

The Sun

**Police concerned about law restricting release of warrants
Lack of phone access seen as possible risk**

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A new law barring public access to open arrest warrants for 90 days, or until they have been served, might endanger officers in the field, say police who want the restrictions relaxed.

The Maryland law House Bill 270, became effective June 1 and was intended to avoid wanted criminals fleeing to avoid arrest or, worse, arming themselves to resist arrest.

The new issue was raised by Sam Leppo, Westminster police chief, at a semiannual meeting June 9 of law enforcement, court and Carroll County officials.

Lt. Leonard Armstrong, commander of the Westminster barracks of the state police, shared Leppo's concerns.

"It hasn't been a problem for any police officer yet, as far as I am aware, but the potential is there," Armstrong said. "Troopers need to have real-time access to the latest warrant information. I am certain that this can be worked out with the courts."

Chief Judge Martha F. Rasin of the District Court of Maryland said that she empathized with the officers but that the problem is not with the court system.

"The warrants law has exceptions, which include police, prosecutors and bail bondsmen," she said. "Police agencies across the state have dial-up access to the courts' computer data bank and can access information on warrants anytime."

Police officers and others covered under the exceptions can walk into any District Court, make a written request for warrant information and obtain what they need, she said.

What has changed -- from Armstrong's perspective -- is telephone access to the information, which an officer might need if he has stopped a person, for example, for a traffic violation, whom he suspects might be named in a warrant.

Police previously could call a court clerk and obtain confirmation of an open arrest warrant, but under the new law, a clerk may no longer provide that information because the caller's identity cannot be verified.

District Court officials in Carroll County said they are complying with the new law.

Carroll court officials said police have seldom called for information on arrest warrants, but they do call about bench warrants -- arrests ordered by a judge when a defendant fails to appear in court or is determined to be in violation of probation.

Court clerks may verify bench warrants by telephone, though that isn't critical for officer safety because judge's clerks in District Court enter bench warrants into the computer data bank as soon as they are ordered.

The law on access to warrants "was put in for officer safety," 1st Sgt. Bernie Shaw, legislative liaison for state police, said.

It was promoted by the governor, and its proponents included Col. David B. Mitchell, state police superintendent, and Robert C. Murphy, retired chief judge of the state Court of Appeals, Shaw said.

The legislators' intent was to prevent lawyers who were using the data to solicit clients from tipping a suspect about a new warrant, he said.

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"One of two things could happen when a suspect is tipped," Shaw said. "Either the guy flees before police come to serve the warrant, or an officer serving the warrant walks into a hostile situation, because no one wants to be arrested."

Police have another option, accessing state and national data banks, called MILES and NCIC.

Those data banks often contain more complete information than the courts' data bank, which troopers need to verify that a suspect, whom they may have stopped, actually is the same person wanted in an open warrant, said 1st Sgt. Eric Danz of the Westminster barracks.

Rasin and Armstrong agree that the perceived problem "has nothing to do with cooperation. It's not a court policy. That's what the law is."

Public hearings were held before the new law was enacted, and law enforcement officials had input and time to raise concerns, she said.

"If any problem exists, law enforcement agencies would need to contact their legislators and change the law," she said.

Lt. Dean Brewer, a Westminster police spokesman, said concerns raised by his agency are being addressed.

"We have access to the courts' data bank, but access -- shutting down from state and national data banks to switch over to the courts' data bank -- is time-consuming," he said.

"And that has to be done by a trained staff member. It was quicker to make a phone call, but it's our understanding that the courts will soon be entering warrants into the MILES and NCIC systems, so that will resolve our concerns."

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