



## Study examines sexual assault survivor experiences

Ingrid D. Johnson, Randi Breager,  
and Katherine H. TePas

### Questions of justice

*What is justice?* Whether posed in the classroom, workplace or community, this question elicits numerous responses. Does justice mean holding an offender accountable for their actions? Does it mean punishing the offender, regardless of accountability? Ensuring a fair trial, where a defendant is presumed innocent until proven guilty beyond a reasonable doubt? Is justice procedural, where fair and respectful treatment is an outcome in itself? Is it all, many, or none

of the above? If justice is multifaceted, are certain forms of justice more important, and should they be prioritized over others?

Although these questions make for lively theoretical discussions, they also have practical implications.

Two overlapping functions of state-sanctioned criminal



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justice systems are to deter crime and to acknowledge and reaffirm the legal values of society (Gottfredson & Gottfredson, 1988). However, victimization surveys have consistently found that rates of reporting crimes to the criminal justice system are low, with the 2017 National Crime Victimization Survey (NCVS) finding that only about half of victimization experiences were reported to

police (Morgan & Truman, 2018). When our criminal justice system only has the possibility of meting out justice for half of crimes committed, its ability to deter crime and enforce values is called into question (Gottfredson & Gottfredson, 1988). It is therefore worth asking: What is justice for victims of crime, and

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## Editor's note

I'm pleased to share the latest issue of the *Alaska Justice Forum*, and to introduce myself as the publication's new editor. After a year-long hiatus, all of us at the Justice Center are happy to be moving forward with the *Forum* again, and continuing its tradition of research and analysis on Alaska-focused criminal justice issues.

I look forward to guiding the *Forum* as it builds on its strengths and expands in new directions. In this spirit of change, the publication will be transitioning to an all-digital format starting with this issue. You will begin to receive issues of the *Forum* exclusively by email, and you can also read new articles on the [Justice Center website](#) at any time.

Our move to an all-digital format gives us more flexibility to shape the future of the *Forum* — and, ultimately, helps us ensure that it continues to be valuable for practitioners and policymakers in our state. With this in mind, we will be looking at other potential changes to the publication in the near future, which I am excited to share with you.

I also want to acknowledge that this issue comes at a time of change for the University of Alaska Anchorage, which is home to the Justice Center and the *Forum*. Regardless of the potential challenges we face, our intention is to continue adapting this publication so that it best serves its ultimate purpose: helping our readers make informed, evidence-based decisions in justice-related policy and practice. This is what makes the *Forum* such a unique resource in Alaska, and it is why we strongly believe in its enduring value.

I invite you to help us along the way. One of the best ways you can support the *Forum* is by providing your input about what you think of the current issue, which articles you find useful and relevant, and what you would like to see in this publication going forward. Please feel free to contact me at [hcrandolph@alaska.edu](mailto:hcrandolph@alaska.edu) with your ideas and feedback.

Sincerely,  
Henry Randolph  
Editor

# Alaska sex offense law: What has changed

Barbara Dunham

What is a sex offense? The answer is not as straightforward as it might seem. Legally speaking, there are several ways to define a sex offense:

- A section of the Alaska Statutes is labelled “Sex Offenses,” which includes offenses such as sexual assault and sexual abuse of a minor (see AS 11.41.410-470). However, this section does not include every offense that is sexual in nature.
- A broader definition includes all offenses that incur a sex offense sentence, which typically involves a longer prison term than a comparable non-sex offense. This definition includes offenses from various sections of Alaska’s criminal code.
- The broadest legal definition, which includes even more offenses, is the category of offenses that require registration as a sex offender in Alaska.

However, there are still some offenses that do not fall under any of the above definitions, yet nonetheless would be considered sex offenses in the court of public opinion. Legislators cannot always predict what criminal conduct future offenders might engage in, which creates “loopholes” in the sex offense laws. The case of Justin Schneider exemplifies this.

## The Schneider Fix

Last fall, the sentencing of defendant Justin Schneider provoked outrage in Alaska and drew national attention. According to the police affidavit accompanying the complaint, Schneider offered a woman a ride, tackled her, told her he wanted to kill her, and strangled her to the point of unconsciousness; when the woman regained consciousness, she realized that Schneider had masturbated on her (Boots, 2018; Wang, 2018).

Schneider was charged with assault, kidnapping and harassment (for subjecting another person to contact with semen). None of these charges was a registrable sex offense under Alaska law. He pleaded guilty to a charge of second-degree assault and agreed to undergo sex offender treatment as part of the plea deal, although he did not plead guilty to a “sex offense” under any of the definitions described above. Because he was granted credit for time spent on elec-

tronic monitoring, Schneider was able to walk out of the courtroom after his sentencing without serving any additional prison time (Boots, 2018).

Alaska’s legislators introduced several bills in this year’s legislative session that aimed to fix the perceived loopholes revealed by this case. Ultimately HB 14, sponsored by Rep. John Lincoln (D-40, Kotzebue), became the “Schneider fix” that passed both chambers of the legislature. Governor Dunleavy signed the bill into law on July 19, 2019.

The legislature also addressed sex offenses with HB 49, an omnibus criminal justice bill that the governor signed into law on July 8, 2019. Many legislators regarded HB 49 as the bill that would “repeal and replace” SB 91, the criminal justice reform bill passed in 2016 (Brooks, 2019). In fact, HB 49 goes beyond repealing and replacing SB 91; it adds new criminal offenses and makes some existing offenses (including sex offenses) tougher by allowing conduct to be charged at a higher level.

## Crimes and defenses

Among other things, HB 14 added “knowingly causing the victim to come into contact with semen” to the definition of “sexual contact.” This addition means that the act of masturbating on someone without that person’s consent may now be charged as second-degree sexual assault, a Class B felony. Additionally, the act of masturbating on someone who is mentally incapable, incapacitated, or unaware that the sexual act is being committed may now be charged with third-degree sexual assault, a Class C felony. Both crimes are registrable sex offenses and are sentenced as sex offenses. This means that beginning on July 20, 2019 (new laws become effective the day after the bill is signed), anyone who engages in the same conduct as Justin Schneider could be charged with and convicted of a sex crime, and be required to register as a sex offender.

Another topic of much discussion in the 31st legislative session was the marriage defense. This statutory provision, found in AS 11.41.432, allows defendants to claim their marriage to the victim as a defense to certain charges of sexual assault. This defense would typically apply in cases where the victim was mentally incapable, incapacitated, or un-

aware that the sexual act was being committed, or where the victim was in some form of state custody or supervision and the defendant was an employee of the state. (Sexual penetration or contact without consent is sexual assault regardless of whether the defendant and victim were legally married. Per AS 11.41.170(8), “without consent means that a person (A) with or without resisting, is coerced by the use of force against a person or property or by the express or implied threat of death, imminent physical injury, or kidnapping to be inflicted on anyone; or (B) is incapacitated as a result of an act of the defendant.”)

The legislature addressed this topic with HB 49. Under this bill, marriage remains a defense to some offenses involving a staff member and a person who is in the custody of the state, so long as the person consented to the sexual act. Marriage is now an affirmative defense to first-, second- and third-degree sexual assault in cases involving sexual penetration or contact with a person who is mentally incapable, so long as the person consented to the act while capable of understanding the nature and consequences of the defendant’s conduct. If the defendant cannot provide evidence that the victim gave this kind of knowing consent, the defendant cannot assert the marriage defense.

HB 49 also makes changes or additions to other sex offense statutes, such as second- and third- degree sexual assault, unlawful exploitation of a minor, and indecent viewing or photography (see sidebar). These changes and additions generally make it easier for prosecutors to charge conduct as a sex offense or to charge conduct at a higher level of classification.

## Sentencing

Most sex offenses in Alaska are felonies, for which sentencing is determined using Alaska’s presumptive sentencing scheme. The statutes render a presumptive range of sentences for a given crime according to the defendant’s criminal history. For example, second-degree sexual assault carries a sentence range of five to 15 years for first-time felony offenders. A defendant’s sentence is often determined by a plea agreement, since only about 12 percent of felony sex offense cases go to trial (Alaska Criminal Justice

Commission, 2019). Plea agreements may include an exact sentence or may set out a range within which the judge will sentence the defendant.

HB 14 expands the rights of victims of sex offenses during plea agreements. Before entering into a plea agreement, the prosecutor must now confer with the victim of any sex offense requiring registration. This provision previously applied only to felonies and to crimes involving domestic violence. HB 14 adds misdemeanor sex offenses to the list of offenses requiring victim input. HB 14 also requires the prosecutor to ask whether the victim agrees with the proposed plea agreement and to formally record the victim's position. The bill allows a court to reschedule a sentencing hearing to give prosecutors additional time to comply with these requirements.

Also per HB 14, anyone convicted of a sex offense cannot receive credit for any time spent on electronic monitoring or in treatment before sentencing. This change was made in reaction to the Schneider case. Schneider was sentenced to two years in prison (the maximum for a first-time offender sentenced to a single Class B felony charge), with one year suspended and one year of "active" prison time. Yet the law at the time also allowed Schneider to receive credit for a year spent on electronic monitoring before his sentence was imposed, meaning that he was able to leave prison the day he was sentenced (Boots, 2018).

HB 49 also addresses victim rights at sen-

tencing in cases involving a sex offense. It ensures there is a presumption that the final judgment will include an order that the defendant will have no contact with the victim until the defendant is unconditionally discharged from probation and parole, unless the court finds on the record that contact between the victim and defendant is necessary. The bill also requires the Department of Corrections to set up a notification system so that once that order expires, the victim can receive information on how to seek a civil protective order.

### Supervision and registry

Most people convicted of a sex offense will spend time in prison. Once released from prison, most will have to spend time on probation and parole, and most will have to register as a sex offender.

Any sentence for a felony sex offense must include a minimum period of probation with a minimum suspended prison term. Once released from prison, if a probationer violates a condition of probation or commits a new crime, the court can order the probationer to serve some of the suspended time in prison. Prior to the enactment of HB 49, the maximum probation term for a sex offense was 15 years (with minimum probation terms ranging from five to 15 years depending on the crime). HB 49 raised the maximum probation term for sex offenders to 25 years.

Alaska's legislators frequently discussed the sex offender registry while working on

HB 49. In particular, they discussed a recent appellate opinion which held that a person who is required to register in another state based on an offense that is not a registrable sex offense in Alaska need not register in Alaska. Some legislators were concerned that people required to register in other states would be encouraged to move to Alaska to avoid registration. HB 49 addresses this concern by requiring anyone who has to register in another state to also register in Alaska, regardless of whether the offense in the original state would be a registrable offense in Alaska. HB 49 includes language specifically stating that it is the legislature's intent to overturn the controversial appellate opinion with this change.

### Conclusion

HB 14 and HB 49 will make a number of significant changes to the law. This article does not address every change, and only discusses the laws as they apply in the majority of cases; each law has its exceptions. For more detail, consult the applicable bills or statutes. Generally speaking, however, now that these bills are signed into law, prosecutors have more tools at their disposal to prosecute sex offenses, victims of sex offenses will have a greater say in the plea negotiation process, and more people will be required to register as a sex offender in Alaska.

*Find full citations on page 9.*

*Barbara Dunham is the project attorney for the Alaska Criminal Justice Commission.*

## HB 49's additional changes

In addition to those described above, HB 49 also makes the following changes to sex offense statutes:

- AS 11.41.438. Third-degree sexual abuse of a minor: Amends statute so that if the victim is at least six years younger than the offender, the offense is punishable as a felony sex offense; otherwise, the offense remains punishable like other Class C felonies. (See AS 11.41.438.)
- AS 11.41.452. Enticement of a minor: Amends statute so that this crime, which was formerly "online enticement of a minor" is now "enticement of a minor." Use of the internet is no longer an element of the crime.
- AS 11.42.455(c). Unlawful exploitation of a minor: Increases the classification of this crime so that it is an unclassified (formerly Class A) felony if the person has been previously convicted of a similar crime or the minor victim is under age 13; otherwise the crime is a Class A (formerly Class B) felony.
- AS 11.41.458. First-degree indecent exposure: Amends this crime to include indecent exposure to persons age 16 and older (it previously applied only to exposure to persons under age 16). The crime becomes a Class B felony if the exposure is to someone under age 16; the crime is a Class C felony if the exposure is to someone age 16 or older.
- AS 11.61.120(a). Second-degree harassment: Adds repeatedly sending, publishing, or distributing photos or film of the genitals of any person to this offense.
- AS 11.61.123. Indecent viewing or photography: Adds viewing of a person (no photograph necessary) to the offense. Makes this offense a Class B felony if the defendant produces a picture of a minor; a Class C felony if the defendant views a minor or views a picture of a minor or produces a picture of an adult; and a Class A misdemeanor if the defendant views an adult or views a picture of an adult.
- AS 11.61.124. Solicitation or production of an indecent picture of a minor: Adds a new statute prohibiting solicitation or production of a picture of a person who is under 16 and at least four years younger than the defendant.

# Academy expands medical forensic care and response

L. Diane Casto and Angelia Trujillo

Interpersonal violence in any form is emotional and trauma-inducing for victims, families of victims, perpetrators and communities. Alaskans who are working to stop violent behaviors need more tools and resources, as well as better training, in order to provide healing to victims and accountability for perpetrators.

The University of Alaska Anchorage's College of Health, the Council on Domestic Violence and Sexual Assault (CDVSA, part of the Alaska Department of Public Safety) and the Alaska Nurses Association collaborated in March 2019 to launch the Alaska Comprehensive Forensic Training Academy (ACFTA), a training for comprehensive forensic documentation that is the first of its kind in the nation. The ACFTA is a pilot program designed to promote and develop forensic training for nurses, physicians, nurse practitioners and physician assistants in order to build communities' capacity to respond to violence. The academy does not replace specialized sexual assault trainings. Rather, it gives participants important tools to assist victims of all forms of interpersonal violence, whether sexual as-



Participants at the first in-person ACFTA training. Image credit: L. Diane Casto.

of violence that are not reported, investigated and, when warranted, prosecuted.

Building community capacity to respond to violence is especially important for small communities with limited human and fiscal resources. In rural Alaska, many communities cannot sustain a specialized sexual assault nurse examiner or a sexual assault fo-

This hands-on portion of the curriculum focuses on experiential training to develop the ability to complete forensic exams that will help the victim and improve outcomes in the justice system. CDVSA offers travel scholarships for those who would otherwise be unable to travel to Anchorage for a three-day training.

**Building community capacity to respond to violence is especially important for small communities with limited human and fiscal resources.**

sault, intimate partner abuse, child abuse, elder abuse, strangulation or other forms of assault. Participants develop the skills needed to collect and preserve evidence from victims, and learn to work in partnership with local law enforcement, advocates, service providers and others to consistently assess and document victimization.

Because Alaska has the highest rates of interpersonal violence in the country, it is important to focus on broad, comprehensive assessments and care for all victims of violent crime. The ACFTA is designed to provide an evidence-based and trauma-informed care approach: Instead of simply treating and releasing a victim, a healthcare provider who is trained at the academy can more comprehensively evaluate a patient, document evidence with an awareness of forensic principles, and connect the patient to community resources. Additionally, the academy will increase community awareness of occurrences

rensic examiner, but have established health care, law enforcement, and advocacy roles. If the one health provider in a community is trained broadly to respond to many forms of violence and understands how to work with law enforcement and advocates, theoretically there is a better chance that victims of violence will be appropriately treated, and that forensic evidence will be collected to assist in the pursuit of justice.

The academy is a two-part program that includes approximately 25 hours of online training and 24 hours of in-person, hands-on training. The online training, offered on an ongoing basis, includes modules developed by national and Alaska educators and researchers in the fields of sexual assault, domestic violence, strangulation, elder abuse, and pediatric sexual and physical abuse. The in-person training takes place at the University of Alaska Anchorage campus and is offered approximately every three months.

As the pilot ACFTA trainings continue to be offered, program developers will refine both the online modules and in-person classes using feedback from participants and formal evaluation. Future plans include discussion of how to expand the academy to better meet the needs of corrections personnel, behavioral health providers, and community health aides in providing medical forensic care for victims. The academy's sponsors are also promoting awareness of the program on a national level, and there is potential for piloting it in locations outside Alaska in the coming years.

For information on registration and travel scholarships, visit <https://dps.alaska.gov/CDVSA/>.

*L. Diane Casto is executive director of the Alaska Council on Domestic Violence and Sexual Assault. Angelia Trujillo is associate professor with the University of Alaska Anchorage School of Nursing.*

# Legal representation and child custody determinations

Ryan Fortson and Troy Payne

When faced with a child custody dispute, many parents undertake great financial expense to hire an attorney to help with their legal proceedings, with the assumption that legal representation will assist their desired custody outcome. A study recently published in the *Journal of Juvenile Law and Policy* (Fortson & Payne, 2018) examined whether legal representation does in fact have an impact on the outcome of custody determinations. Particular attention was paid to whether legal representation of one parent had an impact on custody outcomes for the other parent.

## Legal and physical custody

Superior court judges make all non-emergency custody decisions in Alaska. This includes divorce cases and cases in which an unmarried parent seeks a custody order. These custody proceedings start with one

parent has the child at least 70% of overnights) or shared custody (where each parent has the child at least 30% of overnights). Physical custody determinations also impact child support calculations.

Alaska law requires that judges grant parents joint legal custody and equally shared physical custody unless it is in the best interest of the child to deviate from this arrangement. Reasons to deviate include the nature of the relationship between the parent and the child, evidence of domestic violence or substance abuse, or, for physical custody, whether parents live in geographically distant locations.

With generous access granted by the Palmer clerk of court, the study examined cases in Palmer Superior Court where a final custody determination was made in 2011 or 2012. Uncontested cases (where both parents agree from the start on custody) and default cases (where the non-complainant does not

ers was 33.6 years of age, and of the fathers, 37.1 years of age. There was a substantial difference in median annual income between parents, with fathers making almost twice as much as mothers (\$38,752 compared to \$19,129). Most cases involved only one child (58.3%), with two children being in dispute in 26.7% of the cases.

In their initial custody requests (either in the complaint or answer), mothers overwhelmingly (68.9% of the time) requested sole legal and primary physical custody. However, independent of legal representation, mothers were successful in achieving both forms of custody in only 31% of these requests. Different initial custody requests were less frequent, but had higher success rates (see Table 1).

Fathers about half the time (51.5%) requested joint legal and shared physical custody, and were ultimately successful in this request 41.5% of the time, independent of

**Table 1. Initial custody requests and success rates by party, independent of legal representation**

Mothers				Fathers			
Initial custody requested (legal/physical)	Initial request (f)	Percent request	Success rate (%)	Initial custody requested (legal/physical)	Initial request (f)	Percent request	Success rate (%)
Joint/shared	23	11.2%	69.6%	Joint/shared	106	51.5%	41.5%
Joint/mother	35	17.0	51.4	Joint/mother	7	3.4	42.9
Mother/mother	142	68.9	31.0	Mother/mother	4	1.9	100.0
Joint/father	2	1.0	50.0	Joint/father	23	11.2	4.3
Father/father	0	0.0	—	Father/father	65	31.6	30.8
Other	4	1.9	0.0	Other	1	0.5	0.0
<b>Total</b>	<b>206</b>		<b>38.4%</b>	<b>Total</b>	<b>206</b>		<b>35.0%</b>

Note: Success is defined as an outcome that matches the initial custody request. Success is not mutually exclusive; both parties could be successful in their requests and both could also fail. "Other" includes divided or hybrid custody awards and custody awarded to a third party.

of the parents filing a complaint with the court, which the other parent then has 20 days after service to answer. In cases where the parents disagree on custody, the judge will schedule a series of hearings and eventually a trial, though some parents resolve their dispute before going to trial.

There are two types of custody in Alaska: legal custody (which parent gets to make important life decisions about the child) and physical custody (which parent the child physically resides with). For legal custody, parents can request either sole custody (only one parent decides) or joint custody (both parents have decision-making authority). Likewise for physical custody, parents can request either primary custody (where one

file an answer) were excluded from the study because of the presumed lack of impact of legal representation in both situations.

Basic demographic data were collected on the parents and the children, as well as whether either or both parents were represented by an attorney at the time of the final custody order. Both the initial custody complaint and answer and the final custody order were gathered for later coding. In all, 206 cases were used in the analysis for the study.

## Initial request success rate

Of the case files used in the study, 59% were divorce cases and 41% were unmarried custody disputes. The mean age of the moth-

legal representation. Fathers requested sole legal and primary physical custody about a third of the time, with a comparable success rate (30.8%) to mothers with similar requests.

Examining custody outcomes among the study sample and again independent of legal representation, judges awarded some form of joint legal and shared physical custody in 62 out of 206 cases (30.1%). Mothers were awarded joint legal custody/primary physical custody and sole legal custody/primary physical custody an equal number of times (47 out of 206 cases each; 22.8%). Fathers were awarded sole legal and primary physical

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## Legal representation

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custody in 26 out of 206 cases (12.6%), with the remaining custody awards being either joint legal/primary physical to the father or some alternate custody arrangement, such as awarding custody to a non-parent (e.g., a grandparent).

### Impacts of legal representation

With regard to legal representation, the cases in the sample were predominantly split between neither party having an attorney (42.2%) and both parties having an attorney (34.6%). Among those cases where only one party was represented, the father was more likely to be represented (13.6%) than was the mother (9.2%).

Looking at legal representation in terms of the type of custody ordered, where neither parent was represented, the judge awarded joint legal and shared physical custody 26.4% of the time. The judge awarded both joint legal/primary physical custody and sole legal/primary physical custody to the mother 25.3% of the time; the father obtained sole

**Table 2. Success rate by party and legal representation**

Parent	Legal representation				Total
	None	Mother only	Father only	Both	
<b>Mother</b>	37.9%	73.7%	28.6%	33.3%	<b>38.4%</b>
<b>Father</b>	32.2%	21.1%	53.6%	34.7%	<b>34.6%</b>

*Note:* Success is defined as an outcome that matches the initial custody request. Success is not mutually exclusive; both parties could be successful in their requests and both parties could also fail.

necessarily show the impact of legal representation. A better measure is whether the parent achieves his or her desired custody outcome.

### Highest success when only one parent represented

In relation to initial custody requests, the study showed that for both mothers and fathers, the highest rate of success came when only that parent was represented. There was no meaningful difference in success rates for either mothers or fathers when either no parent was represented or both parents had legal representation. In all instances, success hovered around one-third. But when only the father was represented, his success

is represented as compared to when both parents are represented. However, the success rate of mothers increased when only they were represented and decreased when only the father was represented. The converse is also true, with represented fathers having increased success rates and unrepresented fathers having decreased success rates. And although there was insufficient data to make the same comparison for fathers, mothers who requested either sole legal or primary physical custody faced substantially greater success rates when only they were represented and lower success rates when only the father was represented.

The study also looked at other factors for determining custody. Not surprisingly, find-

**The primary impact of hiring an attorney, at least with regard to custody determinations, may be to counteract the attorney hired by the opposing party.**

legal and primary physical custody 11.5% of the time. (Results for awards of joint legal/primary physical custody to the father are not included because the small number of such instances prevents their statistical reliability.) Similar results can be found in cases where both parents are represented: joint legal/shared physical custody, 30.6%; joint legal/primary physical custody for the mother, 22.2%; sole legal/primary physical custody for the mother, 20.8%; and sole legal/primary physical custody for the father, 9.7%.

Though with smaller sample sizes, in cases where only the mother was represented, the most common outcome was that she would receive sole legal/primary physical custody (47.4%), as compared to 21.1% for both joint legal/shared physical and joint legal/primary physical custody for the mother. Where only the father was represented, the most common outcome was joint legal/shared physical custody (46.4%), as compared to 28.6% for the father receiving both sole legal and primary physical custody.

But pure measures of outcomes do not

rate in obtaining his initial custody request was 53.6%. And when only the mother was represented, her success rate was 73.7%. Conversely, when only one parent was represented, the success rate of the non-represented parent was lower (see Table 2).

In other words, the effect of legal representation is not so much dependent upon whether an individual parent in isolation has an attorney as it is a relational measure connected to whether neither, one, or both parents are represented. The analysis suggests that there is no meaningful difference in outcome between neither parent having legal representation and both parents having legal representation. The impact of legal representation comes when only one parent is represented, one conclusion of which may be that the need for an attorney is somewhat dependent on whether the other parent is represented.

Other ways of analyzing the data reinforce these findings. Where the parents' initial custody requests disagreed, there are comparable rates of success when neither parent

ings of domestic violence and findings of substance abuse were perfect predictors of custody outcomes, as was a father requesting that the mother receive custody. There was no impact of income on custody outcome, nor did the number or ages of the children have any measurable impact. The study also found no differences in outcomes between the four judges on the Palmer Superior Court.

While more research needs to be done to affirm and expand these findings, this study on legal representation and custody outcomes indicates that the primary impact of hiring an attorney, at least with regard to custody determinations, may be to counteract the attorney hired by the opposing party. This, though, does not take into account other benefits of legal representation, such as psychological benefits of being represented, drafting a workable custody order, or dividing property in a divorce.

*Find full citations on page 9.*

*Ryan Fortson and Troy Payne are associate professors with the Justice Center.*

what role do our contemporary systems of criminal justice play in victims' perceptions of justice? Answering these questions could open a discussion of how criminal justice systems might be modified or expanded to better create justice for victims of crime.

A limited body of research finds that that victims have varied perspectives on justice. These perspectives often diverge from "traditional" notions of justice (such as arrest, conviction and incarceration) and instead include factors such as community and official acknowledgement of victims' experiences, as well as procedural justice elements such as being treated with dignity, being given a voice, and having control in the justice process (Clark, 2010; Herman, 2005; Holder, 2018; McGlynn & Westmarland, 2018).

**SAKI research in Alaska**

Alaska has been presented with the opportunity to explore these questions through the federal Bureau of Justice Assistance (BJA) Sexual Assault Kit Initiative (SAKI). The Alaska Department of Public Safety has been awarded one of numerous BJA SAKI research grants across the country and is working with the University of Alaska Anchorage Justice Center to answer three research questions:

1. What are key stakeholders' experiences with how Alaska State Troopers (AST) sexual assault cases are handled (including investigations, prosecutions, and

victim engagement and support), and how do those experiences compare to their perceptions of just outcomes (i.e., justice)?

2. For victim-survivors, how common are these experiences and perceptions?
3. Which factors shape the likelihood of achieving these just outcomes?

Although the national SAKI focuses more exclusively on the role of sexual assault kits (SAKs) in the just resolution of sexual assault cases, the Alaska SAKI (AK-SAKI) project focuses on sexual assault case processing more broadly. This is because SAK submission decisions may often be made based on the overall strength of a case above and beyond the SAK evidence, which in turn may be influenced by gender, race, and class biases (Campbell & Fehler-Cabral, 2018; U.S. Department of Justice, 2015). Therefore, recommendations for policy, practice, and/or training which are focused too narrowly on SAKs may risk addressing only one symptom of larger, more systematic problems in how sexual assaults are handled by formal agencies (Mulla, 2014).

In January 2019, the UAA Justice Center's Assistant Professor Ingrid Johnson began collecting data to answer the first research question for this project. These data are qualitative (non-numerical) and are derived from semi-structured interviews (i.e., one-on-one, confidential conversations) with key stakeholders involved in adult sexual assault cases reported to the AST. Key stakeholder interviewees are divided into two different



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Editor: Henry Randolph

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groups: first, adult sexual assault victim-survivors who reported a sexual assault to AST between 2006 and 2016; and second, system stakeholders, including Alaska state troopers, village public safety officers, victim

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**Table 1. Research questions, respective utility, and data sources for the AK-SAKI research project**

Key research questions	Useful for understanding...	Data sources
1. What are key stakeholders' experiences with how Alaska State Trooper sexual assault cases are handled (including investigations, prosecutions, and victim engagement and support)? How do those experiences compare to their perceptions of just outcomes (i.e., justice)?	<ul style="list-style-type: none"> <li>• Whether policies and procedures are being followed uniformly at the ground level (i.e., in practice).</li> <li>• Potentially unintended implications of policies, procedures, and/or practices.</li> <li>• The range of stakeholders' experiences/perceptions of policies, procedures and practices.</li> <li>• The range of stakeholders' perceptions of just outcomes (i.e., justice).</li> <li>• Potential intersections and conflicts among stakeholders' experiences and perceptions.</li> </ul>	Semi-structured, qualitative interviews with: <ul style="list-style-type: none"> <li>• Victim-survivor stakeholders</li> <li>• System stakeholders</li> </ul>
2. For victim-survivors, how common are the experiences and perceptions identified in Research Question 1?	<ul style="list-style-type: none"> <li>• How commonly victim-survivors experience and perceive just outcomes (i.e., justice) in sexual assault reporting processes and resolutions.</li> <li>• How commonly valued these just outcomes are.</li> </ul>	Quantitative data: <ul style="list-style-type: none"> <li>• Victim-survivor surveys</li> <li>• Electronic records from Alaska's departments of Public Safety and Law</li> </ul>
3. Which factors shape the likelihood of achieving just outcomes (i.e., justice)?	<ul style="list-style-type: none"> <li>• Areas to be addressed in improving sexual assault investigations, prosecutions, and victim engagement and support processes.</li> </ul>	Quantitative data: <ul style="list-style-type: none"> <li>• Victim-survivor surveys</li> <li>• Electronic records from Alaska's departments of Public Safety and Law</li> </ul>

**Table 2. Measurement and analysis examples**

Data sources	Measurement examples	Analysis examples
<p><i>Semi-structured, qualitative interviews with:</i></p> <ul style="list-style-type: none"> <li>• Victim-survivor stakeholders</li> <li>• System stakeholders</li> </ul>	<p><i>Victim-survivor interview questions:</i></p> <ul style="list-style-type: none"> <li>• Did you have an exam in which evidence was collected, sometimes known as a SART or forensic exam?</li> <li>• If yes: What was that like? What do you remember the most? Do you know if they learned anything from your exam?</li> </ul> <p><i>System stakeholder interview questions:</i></p> <ul style="list-style-type: none"> <li>• Can you tell me more about the forensic exam process, also known as a SART exam?</li> </ul>	<p>[Not applicable]</p>
<p><i>Quantitative data:</i></p> <ul style="list-style-type: none"> <li>• Victim-survivor surveys</li> </ul>	<p><i>Potential victim-survivor survey questions:</i></p> <ul style="list-style-type: none"> <li>• Did you have an exam in which evidence was collected, sometimes known as a SART or forensic exam? (yes/no)</li> <li>• Do you believe that justice was done in your case? (yes/no)</li> </ul>	<p><i>Potential victim-survivor survey analysis:</i></p> <p>Does conducting a SART exam increase the likelihood that a victim-survivor feels that justice has been done in their case?</p>
<p><i>Quantitative data:</i></p> <ul style="list-style-type: none"> <li>• Alaska Department of Public Safety and Department of Law electronic records</li> </ul>	<p><i>DPS electronic records:</i></p> <ul style="list-style-type: none"> <li>• Was a SART exam conducted? (yes/no)</li> </ul> <p><i>DOL electronic records:</i></p> <ul style="list-style-type: none"> <li>• Was the case accepted for prosecution? (yes/no)</li> </ul>	<p><i>Potential electronic record analysis:</i></p> <p>Does conducting a SART exam increase the likelihood that a case will be accepted for prosecution?</p>

**SAKI**  
(continued from page 8)

advocates, sexual assault nurse examiners, sexual assault response team coordinators, prosecutors with the Alaska Department of Law, public defenders, judges, and Alaska State Crime Detection Laboratory forensic analysts. A total of approximately 80 key stakeholder interviews will be conducted (40 with victim-survivor stakeholders, and 40 with system stakeholders).

The one- to two-hour interviews focus on interview participants’ experiences with the

viders, and other partners across the state to reach as many victim-survivors as possible. They have used multiple mediums to disseminate information about the study, including recruitment flyers at physical locations, email and social media, and local media coverage. Potential participants contact Johnson, who screens them for eligibility and, if they are eligible, conducts the interview.

**Understanding experiences and perceptions**

After interviews are recorded and transcribed, research technicians identify and cross-validate themes and concepts. The goal

answering these questions requires different, quantitative data to supplement the qualitative interview data used in the first portion of the project (see Table 2). Electronic records of incident reports from the Department of Public Safety and Department of Law will provide some of these quantitative variables, such as victim-survivor demographics (e.g., gender, age, race/ethnicity) and the relationship between the victim-survivor and suspect. Other variables, such as whether survivors are treated with dignity, will be gathered through surveys of sexual assault victim-survivors who have reported to AST. The research team will use these quantitative data to address two questions: first, how common the experiences and perceptions identified in the first portion of the project are for victim-survivors, and second, what factors influence the likelihood of achieving just outcomes.

This is one of the few projects directly incorporating victim-survivor voices in Alaska research. The findings will be used to develop a framework for agencies across the state to improve sexual assault investigations, prosecutions, and victim engagement and support.

*Find full citations on page 9.*

*Ingrid D. Johnson is assistant professor at the UAA Justice Center. Randi Breager is criminal justice planner at the Alaska State Crime Detection Laboratory. Katie TePas is DVSA program coordinator with the Alaska State Troopers.*

**What is justice for victims of crime, and what role do our contemporary systems of criminal justice play in victims’ perceptions of justice?**

reporting and investigation process, their perceptions of why and how the case (or cases) was handled the way it was, and what the participant wanted out of the process in order to achieve justice. For victim-survivors, the questions are framed in reference to their specific case. For system stakeholders, the questions are framed in reference to AST sexual assault cases more broadly.

While system stakeholders were randomly selected for interviews, victim-survivor recruitment required a more varied and sometimes personal approach. Johnson’s research team is working with advocacy and tribal groups, health care and victim service pro-

is to understand what key stakeholders’ experiences are with how Alaska State Trooper sexual assault cases are handled (including investigations, prosecutions, and victim engagement and support), and how those experiences compare to the stakeholders’ perceptions of just outcomes, or justice. The data collected in this portion of the project will be useful for better understanding several aspects of sexual assault reporting processes and resolutions (see Table 1).

The research team will use the findings from the first research question to determine which factors to measure and assess in the second and third research questions. An-

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