

An overview of victim support criminology essay



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Victim Support is the oldest victim organisation with more than 35 years of experience and also the largest worldwide. Their three aims are simply to support, help cope with crime and give any sort of information to victims (Marshall, 1999). They have many charity and witness service companies within them. There are many ways in which these programmes process. It can be a victim-offender mediation process, in which the mediators discuss the crime, the aftermath and the next steps towards making things right. Conferencing meeting is the same as the victim-offender mediation except that this meeting involves the family members and community representatives as well. Victim-offender panels take place with other victims and offenders with similar crime situations and the victim assistance support victims as they go through the criminal justice process and help them recover (Marshall, 1999).

National Association of the Care and Resettlement of Offenders (NACRO) is one of the most growing charities in the United Kingdom. NACRO trains up to 10, 000 learners, helps approximately 20, 000 people who call to enquire, assist 10, 000 prisoners and work with 11, 000 young people. They have

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about 1000 programmes which work with youths, present and ex-offenders, homeless people and many other disadvantaged groups. ' NACRO's vision is a safer society where everyone belongs, human rights are respected and preventing crime means tackling social exclusion and re-integrating those who offend' (NACRO, 1997). This charity program helps find positive alternatives to crime and reduce crime by changing lives. As well as these processes there are many other processes of restorative justice. All provide opportunities for the parties to meet, discuss what happened, the impact it had and what should take place in the future. A mediator prepares the meetings and helps both parties communicate with one another, but the end solution is made by them only. ' All of these supporting mediations end with an agreement on how the offender will make amends for the harm they have caused by the crime' (Marshall, 1999). In this process, four types of reparation are agreed upon. They are apology, restitution, changed behaviour and generosity. Apologies can be verbal or written.

Acknowledgment, affect and vulnerability are three main parts which take place while apologising. The offending acknowledges the fact that he has committed a crime and takes responsibility for it. He also needs to accept he has caused harm to the victim and that the certain individual did not deserve to be hurt (Marshall, 1999). The offender expresses his deep feelings through words or body language and only when he feels regret or guilt will this process be effective. If the offender does feel regret, this could possibly repair and make a victim feel like a whole new person. This is not always possible as the offender may not be able to communicate properly even if they are feeling responsible for what has taken place (Marshall, 1999).

Finally, vulnerability is in relation with both the offender and victim. The

offender commits a crime because he or she has a control over the victim, but when apologising the control gets passes on to the victim. The victim has a choice to whether or not to accept the apology. Before the offender apologises, they have no idea what action the victim will take, so the offender apologizes and gives the power and control to the victim. Apology is one of the four types of reparation. The second type is restitution. Restitution is a sum of money or any other type of compensation for the damage that has been caused by the crime (Marshall, 1999). This can repair the victim's damage and can be a method of holding the offender liable for the offence they have done. This is not only ordered by restorative justice mediators but also can be given by a judge. Another way to make an amendment for the harm they have caused it to show their behaviour will change and they will not commit crimes. Some of the things which are negotiated are the change of environment, peers, and sometimes even schools. They learn new behaviours by using different types of programmes such as anger management classes, educational or drug-treatment programmes. Follow up meetings are scheduled to see the progress of change. Generosity is the last type of reparation where an offender can choose to agree upon. It's a way of showing they are deeply sorry. They agree to community service of any type chosen by the victim (Marshall, 1999).

Theories of Restorative Justice

There have been many criminological theories that have tried to connect with restorative justice. In 1985, Howard Zehr was the first writer to combine a theory with restorative justice in his book *Changing Lenses* (Zehr, 1990). He talked about all the advantages victims could receive by this justice

system and also what offenders can achieve by accepting responsibility.

There were many limitations of this theory as it spoke much about the private problems of the victims and offenders. Nonetheless, Zehr's work was very influential; many other theorists took his ideas and expanded. The main theory which had an impact on restorative justice was 'Re-integrating Shaming Theory'. According to John Braithwaite, this theory summarises 'Crimes best controlled when members of the community are the primary controllers through active participation in shaming offenders, and, having shamed them, through concerted participation in ways of reintegrating the offender back into the community of law abiding citizens. Low crime societies are societies where communities prefer to handle their own crime problems rather than hand them over to professionals' (Braithwaite, 1989). Braithwaite believes shame and punishment can be mainly achieved from the family. Family life helps us maintain relationships and teaches us to respect everyone. According to Bazemore (2007) re-integrative shaming theory does not include victim interests and justices issues which are the main components of restorative justice as a whole. Another theory which was linked to restorative justice was Matza's theory of neutralisation is (Mackay, 1998 cited in Newburn). Matza believes that one of the main reasons why offenders kept on re-offending was due to the positive image they had about what they did. Their actions need to be dismissed and told what is right and wrong. Many offenders responses are 'he deserved it', 'they can afford it', or 'they asked for it'. Meeting with the victim makes it hard for the offender and makes them realise the harm they have caused but Marshall argues that 'no other criminological or justice theory can be held to underpin

Restorative Justice' (Marshall cited in Newburn, 2009) but some theories can associate with the different steps of Restorative Justice.

Restorative Justice vs. Criminal Justice

Restorative Justice differs from the contemporary criminal justice system in several ways. The key characteristics of a retributive justice are; that it views the offence against the state, keeps the victim and offender separate, accepting responsibility is not pushed, the harm caused by the offender is given back to him as revenge, focuses more on offender and victims being ignored; offender has no say in decision, offender's relationship with community are weak, the relationship between the offender and victim are not focused on, and forgiveness is not mentioned (Leung, 1999). The outcome of this is a win-lose situation, it does not offer much to our criminal justice system. For a short period of time, it might satisfy some purposes of sentencing. It does not pay much attention to reparation, rehabilitation is left as a last option, clearly shows it has not helped reduce crime by sending the offenders to prison, but the criminal justice system has fulfilled two purposes, which is punishing the offender itself, and protecting the public for the time being. On the other hand, the key characteristics of a restorative justice are that it views the offence against the victim and community; victims are allowed to speak up and meet the offender, encouraging responsibility, the victim's needs are most essential, offender is asked to solve the problem, focuses on re-integration, and forgiveness is encouraged (Leung, 1999). At the end there is win-win result.

' Restitution assigns a value to the material losses suffered by the victim and requires that the wrongdoer balance the scale by paying that amount to the

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sufferer. Restoration, on the other hand, looks beyond the material harm to non-material disruptions, such as the loss of a sense of security or the loss of trust' (Leung, 1999). Also, restitution thinks about the damage done to the victim but does not give them a chance to say how they feel by this situation. In contrast, restorative justice tries to tackle the needs of the not only the victim, but also the offender, family members, the community, and others affected by the offence (Leung, 1999). Overall, restorative justice goes beyond the fact that a law was broken, and distinguishes the harm caused by offenders to victims and communities. Giving the situation into the government does not help in any way, all parties related to the crime needed to be included as well. Both systems measure success differently. One measures it by how much punishment is given to the offender and the other measure it by how much harm is fixed.

Criticisms and Limitations of Restorative Justice

Nothing is perfect, everyone has flaws and weaknesses. One of the major drawbacks of restorative justice is that the system mainly relies on the co-operation of the three parties. If either of them, do not co-operate the aim of this system cannot be achieved. Due to this, the system can be a complete failure. Another limitation which takes place is that it seems to only be applicable to minor offences. Allison Morris lists three criticisms of restorative justice (Morris cited in Newburn, 2009). She believes that restorative justice erodes legal rights as in failing to protect the offender's rights. The second criticism, not only Morris but many other major critics believe that restorative justice does not succeed in making a real change and reducing crime. Thirdly and lastly, restorative justice can cause

discrimination issues while the process is taking place but this mainly depends on the location. Not only Morris but many other people have criticised restorative justice. Some other limitations which have been identified are that there is no agreed definition, a sincere apology from an offender is hard to achieve, and restorative justice sometimes lives in a dreamland, it assumes that the victim can openly speak to the offender in a kind manner. This can weaken the process majorly. Many theorists believe both systems should combine their aims and ideas together, so our criminal justice system can perform better and satisfy the purposes of sentencing.

Conclusion

Punishment as imprisonment should be used only for dangerous offenders. This will not only make it easier for the government, but also reduce the cost and time put into prisons, which can be useful for other developments for offenders and victims. The public is not fully satisfied with the criminal justice system, it seems as they have failed in achieving the goals of fairness between the offender and victim and also by protecting the public.

Restorative justice pays attention to victims needs. It ensures the victim questions have been answered and they feel happily secure. Restorative justice help offenders take responsibility and make them understand the harm they have caused. Offenders are forced to feel guilt and shame, therefore this prevents them from committing future crime. By this the community accepts the offender back and helps him/her reintegrate back into society. This process can take place in many settings such as conferencing circles or offender-victim meetings. ' Every person harmed by a conflict should have the opportunity to resolve it through a restorative

justice' (Restorative Justice Consortium, 2002). Restorative justice is not perfect but it does offer a positive approach to this world which our current criminal justice system does not. It has shown to reduce crimes within youths in schools and even adults with domestic violence and stealing problems. Many countries have taken this seriously and amended many laws. Restorative justice assures to better social justice to victims, a secure community to all and to reform the offender which will help reduce the number of future crimes. Punishment of offender, the reduction of crime, rehabilitation of offenders, the protection of the public and reparation by offenders are the five main purposes of sentencing. Restorative justice argues they can satisfy these purposes, but for this to be proven, restorative justice needs a chance. ' The goal of reintegrating offenders into the law-abiding community has a better chance of being achieved if both systems are employed, in a coordinated programme, rather than if we rely upon one to the exclusion of the other' (Hirsch, Ashworth & Roberts, 2009). A fair and just response can only be determined by these two systems. Restorative justice has many advantages and claims to satisfy the purposes of sentencing hence its weaknesses. It needs to be practised more and the systems need to work together so justice can be determined.