

WEBER COUNTY SHERIFF'S OFFICE		POLICY AND PROCEDURES	
SUBJECT: Discretion		CHAPTER/SECTION NO.:1.18,1.19	
EFFECTIVE DATE: 10/7/03		REVIEW DATE:	
AMENDS/SUPERSEDES:		APPROVED: <i>**See Master File</i> Sheriff	
STANDARD NUMBER: 1.2.7			

1.18 Purpose

- 1.18.1 The purpose of establishing limits to the Deputy's discretionary powers is to eliminate discriminatory enforcement of the law and to protect the Deputy by establishing policy governing certain enforcement situations.

1.19 Policy

- 1.19.1 Reasonable and appropriate police action varies with each situation. Different facts or circumstances may justify an investigation, a detention, a search, an arrest, or no action at all. Sheriff's Office employees must continually exercise discretionary judgement, in order to ensure that members of the public are properly protected.
- 1.19.2 Sheriff's Office members shall exercise discretionary judgement in a reasonable manner and shall use such judgement within the confines directed by:
- A. Their oath of office and/or code of conduct.
 - B. The confines of authority as described by law.
 - C. The decisions handed down by the courts.
 - D. The written directives of the Sheriff's Office and the County.
 - E. Verbal direction from a supervisor.

- 1.19.3 Deputies of the Sheriff's Office should initiate investigations when allegations of violations of the ordinances of Weber County, applicable City ordinances, laws of the State of Utah or the United States come to their attention. Responsive action by deputies shall be conducted within the guidelines established by the Sheriff's Office and may range in scope from no formal action to the arrest of the violator.
- 1.19.4 Enforcement action is expected of all sworn employees of the Sheriff's Office, while on duty, when one or more of the following criteria exists:
- A. The elements of a crime exist and;
 - B. Probable cause exists indicating the suspect committed the offense.
 - C. A complainant requests police action or;
- (4) The Deputy observes a crime.
- 1.19.5 Enforcement action may involve arrest, citations or issuing a warning.
- 1.19.6 Unless prohibited by other Sheriff's Office regulations or law, the Deputy may conclude police incidents by informal disposition. Informal disposition includes referral to another agency, agreement among affected parties or a warning.
- 1.19.7 A Deputy's decision to initiate enforcement action, or upon arrest, the decision for continued physical custody shall not be based solely upon:
- A. The attitude of the subject of arrest, including the subject's disrespect towards law enforcement, unless such attitude, conduct or demeanor would cause a reasonable officer to believe enforcement action, arrest or continued physical custody is necessary to maintain public peace and safety (including the safety of the deputy/s) or adherence to

laws and local ordinances.

- B. The subject's race, creed, color, sex, or religious, ethnic or national origin.

1.19.8 Relatives, Friends and Officials: Deputies will generally not show special favor to relatives, friends or government officials when investigating or observing violations of law involving such persons. Deputies may employ discretionary judgement within the guidelines provided by this chapter so long as such discretion does not bring discredit on this Office or law enforcement in general and could have been afforded any other citizen in a similar circumstance.

1.19.9 Sheriff's Office personnel are required to adhere to Sheriff's Office policies and procedures to the best of their ability. However, it is recognized that no policy or procedure can be adopted that will cover the particulars of every circumstance. With this in mind, it is the policy of the Weber County Sheriff's Office that sworn personnel be given the authority and responsibility to employ individual judgement and discretion in circumstances where strict adherence to procedure would be to the obvious detriment of the public or the Sheriff's Office.

Personnel deviating from such procedure should make every attempt to notify a supervisor prior to such deviation taking place and clearly articulate in subsequent reports and/or statements the rationale for their actions