




City of Manassas Police Department

General Duty Manual



Effective Date: 01-04-2001	GENERAL ORDER	Number: 01-23
Subject: Police Discretion		
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Accreditation Standards: 1.2.6 / 1.2.7	By Authority Of:  Douglas W. Keen, Chief of Police	Total Pages: 2

PURPOSE:

To define the limits of individual discretion and provide guidelines for exercising discretion within those limits.

POLICY:

The exercise of police discretion should be the product of sound enforcement policies, training, and supervision. No single written directive could possibly cover all circumstances in which police officers make instantaneous and irrevocable decisions or other critical judgments. These decisions affect human life and safety, property rights, and personal liberty. The use of police discretion involves the power to exercise judgment in the selection of a proper course of action from available alternatives. This directive should be used as a guide for determining proper courses of action.

DISCUSSION:

N / A

PROCEDURE:

I. Situations Involving Discretion

- A. Officers often encounter situations that call for discretion in law enforcement, use of force, prosecution, plea bargaining, conflict resolution, goal setting, and special enforcement assignments. Although discretion cannot be precisely defined for every police activity and may sometimes be restricted or removed, it must always be exercised in accordance with the department's philosophy, goals, city ordinances, relevant laws, court decisions, supervision, and established directives.

II. Use of Discretion

- A. The exercise of discretion is defined according to the Code of Virginia, Department policy, training, and departmental supervision. While officers must enforce the law, an arrest may not be necessary every time probable cause is present, unless it's mandated by statute, city ordinances, departmental objectives, or orders from a superior officer. The officer's discretion to choose the appropriate course of action is recognized. Enforcement actions should be proportionate to the violation's severity, considering warnings, written and verbal, or other non-punitive measures as alternatives to arrest or citations, especially for inadvertent violations. Discretion should never conflict with law or department policy.
- B. This directive defines the limits of individual discretion and provides guidelines for exercising discretion within those limits during potential arrest contact with the public. Officers will base the decision to exercise discretion upon statute, Department policy, and each individual situation. Discretionary actions that an officer could take are:
1. Issue a Virginia Uniform Summons in place of custodial arrest for misdemeanor offenses – This shall be performed as described in Code of Virginia § 19.2–74, "Issuance and service of summons in place of warrant in misdemeanor case."
 2. Officers may issue a verbal warning for minor offenses and traffic offenses where the interests of the public and subject are better served by a less invasive method of handling the situation.

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3. Referral to professional resources and/or diversionary programs outside of the traditional criminal justice system.
- C. Officers are responsible for how they use their discretionary authority. If an officer makes a decision that isn't clearly addressed by previous directives or orders, they may face disciplinary action. However, it is more likely that they will receive guidance or be instructed to handle similar situations differently in the future. If there is a question regarding the officer's use of discretion in handling a situation, the officer's supervisor shall be contacted for assistance in determining the best course of action. Supervisors are responsible for ensuring that officers use discretionary authority appropriately. Improper discretionary use of authority may be deemed a neglect of duty.
- D. In order to guard against abuse of discretion, the following guidelines apply:
 1. In dealing with situations which appear to be disorderly or irregular rather than dishonest or violent, an officer may decide to advise, warn, cite, or defuse the situation in some other way not amounting to arrest.
 2. Generally, more latitude is allowed when dealing with a juvenile offender.
 3. Generally, more latitude is allowed with misdemeanors as opposed to felonies, provided the offense poses no immediate threat to public safety.
 4. Although violations of the law may occur in some circumstances, discretion may be used if law enforcement objectives can be served by an action other than arrest.

Attachments: N/A.

Index as: Alternatives to Arrest.
Discretion.
Police Discretion.

References: Code of Virginia [§ 19.2-74](#)