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No. 100426-5

IN THE SUPREME COURT FOR
THE STATE OF WASHINGTON

STATE OF WASHINGTON,
Respondent,

v.

DARREN RONELL SMITH, Jr.,
Petitioner.

MEMORANDUM OF AMICI CURIAE
KING COUNTY DEPARTMENT OF PUBLIC DEFENSE,
DR. ELIZABETH LETOURNEAU, DR. MICHAEL
CALDWELL, JUVENILE LAW CENTER, TEAMCHILD,
PUBLIC DEFENDER ASSOCIATION, WASHINGTON
DEFENDER ASSOCIATION, AND
ACLU OF WASHINGTON
IN SUPPORT OF PETITION FOR REVIEW

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I. INTRODUCTION

Registering youth under age 18 as “sex offenders” harms children and provides no public safety benefit. Uncontroverted research involving more than 20,000 cases of youth with sex offense adjudications shows that 97 percent of youth adjudicated for a sexual offense do not recidivate. Youth registration fails to prevent harm or improve public safety, and instead, makes children targets for sexual abuse by adults and creates suffering and anguish so severe that registration is associated with increased suicide attempts by children and young people.

II. ISSUES OF INTEREST TO AMICI

The identity and interests of Amici Curiae are set forth in the Motion for Leave to Participate as Amici Curiae, filed concurrently with this brief.

III. STATEMENT OF THE CASE

Amici adopt the Statement of the Case in Appellant Smith’s brief.

IV. ARGUMENT

A. This Court Should Grant Mr. Smith's Petition Because Washington's Mandatory Youth Sex Offender Registration Law Is Punitive

Extensive research demonstrates that youth registration is punitive and harmful. As a result, past court decisions, which have found sex offender registration laws relating to adults to be regulatory, do not control. In *State v. Ward*, this Court concluded that sex offender registration laws were not “disadvantageous” to adults and did not alter the “standard of punishment which existed under prior law[.]” 123 Wn.2d 488, 498, 869 P.2d 1062 (1994). The Court analyzed four of the factors identified by the United States Supreme Court in *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 83 S.Ct. 554, 9 L.Ed.2d 644 (1963), and concluded that:

[T]he requirement to register as a sex offender under RCW 9A.44.130 does not constitute punishment. The Legislature's purpose was regulatory, not punitive; registration does not affirmatively inhibit or restrain an offender's movement or activities; registration per se is not traditionally deemed punishment; nor does registration of sex offenders necessarily promote the traditional deterrent function of punishment.

Id. at 500-11.

In *State v. Boyd*, Division I of the Court of Appeals examined transient sex offender registration requirements and found “no evidence in the record that reporting in person weekly interfered with his ability to get a job, find housing, or travel.” *State v. Boyd*, 1 Wn. App. 2d 501, 511, 408 P.3d 362, 368 (2017).

Mr. Smith’s petition for review involves an “issue of substantial public interest that should be determined by the Supreme Court,” *see* RAP 13.4(b)(3)-(4), the constitutionality of Washington’s youth sex offender registration laws. Extensive research demonstrates that youth sex offender registration and notification laws are punitive given their grave impact on youth and complete failure to advance public safety.

B. Sexual Recidivism Rates for Youth Who Sexually Offend Are Low

When enacting Washington State’s registration and notification laws through the Community Protection Act of 1990, the legislature justified the need for youth registration laws on the basis that “[t]he legislature finds that sex offenders often pose a high risk of reoffense[.]” Laws of 1990, ch. 3, § 401.

However, contrary to the lawmakers' justification for youth registration laws, extensive research shows that youth adjudicated or convicted of sex crimes pose a very low risk to sexually reoffend, particularly as they age into young adulthood. Caldwell, *Quantifying the Decline in Juvenile Sexual Recidivism*, 22(4) *Psychology, Public Policy and Law* 414-426 (2016) <https://doi.org/10.1037/law0000094>. The most extensive review of adolescent sex offender recidivism rates reviewed 106 studies involving 33,783 youth and found an average sexual recidivism rate of 4.92% over an average 5-year follow-up. *Id.* That review also documented a 73% decline in adolescent sexual recidivism over the past 30 years. *Id.*

In fact, studies conducted in the last 15 years—informed by 20,008 cases—report an average sexual recidivism rate of 2.75% over 5 years. *Id.* That is, more than 97% of youth adjudicated for sex crimes did not sexually reoffend. *Id.* Of those who did reoffend, nearly all did so within the first three years following release. *Id.* A study of Washington data found that 97.1% of youth were not

adjudicated for another sex offense within three years of their release whereas 2.9% of youth were. Washington State Sex Offender Policy Board, *Recommendations and current practices for minors who have committed sex offenses* 56-60 (Fall 2021), https://sgc.wa.gov/sites/default/files/public/SOPB/documents/SOPB_Juvenile_Report.pdf. Finally, a recent study compared recidivism rates of 349 adolescents adjudicated for sexual offenses to 1,711 adolescents adjudicated for other reasons over a 27.5-year follow-up. The results showed that youth adjudicated for sex offenses did not have a significantly higher risk of a future sexual offense charge by age 18. By age 22, youth adjudicated for sexual offenses had a lower risk for sexual reoffense than youth adjudicated for other offenses. Caldwell, M., & Caldwell, B., *The Age of Redemption for Adolescents Who Were Adjudicated for Sexual Misconduct*, In Press: Psychology, Public Policy and Law <https://drive.google.com/file/d/17QcD1dNRKB9H8eu7-KN1CjL23VGuHwgp/view?usp=sharing>.

C. Youth Sex Offender Registration and Notification Laws Fail to Improve or Enhance Public Safety in Any Way

Extensive research shows that registration and notification laws do not lead to reduced sexual recidivism rates and do not serve as a significant deterrent (or primary prevention) of first-time sex offenses.

1. Registration and notification fail to reduce youth sexual or violent recidivism rates.

Multiple studies examine the impact of federal and state youth registration policies on sexual and violent recidivism. None of these studies found that federal or state youth registration policies reduced sexual or violent recidivism rates. *See* Letourneau and Armstrong, *Recidivism Rates for Registered and Nonregistered Juvenile Sexual Offenders*, 20 *Sexual Abuse: A Journal of Research and Treatment*, 393-408 (2008) <https://orgx/10.1177%2F1079063208324661> (using juvenile justice data from South Carolina, researchers compared the reoffense rates of 111 registered youth with 111 nonregistered youth who were matched on type of sexual offense and other

relevant characteristics and found that registration and notification were not associated with reduced sexual or nonsexual recidivism); Letourneau et al., *The Influence of Sex Offender Registration on Juvenile Sexual Recidivism*, 20 *Criminal Justice Policy Review*, 136 (2009) <https://doi.org/10.1177%2F0887403408327917> (conducting population-level research examining rates of all male youth with sexual crime adjudications in South Carolina between 1991 and 2004 on a sample size of 1,275 and finding that registration was not associated with reduced sexual or nonsexual recidivism across an average 9-year follow-up); Caldwell & Dickenson, *Sex Offender Registration and Recidivism Risk in Juvenile Sexual Offenders*, 27 *Criminal Justice and Behavior* 1 (2009) <https://doi.org/10.1002/bsl.907> (examining data from 172 youth adjudicated for sex crimes in Wisconsin and finding no differences in the recidivism rates for registered and unregistered youth); 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(2)

Psychology, Public Policy, and Law, 89 (2008)
<https://psycnet.apa.org/doi/10.1037/a001324> (finding that neither the federal Tier designations nor the state risk measures from New Jersey, Texas, and Wisconsin accurately distinguished between youth who sexually reoffended and youth who did not).

Results from these and *all other studies* that examine the impact of youth registration on sexual recidivism are entirely uniform: registration fails to reduce future sexual offending by people adjudicated of sex offenses as youth.

2. Registration and notification laws do not deter first-time sex offenses by youth.

Registration clearly fails to reduce sexual recidivism, the principal outcome it is intended to produce. The only other way registration and notification laws could improve public safety is if they exerted a general deterrence or primary prevention effect. They do not.

A series of studies evaluated the effects of registration on the prevention or deterrence of first-time sex crimes and found no evidence supporting this effect. *See* Letourneau et al., *Do Sex*

Offender Registration and Notification Requirements Deter Juvenile Sex Crimes? 37 *Criminal Justice and Behavior*, 553-569 (2010) <https://doi.org/10.1177%2F009854810363562> (examining more than 3,000 youth sexual offense cases from 1991 through 2004 in South Carolina and finding no evidence that youth registration and notification laws enacted during that time exerted any general deterrence/primary prevention effects); Sandler et al., *Juvenile Sexual Crime Reporting Rates are not Influenced by Juvenile Sex Offender Registration Policies*, 23 *Psychology, Public Policy and the Law*, 131 (2017) <https://psycnet.apa.org/doi/10.1037/law0000118> (comparing rates of thousands of reports of youth sex offenses from Idaho, South Carolina, Utah, and Virginia prior to and following the laws' implementation and again finding no evidence for a general deterrence/primary prevention effect of these policies); Letourneau et al., *Juvenile Registration and Notification Policies Fail to Prevent First-time Sexual Offenses: An Extension of Findings to Two New States*, 30 *Criminal Justice Policy Review* 7 (2018)

(examining the entire population of first-time youth sex crime charges or adjudications in two states—Maryland and Oregon and finding that rates of first-time sex crimes did not decline following implementation of youth registration and notification laws).

In summary, the entire available body of published research, which involves tens of thousands of cases across seven states, fails to support any public safety benefit of registration and notification laws.

D. Sex Offender Registration and Notification Laws Associated with Severe Harm to Youth on the Registry

Youth sex offender registration and public notification requirements are associated with significant harmful consequences for youth. These harms include increased risk for mental health problems and suicide attempts, difficulties with peers, school, and housing stability, and increased risk for sexual assault victimization.

- 1. Registration and notification of youth adjudicated of sex offenses have been shown to be associated with increased risk for attempting suicide, being approached by adults for sex, and being victims of sexual assault.**

According to treatment providers across the nation, youth subjected to registration or notification are much more likely than their peers—*i.e.*, youth adjudicated for sex crimes but not subjected to registration and notification—to experience negative mental health outcomes, harassment from peers and adults, difficulty in school, and trouble maintaining stable housing. All of these effects—increased depression and anxiety, verbal and physical harassment, problems concentrating in school, and frequent disruptions caused by having to change caregivers and living situations—are known to negatively impact the educational attainment and emotional well-being of adolescents. *See* Letourneau et al., *Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination*, 24 *Psychology, Public Policy and Law* 105-117 (2018). <https://doi.org/10.1037/law0000155> (hereinafter Letourneau, et al. 2018).

It is shocking, but not surprising, that adults and other children react to the common view of a registered “sex offender” is

that they are “the worst of the worst” offenders. Registration purposely signals to others that an individual is especially dangerous, even if the registrant is a child. Accordingly, reactions to youth labeled as registered sex offenders can be severe. For example, there are reports of adolescents who committed suicide after being threatened with registration and reports of registered youth who were verbally harassed, physically assaulted, and targeted by gunfire. *Raised on the Registry: The Irreparable Harm of Placing Youth on Sex Offender Registries in the United States*, Human Rights Watch (2013). <https://www.hrw.org/report/2013/05/01/raised-registry/irreparable-harm-placing-children-sex-offender-registries-us>.

Letourneau and colleagues conducted the first empirically rigorous evaluation of the collateral consequences of registration on youth. They surveyed 251 male youth ages 12-17 years, all of whom were in treatment for harmful or illegal sexual behavior. Letourneau, et al. 2018. These youth were recruited from 18

different states, including Washington, and 29% were subjected to registration policies. Compared to the unregistered youth, registered youth were:

- Four times more likely to report having attempted suicide in the past 30 days. That is, they reported not only thinking about suicide more often, but actually **attempting to die by suicide**;
- Five times more likely to report having been approached by an adult for sex in the past year; and
- Twice as likely to report having sustained a hands-on sexual assault victimization in the past year.

That is, researchers found evidence that youth registration and notification laws are associated with the very type of harm they purport to prevent. It is impossible to imagine worse outcomes associated with a state law for youth.

2. The harms from youth registration and notification extend into young adulthood.

Letourneau and colleagues replicated their survey of children with 86 young people ages 18 to 21 years, all of whom were in treatment for sexual offending behaviors and about half of whom were required to register. Shields et al., *Collateral consequences of*

sex offender registration and notification: Results from a survey of emerging adults (manuscript under review). App. 1-37. Relative to the non-registered group, the teens and young adults in the registered group reported significantly more hopelessness, lower perceived social support and, perhaps consequentially, much higher rates of suicide attempts. *Id.* This combination of results paints a dire picture of young people who see no way out of their difficulties and of friends and family who may be unable to help. Registered young people also reported lower commitment to school than their nonregistered peers, which may further reflect a feeling of being isolated and untethered to society. *Id.*

E. In Washington State, Youth Registration Requirements Disproportionately Impact Black Youth and Individuals Experiencing Homelessness

1. Black youth in Washington State are disproportionately subjected to registration laws.

Data provided by the Administrative Office of the Courts (AOC) between 1999-2019 shows that Black youth are disproportionately impacted by sex offender registration laws. *See*

Distillation of AOC Data, Youth Sex Offenses – Distillation of AOC Data from 1999-2019, Compiled by King County Department of Public Defense at 4 (2021) https://www.opd.wa.gov/documents/00902-2021_YouthSexOffenses.pdf. For example, between 1999-2019, Black youth were 1.82 times more likely to be convicted of a sex offense than white youth, three times more likely than white youth to be convicted of a Failure to Register related to a juvenile adjudication, and 1.86 times less likely than white youth to receive registration relief post-adjudication. *Id.* at 2, 6, 11.

2. Individuals experiencing homelessness face particularly burdensome registration requirements which are likely to harshly impact many youth and young people, particularly housing insecure and BIPOC youth.

Young people are particularly impacted by the onerous registration requirements for individuals experiencing homelessness. *See* RCW 9A.44.130(6)(b) (requiring weekly registration if a person is housing insecure); RCW 9A.44.132 (failure to make weekly check-ins results in a felony charge for

Failure to Register); RCW 9A.44.132(5)(a) (people tiered at Level I who lack a fixed address are automatically listed on the public registry). A 2020 report from Washington State's Office of Homeless Youth found that 10% of youth exiting the juvenile legal system were homeless 3 months after exit and 26% were homeless within 12 months. Homelessness Among Youth Exiting Systems of Care in Washington State, DSHS Research and Data Analysis Division in collaboration with the Washington State Department of Commerce 1 (July 2020), <https://www.dshs.wa.gov/sites/default/files/rda/reports/research-11-254.pdf>. Of these young people experiencing difficulty transitioning from the juvenile legal system to stable home lives, 30 percent of those individuals were Black, 22 percent were Latinx, 21 percent were American Indian, and 8 percent were Asian or Pacific Islander. *Id.* at 2.

V. CONCLUSION

Amici request that the Court protect young Washingtonians and heavily scrutinize youth registration and find that it is punitive.

RESPECTFULLY SUBMITTED this 28th day of January

2022.

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VI. CERTIFICATE OF COMPLIANCE WITH RAP 18.17

I certify that the word count for this brief, as determined by the word count function of Microsoft Word, and pursuant to Rule of Appellate Procedure 18.17, excluding title page, tables, certificates, appendices, signature blocks and pictorial images is 2,472.

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CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2022, I filed the foregoing brief via the Washington Court Appellate Portal, which will serve one copy of the foregoing document by email on all attorneys of record.

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**Collateral Consequences of Sex Offender Registration and Notification:
Results from a Survey of Emerging Adults**

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Abstract

Although sex offender registration and notification (SORN) policies have been operating in the United States for decades, scholarship on the effects of these policies on young adults is scant. This gap in the literature is notable, given that the effects of these policies may be enhanced during emerging adulthood, a developmental period characterized by increasing independence, stability, and security. To address this gap, the current study examined the consequences of SORN on a sample of 86 young adults (ages 18-21). Specifically, we examined effects on mental health, relationships, social support, personal conduct, safety and exposure to violence, and employment. We found that compared to nonregistered young adults, registered young adults were more likely to report hopelessness, lower perceived social support, and higher rates of suicide attempts. Registered young adults were also more likely to report a lower commitment to school, but less likely to report experiences of overt violence.

Introduction

Sex offender registration and notification (SORN) has been a key feature of United States (U.S.) crime policy for decades. Since the 1990s, all U.S. states and territories have enacted policies requiring individuals convicted and/or adjudicated for sexual offenses to routinely register with law enforcement, as well as provisions for sharing personally identifying information about some registered individuals with the public (Harris & Lobanov-Rostovsky, 2010). Since their implementation, SORN policies have been critiqued on several grounds; most prominently, research has focused on the potential harm these policies cause registered individuals (Levenson & Cotter, 2005; Levenson & Tewksbury, 2009; Tewksbury, 2005).

The extant research on collateral consequences of registration and notification policies has overwhelmingly reported the experiences of registered adults (Hamilton, 2020). A few studies also report on the experiences of registered children (Comartin et al., 2010; *Redacted for peer review*; Pittman & Parker, 2013). What is missing from this body of scholarship are investigations of the collateral consequences of SORN policies on young people in emerging adulthood. The lack of research on the collateral consequences of SORN for young adults is notable, especially since SORN may present unique challenges to young people navigating this period of profound developmental, behavioral, and social changes (Arnett, 2000; 2015). To begin to address this gap in the literature, this study presents results from a survey of emerging adults aged 18 to 21, all of whom were in treatment for sexual offending behaviors and some of whom were subjected to SORN requirements.

Background

Sex Offender Registration and Notification

Over the past three decades, public policies requiring individuals convicted in criminal court or adjudicated in juvenile or family court of sex crimes to register with law enforcement authorities, and granting public access to certain registry information, have been a ubiquitous fixture on the U.S. public safety landscape. Per U.S. federal law, SORN policies currently operate within all 50 U.S. states, the District of Columbia, the principal U.S. territories, and over 150 Native American tribal jurisdictions (Harris, Kras, & Lobanov-Rostovsky, 2020). These policies create an extensive web of independently operated systems for collecting, managing, and disseminating registration information.

Results from evaluations of SORN policies on public safety outcomes have generally failed to support the effectiveness of these policies. In fact, *all* published studies of policy effects on children under 18 failed to find any general or specific deterrent effects (Letourneau, 2021). Likewise, a recent and comprehensive review of the much larger adult-focused literature concluded that SORN policies fail to promote public safety (Agan & Prescott, 2021). Further, this review finds that when registration and notification are examined separately, research generally shows that registration has no effect on first time offending and limited impact on sexual recidivism, while notification has limited effects on first time offending and no deterrent effect on recidivism.

Another body of research has focused on evaluating the collateral or unintended consequences of SORN for adults. One recent comprehensive review of this literature reported the range of documented ancillary consequences of SORN on employment, housing, safety, and mental health of registered individuals and their families (Socia, 2021). For example, Levenson and Cotter (2005) surveyed 183 adults with a convicted sex offense in Florida. Survey participants reported being threatened by neighbors (33%), losing a job (27%), and experiencing

property damage after their sex offender status was disclosed (21%). Participants also reported that being subjected to SORN interfered with recovery (71%) and contributed to isolation (64%) and hopelessness (72%). This line of scholarship generally finds that most adults subjected to SORN requirements experience heightened stigma and shame as well as difficulties finding and maintaining housing, employment, and prosocial relationships—three keys to post-incarceration reintegration success (Mulhausen, 2018).

A smaller body of research has identified negative collateral consequences of SORN for children under age 18. For example, in a series of 296 interviews with individuals who were registered as children (or for crimes committed in childhood) and their families, Pittman and Parker (2013) reported a range of negative outcomes, including depression, isolation, suicidal ideation, and threats of violence. Registered youth and their families also reported experiencing barriers to education, employment, and housing. The parent study of the current research was the first to systematically evaluate the collateral consequences of SORN as applied to children [redacted for peer review]. That study surveyed 256 children (ages 12-17) who were in treatment for problem sexual behavior, of whom 29 percent were subjected to SORN requirements. Compared to children who were not registered, registered children had four times higher odds of a suicide attempt within the past 30 days, two times higher odds of experiencing a sexual assault victimization in the past year, and five times higher odds of being contacted by an adult for sex in the past year. Collectively, these findings suggest that SORN policies are associated with a host of severe consequences for children and adults, including an increase in sexual assault victimization, which runs directly counter to the intended purpose of the policy to prevent child sexual abuse.

SORN in Emerging Adulthood

Arnett (2000) first articulated the theory of emerging adulthood to recognize the distinct developmental period that takes place between adolescence and adulthood, approximately between the ages of 18 and 25. Adolescence is marked by lessening (but still present) structure and dependence, adulthood is characterized by stability and independence, and between these periods emerging adulthood represents the sometimes chaotic in-between period, where people have technically and legally reached the age of majority but are still exploring the roles, relationships, and responsibilities that will settle in adulthood (Arnett, 2015). Emerging adulthood, Arnett argued, is marked by five primary features, including identity explorations, instability in home, work, and relationships, a noted self-focus, feelings of being in-between adolescence and adulthood, and possibility and opportunity for the future. These features, though also present in adolescence and adulthood, are especially dominant in emerging adulthood, when young people are laying the foundations of their future roles in society, while at the same time navigating the social world with incomplete neural and social development (Steinberg, 2014). During this period, young people are more prone to experiencing mental health problems (Arnett et al., 2014; Maynard et al., 2015), engaging in risk taking behaviors (Minnear, et al., 2018; Roeser, et al., 2019; Victor & Hariri, 2016) and have both the highest unemployment rates and the lowest labor participation rates of any adult age group below the age of 65 (e.g., see U.S. Bureau of Labor Statistics Labor Force Statistics, 2017). Indeed, young people who are disengaged from both school and employment have been identified as a particularly concerning group at risk of “deep and long-term economic effects” (Annie E. Casey Foundation, 2012, p. 6).

Emerging adulthood, then, represents an important developmental period in which to understand the experiences and impacts of criminal justice contact (see, for example, Esposito et

al., 2017; Jennings et al., 2011; Piquero et al., 2002). However, to our knowledge, research on the effects of SORN on this age group specifically is scant. In one study, Tewksbury and Lees (2006) surveyed 26 registered college students and employees on college campuses in the United States, but the mean age of students in the sample was 34, beyond the usual bounds of emerging adulthood. Still, that study found that nearly 80% of registered college students reported that they had either been fired or not hired for a job due to their registration status. Losing a friend and being treated rudely in public was reported by half of the student sample. Approximately 47% reported receiving harassing mail, notes, or flyers.

The gap in knowledge about the effects of SORN in emerging adulthood is notable for two primary reasons. First, this population may represent a substantial proportion of new registrations. According to the Uniform Crime Reports, in 2018 young adults between the ages of 18 and 21 accounted for 14.5 percent of arrests for rape and 10.2 percent of arrests for other sexual assaults (Federal Bureau of Investigation, 2019). Further, states may have deferred registration policies in place, in which youths who are adjudicated for sex offenses are not required to register until they are 18. Since the majority of arrests for sexual violence represent offenders previously unknown to the criminal justice system, a substantial proportion of new registrants may be emerging adults.

Second, as Arnett (2015) explained, emerging adults find themselves at a legal and developmental crossroads. Key turning points occurring during young adulthood, including graduating high school, pursuing higher education, obtaining and maintaining employment, establishing housing, and developing relationships, are areas that research has shown to be negatively affected by SORN policies and have a significant impact on life course trajectories. Additionally, emerging adults have fewer resources to tap and underdeveloped financial literacy

skills to help navigate these new adult experiences (Jorgensen et al., 2017; Mandell, 2008). Thus, this population may be uniquely affected by SORN policies—most at risk to feel the impacts of SORN and the least able to navigate these challenges.

Current study

To advance the literature on collateral consequences of SORN policies, this study examines the effects of these policies on emerging adults between the ages of 18 and 21 (inclusive). Recruiting young adults who were in treatment for problem sexual behavior, we asked questions related to a range of domains, including mental health, peer relationships, social support, personal conduct, safety and exposure to violence, and employment. We hypothesized that compared to non-registered young adults in treatment for problem sexual behavior, registered young adults would be more likely to experience challenges or deficiencies across each domain.

Method

Participant Recruitment

This study is connected to a larger research undertaking that examines collateral consequences of juvenile SORN (see *redacted for peer review*). That earlier study recruited participants ages 12-17. We extended recruitment up to age 21 to obtain a sample of young adults not too far removed in age or experience from our sample of adolescents. To participate in the current study, participants had to be between the ages of 18-21 (inclusive), have committed a sexual offense, and be fluent in English. Participants were also limited to those residing in a non-secure (i.e., community) setting within the U.S. because SORN is primarily a U.S. policy and is typically delayed for people residing in secure settings.

We recruited participants from October 2013 to March 2017, using two main strategies. First, a public online survey was launched and promoted via recruitment flyers distributed to treatment

providers, defense attorneys, and advocates. Because this survey was both anonymous and included a token payment, we were flooded with fraudulent applications; only four cases were retained from this strategy. We closed the online survey and undertook a second stage of outreach to recruit participants through treatment practitioners. We publicized our study to therapists, counselors, and other front-line practitioners through the Association for the Treatment of Sexual Abusers listserv, other membership organizations (e.g., state sex offender management boards) and snowball strategies. For practitioners interested in supporting our study, we met by phone to describe recruitment and research protocols, and then scheduled in-person meetings with a study research assistant. Practitioners made their clients aware of the research opportunity, and then the research assistant met in person with interested clients, typically immediately prior to or following therapy sessions. Practitioners were present at the start of these meetings, to make a statement informing their clients that participation in the study was completely voluntary, and the decision to participate or not would have no bearing on their therapy or the practitioner-client relationship. The practitioner then departed the room and the research assistant described the study to potential participants and responded to any questions. Those who opted to participate in the study then provided written consent and completed a paper copy of the survey. This strategy resulted in an additional 82 participants, for a total sample size of 86.

Research assistants were trained to ensure participants' privacy while completing the surveys, provide a gentle reminder if the critical registration and notification items were not completed, and to screen and respond to items that could trigger mandatory reporting requirements (i.e., items assessing suicide and child abuse victimization experiences). Study participants were provided a \$25 gift card as compensation for their time and contact information

for a 24-hour confidential helpline. Survey data were double entered in an electronic data management system to ensure accuracy. All study procedures were approved by the [redacted for peer review] Institutional Review Board.

Measures

Our survey assessed demographic characteristics, offense characteristics, and sex offender registration status. Our dependent measures assessed mental health, social support, personal conduct, employment, peer relationships and conduct, sense of safety, experience of violence. Unless otherwise indicated, the recall period for each of the dependent measures was the past 30 days.

Demographic Characteristics

We collected data on participants' state of residence, gender (male, female, transgender male, or transgender female; no participant endorsed transgender, and gender was recoded as male or female for analytic purposes). We also assessed participant age, race/ethnicity (White, Black, Hispanic, Native American, Asian, and Other; which was recoded as White vs Other race for analytic purposes), sexual orientation (heterosexual/straight, gay/lesbian, bisexual, not sure, and other; recoded as heterosexual/straight vs Other sexual orientation for analytic purposes), current school status, and post-secondary education status.

Offense Characteristics

We collected data on participants' number of sexual offenses (measured as self-reported arrests, charges, or adjudications), whether excessive force was used (yes/no), whether a weapon was used (yes/no), number of victims, victim gender (female only, male only, both female and male), age at offense, oldest victim age and youngest victim age (to calculate mean age

difference), and relationship to victim (family, friend, neighbor, acquaintance, stranger, other). We also collected data on participants' number of nonsexual offenses.

Mental Health

We used five measures to assess participants' mental health.

Strengths and Difficulties Questionnaire (SDQ) Emotional Symptoms Scale. This 5-item scale measured participants' symptoms of depression, anxiety, and/or other somatic symptoms. For example, "I am often unhappy, downhearted or tearful" and "I am nervous in new situations." Scores range from 0-10, where higher scores are associated with increased odds of DSM-IV a depression or anxiety diagnosis. The reliability coefficient for the youth-report scale was $\alpha = .66$ (Goodman, 2001). For this study, scores ranged from 0-10, and the reliability coefficient was $\alpha = .79$.

SDQ Hyperactivity-inattention Scale. This 5-item scale measured participants' inattention, hyper-activity, and impulsiveness. For example, "I am easily distracted" and "I think before I do things." Scores range from 0-10, with higher scores associated with increased odds of DSM-IV diagnosis of ADHD. The reliability coefficient for the youth-report scale was $\alpha = .67$ (Goodman, 2001). For this study, scores ranged from 0-9, and the reliability coefficient was $\alpha = .70$.

SDQ Total Difficulties Scale. This 20-item scale measured participants' psychological adjustment by combining scores from the SDQ Emotional Symptoms, Hyperactivity-inattention, Conduct Problems, and Peer Relationships scales (the latter two scales are describe under Personal Conduct). Scores range from 0-40, where higher scores indicate greater odds of having one or more DSM-IV diagnoses. The reliability coefficient for the youth-report scale was $\alpha = .67$ (Goodman, 2001). For this study, scores ranged from 1-29, and the reliability coefficient was $\alpha = .80$.

Hopelessness Scale.

This 6-item scale measured participants' hopelessness about the future. Modified from the Children's Hopelessness Scale (Kazdin, et al., 1986), items include "All I can see ahead of me are bad things, not good things" and "There's no use in really trying to get something I want because I probably won't get it." Mean scores range from 1-4, with higher scores associated with greater levels of hopeless about the future. The reliability coefficient was $\alpha = .55$ when used on sample of African American boys between the ages of 12 and 16 (Paschall & Flewelling, 1997). For this study, scores ranged from 1-3.3, and the reliability coefficient was $\alpha = .72$.

Paykel Suicide Items (PSI). This 5-item instrument measured participants' suicidal intent (Paykel et al., 1974). Each item is a dichotomous measure that increases in severity from "have you felt that life was not worth living" to "have you made an attempt to take your life," with the highest endorsed item taken as the score for each participant (range of 1-5). Higher scores on the PSI indicate greater suicidal severity and were associated with negative life events and in-patient mental health treatment.

Social Support

We used the Multidimensional Scale of Perceived Social Support (Zimet et al., 1988), a 12-item scale to measure participants' perceived sense of support from family, friends, and significant others. For example, "There is a special person with whom I can share my joys and sorrows" and "I have a special person who is a real source of comfort to me." Scores range from 1-7, with higher scores associated with lower levels of depressive symptoms ($\alpha = .81-.92$; Zimet et al., 1988). For this study, scores ranged from 1-7, and the reliability coefficient was $\alpha = .94$.

Personal Conduct

We used four scales to measure participants' behavior.

SDQ Prosocial Behaviors Scale. This 5-item scale measured participants' pro-social behavior. Items include, for example, "I am helpful if someone is hurt, upset or feeling ill" and "I usually share with others." Scores range from 0-10, with higher scores associated with more prosocial behavior. The reliability coefficient for the youth-report scale was $\alpha = .66$ (Goodman, 2001). For this study, scores ranged from 3-10, and the reliability coefficient was $\alpha = .74$.

SDQ Conduct Problems Scale. This 5-item scale measured participants' behavioral problems and includes items such as "I get very angry and often lose my temper" and "I take things that are not mine." Scores range from 0-10, with higher scores associated with behavioral problems and greater odds of meeting diagnostic criteria for Oppositional Defiant and Conduct disorders. The reliability coefficient for the youth-report scale was $\alpha = .60$ (Goodman, 2001). For this study, scores ranged from 0-7, and the reliability coefficient was $\alpha = .58$.

Substance Use Scale. This 6-item scale measured participants' frequency of substance use (Multisite Violence Prevention Project, 2004; adapted from Farrell et al., 2000; Kandel, 1975). For example, items assess how often participants had "...drunk beer (more than a sip)" and "...smoked cigarettes." Scores range from 6-36, with higher scores associated with greater levels of substance abuse ($\alpha = .84$; Multisite Violence Prevention Project, 2004). For this study, scores ranged from 6-36, and the reliability coefficient was $\alpha = .87$.

Commitment to School Scale. This 6-item scale measured participants' beliefs about and commitment to school (Glaser et al., 2005). Items include "How important do you think the things you are learning in school are going to be for your later life?" and "How interesting are most of your courses to you?" Mean scores range from 1-5, with higher scores corresponding with lower commitment to school ($\alpha = .81$; Glaser et al., 2005). For this study, scores ranged from 1-4, and the reliability coefficient was $\alpha = .84$.

Employment

Participants were first asked, “What is your current employment status?” Response options included full-time employment, part-time employment, temporary employment, unemployed and actively seeking employment, and unemployed and not actively seeking employment. Responses were recoded to “1 = full-time/part-time employment and 0 = temporary employment/unemployed”. Participants were then asked about whether they experienced any problems at work due to their sex offense conviction. For example, “To your knowledge, have you ever been denied a job or lost a job because of your sexual offense/conviction(s)?” and “Have coworkers ever threatened or harassed you because of your sexual offense/conviction(s)?” A dichotomous measure was created to indicate whether the participant experienced any or no problems at work due to their sex offense conviction.

Peer Relationships

We used the five-item SDQ Peer Relationship Problems scale (Goodman, 2001) to assess participants’ relationships with peers. The survey instructed participants to indicate how true a series of statements were about experiences with peers. For example, “I am usually on my own” and “I have one good friend or more.” Scores range from 0-10, with higher scores associated with more problems with peers. The reliability coefficient for the youth-report scale was $\alpha = .41$ (Goodman, 2001). For this study, scores ranged from 0-8, and the reliability coefficient was $\alpha = .59$.

Safety and Violence

Three scales measured participants’ perceptions of safety in school and at home, experiences of violence, and experiences of sexual assault victimization.

Sense of Safety Scale. For participants who were still in school ($n = 32, 37\%$), we used an 11-item scale to measure perceptions of school and neighborhood safety (Henry, 2000; adapted from Schwab-Stone, et al., 1995). For example, “I feel safe on my way to school in the morning” and “I feel safe in my class at school.” For participants who were no longer in school ($n = 54, 63\%$), we used only the last four questions in that scale to assess neighborhood safety. For example, “I feel safe outside of my house” and “I feel safe walking around my neighborhood.” Mean scores range from 0 to 2, where higher scores represent a greater sense of safety ($\alpha = .93-.95$; Henry, 2000). For this study, scores ranged from 0-2 for those in school ($\alpha = .91$) and 0.75-2 for those out of school ($\alpha = .82$).

Victimization—Problem Behavior Frequency Scale. This 12-item scale comprised of two subscales measured participants’ experiences of relational and overt violence (Multisite Violence Prevention Project, 2004; adapted from Crick & Bigbee, 1998; Sullivan et al., 2006). The survey asked how many times participants experienced certain scenarios. Six items assessed participants’ experience with relational violence and included items such as whether they had “...been left out on purpose by other kids when it was time to do an activity” and “...had a kid tell lies about you to make other kids not like you anymore.” Six additional items assessed participants’ experience with overt violence and included items such as whether “...another person threatened to hit or physically harm you” and whether they had “...been threatened or injured by someone with a weapon (gun, knife, club, etc.).” Scores for each scale range from 6-36, with higher scores indicating greater frequency of victimization ($\alpha = .84$ for both relational and overt violence scales; Multisite Violence Prevention Project, 2004). For this study, scores ranged from 6-35 for relational violence ($\alpha = .93$) and 6-30 for overt violence ($\alpha = .87$).

Sexual Assault Victimization. This six-item scale, adapted from the National Survey of Adolescents (Kilpatrick et al., 2003), measured participants' experiences with contact sexual assault over the past year. For example, items included, "Has anyone, male or female, touched your private sexual parts when you didn't want them to?" and "Has anyone, male or female, made you touch their private sexual parts when you didn't want to?" A dichotomous measure was then created to indicate whether the participant endorsed *any* of the six items.

Analytic Strategy

Student's t-test was used to compare mean scores between the registered and nonregistered groups on the dependent measures. In the case of dichotomous outcomes (i.e., attempted suicide, employment problems, and sexual victimization), proportions were compared between groups using the chi-squared test or, when cell counts were small, Fisher's exact test.

The two groups were also compared on demographic and offense history variables to assess for possible confounders. Continuous variables were compared using Student's t-test and categorical variables were compared using the chi-square test, both with $\alpha = 0.05$. As described more fully under Results, the groups differed significantly on race and on three offense history characteristics (i.e., number of sexual offense arrests, charges, adjudications; age of youngest victim; mean age difference between participant and youngest victim). The age of youngest victim and mean age difference variables were highly correlated and had similar log-likelihood scores. Since age difference is more relevant when making decisions to register young people, we retained the mean age difference variable and dropped the age of youngest victim in our multivariate models. Thus, we controlled for race, number of sexual offenses, and mean age difference in analysis of covariance (ANCOVA) and multivariate logistic regression models.

The data had few missing values. Specifically, 56% of participants answered all survey questions, approximately 13% skipped only one survey question, 21% skipped two to four items, and 10% skipped five or more questions. No trends were found in the missing data. Mean imputation was used for any participant who was missing fewer than four items for any measure and participants' were excluded from analyses when they were missing more than four items. For the majority of analyses, just two or three participants were excluded.

All analyses were done using SPSS 24. We discuss findings that reached statistical significance at $p < .05$ and, given the relatively small sample size and exploratory nature of the study, we also discuss findings that approached significance at $0.05 \leq p < 0.1$.

Results

Participant demographic characteristics, offense characteristics, and registration status are reported in Table 1¹. Seventy-seven participants (90%) were male, seven participants were female (8%), and in two cases, gender was missing (2%). The modal number of offenses was one. Overall, 10 participants (11.6%) scored above the mode. In the registered category, 5 of the 38 (13.2%) scored more than the mode and in the not registered category, 5 of the 48 (10.4%) scored more than the mode. The “Registered group” consisted of thirty-eight participants who indicated current or former registration requirements (44%). Of the 38 individuals who had been subjected to registration, 8 (21.1%) were subjected to public notification requirements as well. All but two participants (94.7%) were subjected to active registration requirements at the time of the survey. All eight participants subjected to public notification indicated that their information was disclosed via online websites and that their information was publicly available at the time of

¹ We also reran analyses with a male-only sample. Given that the results were substantively the same, we retain the original sample.

the survey. The “Nonregistered group” ($n = 48$; 56%) reported never having been subjected to registration or notification requirements.

The two groups were significantly different with respect to race and two offense history variables. Relative to the Nonregistered group, the Registered group included significantly more white participants, participants with more sexual offense victims, and participants with a higher mean age difference (see Table 1). We believe the difference in race may be due to participant geographical location. Specifically, in our recruitment efforts, states with relatively high racial and ethnic diversity (e.g., New Jersey) contributed more Nonregistered group members, while states with relatively less diversity (e.g., Pennsylvania) contributed more Registered group participants. However, we could not include state as a confounding variable due to very small frequencies.

To examine the consequences of juvenile registration and notification policies, we first compared groups on the dependent variables using bivariate analyses. Next, we conducted multivariate analyses that controlled for between-groups differences in the covariates including race, number of sexual offense arrests, charges or adjudications, and mean age difference. Results for bivariate and multivariate analyses involving continuous variables are presented in Table 2 and results for dichotomous variables are presented in Table 3.

Mental Health

Compared to the Nonregistered group, the Registered group had worse outcomes (i.e., higher scores) on all five mental health indicators (see Table 2). At the bivariate level, these differences were significant for the SDQ Emotional Symptoms scale score, the Hopelessness scale score, and the mean Paykel suicide item. In the multivariate analyses, differences approached significance for the Hopelessness scale only. With respect to the Paykel, we also

compared groups on the dichotomous indicator of whether participants endorsed the highest Paykel Suicide item, indicating that they had attempted suicide in the past 30 days (Table 3). Registered group members were more than three times as likely to report having attempted suicide in the past 30 days, relative to the Nonregistered group (22% vs. 6%), a difference that approached statistical significance at the univariate level but not after accounting for covariates (OR = 2.06; 95% CI = 0.42, 10.06).

Social Support

Relative to the Nonregistered group, the Registered group reported less perceived social support, as reflected by lower scores on the total scale score and all three subscale scores of the Multidimensional Scale of Perceived Social Support: Family, Friends, and Significant other (Table 2). At the bivariate level, these differences reached statistical significance for the Total and Friends mean scores and approached significance for the Family and Significant Other mean scores. At the multivariate level, differences remained significant for the Total and Friends scores, and approached significance for the Family score.

Personal Conduct

Compared to the Nonregistered group the Registered group had worse outcomes on three of the four personal conduct indicators (Table 2). These differences reached significance for the SDQ Prosocial Behaviors scale, which was statistically significant different in both the univariate and multivariate analyses (Table 2). Among those who were still in school, the Registered group indicated lower commitment to school (as evidenced by higher scores). This difference approached significance in the bivariate analysis and reached statistical significance in the multivariate analysis.

Peer Relationships and Conduct

Groups were equivalent with respect to experiencing problems with their peers (Table 2).

Safety and Violence

Groups were equivalent with respect to the Sense of Safety scale (Table 2). Compared to the Nonregistered group, the Registered group reported fewer experiences with violence, with lower mean scores for the Total score and the Relational and Overt subscales (Table 2). Results reached significance at the bivariate and multivariate analyses for the Overt experiences of violence and approached significance for the Total scale score in the multivariate analysis. In addition, groups were equivalent with respect to past-year sexual assault victimizations (Table 3).

Employment

We next examined participants' experience with employment. Thirty-nine participants (45%) reported some level of full time (n=13; 15%) or part-time (n=26; 30%,) employment. Twenty-seven (31%) were unemployed and actively seeking employment, while 15 (17%) were unemployed and not actively seeking employment, and 3 (4%) had temporary work. Eight participants (9%) reported that they were denied a job due to their sex offense history. Five (6%) reported that they were threatened or harassed by coworkers. We then examined differences in employment experiences by registration status. The Registered group was less likely to be employed and more likely to report employment problems than the Nonregistered group. However, these differences were not significant (Table 3).

Follow-up Poisson Regression Analyses

Most of the outcome variables were continuous and normally distributed, but for count variables, we reanalyzed results using Poisson Regression (Hilbe, 2014). Resulting estimated marginal means (*EMM*) largely replicated our original findings and did not result in changes of

statistical significance for SDQ Emotional, SDQ Hyperactivity, SDQ Total Difficulties, SDQ Conduct Problems, Substance Use, SDQ Peer Relationships Problems, and Experience of Violence – Relational. Results did change in two analyses. First, relative to the Nonregistered group, the Registered group had estimated marginal means indicating significantly lower scores on the Total Experience of Violence ($EMM = 19.63$ and 26.18 for Registered and Nonregistered groups, respectively; $p < .001$). Second, while the Registered and Nonregistered groups differed on the SDQ Prosocial Behavior scale in the previous analysis, they were equivalent in the Poisson Regression.

Discussion and Conclusion

The goal of this research was to expand our understanding of the collateral consequences of SORN on young adults. We hypothesized broadly that participants subjected to SORN policies would experience more negative outcomes than their nonregistered peers across a variety of domains that are especially salient in emerging adulthood: mental health, social support, personal conduct, peer relationships and conduct, sense of safety, experience of violence, and employment. Our results indicate a mix of outcomes.

Of particular concern, relative to the Nonregistered group, emerging adults who comprised our Registered group reported more hopelessness, lower perceived social support and, perhaps consequentially, much higher rates of suicide attempts. This combination of results paints a dire picture of young people who see no way out of their difficulties and of friends and family who may be unable to help. These results are consistent with other research findings documenting suicidal behavior, depression, anxiety, and hopelessness among registered adults (Ackerman et al., 2013; Jeglic et al, 2012; Mercado et al., 2008) and social support concerns (Comartin, et al., 2010; Levenson & Tewksbury, 2009; Tewksbury & Levenson, 2009). Registered young adults

also reported lower commitment to school than their nonregistered peers, which may further reflect a feeling of being isolated and untethered to society. Disconnection from education may also be related to feelings of rejection from the school community (Tewksbury & Humkey, 2010) or failing to see the value of education in light of reduced opportunities. Given the importance of education in emerging adulthood, lower commitment to education could have long term negative impacts, particularly on future employment and financial stability (Annie E. Casey Foundation, 2012).

Our findings also departed from prior research in an unexpected way. Results indicated that registered young adults were subjected to less overt violence than their nonregistered peers. This may be related to withdrawing from society as a means of coping with one's registration status (Evans & Cubellis, 2015; Mingus & Burchfield, 2012). Social isolation would also be consistent with our findings of more hopelessness and suicide attempts. In addition, we found only small differences in employment and employment-related problems, albeit in the expected direction. This is likely due to our small sample size, young participant age, and the fact that most of our participants were still in school.

Our results identified important barriers to the successful navigation of emerging adulthood. During this period of significant psychosocial development, emerging adults are working towards taking responsibility for oneself, making independent decisions, and becoming financially independent (Arnett, 2015), and doing so requires support from family, peers, and the community (Annie E. Casey Foundation, 2012; Bea & Yi, 2018). Registration and its collateral consequences may disrupt this already complicated process in a variety of ways. For example, emerging adults have unique mental health needs that can impact successful transitions to adulthood (Arnett et al., 2014). We found that young adults on the registry reported more mental

health challenges than their non-registered peers. Similarly, social support is a vital component of successful navigation to adulthood (Lane & Fink, 2015), and in the current study, we found that registered young adults reported lower levels of social support. Taken together, our results suggest that for registered emerging adults, more mental health problems, less perceived social support, and lower commitment to school creates a trajectory where personal responsibility and independence become less attainable.

Our results also highlight important implications for criminal justice policy. This study joins a large literature base that finds harmful effects of registration policies. In addition to evidence of harm from studies of adults (Levenson & Cotter, 2005; Levenson & Tewksbury, 2009; Tewksbury, 2005) and children on the registry (*Redacted for peer review*; Pittman & Parker, 2013), the current research suggests that young adults also experience serious collateral consequences of registration. Of particular note, the literature on individuals rejoining their communities following incarceration highlights that social support and self-belief has important components to successful community reintegration (Inderbitzen, 2009; Martinez & Abrams, 2013; Pettus-Davis, et al., 2017). Our research found that registered young adults are particularly vulnerable in these domains. Thus, this study joins others that critique the wisdom of placing young people on sex offender registries if it means that success in adulthood becomes less likely.

The findings presented here provide, we believe, an important first step in establishing the consequences of subjecting emerging adults to registration. However, our results must be considered in light of several important limitations. First, there is the ever-present caveat that policies are not randomly administered (at least not by intent), which precludes establishing causation. This caveat holds more weight when there are fewer findings, as is the case here. Second, we assessed participants at a single point in time, which also detracts from establishing

causation (e.g., perhaps young adults with fewer social supports or more mental health problems are more likely to end up on a registry). Third, the sample was drawn solely from young adults in active treatment for problem sexual behaviors, which likely limited our ability to detect differences (due to low power) and limits generalization of findings to other (e.g., untreated) populations. Relatedly, the negative consequences associated with SORN may be dampened within the context of active treatment, as treatment providers are particularly attuned to challenges registrants face when in the community (Call, 2018; Harris et al., 2016). Fourth, our inability to detect effects of SORN on employment could be due the fact that participants in our study were 18 to 21 years old, a population that is underemployed. It is possible that adults older than 21 are more likely to experience consequences for employment given their larger involvement in the work force.

Despite these limitations, the current study advances knowledge on collateral consequences of SORN policies by focusing on the experiences of emerging adults. Future research should attempt to address some of these limitations to advance this line of scholarship. In particular, to our knowledge there are no studies that follow registered and nonregistered samples longitudinally, which could more definitively measure change in key variables relative to the timing of registration and begin to address causality as well as longer-term outcomes.

In closing, we are particularly concerned that, as with our prior study (redacted for peer review), SORN was again associated with high rates of attempted suicide. Even absent more research, we believe finding that nearly 22% of these young people attempted to take their own lives warrants action: specifically, preventing young people from being registered in the first place and ensuring that young people who are (or will be) registered are provided with evidence-based suicide prevention strategies and supports.

References

- Ackerman, A. R., Sacks, M., & Osier, L. N. (2013). The experiences of registered sex offenders with internet offender registries in three states. *Journal of Offender Rehabilitation*, 52(1), 29-45. <https://doi.org/10.1080/10509674.2012.720959>
- Agan, A. & Prescott, J. J. (2021). Offenders and SORN laws. In W. A. Logan & J. J. Prescott (Eds.) *Sex offender registration and community notification laws: An empirical evaluation* (pp. 102-144). Cambridge University Press.
- Annie E. Casey Foundation. (2012). *Youth and work: Restoring teen and young adult connections to opportunity*. <https://assets.aecf.org/m/resourcedoc/AECF-YouthAndWork-2012-Full.pdf>
- Arnett, J. J. (2000). Emerging adulthood: A theory of development from the late teens through the twenties. *American Psychologist*, 55(5), 469-480. <https://doi.org/10.1037/0003-066X.55.5.469>
- Arnett, J. J. (2015). *Emerging adulthood: The winding road from the late teens through the twenties* (2nd Ed.). Oxford University Press.
- Arnett, J. J., Žukauskienė, R., & Sugimura, K. (2014). The new life stage of emerging adulthood at ages 18–29 years: Implications for mental health. *The Lancet Psychiatry*, 1(7), 569-576. [https://doi.org/10.1016/S2215-0366\(14\)00080-7](https://doi.org/10.1016/S2215-0366(14)00080-7)
- Bea, M. D., & Yi, Y. (2019). Leaving the financial nest: Connecting young adults' financial independence to financial security. *Journal of Marriage and Family*, 81(2), 397-414. <https://doi.org/10.1111/jomf.12553>
- Call, C. (2018). The collateral consequences of sex offender management policies: Views from

- professionals. *International journal of offender therapy and comparative criminology*, 62(3), 676-696. <https://doi.org/10.1177/0306624X16653978>
- Comartin, E. B., Kernsmith, P. D., & Miles, B. W. (2010). Family experiences of young adult sex offender registration. *Journal of Child Sexual Abuse*, 19(2), 204-225. <https://doi.org/10.1080/10538711003627207>
- Crick, N. R., & Bigbee, M. A. (1998). Relational and overt forms of peer victimization: a multiinformant approach. *Journal of Consulting and Clinical Psychology*, 66(2), 337. <https://doi.org/10.1037/0022-006X.66.2.337>
- Evans, D. N., & Cubellis, M. A. (2015). Coping with stigma: How registered sex offenders manage their public identities. *American Journal of Criminal Justice*, 40(3), 593-619. <https://doi.org/10.1007/s1210>
- Esposito, M. H., Lee, H., Hicken, M. T., Porter, L. C., & Herting, J. R. (2017). The consequences of contact with the criminal justice system for health in the transition to adulthood. *Longitudinal and Life Course Studies*, 8(1), 57-74. doi: [10.14301/lles.v8i1.405](https://doi.org/10.14301/lles.v8i1.405)
- Farrell, A. D., Kung, E. M., White, K. S., & Valois, R. F. (2000). The structure of self-reported aggression, drug use, and delinquent behaviors during early adolescence. *Journal of Clinical Child Psychology*, 29(2), 282-292. https://doi.org/10.1207/S15374424jccp2902_13
- Federal Bureau of Investigation (2019). *2018 Crime in the United States*. Department of Justice.
- Glaser, R. R., Horn, M. L. V., Arthur, M. W., Hawkins, J. D., & Catalano, R. F. (2005). Measurement properties of the Communities That Care® Youth Survey across demographic groups. *Journal of Quantitative Criminology*, 21(1), 73-102. <https://doi.org/10.1007/s10940-004-1788-1>

- Goodman, R. (2001). Psychometric properties of the strengths and difficulties questionnaire. *Journal of the American Academy of Child & Adolescent Psychiatry, 40*(11), 1337-1345. <https://doi.org/10.1097/00004583-200111000-00015>
- Hamilton, E. (2020). Toward a focused conceptualization of collateral consequences among individuals who sexually offend: A systematic review. *Sexual Abuse, 32*(1), 1-15. <https://doi.org/10.1177/1079063220981906>
- Harris, A. J., & Lobanov-Rostovsky, C. (2010). Implementing the Adam Walsh Act's sex offender registration and notification provisions: A survey of the states. *Criminal Justice Policy Review, 21*(2), 202-222. <https://doi.org/10.1177/0887403409346118>
- Harris, A. J., Kras, K., & Lobanov-Rostovsky, C. (2020). *Information sharing and the role of sex offender registration and notification: Final technical report submitted to National Institute of Justice (Award # 2014-AW-BX-K003)*. <https://www.ojp.gov/pdffiles1/nij/grants/254680.pdf>
- Harris, A. J., Walfield, S. M., Shields, R. T., & Letourneau, E. J. (2016). Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers. *Sexual Abuse, 28*(8), 770-790. <https://doi.org/10.1177/1079063215574004>
- Henry, D. B. (2000). Initial Report of the Pilot Study for the Evaluation of the SAFE-TO LEARN Demonstration Project. (Tech. Rep. No., Child Health Data Lab, Children's Memorial Hospital). Chicago, IL: Author.
- Hilbe, J. M. (2014). *Modeling Count Data*. New York: Cambridge University Press.
- Inderbitzin, M. (2009). Reentry of emerging adults: Adolescent inmates' transition back into the community. *Journal of Adolescent Research, 24*(4), 453-476. <https://doi.org/10.1177/0743558409336747>

- Jeglic, E. L., Mercado, C. C., & Levenson, J. S. (2012). The prevalence and correlates of depression and hopelessness among sex offenders subject to community notification and residence restriction legislation. *American Journal of Criminal Justice, 37*(1), 46-59.
DOI 10.1007/s12103-010-9096-9
- Jennings, W. G., Khey, D. N., Mahoney, M., & Reingle, J. (2011). Evaluating the continuity of offending from adolescence to emerging adulthood and its effect on academic failure among college student arrestees: A research note. *Journal of Criminal Justice Education, 22*(4), 578-592. <https://doi.org/10.1080/10511253.2011.590451>
- Jorgensen, B. L., Rappleyea, D. L., Schweichler, J. T., Fang, X., & Moran, M. E. (2017). The financial behavior of emerging adults: A family financial socialization approach. *Journal of Family and Economic Issues, 38*(1), 57-69. <https://doi.org/10.1007/s10834-015-9481-0>
- Kandel, D. (1975). Stages in adolescent involvement in drug use. *Science, 190*(4217), 912-914.
DOI: 10.1126/science.1188374
- Kazdin, A. E., Rodgers, A., & Colbus, D. (1986). The hopelessness scale for children: psychometric characteristics and concurrent validity. *Journal of Consulting and Clinical Psychology, 54*(2), 241.
- Kilpatrick, D. G., Ruggiero, K. J., Acierno, R., Saunders, B. E., Resnick, H. S., & Best, C. L. (2003). Violence and risk of PTSD, major depression, substance abuse/dependence, and comorbidity: Results from the National Survey of Adolescents. *Journal of Consulting and Clinical Psychology, 71*(4), 692. <https://doi.org/10.1037/0022-006X.71.4.692>
- Lane, J. A., & Fink, R. S. (2015). Attachment, social support satisfaction, and well-being during life transition in emerging adulthood. *The Counseling Psychologist, 43*(7), 1034-1058.
<https://doi.org/10.1177/0011000015592184>

Letourneau, E. J. (2021). Juvenile registration and notification are failed policies that must end.

In W. A. Logan & J. J. Prescott (Eds.) *Sex offender registration and community notification laws: An empirical evaluation* (pp. 164-180). Cambridge University Press.

Levenson, J. S., & Cotter, L. P. (2005). The effect of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 2(1), 49-66.

<https://doi.org/10.1177/1043986204271676>

Levenson, J., & Tewksbury, R. (2009). Collateral damage: Family members of registered sex offenders. *American Journal of Criminal Justice*, 34(1-2), 54-68.

<https://doi.org/10.1007/s12103-008-9055-x>

Maynard, B. R., Salas-Wright, C. P., & Vaughn, M. G. (2015). High school dropouts in emerging adulthood: Substance use, mental health problems, and crime. *Community Mental Health Journal*, 51(3), 289-299. <https://doi.org/10.1007/s10597-014-9760-5>

Mandell, L. (2008). The financial literacy of young American adults. *The Jumpstart Coalition for Personal Financial Literacy*.

<https://www.stockmarketgame.org/assets/pdf/2008%20JumpStart%20Financial%20Literacy%20Survey.pdf>

Martinez, D. J., & Abrams, L. S. (2013). Informal social support among returning young offenders: A metasynthesis of the literature. *International Journal of Offender Therapy and Comparative Criminology*, 57(2), 169-190.

<https://doi.org/10.1177/0306624X11428203>

Mercado, C. C., Alvarez, S., & Levenson, J. S. (2008). The impact of specialized sex offender legislation on community re-entry. *Sexual Abuse: A Journal of Research & Treatment*, 20, 188-205. <https://doi.org/10.1177/1079063208317540>

- Mingus, W., & Burchfield, K. B. (2012). From prison to integration: Applying modified labeling theory to sex offenders. *Criminal Justice Studies*, 25(1), 97-109.
<https://doi.org/10.1080/1478601X.2012.657906>
- Minnear, M., Sillars, A., & Shuy, K. (2018). Risky business: Disclosures of risky behavior among emerging adults in the digital age. *Communication Reports*, 31(1), 1-13.
<https://doi.org/10.1080/08934215.2017.1310271>
- Muhlhausen, D. B. (2018). *An overview of offender reentry*. US Department of Justice, Office of Justice Programs, National Institute of Justice.
- Multisite Violence Prevention Project (2004). The multisite violence prevention project: Background and overview. *American Journal of Preventive Medicine*, 26(1), 3-11.
<https://doi.org/10.1016/j.amepre.2003.09.017>
- Paschall, M. J., & Flewelling, R. L. (1997). Measuring intermediate outcomes of violence prevention programs targeting African-American male youth: an exploratory assessment of the psychometric properties of six psychosocial measures. *Health Education Research*, 12(1), 117-128. <https://doi.org/10.1093/her/12.1.117>
- Paykel, E. S., Myers, J. K., Lindenthal, J. J. y Tanner, J. (1974). Suicidal feelings in the general population: A prevalence study. *British Journal of Psychiatry*, 124, 460-469.
<https://doi.org/10.1192/bjp.124.5.460>
- Pettus-Davis, C., Doherty, E. E., Veeh, C., & Drymon, C. (2017). Deterioration of postincarceration social support for emerging adults. *Criminal justice and behavior*, 44(10), 1317-1339. <https://doi.org/10.1177/0093854817721936>
- Piquero, A. R., Brame, R., Mazerolle, P., & Haapanen, R. (2002). Crime in emerging

- adulthood. *Criminology*, 40(1), 137-170. <https://doi.org/10.1111/j.1745-9125.2002.tb00952.x>
- Pittman, N., & Parker, A. (2013). *Raised on the registry: The irreparable harm of placing children on sex offender registries in the US*. Human Rights Watch. <https://www.hrw.org/report/2013/05/01/raised-registry/irreparable-harm-placing-children-sex-offender-registries-us>
- Roeser, K. A., Somers, C. L., & Mangus, L. R. (2019). Emerging adults' risk-taking behaviors: Personal and social predictors. *Journal of Adult Development*, 26(4), 256-265. <https://doi.org/10.1007/s10804-018-9318-9>
- Socia, K. (2021). The ancillary consequences of SORN. In W. A. Logan & J. J. Prescott (Eds.) *Sex offender registration and community notification laws: An empirical evaluation* (pp. 78-101). Cambridge University Press.
- Schwab-Stone, M. E., Ayers, T. S., Kaspro, W., Voyce, C., Barone, C., Shriver, T., & Weissberg, R. P. (1995). No safe haven: A study of violence exposure in an urban community. *Journal of the American Academy of Child & Adolescent Psychiatry*, 34(10), 1343-1352. <https://doi.org/10.1097/00004583-199510000-00020>
- Steinberg, L. (2014). *Age of opportunity: Lessons from the new science of adolescence*. Houghton Mifflin Harcourt.
- Sullivan, T. N., Farrell, A. D., & Kliwer, W. (2006). Peer victimization in early adolescence: Association between physical and relational victimization and drug use, aggression, and delinquent behaviors among urban middle school students. *Development and Psychopathology*, 18(1), 119-137. <https://doi.org/10.1017/S095457940606007X>
- Tewksbury, R. (2005). Collateral consequences of sex offender registration. *Journal of*

Contemporary Criminal Justice, 21(1), 67-81.

<https://doi.org/10.1177/1043986204271704>

Tewksbury, R., & Humkey, T. (2010). Prohibiting registered sex offenders from being at school: Assessing the collateral consequences of a public policy. *Justice Policy Journal*, 7(2).

http://www.cjcj.org/uploads/cjcj/documents/Prohibiting_Registered.pdf

Tewksbury, R., & Lees, M. B. (2006). Sex offenders on campus: University-based sex offender registries and the collateral consequences of registration. *Fed. Probation*, 70, 50.

Tewksbury, R., & Levenson, J. (2009). Stress experiences of family members of registered sex offenders. *Behavioral Sciences & the Law*, 27(4), 611-626.

<https://doi.org/10.1002/bsl.878>

U. S. Bureau of Labor Statistics. (2017). Labor Force Statistics.

https://www.bls.gov/cps/cps_aa2017.htm

Victor, E. C., & Hariri, A. R. (2016). A neuroscience perspective on sexual risk behavior in adolescence and emerging adulthood. *Development and Psychopathology*, 28(2), 471.

<https://doi.org/10.1017/S0954579415001042>

Zimet, G. D., Dahlem, N. W., Zimet, S. G., & Farley, G. K. (1988). The multidimensional scale of perceived social support. *Journal of Personality Assessment*, 52(1), 30-41.

https://doi.org/10.1207/s15327752jpa5201_2

Table 1*Demographic and Offense Characteristics of Participants.*

	Total sample N=86 (mean & SD or %)	Registered N=38	Nonregistered N=48	<i>p</i> value
Gender (male)	91.7%	94.7%	89.1	0.449
Age	19 (1.04)	19.2 (1.10)	18.8 (0.96)	0.147
Race (white)	51.2%	63.2%	41.7%	0.048
Sexual orientation (heterosexual)	88.1%	86.1%	89.6%	0.738
Currently in school	62.8%	57.9%	66.7%	0.403
Any Post-Secondary Education (yes)	30.6%	31.6%	29.8%	0.859
Number of sexual offenses	0.95 (0.58)	1.13 (0.34)	0.80 (0.69)	0.006
Excessive force (yes)	11.6%	16.1%	7.9%	0.452
Weapon (yes)	1.3%	0%	2.4%	1.000
Number of sexual offense victims	2.46 (3.77)	2.16 (1.93)	2.71 (4.82)	0.509
Victim gender				
Female only	60.0%	58.8%	61.1%	0.981
Male only	25.7%	26.5%	25.0%	
Both	14.3%	14.7%	13.9%	
Victim age				
Youngest victim	9.21 (5.9)	7.8 (4.2)	10.71 (7.0)	0.035
Oldest victim	14.9 (9.4)	14.7 (10.5)	15.0 (8.4)	0.932
Mean age difference	5.49 (5.3)	6.86 (3.6)	4.08 (6.3)	0.027
Victim relationship				
Family	57.5%	58.3%	56.8%	0.595
Friend	20.5%	19.4%	21.6%	
Neighbor	4.1%	2.8%	5.4%	
Acquaintance	9.6%	5.6%	13.5%	
Stranger	6.8%	2.8%	10.8%	
Other	13.7%	19.4%	8.1%	
Num. of nonsexual offenses	0.69 (2.15)	0.73 (2.24)	0.65 (2.09)	0.871

Note: Under Victim age, mean age difference refers to the difference between the participant's

youngest victim and participant's age at time of that victimization. The mean age of oldest victim

is based on the 38 participants who indicated having more than one victim. Victim relationship

refers to relationship with participant and does not sum to 100% because participants with multiple victims could endorse multiple relationships. The pooled chi-square for the Victim Relationship was estimated using function *micombine.chisquare* in package *miceadds* in the R software.

Table 2*Comparisons of Registered and Nonregistered Groups on Measures of Mental Health, Social**Support, Personal Conduct, Peer Relationships, and Experience of violence.*

Measure	Mean (SD)		LS Mean [^]	
	Registered N=38	Nonregistered N=48	Registered N=36	Nonregistered N=34
Mental Health				
SDQ Emotional	4.42 (2.51)	2.96 (2.48)*	4.04	3.28
SDQ Hyperactivity	3.53 (1.98)	3.48 (2.51)	3.20	3.76
SDQ Total Difficulties	13.62 (6.33)	11.51 (6.08)	12.67	12.20
Hopelessness	2.07 (0.55)	1.73 (0.43)*	2.01	1.77 [†]
Paykel Suicide Item				
Highest item	2.09 (2.04)	1.24 (1.66)*	1.99	1.41
Social Support				
Perceived Social Support				
Total	4.87 (1.60)	5.70 (1.11)*	4.87	5.69*
Family	4.97 (1.89)	5.67(1.47) [†]	4.93	5.78 [†]
Friends	4.44 (2.00)	5.63(1.12)*	4.40	5.60*
Significant other	5.22 (1.85)	5.90 (1.06) [†]	5.28	5.80
Personal Conduct				
SDQ Prosocial Behavior	7.79 (1.99)	8.71 (1.66)*	7.65	9.02*
SDQ Conduct Problems	2.22 (2.04)	1.96 (1.76)	2.21	1.96
Substance Use	9.30 (5.55)	10.53 (7.12)	9.38	9.84
Commitment to School	2.33 (0.66)	1.95 (0.81) [†]	2.48	1.72*
Peer Relationships				
SDQ Peer Relationship Problems	3.48 (2.12)	3.13 (2.15)	3.31	3.17
Safety and Violence				
Sense of Safety				
In School	1.72 (0.40)	1.81 (0.28)	1.79	1.87
Not in School	1.51 (0.45)	1.68 (0.45)	1.50	1.57
Experience of Violence				
Total	20.60 (12.13)	24.38 (13.08)	20.01	25.91 [†]
Relational	11.03 (7.55)	11.74 (7.13)	10.64	12.81
Overt	9.83 (5.52)	12.83 (7.52)*	9.67	13.68*

Note. The results for “commitment to school” and “sense of safety – In school” are based on the

54 participant who indicated being in school at the time of the survey. The results for “sense of

safety – not in school” are based on the 32 participants who indicated not being in school at the time of the survey.

^ Least squares (LS) means are the mean scores controlling for all other covariates in a multivariable model

** = $p < 0.001$; * = $p < 0.05$; † = $0.05 \leq p < 0.1$

Table 3

Comparison of Registered and Nonregistered Young Adults on Dichotomous Measures of Suicide, Sexual Assault Victimization, Employment Status, and Problems at Work.

Measure	Registered (%)	Nonregistered (%)	Test of proportions- p value	MLR β (p value)	OR (95% CI)
Suicide attempt	21.6%	6.4%	0.053 [†]	0.723 (p=0.372)	2.06 (0.42, 10.06)
Sexual assault victimization	33.3%	33.3%	1.000	-0.71 (p=0.220)	0.49 (0.16, 1.53)
Employed	44.4%	47.9%	0.752	-0.48 (p=0.386)	0.62 (0.21, 1.83)
Problems at work	20.7%	18.9%	0.858	1.16 (p=0.272)	3.20 (0.40, 25.43)

Note. MLR “multivariate logistic regression”; OR “odds ratio”; CI “confidence interval”

[†] = 0.05 ≤ p < 0.1

KING COUNTY DEPARTMENT OF PUBLIC DEFENSE

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