

State prosecution services face cutbacks

by Andy Ryan

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JUNEAU — The level of services provided by state prosecutors has been on the decline since 1982, and due to funding shortfalls is likely to decline still further, the state's chief prosecutor said in an interview.

Chief Prosecutor Dan Hickey, who has headed the state Department of Law's Criminal Division since its inception in 1975, says the resources of his division are stretched to the limit.

As a result of population growth and increasingly complex cases, coupled with budget cuts, Hickey said, certain types of cases that have been handled by his division in the past will no longer be prosecuted by the state.

"We're flat-ass maxed out," said Hickey, who supervises about 70 prosecutors around the state. "We're going to fall further behind."

Among the kinds of cases that will now have to take a back seat, he said, are so-called property crimes, such as the prosecution of bad check writers.

In Anchorage last month, he said, due entirely to budget cuts, as many as eight cases that would normally have been prosecuted were instead plea-bargained to a resolution.

"The more we get into a situation where we're no longer able to effectively and professionally handle the total caseload that we're confronted with, we're going to make harder and harder priority choices (on which cases to prosecute)," the 38-year-old chief prosecutor said.

"The broad range of less serious crime — property crime in particular — is not going to be handled with the same degree of effectiveness that people have come to expect ... those services are simply going to have to be reduced. That's the case even if I turn people into robots, and they work 24 hours a day. There simply becomes a saturation point.

"We're going to be setting

some new arbitrary thresholds on whether or not we can take (a given) case, because I'm not going to prosecute a \$2,000 insufficient fund check case and jeopardize the results in a homicide case. I cannot do that. That would not be responsible," Hickey said.

The chief prosecutor said his budget has been particularly hard-hit by a dramatic increase over the past few years in the number of child abuse cases brought to state district attorneys for prosecution.

"We've gone from, in 1980, referral statewide of something like 52 cases of child sexual abuse, to 1984, of 340-some cases," Hickey said.

"That thing has just skyrocketed," Hickey said of the increase in child abuse cases. "Those cases have resulted in taking substantial resources that we have traditionally put into other areas, and focusing them exclusively on these cases, because we consider them so important."

Lawmakers this year were asked to set aside money to pay for six new state prosecutors to handle child abuse cases. Although the passage of anti-child abuse legislation has been touted as a major accomplishment of the 1985 legislature, lawmakers provided money for only one additional prosecutor.

"We've made it absolutely crystal clear to the Legislature that we have long ago reached the saturation point in handling these cases. The growth in this whole area of child sexual abuse has been absolutely astronomical.

"I've diverted resources from adult sexual prosecutions, from robbery prosecutions, from a variety of other prosecutions to handling these cases. I don't have any more of those resources that I can pull — unless we just quit prosecuting, like, drunk drivers statewide. And I don't think that's going to be acceptable to anyone."

Hickey says he suspects that part of the reason his division has not received the funds he says it needs is because of several well-publicized cases involving public officials.

"I think there have been times when there's been some additional focus placed on (the division's budget), that relate to events that have nothing to do with the legislative budgetary process, that have to do with what we do," Hickey said.

As an example, Hickey said that in 1984 work on his budget had already been completed by the Legislature when it was learned that a grand jury was investigating alleged drug use by public figures in Juneau.

Without warning, he said, his budget was hauled back before lawmakers, and \$386,000 was chopped out of it. Half that

amount was eventually restored to his budget, Hickey said.

"I know that there are some members of the Legislature who feel that I in a personal way have singled out people in public life for special attention in making decisions whether to go forward with investigations or pursue prosecutions," Hickey said.

"That's simply not the case. But there's nothing I can do about those perceptions. If you've got a serious allegation of public corruption, you have to make a decision about where does that fit in, in terms of where you put your priorities," he said.

Hickey said cases of public corruption are subject to the same standards as all other cases that come before the state's district attorneys.

"We do not conduct fishing expeditions. I do not set in motion

the power of the state — in terms of investigators who are running around asking people questions, grand juries and other investigative mechanisms — unless I've got a particular reason for doing so, based on a serious allegation of criminal conduct. I don't do it on the basis of suspicion or rumor or hearsay or newspaper accounts or speculation — or anything else. Never have, never will," Hickey said.

Still, the chief prosecutor said, if his office is going to prosecute run-of-the-mill cases of white collar crime, then he feels even more compelled to go after public officials suspected of wrongdoing.

"If the rules apply to those poor bastards (common criminals), then they apply in spades to (Former State Sen.) George Hohman (convicted by Hickey in 1981 on bribery charges), Hickey said.