

SPRINGFIELD POLICE DEPARTMENT

Standard Operating Guideline

Effective Date: 09/28/2017	Supersedes Policy Dated: 04/04/2017	Rescinds:	SOG Number: 101.4
Accreditation Index:			
Part Title: Administration	Chapter Title: Role and Authority		
Chief of Police:			

Use of Discretion

I Policy

It is the policy of the Springfield Police Department to grant broad discretion to employees in determining what level of action is required of them in the performance of their duties. The use of this discretion shall be based on written guidelines, training, and supervision. Furthermore, we recognize that other avenues of problem solving exist in addition to the Criminal Justice System and employees are encouraged to utilize these alternative avenues.

II Definitions

Arrest – As used in this policy shall mean: the taking of a person into temporary custody in the field either by actual restraint or by the person’s submission to detention; OR the taking of a person into custody and transporting him/her to jail.

Felony - A crime for which a suspect, if convicted, may be incarcerated for a term in excess of one year. (RSMO 556.061)

Infraction - An offense (not a crime), for which a suspect, if convicted, may be assessed a fine and/or forfeiture. Does not allow for incarceration.

Misdemeanor - A crime for which a suspect, if convicted, may be incarcerated for a term not to exceed one year. (RSMO 556.061)

Release Pending - Release of a suspect, after booking, without bond.

III Procedure

SOG 101.4

Use of Discretion

Effective Date: 09/28/2017

1 ARRESTS

- 1.1 Springfield Police Officers shall arrest anyone within their jurisdiction when:
 - 1.1.1 They have knowledge of an active felony warrant from any jurisdiction.
 - 1.1.2 They have knowledge of an active misdemeanor warrant issued within the state of Missouri.
 - 1.1.3 The offense is covered under a statutory provision which mandates an arrest (e.g. the Adult Abuse Statute).
- 1.2 Springfield Police Officers may arrest anyone within their jurisdiction when:
 - 1.2.1 They have probable cause to believe that the person has committed a violation of any Federal or State criminal statute, or a violation of any Springfield Municipal Code.
 - 1.2.2 The arrest is not in conflict with SOG 101.5 – Adult Cite and Release.
 - 1.2.3 Factors that should be considered when determining whether or not to make an arrest include:
 - 1.2.3(a) The nature and degree of the offense;
 - 1.2.3(b) Age and physical condition of the offender;
 - 1.2.3(b.1) If possible, officers should avoid arresting any person that requires medical treatment.
 - 1.2.3(c) Attitude and safety concerns of the victim;
 - 1.2.3(d) The safety of the community and/or any witnesses;
 - 1.2.3(e) The ability to positively identify the suspect;
 - 1.2.3(f) The location of the suspect's permanent address.
- 1.3 Officers who are outside their legal jurisdiction may have limited police powers under special statutory authority. (Refer to SOG 101.3 – Limits of Authority)

2 TRAFFIC OFFENSES

- 2.1 Springfield Police Officers have the authority to stop any vehicle on any public street or highway, or on private property.
- 2.2 Vehicles may be stopped for the following reasons:
 - 2.2.1 Any time an officer has reason to arrest the driver or any occupant.
 - 2.2.2 Any time an officer has reasonable suspicion to believe the driver, any of the occupants, or the vehicle itself, has been involved in any criminal activity.
 - 2.2.3 Any time an officer has observed a violation of state traffic statute or Springfield Municipal traffic code to include moving, non-moving, or equipment violations.
 - 2.2.3(a) Some violations may be cited once the vehicle is stopped, but cannot provide reasonable suspicion for the

SOG 101.4

Use of Discretion

Effective Date: 09/28/2017

stop (e.g. seat belt violations).

2.3 Traffic offenses may be dealt with in the following manner:

2.3.1 Provide a verbal warning to the driver.

2.3.2 Issue a citation into the appropriate court for any observed violations.

2.3.3 Arrest the violator.

2.3.3(a) Arrest for traffic violations should only be used in the following instances:

2.3.3(a.1) Driving While Intoxicated;

2.3.3(a.2) Driving While License Revoked or Driving While License Suspended with prior convictions;

2.3.3(a.3) When the violator leads the officer to believe, by statements or actions that they do not intend to honor the court appearance date.

2.3.3(a.3.1) This option requires the approval of a field supervisor.

2.4 Considerations when deciding what action to take on a traffic offense should include:

2.4.1 The severity of the violation;

2.4.2 Past warnings or citations for the violation;

2.4.3 Whether the violation is a prevalent community safety issue;

2.4.4 Whether the violation is currently being addressed by an enforcement strategy.

2.5 Withdrawal of a Traffic Summons

2.5.1 No Police Department employee shall dispose of or authorize disposal of municipal or state traffic charges once a summons has been issued, except as provided in SOG 405.3 – Traffic Enforcement Procedures.

3 PATROL ACTIVITIES

3.1 Calls for service

3.1.1 Officers have the discretion of handling calls for service in whatever manner they feel will most appropriately resolve the call, in consideration of the following:

3.1.1(a) The circumstances of the call;

3.1.1(b) Past training;

3.1.1(c) Current written policies;

3.1.1(d) Current standard procedures;

SOG 101.4

Use of Discretion

Effective Date: 09/28/2017

- 3.1.1(e) Supervisory guidance;
 - 3.1.1(f) Statutory requirements.
 - 3.2 Any uncommitted time an officer has during their shift shall be used at their discretion in furtherance of the goals of the Department. Considerations when utilizing uncommitted time should include:
 - 3.2.1 Special assignments;
 - 3.2.2 Information from Criminal Information Bulletins;
 - 3.2.3 Traffic enforcement;
 - 3.2.4 Wanted persons;
 - 3.2.5 Community Problem Solving.
- 4 **ALTERNATIVE RESOLUTIONS**
 - 4.1 Alternative resolutions to problem solving most frequently involve a referral to another agency.
 - 4.2 When a referral to another agency is appropriate, employees should make every effort to facilitate the referral for the involved citizen.
 - 4.3 Examples of referral agencies include:
 - 4.3.1 Department of Social Services Children's Division; ¹
 - 4.3.2 Division of Youth Services;
 - 4.3.3 Other Law Enforcement Agencies;
 - 4.3.4 Other Service Agencies;
 - 4.3.5 Conflict Resolution Programs.

IV Attachments

¹ Section 4.3.1 revised, agency name updated, per Policy Change Order 17-039.