

State of Alaska
FY2013 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 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

Target #1: Reduce the number of violent felony crimes reported in Alaska by 5%.

Status #1: The number of violent felony crimes reported in CY 2010 was 134 greater than the previous year, a 5.2% reporting increase. In CY 2009 the number of violent felony crimes reported increased by 69 compared to CY 2008.

Strategy A1: 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 the state prevailed at final resolution.

Status #1: In CY 2010, the state prevailed on 65% of crimes accepted for prosecution. In CY 2009 that percentage was 79%, CY 2008 83%, CY 2007 83%, CY 2006 84%, and CY 2005 83%. The State continues to exceed the target; however, the percentage continues to trend downward.

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

Status #2: 13% of violent felony crimes accepted for prosecution were resolved with a conviction that was not reduced to a lower level felony in CY 2010.

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

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

Status #1: 52% 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

Target #1: To reduce the number of cases of sexual abuse of a minor referred to our office.

Status #1: CY 2010 increased 12.8% from CY 2009.

Strategy B1: 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).

Status #1: In CY 2010, 40% of crimes of sexual abuse of children were resolved with a felony conviction. A total of 131 cases were accepted for prosecution.

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

Status #2: In CY 2010, 15% of the crimes of sexual abuse of children accepted for felony prosecution were resolved with a felony conviction, but 37% are still pending.

End Result C: Enhance the Protection of Victims of Crimes and Delinquent Acts

Target #1: Reduce the number of substantiated complaints from victims of crimes and delinquent acts submitted to the Criminal Division.

Status #1: In CY 2010, the Department received and responded to 14 complaints.

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

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

Status #1: 36% of property felony crimes accepted for prosecution were resolved with a felony conviction.

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

Status #2: In CY 2010, 32% of property felony crimes accepted for prosecution were resolved with a felony conviction that was not reduced.

Strategy C2: 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.

Status #1: 27 victim witness paralegals attended the annual 2010 Paralegal Conference which included topics on general victim-related issues.

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.

Status #2: 2 victim witness paralegals attended biannual training for victims in a specialized area (multi day training/conferences).

28 attorneys attended biannual training for victims in a specialized area (multi day training/conferences).

Key RDU Challenges

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

- Increased Crime. In FY 2010 the division filed 6,280 felony charges as well as 19,888 misdemeanor cases statewide. This is a 9% increase in felonies compared to CY 2009 and a .06% reduction in misdemeanors.
- 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 344 cases. During FY 2010, the Anchorage office accepted 7,385 cases for prosecution. That is an average of 211 cases per assistant district attorney; however Anchorage is different than the other offices in that the caseload was 46% felony cases. Felonies are more complicated and time consuming to prosecute. During the same period, Fairbanks accepted 6,056 cases, an average of 433 cases per attorney. In Fairbanks 82% of the cases were misdemeanors, which is more typical of the other offices throughout the state. The Palmer office accepted 4,564 cases for prosecution, which is an average of 326 cases per attorney, and Kenai accepted a total of 3,393 cases for prosecution, an average of 377 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 700. However, in both these communities the Department is adding an additional attorney which will have the caseload.
- Steady Focus on DVSA Implementation. Implementing the Governor's ten-year plan to combat domestic violence and sexual assault (DVSA) will likely increase the number of crimes of this nature 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.

- Address dramatic increase time to 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 number of cases pending after the year in which it was screened is increasing. This is caused in part by the increasing delay in the time it takes to get matters to trial.
- 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 part time master. There are four attorneys in the Public Defender's Office, the Office of Public Advocacy contract attorneys are a firm of three lawyers and there are numerous private defense attorneys. In the two District Attorney offices that had only one attorney, there is a superior court judge and a magistrate in each community; a two to one ratio. The Department is increasing to two attorneys in one of these offices. The Department's long-term goal is to have parity with judicial officers and public defenders in all communities.
- 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. 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.
- Technology. The Criminal Division's case management system, Case Records Information Management and Exchange System (CRIMES), was implemented twelve 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. Although some hardware has been replaced, staff turnover, delays and performance shortfall in the software have caused problems.

Significant Changes in Results to be Delivered in FY2013

No changes in results delivered.

Major RDU Accomplishments in 2011

Protecting the Safety and Physical and Financial Well Being of Alaskans

- Criminal Prosecutions. Total number of prosecutions and convictions:

Total felony cases accepted for prosecution:	6,280
Total felony cases convicted of a felony offense:	1,097
Total felony cases convicted of a misdemeanor offense:	1,151
Felony cases pending:	2,636
Total misdemeanor cases accepted for prosecution:	19,888
Total misdemeanor case convictions:	11,085
Misdemeanor cases pending:	4,889
Total criminal appeals:	489

- 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 funded through a grant from the U.S. Department of Justice, Office on Violence Against Women.

- Paralegal Training. The division provided a two-day training in Juneau for 25 victim witness paralegals. The training covered various topics including domestic violence, trauma and mental health, access to Justice for DVSA Victims; working with interpreters and an overview of batterer intervention. Funding was provided by a grant the division received from the U.S. Department of Justice, which has now expired.
- Trial Advocacy: Strategic Cross - Examination in Domestic Violence Cases. The division provided a week-long Trial Advocacy training for 23 of its most 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. The cases used were Alaska cases. Funding was provided by a grant the division received from the U.S. Department of Justice, which has now expired.
- Security Updates. The division completed the process of installing key card access for the Anchorage and Fairbanks offices in order to provide better security of the prosecutors and staff. In Barrow a security wall was built to protect employees. The Department is in the process of commencing a statewide audit of all its facilities for security issues.

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**Criminal Division
RDU Financial Summary by Component**

All dollars shown in thousands

	FY2011 Actuals				FY2012 Management Plan				FY2013 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	1,865.2	50.0	0.0	1,915.2	1,765.9	176.0	0.0	1,941.9	1,887.7	176.7	0.0	2,064.4
Second Judicial District	1,267.7	0.0	83.8	1,351.5	1,768.6	210.0	82.3	2,060.9	1,878.9	210.0	82.3	2,171.2
Third Judicial: Anchorage	7,131.1	214.7	0.0	7,345.8	7,342.0	386.5	105.6	7,834.1	7,640.6	379.4	105.6	8,125.6
Third JD: Outside Anchorage	5,216.7	237.3	0.0	5,454.0	5,186.9	85.0	290.4	5,562.3	5,366.0	86.8	290.4	5,743.2
Fourth Judicial District	4,984.6	335.9	5.7	5,326.2	5,292.1	381.3	55.5	5,728.9	5,458.6	385.6	55.5	5,899.7
Criminal Justice Litigation	1,676.6	1,034.1	0.0	2,710.7	1,995.9	663.6	0.0	2,659.5	2,022.4	674.0	0.0	2,696.4
Criminal Appeals/Special Lit	4,302.2	756.5	945.3	6,004.0	4,769.7	793.1	1,281.1	6,843.9	4,965.5	810.2	1,299.7	7,075.4
Totals	26,444.1	2,628.5	1,034.8	30,107.4	28,121.1	2,695.5	1,814.9	32,631.5	29,219.7	2,722.7	1,833.5	33,775.9

Criminal Division
Summary of RDU Budget Changes by Component
From FY2012 Management Plan to FY2013 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>
FY2012 Management Plan	28,121.1	0.0	2,695.5	1,814.9	32,631.5
Adjustments which will continue current level of service:					
-First Judicial District	121.8	0.0	0.7	0.0	122.5
-Second Judicial District	57.8	0.0	0.0	0.0	57.8
-Third Judicial: Anchorage	158.6	0.0	-7.1	0.0	151.5
-Third JD: Outside Anchorage	179.1	0.0	1.8	0.0	180.9
-Fourth Judicial District	166.5	0.0	4.3	0.0	170.8
-Criminal Justice Litigation	26.5	0.0	10.4	0.0	36.9
-Criminal Appeals/Special Lit	-57.3	0.0	17.1	18.6	-21.6
Proposed budget increases:					
-Second Judicial District	52.5	0.0	0.0	0.0	52.5
-Third Judicial: Anchorage	140.0	0.0	0.0	0.0	140.0
-Criminal Appeals/Special Lit	253.1	0.0	0.0	0.0	253.1
FY2013 Governor	29,219.7	0.0	2,722.7	1,833.5	33,775.9