

Printing the Names of Juvenile Offenders

Newspapers are allowed to print the names of juvenile offenders if they so choose. If you know the name of a juvenile who faces charges in juvenile court, you may publish the name of the juvenile. It is a matter of editorial discretion.

Only under very limited circumstances may a court validly prohibit a newspaper from publishing a juvenile's name.

If the circumstances arise so that the only source a newspaper has for the name of that juvenile comes from sitting in a juvenile court proceeding, then and only then may a court validly prohibit the newspaper from publishing the name of the juvenile.

If the newspaper can establish that it has the name from any other source--police report; prior involvement with the juvenile; identification by a neighbor, friend, parent, etc.--any attempt by the court to prohibit publication of the name of the juveniles constitutes an unconstitutional prior restraints.

The Illinois Supreme Court extended this principle in a case involving the News-Gazette of Champaign. The trial court conditioned the presence of a reporter in juvenile court on the reporter's agreement not to print the name of a juvenile victim. The Supreme Court established a distinction between juvenile offenders and juvenile victims, and affirmed the action of the trial court.

The Juvenile Court Act prohibits the release of juvenile court records under certain circumstances. That act has been amended to allow the release of records of juveniles involved in gang activities or gun or drug crimes.

While this does constitute a minor change in the law with regard to access to records, it does not change the law with regard to publication of the names of juvenile offenders. If a newspaper knows the name of a juvenile offender, the newspaper--in exercise of its editorial discretion--may decide to publish that name.

The ethical and journalistic questions arising in the course exercising that discretion are numerous. There are many ways that newspapers decide those questions, and each newspaper should decide these issues in a way which best suits the newspaper and the community it serves.