

Greater Rockridge NCPC - Minutes (12Y/13X)
Thursday, March 11, 2010
Rockridge Library Community Room, College and Manila, Oakland
General Public: 7:00-9:00PM

NCPC:

Frank Castro – Chair

Vice Chair – ***available – please volunteer!***

Denise Jorgensen – Treasurer

Karen Ivy – Secretary & Information Officer

PSOs: Beat 12Y Officer Patrick Gerrans; Beat 13X Officer Randall Chew

NSC: Ana Martinez

7:00 PM General Introductions

Frank Castro opened the meeting at 7:04 PM; 19 attendees introduced themselves briefly.

7:05 PM Special report from Reve Bautista of the City Attorney's office on the recent gang injunctions in North Oakland

The recent request for civil gang injunctions was driven by the North Oakland PSOs, Officers Pat Gerrans, Mike Munoz, John Cunnie, Jason Trode, and Nadia Clark. The officers noticed a pattern of "rat pack robberies" in North Oakland: groups of juveniles (7-12 kids) would surround, threaten, and rob victims, most of whom live in the area. Many victims didn't report the incidents at first. A map of incidents showed "hot spots," and the officers identified trends: many suspects had similar tattoos, reading "NSO," standing for "North Side Oakland." NSO is a bunch of smaller cliques, each with a turf area; when attacked they all come together. Their biggest rival was the Berkeley Waterfront Boys: the officers identified the beginnings of a gang war.

A homicide in Berkeley in 2008 led to a police chase into North Oakland in which 2 innocent bystanders were killed, one of them the son of a BART Police sergeant. Eighteen months ago the north Oakland PSOs documented that NSO had a lock on North Oakland. The City Attorney's office began to draw a "safety zone" for a civil gang injunction. They consulted other cities for advice on dealing with gangs. NSO members are the injunction target: the injunction bans behaviors that should be illegal anyway. The City Attorney's office has served the injunction to 9 documented gang members; the choice of injunction targets was very careful, the PSOs had amassed reams of evidence, the City Attorney supported the effort. The hope is to give OPD the tools to stop violent gang actions; this is the first of many such efforts. Ms. Bautista is very confident of success. A gang member showed up at the first hearing, to protest that he wasn't a gang member, and was immediately served with the injunction. The list now has 19 known gang members and it can expand, or contract if members choose to withdraw from the gang and stand by the decision.

Questions and Answers:

Question: Are curfew laws in effect now or do we need to pass that law the Chief asked for?

Reve Bautista: "time restrictions" in injunction apply only to identified gang members.

Question: Is there a map of the injunction area?

Reve Bautista handed out copies of the map. The NCPC will look into posting the map on the web site.

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Question: if the behaviors are already criminal, how does this give OPD new tools? Also, will mistaken identity lead to restricting the civil rights of non-gang members?

Reve Bautista: The ACLU was invited to participate in designing the gang injunction, which led to the opt-out provision. The injunction applies to 19 specifically identified persons, for all of whom the PSOs have amassed large amounts of “beyond reasonable doubt” evidence of criminal behavior. As for civil rights, OPD officers will get special training, and a specially trained team will serve the injunctions. The City Attorney is confident no valid civil rights will be challenged.

Question: is a violation of the injunction a “strike” under the “Three Strikes” law?

Reve Bautista: No, this is a civil remedy.

Reve Bautista can be reached by email at RBautista@oaklandcityattorney.org.

OPD Reports

Officer Gerrans is in mandatory training and Officer Chew is on disability leave. Officer Thompson, from a neighboring beat, reported on Officer Gerrans' behalf. He had spoken to Ana Martinez, our NSC, who didn't attend either.

As a result of citizen complaints, Nude Sushi will get a massive “smart inspection,” with multiple city and county departments looking for health, code compliance and other violations, but it'll take a month or so to get everything scheduled. The practice for a “smart inspection” is for all the inspection teams to arrive at once, which takes some organizing. Officer Gerrans wants the neighbors to continue to call in noise violations, the team needs the evidence. Officer Thompson said Officer Gerrans recommends we keep Nude Sushi as a priority.

Question: is this the “beat health” approach?

Officer Thompson: yes, that's what PSOs are.

Regarding the College Ave. shoplifting incidents, specifically at Crush, Officer Gerrans has some very good leads and is still showing photos around, trying to get definite identification.

Question: does he think it's school kids or adults?

Officer Thompson: Probably adults, maybe young adults, they may be from out of area.

Question: what's the overall view of crime in this area?

Officer Thompson: he has no idea, this isn't his beat. A resident suggested everyone should keep an eye out for graffiti and broken glass, as more graffiti often means more crime. Call in graffiti to the abatement team or try to remove it yourself.

A resident noted that, speaking of broken glass, around 2 AM this morning (3/11), somebody went down Oak Grove street smashing auto glass, apparently at random.

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7:15 PM **Special speaker** on *Identity Theft*, Mark Jackson of the Alameda County District Attorney's office

Mark Jackson introduced himself, he is a prosecutor, he runs the high-tech crimes unit and also handles special circumstances murder cases. He noted that he is condensing his presentation down from the usual 1.5-2 hours. He described the major changes in crime in recent decades: personal robbery used to be a small gain, high risk endeavor, with victims who can be the ID thieves. It's much safer to rob via identity theft: there's no victim contact, and you can have the goods delivered to your door.

Identity theft is taking someone else's personal identity information (PII) to use for illegal acts. Examples include:

- Fraudulent credit card use
- Opening a credit account with a stolen SSN
- Manufacturing fake drivers' licenses; you can buy kits to do this online. There are online "how tos" on making fake IDs, and support chat rooms for crooks; valid profiles with SSNs sell for about \$1 each.

Personal identifying information is data unique to you, including things like your mother's maiden name.

Who is a "person"? Of course it's a natural person (living or deceased), but identity theft laws also apply to corporate bank accounts – this is one reason corporations, partnerships, etc. are now considered "persons" who can have identity stolen. People who don't check their credit reports regularly are at risk. The web site www.annualcreditreport.com allows you to pull one free credit report per year from *each* of the 3 credit bureaus (Equifax, Experian, and TransUnion).

Acquisition of personal information is the key to identity theft. Methods include

- social engineering, phishing and related scams - basically persuading you that you should trust them enough to give them your data, by pretending to be your bank or whatever
- Computer hacking – they hacked CheckFree and got a large number of bank accounts, PINS, etc.
- LinkSys wireless routers: if unsecured, wireless routers can be used to access your computers *and then* to access the Internet to commit fraud from *your* IP address
- Lost/stolen laptops, and unwiped computers given to 3rd parties. Erasing the data on a computer hard disk gets rid of the data like tearing up the library card for a book gets rid of the book; you have to use special software to scrub it.
- Hi-tech methods of getting PII include credit card and bluetooth skimmers; you can buy the kit online for under \$500. They sit between you and the credit card reader (they look like the credit card reader) and collect the account data you put in.
- Criminals now write malware for ATMs (many of which run on WinCE, at least in Europe); it gives the crook control of the ATM and all its stored data. This is a bigger problem in Europe than in the U.S. right now.

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Credit card skimmers can be operating in banks, restaurants, stores, etc. - insider fraud is a major problem. This is why a low FICO score may lose you a job offer, if the employer thinks you'd have too much incentive to steal.

Question: are people who do this prosecuted for misdemeanors or felonies?

Mark Jackson: it depends. In this county, ATM hacking probably isn't charged as misdemeanor, they're mainly felonies. A felony charge *doesn't* necessarily lead to jail time. But 70% of the criminal charges that went to jail time last year were murders, there's just no room on the docket for non-capital charges.

Mail theft is more common than you know – get a locking mailbox. People walk around looking for unattended mail to steal. He's seen thousands of pieces of mail and hundreds of names. Having the data from the mailers, thieves open new accounts in the name, add new names to accounts, make unauthorized online purchases. They open accounts in Joe Smith's name with Ed Jones' SSN. They steal wallets and purses. He removes the street name from his DMV registration (cuts it out with a razor blade) so that if his car is stolen they won't know where he lives. The police don't need the street number on the paper copy.

Dumpster diving is another method, thieves go through the garbage for personal info in discarded items.

Identity theft can even run to *violence and homicide*: a few years ago a defendant killed his victim in the man's own house, then went through all the victim's financial information intending to steal the identity and take the financial assets. When they caught him he had everything but the deed to the house.

Proactively protect your PII: Get a locking mailbox. Use a crosscut shredder on paper documents; a strip shredder isn't good enough. Use a credit card instead of debit card, you have better odds of getting your money back. Put a security freeze on your credit profile (costs \$10 per company, one time; there may be a senior discount). The Calif. Office of Privacy Protection web site has template letters for all 3 credit bureaus to freeze credit; copy them, send them in with your data and the payment. There's no effect on you unless you want to open a *new* credit line for some reason – then you have to contact the 3 companies and lift the freeze for a specified period, usually a month.

If victimized, you should:

1. File a police report in city where you reside (or work). They have to take the report. This is your **right** under California law.
2. Contact the merchant where the fraud took place or the credit issuer and notify them of the fraudulent charge and ask to have it removed (you need the police report). You have a **right** to do this.
3. Contact the 3 credit bureaus and notify them of the fraud (this is often ignored). You have a **right** to *remove* the affected accounts from your credit profile.

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4. Contact the Federal Trade Commission – they have huge amounts of info on ID theft – and the CA Office of Privacy Protection, and notify them of the fraud.

You have additional rights under California law:

- The merchant can't sue you for a bad debt to an identity thief; you can countersue him if he does.
- You're entitled to 12 free credit reports (1/month for a year)
- You can go to court to be found factually innocent of any crimes committed by fraudsters using your information.
- You can be added to the California Identity Theft victim registry listing.

If you have questions you can reach Mr. Jackson at Mark.jackson@acgov.org and 510-272-6222.

8:15 PM Reports/Discussions (flexible 10 minutes each depending discussions at hand)

Neighborhood Issues

Other than the report of broken automobile glass on Oak Grove, no one had any new issues. Frank Castro mentioned that next meeting will be a joint meeting with both the RCPC and the Oakland YellowJackets, a bicycle group; and the speaker will be OPD Chief Anthony Batts. A resident raised the issue of parking, and asked if we couldn't find a place to meet that had better parking. The only ones in the immediate area either have no better parking than the Library does (the church at Manila and Hudson) or charge for the use of their rooms (the church on College at Harwood). Someone suggested we put up something on our web site that would let people arrange carpools to the NCPC meetings; Karen Ivy will look into it.

Merchants' Issues

No one from the Rockridge District Association attended the meeting.

Review of Previous Month's Priorities and Setting of New Ones (10 minutes)

Since the PSOs were unable to attend and no one in attendance had any hot issues, the priorities will not change from last month. Both major crime priorities from 12Y are ongoing investigations.

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Priorities (three allowed per Beat)

Beat 12Y

1. Shoplifting on College Ave.
2. Employees of "Nude Sushi" (6228 Telegraph) making noise in parking lot behind restaurant between midnight and 3 AM.

Beat 13X

1. No priorities for Beat 13X this month.

Traffic Priority - 12Y (one traffic priority per Beat)

- Truck traffic on Chabot Road between Claremont and College which is prohibited (with signs) between 06:00 and 14:00.

Traffic Priority – 13X (one traffic priority per Beat)

- Speeding past The College Preparatory School, Broadway frontage road.

In 2010 all meetings will be the SECOND Thursday of the month.

*Next meeting will be **Thursday, April 8, 2010** at 7:00 PM in the Rockridge Library Community Room, College and Manila – SPECIAL GUEST SPEAKER OPD CHIEF ANTHONY BATTS!*

See you there and stay safe!

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