

State of Alaska
FY2017 Governor's Operating Budget

Department of Law
Criminal Division
Results Delivery Unit Budget Summary

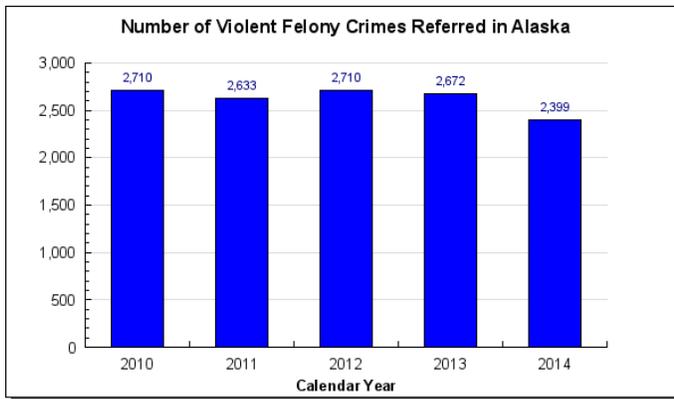
Criminal Division Results Delivery Unit

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>.)



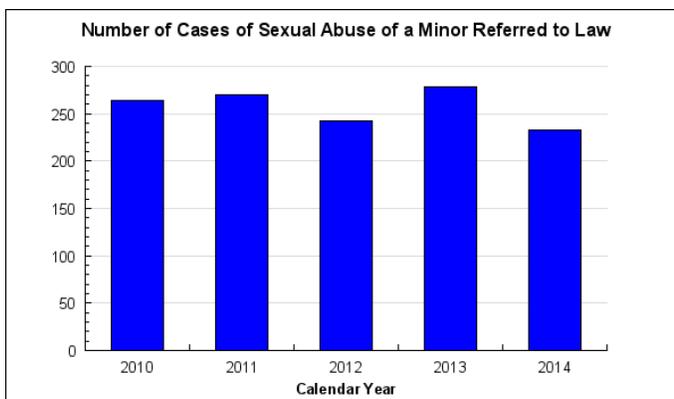
Core Services

- 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 2015

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

Prosecution of criminal misconduct is at the core of the Criminal Division's mission. The total number of prosecutions and convictions during calendar year 2014 are represented below.

Total felony cases accepted for prosecution:	4,842
Total felony cases convicted of a felony offense:	2,645
Total felony cases convicted of a misdemeanor offense:	644
Felony cases pending:	1,303
Total misdemeanor cases accepted for prosecution:	16,982
Total misdemeanor case convictions:	8,927
Misdemeanor cases pending:	4,894
Total criminal appeals:	474
Other matters:	3,178

Due to limitations of the division's former case management system, these numbers reflect only the cases that were initiated and subsequently resolved within calendar year 2014. They don't reflect cases from past years that were resolved in 2014, nor do they reflect cases prosecutors screened but declined to prosecute. Over the past few years, the Criminal Division has been working to implement a new case management system to help both urban and rural prosecutors. The new system was installed in FY2015. Next year, this new system will provide more detailed statistical information on the types and status of criminal cases.

As stated above, the Criminal Division converted its sixteen-year-old case management system to today's standards for case management, records retention, calendaring, and report writing in FY2015. The system was very successfully implemented in all district attorney's offices throughout the state. The project was completed ahead of time and within budget. The new system allows the division to store case information electronically, which will eliminate the need for printed physical files as well as the storage and archiving of those files. The division is now working on electronically connecting this case management system with the systems of state and local law enforcement so that data may be shared. Currently this information must travel in paper format through the mail in order to be manually entered into each database by clerks in each agency. Interfaces will speed up the process, eliminate the replication for each agency, and reduce human error by automatically populating select case data from one system into the other system. In addition to interfacing with law enforcement, the division is also working toward interfaces with the Court System and Department of Corrections that will allow for electronic filing of court documents. While not an interface, the division is also working towards providing discovery to defense attorneys in an electronic format. This should allow discovery to be provided faster and with a great ability to track it, which will benefit the criminal justice system as a whole.

The Governor completed appointments to the Controlled Substances Advisory Committee. The committee advises the Governor on drug use and abuse in Alaska, with an eye toward the creation of cohesive state drug policies. The committee is also assisting the Alaska Criminal Justice Commission in efforts to evaluate and make recommendations to improve criminal laws and practices related to drug crimes.

The Anchorage District Attorney's Office – the largest district attorney's office in the state – was reorganized at the end of FY2015. The office moved from units assigned specific crimes, to trial teams that handle all cases assigned to a specific judge. This will allow more cases to be handled by the same attorney all the way through trial. In the past, an attorney handling cases in several different courtrooms would have hearings and trials calendared at the same time. This resulted in cases being handed off to another attorney who was not as familiar with the case. Being assigned to one courtroom should allow for more vertical prosecution of cases, less stress to victims having to retell their story to multiple people and speed up the time to get a case to trial.

To ensure the division is appropriately contacting victims, it measures a sampling of cases from each office on a yearly basis. The samples include a specific number of domestic violence cases, sex-related cases, and other felony and misdemeanor cases. The first review was conducted in 2013, providing a good base from which to measure improvement in future years. In 2014 significant improvement was measured in three out of four categories. The information pinpointed areas for additional training or other assistance to further improve service.

To assist with victim contact, the division implemented the VINEWatch system at the end of 2014. This system provides notice to victims of upcoming court hearings, including the date and time of the hearing and contact information for additional information. The notice is provided by email or through an automated phone call. In addition to victims, the system provides notice to advocates who are assisting victims as well as witnesses and law enforcement who may testify at hearings and trial.

Medicaid

The Alaska Medicaid Fraud Control Unit (MFCU) secured convictions in 15 cases in SFY15, including a multi-million dollar resolution. MFCU also filed criminal charges in 32 individual cases in state court and five cases in federal court and identified over a million dollars in alleged fraud. In total, MFCU has filed over 100 criminal cases since federal fiscal year (FFY) 2012 resulting in over 80 criminal convictions, eight civil resolutions and 121 suspensions of Medicaid providers based upon a finding of a credible allegation of fraud.

While it is difficult to evaluate the deterrent value of MFCU prosecutions, there is no doubt that these prosecutions are deterring fraud within the Alaska Medicaid program and saving both the state and federal government money. The Health Care Commission found that the prosecutions by the Alaska MFCU in FFY2012 alone resulted in a savings for the State of Alaska of over \$12 million. This is a significant return on investment for both the State of Alaska and the federal government given the fact that MFCU operating budget for FFY2012 was less than \$1 million. The Department of Health and Social Services analyzed the impact of the MFCU prosecutions and determined that the cost savings for FFY2013 totaled \$461,805, FFY2014 totaled \$18,089,187, and FFY2015 totaled \$12,154,541.

Key RDU Challenges**Protecting the Safety and Physical and Financial Well-being of Alaskans**

In 2015, the division was forced to eliminate 12 positions and hold many more positions vacant to meet its FY2016 budget. The layoffs resulted in increased caseloads for the remaining attorneys and staff, and increased the disparity between the number of active courtrooms to cover versus the number of prosecutors to cover them. With fewer staff, the Criminal Division must screen case referrals to focus on the most serious crimes (with an emphasis on crimes of violence and sexual assault) and taking fewer cases to trial. Other crimes continue to be reviewed, but are more likely to be declined, dismissed or pled without trial. Special Prosecutions was cut to avoid deeper cuts in the District Attorney Offices, but now Special Prosecutions does not have the capacity to handle major criminal cases such as reviews of officer involved shootings and inmate deaths, and other complex criminal casework.

In addition to a reduction in staff, trial costs continue to impact the Criminal Division's budget. The burden of proving a case beyond a reasonable doubt requires assuring the attendance of witnesses to testify at trial. However, key witnesses are not always local. 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 expect to be paid expert witness fees and are entitled to travel costs from their new locations when they return to testify at trial regarding autopsies they performed in Alaska. The division cannot predict the length of employment of medical examiners nor the home locations of other witnesses needed to convict criminals. Because court dates frequently change and cases can be resolved just prior to trial, the division must purchase full fare tickets for witnesses to ensure the ticket can be refunded if not used. Lodging, especially in summer months or in rural locations, can exceed \$200 per night. To keep costs to a minimum, witnesses are brought in and out of the trial site as quickly as possible. In other instances, prosecutors must simply attempt to prove their case without all of the witnesses to the crime who, if called, could have improved the outcome.

The division receives grant money 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 to train 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. Those funds paid for additional training opportunities, but the ability to rollover the funds no longer exists. The division is now only able to allow employees to attend trainings other than its annual conference when the training is funded through a scholarship.

Significant Changes in Results to be Delivered in FY2017

With decreasing staff and funding, the Criminal Division will be forced to prosecute fewer cases and take fewer cases to trial. In light of the current environment, the department has made every effort to redirect and consolidate available resources in order to ensure efficiency while preserving effectiveness. Operational changes from FY2016, such as the closure of the Barrow District Attorney's Office, will carry forward into FY2017. Additional changes to be implemented in the Criminal Division for FY2017 include the closure of the Dillingham District Attorney's Office and shifting resources into the Office of Special Prosecutions to better equip the division to handle rural and/or complex

cases. Municipalities around the state will need to start handling some of the misdemeanor crimes that occur locally. A change in the division's plea policy gives greater authority to local district attorneys to screen cases in accordance with local community needs.

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

All dollars shown in thousands

	FY2015 Actuals				FY2016 Management Plan				FY2017 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	2,198.2	79.5	0.0	2,277.7	2,098.9	52.6	0.0	2,151.5	2,098.9	52.6	0.0	2,151.5
Second Judicial District	1,938.2	87.0	0.0	2,025.2	1,291.2	184.5	0.0	1,475.7	1,291.2	184.5	0.0	1,475.7
Third Judicial: Anchorage	7,577.9	189.6	0.0	7,767.5	7,560.0	278.5	0.0	7,838.5	7,560.0	278.5	0.0	7,838.5
Third JD: Outside Anchorage	5,806.4	84.5	0.0	5,890.9	5,292.0	88.7	0.0	5,380.7	4,952.0	88.7	0.0	5,040.7
Fourth Judicial District	5,657.3	365.7	0.0	6,023.0	5,290.1	419.1	0.0	5,709.2	5,182.8	419.1	0.0	5,601.9
Criminal Justice Litigation	1,642.6	1,297.1	0.0	2,939.7	1,936.5	891.3	0.0	2,827.8	1,936.5	891.3	0.0	2,827.8
Criminal Appeals/Special Lit	4,474.3	1,205.5	914.2	6,594.0	4,005.9	1,145.2	1,020.1	6,171.2	4,324.6	1,145.2	1,020.1	6,489.9
Unallocated Reduction	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-92.5	0.0	0.0	-92.5
Totals	29,294.9	3,308.9	914.2	33,518.0	27,474.6	3,059.9	1,020.1	31,554.6	27,253.5	3,059.9	1,020.1	31,333.5

Criminal Division
Summary of RDU Budget Changes by Component
From FY2016 Management Plan to FY2017 Governor

All dollars shown in thousands

	<u>Unrestricted Gen (UGF)</u>	<u>Designated Gen (DGF)</u>	<u>Other Funds</u>	<u>Federal Funds</u>	<u>Total Funds</u>
FY2016 Management Plan	27,474.6	0.0	3,059.9	1,020.1	31,554.6
One-time items:					
-Third Judicial: Anchorage	0.0	0.0	-15.0	0.0	-15.0
Adjustments which continue current level of service:					
-Fourth Judicial District	-107.3	0.0	0.0	0.0	-107.3
Proposed budget increases:					
-Third Judicial: Anchorage	0.0	0.0	15.0	0.0	15.0
-Criminal Appeals/Special Lit	318.7	0.0	0.0	0.0	318.7
Proposed budget decreases:					
-Third JD: Outside Anchorage	-340.0	0.0	0.0	0.0	-340.0
-Unallocated Reduction	-92.5	0.0	0.0	0.0	-92.5
FY2017 Governor	27,253.5	0.0	3,059.9	1,020.1	31,333.5