

RURAL GRANT REPORTING QUESTIONNAIRE
DUE SEMI-ANNUALLY BY JANUARY 15 AND JULY 15

1. What were your accomplishments within this reporting period?

This is the first reporting period for this grant.

During this period and pursuant to the grant “time and task plan”, the State of Alaska, Department of Law (“DOL”) created and hired for three positions: two Assistant Attorney General (“AAG”) positions and one Law Office Assistant (“LOA”). Samuel Vandergaw was hired into one of the AAG positions and Megan Ward was hired to fill the LOA position. Both started work in January, 2020. A suitable applicant for the second AAG position, Kerry Koehler, was identified and hired; she will start in September, 2020, after moving to Alaska. Office space within the Office of Special Prosecutions (“OSP”) in Anchorage was designated and furnished to house the attorneys and LOA. Once hiring was complete, OSP worked with the rural district attorney’s offices (“DAOs”) to create procedures for referring cases to the Rural Prosecution Unit. OSP also worked the rural DAOs to decide how to provide paralegal support to Rural Prosecution Unit cases.

AAG Vandergaw’s initial assignment was to screen investigations from rural locations that had been sent to DOL offices. From mid-January on, AAG Vandergaw and Ms. Ward also worked to provide primary prosecution support to the Kotzebue DAO after both prosecutors in that office took other jobs. The Rural Prosecution Unit therefore provided primary prosecution support to that community with additional help from other attorneys in OSP. AAG Vandergaw has generally carried a caseload in excess of 200 cases.

Prior to the COVID-19 pandemic making intra-state travel impossible, AAG Vandergaw traveled to Kotzebue to provide on-site attorney support. In addition to providing support for the Kotzebue caseload, the Rural Prosecution Unit also took over prosecution of two pending homicides in Bethel.

While in person meetings with the rural-focused Assistant United States Attorneys (“AUSA”) were not feasible due to the COVID-19 pandemic, AAG Vandergaw stayed in regular communication with his counterpart AUSAs. Lines of communication were established that will allow the AAGs in the Rural Prosecution Unit to coordinate with their federal counterparts on how to best divide cases between DOL and the United States Attorney’s Office (“USAO”). Regular, in-person meetings are planned to begin once it is safe to gather.

DOL also worked with the State of Alaska’s Indian Child Welfare Act (“ICWA”) coordinators to identify potential contacts for community outreach. The ICWA coordinators also directed DOL to several training opportunities related to interacting with people who live in western Alaska. These resources will be put to use once in-person meetings become safe. To the extent that virtual contacts and trainings are feasible, the resources will be put to use in the next reporting period.

2. What goals were accomplished, as they relate to your grant application?

Minimize days offices understaffed

One of the stated goals was to minimize the number of days that a rural prosecution office was understaffed due to vacant attorney positions. Unfortunately, both prosecutors in the Kotzebue District Attorney’s Office (“DAO”) took other jobs. Those two attorney positions have been vacant since January 15 and January 24, meaning that the office was understaffed for 225 attorney-work days. AAG

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Vandergaw, in conjunction with a rotating roster of other AAGs, ensured that the Kotzebue area continued to receive prosecution services.

Eliminate screening backlog

At the beginning of the reporting period, two case screening backlogs were identified: the Bethel DAO and the Kotzebue DAO. AAG Vandergaw worked with another Special AAG to screen the backlog of homicide and assault cases from the Bethel DAO. Those cases were all reviewed, with charging decisions having been reached. Additionally, AAG Vandergaw worked both in the Kotzebue office as well as through the online system to reduce that office's screening backlog.

Decrease screening time for SA cases

The first action taken on this issue was directly contacting the Kotzebue Troopers and discussing the importance of contacting one of the Rural Prosecutors or a prosecutor at the Nome DAO during the original investigation. This has been especially important during the COVID-19 Pandemic as the Troopers are only traveling to villages outside of Kotzebue on matters of importance. This shortens the time they have to investigate cases and potentially limits follow up visits to any crime scene.

The next step has been to work with the Kotzebue DAO staff to identify cases which needed immediate attention. Multiple Sexual Abuse of a Minor cases have been indicted by AAG Vandergaw with the help of the DA staff. There are outstanding SA cases which need to be taken to grand jury. As grand juries have only resumed in July, coordination with victims and witnesses has been challenging, but progress has been made. The focus on Kotzebue has been a natural result of the coverage needed by that office.

3. What problems/barriers did you encounter, if any, within the reporting period that prevented you from reaching your goals or milestones?

The major challenge this reporting period was dealing with the COVID-19 pandemic and the associated court closures and travel restrictions. Prior to the travel restrictions, AAG Vandergaw was able to travel to Kotzebue and Bethel. However, once intra-state travel was barred by health restrictions, AAG Vandergaw instead had to work cases remotely. Fortunately, DOL transitioned to a paperless case management system on January 1, 2020. This allowed AAG Vandergaw and Ms. Ward to continue to work rural cases. However, travel restrictions significantly impaired DOL's ability to provide in-person coverage and meet with local communities.

The secondary challenge was identifying and hiring a second prosecutor. Many obvious internal candidates took jobs within the federal system. While the job posting garnered significant interest and numerous applicants, the vast majority were new attorneys without the requisite trial experience for the position. (The underqualified applicants were steered towards other open positions within the DOL, with some taking positions in various DAOs.) However, we were eventually able to hire a qualified applicant for the position.

4. Is there any assistance that BJA can provide to address any problems/barriers identified in the question above? (yes or no only)

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No.

5. Are you on track to fiscally and programmatically complete your program as outlined in your grant application? (yes or no - If no, explain)

Yes.

6. What major activities are planned for the next 6 months?

AAG Kerry Koehler will start in the second rural prosecutor position in September after moving to Alaska. Training her on Alaska law and getting her oriented with the unique issues of prosecuting cases in rural Alaska will be the major activity for the next 6 months.

Additionally, the Rural Prosecution Unit will work to begin in-person or virtual formal case-screening discussions with the three rural AUSAs.

Depending on the pandemic's status, the Rural Prosecution Unit's attorneys will travel to various communities to begin outreach and training activities. Based on your knowledge of the criminal justice field, are there any innovative programs/accomplishments that you would like to share with BJA?

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No

Narrative - any additional information you would like to provide.

Attachments can be added, if applicable.