

The Sun

**PC access to unserved warrants to be cut  
Judge wants to prevent tip-offs for suspects**

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Public access to unserved criminal warrants will be restricted across the state in response to complaints by law enforcement officials that suspects are being tipped off before they can be arrested.

Chief Judge Martha F. Rasin of Maryland's district court said yesterday that beginning as soon as next week, she will block computerized access to unserved arrest warrants. And a higher court judge said he wants to further restrict access.

While First Amendment advocates criticized Rasin's decision -- saying it will make it harder for the public to monitor police actions -- police praised her.

"I certainly commended her action. I thank her on behalf of the men and women in uniform," said Prince George's Police Chief John S. Farrell, who has been calling for such a change. "In my book, the safety of my officers will trump anything else."

Police and prosecutors are angry because lawyers have been using the computer records system to get the names of potential clients. Their solicitation letters sometimes arrive before arresting officers, raising the possibility of resistance, flight and destruction of evidence.

"There's a compelling interest to do this," said Rasin. "I have not made this information confidential. I'm trying the least restrictive means to do this. There's a real danger of evidence being destroyed."

Rasin said her order will affect only computer access, which is available around the state and allows someone to see any arrest warrant from any area for a fee. The actual warrants will remain publicly available in each court where they are filed.

There are 35 district courthouses spread around Maryland, and checking them all is difficult, say critics of Rasin's decision.

In Baltimore alone, there are 40,000 unserved warrants that under Rasin's decision would not be listed on the computer system until they're served.

**More restrictions sought**

All access to unserved warrants would be eliminated under a plan proposed by another judge.

Chief Judge Joseph F. Murphy Jr. of the Maryland Court of Special Appeals said he will push for more restrictions at a Dec. 18 meeting of a judicial subcommittee that includes lawyers and judges. If that panel and the full committee endorse the proposal, the state's highest court, the Court of Appeals, will decide whether to make the restrictions permanent.

Murphy commended Rasin's actions but said his proposal would be a permanent resolution to the problem, not just an administrative decision affecting computer access.

"The idea of someone going through records so they can write to a person who's been charged and solicit business is virtually brand new in the legal profession," Murphy said.

Lawyers have been paying a commercial service to comb computer records and send solicitation letters to suspects. Natalie M. Boehm, the owner of the service, LETS Co. of Edgewater, said she will take legal action to fight Rasin's order.

Boehm successfully sued to overturn a 1996 law that would have prohibited lawyers from soliciting criminal suspects through the

mail within the first 30 days of their arrest.

"In my view, it's all public information," said Boehm, whose company has mailed out 10,000 letters for more than 100 lawyers so far this year.

The Sun reported Wednesday that, about two weeks ago, a letter from a Columbia attorney using Boehm's service arrived at a murder suspect's Pennsylvania home before police could arrest him in connection with the 1985 slaying of an Ellicott City woman.

When police went to the home of Kenneth Allen White, 47, of Lebanon, Pa., he was not there. His brother told authorities that White already knew about his impending arrest because of the lawyer's letter.

White surrendered that evening.

At least five times in Prince George's County, letters from lawyers have arrived before police. Montgomery County police reported at least three cases involving suspects wanted for fraud.

Critics said Rasin's decision and Murphy's proposal go too far.

Journalists' group concerned

Reporters often use the computer system, which costs 50 cents a minute, to view warrants as well as other court records. Taking away warrant information could hamper news gathering, said Jane Kirtley, executive director of the national Reporters Committee for Freedom of the Press.

"The judge is sealing off the raw information when the real problem is with what people are doing with it," Kirtley said.

A lawyer for the American Civil Liberties Union in Maryland said that Rasin's action is probably within legal guidelines, but "was like killing a gnat with a cannon."

"It seems to be treating things as a black-and-white issue when we're really dealing with shades of gray," said Dwight Sullivan, staff counsel for the ACLU.

Legal experts said they understood the rationale behind the judges' actions, but were concerned that they could hamper the ability of citizens to oversee police.

"The problem is to balance the legitimate needs of law enforcement with the need for the public to know," said William L. Reynolds, a constitutional law professor at the University of Maryland School of Law.

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