

**State of Alaska
FY2004 Governor's Operating Budget**

**Department of Law
Third Judicial District: Anchorage
Component Budget Summary**

Component: Third Judicial District: Anchorage

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Component Mission

Mission statement appears at the department summary and BRU levels.

Component Services Provided

(A) District Attorney offices prosecute all violations of state criminal law in Alaska, with the exception of specialized prosecutions undertaken by the Office of Special Prosecutions and Appeals. In addition to filing criminal charges and conducting criminal trials, the office gives day-to-day advice to state and local law enforcement agencies conducting criminal investigations, serves as legal advisor to grand juries, and handles sentence appeals and probation revocation actions. Prosecution services protect the public by convicting criminal offenders and placing them under appropriate controls, and by revoking probation if they do not comply with conditions of supervision. Without these services, Alaskans would not be able to live in safe and healthy communities.

(B) The District Attorney's office provides victim-witness assistance services such as travel and per diem expenses, court-mandated witness fees, information on court procedures required by statute and the Alaska Constitution, and assistance with domestic violence orders and violent crimes compensation procedures. The District Attorney offices also prepare victims and witnesses to testify in court.

Two-thirds of all travel costs in the BRU are due to transportation and per diem for witnesses needed for court proceedings. Demands on the victim-witness assistants increased substantially over the last several years as a result of victims' rights laws that passed in 1989 and 1991, as a result of the passage of the Victims' Rights Amendment to the Alaska Constitution in 1994 and the Domestic Violence Prevention and Victim Protection Act of 1996. Victim-witness services are an indispensable element in the daily operation of the criminal justice system.

(C) The services are delivered by 26 attorneys (three are federally funded through a reimbursable services agreement from the Department of Public Safety) in one office in Anchorage. The office also supervises the one attorney in Dillingham who is budgeted in the Third Judicial District: Outside Anchorage Component. In the fiscal year ending June 30, 2002, the Anchorage office handled over 6,000 cases. There were more than 3,000 new felonies or felony probation revocations referred for prosecution in the Anchorage office. In addition, over 3,000 misdemeanor cases and probation revocations were handled by the Anchorage office, despite the fact that that Municipal Attorney's office handles the bulk of misdemeanor cases occurring in Anchorage.

Component Goals and Strategies

The primary goal of this component is to assure safe and healthy communities by prosecuting and convicting criminal offenders in urban Alaska. The federally funded drug unit provides prosecution of drug offenses in Anchorage and serves as a legal resource for drug investigation and prosecution in the rest of the state.

Key Component Issues for FY2003 – 2004

Although the press has proclaimed a decrease in crimes reported to the police, there has been no slowdown in felony crimes being investigated and referred to the Criminal Division of the Department of Law for prosecution. Because the police always had more crimes reported than could be investigated, any downturn in reported crimes just gives them more breathing room to complete investigations that might have otherwise been left incomplete. The result is that cases sent to the Criminal Division for prosecution have not decreased, and in Anchorage, in particular, caseloads have increased. Moreover, the FBI's most recent statistical report shows a rise in crime rates nationwide, a pattern that is also suggested in Alaska's 2002 preliminary statistics.

Felony Probation cases take their toll on the Anchorage office.

Anchorage also gets the lion's share of felony probation revocation cases, where persons convicted of felonies have broken the terms of their probation, and can no longer be effectively controlled by the probation officer. As prison populations rise, judges tend to put more and more serious offenders on probation, rather than prison, and many of these offenders are in the Anchorage area. The Department of Corrections tries to closely supervise these higher-risk offenders, but the result is often new offenses or violations of probation conditions. These offenders have already been convicted of serious felony crimes, and they are at high risk to commit more crimes unless probation is revoked.

In 1999 Anchorage handled nearly 700 of these felony probation revocation cases. In 2000 and 2001, the numbers reached nearly 1000 each year. But for prosecutors, these offenders from "old" cases take away time that could be spent handling all the "new" cases and new crimes. In the Anchorage office, these felony probation revocations now account for about one-quarter of all felony cases. All units within the office are affected, but particularly the Violent Crimes Unit and the Special Assaults Unit. Note, however, that the numbers of cases described in the narratives about the units in the Anchorage office refer only to new felony cases, and not these old felony probation revocations.

It is simply more time consuming to prosecute in Anchorage.

The plain fact of the matter is that the criminal defense bar (both private and public) in Anchorage is more aggressive and deals with more serious cases than anywhere in Alaska. Cases go to trial in Anchorage that would be negotiated elsewhere in the state. And judges in Anchorage tend to hold more hearings, and more prolonged hearings, than anywhere else. Judges in Anchorage also tend to give more serious consideration to legal motions that other judges would quickly deny, and this gives further incentive for the defense bar to litigate issues that would not be litigated elsewhere. Defense attorneys (including OPA attorneys) also re-litigate old cases by filing post-conviction relief actions (called PCR cases) long after the defendant's appeal has been denied, often claiming that the person's first attorney provided ineffective legal assistance. This requires delving into cases that are years old, taking away time from new cases. All this means that prosecuting criminal cases simply takes more time and is more difficult in Anchorage.

Anchorage DAO Sex Crimes Unit.

The Special Assaults Unit in the Anchorage District Attorney's Office handles felony sex offenses. These crimes, which are almost always perpetrated against women and children, increased greatly from 2000 to 2001, partly as a result of new felony crimes being created. The number of felony sex offenses referred to the Anchorage DA's office increased from 104 in 2000 to 150 in 2001. The number of felony sex offenses accepted for prosecution also saw a roughly 50% increase.

In addition to rapes and child sexual abuse, the Special Assaults Unit also handles other felony-level sexual crimes such as possession of child pornography, indecent exposure and failure to register as a sex offender. These other types of sexual crimes are important to prosecute because they tend to prevent more serious crimes from being committed. People who commit these crimes often have mental health problems and can benefit from supervision and treatment. However, these offenders often have prior felonies, which increases the potential penalties and increases the incentive of defense attorneys to vigorously defend them. There were 41 of these other types of felonies referred for prosecution in 2001 in Anchorage, up from 23 in 2000, and none in 1998. Just a few years ago, these crimes were minor misdemeanor offenses, but now the legislature has increased them to felonies and they constitute a quarter of the caseload of felony sex crimes.

Anchorage Violent Crimes Unit

The Violent Crimes Unit in the Anchorage District Attorney's Office handles all felony crimes, excluding sex offenses. The number of violent offenses referred to the Anchorage DA's office was well under 400 cases in 1993-94, but for 1999-2002 has average over 600 cases. The number of felony offenses accepted for prosecution also saw a roughly 50% increase.

This unit handles all murders, attempted murders, kidnappings, armed robberies and other felony assaults such as shootings and stabbings. In addition, the Violent Crimes Unit also handles escapes from prison and felony-level weapons offenses, such as felons in possession of weapons and drive-by shootings. These other types of crimes are important to prosecute because they tend to prevent more serious violent crimes from being committed. Many of these offenders often have prior felonies, which increases the potential penalties and increases the incentive of defense attorneys to vigorously defend them. There were 78 of these other types of violent felonies referred for prosecution in 2000, 88 in 2001 and there will be 100 in 2002, or over 15% of the caseload of the unit.

Anchorage Property Crimes Unit

The Anchorage Property Crimes Unit has been chronically understaffed for several years. Whenever vacancies occur in the Anchorage office, the Violent Crimes Unit and Special Assaults Units are usually left intact, with the Property Crimes Unit absorbing the vacancy. But this constant shifting of staffing severely undercuts the ability of the unit to handle its caseload. The Anchorage Police Department has increased the staffing of its own property crimes unit in response to public demand for better response to felony-level thefts, burglaries, destruction of property, and similar crimes. The property crimes caseload in Anchorage for 2002 is projected to be at an all-time record of over 800 cases.

Alcohol Interdiction

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. The bootlegging interdiction project will focus on keeping alcohol out of dry communities. The project is a joint effort between the Departments of Public Safety and Law. Funding is from the Department of Justice. The project was to have been funded for three to five years. The Departments of Public Safety and Law coordinate with local law enforcement agencies, as well as with the United States Attorney's Office, the United States Postal Service and other federal law enforcement agencies. FY 2004 would mark the third year of funding if it continues.

Community Gun Violence Prosecution (GVP) Program

The Criminal Division has been awarded \$120,000 in federal funds by the Bureau of Justice Assistance for each of three years beginning March 1, 2002 for the above named program. The goal of the GVP is to provide additional resources to state prosecutors in order for them to hire new assistant prosecutors dedicated to the prosecution and ultimately deterrence of firearm-related violent crime. While already awarded the funds, the Criminal Division has been unable to move forward to add new prosecutors for this effort because the matching level of funds could be as much as 200% of the federal funding provided for each position. This is because a maximum of just \$40,000 in federal funds is all that can be allocated to each position. The federal funds cannot be used to supplant state funds and must result in an overall increase in the number of prosecutors assigned to this type of work. The grant also requires a good faith effort to retain these new prosecutors for a minimum of one year beyond the conclusion of the grant period.

Major Component Accomplishments in 2002

Major accomplishments are reflected in the performance measures at the BRU level.

Statutory and Regulatory Authority

AS 44.23.020

Third Judicial District: Anchorage
Component Financial Summary

All dollars in thousands

	FY2002 Actuals	FY2003 Authorized	FY2004 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	3,175.1	3,373.6	3,439.9
72000 Travel	114.0	89.4	88.4
73000 Contractual	152.0	250.9	233.1
74000 Supplies	50.5	55.1	54.2
75000 Equipment	8.5	19.0	19.0
76000 Land/Buildings	0.0	0.0	0.0
77000 Grants, Claims	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	3,500.1	3,788.0	3,834.6
Funding Sources:			
1004 General Fund Receipts	3,180.1	3,384.8	3,486.4
1007 Inter-Agency Receipts	320.0	403.2	348.2
Funding Totals	3,500.1	3,788.0	3,834.6

**Third Judicial District: Anchorage
Proposed Changes in Levels of Service for FY2004**

No service changes.

**Summary of Component Budget Changes
From FY2003 Authorized to FY2004 Governor**

All dollars in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2003 Authorized	3,384.8	0.0	403.2	3,788.0
Adjustments which will continue current level of service:				
-Annualize FY2003 COLA Increase for GG/GP/SS Bargaining Units	0.0	0.0	0.9	0.9
-To Third Judicial: Outside Anchorage for Palmer Drug Prosecution Unit	0.0	0.0	-57.8	-57.8
-\$75 per Month Health Insurance Increase for Non-covered Staff	20.7	0.0	1.9	22.6
-From Criminal Justice Litigation to adjust vacancy by fund source	80.9	0.0	0.0	80.9
FY2004 Governor	3,486.4	0.0	348.2	3,834.6

Third Judicial District: Anchorage

Personal Services Information

	Authorized Positions		Personal Services Costs	
	<u>FY2003</u> <u>Authorized</u>	<u>FY2004</u> <u>Governor</u>		
Full-time	53	53	Annual Salaries	2,770,385
Part-time	1	0	Premium Pay	0
Nonpermanent	0	0	Annual Benefits	908,631
			<i>Less 6.50% Vacancy Factor</i>	(239,116)
			Lump Sum Premium Pay	0
Totals	54	53	Total Personal Services	3,439,900

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk I	1	0	0	0	1
Administrative Clerk II	2	0	0	0	2
Administrative Clerk III	2	0	0	0	2
Assoc Attorney II	1	0	0	0	1
Attorney III	9	0	0	0	9
Attorney IV	10	0	0	0	10
Attorney V	6	0	0	0	6
Attorney VI	1	0	0	0	1
Law Office Assistant I	10	0	0	0	10
Law Office Assistant II	3	0	0	0	3
Law Office Manager II	1	0	0	0	1
Victim/Witness Paralegal I	3	0	0	0	3
Victim/Witness Paralegal II	4	0	0	0	4
Totals	53	0	0	0	53