



OFFICE OF THE DISTRICT ATTORNEY
MARIN COUNTY, CALIFORNIA

Prevention ★ Prosecution ★ Protection

Edward S. Berberian
District Attorney

Barry G. Borden
ASSISTANT DISTRICT
ATTORNEY

Rosemary Slote
CHIEF DEPUTY DISTRICT
ATTORNEY

Dori K. Ahana
CHIEF DEPUTY DISTRICT
ATTORNEY

Robert J. French
CHIEF INSPECTOR

Peggy M. Toth
CHIEF, FINANCE
AND ADMINISTRATION

August 5, 2016

The Honorable Kelly V. Simmons
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

Re: The June 23, 2016, Marin Civil Grand Jury Report entitled: *Marin's Hidden
Human Sex Trafficking Challenge; It's Happening In Our Backyard*

Dear Judge Simmons:

Enclosed please find the Marin County District Attorney's response to the above referenced Marin Civil Grand Jury Report. Please extend my gratitude to the 2015-2016 Grand Jurors for their hard work and commitment to the citizens of Marin County on this important and complex issue.

Very truly yours,

EDWARD S. BERBERIAN
District Attorney

ESB/sd

cc: John Mann, Foreperson
Marin County Grand Jury
3501 Civic Center Drive, Suite 275
San Rafael, CA 94903

Enclosure

RESPONSE TO GRAND JURY REPORT

Report Title: Marin Hidden Human Sex Trafficking Challenge: It's Happening In Our Backyard

Report Date: June 16, 2016

Public Release Date: June 23 2016

Response by: Edward S. Berberian

Title: Marin County District Attorney

FINDINGS

- I (we) agree with the findings numbered: F1, F3, F5-F7, F9-F13
- I (we) disagree *partially* with the findings numbered: F2, F4, F8
- I (we) disagree *wholly* with the findings numbered: _____

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered R1 and R2 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered R3, R4, R6 and R8 require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency, when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented because they are not wanted or are not reasonable.
(Attach an explanation.)

Date: 8/5/2016

Signed: 

Number of pages attached: 3

GRAND JURY REPORT -EXPLANATIONS

Report Title: Marin Hidden Human Sex Trafficking Challenge: It's Happening In Our Backyard

Report Date: June 16, 2016

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EXPLANATION AS TO FINDINGS:

F2. A significant number of human sex trafficking victims are from Marin, not just transients imported from other areas.

We partially disagree. Certainly there are some victims of sex trafficking who are domiciled in Marin County, but given that the true number of victims who are being sex trafficked in Marin County is not known, it is difficult to say with any degree of certainty that the majority of these victims, or even a significant number of these victims, consider Marin County to be their primary residence.

F4. Some Marin County law enforcement officers still believe some human trafficking victims are criminals.

We partially disagree. My office's experience with local law enforcement officers who are actually working these cases has been to the contrary. The officers we have encountered have practiced a victim- centered approach in that they presume, unless facts point to the contrary, that the trafficked person is a victim/ survivor and the criminal is the actual trafficker.

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.

We partially disagree. My office meets regularly with local and regional law enforcement agencies to work on cases and swap intelligence on possible traffickers and individuals who may be suspected victims. There is certainly room for greater collaboration which we are trying to achieve through the Marin County Coalition to End Human Trafficking.

EXPLANATION AS TO RECOMMENDATIONS:

We were asked to respond to recommendations 1 through 4, 6 and 8.

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

As to the Marin County District Attorney Inspectors, this recommendation has not yet been implemented, but will be in the future. All District Attorney inspectors who have not yet been trained on the protocol will receive this training on or before October 31, 2016.

As to Deputy District Attorneys, this recommendation has not yet been fully implemented, but will be in the future. All Deputy District Attorneys who have not yet been trained on the protocol will receive this training on or before December 16, 2016.

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

This recommendation has not yet been fully implemented, but will be in the future. All Marin County District Attorney Inspectors are California Peace Officers and all those who have not yet received this training will receive the mandated, two-hour human trafficking training on or before October 31, 2016.

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.

This recommendation requires further analysis. Although the Marin County Coalition to End Human Trafficking has expressed an interest in assisting the county to develop multidisciplinary training on both sex and labor trafficking investigations, the Coalition is not funded to do so and no proposals have been requested or submitted. The expense to the county and to law enforcement departments in particular needs to be explored. The county might be better served to develop a means by which data on human trafficking investigations is gathered and analyzed. It is always difficult to invest taxpayer monies in a problem without clearly being able to define the scope of the problem. Equally, it is hard to define the scope of a problem without some investment in law enforcement training about what the problem is and how it presents in the community. It is my office's opinion that this difficult and complex issue requires more analysis before the development of a multidisciplinary training program is commissioned.

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

This recommendation requires further analysis. Please see my response to R3, directly above.

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.

This recommendation requires further analysis. If the Board of Supervisors convenes and funds a local group of trained experts to create a database to track adult and minor human trafficking victims, then this group should first develop clear data sources, definitions, and classification guidelines. The methodology should be reviewed and approved by the Board of Supervisors or their designee and a cost and funding structure should be annually pre-approved with public reporting requirements. In addition, we would recommend that this group look to see how other counties are tracking this problem in their communities.

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.

This recommendation requires further analysis. In 2015, Marin County Board of Supervisors did award the Coalition a \$5,000 community service grant to establish a website that would expand community outreach and bring together individuals and organizations in Marin County that have an interest in ending human trafficking. This website is almost complete and is expected to be available on the Internet before the fourth quarter of this year. It is my understanding that the Coalition does intend to apply to the Board of Supervisors for another community service grant to assist with coalition logistics and outreach campaigns. We support the Coalition's work and agree with this recommendation.