IN THE SUPREME COURT OF THE STATE OF ALASKA

SPECIAL ORDER OF THE CHIEF JUSTICE

ORDER NO. 8234

Update regarding COVID-19 and Grand Jury Proceedings

On November 13, 2020, Chief Justice Order No. 8210 suspended in-person grand jury proceedings due to rising COVID-19 case counts and other health concerns. Since that time, case counts in many regions have decreased. In recent orders the presiding judge of the First Judicial District has concluded that these improving case counts constitute exceptional circumstances that justify resuming in-person grand jury proceedings in that district. This statewide order allows in-person grand jury proceedings to resume across the state subject to a presiding judge's authority to limit or suspend proceedings when required.

IT IS ORDERED:

1. In-person grand jury proceedings may resume on February 8, 2021 under the direction of the presiding judge. The time limit for preliminary examination under Alaska Criminal Rule 5(e) remains extended through April 15, 2021. This time limit may be extended thereafter by the district court as provided in that rule or by the presiding judge as authorized by Supreme Court Order No. 1957. The presiding judge may allow witnesses and interpreters to appear at grand jury proceedings by videoconference or teleconference following the procedures in Chief Justice Order No. 8148.

2. The presiding judge may limit or suspend in-person grand jury proceedings for any district or location when required for public health or to comply with local health mandates. The presiding judge should consider a suspension when the

average daily case rate over 14 days as reported by the Alaska Department of Health and Social Services rises above 20-30 cases per 100,000 population or the local risk level is otherwise seriously elevated.

3. The presiding judge may allow videoconference grand jury proceedings for any location where in-person grand jury proceedings are limited or suspended. This includes circumstances when courtrooms become unavailable due to social distancing and other pending proceedings. The clerk shall maintain an audio recording of videoconference grand jury proceedings; a video recording is not required.

DATED: February 1, 2021

Joel H. Bolger
Chief Justice

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