Adverse Childhood Experiences and Their Association with Alcohol Abuse by Alaska Adults

Marny Rivera and Patrick Sidmore

Alaska has a costly substance abuse problem. The prevalence of alcohol consumption in Alaska is high (Figure 1), part of a problem costing Alaskans an estimated $1.2 billion annually in lost productivity and expenditures associated with traffic crashes, criminal justice and protective services, health care, and public assistance and social services, according to a 2012 report by the McDowell Group. In Alaska there are also elevated rates of the following Adverse Childhood Experiences (ACEs) (Table 1)—childhood abuse (verbal/emotional, physical, and sexual) and other forms of household dysfunction (mental illness or substance abuse in the home, separation or divorce, witnessing domestic violence, and having an incarcerated family member)—all of which impact individuals, communities, and the economy. One indication of the long-term effect of ACEs can be seen in a recent nationwide study by the Perryman Group which estimated that each first-time incident of child abuse in 2014 would cost $1.8 million dollars over a lifetime. The personal and economic impacts are substantial.

In this article we examine the relationship between abuse and household dysfunction in childhood and the increased likelihood of problem alcohol drinking by Alaska adults. The behavioral health of Alaskans could be improved by addressing the association between ACEs and health-risk drinking behaviors, and establishing an integrated prevention system.

Please see ACEs, page 16

<table>
<thead>
<tr>
<th>Category and ACE type</th>
<th>Question asked in Alaska</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abuse</td>
<td></td>
</tr>
<tr>
<td>1. Verbal/emotional abuse</td>
<td>Did a parent or adult in your home ever swear at you, insult you, or put you down?</td>
</tr>
<tr>
<td>2. Physical abuse</td>
<td>Did a parent or adult in your home ever hit, beat, kick, or physically hurt you in anyway? (Do not include spanking)</td>
</tr>
<tr>
<td>3. Sexual abuse</td>
<td>Did anyone at least 5 years older than you, or an adult, ever touch you sexually?</td>
</tr>
<tr>
<td></td>
<td>Did anyone at least 5 years older than you, or an adult, try to make you touch them sexually?</td>
</tr>
<tr>
<td></td>
<td>Did anyone at least 5 years older than you, or an adult, force you to have sex?</td>
</tr>
<tr>
<td>Neglect</td>
<td></td>
</tr>
<tr>
<td>4. Physical neglect</td>
<td>[question not asked in Alaska survey]</td>
</tr>
<tr>
<td>5. Emotional neglect</td>
<td>[question not asked in Alaska survey]</td>
</tr>
<tr>
<td>Household dysfunction</td>
<td></td>
</tr>
<tr>
<td>6. Mental illness in the home</td>
<td>Did you live with anyone who was depressed, mentally ill, or suicidal?</td>
</tr>
<tr>
<td>7. Substance abuse in the home</td>
<td>Did you live with anyone who was a problem drinker or alcoholic?</td>
</tr>
<tr>
<td></td>
<td>Did you live with anyone who used illegal street drugs or who abused prescription medications?</td>
</tr>
<tr>
<td>8. Witnessing domestic violence</td>
<td>Did you live with anyone who served time or was sentenced to serve time in prison, jail, or other correctional facility?</td>
</tr>
<tr>
<td>9. Incarcerated family member</td>
<td>Did your parents or adults in your home ever slap, hit, kick, punch, or beat each other up?</td>
</tr>
<tr>
<td>10. Separation or divorce</td>
<td>Were your parents separated or divorced?</td>
</tr>
</tbody>
</table>

Source: Centers for Disease Control and Prevention
Expungement and Limiting Public Access to Alaska Criminal Case Records in the Digital Age

Barbara Armstrong and Deborah Periman

A criminal record results in a number of different barriers to reentry into the community for former offenders struggling to become productive members of society. Employment and safe housing are two of the most important factors in reducing the likelihood that such individuals will reoffend. Yet the existence of a criminal record is a formidable barrier to securing work and a safe place to live. Offenders often find it difficult to get a job or rent a home or apartment because their “record” makes them a poor risk in many people’s eyes for employment or tenancy. At both the state and federal level, these individuals are also at risk of losing public assistance and other government benefits, including the right to vote. (See “Collateral Consequences and Reentry in Alaska: An Update,” Alaska Justice Forum, Fall 2013/Winter 2014.) These barriers—also called collateral consequences—can be mitigated by reducing the extent to which criminal records are visible to employers, landlords, and others.

This article is a very brief overview of the complexity involved in limiting public access to criminal records, processes adopted in other states, and current options in Alaska. Issues include identifying the types of records that may be shielded from view and the mechanisms for limiting access. Although the process of limiting public access to criminal records is multilayered and poses challenges, abundant evidence demonstrates that it is a critical factor in assisting offender reentry.

Background

Historically the process of limiting public access to an individual’s criminal record has been termed expungement or expunction of record. Black’s Law Dictionary defines expungement as: “The removal of a conviction (esp. for a first offense) from a person’s criminal record.—Also termed expunction of record; erasure of record” [emphasis in original]. As traditionally used, expungement generally referred to:

- the expurgation, extraction and isolation of all records on file within any court, detention or correctional facility, law enforcement or criminal justice agency concerning a person’s detection, apprehension, arrest, detention, trial or disposition of an offense within the criminal justice system by removal, deletion, erasing, sealing, destroying and other processes.


In her article “Starting Over with a Clean Slate,” reentry expert Margaret Colgate Love recounts the development of the movement for expungement and the spirit of reform that accompanied it. Expungement or sealing of criminal records by states largely began in the 1940s and was first focused on youth offenders. These individuals were seen as impressionable persons, not necessarily prone to criminal behavior, who needed assistance in the rehabilitation process and who should not be stigmatized by a criminal record. A decade later, the “clean slate” concept was applied to federal offenders between the ages of 18 and 26 years of age. The National Conference on Parole and the National Council on Crime and Delinquency were among the first groups in the 1950s to encourage expungement of criminal records “by which the individual will be deemed not to have been convicted.” In 1962, a “more nuanced way of dealing with restoration of rights and status” for offenders was proposed by the American Law Institute (ALI) as part of the Model Penal Code (MPC). The MPC section called for allowing the sentencing court to “reliev[e] ‘any disqualification or disability imposed by law because of the conviction.’ After an additional period of good behavior, the court could issue an order ‘vacating’ the judgment of conviction.” Love notes that, under the MPC approach, an offender whose rights had been restored or conviction vacated was not justified in stating that he had not been convicted of a crime “unless he also call[ed] attention to the order [of relief].” (See “The Model Penal Code,” below.)

This issue continued to be the focus of national commissions and professional organizations over the next two decades. Approximately 20 years after the MPC proposal, the American Bar Association (ABA) and the American Correctional Association (ACA) joined the call for reform. In 1981 both groups urged state and federal lawmakers to adopt “a judicial procedure for expunging criminal convictions, the effect of which would be to mitigate or avoid collateral disabilities.” Despite widespread knowledge of the social costs of collateral consequences related to criminal convictions, Love notes that “during the 1980s and 1990s, new collateral sanctions and disqualifications were introduced into state and federal laws to augment and reinforce what remained of the old.” Unprecedented levels of incarceration in the United States due to the war on drugs and other “get tough on crime” policies made these barriers to reintegration—keeping millions unemployed and homeless or marginally housed—a national problem. As part of the newly coined Smart Justice movement of the post-millennium, lawmakers began looking at ways to reduce recidivism by easing known barriers to successful reentry. The expungement mechanisms recommended by the ALI, ABA, and ACA, and adopted by some states, became an important part of the discussion.

The Model Penal Code

The Model Penal Code (MPC) was developed to improve and promote uniformity in American criminal law. It was drafted by a committee of lawyers, judges, and law professors at the American Law Institute (ALI) in the early 1960s. The ALI was founded in 1923 in response to concerns about uncertainty and complexity in the law. The ALI website notes, “The Purpose of the Model Penal Code was to stimulate and assist legislatures in making a major effort to appraise the content of the penal law by contemporary reasoned judgement—the prohibitions it lays down, the excuses it admits, the sanctions it employs, and the range of authority it distributes and confers. Since its promulgation, the Code has played an important part in the widespread revision and codification of the substantive criminal law of the United States.” Legislatures and courts look to the MPC for guidance, but do not necessarily adopt all the recommendations. The American Law Institute continues to review the MPC and is currently looking at sentencing issues (another sentencing draft is due out in 2016), as well as revising provisions dealing with sexual assault and related offenses.

Reference

As conceived in the twentieth century under the ALI, ABA, and ACA models, expungement involved removing a criminal record from view—erasing it, as it were. In some rare instances, the record could actually be physically destroyed. In practice, states used varying methods of handling records, and differing criteria for qualification to have records sealed or otherwise hidden from view. No standard process developed nationwide. (Alaska, as discussed below, does not provide any process for an offender to request that access to criminal records be limited, except in the instance of proven mistaken identity or a false accusation.) Nor has standard terminology developed to describe these processes. As one recent study noted, “the process of limiting disclosure of criminal records to the public may be referred to as 'expungement,' 'expunction,' 'sealing,' 'setting aside,' 'destruction,' 'purging' or 'erasure'” (“Expungement and Post-Exoneration Offending” by Amy Schlosberg, et al.—see “Expungement Resources,” p. 8). Because the above terms used to signify expungement vary and their definitions differ depending on the jurisdiction, in this article we will use the terms limiting access, limiting disclosure, and sealing to refer to the process by which access to an offender’s records is restricted and the records made unavailable to the public, including employers and landlords.

Criminal Records in the Digital Age: National Overview

Challenges Associated with Electronic Dissemination and Storage

With the advent of the digital age and data being cached or stored by private companies, controlling access to information regarding a criminal record has become highly problematic. Although it is possible to identify which justice system agencies hold criminal records, and limit access to those digital and physical records, it is impossible to know where else the data may exist. Criminal history records may be stored on multiple databases or in different formats by various agencies and by private companies or individuals. Many employers routinely request background checks and receive criminal history records. If those records were retrieved and sent to an employer or cached in a commercial database before entry of an order to seal or limit access to the records, that data remains subject to electronic circulation. It is important to remember that it is only in rare cases that any state’s statute calls for the physical destruction of the record, and the data from the record may have been released prior to the instruction to destroy it.

Thus, even actual physical destruction will not necessarily prevent potential employers or landlords from accessing information already on the Internet or in privately held databases.

In addition, although a court case record may be designated as subject to limited access, sealed, or confidential (depending on the term used by a jurisdiction), and access to the court record consequently limited, the underlying arrest and other criminal history records held by a law enforcement agency may not be covered by that designation. In the article “When Cleansing Criminal History Clashes with the First Amendment and Online Journalism,” Calvert and Bruno underscore the complexity of these problems, including the fact that news stories containing arrest and charging information remain searchable on the Internet indefinitely. They also highlight some of the constitutional issues associated with controlling access to digital data. Although managing digital data is difficult, and measures to limit access to records of criminal cases may be imperfect, there is an emerging consensus that such measures—imperfect though they may be—are critically important as one step toward facilitating employment and safe housing for former offenders.

Processes and Criteria for Limiting Access

In most states, an individual seeking relief from the collateral consequences of a criminal record must file a request with the relevant court asking to have the case record designated for limited access or sealing—depending on the jurisdiction’s definition and requirements. The criteria under which such requests are evaluated vary considerably from state to state. The most common category of offenses that qualify for some type of protection from public access are misdemeanors, first-time low level offenses, nonviolent crimes, and offenses eligible for suspended imposition of sentence (SIS). (Congress has recently taken up this issue as well, and is presently considering legislation that would allow for expungement of certain nonviolent or juvenile federal offenses; see “Federal REDEEM Act of 2015,” p. 4.)

The point at which public access to a record is limited or prohibited is an important factor in the efficacy of relief. The longer a criminal record or court case record is available to the public, the less effective subsequent action limiting access will be for purposes of reducing collateral consequences. Recognizing that a delay in protecting records may vitiate the effect of subsequent action, eight states and the District of Columbia made changes between 2009–2014 that “eliminated, lowered, or changed the calculation for the waiting period before certain offenders are eligible for expungement or sealing [of criminal records],” according to the 2014 Vera Institute for Justice report Relief in Sight? States Rethink the Collateral Consequences of Conviction, 2009–2014. Some states have gone further, adopting mechanisms that make “expungement or sealing remedies automatically or presumptively available.”

Prohibition Against the Sale of Criminal Records

One of the greatest challenges to shielding criminal records from public view in the 21st century lies in the growth of “for profit” businesses engaged in the sale of arrest and conviction information. The background check industry retains vast repositories of such information in privately held databases, the owners of which have an economic incentive to promote review of criminal records by potential employers and landlords. In his State of the Judiciary 2014 address, the chief judge of the New York State Unified Court System discussed proposed legislation “to make New York’s criminal history record policies fairer and more rational,” and announced a new court policy on the sale of criminal history information. Court information on “misdemeanor convictions of individuals who have no other previous criminal convictions and who have not been re-arrested within 10 years of the date of conviction” would no longer be disclosed as of April 2014.

Finding Best Practices: Resources for Analysis and Comparison

The Vera Institute has published a nationwide summary of the 2009–2014 legislative developments aimed at reducing the collateral consequences of convictions. The National Association of Criminal Defense Attorneys (NACDL) Restoration of Rights Resource Project has also reviewed national practices and produced an extensive chart showing the current policies in all the states on “Judicial Expungement, Sealing, and Set-Aside.” This chart provides a detailed statutory overview and allows comparisons among the states (see Table 1, p. 5). The State of Sentencing 2014 study by The Sentencing Project provides additional information and focuses on actions by states regarding sentencing, probation and parole, collateral consequences, and juvenile justice. According to the study, Alabama, Illinois, Minnesota, and Ohio...
Federal REDEEM Act of 2015

At the federal level, there is a bipartisan movement to implement expungement legislation that will facilitate employment for certain nonviolent or juvenile offenders. The proposed REDEEM (Record Expungement Designed to Enhance Employment) Act of 2015 would amend the federal criminal code to provide for the sealing or expungement of records relating to certain nonviolent criminal offenses or juvenile offenses. S. 675 was introduced in the Senate on March 9, 2015 by Senator Rand Paul (R-KY) and is pending in the Committee on the Judiciary as of this writing. An identical bill, H.R. 1672, sponsored by Representative Chaka Fattah (D-PA) was introduced in the House on March 26, 2015. Both bills are reintroductions of proposals (S. 2567 and H.R. 5158) that expired in committee during the prior Congress.

If passed, a key feature of the REDEEM Act would require a court reviewing a petition to seal a nonviolent offense to consider, among other factors, the extent to which the criminal record harms the ability of the petitioner to secure and maintain employment. It would also amend Department of Justice (DOJ) procedures for the release of records through the FBI’s background check system. The Congressional Records Service bill summary notes that the change would require DOJ to “(1) obtain the consent of an individual to whom a record pertains as a condition to exchanging records with an entity requesting the information for employment, housing, or credit application purposes; and (2) allow individuals to challenge the accuracy and completeness of their records.” The Act would also prohibit background check “exchanges of records regarding: (1) an arrest more than two years before a record request if the record does not also include the disposition of that arrest; (2) non-serious offenses, such as drunkenness, vagrancy, loitering, disturbing the peace, or curfew violations; or (3) circumstances that are not clearly arrests or dispositions.”

References

Recent Legislative Proposals on Criminal Records in Alaska

Within the last decade in Alaska, at least four different bills were introduced in the legislature dealing with access to criminal records. None of the bills proposed in past legislative sessions have been passed into law. One proposal is under consideration in the 29th Legislature.

The two earliest bills addressed actual expungement and destruction of records held by both the Alaska Department of Public Safety and the Alaska Court System relating to a criminal conviction.

HB 34, introduced in 2005, proposed “expungement of records relating to conviction set asides granted after suspended imposition of sentence.” The bill states, “Upon discharge by the court without imposition of sentence, the court may set aside the conviction and issue to the person a certificate to that effect.” An individual could then present this certificate to both the Alaska Department of Public Safety and the clerk of court, and “all records relating to the conviction, the suspended imposition of sentence, and the set aside, including records maintained under AS 12.62.” were to be destroyed. Under this legislative proposal, designated records on file with both the Alaska Court System and the Alaska Department of Public Safety could have been destroyed and made permanently unavailable to the public.

In 2009, another bill addressing expungement, sealing, and destruction of records relating to conviction set asides was introduced—HB 203, “An Act relating to expungement and sealing of certain records and criminal history information.” This bill was similar to the 2005 HB 34 proposal and would have provided a mechanism for destruction of records relating to suspended imposition of sentence and subsequent set aside convictions. Under this proposal, HB 203 would have expanded AS 12.62.180, authorizing sealing of records relating to false accusation and mistaken identity to establish a process for expungement and destruction of these records.

The two bills most recently proposed in Alaska—SB 108 (vetoed by the Governor in 2014) and HB 11 (moved to the Senate in 2015)—were more limited in scope.

Introduced in 2014, SB 108 sought to keep criminal case records confidential in instances where there was an acquittal of all charges, dismissal of all charges, or acquittal of some charges and dismissal of the remaining charges. The bill further stated that the case records to be made confidential could not include criminal charges “dismissed as part of a plea agreement in another case.” Then-Governor Sean Parnell vetoed the bill in August 2014 citing concerns that the categories of cases were overly broad.

HB 11 was introduced in 2015. If passed into law, HB 11 would protect records of cases resulting in acquittal of all charges, dismissal of all charges when the charges were not dismissed as part of a plea agreement in another criminal case, or acquittal of some charges and dismissal of remaining charges—the same categories of cases that were the focus of SB 108. As outlined in this bill, the Alaska Court System may not publish court records of these protected cases on a publicly available website. HB 11 passed the House on April 9, 2015.

References
Expungement (continued from page 3)

have all recently modified or expanded their policies regarding public access to criminal records. The authors note that, “The policy changes highlighted in this report represent approaches that lawmakers can consider to address state sentencing policy and collateral consequences.”

In addition, the National Center for State Courts provides information on privacy policies for court records in all 50 states, as well as resources about court public access to websites, rules on bulk data, online court records, and criminal background checks. According to the Center, the most common information that is excluded from public access in court records includes personal identifiers for witnesses, defendants, and jurors; address; phone number; social security number; date of birth; financial account information; and names of minor children.

Expungement and Criminal Records in Alaska

The traditional remedy of expungement does not exist in Alaska. Although, as discussed below, the Alaska legislature has looked at this issue several times in recent years, no Alaska statute, regulation, or rule of court establishes a procedure for erasing or destroying a criminal record. Whether the Alaska courts have inherent authority to expunge records, either through their power to preside over criminal trials and sentencing or through their power to enforce constitutional protections, remains an open question. (The federal courts have long exercised such power, as do a number of other

Please see Expungement, page 6

Table 1. Judicial Expungement, Sealing, and Set-aside in Five States

<table>
<thead>
<tr>
<th>State</th>
<th>All or most offenses</th>
<th>First offenders</th>
<th>Probationary sentences (including deferred adjudication)</th>
<th>Misdemeanors only</th>
<th>Pardoned offenses</th>
<th>Non-conviction records</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oregon</td>
<td>Less serious non-violent offenses may be “set aside” after waiting period of 1 to 20 years, no other conviction in past 10 years (or ever, if setting aside Class B felony), or arrest within 3 yrs. Order must issue unless court finds it would not be “in the best interests of justice.” May deny conviction, but counts as predicate. Or. Rev. Stat. § 137.225.</td>
<td>One year from the date of any arrest, if no accusatory instrument was filed, or at any time after an acquittal or a dismissal of the charge, the arrested person may apply to the court for entry of an order setting aside the record of such arrest. Or. Rev. Stat. § 137.225(1)(b).</td>
<td>Pardon vacates conviction automatically, and seals record. Wash. Rev. Code § 9.94A.030 (11)b.</td>
<td>Non-conviction records in criminal justice agency files may be sealed administratively two years after disposition favorable to defendant. Wash. Rev. Code § 10.97.060.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Juvenile adjudications included in source are excluded from this excerpt.


state courts.) The Alaska Supreme Court has refrained from deciding this question. It has made clear, however, most recently in Farmer v. State (2010), that if such judicial power exists it is appropriately exercised only in “exceptional or extraordinary” circumstances.

Record Collection and Availability

In Alaska, criminal records are maintained by the Alaska Court System and the Alaska Department of Public Safety (DPS). Both the Court System and the DPS store information in several different locations across the state, as well as in electronic databases. Court records with information on the disposition of a case—the final outcome—are held by the Court System and are available for free to the public on the court’s online database, CourtView. (See “Data on CourtView,” below. Information on cases filed before 1990 is available from the court where the case was originally filed.) Two administrative rules, Alaska Court Administrative Rules 37.8 and 40, protect certain kinds of information from publication on CourtView. Administrative Court Rule 37.8 outlines types of case information that cannot be made available to the public on CourtView or in electronic format, such as social security numbers and contact information for witnesses. Administrative Rule 40 lists categories of cases that are not available online such as cases designated as confidential, criminal cases dismissed for lack of probable cause, cases dismissed because of misidentification of a person, and cases involving a minor wrongly charged as an adult. (See “Alaska Court Rules of Administration,” p. 7, for excerpts from rules on types of cases and information excluded from CourtView.)

Also excluded from CourtView under Rule 40 are certain petitions for domestic violence, stalking, and sexual assault civil protective orders. In domestic violence protective order petitions, if the case was “dismissed at or before the hearing on an ex parte petition because there is not sufficient evidence that the petitioner meets the statutory definition of victim of domestic violence or “there is not sufficient evidence that the petitioner is a household member” as defined by statute, the record is excluded from CourtView. Similarly, in stalking or sexual assault cases, if the case was dismissed at or before the ex parte hearing because of insufficient evidence that “the petitioner is a victim of stalking as defined by AS 11.41.270 or sexual assault as defined in AS 18.66.990(9),” the record will not appear on CourtView.

Juvenile delinquency cases are confidential, as are certain other cases, and details from such cases are also excluded from CourtView. Cases dismissed for any other reason than those listed in Administrative Court Rule 40 remain on CourtView.

Except for those cases falling within the protection of Rule 40, data typically available on CourtView include the case number, names of the plaintiff and defendants, names of the attorneys for the parties, hearing dates, filings in the case, and case disposition. (Note that case records maintained in CourtView are distinct from the criminal justice information and records collected by DPS in the Alaska Public Safety Information Network (AP SIN). APSIN is the primary source for criminal history record checks.) Until recently, sentencing information was also online. The Alaska Court System announced in April that due to budget constraints, lack of personnel, and training costs, sentencing information would no longer be entered into CourtView effective April 11, 2015. Court personnel had also monitored sentencing information on CourtView and noted any changes; the Alaska Court System will no longer be able to monitor sentencing changes, and has also announced that as of April 11, sentencing information on cases already entered online will be removed. Sentencing information can be requested from the court location in which the original case was filed.

A member of the public can also request to see the physical file of a case on CourtView by submitting a request to the court. For cases deemed confidential, only the attorneys of record, the parties, and court personnel can see the file. These confidential records are kept in color-coded folders. Confidential records, or any court record normally not available to the public, can, however, be opened by an order from the court authorizing access.

In addition to criminal case records held by the Court System, DPS also maintains a repository of criminal history information, as noted above. DPS records are electronically stored in the APSIN database. Certain data in the repository are available to the public upon submission of a written request and permission of the subject of the record. State criminal history record information is available with the submission of the record subject’s fingerprints and specific statutory authority to obtain the information. Fees are charged for all requests. The data in APSIN are not available online directly to the public.

The background report on an offender that is available upon request and after meeting the above requirements includes current/open criminal charges and charges that resulted in conviction, excluding sealed records. Background checks requested by entities and individuals that license, employ or permit a person to have “supervisory or disciplinary power over a minor or a dependent adult” exclude sealed records, but include current/open criminal charges, as well as all other charges regardless of conviction status (AS 12.62.900). Individuals can request information on their own records and sealed records will be included. Information on background check requests is available on the Department of Public Safety website.

Information in the APSIN database that remains in a person’s criminal record history includes:

- arrests and criminal charges, even if the charge was later dismissed or declined for prosecution; and

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Data on CourtView

Below is the information that is typically available on CourtView at http://www.courtreports.alaska.gov/

| Case number. |
| Case type, status date, case judge, next event, case status (open or closed), file date. |
| Party information: Names of plaintiff and defendant (or petitioner and respondent) and attorneys for each. |
| Party charge information. Information about offense charged including statute violated and charge level (misdemeanor, felony, etc.). |
| Events. Hearing dates, locations, and judges. |
| Docket information. Filings in the case, sentencing information (if any). As of April 11, 2015, sentencing information will no longer be entered into Courtview. Auditing of sentencing information will no longer be done and therefore sentencing information in cases already entered into CourtView will be removed. Sentencing information will be available at the court location where the case was filed. |
| Receipts. Receipts for court fees. |
| Case disposition. Outcome of the case. |
Alaska Court Rules of Administration—Case Information

Rule 37.8 Electronic Case Information (Excerpt)

(a) Availability: The following case-related information maintained in the court system’s electronic case management systems will not be published on the court system’s website or otherwise made available to the public in electronic form:

(1) addresses, phone numbers, and other contact information for parties, witnesses, and third-party custodians;

(2) names, initial addresses, phone numbers, and other contact and identifying information for victims in criminal cases;

(3) social security numbers;

(4) driver and vehicle license numbers;

(5) account numbers of specific assets, liabilities, accounts, credit cards, and PINs (Personal Identification Numbers);

(6) names, addresses, phone numbers, and other contact information for minor children in domestic relations cases, paternity actions, domestic violence cases, emancipation cases, and minor settlements under Civil Rule 90.2;

(7) juror information;

(8) party names protected under Administrative Rule 40(b) and (c); and

(9) information that is confidential or sealed in its written form.

Rule 40. Index to Cases (Excerpt)

(a) The court system shall maintain an index by last name of every party named in every case filed, regardless of whether a party’s true name is protected in the public index under paragraphs (b) or (c) of this rule. The index must show the party’s name, the case number, the case caption or title, the filing date, the case type, and other information required for that case type by court rule. The index may show the party’s date of birth. The court system shall publish a public version of the index, which excludes only

(1) cases designated as confidential or sealed by statute or court rule, unless the index to those cases is public under court rules;

(2) foreign domestic violence protective orders filed under AS 18.66.140;

(3) criminal cases dismissed because the prosecuting authority declined to file a charging document;

(4) criminal cases dismissed for lack of probable cause under Criminal Rule 4(a)(1) or Criminal Rule 5(d);

(5) criminal cases dismissed for an identity error under Criminal Rule 43(d);

(6) criminal cases dismissed because the named defendant is a minor wrongly charged in adult court with an offense within the jurisdiction for delinquency proceedings under AS 47.12.020;

(7) minor offense cases dismissed because the prosecuting authority declined to file a charging document;

(8) minor offense cases dismissed for an identity error under Minor Offense Rule 11(c);

(9) domestic violence protective order cases dismissed at or before the hearing on an ex parte petition because there is not sufficient evidence that the petitioner is a victim of domestic violence as defined by AS 18.66.990(3) or there is not sufficient evidence that the petitioner is a household member as defined by AS 18.66.990(5);

(10) stalking or sexual assault protective order cases dismissed at or before the hearing on an ex parte petition because there is not sufficient evidence that the petitioner is a victim of stalking as defined by AS 11.41.270 or sexual assault as defined in AS 18.66.990(9); and

(11) party names protected under paragraphs (b) or (c) of this rule.
Expungement Resources


——. (2014). AS 40.25.120. Public records; exceptions, certified copies. (http://www.legis.state.ak.us/basis/statutes.asp#40.25.120).


Expungement
(continued from page 7)

court rule change in response to concerns
about certain categories of information
on the court’s publicly available website.
As a result, Administrative Rule 40 was
amended in May 2014 to exclude certain
types of records from public availability on
CourtView. (See “Alaska Court Rules of
Administration,” p. 7.)

In accord with the legislative priorities
established in 2014, the Alaska Department
of Corrections submitted a report to the
governor in March 2015 recommending
a multifaceted approach to reducing
recidivism in Alaska. A key feature of
this report, The Alaska Department of
Corrections Recidivism Reduction Plan,
is a plan to improve the state’s offender
management and accountability planning
process (OMP). The report recommends the
plan be implemented “with an emphasis on
safe, affordable housing and employment”
[emphasis added].

The current Alaska legislature is fully
cognizant of the role a criminal record
plays in impeding access to employment
and housing. As of this writing, HB 11,”An
Act restricting the publication of certain
records of criminal cases on a publicly
available Internet website; and providing for
an effective date,” has been passed by the
Alaska House and moved to the Senate. It
follows several recent efforts by the Alaska
Legislature to address issues involving
public access to criminal records. (See
“Recent Legislative Proposals on Criminal
Records in Alaska,” p. 4.) HB 11 includes a
statement of legislative intent specifying that:

to the extent practicable, the Alaska
Court System remove from its public
Internet website records of criminal
cases that were disposed of before
the effective date of this Act by
acquittal of all charges, by dismissal
of all charges, or by acquittal of
some charges and dismissal of
the remaining charges, to the extent that
AS.22.35.030, enacted by sec. 2 of
this Act, requires that the records may
not be published.

The bill reads:

The Alaska Court System may not
publish a court record of a criminal
case on a publicly available website
if 60 days have elapsed from the date
of acquittal or dismissal and

(1) the defendant was acquitted of all

charges filed in the case;

(2) all criminal charges against the
defendant in the case have been
dismissed and were not dismissed
as part of a plea agreement in
another criminal case under Rule
11, Alaska Rules of Criminal
Procedure; or

(3) the defendant was acquitted of
some of the criminal charges
in the case and the remaining
charges were dismissed.

Although certain cases would not appear
on CourtView under the terms of this
proposed legislation, the public would have
the option of seeing a physical copy of the
case file by submitting a request to the court.

As noted above, Alaska does not currently
have a process for requesting that access to
a criminal record be limited other than to
request that a record in APSIN be corrected
or sealed if it contains misinformation.
The request is submitted to the Alaska
Department of Public Safety. In the Alaska
Court System online database, if there is
erroneous information on a record in
CourtView, an individual may submit a
request to the Alaska Court System to
correct the information. In CourtView,
shielding of records that are designated as
“confidential” according to statute, order,
or court administrative rule is automatic,
and access is limited. Administrative Court
Rule 40 also addresses other instances in
which names of parties may be shielded
from public view, usually at the discretion
of a presiding judge.

If HB 11 is ultimately signed into law,
cases ending in dismissal of all charges or
acquittal, will not be published on the Court
System’s “publicly available website if 60
days have elapsed from the date of acquittal
or dismissal...” and if other criteria in the
bill are met.

Going Forward

Local, state, federal, and private agencies
are coming together across the country
to explore ways to assist offenders with
transitioning back into their communities.
These efforts have far-reaching social and
economic ramifications, and are part of the
Smart Justice and Justice Reinvestment
movement aimed at finding more cost-effective
ways to deal with offenders and the problem of high recidivism and
ballooning incarceration rates. Housing
and employment for released offenders
are critical issues in this effort. Inability to
access these essentials can result in offenders
cycling in and out of the justice system.

Resistance to legislation designed to
facilitate reentry by limiting public avail-
ability of criminal records, such as Alaska’s
2014 SB 108, typically rests on one or more
of four frequently voiced concerns. These
are summarized by Margaret Colgate Love
in her article “Starting Over With a Clean
Slate”—they include concern that erasing
a criminal record “rewrites history,” that
limiting access to records may impair public
safety, that government measures to limit
access will be ineffective in the digital age,
and that society is not ready to “change its
views toward former offenders.” All of
these need to be taken into account when
considering ways to limit access to criminal
records. While challenging, the accompany-
inging tables illustrate that many states have
already looked at or implemented various
solutions to the problem.

In Alaska, the Court System and the
legislature have both recently made efforts
to address the reentry barriers caused by
widespread public access to criminal
records. The Alaska Court System has
amended Court Administrative Rule 40
and expanded the types of cases that are not
published online. Currently, HB 11, as noted
above, has been sent to the Alaska Senate for
consideration. The Alaska Criminal Justice
Commission is also proceeding with its
work, and has requested information on what
other states are doing to limit disclosure of
criminal record information to the public.
The issue will be under consideration by
the commission during its three-year tenure.

Notwithstanding changes to the way
information is disseminated by the Alaska
Court System, criminal history records
available in the Alaska Public Safety
Information Network (APSIM) administered
by the Alaska Department of Public Safety
may continue to pose reentry barriers.
The current proposed legislation addresses only
case records in the Alaska Court System
online database, CourtView. In the coming
months, this and the concerns above will
be part of the ongoing conversation about
limiting public access to criminal records.
As states across the nation grapple with
this issue and come to their own solutions,
Alaska has the opportunity to review those
efforts and craft a policy that best balances
the need to facilitate employment and safe
housing for former offenders with the
public interest in open records and access
to government documents.

Barbara Armstrong is the editor of the
Alaska Justice Forum. Deb Periman, J.D.,
is a member of the Justice Center Legal
Studies faculty and coordinator of the Legal
Studies Program.
Contacts between Anchorage Adults and Police

Brad A. Myrstol

As recent events in places like Ferguson, Missouri have shown, the frequency and nature of face-to-face contacts between the police and members of the public are critical factors impacting police–community relations. This article presents selected critical factors impacting police–community contacts that was conducted in Anchorage, Alaska in 2013.

In spring 2013 the Alaska Justice Statistical Analysis Center (AJSAC), which is located in the UAA Justice Center, conducted the Alaska Police–Public Contact Survey: Phase I Pilot (hereafter, Phase I Pilot). The primary objectives of the Phase I Pilot were (a) to assess the feasibility of using a mail-based, self-administered survey methodology to produce valid and reliable estimates of the frequency with which adult residents had face-to-face contacts with police in the past year, and (b) to collect information pertaining to the nature of police–public contacts and the outcome of those contacts. The survey instrument that was used for the Alaska Phase I Pilot was the Police–Public Contact Survey (2008) questionnaire developed by the U.S. Department of Justice, Bureau of Justice Statistics. (To learn more about this ongoing study, see: http://www.bjs.gov/index.cfm?ty=cdetail&iid=251.)

The overarching goals of the AJSAC’s effort to establish an Alaska-specific police–public contact survey are (a) to provide the public, as well as policymakers and practitioners, with detailed information about the nature and characteristics of police–public encounters, including the reason the contact occurred and the outcome of the contact, and (b) to collect this information using an established, validated survey instrument that will allow for direct comparison with national police–public contact estimates.

Data collection for the study was conducted in May 2013. The Phase I Pilot was limited to adult residents of Anchorage.

Notes on the Phase I Pilot Methodology

Sampling. Data collection for the Alaska Police–Public Contact Survey: Phase I Pilot was conducted in May 2013. The Phase I Pilot was limited to adult residents of Anchorage and began with a randomly selected sample of 906 residential households. Questionnaires were addressed to an adult resident of each household.

A five-stage mailing protocol was used, consisting of the following: (1) an introductory letter, (2) a detailed study introduction letter, informed consent form, and a questionnaire with postage-paid, pre-addressed return envelope, (3 and 4) reminder postcards, and (5) a reminder letter and study description, informed consent form, and a questionnaire with postage-paid, pre-addressed return envelope. Each mailing occurred approximately 7 to 10 days following the previous mailing. Potential respondents were not provided any monetary incentives or payment for their participation in the Phase I Pilot. Sample members could withdraw their participation at any time by contacting the study director via phone or email, or by returning a blank questionnaire in the postage-paid, pre-addressed envelope.

A total of 201 questionnaires were completed and returned for an overall survey response rate of 22.2 percent. In all, the Phase I Pilot questionnaire included 74 individual response items divided into three sections: an introductory section, a traffic stop encounters section, and a non-traffic stop encounters section. When all of the possible responses for each item for each respondent were analyzed (a total of more than 2,850 possible item responses for the entire sample), missing and/or invalid values were found in 155 instances, making the overall item non-response rate of just over 5 percent.

Sample Weighting. A base weight equal to the reciprocal of the probability of selection for each household was calculated for each returned questionnaire. This base weight was then adjusted for unit non-response and unequal probability of selection for households with multiple adult residents. Finally, post-stratification procedures were performed to correct for non-coverage bias, which occurs when the sampling procedures used fail to capture all members of the population of interest. The survey weights were post-stratified to adult population totals for age, race, and gender using 2011 one-year population estimates obtained from the U.S. Census Bureau’s American Community Survey.
of Anchorage and began with a randomly selected sample of 906 households. A total of 201 questionnaires were completed and returned for an overall survey response rate of 22.2 percent. In all, the Phase I Pilot questionnaire included 74 individual response items divided into three sections: an introductory section, a traffic stop encounters section, and a non-traffic stop encounters section. When all of the possible responses for each item for each respondent were analyzed (a total of more than 2,850 possible item responses for the entire sample), missing and/or invalid values were found in 155 instances, making the overall item non-response rate of just over 5 percent.

The findings presented below were derived using weighted data. Sample weights were constructed to correct for imperfections in the sampling protocol and resulting sampling bias. This data represents responses regarding contact with any police officer—this includes the Anchorage Police Department, Ted Stevens Anchorage International Airport Police, Alaska State Troopers, and other agencies.

**Preliminary Findings**

An estimated 45.7 percent of Anchorage adults had at least one face-to-face contact with a police officer within the 12-month period immediately preceding the Phase I Pilot. This estimate is consistent with findings from the most recent (2009) iteration of the Anchorage Community Survey, which found that an estimated 47.5 percent of Anchorage adults made official contact with police in the preceding year (Figure 1).

**Traffic Stops**

Slightly more than a quarter of Anchorage adults (25.8%) reported that their most recent face-to-face contact with police occurred within the context of a traffic stop (not including contacts related to a traffic accident) (Figure 2). Nearly ninety percent (89.5%) of these individuals indicated that they were the driver of the vehicle that was stopped. Respondents reported that police officers provided respondents with a reason for initiating traffic stops in 94.3 percent of cases. The most commonly reported reason given by police for initiating a traffic stop was speeding (28.1%), followed by illegal turn/lane change (15.6%), headlight out/not turned on (12.5%), stop sign/light violation (9.4%), expired tags (9.4%), a broken tail light (9.4%), or some other reason (15.6%). (Examples of “other” reasons cited by respondents included being in the wrong part of town, fit the description of a suspect, and random sobriety/safety check.)

Almost three-quarters (73.5%) of Phase I Pilot Study participants who were subject to a traffic stop reported that they believed that the police had a legitimate reason for stopping the vehicle.

Nearly 7 out of 10 (69.4%) traffic stop contacts reported by Anchorage adults were with officers employed by the Anchorage Police Department, and roughly 1 out of 6 (16.7%) traffic stop encounters were with Alaska State Troopers. Face-to-face contacts with airport police were reported in 5.5 percent of cases. The remainder (8.4%) consisted of interactions with police from other agencies, including out-of-state police departments (Figure 3).

**Non-Traffic Stop Encounters**

An estimated 19.9 percent of Anchorage adults reported that their most recent face-to-face contact with police was in a non-traffic stop situation. The most commonly cited reason for these non-traffic stop encounters was respondents’ involvement in, or witnessing of, a traffic accident. This reason for face-to-face contact with police was reported by 26.2 percent of those who indicated that their most recent contact with a police officer occurred outside the context of a traffic stop. This was followed by the reporting of a crime or some other problem to police (19%), the police providing some sort of assistance or service to the respondent (19%), the police suspected the respondent of something (11.9%), the police were conducting a criminal investigation (7.1%), and miscellaneous “other” reasons (16.7%).

**Searches**

Among those who experienced at least one face-to-face contact with police within the context of a traffic stop in the preceding...
Police contact
(continued from page 11)

year, 17.6 percent reported that their most recent traffic stop contact with police included a search of the vehicle, and 11.8 percent reported a search of their person—being patted down, frisked, or otherwise searched. Respondents reported that police discovered illegal/prohibited items (such as weapons, drugs, and open containers of alcohol) in a third of all searches of vehicles and persons. Among those who came into contact with police in a non-traffic stop situation, 4.7 percent reported being patted down, frisked, or otherwise searched (Figure 4). According to respondents, none of those reported searches resulted in the discovery of illegal items or contraband by police.

Use of Force by Police

An estimated 8.8 percent of respondents who reported one or more face-to-face contacts with police indicated that the police used or threatened to use force against them. The vast majority of instances in which police were reported to have used or threatened to use force against an individual were limited to verbal conduct. This included shouting at, cursing at, and/or verbally threatening to use force against the respondent. Survey respondents reported the use of all other types of force (ranging from the use of physical force/restraint to the drawing of a service weapon) by police in approximately 14 percent of contacts.

Limitations of This Study

A pilot is a small-scale study, the purpose of which is to evaluate and improve upon the methodological design and to assess the feasibility of a large-scale research project. Because pilots are preliminary and small in scale, the analyses that can be performed with the data generated by them, and any substantive conclusions derived from analyses conducted using pilot study data, are limited. The findings reported here for the Phase I Pilot are no exception, and are subject to these limitations.

Moving Forward

This article presented only select findings from the Phase I Pilot. Results for most of the measures in the survey were not included. A partial listing of the other items included in the Phase I Pilot survey instrument includes:

- Time of day/night police–public contacts occurred;
- Respondent injury as a result of police use of force;
- Arrests, citations, and other outcomes of police–public contacts;
- Citizen resistance/non-compliance with police directives;
- Number of officers present during police–public contacts;
- Citizen perceptions of the quality of treatment received;
- Police officer race/ethnicity; and,
- Respondent demographic characteristics.

With the completion of a full-scale, Alaska-wide survey, more comprehensive and detailed analyses will be performed, and the results will be disseminated in future Alaska Justice Forum articles, AJSAC publications, presentations, as well as other outlets. The intent of this description of the Phase I Pilot and brief presentation of results is to inform Forum readers of the AJSAC’s efforts to establish a statewide police–public contact survey, and to demonstrate the utility of such an undertaking.

In spring 2014, the AJSAC conducted a Phase II Pilot study which had university students test a secure, online version of the survey to assess the feasibility of using that mode of administration to collect/compile the same information. The AJSAC is currently working on an analysis of the Phase II pilot results, and findings will be forthcoming.

A Phase III Pilot will be conducted that brings together the methodological findings of the Phase I and Phase II studies in the form of a multi-mode survey utilizing both paper and online options for respondents. A multi-mode survey would provide respondents with the ability to share information about their face-to-face contacts with police using either a paper, mail-based or a secure, Internet-based questionnaire that would be accessible via computer, tablet, or smart phone.

Brad A. Myrstol is an associate professor in the Justice Center and the director of the Alaska Justice Statistical Analysis Center.
Officer-Involved Shootings in Anchorage 1993–2013

Troy C. Payne

The fundamental difference between police and other service providers—social workers, doctors, and the like—is that the police are the only institution in society given a general grant of authority to use coercive force. This difference, which the policing scholar Egon Bittner first described in the 1970s, is key to understanding the police role in modern society. Yet the use of force is justifiably a controversial topic. Both the police and the public seek to better understand incidents in which force is used. This article is an excerpt of a UAA Justice Center report, Officer-Involved Shootings in Anchorage 1993–2013, published in December 2013 regarding officer-involved shootings by the Anchorage Police Department (APD) for the period January 1, 1993 through May 11, 2013. The full report is available at http://justice.uaa.alaska.edu/research/2010/1402.apd_ois/1402.01.officer_involved_shootings.html.

Data Source and Limitations

Criminal investigation case files were provided by the Anchorage Police Department for all 45 officer-involved shootings January 1993 through May 11, 2013. One additional incident was still under investigation at the time of data collection and was excluded. An “officer-involved shooting” was defined as any incident in which a sworn employee of the Anchorage Police Department purposefully discharged any firearm with the intent of stopping a human being while acting under color of law. Firing at occupied vehicles was also included, when the intent was to stop a human being in the vehicle. Accidental discharges of firearms and discharge of firearms at animals were not included.

Data were limited to the information included in the criminal case file. This included transcripted statements from officers and witnesses, crime scene narratives written by investigating officers immediately after the incident, and lists of property entered into evidence. Some files included supplemental information such as transcripts of radio traffic and/or 911 dispatch transcripts. Criminal case files did not contain official determinations regarding the incident—it is unknown from these files whether and to what extent officers may have been disciplined or retrained after a shooting.

These data have other limitations as well. Because there is no information on incidents that could have resulted in an officer-involved shooting but did not, these data cannot be used to explain why officer-involved shootings occur. Instead, these data can only be used to describe events in which an officer-involved shooting occurred. Readers should also bear in mind that the primary source for the data was transcripts of interviews with officers involved in the shooting incident. These interviews asked detailed questions regarding the sequence of events leading up to the shooting. When multiple officers are present during an incident, Anchorage Police Department policy requires that officers be interviewed separately. The sequence of events reported by officers was generally in agreement, with minor differences in memory or perception consistent with accounts of stressful events. In no case were the fundamental facts in dispute. Where non-police witnesses existed, their interview transcripts did not dispute the facts of the case.

Shooting Incident Characteristics

Officer-involved shootings are rare in Anchorage. The average is 2.14 shootings per year, ranging from zero to five shootings per year. Three incidents occurred north of Anchorage along the Glenn Highway. The remaining incidents are mapped in Figure 1.

Over two-thirds (71%) of the 45 officer-involved shooting incidents were subsequent to a citizen call for service; the balance were proactive incidents by officers, usually a traffic stop. The most common reason police were on the scene was a disturbance or assault. The most common reason police were on the scene was a disturbance or assault. Figure 2 shows

Please see OIS, page 14

Figure 1. Locations of Officer-Involved Shootings in Anchorage, 1993–2013

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Miles</td>
<td>0</td>
<td>0.5</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Not shown: three incidents in/near Eagle River.
the distribution of call types across the 45 incidents.

Weapon Use by Citizens

A weapon was used by a citizen in every incident. The most common weapon type was a gun (21 of 45 incidents, 46.7%). Nearly as common was a vehicle, with 18 incidents (40%). In three cases, citizens had a weapon that was visually similar to but was not a firearm, such as a BB or pellet gun. In the remaining three cases, a knife or blunt object was used.

Injuries to Citizens, Officers, and Bystanders

There were 48 citizens involved in the 45 shootings. Most citizens (75%) sustained some type of injury during the encounter. The most common type of injury was one or more gunshot wounds, with 17 citizens (35%) suffering fatal wounds and 15 citizens (31%) with non-fatally wounded. Officers directly injured bystanders in one incident, where passengers in a vehicle that was fired on by officers were grazed by bullets. In two other incidents, citizens caused injury to bystanders during the police-citizen encounter, both as the result of vehicle collisions during the citizens’ attempt to flee the police.

There were a total of 77 officers directly involved in the 45 shooting incidents. Of those, six (8%) sustained an injury. Half of those injuries were non-fatally wounded. The remaining three injuries were lacerations and contusions.

OIS (continued from page 13)

Number of Shots Fired by Police

It was not always possible to determine the exact number of shots fired by the police due to multiple factors. First, the Anchorage Police Department allows officers to carry personally-issued weapons while on duty. These weapons have differing magazine capacities. Even when officers carry department-issued weapons, the number of rounds in each magazine can vary. Officers have the choice of several Glock pistols in varying calibers and magazine capacities for duty use. Department policy further allows officers to carry less-than-fully-loaded magazines because some weapon systems provide reliable function when less than fully loaded. Officers are also trained to change magazines when it is safe to do so (“tac load”) leading to multiple magazines used in a single incident. Together, these circumstances make it impossible to determine the number of rounds fired by simply subtracting the number of remaining rounds entered into evidence from the full magazine capacity.

We are instead limited to officer interview transcripts to count the number of shots fired. This measure provides an estimate. In this analysis, we use the highest estimate of shots fired, corroborated with other information in the file such as interviews with other officers on the scene and the list of property entered into evidence.

An estimated total of 275 shots were fired by 77 officers in the 45 incidents (Figure 3). There was considerable variation in the number of shots fired. In nearly half of the incidents, fewer than four shots were fired. Only three incidents had more than 15 shots fired by police.

Officer and Citizen Characteristics

The average age of the 77 officers involved was 36.5 years (Figure 4). Officers were typically mid-career, with an average of 8.7 years of experience with the Anchorage Police Department at the time of the shooting. Citizens were typically younger—over half (53.2%) of the involved citizens were younger than 30 years.

Two-thirds of the officers involved were assigned to patrol at the time of the shooting, with another 13 percent being either part of a dedicated Special Weapons and Tactics (SWAT) or dual patrol/SWAT assignment. Two officers were off-duty at the time of the shooting; one officer was in the last phase of field training at the time of the incident.

Seventy-five percent of officers involved in shooting incidents were white (58 officers). In 2013, 84.3 percent of the department’s sworn employees were white (Figure 5). Three of the 77 officers involved in the incidents (3.8%) were female; in 2013, 13.9 percent of the department’s sworn employees were female.

Mental Illness and Drug Use

Citizen mental illness and drug use were difficult to evaluate from the available files. The files did not include detailed information on the physical and mental health history of citizens. It is possible that citizens were using drugs or met diagnostic criteria for mental illness at the time of the incident but were not identified as such in the available data.

Even so, there was clear evidence of alcohol or drug use (or both) for nearly half (22) of the 48 citizens, while mental illness was noted for 10 citizens. Depression and suicidal ideation were the most common mental health issues reported, with 8 citizens either described as suicidal by family, or reported by officers to have told/asked officers to shoot during the encounter. Officers were typically unaware of the mental health history of citizens before arriving on the scene (or this awareness was not noted in the interview transcripts and reports).
Warrants, Suspicion of Other Crimes, and Criminal Histories of Citizens

Half of the citizens in officer-involved shooting incidents had active warrants or were suspected of crimes that occurred before the incident that led to the shooting. Often, these suspected crimes were the reason for the initial police call for service. Seven (14.6%) of the citizens had an active warrant for a previous crime. Over two-thirds (69.9%) of citizens had at least one earlier conviction for a crime prior to the incident.

Discussion and Conclusion

Inviting the UAA Justice Center to conduct this analysis was part of a larger effort within the Anchorage Police Department to examine officer-involved shooting incidents for areas where policy, practice, and training could be improved. In fact, while the case file review was ongoing for this project, APD changed its policy regarding firing at vehicles when the vehicle is the only weapon. Current APD policy now discourages firing on vehicles. Concurrent with this change, officers were trained in additional techniques to stop vehicles effectively and to avoid situations where firing on a vehicle is necessary.

The Anchorage Police Department granted full access to complete criminal investigation files on each officer-involved shooting incident from 1993–2013 (Internal Affairs and personnel records were not made available to the researchers). The Anchorage Police Department gained valuable insight about these incidents for training and officer safety purposes. In addition, allowing access to researchers from outside the department gave the community assurances that the criminal investigation files were summarized accurately.

Three limitations of this data collection should be reiterated. First, the information included here and in the full report is limited to incidents during which an officer purposefully discharged a firearm or a vehicle. Officers discharged their firearms between one and three times. The citizens sustained one or more gunshot wounds, while officers were not injured. Half of the citizens involved were suspected of crimes other than those committed during the police-citizen encounter that led to the shooting, and most citizens had at least one prior conviction.

This collaboration with Anchorage Police Department has provided a first look at the characteristics of incidents where APD officers use one particular type of force. Starting in January 2014, APD began collecting substantially more data regarding all types of use of force incidents. The Justice Center plans to collaborate with APD to analyze these expanded data in the future.

Troy C. Payne is an assistant professor in the Justice Center and director of the Crime Mapping Center.

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**Figure 4. Age of Officers and Citizens in Officer-Involved Shootings in Anchorage, 1993–2013**

<table>
<thead>
<tr>
<th>Age (years)</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 18</td>
<td>4.3%</td>
</tr>
<tr>
<td>18-23</td>
<td>0.0%</td>
</tr>
<tr>
<td>24-29</td>
<td>0.0%</td>
</tr>
<tr>
<td>30-34</td>
<td>14.9%</td>
</tr>
<tr>
<td>35-39</td>
<td>4.3%</td>
</tr>
<tr>
<td>40-49</td>
<td>4.3%</td>
</tr>
<tr>
<td>45-49</td>
<td>10.6%</td>
</tr>
<tr>
<td>50+</td>
<td>2.6%</td>
</tr>
</tbody>
</table>


**Figure 5. Race/Ethnicity of All Anchorage Police Officers and Officers in Officer-Involved Shootings (OIS) in Anchorage, 1993–2013**

<table>
<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>84.3%</td>
</tr>
<tr>
<td>Black / African-American</td>
<td>75.3%</td>
</tr>
<tr>
<td>American Indian / Alaska Native</td>
<td>3.9%</td>
</tr>
<tr>
<td>Asian / Pacific Islander</td>
<td>3.9%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>3.0%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>3.9%</td>
</tr>
<tr>
<td>Multi-racial</td>
<td>1.3%</td>
</tr>
</tbody>
</table>

Adverse Childhood Experiences (ACEs) (continued from page 1)

Researchers have identified a variety of health outcomes associated with ACEs. The CDC website http://www.cdc.gov/violenceprevention/acestudy/outcomes.html provides links to publications focusing on the health outcomes listed below:

**Chronic disease**
- Autoimmune disease
- Chronic obstructive pulmonary disease
- Frequent headaches
- Health-related quality of life
- Ischemic heart disease
- Liver disease
- Lung cancer

**Health-risk behaviors**
- Alcohol abuse
- Drug abuse
- Obesity
- Smoking

**Mental health**
- Autobiographical memory disturbance
- Depression/depressed affect

**Reproductive health/sexual behavior**
- Fetal death
- Promiscuity
- Sexual behaviors in women
- Sexually transmitted diseases
- Teen pregnancy
- Unintended pregnancy

**Special populations**
- Children of alcoholics
- Child sexual abuse victims

**Other**
- Intimate partner violence

The diagram in Figure 2 integrates the ACEs research with neurobiological studies to illustrate the mechanism which leads to poor outcomes in adulthood. In this article, we focus on the connection between the first or base level of the pyramid (adverse childhood experiences) and the fourth level (adoption of health-risk behaviors) using data from Alaska adults.

**ACEs and Risky Drinking: Definitions and Measurement**

In 2013 Alaska adults 18 years and older...
were surveyed about their exposure to ACEs. These questions were asked through the Behavioral Risk Factor Surveillance System (BRFSS), a statewide telephone survey which measures the prevalence of diseases and risk factors in adults (18 years of age and older). The BRFSS is conducted annually by the Alaska Department of Health and Social Services, Division of Public Health, Section of Chronic Disease Prevention and Health Promotion. In 2013, the BRFSS reached approximately 4,000 Alaskans through both landlines and cell phones. Data are weighted to increase the representativeness of estimates based on the demographic makeup of the state’s population and prevalence of landlines and/or cell phones.

Alaska used an ACE Module of 11 questions developed by the CDC specifically for the BRFSS survey. These questions focused on eight out of the ten types of ACEs. Alaska became the twentieth state to use this module which allows for easy comparisons among states. The module used in Alaska differs from both the original ACE study and other studies in that it does not include questions about emotional or physical neglect. The results, therefore, allow for a maximum ACE score of eight rather than ten. The existence of substance abuse in the home was determined based on a composite of two questions (alcohol and illegal drugs) and sexual abuse was based on a composite of three questions. The other six ACEs were each determined based on a single question. Each of the questions in Table 1 was prefaced with the reminder that the individual should provide answers regarding events prior to their eighteenth birthday.

Health-risk behavior data on heavy and binge drinking also came from BRFSS. Rates of heavy and binge drinking in Alaska were based on definitions of heavy and binge drinking used by the Centers for Disease Control and Prevention (CDC). Heavy drinking is defined as anything in excess of moderate drinking. The CDC defines moderate drinking as no more than 2 drinks per day for males and no more than 1 drink per day for females. In other words, heavy drinking involves consuming on average 15 or more drinks per week for males and 8 or more drinks per week for females. Researchers for a number of years have reported heart health benefits from moderate alcohol consumption, particularly

Please see ACEs, page 18
ACEs
(continued from page 17)

red wine. A 2010 article from the Journal of Cardiovascular Disease Research concludes that there are demonstrated cardiovascular benefits to red wine as a diet supplement. However, the CDC does not recommend initiating or increasing alcohol use for heart health benefits because those potential benefits are offset by increased health and safety risks associated with alcohol consumption. Binge drinking is defined for males as drinking 5 or more drinks on a single occasion, and as 4 or more drinks on a single occasion for females. Binge drinking was more commonly reported by younger Alaskans under 45 years of age than by older Alaskans.

Results: ACEs and Risky Drinking in Alaska

Table 2 describes the demographic characteristics of Alaska adults which were used to weight the Behavioral Risk Factor Surveillance System (BRFSS) survey data discussed above. Just under half of Alaskans were females and just over half of Alaskans were males. Roughly half of Alaskans were 18 to 44 years old and the other half were 45 years or older. A majority of Alaskans were Caucasians (70%). Nearly two-thirds of Alaskans had some college education or were college graduates. Fifty-five percent of Alaskans had an annual household income of $50,000 or more.

According to 2013 BRFSS data, 8 percent of Alaska adults are heavy drinkers and 20 percent are binge drinkers (see Figure 1). Binge drinking was more commonly reported by younger Alaskans under 45 years of age than by older Alaskans. While a quarter or more of Alaskans aged 18 to 24 years (26 percent), 25 to 34 years (29 percent) and 35 to 44 years (25 percent) reported binge drinking in the past 30 days, only 16 percent of Alaskans aged 45 to 54 years and 9 percent of Alaskans aged 55 years and older did (Table 3). No association was found between age and rates
The analyses examining the relationship between ACE scores and drinking behavior were conducted in two phases. In the first phase we used cross tabulation to examine the relative frequency of heavy drinking and the relative frequency of binge drinking for adult Alaskans with each ACE score. In the first phase of analysis involving cross tabulation, an ACE variable with six categories (0 ACE types, 1 ACE type, 2 types, 3 types, 4 or 5 types, and 6 to 8 types) was created from continuous ACE scores that ranged from zero to eight. Grouping the number of ACEs increased the sample sizes at the higher end of the ACE score continuum. The categorical ACE score served as the independent variable and the health-risk behaviors of heavy drinking and binge drinking were examined separately as dependent variables.

In the second phase of analysis, logistic regression was used to compute odds ratios for heavy or binge drinking based on various ACE scores. An odds ratio of “1” means that the odds of an event occurring is the same for both groups that are being compared. When an odds ratio is greater than “1,” it means that the odds of an event occurring is greater for the first group. The odds of risky drinking behaviors for individuals with ACE scores of one or more were each compared in separate analyses to individuals with an ACE score of zero. Odds ratios were adjusted because each of the demographic variables were significantly associated with ACE scores. Adjusted odds ratios were computed by statistically holding constant the impact of age, race, gender, education, and income on the drinking behavior outcome.

Further statistical detail is available in the web supplement to this article on the Justice Center website at http://justice.ualaska.edu/forum/32/1/spring2015/aw1_aces_supplement.html.

Methodology and Odds Ratio Interpretation

The analyses examining the relationship between ACE scores and drinking behavior were conducted in two phases. In the first phase we used cross tabulation to examine the relative frequency of heavy drinking and the relative frequency of binge drinking for adult Alaskans with each ACE score. In the first phase of analysis involving cross tabulation, an ACE variable with six categories (0 ACE types, 1 ACE type, 2 types, 3 types, 4 or 5 types, and 6 to 8 types) was created from continuous ACE scores that ranged from zero to eight. Grouping the number of ACEs increased the sample sizes at the higher end of the ACE score continuum. The categorical ACE score served as the independent variable and the health-risk behaviors of heavy drinking and binge drinking were examined separately as dependent variables.

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times higher for adult Alaskans with an ACE score of 4 or 5 than for adult Alaskans who experienced no ACEs.

Conclusion

The prevalence rates of adverse childhood experiences among adult Alaskans are high and these traumatic experiences are associated with health-risk behaviors of heavy and binge drinking. Population attributable risk (PAR) is the percentage of a problem which can be directly attributed to a set of exposures to something or to an event. In this study, the problem is heavy drinking and the set of exposures is adverse childhood experiences. Using the Alaska ACEs data we could expect that if all ACEs were eliminated, this would lead to a population-based reduction in heavy drinking of 20.5 percent (results not shown). Researchers should continue to study other risk factors for high-risk drinking, as well as protective factors that promote resilience in the majority of people with higher ACE scores who do not report high-risk drinking. It is also recommended that researchers study other health outcomes associated with ACEs in Alaska.

Given the high social and economic cost of alcohol abuse in Alaska, a reduction in ACEs through primary prevention could have significant benefits. Considerable investments in the state have been made to respond to the poor behavioral health outcomes researchers have linked to ACEs. Besides addressing the long-term consequences of ACEs, increased attention should be directed to developing a cohesive strategy to more effectively prevent the occurrence of ACEs. There are a number of resources currently focused on efforts to prevent child abuse and family dysfunction in Alaska, but these efforts are undertaken by multiple state departments and private agencies often acting independently of each other. Existing prevention efforts could be more coordinated and less fragmented. An integrated system designed to prevent ACEs would more effectively improve the lives and health of Alaskans and would be more cost efficient.

Marny Rivera is an associate professor in the Justice Center. Patrick Sidmore is a Health and Social Services Planner with the Alaska Department of Health and Social Services, Division of Behavioral Health.

Note: The original sources of Behavioral Risk Factor Surveillance System (BRFSS) datasets for this article are the Alaska Department of Health and Social Services, Division of Public Health, and the Centers for Disease Control and Prevention.

Any analyses, interpretations, or conclusions in this article are those of the authors, and not of the Alaska Department of Health and Social Services, Division of Public Health, or the Centers for Disease Control and Prevention.

Forum to publish 3 times per year

Beginning with this Spring 2015 issue, the Alaska Justice Forum is officially changing from a quarterly publication to publishing three times per year. The new schedule will be Spring, Summer/Fall, and Winter.

This change will allow us to better meet the recent budget constraints facing the University of Alaska system-wide. We are also encouraging our readers to consider receiving the early online version of the Forum. Email editor@uaa.alaska.edu noting “online Forum” in the subject line to request this. Readers who receive the online version will no longer be mailed a print copy.
Adverse Childhood Experiences and Their Association with Alcohol Abuse by Alaska Adults — Statistical Web Supplement

The following is statistical information that supplements figures presented in the article “Adverse Childhood Experiences and Their Association with Alcohol Abuse by Alaska Adults.” This supplement includes confidence intervals for prevalence estimates and chi-square statistics for the cross tabulation results.

Table 4. ACE Scores Prevalence and Confidence Intervals: Alaska and Five-State Average

This table is associated with Figure 3 of the print article.

<table>
<thead>
<tr>
<th>ACE score</th>
<th>N</th>
<th>%</th>
<th>95% confidence interval</th>
<th>N</th>
<th>%</th>
<th>95% confidence interval</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Lower limit</td>
<td>Upper limit</td>
<td></td>
<td>Lower limit</td>
<td>Upper limit</td>
</tr>
<tr>
<td>0</td>
<td>1,379</td>
<td>36.8 %</td>
<td>35.26 %</td>
<td>38.34 %</td>
<td>10,649</td>
<td>40.6 %</td>
</tr>
<tr>
<td>1</td>
<td>832</td>
<td>22.2</td>
<td>20.87</td>
<td>23.53</td>
<td>5,875</td>
<td>22.4</td>
</tr>
<tr>
<td>2</td>
<td>540</td>
<td>14.4</td>
<td>13.28</td>
<td>15.52</td>
<td>3,436</td>
<td>13.1</td>
</tr>
<tr>
<td>3</td>
<td>355</td>
<td>9.5</td>
<td>8.56</td>
<td>10.44</td>
<td>2,308</td>
<td>8.8</td>
</tr>
<tr>
<td>4</td>
<td>229</td>
<td>6.1</td>
<td>5.33</td>
<td>6.87</td>
<td>1,705</td>
<td>6.5</td>
</tr>
<tr>
<td>5 or more</td>
<td>413</td>
<td>11.0</td>
<td>10.00</td>
<td>12.00</td>
<td>2,282</td>
<td>8.7</td>
</tr>
<tr>
<td>Total</td>
<td>3,748</td>
<td>26.255</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Percentages are unweighted.

* The five states are: Arkansas, Louisiana, New Mexico, Tennessee, and Washington.


Table 5. Average Prevalence of ACE Scores of Zero vs. One or More and Confidence Intervals: Alaska and Five-State Average

This table is associated with Figure 4 of the print article.

<table>
<thead>
<tr>
<th>ACE score</th>
<th>N</th>
<th>%</th>
<th>95% confidence interval</th>
<th>N</th>
<th>%</th>
<th>95% confidence interval</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Lower limit</td>
<td>Upper limit</td>
<td></td>
<td>Lower limit</td>
<td>Upper limit</td>
</tr>
<tr>
<td>0</td>
<td>1,379</td>
<td>36.8 %</td>
<td>35.40 %</td>
<td>38.20 %</td>
<td>10,649</td>
<td>40.6 %</td>
</tr>
<tr>
<td>1</td>
<td>2,369</td>
<td>63.2</td>
<td>61.66</td>
<td>64.74</td>
<td>15,606</td>
<td>59.4</td>
</tr>
<tr>
<td>Total</td>
<td>3,748</td>
<td>26.255</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: Percentages are unweighted.

* The five states are: Arkansas, Louisiana, New Mexico, Tennessee, and Washington.

### Table 6. Prevalence and Confidence Intervals for Heavy Drinking by ACE Score, Alaska (2013)

*This table is associated with Figure 5 of the print article.*

<table>
<thead>
<tr>
<th>ACE score</th>
<th>N</th>
<th>%</th>
<th>Lower limit</th>
<th>Upper limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>9,754</td>
<td>6.4 %</td>
<td>6.33 %</td>
<td>6.47 %</td>
</tr>
<tr>
<td>1</td>
<td>8,009</td>
<td>8.2</td>
<td>8.12</td>
<td>8.28</td>
</tr>
<tr>
<td>2</td>
<td>3,925</td>
<td>6.5</td>
<td>6.43</td>
<td>6.57</td>
</tr>
<tr>
<td>3</td>
<td>4,266</td>
<td>9.6</td>
<td>9.51</td>
<td>9.69</td>
</tr>
<tr>
<td>4 or 5</td>
<td>4,774</td>
<td>9.5</td>
<td>9.41</td>
<td>9.59</td>
</tr>
<tr>
<td>6, 7, or 8</td>
<td>3,375</td>
<td>13.3</td>
<td>13.20</td>
<td>13.40</td>
</tr>
</tbody>
</table>

χ² (5, N = 430,375) = 1317.9, p = .000

Note: Odds ratio adjusted for age, sex, race/ethnicity, education, income. Percentages do not add to 100% because they were computed by dividing the number of adult Alaskans who reported heavy drinking by the number of adult Alaskans associated with each ACE score. Percentages exclude the number of adult Alaskans who did not report heavy drinking.

*Source of data:* Alaska Behavioral Risk Factor Surveillance System (BRFSS) data (2013)

### Table 7. Prevalence and Confidence Intervals for Binge Drinking by ACE Score, Alaska (2013)

*This table is associated with Figure 6 of the print article.*

<table>
<thead>
<tr>
<th>ACE score</th>
<th>N</th>
<th>%</th>
<th>Lower limit</th>
<th>Upper limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>23,917</td>
<td>15.7 %</td>
<td>15.59 %</td>
<td>15.81 %</td>
</tr>
<tr>
<td>1</td>
<td>18,116</td>
<td>18.5</td>
<td>18.38</td>
<td>18.62</td>
</tr>
<tr>
<td>2</td>
<td>10,310</td>
<td>17.0</td>
<td>16.89</td>
<td>17.11</td>
</tr>
<tr>
<td>3</td>
<td>10,737</td>
<td>23.9</td>
<td>23.77</td>
<td>24.03</td>
</tr>
<tr>
<td>4 or 5</td>
<td>12,410</td>
<td>24.7</td>
<td>24.57</td>
<td>24.83</td>
</tr>
<tr>
<td>6, 7, or 8</td>
<td>4,726</td>
<td>18.7</td>
<td>18.58</td>
<td>18.82</td>
</tr>
</tbody>
</table>

χ² (5, N = 431,146) = 3008.6, p = .000

Note: Odds ratio adjusted for age, sex, race/ethnicity, education, income. Percentages do not add to 100% because they were computed by dividing the number of adult Alaskans who reported binge drinking by the number of adult Alaskans associated with each ACE score. Percentages exclude the number of adult Alaskans who did not report binge drinking.

*Source of data:* Alaska Behavioral Risk Factor Surveillance System (BRFSS) data (2013)