FFICE OF THE ATTORNEY GENERAL

CALIFORNIA WITNESS RELOCATION AND ASSISTANCE PROGRAM



Annual Report to the Legislature 2007-2008

CALIFORNIA DEPARTMENT OF JUSTICE

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Executive Summary

This year's Annual Report to the Legislature for the California Witness Relocation and Assistance Program (CAL WRAP) covers the Fiscal Year reporting period of July 1, 2007, to June 30, 2008. During this reporting period, CAL WRAP approved and funded 532 new cases for witnesses testifying in criminal proceedings.

The 532 new cases provided relocation services for 596 witnesses and 868 family members who testified against 981 defendants. Of these new cases, the case types were identified as gang-related (441), high degree of risk (72), domestic violence (13), narcotics trafficking (4), and organized crime (2). Charges of homicide and attempted homicide were the precipitating charges on 70.5 percent of the cases, and assault accounted for 10.2 percent of the cases. The remaining 19.3 percent involved rape or sexual assault-related crimes, kidnapping, robbery, threats, narcotic charges, fraud, and criminal conspiracy.

With the passage of the 2007-2008 State Budget, the Legislature mandated a 25 percent match of county funds for witness expenses submitted for reimbursement from CAL WRAP. Twelve agencies that fell under this match requirement submitted claims during this reporting period. These 12 agencies requested a total of \$223,589 in reimbursement claims, and a total of \$218,425 was reimbursed based on their match submissions.

The program also approved and reimbursed agency claims totaling \$2,565,946 for authorized witness expenditures from 30 local district attorneys' offices. These claims averaged \$213,829 in approved reimbursements per month.

During Fiscal Year 2007-2008, CAL WRAP expended \$228,016 on administrative costs. These administrative costs provided the services of one full-time associate governmental program analyst, one staff services analyst for the last quarter of the Fiscal Year, and one part-time retired annuitant. The program also reimbursed the Attorney General's Office of Program Review and Audits (OPRA) for hours contributed by staff for audit reviews of the various district attorneys' offices utilizing the services of the program. Because of delays in hiring new staff, the program had a cost savings of \$111,089.

The CAL WRAP lead analyst continues to participate in training venues for law enforcement personnel as a subject matter expert and provides training to local district attorneys' offices as requested.

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Program Funding

From July 1, 2007 through June 30, 2008, CAL WRAP funded 532 new cases requested by local district attorneys' offices for the relocation of 1,464 threatened witnesses and family members.

During this reporting period, CAL WRAP was responsible for the management of three Fiscal Year (FY) funds: Chapter 171/07 (FY 2007-2008), Chapter 47/06 (FY 2006-2007), and Chapter 38/05 (FY 2005-2006). Chart 1 reflects the status of these three funds from their inception until June 30, 2008, and displays the expenditures and balances of each chapter fund. Chart 2 displays case statistics during this same time period.

Chapter Fund	Beginning Funds	Encumbered Funds	Expended Funds	Balance
171/07 (FY 07-08)*	\$6,355,000	\$4,417,344	\$958,643	\$979,013
47/06 (FY 06-07)*	\$2,850,000	\$502,303	\$2,231,542	\$116,155
38/05 (FY 05-06)†	\$2,850,000	\$0	\$2,785,415	\$64,585

Chart 1 - CAL WRAP Current Funds as of June 30, 2008

Chart 2 - CAL WRAP Case Statistics as of June 30, 2008

Chapter Fund	Cases Opened	Cases Closed	Cases Active	Witnesses	Family	Defendants
171/07	532	91	441	596	868	981
47/06	383	314	69	435	671	640
38/05	406	406	0	454	646	749
Totals	1,321	811	510	1,485	2,185	2,370

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

† Chapter closed on June 30, 2008.

Approved Cases

The program has continued to be a primary funding source for local district attorneys' offices for the relocation of threatened witnesses who testify in criminal proceedings. During the last three Fiscal Years, the program has experienced a growth in the number of applications submitted for funding. During Fiscal Year 2007-2008, the program approved 532 new cases. This is an increase of 38.9 percent over Fiscal Year 2006-2007.

Chart 3 shows the cases approved for Fiscal Years 2005-2006 through 2007-2008.



Chart 3 - Cases Approved from July 1, 2005, to June 30, 2008

* Because of a shortage of available funds during FY 2006-2007, the program was forced to deny any additional new cases from May 15, 2007 to June 30, 2007. If sufficient funding had been available, the program projected 443 new cases may have been approved for FY 2006-2007.

Reimbursements for Local Agencies

During this reporting period, CAL WRAP distributed \$2,565,946 for reimbursement requests submitted by local district attorney agencies. These reimbursement claims reflect a monthly average of \$213,829 paid to local agencies and approximately 40 claims processed each month by program staff.

The program has responsibility for three local appropriations each year (refer to chart 4). These reimbursements are for various services required by the witnesses and their family members such as temporary lodging, relocation expenses, monthly housing rental, meals, utilities, and incidentals. The program also reimburses expenses for psychological counseling, medical care, providing new identities for witnesses and family members, expenses related to their transition into a new environment, and costs accrued when witnesses must return for testimony in a criminal proceeding.

Chart 4 - CAL WRAP Reimbursements Approved During Fiscal Year 2007-2008, for Each Chapter Fund

Chapter Fund	Reimbursements Paid	Reimbursements Processed
Chapter 171/07	\$958,643	189
Chapter 47/06	\$1,194,103	224
Chapter 38/05	\$413,200	71
Totals	\$2,565,946	484

Program Statistics – Current Year

From July 1, 2007 through June 30, 2008, CAL WRAP opened 532 new cases under Chapter 171/07 for 596 witnesses and 868 family members testifying against 981 defendants. As of June 30, 2008, 91 of these cases were closed, and 441 were still active.

Chart 5 illustrates the number of cases opened, active, and closed during Fiscal Year 2007-2008, and the number of witnesses and family members who were relocated for their safety, as well as the number of defendants being prosecuted for their crimes.



Chart 5 - Program Statistics for Chapter 171/07

Types of Cases Submitted for Funding

There were 532 new cases approved by CAL WRAP for the period of July 1, 2007 through June 30, 2008. Of these 532 cases, 441 were gang-related (82.9 percent), 4 were narcotics trafficking-related (0.8 percent), 72 were for high-risk crimes (13.5 percent), 13 were for domestic violence (2.4 percent), and two were for organized crime (0.4 percent). Since the inception of the program in 1998, the percentage of gang-related cases has averaged approximately 75 percent each year. This year, however, the percentage of gang-related cases rose to 82.9 percent, an increase of 10.5 percent over Fiscal Year 2006-2007.



Chart 6 - Types of Cases Submitted for Funding

Types of Charges Filed on Cases

During this reporting period, homicide and attempted homicide charges accounted for 70.5 percent of the 532 new cases for Fiscal Year 2007-2008. Of the remaining charges filed, 10.2 percent involved assault charges; 6.4 percent involved robbery or burglary charges; 3.6 percent were for threats; 1.1 percent involved rape and 0.4 percent involved other sexual assault crimes; 1.5 percent were for kidnapping; 3.0 percent involved home invasion charges; 2.1 percent were for narcotics charges; 0.8 percent were for car-jacking; and the remaining 0.4 percent were for criminal conspiracy charges.



Chart 7 – Types of Charges Filed on Cases

County Match Received by Program

In October 2007, new legislation passed that required a 25 percent match of local district attorney funds on witness expenses submitted for reimbursement from the California Witness Relocation and Assistance Program (see amended California Penal Code Section 14027). The program imposed the match requirement effective January 1, 2008. The change in program policy required development of new guidelines involving the match, revision of the current CAL WRAP policy and procedure manual to reflect changes, development of new forms to report the match, and notification to local agencies of the legislative and program changes affecting their reimbursement claims and procedures.

CAL WRAP is mandated to report the amount of funding sought by each agency, the amount of funding provided to each agency, and the amount of the county match. Twelve agencies that requested reimbursement during this reporting period fell under this match requirement.

Chart 8 reflects the 12 agencies that submitted match claims during Fiscal Year 2007-2008. Chart 9 reflects the total reimbursements requested and approved for each district attorney's office.

District Attorney Office	Total Amount Submitted	Total Amount Approved	Total 25% Match Required	Total Match Submitted
Fresno	\$30,325.78	\$30,325.78	\$7,581.45	\$7,581.46
Kern	\$2,663.68	\$2,663.68	\$665.92	\$1,039.25
Marin	\$9,027.15	\$9,027.15	\$2,256.79	\$2,654.00
Monterey	\$21,165.05	\$19,590.10	\$5,291.26	\$3,724.21
Riverside	\$8,696.76	\$8,696.76	\$2,174.19	\$3,201.35
Sacramento	\$8,567.90	\$8,567.90	\$2,141.98	\$2,983.23
San Bernardino	\$39,546.80	\$35,957.55	\$9,886.70	\$6,429.92
San Francisco	\$48,134.68	\$48,134.68	\$12,033.67	\$17,825.71
San Luis Obispo	\$3,550.00	\$3,550.00	\$887.50	\$1,185.05
Santa Clara	\$29,764.59	\$29,764.59	\$7,441.15	\$7,441.15
Santa Cruz	\$12,621.72	\$12,621.72	\$3,155.43	\$3,276.31
Sonoma	\$9,525.00	\$9,525.00	\$2,381.25	\$2,381.25
Totals	\$223,589.11	\$218,424.91	\$55,897.54	\$64,759.77

Chart 8 - Submitted Match Claims from January 1, 2008 to June 30, 2008

Chart 9 lists the 30 district attorneys' offices that submitted claims for reimbursement of witness services during Fiscal Year 2007-2008 and the amount requested and approved for each county.

Chart 9 - Submitted and Approved Reimbursements During Fiscal Year 2007-2008*

District Attorney Office	Reimbursements Requested	Reimbursements Paid
Alameda	\$4,634.00	\$4,634.00
Butte	\$6,924.00	\$6,924.00
Contra Costa	\$119,744.64	\$119,744.64
Fresno	\$68,160.07	\$67,769.41
Kern	\$29,817.13	\$29,817.13
Kings	\$48,074.41	\$48,074.41
Lake	\$21,277.67	\$21,277.67
Los Angeles	\$519,328.99	\$519,328.99
Marin	\$17,397.94	\$17,397.94
Merced	\$49,595.63	\$49,595.63
Monterey	\$171,098.57	\$169,523.62
Napa	\$27,000.00	\$27,000.00
Orange	\$20,468.12	\$20,468.12
Riverside	\$156,519.98	\$156,519.98
Sacramento	\$140,251.88	\$140,251.88
San Bernardino	\$138,930.21	\$135,340.96
San Diego	\$253,177.94	\$253,177.94
San Francisco	\$373,030.09	\$373,030.09
San Joaquin	\$30,452.27	\$30,452.27
San Luis Obispo	\$5,870.40	\$5,870.40
San Mateo	\$28,826.78	\$28,826.78
Santa Barbara	\$43,334.50	\$43,334.50
Santa Clara	\$45,762.09	\$45,762.09
Santa Cruz	\$66,754.99	\$66,754.99
Shasta	\$12,087.78	\$12,087.78
Sonoma	\$29,502.84	\$29,502.84
Stanislaus	\$51,252.93	\$51,252.93
Tulare	\$21,214.29	\$21,214.29
Ventura	\$41,020.06	\$41,020.06
Yolo	\$29,990.73	\$29,990.73
Totals	\$2,571,550.93	\$2,565,946.07

*Reimbursements include the local match requirement.

Successful Prosecutions

During Fiscal Year 2007-2008, CAL WRAP received 102 completed questionnaires from district attorneys' offices that closed their witness relocation cases after a conviction. The following examples demonstrate cases that concluded with a successful prosecution and a noteworthy criminal sentence. Because of the large number of prosecutions reported in Fiscal Year 2007-2008, not all agencies or cases are represented.

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Contra Cos	sta County District Attorney's Office (38/05-81)
Facts of Case	Gang-related attempted homicide case. A retaliation shooting was carried out against a rival gang member. The victim was shot eight times, but survived his injuries. The two defendants later went to the home of a witness and threatened her. The witness, who agreed to testify, also became a target of gang retaliation by the defendants' associates and family members.
Disposition	111 years to life, and 56 years to life - 664/187 PC & 211/212.5 PC
Contra Cos	ta County District Attorney's Office (38/05-331)
Facts of Case	Gang-related homicide case. This homicide was a retaliation shooting due to a "disrespect" issue. The witness, also a member of the defendant's gang, agreed to testify. The witness was threatened after a grand jury hearing and became a target of retaliation by the gang.
Disposition	Life without parole - 187 PC
Fresno Cou	anty District Attorney's Office (47/06-293, 10-213)
Facts of Case	Homicide case. During an attempted residential robbery, the defendants shot the homeowner multiple times in front of his wife when he stated they had no money. A co-conspirator, who directed the defendants to rob the home but was not at the crime scene, was later identified and arrested. A witness came forward and testified in court and was later threatened.
Disposition	30 years plus life - 187 PC
Kern Coun	ty District Attorney's Office (171/07-301)
Facts of Case	Gang-related assault case. The defendant got into a verbal dispute with a non-gang member outside of an elementary school, resulting in the defendant firing his weapon. The bullet broke one of the school windows, seriously injuring one student. A witness to the shooting was later threatened by the defendant and told he would be killed if he went to court and testified.
Disposition	34 years state prison - 245 PC & 186.22 PC
and the state of t	ty District Attorney's Office (38/05-391)
Facts of Case	Gang-related assault, homicide case. An argument ensued between rival gang members in front of a local nightclub. When the victim attempted to walk away, he was fatally shot in the back. The shooter then randomly fired his gun into the crowd, hitting a second victim in the face. One of the defendants, a known "shot caller" for his gang, issued a "green light" (contract to kill) on the testifying witness in an attempt to silence him.
Disposition	50 years plus life - 187 PC & 245 PC
Los Angele	s County District Attorney's Office (47/06-185)
Facts of Case	Gang-related homicide case. The victim, a member of a local street gang, walked into an apartment full of rival gang members. After being questioned about his gang affiliation, he was shot and killed. A witness to the shooting, who agreed to testify, was later threatened. The witness lived in the same neighborhood as the gang and was moved for her safety.
Disposition	65 years to life - 187 PC
Los Angele	s County District Attorney's Office (47/06-224)
Facts of Case	Domestic violence, homicide case. The defendant got into an argument with his girlfriend that escalated, ending when the defendant shot and killed her. The defendant later told the witness of the shooting. The witness, a homeless person, was later threatened with harm by other street people he knew, as well as the defendant, and he was relocated for his safety.
Disposition	70 years to life - 187 PC

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	s County District Attorney's Office (47/06-299)
Facts of Case	Gang-related homicide case. The defendant approached two victims sitting in a car and shot and killed both of them. The shooting was carried out because the defendant believed a "disrespectful" statement was made by one of the victims to his mother. The eyewitness was close to the car at the time of the shooting. The witness, a non-gang member, lived in the same neighborhood as the gang and was relocated for his safety.
Disposition	Life without parole - 187 PC
Los Angele	s County District Attorney's Office (47/06-315)
Facts of Case	Gang-related robbery homicide case. During the robbery of a liquor store by two gang members, the store owner was shot and killed. A co-conspirator to the crime, who agreed to cooperate with law enforcement and testify against the defendants, was later threatened. Because the witness lived in the same neighborhood as the defendants, she was relocated for her safety.
Disposition	Life without parole - 187 PC
Merced Co	unty District Attorney's Office (171/07-15)
Facts of Case	Gang-related homicide of a police officer. During the course of his duties, the officer was shot and killed by the defendant. The witness, who testified against the defendant, had to be moved to protective custody because he was already incarcerated on a pending charge unrelated to this crime. Upon his release from custody, the witness and his girlfriend received death threats, and they were relocated a second time.
Disposition	Death penalty - 187 PC
Monterey (County District Attorney's Office (171/07-12)
Facts of Case	Gang-related homicide case. The defendant approached the victim while he was working on his vehicle and asked his gang affiliation. When the victim stated he was not a gang member, the defendant pulled out a gun and shot the victim in the head, killing him. The defendant also fired shots at the victim's friends as they attempted to run away. Several of the eyewitnesses were contacted by associates of the defendant, threatened, and told to keep quiet.
Disposition	50 years to life - 187 PC
	ty District Attorney's Office (47/06-288)
Facts of	Gang-related homicide case. During a birthday party for a 16-year-old girl, gang members from two
Case	rival gangs started an altercation, resulting in gunfire from one of the gang members. An innocent male attending the party was fatally wounded by one of the rounds. Several witnesses came forward and were later threatened by the defendants' associates.
Disposition	70 years plus life, and 20 years plus life - 187 PC
Orange Co	unty District Attorney's Office (38/05-19)
Facts of Case	Gang-related home invasion robbery, torture and homicide case. The defendants went to the residence believing there was cash in the home. However, an 18-year-old female was home alone at the time. Once obtaining entry into the residence, the defendants tortured the victim and slit her throat in an attempt to find out where the cash was kept. Before leaving they strangled the victim to prevent her from identifying them. This crime occurred in 1995 and was unsolved until a witness came forward with new evidence linking the defendants to the crime.
Disposition	Death penalty - 187 PC, 211 PC & 186.22 PC
Orange Co	unty District Attorney's Office (47/06-241)
Facts of Case	Gang-related homicide case. The victim, a non-gang member, became a target of a local gang member because of an ongoing dispute between them. While defending his family, the victim was fatally stabbed by the defendant in front of his family's home. Several family members agreed to testify and were later threatened, and on two occasions multiple gunshots were fired into the family home. After the family was relocated, their home was set on fire, causing extensive damage.
Disposition	40 years to life - 187 PC

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Facts of Case Disposition San Bernar Facts of Case Disposition San Diego C Facts of Case Disposition San Diego C Facts of Case Disposition	 County District Attorney's Office (47/06-41) Homicide, robbery case. The victim was robbed at gunpoint and murdered. The defendant later told his ex-roommate that he killed someone. During the course of the investigation, the ex-roommate was contacted by law enforcement at which time she told the officers about the defendant's confession. The defendant was later recorded, during another phone call, telling the witness what happened. Soon after the call, the defendant threatened the witness and told her he would hurt her 10-year-old daughter if she cooperated with police. Life without parole - 187 PC dino County District Attorney's Office (171/07-242) Gang-related homicide case. Two gang members carried out a retaliation murder of the victim. The witness, who is the brother of the victim, was with him during the murder. Because of the gang's history of retaliatory violence, the witness and his family were relocated for their safety. 50 years plus life, and 25 years plus life - 187 PC County District Attorney's Office (47/06-371) Gang-related homicide case. The victim was sitting in her vehicle when the defendant, armed with a handgun, fired several shots into the vehicle striking the victim. The victim later died of her wounds. The witness, who had information regarding the murder, received threatening phone calls and became a target of gang retaliation. 55 years to life - 187 PC County District Attorney's Office (47/06-188) Gang-related homicide case. While standing outside a friend's residence, a group of young men were confronted by four local gang members regarding their gang affiliation. A verbal dispute erupted, ending when one gang members retrieved a gun from his car and shot one of the men in the back as the group tried to flee the scene. Several witnesses were later threatened and told not to testify. 40 years to life, and 21 years state prison - 18
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San Diego C Facts of	County District Attorney's Office (171/07-64)
Facts of	
	Gang-related homicide case. The victim while standing on a street corner was confronted by the
	defendant and accused of selling drugs in his territory. The witness, who heard the conversation, saw the defendant pull a gun from his waistband and shoot and kill the victim. After the grand jury hearing, the witness became a target of retaliation by the defendant's gang.
Disposition	31 years state prison - 664/187 PC
San Francis	sco County District Attorney's Office (47/06-200)
Facts of Case	Gang-related homicide case. The witness overheard telephone conversations between the defendants regarding their involvement in a homicide. The witness, who is not a gang member, agreed to testify. The witness was later contacted by one of the defendants and told not to testify and also received threats from the defendants' associates. Further intelligence revealed that a second witness, who was with the victim during the crime, was bound with tape by the defendants, dumped in a field, and told not to talk.
Disposition	Life without parole - 187 PC
	sco County District Attorney's Office (47/06-266)
Facts of Case	Gang-related homicide, attempted homicide case. Two gang members shot into a vehicle, killing a father and a 2-year-old child. The intended target, the mother of the child, survived the shooting. Only one suspect was originally arrested and the other was unidentified. A material witness, who could identify the other suspect, received threats and was told to keep quiet. The witness later agreed to testify, and she and her family were relocated for their safety.
Disposition	50 years plus two life sentences - 187 PC & 664/187 PC
San Mateo	County District Attorney's Office (47/06-270)
Facts of	Gang-related attempted homicide case. The victim was confronted by a rival gang member on a loca
Case	street. The defendant then produced a handgun and began shooting at the victim. While attempting to escape, the victim was shot once in the back and once in the leg. The victim survived and testified against the defendant. After testifying, the victim and his family received threats from other members of the gang.
Disposition	

Testimonials

During Fiscal Year 2007-2008, many of the district attorneys' offices utilizing the services of CAL WRAP provided unsolicited comments upon submitting their required program questionnaires. Their comments continue to be supportive of the professionalism of the program staff, the exceptional local service, the witness services available, and the continued need to provide these services to testifying witnesses. The following comments highlight some of the testimonials received from various district attorneys' offices throughout the state during the past year.

Contra Costa County District Attorney's Office:

"This was a murder/gang case. The testimony of this witness was significant and could not have occurred without the services of CAL WRAP. The CAL WRAP staff did an excellent job."

"This was a complex case in which two victims were killed and a third victim was left for dead. The surviving victim testified throughout the criminal justice process and without CAL WRAP this would not have been possible. The staff provided excellent service."

Kern County District Attorney's Office:

"Everything went very well. CAL WRAP staff was extremely helpful and knowledgeable. This action saved this case, and the bad guy went to prison. Thank you! Suspect pled to narcotics case; main conspirator to murder of a sheriff's deputy."

Los Angeles County District Attorney's Office:

"The program made the difference relative to this witness' involvement and she is the key witness in this case."

Monterey County District Attorney's Office

"This particular protected witness was very difficult to manage. Without the assistance of this program, the witness would have certainly left the area. The prosecuting attorney noted that this witness provided important testimony."

Riverside County District Attorney's Office

"My questions were answered quickly and the whole process went smoothly with the state system."

San Diego County District Attorney's Office

"This case would not have been prosecuted without the assistance of CAL WRAP."

San Francisco County District Attorney's Office

"We received a tremendous amount of assistance from CAL WRAP with this particular witness. She would not have testified or came forward without the assistance of the program. This was a tremendous victory and outcome for our office."

"This was a great case and we couldn't have accomplished it without the help of CAL WRAP."

San Joaquin County District Attorney's Office

"Thank you for providing prompt and professional service to our staff in this case."

San Mateo County District Attorney's Office

"The program has worked well and requests have been handled quickly."

Santa Barbara County District Attorney's Office

"CAL WRAP staff were extremely helpful during this and other cases."

Other Items of Interest

Administrative Status of Program

During Fiscal Year 2007-2008, CAL WRAP expended \$228,016 on administrative costs. The program operated with one full-time associate governmental program analyst, one part-time retired annuitant, and one full-time staff services analyst for the remaining quarter of the year. The program also reimbursed the Attorney General's Office of Program Review and Audits (OPRA) for salary and benefits, as well as travel costs for OPRA personnel conducting audits of the county district attorneys' offices participating in the program. The total cost of audits for Fiscal Year 2007-2008 was \$58,141.

CAL WRAP was funded for \$339,105 for administrative costs for Fiscal Year 2007-2008. Because of delays in hiring new staff, CAL WRAP had a cost savings of \$111,089. Chart 10 shows the breakdown of CAL WRAP's administrative costs for Fiscal Year 2007-2008.

Chart 10 - CAL WRAP Administrative Costs for Fiscal Year 2007-2008

CAL WRAP Admin Costs	Totals
CAL WRAP Personnel Services OPRA Personnel Services	\$127,205 \$54,730
Total Personnel Services	\$181,935
CAL WRAP Operating Expenses OPRA Operating Expenses	\$42,670 \$3,411
Total Operating Expenses	\$46,081
TOTAL ADMIN COSTS	\$228,016

Program Training

During Fiscal Year 2007-2008, the CAL WRAP lead analyst participated in several training venues for law enforcement personnel on the policies and procedures of the program. The lead analyst spoke as a subject matter expert at the California District Attorneys Association's *Investigation and Trial Preparation Course* during their quarterly training sessions. The lead analyst was also an instructor for the ongoing Police Officer Standards in Training (POST) certified *Witness Protection Course* provided by the San Diego County District Attorney's Office, as well as for the newly formed California District Attorney Investigator Association's POST certified *Witness Protection Course* taught in Dublin, California. The program staff continues to provide training to other local district attorneys' offices as requested.