

State of Alaska
FY2020 Governor's Operating Budget

Department of Law
Criminal Division
Results Delivery Unit Budget Summary

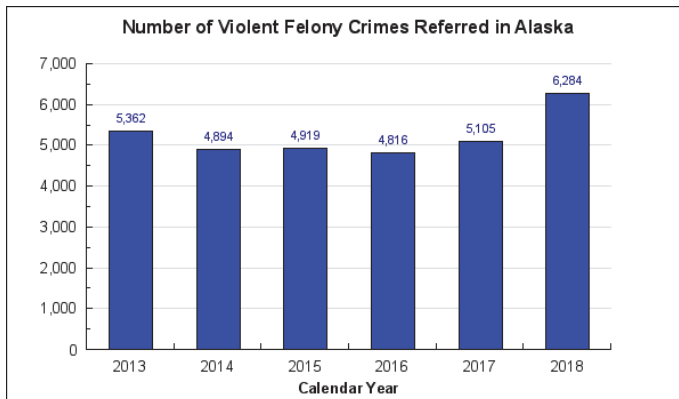
Criminal Division Results Delivery Unit

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.

Results

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



Measures by Core Service

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

Major RDU Accomplishments in 2018

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

In addition to the Criminal Division's core mission - the prosecution of state law violations - during FY2018, the Criminal Division focused on the following priorities:

Combating the Opioid Epidemic

Over the past five years, the Alaska per capita crime rate has continued to increase at an alarming rate. The total crime rate per 100,000 residents has increased by 25% from five years ago. During the same period, Alaska's violent crime rate has increased by 34% and the property crime rate has seen an increase of 22%. The opioid epidemic, which started in approximately 2014, is a significant driver of crime. The Attorney General's implementation of the Public Safety Action Plan (PSAP) in fiscal year 2018 was in direct response to both the opioid epidemic and crime trends. The PSAP tasks the state's various public safety agencies with evaluating the causes of the rise in crime and focuses state efforts in four main areas: (1) improving outcomes in the criminal justice system, (2) identifying public safety resource needs, (3) improving access to mental health and substance abuse treatment, and (4) addressing the opioid epidemic and drug trafficking in the state. Specifically, the Criminal Division has identified short-term efforts to improve public safety as well as potential future or long-term actions to build a stronger and safer Alaska.

One significant accomplishment of the PSAP is the federal government's designation of Alaska as a High Intensity Drug Trafficking Area (HIDTA). This designation allows the state to access significant federal dollars to combat drug trafficking and importation. The federal government appropriated approximately \$5 million dollars to Alaska as a direct result of the HIDTA designation, which will be used to fund initiatives designed to interrupt drug importation and manufacturing in Alaska. While the federal funds are not appropriated directly to the Criminal Division, the Attorney General holds a permanent seat on the HIDTA Executive Board, which is tasked with approving the statewide initiatives to address the drug epidemic.

With funding received during FY2018, the Criminal Division created a dedicated statewide drug prosecutor within the Office of Special Prosecutions. This dedicated prosecutor has statewide jurisdiction with the authority to handle drug distribution cases anywhere in the state. This prosecutor will also be designated a Special Assistant United States Attorney and thus can prosecute cases in both federal court and state court.

Aggressively Investigating and Prosecuting Medicaid Fraud

The Medicaid Fraud Control Unit (MFCU) is a unit within the Office of Special Prosecution that is jointly funded by the state and a federal grant. Under the current arrangement, the federal government pays for 75% of the unit's operating budget and the state pays the remaining 25%. In addition to the grant funding, the federal government also provides significant support through a variety of agencies, including the Office of Inspector General, the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms. For FY2018, the total operating budget for this unit was \$1,996,700, of which the federal grant paid 75% and the state's cost was 25%. Because the MFCU recouped more than \$2,700,000 in restitution and fines, nearly \$4 was recovered for every \$1 of state general funds spent on the program.

Key RDU Challenges

In FY2014, the Criminal Division had 245 budgeted positions. In FY2015, significant reductions to personnel began and these cuts continued through FY2018, when the Criminal Division reached a low of 212 budgeted positions. With fewer staff, the Criminal Division must screen case referrals to focus on the most serious crimes (with an emphasis on sexual assault and other violent crimes) and taking fewer cases to trial. At the same time that the Criminal Division's budget was being reduced, the Criminal Division saw a dramatic increase in the number of felony prosecutions filed in court. Felony filings have increased by 18% between FY2017 and FY2018. While all types of felonies have increased, the largest increases have been in the more serious types of crime (i.e. felony assaults and robberies). In addition to an increase in the felony workload, the number of misdemeanors being filed has also increased. With such dramatic increases in workload, combined with staffing reductions, the Criminal Division has been forced to resolve cases short of trial and often at a lower level than originally charged. Increases in the number of cases that are resolved pre-trial (through either a plea agreement or a charge-bargain), often frustrates law enforcement and victims of crime. Further, it has dampened the morale of those in the criminal justice field and caused worry about the effect of unprosecuted crimes will have on communities.

The decrease in staffing has also caused employee burn out from working extra hours, forgoing time off due to the increased workload, and the increased burden on others when someone is out of the office. It has also become more difficult to provide assistance and support among offices when one office is short staffed due to vacancy or as the result of a large trial. It has been more difficult to fill vacancies.

In addition to staff reductions, trial costs continue to impact the Criminal Division's budget. The burden of proving a case beyond a reasonable doubt requires ensuring the attendance of witnesses to testify at trial. However, key witnesses are not always local. Because court dates frequently change and cases can be resolved just prior to trial, the division must purchase full fare tickets for witnesses to ensure the ticket can be refunded if not used. Lodging, especially in summer months or in rural locations, can exceed \$200 per night. To keep costs to a minimum, witnesses are brought in and out of the trial site as quickly as possible. In other instances, prosecutors must simply attempt to prove their case without all of the witnesses to the crime who, if present, could have improved the outcome.

Significant Changes in Results to be Delivered in FY2020

The department is continuously assessing how it can better provide legal services to state agencies and prosecute criminal activity in order to increase public safety. The Criminal Division continues to work with stakeholders across the criminal justice field to evaluate, implement and refine changes from the passage of CH 36 SLA 2016 (SB 91, Omnibus Criminal Law & Procedure). Since criminal justice reform was initially implemented in 2016, significant changes have occurred numerous times, specifically with the passages of CH 1 SLA 2017 (SB 54, Crimes; Sentencing) and CH 22 SLA 2018 (HB 312, Crimes/Criminal Protocol). The continual refinement of criminal statutes requires prosecutor and staff within the Criminal Division to be constantly vigilant to criminal law revisions.

Contact Information

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**Criminal Division
RDU Financial Summary by Component**

All dollars shown in thousands

	FY2018 Actuals				FY2019 Management Plan				FY2020 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	1,880.0	33.4	0.0	1,913.4	2,076.7	59.8	0.0	2,136.5	2,373.4	39.8	0.0	2,413.2
Second Judicial District	1,136.0	0.0	0.0	1,136.0	1,533.8	0.0	0.0	1,533.8	1,698.6	0.0	0.0	1,698.6
Third Judicial: Anchorage	7,112.9	130.7	0.0	7,243.6	7,427.2	270.6	0.0	7,697.8	8,007.6	271.3	0.0	8,278.9
Third JD: Outside Anchorage	5,165.1	149.9	0.0	5,315.0	5,277.1	144.9	0.0	5,422.0	5,489.3	145.5	0.0	5,634.8
Fourth Judicial District	5,578.0	324.7	0.0	5,902.7	5,936.4	424.5	0.0	6,360.9	6,724.7	438.5	0.0	7,163.2
Criminal Justice Litigation	1,691.0	575.0	0.0	2,266.0	1,676.3	563.9	0.0	2,240.2	2,208.0	707.9	0.0	2,915.9
Criminal Appeals/Special Lit	4,667.0	1,225.4	1,281.2	7,173.6	4,524.3	1,440.0	1,498.5	7,462.8	4,649.9	1,312.2	1,523.2	7,485.3
Totals	27,230.0	2,439.1	1,281.2	30,950.3	28,451.8	2,903.7	1,498.5	32,854.0	31,151.5	2,915.2	1,523.2	35,589.9

Criminal Division
Summary of RDU Budget Changes by Component
From FY2019 Management Plan to FY2020 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>
FY2019 Management Plan	28,421.8	30.0	2,903.7	1,498.5	32,854.0
Adjustments which get you to start of year:					
-Criminal Justice Litigation	500.0	0.0	0.0	0.0	500.0
Adjustments which continue current level of service:					
-First Judicial District	-35.3	0.0	-20.0	0.0	-55.3
-Second Judicial District	16.8	0.0	0.0	0.0	16.8
-Third Judicial: Anchorage	75.9	0.0	0.7	0.0	76.6
-Third JD: Outside Anchorage	63.6	0.0	0.6	0.0	64.2
-Fourth Judicial District	301.1	0.0	14.0	0.0	315.1
-Criminal Justice Litigation	31.7	0.0	144.0	0.0	175.7
-Criminal Appeals/Special Lit	-190.6	0.0	-127.8	24.7	-293.7
Proposed budget increases:					
-First Judicial District	332.0	0.0	0.0	0.0	332.0
-Second Judicial District	148.0	0.0	0.0	0.0	148.0
-Third Judicial: Anchorage	504.5	0.0	0.0	0.0	504.5
-Third JD: Outside Anchorage	148.6	0.0	0.0	0.0	148.6
-Fourth Judicial District	487.2	0.0	0.0	0.0	487.2
-Criminal Appeals/Special Lit	316.2	0.0	0.0	0.0	316.2
FY2020 Governor	31,121.5	30.0	2,915.2	1,523.2	35,589.9