

Roach: criminal justice and traditional crime strategies assignment

[Law](#)



Kent Roach “ created a third model as a theoretical based for victims’ rights. He referred to it as the victims’ rights model and called for more laws and prosecutions, a greater role for the victim in the trial and more services and support for victims” (2008, p. 113). In his model, he identifies the difference between the punitive victims’ rights model and the non-punitive victims’ rights model. Roach describes that the “ punitive approach as one resembling the crime control model because it focuses on the enactment of criminal law, prosecution and punishment as ways to control crime” (2008, p. 13). While the non-punitive model of victims’ rights according to Roach “ looks away from the reliance on criminal sanction and punishment and toward the prevention of crime and the restorative justice” (2008, p. 114). Both approaches provide a role for the victim in the criminal justice process. For example, the punitive approach will require the victim to be involved at sentencing and parole hearings as this will tend to lead to greater punishment. While the non-punitive approach relies on the needs of the victims and “ seeks to minimize the pain of both victimization and punishment” (2008, p. 14). Roach also goes on to say that the non-punitive approach “ would seek to shift the focus of importance away from traditional crime strategies” (2008, p. 114) and towards the victim, the offender, families and supporters. Therefore, I believe that the non-punitive approach will facilitate the victim’s role in the criminal justice process. As Volk and Schmallegger (2008) states that the victims in the non-punitive approach would play a significant role in determining how the offender should be dealt with.

I would think that the victim would testify at the hearing and depending on the evidence and what is said; the punishment will be granted based on the information provided by the victim. Even though the direct victim plays a part in determining the punishment based on the non-punitive approach, it does not mention very much regarding the non-direct victims such as the families and the supporters. The non-direct victim's interests are not served and they aren't able to help determine the punishment that may be given.

Even though Roach might say that the victims should be involved as it will create benefits to the criminal justice system, but what is to say that the victims want to take part in the process? Some victims might have the courage to stand up to the offender but many might not want to, and so if the victims do not want to take part in the process, what happens then? Does this mean that the offender might get a lesser punishment because the victim could not stand to think about the incident?