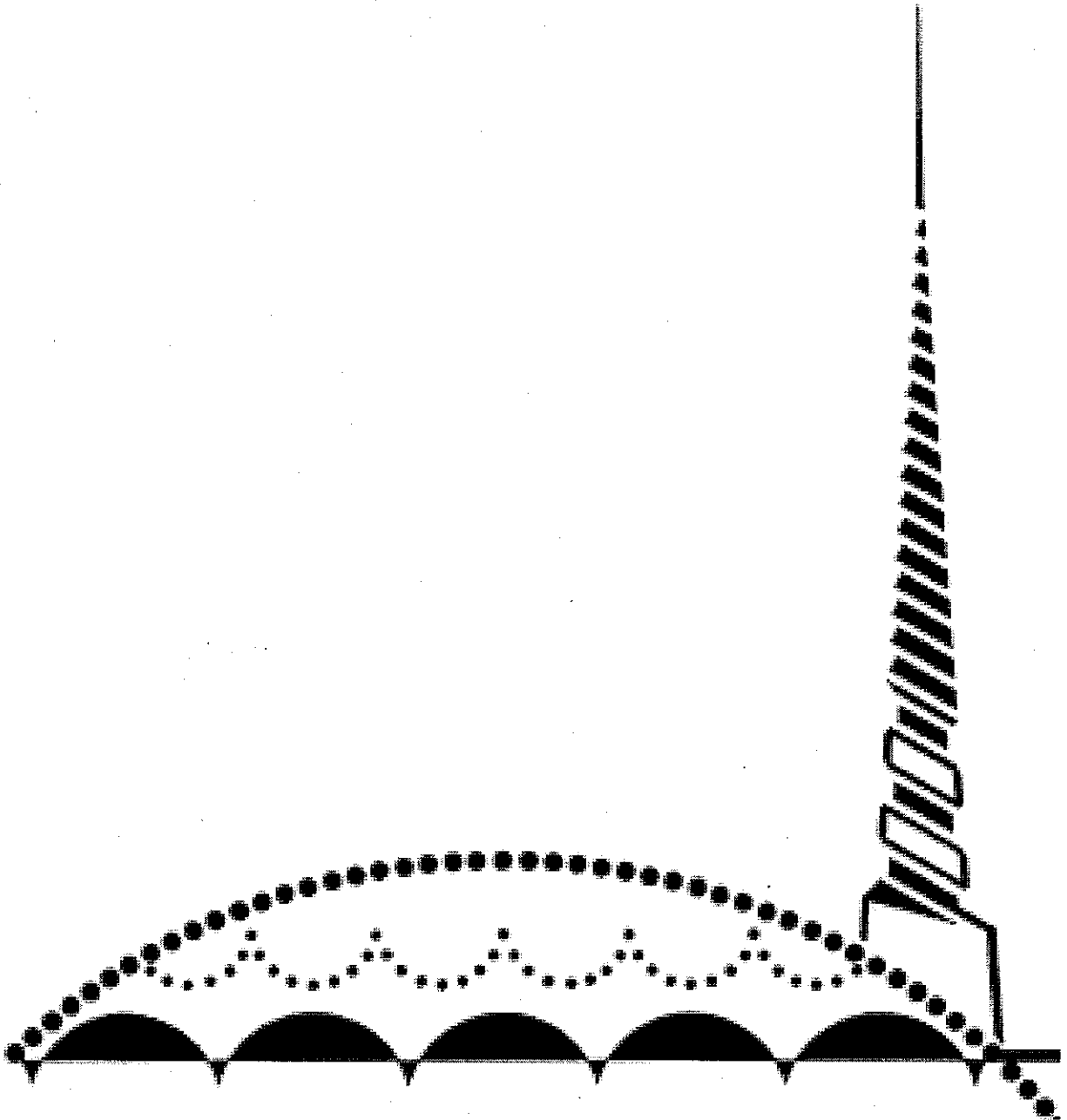
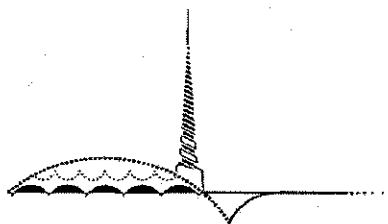


2008-2009 MARIN COUNTY CIVIL GRAND JURY

Saving Marin's Major Crimes Task Force

June 3, 2009





SUMMARY

For more than 30 years, the Marin Major Crimes Task Force has worked as a specialized undercover unit comprised of highly trained investigators who focus on drug-related crimes throughout the county. The Task Force assists local law enforcement agencies in major investigations and arrests.

The results of its investigations are impressive. In 2007 and 2008, the Task Force made 119 arrests and seized drugs with a street value of \$8.5 million. It confiscated handguns, rifles, shotguns and automatic weapons, along with approximately \$451,000 in suspected drug money. Law enforcement officials are convinced that reducing drug traffic in the county also reduces property crimes such as burglaries of homes, stores, cars and schools. They believe about half of these crimes are drug-related.

Funding of the Task Force is accomplished through a joint powers agreement between the county and its municipalities, and is supplemented by a share of funds from property seized during drug arrests. When the Grand Jury began looking into the operation of the Task Force in the fall of 2008, there was a distinct possibility that the unit might be disbanded or severely cut in size. The City of Novato was facing a budget crisis and had decided to withdraw in order to cut costs. San Rafael had withdrawn its support in 2003 for similar reasons. Without funding from the two largest cities in the county, costs for the remaining communities would be prohibitive.

In recent years, the Task Force has included six investigators, a field supervisor and a lieutenant, all supplied by the Sheriff's Department. The staffing has been supplemented by an independently funded three-member probation enforcement team that monitors high-risk narcotics offenders who are on probation. That team includes one sheriff's sergeant, one deputy sheriff and a San Rafael police officer.

Recently the Sheriff has proposed reducing the number of Task Force members his department contributes. Additionally, Novato has reconsidered its withdrawal from the Task Force and plans to assign a police officer to the unit. Novato's participation is subject to city council approval.

The Sheriff proposes to reduce his department's staffing by two investigators and one sergeant. He suggests that the investigators be replaced by one officer supplied by the California Highway Patrol and another by the Novato Police Department. These steps would result in a 9 percent reduction in the current costs for the balance of fiscal year 2009 and a 38 percent reduction in costs for all jurisdictions for the new fiscal year, which begins July 1, 2009.

Additionally, the City of San Rafael has been crunching the numbers to determine if it could contribute an investigator and financial support to the unit. If it did contribute, the Task Force would require less funding by the other municipalities and the county.

In April 2009, the county-wide committee that oversees the Task Force approved the Sheriff's plan, which now needs to be approved by members of the joint powers agreement. Those approvals should be acted upon before the start of the new fiscal year on July 1, 2009.

The Grand Jury recommends that the cities, towns and County of Marin move forward with these proposals to reorganize the Task Force and reduce its cost while maintaining the essential elements of its drug-fighting mission.

The San Rafael Chief of Police has told the City Council that he cannot spare an officer for the Task Force and that, if the city were to rejoin the joint powers agreement, its contribution should be purely financial. The Grand Jury believes that the City of San Rafael, by not participating in the Task Force joint powers agreement, is not fulfilling its responsibility in the overall major crime-fighting effort in the county. As it stands now, San Rafael benefits from the efforts of the Task Force without contributing its share.

BACKGROUND

The Major Crimes Task Force was formed in 1977 at the recommendation of the Marin County Police Chiefs' Association. It was a cooperative effort linking Marin's 11 municipalities and the county in a joint powers agreement to provide a central investigative unit capable of crossing jurisdictional boundaries in the detection, apprehension and prosecution of highly mobile criminals. The Task Force was intended to supplement the efforts of local law enforcement by providing expertise, investigative assistance and the ability to conduct undercover operations.

The Task Force works under the direction of an oversight committee comprised of city managers, county officials, police chiefs and an appointed citizen. The committee meets quarterly.

Prior to July 1993, officers from the various participating agencies staffed the Task Force. Since then, it has been staffed exclusively by sheriff's personnel. Salaries of Task Force personnel are funded by participating municipalities and the county based on a formula keyed to population and assessed values of property. For example, Novato in 2008 provided \$193,849 while Fairfax provided \$25,738. The size of the Task Force has fluctuated over time, but typically it has averaged five to six investigators, a sergeant and a lieutenant. Representatives from the California Highway Patrol and federal agencies have been added when needed.

The focus of the Task Force over the years has evolved to narcotics investigations because, as one Task Force member said, "Drugs are a fundamental part of most criminal behavior, and our quality of life is impacted by drug-related crime." He said that all neighborhoods are affected by the drug trade, adding, "Drug users need money for their habit and frequently will focus on the more affluent neighborhoods to commit burglary, auto theft and robberies."

METHODOLOGY

The Grand Jury interviewed sheriff's personnel, chiefs of police, mayors and members of the oversight committee. Members of the Grand Jury rode with Task Force investigators to observe their operations. The Grand Jury searched the Internet and local newspapers for articles to track Task Force operations, major cases and arrests, and drew upon the statistical information regarding criminal activity from local law enforcement agencies.

DISCUSSION

The objectives of the Task Force are to:

- Provide investigative assistance to local law enforcement agencies.
- Coordinate drug enforcement investigations with local, state and federal agencies.
- Reduce drug trafficking by targeting dealers and suppliers.
- Detect, apprehend and prosecute individuals involved in major crimes.

The mission of the Task Force is to ensure "that the citizens of Marin shall live in a narcotic-free community."

Financial contributions from the county and municipalities pay for the operation of the Task Force. Fifty percent comes from the county, and 50 percent from other participating jurisdictions. In fiscal year 2009, the total amounted to \$1.2 million, an increase of approximately \$100,000 from the previous fiscal year. Some of the operating costs are funded by seized assets of those arrested in drug-related investigations.

The Marin Superior Court determines whether seized assets and property can be turned over to the Task Force.

State law allows some money and property seized in drug investigations to be turned over to law enforcement agencies for use in crime-fighting activities. Some of the qualifying offenses include possession of narcotics for sale, sales and transport of narcotics and manufacturing of drugs. Monies are distributed only after a conviction for a qualifying offense, and if a judge orders the distribution. Should a case be settled for a non-qualifying charge or if there is no conviction, the assets must be returned. In some years, seized assets were a key aspect of the funding of the Task Force. Generally, however they have been an unreliable source. Forfeiture funds distributed to the Task Force totaled \$27,809 in 2006 and \$1,011 in 2007.

The following chart shows how asset forfeiture funds have fluctuated from year to year:

Year	Task Force Criminal Cases Filed	Task Force Asset Forfeiture Cases Opened	Amount Distributed to Task Force
1999	24	6	\$ 1,750
2000	42	10	10,870
2001	17	7	5,958
2002	22	14	56,217
2003	37	8	67,308
2004	31	2	25,625
2005	30	9	9,957
2006	28	8	27,809
2007	38	17	1,011
2008	43	12	4,861
2009*	9	3	1,500**

* - to date

** Approximately

While Marin County has a relatively low crime rate, property crime is a continuing problem.

The California Department of Justice reports that in 2006, the latest year for which statistics are available, Marin County had 196 robberies, 1,354 burglaries of homes and businesses, and 822 thefts from motor vehicles. There were 2,575 incidents of petty theft (under \$400 value), and 1,199 incidents of grand theft (more than \$400 value). Police chiefs interviewed by the Grand Jury estimated that about half of the property crimes were drug-related.

Drug use in Marin County

According to police, marijuana, cocaine, methamphetamine, heroin and other illicit drugs have been popular in Marin for many years, affecting people of all ages. The Task Force in 2007 and 2008 seized 3,670 marijuana plants and 67 pounds of processed marijuana; 5.25 pounds of methamphetamine; 5,655 tablets of ecstasy; 12.6 pounds of cocaine; 4,499 doses of LSD; 265 tablets of OxyContin; and a small amount of GHB, the date rape drug. See the **Glossary** at the end of this report for a brief description of drugs confiscated in Marin.

Although most of the Task Force's work is concentrated on low- and mid-level drug dealers, some of the operations have produced very large results. During late 2007 and early 2008, the Task Force was involved in a narcotics case that started in West Marin and ended in the Modesto-Turlock area. That multi-jurisdictional investigation yielded more than 100 pounds of methamphetamine, three vehicles, five handguns and \$60,000. It resulted in 21 arrests. The street value of 100 pounds of uncut methamphetamine is \$4.5 million.

Arrests of dealers often uncover evidence of other crimes. One investigation ended with the arrest of a Novato couple for street sales of OxyContin. A search of their residence yielded 150 oxycodone pills (the generic form of OxyContin), a quarter pound of marijuana, and \$4,000 in cash. The couple's four children were removed from the dwelling by Child Protective Services due to the presence of the drugs.

Early this year, the Task Force obtained a search warrant for a condominium in Novato where a known dealer lived. In addition to items listed in the warrant, the officers found computers and other electronic equipment stolen in burglaries from schools and homes throughout the county. A Task Force spokesperson said that during searches related to drug investigations it is not uncommon to recover stolen property, including automobiles and auto parts, as well as evidence of such other crimes as mail theft.

In December 2007, the Task Force first encountered a relatively new drug known as Molly, which is a form of ecstasy. This drug, growing in popularity among Marin's young adults, alters one's perception. The Task Force has made six arrests in the county for possession of Molly, which sells for as much as \$2,000 per ounce. A sheriff's spokesperson told a reporter that Marin appears to be the focus of the Molly business in the Bay Area.

Task Force investigations during 2007 and 2008 resulted in 71 search warrants, 119 arrests, \$450,952 in seized cash, and seized drugs with a total value of \$8.4 million. A number of handguns, rifles, shotguns and fully automatic weapons were also seized.

A valuable weapon against crime

Statistics alone do not show many of the benefits of drug enforcement, such as the impact on property crimes. Frequently when the Task Force serves a search warrant, it finds stolen property and evidence of other crimes. The Grand Jury repeatedly heard that if there were no Task Force, the county would see an increase in property crimes and more narcotics activity, including more open-air sales of drugs.

An official from a small police department, who has been in Marin law enforcement for more than 30 years, views the Task Force as an "insurance policy" for his town. From his perspective, the Task Force is essential because his department does not have the staffing to attack major crime. If there were a major investigation to be conducted, he would call on the Task Force.

The Task Force also provides educational value to the community. Its members frequently speak about Marin's drug problem at schools, homeowner association meetings, parent/teacher sessions and other forums. Their presentations include displays of confiscated drugs whose appearance is probably unfamiliar to most Marin residents, as well as candid discussions of the ways these substances affect the lives of users, from long-time addicts to young, middle class experimenters.

Efforts to reorganize the Task Force

In 2003, San Rafael, the largest city in Marin, opted out of the Task Force, and removed itself from the joint powers agreement. This was done largely because of the rising cost of participating in the Task Force. Novato, facing a \$2.2 million deficit in its city budget, decided in early 2009 to follow San Rafael's lead and withdraw from Task Force funding.

In an interview with the Grand Jury, a member of the Task Force Oversight Committee said that the economics of the Task Force operation had become untenable and that scaling down the number of officers and returning to a multi-jurisdictional staffing approach might be the best solution to maintaining the unit. He said that without San Rafael and Novato participating, there would be no way the other cities and towns of Marin could pick up the cost.

In an effort to maintain the Task Force and make it more affordable for the various jurisdictions, the Sheriff proposed a reduction in the number of his personnel in the unit. At the same time, the California Highway Patrol offered to donate an officer to the Task Force. With this reorganization and the inclusion of a Novato officer would come a 9 percent cost reduction to the municipalities for the remainder of fiscal year 2009 and a 38 percent reduction for the next fiscal year. This led officials in Novato to reconsider participation in the Task Force, by contributing one investigator to the team. In addition to this basic staffing, the Task Force would continue to be augmented by the three-member probation enforcement team.

The Grand Jury learned that San Rafael officials had been considering a similar contribution of one investigator. However, the San Rafael police chief told the City Council in April that he could not spare an officer for assignment to the Task Force. If San Rafael were to rejoin the joint powers agreement, its participation should be strictly financial, he said.

The Grand Jury believes that the City of San Rafael should see the importance of re-joining the Task Force, since much of the county's drug-related activity occurs in that city. One Task Force member told the Grand Jury that most of Marin's drug activity occurs in the cities of San Rafael and Novato. San Rafael should participate and share the costs involved in fighting drug-related crime.

Where is the Task Force headed?

On April 13, 2009, the Task Force Oversight Committee adopted a 2009-2010 budget that represents more than a one-third reduction from the current budget. The committee also approved the Sheriff's restructuring plan. In addition, the Novato Police Department has agreed to supply an investigator—subject to approval by the City Council. Novato's cash contribution would be reduced to approximately \$39,000.

The Oversight Committee's recommendation now goes to all participating law enforcement agencies for approval, then to local governmental bodies and the Board of Supervisors for budget approval.

Staffing of the 2009-2010 Task Force would include a sheriff's lieutenant, a sheriff's sergeant (who would oversee the Task Force and the probation enforcement team), three sheriff's deputies, one Novato officer and one Highway Patrol officer.

The Oversight Committee told the Grand Jury it hopes the City of San Rafael will rejoin the Task Force. That would further reduce the costs to the other governmental bodies.

The Task Force appears to be moving forward. The Grand Jury recommends that each community in the county shoulder its share of responsibility for the Task Force, both through staffing and funding. Economic times are difficult, but placing funding of the Task Force high on the priority list is important, since all communities benefit from its investigative services. We recommend that each city and town council, as well as the Board of Supervisors, approve the Sheriff's proposal in order to retain the effectiveness and existence of the Task Force.

FINDINGS

The Grand Jury finds that:

- F1.** The Marin Major Crimes Task Force has been in successful operation since 1977, focusing in recent years on drug-related crimes in the county.
- F2.** At first, the Task Force was staffed with investigators supplied by the participating law enforcement agencies. More recently, the staff has come solely from the Sheriff's Office, while funding has come from municipalities and the county.
- F3.** Law enforcement officials believe that half of all property crimes committed in Marin are attributable to the sale and use of drugs.
- F4.** Due to budget constraints, cities are having increasing difficulty funding the Task Force, with San Rafael having withdrawn its financial support and Novato announcing its planned withdrawal.
- F5.** The withdrawal of Task Force funding by communities would impede drug enforcement in Marin County.
- F6.** The Task Force is a much-needed unit that benefits the entire county.
- F7.** The reduction in the number of sheriff's deputies and the inclusion of investigators from other agencies, as well as the California Highway Patrol would provide a sound solution to the funding issue.

F8. Since 2003, the City of San Rafael has not financially supported the operation of the Task Force, even though much of the county's drug crime occurs within its jurisdiction.

RECOMMENDATIONS

The Grand Jury recommends that:

R1. The Task Force continue to function as a cohesive unit, with investigators being supplied from the ranks of the Sheriff's Department, the California Highway Patrol, the Novato Police Department, the San Rafael Police Department and supplemented by the three-member probation enforcement team.

R2. The County and all municipalities support the Task Force by funding the joint powers agreement.

R3. The City of San Rafael return to its participation in the Task Force.

REQUEST FOR RESPONSES

Pursuant to Penal Code 933.05, the Grand Jury requests responses from the following:

- The Marin County Board of Supervisors, all cities and towns, and the Sheriff to **F1, F2, F3, F4, F5, F6, F7, and R1 and R2.**
- City of San Rafael to all **Findings and Recommendations.**

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code Section 933 (c) and subject to the notice, agenda and open meeting requirements of the Ralph M. Brown Act.

California Penal Code Section 933 (c) states that "...the governing body of the public agency shall comment to the presiding judge on the findings and recommendations pertaining to matters under the control of the governing body." Further, the Ralph M. Brown Act requires that any action of a public entity governing board occur at a noticed and agendized public meeting.

The Grand Jury invites a response from:

- The Marin County Major Crimes Task Force Oversight Committee to all **Findings and Recommendations.**
- The Marin County Chiefs of Police Association to all **Findings and Recommendations.**

GLOSSARY

This glossary is intended to inform the reader about drugs found in Marin County, as well as the effects the user may experience.

Cocaine is a highly addictive central nervous system stimulant extracted from the leaves of the coca plant. In its most common form, cocaine is a whitish crystalline powder that produces feelings of euphoria when ingested. It is also known as "coke," "blow," "C," "flake," "snow" and "toot." It is most commonly inhaled through the nose or "snorted," but can be dissolved in water and injected.

Crack is a smokable form of cocaine that produces an immediate and more intense high. It comes in off-white chunks or chips called "rocks." Little crumbs of crack are sometimes called "kibble & bits."

Crystal Meth is a form of methamphetamine. Crystal Meth is almost instantly addictive. See Methamphetamine.

Ecstasy is a hallucinogen and produces stimulant effects like amphetamine. It is also called MDMA and "the feel-good drug." Mostly found in pill form, ecstasy eliminates anxiety and suppresses the need to eat and sleep.

GHB (Date Rape Drug) is a degreasing solvent or floor stripper mixed with drain cleaner. GHB is a clear liquid that looks like water. Large doses can lead to death.

Heroin is white or dark brown in color, odorless, and a bitter crystalline compound derived from morphine, and is highly addictive. It is three times as potent as morphine. It is injected intravenously for its fastest effect on the brain. It is a central nervous system depressant and produces a dreamlike state of warmth and well-being. Heroin produces both physiological and psychological addictions.

Ketamine is an odorless, tasteless drug that is found in liquid, pill or powder form. It distorts sounds and sensations and makes users feel detached from reality. Sensations range from feelings of floating to being separated from the body, which in some cases have been described as near-death experiences.

Khat are leaves from East African trees chewed for their stimulating effects such as euphoria, and can produce mild to moderate psychological dependence.

Marijuana is a member of the cannabis sativa family and is also known as Indian hemp. Marijuana is a somewhat weedy plant, and is also called "weed," "pot" and "grass." The narcotic ingredients allegedly have stimulating effects. After smoking, the user often has a feeling of well-being. Excessive amounts of the drug can lead to hallucinations and disorientation.

Methamphetamine is a central nervous system stimulant used both medically and illicitly. It can be taken orally, intranasally (snorting), by injection or by smoking. Effects can include chest pain, changes in vision, fast or irregular heartbeat, and loss of contact with reality.

Molly is a form of ecstasy. It is commonly known as a drug that is one molecule shy of ecstasy, and produces altered senses of time, perception and self-esteem.

OxyContin is a narcotic (Oxycodone) analgesic used to treat patients who have moderate to severe pain that requires continuous treatment for an extended period of time. It is a central nervous system depressant and must legally be obtained with a physician's prescription.

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury. The California State Legislature has stated that it intends the provisions of Penal Code Section 929 prohibiting disclosure of witness identities to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in any Civil Grand Jury investigation.