

IN THE TRIAL COURTS FOR THE STATE OF ALASKA  
SECOND JUDICIAL DISTRICT

In Re: Outlining Procedure to Resume )  
In-Person Grand Jury Due to Decrease ) Presiding Judge  
in COVID-19 Cases (REVISED) ) Administrative Order No. 21-02(REVISED)  
\_\_\_\_\_ )

**ORDER OUTLINING PROCEDURE TO  
RESUME IN-PERSON GRAND JURY (REVISED<sup>1</sup>)**

Special Order No. 8234 grants the presiding judge of a judicial district authority to resume in-person grand jury proceedings.<sup>2</sup> A primary consideration for resuming in-person grand jury is that for many regions of Alaska COVID-19 case counts have decreased. The Alaska Department of Health and Social Services reports the Northwest Region, which includes all the courts within the Second Judicial District, has a 14-day moving average of only 6.51 cases per 100,000.<sup>3</sup> This means cases have reduced to the point that the COVID-19 alert level for the Northwest Region is no longer “Red”. The Northwest region has achieved a high percentage of coronavirus vaccinations with some communities exceeding 30%.<sup>4</sup> Additionally, many local schools have in-person student instruction with several high school sports teams holding in-person practices.

These circumstances represent progress in the reduction of coronavirus cases that have allowed the return of community group activities across the region. Therefore, in-person grand jury may resume in Kotzebue, Nome, and Utqiagvik subject to the procedure below.

**IT IS THEREFORE ORDERED THAT:**

1. The superior court judge in each community shall consult with the clerk of court and the area court administrator about the local COVID-19 case counts and COVID-19 health and safety restrictions and recommend to the presiding judge when grand jury should proceed in-person instead of via videoconference.<sup>5</sup>

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<sup>1</sup> This revised order PJA0 No. 21-02 amends provision #3 limiting the number of grand jurors participating in a session and number required to return a true bill; adds a new provision #4 authorizing videoconference and telephonic participation; and adds a new provision #5 extending Criminal Rule 5(e). The new and amended provisions are indicated in bold.

<sup>2</sup> Special Order of the Chief Justice No. 8234 was issued on February 1, 2021.

<sup>3</sup> DHSS case count summary from February 10, 2021.


<sup>4</sup> 40% of Nome-region residents and 50% of Kotzebue residents have been vaccinated as of February 8, 2021.

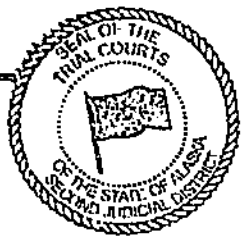
<sup>5</sup> Grand jury via video conference was authorized for the Second Judicial District most recently in PJA0 No. 20-06.

2. The local clerk of court shall inform local agencies when the presiding judge has authorized grand jury to proceed in-person. At the first in-person session, the local superior court judge shall inform grand jurors of the court's COVID-19 Health and Safety Protocols.
3. Kotzebue, Nome, and Utqiagvik courtrooms have limited space and grand jury will proceed with a maximum of 16 grand jurors so that six-foot social distancing can be maintained.<sup>6</sup> A true bill will require the concurrence of a majority of grand jurors sworn to hear the case.<sup>7</sup>
4. The prosecuting attorney, witnesses, and interpreters may appear at grand jury by videoconference or telephonically.
5. The time limit for preliminary examination under Criminal Rule 5(e) remains extended through April 15, 2021. This time limit may be extended thereafter by the district court.
6. In-person grand jury will proceed under the procedure described here until subsequent order by the undersigned or the chief justice.

**IT IS SO ORDERED.**

Dated at Kotzebue, Alaska this 18<sup>th</sup> day of February 2021.

  
PAUL A. ROETMAN  
Presiding Judge  
Second Judicial District



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<sup>6</sup> Special Order No. 8234 authorizes presiding judges to limit grand jury proceedings when required.

<sup>7</sup> For example, a grand jury comprised of 16 sworn members, the concurrence of nine members is required to return a true bill. Criminal Rule 6(n)(1); *See also Sanford v. State*, 24 P.3d 1263 (Alaska App. 2001).