



Department of Law

Criminal Division Overview


Senate Finance Subcommittee

John Skidmore

Deputy Attorney General

Criminal Division

Criminal Division District Attorneys



Nome
John A. Earthman




Fairbanks
Joe Dallaire



Bethel
Tom Hoffer



Palmer
Roman J. Kalytiak



Anchorage
John Novak



Kenai
Scot H. Leaders



Kodiak
Gustaf W. Olson



Juneau
Angela D. Kemp



The Duty of a Prosecutor

- The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done.

-*Canons of professional ethics: Canon 5*. American Bar Association (1908).

- The prosecutor may prosecute with earnestness and vigor – indeed he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.

-Justice George Southerland, *Berger v. United States*, 295 U.S. 78, 88 (1935).

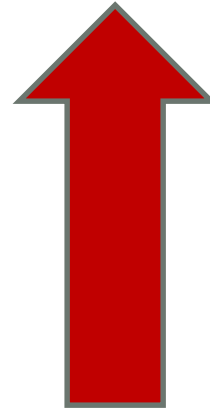
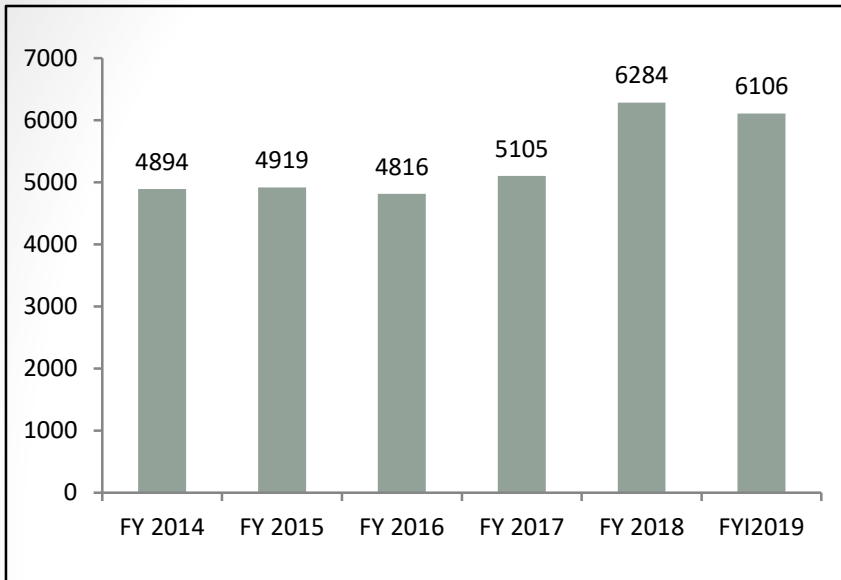


Criminal Division

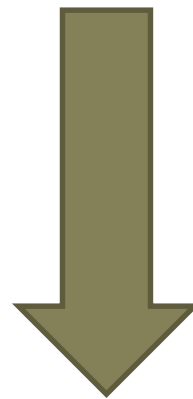
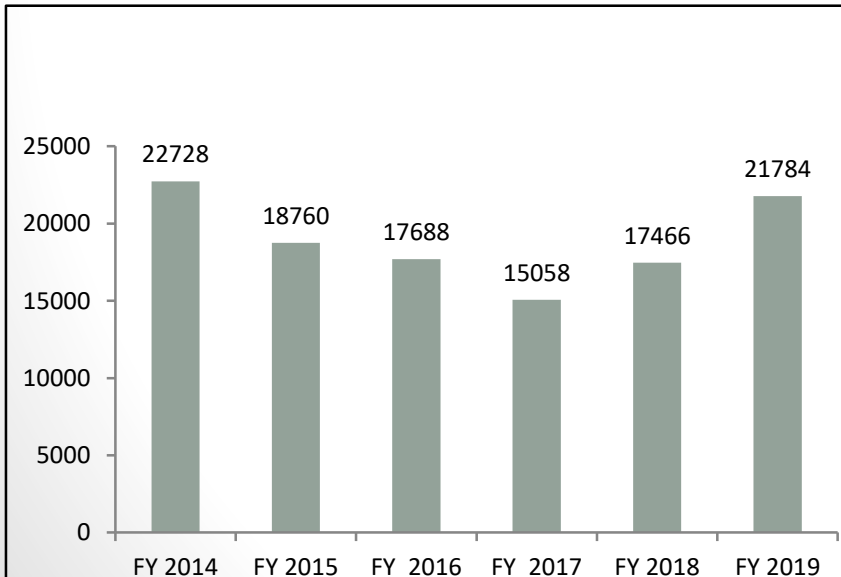
Mission

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 the 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**.

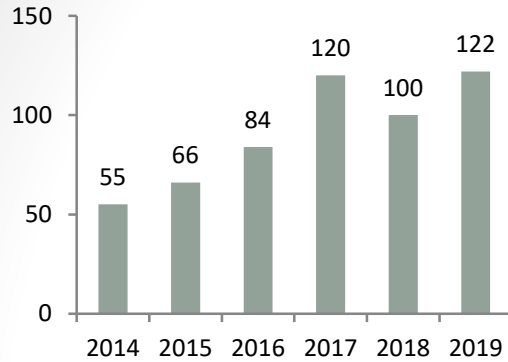
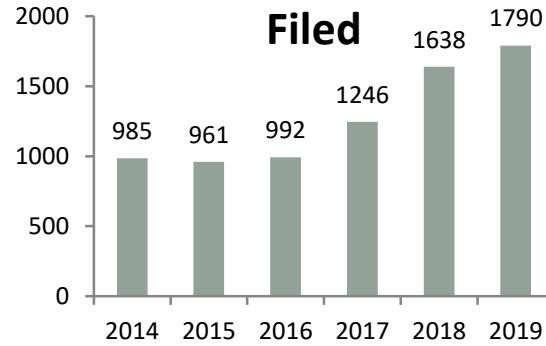
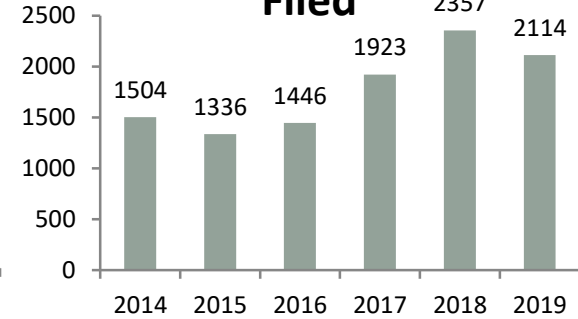
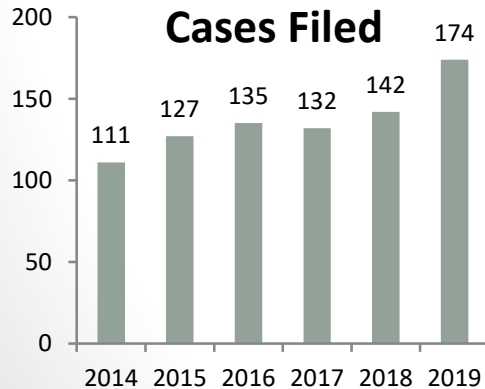
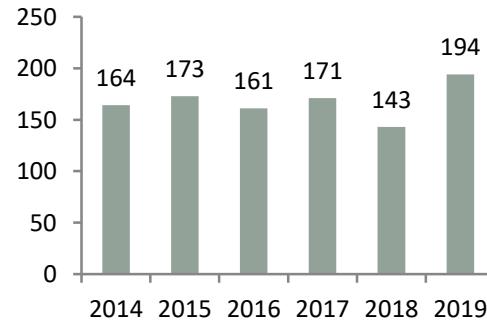
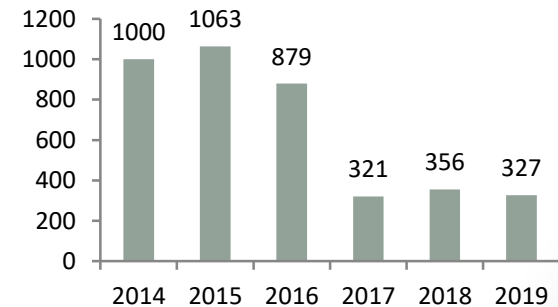
Criminal Prosecutions Filed



Felony Prosecutions
up 19.8% (1212)
from FY2014

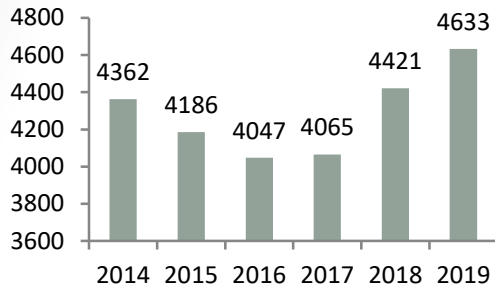


Misdemeanors Prosecutions
down 4.1% (944)
from FY2014

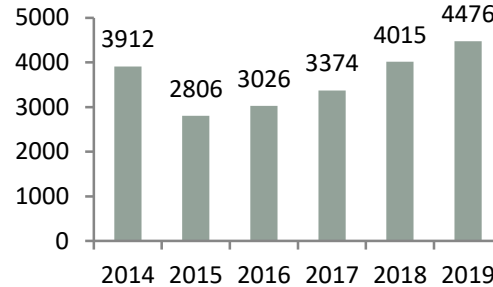
Murder Cases Filed**Felony Assault Cases Filed****Felony Property Cases Filed****Sexual Assault Cases Filed****Sexual Assault of a Minor Cases Filed****Felony Drug Cases Filed**

The time periods represented on these graphs are state fiscal years.

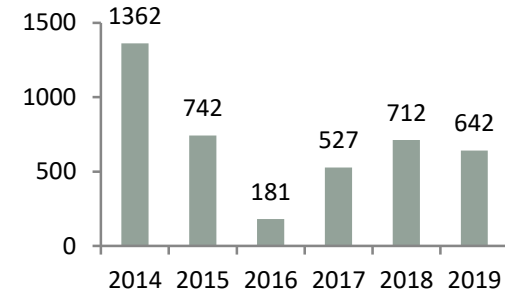
Misdemeanor Assault Cases Filed



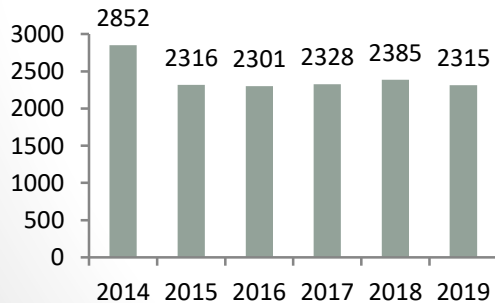
Misdemeanor Property Cases Filed



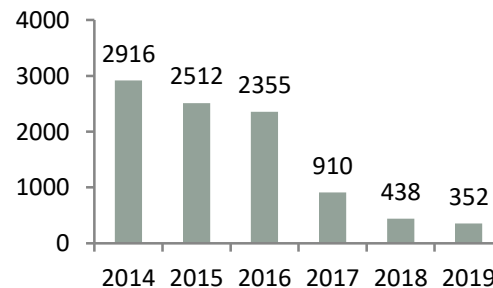
Misdemeanor Drug Cases Filed



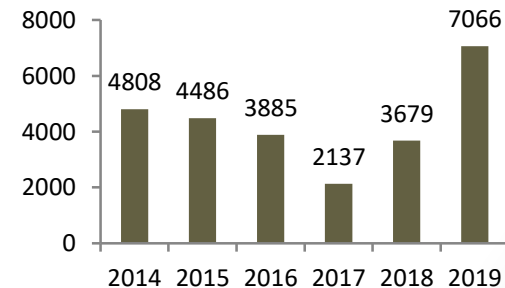
Misdemeanor DUI Cases Filed



Driving With License Suspended Cases



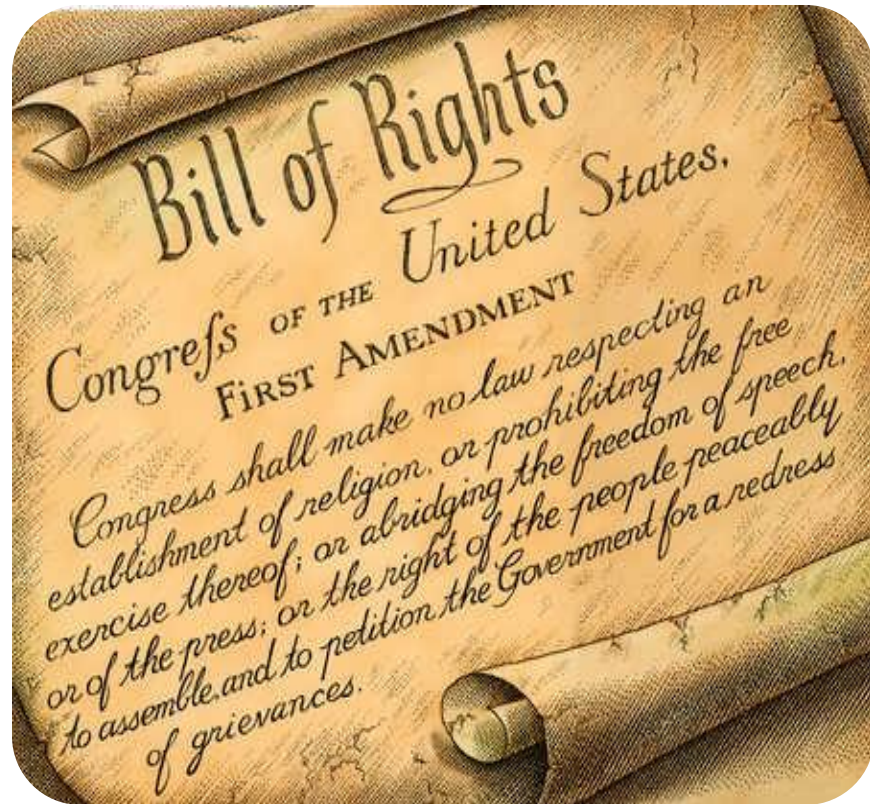
Misdemeanor Misc. Cases Filed



The time periods represented on these graphs are state fiscal years.

Stages of a Criminal Prosecution

- Investigation
- Informal Referral
- Formal Referral
- Screening
- Pretrial Litigation
- Pretrial Resolution
- Trial
- Post Trial Litigation



It is the duty and obligation of the District Attorney to ensure that citizen's constitutional rights are safeguarded at every step of the criminal prosecution.

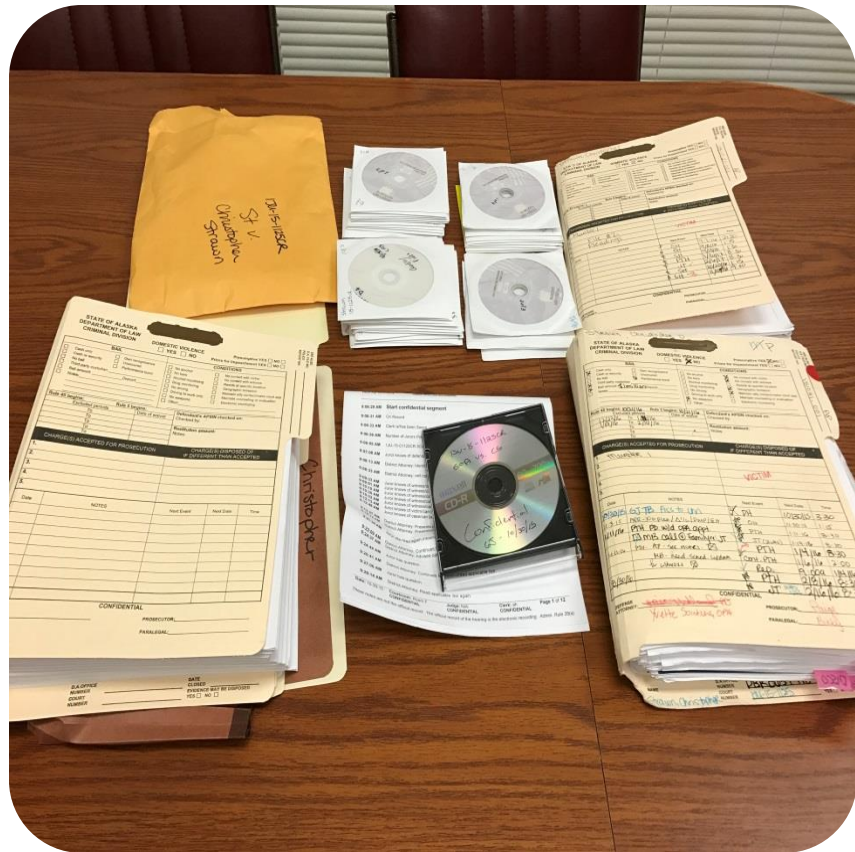
Formal Referral

- Creation of the file
- Legal/factual analysis
- Victim contact
- Charged case
 - Clerical/administrative obligations
 - Grand Jury practice
- Uncharged case
 - Clerical/administrative tasks
 - Grand Jury practice



Pre-Trial Litigation

- Arraignment
- Bail Hearings
- Discovery
- Pretrial Motion Practice



Sentencing

- Sentencing memoranda, argument
- Presentation of evidence
- Victim participation
- Restitution litigation



Criminal Division Challenges

- Recruitment and Retention
- Technology

Criminal Division

Personal Services Comparison

	FY14 Mgmt Plan	FY20 Mgmt Plan	Change from FY14 to FY20
Department Total	579	524	(55)
Criminal Total	245	246	1

The FY2021 Governor's budget includes 5 new PCNs:

- Utqiagvik: 1 attorney and 1 support staff
 - This will bring staffing levels in the office to previous levels
- Rural Prosecutions: 2 attorneys and 1 support staff
 - These positions are funded through a U.S. DOJ grant

Recruitment and Retention

Applicant Shortage

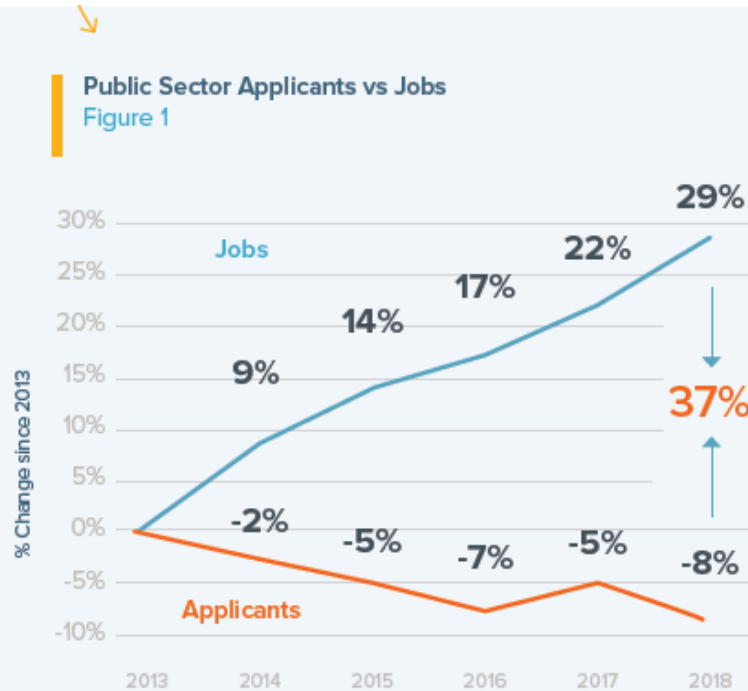


Figure 1 depicts the gap that has emerged since 2013 between the percentage increase in job openings and the percentage decrease in number of applicants.

- 10,000 Baby Boomers retiring per day = 11% of workforce per year.
(*Washington Post*)
- 20% of Alaska state workers projected to retire in 1-5 years
(*Alaska Department of Administration*)
- 11% of Alaska state workers eligible to retire in less than 1 year
(*Alaska Department of Administration*)

Recruitment and Retention

Applicant Shortage

- 8% decrease in number of applicants looking for public sector jobs
- Average of 22% fewer applicants per job 2013-2018
- ***“Legal has suffered the biggest impact*** in applicants per job, with ***a 64% decline in applications***. Legal jobs saw, on average, 33 fewer applicants per available job in 2018 compared to 2013.” *(NEOGOV Hiring Trends Report 2019)*
- 19% decrease in Alaska applicants over last five years *(Alaska Department of Administration)*
- 49 prosecutor positions recruited during 2019 with an average of less than 5 applicants per position.

Fewer applicants
Less experienced
Longer recruitment periods
Greater stress on current employees

Recruitment and Retention

Applicant Shortage

Criminal Division 2018 (new positions not included)

- 36.5% of prosecutor positions turned over (42 of 115)
- 40.6% of paralegal positions turned over (13 of 32)
- 65.5% of legal support staff turned over (36 of 55)
- 44% overall turnover (93 of 213 positions)

Criminal Division 2019 (new positions not included)

- 22.3% of prosecutor positions turned over (27 of 121)
- 27.8% of paralegal position turned over (10 of 36)
- 47.5% of legal support staff positions turned over (29 of 61)
- 29.3% overall turnover (67 of 229)

Recruitment and Retention

The Department of Law's most valuable resource is its people.

Recruitment, retention, and ongoing support of a skilled and qualified workforce is critical to sustaining successful legal outcomes for Alaska and protecting the public.

- Review and expand recruitment posting locations
- Partner with higher education institutions
- Involve all department employees in effort
- Improve existing, and develop more, recruitment materials
- Increase training – staff and attorneys
- Evaluate pay, rural housing, current allocation of resources, more flexible work structure, promotional opportunities

Technology

❖ Modernizing the Workforce

- Computers – mobile and desktop
- Scanners
- Projectors
- Printers
- Servers, software, etc.



❖ Internet speeds

- Increase efficiency
- Improve communication between offices
- Expedite information sharing with law enforcement agencies



Technology

❖ New Types of Evidence

- Dash cams
- Body cams
- Mobile devices
- Social media accounts



Technology

With New Types of Evidence Comes New Challenges

- Time to review
- Understand shortcomings
- Method of discovery
- Courtroom presentation
- Storage until disposal



vs.



Questions?