

## LIMITS OF AUTHORITY

1. **PURPOSE:** To define the legal limits of authority that all sworn officers of the Huntsville Police Department possess.
2. **SCOPE:** This written directive is applicable to all sworn personnel of the Huntsville Police Department.
3. **RESPONSIBILITY:** It shall be the responsibility of all sworn personnel of the Huntsville Police Department to adhere to this directive as it applies to the legal authority granted a police officer.
4. **AUTHORITY:** A Law Enforcement Officer is a person trained according to the Alabama State Standards. This person is then sworn to uphold the Laws and Constitution of the United States, the State of Alabama, and the City of Huntsville.
5. **STANDARDS:** Standards for training of a law enforcement officer are set forth by the Alabama Peace Officer's Standards and Training Commission. These requirements further state that an officer shall receive, at a minimum, 560 hours of instruction.
  - A. Officers of the State of Alabama are sworn and bonded by a state official, mayor, judge, or the Governor of the State of Alabama.
  - B. Officers of the State of Alabama are given the power of arrest by Alabama State Code Title 15-10-1.
6. **TITLE 15-10-1:** An arrest may be made, under a warrant or without a warrant, by any sheriff or other officer acting as sheriff or his deputy, or by any constable, acting within their respective counties, or by any marshal, deputy marshal or policeman of any incorporated city or town within the limits of the county.
  - A. A police officer is sworn to enforce the law, and where definite violations of the law exist, there exists an obligation to act; however, the officer must always act within the parameters justifiable for the circumstances.
  - B. Enforcement of a particular statute requires that the officer determine that the necessary elements of the crime do exist; that there is sufficient probable cause to believe that an alleged individual(s) committed the offense; and, that the most appropriate action is taken. The seriousness of the offense may dictate which options are available to the police officer.
    1. Title 15-10-1 of the Alabama Code indicates under what circumstances an officer may arrest and detain a person found violating a law of this state.
    2. A police officer may elect to issue a citation rather than make a physical arrest

and incarceration. A citation or a formal complaint must be made upon filing a misdemeanor charge.

7. USE OF DISCRETION:

- A. Officers of the Huntsville Police Department are cautioned to use discretion in the performance of their assigned tasks, taking into consideration the conditions present at the time, the constraints of existing policy, statutes, laws, and/or ordinances pertaining to the situation, and the available alternatives.
- B. Of special concern is the physical arrest and incarceration of an individual. All sworn personnel of the Huntsville Police Department must consider such action as very serious. When a person is deprived of his/her liberty the officer must be certain that what he/she is attempting to do is the best course of action under the circumstances. Officers shall always use the law of the State of Alabama and municipal ordinances in a prudent and thoughtful manner.