

Example of essay on sleepers

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



Sleepers is an American legal drama film written, produced and directed in 1996 by Barry Levinson. This movie is based on the book written by Lorenzo Carcaterra. This movie is about four boys who got involved with the criminal justice system due to their reckless behavior in name of a joke on a hot dog vendor. They decided to knock off a hot dog vendor just because they were bored. Shakes ran off with a hot dog making the hot dog vendor to chase him. While he was chasing Shakes, Michael, John, and Tommy started feasting on the remaining hot dogs since the vendor left his stand unsupervised. They later on leave the hot dog vendor cart teetering on the edge of the subway entrance which crashes down hitting and almost killing an elderly man. This incident brings them on the wrong side with the law as they are sentenced at the Wilkinson Home for Boys. Michael, John, and Tommy are sentenced to serve a term of 12 to 18 months since they are older while Shakes is sentenced to 5 to 12 months at the Wilkinson Home for Boys. At the Wilkinson Home for Boys, the boys are abused, beaten and raped by four guards Henry Addison, Ralph Ferguson, Adam Styler and Sean Nokes. Moreover, they are embarrassed and forced to eat off the floor by Nokes in front of other inmates and are abused every night. In the movie Sleepers the boys, Shakes, Michael, John, and Tommy are the main characters who ended up being abused while in custody for their reckless behaviors.

Criminal negligence by causing bodily harm to another person is an indictable offence and liable to imprisonment (Allen, 2005). Assuming that the charges against Shakes, Michael, John, and Tommy were causing bodily harm by criminal negligence since they harmed the man on the subway after

stealing from and damaging the hot vendor's cart, they deserve to be imprisoned for a term not exceeding ten years. The youth criminal justice system has the mandate to hold responsible the youth between the ages of 12 to 17 if they are involved in criminal activities. The Canadian Youth Criminal Justice Act (YCJA) deals with the young people who are suspected, charged and found guilty of the crimes they have been accused of. The YCJA helps the youth in Canada understand the effects of their actions and gives a fair and an effective response to the crimes committed by the young people (Tustin and Lutes, 2013). In addition, the YCJA takes care of the need of the young people accused and their circumstances and works on their integration and rehabilitation. Also it encourages the community at large the parents, teachers, and volunteer groups to participate in the criminal justice system in order to help the youth reform and avoid being involved in criminal activities.

In Canada, children below the age of 12 years cannot be charged with a crime but are assisted in reforming and becoming good citizens (Grossman and Roberts, 2011). However young people in Canada can be sentenced if they have committed violent offences. Violent offences are offences that endanger the safety and the life of another person by causing bodily harm. Shakes, Michael, John, and Tommy committed a violent offence and therefore deserved to be sentenced. However, they are not supposed to serve their sentence in an adult penitentiary in spite of whether they are given an adult or youth sentence. The young person is supposed to remain at a youth facility until they become of age which is 18 years and that is when it is decided if they are to be transferred to an adult facility or remain

in the youth facility until the age of 20.

In the case of Shakes, Michael, John, and Tommy if they were in Canada, and assuming that they were aged 13 to 14 years, they were to remain at the youth facility until they become 18 years of age. In Canada the youth justice system affects youth aged 12 to 17 years who get in trouble with the law and therefore they were to be held responsible for their actions by the law. In Canada, the youth and adults are always governed by separate justice systems as there has been the Juvenile Delinquents Act in 1908, to the Young Offenders Act in 1984, to the Youth Criminal Justice Act (YCJA) enacted in 2003. It is acknowledged by the Canadian justice system that the principles of justice that are applied to adults is not suitable for the youth and therefore, they have to be different. The Canadian youths rights protected by the Canadian Charter of Rights and Freedoms, the United Nation's Convention on the Rights of the Child and the Canadian Bill of Rights.

The current Youth Criminal Justice Act and Criminal Code of Canada in dealing with the Shakes, Michael, John, and Tommy could hold them responsible for their actions since they fall into the 12 to 17 years bracket. Shakes, Michael, John, and Tommy were involved in taking another person's property without their consent which is theft. In Canada, theft is a statutory offence that is punishable by the law. Assuming the boys were accused of theft and mischief over \$5, 000, it is referred to as Theft Over \$5, 000 and it is an indictable offence that has a sentence of 10 years imprisonment. If their case is dealt with as an indictable offence, it is punishable by imprisonment for not more than 2 years. However, they can only be

sentenced if they are found guilty of the crime since in Canada, a person can only be sentenced if found guilty of the crime they are being accused of.

In the case of Shakes, Michael, John, and Tommy stand for a great chance to be rehabilitated and reintegrated in the society as they are still junior youths according to the Canadian constitution. The current Youth Criminal Justice Act and Criminal Code of Canada would implement extra judicial measures on the boys instead of punitive sentences so as to assist them adjust back to the community.

Restorative justice system is a justice system of dealing with crime and its effects using the community based approach. This system can be used to prevent crime in the community as it operates on problem solving and healing rather than punishment and isolation (Cragg, 2002). Restorative justice system can be applied in the case of Shakes, Michael, John, and Tommy. When a restorative system is applied in this case, the crime committed by the four boys can be solved at the community level since it is considered as a crime against another person not the state like the retributive system. There will be a direct participation of the offenders and the victim in resolving the crime and bringing peace between them. The four boys will have to accept their mistake by being accountable for their actions, apologize and try repairing the harm done by maybe working in order to pay the hot dog vendor the money he lost during the incident and paying up the hospital bills for the man hit by the cart. Afterwards, they will make peace with the people in the community and live peacefully with them without causing harm and stealing anything from them. By direct dialogue between them and the victims, they will be able to apologize and justice will be

restored between them.

Moreover, since they were from the streets and trying to turn their lives around, they will be given an opportunity to talk about their lives and how the crime has affected it and how they will be able to compensate the victims and avoid repeating the same mistakes. A plan is later set to prevent the boys from repeating the same crimes through rehabilitation and programs that have a restorative framework. A restorative justice system in Canada is there to support both the victims and young offenders in order to bring peace in the community and avoid a repeat of the crimes.

On the other hand, retributive justice system is a system where one is punished as a proportionate to the crime committed. It is where an offender should receive a punishment depending on the crime committed in order to give satisfaction to the aggravated party that the offender has been punished and they deserved the punishment for doing what they did (Murphy, 1992). The retributive justice system uses the concept of just desert. In retributive justice, a crime is seen as being done against the state rather than an individual and the state is left to seek justice in terms of punishing the offender of the crime. This justice system is associated with an eye for an eye or a tooth for a tooth and as a compensatory for the crime committed.

In my perspective, restorative Justice is heralded as a just and fair way to deal with criminal behavior and it is the best justice system that could be used for the Shakes, Michael, John, and Tommy's case. The restorative justice system moves the conventional notion of a crime being committed against the State, to one that centers on the actual victim and community

where it occurred, and dealt with by those most affected by it (Braithwaite, 2004). The aim of the restorative justice system is “ to engage with offenders to try and bring home the consequences of their actions and [to give them] an appreciation of the impact they have had on the victim(s) of their offences” (Cragg, 2002). A young person could actually be drawn into more criminal activity rather than diverted from it, if the intervention is overly invasive or punitive and not commensurate with the offence. Therefore, as much there are high rates of crimes committed by the youth, restorative justice is the best and will help reduce recidivism rates among young offenders.

Juvenile crimes have steadily increased over the years and do not look to be decreasing any time soon unless measures are taken. Juveniles are usually convicted and sentenced in juvenile court but some cases have also been tried in adult court. Status offenses are also controversial topics that need further research before any conclusions are drawn on them being an actual violation of the law. In the case of Shakes, Michael, John, and Tommy, they were still young boys who made who got on the wrong side of the law due to their reckless behavior. They ended up being sentenced in the Wilkinson Home for Boys for nearly a year and were abused and raped while there. If the restorative justice system was used in this case, the rape and abuse incidences could not have been there.

References

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