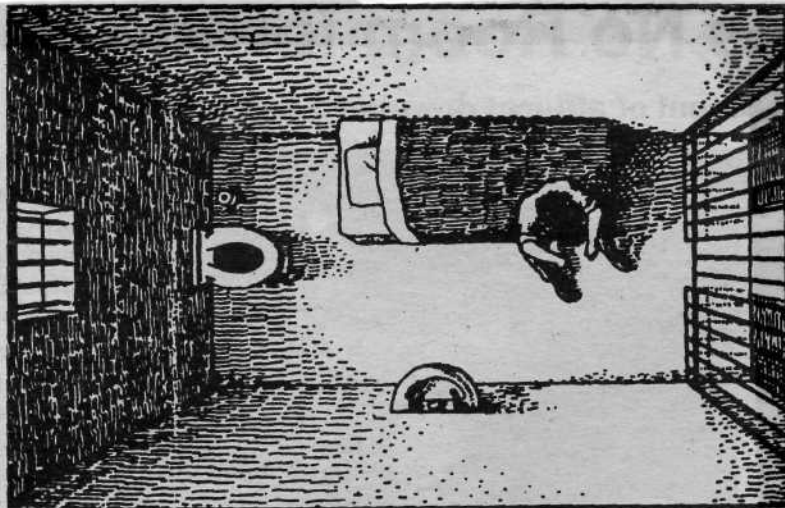


Jailed for Activism in Santa Cruz



by Laura Tucker

On January 13, David "BD" Dumars was ordered to begin serving a 45-day sentence in Santa Cruz County Jail. BD is known for supporting the organizing efforts of Santa Cruz low-income and poor people. He is a Refuse & Resist organizer and a family man.

Three years ago, Santa Cruz police, in a significant case of police brutality, attacked him near a display and demonstration by homeless activists in downtown Santa Cruz. While BD was pinned on the ground by police, Sergeant Aluffi sprayed pepper gas into both his eyes from six inches away, resulting in temporary blindness and permanent eye damage. Luckily for his overall health, one quick-thinking homeless activist, Kim Argula, grabbed water and doused BD's pepper-sprayed face before police could cordon off others. Of course, the police carted BD off after their assault.

Contrary to "police procedure," he was denied any medical attention whatsoever while in custody. The following day, the whole scene was repeated inside the Santa Cruz Coffee Roasting Company. This time, Sergeant Upton, the Santa Cruz Police Department's resident expert on pepper gas, according to BD, walked up to him and threatened to pepper spray him as he was standing in line to buy a cup of coffee.

When Sergeant Upton waved the gas canister in front of his face, BD ducked, burying his face in his jacket. Still, Upton sprayed him with the dangerous and sometimes fatal pepper spray, hitting two City Parks and Recreation employees who were 15 feet away. These park employees, having already been warned by the police that an altercation was planned, had

moved back to drink their coffee. But they were unsuccessful at getting out of the policeman's line of fire.

To sanction and reinforce the police brutality, the District Attorney filed an array of charges, including two counts of resisting arrest, battery, and criminal vandalism; the case was tried in Judge Barton's court. After a three-year-long court battle, and in spite of the brutal assault having been clearly caught on video camera, the judge and prosecutor were able to make one of the charges stick.

BD was convicted of inscribing sentiments on the side of a *Santa Cruz Sentinel* newspaper box: "Their New World Order Has a Third Reich Odor." Merely writing a slogan became "criminal vandalism," and the judge gave BD a 45-day jail sentence, stipulating no work release. BD began his confinement on Jan. 25, 1997, at the Santa Cruz County "Main Jail." A week later he was transferred to the Santa Cruz County Roundtree Lane Sheriff's Facility, 20 miles south in Watsonville. This medium-security jail is known by all as "The Farm."

In the Main Jail, BD was housed in F Dorm, in an always overcrowded, spider-shaped building across the street from the Courthouse. That jail is rigidly segregated. Prisoners BD encountered in F Dorm were largely in jail for a variety of relatively minor charges — drug use, DUIs, criminal vandalism and so forth.

The Main Jail also holds in limbo prisoners who have been given sentences that can't be carried out by the County. For example, a person ordered in court to go to an alcohol recovery facility may find themselves in the Main Jail because there are no open beds in the recovery program.

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