

Police Discretion and Maintaining Order

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ABSTRACT

- Process of using discretion to maintain order in society
- Consequences of a lack of discretion
- The ways disorder in society is affected by higher vs lower levels of police discretion
- The conditions necessary for effective use of discretion



Source: <https://top.net/bulletin/plain-clothes-officers-fired-upon-in-philadelphia/>

INTRODUCTION

- “Discretion is defined as power of free decision or latitude of choice within certain legal bounds.”
- Consequences of a lack of discretion are disorder and chaos.
- The proper use of discretion involves a combination of instinct, proper training, and good judgement.
- Without all three aspects, disorder will occur.

THE MECHANISM/PROCESS

Discretion and Disorder

	High Discretion	Low Discretion
High Disorder	<ul style="list-style-type: none"> • DUI with no prior offenses • Police officer gives a ride home instead of arrest • Potential repeat offender 	<ul style="list-style-type: none"> • Nonpeaceful protests/riots • Police must use certain measures for crowd control • Can result in further chaos
Low Disorder	<ul style="list-style-type: none"> • Gambling • If done publicly and organized, is illegal • Not very harmful or chaotic 	<ul style="list-style-type: none"> • Possession of Cannabis for personal use • Over a certain amount police must charge offender • With no plans to distribute there is a low level of chaos/disorder

ANALYSIS



Source: <https://www.bankrate.com/insurance/car/difference-between-citation-and-ticket/>

- Knowledge from previous events can be used to more effectively react to future situations.
- Complete enforcement of the rules is not always an option. Citations and warnings can be necessary at times.
- Missing good judgement and instinct necessary for the proper use of discretion results in disorder.
- The right circumstances must be present for discretion to result in maintaining order.
- The situation, time and place heavily influence the effectiveness of discretion contributing to maintaining order.



Source: <https://www.oklahoma-criminal-defense-lawyer.com/when-can-oklahoma-police-use-deadly-force-on-a-fleeing-suspect/>

DISCUSSION/CONCLUSION

- Discretion is an important ability for a police officer to have to maintain order.
- Disorder can occur without the proper use of discretion.
- Every situation requires a unique approach, and the officer must react to the best of their abilities to maintain order.
- Rules and regulations must allow for interpretation in order to maintain social order.

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