

Crim critical thinkings example

[Law](#), [Criminal Justice](#)



The additional confinement of sex offenders after serving their prison term is not a violation of their civil rights. The Supreme Court upheld that the Congress is duly authorized by the constitution to enact a legislation that authorizes the civil commitment of sexual offenders even after serving their sentence if found to be a danger to the public or to the community (United States v Comstock, et. al. 560 U. S. 526, 2010). It has been lawfully justified that the congress is given by the constitution such plenary power to enact laws that are necessary and proper that will carry out the effective execution of the criminal justice system. This “ necessary and proper” clause necessarily includes the determination of more appropriate measures that will protect the public from dangerous people. Allowing the release of a sexual offender who is not completely rehabilitated from their criminal behavior will defeat the purpose of conviction and confinement of criminals. It is worth noting that the main goal of the criminal justice system includes the administration of justice, controlling crimes and preventing crimes (Cole, Smith and DeJong, 2014). It is more rational to think that what the members of the congress have in mind when they enacted the legislation involving the civil confinement of sexual offenders is to preserve the purpose of preventing crimes and protecting the public welfare against the dangerous criminals who were not able to reach their complete recovery to make them harmless to the society. Moreover, it is also proper to say that the congress has the legitimate interest to protect the public against all forms of criminality, which includes safeguarding against the dangers posed by those already confined in the federal custody. It cannot be stated that the further confinement of sex offenders will violate their civil rights because the

manner of the implementation of such law involves the due process of determining their condition and state of mind in order to justify their civil confinement if found to be a danger to the community. The Department of Corrections is given the responsibility to review all cases of sexual offenders and assess their condition and risk levels in order to determine whether further civil confinement is warranted (Department of Corrections, n. d.). It is more rational to say that individual civil liberties must not exist in a vacuum, but it must coexist with a stable and safe society (Inbau, 1999). To exercise the right of civil liberty is therefore meaningless in the absence of safety of life, limb and property. Congress has legitimate power therefore to carry out its constitutional power to enact necessary legislations as a means to protect public safety.

References:

- Cole, G., Smith, C. and DeJong, C. (2014). *The American system of criminal justice*. New York: Cengage Learning.
- Inbau, F. E. (1999). Public safety v individual civil liberties: The prosecutor's stand. *Journal of Criminal Law and Criminology*. 89(4): 1413-1420.
- United States v Comstock, et. al. 560 U. S. 526 (2010). Retrieved from <https://www.law.cornell.edu/supct/html/08-1224.ZO.html>.