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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 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

Please see **Case attrition**, page 18

### Sexual Crime

This issue of the *Alaska Justice Forum* is devoted primarily to issues related to sexual crime in Alaska. Reported figures indicate that Alaska consistently has an exceptionally high rate of sexual assault. According to *Crime in the United States, 2006*, the annual FBI compilation of crime statistics, Alaska had a rate of reported forcible rape of 76 per 100,000 in the population—over twice the national rate of 30.9.

Sexual crime is treated very differently than it was twenty years ago. There is more open discussion of the problem; criminal punishment for offenders has become increasingly severe; and the needs of victims receive more attention.

Because reports of sexual crimes tend to inflame emotions, it is important to ground public discussion in what is actually known about the crimes, the victims, the offenders, and law enforcement and prosecution efforts. The overall rates of reported sexual assault have been available for years through figures maintained by the FBI and various local police agencies. Now, as a result of research conducted over the last several years by the Justice Center and other agencies, a more detailed picture of the nature of the problem is beginning to emerge.

The articles in this issue focus on various aspects of the problem of sexual assault—the nature of the crime, victims and suspects; case prosecution; offender recidivism; public safety and rehabilitation.

"Case Attrition of Sexual Violence Offense Reported to the Alaska State Troopers" looks at case processing of sexual assault cases in rural villages.

"Sexual Assaults Reported to Alaska State Troopers" provides a description of the sexual assault problem in communities served by the Alaska State Troopers, as well as some data on case processing.

"Sexual Assault Nurse Examinations in Alaska" presents the results of a project conducted by the Justice Center and Forensic Nurse Services. The project used information from sexual assault nurse examinations to investigate how a victim's condition at the time of an assault—intoxicated or sober—might be related to injuries sustained during the assault and what relation the presence or absence of injuries bore to the prosecution of the case. In addition, the article presents descriptive details of the assault cases contained in the study sample, which included cases from across the state—Anchorage, Fairbanks, Bethel, Kodiak, Kotzebue, Nome, Soldotna, and Homer.

A brief analysis of sex offender recidivism conducted through the Alaska Justice Statistical Analysis Center of the Justice Center appears in "Recidivism of Alaska Sex Offenders Released from Corrections Facilities in 2001."

"Revisiting Alaska's Sex Offender Registration and Public Notification Statute" provides a look at the parameters of one of the most prominent tools for addressing the problem of sexual assault—the sex offender registry.

Finally, a bibliography lists additional studies and articles that deal with the issue. Many of these earlier pieces provide data on the problem as it manifests itself in Anchorage. Most are available on-line.

## 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 counterproductive. 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 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

### 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/>.

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 disserve the community in

## Registration

(continued from page 3)

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



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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.

*Deborah Periman is an assistant professor with the Justice Center.*

## **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.

## **ECCA Symposium**

More than fifty leading international scholars in the fields of environmental criminology, situational crime prevention, and problem-oriented policing met at UAA on July 23-26, 2008 for the 17th Environmental Criminology and Crime Analysis (ECCA) Symposium. The Justice Center hosted the conference with support from the Office of the Chancellor. The participants came from the United States, Canada, South Africa, Australia, England, and Norway, and were joined by faculty and students from UAA and members of the Anchorage Police Department's Community Action Policing Team. UAA Chancellor Fran Ulmer and Anchorage Police Chief Rob Heun gave warm welcomes to the participants on the opening day.

ECCA meets every year in a different country (most recently in Turkey, England, Chile, Canada and New Zealand) to discuss developments in theory and analytical techniques, such as crime mapping, and advancements in policing and crime

prevention practice. Papers presented at the UAA symposium addressed issues such as the spatial displacement that occurs when illegal drug markets are closed down; the geospatial structure of terrorist cells; the geography of identity theft; effective place management in institutional settings; deterrence and fare evasion on public transportation; and the emergence of copper theft. The symposium organizers were Dr. Sharon Chamard from the UAA Justice Center and Dr. Rashi Shukla from the University of Central Oklahoma.

## **Justice Center Departure**

John Riley has joined the University of Alaska Anchorage Department of Sociology, where he will serve as chair. Riley was a faculty member with the Justice Center from 1996 to 2008.

## 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 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 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

**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)

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.

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

**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 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)

**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>	

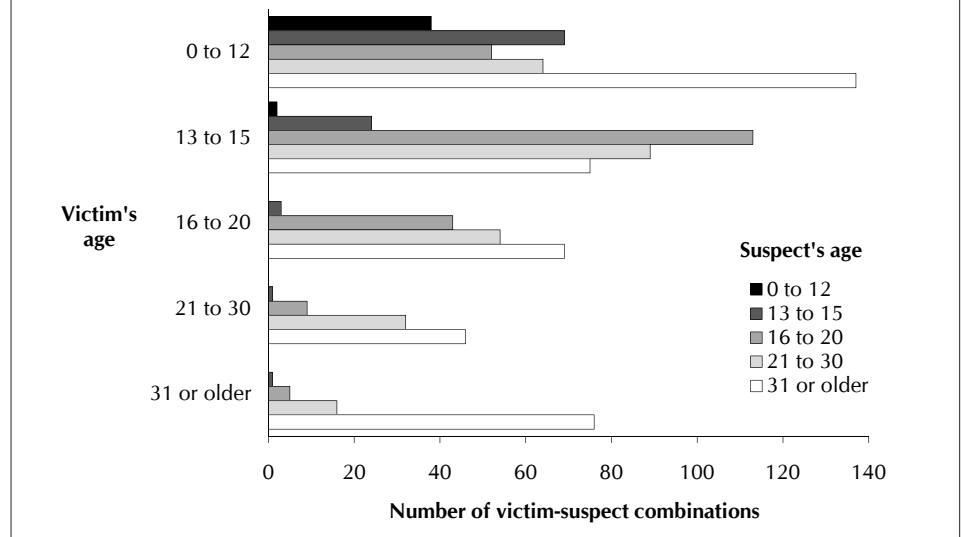
Source of data: AST data (2003–2004)

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, 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

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



victims, 27 percent had used alcohol and 5 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 to 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,

Please see Reports to AST, page 8

**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)

**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)

### Reports to AST (continued from page 7)

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

**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)

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

Physical evidence from the victim (e.g.,

**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 %	<b>765</b>
Penile penetration of victim's vagina	582	60.1	387	39.9	<b>969</b>
Touching of victim's breasts	483	65.0	260	35.0	<b>743</b>
Kissing	563	70.9	231	29.1	<b>794</b>
Digital penetration of victim's vagina	597	75.3	196	24.7	<b>793</b>
Touching of penis (suspect's or victim's)	714	85.6	120	14.4	<b>834</b>
Touching of victim's anus	626	86.1	101	13.9	<b>727</b>
Victim performed oral sex on suspect	759	86.9	114	13.1	<b>873</b>
Suspect performed oral sex on victim	736	88.0	100	12.0	<b>836</b>
Penile penetration of victim's anus	786	91.7	71	8.3	<b>857</b>
Digital penetration of victim's anus	816	97.4	22	2.6	<b>838</b>

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 %	<b>921</b>
Victim sexual assault evidence collection kit	733	79.9	184	20.1	<b>917</b>
Physical evidence from scene	796	84.1	150	15.9	<b>946</b>
Physical evidence from suspect	820	87.0	122	13.0	<b>942</b>
Photographs of scene	797	87.3	116	12.7	<b>913</b>
Suspect sexual assault evidence collection kit	874	92.9	67	7.1	<b>941</b>
DNA forensic exams	827	85.6	139	14.4	<b>966</b>
Trace/latent forensic exams	944	97.7	22	2.3	<b>966</b>
Computer forensic exams	942	97.5	24	2.5	<b>966</b>

Source of data: AST data (2003–2004)



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

Row percentages.

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

*Source of data:* AST data (2003–2004)

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 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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**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

# Sexual Assault Nurse Examinations in Alaska

*André B. Rosay and Tara Henry*

Sexual assault nurse examinations are now very important in responding to sexual assaults—both in treating victims and in collecting forensic evidence. Because the presence of genital injury can be a factor in the prosecution of a sexual assault case, a recent Justice Center study conducted in conjunction with Forensic Nurse Services looked at the relationship between a patient’s condition at the time of an assault and the time elapsed between the assault and its report and the presence or absence of genital injury. The study also examined the effect of the presence of genital injury on legal case resolutions and assembled descriptive data on a broad sample of cases handled under the Sexual Assault Response Team (SART) protocol.

The Sexual Assault Response Team includes a law enforcement official, a sexual assault nurse examiner (SANE), and a victim advocate who work together to assess and treat injuries, to document the crime and gather forensic evidence and to assist the victim in handling the physical, psychological and emotional effects of the assault. The group does not work on all sexual assault cases. If law enforcement determines that it would be worthwhile to conduct a medical/forensic examination, SART is called into action. In general this determination is based on the need for medical attention, the likelihood of collecting forensic evidence, and minimum legal requirements of proof.

The Justice Center study sample included sexual assault nurse examinations conducted in Anchorage from 1996 to 2004, in Bethel and Fairbanks from 2005 and 2006, and in Homer, Kodiak, Kotzebue, Nome, and Soldotna in 2005.

The study was not an evaluation of sexual assault nurse examiner programs in Alaska, of police investigative strategies, or of prosecutorial success; instead, its goals were to examine the predictors of genital injury and the effect of the presence of genital injury on legal resolutions. There were several other key limitations to this study. The cases included in this study were not representative of all sexual assault cases; cases that were not reported to law enforcement and reported cases that were not referred to a sexual assault nurse examiner were not included. Data were based only on information reported by the patient and on observations, physical assessments and laboratory tests performed by the

**Table 1. Demographic Characteristics of Patients and Suspects**

Column percentages.

	Patients		Suspects		% of patients in intra-racial assaults
	N	%	N	%	
<b>Race and ethnicity</b>					
White	268	32.6 %	263	34.5 %	57.4 %
Native	476	57.8	285	37.4	56.7
Black	34	4.1	151	19.8	68.8
Hispanic	18	2.2	42	5.5	33.3
Asian	9	1.1	13	1.7	37.5
Pacific Islander	18	2.2	9	1.2	16.7
<b>Total</b>	<b>823</b>		<b>763</b>		
<b>Age</b>					
10 to 19	223	28.2 %	70	11.4 %	
20 to 29	241	30.4	220	35.7	
30 to 39	172	21.7	167	27.1	
40 to 49	122	15.4	106	17.2	
50 to 59	34	4.3	41	6.7	
60 or over	0	0.0	12	1.9	
<b>Total</b>	<b>792</b>		<b>616</b>		

Source of data: Alaska SANE data

sexual assault nurse examiner.

## Descriptive Results

The sample described here included 813 cases—female patients between the ages of 12 to 69 who reported a completed, non-consensual, and substantiated assault committed by a single suspect. In this sample,

## Anonymous Reporting and Forensic Examinations

The 2005 Violence Against Women and Department of Justice Reauthorization Act specifies that states may no longer “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursed for charges incurred on account of such an exam, or both.” This reauthorization now specifies that states must provide access to forensic medical examinations by a trained examiner free of charge (or with full reimbursement), regardless of whether victims decide to cooperate with law enforcement. In Alaska, a “trained examiner” is defined as a Registered Nurse (RN), Nurse Practitioner (NP), Physician Assistant (PA), or medical doctor (MD) who has completed a 40-hour training on sexual assault. The training should meet the education guidelines established by the National Training Standards for Sexual Assault Medical Forensic Examiners (U.S. Department of Justice, 2006) and the Sexual Assault Nurse Examiner Education Guidelines (International Association of Forensic Nurses, 2008). The SART/SANE training offered in Alaska meets these national training standards and education guidelines.

Failure to comply with this reauthorization by January 5, 2009, would cause Alaska to be ineligible for STOP Violence Against Women Formula Grants Program funds. In 2007, the Alaska

Department of Public Safety Council on Domestic Violence and Sexual Assault received \$5,678,912 from this program—36 percent of the total grant funding received by the state in 2007 from the Office on Violence Against Women (OVW).

In an effort to maintain vital OVW funding and to strengthen the justice system’s response to victims of sexual assault, the State of Alaska is considering implementing an anonymous reporting system for adult victims of sexual assault by January 2009. This new system would allow victims to receive a forensic medical exam without reporting the incident to police. The OVW certification does not require that states offer anonymous reporting. It only requires that victims of sexual assault be able to obtain a no-cost forensic sexual assault exam, even if they choose not to report the crime to police or otherwise cooperate with the criminal justice system or law enforcement.

This reauthorization was designed to maximize access to forensic medical examinations for victims without initially requiring them to cooperate with law enforcement. An anonymous reporting system would allow victims time to decide whether they wish to report their victimizations, while ensuring that emergency medical care is still provided in a timely manner and that forensic evidence is collected while it is still available.

**Table 2. Relationship Between Suspects and Patients**

Column percentages.

Relationship	Suspects		
	N	%	% of non-stranger
Stranger	110	13.8 %	
Friend/acquaintance (> 24 hrs)	335	42.1	48.8 %
Acquaintance (< 24 hrs)	17	2.1	2.5
Acquaintance (< 12 hrs)	181	22.7	26.4
Current spouse	12	1.5	1.7
Former spouse	7	0.9	1.0
Current partner	28	3.5	4.1
Former partner	38	4.8	5.5
Relative	58	7.3	8.5
Authority figure	10	1.3	1.5
<b>Total</b>	<b>796</b>		

Source of data: Alaska SANE data

**Table 3. Location of Initial Contact and Assault**

Column percentages.

Location	Initial contacts		Assaults	
	N	%	N	%
Outdoors	150	19.1 %	73	9.1 %
Work	5	0.6	1	0.1
Vehicle	23	2.9	99	12.4
Patient's house	138	17.6	166	20.8
Suspect's house	97	12.4	184	23.1
Patient and suspect's house	25	3.2	26	3.3
Other's house	138	17.6	142	17.8
Hotel	49	6.2	73	9.1
Bar	114	14.5	1	0.1
Other indoor location	46	5.9	33	4.1
<b>Total</b>	<b>785</b>		<b>798</b>	

Source of data: Alaska SANE data

99.9 percent of suspects were male (only one was female). Most patients (92%) and most suspects (72%) were either White or Native. In general, the percentage of patients was close to the percentage of suspects for each racial or ethnic group and, overall, intra-racial assaults were more common than inter-racial, although Hispanic, Asian, and Pacific Islander patients were more likely to have been victims of inter-racial assaults (Table 1).

At the time of the report, 59 percent of patients were under 30 years of age (Table 1). Suspects were generally older than patients, with 53 percent of suspects being 30 years of age or older (versus 41% of patients).

As shown in Table 2, in a major percentage of cases—86 percent—suspects were known to the victims. Most assaults initiated and occurred in private residences, with 51 percent of assaults initiating in the patient's house, the suspect's house, the patient and suspect's house, or another's house, and 65 percent of assaults occurring in one of these (Table 3). Other common locations for initial contacts were the outdoors (for 19% of assaults) and bars (for 15% of assaults). Fewer assaults actually occurred in these types of locations (9% of assaults occurred outdoors and only one assault, less than one percent, occurred in a bar).

Alcohol use was frequent among both suspects and patients, with 86 percent of suspects and 75 percent of patients using alcohol. Drug use was less frequent, with 17 percent of suspects and 14 percent of patients using drugs. Levels of alcohol use among patients were often quite high. Table 4 presents information on the patient's condition at the time of the assault. Almost a third of the patients (32%) indicated that they were passed out at the time of the assault; 73 percent indicated that they were alcohol intoxicated; and 11 percent indicated that they

were drug intoxicated. Only 23 percent of patients indicated that they were sober at the time of the assault. These percentages were derived from information reported by the patients. When the investigators reviewed all evidence within each report, similar estimates were obtained, with 22 percent of patients sober at the time of the assault, 42 percent intoxicated but awake, and 36 percent incapacitated (i.e., unconscious or passed out).

A total of 17 types of sex acts were recorded, as reported by patients (Table 5). Patients may not always know or remember the

details of the assault. The most common sexual act reported was penile penetration of the vagina—reported by 90 percent of patients. These would be aggravated offenses meeting the legal requirements for

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**Table 4. Patient Condition at Time of Assault**

Row percentages.

Condition	No		Yes		Total
	N	%	N	%	
Alcohol intoxicated	223	27.4 %	590	72.6 %	<b>813</b>
Drug intoxicated	727	89.4	86	10.6	<b>813</b>
Sober	626	77.0	187	23.0	<b>813</b>
Sleeping	787	96.8	26	3.2	<b>813</b>
Passed out / blacked out	555	68.3	257	31.7	<b>812</b>
Unconscious from trauma	807	99.3	6	0.7	<b>813</b>

Source of data: Alaska SANE data

**Table 5. Sex Acts Reported**

Row percentages.

Sex act	No		Yes or attempted	
	N	%	N	%
Kissing	208	37.5 %	346	62.5 %
Touching breast	209	41.3	297	58.7
Touching vagina	198	38.0	323	62.0
Touching penis	520	91.9	46	8.1
Touching anus	478	88.8	60	11.2
Oral copulation of patient genitals	413	75.0	138	25.0
Oral copulation of suspect genitals	501	80.8	119	19.2
Oral copulation of patient anus	543	97.7	13	2.3
Oral copulation of suspect anus	617	100.0	0	0.0
Masturbation of patient	524	93.2	38	6.8
Masturbation of suspect	580	93.7	39	6.3
Penetration of vagina by finger	261	52.0	241	48.0
Penetration of vagina by penis	61	9.8	561	90.2
Penetration of vagina by object	546	97.7	13	2.3
Penetration of anus by finger	511	90.8	52	9.2
Penetration of anus by penis	469	81.1	109	18.9
Penetration of anus by object	578	99.7	2	0.3

Source of data: Alaska SANE data

**SANE**

(continued from page 11)

sexual assault in the first, second, or third degree (or sexual abuse of a minor in the first, second, or third degree), all punishable as felonies (Unclassified, Class B, or Class C). (In general, any form of penetration or attempted penetration, defined by Alaska Statute § 11.81.900 as “genital intercourse, cunnilingus, fellatio, anal intercourse, or an intrusion, however slight, of an object or any part of a person’s body into the genital or anal opening of another person’s body” is a felony.) The vast majority of assaults were serious enough to be punishable as felonies.

Very detailed information was collected on both genital and non-genital injuries of the patients. Only a summary of this information is presented here. Non-genital injuries were found for 55 percent of patients and genital injuries were found for 43 percent of patients. On average, patients had 2.0 non-genital and 1.4 genital injuries. The most common types of non-genital injuries included bruising and abrasions, with the most common sites being legs and arms. The most common types of genital injuries included lacerations, followed by abrasions and bruising.

Over half of the patients reported the assault within 12 hours (Table 6). More specifically, 13 percent reported within two hours, 33 percent reported within four hours, 58 percent reported within 12 hours, 78 percent reported within 24 hours, and 95

percent reported within three days.

Of the 813 reports included in this sample, 263 (32%) were referred to the Alaska Department of Law for prosecution (Table 7). Of these, 175 were accepted for prosecution and 140 of those cases accepted for prosecution resulted in a conviction. Once referred for prosecution, cases had a high likelihood of getting accepted (67%) and, once accepted, cases had a high likelihood of resulting in a conviction (80%). Overall, 32 percent of reported cases were referred, 22 percent were accepted, and 17 percent resulted in a conviction.

**Correlates of Genital Injury**

To achieve a greater understanding of the factors that influence the risk of genital injury and to assist sexual assault nurse examiners in forming evidence-based opinions regarding the presence and absence of genital injury, we identified two key factors that could affect genital injury—the patient’s condition at the time of the assault (i.e., whether the patient was sober, intoxicated, or incapacitated) and the time elapsed from assault to report (Table 8). A victim’s use of alcohol may significantly lower the risk of genital injury as it may lower the amount of force used during the assault. If so, this can explain why genital injuries may not be visible. Time elapsed from assault to report is important because genital injuries may heal over time, again lowering the probability of a successful prosecution. In general, time elapsed from assault to report hinders the collection of forensic samples and the administration of sexual assault health care (e.g., prophylaxis medication or emergency contraception).

Contrary to expectations, however, patient condition at the time of the assault did not significantly impact genital injury—either the presence of injury or the frequency of injury. Injuries were present for 43 percent of sober patients, 47 percent of intoxicated patients, and 40 percent of inca-

pacitated patients. Although incapacitated patients were the least likely to have genital injuries, the difference was not statistically significant. Similarly, the time elapsed from assault to report did not significantly impact the presence of genital injury.

Although the patient’s condition at the time of the assault and the time elapsed from assault to report did not impact genital injury, for this study sample nine other factors were found to significantly predict the presence of genital injury. Final results showed that genital injury was significantly more likely to be present if the case was one reported before 2003; if the patient did not engage in consensual sexual activity within 96 hours prior to the assault; if the assault included vaginal penetration; if ejaculation had not occurred during the assault; if the examination included an anoscope exam; if an alternative light source was used during examination; if the patient required a genital follow-up exam; if the patient also had non-genital injuries; and if the patient was emotionally expressive at some point during the interview/examination process.

Eight factors were significantly related to the frequency of genital injury. The number of genital injuries was significantly higher for cases from before 2003; for patients between the ages of 12 and 17 (rather than 18 to 49); for cases in which the assault included vaginal penetration; for cases in which an anoscope examination was performed; for patients requiring a genital follow-up exam; for patients who also had non-genital injuries; and for patients who were emotionally expressive at any time during the interview/examination process.

The clinical relevance of these findings is not completely clear. For example, it is unclear how engaging in consensual sexual activity within 96 hours prior to the assault would decrease the presence of genital injury. The genitalia of sexually active women may show tissue differences from those of less sexually active women, but additional research is needed to explore these potential explanations. Similarly, it is unclear why

**Table 6. Time Elapsed Between Assault and Report**

Column percentages.

Time	Patients		
	N	%	Cumulative %
<2 hours	103	12.7 %	12.7 %
2 to <4 hours	167	20.5	33.2
4 to <12 hours	200	24.6	57.8
12 to <24 hours	160	19.7	77.5
1 to <3 days	143	17.6	95.1
3 days or more	40	4.9	100.0
<b>Total</b>	<b>813</b>		

Source of data: Alaska SANE data

**Table 7. Legal Resolutions by Stage**

Stage	N	% of reported	% of referred	% of accepted
Reported	813	100.0 %		
Referred	263	32.3	100.0 %	
Accepted	175	21.5	66.5	100.0 %
Convicted	140	17.2	53.2	80.0

Source of data: Alaska Department of Law

**Table 8. Genital Injury by Patient Condition at Time of Assault and by Time from Assault to Report**

	Presence of injury		Frequency of injury	
	% with no injury	% with injury	Mean	Standard deviation
<b>Patient condition at time of assault</b>				
Sober	57 %	43 %	1.52	2.95
Intoxicated	53	47	1.46	2.32
Incapacitated	60	40	1.14	2.00
<b>Time from assault to report</b>				
Less than 24 hours	43 %	57 %	1.36	2.26
24 hours or more	44	56	1.36	2.73

Source of data: Alaska SANE data

ejaculation would decrease the presence of genital injury. Suspects who are unable to ejaculate may use more force or may engage in additional sexual acts. Some of these effects likely capture unmeasured or unidentified factors that are related to the acuity of the sexual assaults. As the sexual assaults become more acute, the presence and frequency of genital injury also increase. It is noteworthy that when patients suffered non-genital injuries (an indicator of acuity), they were significantly more likely also to have genital injuries and had significantly more genital injuries. Other unmeasured factors that may raise the acuity of the sexual assault include suspect sexual dysfunctions, which may be exacerbated by alcohol use. This again may result in increased force and in multiple sex acts, also affecting the presence and frequency of genital injury. Additional research is needed to examine the validity of these explanations.

### Effect of Genital Injury on Legal Resolutions

The second goal of this analysis was to examine the extent to which the presence of genital injury impacted the likelihood that cases would be referred for prosecution, accepted for prosecution, and result in a conviction. Most of the prior research suggests that effective prosecutions of sexual assault offenders are indeed difficult in the absence of genital trauma. Our findings, however, showed no relationship between genital injury and legal resolutions (Table 9). Although the presence of genital injury slightly increased the likelihood that a reported case would be referred for prosecution, slightly increased the likelihood that a referred case would be accepted for prosecution, and slightly decreased the likelihood that an accepted case would result in a conviction, none of the effects were large enough to be statistically significant. Similarly, although the number of genital injuries was slightly higher in referred cases than in non-referred cases, slightly higher in accepted cases than in non-accepted cases, and slightly lower in convicted cases than in non-convicted cases, none of these effects were statistically significant. Overall, genital injury had no effect on legal resolutions.

Instead, five other factors were found to significantly impact the likelihood that a reported case would be referred for prosecution. The odds of referring a case for prosecution were significantly larger if the case was referred by the Alaska State Troopers; if the patient was not disabled; if an alternative light source was used during the examination; and if suspect identity was known. In addition, the odds of referring a

**Table 9. Legal Resolutions by Presence of Genital Injury**

Genital injury	813 reported cases		263 referred cases		175 accepted cases	
	% not referred	% referred	% not accepted	% accepted	% not convicted	% convicted
Absent	69 %	31 %	35 %	65 %	19 %	81 %
Present	65	35	31	69	21	79

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

case for prosecution increased as the number of non-genital injuries increased.

Three factors were found to significantly impact the likelihood that a referred case would be accepted for prosecution. The odds of referred cases being accepted for prosecution were significantly larger in cases with sober patients than in cases with intoxicated patients and in cases without masturbation. The odds of referred cases being accepted for prosecution were also significantly greater if the patient received a genital follow-up exam.

Finally, two factors were found to significantly impact the likelihood that an accepted case would result in a conviction. The odds of an accepted case resulting in a conviction were significantly greater if the patient did not test positive for a sexually transmitted infection or another genital infection and if the assault was intra-racial rather than inter-racial.

Many of the factors that predicted legal resolutions were evidentiary factors. A separate study completed by the Justice Center with the Alaska State Troopers revealed that evidentiary factors were the most important reasons for not accepting charges that had been referred. (See “Sexual Assaults Reported to Alaska State Troopers” in this issue.) The most obvious was whether the suspect’s identity was known. For obvious reasons, cases were more likely to be referred for prosecution if the suspect’s identity was known—that is, cases were less likely to be referred as the difficulty of the investigation increased. Nevertheless, while cases were more likely to be referred when the suspect’s identity was known, 16 percent of the cases without a known suspect identity were referred for prosecution. Exploring these cases further may provide insights for successful investigations.

Other factors that may increase the difficulty of the investigation or the collection of evidentiary factors include disabilities and intoxication. Cases with disabled patients are often significantly more difficult to investigate because of cognitive, psychiatric, or physical impairments. Cases with intoxicated patients are more difficult to investigate because patients may not recall all of the details of the assault. Memory and ability to provide information may be

impaired due to intoxication. In addition, intoxication may involve blame and undermine believability. Additional research is necessary to determine how best to overcome such evidentiary limitations.

Finally, it is also important to examine the impact of non-genital injuries (recall that non-genital injuries were correlated with genital injuries). Cases were more likely to be referred for prosecution as the number of non-genital injuries increased. Non-genital injuries are an important evidentiary factor for prosecution because they may be perceived as better evidence that a sexual assault occurred than genital injuries. While consensual sexual activity can cause genital injuries, it rarely causes non-genital injuries. It is therefore more difficult for defense attorneys to argue that the sexual activity was consensual when non-genital injuries are documented.

A valid legal resolution can be an important component, although not the only one, in the healing of victims of sexual assault. Facilitating the legal process in sexual assault cases is one of the goals of sexual assault nurse examinations and the Sexual Assault Response Team. The research presented here provides a more nuanced understanding of the nature of the forensic evidence and its impact on the prosecution of cases. However, we must not forget that sexual assault nurse examiners have multiple roles; their key goal is not to secure successful legal resolutions. Instead, their key goal is to provide competent and compassionate nursing care that promotes healing of the patient’s physical, psychological, social, and spiritual health. There is no doubt that this goal is better achieved, now that we have trained sexual assault nurse examiners available.

*André B. Rosay is an Associate Professor and the Interim Director of the Justice Center. Tara Henry is President of Forensic Nurse Services. The project was funded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice (Grant No. 2004-WB-GX-0003). 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.*

# Recidivism of Alaska Sex Offenders

Alan R. McKelvie

A recent study of sexual offenders released from incarceration in Alaska shows that for the three years after the offenders left prison in 2001, the rates of recidivism for sexual offenders were, by most measures, no higher than for offenders in general. The study, which was done by the Alaska Justice Statistical Analysis Center, a subdivision of the Justice Center, compared recidivism for sexual offenders released from prison in 2001 with a random sample of non-sex offenders also released in 2001. The analysis used the three measures most commonly used to determine recidivism: incidents of remand to custody, rearrest, and reconviction on any new offense. The results are similar to those found in an earlier study done by the Alaska Judicial Council. (See *Alaska Felony Process: 1999*, Alaska Judicial Council, 2004.)

The following analysis is based on data from the Departments of Corrections and Public Safety and the Alaska Court System. The Alaska Department of Corrections released 232 male sex offenders in 2001. This analysis focuses on offender recidivism over

the three-year period following release. Recidivism is calculated for *remand*—reentry to prison as a result of probation/parole/technical violations, *rearrest*, or *reconviction* for any type of crime. Overall recidivism rates and frequencies for all sex offenders and for a randomly sampled cohort of other types of offenders also released in 2001 are presented. Also given are rates according to the types of sexual offense involved in the original conviction: *sexual assault* or *sexual abuse of a minor*.

Overall, during the three-year period, 70 percent of all offenders were remanded (68% of sex offenders and 72% of non-sex offenders), 61 percent were rearrested (54% of sex offenders and 68% of non-sex offenders), and 40 percent were convicted on some charge (39% of sex offenders and 35% of non-sex offenders).

For the categories of sex offense, 63 percent of those convicted of sexual abuse of a minor were remanded, 50 percent were rearrested and 36 percent were convicted of another offense—although not necessarily a sexual offense. For offenders convicted of sexual assault, the rates were 79 percent, 63

percent, and 45 percent respectively.

In the case of rearrest for a new sex offense, there was a slight but statistically insignificant difference between the sex offender group—3.4 percent—and the non-sex offender group—1.3 percent.

## Methodology

The Alaska Department of Corrections (DOC) provided the Alaska Justice Statistical Analysis Center (SAC) with a data set of all releases from DOC facilities in 2001. SAC personnel filtered the set for state statutes that identify a sexual offense and require registration on the state's sex offender registry. Once the sex offenders were identified, an equivalent number of offenders from the remaining pool were randomly sampled to provide a comparison group. Current and past information on status, movements, court cases, etc. involving the offender was also obtained from DOC.

The Alaska Department of Public Safety (DPS) provided the SAC with criminal histories for the sampled offenders and the Alaska Court System provided record ac-

**Table 1. Sex Offenders and Randomized Sample of Other Offenders Released in 2001, by Race**

	Sex offenders						Non-sex offenders		Total for all offenders	
	Sexual assault		Sexual abuse of a minor		Total sex offenders		N	%	N	%
	N	%	N	%	N	%				
Alaska Native	40	56.3 %	73	45.3 %	<b>113</b>	<b>48.7 %</b>	101	43.5 %	<b>214</b>	<b>46.1 %</b>
White	15	21.1	59	36.6	<b>74</b>	<b>31.9</b>	106	45.7	<b>180</b>	<b>38.8</b>
Indian	6	8.5	15	9.3	<b>21</b>	<b>9.1</b>	3	1.3	<b>24</b>	<b>5.2</b>
Black	6	8.5	4	2.5	<b>10</b>	<b>4.3</b>	18	7.8	<b>28</b>	<b>6.0</b>
Hispanic	0	0.0	2	1.2	<b>2</b>	<b>0.9</b>	3	1.3	<b>5</b>	<b>1.1</b>
Other	4	5.6	8	5.0	<b>12</b>	<b>5.2</b>	1	0.4	<b>13</b>	<b>2.8</b>
<b>Total</b>	<b>71</b>		<b>161</b>		<b>232</b>		<b>232</b>		<b>464</b>	

**Table 2. Age and Priors for Sex Offenders and Randomized Sample of Other Offenders Released in 2001**

	Sex offenders						Non-sex offenders		Total for all offenders	
	Sexual assault		Sexual abuse of a minor		Total for sex offenders		N	Mean	N	Mean
	N	Mean	N	Mean	N	Mean				
Age	71	33.9	161	34.9	<b>232</b>	<b>34.6</b>	232	40.9	<b>464</b>	<b>37.7</b>
Prior arrests	71	10.7	159	8.7	<b>230</b>	<b>9.3</b>	232	21.6	<b>462</b>	<b>15.5</b>
Prior convictions	69	7.4	155	5.9	<b>224</b>	<b>6.4</b>	232	14.9	<b>456</b>	<b>10.7</b>
Prior sex arrests	64	1.6	157	1.7	<b>221</b>	<b>1.7</b>	63	1.3	<b>284</b>	<b>1.6</b>
Prior sex convictions	48	1.6	116	1.5	<b>164</b>	<b>1.5</b>	47	1.3	<b>211</b>	<b>1.5</b>
<b>Total</b>	<b>323</b>		<b>748</b>		<b>1,071</b>		<b>806</b>		<b>1,877</b>	

**Table 3. Remands, Arrests, and Convictions for Sex Offenders and Randomized Sample of Other Offenders Released in 2001**

	Sex offenders						Non-sex offenders		Total for all offenders	
	Sexual assault N = 71		Sexual abuse of a minor N = 161		Total for sex offenders N = 232		N = 232		N = 464	
	N	%	N	%	N	%	N	%	N	%
<b>Remands</b>										
Remanded	56	78.9 %	102	63.4 %	<b>158</b>	<b>68.1 %</b>	166	71.6 %	<b>324</b>	<b>69.8 %</b>
Not remanded	15	21.1	59	36.6	<b>74</b>	<b>31.9</b>	66	28.4	<b>140</b>	<b>30.2</b>
<b>Arrests</b>										
Arrested	45	63.4 %	80	49.7 %	<b>125</b>	<b>53.9 %</b>	157	67.7 %	<b>282</b>	<b>60.8 %</b>
Not arrested	26	36.6	81	50.3	<b>107</b>	<b>46.1</b>	75	32.3	<b>182</b>	<b>39.2</b>
<b>Convictions</b>										
Convicted	32	45.1 %	58	36.0 %	<b>90</b>	<b>38.8 %</b>	81	34.9 %	<b>171</b>	<b>36.9 %</b>
Not convicted	39	54.9	103	64.0	<b>142</b>	<b>61.2</b>	151	65.1	<b>293</b>	<b>63.1</b>

cess to court records through the web-based interface, Court View (CV).

For this report, only first release cases were used—that is, if an offender was initially released some time prior to 2001 and returned for some reason, such as a probation violation, and then released again in 2001, that case was excluded. Also, some offenders were released more than once during 2001. The first release constituted the base measure; a subsequent release was an indication of a new arrest event.

In the rare instances of discrepancy, the date of the first event was used in the analysis. For instance, DOC and CV might have had the same date for an arrest/filing that did not appear in the criminal history. This situation generally indicated a remand to custody that did not get reported as a new court case and resulted in incarceration under the original court case—such as for parole, probation, and technical violations.

### Demographics

Table 1 shows racial categories for the groups of offenders. Alaska Natives consti-

tuted 49 percent of the sex offender group and 46 percent of offenders overall. Whites were 32 percent of sex offenders and 39 percent of the overall offender pool. Table 1 also presents the breakdown for the two sex offense categories.

Table 2 shows a comparison of age and number of prior arrests and convictions for the groups of offenders. The average age of the sex offenders was significantly lower than that of the non-sex offenders. For the two sex offender categories, however, there was no significant difference in age.

An analysis of prior convictions shows a significant difference between sex offenders and non-sex offenders for any prior conviction but not for sex offense convictions. The non-sex offenders had significantly more prior convictions than the sex offenders.

### Rearrests for Any Crime

Table 3 shows recidivism rates for remands, rearrests, and reconvictions for the sex offenders and non-sex offenders. Non-sex offenders were more likely to be

rearrested than sex offenders but for remands and convictions there was no significant difference between sex offenders and non-sex offenders.

Table 3 also shows the recidivism rates for the two sex offender categories. Those originally incarcerated for sexual abuse of a minor were less likely to be remanded than other sex offenders, less likely to be rearrested, and less likely to be reconvicted.

### Rearrests for a Sex Crime

Table 4 shows the recidivism rates for the sex offenders and non-sex offenders for new sex crimes. While there is a slight difference in rearrests—3.4 percent for the sex offender group vs. 1.3 percent for the non-sex offender group—this difference is not statistically significant.

Table 4 also shows the equivalent analysis for the sex crime category grouping. Again, there is a slight but non-significant difference between the two groups.

*Alan McKelvie is the director of the Alaska Justice Statistical Analysis Center.*

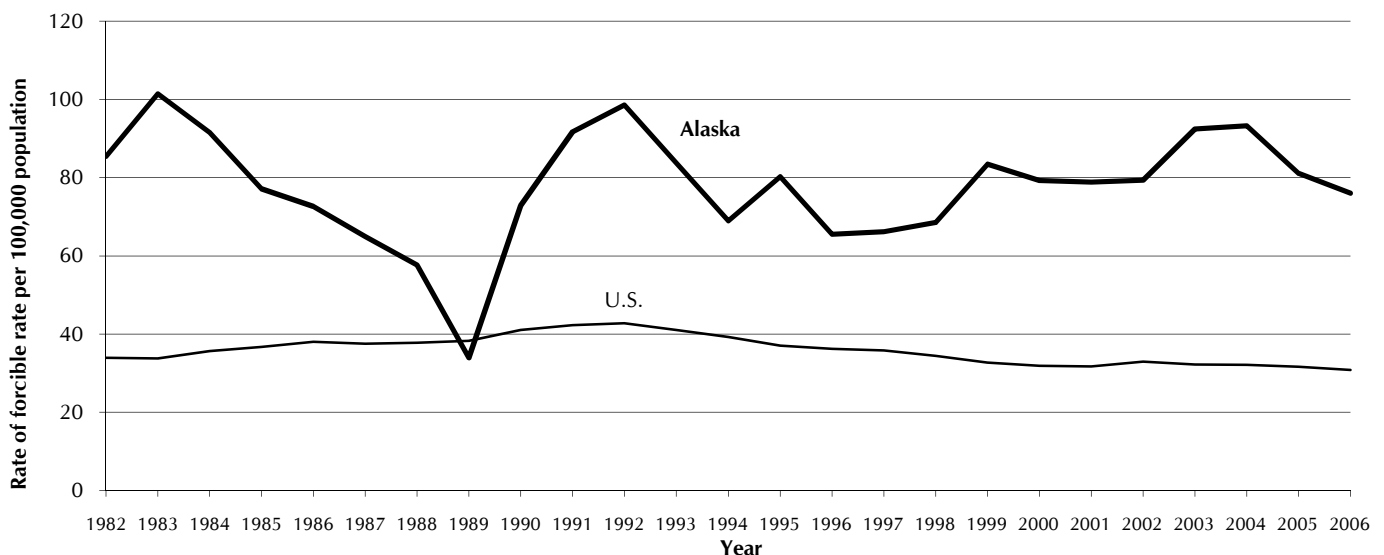
**Table 4. Rearrest for Sex Crimes of Sex Offenders and Randomized Sample of Other Offenders Released in 2001**

	Sex offenders						Non-sex offenders		Total for all offenders	
	Sexual assault		Sexual abuse of a minor		Total for sex offenders		N = 232		N = 464	
	N	%	N	%	N	%	N	%	N	%
<b>Arrests</b>										
Arrested	4	5.6 %	4	2.5 %	<b>8</b>	<b>3.4 %</b>	3	1.3 %	<b>11</b>	<b>2.4 %</b>
Not arrested	67	94.4	157	97.5	<b>224</b>	<b>96.6</b>	229	98.7	<b>453</b>	<b>97.6</b>
<b>Total</b>	<b>71</b>		<b>161</b>		<b>232</b>		<b>232</b>		<b>464</b>	

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Rates of Forcible Rape in the U.S. and Alaska, 1982-2006



Source of data: Uniform Crime Reports



# The Number of Parents in Prison Grows

According to a report released recently by the Bureau of Justice Statistics, over half of the nation's prisoners are parents of minor children. Of the total 1,518,535 inmates in custody at midyear 2007, 809,800 had children under eighteen—an estimated 1,796,600 children (Figure 1). This represents 2.3 percent of the total U.S. population under eighteen.

The report, "Parents in Prison and Their Minor Children," presents data collected through interviews with prisoners participating in a Bureau of Justice Statistics study. The study included surveys with inmates in both state and federal facilities.

Between 1991 and 2007 the number of parents with minor children in prison increased by 79 percent, and the number of children by 80 percent. (The overall prison

population grew by 92 percent over this same period.)

Fathers in prison at midyear 2007 reported 1,559,200 children; mothers reported 147,400. The number of minor children with a mother in prison has grown 131 percent since 1991, reflecting the steep increase in the number of mothers incarcerated (122%). (While men vastly outnumber women in the nation's prisons, the overall female inmate population has also grown more steeply than the male population since 1991.)

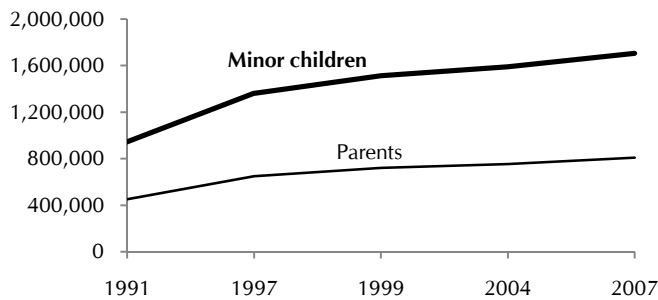
Over 80 percent of minor children with incarcerated parents were fourteen years old or younger (Table 1). Incarcerated fathers most commonly reported their children's mother as the current caregiver for the children (88.4%). In contrast, only 37 percent

of mothers in prison named the children's father as the caregiver; instead, they reported another relative, often a grandparent, as the primary caregiver (Table 2).

Of the incarcerated parents, a significant number—over half (58%) of those in state facilities and somewhat less than half (44%) of parents incarcerated in federal prisons had never had a personal visit with their children (Table 3). Most parents, however, did report some type of contact with their children—mail, phone, or visit.

*Information contained in the foregoing article was taken from BJS Special Report NCJ 222984. Due to differences in methodology, estimates in this BJS report may not be comparable to those reported for previous BJS studies.*

**Figure 1. Estimated Number of Parents in State and Federal Prisons and Their Minor Children**



Source: Bureau of Justice Statistics

**Table 1. Percent of Minor Children of Parents in State and Federal Prisons at Time of Interview, by Gender, 2004**

Age of minor child	Percent of minor children among parents in state prison			Percent of minor children among parents in federal prison		
	Male	Female	Total	Male	Female	Total
Less than 1 year	2.5 %	1.6 %	<b>2.4 %</b>	0.7 %	1.1 %	<b>0.7 %</b>
1-4 years	20.3	16.7	<b>20.0</b>	15.3	12.6	<b>15.1</b>
5-9 years	30.3	29.1	<b>30.2</b>	34.0	30.1	<b>33.8</b>
10-14 years	31.4	33.8	<b>31.6</b>	35.0	35.8	<b>35.1</b>
15-17 years	15.5	18.8	<b>15.8</b>	15.0	20.4	<b>15.3</b>
<b>Total</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>

Source: Bureau of Justice Statistics

**Table 2. Current Caregiver of Minor Children of Parents in State Prison, by Gender, 2004**

Children's current caregiver <sup>a</sup>	Male	Female	Total
<b>Other parent</b>	88.4 %	37.0 %	<b>84.2 %</b>
<b>Grandparent</b>	12.5 %	44.9 %	<b>15.1 %</b>
Grandmother	11.6	42.1	<b>14.0</b>
Grandfather	3.6	12.0	<b>4.3</b>
<b>Other relatives</b>	4.7 %	22.8 %	<b>6.2 %</b>
<b>Foster home or agency</b>	2.2 %	10.9 %	<b>2.9 %</b>
<b>Friends, others<sup>b</sup></b>	2.4 %	7.8 %	<b>2.9 %</b>
<b>Estimated number of parents in state prison</b>	585,200	51,100	<b>636,300</b>

a. Includes all parents with minor children. Detail may sum to more than 100% because some prisoners had multiple minor children living with multiple caregivers.

b. Includes inmate's friends, friends of the inmate's children, cases where the parent reported that the child now lived alone, and others.

Source: Bureau of Justice Statistics

**Table 3. Frequency of Telephone, Mail, and Personal Contacts with Adult or Minor Children among State and Federal Inmates Who Were Parents of Minor Children, by Gender, 2004**

Frequency and type of contact with minor children	Parents in state prison			Parents in federal prison		
	Male	Female	Total	Male	Female	Total
<b>Any type of contact</b>						
Daily or almost daily	8.7 %	14.1 %	<b>9.1 %</b>	18.3 %	26.9 %	<b>18.8 %</b>
At least once a week	29.8	41.6	<b>30.8</b>	45.9	48.2	<b>46.1</b>
At least once a month	22.7	18.1	<b>22.3</b>	17.1	14.7	<b>17.0</b>
Less than once a month	16.9	11.2	<b>16.5</b>	9.6	6.2	<b>9.4</b>
Never	21.9	15.0	<b>21.4</b>	9.1	3.9	<b>8.8</b>
<b>Any type of contact</b>						
Daily or almost daily	0.6 %	* %	<b>0.6 %</b>	* %	* %	* %
At least once a week	5.7	7.7	<b>5.9</b>	4.4	7.6	<b>4.6</b>
At least once a month	12.3	14.6	<b>12.5</b>	14.7	15.5	<b>14.7</b>
Less than once a month	22.7	19.7	<b>22.5</b>	35.9	31.5	<b>35.6</b>
Never	58.6	57.7	<b>58.5</b>	44.7	44.6	<b>44.7</b>
<b>Estimated number of parents</b>	<b>585,200</b>	<b>51,100</b>	<b>636,300</b>	<b>76,200</b>	<b>5,100</b>	<b>81,300</b>

Note: The contact question in the BJS survey asked about contact with any child, which could include children age 18 or older.

\* Estimate not reported. Sample size too small (10 or fewer) to provide reliable data.

Source: Bureau of Justice Statistics

## Case attrition

(continued from page 1)

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.

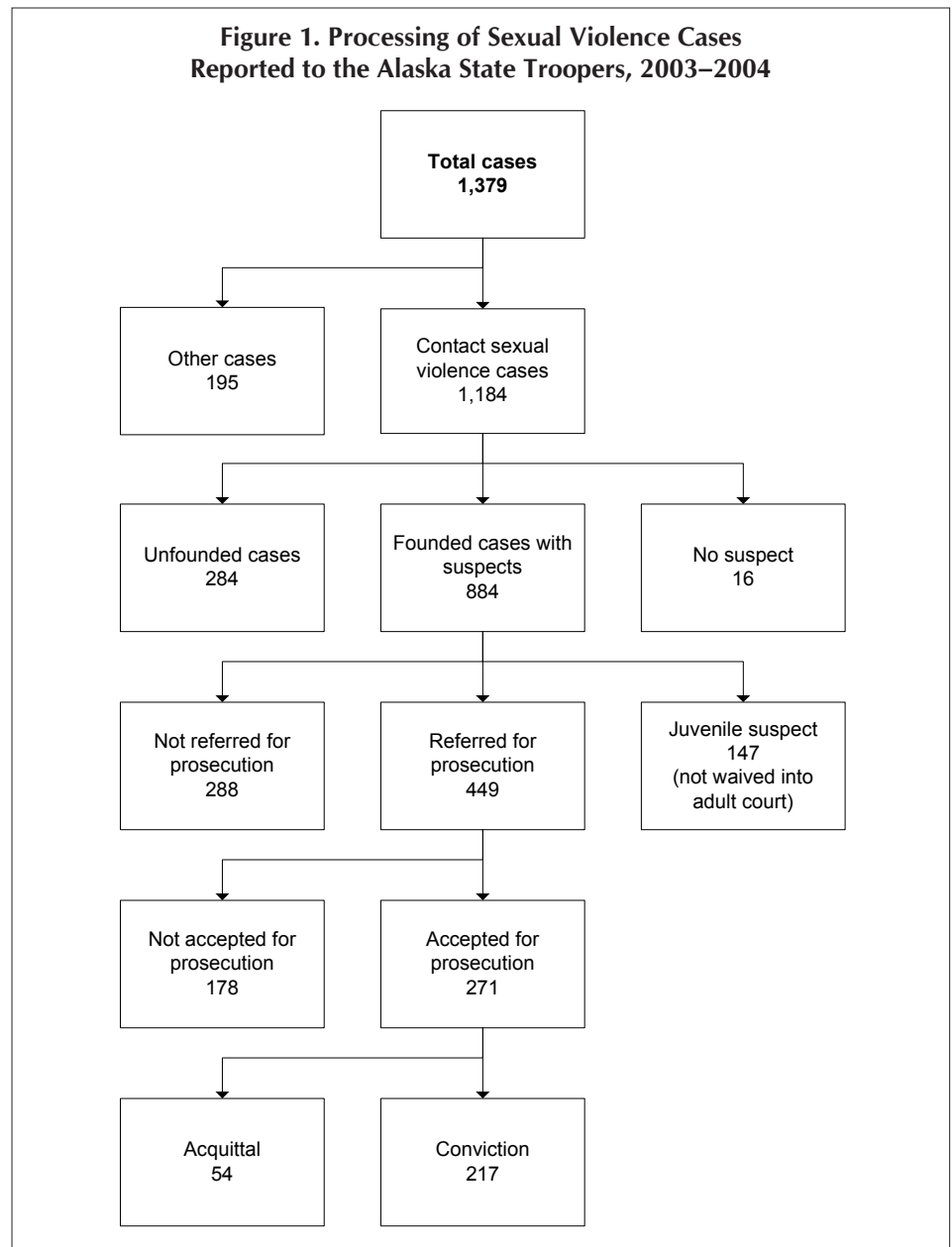
The attrition of sexual violence cases reported to AST in 2003 and 2004 is shown in Figure 1. Overall, there were 1,379 reports of sexual offenses made to AST during those two years. Of those original reports, 1,184 were contact sexual violence cases involving forcible rape, sexual assault, or sexual 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 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

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



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

**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.

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 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.

Please see *Case attrition*, page 20

**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.

## Case attrition

(continued from page 19)

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 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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**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.



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