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The Pit & the Pendulum: Sex Offender Laws

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The Pit & the Pendulum: Sex Offender Laws

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Comments
Introduction

This chapter examines the criminal justice policy that has emerged in recent years in the United States concerning sexual offenders. It focuses on the role of risk assessment and the use of community supervision as a strategy for preventing reoffending.

Historic Development

In Europe, during the 18th century, there was a shift away from the use of incarceration as a means of punishment. Instead, there was a move towards community supervision and treatment for certain types of offenders, particularly those who were deemed to be mentally ill. This approach was based on the idea that offenders could be treated in a less restrictive setting, which would allow them to continue living in society and contribute to their communities.

In the United States, the approach to treating sexual offenders has been more varied. For much of the 20th century, sexual offenders were treated in a more punitive manner, with a focus on incarceration and isolation. However, in recent years, there has been a shift towards community-based treatment and supervision, with the goal of reducing recidivism and promoting reintegration into society.

The United States

Sexually Violent Predator Act

Sexually violent predators are defined as individuals who present a significant risk of future sexual violence. The Sexually Violent Predator Act (SVP Act) allows for the civil commitment of such individuals. The SVP Act was created to protect communities from sexual predators who pose a danger to others.

The Evaluation and Treatment of Sexually Violent Offenders

To be committed under the SVP Act, an individual must meet the following criteria:

1. Committing or attempting to commit a sexually violent offense
2. Being found to be an adjudicated sexually violent predator
3. Having a mental disorder or dual diagnosis
4. Presenting a significant risk of future sexual violence

Community Protection Model

The Community Protection Model is a combination of social controls including longer sentences and treatment for sexual offenders. According to this model, the best approach to the management of high-risk sexually violent offenders is a combination of social controls including longer sentences and treatment for sexual offenders. This treatment engagement is then expected to address the risk created by individuals who engage in behaviors broadly characterized as sexually violent.

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Germany

The United Kingdom

England and Wales provide statutory multiagency public protection order (MAPP) to protect the community from the risk of harm by a person who has been convicted of one or more sex offenses.

MAPP is a legal order that can be made by a court in certain circumstances to protect the community from the risk of harm by a person who has been convicted of one or more sex offenses.

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