

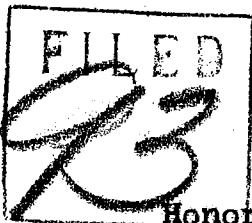
JUVENILE CODE:
PEACE OFFICERS' RECORDS:
HIGHWAY PATROL:

(1) Copies of reports on recovered vehicles may be furnished to the National Automobile Theft Bureau or other agencies concerned with ownership of the vehicle or with prosecution of offenses so long

as the name of the child is omitted from such reports; (2) copies of accident reports may be furnished to insurance companies and attorneys who are interested in civil actions so long as there is an omission from such reports of the charge of an offense; (3) likewise, and under the same conditions, copies of accident reports may be furnished to the Missouri State Highway Department; (4) information concerning juveniles may be furnished to other law enforcement agencies and the proper authorities may be notified when juveniles are taken into custody for violation of laws in other states or federal jurisdictions so long as such information is furnished with an understanding that it is not to be public information.

January 16, 1958

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Honorable Hugh H. Waggoner
Superintendent
Missouri State Highway Patrol
Jefferson City, Missouri

Dear Colonel Waggoner:

This will acknowledge receipt of your opinion request of August 30, 1957 in which you have raised several questions as to whether or not certain records are prohibited from inspection and disclosure in view of the new juvenile code, Senate Bill No. 15, 69th General Assembly. The essential part of the opinion request reads as follows:

"In view of the provisions in Section 211.310, subparagraph 2 of Senate Bill Number 15, it is hereby requested that this department be furnished with an answer to the following questions:

"(1) May copies of the report on recovered vehicles be furnished to the National Automobile Theft Bureau, Federal Bureau of Investigation or other agencies concerned with ownership of the vehicle or with prosecution of offenses?

"(2) May copies of accident reports bearing the names of juveniles who have been charged with an offense be furnished to

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insurance companies and attorneys who are primarily interested in civil action?

"(3) May copies of accident reports bearing the names of juveniles who have been charged with offenses be furnished to the Missouri State Highway Department where the primary concern is to make engineering studies?

"(4) May information regarding reports contained in the files of this department covering the activities of juveniles be furnished to other law enforcement agencies? Inquiries are frequently received from police and sheriffs who are conducting investigations of the activities of juveniles who have been taken into custody. Since this department does maintain a statewide record the identification bureau files have become more or less a clearing house for this type of information.

"(5) In those cases where juveniles are taken into custody and it is determined they have violated laws in other states or federal jurisdictions, may the proper authorities in those jurisdictions be notified by this department, or is such notification the responsibility of the juvenile judge?"

Hereinafter, references to sections in Senate Bill No. 15, 69th General Assembly, will be made to the section numbers only.

The questions have arisen because of the prohibition against inspection and disclosure of peace officers' records of children contained in subsection 2 of Section 211.310. The said subsection reads as follows:

"Peace officers' records, if any are kept, of children, shall be kept separate from the records of persons over seventeen years of age and shall not be open to inspection or their contents disclosed, except by order of the court. This subsection does not apply to children who are transferred to courts of general jurisdiction as provided by section 211.070 of this act."

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Research of the subject of privileged records and related subjects has been of little, if any, help in resolving the questions raised in the opinion request. In other words, the specific questions under consideration do not appear to have been heretofore discussed or resolved by the courts. The particular subsection quoted above is not ambiguous in creating a prohibition against inspection and disclosure of certain records but the intention of the General Assembly is not clear as to when the records of peace officers come within the scope of the prohibition contained in such subsection.

The policy of the juvenile code, in general, is to proceed with a view toward the child's reformation while the policy is manifested throughout the code with respect to the privilege against inspection and disclosure of peace officers' records of children is to prevent such facts from being publicized so that any stigma which might result from having been involved in proceedings under the act will not attach to the child. We do not believe, on the other hand, that the intention was to make privileged matters found in police officers' records and pertaining to persons under seventeen years of age when such matters do not pertain to proceedings or possible proceedings under the act. Neither, from the policy manifested in the code, does it appear that the apprehension of criminal offenders was to be interfered with. This might be a practical result if peace officers' records of persons under seventeen years of age, under any circumstances, were to be privileged from inspection and disclosure. There would be many other practical inconsistencies with the intention of the legislature if Section 211.310 (2) were given a strict literal interpretation.

With this background, we turn now to the specific questions in the opinion request.

The first question is:

"(1) May copies of the report on recovered vehicles be furnished to the National Automobile Theft Bureau, Federal Bureau of Investigation or other agencies concerned with ownership of the vehicle or with prosecution of offenses?"

We believe that such copies may be furnished the National Automobile Theft Bureau and other unofficial agencies actually concerned so long as the name of the child is omitted from the

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report. Insofar as the Federal Bureau of Investigation is concerned, we think that our subsequent answer to your fourth question is applicable.

The second and third questions read as follows:

"(2) May copies of accident reports bearing the names of juveniles who have been charged with an offense be furnished to insurance companies and attorneys who are primarily interested in civil action?"

"(3) May copies of accident reports bearing the names of juveniles who have been charged with offenses be furnished to the Missouri State Highway Department where the primary concern is to make engineering studies?"

Again, we do not believe that the matters contained in such reports are within those intended to be privileged. We believe that such reports may be made available so long as the fact that the child is charged with an offense is omitted from such reports.

The fourth question is an inquiry as to whether or not information regarding reports contained in the files of the Highway Patrol Department, covering the activities of juveniles, may be furnished to other law enforcement agencies. As previously indicated, we do not believe that it was the intention to restrict or interfere with the officers charged with the duty of law enforcement. Therefore, such information may be furnished so long as it is furnished with the understanding that it is to be used toward the performance of the official duties of the law enforcement agencies and is not to be made public information.

The last inquiry pertains to juveniles who have violated laws in other states and are taken into custody in this state and the question arises as to whether or not such information may be given to the proper authorities in the other jurisdictions. For the reasons and under the same conditions stated with regard to the fourth question, we hold that the same may be done.

CONCLUSION

It is, therefore, the opinion of this office that: (1)

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copies of reports on recovered vehicles may be furnished to the National Automobile Theft Bureau or other agencies concerned with ownership of the vehicle or with prosecution of offenses so long as the name of the child is omitted from such reports; (2) copies of accident reports may be furnished to insurance companies and attorneys who are interested in civil actions so long as there is an omission from such reports of the charge of an offense; (3) likewise, and under the same condition as stated in conclusion No. 2 copies of accident reports may be furnished to the Missouri State Highway Department; (4) information concerning juveniles may be furnished to other law enforcement agencies, and the proper authorities may be notified when juveniles are taken into custody for violation of laws in other states or federal jurisdictions so long as such information is furnished with an understanding that it is not to be public information.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Harold L. Henry.

Very truly yours,

John M. Dalton
Attorney General

HLH:hw,vlw