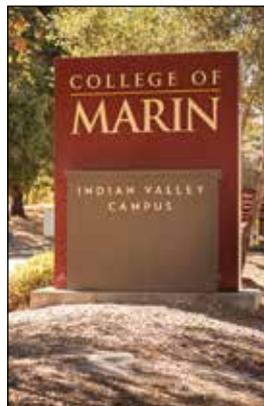


MARIN COUNTY CIVIL GRAND JURY

FY 2015-2016

Final Report



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On behalf of my fellow jurors, I am pleased to present the following synopsis of the nine reports compiled and published by the 2015/2016 Marin County Civil Grand Jury. Included for each are a Summary of the report and the Grand Jury's Finding and Recommendations. The 19 members of the Civil Grand Jury volunteer and serve a one year term learning, investigating, researching, writing and publishing reports that delve into a broad range of topics of interest and concern to the citizens of Marin. Full versions of all Grand Jury reports and responses are accessible online at <http://www.marincounty.org/depts/gj>.

The topics for investigations and subsequent reports were drawn from the collective experience of the jurors, a review of unreported topics from prior Grand Juries, citizen requests for investigations and prior Grand Jury reports published in other counties. Some topics were considered and investigated but did not result in a report. Over the year the jury conducted countless interviews, spent hundreds of hours researching literature and internet publications and writing and editing the nine reports. The reports, in order of publication are;

- Head Injuries and Concussions: Are Our High Schools Keeping Our Children Safe?
- 2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light

- Police Firearm Security: Keeping Police Guns out of the Hands of Criminals
- Marin Schools Fail to Beat Bullies
- College of Marin: Indian Valley Right Sizing and Results
- The 911 First Responder Referral Program: More Than a Band-Aid® For Seniors
- Marin's Hidden Human Sex Trafficking Challenge: It's Happening in Our Backyard
- Law Enforcement Citizen Complaint Procedures: The Grand Jury Has A Few Complaints
- Traffic Congestion in Marin: The Sir Francis Drake Boulevard Project Deconstructed

To facilitate the investigation and writing of the reports the jurors formed into 8 committees;

- Health and Human Services
- Education and Administration
- Special Districts
- Finance and Administration
- Transportation and Environment
- Law and Justice
- Continuity (to review responses to current and prior reports)
- Editorial

Each member of the Grand Jury served on numerous committees. Collectively the members of the Grand Jury represent a broad array of experience and knowledge from their backgrounds in finance,

administration, law enforcement, law, education, psychology, engineering, architecture, technology and the sciences.

As Foreman of the 2015/2016 Marin County Civil Grand Jury it was my honor and privilege to serve with 18 other dedicated, passionate and committed Marin residents. I sincerely thank each and every one of them for their service and dedication, helping to make Marin County such an extraordinary and special place.

Vaughan Acton, San Rafael

Doug Cooper, Fairfax

Mary Dinday, San Rafael

Barbara Grosso, Fairfax

Jay Hamilton-Roth, Mill Valley

Vicky Harrison, Greenbrae

Jim Kamphoefner, San Rafael

David Kessell, Mill Valley

Jeff Locke, Novato

Joan Lunderville, Novato

Riva Nelson, San Rafael

Charles Remington, San Rafael

Carol Sarter, Novato

Sandy Sclafani, San Rafael

Marc Steuer, Tiburon

Richard Vanderdrift, Larkspur

Bill Werner, Sausalito

Betty Wood, Novato

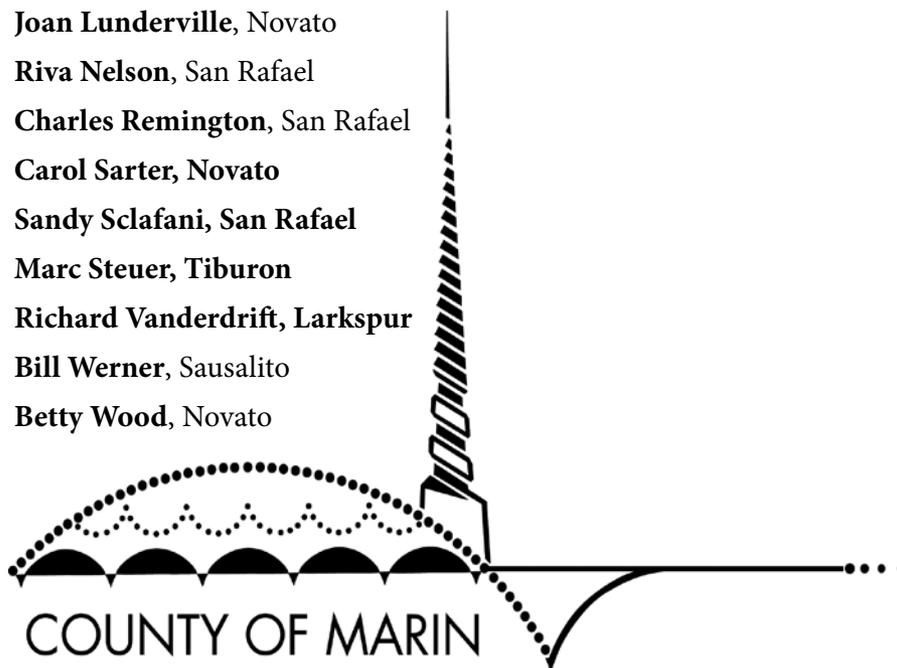
I would also like to thank Presiding Judges Faye D'Opal and Kelly Simmons for their council and guidance, Assistant County Council Jack Govi for his legal advice and encouragement, Aide to the Grand Jury Patti Church for her support, assistance and guidance. Finally I would like to thank the many members of the Marin County Chapter of the California Grand Jury Association for their ongoing support in recruiting, selection and training of our Marin County Civil Grand Juries.

Respectfully submitted,

John Mann

Foreman

2015/2016 Marin County Civil Grand Jury



Application and Contact Information: For more information or a grand jury application, please write, Marin County Civil Grand Jury c/o 3501 Civic Center Drive, Rm. 275 San Rafael, CA 94903 or call Patti Church, Aide to the Grand Jury, Phone: (415) 473-6132; TTY: (415) 473-2226 or email: PChurch@marincounty.org



Photographer: Stuart Lirette

Back row from left to right: Doug Cooper, Joan Lunderville, Jeff Locke, Marc Steuer, Jim Kamphoefner, Jay Hamilton-Roth, David Kessell

Middle row from left to right: Riva Nelson, Bill Werner, Vaughan Acton, Mary Dinday, Barbara Grosso

Front row from left to right: Betty Wood, Vicky Harrison, Judge Kelly V. Simmons, John Mann, Sandy Sclafani

Not Shown: Carol Sarter, Charles Remington, Richard Vanderdrift

2015-2016 MARIN COUNTY CIVIL GRAND JURY REPORT SUMMARIES

HEAD INJURIES AND CONCUSSIONS: Are Our High Schools Keeping Our Children Safe?

Athletic programs are an important component of high school life in Marin. A large percentage of students—more than 50% in some schools—participate in one or more sports each year reaping many social, health and confidence-building benefits. Yet, there are serious risks associated with these activities. Head injuries, in particular, can have long term, devastating consequences. Legislation has recently been

passed in California requiring concussion information be sent to students and their parents and guardians, and football practice times have been restructured to limit hitting. Our investigation into head injuries examined what school policies and practices are being used in Marin to protect our high school youth from injury. Based on our investigation, the Grand Jury concluded:

- Neurocognitive Testing provides a record of cognitive skills in student-athletes prior to their participation in sports. Re-testing the student after a suspected head injury is a valuable tool in helping medical professionals evaluate if a student has recovered.
- A Certified Athletic Trainer (ATC) is an important element for protecting

student-athletes' health and for administering necessary baseline neurocognitive testing and post-injury re-testing. An ATC can be the most qualified person to monitor a student's recovery from a head injury and to coordinate with the student's health care professionals, school counselors, and

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Injuries

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teachers as the student recovers. ATC's are not always available in all Marin County high schools.

- Injury Reporting Procedures and Protocols vary greatly in our schools. CA State Law AB 2127 (effective January 1, 2015) states a student diagnosed with a concussion must follow the Return-to-Play Protocol. Procedures and protocols also need to be followed in consistent, coherent and clear ways across all Marin high school athletic departments.
- Student and Parent Awareness and Education are critical components in promptly reporting, diagnosing and treating head injuries. Currently there is no required mandatory education for students or parents about concussions, their symptoms and treatment beyond a Concussion Information Sheet required to be signed by both student and parent and returned to the school annually.
- A centralized Countywide Database could be an important component in assessing head

injury data across all high schools in Marin. Many athletic departments do not track how many head injuries have occurred in any school athletic season or year. This kind of data can be instrumental in determining the effectiveness of our head injury programs including diagnosis, treatment and prevention techniques. Gathering and sharing information for identifying problem areas and implementing change is a crucial component in keeping our kids safe

FINDINGS

- F1 Neurocognitive baseline testing provides a record of cognitive functioning in student-athletes prior to their participation in sports. Re-testing the student after a suspected head injury is a valuable tool in helping medical professionals evaluate if a student has recovered.
- F2 Marin County high schools are using baseline testing to varying degrees and are often not re-testing.
- F3 The costs of neurocognitive testing for high school athletes is currently funded in various



ways, including booster clubs and other outside sources.

- F4 Certified Athletic Trainers, as medically-trained individuals, provide a necessary resource for protecting the health and safety of student-athletes.
- F5. Many schools do not have a Return-to-Learn Protocol in place for head injuries. Various systems for reporting head injuries to relevant high school
- F6. Student-athletes and their parents do not receive adequate education in recognizing a concussion and the importance of prompt reporting of symptoms.
- F7. Data regarding head injuries sustained by high school student-athletes in Marin County high schools is not currently being maintained in a central database.

RECOMMENDATIONS

- R1. Each district should require mandatory annual neurocognitive testing of all high school athletes and mandatory re-testing post-injury.
- R2. A certified athletic trainer should administer and interpret all tests.
- R3. A certified athletic trainer should attend high-risk high school sporting events.
- R4. Each district should add the cost of neurocognitive testing to its annual budget.
- R5. Each district should hire a certified athletic trainer for each of its high schools.
- R6. Each district should adopt a protocol for reporting a head injury so that all relevant persons are informed of a student's head injury and can work together as a team to ensure full recovery in the classroom and on the field.
- R7. Each school should adopt Return-to-Play and Return-to-Learn Protocols for all athletes.
- R8. Mandatory concussion education for student-athletes such as the Barrow Brainbook, the HEADS UP concussion training or some other equivalent education should be adopted by each school
- R9. The Marin County Office of Education should collect head injury data and compile the data in a centralized database. Data should include date of injury, sport, type of injury, diagnosis, recovery information and other critical details. The data should be reported to MCAL and CIF for analysis and summary and the results published for the public annually while keeping all names of students confidential.
- district. No student-athlete should begin participation before completing this education.

2015-16 WEB TRANSPARENCY REPORT CARD

Bringing Marin County's Local Governments to Light

In April 2015, the Pew Research Center reported that “65% of Americans in the prior 12 months have used the internet to find data or information pertaining to government”. Between October 2015 and January 2016, the Marin County Civil Grand Jury audited local government agencies’ websites to evaluate the quality of online information such as budgets, audits and board member information. We found serious deficiencies. The Grand Jury provided each agency with our preliminary audits and described our approach. All agencies were offered the opportunity to improve their websites for a final audit. Many websites significantly improved, while others remained deficient. This audit report provides transparency improvement recommendations for Marin local agency websites.

Web Transparency Grade Distributions (F to A)

126 local agencies were audited: 12 municipalities, 19 school districts, 64 special districts,

30 joint powers authorities (JPAs) and 1 rail district.

59 local agencies improved their websites and 34 received a grade of B- or better.

27 local agencies have no website: 19 special districts and 8 joint powers authorities (JPAs).

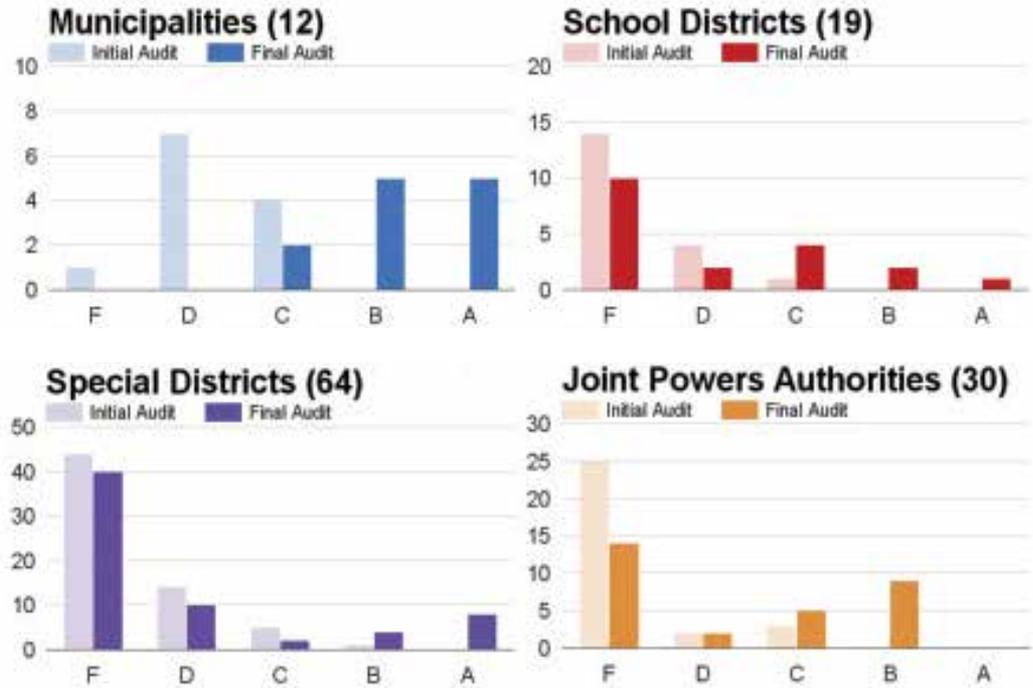


Chart provided by the 2015-2016 Civil Grand Jury

FINDINGS

- F1. As of January 4, 2016, 27 Marin local agencies lacked public websites (and of the 99 agencies that have web sites, 65 did not satisfy the Grand Jury's web transparency criteria).
- F2. Inspecting the Marin County Clerk's Roster of Public Agencies, the Grand Jury discovered a majority of local agencies out of compliance per California Government Code §53051 (no filings or outdated filings).
- F3. Effective January 1, 2015, Assembly Bill (AB) 2040 requires that if a public agency “maintains an Internet Web site, it shall post, in a conspicuous location on its

Internet Web site, information on the annual compensation of its elected officials, officers, and employees that is submitted to the Controller under §53891.” The Grand Jury discovered a majority of the agencies were out of compliance (and potentially at-risk for fines and/or audit), per California Government Code sections 53895, 53895.7, and 53896).

- F4. The County of Marin does not currently publish a definitive list of all its dependent special districts and JPAs.
- F5. Marin County's Roster of Public Agencies is available for viewing only as hard copy at the office of the Marin County Clerk.

RECOMMENDATIONS

- R1. The agency should improve its web transparency score to “B-” (or better), by updating its website and submitting the appropriate self-audit form. The form may be obtained by emailing: grandjury-audit@marincounty.org
- R2. The agency should file and keep updated its Statement of Facts with the California Secretary of State and the Marin County Clerk as required by California Code §53051.
- R3. The agency should update its website to include information of the annual compensation of its elected officials, officers and employees; and this information should also be submitted to the Controller, as required by Sections 12463 and 53909 of the California Government Code.
- R4. The Marin County Board of Supervisors should create a comprehensive online “digital directory” with links to all County of Marin's dependent special districts and JPAs.
- R5. To further improve web transparency, the County Clerk of Marin County should allow public remote Internet access to its Roster of Public Agencies.

POLICE FIREARM SECURITY

Keeping Police Guns out of the Hands of Criminals

Guns and unattended police cars are a lethal combination. The loss of police firearms from unmarked department vehicles has recently been “front page” news. Use of those firearms in subsequent crimes, including two homicides, has led to increased public concern and calls for changes in police practice and legislation. Three reports of stolen firearms within one month in the Bay Area raises questions and concerns. Further reports of stolen police guns indicate that police are still leaving firearms unsecured in their vehicles and vulnerable to theft.

The Grand Jury investigated the status of law enforcement firearm security in Marin County and which policies, if any, exist to safeguard guns from being lost or stolen. The Grand Jury also investigated whether any changes have been made or are under consideration to prevent police guns from ending up in the hands of criminals. This investigation was prompted in part when, during Grand Jury training, two Marin County police chiefs had distinctly different responses when asked about the firearm thefts. Neither response indicated that the recent thefts of police firearms prompted a change in practice or policy.

The Grand Jury investigation found the incidence of police firearms stolen from vehicles in Marin is low, but thefts have occurred. The “epidemic rise” in auto burglaries suggests that the odds have increased such that if a police officer leaves a gun in a vehicle, it is more likely it will be stolen. The Grand Jury investigation revealed that in spite of the number



of thefts, resulting publicity, a request from the San Francisco Police Chief for policy change and the deaths of two people killed by stolen law enforcement guns, only one Marin Police agency has changed or amended its gun security policy. At present, most police and sheriff vehicles are not equipped with secured lock boxes to protect firearms left in a vehicle. The Grand Jury believes that the best policy is for law enforcement never to leave a firearm in a vehicle. Short of that, lock boxes should be installed in every department vehicle and policies should state specifically how firearms are to be secured. The

Grand Jury recommends that a lock box be installed securely within every department vehicle.

In fact, State and local legislation has been proposed and in some cases enacted to require firearms be secured whenever left in a vehicle. This legislation is the result of law enforcement guns being stolen from vehicles and subsequently used in crimes and the public’s concern for greater safeguards. The Grand Jury was surprised to find that there is not overwhelming support among Marin law enforcement executives for such laws or ordinances. The Grand Jury believes that such a law can be clear, apply to

police and citizens alike and be a “common sense” prevention measure. Law enforcement cannot prevent the public from leaving guns in vehicles. However, law enforcement officers should never leave a gun unsecured in a vehicle.

FINDINGS

- F1. Firearms left in unattended vehicles are vulnerable to theft and, if stolen, are in the hands of criminals.
- F2. Firearms belonging to Marin County peace officers have been stolen from their vehicles, although the incidence is low.

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Firearm Security

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- F3. There is currently no public tracking of lost or stolen firearms from Marin County peace officers, making the number of firearms missing difficult to determine.
- F4. With the exception the Fairfax Police Department, Marin County Police Departments and the Sheriff's Office have not amended or updated their policies in response to high profile reports of law enforcement guns being stolen from vehicles.
- F5. Most Marin County Police and Sheriff's Departments do not have a clear-cut policy and/or procedure specifying how firearms are to be secured if left in an unattended vehicle.

- F6. Neither the general topic of firearm security nor a specific letter from the SF Chief has been discussed at Marin County Police Chief's Association meetings. The view commonly expressed by the law enforcement executives is that it is a "common sense" responsibility and understood as such by deputies and officers.
- F7. Concern for public safety has led to proposed State and some recent local legislation (in San Francisco and Oakland) requiring that firearms be secured in all unattended vehicles.
- F8. Specifically designed lock boxes are readily available for safely securing firearms inside a vehicle, should a gun and vehicle need to be left unattended.

RECOMMENDATIONS

- R1. Marin County Sheriff's Office and Police Departments should track and record all firearms that have been lost or stolen from law enforcement and personal vehicles.
- R2. Marin County Sheriff's Office and Police Departments should make public the number and circumstances of all firearms that have been lost or stolen from law enforcement and personal vehicles.
- R3. Marin County Sheriff's Office and Police Departments should update their policies and procedures regarding firearm security, particularly with regard to firearms left in unattended vehicles (departmental and personal)
- R4. The Marin County Sheriff and all Police Chiefs should discuss the issue of firearm security including storage, tracking and reporting of lost or stolen firearms at Marin County Police Chief Association meetings and make a recommendation as to whether there should be a standard county policy for leaving a law enforcement firearm in a vehicle.
- R5. Marin County Sheriff's Office and Police Departments should install lock boxes in all department vehicles and require that in the event it is necessary to leave a firearm in a vehicle, the firearm be secured in the lock box.

and if a firearm is left in a vehicle, how it is to be secured.

MARIN SCHOOLS FAIL TO BEAT BULLIES



Bullying and cyberbullying are pervasive problems in many, if not most, U.S. middle and high schools. Marin schools are no exception, as evidenced by their numbers in the California Healthy Kids Survey (CHKS). In fact, Marin public schools reported more incidents in the grades surveyed than the average California school.

There are 25 middle and high schools in Marin County. "Seth's Law" (California Assembly Bill 9) took effect on July 1, 2012, requiring schools to update their anti-bullying policies and programs. The Grand Jury examined policies and programs in Marin Co. public schools to determine their level of compliance with Seth's Law and other applicable laws. While most schools take the bullying problem seriously, maintain records and provide some training and student education, many fail to adhere to this new legislation which requires the adoption of a school anti-bullying policy, procedures for receiving and investigating bullying

complaints, including an appeal process and timeline and the publication of this information to pupils, parents, employees, and the public

A school's handbook and website are good vehicles for publicizing anti-bullying policies and practices. The Grand Jury found that many schools did not take full advantage of their websites to communicate this information.

Filing a bullying complaint can be a confusing process. Some schools require specific forms and in some cases the forms are not easily located. Other schools have informal methods and procedures and only a few schools accept anonymous complaints.

Many school administrators wrote of the need for more student, parent and staff education. There are many programs available that include education in student inclusion and cyber safety among other topics. The No Bully System® training was done across the county in 2011 and many

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COLLEGE OF MARIN–INDIAN VALLEY

Right Sizing and Results

The future of the College of Marin (COM) Indian Valley Campus (IVC) has been a long-standing controversy. Public sentiment has ranged from strong support for maintaining and strengthening its programs and services to calls for abandoning the underutilized facility in order to save funds. Based on the Grand Jury's investigation of IVC, we have two recommendations to strengthen the College of Marin Indian Valley Campus. The Grand Jury focused its attention on two IVC topics: 1) facilities utilization and 2) the availability of useful information for students considering Career and Technical

Education (CTE) programs and classes.

The Indian Valley Campus was designed to accommodate up to 5,000 students. Enrollment has never come close to this number. There is unused capacity requiring on-going maintenance, including buildings that are not used at all. Some would require major rehabilitation to meet current standards. There are several activities and events underway that may increase utilization. The College is submitting a bond measure in June 2016 to upgrade and rehabilitate facilities to meet current and expected needs. The

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Photographer: Stuart Lirette.

Bullies

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schools continue to use their No Bully Solution Team® process successfully.

Bullying exists in Marin schools. California law requires schools to have anti-bullying policies and procedures in place and have them publicized to students, parents, and the public. Our investigation found that Marin schools are not meeting the law's requirements. Our schools must take a closer look at these requirements and work to fulfill them. The Grand Jury heard many times that there needs to be more training and awareness about bullying for students, parents and school staffs. Strengthening and expanding the educational programs offered is paramount to lessen the bullying problem in our schools.

FINDINGS

- F1. Bullying is a problem in Marin middle and high schools. Marin ranked above the State average overall in incidents for the 2011-13 school years and for two of the three grade levels surveyed in CHKS.
- F2. Marin County schools do not fully comply with California anti-bullying law.
- F3. Most schools do not have a direct link on their website home page to their anti-bullying policies and procedures.
- F4. The Grand Jury found discrepancies between what school administrators reported was on their websites and what information is actually available there.
- F5. School administrators reported the need for more bullying and cyberbullying education for teachers, staff, parents and students.

RECOMMENDATIONS

- R1. Each school in the district should review its policies and procedures to ensure full compliance with the requirements of Seth's Law.
- R2. Each school in the district should review its policies and procedures to ensure that complainants are protected from retaliation, and that their identities remain confidential, as appropriate.
- R3. Each school in the district should adequately publicize its anti-bullying policies and procedures through its website, including a direct link on the website's homepage to the information (not simply linking to a lengthy student handbook, but directly to the anti-bullying policy and procedures themselves).
- R4. All procedures and forms for filing a bullying complaint, including an anonymous complaint, should be available on the school's website.
- R5. Each school in the district's website should provide the option to complete and submit bullying complaints online.
- R6. Each school in the district should review its student and parent education programs to ensure they are relevant and current. Schools should consider using the No Bully Solution Team® process that has been reported to be highly successful, or another equivalent program.

College of Marin

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College intends to update their most recent facilities plan once the outcome of the bond measure is known.

- The Grand Jury recommends that COM develop an actionable facilities plan that fully explores all opportunities to increase utilization and reduce excess capacity to avoid wasted maintenance expenses.
- The Grand Jury recommends that COM collect, analyze and report outcomes for students enrolling in the individual CTE programs and must provide specific data to assist in comparing costs and outcomes of attending various schools

FINDINGS

F1. The College of Marin did not reach the goals set for the

Indian Valley campus in their 2012 Facilities Plan.

- F2. The College of Marin has explored alternative and increased use of facilities with the goal of improving the utilization of the Indian Valley campus buildings.
- F3. The College of Marin does not have a current formal plan to close the large gap between the IVC facility utilization and COM's realistically projected usage.
- F4. The College of Marin does not provide prospective students and the public with specific Career and Technical Education (CTE) program outcome data.
- F5. Specific CTE program outcome data can help prospective students choose particular programs and compare COM to other educational opportunities.

- R3. By no later than April 1, 2017, the COM Board of Trustees should direct the COM Administration to collect, analyze and report, to the maximum degree allowable within privacy laws, the student outcomes for individual CTE programs. When small numbers of students in a particular program limit reporting, the Administration should group two or more similar and sparsely-enrolled programs to provide aggregate data. The data should include completion success rates, time-to-complete, and employment after completion.

RECOMMENDATIONS

- R1. No later than December 2016, the COM Board of Trustees should adopt an actionable comprehensive plan to bring the Indian Valley Campus facilities and expenses in line with actual usage. This plan should include consideration of all viable options for traditional educational use as well as alternative uses, including lease or sale.
- R2. Failing planned productive use, IVC facilities should be considered for demolition to avoid unproductive use of maintenance funds.

THE 911 FIRST RESPONDER REFERRAL PROGRAM

More Than a Band-Aid® For Seniors



[actual call]

9-1-1: *Okay, tell me exactly what's happened.*

Caller: *My mother, who's 81, has fallen and kind of collapsed.*

9-1-1: *Are you with her now?*

Caller: *She's laying on the floor now and I'm walking towards her now.*

9-1-1: *Is she awake and breathing?*

Caller: *Yes, she's awake and breathing.*

9-1-1: *And when did this happen?*

Caller: *Moments ago. Maybe five minutes.*

9-1-1: *And do you know what caused the fall?*

Caller: *We don't. She was leaning against the wall when my father walked in the room.*

Imagine you are a frail senior citizen living alone and finding it difficult to manage your daily chores and stay independent. Suddenly, you find yourself on the floor, a little banged up and unable to get up. What would you do? You would likely call 9-1-1 for help.

Most Marin County citizens have probably never needed to call 9-1-1 to report a medical emergency. But if they did, within a few minutes they would likely see a fire engine and ambulance arriving at their location and know that they would be in good hands.

When an emergency first responder (paramedic, firefighter, or police officer) arrives on scene, after they treat the patient, there are two alternatives: 1) transport the patient to a nearby hospital or

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MARIN'S HIDDEN HUMAN SEX TRAFFICKING CHALLENGE

It's Happening In Our Backyard

“Reading text messages from their 16-year-old daughter as she begged for help, the parents of the young girl could only imagine the nightmare she was living. She was being used as a sex slave and threatened with violence. This wasn't some Third-World nation. It was happening in Marin.”

“Armed with a photo of the victim and copies of the text messages provided by the FBI, San Rafael police scoured the Canal Neighborhood, the victim's last known location. Officers eventually found the victim and a female suspect at the San Rafael

Transit Center. Police officers arrested Samantha Johns, a 19-year old Vallejo resident, for human trafficking. A second suspect, the male, was not in the area.”

Federal law defines human sex trafficking as “trafficking in which a commercial sex act is induced

by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age”. It occurs both internationally and domestically. The Grand Jury's investigation into human sex trafficking examined its prevalence in Marin, how effectively law enforcement pursues it, what resources are devoted to it, how victims are helped and the level of outreach. Based on our investigation, the Grand Jury concluded:

- Human sex trafficking is thought to be prevalent in Marin, but mostly

unrecognized, under-reported, and rarely subject to intervention. Statistics are hard to come by because of the hidden nature of the crime, the lack of resources to pursue cases, the highly labor intensive investigations required and the absence of a county-wide database to track it.

- Some law enforcement officers have not been effectively trained in the Marin County Uniform Law Enforcement

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First Responders

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2) Leave the patient at the scene. With an aging senior population, responders frequently find themselves returning to the same patients. While they are eager to address the immediate problem, they are unable to address the underlying issue: poor balance, poor diet, dementia, Alzheimer's or other memory-related disease, etc.

The 911 First Responder Referral Program was launched by the San Rafael Fire Department in 2014 to empower emergency first responders to provide a referral, with the patient's consent, to Aging and Adult Services *Information and Assistance Program* (part of Marin County's Health & Human Services). If the patient doesn't want the referral at that time, the responder leaves information behind so the patient and caregivers can learn more about available programs and contact

Information and Assistance when he or she is ready.

This report describes how the 911 First Responder Referral Program can be a win-win-win for Marin County:

- **Senior citizens'** quality of life may improve by obtaining assistance in helping to manage their long-term issues.
- **Marin County's** Health & Human Services has an opportunity to intervene earlier to improve the client's health and wellness.
- **Emergency first responders** receive fewer 9-1-1 calls.

FINDINGS

F1. Marin County's Aging and Adult Services Information and Assistance Program is a highly proactive team of caring professionals who have a strong desire to provide

personalized assistance for improving lives of adults in the County.

F2. The San Rafael Fire Department has done an effective job implementing the 911 First Responder Referral Program and fostering an efficient relationship with the Aging and Adult Services

Information and Assistance Program.

F3. The Marin County Fire Chiefs Association has a strong desire to roll out a consistent 911 First Responder Referral Program, which could be successful in every fire department throughout Marin County.

RECOMMENDATIONS

- R1. Marin County fire chiefs should implement the 911 First Responder Referral Program County-wide.
- R2. Marin County fire chiefs should create a community outreach campaign for the 911 First Responder Referral Program.
- R3. Marin County police chiefs and Sheriff should have their patrol officers/deputies attend

the 911 First Responder Referral Program training.

R4. Marin County paramedic agencies should have their emergency first responders attend the 911 First Responder Referral Program training.

R5. Private ambulance companies serving Marin County should have their emergency first responders attend the 911 First Responder Referral Program training.

Sex Trafficking

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Protocol for Human Trafficking.

- State law mandates two hours of training on human trafficking and some Marin law enforcement agencies may not be complying with this law, as not all agency heads could confirm that their officers received this training.
- An effective consistent training package for law enforcement that incorporates the roles of all County resources/processes in addressing human trafficking does not exist.
- Human trafficking training for medical and fire department EMS professionals is inconsistent - some have been trained, some have not and some who have been trained have not been trained recently. Healthcare providers and EMS professionals are in a unique position to recognize the signs of human trafficking since 88% of domestic victims have contact with these workers while being trafficked.
- Human trafficking training of students, teachers, and parents by Marin school districts is inconsistent, although the Marin County Office of Education has hosted several educational efforts for some educators and the public. This training is particularly important as the average age of solicitation is 12-14 years of age. According to the Marin County District Attorney's office, half of the victims with whom she works are from Marin County. Students



must recognize the signs of a peer being recruited, parents must understand how to monitor their child's activities and teachers need to report suspicious activities.

- Public outreach campaigns are insufficient and do not reach all critical audiences. A number of well-regarded groups are conducting outreach, but budgets are small, resources scarce and communications fragmented.

FINDINGS

- F1. Human sex trafficking is mostly unrecognized, under-reported, and rarely subject to intervention in Marin.
- F2. A significant number of human sex trafficking victims are from Marin, not just transients imported from other areas.
- F3. Reports from two Marin County victim advocate

organizations show that approximately 30% of the victims they aid are under the age of 18.

- F4. Some Marin County law enforcement officers still believe some human trafficking victims are criminals.
- F5. State law mandates that officers receive two hours of training on human trafficking and some Marin agencies may not be complying with this law.
- F6. Training of Marin County law enforcement on the Marin County Uniform Law Enforcement Protocol for Human Trafficking has been inconsistent across agencies.
- F7. Law enforcement officers and others who are closest to human trafficking believe the California mandated two-hour POST training video on human trafficking is not

sufficient.

- F8. Marin law enforcement agencies rarely use multidisciplinary training, incorporating collaboration between Children Family Services (CFS), the District Attorney, law enforcement experts, and possibly victims.
- F9. Training for firefighters and EMS professionals in recognizing human trafficking victims and reporting the crime is inconsistent in Marin.
- F10. It is difficult to determine the extent of human trafficking in Marin because of inconsistent classification and definitions of the crime, as well as the lack of a central clearinghouse for this data.
- F11. The Marin County school districts do not provide education on a systematic basis for students, parents

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Sex Trafficking

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and teachers in recognizing signs of human trafficking.

F12. Human trafficking outreach has been fragmented and

is currently insufficient in reaching critical audiences.

F13. The Marin County Coalition to End Human Trafficking Coalition needs dedicated resources to make it more effective.

RECOMMENDATIONS

R1. All law enforcement officers should be consistently trained in the Marin County Uniform Law Enforcement Protocol for Human Trafficking.

R2. All Marin law enforcement agency heads should ensure their officers receive the California mandated two hour human trafficking training.

R3. The Board of Supervisors should convene a local group of human trafficking experts (including CFS, law enforcement subject experts, FBI, victim advocates, DA's, and perhaps a victim) to create a multidisciplinary training presentation. This training should include the unique roles of all County personnel, resources, and processes in addressing human trafficking. Additional resources will be needed to support this training as none are devoted to this task now. This training should include information on the trafficking of females and males, as well as LGBTQ.

R4. Once this multi-disciplinary training package is completed, Marin County law enforcement agencies should ensure that all Marin law enforcement officers be trained.

R5. Marin County fire departments should ensure that all EMS personnel are trained in recognizing human trafficking and how to report it, and

incorporate this in their annual training.

R6. The Board of Supervisors should fund the creation of a database that systematically tracks adult and minor victims, using consistent classification and shared definitions to properly identify the victim and the crime, as well as document its prevalence. Data should be gathered from any organization dealing with trafficking victims, including law enforcement agencies, government agencies (e.g. Marin County Health & Human Services), civic organizations, and victim advocate organizations.

R7. Marin County Office of Education should work with the Marin County School/Law Enforcement Partnership to develop educational programs to ensure that students, parents, and teachers are trained in recognizing the signs of human trafficking and where they can find help.

R8. The Board of Supervisors should provide the Marin County Human Trafficking Coalition resources necessary to expand community outreach to schools, faith communities and the public. The Coalition should explore a grant for a dedicated position that supports coalition logistics and outreach campaigns.

LAW ENFORCEMENT CITIZEN COMPLAINT PROCEDURES
The Grand Jury Has A Few Complaints

Marin County's Civil Grand Jury undertook an investigation into the Citizen Complaint procedures that are currently used by Marin's law enforcement agencies. The Grand Jury focused on procedure accessibility, comprehensiveness and clarity.

Questioning authority and its representatives can be intimidating and is made more so by opaque and inaccessible policies and procedures. The Grand Jury learned that lodging a complaint with any of Marin County's ten law enforcement entities can be confusing, time consuming and discouraging.

To maintain full public trust, an effective law enforcement complaint process depends on fair and transparent procedures. Through its investigation, the Grand Jury learned that the courts, law enforcement organizations, civil rights advocates and educational institutions all concur that open communication between law enforcement agencies and citizens is essential.

An improved and uniform complaint process would provide greater credibility and effectiveness to the Citizen Complaint process. While demonstrating law enforcement's commitment to protect and respect the community it serves, a clear and consistent set of procedures would build a better foundation for interactions between law enforcement and the public.

The Grand Jury recommends that every law enforcement agency in Marin County have a clear and complete description on its website and in its lobby, in both English and Spanish, of the department's policy, procedures and forms for filing a citizen complaint. Law enforcement personnel should be trained in and be able to fully describe the process and forms to any inquiring person and direct that person to the appropriate location of the information. Preserving confidentiality and anonymity when requested should be an option (via website and in person) for all complainants.

FINDINGS

F1. Marin County law enforcement agencies have procedures for Citizen Complaints that could act as deterrents to participation in the complaint process.

F2. Some Marin County law enforcement agencies employ procedures and admonitions that have been held to be unconstitutional.

F3. Some Marin County law enforcement agencies' complaint procedures require face-to-face contact with law enforcement officers, which may deter citizens from using the Citizen Complaint process.

F4. Not all Marin County law

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Complaint Procedures

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- enforcement agencies provide written policies, procedures and Citizen Complaint forms in English and Spanish.
- F5. Not all Marin County law enforcement agencies accept and investigate anonymous Citizen Complaints.
- F6. Information about and access to the Citizen Complaint procedure is difficult to find on Marin County law enforcement agency websites.
- F7. Marin County law enforcement agencies do not publish the number, the nature or the disposition of Citizen Complaints.



RECOMMENDATIONS

- R1. Every Marin County law enforcement agency should have a clear and full description of the law enforcement agency's policy and procedures for handling Citizen Complaints on its website that is accessible by a direct link from the law enforcement agency's home page to a clearly identified "Citizen Complaints" folder.
- R2. All Marin County law enforcement agencies should accept the filing of Citizen Complaints online.
- R3. A clear and full description of the law enforcement agency's policy and procedures along with forms for filing Citizen Complaints should be available to the public in the lobby of each law enforcement agency.
- R4. Written policies and procedures, as well as Citizen Complaint forms, should be available to the public in English, Spanish and other languages appropriate to the community.
- R5. Marin County law enforcement agency personnel should be trained in the agency's Citizen Complaint policy and procedures in order to fully describe them to members of the public.
- R6. All public-facing law enforcement personnel should present an open and welcoming attitude to any inquiry about the Citizen Complaint process.
- R7. No policy, procedure or form for handling Citizen Complaints should have any language based in whole or in part on California Penal Code Section 148.6 and/or California Civil Code of Civil Procedure Section 47.5, nor should a complainant be required to acknowledge that they have read and understood such language.
- R8. A person who initiates a Citizen Complaint should not be required to verify or certify the contents of the complaint form.
- R9. The identification of the complainant on the Citizen Complaint form should be optional.
- R10. The signature of the complainant should not be required on the form.
- R11. Anonymous Citizen Complaints, and complaints initiated by minors, should be accepted and investigated in accordance with the agency's procedures.
- R12. Members of the public who desire information regarding a law enforcement agency's policy, procedures and Citizen Complaint forms should not be required to discuss their involvement, identity or situation before the materials are provided.
- R13. All Marin County law enforcement agencies should incorporate within their policies and procedures an appeal process that allows the complainant to appeal the disposition to an entity outside of the law enforcement agency.
- R14. Marin County law enforcement agencies should publish on their websites and annually update the number, nature and disposition of Citizen Complaints.

TRAFFIC CONGESTION IN MARIN

The Sir Francis Drake Boulevard Project Deconstructed

Traffic congestion is a top concern of Marin residents. Voters passed the Marin County Measure A sales tax in 2004 and the Measure B car registration fee in 2010 to fund projects that reduce traffic congestion. Marin residents, who pay about \$140/year in local transportation taxes and fees, have yet to see any significant traffic congestion reduction. To investigate why this is so, the Grand Jury focused on the current Sir Francis Drake Boulevard Rehabilitation Project (SFDB Project). Still in the planning stages, this project illustrates a number of recurring problems that arise from:

- Complex funding restrictions
- Local politics and special interests
- Fragmented and short-sighted planning
- Conflicting local interests

The SFDB Project's primary goal is to repair the deteriorated roadway surface of the County-maintained section of SFDB between Ross and Highway (Hwy) 101. When a major county road is to be repaired, the County tries to take the opportunity to improve traffic flow and better accommodate pedestrians, bicyclists, and mass transit. For this project, County planners propose to boost traffic flow by better coordinating traffic signal timing and adding a third eastbound lane through the most congested section. Modifications are also proposed to increase safety for pedestrians and cyclists (especially school children)



Photographer: Stuart Lirette.

by completing and widening sidewalks and road shoulders and improving bus shelters. Projections indicate that these proposed modifications can significantly reduce traffic congestion. However, the project cannot relieve congestion caused by bottlenecks to traffic merging onto Hwy 101 or flowing east to Larkspur Landing.

The Grand Jury findings and recommendations fell into three categories:

- **Community feedback & budget:** Based on community feedback and limited funding, focus on those potential improvements that maximize congestion relief and safety. Outside of this project, consider shifting planned budgets for multi-million

dollar pedestrian-bicycle pathways toward projects that benefit a larger population.

- **Project synergy with other initiatives:** School bus funding, Hwy 101 ramp metering, Larkspur Landing traffic improvements and opening a third lane on the Richmond - San Rafael Bridge can provide congestion relief to SFDB.
- **Measureable goals:** Clearly-stated and publicly-shared goals for predicted project benefits in travel times and other congestion management measures are needed.

FINDINGS

- F1. The SFDB Project team provided extensive outreach

and transparency with many public meetings and workshops, published information, and modified and sharpened direction based on the feedback received.

- F2. There is no statement in the SFDB Project documentation of current congestion levels (except for specific intersections) and no quantified goals for congestion relief.
- F3. The SFDB Project considered only roadway improvements for traffic operation, mass transit, and pedestrian and bicycle access and safety. More comprehensive analysis of traffic and congestion is

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possible as seen in the Mill Valley Traffic and Congestion Task Force Report. This could open the possibility for a wider range of solutions.

- F4. The use of 11-foot traffic lane widths on SFDB is safe, will not materially slow traffic flow, is commonly used for roads with much higher traffic volumes and speeds and abides by standard guidance.
- F5. Existing traffic signals are programmed and coordinated for multiple time-of-day and day-of-week schedules across 12 intersections. Adjustment of these programs to account for new and more efficient intersection configurations and new traffic patterns is expected to have moderate payoff.
- F6. As demonstrated in the 2011-2012 project to synchronize traffic signals along SFDB, the County has the ability to model Level of Service measures including elapsed time to travel the corridor, average speed, calculated fuel consumption as a function of congestion, cost of time lost, cost of fuel, CO2 emissions, and toxic gas emissions before and after a project.
- F7. The cost of all components under consideration for this project is \$19.2M, but the budget is \$13.2M. \$800,000 has been allocated for the work already completed and the upcoming development and filing of an Environmental Impact Report.
- F8. Future leadership changes on the Marin County Board of Supervisors, TAM Board of Commissioners, as well

as city and town councils during design-approval stages can cause a previously well conceived and vetted congestion reduction project to fall out of favor and be abandoned or seriously curtailed.

- F9. Funding and implementing school bus programs for Bacich Elementary School and Kent Middle School would reduce peak school traffic which makes up an estimated 20-30% of all peak hour morning trips on SFDB
- F10. Measure A funds provide for school bus transportation as a part of its transit implementation strategy.
- F11. TAM has the authority to change the Measure A expenditure plan with a two-thirds majority vote of the TAM Board of Commissioners and approval of a majority of the towns and cities of Marin County.
- F12. Multi-use pathways constructed along Hwy 101 at a cost of \$35M yielded insignificant conversion of motorized travel to biking and walking.
- F13. Planning is underway for another bike bridge and pathway with a projected cost of \$19.8M. And further south, studies are underway with vigorous advocacy support for converting the abandoned Alto Tunnel to a multi-use pathway at an estimated cost of \$40M to \$50M.
- F14. Ramp metering on Hwy 101 from Marin City to north of SFDB is predicted to cut travel time by 24% for peak

hour and reduce spillover and congestion on feeder streets (e.g. SFDB).

- F15. MTC allocated funds to Caltrans for ramp metering in Marin but funding issues have the project suspended. Implementation is on hold even though lights have been installed.
- F16. TAM manages and funds a set of separate projects

based on their individual merits and the support of the TAM Commissioners, each representing their district of the County or their local town or city.

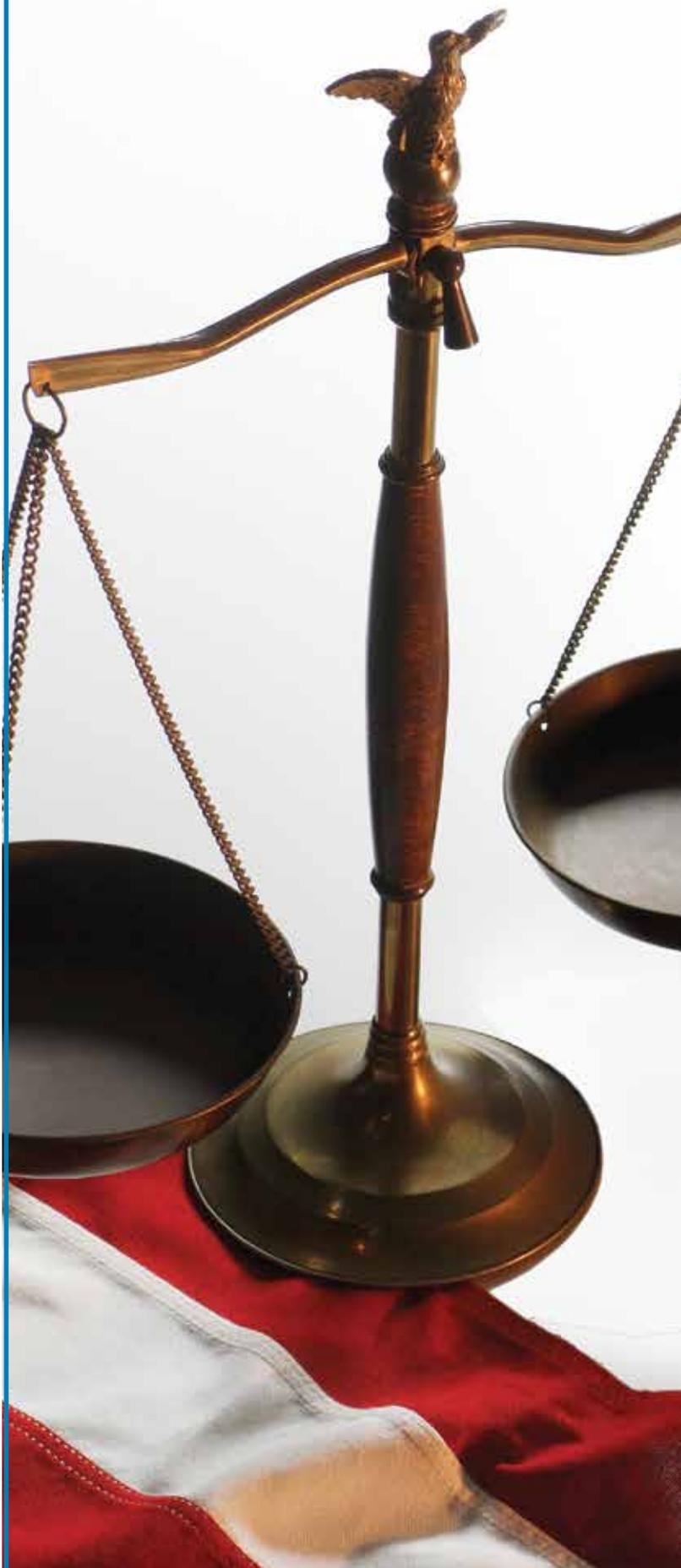
- F17. TAM does not structure sets of integrated projects to produce cohesive programs that holistically solve traffic issues that cross jurisdictional and project boundaries.

RECOMMENDATIONS

- R1. TAM and the County should reconcile the \$19.2M in desired work along SFDB with the \$13.2M budget by giving priority to the traffic congestion reduction measures.
- R2. The County should publish current and expected post project Level of Service for the corridor: time to travel the corridor, average speed, fuel consumption, economic benefit and level of change in CO2 and toxic gas emissions.
- R3. TAM and the County should include and publish the Level of Service and other actual benefits achieved in the project scope of work.
- R4. Marin County Board of Supervisors and TAM Board of Commissioners should facilitate the identification and publication of project facts and both qualitative and quantifiable benefits to better inform the public and guide their future decision making.
- R5. TAM, Marin Transit District and the County should fund school buses for the Bacich Elementary and Kent Middle School population. Consider overall optimization

of Measure A transit funds, including modification of the Measure A expenditure plan.

- R6. TAM and the County should negotiate implementation of ramp metering with MTC and Caltrans.
- R7. TAM and the County should evaluate the cost/benefit of adaptive signaling improvements in reducing congestion and fund once other more cost effective solutions have been implemented.
- R8. Existing planned but not yet constructed highly expensive bicycle-pedestrian pathways should not be built if their only justification and funding depends on traffic relief or mitigation with no evidence indicating that peak traffic relief is reliably predicted to result. Such projects should be funded and supported only if justified on other grounds.
- R9. TAM should coordinate with other agencies to produce sets of integrated projects prioritizing solutions that have engineered and predicted benefits for areas of the County, not just for individual road segments.



What is the Civil Grand Jury?

The Civil Grand Jury is the only independent “watchdog” investigative body in Marin County. Our job is to monitor the performance of local government and make recommendations that can save taxpayers’ dollars and improve services. We do thorough investigations of officials suspected of misconduct or potential government inefficiencies. These investigations follow complaints submitted by individuals. Please visit our How to File a Complaint webpage if you would like information about filing a complaint.

Each spring our Superior Court Judges review applications from qualified citizens who wish to serve on the Grand Jury. Once the jurors are identified, they are sworn in and begin serving their one year term on July 1st.

Would you make a good grand juror?

1. Are you interested in learning how our local government agencies work?
2. Are you willing to look for solutions to increase efficiency, improve services and save taxpayer dollars?
3. Are you a good listener and can you ask thoughtful questions?
4. Are you interested in reviewing documents and using computer skills to do research on the internet?
5. Are you able to use a computer to help write clear, descriptive reports of your findings?
6. All your work is confidential. Can you keep a secret?
7. Can you cooperate with 18 others in a common goal?
8. Do you have the stamina to commit yourself to a full year of productive work?
9. Are you able to contribute approximately 20 hours a week to this important community service?
10. Do you listen with the intent to understand rather than listening while focusing on speaking?

The Civil Grand Jury works on a fiscal year basis and accepts applications throughout the year. The deadline for submitting an application for the next year’s Civil Grand Jury is April 6, 2016.

To APPLY for GRAND JURY SERVICE visit the Grand Jury website:
<http://www.marincounty.org/depts/gj>

Click on “**Application to be a Juror**”

To request an investigation by the Marin County Civil Grand Jury visit the Grand Jury website: <http://www.marincounty.org/depts/gj>

Click on “**Form to Request an Investigation**”

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