

**State of Alaska
FY2006 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

1. The Criminal Division protects the public by prosecuting all violations of state criminal law committed by adults and beginning in 2005, juveniles, and by placing them under appropriate controls.
2. The Criminal Division provides focused and specialized prosecution in the following areas:
 - a. narcotics prosecution (funded by the Department of Public Safety through a federal grant)
 - 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 with federal funds)
 - e. Medicaid provider fraud (federally-funded grant to the Department of Law)
 - f. selected fish and game prosecution (funded by the Fish and Game Fund)
 - g. alcohol interdiction in rural Alaska (funded by the Department of public safety through federal grant) a
 - h. white collar and other special prosecution (general fund)
3. The Criminal Division provides assistance to victims and witnesses of crimes such as preparation for testimony in court, travel and per diem expenses, court-mandated witness fees, and information about court procedures, domestic violence restraining orders and violent crime compensation procedures. The Division also ensures that victims are kept informed of important events in their cases and that their victim's rights are protected.
4. The Criminal Division supports the efforts of criminal justice agencies to detect and punish crime through investigation, trial, and conviction, by litigating all criminal appellate proceedings and state and federal post-conviction and habeas corpus proceedings. In addition, the Criminal Division also handles civil litigation challenging statutes related to criminal justice, such as sex offender registration, DNA databank, victims' rights, and physician-assisted suicide.
5. The Criminal Division provides general legal services to the Departments of Corrections and Public Safety relating to their criminal justice activities. These legal services consist of verbal and written advice, representation in civil litigation and administrative proceedings, and assistance with drafting legislation, regulations, policies, and procedures. The Criminal Division also provides advice to the legislature on criminal justice matters.

End Results	Strategies to Achieve Results
<p>A: Improve Public Safety Against Serious Assault</p> <p><u>Target #1:</u> Reduce the rate of violent crime reported in Alaska by 1% per year</p> <p><u>Measure #1:</u> % violent crimes per 100,000 population reported</p>	<p>A1: Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of violent felonies</p> <p><u>Target #1:</u> 55% of violent felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)</p> <p><u>Measure #1:</u> % of violent felony referrals accepted for prosecution that are resolved with a felony conviction</p>

	<p>(rather than a misdemeanor conviction)</p> <p><u>Target #2:</u> 25% of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced</p> <p><u>Measure #2:</u> % of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced</p> <p>A2: Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of misdemeanor domestic violence (DV) assaults</p> <p><u>Target #1:</u> 67% of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor, rather than a lesser offense</p> <p><u>Measure #1:</u> % of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor that has not been reduced</p> <p>A3: Improving Public Safety - Increase public awareness of criminal convictions and sentences</p> <p><u>Target #1:</u> 80% of press releases announcing notable convictions and sentences are published in the press, radio or television</p> <p><u>Measure #1:</u> % of press releases published</p>
End Results	Strategies to Achieve Results
<p>B: Enhance the Welfare of Children</p> <p><u>Target #1:</u> Reduce the number of child sexual abuse cases by 5%</p> <p><u>Measure #1:</u> Percentage change in the number of child sexual abuse cases reported each year</p>	<p>B1: Enhancing the Welfare of Children - Increase the prosecution of crimes involving sexual abuse of children</p> <p><u>Target #1:</u> 35% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction that has not been reduced</p> <p><u>Measure #1:</u> % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction that has not been reduced</p>
End Results	Strategies to Achieve Results
<p>C: Enhance The Protection of Victims of Crimes and Delinquent Acts</p> <p><u>Target #1:</u> Reduce to zero the number of complaints from victims of crimes and delinquent acts submitted to the Office of Victims Rights, the Attorney General's Office, the Commissioner of Health and Social Services, or the Office of the Governor</p> <p><u>Measure #1:</u> The number of complaints submitted by victims to the offices designated above</p>	<p>C1: Enhancing the Protection of Victims of Crimes - Increase the prosecution of property felonies</p> <p><u>Target #1:</u> 45% of property felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)</p> <p><u>Measure #1:</u> % of property felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)</p> <p><u>Target #2:</u> 35% of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced</p> <p><u>Measure #2:</u> % of property felony crimes accepted for prosecution that are resolved with a felony conviction that</p>

	<p>has not been reduced</p> <p>C2: Enhancing the Protection of Victims of Crimes - Increase and improve responsiveness to victims</p> <p><u>Target #1:</u> : 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</p> <p><u>Measure #1:</u> Number of paralegal assistants with regular direct contact with victims who have been provided yearly training in general victim-related issues</p> <p><u>Target #2:</u> 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</p> <p><u>Measure #2:</u> Number of paralegal assistants with regular direct contact with victims who have been provided biannual training in specialized victim-related issues</p>
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FY2006 Resources Allocated to Achieve Results								
<p>FY2006 Results Delivery Unit Budget: \$20,880,700</p>	<p>Personnel:</p>	<table> <tr> <td>Full time</td> <td style="text-align: right;">213</td> </tr> <tr> <td>Part time</td> <td style="text-align: right;">2</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">215</td> </tr> </table>	Full time	213	Part time	2	Total	215
Full time	213							
Part time	2							
Total	215							

Performance Measure Detail

A: Result - Improve Public Safety Against Serious Assault

Target #1: Reduce the rate of violent crime reported in Alaska by 1% per year
Measure #1: % violent crimes per 100,000 population reported

A1: Strategy - Improving Public Safety & Enhancing the Protection of Victims of Crimes - Increase the prosecution of violent felonies

Target #1: 55% of violent felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)
Measure #1: % of violent felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)

Target #2: 25% of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced
Measure #2: % of violent felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced

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

- Target #1:** 67% of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor, rather than a lesser offense
- Measure #1:** % of misdemeanor DV assaults accepted for prosecution that are convicted of a class A misdemeanor that has not been reduced

A3: Strategy - Improving Public Safety - Increase public awareness of criminal convictions and sentences

- Target #1:** 80% of press releases announcing notable convictions and sentences are published in the press, radio or television
- Measure #1:** % of press releases published

B: Result - Enhance the Welfare of Children

- Target #1:** Reduce the number of child sexual abuse cases by 5%
- Measure #1:** Percentage change in the number of child sexual abuse cases reported each year

B1: Strategy - Enhancing the Welfare of Children - Increase the prosecution of crimes involving sexual abuse of children

- Target #1:** 35% of crimes of sexual abuse of children accepted for felony prosecution that are resolved with a felony conviction that has not been reduced
- Measure #1:** % of crimes of sexual abuse of children accepted for prosecution that are resolved with a felony conviction that has not been reduced

C: Result - Enhance The Protection of Victims of Crimes and Delinquent Acts

- Target #1:** Reduce to zero the number of complaints from victims of crimes and delinquent acts submitted to the Office of Victims Rights, the Attorney General's Office, the Commissioner of Health and Social Services, or the Office of the Governor
- Measure #1:** The number of complaints submitted by victims to the offices designated above

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

- Target #1:** 45% of property felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)
- Measure #1:** % of property felony referrals accepted for prosecution that are resolved with a felony conviction (rather than a misdemeanor conviction)

- Target #2:** 35% of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced
- Measure #2:** % of property felony crimes accepted for prosecution that are resolved with a felony conviction that has not been reduced

C2: Strategy - 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

Measure #1: Number of paralegal assistants with regular direct contact with victims who have been provided yearly training in 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

Measure #2: Number of paralegal assistants with regular direct contact with victims who have been provided biannual training in specialized victim-related issues

Key RDU Challenges

Challenge No. 1: How to Respond to Increasing Felony Caseload

There has been an increase of 60% in felonies and 10% in misdemeanors in the last decade sent to the Criminal Division for prosecution. Appellate cases saw an increase of 45%. In FY2005, the governor requested, and the legislature appropriated \$1,087,100 for 6 new general fund attorneys in Kenai, Palmer and Anchorage and \$458,700 in federal and other funds for four attorneys to do special prosecution in the areas of drug offense and gun violence. Recognizing that new positions cannot be filled on July 1 of the fiscal year in which they are authorized, the request was scaled back with some positions funded between 9 and 11 months rather than 12. To complete the funding and allow the positions to be filled year round, increments totaling \$272,400 are needed. Additionally, Byrne grant money at the federal level as been on the decline in recent years. This money comes to Law via an RSA with Public Safety. As those receipts dwindle, we need to increase general funds by \$161,400 in order to maintain our efforts in drug enforcement.

Challenge No. 2: How to Provide Prosecutors with the Tools They Need

The Criminal Division is requesting an increase of \$228,100 in FY2006 in order to add 2 Victim-Witness Paralegal positions in Kenai and Palmer. Victim-Witness paralegals play a critical role in the District Attorney's offices. They provide litigation support to the attorneys, but they are also the office's primary contact with victims and the person primarily responsible for ensuring that victim rights are properly fulfilled. As caseloads increase, the responsibility on the paralegals to meet all these responsibilities increase. The creation of the Office of Victim's Rights, as well as other legislation, which enhances and increases the rights of victims, continues to be passed without any specific increase in resources to the Department of Law. Four additional positions are necessary in order to properly meet these responsibilities,.

Caseloads in Palmer and Kenai have increased dramatically since 1999. Felony referrals in Palmer increased 30% as of 2003; misdemeanors increased 14%. In Kenai, felony referrals were up 68% from 1999-2003; misdemeanor referrals increased 27%. During this same period, there has been no increase in paralegal staffing to enable the office to fully comply with victim's rights obligations, as well as to support the attorneys handling these cases. In FY2004 and FY2005, the Department of Law has responded to the increase in caseloads in both the Palmer and Kenai District Attorney's Offices by increasing the number of prosecutors in each office. Palmer is increasing from 7 to 9 full-time prosecutors; Kenai is increasing from 4 to 6 full-time prosecutors. The addition of two prosecutors in each office requires that an additional victim-witness paralegal be added to each office so that the necessary trial support and victim contact is provided for each case.

\$80,000 is requested to pay the annual maintenance fee on our nearly fully deployed criminal management information system known as CRIMES. Designing, building, and rolling out this system has been a long and complicated process due to Alaska's far flung geography and remoteness of some of the District Attorney offices. The capital appropriation we

had for this project through an RSA with the Governor's Office is exhausted. Annual maintenance and operation of this system is an operating budget expense and this increment is needed to prevent the loss of a prosecutor and victim witness paralegal that would otherwise be eliminated in order to pay this bill.

Finally, the FY2006 capital budget includes a request for \$1,000,000 for an integrated system largely aimed at managing Civil Division cases and billings. However, the document management portion of the system will be deployed department-wide and will also benefit the Criminal Division by providing an electronic method for document retention and storage.

Challenge No. 3: How to Attract and Retain Qualified Attorneys as State Prosecutors

The Criminal Division faces a challenge, currently and long term, to attract attorneys willing to serve the public as state prosecutors, in both urban and rural Alaska. The high caseload is only one of the factors that contributes to high attorney turnover and makes private practice more attractive to most entry-level and, especially, experienced attorneys. Attracting qualified attorneys to rural locations such as Bethel, Kotzebue and Barrow is also a long-term challenge.

Challenge No. 4: How to Respond to Civil Litigation Challenging Criminal Laws

Along with heavy criminal caseloads, the Criminal Division is often called on to defend the legality of new laws. Although much of this litigation occurs within the context of a specific criminal prosecution, other litigation is often filed as class action lawsuits, requiring significant unbudgeted efforts. For example, there is ongoing litigation over the legality of sex offender registration laws and the DNA databank. Criminal Division attorneys are handling all these lawsuits, although previous litigation in the United States Supreme Court of the sex offender registration law was handled by a private law firm under a special appropriation. Laws relating to victim rights, such as the right not to be secretly recorded by defense attorneys, are being challenged in court and a private law firm under another special appropriation is also handling that litigation. A supplemental operating budget request of \$50,000 will be needed in FY 2005 for the victims' rights case.

Challenge No. 5: How to Respond to Cyber and Increased White Collar Crime

There is an abundance of crime being committed through the use of computers and high technology. However, there is a shortage of law enforcement assets to address these crimes. As a result, computer related crimes are being under investigated and under prosecuted. Between 2001 and 2003, the criminal division tracked about 35 charges of unlawful exploitation, about 11 charges of criminal use of a computer, about 61 charges of indecent viewing, and about 224 charges involving the distribution or possession of child pornography. It is the observation among law enforcement that, nationwide, online predators are constantly seeking out opportunities to develop relationships with children online with the ultimate goal of meeting and having sex with them. A determined online predator stands a good chance of eventually victimizing a child. Reactive law enforcement means that we often do not get involved until a tragedy has already occurred. Alaska needs a proactive approach so troopers can go online and intercept would-be sex offenders before they can offend, and the offenders can be prosecuted.

Internet related fraud, and specifically identity theft, is also an area that is under investigated and prosecuted; it is an area where proactive efforts could be useful. Alaska specific frauds are being committed online constantly. Some cases involve Alaskans as the victims, while in other cases the Alaska nexus may be the fraudulent sale of Alaska real estate or the use of a stolen credit card which leaves the Alaskan business without payment. Due to lack of enforcement tools, these crimes are often only addressed with civil action (if at all), leaving the perpetrators to continue their criminal activities. Dedicated resources are needed to combat these insidious crimes.

The Department of Law proposes a budget increment of \$353,200 to add a dedicated prosecutor, a half time paralegal, funding for training and expert witnesses so that legal support can be provided through every step of a cybercrime investigation as well as the ultimate prosecution of the case. The office of special prosecutions currently has just one white-collar crimes prosecutor who also supervises a 16-person office and has primary statewide responsibility for all complex white-collar cases, officer misconduct cases, public corruption, and conflict cases from the District Attorneys' offices. Much of the existing caseload involves computer evidence. Staff in this office includes just one paralegal serving six attorneys instead of the typical ratio of one paralegal for every three or four attorneys. The anticipated increase of caseload by adding a prosecutor will require the support of a half-time paralegal. \$100,000 of this request will fund expert witnesses, needed because high technology crimes are getting more complex, while at the same time courts are placing greater obstacles in the way of law enforcement. For instance, recently child pornography case law in some jurisdictions not only requires that prosecutors prove that the person depicted in a picture is a child, but now must

preemptively rebut the notion that the picture is faked, even if the defense never makes a bona fide challenge to authenticity. A simple possession of child pornography case might now require both a forensic pediatrician who can testify as to age and computer image expert who can analyze the image and testify about authenticity. In this highly complex and changing arena, dedicating \$25,000 of this request toward training will ensure that the skills necessary for a number of prosecutors, on a statewide level, are continually refreshed and sharpened.

In addition to hiring a dedicated prosecutor and half-time paralegal, it will be crucial to obtain firm commitments from the troopers to keep their three-person Computer and Financial Crimes Unit staffed and trained in computer forensics.

Significant Changes in Results to be Delivered in FY2006

If funds are approved to add the resources sought by the Attorney General and the Criminal Division in the FY 2005 budget request, the following targeted results could be achieved:

55% of violent felony referrals accepted for prosecution will be resolved with a felony conviction (rather than a misdemeanor conviction)

25% of violent felony crimes accepted for prosecution will be resolved with a felony conviction that has not been reduced

67% of misdemeanor DV assaults accepted for prosecution will be convicted of a class A misdemeanor, rather than a lesser offense

It is premature to anticipate how many additional convictions will result from funding and staffing the cybercrime/white collar crime request. An additional attorney dedicated to this area of crime is likely to double the number of convictions we currently experience. We anticipate we will generate additional cases through proactive rather than merely reactive efforts.

Major RDU Accomplishments in 2004

No major accomplishments.

Contact Information

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**Criminal Division
RDU Financial Summary by Component**

All dollars shown in thousands

	FY2004 Actuals				FY2005 Management Plan				FY2006 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	1,349.2	0.0	0.0	1,349.2	1,532.5	0.0	0.0	1,532.5	1,602.9	0.0	0.0	1,602.9
Second Judicial District	848.4	0.0	0.0	848.4	1,059.4	0.0	0.0	1,059.4	1,044.8	0.0	0.0	1,044.8
Third Judicial: Anchorage	3,400.5	0.0	300.5	3,701.0	4,535.5	240.0	465.0	5,240.5	4,986.1	121.6	592.5	5,700.2
Third JD: Outside Anchorage	2,490.5	0.0	87.1	2,577.6	2,739.7	0.0	123.4	2,863.1	3,054.0	0.0	125.3	3,179.3
Fourth Judicial District	3,179.7	0.0	215.7	3,395.4	3,509.7	0.0	437.7	3,947.4	3,622.0	0.0	443.5	4,065.5
Criminal Justice Litigation	1,441.2	0.0	317.8	1,759.0	1,087.5	0.0	221.0	1,308.5	1,155.5	0.0	234.3	1,389.8
Criminal Appeals/Special Lit	1,682.2	886.7	533.2	3,102.1	2,113.0	521.0	796.1	3,430.1	2,562.1	532.7	803.4	3,898.2
Totals	14,391.7	886.7	1,454.3	16,732.7	16,577.3	761.0	2,043.2	19,381.5	18,027.4	654.3	2,199.0	20,880.7

Criminal Division
Summary of RDU Budget Changes by Component
From FY2005 Management Plan to FY2006 Governor

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2005 Management Plan	16,577.3	761.0	2,043.2	19,381.5
Adjustments which will continue current level of service:				
-First Judicial District	70.4	0.0	0.0	70.4
-Second Judicial District	-14.6	0.0	0.0	-14.6
-Third Judicial: Anchorage	139.4	-118.4	127.5	148.5
-Third JD: Outside Anchorage	50.0	0.0	1.9	51.9
-Fourth Judicial District	112.3	0.0	5.8	118.1
-Criminal Justice Litigation	-12.0	0.0	0.8	-11.2
-Criminal Appeals/Special Lit	9.5	11.7	7.3	28.5
Proposed budget increases:				
-Third Judicial: Anchorage	311.2	0.0	0.0	311.2
-Third JD: Outside Anchorage	264.3	0.0	0.0	264.3
-Criminal Justice Litigation	80.0	0.0	12.5	92.5
-Criminal Appeals/Special Lit	439.6	0.0	0.0	439.6
FY2006 Governor	18,027.4	654.3	2,199.0	20,880.7