

Memorandum

TO: ALL DEPARTMENT PERSONNEL

FROM: Anthony Mata
Chief of Police

**SUBJECT: DUTY MANUAL REVISION: C 1101
EXERCISING DISCRETIONARY
JUDGMENT**

DATE: June 9, 2022

APPROVED

Memo# 2022-025

BACKGROUND

A review of the Duty Manual section C 1101 EXERCISING DISCRETIONARY JUDGMENT discovered revisions were necessary to bring it into alignment with best practices.

Retaliation, in general, means any act of harm in response to an actual or perceived harm.¹

ANALYSIS

The Duty Manual has been revised to reflect changes described below. Additions are shown in *italics and underlined*. Deletions are shown in ~~strike through~~ form.

C 1101 EXERCISING DISCRETIONARY JUDGMENT:

Revised 06-09-22

Department members will exercise discretionary judgment in a reasonable manner and remain within the limits of their authority as defined by law, judicial interpretation, and departmental directives.

Department members shall not exercise discretionary judgment in a retaliatory manner.

Example 1: An officer stops a vehicle for speeding. During the interaction, the officer decides to give the driver a warning. While finishing the stop, the driver tells the officer they don't think the officer should have stopped them and asks for the officer's name and badge number. The officer cites the driver and tells them their name and badge number are on the bottom of the citation. This may be perceived as retaliation for asking for the officer's name and badge.

¹ <https://www.law.cornell.edu/wex/retaliation#:~:text=Retaliation>

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Example 2: An officer is parked on the side of the road, watching an intersection. A vehicle with a local business name passes the officer. The driver of that vehicle makes a rude gesture toward the officer. The officer goes to the business and tells the business owner their driver made a rude gesture. This may be perceived as retaliation for the rude gesture.

ORDER

Effective immediately, all Department personnel shall adhere to the above Duty Manual section.



Anthony Mata
Chief of Police

AM:SD