



Criminal Division

Sex Offense Report FY 2021 & Recruitment and Retention

Senate Judiciary Committee 2/15/2023

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CRIMINAL DIVISION

Sex Offense Report FY 2021

NOTEWORTHY ASPECTS OF REPORT

➤ Scope

- Cases referred between July 1, 2020 and June 30, 2021.
 - Offense date
 - Referral date
 - Filing/screening date
 - Conviction date
 - Sentencing/judgement date
- “Sex offense” refers to a registerable sex offense under AS 12.63.100(7).
- “Sex offense” definition has been amended several times since first codified in 1994.

Table 3. Sex offenses: registerable criminal offense under Alaska Statute 12.63.100(7) (Registration of Sex Offenders)		
Statute Description	Statute	Original Effective Date
Categories		
Sexual Assault in the First Degree	AS 11.41.410	08/10/1994
Sexual Assault in the Second Degree	AS 11.41.420	08/10/1994
Sexual Assault in the Third Degree	AS 11.41.425	08/10/1994
Sexual Assault in the Fourth Degree	AS 11.41.427	08/10/1994
Sexual Abuse of a Minor in the First Degree	AS 11.41.434	08/10/1994
Sexual Abuse of a Minor in the Second Degree	AS 11.41.436	08/10/1994
Sexual Abuse of a Minor in the Third Degree	AS 11.41.438	08/10/1994
Incest	AS 11.41.450	08/10/1994
Enticement of a Minor	AS 11.41.452	06/11/1998
Unlawful Exploitation of a Minor	AS 11.41.455	08/10/1994
Indecent Exposure in the First Degree	AS 11.41.458	06/11/1998
Distribution of Child Pornography	AS 11.61.125	08/10/1994
Possession of Child Pornography	AS 11.61.127	06/11/1998
Distribution of Indecent Material to Minors	AS 11.61.128	07/01/2007
Specific Subsections of Statutes		
Murder in the First Degree	AS 11.41.100(a)(3)	06/05/1999
Murder in the Second Degree	AS 11.41.110(a)(3)	06/05/1999
Sexual Abuse of a Minor in the Fourth Degree	AS 11.41.440(a)(2)	01/01/1999
Specific Conditions Under a Statute		
Indecent Exposure in the Second Degree	AS 11.41.460 ^a	06/11/1998
Harassment in the First Degree	AS 11.61.118(a)(2) ^b	07/01/2010
Indecent Viewing or Production of a Picture	AS 11.61.123 ^c	07/09/2019
Prostitution	AS 11.66.100(a)(2) ^d	07/01/2013
Sex Trafficking in the First Degree	AS 11.66.110 ^e	08/10/1994
Sex Trafficking in the Third Degree	AS 11.66.130(a)(2)(B) ^f	01/01/1999
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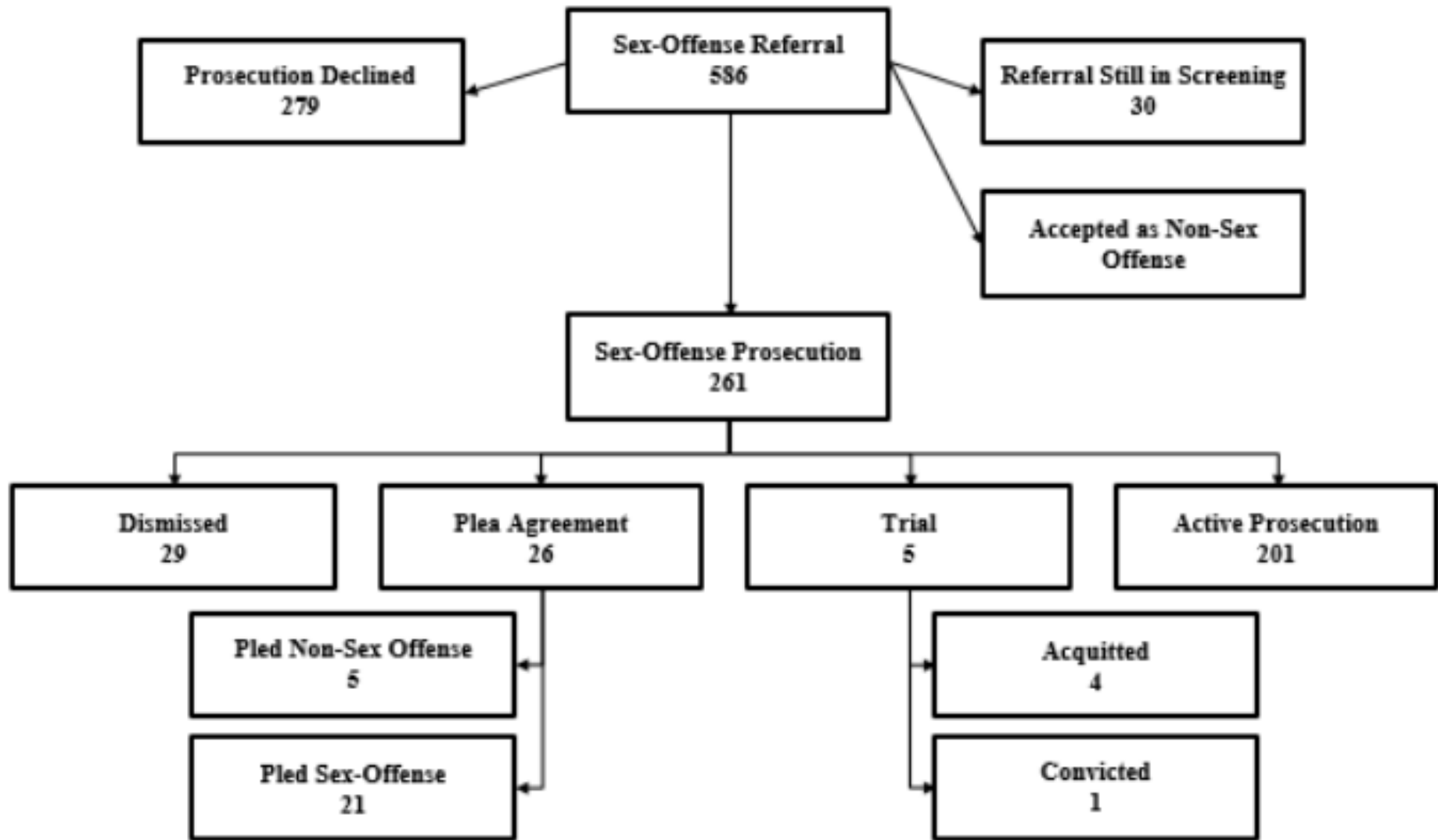
NOTEWORTHY ASPECTS OF REPORT (Cont'd)

- The vast majority of these cases are still active prosecutions
 - Two + years of jury trial suspensions.
 - Sex offense take 2+ years from charging to trial even before COVID.
- Report based on data from Oct 12, 2022
 - Still in screening
 - Convictions
 - Pleas
 - Etc.

Sex Offense Report FY 2021

Figure 1, pg. 2

Figure 1.
Diagram of sex offense case processing, cases referred between July 1, 2020 and June 30, 2021



Notes.

1. Data source: Prosecutor By Karpel for Alaska
2. As of October 12, 2022, 30 sex offense referrals are still in *screening* status.

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.

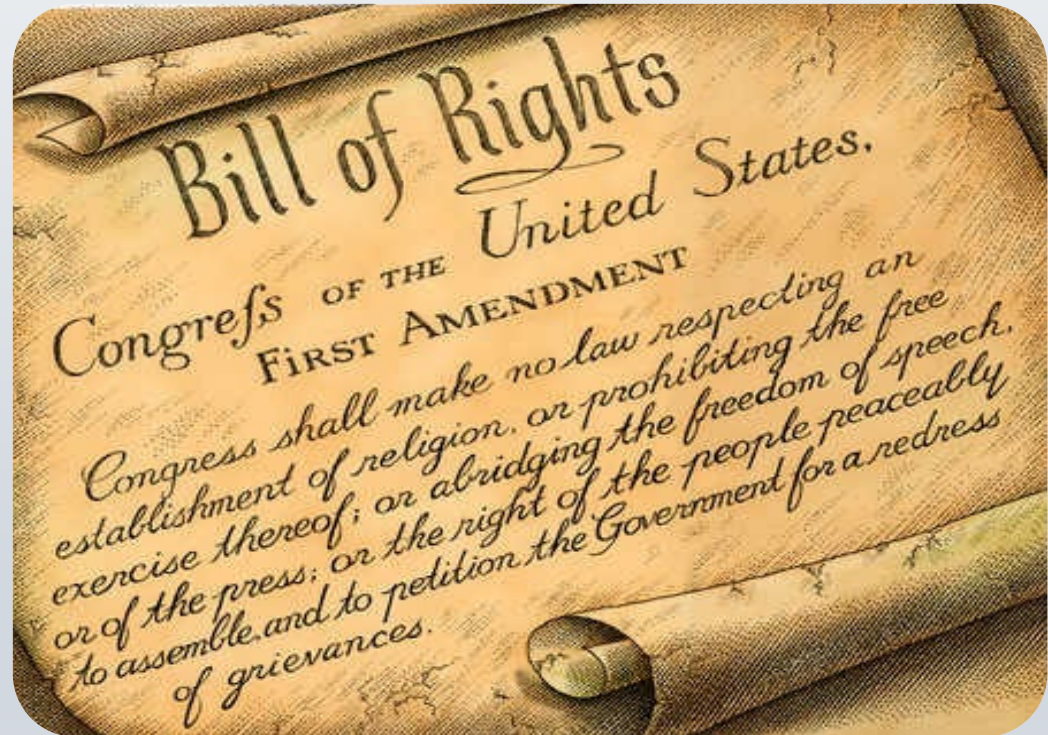
-Canons of professional ethics: Canon 5. American Bar Association (1908).

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).

- Assist investigation
- Formal referral
- Screening
- Pretrial litigation
- Pretrial resolution
- Trial
- Post-Trial Litigation

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



Recruitment & Retention

Review of Criminal Division's Recruitment and Retention Challenges

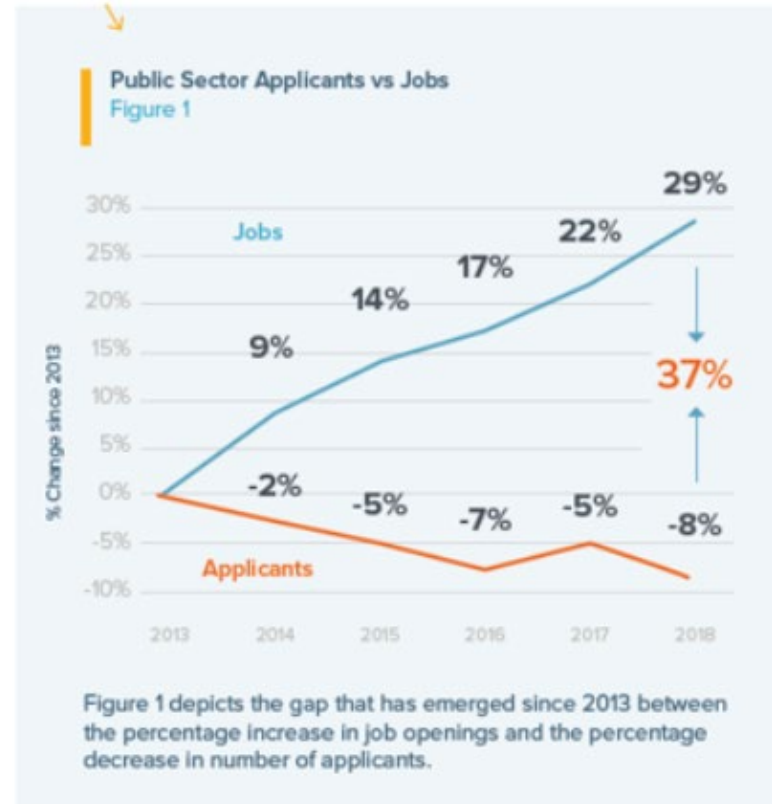
Applicant Shortage

- Nationally
- Alaska specific

Turnover 22% - 37%

FY 2021 Dept. Of Law Budget Slide

Recruitment and Retention *Applicant Shortage*



- 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*)

FY 2021 Dept. Of Law Budget Slide

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*

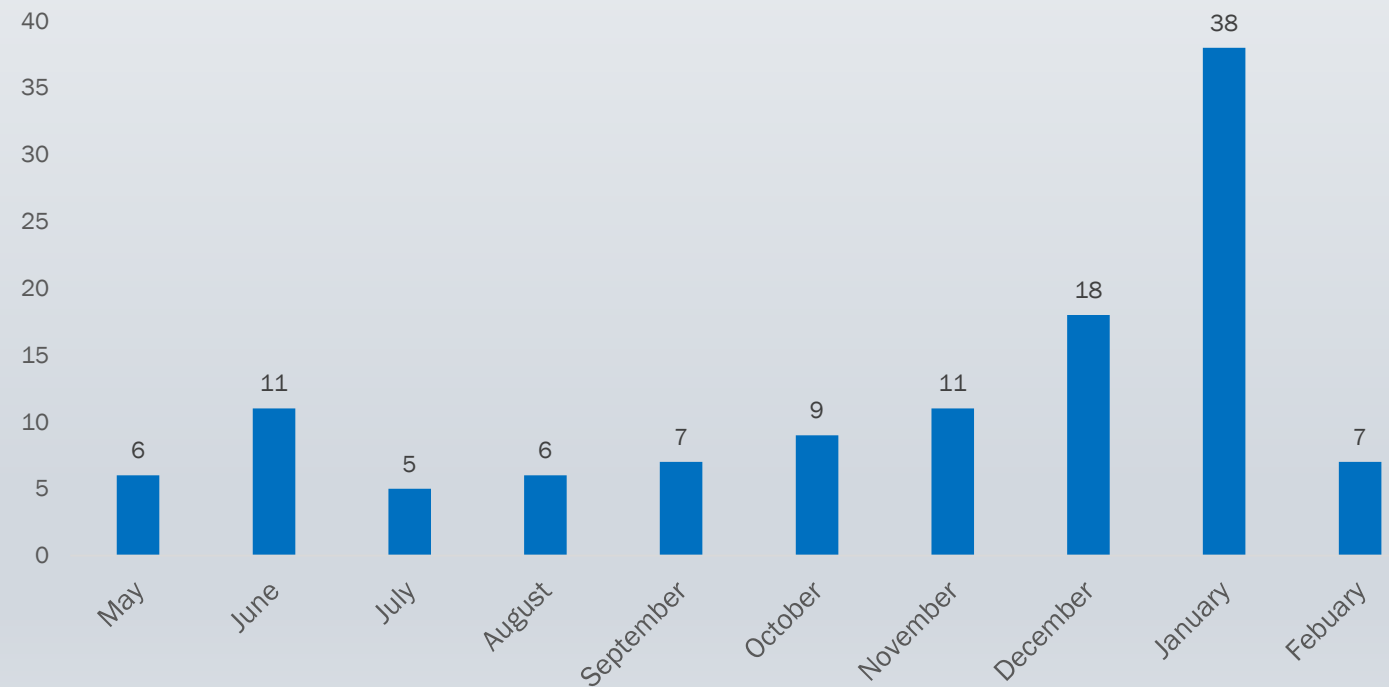
Improvement In Applicant Numbers

Increases since November

Too early to conclude a lasting
trend, but a significant
improvement

Guarded Optimism

Number of Applicants for Prosecutor Jobs
2022-2023



Retention

Improving with efforts made.

- Salary increases
- Training provided
- Revamped website
- Social media presence
- Expanding posting locations
- Attending job fairs

Positive trend, but still more work to do

Prosecutors in 2018	36.5% turned over (42 of 115)
Prosecutors in 2019	22.3% turned over (27 of 121)
Prosecutors in 2020	15.8% turned over (20 of 126)
Prosecutors in 2021	20.6% turned over (27 of 131)
Prosecutors in 2022	19.0% turned over (25 of 131)

2022

- 6 of 25 (24%) transferred to Civil Division;
- 2 of 25 (8%) transferred to Dept. of Admin. (Public Defender/Ofc. Of Public Advocacy)
- 3 of 25 Licensing issue

2022 - hired 31 attorneys– 13 of which had experience

- (including 6 former employees returning)

Thank you

ANY QUESTIONS?

