

What happens when a person is arrested? Although all states have slightly different laws, this flow chart and outline provides a general overview of what typically occurs as a person is processed through the criminal justice system. The three main phases of the journey are: **police**, **courts**, and **corrections**.

## Police

- When arrested, a person is taken into custody by the police or other law enforcement.
- He/she is then taken to jail to undergo the booking process, which includes getting fingerprinted and photographed. No determination of guilt is made at this point since the case is pending. Evidence is forwarded to the district attorney (DA or prosecutor) who will decide whether there is sufficient evidence to present the case to a judge or jury.
- After booking, a judge or court commissioner determines if the person is released or detained. There are 3 options:
  1. The person may be “Released on Recognizance” (ROR)
  2. The person may be released on bond (also called bail), which is money paid to the court to ensure the person returns for a future court date
  3. The person may be detained in jail

## Courts

- After the case is assigned to a judge, the first court proceeding is an arraignment. At the arraignment, a judge or court commissioner reads the formal charges, explains the defendant’s right to an attorney, and the defendant enters an initial plea.
- The judge determines one of four outcomes:
  1. Charges can be dismissed if there is insufficient evidence; then the person is released
  2. Person can remain on ROR and the case will continue on to court
  3. Begin bond process or stay on bond
  4. Person is detained in jail
- When a person has pled not guilty, a date is set for a trial. More evidence/information is gathered by the district attorney as well as the defense attorney. Witnesses may be interviewed and asked to testify in trial.
- Sometimes the defense attorney and the district attorney may negotiate plea bargaining, which allows the defendant to forego his/her right to trial by jury by entering a guilty plea to a lesser charge (which often means a shorter incarceration period).

- A trial is held to determine the defendant's guilt or innocence. Often this is a trial by jury, but some defendants prefer to waive their right to a trial by jury and opt for a bench trial (before the judge only).
- If the defendant is found innocent, he/she is released. However, a defendant who has entered a guilty plea or been found guilty is sentenced to some form of punishment.
- For first offenders — and depending on the nature of the crime — a judge may give probation instead of incarceration. Probation includes strict supervision for a specified length of time and the accused must regularly report to an assigned probation officer.

## **Corrections**

- In addition to probation, other alternatives to incarceration include halfway houses, community service programs, treatment programs, and restitution programs.
- When a person is sentenced to prison he/she is placed in custody of the Department of Corrections (DOC).
- The person is sent to a prison unit that is a classification center. Here, the person is assigned to a minimum, medium, or maximum-security correctional facility. Then he/she is transported to the prison unit of assignment.
- When the person has fulfilled a certain percentage of the prison sentence, he/she may appear before a parole board that evaluates the prisoner's readiness for release.
- Sometimes a prisoner is given a "set off" to wait a few years for parole. Some are denied parole altogether and must serve the maximum sentence in prison.
- When the prisoner is released on parole, he/she is assigned to a parole officer responsible for providing supervision and guidance to the parolee now living in the community. If the parolee violates the terms of the parole agreement, he/she is subject to return to prison to complete the original sentence.
- A prisoner who has served his/her entire sentence is usually released without any further supervision (unless classified as a sexual offender). However, any fines assessed as part of the sentence must also be paid.

# CRIMINAL JUSTICE SYSTEM

