2009

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The Pit & the Pendulum: Sex Offender Laws
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Introduction

Recent events concerning the criminal justice system have sparked a debate about the methods and ramifications of new medical and social interventions that can be categorized as community protection or recidivism prevention. The contemporary understanding of criminal behavior as treatable—combined with advances in mental health treatment—has led to an increase in the use of community protection measures to manage offenders with mental disorders or a history of violent behavior. The confluence of these factors has enabled the implementation of new interventions that may allow for alternative forms of custody or treatment, but the population to be treated is a heterogeneous and diverse group of individuals with varying needs and characteristics.

The United States

Sexually Violent Predator Act

The United States Supreme Court has ruled that the antisocial behavior of some sex offenders is best managed by sexual behavior treatment facilities. In a series of cases, the Court has struck down state laws on the grounds that the various tests used to determine the existence of dangerous sexual behavior do not satisfy due process requirements, as a violation of the state's commitment to the constitutional right of counsel. Two such laws, the California Law of Sexual Predator Act and the Colorado Sex Offender Act, were struck down. The Connecticut sexual predator law has been found to violate due process and the right to privacy.

The community protection model also reflects the concerns of victim rights groups, and has been adopted by sexual assault prevention advocates, as well as the general public. According to this model, the best approach to the management of sex offenders is to ensure that they are given the treatment and supervision that they need, in order to protect society from their future crimes. The community protection model, however, has been met with much criticism and controversy, as it has been argued that it is too lenient and does not adequately protect the public from sex offenders.

Crime Prevention

Traditionally, crime prevention has focused on law enforcement efforts to reduce the incidence of crime. With the rise of community protection measures, the focus has shifted to the treatment and supervision of sex offenders, as a means of preventing future crimes.

Community Protection Model

Community protection measures are interventions that are designed to reduce the risk of future criminal behavior by sex offenders. These measures are intended to prevent recidivism, or the repetition of criminal behavior, by providing treatment and supervision to sex offenders who are at risk of reincarceration. The community protection model is based on the belief that sex offenders can be treated and supervised in a community-based setting, rather than in prison, in order to reduce the risk of future criminal behavior.

The United Kingdom

England and Wales provide primary statutory treatment for offenders under the Multi-Agency Public Protection Arrangement (MAPPA). These are three agencies that are involved in the supervision, management, and treatment of sex offenders. The three agencies are: the Probation Service, the NHS, and the Local Authority. The three agencies work together to provide a range of services, including supervision, treatment, and support, to sex offenders who are at risk of future criminal behavior.

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