

EDITOR'S BRIEF

A criminal justice system has two moral obligations to the rest of society when a dangerous criminal is apprehended. It should take measures to prevent the dangerous criminal from causing further harm and it should take action to compensate those who have been injured by the criminal. For too long, our criminal justice system has shrugged both of these obligations.

Different people will disagree over what is the best method to prevent a dangerous criminal from inflicting further harm. Some might argue that social reform on a broad scale is needed. Others will claim that individual rehabilitation will suffice. Finally, others will maintain that dangerous individuals are incapable of being rehabilitated. Although no one knows for sure just what is the best method, one thing is certain: Our criminal justice system does not prevent violent criminals from causing further harm. We operate a revolving door system where, all too often, the only difference between the criminal walking in and the individual walking out is that the individual walking out is equipped with much more knowledge on how to victimize the law-abiding citizenry.

A solution often disregarded, but indisputably effective, does exist: long term incarceration. A murderer locked up in the penitentiary is much less likely to kill a law-abiding citizen than a murderer roaming the streets. While it is unquestioned that incarceration effectively prevents criminals from inflicting further harm on society, many people, nevertheless, believe that dangerous criminals should be given a second chance. Unfortunately, the second chance is all too often a second crime. Regardless, we have a system where people sentenced to life find themselves released on parole after serving only a few years. It is this practice that causes our system to fail its first moral obligation. Rather than preventing further harms, our system, by releasing dangerous criminals out into the general public, is causing a harm.

Having failed its first moral obligation, our system can only be justified if it meets its second obligation; compensating those injured by violent criminals. To acknowledge this obligation is to acknowledge that victims, too, have rights. This issue of *The Colonial Lawyer* is devoted to recognizing the rights of victims. Although ignored until recently, these rights are as basic to a free society as any others. It is fundamental that if we are willing to allow dangerous criminals freedom, we must also be willing to compensate those who suffer because of our tolerance.

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