



# Kenai Peninsula Borough Assembly

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## MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**FROM:** Bill Elam, Assembly Member   
Cindy Ecklund, Assembly Member 

**DATE:** March 2, 2023

**SUBJECT:** Resolution 2023-026, Requesting Alaska State Legislature Hearings Regarding Grand Juries, Mechanisms to Protect the Independence of the Investigative Grand Jury, and to Address Public Concerns Related to Recent Changes to Rules Applicable to Grand Juries that were Adopted by the Alaska Supreme Court (Elam, Ecklund)

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Over the past six months of regular meetings, the Assembly has frequently heard from the public regarding concerns of interference with the grand jury process and authority for investigating public welfare or safety concerns. A specific concern articulated by Mr. David Haeg during a presentation to the Assembly on February 21, 2023, is that recent changes to the Alaska Criminal Rules of Court seem to conflict with Article 1, Section 8 of the Constitution of the State of Alaska which states: "The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended".

Constituents have raised issues of public concern, and it should be incumbent on the Alaska State Legislature to fulfill its oversight function and hold investigations or hearings to gather evidence related to the concerns that have been raised by constituents. Such investigations or hearings are within the oversight function of the Alaska State Legislature pursuant to Article 2, Section 20, Article 4, Section 12, and Article 4, Section 15 of the Alaska Constitution.

Public trust in the Alaska Court System is paramount to upholding the rule of law. Allegations of bias, misfeasance, and even systemic corruption should be investigated. The Alaska State Legislature is the proper body to find a solution to the concern that the State is not living up to the mandates and protections found in the Constitution of the State of Alaska.

Your consideration is appreciated.