

Restorative justice is not for everyone

Restorative justice is not a replacement for the current criminal justice system, and it cannot replace imprisonment altogether. It is simply a different way of dealing with crimes, and it works more effectively in some cases than in others. Currently, the process is being used in juvenile cases and some offenses involving adults. Because of the nature of restorative justice, it may take a lot longer when dealing with violent offenses, which may be a time frame our society is unable to support yet.

It is important to keep in mind that restorative justice does not determine guilt or innocence. In fact, it can only work effectively after the offender has been found responsible for committing a crime. The process is more focused on repairing the harm that has been done to all parties involved than on any punishment the offender may receive.

The key to a successful restorative justice process is that both the offender and those harmed by the offender are willing participants. If one or both of the parties involved does not wish to partake in the process, then restorative justice cannot work effectively.

Benefits of restorative justice

For minor or nonviolent offenses, the restorative justice process can not only prevent unnecessary prison sentences, but it can also help to divert such cases from the formal court system, saving money on court costs and legal fees.

One major distinction between the restorative justice model and the current system is that restorative justice involves the offender, victim, and community actively. In a retributive system, victims and the community must sit idly by and observe the sentence that is handed down by a court to an offender. When victims and the community become involved in the justice process, they not only feel a greater sense of justice and involvement, but they also benefit directly from the process. For the offenders, because their punishment is linked directly to their crime, a sentence reached through a restorative justice process often has more of an impact than simply a jail or prison sentence. Studies have shown that offenders who willingly participate in restorative justice sentencing have a lower rate of recidivism than offenders who go through the retributive process.

Because restorative justice is a relatively new concept in the United States criminal system, it is not a cut-and-dried process. Restorative justice treats every case on an individual basis, and therefore tends to have different outcomes depending on the offender, victim, community, and crime committed. For those who truly believe that “the punishment must fit the crime,” however, restorative justice seems a perfect example of this; no two people or crimes are exactly alike, and therefore no two sentencing procedures should be either. Some critics have argued that because of the lack of benchmarks, the fairness of each sentence is in question. Those who favor the retributive model of justice, however, fail to realize that every crime is different; the current sentences that are given for theft, for example, are the same, yet every case varies a great deal.