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Honorable Oliver Gilmore
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Grand Juries - Public
Information - Public Records

Grand jury reports issued in compliance with statutes listed herein are public records subject to public disclosure after review by the circuit judges.

Section 12-16-223, Code, requires circuit judges to review the grand jury's report prior to its release to the public.

Dear Mr. Gilmore:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION NO. 1

Are "grand jury reports" records that are subject to public disclosure?

FACTS AND ANALYSIS

Yes. "Grand jury reports" are public records and are subject to public disclosure after review by the circuit judges.

We have arrived at this conclusion after considering the statutes and legal discussion you presented in your request for an opinion, which we hereby quote and include as part of the facts and legal analysis upon which we have relied:

Background:

Section 12-16-224, Code of Alabama 1975, provides that written reports of the grand juries are to be made "as provided by law, however, the judges of each judicial circuit may provide by court rule for form and content of such grand jury reports to accomplish the purposes of this division." The statutory references to "grand jury reports" which our office was able to locate pertain to the results of the grand jury's inspection of county jails, § 12-16-191; examination of the county treasury and bond for all county officers, § 12-16-192; the examination of the sheriff's prisoner accounts, § 12-16-193; the examination of the probate judge's fee book, § 12-16-194; the examination of books and papers of the county superintendent of education, § 12-16-195; records and papers of county offices, § 12-16-196; and recommendations for removal of public officers by impeachment, § 36-11-4.

It is our understanding that most "grand jury reports" are general in nature, and do not reference any particular person under investigation or indictment, nor do they name witnesses or members of the grand jury, or describe specific testimony or actions of grand jury proceedings. As such, these reports simply state when and where the grand jury met and note how many indictments were returned and do not usually contain sensitive information.

It is the grand jury reports described above to which this opinion applies.

The duties imposed upon the grand jury referred to in these Code sections are not secret, but are public matters to which the grand jury must attend. The purpose of these

obligations is public investigation, examination, disclosure and recommendation. The grand jury report is the public document issued to show compliance with the specific statutory duties of the grand jury as found in the Code sections listed above.

CONCLUSION

Grand jury reports issued in compliance with the statutes listed herein are public records subject to public disclosure after review by the circuit judges.

QUESTION 2

Does § 12-16-223, Code of Alabama 1975, require circuit judges to review "grand jury reports" in order to expunge sensitive information and determine which parts may be released to the public?

FACTS AND ANALYSIS

Yes. It is the duty of circuit judges to review grand jury reports and to expunge therefrom any information which should not be released to the public. The legislature has required this of judges in order to preserve inviolate the secrecy of grand jury proceedings which is essential to the fair and impartial administration of justice:

**"§ 12-16-223. Critical reports
prohibited without indictment,
etc.; judge to expunge record;
exception.**

"Grand juries shall make no reports critical of any citizen of this state without returning an indictment or bill of impeachment against the same. It shall be the duty of the circuit judges of the respective judicial circuits of this state, on their own motion, to expunge from any such grand jury report any and all such critical portions unless there has been an indictment or bill of impeachment returned against the person or persons affected. Provided however, this section shall not be construed to

prohibit a grand jury from examining and reporting upon the condition of any public facility, agency or account or the books and records thereof, where such examination and reporting is specifically authorized by statute. (Acts 1979, No. 79-457, p. 745, § 10.)" (Emphasis added.)

See also Code of Alabama 1975, § 12-16-214.

The circuit judges should review the grand jury's public report in order to ensure that no secret matters are revealed.

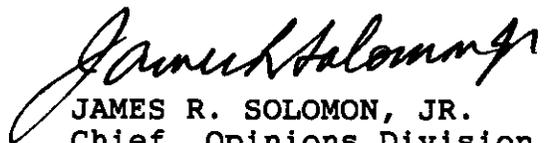
CONCLUSION

Section 12-16-223, Code, requires circuit judges to review the grand jury's report prior to its release to the public.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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