

Audit and Advisory Services
401 Golden Shore
Long Beach, CA 90802-4210

July 27, 2023

Dr. Tomás D. Morales, President
California State University, San Bernardino
5500 University Parkway
San Bernardino, CA 92407

Dear Dr. Morales:

Subject: Audit Report 22-40, Police Services, California State University, San Bernardino

We have completed an audit of *Police Services* as part of our 2022-2023 Audit Plan, and the final report is attached for your reference. The audit was conducted in accordance with the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

I have reviewed the management response and have concluded that it appropriately addresses our recommendations. The management response has been incorporated into the final audit report, which will be posted to Audit and Advisory Services' website. We will follow-up on the implementation of corrective actions outlined in the response and determine whether additional action is required.

Any observations not included in this report were discussed with your staff at the informal exit conference and may be subject to follow-up.

I wish to express my appreciation for the cooperation extended by the campus personnel over the course of this review.

Sincerely,



Vlad Marinescu
Vice Chancellor and Chief Audit Officer

c: Jolene Koester, Interim Chancellor
Yammilette Rodriguez, Chair, Committee on Audit
Jean Picker Firstenberg, Vice Chair, Committee on Audit

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POLICE SERVICES

California State University, San Bernardino

Audit Report 22-40
July 27, 2023

EXECUTIVE SUMMARY

OBJECTIVE

The objectives of the audit were to ascertain the effectiveness of operational, administrative, and financial controls over the administration of police services and to ensure compliance with relevant governmental regulations; Trustee policy; Office of the Chancellor (CO) directives; collective bargaining agreements; and campus procedures.

CONCLUSION

Based upon the results of the work performed within the scope of the audit, the operational, administrative, and financial controls for police services as of May 19, 2023, taken as a whole, provided reasonable assurance that risks were being managed and objectives were met.

Overall, we found that the campus had an effective framework for the University Police Department (UPD) that generally aligned with systemwide, state, federal, and campus requirements. However, our review did indicate a few opportunities for improvement in reviewing and updating third-party agreements and maintaining training records.

Specific observations, recommendations, and management responses are detailed in the remainder of this report.

OBSERVATIONS, RECOMMENDATIONS, AND RESPONSES

1. THIRD-PARTY AGREEMENTS

OBSERVATION

Administration of third-party agreements needed improvement.

We found that the mutual assistance agreement with the San Bernardino Sheriff's Department (SBSD) and the San Bernardino Police Department (SBPD) had not been reviewed or updated since it was signed in 2015. Additionally, the UPD did not make the mutual assistance agreement available to the public as required. Education Code §67381, *Kristen Smart Campus Safety Act of 1998*, states that campuses shall enter into written agreements with local law enforcement agencies that clarify operational responsibilities for the investigation of Part One violent crimes occurring on each campus. These written agreements must be reviewed, updated if necessary, and made available for public viewing by July 1, 2016, and every five years thereafter.

In addition, we found that a vendor was engaged to provide services outside of the scope of work defined in the professional services agreement. UPD did not review the professional services agreement before contracting with the vendor for additional services, and campus procurement and contract services did not execute an amendment or a new agreement before services were rendered.

During fieldwork, the department renewed its mutual assistance agreements with the SBSB and SBPD, effective May 10, 2023, and published related information on the department webpage. Furthermore, the service agreement with the vendor noted above has been amended to include the additional scope of services.

Reviewing, updating, and publishing agreements with local law enforcement agencies and reviewing agreements with external vendors on a regular basis can help ensure compliance with state requirements and improves the accuracy and relevancy of the agreements.

RECOMMENDATION

We recommend that the campus:

- a. Incorporate periodic review of mutual assistance agreements in California State University San Bernardino *Police Department Policy Manual* section 325, *Mutual Aid and Outside Agency Assistance*.
- b. Remind UPD to consult with procurement and contract services when engaging service providers.

MANAGEMENT RESPONSE

We concur.

- a. Our campus has incorporated periodic review of mutual assistance agreements in California State University San Bernardino *Police Department Policy Manual* section 325, *Mutual Aid and Outside Agency Assistance*.
- b. Our campus has reminded UPD to consult with procurement and contract services when engaging service providers.

2. TRAINING RECORDS DOCUMENTATION

OBSERVATION

Maintenance of training records needed improvement.

We reviewed UPD training logs and POST training records for 11 sworn officers to verify compliance with California Commission on Peace Officer Standards and Training (POST) and systemwide requirements. Although we were generally able to verify that training was completed as required, we found that certain training documents for Conducted Energy Devices (CED), specifically the training record for the use of TASERs, were not maintained by the UPD. According to UPD management, these records were maintained by the training provider, and due to system issues at the provider, the training records were not available for review.

UPD management noted that it was in the process of implementing a new training record-keeping process to ensure that all training documentation is maintained in the training files.

Maintaining documentation of required training can help to ensure compliance with related training requirements.

RECOMMENDATION

We recommend that the campus strengthen procedures for monitoring and documenting required training to ensure that all training records are maintained and are available for review when requested.

MANAGEMENT RESPONSE

We concur. Our campus has strengthened procedures for monitoring and documenting required training to ensure that all training records are maintained and are available for review when requested.

GENERAL INFORMATION

BACKGROUND

The statutory authority for California State University (CSU) police departments and police officers is contained in the California Education and Penal codes. Campus law enforcement officers have the primary law enforcement authority on campus and share the one-mile radius around the campus as concurrent jurisdiction with local law enforcement. Jurisdiction for each campus is further defined by written agreements, required by the Kristen Smart Campus Safety Act of 1998, with local law enforcement agencies.

Each campus has a UPD that provides a full range of law enforcement and policing services. UPD is responsible for providing a safe and secure environment where students, faculty and staff can achieve their responsibilities and objectives. In August 2021, the CSU system adopted *Campus Law Enforcement Policies* that provided clarification on required systemwide policies issued by the CO and distinguished these from the campus policies under the authority of the president. To ensure standard practices, the policy also mandated campus adoption of the services of Lexipol, a company that provides policy manuals, training bulletins, and consulting services to law enforcement agencies. The CSU system mandated increased transparency when, in June 2021, it adopted the *Campus Police and Safety Advisory Committee* policy. The policy requires formation of a committee to review campus police and safety matters that affect students, faculty, staff, and visitors, and to advise the president on suggested changes or enhancements to public safety policy.

In addition to federal and state regulations, the CSU adheres to POST for the employment and training of police officers. Some CSU campuses have also earned accreditation from the Commission on Accreditation for Law Enforcement Agencies or the International Association of Campus Law Enforcement Agencies.

At CSU San Bernardino, the chief of the UPD and director of public safety reports to the vice president of administration and finance. The UPD employs 14 sworn officers and an active support staff to provide 24-hour protection to the campus community. It is responsible for the 471-acre north San Bernardino campus, with 20,000 students, faculty, and staff. The department strives to provide quality service by providing professional service with honor, integrity, and a commitment to excellence to the community and offers a variety of services to the public, including campus escort services, livescan fingerprinting services, and issuance of police records.

SCOPE

We performed fieldwork from March 20, 2023, through May 19, 2023. Our audit and evaluation included the audit tests we considered necessary in determining whether operational, administrative, and financial controls are in place and operative. The audit focused on procedures in effect from January 1, 2021, to May 19, 2023.

Specifically, we reviewed and tested:

- Police services administration and organization, including clear lines of organizational authority and responsibility, defined mission and goals, and current and comprehensive policies and procedures.
- Access to the police services office and automated systems to determine that it is adequately controlled and limited to authorized persons, that data backup procedures are in place, and that physical security over system hardware is adequate.
- Security and retention of departmental records.
- Administration of services to the public to determine whether they ensure participant safety and minimize campus liability.
- Compliance with CSU policy and state regulations with regard to relationships with outside agencies.
- Compliance with POST standards, state regulations, and CSU policy in the training of police services employees.
- Processes to ensure that costs are appropriately and timely recovered for services provided to campus self-support funds, auxiliary organizations, and external third parties.
- UPD disbursements, including proper approval and adequate support for transactions.
- Proper handling of, accounting for, and safeguarding of weapons, equipment, and ammunition.
- Adequate safeguarding and accounting for property and evidence.

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.

Our testing and methodology, which was designed to provide a review of key operational, administrative and financial controls, included interviews, walkthroughs, and detailed testing on certain aspects of police services. Our review was limited to gaining reasonable assurance that essential elements of the police services function were in place and did not examine all aspects of the program.

CRITERIA

Our audit was based upon standards as set forth in federal and state regulations and guidance; Trustee policy; Office of the Chancellor directives; and campus procedures; as well as sound administrative practices and consideration of the potential impact of significant risks. This audit was conducted in conformance with the Institute of Internal Auditors' *International Standards for the Professional Practice of Internal Auditing*.

This review emphasized, but was not limited to, compliance with:

- Education Code §67381, *Kristen Smart Campus Safety Act of 1998*

- Penal Code §13500 to §13553, *Commission on Peace Officer Standards and Training*
- *California Department of Justice, California Law Enforcement Telecommunications System Policies, Practices, and Procedures*
- Government Code §13402, *The State Leadership Accountability Act*, and §13403 *The Financial Integrity and State Manager s Accountability Act of 1983*
- Government Code §15150 to §15167, *California Law Enforcement Telecommunications Campus Law Enforcement Policies*
- *Campus Police and Safety Advisory Committee*
- *University-Wide Training Guide*
- *POST Administrative Manual*
- *SUPA Collective Bargaining Agreement*
- *Executive Order (EO) 1031, Records Retention*
- *EO 1069, Risk Management and Public Safety*
- *ICSUAM §3552.01, Cost Allocation/Reimbursement Plans for the CSU Operating Fund*
- *ICSUAM §8000, Information Security*
- *CSU San Bernardino Police Department Policy Manual*

AUDIT TEAM

Senior Audit Manager: Christina Chen
Senior Auditor: Marlon Perez