



# Department of Law

## FY22 Increment Overview

Senate Finance Subcommittee

Cori Mills  
Deputy Attorney General  
Civil

John Skidmore  
Deputy Attorney General  
Criminal

Amber LeBlanc  
Administrative Services Director

# **Civil Division Multi-Year Appropriation**

# Statehood Defense and Revenue Protection

2/23/2021

Hatchery Net Pens



Chugach State Park



RS2477 Field Work



Independence Gold Mine



Photos courtesy of Law – Natural Resources

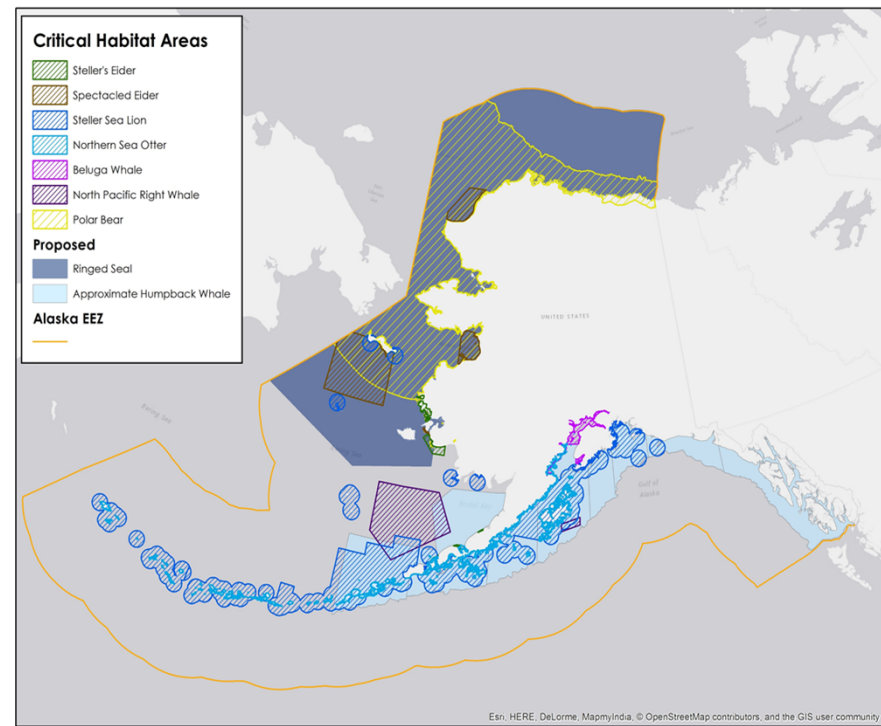
# Appropriation

“The sum of \$4,000,000 is appropriated to the Department of Law, civil division, **for defense of rights to develop and protect the state's natural resources, access lands, and to manage its fish and wildlife resources**, in the fiscal years ending, June 30, 2021, June 30, 2022, June 30, 2023, June 30, 2024, and June 30, 2025...”



# Importance of Statehood Defense

2/23/2021



# Primary Subject Matters

- Navigability
- Submerged Lands
- Endangered Species Act
- Federal Land Management Plans
- Federal Oil and Gas Leasing
- ANILCA

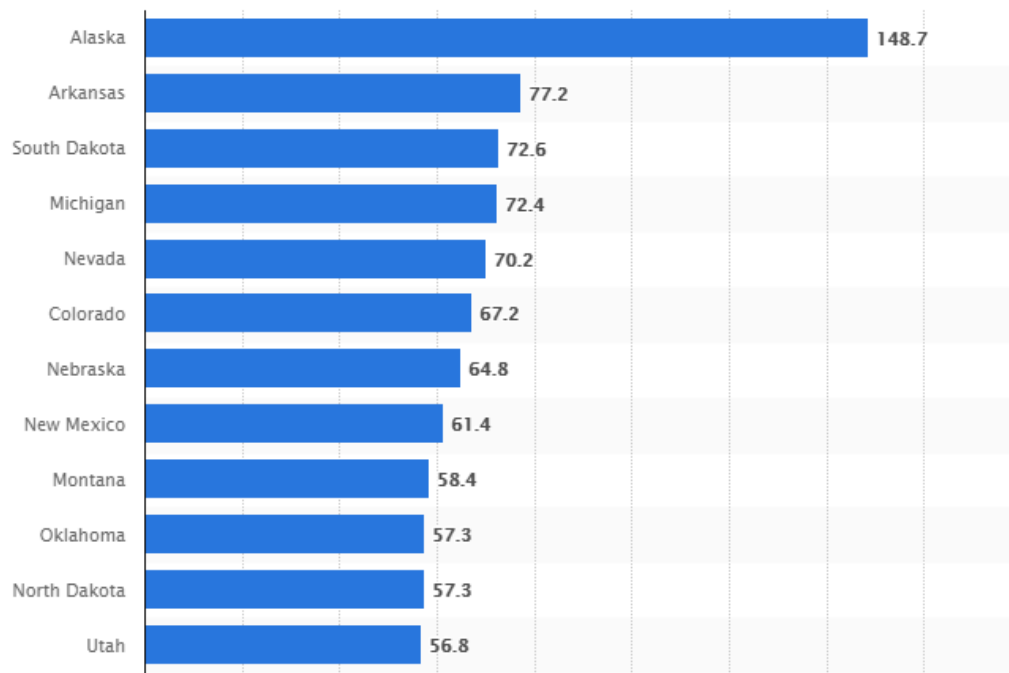
# Types of Expenditures

- Experts
- Scientific Evidence
- Field Work
- Outside Counsel
- Consultation

**Criminal Division  
Increment:  
Prosecution Of Sexual  
Assault And Sexual  
Abuse Of Minors**



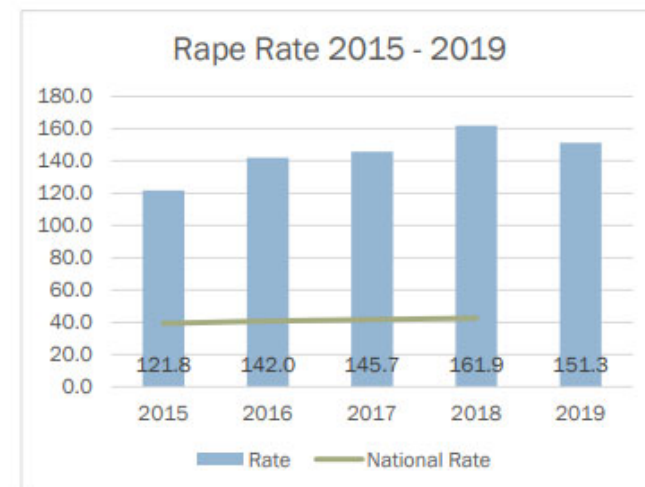
# Epidemic of Sex Crimes in Alaska



## UCR numbers for CY 2019

- ❖ Though Alaska's rate per 100,000 inhabitants of sexual assault came down in 2019, it was still the highest in the country: 148.7
- ❖ Second highest rate is 77.2
- ❖ The national average is 42.6

Year	Offenses	Alaska Rate	National Rate <sup>1</sup>	Index Change	Rate Change
2015	895	121.8	39.3	17.1%	16.8%
2016	1,049	142.0	40.9	17.2%	16.6%
2017	1,073	145.7	41.7	2.3%	2.6%
2018	1,188	161.9	42.6	10.7%	11.1%
2019	1,101	151.3	n/a	-7.3%	-6.6%



# Prosecution of Sex Crimes in Alaska

- Currently, the Criminal Division has over 1,000 pending sexual assault and sexual abuse of minor cases
  - 800 cases are in active litigation
  - 200 cases are in screening phase
- Approximately 250-300 new cases *filed* each year
- These cases can often take 2 to 3 years to resolve
- Conviction rate of 70%-80% (CY2013-CY2016)
  - CY2017-CY2020 includes too many pending cases to provide an accurate rate of conviction

# Average Hours To Work Sex Crime Cases

## Investigation and Screening

Minimum 10 hours

Investigative consult, review reports, photos, audio, medical records, lab reports/consults, legal research, defendant background in criminal history/404(b)

## Pre-trial and Sentencing

Minimum 25 hours

Grand jury prep and hearing, victim contacts routine hearings, motion practice, negotiations, sentencing memos, sentencing hearing

## Trial

Minimum 150-200 hours

Witness and evidence prep, jury instructions, jury selection, actual trial days

## Post-Trial

Minimum 5 hours

Sentence appeals, probation revocations, post-conviction relief

# Average Hours To Work Sex Crime Cases

30 filed sex crime cases = 1,950 hours per year

1,792 workable/compensated hours per year  
(given holidays and mandatory leave)

Currently, state prosecutors focusing on sex crimes carry caseloads of 57-80 such cases

## High Caseloads = Burnout

Anchorage-based unit comprised of five prosecutors experienced turnover of six prosecutors in a two-year time span

10 new prosecutors will bring caseload down to an average of 40 cases

# Increased Public Safety Benefits

- Accelerated case screening
  - Time to review
  - More timely follow-up on requested investigation
  - More timely follow-up on lab requests
- More timely communication with victims
  - Increase victim-witness outreach to improve victim's outcomes
- Push trial more aggressively
  - Answer motions faster
  - Ensure all discovery complete
  - Align witness schedules when setting trial
  - Increased preparedness and familiarity with individual cases
- Push post-trial litigation to be completed more timely
  - Sentencing, probation revocations, post-conviction relief

# New Position Placement



## 1<sup>st</sup> Judicial District

**Juneau – prosecutor, paralegal**

## 2<sup>nd</sup> Judicial District

**Nome – prosecutor, paralegal,  
law office assistant**

## 3<sup>rd</sup> Judicial District (Anchorage)

**2 prosecutors, paralegal,  
law office assistant**

## 3<sup>rd</sup> Judicial District (Outside Anchorage)

**Palmer – prosecutor, Paralegal**

**Kenai – prosecutor**

## 4<sup>th</sup> Judicial District

**Fairbanks – prosecutor**

**Bethel – prosecutor, paralegal**

## Criminal Appeals and Special Litigation

**Special Prosecutions – 2 prosecutors,  
paralegal, law  
office assistant**

# **Criminal Division Fund Source Change**



# Misdemeanor Prosecutions in Home Rule Communities

- Home Rule communities have the power to criminalize conduct at the misdemeanor level
  - AK Const. Art X § 11, AS 29.04.010
- Two home rule communities have prosecutor offices:

• Anchorage	5000 - 7000 cases	\$3,500,000
• Juneau	1100 – 1400 cases	\$1,500,000
- One community already supports prosecution through an Memorandum of Understanding with the division
  - North Slope Borough                      \$300,000 per year in support

# Fund Source Change for Home Rule Support

2/23/2021

1<sup>st</sup> Judicial District prosecutors \$ 311.3 = 2.0

2<sup>nd</sup> Judicial District prosecutor \$ 191.6 = 1.0

3<sup>rd</sup> Judicial District prosecutors (Outside Anchorage) \$ 354.6 = 2.5

4<sup>th</sup> Judicial District prosecutors \$ 432.6 = 3.0

**Total Impacts** \$1,290.1 = 8.5 prosecutors

Unrestricted General Fund to Statutory Designated Program Receipts

# Community Breakout

## 1<sup>st</sup> Judicial District

Community	# of cases	Office & Resource required
City of Ketchikan	528	Ketchikan = 1 prosecutor
Haines Borough	41	Juneau = 1 prosecutor
Petersburg Borough	109	(548 cases)
Sitka Borough	311	
Wrangell Borough	77	
Yakutat Borough	10	

## 2<sup>nd</sup> Judicial District

Community	# of cases	Office & Resource required
Northwest Arctic Borough	504	Kotzebue = 1 prosecutor

## 3<sup>rd</sup> Judicial District (Outside Anchorage)

Community	# of cases	Office & Resource required
City of Kenai	523	Kenai = 1 prosecutor
City of Soldotna	203	(822 cases)
City of Seward	96	
City of Cordova	75	Palmer = 1 Prosecutor
City of Palmer	384	(597 cases)
City of Valdez	138	
City of Kodiak	283	Kodiak = 0.5 prosecutor

## 4<sup>th</sup> Judicial District

Community	# of cases	Office & Resource required
City of Fairbanks	1388	Fairbanks = 3 prosecutors
Denali Borough	62	(1664 cases)
City of Nenana	112	
City of North Pole	102	

# Costs Not Included

- Travel
  - Employee travel
  - Victim/Witness travel
- Infrastructure
  - Office space
  - Utilities
  - Equipment
- Case costs
  - Supplies
  - Discovery and exhibit costs
  - Case management system and other software
- Support personnel

## Other costs not included

- Indigent defense
- Incarceration

# Thank you

Any questions?