

State of Alaska FY2002 Governor's Operating Budget

Department of Law

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Department Mission

The mission of the Department of Law is to provide legal services to state government and to prosecute crime.

Department Goals and Strategies

CRIMINAL DIVISION:

PROTECT THE PUBLIC THROUGH EFFECTIVE PROSECUTION SERVICES.

- Assist law enforcement agencies with criminal investigations by providing legal and tactical advice.
- Serve as legal advisor to grand juries and represent the state in all phases of criminal trial and appellate proceedings.
- Effectively prosecute domestic violence and crimes against children.
- Effectively prosecute those who drive while under the influence of alcohol or drugs.
- Reduce the number of alcohol-related offenses through the prosecution of those who import alcohol into dry communities.
- Reduce fraud in benefit programs.

CIVIL DIVISION:

PROVIDE EFFECTIVE LEGAL ADVICE AND REPRESENTATION OF THE STATE.

- Protect Alaska's children and youth by handling child abuse, neglect, and delinquency cases expeditiously.
- Ensure the state receives its correct share of oil and gas taxes and royalties; clarify and improve the rules governing taxpayers to reduce disputes and litigation.
- Resolve questions of state versus federal control and management of natural resources, lands, and waters.
- Increase collections of money owed the state by businesses and individuals for child support, fines, loans, and other unpaid obligations.
- Collect judgments for victim restitution and make payments to victims of crimes.
- Ensure that the department's legal review of regulations projects continues to be efficient, timely, and responsive to the needs of agencies and the public.

Key Department Issues for FY2001 – 2002

CRIMINAL DIVISION:

Maintain Focus on Prosecution of Family Violence:

The Knowles Administration has changed the way domestic violence and child abuse are handled by the police, the courts, and the agencies that are responsible for the welfare of children. Studies and experience have shown that children in homes where there is domestic violence by an adult are often victims of abuse and neglect. Studies have also shown that the children suffer emotionally by witnessing the domestic violence. These cases are often difficult to prosecute because pressure is brought to bear on victims to recant. Moreover, testifying in court can be traumatic for child victims of abuse and neglect. Because prosecution of these offenses is important for the safety of victims, the Criminal Division policy is to prosecute if there is sufficient evidence to convict, even when the victim is unable to testify or does not want the offender prosecuted.

Address Alcohol-related Offenses:

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. While the statistics are dismal, 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 have gone completely dry (by banning possession of alcohol), the level of crime falls immediately and significantly, until bootleggers start to return alcohol to the region. The Criminal Division plans to reduce violent crime, accidental deaths, and the incidence of FAS and FAE by cutting off the easy availability of alcohol through increased prosecution of bootlegging offenses.

Participate in Drug Court Project:

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 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 is being established in Anchorage in early 2001 with federal funds. 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.

CIVIL DIVISION:

Child Protection:

Child protection workloads continue to be of concern to the department. The rate of increase in the number of new cases appears to be slowing; however, existing caseloads remain high, particularly in Anchorage and Bethel. In addition, statutory changes at the state and federal level have necessitated important changes in how long children can remain in the child protection legal system, and when certain actions must occur, and they define parental responsibility more concretely. These changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The new accelerated schedules severely impact attorney workloads. Maintenance of our existing resources is necessary in order to manage this critical responsibility.

Juvenile Delinquency:

A second key issue is the juvenile delinquency workload in the Anchorage Human Services section. While the number of cases has remained relatively constant over the past three years, workload has increased 53 percent since FY 1998. Cases are more complex, often involve multiple defendants and multiple defense attorneys, and are more often going to jury trial. Most of this increase has fallen on the one position in the Anchorage section devoted to juvenile delinquency. The Anchorage juvenile delinquency caseload has been of concern for some time. In FY1999, the department requested, but did not receive, funding for an additional juvenile delinquency position. The situation has only worsened, and it is unrealistic to expect one person to be willing and able to continue to carry this heavy workload.

Cruise Ship Environmental Compliance:

Continue work with ADEC and federal authorities to improve cruiseship environmental performance and compliance.

Submerged Lands:

Continue litigation now pending in the United States Supreme Court against the United States to quiet title to submerged lands underlying the marine waters within the boundaries of the Tongass National Forest and Glacier Bay National Park.

Subsistence:

Defend the state's regulatory authority with respect to subsistence uses of fish and game in light of the federal government's takeover of management of subsistence fishing on federal lands and waters.

Pacific Salmon Treaty:

Work to protect the state's interests in connection with the implementation of the 1999 amendments to the Pacific Salmon Treaty and related issues concerning the application of the Endangered Species Act and the treaty fishing rights of certain Northwest Indian tribes to Alaska fisheries.

Access Issues:

Continue work to clarify and protect public rights of access and use on land and water, including RS 2477 and navigability issues.

Endangered Species Act Issues:

Work to protect the state's interests concerning the efforts of the National Marine Fisheries Service to protect Columbia River fall chinook by restricting chinook salmon harvest in Alaska. Work to protect the state's interests in connection with proposals to list Cook Inlet beluga whales under both the federal and state Endangered Species Acts. Work to protect the state's interests concerning the impact of pollock and herring fisheries on endangered Steller sea lions.

Consumer Protection and Antitrust Enforcement:

Alaska is a target state for many types of consumer fraud, among them telemarketing, prizes and sweepstakes, deceptive home business opportunity sales, automobile sales and service, and a variety of retail sales and services. Under the terms of the Alaska Consumer Protection Act, the Attorney General's office is authorized to investigate and bring enforcement action against businesses that engage in unfair or deceptive trade practices. Given the current resources and the large areas of enforcement the office is responsible for, we are still forced to turn away many legitimate cases of consumer fraud. Enforcement activities are directed to situations affecting a large number of consumers or involving large dollar amounts, and often there are not enough resources for those cases. However, we have been able to increase enforcement activity because of additional statutory designated program receipt resources appropriated to the Civil Division in FY2000. Using existing resources, the department also has furthered current consumer protection activities by updating and refining the consumer complaint packet and the consumer complaint database and by establishing a consumer protection web page. The department will continue to take appropriate steps to ensure receipt of SDPR on a regular basis in FY2002 to help fund the consumer protection program.

Oil and Gas Law and Policy:

Continue to work with the Departments of Revenue and Natural Resources to enforce laws involving oil and gas matters and resolve litigation over oil and gas issues. Monitor oil and gas pipeline tariffs and insure that the tariffs reflect proper ratemaking methodologies. Decrease the amount of new litigation and increase the incentives for new resource development in the state by becoming involved in the audit process earlier and by clarifying the interpretation of existing oil and gas leasing, development, tax, and royalty obligations.

Special Litigation:

Defend the state against claims for significant damages in a variety of cases. Continue work on appeals of decisions favoring the state in cases involving the constitutional challenge to the 1997 tort reform statutory changes and the Miller's Reach fire. Prepare the state's appeal in the case alleging a negligent search and rescue response by Alaska State Troopers.

Public Safety Funding Challenge:

Defend the state against a lawsuit brought by several villages and residents that asserts public safety in rural Alaska is inadequate and violates the state and federal constitutions.

Kasayulie School Facilities Funding Case:

Continue work to resolve the lawsuit brought by rural school districts and parents concerning state funding of school construction and major maintenance projects in rural Alaska, and provide legal assistance on development and implementation of funding mechanisms.

Major Department Accomplishments in 2000

CRIMINAL DIVISION:

- Prosecuted Medicaid Provider Fraud: Obtained restitution and civil and criminal fines totaling over \$1 million.
- Defended Statutes: Successfully defended the constitutionality of the sex offender registration law in the federal district court; successfully defended the manslaughter statute against a claim by advocates of physician-assisted suicide.
- Training for Prosecutors and Paralegals: Prosecutors and paralegals attended a 3-day training focusing on domestic violence and sexual assault.
- Volunteer Program: Volunteers devoted more than 3500 hours notifying victims of court proceedings and their rights.

CIVIL DIVISION:

- Participated in interagency effort on the Balloon Project to reduce backlog of children in foster care longer than new state and federal laws permit. As of October 15, 2000, 81 percent of these children were in a permanent placement, and in another 13 percent of the cases, the legal work to free these children for adoption is complete.
- Achieved settlement with Royal Caribbean Cruise Lines relating to illegal discharges of oil and hazardous substances. Under the settlement, the state oil and hazardous substance response fund received \$725,000. In addition, \$2.1 million in spill response materials were made available to the state, a \$250,000, five-year cruise ship opacity monitoring program was initiated, and a \$250,000 geographical response strategy will be developed. The opacity monitoring program resulted in over 20 notices of violation being issued by ADEC for the 2000 cruise ship season.
URL: www.law.state.ak.us/naturalresources/settlement.html
- Successfully negotiated the final decree in the Dinkum Sands (Beaufort Sea) case and secured court approval of the decree. As a result, Alaska received its share of escrowed funds and Alaska's title to disputed lands was quieted.
- Continued efforts to develop the law as it relates to Alaska Natives and the relationship between Alaska Natives and the state. We worked to resolve the law on tribal recognition and tribal authority post-Venetie through our briefing and presentation to the Alaska Supreme Court in the landmark John v. Baker case. The court issued its decision in September 1999.
- Began discussions, as part of the State-Tribal Relations Team, with Alaska's federally recognized tribes to define the nature of a government-to-government relationship between the state and the tribes.
URL: www.gov.state.ak.us/STRT/index.html
- Continued our work on litigation involving oil and gas, bringing into the state treasury nearly \$450 million in tax and royalty settlements.
- Protected the state's revenue, resource development, environmental, and societal interests in antitrust matters involving oil and gas companies in Alaska.
URL: www.gov.state.ak.us/bparco/merger.html
- Developed a comprehensive new consumer protection and antitrust web page which serves as a resource for Alaskans on a wide variety of consumer protection and antitrust issues, from dealing with mail order companies to buying used cars to protecting against telephone fraud to filing consumer complaints. We also updated and refined the consumer complaint packet and our consumer complaint database. The complaint packet and database assist in our work to resolve complaints, identify repeat problem areas, take enforcement action when warranted, and educate Alaska consumers.
URL: www.law.state.ak.us/consumer/index.html

· Successfully participated in a number of multistate consumer protection and antitrust cases, including cases involving Toys R Us, Nine West, Wade Cook financial seminars, TIME, Inc., Publishers Clearing House, and generic drug manufacturers and vitamin manufacturers. More information on these cases is available in press announcements about their conclusion.

URL: www.gov.state.ak.us/press/00217.html

URL: www.gov.state.ak.us/press/00182.html

URL: www.gov.state.ak.us/press/00221.html

· Filed an original action in the United States Supreme Court to quiet title to all lands underlying marine waters in Southeast Alaska, including those within Glacier Bay National Park and the Tongass National Forest, and were successful in getting the Court to accept the case.

URL: www.gov.state.ak.us/PRESS/00166.html

· Appealed to the Ninth Circuit Court of Appeals the final judgment of Federal District Court in the Katie John case, finding federal authority to manage most navigable waters in Alaska for subsistence hunting and fishing, and were successful in convincing the Ninth Circuit to hear the case as a full court.

URL: www.gov.state.ak.us/PRESS/00023.html

Key Performance Measures

OFFICE OF THE ATTORNEY GENERAL

Measure: The success of the Office of the Attorney General in achieving its missions will be measured by considering (1) the cost of legal services to each state agency; and (2) whether the divisions and offices in the department meet the performance measures described hereafter.

Benchmark: The following are the costs, rounded to the nearest hundred dollars, to each state agency for legal services rendered by the Civil Division on behalf of those agencies during FY 2000. These amounts include the cost of contract legal counsel and other costs external to the Department of Law as well as Law's internal costs:

Office of the Governor	\$248,000
Department of Administration	\$2,027,600
Department of Revenue (Including AHFC, and the Permanent Fund Corporation)	\$2,908,600
Department of Education (including Postsecondary Education)	\$492,700
Department of Health and Social Services	\$1,390,500
Department of Labor and Workforce Development	\$288,900
Department of Community and Economic Development (Including AIDEA)	\$1,114,300
Department of Military and Veterans Affairs	\$184,200
Department of Natural Resources	\$141,700
Department of Fish and Game	\$160,200
Department of Public Safety	\$70,200
Department of Environmental Conservation	\$1,207,900
Department of Transportation	\$3,238,900
Legislative Branch	\$0
Court System	\$10,900

DIVISION OF ADMINISTRATIVE SERVICES

Measure: Administrative Services: (1) the cost of the division compared to personnel costs for the department; (2) the number of late penalties incurred for payroll or vendor payments; (3) the number of audit exceptions.

Benchmark:

FY 2000 Total actual cost of the Administrative Services Division \$1,096,300

FY 2000 Total Personal Services Costs for the Department of Law \$30,684,000

Ratio: 3.6%

No late penalties were incurred for payroll or vendor payments. The FY 1999 statewide single audit does not contain any audit exceptions for the Department of Law.

Background:

The Administrative Services Division of the Department of Law is highly centralized encompassing those positions associated with fiscal functions, personnel and payroll, acquisition of equipment and supplies and procurement of contractual services, mailroom services, budgeting, computer network and desktop support, and administrative management. Each individual Civil and Criminal Division office employs one to two positions, depending on the size of the office, in part to assist with administrative functions such as small procurements of office supplies, disbursements of field warrants, and completing some personnel and travel forms. Those positions are not part of the Administrative Services Division.

CIVIL DIVISION***Collections and Support***

Measure: The monetary value of the criminal and civil judgments collected, including indigent defense costs, costs of incarceration for offenders convicted of driving while intoxicated, and other fines and costs owed to the state.

Benchmark and Current Status:

	Amount Collected	Judgments Satisfied
FY 1997	\$2,278,500	Not Available
FY 1998	\$2,469,900	8,569
FY 1999	\$3,111,000	10,125
FY 2000	\$2,769,600	8,569

In the FY 2001 Governor's budget, it was anticipated that FY 2000 collections would remain at the FY 1999 level. However, the FY 1999 collections were unusually high because the IRS did not attach PFD's that year as they have in all other years, including FY 2000. Staffing vacancy was a secondary cause, creating a backlog of uncollected matters. A catch up of the backlog will be experienced in FY 2001 as evidenced by the more than \$2.5 million already collected year-to-date. Thus, FY 2001 is likely to show high collections while FY 2002 may once again drop closer to the levels of fiscal years FY 1997, 1998, and 2000. The unit oversees 76,000 unpaid judgments at this time.

Background and Strategies:

The function of the collections unit is to collect money owed to the state in criminal, civil, and some administrative cases. The criminal cases include the cost of imprisonment in driving while intoxicated or refusal cases, cost of appointed counsel in cases where a public defender or public advocate appointment is made to represent a defendant, and outstanding fines and bond forfeitures. While the courts can collect on fines and bond forfeitures (these cases are only transferred to the collections unit if they are overdue to the court) the cost of appointed counsel cases are automatically transferred to the unit. Civil case collections must have a judgment in excess of \$250 entered with the court and the money collected must be free for deposit into the general fund.

There are a number of factors that affect the amount collected. The most important factor is the amount and number of judgments transferred by the courts. If a judgment is not transferred, it is unlikely the unit will receive voluntary payments and cannot seize money from a permanent fund dividend. The second factor is the number and dollar value of voluntary payments made by defendants. The only recourse the department has for nonpayment is the potential to seize the obligor's permanent fund dividend. Additional factors include the actual amount of the permanent fund dividend, the number of defendants applying for dividends; the number of defendants determined to be eligible for dividends; and other agencies or cases with statutory priority to seize dividends before our seizures are possible.

Measure: Increase completion of child support enforcement cases by 15%.

(Not yet addressed by Legislature.)

Benchmark:

In FY 1999 the Child Support Enforcement staff closed 688 files.

Current Status: In FY 2000 the Child Support Enforcement staff closed 1,425 files, an increase of more than 200%. This remarkable increase stems from two factors: first, beginning in February 1998, CSED migrated to a new computer system and the ensuing year was a transition period that resulted in far fewer files transferred to Law's child

support unit; second, an attorney was added to the unit in November of 1999. The end of the computer system transition period at CSED and the attorney added during FY 2000 resulted in a renewed focus on processing these cases. So far in FY 2001, staff have closed 368 files. The projected total for FY 2001 is 1,472 files.

Background and Strategies:

The child support unit represents the Child Support Enforcement Division (CSED) in court, including paternity establishment and disestablishment, modification of child support orders, employer non-compliance actions, criminal non-support prosecutions, licensing appeals, and miscellaneous other activities related to enforcement of child support orders. In addition, the unit provides legal support in matters relating to administrative child support enforcement actions, drafts legislation and regulations, and provides general legal advice to CSED.

Human Services

Measure: The number of new cases opened relating to protecting children in the state against abuse and neglect and the caseload per attorney.

Benchmark/Current Status:

In FY 2000, 695 child protection cases representing more than 1,100 Alaskan children were opened statewide.

Measure: (1) the percentage of child abuse and neglect cases completed in the permanency placement backlog; and (2) the percentage of other child abuse and neglect cases that are resolved within the statutory deadline of no more than 21 months of out-of-home placement.

(1) 662 children were identified for the Balloon Project as having been in out-of-home care 15 of the prior 22 months as of November 19, 1997. As of 10/15/00, 535 of these children were in permanent placements, and another 84 were legally free for adoption, completing the Department of Law's role in their placement. These children represent 94% of the original cases. New phases (Phases II and Phase III) involving additional children in out-of-home care were added on 2/15/00. We will provide statistics on those cases in subsequent updates of performance measures. (2) New statutory deadlines for legal action in child abuse and neglect cases became effective on September 14, 1998; thus the department looked at 164 children's cases opened in October and November of that year as the benchmark. Of 164, 91% had the required legal action taken in their cases within 21 months, and in 2 %, the required legal action took between 21 and 23 months to complete. Seven percent are still pending.

The success in meeting statutory deadlines is largely driven by Law's attorney workload. According to the American Bar Association, Center for Children and the Law, a reasonable caseload for child protection attorneys is between 40 and 50 active cases. Caseload statistical data has been developed over the course of the last three years. The following average statewide child protection caseloads of Law's Human Services section are "snapshots in time" and reflect that the success of our efforts in permanency placement for Alaskan children is largely driven by additional staff added resulting in much more reasonable caseloads per attorney. At last count, average statewide levels are approaching those suggested by the American Bar Association:

October 1, 1997	95.2
September 25, 2000	57.6

Background and Strategies:

With the passage of Ch. 99, SLA 98, the new state child protection law and the new federal Adoption and Safe Families Act, important changes were made as to how long children may remain in the child protection legal system, and when certain actions must occur. These new statutory changes at the state and federal level more concretely define parental responsibility and the changes move cases to conclusion faster to ensure that when reunification with the family is not in the child's best interest, the child can be made legally eligible for placement in a permanent home more quickly. The large number of cases placed on the accelerated schedules when the legislation became effective severely impacted attorney workloads.

The legislation defines the timelines for permanency hearings and termination of parental rights. As previously discussed, to achieve those timelines, and to eliminate the permanency placement backlog and provide the assistance outlined above, the per attorney caseload must be manageable. As a result, Law's FY 2002 budget for the Civil Division's Human Services section includes a request for interagency receipts from H&SS in the amount of \$297,800 to maintain current staff levels after the Balloon Project funding ends.

Oil & Gas & Mining

Measure: The monetary value of disputed oil and gas taxes and royalties received by the state through court judgment or settlement.

Benchmark:

FY 1999 Receipts - \$63,532,574:

Royalty Settlements - \$1,500,000 (collectable in 24 installments through 3/01)
 Tax Settlements - \$62,032,574

FY 2000 Receipts - \$447,579,583:

Royalty Settlements - \$14,500,000
 Tax Settlements - \$433,079,583

Background and Strategies:

These amounts will vary from year to year depending on a number of factors including the length of audit cycles, which sometimes cover more than one year, and the number and value of disputed payments.

Timekeeping and Support

Measure: Civil Division - the number of new case files opened, categorized by type of case, for each year for the past five years.

Benchmark:

File Type	FY 1996	FY 1997	FY 1998	FY 1999	FY 2000
Oral Advice/Aid to agency	1842	1548	1122	948	899
General Litigation	1559	1610	1770	1523	1360
Executions	98	63	68	40	41
Torts	130	134	132	127	135
Child Support Proceedings	1650	1848	918	998	1184
Children's Proceedings	1007	1063	1405	1434	1350
Legislative Drafting	79	111	61	74	86
Legislative Review	166	120	148	103	144
Regulations Review	134	139	168	145	171
TOTALS	6665	6636	5792	5392	5370

CRIMINAL DIVISION

Measure: Establish a baseline for the number of (1) violent felony prosecutions; (2) felony drug case prosecutions; and (3) misdemeanor domestic violence assault prosecutions.

Benchmark:

FY 2000

Violent Felonies Prosecuted – 1,115
 Felony Drug Prosecutions – 667
 Misdemeanor domestic violence prosecutions – 2,007

Note: The Criminal Division case tracking system tracks people, rather than cases.

Background and Strategies:

The workload for the Criminal Division is driven by factors largely beyond its control, such as the staffing levels and policies of local police agencies, staffing levels of defense attorneys, whether municipalities control alcohol, and the

policies and practices of local courts and local defense attorneys. As such, the division is able to exercise very little control over attorney caseload ratios and no control whatsoever over the volume of work coming in at any given time. Thus available quantitative information often does not show the effectiveness and competency of the work. For example, it is very difficult to draw meaningful conclusions based on conviction rates. More convictions don't necessarily mean that attorneys are doing a better job. Instead it may mean any or a combination of the following: (1) crime is up, (2) the police are conducting better investigations, (3) new laws are more effective, (4) the division is understaffed and therefore plea-bargaining more, (5) the public defender agency is understaffed and they are pleading out more of their clients.

For this reason, knowing the number of cases handled is the best measure of the division's performance.

Because Alaska is one of a very few states that handles all types of criminal offenses at the state level, useful comparative data of attorney caseload is impossible to attain. Even within Alaska, there are remarkable differences between caseloads in the urban centers and rural communities. Caseloads in rural Alaska per attorney tend to be much higher because defendants are more likely to plead out, or the district attorney is more likely to come to an agreement with the public defender.

Office of Special Prosecution and Appeals

Measure: Criminal Division (1) the number of new criminal cases reviewed for prosecution; (2) the number of criminal cases resolved; (3) the number of new appeals and petitions opened; (4) the number of appeals and petitions resolved; (5) the average cost per criminal case reviewed; and, (6) the average cost per appeal or petition opened.

Benchmark:

- (1) New criminal cases reviewed – 357
- (2) Criminal Cases resolved (as of 10/5/2000) – 231
- (3) New appeals and petitions opened – 335
- (4) Appeals and petitions resolved – 149
- (5) Avg. cost per criminal case reviewed - \$3,200
- (6) Avg. cost per appeal/petition opened - \$3,185

Status of FY2001 Performance Measures

	<i>Achieved</i>	<i>On track</i>	<i>Too soon to tell</i>	<i>Not likely to achieve</i>	<i>Needs modification</i>
ADMINISTRATION AND SUPPORT					
<ul style="list-style-type: none"> • The success of the Office of the Attorney General in achieving its mission will be measured by considering <ul style="list-style-type: none"> (1) the cost of legal services to each state agency; and (2) whether the divisions and offices in the department meet the performance measures described hereafter. • Administrative Services baselines to establish: <ul style="list-style-type: none"> (1) the cost of the division compared to personnel costs for the department; (2) the number of late penalties incurred for payroll or vendor payments; (3) the number of audit exceptions. 					
	X				
	X				
	X				
CIVIL DIVISION					

<ul style="list-style-type: none"> • Establish baselines for the monetary value of: <ul style="list-style-type: none"> (1) disputed oil and gas taxes received by the state; and (2) disputed oil and gas royalties received, whether obtained through court judgment or settlement. • Maintain collections of criminal and civil judgments including indigent defense costs, costs of incarceration for DWI offenders, and other fines owed the state at the level of \$3.1 million. • Increase completion of child support enforcement cases by 15%. • Establish a baseline by determining the number of new case files opened, categorized by type of case, for each year for the past five years. • Establish a baseline for: <ul style="list-style-type: none"> (1) the number of new cases opened relating to protecting children in the state against abuse and neglect; (2) the percentage of child abuse and neglect cases completed in the permanency placement backlog; and (3) the percentage of other child abuse and neglect cases that are resolved within the statutory deadline of no more than 21 months of out-of-home placement. • Review 50% of all adopted regulations with 120 days of a request for final review and 75% completed within 180 days of a request. 	<p style="text-align: center;">X</p>	<p style="text-align: center;">X</p>			
<p>CRIMINAL DIVISION</p>	<p style="text-align: center;">X</p>				
<ul style="list-style-type: none"> • Establish a baseline for the number of <ul style="list-style-type: none"> (1) violent felony prosecutions; (2) felony drug case prosecutions; and (3) misdemeanor domestic violence assault prosecutions. • Establish a baseline for the number of <ul style="list-style-type: none"> (1) new criminal cases reviewed for prosecution; (2) criminal cases resolved; (3) new appeals and petitions opened; (4) appeals and petitions resolved; (5) the average cost per criminal case reviewed. 	<p style="text-align: center;">X</p> <p style="text-align: center;">X</p>				

Department Budget Summary by BRU

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												
Criminal Division	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
Civil Division	8,436.5	0.0	14,764.1	23,200.6	7,385.0	0.0	15,347.9	22,732.9	7,530.9	0.0	15,675.1	23,206.0
Statehood Defense	925.8	0.0	13.5	939.3	1,098.6	0.0	1.8	1,100.4	1,095.4	0.0	0.0	1,095.4
Oil and Gas Litigation & Legal	4,279.2	0.0	1,477.0	5,756.2	3,505.4	0.0	1,477.0	4,982.4	3,255.4	0.0	1,477.0	4,732.4
Administration and Support	871.7	0.0	551.1	1,422.8	899.0	0.0	643.3	1,542.3	896.0	0.0	679.8	1,575.8
Totals	27,069.6	345.8	18,031.9	45,447.3	26,099.3	483.6	18,599.7	45,182.6	25,905.2	480.4	18,971.8	45,357.4

Funding Source Summary

All dollars in thousands

Funding Sources	FY2000 Actuals	FY2001 Authorized	FY2002 Governor
1002 Federal Receipts	345.8	483.6	480.4
1003 General Fund Match	115.6	158.0	158.6
1004 General Fund Receipts	26,417.4	25,290.2	25,203.4
1005 General Fund/Program Receipts	339.6	468.4	479.4
1007 Inter-Agency Receipts	15,871.4	15,648.0	16,389.2
1024 Fish and Game Fund		1.6	
1029 Public Employees Retirement Fund	11.5		
1037 General Fund / Mental Health	63.0	64.0	63.8
1050 Permanent Fund Dividend Fund	4.4		
1053 Investment Loss Trust Fund		118.7	
1055 Inter-agency/Oil & Hazardous Waste	420.7	473.1	470.8
1105 Alaska Permanent Fund Corporation Receipts	1,477.0	1,477.0	1,477.0
1108 Statutory Designated Program Receipts	121.6	874.2	507.8
1119 Tobacco Settlement	134.0		
1134 Fish & Game Duplicated Expenditures	125.3	125.8	127.0
Totals	45,447.3	45,182.6	45,357.4

Position Summary

Funding Sources	FY2001 Authorized	FY2002 Governor
Permanent Full Time	450	459
Permanent Part Time	16	17
Non Permanent	0	1
Totals	466	477

Overview of Departmental Budget Changes

Criminal Division:

Victim Witness Notification and Support

Victims' rights laws and the Victims' Rights Constitutional Amendment require the prosecutor's office to notify victims of numerous court proceedings and other matters. In addition, mandatory arrest laws and aggressive prosecution of domestic violence cases have increased the domestic violence caseload across the state. Nine out of thirteen prosecutors' offices have one or more victim-witness coordinators who have a broad range of responsibility to victims and to witnesses. However, the sheer volume is beyond the capacity of the victim-witness coordinators to handle. Through federal funds granted to the Department of Public Safety, a portion of which are transferred by Reimbursable Services Agreement (RSA) to the Criminal Division, a volunteer coordinator was hired to initiate volunteer programs in District Attorney Offices. The coordinator recruits local coordinators who are paid a stipend to recruit volunteers. The coordinator trains volunteers to assist victim-witness coordinators in providing notification to victims and assisting with documentation for restitution. Local volunteer coordinators and volunteers are provided training through the program. Public Safety's federal funding for this effort will be discontinued on 9/30/2001. In order to continue the volunteer program, the Criminal Division is requesting a combination of interagency funding to provide for the RSA relationship through 9/30/2001, and general funds to continue the program for the remainder of 2002 and beyond. Additional funding in the amount of \$117,500 general funds and \$39,200 interagency receipts are requested for the Criminal Division's Criminal Justice Litigation component.

Civil Division:

Child Protection: Focus on Permanency

The department is requesting authority to expend \$297,800 in interagency receipts from the Department of Health and Social services to make permanent two temporary attorney positions now funded through the Balloon Project. While more work remains to be done on this important project during FY 2001, the oldest cases are almost all resolved, and a picture of what on-going caseloads will be like absent other significant changes in law or policy is beginning to appear.

The rate of increase in new child-in-need-of-aid (CINA) cases has slowed significantly since the upsurge in 1998. The Human Services section in Anchorage saw a 65 percent increase in new CINA cases between 1997 and 1998. In 1999, the number of new cases increased another 13.9 percent, and in 2000, 2.6 percent. During the first three months of FY 2001, the number of new CINA cases coming into the Anchorage office is already 5 percent more than in FY 2000. While the rate of increase is less, more new cases are still coming in each year. The Balloon Project has been very successful in clearing the backlog of cases involving children in out-of-home care for far too long, and overall, per attorney caseloads are down compared to prior years. However, caseloads are still high, particularly in Anchorage and Bethel, where per attorney caseloads are in excess of 60 cases. National standards suggest a responsible caseload is no more than 40 to 50 active cases.

With the number of new cases continuing to increase, the loss of two positions that focus on permanency for the most difficult children's cases will be costly. These positions allow the remaining attorneys in the section to handle the day-to-day crises associated with new children just entering the system, who have not moved to the point that termination of parental rights is mandated, and meet the statutory deadlines the child protection laws require. An analysis of cases opened in October and November 1998 indicates that the deadlines are being met in over 90 percent of the cases. If two attorney positions are lost, it will be impossible to maintain this success rate without caseloads increasing again, to the detriment of the children the deadlines were written to help.

Juvenile Delinquency

The Anchorage juvenile delinquency caseload has been of concern for some time. In FY1999, the department requested, but did not receive, funding for a second juvenile delinquency position. The situation has only worsened since then. A request for \$137,000 in general funds is included in the Human Services component for an additional attorney to handle juvenile delinquency cases.

Victim Restitution

The Collections section in the Civil Division will participate in a new Victim Restitution project by tracking court judgments ordering the payment of restitution to crime victims. Currently, the section collects criminal fines and related costs and certain civil judgments and administrative penalties. The primary means of collecting these judgments is through annual automated attachment of permanent fund dividends. For civil judgments, additional collection actions may be taken, including attachment of bank accounts, garnishment of wages, and judgment debtor exams. A total of \$250,000 in general funds is requested for additional staff to handle the increased workload plus funds to upgrade the Collections computer system.

Summary of Department Budget Changes by BRU

From FY2001 Authorized to FY2002 Governor

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2001 Authorized	26,099.3	483.6	18,599.7	45,182.6
Adjustments which will continue current level of service:				
-Criminal Division	-201.3	-3.2	-29.0	-233.5
-Civil Division	-331.1	0.0	-413.2	-744.3
-Statehood Defense	-3.2	0.0	-1.8	-5.0
-Oil and Gas Litigation & Legal	-250.0	0.0	0.0	-250.0
-Administration and Support	-3.0	0.0	-7.0	-10.0
Proposed budget increases:				
-Criminal Division	117.5	0.0	39.2	156.7
-Civil Division	477.0	0.0	740.4	1,217.4
-Administration and Support	0.0	0.0	43.5	43.5
FY2002 Governor	25,905.2	480.4	18,971.8	45,357.4