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The State of South Carolina



Office of the Attorney General

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November 30, 1988

Special Agent Dottie Cronise
Acting Director of the MPIC
South Carolina Law Enforcement Division
4400 Broad River Road
Post Office Box 21398
Columbia, South Carolina 29221-1398

Dear Dottie:

Per our telephone conference, I enclose a copy of a 1985 Attorney General's Opinion (Opinion No. 85-126) which addresses the question raised in Chief Stewart's letter regarding the Missing Person Information Center (MPIC). Chief Stewart asked for clarification as to the "grey area in the decision of whether or not law enforcement has the legal right to pick up a seventeen year old when located or if the Privacy Act applies to them securing the right to keep their whereabouts unknown." The enclosed Opinion indicates that, in the absence of a Court Order, a law enforcement official may take a child (one under the age of eighteen) into custody when the child's welfare, life or physical safety is endangered. The Opinion does stress that these are subjective determinations by law enforcement and the Opinion closes by noting that "clarification or expanded authority should be sought by legislation."

I note that S.C. Code §20-7-2080 (1976, as amended) (which is referenced in Opinion No. 85-126) allows a juvenile (one under the age of eighteen) to be taken into custody when the law enforcement agency has reasonable information that the child has run away without the consent of his parent or guardian.

I also note that the federal Privacy Act (5 U.S.C. § 552a) would not prevent disclosure pursuant to the MPIC statute (S.C. Code §§ 23-3-200 et seq.). See, 5 U.S.C. § 552a (b). The Missing Person Information Center is specifically required to disseminate information concerning missing and exploited children by its expressed terms. S.C. Code §§ 23-3-250, 260 (1976, as amended).

Special Agent Dottie Cronise
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After you review the enclosed Opinion please call me if
you have any questions.

Sincerely yours,



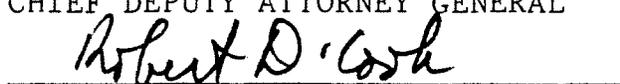
CHARLES W. GAMBRELL, JR.
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CWGJr:kh
Encl.

REVIEWED AND APPROVED BY:



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