

**State of Alaska
FY2016 Governor Amended Operating
Budget**

**Department of Law
Criminal Division
Results Delivery Unit Budget Summary**

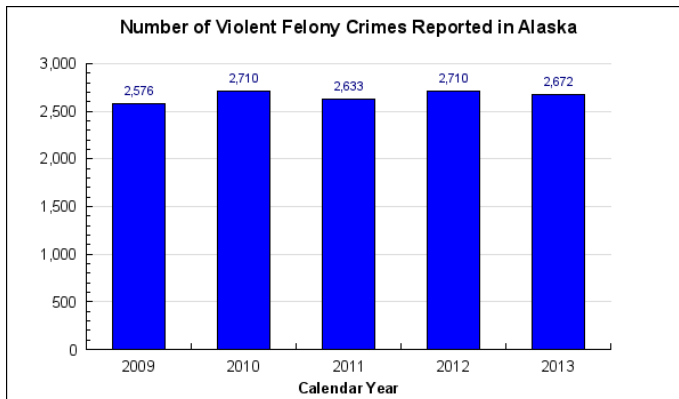
Criminal Division Results Delivery Unit

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>.)



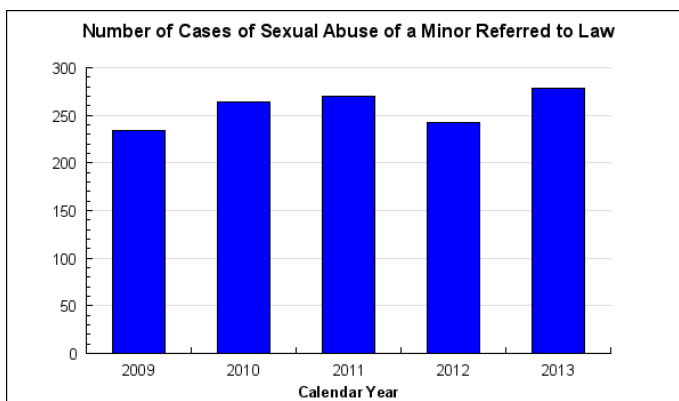
Core Services

- 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 2014

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

Prosecution and conviction of criminal misconduct is at the core of the Criminal Division's mission. The total number of prosecutions and convictions during calendar year 2013 are represented below.

Total felony cases accepted for prosecution:	5,720
Total felony cases convicted of a felony offense:	1,825
Total felony cases convicted of a misdemeanor offense:	1,662
Felony cases pending:	1299
Total misdemeanor cases accepted for prosecution:	19,925
Total misdemeanor case convictions:	13,262
Misdemeanor cases pending:	1,793
Total criminal appeals:	570
Other matters	6,469

These numbers reflect only the cases that were accepted for prosecution in 2013 and subsequently resolved within 2013. It doesn't reflect the cases that were still pending from past years and resolved in 2013. This is because of limitations within the statistics the division is able to retrieve from the current case management system. Likewise, the numbers do not reflect the cases screened but declined. Over the past few years, the Criminal Division has been working toward implementing a new case management system that will provide the services needed to move cases through the criminal justice system while functioning effectively in both urban and rural technological environments. In 2013, the division completed a very detailed needs assessment; a new system was identified, procured and a contract is now in place. Complete implementation of the system will occur in FY2015. The new system will be able to provide more detailed information on the types of cases received, track their status, and allow for more informed management of staff.

The Criminal Division continues to have a strong focus on domestic violence and sexual assault (DV/SA) cases to end the epidemic of DV/SA through aggressive prosecution, communicating with victims, and training. Several offices report an increase in the number of DV/SA cases taken to trial. Unfortunately, the current case management system does not track the number of cases that have gone to trial or days spent in trial. This is one of the areas the division is looking forward to being able to track in the future. Currently, the division is able to report the following case status information:

<u>2013</u>	<u>Felony</u>	<u>Misdemeanor</u>	
Total DV cases accepted for prosecution	1,040		3,196
Total DV cases convicted	657	2,113	
Total DV cases pending	183	178	
Total SA/SAM/other sex-related cases accepted*	342	7	
Total SA/SAM/other sex-related cases convicted	122	3	
Total SA/SAM/other sex-related cases pending	163	2	

*SAM stands for sexual abuse of a minor. Possession of child pornography is an example of other sex-related cases.

This year, in addition to the annual three-day training relating to prosecuting DV/SA cases for all attorneys and paralegals, the Criminal Division also conducted 16 regional sexual assault trainings for prosecutors, victim witness paralegals, and law enforcement. The locations of these trainings were Bethel, Ketchikan, Barrow, Palmer, Kotzebue, Nome, Dillingham, Kenai, Fairbanks, Juneau and Anchorage, with some locations having multiple sessions. The training course was designed to improve collaboration between law enforcement and prosecution and provide information and tools to more effectively investigate sexual assaults while maintaining a victim-centered approach. In total, 381 law enforcement officers, including village public safety officers, from the local communities and trooper posts along with 125 Department of Law attorneys and paralegals attended the training. The training covered first response, investigation, report writing and prosecution in sexual assault and sex trafficking cases. The Criminal Division's language access plan was also covered. The plan set out the procedure for identifying the language needs of those victims and witnesses with limited English proficiency and providing appropriate services for them. No state funds were expended for these trainings. Federal grant funds were obtained from the U.S. Department of Justice (U.S. DOJ) through the Council on Domestic Violence and Sexual Assault, under the Violence Against Women Act.

The division finalized and implemented a language access plan that has received commendation from the U.S. Department of Justice and is being used as an example nationwide. The plan was created to provide guidance on how to fulfill the Criminal Division's commitment to ensuring victims and witnesses in Alaska have safe, timely, and meaningful access to our offices and services as the division prosecutes those who violate state law. There are many

people for whom English is not their primary language, which may prevent these individuals from being able to fully participate in the criminal justice system unless various agencies in the criminal justice system, including the Criminal Division, work toward that goal.

In order to ensure victim contact is being made appropriately, a new measure was put into place to review a sampling of cases from each office on a yearly basis. The samples included a specific number of domestic violence cases, sex-related cases, and other felony and misdemeanor cases. The review conducted in 2013 provided a good base in which to measure improvement in future years. The information is useful in evaluating performance of individual victim witness paralegals and determining areas where additional assistance should be provided.

To assist with victim contact, the division has been working toward using a system similar to the VINE (Victim Information and Notification Everyday) system in use by the Department of Corrections (DOC). The DOC system notifies victims about the custody status of offenders including release date. The Criminal Division's system will provide notice to victims of upcoming court hearings indicating the date and time of the hearing and information about contacting their victim witness paralegal if they would like additional information. This enhancement went live in November, 2014.

Key RDU Challenges

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

The number of cases that go to trial is steadily increasing. The number of days it takes to complete a trial is also growing at an alarming rate. There are 37 sites established by the court system for trials. The cost of taking a case to trial in these locations continues to be the biggest challenge facing the Criminal Division. There is no way to know which cases will go to trial and how much they will cost. The burden of proving a case beyond a reasonable doubt lies with the prosecutor. This is accomplished by assuring the attendance of witnesses to testify at trial. Witnesses are not always local and there is no way to effectively budget or plan for their associated travel costs. For example, in the last few years, several state medical examiners have left Alaska for similar employment in other states. Because they are no longer state employees, they demand expert witness fees and are entitled to travel costs from their new locations when they must return to testify at trial regarding an autopsy they performed while in Alaska. The Criminal Division cannot predict the length of employment of medical examiners nor where they may relocate. Full fare tickets are purchased for these and all witnesses. This is to allow for changes or refunds because court dates often change at the last minute, or a case will resolve just prior to trial. Lodging, especially in summer months or in rural locations, is near \$200 per night. In order to keep costs to a minimum, witnesses are brought in and out of the trial site as quickly as possible. This often means the witness is not available later to testify in the state's rebuttal portion of the trial. Prosecutors are also often required to prove their case without all of the witnesses to the crime who, if called, could make the case better. The division is forced to hold positions vacant in order to pay for trial costs.

The division receives grant money from the U.S. Department of Justice through the Council on Domestic Violence and Sexual Assault, under the Violence Against Women Act, which provides training to Criminal Division employees on domestic and sexual violence issues. The majority of this funding provides for the division's annual district attorney/victim witness paralegal conference. In the past the division has been allowed to rollover unused funding to the next federal fiscal year and to the next grant period. The division has taken the opportunity in the last few years to use this non-state rollover funding to provide several in-state trial advocacy trainings. These have been provided at different educational levels to allow for the different experience levels of the attorneys. The funding also provided for regional trainings on sexual assault for prosecutors and law enforcement. The funds will be depleted by the end of 2014 and the division will no longer be able to provide this useful training.

Additionally, the Criminal Division is in the process of converting its sixteen-year-old case management system to today's standards for case management, records retention, calendaring, and report writing. In October, the division deployed the new system in Anchorage and anticipates all locations converted by the end of summer, 2015.

Significant Changes in Results to be Delivered in FY2016

The division has been evaluating processes and trying to create efficiencies wherever possible. The Office of Special Prosecutions and Appeals has grown and changed significantly over the years. To create efficiencies in supervision and administrative processes dealing with the court and other criminal justice agencies, the office was divided into

two: the Office of Special Prosecutions and the Office of Criminal Appeals. In doing so, a law office manager I position was reclassified down to a law office assistant II and procedures for the offices were updated.

The opening of Goose Creek Correctional Center and subsequent return of prisoners to Alaska that were formerly housed in Colorado created an increased need for assistance to the Department of Corrections (DOC) to defend prisoner litigation. The Criminal Division, with some assistance from a reimbursable services agreement with DOC, now has three attorneys representing the department in civil litigation. These positions were consolidated into one location in Anchorage to increase efficiency in supervision, access to DOC's staff and access to the main court hearing the cases.

This alignment of positions will provide better assistance to the state agencies and public that are served by the division, and has allowed the division to find small amounts of money to use in criminal litigation activities.

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**Criminal Division
RDU Financial Summary by Component**

All dollars shown in thousands

	FY2014 Actuals				FY2015 Management Plan				FY2016 Governor Amended			
	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	2,268.7	79.6	0.0	2,348.3	2,257.3	51.8	0.0	2,309.1	2,244.8	52.6	0.0	2,297.4
Second Judicial District	1,969.8	129.1	0.0	2,098.9	1,978.6	231.1	0.0	2,209.7	1,971.6	184.5	0.0	2,156.1
Third Judicial: Anchorage	7,958.8	178.3	0.0	8,137.1	7,634.0	273.5	0.0	7,907.5	7,751.7	278.5	0.0	8,030.2
Third JD: Outside Anchorage	5,779.7	84.5	0.0	5,864.2	5,557.1	87.1	0.0	5,644.2	5,635.5	88.7	0.0	5,724.2
Fourth Judicial District	5,970.6	354.9	0.0	6,325.5	5,643.9	413.3	0.0	6,057.2	5,460.3	419.1	0.0	5,879.4
Criminal Justice Litigation	2,095.9	1,085.3	0.0	3,181.2	2,027.0	882.6	0.0	2,909.6	2,058.8	891.3	0.0	2,950.1
Criminal Appeals/Special Lit	4,411.7	932.5	856.9	6,201.1	4,214.7	1,130.7	1,004.3	6,349.7	4,410.4	1,145.2	1,020.1	6,575.7
Unallocated Reduction	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-1,608.5	0.0	0.0	-1,608.5
Totals	30,455.2	2,844.2	856.9	34,156.3	29,312.6	3,070.1	1,004.3	33,387.0	27,924.6	3,059.9	1,020.1	32,004.6

Criminal Division
Summary of RDU Budget Changes by Component
From FY2015 Management Plan to FY2016 Governor Amended

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>
FY2015 Management Plan	29,312.6	0.0	3,070.1	1,004.3	33,387.0
One-time items:					
-Third Judicial: Anchorage	0.0	0.0	-15.0	0.0	-15.0
Adjustments which continue current level of service:					
-First Judicial District	41.9	0.0	0.8	0.0	42.7
-Second Judicial District	37.5	0.0	3.4	0.0	40.9
-Third Judicial: Anchorage	139.4	0.0	5.0	0.0	144.4
-Third JD: Outside Anchorage	78.8	0.0	1.6	0.0	80.4
-Fourth Judicial District	-108.5	0.0	5.8	0.0	-102.7
-Criminal Justice Litigation	72.9	0.0	8.7	0.0	81.6
-Criminal Appeals/Special Lit	196.1	0.0	14.5	15.8	226.4
Proposed budget increases:					
-First Judicial District	0.0	0.0	140.0	0.0	140.0
-Third Judicial: Anchorage	0.0	0.0	15.0	0.0	15.0
-Third JD: Outside Anchorage	0.0	0.0	140.0	0.0	140.0
-Fourth Judicial District	0.0	0.0	140.0	0.0	140.0
Proposed budget decreases:					
-First Judicial District	-54.4	0.0	-140.0	0.0	-194.4
-Second Judicial District	-44.5	0.0	-50.0	0.0	-94.5
-Third Judicial: Anchorage	-21.7	0.0	0.0	0.0	-21.7
-Third JD: Outside Anchorage	-0.4	0.0	-140.0	0.0	-140.4
-Fourth Judicial District	-75.1	0.0	-140.0	0.0	-215.1
-Criminal Justice Litigation	-41.1	0.0	0.0	0.0	-41.1
-Criminal Appeals/Special Lit	-0.4	0.0	0.0	0.0	-0.4
-Unallocated Reduction	-1,608.5	0.0	0.0	0.0	-1,608.5
FY2016 Governor Amended	27,924.6	0.0	3,059.9	1,020.1	32,004.6