

Phone Harassment



Information from the Oakley Police Department

Victims of Phone Harassment cases [Penal Code Section 653(m)] have alternatives in dealing with these types of un-wanted calls.

(This information is provided as a public service. For further information regarding phone services, call your phone company.)

The phone company now has upgraded equipment serving your area. This equipment allows you to subscribe to new services to avoid problem phone calls. **While the victim does incur a monthly charge for these services,** the cost is small and with some limitations (the calls must be placed from phones using the same switching technology, and these services are only effective for calls placed from within the same local service area; calls cannot be placed from cellular phones), the problem of unwanted phone calls can be addressed. Installation charges apply. [Check with your Phone Company]

CALL RETURN

With this feature, the victim can return a call to the last phone number that called their phone. Calls may be returned to the phone harasser's line to determine who may have made the calls. This would be useful in cases involving juveniles placing prank calls, where the victim does not wish prosecution, but wants an alternative method to stop the calls. **Care should be exercised in using this feature to avoid confrontations on the phone.** The victim does not "see" or otherwise learn the number the call was from. Even if the number is busy, this system continues to dial the suspect's number for one-half hour, until the call is completed. A distinctive ring signals the victim to pick up their phone.

CALL SCREENING

This feature does not require the victim know the suspect's phone number, and it also works for numbers that are known. The victim enters a code number after receiving a problem phone call and that number is then blocked from placing future calls to the victim's phone. The suspect receives a

phone company message similar to, "We're sorry, the number you have dialed does not wish to receive calls from you". Again, the victim never learns the suspect's identity, nor where the calls were placed from...*they just don't receive calls from the phone number placing these calls.* This feature has a limit of 10 numbers being screened.

CALL TRACE

This is a form of an electronic phone trap the victim triggers by entering a code after this service is installed and receiving an unwanted call. The victim locks in the number after disconnecting from the suspect, but before receiving another call. This number is stored in the phone company's equipment and is only released to law enforcement after the victim makes a police report, and provides the date and time of the un-wanted call to the phone company. It can normally be obtained in several weeks, as with a line trap. Once installed, this service is free until the victim locks in a number. This service has a maximum usage charge per month. Some limitations may apply as to the types of calls that may be traced. The phone company requires at least two calls from the same location or number be traced, in order to establish a pattern of harassing calls before releasing the information to law enforcement.

CALLER ID

Requires the purchase of Caller ID equipment and subscription to Caller ID service from the phone company to identify who is calling. The phone must ring at least twice to capture Caller ID information. Calls placed from phones with Caller ID Blocking do not transmit Caller ID information. Anonymous Caller Rejection prevents your phone from receiving calls unless the caller enables you to see Caller ID information on your phone.

**City Hall
(925) 625-7000**

Victims choosing to subscribe to these services may handle these cases on their own without police involvement and thus avoid the necessity to appear in court. In fact, many Phone Harassment (653m PC) cases never go to the District Attorney's Office for prosecution, once law enforcement learns the number from the phone company and interviews the victim and the suspect. With these services, they would not need to know who is calling them, only that they can stop the calls on their own.

Another option: Victims should remember they can change their number with no referral to the new number.

Victims should contact their phone company's business office for up to date information regarding services they provide [including limitations], and charges. Phone numbers for your local business office are listed in the front of your phone book, under "How to Reach Us".

**IMPORTANT OAKLEY POLICE
NUMBERS TO REMEMBER:
EMERGENCIES ONLY
Dial 9-1-1**

**To report a crime, call:
OAKLEY PD DISPATCH:
(925) 625-8060**

**Administrative Offices
(925) 625-8855**

What causes my phone to ring and there is nobody on the other end of the line?

Chances are a telemarketer who is trying to reach you by phone using a "predictive dialer" is targeting you.

What is a PREDICTIVE DIALER?

Predictive dialers constitute a major problem and utilize computers to place calls for telemarketing firms, which then connect a live person to the line at the other end. Faulty equipment can result in you getting a phone call with no one answering at the other end of the line, or "short rings" where no one is on the phone. The best way to combat this problem is to have Anonymous Caller Rejection with Caller ID equipment.

Why does my phone ring, and then there are strange tones warbling on the line?

The warbling tones are probably a fax machine or a modem calling trying to reach a similar device at your number. If you get a series of these calls, this is probably due to a "re-dial" feature on the equipment calling you.

What laws exist to address phone harassment?

Excerpts from the California Penal Code: (may be paraphrased)

P.C. Section 653m (a): Every person who, with intent to annoy, telephones or makes contact by means of an electronic device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed or any member of his or her family, is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith.

P.C. Section 653m (b): Every person who makes

repeated telephone calls or makes repeated contact by means of an electronic communication device with intent to annoy another person at his or her residence, is, whether or not conversation ensues from making the phone call or electronic contact, guilty of a misdemeanor. Nothing in this subdivision shall apply to making calls in good faith.

P.C. Section 653m (c): Every person who makes repeated telephone calls or makes repeated contact by means of an electronic communication device with intent to annoy another person at his or her place of work is guilty of a misdemeanor...This subdivision applies only if one or both of the following circumstances exist:

1. A restraining order is in effect, prohibiting the behavior described in this section.
2. A total of 10 or more calls in a 24 hr. period made to a person with a listed special relationship [defined], to the caller.

P.C. Section 653m (d): Any offense committed by use of a telephone may be deemed to have been committed where the telephone call or calls were made or received.

P.C. Section 653m (e): Subdivision (a), (b), or (c) is violated when the person acting with intent to annoy makes a telephone call requesting a return call and performs the acts prohibited under subdivision (a), (b), or (c) upon receiving the return call.

P.C. Section 653m (g): For the purposes of this section the term "electronic communication device" includes but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers.

ALSO REFER TO:

http://www.fcc.gov/ccb/consumer_news/unsolici.html

<http://www.usps.gov/websites/depart/inspect/f>

oneregs.htm