



THE STATE
of ALASKA
GOVERNOR MICHAEL J. DUNLEAVY

Department of Law

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The Honorable Donald Olson, Chair
Senate Finance Subcommittee, Law
Senate District T
Alaska State Capitol, Room 514
Juneau, AK 99801-1182

Dear Senator Olson:

Thank you for the opportunity to have the Department of Law provide a departmental overview on February 13, to the Senate Finance Subcommittee. We received a list of ten questions from the subcommittee following our meeting, and are happy to provide the responses below.

1. Please provide a list of all outside counsel contracts for legal services where the Department of Law is the primary client and uses its own general funds to pay, for this year and the last 3 fiscal years. Please include the contractor name, the authorized amount by fiscal year and in total, the amount you actually paid by fiscal year, the term of the contract, and the purpose/reason for the contract.

Please see the attached list.

2. Please provide a list of your positions, including salary and benefits, for the current year and the last two years. Please sort by position within each fiscal year.

Please see attached.

3. Is the Legislature exempt from FOIA? If so, by what authority?

The Legislature is not exempt from the Alaska Public Records Act. See e.g. AS 40.25.123 (b).

4. How does Alaska compare to other states in terms of the percent of our resources used for Child in Need of Aid (CINA) cases?

There is no easy way to compare Alaska with other states in terms of the percent of resources spent on CINA case. Many states have a county system with their own budgets. In states like Alaska that have a statewide system, there is wide variation in how child welfare activities are handled. For example, the child welfare attorneys may be mingled with the Medicaid office. Other states house child welfare with its department of public safety. And there is a wide variation among states in the amount of representation these cases receive. For example, there is

at least one state where parents are offered public counsel until termination and the agency is largely on its own through the process up until that point. Finally, some states have “in-house counsel” paid from the child welfare agency’s budget. In those states with in-house counsel, it is often the state prosecutor who brings the cases.

We could find no source of information that we could use to compare Alaska’s funding of CINA cases with other states.

5. What is the agreement for costs and services sharing between the new prosecutor office in Utiagvik and the North Slope Borough? i.e. who pays what? and who does what?

The agreement calls for the NSB to provide up to \$300,000 annually to cover costs of two of four positions, the lease, and the telecommunications (including internet). This agreement lasts for 3 years. The agreement is attached.

6. Provide a copy of the recruitment and retention plan for the Criminal Division in particular. Do you have enough resources to implement the plan?

Please see attached plan. We have sufficient resources to address our proposed strategy in the plan. We are continuing to evaluate strategies to attract and retain prosecutors and civil lawyers that may require additional resources in the future.

7. Who regulates the cost of lawyers? Does any state agency regulate lawyer’s fees?

No.

8. Is your department required to investigate criminal cases involving the legislative branch?

There are two parts to this response. First, law enforcement agencies such as APD and AST investigate cases, not the Department of Law. We review investigations but do not actually conduct them ourselves. (The exception being Medicaid Fraud.) Second, while almost all allegations of criminal conduct are investigated, there are occasions when the matter is not deemed to be a crime. Ultimately whether an investigation should be conducted is a matter of discretion for law enforcement, but almost all matters are investigated.

The fact that a member of the legislature may be involved is not a determinative factor in whether an investigation should be conducted.

9. What is the total number of cases received by your department the last 10 years?

See the attached spreadsheet.

10. According to Uniform Crime Statistics, over the last 10 years has crime in Alaska declined? If not, please comment on why not.

Crime has both increased and decreased on a year to year comparison over the last ten years, but the overall comparison of 2008-2018 shows an 18% increase. Keep in mind the UCR numbers are not yet available for 2019 and from 2017 to 2018 the overall crime rate did drop slightly. It is unknown at this time if the rate will continue to decline in 2019.

The reasons for the increase in the crime rate is difficult to pinpoint, but the three primary changes the criminal justice system experienced that correlate to the increases observed were a decrease in funding for law enforcement and prosecution for a period of time, the onslaught of the opioid crisis, and significant changes in Alaska's criminal laws. It is possible there may be other factors that impacted the increase that have not yet been identified. The positive news is that funding levels have been improved, we have several strategies for combatting the drug crisis that are being pursued, and our criminal laws have hopefully stabilized.

Sincerely,



for Kevin G. Clarkson
Attorney General

Attachments:

1. Department of Law Outside Counsel Contracts, FY18-YTD FY20
2. Summary of Department of Law Positions and Salary/Benefits, FY18-YTD FY20
3. Utqiagvik Memorandum of Understanding
4. Recruitment and Retention Plan
5. List of Open Matters for Department of Law, Civil Division

