

The Sun

Secret arrest warrants

Protecting liberty: Judges pursuing heavy-handed solutions to attorney solicitations.

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OUTRAGE WAS UNDERSTANDABLE in the wake of reports that a few criminal defendants had been tipped off to their impending arrests by letters from lawyers blindly soliciting new business. Maryland Chief District Judge Martha F. Rasin shut off electronic access to public arrest documents while Court of Special Appeals Chief Judge Joseph F. Murphy promised to push for even stronger restrictions.

The judges' concern for the safety of police whose duty it is to arrest these suspects is well-intentioned. No law-abiding citizen wants an officer's life placed in unnecessary jeopardy.

A number of lawyers have used a direct mail service provided by an Edgewater firm, LETS Co., to contact defendants named in arrest warrants. The company combs District Court computer records to find newly charged defendants for attorneys, who pay for this service.

At least six letters have reached defendants before police went to arrest them, including a man wanted in an unsolved 1985 Howard County murder. Whether defense attorneys should use this method of advertising to build their law practice is a question for another day.

The immediate question is whether these incidents are reason enough to deny access to all unserved criminal warrants in Maryland. Judge Rasin says the state has a compelling interest -- defendants could destroy evidence if they learn of their impending arrest. Officers say not denying access makes police work dangerous.

Both statements are true. But it is important to remember that the United States is not -- and never should be -- a country where a blanket of secrecy is tossed over police actions. Public access to policing ensures a basic right to information about charges against people who are suspected of a crime. Police can perform their jobs without such broad strokes against liberty.

A better approach might be to allow judges to deny access to unserved warrants on a case-by-case basis, and only when there is sufficient reason to believe defendants might destroy evidence or pose a danger to police.

The heavy-handed solutions posed by two of the state's top judges are too broad. They should seek an answer that protects police officers and evidence without abridging a key tenet of freedom.

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