

State of Alaska
FY2010 Governor's Operating Budget

Department of Law
Criminal Appeals/Special Litigation
Component Budget Summary

Component: Criminal Appeals/Special Litigation**Contribution to Department's Mission**

The Office of Special Prosecutions and Appeals (OSPA) contributes to the Department's mission by prosecuting and convicting criminal offenders in specialized areas of the law, and by upholding those convictions on appeal.

Core Services

- OSPA represents the state in all felony appellate proceedings challenging convictions obtained in the trial courts and handles most state and federal post-conviction and habeas corpus proceedings. These post-trial procedures are constitutionally required when convicted criminals file such actions the state must respond. Without these functions, the efforts of criminal justice agencies to detect and punish crime through investigation, trial, and conviction would be nullified.
- OSPA handles civil litigation challenging statutes related to criminal justice, such as sex offender registration and DNA databank.
- OSPA prosecutes economic and other complex crimes. In addition to filing criminal charges and conducting criminal trials, this office also gives day-to-day advice to special "white collar" investigation units. These prosecution services protect private investors, small businesses, and government agencies that are the victims of fraud or other wrongdoing.
- OSPA handles cases involving criminal charges against police officers, or cases in which the local District Attorney's office has some kind of conflict with handling the case.
- OSPA prosecutes environmental crimes through a reimbursable services agreement with the Department of Environmental Conservation. These prosecution services protect the state's air and water quality by providing advice and assistance to state environmental investigators and by prosecuting appropriate criminal cases.
- OSPA prosecutes welfare cheaters through a reimbursable services agreement with the Department of Health and Social Services. These prosecution services protect the state's welfare system.
- Through a reimbursable services agreement with the Department of Revenue, OSPA prosecutes cases against individuals who fraudulently apply for a Permanent Fund Dividend (PFD). These prosecution efforts protect the integrity of the PFD program.
- OSPA prosecutes medical providers who cheat the Medicaid system through a federal grant and matching state general funds. The unit can institute criminal prosecution for fraud or civil actions for overpayments. In addition, the unit is responsible for investigating and prosecuting abuse of patients in Medicaid-funded facilities.
- OSPA prosecutes selected fish and game cases that are significant or have statewide importance. Most fish and game cases are handled by the appropriate district attorney's office
- OSPA prosecutes criminal child support enforcement matters through a reimbursable services agreement from the Department of Revenue.
- OSPA prosecutes bootlegging and alcohol interdiction cases in Anchorage, Bethel, Nome and Kotzebue, and provides legal advice during investigations. Funding is through a reimbursable services agreement with the Department of Public Safety.
- OSPA works with the Alaska State Troopers "cold case" homicide unit to investigate and prosecute old, uncharged cases.
- OSPA houses the Division's "Rural Prosecution Unit". This is a federally funded unit whose job it is to support prosecution in rural Alaska. The attorneys and support staff in this unit work state-wide as needed to assist rural offices due to staffing shortages or increased caseloads.
- OSPA provides expertise and training state-wide in the area of Domestic Violence and Sexual Assault. This unit also handles complex and high-profile prosecutions in this area.

FY2010 Resources Allocated to Achieve Results**FY2010 Component Budget: \$5,640,700****Personnel:**

Full time 40

Part time 1

Total 41**Key Component Challenges**

See Key RDU challenges.

Significant Changes in Results to be Delivered in FY2010

See Results at RDU level.

Major Component Accomplishments in 2008

See Accomplishments at RDU level.

Statutory and Regulatory Authority

AS 44.23.020

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**Criminal Appeals/Special Litigation
Component Financial Summary**

All dollars shown in thousands

	FY2008 Actuals	FY2009 Management Plan	FY2010 Governor
Non-Formula Program:			
Component Expenditures:			
71000 Personal Services	4,160.9	4,670.1	4,398.1
72000 Travel	204.7	199.6	181.4
73000 Services	513.6	935.0	897.0
74000 Commodities	84.8	105.2	98.2
75000 Capital Outlay	0.1	84.0	66.0
77000 Grants, Benefits	0.0	0.0	0.0
78000 Miscellaneous	0.0	0.0	0.0
Expenditure Totals	4,964.1	5,993.9	5,640.7
Funding Sources:			
1002 Federal Receipts	1,377.5	2,133.2	1,792.4
1003 General Fund Match	167.8	172.0	177.8
1004 General Fund Receipts	2,708.2	2,926.0	2,887.5
1007 Inter-Agency Receipts	710.6	762.7	783.0
Funding Totals	4,964.1	5,993.9	5,640.7

Estimated Revenue Collections

Description	Master Revenue Account	FY2008 Actuals	FY2009 Management Plan	FY2010 Governor
Unrestricted Revenues				
Unrestricted Fund	68515	6.1	0.0	0.0
Unrestricted Total		6.1	0.0	0.0
Restricted Revenues				
Federal Receipts	51010	1,377.5	2,133.2	1,792.4
Interagency Receipts	51015	710.6	762.7	783.0
Restricted Total		2,088.1	2,895.9	2,575.4
Total Estimated Revenues		2,094.2	2,895.9	2,575.4

**Summary of Component Budget Changes
From FY2009 Management Plan to FY2010 Governor**

All dollars shown in thousands

	<u>General Funds</u>	<u>Federal Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
FY2009 Management Plan	3,098.0	2,133.2	762.7	5,993.9
Adjustments which will continue current level of service:				
-FY2010 Wage and Health Insurance Increases for Bargaining Units with Existing Agreements	111.9	50.2	20.3	182.4
-Transfer PCN 03-1302 with Funding to Criminal Justice Litigation	-144.6	0.0	0.0	-144.6
-Remove Sexual Assault/Domestic Violence Fed Earmark: Sec. 27(d), Ch 11, SLA08, P 104, L 30 (SB256) Lapses 6/30/09	0.0	-391.0	0.0	-391.0
FY2010 Governor	3,065.3	1,792.4	783.0	5,640.7

**Criminal Appeals/Special Litigation
Personal Services Information**

Authorized Positions			Personal Services Costs	
	<u>FY2009</u> <u>Management</u> <u>Plan</u>	<u>FY2010</u> <u>Governor</u>		
Full-time	41	40	Annual Salaries	3,190,427
Part-time	1	1	COLA	126,071
Nonpermanent	0	0	Premium Pay	0
			Annual Benefits	1,504,404
			<i>Less 8.77% Vacancy Factor</i>	(422,802)
			Lump Sum Premium Pay	0
Totals	42	41	Total Personal Services	4,398,100

Position Classification Summary

Job Class Title	Anchorage	Fairbanks	Juneau	Others	Total
Administrative Clerk III	1	0	0	0	1
Attorney III	2	0	0	0	2
Attorney IV	12	0	0	0	12
Attorney V	9	1	1	0	11
Internal Auditor IV	1	0	0	0	1
Investigator III	3	0	0	0	3
Law Office Assistant I	6	0	0	0	6
Law Office Assistant II	1	0	0	0	1
Law Office Manager II	1	0	0	0	1
Paralegal II	1	0	0	0	1
Victim/Witness Paralegal II	2	0	0	0	2
Totals	39	1	1	0	41