



Department of Public Safety

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

450 Whittier Street
PO Box 111200
Juneau, Alaska 99811-1200
Main: 907.465.4356
Fax: 907.465.3627

The Honorable Wes Keller, Judiciary Chair
Members of the House Judiciary Committee
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

March 22, 2013

Dear Representative Keller:

I appreciated the opportunity to testify on HB 73 with regard to sex offender recidivism back in February and for the work the committee is putting in on this bill. I apologize for not being available for the hearing yesterday, particularly as I understand concern was expressed over 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. When the Senate version of the bill was heard in that body's Judiciary committee I testified and cited the Ethics Standards to which Probation/Parole officers are expected to comply as one reason for supporting the broad application of this penalty currently in HB73/SB22. 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

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. 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.

People who want to become probation or parole officers must agree to adhere to one or more of these ethical codes. It is incumbent on them to act in a manner that upholds these standards. 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. It is not to criminalize the casual sexual behavior I heard mentioned in the recorded hearing from yesterday. It is not to criminalize behavior between persons who were married prior to one of them being placed on probation or parole.

Unfortunately, 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.

Several years ago the legislature amended sexual assault in the third degree to prohibit a correctional officer from engaging in sexual penetration with a person who was incarcerated. Amending the statute now to prohibit probation and parole officers from engaging in sexual penetration with someone on probation or parole is in line with that public policy decision.

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 majority of people who choose to dedicate their lives to assisting people who have been incarcerated or convicted of criminal activity to successfully reintegrate into our communities and make better choices for their lives, believe in and hold true to their ethical standards. Those who choose not to do so should know there are serious consequences to that abuse of power.

Again, thank you to committee members for your work to provide the best protections for victims of sexual violence, trafficking, domestic violence and stalking. Please consider leaving this important statutory change in HB73.

Sincerely,

Lauree Morton

Lauree Morton
Executive Director