



A Tradition of Stewardship
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Board of Supervisors

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Mark Luce
Chair

FILED

AUG 26 2009

Clerk of the Napa Superior Court
By: C. Brennan
Deputy

August 11, 2009

The Honorable Raymond A. Guadagni
Presiding Judge
Superior Court of California, County of Napa
825 Brown Street
Napa, CA 94559

Dear Judge Guadagni:

As required by Penal Code Section 933(c), enclosed is the response to the 2008-2009 Grand Jury Final Report on the Napa Valley Transient Occupancy Tax *How Much is Being Lost?*, Napa County Flood Control and Water Conservation District Napa County Flood Protection Sales Tax Measure A and Napa Valley Gangs.

Grand Jury activity takes place over the course of a number of months. As such, their findings and recommendations often address issues which county departments have already identified as problems and to which solutions are in the process of being developed.

The Board acknowledges the members of the 2008-2009 Grand Jury for the time they have devoted in preparing their report.

Sincerely,

Handwritten signature of Mark Luce in black ink.

Mark Luce, Chair
Napa County Board of Supervisors

Enclosure

cc: Foreman, 2008-09 Grand Jury

Received
Napa Superior Court

AUG 24 2009

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**NAPA COUNTY
RESPONSES TO GRAND JURY REPORT
FISCAL YEAR 2008-2009**

NAPA VALLEY GANGS

FINDING 1: Two Hispanic gangs are most prominent in Napa County: the Norteños and Sureños.

Response, Board of Supervisors. The Board of Supervisors agrees with this finding.

FINDING 2: Gang membership, use of weapons and the level of violence has increased, and frequency of violence has decreased in Napa County.

Response, Board of Supervisors. The Board of Supervisors neither agrees nor disagrees with the finding. The Grand Jury did not provide specific data to support this finding and while the finding may have merit, further analysis is needed. While our law enforcement partners have indicated that gang membership, the use of weapons and the level of violence has increased, the Board of Supervisors has not reviewed the statistical data to support this claim. Furthermore, given the District Attorney's gang caseload, we do not necessarily agree that the frequency of violence has decreased.

FINDING 3: Currently, a loosely formed group of law enforcement representatives, the DA's Office and some members of the community meet to discuss gang issues and exchange information. There is no paid staff or capacity to implement or fund programs and policies. The supporting GVS grant expires June 2010.

Response, Board of Supervisors. The Board of Supervisors disagrees in part with this finding. While the County does not have a board sanctioned commission to address gang activity, the District Attorney's Office has consistently held bi-monthly meetings to discuss gang issues. School officials, law enforcement officers and various community groups in addition to county representatives regularly attend these meetings. While the County funds various positions in the District Attorney's Office, Sheriff's Office and Probation Department that directly deal with gang related issues, the Board of Supervisors does agree that there is no paid staff responsible solely for coordinating responses and strategies on a county-wide basis. The County is currently participating in a Gang and Youth Violence Master Plan process and expects that the current group process will be evaluated and restructured or enhanced as appropriate. Given the current financial climate of the County and the fact that much of the gang violence occurs within the cities, it is unlikely that the County General Fund will fund staff positions solely responsible for implementing and coordinating gang policies.

FINDING 4: Approximately 50 percent of Napa County Jail inmates, 30 percent of Napa County Juvenile Hall inmates and 10 percent of the school population are gang affiliated.

Response, Board of Supervisors: In regards to the estimated gang affiliated jail and juvenile hall inmates, the Board of Supervisors agrees with the finding.

FINDING 5: It is estimated there are over 850 gang members and approximately 3,000 gang affiliated individuals in Napa County.

Response, Board of Supervisors. The Board of Supervisors neither agrees nor disagrees with the finding. The Grand Jury did not provide specific data to support this finding and while the finding may have merit, further analysis is needed. Our law enforcement partners have indicated that the numbers presented in this finding may be a little high, however it would be impossible to get an actual count of the number of gang members and gang affiliated individuals in Napa County.

FINDING 6: The fiscal impact of gangs in Napa County is substantial. This includes the cost of law enforcement, probation and District Attorney's assigned to gang units, SROs, Napa County Juvenile Hall, Napa County Jail and the operation of alternative schools.

Response, Board of Supervisors. The Board of Supervisors agrees with this finding. County General Funds are used to fund staff in the Sheriff's Department and the District Attorney's Office, responsible for responding to, investigating and prosecuting gang-related crimes as well as staff in the Probation Department responsible for supervising both juvenile and adult gang offenders. Additionally, the County funds the Department of Corrections which houses gang offenders both pre and post sentenced. The staff currently assigned to each of these functions often has other duties in addition to those related to gangs. It is unclear at this time how much gang activity would need to decrease in order to create substantial savings for the County.

FINDING 13: Law enforcement officers on the front lines, who deal directly with gang members, do not receive the governmental or financial support necessary from senior enforcement and elected officials. Some are reluctant to discuss known gang activity or aggressively intervene in fear of reprisal from superiors, community or elected officials.

Response, Board of Supervisors. The Board of Supervisors can neither agree nor disagree with this recommendation. The Grand Jury does not cite specific sources or situations that led to this conclusion nor does the Grand Jury state specifically which superiors, community or elected officials the recommendation is in reference to. Absent this information, the Board of Supervisors cannot appropriately respond to this finding.

FINDING 16: County and city databases used by law enforcement do not interface.

Response, Board of Supervisors. The Board of Supervisors agrees with this finding. The County's Chief Information Officer (CIO) is currently leading an effort to rewrite or

replace the County's Criminal Justice Information Management System in the near future. The CIO is fully aware of and considers interface issues a high priority as part of this project.

FINDING 17: The county and several non-government agencies offer prevention and intervention programs for youth at risk of becoming gang members. However, there is little or no collaboration between the various agencies, schools and law enforcement.

Response, Board of Supervisors. The Board of Supervisors disagrees in part with the finding as stated. As mentioned in the response to Finding 3, the District Attorney's Office consistently convenes a bi-monthly meeting attended by various agencies, schools and law enforcement. While this group regularly communicates and shares information, it likely does not include all agencies providing relevant prevention and intervention programs. The Board of Supervisors does agree that there is no one person solely dedicated to the central coordination of gang prevention, suppression and intervention activities on a county-wide basis. The Gang and Youth Violence Master Plan process should evaluate this need and address this issue.

FINDING 20: Curfews and injunctions are enforcement tools used by other counties to contain gang violence.

Response, Board of Supervisors. The Board of Supervisors agrees with this finding. Many counties and cities in California currently have curfew ordinances in place and/or have used the injunction process to address gang activity.

RECOMMENDATION 1: Establishment of a new County-wide multi-jurisdictional gang task force with a full-time coordinator, strike team and representatives from local and regional law enforcement jurisdictions, prevention, intervention agencies, school administrations and the community.

Response, Board of Supervisors. The recommendation requires further analysis. The County of Napa in conjunction with the City of Napa and the City of American Canyon has retained the services of two expert gang consultants, Scott Decker and Charles Katz, to assist the county in developing a Gang and Youth Violence Master Plan. Currently an Executive Committee including the Sheriff, Napa City Chief of Police, American Canyon Police Chief, District Attorney, Chief Probation Officer and representatives from the Napa City Council and Napa County Board of Supervisors are overseeing the development of this plan. The master planning process will include representatives from the local and regional law enforcement jurisdictions, prevention and intervention agencies, school administrations and the larger community. The plan is in the early stages of research and development and it is unclear at this time what the outcome will be as far as whether or not a centralized task force is created and if created, how the task force is structured. Additionally, given the current financial climate in the County and the State of California, there may not be adequate funding available to implement any or all of Gang and Youth Violence Master Plan. Conversations regarding funding responsibilities have not yet occurred between the County, cities and school districts within Napa County

and outside funding sources have not been identified or pursued. The recommendation and the 2009 Grand Jury Report on Napa Valley Gangs will be reviewed and considered as part of this process. The Executive Committee expects to have the Youth and Gang Violence Master Plan complete by January 2010.

RECOMMENDATION 2: Implementation of county-wide gang database and tracking system accessible by all law enforcement agencies and school officials.

Response, Board of Supervisors. While the Board of Supervisors recognizes the value of having a single county-wide database and tracking system, the recommendation requires further analysis. As mentioned in the response to Finding 16, the Chief Information Officer is leading a county-wide project to rewrite or replace the current Criminal Justice Information Management System (CJIMS). The need to share gang information will be evaluated as part of this process. Additionally, as stated in the response to Recommendation 1, a Gang and Youth Violence Master Plan is in the process of being developed. The Board of Supervisors anticipates that the need for a comprehensive tracking system will be analyzed as part of the master planning process. This recommendation will require some legal analysis as the Penal Code clearly states what information can and cannot be shared outside of the law enforcement community, which may create a barrier in sharing all relevant information with school districts. There may be some fiscal constraints, especially for the smaller jurisdictions, to implementing a county-wide database or tracking system. It is anticipated that this analysis will be complete by January 2010 as either part of the CJIMS project planning or the Gang and Youth Violence Master Plan.

RECOMMENDATION 3: Identification of funding sources to continue programs created under the GVS grant.

Response, Board of Supervisors. The recommendation requires further analysis. As mentioned in the response to Recommendation 1, a Gang and Youth Violence Master Plan is in the process of being developed. The Board of Supervisors anticipates that the current Gang Violence Suppression Grant program will be reviewed for effectiveness and a determination may be made whether or not the program as currently structured should be continued, restructured or ended. The Board of Supervisors' current policy is to not backfill grants and other lost revenues and given the current financial climate, it is not likely an exception will be made. The Board of Supervisors encourages the District Attorney's Office and the Gang and Youth Violence Master Plan to work towards identifying new funding sources if it is determined that this program should continue.

RECOMMENDATION 5: Retain SRO's on campuses, as a preventative measure and to provide education to staff and parents.

Response, Board of Supervisors. The Board of Supervisors agrees with this recommendation. The Board of Supervisors recognizes the value of school resource officers on school campuses. Additionally, the gang consultants have recognized the importance of these officers not so much because of a reduction in gang or crime activity,

but for the social value these officers provide as they interact on a daily basis with youth. For example, research suggests that students who hold positive opinions about these officers are more comfortable reporting crimes (Finn & McDevitt, 2005). While the Board of Supervisors supports school resource officers, the County does not currently fund any school resource officer positions with General Fund dollars. The Board of Supervisors believes that these positions should be funded by the school system or other non-county sources.

RECOMMENDATION 6: Consideration of County-wide curfew for those under the age of eighteen as a law enforcement tool.

Response, Board of Supervisors. The recommendation will not be implemented because it is not reasonable. The Board of Supervisors acknowledges that other counties and cities have used curfews as a tool to address gang activity. However, curfew ordinances can often be cost prohibitive as law enforcement agencies must have a place for minors picked up for curfew violations to go separate from Juvenile Hall as violating a curfew is not a crime that would result in a Juvenile Hall booking. The County of Napa does not have such a facility and the cost to establish and operate such a facility would likely not be beneficial in a County the size of Napa. The Board of Supervisors has not been approached by law enforcement agencies requesting the consideration of a county-wide curfew. Additionally, the Board of Supervisors would only have the jurisdiction to implement a curfew in the unincorporated areas of the County. Finally, research has not found curfews to be an effective tool in reducing crime activity. One study that examined the effects of curfews in California using statistical analyses at the state, county, and city levels found no significant decreases in juvenile crime. In some cases, curfews were associated with significant increases in juvenile crime (Center on Juvenile and Criminal Justice, 2005).

RECOMMENDATION 7: Consideration of injunctions as a law enforcement tool against gang members.

Response, Board of Supervisors. The recommendation will not be implemented by the Board of Supervisors because it is not reasonable. Gang injunctions appear to be a potentially effective method of reducing gang activity in some circumstances (Grogger, 2002); however, research suggests that gang injunctions may actually have negative consequences if implemented under the wrong conditions. For example, one study examined the impact of gang injunctions in San Bernardino, California (Maxson, Hennigan, & Sloane, 1999). While gang injunctions appeared to provide immediate positive impact for residents of highly disordered areas, injunctions actually had a negative impact on the areas with low social disorder. Gang injunctions were associated with increased levels of gang visibility in these areas, and were also associated with increases in perceptions of social disorder and property victimization. As Napa County is likely to have low levels of social disorder, this research indicates that it would be inappropriate to implement gang injunctions. In addition, gang injunctions have been criticized by civil rights groups (ACLU, 1997) and are often subject to legal battles in

federal court. If the County of Napa were to pursue an injunction, it would likely be the District Attorney, not the Board of Supervisors, that would pursue such an action.