

性罪犯假釋申請案之 Static-99量表操作範例

Application for Parole to Sexual Offenders:
An Example of Operating Static-99 Scale

林順昌 Shun-Chang Lin*



摘要

我國司法實務從2008年引進Static-99量表於性侵加害人的危險評估後，慣以口白式直譯而過度簡化概念，且未留意西方法制與本土的差異，導致子題判斷與原版南轅北轍，不免有評估失真之虞，後續的社區監督也因此滋生矛盾。鑑此，爰擬範例重申量表原意，俾釐清相關概念。

Since the introduction of the Static-99 scale to assess the risk of sexual assault victimization in 2008, the domestic legal praxis has been used to over-simplify the concept with a vernacular translation and has not paid attention to the differences between the Western legal institutions and the domestic institutions, which caused totally divergent applications from the original scale and the evaluations

*臺灣桃園地方檢察署觀護人（Probation Officer, Taiwan Taoyuan District Prosecutors Office）、中央警察大學犯罪防治學博士（Ph. D., Department of Crime Prevention and Corrections, Central Police University）

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were distorted consequently. The community surveillances afterwards had therefore been more problematic. In this respect, the author would like to explain the original meaning of the scale to clarify some relevant concepts.

壹、問題之提出

Static-99量表的操作應先熟悉並參考編碼規則¹，所需資訊包括：自陳報告、過去的治療效果、評估者的可靠性、性罪犯獲釋後未犯罪的時段、當前的罪行是否出於性動機、性犯罪的定義、控訴或定罪的日期、犯罪類別、偽累犯、犯罪前科，以及特殊情況如何適當計分或排除。然而，我國司法實務從2008年引進Static-99量表於性侵加害人的危險評估後²，慣以口白式直譯而過度簡化概念，且未留意西方法制與本土的差異，導致子題判斷與原版南轅北轍，不免有評估失真之虞，後續的社區監督也因此滋生矛盾。鑑此，爰擬範例重申量表原意，俾釐清相關概念。

1 Leslie M. Helmus, David Thornton, R. Karl Hanson & Kelly M. Babchishin, *Improving the Predictive Accuracy of Static-99 and Static-2002 with Older Sex Offenders: Revised Age Weights*, 24(1) SEXUAL ABUSE: A JOURNAL OF RESEARCH AND TREATMENT 64-101 (2012).

2 內政部家庭暴力及性侵害防治委員會、法務部、行政院衛生署，97年度性侵害犯罪被害人評估專業人員訓練手冊，2008年10月8日，58頁。