

The Sun

**Moves afoot to limit release of warrants  
Judges, politicians may bar public access**

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Worried about the safety of police officers, a judicial panel and leaders of Maryland's two most populous counties took steps yesterday to bar public access to arrest warrants until suspects have been served.

A Maryland judicial rules subcommittee that governs criminal rules and procedure for the state's courts voted unanimously to close public access to unserved warrants, saying the threat to police officers far outweighed the public's right to know.

And Executives Wayne K. Curry of Prince George's County and Douglas M. Duncan of Montgomery County said they would ask their state legislators to sponsor a bill next month to restrict warrant access.

Curry and Duncan said at a news conference in Silver Spring that any judicial action, while admirable, would not have the force of law.

"Rules can be changed," said Duncan. "Until we get codification, we can't rest easy."

Yesterday's actions came after recent high-profile cases in which suspects were alerted to their impending arrests by solicitation letters from lawyers. Those letters, generated by an Edgewater service that combs computerized court records for newly filed warrants, arrived before police could apprehend the suspects. Police said warning raises the possibility of resistance, flight and destruction of evidence.

The judicial subcommittee, composed of lawyers and judges, rejected suggestions for a compromise that would have balanced officer safety and the public's ability to oversee police activities.

Their recommendations go to the full 21-member committee.

"This was a fairly straightforward decision," said Chief Judge Joseph F. Murphy Jr. of the Court of Special Appeals, who is also chairman of the rules committee. "This should alleviate the problem."

Journalists often use warrants and charging documents in news gathering and overseeing police activity, Mary R. Craig, attorney for The Sun, told the panel.

"The public has an interest in what the police are doing," she said. "My clients get very little out of the police departments. They need this information" to verify facts.

There are 53,329 unserved criminal warrants in Maryland, according to state police.

The panel's 6-0 vote goes beyond the step announced earlier this month by Judge Martha F. Rasin, chief of the District Court of Maryland. She ordered public access to computerized warrant records curtailed, leaving paper copies available for inspection at the district court buildings.

Her order is expected to take effect shortly, she said yesterday.

Rasin, who attended the judicial panel meeting, endorsed its vote. "This addresses the problem without going overboard," she said.

But critics say the suspects usually know they're wanted, especially if police have tried and failed to serve a warrant.

"By the time police serve a warrant, the cat's usually out of the bag," Craig said.

Police officials and rank-and-file officers attended the news conference to drive home their point of view.

Montgomery Police Chief Carol A. Mehrling said that on at least three occasions this year, suspects in her county have been tipped to warrants by solicitation letters.

"This activity must stop now," she said. "I say to our legislators, you are 50 percent of the solution."

Prince George's Chief John S. Farrell cited five cases this year, including a child sexual abuse case, where suspects received letters from lawyers before the warrants were served.

The warrant for the suspected child molester was obtained May 21, but he was not arrested until May 27, the day after he received a lawyer's letter and the same day the victim received a call from the accused, Farrell said.

"It is despicable. It is wrong," he said.

In another case, police tried to arrest a man in Lebanon, Pa., wanted for a murder 13 years ago in Ellicott City. But the man had been tipped off by a letter from a lawyer soliciting business and was not at home. It was several hours before police located and arrested him.

Curry, a lawyer, said it was important for lawmakers to do all they can to ensure that the safety of police officers takes precedence over "scurrilous income seekers."

"We don't want to wait until someone gets hurt to take action," Curry said. "It is more appropriate for us to do it this way. I think it is more permanent. It is more certain."

Duncan said the chairmen of the two county delegations promised the bill would be filed.

"This is the kind of issue the General Assembly should line up to support," he said.