

STAFF SUMMARY FOR AUGUST 7-8, 2019

12. PROSECUTOR OF THE YEAR**Today's Item**Information Action

- (A) Present the Prosecutor of the Year award to Jessica Brown, Supervising City Attorney, City of Los Angeles.
- (B) Receive and consider adopting an amended Prosecutor of the Year policy expanding the award eligibility criteria.

Summary of Previous/Future Actions

- Announced recipient and discussed expansion of award eligibility criteria Jun 12-13, 2019; Redding
- **Today present award and consider adopting amended award eligibility criteria Aug 7-8, 2019; Sacramento**

Background

In 2016, FGC adopted a Wildlife Prosecutor of the Year policy "...to honor a courtroom champion of California's fish, wildlife and natural resources, a person who tirelessly prosecutes fish, wildlife, natural resource and environmental crimes in California courts (See Exhibit 1 for additional background). The selection for each year's recipient is based upon recommendations from DFW Law Enforcement Division (LED) staff that regularly works with the various district attorneys' offices.

- (A) At the Jun 2019 FGC meeting, FGC announced that it would honor Supervising City Attorney Jessica Brown from the City of Los Angeles with the Wildlife Prosecutor of the Year award for going above and beyond to prosecute wildlife crimes in the previous three years (Exhibit 2). At today's meeting, FGC will have the opportunity to present Supervising City Attorney Jessica Brown with her award.
- (B) FGC's policy specifies criteria for award eligibility. At the Jun 2019 FGC meeting, based on LED recommendation, FGC directed staff to develop proposed revisions to the policy's eligibility criteria. Proposed changes are shown in Exhibit 2, which include:
- Allow consideration of any currently seated prosecuting attorney, in addition to district attorneys and deputy district attorneys, that meets the selection criteria.
 - Allow multiple nominations from a single DFW law enforcement district.
 - Present the award to the recipient at an appropriate event, dependent upon the type of prosecuting attorney (different types have specialized annual meetings of their associations).
 - A commitment to distribute a news release announcing the award.

Significant Public Comments (N/A)**Recommendation**

FGC staff: Adopt the amended Wildlife Prosecutor of the Year policy.

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DFW: Adopt the amended Wildlife Prosecutor of the Year policy as proposed in Exhibit 3.

Exhibits

1. [Staff summary for Agenda Item 22, Jun 12-13, 2019 FGC meeting \(for background only\)](#)
2. [2019 Wildlife Prosecutor of the Year nomination for Supervising City Attorney Jessica Brown](#)
3. [Proposed changes to the Wildlife Prosecutor of the Year policy, dated Jul 26, 2019](#)

Motion/Direction

Moved by _____ and seconded by _____ that the Commission adopts the revisions to the Wildlife Prosecutor of the Year policy with amended eligibility criteria.

STAFF SUMMARY FOR JUN 12-13, 2019

22. WILDLIFE PROSECUTOR OF THE YEAR AWARD

Today's Item

Information Action

- (A) Announce recipient of the Wildlife Prosecutor of the Year Award
- (B) Discuss possible expansion of award eligibility criteria

Summary of Previous/Future Actions (N/A)

Background

In 2016, FGC adopted a policy "...to honor a courtroom champion of California's fish, wildlife and natural resources, a person who tirelessly prosecutes fish, wildlife, natural resource and environmental crimes in California courts. The Commission will recognize this prosecutor through an annual Wildlife Prosecutor of the Year Award" (Exhibit 1).

- (A) **Annual recipient:** Annually, the DFW Law Enforcement Division (LED) makes up to four nominations and FGC awards a California district attorney or deputy district attorney with the Wildlife Prosecutor of the Year Award. The award honors those attorneys who, in the previous three years, went above and beyond to prosecute wildlife crimes. Specifically, the award recognizes a district attorney or deputy district attorney who exhibits one or more of the following:
 - (1) exceptional skill and an outstanding commitment to protecting California's fish, wildlife and natural resources;
 - (2) superior performance in prosecuting wildlife, natural resource and environmental crimes;
 - (3) relentless pursuit of justice for the most egregious violators and keen ability to prosecute complex, controversial or landmark cases; or
 - (4) exemplary work promoting and maintaining a collaborative working relationship with wildlife officers in pursuit of conserving our natural resources.

The selection for each year's recipient is based upon recommendations from DFW LED staff that regularly works with the various district attorneys' offices.

This year, FGC honors Supervising City Attorney Jessica Brown from the City of Los Angeles. Exhibit 2 provides details about the ways in which City Attorney Brown went above and beyond to prosecute wildlife crimes in the previous three years.

- (B) **Eligibility criteria:** The FGC policy specifies criteria for award eligibility. The current policy states that "Any currently seated District Attorney or Deputy District Attorney is eligible for nomination and the contribution must have occurred during the previous three years". However, the policy does not allow consideration of a currently seated prosecuting attorney (i.e., non-deputy district or district attorney) that meets the selection criteria but does not meet the eligibility criteria. DFW has requested that FGC consider expanding the eligibility criteria (see Recommendation)

STAFF SUMMARY FOR JUN 12-13, 2019**Significant Public Comments (N/A)****Recommendation**

FGC staff: Support DFW recommendation to consider amending the policy eligibility criteria, direct staff to develop proposed revisions as discussed today, and schedule the proposed revisions for consideration in Aug.

DFW: Consider revising the Wildlife Prosecutor of the Year policy at a future meeting to include eligibility for any currently seated prosecuting attorney.

Exhibits

1. Wildlife Prosecutor of the Year policy, adopted Jun 22, 2016
2. 2019 Wildlife Prosecutor of the Year nomination for Supervising City Attorney Jessica Brown

Motion/Direction

Moved by _____ and seconded by _____ that the Commission directs staff to develop proposed revisions to the Wildlife Prosecutor of the Year policy with amended eligibility criteria as discussed today, and schedule the proposed revisions for consideration at the August 2019 Commission meeting.

**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
LAW ENFORCEMENT DIVISION
2019 WILDLIFE PROSECUTOR OF THE YEAR AWARD NOMINATION**

***Jessica Brown
Supervising City Attorney
City of Los Angeles***

Ms. Jessica Brown oversees the Environmental Justice Unit in the Los Angeles City Attorney's Office, which includes a team of superb prosecutors all of which are highly dedicated to the successful prosecution of fish and wildlife cases. This team of prosecutors and especially Ms. Brown, have worked tirelessly to prosecute poachers and to send a clear message that poaching and trafficking of wildlife will not be tolerated. Ms. Brown is a true asset to the protection of California's resources and has displayed exceptional skill and an outstanding commitment with her relentless pursuit of justice. Below are just a few examples of her tenacious work:

- Ms. Brown and her team were instrumental in the filing of complex cases related to a joint law enforcement operation involving Wildlife Officers from California, Maine and Hawaii. Operation "Maple Maw" concerned interstate seafood trafficking and resulted in several Fish and Game Code violations against numerous retail establishments for trafficking violations. During this operation, Ms. Brown went above and beyond in conducting her own investigations into records violations, which was a significant factor in the successful outcome of this case.
- Ms. Brown and her team were highly involved in the filing and prosecution of ivory cases including the first ivory cases to go to jury trial in California. Both these cases resulted in guilty convictions. These multi-week trials involved litigating a vast array of legal topics related to the recently enacted ivory statute, including developing jury instructions and crafting complex pretrial motions as well as arguing numerous legal concepts during trial. Ms. Brown and her team demonstrated an enormous amount of teamwork with Wildlife Officers, Forensic Specialists and our Office of General Counsel throughout all stages of these trials, from pretrial preparation through sentencing. The exceptional work by Ms. Brown and her team in these ivory cases was integral to the landmark outcomes. Ms. Brown and her team helped set the stage for future prosecutions of ivory traffickers. She took the time to study the law, tour our forensic lab, question our Wildlife Officers and prepare comprehensive cases that were very successful. Without great prosecutors like Ms. Brown, our Wildlife Officers' work would not be successful.
- Ms. Brown and her team were also instrumental in the prosecution of a recent high-profile restricted species possession case that involved a well-known hip-hop artist. The visibility and success of this case will likely have long-term deterrence impacts. She understands the importance of safeguarding these

animals to ensure they are not kept in an unsafe manner. She understands these laws are for the health and welfare of the animal and the public. She knows this type of behavior leads to further trafficking of wildlife and has set a clear expectation this behavior will not be allowed regardless of your occupation.

- Ms. Brown and her team have continually displayed exemplary work promoting and maintaining a collaborative working relationship with Wildlife Officers in the pursuit of protection of public safety. Ms. Brown and her team assisted with the conviction of a drug dealer who was unlawfully in possession of a tiger (restricted species). These cases can be very challenging for prosecutors. Many prosecutors would not take the time to understand the long-term impacts of these cases. However, Ms. Brown and her team are true champions in this arena, taking the necessary time to understand the law and develop ironclad prosecutions.
- Ms. Brown and her team have also regularly assisted the Marine Enforcement District with countless filings of unlicensed Commercial Passenger Fishing Vessels, resulting in positive marine conservation benefits for the State. Ms. Brown understands the importance of our ocean's resources and takes action against those who exploit it.
- If all this was not enough, Ms. Brown and her team have shared their knowledge and expertise with fellow prosecutors by spearheading a state-wide prosecution task force dedicated to wildlife trafficking. This has enabled prosecutors around the state to have additional resources to facilitate successful prosecutions of cases concerning the illegal commercialization of wildlife. This statewide task force was absolutely revolutionary and would not be possible without the efforts of Ms. Brown.

As the supervising attorney for the Los Angeles City Attorney's Environmental Justice Unit, Ms. Brown's steadfast dedication to the Department's cases has earned her the respect of Wildlife Officers and she has been instrumental in advancing the successful prosecution of fish and wildlife cases in California. Her devotion to the protection and conservation of the State's natural resources is worthy of this recognition.

California Fish and Game Commission

Proposed Changes to the Wildlife Prosecutor of the Year Policy

Draft version July 26, 2019

It is the policy of the Fish and Game Commission to honor a courtroom champion of California's fish, wildlife and natural resources, a person who tirelessly prosecutes fish, wildlife, natural resource and environmental crimes in California courts. The Commission will recognize this prosecutor through an annual Wildlife Prosecutor of the Year Award.

Eligibility

Any currently seated prosecuting attorney, including, but not limited to, City Attorney, District Attorney or Deputy District Attorney General is eligible for nomination and the contribution(s) must have occurred during the previous three years.

Nominations

Based on input from wildlife officers and their experiences in the field, the California Department of Fish and Wildlife's Deputy Director and Chief, Law Enforcement Division, may submit up to four nominations. ~~Of the four nominations, no more than one may be from each Department law enforcement district.~~ The nominations must be submitted to a selection committee (identified below) no later than March 15.

Selection Criteria

The award recognizes one attorney who exhibits one or more of the following:

- (1) exceptional skill and an outstanding commitment to protecting California's fish, wildlife and natural resources;
- (2) superior performance in prosecuting wildlife, natural resource and environmental crimes;
- (3) relentless pursuit of justice for the most egregious violators and keen ability to prosecute complex, controversial or landmark cases; or
- (4) exemplary work promoting and maintaining a collaborative working relationship with wildlife officers in pursuit of conserving our natural resources.

Selection Committee

The selection committee will consist of the President and the Executive Director of the Commission, and the Department of Fish and Wildlife's Director and Deputy Director, Law Enforcement Division.

Award Announcement

The award will be announced at the Commission's meeting in June, and presented to the recipient during the California District Attorney Association's annual summer conference a future event agreed upon by the selection committee where the prosecutor can be recognized for his or her efforts. The Commission will distribute a news release announcing the prosecutor of the year and showcasing the exemplary work and contributions to protecting California's fish and wildlife resources.

(Adopted: 06/22/2016; Amended: 08/07/2019)