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Capital Punishment 2007 and 2008

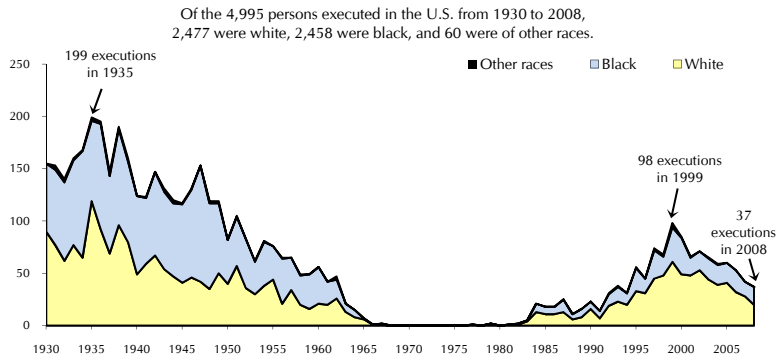
According to figures compiled by the Bureau of Justice Statistics (BJS), 10 states executed 42 prisoners in 2007. Of those executed in 2007, 28 were white and 14 were black. All were men. In 2008, according to figures also released by BJS, 37 people were executed—all were men. Of these individuals, 20 were white and 17 were black.

BJS also reports that, at the end of 2007, 3,200 prisoners were under sentence of death in state and federal prisons in the country as a whole, with the highest number of prisoners on death row in California (655), Florida (389), Texas (372), and Pennsylvania (221). However, the number of prisoners under sentence of death decreased for the seventh consecutive year in 2007. Thirty-seven states and the federal government provided for the death penalty for certain offenses (Table 1). New Jersey enacted legislation repealing the death penalty effective December 17, 2007, and nine states revised statutory provisions relating to the death penalty that same year. (In 2009, New Mexico repealed the death penalty effective July 1, 2009.) Of states with the death penalty, 36 provided for automatic review of all death sentences. The federal government did not provide for automatic review of death sentences.

From 1977 through 2007, 1,099 persons were executed in the Unites States, with the highest number of executions occurring in Texas—405, and the second highest in Virginia—98. For the prisoners executed from 1977 to 2007, the average time between imposition of sentence and execution was more than 10 years. Between 1973 and 2005 (the latest figures available), higher courts overturned 784 convictions and

*Please see **Capital punishment**, page 12*

Figure 1. Persons Executed in the U.S. Under Civil Authority, by Race, 1930–2008



Source of data: *Bureau of Justice Statistics*

Table 1. Status of the Death Penalty, December 31, 2007

Executions during 2007		Number of prisoners under sentence of death		Jurisdictions without a death penalty*
Texas	26	California	655	Alaska
Alabama	3	Florida	389	District of Columbia
Oklahoma	3	Texas	372	Hawaii
Indiana	2	Pennsylvania	221	Iowa
Ohio	2	Alabama	199	Maine
Tennessee	2	Ohio	182	Massachusetts
Arizona	1	North Carolina	167	Michigan
Georgia	1	Arizona	116	Minnesota
South Carolina	1	Georgia	105	New Jersey
South Dakota	1	Tennessee	96	North Dakota
		Louisiana	86	Rhode Island
		Nevada	83	Vermont
		Oklahoma	80	West Virginia
		Mississippi	65	Wisconsin
		South Carolina	59	
		Federal	48	
		22 other jurisdictions	297	
Total	**42**	**Total**	**3,220**	

* In March 2009, New Mexico replaced the death penalty with a sentence of life in prison without the possibility of parole. The new law applies only to crimes committed after July 1, 2009.

Source: *Bureau of Justice Statistics*

Table 2. Persons Under Sentence of Death in the U.S., 1997 and 2007

	1997[a]	2007[b]
White	1,876	1,804
Black	1,406	1,345
American Indian	28	—
Asian	17	—
Other	8	71 [c]
Total	**3,335**	**3,220**

a. In 1997, 283 Hispanic persons under sentence of death accounted for 9.2% of inmates with a known ethnicity.

b. Figures for White, Black, and Other includes figures for Hispanics.

c. Includes American Indians, Alaska Natives, Asians, Native Hawaiians, and Other Pacific Islanders.

Source: *Bureau of Justice Statistics*

Violent Deaths in Alaska and Nationwide

Violence in Alaska and nationwide is one of today's major public health problems. An estimated 50,000 people die at their own hand or the hands of another each year in the United States. In Alaska, although our population is relatively small, 250 persons die as a result of a violent death annually. The state and national violent death reporting systems work to capture and analyze detailed data about violent deaths with the goal of identifying populations at risk, and designing and improving intervention and prevention efforts at all levels.

In 2008, two significant surveys on violent deaths in the United States were released.

The Alaska Violent Death Reporting System 2003–2005 Summary Report was released by the Alaska Violent Death Reporting System (AK VDRS) under the Alaska Department of Health and Social Services and is its first annual publication. It gives a detailed summary of violent deaths in Alaska over the three-year period 2003–2005. (Future reports will look at five years of combined data.)

Deaths from Violence: A Look at 17 States—Data from the National Violent Death Reporting System (NVDRS) 2004-2005 is a publication of the State Violent Death Reporting System Workgroup, a part of the Centers for Disease Control's (CDC) National Violent Death Reporting System (NVDRS), which was instituted in 2002. The report includes data from the 17 states that currently provide information to the national system.

Alaska Violent Death Reporting System

The Alaska Violent Death Reporting System under the Alaska Department of Health and Social Services was established in 2003 with funding from the Centers for Disease Control and works with a team of partners including the Alaska State Troopers, Alaska Bureau of Investigation, Alaska Bureau of Vital Statistics, the Office of the Medical Examiner, many local law enforcement agencies, and the AK VDRS advisory group.

Its summary report is a comprehensive, detailed analysis of factors surrounding violent deaths in Alaska. Researchers were able to collect and analyze violent death data in the state including victim characteristics and mode of, location of, and other circumstances surrounding deaths. The report utilizes counts, percentages, and rates as part of its analysis: counts are the basic measure, percentages show distributions, and rates take into account the underlying population. Death rates are expressed as the number of deaths per 100,000 population. Some highlights of the 2003–2005 report follow.

Table 2. Violent Deaths in Alaska, by Region, 2003–2005

Region	Violent deaths	Percent	Rate per 100,000 population
Anchorage/Mat-Su	277	45.6 %	26.7
Gulf Coast	62	10.2	27.7
Interior	92	15.2	30.5
Northern	61	10.0	85.9
Southeast	40	6.6	19.5
Southwest	75	12.4	69.7
Total	**607** *	**100.0**	**30.8**

* Location of death could not be determined for four decedents.

Source: *Alaska Department of Health and Social Services, Alaska Violent Death Reporting System 2003–2005, http://www.hss.state.ak.us/dph/ipems/AKVDRS/assets/AKVDRS.pdf*

Vital Statistics

• During this 3-year period, 611 violent deaths occurred in Alaska (Table 1).

• The majority of violent deaths in 2003–2005 were suicide (69%), followed by homicide (19%), violent death of undetermined intent (7%), unintentional firearms deaths (3%), and legal intervention (1%).

• The rate of violent death in Alaska was 3 times higher for men than women.

• Persons aged 15–24 years and 25–34 years had the highest rates of violent death: 59 per 100,000 and 48 per 100,000 population. Twenty-six per cent of violent death victims were aged 15–24.

• American Indians/Alaska Natives and Blacks had the highest rates of violent death: 65 per 100,000 and 40 per 100,000 population.

• Among women, American Indian/Alaska Natives had the highest rate of death: 40 per 100,000.

• Among men, American Indian/Alaska Natives and Blacks had the highest rate of fatal injuries: 90 per 100,000 and 60 per 100,000.

Table 1. Suicides, Homicides, and Total Violent Deaths in Alaska by Demographic Characteristics, 2003–2005

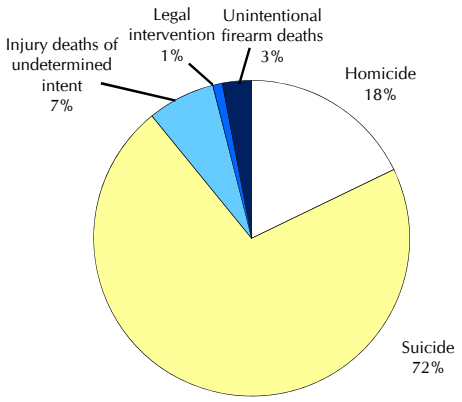
	Suicides			Homicides			Total violent deaths		
	Number of deaths	Percent of total	Rate per 100,000 population	Number of deaths	Percent of total	Rate per 100,000 population	**Number of deaths**	**Percent of total**	**Rate per 100,000 population**
Total	**419**	**100.0 %**	**21.3**	**117**	**100.0 %**	**5.9**	**611**	**100.0 %**	**30.2**
Gender									
Male	328	78.3 %	32.4	73	62.4 %	7.2	**459**	75.1 %	**45.4**
Female	91	21.7	9.5	44	37.6	4.6	**152**	24.9	**15.9**
Race/ethnicity									
White	241	57.5 %	17.2	60	51.3 %	4.3	**338**	55.3 %	**24.1**
Black	5	1.2	7.0	17	14.5	23.9	**28**	4.6	**39.3**
Alaska Native/American Indian	147	35.1	47.2	26	22.2	8.3	**203**	33.2	**65.1**
Asian/Pacific Islander	11	2.6	12.0	8	6.8	8.7	**21**	3.4	**22.8**
Other	0	0.0	0.0	1	0.9	—	**1**	0.2	—
Two or more races	8	1.9	8.6	4	3.4	—	**12**	2.0	**12.9**
Unknown	7	1.7	—	1	0.9	—	**8**	1.3	—
Hispanic/Latino *	*10*	*2.4*	*12.4*	*7*	*6.0*	*8.7*	***19***	*3.1*	***23.6***
Age									
0–14 years	9	2.1 %	1.9	12	10.3 %	2.5	**42**	6.9 %	**8.7**
15–24 years	109	26.0	37.6	32	27.4	11.0	**159**	26.0	**54.8**
25–34 years	89	21.2	33.6	26	22.2	9.8	**126**	20.6	**47.6**
35–44 years	81	19.3	25.9	22	18.8	7.0	**114**	18.7	**36.4**
45–54 years	73	17.4	23.1	13	11.1	4.1	**95**	15.5	**30.1**
55–64 years	30	7.2	16.8	9	7.7	5.0	**42**	6.9	**23.5**
65–74 years	14	3.3	18.4	3	2.6	3.9	**17**	2.8	**22.3**
75+ years	14	3.3	28.6	0	0.0	0.0	**16**	2.6	**32.6**

— Rates were not calculated for < 5 observations or for "Unknown" race.

* Figures for persons of Hispanic/Latino origin are included in race figures, but are also noted separately.

Source of data: *Alaska Department of Health and Social Services, Alaska Violent Death Reporting System 2003–2005, http://www.hss.state.ak.us/dph/ipems/AKVDRS/assets/AKVDRS.pdf*

Figure 1. Violent Deaths in Alaska, by Type, 2004–2005
N = 408



Source: *Deaths from Violence: A Look at 17 States—Data from the National Violent Death Reporting System 2004–2005 (January 2008). http://www.hss.state.ak.us/AKVDRS/assetts/NVDRS-17States.pdf*

• Southwest and Northern Alaska had the highest violent death rates: 70 per 1000,000 and 86 per 100,000, including the highest suicide rates (Table 2).

• The greatest victim count was in the Anchorage/Mat-Su area: 277 deaths.

• October had the highest number of all violent deaths: 65; while suicide peaked in June and October at 46 victims in each of those months.

• Leading causes overall of deaths in Alaska in 2001–2005 were cancer (110 deaths per 100,000) and heart disease (96 per 100,000), followed by unintentional injuries (51 per 100,000).

Homicides

• Intimate partner violence (IPV) was related to 22 percent of the homicides, and jealousy due to a lover's triangle was involved in 5 percent of the incidents.

• The highest homicide rate was in Northern Alaska.

Suicides

• The number of suicides (419) was 21 per 100,000 population. This rate is 3 times higher than that for the lowest of the 17 participating NVDRS states.

• Among Alaska Natives, suicide was the fourth leading cause of death, with rates in males of 68 per 100,000, and in females of 26 per 100,000.

• Southwest and Northern Alaska had the highest suicide rates.

• Alcohol use and drug abuse were reported in 40 percent of all suicides.

National Violent Death Reporting System

The Centers for Disease Control and Prevention fund the 17 states (Table 3) that participate in the NVDRS. The NVDRS began in 2002 with six states participating; in 2003, seven additional states were added, including Alaska. In contrast to other national data collection systems which receive their data from a single source, NVDRS collects information from multiple sources including death certificates, coroner/medical examiner reports, law enforcement investigations, crime labs, and Supplemental Homicide Reports.

Funded and some non-funded states and CDC personnel meet and share information regularly. They have recently been concerned with how data analyzed at the national level often does not reflect the significant state-level heterogeneity of violent death statistics. The detail available from state-level data can provide greater assistance in intervention and prevention policy and programs.

Highlights from 2004–2005 national statistics follow.

Vital Statistics

• In 2004–2005, there were 408 violent deaths in Alaska (Figure 1).

• In 2004–2005, the total violent death rate for Alaska and Utah (at about 31 per 100,000) was more than twice the lowest death rate of 12 per 100,000 for New Jersey.

• Alaska's violent death rate for state residents was the highest in the nation: 28 deaths per 100,000 population.

• The next highest violent death rates were found in New Mexico (26 per 100,000), Colorado (22 per 100,000), and Oklahoma (21 per 100,000).

Homicides

• Nationally, homicide rates were higher for males than females. In most states, the highest homicide death rate was among males 15–24 years old.

• The death by homicide rate was the highest in Maryland (9 per 100,000), and was more than four times that of Utah, which had the lowest homicide rate of 2 per 100,000.

• The highest rate for death by homicide was among Black/non-Hispanic males. Homicide death rates in Alaska were highest among Black males (38 per 100,000), followed by Asian/Pacific Islander males (14 per 100,000).

*Please see **Violent deaths**, page 4*

Table 3. Suicides, Homicides, and Total Violent Deaths in 17 States, Annualized Average 2004–2005[a,b]

	Suicides			Homicides			Total violent deaths		
State	Number of deaths[b]	Rate per 100,000 population	Percent involving state residents	Number of deaths[b]	Rate per 100,000 population	Percent involving state residents	**Number of deaths[b]**	**Rate per 100,000 population**	**Percent involving state residents**
Alaska	146	22.1	97.9 %	37	5.6	97.3 %	**204**	**30.9**	**97.3 %**
California [c]	226	7.9	91.6	234	8.2	84.6	**510**	**17.9**	**88.4**
Colorado	811	17.5	97.7	203	4.4	97.5	**1,124**	**24.3**	**96.7**
Georgia	951	10.5	97.9	657	7.3	96.5	**1,821**	**20.2**	**69.9**
Kentucky	548	13.1	95.6	192	4.6	95.8	**799**	**19.1**	**95.5**
Maryland	478	8.6	96.8	515	9.2	93.9	**1,618**	**29.0**	**95.7**
Massachusetts	482	7.5	96.9	181	2.8	95.6	**1,110**	**17.2**	**96.7**
New Jersey	601	6.9	96.1	411	4.7	97.2	**1,075**	**12.4**	**96.4**
New Mexico	343	17.8	94.8	160	8.3	95.0	**586**	**30.4**	**93.9**
North Carolina	1,033	12.0	98.1	636	7.4	96.8	**1,749**	**20.3**	**97.5**
Oklahoma	525	14.9	97.6	221	6.3	95.7	**925**	**26.2**	**97.2**
Oregon	579	16.0	95.1	110	3.0	95.0	**801**	**22.2**	**95.2**
Rhode Island	80	7.4	94.3	34	3.2	92.6	**255**	**23.7**	**93.9**
South Carolina	508	12.0	96.5	330	7.8	95.4	**892**	**21.1**	**95.9**
Utah	349	14.0	98.0	60	2.4	98.3	**785**	**31.5**	**97.7**
Virginia	857	11.4	97.0	438	5.8	95.8	**1,402**	**18.6**	**96.4**
Wisconsin	653	11.8	97.6	194	3.5	95.6	**925**	**16.8**	**97.0**

a. States represented in the table are the 17 states that are currently funded by and contribute data to the National Violent Death Reporting System (NVDRS).

b. For California (selected sites), Kentucky, New Mexico, and Utah, the results are based on deaths occurring in 2005 only. For all other states, the results are an annualized average for deaths occurring in 2004 and 2005.

c. Data for California are from selected sites only (not statewide). The results shown are from 2005 for the City of Oakland, the City and County of San Francisco, and Santa Clara County.

Source: *Deaths from Violence: A Look at 17 States—Data from the National Violent Death Reporting System 2004–2005 (January 2008). http://www.hss.state.ak.us/AKVDRS/assetts/NVDRS-17States.pdf*

Violent deaths

(continued from page 3)

• Four states varied from the above national figures: in New Mexico, the highest death by homicide rate was found among American Indian/Alaska Native males; in North Carolina among American Indian/Alaska Native and Black/non-Hispanic males; in Rhode Island among Hispanic and Black/non-Hispanic males; and in Utah among Hispanic males.

• Although more than 50 percent of the homicides in the U.S. resulted from firearm use, in Alaska, New Mexico, Rhode Island and Utah, less than 50 percent of homicides involved firearm use. In these states there was a higher percentage of homicides resulting from the use of a sharp or blunt instrument.

• Homicides in Alaska resulting from firearm use involved a handgun in 82 percent of incidents.

• Intimate partner violence was a precipitating factor in 15 percent of homicides nationally, and females were more likely to be victims of homicide involving intimate partner violence.

• In Alaska and Utah, over 20 percent of homicides involved intimate partner violence as a precipitating factor.

Suicides

• In the United States, suicides outnumber homicides, but these data are rarely cited. Suicides outnumbered homicides in every state except Maryland and selected California cities.

• The suicide rate in Alaska of 22 per 100,000 was three times that of New Jersey with the lowest rate of 7 per 100,000.

• The method of suicide varied from state to state, but firearm use was the most frequent, with males more likely to commit suicide with a firearm, and females by drug overdose (poisoning). In Alaska, 60 percent of suicides involved firearms.

• On average 28 percent of persons who committed suicide were identified as having problems with a current or former intimate partner.

• In all states, the rates for suicides were higher for males than females. In Alaska and New Jersey, the suicide rate was highest among males 20–24 years old.

The 17 states involved in the *Deaths from Violence* report also made several recommendations for funding and implementing the NVDRS nationwide. They recommended increased funding by the CDC and full implementation of the NVDRS in all states, the District of Columbia, and the U.S. territories by 2012, and the development and use of national standards for death investigation and documentation across disciplines. The group also stressed the need to increase awareness of the NVDRS and to facilitate cross-jurisdictional access to aggregate, state, and local level violent death data.

Both of these studies provide valuable information for violence prevention. Both reports, as well as additional data on violent deaths in Alaska and nationally, are available from the AK VDRS site at http://www.hss.state.ak.us/dph/ipems/AKVDRS/data.htm. Further information about violent deaths is available at http://cdc.gov/ncipc/profiles/nvdrs/.

Collective Efficacy and Fear of Crime in the Mat-Su Borough

Sharon Chamard

Since 2006, the Justice Center has collaborated with the Matanuska-Susitna Borough on an annual survey of Borough residents' attitudes towards their community and local government services. The 2008 survey was distributed to 2,300 adult heads-of-household in the Mat-Su Borough. Of those, 307 were returned as undeliverable. The analyses presented here are based on the 1,068 surveys returned (a 53.6% response rate); some of these surveys were received after the final report was written in late 2008.

Close to 60 percent of respondents were women. The majority of respondents (85%) were white; the largest minority group was "Alaska Native or American Indian" with fewer than five percent of respondents. The median household income was between $50,000 and $74,999. "Some college, no degree" was the median education level reported by respondents. The average age of respondents was 46 years old. Compared to the 2007 survey, there was a major shift in the percentage of respondents from urban and rural areas. In 2007, the borough was broken down into census block groups and the same number of respondents was selected from each block group. This ensured an adequate number of responses from sparsely populated rural areas, but also meant that rural residents were oversampled relative to their proportion in the borough population. In 2007, 19.5 percent of respondents were from urban areas (classified as Houston, Palmer and Wasilla), while 80.5 percent were from rural areas in the borough. In 2008, the sample was taken from the borough as a whole. Consequently, 86.0 percent of respondents were from urban areas—Houston, Palmer and Wasilla—and only 13.9 percent were from rural areas in the borough. (See Table 1.)

The purpose of this article is to explore the relationship between *fear of crime* and three possible explanatory factors. The first of these is *collective efficacy*, which refers broadly to the community's ability to control the behavior of its inhabitants and to organize when needed to attract amenities and repel negative influences. The second is *social ties*, which is a measure of how socially connected people are to others in their neighborhoods. The third explanatory factor is *disorder*, specifically, how many indicators of both social (e.g., public drug sales, panhandling, and loitering) and physical (e.g., abandoned buildings, trash, and graffiti) disorder are reported by survey respondents.

The relationship between fear of crime, collective efficacy, the quantity of social ties, and perceptions of disorder in the neighborhood is complicated. Researchers have generally found that fear of crime is positively related to perceptions of disorder (the more disorder people report, the more fearful they are likely to be), negatively related to social integration (the more social ties a person has, the lower his or her fear of crime), and negatively associated with collective efficacy (the higher a person's perceptions of collective efficacy, the lower his or her fear of crime). Research has also found that collective efficacy itself is strongly affected by the degree of social integration and perceptions of disorder: when people feel socially connected in their communities, their perceptions of collective efficacy are higher. This may be because these attachments to neighbors increase feelings of trust, which in turn leads people to be more likely to believe that their neighbors will intervene when needed to provide informal social control. Perceptions of social disorder have been found to be negatively associated with collective efficacy. The more indicators of disorder people see in their neighborhoods, the lower they score on measures of perceived collective efficacy.

Before discussing how fear of crime, collective efficacy, neighborhood disorder and social ties interact in the Mat-Su Borough, each variable is described in more detail.

Description of Variables

Fear of Crime. Fear of crime was measured by six questions. As shown in Table 2, most people who answered the survey reported low levels of fear about being a victim of burglary, sexual assault, murder,

or kidnapping, or of being attacked with a weapon: people were more fearful of burglary than the other crimes. This somewhat reflects the relative risks of being a victim of these particular crimes. In 2007, in the three urban areas of Houston, Palmer and Wasilla, police received reports on a combined total of 89 burglaries, 8 completed and attempted sexual assaults, and 31 assaults with a weapon. There were no murders; kidnapping is not reported in the Uniform Crime Reports.

The six measures of fear of crime were highly correlated, so an index was created by adding scores on the six measures. The possible score for the index measure ranged from a low of 6 (someone who reported no fear on all questions) to a high of 24 (someone who reported the highest level of fear on all six questions). The average score for this fear of crime index was 8.7, and only one-quarter of the sample scored above 10 on this measure. Cronbach's alpha (α) measures the internal reliability of the index; if the items combined to form the index are measuring the same underlying concept (here, fear of crime), alpha should be over 0.7. In this case it was 0.855.

Clearly, fear of crime is not a problem in the Mat-Su Borough. Other studies, primarily conducted in larger urban areas, have found that fear of crime is higher in females than males, minorities than whites, and the elderly compared to younger people. Analyses of the Mat-Su Borough Community Survey data showed no significant difference between men (8.6) and women (8.7) on the fear of crime index measure. Non-whites reported somewhat higher levels of fear (9.1) than did whites (8.6), but this difference was not statistically significant. Fear of crime was not related to marital status, education level, household income or years lived in the Mat-Su Borough. Contrary to expectations, fear of crime was significantly lower in those 65 and older (7.8) than in those under 65 (8.8).

Table 1. Mat-Su Community Survey 2008: Selected Demographic Characteristics*

	N	Percent
Sex		
Female	616	57.7 %
Male	423	39.6
Race/ethnicity		
White	907	84.9 %
Alaska Native or American Indian	52	4.9
Asian	10	0.9
Black or African American	5	0.5
Pacific Islander	4	0.4
Other	36	3.4
Hispanic or Latino/a		
Yes	47	4.4 %
No	971	90.9
Urban/rural		
Urban	919	86.0 %
Rural	148	13.9
Household income		
(Median: $50,000 - $74,999)		
Less than $20,000	83	7.8 %
$20,000 - $34,999	97	9.1
$35,000 - $49,999	119	11.1
$50,000 - $74,999	238	22.3
$75,000 - $99,999	165	15.4
$100,000 or more	224	21.0
Number of years lived in the Mat-Su Borough		
(Average: 15 years, 10 months)		
5 or fewer	258	24.2 %
6-10	186	17.4
11-20	237	22.2
More than 20	350	32.8
Education		
(Median: Some college, no degree)		
Less than a high school diploma	26	2.4 %
H.S. diploma or G.E.D.	214	20.0
Some college, no degree	373	34.9
AA or other two-year degree	135	12.6
Bachelor's degree	175	16.4
Graduate degree	117	11.0
Age		
(Average: 46)		
Under 25	106	9.9 %
25-34 years old	138	12.9
35-44 years old	193	18.1
45-54 years old	274	25.7
55-64 years old	233	21.8
65 and over	124	11.6

* 1,068 respondents provided demographic information. Not all respondents answered all questions, so percentages do not always add to 100.

Collective Efficacy. Collective efficacy has two dimensions—social cohesion and trust, and capacity for informal social control. Ten questions were used to measure collective efficacy. The questions and the percentage of respondents in each category are shown in Table 3. Most people rated collective efficacy quite highly, with an average score on each measure of about 3—"agree," with the exception of "Yours is a close-knit neighborhood," which averaged 2.5 out of 4.

There was a significant degree of correlation among the ten variables, which suggests they are all tapping into the same general concept. This is to be expected from a theoretical standpoint, and is entirely consistent with other research that has used these questions to measure collective efficacy. Accordingly, the variables were combined into a single index (Cronbach's α = 0.885) with a possible score ranging from a low of 10 (someone who answered "strongly disagree" to every question) to a high of 40 (someone who answered "strongly agree" to every question. The average score for this collective efficacy index was 28.8.

Household income, race/ethnicity, gender, education level, number of years lived in the Mat-Su Borough, and marital status had no meaningful effect on perceptions of collective efficacy. However, people 65 and older, compared to younger people, had a significantly higher mean score (30.1 vs. 28.6; $p < .01$) on the collective efficacy index.

Social Ties. This variable is an index measuring social connectedness in the community, and was based on four questions asking about borrowing from or loaning things to neighbors, visiting with neighbors, degree of intimacy with neighbors, and the number of friends and relatives in the neighborhood. Scores on this index (Cronbach's α = 0.777) ranged from a low of 4 (someone who reported no interaction as measured by the questions) to a high of 20 (someone

Table 2. Mat-Su Community Survey 2008: Fear of Crime Measures

	Not at all (1)	A little (2)	Moderately (3)	A lot (4)	Average score
To what extent are you fearful that you or a member of your household will be...					
the victim of burglary (while you or your loved ones are at home)?	42.9 %	39.4 %	12.1 %	5.3 %	1.8
the victim of a sexual assault?	62.6	30.3	5.8	0.8	1.4
the victim of a murder?	75.3	21.1	2.4	0.7	1.3
the victim of a kidnapping?	80.3	16.6	1.8	0.8	1.2
attacked with a weapon?	57.4	34.4	5.8	2.1	1.5
	Never (1)	**Rarely (2)**	**Sometimes (3)**	**Often (4)**	**Average score**
How often does worry about crime prevent you from doing things you would like to do in your neighborhood?	70.3 %	20.3 %	7.4 %	1.7 %	1.4

*Please see **Mat-Su survey**, page 6*

Mat-Su survey

(continued from page 5)

who reported maximum levels of measured interaction). The average score was just over 10, and half of the respondents scored between 8 and 13.

Just as with perceptions of collective efficacy, household income, race/ethnicity, gender, education level, number of years lived in the Mat-Su Borough, and marital status were not related to the quantity of respondents' social ties. Again, age was positively associated with social ties. The older people were, the more social ties they reported. Those under 25 scored 9.95 while those over 65 scored 11.3; scores for age groups in between increased gradually. This is not unexpected. It takes time to forge social connections with others; older people have had longer to do this. Interestingly, this relationship is independent of the number of years lived in the Borough, which means that age itself, not how long someone has lived in the area, is associated with social ties.

Disorder. This variable combines responses to 14 questions asking respondents about the existence in their areas of various "neighborhood conditions" related to physical and social disorder (e.g., abandoned cars or buildings, empty lots, trash in the streets, public drug sales, and prostitution). Each condition listed was worth one point, so the lowest possible score on this index was 0; the highest possible score was 14 (Cronbach's $\alpha = 0.775$). Over half of the respondents reported just two of these conditions, and three-quarters reported four or fewer.

Men and women did not differ on this measure, nor did whites compared to other ethnic/racial groups. Marital status was likewise not significant. Older people were significantly less likely to report physical and social disorder (score of 2.0) compared to those under age 65 (score of 3.1). Also, as length of time lived in the Mat-Su Borough increased, so did perceived disorder. It may be that the awareness of social and physical disorder is cumulative with time lived in an area and increasing familiarity with the community. Household income was negatively related to perceived disorder. Those with household incomes below $20,000 reported an average of 3.7 "neighborhood conditions." This declines with each income grouping until reaching a low of 2.5 for those with household incomes of $100,000 or greater. People with low education levels (less than a high school diploma) reported on average 1.3 neighborhood conditions. Those with at least a high school diploma reported on average 3.0 conditions. This was a very significant difference, and is curious in light of the previous relationship between income and disorder. With further analysis, the relationship between education level and disorder disappeared when controlling for household income, which means that most of the relationship between educational level and disorder can be explained by household income.

What Accounts for Fear of Crime?

The relationship between our measures of collective efficacy and fear of crime is weak and negative ($r = -.264$, $p < .01$). That is, as fear of crime increases, collective efficacy decreases, and as collective efficacy increases, fear of crime decreases. This finding is not unexpected, and although it is statistically significant, the causal link between the two variables is not known. Other factors might be relevant. For example, people who feel a stronger sense of connectedness to their neighbors (as measured by the variable *social ties*) tend to report lower levels of fear ($r = -.0789$, $p < .05$). This relationship, though statistically significant, is extremely weak. Controlling for the level of collective efficacy removes the relationship between fear of crime and connectedness; this relationship, then, is largely explained by collective efficacy. See Table 4 for a correlation matrix of these variables.

The strongest predictor of fear of crime is disorder. This association, though positive, is weak ($r = .298$, $p < .01$). However, it continues to be significant even when controlling for collective efficacy and social ties. The more neighborhood indicators of disorder that are reported by respondents, the higher the level of fear. Again, as with collective efficacy, this relationship is not surprising, but its causal nature cannot be determined. It may be that people are fearful because they are aware of social and physical disorder. It is just as likely that being fearful makes one more inclined to see certain neighborhood conditions as disorderly, while a less fearful person would perceive identical situations as ordinary and no cause for concern.

How do People Respond to Fear of Crime?

Respondents were asked about self-protection activities they might do to feel more secure in their homes and neighborhoods. Table 5 lists these activities and the percentages of people who reported doing them. Over 90 percent said they lock their doors at night and when not at home. Nearly 70 percent reported to have a gun in the home for self-protection. Other activities engaged in by more than half of the respondents include keeping a phone in the bedroom, having a dog, and having outside or automatic lights. About half of the respondents said they lock their doors during the day or when at home. Smaller percentages of people had security systems in their homes or vehicles. Fewer than ten percent of people said they take self-defense lessons, attend Neighborhood Watch meetings, or have developed a signal

Table 3. Mat-Su Community Survey 2008: Collective Efficacy Measures

	Strongly disagree (1)	Disagree (2)	No opinion (2.5)	Agree (3)	Strongly agree (4)	Average score
Social cohesion						
People in your neighborhood can be trusted	2.7 %	14.0 %	6.8 %	54.2 %	21.9 %	3.0
People in your neighborhood generally **don't** get along with each other*	2.6	10.5	9.3	57.1	20.1	3.0
People in your neighborhood **do not** share the same values*	6.0	21.2	15.7	47.3	9.4	2.7
People in your neighborhood are willing to help their neighbors	2.2	10.2	8.1	54.9	24.3	3.1
Yours is a close-knit neighborhood	10.2	37.4	10.3	31.8	9.7	2.5
Informal social control						
One or more of your neighbors could be counted on to intervene if:						
children were spray-painting on a local building	1.8 %	7.4 %	8.5 %	52.3 %	29.7 %	3.1
children were showing disrespect to an adult	4.0	14.8	12.8	52.0	16.0	2.9
the fire station closest to their home was threatened with budget cuts	2.1	11.5	19.7	45.4	20.7	3.0
a fight broke out in front of their home	1.9	10.4	11.5	54.1	21.6	3.0
children were skipping school and hanging out on a neighborhood street corner	7.0	22.4	22.7	34.9	12.5	2.7

* These variables have been reverse coded to allow for better comparison with other variables.

Table 4. Mat-Su Community Survey 2008: Correlation Matrix for Fear of Crime, Collective Efficacy, Neighborhood Conditions, and Social Ties Indices

	Fear of crime	Collective efficacy	Neighborhood disorder	Social ties
Fear of crime	—	-0.264	0.298	-0.079
Collective efficacy	**	—	-0.375	0.495
Neighborhood disorder	**	**	—	-0.038
Social ties	*	**	n.s.	—

Significance levels: * ≤.05, ** ≤.01

for "danger" with their neighbors.

A series of t-tests were done to see if there are any differences between people who reported doing these self-protection activities and those who did not with respect to average scores on the measures of fear of crime, perceptions of collective efficacy, social ties, and perceptions of disorder. With the exception of attending Neighborhood Watch meetings, every self-protection activity was significantly associated with higher levels of fear of crime. However, it is worth keeping in mind that even the most fearful people within this group, those who have developed a signal for "danger" with their neighbors, still scored on average 10.3 out of a possible 24. While this group may be more fearful relative to others in the study, on the whole, they do not report high levels of fear of crime.

With regard to collective efficacy, though overall those who claimed to do particular activities scored lower, for the most part these differences were not statistically significant. Interestingly, those who said they lock their doors during the day (about half of all respondents) scored significantly lower on collective efficacy than those who did not report locking their doors. Respondents who reported engaging in self-protection activities that rely on other people (attending Neighborhood Watch meeting and developing a signal for "danger") scored significantly higher on collective efficacy. It may be that people who practice types of self-protection that rely upon actions taken by others in the event of trouble do so because they trust others to take action if necessary. Trust in neighbors to intervene when informal social control is needed is one of the dimensions of the collective efficacy measure.

There was no clear pattern between average scores on the social ties variable and involvement in self-protection activities. Two activities (attending Neighborhood Watch meetings and developing a signal for "danger" with one's neighbors) were significantly associated with higher social ties scores. People who know many of their neighbors by sight or by name, who often borrow from or loan things to their neighbors, or who frequently visit with their neighbors, are more likely, relative to those who do these things less often, to rely on self-protection activities that require cooperation from neighbors. The mechanism at work here is similar to that discussed previously regarding collective efficacy. Those who engage in these three self-protection activities—locking doors during the day, locking doors at night, and using a vehicle security system—scored significantly lower on the social ties measure compared to respondents who did not do these activities. These activities are all variations on "target hardening." People who have little social contact with their neighbors may feel vulnerable and motivated to protect their property more so than people who are socially connected to those who live nearby. For just about every self-protection activity, those who said they do the activity scored higher on the disorder measure than those who said they do not do the activity.

But overall, perceptions of disorder did not seem strongly associated with self-protection activities. Only people who said they keep a firearm, have a dog, have outside or automatic lights, or take self-defense lessons scored significantly higher on the disorder index than those who did not report doing these activities. These self-protection activities do not entail cooperation with others; they are individualistic, not community-based, responses. Given the negative correlation between neighborhood disorder and collective efficacy (r = -.375), it is not surprising to see that those who perceive higher levels of disorder are unlikely to respond by cooperating with others for crime prevention purposes.

Table 5. Mat-Su Community Survey 2008: Fear of Crime, Collective Efficacy, Social Ties and Neighborhood Conditions Measures by Self-Protection Activities

		Difference[a]							
Self-protection activity	% who do activity	Fear of crime		Collective efficacy		Social ties		Disorder	
Lock doors at night/when away from home	90.1 %	+	**	–		–	***	+	
Keep a firearm	69.9	+	***	–		+		+	*
Keep a phone in the bedroom	67.8	+	***	0		–		0	
Have a dog	62.7	+	**	–		+		+	**
Have outside/automatic lights	61.5	+	***	–		–		+	*
Lock doors during the day/when at home	49.9	+	***	–	***	–	***	0	
Vehicle security system	27.0	+	***	–	*	–	***	+	
Home security system	14.4	+	***	–		–		+	
Take self-defense lessons	7.3	+	**	–		–		+	*
Attend Neighborhood Watch meetings	7.1	+		+	***	+	***	0	
Develop a signal for "danger"	3.7	+	***	+	*	+	***	+	

a. A "+" difference indicates that the average score for those who engage in the self-protection activity was *higher* than the average score of those who do not engage in the activity. A "–" difference indicates indicates that the average score for those who engage in the self-protection activity was lower than the average score of those who do not engage in the activity.

Significance levels: * ≤.05, ** ≤.01, *** ≤.001

Conclusion

The relationship between fear of crime, collective efficacy, the quantity of social ties, and perceptions of disorder in the Mat-Su Survey is consistent with other findings in the scholarly literature. Fear of crime was found to be positively related to perceptions of disorder, negatively related to social integration, and negatively associated with collective efficacy. Data from the Mat-Su Survey also show that collective efficacy is moderately affected by the degree of social integration and perceptions of disorder. Perceptions of social disorder have been found, both in the literature and in this study, to be negatively associated with collective efficacy. Despite the clear finding that most respondents in the present study are not particularly fearful of crime, variables that have been shown in research in other jurisdictions to have predictive power are able to adequately discern differences within the narrow range of "fearfulness" of Mat-Su Borough residents.

Based on this study, and similar findings from other research, it is reasonable to argue that increasing perceptions of collective efficacy will lead to reductions in fear of crime. Collective efficacy can be increased by bringing neighbors together to define common problems and to work collectively towards solutions.

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Selecting and Evaluating Alaska's Judges: 1984–2007

Teresa White Carns

Alaska selects and retains its judges using a merit selection system adopted fifty years ago at statehood (Alaska Constitution, Article IV, sections 5–8). Constitutional convention delegates in 1956 deliberated at length about the system that they would choose for the selection of judges. In the end they decided on the "Missouri Plan" of merit selection (named after the first state to use it), becoming only the second state to do so. The Judicial Council, a citizens' commission of three non-attorneys, three attorneys, and the chief justice, administers the system, and by statute evaluates judges' performance when they stand for retention elections. The Constitution also requires the Council to conduct studies "to improve the administration of justice," and under that aegis, the Council recently reviewed its merit selection and retention evaluation work (see *Selecting and Evaluating Alaska's Judges: 1984–2007*, www.ajc.state.ak.us). This article highlights a portion of the findings of the report issued in 2008.

Applications

Applicants for judgeships at all levels—district, superior, and appellate—complete a written application, submit a writing sample, and provide information and waivers that allow the Council to investigate criminal and credit history, discipline, and other matters affecting qualifications for a judicial position. Council staff also reviews public comment and the results of a survey of Alaska Bar Association members and does other investigation. The Council then meets, usually in the community of the vacancy, holds a public hearing, conducts applicant interviews, and votes on nominees. The governor then has 45 days to make the appointment.

Positions

Judicial vacancies, and applicants per vacancy, increased substantially during 1984–2007. During this same period Alaska's population grew by 30 percent from about 524,000 (1984) to 683,478 (2007). From 1984 to 1988 the Council handled 3.8 vacancies on the average each year, with 6.2 applicants per vacancy. Between 2003 and 2007, the Council handled 7.2 vacancies per year, with an average of 10.6 applicants each. The number of attorneys eligible to apply increased at a greater rate, however. There were 29 eligible active attorneys per judicial position in 1984 and 35 eligible active attorneys per judicial position in 2007. Applications increased at a greater rate for district court positions than for superior court judgeships.

The Council nominated about 38 percent of all applicants. The constitution requires that the governor shall fill any vacancy "by appointing one of two or more persons nominated by the judicial council." About 75 percent of the time the Council has nominated more than the two required candidates. Where it has nominated only two applicants, a review of the vacancies showed that many were in rural areas, with fewer applicants.

Statutory Requirements

Alaska's Constitution requires that "Supreme court justices and superior court judges shall be citizens of the United States and of the State, licensed to practice law in the state, and possessing any additional qualifications prescribed by law." Statutes mandate that all judges be residents of Alaska for the five years immediately preceding appointment. The statutes also require three years of active practice immediately before the appointment for district court applicants, five years for superior court, and eight years for the appellate courts. Bar members, and correspondingly, applicants grew more experienced between 1984 and 2007. In the 1980's, both bar members and applicants averaged about 11 years of practice. By 2003–2007, both groups averaged about 20 years of practice. Years of practice were correlated with the likelihood of nomination, and closely tied to court level. Forty-six percent of the nominees for district court had 16 or more years of practice, as did 68 percent of the superior court nominees, and 96 percent of the appellate court nominees.

Characteristics of Applicants

The Council analyzed data from the 951 applications between 1984 and 2007 (for the report, the unit of analysis was an application, defined as one attorney applying for one position; the database included 951 applications from 461 individual attorneys). Data came from materials provided by the applicants, and accumulated during the Council's investigations. Two Council surveys of bar members (1989, 2007) about their legal practices, incomes, and other characteristics showed that applicants for judicial positions differed from bar members as a whole.

1. Age. The average age of the bar members in 1989 was 40 years old; in 2007, it was 51 years. Applicants for the district courts tended to be younger than the average bar member, with average ages of 37 years (1984) to 47 years (2007). The average superior court applicant age increased from 41 years to 50 years. Nominees' and appointees' ages resembled those of applicants.

2. Gender. In 1989, 25 percent of the bar members, but only 15 percent of judicial applicants, were female. By 2007, 35 percent of the bar members and 28 percent of the applicants (2003–2007) were female. The Council nominated female applicants at about the same rate as males: 36 percent of the females in 2003–2007, and 38 percent of the males. Governors, however, differed in the percentages of females they appointed to be judges. In 1984–1988, 9 percent of the nominees and 26 percent of the appointees were female. (In 1984–1988, only 15% of the applicants were female; the Council nominated 42% of them, which was 9% of the total number of nominees). In 2003–2007, 27 percent of the nominees and 16 percent of the appointees were female (Table 1).

Gender interacted with other variables in ways that affected the rates of applications. First, female applicants and nominees for the trial court positions tended to be younger than males. Second, and related, more female attorneys in 2007 did not meet the statutory requirements for years of active practice for appointment to the bench.

3. Ethnicity. Alaska has relatively few minority attorneys, and too few minority applicants for judicial positions to conduct any meaningful statistical analysis. In 2007, 93 percent of the bar members were Caucasian, with less than two percent Alaska Native/American Indian, and less than one percent each of Blacks, Hispanics and Asian/Pacific Islanders. At the end of 2007, Alaska had two minority judges. Thirteen minority attorneys applied for 27 judicial vacancies between 1984 and 2007. The minority attorneys were more likely to be from Anchorage, and to apply for Anchorage superior court positions, rather than district or appellate positions. Eight were nominated, and four were appointed.

4. Income. Most members of the bar

Table 1. Percentage of Female Nominees and Appointees to Judicial Positions in Alaska

	Percentage who were female of all:	
Year	Nominees	Appointees
1984–1988	9 %	26 %
1989–2002	25	21
2003–2007	27	16

Source: *Alaska Judicial Council*

earned less than the judicial salaries, for all levels of court. Attorneys who applied for district court had incomes that averaged less than the district court judge's salary. Applicants for superior courts and the court of appeals had incomes that were close, on average, to the salaries for those positions. For the supreme court, applicants were more likely to have incomes higher than the supreme court salary. Bar members' incomes and applicants' incomes varied by gender, with a smaller percentage of female attorneys in the higher income brackets. Interestingly, it appeared that a much higher percentage of males in the bar with incomes above $130,000 applied for judgeships than did females with those incomes.

Applicants' Legal Experience

Applicants' legal experiences are part of the analysis to determine who are among the most qualified.

1. Public versus private sector experience. Most applicants (two-thirds) had both public and private sector experience during their legal careers. Those with both types were nominated and appointed at slightly higher rates than they applied, as were applicants with only public sector experience. Applicants with only private sector experience declined from 25 percent in 1984–1988 to 18 percent in 2003–2007; and they were nominated and appointed at lower rates than they applied.

2. Specific types of employment and caseload. Most applicants had a mix of civil and criminal legal experience, both throughout their legal careers, and immediately before applying. More than half of the applicants had worked either as public defense attorneys or as prosecutors. The Council nominated about the same number of attorneys who had worked as prosecutors (121) as it did those who had worked as public defenders or advocates (125). Governors appointed applicants with prosecution experience (whether past or present) at higher rates than they were nominated, and appointed applicants with public defense experience at lower rates. District court applicants had relatively more recent criminal legal experience, while superior court applicants tended to have more civil legal experience.

3. Employment at time of application. A majority of all applicants held public sector positions when they applied, increasing from 55 percent (1984–1988) to 62 percent (2003–2007). Private practitioners were more likely to apply for superior court (51% of the applicants), while public sector attorneys were much more likely to apply for district court (62% of the applicants). At the same time, the percentage of private practitioners in the Alaska bar decreased substantially, from 67 percent to 58 percent. Prosecutors applied for judicial positions at a far higher rate than their representation in the bar, while public defense attorneys applied for judgeships at about the same rate that they appeared in the bar membership.

The Council's nominations and the governors' appointments appeared to be somewhat linked to employment at the time of application, although not enough data were available to show the significance of the links. The Council consistently nominated applicants from the public sector at a rate 16 percent higher than the rate at which they applied, but governors appointed applicants employed in the public sector at about the same rate that they applied, a lower rate than that at which they were nominated.

4. Trial experience, appearance in court. Two-thirds of all applicants, nominees and appointees had substantial recent trial experience—defined as six or more trials in the preceding five years. Most applicants appeared in court regularly during their five most recent years of practice.

5. Writing sample evaluation. All applicants submitted a writing sample for review by the Council, and for evaluation by staff for effective communication in writing. The scale is 1 = below acceptable; 2 = minimally acceptable; 3 = acceptable; 4 = good; and 5 = excellent. District court applicants averaged 3.5, compared to superior court and appellate court, who averaged 3.7 and 4.1 respectively. For nominees, the district court average was 3.9; superior court nominees averaged 4.0; and appellate court nominees average 4.3. The higher the score, the greater the likelihood of nomination, and to a lesser extent, appointment.

Bar Survey Ratings

The bar survey has been used since statehood, and is in many ways the most visible aspect of the judicial selection process. The Council's independent contractor maintains a series of checks to assure that each attorney is only counted once in the tabulation of results.

Attorneys provide demographic data, and information about the recency and amount of their experience with each applicant. Using a 1 (lowest) to 5 (highest) scale, attorneys evaluate the applicants on professional competence, integrity, fairness, judicial temperament, the suitability of the applicant's experience for this particular vacancy, and overall performance.

The Council only reviews scores from attorneys with direct professional experience with the applicant. It uses demographic data about different groups—judges, attorneys with primarily civil or criminal practices, men as compared to women, and attorneys in different parts of the state—to see how each assesses an applicant's abilities. Acceptable overall ratings may mask significant support or concerns among specific groups of attorneys for an applicant, and also may hide the effects of "bloc voting." Although survey respondents must affirm that they have completed their survey in conformity with their professional responsibilities, some ratings may be affected by groups of attorneys who may favor one applicant over another for reasons related more to factors other than merit.

Table 2. Overall Rating for Judicial Position

Bar survey rating for applicants, nominees, and appointees by court level

Court level	All applicants	Nominated	Appointed
District	3.5	3.8	3.9
Superior	3.5	3.9	3.9
Appellate	3.7	4.0	4.2

Source: *Alaska Judicial Council*

About 30 percent of the survey respondents write comments; most identify themselves. The survey encourages attorneys to sign comments, noting that comments given to applicants are edited to ensure anonymity. Unsigned comments are not considered unless they are corroborated, independently substantiated, or acknowledged by the applicant.

Applicants with overall ratings of 3.5 or higher from the bar were nominated more often than those with lower ratings (Table 2). The appointees' scores also were significantly related to scores on performance evaluations at the time of judicial retention elections. Over time, the mean scores have increased. Between 1984 and 1988, the mean applicant score was 3.3, but between 2003 and 2007, it rose to 3.6.

Other Information Considered During the Selection Process

Council members reviewed extensive investigatory materials for each applicant, including public and bar survey comments. Council procedures preclude the consideration of any factors prohibited by federal law or an applicant's religious or political beliefs unless there is reason to believe that they indicate a substantial bias or conflict of interest that could affect impartiality as a judge.

The Council interview of each applicant

*Please see **Alaska's judges**, page 9*

is one of the most important parts of the judicial selection process. Members evaluate applicants using a "most qualified standard." In the Minutes of the Constitutional Convention, delegate Ralph Rivers said that merit selection would provide "an orderly screening process" in which the "Judicial Council will seek for the best available timber." Finally, the Council votes publicly to nominate two or more applicants to the governor for appointment.

The governors' appointments reflected different weighting of the factors considered by the Council. For example, governors appointed applicants with prosecution experience (42%) at higher rates than they were nominated (34%). They appointed attorneys who were in private practice at the time of their application to the superior court at higher rates (58%) than those at which they were nominated (49%).

Retention

Like most merit selection systems, Alaska relies on periodic retention elections of judges for accountability to the public. By law, the Judicial Council evaluates the performance of each judge standing for retention and makes its evaluations public to give voters an opportunity to make informed decisions. Most voters in the general elections—84 to 87 percent—cast a vote in the judicial elections. About two-thirds of them cast "yes" votes for the judges standing in their districts, and the appellate judges standing statewide, suggesting a high rate of approval, and the success of the initial merit selection process. The Council as recommended against retention of ten judges; three have not been retained. In all of the cases in which the Council has recommended against a judge and the judge was retained, it was by a substantially lower percentage of "yes" votes than for the other judges in that district.

Conclusion

In the fifty years since statehood, the Council has refined and expanded its tools for nominating candidates for judicial positions. At the same time, it has responded to the increasing numbers of vacancies and to the increasing interest among attorneys in becoming a judge. The Council continues to improve selection and retention evaluations by reviewing its processes, and by seeking new methods of encouraging public engagement.

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An International Perspective on the Death Penalty

More than two-thirds of the countries in the world have now abolished the death penalty in law or in practice. According to information compiled by Amnesty International for 2008, 92 countries have abolished the death penalty for all crimes; 10, for all but exceptional offenses such as some wartime crimes; and 36 countries can be considered abolitionist in practice (these are countries that can be considered to have an established practice of not using the death penalty but which retain it in their laws). Fifty-nine countries, including the United States, retain and use the death penalty.

During 2008, at least 2,390 prisoners were executed in 25 countries, and at least 8,864 were sentenced to death in 52 countries. These figures include only cases known to Amnesty International; the actual figures are thought to be higher. Five countries conducted 93 percent of all known executions in 2008: China (at least 1,718), Iran (at least 346), Saudi Arabia (at least 102), the United States (37), and Pakistan (at least 36).

International Treaties

Several international protocols now commit parties to not having a death penalty:

The Second Optional Protocol to the International Covenant on Civil and Political Rights provides for the total abolition of the death penalty, but permits states to retain it in wartime as an exception. This protocol has been ratified by 70 states, with four others signing it to indicate the intention of becoming a party to it at a later date. (The United States is not a signatory.)

The Protocol to the American Convention on Human Rights to Abolish the Death Penalty is similar to the previous protocol. It has been ratified by 11 countries in the Americas. (The United States is not a signatory.)

The Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) provides for the total abolition of the death penalty in all circumstances. It has been ratified by 40 states and signed by five others.

United Nations 62nd General Assembly Resolution

The United Nations 62nd General Assembly introduced a second resolution for a moratorium on the use of the death penalty in December 2008. Members voted 106 for, 46 against, and 34 abstained. (The United States voted against the resolution.) A higher proportion voted for the resolution than in 2007, when the first resolution was introduced.

The Death Penalty and Foreign Nationals in the United States

According to figures assembled by the Death Penalty Information Center, 124 foreign nationals from 32 countries were on death row in the U.S. in February 2009. *The Vienna Convention on Consular Relations* requires authorities to inform a foreign national under arrest of the right to confer with consular officials from the country of citizenship to obtain legal aid and guidance. Although the United States is a party to this convention, and it is binding upon all states in the conduct of the criminal process, its requirements have often not been followed. This has become a particular issue in death penalty cases, with executions carried out in several instances where the prisoner had not been notified of the right to consular access in a timely manner before trial.

Sources for this article include Amnesty International (http://www.amnestyusa.org/) and the Death Penalty Information Center (http://www.deathpenaltyinfo.org/).

The Death Penalty in Alaska

Melissa S. Green

In January 2009, Representative Mike Chenault (R-Nikiski) introduced House Bill 9 in the Alaska State Legislature. HB 9, cosponsored by Representative Jay Ramras (R-Fairbanks), would authorize capital punishment in Alaska for persons convicted of certain first degree murders. HB 9 is currently under consideration in the House Finance and House Judiciary committees. Testimony on the bill was heard in the House Judiciary Committee on February 23 and February 25.

The bill's introduction has renewed interest in Alaska's history with regard to the death penalty. As a state, Alaska has never had a death penalty; however, in Alaska's territorial days, eight men, all convicted of murder, were executed under civil authority between 1900 and 1957. (Because these executions were conducted by federal officials, the condemned men are often classified in historical statistics as federal, rather than Alaska, prisoners.) Prior to 1899, "legal" jury trials technically were not possible due to inadequacies with laws in effect in the territory at the time; however, some executions took place extrajudicially under so-called "miner's laws." Records for the period are poor, but it is believed that a total of seven persons were hanged in territorial Alaska from 1869 to 1900. Of these, four were Alaska Native and one was white; the race of the others is unknown. (There is currently no easily available information on executions that may have taken place under military authority in Alaska.)

Spurred by the rapid growth of Alaska's population due to the Klondike Gold Rush, Congress in 1899 enacted the Code of Criminal Procedure for the Territory of Alaska, which made legal jury trials possible, provided for additional territorial judges, marshals, and district attorneys, and defined new crimes. The first two men executed in Alaska in the twentieth century—and the first executed legally under judicial authority—were gold rush participants. Fred Hardy, a white man, was convicted in 1901 of murdering and robbing three men on Unimak Island. He was hanged in Nome in 1902. Homer Bird, also white, shot and killed his partner in front of several witnesses, and was hanged in Sitka in 1903.

Three men were executed in Fairbanks in the 1920s. Mailo Segura, an immigrant from the Balkan nation of Montenegro, was convicted in 1918 of shooting and killing his employer in Flat, a gold rush town on the Iditarod trail. Though of European heritage, Segura was referred to in trial documents as a "bohunk" and a "black fellow," so there exists some uncertainty about his race. He was hanged in 1921. "John Doe" Hamilton, a Native from the village of Shageluk who spoke no English, was convicted of the 1920 shooting death of his cousin and was hanged in 1921. Constantine Beaver, an Alaska Native who spoke no English, was convicted in 1929 of the shooting death of a friend during a drunken brawl and was hanged later that year.

The last three executions in Alaska took place in Juneau. Nelson Charles was a 37-year-old Native fisherman and World War I veteran hanged in 1939 for the 1938 murder, in Ketchikan, of his mother-in-law after both had been drinking. (See "The Trial and Hanging of Nelson Charles" in the Spring 1996 issue of the *Forum*). Austin Nelson and Eugene LaMoore, both black, were separately convicted and executed for the same crime, the December 1946 murder of a 52-year-old (white) Juneau storekeeper named Jim Ellen. Nelson was executed in 1948 and LaMoore in 1950.

After prolonged debate, the Alaska Territorial Legislature abolished capital punishment in 1957 in a briefly worded measure stating, "The death penalty is and shall hereafter be abolished as punishment in Alaska for the commission of any crime." The abolition measure was sponsored by Representative Warren Taylor (D-Fairbanks) and Representative Vic Fischer (D-Anchorage).

Table 1. Persons Executed under Civil Authority in Alaska, 1900-present

Year	City	Name	Race
1902	Nome	Fred Hardy	White
1903	Sitka	Homer Bird	White
1921	Fairbanks	Mailo Segura	Unknown
1921	Fairbanks	"John Doe" Hamilton	Native
1929	Fairbanks	Constantine Beaver	Native
1939	Juneau	Nelson Charles	Native
1948	Juneau	Austin Nelson	Black
1950	Juneau	Eugene LaMoore	Black
1957	Death penalty abolished in Alaska		
1959	Alaska statehood		

A number of attempts have been made to reintroduce capital punishment to Alaska since 1957. Prior to the current bill HB 9, the most significant recent effort was Senate Bill 60 in the 20th Legislature (1997–1998). SB 60 passed in the Alaska Senate but was held up in the House Finance Committee and never made it to the House floor. Had it passed, SB 60 would have put an advisory vote on the death penalty before Alaska voters on the November 1998 ballot, which might have led to eventual enactment of a statute authorizing capital punishment.

Melissa Green is a Publication Specialist with the Justice Center. Further information on the history of the death penalty in Alaska is available on the Justice Center Web Site at http://justice.uaa.alaska.edu/death/alaska.html. Information about House Bill 9, including text and history of the bill, fiscal notes, and minutes of committee meetings, is available on the Alaska State Legislature website at http://w3.legis.state.ak.us/ using the search term "hb9."

Further Reading on the Death Penalty in Alaska

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Capital punishment

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1,406 sentences in death penalty cases. These figures amount to 29 percent of death sentences from 1973 to 2005. BJS does not provide details or figures on the bases for the overturns.

In its annual review of capital punishment figures for the nation, BJS does not present figures on the cost of the death penalty process nor does it look at figures on legal representation of defendants in capital cases. Other BJS figures, however, provide some idea of the legal representation picture. The most recent figures on counsel in criminal cases are from 1996 and 1997. Fifty-six percent of defendants in homicide cases (which are the most common capital cases) in 1996 had state-appointed counsel; close to 40 percent used private counsel; 2.5 percent used a combination; and 2.5 percent of defendants represented themselves. Of inmates confined in 1997 for homicide convictions in state prisons, 67 percent were represented by appointed counsel, while 76 percent in federal prisons were represented by appointed counsel.

Further statistics on capital punishment in the United States can be found at the Bureau of Justice Statistics website, http://www.ojp.gov/bjs/cp.htm.

Table 3. Criminal History Profile of Prisoners under Sentence of Death, by Race and Hispanic Origin, 2007

Column percentages.

	Percent of prisoners under sentence of death[a]			
	White[b]	Black[b]	Hispanic	All[c]
Prior felony convictions				
Yes	61.8 %	71.0 %	61.3 %	**65.4 %**
No	38.2	29.0	38.7	**34.6**
Number unknown	—	—	—	***273***
Prior homicide conviction				
Yes	8.5 %	8.8 %	6.7 %	**8.4 %**
No	91.5	91.2	93.3	**91.5**
Number unknown	—	—	—	***54***
Legal status at time of capital offense				
Charges pending	9.1 %	7.3 %	5.2 %	**7.9 %**
Probation	8.9	12.4	11.4	**10.6**
Parole	13.3	16.5	20.3	**15.4**
Prison escapee	1.8	0.9	1.8	**1.4**
Incarcerated	4.2	3.4	2.5	**3.6**
Other status	0.4	0.6	0.3	**0.5**
None	62.5	59.0	58.5	**60.6**
Number unknown	—	—	—	***354***

a. Percentages are based on those offenders for whom data were reported. Detail may not add to total because of rounding.

b. White and black categories exclude Hispanics.

c. "All" includes American Indians, Alaska Natives, Asians, Native Hawaiians, and other Pacific Islanders.

Source: *Bureau of Justice Statistics*

Table 4. Age of Prisoners Under Sentence of Death, Yearend 2007*

Age*	Number	Percent
19 or younger	1	0.0 %
20–24	42	1.3
25–29	249	7.7
30–34	431	13.4
35–39	574	17.8
40–44	546	17.0
45–49	583	18.1
50–54	357	11.1
55–59	250	7.8
60–64	127	3.9
65 or older	60	1.9
Total	**3,220**	**100.0 %**
Mean age	43 years	
Median age	42 years	

Note: In 2005, the U.S. Supreme Court in *Roper v. Simmons* ruled the death penalty not applicable to a person who was under the age of 18 at the time of the commission of a crime.

* The youngest person under sentence of death was a black male in Texas born in June 1988 and sentenced to death in June 2007. The oldest person under sentence of death was a white male in Arizona born in September 1915 and sentenced to death in June 1983.

Source: *Bureau of Justice Statistics*