



A Tradition of Stewardship
A Commitment to Service

NAPA COUNTY GRAND JURY 2023-2024

April 10, 2024

FINAL REPORT

Hitting the Reset Button; Addressing Gangs in Napa County

*"the child who is not embraced by the village
will burn it down to feel its warmth"*

(African Proverb)

Summary

Two gang affiliated Napa County attempted murders in 2023 provided the impetus for the Grand Jury to investigate the existence, composition, and activity of gangs in Napa County.

The consensus opinion of educators, police and prosecutors is that gang activity in Napa County is on the rise:

- Noted uptick in graffiti (tagging)
- Two gang related attempted murders in 2023, resulting in multiple incarcerations
- Juvenile gang prosecutions increased by 60% from 2021 – 2023. (10-16)

Gang activity in Napa County is primarily driven by two Mexican drug cartel affiliated gangs—Nortenos and Surenos. The group demonstrating the most activity changes over time, depending on numbers of incarcerated gang members:

- Membership includes 113 Nortenos and 70 Surenos.
- 177 adult gang members or associates are currently on probation for criminal activity.
- 24 known juvenile gang members are currently on probation.

Gang coordination among all County law enforcement and school administrators is currently conducted by the Napa Police Special Enforcement Unit (SEU) but without the structure and consistency which existed previously.

The Legacy Youth Program which targeted at risk youth within the Napa Valley Unified School District (NVUSD) was terminated in the 2020-2021 school year for a number of contributing reasons:

- Stakeholder feedback was mixed throughout Grand Jury investigations on the Legacy Program's effectiveness.
- Numerous nonprofit social programs currently exist, but none seem to be integrated into the NVUSD curriculum.

Gang participation appears to be starting at younger ages:

- Adult gang members recruit young gang members to conduct criminal activity due to lessened consequences as a minor.
- Napa Valley Schools have numerous court-directed probation students, many directly resulting from gang activity.

The Napa County Grand Jury recommendations that follow include:

- Reestablishment of a youth intervention program like Legacy, starting with students in the 5th grade
- Requirement of an annual strategic gang plan, created in collaboration with Napa Police Department's Special Enforcement Unit (SEU) and NVUSD

- Mandatory monthly attendance of gang task force meetings including all appropriate stakeholders – Education, School Resource Officers, Special Enforcement Unit, Juvenile and Adult Probation, Napa County Jail

Background

Although gang activity has always been evident in Napa County it became more evident when schools returned to full session after the Covid lockdown. The questions that needed further study were why and what is being done to combat this trend.

Some of the key facts that support this conclusion are:

- With school paused, youth in the community had more free time with less supervision and thus were looking for things to do.
- Gangs became an avenue where they could get a sense of belonging.
- Younger youth were back in their neighborhoods with little supervision and even fewer things to do.
- Recruitment of younger students by existing gang members leads to more of them becoming initiated in the gang lifestyle.
- When schools reopened this new lifestyle became more prevalent in schools at all grade levels.

Napa County has undergone a big change in demographics with a large increase in the Hispanic population especially in the makeup of the school age population. Currently, more than 75% of all elementary school age students are of Hispanic descent and make up the vast majority of impoverished, at-risk students. Given the fact that the two dominant gangs in Napa are Hispanic gangs this magnified the problem. Although we learned that gang activity “ebbs and flows” in our community it can be said that we are in a pattern of increased gang membership. This growth has made it a more difficult problem for school administrators as they try and deal with more active gang members on campus.

Another factor contributing to the increased activity is the increase in socioeconomically disadvantaged youth. In the last eight years, this number has increased by 50% with now 75% of elementary aged youth falling into this category. Most of these students come from homes that are single parent homes or homes where parents are working more than one job, hence less supervision outside of school hours.

Additionally, many new laws have been implemented that make it harder for law enforcement to deal with the problem by making penalties for juvenile offenders less severe. These same laws also have affected the way schools can deal with these same problems. It is more difficult to discipline students for disruptive behavior, much of which can be attributed to gang like behavior.

As gang activity is now on the rise, programs that have traditionally proved effective in dealing with these problems have been eliminated or scaled back. Some examples are:

- Legacy program which proved effective at Vintage HS.
- Vocational programs as not everyone needs to go to college.
- Sports programs.

Although there are numerous nonprofits in Napa County, their ability to reach the youth they need to serve seems often hampered by a lack of coordination and effective outreach to the people they want to serve. Given the prevalence of social media to the younger generation it seems using social media to reach them needs to be improved.

The gang problem continues to grow in Napa and is reaching a younger and younger audience which means that solutions needed to combat this must be geared toward this younger group.

Methodology

Approximately 28 interviews were conducted: including Police Chiefs from Napa, Calistoga, and St. Helena, School Resource Officers, members of the Napa County District Attorney's office, individuals from the Napa County Probation Department, Napa Valley Unified School District administrators, principals, and assistant principals, and Napa County Office of Education personnel.

The Jury toured public schools, community court schools, and Juvenile Detention Centers.

The Jury read California Supreme Court decisions, Ballot Measure Informational, Napa Valley Register news reports, the 2011 Napa County Gang and Youth Violence Master Plan, the 2008 and 2016 Napa County Grand Jury Reports on gangs in Napa County, the relevant portions of the Napa County Probation Department 2023-2024 Juvenile Justice Plan Report, documents from the Napa County District Attorney's office, and the California Penal Code.

Statistics throughout the report were based on information from individual public school websites, the California Department of Education statistics, and the US Census Bureau.

Discussion

Demographics

Napa County is mostly rural, relying primarily on the wine industry for its commerce. It is bordered by Lake County, Sonoma County, Solano County, and Yolo County. It consists of 748 square miles. According to the 2020 Census Napa County has an approximate population of 138,019 or 184 persons per square mile as compared to the state's average of 253.7 persons per square mile. There are five incorporated cities in Napa County: Napa (the most populous), American Canyon, Calistoga, St. Helena, and Yountville. The city of Napa has approximately 79,251 residents; American Canyon has approximately 21,843 residents; Calistoga has approximately 5,227 residents; St. Helena has approximately 5,420 residents; and Yountville has approximately 3,427 residents. 83% of Napa County's population resides within these cities.

According to the 2020 Census, Napa County racial percentage numbers are:

- Whites (non-Hispanic): 50% (reduction from 2010 Census of 56%)
- Hispanics: 36% (increase from 2010 Census of 32%)
- Asians: 9.4% (increase from 2010 Census of 7%)
- African Americans: 2.4% (increase from 2010 Census of 2%)

These 2020 percentages differ in comparison to state racial percentages:

- Whites (non-Hispanic) 34.7% (40% in 2010)
- Hispanics 40.3% (38% in 2010)
- Asians 16.3% (13% in 2010)
- African Americans 6.5% (6% in 2010)

The percentage of poverty levels in Napa County in 2007 stood at approximately 8.6%, compared to the State's 12.4%. According to KidsData.org, the percentage of children living in poverty in 2019 was 7.0% (State: 15.6%). In 2016, families living below self-sufficiency standard was 39.8% (State: 47.6%). It is also reported that in 2019, children living in food insecure households was 9.0% (State: 13.6%) but between 2016-2020 the percentage of children living in households with a broadband connected device was 95.5% (State: 93.2%).

According to KidsData.org, in 2021 there were 26,841 children under the age of 18 in Napa County and 16,024 children between the ages of 3 to 13. Of the total (26,841), Hispanics numbered 13,203 and Whites numbered 10,538. The following is statistical information regarding middle and high schools in central and southern Napa County from the California Department of Education. These statistics reflect the race percentages of the most populous groups, the percentage that are socioeconomically disadvantaged, the percentage that are homeless, and the percentage of English learners at each school.

The Department of Education School Dashboard's definition of socioeconomically disadvantaged is students who are eligible for free or reduced price meals or whose parents/guardians lack a high school diploma.

Napa County Office of Education 2020-2021	Hispanic	White	Filipino	Homeless	SocioEconomically Disadvantaged	English Learners
Camille Creek	79.8%	11.7%	-	30.9%	90.4%	25.5%

Napa Valley Unified School District 2022-2023	Hispanic	White	Filipino	Homeless	SocioEconomically Disadvantaged	English Learners
American Canyon Middle School	40.8%	11.8%	22.5%	1.1%	60.5%	16.9%
American Canyon High School	37.5%	10.3%	27.1%	1.6%	54.7%	8.3%
Napa High School	75.1%	21.6%	-	1.6%	75.0%	21.1%
New Technology High School	62.6%	30.6%	-	1.4%	69.7%	11.5%
Redwood Middle School	62.3%	33.1%	-	1.1%	65.7%	23.5%
Silverado Middle School	72.5%	22.5%	-	2.4%	78.1%	34.9%
Unidos Middle School	73.0%	23.4%	-	1.2%	60.4%	26.4%
Valley Oak High School	72.4%	21.4%	-	3.6%	82.1%	17.3%
Vintage High School	53.6%	40.4%	-	0.8%	55.3%	11.2%

All these numbers become significant for a number of reasons as discussed below.

The Death of Michael Arreguin Napa's Wake-Up Call

The crime rates in Napa County have largely been lower than most communities in California. Napa has always been known as a bucolic vacation destination where visitors from around the world come to relax and taste world class wines. The wine industry has also led to many Hispanics coming to work in viticulture.

Napa County is a place where people seeking a calmer, beautiful area to live have taken up residency. This has sometimes led to a general attitude that bad things, especially gang-related ones, don't happen here. Between 1994 to 1998 there were instances of gangs committing assaults on one another and drive-by shootings that resulted in no deaths, so the general population remained largely unconcerned. That all changed after May 16, 1998.

In the afternoon of May 16, 1998 two people believed to be Nortenos gang members, Michael Arreguin and Garret Elshere, had stopped in front of a home unrelated to them on Brown Street because of a flat tire. Lacking the equipment to replace the tire, they stayed there ostensibly waiting for help. During their wait, two associates of the Surenos gang, Roberto Cendejas and Jose Marin saw them and reported to Surenos gang members that Nortenos were on Brown Street. Two cars of Surenos returned to Brown Street, where Arreguin and Elshere still waited.

Jose Marin drove the first car in which Jacob Hutchins, a white person from Alabama who had just recently arrived in Napa and began associating with Surenos, had a gun and was riding in the front passenger seat. Roberto Cendejas drove the other car in which Gonzalo Alcala had another gun. As the two cars passed by the Nortenos, both Hutchins and Alcala opened fire. Hutchins' bullet found its mark in Arreguin, killing him. Alcala's bullet hit the disabled car. All four Surenos were convicted and sentenced to life in prison. Two of the defendants, Hutchins and Cendejas, have been paroled and two defendants, Marin and Alcala, remain in prison.

People in Napa were horrified. What if others had been shot in the crossfire? What if bullets had entered that house on Brown Street? Napa took action largely focusing on gang interdiction and enforcement through intelligence gathering, investigation, arrests and prosecution.

The Gangs of Napa County

California Penal Code section 186.22(f) defines “‘criminal street gang’ as an ongoing, organized association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more of the criminal acts enumerated in subdivision (e), having a common name or common identifying sign or symbol, and whose members collectively engage in, or have engaged in, a pattern of criminal gang activity.”

The two most prevalent gangs in Napa County's history have been the Nortenos and the Surenos, whose roots and animosity can be traced back years ago to a confrontation between a member of

the Mexican Mafia and a member of Nuestra Familia in a California prison over a pair of shoes. The Surenos, derived from the Mexican Mafia, identify with the color blue and the number 13 (13th letter of the alphabet-M for Mexican Mafia) and were thought to be from south of Bakersfield and first generation. The Nortenos, derived from Nuestra Familia, identify with the color red and the number 14 (14th letter of the alphabet-N for Nuestra Familia) and were thought to be from north of Bakersfield and with deeper roots in California. Each has expressed their identity through clothing and tattoos. They each have also claimed their territory with tagging (graffiti). Each calls the other derogatory names: Surenos, or Southerners as they were sometimes known, refer to Nortenos, or Northerners as they were sometimes known, as “chaps”, “chapetes”, or “Buster” and Nortenos refer to Surenos as “scraps”, “scrapas”, or “surats”. Both gangs have historically been largely Hispanic.

Over the years, the fight, which began over a pair of shoes, has spread into communities across the state and even Napa County.

Napa County Gangs Today

The Nortenos and Surenos are the most prevalent gangs in Napa County. Now, they are represented in a number of “subsets”. Nortenos “subsets” are NSF (North Side Familia), NSL (North Side Locz), RS/125 (Riverside 125), and BPN (Brown Pride Nortenos). Surenos “subsets” are PBS (Pueblo Block Surenos) and BLS (Barrio Laurel Surenos). Today, it appears that whether or not someone came from north or south of Bakersfield or whether or not they are Hispanic is irrelevant in gang acceptance. However, approximately 90% of gang members and associates of those gangs are Hispanic.

Over the years, the waves of gang activity have “ebbed and flowed” according to almost all of the educators and law enforcement officials the Jury interviewed. They also believe that it is on the rise. Napa High School was reported to have the most gang activity of all the schools, other than Camille Creek. Law enforcement is seeing a level of sophistication and violence (even at middle schools) that is disturbing, as well as increased proliferation of guns (ghost guns). More middle students are wearing “colors” and acting defiantly and disrespectfully to authority. In 2023, there were two shootings that resulted in injuries to gang members. A third shooting occurred when a gang shot at a mobile home that was mistakenly believed to be occupied by opposing gang members. On February 16, 2024, two individuals, subsequently identified as 16- and 17-year-old Nortenos gang members, chased and shot at another individual. Fortunately, the victim was uninjured and the two Nortenos were arrested for Attempted Murder, Assault with a Deadly Weapon, Conspiracy, and the Criminal Street Gang Enhancement.

Gang fights at the high schools are increasing. Unfortunately, concerns about lawsuits and California Education Code sections 48900 and 48915 limit school administrators' ability to suspend or expel students for gang activity unless it involves certain specified offenses on campus.

The reasons that prosecutors, educators, probation officers, and law enforcement cite as the causes and reasons for this upsurge are varied:

- When Covid shut down schools, students had more free time and no supervision
- Lack of supervision due to a single parent household, or two parent households with those parents having to work long hours to survive
- Students not succeeding in the schools or were left thinking that they were being ignored joined to belong
- Joining a gang to have a sense of belonging
- Joining because of influence by older siblings (generational) in the home
- Wanting the party life and money that gang participation can produce
- The proliferation of social media

When Harvest Middle School closed (and reconfigured the student population at River Middle School) at the end of school year 2021-2022, sending more students to Silverado Middle School, it resulted in an increase in gang activity there last year. Administrators believe that was due to the mixing in of different student bodies. The transferred students were angry and depressed that their schools had been closed. The students at Silverado felt like they were being invaded. Gang activity at Silverado is still present. It is not at the level from the previous year. Despite that observation, law enforcement has observed disturbing behaviors at the middle schools, including Silverado.

Money is a major motivator for individuals to join gangs. Many of these at-risk youth come from homes that are impoverished, making the allure of making money enticing. The interviewees identified a number of ways that gang members acquire money. Currently the sale of vape pens, which can dispense THC, is high on the list of methods. Vape pens are almost undetectable due to their construction (plastic) and their small size. Even metal detectors cannot detect them which makes them easy to be brought on the school campuses for sale.

Gang members are also involved in theft, including skimming. Skimming is the tech method of stealing credit card information just by being relatively close to an individual with a radio skimmer. With one of those, the person can steal a victim's credit card information without that person knowing. The thief then uses the credit card information to obtain goods which can be resold for cash. Members have been observed wearing very expensive designer clothes with no obvious way to have purchased them. Law enforcement interviewees reported that gang members are very successful at the ways that they are making money.

Another disturbing trend is older gang members having or paying younger students to do their dirty work knowing that they would not get in serious trouble. One example that was given was an incident in which a 12-year-old child drove a car to Sacramento to get rid of a gun for an older gang member.

It is difficult to know just how many gang members there are in Napa County. The Jury attempted to obtain data illustrating those numbers, but they simply either don't exist anymore or are too difficult to obtain due to software issues. The Probation Department has reported per

Government Code section 30061(b)(4) that it uses California Justice Network (CJNet) “...a self-supported data management system designed to be able to collect, analyze, and report data...” While CJNet is currently being used for adult probationers, it is not yet being used for juvenile probationers.

Initially, CJNet had limitations regarding obtaining gang statistics from the District Attorney’s office but recently it has implemented a “tag” system to better obtain gang data. For example, prior to the ability to “tag”, the number of adult case data that could be readily obtained numbered for the two-year period of March, 2021 through December, 2023 was 12 total defendants without “P.C. 186.22 enhancement allegations and seven defendants with those enhancements alleged. With the “tag” the number of adult defendants with those enhancements number 24 for the three-year time period from December 20, 2020 to December 20, 2023.

In the future, the District Attorney and the Probation Department will be able to obtain specific numbers for defendants and crimes. District Attorney staff does not always know if a crime is gang related so they have their gang prosecutors review every one that may possibly be gang related, especially crimes involving guns. The District Attorney provided the Jury with the following statistics for juvenile petitions (charging documents) filed in Juvenile Court during years 2021 through 2023:

- 2021: 242 total juvenile petitions filed, 10 known to be gang related
- 2022: 279 total juvenile petitions filed, 14 known to be gang related
- 2023: 309 total juvenile petitions filed, 16 known to be gang related

Another reason for the lack of understanding of the number of gang members in Napa County is that gang members have become more tech savvy. They are moving to social media and not being so visible with their affiliations, i.e., not always boldly wearing their colors or other identifying elements. Additionally, CALGang, a state gang data reporting system, has been essentially eliminated. The District Attorney’s office does not miss that source as it now relies on the work of law enforcement, prosecutors, and probation for the lines of communication that do exist in Napa County. Despite some difficulty the Jury was able to track down the following additional statistics:

- Number of adults Probation Department supervises: 1,484
- Number of known adult gang members Probation Department supervises: 112 active, 65 associates. Adult gang Probation Officer currently supervises 25.
- Number of juveniles Probation Department supervises: 136 (non-diversion)
- Number of known Juvenile gang members Probation Department supervises: 24
- Number of known, active adult Surenos in 2023: 70 (40% increase since 2016)
- Number of known, active adult Nortenos in 2023: 113 (125% increase since 2016)
- In 2022, 39% of weapons violations were gang related
- 89% recidivism rate for gang members over five-year time period

Addressing the Gang Issue

Currently, representatives of law enforcement (police, prosecutors, probation officers) meet monthly to discuss gang issues including who is active/associated, who has been arrested, who is being released from custody, and specific crime intelligence. The most regular attendees currently are Napa Police Department (SEU-Special Enforcement Unit, which consists of four officers), District Attorney's office's prosecutors, and members of the Probation Department. The Napa Sheriff's Office, St. Helena Police Department, and Calistoga Police Department do not attend regularly, although they are members of Napa County's Major Crimes Task Force. That task force binds all law enforcement agencies to work together to solve major crime incidents when assistance is requested by a member agency.

During previous surges in gang activity (approximately 1998-2008) and even beyond, there were more regularly attended meetings by all law enforcement, probation, and members of the District Attorney's office to address gang crime.

Both the Napa Police Department and Napa Sheriff's Department have assigned School Resource Officers (SROs) to all middle and high schools in Napa City and American Canyon. There is also an SRO and Probation Officers at Camille Creek Community School. SROs are not on campuses to arrest students. Their duties and responsibilities include campus safety but they are there also to build relationships with the students. School administrators meet monthly with the SROs as well as with representatives of the District Attorney's office and Probation Department to discuss gang, truancy and other issues.

The Jury interviews revealed that there is a strong bond and level of cooperation between the SROs and the educators as both seek to help these students. However, the SROs believe that there needs to be more consistency in the way issues are handled and, in some cases, more discipline for bad behavior. Some educators believe that the way to handle the gang members is with more understanding and a softer approach. Whatever their approach, they all agree that more needs to be done to address these issues at younger ages (middle school and, in some instances even at elementary school), including educating the students and parents. As one educator put it, "Schools are the canaries in the coal mine." Finally, educators and law enforcement unanimously believe that, although Napa is a wealthy community, there is very little or nothing in the way of after-school activities to keep these at-risk youth engaged and off the streets.

The Impact of Propositions and Legislation on Criminal Justice: Handcuffing the Wrong Individuals?

In the last ten years, there has been a significant attempt by some to remake the criminal justice system in California, partially due to prison overcrowding. Some laws have been a positive step forward. However, the effort to make the criminal justice system run more fairly and to stop the overpopulation of the prisons may also be interfering with law enforcement's ability to deal with

crime and criminals. Some laws also may have had a counterproductive effect. The Jury examined some of those changes in law and their impact.

1. Proposition 47, referred to by some of its proponents as the “Safe Neighborhoods and Schools Act” (2014)

Proposition 47 reduced most theft crimes to misdemeanors where the value of the property “stolen” did not exceed \$950, including fraud, forgery, bad checks, petty theft with a prior conviction for petty theft, or receiving stolen property. It reduced simple possession of drugs, which previously could be charged as a felony, to a misdemeanor unless the accused had a specified prior felony conviction. Proposition 47 was retroactive so persons either in prison for a conviction now reduced to a misdemeanor or persons who already had served a sentence for that crime could petition to be released from prison and have that conviction deemed a misdemeanor. One of the motivating factors behind this law was reduction of the prison population in order to comply with a prior federal court decision.

According to a report by the Public Policy Institute in 2018, analyzing the impact of Proposition 47, it concluded that there had been no “convincing evidence that violent crime increased”. However, not surprisingly, it also found that after the law’s implementation there was “an immediate” increase in property crime rates, especially in larceny. The report also referred to this increase as a “slight uptick.” Law enforcement interviewees were unanimous in their conclusions that Proposition 47 has negatively impacted their ability to fight crime as evidenced by the rampant increase in theft of all forms. Gangs rely on theft as a means to make money and grow their memberships. To know that you can calculate how much you can steal and no matter how often without getting in much trouble, if any, is very attractive. At the time of this report there is a proposition for the November ballot and a bill before the legislature to roll back some of the theft provisions of Proposition 47.

2. Proposition 57: Public Safety and Rehabilitation Act (2016)

Proposition 57 gave prison inmates the ability to be considered for parole after serving their sentence for their primary, non-violent offense, instead of having to serve the additional time for any enhancements. It also increased credit earning possibilities for inmates, removed the possibility of prosecutors to directly charge juveniles with serious or violent crimes (as defined by law) as adults, and placed that decision solely in the hands of the court. Procedurally, the District Attorney must request that the juvenile accused be transferred to adult court for prosecution. After that happens, the judge holds an evidentiary hearing at which evidence is presented and arguments by counsel are made. The judge then determines if the juvenile should be transferred or remain charged in Juvenile Court as a juvenile. The factors that the judge relies on to make the decision are the severity of the offense, the juvenile’s maturity, and likelihood of rehabilitation.

3. Proposition 64: The Adult Use of Marijuana Act (2016)

This law legalized personal use and cultivation of marijuana for adults 21 years of age or older and reduced penalties for adults and juveniles regarding specified offenses. There was also a provision that enabled those previously convicted to obtain relief in the form of resentencing, dismissal or sealing of convictions (both adult and juveniles). While it did not legalize juveniles' personal use it did make all charges infractions, except manufacture of hash and driving under the influence of marijuana. The only penalties that the court can now impose on a juvenile was lowered to 4 hours of drug education (counseling-to be provided at no cost) and community service (up to 30 days for good cause). The court is not required to impose drug education if not available or unnecessary.

According to the Center for Disease Control (CDC), in 2019, 37% of high school students reported lifetime use of marijuana and 22% reported use within the past 30 days. Those figures remained about the same for 2020. However, many young people reported marijuana vaping including "8% of eighth graders, 19% of 10th graders, and 22% of 12th graders."

The CDC, as well as the American Academy of Pediatrics, has reported that human brain development continues into the mid-20s and that marijuana use during adolescence can harm the brain. Some other effects noted by the CDC and the Mayo Clinic are: increase in potential mental health problems including depression, social anxiety, temporary psychosis (hallucinations and paranoia), or long-term psychosis (schizophrenia); difficulty thinking and problem-solving; problems with memory and learning; reduced coordination; difficulty maintaining attention; and problems with school and social life.

4. Senate Bill 203 (2020)

Prior to the implementation of Senate Bill 203 (January 1, 2021) all juveniles 15 years of age and younger were required to have actual consultation (live or other means) with an attorney before a waiver of Miranda rights could be obtained for a custodial interrogation (Welfare and Institutions Code section 625.6). Senate Bill 203 amended Welfare and Institutions Code section 625.6 to extend those rights to juveniles age 17 and younger. The obvious net effect is that law enforcement's ability to investigate crimes involving those juveniles has been greatly impacted. No competent attorney is ever going to let their juvenile client be interrogated.

5. Assembly Bill 1950 (2020)

This legislation reduced the amount of time that an adult could be kept on probation for many misdemeanors and felonies. Prior to its implementation in 2021, most misdemeanors carried three years of probation and felonies three to five years of probation. This legislation limited probation for misdemeanors to one year and felonies to two years. There are exceptions to the limits. For example, Driving Under the Influence, Domestic Violence, serious felonies as defined by the Penal Code, and financial crimes involving \$25,000 or more remain subject to the previous terms of probation.

As expressed by the Probation Department, limiting the amount of time that a person can be on probation impedes their ability to “create lasting behavior change.” “...[I]t takes time to help people change their lives as they move through the stages of change.” Further, probation’s job is to “help those on supervision through...evidence-based stages of change to allow them to learn new skills and tools to be able to modify their behavior.” Probation points out that doing this requires a tremendous amount of “assessments, cognitive behavioral treatment, and substance abuse...” counseling. Assembly Bill 1950 “...hinders [their] ability to help people change...” Interestingly enough, prior law and practice permitted the early termination of probation terms if appropriate by the courts without this legislation.

6. Senate Bill 823: Juvenile Justice Realignment (2020)

Senate Bill 823 ordered that counties not transfer serious or violent offenders after July 1, 2021 to the State’s Department of Juvenile Justice and requires counties to assume that responsibility. Previously, these serious offenders would be sent to one of four juvenile correctional facilities through the Department of Juvenile Justice [California Youth Authority (CYA)]. Those facilities are now closed.

Closing the state’s Department of Juvenile Justice, and thus CYA, meant that the most serious and violent offenders would no longer be the responsibility of the state but rather individual counties, including Napa County. The state did provide (as well as other legislation) some funding for the county to assist with the change in housing and programming required. Previously, the most violent and serious offenders, murderers, rapists, robbers, etc. were regularly sent to CYA, and its secure prison-like facilities.

Napa County must now provide housing and programming for juvenile offenders 14 years or older who have committed serious or violent felonies. When they were no longer permitted to transfer juvenile offenders to the state, Napa County contracted with Sonoma County to house those serious or violent juveniles. Napa County is remodeling a part of Juvenile Hall to accommodate these serious or violent offenders. Juveniles can potentially be ordered to serve many years of confinement. Napa County is also creating a “Camp”, which might also serve this need. Napa might have to provide housing and programming until an offender is 25 years old. The glaring reality is that local jurisdictions like Napa County were not set up to house these juvenile offenders.

7. Assembly Bill 90 (2017)

In 2017, Assembly Bill 90 was signed into law, taking effect on January 1, 2018. In California the entity called CALGang was an intelligence system that shared information among law enforcement agencies regarding gangsters, including membership and other identifying information. It was run by law enforcement. As a result of claims of inaccurate entries and failure to remove stale information regarding individuals, the legislature set out to correct these perceived inequities.

The result was Assembly Bill 90 which did a number of things. It transferred CALGang control to the Department of Justice, it created a moratorium on agencies reporting new information until a purge of the system was completed, and it placed other restrictions on its use including banning the transfer of information to the military, potential employers, or immigration. As a result, many law enforcement agencies across the state stopped using it, including Napa County. For all practical purposes, CALGang died as a result of Assembly Bill 90 and thus so did the ability for jurisdictions to easily share gang intelligence.

8. Assembly Bill 333 (2021): The Gutting of the Gang Enhancement

Effective January 1, 2022, Assembly Bill 333 (AB 333) rendered the gang sentencing enhancements difficult, if not nearly impossible to prove. In fact, there is one train of thought to not bother alleging the gang sentencing enhancement. The changes are reflected below as presented by one of our interviewees in law enforcement:

a. “Criminal Street Gang”:

- i. **Previous:** “any ongoing organization, association or group whose members individually or collectively engage in a pattern of criminal gang activity”

Now: “any ongoing organized association or group whose members collectively engage in a pattern of criminal gang activity”

Impact: May need to show some organization and that multiple gangsters in pattern crimes or multiple gangsters committing the same pattern crime

b. “Pattern of Criminal Gang Activity”

- i. **Previous:** “last of those offenses within three years of a prior offense” and “the offenses were committed on separate occasions, or by two or more persons” and “the current offense can be a pattern offense”

Now: “last of those offenses within three years of the current offense” and “the offenses were committed on separate occasions by two or more members”, can no longer use certain crimes as prior offenses, the offenses commonly benefit a Criminal Street Gang, the common benefit is more than reputation, and the current offense cannot be used as a pattern offense

Impact: Restricts the kinds of crimes committed as precursors (including the current underlying offense) and may eliminate prior case law that permitted the predicate offender from having to be a member of the gang, i.e., could have been a wannabe

- ii. **Previous:** “for the benefit of ...” and “to promote, further or assist”

Now: language is the same but it “means to provide a common benefit which is “more than reputational.” (per CALJIC 14.01-jury instruction)

Impact: Examples now Includes: Financial gain, retaliation, targeting a perceived or actual gang rival, intimidation of witness or informant

c. Penal Code section 1109: Bifurcation

- i. **Previous:** Gang sentencing enhancements were proven during the same proceeding (trial) as the underlying offense. So, for example, the guilt of a gang member charged with assault with a deadly weapon and the “truth” of a gang sentencing enhancement would be determined in the same trial.
- ii. **Now:** Mandatory bifurcation of the enhancement from the trial on guilt of the underlying crime or, in some cases, if requested by the defense.
- iii. **Impact:** This means that District Attorneys are required to prosecute two separate trials: one trial determining guilt for the underlying crime and a second trial by the same jury to determine “truth” for the gang enhancement (unless there is some reason that the same jury can’t hear the enhancement trial). This could very well impact the admissibility of gang evidence in the trial for the underlying offense.

9. Assembly Bill 1308 (2017) Senate Bill 394 (2017)

In 2017, the California legislature amended Penal Code section 3051. These bills changed parole laws for juveniles. Juveniles could no longer be sentenced to life without the possibility of parole and they would be eligible for parole after 25 years. Section 3051 was also changed to provide new parole eligibility rules for individuals who committed crimes under age 23 and directed the parole board to use special criteria and procedures in these cases.

Now, youth offenders are eligible for parole in California as follows, subject to certain exceptions: (1) those convicted of controlling offenses committed at age 25 or younger and sentenced to a determinate sentence are eligible after 15 years; (2) those convicted of controlling offenses committed at age 25 or younger and sentenced to less than 25 years to life are eligible after 20 years; (3) those convicted of controlling offenses committed at age 25 or younger and sentenced to 25 years to life will be eligible after 25 years.

Additionally, the parole board thereafter, is required to refer only to a “controlling offense” when determining eligibility—meaning the longest-term offense. The changes effectively eliminated consecutive sentences in determining parole eligibility. In addition, among other requirements, the statute requires the parole board to “give great weight to the diminished culpability of juveniles as compared to adults, the hallmark features of youth, and any subsequent growth and increased maturity of the prisoner in accordance with relevant case law”. The news of criminals’ early parole possibilities is often devastating to the survivors or victims of serious crime since

they are typically advised at sentencing that their victimizers were going to be in prison much longer.

Some of the motivations behind the laws discussed in this section are well-meaning, such as reducing prison populations, reducing recidivism rates, getting services for adult and juvenile criminals close to home, and preventing abuses. However, some are counterproductive in efforts to reduce recidivism and addressing juvenile welfare and offenses. For example, as some of our interviewees noted, having gang criminals released from prison or jail earlier negatively impacts efforts to reduce gang participation as these gangsters are seen as negatively influencing the younger at-risk youth and gang members. Legalizing marijuana, and practically decriminalizing it for juveniles is counterproductive since we know that gang members are selling vape pens with THC and there is no question that the damage done to juvenile brains is a realistic concern. Making it more difficult to prosecute gang members and associates as well as preventing interrogations of juvenile criminals only make it easier for the gang members to get more at-risk youth involved in gangs. While it is true that there were abuses during the era of “3 Strikes” and “Tough on Crime”, we don’t want to throw out the baby with the bath water. Clearly the pendulum has swung the other way, and our at-risk youth may pay the price.

Intervention: Save the Child

The Napa County Probation Department reported in its 2023-2024 Juvenile Justice Plan report per Government Code section 30061(b)(4) that it had identified “...gang intervention and prevention as being the primary gap in services for juveniles. The County currently lacks a comprehensive strategy to address the challenges presented by the presence and activities of juvenile offenders who are affiliated or associated with criminal street gangs. “Furthermore, Probation had launched “strategic planning” to include two initiatives to “enhance services to gang affiliated youth”. One idea they reported considering is to have Mobile Supervision to target areas of “high need” to bring services to those residents, including family members. The probation officers would partner with “community agencies” to accomplish this objective. The other idea they are considering is to “develop the camp program” for higher risk juvenile offenders and gang affiliates. Their stated objective would be to provide “evidence-based services in a secure setting” and to “keep them connected to family.” However, the Probation Department does have cognitive counseling groups.

A common theme expressed by both educator and law enforcement interviewees was that Napa must begin education and intervention efforts earlier, in middle school (and some elementary schools) for students and parents. Also, after school programs that are sports related or other activities should be expanded. Parents must be educated earlier on how to identify when their children are getting involved in gangs. The Jury also heard this sentiment from more than one interviewee: Napa County is a wealthy community and there are very few after school programs to keep children off of the streets.

Educators and members of law enforcement alike also stated that vocational programs at the schools needed to be returned or expanded to the extent that any exist at the schools. Not every child is meant to go to college. “The best way to stop a bullet is a job.”

There are a number of efforts that are being made in Napa County to deal with the prevention of youth becoming or staying gang members. These are some of those efforts:

- The schools have wellness centers with counselors and social workers
- There are SROs at all schools to establish relationships with students and to provide school safety
- Napa Police Department has a Community Service Officer run diversion program with a dynamic officer
- The following entities also provide services:
 - Boys and Girls Club: after school programs and mentoring
 - Sheriff's activity league: After school gym activities
 - Mariposa: Assist at-risk girls break out of poverty
 - Mentis: Affordable mental health assistance
 - 10,000 Degrees: Scholarship opportunities for low-income children
 - Aldea: Mental health assistance
 - Lelia: Grant to help children
 - Girls on the Run: Third grade through fifth grade team building
 - Focus: Helping families thrive
 - Check in, check out: One on one mentorship
 - Bridging brothers: Latino, to develop tools to navigate issues
 - Cope: Recognize negative thoughts, replace with positive thoughts
 - Abode: Housing support for homeless
 - Voices: Support for foster, probation, and homeless children
 - On the Move: Action in pursuit of social equity
 - Office Work Experience: Camille Creek only
 - Internships in Kitchen Work and Welding: Camille Creek only
 - Naviance: College and career assessment tool
 - Color Contract: Bans gang colors, not used at NVUSD (their attorneys believe it infringes on the student's rights)
 - Mean Girls: Peer support groups
 - Puerta Abierta (Open Door): Latino health care and human services
 - Student Safety Plan: For at-risk youth

Although there are clearly a number of non-profit organizations providing services for at-risk youth and their families, the Jury was unable to find that there is any coordination between them, educators or their administrations, and law enforcement, at a time when gang activity is on the rise.

Camille Creek

Napa County Office of Education operates the Juvenile Hall school as well as Camille Creek Community School. Camille Creek was created as a result of the Department of Justice's mandate. Both schools are designed to "serve the educational needs of students who are under the protection or authority of the juvenile court or those who are referred from school districts due to truancy, behavioral issues or expulsion." Their objective is "to help students gain the social and academic skills they will need for employment or further education and the interpersonal skills they will need to maintain positive and meaningful relationships."

"The mission of Camille Creek Community School is to empower our county's most disenfranchised youth toward a productive future through restorative relationships, targeted instruction, and inspiring opportunities for growth."

The efforts at Camille Creek are impressive. There are committed administrators, teachers, an SRO, and Probation Officers assigned to the school. All are hands-on and determined to make a difference. There is a restorative justice program at the school which involves meeting with conflicting students and, possibly with their parents (and a social worker) to resolve disputes. There are two vocational programs there, culinary and welding education. They hope to expand both programs into internships. Currently, there are two students who have paid internships in welding at Nova Group in Napa.

Other efforts include the assigned probation officer to the Chamberlain class (students on probation supervision) who has taken students on field trips to different businesses to show opportunities, for example, and trips to the Senior Center to have the students teach the seniors how to use mobile devices. Both efforts are reported to have been successful. The school also gives rides to the Sheriff's Activity League gym, where students can participate in athletic after school activities. Finally, the school serves three meals a day to all students.

Camille Creek has statistics that indicate that they are on the right track. Indicators are strong parental contacts, the establishment of a wellness center, no expulsions, and reducing suspension rates. However, there have been limits on accomplishments. According to statistics provided by Camille Creek, current graduation rates are 59%. They are striving for a rate significantly higher. It should be noted that most students entering Camille Creek are lacking in school credits and their academic skills are not commensurate with their age levels.

Some of the interviewees noted that gang members and associates want to attend Camille Creek so that they can be with their "friends", explaining some of the bad behavior that gets them sent there. There are approximately 70 students currently enrolled at Camille Creek. Not surprisingly, there is a significant gang population in the student body. Administrators estimate that figure to be about "a third of the students..." and "approximately 10% of the students" sell drugs and possess guns (not on campus).

Law enforcement believes the percentage of gang members or associates is higher. Probation's estimate is 60% are gang members or associates. Currently all 12 students in the Chamberlain

class are believed to be involved in gangs, either as a member or associate. Probation and law enforcement are concerned that the high school level students are trying heavily to recruit the middle students there to join the gang. A concern was expressed that administrators and educators are inconsistent with the application of discipline.

Napa's Star Community Service Officer

One program of intervention that the Jury learned about is the Napa Police Department's Juvenile Diversion Program. This program diverts students who have been truant or committed minor criminal offenses from having Welfare and Institutions section 601 petitions (truant or runaway allegations) or 602 petitions (criminal violations) filed in Juvenile Court. Currently, that program is operated by an officer who is dedicated to making a difference in the lives of these at-risk children and their families.

Every person familiar with this program and that officer were effusive in their positive opinions of that officer. One interviewee even commented, "Lord help us if that person retires." That officer holds the youth they supervise accountable. They show up in their homes when the students don't show up in school. That officer works tirelessly with them and their families. They recommended that resources be increased in these communities, that the school social workers visit in these families' homes more often, and mentorship be increased.

The Legacy Program

The Legacy Youth Program was a school program meant to help build character development and educational success for underserved Hispanic youth, particularly young males. It was originally started in 2012 by an SRO at Vintage High School. "Camille Creek was [the] model used to develop the program." It initially began as an after-school program but needed to change because some participants "were on probation or had to take a bus." Thus, it became an elective class.

The program provided educational and leadership training. The idea was to work closely with students to keep their credits up, instilling pride. It was designed to keep the kids at that school rather than being sent to another school because they were failing. They developed a logo which they placed on tee shirts. The class became very popular and successful. It spread to Redwood and Harvest middle schools. The program became a victim of its success as more and more students wanted to participate, even ones that didn't need the training or attention. After the SRO went back to patrol, they became less able to help run the program, until they stopped completely. Throughout our interviews multiple individuals including educators and law enforcement commented on Legacy as being a success. However, there were multiple reasons brought up as to why the program was eventually canceled completely in the 2020-2021 school year. Other programs were created and utilized to replace Legacy but none have been as successful.

Findings

- F1. The Jury found that gang activity and gang association in Napa County are on the rise.
- F2. The Jury found that due to the employment demographics in Napa County, increasing numbers of children are left unsupervised. This situation was exacerbated by the Covid Pandemic.
- F3. The Jury found current gang activity and recruitment is more apparent in middle school and even younger ages.
- F4. The Jury found that despite it having been proved to be successful, vocational curriculum has been eliminated within the NVUSD.
- F5. The Jury found that Napa County has little to no after school activities for teens and preteens. There is a need for organized free programs, including sports and other after school activities.
- F6. The Jury found that gang activity is supported by illegal money-making opportunities which can be attractive to underprivileged youth.
- F7. The Jury found that coordination and communication among law enforcement, educators, and local service providers is not effective.
- F8. The Jury found that data on gang membership and activity is limited and ineffective at gang intervention and prevention.
- F9. 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.

Commendations

- C1. The Jury commends the Napa Police Department Special Enforcement Unit as well as the Napa County District Attorney's office's interdiction efforts to stop gang violence.
- C2. The Jury commends the Napa Police Department's Juvenile Diversion Program and the dedication of its diversion officer.
- C3. The Jury commends the Napa Police Department, Napa Sheriff's Department, the Napa Valley Unified School District, and the Napa County Office of Education for their School Resource Officer program and also acknowledges the dedication of the School Resource Officers assigned to the Napa County Schools.

C4. The Jury commends the Napa County Probation Department's officers assigned to Camille Creek who go beyond their duties to help at-risk youth as well as the officers assigned to supervise gang members and associates.

C5. The Jury commends the Napa Sheriff's Department for its Youth Activities League programs.

Recommendations

R1. By December 31, 2024, Napa Valley Unified School District and Napa County Office of Education will implement programs that focus on elementary and middle schools with gang prevention and parental education programs.

R2. By the fall of 2025, Napa Valley Unified School District and Napa County Office of Education restore free high school vocational curriculums (CTE- Career and Technology Education) and partner with local industries to align their course offerings with labor market needs.

R3. By the fall of 2025, Napa Valley Unified School District and Napa County Office of Education, to maximize OTS (out of school time), partner with non-profit stakeholders to provide enriching experiences that provide lasting developmental benefits.

R4. By December 31, 2024, Napa Valley Unified School District and Napa County Office of Education establish a bi-annual meeting between the Napa Valley Unified School District, Napa County Office of Education and business community organizations such as Rotary, Elks, Moose, Napa Chamber of Commerce, and the Napa County Hispanic Chamber of Commerce to create job opportunities, internships, and training for credits.

R5. By September 30, 2024, the Napa County Board of Supervisors and Napa City Council identify financial resources to support community efforts to help families in need.

R6. Beginning July 1, 2024, the Napa County Board of Supervisors and Napa City Council support legislation to roll back decriminalizing drug and theft crime.

R7. By December 31, 2024, the Napa Valley Unified School District and the Napa County Office of Education strengthen the current stakeholder task force (law enforcement and schools) including non-profits which specialize in gang prevention and intervention and local industries.

R8. By September 30, 2024, the City of Napa Police Department create a succession plan for the Community Service Officer role in the Juvenile Diversion Program, including program expansion.

R9. By December 31, 2025, the Napa County Sheriff, the City of Napa Police Department, the City of St. Helena Police Department, the 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.

Request for Responses

Board of Supervisors – R5, R6

Napa City Council – R5, R6

Napa County Sheriff – R9

Napa County District Attorney – R9

Invited Responses

City of Napa Police Chief – R8, R9

School Resource Officers – R8

NVUSD Director of Student Services – R1, R2, R3, R4, R7

Napa Valley Unified School District – R1, R2, R3, R4, R7

Napa County Office of Education – R1, R2, R3, R4, R7

Napa County Probation Department – R9

City of Calistoga Police Chief – R9

City of St. Helena Police Chief – R9