

MAUI COUNTY POLICE DEPARTMENT

GENERAL ORDERS
CHAPTER 101
ROLE AND AUTHORITY

Effective date: 12/05/18

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Rescinds: GO 101.5(11/24/95)

Accreditation Standards: 1.2.6, 1.2.7

AUTHORITY AND DISCRETION
G.O. 101.5

I. PURPOSE

To outline Department guidelines concerning individual discretion and to define the legally mandated authority vested in sworn personnel.

II. POLICY

To provide Department personnel with written guidelines governing the use of individual discretion.

III. DEFINITIONS

DISCRETION: The ability to govern and discipline one's activities by the use of reason and prudence. Discretion includes many concepts; skill and judgement in the use of resources, the power of free decision or the latitude of choice, wisdom, experience, training, law and Department policy, procedures, regulations, written directives, and orders.

IV. LEGALLY MANDATED AUTHORITY

- A. The Maui Police Department is created by the Charter of the County of Maui. The Chief of Police is an appointed official pursuant to state statute and has the overall responsibility and authority as the chief executive officer of the Department. The Chief of Police receives his authority through the Charter of the County of Maui and the Hawaii Revised Statutes.
- B. The Chief of Police appoints one deputy, and the deputy must always act within the parameters justifiable for the circumstances.

V. USE OF DISCRETION

- A. All Department personnel are encouraged to exercise discretion when dealing with their many duties. One's discretion must be soundly based upon and is limited by the law, departmental directives, experience, and training. Officers must correctly interpret the law and directives and realize that the use of discretion is not permitted when certain activities are mandated by statute, Department directive, or supervisory direction.

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AUTHORITY AND DISCRETION

Department personnel shall seek direction from their supervisor when the appropriate course of action is in doubt.

- B. Of special concern is the matter of detaining, physical arrest and confinement of an individual. All Department personnel must consider such action as very serious. When a person is deprived of his liberty to move about, the officer must be certain that what he is attempting to do is reasonable and prudent and that the law is fully behind the decision.


TIVOLI S. FAUMU
Chief of Police

DISTRIBUTION "B"
Police Commission
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