

# Unnecessary Roughness

**Why does Prince George's County use SWAT teams for so many nonviolent offenses?**

**By Kris Coronado**

Walking around Cheye Calvo's living room in the Prince George's County town of Berwyn Heights, it's hard to believe that 2½ years ago it was a scene of violence. Calvo stands by the fireplace in a green L.L. Bean sweatshirt, jeans, and cocoa-colored Crocs.

"Want to see them?" he asks, gesturing to a crimson wooden box to the left of the mantle. On top of it are a framed picture of two black Labradors, a figurine of two dogs, and a stuffed toy puppy. He opens the box, revealing two gallon-size Ziploc bags. Calvo takes one in his left palm—"Payton"—and lifts the second into his right. "Chase," he says. "You know by size."

At seven years old, Payton was slightly larger than four-year-old Chase. Calvo had both dogs cremated in August 2008 after they were killed in a botched drug bust by the Prince George's County Sheriff's Office and the Prince George's County Narcotic Enforcement Office.

"You always think, 'At least he went peacefully,'" Calvo says. "That's the consolation you use when someone passes. Well, my dogs didn't go peacefully."

Neither will Calvo.

The 39-year-old Berwyn Heights mayor is bringing his grievance with the county back into the spotlight with a lawsuit against the sheriff's office and police department. Unless the case settles before then, court proceedings begin on Monday, January 24. Though Calvo is seeking damages, he says the suit isn't about financial restitution but about shedding light on and changing both departments' policies when it comes to the use of SWAT teams and treatment of animals.

\*\*\*

What happened on the evening of July 29, 2008, at Calvo's home was well covered by local and national media: After walking his dogs, Calvo brought in a package addressed to his wife, Trinity Tomsic, thinking it was a shipment of gardening supplies. He was wrong. The

package contained 32 pounds of marijuana that had been intercepted by Prince George's police and then delivered to his home. Calvo was upstairs changing when he heard his mother-in-law, Georgia Porter, scream. The Prince George's Sheriff's Office SWAT team had burst through the front door and fatally shot both dogs. Tomsic came home to find Calvo and Porter handcuffed, pleading their innocence.

About a week later, then-sheriff Michael A. Jackson and police chief Melvin C. High (now the county sheriff) held a press conference in which they announced that a FedEx driver had been delivering large quantities of marijuana—totaling 417 pounds—to unsuspecting recipients so an accomplice could retrieve it before the addressees arrived home. Nevertheless, High was reluctant to clear Calvo and Tomsic from any wrongdoing and both departments continued to defend their officers' actions.

While what happened to Calvo is upsetting, it's more common than you might think.

SWAT (special weapons and tactics) teams were created in the United States in the late 1960s and early 1970s in response to high-profile incidents such as the 1966 University of Texas massacre—in which a sniper shot and killed 16 from atop a university tower—as well as the Watts riots in Los Angeles in 1965. SWAT teams were used to defuse situations that would put the public at high risk, such as terrorist threats, hostage situations, or riots. In contrast to regular-duty officers who work their beats armed with semiautomatic pistols or revolvers, these paramilitary-style units are heavily armed—often with submachine guns.

What was once considered a worst-case-scenario tactic, however, has become commonplace among American police forces: According to a 2005 study by Eastern Kentucky University criminologist Peter Kraska, SWAT deployments in the United States went from about 3,000 in 1980 to 30,000 in 1996 to 40,000 by 2001.

A report released by the Maryland Statistical Analysis Center last August documents the use of SWAT teams in the state between July 1, 2009, and June 30, 2010. The so-called "SWAT bill," pushed for by Calvo and signed into law by Maryland governor Martin O'Malley, requires the state's police departments to report SWAT deployments—and the reasons for them—to the Governor's Office of Crime Control & Prevention every six months.

Of the 1,618 SWAT deployments in Maryland, the Prince George's County Police Department had 23.1 percent, totaling 373. Of those, 200 were for nonviolent crimes. While Prince

George's has an estimated 834,560 residents, Montgomery County—population 971,600—had only two deployments for nonviolent crimes.

Prince George's police spokesperson Captain Mistinette Mints says the county's two SWAT teams are used to serve all search warrants. Says Mints: "It is our policy that [the special-operations department] execute each search warrant due to the fact that they are the most trained and best equipped; thus there would be less chance for injury to officers or residents."

According to a June 2010 pre-trial deposition of Wilbert Yarbrough Jr.—a former officer on the Prince George's Sheriff's Office SWAT team who shot one of Calvo's dogs—his special-ops training consisted of a three-week course. In this "SWAT school," he and fellow officers learned diversionary tactics as well as how to clear a room and handle suspects. When asked if the school taught him how to deal with situations involving domestic pets and animals, Yarbrough said he couldn't recall.

Substance abuse is a big problem for Prince George's—some of the 13 murders in the first 11 days of January were attributed by authorities to a "drug nexus" in the county—yet other municipalities with high drug-crime rates don't have nearly as many SWAT deployments for misdemeanors.

Baltimore County (population 789,814) and Baltimore City (637,418) had 53 and 64 nonviolent deployments respectively. That may be an unfair comparison, says Baltimore City Police spokesman Anthony Guglielmi: "We have a dedicated unit that does drugs and violent crime—that's all they do. Our guys are specially trained in drugs because it's Baltimore."

But when sending a SWAT team is an option, Guglielmi says, his department always uses a risk assessment to determine whether that's an appropriate use of force. Guglielmi was reluctant to go into the specifics of the checklist—it's not something he wants would-be criminals to know—but he says it takes certain factors into consideration: whether a suspect has a criminal background, whether he or she has weapons, and whether the incident poses a threat to the general public.

This is also the case in Montgomery County, says Captain Darryl W. McSwain, director of the police department's Special Operations Division. All of the county's search warrants are reviewed by an executive officer, and if a SWAT team is being considered, the SWAT sergeant

or special-operations-division deputy director looks for details—the location of the incident, whether the suspect has a violent history, gang affiliations, prior arrests, firearms—that may indicate the need for a SWAT team. Low-risk warrants are served by detectives and patrol officers who are not as heavily armed.

When given a description of the circumstances that led to the Calvo raid—in which drugs were sent to an address whose residents had no criminal background or registered weapons—McSwain said a SWAT team wouldn't necessarily be used. “We would go through the risk assessment,” he says. “Unless there is a reason to believe that the warrant service would be high risk, we would not automatically assume the risk.”

\*\*\*

Discrepancies in local department policy result from the fact that no Maryland state law mandates or provides guidelines for SWAT-team behavior, leaving it up each jurisdiction to do as it sees fit. All of Prince George's search warrants are issued by SWAT—a team outfitted with shields, helmets, heavy vests, and a battering ram.

“This is the crux of this issue,” says Radley Balko, author of the 2006 Cato Institute report “Overkill: The Rise of Paramilitary Police Raids in America.” Says Balko: “Even if [SWAT teams] get the address they're looking for every time, you're sending cops dressed up like soldiers to break people's doors down usually in the middle of the night for a nonviolent offense. That's not an image most people in a free society would see—I guess they do now.”

It's an image Charles and Wanda Harris would like to forget. In another Berwyn Heights living room—just a couple of blocks from Calvo's home—the HARRISES recounted the events of the early morning on March 23, 2009.

“It was about 6 AM when they were beating on the door,” says Wanda, a 50-year-old with glasses and long dark hair loosely pulled to the side with a scrunchie. “I couldn't imagine who was beating on the door. I come around the door and look out the glass pane to a gun [barrel] in my face [and someone] saying, ‘Open the door.’”

The Prince George's Police SWAT team was searching for a gun it believed belonged to the HARRISES' 20-year-old son, Charles III. A day earlier, the couple's 16-year-old niece, who had been living with the family since her mother passed away in 1996, called police to say her

cousin had pulled a gun on her.

“We don’t even have a gun in the house,” says the elder Charles, shaking his head. “Never had a gun in the house. My son is a good kid. Never had any problems with them or the police or anything.”

The niece had lied to help her 25-year-old sister, who was living in DC, obtain custody of her. It worked: The younger Charles was charged with assault in the first and second degrees and use of a deadly weapon. A warrant was issued for his arrest. Despite the fact that neither he nor anyone else in the family had a criminal background, the Harrises saw no other option than to have him turn himself in that day. They didn’t have enough money for a lawyer and didn’t realize that his bail would be set at \$300,000. Charles—a graduate of Bladensburg High School who’d taken honors classes and run his father’s cleaning business for six months while his father was laid up by acute anemia—remained in jail at Upper Marlboro for almost a month until the family could afford bail, which defense lawyer James Zafirooulos (whom they later hired) got knocked down to \$1,800.

Prior to SWAT’s arrival that morning, police had given no indication they’d need to search the residence for the alleged gun. They ransacked the younger Charles’s room—pulling out drawers of clothes, breaking bowling trophies he’d won as a child. They found nothing, and charges were dropped that July.

It’s been nearly two years since the incident, but it still reverberates throughout the family’s lives. “After going through this, he can’t get himself together,” Wanda says of her son. “He just can’t.”

\*\*\*

Calvo hopes his lawsuit will prevent more scenarios like this from happening by shedding light on Prince George’s Police Department and Sheriff’s Office policies. He believes that more transparency could lead to a change in tactics regarding the deployment of SWAT teams.

He’d also like rules and guidelines written into each department’s general orders and standard operating procedures when it comes to the treatment of animals.

“It’s very clear these agencies do not believe there’s any obligation to use nonlethal means to subdue animals,” Calvo says. “They’ve been fairly explicit in that point. They talk about eliminating the dogs. So we believe that there needs to be general orders put in place that protect animals. That doesn’t mean you never use lethal force, but you have to consider nonlethal options and deploy them when possible.”

Whether he wins or loses in court, Calvo isn’t going to stop fighting. The SWAT law expires on June 30, 2014, so he’ll need to make the rounds with Maryland lawmakers once again.

“I’d rather lose publicly where people know what justice looks like or how justice does or does not exist than quietly go away,” he says. “One way or another, the story is going to be told.”