

Criminal Justice: An Overview of the System

Module 1: The Criminal Justice System

Section 1.1: Major Components

Adversarial System: A legal system of common law origin where two parties advocate opposing positions and a neutral finder of fact such as a judge or jury determines the truth in the matter.

Bench Trial: A trial without a jury, in which the judge serves as the fact-finder.

Bill of Rights: The first ten Amendments to the Constitution which guarantee many fundamental rights.

Civil Liberties: Individual rights protected by law from violation by the government.

Corrections: The various methods and institutions by which society deals with criminal offenders, such as prisons, jails, probation, and parole.

Court: Government entity authorized to resolve legal disputes.

Crime: An act or omission that is prohibited by law and has an associated punishment.

Criminal Justice System: The several sets of agencies and processes established by governments to prevent and control crime and impose penalties on those who violate laws.

Defendant: In a civil case, the person or organization against whom the plaintiff brings suit; in a criminal case, the person accused of the crime.

Defense Counsel: A lawyer retained for and usually specializing in the defense of a person accused of a crime.

Discretion: The freedom of a criminal justice agent to decide what should be done in a particular situation based on professional judgment.

Due Process: In criminal law, the constitutional guarantee that a defendant will receive a fair and impartial trial.

Due Process Clause: Both the Fifth and the Fourteenth Amendments contain Due Process clauses that protect people from fundamentally unfair practices by the criminal justice system.

Equality: Treating everyone the same.

Equity: Giving everyone what they deserve.

Exclusionary Rule: Doctrine that says evidence obtained in violation of a criminal defendant's constitutional or statutory rights is not admissible at trial.

Fifth Amendment: The Fifth Amendment imposes restrictions on the government's prosecution of people accused of crimes.

Finder of Fact: A person (such as a judge) or a group of people (such as a jury) who are responsible for determining the facts in a trial or other legal proceeding.

Fourteenth Amendment: An Amendment to the U.S. Constitution that prohibits states from violating people's due process rights.

Incarceration: Imprisonment

Individual Rights: Rights related to an individual's freedom to pursue goals without interference from government.

Jail: A secure confinement facility that holds persons accused of crimes and persons convicted of minor crimes.

Judge: An official of the Judicial branch with authority to decide lawsuits brought before courts.

Jury: The group of people selected to hear the evidence in a trial and render a verdict on matters of fact.

Just Deserts: A deserved punishment.

Justice: A complex concept involving the ideas of fairness and conformity to the law.

Lex Talionis: A Latin legal phrase signifying the law of retaliation, whereby criminals are punished to the same degree and kind as the harm done by their crimes.

Parole: A type of early release from prison where the parolee must abide by certain specified conditions and be supervised in the community by a parole officer.

Police: A civil (rather than military) force tasked with the prevention and detection of crime and disorder, as well as many service functions.

Prison: An institution designed for the confinement of persons found guilty of serious crimes.

Probation: Instead of sending an individual to prison, the court releases the person to the community and orders him or her to complete a period of supervision and to abide by certain conditions.

Procedural Justice: Sometimes called procedural fairness; a synonym of due process.

Prosecutor: An attorney who conducts cases against criminal defendants in the name of the state.

Retributive Justice: A model of criminal justice based on the punishment of offenders rather than other goals such as rehabilitation.

Rule of Law: The principle of government by established law rather than the will of a group or individual.

Sheriff: The chief law enforcement officer of a county; the office originated in feudal England as the shire-reeve.

Sheriff's Deputies: Sworn law enforcement officers working under the direction of a county sheriff.

Statute: A law passed by a legislature.

Trial by Jury: A type of trial where a jury (usually composed of 12 citizens) decides if the prosecutor has proven guilt beyond a reasonable doubt.

U.S. Code: A collection of all the laws passed by the Congress of the United States, organized by subject.