



Written by [C. Mitchell Shaw](#) on July 22, 2017

Baltimore Cop Shown on Body Camera Planting Drugs. Now What?

A drug case in Baltimore illustrates both the value of police body cameras and how far some bad cops are willing to go to make an arrest. [A recently released video from a body camera worn by a Baltimore police officer shows him planting drugs seconds before “finding” them.](#) Two other officers look on as he violates both the law and due process.

Of course, any cop who abuses his authority should no longer be a cop, and any cop who engages in criminal activity should be prosecuted, as would be the case with any citizen. But unfortunately, bad cops do more than bring harm to themselves when caught; they also harm public trust and confidence in the many good police officers who place themselves in harm's way to protect and serve their local communities.

“There’s nothing that deteriorates the trust of any community more than thinking for one second that uniformed police officers, or police officers in general, would plant evidence of crimes on citizens,” said Baltimore Police Commissioner Kevin Davis in a press conference after the release of the video showing Officer Richard Pinheiro and two other officers doing just that.

The video is from January and shows Pinheiro planting the drugs in a trash pile near a house in Baltimore before he and the other two officers shown in the video walked back to the street. Pinheiro then activated his body camera — apparently not realizing that it runs in a continual loop, capturing video (but no audio) of the 30 seconds before the camera is activated. Pinheiro then returned to the trash pile to “search” for the drugs he had just planted there.

On the video, Pinheiro — doing an impersonation of a real cop actually trying to gather evidence — can be heard saying, “I’m going to go check here,” after activating his camera. The other two officers — who had just followed Pinheiro back to the street after watching him plant the drugs — wait on the sidewalk while Pinheiro can be seen going back to the trash pile where he pretends to look high and low before “finding” the bag of drugs in what looks like an old soup can. Pinheiro displays the “find” for the camera and can be heard saying, “Yep!” He then returns to the other two officers, who can be seen waiting on the sidewalk.

As Pinheiro walks toward the trash pile after saying, “I’m going to go check here,” one of the other officers can be heard on the video laughing out loud. Because planting evidence to make an arrest is hilarious.

While full details of the initial case are not public, the drugs that were “found” in the trash pile were used as evidence to arrest at least one man who was held in jail since January, unable to pay his





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\$50,000 bail, according to a statement given to *The Independent* by a spokesperson for the public defender's office.

While the video clearly shows that there is a problem with at least three police officers at the Baltimore PD, it was the prosecutor's office that brought the video to the attention of the public defender's office.

After spending the months between January and July in jail on drug charges because he was unable to raise the \$50,000 bail, the defendant (or to coin a word, *frimant*) in the case was scheduled for trial last week. As the trial drew near, both the prosecution and the defense were going over evidence in the case when prosecutors noticed what everyone — including the defense — had missed for months: the evidence was planted.

As [a note from the prosecutor](#) shows, the defense was asking for a plea deal to reduce the charge from possession with intent to distribute — which carries a prison sentence of 12 years — to simple possession — which would mean a three year sentence. According to the note, the public defender “was quite surprised” when the prosecutor reached out “to let him know” the prosecutor's office “was declining his plea offer.” The note goes on to say, “I walked him through the vidclips and he recognized what he'd missed before. He offered a [deal of] time served and I left him with an emailed argument for NP [[Nolle Prosequi](#) — Latin for ‘be unwilling to pursue’ or ‘do not prosecute’].”

According to the note, the public defender said that as a result of the video showing the officers planting evidence, “a s**tstorm is coming.” The prosecutor's office said in a statement, “Something is going to happen because of this revelation.” In the wake of officials releasing the video to the public, BPD Commissioner Kevin Davis said, “When allegations of police misconduct surface, we're not going to shy away from them,” adding, “There's nothing that deteriorates the trust of any community more than thinking for one second that uniformed police officers, or police officers in general, would plant evidence of crimes on citizens.” He went on to say that one officer — presumably Pinheiro — has been suspended and two others — presumably Pinheiro's accomplices who looked on with unrestrained humor as he planted evidence — have been placed on administrative duty pending an investigation.

This case also shows that the integrity of the prosecutor's office may not be more than partially intact. After all, Pinheiro was called by prosecutors as a witness in another case after the video came to light, without the video being disclosed.

Debbie Katz Levi, head of the Baltimore Public Defender's Special Litigation Section, released a statement saying, “Officer misconduct has been a pervasive issue at the Baltimore Police Department, which is exacerbated by the lack of accountability.” Her statement went on to say, “We have long supported the use of police body cameras to help identify police misconduct, but such footage is meaningless if prosecutors continue to rely on these officers, especially if they do so without disclosing their bad acts.”

Her office is now demanding that the prosecutor's office drop all cases where Pinheiro and his two colleagues were the arresting officers. Pinheiro alone “is a witness in approximately 53 active cases,” according to the statement. Presumably, not every arrest these three bad cops made were bad arrests. Even still, all of these cases will now be tainted by any association with these three officers. That is part of the real price of bad cops doing dirty deeds; real criminals who are actually guilty can now play this video as a possible “Get Out of Jail Free” card.

There are other issues at stake here that could easily get lost in the mix. First, since Pinheiro can clearly be seen planting drugs at the scene, where did he get them? Did he hold out some inventory from a previous bust? Or did he bring his own? Second, with this new evidence of what Debbie Katz



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Levi describes as “a pervasive issue” of “officer misconduct,” there will — no doubt — be calls for a federal investigation and federal oversight of local law enforcement agencies, in Baltimore and elsewhere.

Of course, if the problem of officer misconduct is as bad as Levi says, then allowing BPD to conduct its own investigation would be an exercise in futility. But that does not mean it is a federal issue. The State of Maryland is perfectly capable of investigating and forcing a remedy. Part of that remedy would necessarily mean that officers who do what these three are shown on video doing would be charged and prosecuted to the full extent of the law.

If this case is used to expand federal powers over local law enforcement, the “solution” will certainly prove to be worse than the problem. If it is difficult to keep local police in line, imagine what it would be like to keep a national police force from running roughshod over the rights of any and all. That fire would make the frying pan look like the good old days.

Residents of Baltimore — and those elsewhere — would do well to demand solutions that [support local police and keep them independent](#).



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