



*New York State
Division of Probation*

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Glossary of Probation Terms

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April 1978

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NEW YORK STATE DIVISION OF PROBATION

**GLOSSARY
OF
PROBATION TERMS**

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ACQUISITIONS

**Honorable Hugh L. Carey
Governor**

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ABBREVIATIONS

- CJDT - Dictionary of Criminal Justice Data Terminology, First Edition 1976, U.S. Department of Justice, Law Enforcement Assistance Administration - National Criminal Justice Information and Statistics Service.
- CPL - Criminal Procedure Law
- DOP - Division of Probation
- FCA - Family Court Act
- G - Manual of Probation Goals and Standards Issued by the New York State Division of Probation, Nov. 1977, Second Edition
- P.L. - Penal Law
- R - Rules and Regulations, N.Y.S. Division of Probation
- Source Book - Source Book of Comprehensive Community Probation Programs, Issued by the New York State Division, January 1976

Glossary of Probation Terms

Foreward

During the Division of Probation's on-site visits to local probation departments for the revised DP-30/Monthly Report of Family Workload in Probation Departments, and DP-30A/Monthly Report of Criminal Workload in Probation Departments, it became apparent that there were a variety of definitions and different uses for the same terms or concepts. This often occurred within the same department or geographic area. Other experiences with data gathering and interpretation have encountered similar problems. Such arrangements make data analysis and subsequent decision making difficult, if not impossible. Effective decisions can only be made as a product of reliable data, analyzed and communicated to the decision makers via a common language.

In response to this need for a common language, the Division of Probation's Management Analysis Team coordinated a team effort that produced a Glossary of Probation Terms. We see this glossary as an essential ingredient for accurate, timely and relevant probation practice on a statewide basis. Its appropriate use by state and local data gathering and information utilizing personnel will greatly enhance the decision making processes.

The glossary is in four main parts: I - Probation Terms; II - Legal Terms Related to Probation; III - Electronic Data Processing Terms; IV - Alphabetical Index.

We hope that this glossary will serve as a resource for state and local probation personnel by providing them with a common definition of terms too long absent in the profession. The potential uses are many and varied including service as a ready reference by localities when data elements are being contemplated for a new form.

The dedicated efforts of the professional and clerical personnel mentioned in the acknowledgement section made scope and breadth of this document possible. We sincerely appreciate the time spent and commitment to getting the job done. We hope that their counsel will continue and that anyone making use of this document will appraise the Division of its utility and advise it of ways in which both its content and format can be improved for future editions.

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PART I - PROBATION TERMS

1. Abscond - To depart from the geographic area prescribed by the conditions of probation, without authorization.
2. Accounts and Records - See Collection.
3. Active Case - A case for which a probation service has been initiated and has not yet been terminated.
4. Active Supervision - A classification for the differential supervision of probationers in which a minimum of two personal contacts and two collateral contacts are required per month. (R) 351.4
5. Administrative Supervision - (or Caseload) The illegal practice of carrying a supervision case or a caseload without the actual provision of any supervision services, contacts or related case recordings.
6. Approved Budget - A fiscal document, submitted by a local probation department, of locally approved planned expenditures for a fiscal year, subsequently accepted for reimbursement by the Division of Probation. (R) 360.3.
7. Approved Plan - The annual local probation program which has been approved by State DOP for subsequent State Reimbursement. (R) 360.3.
8. Authorized Staff Member - (1) A person (including a paraprofessional and a volunteer) designated by the Director of Probation to act for the probation department; or (2) in the case of State Direct Service, a person (including a paraprofessional and a volunteer) designated by the Area Administrator to act for the Division of Probation. (R) 351.1.
9. Backlog - (Investigation) - Investigations ordered by the court which have not been completed by the probation department in the time frame recommended by DOP. (G)
10. Case - The activities, contacts, programs, progress and problems related to a client.
11. Case File - See Cumulative Case Records (R) 348.1.
12. Case Load - The total number of clients registered with a probation department or officer at a specified point in time. (CJDT).
13. Case Record - See Cumulative Case Record. (R) 348.1.

14. Case Record Management - The systematic control over the establishment, assessibility, utilization, content, security, privacy, preservation and timely destruction of case records. (R) 348.1.
15. Case Summary - A written record which updates the cumulative case record of a client. (R) 348.4.
16. Certificate of Relief from Disabilities - A certificate which may be granted by the court to relieve an eligible offender of a forfeiture or disability, or to remove any bar to his employment, automatically imposed by law by reason of his conviction of the crime or of the offense specified therein.
17. Chronological History - See Cumulative Case Record.
18. Chronological Record - See Cumulative Case Record.
19. Classification - The identification of supervision cases in terms of particular characteristics and for designated types of probation services in keeping with established criteria. (R) 351.1.
20. Client - A person who receives probation services.
21. Collateral Contact - Direct Probation contact with a person or persons other than the probationer (e.g. employer, family, friends).
22. Collections - The receipt, disbursement, monitoring and enforcement of support payments by a probation department under contract to a DSS district to perform the functions of a Support Collection Unit.
23. Collection Account - A case in which support, restitution, fines or other collection services are provided in accordance with a court order.
24. Commitment - The action of a judicial officer ordering that an adjudicated and sentenced adult, or adjudicated delinquent or status offender who has been the subject of a Family Court disposition hearing, be admitted into a correctional facility.
25. Community Liaison Officer - A designated probation staff person who works with community service agencies and the probation office to insure good cooperation and community relationships and to effect better management of services for probationers.
26. Community Resources - The private and public agencies/organizations and individuals existing in a locality as potential sources of assistance to probation clientele (e.g., social agencies, schools, clinics).
27. Community Resource Management - A service delivery approach that emphasizes the role of staff as managers of community resources rather than supervisors of a number of individual cases.

28. Compact Administrator - An administrator appointed by the Governor, with the authority to direct statewide program policies and procedures as they relate to the interstate transfer and supervision of probationers and parolees.
29. Computerized Criminal History - (CCH) - Arrest, disposition, correction data, personal identification and descriptions, concerning an identified or alleged offender, contained in an automated file. (CJDT).
30. Conciliation - Efforts on the part of probation intake service to assist in adjustment or resolution of marital disputes.
31. Conditions of Probation - Requirements prescribed by the court as part of the sentence to assist the probationer to lead a law abiding life. Failure to observe may lead to a commitment.
32. Confidentiality - The prohibition of unauthorized disclosure of information.
33. Confidentiality of Records - The protection of individual personal probation records against disclosure except where authorized by law or court order. (R) 348.4.
34. Counseling - A helping relationship between probation personnel and clientele that attempts to mutually identify and satisfactorily resolve those specific issues that brought the client to the attention of the probation agency initially.
35. Crime Control Plan - An annual plan to reduce crime and to improve the quality of justice, prepared by the State Division of Criminal Justice Services and submitted to the Law Enforcement Assistance Administration of the United States Department of Justice.
36. Crime Control Planning Board - A Board, composed of representatives of state and local governments, and professional and citizen interests, which assists in the coordination of activities relating to law enforcement and juvenile delinquency control and which advises the Governor and the Commissioner of the Division of Criminal Justice Services on crime control planning and program development. It must pass on all Federal block grants awarded by the Division of Criminal Justice Services.
37. Crime Index - A Uniform Crime Report (UCR) classification that includes all Part I offenses except involuntary (negligent) manslaughter.
38. Criminal Justice - The prevention, detection and investigation of the commission of an offense; apprehension; detention or release; prosecution and defense; sentencing; probation incar-

cerations, etc., and any subsequent court proceedings.
(Executive Law 835).

39. Criminal Justice Coordinating Council - A group of local offices and concerned citizens who plan and evaluate proposed criminal justice programs for development and implementation, and within their jurisdiction coordinate distribution of LEAA funds.
40. Criminal Record - Information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information or other formal criminal charges, and any disposition(s) arising therefrom, sentencing, correctional supervision and release.
41. Cumulative Case Record - A single case file containing all information with respect to a case from its inception through its termination.
42. Declaration of Delinquency - A device for tolling the period of the sentence of probation in the event a condition is violated. (R) 352.1b.
43. Differential Investigation - Obtaining information of a kind and amount appropriate to a case situation for the court for judicial decision making. (R) 350.3; Sourcebook Section X.
44. Differential Supervision - A system whereby probationers are classified pursuant to criteria and assigned to one of several types of supervision. (R) 351.1 (d).
45. Disbursement - The distribution of money collected by a probation department.
46. Diversion Programming - A formal voluntary program of community based services mutually arranged by the probation department and client in lieu of initial or continued court intervention to assist individuals and/or families in resolving their problems.
47. Division of Criminal Justice Services - The official NYS planning agency for statewide crime control and juvenile delinquency prevention plans, and for operation of the central criminal record data facility with a communication network serving qualified agencies throughout the State. DCJS includes Office of Planning and Program Assistance, Identification and Information Services, Bureau of Prosecution and Defense Services, Juvenile Justice Institute, Special Court Projects Units, Bureau of Municipal Police.
48. Early Discharge - Successful termination of probation based on established criteria prior to the expiration of the sentence.

49. Evaluation - Measuring the results of operations in terms of stated objectives. (R) 351.1(g).
50. FBI Number - A number identifying individuals with a criminal record known to the Federal Bureau of Investigation.
51. General Rules - The General Rules Regulating Methods and Procedures in the Administration of Probation in the State of New York which are adopted by the State Director of Probation after consideration by the State Probation Commission.
52. Hit Notice - See Re-Arrest Notification.
53. Home Visit - Personal contact with the client and/or his family in the client's residence.
54. Intake - Case review by probation staff to determine eligibility and suitability for immediate adjustment, diversion programming, or petition to Family Court. Also referred as "Preliminary Probation Procedures". (R) 354.1(a).
55. Intake Supervision - The process of providing services and/or monitoring client progress in a voluntary program as provided for in Preliminary Procedures.
56. Intensive Supervision - A classification for the differential supervision of probationers in which a minimum of four personal contacts and four collateral contacts are required per month. (R) 351.4.
57. Interim Supervision - See Predisposition Supervision.
58. Interstate Compact - An agreement reached between the several states by which probationers and parolees are transferred for supervision from one state to another and also the making of probation investigations by one state for another.
59. Interstate Transfer - Transferring of the supervision of a probationer from one state to another.
60. Interview - A meeting between two or more persons for the purpose of gathering information regarding probation clientele.
61. Intrastate Transfer - Transferring of the supervision of a probationer from one local department to another within the same state.
62. Juvenile Justice System - A network of services related to the apprehension, investigation, supervision, adjudication, care or confinement of juveniles whose conduct or condition has brought or could bring them within the jurisdiction of a family court or the criminal justice system. (CJDT).
63. Modification of Conditions - Changes in the conditions of probation.

64. MOPP (Mutual Objectives Probation Program) - A formal plan for probation supervision jointly approved, prior to sentencing, by District Attorney, the Court, P.O. and probationer. See Source Book Section XIII.
65. MOPP Contract - An agreement, signed by the offender and probation department, approved by the court to participate in a MOPP project, in return for possible early discharge of the offender.
66. NCIC Offense Code - National Criminal Information Center Offense Code - a four digit number used to classify criminal offenses.
67. NYSID Number - NYS Identification Number - the formal identification number assigned by DCJS to a person upon their formal arrest and processing in the criminal justice system in NYS.
68. OBTS - An abbreviation for "Offender Based Transaction Statistics" - a statistical system which tracks the individual offender or alleged offender through the different parts of the criminal justice system.
69. PAR - An abbreviation for "Program Analysis and Review" - A formal periodic review, by the DOP, of local probation services & administration, utilizing the DOP's rules and regulations governing the administration of probation.
70. Paraprofessional - A probation worker other than professional and clerical staff, who assists in the delivery of probation services (e.g., probation assistant).
71. Pending Investigation - An investigation, conducted for the court, which has been assigned to a P.O., but on which the report has not yet been countersigned by the P.O.'s supervisor.
72. Personal Contact - In person contact with the probationer.
(R) 351.1. (K)
73. Placed on Probation - A probation disposition imposed by a Family Court.
74. Placement - The action of formally placing a juvenile in a juvenile facility, resulting from the disposition of the Family Court judge.
75. Post Adjudicatory - Following formal adjudication.
76. Pre-Disposition Supervision Services - (including pre-adjudicatory) - Cases referred to petition & subsequently received for supervision prior to court disposition.
77. Pre-Plea Investigation - The investigation by probation of a defendant's history and potential for release, usually including development of a probation plan.

78. Pre-Plea Report - A formal written document prepared by a probation officer and submitted to the court prior to a defendant's admission of guilt or the court's finding of guilt, detailing the circumstances of the alleged present offense, defendant's social history and criminal record, in order to assist the judge in determining an appropriate plea and sentence.
79. Pre-Sentence Conference - Conference prior to sentencing of a defendant, usually including the district attorney, defense counsel, court, probation officer and related persons.
80. Pre-Sentence/Disposition Investigation - An investigation undertaken by a probation agency, at the request of a criminal/family court, into the past behavior, family circumstances, and personality of an adult/juvenile who has been convicted of a crime, in order to assist the court in determining the most appropriate sentence.
81. Pre-Sentence/Disposition Report - The document resulting from an investigation undertaken by a probation agency, at the request of a criminal/family court, into the past behavior, family circumstances, and personality of an adult who has been convicted of a crime, or a person who is eligible to be adjudicated by the family court, in order to assist the court in determining the most appropriated sentence/disposition.
82. Pre-Trial Detention - The retaining of accused persons under custody in a facility following the initial appearance before a judicial officer and pending further court processing.
83. Pre-Trial Release - A procedure whereby an accused person who has been taken into custody is allowed to be free before and during his trial.
84. Pre-Trial Services - Services provided for the defendant in the period between arrest & formal trial proceedings.
85. Probation - (1) A department of government administering and carrying out probation functions, programs and services pursuant to laws, policies and rules. (2) A sentence which permits the convicted offender to remain in the community under conditions specified by a court, and to be supervised by a probation officer.
86. Probation Practice - The content and mode of delivery of probation services.
87. Probation Registrant - A probationer in NYS who is registered with the State Division of Probation on the Registrant System.
88. Probation Registrant System - An automated system of registering all adult individuals sentenced to probation in order to: (1) provide immediate notification of probationer rearrests for all probation departments statewide and, (2) produce management

reports to assist in administration, planning and evaluation of state and local programs.

89. Probation Sentence - A sentence which permits the adjudicated offender to remain in the community under conditions specified by a court, and to be supervised by a probation officer. (R) 351.1(i).
90. Probation Supervision - The monitoring of the probationer's compliance with the conditions of probation and the providing of services to probationers to promote law abiding behavior. (R) 351.1(j).
91. Probationer - A person who has been sentenced to or placed on probation.
92. Professional Staff - Probation employees other than clerical and para-professional who provide probation services (e.g., Director, Probation Supervision, Probation officer). (R) 347.4(f).
93. Quarterly Summary - A succinctly written statement which synthesizes in the cumulative case record, the activities and progress of the client over a three month period, relative to the supervision program plan.
94. Re-Arrest Notification - A computerized printed document sent to a probation department by the Division of Probation Registrant System informing the department of the rearrest of one of its probationers by a law enforcement agency in NYS.
95. Recommendation - A written statement advising a course of action submitted as part of any investigation report, for disposing of a current case. (R) 350.4 (l) (v).
96. Referral - The act of directing the client to another community service.
97. Referral Services - See Community Resources.
98. Release on Own Recognizance - (ROR) - A process by which the court releases an accused person on his honor on condition that he appears for a subsequent court hearing and abide by the orders involved with such release.
99. Release Under Supervision - Release of an arrested person to the community, as opposed to detention, with the agreement that he will accept supervision until his court appearance.
100. Reparation - A requirement by the court as a condition of a revocable sentence that the offender recompense for damages, injury, and/or suffering imposed as a result of his offense.
101. Report - A succinct, written record of information gathered during the investigation. It analyzes, evaluates, synthesizes,

records, and presents relevant information from the investigation. (R) 350.1(b).

102. Reporting Schedule - Specific instructions as to time, place and date, that a probationer is to report to the probation officer.
103. Restitution - (1) A requirement by the court as a condition of a revocable sentence, or earlier in the criminal justice process, that the offender replaces the loss imposed by his offenses; (2) Money received from a probationer for payment of damages.
104. Revocable Sentence - A sentence in which conditions are imposed and, where the conditions are not complied with, the court may revoke the sentence.
105. Revocation - A cancellation of a placement on or sentence to probation by the court following a hearing and the finding of a violation.
106. Rules and Regulations - General rules, regulating methods and procedures in the administration of probation in the State of New York.
107. Screen Analysis - An analytical study as part of preliminary procedures, which covers the respondent's current situation and activities as related to the problem and the client's potential for adjustment through utilization of community resources. (R) 354.4(h) and Source Book Section VIII.
108. Special Conditions - Conditions of probation relating to conduct or rehabilitation. (See P.L. 65.10.3).
109. Special Services - See Community Resources.
110. Special Supervision - A classification of differential supervision of a probationer in which a minimum of one personal and one collateral contact are required per month. (R) 351.4.
111. Staff Development - A planned, formal, on-going program of educational experiences for each employee in the probation system. (R) 346.1(a).
112. Standard Conditions - Conditions, specified in the Penal Law, governing the conduct of every probationer. (P.L. 65.10.3).
113. State Aid Voucher - A written verification, by the local probation agency of appropriate expenditures, presented to the state for reimbursement.
114. Status Offense - A non-criminal act or conduct which is declared by statute to be an offense but only when committed or engaged in by a juvenile, and which can be adjudicated only by a family court.

115. Supervision Program Plan - A written course of action, subject to modification at a later date, monitored by the P.O., developed with the probationer, containing specific goals, objectives, resources and conditions of probation to be utilized as the focus during the period of supervision. (Source Book Section XIV).
116. Team Supervision - A service delivery model for probation clientele which consists of the coordination of a variety of personnel including professionals, paraprofessionals and volunteers. (G).
117. Terminated Without Adjustment - Discontinuance of intake services without resolution of the complaint.
118. Transaction - The process of handling a specific part of an existing operation (e.g., PRS transactions).
 - a. Post - The recording of a transaction.
 - b. PRS Cancel Transaction - Process of removing a registered probationer from the PRS file.
 - c. PRS Entry Transaction - Process of placing a probationer on the PRS file.
 - d. PRS Modify Transaction - Process of changing information regarding a probationer on the PRS file.
119. Transaction Data - Known facts or statistics collected by an agency concerning the operation of a particular unit for the specific purpose of analyzing and transforming those facts into information to be used by decision makers.
120. Treatment - Therapy provided for a probationer for a diagnosed physical or mental disorder by an agency or individual licensed/certified by NYS to perform such services.
121. Type of Conviction - Class of felony or misdemeanor conviction.
122. Unclassified Misdemeanor - Misdemeanors defined outside the Penal Law where a specific sentence is provided in the law or ordinance defining the offense.
123. Verification - The process by which probation staff validates relevant information. (R) 350.4(h).
124. Victim - A person who has suffered death, physical or mental suffering, or loss of property, as the result of an actual or attempted criminal offense committed by another person.
125. Volunteer - A non-salaried member of a probation agency working under the supervision of a paid staff member.

126. Workload - The total amount of activities which an employee or probation department performs at a specific time.
127. Workload Standard - The recommended amount of work expected from an employee or agency against which the actual quantity of work completed can be measured.

PART II - LEGAL TERMS RELATED TO PROBATION

1. Accusatory Instruments - (CPL S100.10 and S200.15). There are six related definitions as follows:

(1) An information - A verified written accusation by a person, filed with a local criminal court, charging one or more other persons with the commission of one or more offenses, none of which is a felony. It may serve as a basis both for the commencement of a criminal action and for the prosecution thereof in a local criminal court.

(2) A prosecutor's information - A written accusation by a district attorney, filed with a local criminal court either at the direction of a grand jury, at the instance of a local criminal court, or at the instance of the district attorney charging one or more persons with the commission of one or more offenses, none of which is a felony. It serves as a basis for the prosecution of a criminal action, but it commences a criminal action any where it results from a grand jury direction issued in a case not previously commenced in a local criminal court.

(3) Misdemeanor Complaint - A verified written accusation by a person, filed with a local criminal court, charging one or more other persons with the commission of one or more offenses, at least one of which is a misdemeanor and none of which is a felony. It serves as a basis for prosecution thereof only where a defendant has waived prosecution by information.

(4) Felony Complaint - A verified written accusation by a person, filed with a local criminal court, charging one or more other persons with the commission of one or more felonies. It serves as a basis for the commencement of a criminal action, but not as a basis for prosecution thereof.

(5) Indictment - See separate definition.

(6) Superior Court Information - A written accusation by a district attorney filed in a superior court when indictment is waived in a superior court, charging a person, or two or more persons jointly, with the commission of a crime, or with the commission of two or more offenses, at least one of which is a crime. It may include any offense for which the subject was held for action of a grand jury and any offense or offenses properly joinable therewith. A superior court information has the same force and effect as an indictment and all procedures and provisions of law applicable to indictments are also applicable to superior court informations, except where provided otherwise.

2. "ACOD or ACD" - Adjournment in Contemplation of Dismissal - An adjournment of the action without date ordered with a view to ultimate dismissal of the accusatory instrument in furtherance of justice, upon or after arraignment in a local criminal court upon an information, a simplified information, a prosecutor's information or a misdemeanor complaint and before entry of a plea of guilty thereto or commencement of a trial thereof. Upon issuing such an order, the court must release the defendant on his own recognizance. The accusatory instrument is deemed to have been dismissed by the court in the furtherance of justice at the end of six months (unless upon application of the people made within six months, the action is restored to the calendar). CPL S170.55. See also CPL S170.56 pertaining to cases involving marijuana and FCA S749, pertaining to cases involving juvenile delinquents.
3. Acquittal - The termination of a criminal action or proceeding against a person in favor of such a person.
4. Adjournment - The putting off or postponing by a court of a matter pending before the court until another day or time specified.
5. Adjudication - The court act or process of trying and determining issues pending before it.
6. Affidavit - A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath of affirmation of the party making it, taken before an officer having authority to administer such an oath.
7. Allegation - The assertion, declaration, or statement of a party to an action, made in a pleading, setting out what he expects to prove.
8. Arraignment - The occasion upon which a defendant against whom an accusatory instrument has been filed appears before the court in which the criminal action is pending for the purpose of having such court acquire and exercise control over his person with respect to such accusatory instrument and of setting the course of farther proceedings in the action. The defendant must be advised of the formal charges and of his right to an adjournment to obtain counsel, to communicate free of charge by letter or phone for the purpose of obtaining counsel and informing a relative or friend that he has been charged with an offense and his right to have counsel assigned by the court if he is financially unable to obtain same except where the accusatory instrument charges a traffic infraction(s) only. CPL S1.20(9) and S170.10.

9. Arrest - The apprehending or detaining of the person against whom an indictment or accusatory instrument has been filed for the purpose of bringing such person before a court to be arraigned upon such indictment or accusatory instrument; in general, the apprehending or detaining of the person in order to be forthcoming to answer an alleged or suspected crime, with or without a warrant. CPL §120.10, 140.50.
10. Bail - (1) the cash or bond that is provided by the defendant to assure that he will appear at a further criminal proceeding or action; (2) A sum of money or written undertaking (bond) that a specified sum of money will become forfeit unless the defendant in a criminal action or proceeding will, while at liberty, appear in that criminal action or proceeding when required, and otherwise render himself amenable to the orders and processes of the court. CPL §500.10.
11. Bench Warrant - A process of a criminal court in which a criminal action is pending, directing a police officer (or a uniformed court officer for a court in the City of New York, the County of Nassau, or Suffolk for execution in the building where the court officer is employed) to take into custody a defendant in such action who has previously been arraigned upon the accusatory instrument by which the action was commenced, and to bring him before such court. The function of a bench warrant is to achieve the court appearance of a defendant in a pending criminal action for some purpose other than his initial arraignment in the action. CPL §1.20(30), 530.70.
12. Charge - A formal complaint, information or indictment accusing a person of having committed one or more offenses. CPL §1.20.
13. Complainant - Person who verifies an information, misdemeanor complaint or felony complaint and who has knowledge, personal or upon information and belief, of the commission of the offense(s) charged.
14. Complaint - (1) A formal presentation of allegations during the preliminary procedure in Family Court; (2) a verified written accusation by a person, filed with a local criminal court, which charges one or more offenses, and which serves to commence a criminal action. (See definitions of local criminal court accusatory instruments).
15. Concurrent Sentences - Two or more court sentences, each to be served at the same time. PL. §70.25.
16. Conditional Discharge - Sentence by the court whereby the defendant is released with respect to the conviction for which the sentence is imposed without imprisonment or probation supervision but subject, during the period of conditional discharge to such conditions as the court may

determine; the period of conditional discharge is three years in the case of a felony and one year in the case of a misdemeanor or a violation. PL S65.05.

17. Consecutive Sentences - Two or more court sentences, each to be served separately and in sequence. PL S70.25.
18. Conviction - The entry of a plea of guilty to, or a verdict of guilty upon, an accusatory instrument other than a felony complaint, or to one or more counts of such instrument. CPL S1.20 (13).
19. Conviction Charge - The offense to which the defendant has been found ultimately guilty of or pleads guilty to as distinguished from any charges originally logged against defendant by accusatory instrument.
20. Conviction Charge Code - In NYS, a specific series of letters and numbers used to denote the charge on which an individual was convicted. The code denotes the statute, section, subsection and class of the offense.
21. Court - An agency of the judicial branch of government, authorized or established by statute or constitution, and consisting of one or more judicial officers, which has the authority to decide upon controversies in law and disputed matters of fact brought before it.
22. Court Order - A court mandate requiring or prohibiting a particular course of action.
23. Crime - A misdemeanor or a felony. PL 10.00 (6) (See related definitions).
24. Criminal Procedure Law - Laws pertaining to all criminal actions and proceedings including appeals and other post-judgment proceedings relating or attaching thereto.
25. Custody - Restrain pursuant to an authorized arrest or an order of a court by a public servant. PL S205.00(2).
26. Defendant - The person or entity charged with having committed an offense.
27. Definite Sentence - A sentence imposed by a criminal court requiring institutional confinement for a set period of time. PL S70.2d(2).
28. Designated Felony Act - An act committed by a person

fourteen or fifteen years of age which, if done by an adult, would be a crime of: (1) murder in the first degree, murder in the second degree, kidnapping in the first degree, arson in the first degree, assault in the first degree, manslaughter in the first degree, rape in the first degree, sodomy in the first degree, kidnapping in the second degree but only where the abduction involved the use or threat of use of deadly physical force, arson in the second degree, robbery in the first degree of the penal law; or (2) as defined in the penal law, an attempt to commit murder in the first or second degree or kidnapping in the first degree.
FCA S8712(h)

29. Detention - (1) The legally authorized holding in confinement of a person subject to criminal or family court proceedings, until the point of commitment to a correctional facility or release; (2) the temporary care and maintenance away from their own home of children held for or at the direction of the Family Court pending adjudication of alleged juvenile delinquency or need for supervision by such court or pending transfer to institutions or facilities to which committed or placed by such court or while awaiting disposition by such court after adjudication.
30. Dismissal - Termination of a criminal action or proceeding by discontinuing same.
31. Disposition - (1) The formal resolution of a case by a court; (2) the action, by a criminal or juvenile justice agency, which signifies that a portion of the justice process is complete and jurisdiction is relinquished or transferred to another agency; or which signifies that a decision has been reached on one aspect of a case and a different aspect comes under consideration, requiring a different kind of decision.
32. Dispositional Hearing - A hearing in Family Court, conducted after a fact finding hearing and subsequent receipt of the report of any predisposition investigation, to determine the most appropriate disposition of a juvenile who has been adjudicated a delinquent, a status offender (PINS) or a defendant; also a hearing to determine what order of disposition should be made after a fact finding hearing has been held to determine whether the allegations of a family offense petition are supported by a fair preponderance on the evidence. FCA 712(g) and S833.
33. Eligible Youth - A youth eligible for youthful offender status, (YO) as he is a person charged with a crime alleged to have been committed when he was at least sixteen years old and less than nineteen years old and is not indicted for a class A-I or class A-II felony or has previously been convicted and sentenced for a felony. CPL S720.10

34. Fact-Finding Hearing - In the case of a petition to determine juvenile delinquency, a hearing to determine whether the respondent did the act or acts alleged in the petition which, if done by an adult, would constitute a crime. In the case of a petition to determine need for supervision, "fact-finding hearing" means a hearing to determine whether the respondent did the acts alleged to show that he violated a law, or is incorrigible, ungovernable or habitually disobedient and beyond the control of his parents, guardian or legal custodian. FEA S712(f).
35. Family Court Act - The act establishing a family court for the State of New York to implement Article 6 of the Constitution of the State of New York.
36. Family Offense - Acts, which would constitute disorderly conduct, harassment, menacing, reckless endangerment, an assault or an attempted assault between spouses or between parent and child or between members of the same family or household. FEA S812(1).
37. Felony - An offense for which a sentence to a term of imprisonment in excess of one year may be imposed. PL S10.00(5).
38. Felony Class - A category of criminal offense regarded by the law as being more serious in nature than misdemeanors.
39. Fine - A sentence by the court which requires the defendant to pay a fixed sum of money.
40. Guardian - One who has or is entitled to the custody of the person or property (or both) of an infant, a mental incompetent or other person legally incapable of managing his own affairs, as required by Article 6 of the Family Court Act.
41. Hearing - A proceeding adversarial in nature and of relative formality conducted by a judge (or quasi-judicial officer as in an administrative hearing) with definite issues of fact or law to be tried and where testimony is heard, evidence introduced and arguments made.
42. Incarceration - Subjection of a defendant or probationer to confinement, in prison, penitentiary, or jail.
43. Incorrigible - Being unmanageable or uncontrollable on more than a single occasion relative to persons in need of supervision. (See definition of "PINS").
44. Indeterminate Sentence - A sentence imposed by a criminal court for a felony offense conviction requiring institutional confinement having a minimum and a maximum time period, unless a definite sentence is authorized. PL 70.00.
45. Indictment - A written accusation by a grand jury, filed with the superior court, which charges one or more defendants

with the commission of one or more offenses, at least one of which is a crime and which serves as a basis for prosecution thereof and which may serve both to commence a criminal action and as a basis for prosecution thereof. CPL S1.20(3).

46. Intermittent Imprisonment - A revocable sentence of imprisonment to be served on days or during certain periods of days, or both, specified by the court as part of the sentence. PLS85.00.
47. Jail - (1) A confinement facility usually administered by a local law enforcement agency, intended for adults but sometimes also containing juveniles, which holds persons detained pending adjudication and/or persons committed after adjudication for sentences of a year or less. (2) The penalty of commitment to the jurisdiction of a confinement facility system for adults, of which the custodial authority is limited to persons sentenced to a year or less of confinement.
48. Jail Probation Sentence - A sentence not in excess of 60 days in jail followed by the balance of the allowable term for a probation sentence to be served under the supervision of the probation department and in the community.
49. Jurisdiction - The territory, subject matter, or person over which lawful authority may be exercised.
50. Juvenile Delinquent - A person over seven and less than sixteen years of age who has been adjudicated by a family court judge as having done an act which, if committed by an adult, would constitute a crime. FCA S712(a).
51. Law Guardian - In general, an attorney appointed by a family court to represent minors in a proceeding under article seven and ten (juvenile delinquents, PINS, and child protective proceedings) of the Family Court Act. FCA S242; 249.
52. Mandatory Sentence - A statutory requirement that a certain penalty or type of penalty be imposed upon certain convicted offenders.
53. Misdemeanor - An offense, other than a traffic infraction, for which a sentence to a term of imprisonment in excess of 15 days, but not more than one year, may be imposed. PL S10.00(4).
54. Offense - Conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law, local law, or ordinance of a political subdivision of this state, or by any order, rule or regulation of any governmental instrumentality authorized by law to adopt the same. (An offense includes a crime and a violation.) PL S10.00(1). See related definitions.

55. Parole - Status of a person who has been conditionally released from a correctional institution prior to the expiration of his sentence, and placed under the supervision of a parole agency.
56. Peace Officer - A person who is granted peace officer powers by statute. (CPL - 1.20.33).
57. Penal Law - A body of laws which prohibit an act and impose a penalty for commission of it; a law imposing a penalty for punishment for some offense of a public nature or wrong committed against the state.
58. Person in Need of Supervision - PINS - A person less than sixteen years of age who is habitually truant or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of parent or other lawful authority. FCA §712(b).
59. Petition - A formal application for judicial action made in writing to the Family Court.
60. Petitioner - A person who brings a family court action, the party who complains or sues in a personal action and is so named on the record.
61. Plea - A defendant's admission or denial of charges logged against him in an accusatory instrument. The occasion upon which a defendant enters such a plea to an accusatory instrument. CPL §1.20 (10).
62. Preliminary Hearing - A hearing to determine whether there is reasonable cause to believe the defendant committed the crime charged, authorized in all felony cases (and in misdemeanor cases in New York City). CPL §180.60, 170.75.
63. Search - An examination of a person or his property with a view toward the discovery of evidence to be used in a criminal prosecution or civil proceeding.
64. Search Order - An order, directed to a probation officer, authorizing such officer to search the person of the defendant and/or any premises in which he resides or any real or personal property which he owns or which is in his possession.
65. Search Warrant - A court order and process directing a police officer to conduct a search of designated premises, or of a designated person, for the purpose of seizing designated property or kinds of property, and to deliver any property to the court which issued the warrant.
66. Sentence - The penalty imposed by a court upon a convicted person; the imposition and entry of sentence upon a conviction. CPL §1.20 (14).

67. Split Sentence - Sentence by a court imposing on defendant a term of imprisonment plus probation.
68. Suspended Sentence - The court decision postponing the the execution of a sentence prior to the commencement of the term or period of the sentence.
69. Trial - A judicial examination of the issues between the parties, whether of law or fact, before a court that has jurisdiction over it; a jury trial commences with the selection of the jury and concludes all further proceedings through the rendition of a verdict. A non-jury trial first commences with the first opening address, if there be any, and if not, when the first witness is sworn, and includes all further proceedings through the rendition of a verdict. CPL S1.20(11).
70. Unconditional Discharge- A sentence where the court is authorized to release the defendant without fine, imprisonment or probation supervision if the court is of the opinion that no proper purpose would be served by imposing any condition upon the defendant's release.
71. Vacate - To annul; to set aside; to cancel or rescind; to render an act void; as, to vacate an entry of record, or a judgment.
72. Venue - The geographical area from which the jury is drawn and in which trial is held in a criminal action.
73. Violation - (1) As pertains to a violation of probation: (a) technical violation - a failure to comply with a condition of probation required by the court; (b) serious violation - commission of an additional offense, other than a traffic infraction, after imposition of a sentence of probation or of conditional discharge, and prior to expiration or termination of the record of the sentence, constituting a ground for revocation of such sentence irrespective of whether such fact is specified as a condition of the sentence. (R)352.1. (2) An offense, other than a traffic infraction for which a sentence to a term of imprisonment in excess of 15 days cannot be imposed. PL S10.00(3).
74. Warrant - A process issued by a court directing the arrest or taking into custody of a person for the purposes of bringing him before the court.
75. Youthful Offender - (1) An adjudication substituted for a conviction of a crime committed when the offender was at least 16 years old and less than 19 years old at the time of the offense, and has not been indicted for a Class A-I or A-II felony and has not previously been convicted of a felony. (2) A person who is adjudicated a youthful offender in criminal court. CPL S720.10.

PART III - ELECTRONIC DATA PROCESSING TERMS

GLOSSARY OF ELECTRONIC DATA PROCESSING TERMS (EDP)

1. Alphanumeric - Characters that include letters of the alphabet, numerals and other symbols, such as punctuation or mathematical symbols.
2. Analysis, Systems - The examination of an activity, procedure, method, technique or a business to determine what must be accomplished and how the necessary operations may best be accomplished.
3. Application - The system or problem to which a computer is applied.
4. Audit Trail - A system of providing a means for tracing items of data from processing step to step, particularly from a machine produced report or other machine output back to the original source data.
5. B.P.S., Baud - Speed at which information is transmitted over communication lines. Example: 1800BPS, 2400BPS. (BPS stands for bits per second.)
6. Bridged Line or Circuit - A telephone line configuration wherein one line goes from the computer site to the bridge. At the bridge site, multiple lines (up to as many as five) will go from the bridge to the terminal locations. This means that each terminal location must share the use of the line from the bridge to the computer site.
7. Bug - A mistake or error in the design or function of a routine, program or computer.
8. Cathode Ray Tube, CRT, Tube, Screen, Visual Display Unit (VDU), Display - Term describing a computer terminal consisting of a TV screen on which information is displayed. Usually used as an input device to a computer system. Data is entered by means of a keyboard.
9. Character - The smallest data element taking up a single position, such as a letter, digit or symbol.
10. Computer Program - A set of instructions or steps that tell the computer exactly how to handle a problem or transaction.
11. Communication Link - The physical means of connecting one location to another for the purpose of transmitting information.
12. Console - The interface or communication device, located at the computer site, between the operator and the computer. Source: Condensed Computer Encyclopedia by Philip B. Jordain.
13. Data - Basic elements of information which can be processed by a computer.

14. Data Base - A group of data files in a computer system.
15. Data Element - A group of characters that specify or describe an item of information.
16. Data Set - See Modem.
17. Data Transmission - The sending of data from one place to another or from one part of a system to another.
18. Debug - To locate and correct an error in a computer program.
19. Down - Indicates that a computer or terminal is not operational due to equipment failure.
20. Down Time - The period during which the computer or terminal is not operational due to equipment failure.
21. Device, Input - A unit designed to accept data into a computer system for processing.
22. Device, Output - A unit designed to display or print information contained in a computer system (e.g., CRT).
23. Device, Storage - A unit that can accept, retain and read back data one or more times. Source: Condensed Computer Encyclopedia.
24. Edit - A computer program function whereby data being entered into the system is checked for validity or acceptability.
25. EDP - Electronic Data Processing - The field of endeavor concerned with the processing of data through the use of electronic computer equipment.
26. Error Message - A message returned by a computer program to designate the reasons for or type of error.
27. Facsimile, Fax - The transmission of hard copy fingerprint cards or rap sheets for or from one point to another via communication lines.
28. Field - Set of one or more characters treated as a whole.
29. File or Computer File - Collection of related records treated as a unit.
30. Flow Chart - A graphical representation for the definition, analysis or solution of a problem, in which symbols are used to represent operations, data flow and equipment. Source: Condensed Computer Encyclopedia.
31. Format - Predetermined arrangement of characters, fields, lines, etc.

32. Hard Copy - Typewritten or printed information on paper in readable form, e.g., reports, listings (e.g., PRS re-arrest notification).
33. Hardware - Mechanical, electrical and electronic devices or component of a computer system as differentiated from software or computer programs.
34. Input - Transfer of data into a computer system.
35. Interface - The connection between two or more computers or terminal devices.
36. Keyboard - Operated device that punches holes in a card to represent data.
37. Keypunch - That part of a terminal device used for encoding data by depressing keys.
38. Language - A system for representing and communicating information or data between people, or between people and machines.
39. Mainframe - The main part (central processor, etc.) of the computer as differentiated from peripheral units (card reader, card punch, tape devices, etc.) and terminal devices.
40. Management Information System - A data processing system designed to furnish management and supervisory personnel with up-to-date information for decision making purposes.
41. Memory - Any apparatus in which data may be stored and from which the same data may be retrieved instantaneously.
42. Modem - (stands for MOduLator-DEModulator) - A device that converts digital data produced by a computer system or terminal into acoustical (sound) signals for transmission over telephone lines and then converts the signal back to digital data at the other end. Also called a "data set".
43. Network - The interconnection of a number of points by communications facilities (e.g., PRS network or terminals).
44. Numeric Data - Character of information that includes only the numerals (zero thru nine). Usually refers to a data field which should only contain numbers (e.g., dates, social security numbers, etc.).
45. Off-Line - Describes equipment not connected to a computer system or temporarily disconnected from one.
46. On-Line - Refers to terminal equipment that is directly connected to a computer system and capable of communicating with the computer.

47. Output - The act of receiving information from a computer system--usually in the form of printed information received on a terminal device or a printer.
48. Printer, Line - An output device capable of printing an entire print line (usually 80, 120 or 132 characters wide) at a time. Speeds of these devices range from 100 lines per minute (low speed) to over 2,000 lines per minute (high speed). Typically, this type of printer is used as an output device at a computer system site.
49. Printer, Serial or Character - An output device which prints information across a page one (1) character at a time. The speed of this device is measured in characters per second (CPS). The speed ranges from 10 CPS (low speed) to a high of 240 CPS (high speed). Typically, this type of device would be used as a data communications terminal device.
50. Processing, Real Time - The speed of processing information or data in a sufficiently rapid manner so that the results of the processing are available in time to influence the process being monitored or controlled. (Synonymous with real time system.)
51. Punched Card - A card (7 3/8" X 3 1/4") in which information can be recorded as a series of holes. Used to enter information into or to record information from a computer system. Sometimes called an "IBM Card".
52. Quality Control - The act of reviewing data input to and data output from a computer system to insure its correctness and accuracy.
53. Queue - Basically, a queue is a "waiting line". In data communications terms, a queue is a process wherein messages are stored until such time as they can be transmitted. The need for a queue is generally because the computer is so much faster than any terminal device and can, therefore, generate many messages before the first one is transmitted.
54. Record - A group of related facts or fields of information treated as a unit, thus a listing of information, usually in printed or printable form.
55. Response Time - Usually referred to as the amount of time that it takes to receive an answer from the computer system once an inquiry or other transaction is transmitted to it.
56. Software - Usually referred to as those programs supplied by the computer manufacturer. These programs are used to operate and control the computer system (operating system) or to generate program instructions (compilers, etc.).

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