

# Police officer discretion essay

Law



In the 1950s, The American Bar Foundation sponsored a series of observational studies that spanned the criminal justice system. The researchers observed an astounding array of incompetence and corruption in criminal justice practices, due in part to the pervasive discretion inherent in the system. Discretion can be described as official action taken by criminal justice professionals based on their individual judgments. The American Bar Foundation's "discovery" of discretion was particularly important in the field of policing, where it was generally recognized that the lowest level workers within police departments' organizational hierarchies have the greatest amount of discretion over critical decisions. According to Samuel Walker, several factors account for the existence of pervasive police discretion: the ambiguous nature of criminal law, the working environment of police officers, and limited police resources. Researchers have attempted to explain how, when, and why criminal justice officials make discretionary decisions that affect the lives of citizens. Indeed, much of the research in policing has attempted to explain officers' decision-making. Some people speculate that officers make decisions based on extralegal variables; that is, officers' decision-making is based on factors that are not considered legitimate in a democratic society (e.

g. , suspects' race, sex, age, etc. . In the 1990s, for example, some police agencies have been accused of using racial profiling policies (i. e.

, making decisions to conduct field interrogation and traffic stops based solely on a citizen's race), which leads to important questions. Do police officers in our society make decisions based on legal or extralegal factors? How and why do police officers use their discretion? These are the questions

that underlie nearly fifty years of police research. The findings from this body of research will be summarized in this entry. Four specific categories of explanatory factors are identified, the relative explanatory power of these factors is described, and the research findings are summarized. The entry concludes with a description of the need for additional research to better understand how, when, and why police officers use their discretion.

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