

German Interior Minister Schily tests out “zero tolerance” in Berlin

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Residents of Berlin have witnessed an unusual spectacle over the past month. Federal border patrol (BGS) helicopters have conducted low-level flights lasting several hours through different parts of the city, scanning the streets with infrared cameras.

Police back-up units provided the helicopters with ground support and have been involved in violent street chases. On one occasion, a fatal accident occurred when a police wagon responding to a call collided with a motorcycle, killing the rider.

What initially appeared like a scene out of a Hollywood action film involving the hot pursuit of a dangerous criminal was in fact something quite different: the German Interior Minister Otto Schily (German Social Democratic Party-SPD) had ordered a crackdown on graffiti.

The precursor to this order was the First International Anti-Graffiti Congress of the Berlin Citizen's Initiative, which took place two weeks ago in the city's town hall. Two hundred representatives from six European countries as well as the United States were invited to swap experiences over the implementation of tough laws and “zero tolerance” policies on graffiti.

Schily used an announced demonstration protesting the conference as the basis for his surprise coup. After the first helicopter sweep, the speaker of the German Interior Ministry, Rainer Lingenthal (SPD), said that the BGS feared that property could be damaged by the demonstration.

The residents of the neighbourhoods in which the operation took place were not informed in advance, because of official concerns that it would spark protests there. After a similar operation was ordered in Cologne over Easter, residents lodged many complaints and the operation had to be called off. According to a representative of the Berlin police, even the authorities

had no knowledge of the operation the first night that it occurred.

Sixteen people were arrested at the end of the special operation. Eight were caught red-handed (four of them with the helicopters), and eight more were arrested in the course of “preparing to spray graffiti.” Almost all official political parties called the operation a success and welcomed the Interior Minister's offensive.

The speaker of the liberal Free Democratic party (FDP) on legal affairs, Jörg van Essen, praised the operation for its “effectiveness.” The leader of the Christian Democratic Union (CDU), Wolfgang Bosbach, together with the SPD expert on Interior Affairs, Dieter Wiefelspütz, demanded nationwide helicopter operations “to contain the graffiti plague.” The Bavarian Justice Minister Beate Merk, Christian Social Union (CSU) enthused that Schily “brings out the hunter's instinct.”

The Interior Ministry now wants to punish graffiti writers. Until now, graffiti was only punishable when property damage could be proven. The “definition of the offence” requires the substance of the property to be harmed. A sprayed house wall was only considered property damage when the paint could not be “irretrievably” removed, or when the house wall or its original coat of paint became damaged through cleaning, which in many cases does not occur.

For years, the conservative opposition has called for defacement caused by graffiti to be added to the definition of property damage, but has not yet been able to push it through Parliament. With the Schily operation, the SPD has not only shown its agreement with the CDU on this question, but also that it is prepared to ignore opposition to the measure raised by its Green Party coalition partner, which until now has rejected a strengthening of the law.

In any event, the Greens reacted predictably to the Schily coup by dropping their opposition. Party chairman Reinhard Bütikofer declared on Monday after the helicopter operation that he was sure the Greens would come to an amicable solution with the SPD in the near future. Other leading Greens, such as Katrin Göring-Eckardt and Krista Sager advocated a “practical” solution.

Then, barely one week later, the legal experts of the SPD and Greens, Hans-Joachim Hacker and Jerzy Montag, agreed on a new paragraph 303 (2) to the German “criminal code,” which should easily pass through Parliament. In the future, “whoever commits the slightest damage to the facade of someone else’s property without authorisation” will face up to two years’ imprisonment.

So-called “zero tolerance” policies introduced in other European countries such as Denmark and Sweden serve as a standard for this strengthening of the law. In those countries, “repeat offenders” convicted of even minor offences can receive jail sentences of up to six years. Rigid laws in the US, where damages of more than 400 euros are treated as a felony, also serve as a model. In some states, whoever commits such a “felony” three times can be given a life sentence.

Behind these hard measures against graffiti writers is a general tendency towards harsher laws and police measures targeting growing sections of the population. Increasing social polarisation and the resulting alienation of broad layers of the population from official politics makes it increasingly difficult for the ruling elite to adhere to democratic structures. As social conflicts and divisions grow, the ruling elite is increasingly experimenting with other forms of social control to maintain their power.

“Offensives,” such as the graffiti writer helicopter hunt undertaken by Schily, serve to create a mood of omnipresent threats, and condition the population step-by-step to accept a greater presence of the police and the military on the streets.



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