

CAMBRIDGE POLICE DEPARTMENT

Title: *LIMITS OF AUTHORITY*

Procedure: 2.002

Date Issued:

Revised:

PURPOSE:

To outline the limits of an officer's authority.

To consider appropriate alternatives to arrest and confinement.

POLICY:

Officers must be aware of the limits of their authority and shall not exceed them. Officers must ensure that an individual's constitutional guarantees are protected.

Discretionary power is the power of free decision, or latitude of choice within certain legal bounds. When this power is poorly exercised, discretionary power may be viewed by the public as favoritism, bias or corruption. It is imperative that officers consider the goals and objectives of the Department, and the ethical code of conduct, when exercising discretionary power.

Officers are encouraged to use discretion when their authority allows them to choose between possible alternatives of enforcement action.

PROCEDURE:

LIMITS OF AUTHORITY

1. The Federal Constitution, State Constitution and State Law define the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes and ordinances.
2. State Law grants the authority to municipalities to create and define police powers.
3. The municipal code of the City establishes the Police Department and the powers and duties of its officers.

PROTECTION OF CONSTITUTIONAL RIGHTS

1. In order to assure compliance with constitutional requirements, all officers must advise suspects of their constitutional rights pursuant to Miranda during custodial interviews. This process specifically outlines that the statement is being given without coercion and is of a voluntary nature, and that the individual has been apprised of the appropriate constitutional rights. It is expressly recognized that there are circumstances where the use of a written Waiver of Rights form is either impractical or unrealistic.

2. In the event of an arrest, state laws governing the time elements of when an arrested individual must appear before a Court Commissioner will be adhered to.

3. In order to assure compliance with constitutional requirements regarding rights to counsel, officers will earnestly protect a suspect's right to counsel.

4. In an effort to control prejudicial pretrial publicity, authorized officers may seek the cooperation and advice of the States Attorneys Office before issuing news releases in major investigations.

ALTERNATIVES TO ARREST AND DISCRETION

1. Officers are expected to use discretion in their authority in compliance with law, public safety, in furtherance of Department goals and objectives, and in compliance with the Police Code of Ethics.

2. When confronted with situations involving minor traffic and ordinance violations, Officers should examine possible alternatives to arrest.

3. Enforcement for minor violations will be discretionary with the officer. Enforcement may range from a verbal warning to a written complaint and arrest.

4. Discretion as to police action in matters between private citizens will require that the totality of the circumstances surrounding the incident be evaluated and possible alternatives to arrest and confinement be considered.

5. Officers should be familiar with the procedure for issuance of all forms of written complaints, reports and citations.

6. The severity of enforcement action or Officer inaction shall not be influenced by malice, vengeance, or prejudice based upon race, sex, ethnic background, religious belief or political affiliation, nor shall preferential treatment be extended on any of the same conditions.

7. Police Discretion concerning enforcement of criminal law violations shall be construed to be narrow with enforcement action being taken in most cases.