OFFICE OF THE ATTORNEY GENERAL

KAMALA D. HARRIS

California Witness Relocation and Assistance Program

Annual Report to the Legislature

2014-2015

California Witness Relocation and Assistance Program

California Office of the Attorney General
Kamala D. Harris
Attorney General

Division of Law Enforcement
Larry J. Wallace
Director

Table of Contents

Executive Summary 1
Case Statistics 2
Table 1 — Case Statistics for All Chapter Funds as of June 30, 2015 2
Chart 1 — New Case Activity During FY 2014-2015 (Chapter 25/14) 2
Cases Submitted for Funding 3
Chart 2 — Types of Cases Submitted for Funding (FY 2014-2015) 3
Chart 3 — Percentage of Gang-Related Cases Funded Each Fiscal Year 4
Charges Filed on Cases 5
Chart 4 — Types of Charges Filed on Cases (FY 2014-2015) 5
Local Assistance 6
Table 2 — Local Assistance Balances as of June 30, 2015 6
Reimbursements for Local Agencies 7
Table 3 — Approved Reimbursement Claims by Chapter Fund (FY 2014-2015) 7
County Match Received by Program 8
Table 4 — Submitted Match Claims by Agency (FY 2014-2015) 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, 2014 to June 30, 2015. During this reporting period, the CalWRAP managed 742 cases. This included 395 cases that were opened in FY 2012-2013 and FY 2013-2014, and another 347 cases that were opened in FY 2014-2015. The program closed 244 cases, leaving 498 active cases.

The 347 new cases provided services to 392 witnesses and their 568 family members. During their participation in the CalWRAP, the witnesses provided testimony against 673 violent offenders. There were 269 gang-related cases with numerous others classified as high-risk (69), domestic violence (5), narcotics trafficking (3) and organized crime (1). Charges of homicide and attempted homicide were the principal charges in 71.8 percent of the cases. Assault accounted for another 6.9 percent. The remaining 21.3 percent of cases involved rape, kidnapping, robbery, threats, narcotics, home invasion, car jacking or criminal conspiracy.

A total of $4,855,000 was allocated to the CalWRAP for distribution to California district attorneys' offices in FY 2014-2015. The program expended $631,299 as of June 30, 2015, with the remaining balance available for district attorneys to support their cases.

The program processed 589 claims for reimbursement in FY 2014-2015 totaling $3,957,422 in authorized witness expenditures to 27 California district attorneys' offices. The distributed funds were processed pursuant to the mandatory 25 percent match requirement.

The 244 closed cases, included 103 cases that were closed with reportable convictions. Seventeen 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 three years for attempted homicide to life plus 374 years for homicide.

The CalWRAP expended $338,135 on administrative costs in FY 2014-2015. This included personnel costs and $60,000 in 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

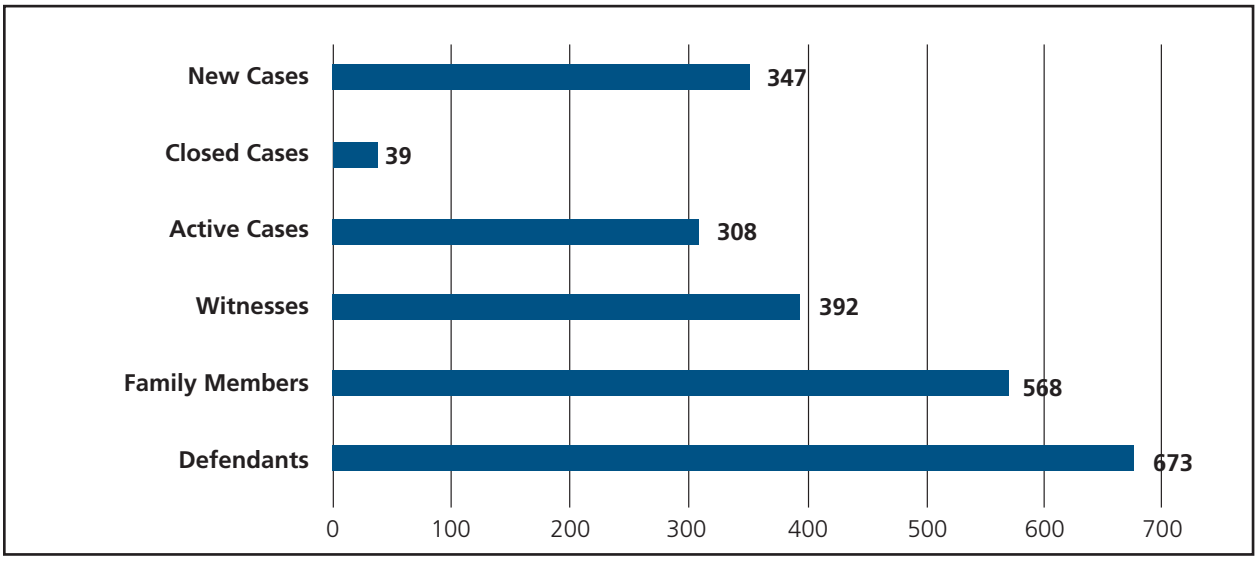
During the reporting period, the CalWRAP was responsible for the administration of three FY appropriations: Chapter 25/14 (FY 2014-2015), Chapter 20/13 (FY 2013-2014), and Chapter 21/12 (FY 2012-2013). The program provided service for 742 cases, including 395 previously-approved cases and 347 new cases. Through June 30, 2015, the program closed 244 cases, leaving 498 cases active (see Table 1).

Table 1 — Case Statistics for All Chapter Funds as of June 30, 2015

Chapter Fund	New or Existing Cases	Closed Cases	Active Cases	Witnesses	Family Members	Defendants
25/14	347	39	308	392	568	673
20/13	215	25	190	342	552	567
21/12 †	180	180	0	410	650	757
Totals	**742**	**244**	**498**	**1,144**	**1,770**	**1,997**

The 347 new CalWRAP cases approved during FY 2014-2015 (Chapter 25/14) provided for the relocation of 392 witnesses and 568 family members testifying against 673 defendants (see Chart 1).

Chart 1 — New Case Activity During FY 2014-2015 (Chapter 25/14)

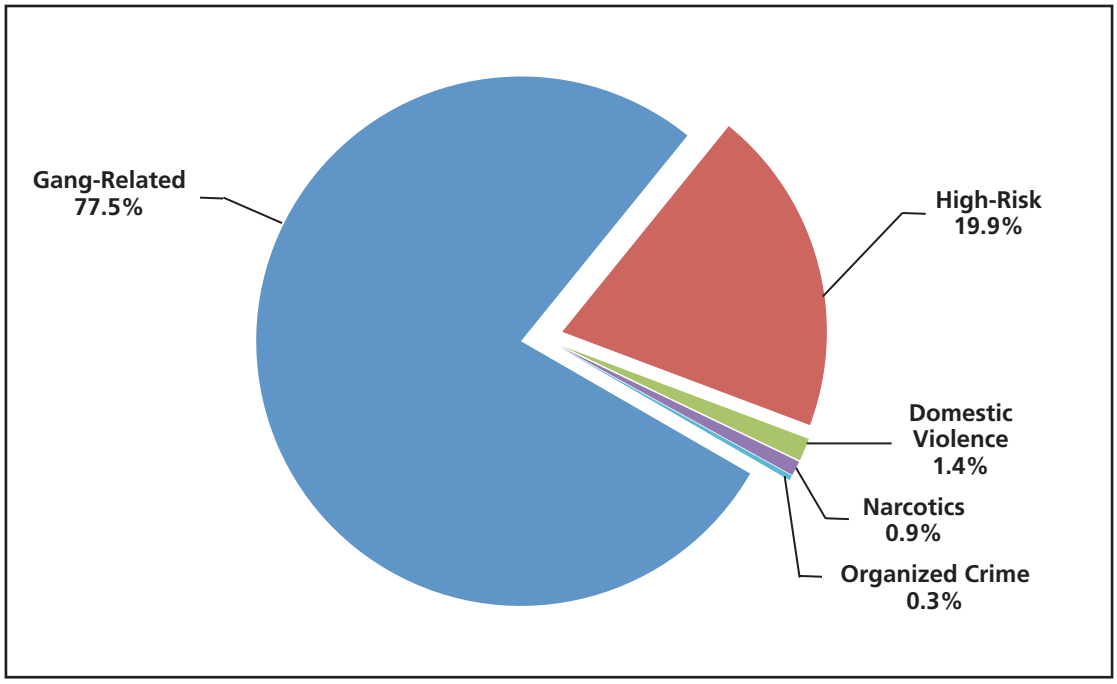


† Chapter 21/12 closed on June 30, 2015.

Cases Submitted for Funding

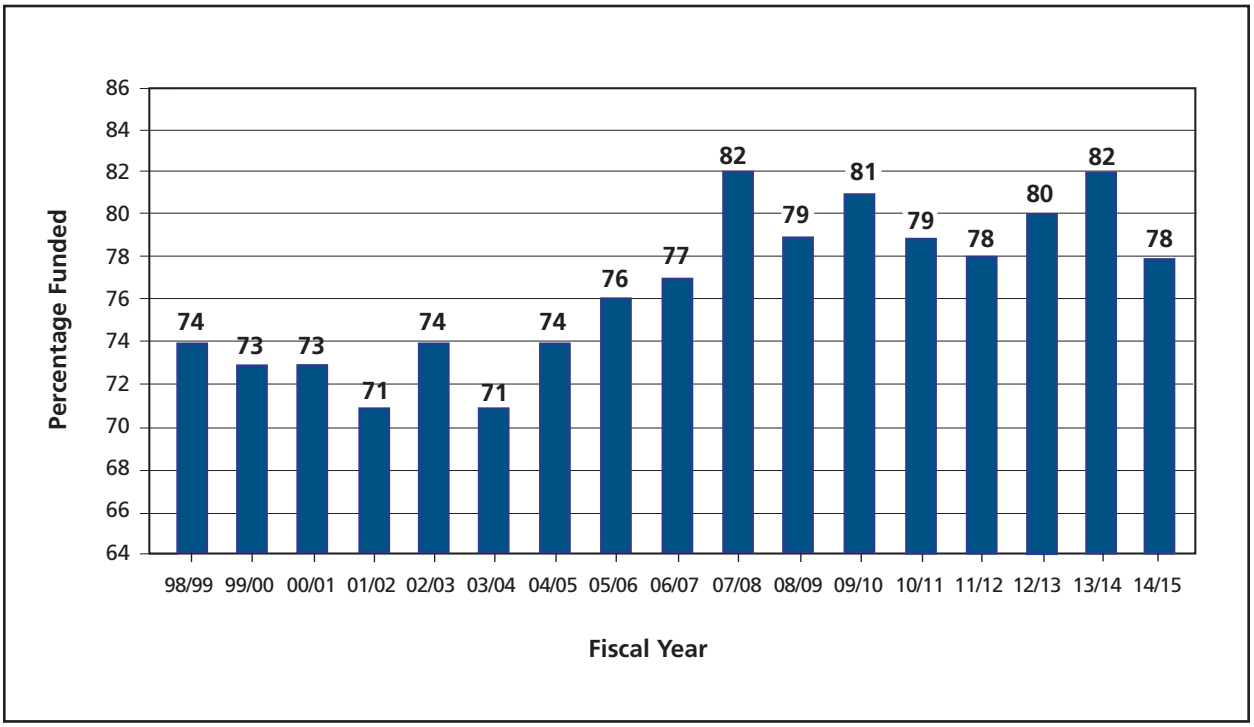
There were 347 new cases approved by the CalWRAP for the period of July 1, 2014, through June 30, 2015, which included: 269 gang-related cases (77.5 percent), 69 high-risk crimes cases (19.9 percent), five domestic violence cases (1.4 percent), three narcotics trafficking-related cases (.9 percent), and one organized crime case (.3 percent); see Chart 2. CalWRAP has begun tracking human trafficking cases and those statistics will be included in the next annual report.

Chart 2 — Types of Cases Submitted for Funding (FY 2014-2015)*



Since the inception of the program in January 1988, the percentage of gang-related cases has averaged 77 percent. Chart 3 depicts the actual percentage of gang-related cases approved from FY 1998-1999 to FY 2014-2015.

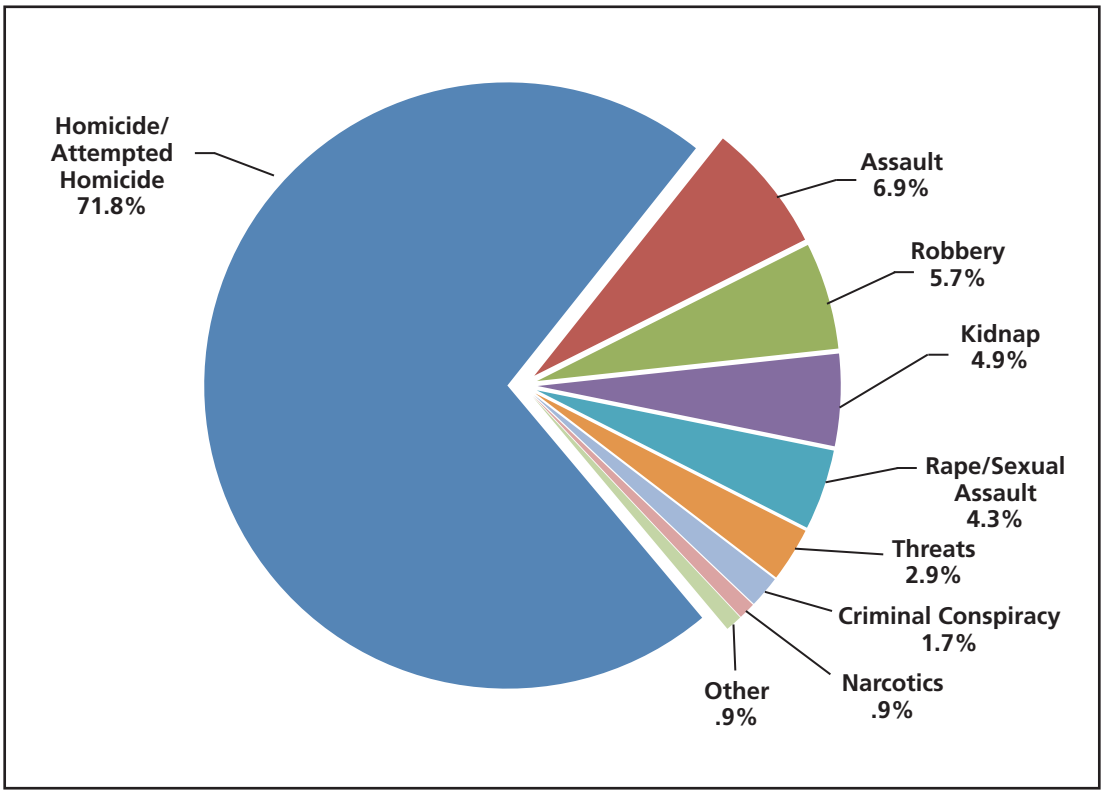
Chart 3 — Percentage of Gang-Related Cases Funded Each Fiscal Year



Charges Filed on Cases

During the reporting period for FY 2014-2015, homicide and attempted homicide charges accounted for 71.8 percent of the 347 new cases. The remaining charges filed included 6.9 percent for assault charges; 5.7 percent for robbery; 4.9 percent for kidnapping; 4.3 percent for rape or sexual assault; 2.9 percent for threats, 1.7 percent for criminal conspiracy, 0.9 percent for narcotics charges; 0.6 percent for home invasions; and 0.3 percent for car jacking. Chart 4 is a visual representation of the types of charges filed on the approved cases.

Chart 4 — Types of Charges Filed on Cases (FY 2014-2015)*



*No fraud cases in FY 2014-2015.

Local Assistance

The CalWRAP's local assistance appropriation (monies available to district attorneys' offices to support witness relocation cases) for FY 2014-2015 was $4,855,000. As of June 30, 2015, $631,299 was expended, and the remaining balance of $4,223,701 was allocated to support existing cases. Table 2 illustrates the status of the Chapter 25/14 fund as well as the two prior FY funds: Chapters 20/13 (FY 2013-2014) and 21/12 (FY 2012-2013) that were also administered by the program during this reporting period. The Chapter 21/12 fund closed as of June 30, 2015.

Table 2 — Local Assistance Balances as of June 30, 2015

Chapter Fund	Beginning Funds	Expended Funds	Remaining Balance
25/14 (FY 14-15)*	$4,855,000	$631,299	$4,223,701
20/13 (FY 13-14)*	$4,855,000	$1,912,063	$2,942,937
21/12 (FY 12-13)†	$4,855,000	$4,463,946	$391,054

* Although there is an available balance, these funds are for continued support of existing cases.
† Chapter 21/12 closed on June 30, 2015.

Reimbursements for Local Agencies

In FY 2014-2015, CalWRAP staff processed 589 reimbursement claims totaling $3,957,422 submitted by 27 district attorneys' offices. The approved reimbursement claims reflect a monthly average of $329,785 that was utilized for witness or sworn law enforcement expenses.

Table 3 reflects the total expenses approved for each active chapter fund during FY 2014-2015 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.

Table 3 — Approved Reimbursement Claims by Chapter Fund (FY 2014-2015)

Chapter Fund	Amount Approved	Claims Processed
Chapter 25/14	$631,299	137
Chapter 20/13	$1,490,677	214
Chapter 21/12	$1,835,446	238
Total	**$3,957,422**	**589**

Table 4 on the following page lists the 27 district attorneys' offices that submitted reimbursement claims for witness expenses during FY 2014-2015 and the amount approved for each county. The $3,957,422 in approved expenditures represents 589 reimbursement claims.

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. There were a total of 589 approved reimbursement claims. Table 4 reflects the 27 agencies that submitted match claims during FY 2014-2015.

Table 4 — Submitted Match Claims by Agency (FY 2014-2015)

District Attorney Office	Total Amount Submitted	Total Amount Approved	$ Match Submitted
Alameda	$33,406.18	$33,406.18	$18,855.57
Contra Costa	$286,428.95	$282,777.81	$70,790.80
Fresno	$99,308.09	$99,308.09	$24,828.31
Kern	$72,115.34	$72,019.96	$19,003.61
Kings	$31,178.46	$31,178.46	$9,283.59
Los Angeles	$767,645.06	$765,662.90	$351,425.18
Marin	$21,792.76	$21,725.60	$5,634.30
Monterey	$313,972.09	$313,972.09	$27,277.86
Napa	$1,413.16	$1,413.16	$1,398.16
Nevada	$6,200.00	$6,200.00	$1,161.31
Orange	$12,099.99	$12,099.99	$2,945.75
Riverside	$53,435.70	$49,543.23	$9,797.64
Sacramento	$95,277.90	$95,277.90	$36,179.55
San Bernardino	$272,837.60	$272,837.60	$60,698.82
San Diego	$343,585.27	$343,576.27	$101,414.32
San Francisco	$355,019.12	$355,019.12	$38,928.84
San Joaquin	$8,443.20	$8,443.20	$4,709.77
San Luis Obispo	$10,925.40	$10,925.40	$2,981.99
San Mateo	$290,830.13	$290,830.13	$78,193.66
Santa Barbara	$165,533.01	$162,137.15	$69,025.60
Santa Clara	$29,708.49	$29,708.49	$7,427.14
Santa Cruz	$123,253.58	$123,253.58	$30,813.44
Shasta	$38,772.78	$38,772.78	$12,278.32
Sonoma	$47,200.53	$47,200.53	$21,092.49
Stanislaus	$199,311.90	$197,553.73	$26,535.66
Tulare	$34,030.57	$34,030.57	$8,589.67
Ventura	$258,547.79	$258,547.79	$62,331.04
Grand Total	**$3,972,273.05**	**$3,957,421.71**	**$1,103,602.39**

Successful Prosecutions

During FY 2014-2015, 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 cases from various district attorneys' offices that concluded with a successful prosecution and had a noteworthy criminal sentence.

Alameda County District Attorney's Office (25/14-120)	
Case Facts	Gang-related homicide case. The defendant shot and killed the victim in retaliation for an assault. The defendant confessed his crime to the witness who contacted law enforcement. After the witness and his family were threatened, they were relocated for their safety.
Disposition	**50 years to life – 187 PC, 26100(c) PC**
Contra Costa County District Attorney's Office (20/13-303)	
Case Facts	High-risk homicide case. The defendant in this case used associates to set up male victims who solicited sex from a prostitute. One of the male victims was shot by the defendant and died from his injuries. The witness was threatened and was relocated for her safety.
Disposition	**Life plus 374 years – 187 PC, 209 PC, 215 PC, 211 PC**
Fresno County District Attorney's Office (21/12-308)	
Case Facts	Gang-related homicide case. The defendants in this case were part of a violent criminal street gang. The witness provided information which resulted in the arrest of nine defendants and his testimony contributed to their convictions. The witness and his family were relocated for their safety.
Disposition	**Life without parole (4 sentences), 25 years (2 sentences) – 187 PC; 24 years – 192(a) PC, 2 counts 245(a)(1) PC; 22 years – 192(a) PC, 664/187 PC; 14 years 8 months – 192(a) PC, 12020(a) PC**
Kern County District Attorney's Office (21/12-14)	
Case Facts	Gang-related homicide case. The defendant in this case was shooting at a rival gang member when he struck and killed a two-year-old playing in a nearby yard. After the witness was threatened for cooperating with law enforcement, she and her family were relocated.
Disposition	**Life without parole plus 25 years to life – 187 PC, 12022.53 PC**
Los Angeles County District Attorney's Office (21/12-248)	
Case Facts	Gang-related attempted homicide case. The four defendants went to a house where they knew a rival gang member would be. One defendant drove the vehicle, and two of the defendants got out of the vehicle and shot two victims. The defendants then fled the scene in a different, waiting vehicle. The eyewitness was present at the house where the shooting occurred. The witness testified and she and her family were relocated for their safety.
Disposition	**80 years to life (2 sentences), 16 years, 3 years – 664/187 PC**
Napa County District Attorney's Office (20/13-44)	
Case Facts	High-risk kidnap case. The four defendants in this case beat the victim-witness, bound his hands and forced him into the trunk of a vehicle. The victim-witness was able to open the trunk and jump from the vehicle as it was traveling on the highway. The witness was relocated for his safety.
Disposition	**11 years – 245 PC, 243 PC, 22210 PC, 667.5 PC; 10 years – 245 PC, 243 PC, 2800.2 VC; 4 years (2 sentences) 422 PC**

Orange County District Attorney's Office (20/13-263)	
Case Facts	Gang robbery case. The defendant robbed the witness. After the witness reported the crime and the defendant was arrested, members of the defendant's gang stalked the witness and his girlfriend. The witness and his family were relocated for their safety.
Disposition	**23 years – 211 PC, 29800 PC, 186.22 PC**
Riverside County District Attorney's Office (20/13-280)	
Case Facts	Gang-related threats case. The defendants went to the witnesses' home and threatened them over an iPod. Since the defendants threatened to kill the witnesses even after the iPod was returned, the witnesses and their families were relocated.
Disposition	**9 years, 5 years – 422 PC, 186.22 PC**
Sacramento County District Attorney's Office (25/14-57)	
Case Facts	Gang-related homicide case. The defendant and his victim were in a physical altercation at a residence and the victim left. When the victim returned to retrieve his belongings, the defendant shot and killed him. The witness was present during the shooting and the gang put a bounty on her to prevent her testimony. The witness was relocated to ensure her safety.
Disposition	**75 years to life – 187 PC**
San Bernardino County District Attorney's Office (25/14-76)	
Case Facts	Gang-related homicide case. The defendants shot and killed two members of a rival gang. The witness was present during the shooting. A hit was ordered on the witness and he and his family were relocated.
Disposition	**160 years to life, 100 years to life – 187 PC**
San Diego County District Attorney's Office (21/12-279)	
Case Facts	Gang-related homicide case. The defendants were riding in a vehicle with a shotgun. One of the defendants got out of the vehicle and approached the victim. When the victim said he was from a rival gang, the defendant shot and killed him. After gang members visited the witness's home, the witness and his family were relocated.
Disposition	**52 years to life – 187 PC, 12022.53(d,e) PC; 6 years - 192(a) PC, 186.22 PC**
San Francisco County District Attorney's Office (21/12-293)	
Case Facts	The defendant entered a coffee shop on a busy street and shot and killed the victim in plain view of the witness. The witness was relocated for his safety.
Disposition	**40 years to life – 187 PC**
San Francisco County District Attorney's Office (20/13-273)	
Case Facts	Gang-related homicide case. The defendant confided in the witness that he had killed the victim during a robbery. The witness testified and she and her family were relocated to ensure their safety.
Disposition	**26 years to life – 187 PC**
San Luis Obispo County District Attorney's Office (25/14-110)	
Case Facts	Gang-related homicide case. The defendant killed a fellow gang member. The witness was present when the homicide occurred. The witness was threatened and she and her family were relocated for their safety.
Disposition	**16 years – 192(A) PC**

Santa Barbara County District Attorney's Office (20/13-68)	
Case Facts	Gang-related homicide case. In an effort to further his status within his gang, the defendant shot and killed the victim. The witness, an apartment manager who lived near the crime scene, observed the defendant and reported her observations to law enforcement. After the witness testified at the preliminary hearing, two men with their faces covered approached her at her apartment and told her that she had "better not show up for court" or she would "end up like Michael [the murder victim]." She called law enforcement; and within one hour of the threat, she and her family were safely removed from their apartment and relocated.
Disposition	**Life without parole – 187 PC, 190.2 PC, 186.22 PC, 12022.53 PC, 667.5(b) PC, 1170(H) PC, 273.5 PC, 664 PC, 288 PC, 286(c)(2) PC, 216(a)(2) PC, 131(C)(1) PC, 186.22 PC**
Santa Cruz County District Attorney's Office (21/12-322)	
Case Facts	Gang-related homicide case. The defendants shot and killed the victim. The witness was a former gang member and he and his family were relocated.
Disposition	**50 years to life (2 sentences), 40 years to life – 187 PC, 186.22 PC; 5 years – 182(A) PC, 246 PC, 186.22 PC**
Ventura County District Attorney's Office (21/12-342)	
Case Facts	Narcotics-related homicide case. One of the defendants shot and killed the victim because he had assisted law enforcement and caused the arrests of major drug traffickers and gang members. This defendant was assisted by the other defendants. The witness was an associate of the defendant and assisted law enforcement. The witness was threatened during the preliminary hearing and was relocated to ensure his safety.
Disposition	**Life without parole, 25 years to life – 187 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 2014-2015 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.

Contra Costa County District Attorney's Office

"The support provided by the CalWRAP Program was critical to the defendant's prosecution and ultimate conviction. As a result, one of the most dangerous predators in the county's history will spend the rest of his life in prison.

The CalWRAP staff has always been extremely responsive to all of our requests, and they always provide excellent service. We are very lucky to have them as our partners in our efforts to make our county a better place."

Monterey County District Attorney's Office

"Without the assistance provided by CalWRAP, we would not have been able to secure this conviction."

Sacramento County District Attorney's Office

"As always, CalWRAP provided outstanding and much needed assistance."

San Diego County District Attorney's Office

"Without CalWRAP, this witness would not have testified. Thank you."

San Francisco County District Attorney's Office

"CalWRAP has enabled us to prosecute no less than eight homicide/gang related assault cases in the last 18 months; six successful homicide trials within the last year."

Other Program Items of Interest

Administrative Status

In FY 2014-2015, the CalWRAP expended $338,135 on administrative costs. In addition to personnel resources and general operating expenses, expenditures also included the cost of $60,000 for local agency audits.

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 2014-2015, 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.