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Sharing Confidential Information Contained Within University Police Reports
With University Officials

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by
Bert V. Kretzschmar

Texas A&M University Police Department
College Station, Texas
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ABSTRACT

In recent years, the cooperative efforts between law enforcement and officials at institutions of higher education have grown to include sharing of case report information. University officials may ask to review information within a police investigation in order to reach their own conclusions on matters relating to discipline or crisis management. Often, the requested police report may contain information which is confidential in nature and protected by the Texas Open Records Act. Campus police administrators must decide whether or not to share this information with higher officials at the university.

The purpose of this research project is to provide clarification and guidance to campus law enforcement administrators in releasing confidential report information to university officials. The intent is to ask the research panel to add a section in the general orders providing this type of guidance.

A review of the history linking the relationship between campus law enforcement and university officials was established because of the importance of their current cooperative efforts and trust. Several related issues will be examined. They include: the importance of sharing information between campus law enforcement and university officials; which information is considered confidential in nature; the authority of campus police to share this information; the obligation of police administrators; and whether the release of police report information to university officials will change the confidentiality status of the information. State and federal laws will be examined such as the Texas Open Records Act and the Family Educational Rights and Privacy Act.

The method of inquiry used in conducting this research project includes reviewing documents such as books, legal opinions, proactive section notes from the A&M University System Office of General Counsel, government publications, and newspaper articles. Also, law enforcement personnel from both public and private institutions of higher education were consulted to compare the various practices used at other universities.

The conclusion of this research will indicate that many factors must be examined when police administrators make decisions on releasing confidential information to university officials. It must be done on a case-by-case basis. A stable, trusting, and cooperative relationship between law enforcement and university officials must be maintained; however, the integrity of information contained within police investigations must also be balanced and preserved.

Introduction

Often, university officials will request to review information contained within campus police reports. Periodically, they will ask for confidential information which is excluded and protected from public inspection as defined by the Texas Open Records Act of 1973. The reasons for this type of request may vary from student discipline concerns to crisis management. Examples include information pertaining to the identification of witnesses, synopsis of a confession, investigator's views regarding guilt of suspects and the credibility of witnesses, statements of informants, records of property confiscated at the scene of a crime, and laboratory results (State of Texas, Office of Attorney General 59). Daily, campus law enforcement administrators reply to this type of request. Ironically, there is little precedence in state statutes, common laws, or literature which directly addresses the issues of releasing record information to university officials (Butler 48).

The purpose of this research is to provide clarification and guidance to campus law enforcement administrators in sharing or releasing confidential information contained within police reports with university officials in Texas. The desired outcome is to add a section in the general orders which provides this type of guidance. The intent is not to provide an absolute and strictly adhered to criteria, but rather assist police administrators in making educated and subjective decisions in releasing this type of information.

For this research project, the term "university official" refers to all non-law enforcement faculty and staff members at schools of higher education who make managerial decisions on behalf of the institution. The terms "law enforcement administrator" or "campus police administrator" refers to police officials within law enforcement agencies in schools of higher education.

In compiling the information for this research paper, the following issues became apparent and relevant:

- (1) Why has the importance of sharing information between campus law enforcement and university officials grown in recent history?
- (2) Which information from campus police reports are considered confidential in nature?
- (3) Do campus police administrators have the authority to share or release this type of information?
- (4) Are police administrators obligated to release this information?
- (5) Even if campus law enforcement has a legal right to share confidential information, does this effect the confidentiality or status of the information?

The intended audience for this research project will generally be university officials and campus law enforcement administrators from Texas schools of higher education. Officials from the Department of Student Judicial Affairs, for example, may request confidential information from campus police in order to reach a decision on a student discipline problem. Other university officials such as vice-presidents may request confidential information in order to reach a decision on personnel discipline or crisis management. Campus police will need careful consideration and direction when sharing confidential information from their police reports, especially if the release of information will unduly interfere with law enforcement and crime prevention. Law enforcement agencies from independent school districts share the same issues and concerns as university police. They may benefit by comparing the similarity of the issues and how they apply to their own situations.

The information used for this research came from a variety of sources. They include written documents such as books, legal opinions, proactive section notes from the A&M University System Office of General Counsel, government publications, periodicals, and newspaper articles. Also, interviews were conducted with other campus law enforcement administrators at other Texas universities which are comparable with Texas A&M. Law enforcement administrators from both public and private institutions in Texas were interviewed.

In summation, the goal of this research is to provide clarification and guidance to campus law enforcement administrators in regards to releasing confidential police report information to university officials. Decisions are based upon current federal and state laws, common practices, and whether or not sharing of confidential information will negatively effect the outcome of a current criminal case. Thus, the conclusion will indicate that these decisions are subjective in nature. Consequently, the desired outcome of this research project is to add a section in the general orders which provides guidance in making educated decisions on sharing this type of information.

Historical, Legal, and Theoretical Context

The practice of sharing confidential information with university officials has had a long and extensive history. Ironically, very little has been written on this subject. One explanation is that every university has its own unique administrative structure which has a domino effect on its relationship with the police. Universities differ vastly in physical sizes, missions, and composition of students, faculty, and staff. Thus, the structure and mission of campus police departments also differ. Some universities may have certified police officers with full arresting authority while others may only have

"security" or rely on local law enforcement from the surrounding city or town for protection. Thus, each university has a unique relationship with its police department.

Preceding the 1960's, issues relating to crime were rarely discussed, shared, or released. It was in the best interest of many institutions of higher education to play down the issue of crime. Instead, the general practice was to promote the tranquil images created by their public relations division in order to attract recruitment, endowments, or money (Ostrander and Schwartz 5). The general consensus was that a poor image for safety and security was certain to affect negatively on a college or university's recruitment and retention of students, faculty, staff, and money appropriations (Smith 3). Most decisions on sharing crime information and the images it created came from university officials rather than police administrators. Thus, information sharing and cooperation between campus law enforcement and university officials was kept to a minimum.

The modern era of campus police work actually began in the 1960s. The number of institutions of higher education and the size of student bodies grew dramatically due to the increased need for credentialing and advanced training. The student body came to more nearly represent a cross-section of the social and economic classes of the nation. At the same time, two historical events took place; the civil rights movement and the Vietnam era protests. For the first time, mass intentional law breaking and violence erupted on college campuses (Smith 10). The need for increased cooperation and information sharing between university officials and the campus police intensified.

At the same time universities were experiencing unrest among the students, serious crimes were increasing and gaining attention in the news media. On August 1, 1966, a highly publicized and emotional event took place which dramatically altered the role of campus law enforcement. A 24-year-old sharpshooter by the name of Charles Joseph Whitman, murdered his mother and wife in their homes. Then, armed with a 6mm hunting rifle and a footlocker full of semi-automatic weapons, Charles Whitman went on a shooting rampage from atop the University of Texas Tower in Austin. Even though campus police officers had the opportunity to intervene, they were unarmed at that time. Precious time was spent waiting for the city of Austin police to respond. After 99 minutes, Charles Whitman had murdered another fourteen people. "I don't think anything could traumatize a campus as much as that did," said Bryce Jordan, University of Texas's first Vice President of Student Affairs. This tragedy also marked the end of an age of innocence for universities (Moreno 1A).

Another dramatic event took place in 1987 which increased the involvement and role of campus law enforcement. A female student was slain while in her college

dormitory at Lehigh College in Pennsylvania. The victim's parents discovered that there was a crime problem in the area and felt that the college had an obligation to make such crime information available before any student enrolls into the school (Manning 22). Primarily due to their efforts and lobbying, the federally mandated Student Right To Know and Campus Security Act of 1990 (Public Law 101-542) was passed. This law mandates that all post secondary institutions participating in federal student aid programs under Title IV of the Higher Education Act to disclose information about campus safety policies and procedures and to provide statistics concerning certain crimes on campus. Institutions must collect, prepare, publish, and distribute crime statistics to students and employees. This disclosure of information affects about 8,000 post secondary institutions and over 12 million students (Nichols 1).

More examples for the need of increased cooperation between university officials and campus police can be reflected in more recent highly publicized violent campus crimes. In 1990, the University of Florida experienced five gruesome murders of students (Kalette A1). A serial rapist struck for a second time in 1995 on the campus of Texas A&M University (Univ. News Service A1). Also in 1995, a Harvard University female student went on a stabbing spree in a dormitory, killing one roommate and wounding a visitor. The woman then hanged herself and later died in a hospital (Estrin A5). In 1996, three San Diego State professors were shot and killed while reviewing a graduate student's thesis. The student feared that his thesis would be turned down and rejected (Fordahl A3). Also in 1996, an ex-convict drove to the University of Northern Colorado whereby he held his girlfriend hostage and shot her in the foot. A short time period later, a police sniper fatally shot the ex-convict at the dormitory (Paulson A1).

The pressure on university officials and police administrators to cooperate and be more forthcoming in managing and sharing reliable crime information can be reflected on the increased perception of legal liability. Parents are trusting the institutions with their children's safety and security. Many universities have seen an increase in civil lawsuits due to a student's injuries or emotional impact. There are viewpoints that juries feel a victim must be awarded some money compensation if they are injured on university property, regardless of what precautions the university took and despite any amount of carelessness on the victim's part. There is a sense that no matter what the institution does to promote security and self-responsibility, they will lose a civil suit in court (Manning 23). Juries have been awarding decisions to victims based on the "foreseeability" that trouble might occur based on the crime history on campus. Similarly, decisions based upon foreseeability are being rendered not because a college has a history of crime, but rather because of the proximity of the campus to a dangerous

urban area (Smith 4-5). Given the current perceptions, universities must show that they are doing everything possible to reduce the chances of tragedy from occurring.

In addition to the spirit of increased cooperation, campus law enforcement must adhere to the legal aspects of sharing or releasing confidential information from their police reports. One major piece of legislation is the Texas Open Records Act of 1973 (presently, codified in Government Code chapter 552). This act states that all information in the possession of governmental bodies is available to the public, with certain enumerated exceptions. Section 552.108, is sometimes referred to as the "law enforcement" exception. As a general rule, evidentiary information related to a pending criminal case may be withheld by a law enforcement agency or prosecutor. Section 552.108 lists the information from police reports which is available for public review. Generally, it will be the information found on the first page of an offense report. Similarly, section 552.108 lists the information which may be legitimately withheld from public disclosure (State of Texas, Office of Attorney General 57-60; Appendix I).

A second major piece of legislation came into play by the federal government entitled, The Family Educational Rights and Privacy Act of 1974 (FERPA or "Buckley Amendment"). This law prohibits the release of any portion of a student's "educational record" to individuals outside the University without the student's consent. Information can be released if it is determined that the parties have a "legitimate educational interest" and need to know. FERPA also allows the students and former students the right to review their "educational records," request explanations concerning them, obtain copies and challenge records that they feel are inaccurate, misleading or otherwise inappropriate (Texas A&M Univ. Dept. of Student Affairs 44). A 1992 amendment defines the term "educational record" and determines which records are not accessible to students. This amendment has a dramatic impact on the decision of campus police administrators to share confidential information and will be discussed later under relevant issues.

Review of Literature or Practice

Mr. Scott Kelly, Assistant General Counsel at Texas A&M, provides his own research and explanation of the interaction between federal and state laws dealing with the disclosure of confidential information contained in reports created by university law enforcement officials. Mr. Kelly first explains that campus police reports are subject to the Texas Open Records Act (TORA). Certain information has been deemed public in nature while other information is protected from public disclosure (Appendix). Mr. Kelly explains that campus law enforcement may share confidential information with other

university officials. The transfer of information within or between governmental bodies is not necessarily a release to the public for purposes of TORA (Kelly 3-4). As Mr. Kelly points out, it is important to differentiate between a police report and a student's "education record." Mr. Kelly points out that reports generated by campus law enforcement are not considered an "education record." Thus, if a student is involved in a police investigation, the information contained within the police report is not subject to the regulations of the Family Educational Rights and Privacy Act (FERPA or Buckley Amendment) as long as the report information stays within the police department. When FERPA was first enacted in 1974, there was a question as to whether or not records created and maintained by law enforcement were considered a student's "education record." In 1992, FERPA was amended to exclude these records from the definition of "education record."

Generally, FERPA protects information pertaining to a student's education records from public disclosure without the student's consent. However, Mr. Kelly further explains that even though a law enforcement document is not subject to the disclosure limitations of FERPA, in the hands of other university officials, the same document would be subject to FERPA regulations. Mr. Kelly uses the example of a local newspaper requesting information. The newspaper may get public disclosure information from campus law enforcement, but could not get the same information from the student judicial affairs office. When held by the student affairs office, the same document is considered an "education record" and protected from public disclosure by FERPA.

Mr. Kelly also illustrates that since confidential information can become an "educational record" once it leaves campus law enforcement and goes to other university officials, an accused student will have the right to review all information contained within the copied or forwarded documents. In some cases, this could jeopardize an active criminal case. Being sensitive to this, A&M's Student Conflict Resolution Services (SCRS) has adopted a practice of waiting for the final outcome of a police investigation before requesting confidential information for their judicial hearings if the police feel releasing it early will jeopardize the criminal case. If a student poses an immediate and obvious threat to the community (for example: drug delivery cases) and the police is reluctant to release information immediately to the SCRS, the SCRS will issue an interim suspension of the student pending the outcome of the police investigation (Novak). The coordinator of Texas A&M's SCRS stresses the importance of having a favorable relationship between university officials and the police. There has

to be a sense of trust between the two units for everyone to successfully fulfill their individual missions or student investigations (Novak).

Other campus police departments from institutions of higher education in Texas share confidential information with their university officials in similar, but in variable ways. The University of Texas Police Department at Austin (UTA Police) generally will only release what is defined as public information under the Texas Open Records Act. If a university official requests report information, they will write a "summary" of events which will not have confidential information included. In events which are serious in nature and university officials request confidential information, a designated administrator from the UTA Police will diplomatically explain the reasons for their non-disclosure. In this type of circumstance, the incident will probably involve a serious sexual offense, juveniles, or information which may jeopardize apprehension or prosecution in the active case. In general, university officials have been understanding and have not applied any real political pressure to conform otherwise (Griggs). As far as report information involving non-students, UTA Police also follows the procedures set forth by TORA. However, UTA adheres to a section in the Education Code (51.215) which allows an institution of higher education to obtain criminal history record information pertaining to an applicant for employment for a "security-sensitive position." UTA has deemed all positions at the university as "security sensitive." Thus, UTA is allowed to use criminal history information for the purpose of evaluating all new applicants for employment for all positions at the university. If a job applicant is dishonest on his employment application, that is grounds for immediate dismissal (Griggs).

Southern Methodist University's Department of Public Safety releases copies of police reports to the Dean of Students, any vice-president, or the president. They also turn over reports to Housing and Residence Life if the incident involves a student living in a dorm. If the student newspaper wants a copy, they give them a copy with all names and associated personal information blackened-out (Snellgrove).

At Baylor University, a designated police administrator from the Baylor Department of Public Safety will release confidential report information to a university official if the official has a genuine "need-to-know." If it is in the best interest of the university and law enforcement, they will release the information by either copying or writing a summary of the report. If some of the information contained within the report will jeopardize the credibility of an active case, the police administrator will use good judgment and simply explain the reasons for non-disclosure to the university official.

There appears to be good cooperation and respect between the Baylor Department of Public Safety and Baylor officials in regards to police report information (Cassares).

At Texas A&M University, the associate director of the criminal investigation division stresses that even though campus police have a legal right to share confidential information within agencies of the university, this same information can become subject to the regulations of FERPA if it is released. As stated earlier, if police report information leaves the agency, an accused student then has the right to review all contents of the report because the records are then considered an "education record." If releasing confidential information would jeopardize a case or cause a student to retaliate, the associate director will only give out enough information so people who have a legitimate "need-to-know" can come to a reasonable conclusion in their own internal investigations. For non-student investigations, the associate director follows the general rules of TORA. She also points out that if a non-student is arrested, anyone can simply obtain information through the probable cause statement (Hoelscher).

Discussion of Relevant Issues

When campus police administrators receive a request for information contained within police reports, they must consider several issues relevant to disclosing the information. The first issue considers the history of information sharing. The question becomes, "why has the importance of sharing information between campus law enforcement and university officials grown in recent history?" This issue can be answered by reviewing recent historical events. Prior to the 1960's, the role of campus law enforcement was minimum. Most decisions involving security and enforcement were made by university officials, not law enforcement administrators. Public disclosure of crime statistics and security policies was generally discouraged and tightly controlled because such disclosure was thought to have a negative impact on the institution's recruitment of students, faculty, and money (Ostrander and Schwartz 4-5; Smith 3-7).

Starting in the 1960's, universities as a whole experienced tremendous growth in their student and faculty population. Access to institutions of higher education gained in popularity as the need for more educated and skilled young adults grew among employers. Also, attending college was perceived as an alternative to serving in the military or participating in the Vietnam War. The civil rights movement as well as the Vietnam War sparked civil unrest on the college campuses. Students started to challenge the government and established way-of-thinking. Protests, violence, and demonstrations grew and were common on college campuses. Campus police

departments were asked to provide more traditional enforcement functions such as arrests and investigations into criminal cases (Smith 10-11).

Universities were being held more accountable for the safety and security of their students as seen by an increase in liability law suits and legislation (Smith 4-5). One such landmark case occurred at Lehigh College in Pennsylvania. A female student was murdered in her dormitory. The suspect gained access to the dorm by simply walking through an unsecured door. Consequently, a lack of adequate security measures and policies were blamed. Hence, the Student Right To Know and Campus Security Act of 1990 was created by the federal government. Generally, this law requires public disclosure of crime statistics and security policies to all potential students, faculty, and staff members. Universities can no longer give false or misleading impressions as to the security of their campuses (Ostrander and Schwartz 9; Nichols 4).

The importance of sharing information among police administrators and university officials have grown because of the turbulent past history of their relationships. The role of campus law enforcement went from simple security to modern day enforcement and prevention programs. Cooperation, trust, and interactions of campus police departments with university officials has intensified over the years and the era of cooperation and trust had begun.

The second issue asks, "which information from campus police reports are considered confidential in nature?" Government Code 552.108 (TORA) lists the information which can be withheld from public disclosure. It includes: information identifying and describing witnesses; the summary of a confession; an investigator's views regarding the guilt of a suspect or the credibility of witnesses; statements made by informants; the records of property confiscated at the scene of a crime; and laboratory and test results. Additionally, the identity of victims of serious sexual offenses and detailed descriptions of these offenses must be withheld from public disclosure pursuant to section 552.101 because such information is protected by common-law privacy (State of Texas, Office of Attorney General 59-60).

The third issue asks, "do campus police administrators have the authority to share or release this type of information?" The answer to this question is "yes." The transfer of information within a governmental body or between governmental bodies is not necessarily a release to the public for purposes of TORA. A state agency may ordinarily transfer or share information to another state agency. Making campus law enforcement records available to the officials responsible for student affairs is not making the records available for public inspection. There is nothing that precludes or prohibits campus law enforcement from providing police reports it develops to other

campus administrators whether or not the information is confidential in nature (State of Texas, Office of Attorney General 20; Kelly 3).

The fourth issue asks, "are campus police administrators obligated to release information contained within police reports to university officials." The answer is "no." Since information contained within police reports are primarily regulated by the Texas Open Records Act, police administrators must disclose, release, or withhold the information as promulgated by TORA. Information which is deemed public in nature will generally be found on the front page of a police offense report. However, police administrators do not have to share or release information which is deemed protected or confidential under TORA (State of Texas, Office of Attorney General 59). This may cause conflicts with university officials who need confidential information to conduct their own administrative investigation.

As general practice, campus law enforcement will simply explain to the university official that certain disclosure may jeopardize an active criminal investigation or prosecution. University officials must recognize the sensitivity of police record information. If police administrators can diplomatically articulate their reasons for non-disclosure, generally, the university official will understand. The coordinator of Texas A&M's Student Conflict Resolution Services depends on good relations and trust with the campus police department. She recognizes that if certain information will disrupt the criminal case, she will postpone her university administrative hearings until the police conclude their investigation. If a student poses an immediate threat to the community, she will issue an "interim suspension" on the student pending the outcome of the police investigation (Novak).

Police administrators must use discretion and common sense in sharing report information. It is important to remember that the relationship between student affairs, campus law enforcement, and other law enforcement agencies needs to be one of judgment and cooperation (Kelly 3). The official requesting the information must have a genuine "need-to-know" and a legitimate interest in the investigation. Most university officials appear to be understanding and sensitive in this matter.

The final relevant issue asks, "even if campus law enforcement has a legal right to share confidential information, does this effect the confidentiality or status of the shared information?" The answer to this question is definitely "yes." As long as campus police records stay within the police department, they are not considered "education records" and are subject to the regulations of the Texas Open Records Act. However, once a police record or document leaves the custody of the police department, it then becomes an "education record" of a student and is subject to the Family Education

Rights and Privacy Act. The shared information is still protected from public disclosure; however, an accused student will then have the right to review all information contained within the copied or forwarded documents because they are now considered an "education record" (Hoelscher). This is the "double-edged-sword" attached to sharing police report information with other university officials. If an accused student reviews the information within a police report, he will have access to confidential information which he normally would not have under TORA. The fear is that the accused student could use this information for retaliation against the victim or witnesses. The criminal case could be jeopardized if the student is aware of information which is not normally disclosed to the public.

When campus police administrators make decisions on sharing information from investigations or police reports, they must take the above mentioned issues into consideration. They must strike a delicate balance when weighing their options.

Conclusion

The purpose of this research is to provide clarification and guidance to campus law enforcement administrators in releasing confidential report information to university officials. The intent is to ask the research panel to add a section in the general orders which provides guidance in making educated decisions on sharing this type of information.

Often, university officials will need information to make reasonable decisions on student discipline, staff concerns, or crisis management. Many times, this information may contain confidential and protected material as defined by the Texas Open Records Act of 1973. Even though campus police administrators have a legal right to share this information with other university officials, they have to maintain the integrity of the shared information. Campus police must be certain that the shared information will not be disclosed to the general public and the person receiving the information has a genuine "need-to-know." Law enforcement administrators must realize that once information on an accused student leaves the police department, it then becomes an "education record" which is subject to the Family Educational Rights and Privacy Act of 1974. The accused student would then have the right to review all the documents or notes of the university official. The student could possibly use the information to gain knowledge on witnesses, laboratory results, statements, and investigator's views. Releasing confidential information can easily become a "double-edged-sword" when considering the integrity of an investigation or prosecution of an active case.

It is important to remember that the relationship between campus law enforcement and university officials needs to be one of judgment, cooperation, and trust. In general, university officials have recently been sympathetic towards law enforcement's efforts in safeguarding information from police reports. Police administrators must clearly articulate their reasons for not releasing information, especially from an active case or until an investigation and prosecution of an accused individual is complete.

University officials are very capable of assisting our judicial system. For example, in cases where there is not enough evidence to support a criminal conviction, there may be enough evidence to support a university disciplinary sanction (Kelly 4). The university's student judicial system can use its powers to suspend or expel an accused student for violating the universities established rules and regulations. For non-students, the evidence against a faculty or staff member may be enough for university officials to reprimand, suspend, or take other forms of administrative punishment. From these examples, law enforcement and university officials help one another.

The following issues must be taken into consideration when considering sharing information: (1) Why has the importance of sharing information between campus law enforcement and university officials grown in recent history? (2) Which information from campus police reports are considered confidential in nature? (3) Do campus police administrators have the authority to share or release this type of information? (4) Are police administrators obligated to release this information? (5) Even if campus law enforcement has a legal right to share confidential information, does this effect the confidentiality or status of the information? Police administrators must understand the application, effects, and consequences of the Texas Open Records Act and the Family Educational Rights And Privacy Act.

My recommendation is to consider sharing confidential information on a case-by-case basis. Clearly, the decision to share or release confidential information contained within police reports to university officials is one of sound judgment. There is no definite or precise answer to this complex issue. Sound police discretion must be exercised (Kelly 6). Police administrators must have a good working knowledge of the application of the Texas Open Records Act and the Family Educational Rights and Privacy Act. In reaching a decision, the above mentioned issues need to be addressed. Also, good common sense, mutual cooperation, and subjective reasoning must prevail. Adding a section to the general orders should provide the necessary guidance.

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APPENDIX

Texas Open Records Act of 1973

Section 552.108 of the Texas Government Code

Section 552.108 excepts from required public disclosure all information related to cases under active investigation except certain basic information ordinarily appearing on the first page of an offense report and other records of law-enforcement agencies relating to arrests.

As a general rule, the information that may be withheld from public disclosure is evidentiary information, including:

- (a) Information identifying and describing witnesses;
- (b) The summary of a confession;
- (c) An investigator's views regarding the guilt of a suspect or the credibility of witnesses;
- (d) Statements made by informants;
- (e) The records of property confiscated at the scene of a crime; and
- (f) Laboratory and test results.

Also, information tending to identify victims of serious sexual offenses and detailed descriptions of these offenses must be withheld from public disclosure pursuant to section 552.101 because such information is protected by common-law privacy.

The kinds of basic information not excepted from disclosure by section 552.108 are those that were deemed public. They include basic information about the arrested person, the arrest, and the crime, such as:

- (a) The name, age, address, race, sex, occupation, alias, and physical condition of the arrested person;
- (b) The date and time of the arrest;
- (c) The offense charged and the court in which it is filed;
- (d) The details of the arrest;
- (e) Booking information;

APPENDIX (continuation)

- (f) The notation of any release or transfer;
- (g) Bonding information;
- (h) The location of the crime;
- (i) The identification and description of the complainant;
- (j) The premises involved;
- (k) The time of occurrence of the crime;
- (l) The property involved; if any;
- (m) The vehicles involved, if any;
- (n) A description of the weather;
- (o) A detailed description of the offense; and
- (p) The names of the arresting and investigating officers.

Generally, the identity of the victim or complainant may not be withheld from disclosure under section 552.108. The exception is for information tending to identify victims of serious sexual assaults.