

SUPREME COURT OF NEW HAMPSHIRE

Petition of the State of New Hampshire

Petition of the State of New Hampshire · No. 2018-0601 · Decided August 6, 2019

SUMMARY

The Supreme Court of New Hampshire affirmed the denial of the State’s request to release investigative records concerning an incident involving minors subject to a juvenile delinquency proceeding. The court held that investigative records compiled by the Attorney General concerning a juvenile proceeding are subject to the confidentiality provisions of RSA chapter 169-B, even though they are not department-created “case records.” The court concluded that any release of specific records remains within the trial court’s discretion.

CASE DETAILS

COURT	Supreme Court of New Hampshire
WRITING FOR THE COURT	Hantz Marconi, J.; Lynn, C.J.; Hicks, J.; Bassett, J.; Donovan, J.
JURISDICTION	New Hampshire
DECIDED	August 6, 2019
DOCKET	2018-0601
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State petitioned for original jurisdiction under Supreme Court Rule 11 after the Circuit Court denied the Attorney General's request to release underlying investigative records concerning a juvenile delinquency matter.
STANDARD OF REVIEW	The court reviewed the trial court's statutory interpretation de novo. The decision whether to grant access to confidential juvenile records is within the trial court's discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of New Hampshire v. Juvenile

TOPICS

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PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether investigative materials compiled by the Attorney General's Office concerning a juvenile delinquency matter are subject to the confidentiality provisions of RSA chapter 169-B.
2. Whether the Attorney General's Office may release redacted investigative records based on public interest, transparency, or the public's right to know.

HOLDINGS

1. Investigative records compiled by the Attorney General's Office concerning a juvenile subject to RSA chapter 169-B are subject to the chapter's confidentiality provisions, even though they were not created by the Department of Health and Human Services and were compiled before or outside the formal juvenile proceeding.
2. Public interest in government transparency and access to information does not override the confidentiality protections applicable to juvenile delinquency records in this proceeding.

KEY QUOTATIONS

“The legislature has, however, determined that confidentiality to juvenile proceedings and records prevails over the right of public access to such information.” (at 6)

“We conclude that the trial court did not err in determining that the AGO’s investigatory records in this case are subject to the confidentiality provisions contained in RSA chapter 169-B that govern access to proceedings and records involving delinquent juveniles.” (at 7)

FACTUAL BACKGROUND

In 2017, the Attorney General's Office, federal authorities, and the Claremont Police Department jointly investigated an incident involving several minors. A Sullivan County delinquency petition was filed against one juvenile. The Attorney General's Office sought permission to release its underlying investigative records, including interview transcripts, police documents, and medical records, while protecting the identities of the juvenile, victim, and witnesses. The circuit court allowed release of a redacted investigative report but denied release of the underlying records.

PROCEDURAL HISTORY

The Attorney General's Office investigated an incident involving several minors and obtained authorization to release a report and related information while protecting the identities of the juvenile, victim, and witnesses. The circuit court authorized release of a 25-page report but denied a later request to release approximately 400 pages of underlying investigative materials. The State sought review in the Supreme Court of New Hampshire, which affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Kirsten P., 158 N.H. 158, 160 (2008)
- In re D.B., 164 N.H. 46, 48 (2012)
- In re Ryan D., 146 N.H. 644, 646 (2001)
- State v. Smith, 124 N.H. 509, 512-13 (1984)
- State v. Benoit, 126 N.H. 6, 12 (1985)
- In re Pelham, 104 N.H. 276, 276 (1962)

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