

**Greater Rockridge
Neighborhood Crime Prevention Council (12Y/13X) – Minutes
Thursday, December 14, 2023
Rockridge Library and
Virtual Meeting via Zoom
General Public: 7:00-8:30 PM**

Neighborhood Crime Prevention Council (NCPC):

Michael Ubell – Chair
 Lisa Hingley - Vice Chair
 Eric Neville - Treasurer
 Karen Ivy – Secretary & Information Officer
 Officer Nathanael Estifanos – Community Resource Officer, beat 12Y
 Officer Silvestre Triana - Community Resource Officer, beat 13X

Introductions

Mike Ubell started the meeting a little after 7:00 PM. 19 people signed in, and 21 people attended on Zoom. Mike introduced the NCPC officers and the attending police personnel, Officer N. Estifanos, Officer J. Kino, and Captain Lisa Ausmus, the Area 2 captain.

Oakland Police Dept. (OPD) Status Reports, beats 12Y and 13X

Crimes Stats in Beat 12Y—Auto/Residential/Commercial Burglary, Vehicle Theft, Assault w/Deadly Weapon, Robbery, Murder		
Crime Type	11 Oct. – 10 Dec. 2022	11 Oct. – 10 Dec. 2023
Robbery – strongarm	6	4
Robbery – gun	0	3
Aggravated assault	5	2
Burglary	13	32
Larceny from vehicle	70	84
Motor vehicle theft	35	29
Total	129	154

IMPORTANT RESOURCES:

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Crimes Stats in Beat 13X—Auto/Residential/Commercial Burglary, Vehicle Theft, Assault w/Deadly Weapon, Robbery, Murder		
Crime Type	11 Oct. – 10 Dec. 2022	11 Oct. – 10 Dec. 2023
Robbery – gun	1	1
Robbery – strongarm	0	1
Aggravated Assault	0	3
Burglary	6	9
Larceny – from vehicle	7	4
Motor vehicle theft	11	11
Total	25	29

Officer Estifanos: I’m the Community Resource Officer for beats 11 and 12. The crime statistics for Oct. 11 through Dec. 10 were emailed to the NCPC. [Ed. Note: See above.] The most significant increase in beat 12Y was in residential and car break-ins. Last year there were 13 burglaries (houses and businesses). This year it’s 32. For vehicle burglaries last year 12Y had 70, this year it’s 84. Vehicle thefts decreased from 35 to 29.

In beat 13X: car break-ins decreased from 7 to 4. Burglaries increased from 6 last year to 9.

Over the last 2-3 weeks there’ve been a few break-ins, we did make an arrest in one. We’re working on a holiday plan – we’re out in the early morning, trying to be proactive. There’s some improvement from last year, but we still need work.

Mike Ubell: Does anyone have questions?

Resident: To what extent do statistics drive resources? Also, what do we have to do to get a response to a report? We often report and nothing happens.

Officer Estifanos: I’m going to hand that to Captain Ausmus.

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Captain Ausmus: The CROs have been up since 5 AM, they don't have to stay for this meeting. Statistics drive resources 100%. During the day there's 1 officer in beat 12 at any time. If no crimes are reported, staff may be reassigned. I need to know when and what crimes occur, as well as where, that's how I assign staff. Businesses have been hit really hard this year: George & Walt's was hit twice, Soi Four was hit several times. The thieves seem to be stealing high-end alcohol and reselling it cheaper to other restaurants. We're normally around now between 2 and 7 AM. That's when they hit, in the morning when no one is around, and they hit 3-4 places. We patrol so we can watch for people who are casing and do some stops. We've made some good arrests. We've gone from 5-9 commercial burglaries a day last month to 3-5 per day; it's not good, but it's better. Our crime isn't as much or as violent as, say, East Oakland, so our officers get pulled when they need extra people in other areas. And when they leave, crime here goes up. I really need people to report crimes, so I can see it and plot it.

Resident: I hear about arrests, but then what happens? What happens to people who are arrested? It looks like a meaningless action.

Captain Ausmus: What happens after arrests depends on the criminal history. Arrested people are sent to Santa Rita. We start to build a case to send to the DA. We make a lot of arrests every day but I'm not sure how many are in 12Y.

Resident: How many arrests are there in a given period? I read about people arrested who've been arrested dozens of times and are arrested again. How many people are arrested each month, and how many sent to Santa Rita? How long do they stay there?

Mike Ubell: I suggest we wait for the DA for most of your answers. The DA is an independent elected county official; OPD is part of the city of Oakland. They're the responsibility of the county when they go to Santa Rita, including the sheriff and the DA. It would be nice to get the flow of data but it's 2 different organizations.

Resident: What's the process for the victim of a break-in?

Captain Ausmus: If it's an auto break in, you make an online report. It seems to be easier to do on a laptop [*Ed. Note:* or a desktop] than on a phone. If you find out differently, please let me know. We have to make this easier. If your house or your car was burglarized and you don't know who did it, it's better to do an online report than wait for an officer, maybe hours, to take a report. Only crimes against person automatically get an officer to take a report.

Resident: the issue with getting a report is how long it takes. How many violent crimes were there, how long did it take the police to get there.

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Captain Ausmus: What kind of crime governs how fast is the response. A shooting which just happened, gets an officer right away, within minutes, restricted by driving time. A violent crime that happened yesterday, we'll come but it'll be in a queue, it'll take time. The response will be faster than for a burglary but not very fast. It depends on other calls for service.

Resident: If you can't tell us, do you even know how many arrests and crimes we have and how you responded?

Captain Ausmus: Yes, but it's very specific. We'll talk later and I'll try to straighten you out.

Resident: I've perceived an increase in crime on Broadway, especially carjackings. Is that accurate?

Captain Ausmus: Overall, crime is up all over Oakland. For Area 2 over the last 2-3 months, we still have carjackings and robberies, but some numbers are down somewhat. Shootings are going down, thankfully. It's typical for crime to go down as the weather gets colder.

Resident: What kind of evidence do you need to prosecute?

Captain Ausmus: It's better for the DA to answer that, but I can tell you from my point of view. I know they don't like to charge masked people. They want facial recognition to show the court, they want photos and video of the crime to show the court. That's huge. We're learning how to package our cases for the new DA. We need to present the right evidence to her team, and give the right data to the charging DA so they can prosecute. I haven't spent much time in criminal investigation, I'm mostly in operations. When we arrest, that case is packaged and sent to the DA, and either they take it and charge, or they ask us for more specific information. I hope that helps.

Resident: When a crime is in progress, or if we see people under cars with flashlights, or peering into car windows, people threatening with guns – what in the reporting would help OPD to get the call and respond more quickly? Can we work with the city council and the mayor to get better info?

Captain Ausmus: I can't say it would solve the problem, but it would help. The faster we get data the better, but a catalytic converter theft or a car burglary is down the priority list from a shooting. If the gun is pointed at you, that's different, but if you've gotten away and are safe, then the response won't be as fast. We need a system that can handle data fast and take care of dispatch and record keeping at the same time. I think your star guest is here.

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District Attorney Pamela Price arrived just before 7:30 PM and introduced herself.

District Attorney Pamela Price (submit questions in writing, by Zoom chat, or by email in advance to chair@rockridgencpc.com)

DA Pamela Price: Thank you for having me. I'm happy to be here. My office has new a Community Support Bureau that I established in April 2023, intended to engage with neighbors and make sure they understand what the DA does. Esther Lemus is the new bureau chief.

The Alameda County District Attorney's office was founded in 1853. When I arrived, there was not much information available. I took office in January 2023, and had until about March to set up a budget and create a new mission statement.

Mission Statement: To advance an ethical and equitable system of justice to protect public safety, support survivors and witnesses and uphold the rights of the accused. To sustain a safe and livable community through fair, transparent, and responsible administration of justice; restore public trust, end mass incarceration, root out racial, socioeconomic and gender disparities; provide compassionate support for harmed persons; create innovative programs to enhance the lives of vulnerable and underrepresented populations, reintegrate and redeem our returning citizens, empower families, and guide youth for a bright, healthy future.

The DA's mandate comes from the California constitution – we represent the people of the state of California in civil, criminal, and juvenile matters. We are the stewards for racial justice in the criminal justice system and the legal advisor to the grand jury. All our duties are mandated under CA law. The DA is a lawyer but not a peace officer, although I'm the top peace officer in Alameda County. The DA must be a minister of justice, not just an advocate. This responsibility carries with it specific obligations: to see that the defendant is accorded procedural justice, that guilt is decided upon the basis of sufficient evidence, and that special precautions are taken to prevent and to rectify the conviction of innocent persons. Source: *California State Bar Rule 3.8 – Special Responsibilities of the Prosecutor (comment 1)*.

I'm the first non-anointed, non-appointed DA in the county in 100 years, also the first democratically elected in 100 years. The first DA, Earl Warren (1925-1938), was appointed by the Board of Supervisors. When he left, his top 2 assistants ran for office; his top assistant won. Thereafter, everyone agreed that the DA would retire early and nominate his chief deputy, and the Board of Supervisors would appoint that person as the new DA.

The transformation of our office is based on a comment by Desmond Tutu: "There comes a point where we need to stop just pulling people out of the river. We need to go upstream and find out why they're falling in."

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[*Ed. Note:* Ms. Price referred people to her biography in the PowerPoint, which isn't online; you can [read the bio here.](#)]

Our office has 150 lawyers, and about 450 total employees. We have 31 advocates; my goal is to get to 50. The advocates are our front line of contact with victims of crime, as required by the State of California. We have 75 inspectors. The Inspectors division was founded by Earl Warren about 1928 with 3 people, now we have 75. Our operations staff is about 130 people.

We have operations all over Alameda County, in 10 different locations. Six are in Oakland (including Rene C. Davidson courthouse, Wiley W. Manuel courthouse, Consumer Justice, Victim and Witness Assistance, Family Justice Center, and CARES Navigation Center), other sites are in Dublin (East County Hall of Justice), Fremont (Fremont Hall of Justice), and San Leandro (Child Abuse Listening, Interviewing and Coordination Center or CALICO, and Juvenile Justice). I've been building a structure all year to handle all the issues in our community. We now have formal organizations for Criminal Prosecutions, Consumer Justice, Civil Rights, Administrative Services, Investigations, and Communications. We plan to add a Gender Justice organization (not yet actualized).

The Family Justice center already existed. The CARES navigation center (Community Assessment, Referral and Engagement Services) deals with pre-trial alternatives to prosecution and incarceration. We'll send the power point to the NCPC. My associate director wasn't available, but his email will be available to answer questions I can't answer this evening. Thank you for having me. It's an opportunity for the community to find out what the DA does and what the DA cannot do.

Mike Ubell: People have submitted some questions. We'll allow in-person questions tonight. One question we got: is there a way to see data on how many arrests the police made and referred to the DA, how many prosecutions followed, and so on?

DA Pamela Price: Data transparency is a big issue for Alameda County - we don't have it. We walked into an office that was barely recovering from COVID; it was barely in the 20th century. People had no laptops, there was no fully developed data management system. We get prosecution referrals from 19 police agencies: there's no standard format for the referrals, and no tracking system. The first day I was there, I was told I had to change the DA's name on all currently charged cases; I asked how many cases they had charged and got a blank look. I got handwritten lists, paper printouts, Excel spreadsheets. You still can't push a button and see what cases have been charged, or what kind of cases have been charged. I've said that by January I want to be able to provide reliable data to the citizens of Alameda County. The staff don't know how things were categorized

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before they got there. We have a good internal IT department but the head of it arrived in December 2022 so he doesn't know how it worked before either. It's a big issue and we're working on it.

Mike Ubell: We got a question on Prop 47 and whether it causes smash and grabs: What do you feel causes smash and grabs, what's appropriate?

DA Pamela Price: Prop. 47 passed in 2016, and 74% of Alameda County voters voted for it. It's the will of the voters and it's been in effect since it passed. Smash and grabs have gone up and down in that period, there's no data suggesting that Prop. 47 had any impact on the number of smash and grabs. Studies have shown that the apparent deterrent to crime is the fear of *arrest* – not the fear of what happens after arrest. Younger people don't seem to think beyond the actual arrest. Most people don't understand how the criminal justice system works anyway. A first-time offender, depending on the crime, might go on probation, or might be diverted. We run and staff 14 collaborative courts in the county, 10 of those courts require a mental health diagnosis. We have only a few courts which are designed to divert people who don't have a mental health issue: Early Intervention Court (EIC), a mentoring court, and a gun violence prevention court. Most diverted cases are diverted because of some mental health crisis. A first offender would probably put on probation.

Mike Ubell: Would a first offender who offends again still go on probation?

DA Pamela Price: A probation officer decides what happens to a repeat offender and makes a recommendation to the court. We're starting to track probation, and working with the Alameda County Probation Dept. My deputies have the option, when a person on probation offends again, to either open a new case and start documenting, or hand the problem back to Probation, who then makes a recommendation to the court. We've been really understaffed for so long that it's easier for my staff to dismiss the case and refer the person back to probation than to open a new case. Probation has a bigger budget than I do!

Mike Ubell: Why were enhancement charges not filed in the Colby Berry case? It was a repeat offender with a gun charge. I'm not sure how much you can get into a given case.

DA Pamela Price: I really can't, and I'm not sure what case that is. We get referrals from 19 different police agencies, and they don't come directly to me. I don't get these; we have 35 charging deputies in 7 different places who make the decisions about misdemeanor or felony charges, based on California standards, the criminal code. Those deputies charge hundreds of cases per day. The name is vaguely familiar.

DA assistant – That's the Livermore case.

DA Pamela Price: Why weren't enhancements charged? Chief Bruce may remember, I don't recall the recommendations. About enhancements: before I was elected, people didn't realize how Prop. 47 was

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followed by a whole series of legislation that reduced penalties across the board. The first time in decades that anyone looked at our sentencing structure was in 2017 when the Governor convened the California Commission on Sentencing. There were hundreds of enhancements that could be charged in any criminal case. The Commission looked at the penal code and how and what we charge, and at enhancements. In 2021, Senator Nancy Skinner sponsored SB81, an act gave guidance to judges telling them to dismiss enhancements if they would increase the sentence to more than 20 years, if mental health was involved, if someone was a victim of trauma, if there are multiple enhancements, and other issues. The court must give these issues great weight.

We developed a policy for our department on how to handle the directives on enhancements, codified in Penal Code 1385. They found that enhancements increased time served in jail, it increases the cost, and longer services have been studied and don't increase public safety. We're now told not to use enhancements; they don't serve our interests. Our policy requires us to consider charging cases using the same standards as judges – does this enhancement improve public safety? Do we need to add an enhancement for a 51-year-old murderer to double the length of the sentence to 50 years? Probably not, he probably won't live that long, most incarcerated people don't. Judges must dismiss all enhancements except a single one. That law wasn't being implemented in Alameda County, but it is now.

When we came into office, we surveyed all charging deputies to ask how they charged, what records they keep – there were no standard processes or procedures. We set up a policy and a procedure and have trained the staff on it, to try to bring some sanity to the process. We have FAQs on our website.

Mike Ubell: Are there any questions from the audience?

Resident: Oakland crime has gone up. I realize the DA is not responsible, but what will you do in the next 2 years to reduce that number? We have carjackings, my neighbors are robbed, the stores I patronize are broken into.

DA Pamela Price: I had my car stolen in May; I never had a car stolen in 40 years in the Bay Area. What I have done – one, I created a mental health commission, because we're finding that mental health problems drive crime. Also, I learned that before the pandemic, OPD had a deputy DA embedded, who had an office there, to help police write better reports, and vet the evidence, to improve the charging data. That office was vacant. I put a deputy there in August. I meet regularly with police chiefs around the county; this morning, we didn't have anyone from OPD there, that's not helpful. I've met monthly with mayors and police chiefs and city attorneys and city administrators of all 14 cities, to discuss what cases they have, how we can charge them, how we can train police officers to respond and testify in domestic violence cases. A lot of our cases are domestic violence. When I look at homicides and robberies, I see that a lot of violent crimes start as domestic violence.

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We want to intervene earlier, especially if there are children. If children are subject to violence, they may become violent themselves. So, I've hired more domestic violence prosecutors and beefed up the resources at the Family Justice Center, to intervene at an earlier point in domestic violence, especially as experienced by children. If children witness violence, if they are subject to violence, they may become violent themselves. But what we do is after the fact.

We just got \$2 million from the state of California (and doubled it with another grant) to establish an organized retail theft unit, which is driving a lot of low-level looking crime, which is organized by people we don't see. We also have a lot of human trafficking; we'll have a new anti-slavery prosecution unit for that in 2024. I convened a gun violence round table of all police chiefs in the county about 2 months ago; we got about 50% attendance. We're trying to reduce the access to guns in the community.

Resident: how do you define racial justice, and what policies have you put in to deal with it?

DA Pamela Price: We're mandated under the Racial Justice Act (of the State of California) to make sure that race is never the basis for prosecution. That applies not just to our office but to judges and public defenders. If racial profiling in a case is clear, we must manage the prosecution to mitigate the effect of racial profiling. There were cases dismissed from Antioch because the text messages sent by those officers established a violation of the Racial Justice Act. We hired a lawyer who specialized in administration of the Racial Justice Act.

Mike Ubell: Historically, the DA charges 28,000 cases per year but you've only done 8,000. Why so few?

DA Pamela Price: I can't answer that, we don't have reliable data. I've never seen that number.

Resident: We're a neighborhood crime prevention council. We're supposed to prevent crime. What one thing can be done that will prevent the crime from happening – property crime, personal crime, violent crime, whatever.

DA Pamela Price: We know 3 things that work for returning citizens – housing, employment, and mentorship, especially of young people. We need massive mentorship of young people, in middle school and high school, to show them we care. We need to work with kids – how to cope, how to get into college, how to get a job. If we did that, we'd see a shift in this community.

I'm the first foster child to hold this position. I'm not supposed to be here. I was as crazy as anyone, but I had three foster mothers who worked with me, cared for me, helped me recover from my mistakes. We don't have that here. Before I became DA, I wanted to be a [CASA](#) – that's a local mentorship program (sponsored by Alameda County) that mentors young people with no parents and can testify for them in dependency court – they haven't got to juvenile court yet. Another Alameda County mentorship program is [Civicorps](#) – they have

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about 50 kids there every day, 16-25 years old, who maybe didn't finish high school, or they may have kids. Civicorps gives them employment and helps them find housing. I don't have a budget for Civicorps referrals; Probation does, I've talked to them about it.

Foster kids age out of the system with nothing – no houses, no jobs. So, they do crime. Not all of them, but the safety net has a hole in it, and people who fall into it end up in Santa Rita County Jail and John George. It's a revolving door. They release people from jail with \$200 and a wish for good luck. We're trying to do housing, employment, and mentorship. We have to deal with people who must be resentenced (starting Jan. 21, 2023) because the enhancements that were charged against them are deemed no longer valid – so we have a mentorship group within the resentencing department. So far our mentorship group has had only 1 failure.

Mike Ubell: What changes did you think you could do when you first started?

DA Pamela Price: I knew this office hadn't seen change in 50 years. I came in with a great team of people. I've realized maybe I can't do everything I thought I could. I didn't think I'd need a communications bureau, but we do need a strong one. We're improving safety, improving cooperation. I wanted to do better administering justice to juveniles. We prosecute juvenile cases with more intense violence than other places. I have to work with probation to deal with juveniles. I must have clearance from Probation to enter the juvenile hall. Our probation chief is retiring, we'll have an interim chief, and they're 50% understaffed (they have 500 people, not 1000 as budgeted). The Probation process is very important. Domestic violence cases are supposed to be supervised by probation; the law changed in 1995 but Alameda County didn't do it. People charged for domestic violence are supervised by the court, not the Probation dept; Probation is supposed to be actively involved. We need to change that.

Mike Ubell: Would you like to comment on recent issues with the media??

DA Pamela Price: (laugh) Probably not! We're reviewing our communications procedures and what the criteria have been. I had no idea I'd have to do so much talking to the media. We had a lot of transitions, and we're talking about who is allowed to be in our office. We decided to streamline "the media list" and inadvertently left some people out.

Resident: I'm interested in the plans for the Community Support Bureau.

DA Pamela Price: I wanted to organize the way we communicate with the community. It includes some existing units and some we have yet to set up. Existing units include the Family Justice Center, the Collaborative Court, and the CARES Navigation Center. In our internship program, we're accepting first-year law students and now high school students. We're setting up a speaker's bureau, and we're finding out who wants to do that. We

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want to have neighborhood courts. It starts in my brain, goes to the wall, then becomes a person (in this case Austin Bruckner), and now we have Esther Lemus who was known as the neighborhood prosecutor in Sonoma County. Esther will help us do neighborhood courts.

Resident: What about access to guns, and red flag laws?

DA Pamela Price: Red flag laws let people (family members and employers) remove guns from people who they recognize are having a crisis. It's a civil procedure, we can petition the court to remove access to guns. We talk about this a lot. I just introduced [Speak for Safety](#) to a judge – it has very detailed information on what forms to fill out, etc. Many incidents of gun violence are unintentional, and suicides are also associated with having guns in the house. We want to make sure we handle this well and check all the boxes that need to be checked.

Resident: What about the recall movement? I'll say that I don't like the recall movement. We're hearing that prosecutions are down. Why do you think there's a recall movement and what do you think we should do?

DA Pamela Price: The recall started in February, I'd only been in office barely 30 days, I was trying to order carpet and get the office painted. My efforts had no impact on crime at that point. Nationally, progressive prosecutors who challenge the status quo are under attack. This is undemocratic, because we were fairly elected; people just don't want us to be in office when we haven't had a chance to do anything. If they succeed, it'll cost the residents of Alameda County (of which I am one!) \$15-20 million. That's a disservice to the community.

Before the landmark book *The New Jim Crow*, by Michelle Alexander, the only people talking about criminal justice administration were from law enforcement, or were tough-on-crime politicians. Michelle Alexander exposed how our justice system is based on racial discrimination, which we have in Alameda County. It's based on how we treat people.

People who suffer harm in this community don't get the services they need. I know a woman, a member of my Victims Advisory Commission, whose son was killed on the streets of Oakland. Her other son, who had a gun, went out and took vengeance on the person he thought killed his brother. So she lost 2 sons. She got no support from the Alameda County criminal justice system. Another member of that commission lost her father in a robbery, killed accidentally. The killer was convicted of murder 2 years later. After the conviction, the

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restorative justice available; she had asked 2 years before, and she'd never been answered. The DA would have had to refer her to an outside organization.

We have to do something different; but people don't like change. I'm the first democratically elected DA in 100 years. We can't go back. We must go forward. What we've been doing isn't working.

All these people you see here are on the phone with me at 8 o'clock every morning. (I give them Saturday and Sunday off.) We're on the phone every day, asking what shall we do next. We're working very hard for Alameda County.

Mike Ubell: Our time is pretty much up. Is there an email where we can ask basic questions?

DA Pamela Price: Esther.lemus@acgov.org and Austin.bruckner@acgov.org.

Mike Ubell: Thank you very much for your time. The meeting closed at 8:40.

Neighborhood Crime Prevention Council Priorities for October 2023

Beat 12Y:

1. *Neighborhood Crime Prevention Council Priority:* Car break-ins on College Ave., especially in the library parking lot.

Beat 13X:

1. *Neighborhood Crime Prevention Council Priority:* No current priority.

*Neighborhood Crime Prevention Council meetings
are normally the SECOND Thursday of even-numbered months.*

*Next meeting **Thursday, February 8, 2024** at 7:00 PM*

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Zoom link is available at <https://rockridgencpc.com>, NEXT NCPC MEETING

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