

**State of Alaska
FY2011 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

- Protecting the Safety and Physical and Financial Well-being of Alaskans
- Fostering the Conditions for Economic Opportunity and Responsible Development and Use of Our Natural Resources.
- Protecting the Fiscal Integrity of the State.
- Promoting and Defending Good Governance.

Results at a Glance

(Additional performance information is available on the web at <http://omb.alaska.gov/results>.)

END RESULT A: Improve Public Safety Against Serious Assault

- In 2008, 173 fewer violent felony crimes were reported in 2008, down 6 1/2%. In 2007 the number of violent felony crimes increased 196.

Status of Strategies to Achieve End Result

- In 2008, the State prevailed on 69% of crimes accepted for prosecution and exceeds our target however, the percentage continues to trend downward. In 2004 that percentage was 85%, 2005 84%, 2006 83% and 2007 78%.
- 11% of violent felony crimes accepted for prosecution were resolved with a conviction that was not reduced to a lower level felony, remaining unchanged from the previous year.
- 53% of misdemeanor domestic violence assaults accepted for prosecution resulted in a conviction of a class A misdemeanor, continuing the downward trend of the last 6 years.

END RESULT B: Enhance the Welfare of Children

- Between FY2005 and FY2008, there has been a 19% reduction in the number of cases referred to the Department.

Status of Strategies to Achieve End Result

- 43% of crimes of sexual abuse of children were resolved with a felony conviction, as compared to 41% the previous year.
- In 2008, 18% of the crimes of sexual abuse of children accepted for felony prosecution were resolved with a felony conviction, but many are still pending.

END RESULT C: Enhance the Protection of Victims of Crimes and Delinquent Acts

- In FY2008, the Department received and responded to 15 complaints.

Status of Strategies to Achieve End Result

- 31% of property felony crimes accepted for prosecution were resolved with a felony conviction. This rate is consistent with the previous two years.
- In 2007, 26% of property felony crimes accepted for prosecution were resolved with a felony conviction that was not reduced.
- The number of paralegal assistants who have been provided yearly training in general victim-related issues grew to 33 in FY 2009, an increase of 3 over the prior year and continuing a positive trend.
- Twelve paralegal assistants with regular direct contact with victims were provided biannual training in specialized victim-related issues. In addition, fifteen attorneys attended biannual training for victims in a specialized area.

Key RDU Challenges

A. Protecting the Safety and Physical and Financial Well-being of Alaskans

1. Prosecutor Caseload. The large case load each prosecutor carries is a statewide challenge. In some communities the average case load is over 500 cases per attorney, with the highest being 844 cases. The number of prosecutors statewide is fewer than the number of judicial officers. On average, prosecutors are outnumbered 1.2 to 1 by judges and magistrates. At times prosecutors cannot cover all the courts in session at one time. For example, Juneau has three prosecutors appearing before two superior court judges, two magistrates and one district court judge. In the three DA offices that have only one attorney, there is a superior court judge and a magistrate in each community; a two to one ratio. The Department's long-term goal is to have parity with prosecutors and Public Defenders in all communities.
2. Increased Crime. Three of the four largest DA offices have had significant increases in caseloads. In the first quarter of FY 2010, Anchorage has had an increase of 31.4% in felonies, Fairbanks has had a 14.6% increase in felonies, and Kenai has had a 46.2% increase in felonies. Only Palmer saw a decrease in the number of felony cases at -9.2%. If the number of cases continues to increase at the current rate, in FY 2010 there will be a 19.4% increase in felonies and a 7.0% increase in misdemeanors statewide.
3. Sexual Assault in Rural Areas. The Bethel District Attorney's Office presently has 6 attorneys and serves 56 villages, in an area that is larger than many states. Not only does this office face geographic challenges, but it has a greatly elevated rate of sexual assault cases, which are the most time-consuming, complicated, and emotionally draining for prosecutors as well as victims and families. According to *Crimes in the United States 2008*, the annual FBI compilation of crime statistics, Alaska has a rate of sexual assault over twice the national average. Almost half of these sexual assaults are handled by the C Detachment Division of the Alaska State Troopers located in Bethel. In 2005, the number of reported rapes in Bethel (population 6,468) was the same as in Anchorage (population 279,243).

B. Delivering Legal Services Efficiently into the Future

1. Staffing. The Department of Law employs some of the most talented attorneys in the state, but below-market salaries pose a challenge to maintaining this high level of performance. Some of the Department's most experienced attorneys will be eligible for retirement in the near future. The Department is implementing a comprehensive recruiting strategy with the active involvement of the Attorney General who personally interviews all candidates for Attorney positions. However, ensuring that Departmental salaries are competitive with salaries from the private sector will be essential to recruiting and retaining the best attorneys. Attorneys are paid according to the current statutorily mandated pay scale used for all partially exempt positions. We believe a comprehensive solution needs to be found to lessen the salary gap between the Department of Law and other public- and private-sector attorney positions.
2. Technology. The Criminal Division's case management system, Case Records Information Management and Exchange System (CRIMES), was implemented ten years ago and needs to be upgraded. The Case Management System has reached a critical point as both the software and hardware have become seriously out of date. After a review of the Pro Law case management system, the Division decided to upgrade CRIMES in part because of needed functionality not available in Pro Law. The Department received \$200,000 to upgrade the software as well as migrate it from Oracle to Microsoft SQL and replace the existing servers that are over eight years old. Although the servers have been replaced, staff turnover and software upgrades have delayed the project. Software testing should be completed in the first quarter of 2010. We anticipate deployment of the new system by the end of the calendar year.

Significant Changes in Results to be Delivered in FY2011

Hiring a sexual assault prevention coordinator within the Department of Law will facilitate coordination of state, federal, tribal and non-profit programs addressing domestic violence and sexual assault.

Major RDU Accomplishments in 2009

A. Protecting the Safety and Physical and Financial Well Being of Alaskans

1. Criminal Prosecutions. Total number of prosecutions and convictions (year to date):

Total felony cases accepted for prosecution:	5,365
Total felony cases convicted of felony offense:	1,866

Total felony cases convicted of misdemeanor offense:	1,709
Total misdemeanor cases accepted for prosecution:	20,992
Total misdemeanor cases convictions:	14,709
Total criminal appeals defended:	468

2. State wins *Osborne* in U.S. Supreme Court. The United States Supreme Court ruled in Alaska's favor in *District Attorney's Office v. Osborne*, ruling that there is no federal constitutional right to post-conviction DNA testing. The majority ruled that the decision whether to allow post-conviction DNA testing is best left for states. A concurring opinion also stated that a defendant who, like Osborne, has not claimed innocence (Osborne had admitted under oath that he was guilty of the rape, assault, and kidnapping of which he was convicted), is not entitled to post-conviction DNA testing. The Court's decision also cut off the many challenges to other jurisdictions' post-conviction DNA testing statutes that would have been brought, had the Ninth Circuit's decision stood.
3. Sexual Assault Case 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 handling sexual assault cases. Funding was provided through a grant from the U.S. Department of Justice, Office on Violence Against Women.
4. Paralegal Training. The division provided a two-day training in Nome for all victim witness paralegals. The training covered various topics such as creating visual presentations for trial, assistance for victims of violent crimes, and developing communication skills for interacting with traumatized victims and witnesses. Funding was provided by a grant the division requested and was awarded from the U.S. Department of Justice.

B. Protecting the Fiscal Integrity of the State

Medicaid Fraud. The Medicaid Fraud Unit obtained a restitution award of \$1.3 million dollars and a prison sentence of 36 months with 28 months suspended in a case of theft from Medicaid by billing for services not performed. On top of this case, the unit was able to gain convictions in 22 other cases. A total of \$3,895,945 in restitution was awarded during this year through prosecution of Medicaid fraud.

C. Results for Alaskans and Rates of Return on Investment

Security Updates. The Dillingham District Attorney's Office was remodeled to better fit the needs, and provide better security, of the prosecutor and staff.

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

	FY2009 Actuals				FY2010 Management Plan				FY2011 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	1,687.7	0.0	26.6	1,714.3	1,713.0	0.0	174.7	1,887.7	1,726.6	0.0	176.0	1,902.6
Second Judicial District	1,241.8	150.9	0.0	1,392.7	1,511.5	207.4	0.0	1,718.9	1,535.1	27.3	0.0	1,562.4
Third Judicial: Anchorage	6,175.1	264.0	105.0	6,544.1	6,662.5	437.2	123.9	7,223.6	7,113.1	105.6	125.9	7,344.6
Third JD: Outside Anchorage	4,196.2	471.3	55.0	4,722.5	4,207.4	739.8	59.2	5,006.4	4,700.4	290.4	59.2	5,050.0
Fourth Judicial District	4,389.0	150.9	183.4	4,723.3	4,899.1	299.5	248.8	5,447.4	5,234.0	5.5	281.5	5,521.0
Criminal Justice Litigation	1,934.0	0.0	833.1	2,767.1	1,911.1	0.0	419.7	2,330.8	2,163.0	0.0	587.1	2,750.1
Criminal Appeals/Special Lit	3,186.3	1,572.5	669.0	5,427.8	3,065.3	2,065.0	783.0	5,913.3	4,217.3	1,034.2	791.9	6,043.4
Totals	22,810.1	2,609.6	1,872.1	27,291.8	23,969.9	3,748.9	1,809.3	29,528.1	26,689.5	1,463.0	2,021.6	30,174.1

**Criminal Division
Summary of RDU Budget Changes by Component
From FY2010 Management Plan to FY2011 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2010 Management Plan	23,969.9	3,748.9	1,809.3	29,528.1
Adjustments which will continue current level of service:				
-First Judicial District	13.6	0.0	1.3	14.9
-Second Judicial District	23.6	-180.1	0.0	-156.5
-Third Judicial: Anchorage	450.6	-331.6	2.0	121.0
-Third JD: Outside Anchorage	493.0	-449.4	0.0	43.6
-Fourth Judicial District	334.9	-294.0	2.7	43.6
-Criminal Justice Litigation	51.9	0.0	-7.6	44.3
-Criminal Appeals/Special Lit	1,152.0	-1,030.8	8.9	130.1
Proposed budget increases:				
-Fourth Judicial District	0.0	0.0	30.0	30.0
-Criminal Justice Litigation	200.0	0.0	175.0	375.0
FY2011 Governor	26,689.5	1,463.0	2,021.6	30,174.1