congress in 1990, the Clery Act requires all postsecondary institutions participating in Title IV student financial assistance programs to adhere to certain campus safety requirements.[6] All eight of Utah's degree-granting institutions are subject to the Clery Act.[7] Figure 2.1 provides a selected list of Clery Act obligations that Utah's higher education institutions must fulfill.

[5] See ***Utah Code*** 53-13-103(1)(a).

[6] The full title of this law, as amended in 1998, is the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. It was amended by the Violence Against Women Reauthorization Act (known as "VAWA") in 2013. The Clery Act was passed in response to the rape and murder of Lehigh University student Jeanne Clery in 1986. As the law was debated in congress, her parents argued that critical campus safety information, including information about 38 violent crimes recorded at the university between 1984 and 1986, could have better informed their decisions and potentially saved Jeanne's life.

[7] This includes Utah State University, Weber State University, the University of Utah, Salt Lake Community College, Utah Valley University, Snow College, Southern Utah University and Dixie State University. Utah's technical colleges are also subject to the Clery Act.

Figure 2.1 The Clery Act Places Unique Safety Obligations on Universities. County sheriff's offices and municipal police departments are not subject to these requirements.

Selected Obligations under the Clery Act
Institutions of higher education must:
Have procedures to assess and confirm significant emergencies or dangerous situations.
In an emergency or a dangerous situation, notify the campus community without delay.
Collect, classify, and count crime statistics by type and location. Types of crime that must be reported include murder, rape and other sex crimes, hate crimes, domestic/dating violence, robbery, and aggravated assault.
Publish an Annual Security Report (ASR) including crime statistics, safety policies and programs, emergency response procedures, and other campus safety information.
For institutions with a police or security department, keep a daily crime log and make it publicly available.

Source: The Clery Act Appendix for FSA Handbook.

Clery Act obligations include timely warnings, statistical tracking/reporting, and an annual report.

To be clear, the requirements in Figure 2.1 apply generally to institutions and do not explicitly require a university police department to fulfill. However, all of Utah's institutions except SUU have made university police or public safety responsible for Clery Act compliance and have given them primary responsibility, with the participation of other campus disciplines, in the campus threat review and assessment process. In early 2022, SUU moved Clery Act responsibility to its Office of Equal Opportunity.

Compliance with the Clery Act is, or should be, a high priority for universities not only because they care about campus safety, but also because violations can result in significant penalties.

Compliance with the Clery Act is, or should be, a high priority for universities not only because they care about campus safety, but also because violations can result in significant penalties. In 2020, violations of the Clery Act carried penalties of up to $58,328 per violation and, depending on the severity of the violations, could result in suspension from federal student financial aid programs.

We believe there is room for improvement in Utah universities' Clery Act compliance. Chapter III explores that topic in depth, including additional details about the risks for noncompliance.

Title IX of the 1972 Education Amendments Creates Campus Safety Obligations

A school violates Title IX when it receives notice of sexual harassment and responds in a clearly unreasonable manner in light of known circumstances.

Federal law and regulation under Title IX of the 1972 Education Amendments create obligations for universities[8] to keep their educational programs and activities free of sexual harassment, including sexual assault and other forms of sexual violence. A school violates Title IX when it receives notice of sexual harassment and responds in a clearly unreasonable manner in light of known circumstances.

It is important to note that a university's Title IX process is an *administrative* investigation and adjudication process and is entirely separate from the *criminal* investigation duties of sworn law enforcement. The Title IX adjudication process used by USHE's degree-granting institutions relies on a different standard of evidence (preponderance of evidence) compared with that of criminal investigations (beyond a reasonable doubt).[9] And the maximum penalty that can result from a Title IX process is school expulsion.

A university's Title IX response can include many campus disciplines and resources. Police assist in cases where criminal investigation is needed.

That said, a university's Title IX response to issues of sexual misconduct can include many campus disciplines and resources.[10] Beyond the investigations conducted by Title IX, on-campus police can assist with safety assessments and intervention and will investigate a report of sexual misconduct for criminal charges if a victim chooses to pursue a criminal action. Off-campus law enforcement would

[8] Title IX applies to institutions that receive federal financial assistance. As such, all of Utah's state-sponsored institutions of higher education are subject to Title IX.

[9] The statutory text of Title IX does not dictate a standard of evidence to be used in these cases. The US Department of Education recently changed regulations to allow institutions to choose either the preponderance of evidence standard or the clear and convincing evidence standard so long as the same standard is used across all formal complaints of sexual harassment. Administrators at the Utah universities we spoke with reported that they use the preponderance of evidence standard in formal Title IX proceedings.

[10] In a report on its investigation of Title IX deficiencies at Utah State University, the Department of Justice wrote, "A university has many options to address harassment. It may, for example, discipline the responsible party, provide mental health services, provide academic accommodations or supports, implement a no-contact order, adjust housing assignments or class schedules, implement campus safety measures, or implement educational training on preventing and responding to sexual harassment and assault."

investigate criminal cases if the alleged incident took place outside of university police jurisdiction.

State Laws Also Create Unique Campus Safety Obligations

State laws enacted in 2019 and 2021 also create obligations for higher education institutions generally and university police departments specifically. Some of the key provisions of these laws hinge on the fact that criminal offenses involving students occur both on and off campus, creating questions of jurisdiction and responsibility.

State laws enacted in 2019 and 2021 also create obligations for higher education institutions generally and university police departments specifically.

If university law enforcement agencies receive a report of crime that occurred outside their jurisdiction, ***Utah Code*** 53B-28-403(4) requires them to share any record of the complaint with the local law enforcement agency with jurisdiction. This applies except in cases involving sexual violence, as detailed in the next paragraph.

If an institution of higher education receives allegations of sexual violence, ***Utah Code*** 53B-28-303 requires the institution to determine whether to engage off-campus law enforcement. This could happen if the alleged offense took place off campus or if on-campus police need special assistance with their investigation. To make this determination, the institution must assess whether the information provided in allegations of sexual violence creates an articulable and significant threat to individual or campus safety. This threat assessment must consider things like arrest history, disciplinary records at other universities, other similar cases involving the alleged perpetrator, whether a weapon was used, etc.

State law requires communication between universities and off-campus police under certain circumstances.

Finally, ***Utah Code*** 53B-28-401 requires institutions to create campus safety plans and submit them for annual reporting to the Legislature. These plans are similar to the Clery Act Annual Security Reports but contain unique requirements. Chapter III discusses questions about certain state law compliance in further detail.

It Is Not Entirely Clear How Contracting Would Offset Campus Safety Liability

Institutions of higher education may decide to contract for public safety services, whether from police or from security agencies. An institution may do so to gain experience and/or special expertise. Or it

might decide that being connected to a larger police organization brings advantages in hiring and training. Chapter IV discusses these service considerations in greater detail, as well as some of the drawbacks of contracting.

Universities would obviously assume liability for the wrongful or negligent actions of police officers in an on-campus police department. However, it is unclear how such liability would be offset through an outside contract for law enforcement services. Contracts we examined make each party responsible and liable for wrongful or negligent acts committed by its agents.[11] However, general counsel for Utah's universities expressed the opinion that in the event of a wrongful or negligent act by a police officer, the university would likely face a lawsuit regardless of whether the police officer was employed by the university or through an outside contract. These attorneys believe that the specific facts of a case, including considerations such as the location of the incident and whether the contract officer was operating under university policy or supervision, would largely determine the liability the university would face.

It is not clear how liability related to police operations would be offset through an outside contract for law enforcement services.

In contrast, the university-focused public safety obligations found in the Clery Act and Title IX rest solely with institutions of higher education, and the liability of noncompliance under these laws would not be eliminated by contracting with an outside law enforcement agency for police services. It is the institution's responsibility to fulfill these public safety obligations regardless of whether on-campus or off-campus police are a part of the system put in place to do so.

Liability under certain laws remains with universities regardless of how police services are provided.

Accreditation Could Help Reduce Liability and Ensure Quality

Accreditation is one tool police departments can use to orient their operations around an established set of professional standards. To be accredited, a police department must adopt things like

Accreditation is one tool police departments can use to orient their operations around an established set of professional standards.

[11] This language was taken from the current contract between Salt Lake Community College and the Utah Highway Patrol. We saw similar language in contracts between sheriffs and cities, sheriffs and school districts for school resource officer (SRO) services, a sheriff and an interlocal agency, and a city police department and a private company.

- Clear written directives to define authority, performance, responsibilities, and preparation for critical incidents
- Reports and analyses to inform management decisions
- Maintenance of performance against standards to satisfy regular independent reviews by subject matter experts

We believe that Utah System of Higher Education (USHE) institutions should consider accreditation as a tool to help improve police operations with the independence and accountability of an outside entity.

Accreditation Is One Tool to Review And Improve Police Operations

Accreditation is an optional process that requires policies and procedures to be created or revised to meet hundreds of standards set by an accrediting body. Multiple bodies have accreditation standards: the International Association of Campus Law Enforcement Agencies (IACLEA), the Commission on Accreditation for Law Enforcement Agencies (CALEA), and state bodies such as the Utah Chiefs of Police Association (UCOPA). Each accreditation standard involves a different number of requirements and unique focus. Agencies can evaluate which accreditation option best meets their needs. The US Department of Justice has promoted accreditation as a way to measure and improve law enforcement agencies' overall performance.

Accreditation is an optional process that requires policies and procedures to be created or revised to meet hundreds of standards set by an accrediting body.

Generally speaking, an agency will apply for accreditation and work to satisfy the necessary requirements. Once accreditation is awarded, the agency must show ongoing compliance in regular reviews from the accreditation body. Accreditation standards provide guidelines but do not necessarily dictate exactly how each policy and procedure should be written and executed. This gives agencies latitude to decide how they wish to orient professional requirements and practices around each accreditation standard.

While accreditation will not guarantee perfect performance, it can be a tool to review and improve police operations with the independence and accountability of an outside entity.

While accreditation will not guarantee perfect performance, it can be a tool to review and improve police operations with the independence and accountability of an outside entity. Two USHE institutions, USU and Dixie State University (DSU), recently completed accreditation through UCOPA. Southern Utah University reports that it hopes to begin the accreditation process later this year. The DSU police chief took over the department in 2018 and has used accreditation as part of his effort to improve multiple facets of operations including policies, equipment, evidence handling, and recordkeeping. The U of U is currently working on accreditation through CALEA and DSU reports that it is on track for IACLEA accreditation in 2022.

We recommend USHE institutions consider accreditation as a tool to review and improve police operations with the independence and accountability of an outside entity.

Accreditation Costs and University Processes Must Be Considered

While accreditation could yield benefits, it would not come without some cost.

While accreditation could yield benefits, it would not come without some cost. Application and annual fees vary depending on the enrollment of the university and the size of the police department. For UCOPA and IACLEA, application fees range from $1,000 to 3,000 with annual fees ranging from $1,050 to $3,000. The CALEA application fee for Utah's university police departments ranges from $8,475 to $16,125 (depending on the number of full-time employees), with annual fees of $3,470 to $5,000.

The cost of personnel resources needed to update policies and shepherd the department through the accreditation process should also be considered. For example, the U of U hired a dedicated accreditation manager, while USU and DSU used existing staff to manage the process. Because accreditation requires continued effort to maintain compliance, a certain level of these personnel costs would be ongoing.

University policy review requirements could create a barrier to accreditation.

Also, the accreditation process likely involves amending police policies to conform with the elements required by the accreditation body. The university policy review process for some institutions has been described to us as onerous and time-consuming, which could create a significant barrier to accreditation. If institutions are unable to

process policy changes in a timely manner, the time limit for accreditation could lapse.

Universities Could Work to Counter Negative Perceptions About On-Campus Policing

Throughout this audit, we heard repeated concerns about the potential for university law enforcement to be undermined by university leaders' desire to maintain positive publicity. Despite reviewing several cases where such conflict or influence may have existed, we were unable to substantiate any such claims. To be clear, we did not do a systematic review of each USHE institution; rather, we followed up on specific reports from the various stakeholders we interviewed.

Although we found no actual examples, we nevertheless feel some action here could be useful for two reasons:

- Perceptions of an inherent conflict of interest between university leaders and university police departments seem to be strong and pervasive.
- University police, as sworn law enforcement officers, should have the ability to prevent and detect crime and enforce Utah's criminal statutes[12] with independence and objectivity.

A clear policy statement could serve to counter perceptions of an inherent conflict of interest between university leaders and university police.

To set the correct tone and expectation for university police departments, we believe it would be beneficial to create a system- or institution-level policy affirming the critical role of campus police and the need for university police to conduct investigations without undue influence. In our research, we found that Penn State University (PSU) crafted a university policy protecting the independence of its police department following the Jerry Sandusky case because of perceptions of undue administrative influence on university police investigative decisions.[13] The policy empowers PSU police, in accordance with their professional judgment, to independently investigate criminal conduct.

[12] See ***Utah Code*** 53-13-103(1)(a).

[13] See Pennsylvania State University's Administrative Policy AD81—Independence of the University Police and Public Safety.

The university can offer "support and direction" to police for cases when the university is itself a victim of a crime.

We recommend the Utah Board of Higher Education and USHE institutions study options to create a systemwide or institution-level policy to affirm the value and necessity of university police independence in their investigation of criminal conduct.

Recommendations

1. We recommend that the Utah System of Higher Education's degree-granting institutions consider accreditation as a tool to review and improve police operations with the independence and accountability of an outside entity.

2. We recommend the Utah Board of Higher Education and the Utah System of Higher Education's degree-granting institutions study options to create a systemwide or institution-level policy to affirm the value and necessity of university police independence in their investigation of criminal conduct.

Chapter III
Improving Clery Act Threat Assessment And Reporting Could Enhance Safety and Reduce Liability

The Clery Act requires universities to continually assess potential threats and issue a timely warning to their campus communities when a threat to students and employees is identified.[14] Because Utah's university police are given responsibility for this threat assessment process, it is essential that relevant information be reported to them as quickly as possible. Delayed reporting can lead to bad public safety outcomes if the opportunity to mitigate the threat is missed. We found instances where delayed reporting to University of Utah police negatively impacted public safety because of the missed opportunity for a more timely assessment and response.

The Clery Act requires universities to assess potential threats and issue a timely warning when appropriate.

The Clery Act also requires universities to track and report certain crime statistics. We identified reporting deficiencies in these statistics at seven of Utah's eight degree-granting institutions. These deficiencies highlight both the complex nature of Clery Act compliance and the potential need for additional training or coordination at the Utah System of Higher Education (USHE) level. Correcting these deficiencies could reduce the liability of noncompliance.

Delayed reporting and other deficiencies highlight a need for improved Clery Act compliance.

This chapter also touches on a campus safety report prepared by the Utah Board of Higher Education (UBHE) that falls short of certain requirements in state law. Additionally, we believe the exact timeline for compliance with a new state law that requires reporting on crime in university housing is unclear.

[14] The Clery Act requirement is limited to threats related to a specific list of crimes, but universities may expand their threat assessment procedures beyond that list.

The University of Utah Should Improve Campus Safety Reporting

Providing timely information to police about illegal or suspicious behavior is critical for effective law enforcement. Among other things, federal regulations under the Clery Act require universities to assess threats to the campus community and issue timely warnings when the institution believes an emergency or serious/ongoing threat is present. The regulations also require universities to track and report certain crime statistics. Both of these tasks require information to flow to those in charge of compliance, a responsibility the University of Utah (U of U) has assigned to its police department.[15] Compliance with the Clery Act is, or should be, a high priority for universities, not only because of concerns for campus safety, but also because violations can result in significant penalties.

We found instances in which U of U entities did not adequately communicate campus safety information to university police.

Despite these Clery Act requirements, we found instances in which U of U entities did not adequately communicate campus safety information to university police. Specifically, we found cases where U of U housing did not make required reports to university police, undermining law enforcement's ability to perform timely threat assessments for certain incidents. We also found that the U of U hospital system is not reporting all crime statistics as required under the Clery Act.

Some of these deficiencies pose a risk to general campus safety, and some represent significant potential liability.

Some of these deficiencies pose a risk to general campus safety, and some represent significant potential liability in the form of reviews and fines from the U.S. Department of Education. The U of U reports that it has made efforts in recent years to improve public safety and threat assessment structures and practices. This has included efforts to build stronger connections between U of U police and housing staff. We feel that our findings in this audit have highlighted some areas where additional improvement could be beneficial and believe the university should work to clarify and streamline policy and key procedures to ensure that U of U police are receiving timely, actionable information.

[15] After receipt and assessment, U of U police report crime data to a secondary administrator for compilation in the Annual Security Report.

Police at the University of Utah Have Not Always Been Given Timely Information

In late 2021, an incident in U of U student housing involved an aggravated assault allegation in which a student was threatened with a weapon by the student's roommate. Documentation shows that this incident was not reported to police for nearly twenty-four hours after housing officials found out about it, making it impossible for U of U police to take immediate action. Given the threat of violence, the Clery Act requirement for police to assess the need for a timely warning was particularly acute in this instance. Indeed, once police responded, their investigation uncovered additional, highly concerning criminal behavior beyond the initial allegation. Police were then able to arrest the perpetrator.

An incident involving threat of violence was not reported to police for nearly twenty-four hours, making it impossible for U of U police to take immediate action.

Our audit work also found that a 2021 report of a potential hate crime made to U of U housing personnel was not communicated to police as required by university procedure. That procedure states that any campus security authority (CSA)[16] "who becomes aware of an alleged or actual crime occurring on campus or at a University activity shall immediately contact the University Police and report all information known relating to the crime." U of U police eventually learned of the case through a social media post and investigated the incident just over three-and-a-half months after it was originally reported.

We also learned of a 2019 incident in which a student allegedly engaged in criminally lewd behavior during a class. Students reported the incident to the associate instructor for the class, and documents show that the instructor quickly gathered information and reported the allegations to four individuals or entities on campus. Despite these reports, police did not hear of the incident for more than two weeks. To be clear, this type of crime does not fall under the mandatory reporting requirements of the Clery Act. However, the incident still highlights an opportunity to improve how university police resources are used and how public safety information is communicated across the university. Documents show that once university police heard of

Despite reports of a lewd act, police did not hear of the incident for more than two weeks.

[16] CSAs are university personnel, designated by the Clery Act and the university, who must report information regarding Clery Act crimes to whomever the university designates as responsible for Clery Act compliance.

the case and responded, they were able to conduct a thorough investigation and resolve the situation.

U of U procedure, which is cited in its annual Clery Act report, states that Clery Act crimes shall be immediately reported to police. We recognize that the U of U is a large, complex institution with tens of thousands of students, faculty, staff, and visitors on campus on a daily basis. We also recognize the significant effort required to streamline campus safety communications across multiple campus entities, each with its own hierarchies and reporting structures. However, the examples shared here highlight a need at the U of U to improve how information is shared with its police department to improve Clery Act threat assessments and general campus safety.

The U of U should improve how information is shared with its police department.

The U of U Hospital System Is Not Reporting Crime Statistics as Required by the Clery Act

The U of U hospital system falls within the scope of the university's Clery Act obligations, but our audit found that some crimes occurring within the hospital system have not been reported as required by the Clery Act. This reporting deficiency represents a significant regulatory liability.

Some crimes occurring within the U of U hospital system have not been reported as required by the Clery Act.

In addition to the risk of not keeping university police informed of criminal activity on campus, other cases across the country in which universities have failed to adequately report, track, or assess Clery Act crimes have resulted in multimillion-dollar fines.

Opportunities Exist for the U of U to Improve Key Reporting Mechanisms

University officials report to us their commitment to improve reporting and general campus safety. We are encouraged by this response though our findings here show additional opportunities for improvement. An independent review of the 2018 murder of Lauren McCluskey at the U of U examined some of the institution's mechanisms to collect and assess information regarding interpersonal violence.[17] The resulting report concluded that, in the McCluskey case,

[17] This review, completed in December 2018, was conducted by John T. Nielsen and Keith Squires, both former commissioners of the Utah Department of Public Safety, as well as Sue Riseling, former executive director of the International Association of Campus Law Enforcement Administrators (IACLEA). Keith Squires is now the Chief Safety Officer for the U of U.

key reporting mechanisms on campus were never engaged and important information was never provided to police.[18] Our findings described in this chapter echo certain elements from that report.

The report recommended that the campus community should know about the expectation to report threats or possible threats through the proper channels, including the U of U police. Other recommendations directed the U of U to clarify its procedures regarding notification and engagement of public safety resources and to report urgent threat information for proper threat assessment. As shown by the examples detailed above, we do not believe this reporting is happening in all cases.

Of particular concern are the continued deficiencies in campus safety reporting by U of U housing. The independent review found that despite attempts to report concerns to university housing officials, decisions and responses were delayed as information traveled up the housing chain of command. In response to a specific recommendation from the review, U of U housing leadership reported to us that reporting structures have since been streamlined. However, as we report here, there are still cases originating in housing in which information is not making it to the U of U police in a timely manner.

The University of Utah Should Simplify Reporting Pathways and Train Staff

The U of U has too many reporting pathways, and not enough clarity for how those pathways should work together.

We believe the root cause of the U of U's reporting deficiencies is the university's complicated and, at times, contradictory policies and procedures for crime reporting. There are many reporting pathways, and not enough clarity for how those pathways should work together. When reviewing official U of U policy statements, it is difficult to delineate between the reporting *requirements* for certain staff and the reporting *options* for the larger campus community.

[18] The report criticized the lack of reporting to the U of U Behavioral Intervention Team. Such teams are common and serve a cross-disciplinary role in threat assessment. Membership can include university police, Title IX, the dean of students, counseling staff, housing/residential life, human resources, general counsel, etc.

As mentioned earlier, U of U procedures state that any campus security authority (CSA)[19] "who becomes aware of an alleged or actual crime occurring on campus or at a University activity shall immediately contact the University Police and report all information known relating to the crime." This is straightforward and aligns with Clery Act requirements.

Instead of simple guidance to report to U of U police, the ASR lists at least fourteen possible reporting options.

However, the 2021 U of U annual security report (ASR) prepared under Clery Act requirements, is less clear. Instead of the simple guidance to immediately report to U of U police, the ASR lists at least fourteen possible reporting options for criminal or suspicious information, including campus police, the dean of students, general counsel, human resources, the Office of Equal Opportunity and Affirmative Action (i.e., Title IX), and others. The ASR goes on to state that "anyone" (as opposed to just CSAs) with information warranting a timely warning under the Clery Act should report it to University Safety (as opposed to U of U police). Further, U of U procedure says that campus administrators (a term that is undefined) should report information about an ongoing threat of campus crime to police *and/or* university general counsel. It is unclear how police and general counsel are expected to coordinate in this process.

In the summary conclusion of the independent review of the McCluskey case, the authors wrote, "There were shortcomings both systemically and individually. There were several instances where the lack of coordination was evident within [U of U police], within Housing, and among various campus departments." The U of U should address its continued reporting deficiencies by streamlining its multitude of reporting pathways, clearly delineating between reporting options and requirements in its policy statements. The U of U should also evaluate the adequacy of its staff training about the critical nature of Clery Act reporting, both for statistical tracking and for campus threat assessment.

The U of U should streamline reporting pathways and train staff on critical Clery Act requirements.

[19] CSAs are university personnel, designated by the Clery Act and the university, who must report information regarding Clery Act crimes to whomever the university designates as responsible for Clery Act compliance.

Institutions Should Increase Focus On Clery Act Compliance

A law enacted in 2020 (Senate Bill 80) requested information from the Utah Board of Higher Education regarding institutions' compliance with federal crime statistic reporting requirements.[20] Because that information was not provided to the Legislature (see additional detail on that later in this chapter), we performed a limited review of federal crime statistic reporting as part of this audit.

As a test for this audit, we followed the methodology used by the US Department of Education (DOE) to check data entry in its Clery Act compliance reviews. In doing so, we found 141 data entry errors where USHE institutions had not consistently reported Clery Act crime statistics across different reporting platforms. Although it is not certain that the DOE would fine USHE institutions for these errors, a liability could exist if noncompliance was found.

We also believe that USHE may wish to provide uniform analysis and guidance on whether police should arrest for drug and alcohol violations. Some institutions tend to arrest, while others tend to refer students for university discipline.

We Identified Many Clery Act Data Entry Errors

In Clery Act compliance reviews, the DOE checks whether Clery Act crime statistics reported in Annual Security Reports (ASRs) match the same crime statistics reported in the online Campus Safety and Security Data Analysis Cutting Tool (CSSDACT). Each mismatch between the two reporting platforms is counted as a deficiency that could result in a fine.

In 2020, the maximum fine the DOE could assess for Clery Act noncompliance was $58,328 per violation. The average total fine assessed by the DOE for each institutional review between 2016 and 2020 was $284,350. In cases involving major compliance issues, DOE has resolved cases through multimillion-dollar settlements.

Each Clery Act data entry error is counted as a deficiency that could result in a fine.

We performed our own comparison of ASR and CSSDACT data entry and found 141 data errors across seven USHE institutions. Figure 3.1 shows the extent of the data inconsistencies between ASR

[20] See ***Utah Code*** 53B-28-402(2)(a)(ix)

and CSSDACT statistics for each USHE institution. It should be noted that each error is not equal in significance. For example, a reported error below may reflect a number being transposed, while another may reflect a failure to properly report a crime.

Figure 3.1 We Identified 141 Potential Clery Act Data Entry Errors from 2016 to 2019. A confirmed data error could result in a fine from the US Department of Education.

USHE Institution	2016-2019 Clery Data Errors
DSU	73*
Snow	23
USU	14
UVU	12*
WSU	12
U of U	6
SLCC	1
SUU	0

Source: Auditor analysis, based on US DOE compliance reviews and fee schedule.
**DSU and UVU report that new leadership put in place since our review period (i.e., after 2019) have already identified these errors and taken steps to change and improve.*

We found 141 Clery Act data entry errors across seven USHE institutions.

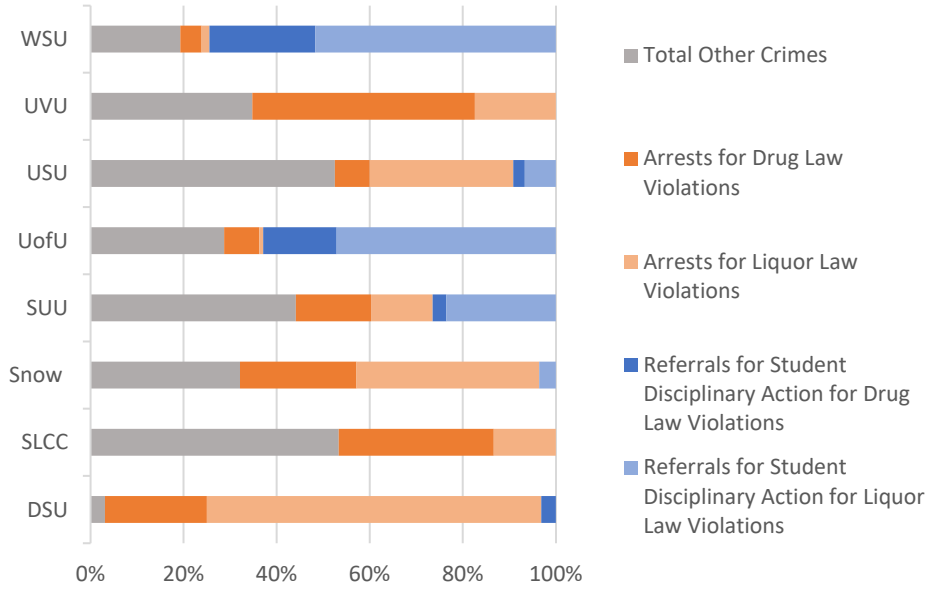
It is worth noting that properly collecting and classifying Clery Act crime statistics can be a complex task involving various crime and location categories. We cannot say with certainty that the DOE would assess the maximum fines for each data discrepancy shown in Figure 3.1. The DOE has discretion over enforcement decisions and has been lenient in cases where institutions are working to correct errors. That said, in light of the possibility of DOE enforcement actions and fines, we recommend that each institution take steps to improve Clery Act data reporting.

USHE May Wish to Encourage More Uniformity in Enforcement Among Its University Police Departments

Institutions have discretion in whether to arrest drug/liquor offenders or refer them for noncriminal university discipline.

The most common Clery Act crimes at Utah institutions are arrests and referrals for liquor and drug law violations. While these crimes occur at all eight institutions, there is discretion in whether to arrest the offenders or refer them for noncriminal university discipline. Figure 3.2 illustrates the different institutions' approaches toward arrests versus referrals.

Figure 3.2 In Calendar Year 2019, the U of U and WSU Showed a Greater Tendency toward Disciplinary Referrals Instead of Arrests. There is an opportunity for a more unified approach in enforcement across USHE institutions.



Source: Auditor compilation from all eight universities' Annual Security Reports.
**Disciplinary referrals for noncriminal university discipline would not be possible in cases involving non-students.*

Figure 3.2 shows that WSU and U of U have a larger percentage of referrals, as opposed to arrests, for liquor and drug law violations. We were told that this reflects a priority among campus and law enforcement leaders to educate offenders instead of arresting them. To be clear, if offenses are serious, or if the offender has had prior violations or disciplinary referrals, police reserve the right to arrest the individual.

We recommend that UBHE consider whether a unifying policy statement is needed to ensure that student discipline is handled more consistently across USHE.

WSU explained to us that they previously arrested more students for drug and liquor violations but made a conscious decision a few years ago to shift to more internal university discipline referrals. DSU reported that it is currently moving in the same direction. These decisions are made in collaboration with university administration in an effort to minimize the impact of alcohol and drug crimes on the future of students.

While such discretion is not necessarily bad, the difference across USHE institutions means that a student at one institution may end up with a criminal record while another does not, simply because of the university they chose to attend. This difference could affect the

student's ability to obtain future employment or other opportunities that require a background check. We recommend that the Utah Board of Higher Education study whether a unifying policy statement is needed to ensure that student discipline is handled more consistently across USHE.

We Also Found Problems and Questions Regarding State Law Compliance

Utah laws passed in 2020 and 2021 created new requirements around university public safety. We believe that a report required of the Utah Board of Higher Education fell short of statutory requirements. We also believe that there is room for interpretation regarding the appropriate timeline for reporting crime statistics by housing facility.

The Board's Report on University Police Falls Short of Statutory Requirements

We believe that a campus safety report required of the UBHE fell short of statutory requirements.

A law enacted in 2020 required the Utah Board of Higher Education (the board) to study several issues related to public safety on institution campuses and to produce a final report of its findings and recommendations.[21] The report was to be presented to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee at or before their November 2021 meetings.

Board staff reported to us that a *Campus Safety Baseline Report*, prepared by consultants and delivered to the board in December 2020, was responsive to the law's reporting requirements. However, we believe the report is not responsive to certain parts of the law, particularly the requirements to:

We believe the board's *Campus Safety Baseline Report* is not responsive to certain parts of the law.

- Report how campus law enforcement and local law enforcement respond to reports of sexual violence or other crimes involving students.

- Study the benefits and disadvantages of an institution employing campus law enforcement compared to local law enforcement providing public safety services.

[21] See ***Utah Code*** 53B-28-402.

- Review institutions' compliance with federal and state crime reporting.
- Make recommendations regarding university public safety services.

We recommend that the board take steps to complete its study and address all the statutory requirements discussed above.

The Timeline for Compliance with New State Crime Reporting Requirements Is Unclear

A law enacted in 2021 created requirements for institutions of higher education to report crime statistics aggregated by individual university housing facilities.[22] The law states that the type and number of crimes to be reported are the same as the type and number of crimes reported under Clery Act regulations. The specific federal regulation cited states, "An institution must report…statistics for the three most recent calendar years…."[23]

A 2021 law created requirements for institutions of higher education to report crime statistics by individual university housing facilities.

According to USHE rule, the deadline for these reports is October 1 each year. However, this "most recent calendar years" language in federal regulation, along with the law's 2021 effective date, has created reasonable differences in interpretation for when these reports should be produced.

Universities collected crime statistics in 2020 for Clery Act compliance but may not have made efforts to sort the data by individual university housing facility, because the state law was not yet in existence. Similarly, in 2021, the law became effective in May. Therefore, universities may not have sorted their Clery Act crime data by housing facility for the first part of calendar year 2021.

The timeline for compliance with new state crime reporting requirements is open to interpretation.

Therefore, if universities can retroactively sort early 2021 crime data by housing facility, we believe a reasonable interpretation of the deadline for these reports would be October 1, 2022. However, if universities are unable to sort all 2021 crime data by housing unit, 2022 will be the first full calendar year since the law's enactment, putting the deadline at October 1, 2023. Four universities, DSU,

[22] See ***Utah Code*** 53B-28-403.
[23] See 34 C.F.R. Sec. 668.46(c)(1).

UVU, USU, and U of U, already reported versions of these housing statistics.

Recommendations

1. We recommend that the University of Utah address its Clery Act reporting deficiencies by streamlining its many reporting pathways.

2. We recommend that the University of Utah evaluate the adequacy of its staff training about the critical nature of Clery Act reporting, both for statistical tracking and for campus threat assessment purposes.

3. We recommend that each degree-granting institution in the Utah System of Higher Education take steps to improve Clery Act data entry.

4. We recommend that the Utah Board of Higher Education study whether a unifying policy statement is needed to ensure that student discipline is handled more consistently across the Utah System of Higher Education.

5. We recommend that the Utah Board of Higher Education complete its study to better address all statutory requirements in ***Utah Code*** 53B-28-402.

Chapter IV
USHE Institutions Should Assess Public Safety Needs and Service Options

The Legislature asked us to evaluate whether degree-granting institutions in the Utah System of Higher Education (USHE) would be better served by contracting with municipal or county law enforcement instead of funding and operating their own police departments. The question of whether to contract carries with it a need to better understand the level of public safety service needed by each institution. This chapter discusses multiple factors we believe make universities' public safety needs unique compared with such needs in the municipal or county settings.

The question of whether to contract police services carries with it a need to better understand the level of public safety service needed by each institution.

Our review of law enforcement contracts found that institutions would likely pay more through contracts to approximate the same level of service and control over operational decisions as they currently have. Although contracting could be a viable option under the right circumstances, we do not believe there is a definitive advantage to contracting in all cases. Although some contracts we reviewed are less costly, that is because they offer less service and control over operational decisions.

Although contracting could be a viable option under the right circumstances, we do not believe there is a definitive advantage to contracting in all cases.

One USHE degree-granting institution, Salt Lake Community College (SLCC), currently contracts with the Utah Highway Patrol (UHP) for public safety services on four of its campuses. However, the contract cost, in addition to the cost of university personnel who oversee day-to-day public safety operations, has made SLCC's public safety costs high relative to its USHE peers.

In light of the unique circumstances of each institution and variation in public safety costs across USHE, we believe universities should conduct assessments to determine whether adjustments to public safety service levels or service models may be needed.

Understanding Public Safety Needs Is the First Step in Discussing Appropriate Service Models

A service model that makes sense for one entity may not be sensible or affordable for another if the elements driving the decisions are different.

There are multiple public safety service models, including both sworn law enforcement officers and non-sworn security personnel. To understand the benefits and disadvantages of different service models for a university, city, school, etc., it is first necessary to understand the entity's public safety needs. A service model that makes sense for one university or city, for example, may not be sensible or affordable for another if the elements driving the decisions are different.

Universities should periodically evaluate their public safety needs through assessments to determine whether changes to service levels or service models are appropriate.

Universities Face Unique Public Safety Needs

Universities face unique public sfaety needs.

Although there are many similarities between university police, municipal police, and county sheriff's offices, policing in the university setting is a unique form of law enforcement. In addition to more traditional law enforcement duties (e.g., emergency response, patrol, investigation, and traffic enforcement) universities have unique public safety needs. These unique needs include:

- University-specific federal laws that require statistical tracking, campus threat assessment, and community threat warnings
- Regular public safety coverage for large public academic, athletic, and artistic events
- The need to secure many campus buildings against intrusion, theft, and vandalism
- University-owned housing that places students on campus 24/7
- Operating within the governance structure of higher education
- For the University of Utah, a large academic medical center and health system

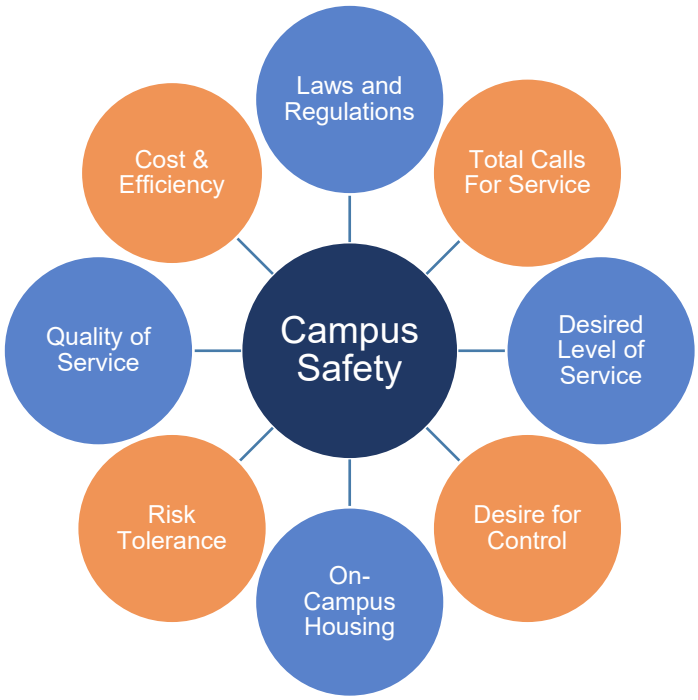
We interviewed university leaders and university police chiefs, who cited these unique public safety needs as the primary reasons institutions establish their own police departments. University leaders explained that the integrated, on-campus presence of their police departments allows for more seamless coordination of public safety services around these unique needs. Municipal police chiefs who spoke

with us during the audit also acknowledged universities' unique public safety needs.

A Wide Range of Factors Drive Universities' Unique Public Safety Needs

Each institution's decision about what public safety services are needed and how best to provide them will be based on several factors. Figure 4.1 summarizes what we believe are some of the key factors.

Figure 4.1 Many Factors Drive Decisions About University Public Safety. This figure highlights what we believe are some of the key elements, many of which are discussed in this report.



There is a wide range of factors that drive university public safety decisions.

The factors shown in Figure 4.1 can impact university decisions in many ways. For example, an institution may appoint a new president who has a different view of risk tolerance and public safety than that of prior leaders. Another institution may see continually growing enrollment and more, or more serious, calls for service as reasons to increase security and/or police services. Or maybe a highly publicized misstep or tragedy sparks a community outcry and leads to more dramatic systemwide changes.

Many entities who are not required to have a police force opt to fund and operate one.

It is also worth noting that some of the factors that drive decisions for public safety at universities are also common among school districts, state agencies, municipalities, private businesses, and event venues. For example, school districts throughout Utah have decided that it is worth the expense to contract with local law enforcement to have regular school resource officer (SRO) coverage in both junior high and high schools. Likewise, state leaders have seen fit to fund a dedicated section of the Utah Highway Patrol to provide 24/7 public safety coverage specifically tailored to the Utah State Capitol complex. And although Utah statute only requires that only the state's largest cities establish their own police departments, many smaller cities opt to fund and operate their own instead of contracting for service with the county sheriff's office.

Level of Service and Control Over Operational Decisions Drive Costs

There are multiple public safety service models designed to meet the varying levels of need. These service models range from private security services, to law enforcement contracts, to full-service police departments.

We examined and compared multiple local government law enforcement contracts.

Figure 4.2 compares the costs of university public safety with the costs of service models and contracts used by some of Utah's cities, counties, and school districts. We felt it was useful and relevant to examine these local government contracts because they are a good representation of typical law enforcement service agreements and serve as a useful baseline for comparison, especially with regard to more comprehensive contracts like those at SLCC and the Unified Police Department (UPD). The total cost goes beyond personnel costs, including (where applicable) dispatch costs, office staff, equipment, vehicles, non-sworn security officers, and other operating costs.

We caution against using Figure 4.2 to conclude that contracting is a viable way to lower law enforcement costs. Contracts that are less expensive than full departments offer significantly lower levels of service or control and to emphasize this point, the figure is shown in two separate parts. The contracts shown in Figure 4.2 reflect our efforts to gather as many examples as possible from the jurisdictions in which USHE's degree-granting institutions operate.

Figure 4.2 Most Contracts We Examined Were Less Expensive Than Police Departments in Fiscal Year 2020. To enable a consistent comparison with sheriffs' contracts that charge per full-time equivalent (FTE) sworn officer, we divided the total costs for each entity by the number of FTE sworn officers.

Level of Service	Organization	Hourly Cost per Sworn Officer*
Police Department	U of U	**$121**
Police Department	USU	**$98**
Precinct**	UPD Precinct Average	**$81**
Contract + University Support	SLCC	**$80**
Police Department	DSU	**$77**
Police Department	UVU	**$71**
Police Department	WSU	**$67**
Police Department	Granite School District	**$66**
Police Department	Snow	**$58**
Police Department	SUU	**$55**

Level of Service	Organization	Hourly Cost per Sworn Officer*
Contract	Weber County Sheriff *Various Municipalities*	**$65**
Contract	St. George Police Department *Intermountain Healthcare*	**$50**
Contract	Salt Lake County Sheriff *Public Works Admin. Building*	**$50**
Contract	Cache County Sheriff *Hyrum City*	**$50**
Contract	Washington County Sheriff *Apple Valley*	**$45**
Contract	Washington County Sheriff *Pine Valley*	**$37**
Contract	Sanpete County Sheriff *Manti City*	**$34**

Source: Auditor analysis of cost and contract information from each listed entity.
** The hourly costs represent total public safety costs divided by the total number of sworn, full-time equivalent law enforcement officers employed by each agency.*
*** Certain cities and other communities pay the Unified Police Department (UPD) for police services under precinct agreements. Precincts function with many police department-level services including, but not limited to personnel, supplies, and equipment needed to provide basic patrol and traffic enforcement. All precincts have access to the UPD pool of shared services such as investigations, SWAT, training, dispatch, etc.*

Generally speaking, lower-cost options correlate with contracts that provide more limited service.

Figure 4.2 shows that contracts tend to be less expensive compared with the cost of operating police departments. Generally speaking, lower-cost options correlate with contracts that provide more limited service (e.g., a limited number of patrol hours, little or no control over staffing, scheduling, and other operational decisions). If universities were to enter into service contracts similar to those shown in the

bottom portion of Figure 4.2, that would lead to a reduction in law enforcement services on university campuses.

For example, the Salt Lake County Sheriff contract shown here provides weekday security and law enforcement coverage from 3:00pm to 7:00am, with 24-hour weekend and holiday coverage. County officials told us that this contract would not be well-suited for a university and that they would refer a university request for contract service to the Unified Police Department (UPD).

Lower cost contracts generally deliver lower levels of service.

The Cache County Sheriff contract also does not provide 24/7 coverage and the sheriff maintains control over personnel and service decisions. The services offered under the Washington County Sheriff's contract with Apple Valley provides up to six hours of patrol each week in segments no larger than one-and-a-half hours per day. Similarly, the Sanpete County Sheriff contract provides Manti with 24-hour response and 12 hours of direct daily law enforcement services.

As entities seek higher levels of service and control over operations decisions, costs for services increase. At SLCC, UHP assigns specific troopers to provide 24/7 service for the institution. The cost of this focused service helps put SLCC's hourly cost per sworn officer toward the top of Figure 4.2. In coverage and scope, the SLCC contract and the UPD precinct agreements approximate what is offered by a full police department and their higher costs shown in Figure 4.2 reflect that. Therefore, we believe that if universities wanted to obtain contracts with the same level of service currently being provided internally, they would be more expensive than the contract costs shown in Figure 4.2.

If universities wanted to obtain contracts with the same level of service currently being provided internally, they would be more expensive than the contract costs shown in Figure 4.2.

The information provided in Figure 4.2 shows that the costs of a contract that provides 24/7 focused law enforcement service would be similar to the universities' cost of funding a police department internally. Therefore, in deciding whether contracting for law enforcement would be cost effective in a university setting, it is necessary to weigh institutions' needs against the cost of contract options available in their respective locations. That said, however, institutions may find value that goes beyond simple cost comparisons because of services that could potentially be provided by a larger contract agency like hiring, training, specialized investigations, SWAT, etc.

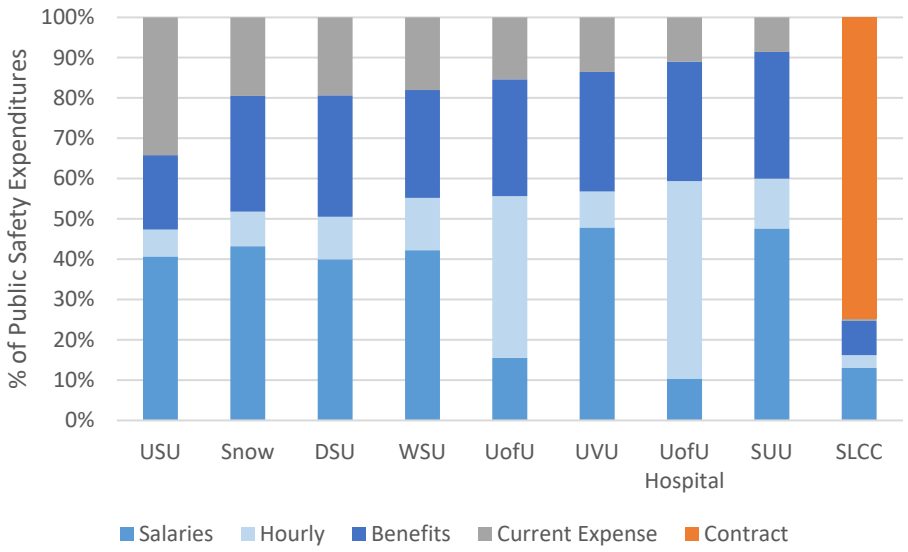
As discussed in greater detail later in this chapter, we believe administrators and public safety leaders throughout USHE should conduct assessments of their respective needs, priorities, costs, and local service options to determine whether adjustments to university public safety service levels or service models may be appropriate.

USHE institutions should conduct assessments to determine whether adjustments to university public safety service levels or service models may be appropriate.

A Unique Mix of Services and Needs Leads to Public Safety Cost Differences Across USHE

Different public safety service levels, needs, and priorities are evident in the range of public safety costs among USHE institutions. Figure 4.3 shows a percentage comparison of universities' major public safety expense categories in fiscal year 2020, shedding light on what drives the overall cost differences.

Figure 4.3 Fiscal Year 2020 Public Safety Expenditures Highlight Key Differences Between USHE Institutions. Some of the key differences include the level of hourly services, current expense (e.g., for equipment), and contract services.



Source: Auditor compilation of university expenditure data.

There are key differences in the breakdown of public safety expenditures between institutions.

The percentage breakdown in Figure 4.3 highlights some key differences in needs and service level decisions. For example, USU increased current expenses by around $600,000 in fiscal year 2020 to upgrade equipment. This significantly increased its total cost per FTE sworn officer for that fiscal year.

Elements of SLCC's public safety service model exemplify what we believe should be assessed by all USHE institutions.

The following two sections provide additional examples related to SLCC and U of U expenditures summarized in Figure 4.3. We provide an expanded discussion of institutions' unique cost drivers and differences in Appendix B.

SLCC Public Safety Exemplifies the Types of Cost and Service Elements We Believe Should Be Assessed

There are elements of SLCC's public safety service model that exemplify what we believe should be assessed by all USHE institutions to determine whether adjustments may be appropriate. In 2003, SLCC contracted with the Utah Highway Patrol (UHP) to provide troopers on two of its campuses. SLCC has since expanded UHP coverage to four of its ten campuses. In addition to these contract troopers, SLCC employs its own public safety leadership to interface with UHP and manage the unique university public safety needs described in Chapter II. SLCC also employs and manages non-sworn security officers to provide additional public safety services and supplement coverage from UHP troopers. Figure 4.3 indicates that these internal costs made up 25 percent of SLCC's total public safety expenditures in fiscal year 2020. Figure 4.2 shows that these costs have helped elevate SLCC's total hourly cost per sworn officer to the third highest among its USHE peers.[24]

SLCC's internal public safety costs beyond the UHP contract make up 25% of its public safety expenditures.

SLCC has more sworn FTE than other institutions who have larger enrollment numbers.

SLCC contracts for 15 FTE troopers, a relatively large number of law enforcement officers relative to its USHE peers. By comparison, USU, UVU, and WSU employ 11 to 14 FTE officers even though all three institutions have higher FTE enrollment than SLCC. The number of troopers included in the contract was meant to cover four campuses (Redwood, South City, Meadowbrook, and Jordan). However, SLCC is currently working to cease operations at Meadowbrook, and there are very few calls for service at Jordan.

SLCC reports that UHP has generally been a good contract partner, but disagreements over operational issues like staffing, travel time, and exercise time have led to tensions between SLCC and UHP. We are told that those disagreements have been resolved but it took

[24] As mentioned previously, the "hourly cost per sworn officer" measure takes a department's total expenditures for all public safety services and divides that by the total number of hours worked by sworn law enforcement officers. This approach was necessary to compare USHE institutions' public safety costs against the hourly rates charged in law enforcement contracts. See Appendix B for more information about this methodology.

time for staff in both entities to navigate the issues and make operational adjustments.

These are the types of cost and service factors we believe should be assessed by all USHE institutions to determine whether adjustments may be appropriate.

The U of U Has Made Significant Increases to Public Safety Services and Costs in Recent Years

The U of U has undergone multiple public safety changes over the last few years, which have influenced public safety costs.

The U of U's particularly high costs in fiscal year 2020 is the product of multiple public safety changes over the last few years. Large-scale leadership restructuring and staffing changes contributed significantly to the U of U's fiscal year 2020 public safety costs, with further expansions of campus safety administration continuing to add costs into fiscal year 2021. Growth in hourly police services, driven by increases in both pay and personnel,[25] also raised expenditures for U of U public safety. Also, with the largest non-sworn security staff among USHE institutions, the U of U paid nearly $2 million for non-sworn security in fiscal year 2020.

Growth in both pay and personnel have increased U of U public safety expenditures.

With the continuing changes in campus safety administration through this period of growth, we believe the U of U could benefit from a fresh assessment of its public safety services and needs.

Public Safety Decisions Should Be Informed by Periodic Analysis

With the above examples in mind, we believe USHE universities should periodically evaluate their public safety needs to determine whether changes to service levels or service models are needed. A report prepared for the US Department of Justice (DOJ) to help public officials and citizens make efficient and effective policing decisions provides guidance on how such an assessment could be done.[26]

[25] The increase in hourly police services was partially offset through payments from the U of U Athletics Department.

[26] See *Guidelines for Starting and Operating a New Police Department*, prepared for the Office of Community Oriented Policing Services (COPS) within the DOJ.

The report recommends a systematic assessment through multiple steps:

The DOJ has provided guidelines for assessing public safety service levels and service models.

- First, conduct an inventory of current services and demand, including staffing levels, style of policing, and response times.
- Second, perform a detailed review of crimes and calls for service, a task that can be complex and difficult, to identify patterns and trends.
- Third, assess the impact of future growth, including factors both inside and outside the entity. For example, enrollment growth, increased tourism or other economic activity, or demographic trends bringing a larger population.
- And finally, conduct a review of labor, equipment, training, and other costs relative to surrounding law enforcement agencies and best practices. This can provide an indication of whether a police department can attract and retain experienced personnel and whether the cost of police services will be sustainable.

Information obtained through assessments can lead to better decisions regarding public safety services.

With the information obtained through such an assessment, better decisions can be made regarding the right level of service needed and the most cost-effective method for service delivery. University administrators and public safety leaders throughout USHE should conduct assessments to determine whether adjustments to public safety service levels or service models may be appropriate.

Alternative University Safety Models Could Also Be Considered

Although we did not thoroughly vet their benefits and disadvantages, we identified some unique university public safety models in western states. We share these alternative models here as additional information for policymakers to consider.

Nevada's public universities unified police services under two centralized departments.

Nevada's University System Uses Centralized Police Departments. In 2016, Nevada's public university system began to combine its eight universities under two centralized police departments—one in the northern part of the state and one in the south. This change unified policies and achieved cost savings by eliminating expenditures that would have otherwise gone to pay chief-

level salaries at each institution. An official there reported that the four institutions in the Northern Command have saved more than $430,000 annually from these consolidation efforts. While the Southern Command (made up of the other 4 institutions) has not seen the same cost savings since consolidation in 2020, it was able to provide police services to campuses that had previously only contracted for security or had no coverage, while maintaining similar costs. We were told that the university system may move to consolidate both regional departments into a single department in the future. This could lead to greater centralization of policy and more cost savings.

State Statute in Idaho Does Not Authorize Universities to Establish Their Own Police Departments. Because of this, Idaho State University (ISU) in Pocatello, for example, has chosen to employ armed, POST-trained (but not certified) security officers on its campus. Combined with a dispatch center, ISU reports that this allows the university to have control over its public safety personnel and a level of service that approximates that of a full police department. These security officers can perform citizens arrests to enforce federal and state laws, but they must call sworn Pocatello police to arrest suspects.

Idaho statute does not authorize its universities to establish police departments.

Recommendation

1. We recommend that university administrators and public safety leaders at institutions in the Utah System of Higher Education conduct assessments to determine whether adjustments to public safety service levels or service models may be appropriate.

Appendix

Appendix A
Complete List of Audit Recommendations

This report made the following eight recommendations. The numbering convention assigned to each recommendation consists of its chapter followed by a period and recommendation number within that chapter.

Recommendation 2.1

We recommend that the Utah System of Higher Education's degree-granting institutions consider accreditation as a tool to review and improve police operations with the independence and accountability of an outside entity.

Recommendation 2.2

We recommend the Utah Board of Higher Education and the Utah System of Higher Education's degree-granting institutions study options to create a systemwide or institution-level policy to affirm the value and necessity of university police independence in their investigation of criminal conduct.

Recommendation 3.1

We recommend that the University of Utah address its Clery Act reporting deficiencies by streamlining its many reporting pathways.

Recommendation 3.2

We recommend that the University of Utah evaluate the adequacy of its staff training about the critical nature of Clery Act reporting, both for statistical tracking and for campus threat assessment purposes.

Recommendation 3.3

We recommend that each degree-granting institution in the Utah System of Higher Education take steps to improve Clery Act data entry.

Recommendation 3.4

We recommend that the Utah Board of Higher Education study whether a unifying policy statement is needed to ensure that student discipline is handled more consistently across the Utah System of Higher Education.

Recommendation 3.5

We recommend that the Utah Board of Higher Education complete its study to better address all statutory requirements in Utah Code 53B-28-402.

Recommendation 4.1

We recommend that university administrators and public safety leaders at institutions in the Utah System of Higher Education conduct assessments to determine whether adjustments to public safety service levels or service models may be appropriate.

Appendix B
Additional Context and Information Regarding University Public Safety Cost Analysis

This appendix seeks to provide additional information and context around the university public safety cost numbers shown in Chapter IV, Figure 4.2. That figure shows a wide variability in hourly cost per sworn officer among the police departments in the Utah System of Higher Education (USHE), from $121 at the University of Utah (U of U) to $55 at Southern Utah University (SUU). Those single-year numbers lack context to explain why the values range so widely. They also lack information about the year-to-year variability of public safety expenditures. Beyond Figure 4.2, Chapter IV goes into some detail about public safety expenditures at USU, SLCC, and the U of U; however, we felt it would be valuable to provide more context around the costs associated with university public safety.

We believe the wide range of cost differences can be explained by a combination of decisions related to service levels, cyclical equipment purchases, and the administrative structure of public safety on each campus. The different combinations of decisions reflect the array of factors that drive public safety needs and decisions for each institution of higher education.

Calculating Hourly Cost per Sworn Officer Enables Useful Comparisons

As for the methodology used for Figure 4.2, our decision to compare expenses on the basis of *hourly cost per sworn officer* was driven by the terms of law enforcement service contracts. Those contracts quote a "cost per hour" or "hourly cost," which captures both the wages and benefits of the officer(s), along with an allocation of the contracting agency's overhead costs for things like administration, evidence, equipment, vehicles, etc.

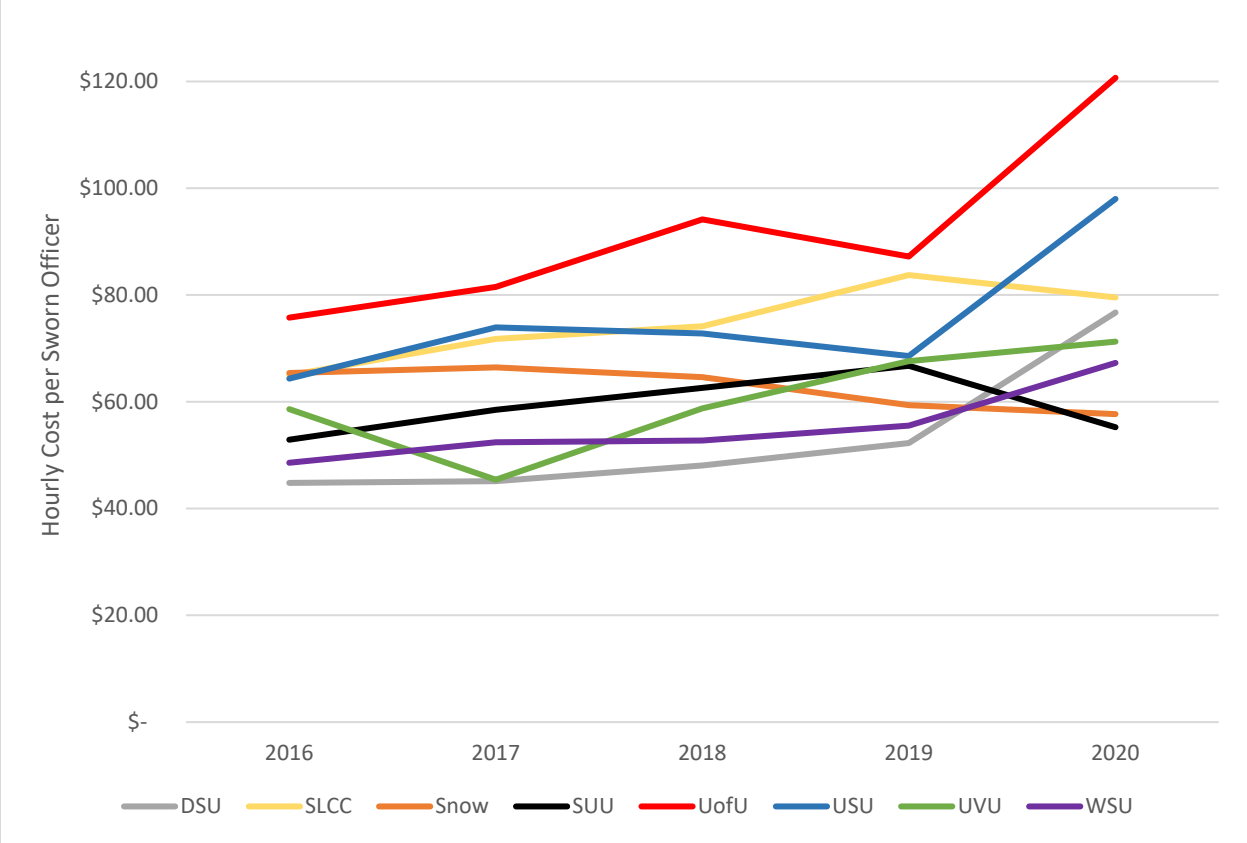
To create an equivalent cost measure for USHE police departments, we took each department's total public safety expenditure for fiscal year 2020 and divided that by the number of FTE sworn officers, then divided again by 2,080 hours (i.e., the number of hours worked by a full-time employee in a year). This calculation yields a reflection of the agency's total operational cost as allocated to each hour of work completed by a sworn law enforcement officer.

Because agencies each have a unique combination of services and overhead costs, the resulting numbers provide an indication of how decisions regarding service, equipment, and administration can impact total costs relative to the time sworn officers are engaged in public safety duties.

Figure 4.2 Does Not Capture Year-to-Year Variability

Figure 4.2 in Chapter IV shows costs for fiscal year 2020 only. Using a single-year snapshot of information allowed us to compare actual expenditures at USHE institutions against the static, hourly rates reflected in various law enforcement contracts. However, that snapshot does not provide context for the fluctuations in cost that typically occur from year to year. Figure A.1 shows the variability in hourly costs per sworn officer from fiscal years 2016-2020. We believe that the cost information shown in Figure 4.2 in Chapter IV is best understood within this broader context because each institution's ranking of hourly costs has not been constant from year to year.

Figure A.1 Hourly Costs per Sworn Officer Across Five Years Show Variation at Each Institution. We believe the cost information shown in Figure 4.2 of Chapter IV is best understood in context of the fluctuation shown here.



Source: Auditor compilation and analysis for five years of USHE institutions' expenditure and FTE data.

Figure A.1 shows the year-to-year cost fluctuations for university public safety. Such fluctuations can be due to wage growth, changes in organizational structure, or large changes in current expenses (e.g., non-personnel costs such as equipment). For example, as mentioned in Chapter IV, the U of U's increased cost of hourly police services due to pay

and hourly personnel increases for special events (partially offset by contracts with U of U Athletics), high costs of non-sworn security, and changes to public safety leadership all contribute to a cost per sworn officer that is much higher than the majority of other USHE institutions' amounts.[27]

In contrast, SLCC added a new sworn administrative position (deputy director of public safety) in fiscal year 2020. Because SLCC's public safety costs increased only slightly that year, adding another sworn officer led to a reduction in SLCC's hourly cost per sworn officer from fiscal year 2019 to fiscal year 2020 (i.e., because total costs were now divided by a larger pool of officer hours).

Alternatively, new department or university leadership may recognize the need for department changes, which can increase public safety costs. Since Chief Blair Barfuss's arrival in 2018, Dixie State University's police department has seen a steady rise in cost per sworn officer due to a new non-sworn position (which doubles as an administrative assistant and victim's advocate), equipment upgrades, and accreditation costs. Chief Barfuss saw those changes as necessary to improving the quality of DSU's police department and received support from DSU administration to fund them.

Also reflected in Figure A.1, USU recorded historically high costs per sworn officer in fiscal year 2020, due in large part to an approximately $600,000 increase in current expenses to upgrade equipment. We were told that those costs will persist for three years until the upgrades are completed. On the other hand, SUU's costs ranked near the middle of its USHE peers for the first four fiscal years shown in Figure A.1. SUU's current expenses then declined in fiscal year 2020 because the institution reportedly purchased less equipment and supplies. Therefore, while USU and SUU had similar costs per sworn officer in fiscal year 2019, they diverged significantly in fiscal year 2020 due to equipment upgrades occurring in different years for different departments.

Different Levels of Service and Administration Lead to Cost Differences

All USHE institutions choose the specific services and oversight structures they believe are needed in their respective public safety departments. There are several important differences in both structure and service across the USHE system that are worth highlighting in the context of our cost analysis and comparison. These differences include

[27] Non-sworn security costs are included in the numerator of the calculation for costs per sworn officer, but non-sworn FTE hours are not included in the denominator. Costs for non-sworn security will therefore increase total costs and the total cost per sworn officer.

the use of public safety directors, non-sworn security, and the experience level of certain positions.

Different Organizational Structures Can Lead to Higher Costs

Multiple campuses (U of U, WSU, SLCC, and USU) have chosen to add an additional layer of leadership to their public safety department. This director of public safety position[28] creates a single line of reporting for the departments within the university that are tied to public safety (e.g., police, emergency management, fire, security). The decision to add administrative positions can increase public safety costs.

In addition to a director of public safety, the U of U created additional positions in a newly created university safety department. In February 2022, USU created and filled a stand-alone public safety director position. Formerly, this position was held in combination with that of the chief of police. The addition of these public safety leadership positions adds costs that impact our cost comparison. Additional public safety services, such as non-sworn security personnel, can also increase costs significantly. Figure A.2 shows an overview of some of the different services and organizational structures within USHE's public safety departments.

Figure A.2 Summary of University Public Safety Office Structure. These different structures in public safety lead to widely different levels of service on each campus.

Positions	UofU	USU	WSU	UVU	Snow	SUU	DSU	SLCC
Chief Safety Officer	✓	✓	✓					✓*
Chief	✓	✓	✓	✓	✓	✓	✓	
Police	✓	✓	✓	✓	✓	✓	✓	✓
Security Director	✓	✓						✓
Campus Security	✓	✓			✓	✓		✓
Technology Director	✓							
Director of Admin.	✓							
Director of Community Services	✓							
Special Assistant	✓							
Executive Officer	✓							

Source: Auditor compilation from USHE Campus Safety Baseline Report.
**SLCC has an executive director of public safety who oversees the UHP contract and campus safety operations. This position is placed similarly to CSO positions at other campuses.*

As shown in Figure A.2 and discussed in Chapter IV, SLCC has contracted with UHP for law enforcement services but continues to provide administrative support and security

[28] Institutions use different titles for this position. The U of U refers to theirs as Chief Safety Officer (CSO). USU, WSU, and SLCC refer to theirs as Director or Executive Director of Public Safety.

services with its own staff. The costs of those services make up 25 percent of SLCC's total public safety costs. The use of these internal services, in addition to those provided by the UHP contract, has led to SLCC's overall cost for public safety being one of the highest among USHE institutions.

Another important factor for personnel costs is the choice of whom to hire for certain positions. Some universities, such as Utah State University choose to hire some students to work security or dispatch; others, such as the University of Utah and Utah Valley University, choose to pay full-time individuals with a higher level of training to do security and dispatch jobs. All of these decisions can impact a police department's costs.

Agency Response

UTAH SYSTEM OF HIGHER EDUCATION

March 31, 2022

Kade Minchey, CIA, CFE
Legislative Auditor General
W315 State Capitol Complex
Salt Lake City, Utah 84114

Mr. Minchey,

Thank you for the opportunity to review Audit 2022-01, A *Performance Audit of Higher Education Police Departments*. We appreciate Darin Underwood, Jake Dinsdale, and the audit team for their diligent work to review such an important function of our institutions. Student safety and well-being are primary concerns for the Board of Higher Education.

The Board of Higher Education and the Commissioner's Office concur with the eight recommendations and we will continue to work with our institutions to promote safe and secure campuses in which our students can thrive.

Best,

Dave Woolstenhulme
Utah Commissioner of Higher Education

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Chapter II
Recommendation 1

We recommend that the Utah System of Higher Education's degree-granting institutions consider accreditation as a tool to review and improve police operations with the independence and accountability of an outside entity.

Response: We concur. We appreciate the auditors citing benefits of accreditation as a tool that institution police departments could use to bolster operations. As noted in the audit report, two USHE institutions (Utah State University and Dixie State University) received accreditation through the Utah Chiefs of Police Association and the University of Utah is working towards accreditation through the Commission on Accreditation for Law Enforcement Agencies. While accreditation comes at a cost of both time and money and it will not guarantee immediate improvement in operations, we believe that benefits from such an option should be considered.

Recommendation 2

We recommend the Utah Board of Higher Education and the Utah System of Higher Education's degree-granting institutions study options to create a systemwide or institution-level policy to affirm the value and necessity of university police independence.

Response: We concur. Under the direction of the Board of Higher Education, the Commissioner's Office will coordinate efforts among the eight degree granting institutions to articulate the benefits of creating a system-level campus safety policy to help standardize and guide state level public safety policies while affirming the value of university police independence. The Commissioner's Office has already engaged with institution public safety departments on an exploratory basis.

Chapter III
Recommendation 1

We recommend that the University of Utah address its Clery Act *reporting deficiencies by streamlining its many reporting pathways.*

Response: The University of Utah concurs with the goal of streamlining internal employee communications for *Clery Act* reporting. Providing students with many options for reporting crimes is crucial to a trauma-informed, victim-centric approach to campus safety, and the University of Utah will continue to provide students with as many reporting options as reasonably possible consistent with best practices.

Recommendation 2

We recommend that the University of Utah evaluate the adequacy of its staff training about the critical nature of Clery Act *reporting, both for statistical tracking and for campus threat assessment purposes.*

Response: The University of Utah concurs with the goal of assessing the effectiveness of training about *Clery Act* reporting. The University of Utah is committed to continual improvement in its *Clery Act* compliance and regularly evaluates and improves training across its far-reaching and varied functions throughout and beyond the state of Utah.

Recommendation 3

We recommend that each degree-granting institution in the Utah System of Higher Education take steps to improve Clery Act *data entry.*

Response: We concur. The eight degree granting institutions have made progress in reducing data errors since the entries made during the time (2016-2019) reviewed for the audit. Each institution will continue to exert efforts to minimize data errors and ensure accurate *Clery Act* reporting.

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Recommendation 4

We recommend that the Utah Board of Higher Education study whether a unifying policy statement is needed to ensure that student discipline is handled more consistently across the Utah System of Higher Education.

Response: We concur. Under the direction of the Board of Higher Education, the Commissioner's Office will coordinate with institution police departments to review the benefits of consistent reporting of student discipline across the system.

Recommendation 5

We recommend that the Utah Board of Higher Education complete its study to better address all statutory requirements in Utah Code *53B-28-402.*

Response: We concur. 53B28-402 provides additional clarification and reporting requirements that have not been fully implemented. The Utah Board of Education will take the necessary steps to formally conclude its study and pursue concomitant policy or statutory changes within the upcoming 12 months.

Chapter IV
Recommendation 1

We recommend that university administrators and public safety leaders at institutions in the Utah System of Higher Education conduct assessments to determine whether adjustments to public safety service levels or service models may be appropriate.

Response: We concur. Administration at each institution will work with the public safety leaders to evaluate the adequacy of the current service levels and models. After their review, each institution will make the necessary changes to provide the appropriate service level.

SUU SOUTHERN UTAH UNIVERSITY

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March 25, 2022

Auditor General
Office of the Legislative Auditor General
W315 State Capitol Complex
Salt Lake City, UT 84114

Dear Mr. Minchey:

Thank you for the opportunity to respond to the audit entitled, “A Performance Audit of Higher Education Police Departments- 2022-01.”

We recognize the efforts of the Office of the Legislative Auditor General and appreciate the professional way the auditors’ conducted the review of the Police Department and other safety topics.

We agree that university police departments have the same statutory obligations as other law enforcement agencies, but also have additional, unique obligations. This is due to additional state and federal laws imposed on universities.

We concur with the recommendation regarding the Utah Board of Higher Education and the Utah System of Higher Education’s (USHE) degree-granting institutions study options to create a systemwide or institutional level policy to affirm the value and necessity of university police independence in determining steps within criminal investigations. At the same time, we believe it is important to allow and encourage University police–who are University employees–to share information and contribute to risk management University administrative processes, such as SUU’s Policy 5.0 regarding Threat Management.

In reference to the recommendation that the Utah Board of Higher Education create a policy covering student discipline across USHE, we believe that flexibility and discretion is important to be retained at the university level to allow for adjustments based on local trends and threats at the respective time.

Southern Utah University will continue to make safety of all campus community members a top priority and will continue to take steps towards that goal.

Respectfully,

Rick Brown, Chief of Police
Jared Tippets, Vice President for Student Affairs
Mindy Benson, Interim President

Paul C. Morris
Vice President for Administrative Affairs
Phone: 435-652-7504
Email: morris@dixie.edu

March 31, 2022

Kade R. Minchey, CIA, CFE
Utah Legislative Auditor General
315 House Building
State Capitol Complex
Salt Lake City, UT 84114

RE: DSU's Response to Legislative Audit Report on Higher Education Police

Dear Mr. Minchey:

This letter is provided as Dixie State University (DSU)'s response to the report, Performance Audit of Higher Education Police Department-2022-01.

Clery statistical tracking is typically conducted by individuals specifically trained in Clery requirements. During the 2016-2019 time period covered by the audit report, DSU employed a Clery Act Compliance Director, who received specific Clery training and certification, and who was responsible for statistical tracking and reporting as required by the Clery Act. Although the auditors (whose Clery training is unclear) have noted a number of potential data inconsistencies attributed to DSU, the data collected indicates that DSU was making a good faith effort to track and report the statistics during the audit period. A smaller number of noted potential errors or inconsistencies attributed to other institutions during this same time period may simply be a result of less or different data collection in place.

Additionally, DSU internally determined in late 2019 that the University's Clery Act compliance responsibilities should be shifted to the University Police Department in order to centralize crime data collection and reduce the potential for data entry errors and inconsistencies created by different departments tracking Clery data. In 2020, the University's Police Chief obtained Clery training and certification, and the oversight of Clery Act Compliance (including Clery data tracking and reporting), was moved to the University Police Department.

To ensure that DSU effectively transitioned all Clery Act compliance responsibilities to the University Police Department, DSU retained a nationally-recognized Clery consultant in 2020. This consultant provided consultation to the University Police Department on all aspects of Clery compliance and conducted on-campus training. As a result of input from the Clery consultant, updates were made to the University's Campus Safety & Security policy, the ASRs and University communications.

Sincerely,

Paul Morris

Vice President of Administrative Affairs

Cc: President Richard Williams; General Counsel Becky Broadbent; Chief Blair Barfuss