

THE Sentinel NEWSPAPERS

County SWAT team activities bring fear

By Alexi Worley

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Charles Adams (not his real name) woke with a start.

Armed men loomed over him. Guns raised, they dragged the middle-aged father out of bed and threw him to the floor, his body hitting the ground with a resonating thud.

He lay there helplessly, stricken with fear as his wrists were jammed into handcuffs, a gun shoved against his head.

Adams wasn't being robbed – the gang of men holding him at gun point was the Montgomery County Police Department SWAT team.

Following the raid, Adams was never charged with anything or issued an apology from the department.

“It was something I will never forget, the gun being pointed at my head. Who knows? What if they slipped?” Adams said. “They could have killed me, they could have killed my girlfriend, they could have killed either of the little girls, they could have killed my son. I'm much more scared of the cops than I am of the robbers.”

Maryland remains one of only a few states that require law enforcement agencies with SWAT teams to regularly report data on deployments. MCPD is among the agencies required to supply data.

The number of deployments by the MCPD SWAT team is climbing, with 93 percent of these deployments being used to execute simple search warrants, according to calculations from reports from the Maryland Governor's Office of Crime Control and Prevention (GOCCP).

MCPD defends their use of SWAT teams, saying that many times the situation calls for them.

“Much of the SWAT’s use is for search warrants,” said Paul Starks, public information officer for MCPD. “The MCPD SWAT team is frequently requested and needed for the safe execution of these warrants.”

Starks said the department determines which situations warrant SWAT team deployment based on the “potential for violence.”

Civil libertarians and defense attorneys alike worry this increase in deployments reflects the militarization of the local police department.

“The worst violence that most citizens have to endure is at the hands of police officers,” said criminal defense attorney Rebecca Nitkin. “It’s the parent that comes into the office after their son was caught with pot and they talk about how they heard the door being broken down and shot guns are held to their and their kids’ heads and they truly, truly believe that they are going to die at the hands of what they think are armed robbers. Not in their wildest dreams do they think it’s a Montgomery County Police Department officer executing a search warrant.”

According to the National Tactical Officers Association, SWAT, or Special Weapons and Tactics, teams were originally created in the 1960s for use in high-risk missions, such as barricade, hostage and suspect situations.

Only 7 percent of MCPD SWAT team deployments were for situations other than search warrants, 5 percent of which were barricade situations and 2 percent of which were for situations classified as ‘other’, according to the GOCCP reports for the MCPD SWAT team. In 15 percent of the SWAT deployment cases no arrests occurred.

“The rationale for creating a SWAT team is that the police needs to be prepared in case there are situations that go beyond capacity of ordinary patrolmen, such as hostage situations and scenarios where officers will be facing people who are heavily armed,” said Tim Lynch, director of the Cato Institute’s Project on Criminal Justice. “However, over time there’s this mission creep, where the department starts to think, ‘Well, we have this team and they’ve done all this training but they’re not being used.’ So they start to call out the SWAT units for routine activity.”

The percentage of MCPD SWAT team deployments used to serve search warrants is even higher than the national average, 79 percent, which was calculated by the ACLU in their June 2014 report, “War Comes Home: The Excessive Militarization of American Policing.”

Use of the MCPD SWAT team is climbing, with the number of SWAT deployments per year having increased from 119 in 2010 to 188 in 2013, according to the GOCCP reports. There were 726 total deployments during this time.

In other words, the MCPD SWAT team was deployed, on average, once every other day in 2013, according to calculations from the GOCCP reports.

Starks said MCPD attributes this increase to a rising number of search warrants and the possible danger involved in executing them.

The increase mirrors both national and state trends, with the number of annual SWAT deployments in the United States having risen from a few hundred in the 1970s to 50,000 in

2005. That's more than 100 deployments in the United States every day, according to Peter Kraska, a criminologist from Eastern Kentucky University.

The GOCCP reports on the state of Maryland as a whole reveal there are roughly four deployments in the state every day. Montgomery County has the third highest number of deployments in the state, below Baltimore City and Prince George's County.

"Montgomery County is not the worst offender, that is by far Prince George's County," said David Rocah ACLU senior staff attorney.

The majority of these raids are accompanied by forcible entry and seizing of property, at 82 percent and 96 percent respectively, according to the GOCCP reports for the MCPD SWAT team.

As was the case with Annie Hu, 30, a database developer with a top secret clearance level from Silver Spring, whose home was raided by a MCPD SWAT team after her husband was caught with marijuana the night before.

Hu said she was heading to work when she saw officers heading towards her home. Thinking they had new information about her husband, she followed the officers back to her house.

As she was pulling up she saw a gang of officers charging towards her door with a battering ram.

Running to the officers, Hu said she yelled that she had the key and could let them in. Ignoring her cries, the officers beat down the door, seized her car and proceeded to destroy her home as she watched, terrified and confused.

The officers then searched, handcuffed, and arrested her for drugs that belonged to her husband.

Despite repeatedly asking to see a warrant, Hu said the only time she only saw one when she returned to her home the next morning and found it tossed onto the kitchen table.

"I felt degraded...that I lost all of my rights as a citizen," she said. "Now I feel unsafe when I see the police, I don't know who to trust. I feel like they are watching us, harassing me and my freedom, or finding reasons to pull me over and abuse their power."

The charges against her have since been dropped, but the property seized and destroyed by the MCPD SWAT team, including her car, was not repaired or replaced by the department.

Asset forfeiture laws enable officers to seize property they believe was involved in a crime. In Maryland, the government only has to prove that it is more likely than not that the property was involved in the crime, according to the Institute for Justice.

Seizing this property can be profitable for law enforcement. According to the Institute for Justice, Maryland state law enforcement received more than \$50 million in forfeiture revenue between 2002 and 2008.

"Montgomery County is obviously part of this larger trend of increasingly using SWAT deployments for search warrants, which is not what SWAT teams were originally intended for," Rocah said. "It reflects the growing militarization of our police."

According to Lynch, part of this militaristic behavior can be attributed to the military mindset that SWAT team members receive through training, which is successful on the battlefield but harmful on the suburban streets of Montgomery County.

“When you put on the military garb, with the helmets and the weapons...and you combine all that with the rhetoric of politicians about the war on drugs and on terror, you get this military mentality,” Lynch said. “What we want to do though is to keep that separate from policing. Our police should be using the minimum amount of force necessary.”

Beginning in spring 2009, Maryland law required that every law enforcement agency with a SWAT team record and submit data about the team’s deployments, according to Maryland’s public safety article 3-507.

According to Rocah, the reports could use improvement.

“Maryland deserves credit for beginning to collect statistics but they are hugely inadequate in that they don’t precisely break down the crime that led to the search warrant,” Rocah said. “They also don’t specify whether fire arms were found or the race of those involved.”

This step toward increasing police accountability was further hindered as legislators let the bill expire at the end of June.

The GOCCP encourages agencies to continue collecting this data anyway.

“While law enforcement is not required by law to collect or report the SWAT data after June 30, 2014, GOCCP strongly recommends that agencies continue to collect the data and submit it in the event that the Maryland General Assembly amends the law and imposes new reporting requirements during the 2015 legislative session,” said Bill Toohey, GOCCP public information officer.

According to Starks, MCPD will continue to collect and analyze data on its SWAT team despite the law’s expiration.

“Legislators should re-impose and fix the data to allow for a more complete understanding of the use of SWAT teams,” Rocah said. “They should never have let the law slip by in the first place.”

According to Lynch, agencies need to collect and use this data in order to reevaluate their use of SWAT teams before it’s too late.

“Usually it’s just in the light of some kind of tragedy that these important questions come up, instead of asking them at the outset and stopping the tragedy in the first place,” Lynch said. “Agencies need to really start thinking about which situations really call for these teams, and which don’t.”

HOW WE ARRIVED AT THE SWAT DATA AND WHY WE PROTECTED TWO SOURCES:

To derive the percentage of SWAT deployments, The Montgomery County Sentinel calculated the number of deployments issued for search warrants and divided that number by the number of total SWAT team deployments. This same method was used to

calculate percentages for the number of deployments where forcible entry was used and property was seized. The Governor's Office of Crime Control and Prevention provided the raw data for these calculations. Those numbers were supplied by the Montgomery County Police Department as required by state law: MD Code Ann., Public Safety Art., 3-507 (B).

The Montgomery County Sentinel filed a Freedom of Information Act request in order to receive these numbers and the accompanying reports. We examined 726 SWAT deployments from July 2009 until December 2013. There were 13 people injured and two deaths from these deployments.

Ninety five percent of the deployments were for Part I crimes involving, homicide, rape, robbery, aggravated assault, breaking and entering, larceny and theft, motor vehicle theft and arson. No further breakdown in these numbers were available. Five percent of the deployments were for Part II crimes, described as a "variation of offenses" - usually drug cases according to the GOCCP. Numbers supplied do not indicate raids on wrong addresses or other arrest information.

The Sentinel agreed to protect the identities of two local residents involved in a search warrant by a SWAT team after talking with their attorney, Rebecca Nitkin, and because the witnesses faced losing their security clearance with the federal government should their names be disclosed.