



A directory of legal and criminal justice terminology

A

Absolute Discharge The court takes no further action against an offender, but the offence and the discharge will appear on his criminal record

Acquittal At the end of a trial the court finds a suspect of an offence not guilty

Amnesty Usually used in reference to weapons when police ask people to hand in illegal weapons in the knowledge they will not be charged or prosecuted

Appeal Court The higher court to which cases are sent when either the defence or prosecution (if it is an appeal about the sentence) wish to challenge the result from a Magistrates or Crown Court case

Arrest Someone suspected of an offence is lawfully detained by a constable.

Attendance Centre Order A court order which requires an offender (under 21) to undertake a structured programme of activities

Attorney General Government Minister responsible for prosecutions and the Crown Prosecution Service

B

Bail Remand A suspect who has been arrested or charged with an offence is released by the police or court on condition that they report back at a certain date and time. Sometimes the suspect has to keep to certain conditions, such as living in a particular place, or not going near witnesses.

C

Caution Official warning given to offenders who admit to their guilt. Only available for low level offences.

Community Penalties non-custodial options, community punishment, Community sentences, alternatives to prison Sentences of the court which deal with the offender in the community rather than in prison. They include community punishment, community rehabilitation orders and drug treatment and testing orders.

Community Punishment and Rehabilitation Order Between 40-100 hours of unpaid work for the community, alongside a programme of work designed to deal with the offending behaviour and personal improvement supervised by the Probation Service

Community Punishment Order A sentence of the court which involves the offender doing up to 240 hours of unpaid work for the benefit of the community under the supervision of the Probation Service

Community Rehabilitation Order An offender is supervised by a probation officer for a period of between 6 months and 3 years. May also include attending an Offending Behaviour Programme to tackle the reasons why the crime was committed.

Community safety units CSU Local community safety units were set up to tackle crime and the fear of crime under the 1998 Crime and Disorder Act. They bring together police, local authority and other agencies to work together on specific problems such as hate crime and domestic violence.

Compensation Money paid by the offender to compensate the victim for the physical or psychological damage caused by the offence.

Compensation Order A court order requiring the offender to pay compensation to the victim.

Conditional Discharge No further action is taken against an offender unless they commit a further offence within a given period (no more than 3 years)

Conviction When an offender has pleaded or been found guilty of an offence in a court he or she is said to have been convicted. The conviction then appears on the offender's criminal record.

Criminal Cases Review Commission Public body responsible for investigating alleged miscarriages of justice.

Cross-examination A witness in a court case is questioned about their evidence by the solicitor or barrister

representing the opposing side, so a prosecution witness is cross-examined by the defendant's lawyer, and a defence witness by the prosecution lawyer.

Crown Court The Crown Court is the second tier in the English court system. A judge hears the cases, and trials are heard by a jury. The Crown Court deals with crime which is too serious to be heard by the magistrates' court, and cases referred by the magistrates for sentence where their powers are not adequate.

Crown Prosecution Service CPS The public prosecution service. The Crown Prosecution Service decides whether there is enough evidence to take a case to court, and whether it would be in the public interest. After the decision to prosecute has been taken the CPS employs the lawyers who represent the prosecution at court.

Curfew Order Tagging The Court can order an offender to be at home between certain hours. This is usually monitored using an electronic tag attached to the offender's ankle.

Custodial sentences prison sentence, bird, jail Sentences where the offender is locked up in a prison, young offender institution or secure training centre.

D

Defendant Person accused of a crime in court

Detention and Training Order (DTO) The mechanism by which a youth court sentences children aged 12 to 17 years to custody.

Discharge Absolute or Conditional discharge The offender is found guilty of the offence, and the conviction appears on his or her criminal record, but either no further action is taken at all (absolute discharge, or no further action is taken as long as the offender does not offend again in a certain period of time (conditional discharge).

District Judge A legally qualified professional judge who sits in the magistrates court.

DNA Deoxyribonucleic acid, molecules contained in all living matter containing unique identification information. Everyone's DNA is slightly different, and so DNA found in body cells at crime scenes is increasingly being used as evidence in court.

Drug Treatment and Testing Order DTTO A sentence for drug users who receive treatment for their drug use and have to give regular urine tests to make sure they are not using drugs

Due Process The guidelines set by which criminal cases must be followed in order to ensure a fair trial

E

Electronic monitoring/Tagging An offender or person on bail, on a curfew order or Home Detention Curfew at the end of a prison sentence, has an electronic tag which alerts staff in a control centre if they leave the house during certain parts of the day when they are supposed to be home

F

Fine A sentence of the court which involves the offender paying money to the court as a punishment. If the fine is too big to be paid immediately the offender can usually pay it in weekly or monthly instalments over a period of months up to a year.

H

Hate crime A crime committed because of the hatred by the offender of some characteristic of the victim - usually their race, religion, physical or learning disability, gender or sexual orientation.

Her Majesty's Inspectorate of Prisons HMIP Established in 1980 to inspect prisons working independently of the prison service and reporting directly to the Home Secretary.

Heroin Smack, skag, junk, H, brown A highly addictive opiate usually taken by smoking, injecting or snorting through the nose.

Home Detention Curfew HDC, Tagging A prisoner serving a sentence of between 8 months and 4 years can be released from prison up to 90 days early under strict curfew arrangements and wearing an electronic tag.

Home Office Government department responsible for all national issues such as crime and immigration.

I

Indictable offence Serious offence triable only in the Crown Court

Intensive Supervision and Surveillance Programme ISSP The most rigorous non-custodial intervention for persistent young offenders combining community-based surveillance with up to 25 hours of contact time per week.

J

Judge The person who presides over the higher criminal courts - the Crown Court and Court of Appeal. Judges are trained lawyers who have been appointed after a career as a barrister or solicitor.

K

L

Lawyer A general term used to describe barristers (who usually work in the Crown Court and Appeal Court) and solicitors.

Legislation A general term for the Acts of Parliament which make up the laws of the land.

Local Authority Secure Children's Home (LASCH) Used to house children aged 12 to 14 and 'vulnerable' boys aged 15 and 16. Usually small in size with 5 to 38 beds.

Local prison A prison used for prisoners on remand and newly sentenced. Local prisons tend to be near to the courts and are often situated in towns and cities. Once they have been sentenced most prisoners are moved to training prisons to serve their sentences.

M

Magistrate Someone who sits as part of a group of three and acts as a judge in the Magistrates court. Magistrates in England and Wales are volunteers who have been specially trained for the task and are unpaid apart from their expenses.

Magistrates Court The Magistrates Court deals with most motoring offences and less serious crime. The judges in Magistrates Court are either a group of three lay (volunteer) magistrates or a District Judge who is a professional. The magistrates court has limits on its sentencing powers but can send cases to the Crown Court for sentence if necessary.

Miscarriage of Justice A conviction shown to be unsafe due to new evidence in the case or evidence of an unfair trial or violation of rights of the accused.

N

Notifiable offence Offence deemed serious enough to be recorded by the Police. Includes most indictable and triable-either-way offences

O

Offender Someone who has been convicted of a crime.

Offending Behaviour Programme OBP A programme of work undertaken with an offender which is designed to tackle the reasons or behaviour which leads to his or her offending. These programmes often involve work with groups of offenders, but some are one-to one. Many of them are based on cognitive behavioural therapy and they are accredited by a national accreditation board. Offending behaviour programmes currently available in prison and through the probation service include the Enhanced Thinking Skills programme (ETS), the Sex Offender Treatment Programme and The Drink Impaired Drivers Programme.

Open Prison Prison with minimum security requirements for those offenders who are deemed not to pose a threat to the general public.

P

Probation Community Rehabilitation Order Although people still talk of offenders 'getting probation' the Probation Order was replaced by the Community Rehabilitation Order (CRO) under the 1998 Crime and Disorder Act. The CRO involves (as probation used to) a period of supervision by a probation officer. During the CRO the offender may have to attend an Offending Behaviour Programme and must attend appointments. Sometimes other requirements are also added. If the offender does not comply then s/he is returned to court for breach of the order and can be sentenced for the breach (with the order allowed to continue) or re-sentenced for the offence.

Prosecution A case brought against a person; the lawyer(s) responsible for putting forward the case against a defendant.

Q

R

Re-offend, Recidivism When an offender commits a new crime after being convicted of a previous offence

Reasonable doubt The standard of proof in criminal courts in the UK is that the case is proved 'beyond reasonable doubt'.

Recidivism, Reoffending Reoffending by people who have previous convictions. The rate of recidivism is the rate of reoffending - for example the rate of recidivism for prisoners is 58%.

Rehabilitation Work to enable offenders to put crime behind them. This often involves tackling the specific reasons for the offending (eg. drug use, lack of understanding of victims feelings) as well as dealing with other factors which are known to help people lead crime free lives - education (basic skills), housing, employment, parenting skills.

Remand in custody Remanded A defendant is imprisoned while awaiting trial.

Resettlement The reintegration of a prisoner after release from custody.

Restorative justice An approach which seeks to put right the harm caused by the offence. This may involve a meeting between the offender and victim, with a mediator, where the victim can tell the offender how the offence has affected them, and the offender can try to put things right.

S

Section 90/91 Section 90 and 91 of the Powers of Criminal Courts (Sentencing) Act (2000) gives the Crown Court power to sentence children aged 10 to 17 years to prison for serious offences (for which an adult would receive a sentence of 14 years or more).

Secure Training Centre A secure institution for 12-14 year olds. Children in this age group are not sent to prison, but can go to an STC. This is usually for serious offences or when the young person is a persistent offender.

Statement A description of the events of a crime, or relating to a crime, given to the police during investigation.

Summary offence Offence considered to be less serious, and triable only in the Magistrates Court

Suspect A person being investigated in relation to a particular offence or offences.

T

Tagging Electronic Monitoring An offender or person on bail, on a curfew order or Home Detention Curfew at the end of a prison sentence, has an electronic tag which alerts staff in a control centre if they leave the house during certain parts of the day when they are supposed to be home

Training prison A prison to which convicted prisoners are sent to serve their sentences. Training courses and education are usually made available to prisoners there long enough to benefit.

U

V

Verdict The verdict in a criminal trial is the point at which the Magistrates (in a Magistrates Court) or the jury (in a Crown Court) say whether they have found the defendant guilty or not guilty.

Victimisation Being a victim. This term is usually used to describe the risk of being a victim of crime if someone belongs to a particular group (women, children, ethnic minorities, inhabitants of a particular area, etc) or in connection with repeat victimisation, where someone who has already been a victim is victimised again.

Visitors' centre A place, usually outside a prison, where people who have come to visit relatives or friends in prison can obtain information and help, buy refreshments and wait for their visits. Not all prisons have visitors' centres.

W

White collar crime This term is usually used to describe crimes committed by professional people, often in relation to business or financial affairs. Examples include corrupt share transactions, tax evasion and fraud.

X

Y

Young Offender Institution YOI A prison for young people between the ages of 15 (16 for girls) and 21. Young offenders have to be kept separately from adults, and juveniles (under 18s) separate from 18-21s.

Youth Justice Board An executive non-departmental public body responsible for overseeing the Youth Justice System.

Youth Offending Team (YOT) There is a YOT in every local authority in England and Wales. They are made up of representatives from the police, Probation Service, social services, health, education, drugs and alcohol misuse and housing officers. The YOT is responsible for co-ordinating the work of youth justice services.

Z

Zero tolerance Crime fighting strategy developed in New York in the 1990s where all crimes, however minor, and anti-social behaviour is dealt with rigorously in order to combat a supposed culture of crime.