

Glossary: D

Damages. Money awarded to the winner in civil cases.

DARE [Acronym]. *See* **Drug Abuse Resistance Education**. *See also* the [DARE](#) website.

DART [Acronym]. Direct Area Responsibility Teams. [Houston, TX].

Day Reporting Centers. An intermediate sanction designed to provide offenders a gradual reintegration into society under closely supervised conditions.

DAWN [Acronym]. *See* Drug Abuse Warning Network.

Deadly Force. Refers to the police power to use potentially lethal measures in the line of duty.

Death Penalty. *see* [Capital Punishment](#).

Death Row. Area in a prison where prisoners sentenced to death are housed.

De Facto. [Latin.] "In fact." as a matter of fact.

Defenses. Justifications or excuses defined by law whereby a defendant may be released from prosecution or punishment.

Deflect. [Forensics]. Changing the direction in which an object is moving on impact with a surface.

De Jure. [Latin.] "In Law," as a matter of law.

Delaware v. Prouse. [[440 U.S. 648](#) (1979)]. "Except where there is at least articulable and reasonable suspicion that a motorist is unlicensed or that an automobile is not registered, or that either the vehicle or an occupant is otherwise subject to seizure for violation of law, stopping an automobile and detaining the driver in order to check his driver's license and the registration of the automobile are unreasonable under the Fourth Amendment."

Demand Reduction. A strategy designed to reduce the demand for illegal drugs through education and persuasion.

De Minimis. [Latin]. Minimal.

Denial of Service. An internet based attack where remote computers are seriously hampered by requesting information faster than the server can respond to the request.

De Novo. [Latin.] New; as if there were no previous decision.

Decriminalization. An act of the legislature that makes a criminal act or omission noncriminal.

Defendant. Person against whom a criminal charge is made.

Defense. A response by a defendant to charges with the hope of lessening or eliminating the charge. *See also* **Affirmative Defense.**

Defense Attorney. (*also* counsel). A lawyer who represents a person charged with a crime.

Deinstitutionalization. The movement of persons out of institutional settings and into community settings.

Deliberate. In establishing *mens rea* for crimes, a cool and reflecting mind.

Demand Waiver. Requests by juveniles to have their case heard in criminal court rather than juvenile court.

Demonstrative Evidence. Objective things, related to a crime, that can be observed by the senses as opposed to testimony.

Density. [Forensics]. The amount of a substance per unit of volume.

Deponent. Someone who gives testimony in the form of a disposition.

Depose. Taking a disposition from a witness.

Depraved Heart Murder. A death resulting from purposely or consciously creating substantial and unjustifiable risks that someone will die or suffer serious injury.

Derivative Evidence. Information obtained as the result of previously discovered evidence; one piece of evidence leads to another.

Determinate Sentencing. A sentencing scheme where sentences are set at fixed periods and must be served without parole.

Deterrence. Actions that are designed to prevent crime by threatening criminal penalties. *See also* **General Deterrence** and **Specific Deterrence.**

Deviance. Behavior that violates the norms of society; deviance acts becomes criminal only when they are added to the criminal code.

DFO. [Forensics]. A chemical used either in place of or in conjunction with ninhydrin to develop latent fingerprints on porous surfaces such as paper.

Differential Association Theory. Edwin Sutherland's theory that deviant behavior is learned through association with deviant peer groups.

Differential Opportunity Theory. Theory developed by Richard Cloward and Lloyd Ohlin that explains deviance in terms of blocked opportunities based on demographic variables such as social class and place of residence.

Diminished Capacity. Mental capacity less than "normal" but not diminished enough to qualify as legally insane.

Direct Evidence. Information given in testimony by an eyewitness as to what was seen or heard.

Direct Examination. Questioning of one's own witness during a trial. *Contrast with Cross-examination.*

Direct File. A method of transferring a juvenile to adult court which is initiated by the prosecutor.

Directed Verdict of Acquittal. Order by judge declaring that the prosecution's evidence has failed to show guilt beyond a reasonable doubt.

Discovery. Procedure in which the prosecution shares required information with the defendant.

Discretionary Waivers (*also* Judicial Waiver). A type of transfer of juveniles to adult court at the judge's discretion.

Disposition Hearing. Proceeding in a juvenile court where the most appropriate punishment, placement, or treatment is determined.

Disputants. Opposing sides in a civil case.

Dispute Resolution. A type of civil action that is intended to resolve a conflict between two parties.

Dissenting Opinion. Any judicial opinion renouncing or attacking the opinion of the majority in a particular case; in published cases, the *Dissenting Opinion* will follow the majority opinion.

Distal. [Forensics]. Refers to the area farthest from the body. *See also* **Proximal.**

Distinguish Cases. To find that the facts of the case at hand differ enough from those in a prior case to release the judge from the precedent of the decision in that case.

District Attorney. City, county, and state prosecutors.

District Court. Trial courts at the state or federal level that have original jurisdiction in most criminal matters.

Diversion. The removal of a case from the justice system while requiring the defendant to comply with various conditions.

Divestiture of Jurisdiction. The relinquishment of control over certain juveniles by a juvenile court.

DNA. [Acronym]. Deoxyribonucleic acid.

DNA Fingerprinting. [Forensics]. DNA, the substance that carries hereditary patterns from one generation to the next, is unique to every individual and thus can be used, like fingerprints, to positively identify a person.

Docket. A court's record of the cases scheduled to appear before it.

Doctrine of Assumptive Risk. The legal principle that those who engage in dangerous activities should accept some or all of the responsibility when accidents happen to them.

Doctrine of Last Clear Chance. The legal principle that when an accident happens, the responsibility for it lies with the person who had the last clear chance to avoid it.

Document. Any written paper having potential evidentiary value.

Documentary Evidence. Any written evidence.

Documentation, Crime Scene. [Forensics]. The recoding of the details of a crime scene, including but not limited to notes, sketches, and photographs.

Domestic Terrorism. Acts of terrorism committed by citizens of the country being terrorized.

Double Jeopardy. Subjecting a person to prosecution more than once in the same jurisdiction for the same offense; prohibited by the Fifth Amendment of the *U.S. Constitution*.

Drug Abuse Resistance Education (DARE). See the [DARE](#) website.

Drug Abuse Warning Network (DAWN). A drug abuse data collection system sponsored by SAMHSA's Office of Applied Studies. See the [DAWN](#) website.

Drug Court. Special purpose courts aimed at dealing with drug offenders. See also [What is a drug Court?](#) on the [National Association of Drug Court Professionals](#) site.

DRUGFIRE. A computer automated search system developed by the FBI to search for cartridge case markings.

Dual Court System (*also* Dual Federalism). Describes the fact that the United States has a complete court system both on the state and national level.

Ducking Stool. A form of punishment through public humiliation that involved forced emersion in water.

Duckworth v. Eagan [[492 U.S. 195](#) (1989)]. "Informing a suspect that an attorney would be appointed for him "if and when you go to court" does not render Miranda warnings inadequate."

Due Process. The doctrine that legal proceedings must operate within established rules that protect the rights of individuals.

Due Process Model. A model of the criminal justice system that emphasizes protecting the rights of individuals.

Duress. Affirmative defense where defendants allege that they had no criminal intent but were forced to commit the crime.

Durham Rule. A court established test to determine whether a crime was a product of mental disease or defect.