



CEDAR PARK POLICE DEPARTMENT
GENERAL ORDER

Peace Officer Authority

NUMBER: 1.06.01

EFFECTIVE: 09-01-2011

APPROVED: *Mue Ham*
Chief of Police

I. POLICY

All officers of the Cedar Park Police Department are vested with the authority to enforce federal laws, state laws, and city ordinances. It is the duty of all officers to preserve the peace within the City of Cedar Park.

II. PURPOSE

The Department recognizes the necessity of discretion by its officers to effectively perform their duties. The purpose of this policy is to define the vested authority of the officers with this department and to assist them in their judgment making decisions.

III. VESTED AUTHORITY

AUTHORITY – It is the duty of every officer to preserve the peace within the City of Cedar Park. Officers shall use all lawful means to affect this duty. Sources of mandated authority are listed in:

Code of Criminal Procedure, Articles 2.12, 2.13

City of Cedar Park Charter Section 4.05.

IV. OFFICER DISCRETION

DISCRETION - Officers shall be constantly aware of their responsibility to avoid rendering public judgment concerning the morality or decorum related to acts of civil disobedience. Emphasis shall be placed on the task of maintaining civil order and public safety.

The discretionary powers possessed by officers are more limited when dealing with major felon or criminal offenses. Officers shall not release an arrested suspect or fail to pursue charges on a suspect under the following conditions, unless authorized otherwise by a supervisor under mitigating circumstances:

- Felony offense.

- Officers observe a violation of a Protective Order or Emergency Protection Order.
- Officers have probable cause that a suspect committed an assault causing bodily injury to another member of the suspect's family or household, and the officers have probable cause to believe that there is a danger of further injury when the officers leave the victim.

Each officer shall recognize that in their role as a "peace officer" there is concern for effective service as well as law enforcement. The use of discretionary power or authority to arrest in minor, non-felony offenses shall be consistent with department and community standards for such offenses.

It is not mandatory for officers to arrest every intoxicated person (unless D.W.I), charge every juvenile offender, or issue a citation to every traffic violator. In this Department, the exercising of discretion shall be a combination of enforcement policy, training, and supervision.

V. ALTERNATIVES TO ARREST

Officers have the authority to use alternatives to custodial arrest to address the variety of problems they confront on misdemeanor incidents.

CLASS C MISDEMEANOR TRAFFIC OFFENSES – Officers are to issue traffic citations or written warnings in lieu of a custodial arrest.

OTHER MISDEMEANOR OFFENSES – Officers may resolve other misdemeanor offenses (not listed in above paragraph) in lieu of a custodial arrest or filing charges by making proper referrals, written warnings, and informal resolutions, if:

- The officers believe that the custodial arrest is not necessary to prevent further offenses, excluding Class C misdemeanor traffic, and;
- The officers believe there are no victims to the offense or there are victims to the offense, but they do not wish to pursue charges.