

State of Alaska FY2012 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

- The number of violent felony crimes reported in CY2009 was 104 greater than the previous year, a 9.5% reporting increase. In CY2008 the number of violent felony crimes reported decreased 173 compared to CY2007 reports.

Status of Strategies to Achieve End Result

- In CY 2009, the State prevailed on 42.2% of crimes accepted for prosecution. In CY 2004 that percentage was 85%, CY 2005 84%, CY 2006 83%, CY 2007 78%, and CY 2008 68%. The State continues to exceed the target; however, the percentage continues to trend downward.
- 13.2% of violent felony crimes accepted for prosecution were resolved with a conviction that was not reduced to a lower level felony in 2009.
- 45.4% of misdemeanor domestic violence assaults accepted for prosecution resulted in a conviction of a class A misdemeanor, continuing the downward trend of the last 7 years.

END RESULT B: Enhance the Welfare of Children

- Between FY 2005 and FY 2009, there has been a 23.35% reduction in the number of cases of sexual abuse of a minor referred to the Department.

Status of Strategies to Achieve End Result

- In 2009, 34% of crimes of sexual abuse of children were resolved with a felony conviction. A total of 234 cases were referred and 120 were accepted for prosecution. At the time of this report, 71.6% of cases were pending.
- In CY 2009, 16.6% 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 FY2009, the Department received and responded to 18 complaints.

Status of Strategies to Achieve End Result

- 19.5% of property felony crimes accepted for prosecution were resolved with a felony conviction.
- In CY 2009, 17.5% of property felony crimes accepted for prosecution were resolved with a felony conviction that was not reduced.
- 27 victim witness paralegals attended the annual 2009 Paralegal Conference which included topics on general victim-related issues.
- Four victim witness paralegals attended biannual training for victims in a specialized area (multi day training/conferences).
- 12 attorneys attended biannual training for victims in a specialized area (multi day training/conferences).
- Paralegals attended the May 2009 Paralegal conference in Nome.

Key RDU Challenges

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

1. Increased Crime. In FY 2010 the division filed 5,720 felony charges as well as 21,140 misdemeanor cases statewide. This is a 7.3 percent increase in felonies compared to FY 2009 and a 2.7 percent increase in misdemeanors.
2. Prosecutor Caseload. The large caseload each prosecutor carries is a statewide challenge. In FY 2010 the average caseload per attorney of cases accepted for prosecution was 415 cases. During FY 2010, the Anchorage office accepted 6,230 cases for prosecution. That is an average of 178 cases per assistant district attorney; however Anchorage is different than the other offices in that the caseload was 44% felony cases. Felonies are more complicated and time consuming to prosecute. During the same period, Fairbanks accepted 5,375 cases, an average of 384 cases per attorney. In Fairbanks 86% of the cases were misdemeanors, which is more typical of the other offices throughout the state. The Palmer office accepted 4,103 cases for prosecution, which is an average of 410 cases per attorney, and Kenai accepted a total of 3,235 cases for prosecution, an average of 539 cases per assistant district attorney. These are the four largest offices in the division. In Barrow and Kotzebue – two single-attorney offices – the caseload was well over 600.
3. Sexual Assault in Rural Areas. The Bethel District Attorney's Office has six attorneys and services an area of 56 villages, an area that is larger than many states. Not only does this office face geographical challenges, but it has a greatly elevated rate of sexual assault cases which are the most time consuming and complicated and have the greatest emotional toll on victims, their families and the prosecutors who appear with them in court. 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. According to Department of Law statistics in 2008, 57 sexual assault cases were referred to the Bethel District Attorney's Office compared to 40 in Anchorage. Twenty one percent of the statewide sexual assault cases in 2008 occurred in the Bethel jurisdiction.
4. Steady Focus on DV/SA Implementation. Implementing the Governor's ten-year plan to combat domestic violence and sexual assault will likely increase the number of crimes which are reported to law enforcement, resulting in greater demand for prosecution and child protection efforts. Anomaly of higher rates in the aftermath of the Governor's initiative is something for which we need to be prepared.
5. Address dramatic increase in disposition of felony trial cases. The average elapsed time to disposition for felony trial cases throughout the state is too long. For example, in Anchorage the elapsed time to disposition had nearly *quadrupled* – from 173 days to 669 days – between 1987 and 2007. The Department will work closely with the Criminal Justice Working Group to take steps to address this problem.

B. Delivering Legal Services Efficiently into the Future

1. Staffing. The number of prosecutors statewide is fewer than the number of judicial officers and defense attorneys. 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 district court judges and a one quarter time magistrate. There are four attorneys in the Public Defender's Office, two contract Office of Public Advocacy attorneys, and numerous private defense attorneys. In the two District Attorney offices that have only one attorney, there is a superior court judge and a magistrate in each community; a two to one ratio. There are two public defenders in these communities, again a two to one ratio. The Department's long-term goal is to have parity with judicial officers and public defenders in all communities.
2. Salaries. 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 has implemented 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.

3. Technology. The Criminal Division's case management system, Case Records Information Management and Exchange System (CRIMES), was implemented eleven years ago. It is in the process of being upgraded. The case management system has reached a critical point as both the software and hardware have become seriously out of date. The Department received \$200,000 to upgrade the software as well as migrate it from Oracle to Microsoft SQL and replace the servers that were over eight years old. Although the servers have been replaced, staff turnover and software upgrades have delayed the project. Software testing has commenced and we anticipate deployment of the new system by the beginning of the 2011 calendar year.

Significant Changes in Results to be Delivered in FY2012

No changes in results delivered.

Major RDU Accomplishments in 2010

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

1. Criminal Prosecutions. Total number of prosecutions and convictions:

Total felony cases accepted for prosecution:	5,720
Total felony cases convicted of a felony offense:	1,761
Total felony cases convicted of a misdemeanor offense:	1,553
Felony cases pending:	1,458
Total misdemeanor cases accepted for prosecution:	21,140
Total misdemeanor case convictions:	13,800
Misdemeanor cases pending:	2,226
Total criminal appeals:	490

2. Significant Sentences for Sexual Offenders. Throughout the last several years the laws relating to sexual offenses have been revised and created more significant sentencing rules for repeat offenders. The Division has been able to more aggressively prosecute those who have sexually assaulted or abused women or children. Prosecutors obtained several major sentences for repeat offenders and it's no longer unusual to obtain 50 years or higher sentences in these cases; eight repeat offenders have been exposed to the mandatory 99 year sentencing laws. For example, an offender who was convicted for a third offense of sexual abuse of a minor was recently sentenced to the mandatory term of 99 years incarceration. The defendant had impregnated an 11-year-old girl. One of his prior convictions was for impregnating a girl under 13-years-old. The sentence imposed will protect minors in the state from further victimization by this defendant.
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 main focus of the training was on handling domestic violence and sexual assault cases. The training was partially funded 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 Kodiak 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 received from the U.S. Department of Justice.
5. Trial Advocacy I Training. The division provided a week long Trial Advocacy I training for 25 of its least experienced assistant district attorneys. The training was presented by distinguished members of the

National College of District Attorneys with a theme centering around domestic violence and sexual assault cases. The focus of the training was on case preparation and effective communication skills with different types of witnesses. Funding was provided by a grant the division received from the U.S. Department of Justice.

6. Security Updates. The division began the process of installing key card access for the Anchorage and Fairbanks offices in order to provide better security of the prosecutors and staff.

B. Protecting the Fiscal Integrity of the State Of Alaska

Medicaid Fraud. The Medicaid Fraud Unit expanded its scope to include abuse and neglect cases and obtained two convictions relating to an 81-year-old veteran who was abused. The unit has also participated in nationwide actions against pharmaceutical companies that have resulted in the return of \$242,986 to Medicaid in the form of global settlements with these companies, and an additional \$513,936 is on the way. In other Medicaid fraud cases restitution has been awarded in the amount of \$945 and \$3,731 in civil collections.

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**Criminal Division
RDU Financial Summary by Component**

All dollars shown in thousands

	FY2010 Actuals				FY2011 Management Plan				FY2012 Governor			
	UGF+DGF Funds	Other Funds	Federal Funds	Total Funds	UGF+DGF Funds	Other Funds	Federal Funds	Total Funds	UGF+DGF Funds	Other Funds	Federal Funds	Total Funds
Formula Expenditures None.												
Non-Formula Expenditures												
First Judicial District	1,726.0	30.0	0.0	1,756.0	1,720.8	177.5	0.0	1,898.3	1,765.9	176.0	0.0	1,941.9
Second Judicial District	1,310.8	0.0	148.5	1,459.3	1,546.8	0.0	82.3	1,629.1	1,821.1	0.0	82.3	1,903.4
Third Judicial: Anchorage	6,512.4	9.3	233.7	6,755.4	7,032.2	432.7	105.6	7,570.5	7,342.0	386.5	105.6	7,834.1
Third JD: Outside Anchorage	4,494.4	83.5	440.8	5,018.7	5,247.2	59.2	290.4	5,596.8	5,186.9	85.0	290.4	5,562.3
Fourth Judicial District	4,557.7	167.1	93.4	4,818.2	5,149.4	351.4	55.5	5,556.3	5,292.1	381.3	55.5	5,728.9
Criminal Justice Litigation	2,038.1	857.9	0.0	2,896.0	2,017.6	593.8	0.0	2,611.4	1,992.6	663.6	0.0	2,656.2
Criminal Appeals/Special Lit	3,252.4	630.3	1,845.3	5,728.0	3,800.5	802.5	1,443.6	6,046.6	4,685.3	793.1	943.6	6,422.0
Totals	23,891.8	1,778.1	2,761.7	28,431.6	26,514.5	2,417.1	1,977.4	30,909.0	28,085.9	2,485.5	1,477.4	32,048.8

Criminal Division
Summary of RDU Budget Changes by Component
From FY2011 Management Plan to FY2012 Governor

All dollars shown in thousands

	<u>Unrestricted</u> <u>Gen (UGF)</u>	<u>Designated</u> <u>Gen (DGF)</u>	<u>Other Funds</u>	<u>Federal</u> <u>Funds</u>	<u>Total Funds</u>
FY2011 Management Plan	26,514.5	0.0	2,417.1	1,977.4	30,909.0
Adjustments which will continue current level of service:					
-First Judicial District	45.1	0.0	-1.5	0.0	43.6
-Second Judicial District	64.3	0.0	0.0	0.0	64.3
-Third Judicial: Anchorage	309.8	0.0	-61.2	0.0	248.6
-Third JD: Outside Anchorage	-165.3	0.0	25.8	0.0	-139.5
-Fourth Judicial District	142.7	0.0	29.9	0.0	172.6
-Criminal Justice Litigation	-25.0	0.0	-6.7	0.0	-31.7
-Criminal Appeals/Special Lit	884.8	0.0	-9.4	-500.0	375.4
Proposed budget increases:					
-Second Judicial District	210.0	0.0	0.0	0.0	210.0
-Third Judicial: Anchorage	0.0	0.0	15.0	0.0	15.0
-Third JD: Outside Anchorage	105.0	0.0	0.0	0.0	105.0
-Criminal Justice Litigation	0.0	0.0	76.5	0.0	76.5
FY2012 Governor	28,085.9	0.0	2,485.5	1,477.4	32,048.8