

State of Alaska
FY2015 Governor's Operating Budget

Department of Law
Criminal Division
Results Delivery Unit Budget Summary

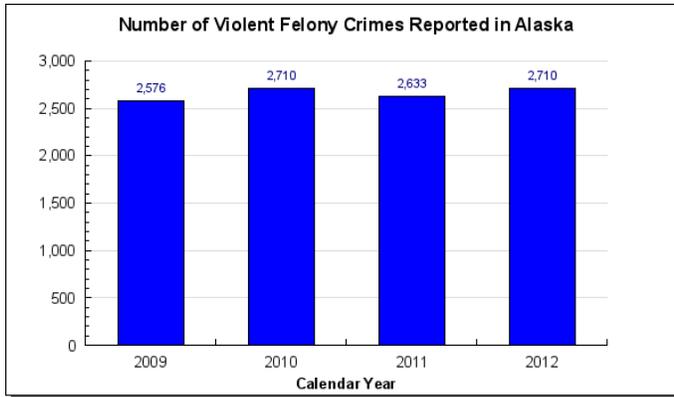
Criminal Division Results Delivery Unit

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.

Results

(Additional performance information is available on the web at <https://omb.alaska.gov/results>.)



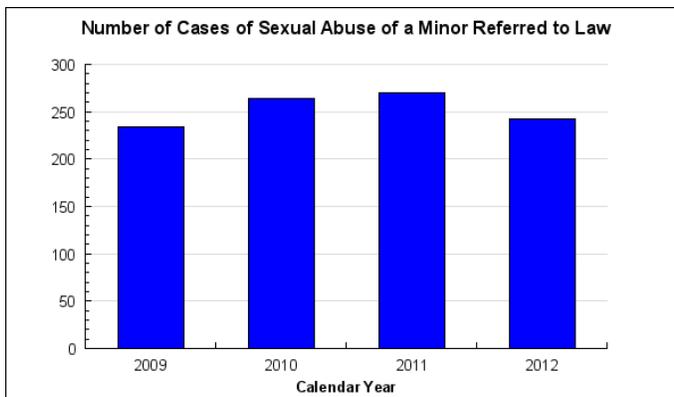
Core Services

- Protecting the Safety and Physical and Financial Well-being of Alaskans

Measures by Core Service

(Additional performance information is available on the web at <https://omb.alaska.gov/results>.)

1. Protecting the Safety and Physical and Financial Well-being of Alaskans



Major RDU Accomplishments in 2013

Protecting the Safety and Physical and Financial Well-being of Alaskans

Criminal Prosecutions. Total number of prosecutions and convictions during calendar year 2012:

Total felony cases accepted for prosecution: 5,598

Total felony cases convicted of a felony offense:	1,849
Total felony cases convicted of a misdemeanor offense:	1,737
Felony cases pending:	1139
Total misdemeanor cases accepted for prosecution:	20,207
Total misdemeanor case convictions:	13,566
Misdemeanor cases pending:	1,674
Total criminal appeals:	589
Other matters	4,479

New Criminal Laws. The department assisted in updating and drafting new criminal laws that resulted in:

- Prohibiting probation and parole officers from engaging in sexual conduct with persons on probation or parole.
- Overturning the majority decision in *Collins v. State*, which allowed new and different standards to be applied to the referral of cases involving a sex felony to a three-judge sentencing panel.
- Allowing a person to bring a civil action at any time against a perpetrator for damages based on injuries resulting from the crimes of felony sex trafficking and felony human trafficking.
- Allowing the state to prosecute a person for distribution of child pornography, felony sex trafficking, and human trafficking at any time, without regard to the time elapsed from the commission of the crime.
- Allowing a judicial officer, when releasing on bail a person in connection with a crime involving domestic violence or stalking, the discretion to require the defendant to participate in electronic monitoring by a global positioning device or similar technology.
- Requiring that a person arrested for violation of a condition of release in connection with an underlying charge of a crime involving domestic violence appear before a judge before release from custody for the violation.
- Expanding the protection of a victim of sexual assault, sexual abuse of a minor, and unlawful exploitation of a minor by allowing the exclusion of evidence of the victim's sexual conduct both before and after the charged offense.
- Prohibiting a court from granting a suspended imposition of sentence to a person convicted of sex trafficking.
- Requiring the court, in sentencing a person convicted of two or more crimes of distribution of child pornography, possession of child pornography, or distribution of indecent material to minors, to give some consecutive time for each crime in which the defendant is being sentenced.
- More explicit statutes and court rules that require a court to consider the impact of the crime on the victim.

Domestic Violence and Sexual Assault. The department continued to assist in the Governor's 10-year plan to end the epidemic of domestic violence and sexual assault (DV/SA) through the following:

- Aggressive prosecution of DV/SA crimes by not negotiating pleas in sex cases to non-sex offenses; not negotiating sentences in any sex, human trafficking or domestic violence cases; by actively communicating with victims; and by following best practices established in policy guidelines.
- Supported the work of the DV/SA initiative through close collaboration by senior staff with the Governor's coordinator, including Attorney General attendance at biweekly executive group meetings. The Deputy Attorney General is a member of the Council on Domestic Violence and Sexual Assault and the large DV/SA work group whose projects include an Offender Management Work Group, piloting a DV Court, and Sexual Response Team sustainability.
- Provided a three-day training for all attorneys and paralegals in the division relating to prosecuting DV/SA cases.

- Six new employees received Sexual Assault Response Team training while four other attorneys received training related to domestic violence abuse.
- During the month of October, Domestic Violence Awareness Month, district attorneys arranged for radio spots and discussed domestic violence issues to raise awareness in their local communities.
- Law employees, including the Attorney General, volunteered to attend "Choose Respect" marches and other public events in many communities where they handed out "Choose Respect" bracelets imprinted in English and Yup'ik, Inupiaq, Tagalog, Russian, Korean and Spanish.
- The Office of Special Prosecutions and Appeals successfully defended Alaska's online-enticement statute against a defendant asserting that the statute is unconstitutionally overbroad and so violates the First Amendment right to free speech. The statute – AS 11.41.452 – prohibits an adult from using a computer to entice, solicit, or encourage a child under 16 years old to engage in statutorily prohibited sexual acts. The unit convinced the court that a narrow construction, which requires the prosecutor to prove that the defendant intended to cause or persuade the child to engage in the prohibited sexual activities, avoids unconstitutional overbreadth or vagueness. The court held that, when narrowly construed, the statute primarily restricts only unprotected speech and its permissible reach "dwarfs its arguably impermissible applications."

Advances in Special Prosecution. The Office of Special Prosecutions and Appeals handles cases such as environmental crime, child support enforcement, welfare fraud, Permanent Fund Dividend (PFD) and tax fraud, Medicaid provider fraud, cold case prosecutions, selected fish and game prosecutions, white collar crime and other special prosecutions. In these areas, the department has made significant strides in 2012. For example, nearly \$74,000 in restitution was ordered for PFD fraud cases and nearly \$23,000 was ordered to the Teacher's Retirement System. In just one environmental case, over \$15,000 in restitution was ordered along with many other smaller restitution orders.

Medicaid Fraud. In 2012, three new investigator positions in Medicaid Fraud Control were filled. In FY13, the department had a 147.6% increase in the number of convictions and was awarded \$54,442 in restitution and fines, an increase of 179%. The department also brought in \$998,612 in global settlements.

Training.

- Sexual Assault Investigation Training. The Department of Law and the Department of Public Safety joined forces with the Scientific Crime Detection Laboratory, Anchorage Police Department, Federal Bureau of Investigation and the Alaska Institute for Justice to provide a 2.5 day training course to all prosecutors and law enforcement around the state on sexual assault investigations. This training consists of 12 regional sessions which began in May of 2013 and will continue every month until March 2014. This course addresses topics on sexual assault investigations and sex trafficking crimes in Alaska, including interviewing techniques, crime scene response, working with the Crime Lab, report writing, language interpreter training and legal issues at trial.
- Advanced Training for Criminal Prosecution Staff. The department sent 34 employees to training in the topical areas of trial advocacy, child maltreatment, Medicaid fraud, prosecuting sexual assault cases, supervisory skills, crimes against women, domestic violence crime prevention, and post-conviction relief.
- Public Safety and Criminal Justice Training. Many different attorneys provided training or conducted presentations around the state for other members of the community and criminal justice agencies. There were several Sexual Assault Response Team trainings; attorneys working with different youth courts; training sessions at the Alaska State Trooper Academy, the Village Public Safety Academy, and the Village Police Officer Academy. Training was also provided to state park officers, security forces at the military bases, Department of Community and Economic Development investigators, local law enforcement, municipal attorneys, interpreters of the Language Interpreter Center, chambers of commerce, medical providers, and probation officers. In addition, staff served as guest lectures at universities and local colleges and at a presentation to offenders in the Bethel Youth Facility.

Administrative Efficiency. A new process was created and implemented for approving and tracking the cost of witness travel and payment for those expenses. This has helped the department assist prosecutors in determining which witnesses are absolutely necessary for trial in order to lower travel expenditures. It has also made it easier to see where mistakes are being made by administrative staff and provide training where needed.

Key RDU Challenges

Protecting the Safety and Physical and Financial Well-being of Alaskans

- DV Initiative Implementation. There has been a 19.7% increase in felony domestic violence cases referred to the division since the Governor's initiative was announced in 2009 and a 5.6% increase in misdemeanor referrals.
- Increased Travel Costs. Increases in the cost of airfare and lodging for getting victims and witnesses to court have created greater burdens on the budget. It is not unusual for a week-long trial to cost several thousand dollars. There is not a measure in which to plan for what cases will go to trial or how much they will cost.
- Staffing. The number of prosecutors statewide is fewer than the number of judicial officers and defense attorneys. On average, prosecutors are outnumbered 1.2 to 1 by judges and magistrates. There are instances where prosecutors cannot cover all the courts in session at one time. The department's long-term goal is to have parity with judicial officers and public defenders in all communities. For example, in Bethel there are seven prosecutors and ten judicial officers. It is often the case that during the mornings, when all the judicial officers are holding court, including magistrates, the prosecutors cannot cover all the courtrooms.
- Technology. The Criminal Division's case management system has reached a critical point as both the software and hardware have become seriously out of date. The division is in the process of procuring a new system. Throughout the process there remain concerns as to how well the system will work in rural offices where connectivity remains slow.

Significant Changes in Results to be Delivered in FY2015

No changes in results delivered.

Contact Information
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**Criminal Division
RDU Financial Summary by Component**

All dollars shown in thousands

	FY2013 Actuals				FY2014 Management Plan				FY2015 Governor			
	UGF+DGF Funds	Other Funds	Federal Funds	Total Funds	UGF+DGF Funds	Other Funds	Federal Funds	Total Funds	UGF+DGF Funds	Other Funds	Federal Funds	Total Funds
Formula Expenditures None.												
Non-Formula Expenditures												
First Judicial District	2,135.2	80.8	0.0	2,216.0	2,160.9	51.6	0.0	2,212.5	2,119.8	51.8	0.0	2,171.6
Second Judicial District	1,824.1	165.1	0.0	1,989.2	2,002.0	230.0	82.3	2,314.3	1,979.6	231.1	0.0	2,210.7
Third Judicial: Anchorage	7,837.7	165.2	0.0	8,002.9	7,769.6	257.4	105.6	8,132.6	7,706.5	273.5	0.0	7,980.0
Third JD: Outside Anchorage	5,681.3	78.5	0.0	5,759.8	5,554.6	87.3	290.4	5,932.3	5,460.1	87.1	0.0	5,547.2
Fourth Judicial District	5,477.8	347.4	0.0	5,825.2	5,852.0	412.3	55.5	6,319.8	5,649.8	413.3	0.0	6,063.1
Criminal Justice Litigation	1,808.6	798.0	0.0	2,606.6	2,253.6	880.7	0.0	3,134.3	1,960.0	882.6	0.0	2,842.6
Criminal Appeals/Special Lit	4,361.0	997.8	834.3	6,193.1	4,908.7	902.8	1,312.9	7,124.4	4,457.7	1,130.7	1,004.3	6,592.7
Totals	29,125.7	2,632.8	834.3	32,592.8	30,501.4	2,822.1	1,846.7	35,170.2	29,333.5	3,070.1	1,004.3	33,407.9

Criminal Division
Summary of RDU Budget Changes by Component
From FY2014 Management Plan to FY2015 Governor

All dollars shown in thousands

	<u>Unrestricted</u> <u>Gen (UGF)</u>	<u>Designated</u> <u>Gen (DGF)</u>	<u>Other Funds</u>	<u>Federal</u> <u>Funds</u>	<u>Total Funds</u>
FY2014 Management Plan	30,501.4	0.0	2,822.1	1,846.7	35,170.2
Adjustments which will continue current level of service:					
-First Judicial District	-41.1	0.0	0.2	0.0	-40.9
-Second Judicial District	-22.4	0.0	1.1	0.0	-21.3
-Third Judicial: Anchorage	161.9	0.0	1.1	0.0	163.0
-Third JD: Outside Anchorage	130.5	0.0	-0.2	0.0	130.3
-Fourth Judicial District	-202.2	0.0	1.0	0.0	-201.2
-Criminal Justice Litigation	-307.6	0.0	1.9	0.0	-305.7
-Criminal Appeals/Special Lit	204.5	0.0	2.9	-1.2	206.2
Proposed budget decreases:					
-Second Judicial District	0.0	0.0	0.0	-82.3	-82.3
-Third Judicial: Anchorage	-225.0	0.0	0.0	-105.6	-330.6
-Third JD: Outside Anchorage	-225.0	0.0	0.0	-290.4	-515.4
-Fourth Judicial District	0.0	0.0	0.0	-55.5	-55.5
-Criminal Justice Litigation	-66.0	0.0	0.0	0.0	-66.0
-Criminal Appeals/Special Lit	-655.5	0.0	0.0	-307.4	-962.9
Proposed budget increases:					
-Third Judicial: Anchorage	0.0	0.0	15.0	0.0	15.0
-Criminal Justice Litigation	80.0	0.0	0.0	0.0	80.0
-Criminal Appeals/Special Lit	0.0	0.0	225.0	0.0	225.0
FY2015 Governor	29,333.5	0.0	3,070.1	1,004.3	33,407.9