

Criminal Justice: An Overview of the System

Module 1: The Criminal Justice System

1.4: The Criminal Justice Process

Arrest: The deprivation of a person's freedom of movement.

Arrest Report: A record maintained by a law enforcement agency concerning an arrest, including statements, evidence, and related charging information.

Booking: The process of identifying, searching, and charging a person before they are admitted to jail.

Charging Document: A document that when filed with the court begins formal criminal proceedings against the defendant, such as complaints, informations, and indictments.

Counsel: The lawyers in a case.

Follow-Up Investigation: Police information gathering that takes place between the filing of the initial report and the case being ready for trial.

Graham v. Connor (1989): A SCOTUS decision where an objective reasonableness standard was adopted for evaluating excessive force claims against police.

Grand Jury: A jury, usually composed of 23 jurors, that are tasked with determining if the state has enough evidence to hold a criminal trial.

Indictment: The formal charge issued by a grand jury stating that there is enough evidence that the defendant committed the crime to justify having a trial.

Information: A formal accusation by a government attorney that the defendant committed a criminal offense.

Initial Appearance: The first time an accused person is brought before a judge.

Knowingly and Voluntarily: A legal requirement (that defendants understand the potential outcomes of what they are doing, and that they are doing so free of coercion.

Magistrate: A minor judicial official with limited authority.

Objectively Reasonable: A reasonably prudent and cautious person would find an office's actions reasonable under the circumstances.

This study guide is designed to help students learn the terms and definitions used in Criminal Justice: An Overview of the System, an Open Educational Resource (OER) developed by Adam J. McKee. As an OER, this document may be copied and distributed freely for educational purposes.

Plea: The defendant's statement of "guilty" or "not guilty" in answer to the charges.

Preliminary Hearing: A hearing to determine if enough evidence exists that a person committed a crime to move on to a trial.

Preliminary Investigation: Investigative activities that take place as soon as an officer arrives at the crime scene.

Presentence Report: A report summarizing for the court the background information needed to determine the appropriate sentence.

Pretrial Services Officer: Pretrial services officers focus on investigating the backgrounds of federal criminal defendants to help the court determine whether to release or detain them while they await trial.

Probable Cause: "...facts and circumstances within the officers' knowledge...are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed."

Reasonable Force: An amount of force that a reasonable person would deem necessary to accomplish a lawful objective and no more.

Standing Mute: Refusing to speak when asked a question, especially in court.

U.S. Attorney: Attorneys that conduct most of the trial work in which the United States is a party.