

**1/24/11**  
**ALASKA**  
**VICTIM-**  
**IZATION**  
**SURVEY**

<TARGET><BILL></BILL><SUBJECT>1-24-11 ALASKA  
VICTIMIZATION  
SURVEY</SUBJECT><COMM>SJUD27</COMM></TARGET>



**Alaska Victimization Survey**

**Detailed Responses to  
Intimate Partner Violence and Sexual Violence Questions**

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With the Council on Domestic Violence and Sexual Assault



JC 1004



**UAA Justice Center**  
UNIVERSITY of ALASKA ANCHORAGE

## **Alaska Victimization Survey Questions**

### **Intimate Partner Violence**

Now I'm going to ask you some questions about times when any romantic or sexual partner has physically hurt you. Remember that you can skip questions you don't want to answer and you can stop at any time. How many of your romantic or sexual partners have...

1. Made threats to physically harm you?
2. Slapped you?
3. Pushed or shoved you?
4. Hit you with a fist or something hard?
5. Kicked you?
6. Hurt you by pulling your hair?
7. Slammed you against something?
8. Tried to hurt you by choking or suffocating you?
9. Beaten you?
10. Burned you on purpose?
11. Used a knife or gun on you?

### **Alcohol or Drug Involved Sexual Assault**

Sometimes sex happens when a person is unable to consent to it or stop it from happening because they were drunk, high, drugged, or passed out from alcohol, drugs, or medications. This can include times when they voluntarily consumed alcohol or drugs or they were given drugs or alcohol without their knowledge or consent. Please remember that even if someone uses alcohol or drugs, what happens to them is not their fault. When you were drunk, high, drugged, or passed out and unable to consent, how many people have...

1. Had vaginal sex with you? By vaginal sex, we mean that a man or boy put his penis in your vagina.
2. Made you receive anal sex, meaning they put their penis into your anus?
3. Made you perform oral sex, meaning that they put their penis in your mouth or made you penetrate their vagina or anus with your mouth?
4. Made you receive oral sex, meaning that they put their mouth on your vagina or anus?

### **Forcible Sexual Assault**

Some people are threatened with harm or physically forced to have sex when they don't want to, for example, by being pinned or held down, or by the use of violence. How many people have used physical force or threats to physically harm you to...

1. Make you have vaginal sex?
2. Make you receive anal sex?
3. Make you perform oral sex?
4. Make you receive oral sex?
5. Put their fingers or an object in your vagina or anus?
6. Try to have vaginal, oral, or anal sex with you, but sex did not happen?

Weighted Proportions of Alaskan Women Reporting Intimate Partner Violence

Measures of Intimate Partner Violence	Past 12 Months	Lifetime
Partner(s) made threats to physically harm you	5.8%	31.0%
Partner(s) slapped you	3.1%	27.2%
Partner(s) pushed or shoved you	7.9%	39.3%
Partner(s) hit you with a fist or something hard	2.9%	22.2%
Partner(s) kicked you	2.0%	13.3%
Partner(s) hurt you by pulling your hair	2.1%	17.3%
Partner(s) slammed you against something	4.2%	25.4%
Partner(s) tried to hurt you by choking or suffocating you	1.5%	13.8%
Partner(s) beat you	2.0%	17.1%
Partner(s) burned you on purpose	0.6%	2.9%
Partner(s) used knife or gun on you	0.9%	9.7%
Intimate partner violence (composite with all items)	9.4%	47.6%
Physical violence (composite without threats)	8.6%	44.8%

*Note.* CI = confidence interval.

Weighted Proportions of Alaskan Women Reporting Sexual Violence

Measures of Sexual Violence	Past 12 Months	Lifetime
While intoxicated <sup>a</sup> and unable to consent...		
Someone had vaginal sex with you	2.0%	18.3%
Someone made you receive anal sex	1.0%	6.9%
Someone made you perform oral sex	1.7%	11.5%
Someone made you receive oral sex	1.6%	8.4%
Alcohol or drug involved sexual assault (composite)	3.6%	26.8%
With physical force or threats of physical harm...		
Someone made you have vaginal sex	1.5%	17.9%
Someone made you receive anal sex	0.4%	3.3%
Someone made you perform oral sex	0.9%	7.7%
Someone made you receive oral sex	0.9%	5.3%
Someone put fingers or an object in your vagina/anus	0.9%	9.4%
Someone tried to have vaginal/oral/anal sex with you	1.2%	13.0%
Forcible sexual assault (composite)	2.5%	25.6%
Sexual violence (composite)	4.3%	37.1%

Note. CI = confidence interval.

<sup>a</sup> Includes being drunk, high, drugged, or passed out from alcohol, drugs, or medications.

# 2010 Alaska Victimization Survey

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## Report to the Alaska State Legislature 1/24/11



**University of Alaska Anchorage Justice Center**  
*André B. Rosay*



**Council on Domestic Violence and Sexual Assault**  
*Lauree Morton*



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# Presentation Overview

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- Update on recent statistics from Uniform Crime Reports
- 2009 Senate Judiciary Committee recommendation for victimization survey
- FY10 Alaska Victimization Survey
- FY11 Alaska Victimization Surveys



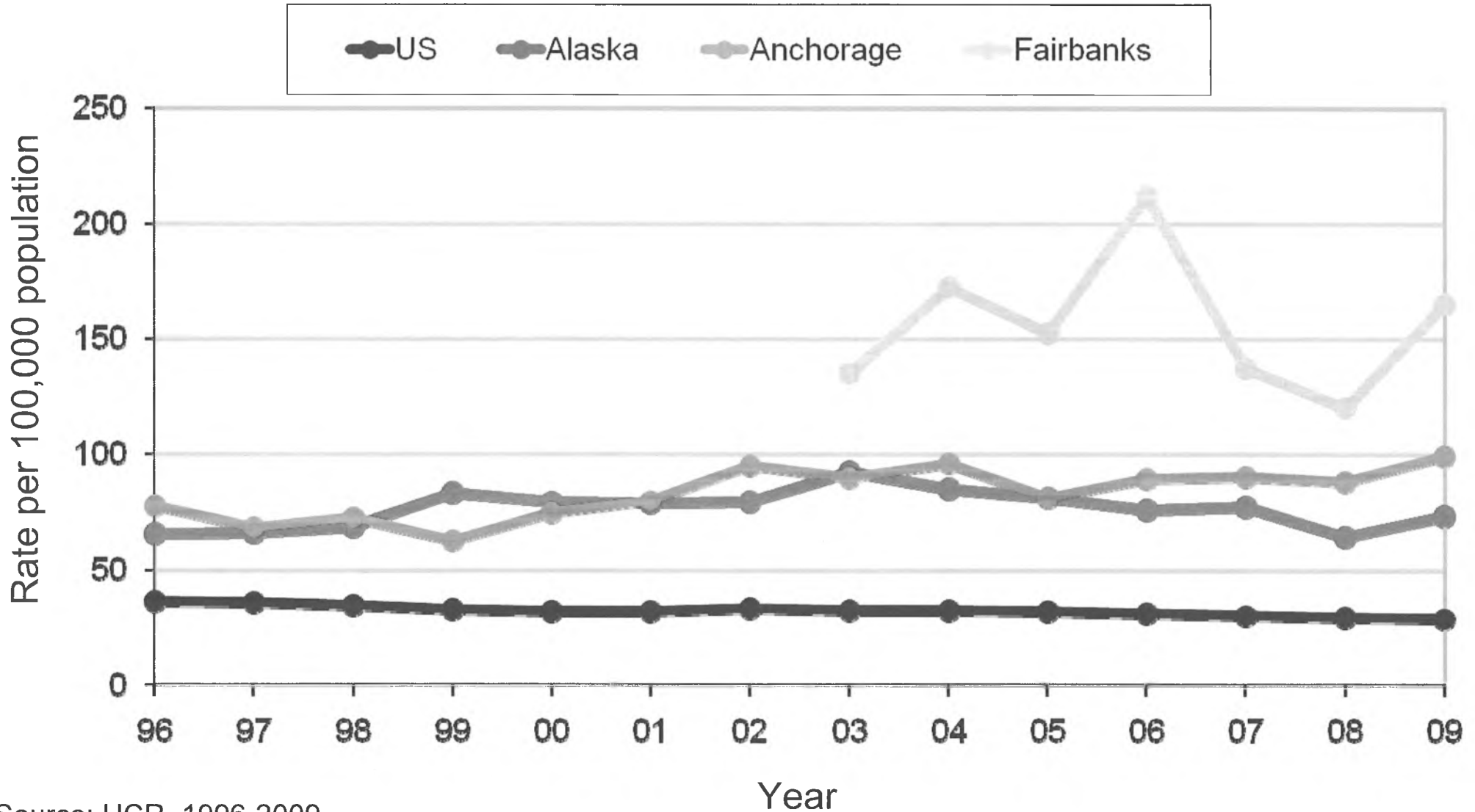
# Forcible Rape in Uniform Crime Reports



- **Forcible rape is defined as the carnal knowledge of a female forcibly and against her will**
- **UCR statistics show the number of forcible rapes reported to police each year**
- **Important limitations:**
  - Not all police agencies participate in the UCR program
  - These statistics only include rapes reported to police
  - These statistics exclude:
    - Statutory rapes
    - Incapacitated rapes
    - Rapes with male victims
    - Other sex offenses
    - Rapes with more serious offenses (e.g., homicide)



# UCR Forcible Rape Statistics: 1996-2009



Source: UCR, 1996-2009



# UCR Forcible Rape Statistics



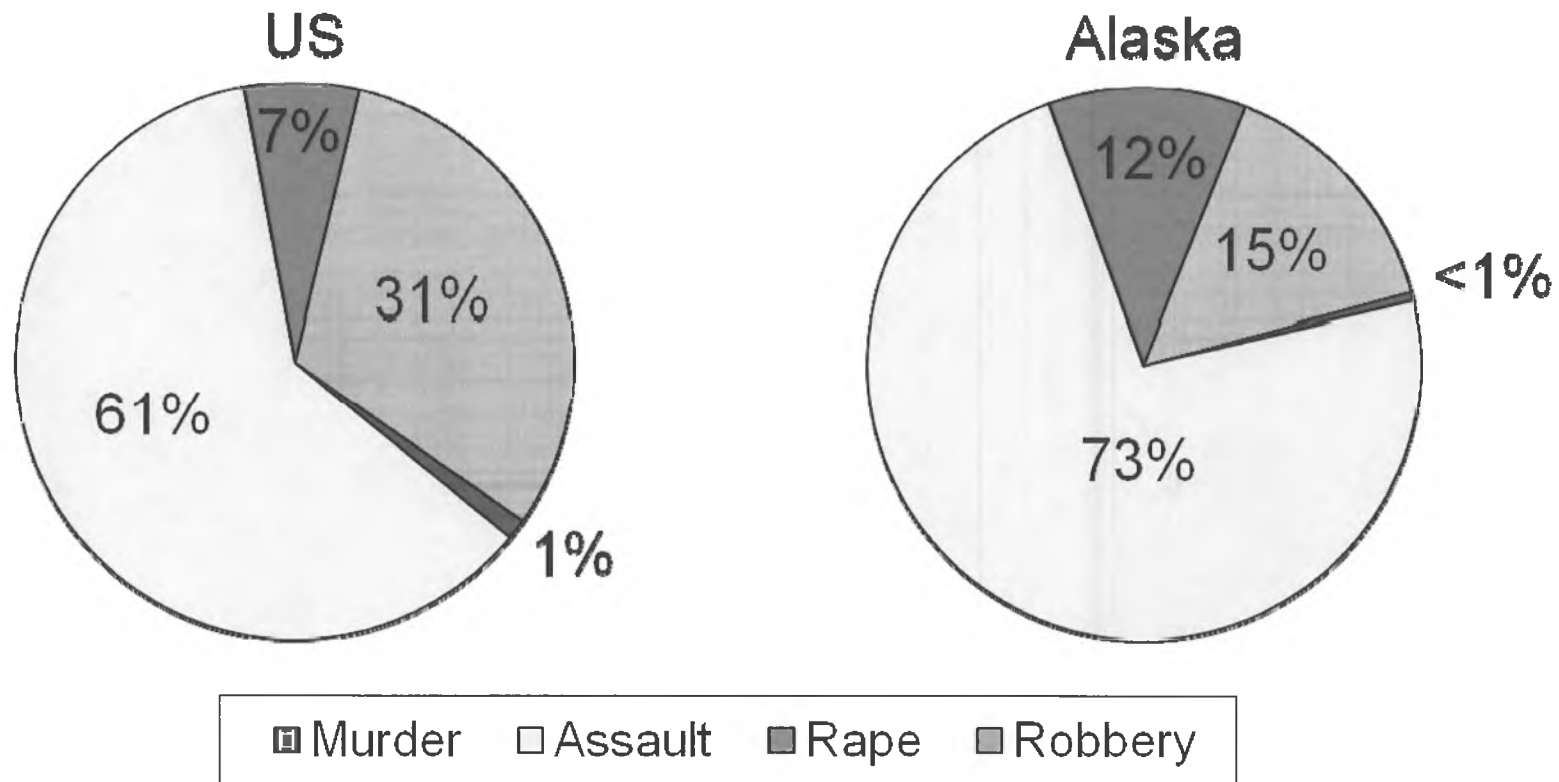
	2007 to 2008	2008 to 2009
<b>U.S.</b>	<b>-2.3%</b>	<b>-2.1%</b>
<b>Alaska</b>	<b>-16.9%</b>	<b>+12.3%</b>
<b>Anchorage</b>	<b>-2.7%</b>	<b>+11.6%</b>
<b>Fairbanks</b>	<b>-12.5%</b>	<b>+27.1%</b>

- **Changes in UCR forcible rape statistics may be attributable to:**
  - **Changes in victimization rates,**
  - **Changes in reporting,**
  - **Changes in both victimization rates and reporting.**

# Composition of Violent Crime: 2009



**Forcible rape is still a more common form of violent crime in Alaska than in the U.S.**



Source: UCR, 2009; Interpretation: 7% of violent crime reported to police in the US is attributable to rape; 12% of violent crime reported to police in Alaska is attributable to rape.



# Senate Judiciary Committee Recommendations



## Alaska State Legislature

**Senator Hollis French, Chair**  
State Capitol, Room 417  
Juneau, Alaska 99801  
Phone: (907) 465-3892  
Fax: (907) 465-6595



**Committee Members:**  
Senator Bill Wielechowski  
Senator Dennis Egan  
Senator Lesil McGuire  
Senator Gene Therriault

## Senate Judiciary Committee

*Report and Recommendations: Reducing Sexual Assault in Alaska*

“The legislature should fund a victimization survey to determine the actual rate of both reported and unreported sexual assaults in Alaska” (Senate Judiciary Committee, 2009).



# Council on Domestic Violence and Sexual Assault



## **Council Vision:**

Alaska, free from domestic and sexual violence

## **Council Mission:**

Provide safety for Alaskans victimized or impacted by domestic Violence and sexual assault through a system of statewide crisis intervention, perpetrator accountability and prevention services.



# FY10 Alaska Victimization Survey



- Designed to establish a baseline with statewide intimate partner and sexual violence estimates.
- Modeled after the National Intimate Partner and Sexual Violence Surveillance System (CDC, NIJ, DoD) and administered by RTI.
- Utilized a statewide random digit dial dual frame phone survey (both land and cell phone lines).
- Maximized respondent safety and confidentiality.



# Alaska Victimization Survey Questions



- Begin with less sensitive questions
- Use behaviorally specific questions:
  - *Avoid terms which respondents must define: “victim,” “rape,” “sexual assault,” or “domestic violence.” Instead, ask about behaviors and define when necessary. Example: “by vaginal sex, we mean that a man or boy put his penis in your vagina.”*
- Attribute behaviors to perpetrators rather than respondents:
  - *Avoid asking “did you have vaginal sex with others? Instead, ask “did others have vaginal sex with you?”*
- Respondents were thankful for the survey (94% completed the entire 25 min. survey).



# Survey Respondents



- Survey respondents were limited to English-speaking adult women residing in a household with at least one land or cell phone line.
- Includes 871 adult women throughout Alaska, surveyed in May/June 2010.
- Sample provides an excellent representation of the Alaska population of adult women.
- Sampling weights were used to control for selection, non-response, and coverage.



# Survey Respondents



- Average age = 46 (ranges from 18 to 80+)
- 72% White, 15% Alaska Native
- 5% Hispanic
- 49% were married
- 35% had a high school degree or less
- 56% reported a household income <\$50,000
- Geographically representative (68% are from Anchorage Municipality, Fairbanks North Star Borough, Matanuska-Susitna Borough)



# Intimate Partner Violence Definitions



- Intimate partner violence includes two measures:
  - *A – Threats of physical violence.*
  - *B – Physical violence.*
  - *Both include intimate partners only, defined as romantic or sexual partners.*
  - *Measures are then combined into a single ‘intimate partner violence’ composite.*
- Threats of physical violence by intimate partners:
  - *Have your romantic or sexual partners made threats to physically harm you?*



# Intimate Partner Violence Definitions

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- Physical violence by intimate partners:
  - *Have your romantic or sexual partners...*
    - *Slapped you?*
    - *Pushed or shoved you?*
    - *Hit you with a fist or something hard?*
    - *Kicked you?*
    - *Hurt you by pulling your hair?*
    - *Slammed you against something?*
    - *Tried to hurt you by choking or suffocating you?*
    - *Beaten you?*
    - *Burned you on purpose?*
    - *Used a knife or gun on you?*



# Intimate Partner Violence Estimates



Lifetime Estimates	Estimated %	Estimated N (out of 247,238)
Intimate Partner Violence <sup>1</sup>	47.6%	117,685
A. Threats	31.0%	76,644
B. Physical Violence	44.8%	110,763

1 – Includes both threats of physical violence and physical violence by intimate partners.

- *47.6% of adult women in Alaska (or 117,685) experienced intimate partner violence in their lifetime,*
  - *31.0% (or 76,644) experienced threats of physical violence,*
  - *44.8% (or 110,763) experienced physical violence.*



# Intimate Partner Violence Estimates



Past Year Estimates	Estimated %	Estimated N (out of 247,238)
Intimate Partner Violence <sup>1</sup>	9.4%	23,240
A. Threats	5.8%	14,340
B. Physical Violence	8.6%	21,262

1 – Includes both threats of physical violence and physical violence by intimate partners.

- *9.4% of adult women in Alaska (or 23,240) experienced intimate partner violence in the past year,*
  - *5.8% (or 14,340) experienced threats of physical violence,*
  - *8.6% (or 21,262) experienced physical violence.*

# Sexual Violence Definitions



- Sexual violence includes two measures:
  - *A – Alcohol or drug involved sexual assault.*
  - *B – Forcible sexual assault.*
  - *Measures are not limited to intimate partners.*
  - *Measures are then combined into a single ‘sexual violence’ composite.*
- Alcohol or drug involved sexual assault:
  - *When you were alcohol or drug intoxicated and unable to consent, has anyone...*
    - *Had vaginal sex with you?*
    - *Made you receive anal sex?*
    - *Made you perform oral sex?*
    - *Made you receive oral sex?*



# Sexual Violence Definitions

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- Forcible sexual assault:
  - *Has anyone used physical force or threats to physically harm you to...*
    - *Make you have vaginal sex?*
    - *Make you receive anal sex?*
    - *Make you perform oral sex?*
    - *Make you receive oral sex?*
    - *Put their fingers or an object in your vagina or anus?*
    - *Try to have vaginal, oral, or anal sex with you?*



# Sexual Violence Estimates



Lifetime Estimates	Estimated %	Estimated N (out of 247,238)
Sexual Violence <sup>1</sup>	37.1%	91,725
A. Alcohol or Drug Involved Sexual Assault	26.8%	66,260
B. Forcible Sexual Assault	25.6%	63,293

1 – Includes both alcohol or drug involved sexual assault and forcible sexual assault.

- *37.1% of adult women in Alaska (or 91,725) experienced sexual violence in their lifetime,*
  - *26.8% (or 66,260) experienced at least one alcohol or drug involved sexual assault,*
  - *25.6% (or 63,293) experienced at least one forcible sexual assault.*



# Sexual Violence Estimates

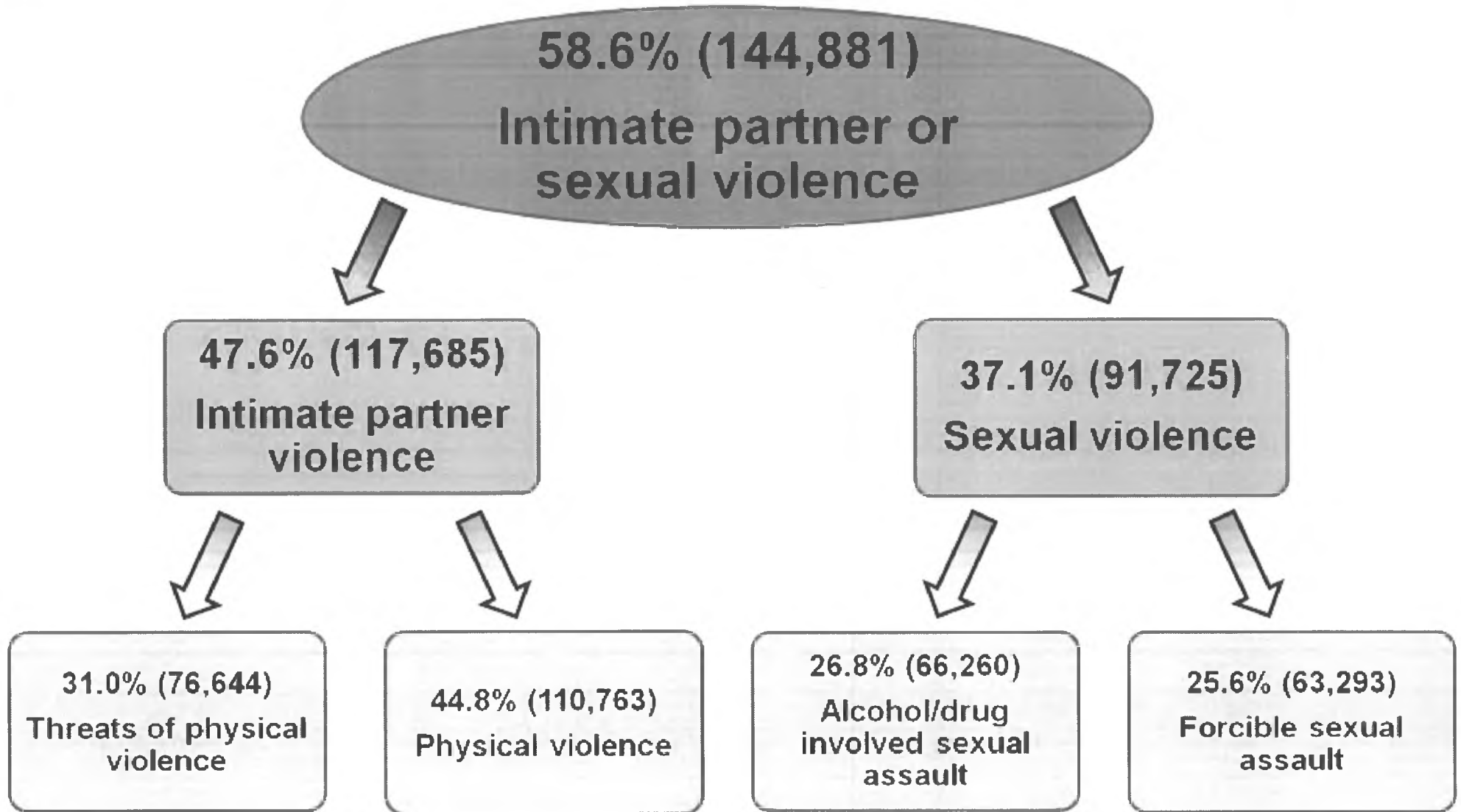


Past Year Estimates	Estimated %	Estimated N (out of 247,238)
Sexual Violence <sup>1</sup>	4.3%	10,631
A. Alcohol or Drug Involved Sexual Assault	3.6%	8,901
B. Forcible Sexual Assault	2.5%	6,181

1 – Includes both alcohol or drug involved sexual assault and forcible sexual assault.

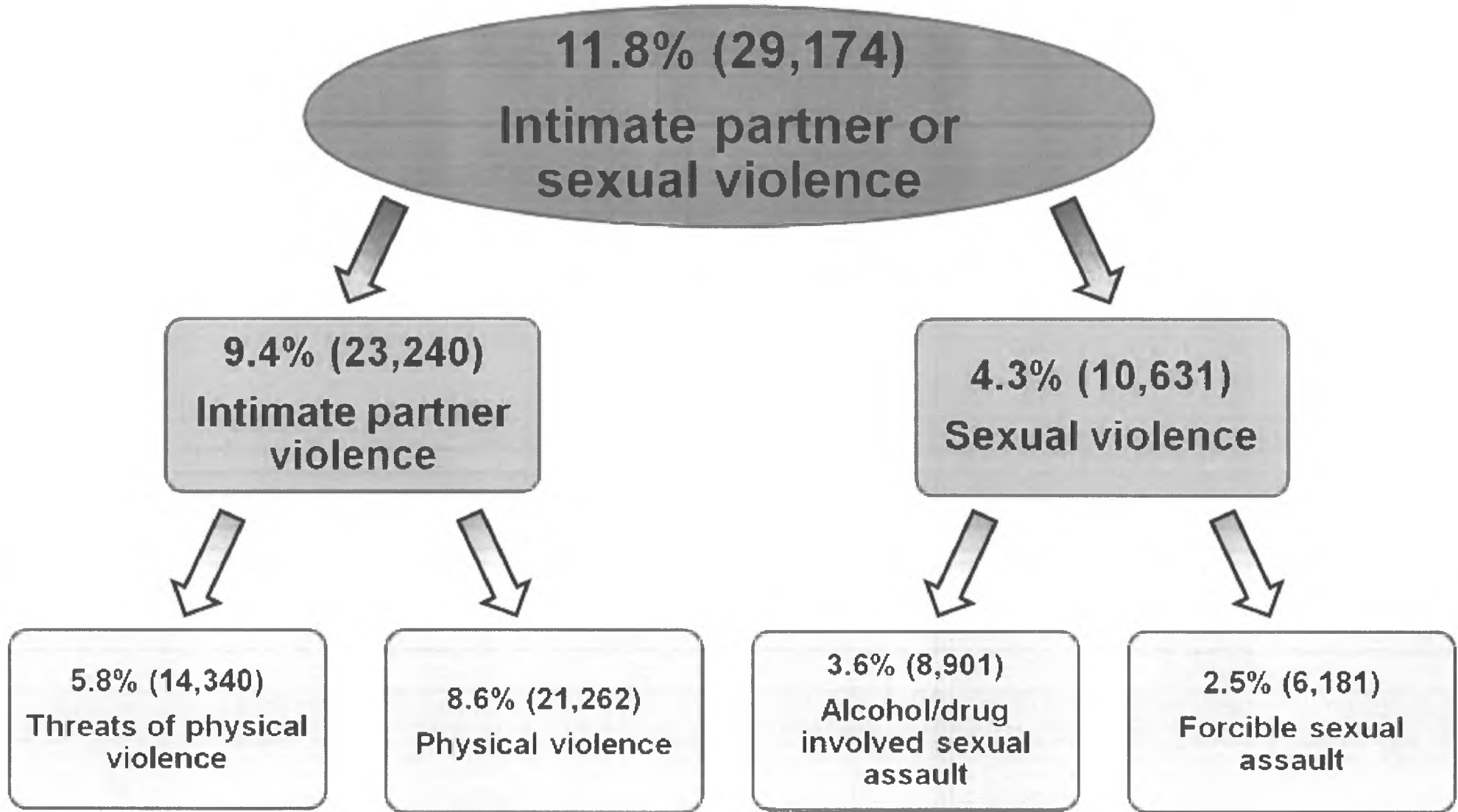
- *4.3% of adult women in Alaska (or 10,631) experienced sexual violence in the past year,*
  - *3.6% (or 8,901) experienced at least one alcohol or drug involved sexual assault,*
  - *2.5% (or 6,181) experienced at least one forcible sexual assault.*

# Summary of Lifetime Estimates



Note: percentages do not sum because some respondents experienced multiple victimizations.

# Summary of Past Year Estimates



Note: percentages do not sum because some respondents experienced multiple victimizations.



# Important Limitations



- Survey only provides a statewide average and masks regional differences. Regional estimates may vary significantly.
- Survey excluded non-English speaking women, women without phone access, and women not living in a residence (e.g., shelters, hospitals, homeless, prisons). Estimates may be significantly higher among women excluded from the survey.



# Important Limitations



- Measured *number of victims*, not *number of victimizations*. The number of victimizations is higher than the number of victims.
- Survey did not measure all forms of intimate partner violence or sexual violence. Estimates are therefore conservative.
- Estimates may also be conservative because of the continuing stigma of reporting intimate partner and sexual violence.



# A Special Thank You!



**We sincerely thank the women who invested time and effort to participate in the 2010 Alaska Victimization Survey.**

**They re-lived horrendous experiences – experiences no one should be subjected to – to help the rest of us understand the extent of intimate partner and sexual violence in Alaska. Thank you!**



# FY10 Alaska Victimization Survey

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- Survey provides the first statewide, comprehensive, and behaviorally specific measures of violence against Alaskan women
- Establishes a new baseline for Alaska that can be repeated to monitor progress and document change
- National comparisons and comparisons with other states will soon be available
- Results will be used to guide policy and practice



# FY11 Alaska Victimization Surveys

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- Surveys will soon begin in Anchorage and Fairbanks
- Surveys will include at least one rural location
- FY11 surveys will include two new questions:
  - Location of victimization (in/out of Alaska)
  - Child witnesses to violence
- FY11 surveys are again funded by the Council on Domestic Violence and Sexual Assault
- Continuing funding is needed and requested in the FY12 Governor's budget



# Contacts



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**UAA Justice Center Research on Violence Against Women**  
Prepared for the joint meeting of the Senate Health and Social Services Committee  
and the Senate Judiciary Committee, Alaska State Legislature  
Monday, January 24, 2011, 1:30 PM

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## Sexual Assaults Reported to Alaska State Troopers

*André B. Rosay, Greg Postle,  
Darryl S. Wood, and Katherine TePas*

Most research on sexual assault and the sexual abuse of minors in the state of Alaska has been focused on Anchorage; little has been known about the characteristics of these problems in other communities. The Justice Center, working with the Alaska State Troopers and the Alaska Department of Law, has completed the first thorough review of sexual assault incidents reported to Troopers in 2003 and 2004. The results delineate a first draft of the problem in Alaska's smaller communities, for the population primarily served by the Troopers.

The final sample in this study included 989 cases with a sexual assault or sexual abuse of a minor charge, reported to Troopers in 2003 and 2004, and closed by the time of the study. It is important to note that this study did not include any sexual assault cases reported to local or municipal departments. In addition, this study did not include cases specific to child pornography or online enticement of minors.

### Report Characteristics

Almost half of the reports included in the study (48%) came from C Detachment, which covers western Alaska, from Kotzebue to Kodiak (Table 1). The C Detachment headquarters is in Anchorage, with the remaining posts in Aniak, Bethel, Dillingham, Emmonak, King Salmon, Kodiak, Kotzebue, Nome, and St. Mary's. The Bethel post handled 17 percent of all sexual assault and sexual abuse of minor cases reported to Troopers in 2003 and 2004. Thirty percent of the reports came from the Alaska Bureau of Investigation (ABI), whose Major Crime Unit is responsible for investigating sexual assaults and other person offenses statewide. The Alaska Bureau of Investigation has posts in Anchorage, Palmer, Fairbanks, and Soldotna. ABI posts in Palmer and Fairbanks handled 16 percent of all sexual assault and sexual abuse of minor cases

Originally published in the *Alaska Justice Forum* 25(1-2): 1, 6-9 (Spring-Summer 2008).  
[http://justice.uaa.alaska.edu/forum/25/1-2springsummer2008/d\\_ast.html](http://justice.uaa.alaska.edu/forum/25/1-2springsummer2008/d_ast.html)

For other articles and publications related to sexual violence and violence against women, see:  
<http://justice.uaa.alaska.edu/vaw/>

**Abstract:** *This study examined 989 cases with a sexual assault or sexual abuse of a minor charge reported to Alaska State Troopers in 2003 and 2004, and excluded any sexual assault cases reported to local or municipal departments.*

- *Forty-eight percent of reports came from C Detachment (Western Alaska - Kodiak to Kotzebue), and 58% were reported from communities off the road system.*
- *In 69% of cases, the identity of at least one suspect was known. While most suspects (87%) were adults, most victims (73%) were juveniles. Sixty-one percent of victims were Alaska Native and 38% were White. Intra-racial victimizations were much more prevalent than inter-racial victimizations. The most common suspect was a friend or acquaintance of the victim, followed by a relative. Forty-three percent of suspects and 27% of victims had used alcohol.*
- *Sexual penetration occurred in 60% of assaults. Weapons were very rarely used. Most assaults occurred inside private residences. Nineteen percent of victims experienced general physical pain and 10% suffered bruising or swelling. Most victimizations were reported quickly to Troopers and Troopers were quick to respond. Ninety-six percent of victims were interviewed, with 48% interviewed on the day of the report and 80% interviewed within one week of the report.*
- *Forty-six per cent of reported cases were referred for prosecution, 60% of referred cases were accepted for prosecution, and 80% of accepted cases resulted in a conviction. Overall, however, only 22% of reported cases resulted in a conviction. In some cases, the conviction may be for a non-sexual offense. The highest level of attrition occurred from report to referral.*

reported to Troopers in 2003 and 2004. Together, C Detachment and ABI handled 78 percent of all reports. Forty-two percent of the reported cases originated in communities connected to the State of Alaska highway system, and 58 percent were reported from communities off the road system.

Most reports (86%) were made directly to troopers. The remaining 14 percent were reported to Village Police Officers, Village Public Safety Officers, or Tribal Police Officers. Few of the initial complaints (21%) were made by the victims themselves. Most initial reports to law enforcement (79%) were made by a third party. In over two-thirds of the cases (69%), the identity of at least one suspect was known.

The 989 cases in this study included a total of 1,645 sexual assault charges and 258 non-sexual assault charges (Table 2). The most common sexual assault charges were second degree sexual abuse of a minor, first degree sexual assault, second degree sexual assault, and first degree sexual abuse of a

minor—all felonious assaults (Unclassified or Class B). Together, these four offenses accounted for 81 percent of all sexual assault charges. The most common non-sexual assault charges included assaults (in the

**Table 1. Total Number of Reports by Detachment**

Column percentages.

Detachment	Reports	
	N	%
C	476	48.1 %
ABI	299	30.2
D	79	8.0
E	54	5.5
A	39	3.9
B	24	2.4
ABWE	18	1.8
<b>Total</b>	<b>989</b>	

Source of data: AST data (2003-2004)

**Table 2. All Sexual Assault Charges**

Column percentages.

Charge	Number	
	N	%
Sexual abuse of a minor 2nd degree	481	29.2 %
Sexual assault 1st degree	366	22.2
Sexual assault 2nd degree	292	17.8
Sexual abuse of a minor 1st degree	193	11.7
Sexual assault 3rd degree	130	7.9
Sexual abuse of a minor 3rd degree	99	6.0
Sexual abuse of a minor 4th degree	78	4.7
Sexual assault 4th degree	6	0.4
<b>Total</b>	<b>1,645</b>	

Source of data: AST data (2003–2004)

second, third, or fourth degree), burglary (in the first or second degree) and kidnapping. Together, these three offenses accounted for 50 percent of all non-sexual assault charges.

Despite the geographical distance that is often present between victims and Troopers, most victimizations were reported quickly to Troopers, and Troopers were quick to respond. Sixty-two percent of cases were reported within 72 hours, which, at the time of the study, was the benchmark for initiating a call to the Sexual Assault Response Team (SART) and collecting evidence with a sexual assault evidence kit. Seventy-seven percent of suspects were interviewed by Troopers (recall that the identity of the suspect was known in 69% of cases). Fifty-seven percent of suspect interviews occurred within one week of the report. Ninety-six percent of victims were interviewed, with 48 percent interviewed on the day of the report and 80 percent interviewed within one week of the report. Ninety-one percent of victim interviews were conducted in-person. On average, cases were closed 18 weeks after they were reported (Table 3). More specifically, 30 percent of cases were closed within three weeks, 50 percent were closed within eight weeks, and 75 percent were closed within 24 weeks.

**Table 3. Case Closure Codes**

Column percentages.

Closure code	Reports	
	N	%
CA Closed by arrest	316	32.0 %
CR Closed, referred	255	25.7
CI Closed by investigation	232	23.5
CU Closed, unfounded	150	15.2
CD Closed, declined	29	2.9
CE Closed, exception	7	0.7
<b>Total</b>	<b>989</b>	

Source of data: AST data (2003–2004)

A majority of cases (61%) were closed and referred for prosecution. These included cases closed by arrest (32%), closed and referred (26%), and closed but declined (3%). The remaining cases were closed after investigation (23%), closed as unfounded (15%), or closed by exception (1%). These latter groups of cases (excluding those closed by exception) were all closed without a suspect being arrested and in some cases without a suspect being identified. Cases that were closed as unfounded were more likely to be reported by third parties who were concerned that a sexual assault may have occurred.

**Suspect and Victim Characteristics**

From the 989 reports included in this study, we gathered information on 1,050 suspects and 1,082 victims. Most suspects (97%) were male and most (87%) were adults. Conversely, most victims (89%) were female and most (73%) were juveniles. The average age of suspects—29.2—was 13 years greater than the average age of victims—16.2 (Table 4).

Figure 1 displays the number of victim-suspect combinations on the horizontal axis, by victim age on the vertical axis, for five different suspect age groups, in horizontal bars. The top five age group combinations were (1) suspects 31 years old or older and victims 0 to 12 years old (N=137); (2) 16 to 20-year-old suspects and 13 to 15-year-old victims (N=113); (3) 21 to 30-year-old suspects and 13 to 15-year-old victims (N=89); (4) suspects 31 years old or older and victims 31 years old or older (N=76); and (5) suspects 31 years old or older and 13 to 15-year-old victims (N=75). Together,

**Table 4. Demographic Characteristics of Suspects and Victims**

Column percentages.

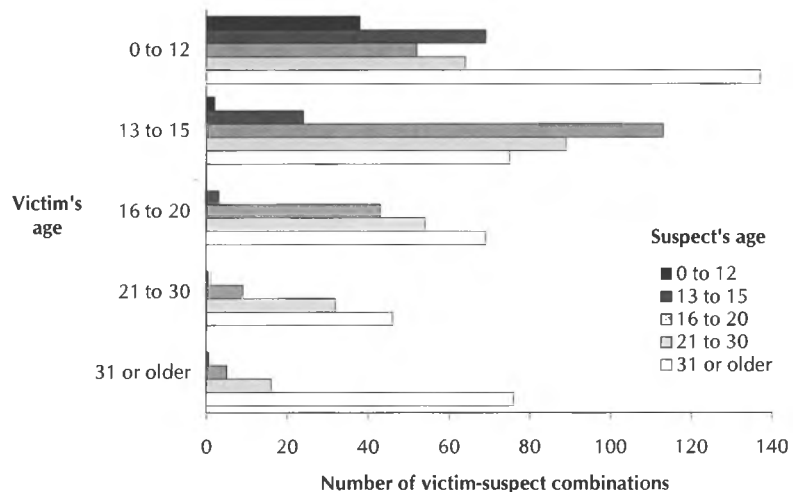
	Suspects		Victims	
	N	%	N	%
<b>Age group</b>				
0 to 12	35	3.7 %	380	35.9 %
13 to 15	87	9.2	303	28.6
16 to 20	210	22.2	165	15.6
21 to 30	236	24.9	101	9.5
31 or older	380	40.1	110	10.4
<b>Total</b>	<b>948</b>		<b>1,059</b>	
<b>Race</b>				
Native	566	59.1 %	638	60.5 %
White	349	36.5	400	37.9
Black	35	3.7	13	1.2
Other	7	0.7	4	0.4
<b>Total</b>	<b>957</b>		<b>1,055</b>	

Source of data: AST data (2003–2004)

these five age group combinations accounted for 48 percent of the assaults for which both the age of the suspect and victim were known.

Most suspects were Native (59%) or White (37%) and most victims were also Native (61%) or White (38%) (Table 4). Intra-racial victimizations were much more prevalent than inter-racial victimizations, with 91 percent of Native victims assaulted by Native suspects and 84 percent of White victims assaulted by White suspects. Slightly less than half (43%) of the suspects had used alcohol; few (7%) had used drugs. Substance use was most frequent among suspects age 21 to 30, followed by suspects age 31 to 40 and suspects age 16 to 20. Among victims, 27 percent had used alcohol and 5

**Figure 1. Victim-Suspect Age Combinations**



**Table 5. Nature of Victim and Suspect Relationship**

Column percentages.

Relationships	All victims		Minor victims		Adult victims	
	N	%	N	%	N	%
Friends or acquaintances	477	46.4 %	328	43.3 %	152	57.1 %
Relatives	360	35.1	308	40.6	45	16.9
Current or former partners	124	12.1	80	10.6	44	16.5
Authority figure (to victim)	44	4.3	36	4.7	17	6.4
Strangers	22	2.1	6	0.8	8	3.0
<b>Total</b>	<b>1,027</b>		<b>758</b>		<b>266</b>	

\* The "relatives" category in this table includes in-laws, immediate, and extended family members. However, married couples were excluded from the "relatives" category.

Source of data: AST data (2003–2004)

percent had used drugs. Substance use was most frequent among victims age 13 to 15, followed by victims age 21 to 30 and victims age 31 or older.

Most victims (all but one) were not homeless, nor were most suspects (99%). Most victims (71%) were not living with the suspect at the time of the assault, but overwhelmingly, the victims reported knowing the suspect in some fashion (98%) (Table 5). Only 2 percent of all victim-suspect relationships involved complete strangers. Nearly half (46%) involved friends or acquaintances, 35 percent involved relatives, 12 percent involved current or past intimate partners (including married couples), and 4 percent involved suspects that were in a position of authority over their victims. Together, friends, relatives, and intimate partners accounted for 94 percent of the victim-suspect relationships in the study sample.

The nature of the victim-suspect relationship varied substantially by the age of the victim. In particular, minor victims were substantially more likely be assaulted by relatives than adult victims. While only 17

percent of adult victims were assaulted by relatives, 41 percent of minor victims were assaulted by relatives. Minor victims were slightly less likely to be assaulted by friends or acquaintances (43%) than adult victims (57%) and slightly less likely to be assaulted by current or former partners (10%) than adult victims (17%).

#### Assault Characteristics

The five most common ways that victims and suspects came into contact with each other prior to the assault were by living together (32%); the suspect inviting the victim somewhere (20%); the suspect attacking the victim indoors (15%); the victim inviting the suspect somewhere (10%); and the victim and suspect meeting up with each other at a party (9%). Together, these five pickup methods were used in 86 percent of the assaults (Table 6).

The five most common pickup and assault locations were identical, differing only in terms of rank. These locations included mutually shared residences (25% of pickups and 25% of assaults), the suspect's residence (25% of pickups and 30% of assaults), the

victim's residence (20% of pickups and 17% of assaults), someone else's residence (14% of pickups and 14% of assaults), and outdoors (10% of pickups and 7% of assaults). Private residences accounted for 84 percent of pickup locations and 87 percent of assault locations (Table 7).

The reported use of weapons by suspects was very rare in this sample of sexual assault cases. The one major exception, however, was suspects' use of their hands and/or arms to restrain or strike their victims during the assaults. In slightly less than one-third of the incidents, suspects used their hand and/or arms to restrict victims' movement or to assault victims physically beyond the sexual assault. Other weapons such as knives, guns, drugs, or blunt objects were reported to have been used in less than 1 percent of the incidents.

Sexual penetration, as defined by Alaska law, was documented in 60 percent of the assaults. On average, suspects engaged in just over two sexual acts (2.16) per assault (Table 8).

As a result of the assault, 19 percent of victims experienced general physical pain. In addition, 10 percent suffered bruising or swelling. Lacerations, bite marks, and bone fractures were rarely reported or documented (less than 3% of victims). Overall, very few victims received any type of emergency medical treatment for injuries suffered as a result of the sexual assault. Only 4 percent of victims received emergency medical care for genital injuries; 2 percent received emergency medical care for non-genital injuries; and less than 1 percent received emergency medical care for alcohol or drug intoxication.

#### Evidence Collection

Detailed information was gathered on the availability and collection of several types

**Table 6. Method of Pickup**

Column percentages.

Method	Incidents	
	N	%
Lived together	234	32.4 %
Suspect invited victim	146	20.2
Attacked indoors	109	15.1
Victim invited suspect	71	9.8
Met at a party	63	8.7
Suspect performing service	33	4.6
Jumped outdoors	23	3.2
Entered suspect's vehicle	20	2.8
Met elsewhere	13	1.8
Met in a bar	10	1.4
<b>Total</b>	<b>722</b>	

Source of data: AST data (2003–2004)

**Table 7. Location of Pickup and Assault**

Column percentages.

Location	Pickup		Assault	
	N	%	N	%
Suspect's house	221	25.1 %	271	29.7 %
Victim and suspect's house	221	25.1	232	25.4
Victim's house	175	19.9	159	17.4
Other's house	122	13.8	130	14.2
Outdoors	89	10.1	61	6.7
Bar	17	1.9	3	0.3
Vehicle (victim or suspect's)	16	1.8	38	4.2
Work (victim or suspect's)	12	1.4	8	0.9
Hotel	8	0.9	11	1.2
<b>Total</b>	<b>881</b>		<b>913</b>	

Source of data: AST data (2003–2004)

**Table 8. Sexual Acts**

Row percentages.

Sexual acts	No		Yes		Total
	N	%	N	%	
Touching of the external female genitalia	365	47.7 %	400	52.3 %	765
Penile penetration of victim's vagina	582	60.1	387	39.9	969
Touching of victim's breasts	483	65.0	260	35.0	743
Kissing	563	70.9	231	29.1	794
Digital penetration of victim's vagina	597	75.3	196	24.7	793
Touching of penis (suspect's or victim's)	714	85.6	120	14.4	834
Touching of victim's anus	626	86.1	101	13.9	727
Victim performed oral sex on suspect	759	86.9	114	13.1	873
Suspect performed oral sex on victim	736	88.0	100	12.0	836
Penile penetration of victim's anus	786	91.7	71	8.3	857
Digital penetration of victim's anus	816	97.4	22	2.6	838

Source of data: AST data (2003–2004)

**Table 9. Collection of Evidence and Forensic Exams**

Row percentages.

Evidence	No		Yes		Total
	N	%	N	%	
Physical evidence from victim	720	78.2 %	201	21.8 %	921
Victim sexual assault evidence collection kit	733	79.9	184	20.1	917
Physical evidence from scene	796	84.1	150	15.9	946
Physical evidence from suspect	820	87.0	122	13.0	942
Photographs of scene	797	87.3	116	12.7	913
Suspect sexual assault evidence collection kit	874	92.9	67	7.1	941
DNA forensic exams	827	85.6	139	14.4	966
Trace/latent forensic exams	944	97.7	22	2.3	966
Computer forensic exams	942	97.5	24	2.5	966

Source of data: AST data (2003–2004)

of evidence, including physical evidence, electronic data, and photographic documentation.

Physical evidence from the victim (e.g., clothing) and victim sexual assault evidence collection kits were the most commonly collected types of evidence, gathered in 22 percent and 20 percent of cases respectively (Table 9). Suspect sexual assault kits were collected in only 7 percent of cases, and physical evidence from the suspect was gathered in only 13 percent of cases. In the majority of cases, there was no physical

evidence recovered from the scene (84% of cases) and in 87 percent of cases, the scene was not photographed. Search warrants were obtained in 36 percent of cases. The most common warrants were for the victims' medical records (26% of cases) and glass warrants (13% of cases). Forensic exams of evidence were requested in only 16 percent of cases, with forensic DNA exams the most commonly requested (14% of cases).

Photographs of suspect injuries and the recovery of a weapon were the least common types of evidence collected (also the least

available) during investigations.

Overall, evidence collection appeared to be somewhat low, although the statistics represent only what was included in the reports (Table 10). This is an important limitation with this study because evidence was counted as collected only if it was included in the report. This is particularly problematic with photographs. In some cases, photographs were taken, but were kept separately from the report (i.e., stored electronically but not printed to include with the report). In these cases, we counted the evidence as not collected because it was not found within the report. The statistics reported here therefore underestimate how frequently evidence was collected by Troopers.

Future analyses will be necessary to determine how these types of evidence impact legal resolutions. Two main factors determine the applicability and availability of evidence: one, the nature, or severity, of the reported incident; two, the timeliness of the report. Both factors impact what evidence is applicable and what evidence is available to be collected.

### Legal Resolutions

We examined data from the Alaska Department of Law (DOL) to determine the legal resolution for cases in the study which were referred to DOL. We did not examine referrals to other agencies, such as the Division of Juvenile Justice. From the sample of 989 reported cases, 46 percent (N = 452) were referred to DOL for prosecution. Sixty percent of the cases referred to DOL (N = 273) had at least one charge accepted and filed with the court for prosecution (Table 11). Of those cases with at least one charge accepted by DOL, 80 percent resulted in a conviction. The highest level of attrition occurred from report to referral. Once cases were referred, the likelihood of at least one charge being accepted and resulting in a finding of guilt was quite high.

Additional analyses showed that attrition was less likely in cases with one or more

**Table 10. Applicability and Collection of Evidence**

Row percentages.

Evidence	Applicable?					Collected, if applicable?				
	No		Yes		Total	No		Yes		Total
	N	%	N	%		N	%	N	%	
SART exam photos	692	77.1 %	206	22.9 %	898	45	21.8 %	161	78.2 %	206
Electronic data	898	94.0	57	6.0	955	15	26.3	42	73.7	57
Victim injury photos	680	75.7	218	24.3	898	99	45.4	119	54.6	218
Weapon	929	97.5	24	2.5	953	18	75.0	6	25.0	24
Trace/latent	827	88.5	97	10.4	934	77	79.4	20	20.6	97
Suspect injury photos	864	90.9	86	9.1	950	69	80.2	17	19.8	86

Source of data: AST data (2003–2004)

**Table 11. Number of Cases by Stage**

Stage	N	% of reported	% of referred	% of accepted
Reported	989	100.0 %	—	—
Referred	452	45.7	100.0 %	—
Accepted	273	27.6	60.4	100.0 %
Convicted	219	22.1	48.5	80.2

Source of data: Alaska Department of Law

witnesses than in cases without witnesses and was less likely among rural cases than among urban cases (rural cases were defined as those emerging from locations not connected to the State of Alaska highway system). (See "Case Attrition of Sexual Violence Offenses: Empirical Findings" in this issue.)

From the 989 reports, a total of 1,171 charges were referred to DOL. Sixty-six percent of these charges were accepted by DOL. Thirty-one percent were declined with a required dismissal and 3 percent were declined without a required dismissal. The

most frequently cited reasons for not accepting charges as referred were evidentiary reasons, with the two most common evidentiary reasons being inadequate corroboration and insufficient evidence.

Because evidentiary reasons were the most common reasons for not accepting charges that were referred and because evidence collection was somewhat low, it

is imperative that we improve the capacity to collect evidence, when it is available. In "Sexual Assault Nurse Examinations in Alaska," also in this issue of the *Forum*, the importance of documenting non-genital injuries is discussed. In this study, victim injury photos were taken in only 55 percent of applicable cases. Again, this estimate may be low because some victim injury photos are kept separately from the reports. Nonetheless, there is room for improving evidence collection and resources should be provided for these improvements.

The findings presented here constitute a

first look at the problem of sexual assault in smaller communities across the state—those served predominately by the Troopers. Further research will undoubtedly provide a more detailed picture.

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## Case Attrition of Sexual Violence Offenses: Empirical Findings

Darryl S. Wood and André B. Rosay

The State of Alaska's response to violence in Alaska Native villages has faced increased scrutiny over the past decade, with criticism coming from a number of sources, including the Alaska Advisory Committee to the U.S. Commission on Civil Rights, the Alaska Inter-Tribal Council (in *AITC v. Alaska*, 110 P.3d 947, 2005), and, most recently, Amnesty International. In general, allegations have been made that the state discriminates on a geographic and racial basis in the provision of criminal justice services to Alaska Native villages that are isolated from the main road system. For example, in *AITC v. Alaska* (2005), plaintiffs argued that their equal protection rights were violated by the state's deployment of police resources in a discriminatory fashion that favored those living along the main highway system. Similarly, in a 2007 report on police and court responses to violence against American Indian and Alaska Native women (*Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA*), Amnesty International singled out Alaska for what it considers to be a discriminatory, two-tiered deployment of police into the isolated areas of the state, said to be indicative of the state's "failing to exercise due diligence when it comes to sexual violence against . . . Alaska Native women." Amnesty International argued that with this two-tiered deployment of police resources, villages without a trooper post receive less effective police response than villages with a trooper post.

The evidence put forth in the many critical reports is based primarily upon the written and oral testimony of criminal justice agency personnel as well as Alaska Native crime victims, political leaders, and legal advocates. Although compelling, the case made against the state is largely anecdotal, failing to demonstrate a *systematic* lack of criminal justice system response to sexual violence against Alaska Natives. In this article we consider information gathered from

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[http://justice.uaa.alaska.edu/forum/25/1-2springsummer2008/b\\_attrition.html](http://justice.uaa.alaska.edu/forum/25/1-2springsummer2008/b_attrition.html)

For other articles and publications related to sexual violence and violence against women, see:  
<http://justice.uaa.alaska.edu/vaw/>

**Abstract:** This report examined the legal resolutions for 1,184 contact sexual violence cases reported to Alaska State Troopers in 2003 and 2004, and excluded results from other law enforcement agencies. We determined whether cases were founded with an identifiable suspect, were referred to the Alaska Department of Law for prosecution, were accepted for prosecution, and if the case resulted in a conviction. We only examined whether any conviction on any charge was obtained. In some cases, the conviction may be for a non-sexual offense.

- Seventy-five percent of cases were founded with at least one identifiable suspect, 51% of founded cases were referred to the Alaska Department of Law for prosecution, 60% of referred cases were accepted for prosecution, and 80% of accepted cases resulted in a conviction on at least one charge. The greatest point of attrition was from the founding to the referral decision.
- For the most part, cases of Alaska Native victims were as likely, or even more likely, to be processed by the criminal justice system relative to the cases of non-Native victims.
- Cases of sexual violence in the most rural portions of Alaska had an equal or greater chance of being subject to legal sanction when compared with cases from Alaska's less rural areas, and were as likely or more likely to receive full enforcement and prosecution. Unfortunately, the percentage of founded cases that resulted in a conviction never exceeded 30%.

the case files of the Alaska State Troopers (AST) and the Alaska Department of Law (DOL) to determine if there is an empirical basis for claims of unequal enforcement of sexual violence statutes. Specifically, we consider multiple decision-making points within the criminal justice process to compare the outcomes of cases involving Alaska Native victims with cases of non-Native victims.

The results presented below allow for an examination of case attrition of instances of sexual violence reported to AST and prosecuted by DOL. *Case attrition* is a term used to describe the process by which only a portion of offenses reported to the police are eventually dealt with through criminal prosecution. At each specific decision-making point the number of cases deemed worthy of official attention is reduced, with some cases carried forward for additional processing while others are no longer subject to prosecution.

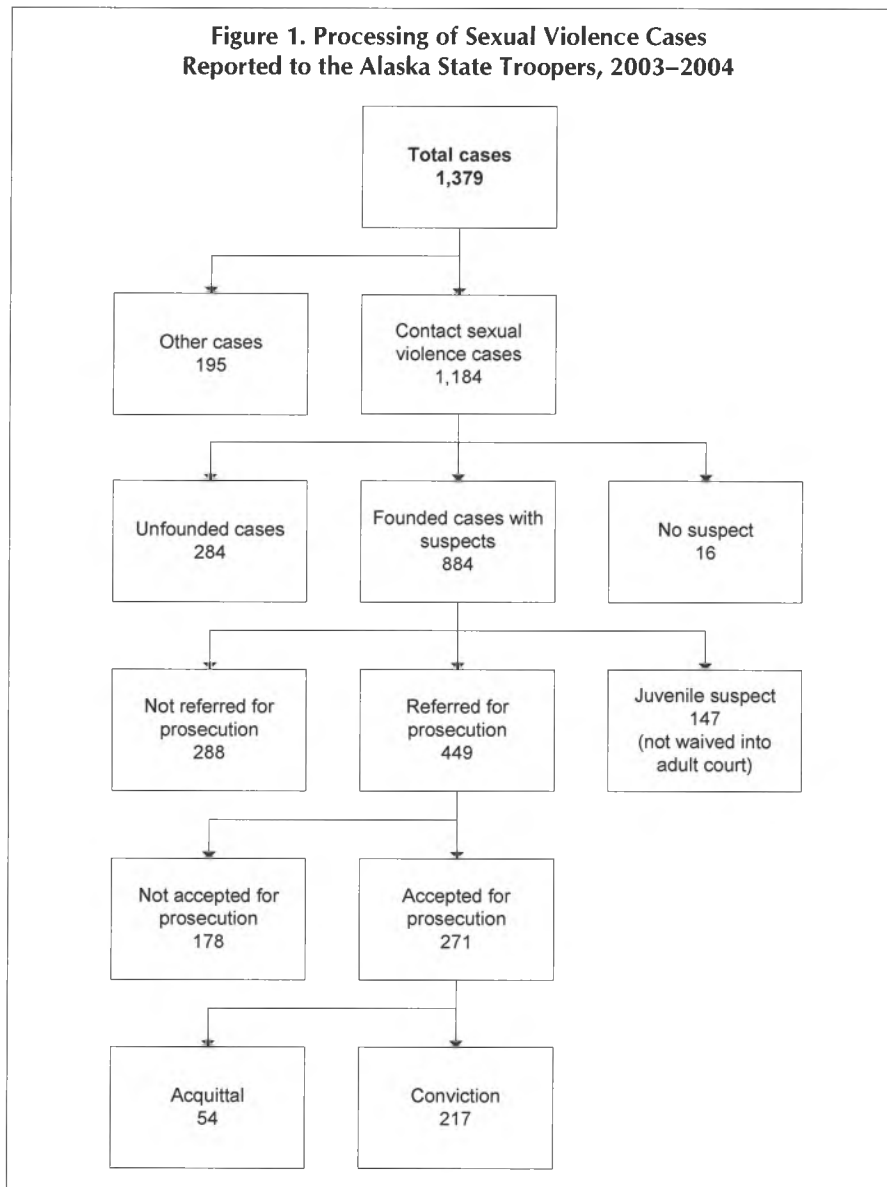
The attrition of sexual violence cases reported to AST in 2003 and 2004 is shown in Figure 1. Overall, there were 1,379 reports of sexual offenses made to AST during those

two years. Of those original reports, 1,184 were contact sexual violence cases involving forcible rape, sexual assault, or sexual abuse of a minor. Among the other 195 cases were offenses that occurred outside of AST's geographic area of responsibility, offenses that occurred before 2003, offenses committed by children too young to form criminal intent, and non-contact sexual offenses such as indecent exposure or possession of child pornography.

In the next step in the process the police decide if the reported offense is *founded* (i.e., that it actually occurred) and if there is a suspect responsible for the offense to be subject to prosecution. Roughly three-fourths (74.7%) of the 1,184 reported contact sexual violence cases were deemed by AST to have occurred and to have at least one identifiable suspect.

After the police decide that an offense has indeed occurred and also identify a suspect, the next decision is whether to refer the case for prosecution in criminal court. Half (50.8%) of the 884 founded cases with identified suspects were referred to DOL for prosecution in adult criminal court. The

**Figure 1. Processing of Sexual Violence Cases Reported to the Alaska State Troopers, 2003–2004**



cases excluded from the analysis at that point included those juvenile cases that were not waived into adult court (a sixth—16.6%—of founded cases with suspects) and those that were not referred for reasons such as a

lack of evidence or uncooperative victims (a third—32.6%—of founded cases with suspects).

Once referred by the police, prosecutors decide which cases to prosecute; three-fifths

(60.4%) of contact sexual violence cases referred by AST to DOL were accepted for prosecution. Cases that are prosecuted eventually result either in a conviction or an acquittal. Of the cases of sexual violence accepted for prosecution by DOL, most (80.1%) resulted in a conviction. Ultimately, only 18 percent of reported cases, 25 percent of founded cases with suspects, and 48 percent of cases referred by AST to prosecution resulted in a conviction—i.e., guilty plea or conviction at trial.

Apart from this general consideration of the winnowing of reported sexual violence offenses as they proceed through the system, it is also possible to examine relative case attrition of offenses involving Alaska Natives versus those of non-Natives. Doing so allows for a determination of the extent to which there is systematic under-enforcement of laws against contact sexual violence in cases with Alaska Native victims. Greater degrees of attrition of Alaska Native victims' cases when compared to that for non-Native victims would lend credence to the anecdotal evidence used in reports critical of the state's provision of policing and prosecution to Alaska Native communities.

Comparisons of attrition of cases of sexual violence are made on a number of levels. First, case attrition for offenses involving Alaska Native victims is compared with attrition of non-Native victims' cases. Next, case attrition in communities located in the rural regions of Alaska is compared with case attrition in communities located outside of the state's rural regions. Finally, the attrition of cases that occurred in isolated villages is compared with the attrition of cases that occurred in less-isolated locations. At each of these levels comparisons are made on the basis of the total of all contact sexual violence offenses, and for rape/sexual assault and sexual abuse of a minor (SAM) separately. Four different decisions are considered: the Troopers' decision on whether reported cases are founded; the Troopers' decision to refer founded cases for prosecution; the prosecutors' decision

**Table 1. Attrition of Sexual Violence Cases Reported to Alaska State Troopers, Alaska Native vs. Non-Native Victims, 2003-2004**

Decision	Total sexual violence				Rape/sexual assault				Sexual abuse of a minor			
	Alaska Native		Non-Native		Alaska Native		Non-Native		Alaska Native		Non-Native	
	N	%	N	%	N	%	N	%	N	%	N	%
Founded	512	82.4 %	351	82.0 %	268	87.3 %	148	78.7 % *	244	77.7 %	203	84.6 % *
Referred <sup>†</sup>	289	67.7	159	56.8 *	153	69.9	65	56.0 *	136	65.4	94	57.3
Accepted	185	64.0	85	53.5 *	105	68.6	29	44.6 *	80	58.8	56	59.6
Convicted	149	80.5	67	78.8	80	76.2	21	72.4	69	86.3	46	82.1

<sup>†</sup>Percentages based on founded cases with adult suspects.

\*Difference between Alaska Native and non-Native victims is statistically significant at the  $p < .05$  level.

**Table 2. Attrition of Sexual Violence Cases Reported to Alaska State Troopers, Bush Stratum vs. Non-Bush Stratum, 2003-2004**

Decision	Total sexual violence				Rape/sexual assault				Sexual abuse of a minor			
	Bush		Non-Bush		Bush		Non-Bush		Bush		Non-Bush	
	N	%	N	%	N	%	N	%	N	%	N	%
Founded	447	76.1 %	453	75.9 %	233	81.5 %	197	75.2 %	214	71.1 %	256	76.6 %
Referred <sup>†</sup>	242	65.9	207	55.9 *	129	69.7	89	56.0 *	113	62.1	118	55.9
Accepted	167	69.0	104	50.2 *	95	73.6	39	43.8 *	72	63.7	65	55.1
Convicted	136	81.4	81	77.9	72	75.8	29	74.4	64	88.9	52	80.0

<sup>†</sup>Percentages based on founded cases with adult suspects.

\*Difference between bush and non-bush regions is statistically significant at the  $p < .05$  level.

to accept referred cases for prosecution; and the final court decision in cases accepted for prosecution—i.e., whether a conviction was obtained. These results are presented as a comparison between Alaska Native and non-Native victims in terms of the number and percentage of cases that were chosen to be carried forward in the criminal justice process. The results of chi-square tests of statistical significance—a test which measures the likelihood that differences in the percentage of cases carried forward are the result of chance alone and not indicative of an underlying association—are also provided.

Differences in the processing of cases involving Alaska Native and non-Native victims are shown in Table 1. For the most part, these results indicate that the cases of Alaska Native victims are as likely, or are even more likely, to be processed by the criminal justice system relative to the cases of non-Native victims. For the total of all sexual violence offenses, cases involving Alaska Native victims were just as likely as cases with non-Native victims to be founded or to result in a conviction and they were more likely to be referred by AST to prosecutors and to be accepted by DOL for prosecution. Considering only cases involving the offenses of rape and sexual assault, there were statistically significant differences between Alaska Native and non-Native victims at the founding decision

and at the decisions to refer cases and accept cases for prosecution; at each of these decision-making points the cases of Alaska Native victims were more likely to be carried forward. In terms of SAM cases, those cases involving Alaska Native victims were less likely to be founded. Otherwise, none of the differences in the processing rates of Alaska Native and non-Native victims' SAM cases were statistically significant.

A second set of analyses was conducted to consider the processing of cases occurring in the largely Alaska Native communities of the most rural areas of the state. The dichotomy for these analyses was drawn between cases occurring either inside or outside of what the Department of Health and Social Services in its Alaska Behavioral Risk Factor Surveillance System has termed the "Bush Stratum"—comprising the boroughs and census areas north and west of the Railbelt. Comparisons of case processing from these bush communities with cases from non-bush communities are reported in Table 2. These results indicate that cases of sexual violence that occur in the most rural portions of Alaska have, depending upon the decision, an equal or greater chance of being subject to legal sanction when compared with cases from Alaska's less rural areas. Similar to what was found when comparing attrition in Alaska Native victims' cases versus non-Native victims' cases, victims from bush communities of sexual violence in general

and of rape/sexual assault were more likely to have their cases referred to prosecutors by AST and to have DOL accept those cases for prosecution.

The final set of analyses considers attrition of cases coming from the most isolated villages compared to places that are less isolated. For these analyses a village was considered isolated if it lacked a local AST post or if Troopers were unable to reach the village by automobile. The premise of this dichotomy is that travel to villages that cannot be reached by highway is more difficult and, because of that hindrance, it could be expected that conducting investigations would be more difficult—thus increasing case attrition. From the perspective behind the allegations against the state, it is in these disconnected villages that lack a locally-posted police agency certified by the Alaska Police Standards Council where the greatest disparities in the enforcement and prosecution of cases of sexual violence would be expected to occur.

The results comparing attrition of cases occurring in villages defined as isolated with cases occurring in places more easily reached are presented in Table 3. As with the previously discussed comparisons of cases, case attrition in isolated villages is no more prevalent than in places that are better connected to AST posts. The results presented in Table 3 indicate that cases from isolated villages are instead *actually more*

**Table 3. Attrition of Sexual Violence Cases Reported to Alaska State Troopers, Isolated vs. Non-Isolated Communities, 2003-2004**

Decision	Total sexual violence				Rape/sexual assault				Sexual abuse of a minor			
	Isolated		Non-Isolated		Isolated		Non-Isolated		Isolated		Non-Isolated	
	N	%	N	%	N	%	N	%	N	%	N	%
Founded	437	76.4 %	463	75.7 %	230	81.9 %	200	74.9 % *	207	71.1 %	263	76.5 %
Referred <sup>†</sup>	243	66.8	206	55.2 *	132	71.0	86	54.4 *	111	62.4	120	55.8
Accepted	166	68.3	105	51.0 *	94	71.2	40	46.5 *	72	64.9	65	54.2
Convicted	132	79.5	85	81.0	70	74.5	31	77.5	62	86.1	54	83.1

<sup>†</sup>Percentages based on founded cases with adult suspects.

\*Difference between isolated and non-isolated regions is statistically significant at the  $p < .05$  level.

likely to receive full enforcement. Cases of rape/sexual assault in isolated villages were more likely to be founded, more likely to be referred for prosecution by AST, and more likely to be accepted for prosecution by DOL. Likewise, across the total of all sexual violence offenses, cases from isolated villages were referred and accepted for prosecution at a rate *greater than* cases from non-isolated locations. No differences were found in the attrition of SAM cases.

Overall, the results presented in this article provide little empirical support for allegations of discrimination in the processing of sexual violence cases by AST or DOL on a racial or geographic basis. With the exception of SAM cases against Alaska Native victims being less likely to be founded, *cases of sexual violence against*

*Alaska Native victims were just as likely or actually more likely to receive full enforcement and prosecution when compared with cases against non-Native victims.* On the basis of geography, cases occurring in locations with predominately Alaska Native populations believed to be underserved by AST were actually more likely to be dealt with by AST or DOL when compared with cases from outside those geographic areas. Our results indicate that the anecdotal evidence found in reports critical of the state's response to sexual violence against Alaska Natives does not accurately reflect the actual processing of cases of rape, sexual assault, and SAM reported to AST and prosecuted by DOL. Ultimately, these results do not support claims of unequal enforcement by the state in response to the victimization of

the Alaska Native population. However, Alaska continues to experience high rates of forcible rape, and the prosecution of sexual violence continues to be difficult: the percentage of AST-founded cases that resulted in a conviction never exceeded 30 percent.

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## Revisiting Alaska's Sex Offender Registration and Public Notification Statute

Deborah Periman

In Alaska and throughout the country sex offender registration requirements have become more inclusive. Almost all convicted sex offenders now must register for very extended periods; the registry is available over the Internet; and more details on the current status of the offender are available to the public. The intent of the registries is to protect the public from convicted offenders, but it can be argued that the increasingly stringent demands placed on offenders may, in fact, be counter-productive. The severity of the registration requirements may prohibit the rehabilitation of offenders and their reintegration into the community, and the increasing burden on law enforcement to monitor and maintain very broad registries may prevent police from focusing on the more serious sexual predators.

### Background

The Alaska Sex Offender Registration Act, which was enacted in the wake of

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**Abstract:** *This article examines the background and judicial interpretation of Alaska's sex offender registration and public notification statute, the new federal requirements for state sex offender registries and public notice under the Adam Walsh Child Protection and Safety Act, and weaknesses in both Alaska's existing system and the enhanced requirements of the new federal legislation. These weaknesses include:*

- Absence of incentives for offenders to seek therapy or treatment;
- Failure to provide for individualized risk assessment that would differentiate between those offenders who pose a negligible or very low risk of re-offending from those who pose a continuing public risk – a failure that causes unwarranted marginalization of low risk offenders and diminishes the overall effectiveness of the public notification system;
- Public notice provisions so broad as to substantially impede offenders' reintegration into their families, their community, and the workforce, and potentially chilling family reporting;
- Internet posting requirements associated with severe stigmatization and public harassment, and concomitant emotional destabilization and isolation of offenders – factors that may actually increase the risk of recidivism and community harm.

*Because the Walsh Act conditions state receipt of Byrne Grant funds on compliance with its enhanced registration and notice requirements, there is little Alaska can do to remedy the above weaknesses and still remain eligible for Byrne funds. However, the article concludes with a recommendation for limited changes to our statute that would minimize, to the extent possible, its adverse effect on offenders' ability to find employment; omit the lowest risk offenders from internet posting requirements; and provide those incentives for treatment permissible under the Walsh Act.*

### Author's Note

This is an extremely abbreviated look at a complex federal initiative and at how specified aspects of the initiative relate to weaknesses in Alaska's sex offender registry. Issues of federalism and due process are not addressed, nor does this piece attempt to identify how the statutory elements of sex and kidnapping offenses under Alaska's code fit within the Walsh Act offender tiers. Finally, the reader should draw no inferences regarding Alaska's overall level of compliance with the Walsh Act requirements. A longer version of this piece, with complete legal citations, is available on the Justice Center website at <http://justice.uaa.alaska.edu/workingpapers/>.

extensive publicity over the tragic rape and murder of Megan Kanka in New Jersey, rests on specific legislative findings that (1) "sex offenders pose a high risk of reoffending after release from custody" and (2) release of information about sex offenders to the public "will assist in protecting public safety" (1994 Alaska Sess. Laws 41, § 1).

The state legislature's findings were premised on testimony reflecting the commonly held belief that sex offenders as a class are different from other offenders—that they will inevitably reoffend and that they are not receptive to treatment. In light of this testimony, the legislature did not attempt to distinguish among types of offenders or to evaluate which offenders were most likely to recidivate. Instead, it simply divided all offenders into two groups, aggravated and nonaggravated offenders, based on the severity of the offense. These two categories

cover offenders ranging from the 18-year-old who has consensual sex with a 14-year-old to the perpetrator of a violent rape and murder.

The registration statute that emerged was, at the time of its enactment, one of the most stringent in the country. In a 2003 case closely watched by state and federal lawmakers, the U.S. Supreme Court upheld its terms against an *ex post facto* challenge. Justice John Paul Stevens, dissenting, summarized the statute's effect:

In Alaska, an offender who has served his sentence for a single, nonaggravated crime must provide local law enforcement authorities with extensive personal information—including his address, his place of employment, the address of his employer, the license plate number and make and model

of any car to which he has access, a current photo, identifying features, and medical treatment—at least once a year for 15 years. If one has been convicted of an aggravated offense or more than one offense, he must report this same information at least quarterly for life. Moreover, if he moves, he has *one* working day to provide updated information. Registrants may not shave their beards, color their hair, change their employer, or borrow a car without reporting those events to the authorities. Much of this registration information is placed on the Internet. In Alaska, the registrant's face appears on a webpage under the label "Registered Sex Offender." His physical description, street address, employer address, and conviction information are also displayed on this page. (*Smith v. Doe*, 538 U.S. 84, 111 (2003))

At the time of its passage, Alaska's statute far exceeded the minimum requirements imposed on the states by the federal Jacob Wetterling Act. This legislation, adopted in 1994, required every state to enact a sex offender registration program meeting certain minimum guidelines or face a reduction in federal grant funding for law enforcement (42 U.S.C.A. § 14071 (West 2008)).

Unlike Alaska, many states attempted to tailor the reach of their registration statutes to the actual risk posed by individual offenders. The Connecticut legislature, for example, adopted a system using individualized clinical assessment to determine which offenders would be subject to registration requirements. Offenders were required to register only if such assessment demonstrated that they were found to pose a high risk of recidivism. This type of classification system has come to be known as an *offender-based* system, reflecting the emphasis on the individual. Alaska's system, in contrast, is *offense-based*, with classification resting solely on the conviction and no individual risk assessment undertaken.

Alaska was one of the relatively few states to require Internet dissemination of registration information for all offenders. Other states attempted to strike a balance between the stigmatization and collateral consequences of public notification and the risk of recidivism. New Jersey, for example, classified its offenders by risk and required no public disclosure for those who posed the least risk of reoffending, a percentage estimated at 45 percent of the entire sex offender class. Widespread disclosure was required only for those at the highest risk of reoffending (approximately five percent) of the whole.

Some of the flexibility afforded states under the original Wetterling Act was reduced through subsequent amendment; the flexibility to utilize individualized risk assessments will disappear almost completely as the provisions of the Adam Walsh Child Protection and Safety Act, PL 109-248, become binding on the states. This act represents an extensive revision and expansion of federal sex offender legislation. One of its many purposes is to standardize and increase minimum registration requirements nationwide. It imposes on the states highly detailed requirements for sex offender registration and public notification—requirements the states must in general implement by July 27, 2009. A state's failure to meet the implementation deadline will trigger a mandatory ten percent reduction in Byrne Justice Assistance Grant funding.

Key provisions of the Walsh Act include broadening the classes of sex offenses for which registration is required and extending it to cover juvenile offenses; requiring covered offenders to consistently remain registered in any jurisdiction in which they live, work, or attend school; expanding the scope of registration information required; imposing a national requirement for periodic in-person appearances by registrants; standardizing the required duration of registration; and widening the availability of information concerning registrants available to the public through required Internet posting. The act adopts an offense-based, three-tiered classification for offenders. It does not authorize the states to implement an offender-based classification using individualized risk assessment, nor, with limited exceptions, does it authorize the states to implement ameliorative programs that would allow offenders to avoid or shorten registration based on treatment and rehabilitation. The net effect of the new federal legislation will be to bring all cooperating states closer to Alaska's registration and publication requirements.

#### **Alaska's Statute and its Federal Counterpart Rest on Disproved Assumptions**

The myth of the incorrigible sex offender, all but guaranteed to reoffend, has been largely refuted. A study by the Alaska Justice Statistical Analysis Center of sex offenders released from Alaska corrections facilities in 2001 found that non-sex offenders were more likely to be rearrested than sex offenders. (See "Recidivism of Alaska Sex Offenders Released from Corrections Facilities in 2001" in this issue of the *Forum*.) With respect to sex crimes specifically, the study found no statistically

significant difference between the rates at which sex offenders were rearrested for a new sex crime and the rates at which non-sex offenders were arrested for a first sex crime. These patterns are consistent with the results of studies elsewhere finding that sex offenders as a class are somewhat less likely than other categories of offenders to re-offend.

Moreover, recent studies conclude that treatment programs are, in fact, effective in reducing the overall rate of recidivism for many offenders. A Canadian study published in late 2007, for example, found that high-risk sex offenders who participated in a community-based treatment project had lower rates of reoffending of any type than did offenders who did not participate (Wilson, et al., 2007). Although sex offender treatment remains a controversial issue, these results are consistent with the general findings of studies conducted over the last decade or so—studies that refute the earlier belief that sex offenders are impervious to treatment.

The foregoing is particularly true with respect to juvenile offenders. Although offenders as young as 14 are subject to registration and public notification requirements under the Walsh Act, research establishes that recidivism rates for juvenile sex offenders are substantially lower than the rates for other types of juvenile offenders. Juvenile offenders have, in addition, proven highly amenable to treatment.

#### **Problems with the Existing System**

The Walsh Act and its antecedents rest on the premise that state registration and notification systems advance public safety, but empirical evidence disproves this premise. Studies show that after more than ten years of national registration and public notice, sex offender registries have made no discernable difference in sex offender recidivism rates (Tewksbury & Lees, 2007). (Although the registries have not curbed the commission of sex offenses, it should be noted that law enforcement officials in Alaska do view the offender database as a useful investigatory tool after an offense occurs.)

The weaknesses of Alaska's registration and notice system are well documented. Supreme Court Justice Ruth Bader Ginsberg, in a dissenting opinion in *Smith v. Doe*, 538 U.S. 84, 116–117 (2003), put it simply—the statute is excessive in relation to its purpose:

The Act applies to all convicted sex offenders, without regard to their future dangerousness. And the duration of the reporting requirement is keyed

not to any determination of a particular offender's risk of reoffending, but to whether the offense of conviction qualified as aggravated." Moreover, "the Act makes no provision whatever for the possibility of rehabilitation: offenders cannot shorten their registration or notification period, even on the clearest demonstration of rehabilitation or conclusive proof of physical incapacitation. However plain it may be that a former sex offender currently poses no threat of recidivism he will remain subject to long-term monitoring and inescapable humiliation.

Of course, no matter how excessive the reach of the statute in relation to its goals, many would argue that the disabilities imposed on low-risk or rehabilitated offenders are warranted if the system serves to protect even one child. The difficulty, however, is that Alaska's registration and notification system, and others like it, do not demonstrably make the public safer. To the contrary, they are likely to trigger a host of consequences antithetical to the public interest.

#### **Unemployment, Instability and Enhanced Risk of Recidivism**

After ten-plus years of national experimentation with sex offender registries, the destabilizing effects of being listed on a sex offender registry are well understood. They include profound humiliation and social isolation, loss of employment and housing, and destruction of family ties. Registrants and their families have experienced vigilantism in the form of harassment, threats of violence, physical attacks and arson.

In *Doe v. State*, 92 P.3d 398, 410 (Alaska 2004), the Alaska Supreme Court made note of the severity of these consequences. Citing examples of Alaska registrants who had lost their jobs, been forced to move their residences, and received threats of violence, the Court observed that "the potentially destructive practical consequences that flow from registration and widespread governmental distribution of disclosed information" are grave. "[O]utside Alaska, there have been incidents of suicide by, and vigilantism against, offenders on state registries, and offenders listed on registries often have unique difficulties locating places to reside and work. Offenders are sometimes subjected to protests and group actions designed to force them out of their jobs and homes." Registrants have suffered neighborhood rallies staged to protest their presence, bricks thrown through windows, and harassing calls to employers.

Of these negative consequences, employment difficulties are perhaps most significant. The Ninth Circuit Court of Appeals concluded that Alaska's system of putting offenders' employment information on the Internet is likely to make registrants "completely unemployable" (*Doe v. Otte*, 259 F.3d 979, 988 (9th Cir. 2001), *rev'd.*, *Smith v. Doe*, 538 U.S. 84 (2003)). The system "creates a substantial probability that registrants will not be able to find work, because employers will not want to risk loss of business when the public learns that they have hired sex offenders." The court cited the experience of one Alaska business owner who suffered community hostility and damage to his business after print ads from the Alaska sex offender registry web site were publicly distributed and posted on a bulletin board.

It may be tempting to dismiss these adverse consequences as the just result of the offender's own conduct, but these consequences also deserve the community in several important ways. First, study after study has identified stress as one of the antecedents to sex offender relapse. Chronic torment and hostility from the public, fractured social relationships, lack of stable housing, and unemployment are likely to cause the registered offender heightened stress, anxiety and resentment, all of which may erode an offender's self-restraint (Cohen & Jeglic, 2007). Lack of social support, in particular, and the accompanying stress on the offender has been identified as a key trigger in sex offense recidivism (Levensen & Cotter, 2005).

These problems are particularly acute for juvenile offenders. Young persons subject to registration have been harassed at school; some have dropped out. The stigma associated with the public notice system causes a loss of social networks, which in turn increases the risk of anti-social behaviors.

The extreme length of the registration period may exacerbate these problems. Under the Walsh Act, states must require a minimum of 25 years registration for mid-level offenses and lifetime registration for the most serious offenses. Studies show, however, that offenders who view punishment as too severe or inescapable may be more likely to reoffend and that many offenders subject to the lifetime registration requirement feel states have opened the door to endless harassment and stigmatization.

The majority of offenders surveyed report that they have experienced first-hand social or psychological effects resulting from the public registries. The consequent shame, isolation, fear, and hopelessness all interfere with an offender's reintegration and recovery.

#### **Lifetime Registration as a Disincentive to Therapy or Recovery**

In Alaska, a sex offender "cannot escape the [registration] Act's grasp no matter how clearly he may demonstrate that he poses no future risk to anyone, and no matter how final the judicial determination that he has been successfully rehabilitated..." (*Otte*, 259 F.3d at 994). Alaska's failure to provide any avenue for relief from or mitigation of the registration requirement is one of its statute's failings.

In a recent sampling of individual sex offender perceptions, several offenders observed that the ability to have a risk evaluation completed while on the registry would provide an incentive and motivation "to pursue treatment, to avoid problematic situations, and . . . [maintain] a crime free lifestyle" (Tewksbury & Lee, 2007, p. 400). Another study looking at the social and psychological effects of registration on sex offenders found many experiencing feelings of despair and hopelessness in the absence of individualized assessment. One respondent stated, "no one believes I can change, so why even try?" (Levensen & Cotter, 2005, p. 52).

As written, the statute fails to recognize the possibility of rehabilitation and provides offenders considering treatment no hope that their efforts might eventually reduce the stigma associated with the registry's public notification system.

#### **Mandatory Internet Publication and Chilled Reporting**

The inability to avoid publication of an offender's personal information on the internet and the ensuing social obloquy may also discourage family members of some offenders from reporting offenses. The spouse of an offender, particularly of an offender who may be the family's primary source of economic support, faces a terrible dilemma in reporting: While the report may protect the spouse herself or himself, or a child, the report may consign the entire family to a lifetime of poverty, to loss of the family home if the offender is evicted, and to shared shame and harassment once the offender's personal information is placed on the Internet. Studies suggest that reporting may be equally difficult for the parent or sibling of an offender. Thus, to the extent that mandatory Internet publication acts as a disincentive to reporting intra-family offenses, Alaska's notification statute ill-serves Alaska's abused children and spouses.

#### **Obfuscation of More Dangerous Offenders**

The extraordinarily broad reach of

Alaska's publication requirement has ramifications beyond its collateral consequences to the offender and his or her family. Indiscriminate posting of information on all offenders tends to obscure from the public pertinent information relating to very dangerous sexual predators. Including low-risk offenders also places an unnecessary administrative burden on state officials responsible for establishing and maintaining the posting, with a concomitant increase in public expense. In addition, the greater the number of postings, the more difficult and expensive it is for the state to ensure accuracy and respond to noncompliant offenders.

### Possible Changes

During the 2008 session, the Alaska legislature passed and the governor signed into law CSSB 185, which extends the reach of existing sex offender registration requirements. The new law adds the requirement that offenders provide the Department of Corrections with every email or instant messaging address or other Internet communication identifier they use—information mandated by the Walsh Act. This type of legislative fine-tuning, however, will not solve the most fundamental problems with the statute—overbreadth and the absence of treatment incentives.

Recent data show that those states whose legislation is most narrowly drawn to focus on the highest-risk offenders are most likely to achieve their legislative goals. A sex offender registration system is most effective where it uses actuarial risk-assessment measures to ascertain which sex offenders are at the highest risk of reoffending, distinguishes among offenders based on risk, and imposes the disabilities of registration and publication only on those most likely to recidivate. This type of registration and publication system allows the public to readily identify the most dangerous individuals and allows law enforcement to focus its resources on the most likely threats to the community (Cohen & Jeglic, 2007).

Unfortunately, the Walsh Act, with its offense-based tier structure, has foreclosed to a significant extent the states' ability to implement a true risk assessment scheme and retain eligibility for full Byrne Grant funding. There are, however, a few windows left open for small improvements to Alaska's statute.

**Minimize the impact on employment.** For reasons stated above, Internet publication of an employer name and address is one of the consequences of registration most likely to de-stabilize an offender socially and psychologically. The risk of consigning an offender to a lifetime of unemployment

may also be a factor in deterring some family reporting.

The public interest associated with making employment available to released offenders is implicitly recognized under the new federal guidelines. The Walsh Act authorizes the states to exclude from their websites the name (though not the address) of a sex offender's employer. To facilitate offender reintegration and to protect the economic welfare of offenders' families, Alaska could avail itself of this option. While it is argued that knowing the name of an offender's employer enhances public safety, there is no empirical evidence to support this claim.

**Omit the lowest risk offenders from internet publication.** Another option granted the states under the new federal guidelines pertains to offenders classified under the statute as "Tier I Sex Offenders." Tier I offenders include those whose registration offense is not punishable by imprisonment for more than one year, whose offense is receipt or possession of child pornography, or whose offense is a sexual assault against an adult that involves sexual contact only.

The Walsh Act provides the states discretion to omit offenders in this category (other than those convicted of specified offenses against a minor) from placement on the state sex offender web site. With respect to this grant of discretion, Alaska legislators should do one of two things: Either adopt an individualized risk assessment program for offenders within this category and exclude from web publication those deemed to pose a low community risk or simply exclude these offenders as a class. The first approach would strike the optimal balance between the competing goals of providing adequate public notice and promoting offender reintegration and rehabilitation. It would also be much more expensive to administer, leaving the second approach a reasonable alternative with respect to these low-level offenders.

**Include the limited treatment incentives authorized under the Walsh Act.** The

new federal requirements also offer states some latitude to include treatment incentives in their registration statutes. The Walsh Act generally requires the states to register Tier I offenders for 15 years, Tier II offenders for 25 years, and Tier III offenders for life. However, Section 115(b) provides that Tier I offenders' registration periods may be reduced by five years if they maintain a clean record within the statutory definition of that term, which includes successful completion of an approved treatment program. No reduction is authorized for offenders classified as Tier II or Tier III (73 Fed. Reg. at 38068). (Tier III offenders whose conviction stemmed from a delinquency proceeding are eligible for a reduction in term. In Alaska, however, a conviction triggering registration is defined as a conviction of an adult or a juvenile charged as an adult (AS 12.63.100(3).)

This window of opportunity for offering reduction of the registration period as a treatment incentive is very small. Nevertheless, in light of recent data showing that treatment is often effective in deterring future offenses, Alaska should take advantage of this limited opportunity to encourage released offenders to seek treatment.

### Conclusion

There are ways to refine the current sex offender registration system to ensure that it better protects the public. The revulsion and anger that most of us feel toward those convicted of sex crimes should not blind us to the safety interest served by affording released offenders treatment incentives and the opportunity to live stable and socially productive lives. Within the confines of the federal funding mandates, Alaska can strike a more effective balance between warning the public of the most dangerous sexual predators and promoting the reintegration and rehabilitation of the larger class of offenders.

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## For Further Reading

- Cohen, M. and E. Jeglic. 2007. "Sex Offender Legislation in the United States: What Do We Know?" *International Journal of Offender Therapy and Comparative Criminology* 51(369): 376.
- Levensen, J. and L. Cotter. 2005. "The Effect of Megan's Law on Sex Offender Reintegration." *Journal of Contemporary Criminal Justice* 21(49): 62.
- Tewksbury, R. and M. Lees. 2007. "Perceptions of Punishment: How Registered Sex Offenders View Registries." *Crime & Delinquency* 53(380): 403.
- Wilson, R., J. Picheca, and M. Prinzo. 2007. "Evaluating the Effectiveness of Professionally-Facilitated Volunteerism in the Community-Based Management of High Risk Sexual Offenders: Part Two—A Comparison of Recidivism Rates." *The Howard Journal* 46(4): 327.



### Sexual Assaults in Anchorage

Information from four years of police files shows that the problem of sexual assault in Anchorage has discernible contours: most assaults take place indoors, between people who are not strangers to each other, with either or both parties having consumed alcohol. The attached tables, figures and map provide an overview of reported sexual assaults in the city from 2000 through 2003. The data come from a recently-completed report by the Justice Center that updates an earlier study released in 2003. The new study was undertaken by the Center in collaboration with the Anchorage Police Department.

The Justice Center study revealed that victims have tended to be young and female, with Native women victims in over 45 percent of reported sexual assaults. In a majority of the assaults—over 62 percent—the assailant was not a stranger to the victim. A majority of the assaults occurred indoors, with 45 percent taking place at the residence of one or both of those involved. Over 65 percent of the victims had used alcohol prior to the assault and close to 74

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[http://justice.uaa.alaska.edu/forum/22/4winter2006/b\\_sxassault.html](http://justice.uaa.alaska.edu/forum/22/4winter2006/b_sxassault.html)

For other articles and publications related to sexual assault and violence against women, see:  
<http://justice.uaa.alaska.edu/vaw/>

**Abstract:** *This study examined the characteristics of all sexual assaults reported to the Anchorage Police Department from 2000 through 2003. Key descriptive findings are summarized.*

- *Victims tended to be young and female, with Native women victims in over 45% of reported sexual assaults.*
- *In a majority of the assaults – over 62% - the assailant was not a stranger to the victim. The most common non-stranger relationships included friends and acquaintances.*
- *A majority of the assaults occurred indoors, with 45% taking place at the residence of one or both of those involved.*
- *Sixty-five percent of victims had used alcohol prior to the assault and 74% of suspects had also.*
- *While assaults occurred all over the Municipality of Anchorage, they happened with more frequency in Spenard, Fairview, and Downtown.*

percent of suspects had also. While assaults occurred all over the city, they happened with more frequency in certain areas of town—particularly in Spenard, Fairview, and Downtown.

The data presented here are already two years old, but figures released by the FBI's Uniform Crime Reporting (UCR) program

indicate that the rate of reported forcible rape (a more tightly defined offense than that reflected in the tables presented here) in the Municipality of Anchorage was 96.1 per 100,000 people in 2004. The national rate was only 32.2. These UCR figures are not directly comparable to those presented in the Justice Center study, but they show that the

**Table 1. Race of Victims in Sexual Assaults Reported to Anchorage Police, 2000-2003**

Race	Percentage of Anchorage population, 2001 <sup>1</sup>	Sexual assault victims		
		N	%	Rate per 1,000 population <sup>2</sup>
White	77.6 %	556	45.5 %	2.77
Native	10.6	550	45.0	20.08
Black	7.2	75	6.1	4.04
Hispanic	6.0	17	1.4	1.10
Asian	7.3	22	1.8	1.17
Pacific Islander	1.3	1	0.1	0.30
<b>Total</b>		<b>1221</b>		

1 Includes both males and females (95.2% of victims were female), categories are not mutually exclusive

2 Rate is computed as a four-year rate. To obtain average annual rates, divide by four. Population estimates are 2001 estimates and include both males and females.

**Source of data:** Anchorage Police Department & U.S. Census Bureau

**Table 2. Race of Suspects in Sexual Assaults Reported to Anchorage Police, 2000-2003**

Race	Percentage of Anchorage population, 2001 <sup>1</sup>	Sexual assault suspects		
		N	%	Rate per 1,000 population <sup>2</sup>
White	77.6 %	483	39.6 %	2.40
Native	10.6	272	22.3	9.93
Black	7.2	319	26.1	17.18
Hispanic	6.0	95	7.8	6.16
Asian	7.3	46	3.8	2.44
Pacific Islander	1.3	4	0.3	1.20
<b>Total</b>		<b>1219</b>		

1 Includes both males and females (99.5% of suspects were male), categories are not mutually exclusive.

2 Rate is computed as a four-year rate. To obtain average annual rates, divide by four. Population estimates are 2001 estimates and include both males and females.

**Source of data:** Anchorage Police Department & U.S. Census Bureau

sexual assault rate in Anchorage continues to be extremely high. With the problem of sexual assault, it is also important to note that national data show that many assaults are not reported to the police, so it is possible that the figures collected represent only a limited picture of the problem.

André Rosay of the Justice Center was the principal investigator for the study.

The complete results from this recent update can be found at <http://justice.uaa.alaska.edu/research/2000/0107sxassaultupdate/index.html>. The earlier study is available at <http://justice.uaa.alaska.edu/research/2000/0107sxassault/>. A lengthier article on the 2003 study, "Forcible Rapes and Sexual Assaults in Anchorage," appeared in the Winter 2004 issue of the

*Alaska Justice Forum.*

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**Table 3. Alcohol Use by Victims of Sexual Assaults Reported to Anchorage Police, by Year: 2001-2003**

Row percentages.

Year	Alcohol use		No alcohol use		Total
	N	%	N	%	
2001	167	62.3 %	101	37.7 %	268
2002	171	63.6	98	36.4	269
2003	194	69.8	84	30.2	278
<b>Total</b>	<b>532</b>	<b>65.3 %</b>	<b>283</b>	<b>34.7 %</b>	<b>815</b>

Source of data: Anchorage Police Department

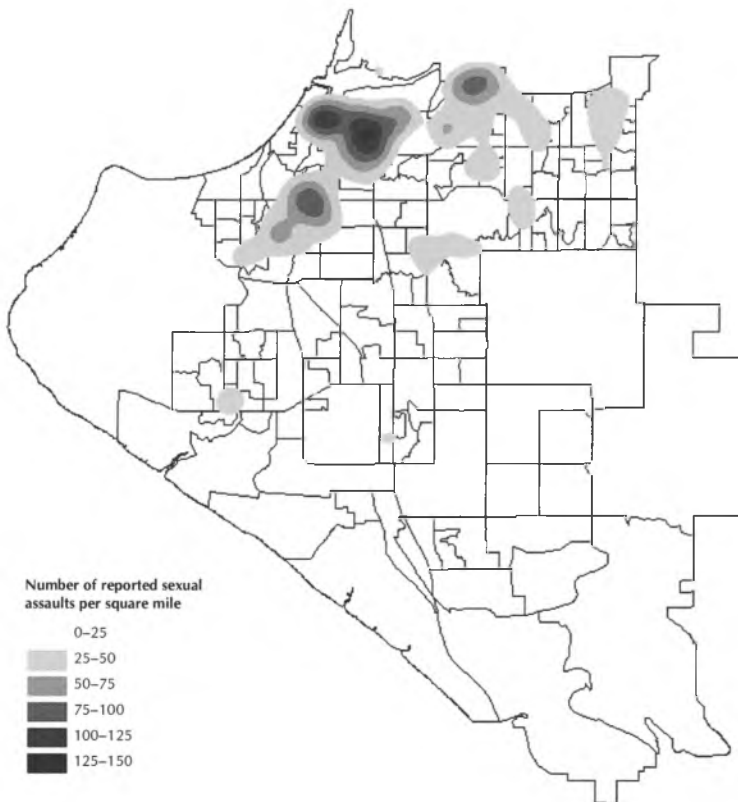
**Table 4. Alcohol Use by Suspects of Sexual Assaults Reported to Anchorage Police, by Year: 2001-2003**

Row percentages.

Year	Alcohol use		No alcohol use		Total
	N	%	N	%	
2001	157	76.2 %	49	23.8 %	206
2002	152	72.7	57	27.3	209
2003	136	72.0	53	28.0	189
<b>Total</b>	<b>445</b>	<b>73.7 %</b>	<b>159</b>	<b>26.3 %</b>	<b>604</b>

Source of data: Anchorage Police Department

**Figure 1. Locations of Sexual Assaults Reported to Anchorage Police, 2000-2003**



**Table 5. Victim-Offender Relationship in Sexual Assaults Reported to Anchorage Police, 2001-2003**

Relationship	N	% of total	% of non-stranger
<b>Total non-stranger</b>	<b>645</b>	<b>62.2 %</b>	<b>100.0 %</b>
Acquaintance	330	31.8	51.2
Friend	135	13.0	20.9
Family	83	8.0	12.9
Intimate	97	9.4	15.0
<b>Stranger</b>	<b>392</b>	<b>37.8 %</b>	<b>--</b>
<b>Total</b>	<b>1037</b>		

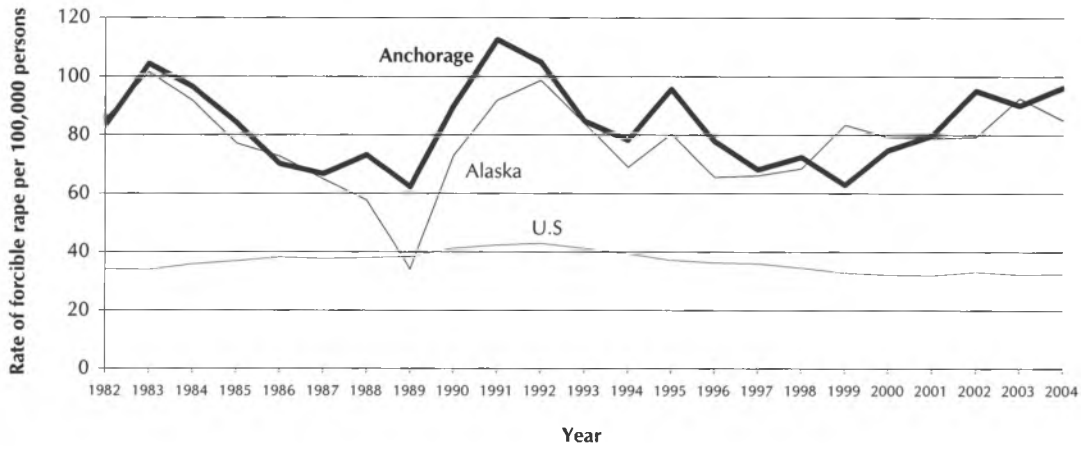
Source of data: Anchorage Police Department

**Table 6. Assault Location Type for Sexual Assaults Reported to Anchorage Police, 2000-2003**

Location	N	%
Victim's house	250	19.5 %
Suspect's house	256	20.0
Victim and suspect's house	75	5.9
Other's house	141	11.0
Hotel	102	8.0
Bar	13	1.0
Outdoors	250	19.5
Other	111	8.7
Unknown	83	6.5
<b>Total</b>	<b>1281</b>	

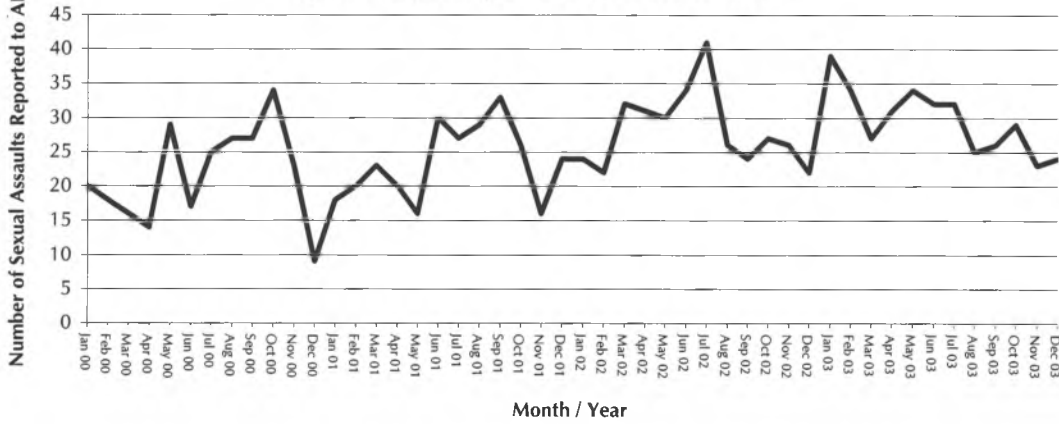
Source of data: Anchorage Police Department

**Figure 2. Rates of Forcible Rape in the U.S., Alaska, and Anchorage: 1982 - 2004**



Source of data: Uniform Crime Reports, Federal Bureau of Investigation

**Figure 3. Number of Sexual Assaults Reported to the Anchorage Police Department by Month: January 2000 to December 2003**



Source of data: Anchorage Police Department



## Sexual Assault Case Processing: A Descriptive Model of Attrition and Decision Making

G. Matthew Snodgrass

A recent Justice Center examination of sexual assault case processing shows that close to 60 percent of cases referred by the Anchorage Police Department to the Alaska Department of Law result in a conviction on some charge—although not necessarily the original charge. The number of cases referred, however, is less than 20 percent of those reported.

Anchorage has a very high incidence of reported rape. Between 2000 and 2003, the rate of reported forcible rape in Anchorage was 163 percent higher than in the U.S. as a whole. Over the past twenty years, Anchorage has been consistently at or near the top of U.S. metropolitan statistical areas for rates of reported forcible rape.

The Justice Center examined the outcomes of all sexual assaults involving one suspect and one victim reported to the Anchorage Police Department (APD) between January 2000 and December 2003. In this article we summarize how the Alaska Department of Law disposed of these reported assaults, detail case and charge outcomes and discuss the reasons given by prosecutors for these outcomes.

Overall, 1,235 sexual assaults were reported to APD from January 2000 through December 2003. We sampled all 1,074 sexual assaults committed by one suspect against one victim (87.0% of all sexual assaults reported from January 2000 to December 2003). Data were collected on 1,052 (98%) of these reports. Of these 1,052, 188 (17.9%) were referred for prosecution and had reached final disposition prior to data collection. Offenses in these 1,052 reports included sexual assaults, forcible rapes, attempted sexual assaults, and attempted forcible rapes. As defined by the Federal Bureau of Investigation's Uniform Crime Reports, forcible rape is "the carnal knowledge of a female forcibly and against

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[http://justice.uaa.alaska.edu/forum/23/1spring2006/a\\_sxassaultcases.html](http://justice.uaa.alaska.edu/forum/23/1spring2006/a_sxassaultcases.html)

For other articles and publications related to sexual assault and violence against women, see:  
<http://justice.uaa.alaska.edu/vaw/>

**Abstract:** *This study examined the outcomes of sexual assault cases reported to the Anchorage Police Department between January 2000 and December 2003. The data include 1,052 cases involving one suspect and one victim (85% of all reported sexual assaults). Cases and charges were tracked through the Alaska Department of Law to determine what was referred, accepted, and convicted.*

- Overall, 18% of cases were referred for prosecution. The most common referred charge was a sexual assault in the first degree. Seventy-nine percent of referred charges were sexual assault charges.
- Overall, 12% of cases were accepted for prosecution. The greatest point of attrition was from report to referral. Once referred, 68% of cases were accepted for prosecution. Sixty-eight percent of charges were accepted by the Department of Law as referred. The most common reasons for not accepting a charge as referred were evidentiary reasons. The most common accepted charge was also a sexual assault in the first degree. Seventy-five percent of accepted charges were sexual assault charges.
- Overall, 11% of cases resulted in a conviction. Once accepted, 87% of cases resulted in a conviction. Although convictions were common in accepted cases, accepted charges were often dismissed. While 87% of accepted cases resulted in a conviction, 59% of accepted charges were dismissed. Ninety percent of guilty findings were a result of plea bargaining. With plea bargaining, some charges were dismissed but a conviction was still secured. Fifty-six percent of convicted charges were sexual assault charges. The most common convicted charge was for assault, followed by sexual assault in the second degree.

her will." Sexual assault is a less restrictive state-defined offense that does not consider the gender of the parties involved and does not require carnal knowledge.

For this article, we consider three stages of prosecution: referral, acceptance, and conviction. These stages can be thought of as formal decision points at which prosecutors record what has transpired with the case, and why that outcome resulted. Referral is the forwarding of charges by APD to the DOL. This is the initial stage of prosecution and the first stage at which prosecutors officially become aware of a report. Once a case has been referred to the DOL, it is screened for acceptance. More specifically, prosecutors will screen each charge within each case for acceptance. The prosecutor's initial screening decision for each charge is recorded with a screening disposition code which indicates in what fashion the charge

did or did not move forward. At this decision point, in addition to disposition codes, reason codes are given to charges that are not accepted as referred by law enforcement. The reason code indicates the formal reason that prosecutors gave for the disposition of the charge in that manner.

Acceptance can be considered the second stage of prosecution, or the second formal prosecutorial decision point. At this stage prosecutors formally agree to move forward with criminal prosecution. Once a final outcome has been established, a final disposition code and potentially a reason code are attached to each individual accepted charge within a case. The final disposition code indicates the final outcome of an accepted charge. The reason code associated with this final disposition reflects the prosecutor's reason for the final disposition of the charge. A conviction is an accepted charge result-

**Table 1. Number of Cases By Stage**

Stage	N	% of reported	% of referred	% of accepted
Reported	1052	100.0 %	—	—
Referred	188	17.9	100.0 %	—
Accepted	127	12.1	67.6	100.0 %
Convicted	111	10.6	59.0	87.4

Source of data: Alaska Department of Law

ing in a finding of guilt. A finding of guilt can occur through plea bargaining or being found guilty beyond a reasonable doubt by either judge or jury.

Table 1 describes the number of cases reported, referred, accepted, and convicted. Of the 1,052 reported cases, 188 (17.9%) were referred to DOL and 127 (67.6%) were accepted. Finally, 111 (87.4%) of these 127 cases resulted in a conviction. Obviously, the point with the greatest attrition is from report to referral.

For the purposes of this article, two separate levels of analysis are used: a case-level analysis and a charge-level analysis. For case-level analysis, a case as a whole is the unit of analysis. With this level of analysis, we are concerned only with the most

serious outcome at a particular stage. The second level of analysis, at the charge level, considers individual charges within a case, using the individual charge as the unit of analysis. Using this level of analysis, we are concerned with all charges at each decision point, not simply the single charge that received the most serious outcome. This distinction is important for understanding many of the results of this project.

From referral to acceptance, there is often cross-movement of charges within a case. While it is necessary that at least one charge be referred for any case to be accepted, the number of charges within a case need not be static from referral to acceptance or from acceptance to conviction. Law enforcement may refer many charges to prosecutors, but upon review of the case, prosecutors agree to move forward with prosecution on a subset of the referred charges (i.e., the number of accepted charges is less than the number referred). Similarly, it is possible that when law enforcement refers only a single charge to prosecutors, upon review, prosecutors feel that additional charges are appropriate (i.e., they create an accepted charge that was not referred).

**Referral**

As mentioned earlier, of the 1,052 reported sexual assault cases, 188 (17.9%) resulted in a referral to the DOL. Fewer than half (41.5%) of the referred cases included one charge; 76.5 percent had three or fewer charges. Overall, the 188 referred cases contained 434 referred charges. Table 2 shows the distribution of these 434 referred charges by charge type. One hundred and eighty (41.5%) of the referred charges were sexual assaults in the first degree. Further, 290 (66.8%) of the 434 referred charges were sexual assaults of some degree. Fifty-two (12.0%) of the referred charges were for sexual abuse of a minor; 38 (8.8%) were assault charges; 17 (3.9%) were kidnapping charges; and 37 (8.5%) were other charges. Examples of other charges included contrib-

**Table 4. Disposition of Referred Charges**

Disposition	N	%
Accepted as referred	296	68.2 %
Accepted—same class	7	1.6
Accepted—higher level	19	4.4
Accepted—lesser felony	6	1.4
Accepted—lesser misdemeanor	2	0.5
Prosecution declined—dismissal required	9	2.1
Prosecution declined—no dismissal required	95	21.9
<b>Total</b>	<b>434</b>	

Source of data: Alaska Department of Law

uting to the delinquency of a minor, driving under the influence, and possession of child pornography.

Table 3 is a breakdown of referred charges by class. Over 90 percent (n = 394) of the referred charges were felonies. Almost half of the charges (48.6%) were referred as unclassified felonies, that is, the gravest crimes under Alaska statutes, carrying with them the harshest penalties. Under the statutes, sexual assault is taken very seriously. Further, when a report results in a referral, the charges referred for prosecution are at a high level of class severity and carry with them some of the most significant penalties exacted by the justice system.

All charges referred to the DOL receive screening disposition codes. Table 4 indicates the disposition codes that were attached to the 434 referred charges. Prosecutors agreed to prosecute 68.2 percent of charges as referred by law enforcement. "Prosecution declined" disposition codes were attached to 24.0 percent (n=104) of

**Table 2. Referred Charges**

Charge	N	%
Sexual assault 1	180	41.5 %
Sexual assault 2	99	22.8
Sexual assault 3	11	2.5
Sexual abuse of a minor 1	20	4.6
Sexual abuse of a minor 2	28	6.5
Sexual abuse of a minor 3	3	0.7
Sexual abuse of a minor 4	1	0.2
Assault	38	8.8
Kidnapping	17	3.9
Other charge	37	8.5
<b>Total</b>	<b>434</b>	

Source of data: Alaska Department of Law

**Table 3. Class of Referred Charges**

Class	N	%
Unclassified felony	211	48.6 %
Class A felony	12	2.8
Class B felony	135	31.1
Class C felony	36	8.3
Class A misdemeanor	35	8.1
Class B misdemeanor	4	0.9
Non-classified violation	1	0.2
<b>Total</b>	<b>434</b>	

Source of data: Alaska Department of Law

**Table 5. Reason for Not Accepting Charge as Referred**

Reason	N	%
Witness reason	24	17.4 %
Evidentiary reason	63	45.7
Discretionary reason	45	32.6
Procedural/other reason	6	4.3
<b>Total</b>	<b>138</b>	

Source of data: Alaska Department of Law

**Table 6. Charge Progression from Referral to Acceptance**

Referred	Accepted		Total
	Yes	No	
Yes	330	104	<b>434</b>
No	83	0	<b>83</b>
<b>Total</b>	<b>413</b>	<b>104</b>	<b>517</b>

Source of data: Alaska Department of Law

**Table 7. Accepted Charges**

Charge	N	%
Sexual assault 1	151	36.6 %
Sexual assault 2	79	19.1
Sexual assault 3	13	3.1
Sexual abuse of a minor 1	27	6.5
Sexual abuse of a minor 2	32	7.7
Sexual abuse of a minor 3	7	1.7
Sexual abuse of a minor 4	1	0.2
Assault	38	9.2
Kidnapping	12	2.9
Other charge	53	12.8
<b>Total</b>	<b>413</b>	

Source of data: Alaska Department of Law

referred charges. Interestingly, 92.2 percent (n=400) of charges were either accepted as referred by law enforcement or declined.

Here we make claims about charges, not cases. As stated earlier, a majority of cases (58.5%) have more than one charge. It is therefore possible that at least one charge in a case progresses forward, while others are dismissed.

Only charges that were not accepted as referred receive reason codes. Thus, in our sample, the 138 charges not accepted as

referred received reason codes. Reasons for not accepting charges as referred are shown in Table 5. What is important to note is the proportion of reasons, by type, given by prosecutors for a charge not being accepted as referred. At this stage, evidentiary reasons were the most typical reasons (45.7%) for not accepting a charge as referred. Discretionary reasons were the second most common reasons for not accepting a charge as referred—32.6 percent.

**Transition between Referral and Acceptance**

Of the 434 charges that were referred for prosecution, 330 (76.0%) were accepted, either as referred or as a different charge, while the remaining 104 (24.0%) were dropped. Also, 83 new charges were created by prosecutors from referral to acceptance. This means that there were a total of 517 charges at some stage of prosecution within these 188 cases (see Table 6).

We now briefly focus on the 104 charges that were declined for prosecution and the 83 new charges that were added by prosecutors. Half (n=52) of the 104 charges not accepted by the DOL were sexual assaults in the first

degree and an additional 21.2 percent (n=22) were sexual assaults in the second degree. Over half of the charges that were not accepted by prosecutors were unclassified felonies and an additional 27.9 percent were class B felonies. Of the 83 charges added by prosecutors, 32 (38.6%) were sexual assault charges, 20 were sexual abuse of a minor charges, 6 were assault charges, 2 were kidnapping charges, and 23 were other charges. New charges added by prosecutors were most commonly class B felonies or unclassified felonies.

**Acceptance**

We now turn our attention to the 413 charges that moved forward from referral to acceptance. Within the case-level analysis, 127 cases of the original 188 moved forward from referral to acceptance (see Table 1). Stated differently, prosecutors agreed to move forward on 67.6 percent of the cases referred to them. Of the 127 accepted cases, 28.3 percent contained one charge and 70.8 percent contained three or fewer charges. Overall, 413 charges moved forward between referral and acceptance. Table 7 shows the charge type of these 413

**Table 8. Referred Charges Versus Accepted Charges, for Charges that were Both Referred and Accepted**

Referred charge	Total	Accepted charge									
		Sexual assault 1	Sexual assault 2	Sexual assault 3	Sexual abuse of a minor 1	Sexual abuse of a minor 2	Sexual abuse of a minor 3	Sexual abuse of a minor 4	Assault	Kidnapping	Other charge
Sexual assault 1	128	123	2	1	—	—	—	—	2	—	—
Sexual assault 2	77	12	62	2	1	—	—	—	—	—	—
Sexual assault 3	9	1	1	7	—	—	—	—	—	—	—
Sexual abuse of a minor 1	19	—	—	—	18	1	—	—	—	—	—
Sexual abuse of a minor 2	24	—	—	—	1	23	—	—	—	—	—
Sexual abuse of a minor 3	1	—	—	—	—	—	1	—	—	—	—
Sexual abuse of a minor 4	1	—	—	—	—	—	1	—	—	—	—
Assault	31	—	—	—	—	1	—	30	—	—	—
Kidnapping	10	—	—	—	—	—	—	—	10	—	—
Other charge	30	—	—	—	—	—	—	—	—	—	30
<b>Total</b>	<b>330</b>	<b>136</b>	<b>65</b>	<b>10</b>	<b>20</b>	<b>25</b>	<b>1</b>	<b>1</b>	<b>32</b>	<b>10</b>	<b>30</b>

Source of data: Alaska Department of Law

**Table 9. Class of Accepted Charges**

Class	N	%
Unclassified felony	179	43.3 %
Class A felony	18	4.4
Class B felony	116	28.1
Class C felony	46	11.1
Class A misdemeanor	40	9.7
Class B misdemeanor	6	1.5
Nonclassified misdemeanor	1	0.2
Misdemeanor probation or SIS revocation	7	1.7
<b>Total</b>	<b>413</b>	

Source of data: Alaska Department of Law

**Table 10. Referred Charge Class Versus Accepted Charge Class for Charges That Were Both Referred and Accepted**

Referred class	Total	Accepted class					
		Unclassified felony	Class A felony	Class B felony	Class C felony	Class A misdemeanor	Class B misdemeanor
Unclassified felony	151	144	1	3	1	2	—
Class A felony	10	2	8	—	—	—	—
Class B felony	106	11	3	87	5	—	—
Class C felony	29	1	1	3	24	—	—
Class A misdemeanor	30	—	—	1	1	28	—
Class B misdemeanor	4	—	—	—	—	—	4
<b>Total</b>	<b>330</b>	<b>158</b>	<b>13</b>	<b>94</b>	<b>31</b>	<b>30</b>	<b>4</b>

Source of data: Alaska Department of Law

charges. As with referral, the most common accepted charge was sexual assault in the first degree—36.6 percent (n=151) of the accepted charges. Further, 58.8 percent of all accepted charges were sexual assaults in some degree.

Table 8 shows exactly how charges moved from the referral stage to the accepted stage, for the 330 charges which were both referred and accepted. What is interesting here is the remarkable consistency with which charges fall on the table's diagonal: A charge referred and accepted as the same charge type will fall on a diagonal line from the upper-left to lower-right corners. We see that the vast majority of charges (92.4%) fall on this diagonal.

Table 9 provides the charge class frequencies for the 413 charges that were accepted by the DOL. Most charges were accepted as unclassified felonies. Furthermore, 86.9 percent of the charges in our sample were accepted at the felony level. Knowing that the vast majority of charges are accepted as referred, we could reasonably expect charge class to remain relatively constant from

referral to acceptance—as Table 10 shows. For charges that were both referred and accepted, there is a great degree of class congruency between referral and acceptance.

**Final Disposition**

Once a final outcome has been determined for a charge, prosecutors attach a final disposition code. Table 11 shows the final disposition codes that were attached to the 413 accepted charges in our sample. What is immediately apparent is the large of proportion of charges that are dismissed by prosecutors. Of the 413 accepted charges, 243 (58.8%) were dismissed by prosecutors. Taken as a whole, 61.7 percent of accepted charges were later dismissed, including those for which no true bill was returned. Another point becomes clear from Table 11: For 124 of the 138 accepted charges that resulted in a finding of guilt, the conviction was a result of plea bargaining. This means that plea agreements were responsible for 89.9 percent of guilty findings in our sample. To state this differently: Only 10 percent of guilty findings were a result of court action.

Charges that were dismissed by prosecutors or charges for which prosecutors allowed

a plea to an amended charge are given a final disposition reason code. These reasons are shown in Table 12. The most striking result in Table 12 is the degree to which discretionary reasons are cited by prosecutors. Of the reasons given by prosecutors for dismissing a charge or allowing a plea to an amended charge, 70.5 percent were discretionary in nature. Among discretionary reasons for charge dismissal can be the choice of another charge as more accurate, the consolidation of charges, or the suspect pleading to the essence of the offense.

**Conviction**

Of the 127 cases that were accepted by DOL, 16 cases (12.6%) resulted in no conviction. Most cases (87.4%) resulted in a conviction on at least one charge. When examining the charge-level analysis, 138 (33.4%) of the 413 accepted charges resulted in a finding of guilt. Table 13 is a frequency table of convicted charge types. Table 14 presents the changes in the types of charges between acceptance and conviction. We see much more variation about the diagonal than we did in earlier crosstabulations.

**Table 11. Disposition of Accepted Charges**

Disposition	N	%
Jury trial—guilty as charged	10	2.4 %
Jury trial—not guilty	17	4.1
Pled as charged	52	12.6
Plea—amended charge	72	17.4
Dismissed by prosecutor	243	58.8
Dismissed by court	9	2.2
Probation/SIS revoked	4	1.0
No true bill	3	0.7
Final disposition outstanding	3	0.7
<b>Total</b>	<b>413</b>	

Source of data: Alaska Department of Law

**Table 12. Reason for Accepted Charges Being Dismissed or Allowing Plea to an Amended Charge**

Reason	N	%
Witness reason	53	16.8 %
Evidentiary reason	34	10.8
Discretionary reason	222	70.5
Procedural/other reason	6	1.9
<b>Total</b>	<b>315</b>	

Source of data: Alaska Department of Law

**Table 13. Convicted Charges**

Charge	N	%
Sexual assault 1	12	8.7 %
Sexual assault 2	35	25.4
Sexual assault 3	10	7.2
Sexual abuse of a minor 1	2	1.4
Sexual abuse of a minor 2	14	10.1
Sexual abuse of a minor 3	3	2.2
Sexual abuse of a minor 4	1	0.7
Assault	30	21.7
Kidnapping	2	1.4
Other charge	29	21.0
<b>Total</b>	<b>138</b>	

Source of data: Alaska Department of Law

**Table 14. Accepted Charges Versus Convicted Charges, for Accepted Charges that Resulted in a Conviction**

Accepted charge	Total	Convicted charge									
		Sexual assault 1	Sexual assault 2	Sexual assault 3	Sexual abuse of a minor 1	Sexual abuse of a minor 2	Sexual abuse of a minor 3	Sexual abuse of a minor 4	Assault	Kidnapping	Other charge
Sexual assault 1	41	12	18	1	—	—	—	—	5	—	5
Sexual assault 2	31	—	17	5	—	—	—	7	—	2	
Sexual assault 3	4	—	—	4	—	—	—	—	—	—	
Sexual abuse of a minor 1	5	—	—	—	2	—	—	—	—	1	
Sexual abuse of a minor 2	15	—	—	—	—	12	—	—	—	1	
Sexual abuse of a minor 3	1	—	—	—	—	—	1	—	—	—	
Sexual abuse of a minor 4	1	—	—	—	—	—	—	1	—	—	
Assault	18	—	—	—	—	—	—	—	17	1	
Kidnapping	3	—	—	—	—	—	—	—	1	2	
Other charge	19	—	—	—	—	—	—	—	0	19	
<b>Total</b>	<b>138</b>	<b>12</b>	<b>35</b>	<b>10</b>	<b>2</b>	<b>14</b>	<b>3</b>	<b>1</b>	<b>30</b>	<b>2</b>	<b>29</b>

Source of data: Alaska Department of Law

**Table 15. Class of Convicted Charges**

Class	N	%
Unclassified felony	10	7.2 %
Class A felony	7	5.1
Class B felony	36	26.1
Class C felony	34	24.6
Class A misdemeanor	42	30.4
Class B misdemeanor	5	3.6
Misdemeanor probation or SIS revocation	4	2.9
<b>Total</b>	<b>138</b>	

*Source of data: Alaska Department of Law*

This is an indication that charge types are shifting between acceptance and conviction. Given that a large proportion of cases are disposed of by plea bargaining, this is not surprising.

There is a shift in charge class similar to the shift in charge type we observed between acceptance and conviction. Table 15 presents the convicted charge class, and Table 16 demonstrates the way charge class shifted between acceptance and conviction.

Sexual assaults in some degree formed 60.8 percent of charges that were accepted but failed to result in a conviction.

**Conclusions**

As we have seen, the picture of sexual assault case processing that emerges depends, in large part, on the level of analysis. Conclusions about the prosecution of sexual assaults by the DOL vary substantially depending on which level of analysis we consider. Figure 1 succinctly illustrates the points and rates of attrition for sexual assault cases and charges at the three formal prosecutorial decision points considered in this project. Figure 1 shows that a higher proportion of charges than offenders are being removed from the system at each decision point. Furthermore, results indicate that most offenders whose cases reach prosecutors are being held accountable in some degree; that is, they receive criminal sanctions. Another fact becomes clear when looking at Figure 1: The point of highest attrition is prior to prosecutorial involvement, with 82.5 percent of reported sexual assaults not referred for prosecution. This is by far the largest filtering that occurs at any formal decision point studied in this research. However, determining what precisely is happening between report and referral is beyond the scope of the present project.

In addition to the rates of attrition shown in Figure 1, there is a substantial change

**Table 16. Accepted Charge Class Against Convicted Charge Class, for Charges that Resulted in a Conviction**

Accepted class	Total	Conviction class						
		Unclassified felony	Class A felony	Class B felony	Class C felony	Class A misdemeanor	Class B misdemeanor	Misdemeanor probation or SIS revocation
Unclassified felony	44	10	5	13	10	6	-	-
Class A felony	7	-	2	1	2	1	1	-
Class B felony	47	-	-	22	11	13	1	-
Class C felony	16	-	-	-	11	5	-	-
Class A misdemeanor	18	-	-	-	-	17	1	-
Class B misdemeanor	2	-	-	-	-	-	2	-
Misdemeanor probation or SIS revocation	4	-	-	-	-	-	-	4
<b>Total</b>	<b>138</b>	<b>10</b>	<b>7</b>	<b>36</b>	<b>34</b>	<b>42</b>	<b>5</b>	<b>4</b>

*Source of data: Alaska Department of Law*

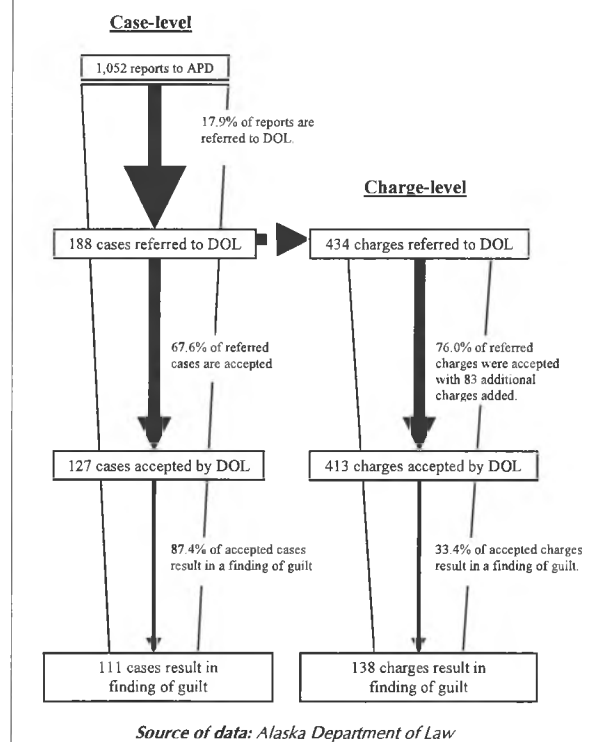
in the types of charges that flow through the three decision points examined in this research (Tables 8, 10, 14, and 16). The distribution of charges by type is relatively constant from referral to acceptance, but there is a demonstrable shift in the distribution between acceptance and conviction. The most dramatic shift is observed for the sexual assault in the first degree charges. At referral, charges for sexual assault in the first degree constitute 41.5 percent of all charges. At acceptance, this proportion is relatively unchanged at 36.6 percent. However, sexual assault in the first degree constitutes only 8.7 percent of convicted charges.

Upon first inspection, this result may be startling, but it becomes readily explainable when viewed in light of previous results. We stated earlier that the vast majority (89.9%) of convictions in our sample are a result of plea bargaining, which commonly results in convictions on less serious charges. We could therefore reasonably expect that many charges in our sample would result in convictions on charges that are less severe than those originally referred or accepted.

While the reason codes may not capture all possible reasons for charge dispositions, they offer useful insight into prosecutorial decision making. A comparison of

reason codes between those given from referral to acceptance (Table 7) and those given from acceptance to conviction (Table 12) shows that there is a perceptible shift in the reasons attached to case dispositions at the respective decision points. From referral to acceptance, evidentiary reasons account for 47.5 percent of reasons given for a referred charge not being accepted as referred. From acceptance to conviction, this proportion drops substantially to 10.8

**Figure 1. Case and Charge Movement Between Decision Points**



percent of reasons given by prosecutors. The opposite happens for the proportion of total reasons that are discretionary in nature. Between referral and acceptance, discretionary reasons account for 32.6 percent of the reasons given by prosecutors. This proportion jumps to 70.5 percent of reasons given for a dismissal or plea agreement to an amended charge.

Overall, we began with a total 1,074 sexual assaults reported to the Anchorage Police Department between January 2000 and December 2003 involving one suspect and one victim. Data were collected on 1,052 (98%) of these 1,074 reports. These 1,052 reports to APD resulted in the referral of 188 cases and 434 charges to DOL.

These 188 referred cases resulted in the acceptance of 127 cases that included 413 charges. Prosecutors obtained convictions in 111 cases on 138 charges. Thus, the majority of cases resulted in a conviction on at least one charge. For referred cases, a majority of respondents were held accountable for their actions to some degree.

It remains true, however, that a heavy majority of reported sexual assaults are not referred for prosecution. More examination of this point in case processing—between reporting and referral—is urgently needed.

Since the greatest source of case and charge attrition is from report to referral, enhancing offender accountability may depend on increasing the proportion of

reported sexual assaults that are referred to the Department of Law.

*G. Matthew Snodgrass is a researcher in an ongoing study of sexual assaults in Anchorage. The study is being directed by André Rosay of the Justice Center. The complete report on which this article is based is available at <http://justice.uaa.alaska.edu/research/2000/0611sexassault/0611sxcas/eprocess.html>. This project was supported by Grant No. 2004-WG-BX-0003 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.*



## Forcible Rapes and Sexual Assaults in Anchorage

André Rosay

Alaska generally, and Anchorage specifically, have been plagued by a high incidence of forcible rapes and sexual assaults. For the first time, solid data on victim and suspect characteristics, time and location of assaults and other details have been assembled and studied. These data contradict some of the more common assumptions regarding Anchorage's rape problem.

The data are important to designing effective rape prevention efforts. The Anchorage Police Department has recently secured new funding sources directed at reducing the occurrence of forcible rapes and sexual assaults: a \$2 million federal grant and a \$500,000 municipal grant. The question now is how to best allocate these resources. As discussed in the criminological literature, problem-oriented policing offers a promising approach.

Problem-oriented policing is a strategy in which police (1) define the problems to be solved, (2) diagnose these problems to identify their causes, (3) develop and implement interventions that address these causes, and (4) assess the efficacy of their interventions.

As defined in the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program, forcible rape is "the carnal knowledge of a female forcibly and against her will." Attempted forcible rapes are also included in the UCR's measure. Figure 1 displays the rates of forcible rape reported to police from 1982 to 2002 for the United States, Alaska, and Anchorage. In 2002, the state of Alaska had the highest rate of reported forcible rape among the 50 states (79.4 per 100,000) and Anchorage had the second highest rate of reported forcible rape among metropolitan statistical areas in the U.S. (95.0 per 100,000). In 2002, the rates of reported forcible rape were 141 percent higher in Alaska and 188 percent higher in Anchorage than in the U.S.

In addition to forcible rapes, Anchorage also has a high rate of reported sexual as-

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For other articles and publications related to sexual assault and violence against women, see:  
<http://justice.uaa.alaska.edu/vaw/>

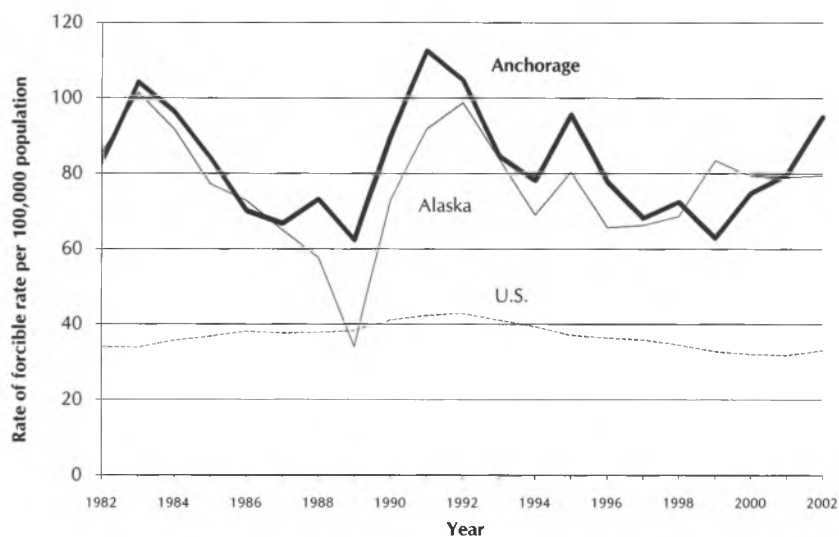
**Abstract:** This study examined the characteristics of all sexual assaults reported to the Anchorage Police Department from 2000 through 2003. Key descriptive findings are summarized.

- Victims tended to be young and female, with Native women victims in over 45% of reported sexual assaults.
- In a majority of the assaults — over 62% — the assailant was not a stranger to the victim. The most common non-stranger relationships included friends and acquaintances.
- A majority of the assaults occurred indoors, with 45% taking place at the residence of one or both of those involved.
- Sixty-five percent of victims had used alcohol prior to the assault and 74% of suspects had also.

saults (although national comparisons are not available). The definition of a sexual assault is less restrictive than that of a forcible rape: sexual contact with another person, male or female, without the consent of that other person. In 2002, there were 254 forcible rapes and 85 sexual assaults reported to

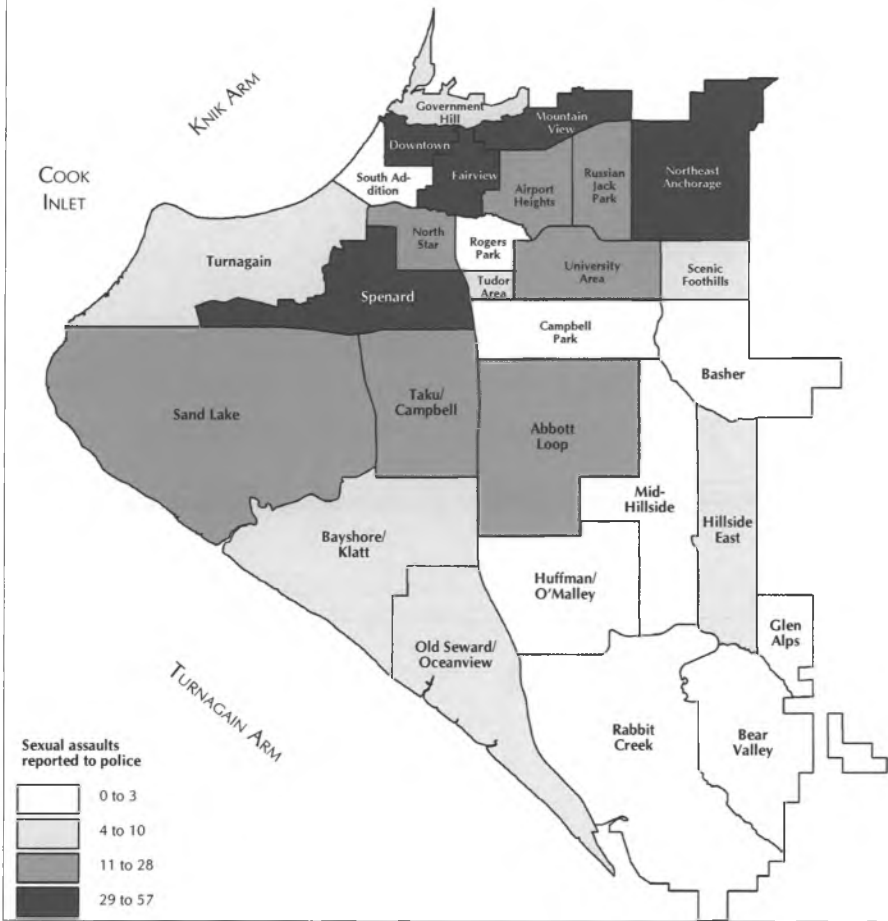
the Anchorage Police Department, for a total of 339 forcible rapes and sexual assaults. Furthermore, according to analysis done by Callie Marie Rennison for the Bureau of Justice Statistics, national statistics indicate that only 36 percent of forcible rapes, 34 percent of attempted forcible rapes, and 26

Figure 1. Rates of Forcible Rape in the U.S., Alaska, and Anchorage, 1982-2002



Source of data: Uniform Crime Reports

**Figure 2. Sexual Assaults Reported to Anchorage Police by Community Council Area, 2000-2001**



2001. These data contain detailed information on the assaults, victims, and suspects. The findings presented here reflect a quantitative perspective on those assaults that have been reported. It is important to note again that many sexual assaults go unreported.

The key findings from this study suggest that interventions will be successful in Anchorage only insofar as they take into account:

- Geographical and temporal concentration of reported sexual assaults and rapes;
- Demographic characteristics of victims and suspects;
- Types of victim-suspect relationships;
- Locations of assaults; and
- Use of alcohol.

Like all criminal activity, sexual assaults and rapes are neither geographically nor temporally random. In the data studied, reported sexual assaults and rapes were most likely to occur in five community council areas—Downtown, Fairview, Spenard, Mountain View, and, to a lesser extent, Northeast Anchorage (see Figure 2). More specifically, 10.1 percent of the sexual assaults and rapes reported in 2000 and 2001 occurred Downtown, 10.1 percent in Fairview, 13.4 percent in Spenard, 10.1 percent in Mountain View, and 9.0 percent in Northeast. Of the 424 assault locations reported in 2000 and 2001, 52.7 percent were in these five community council areas. Temporally, reported sexual assaults and rapes were most likely to occur on the weekends and from 10 PM to 6 AM. More precisely, 49 percent of sexual assaults and rapes reported in 2000 and 2001 occurred on weekends and 60 percent occurred between 10 PM and 6 AM.

Knowing where and when sexual assaults

percent of sexual assaults are reported to the police. In light of this, the forcible rape and sexual assault problem in Anchorage is probably worse than that indicated by police statistics.

A joint project of the UAA Justice Center

and the Anchorage Police Department has focused on gaining a better understanding of the parameters of the rape problem in Anchorage. Researchers collected data from all sexual assaults and rapes reported to the Anchorage Police Department in 2000 and

**Table 1. Race of Victims of Sexual Assaults Reported to Anchorage Police, 2000-2001**

Race <sup>1</sup>	Victims <sup>2</sup> N = 539		Percentage of Anchorage population, 2001 <sup>3</sup>	Sexual assault rate per 1,000 population <sup>4</sup>
	N	%		
Caucasian	257	47.7 %	77.6 %	1.28
Native	243	45.1	10.6	8.86
Hispanic	8	1.5	6.0	0.52
African-American	27	5.0	7.2	1.45
Asian	8	1.5	7.3	0.42
Pacific Islander	0	0.0	1.3	0.00

<sup>1</sup> Categories are not mutually exclusive.  
<sup>2</sup> Detail adds to greater than total N because victims may be of more than one race.  
<sup>3</sup> Includes both males and females (95.5% of victims were female).  
<sup>4</sup> Base population includes both males and females.

Source of data: 2000 and 2001 data (N = 539); U.S. Census Bureau, 2001 Supplementary Survey (Anchorage, AK MSA) <www.census.gov/acs/www/Products/Profiles/Single/2001/SS01/Tabular/380/38000U503801.htm >.

**Table 2. Race of Suspects in Incidents of Sexual Assault Reported to Anchorage Police, 2000-2001**

Race <sup>1</sup>	Suspects <sup>2</sup> N = 567		Percentage of Anchorage population, 2001 <sup>3</sup>	Sexual assault suspects per 1,000 population <sup>4</sup>
	N	%		
Caucasian	231	40.7 %	77.6 %	1.15
Native	126	22.2	10.6	4.60
Hispanic	47	8.3	6.0	3.05
African-American	137	24.2	7.2	7.38
Asian	30	5.3	7.3	1.59
Pacific Islander	4	0.7	1.3	1.20

<sup>1</sup> Categories are not mutually exclusive.  
<sup>2</sup> Detail adds to greater than total N because suspects may be of more than one race.  
<sup>3</sup> Includes both males and females (99.4% of suspects were male).  
<sup>4</sup> Base population includes both males and females.

Source of data: 2000 and 2001 data (N = 539); U.S. Census Bureau, 2001 Supplementary Survey (Anchorage, AK MSA) <www.census.gov/acs/www/Products/Profiles/Single/2001/SS01/Tabular/380/38000U503801.htm >.

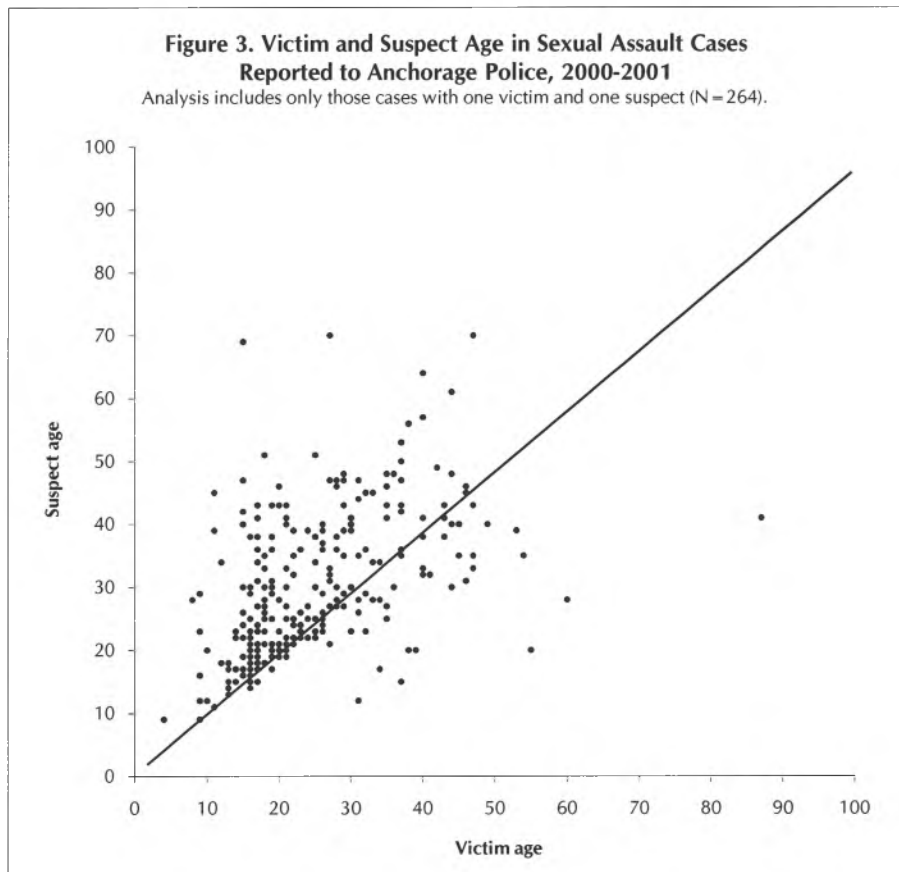
and rapes occur is an important step in defining the problem to be solved. These results provide reliable evidence of the geographical and temporal concentration of sexual assaults and rape—rather than unreliable evidence based on hunches, experience, or common sense. This evidence suggests that police efforts to combat sexual assaults and rape ought to be concentrated on the weekends from 10 PM to 6 AM in Downtown, Fairview, Spenard, Mountain View, and Northeast.

At the same time, police efforts to combat sexual assault and rape need to take into consideration the demographic characteristics of both victims and suspects. The vast majority (95.5%) of victims were female, with most (93.2%) residing in Anchorage. Almost all suspects (99.4%) were male and, again, most (94.3%) resided in Anchorage. Most victims were Caucasian or Native, with Native victims vastly overrepresented (see Table 1). For reported sexual assaults and rapes, Natives were 7.6 times more likely than others to be a victim.

Suspects were more racially diverse than victims (see Table 2). Most suspects were Caucasian, but Native and African-American suspects were overrepresented in proportion to the general population.

The age of victims and suspects is shown in Figure 3. On average, victims were 5 years younger than suspects. For victims, the highest rate of reported sexual assault and rape was for 15-to-19-year-olds (6.76 per 1,000) while for suspects, the highest rate of reported sexual assault and rape was for 20-to-24-year-olds (3.75 per 1,000).

With these demographics characterizing



those involved in sexual assaults, interventions should primarily focus on Anchorage residents rather than visitors. Furthermore, it is clear that victim-focused interventions must occur at an earlier age than suspect-focused interventions. The daily routines of 15-to-19-year-olds are substantially different than those of 20-to-24-year-olds. In particular, 15-to-19-year-olds are likely to be in school during the week, making schools an attractive intervention partner for victim-focused interventions. Developing suspect-focused interventions in schools, however, makes little sense as most suspects are beyond school age.

It would also make little sense to develop interventions without considering the relationships between victims and suspects. These relationships are described in greater detail in Table 3. According to the 2002 National Crime Victimization Survey, only 32.5 percent of sexual assaults nationwide and rapes are stranger assaults. In Anchorage, however, stranger assaults are far more common. In 2000 and 2001, 44.3 percent of victims who reported a sexual assault or rape

to police did not know the offender beforehand. Among non-stranger assaults, the most common were assaults between casual acquaintances (30.4%) and those between well-known friends (27.1%). Unfortunately, little is known about the differences between stranger and non-stranger assaults. Consequently, the implications of this important finding are still unclear. It is likely, however, that important differences between stranger and non-stranger assaults do exist, requiring separate approaches to reduce occurrence. For example, it is possible that non-stranger assaults are more likely to occur in private places than stranger assaults.

Though we have not yet investigated these differences, our analyses clearly reveal that most sexual assaults reported to police (over 67.7%) occurred indoors (see Table 4). The most common indoor locations included the victim's residence and the suspect's residence. Of the sexual assault locations, 45.3 percent were the victim's residence or suspect's residence (or both), and an additional 9.9 percent took place in some other residence. In comparison, fewer sexual assaults occurred outdoors (22.0%). Common outdoor locations included fields, woods, parks, roads, streets, and parking lots. Few assaults occurred in vacant lots (5.3%), city parks (1.9%), or along park trails (0.5%). Overall, our data show that

**Table 3. Victim-Offender Relationship in Incidents of Sexual Assault Reported to Anchorage Police, 2001**

Suspect's relationship to victim	N	% of total	% of non-stranger
<b>Total non-stranger</b>	<b>181</b>	<b>55.7 %</b>	<b>100.0 %</b>
Spouse	8	2.5	4.4
Parent	2	0.6	1.1
Sibling	5	1.5	2.8
Grandchild	1	0.3	0.6
Stepparent	3	0.9	1.7
Other family	9	2.8	5.0
Acquaintance	55	16.9	30.4
Friend	49	15.1	27.1
Neighbor	2	0.6	1.1
Babysitter	2	0.6	1.1
Boy/girlfriend	22	6.8	12.2
Ex-spouse	5	1.5	2.8
Employer	1	0.3	0.6
Otherwise known	17	5.2	9.4
<b>Stranger</b>	<b>144</b>	<b>44.3 %</b>	<b>--</b>
<b>Total</b>	<b>325</b>		

only 4.3 percent of reported sexual assaults *originated* in parks, fields, or woods and that only 7.3 percent *occurred* in these places. Most of these places were vacant lots. Moreover, while only one assault was reported as occurring in a bar, the original pick-up in 54 cases (13.6%) occurred in a bar—a finding that should be seen in relation to the figures on alcohol involvement in sexual assaults.

Consequently, strategies that target outdoor places, particularly ones that target parks or trails, will not appreciably affect the rates of sexual assault and rape in Anchorage. Although the municipality's Trail Watch Program instituted in September 2003 may reduce the fear of crime among trail users (and may reduce other forms of crime), it will probably have negligible effects, if any, on the occurrence of sexual assaults and rapes if these patterns continue. Different strategies must be used to lower the rates of sexual assault and rape in Anchorage, since most rapes occur indoors, in residences.

Finally, interventions must take into account that alcohol use was very frequent among both suspects and victims. During 2000 and 2001, 76.2 percent of suspects and 59.9 percent of victims had used alcohol. Table 5 displays victim and suspect alcohol

use for 176 cases (cases with only one victim and one suspect and cases where both victim and suspect alcohol use was known). Both the suspect and the victim had used alcohol in 59.7 percent of these cases. Only the suspect had used alcohol in 13.1 percent of these cases. Only the victim had used alcohol in 1.7 percent of these cases and neither the suspect nor the victim used alcohol in 25.6 percent of these cases. Stated differently, almost 75 percent of these cases involved alcohol—either by the suspect, the victim, or both.

Overall, we have come a long way towards defining the problems to be solved, diagnosing these problems, and identifying their causes. Though the analyses are neither finished nor definitive, we nonetheless now have some reliable information that can be used to enhance the success of community and police rape prevention efforts. We ought to make sure that all interventions take into consideration that:

- Reported sexual assaults and rapes occur mostly on the weekends from 10 PM to 6 AM in Downtown, Fairview, Spenard, Mountain View, and Northeast;
- The highest victimization rates are for

15-to-19-year-olds while the highest offending rates are for 20-to-24-year-olds;

- 44.3 percent of victims are assaulted by strangers;
- 59.6 percent of known assault locations are private residences; and
- Alcohol use is very frequent among both suspects and victims.

It must be understood that police alone cannot solve the sexual assault and rape problem that has plagued Anchorage for well over 20 years. The data suggest that effective solutions to this problem need to be both suspect-focused and victim-focused (as well as event-focused). Many have dismissed the idea of victim-focused interventions for fear that it leads to victim blaming. The reality, however, is that we can educate about sexual assault and rape without blaming victims for sexual assault and rape: we educate homeowners about burglary prevention without blaming them for burglaries and we educate business owners about shoplifting without blaming them for shoplifting.

*André Rosay is an assistant professor with the Justice Center. The Justice Center report on which this article was based, Descriptive Analysis of Sexual Assaults in Anchorage, Alaska, is available on the Justice Center website, <http://www.uaa.alaska.edu/just/>. This project was supported by Grant No. 2000-RH-CX-K039 awarded by the Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

**Table 4. Location Type for Pick-Up and Assault of Victims of Sexual Assault Reported to Anchorage Police, 2000-2001**

Location type	Pick-up		Assault	
	N	%	N	%
<b>Indoors</b>	<b>389</b>	<b>71.9 %</b>	<b>397</b>	<b>67.7 %</b>
Victim's residence	110	20.3	129	22.0
Suspect's residence	66	12.2	121	20.6
Victim's and suspect's residence	12	2.2	15	2.6
Other residence	44	8.1	58	9.9
Bar	54	13.6	1	0.2
Hotel	33	6.1	57	9.7
Doctor's office	14	2.6	16	2.7
Other indoors	56	10.4	18	3.1
<b>Outdoors</b>	<b>104</b>	<b>19.2 %</b>	<b>129</b>	<b>22.0 %</b>
Road, street	62	11.5	52	8.9
Parking lot	15	2.8	31	5.3
Vacant lot	14	2.6	29	4.9
Park	7	1.3	11	1.9
Trail	2	0.4	3	0.5
Other outdoors	4	0.7	3	0.5
<b>Unknown</b>	<b>48</b>	<b>8.9 %</b>	<b>42</b>	<b>7.2 %</b>
<b>Total</b>	<b>541</b>		<b>586</b>	

Note: Totals differ because there was sometimes more than one assault location for the same pick-up.

**Table 5. Victim and Suspect Alcohol Use in Incidents of Sexual Assault Reported to Anchorage Police, 2001**

Analysis includes only those cases in which one victim and one suspect were involved.

Alcohol use by suspect	Alcohol use by victim		Total
	Yes	No	
Yes	105	23	128
No	3	45	48
<b>Total</b>	<b>108</b>	<b>68</b>	<b>176</b>



## Disposition of Sexual Assault Cases

It is not possible to correlate the figures on reported sexual assaults in Anchorage in 2000-2001 presented in the first article in this issue of the *Alaska Justice Forum* with figures on felony case processing as examined in the Judicial Council felony study, but the Judicial Council felony case study does contain figures specifically related to cases involving sexual offenses that give an idea of how these cases are handled.

According to the Judicial Council study, a sexual offense constituted the most serious charge in 12 percent of the cases studied. Table 1 shows the dispositions for these cases. The data reveal that disposition charges are often lower, sometimes at the misdemeanor level. A majority of all cases, however, resulted in a conviction on a felony charge—and on a sexual offense charge, a disposition that results in placement on the sexual offender registry.

The statistical analysis presented in the Judicial Council study shows that cases involving sexual offenses were handled even-handedly, with no effects associated with ethnicity in charge reduction, pre-disposition incarceration or sentence. Some disparities did appear in association with case location and with type of attorney.

See table on page 2.

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[http://justice.uaa.alaska.edu/forum/20/4winter2004/d\\_rapedisposition.html](http://justice.uaa.alaska.edu/forum/20/4winter2004/d_rapedisposition.html)

For other articles and publications related to sexual assault and violence against women, see:

<http://justice.uaa.alaska.edu/vaw/>

**Abstract:** *This article summarizes findings on cases involving sexual offenses from the Alaska Judicial Council study **Alaska Felony Process: 1999** (February 2004). (The full Judicial Council report is available online at <http://www.ajc.state.ak.us/reports/Fel99FullReport.pdf>.) The study examined the original single most serious charge and determined its final disposition. Twelve percent of felony cases included a sexual offense as the original single most serious charge. Charges for sexual abuse of a minor were more likely to be convicted as sexual offenses than sexual assault charges (and were less likely to be convicted as misdemeanors).*

- *The most frequent original single most serious charges included sexual abuse of a minor in the second degree (Class B felony), sexual assault in the second degree (Class B felony), sexual assault in the first degree (Unclassified felony), and sexual abuse of a minor in the first degree (Unclassified felony).*
- *Eighty-one percent of charges for sexual abuse of a minor in the second degree were convicted as sexual offense charges. Forty-one percent were convicted as sexual abuse of a minor in the second degree. Thirteen percent were convicted as misdemeanors.*
- *Fifty-five percent of charges for sexual assault in the second degree were convicted as sexual offense charges. Seventeen percent were convicted as sexual assault in the second degree. Thirty-four percent were convicted as misdemeanors.*
- *Fifty percent of charges for sexual assault in the first degree were convicted as sexual offense charges. Nine percent were convicted as sexual assault in the first degree. Twenty-two percent were convicted as misdemeanors.*
- *Eighty-four percent of charges for sexual abuse of a minor in the first degree were convicted as sexual offense charges. Twenty-one percent were convicted as sexual abuse of a minor in the first degree. Five percent were convicted as misdemeanors.*

**Table 1. Charge Changes for Single Most Serious Charge**

Original single most serious charge				Original single most serious charge			
Final disposition of single most serious charge	N	% of each disposition	Percent convicted of misdemeanor	Final disposition of single most serious charge	N	% of each disposition	Percent convicted of misdemeanor
<b>Sexual abuse minor 1 (unclassified)</b>	<b>43</b>	—	<b>4.7 %</b>	<b>Sexual assault 2 (Class B)</b>	<b>47</b>	—	<b>34.0 %</b>
Sexual abuse minor 1	9	20.9 %		Sexual assault 2	8	17.0 %	
Attempted sexual abuse minor 1	8	18.6		Attempted sexual assault 2	8	17.0	
Sexual abuse minor 2	15	34.9		Burglary 2	1	2.1	
Sexual abuse minor 3	2	4.7		Sexual assault 3	6	12.8	
Sexual assault 1	1	2.3		Assault 4 (misd.)	6	12.8	
Sexual assault 2	1	2.3		Attempted sexual abuse minor 3 (misd.)	2	4.3	
Assault 4 (misd.)	1	2.3		Criminal trespass (misd.)	1	2.1	
Contributing to delinquency of minor (misd.)	1	2.3		Harassment (misd.)	3	6.4	
Dismissed/acquitted	5	11.6		Reckless endangerment (misd.)	1	2.1	
<b>Sexual assault 1 (unclassified)</b>	<b>46</b>	—	<b>21.7 %</b>	Sexual abuse minor 4 (misd.)	1	2.1	
Sexual assault 1	4	8.7 %		Sexual assault 4 (misd.)	1	2.1	
Attempted sexual assault 2	2	4.3		Violation domestic violence protective order (misd.)	1	2.1	
Attempted sexual assault 1	1	2.2		Dismissed/acquitted	8	17.0	
Burglary 1	1	2.2		<b>Attempted sexual abuse minor 2 (Class C)</b>	<b>2</b>	—	<b>0.0 %</b>
Perjury	1	2.2		Attempted sexual abuse minor 2	2	100.0 %	
Sexual assault 2	13	28.3		<b>Attempted sexual assault 2 (Class C)</b>	<b>3</b>	—	<b>33.3 %</b>
Sexual assault 3	2	4.3		Attempted sexual assault 2	2	66.7 %	
Alcohol to minor (misd.)	1	2.2		Harassment (misd.)	1	33.3	
Assault 4 (misd.)	6	13.0		<b>Indecent exposure 1 (Class C)</b>	<b>3</b>	—	<b>33.3 %</b>
Attempted sexual assault 3 (misd.)	1	2.2		Indecent exposure 1	2	66.7 %	
Harassment (misd.)	1	2.2		Indecent exposure 2 (misd.)	1	33.3	
Criminal mischief 3 (misd.)	1	2.2		<b>Sexual abuse minor 3 (Class C)</b>	<b>21</b>	—	<b>42.9 %</b>
Dismissed/acquitted	12	26.1		Sexual abuse minor 3	8	38.1 %	
<b>Attempted sexual abuse minor 1 (Class A)</b>	<b>1</b>	—	<b>0.0 %</b>	Probation revocation F	1	4.8	
Attempted sexual abuse minor 1	1	100.0 %		Alcohol to minor (misd.)	2	9.5	
<b>Attempted sexual assault 1 (Class A)</b>	<b>2</b>	—	<b>0.0 %</b>	Assault 4 (misd.)	2	9.5	
Attempted sexual assault 1	1	50.0 %		Attempted sexual abuse minor 3 (misd.)	3	14.3	
Dismissed/acquitted	1	50.0		Contributing to delinquency of minor (misd.)	1	4.8	
<b>Exploit minor (Class B)</b>	<b>1</b>	—	<b>0.0 %</b>	Resist arrest (misd.)	1	4.8	
Exploit minor	1	100.0 %		Dismissed/acquitted	3	14.3	
<b>Sexual abuse minor 2 (Class B)</b>	<b>95</b>	—	<b>12.6 %</b>	<b>Sexual assault 3 (Class C)</b>	<b>6</b>	—	<b>16.7 %</b>
Sexual abuse minor 2	39	41.1 %		Sexual assault 3	2	33.3 %	
Attempted sexual abuse minor 2	20	21.1		Assault 3	1	16.7	
Attempted sexual assault 2	3	3.2		Attempted sexual assault 2	1	16.7	
Coercion	2	2.1		Assault 4 (misd.)	1	16.7	
Probation revocation F	1	1.1		Dismissed/acquitted	1	16.7	
Sexual assault 3	1	1.1					
Sexual abuse minor 3	8	8.4					
Sexual abuse minor 1	1	1.1					
Sexual assault 2	2	2.1					
Alcohol to minor (misd.)	1	1.1					
Assault 4 (misd.)	3	3.2					
Attempted sexual assault 3 (misd.)	1	1.1					
Attempted sexual abuse minor 3 (misd.)	2	2.1					
Contributing to delinquency of minor (misd.)	4	4.2					
Criminal trespass (misd.)	1	1.1					
Dismissed/acquitted	6	6.3					

Source: Alaska Judicial Council



# ALASKA JUSTICE FORUM

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## Predicting Legal Resolutions in Domestic Violence Cases

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Darryl S. Wood, and Katherine TePas

### Introduction

The adoption of such policies as mandatory arrest, pro-arrest, and no-drop prosecution has changed the arrest and prosecution practices in domestic violence cases. Pro-arrest refers to arrest being preferred, but not required. No-drop prosecution allows the prosecutor, with or without the cooperation of the victim, to decide if the evidence merits going forward. Prosecution and conviction practices were the focus of a meta-analysis by Joel Garner and Christopher Maxwell in *Criminal Justice Review* 34(1) in 2009. They looked at 135 published reports emphasizing prosecution and/or conviction of intimate partner and other forms of domestic violence. These researchers found that 34 percent of reports to law enforcement of intimate partner violence (IPV) were prosecuted, and 59 percent of arrests for IPV were prosecuted. Overall, 51 percent of prosecuted cases resulted in conviction. They concluded that prosecution for IPV was not rare, but acknowledged that prosecution rates varied considerably across jurisdictions. They also acknowledged that the data in their 2009 study did not provide enough

information to identify factors that predict prosecution and conviction of IPV. Identification of such predictive factors is important because these factors may explain jurisdictional variation in the prosecution of domestic violence cases, and may also suggest policies and practices for enhancing prosecution rates.

A recent analysis of prosecution for assaults in domestic violence incidents reported to Alaska State Troopers (AST or Troopers) found that prosecution rates in Alaska were even higher than the national average prosecution rates reported by Garner and Maxwell. Data from the study of assaults in domestic violence incidents reported to AST included detailed characteristics associated with these incidents, as well as prosecution data from the Alaska Department of Law. These data allowed for the computation of prosecution and conviction rates, as well as an analysis of characteristics predicting prosecution of domestic violence assaults. The results of those analyses are presented here following a summary of domestic violence statutes in Alaska and descriptive statistics for the characteristics examined as predictors of prosecution and conviction.

### Summary of Alaska's Assault Statutes

The findings here come from a study of 1,281 Trooper reports (not including reports to local or municipal police) of assaults in domestic violence incidents in 2004 that resulted in at least one assault charge. Alaska's criminal code defines assault in terms of first, second, third, and fourth degrees (Alaska Statutes §§11.41.200, 11.41.210, 11.41.220, and 11.41.230). First, second, and third degree assault are class A, B, and C felonies, respectively, and fourth degree assault is a class A misdemeanor. The main

**Table 1. Number of Cases by Stage, for Cases with only One Suspect and One Victim**

Stage	N	% of reported	% of referred	% of accepted
Reported	1,095	100.0 %	—	—
Referred	874	79.8	100.0 %	—
Accepted	753	68.8	86.2	100.0 %
Convicted	591	54.0	67.6	78.5

Source of data: Alaska State Trooper data (2004)

distinctions between the degrees of assault relate to the level of intent and seriousness of resulting physical injury.

In this study we focus on assaults in domestic violence incidents between household members. *Household member*, as broadly defined in Alaska Statute §18.66.990, includes adults or minors who are current or former spouses, living together or who have lived together, dating or who have dated, engaging in or who have engaged in a sexual relationship, related to each other up to the fourth degree of consanguinity, related or formerly related by marriage, or who have a child together. Unrelated individuals residing together as roommates, and live-in caregivers, also fall under this definition.

### The Sample

A subsample of 1,095 cases involving one victim and one suspect was used to conduct analyses to predict legal resolutions. Of the 1,095 cases, 874 (80%) were *referred* for prosecution and 753 (86% of referred cases) were *accepted* for prosecution. The conviction rate was 54 percent for reported cases, 68 percent for referred cases, and 79 percent for accepted cases. (See Table 1.)

### Report Characteristics

Several report characteristics were examined as predictors of prosecution: time between the assault incident and the report

### HIGHLIGHTS INSIDE THIS ISSUE

- An examination of attrition in criminal justice processing of cases of intimate partner violence against women (page 2).
- A summary of two sets of recommendations to reduce violence against women in Alaska (page 5).
- A look at the relationship between animal abuse and domestic violence (page 6).
- A comparison between leading causes of death in the U.S. and Alaska among different age groups (page 7).

Please see *DV cases*, page 8

**Table 2. Coding for and Frequencies of Report Characteristics Predicting Legal Resolutions**

Variables	Reports		Variables	Reports	
	N	%		N	%
<b>Time to report</b>			<b>Time to case closure</b>		
One or more days = 0	175	16.1 %	Twenty or more days = 0	538	49.2 %
Zero days (day of incident) = 1	914	83.9	Zero through median of 19 days = 1	555	50.8
<b>Person reporting the assault</b>			<b>Total charges per report</b>		
Victim = 0	639	58.4 %	One = 0	659	60.2 %
Other = 1	456	41.6	More than one = 1	436	39.8
<b>Detachment</b>			<b>Number of witnesses per report</b>		
Other (A, E, or I) = 0	190	17.4 %	Zero = 0	464	42.4 %
B, C, or D = 1	905	82.6	One or more = 1	631	57.6
<b>First agency notified</b>					
AST = 0	870	79.5 %			
VPSO, VPO, local police or other = 1	225	20.5			

Source of data: Alaska State Trooper data (2004)

### DV cases

(continued from page 1)

of the incident to law enforcement, person reporting the assault, Trooper detachment area receiving the report, agency reported to, time to case closure, total charges per report, and number of witnesses per report. The majority of cases (84%) were reported on the same day as the incident and the victim reported the incident in 58 percent of cases. Most reports (83%) were made in Trooper detachments B (Southcentral Alaska), C (Western Alaska), or D (Interior Alaska). In

80 percent of cases, AST was the first agency notified of the domestic violence assault. In the remaining 21 percent of cases the report was most often received by a Village Public Safety Officer (VPSO) or Village Police Officer (VPO), and less often by a local police department. (Percentages may total to more than 100% due to rounding.) Over half (51%) of the cases were closed between zero and 19 days (the median time to closure for all cases). The majority of domestic violence assaults (60%) involved a single charge, and in 58 percent of cases there was only one witness. (See Table 2).

### Victim Characteristics

In over half of the cases, the victim was Caucasian (52%) and under 32 years of age (52%). The victim was female in 73 percent of the cases. Most victims (66%) did not use alcohol or drugs prior to the assault in domestic violence incident. Seventy-three percent of the victims contacted no one prior to reporting the assault to law enforcement. In the majority of cases (96%), the victim was present upon Trooper arrival. The victim was interviewed in 97 percent of cases, and most victims (86%) cooperated with the AST investigation. In 60 percent of cases victims suffered documented injuries as a result of the assault in domestic violence incident, but in 40 percent of cases victims did not suffer injuries or their injuries were not documented in the report. (See Table 3.)

**Table 3. Coding for and Frequencies of Victim Characteristics Predicting Legal Resolutions**

Variables	Reports		Variables	Reports	
	N	%		N	%
<b>Race of victim</b>			<b>Present upon Trooper arrival</b>		
Minority = 0	527	48.1 %	No = 0	43	3.9 %
Caucasian = 1	568	51.9	Yes = 1	1,038	96.1
<b>Victim gender</b>			<b>Victim was interviewed</b>		
Male = 0	802	26.6 %	No = 0	32	2.9 %
Female = 1	290	73.4	Yes = 1	1,056	97.1
<b>Age of victim</b>			<b>Victim cooperated with Troopers</b>		
33 or older = 0	520	47.9 %	No = 0	151	14.1 %
Infant to 32 = 1	566	52.1	Yes = 1	920	85.9
<b>Victim used alcohol or drugs</b>			<b>Victim suffered injuries</b>		
No = 0	687	66.1 %	No = 0	439	40.1 %
Yes = 1	353	33.9	Yes = 1	656	59.9
<b>Victim consulted someone prior to assault</b>					
No = 0	794	73.1 %			
Yes = 1	292	26.9			

Source of data: Alaska State Trooper data (2004)

### Suspect Characteristics

Just over half of the suspects (52%) were Caucasian. Seventy-nine percent were male and 52 percent were in the 12 to 32 years age group. Fifty-eight percent of suspects used alcohol or drugs prior to the assault. Most suspects (77%) were present upon the Trooper's arrival at the scene and were interviewed as part of the Trooper's investigation. The suspect admitted guilt or gave a full confession in 57 percent of cases. In 7 percent of cases the suspect was known to have violated a Domestic Violence Protection Order (DVPO), conditions of release, or conditions of probation. (See Table 4.)

### Victim-Suspect Characteristics

In terms of victim-suspect relationship, 67 percent of assaults in domestic violence

**Table 4. Coding for and Frequencies of Suspect Characteristics Predicting Legal Resolutions**

Variables	Reports		Variables	Reports	
	N	%		N	%
<b>Race of suspect</b>			<b>Present upon Trooper arrival</b>		
Minority = 0	530	48.4 %	No = 0	249	23.0 %
Caucasian = 1	565	51.6	Yes = 1	835	77.0
<b>Suspect gender</b>			<b>Suspect was interviewed</b>		
Female = 0	234	21.4 %	No = 0	248	22.7 %
Male = 1	860	78.6	Yes = 1	843	77.3
<b>Age of suspect</b>			<b>Suspect admitted guilt or gave a full confession</b>		
12 to 32 = 0	560	51.5 %	No = 0	360	42.8 %
33 and older = 1	527	48.5	Yes = 1	481	57.2
<b>Suspect used alcohol or drugs</b>			<b>Suspect violated DVPO, conditions of release, or probation</b>		
No = 0	415	42.0 %	No = 0	1,012	92.7 %
Yes = 1	574	58.0	Yes = 1	80	7.3

Source of data: Alaska State Trooper data (2004)

**Table 5. Coding for and Frequencies of Victim-Suspect Characteristics Predicting Legal Resolutions**

Variables	Reports	
	N	%
<b>Nature of relationship</b>		
Other family = 0	357	32.7 %
Intimate partners = 1	763	67.3
<b>Living arrangements</b>		
Common = 0	802	75.3 %
Separate = 1	263	24.7
<b>Victim suspect race combination</b>		
Intraracial = 0	925	84.6 %
Interracial = 1	169	15.4
<b>Victim suspect age combination</b>		
Intraage group = 0	447	41.2 %
Interage group = 1	638	58.8

Source of data: Alaska State Trooper data (2004)

incidents involved intimate partners while 33 percent involved other family members. Victims and suspects shared common living arrangements in 75 percent of cases. Most assaults in domestic violence incidents (85%) were intraracial—that is between a victim and a suspect of the same race—and 15 percent of cases were interracial—between persons of different races. In 59 percent of cases the victim and suspect were in a different age group. (See Table 5.)

**Incident Characteristics**

A number of incident characteristics were examined as predictors of prosecution. In 64 percent of cases the victim and suspect came into contact by invitation (either from the victim or the suspect) while in 36 percent of cases the suspect made a forced entry. In 41 percent of cases, a child was present at the time of the assault in domestic violence incident. Suspects used a weapon in five

percent of cases. Twenty-eight percent of victims responded aggressively to the domestic violence assault. Victims remained at the scene following 75 percent of assaults in domestic violence incidents. Alcohol and/or drug use was a reported precipitating factor that led to the assault in domestic violence incident in 22 percent of cases, and jealousy was a reported precipitating

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**Table 6. Coding for and Frequencies of Incident Characteristics Predicting Legal Resolutions**

Variables	Reports		Variables	Reports	
	N	%		N	%
<b>Method of contact</b>			<b>Precipitating factors 1</b>		
By invitation = 0	93	63.7 %	Not alcohol or drugs = 0	743	77.9 %
Forced entry = 1	53	36.3	Alcohol or drugs = 1	211	22.1
<b>Child present</b>			<b>Precipitating factors 2</b>		
No = 0	487	59.0 %	Not jealousy = 0	824	86.4 %
Yes = 1	338	41.0	Jealousy = 1	130	13.6
<b>Use of any weapon</b>			<b>Location of assault</b>		
No = 0	1,032	95.5 %	Public = 0	139	12.9 %
Yes = 1	49	4.5	Private = 1	939	87.1
<b>Victim response characteristics 1</b>			<b>Physical assault</b>		
Not aggressive = 0	772	72.1 %	No = 0	120	11.0 %
Aggressive = 1	298	27.9	Yes = 1	967	89.0
<b>Victim response characteristics 2</b>			<b>Any stalking behavior</b>		
Stayed = 0	802	74.5 %	No = 0	1,022	93.3 %
Left = 1	275	25.5	Yes = 1	73	6.7

Source of data: Alaska State Trooper data (2004)

**DV cases**

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factor in 14 percent of cases. The majority of assaults in domestic violence incidents (87%) took place in a private location and involved physical assaults (89%). Stalking behavior was reported in 7 percent of cases. (See Table 6.)

**Predicting Legal Resolutions**

Several characteristics of domestic violence incidents were examined as potential predictors of referral, acceptance for prosecution, and conviction: reports to law enforcement of the domestic violence incident, suspects, victims, victim-suspect relationships, and incidents. The analyses involved a three-phase procedure for each type of legal resolution (referral, acceptance, and conviction). In the first phase, individual characteristics within each category were analyzed as predictors of the three legal resolutions using bivariate logistic regression. In the second phase, significant individual predictors of legal resolutions in each category (reports, suspects, victims, etc.) were analyzed using multivariate logistic regression. In the third phase, characteristics found to be significant predictors from phase two, were analyzed across all five categories using multivariate logistic regression to produce a full model of predictors.

**Referral**

*Characteristics that did not predict*

*referral of cases for prosecution.* The full model used to predict referral of cases for prosecution included several predictor characteristics found to be significant when analyzed with other characteristics from their respective categories (i.e., reports, suspect, victims, etc.), but not all of these were found to be significant predictors of referral when examined individually and included in the full model. Characteristics analyzed in the full model that did not significantly predict referral of cases for prosecution included: the person who reported the incident (victim or other), the first agency notified (AST, VPSO, VPO, or local police department), the total number of charges associated with the report (one or more than one), victim use of alcohol or drugs, victim injuries, the racial combination of the victim and suspect (intra-racial or interracial), the victim's response characteristic (stayed or left the scene), the type of assault (physical or not physical), and precipitating factors to the assault in domestic violence incident (did or did not involve alcohol and/or drugs, did or did not involve jealousy).

*Characteristics significantly predicting referral of cases for prosecution.* The characteristics predicting referral of domestic violence incidents for prosecution are presented in order of greatest impact to least impact on referral. Each of these characteristics was found to significantly predict referral of domestic violence incidents for prosecution when the other predictive characteristics included in the model were held constant. Cases where

the victim was interviewed by a Trooper were 5.8 times more likely to be referred for prosecution than cases where the victim was not interviewed by a Trooper. Cases involving domestic violence incidents that took place between a suspect and victim who were intimate partners were 2.9 times more likely to be referred for prosecution than cases where the victim and suspect were not intimate partners (i.e., family members such as siblings, parent/child, or extended family, etc.). When the suspect was reported to have used alcohol or drugs prior to the domestic violence incident, cases were 2.5 times more likely to be referred for prosecution than in cases with no report of a suspect's use of alcohol and/or drugs. Cases that were closed relatively quickly (less than or equal to a median of 19 days) were 2.3 times more likely to be referred for prosecution than cases that took longer to close. Cases in which the victim and suspect lived together were 2.1 times more likely to be referred for prosecution than cases where the victim and suspect were not cohabiting. Cases with relatively older suspects (older than the mean of 32 years) were two times more likely to be referred for prosecution than cases with younger suspects. (See Table 7.)

**Acceptance**

*Characteristics that did not predict acceptance of cases for prosecution.* Characteristics analyzed in the full model that did not significantly predict acceptance of cases for prosecution included: the time between the incident and the report (one or more days or the same day on which it occurred), the first agency notified (AST, VPSO, VPO, or local police department), the suspect's use or non-use of alcohol or drugs, the victim's gender (female or male), the victim's race (minority or Caucasian), the victim and suspect relationship (intimate partners or other family), the victim and suspect's living arrangement (common or separate), and a precipitating factor to the assault in domestic violence incident (did or did not involve alcohol and/or drugs, did or did not involve jealousy).

*Characteristics significantly predicting acceptance of cases for prosecution.* The characteristics that significantly predicted whether cases were referred for prosecution were *not* the same characteristics that predicted whether referred cases were *accepted* for prosecution. Each of the following characteristics was found to significantly predict acceptance of domestic violence incidents for prosecution when the other predictive characteristics included in the model were held constant. One of the strongest predictors of acceptance

**Table 7. Characteristics Significantly Predicting Referral for Prosecution**

Variable	b	SE(b)	P	Exp(b)
Victim was interviewed	1.757	0.603	0.004	5.794
Intimate partner relationship	1.071	0.205	0.000	2.918
Suspect used alcohol or drugs	0.905	0.226	0.000	2.473
Time to case closure less than or equal to median	0.826	0.199	0.000	2.284
Common living arrangement	0.722	0.239	0.003	2.058
Suspect 33 years or older	0.707	0.203	0.000	2.028
Log Likelihood = 621.10; $\chi^2 = 117.10$ ; $p < .05$ .				
Source of data: Alaska State Trooper data (2004)				

**Table 8. Characteristics Significantly Predicting Acceptance for Prosecution**

Variable	b	SE(b)	P	Exp(b)
Suspect admitted guilt or gave a full confession	0.784	0.327	0.003	3.114
Total charges greater than one	0.988	0.351	0.005	2.686
Person reporting was not the victim	0.841	0.351	0.017	2.318
Victim suffered injury	0.839	0.324	0.010	2.315
Child was present	0.825	0.354	0.020	2.282
Suspect male	1.136	0.381	0.016	2.191
Log Likelihood = 243.91; $\chi^2 = 64.02$ ; $p < .05$ .				
Source of data: Alaska State Trooper data (2004)				

for prosecution was whether the suspect admitted guilt or gave a full confession. Cases where suspects admitted guilt or gave a full confession were 3.1 times more likely to be accepted for prosecution, and cases with relatively more charges (cases with more than one charge) were 2.7 times more likely to be accepted for prosecution than cases with only a single charge. When the initial report of domestic violence was made by a person other than the victim, cases were 2.3 times more likely to be accepted for prosecution. Cases in which the victim suffered injury were 2.3 times more likely to be accepted for prosecution than cases in which the victim did not suffer injury. Cases in which a child was reportedly present were 2.3 times more likely to be accepted for prosecution than cases with no report of a child's presence. If the suspect was male, the case was 2.2 times more likely to be accepted for prosecution than if the suspect was female. (See Table 8.)

### Conviction

*Characteristics that did not predict conviction.* One characteristic analyzed in the full model that did not significantly predict conviction was the suspect's age (12 to 32 years or 33 years and older).

*Characteristics significantly predicting conviction.* The characteristics that predicted conviction in cases of domestic violence incidents included some characteristics that predicted referral and acceptance. It is important to note that the term "conviction" used in this article refers to *any* conviction for *any* charge (not necessarily a domestic violence charge), and includes plea bargains, guilty pleas, and convictions resulting from a bench or jury trial. Each of the following characteristics was found to significantly predict conviction of domestic violence incidents when the other predictive characteristics included in the model were held constant. Cases first reported to a VPSO, a VPO, or a local police department were 2.4 times more likely to result in a conviction than cases first reported to AST. Cases in which the suspect was reported to have used alcohol or drugs prior to the domestic violence incident were 2.3 times more likely to result in conviction than cases with no report of a suspect's alcohol or drug use. Cases were 1.8 times more likely to result in a conviction if there was more than one charge involved, or if the suspect admitted guilt or gave a full confession. (See Table 9.)

### Conclusion

Based on our analyses, a number of

**Table 9. Characteristics Significantly Predicting Conviction**

Variable	b	SE(b)	P	Exp(b)
Reported to VPSO, VPO, or other	0.862	0.363	0.018	2.367
Suspect used alcohol or drugs	0.841	0.230	0.000	2.319
Total charges greater than one	0.584	0.237	0.014	1.794
Suspect admitted guilt or gave a full confession	0.561	0.228	0.014	1.752

Log Likelihood = 93.21;  $\chi^2 = 33.57$ ;  $p < .05$ .

Source of data: Alaska State Trooper data (2004)

report, victim, suspect, victim-suspect, and incident characteristics predict prosecution of assaults in domestic violence incidents reported to AST. The identification of these characteristics creates an opportunity to modify policy and/or practice in a way that enhances prosecution of these types of assaults. In the development of policy and/or practice changes, the impact of characteristics predicting prosecution at *each level* (referral, acceptance, and conviction) is equally important to consider: cases must progress through the initial stages of prosecution in order to result in conviction. Therefore, the majority of characteristics that predicted conviction also predicted acceptance or referral of cases.

The presence of certain characteristics seemed to increase the gravity of a case and heighten the likelihood of prosecution. Cases more likely to be prosecuted include those in which the victim was injured, there was more than one charge, and/or the report to law enforcement was made by someone other than the victim. Policies for investigation of assaults in domestic violence incidents should ensure extensive documentation of victim's injuries, corroboration of the victim's description of events, and discovery of all associated, justified charges. A victim's injuries and a report by someone other than the victim can corroborate the victim's description of events. Victim interviews and suspect admission of guilt also made prosecution more likely. Rates of victim interviews by Troopers were high (97%), but additional efforts could be made to interview a larger percentage of known suspects. (77% of suspects were interviewed.) It is important to train law enforcement officers to conduct thorough suspect interviews and interrogations and to employ reliable interviewing techniques that encourage suspects to admit guilt or give a full confession.

Other cases more likely to result in prosecution involved suspects who used alcohol or drugs prior to the assault in domestic violence incident. Therefore, it is essential for Troopers to document suspects' substance use every time it is indicated. Also, cases involving male suspects and assaults

between intimate partners who live together were more likely to be prosecuted than other cases. As noted previously, the definition of domestic violence in Alaska statute covers a range of relationships. Troopers make arrests for assaults in domestic violence incidents where the victim-suspect relationship is one of several identified in the statute. However, it is more likely that domestic violence assaults between intimate partners who live together will be prosecuted than assaults between persons involved in other statutorily defined relationships. This may suggest a tendency on the part of prosecutors to view intimate partner domestic violence as an offense warranting more urgent prosecution

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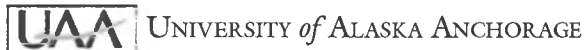
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## DV cases

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than other forms of domestic violence.

In terms of conviction, assaults in domestic violence incidents that took place in communities with a VPSO or a VPO had a greater likelihood of resulting in conviction than other cases. This supports similar findings identifying predictors of prosecution and conviction in sexual assault cases reported to AST, as well as findings noted by Wood, et al. (see "Attrition in Cases of Violence Against Women Reported to the Alaska State Troopers" in this issue), and findings by Wood and Rosay (see "Case Attrition of Sexual Violence Offenses:

Empirical Findings" in the Spring/Summer 2008 issue of the *Alaska Justice Forum*). Increased likelihood of prosecution and conviction for cases first reported to a VPSO or a VPO highlights the importance of the VPSO and VPO programs. This finding suggests that the resources provided by these first responders (i.e., reduced response time and enhanced investigation) increases conviction of assaults in domestic violence incidents. The impact of VPSO and VPO programs on conviction, as well as factors that make intimate partner violence different from other forms of domestic violence, should be examined further. Additional studies could assist in better understanding the variation in prosecution of domestic

violence assault cases and the policies and practices that enhance prosecution and conviction rates.

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## Attrition in Cases of Violence Against Women Reported to the Alaska State Troopers

Darryl S. Wood, André B. Rosay,  
Marny Rivera, and Katherine TePas

The statutory requirement that arrests be made for all crimes involving domestic violence (Alaska Statute 18.65.530) is an important dimension of the state's efforts to reduce violent victimization occurring among intimate partners. This policy is rooted in research that suggests mandatory arrest has a specific deterrent effect in cases of misdemeanor assault committed by males against their female intimate partners. Although there is reason to believe mandatory arrest may reduce re-victimization in its own right, the impact of the policy upon further criminal justice system intervention is largely unknown. On the one hand, it is possible that caseload pressures make it difficult for prosecutors to continue with zero-tolerance in intimate partner violence (IPV) cases. But it is also possible that mandatory arrest sets the tone for continual rigorous enforcement of IPV assault cases throughout the remainder of the criminal justice process. In this article we consider police, prosecutor, and court decision-making about IPV cases initially dealt with by the Alaska State Troopers (AST or Troopers) in 2004.

Information gathered from AST and Alaska Department of Law (DOL) case files was analyzed for this article to examine IPV assault case processing decisions. Two basic types of analyses were conducted. We first charted the processing of IPV assault cases as they made their way from the Troopers through the court system. We also used commonly employed categories (i.e., Alaska Native vs. Non-Native and isolated location vs. non-isolated location) to determine if there were variations in the processing of IPV cases relative to the victims' race or geographic location. Together, these analyses allow us (1) to understand how likely it is that IPV assault cases from the Troopers' area of responsibility are fully prosecuted, and (2) to begin to determine if particular aspects of the criminal justice environment have an impact upon the likelihood that IPV assault cases are dealt with fully.

The results presented in this article allow us to consider the attrition of cases of IPV assault reported to the Troopers and prosecuted by the DOL. For our purposes here, *case attrition* refers to the manner in which criminal cases are screened out of the criminal justice process as they are considered at successive decision making points. By definition, for a specific offense type, the number of cases resulting in conviction

is smaller than the number of prosecutions which, in turn, is smaller than the number of arrests. Put another way, the greater the proportion of cases screened out of the process, the higher the rate of case attrition.

This article focuses upon IPV rather than *domestic violence* because the former is more indicative of the particularly pernicious power-based relationship violence that police and prosecutors have perpetually struggled against and that has served as the impetus for mandatory arrest policies. Under Alaska state law (§18.66.990), domestic violence is inclusive of all violent offenses committed by one household member against another household member where *household members* are broadly defined to include individuals who are related to one-another through common ancestry or marriage, unrelated individuals who are roommates or live-in caretakers, and individuals who are or were intimate partners (i.e., suspects and victims involved together in marital, dating, and/or sexual relationships). From a conceptual standpoint, it makes sense to consider IPV assault separately because it is qualitatively different compared to other types of violence that fall under the umbrella of domestic violence (e.g., child abuse, elder abuse, teenage brothers engaged in fistcuffs) in terms of its etiology and in terms of the nature and severity of official responses.

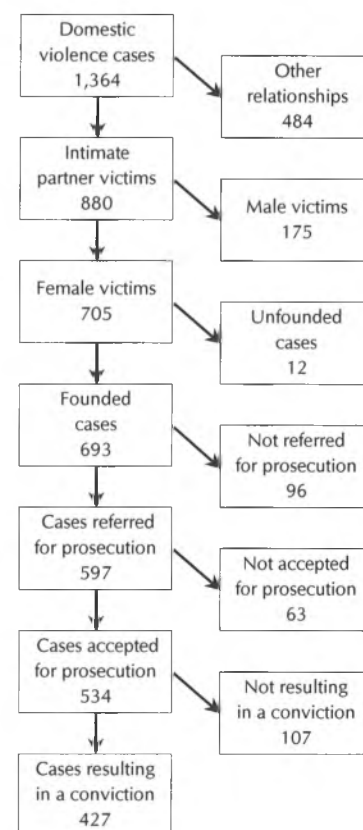
Likewise, the results presented below focus only on assault cases involving female victims because of the dissimilarities in the IPV assault committed against men compared to that committed against women. (IPV is not a purely heterosexual phenomenon. The analyses presented below include the cases of three women who reported being assaulted by their female partners.) Even though both women and men are violent toward one another when in intimate relationships, the character of women's violence against their male partners is substantially different than men's violence against their female partners in terms of its purpose and its potential for physical harm. Generally speaking, men are much more likely than women to employ physical violence in an instrumental fashion, using it as one method among many to maintain power and control over an intimate partner. Furthermore, the likelihood

of physical harm is substantially higher in IPV assault against female victims relative to that of male victims because of the physiological differences between the sexes in terms of size and strength. Given these differences we would expect the victim's sex to have a differential impact on the probability that cases would be screened out during the criminal justice process.

### Overall Attrition of IPV Cases

In Figure 1 we consider IPV assault cases reported to AST in 2004 as they made their way through the criminal justice process. First, we see that IPV assault cases made up a majority of the assaults classified as domestic violence. Roughly two-thirds of reported domestic violence cases (65%) involved an assault by one member of an intimate relationship against another member. The remainder of the domestic violence cases included victims and suspects that were connected by some other form of

**Figure 1. Processing of Cases of Intimate Partner Violence Against Women Reported to the Alaska State Troopers, 2004**



household membership. Of the IPV assault cases reported to police, the large majority (80%) involved a female victim.

Nearly all of the IPV assault cases against female victims that came to the Troopers' attention were *founded* (i.e., deemed to have actually occurred and classified as "crimes known to the police"). Less than two percent of the time was an IPV assault case against a female victim classified as unfounded after further investigation by AST. Some comparison figures are found in Alaska Department of Public Safety data, *Crime Reported in Alaska, 2004*. When compared to the founding rates for all assault cases reported to AST in 2004 regardless of victim-suspect relationship, IPV assault cases against female victims were more likely than simple assaults to be founded (87%) and just as likely as aggravated assaults to be founded (97%).

After establishing that an assault did occur, the next two steps in the process involve decisions about carrying a case forward for prosecution. An investigating Trooper first has to decide whether to refer the case to DOL and then, once referred, a DOL attorney has to choose to accept the case and proceed with prosecution. We see in Figure 1 that a large majority (86%) of IPV assault cases that were known to AST were referred to DOL for prosecution and a slightly larger proportion of those referred cases were accepted by DOL attorneys for further adjudication. Ultimately, of the cases that DOL attorneys accepted for prosecution, most (80%) resulted in a conviction.

To put these rates of prosecution and conviction into context, comparisons can be drawn with similar rates found for other U.S. jurisdictions as published in a recent meta-analysis by Joel Garner and Christopher Maxwell in *Criminal Justice Review* 34(1) in 2009. By any measure, it appears that there is substantially *less* case attrition for IPV assaults reported to AST than any other place in the U.S. where it has been studied. For example, across the studies considered by Garner and Maxwell, the proportion of IPV assault cases known to the police that were not accepted for prosecution was 72 percent. In comparison, only 23 percent of the IPV assault cases known to AST in 2004 were not accepted for prosecution. When the basis of comparison is acquittals per prosecutions, we see that DOL attorneys were much less likely to lose IPV assault cases than what has been reported elsewhere; only 20 percent of the IPV assault cases

prosecuted by DOL resulted in acquittal while, on average, half of the cases prosecuted elsewhere in the U.S. did not result in conviction. Overall, of the IPV assaults known to the police, the cases dealt with by AST and DOL were much more likely to result in conviction than what has been found in other U.S. jurisdictions. In 2004, 61 percent of all IPV assault cases known to AST ultimately resulted in a conviction whereas the average conviction rate for founded cases in Garner and Maxwell's meta-analysis was 14 percent. Comparatively speaking, the AST/DOL conviction rate in 2004 was four times greater than is typical in the U.S. With such an extreme difference, it is no wonder that the prosecution and conviction rates shown in Figure 1 rank among or above the highest rates found in individual studies reviewed by Garner and Maxwell. While the DOL rate of prosecuted cases resulting in conviction was surpassed in a few jurisdictions, the AST/DOL rate of prosecutions per founded case and the AST/DOL rate of convictions per founded case were higher than what was reported in any of the American studies considered by Garner and Maxwell. Based upon these comparisons, it is fair to say that the case attrition rate of IPV assaults dealt with by AST and DOL in 2004 was among the lowest anywhere in the U.S.

**Comparisons of Attrition by Victim Race and Location**

To consider disparities in prosecution rates, we made comparisons of case attrition in terms of the victims' race and in terms of the geographic location where the IPV assault took place. Given the scrutiny placed on the State of Alaska's response to violence against Alaska Native women in

rural villages (e.g., *AITC v. Alaska*, 110 P.3d 947, 2005 or Amnesty International's *Maze of Injustice*), these comparisons were made between the cases of Alaska Native and non-Native victims and between the cases that occurred in isolated villages versus cases that occurred in places that are less remote. These results have been used to argue that there is unequal enforcement by the State of Alaska in cases of IPV assault against Alaska Native women.

To test this assertion, we first examined the differences in case attrition of cases of Alaska Native victims compared to cases of non-Native victims. The first two rows of figures in Table 1 allow comparisons between the cases of female Alaska Native and non-Native IPV assault victims in terms of the proportion of all cases reported that were founded, that were referred for prosecution, that were accepted for prosecution, and that resulted in a conviction. With a lack of statistically significant differences between the two groups, it appears that Alaska Native victims' reports of IPV assault are just as likely as non-Native victims' reports of IPV assault to be founded and referred for prosecution by AST, to be accepted for prosecution by DOL, and to result in conviction in state court. In the third and fourth rows of Table 1 the two groups are compared in terms of the proportion of founded cases that resulted in referral for prosecution, acceptance for prosecution, and conviction. Although there was little difference between the referral and acceptance rates for founded cases reported by the two groups of victims, founded IPV assault cases against Alaska Native victims were actually more likely to result in a conviction relative to founded IPV

Please see *Attrition*, page 4

**Table 1. Attrition of Cases of Intimate Partner Assault Against Women Reported to the Alaska State Troopers, Alaska Native vs. Non-Native Victims, 2004**

Total possible cases		Number & percent founded		Number & percent referred		Number & percent accepted		Number & percent convicted	
Alaska Native	Non-Native	Alaska Native	Non-Native	Alaska Native	Non-Native	Alaska Native	Non-Native	Alaska Native	Non-Native
<b>All cases reported</b>									
333	372	325	368	275	322	251	283	213	214
100.0%	100.0%	97.6%	98.9%	82.6%	86.6%	75.4%	76.1%	64.0%	57.5%
<b>Founded cases</b>									
325	368			275	322	251	283	<b>213</b>	<b>214</b>
100.0%	100.0%			84.6%	87.5%	77.2%	76.9%	<b>65.5%</b>	<b>58.2%</b>
<b>Referred cases</b>									
275	322					251	283	<b>213</b>	<b>214</b>
100.0%	100.0%					91.3%	87.9%	<b>77.5%</b>	<b>66.5%</b>
<b>Accepted cases</b>									
251	283							<b>213</b>	<b>214</b>
100.0%	100.0%							<b>84.9%</b>	<b>75.6%</b>

Note: **Bold** type indicates difference between Alaska Native and non-Native victims is statistically significant at the  $p < .05$  level.

## Attrition

(continued from page 3)

assault cases against non-Native victims. The fifth and sixth rows of figures in Table 1 let us compare the rates of acceptance for prosecution and conviction for those cases that were referred by AST to DOL for prosecution. Once again, the difference in the acceptance rates of referred cases was not statistically significant whereas the conviction rates of the referred cases of Alaska Native victims was higher than the referred cases of non-Native victims. A similar result is found in the bottom two rows of Table 1 in which a greater proportion of cases of Alaska Native victims that were accepted for prosecution resulted in conviction when

compared to the corresponding proportion for non-Native victims. Overall, the results of Table 1 indicate that Alaska Native and non-Native IPV assault victims' cases are processed at similar rates and that the only exception is that IPV assault cases are more likely to result in a conviction when the victim is Alaska Native.

To consider the effect of geographic isolation on case attrition, we made comparisons in terms of whether the IPV assault occurred in a village that was difficult for AST to reach to conduct an investigation. Villages were considered isolated if they did not have a local AST post or if they could not be reached by the Troopers from a post via automobile. The results of these comparisons are made in Table 2. In many ways, the results for an isolated/non-isolated comparison mirror the results presented in Table 1 regarding the differences in the processing of Alaska Native and non-Native victims' cases. First, the results indicate that isolation did not have an effect on the proportion of cases that were founded or that were referred for prosecution. In other words, it appears that the difficulty of reaching a village to make an investigation did not make it less likely that an IPV assault case would be carried forward by AST to DOL for prosecution. Next, there is some indication that DOL is more likely to accept IPV assault cases that occurred in isolated villages as compared to those cases that occurred in non-isolated locales; we see in Table 2 that there was a statistically significant difference in the proportion of cases referred by AST that were accepted for prosecution and that it was the cases from the isolated villages that were least likely to be screened out at

**Table 2. Attrition of Cases of Intimate Partner Assault Against Women Reported to the Alaska State Troopers, Victims from Isolated vs. Non-Isolated Communities, 2004**

Total possible cases	Number & percent founded		Number & percent referred		Number & percent accepted		Number & percent convicted			
	Non-isolated	Isolated	Non-isolated	Isolated	Non-isolated	Isolated	Non-isolated	Isolated	Non-isolated	
<b>All cases reported</b>	221	484	215	478	179	418	170	364	149	278
	100.0%	100.0%	97.3%	98.8%	81.0%	86.4%	76.9%	75.2%	67.4%	57.4%
<b>Founded cases</b>	215	478			179	418	170	364	149	278
	100.0%	100.0%			83.3%	87.4%	79.1%	76.2%	69.3%	58.2%
<b>Referred cases</b>	179	418					170	364	149	278
	100.0%	100.0%					95.0%	87.1%	83.2%	66.5%
<b>Accepted cases</b>	170	364							149	278
	100.0%	100.0%							87.6%	76.4%

Note: **Bold** type indicates difference between victims from isolated and non-isolated communities is statistically significant at the  $p < .05$  level.

that point. Finally, the results in Table 2 indicate that the conviction rate for cases that occurred in isolated villages was higher than for cases from non-isolated villages for all possible bases of calculation (i.e., convictions per reported case, convictions per founded case, convictions per case referred for prosecution, and convictions per case accepted for prosecution). Taken as a whole, it appears that the isolation of a village where an IPV assault occurs does not increase the likelihood of case attrition. If anything, these results indicate that IPV assault cases from isolated villages are not neglected by the State of Alaska but are instead more likely to be fully prosecuted.

## Conclusion

Although Alaska's mandatory arrest law is the only policy specifically requiring official response to IPV cases, it appears that the law's spirit of full-enforcement guided other decisions regarding IPV cases as they continued through the criminal justice process in 2004. And while attrition still occurred in the IPV cases handled by AST and the DOL, it happened at a rate that was

substantially less than what has been found outside of Alaska. By most standards, the fact that at any given decision point there was less than a one-in-five chance that a case would be screened out of the criminal justice process is an indication that IPV is taken seriously in rural Alaska and that AST and the DOL are willing and able to deal with the cases brought to their attention. Furthermore, this appears to be as true for Alaska Native victims as it is for non-Native victims and it does not seem to be affected by the difficulties of travel to conduct investigations.

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**Table 3. Prosecution and Conviction Rates for Cases of Intimate Partner Assault Against Women Reported to the Alaska State Troopers in 2004 vs. Rates Reported in National Meta-Analysis.\***

Case source and outcome	AST/DOL		Range of U.S. rates
	rate	U.S. rate	
Known assaults accepted for prosecution	77%	28%	3% to 62%
Prosecuted assaults resulting in conviction	80%	50%	8% to 99%
Known assaults resulting in conviction	61%	14%	4% to 31%

\*Adapted from H. Garner, J.H. & Maxwell, C.D. 2009. Prosecution and conviction rates for intimate partner violence. *Criminal Justice Review*, 34(1), 44-79.

## Reducing Violence Against Women in Alaska

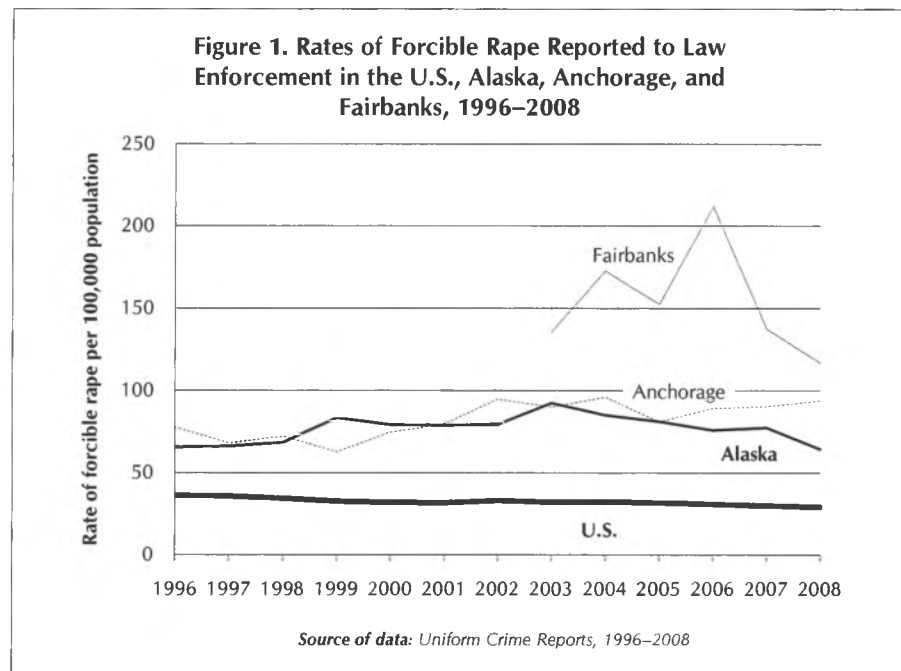
Alaska has long been plagued by astonishingly high rates of violence against women. National statistics on forcible rapes reported to law enforcement provide one example. Relative to the average U.S. rate from 2003 to 2008, the average Alaska rate was 2.6 times higher, the average Anchorage rate was 2.9 times higher, and the average Fairbanks rate was 5.0 times higher. Alaska has the highest rate of forcible rape reported to law enforcement out of all U.S. states. While changing these trends is a daunting task, several initiatives are currently being considered. In chronological order, they include recommendations from the Alaska Senate Judiciary Committee and initiatives from Governor Sean Parnell.

### Alaska Senate Judiciary Committee Recommendations to Reduce Sexual Assault in Alaska

Four major areas are outlined in the recommendations: (1) getting better data on sexual assault, (2) increasing the number of successful prosecutions, (3) addressing the alcohol and sexual assault nexus, and (4) reducing recidivism by known sex offenders.

A brief summary of the recommendations follows:

- Improve data systems to track sexual assault cases statewide from report to conviction.
- Fund a victimization study to determine the actual rates of both reported and unreported sexual assaults.
- Increase the number of villages with local law enforcement through the Village Public Safety Officer (VPSO) program.
- Consider grant funding for local hospitals to provide qualified Sexual Assault Nurse Examiners (SANEs) and continue to support the cost of existing programs.
- Review ways to increase the State Crime Lab's ability to process DNA evidence in a timely way.
- Continue to support, as a state, programs and policies to reduce alcohol consumption.
- Address alcohol use specifically, and its potential negative impact on personal safety, in education programs about sexual assault awareness and prevention.
- Continue to fund and expand Alaska sex offender management programs.
- Expand Alaska's Internet Crimes Against Children Task Force which locates offenders who are looking for victims using the internet.



### Governor Sean Parnell's Initiative to Reduce Domestic Violence and Sexual Assault

Three major areas are outlined in the initiative: (1) putting abusers behind bars, (2) helping victims heal, and (3) preventing abuse.

A brief summary of the recommendations follows:

- Launch a public education campaign encouraging Alaska's men to "Choose Respect."
- Increase law enforcement presence in every community that desires it, with new Village Public Safety Officers (VPSOs) and Alaska State Troopers.
- Fund specialized domestic violence/sexual assault training across multiple disciplines.
- Toughen penalties for sexual assault crimes, and toughen guidelines for prosecutors.
- Strengthen sex offender registry requirements.
- Expand prisoner re-entry programs to reduce recidivism among offenders.
- Increase support for victims of abuse including funding for shelters and the availability of *pro bono* legal services.
- Create a position within the Alaska Department of Law to coordinate state,

federal, tribal, and non-profit domestic violence and sexual assault programs.

- Work with youth, community leaders, private sector, and religious organizations to raise awareness and develop prevention strategies.

For additional information, see the UAA Justice Center's violence against women webpage: (<http://justice.uaa.alaska.edu/vaw/>), the Alaska Senate Judiciary Committee's "Report and Recommendations: Reducing Sexual Assault in Alaska" ([http://www.aksenate.org/french/101609\\_Senate\\_Judiciary\\_report\\_on\\_sexual\\_assault.pdf](http://www.aksenate.org/french/101609_Senate_Judiciary_report_on_sexual_assault.pdf)), and Governor Sean Parnell's "Choose Respect" Initiative (<http://gov.state.ak.us/pdf/DVSA%20Fact%20Sheet%20final.pdf>).

## Visiting Faculty

Dr. Adrienne Freng, Associate Professor in the Department of Criminal Justice at the University of Wyoming, joins the Justice Center as Visiting Faculty for the Spring 2010 semester. Dr. Freng received her Ph.D. in sociology from the University of Nebraska-Lincoln. Her research areas include juvenile justice, gangs, Native American justice issues, and research methods. Dr. Freng's experience includes serving as a counselor in a group home for delinquent boys and as an intern probation officer.

## Animal Abuse and Domestic Violence

Concern that acts of animal abuse are connected with or are predictors of domestic violence prompted a number of specific research studies in the 1990s. This early work focused on describing interviews with women in battered women's shelters and highlighted the frequency with which women reported abuse of pets by their partners. The interviews documented a high rate of pet abuse and appeared to indicate that animal abuse in the home and concern for pets affected *if* and *when* a woman sought assistance at a shelter—particularly because shelters did not normally accept pets.

As more attention was given to animal abuse and its impact in the context of domestic violence assaults, additional studies were undertaken. Frank Ascione discussed the limitations of some of these past studies in his article, "Emerging Research on Animal Abuse as a Risk Factor for Intimate Partner Violence" in the Civic Research Institute's 2007 publication, *Intimate Partner Violence*. He noted that although twelve different studies found (1) a high rate of pet ownership by domestic violence victims in shelters, (2) a substantial rate of children's exposure to pet abuse, and (3) clear indications that domestic violence victims' concern for pets affected their decision to stay in or leave a relationship with a batterer, more research is needed that includes women in domestic violence situations who have not chosen to go to a shelter, in addition to women in shelters. In response to the concern expressed by battered women for their pets, many areas developed "safe haven" programs for free fostering of pets of victims of domestic violence. Anchorage is currently the only area in Alaska with a "safe haven" program. It is administered by Friends of Pets, a local nonprofit animal welfare group, in collaboration with the Abused Women's

Aid in Crisis (AWAIC) shelter. Another local nonprofit, the Eva Foundation Pet's Program, provides post-shelter transition services to domestic violence victims and their pets.

In addition, since 2006 ten states have enacted domestic violence protective orders covering pets: California, Colorado, Connecticut, Illinois, Louisiana, Maine, Nevada, New York, Tennessee, and Vermont.

Research involving a larger sample population of women was reported by Ascione, et al. in 2007 in *Violence Against Women*, "Battered Pets and Domestic Violence: Animal Abuse Reported by Women Experiencing Intimate Partner Violence and Nonabused Women." The findings of this study agreed with earlier research about the high rate of pet abuse reported by victims of intimate partner violence (IPV). Responses showed that women in domestic violence shelters were nearly 11 times more likely to report that their partner had engaged in pet abuse than women who said they had not experienced intimate partner violence. This study again stressed the need for further research on co-occurring pet abuse and IPV with larger and more diverse populations, i.e., urban, suburban, and rural victims of intimate partner violence, as well as non-victims of IPV.

Catherine Simmons and Peter Lehman addressed some of these issues in a 2007 *Journal of Interpersonal Violence* article, "Exploring the Link Between Pet Abuse and Controlling Behaviors in Violent Relationships." In their study of 1,283 women who owned pets and were sheltered at an urban domestic violence center in Texas between 1998 and 2002, they concluded that "[m]en who abuse the family pet appear to be more dangerous than men who do not." The authors did not find that pet abuse was always

a form of controlling behavior in incidents of domestic violence assault. However, they did conclude:

Despite the limitations of this study, it is clear that animal cruelty is an important factor for domestic violence workers to address in assessment and treatment of both victim and perpetrator populations. Batterers who also abuse their pets are both more controlling and use more dangerous forms of violence than batterers who do not. Therefore, addressing whether pet abuse has occurred in the home can help workers in the domestic violence field better understand the behavior of the batterer and the overall risk they present to their partner.

Animal abuse is one factor in the complex dynamic of intimate partner violence, and can be used by law enforcement and domestic violence advocates in assessing risk. In 2008, the Anchorage Police Department (APD) began a program to target animal abuse and to look at its connection to domestic violence. Detective Jackie Conn was assigned as the liaison to the Anchorage Animal Care and Control Center and received training from the Law Enforcement Training Institute National Cruelty Investigations School and from the First Strike program developed by the Humane Society of the United States to raise awareness about the connection between animal cruelty and other violent crime. Detective Conn now trains APD personnel in recognizing animal abuse, and relating it to the possible presence of other types of abuse in the home. She works closely with Alaska Department of Law Assistant District Attorney Joan Wilson who is regularly assigned the prosecution of animal abuse

### Further Reading about Animal Abuse and Domestic Violence

Arkow, Phil. (Summer 2007). "Expanding Domestic Violence Protective Orders to Include Companion Animals." *American Bar Association Commission on Domestic Violence ENewsletter* 8. (<http://www.abanet.org/domviol/enewsletter/vol8/expertArkow.html>).

Ascione, Frank R. (2007). "Emerging Research on Animal Abuse As a Risk Factor for Intimate Partner Violence." In Kathleen A. Kendall-Tackett and Sarah M. Giacconi, editors, *Intimate Partner Violence*, pp. 3-1 - 3-17. Kingston, NJ: Civic Research Institute. (<http://amrric.org/sites/default/files/docs/resources/Chapter%203%20Intimate%20Partner%20Violence%20Ascione.pdf>)

Ascione, Frank R.; Weber, Claudia V.; Thompson, Teresa M.; Heath, John; Maruyama, Mika; and Hayashi, Kentaro. (Apr 2007). "Battered Pets and Domestic Violence: Animal Abuse Reported by Women Experiencing Intimate Violence and by Nonabused Women." *Violence Against Women* 13(4): 354-373. (<http://vaw.sagepub.com/cgi/content/abstract/13/4/354>).

Ascione, Frank R.; Weber, Claudia V.; and Wood, David S. (1997).

"The Abuse of Animals and Domestic Violence: A National Survey of Shelters for Women Who Are Battered." *Society & Animals: Journal of Human-Animals Studies* 5(3). (<http://www.psyeta.org/sa/sa5.3/Ascione.html>).

Faver, Catherine A. and Strand, Elizabeth B. (Dec 2003). "To Leave or to Stay: Battered Women's Concern for Vulnerable Pets." *Journal of Interpersonal Violence* 18(12): 1367-1377. (<http://jiv.sagepub.com/cgi/content/abstract/18/12/1367>).

Lockwood, Randall. (2006). *Animal Cruelty Prosecution: Opportunities for Early Response to Crime and Interpersonal Violence*. Alexandria, VA: American Prosecutors Research Institute. ([http://www.ndaa.org/pdf/animal\\_cruelty\\_06.pdf](http://www.ndaa.org/pdf/animal_cruelty_06.pdf)).

Simmons, Catherine A. and Lehman, Peter. (Sep 2007). "Exploring the Link Between Pet Abuse and Controlling Behaviors in Violent Relationships." *Journal of Interpersonal Violence* 22(9): 1211-1222. (<http://jiv.sagepub.com/cgi/content/abstract/22/9/1211>).

cases. For the period 2002–2009, 121 misdemeanor animal cruelty cases under Alaska Statute 11.61.140 and 11.61.145

were referred and 94 prosecuted. During the same period, one felony case was referred and prosecuted. Case statistics are also

being compiled to better understand the relationship between domestic violence and animal abuse.

## Leading Causes of Death

A look at recent data on leading causes of death in Alaska and the U.S. shows that malignant neoplasms (cancer) and heart disease rank as the top two causes. Although intentional self-harm (suicide) and assault (homicide) do not rank in the U.S. top ten leading causes of death, they have ranked as leading causes of death in Alaska for many years. A comparison of rankings of suicide and homicide as causes of death for specific age groups in Alaska and the U.S. reveals some similarities in trends.

In 2008 in Alaska, suicide was ranked number 6 among the top ten causes of death for the entire population. Suicide has been ranked number 5 or 6 consistently for the past decade. Homicide has been reported as the number 8 cause of death in 1999, number 10 in 2001, and number 10 again in 2007. The rankings for the leading causes of death by specific age group in Alaska show that suicide and homicide are in the top five for each age group up to the age of

44. In Alaska, and the nation as a whole, people aged 15–34 are more likely to die in an accident, at the hands of another, or by suicide, than by cancer or heart disease. For the period 2005–2007, suicide and homicide were the second and third leading causes of death for both 15–24 and 25–34 year olds. Suicide was the second leading cause of death for 35–44 year olds, and homicide was fifth. Among 45–54 year olds, suicide was the fourth leading cause of death.

Nationally, suicide and homicide are not among the ten leading causes of death according to the most current final data available: 2006. However, suicide ranked number 11 in causes of death for the overall population for 2006; homicide ranked 15.

In the U.S. in 2006, homicide and suicide were the second and third leading causes of death, respectively, for 15–24 year olds, while for 25–34 year olds, suicide ranked second and homicide third. Suicide was the fourth leading cause of death for 35–44 year

olds, and the fifth leading cause for 45–54 year olds. These rankings mirror those of Alaska for those aged 15–44, where both suicide and assault were in the top five leading causes of death. Suicide was one of the top five causes of death for 45–54 year olds.

This high ranking of suicide as a cause of death for 15–44 year olds is also seen globally. According to the World Health Organization, suicide is among the top three leading causes of death in 15–44 year olds. For the worldwide population, the top two leading causes of death are coronary heart disease, and stroke and other cerebrovascular diseases.

The leading causes of death for the overall population continue to be related to diseases of the body; however, the growing rate of suicide among young people and the suicide rate among other age groups, as well as the rate of homicide, are the focus of national and international study and prevention programs.

Table 1. Five Leading Causes of Death by Age Group, U.S. (2006) and Alaska (2005–2007)

U.S. (2006)		Alaska (2005–2007)		U.S. (2006)		Alaska (2005–2007)		
Rank	Cause	Deaths	Rank	Cause	Deaths	Rank	Cause	Deaths
<b>0–4 years</b>								
1	Congenital anomalies	6,334	1	Conditions originating in the perinatal period	68	1	Malignant neoplasms	328
2	Short gestation	4,841	2	Unintentional injury	49	2	Heart disease	204
3	Unintentional injury	2,757	3	Congenital malformations	43	3	Unintentional injury	184
4	SIDS	2,323	4	SIDS	18	4	Intentional self-harm (suicide)	78
5	Maternal pregnancy complications	1,683	5	Assault (homicide)	7	5	Chronic liver disease and cirrhosis	59
<b>5–14 years</b>								
1	Unintentional injury	2,258	1	Unintentional injury	48	1	Malignant neoplasms	546
2	Malignant neoplasms	907	2	Congenital malformations	6	2	Heart disease	309
3	Homicide	390	3	Malignant neoplasms	5	3	Chronic lower respiratory disease	93
4	Congenital anomalies	344	4	Intentional self-harm (suicide)	4	4	Unintentional injury	73
5	Heart disease	253	5	Assault (homicide)	3	5	Diabetes mellitus	69
			5	Diseases of the heart	3			
<b>15–24 years</b>								
1	Unintentional injury	16,299	1	Unintentional injury	150	1	Heart disease	1,347
2	Homicide	5,717	2	Intentional self-harm (suicide)	101	2	Malignant neoplasms	1,249
3	Suicide	4,189	3	Assault (homicide)	34	3	Cerebrovascular	390
4	Malignant neoplasms	1,664	4	Malignant neoplasms	14	4	Chronic lower respiratory disease	358
5	Heart disease	1,076	5	Diseases of the heart	10	5	Alzheimer's disease	179
<b>25–34 years</b>								
1	Unintentional injury	14,954	1	Unintentional injury	162	1	Heart disease	2,341
2	Suicide	4,985	2	Intentional self-harm (suicide)	72	2	Malignant neoplasms	2,055
3	Homicide	4,725	3	Assault (homicide)	29	3	Cerebrovascular	979
4	Malignant neoplasms	3,656	4	Malignant neoplasms	19	4	Chronic lower respiratory disease	506
5	Heart disease	3,307	5	Diseases of the heart	17	5	Unintentional injury	467
<b>35–44 years</b>								
1	Unintentional injury	17,534	1	Unintentional injury	161	1	Malignant neoplasms	2,341
2	Malignant neoplasms	13,917	2	Intentional self-harm (suicide)	85	2	Diseases of the heart	2,055
3	Heart disease	12,339	3	Malignant neoplasms	82	3	Unintentional injury	979
4	Suicide	6,591	4	Diseases of the heart	68	4	Cerebrovascular diseases	506
5	HIV	4,010	5	Assault (homicide)	26	5	Chronic lower respiratory diseases	467
			5	Chronic liver disease and cirrhosis	26			
<b>45–54 years</b>								
1	Malignant neoplasms	50,334	1	Malignant neoplasms	328	1	Malignant neoplasms	2,341
2	Heart disease	38,095	2	Diseases of the heart	204	2	Diseases of the heart	2,055
3	Unintentional injury	19,675	3	Unintentional injury	184	3	Unintentional injury	979
4	Liver disease	7,712	4	Intentional self-harm (suicide)	78	4	Cerebrovascular diseases	506
5	Suicide	7,426	5	Chronic liver disease and cirrhosis	59	5	Chronic lower respiratory diseases	467
<b>55–64 years</b>								
1	Malignant neoplasms	101,454	1	Malignant neoplasms	546	1	Malignant neoplasms	2,341
2	Heart disease	65,477	2	Diseases of the heart	309	2	Diseases of the heart	2,055
3	Chronic lower respiratory disease	12,375	3	Unintentional injury	93	3	Unintentional injury	979
4	Unintentional injury	11,446	4	Chronic lower respiratory diseases	73	4	Cerebrovascular diseases	506
5	Diabetes mellitus	11,432	5	Diabetes	69	5	Chronic lower respiratory diseases	467
<b>65+ years</b>								
1	Heart disease	510,542	1	Malignant neoplasms	1,347	1	Malignant neoplasms	2,341
2	Malignant neoplasms	387,515	2	Diseases of the heart	1,249	2	Diseases of the heart	2,055
3	Cerebrovascular	117,010	3	Cerebrovascular diseases	390	3	Unintentional injury	979
4	Chronic lower respiratory disease	106,845	4	Chronic lower respiratory diseases	358	4	Cerebrovascular diseases	506
5	Alzheimer's disease	71,660	5	Alzheimer's disease	179	5	Chronic lower respiratory diseases	467
<b>Total population</b>								
1	Heart disease	631,636	1	Malignant neoplasms	2,341	1	Malignant neoplasms	2,341
2	Malignant neoplasms	559,888	2	Diseases of the heart	2,055	2	Diseases of the heart	2,055
3	Cerebrovascular	137,119	3	Unintentional injury	979	3	Unintentional injury	979
4	Chronic lower respiratory disease	124,583	4	Cerebrovascular diseases	506	4	Cerebrovascular diseases	506
5	Unintentional injury	121,599	5	Chronic lower respiratory diseases	467	5	Chronic lower respiratory diseases	467

 Homicide  Suicide

Source of data: National Vital Statistics System, National Center for Health Statistics, Centers for Disease Control (2006); Alaska Bureau of Vital Statistics (2005–2007)



## Assaults in Domestic Violence Incidents Reported to Alaska State Troopers

Marny Rivera, André B. Rosay, Darryl S. Wood, Greg Postle, and Katherine TePas

Researchers, criminal justice system professionals, victim advocates, and policymakers agree that domestic violence is an undeniable urban and rural problem in Alaska and the nation. Detailed data on domestic violence incidents in the state are sparse, except for ongoing data collection by the Municipality of Anchorage. Now, a recent joint study by the Justice Center, the Alaska State Troopers, and the Alaska Department of Law looks for the first time at reports of assaults in domestic violence incidents made to Troopers for populations outside of Anchorage. Focusing on reports made in 2004 from communities served primarily by the Troopers, the study reviews a final sample of 1,281 cases with an assault charge involving domestic violence. Only reports to the Troopers were included in this study; reports to local or municipal police were not reviewed.

Some preliminary findings mirror national and Anchorage statistics: the majority of domestic violence assault incidents occur between victims and suspects of the same race, and the victim's home is the most common location of the domestic violence incident. On the other hand, both Anchorage data and the data from this study show a much higher use of alcohol by suspects and victims in Alaska than is reported nationally.

### Report Characteristics

The majority of reports to Troopers (82%) were handled by three detachment areas: C—Western Alaska (32%), D—Interior Alaska (29%), and B—Southcentral Alaska (22%) (Table 1). While fifty-eight units received at least one report in 2004, over 90 percent of reports came from roughly 18 units or geographic areas (Table 2). Fairbanks Alaska State Trooper (AST)

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[http://justice.uaa.alaska.edu/forum/25/3fall2008/a\\_dvassaults.html](http://justice.uaa.alaska.edu/forum/25/3fall2008/a_dvassaults.html)

For other articles and publications related to domestic violence and violence against women, see:  
<http://justice.uaa.alaska.edu/vaw/index.html>

**Abstract:** This study examined 1,281 cases with an assault charge involving domestic violence reported to Alaska State Troopers in 2004, and excluded any cases reported to local or municipal departments.

- Eighty-two percent of reports were handled by three detachment areas: 32% in C – Western Alaska, 29% in D – Interior Alaska, and 22% in B – Southcentral Alaska. Troopers received 80% of the reports, while 20% were received by Village Police Officers, Village Public Safety Officers, or Tribal Police Officers. Eighty-one percent of the assault charges were in the fourth degree. Eighty-four percent of assaults were reported within 24 hours, and 89% of victims and 81% of suspects were interviewed on the day of the report.
- Seventy-six percent of suspects were male and 24% were female. On average, suspects were 33 years old and victims were 32 years old. The majority of assaults in domestic violence incidents (86%) were intra-racial. Fifty-seven percent of suspects and 32% of victims used alcohol. Overall, alcohol was involved in 59% of domestic violence incidents reported to Troopers.
- Most assaults in domestic violence incidents (75%) occurred between victims and suspects who were staying or living together. The most common forms of violence (disclosed by victims and documented by officers) included pushing, grabbing, or shoving the victim (in 48% of incidents), punching the victim (in 29%), and slapping or hitting the victim (in 28%). Weapons such as knives or guns were rarely used. The most common injuries included bruising (for 38% of victims), lacerations or bite marks (for 27%), bloody nose or lips (for 10%), and black or swollen eyes (for 10%). Forty-three percent of incidents occurred in the presence of children.
- Eighty percent of cases were referred to the Alaska Department of Law for prosecution, 68% were accepted for prosecution, and 54% resulted in a conviction. Overall conviction rates were slightly lower for female suspects, but conviction rates were generally not affected by victim gender or victim-suspect relationship.

Enforcement and Investigation Units received the highest number of reports (23%) with Palmer AST Enforcement and Investigation Units and Soldotna AST Enforcement and Investigation Units having the second and third highest percentage of reports (19% and 9% respectively). Units in Nome received seven percent of reports while units in Bethel, Aniak, Kotzebue, and Kodiak each received four or five percent of all reports.

Troopers received 80 percent of reports while the remaining 20 percent were received by Village Police Officers, Village Public Safety Officers, or Tribal Police Officers. Reports of assaults in domestic violence incidents were most likely to come from victims (57%), though third parties, including family members, friends, officials,

strangers and others, initiated 43 percent of reports.

The 1,281 cases in this study included a total of 1,803 assault charges and 604 other

**Table 1. Total Number of Reports by Detachment**

Detachment	Reports	
	N	%
C	409	31.9 %
D	367	28.6
B	275	21.5
E	171	13.3
A	49	3.8
ABI	10	0.8
<b>Total</b>	<b>1,281</b>	

Source of data: Alaska State Troopers (2004)

**Table 2. Total Number of Reports by Unit for Units with at Least One Percent of all Reports**

Detachment	Reports	
	N	%
Fairbanks AST Enforcement and Investigation	295	23.0 %
Palmer/Wasilla AST Enforcement and Investigation	237	18.5
Soldotna AST Enforcement and Investigation	117	9.1
Nome AST Enforcement, VPSO, and WAANT	88	6.9
Bethel AST Enforcement and VPSO	60	4.7
Aniak AST Enforcement	58	4.5
Kotzebue AST Enforcement and VPSO	56	4.4
Kodiak AST Enforcement, VPSO and ABWE	55	4.3
St. Marys AST Enforcement	33	2.6
Ketchikan AST Enforcement	28	2.2
Glennallen AST Enforcement	24	1.9
Homer AST Enforcement	23	1.8
Galena AST Enforcement	19	1.5
King Salmon AST Enforcement	17	1.3
Northway AST Enforcement	17	1.3
Tok AST Enforcement	15	1.2
Juneau AST Enforcement	13	1.0
Talkeetna AST Enforcement	13	1.0
<b>Total</b>	<b>1,168</b>	<b>91.2 %</b>

Source of data: Alaska State Troopers (2004)

charges. The most common assault charges (81%) were for fourth degree assaults and fewer charges were leveled for third through first degree felony assaults. Thirty-one percent of cases involved other charges. The most common other charges included interfering with a report of a crime involving domestic violence, criminal mischief, reckless endangerment, misconduct involving a weapon, DUI/reckless driving, resisting arrest, misconduct involving a controlled substance, and criminal trespass.

The time interval between the incident, the report to Troopers, and the Troopers'

response was short, even with transportation and distance issues. The majority of reports (84%) were made the day of the domestic violence assault incident and 97 percent of reports were made within one week.

#### Suspect and Victim Characteristics

From the 1,281 cases included in this study, we gathered information on 1,356 suspects and 1,523 victims, though information was not always available for every suspect or every victim. Over three-quarters of the suspects were male while only 24 percent

were female. Victim ages ranged from under one year to eighty-four years old. Most victims were in the following age groups: 21–30 years (26%), 31–40 years (22%), and 41–50 years (19%). Suspect ages ranged from 10 years old to eighty-eight years old. The majority of suspects were adults (94%). Starting with the group of suspects 21 or older, the number of suspects in each age group decreased as age increased. More specifically, 21–30 year olds made up 31 percent of suspects, 31–40 year olds made up 28 percent of suspects, 41–50 year olds made up 19 percent of suspects, and suspects 51 years or older made up 7 percent of suspects. Most suspects were White (50%) or Native (47%) and most victims were also White (51%) or Native (47%) (Table 3).

The average age of suspects (33) was quite similar to the average age of victims (32). Thirty-nine percent of assaults in domestic violence incidents took place between suspects and victims in the same age group while 61 percent took place between suspects and victims in different age groups. The age groups most commonly shared by suspects and victims involved in assaults in domestic violence incidents included 21 to 30 year olds (38%), 31 to 40 year olds (27%) and 41 to 50 year olds (19%).

In contrast to the age groups of suspects and victims, the majority of assaults in domestic violence incidents (86%) were intraracial (occurring between suspects and victims of the same race). Of all intraracial assaults in domestic violence, 51 percent occurred between White suspects and White victims and 48 percent occurred between Native suspects and Native victims.

We examined alcohol and substance use among victims. Over a third of female victims (35%) and 27 percent of male victims used alcohol prior to the assault in domestic violence incident, but only two percent of female victims and less than one percent of male victims used illicit drugs (Table 4). We also examined alcohol and substance use among suspects. Fifty-eight percent of male suspects and 54 percent of female suspects used alcohol prior to the assault. Only three percent of male suspects and two percent of female suspects used an illicit drug prior to the assault. Overall, alcohol was involved in 59 percent of domestic violence incidents reported to Troopers. Nationally, for the period 2001–2005, 42 percent of victims reported the presence of alcohol or drugs during a domestic violence incident, while in Anchorage for the period 1989–2002 there was documented involvement of alcohol in 49 percent of the reported cases.

Many of the suspects (79%) remained at the location of the assault. Specifically, 76 percent of male suspects and 86 percent

**Table 3. Demographic Characteristics of Suspects and Victims**

Column percentages.

	Suspects		Victims		Intragroup	
	N	%	N	%	N	%
<b>Age group</b>						
1 to 10	3	0.2 %	54	3.6 %	2	0.3 %
11 to 17	94	6.1	174	11.5	23	3.9
18 to 20	122	8.0	131	8.6	32	5.5
21 to 30	477	31.2	397	26.2	225	38.3
31 to 40	433	28.3	326	21.5	160	27.3
41 to 50	288	18.8	284	18.7	114	19.4
51 or over	113	7.4	151	10.0	31	5.3
<b>Total</b>	<b>1,530</b>		<b>1,517</b>		<b>587</b>	
<b>Race</b>						
Native	722	46.9 %	720	47.3 %	628	48.1 %
White	767	49.8	770	50.6	667	51.1
Black	38	2.5	26	1.7	10	0.8
Other	12	0.8	6	0.4	—	—
<b>Total</b>	<b>1,539</b>		<b>1,522</b>		<b>1,305</b>	

Source of data: Alaska State Troopers (2004)

**Table 4. Male and Female Victim and Suspect Characteristics**

Row percentages.

Characteristic	Female			Male		
	N	%	Total	N	%	Total
<b>Victims</b>						
Gender	1,047	69.6 %	<b>1,047</b>	458	30.4 %	<b>458</b>
Used alcohol	347	34.7	<b>1,001</b>	118	26.9	<b>438</b>
Used drugs	16	1.6	<b>1,021</b>	2	0.4	<b>451</b>
Present when AST arrived	998	96.9	<b>1,030</b>	424	95.1	<b>446</b>
Interviewed	985	94.1	<b>1,047</b>	416	93.3	<b>446</b>
<b>Suspects</b>						
Gender	319	23.6 %	<b>319</b>	1,034	76.4 %	<b>1,353</b>
Used alcohol	159	53.7	<b>296</b>	553	58.0	<b>953</b>
Used drugs	7	2.3	<b>299</b>	26	2.7	<b>970</b>
Present when AST arrived	259	86.0	<b>301</b>	775	76.2	<b>1,017</b>
Interviewed	269	88.8	<b>303</b>	775	75.8	<b>1,023</b>

Source of data: Alaska State Troopers (2004)

of female suspects were still at the scene of the assault when Troopers arrived. Troopers were able to interview 76 percent of male suspects and 89 percent of female suspects.

Eighty-one percent of suspects were interviewed on the day of report. Ninety-six percent of all suspect interviews occurred within one week of the report. Troopers interviewed 95 percent of the victims, with 89 percent being interviewed on the day of the report, and 98 percent of the interviews being completed within one week.

The total number of charges per suspect

(including both assault and other charges), the number of assault charges, and the number of other charges are summarized in Table 5. On average, each suspect received a total of 1.78 charges, including an average of 1.33 assault charges and 0.45 other charges. Of the 1,356 suspects, 200 (15%) had multiple assault charges and 401 (29%) had at least one other charge. As a result, 580 (43%) of the suspects therefore had a total number of charges greater than one. Overall, the 1,356 suspects generated a total of 2,407 charges, including 1,803 assault charges and 604 other charges.

**Table 5. Number of Total, Assault, and Other Charges per Suspect**

Column percentages.

Number	Total charges		Assault charges		Other charges	
	N	%	N	%	N	%
0	0	0.0 %	0	0.0 %	955	70.4 %
1	776	57.2	1,055	77.8	274	20.2
2	344	25.4	216	15.9	82	6.0
3	121	8.9	54	4.0	25	1.8
4	63	4.6	18	1.3	16	1.2
5	26	1.9	7	0.5	3	0.2
6 or more	26	1.9	6	0.4	1	0.1
<b>Total</b>	<b>1,356</b>		<b>1,356</b>		<b>1,356</b>	

Source of data: Alaska State Troopers (2004)

**Table 6. Suspects with Domestic Violence Protection Orders or who Violated Conditions of Release or Probation**

Row percentages.

Characteristic	No		Yes		Total
	N	%	N	%	
DVPO for this victim	1,330	98.7 %	17	1.3 %	<b>1,347</b>
Violated conditions of release	1,320	97.9	28	2.1	<b>1,348</b>
Violated conditions of probation	1,280	95.6	59	4.4	<b>1,339</b>

Source of data: Alaska State Troopers (2004)

Despite the number and types of offenses suspects were charged with as a result of the assaults in domestic violence incidents, few suspects (just over 1%) had an existing domestic violence protection order filed against them by the victim at the time of the offense (Table 6). Likewise, few suspects were violating conditions of release or probation. Specifically, two percent of suspects were documented as violating a condition of release with their current charges. Another four percent of suspects violated documented conditions of their probation with the current charges. It is important to note that the percentage of suspects violating conditions of release may be greater than those reported here, because these conditions are not always documented in APSIN (Alaska Public Safety Information Network) and are not readily available to Troopers, or for our analysis.

**Incident Characteristics**

The presence of children during a domestic violence incident continues to be a serious concern. In this study, the victim's or suspect's children under the age of 18 were witnesses to 43 percent of the incidents (Table 7). In Anchorage during 1999–2002, 42 percent of domestic violence incidents occurred with children under the age of 18 present. Nationwide, in 43 percent of the incidents with female victims during 2001–2005, children under the age of 12 were residing in the household where the incident took place. Studies discussed by John L. Worrall in *Crime Control in America: An Assessment of the Evidence* highlight concern regarding children who are present during domestic violence. Exposure to such violence is associated with both child abuse and later delinquency.

Most assaults in domestic violence incidents (75%) occurred between victims and suspects who were staying or living together at the time of the incident. For the remaining quarter of incidents that occurred between suspects and victims who did not stay or live together, 34 percent occurred between victims and suspects who met in a

**Table 7. Presence of Children During Assault**

Victim and/or suspect's child present	N	%
No	654	57.0 %
Yes	493	43.0
<b>Total</b>	<b>1,147</b>	

Source of data: Alaska State Troopers (2004)

public place, and 32 percent resulted from invitation by the suspect or victim. In 25 percent of incidents (where suspects and victims were not living together) the suspect was uninvited or forced entry, and in nine percent of these incidents the suspect entered through an open window or unlocked door.

The use of a traditional weapon such as a knife or a gun was extremely rare; each weapon was used in fewer than four percent of assaults in domestic violence incidents. While still fairly infrequent, suspects were more likely to throw something at the victim (9% of incidents) or hit the victim with an object (10%) rather than use a traditional weapon. Nationwide in 2001–2005, 19 percent of domestic violence incidents with a female victim reported a traditional weapon present, while 31 percent of incidents with a male victim reported a weapon.

We also gathered information about the presence of nine specific violent acts and seven types of threats in the assaults in

domestic violence incidents. Only forms of violence that were documented as a result of victim disclosure or officer inquiry, rather than all forms of violence that occurred, were included for analysis. The three most common forms of violence disclosed by victims or documented as a result of officer inquiry included pushing, grabbing or shoving the victim (48%), punching the victim (29%), and slapping or hitting the victim (28%). Documented sexual assault of the victim occurred in only one percent of the cases.

Documented injuries to victims and emergency medical treatment data were also collected and analyzed. The percentage of victims who sustained the most common types of documented injuries included the following: bruising (38%), lacerations or bite marks (27%), bloody nose or lips (10%) and black or swollen eyes (10%). Overall, few victims (12%) received any type of emergency medical treatment for their injuries.

## Legal Resolutions

Mandatory arrest in domestic violence cases has been in effect in Alaska since 1996. This law places additional requirements on law enforcement when investigating a domestic violence report and provides criteria for assessing whom to arrest if there are cross complaints "arising from the same incident." (See "Mandatory Arrest in Domestic Violence Cases" accompanying this article.)

Most of the cases (96%) were closed and referred for prosecution including cases that were closed by arrest (79%), and those closed and referred (13%). The remaining cases were closed after investigation (2%) or closed as unfounded (2%) in cases where a suspect was not arrested. On average, it took 6.30 weeks to close a case after it was reported, and 87 percent of cases were closed within 90 days.

An important component of this study involved tracking assaults in domestic

## Mandatory Arrest in Domestic Violence Cases

Alaska's mandatory arrest statute was passed as part of the Domestic Violence Prevention and Victim Protection Act of 1996 with the support of prosecutors, law enforcement, and advocates for domestic violence victims in the state. Alaska Statute 18.65.530, "Mandatory arrest for crimes involving domestic violence, violation of protective orders, and violation of conditions of release," sets out conditions for arrest and minimum sentencing requirements. A law enforcement officer is required to make an arrest with or without a warrant:

if the officer has probable cause to believe the person has, either in or outside the presence of the officer, within the previous 12 hours, (1) committed domestic violence, except an offense under AS 11.41.100-11.41.130, whether the crime is a felony or misdemeanor; (2) committed the crime of violating a protective order in violation of AS 11.56.740; (3) violated a condition of release imposed under AS 12.30.025, 12.30.027, 12.30.029....

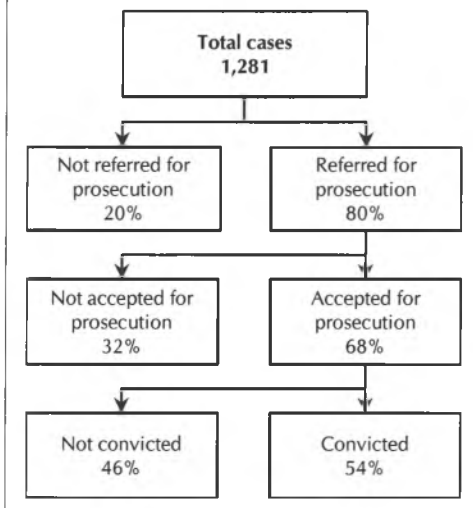
The statute provides criteria for an officer to use when determining who is the "principal physical aggressor." A "principal physical aggressor" evaluation must be made in domestic violence cases if there are cross complaints "arising from the same incident." In rare circumstances, an officer may determine that no arrest should be made. An "authorization not to arrest" must first be granted by a prosecutor from "the jurisdiction in which the offense under investigation arose," and the officer must later report in writing why an arrest was not made. A prosecuting attorney is on call and available by phone to law enforcement in all parts of the state to provide an officer with an authorization, if needed.

Under Alaska law, there is a 20-day minimum sentence if the defendant is in violation of a domestic violence protection order, a 30-day minimum sentence if the defendant has a prior conviction for assault or domestic violence assault, and a 60-day minimum

sentence if the defendant "has been previously convicted two or more times of a crime against a person or a crime involving domestic violence, or a combination of those crimes." Aggravating factors that can increase the length of the normal minimum sentence required by the statute include the presence of a child under the age of 16 during a felony crime involving domestic violence, as well as a domestic violence offense committed at a shelter or facility providing services to domestic violence and sexual assault victims. In addition, recent legislative changes have upgraded certain misdemeanor assaults to a Class C felony and have added a new provision to the animal cruelty statute dealing with "intent to intimidate, threaten or terrorize another person." Some domestic violence convictions also carry federal legal consequences. Under federal law it is "unlawful to sell or dispose of a firearm" to a person convicted of a qualifying domestic violence misdemeanor.

The terms "domestic violence" and "crime involving domestic violence" have a broad meaning under AS 18.66.990(3) & (5). "Acts of domestic violence" as defined under the statute go beyond physical assault; acts of domestic violence also include burglary, criminal trespass, arson or criminally negligent burning, criminal mischief, terrorist threatening, violating a protective order, and harassment. In addition, the statute defines domestic violence as an offense committed "by [one] household member against another household member." The definition of household member encompasses more than persons living in the same residence. It includes many people who do not live together: "adults or minors who are current or former spouses, adults or minors... who have lived together, adults or minors who are dating or have dated, adults or minors who are engaged in or who have engaged in a sexual relationship, adults or minors who are related to each other up to the fourth degree of consanguinity..., adults or minors who are related or formerly related by marriage, persons who have a child of [their] relationship, and minor children in a relationship that is described [in the statute]."

**Figure 1. Processing of Domestic Violence Cases Reported to Alaska State Troopers, 2004**



violence incidents from reports to Troopers through case resolution by the Department of Law. Because we only examined referrals to the Department of Law (and excluded, for example, referrals to the Division of Juvenile Justice), the following statistics are not directly comparable to the ones reported in the previous paragraph.

When examining case processing with Department of Law data, we find that after Troopers close a case, the next decision is whether to refer the case for prosecution. Results show that 80 percent of the 1,281 cases reported to Troopers were referred for prosecution, 68 percent were accepted for prosecution, and 54 percent resulted in a conviction (Figure 1). Once cases were referred for prosecution, they had a high likelihood of being accepted for prosecution. Specifically, 84 percent of referred cases (N=1,030) were accepted for prosecution, and 67 percent resulted in a conviction (Table 8). Cases accepted for prosecution (N=869) had an 80 percent conviction rate.

In addition to examining case resolution rates for all assaults in domestic violence incidents reported to Troopers, we reviewed case resolution rates separately for male and female suspects comparing cases that had at least one male suspect to cases that had at least one female suspect. In our sample of 1,281 cases, 974 cases included at least one male suspect and 259 included at least one female suspect. Cases with at least one female suspect were slightly less likely to be referred for prosecution, to be accepted for prosecution, and to result in a conviction than cases with at least one male suspect. Of the 259 reported cases with at least one female suspect, 75 percent were

referred for prosecution (versus 82% with a male suspect), 56 percent were accepted for prosecution (versus 73% with a male suspect), and 44 percent resulted in a conviction (versus 58% with a male suspect) (Figure 2).

Once referred for prosecution, 89 percent of cases with at least one male suspect (N=707) and 76 percent of cases with at least one female suspect (N=146) were accepted for prosecution. Once accepted for prosecution, the likelihood of cases resulting in a conviction did not vary greatly by suspect gender. Upon acceptance for prosecution, 80 percent of cases with at least one male suspect (N=568) and 78 percent of cases with at least one female suspect (N=114) resulted in a conviction (Table 9).

In addition to examining case resolution rates separately for male and female suspects, we examined case resolution rates separately for male and female victims. In our sample of 1,281 cases, 352 cases included at least one male victim and 925 included at least one female victim. Cases with at least one female victim were as likely to be referred for prosecution, as likely to be accepted for prosecution, and as likely to result in a conviction as cases with at least one male victim. Of the 925 reported cases with at least one female victim, 80 percent were referred for prosecution (versus 81% with a male victim), 59 percent were accepted for prosecution (versus 65% with a male victim), and 54 percent resulted in a conviction for both female and male victims (Figure 3 and Table 10). Although cases involving male suspects had higher case processing and conviction rates, case processing rates were quite similar for victims of both genders. No discernable pattern was found in case processing rates for domestic violence victims based on their gender.

Another variable examined in relation to case processing of assaults in domestic violence incidents was the relationship between the victim and the suspect. We examined

**Table 8. Number of Cases by Stage**

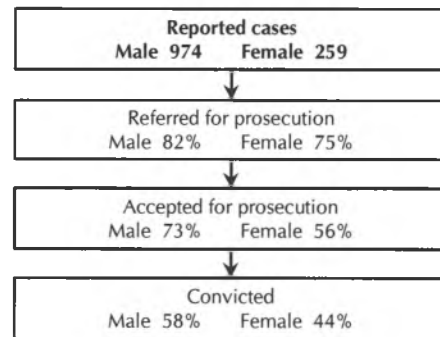
Column percentages.

Stage	N	% of reported	% of referred	% of accepted
Reported	1,281	100.0 %	—	—
Referred	1,030	80.4	100.0 %	—
Accepted	869	67.8	84.4	100.0 %
Convicted	692	54.0	67.2	79.6

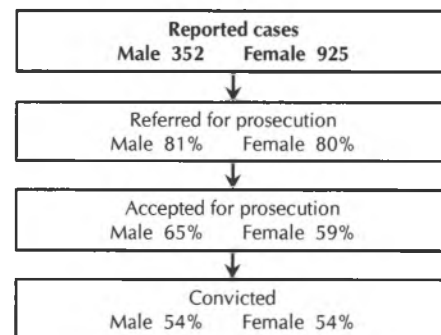
Source of data: Alaska Department of Law

the relationship between the victim and suspect separately for male and female victims. Most of the assaults in domestic violence incidents occurred between intimate partners. The most likely relationship identified was current or former intimate partner as seen in 67 percent of assaults in domestic violence incidents with female victims and 38 percent with male victims. The next most likely relationship was parents or children comprising 16 percent of the assaults in domestic violence incidents with female victims and 25 percent with male victims. Another 12 percent of assaults in domestic violence incidents with female victims and 22 percent with male victims took place between other

**Figure 2. Processing of Domestic Violence Cases Reported to Alaska State Troopers, 2004: Male/Female Suspects**



**Figure 3. Processing of Domestic Violence Cases Reported to Alaska State Troopers, 2004: Male/Female Victims**



**Table 9. Number of Cases by Stage for Cases with Male or Female Suspects**

Column percentages.

	N	% of reported	% of referred	% of accepted
<b>Male suspects</b>				
Reported	974	100.0 %	—	—
Referred	798	81.9	100.0 %	—
Accepted	707	72.6	88.6	100.0 %
Convicted	568	58.3	71.2	80.3
<b>Female suspects</b>				
Reported	259	100.0 %	—	—
Referred	193	74.5	100.0 %	—
Accepted	146	56.4	75.6	100.0 %
Convicted	114	44.0	59.1	78.1

Source of data: Alaska State Troopers (2004) and Alaska Department of Law

**Table 10. Number of Cases by Stage for Cases with Male or Female Victims**

Column percentages.

	N	% of reported	% of referred	% of accepted
<b>Male victims</b>				
Reported	352	100.0 %	—	—
Referred	284	80.7	100.0 %	—
Accepted	228	64.8	80.3	100.0 %
Convicted	191	54.3	67.3	83.8
<b>Female victims</b>				
Reported	925	100.0 %	—	—
Referred	743	80.3	100.0 %	—
Accepted	639	59.1	86.0	100.0 %
Convicted	500	54.1	67.3	78.2

Source of data: Alaska State Troopers (2004) and Alaska Department of Law

family members (including siblings and extended family). Six percent of assaults in domestic violence incidents with female victims and 13 percent with male victims took place between roommates. Overall, most assaults occurred between intimate partners, and this was particularly true for female victims.

An examination of case processing for the different relationship types revealed some differences in the earlier stages of case processing. Regarding referral rates for assaults in domestic violence incidents, 88 percent of cases involving roommates, 86 percent of cases involving intimate partners, 72 percent of cases involving other family members, and 63 percent of cases involving parents or children were referred for prosecution (Table 11). Cases involving victims and suspects who were roommates or intimate partners were more likely to be referred for prosecution than cases involving other family members or parents and children. Of all referred cases, 87 percent of cases involving intimate partners, 82 percent of cases involving parents or children, 81 percent of cases involving other family members, and 74 percent of cases involving roommates were accepted for prosecution. Referred cases involving intimate partners were most likely to be accepted for prosecution, and cases involving roommates were least likely to be accepted for prosecution. Although some differences were found in referral and acceptance rates for different relationship types in assaults in domestic violence incidents, conviction rates for accepted cases were remarkably similar. Eighty-one percent of cases involving intimate partners, 81 percent of cases involving other family members, 80 percent of cases involving parents or children, and 77 percent of cases involving roommates resulted in a conviction, once accepted for prosecution. Despite differences in referral and accep-

tion rates for assaults in domestic violence incidents involving various relationships between victims and suspects, conviction rates for accepted cases were similar across the different relationship types.

In another examination of assaults in domestic violence incidents, we assessed the combined influence of gender and relationship on case processing. In this examination, cases were classified as intimate partner violence or non-intimate partner violence incidents. Incidents of intimate partner violence were defined as taking place between intimate partners and involving a male suspect and a female victim. Non-intimate partner violence incidents included all other combinations of suspect and victim gender and the various relationship types.

(Few cases—1.5%—involved same-sex intimate partner violence. The characteristics of these cases will be included in a future study.) Results showed higher case processing rates for intimate partner violence incidents in the earlier stages of case processing. Specifically, 85 percent of

intimate partner violence incidents and 75 percent of non-intimate partner violence incidents were referred for prosecution (Table 12). Once referred, 90 percent of intimate partner violence incidents and 79 percent of non-intimate partner violence incidents were accepted for prosecution. Again, no discernable differences were found in conviction rates for intimate partner and non-intimate partner violence incidents once they were accepted for prosecution. Eighty-one percent of accepted cases involving intimate partner violence incidents resulted in a conviction, and 79 percent of accepted non-intimate partner violence incidents resulted in a conviction. Conviction rates based on the total number of reports to Troopers of intimate partner violence incidents were

**Table 11. Nature of Victim and Suspect Relationships and Legal Resolutions**

Column percentages.

	N	Intimate partner	Parents or children	Other family	Roommates
Referred	1,029	86.1 %	63.4 %	71.8 %	87.9 %
Accepted	869	86.5	81.5	81.1	74.1
Convicted	692	80.5	80.0	80.8	76.7

Source of data: Alaska State Troopers (2004) and Alaska Department of Law

**Table 12. Legal Resolutions for Intimate Partner and Non-Intimate Partner Violence**

Column percentages.

	N	% of reported		% of referred		% of accepted	
		Intimate partner	Non-intimate partner	Intimate partner	Non-intimate partner	Intimate partner	Non-intimate partner
Reported	1,279	100 %	100 %	—	—	—	—
Referred	1,028	85	75	100 %	100 %	—	—
Accepted	862	76	59	90	79	100 %	100 %
Convicted	692	62	47	72	62	81	79

Source of data: Alaska SANE data and Alaska Department of Law

higher (62%) than for all reported cases to Troopers of non-intimate partner violence incidents (47%).

A more detailed examination of legal resolutions explored differences in case processing rates for male and female victims in various relationships with suspects. Just as cases with male suspects tended to have higher case processing rates at each stage of prosecution, male victims tended to experience higher case processing rates across different relationship types. One exception to this trend was higher rates of acceptance for referred cases involving intimate partners with female victims (76%) relative to male victims (67%). Similarly, cases involving intimate partners with female victims had higher conviction rates (61% of accepted cases) than cases with male victims (53% of accepted cases) (Table 13). In sum, cases of assaults in domestic violence incidents investigated by Troopers had relatively high referral, acceptance and conviction rates overall, despite variation in rates by gender of the suspects and victims and relationships between them.

The findings presented in this article provide an initial description of case processing and conviction rates for assaults in domestic violence incidents in smaller communities across the state of Alaska. The full report containing more detailed descriptive analyses is published on the Justice Center

website. Future studies may focus on comparisons of the data from the Anchorage analysis, this study, and nationwide reports. An important area to examine in more depth is factors affecting legal resolutions. More complex analyses involving multiple predictor variables are required to understand the many influential factors in case processing and conviction of assaults in domestic violence incidents. A growing body of data about domestic violence incidents will enable policymakers to focus on improving ways to deal with this critical issue.

*Figures for national and Anchorage domestic violence incidents are from the Bureau of Justice Statistics (2007) and the Municipality of Anchorage (2006).*

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**Table 13. Nature of Victim and Suspect Relationships and Legal Resolutions for Female and Male Victims**

*Column percentages.*

	N	Intimate partner	Parents or children	Other family	Room-mates
<b>Female victim</b>					
Referred	663	85.3 %	60.8 %	69.6 %	88.2 %
Accepted	580	76.2	44.6	57.6	55.9
Convicted	454	60.6	34.6	41.3	35.3
<b>Male victim</b>					
Referred	229	89.4 %	67.1 %	74.4 %	87.5 %
Accepted	177	66.9	61.0	59.0	75.0
Convicted	148	53.1	51.2	53.8	65.6

*Source of data:* Alaska State Troopers (2004) and Alaska Department of Law

*toral student at the University of Delaware. Katherine TePas is a Program Coordinator with the Alaska State Troopers. This project was supported by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice (Grant No. 2005-WG-BX-0011) and by the Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice through the Alaska Council on Domestic Violence and Sexual Assault (Grant Numbers 2003-WF-BX-0201 and 2004-WF-AX-0033). Points of view in this article are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.*



## Stalking Victimization: Comparisons between Alaska and U.S. Data

This research overview presents information on stalking victimization in the United States. Alaska-specific data include Alaska State Trooper cases from 1994–2005 as published in the *Alaska Justice Forum* in 2007. Nationwide data are from the U.S. Bureau of Justice Statistics (BJS) 2009 “Special Report on National Crime Victimization Survey (NCVS), Stalking Victimization in the United States”; the survey was conducted in 2006. It is important to note that Alaska does not yet have stalking victimization estimates. This research overview looks at data that are currently available for Alaska and notes contrasts and similarities with nationwide data. Only adult cases were considered for this purpose.

It is also important to emphasize that Alaska data are only from stalking victimizations that were reported to law enforcement. By comparison, the national NCVS data are from all stalking victimizations, those reported to law enforcement and those not reported to law enforcement. Finally, it is important to emphasize that the Alaska data are only from stalking victimizations reported to Alaska State Troopers (the data do not include victimizations reported to municipal or other law enforcement agencies in Alaska).

### Gender of Victim and Offender

- Alaska data show that 89% of stalking victims were female and 11% were male while 88% of offenders were male and 9% were female. In comparison, NCVS data show that nationally 74% of stalking victims were female and 26% male (Table 1).

**Table 1. Gender of Victims and Offenders**

	Column percentages			
	Victims		Offenders	
	Alaska	U.S.	Alaska	U.S.
Male	10.6 %	26.0 %	88.0 %	60.2 %
Female	89.4	74.0	9.3	28.4
Don't know	—	—	2.8	11.3

Note: Percentages exceed 100% due to rounding errors.

- In Alaska, nearly 90% of female stalking victims and 74% of male stalking victims were victimized by male offenders. According to the NCVS, nationally, 67% of female victims and 41% of male victims were victimized by male offenders (Table 2).

**Table 2. Gender of Stalking Offender, by Victim Gender**

Column percentages except where noted.

Offender gender	Victim gender					
	Alaska			U.S.		
	Male	Female	All offenders	Male	Female	All offenders
Male	73.9 %	89.6 %	88.0 %	41.3 %	66.9 %	60.3 %
Female	26.1	7.3	9.3	42.5	23.5	28.4
Don't know	0.0	3.1	2.8	16.1	9.6	11.3
<b>All victims</b>	<b>10.7 %</b>	<b>89.4 %</b>		<b>25.96 %</b>	<b>74.02 %</b>	
	(row percentages)			(row percentages)		

Note: Percentages may not total to 100% due to rounding.

<http://justice.uaa.alaska.edu/overview/>

**Age of Victim and Offender**

- In Alaska, the most common age group for both stalking victims (39%) and offenders (34%) was 30–39 years. NCVS data show that nationally, the most common age group for stalking victims (28%) was 21–29 years while the most common age of offenders (22%) was 30–39 year-olds (Table 3).

**Table 3. Ages of Victims and Offenders**  
Column percentages.

	Victims		Offenders	
	Alaska	U.S.	Alaska	U.S.
18-20	9.4 %	9.3 %	4.4 %	7.3 %
21-29	20.4	27.7	20.4	21.7
30-39	39.2	22.2	33.7	22.3
40-49	23.8	21.2	30.4	18.7
50 and older	7.2	19.5	11.0	15.7
Unknown	0.0	0.0	0.0	14.3

- NCVS data show that stalking victims are most likely to be victimized by an offender in their own age group (Table 4).
- Victims in Alaska, similarly to victims nationwide, are most likely to be victimized by offenders in the same age group. However, in Alaska, victims aged 50 years and older are most likely to be victimized by an offender in the 30–39 year-old age group (Table 4).

**Table 4. Age of Stalking Offender, by Victim Age**  
Column percentages except where noted.

Offender age	Victim age					All offenders
	18-20	21-29	30-39	40-49	50 or older	
<b>Alaska</b>						
18-20	41.2 %	2.7 %	0.0 %	0.0 %	0.0 %	4.4 %
21-29	29.4	40.5	18.3	9.3	0.0	20.4
30-39	17.6	32.4	42.3	18.6	61.5	33.7
40-49	5.9	18.9	29.6	53.5	23.1	30.4
50 or older	5.9	5.4	9.9	18.6	15.4	11.0
Unknown	0.0	0.0	0.0	0.0	0.0	0.0
<b>All victims</b>	9.4 %	20.4 %	39.2 %	23.8 %	7.2 %	
	(row percentages)					
<b>United States</b>						
18-20	46.7	5.7	2.3	3.0	1.0	7.3
21-29	26.2	48.5	14.1	9.0	3.9	21.7
30-39	5.7	23.2	38.3	17.1	16.6	22.3
40-49	7.5	7.8	21.2	34.9	19.1	18.7
50 or older	2.7	5.9	10.1	22.1	35.3	15.7
Unknown	11.2	8.9	14.2	14.0	24.1	14.3
<b>All victims</b>	9.3 %	27.7 %	22.2 %	21.2 %	19.5 %	
	(row percentages)					

**Race of Victim and Offender**

- Overall, nearly 86% of all Alaska victims were White and 13% were Alaska Native/American Indian. NCVS data show that nationally 84% of stalking victims were White (Table 5).
- Offenders in the Alaska cases were most likely to be White (79%) or Alaska Native (20%). Nationally, offenders were most likely to be White (73%) or Black (12%) in stalking cases (Table 5).

**Table 5. Race of Victims and Offenders**

Column percentages

	Victims		Offenders	
	Alaska	U.S.	Alaska	U.S.
White	86.0 %	84.1 %	78.7 %	73.3 %
Black	1.0	10.7	1.0	12.2
Alaska Native/American Indian	12.6	—	20.3	—
Some other race	0.5	5.2	—	9.2
Unknown	—	—	—	5.2

Note: Due to rounding errors, percentages may not total 100.

— Alaska data identified Alaska Native as an individual category. NCVS data includes "Alaska Native/American Indian" data with "Some other race."

- Alaska stalking victims are more commonly stalked by offenders of the same race. NCVS data show that, like in Alaska, Whites are more likely to be victimized by White offenders and Blacks are more likely to be victimized by Black offenders (Table 6).
- NCVS data show that victims of other races were most commonly victimized by White (45%) offenders (Table 6).

**Table 6. Race of Stalking Offender, by Victim Race**

Column percentages except where noted.

Offender race	Victim race								
	Alaska					U.S.			
	White	Black	Native	Other	All offenders	White	Black	Other	All offenders
White	88.2 %	0.0 %	19.2 %	100.0 %	78.7 %	82.8 %	12.5 %	45.4 %	73.3 %
Black	0.0	100.0	0.0	0.0	1.0	5.2	65.6	16.0	12.2
Alaska Native/ American Indian	11.8	2.0	80.8	0.0	20.3	—	—	—	—
Some other race	—	—	—	—	—	7.6	11.8	29.8	9.2
Unknown	—	—	—	—	—	4.3	10.1	8.8	5.2
<b>All victims</b>	<b>86.0 %</b>	<b>1.0 %</b>	<b>12.6 %</b>	<b>0.5 %</b>		<b>84.1 %</b>	<b>10.71 %</b>	<b>5.22 %</b>	
	(row percentages)					(row percentages)			

Note: Percentages may not total to 100% due to rounding.

— Alaska data identified Alaska Native as an individual category. NCVS data includes "Alaska Native/American Indian" data with "Some other race."

**Victim-Offender Relationship**

- Alaska stalking victims most commonly were victimized by ex-boy/girlfriends (30%), acquaintances (29%), and current spouses (16%). NCVS data show that nationally most stalking victimization was committed by an acquaintance (20%), friend (16%), or ex-boy/girlfriend (13%) (Table 7).
- In Alaska, 8% of stalking victims had unknown relationships with the offender. Nationwide, 10% of victims had unknown relationships with their offenders.

**Stalking Behaviors**

- Alaska stalking victims were most likely to be stalked by offenders showing up at places and/or waiting for the victim (64%), receiving unwanted phone calls and text messages (51%), and/or by being followed or spied upon (Table 8).
- NCVS data show that the most common types of stalking behaviors were unwanted phone calls and text messages (66%), spreading rumors (36%), and following or spying upon victims (34%) (Table 8).

**Table 7. Relationship Between Victims and Offenders**

	Alaska	U.S.
Stranger	7.5 %	9.7 %
Current spouse	15.5	5.6
Ex-spouse	6.5	8.4
Current boy/girlfriend	2.5	3.2
Ex-boy/girlfriend	29.5	13.1
Other family	3.5	9.0
Friend	6.5	16.4
Acquaintance	28.5	19.7

Note: Fifteen percent of NCVS data represent unknown relationships between the victim and offender.

**Table 8. Nature of Stalking Behaviors Experienced by Victims**

	Alaska	U.S.
Unwanted phone calls and text messages	50.5 %	66.2 %
Unwanted letters and email	16.7	30.6
Spreading rumors	2.7	35.7
Following or spying	39.6	34.3
Showing up at places	64.0	31.1
Waiting for victim	64.0	29.0
Leaving unwanted presents	9.9	12.2

Note: "Showing up at places" and "Waiting for victim" were combined for Alaska due to data detail limitations. Percentages may total more than 100% because multiple behaviors may have been reported.

**Data Sources**

Rosay, A., Postle, G., TePas, K., and Wood, D. (2007). "Stalking in Alaska." *Alaska Justice Forum* 24(1): 1, 7–12. Available online at [http://justice.uaa.alaska.edu/forum/24/1spring2007/a\\_stalking.html](http://justice.uaa.alaska.edu/forum/24/1spring2007/a_stalking.html).

Baum, K., Catalano, S. & Rand, M. (2009). "Stalking Victimization in the United States: National Crime Victimization Study." *Bureau of Justice Statistics Special Report*, NCJ 224527. Available online at <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1211>.

Rosay, A.; Wood, D.; Postle, G.; and TePas, K. (2007). *Descriptive Analysis of Stalking Incidents Reported to Alaska State Troopers: 1994-2005*. Anchorage, AK: Justice Center, University of Alaska Anchorage. available online at <http://justice.uaa.alaska.edu/research/2000/0601intimatepartnerviolence/0601.01.stalking.html>.

Secondary data analysis on Alaska State Trooper data was performed by the author with the assistance of Dr. André B. Rosay.

*Research compiled by Khristy Parker, Research Assistant*



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## Stalking in Alaska

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Although the available data are limited, a recent Justice Center examination of Alaska State Trooper case files has revealed that the crime of stalking is probably greatly underreported by victims as well as under-recognized by law enforcement and hence not charged often enough in Alaska. A charge of stalking can be applied in a wide range of situations, and its parameters as a crime can be somewhat ambiguous for both victims and law enforcement. The available data show that a stalking charge is often made in conjunction with other charges, particularly when there has been a prior relationship—which is often the case, with stranger stalking fairly rare.

Stalking, by its nature and its legal definition, induces fear. Statistics from the National Violence Against Women Survey showed that even after the stalking ended, 68 percent of victims thought their personal safety had gotten worse, 42 percent were very concerned about their personal safety, 30 percent were very concerned about being stalked, and 45 percent carried something to defend themselves. Psychological counseling was sought by 30 percent of female victims and 20 percent of male victims.

Moreover, other studies have shown links between stalking and intimate partner homicide among female victims. For example, according to an analysis published in *Homicide Studies* in 1999, 76 percent of female intimate partner homicide victims had been stalked by their intimate partner in the past. Furthermore, 89 percent of female intimate partner homicide victims that were physically abused had also been stalked by their intimate partner in the past. Of all female intimate partner homicide victims, 54 percent had previously contacted police to report they were being stalked.

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[http://justice.uaa.alaska.edu/forum/24/1spring2007/a\\_stalking.html](http://justice.uaa.alaska.edu/forum/24/1spring2007/a_stalking.html)

For other articles and publications related to stalking and violence against women, see:  
<http://justice.uaa.alaska.edu/vaw/>

**Abstract:** This study examined 267 cases with a stalking charge reported to Alaska State Troopers from 1994 to 2005, and excluded any cases reported to local or municipal departments. We also examined the legal resolutions for cases that were reported from 1999–2004.

- Over 50% of reports occurred in B detachment (Southcentral Alaska) and D detachment (Interior Alaska). Three units (Fairbanks AST Enforcement, Palmer AST Enforcement, and Soldotna AST Enforcement) handled 49% of reports. Thirty-five percent of the charges were for stalking in the first degree and 65% were for stalking in the second degree.
- Most suspects (91%) were male and most victims (89%) were female. Most suspects (78%) were White and most victims (86%) were also White. On average, suspects were 36 years old while victims were 33 years old. Twenty percent of suspects had used alcohol, but only 2% of victims had used alcohol. Fifty-four percent of suspects were, or had been, in a romantic relationship with the victim. An additional 35% of suspects were friends or acquaintances of the victim.
- The most common forms of stalking included standing outside or visiting the victim's home (in 54% of charges), making unsolicited phone calls to victims (in 51% of charges), following the victim (in 39% of charges), threatening to physically assault the victim (in 36% of charges), harassing the victim's family and friends (in 28% of charges), trying to communicate with the victim in other ways (in 27% of charges), standing outside or visiting the victim's work (in 20% of charges), physically assaulting the victim (in 19% of charges), sending the victim unsolicited mail (in 15% of charges), and vandalizing the victim's home (in 13% of charges). Forty-five percent of behaviors occurred primarily at the victim's home, while 27% occurred primarily in cyberspace.
- Seventy-five percent of the cases reported between 1999–2004 were referred for prosecution, 55% were accepted for prosecution, and 40% resulted in a conviction on at least one charge. Cases with suspects who violated protective orders were 20% more likely to be referred for prosecution, were 19% more likely to be accepted, and were 41% more likely to result in a conviction.

the Alaska State Troopers and the Alaska Department of Law to learn more about the characteristics of stalking in Alaska.

In the first quantitative examination of the crime, data from all stalking incidents reported to Alaska State Troopers from 1994 to 2005 were collected to gather descriptive information. The research provides a first overview of a specific crime whose characteristics are not widely known beyond the justice community. The Alaska statutes defining the crime of stalking are presented on page 5.

### Methodology

To conduct this study, Justice Center researchers examined the total 267 cases with a stalking charge reported to Alaska State Troopers from 1994 to 2005. (Alaska

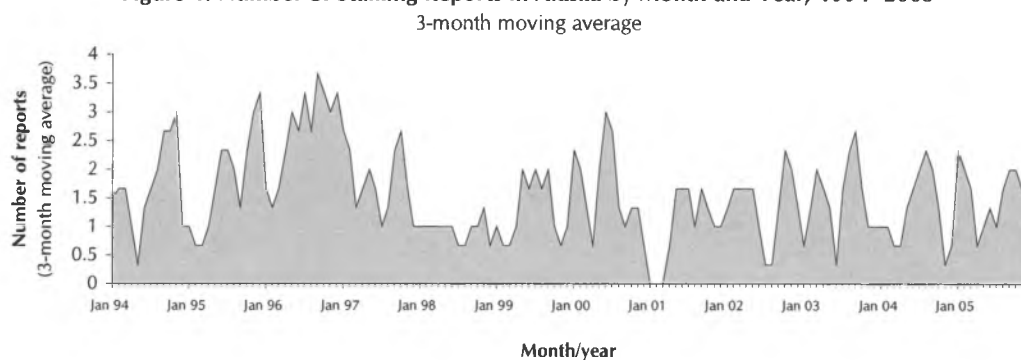
stalking statutes went into effect in 1993.) The final sample for analysis comprised 210 cases (Table 1) covering a total of 222 stalking charges, 211 suspects, and 216 victims. Case outcome data were gathered directly

**Table 1. Case Closure Codes in Alaska Stalking Cases, 1994–2005**

Closure code	Column percentages	
	N	Reports
Closed by arrest	140	66.7 %
Closed, declined	6	2.9
Closed by investigation	34	16.2
Closed, referred	22	10.5
Closed, unfounded	8	3.8
<b>Total</b>	<b>210</b>	

Source of data: Alaska State Troopers data (1994–2005)

**Figure 1. Number of Stalking Reports in Alaska by Month and Year, 1994–2005**



Source of data: Anchorage State Troopers data (1994–2005)

from the Alaska Department of Law for a sub-sample of the stalking cases—only those reported from 1999 to 2004 ( $N = 92$ ).

### Results

For the first four years included in this investigation (1994 to 1997), the number of reports averaged 22 per year. After that, the average number of reports dropped significantly, to 15 per year. Figure 1 displays the trend of reporting over time, from January 1994 to December 2005, using a three-month moving average. Seasonal variations from January to December in the trend of reporting were not quite statistically

significant, but 23 percent of the reports were made in the months of June and October.

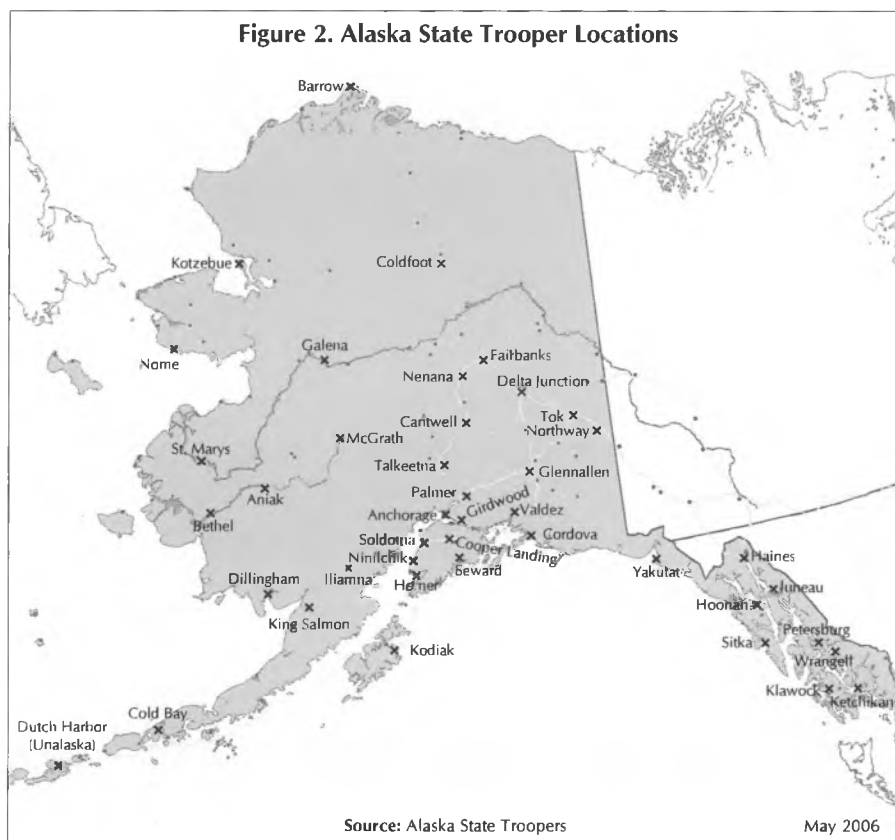
Over 50 percent of reports occurred in B and D detachments. B detachment includes five Alaska State Trooper posts (Wasilla, Palmer, Glennallen, Big Lake, and Talkleetna) while C detachment includes nine Alaska State Trooper posts (Coldfoot, Galena, Fairbanks, Nenana, Healy, Cantwell, Delta Junction, Tok, and Northway; see Figure 2). The units with the highest number of stalking reports included Fairbanks AST Enforcement (with 19% of reports), Palmer AST Enforcement (with 18% of reports), and Soldotna AST Enforcement (in E Detachment, with 12% of reports). Together,

these three units had 49 percent of all stalking reports. Additional details are shown in Table 2.

Most cases (67%) were closed by arrest, meaning that at least one person was criminally charged, by a physical arrest, summons, warrant, or criminal complaint (see Table 1). Other cases (10%) were closed with a referral to the district attorney for a charging decision. Sixteen percent of cases were closed after the investigation because there were no suspects or because evidence was lacking. Only four percent of cases were closed unfounded (because there appeared to be no basis for the complaint). Finally, only three percent of cases were closed because the prosecution declined to pursue the case, even though a suspect was known.

The 210 stalking incidents reported to troopers from 1994 to 2005 included a total of 222 stalking charges. Seventy-seven (35%) of the 222 stalking charges were for stalking in the first degree (AS §11.41.260) and 145 (65%) were for stalking in the second degree (AS §11.41.270). For each stalking charge, thirty different forms of behavior were examined, shown in Table 3. On average, four forms of stalking behaviors were found per charge. The most common forms of stalking behaviors included standing outside or visiting the victim's home (found in 54% of charges), making unsolicited phone calls to victims (found in 51% of charges), following the victim (found in 39% of charges), threatening to physically assault the victim (found in 36% of charges), harassing the victim's family and friends (found in 28% of charges), trying to communicate with the victim in other ways (found in 27% of charges), standing outside or visiting the victim's work (found in 20% of charges), physically assaulting the victim (found in 19% of charges), sending the victim unsolicited mail (found in 15% of charges), and vandalizing the victim's home (found in 13% of charges).

**Figure 2. Alaska State Trooper Locations**



**Table 2. Total Number of Stalking Reports in Alaska by Unit, 1994–2005**

Column percentages								
Unit	N	%	Unit	N	%	Unit	N	%
Anchorage AST Enforcement	7	3.3 %	Girdwood AST Enforcement	3	1.4 %	Northway AST Enforcement	1	0.5 %
Aniak AST Enforcement	1	0.5	Glennallen AST Enforcement	6	2.9	Mat-Su Regional Office	1	0.5
Bethel AST Enforcement	7	3.3	Healy AST Enforcement	1	0.5	Palmer AST Enforcement	37	17.6
Big Lake AST Enforcement	1	0.5	Homer AST Enforcement	7	3.3	Palmer AST Investigations	5	2.4
Cooper Landing AST Enforcement	1	0.5	Juneau AST Enforcement	1	0.5	Seward AST Enforcement	4	1.9
ABI Child Abuse Investigation Unit	1	0.5	Ketchikan AST Enforcement	7	3.3	Soldotna AST Enforcement	25	11.9
Cantwell AST Enforcement	3	1.4	Ketchikan AST Investigations	1	0.5	St. Marys AST Enforcement	2	1.0
ABI Cold Case Investigations	1	0.5	Klawock AST Enforcement	9	4.3	Talkeetna AST Enforcement	3	1.4
Cordova ABWE	1	0.5	Kodiak AST Enforcement	9	4.3	Tok AST Enforcement	1	0.5
Delta Junction AST Enforcement	7	3.3	Kotzebue AST Enforcement	6	2.9	Unalakleet AST Enforcement	1	0.5
Fairbanks AST Enforcement	40	19.0	Ninilchik AST Enforcement	1	0.5			
Fairbanks AST Investigations	4	1.9	Nome AST Enforcement	2	1.0			
Galena AST Enforcement	2	1.0	Nome V.P.S.O.	1	0.5			
						<b>Total</b>	<b>210</b>	

Source of data: Alaska State Troopers data (1994-2005)

The primary location for stalking behaviors was most often the victim's residence. As shown in Table 4, 45 percent of stalking behaviors occurred primarily at the victim's home. Cyberspace was also a common location for stalking behavior, with 27 percent of charges occurring primarily in cyberspace. An additional 10 percent of charges occurred primarily on public roads and parking lots.

The 210 stalking incidents reported to troopers from 1994 to 2005 included a total

of 211 suspects and 216 victims. Most suspects (91%) were male and most victims (89%) were female. As shown in Table 5, most suspects (78%) were white and most victims (86%) were also white. On average, suspects were 36 years old while victims were 33 years old; with 13 percent of suspects and 20 percent of victims under 21, 18 percent of suspects and 22 percent of victims between 21 and 30, 37 percent of suspects and 33 percent of victims between

**Table 4. Primary Location for Stalking Behavior in Alaska Stalking Cases, 1994–2005**

Column percentages		
Location	Charges	
	N	%
Cyberspace	60	27.0 %
Victim's house	99	44.6
Other residence	8	3.6
Work / school	17	7.7
Public places	16	7.2
Roads / parking lots	22	9.9
<b>Total</b>	<b>222</b>	

Source of data: Alaska State Troopers data (1994-2005)

**Table 3. Stalking Behaviors in Alaska Stalking Cases, 1994–2005**

Behaviors	Row percentages		
	N	%	Total
Followed victim	86	39.4 %	218
Sent victim unsolicited mail	33	14.9	222
Made unsolicited phone calls to victim	112	50.5	222
Sent victim unsolicited electronic mail	7	3.2	222
Sent victim unsolicited text messages	0	0.0	222
Tried to communicate in other ways	60	27.0	222
Photographed victim without permission	3	1.4	219
Abused victim's pets	3	1.4	221
Threatened to harm victim's pets	0	0.0	222
Physically assaulted victim	42	18.9	222
Threatened to physically assault victim	78	35.8	218
Sexually assaulted victim	13	5.9	222
Threatened to sexually assault victim	8	3.6	222
Harassed victim's children	13	5.9	221
Threatened victim's children	13	5.9	220
Harassed victim's family and friends	62	27.9	222
Vandalized victim's home	28	12.7	221
Vandalized victim's car	14	6.4	220
Vandalized other property	11	5.0	222
Stood outside/visited victim's home	120	54.1	222
Stood outside/visited victim's work	44	20.0	220
Left unwanted items for victim	3	1.4	222
Sent victim presents	20	9.0	222
Opened victim's mail	1	0.5	222
Filed false police reports against victim	1	0.5	222
Contacted victim's employer	4	1.8	222
Contacted or filed report with children services	1	0.5	222
Installed spyware on victim's computer	2	0.9	222
Installed/utilized GPS on victim's car	0	0.0	221
Relocated residence to follow victim	10	4.5	222

Source of data: Alaska State Troopers data (1994-2005)

**Table 5. Race of Suspects and Victims in Alaska Stalking Cases, 1994–2005**

Race	Suspects		Victims	
	N	%	N	%
White	160	78.0 %	183	85.9 %
Native	42	20.5	27	12.7
Black	3	1.5	2	0.9
Other	0	0.0	1	0.5
<b>Total</b>	<b>205</b>		<b>213</b>	

Source of data: Alaska State Troopers data (1994-2005)

**Table 6. Age of Suspects and Victims in Alaska Stalking Cases, 1994–2005**

Age	Suspects		Victims	
	N	%	N	%
11 to 20	27	13.2 %	43	20.1 %
21 to 30	38	18.5	47	22.0
31 to 40	75	36.6	70	32.7
41 to 50	47	22.9	41	19.2
51 to 60	13	6.3	6	2.8
61 or over	5	2.4	7	3.3
<b>Total</b>	<b>205</b>		<b>214</b>	

Source of data: Alaska State Troopers data (1994-2005)

31 and 40, and 31 percent of suspects and 25 percent of victims over 40. One in five suspects (20%) had used alcohol, but very few victims (2%) had. Drug use was very infrequent (1% or less) for both suspects and victims.

**Table 7. Relationship Between Suspects and Victims in Alaska Stalking Cases, 1994–2005**

Column percentages

Relationship to victim	Suspects		
	N	%	% of non-stranger
Stranger	15	7.5 %	—
Current spouse	31	15.5	16.8 %
Ex-spouse	13	6.5	7.0
Current boy/girlfriend	5	2.5	2.7
Ex-boy/girlfriend	59	29.5	31.9
Other family	7	3.5	3.8
Friends	13	6.5	7.0
Acquaintances	57	28.5	30.8
<b>Total</b>	<b>200</b>		

Source of data: Alaska State Troopers data (1994-2005)

**Table 8. Number of Total, Stalking, and Non-Stalking Charges per Suspect in Alaska Stalking Cases, 1994–2005**

Column percentages

	N	%	cumulative
			%
<b>Total charges</b>			
Zero	0	0.0 %	0.0 %
One	89	42.2	42.2
Two	65	30.8	73.0
Three	32	15.2	88.2
Four	9	4.3	92.4
Five	6	2.8	95.3
Six or more	10	4.7	100.0
<b>Total suspects</b>	<b>211</b>		
<b>Stalking charges</b>			
Zero	0	0.0 %	0.0 %
One	202	95.7	95.7
Two	7	3.3	99.1
Three	2	0.9	100.0
<b>Total suspects</b>	<b>211</b>		
<b>Non-stalking charges</b>			
Zero	94	44.5 %	44.5 %
One	63	29.9	74.4
Two	29	13.7	88.2
Three	9	4.3	92.4
Four	6	2.8	95.3
Five	4	1.9	97.2
Six or more	6	2.8	100.0
<b>Total suspects</b>	<b>211</b>		

Source of data: Alaska State Troopers data (1994-2005)

Relationships between suspects and victims are shown in Table 7. Half (54%) of the suspects were, or had been, in a romantic relationship with the victim, as an ex-boyfriend or ex-girlfriend (29%) or current spouse (15%). In addition, 35 percent of suspects were friends or acquaintances of the victim, with acquaintances as the more prominent category. Very few suspects (4%) were currently living with the victim. Slightly over half of the relationships (55%) had ended prior to the stalking, and 58 percent had ended by the time the stalking was reported to law enforcement (these statistics were not calculated for strangers or family members).

Most suspects (55%) were not charged solely with a stalking offense. Stalking charges were often accompanied by other charges (Tables 8 and 9). On average, suspects had a total of 2.32 charges, including an average of 1.05 stalking charges and an average of 1.27 other charges. Overall, the 211 suspects were charged with 489 offenses (i.e., 222 stalking offenses and 267 non-stalking offenses). The most common additional non-stalking charges included assault, violating a protective order, and harassment. In addition to these additional charges, 38 percent of suspects had at least one aggravating factor (Table 10). The most common aggravating factors included violating protective orders and prior arrests for stalking the victim—present for 20 percent and 12 percent of suspects respectively. In addition, 22 percent of suspects had a prior arrest for stalking, assaulting, or harassing the victim. More specifically, 12 percent of suspects had a prior arrest for stalking the victim, 8 percent had a prior arrest for assaulting the victim, and 5 percent had a prior arrest for harassing the victim. Almost three quarters (74%) of

the victims had previously contacted law enforcement to report harassing behavior by the suspect (e.g., to seek a protective order).

Overall, 75 percent of the 92 cases reported between 1999 and 2004 were referred; 55 percent were accepted; and 40 percent resulted in a conviction (Table 11). The likelihood of referring, accepting, and convicting varied substantially by legal factors (Table 12)—whether suspects violated protective orders, violated conditions of release, violated conditions of probation, had prior arrests for assaulting the victim, had prior arrests for harassing the victim, had multiple stalking charges, or had additional non-stalking charges. In general, these legal factors enhanced the likelihood of referral, acceptance, and conviction.

In particular, violating protective orders and having additional non-stalking charges were important legal factors. Cases with

**Table 9. Additional Non-Stalking Charges in Alaska Stalking Cases, 1994–2005**

Column percentages

Charge	Non-stalking charges	
	N	%
Assault	60	22.5 %
Violating protective order	56	21.0
Harassment	31	11.6
Criminal trespass	23	8.6
Burglary	15	5.6
Criminal mischief	15	5.6
Violating conditions of release	10	3.7
Sexual assault / abuse	10	3.7
Other public administration offense	10	3.7
Other	7	2.6
Misconduct involving controlled substance	6	2.2
Misconduct involving weapon	5	1.9
Driving offense	5	1.9
Theft	4	1.5
Reckless endangerment	4	1.5
Coercion	4	1.5
Kidnapping	2	0.7
<b>Total</b>	<b>267</b>	

Source of data: Alaska State Troopers data (1994-2005)

**Table 10. Aggravating Factors in Alaska Stalking Cases, 1994–2005**

Row percentages

Factors	No		Yes		Total
	N	%	N	%	
Violated protective order	165	80.5 %	40	19.5 %	<b>205</b>
Violated conditions of release	188	90.8	19	9.2	<b>207</b>
Violated conditions of probation	185	90.7	19	9.3	<b>204</b>
Had prior arrest for stalking victim	175	87.9	24	12.1	<b>199</b>
Had prior arrest for assaulting victim	181	91.9	16	8.1	<b>197</b>
Had prior arrest for harassing victim	190	95.0	10	5.0	<b>200</b>

Source of data: Alaska State Troopers data (1994-2005)

**Table 11. Case Outcomes by Stage in Alaska Stalking Cases, 1999–2004**

Column percentages

Stage	N	% of reported	% of referred	% of accepted
Reported	92	100.0 %	—	—
Referred	69	75.0 %	100.0 %	—
Accepted	51	55.4 %	73.9 %	100.0 %
Convicted	37	40.2 %	53.6 %	72.5 %

Source of data: Alaska Department of Law (1999-2004)

suspects who violated protective orders were 20 percent more likely to be referred for prosecution, were 19 percent more likely to be accepted, and were 41 percent more likely to result in a conviction. Cases that included additional non-stalking charges were 27 percent more likely to be referred, were 84 percent more likely to be accepted,

**Table 12. Percent Referred, Accepted, and Convicted in Alaska Stalking Cases by Legal Factors, 1994–2005**

Cell percentages

Legal factors		N	%		
			% referred	accepted	convicted
Violated protective order	No	72	73.6 %	54.2 %	37.5 %
	Yes	17	88.2 %	64.7 %	52.9 %
Violated conditions of release	No	82	74.4 %	52.4 %	36.6 %
	Yes	8	100.0 %	100.0 %	87.5 %
Violated conditions of probation	No	83	74.7 %	54.2 %	39.8 %
	Yes	5	100.0 %	80.0 %	60.0 %
Had prior arrest for stalking victim	No	78	73.1 %	50.0 %	34.6 %
	Yes	6	100.0 %	100.0 %	100.0 %
Had prior arrest for assaulting victim	No	76	72.4 %	50.0 %	38.2 %
	Yes	8	100.0 %	87.5 %	37.5 %
Had prior arrest for harassing victim	No	84	75.0 %	53.6 %	38.1 %
	Yes	2	100.0 %	100.0 %	100.0 %
Had multiple stalking charges	No	88	76.1 %	56.8 %	40.9 %
	Yes	4	50.0 %	25.0 %	25.0 %
Had additional non-stalking charges	No	40	65.0 %	37.5 %	22.5 %
	Yes	52	82.7 %	69.2 %	53.8 %

Source of data: Alaska State Troopers data & Alaska Department of Law (1999-2004)

## Stalking Cases

The following individual case summaries, drawn from the sample studied in the accompanying article "Stalking in Alaska" illustrate a range of situations and circumstances in which the Alaska State Troopers issued a stalking charge. The details were taken from the AST case file. The initials of those involved have been changed.

B.W. reported receiving phone calls from S.M.; she reported being frightened for herself and for her family. S.M. had previously pled "no contest" to harassment charges and had been ordered to have no contact with her. At the time of the reported phone calls, he was on probation for the previous harassment offense. During the phone calls, S.M. stated that he was in trouble and needed B.W., that he loved her and found her perfect. In response to this report, the troopers charged him with first degree stalking.

\*\*\*

T.K. reported that she was being stalked and harassed by her boyfriend's ex-wife, M.D. An order forbidding contact between M.D. and her former husband, P.D., was in place, but there was no provision forbidding contact with the girlfriend T.K. The two former spouses were involved in a child custody case.

T.K. reported that M.D. was making threatening phone calls; that she had destroyed T.K.'s personal property—including cutting up clothes—and had followed T.K. and P.D. to a mall and attempted to force her way into their vehicle. On another occasion she had followed the couple on a berry-picking trip.

M.D. was charged with second-degree stalking, criminal mischief involving personal property and misdemeanor assault.

\*\*\*

N.C. called the troopers to report that P.M., her ex-boyfriend, was in her home yelling and causing a disruption. Another man, who was spending the night, and two of N.C.'s children were present in the house at the time P.M. arrived. She also reported that P.M. had been following her to her workplace and other locations. She had reported to the troopers at least once before. She said she had previously obtained protective orders against P.M. but had let them drop.

N.C.'s employer and a co-worker confirmed that P.M. would regularly appear at the workplace.

N.C. stated that she had made it clear that she no longer wanted a relationship with P.M. He maintained that they still had an active sexual relationship and that he often came to her house late at night. The two have a child together.

P.M. was charged with third degree assault, fourth degree criminal trespass, and second degree stalking.

L.K. reported that her ex-husband S.K. had telephoned her several times that day, leaving threatening messages on her voice mail. He had been served with a protective order two days previously. L.K. stated that S.K. could be violent and that he had been trying to obtain a gun.

When contacted by AST, S.K. said he had only been trying to contact his daughter. He was charged with violating a protective order and stalking in the second degree.

\*\*\*

E.R. called to report that her ex-boyfriend V.L. was pounding on her door and refused to leave. He ran off just before the troopers arrived and was caught shortly afterward.

He had been previously arrested for a crime involving domestic violence against E.R., stalking and criminal trespass. She had had several protective orders against him. She stated that he was violent when drinking and had assaulted her in the past.

The couple had lived together off and on for nine years but not for three years prior to this incident, although they had recently been sexually intimate and he had done work on her property. She stated she had told him she did not want a relationship with him.

For this incident, V.L. was charged with fourth degree assault and second degree stalking.

\*\*\*

I.W. reported to the VPSO that she was being harassed and threatened by her ex-boyfriend J.T. He had been sending her obsessive letters for some time and was threatening to kill her. (Copies of some of the letters are in the AST file.) The two have two children together. They had last lived together three years previously, and she had indicated she no longer wanted a relationship with him.

It appeared that he had followed her from one community to another over a period of time. There had been previous incidents in other towns, including at least one in which the local police were called when J.T. attempted to take one of the children from I.W.

A witness confirmed that J.T. had made threats to kill others if I.W. would not be intimate with him again.

J.T. was charged with second degree stalking.

and were 139 percent more likely to result in a conviction. In other words, cases that included additional non-stalking charges were 2.4 times more likely to result in a conviction than cases that did not include additional non-stalking charges.

It is important not to over-interpret these results because some categories are represented by extremely low sample sizes (e.g., only two suspects had a prior arrest for harassing the victim). Nonetheless, it is interesting to see the variation in the likelihood of cases being referred, accepted, and convicted. For example, although only six cases had suspects who had a prior arrest for stalking the victim, all six were referred for prosecution, all six were accepted, and all six resulted in a conviction. By comparison, only 34.6 percent of other cases resulted in a conviction. When suspects had a prior arrest for stalking the victim, they were 2.9 times more likely to be convicted.

### Comparisons with National Data

Few national statistics on stalking are available. The current primary source of information on the offense is the National Violence Against Women Survey (NVAWS). While the numbers are not directly comparable, in looking at the NVAWS statistics and the Alaska figures presented here, we can note several points. First, stalking seems even more underreported and, possibly, underrecognized by law enforcement in Alaska than in the country as a whole. Second, it is likely that this is particularly true among Alaska Natives. Third, it is likely that the prosecution of stalking is more effective in Alaska than nationally.

Based on NVAWS results, an estimated 2.2 percent of men and 8.1 percent of women in the United States have been stalked at some point in the past (for a total of over two million men and over eight million women). Annual stalking estimates (rather than lifetime estimates) are obviously much lower, with 1.0 percent of women and 0.4 percent of men stalked per year. Nationally, this equates to over one million women and over 370,000 men stalked in a given year. Although we must do so with great caution, we can use these statistics to estimate the prevalence of stalking in Alaska.

Using the annual NVAWS statistics that 1.0 percent of women and 0.4 percent of men are stalked (derived from a sample of 8,000 women and 8,000 men), and assuming that annual rates in Alaska would be similar to annual rates in the U.S., we can estimate that around 2,100 adult women and 900 adult men are stalked in Alaska in a given year (see Table 13). Further NVAWS estimates suggest that nationally 55 percent of female

stalking victims and 48 percent of male stalking victims report to law enforcement. If similar reporting patterns emerged in Alaska, around 1,100 women and over 530 men in Alaska would report a stalking incident in a given year (see Table 14). Alaska's numbers are much lower than those for the rest of the country, something that may be a factor of underreporting by victims or underrecognition by law enforcement.

More accurate estimates of stalking prevalence and reporting patterns will be available only through additional research; nonetheless, even in the absence of this additional research, it is clear that stalking is greatly underreported in Alaska. In 2005, only 17 stalking incidents were reported to the Alaska State Troopers, and statewide from all jurisdictions only 30 stalking cases were referred to the Alaska Department of Law.

The underreporting may be particularly true among Alaska Natives. NVAWS statistics show that "American Indian/Alaska Native women reveal significantly more

stalking victimization than women of other racial and ethnic backgrounds." While 8.2 percent of white women reveal being stalked at some point in their lifetime, 17.0 percent of American Indian/Alaska Native women revealed being stalked at some point in their lifetime. American Indian/Alaska Native women (and men) were the most likely persons to indicate having been stalked at some point in their lifetime—over two times more likely than for whites. This was true for both women and men. (It is important to note that the NVAWS figures do not represent actual reports to law enforcement, but rather self-disclosure of incidents that may or may not have been reported to the police.) By comparison, according to the study, the rates of stalking reported to Alaska State Troopers were 6.6 times higher for white women than for Native women and were 9.1 times higher for White men than for Native men (see Table 15)—rates contradicting national figures. Although these statistical extrapolations are fraught with untested assumptions, it is nonetheless clear that stalking is under-

**Table 13. Annual Estimates of Stalking Incidents in Alaska by Gender (With and Without Anchorage)**

Gender	Alaska (with Anchorage)			Alaska (without Anchorage)		
	Number of adults	Estimated prevalence	95% confidence interval	Number of adults	Estimated prevalence	95% confidence interval
Women	210,104	2,101	1,681 to 2,521	118,645	1,186	949 to 1,424
Men	226,111	904	678 to 1,130	133,158	533	399 to 666
<b>Total</b>	<b>436,215</b>	<b>3,005</b>	<b>2,359 to 3,651</b>	<b>251,803</b>	<b>1,719</b>	<b>1,348 to 2,090</b>

*Source of data:* NVAWS (1998); U.S. Census (2000, SF1)

**Table 14. Annual Estimates of Stalking Reports to Law Enforcement in Alaska by Gender (With and Without Anchorage)**

Gender	Alaska (with Anchorage)			Alaska (without Anchorage)		
	Number of victims	Estimated # of reports	95% confidence interval	Number of victims	Estimated # of reports	95% confidence interval
Women	2,101	1,156	1,071 to 1,240	1,186	652	605 to 700
Men	904	434	371 to 497	533	256	218 to 293
<b>Total</b>	<b>3,005</b>	<b>1,590</b>	<b>1,442 to 1,737</b>	<b>1,719</b>	<b>908</b>	<b>823 to 993</b>

*Source of data:* NVAWS (1998); U.S. Census (2000, SF1)

**Table 15. Number of Adults and Number of Stalking Reports in Alaska by Gender and Race (Without Anchorage)**

Gender	White			Native		
	Number of adults	Number of reports	Rate of reports per 100,000	Number of adults	Number of reports	Rate of reports per 100,000
Women	150,925	165	109.3	150,925	25	16.6
Men	30,554	18	58.9	30,554	2	6.5
<b>Total</b>	<b>167,513</b>	<b>183</b>	<b>109.2</b>	<b>167,513</b>	<b>27</b>	<b>16.1</b>

*Source of data:* U.S. Census (2000, SF1); Alaska State Troopers data (1994-2005)

reported in Alaska, particularly for Alaska Natives.

But, while stalking may be underreported in Alaska, prosecution seems to be somewhat more effective. The Alaska Department of Law secured convictions in the cases accepted more often than occurred nationally: while NVAWS results showed that 54 percent of accepted cases resulted in a conviction, 72 percent of the 51 cases accepted by the Alaska Department of Law between 1999 and 2004 resulted in a conviction.

### **Reporting and Early Intervention**

While we do not have any data on why stalking is so underreported, law enforce-

ment hypothesizes that stalking may be underrecognized by victims. NVAWS statistics show other factors may also come into play. Of the victims that did not report to police, 20 percent believed it was not a police matter, 17 percent believed that police could not help, and 16 percent were afraid of reprisal from the stalker. Of the victims that did report to police, 50 percent were not satisfied with police actions and 46 percent thought that police actions did not improve the situation.

Law enforcement might be trained to capitalize on opportunities for early recognition of stalking patterns. Efforts might also be undertaken to raise public awareness of stalking as a crime and report it as such and to further train law enforcement to recognize

the signs of stalking. This will increase the likelihood that suspects who violate stalking statutes are reported to law enforcement and are appropriately charged.

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