

# Discretion paper report examples

[Sociology](#), [Violence](#)



## **Introduction**

Police Discretion is exceptionally significant in the Criminal Justice system. It is the capacity of a police officer to make a decision out of a situation based on various circumstances. Police officers are adequately trained on how to respond to situations they may encounter while in the course of executing their routine duties. Sometimes while in the field, they may face a problem which does not fall under their training, and, thus compelled to deal with such a situation. It is not possible for the training to cover every aspect a police officer encounters in the line of duty. Laws do not cross over to all the circumstances. There are some new protocols that are continually being put into books, into which a police officer is compelled to use discretion, and overlook them. Moreover, there are some certain circumstances that a police officer will apply discretion and ignore what the law interprets. In essence, police use discretion in situations where the law may seem to compromise a situation. Some of the situations that I intend to discuss herein and which may require police discretion are cases of domestic disturbances and traffic stop (Dantzker, 2003).

Apart from the situations that I will discuss in this paper that may call for police discretion, there are other numerous circumstances that need a quick response from a police officer. In all those situations, a police officer is prone to meeting them on everyday basis, while in the process of performance. The results obtained from certain situations, depends on the intensity of discretion applied. For any of the situation, a police officer should apply discretion in a manner that is justifiable, since, the consequences may have

a tremendous impact on him/her (Kelling, 1999).

Domestic Disturbance: - While using the power of discretion, their might rise a problem whereby an officer may think that they have the last words concerning the issue, and the law meant to take care of such a circumstance ignored. For instance, a police officer may apply the power of discretion and order the abuser to stay inside, because the officer believes that even though both parties should be alleged guilty for the offence committed, there is not action that should be taken (Kelling, 1999).

As per the controlling protocol, the officer after keenly determining the plaintiff is compelled to arrest the suspect, in case he/she present. The arrest should be conducted as per the arrest procedures. In case one declines arrest, then, an officer is compelled to use some force, but, this is also limited (Kelling, 1999).

Even though, the protocol may require the arrest of one person, in most domestic violence cases, two participants may be involved in causing the violence. For that reason, it is the decision of the police officer to determine whether to arrest one or both participants. This is where the discretion comes in. Controlling protocol is applied in a situation whereby both parties are considered to have instigated the violence. This decision to determine whether both parties are guilty is stipulated under KSA 21-3211 (Use of Force in Defense of a Person). The responding officers may use this section and through the power of discretion whether to make an arrest. Use of discretion is justified, if the decision arrived at by the officer calms the situation and falls within the right procedures of arrest (Dantzker, 2003).

Together with that, a traffic stop is also a situation that may compel police officer use discretion in case a driver fails to adhere or rather respect the required protocols of traffic rules. This is a circumstance that I tend to think police officers find themselves using a lot of discretion. Even though, there are numerous reasons that may compel a person to drive in a particular way, disrespecting the traffic rules is considered a crime. There is a general protocol that all the police officers use in making a vehicle to stop. Even though, it seems a simple task, it is a very dangerous affair for both the officer and the driver (Dantzker, 2003).

As prescribed by the traffic rules, a police officer will only stop the driver, if there are traffic laws that have been violated. Also in case an officer suspects that a driver is headed to commit a crime, based on certain facts, then, the law permits him/her to question the driver.

However, in certain circumstances a police officer may be compelled to use whatever resources he/she has in stopping the vehicle in a case where the driver overlooks the traffic lights. If a driver fails to stop at a red light signal, either by ignoring the sign, missing the sign or even because he/she is not familiar with the place, an officer may apply discretion to obtain a decision. However, this is dependent on a concrete explanation that the driver provides. In case, the officer does not detect any criminal motive from the driver, or either driving under the influence of drugs, he/she can make a decision and permit the driver to carry on but with a verbal warning. This type of discretion is appropriate since the police officer understands the

situation of the driver, and, realizes that the driver never intended to cause the crime (Dantzker, 2003).

In a nut shell, the power of discretion that is vested on the police officers has a great influence in the way they conduct themselves and execute their duties (Dantzker, 2003). Some people do not support use of discretion, and, they advocate use of laws. I am for the discretion, but, this should only be applied under certain circumstances. Every decision that a police officer makes use the power of discretion should at least be reflected under the protocols in that given field.

## **References**

Dantzker, M. (2003). Understanding today's police. 3rd ed.: Prentice-Hall Inc

Kelling, G. (1999). Broken windows and police discretion. Retrieved July 18, 2012, from

[www.ncjrs.org/pdffiles1/nij/178259.pdf](http://www.ncjrs.org/pdffiles1/nij/178259.pdf)

Walker, S. (2004). Retrieved July 18, 2012 from Police Discretion Web site:

<http://faculty.ncwc.edu/toconnor/205/205lect09.htm>.