

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, : CASE No. 2017-1778  
: :  
PLAINTIFF- APPELLANT : :  
: : ON APPEAL FROM THE HAMILTON  
V. : : COUNTY COURT OF APPEALS  
: : FIRST APPELLATE DISTRICT  
RONALD AMOS, : :  
: :  
DEFENDANT-APPELLEE : C.A. CASE NOS. C-160717 & C-160718

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BRIEF OF *AMICI CURIAE*, OFFICE OF THE OHIO PUBLIC DEFENDER ET AL.  
IN SUPPORT OF APPELLEE RONALD AMOS

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### **Statement of Interest of *Amici Curiae***

The **Office of the Ohio Public Defender** is a state agency, designed to represent adult and juvenile defendants, and to coordinate defense efforts throughout Ohio. The Office of the Ohio Public Defender, through its Juvenile Department, provides juveniles who have been committed to the Ohio Department of Youth Services, with their constitutional right of access to the courts. *See generally John L. v. Adams*, 969 F.2d 228 (6th Cir.1992). Like this Court, the Office of the Ohio Public Defender is interested in the effect of the law that the instant case will have on those parties who are, or may someday be involved in, similar litigation. Accordingly, the Office of the Ohio Public Defender has an enduring interest in protecting the integrity of the justice system, ensuring equal treatment under the law, and safeguarding the rehabilitative purpose of the juvenile court system. To this end, the Office of the Ohio Public Defender supports the fair, just, and correct interpretation and application of Ohio's juvenile rules and laws.

**Juvenile Law Center** advocates for rights, dignity, equity, and opportunity for youth in the juvenile justice and child welfare systems through litigation, appellate advocacy and submission of amicus briefs, policy reform, public education training, consulting, and strategic communications. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center strives to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values.



Juvenile Law Center has represented hundreds of young people and filed influential amicus briefs in state and federal cases across the country.

The **National Juvenile Defender Center (NJDC)** was created to ensure excellence in juvenile defense and promote justice for all children. NJDC responds to the critical need to build the capacity of the juvenile defense bar in order to improve access to counsel and quality of representation for children in the justice system. NJDC gives juvenile defense attorneys a more permanent capacity to address important practice and policy issues, improve advocacy skills, build partnerships, exchange information, and participate in the national debate over juvenile justice. NJDC provides support to public defenders, appointed counsel, child advocates, law school clinical programs, and non-profit law centers to ensure quality representation and justice for youth in urban, suburban, rural, and tribal areas. NJDC also offers a wide range of integrated services to juvenile defenders and advocates, including training, technical assistance, advocacy, networking, collaboration, capacity building, and coordination. NJDC has participated as Amicus Curiae before the United States Supreme Court, as well as federal and state courts across the country.

The **Association for the Treatment of Sexual Abusers (ATSA)** is a non-profit, international, multi-disciplinary professional association of more than 3,000 specialists dedicated to the research and prevention of sexual assault. ATSA's membership includes leading researchers in the study of sexual violence as well as professionals who evaluate and treat sexual offenders, sexually violent predators, and victims. Members work closely with public and private organizations such as prisons, probation

departments, law enforcement agencies, child protection services, prosecutors, public defenders' offices, victim advocacy groups, and state legislatures to enhance awareness of and protection from sexual assault. ATSA advocates for sound research, effective treatment, and evidence-based policies and statutes that seek to protect the public from sexual violence while allowing for the rehabilitation of individuals who have sexually offended. ATSA's interest in this case is to offer an informed perspective on the current research regarding recidivism rates among sexual offenders and the effective and appropriate use of sanctions.

**Catherine L. Carpenter** is the Honorable Arleigh M. Woods and William T. Woods Professor of Law at Southwestern Law School. Professor Carpenter teaches and writes in the area of criminal law and is a recognized national expert in sex crimes and sex offender registration laws. She was elected to the American Law Institute (ALI) in 2012 where she serves on the Advisory Committee examining the Model Penal Code's laws on sexual assault. For the past 15 years, the focus of Professor Carpenter's scholarship has been on the injustice of sex offender registration and community notification laws. Her work has been cited by courts and academics, and used by attorneys advocating for their clients. Her law review articles *The Evolution of Unconstitutionality in Sex Offender Registration Laws*, 63 Hastings L.J. 1071 (2012) and *Legislative Epidemics: A Cautionary Tale of Criminal Laws that Have Swept the Country*, 58 Buff.L.Rev. 1 (2010) were cited by members of the Maryland Court of Appeals in *Doe v. Department of Public Safety and Correctional Services*, 62 A.3d 123 (Md.2015) which overturned Maryland's sex offender registration laws on *ex post facto*

grounds. *Legislative Epidemics* was also cited by the District Court of Alabama in *McGuire v. Strange*, 83 F.Supp.3d 1231 (Md.Ala.2015) and *In re Nick H.*, 123 A.3d 229 (Md.App.2015). Her recent scholarship has highlighted the injustice of juvenile sex offender registration laws. *Against Juvenile Sex Offender Registration*, 82 U.Cin.L.Rev. 746 (2014) and *Throwaway Children: The Tragic Consequences of a False Narrative*, 45 Sw.L.Rev. 461 (2016), argue that juvenile sex offender registration violates fundamental tenets of the juvenile justice system and is based on the false presumption of high recidivism rates. *Throwaway Children* was quoted favorably by the dissent in *Interest of T.H.*, 913 N.W.2d 578, 603 (2018).

The **Justice for Children Project** at the Moritz College of Law at The Ohio State University was founded in 1998. Since then the Justice for Children Project has performed research and advocacy on behalf of a very vulnerable population: children. The Project houses the Justice for Children Clinic, which affords third-year law students with the opportunity to learn and zealously advocate for the rights of children across a variety of systems. Students in the clinic work towards the expressed goals of their client and represent children in neglect and dependency proceedings, delinquency cases, immigration adjustments and educational issues. Both the Project and the Clinic are supervised by Clinical Professor of Law Kimberly P. Jordan.

The **Children's Law Center, Inc. (CLC)** is a non-profit organization committed to the protection and enhancement of the legal rights of children. CLC strives to accomplish this mission through various means, including providing legal representation for youth and advocating for systemic and societal change. For nearly 30

years, CLC has worked in many settings, including the fields of special education, custody, and juvenile justice, to ensure that youth are treated humanely, can access services, and are represented by counsel. For the past ten years, CLC has worked on issues facing Ohio youth prosecuted in juvenile and adult court, ensuring that youth receive constitutionally required protections and due process in educational settings, as well as delinquency and criminal court proceedings, including juvenile sexual offender registration cases.

### Statement of the Case and Facts

*Amici curiae* adopts the Statement of the Case and Facts set forth in Appellee's Merit Brief.

### Argument

**Proposition of Law of *Amici Curiae*: The juvenile court's failure to follow the procedural requirements in R.C. 2152.84 violates a child's right to due process.**

May 15, 2017 marked the 50th anniversary of the U.S. Supreme Court's landmark decision guaranteeing basic due process rights to children in juvenile court. *In re Gault*, 387 U.S. 1, 33, 87 S.Ct. 1428, 18 L.Ed.2d 527 (1967) (holding that children are entitled to due process and fair treatment). In *Gault*, the Court held that children charged with delinquency have a constitutional right to counsel, confront and cross-examine witnesses at hearings, adequate notice of charges, and safeguards against self-incrimination. *Id.* The decision represented a fundamental shift in juvenile court procedure. As the Court noted, "[p]rocedure is to law what 'scientific method' is to science." *Id.* at 21. The procedure ensures regularity and confidence in the outcome.

However, the procedural irregularities in the case below are more reminiscent of the pre-*Gault* era in juvenile court.

Ronald Amos was not provided basic due process. The juvenile court did not comply with the procedural and timing requirements set forth in R.C. 2152.84. See *In re D.S.*, 146 Ohio St.3d 182, 2016-Ohio-1027, 54 N.E.3d 1184, ¶ 37 (“The imposition of juvenile-offender-registrant status \* \* \* with corresponding duties lasting beyond age 18 or 21 includes sufficient procedural protections to satisfy the due-process requirement of fundamental fairness.”). However, although neither Ronald nor his parents were present at the R.C. 2152.84 hearing, the juvenile court held the hearing in his absence. *State v. Amos*, 1st Dist. Hamilton No. C-160717, C-160718, 2017-Ohio-8448, ¶ 1. Ronald did not have counsel to advocate on his behalf. There was no opportunity for Ronald to advocate for his interests, or demonstrate how his disposition was effective and why the classification was no longer warranted. Instead, the juvenile court made assumptions without hearing from Ronald, his family, or counsel; and determined that Ronald must continue to register. This hearing, relegated to assumptions and without the benefit of advocacy or questioning, does not comport with the procedural regularity required by *Gault*. *Gault* at 21, 33. A juvenile court hearing held contrary to statutorily-mandated procedure and in a child’s absence, to determine a vital question about the child’s rehabilitation and future, is fundamentally unfair. In the context of sex offender classification and registration, the impact of this constitutionally-flawed hearing is life altering.

**A. For youth, sex offender registration requirements are particularly harsh.**

In 2011, at age 15, the Hamilton County Juvenile Court classified Ronald as a Tier I juvenile sex offender registrant, with a duty to register every year for a period of 10 years. *Amos* at ¶ 1. By law, Ronald must personally register with the sheriff of the county in which he lives. R.C. 2950.04. This process includes completing a registration form and providing personal information to the county sheriff, including picture, name, aliases, social security number, birth date, license plate number, driver's license number, email addresses, and telephone numbers. R.C. 2950.04. If Ronald travels to a different county and stays in that county for more than 3 consecutive days, or for 14 days in a 30-day period, he must also personally register with the sheriff of that county. R.C. 2950.01, 2950.041. If Ronald moves to a different address, he must provide notice to the county sheriff. R.C. 2950.111. This information is public record and subject to disclosure on a background check. R.C. 2950.081. And, as was demonstrated in this case, if Ronald fails to meet any of the registration requirements after the age of 18, he is subject to an adult felony conviction and a potential prison sentence. R.C. 2950.06, 2950.99. The procedural hurdles of registration are difficult for young people without stable housing and employment.

Additionally, the label of "sex offender" carries demonstrably false connotations and causes irreparable harm to the reputations of those so labeled. In 2014, the Pennsylvania Supreme Court recognized that the "common view of registered sexual offenders is that they are particularly dangerous and more likely to reoffend than other criminals," a fact inconsistent with research. *In re J.B.*, 107 A.3d 1, 16 (Pa.2014). The

presumption that registered sex offenders are dangerous is inherent in Ohio's law as follows: "Sex offenders and child-victim offenders pose a risk of engaging in further sexually abusive behavior even after being released from imprisonment, a prison term, or other confinement or detention, and protection of members of the public from sex offenders and child-victim offenders is a paramount governmental interest." R.C. 2950.02(A)(2). However, this presumption and the negative message communicated about registered sex offenders is false. See Catherine L. Carpenter & Amy E. Beverlin, *The Evolution of Unconstitutionality in Sex Offender Registration Laws*, 63 *Hastings L.J.* 1071, 1073 (2012).

**B. Uncontroverted research demonstrates that individuals who sexually offend as children are unlikely to recidivate.**

In the past decade, the U.S. Supreme Court has issued a number of decisions rooted in the science of adolescent development, reduced culpability, and diminished capacity. *Miller v. Alabama*, 567 U.S. 460, 471-472, 132 S.Ct. 2455, 183 L.Ed.2d 407 (2012); *J.D.B. v. North Carolina*, 564 U.S. 261, 272, 131 S.Ct. 2394, 180 L.Ed.2d 310 (2011); *Graham v. Florida*, 560 U.S. 48, 68, 130 S.Ct. 2011, 176 L.Ed.2d 825 (2010); *Roper v. Simons*, 543 U.S. 551, 569, 125 S.Ct. 1183, 161 L.Ed.2d 1 (2005). The research supporting these cases demonstrates that "transient rashness, proclivity for risk, and inability to assess consequences—both lessened a child's 'moral culpability' and enhanced the prospect that, as the years go by and neurological development occurs, his 'deficiencies will be reformed.'" *Miller* at 472. The research on adolescent sexual offending fully comports

with the Court's precedent. Children who commit sex offenses are unlikely to reoffend sexually and have great capacity to mature and change.

Research examining the recidivism rates of youth who sexually offend is consistent across studies, time, and populations—sexual recidivism rates among youth are exceptionally low, particularly as they age into young adulthood. Michael F. Caldwell, *Study Characteristics and Recidivism Base Rates in Juvenile Sex Offender Recidivism*, 54 *Int'l J. Offender Therapy & Comparative Criminology* 197, 198 (2010) (citing to recidivism studies dating back to 1994); see also Michael F. Caldwell, *Sexual Offense Adjudication and Recidivism Among Juvenile Offenders*, 19 *Sexual Abuse: J. Research & Treatment* 107, 112 (2007), available at [http://www.njjn.org/uploads/digital-library/resource\\_557.pdf](http://www.njjn.org/uploads/digital-library/resource_557.pdf); Michael F. Caldwell et al., *An Examination of the Sex Offender Registration and Notification Act as Applied to Juveniles: Evaluating the Ability to Predict Sexual Recidivism*, 14 *J. Psychology, Pub. Policy, & Law* 89, 91 (2008), available at <http://www.ncjfcj.org/sites/default/files/examinationofthesexoffender.pdf>; Franklin E. Zimring et al., *Investigating the Continuity of Sex Offending: Evidence from the Second Philadelphia Birth Cohort*, 26 *Justice Quarterly* 58, 58 (2009), available at <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1590&context=facpubs>.

A meta-study of 63 studies and more than 11,200 children found an average sexual recidivism rate of just 7.08% over a nearly 5-year period of time. Caldwell, *Study Characteristics and Recidivism Base Rates in Juvenile Sex Offender Recidivism* at 197, 201-202. Another recent large-scale meta-analytic study identified the estimated base rate for sexual recidivism in juveniles adjudicated for a sexual crime falls approximately



between 3% and 10%, with a global average of approximately 5%. Michael F. Caldwell, *Quantifying the Decline in Juvenile Sexual Recidivism Rates*, 22(4) *J. Psychology, Pub. Policy, & Law* 414, 419 (2017).

When the rare repeat sexual offenses do occur, it is nearly always within the first few years following the original adjudication. Caldwell, *Study Characteristics and Recidivism Base Rates in Juvenile Sex Offender Recidivism* at 205. Children who sexually offend seldom repeat their harmful conduct and appropriate treatment significantly reduces sexual reoffending even further. Illinois Juvenile Justice Commission, *Improving Illinois' Response to Sexual Offenses Committed by Youth: Recommendations for Law, Policy, and Practice*, at 28-36 (2014), available at <https://tinyurl.com/ycnekqvl>. These rates are compared with a 13% recidivism rate for adults who commit sex offenses. Human Rights Watch, *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US*, at 30 (2013), available at [https://www.hrw.org/sites/default/files/reports/us0513\\_ForUpload\\_1.pdf](https://www.hrw.org/sites/default/files/reports/us0513_ForUpload_1.pdf).

The low recidivism rate is consistent with what we know about children. Children tend to offend based on impulsivity and sexual curiosity, among other reasons. See Michael F. Caldwell, *What We Do Not Know about Juvenile Sexual Re-offense Risk*, 7 *Child Maltreatment* 291, 296 (2002) (“[T]here is a strong trend toward desisting \* \* \* offending as the offender age increases just a few years.”); Judith V. Becker & Scotia J. Hicks, *Juvenile Sexual Offenders: Characteristics, Interventions, and Policy Issues*, 989 *Annals NY Acad.Sci.* 397, 399-400, 406 (2003); Caldwell, *Study Characteristics and Recidivism Base Rates in Juvenile Sex Offender Recidivism*, 54 *Int’l J. Offender Therapy &*

Comparative Criminology at 197-198. Additionally, children “are more susceptible to peer influence, have heightened sensitivity to immediate rewards, and possess less self-regulation.” Jeffrey C. Sandler et al., *Juvenile Sexual Crime Reporting Rates Are Not Influenced by Juvenile Sex Offender Registration Policies*, 23(2) *J. Psychology, Pub. Policy, & Law* 131, 137 (2017). With maturation, a better understanding of sexuality, and decreased impulsivity, most of these behaviors stop and only a small fraction of juvenile offenders will maintain sexually-deviant behavior in adulthood. See Caldwell, *Study Characteristics and Recidivism Base Rates in Juvenile Sex Offender Recidivism* at 205.

Additionally, sexual recidivism cannot be predicted by offense. The existing research has not identified any stable, offense-based risk factors that reliably predict sexual recidivism in adolescents. Ashley B. Batastini et al., *Federal Standards for Community Registration of Juvenile Sex Offenders: An Evaluation of Risk Prediction and Future Implications*, 17(3) *J. Psychology, Pub. Policy, & Law* 451, 457-458 (2011) (describing the heterogeneous behaviors of child sex offenders). In a study that compared the sexual recidivism rates of children assigned to three groups according to the severity of their offense, there was no significant difference in the recidivism rates of juvenile offenders in the three groups. Franklin E. Zimring et al., *Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood*, 6(3) *Criminology & Pub. Policy* 507, 515 (2007); see also Caldwell, 19 *Sexual Abuse: J. Research & Treatment* at 110-111 (reporting no significant difference in the rate of adult sexual offense charges between 249 juvenile sex offenders and 1,780 non-sex-offending delinquents over a 5-year follow-up period). Research on adult males

convicted of sexual offenses also demonstrates that while the recidivism rates of low risk offenders were consistently low (1%-5%) for all time periods, a pattern of decreased recidivism over time was consistently strong for high-risk sexual offenders. R. Karl Hanson et al., *High Risk Offenders May Not Be High Risk Forever*, 29(15) *J. Interpersonal Violence* 2792, 2802-2806 (2014).

Additionally, “[b]oth sexually and nonsexually delinquent youth are far more likely to re-offend with nonsexual crimes than with sexual crimes.” Elizabeth J. Letourneau & Michael H. Miner, *Juvenile Sex Offenders: A Case Against the Legal and Clinical Status Quo*, 17 *Sexual Abuse: J. Research & Treatment* 293, 297 (2005). The literature suggests that “that sexual offending is just one type of delinquent behavior and not unique from other delinquent behavior.” *Id.* Juvenile sexual offenders possess the same characteristics as non-sexual juvenile offenders; and sex offenses among juveniles are a result of delinquency in general and not specifically sexual deviance in origin. *Id.* at 296-297.

Ronald’s own history is consistent with this research. Ronald has no other sex offender history – this was his first and only sex offense. The factors undeniably point to a finding that Ronald is not a risk to the community; therefore, the message about his dangerousness communicated by registration is false.

**C. Registration causes reputational harm, and loss of future employment and other opportunities.**

“[N]o research has found any evidence of any recidivism reductions” due to classification and registration schemes. Sandler et al., 23(2) *J. Psychology, Pub. Policy, &*

Law at 136-137 (“The current study evaluated the association between four different [registration] policies and juvenile sexual crimes using data from four states. \* \* \* [R]ates of sexual crime reports against minors remained statistically unchanged in the years after enactment of [registration] policies in [the four states].”). But, registration has unintended consequences and negative impacts on registered children and their families. *Id.* at 137.

Common “sex offender” myths and assumptions may directly affect a person’s access to employment and housing, and it permanently damages his emotional well-being. This Court has described the enduring effect of registration on a child’s reputation as follows:

For a juvenile offender, the stigma of the label of sex offender attaches at the start of his adult life and cannot be shaken. With no other offense is the juvenile’s wrongdoing announced to the world. Before a juvenile can even begin his adult life, before he has a chance to live on his own, the world will know of his offense. He will never have a chance to establish a good character in the community. He will be hampered in his education, in his relationships, and in his work life. His potential will be squelched before it has a chance to show itself. A juvenile—one who remains under the authority of the juvenile court and has thus been adjudged redeemable—who is subject to sex-offender notification will have his entire life evaluated through the prism of his juvenile adjudication. It will be a constant cloud, a once-every-three-month reminder to himself and the world that he cannot escape the mistakes of his youth. A youth released at 18 would have to wait until age 43 at the earliest to gain a fresh start. While not a harsh penalty to a career criminal used to serving time in a penitentiary, a lifetime or even 25-year requirement of community notification means everything to a juvenile. It will define his adult life before it has a chance to truly begin.

*In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967 N.E.2d 729, ¶ 45. The “governmental labeling of an individual with a badge of disgrace constitutes” harm to a person’s

reputation and is a deprivation of liberty. *Collins v. Wolfson*, 498 F.2d 1100, 1103 (5th Cir.1974), citing *Board of Regents v. Roth*, 408 U.S. 564, 577-578, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972). The Fifth Circuit explained that “publically branding” a person “so infringes liberty interests of the individual as to require significant procedural protections.” *Collins* at 1103. The label of sex offender brands a person as dangerous—a likely inaccurate scarlet letter that the individual has no mechanism to dispute. In this case, Ronald was not afforded procedural protections set forth by the legislature. Instead, the juvenile court’s branding as “sex offender” continued without an opportunity for him to dispute that continued registration was necessary.

Registration also creates practical barriers to employment and housing, and jeopardizes public safety and successful reintegration. See Jill S. Levenson et al., *Grand Challenges: Social Justice and the Need for Evidence-Based Sex Offender Registry Reform*, 43(2) *J.Sociology & Soc.Welfare* 3, 11-14 (2016), available at [https://www.researchgate.net/publication/304990286\\_Grand\\_Challenges\\_Social\\_Justice\\_and\\_the\\_Need\\_for\\_Evidence-based\\_Sex\\_Offender\\_Registry\\_Reform](https://www.researchgate.net/publication/304990286_Grand_Challenges_Social_Justice_and_the_Need_for_Evidence-based_Sex_Offender_Registry_Reform); Richard Tewksbury & Matthew Lees, *Perceptions of Sex Offender Registration: Collateral Consequences and Community Experiences*, 26 *Sociological Spectrum* 309, 319 (2006); Jill Levenson & Richard Tewksbury, *Collateral Damage: Family Members of Registered Sex Offenders*, 34 *Am.J.Criminal Justice* 54, 57 (2009). The most commonly reported consequence of sex offender registration is the inability to find employment. Human Rights Watch, *Raised on the Registry* at 50. The National Employment Law Project survey determined that nearly 90% of employers conduct background checks. Michelle Natividad Rodriguez &

Maurice Emsellem, *65 Million "Need Not Apply": The Case for Reforming Criminal Background Checks for Employment*, at 1 (Mar. 2011), available at [https://www.nelp.org/wp-content/uploads/2015/03/65\\_Million\\_Need\\_Not\\_Apply.pdf](https://www.nelp.org/wp-content/uploads/2015/03/65_Million_Need_Not_Apply.pdf). These background checks reveal registration information to potential employers. In addition, sex offenders are categorically barred from working in certain professions as follows:

Certain institutions, including public schools, child care centers, and nursing homes, are legally required to investigate and obtain criminal histories of all applicants for professional or certified licensed positions. State laws prohibit individuals on the sex offender registry from applying for licenses and certifications which require a criminal background check, thus precluding registrants from becoming nurses, doctors, lawyers, and emergency medical technicians such as paramedics. Some states implement blanket laws to prevent registered sex offenders from obtaining certain types of employment or volunteer positions. In addition to the obvious prohibitions, such as on working at a school or day care center, some states have sought to limit employment in other areas, such as operating an ice cream truck or a school bus; working at a carnival, circus, street fair, amusement park, or long-term care facility; or serving as an athletic coach, manager, or trainer.

*Raised on the Registry* at 50.

False assumptions about recidivism also harm a person's ability to obtain stable housing. Landlords may refuse to rent to a registered individual after that landlord has been contacted by the sheriff to verify an address. Public housing authorities can reject an entire family if a child is adjudicated delinquent of a sex offense and is required to register. *Id.* at 66. As a result of the restrictions caused by registration, nearly half of registered children indicated they had experienced at least one period of homelessness. *See id.* at 65. In Ohio, homeless persons have significantly harsher registration requirements. R.C. 2950.05 (requiring a child to provide "a detailed description of the

place or places at which the \* \* \* child intends to stay” if the child does not have a fixed address). These requirements further increase the likelihood of a conviction for failing to verify address information.

Registration also negatively impacts a person’s safety and reintegration. In one study, “16% [of registrants] reported that a family member or cohabitant was harassed, assaulted, or had property damaged and 44% reported being threatened or harassed by neighbors.” Michael P. Lasher & Robert J. McGrath, *Impact of Notification on Sex Offender Reintegration: A Quantitative Review of the Research Literature*, 56(1) *Int’l J. Offender Therapy & Comparative Criminology* 6, 19 (2012). Many registrants experience vigilante activities such as property damage, harassment, and even physical assault. *Raised on the Registry* at 56-57. Moreover, registered children are nearly twice as likely to have experienced an unwanted sexual assault that involved contact or penetration in the past year, when compared to nonregistered children who have also engaged in harmful or illegal sexual behaviors. Elizabeth J. Letorneau et al., *Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination*, 24(1) *J. Psychology, Pub. Policy, & Law* 105, 114 (2017). And registered children are five times more likely to report having been approached by an adult for sex in the past year, compared to non-registered children. *Id.* (explaining that registration “may make children vulnerable to unscrupulous or predatory adults who use the information to target registered children for sexual assault”). Thus, registration exposes children to the very danger it was meant to guard against.

"[A]lthough punishment is not an intended effect of sex offender-specific legislation, it appears to be a relatively likely outcome, especially with respect to increasing rejection from socially accepted groups and organizations." Letourneau & Miner, 17 *Sexual Abuse: J. Research & Treatment* at 302. The sex offender label diminishes social bonds, and leads to depression, hopelessness, and fear for one's safety. *Id.*; Human Rights Watch, *Raised on the Registry* at 51. Youth on the registry display increased likelihood of suicidal thoughts and behaviors, and in some cases, sex offender registration has led individuals to suicide. *Raised on the Registry* at 51. Children on sex offender registries are four times more likely to report a recent suicide attempt than non-registered children who have engaged in harmful or illegal sexual behavior. Letourneau, *Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination* at 114. Registration and the label of sex offender does not increase public safety; instead, it ostracizes young people, causing shame and isolation. Elizabeth J. Letourneau & Michael F. Caldwell, *Expensive, Harmful Policies that Don't Work or How Juvenile Sexual Offending is Addressed in the U.S.*, 8(3-4) *International J. Behavioral Consultation & Therapy* 23, 27 (2013), available at <http://psycnet.apa.org/fulltext/2014-12592-006.pdf>; see also Sandler et al., 23(2) *J. Psychology, Pub. Policy, & Law*, at 136-137. The toll of registration changes a child's development and disrupts the family dynamic.

### **Conclusion**

Procedural regularity is the lynchpin of fundamental fairness. In this case, the juvenile court set aside procedural requirements and violated Ronald's right to due



process and fair treatment. This violation of due process is especially damaging for children on the registry, because it perpetuates stereotypes and barriers to success. For the foregoing reasons, *Amici Curiae* respectfully requests that this Court grant Ronald Amos the relief requested.

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## Certificate of Service

I hereby certify that a copy of the above and foregoing has been filed with the Clerk of Court on the 31st day of July, 2018, and served upon the following parties: Julie Kahrs Nessler, Assistant Public Defender, 125 East Court Street, 9th Floor, Cincinnati, Ohio 45202; and Paula E. Adams, Assistant Prosecuting Attorney, 230 East Ninth Street, Suite 4000, Cincinnati, Ohio 45202.

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