

# UNDERSTANDING THE Criminal Justice System

To help better understand the criminal justice system, below is a detailed outline and flowchart showing the three main phases of the process: **police, courts, and corrections.**

## POLICE

- When arrested, a person is taken into custody by the police or other law enforcement.
- The arrested person is taken to jail for 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 three 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 and 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 the 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. 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 not guilty, the person 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 person 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 sentenced to prison, a person 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 the person is transported to the prison unit of assignment.
- When the person has fulfilled a certain percentage of the prison sentence, the person 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 released from prison on parole, the person 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, the person is subject to return to prison to complete the original sentence.
- A prisoner who has served the 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

## 01 POLICE

ARREST ▶ BOOKING ▶ RELEASE OR DETAINED

Released on Recognizance (RoR)  
Released on Bond (Bail)  
Detained in Jail

## 02 COURTS

ARRAIGNMENT ▶ JUDGE DETERMINES:

Charges Dismissed → Released

OR → Trial

Remain on RoR  
Begin/Remain on Bond  
Detained in Jail

Not Guilty → Released

OR → Punishment

Found guilty  
Pled guilty

Incarceration  
Probation  
Halfway House  
Community Service  
Treatment Programs  
Restitution Programs

## 03 CORRECTIONS

