

Judge, juvenile crime intervention program

Number: INFORMAL

Date: November 19, 1996

Mr. Thomas H. Willis
Court Administrator
Nineteenth Judicial Circuit
229 Courthouse Addition
218 South Second Street
Ft. Pierce, Florida 34950

Dear Mr. Willis:

You have asked for this office to comment on a juvenile crime intervention educational program for sixth graders in the public schools that is designed by Judge Larry Schack in your circuit. Judge Schack wishes to produce the program, incorporating live presentations, videotaped programs, class discussions, panel discussions, and tours of jail facilities. The videotapes would include proceedings in which juveniles are being prosecuted as adults. As stated in the outline provided, the overall purpose of the program is to impress upon the students that criminal behavior has real, specific consequences.

Your main concern is potential personal or official liability that may arise as a result of the judge or court personnel involvement in the production of the program and this office's representation of such individuals in any resulting litigation. Regrettably, an assessment of potential objections and legal ramifications that may result from implementation of this program involve mixed questions of law and fact that cannot be answered by this office. It is beyond the capacity of this office to fully divine the circumstances that may lead to potential liability for those officials involved in the program. Questions of personal or professional liability as a result of involvement in the production of this program would more appropriately be addressed by insurers and the courts.

You also question whether the names and faces of juvenile offenders prosecuted as adults must be obscured and to what extent waivers are necessary for anyone appearing in the videotapes. This issue is indirectly addressed in Attorney General Opinion 94-91. In that opinion, this office concluded that if a juvenile is arrested for a felony, a law enforcement agency may release its crime or arrest reports or disclose information regarding the crime.[1] It has been judicially determined that a juvenile who is subject to adult prosecution and sanctions cannot rely on special treatment established for juvenile proceedings.[2] Moreover, there is no constitutionally recognized right to privacy in a judicial proceeding.[3] The question of whether proceedings in a court may be videotaped for use in the crime education program, however, would appear to be more appropriately addressed by the court.

I trust these informal observations provide some guidance in your pursuit of this matter.

Sincerely,

Lagran Saunders
Assistant Attorney General

ALS/tgk

[1] See Op. Att'y Gen. Fla. 96-80 (1996), in which this office concluded that a law enforcement officer may use photographs of juvenile offenders, taken in accordance with s. 39.039, Fla. Stat. (1995), in a photographic lineup for the purpose of identifying the perpetrator of a crime, regardless of whether the juvenile offenders are suspects in the crime under investigation. *And* see Op. Att'y Gen. Fla. 95-19 (1995) (law enforcement records of a juvenile felony arrest may be disclosed).

[2] See *Parr v. State*, 415 So. 2d 1353 (Fla. 4th DCA 1982).

[3] See *Petition of Post-Newsweek Stations, Florida, Inc.*, 370 So. 2d 764, 779 (Fla. 1979).