

## APPENDIX

This appendix summarizes a representative sample of articles published primarily in Maryland newspapers that were based in whole or in part on information from court records. The articles are grouped according to the three interests served by access to court records, as described in Part I of our Comments.

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### **I. Information about specific court cases.**

1. In June 1999, The Washington Post reported on a murder that occurred in Prince George’s County when a woman was shot while standing in the window of her house hanging curtains. A routine search of court records on the suspect, using dial-up access to the Judicial Information System, revealed that he was on home detention at the time of the killing. That led the newsroom to investigate how the home detention monitoring service failed to detect that the suspect was not at home. Subsequently, it was revealed that the home detention monitoring service had numerous lapses. The agency – which was responsible for 98% of all house arrest violations in the state – voluntarily shut its doors under pressure from the state after the pattern of lapses was revealed.

2. In 2000, The (Baltimore) Sun reported that an individual who was arrested for murdering a young boy had done so several days after being released for serving a sentence shortened by credits for good behavior. A records check revealed that he had a long history of previous convictions for violent crimes, including assault. The coverage sparked a public debate about the wisdom of crediting inmates for good behavior.

### **II. Historical information about individuals who are involved in newsworthy events, work in positions of trust or are prospective employees or tenants.**

1. Caregivers. In 1999, The Washington Post published a series “Invisible Lives: D.C.’s Troubled System for the Retarded.” Through court records checks, the newspaper revealed that the managers of the city’s largest nonprofit group home provider for the retarded, D.C. Community Services, included “a convicted embezzler and six others found guilty in Massachusetts of diverting money meant for the retarded to personal use.” The embezzler, Steven Pullman, told a judge that he stole money from the Town of Vienna, Virginia to finance a \$500-a-day cocaine habit. While Pullman was running D.C. Community Services, at least two retarded persons living in one of its group homes were severely injured – one severely retarded woman fell out of a moving van and was dragged face down on the pavement and another woman in a later incident was severely beaten by staff when she unfastened her seatbelt in the van. Civil court records further revealed allegations by the nonprofit’s board that Pullman “through a series of

unauthorized maneuvers...converted many of the nonprofit's homes, vans and other assets to his own name.”

2. Doctors. In 2001, to scrutinize Maryland's system for regulating physicians, The (Baltimore) Sun examined court records in civil suits filed against an obstetrician who had been sued 18 times. The files contained numerous medical records that raised questions about the doctor's practice -- and whether state regulators had been too lax.

3. Political Candidates. A reporter for The (Hagerstown) Herald-Mail used the computer in the District Court to discover that two candidates for elected office in Sharpsburg had previously undisclosed criminal convictions. One candidate had been convicted of felony theft and had charges pending in Baltimore County. The other candidate had a theft conviction in Montgomery County. Neither candidate had previously disclosed his record.

4. Truck Drivers. In 1997, The Washington Post reported on a traffic accident in the District of Columbia in which a dump truck overturned when its brakes failed, killing a 17-year old honors student. A search of court records in Maryland using dial-up access revealed that less than a month before the accident, the same driver driving the same truck had been involved in a crash in Prince George's County that injured a woman and her baby son and that also resulted from the truck's faulty brakes. Court records further revealed that the driver had amassed a total of 31 traffic citations, including several in Maryland. The coverage ultimately sparked federal regulators to review the licensing process for commercial truck drivers.

5. Caregivers. In 1999, The Record (Bergen County, NJ) examined court records in nearly every county in New Jersey and found that the state allowed “thieves, drug dealers, and violent offenders to work as home health aides, no questions asked.” The newspaper found “criminals, fully certified by the state, working alone in the homes of cancer survivors, the elderly, and the infirm, their pasts hidden from vulnerable patients.” Criminal court records “testif[ied] to the depth of the problem. Plundered estates. Beatings. Shopping sprees paid for with stolen credit cards.”

### **III. Monitoring the operation of the judicial system.**

1. Homicide Cases. For an investigative series in 2002 on the outcome of Baltimore murder cases, a team of reporters for The (Baltimore) Sun used a database of criminal cases in Baltimore Circuit Court over a five-year period. They performed dozens of searches and analyses that provided valuable information for the series. The bottom line -- that only three of every 10 murders triggered a substantial punishment -- came from the computer analyses.

2. Capital Punishment. In 2000, reporters and researchers from the Chicago Tribune conducted hundreds of electronic searches to find convictions in Illinois capital cases where errors occurred. Based on these electronic searches, reporters examined court records directly and interviewed participants in the trials. The resulting series showed a justice system "tainted by misconduct and mistakes [that] has sent 12 innocent men to Death Row in Illinois," and cited cases of defense attorneys' incompetence and inexperience. The newspaper found that prosecutors used false testimony from jailhouse informants, and faulty hair and fiber analyses to obtain convictions. As a result of the series, the Governor of Illinois halted all executions until the problems highlighted in the series could be examined and corrected.

3. Sentencing. In 2001, The Washington Post found that "every year, hundreds of sentences are reduced and dozens of felons are released on orders of Maryland judges" because of 50-year-old sentencing laws that allow judges to release prisoners before their recommended sentences have been served. No public notice is required for these actions, and victims' voices are often not heard. The coverage relied on electronic records from several Maryland jurisdictions, provided in bulk to the newspaper. The series required sophisticated database analysis, and was possible because of the bulk release of records to the newspaper.

4. Sentencing. In 2000, The (Baltimore) Sun analyzed nearly 3,000 criminal court records and wrote a series documenting the failure of Baltimore City courts to impose the mandatory five year, no-parole sentence for offenses involving the use of a handgun in the commission of a felony. The Sun's analysis showed that fewer than one in four people charged with gun crimes got the required sentence, prompting public debate about the effectiveness of the law in combating violent crime in the city.

5. Drunk Driving. In 2000, The Washington Post ran a three-part series about drunk drivers who had been repeatedly arrested in Montgomery County. The newspaper found that "[a]cross Montgomery County, drunken drivers who have been arrested time and again, who repeatedly violate probation and who have killed others remain on the roads. They benefit from legal loopholes and a court system that often resolves drunken driving arrests by reducing charges and giving light sentences . . . ." The analysis could not have been done without a list of all

drunk driving cases for 1997 in electronic form, and further research using paper court files.

6. Police Misconduct. "The Blue Wall of Silence," published by The Washington Post in 2001, found that the Prince George's County Police Department shot and killed people at rates that exceeded those of nearly any other large police force in the country. Among the findings: since 1990 police shot 122 people, of whom 47 died. Police officials had concluded that every shooting was justified, although almost half of the victims were unarmed and many had committed no crime. Police killed or wounded 12 mentally ill or emotionally distraught people, including 7 whom police were initially called to help. Twelve people died in police custody, and the evidence indicated that police often sought to cover up beatings and were sometimes slow to obtain medical care for victims. The series was partly based on medical records in civil cases.

7. Police Misconduct. In 2001, The Washington Post reported that, in Prince George's County, detectives "coerced confessions and denied suspects lawyers during marathon interrogations that appear to violate state rules and exceed bounds set by other police agencies." Some of the individual cases in this series were identified using electronic District and Circuit court databases.