

OFFICE OF THE ATTORNEY GENERAL

CALIFORNIA *WITNESS* RELOCATION AND *ASSISTANCE* PROGRAM



Annual Report to the Legislature
2011-2012

CALIFORNIA WITNESS RELOCATION AND ASSISTANCE PROGRAM



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Executive Summary

The 2012 California Witness Relocation and Assistance Program (CalWRAP) Annual Report to the Legislature summarizes the fiscal year (FY) reporting period of July 1, 2011 to June 30, 2012. During this reporting period, CalWRAP serviced 796 cases: 397 previously approved cases and 399 new cases. As of June 30, 2012, the program closed 274 cases, leaving 522 active cases. The CalWRAP currently resides within the Division of Law Enforcement.

The 399 new cases opened during FY 2011-2012 provided services for 443 witnesses and 711 family members who testified against 785 violent offenders. Of the 399 new cases, 309 were gang-related. Other case types identified were high-risk (68), narcotics trafficking (13), domestic violence (5), and organized crime (4). Charges of homicide and attempted homicide were the precipitating charges on 72.7 percent of the cases, and assault accounted for 10.8 percent. The remaining 16.5 percent of cases involved rape, kidnapping, robbery, threats, narcotics, home invasion, and criminal conspiracy.

The CalWRAP was allocated \$4,855,000 in local assistance funds for California district attorneys' offices for FY 2011-2012. As of June 30, 2012, the program expended \$129,189, with the balance available for the counties to support existing cases.

During FY 2011-2012, the program processed 330 claims for reimbursement totaling \$1,945,903 in authorized witness expenditures. These claims averaged a total of \$162,158 per month, representing 33 local district attorneys' offices, and included 308 reimbursement claims that fell under the mandatory 25 percent match requirement. The district attorneys' offices requested \$1,907,256 in witness expenditures, of which \$1,902,600 was approved for reimbursement based on their matches.

During this reporting period, 274 witness relocation cases were closed, including 67 cases closed with reportable convictions. Nineteen of these closed cases are mentioned in the "Successful Prosecutions" Section because of their noteworthy criminal sentences. The sentences range from 16 months in state prison for criminal threats to life-without-parole for homicide.

During FY 2011-2012, the CalWRAP expended \$273,384 on administrative costs, including personnel and reimbursement of \$60,000 to the Attorney General's Office of Program Review and Audits (OPRA) for staff hours required to perform audits of district attorneys' offices utilizing 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.

Case Statistics

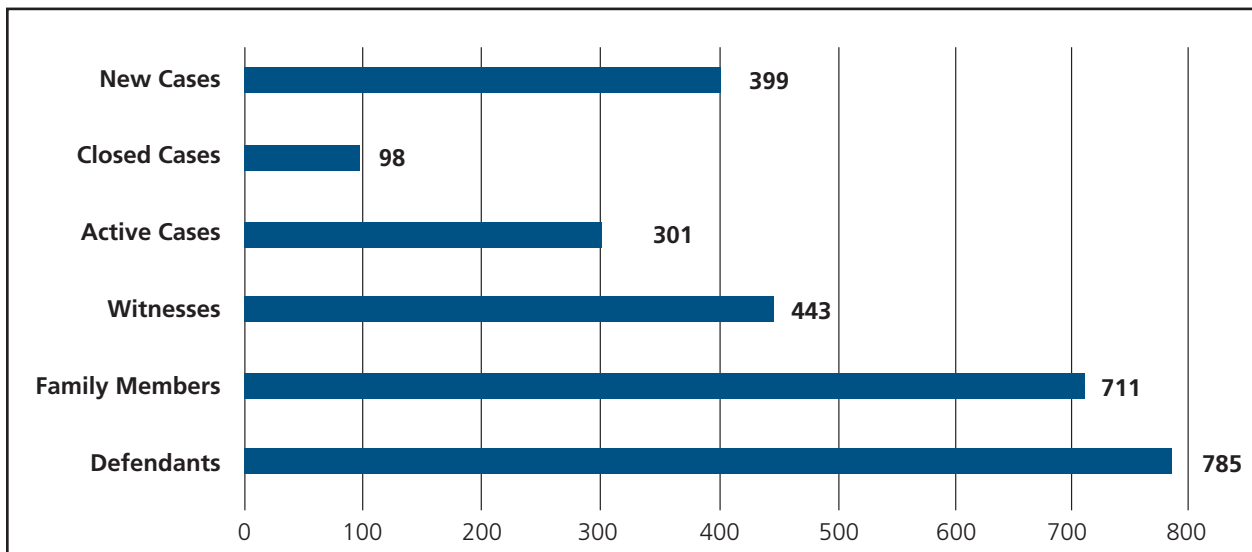
During the reporting period, the CalWRAP was responsible for the administration of three FY appropriations: Chapter 33/11 (FY 2011-2012), Chapter 712/10 (FY 2010-2011), and Chapter 1/09 (FY 2009-2010). The program provided service for 796 cases, including 397 previously approved cases and 399 new cases. Through June 30, 2012, the program closed 274 cases, leaving 522 cases active (see Chart 1).

Chart 1 — Case Statistics for All Chapter Funds as of June 30, 2012

Chapter Fund	New or Existing Cases	Closed Cases	Active Cases	Witnesses	Family Members	Defendants
33/11	399	98	301	443	711	785
712/10	279	58	221	379	522	613
1/09†	118	118	0	418	693	670
Totals	796	274	522	1,240	1,926	2,068

The 399 new CalWRAP cases approved during FY 2011-2012 (Chapter 33/11) provided for the relocation of 443 witnesses and 711 family members testifying against 785 defendants (see Chart 2).

Chart 2 — New Case Activity During FY 2011-2012 (Chapter 33/11)



† Chapter 1/09 closed on June 30, 2012.

Cases Submitted for Funding

There were 399 new cases approved by the CalWRAP for the period of July 1, 2011, through June 30, 2012. Of these approved cases: 309 were gang-related (77.4 percent), 68 were for high-risk crimes (17.0 percent), 13 were narcotics trafficking-related (3.3 percent), 5 were for domestic violence (1.3 percent), and 4 were organized crime-related (1.0 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 2000-2001 to FY 2011-2012.

Chart 3 — Types of Cases Submitted for Funding (FY 2011-2012)

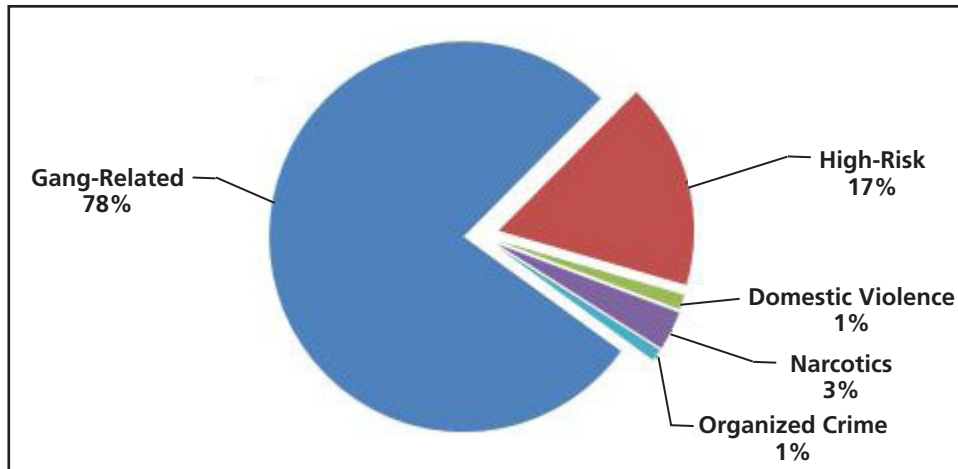
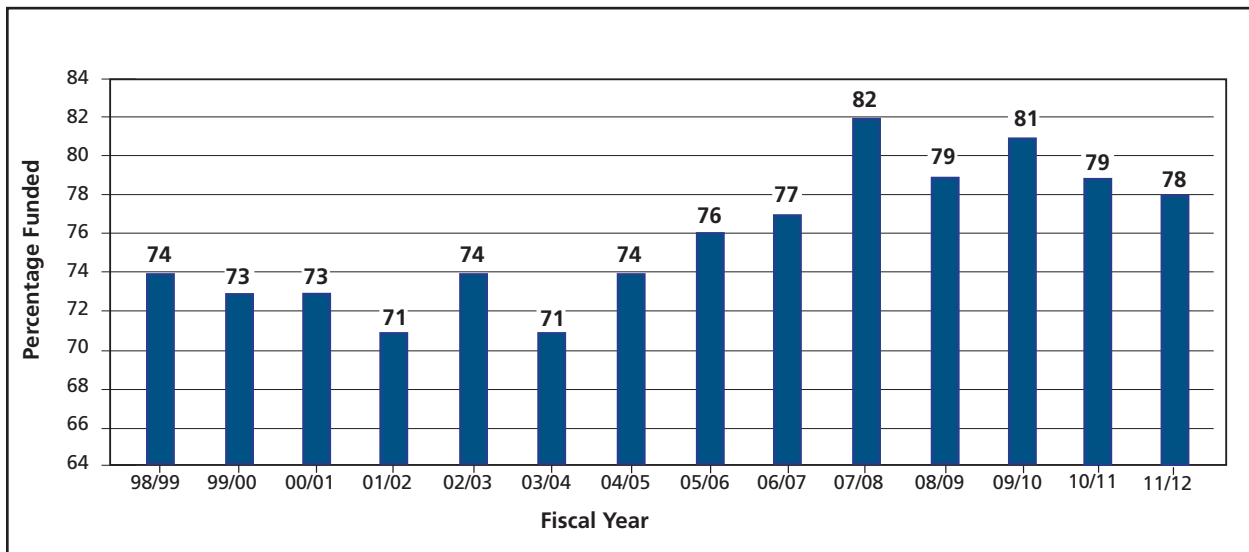


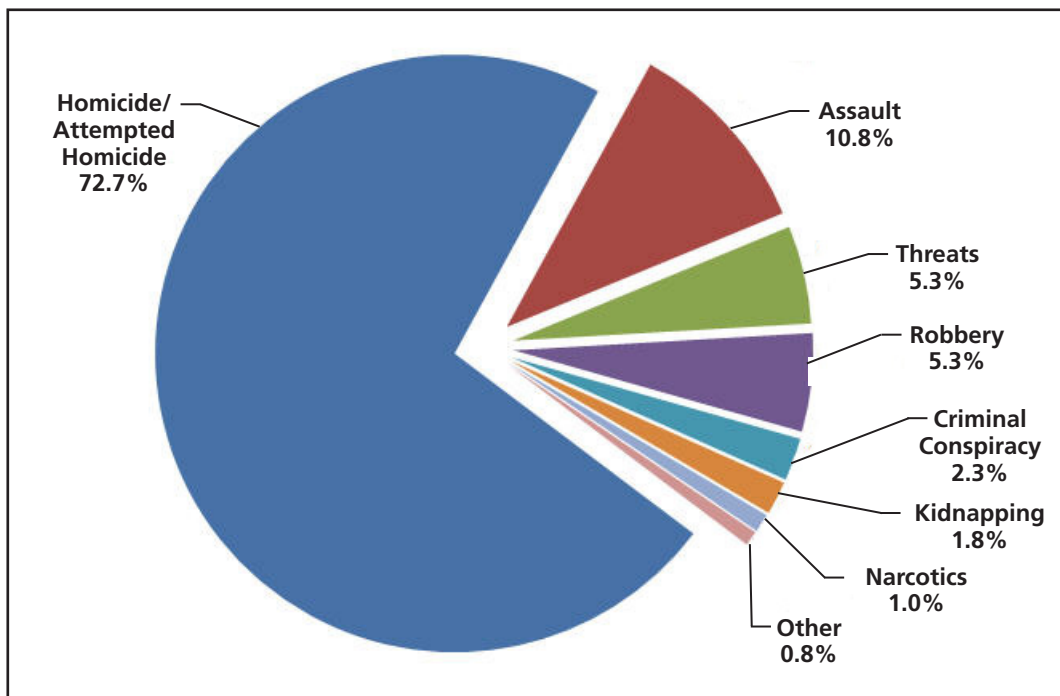
Chart 4 — Percentage of Gang-Related Cases Funded Each Fiscal Year



Charges Filed on Cases

During this reporting period, homicide and attempted homicide charges accounted for 72.7 percent of the 399 new cases for FY 2011-2012. Of the remaining charges filed, 10.8 percent involved assault charges; 5.3 percent involved threats; 5.3 percent were for robbery; 2.3 percent involved criminal conspiracy; 1.8 percent involved kidnapping charges; 1.0 percent were for narcotics charges; 0.2 percent involved crimes of rape; 0.2 percent involved home invasions; 0.2 percent were for sexual assault; and, the remaining 0.2 percent were for car jacking. Chart 5 is a visual representation of the types of charges filed on approved cases for FY 2011-2012.

Chart 5 — Types of Charges Filed on Cases (FY 2011-2012)*



*No fraud cases in FY 2011-2012.

Local Assistance

The CalWRAP's local assistance appropriation (monies available to district attorneys' offices to support witness relocation cases) for FY 2011-2012 was \$4,855,000. As of June 30, 2012, \$129,189 was expended, and the remaining balance of \$4,725,811 will be allocated to support existing cases. Chart 6 illustrates the status of the Chapter 33/11 fund as well as the two prior FY funds: Chapters 712/10 (FY 2010-2011) and 1/09 (FY 2009-2010) that were also administered by the program during this reporting period. The Chapter 1/09 fund closed as of June 30, 2012.

Chart 6 — Local Assistance Balances as of June 30, 2012

Chapter Fund	Beginning Funds	Expended Funds	Remaining Balance
33/11 (FY 11-12)*	\$4,855,000	\$129,189	\$4,725,811
712/10 (FY 10-11)*	\$4,855,000	\$1,644,778	\$3,210,222
1/09 (FY 09-10)†	\$4,855,000	\$3,942,707	\$912,293

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

† Chapter 1/09 closed on June 30, 2012.

Reimbursements for Local Agencies

In FY 2011-2012, CalWRAP staff processed 330 reimbursement claims totaling \$1,945,903 submitted by 33 district attorneys' offices. The approved reimbursement claims reflect a monthly average of \$162,158 utilized for allowable witness or sworn law enforcement expenses.

Chart 7 reflects the total expenses approved for each active chapter fund during FY 2011-2012 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 that include temporary lodging, relocation expenses, storage of personal belongings, monthly rent, meals, utilities, and incidentals. The program also reimburses expenses incurred for providing psychological counseling, medical care, new identities, vocational or occupational training, and costs accrued when witnesses must return for testimony in a criminal proceeding. Sworn law enforcement expenses may also be reimbursed for transporting or protecting a witness to include travel expenses, lodging, per diem, and required overtime.

Chart 7 — Approved Reimbursement Claims by Chapter Fund (FY 2011-2012)

Chapter Fund	Amount Approved	Claims Processed
Chapter 33/11	\$129,189	22
Chapter 712/10	\$836,241	167
Chapter 1/09	\$980,473	141
Total	\$1,945,903	330

Chart 8 on the following page lists the 33 district attorneys' offices that submitted reimbursement claims for witness expenses during FY 2011-2012 and the amount approved for each county. The \$1,945,903 in approved expenditures represents 330 reimbursement claims.

Chart 8 — Approved Reimbursement Claims (FY 2011-2012)*

District Attorney Office	Reimbursements Approved
Alameda	\$8,250.14
Butte	\$8,341.00
Contra Costa	\$66,485.42
Fresno	\$51,787.87
Humboldt	\$27,787.12
Inyo	\$4,650.00
Kern	\$126,868.31
Kings	\$3,592.84
Lake	\$33,058.45
Los Angeles	\$316,965.70
Madera	\$1,335.59
Merced	\$9,349.97
Monterey	\$249,269.83
Napa	\$18,929.91
Orange	\$15,578.22
Riverside	\$30,183.89
Sacramento	\$34,720.40
San Bernardino	\$93,021.71
San Diego	\$155,154.01
San Francisco	\$125,083.77
San Joaquin	\$16,602.62
San Luis Obispo	\$13,000.00
San Mateo	\$185,286.90
Santa Barbara	\$46,904.55
Santa Clara	\$90,536.83
Santa Cruz	\$33,445.66
Shasta	\$3,977.30
Siskiyou	\$4,951.00
Solano	\$25,754.73
Sonoma	\$19,314.56
Stanislaus	\$20,331.27
Tulare	\$21,969.68
Ventura	\$83,413.83
Total	\$1,945,903.08

*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-three agencies that submitted claims fell under this match requirement during FY 2011-2012. The total amount approved represents 308 reimbursement claims. Chart 9 reflects the 33 agencies that submitted match claims during FY 2011-2012.

Chart 9 — Submitted Match Claims by Agency (FY 2011-2012)

District Attorney Office	Total Amount Submitted	Total Amount Approved	25% Match Required	\$ Match Submitted
Alameda	\$8,250.14	\$8,250.14	\$2,062.54	\$11,577.08
Butte	\$8,341.00	\$8,341.00	\$2,085.25	\$2,210.25
Contra Costa	\$66,485.42	\$66,485.42	\$16,621.36	\$22,232.27
Fresno	\$51,787.87	\$51,787.87	\$12,946.97	\$12,946.97
Humboldt	\$15,051.07	\$15,051.07	\$3,762.77	\$2,802.27
Inyo	\$4,650.00	\$4,650.00	\$1,162.50	\$14,531.00
Kern	\$116,777.91	\$116,656.26	\$29,174.48	\$29,903.81
Kings	\$3,833.23	\$3,592.84	\$958.31	\$717.92
Lake	\$33,058.45	\$33,058.45	\$8,264.61	\$8,264.61
Los Angeles	\$313,789.68	\$313,789.68	\$78,447.42	\$142,422.79
Madera	\$1,335.59	\$1,335.59	\$333.90	\$870.45
Merced	\$9,349.97	\$9,349.97	\$2,337.49	\$2,338.00
Monterey	\$238,159.13	\$238,159.13	\$59,539.78	\$27,933.80
Napa	\$18,929.91	\$18,929.91	\$4,732.48	\$2,452.00
Orange	\$15,578.22	\$15,578.22	\$3,894.56	\$3,895.00
Riverside	\$30,183.89	\$30,183.89	\$7,545.97	\$7,712.41
Sacramento	\$28,679.18	\$28,651.65	\$7,169.80	\$8,440.98
San Bernardino	\$93,021.71	\$93,021.71	\$23,255.43	\$20,460.97
San Diego	\$155,154.01	\$155,154.01	\$38,788.50	\$43,630.75
San Francisco	\$125,083.77	\$125,083.77	\$31,270.94	\$18,355.98
San Joaquin	\$16,672.06	\$16,602.62	\$4,168.02	\$7,427.29
San Luis Obispo	\$13,000.00	\$13,000.00	\$3,250.00	\$3,500.00
San Mateo	\$185,286.90	\$185,286.90	\$46,321.73	\$46,321.74
Santa Barbara	\$49,820.56	\$46,904.55	\$12,455.14	\$9,285.57
Santa Clara	\$90,536.83	\$90,536.83	\$22,634.21	\$19,934.10
Santa Cruz	\$33,445.66	\$33,445.66	\$8,361.42	\$8,361.43
Shasta	\$3,977.30	\$3,977.30	\$994.33	\$1,052.56
Siskiyou	\$4,951.00	\$4,951.00	\$1,237.75	\$1,237.75
Solano	\$25,754.73	\$25,754.73	\$6,438.68	\$8,666.79
Sonoma	\$19,314.56	\$19,314.56	\$4,828.64	\$8,052.31
Stanislaus	\$21,612.59	\$20,331.27	\$5,403.15	\$1,252.35
Tulare	\$21,969.68	\$21,969.68	\$5,492.42	\$5,624.28
Ventura	\$83,413.83	\$83,413.83	\$20,853.46	\$20,853.46
Total	\$1,907,255.85	\$1,902,599.51	\$476,793.96	\$525,268.94

Successful Prosecutions

During FY 2011-2012, 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 19 cases from various district attorneys' offices that concluded with a successful prosecution and had a noteworthy criminal sentence.

Contra Costa County District Attorney's Office (1/09-175)	
Case Facts	Homicide/attempted homicide case. The defendant in this case walked up to a parked car, argued with two of the passengers and then produced a hand gun and shot one of the passengers in the neck. The witness was in the back seat of the car at the time of the incident. When the victim's father emerged from his home to check on his son, he was fatally shot. After the witness received threats, she was relocated.
Disposition	47 years to life – 187 PC, 192(a) PC & 12022.53(b)-(d) PC
Inyo County District Attorney's Office (1/09-268)	
Case Facts	Gang-related homicide case. The defendant, a documented gang member, stabbed the victim to death. While the defendant was incarcerated, he confessed the crime to the witness and told the witness where the murder weapon and other evidence could be found.
Disposition	15 years to life – 187 PC
Kern County District Attorney's Office (1/09-117)	
Case Facts	Gang-related homicide. The three defendants and a fellow gang member engaged in a fight. The witness saw one of the defendants climb a tree and retrieve a gun. The victim attempted to flee from the three defendants, and then the witness heard multiple gunshots. The witness' life was threatened multiple times before she and her family were relocated.
Disposition	16 years and 8 1/2 years in state prison, and 9 years jail – 192(a) PC and 245(a)(1) PC
Lake County District Attorney's Office (1/09-139)	
Case Facts	Gang-related attempted homicide. The defendant, an extremely violent, documented gang member, shot the victim multiple times in various areas of his body and head, beat the victim beyond recognition, stabbed, hog-tied and left the victim to die. The victim was in substantial danger of retaliation, mostly because he lived, and was therefore relocated.
Disposition	151 years to life – 664/187 PC, 203 PC, 206 PC, 211 PC, 459 PC, 245(a)(2) PC, 245(a)(1) PC, 243(d) PC & 186.22 PC
Los Angeles County District Attorney's Office (1/09-56)	
Case Facts	Gang-related homicide. The two defendants, known local gang members, shot the victim in retaliation for a prior shooting. The witness, a gang associate, and the defendants discussed the details of the shooting before and after the commission of the crime.
Disposition	25 years to life (2 sentences) – 187 PC
Monterey County District Attorney's Office (1/09-258)	
Case Facts	Attempted homicide. The witness/victim was shot three times in the stomach. The defendant is a documented member of a local street gang with a history of retaliatory violence. The witness agreed to testify and was relocated.
Disposition	14 years state prison – 664/187 PC

Napa County District Attorney's Office (712/10-280)	
Case Facts	Gang-related homicide. Rival gangs in an ongoing dispute engaged in a confrontation which left one gang member fatally wounded by a gunshot to the head. The witnesses were present at the time of the shooting and details about one of the witnesses made front-page news in a local newspaper, necessitating their prompt relocation.
Disposition	15 years, 10 years, 5 years, and 16 months in state prison – 192(a), 186.22 PC & 422 PC
Sacramento County District Attorney's Office (712/10-37)	
Case Facts	Homicide case. The victim was stabbed four times with multiple bruises to her face and a broken jaw. DNA evidence linked the crime to the victim's boyfriend. The witness was the ex-wife of the defendant who had also suffered abuse and spousal rape from the defendant. The defendant was a validated gang member who directly threatened to kill the witness if she testified. Family of the defendant lived in the same neighborhood as the witness, and threatening behavior continued after the defendant was arrested.
Disposition	Life without parole – 187 PC
San Bernardino County District Attorney's Office (1/09-152)	
Case Facts	High-risk homicide. Due to the defendant's behavior and activities around the time of reports of a missing homicide victim, the defendant's wife became suspicious that he may have committed the crime. After cooperating with law enforcement, the witness was contacted at her home by unknown subjects and relocation became necessary.
Disposition	25 years to life – 187 PC
San Diego County District Attorney's Office (1/09-218)	
Case Facts	Gang-related homicide. The defendants planned to rob the victim, a drug dealer from their own gang, and murdered him. The witness was present but did not participate in the murder. The witness was threatened by both the defendant for agreeing to testify and pursued and threatened by the gang for failing to stop the murder. The witness was relocated for his safety due to the gang's history of retaliatory violence.
Disposition	20 years to life and 15 years to life in state prison – 187 PC
San Diego County District Attorney's Office (1/09-37)	
Case Facts	Gang-related homicide. The victim was shot and killed during an altercation at a party. The witness, a family friend of the defendant, reported the crime anonymously to the police. Through his friendship with the family, the witness learned of threats against anyone who may testify and learned that the defendant's mother was saving up money to "take care of the witness." Once the witness was identified, he was relocated for his safety.
Disposition	40 years to life in state prison – 187 PC
San Francisco County District Attorney's Office (1/09-52)	
Case Facts	Homicide case. The victim was stabbed to death by the defendant. The defendant said he could not have committed the crime because he was with his wife at the time. The wife came forward and stated that the defendant was not with her and agreed to testify. The witness received threats at her home, her house was burglarized and vandalized, and she received telephonic threats from the defendant. The witness was also previously victimized by the defendant and was relocated with her family for their protection.
Disposition	Life in state prison – 187 PC

Santa Barbara County District Attorney's Office (1/09-155)	
Case Facts	Gang-related homicide. The victim was kidnapped by gang members, driven to a rural area and then shot in the head. The witness agreed to testify against the gang. He had been stabbed in relation to the crime and his pregnant girlfriend was wounded in a subsequent drive by shooting. Fearing retaliation from the gang, law enforcement relocated the witness.
Disposition	Life without parole, 15 years in state prison, probation – 187 PC, 186.22 PC, 190.2 PC, 32 PC, 207 PC
Santa Clara County District Attorney's Office (1/09-272)	
Case Facts	Attempted homicide case. The victim called the defendant a derogatory name and was flirting with a woman present at the residence. The defendant pulled out a handgun, and at the urging of another suspect, used a pillow to muffle the sound and shot the victim. The victim required several emergency surgeries in order to save his life. The victim was relocated due to the risk of harm from his willingness to testify and because there was at least one suspect at large.
Disposition	32 years to life plus \$8,414 restitution – 664(a)/187 PC
Santa Clara County District Attorney's Office (1/09-294)	
Case Facts	Homicide case. The witness and two defendants purchased drugs from the victim, but believed the victim gave them change in counterfeit money, so they shot the victim. The witness was not a participant in the crime.
Disposition	75 years – 187 PC
Shasta County District Attorney's Office (1/09-166)	
Case Facts	Attempted homicide case. The victim was brutally tortured and sexually assaulted by the defendants. The victim and victim's family received continuous threats of violence as a result of agreeing to testify. The victim moved away and was discovered by associates of the defendants who again began threats. The victim was relocated for his safety and the safety of his family.
Disposition	25 years and 5 years in state prison – 245(a)(1) PC, 236/237 PC, 422 PC, 243(d) PC, 243.4(a) PC
Solano County District Attorney's Office (1/09-18)	
Case Facts	Gang-related attempted homicide. The defendants participated in a drive-by shooting into a residence with seven victims inside as an act of gang retaliation. One victim, a two-year-old female, was shot in the lower body and was paralyzed from the waist down. After surgery, she has since recovered. The witness was threatened by one of the defendants and was relocated to ensure her safety.
Disposition	12 years in state prison, probation – 245(b) PC, 245(a)(2) PC
Sonoma County District Attorney's Office (712/10-236)	
Case Facts	Homicide case. Five individuals went to a known drug dealer's residence with the intent to commit armed robbery. The drug dealer was shot and killed by one or more of the defendants. One of the defendants testified as a witness against the others on three separate occasions and the other defendants were all found guilty and sentenced to prison. The witness had received threats from both the drug dealer's associates and from the other defendants and was relocated for his safety.
Disposition	50 years to life, 27 years to life, and 21 years in state prison – 187(a) PC, 211 PC, 459 PC
Ventura County District Attorney's Office (1/09-119)	
Case Facts	Gang-related homicide. The victim had been involved in a previous beating of one of the defendants from a rival gang. The defendants later shot the victim in the head in retaliation. The witness was a fellow gang member who agreed to testify against the defendants.
Disposition	Life without parole, 25 years to life, and 7 years in state prison – 187 PC, 186.22 PC, 32 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. Of the comments received from these agencies during FY 2011-2012, many contained positive responses regarding the exceptional services of program staff, the witness services provided, and the continued need to provide these services to testifying witnesses. The following comments highlight the testimonials received during the past year.

Butte County District Attorney's Office

"CalWRAP was very fair and treated this county very well."

Contra Costa County District Attorney's Office

"Without the program's assistance, our ability to prosecute the defendant would have been seriously limited. Fortunately, the program's support to our witness both enabled and encouraged her to testify against a truly evil and sadistic killer."

"Our office realizes how invaluable the CalWRAP program was to our prosecution efforts not only in this case, but in countless others both past and present. We also appreciate the attitude and responsiveness of the CalWRAP staff. Their commitment to the program and its goals are obvious in all of our contacts with them. We are fortunate to have such dedicated partners in our joint quest for justice."

Lake County District Attorney's Office

"CalWRAP has always handled our cases in an efficient and timely manner. We find that the CalWRAP Staff are a pleasure to work with and process our requests quickly."

Monterey County District Attorney's Office

"The program worked and protected the victim from further pain or potential death."

Sacramento County District Attorney's Office

"Assistance and service provided by CalWRAP were absolutely valuable to the successful prosecution of this case."

San Diego County District Attorney's Office

"This is a great resource to have to give witnesses the confidence to testify at trial."

San Joaquin County District Attorney's Office

"Good as always; moving our witness was important for his safety."

Sonoma County District Attorney's Office

"Excellent resource and prompt assistance, as always."

Other Program Items of Interest

Administrative Status

During FY 2011-2012, due to budget cuts within the Division of Law Enforcement (DLE), oversight for CalWRAP administration was moved from the Bureau of Investigation and Intelligence to the DLE's Office of the Director. Additionally, the Program experienced a complete turnover in staff and relocated in an effort to consolidate DLE facilities.

In FY 2011-2012, the CalWRAP expended \$273,384 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 2011-2012 was \$60,000.

The program continues to operate with one full-time Associate Governmental Program Analyst, one full-time Staff Services Analyst, and one full-time Office Technician.

Outreach and Training

During FY 2011-2012, 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 continue to provide training to local district attorneys' offices on request.

