Call The Cops

March 1, 2000 By Shana Naomi Krochmal

With the defeat of efforts to lift the federal ban on syringe swaps, clean-needle pushers are learning that all politics is local. And the old lesson is leading to new—and often better—brushes with the boys and girls in blue. A novel California law will allow individual cities or counties to fund needle exchanges and exempt those in charge of the programs from prosecution under other state laws that criminalize syringe possession. Workers at the swaps applauded the legislation, signed by Democratic Gov. Gray Davis in October, but after three vetoes and considerable compromise, the final law still leaves one group unprotected: the people who bring in needles, known as "exchangers."

As a result, in some cities, swapping used needles for clean ones routinely means facing police harassment, warrant checks and arrest. Most incidents end with cops merely confiscating the syringes, but, said John Sharpshandler (a "trade name"), project coordinator at Berkeley's Needle Exchange Emergency Distribution (NEED), "anyone who's using illegal drugs is at risk for harassment."

In Berkeley, NEED has benefited from a political atmosphere that's progressive even by local standards, making it possible to run multiple sites with little police interference and to exchange about 8,000 needles each week. "But in places where antidrug zealots have more voice," Sharpshandler said, "they've gone after this issue in a big way."

In Oakland, word of police harassment has spread quickly, said Chris Catchpool, executive director of the HIV Education and Prevention Project of Alameda County (HEPPAC). "There's been a climate of police antagonism since we started. It's almost a weekly occurrence for our clients to be waylaid by law enforcement as they're coming to or leaving the site. It scares everybody off." Administrators of HEPPAC, which exchanges 17,000 syringes a week but gets no county funding, said that they are working with the Oakland Police Department to arrange a freeze on arrests of exchangers while sites are open. The Oakland police told *POZ* they've already informally instructed officers not to raid or stake out needle exchanges, but that because syringe possession is still illegal, they must respond to calls about people shooting up in public. "We can't tell officers not to arrest people for doing drugs," Oakland police spokesperson George Phillips said. "But we understand the importance of clean needles and how it prevents the spread of HIV."

Syringe policy is a bit more lax just over the Bay Bridge in San Francisco, where the police work in tandem with the health department and AIDS agencies. Nina Grossman, head of the San Francisco AIDS Foundation's (SFAF) HIV Prevention Project, said that arresting and prosecuting needle-

exchange clients has been a “low priority” for the police department since 1993. SFAF, which runs 12 exchanges in the city, even has an official memorandum from police outlining the arrangement. “It is the policy of the San Francisco Police Department to allow exchange sites to operate without interference,” the memo reads. Without a change in state laws, that’s as close as cops can come to protecting the rights of drug users and their allies to get clean needles.

Across the country in New York, exchangers are often caught in a sticky legal situation: Taken by itself, the state criminal code makes possession of a syringe illegal, but according to Manhattan’s Urban Justice Center, the public health law does offer a loophole, albeit one often missed by exchangers, who frequently plead guilty rather than spend a month in jail fighting for their rights. Still, New York City’s Lower East Side Harm Reduction Center has seen a marked decrease in client harassment in the past two years. “Things are much, much better now,” said executive director Drew Kramer, who coordinated outreach to neighborhood police precincts to educate local cops about the importance of needle exchanges. “It’s grueling to make the effort with the cops, but it made headway. Even if they disagreed with what we were doing, they seemed to get that it could help to keep users in touch with services.” But one California activist warned that police may not always follow department policy when they view the situation as hinging upon a moral issue. “There are rogue police who make it a point to harass exchangers no matter what their superiors say,” said Bobby Bowens, on trial in Fresno for distributing clean needles.

Many exchangers say it’s merely a matter of getting more people into the sites so fewer dirty needles are on the streets. “These people are taking responsible measures, and they shouldn’t be arrested,” Oakland’s Catchpool said. “They should be congratulated. But it’s an ongoing battle.”

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