

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE
ANCHORAGE, AK**

August 3, 2009
10:02 a.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Bill Wielechowski, Vice Chair
Senator Lesil McGuire
Senator Gene Therriault
Senator Dennis Egan

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Davis
Senator Dyson
Representative Fairclough

COMMITTEE CALENDAR

Reducing Sexual Assault in Alaska
HEARD

PREVIOUS COMMITTEE ACTION

See 3/25/09 Senate Judiciary minutes.

WITNESS REGISTER

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

POSITION STATEMENT: Presented UAA Research on Sexual Assault.

TARA HENRY, Forensic Nurse
Anchorage, AK

POSITION STATEMENT: Contributed to the discussion on reducing sexual assault in Alaska from the perspective of a forensic nurse.

SERGEANT KEN MCCOY
Anchorage Police Department
Municipality of Anchorage
Anchorage, AK

POSITION STATEMENT: Contributed to the discussion on reducing sexual assault in Alaska from the APD perspective.

RICHARD KRAUSE, VPSO Coordinator
Aleutian Pribilof Island Association
Anchorage, AK

POSITION STATEMENT: Contributed to the discussion on reducing sexual assault in Alaska from the VPSO perspective.

JOSEPH MASTERS, Commissioner
Department of Public Safety
Anchorage, AK

POSITION STATEMENT: Contributed to the discussion on reducing sexual assault in Alaska on behalf of DPS.

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

POSITION STATEMENT: Contributed to the discussion on reducing sexual assault in Alaska from the AST perspective.

KATIE TEPAS, Acting Director
Council on Domestic Violence and Sexual Assault and
Program Coordinator
Alaska State Troopers
Department of Public Safety

POSITION STATEMENT: Contributed to the discussion on reducing sexual assault in Alaska.

RICK SVOBODNY, Deputy Attorney General
Criminal Division
Department of Law
Juneau, AK

POSITION STATEMENT: Described the DOL process in prosecutions of sexual assault and sexual abuse of a minor.

SUSAN MCLEAN, Chief Assistant Attorney General
Criminal Division
Department of Law
Juneau, AK

POSITION STATEMENT: Explained DOL sexual abuse and sexual assault case referral and acceptance data.

ACTION NARRATIVE

10:04:26 AM

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at 10:02 a.m. Senators Wielechowski, Therriault, Egan, and French were present at the call to order. Representative Fairclough, Senator Dyson and Senator Davis also were in attendance.

CHAIR FRENCH stated that the committee meets today in the shadow of two shocking sex assault cases that recently occurred in Anchorage. One case involved an Anchorage police officer and the other a potential serial rapist who is still at large. The resulting attention provides an opportunity to bring an awareness of this a long-standing Alaskan tragedy to the greater public. He said it's worth pointing out that these cases aren't really emblematic of what the professionals who work in this area do on a day-to-day basis. He related that he prosecuted sex assault cases when he worked in the Anchorage DA's office and he found each one to be shocking. They occurred almost daily.

The impetus for the hearing today sprang from a presentation that Andre Rosay Ph.D. gave to the committee in Juneau during the last legislative session. The committee learned that during 2003 and 2004 some 1,184 cases of sex assault and sex abuse of a minor were reported to the Alaska State Troopers. As those cases worked through the system the attrition was substantial; the result was 217 convicted sex offenders. The hearing today will ask: what happened to the other 967 cases; did the troopers, VPSOs, SART nurses, and DA's office have the tools they need; and where is it best to allocate resources to bring more offenders to justice.

Over the years the Legislature has put significant effort into this issue. Sentences for all sex crimes have been substantially increased, particularly for repeat sex offenders who no longer get a reduction in their sentence while they are in prison. He thanked Senator McGuire in particular who directed attention to the containment model, which was developed in Colorado and uses strict parole conditions including the use of polygraphs on convicted sex offenders.

10:05:27 AM

ANDRE B. ROSAY Ph.D., Director, Justice Center, University of Alaska Anchorage (UAA), introduced himself and said he will

present some of the of research that has been done in Alaska and show some key statistics to frame the discussions for the day. The presentation will include an overview of the federal statistics in the Uniform Crime Reports (UCR) as well as state and local data that has been collected. He will present some key results focusing on age, race, and alcohol use; he will talk about key implications that have emerged from the research that's been done in Alaska; and he will mention some of the additional research needs that are important for the state.

MR. ROSAY thanked the Council on Domestic Violence and Sexual Assault, the U.S. Department of Justice, and the University of Alaska Anchorage for funding the research. He also thanked the Alaska Department of Law, the Alaska State Troopers, the Anchorage Police Department, and Alaska sexual assault nurse examiners who participated in the research.

[10:06:56 AM](#)

MR. ROSAY displayed a line chart of forcible rape statistics from the 1996 to 2008 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." The rates of forcible rape are shown for Alaska, Anchorage, Fairbanks, and the U.S. in general. Clearly, Alaska and Anchorage have had a long history of being persistently above the U.S. average. The 2008 data is just now available for Anchorage and the U.S. but 2008 data for Alaska and Fairbanks is not yet available. He noted that when he was before the committee last he mentioned a non-significant trend where the U.S. rates tended to decline over time while the Alaska and Anchorage rates are increasing slightly. The 2008 data shows that trend continues. In the U.S. there was a small decline from 2007 and 2008 and in Anchorage there was a small increase.

[10:08:03 AM](#)

CHAIR FRENCH clarified for the listening public that the Uniform Crime Report data includes all offenses that are reported to local and state enforcement agencies that are then passed along to the FBI for tabulation.

REPRESENTATIVE FAIRCLOUGH asked if the data is recorded manually or electronically.

MR. ROSAY said he didn't know and although the UCRs are probably the best data sources available, there are important limitations. He would talk about that shortly.

[10:09:08 AM](#)

MR. ROSAY displayed a chart of the 2003 to 2007 average rates of forcible rape for the U.S., Alaska, Anchorage, and Fairbanks. It shows that on average, from 2003 to 2007 the Alaska rate was 2.62 times higher than the U.S. rate; on average, the Anchorage rate was 2.84 times higher than the U.S. rate; and on average, the Fairbanks rate was 5 times higher than the U.S. rate.

Looking at the composition of the violent crime reports shows that forcible rape is a more common form of violent crime in Alaska than in the U.S. Violent crime includes murder, non-negligent manslaughter, aggravated assault, rape, and robbery. In the U.S. six percent of violent crime reported to law enforcement is attributable to forcible rape; whereas in Alaska 12 percent of the violent crime that is reported to law enforcement is attributable to forcible rape. However, looking at violent crime arrests shows essentially no difference between the U.S. and Alaska. For the U.S. and for Alaska four percent of violent crime arrests are attributable to forcible rape. Obviously, there is some attrition occurring and you'll see that at the end of the presentation, Mr. Rosay said.

MR. ROSAY displayed a chart showing that on average from 2002 to 2007 the Alaska rate of forcible rape per 100,000 women was 169. In order for Alaska not to have the highest rate in the nation, the number of forcible rapes reported to law enforcement would need to drop from 541 to 340. That would be equivalent to 201 fewer reported forcible rapes or a 36 percent decrease. He described the difference between Alaska rates and the rest of the U.S. as sizeable.

[10:11:47 AM](#)

MR. ROSAY displayed a slide listing the standard UCR cautions as follows:

- UCR statistics exclude: rapes not reported to law enforcement; statutory rapes; incapacitated rapes; rapes with male victims; other sex offenses such as sexual assault or online enticement of minors; and rapes committed in conjunction with more serious offenses such as a homicide.
- Reporting agencies vary by year since this is a voluntary reporting program.
- Rankings are generally believed to be invalid assessments because they ignore variables that affect crime such as age distribution. Comparing one state to another is generally considered an invalid assessment because the age structure

in the two states may differ. It's known that there is a direct relationship between age structure and crime rates.

10:12:39 AM

CHAIR FRENCH asked if the conclusion is that a state with a larger and younger female population would be more likely statistically to have a higher instance of rape, and if he's attempted to compensate for that.

MR. ROSAY replied that is the conclusion and it would be difficult to compensate for that since the reporting agencies vary so much from year to year. Clearly there is need for a statewide surveillance system to collect data from every law enforcement agency in the state. "Only then will we have a true picture of the sexual problem that we have," he said.

CHAIR FRENCH asked if there are gaps in the reporting.

MR. ROSAY replied he doesn't have details but participation varies by agency. For instance, the Juneau Police Department initially did not participate.

10:14:07 AM

REPRESENTATIVE FAIRCLOUGH explained that at the federal level states can report crime manually or electronically and that provides inconsistency in reporting. She added that she believes that the troopers will speak to this.

SENATOR THERRIAULT asked what specific geographic area is included in the Fairbanks statistics. .

MR. ROSAY replied the Fairbanks numbers come from just the city of Fairbanks and the Anchorage numbers come from just the city of Anchorage.

10:15:11 AM

MR. ROSAY said they have no data for victimization surveys on forcible rape or sexual assault for Alaska. Samples used previously for victimization surveys were either too small or did not have any questions about forcible rape or sexual assault. They do have limited victimization surveys on domestic violence showing that rates in Alaska are far higher than elsewhere. Because true victimization rates are completely unknown, the factors that affect reporting differences are not known. He added that two factors are in play when looking at the rates reported in the UCR; one is the underlying victimization rate and the other is the reporting rate. So when Fairbanks has

higher numbers than Anchorage it may be that it has a higher victimization rate or it may be that structures are available in the city of Fairbanks that facilitate or make it more likely that residents will report a forcible rape. At this time those questions can't be answered.

SENATOR DYSON asked if data is kept on the percentage of victims who know the perpetrator.

MR. ROSAY said he has the data but it isn't included in the presentation today. The information is available on the Justice Center website.

SENATOR DYSON asked for an estimate.

MR. ROSAY said AST shows that most suspects are known to the victim; just two percent were strangers. Data from APD shows a higher percentage of strangers. He recalled that it is higher than the national average, which is 16 percent.

CHAIR FRENCH encouraged members who are interested in the topic to look at the research reports that Dr. Rosay and the Justice Center have done.

10:18:02 AM

MR. ROSAY displayed a slide of the victimization costs and stated that as a criminologist he is reluctant to try to quantify the true costs of a forcible rape. However, there are individuals willing to make those calculations and he will summarize what they found. The four studies that were done include only tangible and intangible victim costs. They do not include any offender or justice costs. Tangible costs are ones that are easy to measure like the cost of healthcare related to an assault. Intangible costs are those that are more difficult to measure like the loss of productivity as the result of an assault. Adjusted for inflation, the average victim costs are estimated to be about \$114,517 per victimization. If those estimates are compared to the number of forcible rapes that are reported in Alaska, you find that total victim costs in 2007 were over \$60 million for Alaska, \$29 million for Anchorage, and nearly \$5 million for Fairbanks. If Alaska were to decrease rates of forcible rape by 36 percent so as to not be highest in the nation, it would result in a \$22 million cost savings to Alaska, nearly \$11 million to Anchorage, and nearly \$2 million to Fairbanks.

MR. ROSAY said the state and local data that the Justice Center looked at included four basic sets of studies. Those are the Alaska Sexual Assault Nurse Examiner (SANE) Study, the Alaska State Trooper studies, the Anchorage Police Department studies, and the Alaska Department of Law studies. All the information is available on the Justice Center website at <http://justice.uaa.alaska.edu/vaw>. He reminded members that all the studies the Justice Center has done include only offenses that were reported to law enforcement. We know absolutely nothing about the offenses that were not reported to law enforcement in Alaska, but we do know that nationally 52 percent of sexual assaults are not reported to law enforcement, Mr. Rosay said.

[10:20:51 AM](#)

CHAIR FRENCH asked him to highlight the difference between the information that is gathered from a victimization study versus the information that comes from a reported rape; why the information might be different, and the potential weakness of the victimization studies.

MR. ROSAY explained that the primary advantage of a victimization survey is that information might be obtained from offenses that are not reported to law enforcement. It would also allow identification of hidden populations that have high rates of victimization that for some reason are unable to report.

CHAIR FRENCH said his understanding is that victimization surveys are telephone surveys and would represent just a small segment of the population.

MR. ROSAY agreed that just a sample of the Alaska population would be polled in a sophisticated telephone survey. He added that asking someone if they have been a victim of rape is not likely to provide a valid estimate, but other types of questions elicit more reliable and valid information. Those surveys are done at a national level, but the samples in Alaska are too small to be useful.

[10:22:39 AM](#)

REPRESENTATIVE FAIRCLOUGH said now that there is non-reporting, people in Anchorage can disclose to the municipality's Health and Human Service Department, which provides a new stream of data. She noted that Anchorage has health powers where the rest of the state does not, but the federal government now requires retention of DNA samples from people who choose not to report.

CHAIR FRENCH asked Mr. Rosay to confirm that the Justice Center does conduct victimization surveys, but because the sample size is very small it's difficult to extrapolate what the unreported rape rates might be for the entire state.

MR. ROSAY said that is correct. He added that although anonymous reporting is moving forward, the victim still has to report to a health official and a lot of victims simply won't report to either law enforcement or a health official.

CHAIR FRENCH commented that it is difficult for a lot of people to understand why a victim of a crime would not tell someone, but it happens with stunning regularity.

10:24:38 AM

SENATOR THERRIAULT asked if Representative Fairclough is saying that even if a person chooses not to report there is a way that the data gets into the system.

10:25:02 AM

REPRESENTATIVE FAIRCLOUGH explained that the federal government now requires cities that receive federal funding to provide a way for a rape victim to self report so that they can receive appropriate medical care without going to law enforcement.

MR. ROSAY continued with the presentation and said that in addition to focusing only on offenses that are reported to law enforcement, all the information that the Justice Center has was obtained from official reports. In some ways we are documenting the report characteristics, which may not be the offense characteristics, he said. That is particularly true when victims have used alcohol because many of the offense characteristics may remain unknown and would not be found in a police report. Also, the data collection is only up to 2006 because it's linked to legal resolutions which take time to occur.

MR. ROSAY highlighted that certain difficulties arise when interpreting the results because of an inability to separate differences in victimization rates from differences in reporting. For example, if rates are higher among 15 to 19 year olds there are several possible reasons. This age group truly could have higher victimization rates or it could be reporting at a higher rate or both could be true. At this point we can't figure that out, he said. Likewise, if 15 to 19 year olds are found to be less likely to use alcohol it could simply be a reporting difference because younger victims may be less likely to report that they had used alcohol at the time of the assault.

CHAIR FRENCH asked if anyplace in the nation has been able to integrate their data to the point that they have a statistically valid picture of rape rates.

MR. ROSAY replied he's not aware of any place, but Alaska is ready to move to the next level and get a true picture of what's happening. Victimization surveys are possible as are surveillance systems that he'll describe.

CHAIR FRENCH said when that idea is close to fruition the committee would certainly like to see it in writing.

10:28:35 AM

MR. ROSAY conceded that from a policy and a research point of view it's difficult and frustrating not to be able to separate the victimization and reporting differences. On one hand if there are higher victimization rates in Alaska, then a very important segment of the population is not being protected. That is ultimately a sign of failure. Alternatively, it's a sign of success if reporting rates are actually higher in Alaska. It means that a system is in place that makes people comfortable with reporting. At this point we don't know which it is, he said.

MR. ROSAY displayed a slide showing that the SANE study collected 1,699 medical forensic records. 1,383 records were collected from Anchorage in 1996 to 2004, 105 records were collected from Bethel in 2005 to 2006, 144 records were collected from Fairbanks in 2005 to 2006 and relatively smaller numbers were collected from Homer, Kodiak, Kotzebue, Nome, and Soldotna in 2005.

The AST study examined 989 reports of sexual assault and sexual abuse of a minor in 2003 and 2004. He displayed a state map showing the geographic distribution of the cases broken out by trooper detachment. 49 percent of the cases came from C Detachment in Western Alaska, 16 percent from D Detachment, 11 percent from B Detachment, 11 percent from E Detachment, and 4 percent from A detachment. Obviously something is happening in C Detachment, but the data does not show what that is. It could be that victimization rates are higher or it could be that they are reporting at a higher level.

MR. ROSAY said that the Justice Center has done three sets of studies with the Anchorage Police Department beginning in 2000 and ending in 2005. In the Department of Law studies they

examined all cases reported to law enforcement and followed those through the system. They were looking at which cases were referred for prosecution, which cases were accepted for prosecution, and which cases resulted in any type of conviction. He emphasized that a caveat to the DOL studies is that the conviction may not be for sexual assault; it may be a conviction for a reduced charge.

10:31:11 AM

MR. ROSAY said the key results he will cover include victim and suspect characteristics with respect to race, age, alcohol use as well as the legal resolutions with respect to whether the case was referred, accepted, or resulted in a conviction.

He displayed a pie chart looking at race of the victims and suspects in AST and SANE studies. In the AST study over half of the victims and suspects were Alaska Native. Similarly, in the Fairbanks SANE study slightly over half of the victims and suspects were Alaska Native. In the SANE study from rural locations the majority of victims and suspects were Alaska Native. It's slightly different in the Anchorage SANE study with slightly over half of the victims and slightly over one quarter of the suspects being Alaska Native.

MR. ROSAY displayed a bar graph of the rates of sexual assault reported to APD by victim race for the years 2000 to 2003. It demonstrates clearly that Alaska Natives have significantly higher rates than other ethnic groups [20.1 per 1,000 for Alaska Natives followed by 4.0 per 1,000 for Blacks]. Again, he said, this could be a reporting difference, a victimization difference, or it could be both. Looking at the race of suspects in those same APD studies show that the highest rates are for Black suspects [17.2 per 1,000] followed by Native suspects [9.9 per 1,000] and Hispanic suspects [6.2 per 1,000].

10:33:00 AM

MR. ROSAY said that in every study the Justice Center has done over half the assaults are within the same racial group, which contradicts some reports produced on sexual assaults in Alaska. Intraracial assaults were particularly common among Native suspects. [In the APD study 79 percent of Alaska Native suspects assaulted an Alaska Native victim; in the SANE study 88 percent of Alaska Native suspects assaulted an Alaska Native victim, and in the AST studies 94 percent of Alaska Native suspects assaulted an Alaska Native victim].

MR. ROSAY displayed a bar graph of the number of sexual assaults reported to AST by victim age. 11 percent of the victims were 0 to 5 years of age; 25 percent of the victims were 6 to 12 years of age; and 29 percent were 13 to 12 years of age. 65 percent of victims are under 16 years of age.

[10:34:21 AM](#)

CHAIR FRENCH said the statistics are heartbreaking and the committee is meeting today to try to figure out how to build stronger cases to address this problem.

SENATOR DYSON said although it's not the subject of the meeting today he doesn't want members to lose track of the fact that approximately one-third of minors who are sexually assaulted are boys.

CHAIR FRENCH agreed that it's the women and children of both sexes in this state that are being victimized.

REPRESENTATIVE FAIRCLOUGH drew on her past experience as executive director of STAR and cautioned members not to minimize the fact that although just a small number of adult males report rape, it does not mean that a larger number of adult males haven't experienced rape. Children don't have an opportunity not to report so without a victimization or baseline study for comparison it's not possible to say whether or not the number of sexual assaults on children in Alaska is higher than the national average.

SENATOR MCGUIRE asked the national average of sexual assault of children.

MR. ROSAY replied he doesn't know but the data is available.

SENATOR MCGUIRE commented that the meeting today is an opportunity to find out how to improve data collection.

[10:37:41 AM](#)

MR. ROSAY displayed a slide comparing the age of sexual assault victims in AST and APD cases, which shows that the large percentage of young sexual assault victims is somewhat unique to AST data. Data from the Anchorage Police Department indicates that over half the victims that report to APD are 21 years of age or older.

CHAIR FRENCH asked if he has an explanation for the difference.

MR. ROSAY said not at this point.

REPRESENTATIVE FAIRCLOUGH related that there are established protocols at APD to send children to the Care Center and older age groups to other centers. That could impact reporting if AST doesn't have similar protocols when they do their counting.

SENATOR THERRIAULT asked if APD data is being compared to statewide AST data or to Anchorage area AST data.

MR. ROSAY explained that the data includes any sexual assault reported to AST and any sexual assault reported to APD. A relatively small number of the assaults reported to APD may have occurred outside the Municipality of Anchorage and the reports to AST could come from anywhere within their jurisdiction. Reports to other local or municipal law enforcement agencies are not included in this data.

[10:40:51 AM](#)

SENATOR THERRIAULT asked if it's possible to infer that AST data is from the more rural areas.

MR. ROSAY replied that's generally true.

He clarified that even though the percentage of sexual assaults reported to APD is relatively small for younger victims, calculating the rates does give a slightly different picture.

[10:41:41 AM](#)

A bar graph looking at sexual assaults reported to AST by suspect age shows that the most common age was 21 to 30 [236 or 25 percent] and the next most common age was 16 to 20 [210 or 22 percent]. The next slide comparing the age of suspects in AST cases to the age of suspects in APD cases shows relatively little difference. The real differences between the cases are found in victim ages and not suspect ages. At least with AST cases, the data implies that younger victims are being sexually assaulted by older individuals. The five most common age combinations in AST data are as follows:

1. Victims 0 to 12 years old who are assaulted by suspects who are 31 years of age or older.
2. Victims 13 to 15 years old who are assaulted by suspects who are 16 to 20 years old.
3. Victims 13 to 15 years old who are assaulted by suspects who are 21 to 30 years old.
4. Victims 13 to 15 years old who are assaulted by suspects who are 31 years of age or older.

5. Victims who are 31 years of age or older who are assaulted by suspects who are also 31 years of age or older.

Together, these five combinations account for 48 percent of the cases that the troopers see.

REPRESENTATIVE FAIRCLOUGH asked if the data has been sorted to know if any of the reports, particularly numbers 2 and 3, involve consensual sex with parents reporting statutory rape.

MR. ROSAY replied they haven't done that data sort.

SENATOR THERRIAULT asked why he is using the term suspect rather than perpetrator.

MR. ROSAY replied law enforcement uses that term.

SENATOR DYSON said the person has not been adjudicated so the term suspect is a more accurate term.

CHAIR FRENCH agreed that at this stage of the proceeding you can authoritatively call the person a suspect.

[10:44:29 AM](#)

MR. ROSAY said that with APD data they are able to calculate rates of victimization. Even though the number of reports for younger victims was smaller in APD data, the rates of victimization are much higher. He displayed a slide of four-year rates of victimization per 1,000. It shows that the highest rates are for individuals who are 15 to 19 years of age followed by individuals who are 20 to 24 years of age. As with all the previous results, it is not known if these are reporting differences or victimization differences.

MR. ROSAY displayed a slide showing information from the Youth Risk Behavior Survey and explained that the data comes from a survey of public school students who had parental consent to participate. Limitations of the survey are that it excludes youths who have dropped out of school and students who are enrolled in English as a second language (ESL) classes, special education classes, correspondence schools, group home schools, or correctional schools. That being said, nine percent of students reported being physically forced to have intercourse against their will. The national average is similar at eight percent so perhaps it's a reporting difference, but it's not known if that's the case or not. Responding to a question about

age, he explained that the data is collected from high school students so their age is basically 18 and under.

10:46:40 AM

MR. ROSAY displayed a slide of alcohol use in the three sets of studies. APD studies indicate that every year over 60 percent of victims had used alcohol and over 70 percent of suspects had used alcohol. The statistics are based on what was included in the reports. Information that wasn't included was not captured in these statistics.

In the Alaska SANE study they found that over 65 percent of patients had used alcohol in every location but Homer and Soldotna. At every site over 75 percent of suspects had used alcohol.

In the AST study they found that 27 percent of sexual assault victims had used alcohol. He reminded members that although the number is lower, many of the victims were very young. They also found that 43 percent of suspects had used alcohol.

MR. ROSAY displayed a slide looking at alcohol use by victim age in cases reported to AST.

- In victims 0 to 5 years of age, none had used alcohol prior to the assault.
- In victims 6 to 12 years of age, 3 percent had used alcohol prior to the assault.
- In victims 13 to 17 years of age, 27 percent had used alcohol prior to the assault.

A slide of alcohol use by suspect age shows that 34 percent of suspects 21 to 30 years of age had used alcohol but younger suspects were less likely to do so.

DR ROSAY displayed a slide showing alcohol use by patients who were examined by sexual assault nurse examiners in Alaska and noted that at some sites the sample size is relatively small.

- In Kotzebue 21 patients were examined and 100 percent had used alcohol prior to the assault.
- In Bethel over 105 patients were examined and 71 percent had used alcohol prior to the assault.
- Fairbanks 119 patients were examined and 71 percent had used alcohol prior to the assault.
- In Anchorage 1,279 patients were examined and 66 percent had used alcohol prior to the assault.

This study also examined whether or not the patients were passed out as a result of alcohol use at the time of the assault.

- In Anchorage 23 percent of the 1,349 patients were passed out at the time of the assault.
- In Bethel 46 percent of the 104 patients were passed out at the time of the assault.
- in Fairbanks 31 percent of the 118 patients were passed out at the time of the assaults.

10:49:06 AM

SENATOR DYSON asked if the term "incapacitated" refers only to patients who had passed out as a result of alcohol use.

MR. ROSAY replied that is correct.

SENATOR EGAN asked why Juneau isn't included in the data.

MR. ROSAY said the data comes from the SANE Study and Juneau didn't have a sexual assault nurse examiner at the time of the study.

10:50:12 AM

MR. ROSAY explained that the Department of Law studies began with all sexual assault cases that were reported to law enforcement and then those cases were examined to see which were referred for prosecution. Depending on the particular study, they found that 18 to 46 percent of the cases were referred for prosecution meaning that less than half the cases that are reported to law enforcement will be referred for prosecution.

CHAIR FRENCH said part of the reason for this hearing is to talk about that statistic, but the discussion will come later today with law enforcement.

10:50:39 AM

MR. ROSAY said they found that 60 to 69 percent of the referred cases are accepted for prosecution. Of the cases accepted for prosecution, 78 to 87 percent result in a conviction. However, if those percentages are calculated based on the number of reported cases, the picture isn't as favorable. Again they found that 18 to 46 percent of cases reported to law enforcement are referred for prosecution, but then they found that 12 to 28 percent of the reported cases are accepted for prosecution. As the cases move through the system they found that just 11 to 22 percent of reported cases will result in a conviction. In other words, about 78 percent of the cases that are reported to law

enforcement will not result in a conviction. Again, he said, the caveat is that this is any conviction on any charge.

10:51:49 AM

CHAIR FRENCH said he believes that DOL will say that years ago they created a very strong policy favoring a sex conviction for a sex crime. The years of sexual assault cases being reduced to misdemeanor assaults are long past, but it still goes back to the point that for 1,000 reported rapes some 800 to 900 cases do not result in a conviction.

MR. ROSAY agreed and said the natural question is to ask what factors affect the likelihood that cases will be referred for prosecution, accepted for prosecution, and result in a conviction. He highlighted that what does not affect those likelihoods is geography. If cases from Bush Alaska are compared to cases from non-Bush Alaska (off the road system), the cases that are from off the road system are never less likely to be referred, they are never less likely to be accepted, and they are never less likely to be convicted than cases from on the road system. Similarly, geography does not seem to affect whether or not a case is founded.

CHAIR FRENCH asked Mr. Rosay to take his time discussing this slide because one of the more persistent myths in Alaska is that people in some parts of the state are under-served, over-victimized, and under-prosecuted when it comes to crimes of sexual assault. He said that when he read the Justice Center summer report from last year he was stunned to read how much the evidence rebuts that charge. It speaks highly to the professionalism of the troopers and the DOL prosecutors and it says good things about the state. It is a myth that cases against people in the Bush are treated less seriously than cases in Anchorage.

10:53:57 AM

SENATOR DYSON said he'd also like to know it's not true that victims who are Alaska Native women in Anchorage are treated less fairly than non-Native victims. He suggested that legislators and others in authority positions need to be doing all they can to help that over-represented class of victim.

MR. ROSAY continued to review the slide looking at resolutions by geography and said another way to look at geography is to compare cases in areas that have a trooper post to cases from areas that do not have a trooper post. In that breakdown they found that cases from areas that do not have a trooper post 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 those cases that come from locations that do have a trooper post.

10:55:30 AM

MR. ROSAY said that through all the studies the Justice Center has done, they have come up with the following conclusions:

- Enhancing the presence of local paraprofessional police does seem to make a difference. This includes VPSO, VPO, and TPO. Some of the studies have shown that having a VPSO on site reduces by 40 percent rates of serious injury caused by assault. Their presence increases by 3.5 times the likelihood that sexual assault cases will be accepted for prosecution once they are referred.

CHAIR FRENCH asked what he means when he says enhancing local presence.

MR. ROSAY replied they're talking about having any presence. He reiterated that having a VPSO respond to an assault increases by 3.5 times the likelihood that the case will be accepted for prosecution.

CHAIR FRENCH observed that it's not so much the absence of a trooper as the absence of a first responder regardless of whether it's a trooper or a VPSO. It's not that you have to have a trooper, but you have to have somebody who will respond immediately.

MR. ROSAY added that having a local presence reduces the rates of injury and it dramatically increases the likelihood that cases will be referred for prosecution. Once you increase the likelihood that cases will be accepted, then that affect funnels through the system and results in higher conviction rates.

MR. ROSAY continued to outline the conclusions that the Justice Center has come to through the studies it has done:

- Strengthening local alcohol prohibitions appears to be important. The rates of serious injury from assault are 36 percent lower in dry villages compared to other villages. Cases where alcohol use is involved are far less likely to be referred for prosecution, and far less likely to be accepted for prosecution. Alcohol use complicates an investigation because it's difficult to investigate offenses when details of the offense are not available.

- Enhancing investigations is likely the most important thing to increase referral. In these very difficult cases where alcohol is involved, the solution is to enhance investigation capacity. This is particularly important to the largest hurdle in the process, which is the likelihood of a case being referred for prosecution. The likelihood of a case being referred for prosecution more than triples when witnesses can be located and interviewed and when law enforcement has the time and resources available to get victim cooperation. This process takes time and having the time to investigate and close cases will also increase the likelihood that cases are accepted for prosecution.
- Promoting access to sexual assault nurse examiners is also important. Medical-forensic exams more than double the likelihood that cases will be accepted for prosecution. In particular, the documentation of non-genital injury is important. It dramatically increases the likelihood that cases will be referred, that they will be accepted, and that they will result in a conviction. Ultimately, sexual assault nurse examiners offer the best standard of care available and nothing less than that is acceptable.

REPRESENTATIVE FAIRCLOUGH related that her experience is that in some areas of Alaska, Dillingham for example, people are opposed to having SANE nurses or the process on site. She doesn't know why they feel that way and would be interested to know if the committee could tease that out.

[11:00:31 AM](#)

MR. ROSAY said it's critically important to understand that treatment can work. In Alaska the numbers on recidivism are fairly good. He displayed a slide of a pie chart and explained that they examined offenders that were released from the Alaska Department of Correction in 2001 and tracked recidivism for three years. He related that this was done by McKelvey of the Statistical Analysis Center.

CHAIR FRENCH asked if these are all offenders released from DOC, not just people with sex offenses.

MR. ROSAY said that's correct.

SENATOR MCGUIRE said she understands the point, but she is very concerned about having this slide appear within the context of the hearing because there hasn't been progress with recidivism when it comes to sexual offenses. "The Containment Project and others have been methods of dealing with it and I get very

concerned about these kinds of slides. ... We had a hearing last year that brought this data into that hearing and made it confusing. So I just think that if there is a way possible, the slide here ought to be recidivism with respect to those sexual offenses and we might even want to ferret it out by age," she stated.

11:02:07 AM

MR. ROSAY agreed that could be done. He explained that the slide is looking at any rearrest on any charge for the offenders that were released in 2001. The bad news is that 40 percent were rearrested and reconvicted. Another 21 percent were rearrested but not reconvicted and 39 percent were not rearrested. The good news is that if you look at recidivism between sex offenses and non-sex offenses, there was no difference between the offenders. The important point is that sex offenders were not more likely to be rearrested or to be reconvicted on a sex offense. But the reason this is problematic is that it's known that sex offenses are less likely to be reported. Again, he said, teasing out those effects is going to be difficult.

11:03:02 AM

REPRESENTATIVE FAIRCLOUGH pointed out that as people get older they are less likely to reoffend. However, as they go through treatment they learn about how they got caught so they become smarter more devious criminals should they elect to reoffend. She added that she doesn't mean to rain on this data, but multiple things make this interesting.

11:03:47 AM

CHAIR FRENCH said that's the beauty and terror of the polygraph examination. When convicted sex offenders are submitted to a polygraph a lot of the hiding and denial goes away. He noted that polygraphs were the focus of a previous hearing. For the public's information, those interviews are not used for further prosecution, but they are valuable in finding out when individuals start straying from probation conditions and engaging in risky behaviors. For the offenders that are caught and prosecuted and put on probation we're doing a fairly good job, but the focus of the hearing today is in the field where the crimes are being committed.

MR. ROSAY displayed a line graph and explained that they examined juvenile sex offenders that were released from the Alaska Division of Juvenile Justice in FY05 to FY07. They used group-based models to identify common histories of delinquent behavior. Essentially there was a high delinquency group and a

low delinquency group and they found that by age 17 individuals in both groups showed dramatic declines in offending. He said it's important to understand that these rates are calculated controlling for periods of detention and institutionalization.

MR. ROSAY said he would conclude by highlighting research needs in the state.

- First and foremost a statewide victimization survey is extremely important in order to obtain reliable and valid victimization estimates. This is the only way to evaluate whether Alaska has high victimization rates, high reporting rates, or both. It's the only way to identify the factors that hinder reporting and it's ultimately the only way to evaluate the criminal justice and other responses.
- A statewide surveillance system would be extremely useful because it would allow tracking sexual assaults from report to conviction. It would provide real time information so that when there is a change in age of victims or numbers of sexual assaults that are occurring in a particular jurisdiction the information could be analyzed quickly and perhaps tentative answers could be provided to better understand what may be happening with sexual assaults in the state.

[11:07:07 AM](#)

CHAIR FRENCH said on that point he'll be posing the question to both the troopers and APD representatives because it seems that it's between the local police agencies and the troopers that there is a lack of data integration.

MR. ROSAY said he'll let the troopers answer that question, but an important point is that this would be a statewide system where every law enforcement agency in the state would participate. That's unlike the Uniform Crime Reports, which do not capture information from all law enforcement agencies. In fact, they don't capture the majority of the sexual assaults that are occurring in Alaska because they are focusing on forcible rape.

CHAIR FRENCH said he sees a bill idea cloud appearing before the group that's here today.

[11:08:03 AM](#)

SENATOR MCGUIRE agreed and asked if he's aware of other states that have their own surveillance systems that integrate data and dovetail into the larger CODIS system.

MR. ROSAY replied at this point the largest system exists through CODIS. He isn't aware of other states doing this but suspects that smaller states that have every law enforcement agency participating in the Uniform Crime Reports could have a statewide picture of forcible rape. Sexual assaults would not be included. Alaska does have the opportunity to lead the effort to create a system that would give a statewide picture of what's happening with sexual assaults, he added.

[11:09:44 AM](#)

SENATOR MCGUIRE suggested that the Council of State Governments Justice Center might be interested in partnering and providing resources. They track this sort of data and are interested in this sort of landmark opportunity. She offered to help make this connection if he is willing and interested.

MR. ROSAY replied he would appreciate the help.

In conclusion Mr. Rosay reiterated that additional research is important to differentiate between high victimization and high reporting. High victimization ultimately implies failure and high reporting ultimately implies success. At this point there is no information as to whether Alaska is succeeding or failing.

CHAIR FRENCH thanked Mr. Rosay for his presentation and recognized Tara Henry. He disclosed that he and Ms. Henry have worked together over the years and he thinks highly of her.

[11:12:42 AM](#)

TARA HENRY, Forensic Nurse, said she helped start the first Sexual Assault Nurse Examiner program in Anchorage and supervised it for six years. Since leaving the program in 2003 she has focused on helping to start and maintain SANE programs statewide. In the last couple of years much of her work has been to work in this field on a national level through the International Association of Forensic Nurses (IAFN). For the last 10 years she has been the forensic nurse who works at the State Medical Examiner Office on rape/homicide cases.

MS. HENRY explained that forensic nursing is a specific science where the science of nursing is applied to sexual assault and domestic violence legal issues. This unique body of knowledge isn't found in any other area of nursing because it combines the bio, psycho, social, and spiritual education of the registered nurse with forensic and criminal justice sciences. Essentially, forensic nurses work with the living and deceased, trauma, or criminal activity to be able to provide care for their patients.

A forensic nurse examiner has multiple specialty areas, but the most prominent is within the interpersonal violence area. They work with victims of sexual assault, domestic violence, child abuse, elder abuse, violence and torture. A sexual assault nurse examiner (SANE) is a subspecialty of forensic nursing that was developed in Memphis Tennessee in 1976. Not much was heard about this nursing specialty until the 1990s when California implemented a more multidisciplinary approach for sexual assault response teams. At that point SANEs began working closely with advocacy and law enforcement agencies to respond to sexual assaults. Prior to that, these specialized nurses weren't working as compatibly with other team members.

[11:16:17 AM](#)

The goal of a sexual assault nurse examiner "is to provide a professional nursing care that assesses, evaluates, diagnoses, and implements care to restore and promote the biological, psychological, and social health of the victim throughout the medical forensic evaluation process." A forensic nurse's primary focus is on the health and wellbeing of the patient while collecting forensic samples.

National data shows that when a SANE program has been implemented in a community, the medical care for sexual assault patients has been improved. Their injuries are taken care of better, they receive better prevention for sexually transmitted infections, and pregnancy prevention is improved. Also, the nursing documentation of the physical findings has been improved so that the medical evidence can be used when cases are investigated and brought to trial. Forensic nurses who are specialized in doing sexual assault cases know the importance of their medical information in the criminal justice outcome. Over the years they have found that mental health outcomes are better when sexual assault victims have access to care by SANEs. These patients are less likely to have a post traumatic stress disorder from the sexual assault. Not only is the physical injury care better, the mental care also is better.

They also have improved forensic evidence collection which means that there is more DNA being found. Several studies have compared evidence collection kits from crime labs that have forensic nurses collecting the kits versus non-forensic nurses and evidence collected [by the forensic nurses] is always superior. Nationwide it's shown that prosecution rates at least double when a sexual assault nurse examiner does the examination. Not only do sexual assault nurse examiners improve

care, they also have training and experience in providing expert witness testimony in the criminal justice process to help the jury understand what the findings mean. Oftentimes there is a question about the meaning of a bruise, a genital finding or lack of genital finding, an emotional response or lack of emotional response. The forensic nurse has the ability to help the prosecutor educate the jury.

11:20:57 AM

MS. HENRY said a new 12-year study by Dr. Rebecca Campbell found that there is an indirect affect on the criminal justice process when SANEs meet the patient's medical and psychological needs. Responding to a question, she clarified that the study was done in a single Lower-48 state. When SANEs helped victims to heal, that indirectly affected the victims' willingness to participate in the criminal justice system and go forward with legal prosecution. The study said that the SANEs' attention to the emotional and physical wellbeing decreased the PTSD and gave that survivor the psychological ability to continue with the criminal justice system. It's exciting to know that not only does the forensic sample colleting improve prosecutions but it's also forensic nursing care that's having an effect.

CHAIR FRENCH said this is essentially producing a stronger victim.

MS. HENRY agreed adding that SANEs are playing a vital role in Alaska and nationally in responding to sexual assaults. Not only are there improved medical, psychological, and legal outcomes, forensic nursing is also focused on sexual assault prevention. Forensic nurses do a lot of public health intervention and prevention working with the International Association of Forensic Nurses and the Center for Disease Control. She added that she is looking at primary prevention from a healthcare perspective. In Alaska forensic nurses have done prevention work with schools and other healthcare providers to stop sexual assaults before they happen or to minimize the trauma once they occur.

11:24:06 AM

MS. HENRY relayed that in Alaska the first SANE program was started in Homer in 1994. Since that time 15 communities started programs, but three have closed and three never became fully functional. Four other programs haven't taken the step to close, but they no longer have SANEs. One program that currently has three SANEs will lose two by September so it's probably on the verge of closing. The four SANE programs that are fully

functioning are located in Anchorage, Fairbanks, Soldotna, and Kenai. Soldotna and Kenai are coordinated by the same individual so it's really one program in two different communities.

[11:26:09 AM](#)

Responding to a question about whether or not there is a SANE program in Juneau, she explained that the Kodiak, Sitka, and Palmer programs have closed. Although they did training in Barrow in about 2005 and Juneau in 2007 neither program has gotten off the ground.

[11:27:17 AM](#)

CHAIR FRENCH asked what factors produce a community that will support a SANE program versus one that isn't.

MS. HENRY said she'll talk about that soon.

SENATOR THERRIAULT asked if a SANE program has nurses that have taken specific training and operate under a certain protocol and if they quit their other nursing duties or add to their existing duties.

MS. HENRY explained that SANE programs come about with hospital support. They hire nurses that work as sexual assault nurse examiners, put protocols in place, dedicating a room for the examinations, and providing ongoing maintenance.

REPRESENTATIVE FAIRCLOUGH said Anchorage would not have an active SART (sexual assault response training) program if it were not for Tara Henry. I want to thank you publicly, she said.

[11:29:55 AM](#)

MS. HENRY continued to explain that programs in Juneau and Barrow haven't gotten off the ground and Ketchikan has a quasi-program that isn't fully functioning. The four programs that no longer have SANEs include Bethel, Nome, Kotzebue, and Eastern Aleutian Tribes. In September the SANE program in Dillingham will lose two of their three SANE nurses.

[11:32:01 AM](#)

SENATOR MCGUIRE asked if any consideration has been given to using traveling nurses for SANE programs. She then asked if SANE programs have funding issues or nurse recruitment issues or both.

[11:33:01 AM](#)

MS. HENRY said she'll address the second question in a few minutes. With respect to the first question, she explained that the idea of traveling nurse examiners has been discussed but certain things have to be put in place first. Paperwork has to be standardized so that documentation is the same in all areas and the SANE programs all have to operate under the same programmatic protocols. The next step is to work with the different hospitals to put contracts in place and ensure that the nurses have housing. Telemedicine has been successfully implemented in some SANE programs in the Lower-48 and that's another consideration for Alaska.

[11:35:28 AM](#)

CHAIR FRENCH asked if a SANE nurse is dedicated to only look at sexual assault victims.

MS. HENRY replied the SANE job is an extra duty in all but three of the programs so SANE nurses basically have two fulltime jobs. Kenai has one fulltime forensic nurse, Anchorage has two, and Fairbanks currently has three. Fairbanks used to have their SANE program operate out of the ER with on call forensic nurses. But then the hospital stepped up its commitment and made a forensic nursing services department. These forensic nurses are now seeing adult, adolescent and pediatric sexual assaults and are formally assessing injuries and risks of domestic violence (DV) victims who haven't been sexually assaulted. Before the program was implemented 144 patients were seen in 2005 and 2006. So far this year 305 victims of sexual assault and domestic violence have been seen and that number will likely rise to 600 by year end. The only real difference is that the Fairbanks hospital made a formal forensic nursing program and put money into it.

[11:38:17 AM](#)

SENATOR MCGUIRE asked if part of the SANE training is devoted to responding to the needs of children to lessen their trauma. She also asked who responds to and examines a child if there is no SANE program in the community.

MS. HENRY replied it depends on the program and whether the nurse has training in pediatrics. Some SANE nurses, like the one in Homer, see all age ranges. Nurses in the Anchorage program see adolescents 16 years and older. Children under age 16 go to the child advocacy center, Alaska CARES (Child Abuse Response & Evaluation Services). In Bethel it depends on which forensic nurse is there. One nurse was trained in pediatrics and adult so she saw all sexual assault cases. When she left the remaining SANE was only trained in adolescent and adult so the pediatric

cases are seen by local physicians or sent to Anchorage. When there is no SANE nurse in the program, the victim may be flown to Anchorage or Fairbanks. In some cases the victim may be given a basic medical exam by the local ER physician or nurse who has not had training will do an evidence collection by reading the instructions on the kit.

11:41:13 AM

SENATOR MCGUIRE stressed the importance of understanding how stories are told to the community. Being put on a plane and sent to a large unfamiliar community for an examination can be frightening and being examined by someone who isn't trained can result in a sense of re-victimization. These experiences and the stories from others could be a deterrent for people to report.

SENATOR DYSON said Senator McGuire covered his point, which is the genius of the approach that Alaska's child advocacy centers take. It certainly can be applied to adults to try to minimize trauma, he added.

11:43:30 AM

MS. HENRY said the primary challenge is to sustain existing SANE programs. While Alaska has some unique problems, sustainability isn't unique to Alaska. Staffing is an issue because it's difficult to find nurses that are interested in this specific type of work. Sexual assault victims and nurses are primarily female and a lot of nurses have their own victimization issues that may prevent them from doing this work. Also, most of the positions are on call so the nurse has to be within 30 to 45 minutes response time to the hospital in case a sexual assault is reported. Some hospitals pay \$2 to \$4 [per hour] for being on call while others pay nothing so you're basically volunteering to do the second job. For example, if you are working fulltime in the ER at Fairbanks Memorial Hospital and taking calls for the SANE program, the hospital has to pay everything on overtime when you get called in. It's expensive for the hospital to pay the nurses to do this work, but the reality is that the nurses don't get much pay so there is little monetary incentive.

Also, a substantial amount of work goes into the upkeep of the standards of care. Someone can't simply go to training and then go back and do the work. There are competency skills to maintain, ongoing training throughout the year, quality assurance and peer reviews, initial and follow-up exams, and court time. Nurses aren't always paid for the time they spend doing these things. If you are in a program that sees five to ten cases a year it's difficult to maintain competencies without

traveling someplace to get the additional experience, which is difficult.

Another challenge is the high burnout rate for SANE nurses. While physician and nurse colleagues are generally very supportive, there is little interest in doing this work. If, for example, there is just one SANE nurse in Bethel who is trying to work their fulltime job and also the sexual assault cases they will eventually move on because they can't do it any longer.

Financially it's difficult to sustain a SANE program because hospitals lose money on them. While law enforcement pays for the forensic exam, all the medical costs including medication and lab testing is borne by the hospital. Patients and insurance companies are not billed.

CHAIR FRENCH asked if that is done for the obvious reason of not putting any financial penalty on the victim, for privacy reasons, or a combination of the two.

[11:50:24 AM](#)

MS. HENRY replied it's a combination, but unreimbursed costs make it difficult to sustain these programs. For example, the cost to run the Fairbanks program for one year is a little more than \$250,000 and the only reimbursement they receive is for the forensic portion of the exams. Anchorage is fortunate because it gets grant funding directly to the program, but a lot of communities aren't able to get that funding. Lots of funding goes to advocacy and law enforcement for sexual assault but there hasn't been a direct funding stream to the medical community to maintain these programs for sexual assault.

SENATOR MCGUIRE asked if she has considered making SANE nurses state employees under law enforcement.

MS. HENRY said some Lower-48 states have looked at that. Massachusetts, for example, has a line item in their state budget for sexual assault nurse examiner programs. A nurse manages the training and it works very well. She added that because SANE nurses work in the medical arena, it isn't the best practice for them to work through a law enforcement agency. Already they face claims that the police bring the patients to the nurses and they do what the police want. When SANE nurses go to court that sort of claim could be a real distraction if the nurses actually were working under a law enforcement agency.

[11:54:47 AM](#)

CHAIR FRENCH commented that he sees another idea bubble.

SENATOR MCGUIRE said this is clearly a public health matter and it's clear that the current approach isn't working so we ought to consider the state employee concept. Having a trained nursing workforce that could respond either through telemedicine or by going into the field is a good idea.

MS. HENRY said she would be happy to have further conversations about that.

CHAIR FRENCH added that it's a great concept.

MS. HENRY said the workload and finances are the two main challenges associated with sustaining SANE programs in Alaska and nationally. Thus far there aren't a lot of solutions but on a national level they are looking at the grant funding that the National Sexual Violence Resource Center received from the National Institute of Justice. A consultant group of 12 SANEs have been working on the SANE Sustainability Project looking at programs throughout the U.S. that are on the verge of collapse. The consultants look at the difficulties the program is having and then provide feedback and tools that will help to sustain the program.

On a national level the programs have similar problems, but because of differing state dynamics the challenges are specific to a program. For example, what is happening in Bethel that makes a program difficult to sustain may not be the same as in Anchorage or Kotzebue. Sometimes the issue is administrative, sometimes it's staffing at the hospital, and sometimes it's entirely different so the SANE Sustainability Project goes to the different communities to do assessments. Research will come from that to give guidance as to what programs can do on a national level. We're always open to suggestions about working with communities in the state to find solutions, she said.

[11:58:41 AM](#)

CHAIR FRENCH asked if SANE nurses are mandated to report to law enforcement if someone self presents.

MS. HENRY said SANE nurses are healthcare providers so they have to follow the statutorily mandated reporting rules. As Representative Fairclough mentioned, Anchorage has implemented anonymous reporting so a victim who doesn't want to go to law enforcement can go to the Anchorage SANE Program or Forensic Nursing Services at Providence. The nurse will do an anonymous

medical evaluation and forensic sample collection kit. Under a Jane Doe they will give that kit to law enforcement to hold and secure in case the victim later decides to come forward and make a report to law enforcement. An investigation could then go forward.

CHAIR FRENCH asked what gets the nurse off the hook since they are commanded by state law to make a report.

MS. HENRY replied this option is only available to victims over age 18. Sexual assault is not in and of itself a mandatory report unless it's of a child or vulnerable adult. If the sexual assault involves guns, knives, or the wounds the victim sustains are likely to cause death, reporting is mandatory.

[12:01:06 PM](#)

CHAIR FRENCH recapped that an adult female who presents herself to the hospital alleging she was raped can ask for and receive an anonymous medical examination and forensic kit collection and the incident will not be reported to the police unless she decides to do so.

MS. HENRY said that's correct; the victim signs a release allowing the nurse to provide her information to law enforcement.

SENATOR MCGUIRE asked if the victim could ask that all the information about the sexual assault except her name be reported to law enforcement.

MS. HENRY explained that they follow HIPAA and if it's not a mandatory report they would not provide just some information to law enforcement. She deferred to Lieutenant Booker or the troopers to articulate the law enforcement perspective.

[12:02:37 PM](#)

SENATOR MCGUIRE suggested the committee consider mandatory reporting of the data that is characteristic of the incident while redacting personal information.

CHAIR FRENCH said you're looking for a way to gather the data without exposing the victim to a process that she doesn't want to be exposed to.

MS. HENRY said anonymous reporting statewide is still a work in progress. Thus far Anchorage, Kenai, and Fairbanks are the only programs that have been seeing anonymous cases. That information

is being collected to get an idea of how many anonymous cases are coming in.

SENATOR WIELECHOWSKI asked if she knows the number of rapes that result in pregnancy.

MS. HENRY replied she doesn't have the data in her head but she could get that.

SENATOR WIELECHOWSKI said he'd be interested.

[12:05:13 PM](#)

CHAIR FRENCH thanked Ms. Henry for her presentation and recessed the meeting until 1:30 pm.

[1:38:02 PM](#)

CHAIR FRENCH reconvened the meeting and announced that this afternoon is devoted to the law enforcement perspective.

SERGEANT KEN MCCOY, Anchorage Police Department, Municipality of Anchorage, thanked the committee for giving him the opportunity to give a frontline perspective of what law enforcement investigators are faced with in trying to reduce sexual assaults. He related that he has been a police officer for 15 years and served as a detective in the special victims unit for four years. As the lead investigator he investigated over 220 sexual assaults. Now he supervises that unit, which consists of seven detectives and an administrative clerk.

SERGEANT MCCOY explained that the Anchorage special victims unit is part of a multidisciplinary sexual assault team that is comprised of Anchorage police, forensic nurses, and advocates from Standing Together Against Rape (STAR). Their model for addressing sexual assault is very progressive and they believe that the process lessens the impact on victims who come forward to report a sexual assault. They primarily investigate cases involving victims who are 16 years and older.

[1:40:38 PM](#)

SERGEANT MCCOY said that as of June 30, 2009 he has reviewed 394 sex crime cases. That is 142 more cases than were seen at the same time last year and their resources are taxed. He doesn't know why there has been such a large increase, but alcohol plays a very active role in the cases they investigate. Most studies show that alcohol is a factor in 50 percent to 60 percent of cases, but as an investigator he believes it's more like 80 percent to 90 percent of the case.

SERGEANT MCCOY said this summer there has been an increase in cases involving chronic inebriation in the homeless community. He related that on the way to this meeting he heard a dispatch of a sexual assault in progress in a local Anchorage park. This summer these calls are increasingly common and frequently involve the homeless population and extreme intoxication. The victims are unconscious while someone has sex with them in public. The acts are witnessed and reported by citizens driving and walking by. Cases of people socializing and consuming alcohol to the point that they black out are also on the rise. The inebriated person does not recall what occurred but later reports that they were sexually assaulted. Although victims know their assailant in more than 60 percent of the cases, a number of recent investigations have involved a stranger who committed the assault.

SERGEANT MCCOY said a major challenge is the lack of investigators relative to the increased case load. "We are currently looking at about 140 additional cases right now. That number of cases I could easily distribute amongst two to three additional detectives to handle that type of caseload," he said. When investigating sexual assaults it takes three investigators to accurately and completely investigate the victim, the physical location of the crime, and the suspect. With current staffing they often can only dispatch two detectives with the additional responsibility falling on patrol officers even though the case would be best suited for full detective resources.

[1:46:19 PM](#)

REPRESENTATIVE FAIRCLOUGH asked if there is an increase in the homeless population in Anchorage and what the percentage might be.

SERGEANT MCCOY said he doesn't have any numbers but they have seen an increase in calls for service to that community, particularly in the area of sexual assault.

REPRESENTATIVE FAIRCLOUGH asked if there is an effort to get those numbers and if the migration from rural Alaska is affecting the homeless population.

SERGEANT MCCOY said he doesn't have an answer.

CHAIR FRENCH said this morning the committee learned a lot about case attrition and although he doesn't recall the numbers for APD, he's interested in knowing what happens in the screening

process at the investigator level and then at the Department of Law that determine whether a case will go forward or not. How do you train a detective to know when a case is strong enough to go forward to the DA, when it needs more evidence, and when it should be shelved?

SERGEANT MCCOY replied most of their cases rely on DNA evidence so collecting that evidence is a primary goal. What they're seeing is that laboratory resources are insufficient. Last week he received results from a case that is seven years old.

CHAIR FRENCH said that had to be an unusual circumstance.

SERGEANT MCCOY responded this is more and more the case. The evidence from that case was collected in 2002. Last October he was notified that the state crime lab had over 100 victim sexual assault kits that had not been processed. Some dated back to 2004. Investigators can't move forward without the test results from those evidence collection kits that were taken at the time of the sexual assault.

[1:50:20 PM](#)

CHAIR FRENCH expressed doubt that most DNA samples languish for years in the crime lab. Referencing the sexual assault in the park today, he asked Sergeant McCoy what he expects the processing time to be for that DNA sample.

SERGEANT MCCOY said an expedited time would be perhaps six months. He added that they are yet to get results on a priority case from February and he doesn't see things getting much better. Recently they learned that DNA evidence now has to be screened by a DNA committee before it's tested. His understanding is that the committee sends to the Department of Law (DOL) a list of cases that are in the screening process and awaiting trial. DOL tells the committee which cases are priority and they get processed. To APD investigators this means that if they send evidence to the lab in a case where someone hasn't been charged it won't be on the DA's priority list.

CHAIR FRENCH observed that it's not on the DA's priority because that office doesn't know about the case.

[1:52:39 PM](#)

SERGEANT MCCOY agreed, but the result is that the case doesn't get processed so he believes that this new process will create further backlog.

REPRESENTATIVE FAIRCLOUGH asked how the three strikes law has affected APD's working relationship with the DA's office in prioritizing cases for DNA testing.

SERGEANT MCCOY replied it's had a direct impact; more defendants are fighting their cases because the increased penalties mean substantially more jail time. Investigators are going to court more often and they need all the DNA resources available to present a strong case. The stakes are very high. I applaud greater penalties but we need more resources to withstand these court battles, he added.

REPRESENTATIVE FAIRCLOUGH commented that DNA is a blessing to an airtight case and increasingly jurors are reluctant to cast a guilty verdict without it.

SERGEANT MCCOY agreed and cited an example where a suspect was on videotape touching a woman's genitals, but was not convicted because the victim's clothing had not been tested for DNA

[1:56:40 PM](#)

CHAIR FRENCH asked if he'd like to see DNA evidence handled differently, perhaps like he's seen it handled in different jurisdictions.

SERGEANT MCCOY replied a lot of jurisdictions have started using private laboratories. When APD has done that they've gotten the results in a timely manner, which allowed them to move forward quickly with the investigation. "When we do get the results from our state crime lab, the results are great and the work product is great. It's just getting it done to where we can use it." Responding to a question, he said the private labs are not in Alaska.

CHAIR FRENCH observed that if the case goes to trial there would be an added expense associated with bringing a certified DNA laboratory technician to Alaska to testify in front of the jury.

SERGEANT MCCOY agreed and restated that DNA and the backlog of cases are significant challenges.

CHAIR FRENCH assured him those points are on his list.

[1:58:24 PM](#)

REPRESENTATIVE FAIRCLOUGH asked if the Municipality of Anchorage contributes monetarily to the state crime lab.

SERGEANT MCCOY replied he doesn't believe so, but he isn't certain.

REPRESENTATIVE FAIRCLOUGH suggested that MOA might consider funding a position at the state crime lab in an effort to help move municipal cases forward.

SERGEANT MCCOY recalled that at one time there was a DNA analyst who was dedicated to processing sexual assault evidence for APD. He doesn't know the source of the funding for that position.

[2:00:11 PM](#)

SERGEANT MCCOY addressed a question about reduction strategies and summarized that many of the sexual assault crimes are occurring in social settings between people who know each other. These scenarios don't lend themselves to police intervention and prevention has proved to be difficult. That leaves education. When he was growing up he was taught to fight, yell, scream, and run to get help if someone was doing something that made him uncomfortable. As an investigator he's seen that a high level of resistance reduces the likelihood of a sexual assault being carried out. In cases where the assault still occurs investigators are left with evidence to support a good criminal case.

SENATOR MCGUIRE asked why the special victims unit doesn't see more kids.

[2:03:24 PM](#)

SERGEANT MCCOY explained that APD has two dedicated specialized units to investigate sex crimes. His seven-detective unit investigates all sexual assaults involving victims age 16 and above. The other unit also has seven specialized detectives, but they investigate sex crimes involving children age 15 and younger.

SENATOR MCGUIRE asked if someone from that unit is present today.

SERGEANT MCCOY answered no.

SENATOR MCGUIRE asked if he is prepared to answer questions about that unit and if not she'd like a follow-up report on the trends they are seeing.

SERGEANT MCCOY said he has some numbers that may translate, but he isn't prepared to speak on behalf of that unit.

SENATOR MCGUIRE expressed an interest in getting the information.

SERGEANT MCCOY said they are seeing some of the same trends for juveniles age 15 and younger. In most cases the assailant is known to the victim and most of the time it occurs within the family unit. Alcohol is often a factor on the part of the perpetrator, not the juvenile. The Crimes Against Children unit has seen an increase in sexual assault and child abuse. As of June 30, 558 cases had been screened compared to 534 cases during the same time last year.

[2:06:16 PM](#)

CHAIR FRENCH observed that the number of adult cases nearly doubled while juvenile cases increased by 24.

SERGEANT MCCOY said it's difficult to say why that is, but his unit has seen steady increases over the last three years. Other crime categories have decreased or maintained their level.

CHAIR FRENCH said they learned this morning that the reason could be better reporting, which is a benefit, or it could be greater victimization, which is not. The fact is that we don't know which it is, he said.

SERGEANT MCCOY said Anchorage provides a very good service to victims of sexual assault and people may feel more comfortable reporting, but it's hard to say. That could account for the increase, it could be other factors, or it could be a combination.

CHAIR FRENCH noted that Sergeant McCoy's number one wish would be faster DNA processing and asked what, other than more people to do investigations, his number two wish would be.

SERGEANT MCCOY replied a strong education component is needed because the people that present as repeat victims oftentimes were victimized as children. The cycle continues and as adults they are falling victim to perpetrators in the community.

CHAIR FRENCH asked what sort of follow-up services are provided to victims of sexual assault. Who sees the victim two weeks or even a year after the trial?

[2:09:10 PM](#)

SERGEANT MCCOY replied they are fortunate to have a good working relationship with STAR. They are an invaluable resource and provide continuing counseling and support to victims. Sometimes these cases take years to get to trial and if it weren't for STAR it would be difficult to keep the victims on track and to hold the cases together for the long haul through court, he said.

[2:09:57 PM](#)

SENATOR MCGUIRE asked if APD is conducting victim surveys and collecting data from the victim's perspective. She also asked if they collect data on the assailant and if that information is passed along to UAA.

SERGEANT MCCOY replied they collect that data and routinely provide it to Mr. Rosay.

REPRESENTATIVE FAIRCLOUGH added that it's dependent on whether the state or some other agency is willing to invest money to collect the data to get the baseline that Mr. Rosay has asked for.

CHAIR FRENCH thanked Sergeant McCoy for his presentation and for taking time to meet with the committee.

CHAIR FRENCH recognized Mr. Krause as the next presenter and said he can tell how VPSOs in one part of the state respond to the continuing sexual assault crisis.

[2:12:32 PM](#)

RICHARD KRAUSE, VPSO Coordinator, Aleutian Pribilof Island Association (APIA), introduced himself and said he has worked as coordinator since 1989. He related that VPSOs are located in Atka, Atkutan, Nelson Lagoon, False Pass, and St. George. He hopes to establish a VPSO in Cold Bay, but housing is an issue. He'd also like to put a VPSO on the Aleutian Chain in the small village of Nikolski. The village has not requested a VPSO so he can't move forward, but from his perspective there is a need. He cited an example of an ongoing family situation on St. George Island. There is alcohol abuse by minors, threatened suicide, allegations of rape that are recanted and then confirmed by siblings, and no safe house in the community.

[2:19:20 PM](#)

CHAIR FRENCH summarized that there's a pattern of abuse in a remote area, but it's difficult to build a prosecution based on recantation, alcohol abuse, and non cooperation.

MR. KRAUSE said it's a never-ending cycle. Logistics are an issue - oftentimes because of weather - but response to this type of situation is just too slow.

[2:20:35 PM](#)

CHAIR FRENCH asked what sort of training APIA provides new VPSOs in responding to sex assault and sex abuse of a minor.

MR. KRAUSE replied their annual regional training addresses domestic violence more than sexual abuse of minors. It's up to the troopers to do those investigations. The same is true for sexual abuse of adults but VPSOs often end up doing those investigations. "Sometimes it happens sometimes it doesn't."

CHAIR FRENCH asked if the VPSOs all have cameras to gather photographic evidence.

MR. KRAUSE said yes.

CHAIR FRENCH asked how many reports of sex assault come out of the area each year.

MR. KRAUSE estimated there are 18 to 20 or 1.5 per month.

CHAIR FRENCH asked what two or three things he'd put on a wish list to make prosecution of these cases more successful.

MR. KRAUSE said his first wish is to see more Office of Children's Services (OCS) workers.

[2:22:21 PM](#)

CHAIR FRENCH asked where the OCS workers that cover the Aleutian/Pribilof region are based.

MR. KRAUSE replied Atka, Nikolski, Unalaska, St. George, and St. Paul are served by an OCS worker who lives in Unalaska. Nelson Lagoon, False Pass, Sand Point, and King Salmon are served by an OCS worker from King Salmon.

CHAIR FRENCH noted that OCS responses pertain to allegations of crimes against children and asked where the system fails adult victims.

MR. KRAUSE replied more timely responses by everyone and more troopers would be helpful as well. Now troopers work with VPSOs and have other jobs as well and he believes that it would be

more effective if particular troopers worked with certain villages and certain VPSOs and that was the extent of their job. He added that more frequent trips to the villages would be helpful because right now people think someone is going to be arrested when a trooper shows up.

2:25:05 PM

CHAIR FRENCH said this year the committee learned that for the first time in many years all trooper positions have been filled. He asked if he's been able to detect any difference in the Aleutian region.

MR. KRAUSE said yes; within the last year a trooper from Detachment C in Anchorage has been charged with taking care of all the villages on the Aleutian Chain. It's made a huge difference.

CHAIR FRENCH observed that this is exactly what you were hoping for so there is a glimmer of hope.

MR. KRAUSE agreed and added that he hopes that eventually things get better for everyone.

CHAIR FRENCH said thank you for the work you do and for taking time out of your busy schedule.

2:26:55 PM

CHAIR FRENCH recognized that the committee next will hear from Commissioner Masters.

JOE MASTERS, COMMISSIONER, Department of Public Safety (DPS), outlined the basic themes of his remarks.

- Sex crimes and domestic violence are a high priority for DPS. Response to these crimes is second only to homicide, extremely violent acts, and calls for emergency response.
- Response to sexual assault and domestic violence is an extensive problem in the state that requires an extraordinary amount of resources.
- Dealing with domestic violence and sexual assault has to be a collaborative effort that takes in the Department of Public Safety, law enforcement and other entities.

COMMISSIONER MASTERS said education has to be part of the response because prevention is more effective than continually throwing people in jail. All stakeholders have to make a concerted effort and conscious decision to no longer accept domestic violence and sexual assault in our communities or our

homes. To this end, DPS is focusing on partnering with communities. He noted that Colonel Holloway and Ms. TePas will discuss this further, particularly with what is being done with stimulus funds.

[2:32:24 PM](#)

COMMISSIONER MASTERS said DPS wants to provide the best response possible but doesn't know what is most effective. Right now the information is anecdotal and indicates that victimization rates are extremely high and potentially more so in rural Alaska. A 2003-2004 study provides just a snapshot, but we need studies to get baseline data that tells what is working, what isn't working and the scope of the problem so that our resources can be effectively allocated. Those baseline studies are on our wish list, he said.

The studies that Mr. Rosay spoke to portrayed trooper response in rural Alaska in a fairly positive light. He noted that AST proactively requested those studies and worked collaboratively with the Department of Law and the Justice Center in an effort to get good information. Although the studies showed comparatively good arrest and prosecution rates for sexual assault, the rates are still double the rates in the next closest state. What that says is there's a lot more going on that we need to figure out. My view is that it's a public health and a social problem, he said. He further stated that the work that's been done to get funding for these studies - federal funding in particular - places the Council on Domestic Violence and Sexual Assault (CDVSA) in a very good role to help DPS move forward in dealing with this social problem.

[2:36:34 PM](#)

COLONEL AUDIE HOLLOWAY, Division Director, Alaska State Troopers, Department of Public Safety, said he will show statistics for sexual assault and sexual abuse of a minor. He reminded members that the numbers that Mr. Rosay provided come from Uniform Crime Reports (UCR) and they may be different than state trooper numbers. The definitions are different and so they count cases differently.

CHAIR FRENCH asked him to explain why some cases are counted by the FBI's Uniform Crime Report and not by the state troopers and vice versa.

COLONEL HOLLOWAY explained that the trooper definition of sexual assault is based on state law and is much broader than the 1930s era definition that UCR uses. Alaska statutes are broader and

count assaults on minors and on males. The UCR definition only counts an assault if it's by a male on a female. It isn't counted as a rape unless there is genital to genital contact. "So there is a whole host of sexual assaults in our statutes that cover illegal acts that are not covered in UCR." Understanding that is important because the UCR numbers don't appear that large, but they only comprise a small fraction of the sexual assaults that occur. None of the sexual abuse of a minor cases are counted. Keep that in mind, he said.

COLONEL HOLLOWAY provided the following AST data on sexual assaults:

- In 2007 359 cases resulted in 514 offenses with 65 offenses unfounded.
- In 2008 284 cases resulted in 347 offenses with 43 offenses unfounded.

There is no explanation for what caused the significant drop in cases from 2007 to 2008. It could be underreporting or it could be that AST is doing a good job. Clearly there is need for further study.

[2:40:19 PM](#)

REPRESENTATIVE FAIRCLOUGH asked him to define "unfounded" because people could interpret it as a false report. Second, she asked how the state has chosen to report to UCR because manual reporting only captures the highest category crime and not subcategories. For example, if someone is killed it is reported to UCR as a homicide because the highest crime is reported. If the victim was also kidnapped and raped you'd never know because those are un-captured subcategories of the reporting. She asked if that's changed.

COLONEL HOLLOWAY explained that "unfounded" means that the circumstances weren't there to prove any type of case.

REPRESENTATIVE FAIRCLOUGH clarified for the record that "unfounded" is federally defined in UCR and does not mean that the claim is false. It means that there is insufficient evidence to prove that the incident occurred.

[2:42:21 PM](#)

COLONEL HOLLOWAY said Alaska is a summary reporting state for UCR. He read the following:

It basically means we report a summarized view of an occurrence rather than a detailed one. To give an example: If we had a home invasion in which a family

member was murdered and another one had been shot and another one had been raped, our report would only list one homicide. The other elements of the crime spree would not be included as we would only count the crime with the highest severity. The other elements would simply not appear as reportable offenses because summary reporting does not collect the totality of the incident.

He explained how UCR counts rapes as follows:

UCR counts the number of victims and not the number of assaults. If a woman in gang-raped by three assailants in a parking lot, the UCR data would only count one rape because we only have one victim. Albeit assuming the assailants are apprehended, we would have three arrests and each defendant would be charged with multiple counts of rape. The agency's UCR data on the incident would only list one offense of rape.

Clearly, he said, there are a lot of differences between UCR and state of Alaska reports of sexual assault, but Alaska still doesn't have a comprehensive collection of the sexual assault offenses

REPRESENTATIVE FAIRCLOUGH added that there is an option to report at a higher level, but she understands that Alaska has chosen to summary report.

COLONEL HOLLOWAY agreed. The National Incident Based Reporting System (NIBRS) might not fit all state laws, but it would be more comprehensive than what the state is doing now with just UCR. Right now there is a state law requiring police agencies to report UCR data to DPS, but there is nothing that makes them do it.

REPRESENTATIVE FAIRCLOUGH referenced a list of non-contributing municipal agencies and explained that those are jurisdictions that have chosen not to provide data to the state. It sounds as though there is no recourse when that information isn't provided, she said.

COLONEL HOLLOWAY said that's his understanding and it leads to an incomplete data gathering system. If you don't understand what the problem is it's difficult to come up with a plan to solve it. We're asking for a way to get a comprehensive understanding of the problem and the scope so we can come up with a plan, he said.

CHAIR FRENCH remarked that it makes sense.

2:46:38 PM

COLONEL HOLLOWAY highlighted the following AST data on sexual abuse of a minor:

- In 2007 353 cases resulted in 565 offenses with 77 offenses unfounded.
- In 2008 253 cases resulted in 394 offenses with 36 offenses unfounded.

Again, he said, we don't know why there were 100 fewer cases in 2008 than 2007. It could be poor reporting, no reporting, or AST is doing a better job.

COLONEL HOLLOWAY outlined some of the things that AST would like to do better:

- More follow-up with victims. Triage with the victim is pretty good but follow-up interviews and safety checks could improve. It takes time to accomplish forensic exams and that should be communicated to the victim, the families and the perpetrators.

CHAIR FRENCH recapped the frustration Sergeant McCoy expressed and asked Colonel Holloway his experience on the timeliness of processing DNA samples.

COLONEL HOLLOWAY said it's getting better in some ways like getting grant money to work on the backlog of cases. For awhile they could only do exams on known suspect cases and that might be part of Sergeant McCoy's frustration. If you didn't know the suspect or the case didn't have a high solvability rate, those cases went into a long queue. Also, the state crime lab is bursting at the seams and even if there is funding for another position there might not be physical space available. Nonetheless the lab is examining at a faster rate than in the past because of new technology and better DNA science.

CHAIR FRENCH commented that it's off topic but he would hope that someone from the crime lab or DPS rethinks the strategy for the crime lab renovations. There have been several attempts at a \$100 million crime lab and so far it's not coming. We need some creative thought to solve this problem to come up with a much more palatable sum of money. Someday we'll get a great new crime lab but right now we're not serving our law enforcement community appropriately. We need to go back to the drawing board and figure out a better way.

REPRESENTATIVE FAIRCLOUGH asked if all the DNA samples that are collected are entered into CODIS.

COLONEL HOLLOWAY said he would defer to Commissioner Masters, but he believes they enter as much as they can. He noted that when they recently addressed the backlog, one of the first entries was a CODIS hit.

COMMISSIONER MASTERS said he can't say whether or not every DNA sample has been entered into CODIS, but he believes that most are entered. He added that all of backlog CODIS samples that were mentioned in testimony last session have been entered into the system. "So we're completely caught up to date on all of our CODIS issues. As a matter of fact, that's what allowed us to be able to queue in ... a lot of these no suspect rape kits that we've been starting to test."

[2:54:31 PM](#)

REPRESENTATIVE FAIRCLOUGH asked if there is a cost to submit to the national system.

COMMISSIONER MASTERS replied he doesn't believe so, but the testing is very expensive.

REPRESENTATIVE FAIRCLOUGH asked if DNA is being collected now because she understands that there have been civil rights issues associated with requiring felons to submit DNA samples. She referenced lie detector testing of incarcerated sex offenders and noted that these felons typically have not disclosed all their victims and DNA samples from this population that have been submitted to CODIS produce hits nationwide.

COMMISSIONER MASTERS suggested the director of the state crime lab or the deputy commissioner of corrections might be better able to respond to that issue.

CHAIR FRENCH said they'd hold that question.

SENATOR MCGUIRE said that in recent years the crime bills have added funding for: a new medical examiner, a new position to help with the backlog in the crime lab, two special prosecutors and two investigators at the sex crime unit at the state level. When legislators add these line items it would be helpful to get some kind of report on how things are working. I'm still waiting for that, she said.

COMMISSIONER MASTERS explained that virtually all the scientific positions that were vacant or allocated have been filled. That's probably the primary contributing factor for catching up on the CODIS entry and case backlogs. He suggested that the Department of Law representative probably could provide specific information about the special prosecutor positions, but he knows they have been assigned and have been working closely and successfully with DPS units.

[2:59:18 PM](#)

COLONEL HOLLOWAY continued to highlight things that AST is trying to do better.

- Spend more follow-up time with suspects.
- Spend time more time following up on the sex offender registry to make sure offenders are complying with their conditions.
- Addressing the UAA and DOL evaluations of the 2003-2004 AST study, AST received grant funding to do more trooper training in crime scene documentation, specifically in rural Alaska.
- Allocate time to get out to communities to investigate rumors in a proactive effort to find victims. This addresses the issue that evidence may be gone by the time a victim comes forward.

[3:01:59 PM](#)

COLONEL HOLLOWAY outlined some of the things that AST is proud of.

- All authorized AST positions are filled. The caveat is that these new troopers are still learning their jobs so it will take time for them to get up to speed.
- Ten troopers have been added to the Bureau of Highway Patrol.
- Seven new court service officers have been hired and they'd like to hire more. Every time a CSO is hired it frees a trooper to spend more time on the highways and to investigate sexual assault and other cases.

SENATOR MCGUIRE asked if DPS is recruiting troopers with pilot licenses.

COLONEL HOLLOWAY replied they aren't specifically recruiting pilots but are happy when an applicant has a pilot license. When funds are available they will provide flight training to interested troopers. Whenever possible they use commercial or contract pilots so the trooper can devote his or her efforts to

the investigation rather than to flying. That's not always possible because many commercial and contract flights have to fit a schedule or adhere to particular flying restrictions. "Sometimes we just need to get there faster than we can wait on the schedule.... It's good to have a combination and the ability to do both," he said.

[3:05:52 PM](#)

COMMISSIONER MASTERS added that the aircraft program in Bethel is very effective. Aircraft and pilot are designated so that the pilot concentrates on serving the troopers' needs and the troopers concentrate on providing the public's needs.

SENATOR MCGUIRE emphasized the importance of timely responses and asked him to keep the committee abreast of which models work.

REPRESENTATIVE FAIRCLOUGH asked if DPS partners with the Alaska National Guard on crisis intervention in rural communities.

COMMISSIONER MASTERS explained that there are severe restrictions on using U.S. Department of Defense assets for policing. They are used heavily in certain aspects of law enforcement such as drug eradication, but DoD assets aren't on standby waiting to fly troopers.

REPRESENTATIVE FAIRCLOUGH asked if the State of Alaska contributes to fund the Alaska National Guard.

COMMISSIONER MASTERS said he doesn't have the answer.

[3:09:19 PM](#)

CHAIR FRENCH noted that SANE nurses are exploring the use of telemedicine and he just learned to take pictures and shoot amazingly clear video with a webcam. If he has his way that technology will be used in the capitol building so that hearings like this will be steamed live to the Internet. "The more you make the capitol available to people, the more they feel plugged into their government." He acknowledged that it's a weak second-best effort to having boots on the ground, but if troopers are weathered out of a remote site for a week, a face-to-face meeting over a laptop may be a good alternative for a young victim to meet the person who will build the case against her abuser. He suggested they think about using new web technology.

COLONEL HOLLOWAY replied CDVSA supports the telemedicine model to work with victims, particularly related to the SART response.

AST is interested in using whatever helps build a case. Right now they are in the process of purchasing an electronic records management system, which should be helpful.

[3:12:53 PM](#)

COLONEL HOLLOWAY continued to outline things that AST is proud of.

- 22 new VPSO positions have been funded for FY10. These officers are trained at the DPS Academy, mentored by the troopers, and hired by village nonprofits.

Their value is reflected in the AST study, which shows that there is a 60 percent increase in convictions when a VPSO is in the village. 52 VPSOs currently are in the program, 8 applicants have passed the hiring process, and 9 more are in the process of getting background checks. Turnover in the VPSO ranks is high.

[3:15:37 PM](#)

KATIE TEPAS, Acting Director, Council on Domestic Violence and Sexual Assault and Program Coordinator, Alaska State Troopers, Department of Public Safety, said she manages the federal grants specific to violence against women and will be speaking to both issues in both of her roles.

MS. TEPAS highlighted that the Office on Violence Against Women is using federal funds for the following:

- The purchase of new sexual assault evidence collection kits and forms, which is expected to be complete by this fall. The kits will be for use by all police agencies statewide. DPS and DOL have statutory authority over the kits and forms and consultation with DHSS is required.
- SART training statewide for troopers and municipal agencies. Conference costs are covered for forensic nurse examiners and medical providers who present and facility costs are subsidized to keep registration costs down for everyone. Registration for Outside conferences can cost upwards of \$400 while registration costs for the next instate conference will be \$75. DPS looks at this as sustaining SART more than sustaining SANE programs because SART is the multidisciplinary model including victim advocacy, law enforcement, medical, and DOL.
- To purchase equipment for municipal police departments and hospitals to help with investigations.
- Advance level training for law enforcement, victim advocacy, medical providers, and DOL. They try to have at least one statewide training a year.

- Forensic costs of forensic medical exams for municipal police departments across the state. This is an earmark so there is concern about sustainability. These exams are expensive with costs ranging from \$800 to \$3,200. Costs differ between urban and rural areas and some smaller agencies might not have funding. DPS uses general funds to pay for exams and has budgeted \$304,000.

[3:19:43 PM](#)

CHAIR FRENCH asked the size of the earmark.

MS. TEPAS replied it is well over \$1 million. Several projects are done within that: equipment procurement, the kits, training, and paying for exams. At this point we will only pay for them for one year, she said.

REPRESENTATIVE FAIRCLOUGH asked if, in a cost cutting measure, SANE nurses are asked to collect a limited data set if the perpetrator is unknown. "Because we know or I believe we might infer that those typically get pushed to the side for processing," she added.

MS. TEPAS directed attention to the next bullet point. The Office on Violence Against Women is using federal funds for the following:

- To fund one DNA analyst position at the crime lab. They are also using additional funding for overtime or analysis and to purchase the reagents necessary for additional testing on unknown offender sexual assault cases. This will address the backlog of 200 unknown previously worked cases with the old file DNA and 90 cases that haven't yet been worked. "The issue of unknown offenders might shortly become more resolved than it has been," she said.

REPRESENTATIVE FAIRCLOUGH referenced the \$800 to \$3,200 cost range for the forensic portion of the forensic exam and noted that this does include transportation. She asked if the forensic nurse chooses the process they will use or if there is some filtering criteria that determines the process they will use.

MS. TEPAS replied the new forms will specifically direct what questions should be asked, what information should be gathered, and what evidence is collected. The process should be fairly standard across the board, but it all hinges on what the victim says. The same samples should be collected for a known offender as an unknown offender.

REPRESENTATIVE FAIRCLOUGH said she has been a responder so her perspective as an advocate is a little different. For example, "One of your criteria might be over 72 hours so you don't do the same kind of analysis and present the same cost because of those criteria. And I'm asking whether there's established criteria that sort others out to have lower levels of examination, lower cost also."

MS. TEPAS explained that law enforcement uses the following criterion for whether a forensic exam will be authorized:

- Did the sexual assault happen within 96 hours? If more than 96 hours has passed troopers are instructed to look at additional factors.
 - Is the victim giving information that a sexual assault has occurred? If so, are there genital or non genital injuries? As Mr. Rosay pointed out, non genital injury is significant to the process.
 - Does the victim have pain, bleeding, or discharge?
- What is the location of the assault? If the victim is not able to give the location AST will accept case responsibility.
- Did a sexual assault occur? Some victims don't know or aren't sure that an assault happened and AST criteria is to authorize exams for attempted sexual assault, full penetration, or contact. "So we are covered in that; we actually use specific language in our training and in our policies and procedures to get at that specific issue."

In cases where troopers are uncertain, they are instructed to consult with DOL, the local forensic nurse examiner, or the local medical provider. If the trooper determines that a forensic exam is unwarranted, the victim can still have a medical exam. Law enforcement can never tell that victim they cannot get a medical exam; they are only screening and authorizing for the forensic exam, not the medical exam.

[3:25:43 PM](#)

REPRESENTATIVE FAIRCLOUGH asked how often prosecuting attorneys and judges who sit over cases of sexual assault attend training.

MS. TEPAS said on average 60 people attend the SART training sessions and few are from the judiciary branch. Law enforcement, medical providers, victim advocacy and DOL comprises the core group of training attendees.

REPRESENTATIVE FAIRCLOUGH explained that she brings that up in this venue because of Senator French's past experience. From the vantage point of a victim advocate she understands why it's difficult to get judges and attorneys to attend training. She asked for ways to encourage their attendance because the aspect of accountability has been particularly challenging when judges don't understand the nuances of sexual assault and rape. When a judge doesn't understand DNA, defense attorneys can be quite successful in the courtroom.

CHAIR FRENCH said the point is well taken. He then asked Ms. TePas to describe what resources they are able to direct to SANE nurses.

[3:27:54 PM](#)

MS. TEPAS explained that DPS has funded the trainer positions for the core SART training team. For example, there is a SART training coming up in Bethel and DPS will pay transportation and instruction fees for the trainers to attend. If nurses want to attend the training earmark money will be used for that. DPS has found that some nurses would like to attend but their agencies won't give them time away or will pay only after the training is complete. We're trying to close that gap, she said. DPS has also supported one round of tier-two training for nurses. She noted that for AST the cost for the forensic portion of the exam can be higher than the estimates because they may have to fly a victim and her children in from a rural community and also provide housing.

Referring to a previous question, she explained that VPSOs receive sexual assault training at the academy as well as some regional training depending on the request. She noted that DPS did a pilot project in Bethel for first responders to sexual assault that met specific needs based on the responder's job. There was training for VPSOs, health aides, and behavioral health aides together in conjunction with the forensic nursing program, she said. It was very successful and they hope to replicate that training with federal funds.

MS. TEPAS said she won't talk about the sexual assault studies that Mr. Rosay discussed, but she would highlight that they are proud of the studies. One significant thing that they found is that they could do better at evidence collection and documentation so using grant funding they held several crime scene documentation trainings specifically for rural troopers. The results have been positive. "Again, the research cannot just show us what the scope of the problem is, but it can give us

significant direction of what we need to do and how we need to improve," she said.

MS. TEPAS highlighted the following proposed studies:

- CDVSA is partnering with UAA to do a statewide victimization survey. In FY10 the Council received an incremental increase and \$290,000 of it has been allocated for research. Cost estimates for the statewide study range from \$400,000 to \$600,000 and would only include the cost of surveying women, not men. We're lacking some funds, she said.

[3:33:00 PM](#)

SENATOR MCGUIRE asked how much more it would cost to include male victims and to do perpetrator studies.

MS. TEPAS replied the cost depends primarily on the number of people who are surveyed. She suspects that everyone wants data specific to their region and that typically requires a larger survey population. Initially they looked at surveying 3,000 so the cost to survey 3,000 women and 3,000 men would likely double. That's just a rough estimate and we're still trying to figure out what we can do with the funds we have, she added.

SENATOR MCGUIRE suggested she run the numbers and provide legislators with the least and most costly scenarios before the session begins. "I think it's time and I think you would see support for a major investment in a [regional] study of this kind...," she said.

MS. TEPAS said we will most definitely make the time.

REPRESENTATIVE FAIRCLOUGH expressed interest in how they expect people to respond to the survey. In Anchorage you may get someone to talk openly on the phone, but from a regional and cultural standpoint that may not be successful in some rural areas, she said.

MS. TEPAS said initially they were looking at a phone survey and now are looking at using the same survey tool that CDC is using to do a new victim survey. The purpose for this is that the Alaska data would cross talk to national data. That is a phone survey.

[3:37:52 PM](#)

REPRESENTATIVE FAIRCLOUGH pointed out that if a telephone model is used, the source of the telephone numbers becomes a factor.

MS. TEPAS said they are working through issues to make certain they get reliable and valid data that can cross walk to get true national comparisons.

MS. TEPAS, continuing with the presentation, said some sexual assault victims choose to seek services through victim advocacy rather than reporting to law enforcement or medical providers. She provided the following data about persons who sought services from CDVSA funded programs and identified sexual assault as their primary issue. Sexual abuse of a minor data is not included.

- FY05: 516
- FY06:653
- FY07:740
- FY08:803

The one caveat is that CDVSA and the Network on Domestic Violence and Sexual Assault are switching to a new database so some numbers may shift.

MS. TEPAS highlighted the following:

- In FY10 CDVSA funded 20 victim service programs.
- Despite the significant incremental increase from PFD funds, the Council was unable to fund \$1,777,657 in requests from victim service programs.

[3:41:22 PM](#)

COLONEL HOLLOWAY asked members to look at the CDVSA Strategic Plan. It places more emphasis on prevention and mitigation rather than reaction. He noted that AST received stimulus funds to hire five additional sexual assault investigators and they asked for three on behalf of municipal agencies. He emphasized the teamwork with municipal agencies, VPSOs and other entities to attack the problem of sexual assault. In conclusion he asked members to notice the four main points: prevention, mitigation, education, perpetrator accountability and Council effectiveness.

CHAIR FRENCH recalled that the stimulus-funded positions are funded for three years after which it's up to the local political entity to continue the funding. He asked if these are the same.

COLONEL HOLLOWAY deferred to the Commissioner.

[3:43:33 PM](#)

COMMISSIONER MASTERS said the funding of the four positions within AST and the three positions outside AST is four years with no tie to a continuing requirement for matching funds. He noted that there is considerable confusion between COPS stimulus funding and the stimulus formula funding and explained that with stimulus formula funding DPS is able to fund 100 percent of the wages and cost of the positions rather than the entry-level costs and no equipment you'd find in COPS (Community Oriented Policing Services) Office grants.

COMMISSIONER MASTERS said he has two points to make in closing. First the folks at DPS feel it is their job and collective responsibility to continue to ask if they are doing enough and if they are accurately describing or defining the problem. Second, this is not entirely a law enforcement public safety issue. It's an issue of prevention. We've got to stop people from coming in the doors and getting put into the system, he said.

CHAIR FRENCH thanked the presenters and expressed appreciation for their willingness to continue to look at what they are doing and asking how they can do better. "We'll encourage you, we'll help you, we'll get you the tools; but you know far better than we do what's happening out there," he said.

At ease from 3:45:44 PM to 3:52:00 PM

RICK SVOBODNY, Deputy Attorney General, Criminal Division, Department of Law (DOL), said he will describe in general terms what DOL does in regard to the prosecution of sexual assault and sexual abuse of a minor. DOL has 13 district attorney offices; 3 are one-person DA offices and 10 have more than one DA. 5 of the larger offices have a DA who specializes in the prosecution of sexual assault and sexual abuse cases. The other offices generally have 3 lawyers so it's difficult to have someone focus only on sexual assault and sexual abuse cases, but that does not mean these DAs don't have training to work in this area.

[3:54:56 PM](#)

MR. SVOBODNY explained that in the last year DOL rewrote its policies for handling sexual assault cases and every lawyer in the department has been provided the updated information. All DOL lawyers in the criminal division receive annual training in the area of sexual assault and about ten percent of the lawyers and paralegals are sent to out-of-state training each year. For the last three years DOL has hired the national advocacy center to provide innovative training to DAs. 24 new prosecutors have

attended basic and advanced trial advocacy classes in Homer and Fairbanks. Experts were brought in to teach prosecutors to do direct and cross examinations. The next class will be in Sitka and the same lawyers will learn about using technology in the courtroom. DOL is committed to SART training and prosecutors are sent to these classes whenever one is offered.

[3:59:23 PM](#)

MR. SVOBODNY, addressing questions about tools that are needed and a wish list, said DOL doesn't need many more tools because when an issue has been identified the Legislature has taken swift action to give prosecutors the ability to go forward with prosecutions. Referencing Senator McGuire's earlier question, he related that the Legislature funded two prosecutors with general funds; one to prosecute cybercrimes and the other to prosecute gangs. The gang prosecutor position was filled and a national recruitment is ongoing for the cybercrime prosecutor. He noted that DOL received a federal earmark for \$900,000 that included funding for two positions in the special assault in the Anchorage DA Office. Those positions were filled as were 13 others from Kenai to Barrow. Not all are lawyers. That grant money will be coming to an end fairly soon so further discussions about those positions will be needed.

[4:01:49 PM](#)

MR. SVOBODNY, referencing previous questions about CODIS and the state crime lab, explained that three years ago SB 90 allowed collection of DNA on all felony arrests and misdemeanor crimes against people. When that DNA is analyzed and a profile is identified that data is sent to CODIS, which has separate databases for known individuals, unknown individuals, and missing persons. He related that the committee that was mentioned [that prioritizes cases at the crime lab] deals with cases that are being prosecuted and that are under investigation.

CHAIR FRENCH asked who is on the committee.

[4:04:17 PM](#)

MR. SVOBODNY replied they are: Dwayne McConnell, the head of rural prosecutions; John Novak, counsel for DPS and former prosecutor; and Pat Gullufsen, cold case prosecutor for DOL. Cases are prioritized and take into account the 120 day rule and the seriousness of the crime. Noting that APD said that unsolved cases need more attention, Mr. Svobodny said he'd take that from this meeting.

4:06:20 PM

CHAIR FRENCH asked if DOL or DPS sometimes has had to divert cases to private labs.

MR. SVOBODNY replied yes, but it's for technical reasons rather than to work on a backlog of cases. The state crime lab doesn't do mitochondrial DNA or Y chromosome DNA analysis. There have been difficulties with private vendors, he added.

CHAIR FRENCH asked him to talk about the number of cases that are referred, the number that are accepted, and what happens in between the intake and the outcome.

4:09:20 PM

MR. SVOBODNY said he would defer to Ms. McLean, but with respect to screening cases he would emphasize that it is and has been department policy to receive deputy attorney general approval for any plea negotiation to change a sex offense to a non sex offense. "It would be a very rare situation where, for example, we would let somebody plead to coercion as opposed to sexual assault in the second degree," he said.

CHAIR FRENCH said his memory is that you can ask repeatedly but you would never one.

4:10:30 PM

SUSAN MCLEAN, Chief Assistant Attorney General, Criminal Division, Department of Law, said she prepared the data sheet, "Sexual Abuse and Sexual Assault Cases Referred - 2005-2009" that is in the packet. The information comes from year-end reports and she expressed confidence that the total number of cases referred each year is correct. She added that they are generally categorized as sexual abuse of a minor and sexual assault and would include all the cases within those definitions in AS 11.41.

Responding to the question about what happens when a case is referred, she emphasized that attorneys have it drilled in that if they accept a case as sexual assault their goal is to get a conviction on sexual assault and a sentence that is in accordance with those that the Legislature has said are appropriate. Referencing a second data sheet, "Comparison - 2005 and 2007 Average Sentences for Selected Crimes" she said it's clearly working.

CHAIR FRENCH commented that the numbers are stunning.

MS. MCLEAN explained that she reviewed every case and defendant's name and hand counted the highest crime for which the person was convicted and the sentence they received. Between 2005 and 2007 for the crime of sexual abuse of a minor in the first degree the average sentence jumped from 13.9 years to 37.3 years. 16 people were convicted in 2005 as opposed to 13 people in 2007. Similarly, in 2005 3 people were convicted of sexual assault in the first degree and received an average sentence of 5.6 years while 4 people were convicted of sexual assault in the first degree in 2007 and received an average sentence of 41.25 years. She acknowledged that there are fewer convictions and a lot of cases are pending from 2007. With the advent of the new sentencing laws our feet are being held to the fire to prove cases, she said. More likely than not if a defendant who is facing this kind of sentence requests a continuance, it will be granted. Cases are taking longer to investigate and to get to trial and there aren't as many pleas since the sentencing range now is so markedly different. DOL is accepting cases that it absolutely knows it can prove sexual assault and they are getting convictions on those cases.

[4:14:52 PM](#)

MS. MCLEAN noted that within the last two weeks the courts have handed down two 99 year sentences for repeat sexual assault offenders. "When I started this business that would have been absolutely unheard of."

CHAIR FRENCH remarked two in one week is cause for some congratulations.

MS. MCLEAN said the point is that DOL has to talk about what they will accept as well as what they have to prove, how they have to prove it, the likelihood of proving it, and the downside is having a case that isn't convicted. We're still getting used to the new sentences, she said. We're asking for aggravating factors, they are being found, and we're getting higher sentences. She noted that the "CSI effect" is real and therefore ties into everything that's been discussed about the importance of a prompt investigation that gathers necessary information. She added that if the evidence isn't gathered her view is that it's not because of a lack of commitment. It's because the plane can't fly and because there isn't a local person to hold the web cam. She expressed the preference to get more local people involved in the process.

REPRESENTATIVE FAIRCLOUGH said that from a victim advocacy and the people's perspective there is still a concern that such a

small number of cases are going forward. The general public isn't here to listen to why that might be. The window for prosecuting is narrowed but there is a support network that is lacking as more cases are taken to fruition, she said.

[4:18:22 PM](#)

CHAIR FRENCH said it's a good point. DOL is doing a good job but it is handing cases back to AST and APD that can't be prosecuted. The holistic approach that the commissioner and Colonel Holloway spoke to has to make room for the cases that don't go forward to court.

MR. SVOBODNY said DOL does things well but that doesn't mean they are winning. DOL, DPS, and DHSS together and separately have to be in the schools and in the community saying that this conduct is not acceptable.

CHAIR FRENCH said he recently spoke to the new attorney general and expressed the hope that he use the power of the office and the public relations that come with it to make it more a bully pulpit. "I'm not certain that the Department of Law has done a good enough job over the years of outreach," he said. Prosecutors hold a powerful position from which to communicate with the public just as troopers, policemen, and firemen do.

CHAIR FRENCH asked for a few specifics on what it is that makes the difference in a case that can go forward versus one that can't.

[4:21:25 PM](#)

MS. MCLEAN said she agrees with a lot of what Mr. Rosay said and it's wonderful to have a forensic exam, but documenting non genital injury with a camera can make a huge difference if the issue is whether or not the victim consented to sexual intercourse or was the victim of a brutal assault. Having someone on scene that the victim can turn to immediately is important. If it's 30 degrees below and nobody's flying more than evidence is lost. The victim may lose the willingness to go forward if there's no one there for her. "I can't say strongly enough how supportive the Department of Law is of the idea of taking a global approach to this problem." It's a problem of public health, education, social service, public safety, and law. Society has to get to the point where the victim recognizes that they didn't deserve what happened and that they will hang in until help arrives. "What we need to do is find a way to get someone to help her."

MS. MCLEAN pointed out that what turns the tide for DOL is the lack of physical evidence, the lack of documentary evidence, and the lack of witness statement and in a lot of cases the issue is the lapse of time. One of the most difficult scenarios is sexual assault in the second degree and prosecutors are very dedicated to those. In some ways the victim isn't available as a witness because she was incapacitated. In those cases you have to rely on what the physical evidence shows and what other people heard or saw. Prosecutors have to ask if they can prove the case today. If the answer is no, the next question is whether the officer can be sent back to gather more evidence. "Could we do something with a Glass warrant?" The statistic that isn't included in the data sheets is the length of time that DOL will hold on to a case before throwing in the towel. I think we'll try everything before we do that, she said.

CHAIR FRENCH said that gave good specifics as well as broader aspects of the issue.

[4:25:04 PM](#)

MS. MCLEAN said she agrees with Mr. Svobodny that the Legislature has given DOL the legal tools it needs. The department is dependent to an extent on federal funding that has to be mindful that those funds will be going away. The rural prosecution unit has three very experienced attorneys that do a lot of complex sexual assault cases or mentor younger prosecutors in how to do them. That unit is 100 percent funded by a federal earmark so it will be a resource need. Also, DOL needs to provide better statistics and will do so after the new case management program is in place. "I would just say that we are completely ready to work collaboratively with other members of the community and really take on this problem." that with the new case management."

[4:26:26 PM](#)

MR. SVOBODNY offered two suggestions. First he asked the committee review the bail statute that was passed in 1962. The bail statutes for domestic violence and sexual assault have been piecemealed and prosecutors haven't been very successful convincing the courts that they were done properly. In the 1990s most states revised their bail statutes when the federal government revised theirs and he would suggest looking at a quasi federal model. The second point might not be addressed through legislation but he wants to point out that the average felony case in Anchorage takes 662 days to get to trial. 90 percent of the cases go to trial in 6 months but some cases are

5 years old. "Those two things are suggestions that we might want to think about for future legislation."

thanked the committee, the participants and everyone who attended the meeting. "For all of you this is yet another step in the right direction; it's a community effort."

[4:29:05 PM](#)

CHAIR FRENCH adjourned the Senate Judiciary Standing Committee meeting at 4:29 p.m.