

Juvenile Court secrecy getting high attention



We should coordinate open records promotion

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We will be more than halfway through the legislative session by the time this column hits your mailboxes.

Our proposed Sunshine Law changes are moving slowly and there is concern that they may be bogged down by attempts by public hospitals, especially North Kansas City Hospital, to tag onto the bill an exemption closing certain of its records. This is even more amazing when the public considers that this hospital is launching a building and expansion campaign.

Legislators need to be told by you again and again in your papers that efforts to increase closure in public records is not good for the public.

Another bill, which is being drafted by the law firm that represents The Kansas City Star, believe it or not, is attempting to close some emergency plans that safety responders would use in responding to emergencies. This measure sounds sensible until you look closely at the language in the measure and realize that it would close emergency evacuation plans to the public.

In a letter to the editor that ran in the St. Joseph News-Press on March 11, the Platte County Sheriff noted that school shooters in Arkansas in 1998 used their knowledge of emergency escape routes to kill five and injure 10 with rifles as students filed out of the school. He argues that constitutes a reason to close emergency escape routes.

I don't understand how he expects the public to know how to escape a building if the escape plans become a closed record.

In mid-March, newspapers in the state of Florida took a Sunday and did articles reminding the public of just how important open records are to them. I think that's a great idea we should adopt during some week in Missouri.

All of you have the ads that the Missouri Press Association distributed last year. Do your own editorial to remind your readers of this important issue. If you would prefer to reproduce editorials from other metropolitan areas, I know we'd be glad to point you to some to complement your editorial page.

Some exciting things are happening in the area of juvenile court coverage in this state. As many of you know, our own Frank Martin, of the West Plains Daily Quill, is sitting on the committee established by Chief Justice Stephen Limbaugh of the Missouri Supreme Court to attempt to make revisions to this state's juvenile laws. (This is especially exciting in that one of the complaints the Press Association made of the juror closure provision was that we had not been included in the study done before this rule change was announced.)

At the AP/MPA Day at the Capitol in Jefferson City in late February, members of the Supreme Court talked with our members about their feelings about possible changes in juvenile law in the state. They discussed a pilot program in Minnesota where the media is given access to juvenile hearings. Apparently something similar is being considered in this state.

That's an exciting idea. Most of you know that in your communities the public often knows more about juvenile cases than you can verify to print in the paper.

The public wants to know that a juvenile offender is being handled justly, and often that is the issue, not the name of the juvenile. Anything that can accomplish this goal would be a step in the right direction. (I assume most of you already are aware that you have access to juvenile cases that are qualified as major offenses. You

may not be able to access the records, but the courtroom is not closed to you in these matters. If you have a juvenile felony in your area, you should explore covering the court proceeding.)

Finally, this discussion leads into a mention that the Attorney General's Office issued an opinion in February (Opinion 37-2003, available on the AG's web page) relating to access to juvenile court information.

Specifically, the opinion deals with access to regular police records (ie: incident reports) when they contain the name of a juvenile. The opinion is interesting in that it doesn't answer the question that most often comes up in terms of information "falling between the cracks."

Clearly, the opinion states, information in police reports must keep confidential the names of juveniles when the juvenile court is involved or in terms of juveniles in juvenile court proceedings. But the opinion doesn't clarify that this doesn't involve the names of juveniles who might be listed as incidental parties in such records, such as juveniles who are passengers in a car accident.

Assuming that there is no reason to close the name under the "protection of a witness" provision, I argue that this name should be public because this person is not involved in a juvenile court proceeding. The AG opinion doesn't address that issue.