

Restorative justice policies in american criminal justice

Law



During the progression of court proceedings, the plea-bargaining begins and the person charged with the crime would eventually deny accountability, his representative would eventually bargain for a lesser charge and punishment in exchange for a guilty plea. Supposedly, in these proceedings, justice is served and the offender is sent to prison.

Net widening is where offenders are subjected to more invasive sanctions than before. When offenders are going to be subjected to probation orders or are going to be fined, they are now subjected to conditional sentences. If ever that the offender got imprisoned for violating a conditional sentence or be jailed for more than he should be than if he had never been subject to conditional sentence order (Cohen and Reaves, 2007).

On the other hand, restorative justice involves the victim, the offender and the community in a meaningful journey of healing, renewal, and recompense. This system makes offenders accountable for what they have done and would let them recognize that injustice violates people and relationship. It would show to them that every there violation entails an obligation to fix the mistake. Through this system, we can realize that punishing the offender alone will not work. Making the offender experience the effects of their action towards the victims would lead to lower repetition of the same action thus producing safer communities in the future.

The use of conditional sentences is justified when the courts embraced restorative justice as an approach to sentencing. Ambiguities and complexities of the conditional jurisprudence piled up because of this reliance on restorative justice. These complications came out since restorative justice is not a traditional sentencing philosophy and it has

different interpretations. Some problems might arise especially in the interpretation of restorative justice and the balance of using restraint in imprisonment with the use of conditional sentences and when it is combined with the refusal of the court to use conditional sentences, like in serious cases. This situation will also increase net widening and probably over-incarceration. In this case, punitive “ net widening” policies and restorative justice can be applied unilaterally.