



UNIVERSITY OF MASSACHUSETTS AMHERST POLICE DEPARTMENT

Subject: Use of Discretion	Number: ADM-11
Category: Administration	Type: Policy
Effective Date: Nov. 4, 2010	
Issuing Authority: Chief Tyrone Parham <i>Tyrone Parham</i>	
Reviewing Responsibility: DCO Ian Cyr Due: 02/01/Annually	
Amends or rescinds: ADM-11 dated Feb 10, 2005	
Compliance Standard(s): CALEA 1.2.6 , 1.2.7	

1. Purpose

The purpose of this policy is to define the limits of, and provide a guideline for, the use of discretion by sworn members of the University of Massachusetts Police Department. [1.2.7](#)

2. Policy

The Department shall allow sworn police personnel the use of discretion in the performance of their duties. When occasion arise that discretion can be exercised, sworn police personnel are expected to evaluate the circumstances and contingencies of the situation, as well as available resources, in making responsible decisions.

3. Definition

Discretion — A power or right conferred upon law enforcement officers to exercise judgment in the selection of a course of action from available alternatives.

4. Discretionary Situations

[1.2.7](#)

Situations where employees will normally be confronted with decisions that may require the use of discretion include:

- The enforcement of laws;
- The use of force;
- The resolution of conflict or disputes; and
- Problem-solving policing.

5. Discretionary Options

[1.2.7](#)

Discretionary options may include, but are not limited to:

- Verbal or written warnings;

- Motor vehicle citation collateral fine;
- Application for criminal complaint;
- Arrest;
- Referral to other departments or agencies;
- Seeking guidance from the Attorney General/District Attorney; and
- Informal resolutions

6. Limits of Discretion

1.2.7

A law enforcement officer's discretion may be restricted by:

- Constitutional law;
- Federal law;
- State law;
- Court decisions;
- Department directives and policies;
- A lawful order of a superior;
- Training and experience;
- The Law Enforcement Code of Ethics;
- University Policy.

7. Circumstances where alternatives to arrest may be appropriate include the following:

1.2.7

- When an arrest could aggravate community conflict or possibly precipitate a serious disorder.
- When there is a greater priority to respond to a more serious crime or to an urgent public emergency.
- In quarrels among neighbors, noisy parties, residential staff and residents disputes, and other minor disturbances of the peace where no serious crime has been committed and the officer can successfully act as a mediator.
- In minor juvenile offenses where a warning and a talk with the parents can avoid a court appearance. See [JUV-1 Handling Juveniles](#).
- In circumstances where persons violating the law may be doing so for seemingly legitimate reasons (i.e. vehicle operator speeding and/or failure to stop in order to get a pregnant occupant to the hospital).
- In other minor offenses where a summons can effectively accomplish the intended purpose.
- Minor motor vehicle offenses. [1.2.6](#)