

OFFICE OF THE ATTORNEY GENERAL

CALIFORNIA *WITNESS* RELOCATION AND *ASSISTANCE* PROGRAM



Annual Report to the Legislature
2013-2014

CALIFORNIA *WITNESS* RELOCATION AND *ASSISTANCE* PROGRAM



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Table of Contents

Executive Summary	1
Case Statistics	2
Chart 1 — Case Statistics for All Chapter Funds as of June 30, 2014.	2
Chart 2 — New Case Activity During FY 2013-2014 (Chapter 20/13)	2
Cases Submitted for Funding	3
Chart 3 — Types of Cases Submitted for Funding (FY 2013-2014).	3
Chart 4 — Percentage of Gang-Related Cases Funded Each Fiscal Year	3
Charges Filed on Cases	4
Chart 5 — Types of Charges Filed on Cases (FY 2013-2014)	4
Local Assistance	5
Chart 6 — Local Assistance Balances as of June 30, 2014	5
Reimbursements for Local Agencies	6
Chart 7 — Approved Reimbursement Claims by Chapter Fund (FY 2013-2014).	6
Chart 8 — Approved Reimbursement Claims (FY 2013-2014)	7
County Match Received by Program	8
Chart 9 — Submitted Match Claims by Agency (FY 2013-2014)	8
Successful Prosecutions	9
Testimonials	12
Other Program Items of Interest	13
Administrative Status	13
Outreach and Training	13

Executive Summary

This report summarizes the accomplishments of the California Witness Relocation and Assistance Program (CalWRAP) during the fiscal year (FY) reporting period of July 1, 2013 to June 30, 2014. During this reporting period, the CalWRAP managed 800 cases. This included 496 cases that were opened in FY 2011-2012 and FY 2012-2013, and another 304 cases that were opened in FY 2013-2014. The program closed 405 cases, leaving 395 active cases.

The 304 new cases that were opened provided services to 342 witnesses and their 552 family members. During their participation in the CalWRAP, the witnesses provided testimony against 567 violent offenders. There were 249 gang-related cases with numerous others classified as high-risk (49), narcotics trafficking (5), and domestic violence (1). Charges of homicide and attempted homicide were the principal charges in 72.0 percent of the cases. Assault accounted for another 11.2 percent. The remaining 16.8 percent of cases involved rape, kidnapping, robbery, threats, narcotics, home invasion, or criminal conspiracy.

A total of \$4,855,000 was allocated to the CalWRAP for distribution to California district attorneys' offices in FY 2013-2014. The program expended \$423,118 as of June 30, 2014, with the remaining balance available for district attorneys to support their cases.

The program processed 624 claims for reimbursement in FY 2013-2014 totaling \$4,582,522 in authorized witness expenditures to 29 of California's 58 district attorneys' offices. The distributed funds included 613 reimbursement claims that were processed pursuant to the mandatory 25 percent match requirement and totaled \$4,534,454 in witness expenditures. Based upon their matches, \$4,524,814 was approved for reimbursement.

During this reporting period, 405 witness relocation cases were closed, including 180 cases that were closed with reportable convictions. Sixteen of these closed cases are detailed in the "Successful Prosecutions" Section of this report because they represent the varied sentences that are meted out to offenders in cases managed by the CalWRAP. The sentences range from formal probation for shooting at an occupied vehicle to life-without-parole plus 10 years for homicide.

The CalWRAP expended \$275,332 on administrative costs in FY 2013-2014. This included personnel costs and a \$60,000 reimbursement to the Attorney General's Office of Program Review and Audits (OPRA) for conducting audits of district attorneys' offices that utilized the services of the program. CalWRAP staff continue to provide program training to local law enforcement personnel throughout California at conferences, Commission on Peace Officer Standards and Training (POST) certified training courses and as requested. The CalWRAP is currently administered by the Division of Law Enforcement.

Case Statistics

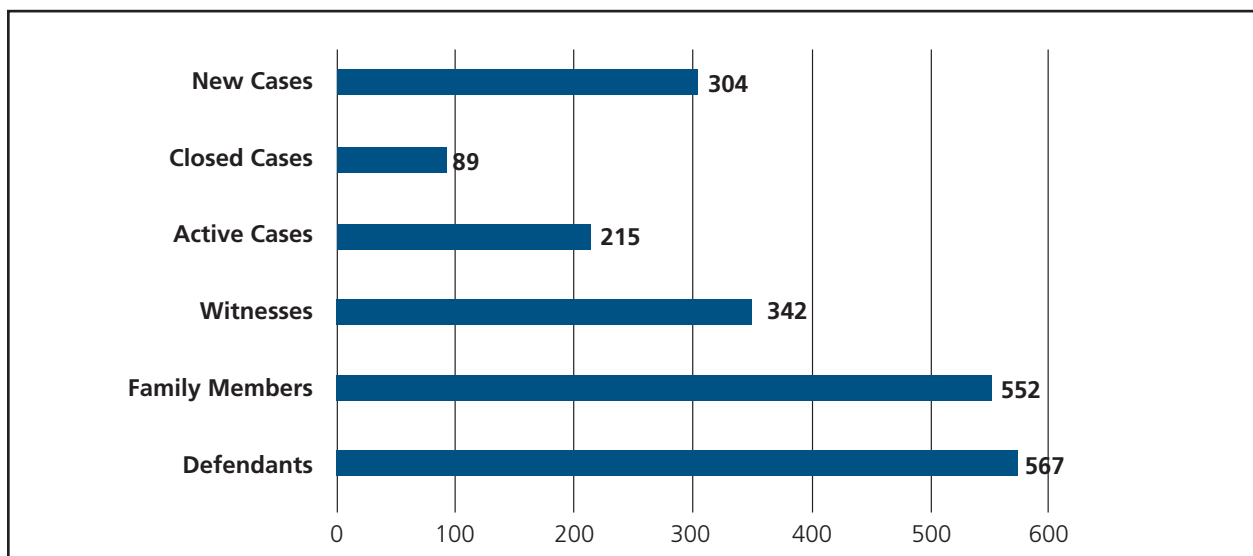
During the reporting period, the CalWRAP was responsible for the administration of three FY appropriations: Chapter 20/13 (FY 2013-2014), Chapter 21/12 (FY 2012-2013), and Chapter 33/11 (FY 2011-2012). The program provided service for 800 cases, including 496 previously-approved cases and 304 new cases. Through June 30, 2014, the program closed 405 cases, leaving 395 cases active (see Chart 1).

Chart 1 — Case Statistics for All Chapter Funds as of June 30, 2014

Chapter Fund	New or Existing Cases	Closed Cases	Active Cases	Witnesses	Family Members	Defendants
20/13	304	89	215	342	552	567
21/12	322	142	180	410	650	757
33/11 †	174	174	0	443	711	787
Totals	800	405	395	1,195	1,913	2,111

The 304 new CalWRAP cases approved during FY 2013-2014 (Chapter 20/13) provided for the relocation of 342 witnesses and 552 family members testifying against 567 defendants (see Chart 2).

Chart 2 — New Case Activity During FY 2013-2014 (Chapter 20/13)

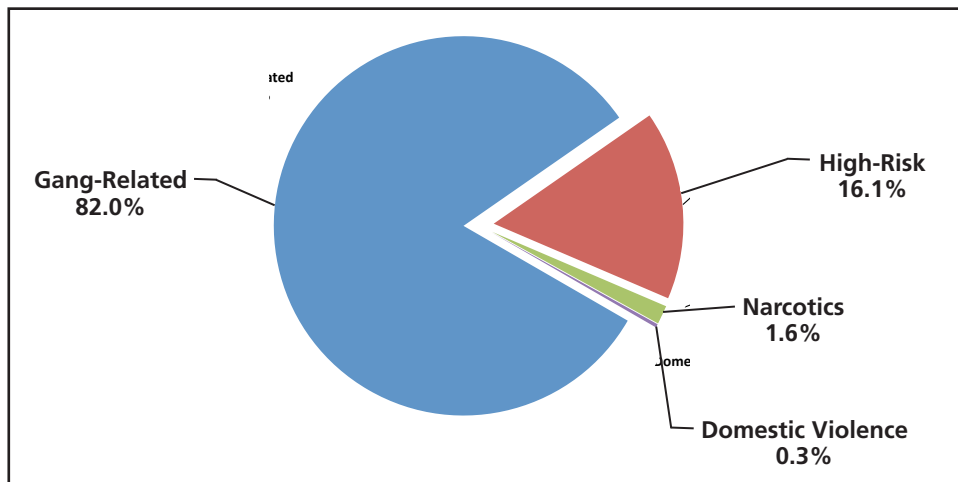


† Chapter 33/11 closed on June 30, 2014.

Cases Submitted for Funding

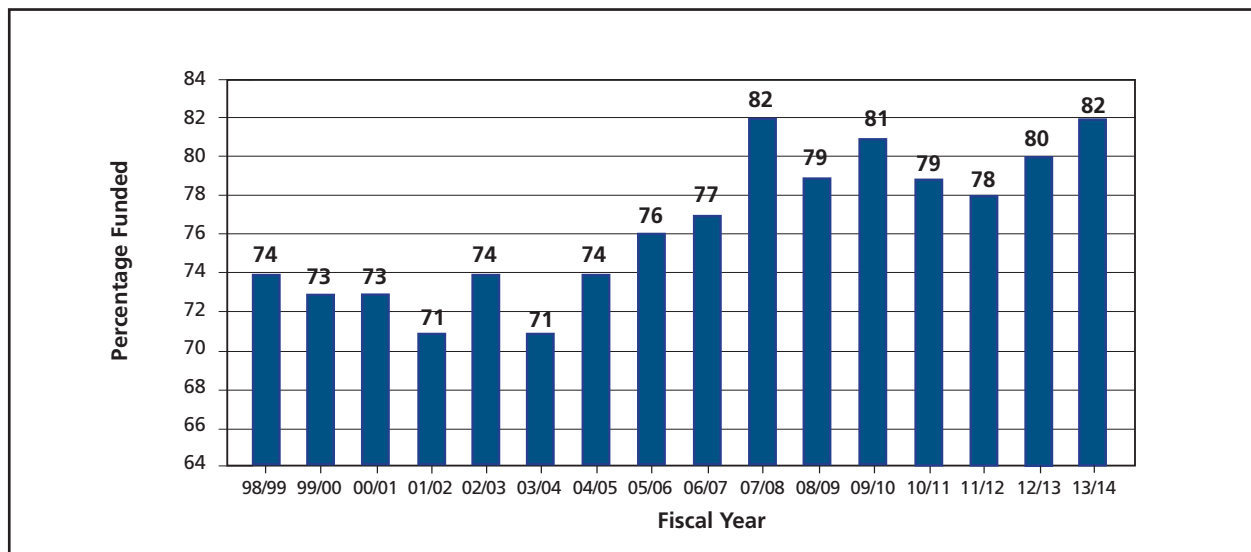
There were 304 new cases approved by the CalWRAP for the period of July 1, 2013, through June 30, 2014. Of these approved cases: 249 were gang-related (82.0 percent), 49 were for high-risk crimes (16.1 percent), five were narcotics trafficking-related (1.6 percent), and one was for domestic violence (.3 percent); see Chart 3. Since the inception of the program in January 1998, the percentage of gang-related cases has averaged 77 percent. Chart 4 depicts the actual percentage of gang-related cases approved from FY 1998-1999 to FY 2013-2014.

Chart 3 — Types of Cases Submitted for Funding (FY 2013-2014)*



*No organized crime cases were submitted for funding during FY 2013-2014.

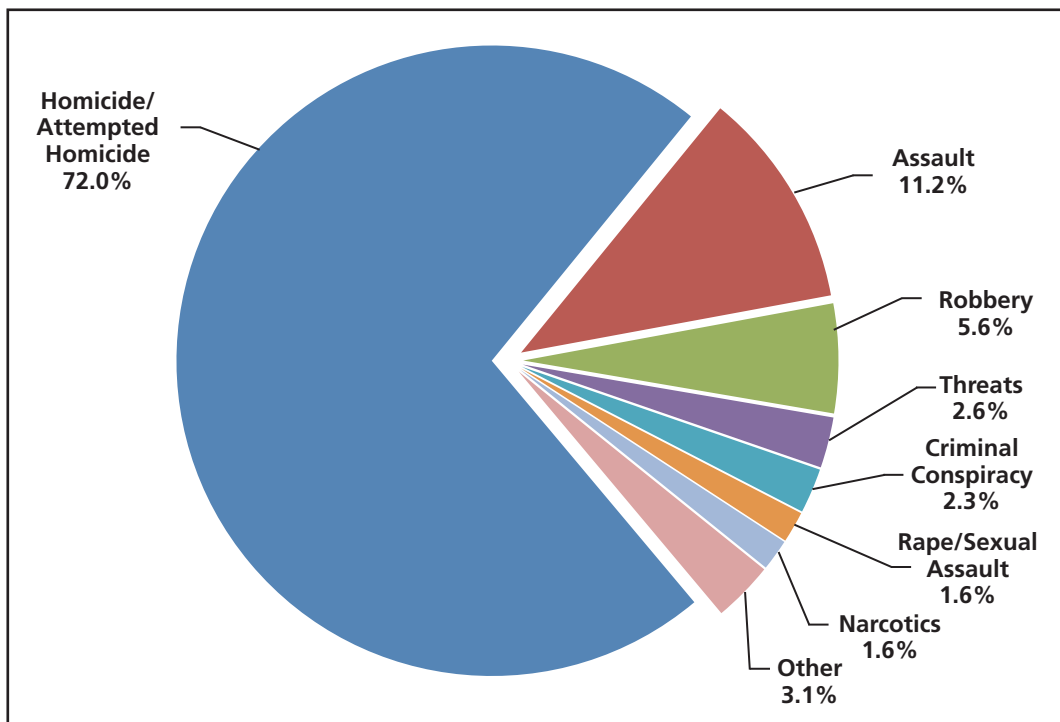
Chart 4 — Percentage of Gang-Related Cases Funded Each Fiscal Year



Charges Filed on Cases

During this reporting period, homicide and attempted homicide charges accounted for 72.0 percent of the 304 new cases for FY 2013-2014. The remaining charges filed included 11.2 percent involving assault charges; 5.6 percent were for robbery; 2.6 percent involved threats; 2.3 percent involved criminal conspiracy; 1.6 percent involved crimes of rape and sexual assault; 1.6 percent were for narcotics charges; 1.3 percent involved kidnapping charges; 1.0 percent was for carjacking; and the remaining 0.8 percent was for home invasions. Chart 5 is a visual representation of the types of charges filed on approved cases for FY 2013-2014.

Chart 5 — Types of Charges Filed on Cases (FY 2013-2014)*



*No fraud cases in FY 2013-2014.

Local Assistance

The CalWRAP's local assistance appropriation (monies available to district attorneys' offices to support witness relocation cases) for FY 2013-2014 was \$4,855,000. As of June 30, 2013, \$423,118 was expended, and the remaining balance of \$4,431,882 was allocated to support existing cases. Chart 6 illustrates the status of the Chapter 20/13 fund as well as the two prior FY funds: Chapters 21/12 (FY 2012-2013) and 33/11 (FY 2011-2012) that were also administered by the program during this reporting period. The Chapter 33/11 fund closed as of June 30, 2014.

Chart 6 — Local Assistance Balances as of June 30, 2014

Chapter Fund	Beginning Funds	Expended Funds	Remaining Balance
20/13 (FY 13-14)*	\$4,855,000	\$423,118	\$4,431,882
21/12 (FY 12-13)*	\$4,855,000	\$2,629,024	\$2,225,976
33/11 (FY 11-12)†	\$4,855,000	\$4,514,481	\$340,519

* Although there is an available balance, these funds are for continued support of existing cases.

† Chapter 33/11 closed on June 30, 2014.

Reimbursements for Local Agencies

In FY 2013-2014, CalWRAP staff processed 624 reimbursement claims totaling \$4,582,522 submitted by 29 district attorneys' offices. The approved reimbursement claims reflect a monthly average of \$381,877 that was utilized for witness or sworn law enforcement expenses.

Chart 7 reflects the total expenses approved for each active chapter fund during FY 2013-2014 and the total number of reimbursement claims processed for each year's appropriation. Reimbursements are for various services required by relocated witnesses and family members, such as temporary lodging, relocation expenses, storage of personal belongings, monthly rent, meals, utilities, and incidentals. The program also reimburses expenses incurred for psychological counseling, medical care, new identities, vocational or occupational training, and travel costs for witnesses who must return to testify in criminal proceedings. Sworn law enforcement expenses may also be reimbursed for transporting or protecting witnesses. These expenses include travel, lodging, per diem, and required overtime.

Chart 7 — Approved Reimbursement Claims by Chapter Fund (FY 2013-2014)

Chapter Fund	Amount Approved	Claims Processed
Chapter 20/13	\$423,117	83
Chapter 21/12	\$2,226,087	315
Chapter 33/11	\$1,933,318	226
Total	\$4,582,522	624

Chart 8 on the following page lists the 29 district attorneys' offices that submitted reimbursement claims for witness expenses during FY 2013-2014 and the amount approved for each county. The \$4,582,522 in approved expenditures represents 624 reimbursement claims.

Chart 8 — Approved Reimbursement Claims (FY 2013-2014)*

District Attorney Office	Reimbursements Approved
Alameda	\$9,251.38
Butte	\$54,360.20
Contra Costa	\$274,772.11
El Dorado	\$8,950.06
Fresno	\$155,889.01
Humboldt	\$3,282.83
Kern	\$139,921.28
Kings	\$25,828.69
Los Angeles	\$918,504.70
Monterey	\$362,755.34
Nevada	\$13,529.66
Orange	\$103,438.21
Riverside	\$26,951.68
Sacramento	\$133,031.18
San Bernardino	\$147,257.12
San Diego	\$832,771.75
San Francisco	\$414,100.64
San Joaquin	\$6,569.16
San Luis Obispo	\$1,774.16
San Mateo	\$234,930.47
Santa Barbara	\$37,884.01
Santa Clara	\$99,798.04
Santa Cruz	\$44,425.05
Shasta	\$38,950.50
Solano	\$7,910.62
Sonoma	\$11,985.55
Stanislaus	\$230,644.81
Tulare	\$140,445.01
Ventura	\$102,609.57
Grand Total	\$4,582,522.79

*Some reimbursements also fell under the local match requirement.

County Match Received by Program

The CalWRAP is mandated to report the amounts of funding: sought by each agency; provided to each agency; and the county match. Twenty-nine agencies that submitted claims fell under this match requirement during FY 2013-2014. The total amount approved represents 613 reimbursement claims. Chart 9 reflects the 29 agencies that submitted match claims during FY 2013-2014.

Chart 9 — Submitted Match Claims by Agency (FY 2013-2014)

District Attorney Office	Total Amount Submitted	Total Amount Approved	25% Match Required	\$ Match Submitted
Alameda	\$9,251.38	\$9,251.38	\$2,312.85	\$5,552.52
Butte	\$54,360.20	\$54,360.20	\$13,590.05	\$40,797.07
Contra Costa	\$274,772.11	\$274,772.11	\$68,693.03	\$70,297.47
El Dorado	\$8,950.06	\$8,950.06	\$2,237.52	\$540.00
Fresno	\$155,889.01	\$155,889.01	\$38,972.25	\$39,047.28
Humboldt	\$3,282.83	\$3,282.83	\$820.71	\$929.63
Kern	\$141,309.86	\$139,921.28	\$35,327.47	\$35,791.18
Kings	\$27,439.87	\$25,828.69	\$6,859.97	\$5,402.88
Los Angeles	\$920,062.67	\$918,504.70	\$230,015.67	\$431,216.42
Monterey	\$305,046.30	\$305,046.30	\$76,261.58	\$30,901.44
Nevada	\$13,529.66	\$13,529.66	\$3,382.42	\$9,675.20
Orange	\$103,438.21	\$103,438.21	\$25,859.55	\$27,639.13
Riverside	\$26,951.68	\$26,951.68	\$6,737.92	\$6,830.85
Sacramento	\$133,031.18	\$133,031.18	\$33,257.80	\$50,995.27
San Bernardino	\$147,257.12	\$147,257.12	\$36,814.29	\$34,316.23
San Diego	\$834,121.75	\$832,771.75	\$208,192.94	\$241,347.63
San Francisco	\$414,100.64	\$414,100.64	\$103,525.16	\$45,652.89
San Joaquin	\$6,569.16	\$6,569.16	\$1,642.29	\$2,426.70
San Luis Obispo	\$1,774.16	\$1,774.16	\$443.54	\$465.00
San Mateo	\$234,930.47	\$234,930.47	\$58,732.62	\$58,732.63
Santa Barbara	\$39,741.96	\$37,884.01	\$9,935.49	\$14,324.66
Santa Clara	\$99,798.04	\$99,798.04	\$24,949.51	\$25,016.96
Santa Cruz	\$44,425.05	\$44,425.05	\$11,106.26	\$11,106.27
Shasta	\$38,950.50	\$38,950.50	\$9,737.63	\$14,831.81
Solano	\$7,910.62	\$7,910.62	\$1,977.66	\$3,765.00
Sonoma	\$11,985.55	\$11,985.55	\$2,996.39	\$6,937.42
Stanislaus	\$232,519.79	\$230,644.81	\$58,129.95	\$36,330.75
Tulare	\$140,445.01	\$140,445.01	\$35,111.25	\$35,653.56
Ventura	\$102,609.57	\$102,609.57	\$25,669.36	\$25,673.41
Grand Total	\$4,534,454.41	\$4,524,813.75	\$1,133,293.08	\$1,312,197.26

Successful Prosecutions

During FY 2013-2014, the program solicited conviction information from local law enforcement agencies after the closure of their cases. Many client agencies responded with reportable convictions. The following examples demonstrate 16 cases from various district attorneys' offices that concluded with a successful prosecution and had a noteworthy criminal sentence.

Alameda County District Attorney's Office (20/13-36)	
Case Facts	Gang homicide case. The four defendants were gang members who fired several shots into a vehicle containing seven rival gang members. Three of the vehicle occupants were killed, three were injured and the seventh passenger was not harmed. The witness saw the shooting and was able to identify one of the shooters. The witness testified and was relocated.
Disposition	Life (3 sentences) – 3 counts 187 PC and 4 counts 664/187 PC, 3 years – 32 PC
Butte County District Attorney's Office (21/12-274)	
Case Facts	Gang attempted homicide case. The defendants had a rifle and went looking for a rival gang member. They found their target driving with his wife and shot at the car, narrowly missing the driver. The witness and his family were threatened, and the family was relocated for their safety.
Disposition	15 years to Life – 246 PC, 7 years – 245(a)(2) PC, 122022.5(a) PC, 36 months formal probation – 246 PC, 25850(a) PC
Contra Costa County District Attorney's Office (33/11-195)	
Case Facts	Gang homicide case. Several gang members attended a birthday party for high school students. Two gang members shot and killed a 16-year-old boy who had been labeled a snitch. As the attendees ran screaming from the party, another gang member fired into an occupied car, wounding a 17-year-old girl. The witness and his family were relocated for their safety.
Disposition	Life without parole – 187 PC, 122022.53(E)(1) PC, 186.22 PC, 190.2(A)(22) PC, 25 years to life – 187 PC, 186.22 PC, 10 years – 192(A) PC, 186.22 PC, 10 years – 245(A)(1) PC, 122022.5(A) PC, 5 years – 32 PC, 186.22 PC
Kern County District Attorney's Office (21/12-53)	
Case Facts	High-risk homicide case. During a burglary, the defendants were confronted by the elderly resident and subsequently beat her to death. The witness overheard the defendants telling others about their crime. After the witness was threatened, she and her family were moved.
Disposition	Life without parole, 25 years to Life (2 sentences) – 187 PC
Los Angeles County District Attorney's Office (33/11-364)	
Case Facts	Gang homicide case. The defendants walked up to a parked vehicle with three occupants. One of the defendants shot and killed the driver and front passenger. The witness was shot as he fled the back of the vehicle. After the witness was threatened, he and his family were relocated.
Disposition	Life without parole and 25 years to Life – 2 counts 187 PC and 186.22 PC, 19 years – 664/187 PC and 186.22 PC

Monterey County District Attorney's Office (33/11-6)	
Case Facts	Gang homicide case. The victim was stabbed to death by the two defendants who then stole the victim's car. This was a cold case for 8 years until it was solved by DNA evidence. After an attempt was made on the life of one of the eye witnesses in this case, the second witness was relocated.
Disposition	Life without parole (2 sentences) – 187 PC
Orange County District Attorney's Office (33/11-139)	
Case Facts	Gang homicide case. The witness identified the defendant as the person who shot and killed a rival gang member. After testifying, the witness was threatened and he and his family were relocated for their safety.
Disposition	50 years to Life – 187 PC
Riverside County District Attorney's Office (21/12-253)	
Case Facts	Gang kidnapping case. The defendant and several of his fellow gang members went to the witness's residence looking for her husband. The defendant made it clear he wanted a vehicle belonging to the witness's husband. When the husband arrived home, the defendant kidnapped the husband and eventually took possession of the coveted vehicle. After the witness and her family were threatened, they were relocated for their safety.
Disposition	22 years to Life – 209.5 PC
Sacramento County District Attorney's Office (33/11-82)	
Case Facts	High-risk homicide. The witness and victim were talking outside a home when one of the defendants called the victim's name to get his attention and then proceeded to shoot and kill the victim. The second defendant was driving the vehicle. The witness was relocated for his safety.
Disposition	50 years to Life – 187 PC, 3 years – 32 PC
San Bernardino County District Attorney's Office (21/12-360)	
Case Facts	Gang homicide case. The defendant shot and killed a carjacking victim for testifying against him. At the time of the shooting, the victim was holding his two-day-old baby who was also shot, but survived. After the witness testified and it was revealed he had implicated several gang members in two separate gangs, both gangs were actively attempting to locate the witness. The witness was relocated for his safety.
Disposition	Life without parole (2 sentences) – 187 PC
San Diego County District Attorney's Office (33/11-135)	
Case Facts	High-risk attempted homicide case. The defendant shot one victim several times and left him for dead, then drove the victim's vehicle to another location and robbed two foreign-exchange students. The witness was threatened and relocated for his safety.
Disposition	65 years to life and 63 years 8 months – 664/187 PC, 215(a) PC
San Luis Obispo County District Attorney's Office (33/11-351)	
Case Facts	Gang homicide case. The defendant in this drive-by shooting shot two minors in rival gang territory, killing one. The witness and his family were relocated for their safety.
Disposition	158 years 8 months – 187 PC, 664/187 PC, 186.22 PC, 245 PC
San Mateo County District Attorney's Office (20/13-6)	
Case Facts	High-risk homicide case. While attempting to evade police officers in a high-speed chase, the defendant drove an SUV into oncoming traffic and collided with a motorcyclist. The witness was a passenger in the SUV. After the witness was threatened, he was relocated for his safety.
Disposition	59 years to Life – 187 PC, 192 PC, 2800.3 CVC

Santa Barbara County District Attorney's Office (33/11-394)	
Case Facts	Gang homicide case. The victim was walking past a group of gang members and into a liquor store. As the victim walked by the gang, several members challenged him and then brutally attacked him and left him to die in the parking lot. The witness and his family were relocated for their safety.
Disposition	26 to Life (2 sentences) – 187 PC, 186.22 PC
Shasta County District Attorney's Office (33/11-234)	
Case Facts	Gang homicide case. The defendant stabbed the victim to death. The witness was harassed and intimidated, and subsequently relocated.
Disposition	Life without parole plus 10 years – 187 PC
Ventura County District Attorney's Office (33/11-316)	
Case Facts	High-risk homicide case. The defendant shot and killed the witness's husband in front of her while her young child slept next to her. He then robbed her and threatened her life if she identified him to police. The witness and her family were relocated for their safety.
Disposition	100 years to Life – 187 PC, 211 PC, 12022 PC

Testimonials

The program solicits information from local law enforcement agencies after the closure of their cases requesting comments or suggestions concerning the CalWRAP, its policies, or procedures. The comments received from these agencies during FY 2013-2014 contained many positive responses regarding the services of program staff, the witness services provided, and the continued need to provide these services to testifying witnesses. The following are a few of the testimonials received during the past year.

Alameda County District Attorney's Office

"Great program, staff does a great job of facilitating the agreement."

Butte County District Attorney's Office

"We have always been taken very good care of by CalWRAP and its staff."

Contra Costa County District Attorney's Office

"The CalWRAP staff have always been extremely responsive to our requests, and they always provide excellent service. At any one time we may have up to a dozen witnesses in the program, and the staff has always gone out of their way to assist us to enhance the safety of our witnesses. We truly appreciate their efforts."

Los Angeles County District Attorney's Office

"The CalWRAP team is outstanding and always helpful and supportive."

Monterey County District Attorney's Office

"Staff was great – thank you for your service!"

Sacramento County District Attorney's Office

"But for CalWRAP and their diligent staff, the key witness in this case would not have testified. Our office and the victim's family are very grateful to CalWRAP."

Other Program Items of Interest

Administrative Status

In FY 2013-2014, the CalWRAP expended \$275,332 on administrative costs. In addition to personnel resources and general operating expenses, expenditures also included the cost of local agency audits. The cost of local agency audits for FY 2013-2014 was \$60,000.

The program continues to operate with one full-time Associate Governmental Program Analyst and two full-time Staff Services Analysts.

Outreach and Training

During FY 2013-2014, CalWRAP staff participated in several training venues for law enforcement personnel. The lead analyst provided training on the policies and procedures of the program for the California District Attorneys Association. CalWRAP staff also continue to provide training to local district attorneys' offices upon request.



