

# Kenai Peninsula Borough

## Legal Department

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### 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)

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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](#)

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**2. Does the process proposed in SB 15 and KPB Resolution 2022-004, for citizen-initiated grand juries exist in any other states?**

Yes. Six states have provisions for citizen-initiated grand juries: New Mexico, North Dakota, Oklahoma, Nevada, Kansas and Nebraska. For some states the provision is found in their state constitution (New Mexico and Oklahoma); for others it is based on statute (North Dakota, Nevada, Kansas, and Nebraska). From a review of case law and news reports it appears - generally speaking - that the power is exercised on an infrequent basis.

Each of the six states have some provision for the number of signatures needed on a petition to convene a grand jury. Typically, it is based on a certain percentage of the number of voters voting in the county at issue in the last election. There are also provisions for review by a judge and for an appeal process if the judge does not convene the grand jury.

One recent use of the citizen-initiated grand jury that received national attention in 2021, concerned a Kansas woman who alleged she had been raped and was frustrated that the prosecuting attorney would not bring charges against the suspect. (Later the prosecutor did gain a conviction for the non-sexual offense of aggravated battery). The woman was able to have a grand jury convened using the citizen-initiated grand jury process. Her case for sexual assault was heard by the grand jury which ultimately did not find enough evidence to indict the suspect for rape. [McPherson County woman calls up her own grand jury after alleged rape \(cjonline.com\)](#) ; [Grand jury called by Kansas woman returns no rape charges - ABC News \(go.com\)](#)