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Member of the National League of Cities and the National Association of Counties

The Honorable Andy Josephson
House Finance Law Subcommittee
Alaska State Legislature

March 2, 2021

Representative Josephson

The State's unified court system means that the fundamental responsibility to enforce and prosecute Alaska's laws lies with the State. The fact that local police departments assist in enforcement does not confer on local governments the obligation to pay for prosecution of the State's misdemeanors. The Department's proposal to charge for their services isn't credible and should be removed from the budget.

There are a number of impacts that we would ask you to consider:

- Some of these home rule governments don't have law enforcement, and adding attorneys to prosecute these cases on behalf of the State will be confusing and unmanageable
- For these cases, the Troopers would be responsible for responding and determining the charge
- That creates an incentive, where there is room for a charge to go either way, for the State to assign a misdemeanor instead of a felony
- The obverse is that this creates a potential incentive for local law enforcement to allocate those cases that might otherwise be in a grey area as felonies and not misdemeanors
- In general, the costs for each community will be greater than the costs of the State, as they would need to build up their overall administrative capacity to support this new effort
- The communities this applies to would have no control over the staff time applied by Dept. of Law, if they choose to cover the State's costs
- It will really depend on the community to know how many additional staff this may require, but it is estimated that for each jurisdiction we are talking about at least 1 to 3 additional staff
- Ultimately, the savings to the State will actually result in greater costs to local governments than that savings, and duplication of effort
- The majority of home rule governments wouldn't have the resources on hand to take this on themselves, nor pay the State for it, especially without it coming at the expense of another program or increased taxes
- It is not clear what would happen if a community did not sign onto the agreement. Would the State not prosecute its laws in those circumstances? Would it reprioritize, leaving those communities that don't pay with delays and risk?

Thank you for your consideration of the needs of Alaska's local governments.

Respectfully,

Nils Andreassen
Executive Director