



June 21, 2011

Dr. Nathan O. Hatch
President
Wake Forest University
211 Reynolda Hall
PO Box 7226
Winston- Salem, NC 27109

Certified Mail
Return Receipt Requested
No: 70092820000423311929

RE: **Expedited Determination Letter**
OPE ID: 00297800
PRCN: 201030427216

Dear President Hatch:

From May 18, 2010 through May 21, 2010, Sherry Blackman and Linda Shewack conducted a review of Wake Forest University's (WFU's) administration of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) included in Section 485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. § 1092(f) and the Department's implementing regulations at 34 C.F.R. § 668.46. The purpose of this Expedited Determination Letter (EDL) is to close the program review.

The focus of the review was to evaluate WFU's compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act is included in §485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. §1092(f). The Department's implementing regulations are at 34 C.F.R. §§668.41-668.46. WFU was selected from a sample of institutions of higher education with sworn police departments and was not the result of any specific complaint or allegation of non-compliance. The review consisted of an examination of WFU's police incident reports, arrest records, and disciplinary files as well as policies and procedures related to the Clery Act. Staff interviews were also conducted.

The Department's program review coincided with the Quality Assurance Review (QAR) that the Federal Bureau of Investigation (FBI)'s Criminal Justice Information Service (CJIS) Audit Unit conducted at WFU. The U.S. Department of Education is partnering

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with the CJIS Audit Unit (CAU) to ensure accurate crime reporting on America's college campuses. The CAU reviews law enforcement agencies' reporting practices, and audits crime statistics that are reported by the states through their participation in the Uniform Crime Reporting (UCR) program. The results of the QAR are shared with the Department for a comparative analysis of the annual security report data received from participating postsecondary institutions. The CAU reviewed a total of 16 Part I Offenses and 14 Part II Offenses that were reported during the January to June, 2009 timeframe. During the CAU review, no instances of non-compliance were identified. As such, no further action is required by the Department based on the outcome of the QAR. A copy of CJIS's report is attached as Appendix A.

The Department reviewed a sample of 311 WFUPD incident and arrest reports generated in the course of police operations during calendar year 2008. These reports documented incidents of Part I and Part II offenses reported to the WFUPD including a sample of Part II arrests for violations of certain laws involving illegal drugs, illegal usage of controlled substances, liquor, and weapons. Both random and judgmental sampling techniques were used to select reports for this review. Approximately 106 incident reports from the initial sample also were cross-checked against the daily crime log to ensure that crimes occurring within the patrol jurisdiction were entered properly on the log.

Disclaimer:

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

Findings and Final Determinations:

During the review, no significant findings were identified.

Record Retention:

Program records relating to the period covered by this program review must be retained until the later of: resolution of the violations, weakness, and other issues identified during the program review or the end of the retention period applicable to all Title IV-related records including campus crime and security documents under 34 C.F.R. § 668.24 (e)(1) and (e)(2).

We would like to express our appreciation for the courtesy and cooperation extended during the review. Please refer to the above Program Review Control Number (PRCN) in all correspondence relating to this EDL. If you have any questions concerning the

document or the program review process, please contact Ms. Sherry Blackman at (404) 974-9287 or at sherry.blackman@ed.gov.

Sincerely,


Charles Engstrom
Area Case Director

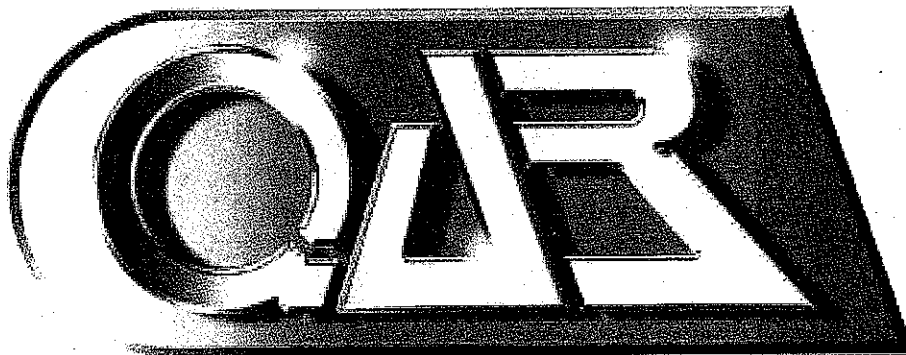
Attachments & Enclosures as Stated

cc: Regina Lawson, Chief of Police, WFU
Kenneth Zick, Vice President of Student Life
Donna McGalliard, Dean, Residence Life and Housing
Harold Holmes, Associate Vice President for Student Life, Dean of Student Services
Bill Wells, Director of Financial Aid



Summary Exit Briefing Local Agency Review

Wake Forest University Police



Quality Assurance Review

*Shared Management
Shared Responsibility
Shared Success*

A Partnership in Criminal Justice

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Local Agency Review Process

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

The local agency QAR consists of three phases:

- Administrative Interview
- Data Quality Review
- Exit Briefing

Administrative Interview

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

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

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

Data Quality Review

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

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

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

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

Exit Briefing

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

Data Quality Results - Part I

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

Month(s)
Reviewed: Jan-June 2009

Total Part I
Offenses Reviewed: 16

Classification

Overreported

*Underreported

Inaccurate

Total Errors in Part I Offenses:

* Includes underreported Simple Assaults discovered in Part I Offense review. UCR Handbook, Revised 2004, p. 26, "Simple Assault is not a Part I offense - it is a Part II offense but is collected under 4e as a quality control matter and for the purpose of looking at total assault violence."

LEOKA

Overreported

Underreported

Hate Crime

Total Hate
Crime Reviewed: _____

Overreported

Underreported

Inaccurate

Data Quality Results - Part II

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

Month(s) **Jan-June 2009**
Reviewed: _____

Total Part II
Records Reviewed: **14**

Classification

*Underreported **0**

Arrests

Overreported **0**

Underreported **0**

Total Errors in Part II Arrests: **0**

*Indicates underreported Part I offenses discovered in Part II Arrest review including underreported Simple Assaults. UCR Handbook, Revised 2004, p. 26, "Simple Assault is not a Part I offense - it is a Part II offense but is collected under 4e as a quality control matter and for the purpose of looking at total assault violence."

Data Quality Results - Part I

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

Data Quality Results - Part II

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

Administrative Interview Results

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

Classification

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

Meets UCR Guidelines

Comments:

Arson

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

Meets UCR Guidelines

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

Meets UCR Guidelines

Comments:

Advised agency of policy for both questions 2 & 3.

Scoring

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

Meets UCR Guidelines

Administrative Interview Results

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

Meets UCR Guidelines

Comments:

Arrests

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

Meets UCR Guidelines

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

Meets UCR Guidelines

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

Meets UCR Guidelines

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

Meets UCR Guidelines

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

Meets UCR Guidelines

Comments:

Clearances

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

Meets UCR Guidelines

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

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

Meets UCR Guidelines

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

Meets UCR Guidelines

Comments:

Jurisdiction

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

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

Meets UCR Guidelines

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

Meets UCR Guidelines

Administrative Interview Results

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

Meets UCR Guidelines

Comments:

Property Values

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

Meets UCR Guidelines

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

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

Meets UCR Guidelines

Comments:

Hate Crime

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

Meets UCR Guidelines

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

Does Not Meet UCR Guidelines

Administrative Interview Results

Comments:

Agency reports only when occurs. Send annual report to state at end of year.

Law Enforcement Officers Killed or Assaulted (LEOKA)

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

Meets UCR Guidelines

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

Meets UCR Guidelines

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

Meets UCR Guidelines

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

Does Not Meet UCR Guidelines

Comments:

Agency does not report zero LEOKA each month. Agency system does not support zero reporting.

Unfounded

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

Meets UCR Guidelines

Administrative Interview Results

Comments:

Updating / Quality Assurance

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

Meets UCR Guidelines

State Program Services

24. Submission frequency:

Monthly

Comments:

Auditor Notes: