

Glossary of common terms related to criminal justice

This glossary of is taken from "The Church and Criminal Justice: Hearing the Cries."
(www.ELCA.org/social statements and click on the "Criminal Justice" navigation tab).

- **Adjudication:** A process by which a finder of fact hears arguments and reviews evidence to settle a legal dispute.
- **Arraignment:** A criminal proceeding at which an individual accused of a crime is informed of the charges against them, and at which they are given the opportunity to plead innocent, guilty, or as otherwise allowed by law. Bail is often set at this proceeding.
- **Bail:** An amount of money exchanged for an accused's release from custody which the accused may reclaim only upon appearing in court at the scheduled time.
- **Collateral sanctions:** Any penalty imposed automatically upon conviction of an offense, even if the penalty is not included in the sentence.
- **Community corrections:** The supervision of criminal offenders in the general population, as opposed to incarceration. Two main types are probation and parole.
- **Correctional control:** A restraint on freedom that allows law enforcement to limit the movement and activities of criminal offenders.
- **Criminal justice system:** The system used for apprehending and trying those accused of crimes, and sentencing and incarcerating those found guilty of a crime.
- **Discretion:** The freedom to decide or act according to one's own judgment restrained only by general legal guidelines.
- **Disparity:** A difference between otherwise similar classes or individuals.
- **Diversion:** A process by which a criminal offender is allowed to provide community service or participate in counseling or substance-abuse treatment instead of incurring the typical penalty for the crime. If the offender successfully completes a diversion program, the offense may be removed from the offender's record.
- **Due process of law:** A guarantee that all proceedings affecting a person's legal rights will be in accord with specified procedures and conducted in a manner that is fundamentally fair to the individuals whose rights are at issue.
- **General deterrence:** A policy goal to cause all individuals in society to avoid a disfavored action.

- **Habitual offender laws (or “three strikes” laws):** Laws that provide specific — and heightened — penalties for those who commit additional offenses after being convicted of prior offenses.
- **Incapacitation:** Removal of a person’s legal capacity to act in a specified way.
- **Incarceration:** The act of putting someone in prison or jail.
- **Intermediate sanctions:** Alternative punishments used to monitor offenders who are neither under the usual restrictions of probation nor incarcerated.
- **Law enforcement:** Federal, state and local agencies charged with protecting public order through the use of the coercive power of the state.
- **Mandatory minimum sentences:** Legislative provisions that establish the shortest possible prison term to which a judge may sentence a person convicted of a particular crime.
- **National drug policy:** The societal goals regarding drugs, primarily represented by the laws enacted across the country to regulate them.
- **Negotiated pleas (or plea agreements):** These occur when the accused agrees to plead “guilty” or “no contest” to some crime in return for some benefit, such as reduction of the severity of the charges, dismissal of some of the charges, or the prosecutor’s agreement to recommend a particular sentence.
- **Parole:** The release of a prisoner before the end of the prescribed sentence, on condition that the offender follows specific rules, such as reporting to a parole officer and avoiding prohibited conduct.
- **Pretrial release:** A procedure that allows an accused person to remain in the community until trial. The individual may be released on their recognizance, which means without any fee or restrictions, or alternatively after the payment of fees or agreement to enhanced supervision.
- **Prison privatization:** The transfer of ownership and/or operation of prisons and prison-services from state-run agencies to privately owned entities.
- **Probation:** A chance to remain free, given to a person convicted of a crime, provided the person conforms his or her behavior to specific rules established by the court or administrators.
- **Profiling (or racial profiling):** The use, typically by law enforcement, of a person’s racial or ethnic characteristics in the decision to detain or question the person about potential criminal activity.
- **Re-entry (or re-entry programs):** The process through which a person released from prison adjusts back to living freely in the community.
- **Rehabilitation:** The process by which an individual is restored to a state where he/she is capable of being a responsible member of society.
- **Restorative justice:** A model of criminal justice that emphasizes reparation to those harmed by the offender, and encourages reconciliation between offenders and victims.

- **Retribution:** A model of criminal justice that emphasizes the use of punishment to restore equality between offender and victim by imposing sanction on the offender proportionate to the harm inflicted by the crime.
- **Sentencing guidelines:** Legislatively established standards for determining the punishment that a person convicted of a crime should receive based primarily on the character of the crime and the offender's record.
- **Specialized courts:** Courts that focus attention on specific types of offenders, such as those who have substance abuse problems, and provide treatment and other services as an integrated part of the adjudication and sentencing process.
- **Specific deterrence:** An effort to cause a specific individual to refrain from engaging in certain behavior in the future.
- **Truth-in-sentencing laws:** Laws that require a convicted offender to serve all, or at least a substantial portion, of the prison sentence that he/she receives. This is primarily accomplished by restricting the availability of parole.