

## Use of Discretion

The proper use of discretion is an important aspect of law enforcement and is predicated on good judgment. The use of discretion requires that an officer make responsible decisions which can withstand scrutiny by the Department, the community, and other jurisdictional components of the criminal justice system and the community itself.

It is necessary that sworn officers exercise discretion when dealing with their many duties. The use of discretion must be soundly based upon law, Departmental directives, experience and training as applied to the facts and circumstances facing the officer at the time. Therefore, officers must correctly interpret laws and Department directives. Officers shall realize that the use of discretion is not permitted when certain activities are mandated by statutes, department directives or supervisory direction. Officers shall seek direction from their supervisor when the appropriate course of action is in doubt.

Officers have discretion and must exercise good judgment in the selection of an appropriate alternative to an arrest. Therefore, it is important to be aware of the alternatives to arrest and confinement. Alternatives of this nature include:

- ❖ Traffic citations or NOI's
- ❖ Non-traffic complaints
- ❖ Criminal citations
- ❖ Warnings

Verbal warnings are used for minor traffic and ordinance violations. Warnings should not be used for major violations specifically addressed in a written directive.

- ❖ Referral

Referral is the practice of directing a matter to another departmental component, City department, government agency or social service organization.

- ❖ Informal resolution

Informal resolution is the practice of resolving problems without arrest, citation or referral. Examples of informal resolution may include education on traffic or other law for minor violations, mediation between parties involved in simple disputes or disagreements, or where the investigating officer determines that inadequate probable cause exists to take enforcement action. Officers will seek direction from their supervisor when the appropriate course of action is in doubt.

Officers must consider the following factors when exercising alternatives to arrest:

- ❖ The presence or absence of probable cause
- ❖ The level of cooperation by victims and witnesses
- ❖ Existing law and the elements of the offense
- ❖ The severity of the offense
- ❖ Available regional, community and Department resources
- ❖ Department written directives and orders