POLICE SERVICES

SAN JOSÉ STATE UNIVERSITY

Audit Report 08-28
October 2, 2008

Members, Committee on Audit

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BOARD OF TRUSTEES
THE CALIFORNIA STATE UNIVERSITY
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ABBREVIATIONS

CALEA  Commission on Accreditation for Law Enforcement Agencies
CBA    Collective Bargaining Agreement
CSU    California State University
EMP    Emergency Management Plan
EO     Executive Order
POST   Commission on Peace Officer Standards and Training
SAM    State Administrative Manual
SJSU   San José State University
UPD    University Police Department
EXECUTIVE SUMMARY

As a result of a systemwide risk assessment conducted by the Office of the University Auditor during the last quarter of 2005, the Board of Trustees, at its January 2008 meeting, directed that Police Services be reviewed. Police Services was last audited in 2000.

We visited the San José State University campus from June 2, 2008, through July 3, 2008, and audited the procedures in effect at that time.

Our study and evaluation did not reveal any significant internal control problems or weaknesses that would be considered pervasive in their effects on police services controls. However, we did identify other reportable weaknesses that are described in the executive summary and body of this report. In our opinion, the operational and administrative controls of police services in effect as of July 3, 2008, taken as a whole, were sufficient to meet the objectives stated below.

As a result of changing conditions and the degree of compliance with procedures, the effectiveness of controls changes over time. Specific limitations that may hinder the effectiveness of an otherwise adequate system of controls include, but are not limited to, resource constraints, faulty judgments, unintentional errors, circumvention by collusion, and management overrides. Establishing controls that would prevent all these limitations would not be cost-effective; moreover, an audit may not always detect these limitations.

The following summary provides management with an overview of conditions requiring attention. Areas of review not mentioned in this section were found to be satisfactory. Numbers in brackets [ ] refer to page numbers in the report.

PROGRAM ADMINISTRATION [7]

Campus emergency management plan and procedures were not fully current. The basic emergency operations plan provided on the university police department (UPD) website was dated May 2005. There was no evidence of a full review and approval of the plan within the last year. Written acknowledgement was not obtained from employees to document receipt of the UPD policy and procedures manual. Further, procedures for police vehicles needed improvement. At the time of the audit, a vehicle home storage permit, STD. 377, was not on file for an unmarked police vehicle that was regularly driven home by the university police chief. Additionally, monthly travel log forms, STD. 273, were not on file for the police chief’s vehicle.

EVIDENCE, WEAPONS, AND EQUIPMENT [9]

Weapons related to cases dating back to 1993 improperly remained within the property and evidence unit of the UPD, which was in the process of determining which weapons would be eligible for disposal or removal from storage, based upon the adjudication of the associated court case. Further, weapons qualification requirements were not being met. Three active officers in the UPD, including the chief of police, had not met weapons qualifications requirements for 2008, and the department was unable to locate records of qualifications for these three officers for 2007. Lastly, the department was able to provide current retiree weapons qualifications documentation for only two of the six retired officers with gun permits on file with the UPD.
INTRODUCTION

BACKGROUND

The California State University (CSU) Public Safety Program was developed in 1974, commencing with a two-year pilot project on the CSU Northridge campus. A systemwide committee subsequently forwarded recommendations regarding a “public safety approach” for CSU campuses to the chancellor. The chancellor’s Council of Presidents endorsed the recommendations as an appropriate program for the CSU, and thereafter, necessary actions were taken to bring the program to fruition. In 2007, the CSU campus police departments were renamed from public safety to police services to emphasize the service aspect of the campus police departments, and campuses have been adjusting their organizations accordingly.

The CSU residence population has increased greatly over the years, and the problems associated with this growth have been similar to those experienced by small municipal police departments. Sexual assaults, alcohol, drugs, and vandalism increased; and legislation mandated more involvement by university police officers in the investigation and prevention of crimes, as well as care for the victims. As a result, CSU police services departments created policing programs and preventive patrols to deter crime. The growth of on-campus housing also increased the complexity of emergency planning. Furthermore, parking structures were built on campuses, and an increase in auto burglaries and theft necessitated the need for increased patrols.

The Crime Awareness and Campus Security Act of 1989 became Title 2 of Public Law 101-542, The Student Right-to-Know and Campus Security Act of 1990. President George Bush signed the act into law on November 8, 1990. The act amended Section 485 of the Higher Education Act of 1965 by adding campus crime statistics and security policy disclosure provisions for colleges and universities. This law (now known as the Jeanne Clery Act) applies to all institutions of higher education, both public and private, which participate in any federal student aid programs and requires schools to publicly disclose three years of campus crime statistics and basic security policies. In 1992, the Campus Sexual Assault Victims’ Bill of Rights was incorporated into the Jeanne Clery Act. In 1998, the Jeanne Clery Act was amended to expand the scope of campus crime statistic reporting, ensure crime statistics were reported in accordance with the Federal Bureau of Investigation’s Uniform Crime Reporting program, and require the maintenance of a public police log of all reported crimes as well as a policy to issue timely warnings when a crime, reportable in the annual statistics, is known to the school and poses an ongoing threat to the campus. The law was most recently amended in 2000 to require schools, beginning in 2003, to notify the campus community about where public “Megan’s Law” information about registered sex offenders on campus could be obtained.

In California, the Kristen Smart Campus Safety Act of 1998 was signed into law on August 11, 1998. This act requires California colleges to promulgate rules requiring each of their respective campuses to enter into written agreements with local law enforcement agencies, which will: (1) designate which law enforcement agency has operational responsibility for the investigation of violent crimes occurring on campus and (2) delineate the specific boundaries of each agency’s operational responsibility.
In recent years (and in response to increased training standards from the Commission on Peace Officer Standards and Training (POST), legislatures, and governmental agencies), campus administrators have worked to upgrade the quality of university police services. This has included, but was not limited to, the development of uniform standards for vehicles, equipment, training, emergency preparedness, and critical response units; semiannual meetings of campus police chiefs; and close interaction with Systemwide Human Resources and the Office of Risk Management at the chancellor’s office. In April 2001, the chancellor’s office issued Executive Order 787, modifying the CSU Public Safety Policy Manual that was required by agreement between the Board of Trustees of the CSU and the Statewide University Police Association. The CSU Police Departments’ Systemwide Operational Guidelines were developed and issued by the Systemwide Police Advisory Committee in 2002, and revised in November 2007, with the intent of providing detailed guidance to support the broad and general coverage provided by the Public Safety Policy Manual. Additionally, CSU Los Angeles, CSU Fullerton, and San Francisco State University received accreditation by the Commission on Accreditation for Law Enforcement Agencies (CALEA); and most recently, the International Association of Campus Law Enforcement Agencies accredited San Francisco State University and CSU Northridge. Sonoma State University anticipates CALEA accreditation in 2009. Lastly, in 2007, administrative and risk management responsibilities for systemwide police services were reassigned from Systemwide Human Resources to the Office of Risk Management.

Throughout this report, we will refer to the program as police services. The titles of the departments assigned responsibility for managing CSU campus public safety and parking operations include, among others, the department of public safety, police and parking services, and the university police department.
The overall audit objective was to ascertain the effectiveness of existing policies and procedures related to the administration of police services, police activities, and law enforcement, and to determine the adequacy of controls over parking revenues and citations, and crime reporting.

Within the overall audit objective, specific goals included determining whether:

- Administration and management of the police services program provide an effective internal control environment, clear lines of organizational authority and responsibility, current and comprehensive policies and procedures, and self-evaluation techniques to measure program and management effectiveness.

- Staffing and scheduling provide appropriate coverage, effective use of overtime and compliance with the collective bargaining agreement (CBA).

- Police services participation in campus emergency management and the CSU Critical Response Unit are clearly defined, training is provided, and a designated emergency operations center exists.

- Access to the police services office and automated systems is adequately controlled and limited to authorized persons, data backup procedures are in place, and physical security over system hardware is adequate.

- Budgeting procedures adequately address police services funding and expenditure, and budget monitoring procedures ensure effective accounting and management control.

- Chargebacks and POST reimbursements, miscellaneous revenues, and petty cash are adequately controlled, and grants are administered in accordance with grant requirements.

- The dispatch function is properly controlled, and daily activity logs/records are comprehensive and permit measurement of the effectiveness and efficiency of police operations.

- Police activities are adequately documented, and access to police services records, investigative files, and criminal offender record information is sufficiently restricted and safeguarded.

- Crime reporting procedures are well controlled and in accordance with federal and state regulations, and relationships with outside agencies comply with the Kristen Smart Campus Security Act of 1998.

- Campus safety plan, Megan’s Law compliance, and crime awareness programs are in place and in accordance with federal and state regulations.
Hiring, certification, and training policies comply with POST, performance evaluation administration is consistent and timely, stipends and compensatory time off are administered in compliance with the CBA, and internal investigations are handled in accordance with state regulations, CSU policy, and the CBA.

Crime scene evidence, weapons, and other police services equipment are properly handled, accounted for, and safeguarded, and weapon issuance and use comply with state regulations and CSU policy.

Parking revenues are adequately controlled, properly accounted for, and used in accordance with CSU policy and state regulations, and parking citation issuance, processing, and administration are adequately controlled and in accordance with the California Vehicle Code.
SCOPE AND METHODOLOGY

The proposed scope of audit, as presented in Attachment B, Agenda Item 2 of the January 22-23, 2008, meeting of the Committee on Audit, stated that Public Safety (now Police Services) includes primarily police activities and law enforcement including parking program administration and enforcement, and crime reporting. Potential impacts include lack of, out-of-date, or undistributed policies and procedures; underdeveloped or unused measures for self-evaluation and improvement; poor or undefined relationships with external agencies; inefficient use of physical assets or human resources; non-compliance with state-mandated standards and training requirements; unauthorized use of law enforcement data; inadequate crime reporting; lack of control or poor maintenance over sensitive or special equipment; excessive costs; lost parking fine revenue; inadequate control or supervision over activities having safety or liability considerations; and poor adjudication of internal investigations or personnel complaints.

Our study and evaluation were conducted in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors, and included the audit tests we considered necessary in determining whether operational and administrative controls are in place and operative. This review emphasized, but was not limited to, compliance with state and federal laws, Board of Trustee policies, and Office of the Chancellor and campus policies, letters, and directives. The audit review focused on procedures in effect from January 1, 2007, through the July 3, 2008, along with limited testing of calendar year 2005 and 2006 records.

We focused primarily upon the internal administrative, compliance, and operational controls provided by the CSU police department’s systemwide operational guidelines, campus policies and general orders, and chancellor’s office executive orders, and related management activities on campuses, although we also relied on external laws and regulations as well. Most of our work involved the direct interface with police services and parking functions reporting to police services.

Specifically, we reviewed and tested:

- Procedures for communicating systemwide/campus specific policies, rules, and regulations.
- Staffing, scheduling, and internal investigation procedures.
- Fiscal procedures for budgeting, chargebacks, POST reimbursements, grants, stipends, and expenses.
- Dispatch operations, field reporting requirements, and case monitoring procedures.
- Procedures for maintaining and securing public safety records, files, and information.
- Procedures for accumulating and reporting crime statistics.
- Hiring, certification, and training compliance.
- Procedures for controlling evidence, weapons, and other public safety equipment.
- Procedures for controlling and processing parking revenues, parking citations, and parking funds.
- Data security, disaster recovery, and backup procedures.
- Disaster preparedness operational procedures if the function reports to police services.
OBSERVATIONS, RECOMMENDATIONS, AND CAMPUS RESPONSES

PROGRAM ADMINISTRATION

CAMPUSEMERGENCY PLAN

Campus emergency management plan (EMP) and procedures were not fully current.

We noted that the basic emergency operations plan provided on the university police department (UPD) website was dated May 2005. There was no evidence of a full review and approval of the plan within the last year and, as such, we had no assurance that the plan was current, accurate, and complete.

Executive Order (EO) 1013, California State University Emergency Management Plan, dated September 7, 2007, states that each campus is delegated the responsibility for the implementation and maintenance of an emergency management program on campus and for developing a campus plan. On an annual basis or more frequently as needed, the plan should be reviewed, updated, and distributed to the emergency management team members and others as identified by the campus.

The chief of police stated that recent turnover in university police management and the emergency operations center coordinator position delayed the review and approval of the campus’ basic emergency operations plan communicated through the UPD website.

Failure to maintain an updated EMP increases the risk that emergency responders will not be fully trained in important revisions to the plan, consequently increasing the risk of inadequate response to emergencies.

Recommendation 1

We recommend that the campus update the campus EMP to ensure that it is current, accurate, and complete.

Campus Response

We concur. San José State University (SJSU) UPD has initiated the process to update the campus EMP to ensure that it is current, accurate, and complete.

Completion of compliance action by end of October 2008.
DISTRIBUTION OF POLICY AND PROCEDURES MANUAL

Written acknowledgement was not obtained from each employee to document receipt of the UPD policy and procedures manual.

The Unit 8 Statewide University Police Association, Collective Bargaining Agreement, dated July 18, 2006, states that the California State University (CSU) shall maintain its public safety policy manual, subject to revision by the CSU. Such policy manual shall be distributed to all employees.

The chief of police stated that in line with a campus-wide effort to “go green,” the UPD omitted documenting in writing receipt of the policy and procedures manual, which was reviewed during new employee training for all officers.

Failure to proactively obtain written acknowledgement for the receipt and review of the policy manual increases the risk that the UPD employees will not be sufficiently trained in critical areas of the public safety policy manual.

Recommendation 2

We recommend that the campus obtain written acknowledgement from each employee documenting receipt of the UPD policy and procedures manual.

Campus Response

We concur. SJSU UPD has started the strengthened procedure to obtain written acknowledgement from each employee documenting receipt of the UPD policy and procedures manual.

Completion of compliance action by end of November 2008.

VEHICLE HOME STORAGE PERMITS AND TRAVEL LOG FORMS

Procedures for police vehicles needed improvement.

We noted the following:

◦ At the time of our audit, a vehicle home storage permit, STD. 377, was not on file for an unmarked police vehicle that was regularly driven home by the university police chief. However, by the end of our audit the UPD had properly authorized a vehicle home storage permit.

◦ Monthly travel log forms, STD. 273, were not on file for the police chief’s vehicle. However, the campus did maintain its own vehicle mileage record for UPD vehicles.

State Administrative Manual (SAM) §4107 states that agencies/departments will maintain a Monthly Travel Log Form, STD. 273, on all state-owned passenger mobile equipment except for motorcycles, trucks over 3/4 ton, and heavy equipment.
SAM §4109 states that storage of state-owned mobile equipment at an employee’s residence on a regular basis requires an approved Vehicle Home Storage Request/Permit, STD. 377 be on file with the employee’s department and that an annual renewal of STD. 377 is required.

The chief of police stated that the UPD was unaware of the requirement to complete and maintain state forms STD. 377 and STD. 273.

Failure to maintain vehicle home storage permits and monthly travel log forms on file for UPD vehicles can potentially limit the campus’ defense in vehicle liability actions and insurance coverage issues due to lack of approval for vehicle usage outside of the workplace and on campus.

**Recommendation 3**

We recommend that the campus maintain properly approved vehicle home storage permits (STD. 377) for state-owned vehicles that are regularly driven home by UPD employees and complete monthly travel logs (STD. 273) for state-owned vehicles utilized in UPD activities.

**Campus Response**

We concur. SJSU UPD has started the strengthened procedure to maintain properly approved vehicle home storage permits for state-owned vehicles that are regularly driven home by UPD employees and complete monthly travel logs for state-owned vehicles utilized in UPD activities.

Completion of compliance action by end of October 2008.

**EVIDENCE, WEAPONS, AND EQUIPMENT**

**CONFISCATED WEAPONS**

Weapons related to cases dating back to 1993 improperly remained within the property and evidence unit of the UPD.

UPD was in the process of determining which weapons would be eligible for disposal or removal from storage, based upon the adjudication of the associated court case.

The International Association of Campus Law Enforcement Administrators Manual, *Standards for Campus Law Enforcement, Public Safety, and Security Agencies*, Chapter 23, states, in part, that final disposition of found, recovered, and evidentiary property should be accomplished within six months after legal requirements have been satisfied.

California Penal Code §12032 states, in part, that, notwithstanding any provision of law or of any local ordinance to the contrary, when any firearm is in the possession of any officer of the CSU, and the firearm is an exhibit filed in any criminal action or proceeding which is no longer needed or is unclaimed or abandoned property, which has been in the possession of the officer for at least 180 days, the firearm shall be sold or destroyed, as provided for in Penal Code §12028.
CSU, Police Departments Systemwide Operational Guidelines, Chapter 7, dated November 2007, states that the operational guidelines are intended to provide standardized guidelines for the management of the property and evidence system and the processing of property and evidence. It is a generalized guideline and, as such, each CSU police chief must establish specific campus procedures for their departments that are in compliance with the systemwide guidelines.

The chief of police stated that due to understaffing, confiscated weapons were not monitored and/or purged, if applicable, on a regular basis.

Inadequate controls over confiscated weapons can result in inefficient use of limited evidence storage facilities and increased inventory procedures due to excessive storage of items not properly purged.

**Recommendation 4**

We recommend that the campus review the status of the confiscated weapons and take appropriate steps to determine the disposition of the weapons as provided for in the Penal Code, as well as strengthen existing practices to ensure that evidence is consistently monitored and purged when appropriate.

**Campus Response**

We concur. SJSU UPD has started the strengthened procedure to review the status of the confiscated weapons and take appropriate steps to determine the disposition of the weapons as provided for in the Penal Code, and to strengthen existing practices to ensure that evidence is consistently monitored and purged when appropriate.

Completion of compliance action by end of December 2008.

**WEAPONS QUALIFICATIONS**

Weapons qualification requirements were not being met.

Three active officers in the UPD, including the chief of police, had not met weapons qualifications requirements for 2008, and the department was unable to locate records of qualifications for these three officers for 2007. Additionally, the department was able to provide current retiree weapons qualifications documentation for only two of the six retired officers with gun permits on file with the UPD.

EO 756, Authorized Weapons, Weapons Training and Use of Weapons in California State University Police Departments, dated September 21, 2000, states that campus presidents and police chiefs will ensure that CSU peace officers shall not use an individual weapon until they have completed the required training and are fully qualified in the use of that weapon. Qualified campus peace officers who are armed shall receive semi-annual training in the legal and operational aspects of firearms and shall complete the requirements to remain qualified on each weapon they use.
SAM §20050 states that the elements of a satisfactory system of internal administrative control include, but are not limited to, an effective system of internal review and recordkeeping procedures adequate to provide effective control over assets.

California Penal Code §12027, part (a) (3) states that an honorably retired peace officer who is listed in subdivision (c) of Section 830.5 and authorized to carry concealed firearms by this subdivision shall meet the training requirements of Section 832 and shall qualify with the firearm at least annually. The individual retired peace officer shall be responsible for maintaining his or her eligibility to carry a concealed firearm.

The chief of police stated that the department fell behind on qualifications due to conflicts in schedules and a shortage of ammunition beginning in 2007. Moreover, he stated that the department, upon learning about the Penal Code requirement, did not require annual retiree qualifications until this year.

Failure to ensure required weapons qualifications increases the risk that officers would not be fully qualified to respond to incidents. Additionally, failure to maintain records of weapons qualifications decreases assurance that officers are fully qualified to respond to incidents and emergencies.

Recommendation 5

We recommend that the campus ensure that all active officers and retirees meet the required weapons qualification requirements and maintain adequate records reflecting compliance with such requirements.

Campus Response

We concur. SJSU UPD has started the strengthened procedure to ensure that all active officers and retirees meet the required weapons qualification requirements and maintain adequate records reflecting compliance with such requirements.

Completion of compliance action by end of January 2009.
## APPENDIX A: PERSONNEL CONTACTED

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<tr>
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<tr>
<td>Jon Whitmore</td>
<td>President</td>
</tr>
<tr>
<td>Don W. Kassing</td>
<td>President (At time of review)</td>
</tr>
<tr>
<td>Marianne Alvarez</td>
<td>Lieutenant of Administration, University Police Department (UPD)</td>
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<tr>
<td>Andre Barnes</td>
<td>Chief of Police, UPD</td>
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<tr>
<td>Yolanda Castro</td>
<td>Parking System and Citation Collection Analyst, UPD</td>
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<tr>
<td>Noemi Hinchberger</td>
<td>Records Coordinator, UPD</td>
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<tr>
<td>Patricia Julien</td>
<td>Financial Coordinator, UPD</td>
</tr>
<tr>
<td>Claire Kotowski</td>
<td>Executive Assistant to the Chief of Police, UPD</td>
</tr>
<tr>
<td>Sue Lantow</td>
<td>Assistant Vice President, Administration and Finance</td>
</tr>
<tr>
<td>Rose Lee</td>
<td>Vice President, Administration and Finance</td>
</tr>
<tr>
<td>Warren Lee</td>
<td>Dispatcher II, UPD</td>
</tr>
<tr>
<td>Ninh Pham-Hi</td>
<td>Director of Internal Control</td>
</tr>
<tr>
<td>Dorothy Poole</td>
<td>Assistant Vice President, Administration and Finance</td>
</tr>
<tr>
<td>Amado Ramirez</td>
<td>Sergeant, UPD</td>
</tr>
<tr>
<td>Jim Renelle</td>
<td>Lieutenant of Support Services, UPD</td>
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<tr>
<td>Alex Yupanqui</td>
<td>Property and Evidence Technician, UPD</td>
</tr>
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October 22, 2008

Mr. Larry Mandel
University Auditor
The California State University
401 Golden Shore, 4th Floor
Long Beach, CA 90802

Campus Response to the POLICE SERVICES AUDIT (08-28) at San José State University

Enclosed is San José State University's response to the Police Services Audit. The campus is committed to addressing the issues identified in this audit report.

Please let me know if I can provide you with additional information.

ROSE L. LEE
Vice President for Administration and Finance

Enclosure

c: Jon Whitmore, President
   Ninh Pham-Hi, Director, Internal Control
PROGRAM ADMINISTRATION

CAMPUS EMERGENCY PLAN

Recommendation 1

We recommend that the campus update the campus EMP to ensure that it is current, accurate, and complete.

Campus Response

We concur. SJSU UPD has initiated the process to update the campus EMP to ensure that it is current, accurate, and complete. Completion of compliance action by end of October 2008.

DISTRIBUTION OF POLICY AND PROCEDURES MANUAL

Recommendation 2

We recommend that the campus obtain written acknowledgement from each employee documenting receipt of the UPD policy and procedures manual.

Campus Response

We concur. SJSU UPD has started the strengthened procedure to obtain written acknowledgement from each employee documenting receipt of the UPD policy and procedures manual. Completion of compliance action by end of November 2008.

VEHICLE HOME STORAGE PERMITS AND TRAVEL LOG FORMS

Recommendation 3

We recommend that the campus maintain properly approved vehicle home storage permits (STD. 377) for state-owned vehicles that are regularly driven home by UPD employees and complete monthly travel logs (STD. 273) for state-owned vehicles utilized in UPD activities.

Campus Response

We concur. SJSU UPD has started the strengthened procedure to maintain properly approved vehicle home storage permits for state-owned vehicles that are regularly driven home by UPD employees and complete monthly travel logs for state-owned vehicles utilized in UPD activities. Completion of compliance action by end of October 2008.
EVIDENCE, WEAPONS, AND EQUIPMENT

CONFISCATED WEAPONS

Recommendation 4

We recommend that the campus review the status of the confiscated weapons and take appropriate steps to determine the disposition of the weapons as provided for in the Penal Code, as well as strengthen existing practices to ensure that evidence is consistently monitored and purged when appropriate.

Campus Response

We concur. SJSU UPD has started the strengthened procedure to review the status of the confiscated weapons and take appropriate steps to determine the disposition of the weapons as provided for in the Penal Code, and to strengthen existing practices to ensure that evidence is consistently monitored and purged when appropriate. Completion of compliance action by end of December 2008.

WEAPONS QUALIFICATIONS

Recommendation 5

We recommend that the campus ensure that all active officers and retirees meet the required weapons qualification requirements and maintain adequate records reflecting compliance with such requirements.

Campus Response

We concur. SJSU UPD has started the strengthened procedure to ensure that all active officers and retirees meet the required weapons qualification requirements and maintain adequate records reflecting compliance with such requirements. Completion of compliance action by end of January 2009.
October 28, 2008

MEMORANDUM

TO: Mr. Larry Mandel
    University Auditor

FROM: Charles B. Reed
       Chancellor

SUBJECT: Draft Final Report 08-28 on Police Services,
         San José State University

In response to your memorandum of October 28, 2008, I accept the response as submitted with the draft final report on Police Services, San José State University.

CBR/jt

Enclosure

cc: Ms. Rose L. Lee, Vice President, Administration and Finance
    Dr. Jon Whitmore, President