

State of Alaska
FY2024 Governor's Operating Budget

Department of Law
Criminal Division
Results Delivery Unit Budget Summary

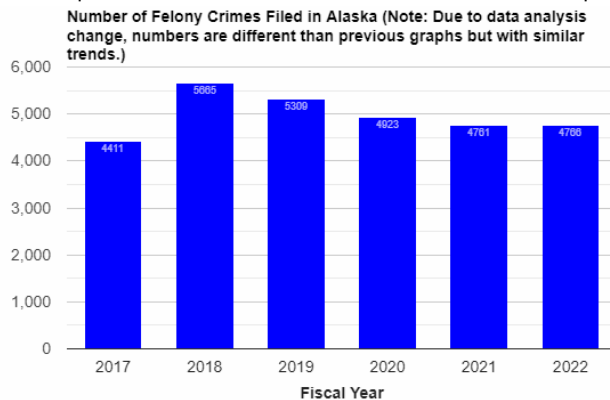
Criminal Division Results Delivery Unit

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>.)



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 2022

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

Criminal Division

The impacts of COVID-19 continued to dominate the landscape of the criminal justice system in fiscal year (FY)2022. The Division transitioned from 50% of employees working at home to approximately 97% of employees working at the office. A return to trials, a consistent in-person grand jury schedule, and a return to more in-person hearings in criminal cases required employees to return to the office to accomplish the Division's mission of protecting Alaskans.

In FY2022 the Division conducted over 150 trials, more than doubling the number from last year. As the Division continues to work through the backlog of cases, the number of trials is expected to remain high. It is not possible to "try our way out of the backlog", but conducting trial remains an essential aspect of moving cases through the criminal justice system.

The Division's role in protecting the public by filing charges and pursuing convictions for those who break Alaska's criminal laws continues to pay dividends. The Alaska's crime rate fell for the fourth year in a row in calendar year (CY)2021 according to the Department of Public Safety's "Crime in Alaska 2021" report. From CY2020 to CY2021 the overall crime rate dropped another 15.2%. This places the crime rate at the lowest rate in the last 40 years. This bodes well for public safety if the Criminal Division is able to fill its vacant positions. Filling those positions is critical to the Division's ability to continue to positively impact public safety.

The Division continues to maintain 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 briefings by hundreds of days for each case. This means cases on appeal can take over two to three years to be decided. The Criminal Division has kept its length of extensions to almost half of the time the defense has taken.

Key RDU Challenges

The three greatest challenges for the Criminal Division have been, and continue to be, the backlog of cases resulting from suspending jury trials due to COVID-19, addressing the division's recruitment and retention challenges, and improving the use of technology.

The suspension of jury trials not only meant jury trials did not occur, but also meant many cases that are normally resolved via plea negotiations stalled without the threat of a jury trial looming in the near future. The resumption of jury trials began 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. Solving this dilemma is a focus for the Division in this and likely the next fiscal year at the very least.

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. The good news is that recent pay increases have already resulted in four former employees agreeing to return to the Division, along with, multiple other hires that would not have been possible without the increases.

The Division's challenges with technology are primarily driven by poor internet service in rural Alaska and creating interfaces with both law enforcement agencies and the Alaska Court System to make transmission of data more efficient and reliable. These are also both challenges that the Division cannot solve without assistance from outside the Division. For the internet connections it requires greater bandwidth from providers and in some instances additional equipment to receive that bandwidth. For interfaces it requires cooperation from the entity with which the Division wants to interface and funding to build an interface that won't be outdated in a short period of time.

Significant Changes in Results to be Delivered in FY2024

Recruitment and retention remain a focus for the Criminal Division. The decreased crime rate cannot be maintained without a healthy and fully functioning prosecution staff. This requires filling all vacant positions, increasing training for both new and existing prosecutors and staff, and managing workloads.

The Criminal Division regularly assesses how to better prosecute criminal activity to increase public safety. The Division continues to work with stakeholders across the criminal justice field to evaluate, implement, and refine practices to account for 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 is attempting 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. In the meantime, the reduced crime rate over the last

several years bodes well for Alaska if the prosecution needs can be met by a fully functioning Criminal Division.

Contact Information

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**Criminal Division
RDU Financial Summary by Component**

All dollars shown in thousands

	FY2022 Actuals				FY2023 Management Plan				FY2024 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	2,319.7	32.4	0.0	2,352.1	3,101.1	41.0	0.0	3,142.1	3,135.9	51.4	0.0	3,187.3
Second Judicial District	1,917.8	227.4	0.0	2,145.2	3,045.5	322.9	0.0	3,368.4	2,824.7	328.2	0.0	3,152.9
Third Judicial: Anchorage	8,485.6	96.0	0.0	8,581.6	9,724.7	266.4	0.0	9,991.1	9,838.1	278.9	0.0	10,117.0
Third JD: Outside Anchorage	5,908.3	244.2	0.0	6,152.5	7,043.2	142.7	0.0	7,185.9	7,131.3	304.0	0.0	7,435.3
Fourth Judicial District	6,612.0	275.0	0.0	6,887.0	7,557.7	434.3	0.0	7,992.0	7,434.6	439.6	0.0	7,874.2
Criminal Justice Litigation	2,610.5	388.4	0.0	2,998.9	2,851.1	595.6	0.0	3,446.7	3,841.4	600.2	0.0	4,441.6
Criminal Appeals/Special Lit	6,079.6	997.9	1,751.2	8,828.7	6,439.3	1,327.5	2,217.7	9,984.5	6,755.3	1,160.2	2,244.9	10,160.4
Totals	33,933.5	2,261.3	1,751.2	37,946.0	39,762.6	3,130.4	2,217.7	45,110.7	40,961.3	3,162.5	2,244.9	46,368.7

Criminal Division
Summary of RDU Budget Changes by Component
From FY2023 Management Plan to FY2024 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>
FY2023 Management Plan	39,712.3	50.3	3,130.4	2,217.7	45,110.7
Adjustments which continue current level of service:					
-First Judicial District	34.8	0.0	10.4	0.0	45.2
-Second Judicial District	-220.8	0.0	5.3	0.0	-215.5
-Third Judicial: Anchorage	113.4	0.0	12.5	0.0	125.9
-Third JD: Outside Anchorage	88.1	0.0	161.3	0.0	249.4
-Fourth Judicial District	-123.1	0.0	5.3	0.0	-117.8
-Criminal Justice Litigation	240.3	0.0	4.6	0.0	244.9
-Criminal Appeals/Special Lit	316.0	0.0	-167.3	27.2	175.9
Proposed budget increases:					
-Criminal Justice Litigation	750.0	0.0	0.0	0.0	750.0
FY2024 Governor	40,911.0	50.3	3,162.5	2,244.9	46,368.7