

# THE ARK



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## Belvedere takes up debate on playground surface amid growing worry

More residents push back against carcinogen potential

By SHAYNE JONES  
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Nearly a year after approving a Belvedere Community Park playground renovation that includes potentially carcinogenic synthetic rubber materials, the City Council now says “the jury could still be out” and that officials should continue to explore other options.

The council took up the issue at its July 12 teleconference meeting at the behest of a growing number of concerned citizens

See **PLAYGROUND, PAGE 16**

## Police press release raises questions about use of race in limited descriptions of crime suspects

By SHAYNE JONES  
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In late June, a Tiburon teen got into his car to drive home after reportedly having an argument with a man just outside of town. As he drove along Tiburon Boulevard, he noticed a car weaving in and out of traffic behind him, sometimes reaching speeds upward of 100 mph. The gray Infiniti sedan was chasing him. After forcing the 16-year-old to the shoulder, the driver — the same man the boy saw earlier — walked up to his window and

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# Marin: All should mask indoors

County joins Bay Area-wide recommendation as Delta variant shows increasing spread

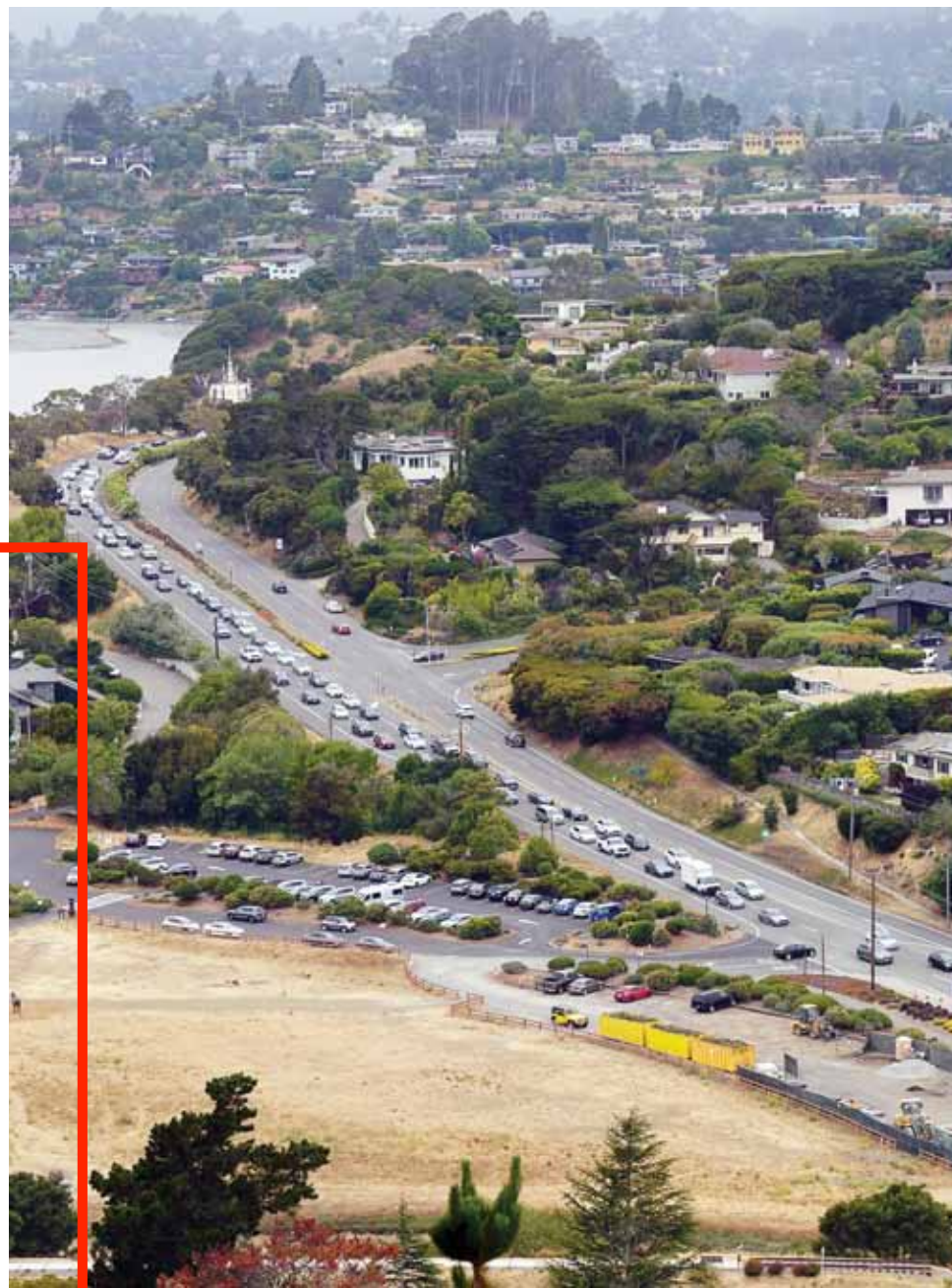
By KEVIN HESSEL  
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Marin has joined eight other Northern California counties

in again recommending indoor face coverings for everyone, regardless of vaccination status, amid a rise in COVID-19 cases driven by the Delta variant.

The July 16 announcement is a step short of mandatory indoor masking announced by Los Angeles County the day prior. In Marin, at least 25 percent

of all new cases are among fully vaccinated residents, according to Public Health Officer Dr. Matt \_\_\_\_\_ See **PANDEMIC, PAGE 17**



Scott Yu of the Tiburon Knolls neighborhood took this image last week of the Tiburon Boulevard traffic backup from Trestle Glen Boulevard in the foreground beyond Reed Ranch Road to the rear. Yu said he worries about what the road would look like if neighborhoods had to evacuate for a disaster like a wildfire.

## Boulevard construction projects are frustrating local drivers

Lane closures, detours clog traffic end to end

By DEIRDRE McCROHAN  
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An onslaught of construction projects is causing misery for Tiburon and Belvedere drivers who are increasingly finding themselves stuck in gridlock and detours from downtown to Highway 101.

The problems are only just beginning. Caltrans has had two Tiburon Boulevard projects, overlapping with downtown roadwork for the expansion of the Belvedere-Tiburon Library. Starting this week, drivers coming in and out of downtown will be routed around a stretch of the boulevard for up to a month as part of a utility-undergrounding project, and Caltrans has another project slated at Stewart Drive.

The most disruptive project last week appeared to be a Caltrans vegetation-management project near Rock Hill Drive. Flaggers narrowed the road to a single lane,

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## Traffic, from previous page

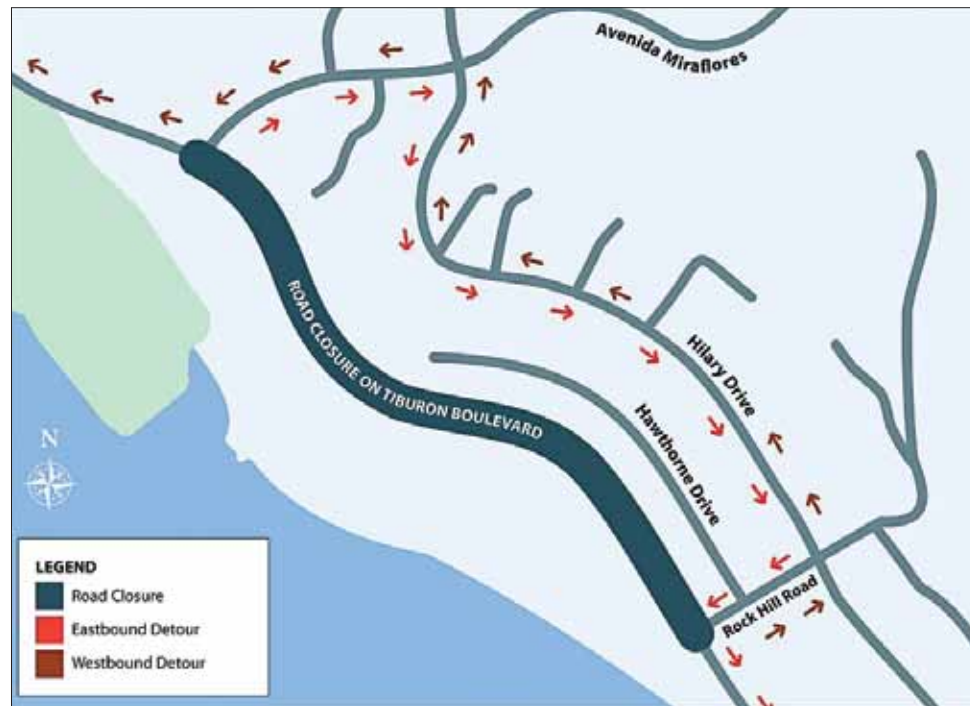
about whether they would support Caltrans doing the work at night to avoid high-traffic times, with some noting that those who live along Tiburon Boulevard would have to listen to engine noises and reverse-gear beeping all night.

“Caltrans apparently needs to have extremely bright lights to work at night, and there are regulations that prohibit them from working too close to homes,” Pratt said.

In downtown Tiburon, construction has paused on Belvedere-Tiburon Library projects to widen the left-turn lane from the boulevard onto Mar West Street and lengthen the median in front of the library, required as part of the library’s expansion project, which is moving the parking lot to the rear and the lot’s entrance to Mar West rather than the boulevard near Town Hall.

That project was supposed to run April 26 to May 7, but flaggers were still out in early June.

Project Manager Glenn Isaacson said in an email that the median is “receiving soil,”



**Traffic will be rerouted off Tiburon Boulevard and into neighborhoods on weekdays through Aug. 31 as part of the Hawthorn utility-underground project.**

but he didn’t say when that would happen and didn’t respond to a follow-up email.

Throughout the summer, drivers also will also see orange safety cones where the

town’s contract landscaping-maintenance firm, Gardener’s Guild, will be performing some of the town’s own vegetation management along the boulevard. The work will not require lane closures.

Meanwhile, the Hawthorne utility-undergrounding project was set to begin July 19, after The Ark’s press deadline, with an announced closure of Tiburon Boulevard between Avenida Miraflores and Rock Hill Road from 8 a.m. to 5 p.m. weekdays through Aug. 31.

However, officials say the first phase of the project is the undergrounding of the lines between Rock Hill Drive and Bayshore Terrace, with a goal of getting the Tiburon Boulevard portion of the work done by the time Reed Union School District instruction starts on Aug. 19.

Cars will be routed through the Del Mar and Hawthorne neighborhoods via Hillary Drive, with officials saying drivers should expect 15-20 minute delays.

At least, until they hit the next one.

Reach Tiburon reporter Deirdre McCrohan at 415-944-4634.

## Suspects, from page 1

reportedly pointed a semi-automatic handgun at him, demanding his personal belongings.

Seeking more information from the public, the Tiburon Police Department issued a press release two days after the June 26 robbery. Its details were limited. It included the color of the vehicle, though no make, model or type, such as a sedan or SUV. It included the general area of the encounter, but no specific location or context about the argument ahead of the chase. It also provided a brief suspect description: “a Black male adult in his 30s.”

Many residents reacted to the press release, posted by the department to its Instagram page and to community website Nextdoor.com, with terror and sympathy for the teen, writing about what an awful experience it must have been and stating that no one should ever have to stare down the barrel of a gun at the hands of a stranger.

Other residents took notice of the release for different reasons, including members and regular attendees of the Tiburon Diversity Inclusion Task Force. The 10-member panel was formed last year, in part, to evaluate the Police Department amid scrutiny for its handling of a series of incidents involving race, from Black Lives Matter protests to a heated exchange with a Black shop owner that drew allegations of profiling, to a complaint about an officer wearing a Thin Blue Line face covering — a symbol that was being banned on the job by departments elsewhere for its increasing appearance at white-supremacist rallies.

In an email addressed to Tiburon Police Chief Ryan Monaghan and department spokesperson Laurie Nilsen, task-force member Noah Griffin questioned the

department’s decision to release the suspect’s race without additional identifying characteristics of the suspect, such as his hair-style, build and skin tone.

“I’d like you both to take a look at our recent press release and police blotter through the lens of racial enlightenment,” Griffin wrote in the email. “Tell me why you think I’m receiving calls and emails concerning them.”

The press release had raised questions about policies and best practices surrounding the reporting of race, both by police departments and the media, and their potential impact on communities when weighing public safety and seeking witness assistance against the potential of creating and advancing stereotypes.

“We’re not an indistinguishable mass,” Griffin, who is Black, said in an interview. “People have adopted the idea that all Black people look the same,” adding that the suspect description provided in the press release “doesn’t force white people to actually look and see what the characteristics of Black people are.”

Over a series of emails to the Tiburon department, Griffin noted that during his time as a law student in Boston, he worked with police there to create a chart to help officers describe Black suspects, which included a range of then-popular hairstyles: Jheri curled or processed, quo vadis or close-cut, long, short or wavy. He also added an array of skin tones, like light-skinned, or medium to dark, in an effort to help the department avoid overgeneralizing a person as solely “Black.”

In response to Griffin’s questions, Monaghan wrote back and stated the race of a suspect is an “important piece of identifying information” and police use it to help “narrow down who might be responsible.” He added that if the suspect were a white male, the

department would have included race in that case, too — but he made it clear he was open to reviewing policies at other departments and potentially changing his own.

“The only thing I think we could have done better with the press release was to provide more identifying information that was available to us, such as approximate height and weight,” Monaghan said. “I understand how providing race may have some unintended consequences, but I’m not sure what the best alternative is. I am open to any suggestions you might have on this.”

### Differing guidelines

In its original report on the robbery, The Ark did not publish a suspect description, noting that what was provided was broad enough to include thousands of Bay Area men, as opinions may differ on whether a description is “detailed.”

Rather, under the paper’s guidelines, suspect descriptions aren’t published unless there is a substantial amount of narrowly identifying details, down to adornments unlikely to be changed routinely, such as eyewear, watches, rings, piercings or necklaces, or permanent identifying marks such as scars, tattoos or birthmarks.

While the Police Department was able to additionally provide The Ark with a range of height and weight, the editorial team ultimately concluded those ranges were “average” and not narrowly identifying.

The policy, with variations, is standard in the media, recommended by the Associated Press and Society of Professional Journalists, and more locally the San Francisco Chronicle. Three other outlets that reported on the robbery, including SFGate.com, KCBS-5 and Patch.com, noted

they weren’t provided a detailed description.

“A ‘5-foot-tall Asian man’ will not help catch a suspect; however, a ‘5-foot-tall Asian man with bleached blond hair, a rose tattoo on his forearm and missing front teeth’ is significantly more identifiable,” the Chronicle notes in its policy. The Associated Press Stylebook, perhaps the most widely used in the U.S., including by The Ark, advises reporters to include race only when “the descriptions provided are detailed and not solely racial” and that “any racial reference should be removed when the individual is apprehended or found.”

The Ark notes racial descriptions in crime reporting should be clearly relevant, and that relevance specified, such as a hate crime, echoing the Associated Press, which gives examples such as conflicts like civil-rights issues or groundbreaking events such as Barack Obama becoming the first Black president.

Law enforcement, however, has differing guidelines.

According to the U.S. Department of Justice Civil Rights Division in its 2003 manual guiding law-enforcement agencies’ use of race in criminal investigations, “common sense” dictates that when a victim describes their assailant as being of a particular race, officers may use that information to limit their search for suspects. When a department receives specific information that the suspect is of a certain race, the report says, authorities can use that information, even if it’s the only descriptive information available.

It warns, however, that “agencies and departments ... must use caution in the rare instance in which a suspect’s race is the only available information.”

“Although the use of that information may not be

unconstitutional, broad targeting of discrete racial or ethnic groups always raises serious fairness concerns,” it says.

The report further notes that when the information from a source is too generalized or unspecific, the use of racial description by an agency is prohibited.

Monaghan notes that his department hasn’t identified race or ethnicity in a press release seeking the public’s help in identifying a suspect since 2015, and that it doesn’t include race at all in its press releases on arrestees.

He added that he spoke with the chiefs of the Novato and Palo Alto police departments, and that while neither have a written policy, “their practices are like ours in that they do sometimes release race if they feel it will be helpful in identifying an unidentified suspect.”

An Ark review of three years of press releases for the San Francisco Police Department showed it only released race when accompanying an image of a suspect, such as a photo, a still from video or a composite sketch.

“I do not believe there is any empirical evidence that suggests if the public knows the race of an actual suspect, it increases the chances of taking that suspect into custody,” S.F. Police Capt. John Sanford told online neighborhood publication Hoodline in 2017. A police spokesman there could not be reached to discuss the department’s guidelines and policies.

### Examining consequences

Jack Glaser is a social psychologist and professor at the University of California at Berkeley who focuses his research on stereotyping, prejudice and discrimination. After reviewing the press release, he said in an interview that the “vagueness” of the

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## Suspects, *continued from page 19*

suspect description provided “opens the door for all of these false alarms of people misidentifying innocent people as suspects.”

Glaser said every police department needs to ask the question: What is the purpose of its public information sharing?

He said that purpose should be to promote public safety — but also to consider the rights of the innocent and the accused.

“Giving a vague description like (the press release) puts a whole class of people at risk of a wrongful investigation,” Glaser said.

He acknowledged, though, that police have to make “hard calls” about what information they choose to release, as they also have to keep the victim in mind.

“There might not be any simple algorithm for deciding what and when to release ... but there should be some guiding principles,” he said.

Those principles can be “complex” to develop, according to Monaghan. He said in an interview he thinks it’s an area of policing that should most likely be handled on a case-by-case basis.

“There’s always that push and pull of, ‘Do we want to get that information out based on what the victim and witnesses are telling us, or do we want to withhold that information?’” Monaghan said. “So I think there’s a challenge there as well. That being said, I think there are times when it wouldn’t make sense to put that information out. These are things I want to explore with my staff.”

Both Monaghan and Nilsen said that in some cases, including this one, sharing too many details with the public can potentially even undermine a case for both the police and prosecution: If those details are wrong, they can be challenged in court.

But race and ethnicity itself may be among those details, compared to a more concrete descriptor, such as height or a tattoo, as they’re frequently confused for others. An FBI agent in 2001 told the Los Angeles Times that a bank-robber nicknamed the Kangaroo Bandit had been “described as a dark-skinned white male, as a light-skinned African American, as Puerto Rican, as Brazilian and I think we had Middle Eastern.”

### Department works to rebuild

Monaghan was hired under a spotlight in April, replacing recently retired Chief Michael Cronin. He had reportedly been in talks with town officials about his retirement for some time, but in his final few months his department was under scrutiny.

At the start of nationwide Black Lives Matter protests last spring following the murder of George Floyd by Minneapolis police, Cronin faced blowback after he warned that a peaceful protest planned for Marin City, which has Marin’s largest Black population, could result in mayhem locally, citing in part a tweet from a San Francisco resident encouraging protesters to shift to affluent communities like Walnut Creek, Danville, Tiburon and Sausalito. Cronin didn’t issue such

warnings for closer protests in predominantly white neighborhoods, prompting accusations of racial stereotyping.

In August 2020, a Tiburon officer, his supervising sergeant and a Belvedere officer were accused of racially profiling the Black owners of downtown clothing shop Yema during a late-night stop at the store that was recorded on video and went viral on social media, immediately sparking an outside investigation, an online joint community forum attended by hundreds, two local Black Lives Matter protests and the creation of the diversity task force.

Cronin and the supervising sergeant left the department within a few weeks of the incident.

Under the interim chief, Marin Undersheriff Jamie Scardina, the Tiburon Police Department released its stop-data dashboard cataloging times police made a traffic or patrol stop, including the driver’s perceived race, which further suggested white residents were both less likely to be stopped by police and more likely to be let off with no action or a warning.

Since stepping in as the new top cop, Monaghan has vocalized that his main priority is fostering diversity and inclusion, and that he wants to engage in wider community discussion to learn about the community’s goals and utilize resident feedback “to find meaningful, purposeful direction.”

In December, the Police Department participated in a half-day in-person training focused on restorative justice and unconscious bias. On April 22, Monaghan and Officers William Condit and Sean Christopher joined Tiburon Peninsula Chamber of Commerce Executive Director DeAnn Biss to walk downtown Main Street and Tiburon Boulevard to meet local business owners. As of late April, every officer now has 40 hours of crisis-intervention training, which “teaches officers more effective ways to respond to people in crisis or suffering from mental illness,” including de-escalation techniques and ways to identify signs that someone “may need the assistance of a mental-health professional instead of a trip to jail.”

In May, Monaghan and Sgt. Freddy Gutierrez attended an event commemorating George Floyd in Marin City, titled “Uncomfortable Conversations with Black Men and Law Enforcement.”

This month, the department announced the launch of its new “Living & Growing Together Series,” meeting with specific segments of the community across four workshops in August and September. Focusing on restorative justice, the series’ goal is to build trust between police and citizens, improve skills for officers in their communications with residents and ensure officers are able to do their jobs confidently, officials said.

### A long way to go

But Tiburon’s Anette Harris, another member of the Diversity Inclusion Task Force, says the department still has a lot to learn.

Harris said in an interview that it’s “scary” and “frightening” that the type of racial profiling that occurred in the 1950s is still occurring now, in the 21st century.

“Just because (Tiburon) had a Juneteenth celebration does not relieve us from the responsibility” of facing systemic racism, she said, referring to Tiburon’s inaugural festival June 19 celebrating what’s also known as Black Independence Day, the anniversary of Union Gen. Gordon Granger’s arrival in Galveston, Texas, in 1865 to inform slaves that the Civil War had ended and slavery had been abolished — about 2½ years after President Abraham Lincoln’s Emancipation Proclamation. It has been celebrated by Black Americans since then but was recognized as a federal holiday only this year.

Harris said Tiburon could be the town that sets an example for other small, relatively insulated communities.

“We really have to sensitize our new police chief and

also have him maybe do more homework on the policies of other police departments and other communities similar to Tiburon,” Harris said. “I’d like to see Tiburon be the one that teaches other smaller cities how this is done.”

Griffin echoed Harris’ comments, saying in an interview that he thinks everyone in the community should take part in sensitivity training, adding, “people have been so ingrained that the color of crime is Black.”

Glaser, the Berkeley social psychologist, said the phenomenon is real.

He pointed to “category errors” people make when evaluating a person’s propensity for crime and a “tendency to overestimate the relationship between being Black and being involved in crime.” The Stanford Encyclopedia of Philosophy provides an example with the statement “the number 2 is blue.” In other words, the error conflates two things that otherwise exist in entirely separate categories of language and definition.

Glaser noted people tend to make these types of errors more often when they’re put on high alert to look for race in relation to a crime. He said people also fall prey to profiling by proxy — when they report criminal behavior based on the person’s race coupled with where that person is, or, rather, where the caller perceives the person shouldn’t be.

He said unnecessary contact with police that sometimes results from these errors could be extremely emotionally taxing on the person being questioned.

“I wouldn’t underestimate the impact that this has on the people that are accused. The stress involved in being stopped and questioned by the police is ... acute,” Glaser said. “If that’s happening as a result of these calls ... it causes distrust in the community and in the police, so it’s not really a benign event.”

In some cases, that reality is more than emotionally taxing: California is among 14 states that collect DNA samples from suspects at the time of booking for all felony arrests — before a suspect has been charged, tried or convicted — placing them in databases for potential offenders. Expungement of that DNA sample is only by request, forcing all innocent people to apply for removal. Fifteen more states collect DNA for select felony arrests, eight for some misdemeanors and in eight states the laws apply to juveniles.

Monaghan said he wants everyone to be able to enter Tiburon knowing they won’t be treated any differently because of their race, and noted he has been utilizing his network with the International Association of Chiefs of Police and the California Police Chiefs Association to ask other agencies what policies they have on reporting race in suspect descriptions.

He noted that although he hasn’t found any with concrete policies, he says he believes “there’s something out there” and that although there’s no “one size fits all,” he’s willing to explore all his options.

In a July 8 Zoom conference with the community following a series of Tiburon burglaries, he repeatedly emphasized residents should be clear about what they’re reporting and warned against targeting others on the basis of race.

“If you are going to report something suspicious, tell us what it is that you’re seeing. ... Be specific about it,” Monaghan said. “We don’t want to do something that’s going to put us or that individual in a position where they can otherwise be unfairly targeted. ... Race in and of itself should not be a suspicion factor.”

In an interview, Monaghan said that regardless of who committed the armed robbery that spurred the original press release or what race they are, it’s important not to lose sight of the trauma the victim likely endured.

“When you have a gun stuck in your face, even as a police officer with training, you see your life flash before your eyes,” Monaghan said. “I can’t imagine what it must have been like for (the victim).”

Griffin and Harris said they also feel for the victim and acknowledged the seriousness of the crime, but pointed out it’s just as important to recognize the potential consequences that can arise from relying on race as a prominent component of a suspect description, or when a minority population’s presence in a town is amplified unjustly.

“It’s not a question of what you do for the most,” Griffin said. “It’s a question of what you do for the least.”

Reach Belvedere and public-safety reporter Shayne Jones at 415-944-4627.

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