

Definitions / Criminal Terminology for Law Enforcement Officers (“LEOs”)

Adversary Proceeding	A hearing at which both the prosecutor and defendant have an opportunity to appear, present evidence, testify, and cross-examine other witnesses
Affidavit	A sworn statement made before a person legally allowed to take oaths (notary, magistrate, ex-officio notary).
Affidavit of PC	If the arrest is made without benefit of an arrest warrant, then within a flat 48 hours a magistrate must make a finding that probable cause (“PC”) exists for the arrest. Otherwise, a defendant may be released by a judge on his own recognizance. There is no contact between judge and defendant - all is handled by affidavits.
Affinity	Kinship by marriage, not by blood
Anything of Value	Any object with any conceivable worth - See R.S.14:2
Arrest	The taking of one person into custody by another. A motorist stopped for a minor traffic violation is seized, but not arrested, because the motorist knows he will be free to go momentarily. An arrest requires probable cause (P.C.) that the subject has committed the crime of arrest. Two types of arrest:: with and without a warrant.
Bail	Amount of Security that must be provided to guarantee the appearance in court of a person charged with a crime. Sometimes referred to as “bond.”
Bail Bond	An obligation that guarantees the amount of the bail signed by the accused with personal or professional (bail bond companies) guarantors (sureties), which agree to satisfy the bail obligation and secures the defendant’s release.
Bailiff	Court attendant (usually a deputy) who keeps order in court and takes care of jury
Bench Warrant	Process issued by judge from the bench for the arrest of a person, usually for not showing up in court as ordered.
Burdens of Proof:	<p>1. Reasonable Suspicion An objective finding that criminal activity is at hand. A lesser burden than Probable Cause. Drew and Drew think this is having over a 30%+ certainty.</p> <ul style="list-style-type: none">• Reasonable Suspicion of Criminal Activity allows a stop;• Reasonable Suspicion of Danger allows a frisk;• Reasonable Suspicion that he actually has a weapon allows its seizure. <p>2. Probable Cause (P.C.) A fair probability. We say anything over 50% sure, or about twice as difficult a burden than reasonable suspicion.</p> <p>P.C. is required to Arrest, Issue a Citation, or Search. Objective belief that would lead a trained officer to reasonably believe that a person committed a crime. About twice as difficult a burden as Reasonable Suspicion.</p> <p>3. Proof beyond a Reasonable Doubt - Level of certainty required to convict. Maybe a 95% certainty. This is about twice as difficult a burden as Probable Cause.</p>
Certiorari	Writ from appellate court ordering the lower court to send up a record for review
Challenge for Cause	Request to excuse a prospective juror from service because of a legal disqualification

Civil Rights	Individual personal liberties guaranteed by state or federal law
Citation	A written promise to appear and answer charges. Some offenses (eg., RS14:93.12) require LEOs to accept a written promise to appear instead of making an arrest.
Community Property	Property acquired during marriage (other than by inheritance or donation) which is owned in common by husband and wife
Consanguinity	Blood kinship.
Contempt of Court	Behavior which defies the authority of a court or obstructs execution of a court order
Criminal law	Legislated rules of required conduct, the violation of which could mean fines or jail.
Custodial Interrogation	Questioning during a police-dominated situation, usually in private.
Detention	A situation involving a seizure, but less serious than an arrest. It is usually of short duration, without handcuffs, and certainly without proning out - a reasonable person would know he would soon be free to go.
Domicile	Place where person has established his/her permanent residence
Double Jeopardy	Two prosecutions for same crime by same government.
Due Process	Legal process conducted by established rules to protect private rights including the right to have notice and a fair hearing. Courts cannot take a person's property or freedom without due process of law.
Emancipation	An act by parent or court which frees the child from the civil restrictions of being a minor. It authorizes the minor to act on his own in certain matters depending on the type of emancipation. No effect on criminal law.
Enhanceable Offenses	Crimes for which penalties increase for subsequent violations
Ex Parte	An action taken without notice to the other side
Ex Officio	Arising out of holding office or out of one's employment (Example: deputy clerk or police officer acting as ex officio notary public). When the employment ends, so does the right to notarize job-related documents.
Exculpatory	Tending to exonerate a person of a crime
Extradition	Surrender by one state of an individual to answer charges in another state (or nation); the return of a fugitive
Felony	A crime which could result in the offender receiving a hard labor sentence, which means possible confinement in a state penitentiary run by the D.P.S.&C.
Filiation	The relationship of a child to a parent - Huey, Dewey, and Louie are in a state of filiation to Donald and Daisy.
Frisk	A light pat down of the outer clothing of a subject, for weapons. The frisk is allowed if the officer develops reasonable suspicion of danger.
Gaming Device	Authorized by Louisiana; see gambling device, <i>infra</i> (below)
Gambling Device	Not authorized by the state of LA; see gaming device, <i>supra</i> (above). Repeat.
Habeas Corpus	Writ ordering the sheriff to show cause why a prisoner is being held.
Hearsay	Evidence offered as the truth based upon reports of others rather than from witness's own knowledge; There is no way to cross-examine this evidence.
Immediate Control	Wingspan or lunge space.

Impeach	To discredit or raise questions about the truthfulness of a witness
Inculpatory	Tending to Incriminate
Injunction	Order prohibiting conduct issued where irreparable injury may result.
Interrogation	A questioning. The Miranda warnings are required before custodial interrogation.
Inventory	When a car is impounded, the police may search (inventory) the vehicle for valuables (not evidence) so as to protect the defendant's property, and in turn to protect the seizing agency from civil suit, should anything turn up damaged or missing.
Initial Presentment	A proceeding whereby a jailed person has the right to a conversation with a judge within 72 hours of arrest, for the 6th amendment appointment of counsel. See jail clearance and/or 72-hour hearing.
Interdiction	Judicial proceeding appointing a curator to act for an adult who, due to infirmity, can't make reasoned decisions regarding his person or property
Jail Clearance	A jailed person has the right to a conversation with a judge within 72 hours of arrest, for the 6th amendment appointment of counsel. See initial presentment &/or 72-hour hearing.
Judge	A lawyer who presides over a court; technically, this term does not include JPs, but the JP should be called "Judge" out of respect.
Judicial Commitment	Procedure to institutionalize and treat a person who is a danger to himself or others or gravely disabled due to substance abuse. Statewide expert: Hon. William "Chuck" Credo of Metairie, retired Jefferson Parish Judge Pro Tem.
Jurisdiction	1. Legal power of a court to hear and decide an action; or 2. The geographic area within which a LEO can normally exercise power
Jury	Ordinary citizens serve collectively as the trier of fact. Grand Juries decide whether or not to charge someone with a crime. Petit Juries decide whether a defendant is guilty.
LEO	Our shorthand for "law enforcement officer"
Magistrate	A judicial officer, including Justices of the Peace.
Mandamus	Writ from a court ordering a person or court to perform a ministerial function
Misdemeanor	A crime that's not a felony; criminal cannot be sentenced to the state prison system (Dept. of Public Safety).
Mittimus	"We send." Rarely used term for writ ordering officer to hold or convey a person from one court or place of confinement to another
Nolle Contendere	A plea meaning "I do not contest the charges." Not a guilty plea but can be sentenced as if pleading guilty. Evidence of this plea is inadmissible in a civil trial
Nolle Prosequi	Docket entry showing that prosecution is abandoned
No True Bill	Grand Jury decision not to indict
Ordinance	Law passed by a parish governing body (e.g. police jury) or municipality
Peremptory Challenge	A disqualification of a person from jury service by either side without having to give a reason. This challenge can not be based on race or gender.

Perjury	Lying under oath
Pretermit	A Grand Jury decision to hold over a case, usually for more evidence.
Recidivist	Person who commits a crime, is punished, then commits another crime. And so on.
Rigor Mortis	Temporary rigidity of muscles after death
Search Incident to Arrest ("SITA")	A contemporaneous search of an arrestee and his wingspan, or lunge space, for weapons and evidence. The right to SITA is triggered by the LEO developing PC to make a lawful arrest.
Sequestration	1. An order preventing witnesses from being in the courtroom when others testify and preventing them from discussing the case during trial, except with the lawyers; or 2. The isolation of a jury during a criminal trial, to ensure a verdict based solely on courtroom evidence.
72-hour hearing	A proceeding whereby a jailed person has the right to a conversation with a judge within 72 hours of arrest, for the 6th amendment appointment of counsel. See initial presentment &/or jail clearance.
Statute	Law passed by the state legislature
Subpoena	Order commanding person to appear before court subject to penalty for failure to comply
Sucking up	A process that is of great assistance to those seeking advancement; particularly effective with Judge Drew.
Subpoena duces tecum	Order requiring someone to bring specified documents to court
Summons	A notice requiring an appearance in court. Commonly used for prospective jurors or for defendants charged with minor offenses, such as traffic matters, which process is often termed "issuing a citation."
Surety	Bondsman obligated to the sheriff to pay a sum if defendant is a no-show.
True Bill	An indictment by a Grand Jury
Usury	The charging of excessive interest; Prohibited by law
Venire	A group of people from which a jury is selected
Venue	Court where the trial is held; in criminal law, proper venue is the court with jurisdiction over the geographical area within which the crime occurred
Verdict	Decision of judge or jury
Waive	To give up a personal right
Witness	To attest as to observation or knowledge
Writ	Court order directing one to do or refrain from doing a certain act