



## Department of Public Safety

COUNCIL ON DOMESTIC VIOLENCE &  
SEXUAL ASSAULT  
Executive Director, Lauree Morton

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The Honorable Bill Stoltze and Alan Austerman, Finance Co-Chairs  
Members of the House Finance Committee  
House of Representatives  
Alaska State Capitol  
Juneau, Alaska 99801-1182

April 3, 2013

Dear Representatives Stoltze and Austerman:

I apologize for not being available when called to give testimony on SB 22 earlier this afternoon. I was listening on my cell phone and was disconnected at one point. I dialed back in but failed to hear you. Thank you for the opportunity to provide written testimony.

The bill documents for SB 22 include a memo from me to Senator Coghill dated February 22<sup>nd</sup>. I also submitted a letter regarding HB 73 to Representative Keller dated March 22<sup>nd</sup> which is the basis for my remarks today.

The Council appreciates the work that has been and is being done on the Crime Bill. I'd like to address two areas covered in the bill: 1) overturning the Collins decision and 2) amending the crime of sexual assault in the 3<sup>rd</sup> degree to include a probation or parole officer who with reckless disregard to a person's status as a probationer or parolee engages in sexual penetration with that person.

I reviewed the reports and research cited in the 24<sup>th</sup> Legislature's letter of intent (February 16, 2006 Senate Journal beginning on page [2207](#)) when they extended the sentences for sexual assault crimes and I think it is important that at least some of the statistics be recorded in the legislative record for SB 22. The Legislature saw studies reporting nationally 78.5% of sex offenders had at least 1 prior arrest and average 4.5 prior arrests before being incarcerated. In Alaska, of the 927 convicted sex offenders in custody on January 24, 2006, 93% had at least 1 prior arrest; the average number of arrests per sex offender was 11.75. Another study reported that sex offenders average 110 victims and 318 offenses before being caught. When I read that study, I looked to see if maybe that number had dropped since 2006. Unfortunately, it has risen. According to an August 2012 report by the National Council of Missing and Exploited Children, the average number of children molested by 1 predator before that person is caught is 117. Extending the sentences for those convicted of sexual assault crimes was the right thing to do. 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 the lower standard of ordinary prospects.

When questions were raised about certain conduct of probation/parole officers being included in the crime of sexual assault in the third degree, I decided to look at the duties and responsibilities of probation and parole officers. I found a code of Ethics to which probation and parole officers are expected to comply through the American Probation and Parole Association or the Federal Probation and Pretrial Officers Association or the Alaska Correctional, Probation and Parole Officer Code of Ethics. The ethical standards may be found at the following sites:

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 recognizes that probation and parole officers hold high public trust in ensuring offenders follow conditions of release and ensuring they know there are consequences to reoffending. Each of these codes mention the officer, because of the position, is held to a high standard of moral conduct. A section of the Alaska code of ethics 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.

People who want to become probation or parole officers must agree to adhere to one or more of these ethical codes. Clearly, engaging in sexual penetration with reckless disregard to the other person's status as a probationer or parolee is acting outside of their professional ethics.

The thought behind making this behavior a crime is not to "catch" a probation or parole officer who unknowingly develops a relationship with someone on probation or parole. Nor to criminalize behavior between persons who were married prior to one of them being placed on probation or parole.

Rather, there are people who use their power and authority to intimidate, coerce and force others to bend to the authority figure's will. That is who should be held criminally liable for engaging in sexual penetration with a probationer or parolee. Using the implied or expressed threat of returning someone to prison if he or she does not submit to a sexual act is reprehensible and deserves community condemnation.

I encourage the committee to consider the possibility that those on probation or parole may be more vulnerable to sexual assault because of the situation in which they find themselves and because of the few bad actors in positions of authority who will try to take advantage of the situation. I am confident that the overwhelming numbers of people who choose to dedicate their lives to assisting those who have been incarcerated or convicted of criminal activity to successfully reintegrate into our communities believe in and hold true to their ethical standards. Probation or parole officers who choose not to do so should know there are serious consequences to that abuse of power.

Thank you to committee members for working to provide the best possible protections for victims of sexual violence, trafficking, domestic violence and stalking.

Sincerely,

*Lauree Morton*

Lauree Morton  
Executive Director