

# *Criminal Justice: An Overview of the System*

## **Module 1: The Criminal Justice System**

### *Section 1.2: Roles, Objectives, And Limits In Criminal Justice*

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**Appellate Court:** A court that is empowered to rehear cases originating in a trial court.

**Bureau of Justice Statistics:** The mission of BJS is to collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government.

**Code:** A comprehensive set of laws arranged by subject.

**Common Law:** The legal system that originated in England and is now in use in the United States; relies heavily on judicial decisions.

**Congress of the United States:** The legislative branch of the United States government, composed of the U.S. House of Representatives and the U.S. Senate.

**Constitution:** A body of fundamental principles by which a nation or state is governed.

**Criminal Code:** The portion of the United States Code or the Code of an individual state that deals with criminal law.

**Decisions (courts):** The written opinions of appellate courts that have the force of law in common law countries like the United States.

**Dual Court System:** A term describing the American governmental structure characterized by having both state courts and federal courts.

**Dual Federalism:** A system of government like that of the United States where there are both national and state governments.

**Due Process:** The constitutional guarantee that a defendant will receive fair and impartial treatment by the criminal justice system.

**Effectiveness:** Carrying out justice system activities with proper regard for equity, proportionality, constitutional protections afforded defendants and convicted offenders, and public safety.

**Efficiency:** Economically applying available resources to accomplish statutory goals as well as to improve public safety.

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**Executive Branch:** The branch of government tasked with the administration of public affairs, and the enforcement of laws and policies.

**Fairness:** Justice issues such as assuring equal treatment and handling of like offenders and giving equal weight to legally relevant factors in sentencing.

**Federal Rules of Criminal Procedure:** Rules promulgated by the SCOTUS that govern how federal criminal prosecutions are conducted.

**Hierarchical:** An organizational structure where elements are arranged by rank.

**Infancy Defense:** The common law doctrine that very young children were incapable of forming a culpable mental state, and thus were not subject to criminal prosecution.

**Judicial Review:** The power of the Supreme Court to determine the constitutionality of legislative enactments.

**Judiciary:** The court system of a country or state; judges taken collectively.

**Juvenile Justice:** Elements of the criminal justice system designed to deal with lawbreaking by those not old enough to enter the adult system.

**Legislature:** An elected body, such as Congress, that has the constitutional authority to make laws.

**Nonsystem Argument:** An argument that the components of the criminal justice system are in conflict, and that there is actually no system at all.

**Penal Code:** A body of statutes that specify crimes and their punishments; more commonly referred to as the substantive criminal law or the criminal code.

**Plea Bargain:** A negotiated agreement between the prosecution and the defendant where the defendant agrees to plead guilty to a lesser crime than that originally charged, or to a lesser sentence than can normally be expected if the case goes to trial.

**Procedural Due Process:** The constitutional idea that the criminal justice system must treat people in a fundamentally fair way.

**SCOTUS:** Supreme Court of the United States

**System:** A group of interrelated parts that work together to accomplish a common set of objectives.

**Three Branches of Government:** The three branches of the American government established by the Constitution are the executive, legislative, and judicial branches.

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**Trial Court:** A court having original jurisdiction in criminal matters as opposed to an appellate court.

**Unconstitutional:** Not in accordance with the provisions of the Constitution of the United States or the Constitution of a particular state.

**United States Supreme Court:** The highest court in the United States; composed of eight associate Justices and one Chief Justice.