

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE: JUVENILE RECORDS

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: MISC. NO. 00-308
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ADMINISTRATIVE ORDER 2004- 1

In order to fulfill their duties under federal law in regard to deciding pretrial release/detention and sentencing issues, this court and its pretrial service and probation officers must have access to and must review the juvenile records of defendants charged with violations of federal criminal law who come before it. Further, in order to fulfill their duties to the court and their clients, counsel in a criminal case must likewise have access to and must review said juvenile records. Absent a contrary showing in a particular case, the court finds that these interests prevail over any interest the State of Maryland has in maintaining the confidentiality of juvenile records. Accordingly, it is, this 31st day of March, 2004,

ORDERED:

1. This court's pretrial service and probation officers are authorized to serve subpoenas upon officials of the State of Maryland seeking the production of the juvenile records of any defendant charged with a violation of federal criminal law who is scheduled to appear before this court (a) for a pretrial release/detention hearing, or (b) for sentencing;
2. Any such subpoena shall be enforced without further order of court, provided, however, an official of the State of Maryland having custody of the subpoenaed records may file a motion for protective order seeking relief from this order and preventing the disclosure of the records if that official believes that particularized reasons exist for maintaining the confidentiality of those records;

3. In the event that an official of the State of Maryland files a motion for protective order pursuant to paragraph 2, the subpoenaed records shall be submitted to the judge presiding over the proceeding in which the subpoena was issued for *in camera* inspection and shall not be disclosed to any other person without further order of the presiding judge;

4. Except as provided in paragraph 3, the subpoenaed records shall be produced to the pretrial services officer or probation officer identified in the subpoena; that officer may disclose the records and information derived from those records only to the court, the officer's supervisors, counsel for the United States prosecuting the case in which the records are subpoenaed, and counsel for the defendant whose records have been subpoenaed;

5. Any person to whom the juvenile records of a defendant or information derived from said records are disclosed pursuant to this order shall maintain the confidentiality of said records and information and shall use them only for the purpose of litigating pretrial release/detention and/or sentencing issues.

/s/

Benson Everett Legg
Chief United States District Judge