

CHARACTERISTICS OF SVPs

Characteristics of SVPs Committed by Trial

Geoffrey R. McKee
R. Gregg Dwyer

In *Kansas v. Hendricks* (1997), the United States Supreme Court allowed for civil commitment of persons convicted of sex offenses after criminal incarceration. By 2007's end, nineteen states enacted laws to civilly commit persons typically identified as Sexually Violent Predators (SVPs). How are decisions reached in deciding to civilly commit SVPs for an indeterminate period of time? At least one state uses a seven-step process culminating in a civil trial with a jury option. By January 2008, in that state, 510 persons reached the pre-trial stage during which persons under commitment consideration are evaluated by a forensic psychiatrist for a commitment opinion. Of those, 506 were evaluated and 198 were referred for trial. Of the 198, 136 (69%) were committed and 38 (31%) were released following a bench (judge only) or jury trial.

This research identifies differences between persons committed and those released at the trial stage of a state's SVP commitment process. Given that most trials in the study state are by jury, this research also provides data regarding jury decisions in such cases. Information compared includes demographic, education, general medical, mental health, criminal justice, and sex offense data. Descriptive and inferential statistical results with associated forensic evaluation and mental health system implications will be presented.

References:

1. *Kansas v. Hendricks* 521 U.S. 346 (1997)
2. Jackson RL, Hess DT. Evaluation for civil commitment of sex offenders: a survey of experts. *Sexual Abuse: A Journal of Research and Treatment*, 2007;19:425-48

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An Examination of Factors That Predict Sexually Violent Predator (SVP) Commitment in a Sample of Treated Sex Offenders

Cynthia Calkins Mercado, Ph.D.
Elizabeth Jeglic, Ph.D.

Sexually Violent Predator (SVP) statutes, which allow for the post-sentence civil commitment of offenders thought to pose an elevated risk of re-offense, have been enacted across nearly twenty states. Despite legal challenges arguing that this type of indefinite, post-sentence detention violates constitutional prohibitions against *ex post facto* lawmaking and double jeopardy as well as substantive due process rights, the constitutionality of these preventive detentions schemes has been upheld (*Kansas v. Hendricks*, 1997). Most recent estimates indicate that some 3,646 offenders are currently being held for evaluation or committed under SVP statutes in the United States, with over 345 of those being held (either detained or committed) in the State of New Jersey (Deming, 2006). While the number of individuals screened, detained, or committed continues to grow, research in this arena has not kept pace. Researchers in several states have reported on the demographics and characteristics of offenders held in SVP commitment programs (see e.g., Becker et al., 2003; Janus & Walbeck, 2000; Meyer, Mollett, Richards, Arnold, & Latham, 2003), but these samples have typically been fairly small in size. In one of the only examinations of selection for SVP commitment, Levenson (2004) compared a group of sex offenders recommended for commitment with offenders recommended for release in the State of Florida, finding that sex offenders rated at higher risk of re-offense on actuarial risk measures were more likely to be recommended for commitment. Research from other states has been needed, however, to establish the generalizability of these findings.

This talk will present initial findings from a large-scale study examining selection for SVP commitment in New Jersey. Specifically, we will examine factors that differentially predict whether or not sex offenders ($n = 433$) who served their prison sentence in a treatment setting are referred for civil commitment. This study compares the approximately 24% ($n = 104$) of these offenders referred for commitment with the remaining 76% ($n = 329$) who were not referred for commitment. Of those recommended for commitment by an independent evaluator, 62% were ultimately committed while 38% were not. Using predictive modeling, this study will examine factors (including demographics, offense history, treatment responsiveness, and risk for recidivism) that might differentially predict commitment in this sample of treated sex offenders.