



Kenai Peninsula Borough

Legal Department

MEMORANDUM

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

THRU: Sean Kelley, Borough Attorney *SK*

FROM: Todd Sherwood, Deputy Borough Attorney *TS*

DATE: January 18, 2022

RE: Investigative Grand Juries in Alaska and Citizen-Initiated Grand Juries
in Other States - Resolution 2022-004 (Bjorkman, Elam)

You asked us to provide information in response to two questions:

1. Has the investigative and recommendation power of Alaska grand juries been used in the past?

Yes. The "Alaska Grand Jury Handbook – Alaska Court System – May 2019" lists at least 24 different times the process has been used by grand juries throughout the state (or territory) from the mid-1950s to the early 1990s. The information is not presented as an exhaustive list, but it does appear that there has been little use of the process since the early 1990s.

Alaska investigative grand juries have looked into everything from complex crimes and patterns of crime to alleged misconduct in local and state government to jails and traffic safety. Most of the examples given in the 2019 Grand Jury Handbook appeared in an Alaska Judicial Council report in February 1987 entitled: "The Investigative Grand Jury in Alaska".

Probably the most remarkable example of an investigative grand jury in Alaska is one that sat in Juneau for several months in 1985 to investigate matters involving a lease of state offices that then Governor William Sheffield had been involved in. The grand jury report became the impetus for impeachment proceedings against the governor who ultimately was not removed from office. Alaskans and impeachment: The case of Gov. Bill Sheffield (adn.com) ; Alaska's governor may face impeachment for lease award - CSMonitor.com

Chapter #1: Alaska's Organized Government Corruption: How to Expose and End It

by David Haeg 11/7/25

New Information

Recently a source provided inside information on what is contained in the sealed 2021-23 Kenai Grand Jury report/recommendation, that they wrote after their 2-year investigation into organized judicial corruption in Alaska:

"It [report/recommendation] documented corrupt government activity...judges appeared to be covering for each other and the system itself."

This confirms citizen fears that Alaskan judges sealed the report/recommendation to cover up for corrupt judges and organized judicial corruption.

Background

For decades, evidence mounted of organized corruption taking root in Alaska's judicial system. Citizen efforts to address this through traditional agencies/officials (courts, FBI, DOL, ACJC, AJC, Bar, Troopers, Legislature, Governor, AG, etc.) met a brick wall of denial and refusal to investigate.

In 2017, citizens realize Grand Juries were enshrined in Alaska's Constitution to investigate public officials when other agencies refuse. **Alaska Constitution, Article 1, Section 8:** *"The power of Grand Juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended."* **Commentary to Alaska Constitution Preamble:** *"The Grand Jury is preserved, for all purposes, particularly for investigation of public officials."*

Citizens go through years of hell just to get an investigation: Judge Jennifer Wells ordered the first Kenai Grand Jury to stop investigating, and permanently dismissed them from service, after the majority voted to investigate government corruption. Citizens organized a peaceful courthouse sit-in, to be continued even after closing time and until the Grand Jury was re-impaneled and allowed to investigate. The day before the sit-in, citizens were informed a Kenai Grand Jury would be allowed to investigate.

Kenai Grand Jury goes through hell: FOIAs show the Alaska Supreme Court conspired with AG Taylor to issue SCO 1993 to unconstitutionally cripple the Grand Jury in the middle of their investigation (Jury tried forcing the Supreme Court to testify about this); a vanished Juror, still not found to this day, was used to dismiss the Jury's indictment of a judge; etc.

Conclusion

One way to address this is to obtain the report/recommendation. But since recordings prove the Kenai Grand Jury was intentionally provided corrupt counsel, the report/recommendation is unlikely to fully expose and uproot the corruption. But NYC found another way to combat government corruption:

New York City's 1994 Mollen Commission (appointed by Mayor Dinkins to publicly investigate): *"To cover up their corruption, officers created even more: they falsified official reports and perjured themselves to conceal their misdeeds. In the face of this problem, the Department allowed its systems for fighting corruption virtually to collapse. It had become more concerned about the bad publicity that corruption disclosures generate than the devastating consequences of corruption itself. As a result, its corruption controls minimized, ignored and at times concealed corruption rather than rooting it out. Such an institutional reluctance to uncover corruption is not surprising. No institution wants its reputation tainted – especially a Department that needs the public's confidence and partnership to be effective. Since no entity outside the Department was responsible for reviewing the Department's success in policing itself, years of self-protection continued unabated until this Commission commenced its independent inquiries."*

Requests (that included Borough Mayors) to meet with Alaska's Governor or AG have been unsuccessful, even though it was simply to present evidence requiring appointment of a "Mollen" type commission. Deputy AG Cori Mills claimed neither she nor AG Taylor has authority to investigate corruption. (Video and evidence at alaskastateofcorruption.com)

Because it took a looming sit-in to obtain a Grand Jury investigation, citizens believe it will take another to obtain the report/recommendation and a "Mollen" type commission.

Citizens are organizing a peaceful sit-in at noon on December 11, 2026 (after Alaska's new Governor takes office) in the Robert B. Atwood Building in Anchorage, where our Governor's office is located, until citizens receive the report/recommendation and until (s)he appoints a "Mollen" type commission. They are organizing forums at which Governor candidates will be asked about the above and what they pledge to do if elected. If you are willing to join the sit-in; can help with forums; or ask candidates to pledge, please text or email your name, phone number, and email address to **(907) 398-6403** or **haeg@alaska.net**

This battle will decide if We-The-People rule government or if government rules us. We must see what our brave Kenai Grand Jury wrote to us after their 2-year investigation into organized government corruption. We must demand an independent commission publicly investigate the forces that assaulted and overwhelmed our brave Kenai Grand Jury. It's time for *"The Sleeping Giant"* to wake up and take charge.

This, future articles containing facts which should galvanize citizens into action, and hard evidence of corruption, will be archived at alaskastateofcorruption.com

Chapter #2: Alaska Supreme Court: Greenlighting Government Corruption in 1989 and Supercharging it in 2022.

by David Haeg 11/17/25

Historically, Alaska's Grand Juries independently eliminated corrupt officials: 1954 Jury report led to indictment of Ketchikan's Police Chief and United States Attorney. (Both pled guilty.) 1985 Jury recommended Governor Sheffield's impeachment.

But in 1989 three Alaska Supreme Court Justices didn't like Grand Juries eliminating officials without permission from officials. So they passed (over opposition from Justices Burke and Compton) Rule 6.1, allowing officials to stop Grand Juries - violating Alaska's Constitution: *"The power of Grand Juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended."*

6.1 was first used to protect officials covering for teachers having sex with underage students. (O'Leary v. Superior Court) The Anchorage Grand Jury, ADN, Anchorage Times, Police Chief, and State of Alaska sued that 6.1 was unconstitutional. The same three Justices originally passing 6.1 ruled it was constitutional. But Justices Burke and Compton explained why 6.1 **"MOCKS"** Alaska's Constitution:

"Webster's Third New International Dictionary's first definition of 'never' is 'not ever: not at anytime; at no time.' Its first definition of suspend is 'to debar or cause to withdraw temporarily from any privilege, office, or function.' Criminal Rule 6.1, adopted by this court pursuant to its rulemaking authority, not only suspends the power of grand juries to investigate and make recommendations concerning the public welfare or safety, but also permits censorship of a grand jury report generated as result of the exercise of that power before the report is even published.

*This rule is not the least bit deferential to the "anti-suspension" clause. Indeed, it **MOCKS** it.*

The grand jury, and not the courts, can choose matters on which it reports and recommends, and the manner in which to do so. Criminal Rule 6.1 violates the "anti-suspension" clause of Article 1, Section 8 of the Alaska constitution."

Rule 6.1 has led to a corrupt Alaska (not moving Capital after successful ballot initiatives; illegal PFD raids; etc.) **because citizens no longer have an effective way to fight back when officials place their interests over those of citizens.**

In 2022, outraged that 6.1 was preventing corruption evidence from reaching Grand Juries, citizens protest at courthouses and distribute evidence that the Alaska Commission on Judicial Conduct is falsifying investigations to keep corrupt judges on the bench.

After a bitter fight, the Kenai Grand Jury (KGJ) investigates. When the ACJC's only judge investigator since 1989 was subpoenaed (Greenstein, 8000+ investigations), the Supreme Court rushed through SCO 1993 (modifying 6.1 to make it even more unconstitutional) to stop the Jury:

1. 6.1 now states citizens cannot appeal directly to the Grand Jury. But outraged citizens had succeeded in appealing directly to the KGJ and the 55 Delegates who wrote Alaska's Constitution stated: *"The Grand Jury can be appealed to directly, which is an invaluable right to the citizen."*
2. 6.1 now states that no court cases can be investigated by a Grand Jury. But the KGJ investigated court cases and the 55 Delegates who wrote Alaska's Constitution stated: *"The Grand Jury can be utterly vital in its investigative power as well as for the fact it is sitting there as a panel sometimes is the only recourse for a citizen to get justice, to get redress from abuse in lower courts. ...it is the only safeguard a citizen occasionally has when for any reason and very often for political reasons, a case is not dealt with properly."*

So when the KGJ wrote a **PUBLIC** (according to the KGJ's independent prosecutor) report/recommendation about corrupt judges, judges, using 6.1, sealed it before the public could see it. Violating Alaska's Constitution.

Conclusion

We-The-People must act to save *"utterly vital"* and *"invaluable"* rights, rights protecting citizens from government *"abuse"*. And facts prove officials want and intend to *"abuse"* citizens.

Citizens plan a peaceful sit-in at noon on December 11, 2026 (after Alaska's new Governor takes office) in Anchorage's Atwood Building (Governor's office), until citizens receive the KGJ report/recommendation and until the new Governor appoints an independent *"Mollen"* type commission that investigates publicly. Citizens plan forums asking candidates if they pledge this. Citizens willing to join sit-in or help with forums, please text or email your name, phone number, and email to **(907) 398-6403** or **haeg@alaska.net**

This will decide if citizens rule government or government rules us. We must see what our brave Kenai Grand Jury wrote. We must demand a public investigation. It's time for *"The Sleeping Giant"* to wake up and kick ass. For too long we have *"walked softly"*: it's time to swing, with the full might of an outraged public, the *"big stick."*

Articles containing facts justifying a sit-in will be archived at alaskastateofcorruption.com

One last question: should sit-in participants also demand that Rule 6.1 be rescinded?

Chapter #3: Treg Taylor: Hope I Get Elected Governor, So I Don't Go to Jail.

by David Haeg 11/15/25

On August 16, 2022, Alaska Supreme Court Chief Justice Daniel Winfree wrote a letter thanking “Attorney General Treg Taylor” for “*establishing procedures for grand jury investigations and reporting...an issue of some concern to both the Alaska Court System and the Department of Law [DOL]*”.

A November 22, 2022 Supreme Court “Memorandum” states “SCO 1993 would clarify and set procedures for grand jury investigations...the proposed effective date is December 1, 2022, so the grand jury procedures can be used right away.” It also states, “the rule changes were important and serious changes of a constitutional nature”.

What caused AG Taylor and Supreme Court to rush through a Grand Jury rule change “of a constitutional nature” so it “can be used right away”?

A Kenai Grand Jury (KGJ) had started investigating the DOL (which AG Taylor headed) and Court System (which Supreme Court heads) for corruption. Particularly that: (1) judges, DOL attorneys, law enforcement, and private attorneys were conspiring to rig court cases; (2) the Alaska Commission on Judicial Conduct, Bar, DOL, Supreme Court, and Court System were conspiring to keep this covered up; and (3) DOL attorneys and judges were tape-recorded ordering Grand Juries to stop investigating the forgoing, when Alaska's Constitution states: **“The power of Grand Juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended.”**

Effects of SCO 1993

1. Changed Rule 6.1 so Grand Juries are prohibited from investigating “a court case of any type, whether open or closed).” But for the KGJ to uncover the truth, it would have to investigate court cases. And the 55 Delegates who wrote Alaska's Constitution stated, without a single dissent: **“The Grand Jury can be utterly vital in its investigative power as well as for the fact it is sitting there as a panel sometimes is the only recourse for a citizen to get justice, to get redress from abuse in lower courts. ...it is the only safeguard a citizen occasionally has when for any reason and very often for political reasons, a case is not dealt with properly.”** (Alaska Constitutional Convention, transcript page 1328.)
2. Changed Rule 6.1 so citizens, individually or in groups, are banned from appealing to the Grand Jury “directly” – and are required to give all their evidence to the DOL who decides if it will be given to the Grand Jury. But for the KGJ to uncover the truth, citizens would have to

appeal directly to the Grand Jury, because the evidence directly implicates the DOL in felony crime and cover-up. And the 55 Delegates who wrote Alaska's Constitution stated, without a single dissent: ***"The Grand Jury can be appealed to directly, which is an invaluable right to the citizen."*** (Alaska Constitutional Convention, transcript page 1328.)

3. Judge Thomas Matthews used SCO 1993 to permanently seal the **PUBLIC** KGJ report/recommendation, before the public could ever see it. Then Judge Matthews dismissed the Grand Jury's indictment of a judge.
4. AG Taylor, citing SCO 1993, launches a new Grand Jury process that makes the AG "gatekeeper" to Grand Juries. On August 18, 2025, and just three days before announcing his Governor candidacy, AG Taylor holds a Town Hall meeting to *"restore public confidence in the system"*, but is virtually eaten alive by angry citizens when he cannot refute that SCO 1993, Rule 6.1, and his new process are unconstitutional and eliminate citizen and Grand Jury constitutional rights. Meeting video: <https://www.youtube.com/watch?v=pGeAV9000pI>

Conclusion

Constitutional violations are crimes under AS 11.76.110. Jury Tampering is a Class C felony under AS 11.56.590. Attorney General Treg Taylor and the Alaska Supreme Court violated both and appear to have conspired to do so. Obvious motive: they would be implicated in corruption if they didn't stop the Kenai Grand Jury.

Some citizens take their constitutional rights very seriously, and will defend them at all cost. Honorable Treg Taylor, we intend you see the inside of a prison long before you see the inside of our Governor's mansion.

We also plan a peaceful sit-in at noon on December 11, 2026 (after new Governor takes office) in Anchorage's Atwood Building (Governor's office), until citizens receive the KGJ report/recommendation, Rule 6.1 is rescinded, and until the new Governor appoints an independent "*Mollen*" type commission that publicly investigates. Citizens plan forums asking candidates to pledge this. Citizens willing to join sit-in or help with forums, please text/email your name, phone number, and email to **(907) 398-6403** or **haeg@alaska.net**

It's time for "*The Sleeping Giant*" to wake up and kick ass. For too long we have "*walked softly*". It's time to swing, with the full might of an outraged public, the "*big stick*."

Articles containing facts justifying a sit-in will be archived at alaskastateofcorruption.com

Introduced by: Elam, Ecklund
Date: 03/14/23
Action: Adopted as Amended
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2023-026**

**A RESOLUTION 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**

- WHEREAS,** Article 1, Section 8 of the Constitution of the State of Alaska states, “The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended”; and
- WHEREAS,** public welfare and safety is protected by the rule of law and equal protection under the law; and
- WHEREAS,** Alaska Statute 12.40.030 – “Duty of inquiry into crimes and general powers” – provides, “The grand jury shall inquire into all crimes committed or triable within the jurisdiction of the court and present them to the court. The grand jury shall have the power to investigate and make recommendations concerning the public welfare or safety”; and
- WHEREAS,** Alaska Statute 12.40.040 – “Juror to disclose knowledge of crime” –provides, “If an individual grand juror knows or has reason to believe that a crime has been committed that is triable by the court, the juror shall disclose it to the other jurors, who shall investigate it”; and
- WHEREAS,** Criminal Rules 6 and 6.1 of the Alaska Rules of Court set forth the procedural rules governing the grand jury; and
- WHEREAS,** all five justices of the Alaska Supreme Court, using its rule-making authority under Article 4, Section 15 of the Alaska Constitution recently approved, effective on December 1, 2022, through Supreme Court Order (SCO) no. 1993, changes to Criminal Rules 6 and 6.1, and then, through SCO no. 2000 effective February 6, 2023, repealed some of the changes made by SCO no. 1993; and

WHEREAS, Kenai Peninsula Borough residents have raised concerns and presented their position or allegations that: the Alaska Supreme Court recently approved changes to the Alaska Criminal Rules of Court that conflict with the Alaska Constitution; grand juries have been denied their investigative powers; and, there has been public official misconduct and/or falsifying of official records. The allegations are serious, involve constitutional rights, and merit Legislative hearings to gather evidence in a public forum.

WHEREAS, numerous individuals who provided public comment to the Assembly articulated a distrust of the process that resulted in changes to Criminal Rules 6 and 6.1 related to investigative grand juries, at the same time that a grand jury in Kenai was investigating allegations of judicial misconduct, including the apparent conflict between some of the changes and Alaska law; and

WHEREAS, there should be public trust that the judicial branch of government is an impartial guardian of the rule of law; and

WHEREAS, if there exist allegations that bias or systemic corruption have led to improperly restricting substantive rights without due process or public notice, then it is incumbent upon the Legislature to gather further information or evidence through the public hearing process; and

WHEREAS, such an investigation appropriately reflects the separation of powers doctrine, and is an oversight function of the Alaska State Legislature pursuant to Article 2, Section 20, Article 4, Section 12, Article 4, Section 15 of the Alaska Constitution; and

WHEREAS, the oath of office that all elected members of this assembly take, require that this body protect and defend the Constitution of the State of Alaska and the Constitution of the United States of America;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Assembly supports the need for a mechanism for grand juries to investigate and make recommendations concerning the public welfare or safety pursuant to Article 1, Section 8 of the Constitution of the State of Alaska. It is in the best interest of the State to provide a transparent process and Legislative oversight pursuant to the provisions of the Alaska Constitution.

SECTION 2. That the Assembly upholds the Federal and State constitutional principles of the rule of law and equal protection under the law. These principles are the bedrocks of self-governing societies and they are essential to building and maintaining accountability, transparency, and trust in our system of justice.

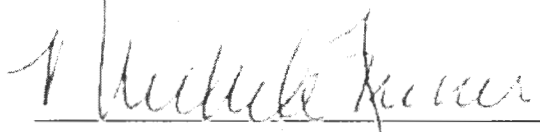
SECTION 3. That a copy of this resolution shall be provided to the Governor of the State of Alaska, and the Alaska Legislature.

SECTION 4. That this resolution is effective immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF MARCH, 2023.


Brent Johnson, Assembly President

ATTEST:


Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson
No: None
Absent: Derkevorkian

Introduced by:	Bjorkman, Elam
Date:	01/04/22
Hearing:	01/18/22
Action:	Introduced and Set for Public Hearing on 01/18/22
Vote:	8 Yes, 1 No, 0 Absent
Date:	01/18/22
Action:	Adopted as Amended
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-004**

**A RESOLUTION SUPPORTING THE CONSTITUTIONAL RIGHT OF ALASKA
GRAND JURIES TO INVESTIGATE AND MAKE RECOMMENDATIONS ON PUBLIC
WELFARE AND SAFETY CONCERNS**

WHEREAS, Article 1, Section 8 of the Constitution of the State of Alaska states, “The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended”; and

WHEREAS, public welfare and safety is protected by the rule of law and equal protection under the law. These tenets are keystones in self-governing societies and essential to public accountability, transparency and trust in our system of justice; and

WHEREAS, Alaska Statute 12.40.030 – section titled “Duty of inquiry into crimes and general powers” – provides, “The grand jury shall inquire into all crimes committed or triable within the jurisdiction of the court and present them to the court. The grand jury shall have the power to investigate and make recommendations concerning the public welfare or safety”; and

WHEREAS, Alaska Statute 12.40.040 – section titled “Juror to disclose knowledge of crime” – provides, “If an individual grand juror knows or has reason to believe that a crime has been committed that is triable by the court, the juror shall disclose it to the other jurors, who shall investigate it”; and

WHEREAS, the Alaska Grand Jury Handbook, page 26, states that grand jury investigations can be initiated “by members of the grand jury” and that we believe public requests for a grand jury investigation should be given to the grand jury; and

WHEREAS, constituents allege that grand juries in Kenai and Anchorage have been denied their constitutional right and duty to investigate and recommend on public welfare and safety concerns; and

WHEREAS, over 500 signatures on a public petition, asking for a grand jury investigation into serious public welfare and safety concerns, has not been given to the grand jury; and

WHEREAS, the oath of office that all elected members of this assembly take, require that we protect and defend the Constitution of the State of Alaska; and

WHEREAS, the alleged denial of constitutional rights guaranteed by the Constitution of the State of Alaska is of great concern to this elected body of Alaskan citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the assembly supports the need for a mechanism for grand juries to investigate and make recommendations concerning the public welfare or safety pursuant to Article 1, Section 8 of the Constitution of the State of Alaska. The assembly requests the legislature enact legislation that provides an adequate mechanism under state law for the public to trigger independent grand jury investigations.

SECTION 2. That the assembly upholds the federal and state constitutional principles of the rule of law and equal protection under the law. These principles are the bedrocks of self-governing societies and they are essential to building and maintaining accountability, transparency, and trust in our system of justice.

SECTION 3. That a copy of this resolution shall be provided to the Governor of the State of Alaska, the Alaska Legislature, the Alaska Attorney General, the Kenai and Anchorage District Attorneys, the presiding judges in both Kenai and Anchorage, and to the Alaska Supreme Court.

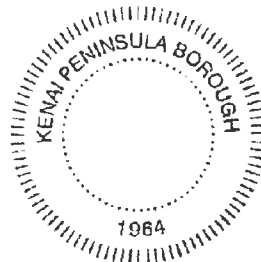
SECTION 4. That this resolution is effective immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JANUARY, 2022.

ATTEST:


John Blankenship, MMC, Borough Clerk


Brent Johnson, Assembly President



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Tupper, Johnson
No: None
Absent: Hibbert

Kenai Peninsula Borough Assembly

MEMORANDUM

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

FROM: Jess Bjorkman, Assembly Member 
Bill Elam, Assembly Member *BE*

DATE: December 21, 2021

RE: Resolution 2022-~~001~~, Supporting the Constitutional Right of Alaska Grand Juries to Investigate and Make Recommendations on Public Welfare and Safety Concerns (Bjorkman, Elam)

Whether accused or complainant, when Alaskans appear in our courtrooms around the state they deserve fair and impartial justice. In recent years concerns have been brought forward by Kenai Peninsula Borough residents about our court system. We believe that this resolution provides a path to improve the accountability and transparency of the judicial system and its officers.

Without judgment as to the merits of these complaints, we believe the remedy to situations like these is a constitutional one. As stated in Article 1 Sec 8 of the Alaska Constitution: "The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended". In the extraordinary instance in which there are meritorious claims made against officers of the court, we believe grand juries must be allowed to impartially look at the evidence and make a recommendation as to next steps.

This resolution encourages the State of Alaska to implement a constitutionally compliant system of accountability, transparency, and trust in our judicial system. This system places accountability in the hands of the law and not one person at one moment in time.

Thank you for your consideration.



Sponsored by: Council Member Pettley
and Council Member Sounart

CITY OF KENAI
RESOLUTION NO. 2022-45

A RESOLUTION SUPPORTING THE CONSTITUTIONAL RIGHT OF ALASKA GRAND JURIES TO INVESTIGATE AND MAKE RECOMMENDATIONS ON PUBLIC WELFARE AND SAFETY CONCERNS.

WHEREAS, Article 1, Section 8 of the Constitution of the State of Alaska states in relevant part, "the power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended"; and,

WHEREAS, it is important that residents of Kenai have confidence in the criminal justice system; and,

WHEREAS, Alaska Statute 12.40.030 –Duty of inquiry into crimes and general powers, provides:

The grand jury shall inquire into all crimes committed or triable within the jurisdiction of the court and present them to the court. The grand jury shall have the power to investigate and make recommendations concerning the public welfare or safety; and,

WHEREAS, Alaska Statute 12.40.040 –Juror to disclose knowledge of crime– provides, "if an individual grand juror knows or has reason to believe that a crime has been committed that is triable by the court, the juror shall disclose it to the other jurors, who shall investigate it"; and,

WHEREAS, the Alaska Grand Jury Handbook, page 27, states that grand jury investigations can be initiated "by members of the grand jury"; and,

WHEREAS, concerns have been raised to this body alleging that Grand Juries have not been able to conduct independent investigations on issues not brought by the district attorney; and,

WHEREAS, it appears State law needs to be revised to create a mechanism for independent jury investigations; and,

WHEREAS, it is in the best interest of the residents of Kenai for the State of Alaska to enact laws and create process that assures grand juries are able to conduct investigations consistent with the State constitution, state laws and the jury handbook.

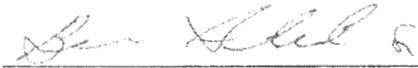
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. That the Council supports the need for a mechanism for grand juries to investigate and make recommendations concerning the public welfare or safety pursuant to Article 1, Section 8 of the Constitution of the State of Alaska. The Council requests the legislature enact legislation that provides an adequate mechanism and procedure under state law to provide for independent grand jury investigations.

Section 2. That a copy of this resolution shall be provided to the Governor of the State of Alaska, the Alaska Legislature, the Alaska Attorney General, the Kenai and Anchorage District Attorneys, the presiding judges in both Kenai and Anchorage, and to the Alaska Supreme Court.

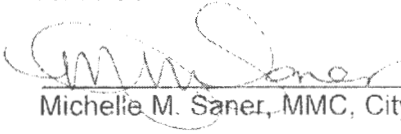
Section 3. That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, THIS 1ST DAY OF JUNE, 2022.



Brian Gabriel Sr., Mayor

ATTEST:



Michelle M. Sauer, MMC, City Clerk



KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | www.kenai.city

MEMORANDUM

TO: Mayor Gabriel and Council Members

FROM: Council Member Pettey and Council Member Sounart

DATE: May 24, 2022

SUBJECT: Supporting the Right of Alaska Grand Juries

Article 1, Section 8 of the Constitution of the State of Alaska states in relevant part, "[t]he power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended." Alaska Statute also provides that grand juries have the power to investigate and make recommendations concerning public welfare. Further, the Alaska Grand Jury Handbook provides that individual members of a grand jury can initiate an investigation. Despite this language in the Constitution, Statute and Jury Handbook, it does not appear that there is a successful mechanism or procedure for grand juries to independently investigate matters of public welfare or safety independent of a district attorney supporting the investigation. Consistent with other municipal action on the Kenai Peninsula, this Resolution requests the state to develop laws and procedure to allow for independent grand jury investigations consistent with the Alaska Constitution, existing statutes, and the guidance provided for in the Grand Jury Handbook. While this is an issue of state law and requires a state remedy, it is an issue that affects Kenai residents similar to other state residents that should be remedied.

Your consideration is appreciated.

CITY OF HOMER
HOMER, ALASKA

Davis/Erickson

RESOLUTION 22-020(A)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
EXPRESSING THE IMPORTANCE OF THE ALASKA CONSTITUTION
AND THE GRAND JURY SYSTEM.

WHEREAS, The Constitution of the State of Alaska is the foundational document protecting the State and its citizens; and

WHEREAS, Its provisions have been carefully crafted by our founding fathers and mothers to provide guidance to State institutions and officials to protect individual liberty, resources, and to establish a government operating with three separate but co-equal branches commonly known as the executive, legislative and judiciary each with functions designed to operate in the public interest; and

WHEREAS, Grand juries are an important, constitutionally provided, feature of State government with the power "to investigate and make recommendations concerning the public welfare or safety"; and

WHEREAS, If Alaska citizens have concerns about the functioning of any one of the three branches of State government they can should petition the appropriate authority, **including filing an ethics complaint with the Attorney General's Office, the Alaska Commission on Judicial Conduct, the State Ombudsman and to include a grand jury if necessary and appropriate,** to conduct a review of those concerns within the State governmental structure responsible for conducting such reviews.

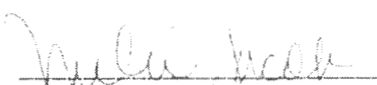
NOW THEREFORE BE IT RESOLVED that the Homer City Council supports the foregoing principles and recognizes the right of all Alaskans to rely on State government institutions to be responsive to legitimate citizen concerns.

PASSED AND ADOPTED by the Homer City Council this 14th day of March, 2022.

CITY OF HOMER


KEN CASTNER, MAYOR

ATTEST:


MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A

THE FUNNY RIVER COMMUNITY ASSOCIATION AND ITS MEMBERS FULLY ENDORCE THIS RESOLUTION SUPPORTING THE CONSTITUTIONAL RIGHT FOR ALASKAN GRAND JURIES TO INVESTIGATE AND RECOMMEND ON PUBLIC WELFARE AND SAFETY CONCERNS.

WHEREAS, Article 1, Section 8 of the Constitution of the State of Alaska clearly states: "*The power of grand juries to investigate and make recommendations concerning the public welfare or safety shall never be suspended*"; and

WHEREAS, Alaska Statute 12.40.030 section titled "Duty of inquiry into crimes and general powers", clearly states. "*The grand jury shall inquire into all crimes committed or triable within the jurisdiction of the court and present them to the court. The grand jury shall have the power to investigate and make recommendations concerning the public welfare or safety,*"; and

WHEREAS, Alaska Statute 12.40.040 section titled "Juror to disclose knowledge of crime" specifically states "*If an individual grand juror knows or has reason to believe that a crime has been committed that is triable by the court, the juror shall disclose it to the other jurors, who shall investigate it.*"; and

WHEREAS, grand juries of Kenai and Anchorage have been affirmatively denied their constitutional right and duty to investigate and recommend on public welfare and safety concerns - and been affirmatively their legal right and duty to investigate crime (see Grand Juror Affidavits on website alaskagrandjuryrights.com); and

WHEREAS, the Alaska Grand Jury Handbook, page 26, clearly states that grand jury investigations can be initiated "*by members of the grand jury*" and that public requests for a grand jury investigation will affirmatively be given to the grand jury; and

WHEREAS, the Alaska Constitutional Convention and other authorities confirms the grand jury's most important duty - and the reason for Article 1, Section 8 - is to investigate and recommend on public welfare and safety concerns and confirms that citizens can appeal directly to the grand jury for such an investigation and recommendation; and

WHEREAS, public petitions bearing over 500 signatures asking for a grand jury investigation into serious public welfare and safety concerns have not been given to the grand jury (see the

letter/petition links on the alaskagrandjuryrights.com website;
and

WHEREAS, the Investigative Grand Jury in Alaska 1987 Report by the Alaska Judicial Council (found on the alaskagrandjuryrights.com website) also confirms the grand jury's most important duty is to investigate and recommend on public concerns and confirms this power cannot be hindered. "The Alaska Constitution gives grand juries the power to investigate into and make recommendations addressing virtually anything of public concern. This broad general power can never be hindered or delayed" and confirms that public petitions and requests are a proper way to initiate such investigations and that such public petitions and requests must be given to the grand jury; and

WHEREAS, a vast majority of the Funny River Community Association members and their elected board of directors, a body of Alaskan citizens, finds this a matter of great concern after reviewing the evidence supporting the above allegations and the denial of constitutional rights which are guaranteed by the Constitution of the State of Alaska.

THEREFORE, WE RESOLVE:

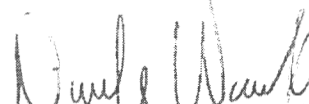
1. This Resolution and matter be delivered to and investigated by a grand jury without interference.
2. A copy of this Resolution shall be provided to the grand juries, district attorneys, and presiding judges in Anchorage and Kenai; the Governor of the State of Alaska; the Alaska State Legislature; and the Alaska Attorney General.
3. That all past and future public requests/petitions for grand jury investigations into public welfare or public safety concerns, be submitted without delay or modification to the grand jury in the area in which they were/are submitted.

ADOPTED BY THE FUNNY RIVER COMMUNITY ASSOCIATION BOARD THIS
25th DAY OF February, 2022.



Mr. Ron Gherman, Board President

ATTESTED TO:



Mrs. Nicole Wolf, Secretary