

State of Alaska
FY2021 Governor's Operating Budget

Department of Law
Criminal Division
Results Delivery Unit Budget Summary

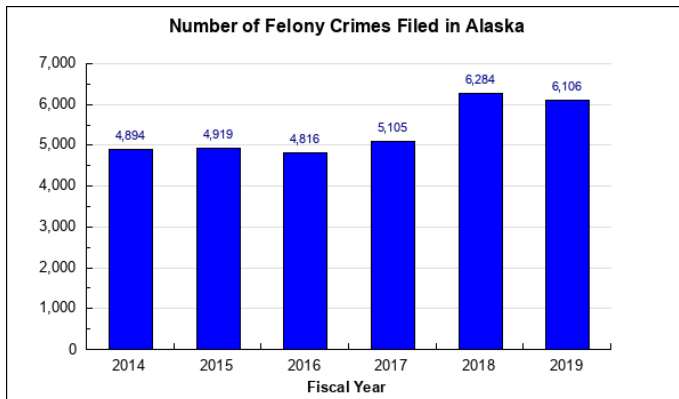
Criminal Division Results Delivery Unit

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>.)



Measures by Core Service

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

Major RDU Accomplishments in 2019

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

Criminal Division

The passage of House Bill (HB) 49 Crimes; Sentencing; Drugs; Theft; Reports (Ch4 FSSLA2019) impacts the Criminal Division's core mission - the prosecution of state law violations - in two significant positive aspects. First, it returns tools to pursue criminal conduct more effectively. Examples of such tools include elimination of drug weights from drug distribution crimes and providing more incentives for those addicted to drugs to seek treatment. The second significant impact increases prosecutorial resources to provide prosecution services.

Although the overall Alaska crime rate dropped 4.6 percent from calendar year (CY) 2017 to CY2018, that same rate increased over the last five years by 23 percent. The opioid epidemic, which started to trend upward significantly around 2014, has been a significant driver of crime. The Attorney General's Office focused its efforts around the epidemic in four main areas:

- 1) *improving outcomes in the criminal justice system* - the passage of HB 49 should help in these efforts;
- 2) *identifying public safety resource needs* - HB 49 increases resources for the Criminal Division, but assessing what public safety resources are needed and where they need to be applied is an ongoing effort;
- 3) *improving access to mental health and substance abuse treatment* - though this is primarily an effort outside of the Criminal Division's control, it is an effort the division hopes to positively influence in FY2020 and beyond; and
- 4) *addressing the opioid epidemic and drug trafficking in the state* - the federal government's designation of Alaska as a High Intensity Drug Trafficking Area (HIDTA) allows the state to access approximately \$5 million in federal funds. These federal dollars are now funding initiatives in multiple state departments, including the Department

of Law's Criminal Division, to interrupt drug importation and manufacturing in Alaska. HB 49 provides the tools needed to more aggressively prosecute drug trafficking in Alaska. The Criminal Division now has two prosecutors dedicated to statewide prosecution of drug trafficking to supplement efforts already underway in the district attorney offices around the state. The Criminal Division also holds a permanent seat on the HIDTA Executive Board, which is tasked with approving the statewide initiatives to address the drug epidemic. Thus the combination of funding, personnel, and tools within the law should have a positive impact on crime rates across the state.

Key RDU Challenges

Felony filings have increased by 24 percent between FY2014 and FY2019. While all types of felonies have increased, the largest increases have been in the more serious types of crime (e.g. felony assaults and robberies). While the felony workload increased, the number of misdemeanors being filed has remained relatively constant, with only a slight decrease of 4 percent, 944 fewer, than the 22,728 misdemeanors filed in FY2014. In FY2014, the Criminal Division had 245 budgeted positions. In FY2015, significant reductions to personnel began and these cuts continued through FY2018, when the Criminal Division reached a low of 212 budgeted positions. With fewer staff, the Criminal Division must screen case referrals to focus on the most serious crimes (with an emphasis on sexual assault and other violent crimes) and taking fewer cases to trial. The FY2020 budget returned Criminal Division staffing to its 2014 levels, with those positions in the process of being created and recruited for at the time of this writing. This effort will continue throughout FY2020 and thus the workload will be unlikely to level off until all of the positions are filled.

The increased caseloads paired with low staffing levels has caused employee burn out from working extra hours, forgoing time off due to the increased workload, and the increased burden on others when someone is out of the office. It has also become more difficult to provide assistance and support among offices when one office is short staffed due to vacancy or as the result of a large trial. It has been more difficult to fill vacancies. The division hopes to overcome these struggles with the new positions and other efforts aimed at recruitment and retention.

In addition to staff reductions, trial costs continue to impact the Criminal Division's budget. The burden of proving a case beyond a reasonable doubt requires ensuring the attendance of witnesses to testify at trial. However, key witnesses are not always local. 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 a refund if tickets are 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 present, could improve the outcome.

Significant Changes in Results to be Delivered in FY2021

The Criminal Division is continuously assessing how it can better prosecute criminal activity in order to increase public safety. The Criminal Division continues to work with stakeholders across the criminal justice field to evaluate, implement and refine changes to criminal law and the criminal justice system. As mentioned above, the Criminal Division is working to create and fill new positions related to fiscal notes on criminal legislation, legislative additions to the Criminal Division's budget, and federal grants. These positions will allow increased prosecution and should help drive crime rates down over the next three to four years. The division will continue to focus resources on the most serious offenders and offenses. The division plans to develop pre-trial diversion programs to repay victims faster for losses or damage, and incentivize treatment for substance addiction. The division continues to work on interfaces with the Alaska Court System and law enforcement agencies around the state to better share resources, including analyzing trends in prosecution data to decrease pre-trial delay, improve communication with victims, eliminate duplicative efforts and reduce errors, and lessen the use of paper files.

Contact Information

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**Criminal Division
RDU Financial Summary by Component**

All dollars shown in thousands

	FY2019 Actuals				FY2020 Management Plan				FY2021 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	1,955.2	34.7	0.0	1,989.9	2,029.1	39.8	0.0	2,068.9	2,034.6	39.8	0.0	2,074.4
Second Judicial District	1,470.0	0.0	0.0	1,470.0	2,129.3	0.0	0.0	2,129.3	2,136.0	300.0	0.0	2,436.0
Third Judicial: Anchorage	7,478.2	135.5	0.0	7,613.7	7,575.8	271.3	0.0	7,847.1	7,597.7	271.4	0.0	7,869.1
Third JD: Outside Anchorage	5,205.7	149.6	0.0	5,355.3	5,327.9	145.5	0.0	5,473.4	5,346.3	145.7	0.0	5,492.0
Fourth Judicial District	5,988.3	344.3	0.0	6,332.6	5,887.5	438.5	0.0	6,326.0	5,906.2	439.8	0.0	6,346.0
Criminal Justice Litigation	1,564.1	493.8	0.0	2,057.9	3,479.7	680.8	0.0	4,160.5	3,488.2	682.0	0.0	4,170.2
Criminal Appeals/Special Lit	4,753.1	1,151.9	1,261.0	7,166.0	4,550.9	1,309.9	1,518.7	7,379.5	4,578.9	1,311.7	2,026.2	7,916.8
Totals	28,414.6	2,309.8	1,261.0	31,985.4	30,980.2	2,885.8	1,518.7	35,384.7	31,087.9	3,190.4	2,026.2	36,304.5

Criminal Division
Summary of RDU Budget Changes by Component
From FY2020 Management Plan to FY2021 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>
FY2020 Management Plan	29,347.5	1,632.7	2,885.8	1,518.7	35,384.7
Adjustments which continue current level of service:					
-First Judicial District	5.5	0.0	0.0	0.0	5.5
-Second Judicial District	6.7	0.0	0.0	0.0	6.7
-Third Judicial: Anchorage	21.9	0.0	0.1	0.0	22.0
-Third JD: Outside Anchorage	18.4	0.0	0.2	0.0	18.6
-Fourth Judicial District	18.7	0.0	1.3	0.0	20.0
-Criminal Justice Litigation	1,611.2	-1,602.7	1.2	0.0	9.7
-Criminal Appeals/Special Lit	8.0	20.0	1.8	7.5	37.3
Proposed budget increases:					
-Second Judicial District	0.0	0.0	300.0	0.0	300.0
-Criminal Appeals/Special Lit	0.0	0.0	0.0	500.0	500.0
FY2021 Governor	31,037.9	50.0	3,190.4	2,026.2	36,304.5