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## Sentencing Commission Releases Annual Report

Lisa Rieger

*This is the second Forum article examining the work of the Alaska Sentencing Commission. The first article appeared in the Fall 1990 issue.*

The Alaska Sentencing Commission has released its 1990 Annual Report to the Governor and the Alaska Legislature. The Commission, which was established by the legislature, began its work in August 1990. Commission membership, which comprises representatives from state agencies involved with sentencing practices and from the community, changed with the advent of the new administration. This first annual report reflects the work of the original body.

The report sets forth its goal of providing a forum for legislators, judges, corrections officials and members of the public to discuss the efficacy of Alaska's existing sentencing laws. The existence of the Commission permits interaction between the three branches of government concerned with the administration of criminal sanctions: the legislature, which enacts

the penalties in statutes; the judiciary, which imposes the sanctions after conviction; and the executive branch (particularly the Department of Corrections), which executes the penalty imposed.

The 1990 Annual Report summarizes the first few months of the Commission's work. The Commission mission statement provides:

The purpose of the Sentencing Commission is to review sentencing practices in Alaska to see if any changes are appropriate. The Commission plans to analyze the existing system and evaluate possible changes. The Commission will attempt to answer the following questions:

1. Are there Alaska sentences which are inappropriate and in need of change, as authorized, actually imposed, or carried out?
2. Should Alaska adopt sentencing guidelines? For all offenses or only for certain offenses?
3. What intermediate sanctions (alternative to traditional incarceration) should exist in Alaska?
4. What costs or savings result from any of the above?

*(Annual Report, p.7)*

The report briefly traces the history of criminal sentencing law, philosophy and practice in the United States and in Alaska. Historically, types and length of punishment have been linked to diverse penal objectives: rehabilitation and reform, retribution,

incapacitation and deterrence. Indeterminate sentencing, which vests great discretion in the hands of judges and parole boards, reflects a more rehabilitative perspective, while presumptive and determinate sentencing support the goal of retribution. Although the Alaska Constitution provides that "Penal administration shall be based upon the principle of reformation and upon the need for protecting the public" (Article I, Section 12), the trend in Alaska has been increasingly toward retribution. The Revised Criminal Code, which instituted presumptive sentencing based on moral culpability and proportionality, exemplifies this trend. The overall impact of the Revised Code has been to increase sentences for both recidivist offenders and first-time offenders. Amendments to the Code over the ten years since its effective date generally have resulted in even longer sentences and have given greater discretion to the parole board than did the original statute.

The report notes that Alaska's prison population increased threefold between 1980 and 1990, the largest increase in the United States for the same period. In 1980, Alaska claimed 183 inmates per 100,000; by 1990, the number had grown to 354 per 100,000. The greatest rise occurred between 1980 and 1986. This increase does not parallel an equivalent increase in either population or crime rate. (See Figure 1.) Rather, the report attributes the increase in Alaska's prison population to three main factors: 1) greater resources and rigor in police and prosecution

*Please see Sentencing, page 6*

### HIGHLIGHTS INSIDE THIS ISSUE

- The Bureau of Justice Statistics presents figures on female victimization (page 2).
- Bethel region report data presented (page 4).

## A BJS Report

## Female Victims of Rape

While in general women are less likely to be crime victims, for the crime of rape female victims predominate. The National Crime Survey (NCS) permits a detailed examination of this crime. Data from the NCS can be used to explore the relationship between the victims and their attackers and to portray some of the characteristics of the crime and its outcome.

This report examines rape in detail. NCS data from 15 years have been aggregated to obtain a large number of sample cases for a comprehensive statistical profile.

The NCS defines rape as the carnal knowledge through the use of force or the threat of force, including attempts. This definition excludes statutory rape. When a robber attempts to rape or rapes a victim, the offense is classified as rape. When an offender assaults a woman and rapes or attempts to rape her, the offense is classified as a rape, even if the victim is injured or the offender carried a weapon.

An estimated 155,000 women were raped each year between 1973 and 1987. (The 95 per cent confidence interval is approximately 113,000 to 196,000 rapes per year.)

From 1973 to 1987, there were annually 1.6 rapes per 1,000 women age 12 or older; i.e., 1 out of every 600 women was a rape victim each year.

## When and Where Rapes Occurred

Almost two-thirds of rapes occurred at night. Completed rapes were more likely than attempted rapes to occur at night, particularly between midnight and 6 a.m.

Most rapes occurred at home. Four in 10 completed rapes took place at the victim's home; 2 in 10 occurred at or near a friend's home; and 2 in 10 on the street.

About 3 in 10 attempted rapes took place at home; 2 in 10 attempted rapes occurred on the street; and 1 in 10 at a friend's house.

## Characteristics of Victims of Completed or Attempted Rape

Black women were significantly more likely to be raped than white women, although a larger number of white women than the total of black, American Indian, Aleut, Eskimo, Asian, and Pacific Islander women were raped each year.

Hispanic and non-Hispanic women were equally likely to be raped.

Women age 16 to 24 were 3 times more likely to be raped than other women. This age pattern was similar for black and white women.

Women who were separated, divorced, or who had never married were 6 times more likely to be raped than those who were married or

widowed.

Among women of different residential localities, central city residents were the most likely to be raped; those who lived outside metropolitan areas were least likely.

Women who rented were more likely than those who owned their own homes to be raped.

Women who lived in places like dormitories, halfway houses, and boarding houses and those in apartment houses with four or more units were more likely to be raped than were other women.

Women who lived alone were more likely to be raped than those who lived with others.

Unemployed women were 3 times more likely and students 1.5 times more likely than women as a whole to be raped. Those who were retired or keeping house had the lowest rates of rape.

About half of all rape victims and almost three-quarters of black rape victims were in the lowest third of the income distribution. Women in the low income group were the most likely to be raped, and those in the top third, about 15 per cent of all victims, were the least likely.

Black women with low incomes were more likely to be raped than black women with medium or high incomes; they were also more likely to be raped than white women in any income category. Middle- and upper-income women of all races had about the same likelihood of being raped.

## Reporting Rape to the Police

Of all attempted or completed rapes, 53 per cent were reported to police. Completed rapes and stranger rapes were reported more frequently than attempted rapes and those in which the offender and the victim knew each other.

The presence of a weapon increased the likelihood of the crime being reported to the police. Approximately 7 in 10 rapes were reported when the offender had had a weapon, and fewer than 5 in 10 when the rapist had been unarmed.

When victims were injured, police

Table 1. Number of Crimes, Violent Crimes, and Rapes Reported to the NCS, 1973-1987

	Number of victimizations	Average annual number	Annual rate per 1000 persons age 12 or older
All crime	583,974,400	38,931,600	—
All violent crime	96,711,900	6,447,500	35.4
Rape	2,515,200	167,700	.9
Completed	832,200	55,500	.3
Attempted	1,683,000	112,200	.6
Female victims	2,317,900	154,500	1.6
Completed	794,000	52,900	.6
Attempted	1,523,800	101,600	1.1
Male victims	197,300	13,200	.2

NOTE: Detail may not add to total because of rounding. Rates are calculated from unrounded numbers. Rates of victimization by rape for the sexes are based on the respective number of each sex.

Source: Bureau of Justice Statistics

were more likely to be informed of the crimes. Between 7 and 8 rapes out of 10 in which the victim was seriously injured were reported to police, possibly by medical personnel. Less than half of the rapes in which there was no physical injury were reported.

When rape victims themselves reported the crime to police, the reason they cited most frequently to the NCS was to prevent the rape from happening again. Of the rape victims, 60 per cent mentioned prevention, 47 per cent said they wanted to punish the offender, and 31 per cent said they wanted to stop the incident from happening.

Victims of completed rape mentioned that they needed help after the incident more frequently than did victims of attempted rape (24% versus 9%). The victims of completed rape also cited punishing the offender more frequently than the victims of attempted rape (58% versus 41%).

When the police were not informed of a completed rape, victims gave three main reasons to the NCS: They considered the rape to be a private or personal matter or a matter they wanted to resolve themselves (25%); they feared reprisal by the offender, his family, or friends (23%); and the police would be inefficient, ineffective, or insensitive (23%).

**Offenders**

In 9 out of 10 rapes there was one victim, and in 8 out of 10, one offender. In almost 8 in 10 rapes, one offender confronted one victim. In about 12 per cent, more than one offender attacked one victim. In about 8 per cent of all rapes more than one victim was present, with at least one being raped.

Rapists and their victims were likely to be of the same race. In rapes with one offender, 7 out of every 10 white victims were raped by a white offender, and 8 out of every 10 black victims were raped by a black offender. In rapes with 2 or more offenders, victims and offenders were of the same race 49 per cent of the time for white victims and 72 per cent of the time for black victims.

Offenders and victims were more likely to be of the same race when they knew each other than when they were strangers. Of nonstranger rapes, 83 per cent involving white victims and 91 per cent involving black victims were committed by men of the same race. In rapes by strangers, offenders were of the same race in 60 per cent of the rapes of white women and in 77 per cent of the rapes of black women.

Rape is largely a crime of the older offender. In almost three-fourths of all rapes, the offenders were age 21 or older.

**Table 2. Reporting of Rape of Women to the Police, 1973-1987**

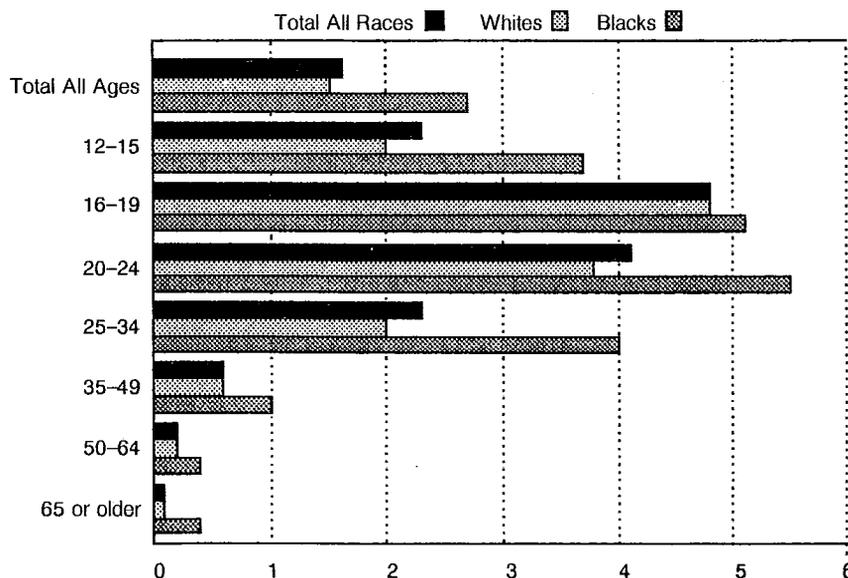
By Characteristics of the Crime and of the Victim

Characteristics of crime or victim	Average annual number of rapes	Per cent of victimizations reported to police
<b>All rapes</b>	154,500	53
Attempted	101,600	50
Completed	52,900	59
<b>Victim-offender relationship</b>		
Nonstranger	58,800	47
Stranger	89,900	57
<b>Presence of weapon</b>		
No weapon	101,600	47
Weapon	36,500	71
<b>Presence of injury</b>		
No injury	93,900	48
Injury	60,700	61
Minor	41,200	55
Serious	19,300	74
<b>Race of victim</b>		
White	121,400	52
Black	29,900	56
Other	3,200	50
<b>Age of victim</b>		
12-15	16,800	70
16-19	37,600	48
20-24	41,000	48
25-34	41,600	51
35-49	11,800	56
50-64	3,800	74
65 or older	1,800	55
<b>Marital status of victim</b>		
Married	27,100	54
Widowed	3,900	62
Separated/divorced	36,500	51
Never married	86,500	53

NOTE: Detail may not add to total because of rounding and omission of "don't know" and "not ascertained" categories.

Source: Bureau of Justice Statistics

**Figure 1. Average Annual Rate of Rape Per 1000 Women Age 12 or Older**



Source of Data: Bureau of Justice Statistics

Offenders who committed rape in a group tended to be younger than lone rapists, according to victims' reports. In rapes with one offender, fewer than 2 in 10 offenders were under age 21. In rapes with 2 or more offenders, fully 3 in 10 rapists were under 21.

In attempted or completed rapes with one victim and one offender, victims tended to be about the same age as their offenders. More than 6 in 10 of the victims of an offender under age 21 were age 19 or younger. Three in 10 victims were age 19 or younger when the offender

Please see BJS, page 7

# Offenses Reported in the Bethel Region, 1983-1987

Nella Lee

The purpose of this article is to present data on felony and non-felony incidents reported in the Bethel Region from 1983 to 1987. The rates reported are part of a larger study based on crime, culture, and social control in rural Alaska. Due to the limitations of space, the theoretical constructs of the larger research project will not be

elaborated here.

Crime data in Alaska are aggregated by region and by state; separate statistics are not usually generated for rural crime, and statewide totals are dominated by figures from the metropolitan areas of Anchorage, Fairbanks and Juneau. Hence, the extent of rural crime has been difficult to determine.

The data reported here are from a sample of sixteen rural villages in the

Bethel region; only the most frequently occurring felonies and misdemeanors are covered.

The villages sampled are Yupi'k Eskimo with an average population of 380. Eight villages are members of a sovereignty movement. These eight villages were initially selected based on sovereignty movement participation, ethnicity, population and location (riverine or coastal). The 1980 census figures for ethnicity

**Table 1. Incidence of Selected Felonies—Aggregated 1983-1987**

N = Population of Nation Villages

Offense	1 N=453	2 N=266	3 N=224	4 N=400	5 N=296	6 N=288	7 N=439	8 N=429	Total N=2795	Average annual rate per 100,000
Rape	1	—	2	1	1	—	—	—	5	36
Strongarm rape	3	1	—	1	1	—	—	1	7	50
Aggravated assault	9	5	12	5	15	4	4	9	63	45
Non-aggravated assault	7	2	5	1	13	—	6	1	35	250
Burglary	3	9	11	2	3	3	15	2	48	343
Child sex assault	—	2	3	6	7	6	4	1	29	208
Criminal family offense	3	1	1	2	2	—	7	1	17	122
Sex assault	—	1	1	—	—	—	1	—	3	21
Incest	1	—	1	—	—	—	—	—	2	14
Homicide	—	—	—	—	—	—	—	—	—	—
<b>Total</b>	<b>27</b>	<b>21</b>	<b>36</b>	<b>18</b>	<b>42</b>	<b>13</b>	<b>37</b>	<b>15</b>	<b>209</b>	
Annual village rate*	1.19	1.58	3.21	.90	2.84	.903	1.69	.699	1.50	
Annual rate @ 100,000*	1192	1579	3214	900	2838	903	1686	699		1496

\* Five-year rates were divided by 5 for an annual rate.

**Table 2. Incidence of Selected Non-Felonies—Aggregated 1983-1987**

N = Population of Nation Villages

Offense	1 N=453	2 N=266	3 N=224	4 N=400	5 N=296	6 N=288	7 N=439	8 N=429	Total N=2795	Average annual rate per 100,000
Malicious mischief	3	14	1	1	4	2	11	4	40	286
Alcohol transport	2	6	6	—	10	1	12	3	40	286
Liquor	—	2	1	1	4	1	—	—	9	64
Drunk in public	35	14	—	—	3	1	27	1	81	580
Protective custody	9	11	—	3	168	21	65	—	277	1982
Minor in need of supervision	7	9	—	8	10	—	10	—	44	315
Disorderly conduct	1	7	1	1	12	—	1	—	23	165
Criminal trespass	5	2	3	1	1	—	1	2	15	107
Attempted suicide	1	1	—	—	1	—	1	—	4	29
Suicide	—	—	1	—	—	—	1	1	3	21
<b>Total</b>	<b>63</b>	<b>66</b>	<b>13</b>	<b>15</b>	<b>213</b>	<b>26</b>	<b>129</b>	<b>11</b>	<b>536</b>	
Annual village rate*	2.78	4.96	1.16	.75	14.4	1.81	5.88	.513	3.84	
Annual rate @ 100,000*	2781	4962	1161	750	14392	1806	5877	513		3835

\* Five-year rates were divided by 5 for an annual rate.

and population were used to select an additional eight villages which were matched for all characteristics except involvement in the sovereignty movement.

For this sample, data were collected from the Department of Public Safety on all incidents reported from 1983 to 1987. Those incidents which involved multiple offenders were reported as one incident; multiple offenses involving one offender were reported as only the most serious offense.

The rates reported in the tables are calculated in two different ways:

(1) a rate based on the actual population of the sample; and (2) a rate based on a population of 100,000. The latter rate is reported for several reasons. First, state and national crime rates are usually reported on a base of 100,000 people, so the significance of crime rates per 100,000 is generally recognized. Second, rates based on actual population figures can appear to be insignificant when the sample is from such a small area. It may not be immediately obvious what the impact of two rapes in a town of 224 people is; the reported incidents have

therefore been translated into the rate which would apply in a population of 100,000. It must again be cautioned, however, that the actual sample is, in fact, very limited. The rate per 100,000 are presented here primarily for impressionistic purposes. Comparison of rates between the two groups reveals some significant differences in reported incidents.

*Nella Lee is a doctoral candidate at Rutgers University. This article is based on her dissertation.*

**Table 3. Incidence of Selected Felonies—Aggregated 1983-1987**

N = Population of Non-Nation Villages

Offense	9 N=522	10 N=292	11 N=252	12 N=386	13 N=272	14 N=452	15 N=532	16 N=673	Total N=3281	Average annual rate per 100,000
Rape	3	2	—	1	5	5	1	2	19	116
Strongarm rape	3	1	—	—	15	31	1	5	56	341
Aggravated assault	49	15	4	11	12	10	18	30	149	908
Non-aggravated assault	48	30	4	8	24	44	20	37	215	1310
Burglary	31	7	3	11	22	70	21	17	182	1109
Child sex assault	7	9	—	5	9	9	10	8	57	347
Criminal family offense	15	5	3	1	7	17	9	8	65	396
Sex assault	2	—	—	4	2	5	2	1	16	98
Incest	—	—	—	1	—	3	—	1	5	30
Homicide	—	—	—	1	—	2	—	2	5	30
<b>Total</b>	<b>158</b>	<b>69</b>	<b>14</b>	<b>43</b>	<b>96</b>	<b>196</b>	<b>82</b>	<b>111</b>	<b>769</b>	
Annual village rate*	6.1	4.7	1.1	2.2	7.1	8.7	3.1	3.3	4.7	
Annual rate @ 100,000*	6053	4726	1111	2228	7059	8673	3083	3299		4688

\* Five-year rates were divided by 5 for an annual rate.

**Table 4. Incidence of Selected Non-Felonies—Aggregated 1983-1987**

N = Population of Non-Nation Villages

Offense	9 N=522	10 N=292	11 N=252	12 N=386	13 N=272	14 N=452	15 N=532	16 N=673	Total N=3281	Average annual rate per 100,000
Malicious mischief.	19	6	1	2	3	31	12	8	82	500
Alcohol transport	83	5	6	2	—	—	1	5	102	622
Liquor	5	2	—	—	—	3	1	—	11	67
Drunk in public	24	1	5	2	2	33	4	1	72	439
Protective custody	78	—	1	3	20	33	14	10	159	969
Minor in need of supervision	5	17	257	7	104	2	1	—	393	2396
Disorderly conduct	92	2	3	—	3	3	13	8	124	756
Criminal trespass	17	—	1	1	5	19	13	11	67	408
Attempted suicide	2	4	—	1	2	7	4	8	28	171
Suicide	2	—	1	4	2	3	2	—	14	85
<b>Total</b>	<b>327</b>	<b>37</b>	<b>275</b>	<b>22</b>	<b>141</b>	<b>134</b>	<b>65</b>	<b>51</b>	<b>1052</b>	
Annual village rate*	12.5	2.5	21.8	1.1	10.4	5.9	2.4	1.5	6.4	
Annual rate @ 100,000*	12529	2534	21825	1140	10368	5929	2444	1515		6413

\* Five-year rates were divided by 5 for an annual rate.

### Sentencing

(continued from page 1)

work (i.e. a higher arrest and conviction rate); 2) changes in sentencing law to mandating presumptive sentencing for many offenses; and 3) dramatic increases in the corrections budget. For example, the corrections budget in 1990 was over four times larger than the 1980 budget, while the overall state budget is only twice its 1980 figure. In addition, Alaska relies much more than other states on incarceration instead of probation for its supervised population (prison, probation, parole). Alaska holds 45 per cent of the total supervised population in prison, 45 per cent on probation and 10 per cent on parole, whereas the national average is 28 per cent in prison, 61 per cent on probation, and 11 per cent on parole.

Sentencing policy recommendations will require a careful balancing of the community's need to protect itself and a realistic assessment of the state's

incarceration capabilities and priorities. "Intermediate" sanctions—alternative sentencing options which are more stringent than traditional probation but which do not mandate incarceration—could free prison space for more serious offenders.

Many states are investigating the viability of intermediate sanctions as effective punishment. Tightly structured intermediate sanctions can serve retributive and incapacitation goals while allowing offenders to stay in the community, thus releasing prison beds for violent and repeat offenders who need to be isolated. Alternative options currently available in Alaska are: probation; suspended imposition of sentence; community service; fines; restitution; forfeiture; and treatment programs. Other states also use intensive supervision on probation, house arrest with electronic monitoring, day fines (fines fixed to a proportion of the offender's salary), and shock incarceration boot camps (short but intense periods of incarceration). All

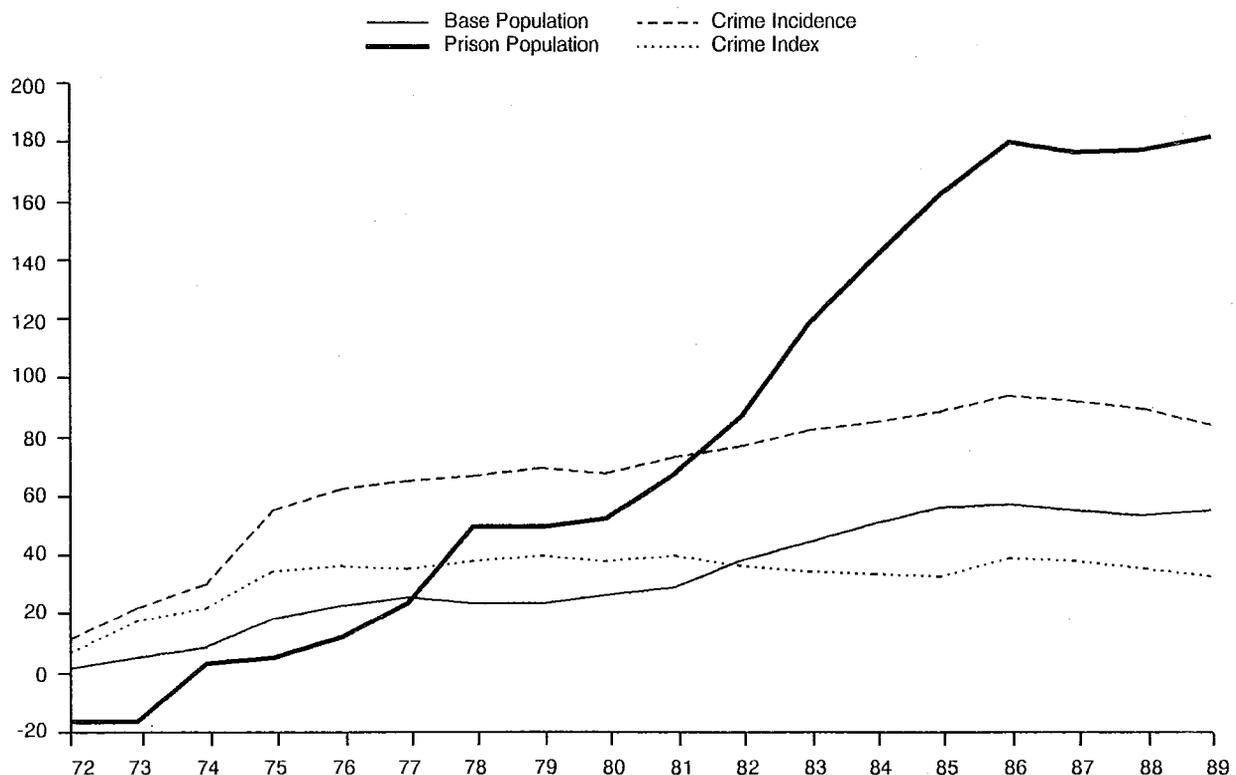
of the above are less costly than maintaining inmates in secured custody; however, the cost advantages depend upon these alternatives being used as a replacement for incarceration and not as a supplement to it.

The first two tasks which the Commission will undertake are the ranking of offenses by seriousness (in terms of the harm or potential harm to the community and in terms of the culpability of the offender) and analyzing the effect of criminal history on sentencing practices. Other state sentencing commissions have used these two criteria to form grid systems which result in a scoring mechanism on which sentencing guidelines can be based.

Other issues which the Commission plans to investigate later include: dispositional policy (determining which offenders need to be incarcerated based on offense seriousness and offender characteristics); durational policy (recommendations on length of sentences and extent of intermediate

Figure 1. Population Trends 1971-1989

Cumulative Percentage Change by Year



Source: Alaska Sentencing Commission, 1990 Annual Report to the Governor and the Alaska Legislature

sanctions); criteria for departure from prescribed sentences; and other related policies and procedures (e.g., possible reallocation of sentencing authority to reinforce the goals of sentencing consistency).

One of the greatest hurdles facing the Sentencing Commission is the lack of fully systematized sentence data collection in Alaska. Without easily accessible records on imposed sentences and time served, the Sentencing Commission and the legislature will have more difficulty evaluating the efficacy of the laws and the propriety of choices available to the state.

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## Alaska Justice Forum

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## Library Resources

The Justice Center at the University of Alaska maintains a library of books, reports and other documents related to the justice system. Library holdings are now catalogued on the Center computer network. The library is open to the public on a non-circulating basis. In each issue the *Forum* includes a list of recent acquisitions. Further information concerning the use of library resources may be obtained by calling 786-1810.

*Alaska's Plea Bargaining Plan Re-evaluated.* Terese White Carnes and John Kruse. Anchorage: Alaska Judicial Council, 1991.

*Alaska Occupational Supply and Demand 1990.* Cristina Kleian, et. al. Juneau: Alaska Department of Labor, Research and Analysis, December 1990.

*Juvenile Court Statistics 1987.* Howard N. Snyder, et al. Pittsburgh: National Center for Juvenile Justice, 1990.

*Juvenile Court Statistics 1986.* Howard N. Snyder, et al. Pittsburgh: National Center for Juvenile Justice, 1990.

*Guide to Graduate Programs in Criminal Justice and Criminology 1990-1991.* Highland Heights, KY: Academy of Criminal Justice Sciences, 1990.

*Futures in Crime Analysis: Exploring Applications of Incident-based Crime Data.* Kenneth R. Coyle, John C. Schaaf, and James R. Coldren. Washington D.C.: Bureau of Justice Statistics, January 1991.

*NIJ Reports—The Bimonthly Journal of the National Institute of Justice.* November-December 1990.

*The Bartley-Fox Sentencing Study—Final Report.* William H. Holmes and Melissa A. Ruboy. Boston: Massachusetts Committee on Criminal Justice, Statistical Analysis Center, 1991.

*Drug Abuse Indicators Trend Report for the District of Columbia.* Washington, D.C.: Office of Criminal Justice Plans and Analysis, Statistical Analysis Center, January 1991.

## BJS (continued from page 3)

was between age 21 and 29, and about 6 in 10 of the victims were age 20 to 34. When the offender was 30 or older, 2 in 10 victims were under age 21, and almost 6 in 10 were age 25 or older.

Most offenders were unarmed. A fourth of all rapists showed weapons. A tenth of the victims were unsure whether a weapon was present.

Weapons were more likely to be present in completed rapes than in rape attempts. About the same percentage of offenders carried knives as carried guns.

Most rape victims (8 in 10) tried to protect themselves. Those using self-protection were less likely to be victims of a completed rape than those not taking a self-protective measure.

When victims were attacked and were thereby put at risk of injury, victims who tried to protect themselves were more likely to be injured (58%) than were those who took no measures (46%).

Thirty per cent of rape victims

were threatened either with a weapon or verbally. About 45 per cent of the victims of rape attempts were threatened; 55 per cent were attacked. (By definition a completed rape is considered an attack.)

Victims of completed rapes were more likely to be injured than victims of rape attempts. Almost 60 per cent of the victims of completed rape were injured: 14 per cent seriously and 44 per cent with minor injuries. These victims were almost 6 times more likely than victims of rape attempts to receive medical care.

More than half of the victims of a completed rape received medical care for rape or injury; about a tenth of the victims of rape attempts received medical care. About 4 in 10 victims of a completed rape were treated in a hospital or emergency room, compared to fewer than 1 in 10 victims of attempted rape.

*This article was based on Bureau of Justice Statistics report NCJ 126826, "Female Victims of Violent Crime." Copies of the entire report are available through the Justice Center.*

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