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Forcible Rapes and Sexual Assaults in Anchorage

André Rosay

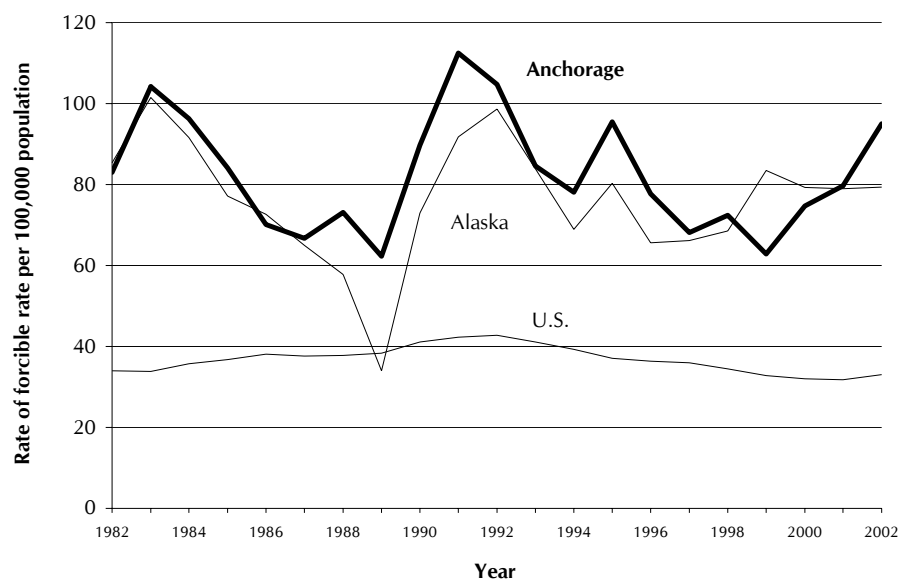
Alaska generally, and Anchorage specifically, have been plagued by a high incidence of forcible rapes and sexual assaults. For the first time, solid data on victim and suspect characteristics, time and location of assaults and other details have been assembled and studied. These data contradict some of the more common assumptions regarding Anchorage's rape problem.

The data are important to designing effective rape prevention efforts. The Anchorage Police Department has recently secured new funding sources directed at reducing the occurrence of forcible rapes and sexual assaults: a \$2 million federal grant and a \$500,000 municipal grant. The question now is how to best allocate these resources. As discussed in the criminological literature, problem-oriented policing offers a promising approach.

Problem-oriented policing is a strategy in which police (1) define the problems to be solved, (2) diagnose these problems to identify their causes, (3) develop and implement interventions that address these causes, and (4) assess the efficacy of their interventions.

As defined in the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program, forcible rape is "the carnal knowledge of a female forcibly and against her will." Attempted forcible rapes are also

Figure 1. Rates of Forcible Rape in the U.S., Alaska, and Anchorage, 1982-2002



Source of data: Uniform Crime Reports

included in the UCR's measure. Figure 1 displays the rates of forcible rape reported to police from 1982 to 2002 for the United States, Alaska, and Anchorage. In 2002, the state of Alaska had the highest rate of reported forcible rape among the 50 states (79.4 per 100,000) and Anchorage had the second highest rate of reported forcible rape among metropolitan statistical areas in the U.S. (95.0 per 100,000). In 2002, the rates of reported forcible rape were 141 percent higher in Alaska and 188 percent higher in Anchorage than in the U.S.

In addition to forcible rapes, Anchorage also has a high rate of reported sexual assaults (although national comparisons are not available). The definition of a sexual assault is less restrictive than that of a forcible rape: sexual contact with another person, male or female, without the consent of that other person. In 2002, there were 254 forcible rapes and 85 sexual assaults reported to the Anchorage Police Department, for a total of 339 forcible rapes and sexual assaults. Furthermore, according to analysis done by

Callie Marie Rennison for the Bureau of Justice Statistics, national statistics indicate that only 36 percent of forcible rapes, 34 percent of attempted forcible rapes, and 26 percent of sexual assaults are reported to the police. In light of this, the forcible rape and sexual assault problem in Anchorage is probably worse than that indicated by police statistics.

A joint project of the UAA Justice Center and the Anchorage Police Department has focused on gaining a better understanding of the parameters of the rape problem in Anchorage. Researchers collected data from all sexual assaults and rapes reported to the Anchorage Police Department in 2000 and 2001. These data contain detailed information on the assaults, victims, and suspects. The findings presented here reflect a quantitative perspective on those assaults that have been reported. It is important to note again that many sexual assaults go unreported.

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HIGHLIGHTS INSIDE THIS ISSUE

- An examination of the expansion of the portion of the U.S. population that has ever been imprisoned (page 2).
- An in-depth discussion of the Alaska Judicial Council's findings on the felony case process in Alaska (page 3), including the appointment of public attorneys for low-income defendants (page 6).
- An look at the disposition of sexual offense cases in Alaska courts (page 8).

Population of Prisoners and Former Prisoners Expanding Rapidly

For the first time the Bureau of Justice Statistics has released figures on the prevalence of imprisonment among the U.S. population—that is, an estimate of the number of people who have been incarcerated at some time in their life in a state or federal prison. According to the BJS analysis, “Prevalence of Imprisonment in the U.S. Population, 1974-2001,” at the end of 2001 a total of 5,618,000 U.S. adult residents—about 1 in 37—had served time in prison at some point. This total includes 1,319,000 who were prisoners at that time and 4,299,000 who were former prisoners. This was 2.7 percent of the adult population in the United States. Moreover, if rates of incarceration for the first time remain the same, by 2010 the total

number of adults who will have served time in prison will be 7.7 million—3.4 percent of the adult population. These BJS figures do not include those who have spent time in jail or in a juvenile facility—figures which would substantially increase the totals.

As is now frequently noted, the rate of incarceration for the country as a whole has been increasing inexorably over the last two decades—more than tripling since 1980. In that year, there were 139 sentenced prisoners in state or federal prisons per 100,000 population. By 2002 that rate had risen to 476.

The recently released figures on the prevalence of imprisonment present another perspective on the degree to which incarceration

policies are affecting an increasingly large segment of the population. In 1974, only 1.3 percent of the total adult population had ever been incarcerated. By 2001, this percentage had more than doubled.

According to BJS calculations, nearly two-thirds of this growth in the figures for prevalence of incarceration is due to an increase in the rate of first incarceration—that is, a substantial increase in the rate at which people are being sentenced to prison for the first time.

In 2001, almost 17 percent of Black males were current or former prisoners in federal or state institutions—a rate 6 times that of Caucasian males (2.6%) and twice that of Hispanic males (7.7%). Female rates, although always lower, show similar ethnic disproportions. Adult black females were 2.5 times more likely than Hispanic women and 5.5 times more likely than Caucasian females to have served time in prison; they formed 1.7 percent of the population of current or former prisoners.

The figures in this article were taken from the Bureau of Justice Statistics report “Prevalence of Imprisonment in the U.S. Population, 1974-2001,” NCJ-197976 and other BJS reports.

Table 1. Prevalence of Incarceration in a State or Federal Prison, by Current and Former Prisoners, 1974-2001

Current or former prisoners ever incarcerated in a state or federal prison.

	1974	1979	1986	1991	1997	2001
Number incarcerated	1,819,000	2,100,000	2,667,000	3,437,000	4,652,000	5,618,000
Current	216,000	302,000	524,000	788,000	1,171,000	1,319,000
Former	1,603,000	1,798,000	2,143,000	2,649,000	3,481,000	4,299,000
Rate (number ever incarcerated per 100,000 U.S. residents)	1,251	1,308	1,516	1,828	2,336	2,673
Current	149	188	298	419	588	628
Former	1,102	1,120	1,218	1,409	1,748	2,045

Note: Numbers of current adult prisoners from National Prisoner Statistics data series; former prisoner statistics based on inmate survey data. Estimates were rounded to the nearest 1,000.

Source: Bureau of Justice Statistics

Table 2. Number of Adults Ever Incarcerated in a State or Federal Prison, by Gender, Race, and Hispanic Origin, 1974-2001

Current or former prisoners ever incarcerated in a state or federal prison.

	1974		1979		1986		1991		1997		2001	
	N	%	N	%	N	%	N	%	N	%	N	%
Gender												
Male	1,677,000	2.3 %	1,934,000	2.4 %	2,449,000	2.8 %	3,142,000	3.4 %	4,205,000	4.3 %	5,037,000	4.9 %
Female	142,000	0.2	165,000	0.2	217,000	0.2	295,000	0.3	447,000	0.4	581,000	0.5
Race/Hispanic origin												
White*	923,000	0.8 %	1,052,000	0.8 %	1,286,000	0.9 %	1,533,000	1.1 %	1,909,000	1.3 %	2,203,000	1.4 %
Male	837,000	1.4	958,000	1.5	1,173,000	1.7	1,395,000	1.9	1,724,000	2.3	1,978,000	2.6
Female	86,000	0.1	94,000	0.1	113,000	0.1	139,000	0.2	185,000	0.2	225,000	0.3
Black*	646,000	4.5 %	766,000	4.6 %	963,000	5.2 %	1,290,000	6.2 %	1,784,000	7.9 %	2,166,000	8.9 %
Male	595,000	8.7	704,000	8.9	881,000	9.9	1,181,000	12.0	1,615,000	15.0	1,936,000	16.6
Female	51,000	0.6	62,000	0.7	82,000	0.8	109,000	0.9	170,000	1.3	231,000	1.7
Hispanic	102,000	1.3 %	125,000	1.4 %	234,000	2.0 %	422,000	2.7 %	721,000	3.8 %	997,000	4.3 %
Male	94,000	2.3	116,000	2.6	217,000	3.6	392,000	4.9	664,000	6.7	911,000	7.7
Female	8,000	0.2	10,000	0.2	17,000	0.3	30,000	0.4	57,000	0.6	86,000	0.7

Note: Number estimates were based on separate generation life tables that incorporate first incarceration and mortality rates for each age group; estimates were rounded to the nearest 1,000. Percents were based on intercensal populations from the U.S. Census Bureau.

* Excludes persons of Hispanic origin.

Source: Bureau of Justice Statistics

The Felony Case Process in Alaska: The Judicial Council Analysis

Antonia Moras

Although some disparate treatment has occurred, overall the Alaska court system appears to be sentencing felony defendants even-handedly, following the standards established by statute. Disparities in sentencing associated with ethnicity are not occurring consistently throughout the system; that is, their appearance is limited to only a few categories of analysis. In addition, young men, Blacks and Alaska Natives form disproportionately high percentages of the population charged with felonies. The disproportions are evident at the time initial charges are filed, *before the cases come to the judiciary*, and they remain fairly constant through case disposition. These disproportions are not necessarily evidence of discriminatory treatment, but their occurrence is reason for concern and further inquiry. In addition, during the period in which a defendant may or may not be released on bail—the predisposition phase of a case—disparities associated with ethnicity, type of attorney, and case location are occurring. The pool of charged felony offenders also shows high percentages of individuals with alcohol or drug problems or mental illness, and some statistical disparities associated with these factors are occurring throughout the process. Again, these may or may not be signs of *unwarranted* disparate treatment.

These are some of the major findings discussed in *Alaska Felony Process: 1999*, a report recently released by the Alaska Judicial Council. The Council undertook the study at the request of Alaska Supreme Court's Committee on Fairness and Access to ascertain whether the disproportionate percentages of ethnic minorities observed in the criminal justice system at all points in the process were the result of discrimination in the courts. The study also sought to determine whether other unwarranted disparities—beyond those associated with ethnicity—were occurring. Another purpose behind the study was to gather current descriptive data on the system. The results are presented in a sprawling, dense report which illuminates the felony case process at many points, reflecting on the operation of all components in the system—not just the courts.

Because some of its findings are problematic for a system that seeks to ensure equal and fair treatment for all defendants, the report has already elicited a lot of discussion and will undoubtedly continue to do so. Some of the findings suggest a need for more research, in addition to discussion among the various players in the criminal justice system. The call for more research—

and a related listing of data requirements for such research—form part of the recommendations contained in the report.

Design of the Study

Judicial Council researchers assembled data from 2331 case files—about two-thirds of all 1999 felony case filings—for analysis. The case sampling was designed to provide a representative statewide selection of felony cases. The data collection focused on information available for each case—variables such as gender, age, ethnicity, type of attorney, and conviction charge. The Institute of Social and Economic Research at UAA performed the statistical analysis. The analysis looked at associations of these and other variables with predisposition incarceration, charge reductions, and sentencing. Such an analysis requires the construction of a model—essentially a series of mathematical equations—that is an abstraction of the particularities and complexities of the judicial process. The model focuses attention at the particular points chosen as important in understanding the overall working of the system—with this study, there are points where disparate treatment might be occurring. The analysis does not reveal cause and effect relationships but rather associations between variables.

With this study the Judicial Council chose to focus primarily on the criminal process as it unfolds *after the initial charges are filed in court*. The study did not look at the case-screening process and the decisions involved in that phase, nor did it examine the circumstances surrounding arrest for a felony crime. (The Department of Law reported that it declined to prosecute approximately 25 percent of felonies referred by law enforcement agencies.) Moreover, while the study did use ethnicity, gender, and age as variables in its analysis, other demographic or socioeconomic data were not included. Factors such as education level of defendants, family composition, or employment status were not examined. These factors, as well as factors present in the arrest and case-screening phases of the process, if included, would give a more detailed picture—that is, the statistical results would be more refined with regard to the entire process and the disparate treatment that is occurring might be better understood.

Essentially, the inclusion or exclusion of variables to examine and the statistical approach used are study design questions, in part dictated by time and financial considerations. With this particular study, the data were assembled from individual court case

files, many of which were voluminous. Resources were not available to look at the earlier phases of the felony case process: this would be a starting point for further research. Moreover, it is clear that future studies must somehow incorporate more analysis of socioeconomic data.

The report contains much more than just the results of the statistical analysis used to discern disparities. In effect, it provides a broad look at the whole process and includes much descriptive data not available before.

General Characteristics of the Felony Population

Although the researchers did not examine the early stages of the criminal justice process, the basic data on the study population assembled showed that, as a group, felony defendants differed from the general

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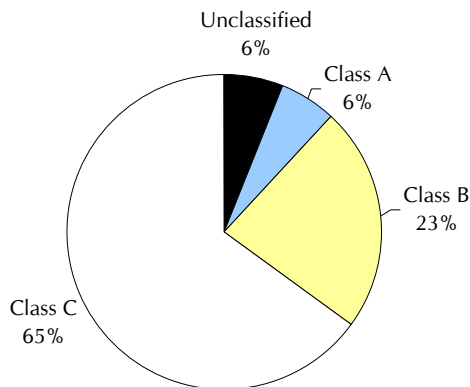
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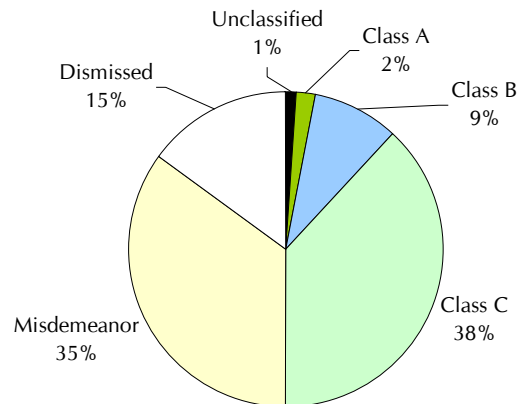
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Figure 1. Single Most Serious Charged Offense by Class of Offense
N = 2,331



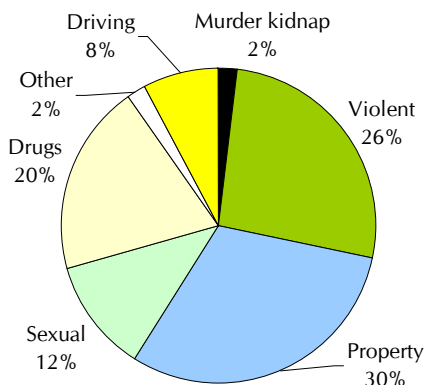
Source: Alaska Judicial Council

Figure 2. Single Most Serious Conviction Offense by Class of Offense
N = 2,331



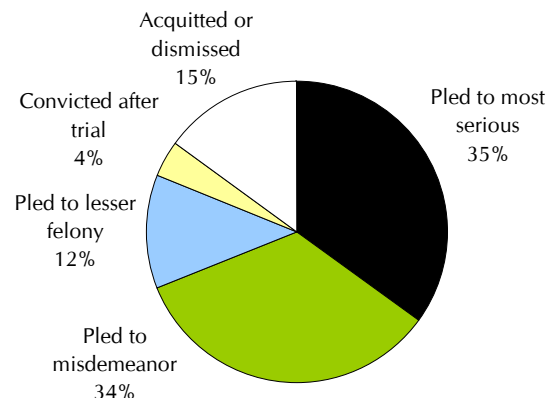
Source: Alaska Judicial Council

Figure 3. Most Serious Charged Offense by Type of Offense
N = 2,331



Source: Alaska Judicial Council

Figure 4. Case Disposition for All Defendants
N = 2,331



Source: Alaska Judicial Council

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population of the state in some noticeable ways.

- Like felony populations in other states, the Alaska felony defendants in this study were relatively and disproportionately young, with nearly half (47%) younger than 30, compared to 22 percent in the general population.

- The felony population was also disproportionately male—83 percent. The general population is 52 percent male.

- Blacks and Alaska Natives were disproportionately high percentages of the felony group. Blacks were 4 percent of the population as a whole, but 11 percent of this felony group. Alaska Natives were 30 percent of those charged with felonies but only

14 percent of the general population. Caucasians, who were 76 percent of the adult population, were only 50 percent of the felony population. The percentages for Hispanics and Asians and Pacific Islanders were also lower than their representation in the general population. These disproportions remained fairly constant between charged and convicted defendants. (The study also breaks down the group according to ethnicity and type of felony charge.)

- Individuals in the felony group were also more likely than the general population to have prior criminal records, with at least 70 percent having earlier convictions for either a misdemeanor or felony.

- Sixty-three percent of those in the sample showed evidence of an alcohol problem and 45 percent, of a drug problem—although because of the methods used

to identify these problems, these numbers may be low. (The report does not present comparison figures for the general population.)

- Thirty percent of the study population exhibited a mental health problem.

These numbers describing the felony offender population suggest a need for more investigation of the earlier phases of the criminal justice process not examined by this study. Why the disproportionate percentages of Natives and Blacks among those charged? Are these percentages a function of arrest figures?

The recommendations included with the Judicial Council study call for this further research and also stipulate the need for improved data, particularly about ethnicity, in reporting, arrests and prosecutorial screening.

Charge Patterns—Initial and Disposition

The report presents an extensive look at charges—the initial charge filed, disposition charge, summary breakdowns of charges according to felony classification and offense type; and the results of the multivariate analysis looking at charge data in relation to other variables.

For a majority of the 2331 defendants whose files were examined—65 percent—the single most serious initial charge was a Class C felony. The most common type of offense, for the most serious charge, was a property offense. Figures 1 through 4 show the complete breakdowns.

Charge reduction is one area of the felony case process for which there are comparative data from previous studies. In 1991, the Judicial Council, evaluating the ban on plea bargaining then in place, looked at charge data from 1984 through 1987. The present study reveals that charge bargaining was substantially more frequent in 1999 than in the late 1980s and that, in general, the degree of charge reduction from initial to disposition offense was greater. A higher percentage of those initially charged with a felony offense in the 1999 study population was convicted of a misdemeanor than in the 1984-87 group. The plea bargaining ban is no longer in effect.

The data on charge changes assembled for the earlier study are included in this report for comparison purposes. The tables present a charge breakdown for the total study population: the specific most serious original charge and the specific final disposition charge.

This was the first analysis capturing data on felony driving offenses since the 1995 statutory changes. Defendants with this type of offense as the most serious charge formed about 7 percent of the total study population. The study revealed that most defendants convicted of a felony driving offense were convicted on the original charge. Few had all charges dismissed or were acquitted.

The study also reviewed the process of charge reduction between the initial and final, or disposition, charge for possible disparities in conjunction with certain variables. This analysis showed no disparities by ethnicity for Caucasians, Blacks or Alaska Natives. (The numbers for other minorities in the study—Hispanics and Asian Americans—were too low for the statistical analysis to be considered reliable, so they are not discussed in this article.) Defendant gender was also not found to be associated with disparities in charge reduction.

Disparities did appear with the public/private attorney variable. In many categories of analysis, although not all, having a private attorney was associated with more beneficial final charges. In addition, rural

cases were associated with more beneficial charge reductions.

Defendants with alcohol, drug or mental health problems overall were associated with less beneficial final charges.

Predisposition Incarceration

The predisposition process can be lengthy and complicated, involving numerous court appearances, sometimes before different judges, sometimes with different attorneys. The Judicial Council study chose to examine the length of time offenders were incarcerated before case disposition as one indicator of whether treatment of defendants is evenhanded. The report presents the results of the first multivariate analysis of predisposition incarceration in Alaska—that is, the amount of time an offender spent in jail before the case was decided was examined in relation to other variables, such as ethnicity, gender and type of attorney.

The study found more widespread disparities at this point in the justice process than at any other examined. In other words, a number of variables were associated with spending longer time in jail before a case was decided—including ethnicity, type of attorney and location of case. The discovery of the patterns of disparity at this point in the criminal justice process is important because the question of bail involves constitutional issues; moreover, disparate treatment at this point can involve the innocent as well as those ultimately found guilty. Because so many disparities emerged in the predisposition phase of the felony case process, the Judicial Council recommends that it receive further study.

The differences in incarceration time which emerged varied; some disparities were minimal but others were more lengthy. Some may be more easily explained than others. For example, a presumptive charge was associated with more jail time before disposition than a non-presumptive. Since presumptive charges generally involve repeat felons or very serious offenses, this disparity may only reflect judicial consideration of the danger posed by a defendant. Others aren't as easily explicable and are more troubling: being Black or Native was associated statewide with more time incarcerated at this stage—independently of the effect of other variables.

Having a private attorney was associated with less predisposition incarceration time consistently across almost all types of offenses, statewide and within and outside Anchorage. Only with sexual offenses did no significant difference in predisposition incarceration time appear for type of attorney. (The results associated with the type of attorney variable throughout the study are discussed in more detail below.)

Being charged and appearing in a rural

court was also associated with fewer days of predisposition incarceration.

A variable found to be associated with more predisposition incarceration time was the requirement for a third party custodian. There are a number of complexities surrounding the this variable that warrant discussion here.

Both the figures assembled here and anecdotal discussion indicate that the practice of requiring a third party custodian either with or without a monetary bond has become frequent, particularly in Anchorage, where judges required a custodian in about sixty percent of the felony cases. The study did not attempt to look at refinements associated with this practice—such as type of third party custodian arrangement, the characteristics required of a custodian, or the effectiveness of the arrangement.

The use of a third party custodian seems to have emerged in Alaska in the late 1970s or early 1980s as a way for those without any financial resources to make bail. The practice is not used as much elsewhere in the country. (There were also fewer bail bondsmen at that time even in the urban centers, with none at all in smaller places.) It is now established by statute as a permissible component of bail requirements.

The practice of requiring custodians has changed over the years: While it may still provide a way for indigent defendants to make bail, it also is often used now in conjunction with a monetary bond requirement. It has become an additional tool for judges in the predisposition process to ensure a defendant's appearance in later court hearings as well as to provide an additional protection for the public and the defendant.

There are different types of third party custodians: twenty-four hour custodial supervision is often required for those charged with dangerous felonies, but other arrangements require much more limited types of supervision. The Judicial Council study did not assemble data on different types of custodial arrangements or possible relationship to amount of monetary bond, nor did it provide any analysis of the judicial intent involved in setting this requirement.

Presumptive Sentencing

In Alaska, repeat felons and those convicted of the most serious felonies, such as murder in the first degree, are subject to presumptive sentences or mandatory minimum sentences. In this study, about 18 percent of convicted defendants were subject to a presumptive sentence. The Judicial Council study found no evidence of unwarranted disparate treatment in sentencing these types of offenders. In other words, those offenders

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who might generally be labeled as the most dangerous or the most intractable are being handled consistently, according to standards imposed by the legislature.

Non-presumptive Sentencing

In the analysis of non-presumptive sentences, some disparities associated with ethnicity appeared, but they were too scattered and limited to suggest any intentional, pervasive discrimination.

Eighty-two percent of convicted defendants in the study population were subject to a non-presumptive sentence—essentially a sentence for which the parameters are not as closely determined by statute. Non-presumptive sentences apply to those convicted of a first felony offense on less serious felony

Appointment of Public Attorney

In thinking about the question of public-private defense, it is important to note that in Alaska, as elsewhere in the country, over 80 percent of all criminal defense work is handled by public attorneys. In other words, over 80 percent of those charged with a criminal offense lack the economic means to pay for their own defense.

In Alaska, the court appoints a public attorney to represent a defendant whose income resources are insufficient to contract private counsel. Under Rules of Criminal Procedure 39 and 39.1 the court must look at a defendant's entire financial picture in making the determination to appoint a publicly-financed attorney. A defendant whose income is below the adjusted federal poverty guidelines or who receives public assistance benefits through a state or federal program is presumptively eligible for public representation.

Table 1 presents 1999 Alaska income levels by borough or census area, including the number and percentage of the population below the federal poverty line.

The Public Defender's Office carries the main responsibility for indigent criminal defense in Alaska, with the Office of Public Advocacy (OPA) taking those cases in which there is a conflict of interest for the PD's office. In addition, contract attorneys hired through OPA take on criminal defense work at public expense. In reality, many attorneys doing criminal defense as private practitioners also serve at times as contract attorneys for OPA. Further, cases can evolve in which what originally is representation by a private attorney becomes representation by a court-appointed attorney when the client's resources are exhausted.

Table 1. Alaskans Income Levels, 1999

Borough or census area	Total population	Population below federal poverty line		Median income		Per capita income
		Number	Percent of total population	Household	Family	
Aleutians East Borough	2,693	588	21.8 %	\$47,875	\$50,625	\$18,421
Aleutians West Census Area	5,403	642	11.9	\$61,406	\$72,500	\$24,037
Anchorage Municipality	254,273	18,682	7.3	\$55,546	\$63,682	\$25,287
Bethel Census Area	15,693	3,234	20.6	\$35,701	\$36,250	\$12,603
Bristol Bay Borough	1,258	119	9.5	\$52,167	\$59,868	\$22,210
Denali Borough	1,787	141	7.9	\$53,654	\$70,000	\$26,251
Dillingham Census Area	4,880	1,045	21.4	\$43,079	\$45,391	\$16,021
Fairbanks North Star Borough	79,754	6,206	7.8	\$49,076	\$56,478	\$21,553
Haines Borough	2,380	254	10.7	\$40,772	\$50,580	\$22,090
Juneau Borough	30,116	1,797	6.0	\$62,034	\$70,284	\$26,719
Kenai Peninsula Borough	48,412	4,861	10.0	\$46,397	\$54,106	\$20,949
Ketchikan Gateway Borough	13,823	900	6.5	\$51,344	\$59,583	\$23,994
Kodiak Island Borough	13,731	901	6.6	\$54,636	\$58,834	\$22,195
Lake and Peninsula Borough	1,810	342	18.9	\$36,442	\$42,313	\$15,361
Matanuska-Susitna Borough	58,321	6,419	11.0	\$51,221	\$56,939	\$21,105
Nome Census Area	9,002	1,569	17.4	\$41,250	\$44,189	\$15,476
North Slope Borough	7,315	663	9.1	\$63,173	\$63,810	\$20,540
Northwest Arctic Borough	7,158	1,243	17.4	\$45,976	\$45,230	\$15,286
Prince of Wales-Outer Ketchikan Census Area	6,107	736	12.1	\$40,636	\$46,944	\$18,395
Sitka City & Borough	8,551	668	7.8	\$51,901	\$62,361	\$23,622
Skagway-Hoonah-Angoon Census Area	3,423	438	12.8	\$40,879	\$47,946	\$19,974
Southeast Fairbanks Census Area	6,045	1,140	18.9	\$38,776	\$48,208	\$16,679
Valdez-Cordova Census Area	10,063	990	9.8	\$48,734	\$60,497	\$23,046
Wade Hampton Census Area	7,004	1,838	26.2	\$30,184	\$29,867	\$8,717
Wrangell-Petersburg Census Area	6,649	525	7.9	\$46,434	\$54,046	\$23,494
Yakutat City & Borough	790	107	13.5	\$46,786	\$51,875	\$22,579
Yukon-Koyukuk Census Area	6,520	1,554	23.8	\$28,666	\$33,832	\$13,720
Entire state	612,961	57,602	9.4 %	\$51,571	\$59,036	\$22,660

Source: U.S. Census Bureau, 2000 Census of Population & Housing

charges or to those convicted of a misdemeanor. The sentences are determined according to the class of the felony or misdemeanor. For example, for a first felony conviction for a Class C felony such as Burglary 2, the sentence range is 0-5 years, with the most likely sentence being 2 years.

With this group, the statistical analysis found ethnic disparities only in a few categories of analysis. Statewide, being Black or Native was associated with longer sentences for drug offenses. Being Black in Anchorage and being Native outside Anchorage were also found to be associated with longer sentences for drug offenses. (This finding suggests a direction for further research, particularly in light of the immense growth in incarceration due to drug offenses nationally. Alaska's handling of drug offenses has not been explored in any depth.)

Overall: Disparate Treatment Associated with Gender or Ethnicity

No pervasive patterns emerged that suggest established or intentional discrimination, but there is disparate treatment occurring at some points in the process, with some types of defendants—whatever the explanation.

As discussed above, disproportionately more men than women were initially charged with felonies. Beyond that, overall, being male tended to be associated with more incarceration time, both during the predisposition phase and as a component of the final sentence, particularly for violent and property crimes. However, gender showed little association with incarceration in drug cases and driving cases, and, in general, gender did not show much association with the extent of charge reduction that occurred over the life of the case.

Also as discussed earlier, the charged felony population exhibited disproportionately high percentages of Blacks and Alaska Natives. Further disparities associated with ethnicity occurred at some other points. Being Native or Black was associated with longer predisposition incarceration in many, but not all categories of analysis. Also, as discussed above, being Native or Black was associated with longer sentences in non-presumptive sentences on drug offenses in certain categories of analysis.

Public—Private Defense Attorneys

Over 80 percent of the cases in this study were handled by attorneys in the Public Defender's Office or by Office of Public Advocacy (OPA) attorneys or OPA contract attorneys. The analysis involving the variable for type of attorney—public or private—showed that, in general, having a private attorney was associated with less in-

carceration time, both pre- and post-disposition. The association was not found in all categories examined, but it emerged as one of the most frequent findings. For some offenses in some categories, the difference in incarceration time was slight, but in others, having a private attorney was associated with substantially shorter periods of incarceration. These statistical results need to be seen in the broader context of how the study was designed.

The study variable for type of attorney may be subsuming other factors not included in this statistical model. These factors might include the defendant's level of education, employment status and history, presence or absence of spouse or other family, and residential status. If these factors had been examined in conjunction with the public-private attorney variable, the picture of the relationship between incarceration time and type of attorney would have more nuanced detail. To put this in more concrete terms—an individual charged with a felony who has hired a private attorney may also have the financial resources to post bond as soon as it is set and a family member or acquaintance whose own life seems stable enough to be acceptable to the court as a third-party custodian; thus, this individual will spend less time incarcerated before his case is decided. As discussed earlier, these details of socioeconomic background were not captured in the statistical modeling for this particular study. Their absence somewhat obscures understanding of the results associated with this variable.

Whether a defendant is represented by a public or private attorney is essentially a function of client financial resources. (See accompanying piece "Appointment of Public Attorney.")

The study was not designed to look at the economics of the criminal justice process, either with regard to defense representation or other aspects of the process, such as agency budgets. It does note that a 1998 legislative audit of the Public Defender Agency found the agency to be severely straitened by an inadequate budget. The Judicial Council report also notes that felony filings in the court system increased 86 percent between 1984 and 1999. The operating budget of the court system rose from \$36,960,000 to \$49,871,100 over the same period—only 25 percent. The Judicial Council study states that the budget of the entire criminal justice system rose 21 percent (adjusted for inflation) from 1984 to 1999.

Comparative National Data

The report includes a section comparing its findings to national figures derived primarily from research done by the Bureau of Justice Statistics and from data assembled under the FBI's Uniform Crime Reporting

(UCR) program.

While Alaska's crime rate overall was only slightly higher than the national rate, the rate of reported violent crime in 1999, as calculated by the UCR program, was about 20 percent higher than the national rate.

In Alaska, as elsewhere, only a small percentage of reported crimes eventually resulted in a felony conviction.

Alaska offenders charged with a felony were more likely than offenders elsewhere to receive a sentence of incarceration, whether convicted of a felony or misdemeanor.

One aspect of the Alaska picture warrants special note: Alaska's rate of reported forcible rape was the highest of all states and 155 percent higher than the national average in 1999. Moreover, Alaska's rate of conviction on a felony charge (any felony) after an arrest for rape was substantially lower than the national average. (Only 9 percent of those charged with Sexual Assault 1 in the 1999 study population were convicted on the same charge. For 22 percent of those charged with this offense, the disposition charge was a misdemeanor.)

Recommendations

Overall the report recommendations, based on the findings discussed above, constitute a call for increased vigilance within all the components of the criminal justice system regarding the occurrence of unjustifiable disparate treatment. Most of the recommendations will require additional financial resources for criminal justice agencies. In particular, the report advocates directing increased resources to the agencies handling public defense and expanded use of therapeutic courts.

The careful in-depth analysis of this study shows that the disproportionately high presence of Natives and Blacks from beginning to end in the Alaska criminal justice system is not primarily a factor of disparate treatment from the judiciary. The percentages are, however, a reality.

In light of this, the report recommends further examination of the problematic points revealed by this study and of those early stages of the criminal justice process not studied here. This research will need to incorporate the socioeconomic details not included in this analysis. To facilitate such research and to promote agency self-monitoring for disparities, the report calls for better data assembly and management in the various criminal justice agencies as well as more interagency collaboration.

The report "Alaska Felony Process: 1999" is available through the Alaska Judicial Council. It will be posted on-line later this spring at www.ajc.state.ak.us.

Disposition of Sexual Assault Cases

It is not possible to correlate the figures on reported sexual assaults in Anchorage in 2000-2001 presented in the first article in this issue of the *Alaska Justice Forum* with figures on felony case processing as examined in the Judicial Council felony study, but the Judicial Council felony case study does contain figures specifically related to cases involving sexual offenses that give an idea of how these cases are handled.

According to the Judicial Council study, a sexual offense constituted the most serious charge in 12 percent of the cases studied. Table 1 shows the dispositions for these cases. The data reveal that disposition charges are often lower, sometimes at the misdemeanor level. A majority of all cases, however, resulted in a conviction on a felony charge—and on a sexual offense charge, a disposition that

results in placement on the sexual offender registry.

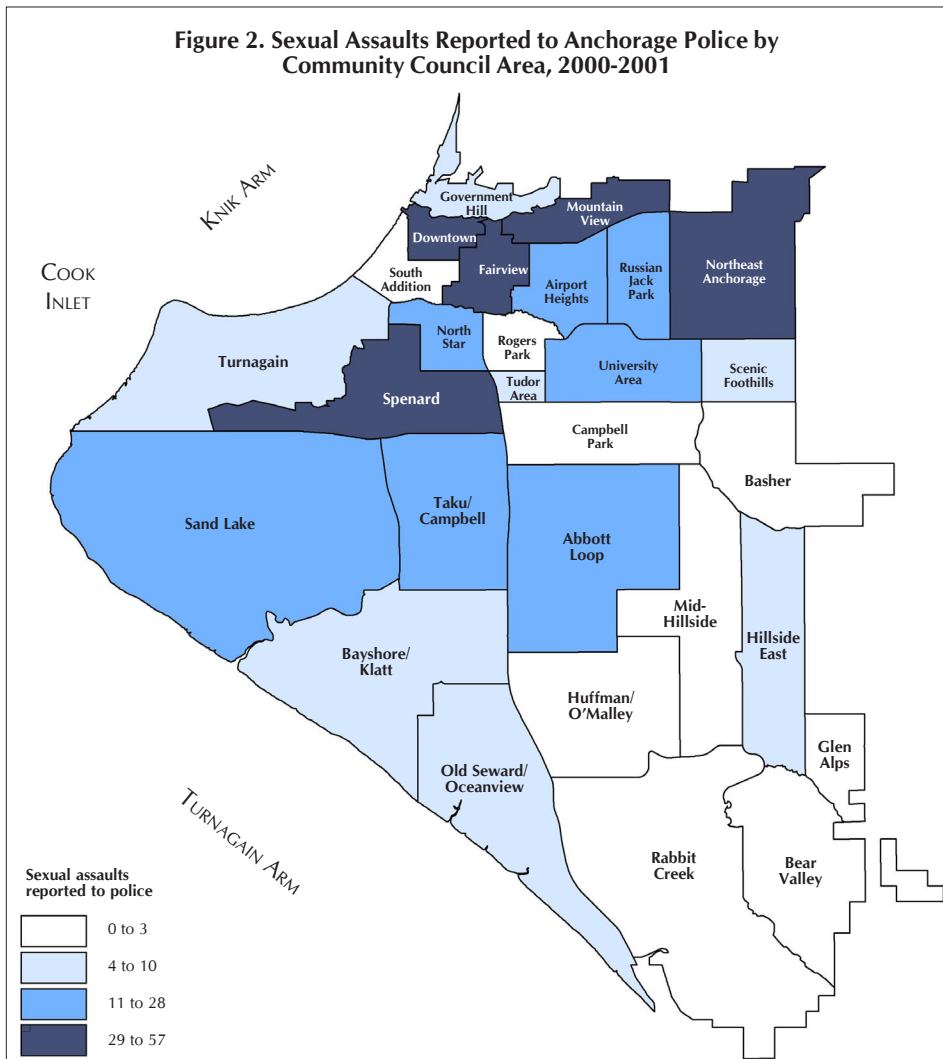
The statistical analysis presented in the Judicial Council study shows that cases involving sexual offenses were handled even-handedly, with no effects associated with ethnicity in charge reduction, pre-disposition incarceration or sentence. Some disparities did appear in association with case location and with type of attorney.

Table 1. Charge Changes for Single Most Serious Charge, 1999

Original single most serious charge				Original single most serious charge			
Final disposition of single most serious charge	N	% of each disposition	Percent convicted of misdemeanor	Final disposition of single most serious charge	N	% of each disposition	Percent convicted of misdemeanor
Sexual abuse minor 1 (unclassified)	43	—	4.7 %	Sexual assault 2 (Class B)	47	—	34.0 %
Sexual abuse minor 1	9	20.9 %		Sexual assault 2	8	17.0 %	
Attempted sexual abuse minor 1	8	18.6		Attempted sexual assault 2	8	17.0	
Sexual abuse minor 2	15	34.9		Burglary 2	1	2.1	
Sexual abuse minor 3	2	4.7		Sexual assault 3	6	12.8	
Sexual assault 1	1	2.3		Assault 4 (misd.)	6	12.8	
Sexual assault 2	1	2.3		Attempted sexual abuse minor 3 (misd.)	2	4.3	
Assault 4 (misd.)	1	2.3		Criminal trespass (misd.)	1	2.1	
Contributing to delinquency of minor (misd.)	1	2.3		Harassment (misd.)	3	6.4	
Dismissed/acquitted	5	11.6		Reckless endangerment (misd.)	1	2.1	
Sexual assault 1 (unclassified)	46	—	21.7 %	Sexual abuse minor 4 (misd.)	1	2.1	
Sexual assault 1	4	8.7 %		Sexual assault 4 (misd.)	1	2.1	
Attempted sexual assault 2	2	4.3		Violation domestic violence protective order (misd.)	1	2.1	
Attempted sexual assault 1	1	2.2		Dismissed/acquitted	8	17.0	
Burglary 1	1	2.2		Attempted sexual abuse minor 2 (Class C)	2	—	0.0 %
Perjury	1	2.2		Attempted sexual abuse minor 2	2	100.0 %	
Sexual assault 2	13	28.3		Attempted sexual assault 2 (Class C)	3	—	33.3 %
Sexual assault 3	2	4.3		Attempted sexual assault 2	2	66.7 %	
Alcohol to minor (misd.)	1	2.2		Harassment (misd.)	1	33.3	
Assault 4 (misd.)	6	13.0		Indecent exposure 1 (Class C)	3	—	33.3 %
Attempted sexual assault 3 (misd.)	1	2.2		Indecent exposure 1	2	66.7 %	
Harassment (misd.)	1	2.2		Indecent exposure 2 (misd.)	1	33.3	
Criminal mischief 3 (misd.)	1	2.2		Sexual abuse minor 3 (Class C)	21	—	42.9 %
Dismissed/acquitted	12	26.1		Sexual abuse minor 3	8	38.1 %	
Attempted sexual abuse minor 1 (Class A)	1	—	0.0 %	Probation revocation F	1	4.8	
Attempted sexual abuse minor 1	1	100.0 %		Alcohol to minor (misd.)	2	9.5	
Attempted sexual assault 1 (Class A)	2	—	0.0 %	Assault 4 (misd.)	2	9.5	
Attempted sexual assault 1	1	50.0 %		Attempted sexual abuse minor 3 (misd.)	3	14.3	
Dismissed/acquitted	1	50.0		Contributing to delinquency of minor (misd.)	1	4.8	
Exploit minor (Class B)	1	—	0.0 %	Resist arrest (misd.)	1	4.8	
Exploit minor	1	100.0 %		Dismissed/acquitted	3	14.3	
Sexual abuse minor 2 (Class B)	95	—	12.6 %	Sexual assault 3 (Class C)	6	—	16.7 %
Sexual abuse minor 2	39	41.1 %		Sexual assault 3	2	33.3 %	
Attempted sexual abuse minor 2	20	21.1		Assault 3	1	16.7	
Attempted sexual assault 2	3	3.2		Attempted sexual assault 2	1	16.7	
Coercion	2	2.1		Assault 4 (misd.)	1	16.7	
Probation revocation F	1	1.1		Dismissed/acquitted	1	16.7	
Sexual assault 3	1	1.1					
Sexual abuse minor 3	8	8.4					
Sexual abuse minor 1	1	1.1					
Sexual assault 2	2	2.1					
Alcohol to minor (misd.)	1	1.1					
Assault 4 (misd.)	3	3.2					
Attempted sexual assault 3 (misd.)	1	1.1					
Attempted sexual abuse minor 3 (misd.)	2	2.1					
Contributing to delinquency of minor (misd.)	4	4.2					
Criminal trespass (misd.)	1	1.1					
Dismissed/acquitted	6	6.3					

Source: Alaska Judicial Council

Figure 2. Sexual Assaults Reported to Anchorage Police by Community Council Area, 2000-2001



- Demographic characteristics of victims and suspects;
- Types of victim-suspect relationships;
- Locations of assaults; and
- Use of alcohol.

Like all criminal activity, sexual assaults and rapes are neither geographically nor temporally random. In the data studied, reported sexual assaults and rapes were most likely to occur in five community council areas—Downtown, Fairview, Spenard, Mountain View, and, to a lesser extent, Northeast Anchorage (see Figure 2). More specifically, 10.1 percent of the sexual assaults and rapes reported in 2000 and 2001 occurred Downtown, 10.1 percent in Fairview, 13.4 percent in Spenard, 10.1 percent in Mountain View, and 9.0 percent in Northeast. Of the 424 assault locations reported in 2000 and 2001, 52.7 percent were in these five community council areas. Temporally, reported sexual assaults and rapes were most likely to occur on the weekends and from 10 PM to 6 AM. More precisely, 49 percent of sexual assaults and rapes reported in 2000 and 2001 occurred on weekends and 60 percent occurred between 10 PM and 6 AM.

Knowing where and when sexual assaults and rapes occur is an important step in defining the problem to be solved. These results provide reliable evidence of the geographical and temporal concentration of sexual assaults and rape—rather than unreliable evidence based on hunches, experience, or common sense. This evidence suggests that police efforts to combat sexual assaults and rape ought to be concentrated on the weekends from 10 PM to 6 AM in Downtown, Fairview, Spenard, Mountain View, and Northeast.

At the same time, police efforts to com-

Forcible Rape
(continued from page 1)

The key findings from this study suggest that interventions will be successful in An-

chorage only insofar as they take into account:

- Geographical and temporal concentration of reported sexual assaults and rapes;

Please see **Forcible Rape**, page 10

Table 1. Race of Victims of Sexual Assaults Reported to Anchorage Police, 2000-2001

Race ¹	Victims ² N = 539		Percentage of Anchorage population, 2001 ³	Sexual assault rate per 1,000 population ⁴
	N	%		
Caucasian	257	47.7 %	77.6 %	1.28
Native	243	45.1	10.6	8.86
Hispanic	8	1.5	6.0	0.52
African-American	27	5.0	7.2	1.45
Asian	8	1.5	7.3	0.42
Pacific Islander	0	0.0	1.3	0.00

¹ Categories are not mutually exclusive.
² Detail adds to greater than total N because victims may be of more than one race.
³ Includes both males and females (95.5% of victims were female).
⁴ Base population includes both males and females.

Source of data: 2000 and 2001 data (N=539); U.S. Census Bureau, 2001 Supplementary Survey (Anchorage, AK MSA) <www.census.gov/acs/www/Products/Profiles/Single/2001/SS01/Tabular/380/38000US03801.htm>.

Table 2. Race of Suspects in Incidents of Sexual Assault Reported to Anchorage Police, 2000-2001

Race ¹	Suspects ² N = 567		Percentage of Anchorage population, 2001 ³	Sexual assault suspects per 1,000 population ⁴
	N	%		
Caucasian	231	40.7 %	77.6 %	1.15
Native	126	22.2	10.6	4.60
Hispanic	47	8.3	6.0	3.05
African-American	137	24.2	7.2	7.38
Asian	30	5.3	7.3	1.59
Pacific Islander	4	0.7	1.3	1.20

¹ Categories are not mutually exclusive.
² Detail adds to greater than total N because suspects may be of more than one race.
³ Includes both males and females (99.4% of suspects were male).
⁴ Base population includes both males and females.

Source of data: 2000 and 2001 data (N=539); U.S. Census Bureau, 2001 Supplementary Survey (Anchorage, AK MSA) <www.census.gov/acs/www/Products/Profiles/Single/2001/SS01/Tabular/380/38000US03801.htm>.

Forcible Rape

(continued from page 1)

bat sexual assault and rape need to take into consideration the demographic characteristics of both victims and suspects. The vast majority (95.5%) of victims were female, with most (93.2%) residing in Anchorage. Almost all suspects (99.4%) were male and, again, most (94.3%) resided in Anchorage. Most victims were Caucasian or Native, with Native victims vastly overrepresented (see Table 1). For reported sexual assaults and rapes, Natives were 7.6 times more likely than others to be a victim.

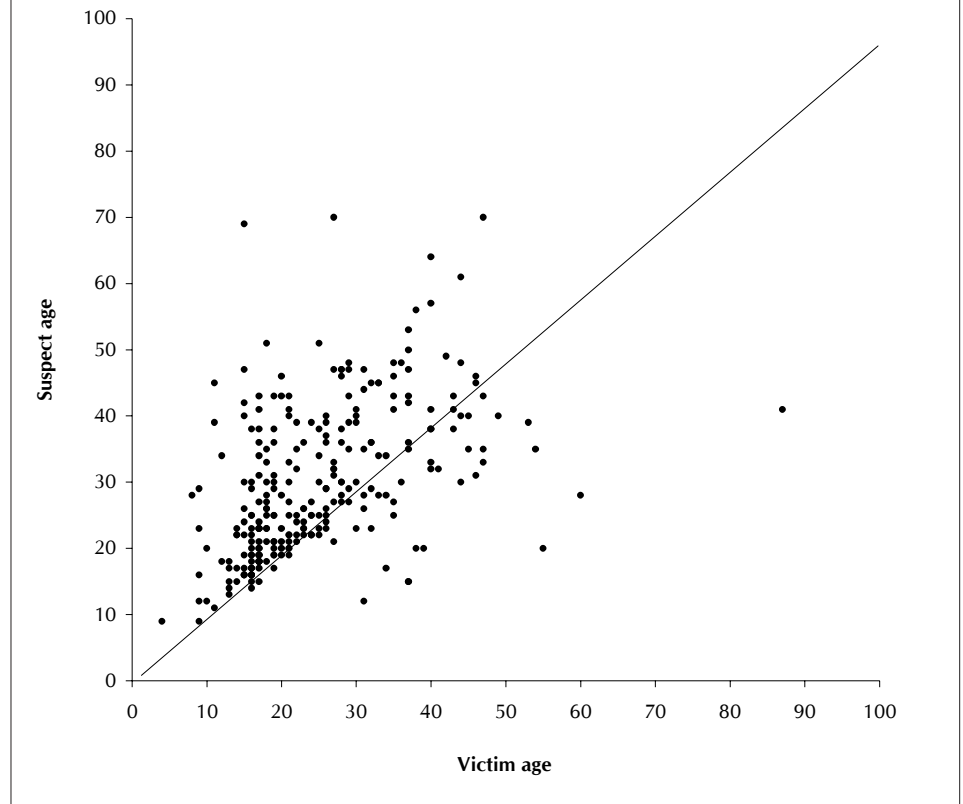
Suspects were more racially diverse than victims (see Table 2). Most suspects were Caucasian, but Native and African-American suspects were overrepresented in proportion to the general population.

The age of victims and suspects is shown in Figure 3. On average, victims were 5 years younger than suspects. For victims, the highest rate of reported sexual assault and rape was for 15-to-19-year-olds (6.76 per 1,000) while for suspects, the highest rate of reported sexual assault and rape was for 20-to-24-year-olds (3.75 per 1,000).

With these demographics characterizing those involved in sexual assaults, interventions should primarily focus on Anchorage residents rather than visitors. Furthermore, it is clear that victim-focused interventions must occur at an earlier age than suspect-focused interventions. The daily routines of 15-to-19-year-olds are substantially different than those of 20-to-24-year-olds. In particular, 15-to-19-year-olds are likely to be

Figure 3. Victim and Suspect Age in Sexual Assault Cases Reported to Anchorage Police, 2000-2001

Analysis includes only those cases with one victim and one suspect (N = 264).



in school during the week, making schools an attractive intervention partner for victim-focused interventions. Developing suspect-focused interventions in schools, however, makes little sense as most suspects are beyond school age.

It would also make little sense to develop interventions without considering the relationships between victims and suspects. These relationships are described in greater detail in Table 3. According to the 2002 National Crime Victimization Survey, only 32.5 percent of sexual assaults nationwide and rapes are stranger assaults. In Anchorage, however, stranger assaults are far more common. In 2000 and 2001, 44.3 percent of victims who reported a sexual assault or rape to police did not know the offender beforehand. Among non-stranger assaults, the most common were assaults between casual acquaintances (30.4%) and those between well-known friends (27.1%). Unfortunately, little is known about the differences between stranger and non-stranger assaults. Consequently, the implications of this

important finding are still unclear. It is likely, however, that important differences between stranger and non-stranger assaults do exist, requiring separate approaches to reduce occurrence. For example, it is possible that non-stranger assaults are more likely to occur in private places than stranger assaults.

Though we have not yet investigated these differences, our analyses clearly reveal that most sexual assaults reported to police (over 67.7%) occurred indoors (see Table 4). The most common indoor locations included the victim's residence and the suspect's residence. Of the sexual assault locations, 45.3 percent were the victim's residence or suspect's residence (or both), and an additional 9.9 percent took place in some other residence. In comparison, fewer sexual assaults occurred outdoors (22.0%). Common outdoor locations included fields, woods, parks, roads, streets, and parking lots. Few assaults occurred in vacant lots (5.3%), city parks (1.9%), or along park trails (0.5%). Overall, our data show that only 4.3 percent of reported sexual assaults originated in parks, fields, or woods and that only 7.3 percent occurred in these places. Most of these places were vacant lots. Moreover, while only one assault was reported as occurring in a bar, the original pick-up in 54 cases (13.6%) occurred in a bar—a finding that should be seen in relation to the figures on

Table 3. Victim-Offender Relationship in Incidents of Sexual Assault Reported to Anchorage Police, 2001

Suspect's relationship to victim	N	% of total	% of non-stranger
Total non-stranger	181	55.7 %	100.0 %
Spouse	8	2.5	4.4
Parent	2	0.6	1.1
Sibling	5	1.5	2.8
Grandchild	1	0.3	0.6
Stepparent	3	0.9	1.7
Other family	9	2.8	5.0
Acquaintance	55	16.9	30.4
Friend	49	15.1	27.1
Neighbor	2	0.6	1.1
Babysitter	2	0.6	1.1
Boy/girlfriend	22	6.8	12.2
Ex-spouse	5	1.5	2.8
Employer	1	0.3	0.6
Otherwise known	17	5.2	9.4
Stranger	144	44.3 %	--
Total	325		

alcohol involvement in sexual assaults.

Consequently, strategies that target outdoor places, particularly ones that target parks or trails, will not appreciably affect the rates of sexual assault and rape in Anchorage. Although the municipality's Trail Watch Program instituted in September 2003 may reduce the fear of crime among trail users (and may reduce other forms of crime), it will probably have negligible effects, if any, on the occurrence of sexual assaults and rapes if these patterns continue. Different strategies must be used to lower the rates of sexual assault and rape in Anchorage, since most rapes occur indoors, in residences.

Finally, interventions must take into account that alcohol use was very frequent among both suspects and victims. During 2000 and 2001, 76.2 percent of suspects and 59.9 percent of victims had used alcohol. Table 5 displays victim and suspect alcohol use for 176 cases (cases with only one victim and one suspect and cases where both victim and suspect alcohol use was known).

Both the suspect and the victim had used alcohol in 59.7 percent of these cases. Only the suspect had used alcohol in 13.1 percent of these cases. Only the victim had used alcohol in 1.7 percent of these cases and neither the suspect nor the victim used alcohol in 25.6 percent of these cases. Stated differently, almost 75 percent of these cases involved alcohol—either by the suspect, the victim, or both.

Overall, we have come a long way towards defining the problems to be solved, diagnosing these problems, and identifying their causes. Though the analyses are neither finished nor definitive, we nonetheless now have some reliable information that can be used to enhance the success of community and police rape prevention efforts. We ought to make sure that all interventions take into consideration that:

- Reported sexual assaults and rapes occur mostly on the weekends from 10 PM to 6 AM in Downtown, Fairview, Spenard,

Mountain View, and Northeast;

- The highest victimization rates are for 15-to-19-year-olds while the highest offending rates are for 20-to-24-year-olds;
- 44.3 percent of victims are assaulted by strangers;
- 59.6 percent of known assault locations are private residences; and
- Alcohol use is very frequent among both suspects and victims.

It must be understood that police alone cannot solve the sexual assault and rape problem that has plagued Anchorage for well over 20 years. The data suggest that effective solutions to this problem need to be both suspect-focused and victim-focused (as well as event-focused). Many have dismissed the idea of victim-focused interventions for fear that it leads to victim blaming. The reality, however, is that we can educate about sexual assault and rape without blaming victims for sexual assault and rape: we educate homeowners about burglary prevention without blaming them for burglaries and we educate business owners about shoplifting without blaming them for shoplifting.

André Rosay is an assistant professor with the Justice Center. The Justice Center report on which this article was based, Descriptive Analysis of Sexual Assaults in Anchorage, Alaska, is available on the Justice Center website, <http://www.uaa.alaska.edu/just/>.

Table 4. Location Type for Pick-Up and Assault of Victims of Sexual Assault Reported to Anchorage Police, 2000-2001

Location type	Pick-up		Assault	
	N	%	N	%
Indoors	389	71.9 %	397	67.7 %
Victim's residence	110	20.3	129	22.0
Suspect's residence	66	12.2	121	20.6
Victim's and suspect's residence	12	2.2	15	2.6
Other residence	44	8.1	58	9.9
Bar	54	13.6	1	0.2
Hotel	33	6.1	57	9.7
Doctor's office	14	2.6	16	2.7
Other indoors	56	10.4	18	3.1
Outdoors	104	19.2 %	129	22.0 %
Road, street	62	11.5	52	8.9
Parking lot	15	2.8	31	5.3
Vacant lot	14	2.6	29	4.9
Park	7	1.3	11	1.9
Trail	2	0.4	3	0.5
Other outdoors	4	0.7	3	0.5
Unknown	48	8.9 %	42	7.2 %
Total	541		586	

Note: Totals differ because there was sometimes more than one assault location for the same pick-up.

Table 5. Victim and Suspect Alcohol Use in Incidents of Sexual Assault Reported to Anchorage Police, 2001

Analysis includes only those cases in which one victim and one suspect were involved.

Alcohol use by suspect	Alcohol use by victim		Total
	Yes	No	
Yes	105	23	128
No	3	45	48
Total	108	68	176

Western Criminological Review

Sharon Chamard and André Rosay, Assistant Professors at the Justice Center, have assumed editorship of the *Western Criminological Review*, the on-line, peer-reviewed journal of the Western Society of Criminology. The publication's current website is <http://wcr.sonoma.edu/>.

Search for Historical Records

Dr. Lawrence Trostle of the Justice Center is compiling historical materials on Alaska Native policing from 1867 through 1959. He is interested in looking at any material—diaries, letters, government records, missionary or other church records, newspaper accounts—which relate to the contribution of Alaska Natives to law enforcement or to the gen-

eral provision of justice services in the period after the purchase of Alaska from Russia through the enactment of statehood. He is also interested in speaking with anyone who may have personal reminiscences to recount.

Trostle can be reached through the Justice Center at (907) 786-1816 or afllct@uaa.alaska.edu.



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