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Opening the books

Bill would make colleges release crime reports

Andrea Jones - Staff
Friday, March 18, 2005

A bill working its way through the Georgia Legislature could shine a brighter light on campus crime at private colleges.

Police departments run by Georgia's private universities are the only ones in the state not required to release their incident reports to the public. Some schools are fighting to keep it that way.

The Georgia Court of Appeals ruled last month that private colleges' police forces are exempt from the state Open Records Act. That means a student seeking a written report of a rape, assault or arrest could be denied the documents, even if they themselves are the victim. Parents looking for police records to help find out how safe their child's campus is could also be turned away.

The February ruling reversed a lower court decision ordering Mercer University in Macon to release incident reports on campus sexual assaults to an Atlanta attorney who sued the school for access. Eleven private colleges in Georgia have their own police departments.

Amanda Farahany represents students at Mercer, Berry College in Rome and other schools around the nation who have brought lawsuits against their colleges accusing them of failing to protect them from rapists on campus.

While the federal Clery Act requires all colleges to keep daily police logs of incidents, it does not require detailed reports. Farahany said colleges routinely under-report sexual assaults and other crimes on campus, in part because the Clery Act is only sporadically enforced. Opening individual incident reports to the public would serve as a check to ensure colleges are reporting all crimes, she said.

"Police at private colleges have the same arrest and investigation powers as all other sworn officers around the state," Farahany said. "There is no reason that their reports should not be made public."

Debated in other states

Sen. David Adelman (D-Atlanta) agrees.

Adelman co-sponsored Senate Bill 153, which would require private colleges and universities with their own campus police department to follow the state's Open Records Act. The legislation passed unanimously in the Senate last week and is headed to the House floor. The House Judiciary Committee passed the bill Thursday.



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"The bottom line is that the employees, students and neighbors of private colleges deserve the same benefits of Georgia's open records laws as those at the University of Georgia or Georgia Tech," Adelman said. "It's that simple."

The battle over whether private colleges' police reports should be made public isn't just being fought in Georgia, said Daniel Carter, president of Security on Campus Inc., a national nonprofit watchdog group. Court cases are pending in New York and Indiana, and the Massachusetts legislature is considering a bill to open records this session.

Carter said private colleges need clearly defined laws relating to their police forces.

"Private colleges should not be allowed to establish police departments, funnel crimes into it, and keep them from from the public," he said.

Hollie Manheimer, executive director of the Georgia First Amendment Foundation, said the Senate bill would clear up any ambiguity relating to campus crime.

"In light of all of the secrecy bills proposed this session, SB 153 is a positive development for the public interest," she said. "It is a simple, but much needed, clarification to the definition of police records."

One of Farahany's clients, a former Mercer student who says she was raped in a dorm room in October 2000, said holding private college police forces to the same public standards would "do away with the secrecy" about crimes on campus.

The 23-year-old woman, who is not being identified because she is an alleged victim of sexual assault, contends Mercer police were not responsive to her allegations.

"I felt very alone, very isolated," she said. "If I had known there were other students going through the same thing, it would have helped me tremendously."

Emory backs bill

Officials at many of Georgia's private colleges say they do not have a problem with releasing records. Still, Morehouse College, the Savannah College of Art and Design and Wesleyan all filed briefs supporting Mercer's right to keep police documents from public view.

An attorney for Emory University, the state's largest private college, attended the House committee meeting Thursday to support the bill.

Elaine Justice, a spokeswoman for Emory, said earlier this week that the college had traditionally complied with records requests.

"If the legislation passes, Emory will certainly comply with it," she said.

Portia Manning, a freshman at Spelman College, said private colleges should be subject to the same open records laws as their public counterparts.

"If it's your report, you should definitely be able to see it," she said. "Why would any school want to hide it?"

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