

State of Alaska
FY2023 Governor's Operating Budget

Department of Law
Criminal Division
Results Delivery Unit Budget Summary

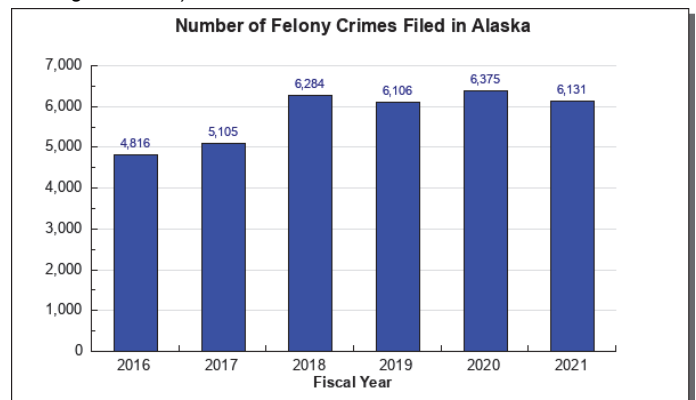
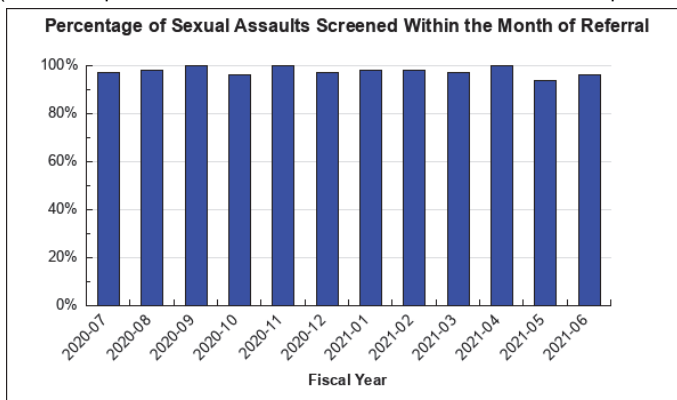
Criminal Division Results Delivery Unit

Contribution to Department's Mission

The mission of the Criminal Division is to seek justice, promote public safety, and further public respect for government through prompt, effective, and compassionate prosecution of cases. The Criminal Division will prosecute cases in a manner that advocates for the interests of the public, including victims, respects law enforcement agencies, responsibly stewards public resources, and holds offenders accountable, while at the same time protecting the constitutional and legal rights of the accused.

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 2021

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

Criminal Division

The impacts of COVID-19 dominated the landscape of the criminal justice system in FY2021. Despite the global pandemic, the Criminal Division kept its personnel healthy and continued its mission. The division nimbly adapted its offices to manage the health of the employees. Over 50% of the division's employees transitioned to work from home while those that remained in the offices followed health and safety protocols, which allowed the division to avoid any significant outbreaks amongst employees that could have otherwise interfered with the division's ability to achieve its mission of protecting Alaskans.

The division maintained its level of felony filings despite the pandemic and its impact on the ability to safely work in the office. The division's felony filings, tracked by fiscal year, continued at a robust level comparable to the previous three years FY 2018-2020. FY2018-2020 saw significant increases in filings compared to previous years and the crime rate began dropping from its high in FY2017. Alaska's crime rate fell for the third year in a row in CY2020 according to the Department of Public Safety's "Crime in Alaska 2020" report. From CY2019 to CY2020 the overall crime rate dropped 18.5%, for an overall 29.5% decrease in the crime rate since CY2017. The increase in felony filings at the same time as a drop in the crime rates provides positive results in public safety for Alaska. This bodes well for public safety if the Criminal Division is able to maintain its current level of resources.

The division also managed to conduct a handful of jury trials during a very challenging period of the pandemic (July 2020 – May 2021) when almost all jury trials were suspended. Those cases focused on sex crimes and domestic

violence crimes. Jury trials are a key component to the criminal justice system as the threat of an imminent trial incentivizes defendants to resolve their cases to avoid sentences that might be greater if a case proceeded to trial. While it would have been preferable to have conducted more trials during this time frame, health and safety of all participants (jury, judges, lawyers, other court personnel, etc.) did not allow this at the heights of the pandemic. Once trials resumed in June of 2021, the division conducted 70 jury trials over the next two months before jury trials were once again suspend for health and safety reasons.

The division also maintained a high output level, both in quality and quantity, of appellate briefs. This is significant due to the appellate delay issues that have plagued the criminal justice system for the past decade. The delay in processing criminal appeals has grown to point where the courts now routinely grant extensions of time to file briefing by hundreds of days for each case. This means cases on appeal can take over 2-3 years to be decided. The Criminal Division has keep its length of extensions to almost half of the time the defense has been taking.

Key RDU Challenges

The two greatest challenges for the Criminal Division have been, and continue to be, the growing backlog of cases resulting from suspending jury trials due to COVID-19 and addressing the division’s recruitment and retention challenges. The number of pending criminal cases in the court system has almost doubled since 2018, with the greatest growth seen during the pandemic.

Pending Criminal Cases 2018-2021

| Case Type | 9/11/2018 | 9/11/2019 | 9/11/2020 | 9/11/2021 |
|--------------|---------------|---------------|---------------|---------------|
| Felony | 4,514 | 5,145 | 6,486 | 7,328 |
| Misdemeanor | 7,872 | 9,593 | 12,564 | 12,756 |
| Total | 12,386 | 14,738 | 19,050 | 20,084 |

The suspension of jury trials not only means jury trials do not occur, but also means many cases that normally resolve via plea negotiations have stalled without the threat of a jury trial looming in the near future. The resumption of jury trials is expected to occur in early CY2022 and this will certainly help decrease the number the cases pending, but it is unlikely the mere resumption of jury trials will be sufficient to return the numbers of pending criminal cases to pre-pandemic levels anytime soon. This equals delayed justice for victims and greater caseloads for prosecutors who were already struggling under very high caseloads.

While the Criminal Division has been making efforts to improve recruitment and retention, the backlog of cases due to suspension of jury trials only exasperates one of the Criminal Division’s challenges in recruitment and retention: high workloads and burnout. Though high workloads and burnout are not the only issues the division faces in recruitment and retention, they are significant factors.

Significant Changes in Results to be Delivered in FY2023

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. 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.

The significant changes in results for FY2022 will hopefully address the division’s biggest challenges. The division hopes jury trials will resume that should help decrease a crushing workload, even if that resumption cannot completely address the high caseloads. The Criminal Division is also working to improve its recruitment and retention for both existing employees and for the prosecutors and staff add in FY2022. Increased training for both new and existing prosecutors and staff remains a focus of the division. In the meantime, the reduced crime rate over the last several years with the increased filings in criminal cases bodes well for Alaska if the same level

prosecution service remains.

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

All dollars shown in thousands

| | FY2021 Actuals | | | | FY2022 Management Plan | | | | FY2023 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 | 2,255.2 | 32.4 | 0.0 | 2,287.6 | 2,756.1 | 57.7 | 0.0 | 2,813.8 | 2,795.2 | 41.0 | 0.0 | 2,836.2 |
| Second Judicial District | 1,631.8 | 166.5 | 0.0 | 1,798.3 | 2,670.7 | 323.0 | 0.0 | 2,993.7 | 2,734.5 | 316.7 | 0.0 | 3,051.2 |
| Third Judicial: Anchorage | 8,198.2 | 118.4 | 0.0 | 8,316.6 | 8,665.1 | 271.6 | 0.0 | 8,936.7 | 8,630.0 | 266.1 | 0.0 | 8,896.1 |
| Third JD: Outside Anchorage | 5,549.4 | 136.7 | 0.0 | 5,686.1 | 6,273.2 | 163.6 | 0.0 | 6,436.8 | 6,269.7 | 142.3 | 0.0 | 6,412.0 |
| Fourth Judicial District | 6,117.0 | 348.0 | 0.0 | 6,465.0 | 6,814.0 | 463.0 | 0.0 | 7,277.0 | 6,826.3 | 430.8 | 0.0 | 7,257.1 |
| Criminal Justice Litigation | 1,757.1 | 391.4 | 0.0 | 2,148.5 | 2,310.2 | 683.2 | 0.0 | 2,993.4 | 2,254.4 | 583.1 | 0.0 | 2,837.5 |
| Criminal Appeals/Special Lit | 5,238.7 | 1,104.4 | 1,594.9 | 7,938.0 | 5,564.6 | 1,313.0 | 2,035.5 | 8,913.1 | 5,491.6 | 1,322.4 | 2,047.5 | 8,861.5 |
| Totals | 30,747.4 | 2,297.8 | 1,594.9 | 34,640.1 | 35,053.9 | 3,275.1 | 2,035.5 | 40,364.5 | 35,001.7 | 3,102.4 | 2,047.5 | 40,151.6 |

Criminal Division
Summary of RDU Budget Changes by Component
From FY2022 Management Plan to FY2023 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> |
|---|---|---------------------------------------|--------------------|--------------------------------|--------------------|
| FY2022 Management Plan | 35,003.9 | 50.0 | 3,275.1 | 2,035.5 | 40,364.5 |
| Adjustments which continue current level of service: | | | | | |
| -First Judicial District | -39.6 | 0.0 | -16.7 | 0.0 | -56.3 |
| -Second Judicial District | -57.4 | 0.0 | -6.3 | 0.0 | -63.7 |
| -Third Judicial: Anchorage | -175.1 | 0.0 | -5.5 | 0.0 | -180.6 |
| -Third JD: Outside Anchorage | -122.7 | 0.0 | -21.3 | 0.0 | -144.0 |
| -Fourth Judicial District | -135.7 | 0.0 | -32.2 | 0.0 | -167.9 |
| -Criminal Justice Litigation | -55.8 | 0.0 | 4.1 | 0.0 | -51.7 |
| -Criminal Appeals/Special Lit | -215.7 | 0.0 | 9.4 | 12.0 | -194.3 |
| Proposed budget increases: | | | | | |
| -First Judicial District | 78.7 | 0.0 | 0.0 | 0.0 | 78.7 |
| -Second Judicial District | 121.2 | 0.0 | 0.0 | 0.0 | 121.2 |
| -Third Judicial: Anchorage | 140.0 | 0.0 | 0.0 | 0.0 | 140.0 |
| -Third JD: Outside Anchorage | 119.2 | 0.0 | 0.0 | 0.0 | 119.2 |
| -Fourth Judicial District | 148.0 | 0.0 | 0.0 | 0.0 | 148.0 |
| -Criminal Appeals/Special Lit | 142.7 | 0.0 | 0.0 | 0.0 | 142.7 |
| Proposed budget decreases: | | | | | |
| -Criminal Justice Litigation | 0.0 | 0.0 | -104.2 | 0.0 | -104.2 |
| FY2023 Governor | 34,951.7 | 50.0 | 3,102.4 | 2,047.5 | 40,151.6 |