

STAFF SUMMARY FOR JUNE 24-25, 2020

29. WILDLIFE PROSECUTOR OF THE YEAR AWARD**Today's Item**Information Action

Announce recipient of FGC's 2019 Wildlife Prosecutor of the Year award, consistent with FGC's policy.

Summary of Previous/Future Actions (N/A)**Background**

In 2016, FGC adopted a formal 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." The policy (Exhibit 1) was amended in 2019 to expand the eligibility criteria.

DFW's Law Enforcement Division (LED) makes up to four nominations, and FGC presents a California attorney with the award, which 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.

Selection is based upon recommendations from LED staff that regularly works with the various district attorneys' offices.

This year, FGC honors Deputy District Attorney Adam Kook from the City of Fresno. Exhibit 2 provides details about the ways in which Mr. Kook went above and beyond to prosecute wildlife crimes in the previous three years.

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

1. [Wildlife Prosecutor of the Year policy](#), amended Aug 7, 2019
2. [2019 Wildlife Prosecutor of the Year nomination for Deputy District Attorney Adam Kook](#), dated Mar 9, 2020

Motion/Direction (N/A)

California Fish and Game Commission

Wildlife Prosecutor of the Year Policy

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 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. 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 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)



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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 9, 2020

To: Wildlife Prosecutor of the Year Selection Committee
From: Lieutenant Michael Conely
Subject: Wildlife Prosecutor of the Year

The below statement is from Lieutenant Michael Conely.

I would like to take this opportunity to nominate Fresno County Deputy District Attorney (DDA) Adam Kook as the 2019 Wildlife Prosecutor of the Year. Since taking the reins as the environmental crimes prosecutor for Fresno County, DDA Kook has established a strong working relationship with the Department of Fish and Wildlife (DFW or Department) and specifically the wildlife officers who routinely submit cases to him for prosecution in Fresno County.

Fresno County is a vast area. The county is bordered by coastal mountains to the west. Moving eastward, the county stretches across the broad San Joaquin Valley where it eventually meets the rolling foothills of the Sierra Nevada. The foothills gradually ascend to elevations over 14,000 feet and become the Sierra Nevada Mountain Range. Located within the county is the City of Fresno, the fifth largest city in the State of California and its largest inland city.

DDA Kook is passionate about seeking justice in the many wildlife crimes he handles each year in Fresno County. He works collaboratively with local wildlife officers and actively seeks their input when preparing his cases for court. Some examples of cases routinely handled by DDA Kook include: illegal commercialization of wildlife, wildlife trafficking, hunter casualty investigations, restricted species cases, stream bed alteration cases, littering and pollution cases, illegal poaching of big game, weapons violations associated with the illegal taking of wildlife, decoy cases, and extreme over-limit cases involving salmon and other sport fish. In 2019, DDA Kook prosecuted approximately 50 DFW cases, and approximately \$30,000 in fees were ordered paid to the Department.

A few examples of the cases handled by DDA Kook include several salmon snagging cases that at first were not taken seriously by defense attorneys and judges. DDA Kook had to explain the salmon life cycle and the vulnerable condition the salmon were in when snagged (during spawning). In several of the cases, the suspects were purposely snagging the salmon to harvest the eggs. DDA Kook was able to make the courts understand and appreciate the impact this illegal method of take had on the salmon population. DDA Kook's willingness to educate the courts on this issue resulted in increased penalties and fines.

Conserving California's Wildlife Since 1870

During 2019, DDA Kook secured numerous hunting and fishing bans on serious poachers ranging from 6 months to lifetime bans. The cases involved a variety of wildlife species including deer, bear, pig, and non-game mammals such as bobcat. DDA Kook understands that taking away a lawbreaker's privilege to hunt and fish sends a message to the community that serious poaching offenses will not be tolerated in Fresno County.

During this last year, DDA Kook has also emphasized harsher sentences for repeat offenders. He has created a sentencing structure that holds defendants accountable by having them enter pleas, pay fines to DFW, perform community service (at the hatchery), and, as outlined above, imposes fishing or hunting bans when appropriate.

DDA Kook recently shared a story that is a great example of his tenacious efforts in prosecuting resource violations in Fresno County. The case involved a subject who was cited for littering and fishing violations. Courts are often inundated with dockets filled with very serious crimes against persons and property. Fishing and littering violations are often not taken seriously, and there is pressure on the DA to settle these cases. In the above case, DDA Kook stood his ground and refused to give in to the defendant's repeated attempts to get the case dismissed in a sympathetic court. Despite the judge's best efforts to get DDA Kook to dismiss the case, DDA Kook was steadfast in holding the defendant responsible for his actions.

The frustrated judge was forced to order a jury panel to the courtroom, and the wheels were set in motion for a trial. DDA Kook was prepared to go the distance. The defendant and his defense team soon realized that their "bluff" to take the case to trial was not going to work. As the jury panel convened, the defendant finally threw in the towel and pled to numerous charges including littering. Admittedly this was excellent brinkmanship by the defense, however DDA Kook related that when it comes to polluting our waterways, he refuses to blink.

Another significant case handled by DDA Kook in recent years involved three suspects who were trafficking large amounts of sport-caught Striped Bass for profit. The case involved significant surveillance by local wildlife officers and resulted in two search warrants being served at the suspects' residences. During the service of the warrants, a quantity of drugs and one firearm were seized along with evidence related to the wildlife trafficking crimes. DDA Kook was ultimately successful in prosecuting the case. All three suspects involved received lifetime bans on fishing privileges as well as over 60 days total in jail.

If prosecuting wildlife crimes was not enough, DDA Kook also worked on drafting and getting AB 2369 (the addition of FG 12012.5 and the amendment to FG 12000) passed and enacted in 2019, which increased fines and penalties for poaching in Marine Protected Areas.

To further his knowledge of resource law enforcement, DDA Kook has agreed to accompany one of the local wildlife officers on a backcountry horse patrol in the

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Sierra National Forest this summer. Although he admittedly has little-to-no horseback experience, DDA Kook reportedly called the officer to advise he had already bought a pair of cowboy boots and some Wrangler jeans in preparation for the trip!

In closing, I would like to thank DDA Adam Kook for his tireless work in protecting the State's natural resources through various criminal justice channels including prosecution, education, and legislation.

On behalf of the Department of Fish and Wildlife, I respectfully nominate Fresno County Deputy District Attorney Adam Kook as the 2019 Wildlife Prosecutor of the Year.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Michael Conely". The signature is written in black ink and is positioned above a horizontal line.

Lieutenant Michael Conely