

# Alaska State Legislature

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## Senate Judiciary Committee

### MEMORANDUM

#### *Report and Recommendations: Reducing Sexual Assault in Alaska*

##### *Introduction:*

Alaska has the highest reported rate of sexual assault in the United States. Between 2003 and 2007, Alaska's reported rate of forcible rape was over two and a half times the national average, with Anchorage reports at almost three times the national rate and Fairbanks reports at over five times the national rate. This does not include all sexual assaults in Alaska, since the definition used in the federal reporting system (the Uniform Crime Report) excludes child victims, male victims, and many other forms of sexual assault. Nevertheless, forcible rape is a greater percentage of all violent crimes reported in Alaska than it is nationally, at 12% of all violent crime in Alaska as opposed to 6% of violent crime in the United States on average.

Between 2003 and 2004, the Troopers received 1,184 reports of contact sexual violence cases involving forcible rape, sexual assault, or sexual abuse of a minor. Of those, some 884 were deemed to have occurred and to have an identifiable suspect. The troopers then turned over 449 cases, or about half, to the Department of Law for their screening. Of these, 271 were accepted for prosecution, and some 217 convictions resulted.

During hearings of the Senate Judiciary Committee conducted during 2009, committee members heard testimony as to what Alaska can do to reduce sexual assault and improve rates of prosecution and conviction.

The following issues were discussed:

##### *A. Inadequate and inaccurate data:*

1. The current system for tracking reports of sexual assault is inadequate at best. The Uniform Crime Report (UCR) excludes many kinds of sexual assault, making it

- unreliable, even for reported crimes. Not all police departments in Alaska provide information to the UCR, though they are statutorily required to do so. According to the Department of Public Safety, 41 local police departments failed to file the data needed for the Uniform Crime Report in 2007.
2. Alaska has never done a victimization study (a survey that includes both reported and unreported cases). Because of this, we do not know if Alaska's rates of sexual assault are higher, or the rate at which reports are made are higher, or both. So, for example, Fairbanks may have a very high rate of sexual violence, or it may be that citizens are simply more likely to report that violence, or it may be that both these things are true. Nationwide, it is estimated that 52% of sexual assaults are not reported to law enforcement. Without a victimization study, there is no way to know if this is also the case in Alaska.
  3. Finally, the statistics that are available, largely collected through studies done by the Justice Center of the University of Alaska, show differences in the groups that are most likely to be victimized in various regions. For instance, a review of Alaska State Trooper cases showed that 94% reports are of victims who were 15 years of age or younger, while 73% of reports coming to the Anchorage Police Department are from victims aged 18 and older.

*Recommendations:*

- *The legislature should fund a victimization survey to determine the actual rate of both reported and unreported sexual assaults in Alaska. This survey should be large enough to look at the state by region, so that programs and policies can be tailored to be most effective.*
- *Legislation should be enacted requiring the Department of Public Safety to collect annual statistics on reported sexual assault in Alaska as defined in state law. This legislation should require local police department participation.*
- *A data system should be developed to track sexual assaults from report to conviction. This will require interagency cooperation and so should be addressed by a group such as MAJIC or the Criminal Justice Working Group.*

*B. Certain resources have a disproportionate and positive impact on cases being accepted for prosecution, yet for the most part no consistent state policy has been implemented to ensure that these best practices are followed.*

1. UAA Justice Center studies show that certain factors increase the likelihood of prosecution and conviction. These include the presence of a Village Public Safety Officer (VPSO), a Village Police Officer or Tribal Police Officer for crimes in villages. In State Trooper cases where a VPSO was available, rates of serious assault went down by 40% and the likelihood of the case being accepted for prosecution went up by three and a half times.
2. When victims received a medical-forensic exam, it more than doubled the likelihood that their case was accepted for prosecution. Documentation of non-genital injury was particularly important in the eventual decision to prosecute a case. However, of the 15 Sexual Assault Nurse Examiner programs that have been instituted in Alaska, only 4 are currently active.
3. In cases where witnesses were located and interviewed, and where appropriate investigative follow-up and victim support was done, the likelihood of prosecution increased by more than three times.
4. Finally, DNA evidence is becoming increasingly critical to sexual assault prosecutions and testimony indicated that there are significant delays and backlogs in getting this evidence processed in a timely way.

*Recommendations:*

- *The legislature should continue to increase the number of villages with local law enforcement through the VPSO program.*
- *The legislature should consider grant funding for local hospitals to provide qualified Sexual Assault Nurse Examiners and to support the cost of existing programs. In addition, a pilot project which looks at the use of telemedicine in extending SANE services to rural communities without SANE nurses should be explored.*
- *Law enforcement agencies should prioritize sexual assault investigations so that investigators have the time to contact potential witnesses, work with victims, and collect any other evidence that may be available in these cases.*
- *The legislature and the Department of Public Safety must address the needs of the State Crime lab and look at methods to process DNA evidence in a timely way.*

*C. Alcohol use is significantly associated with sexual assault.*

1. In a study of Anchorage Police Department cases, over 60% of victims and 70% of suspects had used alcohol just prior to or at the time of the assault. Similar statistics were also found in a study of cases in Alaska's Sexual Assault Nurse Examiner (SANE) program. In Trooper cases, where the victims tended overwhelmingly to be children, the victim use was 27% and suspect use was 42%. In addition, significant numbers of victims report having consumed alcohol to the point of incapacitation (e.g., Anchorage 23%; Fairbanks 31%). This both increases the vulnerability of the victim to an assault and can make cases more difficult to prosecute.

2. The UAA Justice Center reports that rates of serious injury from assault are 36% lower in dry villages and, further, that cases involving alcohol use are less likely to be referred for prosecution and are less likely to be accepted for prosecution when they are referred.

*Recommendations:*

- *Alaska should continue to support programs and policies that reduce alcohol consumption*
- *Education efforts in sexual assault awareness and prevention should specifically address alcohol use and its potential adverse effects on personal safety.*

*D. Ongoing efforts to reduce recidivism by known sex offenders is critically important.*

1. In a 1988 study (Abel, et al), of offenders who participated and who admitted to child molestations and rapes, 97% were never arrested for these crimes. The lag time for detection of sex offenders ranges from between 6 years to 16 years according to various national studies.

2. Nationally, almost 45% of prisoners serving time for rape or sexual assault committed their crime while on probation or parole.

*Recommendations:*

- *Alaska should continue to fund and expand its sex offender management programs, particularly the current Containment Model, which utilizes offender polygraphs but in prison and on probation.*
- *Alaska's Internet Crimes Against Children Task Force, which locates offenders who are looking for victims using the internet, should be expanded. This program has resulted in arrests and convictions of adults who would otherwise have offended against children.*

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The Senate Judiciary Committee would like to thank the many experts who provided their time and knowledge to the committee during these hearings. The committee particularly acknowledges the work done by the UAA Justice Center, which has provided vital leadership in its research regarding violence against women in Alaska.

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