

DEFINITIONS

Words and Phrases

The following words and phrases have the meanings indicated when used in this chapter according to **Black's Law Dictionary**, common dictionary, and/or are distinctive to law enforcement.

Abandonment - The giving up of a thing absolutely, without reference to any particular person or purpose, as vacating property with the intention of not returning, so that it may be appropriated by the next comer or finder. Intention to forsake or relinquish the thing is an essential element, to be proved by visible acts. The voluntary relinquishment of possession of thing by owner with intention of terminating his ownership, but without vesting it in any other person.

Accuse – To bring a formal charge against a person, to the effect that he is guilty of a crime or punishable offense.

Accused – The generic name for the defendant in a criminal case. A person becomes accused within the meaning of guarantee of speedy trial, only at a point at which either formal indictment or information has been returned against him, or when he becomes subject to actual restraints on his liberty imposed by arrest, whichever occurs first.

Accost – To approach and speak to; greet first, before being greeted, especially in an intrusive way.

Arraignment – Procedure whereby the accused is brought before the court to plead to the criminal charge in the indictment or information.

Arrest – To deprive a person of his liberty by legal authority. Taking, under real or assumed authority, custody, of another for the purpose of holding or detaining him to answer a criminal charge or civil demand. Arrest involves the authority to arrest, the assertion of that authority with the intent to effect an arrest, and the restraint of the person to be arrested. All that is required for an “arrest” is some act by an officer indicating his intention to detain or take a person into custody and thereby subject that person to the actual control and the will of the officer; no formal declaration or arrest is required.

Chief Deputy – Chief Deputy, second in command, rank of Lt. Colonel.

Citizen's Arrest – A private citizen, as contrasted with a police officer, may, under certain circumstances, generally make an arrest for a felony or misdemeanor amounting to a breach of the peace. A private citizen may arrest another:

- a. for a public offense committed or attempted in his presence
- b. when the person arrested has committed a felony in his presence
- c. when a felony has been committed and he has probable cause to believe the person arrested has committed that felony.

Command Staff –The Sheriff, Chief Deputy, Major, Captain, Lieutenant.

Consent – The voluntary agreement by a person in the possession of and exercise of sufficient mental capacity to make an intelligent choice to do something proposed by another. It supposes a physical power to act, a moral power or acting and a serious, determined and free use of these powers. It is unclouded by fraud, duress, or sometimes, mistake.

Control – Power or authority to manage, direct, superintend, restrict, regulate, govern, administer or oversee.

County – Cecil County, Maryland.

Custodial Interrogation – Requiring that a defendant be advised of his constitutional rights; meaning questioning initiated by law enforcement after the person has been taken into custody or occurs without formality of arrest and in areas other than in a police station.

Department Vehicle – Law Enforcement Division vehicle, marked or unmarked.

Detain – To arrest, to check, to delay, to hinder, to hold or keep in custody, to retard, to restrain from proceeding, to stay, to stop.

Director – Director of Law Enforcement, Rank of Major.

Division – Cecil County Sheriff's Law Enforcement Division

Discrimination - To act on the basis of prejudice.

Employee – Employee of the Cecil County Sheriff's Office.

Excessive Force – That amount of force which is beyond the need and circumstances of the particular event; or which is not justified in light of all the circumstances, as in the use of deadly force to protect property as contrasted with protecting life.

Felony – A crime of graver or more serious nature than those designated as misdemeanors. Note: In Maryland, felonies are designated by common and statutory law. Felonies at common law are:

- a. Arson
- b. Burglary
- c. Theft
- d. Murder
- e. Manslaughter
- f. Rape
- g. Robbery
- h. Sodomy
- i. Mayhem

Fresh Pursuit – Refers to the common laws right of a police officer to cross-jurisdictional lines in order to arrest a felon.

Fugitive – One who flees; used in criminal law with the implication of flight, evasion or escape from arrest, prosecution or imprisonment.

Harassment – To annoy or torment repeatedly and persistently.

He – Used to refer to a person whose sex is not specified. Gender neutral.

Indictment – An accusation, in writing, found and presented by a grand jury, legally convoked and sworn, to the court in which it is impaneled, charging that a person therein named has done some act or omission, which by law is a public offense.

Interrogation – In criminal law, a process of questions propounded by the police to a person arrested or suspected, seeking the solution of a crime.

Inventory – A detailed list of articles of property containing a designation or description of each specific article.

Juvenile – A young person who has not yet attained the age at which he or she should be treated as an adult. Under the Federal Juvenile Delinquency Act, a “juvenile” is a person who has not attained his eighteenth birthday. Note: The eighteenth year designation applies in Maryland with certain statutory exemptions.

Manual – Rules and Regulations of the Law Enforcement Division, Policy and Procedures Manual, including the Code of Conduct Manual.

Member – Duly appointed Deputy Sheriff within the Law Enforcement Division.

Miranda Rule – Prior to any custodial interrogation, the person interrogated must be warned: You have the right to remain silent. Anything you say can be used against you in a court of law. You have the right to talk to a lawyer before and during questioning if you wish. If you cannot afford a lawyer, one will be provided for you. You do not have to make any statements. If you choose to answer questions or make a statement, you may stop at any time.

Misdemeanor – Offenses lower than felonies; generally those punishable by fine or imprisonment other than in a penitentiary.

Officer-in-Charge – Ranking member of the Law Enforcement Division on duty.

Orders – Commands or instructions, oral or written, given by one member to a member of lesser rank.

Ownership – The right of one or more persons to possess and use a thing to the exclusion of others. The right by which a thing belongs to someone in particular, to the exclusion of all other persons. The exclusive right of possession, enjoyment, and disposal; involving as an essential attribute the right to control, handle and dispose.

Patrol Arrest – Verbal order by a judge from the bench without written complaint or other proceeding of a person present before him and the order is executed immediately.

Police Incident – An occurrence or incident suggesting or requiring police action or service by member.

Possession – The law, in general, recognizes two kinds of possession: actual possession and constructive possession. A person who knowingly has direct physical control over a thing, at a given time, is then in actual possession of it. A person who, although not in actual possession, knowingly has both the power and the intention at a given time to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it. The law recognizes also that possession may be sole or joint. If one person recognizes also that possession may be sole or joint. If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint.

Probable Cause – Reasonable cause; having more evidence for than against. A reasonable ground for belief in the existence of facts warranting the proceedings complained of. An apparent state of facts found to exist upon reasonable inquiry (that is, such inquiry as the given case renders convenient and proper), which would induce a reasonably intelligent and prudent man to believe, in a criminal case, that the accused person had committed the crime charged or, in a civil case, that a cause of action existed.

Reasonable Belief – “Reasonable Belief” or “Probable Cause” to make an arrest without a warrant exists when facts and circumstances within the arresting officer’s knowledge, and of which he had reasonably trustworthy information, are sufficient in themselves to justify a man of average caution in belief that a felony has been or is being committed.

Reasonable Force – That degree of force which is not excessive and is appropriate in protecting oneself or one’s property. When such force is used, a person is justified and is not criminally liable, nor is he liable in Tort.

Reasonable Grounds – Reasonable grounds within statute authorizing arrest without warrant by a deputy who has reasonable grounds for believing that a person to be arrested has committed criminal offense.

Search – A prying into hidden places for, that which is concealed, and it is not a search to observe, that which is open to view. Probing or exploration for something that is concealed or hidden from searcher; an invasion, a quest with some sort of force, either actual or constructive. An examination of a man’s house or other buildings or premises,

or of his person, or of his vehicle, aircraft, etc., with a view to the discovery of contraband or illicit or stolen property, or some evidence of guilt to be used in a prosecution of a criminal action for some crime or offense with which he is charged. A “search” to which the exclusionary rule may apply is one in which there is a quest for, a looking for, or a seeking out of that which offends against the law by law enforcement personnel or their agents. Visual observation, which infringes upon a person’s reasonable expectation of privacy, constitutes a “search” in the constitutional sense.

Senior Officer – Seniority is determined primarily by rank. When deputies are the same rank, seniority shall be determined by time in rank. When 2 or more officers are appointed to the same rank on the same date, seniority shall be determined by total seniority within the Law Enforcement Division. If there is still a dispute as to seniority, the employee with the lowest Division ID number shall be considered the senior employee.

Search Incident to Arrest – A deputy who has the right to arrest a person either with or without a warrant may search his person and the immediate area of the arrest for weapons, implements that may facilitate escape, and evidence or contraband that may be subject to loss or destruction.
"Chimel v. California"

Search Warrant – An order, in writing, issued by a justice or other magistrate, in the name of the state, directed to a sheriff, constable, or other officer, authorizing him to search for and seize any property that constitutes evidence of the commission of a crime, contraband, the fruits of crime, or things otherwise criminally possessed; or, property designed or intended for use or which is or has been used as the means of committing a crime. A warrant may be issued upon an affidavit or sworn oral testimony. "Chimel v. California"

Seizure – The act of taking possession of property, e.g., for a violation of law or by virtue of execution of an order. The term implies a taking or removal of something from the possession, actual or constructive, of another person or persons. "Mapp v. Ohio"

Sheriff – Sheriff of Cecil County.

Shift – Assigned or scheduled work hours.

Shift Commander – The Duty Officer, the person in charge of the routine shift.

Stop and Frisk – The temporary stopping and “patting down” of a person who behaves suspiciously and appears to be armed. The scope of the search must be strictly relative to and justified by the circumstances which justified the initial stop. "Terry v. Ohio"

Supervisor – Any deputy so designated by the Director of Law Enforcement.

Superior Officer – An officer above Deputy First Class ranking in order of grade or so designated by assignment by the Director of Law Enforcement.

Suspect – To have a slight or vague idea concerning; not necessarily involving knowledge, belief or likelihood. In reference to probable cause for arrest without a warrant, it is commonly used in place of the word “believe”.

Suspicion – The apprehension of something without proof or upon slight evidence. Suspicion implies a belief or opinion based upon facts or circumstances, which do not amount to proof.

Tort – A private or civil wrong or injury, other than a breach of contract, for which the court will provide a remedy in the form of an action for damages. Three elements of every Tort action are: existence of a legal duty from defendant or plaintiff, breach of duty, and damage as proximate result.

Voluntary – Unconstrained by interference; unimpeded by another’s influence; spontaneous; acting of oneself. Done by design or intention. Proceeding from the free and unrestrained will of the person. Produced in or by an act of choice. Resulting from free choice. The word, especially in statutes, often implies knowledge of essential facts.