

Example 7. New York’s Transition from Prison to the Community Initiative: Glossary of Criminal Justice Terms

<i>Term</i>	<i>Definition</i>
Arraignment ¹	The hearing before a court having jurisdiction in a criminal case, in which the identity of the defendant is established, the defendant is informed of the charge and of his/her rights, and the defendant is required to enter a plea.
Arrest ⁴	Taking a person into custody, in a case and in the manner authorized by law. An arrest may be made by a peace officer or by a private citizen.
Bail ²	Money or property promised or given to the court as security when an accused person is released before and during his trial with the agreement that the defendant will return to court when ordered to do so. Bail is forfeited if the defendant fails to return to the court.
Bench Warrant ⁹	A process of a criminal court directing a police officer or a uniformed court officer to take into custody, a defendant who has previously been arraigned upon the accusatory instrument by which the action was commenced, and to bring him before such court.
Charge ⁴	A formal allegation that a specific person has committed a specific offense.
Community Corrections ¹	The use of a variety of officially ordered program-based sanctions that permit convicted offenders to remain in the community under conditional supervision as an alternative to an active prison sentence.
Conditional Discharge ⁸	If the court sees fit, it can discharge the offender conditionally for a specified period of time. This means that the offender must not commit a further offense during that time period. If they do commit a further offense, they will be guilty of ‘breaching’ their conditional discharge and will be re-sentenced accordingly.
Conditional Release	Mandatory release of an offender from prison after completion of a portion of the term as prescribed by law to parole supervision for the remainder of the sentence.
Conviction ⁴	A judgment, based either on the verdict of a jury or a judicial officer or on the guilty plea of the defendant, that the defendant is guilty.
Defer Sentencing	A judgment by the court that sentencing shall be postponed for a specified amount of time, during which the offender will be on probation.
Determinate Sentencing	Offender is given a fixed term of incarceration that may be reduced by good time and merit time.
Dismissal ²	A decision by a judicial officer to end a case for legal or other reasons
Disposition ²	The final judicial decision which ends a criminal proceeding by judgment of acquittal or dismissal or which sets the sentence if the defendant is convicted.
Failure to Appear	Criminal defendant fails to appear in court as required.
Felony	A serious crime that can be punished by up to one year or more in prison.

<i>Term</i>	<i>Definition</i>
Felony Drug Offender ¹⁰	A defendant who stands convicted of the felony possession, sale or intent to sell marijuana or a controlled substance as defined in articles 220 and 221 of New York State Penal Law.
First Appearance ¹	An appearance before a court officer during which the legality of the defendant's arrest is initially assessed and the defendant is informed of the charges on which s/he is being held. At this stage in the criminal justice process, bail may be set or pretrial release arranged.
Good Time ¹	The amount of time deducted from the time to be served in prison on a given sentence as a consequence of good behavior.
Grand Jury Hearing ²	A legal process in which citizens selected by law and sworn to investigate criminal activity and the conduct of public officials and to hear the evidence against accused persons sit as a jury to decide if enough evidence exists to bring an accused to trial; grand jury hearings are generally closed to the public and their proceedings are kept secret by law. This hearing is held in lieu of a preliminary hearing.
Guilty Plea ²	A formal response by a person accused of committing a specific crime admitting that the charges are true.
Indeterminate Sentence	A sentence to prison with a minimum and maximum term.
Indictment ²	A formal written accusation, made by a grand jury and filed in court, alleging that a specific person has committed a specific crime.
Jails ^{1,3}	A confinement facility administered by an agency of local government, typically a law enforcement agency, intended for adults but sometimes also containing juveniles, which holds people detained pending adjudication or committed after adjudication, usually those committed on sentences of a year or less. Offenders sentenced to prison are also housed in county jails awaiting transfer.
Maximum Expiration	Completion of the full term of a sentence, including both incarceration and post-release supervision portions.
Misdemeanor	A crime that is less serious than a felony and for which the punishment can include imprisonment for up to one year in jail.
No True Bill	Grand jury voted against indictment of the accused.
Parole Revocation ¹	The administrative action of a paroling authority removing a person from parole status in response to a violation of lawfully required conditions of parole, including commission of a new offense, and usually resulting in a return to prison.
Parole ²	The conditional release of a convicted offender from prison before the end of his sentence based upon requirements for the offender's behavior set and supervised by a parole agency.
Persistent Felony Offender ⁹	A person, other than a persistent violent felony offender, who stands convicted of a felony after having previously been convicted of two or more felonies.

<i>Term</i>	<i>Definition</i>
Plea Bargain ²	An agreement between the prosecutor and the defense attorney that the defendant will plead guilty to a crime in exchange for some concession from the state, usually a lesser charge, the dismissal of other pending charges, or a recommendation by the prosecutor for a reduced sentence.
Plea ²	A defendant's formal answer in court to the charge that he committed a crime.
Predicate Felony Conviction ⁹	Where an offender currently stands convicted of a felony, a prior felony conviction in which the following criteria apply: (1) the prior conviction was in New York State of a felony or in another jurisdiction of an offense for which a term of imprisonment in excess of one year or a sentence of death was authorized and is authorized in New York State, whether or not imposed; (2) the sentence was imposed before the commission of the present felony, and; (3) the sentence was imposed not more than ten years before the commission of the current felony excluding any time during which the defendant was incarcerated between the commission of the prior and current felonies.
Pre-plea Investigation ⁷	The process by which probation officers investigate and produce a report pursuant to a Criminal Court order or request prior to conviction.
Preliminary Hearing ¹	A proceeding before a judicial officer in which three matters must be decided: (1) whether a crime was committed, (2) whether the crime occurred within the territorial jurisdiction of the court, and (3) whether there are reasonable grounds to believe that the defendant committed the crime.
Pre-Sentence Investigation	The examination of a convicted offender's background including his/her past behavior, family circumstances and physical and mental health, prior to sentencing. Pre-sentence examinations are conducted by probation officers and are submitted to sentencing authorities.
Pre-Sentence Report ²	A document which details the past behavior, family circumstances, and personality of a convicted adult offender and gives information about the crime he or she committed. It is prepared by a probation agency in order to assist the court in determining the most appropriate sentence.
Pretrial Release ¹	The release of an accused person from custody, for all or part of the time during prosecution, upon his/her promise to appear in court when required.
Probation Revocation ¹	A court order taking away a convicted offender's probationary status and usually withdrawing the conditional freedom associated with the status in response to a violation of the conditions of probation.
Probation ²	Conditional freedom granted to an offender by the court after conviction or a guilty plea with requirements for the offender's behavior set and supervised by the court.
Released on Own Recognizance ¹	The pretrial release of a criminal defendant on his/her written promise to appear in court as required. No cash or property bond is required.
Remand ⁶	To order an accused person to be kept in custody pending further court appearance.

<i>Term</i>	<i>Definition</i>
Recidivism ¹	The repetition of criminal behavior. In statistical practice, a recidivism rate may be any of a number of possible counts or instances of arrest, conviction, correctional commitment, or correctional status change related to repetitions of these events within a given period of time.
Second Felony Offender ⁹	A person, other than a second violent felony offender, who stands convicted of a felony other than a class A-1 felony, after having previously been subjected to one or more predicate felony convictions.
Second Felony Drug Offender ¹⁰	A second felony offender who stands convicted of the felony possession, sale or intent to sell marijuana or a controlled substance as defined in articles 220 and 221 of New York State Penal Law.
Sentencing Hearing ⁵	A hearing before a judge to determine the appropriate sanction to be imposed upon a person convicted of a crime. Defense and prosecution speak, witnesses may be called. Defendant has the right of allocution. Judge imposes sentence
Sentencing ¹	The imposition of a criminal sanction by a judicial authority.
Split Sentence ¹	A sentence explicitly requiring the convicted offender to serve a period of confinement in a local, state, or federal facility, followed by a period of probation.
Superior Court Information ⁹	A written accusation by a district attorney which charges one or more defendants with the commission of one or more offenses, at least one of which is a crime, and which serves as a basis for the prosecution thereof.
Trial ²	A proceeding, either civil or criminal, in court, where the law and evidence are reviewed, and the guilt, liability, or other issues are determined by jury or judge.

1. Schmallegger, F. (2004). *Criminal justice: A brief introduction*. Upper Saddle River, NJ: Prentice Hall.
2. <http://www.azvictims.com/cjs/glossary.asp>
3. <http://www.cjpc.state.tx.us/glossary/glossaryadult.html>
4. http://www.sfgov.org/site/budanalyst_page.asp?id=5215
5. <http://www.co.dakota.mn.us/cc/Glossary.htm>
6. <http://www.courtservice.gov.uk/cms/2714.htm#R>
7. <http://dpca.state.ny.us/350.htm>
8. www.youth-justice-board.gov.uk/PractitionersPortal/CourtsAndOrders/Disposals/ConditionalDischarge
9. LexisNexis. (2005). *Graybook: New York criminal statutes and rules*. Newark, NJ: Matthew Bender & Company.
10. New York State Penal Law § 70.70.