



THE STATE
of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Office of the Governor

OFFICE OF MANAGEMENT AND BUDGET
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March 15, 2019

Representative Neal Foster, Co-Chair
House Finance Committee
State Capitol, Rm 505
Juneau, AK 99801

Representative Tammie Wilson, Co-Chair
House Finance Committee
State Capitol, Room 511
Juneau, AK 99801

Dear Co-Chairs Foster and Wilson,

Below, please see the responses to questions asked during the Office of Management and Budget's presentation to the House Finance Committee on March 11, 2019.

1. *Representative Wilson: Please provide additional information on the duties and responsibilities of the positions outlined on slide seven of the Department of Law's presentation.*

Please note: The position information is FY18 information; however, the trend continues as we move forward.

2nd Judicial District – fully fund 1 prosecutor in Kotzebue:

Original information provided during the previous administration when the position was partly funded: As called for in the Public Safety Action Plan, the addition of a prosecutor will enhance public safety resources in western Alaska. One prosecutor position will be added in the Second Judicial District's Kotzebue office, as the caseload in this office is currently the highest in the state, with more than double the recommended caseloads per prosecutor.

Updated information based on ongoing activity: The addition of a prosecutor in the Kotzebue District Attorney's office has enabled the office to reduce its caseload per attorney and will likely increase the office's capacity to prosecute more offenses. Between FY17 and FY18, Kotzebue saw a 34% increase in the number of criminal felony filings and a 12% increase in the number of misdemeanor prosecutions. The additional prosecutor has allowed the Kotzebue office to keep up with rising caseloads.

3rd Judicial District – fully fund 2 prosecutors and 1 support staff in Anchorage:

Original information provided during the previous administration when positions were partly funded: As called for in the Public Safety Action Plan, the addition of two prosecutors, a paralegal and a support position will address the need for increased capacity within the Third Judicial District, Anchorage office. The additional capacity is required in order to address an increased workload that is partially due to a record number of homicides, which require extensive resources to successfully prosecute.

Updated information based on ongoing activity: The Anchorage District Attorney's Office saw significant turnover at all levels – prosecutor, paralegal, and support staff – last year. Given the amount of turnover, it is impossible to assess the precise impact the addition of new resources has had within the Anchorage District Attorney's Office.

4th Judicial District – fully fund 1 prosecutor and 1 support staff in Bethel:

Original information provided during the previous administration when positions were partly funded: As called for in the Public Safety Action Plan, the addition of a prosecutor and a support staff position will enhance public safety resources in western Alaska. One prosecutor position and a support staff position will be added in the Fourth Judicial District's Bethel office, due to an increase in felony referrals for all types of offenses.

Updated information based on ongoing activity: The additional prosecutor has assisted in responding to caseloads in the Bethel District Attorney's Office. Bethel saw an 11% increase in felony prosecutions while misdemeanor prosecutions remained relatively flat. The additional prosecutor allowed the office to keep up with the increase in caseloads. The Department of Law has not been able to fill the support staff position, despite multiple recruitments, but will continue to recruit for the position.

Statewide drug prosecutor in Criminal Appeals/Special Litigation:

Original information provided during the previous administration when the position was partly funded: As called for in the Public Safety Action Plan, a prosecutor will be added in Anchorage to lead and coordinate statewide drug prosecution efforts. This position will focus on cases of drug trafficking as part of the State's effort to alleviate the opioid epidemic. The department will explore cross-deputization of this position as a Special United States Attorney to allow state prosecution of drug offenses in federal court.

Updated information based on ongoing activity: The creation of the statewide drug prosecutor position has allowed the State and Federal prosecutors to work together on several large trafficking matters that have resulted in (or will result in) criminal charges. The prosecutor has approximately 50 drug trafficking matters currently pending. The formal process for cross-

deputization of the statewide drug prosecutor with the U.S. Attorney's Office is still ongoing. We anticipate the process to be completed before the end of the fiscal year.

Consumer Protection Attorney in Commercial and Fair Business:

Original information provided during the previous administration: During the 2018 legislative session, the conference committee reduced the funding increment for a new attorney to perform consumer protection work in the Commercial and Fair Business Anchorage office by 25%. This increment restores the amount necessary to accommodate a full-year of expenditures associated with the position.

Updated information based on ongoing activity: The addition of a second consumer protection attorney since December 3, 2018, has enabled the Consumer Protection Unit in the Special Litigation Section to increase the number of investigations handled by the unit. Although only three months have passed since the new position was filled, 18 investigations have been assigned to the new attorney position. Since their arrival, the new attorney has also been assigned to more than 50 consumer complaint reviews. This position has already proved to be a needed resource to follow up on consumer complaints, investigative subpoenas, negotiations with attorneys; and to handle the numerous National Association of Attorneys General (NAAG) consumer workgroup calls and multi-state investigations with which the unit is involved. The new attorney was instrumental in settling a multi-state investigation against Johnson and Johnson in late January resulting in a \$1.3 million payment to the state.

2. *Representative Wilson: Please review the need for additional prosecutors within the Department of Law.*

Governor Dunleavy has made public safety a top priority, which is why there are minimal reductions to the Department. While we can continue with the additional resources provided by the Legislature over the last couple of years, we recognize that giving prosecutors back the tools they need to hold offenders accountable while encouraging offenders to pursue treatment, will cost money. This is why there is a positive fiscal note for SB 32 — that includes funding for five prosecutors and four support staff.

Additionally, we continue to work with the resources given to us and to prioritize prosecutions based on violent/non-violent and felony/misdemeanor cases. We recognize that we could always do more work given more resources, but unfortunately, this is not the State's current fiscal situation. We do believe that with the legislation the governor has proposed and the additional resources we have brought online this year, that it will have an overall positive impact.

Finally, the administration continues to advocate for the budget that was proposed by Governor Dunleavy. The Department of Law, like all departments, is participating in a variety of statewide initiatives with the goal of realizing efficiencies with department support staff. This will help with workload and allow us to accomplish our mission with the resources we are given.

Co-Chairs Foster and Wilson

March 15, 2019

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Please let me know if you have additional questions.

Sincerely,



Donna Arduin, Director
Office of Management and Budget

cc: Ms. Suzanne Cunningham, Director, Governor's Legislative Office
Mr. David Teal, Director, Legislative Finance Division