

## COMMON QUESTIONS PEOPLE HAVE ABOUT CIVIL COMMITMENT

*Adopted by the ATSA Executive Board of Directors on October 13, 2015.*

*Written in collaboration with the Sex Offender Civil Commitment*

*Programs Network.*



**Q: What does it mean to be a “Sexually Violent Predator (SVP)”? Does an SVP use more physical force than other sexual offenders?**

**A:** No. The term “Sexually Violent Predator” means the person met legal criteria to be detained and placed in a comprehensive treatment program following the end of his or her prison sentence. While there are some differences from state to state, in general (1) the person would have committed a qualifying sexual offense; (2) the person would have been determined to have some type of qualifying mental condition; and (3) there would be a significantly high risk for reoffending as a result of the disorder.

**Q: Does the fact that an SVP has been determined to have a “qualifying mental condition” mean he or she is mentally ill?**

**A:** No. Most SVPs do not have a major mental illness such as schizophrenia; instead, they have been diagnosed to have a personality disorder and/or a sexual disorder.

**Q: Does every state have civil commitment laws?**

**A:** No. Twenty states and the District of Columbia have these laws.

**Q: I know someone who was declared an SVP and he doesn’t seem dangerous. How was it determined that he is “high risk” to reoffend?**

**A:** Actuarial risk assessment instruments are utilized to help determine whether an individual is at high risk for sexual reoffense. Actuarial risk assessment instruments are highly structured, replicable, and based upon factors that research has shown to be related to recidivism, including some factors that may not appear to be directly related to sexual offending (e.g., history of abusing alcohol/drugs, prior failure while on probation/parole). Individuals identified as high risk on these risk assessment protocols are more likely to be civilly committed.

**Q: Are all SVPs men?**

**A:** No. The majority are male, but there are a few women throughout the country who have been committed as an SVP.

**Q: If SVPs are at such high risk for reoffending, why are some being released to the community?**

**A:** They are civilly committed to a treatment program with the goal of decreasing the risk they present to the community, so that they can return to the community to live healthy and meaningful lives. If they are being released, it is because they have been determined to have significantly lowered their risk for reoffending.

**Q: Who decides when SVPs can be released?**

**A:** The procedures for release differ from state to state, but in general a judge or jury makes that decision, with input from evaluators and after reviewing SVPs’ treatment progress.