Should No-Knock Police Raids Be Rare or Routine?

The police department of Prince George's County, Maryland, is under fire for a recent drug raid on the home of Berwyn Heights mayor Cheye Calvo. Unbeknownst to Calvo, a box containing marijuana was delivered to his home. Shortly thereafter, police officers kicked in the front door and shot both of Calvo's pet Labrador retrievers. The police subsequently cleared Calvo of any wrongdoing but are unapologetic about their raid tactics. Are no-knock, paramilitary raids an appropriate tactic for drug investigations? Or do sudden, unannounced entries bring unnecessary violence to police investigations? Weighing in at a September 11 Cato Policy Forum were Cheye Calvo, mayor and victim of a botched no-knock raid, Radley Balko, senior editor at *Reason* magazine and author of the Cato White Paper *Overkill: The Rise of Paramilitary Police Raids*, and Peter Christ, cofounder of Law Enforcement Against Prohibition.

CHEYE CALVO: My wife and I are still in our 30s and don't have kids of our own. But we do have—or we *did* have—two black labs.

The story of their deaths begins on July 29, 2008, a regular summer day. I was hosting a community meeting that evening, but before that I returned home from my day job to walk my dogs. Before I left on my walk, my mother-in-law, who was cooking, told me a package had been delivered and was on the front step. On the walk, I noticed that a few black SUVs in the neighborhood, but thought little of it other than to wave to the drivers.

When I returned home, I picked up the box, which was addressed to my wife, and took it inside where I left it unopened on the living room table. I went back upstairs to get into business attire for my meeting.

I was in my boxer shorts when I heard my mother-in-law scream. It was a loud, fearful scream. I ran to the window, where I saw three or four men dressed in black with high-caliber rifles in my yard approaching my house.

I then heard an explosion, which was the sound of my door being blown open, followed by immediate gun fire. There were loud noises, the sounds of boots, and then more gunfire.

I hit the floor and began to yell, "I'm upstairs; please don't shoot!" The men in black had me walk downstairs backwards, in my boxer shorts, with my hands in the air. I still can see two high-caliber rifles pointed at me. 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 could see my mother-in-law bound, lying face down on the kitchen floor. Payton, my older dog, was lying dead in a pool of his own blood on the other side of the living room. I soon learned that my younger dog, Chase, was dead in a back room, where he had been shot from behind as he ran away. There were perhaps a dozen men in black, just standing around in my living room. I asked for a warrant. They said that they did not have it with them, but one was en route.

For most of the nearly four-hour ordeal, I was being interrogated, half-dressed in my living room and then in my kitchen. It was surreal.

My wife came home to a SWAT team on our lawn. She figured someone had broken into our house. She asked them about me, about her mother, and then learned that the dogs had been killed. She sobbed.

We offered them anything they wanted and answer their questions as best we could. They left a little after 11:00 p.m. They found nothing to connect us to the box, which they had delivered to our doorstep and said contained 32 pounds of marijuana. Still, they told us we were "parties of interest" and were lucky not to be arrested. I, in particular, was "suspicious" because I had not acted in a typical manner, they said.

Then they left us with an unsecured door, our belongings turned upside down, and two enormous pools of blood, which were tracked and splattered across the floor.

The media circus began the next morning. We had live camera feeds on us when we picked up the paper in the morning. It was particularly rough on my family.

But I'm also a mayor. The raid didn't only affect me: it affected my community. The community rallied behind us. No one in my town ever even asked if we were drug traffickers.

Soon the facts came out. Ten days later, they had arrested the FedEx delivery man and an accomplice in a drug-trafficking scheme. The incident was the subject of international attention, we were exonerated, and the FBI had agreed to open an investigation into county law enforcement agencies for their behavior in ours and other similar cases.

When the raid first happened, I thought

that it was a terrible mistake, but it soon became clear that it was a symptom of deeper problems. Although the box was worthy of police interest, the police failed to do basic investigatory work before deploying a SWAT team. They did not know who I was and had no idea that I was the mayor, which a simple property records check and Google search could have told them. They did not properly survey the house or inform the town police of the operation, which they were required to do under a memorandum of understanding.

However, once made, rather than acknowledge the mistake, they defended the indefensible and then blamed the victims. For the unlawful entry and lack of a "no-knock" warrant, they blamed my mother-in-law's scream for compromising the standard warrant and requiring them to blow down the door, guns blazing. In fact, they continue to deny the existence of "no-knock" warrants in the state of Maryland despite a 2005 law. They even blamed my dogs for "engaging" the officers even though their public statements contradict the physical evidence.

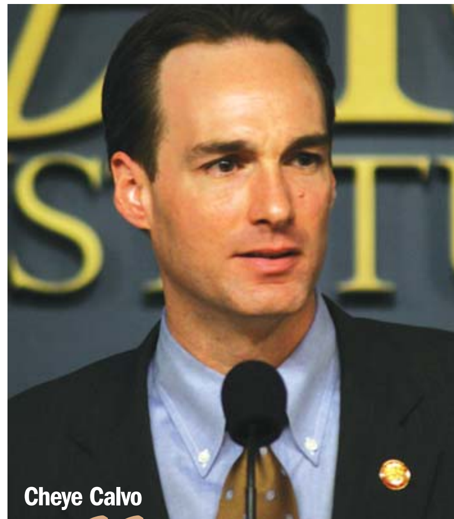
Overreliance on paramilitary police operations has a devastating effect not just on the immediate victims but on whole communities. They undermine relations between the police and underserved areas that need police cooperation the most.

Police activities too often lack adequate oversight, and good people in a bad system will do bad things. Elected officials must exercise leadership and keep these paramilitary units in check.

A SWAT team should be a last, rather than the first, resort. Paramilitary responses are immediate, swift, and painful; the police are supposed to be operating at a more measured pace that follows due process. I'm very concerned about a system of policing that is focused on overwhelming force out of the gate. They are search and destroy, not serve and protect.

RADLEY BALKO: In what types of situation is forced entry appropriate? What happened to Mayor Calvo is awful. But I would argue that even if Mayor Calvo had been guilty, these tactics are wholly inappropriate. No-knock raids are not a proper way to police nonviolent drug crimes. The idea that we have police officers armed, in some cases better than our military is armed in Iraq, breaking down people's doors to serve warrants to prevent people from getting high is absurd. And in many ways, it shows how absurd the drug war has become.

In July 2006, I wrote the Cato White Paper *Overkill: The Rise of Paramilitary Police Raids*, a study of 180 botched raids. Since that paper came out, there have been a couple dozen more botched raids. The raids



Cheye Calvo

"Overreliance on paramilitary police operations has a devastating effect not just on the immediate victims but on whole communities."

themselves are not rare occurrences. One criminologist says they occur to 40,000 to 50,000 people per year in this country. The vast majority of those are to serve drug warrants, and the vast majority of those are to serve warrants on nonviolent offenders.

After every botched raid, there's a review. It's always the same. It was a tragic, horrible mistake, but it was a *mistake*, policy was generally followed, and no one is to blame.

How did we get here? What series of assumptions piled on top of one another does it take to get to a point where our public officials can look at what happened to Mayor Calvo—and can look at people who have lost their *own* lives to botched raids—and conclude that as tragic as the situation is, no one is to blame and no policies will be changed?

The first assumption is the idea that the government has an obligation to protect us from ourselves. To that extent, the government has the obligation to protect us from what some people in the government have determined to be harmful: taking illicit drugs. That view has widespread public support.

The second assumption is that due to the criminal element involved in drug trafficking and sales, a greater show of force than is typical of a police department must be used. Police departments, then, are expected to be extra tough in policing drug offenders. It should be noted that the criminal element is there because of prohibition. When alcohol was prohibited, the gangs ran that business, too.

The third assumption builds on the second. It is that the criminals are outgunning the police—a false assumption I might add—which I go into further in *Overkill*. To that extent, it is assumed that we need very aggressive tactics. We need to declare war on drugs. Drugs are so powerful and such a detriment to society that only the drastic, emergency actions we permit governments to take in wars are appropriate in prosecuting the War on Drugs.

I think this has profound effects on the psychology of police officers who we ask to go out on the front lines in these cases. When you take a police officer, outfit him in military gear, give him military weapons, military training, and tell him he's fighting a war, it's not difficult to understand how the officer might take it to heart.

The fourth assumption is that—because drugs are so bad, drug dealers so violent, and apprehension of drug dealers so necessary—we must break down doors. If we don't break down doors, these drug dealers will either shoot the police officers trying to apprehend them or they will destroy the evidence.

And we need to immediately incapacitate everyone in the house. We have to use exceptionally violent, exceptionally confrontational tactics. Terror tactics. I've written several articles on how the police always shoot

the dogs in these situations. Sometimes it's just to get the dog out of the way. Sometimes it's because the dogs pose a danger, though that's difficult to believe given the bulletproof gear SWAT teams are wearing. It's worth noting, by the way, that Mayor Calvo's dogs were Labrador retrievers, not the most dangerous breed of dog. Whatever the reason, dogs are often dispatched during these raids.

Pile all these assumptions together and you get an absurd conclusion: that it's perfectly appropriate to break someone's door down, shoot their dogs, handcuff them, and throw them on the floor at gunpoint—over a box of marijuana. And even if a mistake is made, no one should be accountable, because the officers followed the proper procedures.

Of course, these procedures are all drawn from the flawed assumptions I've spelled out here.

Absent ending drug prohibition, how can we help roll back problems associated with paramilitary style drug raids? I have a few suggestions:

At the federal level, for 20 years the Pentagon has been giving away surplus military equipment to local police departments. I think that has helped precipitate the rise of SWAT teams. We also have federal police grants that are tied directly to drug policing. This encourages police departments to use SWAT teams for drug offenses, because every time they arrest someone on a drug offense it adds to their statistics, which helps ensure they get those grants. And I think every raid needs to be videotaped. It would be very easy to affix a small digital camera to each officer's helmet or uniform. This would help clear up conflicting accounts by police and those who have been raided.

PETER CHRIST: We've been doing police work for a long time in this country, since about 1800. And we've been serving warrants for a long time, too. I began in the police force in 1969. In the 1970s and 1980s we used to serve warrants like this: "Hello Mr. Smith, we have a warrant for your arrest. If you'll please come with us now we'll have to take you down to the station." There was usually another officer standing there in case there was a problem.

Then in the late 1980s, SWAT teams started becoming fashionable. You have to understand something about police forces to understand this trend: they're still male-dominated and they're relatively youthful. Being a member of a SWAT team is, in a way, like playing "war," only with real toys. Training's a real kick. And when you actually get out there to do it, it's even more thrilling. And the more of it you can do the better.

Radley Balko

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In 1985, we started a SWAT team in our department, a 110-officer unit that policed a suburb of Buffalo with a population of about 85,000. To be sure, we used it very sparingly before my retirement in 1989. But I've noticed, each time I've gone back, that they are making greater use of SWAT.

I've heard from officers: "We spend all this time and money training for SWAT. If we don't use it, what does that say about us?" You have to justify it some way.

We get upset when we hear about what happened to Mayor Calvo, victims we hear about on the news, or victims that Mr. Balko brings to our attention on his blog. They terrify us because we understand it could be us. As long as it's just scummy drug dealers who are victims of these raids, we're OK with it. We're safe in our homes because we know we don't do that.

But if anyone can be raided, then we're all potential victims. That's what Mayor Calvo's story shows.

Who's to blame for this? Well, it's those cops with their guns and their badges and their cars and—now—tanks. That's right, we now have some police departments that have tanks, tanks with 50-caliber machine guns on them. And you ask yourself: what's the matter with these people?

But we never look in the mirror.

Let me introduce a term for you that hasn't been used today: "Collateral damage." We're in a war! You don't worry about victims in a war! If you take gunfire from a village, you respond. You don't worry about women and children when you're at war.

We don't do drug policy in America. We're waging a war.

Seventy-five percent of the violence that we have today is due to the drug war. That still leaves 25 percent consisting of people who do stupid things while on drugs, but it's not nearly as serious as that *other* problem, that 75 percent.

If you're a mayor and you have 10 murders per year, and I come to you with a "solution" for that problem that results in 40 murders per year, are you going to go with that solution? But that's exactly what's happening with the drug war, the ostensible "solution" to the drug problem.

Yet we're not talking about it. There is no active discussion going on in this country about drug *policy*. We're spending all our time dancing around the issue and the ancillary problems associated with it. No one wants to touch it.

The truth is, at 62 years old, I honestly have no expectation of seeing an end to this drug war in my lifetime. I'm just doing everything possible to help make it end as soon as possible. But we can't make it happen if we don't talk about it. And our failure is to focus on ancillary issues rather than the real issue: drug policy in America—the failure of prohibition. ■