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Napa Superior Court  
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**NAPA SPECIAL INVESTIGATIONS BUREAU  
RESPONSE TO THE GRAND JURY REPORT  
FISCAL YEAR 2009-2010**

**FILED**

SEP 15 2010

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

**Grand Jury Findings**

**Finding 1:** The Napa Special Investigations Bureau (NSIB) was formally established on March 01, 1976, through a state grant funded by the California Office of Criminal Justice Planning (OCJP).

**Response, Napa Special Investigations Bureau Governing Board:** The respondent agrees with this finding.

**Finding 2:** In 1988, the NSIB Governing Board entered into a memorandum of understanding (MOU) with the California Department of Justice, Bureau of Narcotic Enforcement (CA DOJ/BNE).

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 3:** NSIB is one of thirty-three other county narcotic task forces participating in the BNE Statewide Regional Task Force program.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board disagrees in part with this finding. The number of countywide narcotic task forces participating in the (BNE) Statewide Regional Task Force program has grown to thirty-nine (39). In addition, fifteen other task forces, totaling fifty-four (54), participate in the BNE Statewide Regional Task Force program.

**Finding 4:** NSIB's primary focus is to conduct criminal investigations and enforcement activities aimed at combating illegal manufacturing, trafficking, and use of illegal controlled substances throughout Napa County.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 5:** NSIB personnel are assigned by their participating parent agencies with input from the NSIB commander.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 6:** Calistoga Police Department (CPD) and Saint Helena Police Department (SHPD) contribute funding in lieu of personnel.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 7:** In 2009, methamphetamine and marijuana were the most significant and predominant illegal drugs in Napa County.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 8:** While NSIB directs its efforts and assets towards all levels of illegal drug trafficking in the County, an emphasis has been placed on methamphetamine because the drug is so prolific and dangerous.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 9:** In most instances, Napa County methamphetamine dealers obtain their drugs from sources in surrounding counties and the Central Valley.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 10:** In FY 2008-2009, NSIB seized approximately 90,000 marijuana plants with a street value in excess of \$266 million.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 11:** Ninety percent of large-scale (marijuana) growing operations in Napa County involving arrests are operated by Mexican nationals suspected of being members of Mexican Drug Trafficking Organizations (MDTOs).

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 12:** Much of the marijuana grown in Napa County is exported to other states including Illinois, New York, Ohio and Texas.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 13:** Methamphetamine is considered the single most dangerous health and safety threat to Napa County and continues to dominate NSIB resources and investigative time.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 14:** Methamphetamine has been found in every municipality and unincorporated section of the County.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 15:** In FY 2008-2009, all NSIB methamphetamine seizures have been of "crystal" or "ice" form.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 16:** "Pharm Parties" among teens in the community are a growing concern to NSIB and should be to the community in general.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 17:** NSIB currently has only one bilingual agent.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 18:** NSIB, in conjunction with the District Attorney (DA), Adult Probation Department, and the California Department of Corrections and Rehabilitation (CDCR) Parole Unit, is involved in a cooperative effort to coordinate and pursue intensive supervision of adult probationers and parolees (Parolee, Probation Offender Program).

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 19:** The Drug Endangered Children (DEC) Protocol was implemented four years ago and is a collaborative effort by NSIB, Child Welfare Services (CWS), Napa County DA, and Queen of the Valley Medical Center (QVMC).

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 20:** State and County budget cuts have reduced the number of NSIB agents as compared to past years.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board disagrees in part with this finding. The County and BNE have continued their NSIB staffing levels. Staffing levels with the Napa Police Department (NPD) and the California Highway Patrol (CHP) have been impacted due to budget concerns resulting in a reduced number of officers assigned to NSIB.

**Finding 21:** The Probation Officer (PO) attached to NSIB, like all Napa County POs, does not carry a firearm.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 22:** NSIB has expressed the desire to have the County arm the PO attached to NSIB.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board disagrees with this finding. While the NSIB commander has expressed the desire to arm the PO assigned to NSIB, the NSIB Governing Board, as a whole, does not share this view. All agree the matter of whether the NSIB PO is armed should be decided by the Chief Probation Officer.

**Finding 23:** The Probation Department Safety Committee currently has not recommended arming the PO attached to NSIB.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 24:** Local law enforcement officials stated the California Supreme Court's ruling in *People v. Kelly (supra)* has made the already murky situation surrounding medical marijuana worse and has created even more difficulties in the investigation, arrest, and prosecution for illegal marijuana cultivation and possession.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 25:** Other than a list of "guidelines" provided by the California Attorney General in 2008, the State does not provide the County or NSIB with any clear regulation for the cultivation and/or distribution of medical marijuana.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

**Finding 26:** The law enforcement personnel the Grand Jury interviewed expressed concern that the legalization of marijuana in California will not make marijuana related problems, issues, and violence disappear.

**Response, Napa Special Investigations Bureau Governing Board:** The NSIB Governing Board agrees with this finding.

## **Grand Jury Recommendations:**

**Recommendation No. 1:** NSIB selection process emphasizes bilingual competency.

**Response, Napa Special Investigations Bureau Governing Board:** The recommendation has been implemented by the NSIB Governing Board. Over the past decade, NSIB has strived to recruit team members whom possess a strong work ethic, reputation for integrity, an ability to work well in a team environment, are physically capable and have bilingual abilities. The recruitment flyers will reflect these continuously desired skills.

**Response, NSIB Commander (Special Agent Supervisor):** The recommendation has been implemented by the NSIB commander. Since assuming command of the Napa Special Investigations Bureau (NSIB) in 2002, the Commander has strived to recruit team members whom possess a strong work ethic, reputation for integrity, an ability to work well in a team environment, are physically capable and have bilingual abilities. The recruitment flyers announcing NSIB vacancies will reflect these continuously desired skills. While bilingual competency is important, it is not any more important than the other traits outlined above.

The present NSIB Field Supervisor, a Sergeant with the Napa Sheriff's Department, is a fluent Spanish speaker. When operational needs dictate the presence of additional Spanish-speaking law enforcement personnel, the Commander draws on resources from allied agencies such as the Bureau of Narcotic Enforcement (BNE), neighboring BNE task forces and local law enforcement agencies.

**Recommendation No. 2:** The Napa County Probation Department Safety Committee, the County Executive Office (CEO), and the Board of Supervisors (BOS), explore the option to arm the PO attached to NSIB, as well as other PO's dealing with high risk probationers and parolees.

**Response, Napa Special Investigations Bureau Governing Board:** The recommendation will not be implemented by the NSIB Governing Board because it is not warranted. Determination as to whether the NSIB Probation Officer should be armed rests with the Probation Department. NSIB will continue to communicate the role and responsibilities of the NSIB Probation Officer to the Probation Department, and utilize the NSIB Probation Officer in a role that mitigates risk to the employee while supporting NSIB's mission.

**Recommendation No. 3:** NSIB Governing Board, CEO, and the BOS identify and implement additional NSIB investigative funding.

**Response, Napa Special Investigations Bureau Governing Board:** The recommendation will not be implemented by the NSIB Governing Board because it is not warranted. Based upon current operational staffing and needs, NSIB has sufficient funding. When necessary, additional funds are available to support NSIB investigative and enforcement operations through our partnerships with the Bureau of Narcotic Enforcement (BNE), High Intensity Drug Trafficking Area (HIDTA) federal initiative, Western States Information Network (WSIN), state grants such as the California Multi-jurisdictional Methamphetamine Enforcement Team (Cal-MMET) and Anti-Drug Abuse (ADA) grants administered by the California Emergency Management Agency (Cal-EMA), and federal grants such as the United States Drug Enforcement Administrations' (DEA) Domestic Cannabis Eradication and Suppression Program (DCESP). Depending on the investigative scope and objective(s) of NSIB investigations, additional funding is often available through partnering for investigative purposes with other federal agencies such as the Federal Bureau of Investigation (FBI), DEA and Immigration and Customs Enforcement (ICE).

**Recommendation No. 4:** NSIB Governing Board, the CEO, and the BOS bring NSIB staffing back to that in FY 2000 level.

**Response, Napa Special Investigations Bureau Governing Board:** The recommendation will not be implemented by the NSIB Governing Board because it is not reasonable. The decision and responsibility to contribute additional staffing lies directly with each participating agency, and in coordination with the recommendation of the NSIB Governing Board. NSIB has, and will continue to, take advantage of alternative funding sources to increase staffing levels. This is primarily accomplished through competitive application for

state and federal grants such as Cal-MMET, ADA, DCESP and the like. Unfortunately, temporary funding from grants cannot ensure continued funding in the future. Failure to guarantee such funding prevents many City Councils and the County Board of Supervisors from permanently increasing the respective department's staffing level.