

Rural Grant Reporting Questionnaire:
Reporting Period – June 1, 2020 to December 31, 2020
State of Alaska, Department of Law

1. What were your accomplishments within this reporting period?

The State of Alaska, Department of Law (“DOL”) has experienced challenges during this reporting period associated with the ongoing COVID-19 pandemic, but DOL has also achieved significant successes. As was explained in the previous Report, jury trials have been, and continue to be, suspended throughout the Alaska Court System due to the pandemic. Additionally, due to pandemic-related travel restrictions, our rural prosecution team has not been able to visit rural communities to conduct training and outreach. Despite these challenges, DOL’s rural prosecution team has been able to prosecute a significant number of cases and provide much-needed support to rural locations. In particular, the rural prosecution unit provided staffing and assistance to the Kotzebue District Attorney’s Office (“Kotzebue DAO”) while that Office had unfilled prosecutor positions. *See Table 1 below.* DOL has now filled both positions within that office. This will allow our rural prosecution team to focus on other areas in the next reporting period.

Table 1.

Frequency distribution of cases served by the rural grant prosecutors between June 1, 2020 and December 31, 2020.

Case Category	Assignment Category			Total
	Sole Assignment	Reassigned to Rural Prosecutor	Temporarily Assigned to Rural Prosecutor	
SAM ² felony	1	3	8	12
SAM ² & SA ³ felony	0	0	2	2
SA ³ felony	3	7	14	24
Other violent felony	12	32	91	135
<i>Violent felony Subtotal</i>	16	42	115	173
Non-violent felony	5	16	64	85
<i>Felony Subtotal</i>	21	58	179	258
Violent misd ⁴	0	12	15	27
Non-violent misd ⁴	3	13	19	35
<i>Misd⁴ Subtotal</i>	3	25	34	62
Felony prob. rev. ⁵	3	7	14	24
Misd prob. rev. ⁵	2	10	22	34
Other	0	1	1	2
Total	29	101	250	380

Notes.

1. Data is up-to-date as of January 22, 2021.
2. SAM: sexual abuse of a minor.
3. SA: sexual assault.
4. Misd: misdemeanor.
5. Prob. rev.: probation revocation.

Table 1, above, shows the distribution of cases the grant prosecutor, Assistant Attorney General (“AAG”) Sam Vandergaw, was assigned during the reporting period. For purposes of

this report, *case* is defined as a *referral for prosecution*, an *open investigation*, and as an *open prosecution* depending on the context. In total, AAG Vandergaw worked on 380 cases. He was the sole prosecutor on 29 cases; he assumed and kept the responsibility for 101 cases; and, he temporarily assumed responsibility for 250 cases before those cases were reassigned to other prosecutors. As shown in Table 1, a little over two-thirds of the cases (258 cases: 68%) AAG Vandergaw worked involved felony offenses, and a little over two-thirds of those felony cases (173 cases: 67%) were violent felony offenses. (The non-violent cases were handled because of the need to provide prosecution services to the community of Kotzebue while that office was unstaffed.) Furthermore, 38 cases involved sexual assault and/or sexual-abuse-of-a-minor charges. AAG Vandergaw also worked on 24 felony probation revocation and 34 misdemeanor probation revocation cases. The two “other” cases were death investigations. DOL has been able to fill permanent ADA positions in the KDOA, but the grant prosecution team will continue to provide support to this office.

Table 2.

Frequency distribution of case dispositions served by the rural grant prosecutors between June 1, 2020 and December 31, 2020.

Case Category	Disposition			
	Declined	Conviction	Dismissed	Other
SAM ² felony	2	1	0	1
SAM ² & SA ³ felony	0	0	0	0
SA ³ felony	2	1	0	0
Other violent felony	4	13	5	1
<i>Violent felony Subtotal</i>	8	15	5	2
Non-violent felony	8	3	5	3
<i>Felony Subtotal</i>	16	18	10	5
Violent misd ⁴	0	11	3	0
Non-violent misd ⁴	4	3	10	0
<i>Misd⁴ Subtotal</i>	4	14	13	0
Felony prob. rev. ⁵	---	---	---	10
Misd prob. rev. ⁵	---	---	---	3
Other	---	---	---	0
Total	20	32	23	18

Notes.

1. Data is up-to-date as of January 22, 2021.
2. SAM: sexual abuse of a minor.
3. SA: sexual assault.
4. Misd: misdemeanor.
5. Prob. rev.: probation revocation.

Table 2 shows the distribution of cases AAG Vandergaw worked on during the reporting period that have been disposed as of January 22, 2021. In total, with AAG Vandergaw’s assistance, DOL has been able to dispose 93 cases (25% of 380). AAG Vandergaw disposed of 67 of those cases (distribution not shown). With the assistance of the grant, DOL has been able to achieve 32 convictions. Roughly 57 percent (18 cases) of those convictions were felony convictions. Almost half the convictions were violent felony convictions (15 cases: 47%). Additionally, DOL declined 20 cases, dismissed 23 cases—many as part of plea negotiations involving other cases, and closed out 13 probation revocation cases. Lastly, DOL disposed five cases as juvenile matters.

Table 3.

Frequency distribution of hearing attended by the rural grant prosecutors between June 1, 2020 and December 31, 2020.

Hearing Type	Hearing Attended (N)	Percentage
Adjudication	14	6%
Arraignment	21	8%
Bail	56	22%
Change of plea	35	14%
Competency	1	0%
Disposition	2	1%
Grand jury	3	1%
Omnibus	44	17%
Preliminary	35	14%
Quash warrant	3	1%
Restitution	3	1%
Sentencing	11	4%
Status	24	10%
Total	252	100%

Notes.

1. Data is up-to-date as of January 22, 2021.

Although the Alaska Court System has also been forced to adjust its scheduling due to COVID-19, ADA Vandergaw attended 252 different courting hearings. Bail hearings (22%), Omnibus hearings (17%), change-of-plea hearings (14%), preliminary hearings (14%), and status hearings (10%) comprised the majority of hearings ADA Vandergaw attended (194 hearing: 77%).

A notable case from Kotzebue indicted by AAG Vandergaw was *State of Alaska v. James Adams*. In that case, Mr. Adams brutally murdered his wife after a domestic dispute. AAG Vandergaw coordinated with local Alaska State Troopers on the investigation and traveled to Kotzebue to indict the case.

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

- a. Minimize days offices understaffed

AAG Vandergaw's ability to cover cases in the Kotzebue DAO, in conjunction with other AAGs from the Office of Special Prosecutions, fulfilled this key goal of the grant. Our previous report explained that the Kotzebue DAO lost both assigned prosecutors in January, 2020. Those positions remained unfilled until the fall and winter of 2020. During that time, AAG Vandergaw handled the majority of the felony caseload in that office. He also covered hearings as needed in other jurisdictions such as Nome and Bethel. This grant goal was achieved during this period.

- b. Eliminate screening backlog

As mentioned above, the loss of prosecutors within the Kotzebue DAO created several challenges for processing the cases assigned to that office. AAG Vandergaw assuming much of the prosecutorial responsibilities of that office substantially helped maintain the caseloads of that

office and reduced its existing backlog. As mentioned, AAG Vandergaw was able to dispose of 67 cases himself and assisted in the dispositions of 26 additional cases, totaling 93. Furthermore, AAG Vandergaw was able to review and make a screening decision in 80 cases.¹ Among the 80 referrals for prosecutions AAG Vandergaw screened, 72 of them included felony offenses (90% of 80), and 46 included violent felony offenses (64% of 72). As of January 22, 2021, AAG Vandergaw has nine referrals for prosecution that need to be screened. In summary, AAG Vandergaw has been an essential resource for processing felony cases, especially violent felony cases, in rural Alaska.

c. Decrease screening time for felony referrals

Table 4.

Descriptive statistics of cases screened by the rural grant prosecutors, prosecutors assigned between June 1, 2020 and December 31, 2020.

Assignment Categories	Descriptive Statistics						
	<i>N</i>	Min	Max	Mode	Med ²	Mean	Std. dev. ³
Sole assignment	19	0	98	0	0	6	22
Reassigned to rural prosecutor	8	0	156	0	4	22	51
Temporarily assigned to rural prosecutor	53	0	24	0	3	6	7

Notes.

1. Data is up-to-date as of January 22, 2021.
2. Med: median.
3. Std. dev.: standard deviation.

Table 4 shows a series of descriptive statistics measuring the time AAG Vandergaw has taken to screen referrals for prosecution. The measures are separated by the nature of assignment: cases in which he was the solely assigned prosecutor, cases that were reassigned to him, and cases he assumed responsibility for but were ultimately reassigned to other prosecutors. The average number of days (indicated by the mean scores) it took AAG Vandergaw to screen cases appears to vary quite a bit, but this is a function of one or two cases causing a positive skew. Thus, using a combination of the mode and medians scores provides a more accurate measure to typicality. With this, the information shows that, overall, across all three types of case assignments, AAG Vandergaw has been able to screen cases the same day of his assignment (as indicated by the mode scores), or within a few days (indicated by the median scores). AAG Vandergaw has been essential to resolving cases assigned to the Kotzebue DAO, as well as, to reducing the backlog of referrals for prosecution requiring a screening decision, and to screening cases quickly.

d. Provide training

AAG Vandergaw has provided training to newly hired AAGs in Special Prosecutions who handle rural caseloads as well as the newly hired ADA in the Kotzebue DAO. Additional trainings at rural offices were not possible due to travel restrictions.

e. Increase visits to rural communities

¹ A screening decision means deciding whether or not to accept a case for prosecution.

Again, this goal was not possible during the pandemic. Many rural communities expressed a strong desire to limit travel into the community. DOL certainly respects those communities' wishes.

f. Improve employee retention in the Bethel District Attorney Office

The rural unit largely focused on taking cases from Kotzebue in 2020 due to the extreme needs in that area. Providing additional support to that office in the coming year will be a major focus for the unit in 2021.

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

Aside from the pandemic-related challenges described in this report and the previous report, we experienced a major setback when the attorney from out-of-state that we had hired to fill the second position backed out on the day that she was scheduled to start. This meant that we once again had to recruit for the second AAG/SAUSA position. DOL has now filled that position with AAG Bailey Woolfstead. Ms. Woolfstead is an experienced prosecutor who has significant experience trying sexual assault and sexual abused cases in and around the Bethel area. Her experience will be an asset to the unit in the next reporting period as we are now fully-staffed for the AAG/SAUSA positions. She officially started in the position on January 4, 2021.

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

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?

With the addition of AAG Woolfstead to the team and the planned resumption of jury trials in the next six months, the rural prosecution team should be able to realize goals that were not attainable up to this point. To that end, both AAGs have been tasked with identifying community partners in each judicial district to begin making outreach efforts with as travel becomes more feasible. Additionally, both AAGs plan to take on trials in rural locations and involve newer attorneys as "second-chairs" in order to being training efforts. For example, AAG Woolfstead has already taken over a planned sexual abuse case in Dillingham and is mentoring the newer ADA who staffs that office. Finally, with the Kotzebue DAO now fully staffed, both AAGs have begun working in concert with the OSP office chief towards implementing a more standardized system for receiving referred cases from our rural DAOs and law enforcement agencies.

7. Based on your knowledge of the criminal justice field, are there any innovative programs/accomplishments that you would like to share with BJA?

DOL's move to paperless files and telecommuting and the Court System's move to conducting hearings by video conference has expanded the geographic area from which we can draw applicants. In the past, an attorney in OSP would have to reside in Anchorage. With the innovations above we were able to fill the second AAG position by hiring Ms. Woolfstead, who resides in Juneau, and allowed us to hire a qualified applicant who we otherwise would not have been able to consider.

Additionally, the Alaska Court System is experimenting with conducting grand jury presentations by Zoom. This is still a work in progress that we will provide more details on in future reports as we gain insight into the benefits and pitfalls of that process.