

SENATE RESOLUTION NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Introduced: 4/16/98

Referred: Judiciary

A RESOLUTION

1 Requesting Bruce M. Botelho, Attorney General of the State of Alaska, to appoint
2 a special prosecutor to investigate the possible misuse of the Alaska Public Safety
3 Information Network.

4 BE IT RESOLVED BY THE SENATE:

5 WHEREAS the Senate Judiciary Committee retained attorney Kenneth Norsworthy
6 to determine whether the Alaska Public Safety Information Network (APSIN), the statewide
7 criminal justice information system, had been misused; and

8 WHEREAS, after investigating the matter, Kenneth Norsworthy concluded in a written
9 report to the Senate Judiciary Committee that

10 (1) investigations by the state troopers uncovered evidence that criminal
11 conduct occurred in connection with some unauthorized APSIN accesses;

12 (2) the trooper investigations were conducted ineffectively and inadequately,
13 with no follow-up interviews even when suspicious information was uncovered and no follow-
14 up even when names of other potential witnesses were given by persons who were
15 interviewed;

16 (3) the criminal screenings on the part of the state prosecutors were inaccurate

1 with respect to some cases due to the inadequate investigative work, incorrect analysis of the
2 significance of discovered facts, and questionable legal interpretations of applicable criminal
3 statutes;

4 (4) evidence was uncovered that suggests circumstantially that unauthorized
5 accesses may have been made for political purposes in two cases, and further investigation
6 would likely have resulted in discovery of direct evidence on this point; and

7 **WHEREAS** Kenneth Norsworthy found from certain notes made during protocol
8 meetings attended by state prosecutors, troopers, and an assistant attorney general that protocol
9 was developed specifically to handle the APSIN investigation in a manner different from
10 normal, routine criminal investigations and that it may have been decided that the investigation
11 would not be conducted like a criminal investigation at all; and

12 **WHEREAS** Kenneth Norsworthy, in testimony before the Senate Judiciary Committee,
13 noted that the state's investigation did not focus on uncovering instances where APSIN was
14 used at the request of a third party, but the fact that this may have occurred was revealed
15 several times in interviews; and

16 **WHEREAS** the senate is concerned that state officers and employees, as well as other
17 individuals, may have used APSIN in violation of law; and

18 **WHEREAS** the Department of Law is not sufficiently independent to conduct an
19 investigation of the possible misuse of APSIN because state officers and employees may have
20 been involved; and

21 **WHEREAS** it has been determined in State v. Breeze, 873 P.2d (Alaska 1994) that
22 the state attorney general has the authority to appoint a special prosecutor;

23 **BE IT RESOLVED** that the Alaska State Senate respectfully and urgently requests
24 Bruce M. Botelho, Attorney General of the State of Alaska, to appoint a special prosecutor
25 to investigate the possible misuse of the Alaska Public Safety Information Network and to
26 bring any criminal charges that may be appropriate.

27 **A COPY** of this resolution shall be sent to Bruce M. Botelho, Attorney General.