OFFICE OF THE ATTORNEY GENERAL

California Witness Relocation and Assistance Program

Annual Report to the Legislature

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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, 2013. 2
Chart 2 — New Case Activity During FY 2012-2013 (Chapter 21/12) 2
Cases Submitted for Funding. 3
Chart 3 — Types of Cases Submitted for Funding (FY 2012-2013). 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 2012-2013) 4
Local Assistance 5
Chart 6 — Local Assistance Balances as of June 30, 2013 5
Reimbursements for Local Agencies 6
Chart 7 — Approved Reimbursement Claims by Chapter Fund (FY 2012-2013). 6
Chart 8 — Approved Reimbursement Claims (FY 2012-2013) 7
County Match Received by Program 8
Chart 9 — Submitted Match Claims by Agency (FY 2012-2013) 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, 2012 to June 30, 2013. During this reporting period, CalWRAP managed 893 cases. This included 522 cases that were opened in FY 2010-2011 and FY 2011-2012, and another 371 cases that were opened in FY 2012-2013. The program closed 397 cases, leaving 496 active cases.

The 371 new cases that were opened provided services to 410 witnesses and their 650 family members. During their participation in the CalWRAP, the witnesses provided testimony against 757 violent offenders. There were 297 gang-related cases with numerous others classified as high-risk (64), domestic violence (7), narcotics trafficking (2), or organized crime (1). Charges of homicide and attempted homicide were the principal charges in 72.2 percent of the cases. Assault accounted for another 7.8 percent. The remaining 20 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 2012-2013. As of June 30, 2013, the program expended $407,668, with the remaining balance available for district attorneys to support their cases.

During FY 2012-2013, the program processed 721 claims for reimbursement totaling $5,871,065 in authorized witness expenditures to 31 of California's 58 district attorneys' offices. The distributed funds included 706 reimbursement claims that were processed pursuant to the mandatory 25 percent match requirement and totaled $5,785,882 in witness expenditures. Based upon their matches, $5,778,257 was approved for reimbursement.

During this reporting period, 397 witness relocation cases were closed, including 133 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 CalWRAP. The sentences range from probation for assault to life-without-parole for homicide.

During FY 2012-2013, the CalWRAP expended $341,005 on administrative costs. 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. The CalWRAP staff continues 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

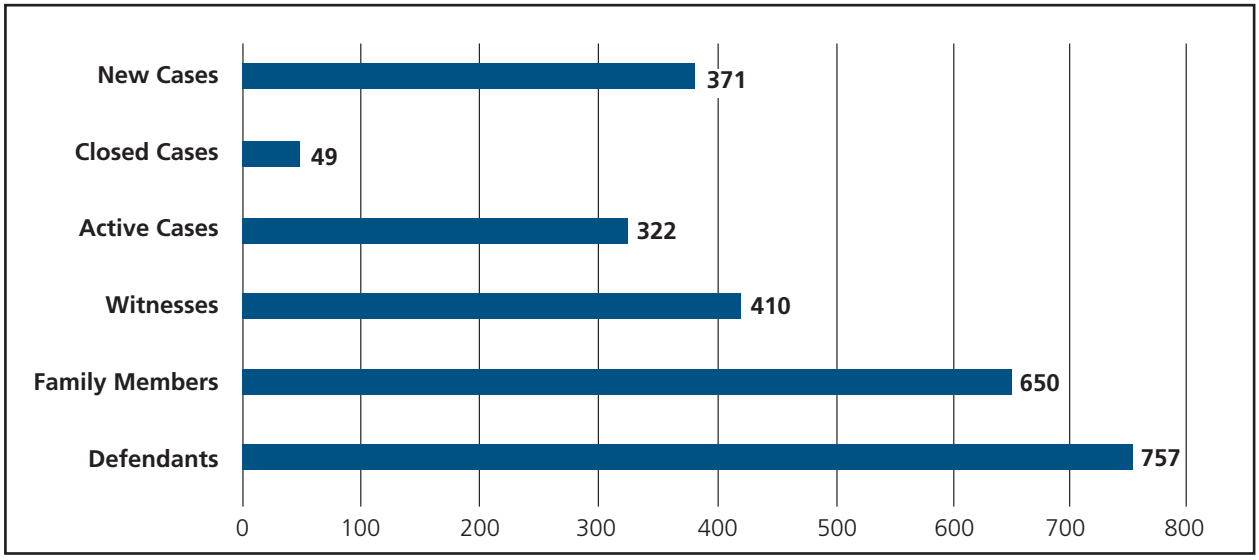
During the reporting period, the CalWRAP was responsible for the administration of three FY appropriations: Chapter 21/12 (FY 2012-2013), Chapter 33/11 (FY 2011-2012), and Chapter 712/10 (FY 2010-2011). The program provided service for 893 cases, including 522 previously approved cases and 371 new cases. Through June 30, 2013, the program closed 397 cases, leaving 496 cases active (see Chart 1).

Chart 1 — Case Statistics for All Chapter Funds as of June 30, 2013

Chapter Fund	New or Existing Cases	Closed Cases	Active Cases	Witnesses	Family Members	Defendants
21/12	371	49	322	410	650	757
33/11	301	127	174	443	711	787
712/10 †	221	221	0	379	522	612
Totals	**893**	**397**	**496**	**1,232**	**1,883**	**2,156**

The 371 new CalWRAP cases approved during FY 2012-2013 (Chapter 21/12) provided for the relocation of 410 witnesses and 650 family members testifying against 757 defendants (see Chart 2).

Chart 2 — New Case Activity During FY 2012-2013 (Chapter 21/12)



† Chapter 712/10 closed on June 30, 2013.

Cases Submitted for Funding

There were 371 new cases approved by the CalWRAP for the period of July 1, 2012, through June 30, 2013. Of these approved cases: 297 were gang-related (80.0 percent), 64 were for high-risk crimes (17.3 percent), seven were for domestic violence (1.9 percent), two were narcotics trafficking-related (.5 percent), and one was organized crime-related (.3 percent); see Chart 3. Since the inception of the program in January 1998, the percentage of gang-related cases has averaged 76 percent each year. Chart 4 depicts the actual percentage of gang-related cases approved from FY 1998-1999 to FY 2012-2013.

Chart 3 — Types of Cases Submitted for Funding (FY 2012-2013)

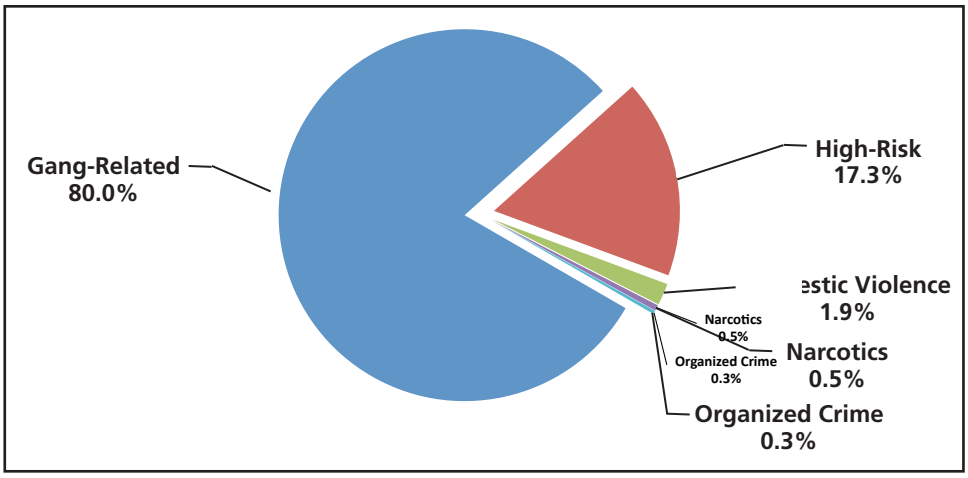
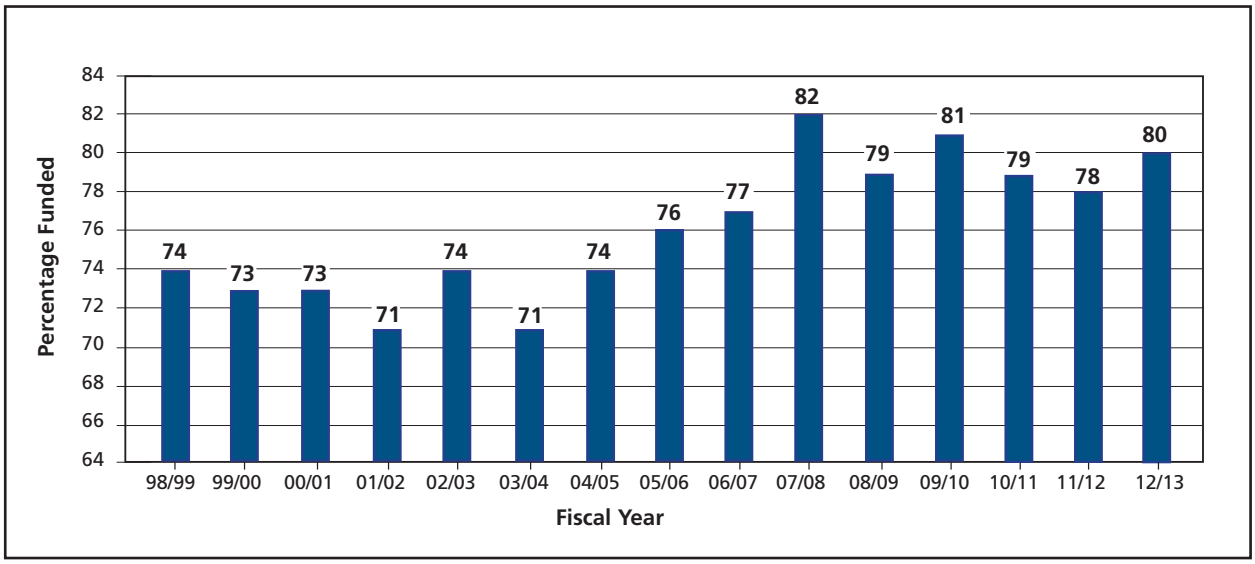


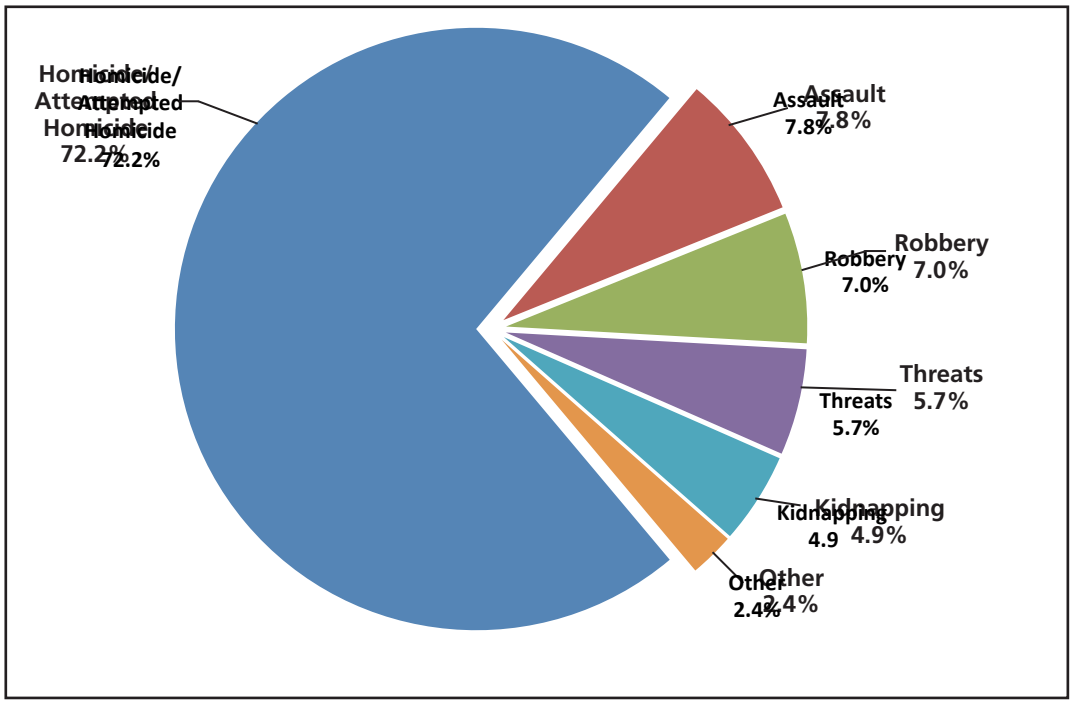
Chart 4 — Percentage of Gang-Related Cases Funded Each Fiscal Year



Charges Filed on Cases

During this reporting period, homicide and attempted homicide charges accounted for 72.2 percent of the 371 new cases for FY 2012-2013. The remaining charges filed included 7.8 percent involving assault charges; 7.0 percent were for robbery; 5.7 percent involved threats; 4.9 percent involved kidnapping charges; 0.8 percent were for narcotics charges; 0.5 percent involved criminal conspiracy; 0.5 percent involved crimes of rape; 0.3 percent involved home invasions; and, the remaining 0.3 percent were for carjacking. Chart 5 is a visual representation of the types of charges filed on approved cases for FY 2012-2013.

Chart 5 — Types of Charges Filed on Cases (FY 2012-2013)*



*No fraud or sexual assault cases in FY 2012-2013.

Local Assistance

The CalWRAP's local assistance appropriation (monies available to district attorneys' offices to support witness relocation cases) for FY 2012-2013 was $4,855,000. As of June 30, 2013, $407,668 was expended, and the remaining balance of $4,447,332 will be allocated to support existing cases. Chart 6 illustrates the status of the Chapter 21/12 fund as well as the two prior FY funds: Chapters 33/11 (FY 2011-2012) and 712/10 (FY 2010-2011) that were also administered by the program during this reporting period. The Chapter 712/10 fund closed as of June 30, 2013.

Chart 6 — Local Assistance Balances as of June 30, 2013

Chapter Fund	Beginning Funds	Expended Funds	Remaining Balance
21/12 (FY 12-13)*	$4,855,000	$407,668	$4,447,332
33/11 (FY 11-12)*	$4,855,000	$2,579,184	$2,275,816
712/10 (FY 10-11) †	$4,855,000	$4,663,391	$191,609

* Although there is an available balance, these funds are for continued support of existing cases.
† Chapter 712/10 closed on June 30, 2013.

Reimbursements for Local Agencies

In FY 2012-2013, CalWRAP staff processed 721 reimbursement claims totaling $5,871,065 submitted by 31 district attorneys' offices. The approved reimbursement claims reflect a monthly average of $489,255 that was utilized for witness or sworn law enforcement expenses.

Chart 7 reflects the total expenses approved for each active chapter fund during FY 2012-2013 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. These include 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 for testimony 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 2012-2013)

Chapter Fund	Amount Approved	Claims Processed
Chapter 21/12	$408,168	76
Chapter 33/11	$2,456,476	345
Chapter 712/10	$3,006,421	300
Total	**$5,871,065**	**721**

Chart 8 on the following page lists the 31 district attorneys' offices that submitted reimbursement claims for witness expenses during FY 2012-2013 and the amount approved for each county. The $5,871,065 in approved expenditures represents 721 reimbursement claims.

Chart 8 — Approved Reimbursement Claims (FY 2012-2013)*

District Attorney Office	Reimbursements Approved
Alameda	$35,041.81
Butte	$109,556.03
Contra Costa	$162,139.02
Del Norte	$11,711.90
El Dorado	$8,098.77
Fresno	$123,710.03
Humboldt	$31,254.32
Kern	$234,809.12
Kings	$22,856.52
Los Angeles	$1,286,158.05
Madera	$415.00
Marin	$143,876.95
Monterey	$449,354.98
Orange	$64,762.09
Riverside	$87,622.13
Sacramento	$182,288.90
San Bernardino	$199,121.09
San Diego	$882,787.50
San Francisco	$557,103.68
San Joaquin	$63,359.13
San Luis Obispo	$13,506.25
San Mateo	$329,534.84
Santa Barbara	$23,886.93
Santa Clara	$176,139.18
Santa Cruz	$158,494.84
Shasta	$55,889.25
Solano	$102,080.96
Sonoma	$43,005.32
Stanislaus	$37,032.43
Tulare	$21,250.14
Ventura	$254,218.70
Grand Total	**$5,871,065.86**

*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. Thirty-one agencies that submitted claims fell under this match requirement during FY 2012-2013. The total amount approved represents 706 reimbursement claims. Chart 9 reflects the 31 agencies that submitted match claims during FY 2012-2013.

Chart 9 — Submitted Match Claims by Agency (FY 2012-2013)

District Attorney Office	Total Amount Submitted	Total Amount Approved	25% Match Required	$ Match Submitted
Alameda	$35,041.81	$35,041.81	$8,760.45	$19,948.05
Butte	$109,556.03	$109,556.03	$27,389.01	$29,147.55
Contra Costa	$164,792.54	$162,139.02	$41,198.14	$51,108.83
Del Norte	$11,711.90	$11,711.90	$2,927.98	$2,955.36
El Dorado	$2,010.63	$2,010.63	$502.66	$835.00
Fresno	$123,710.03	$123,710.03	$30,927.51	$30,927.51
Humboldt	$2,802.36	$2,802.36	$700.59	$727.63
Kern	$234,810.61	$234,809.12	$58,702.65	$61,837.52
Kings	$13,463.50	$13,463.50	$3,365.88	$4,045.81
Los Angeles	$1,289,577.77	$1,286,158.05	$322,394.44	$513,596.58
Madera	$415.00	$415.00	$103.75	$131.00
Marin	$144,401.39	$143,876.95	$36,100.35	$36,483.00
Monterey	$405,579.02	$405,579.02	$101,394.76	$44,338.33
Orange	$64,762.09	$64,762.09	$16,190.52	$16,194.13
Riverside	$87,622.13	$87,622.13	$21,905.53	$30,571.09
Sacramento	$182,288.90	$182,288.90	$45,572.23	$61,095.95
San Bernardino	$199,121.09	$199,121.09	$49,780.27	$46,756.79
San Diego	$882,787.50	$882,787.50	$220,696.88	$245,225.87
San Francisco	$557,103.68	$557,103.68	$139,275.92	$117,942.78
San Joaquin	$63,609.88	$63,359.13	$15,902.47	$20,650.79
San Luis Obispo	$13,506.25	$13,506.25	$3,376.56	$3,594.00
San Mateo	$329,534.84	$329,534.84	$82,383.71	$82,462.96
Santa Barbara	$24,282.08	$23,886.93	$6,070.52	$11,337.04
Santa Clara	$176,139.18	$176,139.18	$44,034.80	$45,895.81
Santa Cruz	$158,494.84	$158,494.84	$39,623.71	$39,627.50
Shasta	$55,889.25	$55,889.25	$13,972.31	$13,987.04
Solano	$97,018.23	$96,980.96	$24,254.56	$31,228.50
Sonoma	$43,005.32	$43,005.32	$10,751.33	$24,962.23
Stanislaus	$37,375.23	$37,032.43	$9,343.81	$4,414.14
Tulare	$21,250.14	$21,250.14	$5,312.54	$5,414.54
Ventura	$254,218.70	$254,218.70	$63,554.68	$63,555.18
Grand Total	**$5,785,881.92**	**$5,778,256.78**	**$1,446,470.48**	**$1,660,998.51**

Successful Prosecutions

During FY 2012-2013, 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 (33/11-25)	
Case Facts	Narcotics-related homicide case. The defendants were all drug dealers who shot and killed the victim over drug-related issues. The witness heard a gunshot and saw the victim and defendants struggling for the gun. While in jail, the defendants sought assistance from gang members to harm the witness. The witness and his family were relocated.
Disposition	**11 years, 11 years, and 6 years in state prison – 192(a) PC and 245(a) PC**
Butte County District Attorney's Office (33/11-96)	
Case Facts	Gang-related assault case. The defendant was part of a gang who attacked the witnesses for being gang dropouts. During the course of the attack, one witness was stabbed and another was shot. The witnesses received threats against their lives and were relocated.
Disposition	**9 years in state prison – 245(a)(2) PC and 186.22 PC**
Contra Costa County District Attorney's Office (33/11-08)	
Case Facts	Gang-related homicide case. The defendants killed several rival gang members and people who were thought to be rival gang members. The witness was a former gang member who was threatened just prior to his testimony. The witness and his family were relocated.
Disposition	**Life without parole, 169 years to life, Life with parole, 30 years to life, and 25 years to life – 187 PC**
Fresno County District Attorney's Office (712/10-48)	
Case Facts	Gang-related assault case. The defendant shot two passengers in a vehicle – a seven-year-old girl and her step-father. Due to threats from the defendant's fellow gang members, the witnesses/victims and their family were relocated.
Disposition	**32 years – 246 PC and 245(a)(2) PC**
Humboldt County District Attorney's Office (33/11-329)	
Case Facts	High-risk homicide case. One of the witnesses provided information and led investigators to a weapon used in a murder. After assisting law enforcement, the witness and his girlfriend were assaulted by the other three defendants in this case at the request of the murder suspect. The witnesses agreed to testify and were relocated.
Disposition	**33 years, 32 years, 2 years, and probation – 192(a) PC, 213(a)(1)(a) PC, 245(a)(1) PC**
Kern County District Attorney's Office (712/10-30)	
Case Facts	Gang-related homicide case. The two defendants were acquaintances of the victim and were let into the home by her son. After the defendants shot and killed the victim, they took two rifles and a gaming system from the home. The victim's son and husband were relocated after they were threatened and agreed to testify.
Disposition	**Life without parole (2 sentences) – 187(A) PC, 186.22(B) PC, 212 PC**

Los Angeles County District Attorney's Office (33/11-155)	
Case Facts	Gang-related homicide case. The defendant approached a group of teenagers at a park, shouted gang rhetoric, then proceeded to shoot three of the teens – killing one and wounding two. After the witness was threatened at her home by the defendant's fellow gang members, she and her family were relocated.
Disposition	**185 years to life – 187 PC**
Monterey County District Attorney's Office (33/11-296)	
Case Facts	Gang-related homicide case. The four defendants, known gang members, pulled their vehicles up in front of two juveniles who the defendants mistakenly thought were rival gang members, opened fire, and killed one of the two pedestrians – a 16-year-old student who was preparing to go to football practice. The victim's family was relocated when law enforcement was notified that the defendants' gang had identified them as witnesses.
Disposition	**85 years to life, 25 years to life, and 4 years (2 sentences) – 187 PC, 32 PC, 186.22 PC**
Riverside County District Attorney's Office (33/11-268)	
Case Facts	Gang-related homicide case. The defendants in this case were members of an outlaw motorcycle gang who shot and killed the victim. The gang threatened the witness' life to keep her from testifying. The witness agreed to testify and she and her family were relocated.
Disposition	**35 years to life and 16 years – 187 PC**
Sacramento County District Attorney's Office (21/12-92)	
Case Facts	Gang-related homicide case. After the defendant and the victim argued over money, the defendant shot the victim. The victim fled, but collapsed and succumbed to his injuries. The witness was nearby and observed the entire incident. After the defendant's mother made it known that she was looking for the witness' family, the witness' family was relocated.
Disposition	**Life without parole – 187 PC**
San Bernardino County District Attorney's Office (33/11-260)	
Case Facts	Gang-related homicide case. The defendant carried out a gang-ordered hit by shooting the victim to death in a business parking lot. After the witness' family was threatened, they were relocated.
Disposition	**50 years to life – 187 PC**
San Diego County District Attorney's Office (33/11-124)	
Case Facts	High-risk homicide case. The defendant committed a drive-by shooting with three unwilling occupants, who he then forced to accompany him out of the country. Once out of the country, he let two of the occupants go. The witness was the driver of the vehicle and the defendant forced the witness to marry him in an effort to prevent her from testifying against him. Once the witness could escape, she returned to California and was relocated for her safety.
Disposition	**50 years to life and 14 years – 187 PC, 245(a)(2) PC**
San Francisco County District Attorney's Office (712/10-215)	
Case Facts	High-risk homicide case. The defendant had several confrontations with the mother of a child he molested. After one such confrontation, the defendant fatally stabbed the mother in front of a housing complex. The witness was a neighbor who was threatened numerous times by the defendant and his friends. The witness and her family were relocated.
Disposition	**205 years – 187 PC**

San Joaquin County District Attorney's Office (712/10-251)	
Case Facts	High-risk homicide case. The defendants confronted a male and female victim outside their home. The defendants attempted to rob the male victim, and when he resisted, the defendants shot both victims, killing the female. The defendants then told the witness about their crime. The witness testified and was relocated.
Disposition	**Life without parole and 59 years to life, and life without parole and 34 years to life – 187 PC, 190.2(a), 664/187 PC, 664/211 PC, 182 PC**
Santa Clara County District Attorney's Office (33/11-123)	
Case Facts	Gang-related homicide case. The victim was tagging gang graffiti in a rival gang area when rival gang members ran up and stabbed him to death. The witness was visiting his family when he witnessed the stabbing. Within 24 hours of being subpoenaed to testify, the witness discovered gang graffiti on his garage door and car. The witness and his family were relocated.
Disposition	**50 years – 187 PC**
Santa Cruz County District Attorney's Office (712/10-162)	
Case Facts	High-risk homicide case. The witness was a neighbor of the defendant. The witness heard gunshots and saw the defendant dragging the victim's body into a vehicle. After another witness was confronted by a friend of the defendant, law enforcement was concerned for the safety of this witness and his family, so they were relocated.
Disposition	**40 years to life – 187 PC, 12022.53(D) 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 2012-2013, 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

"The staff at CalWRAP are very cooperative and make for a great relationship when we are trying to relocate witnesses in danger."

Contra Costa County District Attorney's Office

"We are very grateful for the assistance provided by the CalWRAP. The program's support has been instrumental in our office's trial successes in cases involving many of the most violent people in the state."

Del Norte County District Attorney's Office

"We believe this is a great program and the people are very helpful."

Humboldt County District Attorney's Office

"Couldn't have maintained these witnesses without CalWRAP financial assistance - thank you!!"

Kern County District Attorney's Office

"I am new to the CalWRAP program. I am impressed with how efficient the program runs and how helpful everyone has been."

Riverside County District Attorney's Office

"The CalWRAP program was invaluable to this case which involved (outlaw) motorcycle clubs."

Sacramento County District Attorney's Office

"Thanks to CalWRAP, another very dangerous gang member was convicted of some serious crimes. Our CalWRAP witness would not have testified without the assistance of CalWRAP."

"This relocation was one of three done with this defendant. This defendant is dangerous and thanks to CalWRAP all three CalWRAP witnesses cooperated and testified resulting in convictions of the defendant and a lengthy prison sentence."

San Diego County District Attorney's Office

"This case is another example of how CalWRAP's assistance allows the prosecution team to conduct a successful prosecution. Thank you for your help."

San Mateo County District Attorney's Office

"CalWRAP employees handled the many requests in this case quickly and professionally."

Other Program Items of Interest

Administrative Status

In FY 2012-2013, the CalWRAP expended $341,005 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 2012-2013 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 2012-2013, the 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 on request.