

State of Alaska FY2002 Governor's Operating Budget

Department of Law
Criminal Division
Budget Request Unit

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BRU 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.

BRU Services Provided

(1) The Criminal Division prosecutes all violations of state criminal law committed by adults, and a large portion of the serious crimes committed by juveniles. Prosecution services protect the public by convicting criminals and placing them under appropriate controls. Without these services, Alaskans would not be able to live in safe and healthy communities.

In the fiscal year ending June 30, 2000, over 28,000 cases (including 7,000 felony, 20,000 misdemeanor, and 1,000 other cases) were sent to the Criminal Division by police or probation agencies. This is an increase of roughly 40 percent in felonies and 10 percent in misdemeanors in the 1990s.

The increase in felony cases is largely the result of an upswing in drug crimes and probation violations for drug offenders. The Criminal Division workload has also been affected by a large number of domestic violence assaults, which are among the most time-consuming and difficult cases to prosecute. Those cases increased over 20 percent over the last four years, most likely due to mandatory arrest statutes in the Domestic Violence and Prevention Act of 1996.

(2) The Criminal Division provides assistance to victims and witnesses of crimes, such as travel and per diem expenses, court-mandated witness fees, and information about court procedures, domestic violence restraining orders and violent crimes compensation procedures. Demands on the victim-witness assistants have increased substantially over the last several years as a result of victims' rights laws enacted in 1989 and 1991, the Victims' Rights Amendment to the Alaska Constitution approved by the voters in 1994, and the Domestic Violence Prevention and Victim Protection Act of 1996. Two-thirds of the Criminal Division travel budget is used to bring victims and witnesses to court.

(3) The Criminal Division represents the state in all criminal appellate proceedings and state and federal post-conviction and habeas corpus proceedings. These post-trial procedures are constitutionally required; when such actions are filed by convicted criminals there must be a response by the state. Without these functions, the efforts of criminal justice agencies to detect and punish crime through investigation, trial, and conviction would be nullified. In addition, the BRU also handles civil litigation challenging statutes related to criminal justice, such as sex offender registration, victims' rights, and physician-assisted suicide.

(4) The Criminal Division provides basic legal services to the Departments of Corrections and Public Safety, consisting of verbal and written advice, representation in civil litigation and administrative proceedings, and assistance with drafting legislation, regulations, policies, and procedures. The division also provides advice to the legislature on criminal justice matters, and handles all appeals of administrative license revocations by the Division of Motor Vehicles in the Department of Administration

(5) The Criminal Division activities are carried out in fifteen offices across the state. Thirteen regional prosecution offices provide day-to-day criminal prosecution services, as set out in paragraphs (1) and (2) above. An office in Anchorage handles appellate matters in the Court of Appeals, the Alaska Supreme Court and the federal courts, as described in paragraph (3). An office in Juneau is responsible for representing criminal justice system agencies and providing legislative advice, as described in paragraph (4). In addition, the Anchorage offices also have special units for:

- a. narcotics prosecution (funded by the Department of Public Safety)
- b. environmental crime (funded by the Department of Environmental Conservation)

- c. child support enforcement (funded by the Department of Revenue)
- d. welfare fraud (funded by the Department of Health and Social Services)
- e. Medicaid provider fraud (federally-funded)
- f. selected fish and game prosecution (funded by the Fish and Game Fund)
- g. white collar and other special prosecution (General Fund)

BRU Goals and Strategies

Goals and strategies appear at the component level.

Key BRU Issues for FY2001 – 2002

Issue No. 1: How to Respond to Increased Enforcement of Child Abuse Laws

Child abuse cases (both sexual and physical abuse) are among the most difficult to prosecute. Although sexual abuse cases are routinely reported and prosecuted, it is believed that child physical abuse cases are not as well reported or investigated. Recent attention focused on child physical abuse cases is likely to result in an increase in the number of such cases sent to prosecution offices for review and prosecution.

Issue No. 2: How to Respond to Increased Enforcement of Domestic Violence Laws

The Domestic Violence Prevention and Victim Protection Act of 1996 requires arrests to be made in all cases of domestic violence. Even before this requirement became law, many police agencies voluntarily adopted mandatory arrest policies, and the number of domestic violence cases grew to over half of all misdemeanor assaults and a large percentage of all felony assaults and murders. In the year following enactment of the 1996 Act, the percentage of misdemeanor assaults related to domestic violence increased to 65 percent, or nearly two out of every three. In the last year the Criminal Division handled over 3,200 cases of misdemeanor domestic violence.

Issue No. 3: How to Respond to The High Volume Of Sexual Offenses

After several years of a relatively stable number of felony sexual offenses being sent to prosecutors for review, the number of these cases increased dramatically to over 700 in FY1993. Cases of rape of adult women increased 16 percent to over 300, while cases of abuse of children increased 21 percent to 400. Those numbers leveled off in FY1994-2000, but there are still 600 felony sexual offenses being sent to Criminal Division offices for review each year. This increase in sexual crimes is also reflected in the growing number of requests for safe housing, reported by the Network on Domestic Violence and Sexual Assault.

Issue No. 4: How to Respond to Other Demands for Criminal Division Legal Services

Along with heavy criminal caseloads, the Criminal Division is also called on to defend the legality of new laws. For example, there is a great deal of litigation over the legality of sex offender registration laws and the manslaughter statute as it relates to physician-assisted suicide. Laws relating to victim rights, such as the right not to be secretly recorded by defense attorneys, are being challenged in court. New laws relating to abortion are also being challenged. Criminal Division attorneys are handling all these lawsuits. Criminal Division attorneys have also upheld challenges to the concealed handgun regulations, and annually the division handles dozens of appeals from driver license revocations imposed by the Division of Motor Vehicles in the Department of Administration.

In addition, the Criminal Division is being called on more and more to perform other functions. For example, Criminal Division attorneys spend significant amounts of time providing training to other agencies. The State Trooper Academy in Sitka has several courses each year to train new trooper and police recruits, as well as separate classes for village public safety officers and experienced police officers. Each course contains a component for legal training in the criminal code and criminal procedure, which requires instruction by a trained prosecutor. The Anchorage Police Department conducts similar training for its own recruits. The Department of Corrections has training requirements for correctional officers and probation officers, which also require an attorney's services for instruction. Community groups, such as victim service agencies, often require attorney training as well. In addition, prosecutors and

paralegals participate in multidisciplinary teams to combat child abuse, various task forces, and other groups whose goals are to improve the criminal justice system or deal with a particular community problem.

Issue No. 5: How to Respond to Drug and Alcohol Offenses

The Criminal Division participated in a drug court planning project with the court system, law enforcement, the Public Defender Agency, and the Department of Corrections. A drug court is a program that is designed to supervise non-violent felony offenders who commit drug offenses or drug-related offenses (such as theft to support a drug addiction). A half-time prosecutor will be assigned to a drug court that will be established in Anchorage in early CY2001 with interagency receipts Law will receive from the Court System. The Court System is the coordinating agency of the federal funds for this purpose. The goals of drug court include: reducing criminal offenses committed by drug-and alcohol-addicted persons, reducing costs associated with re-arrest and confinement, introducing offenders to an ongoing process of recovery designed to achieve abstinence from intoxicants, and improving conditions for the children of addicted offenders.

Alcohol is at the root of a number of problems in Alaska. The correlation between alcohol and crime is significant, and alcohol is related to a number of accidental deaths and injuries. In addition, many children are born with FAS or FAE because their mothers consumed alcohol during pregnancy. Experience has shown that the rate of crime can be decreased if alcohol availability is decreased. State law gives municipalities the option of banning or limiting alcohol in their communities, and many villages have voted for that local option. In areas that go completely dry (by banning possession of alcohol), the level of crime falls immediately and significantly, until bootleggers start to return alcohol to the region. Enforcement of local option laws is difficult. The villages of Western Alaska are not accessible by road. Therefore, all alcohol is imported by plane, by boat, or by mail. To reduce the amount of alcohol brought into dry communities by plane and mail, we are increasing our alcohol interdiction efforts through the addition of a half-time prosecutor.

Major BRU Accomplishments for FY2000

Major accomplishments appear at the component level.

Criminal Division
BRU Financial Summary by Component

All dollars in thousands

	FY2000 Actuals				FY2001 Authorized				FY2002 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	1,176.8	0.0	0.0	1,176.8	1,200.6	0.0	2.3	1,202.9	1,216.2	0.0	0.0	1,216.2
Second Judicial District	801.1	0.0	0.0	801.1	827.9	0.0	1.6	829.5	807.4	0.0	0.0	807.4
Third Judicial: Anchorage	3,051.6	0.0	339.1	3,390.7	3,024.4	0.0	400.3	3,424.7	3,081.1	0.0	394.0	3,475.1
Third JD: Outside Anchorage	2,083.6	0.0	69.3	2,152.9	2,161.4	0.0	4.2	2,165.6	2,218.7	0.0	0.0	2,218.7
Fourth Judicial District	2,844.1	0.0	0.0	2,844.1	2,733.6	0.0	5.3	2,738.9	2,725.6	0.0	0.0	2,725.6
Criminal Justice Litigation	1,201.5	0.0	339.5	1,541.0	1,728.9	0.0	172.1	1,901.0	1,612.0	0.0	206.8	1,818.8
Criminal Appeals/Special Lit	1,397.7	345.8	478.3	2,221.8	1,534.5	483.6	543.9	2,562.0	1,466.5	480.4	539.1	2,486.0
Totals	12,556.4	345.8	1,226.2	14,128.4	13,211.3	483.6	1,129.7	14,824.6	13,127.5	480.4	1,139.9	14,747.8

Criminal Division**Proposed Changes in Levels of Service for FY2002**

None.

Criminal Division**Summary of BRU Budget Changes by Component****From FY2001 Authorized to FY2002 Governor***All dollars in thousands*

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2001 Authorized	13,211.3	483.6	1,129.7	14,824.6
Adjustments which will continue current level of service:				
-First Judicial District	15.6	0.0	-2.3	13.3
-Second Judicial District	-20.5	0.0	-1.6	-22.1
-Third Judicial: Anchorage	56.7	0.0	-6.3	50.4
-Third JD: Outside Anchorage	57.3	0.0	-4.2	53.1
-Fourth Judicial District	-8.0	0.0	-5.3	-13.3
-Criminal Justice Litigation	-234.4	0.0	-4.5	-238.9
-Criminal Appeals/Special Lit	-68.0	-3.2	-4.8	-76.0
Proposed budget increases:				
-Criminal Justice Litigation	117.5	0.0	39.2	156.7
FY2002 Governor	13,127.5	480.4	1,139.9	14,747.8