

Justice for Chuy means Justice for Everyone



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In the early morning hours of November 19, 2013, 17-year-old Jesus 'Chuy' Huerta died in the back of a police car in the parking lot of the Durham Police Department (DPD) headquarters. His sister had called 911 at their mother's request, after the teen had left home in the middle of the night. Officer Samuel Duncan picked Chuy up a few blocks from home. Instead of taking him home to his mother, Duncan took Chuy to headquarters to pick up a months-old arrest warrant for second-degree trespassing. The next stop for Chuy would have been jail. But, in the DPD parking lot, somehow a gunshot was fired, the police car Duncan had been driving crashed into a parked van, and Chuy died.

Chief José Lopez has tried to shift the blame away from his department, saying Chuy died of a self-inflicted gunshot wound to the head. Lopez claims Chuy was handcuffed behind his back and the gun was not issued by the DPD, though he also says Duncan searched Chuy before arresting him. While this story reeks of bullshit and there remain many, many questions to which Chuy's family deserves answers (at the least), what we must remember and what bears frequent repeating is this:

The Durham Police Department is responsible for Chuy Huerta's death.

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Police in crisis: a timeline

Chuy's death is not an isolated incident. With a string of misconduct, racial profiling and brutality claims against them, and four deaths involving Durham-area police in as many months, the DPD's reputation has plummeted. Public confidence in the DPD could be at an all-time low, with many people from various walks of life and with different visions of justice questioning the authority, and the role, of the police.

Briefly, a timeline of newsmaking incidents involving the police since Fall 2012:

October 27, 2012 Then-DPD Officer Brian Schnee brutalized Stephanie Nickerson, 25, after she asked officers who showed up at a friend's house to produce a search warrant. Nickerson, who got a black eye, a broken nose and a split lip from Schnee, was charged with resisting arrest and assault on a police

officer. The charges were dropped in January 2013, Schnee resigned from the force, and an internal police investigation found he had used “excessive force.” The other two officers on the scene with Schnee that night, who watched and did nothing, were never named or charged and are presumably still in uniform.

December 18, 2012: Driving home in the morning, Carlos Riley, Jr., 21, was pulled over by Officer Kelly Stewart, who was not in uniform and was driving an unmarked car. The reasons for the stop are still unknown. During the stop, Stewart jumped into Carlos’ car and began punching and choking him. He threatened to kill Carlos, then drew his gun and in the process shot himself in the leg. Fearing for his life, Carlos took Stewart’s gun away from him, helped Stewart out of his car, and fled in fear of being killed by other police when they arrived. He turned himself in later that day. Despite Carlos’ acting in self-defense and despite wide community support for Carlos, he has spent a year in jail and is still facing charges that could lead to years behind bars.

July 29, 2013: José Ocampo, 33, reported to be disoriented from medication, was surrounded by cops near his Park Avenue home and shot four times at close range — including in the head — by Officer R.S. Mbutia. Witnesses said Ocampo, who spoke little to no English, held out a knife by the blade, ready to give it up. They also said the cops, speaking only English, aimed their guns at witnesses, too.

September 17, 2013: The DPD blocked off much of downtown for several afternoon hours because a distressed man with a gun was walking around talking to himself. After an hour-long standoff, Derek Walker, 26, was shot once, fatally, by Officer R.C. Swartz. Family, friends and bystanders have posed many questions about the cops’ de-escalation skills (or lack of), why no one close to Walker was called to the scene, and the DPD’s general handling of the situation.

September 23, 2013: Tracy D. Bost, 23, recently released from the Durham County jail, was shot dead by a campus cop on the N.C. Central University campus. Bost allegedly shot at police after being pursued because he may have fit a description of someone involved in a robbery earlier that day. Bost was from Salisbury and may have had no way of getting home after getting out of jail in Durham. The SBI is said to be in the process of investigating; no findings have been released yet.

November 19, 2013: Jesus Huerta, 17, died in Durham police custody.

Three parents have been killed by Durham-area police and one son has died in their custody. Another family has been unable to touch their son/grandson/brother for a year. The pain and sorrow caused to these loved ones cannot be overstated, nor can the possible long-term traumatic effects of such suffering.

But these terrible, tragic events are not the only reasons for the widespread anger toward and distrust of the police. Occurrences such as Chuy’s death are the logical, awful result of the harassment and terrorism many people in this city are subjected to every day by the DPD and the Durham County Sheriff’s department.

There is police brutality.

There is police murder.

And then there is the everyday rolling up on young Black and Brown people and treating them like they don't belong in their own city.

Just a few days ago, one of our comrades was knocking on his own door, waiting for his mother to open up, when he was stopped and illegally searched by a cop. On his own doorstep. This is everyday reality in the 'progressive' city of Durham.

November 22 : Sorrow, rage, and hope in the streets

But out of potential despair and amid deep sadness at Chuy's death came a throng of hundreds of people just three days later to declare their outrage. Much already has been written and said about the energetic rally and march on Friday, November 22, but a few points must be made or repeated:

1. We regret that because of police actions that night, the Huerta family was not able to place a candle and say a prayer at the site of Chuy's death.
2. Regardless of opinions about the timing or tactical usefulness of breaking police station and squad car windows, these are appropriate targets. The police are responsible for the death of Chuy. Many people felt this fact at a deep level, including, we presume, the woman who shouted "Burn it down!" after the station windows were broken. Perhaps she did not know the family's intentions that night, and she may have thought all options were on the table. If only.
3. In accounts of the march, media and the police themselves have tried to claim the march was joined by a group of people supposedly bent on destruction. They have referred to the demonstration as 'peaceful' up to that point. What they have not acknowledged is that the march from beginning to end was not a permitted one. The demonstration of our collective power has forced the police to cede ground and try to separate people into peaceful (and unpermitted) marchers vs. destructive (and unpermitted) marchers. This is significant for future actions, but it also reminds us that those who believe in freedom cannot accept such divisions.
4. People who previously didn't know each other came together that night in a number of ways, not the least of which was in support of the three young people detained by the police with their charge-and-snatch tactics. (Two face charges.)
5. Conflicting feelings are to be expected when we push boundaries and stand at the edge of new terrain. It is exciting and it is frightening. But there can be no mistaking: the people in and alongside the streets on November 22nd felt their collective power, and it was a feeling not to be forgotten. After the march, a 17-year-old asked if she could take a sign home. She wanted something to remember everything by. Despite the fact that we were mourning Chuy's death (and she knew him), and that someone close to her had been arrested, she said, "This was the greatest night of my life."

Although it was in many ways just a beginning, November 22nd was an important step. We need continued and increased visibility in the streets in a political way. The street is a laboratory of social unrest where we can learn a lot about ourselves, each other, and the new society that is possible, and we can learn it relatively quickly.

The struggle for the city and a life worth living

Some people in Durham believe that better police training, racial sensitivity programs for police, or perhaps a more evenly dispersed arrest toll with regards to demographics will solve our problems. We disagree. We do not seek ways for cops to do their jobs better. We seek a space and time where they will not be able to do their jobs at all -- where they, not Chuy or Carlos, will be considered 'trespassers' in our neighborhoods. For the police do not exist to keep us safe and secure. They exist to make many black and brown people feel less safe and secure.

Chuy's sister has said that although her mother wanted to call the police after Chuy left their house the night he died, she is not likely to call the police again. These sentiments are raw and emotional, but they underscore the deep distrust of the police by many sectors of the community, particularly African-Americans and Latinos.

It is often difficult for us to see a way out. It is hard to see that the small part we play might have any impact. But we make our own history every day, and those of us beat down, locked up and locked out are the social dynamite needed to ignite a total change. In this context, we must push ourselves to see a full flowering of possibility within the present struggles around police misconduct, brutality and murder. With four people dead at the hands of Durham-area police in as many months and many hundreds snatched from their communities and locked away, we must push beyond race-arrest statistics, procedures and brutality and question the role of police in our society. Many people, particularly young people, full of sadness and rage, marched onto Chapel Hill Street on November 22nd with that question as ripe in the air as the smell of flares and fireworks.

Justice for Chuy / Justicia para Chuy

This was the phrase chanted by hundreds on November 22nd. But there can be no real justice for Chuy, because no actions can bring him back to his family and friends. For this reason, the phrase 'Justice for Chuy' must come to represent Justice for Everyone.

This does not mean that we should not demand the truth behind Chuy's death from the DPD. Chuy's family deserves answers to their questions, and much more. But we must make demands with an understanding that demands are not enough. The FBI or the Human Relations Commission or any other body might indeed find the DPD to be "corrupt." Regardless, we and many others know that the Durham police will never stop serving the role of all police in the United States: to enforce white supremacy and to protect private property.

Most of all, we must recognize the great capacity we have to live — to thrive — without police: to build cop-free zones, to defend each other from police harassment and immigration enforcement, and to snuff out violence among us. Some things like this already happen to some degree, but we need to extend, support, strengthen and politicize them. And we need to continue to rally and march, to see and feel and know that the future is not written, it is contested and very much worth fighting for. If it is to have any lasting meaning, the phrase 'Justice for Chuy/ Justicia para Chuy' must mean answers for Chuy's family immediately and justice for everyone close behind.