



ICE: Man who died after shooting at a Napa deputy had been deported 3 times

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The man killed by a Napa County Sheriff's deputy Sunday night was an undocumented Mexican national, according to U.S. Immigration and Customs Enforcement.

ABC 7 broke the news Thursday afternoon and said it had received a statement from the agency that said that Javier Hernandez Morales, 43, had been deported from the U.S. three times.

At a news conference on Wednesday, the Napa County Sheriff's Office identified Hernandez Morales as the motorist who was fatally shot by a deputy Sunday night on Henry Road after she stopped to inspect a vehicle parked on the rural roadway. He had previously been arrested for crimes such as having a concealed, loaded weapon, driving under the influence and assaulting a peace officer.

The Sheriff's Office, which released a graphic video from the deputy's body camera, said Hernandez Morales fired at least one shot at Deputy Riley Jarecki, who then fired 15 or 16 shots, killing him.

ICE also wrote that it issued three detainers to Napa County jail regarding Hernandez Morales, who county officials said had been arrested five times between 2010 and 2016.

Detainers are requests that a jail notify ICE if a person is going to be released from custody, and that the jail hold the person until ICE officials can arrive.

ICE told ABC 7 that it issued detainers to Napa County jail regarding Hernandez Morales in 2014, 2015 and 2016. None of those detainers were honored, according to the report.

Henry Wofford, spokesperson for the Sheriff's Office, said the department would not address Hernandez Morales' immigration status and deferred to ICE. Hernandez Morales had family in Napa, he said.

Napa County Board of Supervisors chairman Ryan Gregory said at the press conference on Thursday afternoon that the county just learned about ICE's statement hours earlier, and it would seek additional information from ICE regarding the claims made in its statement.

Gregory said that in 2010, Hernandez Morales was arrested, brought to the Napa County jail and later released to ICE. He noted that the county's policies changed since passage of state laws that require counties to limit interactions with immigration agents.

In 2010, the county's policy was to notify ICE of the time when an undocumented immigrant would be released, said Dina Jose, head of the county corrections department. That changed in Napa County — and all other California counties — in 2017, she said.

A discussion about whether state law needed to be changed could come after the investigation into the incident has concluded and more facts are known, said Supervisor Alfredo Pedroza. The county jail received 102 requests from ICE in 2018 and did not provide any access, Jose told the Napa County Board of Supervisors

County policy allows transfer to ICE only upon receipt of a federal warrant or court order, she said at the meeting. Policy also dictates that nobody will be detained past their release date based on immigration status, and ICE officers are not allowed inside of the jail to conduct interviews unless that person agrees to speak.

Sheriff John Robertson reported at that same meeting that his department's lone ICE interaction last year occurred on Feb. 28, when police stopped a 27-year-old man for speeding. A routine check showed he was wanted under a warrant for homicide charges in El Salvador and was a suspected MS-13 gang member.

State law requires local governments to hold public meetings if they have provided ICE agents access to a person in the year prior. That requirement began last year with the 2016 passage of the Transparent Review of Unjust Transfers and Holds, or TRUTH, Act.

The bill's introducer, Assemblyman Rob Bonta, wrote early on in the legislative process that: "Immigrant communities form an integral part of our state's social fabric. When Immigration and Customs Enforcement coerces local law enforcement to carry out deportations, family members are separated and community trust destroyed, and undocumented witnesses and victims are afraid to step forward or seek help."

While President Donald Trump's administration has worked to crack down on illegal immigration and reform immigration law, California — and Napa County — have stood defiant.

California essentially has declared itself a sanctuary state. The county Board of Supervisors has declared many times that the valley strives to be a safe and inclusive place for all, including immigrants. Researchers generally agree that immigrants commit fewer crimes than non-immigrants, according to factcheck.org.

A 2018 study by the Cato Institute found that immigrants are less likely to commit crimes or be incarcerated than native-born citizens.

"Immigration enforcement programs targeting illegal immigrant criminals have no effect on local crime rates, which indicates that they are about as crime prone as other residents," researchers wrote.