

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

March 25, 2009

1:33 p.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Bill Wielechowski, Vice Chair
Senator Lesil McGuire

MEMBERS ABSENT

Senator Gene Therriault

COMMITTEE CALENDAR

UAA Research on Violence Against Women
HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record.

WITNESS REGISTER

ANDRE B. ROSAY Ph.D., Interim Director
Justice Center
University of Alaska Anchorage
Anchorage AK

POSITION STATEMENT: Presented UAA Research on Violence Against Women.

COLONEL AUDIE HOLLOWAY
Alaska State Troopers
Department of Public Safety
Anchorage AK

POSITION STATEMENT: Answered a question during the presentation.

ACTION NARRATIVE

1:33:59 PM

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Wielechowski, and French. Senator McGuire arrived during the course of the meeting.

UAA Research on Violence Against Women

CHAIR FRENCH announced the business before the committee is to hear from Andre B. Rosay, Ph.D. from the UAA Justice Center. He related that he's been aware of Mr. Rosay's work for some time, but the articles on case attrition and a victimization study on sex assault particularly caught his eye. One thing that jumped out from the study was that 1,000 reported rapes result in roughly 200 convictions for sex offense, which leaves 800 cases that have individuals who could still be victimizing Alaskans.

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ANDRE B. ROSAY, Ph.D., Interim Director, Justice Center, University of Alaska Anchorage, related that his presentation is based on research that the Justice Center has done over the past five years. He noted the information packet contains reprints from the Alaska Justice Forum on sexual assault, stalking, and domestic violence. Also there is a list of effective criminal justice responses that they identified through their research. "These are the little footnotes and details that will backup some of the claims I'll be making towards the end of the presentation."

He highlighted the funding the Justice Center has received for their research from the Council on Domestic Violence and Sexual Assault, the National Institute of Justice, and the University of Alaska Anchorage.

MR. ROSAY said he will talk primarily about four sets of studies the Justice Center has done with the Alaska State Troopers (AST), the Anchorage Police Department (APD), Sexual Assault Nurse Examiners (SANE) throughout the state; and the Alaska Department of Law (DOL). A conclusion he's made is that one of Alaska's greatest assets is that it has an extremely strong criminal justice system that works well most of the time. The agencies are interested in examining what they are doing and how they could improve.

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MR. ROSAY displayed a line chart of forcible rape statistics from 1996 to 2007 Uniform Crime Reports (UCR). These are offenses that are known to police. The statistics include only forcible rape, which is defined as "the carnal knowledge of a female forcibly and against her will." Others forms of sexual assault are not included. The rates of forcible rape are shown for Alaska overall, Anchorage, Fairbanks, and the U.S. in

general. Clearly, Alaska has a long history of being persistently above the U.S. average. The difference is not significant but there has been a slight decline in the overall U.S. rate from 1996 to 2007, whereas there has been a slight increase in the rates for Alaska and Anchorage during that time. He noted that statistics became available for Fairbanks beginning in 2003 and the data is from the local police department.

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SENATOR WIELECHOWSKI asked if he has any theories as to why the Fairbanks rate is so high; it's basically twice the rate of Anchorage or Alaska overall.

MR. ROSAY replied he can't say; that data comes from offenses reported to the Fairbanks Police Department and the Justice Center studies focus primarily on APD and AST.

SENATOR MCGUIRE mentioned an earlier conversation that remote locations of communities tend to be a driving factor in sexual assault and sexual abuse of minors. Further work might identify why Alaska is unique and why it has higher rates. Also, knowing what factors make a particular region have higher or lower rates could be helpful in focusing individual efforts at local levels.

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MR. ROSAY said he has data from the Copper River Delta region showing astronomically high rates of violence against women.

Directing attention to the next chart, he pointed out that from 2003 to 2007 the Alaska average for forcible rape was 2.6 times higher than the U.S. average. The rate in Anchorage was 2.84 times higher and in Fairbanks the rate was 5 times higher than the U.S. average. That's been persistently true since 1996 and it was true 20 years before that, he said.

The "Crime Clock" is another way to look at the information, he said. There were 90,427 forcible rapes that occurred in the U.S. in 2007, which means about 1 every 6 minutes. In Alaska that would be 1 reported forcible rape every 17 hours, in Fairbanks 1 every 8.5 days, and in Anchorage 1 every 1.5 days.

CHAIR FRENCH said he puzzles over what factor or combination of factors prompt Alaska to have such horrific rates and he would like to hear any thoughts on why this state is so uniquely bad in this area.

MR. ROSAY replied he can only agree that it is a combination of a wide variety of factors. What the Justice Center has determined through its research is how to address some of those factors and what can be done to make a difference. He said he will show strategies that have been shown to make a difference at not only a national level but also at a local level in Alaska where things may be a bit different. Other states that have very high rates of forcible rape are Michigan and New Mexico. While the differences between Michigan and Alaska are striking, New Mexico and Alaska are more comparable in terms of isolation factors.

CHAIR FRENCH suggested he make clear the difference between reported rapes and unreported rapes, and how the rapes that do not get reported to law enforcement are accounted for.

MR. ROSAY said he would address that soon. He then directed attention to pie charts showing the composition of violent crime in Alaska and the U.S. in general. These Part I offenses reported to the FBI include murder, non-negligent manslaughter, aggravated assault, forcible rape, and robbery. The charts clearly demonstrate that in Alaska forcible rape is a much more common form of violent crime than in other states. That is somewhat unique even when compared to states like Michigan and New Mexico that also have high rates of forcible rape. Those states tend to have high rates of violent crime overall.

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MR. ROSAY displayed a table of 2002 to 2007 UCR and U.S. Census rates of forcible rape per 100,000 women. On average the rate in Alaska was 169.4 per 100,000 women. On average there were 541 reported forcible rapes per year. In order for Alaska not to be ranked number 1, there would need to be, on average, 201 fewer rapes per year or a 36 percent decrease.

SENATOR WIELECHOWSKI asked if that would make Alaska number 2 in the nation.

MR. ROSAY said that's correct. He added that it would be a tough job to decrease the number of reported forcible rapes by 200. The good news is that had the state been able to do that, the savings would have been \$20 million per year. He calculated a 20 percent conviction rate for 200 cases, 12 years average incarceration time, and an average cost of \$44,000 per prisoner per year. That only includes incarceration costs; it does not include law enforcement costs, court costs, or victim costs. The latter includes tangible costs such as medical bills and

intangible costs of pain and suffering. He said that at the end of the presentation he will talk about some strategies that might be implemented and while they aren't cheap, doing nothing will actually be much more expensive.

MR. ROSAY directed attention to a chart of standard UCR cautions and noted that the statistics do not include rapes that are not reported to law enforcement. Nationwide, about 48 percent of sexual assaults are reported to law enforcement, which means that all the numbers that have been mentioned for the U.S. and for Alaska probably could be doubled.

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SENATOR MCGUIRE observed that another aspect to analyze would be whether or not there are cultural factors that are unique to certain regions in Alaska that might increase the rate of unreported rapes. She mentioned cultural sensitivities, being ostracized, and the potential for retaliation. If 52 percent of rapes are not reported nationally, she said she suspects that the rate is higher in Alaska.

MR. ROSAY said that may be true, but it may also be that victims in Alaska are more willing to report because this state has so many good services. He hopes to have a statewide victimization survey in a few years to identify what the barriers are to reporting.

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CHAIR FRENCH asked him to explain how he determines the percentage of rapes that do not get reported.

MR. ROSAY explained that the only way to make that determination is through victimization surveys such as the National Crime Victimization Survey (NCVS). That is a national telephone survey of about 50,000 per year that asks respondents if they have been a victim of a sexual assault. A determination is made about whether or not those sexual assaults have been reported to law enforcement.

CHAIR FRENCH observed that it's basically a telephone polling service that asks individuals if they have been a victim of a certain variety of crimes. The information is assembled and compared to reported crime statistics to come up with a factor.

MR. ROSAY agreed.

CHAIR FRENCH related that information he found recently sheds light on the strengths and weaknesses of that approach. A Wikipedia entry describes victimization surveys as perception surveys because the people who are asked if they are victims of crime need provide no supporting evidence for their answers. He read, "In these surveys it is the participant's perception or opinion that a crime occurred or even their understanding about what constitutes a crime that is being measured." He commented that it may be the best we have, but it's imperfect.

MR. ROSAY said the NCVS also has limitations, but an advantage is that the questions are more behavior specific and don't simply ask an individual if they're a victim of an aggravated assault. All the data points have limitations but the statistics paint a consistent picture of Alaska's severe and persistent problem with sexual violence.

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CHAIR FRENCH responded, "It's a constant drum beat of bad information coming at us and ... every year we seem to try something a little different here in Juneau to see if we can finally get a handle on the problem."

MR. ROSAY returned attention to the table of standard UCR cautions and said the UCR statistics exclude the following:

- Rapes that are not reported to law enforcement
- Statutory rapes
- Rapes where the victims were incapacitated due to alcohol use - although there are quite a few in this state
- Rapes with male victims
- Other sex offenses such as online enticement of minors
- Rapes committed in combination with more serious offenses such as homicide

MR. ROSAY said they generally believed that the rankings across states are not valid assessments because they ignore factors that come together to help predict rates of violence. For example, demographics such as age are not taken into account even though statistics show that offenders tend to be of a specific age. A state with a large portion of the population in a particular age group might be one reason why it has a higher rate of forcible rape.

MR. ROSAY displayed data from the Alaska Violent Death Reporting System from 2003 to 2005. Information was captured on 117 homicides in Alaska with the following breakdown.

- These represent 19 percent of all violent deaths with the most common form of violent death being suicide
- 22 percent of the homicide cases were related to intimate partner violence (IPV)
 - 62.5 percent of the homicide victims were female
 - 37.5 percent of the homicide victims were male
- Among the victims who tested positive for alcohol use, 78 percent tested above the legal limit

CHAIR FRENCH asked the criteria for selecting the 117 homicides.

MR. ROSAY replied this was a state project that was funded by the Center for Disease Control and Prevention. He believes it includes all the homicides that occurred in Alaska from 2003 to 2005.

CHAIR FRENCH questioned why then it's 19 percent of all violent deaths.

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MR. ROSAY replied the others include suicide. The Alaska Violent Death Reporting System captured information on all violent deaths.

CHAIR FRENCH asked if there are 4 or 5 times as many suicides as homicides in Alaska and noted that he received a head nod.

MR. ROSAY added that the next issue of the "Alaska Justice Forum" will have an article on the prevalence of suicide and homicide.

He directed attention to a bar graph of the percent of homicides that had intimate partner violence in 17 states and pointed out that in Alaska and Utah IPV is a more common form of homicide than is found in other states. He qualified that the data from California is inaccurate because it represents just a portion of the state.

A Magen and Wood, 2006 survey of Alaska Native Women in the Copper River Delta found the following:

- 64 percent reported having been physically assaulted by an intimate partner at some point in their lifetime versus a national average of 22 percent.
- The lifetime victimization rate for Alaska Native women in the Copper River Delta is 2.9 times higher than the national rate.

- 78 percent of perpetrators and 60 percent of victims having used alcohol prior to the assault.

CHAIR FRENCH mentioned Glennallen, Copper Center, and Cordova and said he'd like to get a better feel for what part of the state he's talking about.

MR. ROSAY said he would get more information, but he believes that is the general area.

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MR. ROSAY displayed a detailed bar graph showing a sample of the survey questions used in the National Crime Victimization Survey. Responses of Alaska Native Women in the Copper River Delta are shown alongside the national averages from the NCVS and reflect the following:

- Of victims that reported having been beat up, Alaska Native Women in the Copper River Delta had a lifetime prevalence that was 5 times higher than the national average.
- Of victims that reported having been hit with an object, Alaska Native Women in the Copper River Delta had a lifetime prevalence that was 6 times higher than the national average.
- Of victims that reported having been choked or an attempted drowning, Alaska Native Women in the Copper River Delta had a lifetime prevalence that was 5 times higher than the national average.
- Of victims that reported having been kicked or bitten, Alaska Native Women in the Copper River Delta had a lifetime prevalence that was 4 times higher than the national average.
- Of victims that reported having been slapped or hit, Alaska Native Women in the Copper River Delta had a lifetime prevalence that was 5 times higher than the national average.
- Of victims that reported having had their hair pulled, Alaska Native Women in the Copper River Delta had a lifetime prevalence that was 4 times higher than the national average.
- Of victims that reported being pushed, grabbed, or shoved, Alaska Native Women in the Copper River Delta had a lifetime prevalence that was 8 times higher than the national average.
- Of victims that reported having something thrown at them that could hurt, Alaska Native Women in the Copper River

Delta had a lifetime prevalence that was 9 times higher than the national average.

Overall the data paints a rather persistent picture that Alaska has a fairly severe problem of violence against women in terms of physical assault, sexual assault, and homicide. The rates in this state are far higher than the national averages. Mr. Rosay said that there is likely to be a difference in reporting, but it's not clear in which direction. It may vary across the state. Nonetheless, the difference between what is found in Alaska and what is found nationally is so pronounced, it can't possibly be due to just a difference in reporting. It is clear that something else is going on.

MR. ROSAY recapped that the UAA Justice Center has engaged in studies with four different entities to try to figure out how the criminal justice system can better respond. The first was the Alaska Sexual Assault Nursing Examiner Study (SANE); second were studies with the Alaska State Troopers; the third included a variety of studies with the Anchorage Police Department; and fourth were studies with the Department of Law. All these studies are available on the UAA Justice Center website. He emphasized that these studies only include offenses that were reported to law enforcement. They are about the criminal justice process and focus on police, courts, and corrections. Prevention and victim advocacy are clearly very important, but that is not the focus here.

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The Alaska Sexual Assault Nursing Examiner (SANE) Study was conducted in Kotzebue, Nome, Bethel, Soldotna, Homer, Kodiak, Anchorage, and Fairbanks and includes only reported offenses. The majority of cases came from Anchorage because UAA Justice Center collected data in Anchorage from 1996 to 2004. About 100 cases came from Bethel and Fairbanks and the other five communities account for a smaller number of cases. The best and most detailed data on alcohol use comes from this study.

The AST Sexual Assault Study included 989 cases that were reported to the state troopers between 2003 and 2004.

- 49 percent of the cases were from Detachment C, which covers Western Alaska
- 16 percent of the cases were from Detachment D in Central Alaska
- 11 percent of the cases were from Detachment B in Southcentral Alaska

- 11 percent of the cases were from Detachment E in Southwest Alaska
- 4 percent of the cases were from Detachment A in Southeast Alaska

CHAIR FRENCH said his first reaction is to question how Anchorage numbers can be so low when it has half the state's population. But the answer is that these are strictly state trooper cases. Reports to APD are not included.

MR. ROSAY agreed.

CHAIR FRENCH asked which Detachment covers the North Slope Borough.

MR. ROSAY deferred to Colonel Holloway.

COLONEL AUDIE HOLLOWAY, Alaska State Troopers, Department of Public Safety, said the borough police handle cases in that area.

CHAIR FRENCH commented that it's important not to jump to the conclusion that half the sexual assault cases in the state come from Western Alaska.

MR. ROSAY said that's right. It's half the AST workload on sexual violence that comes from Detachment C; cases reported to local and municipal police are not included.

He displayed a map showing the breakdown by trooper Detachment of stalking cases reported to AST from 1994 to 2005 and pointed out that these cases were more equally distributed throughout the state. 9 percent of the reports came from Detachment A, 28 percent from Detachment B, 16 percent from Detachment C, 28 percent from Detachment D, and 18 percent from Detachment E.

A similar statewide breakdown for domestic violence cases reported to AST shows that 4 percent were made to Detachment A, 22 percent to Detachment B, 32 percent to Detachment C, 29 percent to Detachment D, and 14 percent to Detachment E. Mr. Rosay displayed a table summarizing the AST sexual assault, stalking and domestic violence cases by trooper Detachment and noted that the Alaska Bureau of Investigation (ABI) cases have relatively small numbers because only cases from the child abuse and cold case investigation units were included. All other ABI cases were attributed to the geographic area from which they came.

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MR. ROSAY said the Justice Center did three sets of sexual assault studies for the Anchorage Police Department. Sexual Assault Study I included reports from 2000 and 2001, SA Study II included reports from 2002 and 2003, and SA Study III included reports from 2004 and 2005. Some of the work they did with APD was to look at locations of initial contact and assaults throughout the Municipality of Anchorage (MOA). The results were important from a policy perspective because the number of assaults that occurred downtown was very different from the number that occurred in Northeast Anchorage.

MR. ROSAY explained that the Department of Law (DOL) Studies started with cases that had been reported to law enforcement. The Justice Center looked at the DOL records to examine the legal resolutions - whether the cases were referred for prosecution, whether they were accepted for prosecution, and whether they resulted in a conviction on any given charge within the case. That could be a plea bargain where the charge was dropped from a felony to a misdemeanor or it could be a conviction on a non-sex offense charge. He emphasized that any conviction at all is counted as a success here.

When the Justice Center considered the victims and suspects they looked at gender, race, age, alcohol use, and the relationship between the victim and the suspect. To do this they looked at the SANE Study, the AST Studies, and the APD Studies. With gender they found that the majority of victims were female and the majority of suspects were male. "We find that to be true in every study that we've done, that's consistent with national averages," he said.

MR. ROSAY displayed pie charts from the AST studies looking at statistics on the race of victims and suspects in cases of sexual assault, stalking, and domestic violence. He noted that the majority of the assaults were intraracial - occurring within the same racial group, rather than interracial - occurring across racial groups. In sexual assault cases 60 percent of victims and 59 percent of suspects were Alaska Native, 38 percent of victims and 37 percent of suspects were White. In domestic violence cases about 50 percent of the victims and 50 percent of the suspects were White. In stalking cases 86 percent of victims and 78 percent of suspects were White and 13 percent of victims and 21 percent of suspects were Alaska Native. Stalking is likely to be an under-recognized and under-reported offense and AST is working on that, Mr. Rosay said.

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MR. ROSAY displayed pie charts from the SANE Study looking at statistics on the race of victims and suspects in cases from Anchorage, Fairbanks, and Rural areas. In Rural areas 88 percent of victims and 89 percent of suspects were Alaska Native. In Fairbanks 54 percent of victims and 55 percent of suspects were Alaska Native. Anchorage is a little different with 52 percent of victims being Alaska Native and 37 percent of suspects belonging to the "Other" category, which is primarily African American. He noted that in the SANE Study and in Anchorage, just over half of the assaults were intraracial rather than interracial.

He displayed a bar graph of rates of sexual assault reported to APD over a four-year period broken down according to the race of the victim. The data clearly shows that Alaska Natives have a significantly higher rate with 20 sex assaults per 1,000 women. The four-year rate for White victims is 2.8 per 1,000 and for Black victims it is 4.0 per 1,000.

CHAIR FRENCH questioned how that stands up to the generalization that the race of rape suspects and rape victims tend to be similar. If that's true then there must be a concurrently extremely high rate of Alaska Natives who are committing these crimes. He asked if that's correct.

MR. ROSAY indicated a similar bar graph showing the race of sexual assault suspects and said Alaska Native suspects had a relatively high rate [with 9.9 per 1,000]. Black suspects had the highest four-year rates with 17.2 per 1,000. But overall Alaska Native suspects were more likely to assault an Alaska Native victim than anyone else. He directed attention to a table summarizing suspect and victim race and noted that in every study at least half the assaults were intraracial rather than interracial. In particular, Native suspects are even more likely to commit an intraracial assault than other suspects.

CHAIR FRENCH said he hesitates to speculate but he wonders whether the average female in Anchorage who is looking for a ride home might not pick someone of her own race because they're more familiar. It's somewhat counterintuitive, but that might be the more dangerous choice.

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MR. ROSAY displayed a bar graph showing the age of victims of sexual assault in cases reported to AST. The data clearly shows

that the age of victims tends to be very young. 36 percent of victims who reported to AST were 12 years of age or younger, 65 percent were 15 years or age or younger, and 74 percent were under 18 years of age. In other words, nearly 75 percent of the sexual assaults that were reported to AST were assaults against minors.

He displayed a bar graph showing the age of sexual assault suspects in cases reported to AST. The data indicates that suspects tend to be significantly older than their victims. The most common category for suspects was 21-30 years of age, followed by suspects that were 16-20 years of age. Responding to a question, he related that he has similar numbers for the APD studies. Although the difference isn't as striking, victims still tend to be younger than suspects.

Turning to a chart of suspect/victim age comparisons, Mr. Rosay noted that the following 5 combinations account for 48 percent of the cases reported to AST on a yearly basis:

- The most common sexual assault case reported to AST is for a victim who is 0-12 years old who has been assaulted by a suspect who is 31 years of age or older.
- The second most common is for a victim who is 13-15 years old who has been assaulted by a suspect who is 16-20 years of age.
- The third most common is for a victim who is 13-15 years old who has been assaulted by a suspect who is 21-30 years of age.
- The fourth most common is for a victim who is 13-15 years old who has been assaulted by a suspect who is 31 years of age or older.
- The fifth category is for victims and suspects who are both 31 years of age or older.

MR. ROSAY directed attention to a bar graph showing four-year rates of sexual assault reported to APD for victims and suspects by age. 15-19 year olds have the highest risk of victimization with a rate of 15.4 per 1,000. He said the data on age of victims isn't entirely surprising when compared to data from the 2007 Youth Risk Behavior Survey on sexual violence and physical assaults.

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The 2007 survey included 9th to 12th grade students who were in school and who received parental consent to participate in the survey. Among these students:

- 9 percent reported they have been physically forced to have sexual intercourse against their will
- 12 percent reported they have been hit, slapped, or physically hurt on purpose by a boyfriend or girlfriend at some point in the past 12 months
- 45 percent reported they have had sexual intercourse
- 31 percent reported they have had sexual intercourse in the past 3 months

He noted that there is a continuing pattern with alcohol use with 22 percent saying that they had used alcohol or drugs before their last sexual intercourse.

MR. ROSAY highlighted the following for alcohol use by victims:

- In every APD Study from 2000 to 2005, over 60 percent of victims say they have used alcohol.
- In the SANE Studies, over 65 percent of patients used alcohol in every site except Homer and Soldotna, but there weren't many cases from those two sites.
- In the AST Studies the rates are lower with 27 percent of sexual assault victims using alcohol, 2 percent of stalking victims using alcohol, and 32 percent of domestic violence victims using alcohol

MR. ROSAY reminded the committee that many of these victims were younger than 12 years of age so reporting alcohol use may be less likely in the AST Studies. Also, possession of alcohol may be illegal in some of the communities, which would make reporting less likely.

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Alcohol use by suspects presents a fairly similar picture. Mr. Rosay highlighted the following:

- In every APD Study from 2000 to 2005, over 70 percent of suspects reported they use alcohol
- In the SANE Studies, at every site over 75 percent of suspects used alcohol
- In the AST Studies 43 percent of sexual assault suspects used alcohol, 20 percent of stalking suspects used alcohol, and 57 percent of domestic violence suspects used alcohol.

A bar graph of percent of sexual assaults reported to AST with victims using alcohol and by victim age shows the following:

- Among 13-15 year old victims, 27 percent reported using alcohol.

- Among 16-17 year old victims, 10 percent reported using alcohol.
- Among 18-20 year old victims, 16 percent reported using alcohol.
- Among 21-30 year old victims, 22 percent reported using alcohol.
- Among victims 31 years or older, 21 percent reported using alcohol.

MR. ROSAY again noted that it's likely that the percentages are much higher, but for a variety of reasons the victims were not willing to disclose that information.

A bar graph of percent of sexual assaults reported to AST with suspect using alcohol and by suspect age shows the following:

- Among 16-20 year old suspects, 20 percent reported using alcohol.
- Among 21-30 year old suspects, 34 percent reported using alcohol.
- Among 31-40 year old suspects, 26 percent reported using alcohol.
- Among 41-50 year old suspects, 13 percent reported using alcohol.
- Among suspects 51 years or older, 5 percent reported using alcohol.

Reported alcohol use at the 8 different SANE locations shows the following:

- Soldotna - Of 14 patients, 36 percent reported using alcohol.
- Homer - Of 8 patients, 38 percent reported using alcohol.
- Soldotna - Of 14 patients, 36 percent reported using alcohol.
- Kodiak - Of 4 patients, 50 percent reported using alcohol.
- Soldotna - Of 14 patients, 36 percent reported using alcohol.
- Anchorage - Of 1,279 patients, 66 percent reported using alcohol.
- Nome - Of 19 patients, 68 percent reported using alcohol.
- Fairbanks - Of 119 patients, 71 percent reported using alcohol.
- Bethel - Of 105 patients, 71 percent reported using alcohol.

- Kotzebue - Of 21 patients, 100 percent reported using alcohol.

The SANE Study measured whether patients were incapacitated at the time of the assault. The findings are as follows:

- In Soldotna, 7 percent of patients reported being passed out at the time of the assault.
- In Homer, 13 percent of patients reported being passed out at the time of the assault.
- In Anchorage, 23 percent of patients reported being passed out at the time of the assault.
- In Kodiak, 4 percent of patients reported being passed out at the time of the assault.
- In Fairbanks, 31 percent of patients reported being passed out at the time of the assault.
- In Nome, 37 percent of patients reported being passed out at the time of the assault.
- In Bethel, 46 percent of patients reported being passed out at the time of the assault.
- In Kotzebue, 52 percent of patients reported being passed out at the time of the assault.

MR. ROSAY reminded the committee that none of these rapes will be included in the Uniform Crime Report because the UCR definition doesn't consider these to be forcible rape. He pointed out that these rates tend to be high, but the only national comparison comes from a survey of college students in one Lower-48 state.

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SENATOR WIELECHOWSKI asked if the slides showing race and age of sexual assault suspects and victims include only forcible rapes.

MR. ROSAY clarified that the data includes forcible rapes and other sex offenses as defined by Alaska statute. The statistics he showed early on from the Uniform Crime Report included only forcible rape. All subsequent data relate to sexual assault.

MR. ROSAY related that in every study they've done they found that the most common relationship between suspect and victim is friends and acquaintances. He referenced a chart of victim and suspect relationships showing the following:

- APD Sexual Assault Study - 38 percent of victims were assaulted by a stranger and 62 percent were assaulted by a non-stranger.

- SANE Study - 16 percent of victims were assaulted by a stranger and 84 percent were assaulted by a non-stranger.
- AST Sexual Assault Study - 2 percent of victims were assaulted by a stranger and 98 percent were assaulted by a non-stranger.
- AST Stalking Study - 8 percent of victims were assaulted by a stranger and 92 percent were assaulted by a non-stranger.

MR. ROSAY added that NIBRS (National Incident Based Reporting System) looks at sexual assaults that are reported to law enforcement and has found that only 14 percent of assaults are committed by strangers and that the most common relationship is a friend or acquaintance. He explained that he included the NIBRS data because STAR (Standing Together Against Rape) recently stated that the rate of stranger assaults in Anchorage is higher than the national average. He said he wasn't aware of that, but the APD Study indicates that 38 percent of assaults are by a stranger. That is a striking difference from the national average of 14 percent.

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SENATOR MCGUIRE suggested it would be helpful to know some of the predominant factors that lead to stranger assaults in urban areas. Knowing some of those factors and getting the information out to women and young people will help with prevention. "I think a big part of what we're doing and what the chairman is showing leadership on is discussing this," she said.

MR. ROSAY said they did some work looking at the difference between stranger and non-stranger assaults occurring in Anchorage. Some of that information is on the Justice Center website. They found that the majority of assaults occurred in downtown Anchorage and were outdoors. A common message is to beware strangers when accepting rides, but most of the data demonstrates that that it's prudent to be aware of friends and acquaintances because they are more dangerous than strangers. He emphasized that the assaults that occur in downtown Anchorage are very different than those that occur elsewhere in the city. "We focused primarily in Northeast where those are almost never between strangers and they're almost never occurring outdoors," he said. In the future we hope to learn more about these types of assaults, the differences that occur, and the policy implications of the differences, he added.

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MR. ROSAY turned attention to the Department of Law (DOL) Studies of the sexual assault cases reported to law enforcement.

The sources are the SANE Study, APD Study, and AST Sexual Assault Study. Depending on the study, somewhere between 18 percent and 46 percent of the cases are referred to DOL for prosecution.

CHAIR FRENCH commented that this may be the subject of a future hearing or dialog between the committee and law enforcement agencies because there is tremendous opportunity to work to push those numbers up. He said he hesitates to call it a gold mine but there are lots of cases that, for a variety of factors, don't produce a convicted sex offender.

SENATOR MCGUIRE commented on the way some states shield child victims of sexual assault from the normal courtroom procedure and suggested the Alaska judiciary might give that some consideration.

CHAIR FRENCH mentioned the fact that in some studies as few as 18 percent of the cases are referred for prosecution, and said it's almost impossible to imagine that 82 percent are being screened at the cop shop on Tudor Road.

MR. ROSAY cautioned against trying to compare rates across studies because the cases are so different. APD cases have a far higher rate of stranger assaults and those are more complicated to investigate. Conversely, AST cases have higher rates of incapacitated assaults, which are also difficult to investigate.

CHAIR FRENCH again suggested a future conversation between the committee and different agencies.

SENATOR MCGUIRE said she believes it would be beneficial to have an independent unit within AST with specially trained investigators.

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MR. ROSAY said improving the likelihood of a reported case being referred truly is a gold mine. The statistics show that once a case is referred for prosecution, there's a 60 percent to 69 percent chance that it will be accepted for prosecution. Once the case is accepted for prosecution there's a 78 percent to 87 percent chance that it will result in a conviction on at least one charge. He again reminded members that the caveat is that for these studies any conviction, even if it's on a non-sexual assault charge, is counted as a prosecution success.

MR. ROSAY directed attention to a chart of DOL Studies showing the percentage of cases referred, accepted and convicted. He emphasized that the cases are not equivalent across studies so the differences should not be interpreted as differences in success. The cases are completely different. The following are for reported cases of sexual assault:

- APD Study (2000 to 2003) - 18 percent referred for prosecution, 12 percent accepted for prosecution, 11 percent convicted
- SANE Study (1999 to 2005) - 29 percent referred for prosecution, 20 percent accepted for prosecution, 16 percent convicted
- AST Sexual Assault Study (2004) - 46 percent referred for prosecution, 28 percent for prosecution, 22 percent for prosecution

MR. ROSAY said the process shows that there definitely is room for improvement and the best place to make the improvement is to increase the number of cases that are referred for prosecution.

CHAIR FRENCH referred to the statistics in the APD Study and asked for clarification that basically 60 percent of the cases that are referred are being accepted for prosecution.

MR. ROSAY said that's correct.

CHAIR FRENCH added that there's a nearly 90 percent conviction rate of the cases that are accepted for prosecution so the Department of Law is getting something out of those.

MR. ROSAY agreed they are getting something, but he can't as yet say what.

MR. ROSAY highlighted the footnote on the chart that states that the rates of referral and conviction in the AST Domestic Violence Study are far greater than the national averages according to the 2009 Garner and Maxwell Study. 80 percent of the AST domestic violence cases were referred for prosecution, 68 percent were accepted for prosecution, and 54 percent resulted in a conviction. Those are significantly higher percentages than the national averages. Some tweaks are needed, but this is a good example that the criminal justice system can and often times does work.

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MR. ROSAY said a frequent question is whether legal resolutions vary by race or urban/rural geography. Because it is difficult

for researchers to define what is urban and what is rural, they take a threefold approach. They look at whether victims are Alaska Native with the assumption that if they are, they are more likely to live in rural regions. They also look at whether the cases are from Bush or non-Bush Alaska. Bush Alaska is defined as off the road system and non-Bush Alaska is defined as being on the road system. Finally, they look at whether the cases are from remote Alaska. These are places with no trooper post and are compared to cases from locations that have a trooper post.

With very few exceptions, the research did not find a difference by victim race, by Bush or non-Bush location, or by the presence or absence of a trooper post. The idea that there is under-enforcement in rural Alaska was not validated in these studies.

CHAIR FRENCH said that's probably the reason for this hearing. When he read the report this last summer he was astonished at those conclusions. He is proud of the troopers and the Department of Law, but he doesn't believe that the public knows or understands this. The preconception is that sexual assault is an epidemic in the Bush and that law enforcement and government isn't doing its job out there. This is a piece of good news. The Alaska State Troopers and DOL are doing their job with respect to upholding justice in the Bush. They're to be congratulated.

SENATOR MCGUIRE said she agrees, but it doesn't address some of the subtleties that occur. For example, even if there is a trooper station, there could be a cultural disposition that doesn't favor a person making a report to that trooper station. She suggested the committee look at what other models are available to assist the troopers. Certainly they are responding when they can, but if a case isn't brought into the light they can't respond.

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MR. ROSAY referred to a table showing legal resolutions of cases by Bush stratum - whether cases are on or off the road system. He summarized that reported cases that are off the road system are never less likely to be founded, they are never less likely to be referred, they are never less likely to be accepted, and they are never less likely to result in a conviction than cases that are on the road system. This holds true for all cases of sexual violence, rape and sexual assault, and sexual abuse of a minor. In some cases of sexual violence and rape/sexual assault the likelihoods are actually higher.

MR. ROSAY referred to a table showing legal resolutions of cases by isolation. Locations that do not have a trooper station are defined as isolated and those that have a trooper station are not isolated. They found the same good pattern. Cases from isolated Alaska are never less likely to be founded, they are never less likely to be referred for prosecution, they are never less likely to be accepted for prosecution, and they are never less likely to result in a conviction.

MR. ROSAY offered four conclusions based on the research the Justice Center has done. He noted that the packets contain a list of detailed footnotes about why he comes to these conclusions.

The first conclusion is that enhancing the presence of local paraprofessional police such as VPSOs, VPOs, and TPOs does make a difference. Their presence reduces by 40 percent the rates of serious injury caused by assault. Also, their presence increases the likelihood of sexual assault cases being prosecuted. When the Justice Center compared cases that were first reported to VPSOs to cases that were first reported to Alaska State Troopers, they found that cases reported to VPSOs were 3.5 times more likely to be prosecuted than cases first reported directly to the troopers.

CHAIR FRENCH asked if he could speculate as to why that's true.

MR. ROSAY said one possibility is that VPSOs are able to secure the crime scene so they can maintain evidence and document things more quickly than the troopers. In some cases if there is a delay in reporting or a delay in response there is a possibility that forensic evidence will disappear.

CHAIR FRENCH asked if when he says "prosecution" he's talking about referral or acceptance or some combination of the two.

MR. ROSAY said he would have to check on that. In a follow-up email he provided the following information:

On the effect of VPSOs on prosecution (report not yet publicly available):

Having a VPSO as the first responder (rather than a State Trooper) increased the odds that a case would be accepted for prosecution by 3.5 times. It did not have an impact on the likelihood of referring cases for prosecution. Although we have no research on this, the presence of a VPSO would increase prosecutions, but

would do so by increasing reporting rather than by increasing referrals. Once the case is at the Department of Law, having a VPSO was the single most important predictor of whether a case would be accepted for prosecution. It was more important than everything else (e.g., whether witnesses were present, whether the victim was injured, whether the victim cooperated, whether the assault was aggravated, whether it was reported within 24 hours, whether alcohol use was present, ...). This is an important point because although alcohol use hinders investigation and prosecution, the presence of a VPSO overcame these difficulties.

MR. ROSAY said another possibility is that VPSOs legitimize the victim and connect with witnesses. Sometimes they know the village better than a trooper and are able to organize a lot of things that will happen before a trooper arrives to investigate the crime scene. Also, VPSOs have more time to investigate the full story rather than just the specific act of violence that occurred. All the research the Justice Center found indicates that having a VPSO on site is critical to the prosecution and contributes to reduced injury.

CHAIR FRENCH said VPSOs might keep an assault from becoming more severe by providing immediate aid to someone who is under attack.

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The second conclusion is that strengthening local alcohol prohibitions is important. Rates of serious injury from assault are 36 percent lower in dry communities. Prosecution of sexual assault cases is hindered when alcohol is involved, particularly in cases where the victim is incapacitated. When the entire sequence of events can be investigated, the results can be fruitful. The 2006 Megen and Wood survey of victimization of Alaska Native women in the Copper River Delta found that lifetime victimization dramatically increased with alcohol use.

The third conclusion is that greater focus is needed on specialized and thorough investigations. AST was interested in doing the study as a means to improve their investigations and increase the likelihood that DOL would accept cases and subsequently secure a conviction. Having VPSOs on site is an important part of locating and interviewing witnesses. Also, gaining victim cooperation dramatically improves the chance of getting a successful prosecution. This takes time and will add

to cost, but anytime an offender is removed from society and is put through the court system, the rate of forcible rape in the state will ultimately be decreased. That will lead to a reduction in cost. In cases where troopers had sufficient time to fully investigate and close a case within 16 days, referrals for prosecution were more likely. When the cases took longer to close, the legal resolutions deteriorated over time.

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The fourth conclusion is that promoting access to sexual assault nurse examiners is important. The AST Sexual Assault Study demonstrated that the use of medical-forensic examinations more than doubled the likelihood of a case being accepted for prosecution. When the SANE Study data was examined and tracked through the legal system, the Justice Center found that documentation of physical injury was particularly important. They more than double the likelihood of cases being accepted for prosecution. Most states don't have empirical evidence to support the importance of sexual assault nurse examiners, but even when that evidence isn't available, sexual assault nurse examiners do offer the best standard of care. Anything less is simply unacceptable. Even if they had no impact on prosecution, we would still want to have sexual assault nurse examiners in the state, Mr. Rosay said.

CHAIR FRENCH said he can't help but think that if a sexual assault nurse examiner was in every village working with the VPSOs, you'd begin to crush these cases.

MR. ROSAY said he would agree but sexual assault nurse examiners are highly trained and hard to come by.

SENATOR MCGUIRE suggested that sexual assault nurse examiners might fit with the traveling nurse model.

MR. ROSAY said the committee might also want to explore telemedicine.

MR. ROSAY reminded the committee that today he is focusing on the criminal justice response so he isn't talking about victim advocacy. Nonetheless it is an essential part of the response.

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MR. ROSAY said all this matters because the recidivism of sex offenders is actually no different than the recidivism of non sex offenders. That's the case in the adult system as well as in the juvenile justice system. The McLaughlin Youth Center

recently did an evaluation of their sex offender treatment program and found very low rates of recidivism. In 2008 Alan McKelvie, the director of the Statistical Analysis Center with the UAA Justice Center, looked at recidivism of offenders who were released from the Alaska Department of Corrections in 2001 and tracked those for three years. The bad news is that only 39 percent were not rearrested. 40 percent were rearrested and reconvicted and 21 percent rearrested and not convicted. The good news is that sex offenders and non sex offenders recidivated and were reconvicted at the same rates. Also, the likelihood of being rearrested for a second sex offense was exactly the same for sex offenders as for non sex offenders.

CHAIR FRENCH said he doesn't know that he would call that good news, but he understands the point. Criminals recycle through the system at fairly high rates, but it's no more worse for sex offenders than it is for thieves, drug addicts or DWI offenders.

SENATOR MCGUIRE said she accepts the data but it is very contrary to data she is familiar with in Lower-48 rates of recidivism for the sex offender population. It makes her question the assumptions she's made. She urged Mr. Rosay to continue to study that area.

MR. ROSAY said he's aware of the studies that have repeatedly shown that sex offenders recidivate at much higher rates, but those are old studies. The treatment of sex offenders has dramatically improved over the last 20 years. "If you are able to successfully treat a sex offender, you can end up with recidivism rates that are no different than those for non sex offenders. Again, that is particularly true for the juvenile justice system," he said.

CHAIR FRENCH said an eight year old study posited that sex offenders may think twice about reoffending because prison terms for sex offenses are longer. He said he'd be interested in new data.

MR. ROSAY said keep in mind that all these numbers only look at what is reported to law enforcement.

CHAIR FRENCH pointed out that if there are 1,000 reported, only 200 individuals eventually get convicted. "So you're looking at one-fifth of those reported, maybe as low as one-tenth of those that take place so it's difficult to draw broad conclusions." Also it's likely that there is some overlap between the 200 who are convicted and imprisoned and the other crimes that are

either not reported or reported and not referred for prosecution.

He thanked Mr. Rosay for coming to Juneau. There's a lot of talk that goes on about this terrible problem, but numbers provide opportunity to make improvements, he said.

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There being no further business to come before the committee, Chair French adjourned the meeting at 2:53 pm.