

**VIOLENCE AGAINST WOMEN SUMMIT
June 30, 2004**

**OVERVIEW OF ALASKA'S CURRENT LAWS ON DOMESTIC VIOLENCE AND
SEXUAL ASSAULT**

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INTRODUCTORY COMMENTS

Thank you all for your dedication evidenced by your attendance here and thank you Senator Lisa Murkowski and her staff who have taken time to organize this summit.

The participation of Senator Lisa Murkowski, Senator Elizabeth Dole and Secretary Chao at this summit emphasizes the importance of the domestic violence issues of so much concern to all of us here.

I have been asked to share with you something about the scope of the problem we have related to sexual assaults and domestic violence in our state.

I plan to discuss the state law a little and point out some of the societal factors that make both prosecuting and reducing these crimes a significant challenge here in Alaska.

I will conclude with some ideas to share with you about a successful national program that I hope to get started in Alaska – with, of course, help from many of you.

OVERVIEW

As Alaska's Attorney General, there is no higher priority for me than attacking and preventing the violence directed every day against women and children in our state.

During the course of this summit you will be inundated with statistics. There is an excellent statistics page in your packet.

So I won't try to cover it all for you now, but I can make some observations that will illustrate the extent of the problem we face in Alaska...

DVs

Over the last five years there were over 18,000 DV-related charges (w/ sentences) in Alaska (18,153 is actual number).

{Breakdown for Gregg: **Anchorage = 2,879**, Barrow = 662, **Bethel = 3103**, Dillingham = 759, **Fairbanks = 2985**, Juneau = 431, Kenai = 1659, Ketchikan = 1015, Kodiak = 539, Kotzebue = 1143, Nome = 1087, Palmer = 1461, Sitka = 401}

And these numbers do not include all of the reported DVs in Anchorage because here the municipal prosecutor's office has a section that deals with domestic violence.

Sexual Assaults

During the same five-year period, there were 4643 felony charges referred to DA's offices statewide.

- Of these, 399 of the charges were for sexual assault (9%)
- There were 511 sexual abuse of a minor referrals (11%)
- An Alaska woman is forcibly raped every 18 hrs and 17 minutes (*Alaska Uniform Crime Report 2001*)

During 2001, more than 6 in 10 rape or sexual assault victims stated the offender was an intimate, other relative, a friend or acquaintance (BJS, *Trends in Violent Victimization, 1973-2001*)

According to preliminary reports from the Crime in the United States, Uniform Crime Reports (UCR) **since 1976, Alaska has ranked in the top 5 states for the highest rate of rape** per 100,000 total inhabitants.

AK ranked 1st in the nation from 1991-2001.

Alaska's forcible rape rate is 2.5 times larger than the nat'l average. (And you heard today that it is even higher for Alaska Native women.)

It is nearly twice the rate in California and nearly three times the rate in Washington state. (*Uniform Crime Reports 2000*)

In 2002, AK statewide rate of rape per 100,000 inhabitants was 79.4.

The rate in Anchorage itself is higher – 93.7 in 2002 and 90.3 in 2003

While we all take pride in the uniqueness of our grand and beautiful state. Our distinction in the area of domestic violence and sexual assault is something we could do without.

So what are we doing about it?

For as good as our laws may be, our criminal statutes are REACTIVE.

We need to focus on being PROACTIVE.

We all must work to raise awareness about these crimes, educate the public and show compassion and respect to the victims.

And while we care for victims, we need to aggressively and firmly deal with the perpetrators of violence.

We need to demystify the social barriers that cloud our perception of sexual assaults and domestic violence.

Too often, victims of domestic violence and sexual assaults bare a double burden of being a victim and believing that they are somehow responsible for what has happened to them.

This perception needs to change so that all victims can step forward to help end this cycle of violence.

And that is exactly why it is important to our community to have events like this summit

I am grateful to Senator Lisa Murkowski and the organizers for the opportunity to speak with you today.

OVERVIEW OF STATE LAW

Alaska's laws and other protections dealing with sexual assault and domestic violence lead the nation - they are as good or better than any you will find in the rest of the United States. And if there is a way to make them stronger – we should.

With few exceptions, Alaska's legislatures outlawed every type and manner of violence against women.

We realized a long time ago that the solutions are not simple and that they must address all facets in order to be effective.

Domestic Violence and Sexual assault crimes are comprehensively addressed in Alaska statutes...

We created trigger points in the criminal justice process that make intervention measures such as arrest of the perpetrator mandatory when certain conditions exist.

A person can be arrested if, within the previous 12 hours and upon a showing of probable cause, the person:

- Committed domestic violence
- Violated a protective order, or
- Violated a condition of release

We incorporated a number of crimes you might not have thought of into the definition of domestic violence as a means of addressing the less obvious attacks that further victimize women. Such as:

- If a perpetrator bashes in the window of his/her ex's car (or the car of the ex's new boyfriend), that crime is called "criminal mischief", but the targeting of the victim makes it a crime involving domestic violence.
- Domestic violence and crimes of domestic violence can relate to offenses including: crimes against persons, burglary, criminal trespass, violating a DV protective order, etc.
- Alaska has a mature protective order system in place.

DV protective orders prohibit respondents from threatening to commit or committing domestic violence, stalking & harassment.

- The orders prohibit contact, remove the respondent from the residence, school or place of employment and such other places frequented by the petitioner.
- The orders can require the respondent from using or possessing firearms, etc.
- Alaska has gone through several changes in the protective order system (as has the country) and we now have a registry for both intrastate and interstate registry of the DVPO's.
- This legislative session we passed a crime bill sponsored by the governor that extends DVPOs from 6 months to one year.

We have mandatory sentencing and counseling.

- For misdemeanor DVs an offender shall serve a minimum prison term of 30 days if the offender has a prior DV or crime against a person conviction (60 days for 2 convictions). AS 12.55.135(g)
- Counseling is a regular component of virtually all DV sentencing.

We have a large network of shelters and well-established confidentiality and victim's rights laws, but our state faces unique geographical challenges.

We need to work together to extend this network across the state.

Even then the challenge remains to get victims to ask for the help.

We have effective rape shield rules intended to keep victims from being put on trial.

We need to be vigilant in our focus on the victims – not just the defendants.

We work hard to educate our police and our prosecutors on better investigative techniques, better prosecution techniques and on the importance of early and firm intervention in saving lives and stopping the cycles of violence.

We strengthened internal policies to mandate additional measures and add to the protections afforded by the laws.

The Department of Law and many police agencies in the state have personnel devoted solely to attacking domestic violence crimes and other crimes against women.

To be more consistent and effective I created a new position - a statewide sexual assault prosecutor who performs training for other prosecutors across the state and deals with our most difficult cases.

We realized a long time ago that the solutions are not simple and that they must address all facets in order to be effective.

2004 Changes to Criminal Laws & Procedures

For two years, I have pursued new crime legislation. Well, the Governor signed the bill yesterday.

This is the first comprehensive crime package in 9 years

Some of the important provisions:

For the first time, 3rd party custodians who fail to notify authorities when defendants violate court conditions of release will be committing a misdemeanor offense.

The penalty for sexual abuse by penetration of very young children by teenagers is now a class C felony – not a class A misdemeanor.

Domestic violence protective orders are increased from 6 months to 1 year if the order was issued after notice and a hearing.

The laws on consecutive sentencing were changed to give the courts more direction where a defendant has been convicted of more than one crime. The courts will now have to give jail time for each offense.

In some of the most serious crimes on the book – including sexual assaults – a minimum amount of consecutive (i.e. back-to-back) time must be imposed.

For example, if a defendant is convicted of two counts of sexual assault, the presumptive term for the first count is 8 years. The defendant must serve a minimum consecutive time for the 2nd count of an additional two years. While they had the

authority, in the past our judges were not always choosing to impose additional time where there are multiple offenses.

The statute that enumerates the rights of victims of crimes was amended to require that investigating officers and prosecuting attorneys must notify victims of information about the office of victims rights (OVR) including the OVR's address and contact information.

Also signed into law was a bill (HB397) that requires the defendant accused of a sex offense to obtain written information from the victim or witness before taking a recorded statement from the victim or witness.

New legislation has created the domestic violence fatality review team. This law requires municipalities and the commissioner of public safety to establish review teams in cases where death or serious physical injury results from domestic violence.

We want these review teams to make law enforcement and other agencies involved in preventing domestic violence and helping victims more effective.

Alaska truly is on the leading edge as far as it's approach to these problems but, unfortunately, Alaska is also on the leading edge as to the per capita extent of the problem.

CHALLENGES

Reducing domestic violence and sexual assault in Alaska presents many unique challenges.

It is often difficult to get arrests and convictions, breaking the cycle of violence, without cooperative victims.

In cases where there was a lack of victim cooperation, or the ability of the victim to cooperate, there was only a 7% chance for arrest action compared to a 58% arrest action in cases with victim cooperation

And when a victim recants at or before trial, the chances of conviction go way down.

One way to combat this is for the police to get the best evidence possible at the time of the offense. This means training for our police and troopers.

It also underscores the importance of our Sexual Assault Response Teams and the Child Advocacy Centers in the prosecution of these crimes.

Domestic violence and sexual assaults are difficult to talk about. Victim, police, prosecutor or citizen – we all limited comfort levels when it comes to these subjects.

This is a huge challenge in successfully prosecuting sex crimes.

As a society we back away from candid discussion about “sensitive” subject matters. Our backgrounds inhibit our ability to talk candidly about sex crimes.

Another problem is that people tend to color the victims of these crimes as the targets... “She asked for it”. “She was drunk”. “She dressed provocatively.” Our societal focus fails to target the only person on trial.

To end some of those stereotypes, advocates, law enforcement personnel and prosecutors go out into the schools to talk about “date-rape” and about “no meaning no”.

We dedicate specialized prosecution units within our offices to confront these issues head-on.

But more than anything, we need to expand the involvement of community in attacking these crimes.

We need the community to hear more about the grim statistics and the intervention, which can occur in their communities.

As Alaskans we have a unique “can do” spirit and a strong sense of the need to look out for others in our community – to lend a helping hand.

Some have called this the “frontier spirit”, others have said we are hardy because we have to be”, I say that Alaskans have big hearts and the courage to put ourselves at risk to help friends and neighbors.

Here in Anchorage we are very much aware of our neighbors and too often when we hear about crime we might recognize or know the people involved.

Think about how this situation is magnified in our rural communities where the population can be mere dozens to several hundred.

In many of these communities a number of members are part of extended families.

When these crimes strike – or escalate as they often do to the most severe crimes like murder, whole communities are traumatized.

The work place and schools also presents challenges.

The biggest challenge, however, is prevention.

Tough enforcement is a good start. And we are doing that.

Everyone understands the need to punish the offender and stop the violence from escalating.

However, nothing could be more important in making women and children safer than stemming the tide of drug and alcohol abuse.

Our dramatic problems with domestic violence and sexual assault are, more often than not, tied to substance abuse.

Would it surprise you to know that Alaska has the highest rate of addiction and treatment need in the country. Do you know that we spend more per capita on drug prevention and treatment than any other state.

Last year we spent 450 million dollars on drug prevention and treatment. That is one-half of what we spent on all education – K-12 and the University!!

I have visited drug and alcohol treatment centers across the state. While the challenge is always money, we have difficulty recruiting trained treatment professionals where we do have beautiful facilities.

The substance abuse problem growing in Alaska and it is outstripping our resources. And as it grows it is the safety of our women and children that are being put at risk.

This is why I have been outspoken in my opposition to liberalizing Alaska's drug laws.

I have petitioned the Alaska Supreme Court to review their 1975 decision that protected personal use of marijuana in the home. I am awaiting an answer as to whether they will hear the case.

Do you know that the marijuana on the streets today in Alaska is 5 to 10 times more potent than it was in the 1970's? And this potent form of the drug is highly addictive to young people.

45 percent of those users 12-18 need to be treated for addiction.

I am also opposed to an initiative on the ballot this November that would decriminalize marijuana under state law.

Making marijuana more available and sending a false message to our youth that the drug is not very harmful will only make our problems with domestic violence and sexual assault worse.

I hope that those of you in the room today will join me in the fight against liberalizing the drug laws in our state.

Another area where we can do more to prevent domestic violence, is to expand our intervention with victims. We all need to play a part so they know they can be protected, they can get out, they can be safe.

What else can we do to help? – “Cut It Out: Salons Against Domestic Violence”

Attorney General’s in a number of states like Alabama, Florida, Virginia have worked with a new national domestic violence awareness and education program called, “Cut It Out: Salons Against Domestic Violence.”

I am excited by the unique approach of the program – offering education sessions to hair and nail salon professionals about the dynamics of domestic violence and informing them about assistance that is available to victims in their communities.

I have met with the national sponsors of the training from the Salons Against Domestic Abuse Fund and asked that Alaska be considered as a target state for this new program. I received an enthusiastic “yes” and will work with them over the next few months to kick off “Cut it Out” in Alaska – joining 11 other states in the program.

Salon professionals are aware that some of their clients are in abusive relationships. This training will help salon professionals recognize signs of domestic violence and learn about local resources that can help. In addition to training sessions, the project provides posters and brochures for salons to display to raise awareness and provide information to clients.

The initiative was launched nationally by a partnership between Southern Living at HOME, the National Cosmetology Association and Clairol Professional with funding from the Salons Against Domestic Abuse Fund, a non-profit entity.

The “Cut It Out” program began in Alabama as a partnership between the Alabama Coalition Against Domestic Violence and the Greater Birmingham Women’s Fund. The Executive Director of Southern Living at HOME, who is also a member of the Women’s Fund, envisioned the expansion of the Alabama program to salons around the country.

In Alaska, my office will work with the Alaska Network on Domestic Violence and Sexual Assault and the Alaska Board of Barbers and Hairdressers to bring the “Cut It Out” program to local salons.

I want to form a Leadership Committee of salon owners to assist in the planning and implementation of the training. I hope that through this group we can offer training around the state to salon professionals later this year. Local domestic violence advocates will team with specially trained members of the National Cosmetology Association to offer the training sessions.

This project is not designed to make counselors out of hairdressers or nail technicians. But we all know that salon professionals do offer a listening ear to their clients. By giving

them information and resource materials, I hope that salon professionals in Alaska will be better able to spot the signs of domestic violence and offer resources to their clients to help them break free from an abusive situation.

Domestic violence takes a terrible toll on relationships, children, businesses and our community. I hope that this new initiative will provide yet another way for all of us, working together, to help end the fear and pain of domestic violence victims.

We can never stop looking to new ideas, new approaches to this problem until we are also able to say that the women of this state are safe and secure from violence, that the women of this state are no longer victims of these crimes.

Until that day arrives it is the duty of every citizen of this state and certainly of the leaders in this state to continue to dedicate significant effort and significant resources into combating these issues that are so very destructive to our communities and to our families.