**Steps in the criminal justice process**

**The major steps in processing a criminal case are as follows:**

1. ***Investigation* of a crime by the police. The purpose of a criminal investigation is to gather evidence to identify a suspect and support an arrest. An investigation may require a *search*, an exploratory inspection of a person or property. *Probable cause* is the standard of proof required for a search. Probable cause means there are facts or apparent facts indicating that evidence of criminality can be found in a specific place.**
2. ***Arrest* of a suspect by the police. An arrest involves taking a person into custody for the purpose of holding the suspect until court. *Probable cause* is the legal requirement for an arrest. It means that there is a reasonable link between a specific person and a particular crime.**
3. ***Prosecution* of a criminal defendant by a district attorney. When deciding whether to charge a person with a crime, prosecutors weigh many factors, including the seriousness of the offense and the strength of the evidence.**
4. ***Indictment* by a grand jury or the filing of an *information* by a prosecutor. Under the Federal Rules of Criminal Procedure, an indictment is required when prosecuting a capital offense. A prosecutor has the option of an indictment or an information in cases involving crimes punishable by imprisonment. In about half the states and the federal system, a grand jury decides whether to bring charges against a person in a closed hearing in which only the prosecutor presents evidence. The defendant has no right to be present at grand jury proceedings and no right to have a defense attorney represent him or her before the grand jury. The standard for indicting a person for a crime is *probable cause*. In the remaining states, a prosecutor files a charging document called an *information*. A preliminary (probable cause) hearing is held to determine if there is enough evidence to warrant a trial. The defendant and his or her attorney can be present at this hearing to dispute the charges.**
5. ***Arraignment* by a judge. Before the trial, the defendant appears in court and enters a plea. The most common pleas are guilty and not guilty.**
6. ***Pretrial detention* and/or *bail*. Detention refers to a period of temporary custody prior to trial. Bail is an amount of money paid by a defendant to ensure he or she will show up for a trial.**
7. ***Plea bargaining* between the defense attorney and the prosecutor. Usually, in plea bargaining, the defendant agrees to plead guilty in exchange for a charge reduction or sentence reduction.**
8. ***Trial/adjudication of guilt* by a judge or jury, with a prosecutor and a defense attorney participating. A trial is held before a judge or jury. The standard of evidence for a criminal conviction is *guilt beyond a reasonable doubt*—less than 100 percent certainty but more than high probability. If there is doubt based on reason, the accused is entitled to be acquitted.**
9. ***Sentencing* by a judge. If the accused is found guilty, a judge metes out a sentence. Possible sentences include a fine, probation, a period of incarceration in a correctional institution, such as a jail or prison, or some combination of supervision in the community and incarceration.**
10. ***Appeals* filed by attorneys in appellate courts and then ruled on by appellate judges. If an appellate court reverses a case, the case returns to trial court for retrial. With a reversal, the original trial becomes *moot* (that is, it is as though it never happened). Following a reversal, a prosecutor decides whether to refile or drop the charges. Even if a prosecutor drops the charges, the defendant can still be prosecuted later as long as the statute of limitations for the crime the defendant is accused of committing hasn't run out. Such a statute imposes time limits on the government to try a case.**
11. ***Punishment* and/or *rehabilitation* administered by local, state, or federal correctional authorities. Most inmates do not serve the complete term and are released before the expiration of their maximum sentences. Release may be obtained by serving the maximum sentence mandated by a court or through an early release mechanism, such as parole or pardon.**