



ALASKA JUSTICE FORUM

REPRINTS

March 2009

JUSTICE CENTER ♦ UNIVERSITY of ALASKA ANCHORAGE

No. 9

Disposition of Sexual Assault Cases

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

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

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

See table on page 2.

Originally published in the *Alaska Justice Forum* 20(4): 8 (Winter 2004).

http://justice.uaa.alaska.edu/forum/20/4winter2004/d_rapedisposition.html

For other articles and publications related to sexual assault and violence against women, see:

<http://justice.uaa.alaska.edu/vaw/>

Abstract: This article summarizes findings on cases involving sexual offenses from the Alaska Judicial Council study **Alaska Felony Process: 1999** (February 2004). (The full Judicial Council report is available online at <http://www.ajc.state.ak.us/reports/Fel99FullReport.pdf>.) The study examined the original single most serious charge and determined its final disposition. Twelve percent of felony cases included a sexual offense as the original single most serious charge. Charges for sexual abuse of a minor were more likely to be convicted as sexual offenses than sexual assault charges (and were less likely to be convicted as misdemeanors).

- The most frequent original single most serious charges included sexual abuse of a minor in the second degree (Class B felony), sexual assault in the second degree (Class B felony), sexual assault in the first degree (Unclassified felony), and sexual abuse of a minor in the first degree (Unclassified felony).
- Eighty-one percent of charges for sexual abuse of a minor in the second degree were convicted as sexual offense charges. Forty-one percent were convicted as sexual abuse of a minor in the second degree. Thirteen percent were convicted as misdemeanors.
- Fifty-five percent of charges for sexual assault in the second degree were convicted as sexual offense charges. Seventeen percent were convicted as sexual assault in the second degree. Thirty-four percent were convicted as misdemeanors.
- Fifty percent of charges for sexual assault in the first degree were convicted as sexual offense charges. Nine percent were convicted as sexual assault in the first degree. Twenty-two percent were convicted as misdemeanors.
- Eighty-four percent of charges for sexual abuse of a minor in the first degree were convicted as sexual offense charges. Twenty-one percent were convicted as sexual abuse of a minor in the first degree. Five percent were convicted as misdemeanors.

Table 1. Charge Changes for Single Most Serious Charge

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

Source: Alaska Judicial Council