

Disproportionate Minority Presence on U.S. Sex Offender Registries



Alissa R. Ackerman¹ and Meghan Sacks²

Justice Policy Journal • Volume 16, Number 2 (Fall, 2018)

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Abstract

U.S. crime policies of the last thirty years have exerted a disproportionate impact on minority offenders. However, registered minority sex offenders are one segment of this population who have received very little attention in empirical research. The current study is an attempt to fill in this gap. In doing so, we utilized publicly available RSO data, collected from each U.S. state and territory from 2012 to 2014, culminating in 488,260 unique RSOs from fifty-four U.S. territories. We examined this robust dataset and found that in every state except Michigan, African Americans have a higher rate of inclusion on sex offender registries. However, we also found that the southern states have the least disparate rates of inclusion.

¹ California State University, Fullerton

² Fairleigh Dickinson University

Corresponding Author: Alissa Ackerman, ackerman@fullerton.edu.

Introduction

The first declines in the U.S. prison population occurred in 2011 and 2012, but the country still boasts the world's largest prison population. Over the last 30 years, U.S. policies and the War on Drugs in particular have been responsible for the disproportionate increase in the number of African Americans serving time behind bars (Travis, 2002). Though not explicitly written as racist policies, the effects of the War on Drugs and the great prison experiment have largely affected communities of color. In what has poignantly been termed "The New Jim Crow", Alexander (2012) articulately lays the foundations for timely conversations about how criminal justice policies have effectively relegated large numbers of black and brown men to legal second-class citizens void of many of the constitutional rights afforded U.S. citizens. While focusing primarily on the War on Drugs, Alexander (2012) points out that many African American men no longer have the right to vote, and suffer extraordinary civil disabilities. Bonczar (2003) estimates that 1 in 3 African American men will serve time in prison during their lifetime. For this reason, and many others, Alexander (2012) suggests that civil rights activists of our time should focus on criminal justice issues, including but not limited to mass incarceration. However, one population that has received little attention from criminal justice scholars and activists is the plight of registered sex offenders (RSOs).

Studies show that RSOs face significant obstacles re-entering society post-incarceration (Levenson & Cotter, 2005; Levenson et al., 2007; Mercado et al., 2008; Tewksbury, 2005; Tewksbury & Lees, 2006; Zevitz & Farkas, 2000). For example, many RSOs have significant difficulties finding and maintaining stable housing and often cannot find adequate employment. The collateral consequences of sex offender registration and notification policies (SORN) are well documented. It should be noted that these consequences are in addition to those suffered simply by being labeled a felon. While some studies have found that sex offenders are more likely to be white than another race (Greenfeld, 1997), others have questioned the disparate effects of SORN on minorities, and African American men in particular (Filler, 2004). In recent years, several studies have analyzed the content and makeup of sex offender registries, but since Filler's work in 2004 none have fully addressed disproportionate minority presence on U.S. sex offender registries. The purpose of this paper is to analyze the content and makeup of the U.S. sex offender registry to determine if and where there is actual disproportionate minority presence.

History of Sex Offender Policies in the United States

The first sex offender registration statute was written into law in California in the

1940s, but it was not until the early 1990s when modern SORN policies were introduced. In 1990, Washington State enacted the Community Protection Act, which among other things, created a statewide sex offender registration policy. In 1994, the federal government introduced and signed into law the Jacob Wetterling Act, which mandated all states to create sex offender registries. Then, in 1996, after the rape and subsequent murder of seven-year old Megan Kanka, the Wetterling Act was amended to include a community notification provision. Now known as “Megan’s Law”, federal law mandates both the registration and community notification of sex offenders in all states and jurisdictions and by 2003, all fifty states had publicly accessible Internet sex offender registry sites. Until recently, however, states had some autonomy in how they structured their SORN policies. The 2006 passage of the Adam Walsh Act required that states adhere to an offense-based classification system, lengthen and standardize registration periods, and increase penalties for sex offenders who fail to register or risk losing federal funding. As of January 2014, only sixteen states are in substantial compliance with the law.

The original intent behind the introduction of SORN policies was to keep repeat and dangerous sexual offenders away from children. After a slew of heinous sexual child homicides committed by strangers, a “web of fear” was created. Filler (2004) points out that in all of these cases, both the victims and the offenders were white. However, well-intentioned SORN was at the time, many now advocate for changing or repealing these laws. Patty Wetterling, the mother of Jacob Wetterling, recently explained that in its current form SORN does not serve the intended purpose of the law because they no longer focus on the RSOs it was initially intended to focus on.

Disproportionality and Criminal Justice Systems

Nothing has contributed more to the mass incarceration of people of color more than the War on Drugs (Alexander, 2012). In fact, Mauer and King (2007) found that while African Americans make up only 14% of drug users, they constitute 56% of people who are serving state prison sentences for drug crimes. Given disparities in crack and cocaine sentencing, federal prison sentences for drug offense committed by African Americans are similar to the amount of time white offenders serve for violent offenses (Mauer & King, 2007). Over 60% of individuals in prison in the United States in 2011 were people of color. Carson and Sabol (2012) found that 37.8% of the U.S. prison population is African American. Disproportionate minority contact extends beyond the adult criminal justice system. According to the National Council on Crime and Delinquency (2007), 17% of juveniles in the U.S. are Black, but African American youth account for 28% of juvenile arrests and 58% of youth in adult prison. There is little debate as to the notion that Black offenders face more

discrimination by criminal justice systems than non-Blacks (Tonry, 1996; Walker, Spohn & Delone, 2004).

The consequences of mass incarceration in general and with disproportionate minority contact, more specifically, are well documented. These effects are evident at both the individual and the community level. For example, convicted felons often lose the right to vote and suffer additional civil disabilities, including the loss of public benefits, public housing, and federal student loans. Similarly, they often face tremendous difficulties finding stable employment and housing (Wheelock, 2005).

Some argue that the effects of mass incarceration have had severe adverse effects on specific communities (Clear, 2007; Braman 2004). In fact, Clear (2007) suggests that the destabilizing effects of mass incarceration may make them more prone to crime. Some residents of communities ravaged by incarceration, especially those who have their own experience with incarceration, often have an adverse relationship with law enforcement (DeFina & Hannon, 2011). The consequences of SORN, particularly for individuals and communities of color, exacerbate the effects of disproportionate minority contact. To date, however, there has been little discussion about the racial aspects of these policies and policy makers, the media, and scholars have remained relatively silent on the issue (Miller, 2004).

Content and Makeup of Sex Offender Registries

Minorities, and especially Black men, are overrepresented in criminal justice systems and populations for a variety of reasons (Miller, 1996) and the consequences of disproportionate minority contact cannot be understated. However, very little research has been conducted that assesses the disparate inclusion of people of color on sex offender registries and the additional burdens of the label “registered sex offender” on people of color.

The body of research focused on understanding sex offender registries at the state and national level is nascent. While a handful of studies attempted to provide a comprehensive analysis of the demographic makeup of the registry (see for instance, Miller, 2004), most research assessing the content, makeup, or structure of the sex offender registry focused on one or a few jurisdictions (Freeman & Sandler, 2009; Levenson, Ackerman, & Harris, 2012; Levenson, et al., 2010; Harris, et al, 2010), or on a small sample of registered sex offenders (Adkins, Huff, & Stageberg, 2000). To date, there has been only one national and comprehensive study conducted that describes the characteristics of the national RSO population. In 2011 Ackerman, Harris, Levenson, and Zgoba consolidated data from the nation’s publicly available sex offender registries and drew several conclusions about the RSO population. Most pertinent to the current study is that finding that, not

surprisingly, 98% of RSOs are male and are predominantly White (66%). However, what was alarming, but not unexpected, was that Black men were over-represented on sex offender registries in comparison to their overall presence in the U.S. population. In 2004, Filler attempted to assess the racialized effects of SORN. He found that African Americans were disproportionately impacted by the registry, both in terms of their overall percentages on the registry, but also in the likelihood that an African American person would become an RSO compared with whites. In all, Filler analyzed data from twenty-seven jurisdictions and found that disparities existed across the states.

Bi-annually, the National Center for Missing and Exploited Children (NCMEC) provides estimates of the RSO population by jurisdiction. The Center produces a publicly available map that provides a state estimate and rate per 100,000 individuals. As of January 2014, NCMEC estimated that just over 769,000 RSOs were in the United States, at a rate of 246 per 100,000 people. Given the incipient nature of scholarship regarding national estimates, the NCMEC estimate has become ubiquitous. However, the most recent studies analyzing national and state level counts, critically questions the accuracy and reliability of NCMEC counts (Ackerman, et al., 2011; Harris, Levenson, & Ackerman, 2012, Levenson, Ackerman, & Harris, 2012). For instance, Ackerman, Levenson, & Harris (2012) found that when they accounted for RSOs who were on the public registry but who were deported, deceased, incarcerated or living in another jurisdiction, that there was a 43% reduction in the number of actual RSOs across five states. In addition, 17% were listed as living in another jurisdiction. In a larger, national analysis, Harris, Levenson & Ackerman, found the 8.9% of RSOs were living outside the jurisdiction in which they were listed.

Not All RSOs are Created Equally

Contrary to the homogenized view of the RSO population, the individual contained within sex offender registries represent diverse demographics, risk profiles, and offense designations (Levenson, Brannon, Fortney, & Baker, 2007; Fortney, Levenson, Brannon, & Baker, 2007; Lieb & Nunlist, 2008; Mears, Mancini, Gertz, & Bratton, 2008). Meta-analyses find that recidivism rates for sex offenders range between 14 and 27% (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; Harris & Hanson, 2004). Similarly, the belief that everyone listed on the sex offender registry has committed a sexual offense against a person is actually far from the truth. In some states, child kidnapping, child endangerment, consensual sexual relations between minors, and public nudity are all registered offenses. In Louisiana, until 2011, it was a registerable offense for someone to offer sexual favors in return for monetary compensation (Ritchie, 2013). This type of law

disproportionately affected women of color. This is of particular importance given the well-documented collateral consequences of SORN policies.

Collateral Consequences of SORN Policies

While little research has addressed the content and makeup of sex offender registries, the body of literature on the collateral consequences of SORN has steadily grown over the last decade. Tewksbury and Levenson (2009) have defined collateral consequences as the secondary consequences of criminal sanctions. Many studies have addressed the experiences that RSOs face post-SORN and they suggest that RSOs face significant issues, including securing housing and employment and losing important interpersonal relationships (Ackerman, Sacks, & Osier, 2012; Beck & Travis, 2006; Burchfield & Mingus, 2008; Levenson & Cotter, 2005; Levenson & Cotter, 2005; Levenson & D'Amora, 2007; Mercado, Alvarez, & Levenson, 2008; Mustaine, Tewksbury, & Stengel, 2006; Tewksbury, 2004; Zevitz & Farkas, 2000). Given these consequences and the effects of residential restrictions, many RSOs face the possibility of homelessness and may abscond from registration requirements or fail to register as a sex offender. Recent studies have addressed these issues. Levenson and her colleagues (2013) analyzed transient and non-transient sex offenders in Florida and found that sex offenders were more likely to become homeless than the general population. Homeless RSOs were more likely to have registry violations. The authors see transience as a consequence of SORN.

The combination of negative consequences may heighten the amount of stress experienced by RSOs (Tewksbury & Levenson, 2009). Paired with the psychosocial effects and concerns about vigilantism, (Ackerman & Sacks, 2012; Ackerman, Sacks, & Osier, 2012), it is possible that an increase in recidivism could result (Colorado Department of Safety, 2004; Hanson & Harris, 2001). Given the known racialized effects of mass incarceration and the known adverse experiences with SORN, it is essential that research examine whether a racially disparate registry exists. No national study of this kind exists and only one study to date has examined the racialized consequences of SORN. Mustaine and Tewksbury (2008) assessed the residential locations of RSOs to see if race influenced where RSOs lived. Census tracts where Black RSOs lived were seen as more socially disorganized than where white RSOs resided. This study is an important step to understanding the racialized effects of SORN, but there remains the need for research analyzing the potential racially disparate makeup of the registry first. If and where disparities exist, it is then important to address the effects of these disparities.

Methodology

This study stems from a larger study aims at developing a comprehensive picture of the current national RSO population. In August 2012, the data collection process began. The author contracted with a computer programmer who designed individual computer programs to download or “scrape” publicly available RSO data from each U.S. state and territory. Each data scrape begins with the same process. The programmer assesses each site to better understand the structure and design of the website and develops a sense of each of navigation and data standardization. After determining these factors and the time necessary to extract the data, a custom tool is built. Each jurisdiction has its own data file. In addition, several states have publicly available data files that can be downloaded from the state registry website. In several instances, the state provided data was utilized instead of the scraped data. Other states provide the same service, but the scraped data provided more depth and was utilized instead. Data collection was finished in the fall of 2013. Of the fifty-seven possible U.S. territories, fifty-four were represented in the data. Puerto Rico, American Samoa, and St. Croix, which utilizes a registry separate from the rest of the Virgin Islands, could not be automated. In total, the data represented, the final data included demographic and offense specific information on 502,741 rows of data. After the removal of double counted (n=7,218), deported (n=6,708), and deceased (n=554) offenders, the final dataset included 488,260 unique RSOs. For this particular part of the larger study, Washington, DC, Maine, the U.S. Virgin Islands, and Northern Mariana Islands were excluded because of inadequate or missing data.

RSOs were delineated by state and by the race/ethnicity variable. The majority of states use the same categorization for this variable: White, Black, Asian/Pacific Islander, and Native American/Alaska Native. Only thirteen jurisdictions utilize Hispanic or Latino as a demographic descriptor. Only three jurisdictions, California, Guam, and Hawaii, use additional descriptors that include nationality. To this end, the race/ethnicity variable was recoded to reflect the following labels: White, Black, Asian/Pacific Islander, Native American/ Alaska Native, and Hispanic. An additional variable was created which collapsed the latter three into one category “other”. Population data were gathered from the 2010 census to create per capita rates by race.

Results

Of the 488,269 RSOs listed on public sex offender registries, just over 450k (n=450,094) had an entry for race/ ethnicity. Of those 11,317 were listed as having an unknown race/ethnicity. Nationally, just over 72% (324,745) of the total were listed as white. An additional 26.5% (n=119,120), 1.32% (n=5,919), 1.74% (n=7,844),

and 4.24% (n=32,848) were listed as Black, Asian, Native American/Pacific Islander, and Hispanic, respectively. Table 1 lists the number of RSOs that make up each of these racial/ ethnic categories and provides each category as a percentage of the total number of publicly registered RSOs. An additional category for “other” combines Asian, Native American/ Pacific Islander, and Hispanic RSOs. The table also provides each category as a percentage of the total publicly registered population.

Of particular importance in the current study is that fewer than 27% of RSOs listed on public registries are Black. Fifteen jurisdictions have a higher percentage of African Americans on the registry than the national figure of 27%, leaving 35 jurisdictions with a lower percentage.

Notably, the jurisdictions with the highest percentages of Black RSOs are predominantly in the southern states. African Americans comprise almost 50% of the Mississippi, Maryland, and Louisiana registries. Delaware, New Jersey and Georgia range between 43 and 45% African American and between 36 and 39% of individuals on the registries in South Carolina, Minnesota, Virginia, Alabama, North Carolina and Illinois are Black. In twelve jurisdictions, less than 5% of the RSO population was Black. Five of the twelve (North Dakota, New Hampshire, Guam, Vermont, and Wyoming) were less than 3% and two (Montana and Idaho) were less than 2% Black. In every single case, the percent of RSOs in these states that were identified as Black was higher than the percent of the state population that was described as such.

Per Capita Rates

Percentages often do not provide enough detail to fully demonstrate the extent of disproportionate minority presence. To better discern the degree to which disproportionate minority presence is at issue, per capita rates were calculated using state population totals broken down by race. Per capita rates were calculated by taking the total number of RSOs of a given race divided by the race total in a state. This number was then multiplied by 10,000 to give a final rate per 10,000 people.

In every state except Michigan, African Americans have a higher rate of inclusion on sex offender registries. While the per capita rate for Whites nationally is 16.68 and ranges from .35 in Minnesota to 46.24 in Texas, the per capita rate for Blacks is 31.78 nationally and ranges from 3.90 in Minnesota to 98.29 in South Dakota. The data provided for the “other” category is somewhat limited given that the majority of states do not list Hispanic/Latino RSOs as such. Nonetheless, the per capita rate for this category nationally is 4.21 and ranges from .09 in New Jersey to 79.38 in

Alaska. Table 3 shows comparative per capita rates. It suggests that some states have similar rates of inclusion vis-a-vis race, while others are distinctly disparate.

Table 1. RSO makeup by state and race

State	Scrape Total	Total race/ ethnicity	White		Black		Asian		Native		Hispanic		Other	
			n	%	n	%	n	%	n	%	n	%	n	%
Alabama	9831	9158	5699	62.23	3442	37.58	7	0.08	10	0.11			17	0.19
Alaska	2928	2898	1062	36.65	119	4.11	66	2.28	1651	56.97			1717	59.25
Arizona	5562	5524	4090	74.04	528	9.56	19	0.34	887	16.06			906	16.4
Arkansas	3841	3784	2842	75.11	926	24.47	10	0.26	6	0.16			16	0.42
California	49002	48137	21288	44.22	8725	18.13	1677	3.48	484	1.01	15963	33.16	18124	37.65
Colorado	8778	8331	7412	88.97	735	8.82	83	1	101	1.21			184	2.21
Connecticut	5488	5235	2670	51	1523	29.09	26	0.5	10	0.19	1006	19.22	1042	19.9
Delaware	1833	1800	1018	56.56	780	43.33	2	0.11		0			2	0.11
Florida	23168	22922	16898	73.72	5939	25.91	56	0.24	29	0.13			85	0.37
Georgia	18501	18475	10091	54.62	8320	45.03	47	0.25	17	0.09			64	0.35
Guam	641	525	44	8.38	12	2.29	461	87.81	2	0.38	6	1.14	469	89.33
Hawaii	2666	2352	686	29.17	139	5.91	1450	61.65	9	0.38	68	2.89	1527	64.92
Idaho	3295	3244	3068	94.57	36	1.11	22	0.68	118	3.64			140	4.32
Illinois	26617	22283	14236	63.89	7785	34.94	139	0.62	123	0.55			262	1.18
Indiana	11338	11240	9334	83.04	1673	14.88	29	0.26	27	0.24	177	1.57	233	2.07
Iowa	5445	5017	4426	88.22	496	9.89	32	0.64	63	1.26			95	1.89
Kansas	5346	5318	4359	81.97	858	16.13	41	0.77	60	1.13			101	1.9
Kentucky	7011	6876	5878	85.49	972	14.14	13	0.19	13	0.19			26	0.38
Louisiana	10755	10244	5259	51.34	4810	46.95	29	0.28	59	0.58	87	0.85	175	1.71
Maryland	8501	8271	4256	51.46	3940	47.64	65	0.79	10	0.12			75	0.91
Massachusetts	3454	3439	2642	76.82	764	22.22	18	0.52	15	0.44			33	0.96
Michigan	10945	10869	9366	86.17	1369	12.6	41	0.38	93	0.86			134	1.23
Minnesota	288	285	156	54.74	110	38.6	5	1.75	14	4.91			19	6.67
Mississippi	5416	5136	2582	50.27	2479	48.27	1	0.02	74	1.44			75	1.46
Missouri	14310	14279	11551	80.9	2669	18.69	35	0.25	24	0.17			59	0.41
Montana	2231	2124	1766	83.15	35	1.65	5	0.24	318	14.97			323	15.21
Nebraska	3466	3428	2916	85.06	389	11.35	28	0.82	95	2.77			123	3.59
Nevada	3004	3003	2136	71.13	735	24.48	68	2.26	64	2.13			132	4.4
New Hampshire	2210	2150	2087	97.07	52	2.42	5	0.23	6	0.28			11	0.51

New Jersey	3841	3495	1895	54.22	1578	45.15	21	0.6	1	0.03			22	0.63
New Mexico	2818	2742	1989	72.54	97	3.54	7	0.26	505	18.42	144	5.25	656	23.92
New York	20073	18190	11722	64.44	6265	34.44	94	0.52	109	0.6			203	1.12
North Carolina	17974	16986	10356	60.97	6278	36.96	64	0.38	288	1.7			352	2.07
North Dakota	598	564	372	65.96	16	2.84	2	0.35	174	30.85			176	31.21
Ohio	17994	17772	12893	72.55	4441	24.99	50	0.28	36	0.2	352	1.98	438	2.46
Oklahoma	7278	7270	5552	76.37	923	12.7	45	0.62	536	7.37	214	2.94	795	10.94
Oregon	723	719	572	79.55	80	11.13	3	0.42	64	8.9			67	9.32
Pennsylvania	15063	14913	11075	74.26	3703	24.83	101	0.68	34	0.23			135	0.91
Rhode Island	597	568	381	67.08	108	19.01	4	0.7	3	0.53	72	12.68	79	13.91
South Carolina	11962	11883	6793	57.17	4716	39.69	19	0.16	38	0.32	87	0.73	144	1.21
South Dakota	3211	3136	2131	67.95	115	3.67	13	0.41	877	27.97			890	28.38
Tennessee	19910	18357	12944	70.51	5311	28.93	67	0.36	35	0.19			102	0.56
Texas	71269	65355	50277	76.93	14761	22.59	263	0.4	54	0.08			317	0.49
Utah	7009	6864	5646	82.26	229	3.34	94	1.37	207	3.02	688	10.02	989	14.41
Vermont	1160	1150	1119	97.3	24	2.09	5	0.43	2	0.17			7	0.61
Virginia	19201	18626	11300	60.67	7177	38.53	134	0.72	15	0.08			149	0.8
Washington	5764	5695	4233	74.33	802	14.08	129	2.27	310	5.44	221	3.88	660	11.59
West Virginia	3557	3498	3330	95.2	161	4.6	4	0.11	3	0.09			7	0.2
Wisconsin	11393	11338	8941	78.86	1943	17.14	316	2.79	138	1.22			454	4
Wyoming	1475	1475	1406	95.32	32	2.17	4	0.27	33	2.24			37	2.51
Total	502740	476713	324745	72.15	119120	26.47	5919	1.32	7844	1.74	19085	4.24	32848	7.3

While the likelihood of inclusion for African Americans is higher in every state except Michigan, the southern states have the least disparate rates of inclusion. For instance, in Florida, Mississippi, Alabama, Georgia, Arkansas, and South Carolina, the comparative rates of inclusion are 1.36, 1.50, 1.54, 1.56, 1.65 and 1.65, respectively. That is, African Americans are 1.36 times more likely to be included on public registries than are Whites in Florida. Conversely, in Massachusetts, Rhode Island, New Jersey, Washington, Connecticut, Oregon, and Minnesota, African Americans are far more likely to be placed on public sex offender registries. African Americans are 3.61, 3.72, 4.00, 4.26, 4.32, 7.20, and 10.99 times more likely to be listed on public sex offender registries in Massachusetts, Rhode Island, New Jersey, Washington, Connecticut, Oregon, and Minnesota, respectively.

The ability to discern differences for RSOs described as “other” is limited by the way states categorize individuals by race/ ethnicity. Most states therefore have very low per capita rates for RSOs in this category. One noteworthy exception is states that have large Native populations or list individuals at Hispanic/Latino. For

instance, Hawaii, Connecticut, North Dakota, Utah, Montana, South Dakota, and Alaska all boast higher per capita rates than other states. The disparate inclusion of Native populations and Hispanics is still high in some of these states but is not as widespread as the disparate inclusion of African Americans. For example in North and South Dakota, individuals categorized as “other” are 2.37 and 2.62 times more likely to be included on public registries and in Alaska, Native Alaskans are 3.47 times more likely to be included than Whites.

Table 2. Per capita rates for white, black, and other per 10,000 people

State	Per capita white	Per capita black	per capita other
Alabama	17.84	27.51	0.51
Alaska	22.90	71.69	79.38
Arizona	11.48	20.47	3.28
Arkansas	13.00	21.44	0.56
California	14.22	41.16	8.79
Colorado	20.57	37.20	1.44
Connecticut	10.59	45.76	15.78
Delaware	17.52	43.55	0.14
Florida	15.21	20.67	0.17
Georgia	18.74	29.25	0.46
Hawaii	28.71	77.65	14.27
Idaho	23.66	28.71	5.13
Illinois	17.73	43.54	0.91
Indiana	17.91	29.12	4.21
Iowa	17.01	56.62	2.90
Kansas	20.06	53.86	2.18
Kentucky	15.99	30.18	0.82
Louisiana	18.87	34.10	6.22
Maryland	13.65	24.05	0.70
Massachusetts	5.38	19.43	0.27
Michigan	12.55	10.29	1.46
Minnesota	0.35	3.90	0.30
Mississippi	15.24	22.83	5.96
Missouri	24.19	40.01	1.22
Montana	20.12	58.96	29.91
Nebraska	20.26	49.68	3.90
Nevada	15.39	33.36	1.21
New Hampshire	17.27	32.70	1.38
New Jersey	3.73	14.95	0.09
New Mexico	23.27	33.22	5.64

New York	10.58	22.84	0.37
North Carolina	17.16	31.15	2.39
North Dakota	6.55	18.18	17.14
Ohio	14.03	32.61	5.48
Oklahoma	23.05	34.54	7.56
Oregon	1.89	13.63	0.85
Pennsylvania	10.95	27.69	1.09
Rhode Island	4.85	18.03	4.21
South Carolina	22.29	36.75	4.83
South Dakota	31.20	98.29	73.80
Tennessee	27.06	51.09	1.99
Texas	46.24	49.96	0.27
Utah	24.59	73.16	19.99
Vermont	19.36	35.29	2.34
Virginia	21.82	47.59	1.22
Washington	8.81	37.51	3.71
West Virginia	19.71	28.80	1.06
Wisconsin	19.12	65.49	6.59
Wyoming	28.90	37.85	4.90
Total	16.68	31.78	4.21

Table 3. Comparative rates for white vs. black and white vs. other

State	Comparative white v. black	Comparative white v. other
Alabama	1.54	0.03
Alaska	3.13	3.47
Arizona	1.78	0.29
Arkansas	1.65	0.04
California	2.90	0.62
Colorado	1.81	0.07
Connecticut	4.32	1.49
Delaware	2.49	0.01
Florida	1.36	0.01
Georgia	1.56	0.02
Hawaii	2.70	0.50
Idaho	1.21	0.22
Illinois	2.46	0.05
Indiana	1.63	0.23
Iowa	3.33	0.17
Kansas	2.68	0.11

Kentucky	1.89	0.05
Louisiana	1.81	0.33
Maryland	1.76	0.05
Massachusetts	3.61	0.05
Michigan	0.82	0.12
Minnesota	10.99	0.84
Mississippi	1.50	0.39
Missouri	1.65	0.05
Montana	2.93	1.49
Nebraska	2.45	0.19
Nevada	2.17	0.08
New Hampshire	1.89	0.08
New Jersey	4.00	0.02
New Mexico	1.43	0.24
New York	2.16	0.03
North Carolina	1.81	0.14
North Dakota	2.78	2.62
Ohio	2.32	0.39
Oklahoma	1.50	0.33
Oregon	7.20	0.45
Pennsylvania	2.53	0.10
Rhode Island	3.72	0.87
South Carolina	1.65	0.22
South Dakota	3.15	2.37
Tennessee	1.89	0.07
Texas	1.08	0.01
Utah	2.98	0.81
Vermont	1.82	0.12
Virginia	2.18	0.06
Washington	4.26	0.42
West Virginia	1.46	0.05
Wisconsin	3.42	0.34
Wyoming	1.31	0.17
Total	1.91	0.25

Discussion and Conclusion

While Alexander (2012) and many other scholars have documented the disparate treatment of and impact on people of color in the criminal justice system, particularly in terms of mass incarceration, very little research has been conducted that assesses the impact of sex offender policy on minorities. The only study to do

so was conducted by Filler in 2004 and did not include all jurisdictions. The current study supports Filler's findings and adds to the field of research because it includes a larger percentage of the states. This study, however, looked specifically at the disparate inclusion of people of color on public sex offender registries as opposed to analyzing all sex offenders including those not subject to public notification.

Overall, the findings of this study suggest that certain groups of people have a disproportionate likelihood of inclusion on public sex offender registries. While the southern states have a higher percentage of African Americans on their registries compared to other states, they boast greater racial balance disproportionately impacted by placement on public sex offender registries.

It appears that states that utilize broad notification policies, meaning they require all or most sex offenders, regardless of risk, to register are more racially balanced than states that only list higher risk offenders. For instance, Washington State does not include RSOs deemed to be a low risk to the community on its public sex offender registry. African Americans are over four times more likely to be listed on the public site than are White RSOs. Oregon only publicly registers offenders deemed predators and Minnesota's public registry is utilized specifically for individuals who are Level 3, or the highest risk offenders. African Americans are 7 and 10 times more likely to be on these sites in Oregon and Minnesota, respectively.

Research shows that both legal and extralegal factors influence the decision making process of the sentencing, and more recently, the pretrial phase of the criminal justice process (Kramer & Steffensmeier, 1993; Sacks & Ackerman, 2012; Spohn & Cederblom, 1991; Spohn, Gruhl, & Welch, 1981; Spohn & Holleran, 2000; Steffensmeier & Demuth, 2001; Steffensmeier, Ulmer, & Kramer, 1998). More specifically, despite the notion that every person had the right to a fair and equal justice process, race, ethnicity, gender, and age all can influence the criminal justice decision-making process. The findings from the current study suggest that race certainly plays a factor in decisions regarding which individuals should be placed on public sex offender registries, particularly in states that utilize risk-based classifications to do so.

One good example of the racialized impact of crime policy is that White youth are more likely to report drug use than young people of color, but it is people of color who are disproportionately arrested, convicted, and sentenced for these crimes. The same may be true for sex crimes. Because victims of sexually based offenses are less likely to report their victimization and because there are few data sources that delineate offenders or arrests for sex crimes by race, it is difficult to determine whether people of color are more likely to be funneled through the

criminal justice process for sex crimes compared to their rate of offending. That said, based on data from the Bureau of Justice Statistics (2010) we know that African Americans have higher arrest rates for both forcible rape and other sex offenses. Specifically, the forcible rape arrest rates for Whites is 6.78 per 10,000 White people in the U.S. population, compared to 16.81 for African Americans. For all other sexually based offenses, the arrest rate for Whites is 27.48 compared to 45.70 for African Americans. Further research is necessary to fully untangle the racialized effects of the criminal justice process for sex crimes beginning with arrest through placement on state sex offender registries.

It could be, though it is highly unlikely, that African Americans actually commit sex crimes at a higher rate than their White counterparts do. It is also possible that victims of sex crimes committed by African Americans are more likely to report their victimization to law enforcement. This could be based on the misguided perception that African Americans are more dangerous or more likely to be criminal than Whites. Regardless, in several states people of color are far more likely to experience the stigmatizing and life altering effects of public sex offender registration in addition to those suffered by having the label of convicted felon. The long-term effects of disproportionate minority presence in the criminal justice system and on public sex offender registries should not and cannot be understated.

Despite the findings of this study furthering the field, it is limited in several ways. First, the study does not account for individuals who are registered sex offenders but are not subject to public notification. Often, these individuals must still follow the same registration requirements and endure the same collateral consequences as their publicly registered counterparts. Future researchers should seek to determine the racial and ethnic makeup of these individuals to fully account for disproportionate minority presence. Additionally, because states are limited in how they define race and ethnicity, the findings related to "other" races should be taken with caution. It is likely that if all jurisdictions included a more inclusive list that included, among other things, Hispanic/Latino, the findings would be strikingly different. Finally, this study looked only at rates and percentages and cannot speak to the lived experiences or actual impacts on the lives of RSOs of color in comparison to their White counterparts. This type of work is important, necessary, and timely.

Though the body of literature illuminating racial disproportionality in the criminal justice system is substantial and noteworthy, Alexander's (2012) seminal work instilled a sense of urgency and the need for activism for one of the greatest civil rights issues of our time. The racialized effects of mass incarceration is

pertinent here. Her work focused almost exclusively on the War on Drugs, but articulated the phenomenon in a way that the public could fully grasp. Hopefully, this study is one of the first of many that begins to illustrate that disproportionate minority presence extends well beyond the War on Drugs and impacts small, often ignored, segments of the criminal justice system.

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About the Authors

Alissa R. Ackerman, Ph.D. is a criminologist and sex crimes policy researcher at California State University, Fullerton. She has written over 30 publications on sexual violence and sex crimes policy and practice, with her work appearing in several of the top criminal justice journals. Her e-mail is ackerman@fullerton.edu.

Meghan Sacks, Ph.D., is an assistant professor and Criminology Program Director in the Department of Social Sciences and History at Fairleigh Dickinson University. Her research interests include bail reform, plea bargaining, sentencing policy and correctional program evaluations. Her work has been published in various outlets, including *Justice Quarterly*, *Criminal Justice Studies* and *Punishment & Society*. Prior to her academic career, Meghan served as a United States Probation Officer in the Southern District of New York. Her e-mail is megsacks@fdu.edu.