



# ALASKA JUSTICE FORUM

A PUBLICATION OF THE JUSTICE CENTER

Spring 2007

UNIVERSITY of ALASKA ANCHORAGE

Vol. 24, No. 1

## Stalking in Alaska

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Although the available data are limited, a recent Justice Center examination of Alaska State Trooper case files has revealed that the crime of stalking is probably greatly underreported by victims as well as under-recognized by law enforcement and hence not charged often enough in Alaska. A charge of stalking can be applied in a wide range of situations, and its parameters as a crime can be somewhat ambiguous for both victims and law enforcement. The available data show that a stalking charge is often made in conjunction with other charges, particularly when there has been a prior relationship—which is often the case, with stranger stalking fairly rare.

Stalking, by its nature and its legal definition, induces fear. Statistics from the National Violence Against Women Survey showed that even after the stalking ended, 68 percent of victims thought their personal safety had gotten worse, 42 percent were very concerned about their personal safety, 30 percent were very concerned about being stalked, and 45 percent carried something to defend themselves. Psychological counseling was sought by 30 percent of female victims and 20 percent of male victims.

Moreover, other studies have shown

links between stalking and intimate partner homicide among female victims. For example, according to an analysis published in *Homicide Studies* in 1999, 76 percent of female intimate partner homicide victims had been stalked by their intimate partner in the past. Furthermore, 89 percent of female intimate partner homicide victims that were physically abused had also been stalked by their intimate partner in the past. Of all female intimate partner homicide victims, 54 percent had previously contacted police to report they were being stalked.

With funding from the National Institute of Justice, the Justice Center is working with the Alaska State Troopers and the Alaska Department of Law to learn more about the characteristics of stalking in Alaska.

In the first quantitative examination of the crime, data from all stalking incidents reported to Alaska State Troopers from 1994 to 2005 were collected to gather descriptive information. The research provides a first overview of a specific crime whose characteristics are not widely known beyond the justice community. The Alaska statutes defining the crime of stalking are presented on page 5.

### Methodology

To conduct this study, Justice Center

researchers examined the total 267 cases with a stalking charge reported to Alaska State Troopers from 1994 to 2005. (Alaska stalking statutes went into effect in 1993.) The final sample for analysis comprised 210 cases (Table 1) covering a total of 222 stalking charges, 211 suspects, and 216 victims. Case outcome data were gathered directly from the Alaska Department of Law for a sub-sample of the stalking cases—only those reported from 1999 to 2004 ( $N = 92$ ).

### Results

For the first four years included in this

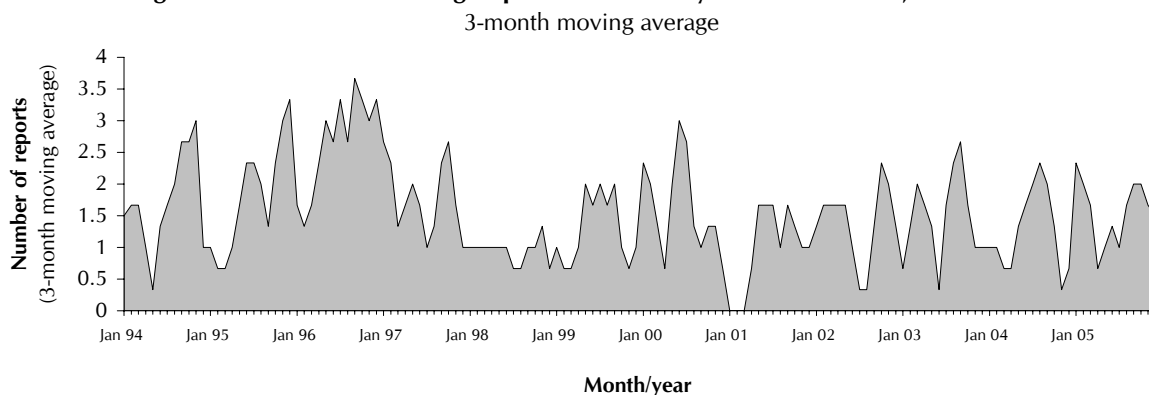
*Please see **Stalking in Alaska**, page 7*

**Table 1. Case Closure Codes in Alaska Stalking Cases, 1994–2005**

Closure code	Reports	
	N	%
Closed by arrest	140	66.7 %
Closed, declined	6	2.9
Closed by investigation	34	16.2
Closed, referred	22	10.5
Closed, unfounded	8	3.8
<b>Total</b>	<b>210</b>	

*Source of data: Alaska State Troopers data (1994-2005)*

**Figure 1. Number of Stalking Reports in Alaska by Month and Year, 1994–2005**



*Source of data: Anchorage State Troopers data (1994–2005)*

# Stalking Crimes: Do Alaska Stalking Laws Serve Their Purpose in a Wireless, Social Networking Age?

Pamela Kelley

*A 32-year-old woman subscribed to an online dating service. She described herself in her online profile as the active, outdoors-loving Alaska resident she was. She answered all of the queries she received. "Jan" was highly selective and very cautious. She declined many initial invitations to correspond and perhaps meet. She responded to one from "Raymond," and they corresponded for two weeks before they met for coffee. Unimpressed, Jan declined Raymond's next invitation for coffee.*

*Through his own efforts, Raymond learned where Jan lived. Her unprotected home wireless connection allowed him to easily infiltrate her computer and its data. Raymond was able to gain access to Jan's Yahoo email account. He opened her email; sometimes he responded to email in her name. Jan grew confused when email came to her from others in seeming reply to words of her own. Raymond changed Jan's public profile on the online dating service, and posing as her he "winked" at dozens of other men—using the service to falsely indicate her interest.*

*Jan felt that someone was trying to harass and threaten her in some way, especially after unknown men started showing up at her front door expecting to go out on "first dates." After it happened the second time, she called the police. After the third time, they wondered whether to take her seriously. After all, none of the "dates" intended to or caused her any harm. Maybe it was just a case of vivid imagination.*

In this hypothetical incident, has Jan been the victim of stalking? Could Raymond be prosecuted under the current versions of Alaska's criminal stalking statutes? Because of the reach of the Internet and other technologies, these questions have a currency in 2007 that they did not have when Alaska's stalking statute was adopted in 1993. Most individuals did not use email in 1993; today it is ubiquitous. Social networking via the computer was unknown then. It was an era before MySpace, YouTube, Facebook, IM, and portable GPS devices.

In 1993, Congress directed the National Institute of Justice (NIJ) in the U.S. Department of Justice to develop a model stalking code to encourage states to adopt anti-stalking measures. NIJ entered into a cooperative agreement with the National Criminal Justice Association (NCJA) to research existing

stalking laws and develop model legislative language. NCJA, in turn, sought additional input from the National Conference of State Legislatures, the American Bar Association, the National Governors' Association, the Police Executive Research Forum, the National Center for Victims of Crime, and other national organizations.

More than a decade later, one of the original model code advisory organizations, the National Center for Victims of Crime, considered that sufficient data had been collected to evaluate the efficacy of the nation's stalking legislation. The center empanelled a Model Stalking Code Advisory Board, comprising twenty-three academicians, judges, law practitioners, law enforcement authorities and victims advocates to perform its evaluation.

In part because of technological changes, the advisory board concluded there was a need to promulgate an updated criminal stalking statutory model. This article examines the statutory update suggested by the National Center for Victims of Crimes and explores whether the same need exists in Alaska warranting revision of Alaska's criminal statutes. Readers should note that at this time there is no pending legislation on Alaska criminal stalking statutes. As empirical data are evaluated regarding stalking and civil and criminal legal responses, Alaska policy makers will determine the need for legislative action. The promulgation of a model does not mean that any state should follow in lockstep with what the drafters have suggested. A model code is not the end of a discussion but rather a beginning.

## Needs Identified for the Model Stalking Code

Using data and information from a spectrum of sources, the National Center for Victims of Crime concluded that on a national basis:

- Stalkers often get away with their criminal behavior with little or no risk of intervention by law enforcement.
- The burden of proof is so high that it is extremely difficult to secure convictions.
- Most stalking offenses are misdemeanors or crimes. Stalkers are rarely sentenced for longer than a few days or weeks.
- Stalking laws are written with the "stranger stalker" in mind, restricting the type of behavior that can be prosecuted when the stalker and victim are in a relationship.

- Current state laws do not address the full range of stalking behaviors, which may include indirect communication with the victim. Requirements of proximity or direct contact overlook modern technologies available to stalkers.

## Does the Alaska Experience Align with the Center's Findings?

- *Stalkers often get away with their criminal behavior with little or no risk of intervention by law enforcement.*

This criticism of the current situation may be true. The data analysis in Alaska is in its infancy, with more research needed. The companion article, "Stalking in Alaska," discusses the possible extent of underreporting of stalking. Moreover, the prevalence of domestic violence and the documented high number of protective orders issued *after* a petitioner has separated from a respondent may give an initial clue to the extent of stalking behavior.

Although at this time there are few reported cases construing Alaska's stalking statute, one recent case indicates the extent to which stalking may be significantly underreported in the state. In *McComas v. Kirin*, 105 P.3 1130 (Alaska 2005), the Alaska Supreme Court upheld the issuance of a long-term domestic violence protection order based upon threatening letters sent to a woman from her former spouse. The letters were recognized as a course of conduct prohibited as stalking in the second degree. Because in Alaska this crime is one that can be classified as a crime involving domestic violence, the issuance of the protective order was unanimously approved by the Alaska Supreme Court.

As this case illustrates, stalking behavior, which has otherwise not been reported, can be behind the issuance of domestic violence protective orders. In light of the number of post-separation protective orders issued, it seems reasonable to conclude that the incidence of domestic violence may be subsuming incidents of stalking.

- *Most stalking offenses are misdemeanors or crimes. Stalkers are rarely sentenced for longer than a few days or weeks.*

Alaska currently has a two-tiered system for stalking charges. At this point there is simply not enough evidence to say that this system is unworkable. As the accompany-

ing article “Stalking in Alaska” discusses, the crime is probably being heavily under-reported throughout the state and possibly undercharged.

Under the two applicable Alaska criminal statutes, stalking is either a Class A misdemeanor or a Class C felony. An individual commits second degree stalking—a misdemeanor—under Alaska Statute 11.41.270 if “the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the death or physical injury of a family member.”

When this basic stalking conduct is coupled with actions that are violations of civil orders of protection against stalking or domestic violence, or the victim is under 16, or if the defendant at any time during the conduct possessed a deadly weapon, then stalking is a felony. In addition, if the basic stalking conduct is itself in violation of a condition of probation, release before trial, release after conviction, or parole, the offense is a felony. Finally, a person who commits the basic act of stalking described above, and who has been previously convicted of a crime, an attempted crime or solicitation to commit a range of offenses against the same victim is guilty of stalking in the first degree.

One of the expected benefits of criminalizing stalking behavior is to intervene early before such conduct leads to more dangerous, even lethal, action. Under Alaska law, a number of factors increase the severity of the offense; these are directly related to the escalation of the risk to the victim. When a victim already possesses a civil protection order against stalking or domestic violence, and the offender continues the prohibited conduct, the felony statute applies.

Under Alaska’s sentencing structure, if the person is a first-time felony offender, the period of incarceration ranges from zero to two years; an offender with a previous felony conviction can receive a sentence of up to five years. Misdemeanants can be sentenced up to a year. At this point, we do not have enough data to examine whether the existing penalty structure is sufficient or insufficient.

A future comprehensive study of the treatment of stalking in Alaska might identify the population of stalking convictions obtained, whether they were for misdemeanor or felony stalking, whether the sentences fell within the presumptive ranges and whether those convicted of felony stalking received suspended impositions of sentences.

• *Stalking laws are written with the “stranger stalker” in mind, restricting the type of behavior that can be prosecuted*

*when the stalker and victim are in a relationship.*

This does not appear to be a problem in Alaska. The basic stalking behavior addressed in the Alaska statutes can encompass conduct between those who have been involved in a relationship, particularly in conjunction with criminal and civil statutes covering domestic violence. The interrelationship among the state’s statutes governing civil orders for protection against stalking, civil protection orders against domestic violence, and the criminal stalking statutes permits both law enforcement and prosecutors to pursue criminal charges even when a relationship has existed, although as mentioned before, prosecution may be challenging.

A.S. 18.66.100 *et seq.* describe the process through which an individual who has been the victim of a “crime of domestic violence” can obtain one of three civil protection orders of varying duration. Eligible petitioners are those who have been victimized by current or past members of their household. *Household members* is a key defined term under the statutes, as it expands the reach of the statute to those who have dated, have been involved in intimate relationships, are related through marriage, or are related through the fourth degree of consanguinity.

In the civil protection order process, a *crime of domestic violence* is also specifically defined. The term includes:

(3) “domestic violence” and “crime involving domestic violence” mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

(A) a crime against the person under AS 11.41;

(B) burglary under AS 11.46.300–11.46.310;

(C) criminal trespass under AS 11.46.320–11.46.330;

(D) arson or criminally negligent burning under AS 11.46.400–11.46.430;

(E) criminal mischief under AS 11.46.475–11.46.486;

(F) terrorist threatening under AS 11.56.807 or 11.56.810;

(G) violating a protective order under AS 11.56.740(a)(1); or

(H) harassment under AS 11.61.120(a)(2)–(4);

(A.S. 18.66.990(3)(2007))

For those who are not eligible for a domestic violence protective order, but who believe they have been the victim of a crime of stalking or sexual assault, A.S. 18.65.850(a) describes the civil protective order remedy:

A person who reasonably believes that the person is a victim of stalking or sexual assault that is not a crime involving domestic violence may file a petition in the district or superior court for a protective order against a respondent who is alleged to have committed the stalking or sexual assault. A parent or guardian may file a petition on behalf of a minor.

Building on the dual platforms of protective orders available to those who fear physical harm for themselves or family members, Alaska’s criminal statutes then incorporate violations of these protective orders into an element that, coupled with a course of conduct of unwanted contact, elevates stalking from misdemeanor to felony behavior.

• *The burden of proof is so high that it is extremely difficult to secure convictions.*

Alaska statutes are not problematic in this area, although this criterion of the model code is phrased somewhat imprecisely. What is meant is not *burden of proof* in the ordinary legal sense—proof *beyond a reasonable doubt*—which, of course, applies for criminal conviction in all cases. Rather, the writers of the model code are referring to the necessity (burden) of proving criminal intent. They are proposing new language to make it clear that the statute should be a general intent crime rather than a specific intent crime. This entails the difference between intending to do the act and intending a particular result; in other words the statute should require that the stalker intend his actions rather than specific consequences of his actions. It is easier for a prosecutor to show intent to perform an act. Currently, in many jurisdictions stalking statutes require evidence of specific intent to cause a special level of fear in the victim—a result—but this is not the case in Alaska. Alaska currently has a general intent statute; in fact, in Alaska the level of criminal intent that has to be proven beyond a reasonable doubt is less even than that suggested under the proposed model. Under the model the defendant must act *purposefully* but in Alaska the statute requires only that the defendant be proven to have acted *knowingly*.

The actual prosecutorial work of proving the general intent of a course of nonconsen-

sual contact remains challenging, but current statutory language seems adequate.

- *Current state laws do not address the full range of stalking behaviors, which may include indirect communication with the victim. Requirements of proximity or direct contact overlook modern technologies available to stalkers.*

The means and methods of stalkers have expanded to include new acts, including the use of new technologies. Drafters of the proposed model act recognize that contemporary imaginations are as ill-equipped to guess what methods will be useful to the stalker of 2021 as the legislatures of 1993 were to imagine what would be available today.

The hypothetical example of Jan at the beginning of this article illustrates the limi-

tations of the current stalking statute from a legal perspective. The story suggests new issues that may arise in prosecuting an individual like Raymond under state stalking statutes, particularly in light of the definition incorporated for “nonconsensual contact.” Under Alaska’s basic definition of criminal stalking, the stalker must be shown to have engaged in “repeated acts of any contact with the purported victim without that person’s consent.” The contact covered by the statute includes traditional forms recognized early on—following or appearing within the sight of that person; approaching or confronting that person in a public place or on private property; appearing at the workplace or residence of that person; entering onto or remaining on property occupied by that person; or contacting that person by telephone. Prohibited nonconsensual contact also includes “send-

ing mail or electronic communications to [the victim]...[and] placing an object on, or delivering an object to, property owned, leased, or occupied by that person.”

In the hypothetical scenario, the only direct, nonconsensual contact between Raymond and Jan occurred when he infiltrated her Yahoo email account and when he interfered with her public profile at the online dating service. The basis for this conclusion is an expansive reading of A.S. 11.41.270(b)(3)(D) which provides that “nonconsensual contact includes... entering onto or remaining on property owned, leased, or occupied by [the victim].” None of the definitional sections of the statute limits the definition of property to real property, and the law remains unsettled as to the ownership interest one holds in one’s property on various social networking or gaming locations on the

## Model Stalking Code for the States

### Section One: Legislative Intent

The Legislature finds that stalking is a serious problem in this state and nationwide. Stalking involves severe intrusions on the victim’s personal privacy and autonomy. It is a crime that causes a long-lasting impact on the victim’s quality of life, and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time. The Legislature recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the Legislature enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences.

The Legislature intends to enact a stalking statute that permits the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The Legislature recognizes that stalking includes, but is not limited to, a pattern of following, observing, or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means.

### Section Two: Offenses

Any person who purposefully engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to:

- (a) fear for his or her safety or the safety of a third person; or
  - (b) suffer other emotional distress
- is guilty of stalking.

### Section Three: Definitions

As used in this Model Statute:

- (a) “Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or

through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.

- (b) “Emotional distress” means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

- (c) “Reasonable person” means a reasonable person in the victim’s circumstances.

### Section Four: Defenses

In any prosecution under this law, it shall not be a defense that:

- (a) the actor was not given actual notice that the course of conduct was unwanted; or
- (b) the actor did not intend to cause the victim fear or other emotional distress.

### Optional Provisions

#### Section Five: Classification

Stalking is a felony.

Aggravating factors.

The following aggravating factors shall increase the penalty for stalking:

- (a) the defendant violated any order prohibiting contact with the victim; or
- (b) the defendant was convicted of stalking any person within the previous 10 years; or
- (c) the defendant used force or a weapon or threatened to use force or a weapon; or
- (d) the victim is a minor.

#### Section Six: Jurisdiction

As long as one of the acts that is part of the course of conduct was initiated in or had an effect on the victim in this jurisdiction, the defendant may be prosecuted in this jurisdiction.

Internet. Furthermore, it is even less clear whether Raymond has engaged in nonconsensual contact when he obtained access to Jan's passwords and usernames by walking through the open front door of her unprotected wireless connection.

Under Alaska statutes the alleged stalker must be shown to have engaged "in a course of conduct" which is defined as "repeated acts of nonconsensual contact involving the victim or a family member" that recklessly place the victim or a family member in fear of death or physical injury. The actions that placed Jan in fear of physical injury were the arrivals on her doorstep of three uninvited men expecting a date. These actions were set into motion by Raymond, yet in order for the use of unwitting actors to meet the definition of the criminal act, an Alaska court would be required to read the definition of *any act* in the statutory definition of *nonconsensual act* to include *indirect acts*.

The lack of a definition specifically including *indirect conduct* in the statute could possibly work against the prosecution of the type of behavior described in the hypothetical scenario.

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There is little doubt that Raymond is stalking Jan. But Jan is not likely to find her peace of mind through a criminal prosecution of Raymond for stalking. There are too many uncertainties under the law. While Raymond acted knowingly when he engaged in a course of conduct that included actions to which Jan did not consent, his actions merely set the stage for the behavior that caused Jan's reasonable fear of physical harm. Raymond knowingly obtained Jan's address, but there is nothing to indicate it was obtained illegitimately. Raymond knowingly jumped on her wireless connection, but without an adequate firewall it was as though Jan provided the key to her front door. All Raymond needed was her user name and password for her online dating account and her email account; those two may have been the same. From that point forward, everything Raymond has done is in mimicry of Jan. He uses the online service to identify men willing to meet her, and sends them off on *faux* dates to knock on her door.

In fact, only in this area, where the model act looks to widen the reach of means and methods, is there a probable alignment of needs between those identified nationwide in the model act and those known here in Alaska. The Alaska statute recognizes "electronic communications" as the basis for stalking charges but it does not clearly contemplate indirect contacts arranged via social networking as a course of conduct that may constitute a criminal violation. The statute leaves open the question of whether *property* includes that which exists only in a virtual state. Given these ambiguities in statutory language brought about by technological advances, the reach of the Alaska statutes on stalking awaits interpretation on a case-by-case basis. The time required for the development of case law might be well used to continue gathering data to support a sound analysis of the efficacy of current stalking laws.

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## Alaska Stalking Statutes

*A.S. 11.41.260–11.41.270 (2006)*

**Sec. 11.41.260. Stalking in the first degree.** (a) A person commits the crime of stalking in the first degree if the person violates AS 11.41.270 and

(1) the actions constituting the offense are in violation of an order issued or filed under AS 18.66.100–18.66.180 or issued under former AS 25.35.010 (b) or 25.35.020;

(2) the actions constituting the offense are in violation of a condition of probation, release before trial, release after conviction, or parole;

(3) the victim is under 16 years of age;

(4) at any time during the course of conduct constituting the offense, the defendant possessed a deadly weapon;

(5) the defendant has been previously convicted of a crime under this section, AS 11.41.270, or AS 11.56.740, or a law or ordinance of this or another jurisdiction with elements similar to a crime under this section, AS 11.41.270, or AS 11.56.740; or

(6) the defendant has been previously convicted of a crime, or an attempt or solicitation to commit a crime, under (A) AS 11.41.100–11.41.250, 11.41.300–11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, 11.61.120, or (B) a law or an ordinance of this or another jurisdiction with elements similar to a crime, or an attempt or solicitation to commit a crime, under AS 11.41.100–11.41.250, 11.41.300–11.41.460, AS 11.56.807, 11.56.810, AS 11.61.118, or 11.61.120, involving the same victim as the present offense.

(b) In this section, "course of conduct" and "victim" have the meanings given in AS 11.41.270 (b).

(c) Stalking in the first degree is a class C felony.

**Sec. 11.41.270. Stalking in the second degree.** (a) A person commits the crime of stalking in the second degree if the person knowingly engages in a course of conduct that recklessly places another person in fear of death or physical injury, or in fear of the

death or physical injury of a family member.

(b) In this section,

(1) "course of conduct" means repeated acts of nonconsensual contact involving the victim or a family member;

(2) "family member" means a

(A) spouse, child, grandchild, parent, grandparent, sibling, uncle, aunt, nephew, or niece, of the victim, whether related by blood, marriage, or adoption;

(B) person who lives, or has previously lived, in a spousal relationship with the victim;

(C) person who lives in the same household as the victim; or

(D) person who is a former spouse of the victim or is or has been in a dating, courtship, or engagement relationship with the victim;

(3) "nonconsensual contact" means any contact with another person that is initiated or continued without that person's consent, that is beyond the scope of the consent provided by that person, or that is in disregard of that person's expressed desire that the contact be avoided or discontinued; "nonconsensual contact" includes

(A) following or appearing within the sight of that person;

(B) approaching or confronting that person in a public place or on private property;

(C) appearing at the workplace or residence of that person;

(D) entering onto or remaining on property owned, leased, or occupied by that person;

(E) contacting that person by telephone;

(F) sending mail or electronic communications to that person;

(G) placing an object on, or delivering an object to, property owned, leased, or occupied by that person;

(4) "victim" means a person who is the target of a course of conduct.

(c) Stalking in the second degree is a class A misdemeanor.

## Current Guest Worker Programs

A major aspect of the current debate on U.S. immigration policy centers on the on-going need in some industries, businesses, and professions for professional, skilled, semi-skilled or unskilled workers. In Alaska, the demand is for workers in the fishing industry.

A patchwork of visa programs currently addresses these needs (Table 1), but the demand for workers, particularly seasonal unskilled or semi-skilled laborers, seems to exceed the existing quotas. According to the Office of Immigration Statistics, in January 2005 there were an estimated 10.5 million *undocumented* immigrants in the U.S., many of whom find work as seasonal laborers.

There are two existing visa programs which are, essentially, seasonal guest-worker programs – the H-2A and H-2B programs. These programs provide for the temporary short-term residence of seasonal workers in the agricultural industry (H-2A) and in

other seasonal work, such as the forestry and fishing industries (H-2B).

There is no cap to the H-2A program. The cap to the H-2B program is set at 66,000, but in recent years Congress has raised that limit because of the extreme demand for seasonal workers. According to preliminary data available on its website in May 2007, the Department of State issued 31,892 H-2A visas and 87,492 H-2B in 2005. For all categories of temporary worker visas (H), the total was 317,493. Department of Homeland Security figures show a total 2,127 actual temporary worker admissions to Alaska in 2005. (Due to DHS recording procedures, this figure may be somewhat low, and in addition to the H visa admissions, it also covers visa categories E, I, L, O, P, Q, R, TD and TN.)

The H2 programs are employer-driven. Employers who anticipate a shortage of domestic laborers may apply to bring foreign

workers to the U.S. Several government agencies are involved. Before visas are issued, an employer must apply to the Department of Labor for certification for a requested number of positions. The employer must confirm that there are not enough U.S. resident workers willing, qualified and available for the work and that employment of the foreign workers will not affect the wages and working conditions of similarly employed U.S. workers. U.S. Citizenship and Immigration Services in the Department of Homeland Security authorizes the issuance of the visas through the Department of State.

Under the H-2A and H-2B programs, a foreign worker must be paid at the same rate as U.S. laborers performing similar work. The hourly rate must be at least as high as whichever of the following is highest: the applicable Adverse Effect Wage Rate, which is determined annually by the Department of

**Table 1. Classes of Nonimmigrants Issued Visas (Including Crewlist Visas and Border Crossing Cards), Fiscal Years 2001–2006**

Class of nonimmigrant	2001	2002	2003	2004	2005
<b>Totals</b>	<b>7,588,778</b>	<b>5,769,437</b>	<b>4,881,632</b>	<b>5,049,099</b>	<b>5,388,937</b>
A Foreign government official	78,288	84,151	83,503	92,356	94,222
B-1 Temporary visitor for business	84,201	75,642	60,892	53,245	52,649
B-1/B-2 Temporary visitor for business and pleasure	3,527,118	2,528,103	2,207,303	2,340,795	2,709,468
B1/B2/BCC Comination B1/B2 and Border Crossing Card	1,990,402	1,399,819	836,407	740,616	732,566
B-2 Temporary visitor for pleasure	381,431	255,487	271,358	279,106	245,816
C Transit	32,952	30,239	40,839	89,276	75,853
C-1/D Combination transit/crew member (individual issuance)	167,435	175,446	210,648	228,778	229,115
D-Crewlist Crew member (individual issuance) and Crewlist Visas	30,095	22,070	20,756	17,951	19,988
E Treaty trader or investor	36,886	33,444	32,096	36,821	37,164
F Student	319,517	256,534	235,580	237,807	255,993
G Representative/staff of international organization	32,877	33,004	31,103	37,145	40,935
H Temporary worker and trainee	348,995	293,805	286,930	331,628	317,493
I Representative of foreign information media	13,799	18,187	12,329	16,390	16,975
J Exchange visitor	299,958	286,380	283,662	282,379	303,822
K Fiance(e) of U.S. citizen	28,712	39,008	44,633	51,802	53,968
L Intracompany transferee	120,538	112,624	110,816	121,864	122,981
M Vocational student	5,658	4,277	4,301	4,912	5,975
N Certain relatives of SK Special Immigrants	14	12	18	11	14
NAFTA NAFTA professional	1,828	1,555	1,219	2,176	3,843
NATO NATO official	4,723	5,687	5,702	6,723	6,550
O Person with extraordinary ability in the sciences, arts, education, business, or athletics	10,871	9,758	10,150	10,727	11,960
P Athlete, artist, or entertainer	34,018	33,475	34,358	32,040	34,665
Q International cultural exchange program participant	1,618	1,799	1,970	1,581	1,978
R Person in a religious occupation	11,512	11,821	11,798	11,782	11,805
S Informant possessing information on criminal activity or terrorism	0	0	0	0	0
T Victim of severe form of trafficking in persons	0	0	58	219	112
V Spouse/Child of lawful permanent resident awaiting availability of immigrant visa	25,332	57,110	43,203	20,969	3,027
<b>Other nonimmigrant classes</b>					
BCC Border Crossing Cards (BCC)	0	0	0	0	0

Source: U.S. Department of State, available at <http://travel.state.gov/pdf/FY05tableXVIa.pdf>

Labor for all states except Alaska; the federal minimum wage; the state minimum wage; or the prevailing hourly rate.

Employers of H-2A workers must provide transportation, housing and meals under certain conditions. The employees are covered under workmen’s compensation regulations and are eligible for federally-funded legal services. The Department of

Labor is responsible for overseeing enforcement of the regulations structuring the H-2A program.

The H-2B program is much less highly structured, with fewer regulations and no provision for enforcement or other specific legal protections. In neither program is the worker permitted to change jobs during the term of the visa.

A review of employee need certification numbers from the DOL shows that, as might be expected, there are relatively few foreign workers in Alaska under the H-2A visa program (agricultural workers). More are employed under the non-agricultural worker program (H-2B)—most in the fishing industry.

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(continued from page 1)

investigation (1994 to 1997), the number of reports averaged 22 per year. After that, the average number of reports dropped significantly, to 15 per year. Figure 1 displays the trend of reporting over time, from January 1994 to December 2005, using a three-month moving average. Seasonal variations from January to December in the trend of reporting were not quite statistically significant, but 23 percent of the reports were made in the months of June and October.

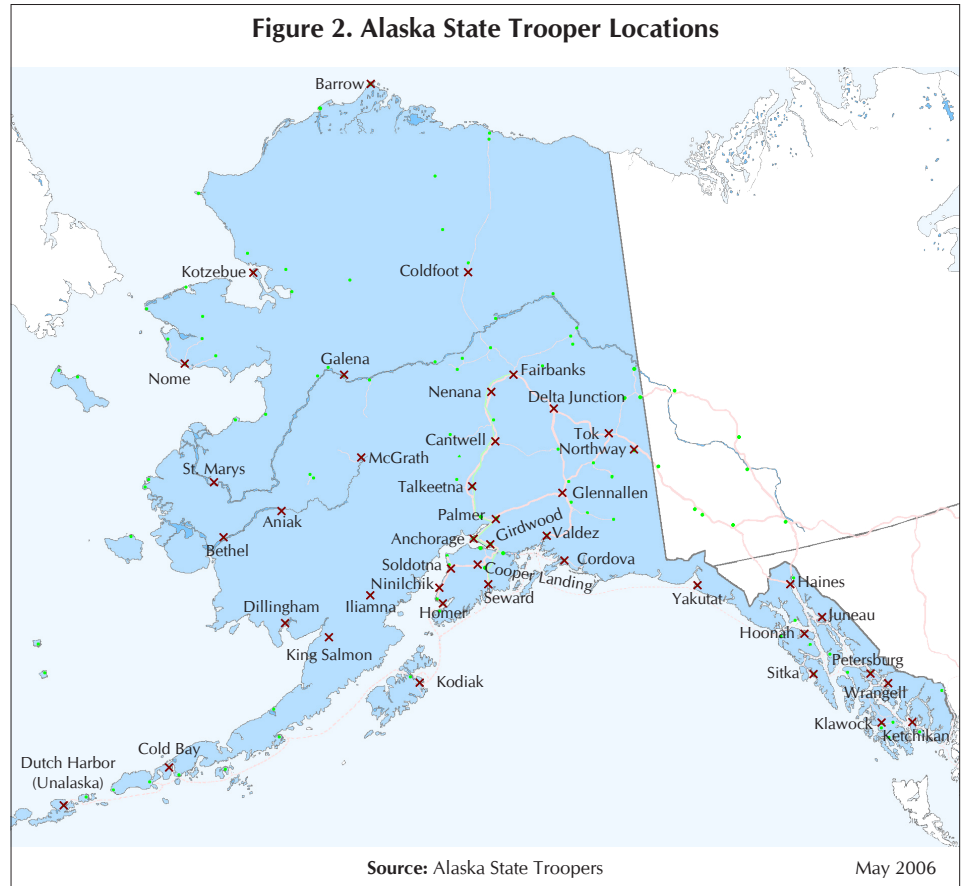
Over 50 percent of reports occurred in B and D detachments. B detachment includes five Alaska State Trooper posts (Wasilla, Palmer, Glennallen, Big Lake, and Talkeetna) while C detachment includes nine Alaska State Trooper posts (Coldfoot, Galena, Fairbanks, Nenana, Healy, Cantwell, Delta Junction, Tok, and Northway; see Figure 2). The units with the highest number of stalking reports included Fairbanks AST Enforcement (with 19% of reports), Palmer AST Enforcement (with 18% of reports), and Soldotna AST Enforcement (in E Detachment, with 12% of reports). Together, these three units had 49 percent of all stalking reports. Additional details are shown in Table 2.

Most cases (67%) were closed by arrest, meaning that at least one person was criminally charged, by a physical arrest, summons, warrant, or criminal complaint (see Table 1). Other cases (10%) were closed with a referral to the district attorney

for a charging decision. Sixteen percent of cases were closed after the investigation because there were no suspects or because evidence was lacking. Only four percent of cases were closed unfounded (because there appeared to be no basis for the complaint).

Finally, only three percent of cases were closed because the prosecution declined to pursue the case, even though a suspect was known.

*Please see Stalking in Alaska, page 8*



**Table 2. Total Number of Stalking Reports in Alaska by Unit, 1994–2005**

Column percentages

Unit	N	%	Unit	N	%	Unit	N	%
Anchorage AST Enforcement	7	3.3 %	Girdwood AST Enforcement	3	1.4 %	Northway AST Enforcement	1	0.5 %
Aniak AST Enforcement	1	0.5	Glennallen AST Enforcement	6	2.9	Mat-Su Regional Office	1	0.5
Bethel AST Enforcement	7	3.3	Healy AST Enforcement	1	0.5	Palmer AST Enforcement	37	17.6
Big Lake AST Enforcement	1	0.5	Homer AST Enforcement	7	3.3	Palmer AST Investigations	5	2.4
Cooper Landing AST Enforcement	1	0.5	Juneau AST Enforcement	1	0.5	Seward AST Enforcement	4	1.9
ABI Child Abuse Investigation Unit	1	0.5	Ketchikan AST Enforcement	7	3.3	Soldotna AST Enforcement	25	11.9
Cantwell AST Enforcement	3	1.4	Ketchikan AST Investigations	1	0.5	St. Marys AST Enforcement	2	1.0
ABI Cold Case Investigations	1	0.5	Klawock AST Enforcement	9	4.3	Talkeetna AST Enforcement	3	1.4
Cordova ABWE	1	0.5	Kodiak AST Enforcement	9	4.3	Tok AST Enforcement	1	0.5
Delta Junction AST Enforcement	7	3.3	Kotzebue AST Enforcement	6	2.9	Unalakleet AST Enforcement	1	0.5
Fairbanks AST Enforcement	40	19.0	Niniichik AST Enforcement	1	0.5			
Fairbanks AST Investigations	4	1.9	Nome AST Enforcement	2	1.0			
Galena AST Enforcement	2	1.0	Nome V.P.S.O.	1	0.5			
						<b>Total</b>	<b>210</b>	

Source of data: Alaska State Troopers data (1994-2005)

## Stalking in Alaska

(continued from page 7)

The 210 stalking incidents reported to troopers from 1994 to 2005 included a total of 222 stalking charges. Seventy-seven (35%) of the 222 stalking charges were for stalking in the first degree (AS §11.41.260) and 145 (65%) were for stalking in the second degree (AS §11.41.270). For each stalking charge, thirty different forms of behavior were examined, shown in Table 3. On average, four forms of stalking behaviors were found per charge. The most common forms of stalking behaviors included standing outside or visiting the victim's home (found in 54% of charges), making unsolicited phone calls to victims (found in 51% of charges), following the victim (found in 39% of charges), threatening to physically assault the victim (found in 36% of charges), harassing the victim's family and friends (found in 28% of charges), trying to communicate with the victim in other ways (found in 27% of charges), standing outside or visiting the victim's work (found in 20% of charges), physically assaulting the victim (found in 19% of charges), sending the victim unsolicited mail (found in 15% of charges), and vandalizing the victim's home (found in 13% of charges).

The primary location for stalking behaviors was most often the victim's residence. As shown in Table 4, 45 percent of stalking behaviors occurred primarily at the victim's home. Cyberspace was also a common location for stalking behavior, with 27 percent of charges occurring primarily in cyberspace. An additional 10 percent of charges occurred primarily on public roads and parking lots.

The 210 stalking incidents reported to troopers from 1994 to 2005 included a total of 211 suspects and 216 victims. Most suspects (91%) were male and most victims (89%) were female. As shown in Table 5, most suspects (78%) were white and

**Table 4. Primary Location for Stalking Behavior in Alaska Stalking Cases, 1994–2005**

Column percentages

Location	Charges	
	N	%
Cyberspace	60	27.0 %
Victim's house	99	44.6
Other residence	8	3.6
Work / school	17	7.7
Public places	16	7.2
Roads / parking lots	22	9.9
<b>Total</b>	<b>222</b>	

Source of data: Alaska State Troopers data (1994–2005)

**Table 3. Stalking Behaviors in Alaska Stalking Cases, 1994–2005**

Row percentages

Behaviors	Yes		Total
	N	%	
Followed victim	86	39.4 %	218
Sent victim unsolicited mail	33	14.9	222
Made unsolicited phone calls to victim	112	50.5	222
Sent victim unsolicited electronic mail	7	3.2	222
Sent victim unsolicited text messages	0	0.0	222
Tried to communicate in other ways	60	27.0	222
Photographed victim without permission	3	1.4	219
Abused victim's pets	3	1.4	221
Threatened to harm victim's pets	0	0.0	222
Physically assaulted victim	42	18.9	222
Threatened to physically assault victim	78	35.8	218
Sexually assaulted victim	13	5.9	222
Threatened to sexually assault victim	8	3.6	222
Harassed victim's children	13	5.9	221
Threatened victim's children	13	5.9	220
Harassed victim's family and friends	62	27.9	222
Vandalized victim's home	28	12.7	221
Vandalized victim's car	14	6.4	220
Vandalized other property	11	5.0	222
Stood outside/visited victim's home	120	54.1	222
Stood outside/visited victim's work	44	20.0	220
Left unwanted items for victim	3	1.4	222
Sent victim presents	20	9.0	222
Opened victim's mail	1	0.5	222
Filed false police reports against victim	1	0.5	222
Contacted victim's employer	4	1.8	222
Contacted or filed report with children services	1	0.5	222
Installed spyware on victim's computer	2	0.9	222
Installed/utilized GPS on victim's car	0	0.0	221
Relocated residence to follow victim	10	4.5	222

Source of data: Alaska State Troopers data (1994–2005)

most victims (86%) were also white. On average, suspects were 36 years old while victims were 33 years old; with 13 percent of suspects and 20 percent of victims under 21, 18 percent of suspects and 22 percent of victims between 21 and 30, 37 percent of suspects and 33 percent of victims between 31 and 40, and 31 percent of suspects and 25 percent of victims over 40. One in five suspects (20%) had used alcohol, but very few victims (2%) had. Drug use was very

infrequent (1% or less) for both suspects and victims.

Relationships between suspects and victims are shown in Table 7. Half (54%) of the suspects were, or had been, in a romantic relationship with the victim, as an ex-boyfriend or ex-girlfriend (29%) or current spouse (15%). In addition, 35 percent of suspects were friends or acquaintances of the victim, with acquaintances as the more

**Table 5. Race of Suspects and Victims in Alaska Stalking Cases, 1994–2005**

Column percentages

Race	Suspects				Victims			
	Suspects		Victims		Suspects		Victims	
	N	%	N	%	N	%	N	%
White	160	78.0 %	183	85.9 %				
Native	42	20.5	27	12.7				
Black	3	1.5	2	0.9				
Other	0	0.0	1	0.5				
<b>Total</b>	<b>205</b>		<b>213</b>					

Source of data: Alaska State Troopers data (1994–2005)

**Table 6. Age of Suspects and Victims in Alaska Stalking Cases, 1994–2005**

Column percentages

Age	Suspects		Victims	
	N	%	N	%
11 to 20	27	13.2 %	43	20.1 %
21 to 30	38	18.5	47	22.0
31 to 40	75	36.6	70	32.7
41 to 50	47	22.9	41	19.2
51 to 60	13	6.3	6	2.8
61 or over	5	2.4	7	3.3
<b>Total</b>	<b>205</b>		<b>214</b>	

Source of data: Alaska State Troopers data (1994–2005)

prominent category. Very few suspects (4%) were currently living with the victim. Slightly over half of the relationships (55%) had ended prior to the stalking, and 58 percent had ended by the time the stalking was reported to law enforcement (these statistics

were not calculated for strangers or family members).

Most suspects (55%) were not charged solely with a stalking offense. Stalking charges were often accompanied by other charges (Tables 8 and 9). On average, suspects had a total of 2.32 charges, including an average of 1.05 stalking charges and an average of 1.27 other charges. Overall, the 211 suspects were charged with 489 offenses (i.e., 222 stalking offenses and 267 non-stalking offenses). The most common additional non-stalking charges included assault, violating a protective order, and harassment. In addition to these additional charges, 38 percent of suspects had at least one aggravating factor (Table 10). The most common aggravating factors included violating protective orders and prior arrests for stalking the victim—present for 20 percent and 12 percent of suspects respectively. In addition, 22 percent of suspects had a prior arrest for stalking, assaulting, or harassing the victim. More specifically, 12 percent of suspects had a prior arrest for assaulting the victim, 8 percent had a prior arrest for assaulting the victim, and 5 percent had a prior arrest for harassing the victim. Almost three quarters (74%) of the victims had previously contacted law enforcement to report harassing behavior by the suspect (e.g., to seek a protective order).

Overall, 75 percent of the 92 cases reported between 1999 and 2004 were referred; 55 percent were accepted; and 40 percent resulted in a conviction (Table 11). The likelihood of referring, accepting, and convicting varied substantially by legal factors (Table 12)—whether suspects violated protective orders, violated conditions of release, violated conditions of probation, had prior arrests for assaulting the victim, had prior arrests for harassing the victim, had multiple stalk-

ing charges, or had additional non-stalking charges. In general, these legal factors enhanced the likelihood of referral, acceptance, and conviction.

In particular, violating protective orders and having additional non-stalking charges were important legal factors. Cases with suspects who violated protective orders were 20 percent more likely to be referred for prosecution, were 19 percent more likely to be accepted, and were 41 percent more likely to result in a conviction. Cases that included additional non-stalking charges were 27 percent more likely to be referred, were 84 percent more likely to be accepted, and were 139 percent more likely to result in a conviction. In other words, cases that included additional non-stalking charges were 2.4 times more likely to result in a conviction than cases that did not include

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**Table 7. Relationship Between Suspects and Victims in Alaska Stalking Cases, 1994–2005**

Column percentages

Relationship to victim	Suspects		
	N	%	% of non-stranger
Stranger	15	7.5 %	—
Current spouse	31	15.5	16.8 %
Ex-spouse	13	6.5	7.0
Current boy/girlfriend	5	2.5	2.7
Ex-boy/girlfriend	59	29.5	31.9
Other family	7	3.5	3.8
Friends	13	6.5	7.0
Acquaintances	57	28.5	30.8
<b>Total</b>	<b>200</b>		

Source of data: Alaska State Troopers data (1994-2005)

**Table 8. Number of Total, Stalking, and Non-Stalking Charges per Suspect in Alaska Stalking Cases, 1994–2005**

Column percentages

	cumulative		
	N	%	%
<b>Total charges</b>			
Zero	0	0.0 %	0.0 %
One	89	42.2	42.2
Two	65	30.8	73.0
Three	32	15.2	88.2
Four	9	4.3	92.4
Five	6	2.8	95.3
Six or more	10	4.7	100.0
<b>Total suspects</b>	<b>211</b>		

<b>Stalking charges</b>			
Zero	0	0.0 %	0.0 %
One	202	95.7	95.7
Two	7	3.3	99.1
Three	2	0.9	100.0
<b>Total suspects</b>	<b>211</b>		

<b>Non-stalking charges</b>			
Zero	94	44.5 %	44.5 %
One	63	29.9	74.4
Two	29	13.7	88.2
Three	9	4.3	92.4
Four	6	2.8	95.3
Five	4	1.9	97.2
Six or more	6	2.8	100.0
<b>Total suspects</b>	<b>211</b>		

Source of data: Alaska State Troopers data (1994-2005)

**Table 9. Additional Non-Stalking Charges in Alaska Stalking Cases, 1994–2005**

Column percentages

Charge	Non-stalking charges	
	N	%
Assault	60	22.5 %
Violating protective order	56	21.0
Harassment	31	11.6
Criminal trespass	23	8.6
Burglary	15	5.6
Criminal mischief	15	5.6
Violating conditions of release	10	3.7
Sexual assault / abuse	10	3.7
Other public administration offense	10	3.7
Other	7	2.6
Misconduct involving controlled substance	6	2.2
Misconduct involving weapon	5	1.9
Driving offense	5	1.9
Theft	4	1.5
Reckless endangerment	4	1.5
Coercion	4	1.5
Kidnapping	2	0.7
<b>Total</b>	<b>267</b>	

Source of data: Alaska State Troopers data (1994-2005)

**Table 10. Aggravating Factors in Alaska Stalking Cases, 1994–2005**

Row percentages

Factors	No		Yes		Total
	N	%	N	%	
Violated protective order	165	80.5 %	40	19.5 %	<b>205</b>
Violated conditions of release	188	90.8	19	9.2	<b>207</b>
Violated conditions of probation	185	90.7	19	9.3	<b>204</b>
Had prior arrest for stalking victim	175	87.9	24	12.1	<b>199</b>
Had prior arrest for assaulting victim	181	91.9	16	8.1	<b>197</b>
Had prior arrest for harassing victim	190	95.0	10	5.0	<b>200</b>

Source of data: Alaska State Troopers data (1994-2005)

**Table 11. Case Outcomes by Stage in Alaska Stalking Cases, 1994–2005**

Column percentages

Stage	N	% of reported	% of referred	% of accepted
Reported	92	100.0 %	—	—
Referred	69	75.0	100.0 %	—
Accepted	51	55.4	73.9	100.0 %
Convicted	37	40.2	53.6	72.5

Source of data: Alaska Department of Law (1999-2004)

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(continued from page 9)

additional non-stalking charges.

It is important not to over-interpret these results because some categories are represented by extremely low sample sizes (e.g., only two suspects had a prior arrest

**Table 12. Percent Referred, Accepted, and Convicted in Alaska Stalking Cases by Legal Factors, 1994–2005**

Cell percentages

Legal factors	N	% referred	% accepted	% convicted	
Violated protective order	No	72	73.6 %	54.2 %	37.5 %
	Yes	17	88.2	64.7	52.9
Violated conditions of release	No	82	74.4	52.4	36.6
	Yes	8	100.0	100.0	87.5
Violated conditions of probation	No	83	74.7	54.2	39.8
	Yes	5	100.0	80.0	60.0
Had prior arrest for stalking victim	No	78	73.1	50.0	34.6
	Yes	6	100.0	100.0	100.0
Had prior arrest for assaulting victim	No	76	72.4	50.0	38.2
	Yes	8	100.0	87.5	37.5
Had prior arrest for harassing victim	No	84	75.0	53.6	38.1
	Yes	2	100.0	100.0	100.0
Had multiple stalking charges	No	88	76.1	56.8	40.9
	Yes	4	50.0	25.0	25.0
Had additional non-stalking charges	No	40	65.0	37.5	22.5
	Yes	52	82.7	69.2	53.8

Source of data: Alaska State Troopers data & Alaska Department of Law (1999-2004)

**Stalking Cases**

The following individual case summaries, drawn from the sample studied in the accompanying article “Stalking in Alaska” illustrate a range of situations and circumstances in which the Alaska State Troopers issued a stalking charge. The details were taken from the AST case file. The initials of those involved have been changed.

B.W. reported receiving phone calls from S.M.; she reported being frightened for herself and for her family. S.M. had previously pled “no contest” to harassment charges and had been ordered to have no contact with her. At the time of the reported phone calls, he was on probation for the previous harassment offense. During the phone calls, S.M. stated that he was in trouble and needed B.W., that he loved her and found her perfect. In response to this report, the troopers charged him with first degree stalking.

\*\*\*

T.K. reported that she was being stalked and harassed by her boyfriend’s ex-wife, M.D. An order forbidding contact between M.D. and her former husband, P.D., was in place, but there was no provision forbidding contact with the girlfriend T.K. The two former spouses were involved in a child custody case.

T.K. reported that M.D. was making threatening phone calls; that she had destroyed T.K.’s personal property—including cutting up clothes—and had followed T.K. and P.D. to a mall and attempted to force her way into their vehicle. On another occasion she had followed the couple on a berry-picking trip.

M.D. was charged with second-degree stalking, criminal mischief involving personal property and misdemeanor assault.

\*\*\*

N.C. called the troopers to report that P.M., her ex-boyfriend, was in her home yelling and causing a disruption. Another man, who was spending the night, and two of N.C.’s children were present in the house at the time P.M. arrived. She also reported that P.M. had been following her to her workplace and other locations. She had reported to the troopers at least once before. She said she had previously obtained protective orders against P.M. but had let them drop.

N.C.’s employer and a co-worker confirmed that P.M. would regularly appear at the workplace.

N.C. stated that she had made it clear that she no longer wanted a relationship with P.M. He maintained that they still had an active sexual relationship and that he often came to her house late at night. The two have a child together.

P.M. was charged with third degree assault, fourth degree criminal trespass, and second degree stalking.

L.K. reported that her ex-husband S.K. had telephoned her several times that day, leaving threatening messages on her voice mail. He had been served with a protective order two days previously. L.K. stated that S.K. could be violent and that he had been trying to obtain a gun.

When contacted by AST, S.K. said he had only been trying to contact his daughter. He was charged with violating a protective order and stalking in the second degree.

\*\*\*

E.R. called to report that her ex-boyfriend V.L. was pounding on her door and refused to leave. He ran off just before the troopers arrived and was caught shortly afterward.

He had been previously arrested for a crime involving domestic violence against E.R., stalking and criminal trespass. She had had several protective orders against him. She stated that he was violent when drinking and had assaulted her in the past.

The couple had lived together off and on for nine years but not for three years prior to this incident, although they had recently been sexually intimate and he had done work on her property. She stated she had told him she did not want a relationship with him.

For this incident, V.L. was charged with fourth degree assault and second degree stalking.

\*\*\*

I.W. reported to the VPSO that she was being harassed and threatened by her ex-boyfriend J.T. He had been sending her obsessive letters for some time and was threatening to kill her. (Copies of some of the letters are in the AST file.) The two have two children together. They had last lived together three years previously, and she had indicated she no longer wanted a relationship with him.

It appeared that he had followed her from one community to another over a period of time. There had been previous incidents in other towns, including at least one in which the local police were called when J.T. attempted to take one of the children from I.W.

A witness confirmed that J.T. had made threats to kill others if I.W. would not be intimate with him again.

J.T. was charged with second degree stalking.

for harassing the victim). Nonetheless, it is interesting to see the variation in the likelihood of cases being referred, accepted, and convicted. For example, although only six cases had suspects who had a prior arrest for stalking the victim, all six were referred for prosecution, all six were accepted, and all six resulted in a conviction. By comparison, only 34.6 percent of other cases resulted in a conviction. When suspects had a prior arrest for stalking the victim, they were 2.9 times more likely to be convicted.

**Comparisons with National Data**

Few national statistics on stalking are available. The current primary source of information on the offense is the National Violence Against Women Survey (NVAWS). While the numbers are not directly comparable, in looking at the NVAWS statistics and the Alaska figures presented here, we can note several points. First, stalking seems even more underreported and, possibly, underrecognized by law enforcement in Alaska

than in the country as a whole. Second, it is likely that this is particularly true among Alaska Natives. Third, it is likely that the prosecution of stalking is more effective in Alaska than nationally.

Based on NVAWS results, an estimated 2.2 percent of men and 8.1 percent of women in the United States have been stalked at some point in the past (for a total of over two million men and over eight million women). Annual stalking estimates (rather than lifetime estimates) are obviously much lower, with 1.0 percent of women and 0.4 percent of men stalked per year. Nationally, this equates to over one million women and over 370,000 men stalked in a given year. Although we must do so with great caution, we can use these statistics to estimate the prevalence of stalking in Alaska.

Using the annual NVAWS statistics that 1.0 percent of women and 0.4 percent of men are stalked (derived from a sample of 8,000 women and 8,000 men), and assuming that annual rates in Alaska would be similar to annual rates in the U.S., we can estimate that

around 2,100 adult women and 900 adult men are stalked in Alaska in a given year (see Table 13). Further NVAWS estimates suggest that nationally 55 percent of female stalking victims and 48 percent of male stalking victims report to law enforcement. If similar reporting patterns emerged in Alaska, around 1,100 women and over 530 men in Alaska would report a stalking incident in a given year (see Table 14). Alaska's numbers are much lower than those for the rest of the country, something that may be a factor of underreporting by victims or underrecognition by law enforcement.

More accurate estimates of stalking prevalence and reporting patterns will be available only through additional research; nonetheless, even in the absence of this additional research, it is clear that stalking is greatly underreported in Alaska. In 2005, only 17 stalking incidents were reported to the Alaska State Troopers, and statewide from all jurisdictions only 30 stalking cases were referred to the Alaska Department of Law.

The underreporting may be particularly true among Alaska Natives. NVAWS statistics show that "American Indian/Alaska

*Please see Stalking in Alaska, page 12*

**Table 13. Annual Estimates of Stalking Incidents in Alaska by Gender (With and Without Anchorage)**

Gender	Alaska (with Anchorage)			Alaska (without Anchorage)		
	Number of adults	Estimated prevalence	95% confidence interval	Number of adults	Estimated prevalence	95% confidence interval
Women	210,104	2,101	1,681 to 2,521	118,645	1,186	949 to 1,424
Men	226,111	904	678 to 1,130	133,158	533	399 to 666
<b>Total</b>	<b>436,215</b>	<b>3,005</b>	<b>2,359 to 3,651</b>	<b>251,803</b>	<b>1,719</b>	<b>1,348 to 2,090</b>

Source of data: NVAWS (1998); U.S. Census (2000, SF1)

**Table 14. Annual Estimates of Stalking Reports to Law Enforcement in Alaska by Gender (With and Without Anchorage)**

Gender	Alaska (with Anchorage)			Alaska (without Anchorage)		
	Number of victims	Estimated # of reports	95% confidence interval	Number of victims	Estimated # of reports	95% confidence interval
Women	2,101	1,156	1,071 to 1,240	1,186	652	605 to 700
Men	904	434	371 to 497	533	256	218 to 293
<b>Total</b>	<b>3,005</b>	<b>1,590</b>	<b>1,442 to 1,737</b>	<b>1,719</b>	<b>908</b>	<b>823 to 993</b>

Source of data: NVAWS (1998); U.S. Census (2000, SF1)

**Table 15. Number of Adults and Number of Stalking Reports in Alaska by Gender and Race (Without Anchorage)**

Gender	White			Native		
	Number of adults	Number of reports	Rate of reports per 100,000	Number of adults	Number of reports	Rate of reports per 100,000
Women	150,925	165	109.3	150,925	25	16.6
Men	30,554	18	58.9	30,554	2	6.5
<b>Total</b>	<b>167,513</b>	<b>183</b>	<b>109.2</b>	<b>167,513</b>	<b>27</b>	<b>16.1</b>

Source of data: U.S. Census (2000, SF1); Alaska State Troopers data (1994-2005)



**Alaska Justice Forum**

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 Typesetting and Layout: Melissa Green

Justice Center, Robert Langworthy, Director

Published quarterly by the

Justice Center  
 University of Alaska Anchorage  
 3211 Providence Drive  
 Anchorage, AK 99508  
 (907) 786-1810  
 (907) 786-7777 fax  
 ayjust@uaa.alaska.edu  
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© 2007 Justice Center,  
 University of Alaska Anchorage  
 ISSN 0893-8903

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## **Stalking in Alaska** (continued from page 11)

Native women reveal significantly more stalking victimization than women of other racial and ethnic backgrounds.” While 8.2 percent of white women reveal being stalked at some point in their lifetime, 17.0 percent of American Indian/Alaska Native women revealed being stalked at some point in their lifetime. American Indian/Alaska Native women (and men) were the most likely persons to indicate having been stalked at some point in their lifetime—over two times more likely than for whites. This was true for both women and men. (It is important to note that the NVAWS figures do not represent actual reports to law enforcement, but rather self-disclosure of incidents that may or may not have been reported to the police.) By comparison, according to the study, the rates of stalking reported to Alaska State Troopers were 6.6 times higher for white women than for Native women and were 9.1 times higher for White men than for Native men (see Table 15)—rates contradicting national figures. Although these statistical extrapolations are fraught with untested assumptions, it is nonetheless clear that stalking is underreported in Alaska, particularly for Alaska Natives.

But, while stalking may be underreported in Alaska, prosecution seems to

be somewhat more effective. The Alaska Department of Law secured convictions in the cases accepted more often than occurred nationally: while NVAWS results showed that 54 percent of accepted cases resulted in a conviction, 72 percent of the 51 cases accepted by the Alaska Department of Law between 1999 and 2004 resulted in a conviction.

### **Reporting and Early Intervention**

While we do not have any data on why stalking is so underreported, law enforcement hypothesizes that stalking may be underrecognized by victims. NVAWS statistics show other factors may also come into play. Of the victims that did not report to police, 20 percent believed it was not a police matter, 17 percent believed that police could not help, and 16 percent were afraid of reprisal from the stalker. Of the victims that did report to police, 50 percent were not satisfied with police actions and 46 percent thought that police actions did not improve the situation.

Law enforcement might be trained to capitalize on opportunities for early recognition of stalking patterns. Efforts might also be undertaken to raise public awareness of stalking as a crime and report it as such and to further train law enforcement to recognize the signs of stalking. This will increase the

likelihood that suspects who violate stalking statutes are reported to law enforcement and are appropriately charged.

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## **Justice Center Departures**

Professors Robert Langworthy and Darryl Wood are leaving the Justice Center in summer 2007. Langworthy, currently director of the Center, has accepted a position as Chair of the Department of Criminal Justice and Legal Studies at University of Central Florida. Wood has accepted a position at Washington State University Vancouver.

André Rosay will serve as interim director at the Justice Center.



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