

**Napa County Board of Supervisors
Responses to the Napa County Civil Grand Jury Report
“FEAR OF ICE IN THE VALLEY?
NAPA COUNTY LAW ENFORCEMENT’S RESPONSE”**

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I. Introduction & Statutory Background

A. Introduction

On April 13, 2026, the Napa County Civil Grand Jury published a final report titled “FEAR OF ICE IN THE VALLEY? NAPA COUNTY LAW ENFORCEMENT’S RESPONSE.” The report examined California’s statutory framework governing local law enforcement interactions with immigration authorities, including federal immigration enforcement officials employed by the United States Department of Homeland Security’s Immigration and Customs Enforcement (ICE).

From time to time, ICE sends notices known as “detainers” or, alternatively, “hold request,” “notification requests,” or “transfer requests” to local correctional facilities.¹ The function of these notices is to provide notice to local officials that ICE has mission-related interests in a particular person in local custody and request that local officials facilitate a transfer of custody to ICE upon the person’s release from local custody.²

B. Local Law Enforcement Responses to ICE Detainers

California’s statutory framework allows local law enforcement to respond to ICE detainers under three sets of circumstances³:

- The ICE detainer is supported by a federal criminal judicial warrant⁴ issued by an Article III federal judge⁵; OR
- The person named in the ICE detainer has been convicted of a qualifying state criminal charge⁶; OR
- The person named in the ICE detainer has been charged and held to answer on a qualifying criminal charge.⁷

The presentment of a federal criminal judicial warrant for a person in local custody requires little additional discussion here: either requesting federal agents provide such a warrant or they do not.

However, the provisions of California law governing permissive notification based upon prior conviction(s) or charged offenses are more complex and provide substantial organization-level discretion to local law enforcement. The top priority for Napa County has been and remains providing staff with clear direction and limited individual discretion using an easily understood framework.

C. Notification Based Upon Prior Conviction(s) or Charged Offenses

California law sets out five categories of prior conviction that qualify a person to be subject to a local law enforcement response to an ICE detainer.⁸ They are:

¹ <https://www.ice.gov/immigration-detainers>

² *Id.*

³ Cal. Gov. Code § 7284.6(a)(4).

⁴ Civil administrative warrants issued by administrative law judges are insufficient.

⁵ Cal. Gov. Code § 7282.5(a)(5).

⁶ Cal. Gov. Code § 7282.5(a)(1) – (4).

⁷ Cal. Gov. Code § 7282.5(b).

⁸ Cal. Gov. Code § 7282.5.

1. A serious or violent felony⁹;
2. Felonies punishable by imprisonment in a state prison¹⁰;
3. A qualifying crime that can be charged and/or punished as either a misdemeanor or felony, referred to as a “Wobbler,” if convicted within the past five (5) years as a misdemeanor or fifteen (15) years as a felony¹¹;
4. Current registrants on the California Sex and Arson Registry¹²; and
5. Convictions for certain federal crimes that qualify as aggravated felonies, or persons identified by ICE as the subject of an outstanding federal felony arrest warrant¹³.

California law specifically excludes from qualification for response charged or convictions for misdemeanors that were previously felonies or were previously “wobblers.”¹⁴

Finally, California law permits local law enforcement to respond to ICE detainers for persons charged with, but not yet convicted of, serious or violent felonies or felonies punishable by imprisonment in state prison (categories 1 and 2, *supra*) under a limited set of circumstances.¹⁵ Response to an ICE detainer is permissible as to such charged offenses, prior to trial and conviction for the charged offense, only following a preliminary hearing at which a judge makes a finding that probable cause exists as to the charged offense. These preliminary hearings effectively function as mini-trials, at which evidence is presented and witnesses testify, and at which prosecutors seek to show the court that there is sufficient evidence to hold a defendant to answer a felony charge.

Because response to ICE detainers is permissive rather than mandatory under California law, local law enforcement agencies have discretion to enforce these response provisions to the fullest extent permitted by law, decline to respond as a matter of course, or respond only under certain circumstances permitted by law.

II. Responses to Findings

The Napa County Board of Supervisors, as the respondent to this Napa County Civil Grand Jury report, is required by California Penal Code § 933.05 to provide a response to each grant jury finding. Responses may be either that the Board agrees with the finding or disagrees wholly or partially with the finding. Any response other than full agreement requires that the Board specify the portion of the finding that is disputed and explain the reasons therefor.

There are three findings in this Civil Grand Jury report.

⁹ Cal. Gov. Code § 7282.5(a)(1), as defined in Cal. Penal Code §§ 1192.7(c) [serious felonies] or 667.5(c) [violent felonies].

¹⁰ Cal. Gov. Code § 7282.5(a)(2).

¹¹ Cal. Gov. Code § 7282.5(a)(3).

¹² Cal. Gov. Code § 7282.5(a)(4).

¹³ Cal. Gov. Code § 7282.5(a)(5).

¹⁴ Cal. Gov. Code § 7282.5(a)(6).

¹⁵ Cal. Gov. Code § 7282.5(b).

A. Finding 1.

Napa County law enforcement agencies have worked well with the community to explain that they do not enforce immigration law, because it is a federal and not local function. Despite this, fears persist and therefore efforts should continue to expand the use of social and broadcast media, particularly in Spanish.

B. Response of the Napa County Board of Supervisors to Finding 1.

The Napa County Board of Supervisors agrees with Finding 1. The Board of Supervisors is not required to provide additional comment or explanation when it agrees with findings, but would take the opportunity to note that the Board throughout 2024 regularly convened an ad hoc Language Access Committee, the purpose of which was improving connections with members of the community for whom it is easier to receive communications in a language other than English. The results of this effort are public-facing and highly visible, including the translation into Spanish of all of the County's social media posts.

In addition, the Board in December, 2024, created an ad hoc Committee on Inclusivity to connect and coordinate efforts supporting members of vulnerable populations in Napa County with key community partners, including community-based organizations, city and town governments, and the County's own Health & Human Services Agency and Sheriff's Office. Here, the Committee on Inclusivity made strategic investments in community services, created open, direct channels to elected officials for community organizations to share successes and friction points, and continues to provide a single County point for coordinating the ecosystem of community services providers. In fact, the members of the Committee on Inclusivity convened to discuss this Civil Grand Jury report with community representatives and members of the County law enforcement apparatus and subsequently provided direction to staff on drafting the response to this report.

C. Finding 2.

TRUTH Act annual reporting does not provide the Napa County Board of Supervisors and the community with timely and sufficiently detailed information.

D. Response of the Napa County Board of Supervisors to Finding 2.

The Napa County Board of Supervisors agrees with Finding 2 and, as detailed below, in response to Recommendations 2 and 3, is adjusting its TRUTH Act reporting to provide a real-time TRUTH Act dashboard accessible to the public.

E. Finding 3.

The Napa County Jail uses the full extent of its discretion under SB 54 in providing release information to ICE regarding those convicted of offenses listed under SB 54, including certain misdemeanors. In at least one instance, information was released regarding those who were charged with, but not convicted of, certain offenses listed under SB 54.

F. Response of the Napa County Board of Supervisors to Finding 3.

The Napa County Board of Supervisors agrees with Finding 3.

III. Responses to Recommendations

As with Civil Grand Jury findings, the Board of Supervisors is required by California law to respond to each recommendation directed to the Board. Responses to recommendations may take one of four forms:

- (1) a statement that the recommendation has been implemented, with a summary of the implemented action;
- (2) a statement that the recommendation has not yet been implemented, but will be in the future, along with a timeframe for implementation;
- (3) a statement that further analysis is required, along with details of the scope and parameters of the analysis and a timeframe therefor, not to exceed six months from the date of publication of the grand jury report; or
- (4) a statement that the recommendation will not be implemented because it is not warranted or not reasonable, accompanied by an explanation of the reasons for declining to implement the recommendation.

There are three recommendations in this Civil Grand Jury report directed to the Board of Supervisors.

A. Recommendation 1.

The Napa County Sheriff and Police Departments should continue to deepen community collaborations and encourage their public information staff to expand the use of social and broadcast media, particularly in Spanish.

B. No response is provided to Recommendation 1 because it is not directed to the Napa County Board of Supervisors.

C. Recommendation 2.

By June 30, 2026, the Napa County Board of Supervisors should request more frequent TRUTH Act reports from the Napa County Jail (to be provided at evening meetings of the Board, allowing broader public participation).

D. Response of the Napa County Board of Supervisors to Recommendation 2.

This recommendation has been implemented. Rather than direct additional periodic reports, the Board of Supervisors has directed staff to develop and publish a real-time dashboard on its website. The Board has directed that the dashboard contain categorical data about individuals for whom ICE detainers are received, including the date the person entered custody, the date the person was released, whether an ICE detainer was received

for the person, the charges qualifying the person for local law enforcement response to the ICE detainer, whether ICE was in fact notified, and whether the person was subsequently transferred to ICE custody from local custody.

The dashboard is live and accessible at: <https://app.napacounty.gov/CJNet/Public/CaliforniaValuesActReport>.¹⁶ The Board considers the implementation of a real-time dashboard to satisfy in full the recommendation for more frequent TRUTH Act reports. As to the second, parenthetical part of Recommendation 2, the Board has directed staff to conduct the annual TRUTH Act report at an evening meeting moving forward.

E. Recommendation 3.

By June 30, 2026, the Napa County Board of Supervisors should request that the Napa County Jail TRUTH Act reports include data related to each individual for whom release information was sent to ICE, identification of the individual offense(s) and whether they were convictions or only charges, as well as using the Immigration Notification Matrix categories used by the Sonoma County Jail in their TRUTH Act reports.

F. Response of the Napa County Board of Supervisors to Recommendation 3.

The Napa County Board of Supervisors declines to adopt Recommendation 3 as stated, because, as outlined in detail below, the Board does not consider the recommendation to be reasonable under the totality of circumstances. Nonetheless, the sentiment expressed in the report leading to Recommendation 3's two parts is well-taken. The Board provides below a discussion of the parts of Recommendation 3 that have been implemented.

As noted, Recommendation 3 contains two parts: a recommendation related to the contents of TRUTH Act reports and a recommendation related to the adoption of Sonoma County's immigration notification matrix.

1. TRUTH Act Reporting Contents.

The first part of the recommendation provides that Napa County should adopt Sonoma County's TRUTH Act report format, including additional data about individuals for whom release information was sent to ICE. This portion of the recommendation will not be implemented as recommended, because the Board does not consider the full extent of the information included in Sonoma County's TRUTH Act reports to be reasonable under the circumstances.

¹⁶ This link to the dashboard can be accessed by navigating to the Napa County homepage, www.napacounty.gov, navigating to the Department of Corrections page using the top dropdown "Departments" menu, selecting the "In Custody" tab in the middle of the page, clicking the link to "In Custody" in the resulting menu, and selecting "California Values Act (SB 54)" on the resulting page. Users will be prompted to enter a date range: staff have populated data for the period beginning January 1, 2026, and will keep the dashboard updated.

The Civil Grand Jury Report states that the “Sonoma County TRUTH Act report also provided details as to ICE Notices by types of offenses, age, gender, country of origin, and recidivism.”¹⁷ The Napa County Board of Supervisors has substantial privacy concerns about releasing data about individual ages, genders, countries of origin, and recidivism.

The volume of data provided by Sonoma County, while disaggregated from the name of the individual, nonetheless steers concerningly close to disclosure of local summary criminal history information as defined in California Penal Code Section 13300. Napa County, with about 132,000 residents and a jail population of roughly 230-250 persons, is substantially smaller than Sonoma County, which has more than 485,000 residents.

California law restricts the release of an individual’s local summary criminal history to an enumerated list of government entities and officials, as well as the person themselves. There is no provision in California law for the public release of an individual’s local summary criminal history. The Napa County Board of Supervisors harbors significant concerns that releasing data about an individual beyond the qualifying charges would allow a reasonable person to identify the individual.

Because the recommended categories of TRUTH Act reporting are beyond the County’s legal mandate, the Board here exercises its discretion to provide for the release of more information than is legally required in its real-time TRUTH Act dashboard, but less than is recommended in Recommendation 3.

2. Adoption of Sonoma County’s Immigration Notification Matrix.

Recommendation 3 provides that Napa County should adopt, presumably without alteration, the Immigration Notification Matrix used by Sonoma County.¹⁸ However, as discussed below, the Napa County Board of Supervisors finds Sonoma County’s matrix to be silent in a key area, and declines to adopt this portion of Recommendation 3, as it is not reasonable under the circumstances to adopt Sonoma County’s matrix without alteration.

The Board of Supervisors adopts Sonoma County’s Immigration Notification Matrix, with the addition of a third category for charged offenses qualifying under California Government Code Section 7282.5(b). This provision provides for permissive notification when a person charged with a serious or violent felony or a felony punishable by imprisonment in state prison is held to answer at a preliminary hearing and nonetheless ordered released by the Court on their own recognizance or on bond. The Napa County Board of Supervisors declines to omit this statutory permission from its own policy. At preliminary hearings, the Court considers live testimony and other lawfully presented evidence to determine whether (1) a person should be held to answer the felony charges; (2) a person should be held to answer but that the charge be reduced to a misdemeanor; or (3) there is not enough evidence to hold the defendant to answer and therefore the charges

¹⁷ FEAR OF ICE IN THE VALLEY? NAPA COUNTY LAW ENFORCEMENT’S RESPONSE, p. 16.

¹⁸ The Sonoma County Immigration Notification Matrix is available at:

<https://static1.squarespace.com/static/542ec317e4b0d41ade8801fb/t/67c72f83ef2fdf1b4c4e4d6e/1741107075868/IC+E+Matrix.2025.pdf>.

should be dismissed. This judicial process protects a defendant's due process rights by ensuring that sufficient evidence exists to find the defendant guilty of the charges presented. Responses to ICE detainers only occur for persons held to answer or indicted on qualifying state criminal charges.¹⁹

G. Recommendation 4.

By June 30, 2026, the Napa County Board of Supervisors should review the Napa County Jail practices regarding individuals with misdemeanor offenses, "wobbler" offenses, or charges without convictions and whether their release dates should be excluded from ICE notifications.

H. Response of the Napa County Board of Supervisors to Recommendation 4.

The Napa County Board of Supervisors has implemented Recommendation 4. The Board has reviewed the Napa County Department of Corrections policies related to ICE detainer responses for individuals convicted of misdemeanor offenses, misdemeanor "wobbler" offenses, felony "wobbler" offenses, and charges without convictions. The Board has directed a change to Napa County Department of Corrections policy, as outlined below.

- Misdemeanor Convictions: California law does not permit notification on misdemeanor convictions that could not have been charged as felonies, and, consistent with California law, Napa County policy does not permit notification as to these misdemeanor convictions.
- Misdemeanor "Wobbler" Convictions: California law permits notification on certain misdemeanor convictions occurring within the preceding five years that could have been charged as felonies. Napa County previously exercised its full statutory discretion to notify ICE using these misdemeanor convictions as qualifying charges. However, the Board has directed the Napa County Department of Corrections to cease the use of its statutory authority as to these otherwise-qualifying misdemeanor charges.
- Felony "Wobbler" Convictions: California law permits notification on certain felony convictions occurring within the preceding fifteen years that could have been charged as misdemeanors, and Napa County has exercised its full statutory discretion to notify ICE using these felony convictions as qualifying charges. However, the Board has directed the Napa County Department of Corrections to reduce the use of its full statutory authority in responding to ICE notifications under this clause. Rather than notification for felony "wobbler" convictions occurring within the past 15 years, these convictions must have occurred within the past 10 years.

¹⁹ Cal. Gov. Code § 7282.5(b).

- Charged Misdemeanor Offenses: California law does not permit notification on charged misdemeanor offenses, and, consistent with California law, Napa County does not permit notification as to these charges.
- Charged Felony Offenses: California law does permit notification on certain charged felony offenses following a preliminary hearing at which the defendant is held to answer the charges, as outlined above, in the Board's response to Recommendation 3, and Napa County has and will continue to exercise its full statutory discretion to notify ICE as to these qualifying charges.

IV. Conclusion

The Board of Supervisors respectfully extends its gratitude to the members of the 2025-2026 Napa County Civil Grand Jury and the Grand Jury Foreperson for their time and careful attention to this complex and important issue. In response to this report, the Board has implemented a real-time TRUTH Act dashboard that provides 24-hour transparency into the full extent to which Napa County Department of Corrections personnel respond to ICE detainers, the charges qualifying an individual for notification, and whether a transfer to ICE custody resulted from notification. Further, the Board has reviewed Napa County Department of Corrections policy and will no longer utilize the full extent of its statutory authority: staff are no longer permitted to respond to ICE detainers using prior misdemeanor "wobbler" convictions as qualifying charges, nor are staff permitted to respond to ICE detainers using felony "wobbler" convictions that are more than ten years old as qualifying charges.