

A VICTIM'S DICTIONARY

To help you, as a victim, to understand the process in which you have been forced into, we have designed and created this "Victim's Dictionary."

All of the terms that we have included in this book are terms that you may hear as a victim of crime, and that are commonly heard in court. It is our hope that you will be able to take this with you, and that it will help you understand some of the words and phrases that you hear in the courtroom.

This booklet is meant only to be an aid to you during your experience with the criminal justice system. All of the definitions that are provided are short and simple - an easy reference for you while you are in court, talking to someone or even on the telephone. If you have any further questions regarding any of the definitions, or would like more information regarding any aspect of the criminal justice system you may contact our office, or your local victim services office.

We sincerely hope that this dictionary will assist you in participating in the criminal justice process and that it will help you to better understand some of the technical and legal proceedings and vocabulary.

ABDUCTION: when someone who, without 'legal authority', takes and carries away a child under the age of 16 against the will of that child's parent or guardian; compare with "kidnap"

ABSCONDING: the accused or a witness intentionally fails to appear at the trial

ABSOLUTE DISCHARGE: a sentence in which the accused is found guilty, but does not gain a criminal record and is given no punishment or restrictions placed upon them

ACCELERATED PAROLE REVIEW: the near automatic and sped up full parole release of low-risk, non-violent offenders serving their first federal term, unless there is evidence to indicate a potential of violence

ACCESSORY: any person involved in a crime other than the main offenders who committed the crime, including the planning of the crime, helping with preparations for the commission of a crime

ACCOMPLICE: any person who has been associated with, or helped the accused, in the commission of a crime

ACCOUNTABILITY: the requirement that an individual or group explain and accept responsibility for actions taken by them and by those under their supervision

ACCUSED: the defendant in a criminal trial

ACQUAINTANCE RAPE: a sexual assault committed by an individual who the victim has just met, is friends with, dated a few times, or even someone to whom the victim is engaged to or married to

ACQUITTAL: the release of an accused person by a verdict of not guilty

ACT: a Bill which has passed three readings in the legislature and received Royal Assent and has thus become law

ACTUS REAS: means literally 'the criminal act'; This is the physical act of committing the criminal offense. This is one of two components necessary to commit a crime, for the other component see the definition to "Mens Rea"

ADJOURNMENT: to put off or delay a case to another time or place

ADMISSIBLE EVIDENCE: evidence that is allowed in court

ADVERSARIAL SYSTEM: the characterization of our court process as a contest between the defence and the prosecution. In the adversarial system the burden is on the Crown to prove its case beyond a reasonable doubt, defendants are always presumed innocent until proven guilty and strict rules govern the admissibility of evidence - In contrast, some European countries use the inquisitorial system which is generally a more cooperative approach aimed at fact finding

AFFIDAVIT: A written statement that is used in court as evidence and has been taken under oath or a promise to tell the truth.

AFFIRMATION: a legally binding promise to tell the truth. This is used in court instead of an oath for people who are going to testify but are not religious.

AGGRAVATED SEXUAL ASSAULT: see sexual assault (level 3)

AGGRAVATED ASSAULT: aggravated assault is an assault which wounds, maims, disfigures or endangers the life of the victim

AGGRAVATING FACTORS: usually in sentencing. Those factors that indicate a more severe sentence is called for or could be justified. For the opposite see "mitigating factors"

AIDING AND ABETTING: to intentionally assist another person in a crime

ALIAS: a fake name used to disguise someone's true identity or nickname

ALIBI: evidence that the accused was somewhere else when the crime was committed and therefore could not have committed the crime

ALLEGATION: an accusation made by a victim or witness that an offence occurred

ALTERNATIVE DISPUTE RESOLUTION: a process that deal with legal disputes and problems outside of the formal court system, also referred to as Restorative Justice

ALTERNATIVE MEASURES: programs in which the accused (usually young offenders) are diverted away from the formal court process for an 'alternative' punishment

ANTISOCIAL PERSONALITY DISORDER: a mental disorder characterized by an extensive pattern of disregard towards others and the continued violation of the rights of others

APPEAL: to apply to a higher courts authority for a review of the lower court's decision. An appeal can be made by either the Crown or the defence for a wide variety of reasons. Not all those cases which are appealed are accepted to be heard

APPEARANCE NOTICE: an order that tells the accused to go to court at a specific time to face charges that have been laid against them

APPELLANT: the person or party who appeals a decision to a higher court

APPELLATE COURT: a court in which an appeal from a lower court decision is brought

ARRAIGNMENT: the first step in a criminal trial; the accused hears the charges read by the court clerk and is asked to enter a plea

ARREST: when the police put a person suspected of committing a crime into custody and lays criminal charges

ARSON: intentionally setting fire to property without legal authority

ASSAULT: when a person (without the permission of the victim) applies force intentionally, threatens force or approaches with a weapon; the level of least physical injury to the victim

ASSAULT WITH A WEAPON OR CAUSING BODILY HARM: assault with a weapon or causing bodily harm is an assault which is more than a brief or minor action; it is an assault which 'interferes with the health or comfort of the person'

ATTEMPT: any act or action done with the intent to commit an offence against another person

ATTEMPTED MURDER: intentionally trying to kill someone by any means, whether it is because of something that the person did (attacking them) or something that they failed to do (call the police for help);

ATTORNEY: see "lawyer"

ATTORNEY GENERAL OF CANADA: see "Minister of Justice"

AUTOMATISM: a defence where an accused denies criminal responsibility because he or she was in a robot-like state at the time the crime was committed and so was not in control of his or her behaviour. This is a temporary condition; it can be caused by sleepwalking, a severe blow to the head, extreme intoxication, some types of seizures, or even a sudden and extreme emotional shock

AUTOPSY: the medical inspection of a dead body to determine the cause of death. Autopsies are conducted by the coroner or the coroner's office.

BAIL: the practice of releasing an accused person prior to trial; bail may be granted either upon the person's own recognizance (promise to attend at trial) or upon the payment of a certain amount of money to guarantee the person's presence at trial

BAIL HEARING: this is a hearing where the judge decides whether the accused will be held in custody before the criminal trial or released into the general public when a promise to appear or payment is made to the court; the Crown attorney tries to make a case that the accused should not be released while the accused has the onus or burden to show why the detention is not justified

BARRISTER: a member of the legal profession chiefly concerned with presenting cases in a courtroom

BESTIALITY: engaging in sexual acts with an animal

BINDING: to impose an obligation upon a judge to follow a previous decision; e.g. all decisions made by the Supreme Court of Canada must be followed by all of the lower courts

BODILY HARM: any hurt or injury to a person that interferes with the health or comfort of the person and that is more than merely short term or minor physical injury

BREACH OF PROBATION: when an offender, while on probation and without a reasonable excuse, fails or refuses to comply with a condition, or commits a new offence

BURDEN OF PROOF: responsibility to prove guilt (if the Crown bears the burden of proof) or to prove innocence (if the accused bears the burden of proof)

CADAVER: the body of a deceased person

CANADIAN CHARTER OF RIGHTS AND FREEDOMS: part of the Constitution Act 1982, the Charter describes the rights we all enjoy as Canadians; any law, policy or government decision that violates the rights outlined in the Charter can be struck down (eliminated) as unconstitutional. The Charter contains many sections, each outlining different rules or regulations, some of which apply to all criminal trials

CANADIAN POLICE INFORMATION CENTRE (CPIC): a computer database which has been in operation since 1972 that ensures the sharing of information and services among law enforcement organizations across Canada; operated by the RCMP through the National Police Service, the system enables police officers to call up information on vehicles, stolen property, convicted criminals, firearms, as well as missing persons. When someone is arrested, their fingerprints are entered into the CPIC system

CAPITAL PUNISHMENT: punishment by being put to death by the government for certain offences. Capital punishment was abolished in Canada in 1976 and is no longer an option in sentencing

CHALLENGE FOR CAUSE: to object to a potential juror and if successful remove that person from becoming a member of the jury. This is usually done to remove jury members that may have a personal interest in the case or a bias for or against the accused

CHANGE OF VENUE: the moving of a trial from one jurisdiction to another in order to obtain an impartial jury. This is usually done when the case has gathered a great deal of publicity and it would be difficult to find jurors who have not already formed an opinion regarding the case

CHARGE: the formal laying of a Criminal Code offence by the police, in recognition of a crime that has occurred. Also, a judge can 'charge' a jury by instructing them about the law and its application in a particular case

CHEMICAL CASTRATION: Using chemical injections which reduces the sexual drive of an offender

CHILD ABUSE REGISTER: a database within each province which lists people determined by child-welfare agencies to constitute a risk to children in their care, usually because of sexual or physical abuse

CHILD MOLESTER: an individual who engages in any type of sexual activity with individuals legally defined as children

CHILD NEGLECT: a form of child abuse that occurs when a parent or care giver does not provide for the basic emotional and physical needs of the child on an ongoing basis. Examples of neglect include not providing the proper clothing, shelter, diet, education, personal health care, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise, and fresh air for a child

CHILD PHYSICAL ABUSE: any intentional form of injury or harm inflicted on a child by another person

CHILD PORNOGRAPHY: any photograph, film, video, or picture that shows a person who is, or is depicted to be, under 18 years of age in explicit sexual activity or that shows, with a sexual purpose, the genital or anal region of someone under 18; child pornography also includes any written material that advocates sexual activity with a person under 18

CHILD SEXUAL ABUSE: the use of a child for sexual purposes that includes any form of direct or indirect sexual contact with a young person by an adult, an older child, or a sibling who is more mature

CHILDREN'S AID SOCIETY (CAS): an organization which is responsible for the protection of children under the age of 16 whose primary objective is to protect children and to strengthen and support the well-being of children and their families

CIRCUMSTANTIAL EVIDENCE: a series of events or circumstances leading to the inescapable conclusion of the guilt of the accused, even though direct evidence is not available

CITIZENS ADVISORY COMMITTEE: a group of volunteers who assist federal offenders or provide advice and make recommendations to the Correctional Service of Canada

CIVIL LAW: also called private law, this is a general category of laws about contracts, inheritances, divorce, custody of children, child welfare, insurance, etc.

CLEARANCE RATE: the proportion of actual incidents known to police that are solved with the identification of a suspect

CLEMENCY: see "pardon"

CLOSED CUSTODY: see "secure custody"

CO-ACCUSED: someone who is jointly charged with the accused as part of the same indictment.

COERCION: to force someone to comply

COLD CASE: an unsolved case that is no longer being investigated by police

COMMON LAW: a system of unwritten law that can be traced back to eleventh century England based on custom and judicial precedents (previous decisions), as opposed to statute law (written); often referred to as 'judge-made law'

COMMUNITY CORRECTIONS: a term often used to describe conditional release and conditional sentences in which convicted offenders serve their time not in prisons, but rather in the community under certain conditions.

COMMUNITY POLICING: a philosophy of policing in which the police and the public work together to prevent and respond to crime and other community problems

COMMUNITY SERVICE: a sentence in which the offender is required to work a set number of hours for a community agency

COMPENSATION: to award a victim for loss of, or damage to property, loss of income, or other special damages that resulted from a crime. Compensation programs are administered by the provincial government and each province compensates for different kinds of costs.

COMPLAINANT: see "victim"

COMPOSITE DRAWING: a picture that an artist draws (or is generated by a computer) of a suspect based on the victim's or a witness's description

CONCURRENT SENTENCE: separate sentences imposed for two or more offences that are served at the same time (e.g. an offender sentenced to two concurrent terms of 10 years each, serves 10 years in total, rather than 20)

CONDITIONAL DISCHARGE: similar to an absolute discharge except the offender is placed on probation, with various conditions; if the offender satisfies all of the conditions within the specified period, he or she is discharged and considered never to have been convicted and will have no criminal record

CONDITIONAL RELEASE: the release of offenders (with conditions) prior to the conclusion of their prison sentence outlined in the Corrections and Conditional Release Act. This includes temporary absences (escorted and unescorted), day parole, full parole, statutory release and work release

CONDITIONAL SENTENCE: a sentence available to offenders sentenced to less than two years in prison in which the offender serves the sentence in the community (under certain conditions)

CONDITIONS OF RELEASE: rules that must be followed by offenders once they are released on parole or statutory release; e.g. being of good behaviour, not using alcohol, not contacting the victim, etc.

CONFESSION: a voluntary admission of guilt by the accused

CONSECUTIVE SENTENCE: separate sentences imposed for two or more offences that are to be served one after the other

CONSENT: the voluntary agreement of one person to engage in an activity with another. Concerning sexual assault, sexual activity without consent is always a crime regardless of the age of the individuals; consent is not even questioned for children under 12 years of age - they cannot legally give their consent for sexual acts. Children, ages 12 to 14 can give their consent only if their partner is less than two years older than they are, and children between 14 and 18 cannot consent to a person who holds a position of trust or authority over them. Consent CANNOT be assumed based on the victim's silence or actions.

CONSPIRACY: the agreement by two or more persons to commit an offence

CONTEMPT OF COURT: disrespect for the court or failure to follow the directions of the court

CONVICT: a person serving a sentence for a crime

CONVICTION: the formal decision of a criminal trial which finds the accused guilty of the crime they were accused of. It is the finding of a judge or jury that a person has, beyond reasonable doubt, committed the crime for which he or she has been accused. Once convicted, an accused may then be sentenced

CORONER: a medical officer whose duty it is to inquire into the deaths of all persons within a specific area to determine a cause of death

CORONER'S INQUEST: a procedure nearly always held when a death may have been due to violence, negligence, misconduct, malpractice, a disease or sickness not treated by a doctor, misadventure or dangerous practices, or any other death that occurs under suspicious circumstances. An inquest involves a coroner and a jury which examine evidence and hear witnesses to determine, when, where, how, and by what means the person died - at the conclusion of an inquest the jury may make recommendation so that a similar death can be avoided in the future

CORPORATE CRIME: criminal activities carried out by business corporations including crimes against the economy, crimes against the environment, crimes against consumers, crimes against humanity and crimes against employees. It is usually a crime that is designed to meet the profit goals of the corporation

CORRECTIONAL INSTITUTION: more commonly called prisons, these include any federal or provincial institution that houses convicted offenders

CORRECTIONAL SERVICE CANADA (CSC): the federal government agency responsible for administering sentences of a term of two years or more, as imposed by the courts. CSC is responsible for managing institutions of various security levels and supervising offenders under conditional release in the community

CORRECTIONS: the agencies responsible for implementing the sentence given by the court

CORRECTIONS AND CONDITIONAL RELEASE ACT (CCRA): legislation governing the corrections and parole system

CORROBORATION: testimony that confirms or supports a witness's evidence

COUNSEL: see "lawyer"

COURT: the government body responsible for the administration of justice.

COURT BASED SERVICES: services provided to victims within the courthouse including information and orientation about the court process, emotional support throughout the court process if needed, witness services and meetings with the Crown. Not all provinces have court based services.

COURT CLERK: keeps a record of the trial evidence, administers oaths, and announces the beginning or end of court sessions

COURT OF APPEAL: see "provincial appellate courts"

COURT REPORTER: records everything that is said at the preliminary trial or the trial

COURT SECURITY OFFICER: handles accused persons who are in custody, helps any witness concerned about his or her safety, and helps maintain security in the courtroom

CRIME: acts that violate the criminal law as listed in official government documents

CRIME CONTROL: an orientation to criminal justice where the concern is more with catching law breakers than with the individual rights of the accused; compare with due process

CRIME RATE: the number of criminal incidents discovered by or reported to the police and can be written in many different ways. Among the most common is the number of times it occurs in 100,000 people or how often it occurs in different areas.

CRIMINAL CODE OF CANADA: the entire text in which most criminal offences are listed. When someone commits a crime, in court they will usually say that it is "contrary to section *** in the Criminal Code of Canada." Also listed are the procedures for responding to crimes and the sentences which are recommended for persons found guilty of committing certain crimes. Everything within the Criminal Code applies equally across Canada

CRIMINAL HARASSMENT: the behaviour of someone who follows you around, sends you unwanted letters and gifts, phones you, threatens you or your family, or harasses you in other ways; also known as stalking. This behaviour in itself is

not always criminal. It becomes a criminal act after the person has been asked to stop and then continues to do so in many cases. This is extremely difficult to prosecute and if this is an issue then the victim must keep all records of the behaviour and turn them over to the police as evidence to help the victim's case.

CRIMINAL INJURIES COMPENSATION: a service provided by some provincial governments where financial compensation is awarded to victims of violent crime or to the families of murder victims for various expenses that they may have incurred as a result of the crime that was committed against them

CRIMINAL INJURIES COMPENSATION BOARD: a group of appointed people who decide whether a victim is eligible for a financial settlement. They also decide how much money the victim should receive (if it is decided that they are eligible for compensation)

CRIMINAL JUSTICE SYSTEM: the term used to describe the entire system which deals with accused, offenders and victims. This can include legislation, agencies responsible for the application of this legislation (i.e. police), courts, correctional agencies responsible for incarceration, probation and conditional release, various private agencies, and volunteers

CRIMINAL LAW: it defines what acts are against the law, sets out the rules for matters such as arrest and gathering evidence and sets out the available penalties

CRIMINAL NEGLIGENCE: carelessness or indifference towards the lives and safety of other persons; a person is criminally negligent if they do something (or fail to do something required of them) that shows disregard for the lives or safety of others

CRIMINAL RECORD: the formal account of a person's criminal history. A person's criminal history is usually kept on the CPIC system

CRIMINOLOGY: an area of study which uses the perspectives of sociology, psychology, law, political science, geography and anthropology to examine a wide range of issues related to crime and the criminal justice system

CRISIS INTERVENTION: services for victims that provide short-term assistance after victimization

CROSS EXAMINE: When a person is asked questions in a court to give answers as evidence they are being questioned by the side that called them to appear. This can be the crown or the defence. A cross examination happens after the person has answered all of the questions and is now being questioned by the opposite side that did not call them to appear. These questions are typically 'leading' questions - questions which suggest the answers; it is an attempt to show possible flaws in the testimony

CROWN: the supreme executive authority in Canada which comes from the monarchy (the Queen) of the United Kingdom; the Queen of England is represented in Canada by the Governor General and in the provinces by the lieutenant-governor

CROWN ATTORNEY: the lawyer that represents the government and society, and presents evidence about the crime to the court. The Crown attorney has the responsibility of proving the accused is guilty, but is not the victim's lawyer. Also referred to as the Crown prosecutor, Crown counsel, or simply the Crown

CRUEL AND UNUSUAL PUNISHMENT: punishment that is as excessive as to outrage standards of decency. To determine whether a punishment is 'cruel and unusual' the effects of the punishment must be balanced against the particular circumstances of the offence, the characteristics of the offender and the particular purposes sought to be

accomplished in sentencing. Under s.12 of the Canadian Charter of Rights and Freedoms 'everyone has the right not to be subjected to any cruel and unusual treatment or punishment'

CRUELTY TO ANIMALS: deliberately inflicting pain and/or torturing a pet animal, wildlife, or livestock

CULPABLE HOMICIDE: murder, manslaughter or infanticide

CUSTODIAL SENTENCE: a prison sentence which is served in prison 'custody.'

CUSTODY: time spent under arrest, during the trial, and in prison

DANGEROUS OFFENDER: a designation that can be applied to offenders who have committed a 'serious personal injury offence', and either show a pattern of repetitive or aggressive behaviour such that the offender constitutes a threat to the safety of the public and/or shows an inability to control his or her sexual impulses and will likely cause injury or pain to other persons. An offender declared a dangerous offender will receive an indeterminate prison sentence which technically means that they could be in prison for the rest of their life

DARK FIGURE OF CRIME: the difference between how much crime occurs and how much is reported to or discovered by the police

DATE RAPE: see "acquaintance rape"

DATE RAPE DRUG: These can be colourless, odourless, and tasteless drugs, usually slipped into a drink that can make a victim unconscious and/or vulnerable to an assault; victims frequently have no memory of what happened and the drugs can be difficult to trace

DAY PAROLE: a form of conditional release allowing the offender to be released into the community during the day to participate in community-based activities. The offender must return nightly to the institution or halfway house

DECISION REGISTER SHEET: the document used by the parole board to outline decisions made on conditional release

DEAD TIME: time spent in custody pending and during the trial

DEFENCE: the case on behalf of the accused. Evidence presented by the accused in his or her own favour

DEFENCE COUNSEL: the lawyer representing the accused and his or her interests.

DEFENCE OF NECESSITY: an extremely rare defence to a crime in which the accused admits to the offence but argues that he or she had to break the law because of circumstances beyond their control (i.e. speeding when driving a critically injured person to the hospital where if you did not speed the person may have died)

DEFENCE OF PROPERTY: this defence holds that any person can use force to prevent someone from either taking their property or from trespassing on their property

DEFENDANT: the accused at a trial (see "accused")

DEFINITE SENTENCE: see "determinate sentence"

DENUNCIATION: a principle of sentencing that acts to express the public disapproval of a type of criminal behaviour

DEPARTMENT OF JUSTICE: the federal ministry responsible for providing legal services and advice to the federal government, drafting legislation, and implementing government policy related to the administration of justice

DEPOSITION: see "affidavit"

DETENTION CENTER: an institution where accused individuals are held pending trial and during the trial. It also houses some offenders serving short term sentences

DETENTION DURING PERIOD OF STATUTORY RELEASE: denial of statutory release by the National Parole Board; a federal inmate who is identified as posing too great a threat to the community may be denied statutory release and kept in prison for some or all of the remaining sentence

DETENTION HEARING: see "bail hearing"

DETERMINATE SENTENCE: a sentence of a specific and fixed length, sometimes called a flat sentence

DETERRENCE: a principle of sentencing that acts to discourage criminal acts; see also specific deterrence and general deterrence

DISCLOSURE: the requirement of the Crown to give the defence attorney copies (or access to copies) of all evidence relating to the trial - the defence does not have to do the same

DISCOVERY: see "disclosure"

DISPARITY: when different decisions are made under similar circumstances; the most commonly discussed disparity is sentence disparity (different sentences for the same crime)

DISPOSITION: see "sentence"

DISSENT: to disagree or differ in opinion from the majority

DIVERSION: see "alternative measures"

DNA (DEOXYRIBONUCLEIC ACID): often referred to as a genetic fingerprint (no two people have the same DNA except identical twins); it can be obtained through samples of blood, hair, semen, saliva, bone marrow, flesh, urine, and teeth (pulp)

DNA DATABANK: an information centre which enables police to match collected DNA samples from convicted offenders of serious crimes to samples taken from various crime scenes

DNA WARRANT: permission given to police by a judge to take tissue samples (hair, buccal swabs, or blood) from a criminal suspect for DNA analysis

DOCKET: a list of cases on a court calendar; a list of court decisions

DOMESTIC ABUSE/VIOLENCE: physical, psychological or sexual abuse by a man or women against their partner

DOUBLE JEOPARDY: the principle that holds that you cannot usually be tried twice for the same offence (in contrast to the American system, a Canadian case can be retried after being acquitted if the Crown successfully appeals the decision by claiming problems with the correct application of the law at the trial)

DUE PROCESS: an orientation to criminal justice in which the legal rights of individual citizens, including crime suspects, are the greatest concern

DURESS: a defence to a crime, similar to the defence of necessity except that the defence here is that the accused argues that another person forced them to commit the crime against their wishes

EARLY RELEASE: see “day parole”, “parole” and “statutory release”

EARNED REMISSION: a reduction in the prison sentence; also known as 'time off for good behaviour' or 'good time'; as of 1992 the system of remission only exists for provincial inmates (those sentenced to terms of two years or less)

ELDER ABUSE: abuse committed against a person in the advanced years of their life that can include: physical, emotional, sexual abuse, financial abuse, neglect, or a basic violation of human rights

ELECTABLE OFFENCES: indictable offences for which the accused can choose from one of three modes of trial:

- trial by a provincial court judge,
- trial by a superior court judge sitting alone; or
- trial by a superior court judge and a jury

ELECTRONIC MONITORING: most often used as part of home confinement as a condition of probation, this sanction allows corrections authorities to monitor the location of offenders through the use of computer technology

ELIZABETH FRY SOCIETY: a prisoners' advocacy group who support and assist offenders and who defend, promote, or fight for the rights of offenders; they are primarily concerned with female offenders; see also John Howard Society

EMOTIONAL ABUSE: attacks on a person's self-esteem and abuse that are used to control and make them afraid. Emotional abuse can take the form of name calling, threatening, ridiculing, intimidating, isolating, or ignoring the person's needs

EMOTIONAL SUFFERING: the psychological effects of a crime on the victim

ENTRAPMENT: when the police (usually in the form of undercover agents) pressure an individual into committing a crime that would not have been committed otherwise

ESCORTED TEMPORARY ABSENCE: a form of temporary absence with accompaniment so offenders may:

- receive medical treatment;
- make contact with their family;
- undergo personal development and/or counselling; and
- participate in community service work projects;
- may also be granted for compassionate reasons (e.g. a funeral); the duration of an ETA varies from an unlimited period for medical reasons to not more than 15 days for any other specified reason; see also unescorted temporary absence

EUTHANASIA: the practice of intentionally putting to death those persons suffering from terminal diseases or illnesses, in order to end pain and suffering

EVIDENCE: testimony of witnesses and the presentation of writings or objects which are permitted to be used as proof in a trial

EXAMINATION-IN-CHIEF: the process in which the lawyer who called the witness questions him or her in court. Once the witness has been examined in chief they will then be cross examined by the lawyer for the other party

EXCESSIVE FORCE: in the context of self-defence, it means using more force than is necessary or justified to defend oneself

EXHIBITIONISM: sexual enjoyment through displaying one's genitals to an involuntary observer

EXPERT WITNESS: a professional who is ruled by the court to possess exceptional knowledge on a subject and who testifies to offer an opinion

EXTORTION: causing or attempting to cause someone to do something through threats, accusations, or violence

EXTRADITION: to send a criminal or fugitive to another country where they will be put on trial for a crime they allegedly committed there

EXTRA-FAMILIAL SEXUAL ABUSE: child sexual abuse that involves a perpetrator from outside the family, such as strangers, teachers, and friends; compare with intrafamilial sexual abuse

EYEWITNESS: a witness who saw something which will be used as evidence in a criminal trial, such as a crime being committed

FACT FINDER: the person or group that has the responsibility of determining the facts of the case. In a jury trial, it is the role of the jury; in a non-jury trial, it is the role of the judge

FAINT HOPE CLAUSE: a means of reducing the parole ineligibility for those sentenced to life for murder with parole eligibility greater than 15 years. After 15 years, they may apply for a review in which a jury can turn down the application, reduce the number of years to be served before the parole eligibility date, or make the inmate immediately eligible to apply for parole – Abolished in 2011, however still applies to offenders sentenced to life for murder prior to December 2, 2011

FAMILY GROUP CONFERENCING: an example of restorative justice in which the offender, his or her family, the victim, and the victim's supporters are brought together in an informal setting in which outcomes or resolutions are arrived at through a negotiated agreement between all participants

FAMILY VIOLENCE: physical, psychological or sexual abuse by a family member against another member of the family

FEDERAL COURTS: the highest level of our court system. If at least one judge in the appellate court dissents (does not agree with the majority), then the unsuccessful person or group might pursue another appeal at this level; while there are several federal courts, including Tax Court and the Federal Court of Canada, the court most directly involved with the criminal justice system is the Supreme Court of Canada (it is also the court of 'last resort' for all other federal courts); see also provincial/territorial courts, provincial appellate courts, superior courts

FEDERAL COURT OF CANADA: based in Ottawa, this court hears disputed decisions made by federal boards, commissions, and tribunals (e.g. the National Parole Board) and is only slightly involved with the criminal justice system (e.g. it hears appeals from immigrants deported because of criminal convictions); it has trials and an appeals division

FEDERAL INMATE/OFFENDER: an offender serving a prison sentence of 2 years or more

FINANCIAL ABUSE: abuse that involves controlling money; this may include not letting a partner have any money of their own (through taking their pay cheques), or for elderly people it can include pressuring them to co-sign a loan for a large amount of money

FINANCIAL OR MATERIAL LOSS: the loss of money or material objects which are a result of the crime
fine: a sentence that involves the payment of a specific amount of money within a specified period of time - Next to probation, this is the most frequently used sentence

FINE DEFAULT: not having paid the fine ordered by the court in the time set out

FINE OPTION PROGRAM: a program in which offenders who cannot pay a fine can earn credits by 'working it off'

FINGERPRINT: an impression made by fingers which serve to identify a person. Every person in the world has a unique set of fingerprints

FIREARM: A weapon, especially a pistol or rifle, capable of firing a projectile by using an explosive charge as a propellant

FIRST-DEGREE MURDER: a murder that is planned and deliberate, and/or where the victim is a police or correctional officer; some murders committed during hijackings, sexual assaults, kidnappings, and hostage takings may also be first degree murder. The punishment is a mandatory life sentence with no eligibility of parole for 25 years (unless the person is a young offender); see also "faint hope clause"

FITNESS TO STAND TRIAL: whether or not the accused has the minimal mental capacity to defend themselves and to understand what is going on at trial

FORCIBLE CONFINEMENT: to hold someone against their will, without legal authority, by means of threats or force

FOREMAN: the spokesperson of a jury

FORENSIC: medical procedures and scientific testing done for use in court or related to law or the legal system

FORFEITURE: to hand over or give up goods to the Crown; e.g. counterfeit money, narcotics, illegal pornography, weapons

FORFEITURE OF PROCEEDS: a sentence in which the offender is ordered to give up any proceeds gained through the commission of a crime to the rightful owner or, if the owner is not known, to the government

FREEDOM OF EXPRESSION: a fundamental freedom provided to all Canadians in the Canadian Charter of Rights and Freedoms which holds that everyone can demonstrate thoughts, opinions and beliefs in various forms of expression (written, spoken, drawn, etc.) however unpopular or distasteful they are to the majority of Canadians; see also "Canadian Charter of Rights and Freedoms"

FUGITIVE: a person who has fled from the police or escaped from prison

FULL PAROLE: a form of conditional release allowing the offender to serve the remainder of the sentence under community supervision; most inmates are eligible (but are not automatically given) for full parole after serving one-third of a sentence

GANG RAPE: sexual assault committed by more than one person or a group of persons

GENERAL DETERRENCE: a principle of sentencing that acts to discourage criminal acts by sending a message that offences of a certain nature will be dealt with harshly

GENOCIDE: the mass destruction of an entire population of people

GRAND JURY: members of the public who decide whether or not the facts presented by the Crown attorney warrant an indictment and eventual trial of the accused; only used in Nova Scotia

GUILTY: being found by the court to have committed the crime with which the person was charged or some lesser offence

HABITUAL OFFENDER: see "recidivist"

HALFWAY HOUSE: a community setting which is an alternative to incarceration for youth or a home for men and women who have completed part of their sentence in prison; they are aimed to provide supervision of offenders while also helping them reintegrate back into society at the end of their incarceration

HARASSMENT: to annoy by repeated attacks of unwanted attention. In order to prove that this is unwanted the offender should be told to stop, if they continue then it can become criminal harassment (see "criminal harassment")

HATE CRIMES: crimes directed against persons, families, groups, or organizations because of their racial, ethnic, religious, or sexual identities or their sexual orientation or condition of disability

HATE PROPAGANDA: writings, signs or representations that advocate or promote genocide or which promote hatred against groups because of their racial, ethnic, religious identities or gender

HEARING: an investigation before a court in which evidence is presented

HEARSAY: what someone else has been heard saying, as contrasted with the direct evidence of the witness personally; hearsay is generally excluded as evidence in a trial

HOMICIDE: directly or indirectly causing the death of another person

HOMICIDE SURVIVORS: the family or close friends of a person who has been murdered

HUNG JURY: a jury that cannot reach a unanimous verdict - the jury is dismissed and a new jury is formed and the case is tried again

HYBRID OFFENCE: an offence where the Crown attorney has the choice as to whether to charge the accused with committing an indictable offence (an offence that could result in prison time) or a summary conviction offence (an offence that could result in a fine)

ILLICIT: a term used to describe an act that is considered improper or immoral and/or not permitted by the law

IMMUNITY: freedom from being criminally charged

IMPAIRED DRIVING: driving under the influence of alcohol or drugs

IMPARTIAL: being fair and neutral; without bias or prejudice

IMPRISONMENT: the most serious of all sentences, it is the punishment of placing someone convicted of a crime into prison or a penitentiary (also known as incarceration)

INADMISSIBLE EVIDENCE: evidence in a trial that is not allowed to be presented for a particular reason

INCAPACITATION: a principle of sentencing that acts to prevent, at least temporarily, a criminal with a high risk of re-offending by incarcerating them

INCARCERATION: confinement in a jail, prison or penitentiary

INCEST: sexual acts between relatives

INCIDENCE: the number of crimes committed by the average criminal in a certain area over a given time period (number of crimes/criminal); (compare with prevalence)

INDEFINITE SENTENCE: see indeterminate sentence

INDETERMINATE SENTENCE: an order by a court that a person be confined until the satisfaction of a specific condition; the only type of indeterminate sentence is that given to persons declared dangerous offenders

INDICTABLE OFFENCE: offences of a serious nature that can result in the offender being incarcerated, these are often tried by judge and jury; compare with summary conviction offence (fines)

INDICTMENT: an accusation in writing of a serious (indictable) offence

INFANTICIDE: the killing of a child under one year of age

INFORMANT: any person that provides information, based on reasonable grounds, concerning a person who has committed an offence

INITIAL VICTIMIZATION: the harm that is first felt by a victim of a crime

INMATE: an offender who in a prison or a penitentiary

INQUEST: an inquiry into the cause of death

INSANITY: incapable of knowing the act was wrong due to a mental disorder; someone who is insane is not criminally responsible or open to punishment

INTENT: doing something with design or purpose; the person knows that the act is wrong and commits it anyways; they do this knowing that there may be consequences for this act

INTERMITTENT SENTENCE: a prison sentence that can be served in short bits instead of one long stretch; the most common type is that in which an inmate spends weekends in jail and lives at home during the week to work or attend school

INTOXICATION DEFENCE: a defence which holds that the accused was too intoxicated by drugs or alcohol to know what he or she was doing at the time of the offence; (see also “automatism”)

INTRA-FAMILIAL SEXUAL ABUSE: child sexual abuse that involves a perpetrator from the child's family, someone who is usually, although not always, living in the same house as the victim - including parents, siblings, other blood relatives, and stepparents; (compare with “extra-familial sexual abuse”)

INVITATION TO SEXUAL TOUCHING: inviting, inciting, or coercing a child under 14 years of age to touch the body of any person for a sexual purpose

JOHN HOWARD SOCIETY: a prisoners' advocacy group who support and assist offenders and who defend, promote, or fight for the rights of offenders; they are primarily concerned with male offenders; (see also Elizabeth Fry Society)

JUDGE: controls events in the courtroom, decides guilt (if there is no jury), and sentences the offender

JUDGMENT: the decision, verdict, or sentence of a court

JUDICATURE: see “judiciary”

JUDICIAL DETERMINATION: when convicted of a *Schedule I* or *Schedule II* offence (specified personal and drug offences), the sentencing judge can order that an offender not be eligible for parole until serving one-half of the sentence (as opposed to one-third)

JUDICIAL INTERIM RELEASE: see “bail”

JUDICIAL RECOGNIZANCE ORDER: an order from a court (often referred to as a 'peace bond'), which orders a person to keep the peace and to be of good behaviour; it can also order the person not to contact certain people and to keep a certain distance away from certain places; the bond can last up to twelve months, and its terms are decided upon by the judge; if the defendant breaks the terms of the order, he or she can be arrested and sent to prison

JUDICIAL REVIEW: see “faint hope clause”

JUDICIARY: the area of government that interprets and administers the law; judges

JURIST: a legal scholar; a judge

JUROR: a person sworn as a member of a jury

JURY: members of the public who have been chosen by both the Crown attorney and the defence to decide whether the accused is guilty or not; in the case of second-degree murder, the jury in addition to deciding guilt, can also recommend when the offender should be eligible for parole (10 to 25 years)

JUSTICE OF THE PEACE (JP): an officer of the court whose principle role is during the pre-trial stages; can receive information to initiate charges, preside over some bail hearings, and issue arrest and search warrants

JUSTIFIABLE HOMICIDE: murder that is allowed under the law; e.g. a police officer shooting a armed suspect who is attempting to kill the police officer

KANGAROO COURT: a term referring to a court that is biased and thus gives an unfair verdict or judgment

KIDNAP: to take and carry away a person against his or her own will; compare with “abduction”

LAWYER: a barrister and solicitor; a person licensed to practice law

LEADING QUESTION: questions asked by lawyers during cross-examination which often suggest the answers

LEGAL AID: the supplying of publicly funded legal services to persons demonstrating financial need

LEGAL COUNSEL: see “lawyer”

LEGISLATION: proposed laws; Bills introduced in a legislature

LEGISLATURE: the part of government (House of Commons, Senate, a provincial legislature) with the power to make, change and abolish laws

LESSER BUT INCLUDED OFFENCE: an offence that is similar but not as serious; assault is a lesser included offence of aggravated assault (a person charged with aggravated assault can be convicted of assault if the Crown is unable to prove that the assault was serious enough to warrant the higher charge)

LIABILITY: responsibility for one's actions, or the results of one's actions later in time. This includes civil responsibility of individuals, businesses, and organizations

LIE-DETECTOR TEST: a test in which a recording device equipped with sensors that are attached to the body can pick up small physiological changes (such as increased heart rate, rises in blood pressure, increases in the activity of sweat glands) which are automatic responses to anxiety with the assumption being that those who lie will be anxious over being

discovered. These tests are not admissible in courts and can only be administered to a person who is willing to consent to having the test done. (Also known as a polygraph test)

LIFE SENTENCE: a sentence for which the offender will, technically, be under some type of supervision - either in prison or on parole - until death, except in the rare cases where a pardon is granted due to a wrongful conviction

LIFER: an offender serving a life sentence

LITIGATION: proceeding with a lawsuit

LONG TERM OFFENDERS: offenders who are likely to re-offend, and for whom a judge has agreed that the offender should be supervised after their release from prison for a given period of up to ten years

MANDATORY SENTENCE: a sentence for which the judge is given no options as to its length (first degree murder carries a mandatory life sentence; an offender who receives a mandatory minimum sentence cannot receive a sentence less than that specified)

MANDATORY SUPERVISION: between 1970 and 1992, the term used to describe the release of inmates at the two-thirds point in a prison sentence - now called statutory release

MANSLAUGHTER: causing the death of someone without premeditation or planning. Also, murder that is reduced to manslaughter because the offender lost self control when committing the crime

MASS MURDERER: those who kill three or more people at one time and in one location

MATRICIDE: the killing of one's own mother

MAXIMUM SECURITY INSTITUTION: houses offenders who pose a serious risk to staff, other offenders, and to the community. Maximum security institutions are characterized by strict control over offender movements and activities

MEDIATION: an informal process of settling disputes through the intervention of a neutral third party, referred to as a 'mediator'

MEDIATOR: A neutral third party that tries to help two different sides of a conflict come to a peaceful agreement.

MEDIUM SECURITY INSTITUTION: houses offenders who pose a limited risk to the safety of the prison 'community' and is characterized by moderate control over inmate activities and privileges

MENS REA: This means "the guilty mind" and refers to the psychological component of a crime. This is an assessment of whether or not an individual meant to commit the crime and fully understands what they were doing. This is one of two components necessary to commit a crime, for the other component see the definition to "Actus Reas"

MENTAL DISORDER: a disease of the mind or mental illness - can be used as a defence to criminal charges in some cases

MERCY KILLING: see "euthanasia"

MINIMUM SECURITY INSTITUTION: houses offenders who pose a limited risk to the safety of the prison community and is characterized by minimal control and supervision of inmate activities, associations, and privileges

MINISTER OF JUSTICE: is the Minister of the Crown in the Canadian Cabinet who is responsible for the Department of Justice and is also Attorney General of Canada

MISSING CHILDREN'S REGISTRY: the Canadian response centre for missing children operated by the RCMP; it coordinates the investigations of missing children, maintains and monitors files on missing children, and acts as an information centre producing and distributing information on missing children

MISTRIAL: a trial that does not result in a judgment because of an error in procedure; it is a declaration by a judge that a trial must be repeated for a certain reason

MITIGATING FACTORS: in sentencing, factors that indicate that a less severe sentence is called for; compare with aggravating factors

MODUS OPERANDI: the manner of operation of an accused, the methods that the accused usually operates, their signature way of doing things, the police frequently refer to this concept as the 'M.O'

MUG SHOTS: photographs of people on police files

MURDER: intentionally causing the death of another person

NATIONAL PAROLE BOARD (NPB): a component of Public Safety Canada that is responsible for determining the conditional release of inmates in the federal system as well as those inmates in the provincial systems (except Ontario, British Columbia and Quebec who have their own parole boards)

NOT CRIMINALLY RESPONSIBLE ON ACCOUNT OF MENTAL DISORDER: a verdict that a defendant is guilty of a crime but cannot be convicted. It is used if the accused, when committing the crime, suffered from a mental disorder that rendered the person incapable of appreciating the nature and quality of the act or of knowing that it was wrong. This may result in the offender not being incarcerated but may also mean that they will be admitted into a mental health facility until the mental illness is cured or the person is no longer a threat to society

NOT GUILTY BY REASON OF INSANITY: the old wording of a verdict now called "not criminally responsible on account of mental disorder"

OATH: a legally binding promise a witness makes to tell the truth with a religious wording (Do you promise to tell the truth, the whole truth, and nothing but the truth, so help you god)

OBSTRUCTION OF JUSTICE: attempting to discourage a person from giving evidence through threats or bribery

OFFENCE: an act which is punishable under the criminal law; a crime

OFFENDER: a person who has been found guilty of a criminal offence, whether by pleading guilty or through a finding of guilt

OFFICIAL CRIME RATE: see "crime rate"

OMBUDSMAN: a public officer, appointed by and responsible to the legislature, who investigates and reports citizens' complaints about actions by the government

ONTARIO PROVINCIAL POLICE (OPP): enforces the Criminal Code and provincial statutes within areas of Ontario not served by a municipal police force (in some cases, there may be an overlapping of policing boundaries); also perform traffic duties on major provincial highways

ONUS: having the burden of proving something

OPEN COURT: a court in which the public may attend; most cases take place in open court

OPEN CUSTODY: a disposition (or sentence) that can be given to young offenders in which the youth is sent to a community residential centre, a group home, a childcare facility, a forest or wilderness camp, or any other similar facility for a certain time period. Limits and curfews are imposed on the youth yet they can still leave the custody to attend school or for appointments; compare with secure custody

ORGANIZED CRIME: any crime committed by a group or association that consists of five or more persons and has, as its primary activities or main goal, the commission of an indictable offence

PAIN AND SUFFERING: pain is the immediately felt effects on the body as the result of some injury, while suffering is the distress felt as a result of the injury

PARDON: a formal recognition applied for by offenders to have their criminal record sealed - to help them 'erase a mistake of the past'. It is granted to individuals who have been found guilty of a criminal offence and have completed the sentence imposed by the court, and subsequently have shown themselves to be of good behaviour. Pardons are not automatic, do not erase the fact of conviction, declare that the conviction was wrong, or excuse the criminal behaviour - when a pardon is granted, the record of conviction is removed from the RCMP computers and kept separately

PAROLE: release of an offender from imprisonment prior to the completion of a sentence on certain conditions to be observed by him or her; see also "day parole" and "full parole"

PAROLEE: an offender on parole

PAROLE BOARD: the committee of people who decide whether an offender should be released from prison earlier than their full sentence

PAROLE ELIGIBILITY DATE (PED): the date upon which an inmate becomes eligible for full parole - For most inmates, it is reached after serving one-third of the sentence

PAROLE HEARING: investigations which determine whether or not an offender should be released on parole

PAROLE OFFICER: the person who supervises and monitors parolees between their release from prison and the conclusion of their sentence

PAROLE VIOLATION: when an offender on parole, without a reasonable excuse, fails or refuses to comply with a condition, or commits a new offence

PATRICIDE: the killing of one's own father

PEACE BOND: A court ordered agreement between two parties that usually states that they will not attempt to contact each other directly or indirectly. There can be other conditions placed on this and they vary depending on each individual case. If a party violates this order they can be charged with violating a court order. This is much easier to obtain than a restraining order because this is an agreement for both parties and not restrictions placed on only one party.

PEACE OFFICER: This is a term used for law enforcement officers like police officers, corrections officers, parole officers, etc. - does not apply to security guards except for some special cases.

PEDOPHILE: an individual who prefers to have sex with individuals legally considered children

PENITENTIARY: a federal institution that houses offenders who have been convicted of a crime and sentenced to two or more years' imprisonment

PEREMPTORY CHALLENGE: the right of both the defence counsel and the Crown attorney to dismiss a potential juror during the selection process without a specified reason (the lawyers are only allowed a certain number of peremptory challenges, and once they have been used up, they then must provide reasons for dismissing a juror)

PERJURY: intentionally making a false statement in court or telling a lie in court

PHYSICAL INJURIES: the direct bodily harms resulting from an assault or the side effects of coping with the crime

PLAINTIFF: the person who initiates a civil action

PLEA: a statement made by the accused at the arraignment as it relates to guilt; after a guilty plea, the case goes directly to sentencing; for those who plead not guilty, the case will be set for trial

PLEA BARGAINING OR PLEA DISCUSSION: the unofficial process in which the Crown and the defence discuss the case or 'bargain', in an effort to resolve the case without a trial

POLICE: A civil service created by the government that is responsible to respond to, prevent, and detect crime as well as maintain public safety

POLYGRAPH TEST: see "lie-detector test"

POSITION OF TRUST/AUTHORITY: the position of a person in relation to a child which includes parent; stepparent; adoptive parent; foster parent; legal guardian; common-law partner of child's parent, stepparent, adoptive parent, foster parent, or legal guardian; grandparent; uncle; aunt; boarder in young person's home; teacher, babysitter; group home worker; youth group worker; and employer

POST-CHARGE DIVERSION: a measure used to divert young offenders (who have admitted responsibility) away from the traditional court system by referring them to an alternative measures program (e.g. volunteer work, community service, restitution, victim-offender mediation, family group conferencing) after they have been formally charged with an offence; compare with pre-charge diversion

POST TRAUMATIC STRESS DISORDER (PTSD): a severe psychological reaction to intensely traumatic events, including assault, rape, natural disasters, and wartime combat; victims may re-experience the traumatic event in recollections or in nightmares, seem detached from the rest of the world, and suffer physical problems and intense irritability; generally appearing shortly after the trauma, the symptoms usually disappear within six months, but some may last for years

PRE-CHARGE DIVERSION: a measure used to divert young offenders (who have admitted responsibility) away from the traditional court system by referring them to an alternative measures program (e.g. volunteer work, community service, restitution, victim-offender mediation, family group conferencing) before they have been formally charged with an offence; compare with post-charge diversion

PRE-DISPOSITION REPORT (PDR): a pre-sentence report compiled by a probation officer or youth worker in relation to a young offender. Items usually evaluated include the person's age, the amount of remorse for the crime committed and future plans of the person

PRE-SENTENCE REPORT (PSR): at conviction, a judge may ask a probation officer or correctional worker to write a PSR to aid in sentencing. The officer interviews the offender and members of his or her family to compile a history of the offender and may also seek information from the victim about the offence and its impact

PRECEDENT: previous court decisions which guide other judges in making decisions in similar cases; sometimes called 'judge-made laws' or 'case law'

PRELIMINARY HEARING: a hearing at which the Crown must demonstrate that there is enough evidence to justify the time and expense of a full trial; also called a preliminary inquiry or preliminary trial

PREMEDITATION: considering, planning and contemplating a crime before committing it

PRESUMPTION OF INNOCENCE: a defendant is considered innocent of the charge(s) until either convicted or acquitted -Under the Charter, all defendants are considered innocent until proven guilty

PREVALENCE: the number of crimes or criminals in a certain area over a given time period (number of crimes or criminals/population); compare with incidence

PREVENTIVE DETENTION: detention in a penitentiary for an indeterminate period of time (technically, could be forever)

PRINCIPAL OFFENDER: the person having the most active part in the commission of an offence

PRISON: generally includes any federal or provincial institution that houses offenders; however, technically they are provincial institutions that house offenders who have been convicted of a crime and sentenced to less than two years imprisonment

PRIVATE SECURITY: manned private security includes security guards, watchmen, private investigators, alarm respondents, and security consultants; the hardware sector of private security includes alarm systems, weapons, electronic monitoring equipment, lie-detectors, armoured vehicles and guard dogs

PROBATION OFFICER (PO): the person to whom the probationer must periodically report to; they have two essential roles:

- assisting and supporting the offender, and
- monitoring the offender to ensure that they follow the conditions of the probation order

PROBATION ORDER: the most frequently used sentence in our criminal justice system in which the offender is released into the community under the supervision of a probation officer and must follow certain conditions such as being of good behaviour, abstaining from alcohol, not contacting the victim, etc

PROBATIONER: an offender on probation

PROCEEDS OF CRIME: any property, money, or goods accumulated as a result of a crime

PROFILING: a technique used by police experts to create a description of a suspected offender or future victims based upon information at the scene of previous crimes

PROHIBITION ORDER: sentences which ban the offender from owning a certain object or performing a certain activity for either a certain time period or for life; e.g. prohibition from possessing a firearm, prohibition from working with children

PROSECUTION: the act of pursuing a criminal trial by the Crown or a citizen in the case of a private prosecution

PROSECUTOR: see “Crown Attorney”

PROTECTIVE CUSTODY: a highly controlled, segregated area of correctional institutions where inmates who are considered to be at risk in the general prison population are placed

PROVINCIAL/TERRITORIAL COURTS: the lowest level of court to hear criminal cases; provincial court judges deal with arraignment, summary trials, and preliminary hearings and they dispose of provincial offences; this level of the criminal courts deals with the greatest number of cases; see also superior courts, provincial appellate courts, federal courts

PROVINCIAL APPELLATE COURTS: the next level of court after the superior courts are the provincial appellate courts; appeals of provincial court decisions may have to be heard first in a superior court before advancing to this level, but not always. Appeals from the superior courts go directly here; at this level, commonly referred to as the Court of Appeal, at least three judges will hear each appeal; see also provincial/territorial courts, superior courts, federal courts

PROVINCIAL INMATE/OFFENDER: an offender serving a prison sentence of less than 2 years

PROVOCATION: acts or words that trigger an irrational response; a partial defence which can reduce an offence from murder to manslaughter or eliminate charges of assault and have it declared as a consensual fight rather than a unprovoked attack

PSYCHIATRIC ASSESSMENT: a description of the accused’s state of mind, prepared by a mental health professional, which the judge uses to help decide if the accused can stand trial

PSYCHOLOGICAL ABUSE: see “emotional abuse”

PSYCHOPATH: A term used to describe a person who suffers from a mental disorder which has violent tendencies and strange social behaviour

PSYCHOPATHY: a mental disorder characterized by 'egocentricity; impulsivity; irresponsibility; shallow emotions; lack of empathy, guilt or remorse; pathological lying; manipulative tendencies; and the persistent violation of social norms and expectations'

PSYCHOLOGY: The scientific study of the mind, how it works (mentally and medically), and how it effects behaviour.

QUALIFIED VICTIM: a person who qualifies as a victim under the *Corrections and Conditional Release Act* to have the same right as a victim to information and involvement in the corrections and parole process; it can be anybody who has reported to the police that he or she was victimized by the offender - there need not have been a conviction, or even a prosecution, but the person must have suffered 'physical or emotional damage' by the offender (for recidivist offenders, victims from past terms of incarceration can be qualified victims)

RAPE: forcing sexual intercourse upon someone against their will and without their consent; the definition of sexual assault includes the act of rape, this is no longer used in the Canadian Criminal Code because it has been replaced by several different levels of Sexual Assault in order to include more offences and be more specific.

RAPE SHIELD: commonly refers to the restrictions placed upon the admissibility of evidence about a sexual assault victim's sexual history

READINGS: stages of legislative approval required for the passage of Bills

RECESS: a temporary adjournment (delay) during a trial or hearing that can last from minutes to days

RECIDIVISM: committing another criminal offence after being caught and punished for a previous offence

RECIDIVIST: an offender who, after having been convicted of an offence, commits another offence

RECOGNIZANCE: a procedure in which an accused is released to await their trial, and instead of bail, makes a promise to come back to court when their trial begins

REDIRECT: questions from the lawyer who conducted the examination-in-chief relating to points raised in the cross-examination

REFERRALS: when a victim organization suggests and provides names of other known victim services that may provide additional or specialized services

REFORMATORY: a correctional institution operated by the provincial government to house inmates serving less than two years; also referred to as a prison

REGINA VERSUS: '*Regina*' means Queen in Latin. Because the Queen is Canada's head of state, her name is used to represent the community in any criminal trial. So a criminal case name should read "*Regina versus (Last Name of Defendant)*"

REHABILITATION: a principle of sentencing that acts to protect society by identifying and treating the underlying causes of an individual's behaviour to prevent future offending

RELEASE DATE: the date upon which an offender will be released from prison

RELEASE PLAN: a plan organized by inmates seeking parole, regarding their destination after release, where they are going to live and what, if any, job they hope to get

REMAND: to send a prisoner back into custody, during the trial, until another time

REMAND CENTER: where accused individuals are held at the courthouse before trial and during breaks

REMISSION: see "early remission"

REMISSION OF SENTENCE: erasing all, or part of, a sentence imposed by the court

RESERVE JUDGMENT: a judge (or judges) hearing a case may decide to take some time to do research, study the law or review the evidence presented at trial before making a decision

RESOLUTION DISCUSSIONS: a plea bargaining discussion where the crown will discuss possible plea bargains with the defence counsel or the defendant.

RESTITUTION: the court-ordered payment by the offender to the victim to compensate for loss of or damage to property

RESTORATIVE JUSTICE: approaches to sentencing in which the focus is on healing the victims of the crime and the communities in which it occurred while encouraging offenders to confront the consequences of their actions and to accept responsibility

RESTRAINING ORDER: an order from a court that restricts an individual in order to protect another individual. This is usually used to protect the victim from the offender in a case where retaliation is reasonable to suspect and where the victim is being threatened or the crime is continuing. These are difficult to achieve in Canada in most cases because the person who files for a restraining order must be able to prove that the other person is a danger to them in a court room. This means that hearsay is not admissible and the other person has the right to appear at the hearing and defend themselves by making a case that they are not a danger to the victim or other party - another option is to obtain a peace bond which is much easier and in some ways very similar (see "peace bond")

RETRIBUTION: a principle of sentencing that acts to match the punishment with the harm done by the crime

REVERSE ONUS: a situation in which the accused must defend against an allegation or prove a case in his or her favour; in most matters, the onus is on the Crown to make the case. Exceptions to this rule would be if the defense attempts to use a legal defence of "not criminally responsible on account of mental disorder"

REVOCAATION: cancellation, or removing rights

RISK ASSESSMENT: a common form of classification which identifies similar groups of offenders and assigns them to certain interventions and treatment (for when they are in prison and when they are on conditional release) depending on the danger they present. All of the various instruments used to assess risk provide guidelines for separating offenders into low, medium and high risk levels

RISK FACTORS: factors (such as child abuse, unemployment, a criminal record) that are thought to place children, youth and adults at risk of engaging in criminal activity

RELAPSE PREVENTION: a common treatment for sex offenders or people suffering from addictions which attempts to train them in how to avoid situations that place them at risk for repeating the act and how to resist the impulse to commit the act again.

RE-VICTIMIZATION: the trauma victims can experience in their dealings with the criminal justice system, such as insensitive treatment, not being believed, harsh cross-examination, and not being notified of key decisions. This can also include inappropriate treatment from doctors, nurses and others directed towards victims from any person or service provider

REVIEW BOARD: a group that makes or reviews the dispositions of those found unfit to stand trial or not criminally responsible on account of mental disorder

ROBBERY: theft, along with threats or any act of violence

ROYAL CANADIAN MOUNTED POLICE (RCMP): the national police force of Canada responsible for the enforcement of federal statutes and executive orders in each province and territory, and for providing services such as forensic laboratories, identification services, the Canadian Police Information Centre (CPIC), and the Canadian Police

College; the RCMP also has contract agreements with the territories and all provinces, except Ontario and Quebec, to enforce criminal, territorial and provincial laws

ROYAL COMMISSION: an inquiry into some special matter of public interest

ROYAL NEWFOUNDLAND CONSTABULARY (RNC): provides policing to the largest municipalities in Newfoundland, and contracts with the RCMP for all other policing in the province

ROYAL PREROGATIVE OF MERCY: a discretionary power based on the ancient right of the British monarch to grant mercy exercised by the Governor General relates to forms of clemency, granted in exceptional circumstances in deserving cases involving federal offences. The Governor General or the Governor in Council grants clemency upon recommendation from the Minister of Public Safety Canada or at least one other minister

SANCTION: a punishment for a crime

SCHEDULED OFFENCES: offences contained in Schedule I or Schedule II of the *Corrections and Conditional Release Act* - Schedule I refers to certain offences under the Criminal Code prosecuted by way of indictment, Schedule II refers to offences under the *Narcotic Control Act* or the *Food and Drugs Act* prosecuted by way of indictment, a non-scheduled offence is an offence that is not contained in Schedule I or Schedule II of the CCRA

SCREENING: a process to look at the criminal history of an individual who is applying or requesting to be in a position of trust or authority over one or more children

SEARCH AND SEIZURE: a police practice whereby a home, person or other premises are searched and property is taken that may be useful in the investigation and prosecution of a crime

SEARCH WARRANT: prior approval secured from a justice of the peace or a judge for the police to search a specific location and take items that might be evidence of a crime

SECOND-DEGREE MURDER: a murder that is not planned and deliberate and did not involve the death of a police or correctional officer. The punishment for second degree murder is a mandatory life sentence with no eligibility for parole until serving 10 to 25 years (at the discretion of the judge), except for young offenders

SECONDARY VICTIMIZATION: see "re-victimization"

SECURE CUSTODY: the most serious disposition available in youth court, in which the youth is sent to a prison-like institution ('a facility designated for the secure containment or restraint of young persons') for a certain time period; compare with open custody

SELF-DEFENCE: the right that exists to protect oneself, or members of one's family from harm by another person. This defence holds that a person who is attacked or assaulted is not criminally responsible for using a reasonable or proportionate amount of force against the person assaulting them

SELF-INCRIMINATION: giving testimony that may be used against you in another court case. The Charter of Rights and Freedoms protects witnesses from self-incrimination being used against them in another court case

SELF-REPORT SURVEY: a survey which asks average people about the crimes they have committed. The results of these surveys tend to show that most people break the law, and few of those who do are ever caught

SENTENCE: the punishment given to a person who has been convicted or found guilty of a crime or the decision given by a judge as it relates to offenders who have been found unfit to stand trial or not criminally responsible on account of mental disorder

SENTENCING CIRCLE: an example of restorative justice in which the victim, the offender, criminal justice officials and community representatives all have input, and all have their needs considered when discussing the appropriate way to handle the case. This is an Aboriginal custom and is available for both Aboriginal Peoples as well as non-Aboriginal people.

SENTENCING DISPARITY: when similar crimes committed by similar offenders result in different sentences

SENTENCING HEARING: a hearing held after the accused has been found guilty of a crime. The judge can hear evidence to help decide on an appropriate punishment

SEQUESTER: the separation of the jury in a current criminal trial from the rest of the population

SERIAL KILLER: individuals who murder at least three people (one at a time) over an extended period of time

SERIOUS PERSONAL INJURY OFFENCE: an indictable (serious) offence, other than first or second degree murder involving the use of violence against another person, or conduct endangering or likely to endanger the life or safety of another person, or inflicting (or likely to inflict) severe psychological damage upon another person, and for which the offender may be sentenced to imprisonment for ten years or more (all levels of sexual assault are also included)

SEX OFFENDER REGISTRY: a computer database in which information on offenders previously convicted of sex offences is available to the police (it is up to the police whether or not to release that information to the public). If a registry is in place, convicted sex offenders are required to register with the police in that given community and to provide a current address

SEXUAL ASSAULT (LEVEL 1): when a person, without consent, applies force intentionally in circumstances of a sexual nature; the level of least physical injury to the victim

SEXUAL ASSAULT (LEVEL 2): assault of a sexual nature while carrying, using or threatening to use a weapon, while threatening to cause bodily harm to a person other than the victim, or while causing bodily harm to the victim. It is an assault which 'interferes with the health or comfort of the person'

SEXUAL ASSAULT (LEVEL 3): aggravated sexual assault, which is an assault of a sexual nature which wounds, maims, disfigures or endangers the life of the victim

SEXUAL EXPLOITATION: a person in a position of trust or authority who invites, incites, or coerces a young person (between 14 and 18 years old) to touch the body of any person for a sexual purpose, or the direct or indirect touching (with an object or a part of the body) of a young person (between 14 and 18) for a sexual purpose by a person who is in a position of trust/authority over the young person (see position of trust/authority for more information)

SEXUAL INTERFERENCE: the direct or indirect touching (with an object or a part of the body) of a child under 14 years of age for a sexual purpose

SEXUAL SADISM: sexual enjoyment through the infliction of pain and/or humiliation on others

SHAKEN BABY SYNDROME: the resulting injuries that occur to an infant or young child after being shaken violently - injuries can include brain damage, spinal injuries, trauma, blindness, paralysis, seizures or even death

SHOW CAUSE HEARING: see "bail hearing"

SOCIOLOGY: The study of society, its structures, how it functions, and social problems within society.

SOLEMN AFFIRMATION: a promise to tell the truth; a witness in a trial can do this instead of taking an oath on the Bible if they are not religious

SOLICITOR: a member of the legal profession chiefly concerned with advising clients and preparing their cases

SOLITARY CONFINEMENT: the separation of a prisoner from the general prison population for punishment purposes, for their own protection or for the protection of others

SPECIFIC DETERRENCE: a principle of sentencing that acts to discourage future criminal acts by the specific individual being sentenced

STALKING: see "criminal harassment"

STANDARD OF PROOF: see "burden of proof"

STARE DECISIS: to stand by what was decided. The rule by which common-law courts tend to follow prior decisions or precedents

STATUTE: an act of the government declaring, commanding, or prohibiting something; a Bill, or particular law enacted and established by the government which has passed three readings in each parliamentary chamber (the House of Commons and Senate), or a provincial legislature, and received Royal Assent

STATUTE OF LIMITATIONS: any law that fixes the time within which one must take legal action to enforce their rights or a limit on the time after a crime in which charges can be laid against the defendant - This does not exist on the most serious crimes like murder or sexual assault

STATUTORY RAPE: a term commonly used to describe the offence of sexual relations with a minor (a person under eighteen years of age); consent or mistake of age is not a defence to such a charge if the victim is under 14 years of age, unless the accused is between the ages of 12 and 16, less than two years older than the victim, and not in a position of trust or authority

STATUTORY RELEASE: a form of conditional release requiring most federal offenders to be automatically released after serving two-thirds of their sentence

STAY OF PROCEEDINGS: a temporary or permanent stop to a legal proceeding until the occurrence of some event or a stoppage because the case is seen as insignificant and trivial in its present form

SUBPOENA: a document ordering the appearance of a person in court, usually as a witness

SUMMARY CONVICTION OFFENCE: offences of a less serious nature which are tried by a judge alone without the presence of a jury; these offences are generally punishable by a fine of \$2000 or less and/or imprisonment for six months or less; compare with indictable offence

SUMMARY TRIAL: trials that do not involve juries and in which the charges and sentences are less serious; these cases are resolved in a provincial court and are resolved more quickly by the courts; in addition, summary conviction offences must be commenced within six months of the offence - if it takes longer a Crown attorney who wants to pursue the matter must proceed by indictment

SUMMATION: concluding remarks made by the Crown attorney and defence counsel at the end of their case

SUMMONS: a document given out by a justice of the peace to an accused that sets out the charge as well as the time and place at which the accused is to appear in court

SUMMONS TO WITNESS: see “subpoena”

SUPERIOR COURTS: this level of the courts is one step up from the provincial/territorial courts; they are often called the Supreme Court (British Columbia, Nova Scotia, Northwest Territories, Yukon, Nunavut) or Court of Queen's Bench (Manitoba, New Brunswick, Saskatchewan, Alberta); or the Trial Division of the Supreme Court (PEI and Newfoundland); in Quebec it is called the Superior Court, while in Ontario it is the Ontario Court (General Division); these courts hear the most serious cases, such as murder and cases at this level may involve juries; these courts can also hear appeals from the decisions made at the provincial court level; see also provincial/territorial courts, provincial appellate courts, federal courts

SUPREME COURT OF CANADA: located in Ottawa, this court of 'last resort' is the highest appellate court in Canada for both civil and criminal cases; it is an extremely important court because it interprets the Canadian Charter of Rights and Freedoms so that the lower courts can apply those principles equally across the country; nine judges, as appointed by the prime minister, sit in the court

SURETE DU QUEBEC (SQ): the Quebec provincial police; enforces the Criminal Code and provincial statutes within areas of Quebec not served by a municipal police force (in some cases, there may be an overlapping of policing boundaries); also perform traffic duties on major provincial highways

SURETY: a friend or relative of an accused who agrees to take responsibility for his or her appearance for trial and agrees to make sure the accused does not violate any release conditions pending trial

SUSPECT: a person thought to have committed a crime

SUSPENDED SENTENCE: when a judge convicts an accused but technically gives no sentence; the offender is actually put on probation, and if he or she conforms to all the conditions and does not commit a new offence, no sentence is ever given

SYSTEM BASED SERVICES: services for victims that are meant as an 'all-in-one' centre where services and information about the criminal justice system, including access to both police and court-based victim services are available

TASK FORCE ON...: an investigative body established by the government to obtain information and make recommendations on policy matters

TEMPORARY ABSENCE: a form of conditional release granted so offenders may:

- receive medical treatment;
- make contact with their family;
- undergo personal development and/or counselling; and
- participate in community service work projects;
- may also be granted for compassionate reasons (e.g. a funeral); see also escorted temporary absence and unescorted temporary absence

TESTIFY: giving verbal or written evidence under oath

TESTIMONY: formal statements made for the purposes of establishing or proving facts

THREAT: a harsh warning to a person that they will, or are going to, suffer loss, pain, punishment, or damage for doing or not doing something that is done with intimidation and is honestly perceived as a threat by the victim

TORTURE: any action (or lack of action) by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person

TRANSCRIPT: an official written copy of court proceedings

TRANSFER HEARING: a hearing held under the *Youth Criminal Justice Act* to determine whether an accused should be tried in adult court

TRANSFER TO ADULT COURT: under the *Youth Criminal Justice Act*, some youths who are 14 years of age or older when they commit a serious offence may be tried in adult court

TRIAL: the procedure by which an accused person's guilt or innocence is determined. A trial takes place only if the accused pleads not guilty and does not change that plea and if the Crown does not withdraw the charges or terminate the matter with a stay of proceedings

TRIED: to go to trial for committing an offence

TRIER OF FACT: see fact finder

TWO YEAR RULE: refers to the federal-provincial split between sentences of two years or more and sentences less than two years; sentences of two years or more are served in federal penitentiaries and sentences of less than two years are served in provincial prisons

UNESCORTED TEMPORARY ABSENCE (UTA): a form of temporary absence without accompaniment so offenders may:

- receive medical treatment;
- make contact with their family;
- undergo personal development and/or counselling; and
- participate in community service work projects;
- May also be granted for compassionate reasons (e.g. a funeral); a UTA can be for an unlimited period for medical reasons and for a maximum of 60 days for specific personal development programs. UTA's for community service or personal development can be for a maximum of 15 days, up to three times per year for a medium security inmate, or four times per year for a minimum security inmate. The duration of other types of UTA's ranges from a maximum of 48 hours per month for a medium security inmate to 72 hours per month for a minimum security inmate; see also escorted temporary absence

UNFIT TO STAND TRIAL: a designation made by a judge that a criminal defendant is so mentally disturbed that he or she could not understand what is going on at trial. When an accused is found unfit they are usually held in a mental-health facility until they are found to be fit, and then they prosecution resumes. The defendant must be re-evaluated every two years to determine whether or not they are fit to stand trial.

UNFOUNDED OFFENCE: a classification used by the police for an alleged offence that the police determined was false, mistaken, or not worth investigating for other reasons

VERDICT: the decision as to guilt or innocence given by the court

VICTIM: the person who has been directly harmed or has experienced loss due to the crime committed against him or her; and immediate family members including parents or guardians, siblings, spouses or common law spouses, and children of those who a violent crime has been committed against. This also includes close friends of the victim

VICTIM CRISIS ASSISTANCE AND REFERRAL SERVICES (VCARS): an Ontario service for victims of crime which operates 24 hours a day, seven days a week and provides immediate on-site assistance and emotional support to victims of crime

VICTIM EMPATHY: when an offender understands his or her offence from the victim's point of view; its achievement is one of the goals of victim-offender reconciliation programs and is also frequently used in the treatment of sex offenders

VICTIM FINE SURCHARGE: in addition to the sentence imposed, a judge must order an adult offender to pay a small fee, which is collected by the provincial/territorial governments to finance victim services (the individual victim does not receive the money)

VICTIM IMPACT STATEMENT: a written or oral statement from the victim of an offence (or the victim's family or surviving relatives) describing harm done to, or loss suffered by, the victim arising from the commission of an offence; the statement will be included as evidence for use in determining the sentence imposed on the convicted offender. There are restrictions on what can be said in a victim impact statement like; you can only refer to the crime that the offender was convicted of, if there are other offences but the offender was not convicted then the victim cannot address these in the victim impact statement.

VICTIM NOTIFICATION LIST: a database containing the names and current addresses and telephone numbers of those victims wishing to receive ongoing information on an offender from the Correctional Service of Canada

VICTIM-OFFENDER MEDIATION: a form of restorative justice in which offenders meet with victims and third-party mediators to allow victims to obtain information about the crimes and express feelings to the offenders, to develop an agreement, and to increase offender awareness of the physical, emotional, and material impact of crime and to deter the offender from re-offending in the future by showing them the full impact of the crime. This is a multi-staged process and takes place over time, not in one meeting and is voluntary for both the victim and the offender.

VICTIM/WITNESS ASSISTANCE PROGRAM (VWAP): Ontario victim services which is provided at the courthouse for victims who are also witnesses in the trial including courtroom orientation, information about the case, and court accompaniment

VICTIMIZATION: this is when a crime is committed against a person and results in some type of harm, loss, trauma, or injury due to the criminal act

VICTIMIZATION SURVEY: a survey which asks average people about how often they have been the victims of crime during a certain time period, usually the last year. Such surveys are the best indicator we have of the true amount of crime and confirm that most crimes are not reported to the police

VICTIMLESS CRIMES: crimes such as prostitution or drug possession in which there is thought to be no direct, identifiable victim. Some contend that these crimes should be decriminalized while others contend that such crimes do have victims, including the children of the offenders and the offenders themselves

VICTIMOLOGY: The study of victims of crime and the psychological effects of crime on victims

VICTIM ADVOCATE: a person or group who supports and assists victims of crime and who defends, promotes, or fights for victims rights

VIVA VOCE EVIDENCE: oral (spoken) evidence

VOIR DIRE: this has been described as a trial within a trial, and usually revolves around the admissibility of evidence and highly technical legal issues

WAR CRIME: an act (or a failure to act) that is committed during an international armed conflict, whether or not it is legal at that time and in that place, which is against international law; e.g. acts that took place during the Holocaust

WARRANT: a directive to police officers either to arrest a person or to search specific premises

WARRANT EXPIRY DATE: the date on which an offender's sentence ends, including parole

WEAPON: anything used, designed to be used, or intended for use for the purposes of threatening, injuring or killing any person

WHITE-COLLAR CRIME: crimes committed by employees for personal gain, as opposed to corporate crime which is designed to benefit the company; e.g. stealing from an employer, or fraud

WILLFUL: something done intentionally or recklessly

WITNESS: a person who gives evidence before the court and who swears to facts or gives testimony under oath

WOMEN'S SHELTER: a residential facility for abused women and their dependent children

WORK RELEASE: a form of conditional release lasting for up to 60 days at a time which involves work or community service outside of the penitentiary while being supervised by a staff member or other authorized person or organization

YOUNG OFFENDER: an offender who was at least 12, but under the age of 18 when the crime was committed; children under the age of twelve are not held criminally responsible for their actions

YOUTH CRIMINAL JUSTICE ACT (YCJA): a Canadian statute, which came into effect on April 1, 2003 that covers the prosecution of youths for criminal offences. Concerns youths who are at least 12 but under the age of 18 that have come in conflict with the law, which holds that young people have special needs and require special legal protection

YOUTH COURT: courts in which cases involving young offenders are heard; cases are heard by youth court judges who are, depending on the jurisdiction, either provincial court or family court judges; youth court cases (unless they are murder cases) do not involve preliminary hearings and there is no opportunity for a jury trial; in youth court, there is also a ban on the publication of names of young person's by the media

YOUTH GANGS/GROUPS: a continuum ranging from a group of friends who spend time together and occasionally get into trouble to more serious, organized criminal groups or gangs

YOUTH JUSTICE COMMITTEE: voluntary groups of citizens, found in some provinces and territories that have been established to assist with the administration of any component of the Young Offenders Act

YOUTH WORKER: essentially the same as the probation officer for adults whose task is to both assist and supervise the offender

ZERO TOLERANCE POLICIES: mandatory charging policies which require police officers to arrest a suspect when it appears that an assault has occurred, even if the alleged victim does not want an arrest to be made and even if they are unable to determine all of the facts due to conflicting stories from two parties.