



## Department of Public Safety

COUNCIL ON DOMESTIC VIOLENCE &  
SEXUAL ASSAULT  
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To: Senator John Coghill,  
Chair, Judiciary Committee  
From: Lauree Morton  
Date: 2/22/13  
Re: Citations for statistics reported in my testimony regarding SB 22

Senator Coghill:

Thank you for the opportunity to testify regarding SB 22, Crimes: Victims: Child Abuse and Neglect. Please accept this letter as a response to your request for the citations of the studies I mentioned.

### Overturning Collins/3-Judge Panels:

The argument in the first part of my testimony was to refute the claim made by the ACLU that sex offenders were the least likely class of offenders to reoffend. The ACLU relied on a study by the Alaska Judicial Council, "Criminal Recidivism in Alaska" January 2007 which can be found at <http://www.ajc.state.ak.us/Reports/1-07CriminalRecidivism.pdf>

The study took a three year look back at people convicted of at least one felony in 1999 and reported that the sex offender recidivism rate was 39% which was the lowest rate among groups of offenders in the study. My point was that most of the crimes compared to sex offenses were crimes committed in public or in a manner that is much easier to detect (driving offenses for example) than sexual assaults which are committed in private and not often reported. Context is important. It would make sense that of those crimes studied, sexual assault offenders would have less contact with the system because of the nature of the crime not because they stopped committing the crime.

The second part of my testimony was to affirm the basis of the legislative intent that the 24<sup>th</sup> Legislature relied on when extending the sentences for sexual assault crimes. The letter of intent can be found in the February 16, 2006 Senate Journal beginning on page 2207 (Senate) 02-16-2006 The studies I cited can be found in footnotes to the Legislative Intent, numbers 6-8. The statistics stated in the letter of intent: 43 % of sex offenders re-offend within three years. Currently, 78.5% of sex offenders have at least 1 prior arrest and average 4.5 prior arrests. In Alaska, the statistics are even more startling: of the 927 convicted sex offenders in custody on January 24, 2006, 93 % have at least one prior arrest; the average number of arrests per sex offender is 11.75; and more than 41% have been arrested 10 or more times. Sex offenders average 110 victims and 318 offenses before being caught.

Reading that sex offenders average 110 victims before being caught, I looked to see if maybe that number had come down. I cited the National Council of Missing and Exploited Children

August 2012 report located on Statistic Brain which reported 117 as the average number of children molested by 1 predator before that person is caught. <http://www.statisticbrain.com/sex-offender-statistics/> the number has not gone down rather it has increased.

The last study I cited was published in 2004: Lifetime Sex Offender Recidivism: A 25-year Follow-Up Study which showed approximately 3 out of 5 sex offenders reoffended. The study can be viewed at: <http://ccoso.org/Canadianstudy.pdf>

Convicted sex offenders should be held to at least the same standard as other convicted felons when determining whether or not their sentences can be appealed to a three-judge panel—extraordinary prospects for rehabilitation—not a lower standard of ordinary prospects. Collins should be overturned.

Probation/Parole Officers 3<sup>rd</sup> Degree Sexual Assault:

I testified in support of amending the crime of sexual assault in the third degree to prohibit a probation or parole officer from engaging in sexual penetration with a person on probation or parole. I cited the Ethics Standards to which Probation/Parole officers are expected to comply as a reason for supporting the broad application of the penalty currently in SB 22.

The American Probation and Parole Association

[http://www.appa-net.org/eweb/DynamicPage.aspx?WebCode=IA\\_CodeEthics](http://www.appa-net.org/eweb/DynamicPage.aspx?WebCode=IA_CodeEthics)

Federal Probation and Pretrial Officers Association

<http://www.fppoa.org/code-of-ethics>

Alaska Correctional, Probation and Parole Officer Code of Ethics

<http://www.touchngo.com/lglcntr/akstats/aac/title13/chapter085/section230.htm>

Each of these codes mention the officer, because of the position, is a holder of the public trust and held to a high standard of moral conduct. I highlighted the section of the Alaska code of ethics which states: The correctional, probation or parole officer will not engage in *undue familiarity* with inmates, probationers, or parolees. Another sentence in the Alaska code states: I will not use my official position to secure privileges or advantages for myself.

Lastly, I mentioned the documentary, "The Invisible War" which explores sexual assault and responses to sexual assault in all branches of the United States Military: <http://invisiblewarmovie.com/> as an example of people in authority misusing that authority to sexually assault someone whether or not that person is directly responsible to the person in authority or not and how the system fails victims.

I'd like to reiterate my thanks to the members of the Judiciary Committee for hearing SB 22 and working through how best to implement its concepts to provide for the best outcomes for victims of both sexual assault and domestic violence. Please let me know if you would like additional information or further clarification of my comments.