KNOXVILLE POLICE DEPARTMENT
KNOXVILLE, TENNESSEE

General Order No. 1.22

Subject: Use of Discretion	Effective Date: October 1, 1995	Revised Date: June 5, 2020
Title: Use of Discretion	Pages: 3	Distribution: All Members
Cross Reference: CALEA Standards 1.2.6, 1.2.7 General Orders 2.8, 2.10 T.C.A. 36-3-619	Chief of Police Approval: Eve M. Thomas Digitally signed by Eve M. Thomas Date: 2020.06.05 14:11:13 -04'00'	

Purpose

The purpose of this directive is to provide guidelines for all members in the case of discretion and options to arrest.

This direction shall consist of the following sections:

I. Discretion
II. Alternatives to Custodial Arrest

I. Discretion

A. Officers of the Knoxville Police Department shall at all times take appropriate action to:

1. Protect life and property

2. Preserve the peace

3. Prevent crime

4. Detect and arrest violators of the law

B. Officers shall enforce all applicable laws and ordinances within this jurisdiction, and insure fairness and impartiality in all matters of law enforcement interest. Proper enforcement action must be taken whenever required (i.e.- “preferred response” to domestic violence as set forth in General Order 2.8 and T.C.A. 36-3-619), but provisions are made for the use of officer discretion in such cases that said discretion will best serve the immediate situation and the public at large.

C. Circumstances may exist in which there are grounds for a lawful arrest, but better police practice dictates that the offender not be arrested. However, it is not the role of a police officer to decide whether an offense should be prosecuted; that is the responsibility of the court prosecutor. Any decision not to arrest must be reached only after the officer has carefully weighed the following guidelines:

1. It is acceptable police practice <u>not</u> to arrest only when:

a. The arrest would cause a greater risk of harm to the general public than the offending conduct did and than the offender's remaining on the street would. Examples:

(1) Crowd situations where the decision to arrest may aggravate tension and lead to civil unrest.

(2) High calls for service may stretch police resources to the limit when arrests for minor offenses would take up officers' time to the point that they could not respond to more serious situations.

(3) Knox County Intake Center is at federal "CAP" jail capacity.

b. The arrest would cause harm or embarrassment to an offender who poses no threat of danger to the public. Examples:

(1) The juvenile offender whose minor wrongdoing would be best handled by informal warnings, counseling, or notification of parents.

II. Alternatives to Custodial Arrest

A. Under T.C.A., specific misdemeanor offenses are listed that shall be cited on a misdemeanor citation rather than a custodial arrest made. Procedures for issuance of a citation in lieu of arrest for misdemeanor and traffic offenses are covered in General Order 2.10.