



Morning Joe sits down with Radley Balko to discuss 'Rise of the Warrior Cop'

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Cheye Calvo only intended to be home long enough to grab a bite to eat and walk his dogs. Calvo worked full-time at an educational foundation in Washington, DC, but he also had an unusual part-time job: he was mayor of the small town of Berwyn Heights, Maryland. In 2004, at age thirty-three, he was the youngest elected mayor in the history of Prince George's County, Maryland. Now thirty-seven, he lived with his wife, Trinity Tomsic, her mother, Georgia Porter, and their two black labradors, Payton and Chase. Calvo was due back in town later that night for a community meeting.

As Calvo took the dogs out for a walk the evening of July 29, 2008, his mother-in-law told him that a package had been delivered a few minutes earlier. He figured it was something he had ordered for his garden. "On the walk, I noticed a few black SUVs in the neighborhood, but thought little of it except to wave to the drivers," he would later recall. When Calvo and the dogs returned, he picked up the package, brought it inside, then went upstairs to change for his meeting.

The next thing Calvo remembers is the sound of his mother-in-law screaming. He ran to the window and saw heavily armed men clad in black rushing his front door. Next came the explosion. He'd later learn that this was when the police blew open his front door. Then there was gunfire. Then boots stomping the floor. Then more gunfire. Calvo, still in his boxers, screamed, "I'm upstairs, please don't shoot!" He was instructed to walk downstairs with his hands in the air, the muzzles of two guns pointed directly at him. He still didn't know it was the police. He described what happened next at a Cato Institute forum six weeks later. "At the bottom of the stairs, they bound my hands, pulled me across the living room, and forced me to kneel on the floor in front of my broken door. I thought it was a home invasion. I was fearful that I was about to be executed." I later asked Calvo what might have happened if he'd had a gun in his home for self-defense. His answer: "I'd be dead." In another interview, he would add, "The worst thing I could have done was defend my home."

Calvo's mother-in-law was face-down on the kitchen floor, the tomato-artichoke sauce she was preparing still sitting on the stove. Her first scream came when one of the SWAT officers pointed his gun at her from the other side of the window. The police department would later argue that

her scream gave them the authority to enter the home without knocking, announcing themselves, and waiting for someone to let them in.

Rather than obeying the SWAT team demands to “get down” as they rushed in, Georgia Porter simply froze with fear. They pried the spoon from her hand, put a gun to her head, and shoved her to the floor. They asked, “Where are they? *Where are they?*” She had no idea what they were talking about. She told them to look in the basement. She would later tell the *Washington Post*, “If somebody puts a gun to your head and asks you a question, you better come up with an answer. Then I shut my eyes. Oh, God, I thought they were going to shoot me next.”

Calvo’s dogs Payton and Chase were dead by the time Calvo was escorted to the kitchen. Payton had been shot in the face almost as soon as the police entered the home. One bullet went all the way through him and lodged in a radiator, missing Porter by only a couple of feet. Chase ran. The cops shot him once, from the back, then chased him into the living room and shot him again.

Calvo was turned around and put on his knees in front of the door the police had just smashed to pieces. He heard them rummaging through his house, tossing drawers, emptying cabinets.

Calvo and Porter were held for four hours. Calvo asked to see a search warrant. He was told it was “en route.” The police continued to search the house. At one point, a detective got excited when she found an envelope stuffed with cash. According to Porter, the detective was deflated when she found only \$68 inside and noticed that the front of the envelope read: “Yard Sale.” At one point, Porter overheard a detective call to ask a relative to schedule a veterinary appointment. The sight of the dogs’ bodies apparently reminded her that she need to make an appointment for her own pet.

Even after they realized they had just mistakenly raided the mayor’s house, the officers didn’t apologize to Calvo or Porter. Instead, they told Calvo that they were both “parties of interest” and that they should consider themselves lucky they weren’t arrested. Calvo in particular, they said, was still under suspicion because when armed men blew open his door, killed his dogs, and pointed their guns at him and his-mother-in-law, he hadn’t responded “in a typical manner.”

Trinity Tomsic came home about an hour later to find a blur of flashing police lights and a crowd gathering on her front lawn. She was told that her husband and mother were fine. Then she was told that her dogs were dead. She broke down in tears. When she was finally able to enter her home, she found her dogs’ blood all over her house. The police had walked through the two large pools of blood that collected under Payton and Chase, then tracked it all over the home. Even once the police realized they had made a mistake, they never offered to clean up the blood, to put the house back together, or to fix the front door.

As Calvo and Porter were being interrogated, one of Calvo’s own police officers saw the lights and stopped to see what was going on. Berwyn Heights officer Amir Johnson knew this was his mayor’s house, but had no idea what the commotion was about because the Prince George’s County Police Department hadn’t bothered to contact the Berwyn Heights police chief, as they were required to do under a memorandum of understanding between the two agencies. Johnson told the *Washington Post* that an officer at the scene told him, “The guy in there is crazy. He says he is the mayor of Berwyn Heights.”

Johnson replied, “That is the mayor of Berwyn Heights.”

Johnson then called Berwyn Heights police chief Patrick Murphy. Eventually, Murphy was put in touch with the supervising officer, Det. Sgt. David Martini. Murphy recounted the conversation to the *Post*: “Martini tells me that when the SWAT team came to the door, the mayor met them at the door, opened it partially, saw who

it was, and then tried to slam the door on them,” Murphy recalled. “And that at that point, Martini claimed, they had to force entry, the dogs took aggressive stances, and they were shot.”

If that indeed was what Martini told Murphy, he was either lying or repeating a lie told to him by one of his subordinates. There was never any further mention of Calvo shutting the door on the SWAT team—because it never happened. Calvo later had his dogs autopsied—the trajectories the bullets took through the dogs’ bodies weren’t consistent with the SWAT team’s story.

But the lies, obfuscations, and stonewalling were only beginning.

The police department would first claim that they had obtained a no-knock warrant for the raid. They then backtracked and blamed Calvo’s mother-in-law, arguing that when her scream blew their cover, they were no longer obligated to knock and announce themselves. (This was an interesting theory, given that the knock-and-announce requirement, by definition, would have required them to blow their own cover. That’s the point of the requirement.) Maj. Mark Magaw, commander of the Prince George’s County narcotics enforcement division, claimed that the SWAT team couldn’t have obtained a no-knock warrant if they had wanted to, because the state of Maryland doesn’t allow them. This too was false. The state had passed a bill allowing for no-knock warrants in 2005. It’s the sort of law that one would think would have a day-to-day impact on the drug unit of a police department that conducts several raids each week. Yet the head narcotics unit in Prince George’s County was completely ignorant of it. Three years later, Magaw would be promoted to Prince George’s County police chief.

The affidavit for the search warrant was prepared by Det. Shawn Scarlata. It is incredibly thin. In a few paragraphs, Scarlata relates that he intercepted a FedEx package containing thirty-two pounds of marijuana at one of the company’s warehouses. The package was addressed to Trinity Tomsic at her home address. A police officer disguised as a delivery man then took the package to Calvo’s house, where it was accepted by Georgia Porter. There was also a one-paragraph description of Calvo’s home. That’s the only information in the warrant specific to Calvo and his family. The remainder of the six-page affidavit is a cut-and-paste recitation of Scarlata’s training, qualifications, and assumptions he felt he could make based on his experience as a narcotics officer. As Calvo described the warrant in an online chat, “It talks about all the stuff a drug trafficker should have in his or her home and then says something like, ‘Although we know that the police have no evidence of these things, they can be *inferred* from the very nature of the charge.’ It is circular reasoning that says because we are suspicious of you, there must be evidence of your guilt.”

On August 7, police arrested a FedEx driver and an accomplice and charged them with various crimes related to drug trafficking. Trinity Tomsic was never supposed to receive that package of marijuana. A drug distributor in Arizona had used her address to get the package into the general Prince George’s County area, at which point an accomplice working for the delivery company was supposed to intercept it. The police had found several similar packages. Worse, county police *knew* the scheme was going on and knew some packages had been delivered to residences unbeknownst to the people who lived in them. The *Washington Post* reported a couple of months later on cases in which innocent people had been arrested. “Defense lawyers who practice in the county said authorities appear to arrest and charge anyone who picks up a

package containing marijuana without conducting a further investigation,” the *Post* reported. “The more I think about that, the angrier I get,” Calvo later told *Post* columnist Marc Fisher. “They knew this scheme was going on, yet it never occurred to them from the moment they found out about that package that we were anything but drug dealers.”