

When Public Protection becomes Punishment? The UK Use of Civil Measures to Contain Sex Offender

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Abstract

The last ten years has witnessed an increased use of the civil law in the UK to contain and incapacitate the sex offender. These measures have been introduced to improve community safety and public protection, as the criminal law seeks to punish and condemn.

This paper explores the contention that the civil and criminal law are in danger of becoming confused and the line between the two becoming blurred. At worst the civil law is in danger of becoming a form of criminal punishment in its own right and those charged with implementing it, in danger of getting their roles confused. What starts out as a civil regulatory or administrative arrangement for public safety becomes increasingly obstructive, has gate-ways to criminal proceedings and is implemented in a punitive fashion.

Key words: sex offender, civil and criminal law, public protection

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