For penologists, there is still much debate over which method is best for convincing offenders to comply with the law. Although there are several perspectives on the purpose of the criminal justice system, each perspective is linked to a different response regarding the causes and solutions to crime. The major approaches are as follows:

- The law and order model
- The justice model
- The due process model

The law and order model is part of the neoconservative approach in which being tough on offenders is seen as the only sure way of reducing crime. Supporters often believe that the criminal justice system should always be tough and punitive toward offenders. This model shifts the focus from rehabilitation to punishment and incapacitation. Supporters view crime causation as being linked to offenders taking advantage of the criminal justice system. Many argue that the only lesson offenders need to learn is that crime does not pay and that those who violate the law will be punished severely.

The justice model is a sentencing approach that uses determinate sentences, or fixed punishment terms; calls for the elimination of parole; and makes treatment voluntary. The justice model views crime reduction and successful incarceration as possible only if all offenders serve the same sentence for the same crime. This model posits that crime will continue or decrease if all offenders are treated the same. Differential treatment by the criminal justice system will lead to double standards and a lack of respect for the law and social values. The justice model supporters also call for the elimination of parole and argue that prison rehabilitation is a farce. Supporters call for tougher sentencing guidelines that will eliminate judicial discretion when sentencing and limit parole boards’ discretion when deciding to release offenders.

The due process model claims that crime fighting strategies will become more effective when offenders know that their rights are respected and only the truly guilty are punished for their crimes. The due process supporters argue that the lack of fundamental fairness in
the criminal system will work to make offenders angrier and less amenable to change if they are unlawfully prosecuted, convicted, and sentenced. This model argues that the rights of the accused must be guarded until there is a conviction and sentence is imposed. Sentencing should only be imposed if the criminal justice system has guaranteed to the offender his or her rights from the time of arrest through conviction and sentencing.

Contemporary Sentencing Strategies

Over the last decade, there has been a growing demand for a more contemporary sentencing model. The *restorative justice model* is a sentencing strategy that shifts the focus from the punishment of the offender to the needs of the victim by holding the offender directly accountable (Seiter, 2008). In most cases, the model calls for the offender to work with the victim to repair the damage caused by the crime. The restorative justice sentencing model is inexpensive; is inclusive, meaning that the victim is brought back into the equation; and holds the offenders accountable for the actual harm they caused. Many believe that the restorative justice model will lead to a reduction in the cost of incarcerating low-level offenders. This model also allows for some offenders to be reintegrated back into society to make amends in a productive manner.

The *nonintervention model* claims that the crime rate can be reduced by classifying fewer behaviors as criminal, and it is also gaining some attention. Some claim that in many instances, individuals who violate quality-of-life ordinances should be treated differently from serious offenders. Many argue that these violations should be dealt with through fines and other community-based strategies instead of incarceration. The restorative justice and nonintervention models call for a greater reliance on alternatives to incarceration, such as probation.

Reference

Saddle River, NJ: Prentice Hall.