

**Acquittal** A declaration following a trial that the individual accused of the crime is innocent in the eyes of the law and thus absolved from the charges.

**Actus reus** (pronounced ak-tus ray-uhs). A guilty (prohibited) act. The commission of a prohibited act is one of the two essential elements required for criminal liability, the other element being the intent to commit a crime.

**Adjudicatory hearing** The process through which a juvenile court determines whether there is sufficient evidence to support the initial petition.

**Administrative law** The body of law created by administrative agencies (in the form of rules, regulations, orders, and decisions) in order to carry out their duties and responsibilities.

**Adversary system** A legal system in which the prosecution and defense are opponents, or adversaries, and present their cases in the light most favorable to themselves. The court arrives at a just solution based on the evidence presented by the contestants and determines who win and who loses.

**Affidavit** A written statement of facts confirmed by the oath or affirmation of the party making it and made before a person having the authority to administer the oath or affirmation.

**Age of onset** The age at which a juvenile first exhibits delinquent behavior. The earlier the age of onset, according to some observers, the greater the chance a person will become a career offender.

**Aggravating circumstances** Any circumstances accompanying the commission of a crime that may justify a harsher sentence.

**Aging out** A term used to explain the fact that criminal activity declines with age.

**Appeal** The process of seeking a higher court's review of a lower court's decision for the purpose of correcting or changing the lower court's judgment or decision.

**Appellate courts** Courts that review decisions made by lower courts, such as trial courts. Also known as courts of appeals.

**Arraignment** A court proceeding in which the suspect is formally charged with the criminal offense stated in the indictment. The suspect enters a plea (guilty, not guilty, nolo contendere) in response.

**Arrest** To take into custody a person suspected of criminal activity. Police may use only reasonable level of force in making an arrest.

**Arrest Warrant** A written order, based on probable cause and issued by a judge or magistrate, commanding that the person named on the warrant be arrested by the police.

**Attorney general** The chief law officer of a state; also, the chief law officer of the nation.

**Attorney-client privilege** A rule of evidence requiring that communications between a client and his or her attorney be kept confidential, unless the client consents to disclosure.

**Authentication** Establishing the genuineness of an item that is to be introduced as evidence in a trial.

**Authority** The power designated to an agent of the law over a person who has broken the law.

**Automatic transfer** The process by which juvenile is transferred to adult court as a matter of state law. In some states, for example, a juvenile who is suspected of murder is automatically transferred to adult court.

**Bail** The amount or conditions set by the court to ensure that an individual accused of a crime will appear for further criminal proceedings. If the accused person provides bail, whether in cash or by means of a bail bond, then she or he is released from jail.

**Bail bondsperson** A businessperson who agrees, for a fee, to pay the bail amount if the accused fails to appear in court as ordered.

**Bench trial** A trial conducted without a jury, in which a judge makes the determination of the defendant's guilt or innocence.

**Beyond a reasonable doubt** The standard used to determine the guilt or innocence of a person

charged with a crime. To be guilty of a crime a suspect must be proved guilty “beyond and to the exclusion of a reasonable doubt.”

**Bill of Rights** The first ten amendments to the U.S. Constitution.

**Blue curtain** A metaphorical term used to refer to the value placed on secrecy and the general mistrust of the outside world shared by many police officers.

**Booking** The process of entering a suspect’s name, offense, and arrival time into the police log following her or his arrest.

**Boot camp** A correctional facility based on militaristic principles of discipline and physical conditioning; reserved primarily for juvenile and first-time offenders serving terms of less than six months, with the ultimate goal of deterring further criminal behavior.

**Broken windows theory** Wilson and Kelling’s theory that a neighborhood in disrepair signals that criminal activity is tolerated in the area. Thus, by cracking down on quality-of-life crimes, police can reclaim the neighborhood and encourage law-abiding citizens to live and work there.

**Bureaucracy** A hierarchically structure administrative organization that carries out specific functions.

**Capital punishment** The use of the death penalty to punish wrongdoers for certain crimes.

**Case attrition** The process through which prosecutors, by deciding whether or not to prosecute each person arrested, effect an overall reduction in the number of persons prosecuted. As a result, the number of persons convicted and sentenced is much smaller than the number of persons arrested.

**Case law** The rules of law announced in court decisions. Case law includes the aggregate of reported cases that interpret judicial precedents, statutes, regulations, and constitutional provisions.

**Challenge for cause** A *voir dire* challenge for which an attorney states the reason why a

prospective juror should not be included on the jury.

**Charge** The judge’s instructions to the jury following the attorneys’ closing arguments; the charge sets forth the rules of law that the jury must apply in reaching its decision or verdict.

**Child abuse** Mistreatment of children by causing physical, emotional, or sexual damage without any plausible explanation, such as an accident.

**Child neglect** A form of child abuse in which the child is denied certain necessities such as shelter, food, care, and love. Neglect is justification for a government agency to assume responsibility for a child in place of the parents or legal guardian.

**Choice theory** A school of criminology that holds that wrongdoers act as if they weigh the possible benefits of criminal or delinquent activity against the costs of being apprehended. When the benefits are greater than the costs, the offender will make a rational choice to commit a crime or delinquent act.

**Chronic offender** A delinquent or criminal who commits multiple offenses and is considered part of a small group of wrongdoers who are responsible for a majority of the antisocial activity in any given community.

**Circumstantial evidence** Indirect evidence that is offered to establish, by inference, the likelihood of a fact that is in question.

**Citizen oversight** The process by which citizens review complaints brought against individual police officers or police departments. The citizens often do not have the power to discipline misconduct, but can recommend that action be taken by police administrators.

**Civil law** The branch of law dealing with the definition and enforcement of all private or public rights, as apposed to criminal matters.

**Closing arguments** Arguments made by each side’s attorney after the cases for the plaintiff and defendant have been presented.

**Cohort** A group of persons gathered for study because they share a certain characteristic, such as age, income, or criminal background.

**Common law** The body of law developed from custom or judicial decisions in English and U.S. courts and not attributable to a legislature.

**Community policing** A policing philosophy that emphasizes community support for and cooperation with the police in preventing crime. Community policing stresses a police role that is less centralized and more proactive than reform era policing strategies.

**Computer crime** Any wrongful act that is directed against computers and computer parts, or wrongful use or abuse of computers or software.

**Computer forensics** The application of computer technology to finding and utilizing evidence of computer and cyber crimes.

**Concurring opinions** Separate opinions prepared by judges who support the decision of the majority of the court but who want to make or clarify a particular point or to voice disapproval of the grounds on which the decision was made.

**Confidential information (CI)** A human source for police who provides information concerning illegal activity in which he or she is involved.

**Conflict model** A criminal justice model in which the content of criminal law is determined by the groups that hold economic, political, and social power in a community.

**Congregate system** A nineteenth-century penitentiary system developed in New York in which inmates were kept in separate cells during the night but worked together in the daytime under a code of enforced silence.

**Consensus model** A criminal justice model in which the majority of citizens in a society share the same values and beliefs. Criminal acts are those acts that conflict with these values and beliefs and are deemed harmful to society.

**Consent searches** Searches by police that are made after the subject of the search has agreed to

the action. In these situations, consent, if given of free will, validates a warrantless search.

**Consolidation** A corrections model in which the inmates who pose the highest security risk are housed in a single facility to separate them from the general prison population.

**Constitutional law** Law based on the U.S. Constitution and the constitutions of the various states.

**Contaminated** When evidence of a crime is rendered useless because of exposure to a foreign agent or improper removal from a crime scene.

**Control theory** A series of theories that assume that all individuals have the potential for criminal behavior, but are restrained by the damage that such actions would do to their relationships with family, friends, and members of the community. Criminality occurs when these bonds are broken or nonexistent.

**Coroner** The medical examiner of a county, usually elected by popular vote.

**Corpus delicti** The body of circumstances that must exist for a criminal act to have occurred.

**Courtroom work group** The social organization consisting of the judge, prosecutor, defense attorney, and other court workers. The relationships among these persons have a far-reaching impact on the day-to-day operations of any court.

**Crime control model** A criminal justice model that places primary emphasis on the right of society to be protected from crime and violent criminals. Crime control values emphasize speed and efficiency in the criminal justice process; the benefits of lower crime rates outweigh any possible costs to individual rights.

**Crime scene** The physical area that contains or is believed to contain evidence of a crime.

**Criminology** The scientific study of crime and the causes of criminal behavior.

**Cross-examination** The questioning of an opposing witness during trial.

**Custodial interrogation** The questioning of a suspect after that person has been taken in custody. In this situation, the suspect must be read his or her *Miranda* right before interrogation can begin.

**Custody** The forceful detention of a person, or the perception that a person is not free to leave the immediate vicinity.

**Cyber crimes** A crime that occurs online, in the virtual community of the Internet, as opposed to the physical world.

**Cyber fraud** Any misrepresentation knowingly made over the Internet with the intention of deceiving another and on which a reasonable person would and does rely to his or her detriment.

**Cyber stalking** The crime of stalking, committed in cyberspace. Generally stalking consists of harassing a person and putting that person in reasonable fear for his or her safety or the person's immediate family.

**Dark figure of crime** A term used to describe the actual amount of crime that takes place. The "figure" is "dark" or impossible to detect, because a great number of crimes are never reported to the police.

**Day reporting center** A community-based corrections center to which offenders report on a daily basis for purposes of treatment, education, and incapacitation.

**Deadly force** Force applied by a police officer that is likely or intended to cause death.

**Defense attorney** The lawyer representing the defendant.

**Delegation of authority** The principles of command on which most police departments are based; personal take orders from and are responsible to those in positions of power directly above them.

**"Deliberate indifference"** A standard that must be met by inmates trying to prove that their Eight Amendment rights were violated by a correctional facility. It occurs when prison officials are aware of

harmful conditions of confinement but fail to take steps to remedy those conditions.

**Departure** A stipulation in many federal and state sentencing guidelines that allows a judge to adjust his or her sentencing decision based on the special circumstances of a particular case.

**Deprivation model** A theory that inmate aggression is the result of the frustration inmates feel at being deprived of freedom, consumer goods, sex, and other staples of life outside the institution.

**Detective** The primary police investigator of crimes.

**Detention** The temporary custody of a juvenile in a state facility after a petition has been filed and before the adjudicatory process begins.

**Detention hearing** A hearing to determine whether a juvenile should be detained, or remain detained, while waiting for the adjudicatory process to begin.

**Determinate sentencing** A period of incarceration that is fixed by a sentencing authority and cannot be reduced by judges or other corrections officials.

**Deterrence** The strategy of preventing crime through the threat of punishment. Assumes that potential criminals will weigh the costs of punishment versus the benefits of the criminal act; therefore, punishments should be severe.

**Differential response** A strategy for answering calls for service in which response time is adapted to the seriousness of the call.

**Direct evidence** Evidence that establishes the existence of a fact that is in question without relying on inference.

**Direct examination** The examination of a witness by the attorney who calls the witness to the stand to testify.

**Directed patrol** Patrol strategies that are designed to respond to a specific criminal activity at a specific time.

**Discovery** Formal investigation prior to trial. During discovery, the defense uses various methods to obtain information from the prosecution to prepare for trial.

**Discretion** The ability of individuals in the criminal justice system to make operational decisions based on personal judgment instead of formal rules of official information.

**Discretionary release** The release of an inmate into a community supervision program at the discretion of the parole board within limits set by state or federal law.

**Dispersion** A corrections model in which high-risk inmates are spread throughout the general prison population, in the hopes that they will be absorbed without causing misconduct.

**Disposition hearing** Similar to the sentencing hearing for adults, a hearing in which the juvenile judge or officer decides the appropriate punishment for the youth found to be delinquent or a status offender.

**Dissenting opinions** Separate opinions in which judges disagree with the conclusion reached by the majority of the court and expand on their own views about the case.

**Diversion** In the context of corrections, a strategy to divert those offenders who qualify away from prison and jail and toward community-based and intermediate sanctions.

**Diversion** The removal of an alleged juvenile delinquent from the formal criminal or juvenile justice system and the referral of that person to a treatment or rehabilitation program.

**Docket** The list of cases entered on a court's calendar and thus scheduled to be heard by the court.

**Double Jeopardy** To twice place at risk (jeopardize) a person's life or liberty. The Fifth Amendment to the U.S. Constitution prohibits a second prosecution for the same criminal offense.

**Dual court system** The separate but interrelated court system of the United States, made up of the

courts on the national level and the courts on the state level.

**Due process clause** The provisions of the Fifth and Fourteenth Amendments to the Constitution that guarantee that no person shall be deprived of life, liberty, or property without due process of law. Similar clauses are found in most state constitutions.

**Due process model** A criminal justice model that places primacy on the right of the individual to be protected from the power of the government. Due process values hold that the state must prove a person's guilt within the confines of a process designed to safeguard personal liberties as enumerated in the Bill of Rights.

**Duress** Unlawful pressure brought to bear on a person, causing the person to perform an act that he or she would not otherwise perform.

**Durham rule** A test of criminal responsibility adopted in a 1954 case: "an accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect."

**Duty** The moral sense of a police officer that she or he should apply authority in a certain manner.

**Electronic monitoring** A technique of probation supervision in which the offender's whereabouts, though not his or her actions, are kept under surveillance by an electronic device: often used in conjunction with home confinement.

**Encryption** The process by which a message is transmitted into something that the sender and receiver intend third parties not to understand.

**Entrapment** A defense in which the defendant claims that he or she was induced by a public official- usually an undercover agent or police officer- to commit a crime that he or she would otherwise not have committed.

**Ethics** The rules or standards of behavior governing a profession; aimed at ensuring the fairness and rightness of actions.

**Evidence** Anything that is used to prove the existence or nonexistence of a fact.

**Exclusionary rule** A rule under which any evidence that is obtained in violation of the accused's rights under the Fourth, Fifth, and sixth Amendments, as well as any evidence deprived from illegally obtained evidence, will not be admissible in criminal court.

**Exigent circumstances** Situations that require extralegal or exceptional action by the police. In these circumstances, police officers are justified in not following procedural rules, such as those pertaining to search and arrest warrants.

**Expert witness** A witness with professional training or substantial experience qualifying her or him to testify on a certain subject.

**Extradition** The surrender of a fugitive offender by one jurisdiction to another in which the offender has been convicted or is liable for punishment.

**Federal Bureau of Investigation (FBI)** The branch of the Department of Justice responsible for investigating violations of federal law. The bureau also collects national crime statistics and provides training and other forms of aid to local law enforcement agencies.

**Federalism** A form of government in which a written constitution provides for a division of powers between a central government and several regional governments. In the United States, the division of powers between the federal government and the fifty states is established by the Constitution.

**Felony** A serious crime punishable by death or by imprisonment in a federal or state corrections facility for more than a year.

**Field training** The segment of a police recruit's training in which he or she is removed from the classroom and placed on the beat, under the supervision of a senior officer.

**Follow-up investigation** The steps taken by investigative personnel once it has been determined, based on the results of the preliminary investigation, that the crime is solvable.

**Forensics** The application of scientific methods to finding and utilizing criminal evidence.

**Forfeiture** The process by which the government seizes private property attached to criminal activity.

**Frisk** A pat-down or minimal search by police to discover weapons: conducted for the express purpose of protecting the officer or other citizens, and not to find evidence of illegal substances for use in a trial.

**Fruit of the poisoned tree** Evidence that is acquired through the use of illegally obtained evidence and is therefore inadmissible in court.

**Furlough** Temporary release from a prison for purpose of vocational or educational training, to ease the shock of release, or for personal reasons.

**General patrol** Patrol strategies that rely on police officers monitoring a certain area with the goal of detecting crimes in progress or preventing crime due to their presence. Also known as random or preventive patrol.

**"Good time"** A reduction in time served by prisoners based on good behavior, conformity to rules, and other positive actions.

**Graduated sanctions** The practical theory in juvenile corrections that a delinquent or status offender should receive a punishment that matches in seriousness the severity of the wrongdoing.

**Grand jury** The group of citizens called to decide whether probable cause exists to believe that a suspect committed the crime with which she or he has been charged.

**Habeas corpus** An order that requires correctional officials to bring an inmate before a court or a judge and explain why he or she is being held in prison.

**Habitual offender laws** Statutes that require lengthy prison sentences for those who are convicted of multiple felonies

**Hacker** A person who uses one computer to break into another.

**“Hands-off” doctrine** The unwritten judicial policy that favors noninterference by the courts in the administration of prison and jails.

**Hearsay** An oral or written statement made by an out-of-court declarant that is later offered in court by a witness (not the declarant) concerning a matter before the court. Hearsay usually is not admissible as evidence.

**Home confinement** A community based sanction in which offenders serve their terms of incarceration in their homes.

**Hot spots** Concentrated areas of high criminal activity that draw a directed police response.

**Hung jury** A jury whose members are so irreconcilably divided in their opinions that they cannot reach a verdict. In this situation, the judge may order a new trial.

**“Identifiable human needs”** The basic human necessities that correctional facilities are required by the Constitution to provide to inmates. Beyond food, warmth, and exercise, the court system has been unable to establish exactly what these needs are.

**Identity theft** The theft of identity information, such as name, driver’s license or Social Security number. The information is then usually used to access the victim’s financial resources.

**Impeached** As authorized by Article I of the Constitution, impeachment is voted on by the House of Representatives and then sent to the Senate for a vote to remove the president, vice president, or civil officers (such as federal judges) of the United States.

**Incapacitation** A strategy for preventing crime by detaining wrongdoers in prison, thereby separating them from the community and reducing criminal opportunities.

**Inchoate offense** Conduct deemed criminal without actual harm being done, provided that the harm that would have occurred in one the law tries to prevent.

**Incident-driven policing** A reactive approach to policing that emphasizes a speedy response to calls for service.

**Indeterminate sentencing** An indeterminate term of incarceration in which a judge determines the minimum and maximum terms of imprisonment. When the minimum term is reached, the prisoner becomes eligible to be paroled.

**Index crimes** Those crimes reported annually by the FBI in its Uniform Crime Report. Index crimes include murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. Also known as Part I offenses.

**Indictment** A charge or written accusation, issued by a grand jury, that probable cause exists to believe that a named person has committed a crime.

**Information** The formal charge against the accused issued by the prosecutor after a preliminary hearing has found probable cause.

**Initial appearance** An accused’s first appearance before a judge or magistrate following arrest; during the appearance, the defendant is informed of the charges, advised of the right of counsel, told the amount of bail, and given a date for the preliminary hearing.

**Insanity** A defense for criminal liability that asserts a lack of criminal responsibility. According to the law, a person cannot have the requisite state of mind to commit a crime if she or he did not know at the time of the act that it was wrong, or did not know the nature and quality of the act.

**Intake** Following referral of a juvenile to juvenile court by a police officer or other concerned party, the process by which an official of the court must decide whether to file a petition, release the juvenile, or place the juvenile under some other form of supervision.

**Intellectual property** Property resulting from intellectual, creative processes.

**Intensive supervision probation (ISP)** A punishment-oriented form of probation in which the offender is placed under stricter and more frequent

surveillance and control than usual by probation officers with limited caseloads.

**Intermediate sanctions** Sanctions that are more restrictive than probation and less restrictive than imprisonment. Intended to alleviate pressure on over-crowded corrections facilities and understaffed probation departments.

**Internal Affairs Unit (IAU)** A division within a police department that receives and investigates complaints of wrongdoing by police officers.

**Interrogation** The direct questioning of a suspect to gather evidence of criminal activity and try to gain a confession.

**Interview** The process of questioning a suspect or witness during the preliminary and follow-up investigations.

**Intoxication** A defense for criminal liability in which the defendant claims that the taking of intoxicants rendered him or her unable to form the requisite intent to commit a criminal act.

**Irresistible impulse test** A test for the insanity defense under which a defendant who knew his or her actions was wrong may still be found insane if he or she was nonetheless unable, as a result of a mental deficiency, to control the urge to complete it.

**Jail** A facility, usually operated by county government, used to hold persons awaiting trial or those who have been found guilty of misdemeanors.

**Judicial misconduct** A general term describing behavior that diminishes public confidence in the judiciary. This behavior includes obviously illegal acts, such as bribery, and conduct that gives the appearance of impropriety, such as consorting with known felons.

**Judicial waiver** The process in which the juvenile judge, based on the facts of the case at hand, decides that the alleged offender should be transferred to adult court.

**Jurisdiction** The authority of a court to hear and decide cases within an area of the law or a geographical territory.

**Jury trial** A trial before a judge and a jury.

**Just deserts** A sanctioning philosophy based on the assertion that criminals deserve to be punished for breaking society's rules. The severity of the punishment should be determined by no other factor than the severity of the crime.

**Justice of the peace** Established in fourteenth-century England, a government official who oversaw various aspects of local law enforcement. The post eventually became strictly identified with judicial matters.

**Juvenile delinquency** Behavior that is illegal under federal or state law that has been committed by a person who is under an age limit specified by statute.

**Lay witness** A witness who can truthfully and accurately testify on a fact in question without having specialized training or knowledge; an ordinary witness.

**Learning theory** The hypothesis that delinquents and criminals must be taught both the practical and emotional skills necessary to partake in illegal activity.

**Legalization** The elimination or modification of federal and state laws that prohibit the manufacture, use, and sale of illegal drugs.

**Lockdown** A disciplinary action taken by prison officials in which all inmates are ordered to their quarters and nonessential prison activities are suspended.

**M'Naughten rule** A common law test of criminal responsibility derived from *M'Naughten's* case in 1843 that relies on the defendant's inability to distinguish right from wrong.

**Mala in se** A descriptive term for acts that are inherently wrong, regardless of whether they are prohibited by law.

**Mala prohibita** A descriptive term for acts that are made illegal by criminal statute and are not necessarily wrong in and of themselves.

**Mandatory release** Release from prison that occurs when an offender has served the length of his or her sentence, with time taken off for good behavior.

**Mandatory sentencing guidelines** Statutorily determined punishments that must be applied to those who are convicted of specific crimes.

**Master jury list** The list of citizens in a court's district from which a jury can be selected; often compiled from voter registration lists, driver's license lists, and other sources.

**Maximum-security prison** A correctional institution designed and organized to control and discipline dangerous felons, as well as prevent escape, with intense supervision, cement walls, and electronic, barbed wire fences.

**Medical model** A model of corrections in which the psychological and biological roots of an inmate's criminal behavior are identified and treated.

**Medical model of addiction** An approach to drug addiction that treats drug abuse as a mental illness and focuses on treating and rehabilitating offenders rather than punishing them.

**Medium-security prison** A correctional institution that houses less dangerous inmates, and therefore uses less restrictive measures to avoid violence and escapes.

**Mens rea** (pronounced mehns ray-uh) Mental state, or intent. A wrongful mental state is as necessary as a wrongful act to establish criminal liability.

**Minimum-security prison** A correctional institution designed to allow inmates, most of whom pose low security risks, a great deal of freedom of movement and contact with the outside world.

**Miranda rights** The constitutional right of accused persons taken into custody by law enforcement officials. Following the United States Supreme Court's decision in *Miranda v. Arizona*, on taking an accused person into custody, the arresting officer must inform the person of certain

constitutional rights, such as the right to remain silent and the right to counsel.

**Misdemeanor** Any crime that is not a felony; punishable by fine or by confinement for up to a year.

**Missouri Plan** A method of selecting judges that combines appointment and election. Under the plan, the state governor or another government official selects judges from a group of nominees chosen by a nonpartisan committee. After a year on the bench, the judges face a popular election to determine whether the public wishes to keep them in office.

**Mitigating circumstances** Any circumstances accompanying the commission of a crime that may justify a light sentence.

**Moonlighting** The practice of a police officer holding a second job in the private security field.

**Necessity** A defense against criminal liability in which the defendant asserts that circumstances required her or him to commit an illegal act.

**Nolo contendere** Latin for "I will not contest it." A criminal defendant's plea, in which he or she chooses not to challenge or contest, the charges brought by the government. Although the defendant may still be sentenced or fined, the plea neither admits nor denies guilt.

**Nonpartisan elections** Elections in which candidates are presented on the ballot without any party affiliation.

**Opening statements** The attorneys' statements to the jury at the beginning of the trial. Each side briefly outlines the evidence that will be offered during the trial and the legal theory that will be pursued.

**Opinion** A statement by the court expressing the reasons for its decision in a case.

**Oral arguments** The verbal arguments presented in person by attorneys to an appellate court. Each attorney presents reasons why the court should rule in his or her client's favor.

**Organized crime** A conspiratorial relationship between any number of persons engaged in the market for illegal goods or services, such as illicit drugs or firearms.

**Pardon** An act of executive clemency that overturns a conviction and erases mention of the crime from the person's criminal record.

***Parens patriae*** A doctrine that holds that the state has a responsibility to look after the well-being of children and to assume the role of parent if necessary.

**Parole** The conditional release of an inmate before his or her sentence has expired. The remainder of the sentence is served in the community under the supervision of correctional officers, and the offender can be returned to incarceration if he or she breaks the conditions of parole, as determined by a parole board.

**Parole board** A body of appointed civilians that decides whether a convict should be granted conditional release before the end of his or her sentence.

**Parole contract** An agreement between the state and the offender that establishes the conditions under which the latter will be allowed to serve the remainder of her or his prison term in the community.

**Parole grant hearing** A hearing in which the entire parole board or a subcommittee reviews information, meets the offender, and hears testimony from relevant witnesses to determine whether to grant parole.

**Parole guidelines** Employed to remove discretion from the parole process, these guidelines attempt to measure the risks of an offender recidivating, and then use these measurements to determine whether early release will be granted and under what conditions.

**Parole revocation** When a parolee breaks the conditions of parole, the process of withdrawing parole and returning the person to prison.

**Part II offenses** All crimes recorded by the FBI that do not fall in the category of Part I offenses. Include both misdemeanors and felonies.

**Partisan elections** Elections in which candidates are affiliated with and receive support from political parties; the candidates are listed in conjunction with their party on the ballot.

**Patronage system** A form of corruption in which the political party in power hires and promotes police officers, receiving job-related "favors" in return.

**Penitentiary** An early form of correctional facility that emphasized separating inmates from society and from each other so that they would have an environment in which to reflect on their wrongdoing and ponder their reformation.

**Peremptory challenges** *Voir dire* challenges to exclude potential jurors from serving on the jury without any supporting reason or cause.

**Petition** the document filed with a juvenile court alleging that the juvenile is a delinquent or a status offender, and asking the court to either hear the case or transfer it to an adult court.

**Plain view doctrine** The legal principle that objects in plain view of a law enforcement agent who has right to be in a position to have that view may be seized without a warrant and introduced as evidence.

**Plea bargaining** The process by which the accused and the prosecutor work out a mutually satisfactory conclusion to the case, subject to court approval. Unusually, plea bargaining involves the defendant's pleading guilty to a lesser offense in return for a lighter sentence.

**Police corruption** The abuse of authority by a law enforcement officer for personal gain.

**Police cynicism** The suspicion that citizens are weak corrupt, and dangerous. This outlook is the result of a police officer being constantly exposed to civilians at their worst and can negatively affect the officer's performance.

**Police subculture** The values and perceptions that are shared by members of a police department and, to a certain extent, by all law enforcement agents. These values and perceptions are shaped by the unique and isolated existence of the police officer.

**Precedent** A court decision that furnishes an example of authority for deciding subsequent cases involving identical or similar facts.

**Predisposition report** A report prepared during the disposition process that provides the judge with relevant background material to aid in the disposition decision.

**Preliminary hearing** An initial hearing in which a magistrate decides if there is probable cause to believe that the defendant committed the crime with which he or she is charged.

**Preliminary investigation** The procedure, usually conducted by a patrol officer, that must be followed immediately on initial arrival at a crime scene. Includes securing the crime scene, interviewing witnesses and suspects, and searching the scene for evidence.

**Presentence investigative report** An investigative report on an offender's background that assists a judge in determining the proper sentence.

**Presumptive sentencing** A sentencing strategy in which legislators set the average sentence that should be served for any particular crime, leaving judges with the ability to shorten or lengthen the sentence based on the circumstances of each case.

**Pretrial detainees** Individuals who cannot post bail after arrest and are therefore forced to spend the time prior to their trial incarcerated in jail.

**Pretrial diversion program** An alternative to trial offered by a judge or prosecutor, in which the offender agrees to participate in a specified counseling or treatment program in return for withdrawal of the charges.

**Preventive detention** The retention of an accused person in custody due to fears that she or he will commit a crime if released before trial.

**Prison code** A system of social norms and values established by inmates to regulate behavior within the correctional institution.

**Prisonization** The socialization process through which a new inmate learns the accepted norms and values of the prison population.

**Private prisons** Correctional facilities operated by private corporations instead of the government, and therefore reliant on profit for survival.

**Private security** The practice of private corporations or individuals offering services traditionally performed by police officers.

**Probable cause** Reasonable grounds to believe the existence of facts warranting certain actions, such as the search or arrest of a person.

**Probation** A criminal sanction in which a convict is allowed to remain in the community rather than be imprisoned as long as she or he follows certain conditions set by the court.

**Problem-solving policing** A policing philosophy that requires police to identify potential criminal activity and develop strategies to prevent or respond to that activity.

**Procedural criminal law** Rules that define the manner in which the rights and duties of individuals may be enforced.

**Professional model** A style of policing advocated by August Vollmer and O. W. Wilson that emphasizes centralized police organizations, increased use of technology, and a limitation of police discretion through regulations and guidelines.

**Property crime** Crimes committed against property, including larceny/theft, burglary, and arson.

**Prosecutorial waiver** A procedure in which juvenile court judges have the discretion to transfer a juvenile case to adult court, when certain predetermined conditions as to the seriousness of the offense and the age of the offender are met.

**Public defenders** Court-appointed attorneys who are paid by the state to represent defendants who are unable to hire private counsel.

**Public order crime** Behavior that has been labeled criminal because it is contrary to shared social values, customs, and norms.

**Public prosecutors** Individuals, acting as trial lawyers, who initiate and conduct cases in the government's name and on behalf of the people.

**Real evidence** Evidence that is brought into court and seen by the jury, as opposed to evidence that is described for a jury.

**“Real offense”** The actual offense committed, as opposed to the charge levied by a prosecutor as the results of a plea bargain. Judges who make sentencing decisions based on the real offense are often seen as undermining the plea bargain process.

**Reasonable force** The degree of force that is appropriate to protect the police officer or other citizens and is not excessive.

**Rebuttal** Evidence given to counteract or disprove evidence presented by the opposing party.

**Rehabilitation** The philosophy that society is best served when wrongdoers are not simply punished, but provided the resources needed to eliminate criminality from their behavioral pattern.

**Reintegration** A goal of corrections that focuses on preparing the offender for a return to the community unmarred by further criminal behavior.

**Relative deprivation** The theory that inmate aggression is caused when freedoms and services that the inmate has come to accept as normal are decreased or eliminated.

**Release on recognizance (ROR)** A judge's order that releases an accused from jail with the understanding that he or she will return for further proceedings of his or her own will; used instead of setting a monetary bond.

**Relevant evidence** Evidence tending to make a fact in question more or less probable that it would

be without the evidence. Only relevant evidence is admissible in court.

**Residential treatment programs** Government-run facilities for juveniles whose offenses are not deemed serious.

**Response time** A measurement of police efficiency based on the rapidity with which calls for service are answered.

**Retribution** The philosophy that those who commit criminal acts should be punished based on the severity of the crime and that no other factors need be considered.

**Rule of four** A rule of the United States Supreme Court that the Court will not issue a writ of *certiorari* unless at least four justices approve of the decision to hear the case.

**Search** The process by which police examine a person or property to find evidence that will be used to prove guilt in a criminal trial.

**Search warrant** A written order, based on probable cause and issued by a judge or magistrate, commanding that police officers or criminal investigators search a specific person, place, or property to obtain evidence.

**Searches and seizures** The legal term, as found in the Fourth Amendment of the U.S. Constitution, that generally refers to the searching for and the confiscating evidence by law enforcement agents.

**Searches incidental to arrest** Searches for weapons and evidence of persons who just been arrested. The fruit of such searches is admissible if any items found are within the immediate vicinity or control of the suspect.

**Seizure** The forcible taking of a person or property in response to a violation of the law.

**Self-defense** The legally recognized privilege to protect one's self or property from injury by another. The privilege of self-defense protects only acts that are reasonably necessary to protect one's self or property.

**Self-reported surveys** A method of gathering crime data that relies on participants to reveal and detail their own criminal or delinquent behavior.

**Sentencing discrimination** A situation in which the length of a sentence appears to be influenced by a defendant's race, gender, economic status, or other factor not directly related to the crime he or she committed.

**Sentencing disparity** A situation in which those convicted of similar crimes do not receive similar sentences.

**Sentencing guidelines** Legislatively determined guidelines that judges are required to follow when sentencing those convicted of specific crimes. These guidelines limit judicial discretion.

**Separate confinement** A nineteenth-century penitentiary system developed in Pennsylvania in which inmates were kept separate from each other at all times, with daily activities taking place in individual cells.

**Sheriff** The primary law enforcement officer in a county, usually elected to the post by a popular vote.

**Shire-reeve** The chief law enforcement officer in an early English shire, or county. The forerunner of the modern sheriff.

**Shock incarceration** A short period of incarceration that is designed to deter further criminal activity by "shocking" the offender with the hardships of imprisonment.

**Social disorganization theory** The theory that deviant behavior is more likely in communities where social institutions such as the family, school, and criminal justice system fail exert control over the population.

**Social process theories** A school of criminology that considers criminal behavior to be the predictable result of a person's interaction with his or her environment. According to these theories, everybody has the potential for wrongdoing. Those who act on this potential are conditioned to do so by family or peer groups, or institutions such as the media.

**Socialization** The process through which a police officer is taught the values and expected behavior of the police subculture.

**Solvability factors** Those factors that affect the probability that a case will be solved.

**Specialty courts** Lower courts that have jurisdiction over one specific area of criminal activity, such as illegal drugs or domestic violence.

**Split sentence probation** A sentence that consists of incarceration in a prison or jail, followed by a probationary period in the community.

**Stare Decisis** (pronounced ser-ay dih-si-ses) A common law doctrine under which judges are obligated to follow the precedents established under prior decisions.

**Status offender** A juvenile who has been found to have engaged in behavior deemed unacceptable for those under a certain, statutorily determined age.

**Statutory law** The body of law enacted by legislative bodies.

**Stop** A brief detention of a person by law enforcement agents for questioning. The agents must have a reasonable suspicion of the person before making a stop.

**Stressors** The aspects of police work and life that lead to feelings of stress.

**Strict liability** Certain crimes, such as traffic violations, in which the defendant is guilty regardless of her or his state of mind at the time of the act.

**Substantial capacity test** From the Model Penal Code, a test that states that a person is not responsible for criminal behavior if when committing the act "as a result of mental disease or defect he lacks substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law."

**Substantive criminal law** Law that defines the rights and duties of individuals with respect to each other.

**Supermax prison** A correctional facility reserved for those inmates who have extensive records of misconduct in maximum-security prisons; characterized by extremely strict control and supervision over the inmates, including extensive use of solitary confinement

**Suspended sentence** A judicially imposed condition in which an offender is sentenced after being convicted of a crime, but is not required to begin the sentence immediately. The judge may revoke the suspended sentence and remit the offender to prison or jail if he or she does not follow certain conditions.

**Technical violation** An action taken by a probationer that, although not criminal, breaks the terms of probation as designated by the court; can result in the revocation of probation and a return to prison or jail.

**Ten percent cash bail** An alternative to traditional bail in which defendants may gain pretrial release by posting 10 percent of their bond amount to the court instead of seeking a bail bondsperson.

**Testimony** Verbal evidence given by witnesses under oath.

**Time served** The period of time a person denied bail has spent in jail prior to his or her trial. If the suspect is found guilty and sentenced to a jail or prison term, the judge will often lessen the duration of the sentence, based on the amount of time served as a pretrial detainee.

**Tithing system** In Anglo-Saxon England, a system of law enforcement in which groups of ten families, known as tithings, were collectively responsible for law and order within their group.

**Total institution** An institution, such as a prison, that provides all the necessities for existence to those who live within its boundaries.

**Trial courts** Courts in which most cases usually begin and in which questions of fact are examined.

**Truth-in-sentencing laws** Legislative attempts to assure that convicts will serve approximately the terms to which they were initially sentenced.

**Uniform crime report (UCR)** An annual report compiled by the FBI to give an indication of criminal activity in the United States. The FBI collects data from local, state, and federal law enforcement agencies in preparing this report.

**Venire** The group of citizens from which the jury is selected.

**Verdict** A formal decision made by the jury.

**Victim surveys** A method of gathering crime data that directly surveys participants to determine their experiences as victims of crime.

**Violent crime** Crimes committed against persons, including murder, rape, assault and battery, and robbery.

**Voir dire** The preliminary questions that the trial attorneys ask prospective jurors to determine whether they are biased or have any connection with the defendant or a witness.

**Warden** The prison official who is ultimately responsible for the organization and performance of a correctional facility.

**Warrantless arrest** An arrest made without first seeking a warrant for the action; permitted under certain circumstances, such as when the arresting officer has witnessed the crime or has a reasonable belief that the suspect has committed a felony.

**“Wedding Cake” model** A wedding cake-shaped model that explains why different cases receive varying treatment in the criminal justice system. The cases at the “top” of the cake receive the most attention and have the greatest effect on public perception of criminal justice, while those cases at the “bottom” are disposed of quickly and virtually ignored by the media.

**White-collar crime** Nonviolent crimes committed by corporations and individuals to gain a personal or business advantage.

**Widen the net** The criticism that intermediate sanctions designed to divert offenders from prison actually increase the number of citizens who are under the control and surveillance of the American corrections system.

**Writ of *certiorari*** A request from a higher court asking a lower court for the record of a case. In essence, the request signals the higher court's willingness to review the case.

**Youth gangs** Self-formed groups of youths with several identifiable characteristics including a gang name and other recognizable symbols, a geographic territory, a leadership structure, a meeting pattern, and participation in illegal activities.

### **Bibliography**

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