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**NUMBER: 1.08**

**EFFECTIVE DATE: JULY 1991**  
**REVISION DATE: Nov 2024**

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**SUBJECT: AUTHORITY, RESPONSIBILITY, AND USE OF DISCRETION**

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1.08.01 POLICY

The intent of this directive is to establish a policy guideline for the delegation of authority and use of discretion. At every level within the agency, personnel should be given the authority to make decisions necessary for the effective execution of their responsibilities. The delegation of authority should be consistent with the agency's organizational values and mission statement.

1.08.02 PROCEDURES

- A. Delegation is a function and a tool of good management. When appropriate, Wheat Ridge Police Department supervisors have the discretion and responsibility to delegate to subordinates.
- B. Inherent with the delegation of authority is the latitude to make decisions and take the actions necessary to satisfy the requirements of each assigned position. Commensurate with the authority, each member will accept the responsibility for the use, misuse, or failure to use that authority.
- C. When authority is delegated, it shall be the responsibility of the supervisor to insure that the subordinate being delegated the authority has the power to act and the ability to carry out the assignment. Correspondingly, no one shall be assigned responsibility for work without being delegated the authority to direct the manner of its performance. Supervisors shall advise subordinates that they will be held accountable for the exercise of their delegated authority.
- D. Although subordinates may be held accountable for their actions, nothing in this policy absolves the supervisor from ultimate responsibility and accountability for the supervision of subordinates and the use of the delegated authority.

1.08.03 AUTHORITY OF SWORN PERSONNEL

- A. Each officer of the Wheat Ridge Police Department shall have the authority to enforce the law in the City of Wheat Ridge, including ordinances of the City of Wheat Ridge and applicable State and Federal Statutes. Officers shall ensure the freedom of all citizens to the free exercise of their rights as provided by the Constitution of the United States of America and of the State of Colorado.
- B. Officers' authority and duties shall be carried out in conformance with Colorado Revised Statutes titles 16 and 18, City of Wheat Ridge Code of Laws, Chapter 19 and all other applicable local, State and federal laws.

1.08.04 AUTHORITY OF COMMUNITY SERVICES OFFICERS

- A. Each Community Service Officer is an agent of the Chief of Police and an officer of the Police Department empowered by the City to enforce the City of Wheat Ridge Code of Laws. Officers shall ensure the freedom of all citizens to the free exercise of their rights as provided by the Constitution of the United States of America and of the State of Colorado.
- B. Officers' authority and duties shall be carried out in conformance with the City of Wheat Ridge Code of Laws, Chapters 4,15,16,17 and 26.

1.08.05 USE OF DISCRETION BY SWORN OFFICIERS

- A. Discretion is the power of free decision or latitude of choice within certain legal bounds. Sworn members, with certain limitations, are given discretion by law in the making of arrests. Limited discretion is given to sworn members by policy procedures and directives based on the seriousness of a violation, willingness of the District Attorney's Officer to prosecute and probability of the victim or suspect's appearance in court.
- B. Supervisory authority may also limit discretion. Members at every level throughout the Department are provided with the authority to make the decisions necessary for the effective execution of responsibilities.
- C. Reasonable and appropriate police action varies with each situation. Different facts or circumstances may justify an investigation, a search, a lecture and release, an arrest, or no action at all. Department members must continually exercise discretionary judgment in order to ensure the safety and security of the public they are sworn to protect. The purpose of establishing limits on an officer's discretionary power is to eliminate discriminatory enforcement of the law and to protect the officer by establishing policies governing certain enforcement situations.
- D. In some cases, the officer's range of action shall be specifically regulated either by law or by one or more departmental directives. However, absent such laws or directives, the officer shall be required to exercise discretionary judgment in a reasonable and professional manner and shall limit such judgment within the confines directed by:
  - 1. The officer's authority as provided by the law: (C.R.S. 16.2.104, 16.3.105, 16.5.206, 16.5.207, and 16.2.507),
  - 2. The decisions and interpretations established by judicial bodies,
  - 3. The verbal or written directions of a supervisor,
  - 4. The officer's Oath of Office, and
  - 5. The Law Enforcement Code of Ethics as adopted by this Department.

1.08.06 RULES

- A. Each member has the responsibility to be aware of their relative position within the organization, to whom they are accountable, and any persons who are accountable to them.