
Exercising Discretion Of Police In Criminal Justice

In the Criminal Justice System, both Police Officers and Judges exercise discretion in their everyday work environment allowing them to act in a way that is most appropriate in any given situation. When using discretion, both parties must make the best choice for everyone involved by using their best judgement. Discretion is not to be taken advantage of or to be used to abuse authority.

Police Officers have the responsibility to protect the people, enforce the laws, respond to those in need or danger, limit the number of crimes, among many other varieties of tasks. Police Officers use discretion as a necessary tool in their everyday duties because of the number of laws that can be interpreted in several different ways. Examples of how Police Officers use discretion would be; issuing a traffic ticket, drawing a weapon, searching a person or vehicle and making an arrest. One police officer who pulls someone over for going ten miles over the speed limit may decide to issue a ticket whereas another officer may give a warning and let them go without issuing a ticket.

There are both advantages and disadvantages Police Officers face with the use of discretion. As the textbook states in Chapter 5 on page 163, "One of the greatest benefits of police discretion is that it allows officers to act in the most just manner in a given situation." Police Officers are trusted to make a fair and just decision that best serves the outcome of the situation. A person's circumstance or reasoning may sway the Police Officer to act in a certain way. Because of the various laws Police Officers are expected to enforce, the use of discretion grants Police Officers the ability to choose what they want to focus their energies on. It would be impossible to fully enforce every single law at all times, which leads Police Officer's to focus more on the serious crimes versus minor offenses.

The abuse of authority is considered a disadvantage to Police discretion. This can lead to decisions being influenced by a person's gender, race, ethnicity and sexuality. Everyone must receive equal protection and treatment under the law. Police Officers must treat everyone fairly even when using their discretion.

Judges play a very important role in the Criminal Justice System. Judges have the ability to issue a search and arrest warrants, determine probable cause, whether to release suspects from custody, evidence that can be admitted, and rules that may be enforced by attorneys. Judges have the responsibility to make many powerful decisions, where they are allowed to use their discretion appropriately. Judges have the authority to use their best judgment, knowledge and experience on what is fair according to the given circumstances and based on the evidence they receive.

Judges face both advantages and disadvantages with the use of discretion. Advantages of using discretion would include the Judges ability to consider the individuals circumstances fairly where the law may not. When the Judge is in the courtroom and has the evidence firsthand, when considering the outcome, the Judge is able to use their personal discretion on top of enforcing the law which can result in a fairer outcome.