

E-RESOURCE CENTER

CRIMINAL JUSTICE 101

☐ Review Sheet for "Law Enforcement" Unit

Instructions:

- Review the main ideas from the unit in the text.
- Test your understanding by completing the questions. If you want help answering the questions, go to exercise 6, "Understanding police discretion."

Police Discretion

In the course of a daily routine, a police officer will respond to many situations, sometimes making split-second decisions. The formal rules that exist are often either too general or they cannot possibly be applied to every single situation that can be encountered on the streets. For this reason, police have the authority to use their discretion (their personal judgment) in deciding whether to intervene, and if so, what exactly to do, and how to do it. Discretion allows a police officer, for example, to choose between giving someone a warning for a minor offense, bringing them to the police station for questioning, detaining them overnight, or simply ignoring the offense. Police discretion is an especially important concept in juvenile justice, because sometimes giving a juvenile a warning for a minor offense can be more beneficial for society and the juvenile than putting him or her in detention. Discretion, however, usually does not apply to felony crimes with probable cause, where the police are generally required to make an arrest.

Explain how the following factors influence police discretion.

Legal factors:

Environmental factors:

Departmental factors:

Situational factors:

Extralegal factors: