

# Criminal Justice System Glossary of Terms





Terms included in this glossary of terms are adapted from the Victims' Rights Education Toolkit.

The justice system uses specific terms to represent processes, procedures, and policies unique to the justice system. Many people find these terms confusing, especially if they have not been involved with the justice system before. It is helpful for people who encounter the justice system to understand what these terms mean, so they can best understand the processes as they occur.

**Accused:** A person or persons formally charged but not yet put on trial for committing a crime.

**Acquittal:** A legal judgment, based on the decision of either a jury or judge, that a person accused of a crime is not guilty of the charges for which he/she has been tried.

**Adjudication:** The judicial decision that ends a criminal proceeding by a judgment of acquittal, conviction, or dismissal of a case. This term is also used in juvenile proceedings.

**Admissible Evidence:** Evidence that is relevant and proper for consideration in reaching a decision in court. Pre-trial hearings are often held to allow the judge to make this determination.

**Affidavit:** A written, sworn statement in which the writer swears that the information stated therein is true.

**Appeal:** A request by either the defense counsel or prosecutor in a case to have a higher court resolve a dispute with a judge's decision.

**Arraignment Hearing:** A hearing in which a person charged with a crime is brought before the court to plead either guilty or not guilty to the criminal charges alleged in the indictment or information, and is advised of his/her constitutional rights under law. By definition, arraignment hearings are considered *pre-trial hearings*.

**Arrest Warrant:** An order made on behalf of Oregon, based on a complaint and signed by a judge, authorizing law enforcement to arrest a person who is thought to have committed a crime. A person who is arrested on a warrant stays in custody until bail or bond is posted, or until released by an order of the court.

**Attend, Right to:** The right to be physically present in the hearing room during the course of a trial or hearing. (Also referred to as the right to be present.) For more information about victims' rights in Oregon, and when they apply, visit: <http://www.oregoncrimevictimsrights.org>

**Bail Hearing:** A hearing to determine whether or not an incarcerated defendant or convicted offender will be released from custody and to determine what amount (if any) he/she must pay as a bond to assure his/her presence at future proceedings (e.g., trial). This may also include specific conditions of bail, e.g., no contact with the victim or

witness, must attend treatment programs, etc. (Also referred to in some jurisdictions as a bond hearing.)

**Bench:** Where the judge sits during court proceedings. The term is often used to refer to the judge.

**Bench Trial:** A trial in which the judge hears the case without a jury, and decides whether the accused is guilty.

**Beyond a Reasonable Doubt:** The degree of proof needed for a judge or jury to convict a person accused of a crime.

**Burden of Proof:** Oregon (represented by the prosecuting attorney) carries the burden of proof to establish “beyond a reasonable doubt” that the defendant committed the offense for which he/she is charged.

**Case Law:** The law as formed by past court decisions, opinions, interpretations, or traditions.

**Challenging Denial of Claim for Compensation:** Any steps taken by the party applying for crime victim compensation to overturn, or adjust a compensation award, i.e., file a motion to reconsider and/or appeal the determination to the Board or a higher authority or court of law.

**Change of Venue:** The transfer of a pending case in one county or district to another county or district. A “change of venue” is often sought because of claimed prejudicial publicity in the original county or district.

**Charge:** A formal accusation filed by the prosecution that a specific person has committed a specific crime. (Also referred to as “pressing charges.”)

**Clemency:** Reducing the sentence of someone convicted of a crime.

**Community Supervision:** An order by a by one or more criminal justice officials, most commonly a probation or parole officer. Such orders often include conditions that the offender must abide by, and can include conditions specific to victims’ concerns and needs (such as safety and protection) if they are identified through a pre-sentence investigation (PSI) or victim impact statement.

**Community-based Victim Service Providers:** Victim service providers who work for non-profit organizations in communities throughout Oregon. These programs include: nonprofit domestic violence shelters, rape crisis centers, nonprofit court accompaniment programs, psychologists specializing in child abuse, etc. For more information about Oregon programs that help survivors of domestic and sexual violence, visit the Oregon Coalition Against Domestic and Sexual Violence at: <http://www.ocadsv.com>

**Compensation:** Oregon’s program that provides victims of violent crime with reimbursement for their out-of-pocket financial losses directly resulting from the crime. It is not intended to cover restitution or any civil claims or judgments. For more information about Oregon’s Crime Victims’ Compensation Program, and who is eligible to apply for compensation, visit <http://www.doj.state.or.us/crimev/comp.shtml>

**Compensation Award:** The sum of money ordered by Oregon’s Victim Compensation Program to reimburse a victim of violent crime for his/her out-of-pocket financial losses directly resulting from the crime.

**Complaint:** A preliminary charge made by Oregon that a person has committed a specified offense.

**Confidentiality:** A requirement that certain facts about a proceeding or the nature of a proceeding will be withheld from the public.

**Contempt of Court:** This is usually thought of as someone attacking the integrity of the court. This can be done by refusing to obey a court order.

**Continuance:** A delay or postponement of a court hearing. A case can be continued for “good cause,” such as illness or witness availability, or by mutual agreement between the prosecution and defense.

**Conviction:** A judgment of the court, based either on the decision of a jury or judge, that the defendant is guilty of the crime for which he/she was tried.

**Corroborating Witness:** A person who is able to give information that supports the statements made by the victim, defendant, or a witness.

**Count:** Each separate offense listed in a complaint or indictment accusing a person of committing a crime.

**Crime:** A violation of an Oregon or federal law.

**Criminal Justice System:** The entire network of government agencies charged with law enforcement, prosecution, defense, trial, incarceration, and supervision of people arrested and/or convicted of having violated an Oregon or federal criminal law.

**Criminal Trial:** A judicial proceeding before a court to determine if a person charged with a crime committed that crime.

**Cross Examination:** When a witness is questioned by the opposing party (the prosecuting attorney or defense counsel).

**Defendant:** A person who has been formally charged by a court with committing a specific crime.

**Defense Counsel:** The lawyer who represents the defendant in a legal proceeding. The Sixth Amendment of the U.S. Constitution requires that all people accused of a crime have a right to counsel (a lawyer). The defense counsel is sometimes called the “public defender” or “defense attorney.”

**Deposition:** The sworn testimony of a witness taken outside of court in the presence of the prosecution and defense attorneys. A deposition can be used at trial to discredit a witness’ testimony, or it can be read to a jury if the witness is unavailable.

**Dismissal:** A judge’s decision to end a case, with or without prejudice, for legal or other reasons.

**Disposition:** The final decision that ends a criminal proceeding or that ends a disputed matter within the proceeding.

**Docket:** The formal record of the court proceedings. The “trial docket” sometimes refers to the list of cases to be tried on any given day, or in a specified period of time.

**Enforce:** To compel obedience to a law, rule, or order. To enforce a victim’s or defendant’s right means to put that right into practice.

**Evidence:** Testimony and objects used to prove or disprove the statements made by the victim, the defendant, or other witnesses.

**Exercise:** To make use of. Thus, to exercise a right or power means the person who has that right chooses to have it fulfilled in/by the court.

**Felony:** A serious crime potentially punishable by incarceration.

**Grand Jury:** A collection of citizens called to serve on a jury whose duty it is to examine the evidence supporting charges alleged by law enforcement and/or the prosecutor to determine if the evidence is sufficient to have a trial.

**Grand Jury Hearing:** A hearing during which the Grand Jury examines the evidence supporting charges alleged by law enforcement and/or the prosecutor, to determine if the evidence is sufficient to have a trial.

**Guilty:** A verdict of a judge or jury that a person accused of committing a crime did commit it.

**Habeas Corpus:** A Federal process and proceeding in which a prisoner challenges the lawfulness of his/her imprisonment.

**Heard, Right to Be:** To speak — in this context, to make an oral statement during the course of a proceeding. In Oregon, crime victims have the right to express their views

at sentencing, at a motion to set aside a conviction, and at a parole hearing. For more information about victims' rights in Oregon, and when they apply, visit: <http://www.oregoncrimevictimsrights.org>

**Hearing:** A legal proceeding where a judge hears arguments, witnesses, and/or evidence.

**Hearsay:** Testimony of an individual that is not from his/her personal knowledge, but from what the witness has heard another person say.

**Indictment:** A formal charging document presented by the prosecution to a grand jury. The grand jury may then issue the indictment if it believes that if the accusation is proved, it would lead to a conviction.

**Jail:** The local facility where people are held in custody. Defendants awaiting trial and people convicted of lesser crimes are held in jail, as opposed to prison.

**Judge:** An officer of the court who presides over cases and decides questions of law.

**Jury:** A panel of citizens selected by the prosecution, defense, and judge, and sworn to determine certain facts by listening to testimony in order to decide if the defendant committed the crime.

**Jury, Hung:** A "hung jury" is one whose members cannot agree if the defendant committed the crime.

**Misdemeanor:** A crime that is less serious than a felony, and for which the conviction can mean imprisonment for one year or less, usually in a jail or other local facility, and/or a fine.

**Mistrial:** A trial that is invalid because of some fundamental error in procedure or other wrongdoing.

**Motion:** A verbal or written request made by the prosecuting or defense attorney before, during, or after a trial that the court responds to by issuing a rule or an order.

**Nolo Contendre:** A defendant's formal answer in court to the charges where the defendant states that he/she does not contest the charges. The nolo contendere plea is not an admission of guilt, but carries the same legal consequences as a guilty plea.

**Not Guilty:** A verdict by a judge or jury that a person accused of a crime did not commit it, or that not enough evidence exists to prove beyond a reasonable doubt that the defendant committed the crime.

**Notice:** An official means of providing information, in oral or written form, to an identified party regarding his/her rights or interests (e.g., a letter stating the date, time,

and location of a parole hearing; a telephone call informing a victim about the outcome of a sentencing hearing; an automated telephone call informing the victim of the escape of their accused offender, etc.).

**Objection:** A protest or argument made concerning the activity of the other party (prosecuting or defense attorney) in court. The judge can “overrule” (disregard) or “sustain” (uphold) an objection.

**Pardon:** An official release from responsibility and consequences for a crime, usually only granted by the Governor of Oregon or the President of the United States.

**Parole:** Release of a prisoner from imprisonment, but not from legal custody and supervision. People under parole supervision are subject to conditions of supervision that are designed to reduce recidivism and promote public safety, and are supervised by a parole officer.

**Parole Revocation:** When probable cause is found that a person under parole supervision violated his/her conditions of supervision, parole is revoked and the offender is returned to custody (jail or prison).

**Plea Agreement:** An agreement between the defendant and the prosecuting attorney that will bring the case to an end if the court approves the agreement. It usually involves the defendant’s plea of guilty to a lesser offense, which could include a recommendation for a lesser sentence. In Oregon, victims have the right to be consulted about any possible plea agreement. For more information about victims’ rights in Oregon, and when they apply, visit: <http://www.oregoncrimevictimsrights.org>

**Plea Agreement Hearing:** A hearing where the prosecuting and defense attorneys submit a plea agreement to the court for its approval.

**Guilty Plea:** An admission of guilt by the defendant in open court.

**Preliminary Hearing:** A legal proceeding before a judge in which arguments, witnesses, and/or evidence are presented to determine if there is sufficient probable cause to hold the accused for trial. It is sometimes called a probable cause hearing.

**Present, Right to Be:** The right to be present equates to being physically present in the court/hearing room during the course of criminal proceedings. For more information about victims’ rights in Oregon, and when they apply, visit: <http://www.oregoncrimevictimsrights.org>

**Pre-trial Release Hearing:** Any hearing to determine whether the defendant will be released from custody prior to the trial (i.e., bail or bond hearing).

**Prison:** Oregon or Federal facilities where persons convicted of a felony are held. The Oregon Department of Corrections (ODOC) oversees the management of prisons; ODOC has a victim services program.

**Probable Cause:** The degree of proof needed to arrest and begin prosecution against a person suspected of committing a crime. The evidence must be such that a reasonable person would believe that this specific crime was committed, and that it is probable that the person being accused committed it.

**Proceeding:** Business conducted before a court or judicial officer (e.g., hearings, trials, conferences, etc.).

**Pro se:** When the defendant is representing him/herself in court and is not represented by counsel (a defense attorney), as when he/she has waived the right to counsel in a proceeding.

**Probation:** Conditional freedom granted to a person by the court after conviction or a guilty plea, with requirements for the person's behavior ("conditions of probation"), where a violation of the conditions may potentially mean jail or prison time. A probation officer conducts supervision.

**Prosecutor:** A lawyer employed by the government or elected by the people to represent Oregon's interests in court proceedings against people accused of committing crimes. Oregon's prosecutors' offices have victim/witness programs that are designed to inform victims of their rights, help them understand the criminal justice process, and provide them with information about and referrals to services that can help.

**Recusal:** An action taken by any court official, including a judge, to disqualify or withdraw him/herself from a case where his/her impartiality might be questioned.

**Release Hearing:** A hearing to determine whether to grant, and on what basis to grant, an incarcerated or accused defendant limited, temporary, or permanent release (e.g., work release, temporary release for a family emergency, medical treatment, vocational training, to attend legal proceedings, etc.).

**Restitution:** A court order requiring a convicted offender, as a condition of a sentence, to repay the victim money or services to compensate for the monetary losses that resulted from the commission of the crime.

**Restraining Order:** An order issued by a court that forbids a person from doing something. In the context of victim protection, often an order forbidding the alleged or convicted offender to have any contact with the victim (or other people connected to the victim) or witnesses. (Sometimes referred to as: stay away order, no contact order, or protective order.)

**Sentence:** A sentence is what a judge or jury formally pronounces after a criminal defendant has been found guilty; the sentence is the legal consequence of the crime.

**Sentence, Concurrent:** Sentences that are served at the same time.

**Sentence, Consecutive:** Sentences that are served one after the other.

**Statute:** Any law passed by the Oregon legislature or United States Congress.

**Subpoena:** A court order requiring a person to appear in court on a specified day and time to give testimony. It may also include an order to produce documents or records. Failure to appear constitutes contempt of court.

**Summons:** A court order used to bring a person accused of a crime (who is not in custody) to court.

**System-based Victim Service Providers:** Victim service providers whose base of operation and services occurs within a criminal or juvenile justice agency (e.g., prosecutor-based victim services, a victim assistance specialist working within the Department of Corrections, etc.). For more information about system-based victim service providers, please visit: [http://www.doj.state.or.us/crimev/directory\\_vso.shtml](http://www.doj.state.or.us/crimev/directory_vso.shtml)

**Testimony:** Evidence given by a competent witness under oath, as distinguished from evidence derived from writings and other sources.

**Transcript:** The official record of a trial or hearing.

**Trial:** A judicial process that examines the evidence of a case.

**Victim Impact Statement:** A written or verbal statement of a victim's views about the physical, financial, emotional, and spiritual impact the crime has had on them, their lives, and the lives of their families/loved ones. The Victim Impact Statement is delivered to the court (or the Parole Board, if a prisoner receives a parole hearing). For more information about victims' rights in Oregon, and when they apply, visit: <http://www.oregoncrimevictimsrights.org>

**Victim Right:** A "power granted by law that entitles a victim to require another person, usually a criminal justice official (police, prosecutor, judge, probation or parole officer, or corrections official), to perform a specific act or refrain from performing a specific act." For more information about victims' rights in Oregon, and when they apply, visit: <http://www.oregoncrimevictimsrights.org>

**Voir Dire:** A procedure in which the prosecutor and defense attorney question potential jurors to pick a jury.

**Waiver:** The voluntary surrender of a right, claim, or privilege.

**Warrant:** A court order directing a law enforcement officer to make an arrest, a search, or a seizure.

**If you have survived crime, programs may be available in your community to assist you.** To find resources near you, visit the Online Directory of Crime Victim Services: <http://ovc.ncjrs.gov/findvictimservices>

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Partnership for Safety and Justice is a statewide advocacy organization dedicated to making Oregon's approach to public safety more effective and more just. We are unique: in addition to working with traditional system stakeholders, we work with people most impacted by the justice system (survivors of crime, people convicted of crime, and the families of each), giving us a holistic perspective on needed system change. We advocate for public safety policies that promote: safety; accountability; crime prevention; healing; rehabilitation; and justice.



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