

State of Alaska
FY2009 Governor's Operating Budget

Department of Law
Criminal Division
Results Delivery Unit Budget Summary

Criminal Division Results Delivery Unit

Contribution to Department's Mission

The mission of the Criminal Division is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban and rural Alaska, by upholding those convictions on appeal, and by providing legal services that support the efforts of criminal justice agencies.

Core Services

- (1) The Criminal Division protects the public by prosecuting violations of state criminal law committed by adults and juveniles, and by placing them under appropriate controls.
- (2) The Criminal Division provides focused and specialized prosecution in the following areas:
 - ◆ narcotics prosecution (partially funded by the Department of Public Safety through a federal grant)
 - ◆ environmental crime (funded by the Department of Environmental Conservation)
 - ◆ child support enforcement (funded by the Department of Revenue)
 - ◆ welfare fraud (funded by the Department of Health and Social Services with federal funds)
 - ◆ Medicaid provider fraud (federally-funded grant to the Department of Law)
 - ◆ selected fish and game prosecution (general fund)
 - ◆ alcohol interdiction in rural Alaska (funded by the Department of public safety through a federal grant)
 - ◆ prosecution of "cold case" homicides (general fund)
 - ◆ domestic violence and sexual assault (partially federally funded)
 - ◆ white collar and other special prosecution (general fund)
 - ◆ permanent fund dividend fraud (funded by the Department of Revenue)
- (3) The Criminal Division provides assistance to victims and witnesses of crimes in such ways as preparation for testimony in court, providing travel and per diem expenses, court-mandated witness fees, and information about court procedures, domestic violence restraining orders and violent crime compensation procedures. The Division also ensures that victims are kept informed of important events in their cases and that their constitutional and statutory rights are protected.
- (4) The Criminal Division supports the efforts of criminal justice agencies to detect and punish crime through investigation, trial, and conviction, by litigating criminal appellate proceedings and state and federal post-conviction and habeas corpus proceedings. In addition, the Criminal Division also handles civil litigation challenging statutes related to criminal justice, such as sex offender registration, DNA databank and victims' rights.
- (5) The Criminal Division provides general legal services to the Departments of Corrections and Public Safety relating to their criminal justice activities, as well as legal representation for the Council on Domestic Violence and Sexual Assault, the Alcohol Beverage Control Board, and the Division of Juvenile Justice. These legal services consist of verbal and written advice, representation in civil litigation and administrative proceedings, and assistance with drafting legislation, regulations, policies, and procedures. The Criminal Division handles all extradition matters for the Governor's office. The Criminal Division also provides advice to the legislature and the Governor's office on criminal justice matters.

End Result	Strategies to Achieve End Result
A: Improve Public Safety Against Serious Assault <u>Target #1:</u> Reduce the number of violent felony crimes reported in Alaska by 5%	A1: Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of violent felonies

<p><u>Measure #1:</u> % change in the number of violent felony crimes reported each year per 100,000 population</p>	<p><u>Target #1:</u> 50% of violent felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal) <u>Measure #1:</u> % of violent felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)</p> <p><u>Target #2:</u> 25% of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed <u>Measure #2:</u> % of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed</p> <p>A2: Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of misdemeanor domestic violence (DV) assaults</p> <p><u>Target #1:</u> 70% of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor, rather than a lesser offense or dismissal <u>Measure #1:</u> % of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor that has not been reduced or dismissed</p>
<p>End Result</p>	<p>Strategies to Achieve End Result</p>
<p>B: Enhance the Welfare of Children</p> <p><u>Target #1:</u> Reduce the number of reports of child sexual abuse by 5% <u>Measure #1:</u> Percentage change in the number of child sexual abuse cases reported each year per 100,000 population</p>	<p>B1: Enhancing the Welfare of Children - Increase the prosecution of crimes involving sexual abuse of children</p> <p><u>Target #1:</u> 75% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal) <u>Measure #1:</u> % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)</p> <p><u>Target #2:</u> 40% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed <u>Measure #2:</u> % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction that has not been reduced or dismissed</p>
<p>End Result</p>	<p>Strategies to Achieve End Result</p>
<p>C: Enhance The Protection of Victims of Crimes and Delinquent Acts</p> <p><u>Target #1:</u> Reduce to zero the number of substantiated complaints from victims of crimes and delinquent acts submitted to the Office of Victims Rights, the Attorney General's Office, the Commissioner of Health and Social Services, or the Office of the Governor</p>	<p>C1: Enhancing the Protection of Victims of Crimes - Increase the prosecution of property felonies</p> <p><u>Target #1:</u> 40% of property felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal) <u>Measure #1:</u> % of property felony crimes accepted for prosecution that are resolved with a felony conviction</p>

<p>Measure #1: The number of substantiated complaints submitted by victims to the offices designated above</p>	<p>(rather than a misdemeanor conviction or dismissal)</p> <p>Target #2: 35% of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced or dismissed</p> <p>Measure #2: % of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced</p> <p>C2: Enhancing the Protection of Victims of Crimes - Increase and improve responsiveness to victims</p> <p>Target #1: : Increase training on general victim-related issues, such as victim sensitivity, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course each year</p> <p>Measure #1: Number of paralegal assistants with regular direct contact with victims who have been provided yearly training in general victim-related issues</p> <p>Target #2: Increase the training in specialized victim-related issues, such as domestic violence or sexual assault prosecution, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course every other year</p> <p>Measure #2: Number of paralegal assistants with regular direct contact with victims who have been provided biannual training in specialized victim-related issues</p>
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FY2009 Resources Allocated to Achieve Results							
<p>FY2009 Results Delivery Unit Budget: \$26,481,300</p>	<p>Personnel:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Full time</td> <td style="text-align: right;">232</td> </tr> <tr> <td style="padding-left: 20px;">Part time</td> <td style="text-align: right;">1</td> </tr> <tr> <td style="padding-left: 20px;">Total</td> <td style="text-align: right; border-top: 1px solid black;">233</td> </tr> </table>	Full time	232	Part time	1	Total	233
Full time	232						
Part time	1						
Total	233						

Performance Measure Detail

A: Result - Improve Public Safety Against Serious Assault

- Target #1:** Reduce the number of violent felony crimes reported in Alaska by 5%
- Measure #1:** % change in the number of violent felony crimes reported each year per 100,000 population

A1: Strategy - Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of violent felonies

Target #1: 50% of violent felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

Measure #1: % of violent felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

Violent Felony Convictions

Year	YTD	Target	Variance
2002	45%	50%	5%
2003	44%	50%	6%
2004	37%	50%	13%
2005	30%	50%	20%
2006	34%	50%	16%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2004.

Analysis of results and challenges: At the end of each calendar year there are cases that are still pending. For the calendar years 2005, 2006 and 2007, the percent of cases that were still pending were 12.5%, 15.8% and 17.5%, respectively.

Target #2: 25% of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed

Measure #2: % of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed

Unreduced Felony Convictions

Year	YTD	Target	Variance
2002	21%	25%	4%
2003	23%	25%	2%
2004	19%	25%	6%
2005	15%	25%	10%
2006	14%	25%	11%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2005.

Analysis of results and challenges: At the end of each calendar year there are cases that are still pending. For the calendar years 2005, 2006 and 2007, the percent of cases that were still pending were 12.5%, 15.8% and 17.5%, respectively.

A2: Strategy - Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of misdemeanor domestic violence (DV) assaults

Target #1: 70% of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor, rather than a lesser offense or dismissal

Measure #1: % of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor that has not been reduced or dismissed

Year	YTD	Target	Variance
2002	66%	70%	4%
2003	64%	70%	6%
2004	60%	70%	10%
2005	56%	70%	14%
2006	55%	70%	15%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent

data from which these calculations are meaningful is for cases received in calendar year 2005.

Analysis of results and challenges: At the end of 2005 and 2006, 3% and 4% of cases were still pending, respectively.

B: Result - Enhance the Welfare of Children

Target #1: Reduce the number of reports of child sexual abuse by 5%

Measure #1: Percentage change in the number of child sexual abuse cases reported each year per 100,000 population

B1: Strategy - Enhancing the Welfare of Children - Increase the prosecution of crimes involving sexual abuse of children

Target #1: 75% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

Measure #1: % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

% of Child Sexual Abuse Cases Resolved With a Felony Conviction

Year	YTD	Target	Variance
2002	70%	75%	5%
2003	65%	75%	10%
2004	60%	75%	15%
2005	49%	75%	26%
2006	45%	75%	30%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2005.

Analysis of results and challenges: At the end of 2005 16% of cases were still pending. At the end of 2006 24% of cases were still pending.

Target #2: 40% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction that has not been reduced to a lower level felony or dismissed

Measure #2: % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction that has not been reduced or dismissed

Child Sexual Abuse Felony Conviction (Unreduced)

Year	YTD	Target	Variance
2002	28%	40%	12%
2003	27%	40%	13%
2004	32%	40%	8%
2005	15%	40%	25%
2006	17%	40%	27%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2005.

Analysis of results and challenges: At the end of 2006 24% of cases were pending.

C: Result - Enhance The Protection of Victims of Crimes and Delinquent Acts

Target #1: Reduce to zero the number of substantiated complaints from victims of crimes and delinquent acts submitted to the Office of Victims Rights, the Attorney General's Office, the Commissioner of Health and Social Services, or the Office of the Governor

Measure #1: The number of substantiated complaints submitted by victims to the offices designated above

C1: Strategy - Enhancing the Protection of Victims of Crimes - Increase the prosecution of property felonies

Target #1: 40% of property felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

Measure #1: % of property felony crimes accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction or dismissal)

Felony Property Crimes

Year	YTD	Target	Variance
2002	39%	40%	1%
2003	32%	40%	8%
2004	37%	40%	3%
2005	31%	40%	9%
2006	30%	40%	10%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2005.

Target #2: 35% of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced or dismissed

Measure #2: % of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced

Year	YTD	Target	Variance
2002	33%	35%	2%
2003	27%	35%	8%
2004	32%	35%	3%
2005	0	0	0
2006	25%	35%	10%

Information is by calendar year. Statistics are based on the date the case was received in the prosecutor's office, and the most recent data from which these calculations are meaningful is for cases received in calendar year 2004.

C2: Strategy - Enhancing the Protection of Victims of Crimes - Increase and improve responsiveness to victims

Target #1: : Increase training on general victim-related issues, such as victim sensitivity, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course each year

Measure #1: Number of paralegal assistants with regular direct contact with victims who have been provided yearly training in general victim-related issues

Paralegal Training in General Victim Issues

Year	YTD
2004	14
2005	23
2006	26

Target #2: Increase the training in specialized victim-related issues, such as domestic violence or sexual assault prosecution, so that all paralegal assistants who have regular direct contact with victims attend one multi-day training course every other year

Measure #2: Number of paralegal assistants with regular direct contact with victims who have been provided biannual training in specialized victim-related issues

Paralegal Assistants Specialized Yearly Training

Year	YTD
2005	8
2006	13

In 2005, all paralegals also attended 10 monthly teleconferences that included topics on: Special characteristics of victims of domestic violence and sexual assault and victims responses to acute crisis. Alaska Tribal presented training on: domestic violence and the recovering victim, children who are in-home and witness domestic violence, and effects of domestic violence on children. The Violent Crimes Compensation Board presented training on how to help crime victims. The Sexual Assault Response Team provided training on healing from trauma.

Key RDU Challenges

Attracting attorneys willing to serve the public as state prosecutors and assistant attorneys general in both urban and rural Alaska is a continuing challenge. The high caseload is only one of the factors that contributes to high attorney turnover and makes private practice more attractive to both entry-level and especially, experienced attorneys. Attracting qualified attorneys to rural locations such as Bethel, Kotzebue and Barrow has long been a challenge; but we are also experiencing difficulties with recruiting and retaining attorneys in our urban locations. The primary reason for this serious problem is that the state's salaries for attorneys are not competitive with similar jobs in both the private and public sector. Law school graduates often have large student loans and cannot afford to take state legal positions when other public and private sector employers pay higher entry salaries. We are also losing experienced attorneys with many years of state service to jobs with higher pay in other public and private offices. Anecdotally, in a recent email survey the Department of Law was asked to participate in by Washington state, our DA's starting salaries were lower than 10 of the 13 responding states. In those same states, the highest salary that an Alaska DA can make (at step M after 20 years) was lower than 7 of the responding state's highest salary.

Significant Changes in Results to be Delivered in FY2009

No changes in results delivered.

Major RDU Accomplishments in 2007

(1) Passage of Significant Criminal Legislation

The Criminal Division worked closely with the Governor's office and the legislature to pass significant criminal legislation in 2007. Chief among these was the passage of the omnibus crime bill (HB 90). This bill provided DNA samples to be taken at the time of arrest. The Division is working with the Department of Public Safety to try and speed up the identification of DNA which will result in cases being able to be processed more quickly.

(2) Cold Case Unit

The division's Cold Case Unit has taken its first three cases to trial. All were successfully prosecuted resulting in murder convictions. The new DNA legislation will aid in the efforts to bring previously uncharged crimes to trial.

(3) Rural Prosecution Unit

The Rural Prosecution Unit has continued to show its success in enhancing our prosecution efforts in rural Alaska. The unit aided offices throughout the state including Bethel, Kotzebue, Barrow, Kodiak, and Sitka. In addition to assisting rural offices with staffing shortages, the unit has also proven very successful in developing the prosecution skills of the attorneys in those offices.

(4) Office Reviews

The Attorney General and Deputy Attorney General visited the Kenai, Fairbanks, Ketchikan, Bethel, Kodiak, Kotzebue, Nome, and Barrow district attorney offices. In addition to meeting the staff in these offices, during these visits the offices were reviewed and issues, needs, and concerns were addressed. Meetings were held with members of the criminal justice system including the court, victims groups, and judges in order to improve criminal justice services provided to the communities.

(5) Trial Advocacy Training

The division provided the first ever Trial Advocacy Training in Alaska for 25 of our newest attorneys. The week-long training was provided in Homer by the National Advocacy Center. This was a practical, "hands-on" training course for trial prosecutors. Funding was provided by a grant the Department of Law requested and was awarded from the Department of Justice.

(6) Domestic Violence Training

The division provided a three-day training for all attorneys and paralegals employed in district attorney's offices across the state. The focus of the training was on domestic violence.

(7) Political Corruption Review

The division has been monitoring the political corruption prosecution by the federal government to evaluate any possible state action.

Contact Information

Contact: Richard Svobodny, Deputy Attorney General
Phone: (907) 465-3428
Fax: (907) 465-4043
E-mail: richard.svobodny@alaska.gov

**Criminal Division
RDU Financial Summary by Component**

All dollars shown in thousands

	FY2007 Actuals				FY2008 Management Plan				FY2009 Governor			
	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds	General Funds	Federal Funds	Other Funds	Total Funds
Formula Expenditures	None.											
Non-Formula Expenditures												
First Judicial District	1,746.6	0.0	6.8	1,753.4	1,643.2	0.0	182.8	1,826.0	1,677.2	0.0	161.6	1,838.8
Second Judicial District	1,257.3	87.4	0.0	1,344.7	1,281.1	102.0	0.0	1,383.1	1,407.5	108.5	0.0	1,516.0
Third Judicial: Anchorage	5,252.5	202.9	251.8	5,707.2	5,507.1	535.1	318.1	6,360.3	6,072.4	421.0	120.0	6,613.4
Third JD: Outside Anchorage	3,985.2	307.9	144.2	4,437.3	3,653.1	692.1	160.2	4,505.4	3,886.1	704.8	55.0	4,645.9
Fourth Judicial District	4,049.9	0.0	259.8	4,309.7	4,252.2	0.0	300.0	4,552.2	4,761.4	0.0	2.9	4,764.3
Criminal Justice Litigation	1,318.7	0.0	427.1	1,745.8	1,542.9	0.0	297.1	1,840.0	1,554.1	0.0	391.8	1,945.9
Criminal Appeals/Special Lit	2,778.8	1,268.7	595.6	4,643.1	2,457.9	1,662.3	659.2	4,779.4	2,896.7	1,692.6	567.7	5,157.0
Totals	20,389.0	1,866.9	1,685.3	23,941.2	20,337.5	2,991.5	1,917.4	25,246.4	22,255.4	2,926.9	1,299.0	26,481.3

Criminal Division
Summary of RDU Budget Changes by Component
From FY2008 Management Plan to FY2009 Governor

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2008 Management Plan	20,337.5	2,991.5	1,917.4	25,246.4
Adjustments which will continue current level of service:				
-First Judicial District	34.0	0.0	0.2	34.2
-Second Judicial District	20.2	6.5	0.0	26.7
-Third Judicial: Anchorage	170.7	-114.1	-198.1	-141.5
-Third JD: Outside Anchorage	233.0	12.7	-105.2	140.5
-Fourth Judicial District	509.2	0.0	-297.1	212.1
-Criminal Justice Litigation	11.2	0.0	94.7	105.9
-Criminal Appeals/Special Lit	160.8	30.3	-91.5	99.6
Proposed budget decreases:				
-First Judicial District	0.0	0.0	-21.4	-21.4
Proposed budget increases:				
-Second Judicial District	106.2	0.0	0.0	106.2
-Third Judicial: Anchorage	394.6	0.0	0.0	394.6
-Criminal Appeals/Special Lit	278.0	0.0	0.0	278.0
FY2009 Governor	22,255.4	2,926.9	1,299.0	26,481.3