

	SECTION:	OPERATIONS	OPR-215
	CHAPTER:	ARREST-SEARCH AND SEIZURE	
	DIRECTIVE:	JUDGMENT AND DISCRETION	

215.01 SUMMARY

Reasonable and appropriate police action varies with each situation. Different facts or circumstances may justify an investigation, a detention, a search, an arrest, or no action at all. This directive describes the general limits of an Officer's discretionary authority and promotes the use of individual judgment, discretion, and flexibility when applying specific procedures to specific circumstances. The purpose of establishing limits to the Officer's discretionary powers is to eliminate discriminatory enforcement of the law and to protect the Officer by establishing policy governing certain enforcement situations.

215.02 DEFINITIONS

For purposes of this directive, Officers include both sworn personnel and civilian personnel who have the authority to enforce certain traffic/parking related city ordinances such as a Police Service Technician.

215.03 LIMITS OF DISCRETION

Officers will always exercise discretionary judgment in a reasonable manner and shall limit such judgment within the confines of:

- The Oath of Office.
- The confines of authority as described by law.
- The decisions and interpretations established by local, state and federal courts.
- The written directives of the Police Department and the City of Grand Junction.
- The verbal direction of a Supervisor.

215.04 DUTY TO INVESTIGATE

REQUIRED TO INVESTIGATE – Officers are required to initiate investigative action when allegations or violations of the ordinances of the City of Grand Junction, laws of the State of Colorado, and the United States come to their attention. Such investigations are conducted with the restrictions established by Departmental directives and may range in scope from referral to the appropriate agency to the arrest of the suspect or violator.

215.05 ENFORCEMENT ACTION

Enforcement action by Officers is encouraged when ALL of the following criteria exists:

- A willing complainant exists who is requesting police action.
- All the elements of a crime exist.
- Probable cause exists indicating the suspect committed the offense.
- All Department directives are complied with.

215.06 LEGAL REQUIREMENT(S) FOR ENFORCEMENT ACTION

Officers shall take appropriate enforcement action when required to do so by law. Required enforcement action is based upon **C.R.S. 18-8-405**; "A public servant commits second degree official misconduct if he knowingly, arbitrarily, and capriciously;

- Refrains from performing a duty imposed upon him by law; or
- Violates any statute or lawfully adopted rule or regulation relating to his office."

Unless directed by other Departmental regulations or law, the Officer may resolve other incidents by informal resolution which includes referral to another agency, agreement among affected parties and warning.

215.07 PHYSICAL CUSTODY CONSIDERATIONS

NOT BASED ON ATTITUDE OR DISCRIMINATION – In the Officer's decision-making process to initiate enforcement action or upon the arrest, the decision for continued physical custody shall not be based upon:

- The attitude of any subject under arrest including a subject's disrespect towards police.
- The subject's race, color, nationality, ethnicity, gender, sexual orientation, religion, economic status, disability, age and/or culture.

215.08 SEVERITY OF ENFORCEMENT ACTION

Severity of enforcement action or inaction shall not be influenced by malice or vengeance or because of prejudice based upon race, color, nationality, ethnicity, gender, sexual orientation, religion, economic status, disability, age and/or culture.

No employee's enforcement action shall be more severe than can be reasonably supported as professionally and objectively necessary.

215.09 USE OF INDIVIDUAL JUDGMENT

While most circumstances require Officers to adhere to Department directives to the best of their ability, it is also recognized that no directive will cover the particulars of every circumstance.

With this in mind, Officers are given the authority and responsibility to employ individual judgment and discretion in those circumstances where strict adherence to procedure would be to the obvious detriment of the public or the Department. Personnel deviating from such procedure should make every attempt to notify a Supervisor prior to such deviation taking place.

It is the responsibility of all Officers to consider all circumstances in a situation, and to weigh their impact on the outcome of a police action. Use of common sense, fairness, and sound judgment is a must in the delivery of professional police service.

