

STATE OF ALASKA
SENATE

1998

Source
SR 3

Senate
Resolve No.
3



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

BE IT RESOLVED BY THE SENATE:

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

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

- (1) investigations by the state troopers uncovered evidence that criminal conduct occurred in connection with some unauthorized APSIN accesses;
- (2) the trooper investigations were conducted ineffectively and inadequately, with no follow-up interviews even when suspicious information was uncovered and no follow-up even when names of other potential witnesses were given by persons who were interviewed;
- (3) the criminal screenings on the part of the state prosecutors were inaccurate

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

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

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

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

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

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

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

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

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