

# Criminal justice



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Restorative JusticeCJA/224June 12, 2012Courteney HarrisRestorative JusticeCan justice be found in settling crimes between one another instead of through the justice system Is there restorative justice beyond breaking and entering Some people will think that it is a good route to go. It can be a good way of rehabilitation rather than incarceration. Restorative justice is a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the after math of the offense and its implications for the future (Siegel, Schmalleger, & Worrall, 2011). In the case Ed and David who broke into the home of an individual by name of Mildred, restorative justice was accomplished to avoid any actual prison time. In the restorative justice, group circles where utilized to help in the actual process and to figure out what could of or what was the cause of the crime. Before restorative justice even occurs, the case has to go to an adversarial court. When cases go to adversarial court, victims have the right to have lawyer??™s present evidence and to make arguments during preceding (Van Ness, 2009).

Let??™s recap on what occurred on one afternoon in a neighborhood in RJ City. Two young men by the names of Ed and David broke into a lady??™s house, whose name is Mildred, and took many valuables. Of all the valuables one such item, a pocket watch, was the most valuable to her. In the process of stealing Ed and David never even thought about the repercussions that this would have in the community or how people may feel. When Mildred returned home and noticed her house had been broken into, she contacted the police.

When the officer arrived on scene and all was clear to enter the house, which is when she discovered that items had been stolen from her bedroom. Two weeks later the police arrested two individuals from a tip they had received about the burglary. Ed the 19 year old had a criminal record and denied having to do anything with the theft.

David the 18 year old did not have a criminal record and finally broke down and confessed of the theft and also felt guilty and ashamed of what he did. At the core of restorative justice are two concepts, harm and repair. Harm is the damage to property associated with the crime and repair refers to measures taken by an offender to repair the damage incurred (Siegel, Schmalleger, & Worrall, p. 441, 2011).

As we have read, the harm that was done was that Ed and David broke into Mildred's house and stole some items. Mildred was scared and did not know who could help her in the matter of fixing her door and the fact that someone broke into her house. The repair will be what is decided between the courts and all surrounding the events that will take place.

The neighborhood also helped in the repair process of helping out Mildred in resting her mind at ease, and knowing that there were people in the neighborhood that did care. The difference between contemporary and restorative criminal justice can be seen in many ways. To start with, all the criminal acts are more lengthily rather than the definition of the crime or the criminal as simply a lawbreaker in society. It identifies that the criminal harms the communities, themselves, and the victims. Another could be to involve more groups in responding to a crime, instead of giving key roles

only to the criminal or the government but need to include the community and the victim as well.

Lastly, it also measures the outcome in a different way instead of showing or sentencing a criminal on how much punishment is given to the offender.

Meetings that have victims, their criminals or offenders, and people from the community all help in the process of restorative justice. With the case of Ed, David, and Mildred, if it was not for the victim offender mediation, family or community group conferencing, and the peacemaking circles the conclusion of the story would have a different outcome. David was the first to admit that what he did was wrong and felt ashamed. David was also having issues at home with his parents, which affected the way he acted at school and ended up getting kicked off the baseball team. This was a cry for help and the courts saw this. The city and the courts stepped into help David in this matter in a positive way. The judge made David pay half of the restitution and write a letter to Mildred to apologize for what he had done.

Because David did what he was told to do in the agreement, he successfully completed it all. The relationship with his parents had improved, he was back on the baseball team for his school, and spent time with his uncle to fish. In the end David became a restorative facilitator so that he may help individuals that were in his predicament. Ed kept denying he had anything to do with the break in at Mildred's home. Because Ed denied having anything to do with the burglary, his matter was sent to Adversarial Court for trial. He was told, however, that at any point in the process he could still request that the matter be returned for cooperative resolution (Van Ness, 2009). At the end of the trial Ed was found guilty and was ordered to pay the

other half of restitution, was ordered to a closed workshop for 12 months, and when that was completed was ordered to attend substance abuse treatment and anger management classes. Ed was doing good and developed a frame for wall mounted televisions.

When he was released from the program he fell back into his old habits of robbery and theft. It was not until he found out that his girlfriend was pregnant, that he decided to really turn his life around. He checked himself into a house of refuge and joined a 12 step program. Along with this he met several victims in the restorative circles.

In the end, Ed turned his life around and ended up marrying his girlfriend, had several children, and volunteered his services at the closed workshop for troubled youth™s. Without the help of the circle and the new friends in Mildred™s life, Mildred would have probably never gone back into her house. Over time Mildred™s fear and depression was showing signs of less and less and she was becoming more dependent. The restorative circle helped Mildred™s fear and was significantly reduced. Several years later she was moved into a nursing home, but was always visited by all in her neighborhood. If it was not for the community and the courts stepping in to help in these matters things may have turned out differently. Not all courts or communities see this and need to be more active in today™s society. There needs to be that median that can turn that life around and without it, we would all be stuck under that rock trying to set ourselves free with no positive outcome for our future.

References Restorative Justice. (2011, May). Retrieved from <http://www.restorativejustice.org> Siegel, L.

J., Schmalleger, F., & Worrall, J. L. (2011). Courts and Criminal Justice in America. Boston, MA: Prentice Hall.

Van Ness, D. W. (2006). RJ City: Phase 1 Final Report. Washington, DC: Centre for Justice Reconciliation. Van Ness, D.

W. (2009). When Ed and David Broke into Mildred??™s House and Took Things. Washington, DC: Prison Fellowship International.