

SB

36

ALASKA STATE LEGISLATURE

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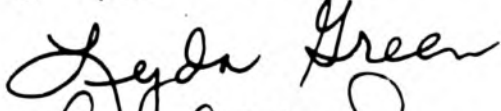
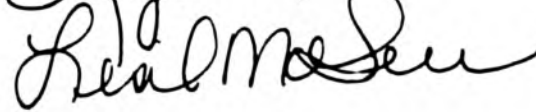
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SENATOR LESIL MCGUIRE
CHAIR, STATE AFFAIRS

Letter of Intent SB 36 – “Sentencing for Alcohol-Related Crimes”

The legislature recognizes that laws alone may not achieve the same level of behavioral correction that counseling and treatment are designed to provide. It is therefore the intent of the legislature that the courts, when addressing those who are first time violators of AS 12.55.015 (a) (13) in this act, use when available, Therapeutic Court in lieu of a standard sentencing.

If openings in the Therapeutic Court are not available, the legislature intends that standard sentencing for a class A misdemeanor be carried out as set out in AS 11.56.768 (b) (d) of this Act.

 SEN. FRENCH
 SEN. GREEN
 CHAIR MCGUIRE

COMMITTEE COPY

SENATE BILL NO. 36

Senator Hollis French

Capitol Room 504
465-3892
465-6595 fax



MEMORANDUM

Date: March 19, 2007

To: Leg. Legal

From: Cindy Smith 465-6641 *cls*

RE: Senate Bill 36

Please amend CSSB36 (STA) as follows and prepare a final (S)JUD CS:

On Page 3, line 17:

Following "alcohol"

Insert:

"and that, based on the defendant's history, there is reason to believe that imposing a requirement that the defendant refrain from consuming alcohol is necessary to protect the public"

Thanks! Call me if you have any questions.

AMENDMENT

OFFERED IN THE SENATE

TO: CSSB 36 (STA)

Page 3, line 17:

Following "alcohol":

Insert:

"and that, based on the defendant's history, there is reason to believe that imposing a requirement that the defendant refrain from consuming alcohol is necessary to protect the public"

Rationale: In CSSB 36(STA) under proposed AS 12.55.015(a)(13)(B), before a court can order the defendant to refrain from drinking for up to a lifetime, if the person has been convicted of drunk driving for a third time or the drunk driving resulted in a death or serious physical injury to another person, the court must find that imposing such a sentence is necessary to protect the public.

Under the proposed AS 12.55.015(a)(13)(A) the court may also order a person convicted of a first offense felony under AS 11.41 if the offense was substantially influenced by alcohol, to refrain from drinking alcohol for up to a lifetime. This offense may include, for example, assault in the third degree, a class C felony, which can consist of causing only physical injury by means of a dangerous instrument such as a car. There is no requirement that the court find

that imposing such a sentence is necessary to protect the public under AS 12.55.015(a)(13)(A). This doesn't make sense.

Ordering a person, including a person who may be addicted to alcohol, to refrain from drinking as either part of a sentence or as a condition of probation or parole for up to the rest of his or her life is not an inconsequential part of a sentence. This is particularly true if the person has been convicted of misdemeanor drunk driving as is possible under proposed AS 12.55.015(a)(13)(B), which has a maximum term of incarceration of one year, or of assault in the third degree under the proposed AS 12.55.015(a)(13)(A), which has a maximum term of incarceration of five years. Litigation over whether such a sentence or condition would involve a violation of due process of law or cruel and unusual punishment may be avoided if, under both scenarios, the court is required to find that the prohibition of drinking is necessary to protect the public.

Alaska State Legislature

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GENE THERRIAULT
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SENATE DISTRICT F

Memorandum

To: Senator French / Chairman of Senate Judiciary

From: Senator Therriault

A handwritten signature in black ink, appearing to read "Gene Therriault".

Date: February 23, 2007

Re: Hearing Request for CSSB 36

.....
I respectfully request the Senate Judiciary take up CSSB 36 (Sta Aff.) for hearing.

This legislation gives judges the ability, as a condition of sentencing, to prohibit the use of alcohol by felons convicted of violent crimes against people.

Thank you.

Alaska State Legislature

SENATOR

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Senate

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SENATE DISTRICT F

Sponsor Statement SB 36

Alcohol Ban Option For Certain Violent Felons

In the interest of public safety and reducing the rate of recidivism among certain violent offenders, I have introduced Senate Bill 36 giving judges a new option when sentencing felons who commit crimes against persons. (As 11.41)

In instances that clear and convincing evidence shows a long-term pattern of alcohol abuse as a major contributing factor in the commission of a violent crime against a person, or in the case of extreme DUI convictions, a judge may impose as a condition of sentencing, up to a lifetime prohibition on the use of alcohol.

This legislation is intended to accomplish three main objectives. The first is to allow courts to remove a controlled substance from those who have a long track record of being dangerous when they use it. The second is to prevent future acts of violence by establishing a different threshold for re-arrest before actual violence may occur. The third goal is to establish a lifelong deterrent to offenders who might be tempted to use a substance that unleashes their violent nature.

Memorandum

To: Senator Theriault

From: Dave Stancliff

Date:

Re: Effects of SB 36 (Alcohol prohibition option in sentencing)

.....
I have outlined the type of convictions that would bring in to play the new sentencing option contained in SB 36.

These would be felony convictions under AS 11.41 (crimes against persons) Typical examples would be murder, rape, as well as the most serious types of assault that often occurs in cases of domestic violence.

Also added in Judiciary: multiple (three or more) DUI convictions, or any DUI conviction where death or serious physical injury has occurred.

- Note: Also last session in Judiciary the lifetime ban was modified to "*up to*" a lifetime ban. The rationale behind this change was to give judges a full range of options and not simply an all or nothing approach in considering this sentencing option.

Example of how the new sentencing option could be used:

1. A person is convicted of a violent felony offense, multiple DUI's, or DUI that involves death or serious physical injury.
2. The judge would have to be convinced that such a crime would not have been committed if the person did not have a history of alcohol abuse.
3. The judge could then add as a condition of sentencing a ban on the use of alcohol for any period deemed appropriate.
4. Once back in society, if the offender violates the no alcohol use provision, they could be incarcerated for up to one year for the first offense and up to five years for more multiple violations.

Goals:

1. To protect citizens from alcohol induced violent crime.
2. To provide a meaningful deterrent to convicted felons who chronically abuse alcohol.
3. To send a message to those who turn violent when they use alcohol that extended patterns of such behavior could jeopardize their privilege as adults to consume alcohol.
4. To give potential victims of repeated violence, as well as those who care about offenders who are trying to re-enter society, the ability to contact law enforcement for protection before another act of violence occurs.



Unhooked Science Readings

The unhooked.com science section contains selected educational readings from the scientific and popular literature about alcoholism, addiction, and recovery. The views expressed in the articles are those of their authors and not necessarily those of the science pagemaster or the webmaster or of the person who suggested the article to the list. This material is made available solely for the nonprofit educational use of unhooked.com readers as an aid in their personal recovery, and no other use is authorized or intended. [Click here for the current Science Section reading list.](#)

Domestic Violence & Alcohol and Other Drugs

"Alcohol is associated with a substantial proportion of human violence, and perpetrators are often under the influence of alcohol." Eighth Special Report to the U.S. Congress on Alcohol and Health (Secretary of Health and Human Services, September 1993)

Studies of domestic violence frequently document high rates of alcohol and other drug (AOD) involvement, and AOD use is known to impair judgment, reduce inhibition, and increase aggression. Alcoholism and child abuse, including incest, seem tightly intertwined as well. The connection between child abuse and alcohol abuse "may take the form of alcohol abuse in parents or alcohol intoxication at the time of the abuse incident." [1] Not only do abusers tend to be heavy drinkers, but those who have been abused stand a higher probability of abusing alcohol and other drugs over the course of their lifetime.

Alcohol consistently "emerges as a significant predictor of marital violence." [2] Alcoholic women have been found to be significantly more likely to have experienced negative verbal conflict with spouses than were nonalcoholic women. They were also significantly more likely to have experienced a range of moderate and severe physical violence.

Studies have shown a significant association between battering incidents and alcohol abuse. Further, a dual problem with alcohol and other drugs is even more likely to be associated with the more severe battering incidents than is alcohol abuse by itself. The need for preventing alcohol and other drug problems is clear when examining the following statistics are examined:

- In 1987, 64 percent of all reported child abuse and neglect cases in New York City were associated with parental AOD abuse.[3]
- A study of 472 women by the Research Institute on Addictions in Buffalo, NY, found that 87 percent of alcoholic women had been physically or sexually abused as children, compared to 59 percent of the nonalcoholic women surveyed (Miller and Downs, 1993).[4]
- A 1993 study of more than 2,000 American couples found rates of domestic violence were almost 15 times higher in households where husbands were described as often drunk as opposed to never drunk.[5]
- Battered women are at increased risk of attempting suicide, abusing alcohol and other drugs, depression, and abusing their own children.[6]
- Alcohol is present in more than 50 percent of all incidents of domestic violence.[5]

While alcohol and other drug use is neither an excuse for nor a direct cause of family violence, several theories might explain the relationship. For example, women who are abused often live with men who

drink heavily, which places the women in an environment where their potential exposure to violence is higher.

A second possible explanation is that women using alcohol and other drugs may not recognize assault cues and even if they do, may not know how to respond appropriately. Third, alcohol and other drug abuse by either parent could contribute to family violence by exacerbating financial problems, child-care difficulties, or other family stressors. Finally, the experience of being a victim of parental abuse could contribute to future alcohol and other drug abuse.

To reduce the incidence of these problems in the future, prevention of alcohol and other drug abuse must be a top priority. For more information, call the National Clearinghouse for Alcohol and Drug Information at 1-800-729-6686.

All statistics cited in this Making the Link fact sheet come from the following sources:

1. Widom, Cathy Spatz. "Child Abuse and Alcohol Use." Research Monograph 24: Alcohol and Interpersonal Violence: Fostering Multidisciplinary Perspectives. Rockville, MD: National Institute on Alcohol Abuse and Alcoholism, 1993.
2. Kantor, Glenda Kaufman. "Refining the Brushstrokes in Portraits of Alcohol and Wife Assaults." Research Monograph 24: Alcohol and Interpersonal Violence: Fostering Multidisciplinary Perspectives. Rockville, MD: National Institute on Alcohol Abuse and Alcoholism, 1993.
3. Chasnoff, I.J. Drugs, Alcohol, Pregnancy and Parenting, Northwestern University Medical School, Departments of Pediatrics and Psychiatry and Behavioral Sciences, Hingham, MA, Kluwer Academic Publishers, 1988.
4. Miller, Brenda A. and Downs, William R. "The Impact of Family Violence on the Use of Alcohol by Women," Alcohol Health and Research World, Vol. 17, No. 2, pp. 137-143, 1993.
5. Collins, J.J., and Messerschmidt, M.A. Epidemiology of Alcohol-Related Violence. Alcohol Health and Research World, 17(2):93-100. U.S. Department of Health and Human Services, National Institute on Alcohol Abuse and Alcoholism, 1993.
6. Fact Sheet on Physical and Sexual Abuse, Substance Abuse and Mental Health Services Administration, April 1994.

Spring 1995 NCADI Inventory Number ML001



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Vol. 150 No. 8, August 1996

ARTICLE

Feature

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Illicit substance use, gender, and the risk of violent behavior among adolescents

C. P. Dukarm, R. S. Byrd, P. Auinger and M. Weitzman

Division of Adolescent Medicine, University of Rochester (NY) School of Medicine and Dentistry, USA.

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OBJECTIVES: To analyze data from a nationally representative sample of high school students to investigate the relationship between substance use and violent behavior among adolescents and to examine this relationship in both male and female adolescents. **DESIGN:** Cross-sectional analyses of the 1991 Centers for Disease Control and Prevention's Youth Risk Behavior Survey. **SETTING:** Public and private schools in the 50 states. **PARTICIPANTS:** The participants were 12,272 high school students. **MAIN OUTCOME MEASURE:** To determine the prevalence of weapon carrying and physical fighting among male and female adolescents. **RESULTS:** A significant increase in the number of female adolescents carrying weapons and physically fighting was associated with all forms of substance use. Reports of carrying a weapon increased with recent alcohol consumption (34% vs 17%, $P < .001$) and use of marijuana (48% vs 22%, $P < .001$), cocaine (71% vs 25%, $P < .001$), and anabolic steroids (62% vs 25%, $P < .001$). The prevalence of physical fighting was also significantly higher among adolescents who used illicit substances than among adolescents who denied drug use. The risk of violent behavior increased significantly, and was of equal magnitude, for adolescent females and males who used illicit substances. **CONCLUSIONS:** Alcohol and illicit substance use are highly associated with increased risk of violent behavior. These data also demonstrate that the risk of violence by adolescent females who are substance users is substantial.

THIS ARTICLE HAS BEEN CITED BY OTHER ARTICLES

Predictors of Aggression at School: The Effect of School-Related Alcohol Use

Finn and Frone

NASSP Bulletin 2003;87:38-54.

ABSTRACT

Jocks, Gender, Binge Drinking, and Adolescent Violence

Miller et al.

J Interpers Violence 2006;21:105-120.

ABSTRACT

Anabolic Androgenic Steroids and Aggression: Studies Using Animal Models

McGINNIS

Annals NYAS Online 2004;1036:399-415.

ABSTRACT | FULL TEXT

Characterization of Interpersonal Violence Events Involving Young Adolescent Girls vs Involving Young Adolescent Boys

Mollen et al.

Arch Pediatr Adolesc Med 2004;158:545-550.

ABSTRACT | FULL TEXT

A Cross-national Study of Violence-Related Behaviors in Adolescents

Smith-Khuri et al.

Arch Pediatr Adolesc Med 2004;158:539-544.

ABSTRACT | FULL TEXT

Predicting Fatal Assault Among the Elderly Using the National Incident-Based Reporting System Crime Data

Chu and Kraus

Homicide Studies 2004;8:71-95.

ABSTRACT

Adolescent Assault Injury: Risk and Protective Factors and Locations of Contact for Intervention

Cheng et al.

Pediatrics 2003;112:931-938.

ABSTRACT | FULL TEXT

Early Risk Factors for Violence in Colombian Adolescents

Brook et al.

Am. J. Psychiatry 2003;160:1470-1478.

ABSTRACT | FULL TEXT

National Survey of Pediatricians' Violence Prevention Counseling

Borowsky and Ireland

Arch Pediatr Adolesc Med 1999;153:1170-1176.

ABSTRACT | FULL TEXT

African American Mothers in South Central Los Angeles: Their Fears for Their Newborn

Schuster et al.

Arch Pediatr Adolesc Med 1998;152:264-268.

ABSTRACT | FULL TEXT

Demographic, Intrinsic, and Extrinsic Factors Associated With Weapon Carrying at School

Kodjo et al.

Arch Pediatr Adolesc Med 2003;157:96-103.

ABSTRACT | FULL TEXT

Adolescent Suicide Attempts: Risks and Protectors

Borowsky et al.

Pediatrics 2001;107:485-493.

ABSTRACT | FULL TEXT

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Alcohol Controversies

Alcohol and Sexual Assault: The Connection

by Scott Hampton, Psy.D.

Alcohol and sexual assault often happen together. According to some research, 30 percent of all sexual assaults occur when the perpetrator is under the influence of alcohol. In some cases, the victim is also intoxicated. Drinking makes it easy for the perpetrator to ignore sexual boundaries, while the victim's intoxication makes it more difficult for her to guard against an attack.

A common misunderstanding is that if people commit sexual assaults only when drunk, then (a) the drinking must have caused the assault and (b) sobriety and alcohol counseling are adequate to prevent future assaults. These erroneous conclusions confuse correlation and causation. To illustrate consider the correlation between consciousness and sexual assault. Perpetrators of sexual assault typically commit sex assaults only when they are awake, but it would be ridiculous suggest that being awake caused them to commit sexual assaults. So, what is the relationship between alcohol and sexual violence?

First, alcohol use does not cause sexual violence. Putting alcohol into your system does not cause you to commit a s assault anymore than putting gasoline into your car causes to drive to the airport. Gasoline makes it easier to do what

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want to do (e.g., drive a car) while alcohol also makes it easier to do what you want to do (e.g., grope women). If you do at least think about doing something when sober, you are more likely to do it when drunk. For example, no one worries about becoming so intoxicated that he will lose control and stab himself in the eye with a fork. Why? Because he would never consider doing that when sober.

Alcohol acts as a permission slip. By reducing inhibitions, alcohol often makes it more likely that someone will choose to sexually assault another person. As one man in a violent offender program noted, "When I first came to your program, you told me that I hit my wife because I was drunk; now I realize that I drank so that I could hit her." He realized that alcohol was not an excuse or even an explanation for the abuse. Instead, alcohol was a way that he had tried to avoid responsibility for the abuse.

Sexual assault occurs despite alcohol use, not because of it. When someone is extremely intoxicated, we call that person "impaired." "Impaired" means that you have more difficulty performing tasks. Therefore, if you are going to sexually assault someone when drunk, you have to try harder, focus your attention and be more determined than if you were sober. In effect, people who sexually assault when drunk, do so, not because they are intoxicated, but despite their intoxication. They have to overcome the impairment to commit the sexual assault.

Memory loss is not the same as lack of intent. If a perpetrator of sexual assault claims that he has no specific recollection of the assault, that does not mean that he had no intention of doing it at the time. All it means is that the perpetrator is currently either unable or unwilling to report his state of mind when the assaults occurred. For example, sometimes we hear that perpetrators report on events that were acceptable (e.g., "I remember drinking and dancing") but not the events that caused them to result in arrest and prosecution (e.g., "I don't recall fondling that person"). Or the perpetrator will not recall the offense but will be able to assert with confidence what his state of mind was at the time (e.g., "I had no desire for sexual gratification."). How can you NOT remember what you did, but be absolutely certain what your motives were when you did it? How does alcohol know which memories to delete and which to keep intact?

Sexual assault and substance abuse are separate issues. If

someone violates sexual boundaries while drunk, that person has two problems that need to be addressed. Taking responsibility for alcohol consumption addresses only half the problem. The perpetrator also needs to take responsibility for the sexual violence. On the most basic level, the perpetrator needs to learn that all sexual contact without permission is sexual violence.

To address this, good sex offender programs teach the principles of sexual consent. These principles are:

1. **Privilege.** Sex is never a right; it is always a privilege, honor, a gift that can either be granted or taken away from the person you wish to have contact with.
2. **Permission.** Since sexual contact is always a privilege, always must seek permission before initiating contact. In addition, you need to be sober enough to know whether or not you have been given permission. Permission requires that the other person is capable, at the time, of giving permission (e.g., that person is old enough, sober enough, and not coerced by you to say "Yes.") If the other person is afraid to say "No" because you have a position of power or authority, you cannot know whether your potential sexual partner truly wishes to have contact with you (even if she does not actively resist your advances).
3. **Justification/Intent.** There is no excuse for engaging in sexual contact without consent. Sexually respectful people adopt the philosophy of "First Do No Harm." Those who do not respect sexual boundaries should not be allowed to explain or minimize their use of aggression as the result of alcohol or drug use, stress, deviant arousal patterns, lack of control or misunderstandings.
4. **Responsibility.** The only person who ever is responsible for a sexual assault is the perpetrator. The victim never is. As members of their community, we share responsibility for holding perpetrators accountable for their violence. How do we do this? By never blaming victims for the harm they suffered. By remembering that sexual violence is not a part of the disease of alcoholism." By never letting a perpetrator's sexual access and satisfaction become more important than the victim's sexual safety and autonomy. Keeping these principles in mind, we can make great strides in achieving sexual safety in our community.

Dr. Scott Hampton is Director of Ending the Violence, home of the Consexuality Project, a sexual violence prevention initiative. He can be contacted at endingtheviolence@aol.com. Posted with slight editing by permission of Dr. Hampton. The Ending the Violence site is located at www.endingtheviolence.info

References and Readings

Additional Information

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Alcohol and sexual violence: key findings from the research

Andrea Finney

Sexual violence is a serious public health and criminal justice problem. Many men and women suffer sexual violence, a number of whom experience severe physical injuries or subsequently develop mental health problems. Alcohol is an important dimension in sexual violence – many perpetrators are drinking when they attack their victims or have alcohol abuse problems. Furthermore, many victims have alcohol 'problems'. This report presents the key findings from published UK and international research on the relationship between alcohol and sexual violence. As sexual violence is often committed in the context of intimate partner relationships, this report relates to Findings No. 216 (Finney, 2003a).

Key points

- The British Crime Survey estimates that one in ten women have been sexually victimised since age 16 (Myhill and Allen, 2002).
- Many perpetrators have drunk alcohol immediately prior to the incident and/or have drinking problems (Grubin and Gunn, 1990).
- Perpetrator alcohol consumption is sometimes associated with increased sexual violation and physical aggression (Brecklin and Ullman, 2002).
- The tendency for drinking to be a shared activity, the pharmacological effects of alcohol and beliefs and expectations about the effects of alcohol are important in explaining why sexual violence is frequently committed by or against people who have been drinking (Testa and Parks, 1996; Abbey et al., 2001).
- Many victims develop drinking problems as a response to victimisation and problematic drinking is an early predictor of post-traumatic stress disorder development among victims (Darves-Bornoz et al., 1998).

Sexual violence affects many people's lives profoundly. Among over 48,000 police recorded sexual offences during the 12 months to April 2003, there were more than 11,000 rapes and almost 24,000 indecent assaults against females and over 800 rapes and 4,000 indecent assaults against males (Salisbury, 2003). However, official data considerably underestimate the true extent of sexual violence.

The British Crime Survey (BCS) estimates that less than one in five incidents of female sexual victimisation comes to police attention (Myhill and Allen, 2002). In addition, a study of female rapes coming to police attention in 1996 showed over one-quarter were not subsequently recorded (Harris and Grace, 1999).

The 1998 and 2000 sweeps of the BCS included self-completion questionnaires on sexual victimisation and provide the most recent and reliable figures on the nature and extent of adult sexual violence. (Note: published BCS findings relate to sexual victimisation among women only.)

According to the BCS 2000 (Myhill and Allen, 2002), about one in every 100 women (aged 16–59) had experienced some form of sexual victimisation in the previous year, just under half of whom had experienced rape. This suggests there were an estimated 61,000 female victims of rape in England and Wales in the year preceding the 2000 BCS. One in ten women reported some form of sexual victimisation since the age of 16.

Some findings from the research on sexual violence and rape:

- Sexual violence is undoubtedly perpetrated by and against both men and women (Emmers-Sommer and Allen, 1999 – US).
- However, adult victims are predominantly female (Testa and Parks, 1996 – US).
- Women are most often sexually victimised by a man they know, typically a current or ex-partner (Myhill and Allen, 2002; Harris and Grace, 1999).
- In combined 1998 and 2000 BCS sweeps, 67% of rapes against women were committed by current or ex-partners or 'dates'. The assailant was a stranger in only 8% of rapes (Myhill and Allen, 2002).
- Attacks by partners and ex-partners are also the incidents most likely to result in victim injury (Myhill and Allen, 2002).

'Sexual violence' refers here to any form of physical sexual assault, completed and attempted rape. The focus is on sexual violence against people aged 16 years and over, female victimisation and male perpetration except where stated otherwise. Research from the US is often drawn on as relatively little alcohol-related sexual violence research has been undertaken in the UK. (Where examples of research are given, the country where the research is published is indicated unless the research is from the UK.)

Whilst findings from the US are largely transferable to the UK, beliefs and expectations are sensitive to cultural differences. Therefore, some generalisations should be made cautiously.

Key findings are presented here from national and international research on:

- prevalence of drinking by perpetrator and victim at the time of sexual violence
- the association of alcohol 'problems' with such violence

- the characteristics and consequences of alcohol-related sexual violence
- the role of alcohol in sexual violence.

Key research recommendations are also identified.

Prevalence of alcohol-related sexual violence

International research indicates a strong association between alcohol use – both 'drinking in the event' and long term drinking patterns – and sexual violence.

Drinking in the event

Drinking in the event refers to drinking at the time of the incident.

Research indicates a substantial proportion of sexual violence perpetrators are drinking at the time of the incident:

- In a UK study of 142 men imprisoned for rape, 58% reported drinking in the six hours prior to the rape. A further 12% had used a combination of alcohol and drugs (Grubin and Gunn, 1990).
- In a survey of 10,000 US State prisoners, 57% of those convicted of rape reported drinking at the time they committed the crime (Bureau of Justice Statistics, 1983; reported in Martin, 1992 – US).
- A national US victimisation survey found offenders had used alcohol and/or drugs in 61% of sexual violence incidents, most (76%) of whom had used alcohol alone (Brecklin and Ullman, 2001 – US).

(Note: in self-report studies there may be a tendency for perpetrators to over-report drinking in the event to minimise personal responsibility.)

Findings on the proportion of sexual violence victims who are drinking in the event vary widely:

- A review of six North American arrestee studies, mostly using police report data, reported six to 36% of victims consumed alcohol prior to the event (Roizen, 1997 – US).
- In a review of seven US college student sexual victimisation surveys, victims were drinking in between 35% and 81% of incidents (Testa and Parks, 1996 – US).

Problem drinking

There is also evidence that both perpetrators and victims are more likely to be problem drinkers.

Studies indicate many sexual violence perpetrators are 'heavy' or 'problem' drinkers:

- Among 142 imprisoned rapists in the UK, researchers deemed 37% were 'alcohol dependent' at the time of interview (Grubin and Gunn, 1990).
- Among a sample of Canadian imprisoned offenders (72 rapists, 34 child molesters and 24 nonsexual violent offenders), almost half (46%) the rapists were 'severe alcohol abusers' compared with 4% of the non-sexual violent offenders. Notably, differences in drug abuse were less pronounced (Abracen et al., 2000 - Canada).

Studies also indicate many sexual violence victims are more likely to be problem drinkers:

- A US study of 238 female undergraduate students found those with histories of severe sexual victimisation (attempted or completed rape) reported greater weekly alcohol consumption rates than non-victimised women (Corbin et al., 2001 - US).
- Among 296 male and female Greek college students, men and women with self-report histories of unwanted sexual contact reported heavier alcohol consumption than those without such histories (Larimer et al., 1999 - Greece).
- In a Canadian study of 358 gay and bisexual men, alcohol abuse was almost three times more common among those who reported having experienced non-consensual sex by another man (in childhood, adulthood or both) compared with non-victimised men (Ratner et al., 2003 - Canada).

Characteristics and consequences of alcohol-related sexual violence

Victim-offender relationship

Although most sexual assaults occur between people who know each other, alcohol-related sexual assaults are more likely to occur between people who do not know each other well (Abbey et al., 2001 - US, Testa and Parks, 1996 - US). Koss et al. (1988 - US) examined alcohol involvement in rapes characterised by different victim-offender relationship types in a sample of US college women. Alcohol was consumed by both victim and offender most often in cases of casual dates, and least often in rapes involving spouses or family members.

Situational characteristics

Violence in general commonly occurs in and around licensed premises and alcohol is a factor in many such incidents (see Finney, 2003b). Licensed premises are also associated with greater frequency of sexual attacks (Combs-Lane and Smith, 2002 - US). Alcohol-related sexual violence is more likely to occur in bars and at parties than at either person's home (Abbey et al., 2001).

There is often both offender and victim drinking in incidents of sexual violence (Abbey et al., 2001 - US; Martin, 1992 - US). Using US police report data, Amir (1971 - reported in Roizen, 1997 - US) found two-thirds of alcohol-related rape cases involved both victim and offender drinking. This is likely to reflect the importance of drinking alcohol and of pubs and parties as settings for socialising and strongly relates to the finding that most sexual assaults involve people who know each other.

Rarely, however, is the victim the only person to have been drinking (Abbey et al., 2001 - US; Martin, 1992 - US). For example, Brecklin and Ullman (2002 - US) found that only two out of 859 female victims of sexual assault had been drinking when the offender had not.

Outcome severity

Research suggests that the severity of sexual violence varies with alcohol use. North American studies of official data show alcohol-related rapes involved greater physical force by the offender and greater victim injury compared with incidents in which neither party was drinking (Collins and Messerschmidt, 1993 - US; Hodge, 1993). US survey research suggests that offender drinking increases the likelihood and severity of victim injury (e.g., Brecklin and Ullman, 2002 - US).

Evidence on the effects of alcohol use on the level of sexual violation is mixed:

- Official data suggest sexual humiliation is likely to be greater when the offender has been drinking (Roizen, 1997 - US).
- Other survey-based studies suggest that rape completion is more likely if the offender has been drinking (e.g. Brecklin and Ullman, 2002 - US) while others suggest that alcohol drinking is not related to rape completion (e.g. Abbey et al., 2002 - US). Ullman and US victim data (e.g. Brecklin and Ullman, 2001 - US) found rape completion was less likely if the offender had been drinking, resulting in part to effective victim resistance.
- Using data from a national sample of college women, Ullman et al. (1999 - US) found offender drinking did not relate directly to severity of sexual violation. However, longer drinking duration in the victim-offender relationship was related to

Contrasting findings may relate to varying methods and definitions employed in different studies.

Increased victim drinking levels are associated with decreased offender aggression, victim resistance and physical injury (e.g., Abbey et al., 2002 - US; Brecklin and Ullman, 2002 - US). They are, however, associated with increased risk of completed, compared with attempted, rapes (Abbey et al., 2002 - US).

The role of alcohol

Any behaviour committed in the context of alcohol consumption, violent or otherwise, results from interaction between factors relating to the individual, to the immediate environment and to the alcohol consumed.

Research indicates that alcohol is best seen as contributing to violent behaviour, rather than causing it (McCord, 1993 - US). Further, the role of alcohol is likely to be multifaceted. Graham et al. (1998 - Canada) describe the alcohol-related factors which may relate directly or indirectly to violence as falling into four groups:

- 'cultural' factors, relating to how alcohol and its relation to violence are understood in society
- 'person' factors, relating to individuals' responses to, expectations and beliefs about alcohol
- 'pharmacological' factors relating to the psychopharmacological properties of alcohol
- 'context' factors, relating to the physical and social circumstances in which alcohol is consumed.

A number of theories have been proposed to explain how alcohol contributes to sexual violence, many of which have found support in research. Some of these are discussed below.

Disinhibition

Perpetrator intoxication may disinhibit sexual and physical aggression, and decrease the ability to understand a victim's non-consensual signals (Collins and Messerschmidt, 1993 - US). Intoxicated victims may be less able to identify assault before it becomes severe or less able to defend themselves effectively, or they may be more likely to enter risky situations (Testa and Parks, 1996 - US). This may relate to the finding that alcohol is more often present in spontaneous sexual acts compared with those which are 'planned' (Collins and Messerschmidt, 1993 - US).

Beliefs and expectations

Beliefs and expectations about alcohol appear to be especially important in alcohol-related sexual violence.

There are a number of ways beliefs about drinking can affect behaviour:

- Alcohol is widely believed to increase sexual desire and capacity, and also increase aggressive behaviour, especially in men. This may predispose some men to act sexually and aggressively after drinking alcohol (Abbey et al., 2002).
- Many sexual violence perpetrators blame alcohol for their transgressions and heavy drinkers are especially likely to invoke alcohol as a post-offence excuse (Abbey et al., 2001).
- A US study of college 'date rapists' (Kanin, 1984; in Abbey et al., 2001) found most (62%) reported they had committed rape because they had been drinking.
- Additionally, women who drink alcohol are commonly viewed as being more sexually available and promiscuous than women who do not (Abbey et al., 2001 - US). Wild et al. (1998) found perpetrators are blamed less by third parties when the victim is drunk, regardless of perpetrator drinking.
- Also, women who drink in certain contexts may present 'easier' targets to sexually aggressive men who perceive them to be more sexually available (Testa and Parks, 1996 - US).

Context

The relationship between alcohol and sexual violence is likely, in some cases, to reflect the contexts in which people often meet, socialise and consume alcohol. Increased risk of sexual violence at bars and parties may relate to greater exposure to potential assailants (Combs-Lane and Smith, 2002 - US) or because people commonly expect other people within drinking settings to be receptive to sexual advances (Abbey et al., 2001 - US).

Strategy

Alcohol may be used as a strategy for perpetrating rape (Brecklin and Ullman, 2001 - US), perhaps because people believe alcohol has incapacitating, courage-building or aphrodisiac qualities (Abbey et al., 2001 - US). Many 'date rapists' report deliberately getting a woman drunk in order to have sexual intercourse with her (Abbey et al., 2001 - US). Testa and Parks (1996 - US) suggest acquaintances or strangers may find it easier to act aggressively when the victim is intoxicated. Conversely, perpetrators of sexual violence against intimate partners may be better able to coerce, rather than force their victims, by employing powers of authority, fear or persuasion as alternative strategies.

Alcohol and the role of victimisation

The development of alcohol problems among victims may be a result of the experience of sexual violence rather than contributing to sexual victimisation. Alcohol use is a common response in times of psychological stress and US research supports suggestions that sexually assaulted women consume alcohol partly to self-medicate (Miranda et al., 2002 – US). Alcohol abuse is an early predictor of post-traumatic stress disorder in sexual violence victims (Darves-Bornoz et al., 1998 – Europe). Acierno et al. (1999 – US) also suggest that alcohol abuse is associated with an increased risk of post-traumatic stress disorder following rape. The precise process in the development of alcohol problems is, however, likely to be complex. Abbey et al. (2001 – US) suggest that drinking during sexual encounters can help past victims cope with negative feelings about sex but doing so puts them at greater risk of future violation.

Conclusions

Alcohol use in the event is common in incidents of sexual violence and perpetrator and victim drinking is common. This may be a function of the situation in which sexual violence occurs, or the influence of alcohol-related pharmacological and expectancy effects on sexual behaviour. Alcohol use is more likely in incidents of sexual violence between people who do not know each other well than intimates and the presence of alcohol has implications for the severity of sexual violence outcomes. Alcohol problems are common among male perpetrators of sexual violence. Alcohol problems are also common among sexual violence victims, which in many cases develop following victimisation. Alcohol relates to sexual violence via a number of direct and indirect pathways.

Research gaps and recommendations

UK research on alcohol-related sexual violence is sparse. Research is needed to identify what types of sexual crimes are committed by which type of people, under what circumstances, and the roles alcohol plays in the commission of these crimes.

The following are key knowledge gaps.

- The prevalence of alcohol involvement in a variety of sexual violence types.
- The type of drinking (intoxication in the event; chronic drinking) implicated in sexual violence.

- The influence of person-related factors (such as aggressive disposition; beliefs and expectancies) on alcohol-related sexual violence.
- The relative role of alcohol in sexual violence characterised by different combinations of victim-offender relationships and settings (domestic; social settings).
- The role of alcohol in potentially high risk and marginalised groups, for example, young people, specific ethnic or cultural groups, students, homeless people, dependent drinkers and victims of domestic violence.
- The role of alcohol in non-reporting by sexual violence victims.

Finally, theories of the relationship between alcohol and sexual violence need to be developed and tested.

However, sexual violence is undoubtedly a difficult and sensitive subject to research, fraught with ethical and practical dilemmas. Studies need to look at the multitude of factors potentially related to alcohol in sexual violence and their interrelations (Abbey et al., 2001 – US). Research findings can vary quite substantially depending on who is asked about sexual violence and alcohol use (offender, victim or officials). Research, therefore, needs to use multiple approaches to strengthen knowledge and validate findings.

Reporting rates for sexual offences are low and alcohol use compounds this outcome (Fisher et al., 2003 – US). This suggests official data should not be relied upon alone. Experiences of sexual violence are not always interpreted as transgressions by victims and offenders (Koss et al., 1988 – US). It is therefore necessary to carefully construct definitions of sexual violence. Brecklin and Ullman (2002 – US) suggest conducting surveys presented, for example, as surveys on personal safety with a focus on interpersonal violence rather than as 'crime' surveys. Additionally, however, victims who have been drinking may be less likely to realise or recall they have been sexually assaulted (Abbey et al., 2001 – US). This needs to be acknowledged when interpreting research findings.

Andrea Finney is now a Senior Research Officer in the Home Office Research, Development and Statistics Directorate's Measuring and Analysing Crime Programme but was formerly in the Drug and Alcohol Research Programme. The author would like to thank Stuart Lister, University of Leeds, and Mary McMurrin, Cardiff University, who peer-reviewed this Findings.

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DATA POINTS: Alcohol and traffic deaths

- Between 1982 and 1993, 266,291 deaths in the United States were alcohol-related -- one fatality every 30 minutes.
- Traffic fatalities in alcohol-related crashes rose by 4 percent from 1994 to 1995. The 17,274 alcohol-related fatalities in 1995 (41 percent of total traffic fatalities for the year) represent a 24 percent reduction from the 22,715 alcohol-related fatalities reported in 1985 (52 percent of the total).
- The National Highway Traffic Safety Administration estimates that alcohol was involved in 41 percent of fatal crashes and in 7 percent of all crashes in 1995.
- The 17,274 fatalities in alcohol-related crashes during 1995 represent an average of one alcohol-related fatality every 30 minutes.
- More than 300,000 people were injured in crashes where police reported that alcohol was present -- an average of one person injured approximately every two minutes.
- Approximately 1.4 million drivers were arrested in 1994 for driving under the influence of alcohol or narcotics. This is an arrest rate of one for every 127 licensed drivers in the United States.
- In 1995, 32 percent of all traffic fatalities occurred in crashes in which at least one driver or nonoccupant had a blood-alcohol content of .10 or greater. More than two-thirds of the 13,564 people killed in such crashes were themselves intoxicated. The remaining one-third were passengers, nonintoxicated drivers, or nonintoxicated nonoccupants.

- The rate of alcohol involvement in fatal crashes is three and one-third times as high at night as during the day (62.3 percent vs. 18.8 percent). For all crashes, the alcohol involvement rate is nearly five times as high at night (14 percent vs. 3 percent).

- In 1995, 32 percent of all fatal crashes during the week were alcohol-related, compared to 54 percent on weekends. For all crashes, the alcohol involvement rate was 5 percent during the week and 11 percent during the weekend.

- In 1995, 32.5 percent of all fatal traffic accidents involved drivers with a blood-alcohol content of greater than .10.

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- National Commission Against Drunk Driving - a non-profit organization of private and public sector leaders

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Issue: Volume 37, Number 4 / 2002
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THE ROLE OF AGGRESSION-RELATED ALCOHOL EXPECTANCIES IN EXPLAINING THE LINK BETWEEN ALCOHOL AND VIOLENT BEHAVIOR

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Abstract:

Studies have demonstrated an acute effect of alcohol on violent behavior. A remaining issue is the motivation of some offenders for using alcohol before offending. A common explanation is based on the relationship between daily drinking habit and drinking before offending. Drawing upon the deviance disavowal assumption, the embolden hypothesis, and expectancy theories, the present study argues that alcohol may be used intentionally to promote or excuse the violent consequences of drinking. Using data from the 1993 Buffalo Longitudinal Study of Young Men, the present study examines the independent effect of aggression-related alcohol expectancies on drinking before offending and the interactive effect of aggression-related alcohol expectancies and daily alcohol consumption on drinking before offending. The results indicate a significant effect of aggression-related alcohol expectancies on alcohol use before offending. This supports the

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argument that drinking may be a means for carrying out violent acts. A significant interactive effect was found between aggression-related alcohol expectancies and daily alcohol consumption. "Heavy" daily alcohol consumption increased the likelihood of drinking before offending for individuals who had high aggression-related alcohol expectancies more than those who had low such expectancies. Aggression-related alcohol expectancies moderated the effect of daily drinking on drinking before offending. The implications of these findings are discussed for the link between alcohol and violence.

Keywords:

Alcohol, Violence, Expectancies

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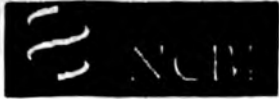
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Alcohol and violent pornography: responses to permissive and nonpermissive cues.

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Both alcohol consumption and violent pornography have been implicated independently in the commission of sexual aggression. In addition to alcohol consumption, the presence of alcohol in the context of violent pornography may act as a permissive cue to influence judgments of such material's acceptability and self-reported likelihood of engaging in sexually violent behavior. To test this proposition, an experiment which varied beverage condition (alcohol vs no alcohol), expectancy set (expect vs do not expect alcohol) and a permissive (presence of alcohol) vs nonpermissive (absence of alcohol) cue was conducted on both male and female subjects. Secondary analyses on male subjects alone investigated the role of the personality trait hypermasculinity in affecting judgments. Results showed that (1) alcohol itself rather than expectancy set influenced judgments and willingness to engage in sexual violence; (2) the presence of alcohol interacted with alcohol consumption to affect willingness to engage in sexual violence; (3) men high in hypermasculinity judged the violent pornographic story more positively than did men low in this trait; and (4) alcohol interacted with hypermasculinity to affect acceptability judgments, but only for men low on this trait. These findings are consistent with cognitive disruption models and show promise for future investigations of the influence of permissive cues, as well as the role of hypermasculinity.

MeSH Terms:




- Adult
- Aggression/psychology*
- Alcohol Drinking

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