

JUVENILE JUSTICE SYSTEM TERMINOLOGY

Adjudicated	The term used in juvenile court to indicate that a juvenile has been found to have committed a delinquent act.
Admit	The equivalent of a guilty plea in adult court.
Arraignment Hearing	Usually the child's initial hearing at which time the court insures that the child and parents understand their rights, the charge and the possible consequence. The child must admit or deny the charge at this time.
Certification	The legal procedure for determining whether a juvenile's case should be transferred from juvenile court for trial in the adult court system. M.S. 260.125
CHIPS	Children in Need of Protection or Services. These are children whose cases have been brought into juvenile court, usually by the social services agency, as the result of a dependency or neglect petition. M.S. 260.015
Commitment	The legal action taken by the juvenile court when it has been determined by the court that the adjudicated juvenile should be placed in a state juvenile corrections facility operated under the jurisdiction of the Commissioner of Corrections. In doing so, the child's custody is transferred to the Commissioner. M.S. 260.185
Delinquent	A child who is at least 10 years of age, but not more than 18 years of age who has committed an act that would be a crime if committed by an adult. M.S.. 260.015
Delinquency	A term which describes a juvenile's behavior that is judged to be antisocial or in violation of the law. M.S. 260.015
Deny	The equivalent of a not-guilty plea in adult court.
Dependency	A term which describes a child whose parents are willing, but unable, to provide necessary care and supervision. M.S. 260.015
Detention	The temporary holding of a child, in either a secure or non-secure facility, until the next appearance in juvenile court. M.S. 260.165 to 260.173

Detention Hearing	The hearing at which it is determined by the juvenile court judge if the child is to be held in detention until the next court appearance.
Disposition Hearing	The hearing at which the juvenile court judge decides the appropriate sanctions and necessary follow-up programming for an "adjudicated delinquent". Similar to sentencing hearing in adult court. M.S. 260.181 – 260.215
Guardian ad Litem	A person appointed by the juvenile court to represent the best interests of a child in a court proceeding. M.S. 260.155
Hearings and Release	The office within the Minnesota Department of Corrections that serves as the "paroling" authority for juveniles who have been committed to the Commissioner of Corrections.
Neglect	A term, which describes a child whose parents neglect or refuse to provide needed care and supervision of their child. M.S. 260.015
Parole	Now referred to as Supervised Release, this refers to juveniles who are released by the Commissioner of Corrections from state juvenile correctional facilities in Red Wing or Woodland Hills. Similar to the status of an adult who is released from a state prison, these juveniles are supervised in the community by juvenile probation officers, nearly all of whom are county employees.
Petition	The legal document, which describes the alleged offense committed by the child. Similar to a complaint in adult court. M.S. 260.131
Predispositional Report	Also known as Social History, this is in fact a presentence investigation which contains much of the same information as its adult counterpart. M.S. 260.151, 260.181, 260.311
Pretrial Hearing	A hearing in juvenile court after the child has denied the petition (pled not guilty), in order to set the trial date and to review the issues and evidence in the case. M.S. 260.155
Probation	A juvenile court disposition, which places the adjudicated delinquent back into the community under the supervision of a probation officer. M.S. 260.185

- Probation Officer** A person employed at the local level who provides supervision and counseling of juveniles who have been adjudicated delinquent by the juvenile court, and/or released from a state juvenile corrections facility by the Commissioner of Corrections. M.S. 260.311
- Reference to Adult Court** Another term used for certification. Usually used in the context of a "reference hearing" which is the same as juvenile court hearing to determine whether or not a juvenile should be certified to stand trial as an adult.
- Status Offense** Conduct which is illegal for a child, but not for an adult, such as truancy, curfew, etc.
- Stay of Adjudication** When a child has been adjudicated delinquent, but the juvenile court has determined that the circumstances of the case warrant the child being given a "second chance", the court can suspend, or stay, the sentence. If the child satisfies all conditions set forth by the court, the court can dismiss the charge and there will be no record of the adjudication.
- Termination of Parental Rights** The order of the juvenile court which terminates the legal relationship between parent/s and a child. This can be either voluntary or involuntary, and temporary or permanent depending upon the circumstances of the case and the needs of the child.
- Trial** When the charge stated in the petition is denied by the child and not dismissed by the juvenile court, the judge hears and decides the case. Jury trials are not held in juvenile court.

ADULT JUSTICE SYSTEM TERMINOLOGY

Challenge Incarceration

Sometimes referred to as “Boot Camp”, this is a newly developed program operated at the Moose Lake Correctional Facility by the Department of Corrections, which emphasizes discipline, education and counseling of convicted felons. M.S. 244.17

Community Work Service

A probation sanction under which a convicted offender is allowed to “work off” his/her fine by volunteering for unpaid work at a community agency (hospital, nursing home, the Salvation Army, etc.) for a specified number of hours.

Conditions of Probation

Community-based sanctions imposed on an offender who has been placed on probation by the court as the result of being convicted of a misdemeanor, gross misdemeanor or felony offense. These conditions vary widely depending upon the nature and circumstances of the offense. Some common examples of conditions are; pay restitution to the victim, complete outpatient alcohol counseling, have no new violations for one year, report to your probation officer as instructed, submit to random UA testing, serve six months in jail, etc.

Day Fines

A type of fine where the amount the offender must pay is based on their financial means, rather than a specific dollar amount. Under a Day Fine system, an offender is sentenced to pay a fine equal to a certain percentage of their income for a set period of time. M.S. 244.16

Departures

The Minnesota Sentencing Guidelines provide the court with a presumptive sentence for a convicted felon based upon his/her offense and prior record. The court, however, has the option to “depart” from those guidelines and sentence the offender to more time or less time than that recommended by the guidelines; known as a durational departure. The court may also sentence an offender to prison even though the guidelines indicate the sentence should be probation; or the reverse could occur, the sentence could be probation when the guidelines call for prison. This is known as a dispositional departure. M.S. 244.10

**Electronic
Monitoring**

Rather than confining a convicted person in a county jail or workhouse, an electronic bracelet is placed on the person's ankle. This bracelet is connected electronically to a radio transmitter, which is connected to the telephone. If the person goes outside of the effective monitoring radius of the transmitter an alarm is sounded at a central control monitoring point and the local probation agency is notified.

Good Time

If a person sentenced to a county jail or workhouse in effect "behaves" while in the facility, his/her period of incarceration maybe reduced by up to one-third of the original sentence. Infractions of jail or workhouse rules can result in the loss of good time. M.S. 643.29

This good time sentence reduction of one-third also applies to inmates of state prisons. A modification will occur for those offenders sentenced to prison after August 1, 1993 (see Truth in Sentencing). State prison good time procedures are covered by M.S. 244.04

**Hearings and
Release**

The office within the Minnesota Department of Corrections which serves as the "paroling" authority for adult convicted felons who have been sent to prison.

**Intensive
Community
Supervision
Program (ICSP)**

A highly intensive program of supervision in the community for certain convicted felons, some of whom are released from prison prior to their normal release date, and others who are convicted sex offenders being released from prison. M.S. 244.05, 244.12 to 244.15

Some of these programs are operated by local correctional agencies, some by the State Department of Corrections (DOC) and in Hennepin and Ramsey Counties by private vendors under contract to the DOC.

**Intermediate
Sanction**

A sanction that is less severe than straight incarceration, yet more stringent than straight probation. Fines, community work service, electronic monitoring, etc are all intermediate sanctions. M.S. 609.135

Parole/Supervised Release

Since abolition of the parole Board in Minnesota, parole is now called supervised release. It refers to the status of a convicted felon who has been released from a state correctional facility. It is similar to probation in that a supervised releasee has certain conditions, which he/she must meet in order to remain in the community. These conditions, however, are set by the Department of Corrections Hearings and Release Unit not by the District Court.

A . Violation – The term used to indicate that a supervised releasee has not met one or more of the specified conditions of his/her release from prison. All violations are reported to Hearings and Release, where a decision is made as to the seriousness of the violation and whether or not to revoke the releasee.

B. Revocation – The process by which a supervised releasee is removed from the community and returned to prison for failure to satisfy the conditions of release.

Presentence Investigation (PSI)

The formal report prepared for the court by a probation officer which provides various background information and assessment data on a convicted offender, which the court uses in deciding the appropriate sanctions and follow-up treatment/programming needs of the convicted offender. M.S. 609.115

Probation

A court ordered sanction placing certain conditions on a convicted offender, which could include some local jail or workhouse time, but allowing the offender to remain in the community, under the supervision of a probation officer. M.S. 609.135

A. Violation – The term used to indicate that a convicted offender, placed on probation by the court, has failed to meet one or more conditions of his/her probation. Violations are reported to the sentencing judge who assesses the seriousness of the violation/s.

B. Revocation – The legal process by which the court rescinds a convicted offender's probation and decides whether or not to send or return a probationed offender to jail, or for a probationer who has received a suspended prison sentence, send that person to prison.

Parole/Probation Officer	A person employed by the state or a county who supervises and counsels persons who have been convicted of a misdemeanor, gross misdemeanor or felony offense, and have been placed on probation by the court. Most are also responsible for the supervision of convicted felons released from prison. There really is no distinction between a probation officer and a parole officer.
Restitution	A sanction ordered by the court as one of the conditions of probation. It usually involves the payment of money by the offender to his/her victim through the local corrections agency. The 1992 Crime Bill gave victims the right to receive restitution; prior to that the law only allowed them to request that the court order the offender to pay. M.S. 609.135
Rule 25 Assessment	A chemical dependency assessment conducted by a certified assessor on any convicted offender as ordered by the court.
Sentence-to Service (STS)	A sentencing option available to most courts wherein a convicted offender "works off" his/her fine by performing a specified number of hours of public service work under the supervision of a work crew leader employed by the state or a local corrections agency. Some courts also sentence offenders to STS rather than jail or workhouse time.
Sentencing Guideline	A system of determining and setting out presumptive sentences for persons convicted of crimes. Minnesota's Sentencing Guidelines apply only to felony offenses. The guidelines, developed by an 11 member legislatively mandated commission, determine which offenders should go to prison and for how long, and which ones should remain in the community. The various recommended sentences are set forth on a grid which takes into account the severity of the crime and offender's criminal history. M.S. 244.09
Sex Offender Assessment	Required under M.S. 609.3452, anyone convicted of either a felony or misdemeanor sex offense must undergo a comprehensive assessment to determine the extent and severity of his/her illegal sexual behavior.

Stayed Sentence

The court frequently has discretion in the severity of the sentence it imposes. Many times the court may hand down a sentence and then withhold carrying it out, providing that the offender complies with a sentence containing alternative sanctions. The court is in fact telling the offender that he/she is getting a second chance, but if the alternative sanctions are not complied with, the harsher penalties can and likely will be imposed.

Stay of Execution means that if the alternative sanctions are complied with to the court's satisfaction the original sentence is never carried out, but the conviction remains on the offender's record.

Stay of Imposition means that if the alternative sanctions are complied with to the court's satisfaction the original sentence is never carried out and the convicted offense is reduced from a felony to a gross misdemeanor or misdemeanor. M.S. 609.135

Suspended Sentence

The court also has the option of imposing the maximum sentence allowed by law, but then ordering that only part of it be carried out. For example, on a first time DWI conviction the court may order a \$700 fine, but suspend \$400 of it if the offender agrees to perform 40 hours of Community Service and commit no new offenses for one year. If the offender fails to comply with these lesser sanctions, the court has the option to lift the suspension and require the offender to pay the remainder of the fine. M.S. 609.135

Truth in Sentencing

Effective August 1, 1993 what is now commonly referred to, as good time will pertain primarily to local jails and workhouses. Most prison sentences will be bifurcated, meaning that the court will sentence someone to a specified period of time in prison and a specified period of time on supervised release (parole). For example, if the sentence is 36 months, the court will sentence the offender to 24 months in prison and 12 months on supervised release. Institution rule violations can result in spending more time in prison and less time on supervised release, but the total prison time and supervised release time in this example cannot exceed 36 months. There are a few exceptions to this and are set forth in M.S. 244.04

Work Release

For those offenders sentenced to a county jail or workhouse who are employed or employable, and do not pose a threat to the public safety, the sheriff of facility administrator can allow them to be released from the facility in order to continue their employment. The inmates return to and remain in the facility at the end of each workday and on weekends. These inmates are generally charged a fee to pay the cost of their room and board in the facility while on work release. M.S. 631.425

The Minnesota Department of Corrections also has a work release program for some of its inmates that are nearing their release from prison.

Workhouse

A correctional institution operated by a county or group of counties for the incarceration of persons convicted for misdemeanor, gross misdemeanor or felony offenses to which the court has sentenced them for up to one year. The difference between a jail and workhouse is that workhouses hold only sentenced offenders. In those counties that do not have workhouses, both pre-and post conviction offenders are held in jails. M.S, 643.01