



Napa County Sheriff, And District Attorney



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July 3, 2024

The Honorable Cynthia P. Smith
Presiding Judge
Superior Court of California, County of Napa
Criminal Courthouse
1111 Third St
Napa, CA 94559

Dear Judge Smith:

As required by Penal Code Section 933(c), enclosed is our joint response to the Grand Jury's report "Hitting the Reset Button: Addressing Gangs in Napa County."

We wish to acknowledge and thank the members of the 2023-2024 Napa County Grand Jury for their time and devotion to this report.

Respectfully,

Oscar Ortiz
Sheriff, Napa County

Allison Haley
District Attorney, Napa County

Cc: Foreman, 2023-24 Grand Jury

NAPA COUNTY SHERIFF'S OFFICE and DISTRICT ATTORNEY'S OFFICE
RESPONSE TO THE GRAND JURY REPORT REGARDING
"ADDRESSING GANGS IN NAPA COUNTY"

Findings:

Finding 1: The Jury found that gang activity and gang association in Napa County are on the rise.

Response to Finding 1:

The District Attorney and Sheriff agree with this finding.

Finding 2: The Jury found that due to the employment demographic in Napa County, increasing number of children are left unsupervised. This situation was exacerbated by the COVID pandemic.

Response to Finding 2:

The District Attorney and the Sheriff agree in part with this finding but would be interested in looking into more evidence to in support of this finding, or learning if it is California-wide, or unique to Napa County.

Finding 3: The Jury found current gang activity and recruitment is more apparent in Middle School and even younger ages.

Response to Finding 3:

The District Attorney and Sheriff agree with this finding.

Finding 4: The Jury found that despite it having been proved to be successful, vocational curriculum has been eliminated withing NVUSD.

Response to Finding 4:

The District Attorney and Sheriff agree with this finding.

Finding 5: The Jury found that Napa County has little to no after school activities for teens and pre-teens. There is a need for organized free programs, including sports and other after school activities.

Response to Finding 5:

The District Attorney and Sheriff agree in part, that more free and affordable programs would be good for the community. We disagree, however, with the description of “little to no” after school activities.

In addition to the affordable programs for teens and pre-teens offered by the various Parks and Recreation departments of the various cities in Napa County, the Napa Valley Boys and Girls Club and the Boys and Girls Club of St. Helena and Calistoga offer a variety of after school programs for affordable fees that are largely subsidized by both government grants and local philanthropy. Napa County also offers a variety of youth sports including soccer (all levels), rugby, lacrosse, football, baseball, among others. The various youth sports organizations vary in pricing but most offer scholarships and financial aid with the assistance of local philanthropy. The Napa Sheriff’s Activities League (SAL) also offers a variety of free sports programs including Boxing, Baseball skills, Judo, and Wrestling. SAL also has an after-school fitness center in East Napa. The SAL programs are free of charge. Besides SAL Boxing, there are four additional boxing clubs in Napa that are fee based, but affordable. The local mental health non-profit, Mentis, also offers “Napa Valley Teens Connect”, which offers mental health, empowerment, wellness programs at various NVUSD school sites.

Finding 6: The Jury found that gang activity is supported by illegal moneymaking opportunities which can be attractive to underprivileged youth.

Response to Finding 6:

The District Attorney and Sheriff agree with this finding.

Finding 7: The Jury found that coordination and communication among Law Enforcement, Educators, and local service providers is not effective.

Response to Finding 7:

The District Attorney and Sheriff partially disagrees with this finding. We support efforts to expand coordination and communication to share information and intelligence through relationships, phone calls, and virtual and in-person meetings. The Napa County law enforcement community, and particularly the members of this community involved in juvenile crime prevention and enforcement, is small. Napa Police Department’s Youth Services Bureau (YSB), the various School Resource Officers (SROs) from all agencies, juvenile probation officers, prosecutors, and many of the service providers are in frequent communication already. Their meetings and relationships are such that they can discuss or call one another with any questions or information as needed.

Finding 8: The Jury found that data on gang membership and activity is limited and ineffective at gang intervention and prevention.

Response to Finding 8:

The District Attorney and Sheriff agree that the data is limited, and that this limitation can hinder gang intervention and prevention.

Finding 9: The Jury found that some state legislation and propositions passed by the voters are hindering law enforcement's ability to interdict gang crime and, in doing so, improve gangs' ability to make money, which attracts more gang members.

Response to Finding 9:

The District Attorney and Sheriff Office agree with this finding.

Recommendations:

The Jury recommends:

R9: By December 31, 2025, the Napa County Sheriff, City of Napa Police Department, City of St. Helena Police Department, City of Calistoga Police Department, the District Attorney's Office, and the Napa County Probation Department create an integrated data collection system to improve the efficiency of trend monitoring associated with gangs and gang crimes.

Response:

The District Attorney and Sheriff will not be able to implement this recommendation. Creating an "integrated data system" for the purposes described by the Jury would meet the definition of a "shared gang database" as described in California Penal Code 186.34 (a) (4) and therefore trigger all of the restrictions and limitations created by the 2017 bill that became law, AB-90, including control from the California Department of Justice.

Further, it would fall under Part 23 of Title 28, Code of Federal Regulation which contains the onerous implementing standards for operating multijurisdictional criminal intelligence systems. California Penal Code section 186.34(c) (1) creates additional burdens on law enforcement wishing to utilize a shared gang database, including the requirement that, before designating or identifying a person in the database, the local law enforcement agency must "provide written notice to the person, and shall, if the person is under 18 years of age, provide written notice to the person and the person's parent or guardian, of the designation and the basis for the designation[.]" Each agency must also provide the person information on how to petition to have their information removed from the database. The statute additionally sets forth provisions related to information requests by designated persons as well as mandatory agency responses, including time limitations for agency response.

The administrative burdens and bureaucratic process of running such a system would place the agencies included by the Jury's recommendation in a costly and time-consuming endeavor that would be sure to create significant "intelligence gaps" of information, which defeats the purpose identified by the Jury. To put it simply, maintaining a legal shared

gang database under the laws and regulations as they are today is a much more regulated, complicated and onerous task than it was in decades prior.

As mentioned in our response to Finding 7, however, the Napa County law enforcement community is relatively small and the relationships are well established, making collaboration and resource sharing an asset during any gang related criminal investigation. Like the Jury, the Napa County Sheriff's Office and District Attorney's Office are concerned about gang activity in Napa County. We are dedicated to addressing the issue of criminal gang activity, including that which involves Napa County youths, as well as to sharing information with all agency partners.