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### **Should Police Officers Exercise Discretion?**

According to Gaines & Miller (2009), Discretion is “the ability of criminal justice professionals making operational decisions based on personal judgment instead of formal rules, law or official information” (p. 16). My judgment is that discretion should be exercised based on a case-to-case basis, as each incident can be diverse.

It is possible to do a lawful thing that is stupid, ergo the ability to execute discretion. While it is often misused, discretion is there to prevent officers from stupidly enforcing the letter of the law; in turn, helping the practice of law enforcement and public safety in the long run and assisting the criminal justice system in functioning more effectively. I suppose that the exercise of discretion is not the problem: the abuse of discretion is. In most situations, official law does not account for specifics of certain circumstances that justify the act or crime committed. However, admittedly, at times, it should not apply; for instance, when a cop’s personal belief is immoral, such as racism or sexism.

Discretion aids in making it so that officers are not obligated to arrest or cite for everything they observe or are informed of, or being limited by practical constraints of how fast

they can do these two things. Ultimately, “the standards of proof that lead to arrests and citations are worded to incorporate the judgments of police officers and citizens: ‘reasonable cause to believe, etc.’ and therefore we are better off selecting cops who are likely to have better judgment than taking the ability to make judgments away from them.” (Henry, 2009)

I do not believe that discretion should be eliminated. If abolished, there would be numerous more arrests and citations that would waste the valuable time of the police, courts, lawyers, judges, etc., which can be utilized in focusing on the central, critical issues in our society. Conversely, I feel that, when hiring a person to become a member of the brass, they should be extensively screened so as to not put an officer out on the street that implements a corrupt personal sense of discretion.

## References:

Gains, L. K., & Miller, R. L. (2009). *Criminal Justice in Action* (5<sup>th</sup> ed.) Belmont, California: Wadsworth Publishing

Henry. (2009). Police Discretion: A Different Perspective. *Out of the Crooked Timber of humanity, no straight thing was ever made*. Retrieved from <http://crookedtimber.org/2009/07/23/police-discretion-a-different-perspective/>