



**MAPPING INJUSTICE:
NAVIGATING THE
CRIMINAL LEGAL SYSTEM**

101

GLOSSARY OF TERMS

To Our Comrades:

In the Winter of 2021 grassroots organizing groups around the country convened to produce the three-part forum series Mapping Injustice: Navigating the Criminal Legal System 101, designed to support and empower individuals impacted by systems of mass incarceration and their loved ones. This glossary is intended to be a tool used to demystify the often complicated and confusing language used every day to oppress and further marginalize individuals charged with crimes.

This project was the outgrowth of litigation that our team at Advancement Project filed in collaboration with our community partners in 2020. We sued four jails in three states across the country: Florida, Louisiana, and Michigan, for failing to protect detainees against the COVID-19 pandemic in violation of their constitutional rights.

In addition to this glossary, we have produced other materials to further engage people working towards liberation, including a syllabus with more information about systems of mass incarceration, questions to ask your attorney, and collateral consequences to look out for as a result of a criminal case.

For more information, and to join the fight for racial justice check out the work of our coalition partners, listed below.



In Solidarity,

Advancement Project National Office

Close the Workhouse

Detroit Justice Center

East Baton Rouge Parish Prison Reform Coalition

Michigan Liberation

Neighborhood Defender Service Detroit

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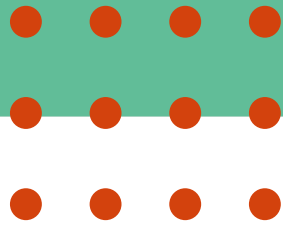
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ABOLITION

Abolition, or prison abolition, refers to the movement to abolish the Prison Industrial Complex, or systems that allow for imprisonment, policing, and surveillance of communities by the police. In its place, abolition seeks to create alternatives to punishment and imprisonment that try to find ways to promote healing among communities, as opposed to locking people up and removing them from society.¹

ACQUITTAL

If a person is found not guilty at the end of a criminal trial, they have been acquitted, or cleared, of their charges. The prosecutor has failed to uphold their burden of proving that the person is guilty beyond a reasonable doubt, so the person is freed of their criminal charges.²

ADJOURNMENT

Re-scheduling, postponement, or delay of a court proceeding.

ARREST

An arrest involves seizing a person and taking them into custody. This usually involves being cuffed by the police and taken to a precinct, where the person can be photographed, fingerprinted, or interrogated.

ARRAIGNMENT

An arraignment is a proceeding where a person accused of a crime, or a defendant in a particular case, goes before a judge for the first time. In this proceeding, the person will be called before the court, will be informed of their charges (what laws they are accused of breaking), and asked how they plead (guilty or not guilty).³

¹ Critical Resistance, Our Communities, Our Solutions: An Organizer's Toolkit for Developing Campaigns to Abolish Policing, CRITICAL RESISTANCE (October 2020), http://criticalresistance.org/wp-content/uploads/2020/10/CR_Abolish-Policing-Toolkit_2020.pdf

² Cornell Law School, Acquittal, LEGAL INFORMATION INSTITUTE, <https://www.law.cornell.edu/wex/acquittal>.
³ 21 Am. Jur. 2d Criminal Law § 539.

ATTORNEY

An attorney is a lawyer. There are different kinds of attorneys that specialize in different areas of law, including criminal defense attorneys. If someone is accused of a crime, they are usually represented by a criminal defense attorney.

BAIL

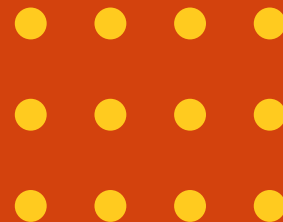
Bail is money paid to secure a person's release from jail until their trial, before they have been convicted of a crime. It is money put down to ensure that a detainee will appear for trial and hearings, and is returned when a trial ends. A judge or magistrate determines how much someone's bail is. The amount is set depending on different circumstances, including charges, prior arrests and convictions, the risk of the person fleeing to avoid legal proceedings, and whether a person has a place to go or community to stay with while their trial is pending.⁴

BAIL BONDSPERSON

People who put up money for individuals and families who cannot afford to pay bail for a fee. Not all states support the bail bond system, and so this service is not available everywhere. Usually, an incarcerated person and their loved ones have to put up a portion of a total bond (generally, 10%).⁵
See, bond

BAIL FUNDS

There are different grassroots and nonprofit organizations across the country that pay bail on behalf of incarcerated people and their families. Some of these organizations are national and support people across the country, some are local, and only support people locked up in particular cities or states. These funds usually rely on money from grants and donations. As such, bail funds are often have limited capacity to help. Community Justice Exchange has a directory of community bail funds across the United States, which can be accessed below.⁶



⁴ What is Bail?, THE LEGAL AID SOCIETY (Nov. 6, 2020), <https://www.legalaidnyc.org/get-help/bail-incarceration/bail-definition/>

⁵ How Courts Work, AMERICAN BAR ASSOCIATION (Sep. 9, 2019), https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/bail/

⁶ Directory of Community Bail Funds, COMMUNITY JUSTICE EXCHANGE, <https://www.communityjusticeexchange.org/nbfn-directory>.

BAIL HEARING

Not all people are eligible for bail. A judge or magistrate determines whether a person can be released on bail during a bail hearing. Everyone is entitled to a bail hearing, which can be requested by a person's defense attorney. During a bail hearing, a person's attorney will argue why their client should be released on bail. The judge will consider a person's risk of fleeing if they were released and prior convictions. If someone has prior convictions or charges that could lead a judge to believe that they would pose a risk to the community if released, they might not be eligible for bail. ⁷

BAILIFF

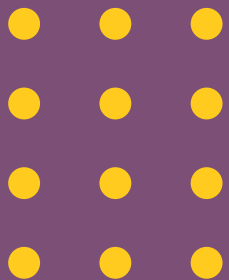
A bailiff is one of the people present in court during a trial. These officers are responsible for security in the courtroom. They will usually initiate a court proceeding, bring a defendant into the courtroom, hand evidence from an attorney to the jury or witness on the stand, and enforce rules of the courtroom.

BENCH TRIAL

There are two main types of trials, bench trials and jury trials. Bench trials are tried by judges as opposed to juries. Judges are the ultimate decision-makers at bench trials and determine if someone is guilty or not guilty. ⁸

BOND

When someone does not have the money to pay for bail (for example, if bail is set too high) they can contact a bail bond company to help pay bail. Thus they are not bailed out, but bonded out. Their release is secured through a bond, which usually requires fees and some type of collateral. Someone may have to put up their house or car to get a bond from a bondsperson. This guarantees the fees of the bond company are paid and that the bondsperson will get back the money they put down to secure a person's release.



⁷ How Courts Work, AMERICAN BAR ASSOCIATION (Sep. 9, 2019), https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/bail/.
⁸ Ariel E. Harris, The Ins and Outs of a Bench Trial: Tips for Success, AMERICAN BAR ASSOCIATION (May 17, 2018), <https://www.americanbar.org/groups/litigation/committees/woman-advocate/practice/2018/bench-trial-tips/>.



CHARGES

In a criminal trial, charges are the crimes a person is accused of committing. These crimes are usually listed in state and federal criminal codes, which contain all of the criminal laws enacted by the governments of each individual state and the federal government, respectively. These laws, passed by state legislatures and Congress, make certain behaviors criminal.

COLLATERAL CONSEQUENCES

Anything that can be impacted by the outcome of a criminal case, including but not limited to: the right to vote, employment, housing, immigration status, professional licensing, federal benefits, and the custody of children.

COMMISSARY

A store in jails and prisons where incarcerated people can buy things like snacks, slippers, and other necessities. These necessities are not provided by jails and prisons—correctional facilities usually only provide the bare minimum like uniforms, meals, and basic hygiene items (a bar of soap and limited supply of toilet paper).

COMMISSARY FUNDS

Also known as a personal prisoner trust fund, this is where money is held for incarcerated people. Incarcerated people are not allowed to have money, so all of their funds, which can be used to purchase items from the commissary, are placed into an account. Loved ones of incarcerated folk can deposit money into prisoner trust funds, and in some cases can do so over the Internet. Incarcerated people who work a job in prison will have that money placed in their commissary accounts.

CONVICTION

After a trial, if a person accused of a particular crime is found guilty, they are formally convicted of a particular criminal offense. These decisions about whether someone is guilty of a crime are made by either juries or judges, depending on the type of trial. Also, if someone takes a plea deal and pleads guilty, they are considered to have been convicted of a particular offense. Someone who has been convicted of a crime does not necessarily have to go to prison.

See, plea bargain

CORRECTIONAL OFFICER

Also known as a CO, a correctional officer is a law enforcement officer in charge of maintaining security at and overseeing jails and prisons.

CRIMINALIZATION

“The process through which actions become illegal and people become labeled ‘criminal.’ Entire groups of people and communities are criminalized when targeted by policing.”¹⁰

DEFENDANT

In a criminal case, the person who is accused of a crime and is on trial.

DEFENSE ATTORNEY

Criminal defense attorneys represent people accused of crimes in court. Defense attorneys can be private, hired by a client for a fee, or appointed by the state for clients who cannot afford an attorney. Court-appointed attorneys are called public defenders.

DETENTION

A police interaction that stops short of an arrest, which typically results in someone being taken into police custody or moved to a different location by the police. This can look like being temporarily stopped by the police for questioning. Police officers only need “reasonable suspicion” to believe that someone is in the process of committing a crime or will commit a crime imminently, in order to detain them. For example, someone who is walking on the street and is stopped by police officers without being placed under arrest, has been detained. In the course of a detention, police officers may search someone’s person if they have reasonable suspicion, or reason to believe that the person can be dangerous.

COURT WATCH

Grassroots and/or nonprofit organizations often have programs where they send volunteers to monitor courtroom proceedings, or conduct “court watch” activities. Court watch volunteers watch court proceedings to promote transparency and accountability in the court room.⁹

⁹ Court Watch, STOP CRIMES SF, <https://stopcrimesf.com/court-watch>.

¹⁰ Critical Resistance, Our Communities, Our Solutions: An Organizer’s Toolkit for Developing Campaigns to Abolish Policing, CRITICAL RESISTANCE (October 2020), http://criticalresistance.org/wp-content/uploads/2020/10/CR_Abolish-Policing-Toolkit_2020.pdf

¹¹ § 3:5.Terry— stops—Limitations on use, 1 Constitutional Rights of the Accused 3d § 3:5 (3d ed.)

D



DISCOVERY

The American Bar Association defines discovery as, “ the formal process of exchanging information between the parties about the witnesses and evidence they’ll present at trial.”¹² This phase of a criminal proceeding happens before trial. During discovery, both sides of the legal proceeding (the defense and prosecution) present all of the evidence they will use during the trial.

DISENFRANCHISEMENT

When a person’s political rights, like the right to vote or run for office, are taken away, they are considered disenfranchised. In 48 states across the country, people are denied the right to vote upon being convicted of certain crimes, usually felony convictions. In most states people are denied the right to vote while serving prison sentences. In others people get their voting rights restored after completing their sentence for a crime. Other states have stricter rules for restoring the right to vote and require that people pay all fines and fees associated with incarceration, or appeal to a special board or to the legislature in order to have their rights restored.¹³

DISMISSAL

When a judge or prosecutor terminates the case, the case is dismissed. A judge can rule that a criminal case has no merit or is terminated for some other legal reason, for example, if there won’t be enough evidence for the prosecutor to prove someone’s guilt beyond a reasonable doubt. A dismissal does not mean that your conviction has been expunged from your record or that your case is sealed (sealing means that a court order is required to view your criminal records).¹⁴



¹² Steps in a Trial: Discovery, AMERICAN BAR ASSOCIATION (Sep. 9, 2019), https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/discovery/

¹³ Jean Chung, “Felony Disenfranchisement: A Primer,” THE SENTENCING PROJECT (June 27, 2018), <https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>

¹⁴ “What Are My Rights After My Conviction Is Dismissed?”, Lawyer’s Committee For Civil Rights of the San Francisco Bay Area, <https://lccrsf.org/wp-content/uploads/KYR-Conviction-Dismissed.pdf>

DISPOSITION

The status or outcome of an arrest or prosecution, which may include convictions, acquittals, dismissals, or expungement. It is the prognosis for your criminal case, where it stands in the eyes of the court. For example, the disposition of a criminal record for someone whose case is still being investigated may be “pending” The disposition of a case where someone has been found guilty would be “convicted.”¹⁵

DIVERSION PROGRAMS

Alternative programs that divert people away from the criminal legal system. Diversion programs are alternatives to prison that allow people to avoid doing time in exchange for completion of particular requirements, like attending meetings, treatment, community service, etc.

Juvenile diversion programs are for juveniles who have committed crimes and allow young people to avoid the juvenile legal system and formal processing by participating in particular programs.

DROPPED CHARGES

When the prosecutor declines to proceed with criminal charges against a particular defendant, the charges are “dropped.”

ELECTRONIC MONITORING

An alternative to jail or prison time, electronic monitoring consists of some kind of digital incarceration, wherein the movements of a person accused or convicted of a crime are tracked through digital surveillance devices. Most commonly, ankle bracelets are used to track the whereabouts of a person to ensure that they do not violate the terms of their probation or parole. These can be very costly, and in some instances, people accused of or convicted of a crime, have to pay for these services.¹⁶

¹⁵ What does disposition mean? What are common dispositions for criminal history?, WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, <https://www.dshs.wa.gov/node/28996#:~:text=The%20disposition%20on%20a%20criminal,by%20a%20court%20of%20law.&text=No%20charges%20filed%2FCharges%20dropped,declined%20to%20pursue%20the%20case.>

¹⁶ Ava Kofman, Digital Jail: How Electronic Monitoring Drives Defendants Into Debt, PROPUBLICA (July 3, 2019), [https://www.propublica.org/article/digital-jail-how-electronic-monitoring-drives-defendants-into-debt.](https://www.propublica.org/article/digital-jail-how-electronic-monitoring-drives-defendants-into-debt)

EXPUNGEMENT

Expunging a criminal record means to erase, destroy, or seal records of criminal conviction. Each state has different laws determining whether a person is eligible to have their record expunged. Expungement will often depend on the particular offense. More serious offenses like murder, rape, or offenses requiring registration as a sexual offender, are usually ineligible for expungement.¹⁷

FELONY

A more serious offense that comes with a prison sentence greater than a year. In some states, felony convictions can result in disenfranchisement, or loss of the right to vote.¹⁸ Arson, murder, burglary, embezzlement, and drug trafficking are some examples of felonies.

FINES AND FEES

All costs associated with trial and incarceration, including court fees and fees associated with incarceration. In certain states, formerly incarcerated people with felony convictions cannot vote until they have paid all of the fines and fees associated with incarceration. Alabama, Arkansas, and Florida require that formerly incarcerated people convicted of certain offenses pay all court debts before regaining the right to vote.¹⁹

FOURTH AMENDMENT

The Fourth Amendment of the United States Constitution protects people, their houses, and their possessions from unreasonable searches and seizures.

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

¹⁷ “What is ‘Expungement?,” THE AMERICAN BAR ASSOCIATION (Nov. 20, 2018), https://www.americanbar.org/groups/public_education/publications/teaching-legal-docs/what-is-expungement/.

¹⁸ Jean Chung, “Felony Disenfranchisement: A Primer,” THE SENTENCING PROJECT (June 27, 2019), <https://www.sentencingproject.org/publications/felony-disenfranchisement-a-primer/>.

¹⁹ Margaret Love, David Schlusell, Who Must Pay to Regain the Vote, COLLATERAL CONSEQUENCES RESOURCE CENTER (July 2020), <https://ccresourcecenter.org/wp-content/uploads/2020/07/Who-Must-Pay-to-Regain-the-Vote-A-50-State-Survey.pdf>.

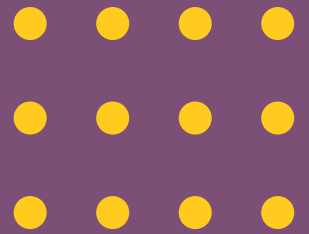
GOOD TIME CREDIT

A reduction in the sentence of an incarcerated person for good behavior.

GRAND JURY

Grand juries are bodies of 23 jurors (usually) that help determine whether there is probable cause, based on evidence, to charge someone with a crime. These secret hearings controlled by the prosecutor determine whether someone will be indicted, or charged with certain crimes. During the hearings, prosecutors present evidence, witnesses testify in front of the jurors, and the jurors recommend either an “indictment” or “no bill,” or no charges.²¹

In some jurisdictions, like New York, a felony can only be prosecuted if a grand jury votes to indict. Not all states use grand juries—others use what are called preliminary hearings to determine whether there is enough evidence to charge someone with a crime.



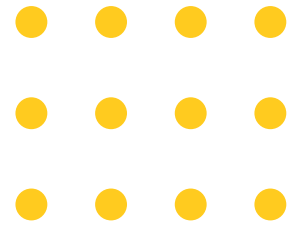
HIPPA RELEASE

The Health Insurance Portability and Accountability Act of 1996 (HIPPA) protects an individual's private health information. In order to grant a person or organization access to this medical information, a patient must sign a HIPPA release. This release will “release” your private information to the authorized party.

HOLDS

Stops, or a flag on a person's record that prevents them from being released or causes their re-detention. For example, a person who violates the conditions of their parole could have a “parole hold” on their record that will prevent the person from being released or cause a person's rearrest.

²⁰ Cody Nelson, “Grand juries, explained,” MPR News (Jan. 24, 2019), https://www.mprnews.org/story/2018/01/24/grand-jury-explain_
²¹ Id.



INDICTMENT

A formal charge handed down by a grand jury giving a person notice that they are accused of a certain crime or crimes. This does not mean that a person is guilty, but that the person is believed to have committed a crime after a formal grand jury proceeding. ²²

See, grand jury

INDIGENT

The Sixth Amendment to the United States Constitution guarantees that all persons have a right to counsel, or the right to an attorney to defend them in court. Where people are low-income, or indigent, and cannot afford to hire a private defense attorney, they are assigned legal counsel by the court. ²³

See, public defender

IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)

Immigration and Customs Enforcement was established in 2003 after 9/11. It is an agency under the Department of Homeland Security that detains and deports undocumented immigrants. ICE conducts employment raids and cooperates with local law enforcement to carry out deportations. ICE is also responsible for running deportation jails, or correctional facilities where undocumented people, including children, are held as they await deportation proceedings. ²⁴

²² How Courts Work, AMERICAN BAR ASSOCIATION (Sep. 9, 2019), https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/grandjury_role/
²³ U.S. Dept. of Justice, "Overview of Indigent Defense," NATIONAL INSTITUTE OF JUSTICE (July 22, 2019), <https://nij.ojp.gov/topics/articles/overview-indigent-defense>.

²⁴ Abolish I.C.E., RISE AND RESIST, <https://www.riseandresist.org/abolishice>; Elaine Godfrey, "What 'Abolish ICE' Actually Means," THE ATLANTIC (July 11, 2018), <https://www.theatlantic.com/politics/archive/2018/07/what-abolish-ice-actually-means/564752/>.

JUDGE

Judges preside over the courtroom during a trial, making legal rulings (for example, decisions about what evidence is admissible, and how lawyers can question witnesses), and instructing the jury (in the case of a jury trial) how to interpret certain information and what rules to follow in order to deliver a verdict. In a bench trial, there is no jury, and judges decide if a person is guilty or innocent. Judges also sentence someone who has been convicted of a crime.

JURY

A group of people selected from the community who listen to the facts of a case and the evidence that is presented by the prosecution and defense and decide if someone is innocent or guilty of the crimes they are accused of, called a verdict.

JURY TRIAL

A type of trial where a verdict is delivered by a jury.

JUVENILE

Youth under the age of 18 who are accused of committing certain crimes are often referred to the juvenile legal system as opposed to the adult criminal legal system. Juveniles are usually tried in juvenile courts. Youth who are adjudicated delinquent, or found guilty of certain offenses, can be placed in correctional facilities particularly for young people, or diversion programs. In some instances, and for certain offenses, youth under the age of 18 can be tried and convicted in adult courts and sentenced to time in adult correctional facilities.

LAWYER

See, "Attorney"

LITIGATION

Legal proceedings through the court system.



LOCKDOWN

During emergencies (for example, violent incidents, or risks of rioting) in jails or prisons, these facilities can be put on lockdown. Lockdown means that detainee movements are restricted, as incarcerated people are generally held in solitary confinement throughout the lockdown period. There may be limited or no access to common areas like recreation rooms or the mess hall. People also might not be able to make phone calls or access showers. At the onset of the COVID-19 pandemic, more than 300,000 detainees across the country were put on lockdown.²⁵



MISDEMEANOR

A misdemeanor is considered a crime punishable by incarceration for not more than one year. These are lesser offenses than felonies. Common misdemeanors include traffic violations (DUI's, speeding, etc.), assault, trespassing, drug possession offenses, and petty larceny.

OATH (OR UNDER OATH)

An attestation where someone swears to tell the truth before giving testimony in a court of law, or out-of-court testimony that will be used in a court of law. For example, in a deposition, a person involved in a case, or a witness gives an account relevant to the subject of the trial.²⁶ The person there takes an oath to tell the truth. Someone who lies under oath commits perjury or has “perjured themselves.” Perjury is a chargeable criminal offense.



25 Keri Blakinger, “What Happens When More Than 300,000 Prisoners Are Locked Down?,” THE MARSHALL PROJECT (April 15, 2020), <https://www.themarshallproject.org/2020/04/15/what-happens-when-more-than-300-000-prisoners-are-locked-down>.

26 How Courts Work, AMERICAN BAR ASSOCIATION (Sep. 9, 2019), https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/discovery/#:-:text=A%20deposition%20is%20an%20out,person%20involved%20in%20the%20case.&text=Depositions%20enable%20a%20party%20to,t%20app ear%20during%20the%20trial.

PAROLE

The conditional release of an incarcerated person upon completion of part of their sentence. Parole requires some degree of community supervision or monitoring during the completion of one's sentence.²⁷

PAY-TO/FOR-STAY

Jails that charge detainees a fee while incarcerated are referred to as "pay-to-stay" facilities.²⁸ In 2015, there was a reported \$10 billion of debt held by people who had contact with the criminal legal systems.²⁹ These debts include fees associated with incarceration, including fees owed to jails.

PLEA BARGAIN

Agreements between a person accused of a crime and a prosecutor whereby the defendant, or person accused of a crime, agrees to plead guilty to a particular charge or all charges against them, in exchange for something like a reduced sentence, no jail time, or some other concession.³⁰ When accepting a plea bargain and pleading guilty to a particular offense, a person is convicted of the crime they plead guilty to. This avoids a full trial, but comes with other collateral consequences. For example, someone who accepts a plea bargain could put their housing in jeopardy if they live in public housing that bars people with criminal convictions. People accused of crimes and their families have agency, or power, to decide whether or not they accept a plea. They should discuss all potential consequences with their communities (the people who surround them) and raise any and all concerns to attorneys. Taking a plea deal is not the ultimate decision of an attorney, but the person accused of a crime and their communities.

PRE-TRIAL DETENTION

People who are in jail awaiting trial. Many people in pre-trial detention are incarcerated because they cannot afford to pay bail. Other people in pre-trial detention may have holds on their release that prevent them from being eligible for bail. These holds can be for violating the terms of probation or parole.

²⁷ Frequently Asked Questions: Is parole the same as probation?, the United States Department of Justice, <https://www.justice.gov/uspc/frequently-asked-questions#q10>.

²⁸ Jean Trounstine, "Fighting the Fees That Force Prisoners to Pay for Their Incarceration," TRUTHOUT (May 6, 2018), <https://truthout.org/articles/fighting-the-fees-that-force-prisoners-to-pay-for-their-incarceration/>.

²⁹ Jessica Lussenhop, "The US inmates charged per night in jail," BBC NEWS (Nov. 9, 2015), <https://www.bbc.com/news/magazine-34705968>

³⁰ Cornell Law School, Plea bargain, LEGAL INFORMATION INSTITUTE, https://www.law.cornell.edu/wex/plea_bargain_

PRE-TRIAL MONITORING

A person awaiting trial can be released with an ankle monitor or some kind of electronic monitoring device. There are different private companies that contract with Departments of Corrections across the country to facilitate pre-trial monitoring.

PRISON

Institutions confining people who have been convicted of crimes. There are federal and state prisons. Generally, people who violate state laws are sent to state prisons, while people convicted of violating federal laws are sent to federal prison.

PROBATION

An alternative to incarceration, probation is, “a period of supervision in the community imposed by the court as an alternative to imprisonment.”³³

PRISON INDUSTRIAL COMPLEX

“‘Prison Industrial Complex’ (PIC) is a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to what are, in actuality, economic, social, and political ‘problems.’”³²

PROSECUTOR

A lawyer for the state who brings charges against a criminal defendant. This is the person who initiates a legal proceeding against someone accused of a crime, charging them with a particular offense and presiding over their trial as a representative of the government. In most U.S. states, prosecutors are elected officials who can be held accountable through the electoral process.

PUBLIC DEFENDER

A public defender is a lawyer assigned to defend indigent clients, or clients who cannot afford to pay for an attorney, by the court. These services are commonly paid for by the local, state, or federal government. In some communities there are public defender offices that operate as non-profit organizations and are funded by sources other than the government. A client cannot choose their public defender, but if the public defender is not representing the client’s needs, the person can ask a judge to consider changing their public defender. For example, if your public defender does not communicate important court dates, or misses important court deadlines, or tries to force you to enter a plea, you can ask the judge to change your attorney.³⁴

31 Pretrial Detention, PRISON POLICY INITIATIVE,

https://www.prisonpolicy.org/research/pretrial_detention/#:~:text=Nearly%20half%20a%20million%20people,%22hold%22%20on%20their%20release.

32 Rachel Herzig, Mariame Kaba, What is the PIC?, PRISON CULTURE (October 12, 2010), <http://www.usprisonculture.com/blog/what-is-the-pic/>.

33 Frequently Asked Questions: Is parole the same as probation?, the United States Department of Justice, <https://www.justice.gov/uspc/frequently-asked-questions#q10>

34 Deanne Katz, Esq., “How to Change Your Public Defender,” FINDLAW BLOGS (Sep. 25, 2012), <https://blogs.findlaw.com/blotter/2012/09/how-to-change-your-public-defender.html>

QUARANTINE UNIT

Throughout the COVID-19 pandemic, prisons and jails have created quarantine units for people who have tested positive for COVID-19 (though the procedures for transfer to these units will vary by facility). In these units, jail or prison officials may implement some kind of lockdown, restricting the movement of detainees, and requiring in-cell, solitary confinement for extended periods of time to limit contact with other people and supposedly prevent the spread of the virus.

RIGHT TO COUNSEL

The 6th Amendment to the United States Constitution guarantees an individual the right to counsel, or the right of a person accused of a crime to have an attorney. People who cannot afford an attorney are assigned a public defender.

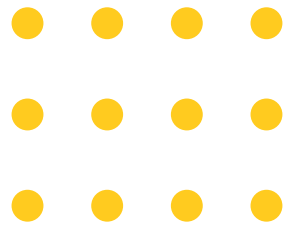
SENTENCING

When a person is found guilty of a crime, they are sentenced by a judge, who determines the punishment for the person. A person can be sentenced to prison or jail time or probation, depending on the circumstances of the case. A person can also be sentenced to community service, payment of fines or fees, or other types of currency called "*restitution*".

SHERIFFS

Sheriffs are elected officials that control county law enforcement. They are usually the top law enforcement officer of a county that set jail budgets and oversee jail administration. Similar to police officers, sheriffs and their deputies are also responsible for arrests and policing of communities.³⁵

³⁵ What Voters Need to Know About Sheriffs, ADVANCEMENT PROJECT (Aug. 3, 2020), <https://advancementproject.org/resources/what-voters-need-to-know-about-sheriffs/>.



SOLITARY CONFINEMENT

Total isolation of detainees in their cells, or placement in restrictive housing, or punitive segregation units for upwards of 23-hours per day. Solitary confinement is linked to mental health issues like depression, suicidal thoughts, and attempted suicide.³⁶ In 2017, 80,000 to 100,000 people were in solitary confinement every day.³⁷

SUPERVISED RELEASE

In addition to prison time included in someone's sentence, a preliminary release period to follow the time of incarceration. Similar to parole, supervised release is imposed by the court as part of the original sentence.³⁸

SUSPENDED SENTENCE

After a person has been found guilty of a crime, they can be given a suspended sentence, which is an alternative to immediate prison time. The court delays sentencing for an offense, mandating a person to complete some kind of diversionary or treatment program, or probation. Upon successful completion of a suspended sentence, a person's sentence may be reduced or the case dismissed by a judge.³⁹

³⁶ Josh Rovner, "Solitary confinement is widespread and ineffective," THE SENTENCING PROJECT (June 1, 2017), <https://www.sentencingproject.org/news/opinion-solitary-confinement-widespread-ineffective/>.

³⁷ Id.

³⁸ § 18:1. Introduction, Law of Probation & Parole § 18:1 (2d), [https://www.westlaw.com/Document/1974b02bb898511e6a1b6eba147477806/View/FullText.html?transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0.](https://www.westlaw.com/Document/1974b02bb898511e6a1b6eba147477806/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0.)

³⁹ What does disposition mean? What are common dispositions for criminal history?, WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, <https://www.dshs.wa.gov/node/28996#:~:text=The%20disposition%20on%20a%20criminal,by%20a%20court%20of%20law.&text=No%20charges%20filed%2FCcharges%20dropped,declined%20to%20pursue%20the%20case.>

TRIAL (CRIMINAL)

The process of determining whether a person accused of a crime is guilty. Consisting of various proceedings, during a trial a criminal defense attorney and prosecutor present the case of a criminal defendant in front of a judge and jury (in jury trials) in order to arrive at a verdict, or decision, about whether there is enough evidence to find that the person on trial is guilty of the charges against them.

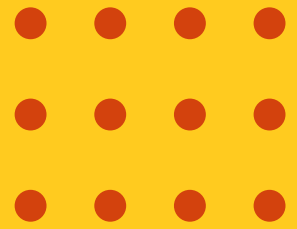
TETHER

A tether is an electronic device used to monitor people released on probation or parole, which allows parole or probation officers to track the movements of the person who was released from jail or prison (think of an ankle monitor). Tether uses either GPS monitoring to track where a person is at all times, or electronic monitoring, in order to determine if a person is in violation of the terms of their release.⁴⁰ When a person says they are “released on tether,” that means they were released on the condition that they would be subject to this some kind of location monitoring.

VERDICT

A verdict is a decision by the jury at the end of the trial that describes the findings of the court about the guilt or innocence of a criminal defendant. A guilty verdict means that someone has been found guilty of a crime, while a not guilty verdict means that the jury did not find the person to be guilty beyond a reasonable doubt.

40 Scott McClallen, “MDOC’s probation tether program will function for one more year as is,” THE CENTER SQUARE (Dec. 3, 2019), [https://www.michigan.gov/corrections/0,4551,7-119-1435_1498-5032--,00.html;](https://www.michigan.gov/corrections/0,4551,7-119-1435_1498-5032--,00.html;\)



WARDEN

Prison or jail officials who oversee the day-to-day administration of these facilities.

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WARRANT

A warrant is a document that enables law enforcement to conduct an arrest or search. Arrest warrants authorize police to take someone into custody, while search warrants authorize police to search a particular area. These documents are issued by a magistrate or judge and require “probable cause” that the person to be seized, or places to be searched are implicated in some kind of criminal wrongdoing.